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2. Workmen's Compensation Laws of The U.S. And Foreign Countries. 1917.

X:955:(Z73)
E7

U. S. DEPARTMENT OF LABOR

BUREAU OF LABOR STATISTICS

ROYAL MEEKER, Commissioner

BULLETIN OF THE UNITED STATES BUREAU OF LABOR STATISTICS . . . WHOLE NUMBER 155

WORKMEN'S INSURANCE AND COMPENSATION SERIES: No. 6

COMPENSATION FOR ACCIDENTS TO EMPLOYEES OF THE UNITED STATES

1

REPORT OF OPERATIONS UNDER THE ACT OF MAY 30, 1908

SEPTEMBER 17, 1914

WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

18341

X:955:Z73

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This publication was printed as House Document No. 1135, Sixty-third Congress, second session, to the extent of a limited number of copies; in order to supply the public demand it is here reproduced as Bulletin No. 155 of the Bureau of Labor Statistics.

BULLETIN OF THE

U. S. BUREAU OF LABOR STATISTICS.

WHOLE NO. 155. WASHINGTON. SEPTEMBER 17, 1914.

COMPENSATION FOR ACCIDENTS TO EMPLOYEES OF THE UNITED STATES.

INTRODUCTION AND SUMMARY.

By the act of May 30, 1908 (35 U. S. Stat. L., p. 556), entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," the United States Government established a system of compensation for industrial accidents for the majority of its industrial employees, this being the first general accident compensation law in this country.

This act came into effect August 1, 1908, and this report presents data for the first five completed years of its operations. As enacted this law covered artisans and laborers in manufacturing establishments, arsenals, and navy yards, river and harbor and fortification work, hazardous employment in the reclamation of arid lands and under the Isthmian Canal Commission. It was later extended to include all employees under the Isthmian Canal Commission and to take in employees in the Bureau of Mines, the Lighthouse Service, and the Forestry Service engaged in hazardous employment, and is estimated to embrace at the present time approximately 95,000 persons, or somewhat less than one-fourth of the civilian employees of the United States.

The law is a pioneer one in this country as a general compensation measure, though a form of compensation had been allowed for injured railway mail clerks and employees in the Life-Saving Service for some years. While differing in form from the compensation laws enacted in the States, it must be regarded as having had a measure of influence in the direction of the enactment of such legislation, and since the enactment of this law 24 States have made provision for compensation in some form or other.

The administration of this act is committed to the Secretary of Labor, the consequent duties in connection therewith being performed in a large measure by the Bureau of Labor Statistics. An amendment of the act bearing date of March 4, 1911, transferred the duty of administration, so far as it affects employees of the Isthmian Canal Commission, to the chairman of that commission; as a matter

of statistical completeness, however, the operations under the act on the Isthmus are annually reported to the Department of Labor and are combined with the reports of operations in other establishments.

The number of accidents reported in all departments during the first year (11 months) was 4,887, for the second year 6,989, rising to 9,381 in the third year, to 10,157 (computed) in the fourth, and to 10,876 in the fifth, making a total of 42,290 for the 5 years. Of the total number of accidents, 1,006 were reported as fatal, the numbers for the 5 years being 233, 231, 207, 218, and 117, respectively. Approximately 10 per cent of these fatalities were in occupations not subject to compensation under this or any other law. The number of claims increased from 1,818 for the first year[1] to 3,526 for the fifth, the total for the period covered by the report being 14,963. Of this total, 14,046 were allowed, 911 were disallowed, and 6 were not acted upon. The total paid out as compensation amounted to $1,803,923.27. The payments for the first year (11 months) were approximately $243,000, for the second year $337,000, for the third year $411,000, for the fourth $435,000, and for the fifth $378,000.

The basis of the accident reporting is much broader than that for compensation, the Secretary of Labor having made a request of all Government offices that they should report cases of accident arising in the course of employment causing disability for one day or longer. Nearly one-half of the accidents and of the compensation paid refer to employment under the Isthmian Canal Commission, with its 25,000 to 30,000 employees, largely unskilled, and working under conditions involving a high degree of hazard.

The law is restricted not only to certain classes of employment, but also to accidents causing disability in excess of 15 days. Injuries resulting from the negligence or misconduct of the injured person are not compensated, and claims on account of death must be filed within 90 days. It is obvious that employees in establishments not covered by the provisions of the act will refrain from making claims for compensation when that fact is known, so that the number of claims submitted will be affected to some extent by the injured person's estimate as to the probability of his securing relief in this way. Thus, of the number of claims rejected on account of the occupation not being covered by the act, there were 45 in the first year,[1] 34 in the second, 29 in the third, 21 in the fourth, and 23 in the fifth, while failure to furnish sufficient evidence to support the claim was the ground for rejecting 15 claims the first year,[1] 48 claims the second, 89 in the third, 100 in the fourth, and 25 in the fifth. Negligence or misconduct of the injured workman prevented recovery in 109 cases during the 5 years.

[1] Eleven months.

The basis of compensation payments is the injured workman's wages, the amount awarded being the same as the rate of such wages during disability, not exceeding one year, or, in fatal cases, an amount equal to one year's wages of the deceased workman. The amount paid for fatal cases approximated 18 per cent of the total amount during the first three years, falling to about 15 per cent the fourth year, and 10 per cent the fifth. The average payment per fatal case was $704 for the first year,[1] $633 for the second, $595 for the third, $681 for the fourth, and $661 for the fifth. For nonfatal compensated accidents the average amount paid the first year[1] was $121, for the second year $113, for the third year $120, for the fourth $109, and for the fifth $107. The Isthmian Canal Commission is chargeable with by far the largest amount of costs for compensation, the Navy Department ranking next, the War Department standing third, and the Interior Department fourth.

The distribution of costs on the basis of the period of disability for the third year shows approximately 38.7 per cent of all costs expended for injuries causing disability for not over three months, while cases lasting three months but not over six months absorbed 8.7 per cent of the amount paid for compensation for the year. Cases causing disability for more than six months required 35.0 per cent of the total amount, while fatal cases required but 17.7 per cent of the total cost.

By reason of the fact that compensation for nonfatal accidents terminates on the recovery of the injured person to an extent sufficient to allow him to resume work, but little can be determined from the data of this report as to the results of accidents causing permanent partial disability, nor is there any accurate information as to the effects of accidents causing a disability for over one year, since at the end of the compensation period, which can not exceed one year, the accounts of the injured persons are closed and no further record kept of them, so far as this act is concerned.

While a very considerable number of serious injuries were debarred from compensation under this act because of the restrictions of its applications, the failure to recognize permanent partial disability on a different basis from disability from which complete recovery may be anticipated, results in very inadequate compensation of such cases. Thus, fractures of an arm or leg led to payments in amounts less than $25, the loss of an eye in amounts varying between $25 and $50, and in a case of the loss of a right arm the injured workman was entitled to a payment of less than $50, while in three cases of the loss of both legs, occurring during the third year, the average compensation was $377.40. These small amounts were due to the fact that compen-

[1] Eleven months.

sation payments (limited to usual wages) must cease when the injured employee is able to resume work, and in any case not continue beyond 12 months.

In view of the wide range of employments covered by the act it is but natural to expect to find a large variety of causes of accident. The use of railroad transportation in work on the Isthmus cooperates with the hazards of railway employees to make railway operations the leading cause of accident. One of the most frequent causes of injury is the collapse and fall of materials, while falls of the person injured are likewise a very frequent cause. The use of hand tools and simple instruments ranks above the use of working machinery using power as a cause of injury, but this is doubtless due to the fact that the number of workers with such tools is much larger than the number of machine workers.

Considering the report as a whole, it is of special interest as showing the results of the operations of a law which was enacted to relieve the situation of a class of employees who were without legal redress, and which, despite its incompleteness, has been one of great benefit to a very considerable number of injured employees and their dependents.

This report is of special interest at this time in view of the movement for the amendment of the law and its extension to cover all employees of the United States and to provide compensation for all accidents (including occupational diseases) resulting in death or disability continuing for more than three days. The fact that the bill providing for these changes has received a favorable report from the House Committee on the Judiciary after extended hearings makes the record of the experience under the existing law of more than usual value in the consideration of the details of this proposed legislation.

BRIEF ACCOUNT OF FEDERAL ACCIDENT-COMPENSATION LEGISLATION.

LIFE-SAVING SERVICE.

The act of May 4, 1882 (22 U. S. Stat. L., p. 57), introduced a system of compensation not only for accidental injuries but also for disease contracted in the line of duty for certain employees of the Life-Saving Service. Sections 7 and 8 of this act read as follows:

SEC. 7. If any keeper or member of a crew of a life-saving or lifeboat station shall be so disabled by reason of any wound or injury received or disease contracted in the Life-Saving Service in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the service, he shall be continued upon the rolls of the service and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the general superintendent shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable;

but in no case shall said disabled keeper or member of a crew be continued upon the rolls or receive pay for a longer period than two years.

SEC. 8 (as amended by act of March twenty-sixth, nineteen hundred and eight). If any keeper or member of a crew of a life-saving or lifeboat station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under sixteen years of age, or a dependent mother, such widow and child or children and dependent mother shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father or son would be entitled to receive as pay if he were alive and continued in the service: *Provided*, That if the widow shall remarry at any time during the said two years, her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years, the payment of the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any.

The system of compensation provided for in this law grants full pay in case of disability, for a term not exceeding two years, and compensation equal to two years' pay to the widow and children in case the injury or disease terminates fatally. All cases of injuries or diseases contracted in line of duty are compensated. No provision is made for raising any question of negligence to which the injury may be due.

The number of cases compensated under this system and the amount of compensation paid during the fiscal years 1908–9 (11 months), 1909–10, 1910–11, 1911–12 and 1912–13 are shown on page 44.

RAILWAY MAIL SERVICE.

A compensation system, in general similar to the above, exists in the Post Office Department for the benefit of railway postal clerks. The Post Office Department appropriation act for 1901, approved on June 2, 1900 (31 U. S. Stat. L., p. 259), contained for the first time the following item:

For acting clerks in place of clerks injured while on duty, $25,000.

This permitted the continuance of salaries to injured clerks during the term of their disability, the maximum period for such payments being in practice restricted to one year, virtually establishing a system of compensation for nonfatal injuries. In the next (second) session of the Fifty-sixth Congress the appropriation for the same purpose was increased to $35,000.

The Post Office Department appropriation act for 1903, passed in the first session of the Fifty-seventh Congress, extended the system to include a lump-sum benefit of $1,000 to the survivors of railway mail clerks fatally injured while on duty, by the following language.

For acting clerks, in place of clerks[1] injured while on duty, and to enable the Postmaster General to pay the sum of $1,000, which shall be exempt from the payment of debts of the deceased, to the legal representatives of any railway postal clerk or substitute railway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, $45,000.

The amount appropriated was found insufficient, and a deficiency appropriation of $40,000 was made during the second session. The amount appropriated for the fiscal year 1904 was $75,000, following which was another deficiency appropriation of $20,000 made during the session of 1903–4, and the sum of $110,000 was appropriated for the year ending June 30, 1905. Since that date the appropriation has been made at a uniform rate of $100,000, until the appropriation for the year ending June 30, 1912, when $120,000 was set aside for the two purposes of employing acting clerks and of paying compensation for accidents. The appropriation act for the year ending June 30, 1913, set aside $130,000 for these purposes and provides that when disability continues for a part or all of a second year after injury 50 per cent of the injured clerk's salary shall be paid him during such continuance. Sea post clerks are by the same act granted the same benefits as are allowed railway postal clerks. The appropriation act for the fiscal year 1911, approved May 12, 1910, increased the amount payable in case of fatal accidents to $2,000.

The present system, therefore, provides for disability compensation equal to full pay for the period of disability but not to exceed one year, for half-pay for a second year if disability continues, and in case of the injury resulting fatally a lump-sum payment of $2,000 to the legal representatives of the deceased.

Under the existing legislation the following regulations have been promulgated by the Post Office Department:

SEC. 1424. Whenever a railway postal clerk shall be disabled while in the actual discharge of his duties by a railroad or other accident beyond his power to control, he shall send to the division superintendent a certificate of his attending physician or surgeon, sworn to before an officer authorized to administer oaths, who has an official seal, setting forth the nature, extent, and cause of his disability, and the probable duration of the same; and such further evidence as to the character of the disability as may be necessary shall be furnished.

(2) The division superintendent will forward the certificate, with his recommendation, to the General Superintendent of the Railway Mail Service, who will submit the matter to the Postmaster General, who may, in his judgment, the facts justifying such action, grant such disabled clerk leave of absence with pay for periods of not exceeding sixty days each, and not exceeding one year in all.

(3) A sworn statement from the attending physician must accompany every application for additional leave.

The amounts paid under these rules during the fiscal years 1908–9, 1909–10, 1910–11, 1911–12, and 1912–13 are printed on page 45.

[1] Since 1908–9 the words "or substitutes" are inserted.

BILLS FOR A GENERAL ACT.

In the first session of the Fifty-ninth Congress (1905–6) two bills were introduced in the Senate for the purpose of extending the principle of compensation to other employees of the Government, this being the beginning of the movement to that end. Neither of these bills became law, and the first session of the Sixtieth Congress saw as many as 14 bills introduced, one of which was in the Senate, the others being presented in the House. A list of these bills is given in the following table:

Session.	No. of bill.	Introduced by—	Title.
Fifty-ninth Congress, first session.	S. 5430	Mr. Elkins	Granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.
Do	S. 6080	do	Same title as S. 5430.
Sixtieth Congress, first session.	S. 5555	Mr. Burrows	To compensate civilian Government employees for personal injury in line of service.
Do	H. R. 86	Mr. Pearre	For the relief of laborers, mechanics, and other employees of the United States Government injured, and the families of those killed, without fault of their own, while in the discharge of their duties.
Do	H. R. 444	Mr. Roberts	Same title as H. R. 86.
Do	H. R. 4810	Mr. Kahn	To provide relief for such employees in United States navy yards as may be disabled by accidents while in the performance of duty, and, in the event of fatal casualties, for the relief of surviving dependents.
Do	H. R. 4849	Mr. Maynard	To pension civil employees of the Government navy yards when injured in the performance of duty to such an extent as to be incapacitated to earn a living.
Do	H. R. 6251	Mr. Foss	For the relief of laborers, mechanics, and other employees of the Navy Department injured, and the families of those killed, without fault of their own, while in the discharge of their duties.
Do	H. R. 6284	Mr. Gillett	Granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.
Do	H.R.14265	Mr. Roberts	Title same as H. R. 86 and H. R. 444.
Do	H.R.16734	Mr. Sterling	To compensate civilian Government employees for personal injuries in line of service.
Do	H.R.17870	Mr. Bennet	Providing for the payment of salaries or wages to all Government employees who may be injured in the line of duty or may be required to absent themselves from duty as the result of quarantine measures.
Do	H.R.21131	Mr. Jones	Title same as H. R. 86 and H. R. 444 and H. R. 14265.
Do	H.R.21308	Mr. Gillett	Title same as H. R. 6284.
Do	H.R.21696	Mr. Alexander	Title same as H. R. 6284 and H. R. 21308.
Do	H.R.21844	do	Title same as H. R. 21696.

ACT OF MAY 30, 1908.

The bill H. R. 21844, which became the act of May 30, 1908, was introduced in the House of Representatives on May 12, 1908, referred to the Judiciary Committee, and reported back on May 15, 1908, on which date it passed the House after a short debate. It reached the Senate on May 18 and was referred to the Senate Committee on Judiciary, which reported it to the Senate on the same date without any essential amendments. It was extensively debated in the Sen-

ate on May 21, May 25, and May 27, and amended in many important details, though the general plan was left unchanged. The most important amendment was that extending its scope in a few directions beyond that contemplated in the original bill. It was stated by Mr. Alexander on the floor of the House that "the purpose of this bill is to compensate Government employees engaged in hazardous occupations." "Such employment," Mr. Alexander proceeded, "is practically confined to arsenals, navy yards, manufacturing establishments (such as arsenals, clothing depots, shipyards, proving grounds, powder factories, and so forth), to construction of river and harbor work, and to work upon the Isthmian Canal." The bill, accordingly, included only those enumerated branches of service. In the Senate, however, "fortification work" and "hazardous employment in construction work in the reclamation of arid lands" were added. The minimum length of duration of disability giving rise to right for compensation was reduced from 30 days to 15; the clause penalizing for attempt to defraud under this law was eliminated as unnecessary, and the date of going into effect was changed from July 1, 1908, to August 1, 1908, to allow time for preparation of the necessary administrative machinery. The text of the act follows:

SECTION 1. That when, on or after August first, nineteen hundred and eight, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification work or in hazardous employment on construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment, such employee shall be entitled to receive for one year thereafter, unless such employee, in the opinion of the Secretary of Commerce and Labor, be sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: *Provided*, That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured, nor unless said injury shall continue for more than fifteen days. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor.

SEC. 2. That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under sixteen years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in such portions and under such regulations as the Secretary of Commerce and Labor may prescribed, the same amount, for the remainder of the said year, that said artisan or laborer would be entitled to receive as pay if such employee were alive and continued to be employed: *Provided*, That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any.

SEC. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report

such accident and the injury resulting therefrom to the head of his bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the time, cause, and nature of the accident and injury and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each department or independent office shall have power, however, to charge a special official with the duty of making such reports.

SEC. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate shall be satisfactorily accounted for. In the case of incapacity for work lasting more than fifteen days, the injured party desiring to take the benefit of this act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of the attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate shall be satisfactorily accounted for. If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his or her legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this act, the compensation to be paid shall be determined as provided under this act and approved for payment by the Secretary of Commerce and Labor.

SEC. 5. That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, at least once in six months, submit to medical examination, to be provided and paid for under the direction of the Secretary, and if such employee refuses to submit to or obstructs such examination his or her right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

SEC. 6. That payments under this act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors.

SEC. 7. That the United States shall not exempt itself from liability under this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

SEC. 8. That all acts or parts of acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.

AMENDING ACTS.

Of the numerous bills for the amendment of this act which have been introduced since its enactment, four have become laws, two of them relating to injured employees on the Isthmian Canal. The first was H. R. 22340, Sixty-first Congress, introduced by Mr. Mann on December 7, 1908, becoming a law on February 24, 1909 (35 U. S. Stat. L., p. 645).

The act reads as follows:

That nothing contained in the act approved May thirtieth, nineteen hundred and eight, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall prevent the Isthmian Canal Commission, under rules to be fixed by the commission, from granting to its injured employees, whether engaged in a hazardous employment or otherwise, leave of absence with pay for time necessarily lost as a result of injuries received in the course of employment, not exceeding in the aggregate thirty days per annum: *Provided, however*, That compensation paid to such injured employees under such regulations shall be deducted from any compensation which such employees may be entitled to receive under the terms of the said act.

The following explanation of this act was made by Mr. Mann in the House (Jan. 9, 1909):

It has been the custom of the Isthmian Canal Commission to give compensation to an injured employee whether he was engaged in hazardous employment or not, and also to give him compensation although his time kept from employment was less than 15 days; but it has been construed that the Isthmian Canal Commission, being included in the law passed at the last session, is controlled by that law, and that under that law the former practice of the commission is changed so that now they can not pay to an injured employee any compensation unless that employment shall be called "hazardous" employment, nor can they pay him any compensation unless he is kept from work for at least 15 days. The purpose of this bill, which is asked for both by the Isthmian Canal Commission and the labor employed on the canal, is to give to the commission the power to pay to an injured employee who is kept from his work less than 15 days the pay for that time, and also to give the commission the power to pay although the employee is not technically engaged in hazardous employment.

This compensation was paid to the employees of the Isthmian Canal Commission under regulations adopted on June 11, 1907, and effective since July 1, 1907. This special accident leave could not exceed 30 days, and was known as "meritorious sick leave," which was over and above the ordinary sick-leave provisions. But by a decision of September 1, 1908, the comptroller, upon request of the Isthmian Canal Commission for an advance decision as to the legality of these payments, ruled: "That this enactment (act of May 30, 1908) is exclusive, after it came into effect, and that it is no longer in the power of the commission by regulation, past or present, to enlarge or diminish the provisions of that act," and that the commission was not authorized to pay to an employee who is entitled to the benefits of the act of May 30, 1908, any compensation for an injury, if the period for which he is incapacitated is 15 days or less; nor to pay compensation to an employee injured through his own negligence or misconduct, whether the duration of the injury is more or less than 15 days. It was also ruled that the act made illegal any payments of compensation to employees not covered by the act. (XV Decisions of the Comptroller of the Treasury, p. 161.)

The act of February 24, 1909, therefore reestablished the conditions existing under the regulations of June 11, 1907, legalizing the compensation of injuries lasting less than 15 days, and also injuries causing disability not exceeding 30 days to persons in nonhazardous occupations on the Isthmian Canal; it also gave an option in reference to cases causing disability over 15 days but not over 30 days, which may, since this enactment, be compensated either under the act of May 30, 1908, or that of February 24, 1909. As a matter of fact, the Isthmian Canal Commission decided not to avail itself of this provision of the law, in order to prevent confusion from the complexity of reports, and practically all cases causing disability of over 15 days continued to be adjudicated by the Department of Commerce and Labor under the act of May 30, 1908, until March 4, 1911. On this date a second amending law (36 U. S. Stat. L., p. 1453) took effect, being section 5 of the sundry civil appropriation bill for the fiscal year ending June 30, 1912. By this amendment the entire administration of the law, in so far as it affects employees of the Isthmian Canal Commission, is transferred to that commissions the law is extended in scope so as to include all employees of the commission without reference to the hazardous or nonhazardous character of their employment; and one year is allowed for the filing of claim; in case of death, instead of 90 days, as in the original act. The section in question is as follows:

SEC. 5. That hereafter the act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment shall apply to all employees under the Isthmian Canal Commission when injured in the course of their employment, and claims for compensation on account of injury or death resulting from an accident occurring hereafter shall be settled by the chairman of the Isthmian Canal Commission, who shall, as to such claims and under such regulations as he may prescribe, perform all the duties now devolving upon the Secretary of Commerce and Labor: *Provided*, That when an injury results in death claim for compensation on account thereof shall be filed within one year after such death.

The third amending act was approved March 11, 1912 (37 Stat., 7), and has the effect of including employees engaged in hazardous work under the Bureau of Mines or the Forestry Service of the United States under the provisions of the original act. This amendment is as follows:

That the provisions of the act approved May thirtieth, nineteen hundred and eight, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall, in addition to the classes of persons therein designated, be held to apply to any artisan, laborer, or other employee engaged in any hazardous work under the Bureau of Mines or the Forestry Service of the United States: *Provided*, That this act shall not be held to embrace any case arising prior to its passage.

The fourth amendment is found in the act of July 27, 1912, authorizing additional aids in the Lighthouse Service, etc. (37 Stat., 238, 239), and is as follows:

And hereafter the benefits of the act of May thirtieth, nineteen hundred and eight (Thirty-fifth Statutes, page five hundred and fifty-six), entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall be extended to persons employed by the United States in any hazardous employment in the Lighthouse Service * * *.

The organic act creating the Department of Labor (37 Stat., 736) provides in section 3 that—

All the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the Commissioner of Labor Statistics; and the administration of the Act of May thirtieth, nineteen hundred and eight, granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

Under date of April 3, 1913, the Attorney General rendered an opinion that the final authority to determine claims arising under the compensation act rests in the Secretary of Labor, and not in the Commissioner of Labor Statistics (30 Op. Atty. Gen., p. 145).

ANALYSIS OF LAW OF MAY 30, 1908, AS AMENDED.

A topical analysis of this act is here given for the purpose of bringing out its essential features.

Injuries compensated.—Injuries received in the course of employment, causing disability for more than 15 days, or death, if not due to the negligence or misconduct of the employee injured.

Industries covered.—Manufacturing establishments, arsenals, navy yards, construction of river and harbor and fortification work, construction work in the reclamation of arid lands, or management and control of the same (hazardous employment only), all employment under the Isthmian Canal Commission, and hazardous employment under the Bureau of Mines, the Forestry Service, or the Lighthouse Service.

Persons covered by the law.—Artisans or laborers employed by the United States in the above-mentioned works, except under the Isthmian Canal Commission, where all employees are covered, and under the Bureau of Mines, the Forestry Service, and the Lighthouse Service, where all employees engaged in any hazardous work are covered.

Burden of payment.—The burden of payment falls upon the branch of service or office where the person injured is employed; i. e., it comes from the same appropriation as that from which the wages have been paid.

Compensation for death.—One year's wages minus the amount due for any time between the day of injury and the day of death, payable at the same intervals as wages. This amount is payable only in case a widow, or children under 16 years of age, or dependent parents survive. The distribution of the amount of compensation among several claimants is made in such portions as the Secretary of Labor may prescribe. If a widow dies during the year, her amount is redistributed among the other beneficiaries, if any.

Compensation for disability.—The same pay as if the injured person had continued to be employed for the entire time of disability, but not over one year.

Administration.—Except for the employees of the Isthmian Canal Commission, the administration of the law devolves upon the Sectary of Labor. It is made the duty of the official superiors of the injured employees, however, to transmit reports of accidents, furnish evidence as to their cause and nature, and to furnish such other matter as may be required by the rules and regulations prescribed by the Secretary of Labor. The act authorizes the Secretary of Labor to prescribe rules and regulations for reporting accidents and for the payment of compensation to the injured employees and in case of death of an injured employee to his survivors, to determine when an injured employee is able to resume work, to determine all questions of negligence or misconduct, to direct investigations for the purpose of obtaining additional evidence, and to order medical examinations of injured employees as often as necessary, at least once in six months.

Reports of accidents.—Reports of all accidents occurring to any employee covered by the law must be made at once by his official superior to the head of his bureau or office for immediate communication through regular official channels to the Secretary of Labor. These reports must state the time, cause, and nature of the accident; the nature and probable duration of the resultant injury; whether the accident arose out of or in the course of employment; whether the accident was due to the negligence or misconduct of the injured person; and any other matters required by the rules and regulations prescribed by the Secretary of Labor.

Presentation of claims.—In accidents resulting in death, under the original act, claims are to be filed with the Secretary of Labor within 90 days after death. This provision, however, has been construed as being merely directory and not mandatory, and a claim for compensation on account of the death of an employee, filed more than five years after the date of death, was recently approved. The period for filing claims is one year in cases of death of employees of the Isthmian Canal Commission.

In accidents resulting in disability, claims must be filed within a reasonable period after the expiration of the first 15 days of disability with the official superior, to be forwarded to the Secretary of Labor.

Medical examinations and certificates.—The claim must be accompanied by a medical certificate of the attending physician stating, in case of death, the fact and cause of death; and in case of injury, the cause and nature of the injury and the probable duration of the disability. Failure to furnish such certificate must be explained. The injured employee is required to subject himself to a medical examination as often as required by the Secretary of Labor, which must be at least once in six months.

PROCEDURE UNDER THE LAW.

Regulations (see appendix) and blank forms were prepared by the Secretary of Commerce and Labor for use in the administration of the law and for the guidance of claimants and their official superiors, and these regulations have been adopted by the Secretary of Labor. Besides the data called for by the law itself, the Secretary requests other information necessary for the determination of rights and for use as accident data. This information is desired for all accidents causing disability of more than one day's duration, whether or not the person or the branch of service is covered by the compensation provisions of the law. This course was decided upon not only because of the difficulty of determining in advance whether a branch of service is covered by the law and what persons are to be classed as artisans or laborers, but also because of the advantages of obtaining accident statistics for all persons in the Government service of a status comparable to that of the persons affected by the statute.

INTERPRETATION OF THE LAW.

The act is a remedial one, its purpose being to provide relief in cases of injury where no redress was obtainable, the Government not being subject to suit, and relief through congressional action being tedious and uncertain. It goes beyond a grant of relief in cases of injury through negligence, however, and substitutes for the old doctrine of employers' liability one of compensation for accidental injury without reference to the proved fault of the employer, and without consideration of the questions of fellow service, assumption of risks, and contributory negligence, which are usually brought up in cases involving injuries to employees. As is the legal rule in the administration of remedial statutes, a liberal construction has been given the law, without, however, disregarding its provisions or extending it beyond its prescribed scope.

The administration of the law was by its own terms committed to the Secretary of Commerce and Labor (afterwards to the Secretary of Labor) who is charged with the determination of all questions of negligence or misconduct of the injured workman such as should bar him or his beneficiaries from compensation under the act; and he is also authorized to prescribe regulations as to reporting accidents and the payment of benefits, though no rule can be enforced which would exempt the United States from its liability under the act. No appeal on questions of fact is provided, though the usual recourse to the Attorney General is open to the head of any department interested in the determination of questions of law. It is not contemplated that there should be any action at law to secure claims under the act under any circumstances. Though attorneys have been employed by some claimants, no necessity for such employment exists to secure all rights under the act.

While the act has been administered chiefly through the Bureau of Labor Statistics, questions of law have arisen on which the advice of the Solicitors of the Department of Commerce and Labor and of the Department of Labor has been obtained, and in a few cases that of the Attorney General. Rulings of the Comptroller of the Treasury have also been made on some points. A considerable body of legal discussion and interpretation has resulted, and a summary of the principal points developed is here given. The system of presentation is analytical, considering first the scope of the law, then the principles involved, and the details of their application as fixed by the statute. This summary is, of course, based on opinions prepared on points that have actually arisen, no attempt having been made to anticipate possible conditions or to cover all points that might arise in the future, though it is believed that with an experience of nearly six years, at least the principal questions involved have been brought under consideration.

CLASSES OF PERSONS COVERED.

The first condition to be met by applicants for the benefits of the act is that they shall be "employed by the United States." This precludes claims of employees of contractors who may be doing work on behalf of the United States, but are not directly employed thereby. A contractor himself was likewise excluded in a case where he had the status of an independent contractor and the rendition of personal service was not essential to the fulfillment of the contract, such person not being carried on any pay roll as an employee, and being able to perform the entire contract through agents or employees of his own.

Pieceworkers, however, are within the law, even though the rate of payment includes the pay of a helper to the principal worker, as in the case of plate printers in the Bureau of Engraving and Printing.

As originally enacted, the law applied only to persons employed as artisans or laborers, and the limitation set by these terms has called for a determination of the classification of employments in a number of cases. Considering the matter broadly, it was held in a comparatively early case that the words "artisans and laborers" were used as indicating "a class of persons commonly referred to as the 'laboring class,' as distinguished from the leisure, professional, business, and official or clerical classes." The designation given an employee on the pay roll or otherwise in the establishment is not conclusive, the question being one of the actual character of the employment. Manual labor or employment, the principal element of which is the application of physical force, comes generally within the act, so that persons employed specifically for such service as well as persons not designated as laborers but rendering other than professional or clerical service have been regarded as covered by it as well. Thus a messenger doing work of a manual character, even though detailed at times to do clerical work, is protected; so also a policeman or watchman on the Canal Zone, a sanitary inspector in the same locality, packers, stockmen, and clerks with manual duties in navy yards and the commissary service on the Canal Zone, sailors assisting in dredge work, riggers and divers, chainmen and axmen in survey work, and an inspector of crossties, piling, and lumber, who had no duty of supervision, but inspected and marked with a hammer and die the materials handled in a supply yard, have been classed as artisans or laborers under this act. Excluded from it are foremen not doing manual labor, office employees in clerical work, draftsmen, surveyors, inspectors with directive powers not themselves doing labor, telegrapher and shipping clerk, the master or pilot of a steamer, a dock master supervising a dock force, an assistant veterinarian, and a laboratory assistant employed to test chemically the materials used in an arsenal.

Amending acts applicable to particular branches of service have done away with the distinction between artisans or laborers and other employees in those branches, one of March 4, 1911, relative to work in the Canal Zone making the law applicable to "all employees under the Isthmian Canal Commission"; while the act of March 11, 1912, extending the act to include the Bureau of Mines and the Forestry Service, covers "any artisan, laborer, or other employee engaged in any hazardous work" in these services; and the act of July 27, 1912, bringing the Lighthouse Service under the act includes "persons employed by the United States in any hazardous employment" in this service.

DEPARTMENTS AND BRANCHES OF SERVICE.

The question as to the application of the law to any given industry, employment, or branch of service is one that has called for rulings in a variety of cases in order to define the terms used in the act. In some instances, too, the question of the hazard of the employment is involved, the law, as is apparent, covering only persons engaged in hazardous employments in certain branches of service.

Taking up the terms used in the law in the order in which they are named, manufacturing establishments of the United States have been defined in a number of instances the Government Printing Office, the Bureau of Engraving and Printing, and the mail-bag repair shop (in which a variety of mail equipment is made) being perhaps the most important establishments coming under this designation. Printing done as a mere incident of the office work, as in a station of the Weather Bureau, does not give the office status as a manufacturing establishment. A quartermaster's depot where clothing and tents are made; a saw and planing mill operated by the Government on one of its reservations; a blacksmith shop at which bolts, drills, and other articles and tools used in connection with an irrigation development are made and repaired; a lighthouse depot where materials and appliances used in the service are manufactured and repaired; the mechanical plant at the Smithsonian Institution at which cases, cages, and museum furniture are made; and a carpenter shop connected with an Indian school at which mission furniture is made, have been classed as manufacturing establishments. A plant in which electric light and power are produced and ice is manufactured for departmental use, which is connected with an executive department, is also within the law on this basis. An artisan or laborer employed in or about such an establishment is entitled to compensation if injured in the line of duty, even though his employment is not connected with the manufacturing operations of the establishment, as, for instance, a freight handler or a house painter. It has also been held that an employee of such an establishment may receive compensation even though he be employed elsewhere at the time of receiving his injury, as in the case of a press feeder in the Bureau of Engraving and Printing detailed for service of like nature in another branch of the Treasury, or of a carpenter employed in a navy yard doing work on a hospital building outside the limits of the yard. But a mere testing laboratory and a mechanical establishment not actually transforming the materials handled (as an aqueduct and filtration plant) and gauging in the Internal Revenue Service are not within the act.

As to the word "arsenal" the standard definition of the term is regarded as excluding a place where arms and ammunition are kept

merely for use in current operations, as at a fort or at the Military Academy at West Point.

The Navy Department, however, classes the Naval Academy at Annapolis and the naval experiment station near that point as navy yards, and this has been accepted as bringing these establishments within the law. For the same reason a naval station used as a coaling depot was regarded as covered by the statute, the department holding that the term "navy yard" is "applicable generally to stations under naval jurisdiction where artisans or laborers are employed in the prosecution of the work of the Naval Establishment."

In so far as the law applies to river and harbor and fortification work, it is limited to the work of construction. This has been regarded, however, as covering generally the work appropriated for under the fortification appropriation acts, as work on the electric wires of an underground system of electrification at a fort, or on the gun carriages, but not including such service as the erection of an ice house at the distance of a mile or more from the fort which it was to supply; nor does the law cover such work as the grading and leveling of earth for the building of officers' quarters at Fort Leavenworth, nor the work of a painter at Fort Meade, the work being connected with nothing that could be considered as fortifications or defensive work. An employee in an ice plant furnishing supplies to laborers on a dam, quarrymen getting materials for construction, and teamsters and stablemen employed in connection with such an undertaking are within the law as to the Reclamation Service.

HAZARDOUS EMPLOYMENTS.

In its application to the Reclamation Service the law is limited to hazardous employment in work of construction or maintenance, and for two and one-half years the same limitation affected employees under the Isthmian Canal Commission. Rulings on question of hazard are obviously difficult since they would seem to be practically answered by the fact of the occurrence of the injury which must befall before the case can come to consideration, and the fact of the injury is in itself proof that the occupation is at least in some degree hazardous.

In considering this phase of the act the general occupation of the injured workman was regarded as the decisive factor in some instances and in others his specific employment at the time of the injury. In the absence of statutory determination the rulings necessarily reflect an estimate as to the hazard, based in part on known facts as to frequency of accident and in part on conclusions reached from the par-

ticular circumstances. Thus on the Canal Zone the following employees were held to be in hazardous employments: A policeman; a hospital orderly, injured while catching an escaped insane patient; the driver of an ambulance; a time inspector whose duty required him to go upon the excavation and construction work; a messenger boy who had to cross tracks at a railroad yard; a water boy who stood on a high wall to serve the workmen; a laborer clearing ground by the use of a machete to cut small trees; a laborer attending a printing press; teamsters; a carpenter; a plumber and tinner; a hotel porter taking baggage to a station; a waiter injured while lifting supplies on a dredge.

The following were held not to be employed in hazardous employments: Laborers in the Quartermaster's Department; laborer on delivery wagon; acting postmaster struck by train while going for mail; cook; janitor; storeroom clerk, opening barrels; scavenger, sanitation department; laborers clearing ground by the use of scythes to cut grass, bushes, etc; water boy serving water to crew clearing ground, who struck scythe hidden in the grass.

In the Reclamation Service a ditch rider, a quarryman, an ice-plant attendant who fell from a ladder, and a gas-engine tender were held to be within the act, while a cook's helper was held not to be in a hazardous employment. In the Bureau of Mines a messenger boy injured by falling on the pavement in front of the office where he was employed was held not to be in a hazardous employment.

In so far as the rulings above noted relate to the Canal Zone they are not of current importance, since the question of hazard no longer affects the application of the law in that field, but they show the line drawn in an attempt to apply the test of hazard. Thus far no case has arisen in connection with the Forestry Service, or the Lighthouse Service, but from the foregoing it is reasonably clear that all station or field work in carrying out the purposes of the services, not clerical and not strictly supervisory or administrative, would probably be included in the act.

EXCLUDED SERVICES AND EMPLOYMENTS.

While it might be left to inference that the preceding enumeration of services and employments sufficiently indicates the scope of the act, the fact remains that applications for benefits were received in a number of cases in which it was held that the law does not apply. Some of these refer to the Lighthouse Service, afterwards included, but omitting these it may be noted that claims were rejected on grounds of noninclusion within the law in case of a carpenter working on improvements to the water-supply system at West Point, of rural mail carriers, a lineman employed by the Signal Corps of the Army,

a stevedore in the Army transport service, laborers at post offices, customhouses, or executive buildings generally, an elevator conductor in a Federal building, a powder man in highway construction in Alaska, a laborer building a power plant in the congressional buildings, etc. The number of claims rejected on this ground is shown in Table II (p. 92), but this by no means indicates the number of persons injured who are not within the act, since once an adverse ruling as to any class becomes known, claims from persons of that class are generally no longer made.

FUNDAMENTAL PRINCIPLES.

The most important questions involving what may be considered as the fundamental principles of the act are in regard to: (1) What constitutes an injury; (2) the interpretation of the clause "in the course of employment"; (3) what constitutes negligence or misconduct such as to bar compensation.

INJURY AND ACCIDENT.

It was established early in the administration of the law (in the case of Alfred E. Clark, plate printer, in the Bureau of Engraving and Printing, who sustained a sprain of the wrist with a rupture of the synovial sac surrounding the ligaments while working on a hand press), by an opinion of the Attorney General, that "within the language of the statute, an employee may be injured in the course of his employment without having suffered a definite accident," though the later sections of the act refer to accidents as well as injuries. In line with this decision many cases of hernia have been ruled as coming under the law, where a suddenly occurring injury could be proved, though not what would properly be described as an accident. No external mark is necessary, so that the death of a man previously strong and active but complaining of distress following a strain may properly be regarded as within the statute, no other assignable cause of death appearing; so also where there is disability following a nervous shock caused by an accident, even though there be no physical contact or lesion.

An illness caused by exposure during employment (as pneumonia following exposure to inclement weather) does not give rise to a claim for compensation, since the use of the word "accident" in the statute implies a more definite point of time than would be the case where cumulative effects are the results of causes operating through an extended period. But an edema of the lungs following the inhalation of smoke from a blast in a tunnel, and an ulcerated throat resulting from breathing fumes while repairing an acid tank, were held to be injuries coming within the law; as was a case of "bends"

or compressed-air sickness, such diseases being traumatic as distinguished from those of an idiopathic nature. The freezing of a workman's feet while employed in an exposed place and cases of inflamed eyes due to working in dust about a rock crusher or to exposure to irritating fumes are within the act. Compensation has been allowed in case of disability following vaccination performed under official orders, no question of accident being raised.

A preexisting disease, susceptibility, or weakness not sufficient to interfere with employment may be aggravated by an injury that would not presumably incapacitate a sound man, in which case the injury will support a claim for compensation, since it is the injury and not the preexisting weakness that is the direct cause of disability; and conversely, in a case in which an accident occurring in the course of employment greatly weakened the system of the injured person, without absolutely compelling suspension of work, and a disease resulted fatally, quite probably on account of the increased susceptibility and reduced recuperative power, it was ruled that a claim for compensation could properly be enforced under the act.

COURSE OF EMPLOYMENT.

The language of the act gives compensation to all injuries sustained "in the course of employment." Thus it is broader than the language of the British act and many others limiting the right to accidents arising out of and in the course of employment. Under the text of the law practically all injuries arising during employment were held as arising in the course of the employment, even if due to an act not directly connected with the nature of the employment, such as, for instance, being bitten by a mad dog; or being struck by a foreman, without negligence or misconduct on the part of the workman, resulting in the breaking of an arm; so also a foreman being injured while stopping a fight between two workmen; but not of a workman interfering in a fight when the maintenance of discipline was no part of his duties; and where the accident causing the injury was due to the fact that the workman was employed in a place of danger from which he fell on account of an epileptic fit, to which he was subject, it was held that it was an injury in the course of employment, and compensation was allowed.

In a number of cases the question arose as to whether an injury received while going to or coming from work or just before the beginning or after the conclusion of work was an injury in the course of employment. In general it is held that a laborer going to or coming from work along a public highway is not in the course of his employment, though compensation may be allowed if the injury occurred while an employee was being conveyed to or from the place of

employment in Government trains, or other conveyances, or was taking a special route, on Government property. On the other hand it has been uniformly held that injuries occurring on the premises of the employment within a reasonable time before beginning work or before leaving after the day's work were properly in the course of employment. And where his employment requires a workman to occupy living and sleeping quarters furnished by the Government, injuries at quarters may give rise to claims, even though they occur outside the hours of work.

NEGLIGENCE OR MISCONDUCT.

The statute in terms bars claims to compensation "where the injury is due to the negligence or misconduct of the employee injured." In construing these provisions it is considered that the negligence contemplated involves the idea of misconduct or voluntary and unnecessary exposure to an obvious danger. It must be something more than a mere inadvertence or error of judgment, nor is it to be presumed that workmen employed about machines will be uniformly vigilant and avoid movements more or less mechanical and involuntary, even though their actual effect is to cause injury. So also it is not negligence barring a claim where a workman intent on the performance of his work momentarily forgets a known danger and is injured by reason of such forgetfulness. It will not be assumed that one is negligent because injured under circumstances which in the opinion of another allowed time to escape the danger, the presumption being that a workman exposed to a known impending danger would use his best endeavor to escape. So also obeying an unwise impulse in the face of threatened danger, resulting in injury, though not caused by the peril anticipated, is not negligence, since one is not held to the same degree of caution when in a position of peculiar hazard as when in accustomed surroundings. The violation of a rule that had not been enforced and whose violation would not, apart from defective conditions, probably result in serious injury, is not to be regarded as negligence, since rules must be both reasonable and enforced to be binding.

On the other hand, where injury results from the obvious carelessness of a workman, as in neglecting to cut off the air in a pump on which repairs were being made, or voluntarily reaching under a moving car for self-serving ends, or attempting to alight from or board moving trains by persons not employed in railway service, or the reckless handling of a locomotive in a place of obvious danger, or neglecting customary precautions in working about electric apparatus, or assuming or remaining in positions of known or obvious danger, claims for compensation are disallowed. The violation of an estab-

lished rule or disobedience of orders may be connected with classes of conditions named above, and this affords added reasons for denying claims for benefits. It is clear that in each case the facts involved are of prime importance, so that the statement of principles is only suggestive, and while a very considerable number of claims have been disallowed on this ground, many cases have received favorable consideration that under the strict rules of a liability law would have been dismissed.

ADMINISTRATIVE DETAILS.

Several opinions relate to what may be grouped as the administrative details of the law. Thus the period of compensation, which can not exceed one year, is held to begin to run on the day following the injury and to terminate with the anniversary of the day of injury. This rule is modified where the disability begins only after the lapse of some time, the period of compensation dating in such case from the date of the actual commencement of the disability. It was held, however, that both the cause of the disability and its inception must be of a date subsequent to the date fixed for the law to come into effect.

The law allows compensation only in cases causing disability in excess of 15 days, but any fraction of a day above 15 is regarded as meeting this requirement. The days need not be consecutive, and if an injured person resumes work after less than 15 days' disability, but, after a time finds himself compelled to quit by reason of the same injury, compensation may be claimed when the sum of the periods of cessation from labor is greater than 15 days. Intervening Sundays and holidays are considered, since the question of working time lost is not made the basis of computation. If, however, the injured person is physically able to resume work after not more than 15 days and Sundays or holidays intervene to cause a loss of time in excess of 15 days, no claim for compensation is supported thereby, since the question is not one of opportunity but of disability.

The ability to resume work which marks the termination of compensation payments is construed to be ability to return to the regular work of the injured person's employment, and he can not be required to accept other employment of a different nature, even though physically able to render the service involved therein. If an injured workman accepts such work without reduction of pay, it is considered that his compensation under the act ceases, his right thereto being merged in his right to receive wages. If, however, the workman should be discharged or his pay reduced on account of disability due to the injury, his right to compensation would revive unless the full period of one year had expired. A person who is unable to resume

work and is discharged may accept different employment elsewhere without affecting his right to compensation. Resumption of his regular work terminates all compensation payments even though an actual partial disability—as from maiming, or the loss of an eye—persists and will be permanent. Ability to return to work can not be determined by an estimate as to the probable results of a form of treatment which the injured person declines to accept, the law authorizing no rule to require surgical or medical treatment.

When compensation is being paid and the resumption of work on recovery is impracticable by reason of conditions connected with the treatment of the case, the payments do not cease until the workman is restored to a position to commence service. Thus a workman sent from the Canal Zone to New York City for hospital treatment not available in the zone was allowed compensation not only during his detention in the hospital, but after discharge and until the termination of his journey to the place of his employment.

The rate of compensation is such pay as the injured person would have received if he had continued to be employed. This includes an allowance for such subsistence as he may have been receiving in addition to money wages, and also calls for an increase in the compensation in case of any increase in pay that would have affected him within the time of his disability. Completion or suspension of the work on which he was employed does not put an end to compensation payments, since he is to be paid during disability the same as if he had continued to be employed. No provision is made for scaling compensation in any case where payments are due, so that persons partially disabled or parents partially dependent receive necessarily the full rate of wages so long as they are entitled to any compensation whatever.

Beneficiaries of deceased workmen under the act are limited to widows, children under 16 years of age, and dependent parents. An illegitimate wife or the divorced wife of a deceased workman is not in her own right entitled to compensation, but the amount payable on account of children of the deceased may be paid to such illegitimate or divorced wife as guardian and for the benefit of children of the deceased entitled to compensation. The term child or children as used in the act is construed to mean offspring, whether the fruit of a legitimate union in marriage or otherwise.

Parents are not entitled to compensation unless dependent, and partial dependence is construed as dependence within the meaning of the act. Actual contributions to support within a given time are evidential, but are not the only criterion. The natural and equitable claim of parents upon their children for support, together with a showing of actual needs in view of their age, earning capacity, and position in life, may be a sufficient warrant for a grant of compensation even though no actual contributions for their support

were being made. A parent by adoption may be a beneficiary, as may an adopted child, but stepchildren and stepfathers and stepmothers are not within the act.

In case of death from injury, following a period of disability, the beneficiary is entitled to compensation for the unexpired remainder of the year, the injured person himself being entitled to the amount accruing before death. If, however, no claim has been made prior to the death, it is held that the spirit and purpose of the act warrant the payment of compensation for the period of disability prior to the death, as well as for the remainder of the year, to the proper beneficiaries under the act.

The act contains no provision for meeting medical or funeral expenses of employees dying as a result of injury in cases where no beneficiary survives, nor does it provide for a dependent widower even though by reason of infirmity he might be entirely dependent on his wife's earnings.

The distribution of the amount of compensation is committed entirely to the Secretary of Labor, the word "portions" as used in the act referring not to division into weekly, monthly, or other payments, but to the amounts payable to each of several claimants, and this authority is said to extend so far as to enable him to entirely exclude one or more claimants in behalf of another or others.

The limitations of the statute require claims in case of death to be filed within 90 days, and in nonfatal cases "within a reasonable period." The prescription in cases of death is regarded as directory, and if the formal completion of the claim is delayed through ignorance of the law or by acts of the official superior of the deceased workman, it has been held that the law was complied with by the subsequent presentation of a claim. The filing of a claim by one of any number of beneficiaries gives jurisdiction of the case, so that the Secretary can make the proper awards even though a known beneficiary (in the case in hand a minor child) has not filed a claim in his own behalf within the time limit, or even if no claim is filed, since such person's right to compensation is absolute in case any claim is valid.

As to the "reasonable period" within which claims must be filed by persons claiming compensation for nonfatal accidents, it is apparent that the circumstances in each case must be considered in order to determine what is reasonable, so that no fixed rule can be laid down.

Submission to medical examination at least once in six months is mandatory on the workman, but is regarded as only directory as to the Secretary of Labor, so that no right to compensation is lost by the failure of the latter to provide for an examination.

Where the circumstances of the original injury clearly indicate a permanent incapacity of the injured person to resume his employment, the Secretary may in his discretion waive the examination at the end of six months, and approve the payment for the full term of one year. The employee's rights are lost only by a refusal to submit to an examination when one has been ordered by the Secretary without expense to the employee, and the employee has been advised of the requirement that he shall be examined.

MISCELLANEOUS QUESTIONS.

Among the rulings of some interest that followed the submission of questions of a miscellaneous nature is one to the effect that there is nothing in the act to justify the following of a man who has voluntarily left service so as to give him the benefits of the act where disability afterwards developed, though if the person left service because he was unable by reason of the injury to continue work and was ignorant of his rights, evidence may justify the approval of a claim subsequently submitted; and that the continuance of compensation payments must be warranted by the actual and appreciable consequences of the injury, and not due to senile or other bodily infirmity, though this rule will not go so far as to cut off the compensation of a man who from age or other cause makes less rapid recovery than a vigorous man would probably do; that an employee who has returned to work after an injury and is again hurt in the same member, which had not fully recovered its strength, the claim is a new one and the year of possible compensation dates from the time of the second injury; and that the authority of the Secretary of Labor to make regulations under which compensation shall be paid does not authorize him to commit to any other person the power of passing on claims for compensation.

STATISTICAL OPERATIONS.

PERSONS COVERED BY THE LAW.

The number of persons covered by the law can not be stated accurately. According to the estimate made by the Judiciary Committee of the House of Representatives (H. R. 1669, 60th Cong., 1st sess.) there were approximately 6,600 artisans and laborers in arsenals, armories, and other manufacturing establishments; the navy yards, naval stations, etc., under the Navy Department, employed approximately 25,000 men; in the river and harbor work the Government employed approximately 12,800 artisans and laborers, and approximately 11,000 in hazardous occupations on the Isthmian Canal. This gives a total of 55,400 persons to be covered

by the new law, in the four enumerated groups, as the estimate of the House committee. Adding about 1,900 persons in the Life-Saving Service and 14,300 persons in the Railway Mail Service, the committee estimated the total number of persons that would be protected after the adoption of the law as 71,600.

The estimate of the House committee did not include, however, the Bureau of Engraving and Printing, with about 4,000 employees, the Government Printing Office, with about 4,000 employees, and the mints, with about 1,250 employees. In addition, the fortification works and the Reclamation Service were brought in by amendment in the Senate. An estimate of the Department of the Interior places the number of persons employed in work in the Reclamation Service of the character considered at 4,000. Moreover, the estimate of the employees of the Isthmian Canal Commission made by the House committee was found to be too low. The average number of persons actually employed in the Canal Zone in the fiscal year ending June 30, 1909, fluctuated between 24,000 and 27,000, and may be roughly put at 25,000. Thus the estimate of the House committee must be increased by about 27,250 persons, giving a total of approximately 82,650 persons coming under the law as enacted.

Subsequent amendments already noted increase the number of persons employed under the Isthmian Canal Commission to whom the law applies by making it general instead of restricting it to those in hazardous employments. During the fiscal year ending June 30, 1911, in the course of which this amendment was made, the number of employees under the commission ranged from 26,000 to 30,000, averaging about 28,900. The number of employees in the Canal Zone as of June 30, 1913, as reported from the office of the Governor was 33,213, of whom approximately 29,000 are on the "silver" or laborers' (chiefly unskilled) roll. This relates to canal employees only, the employees of the Panama Railroad number 5,088 in addition to the above. The number of persons in the Bureau of Mines, brought in by the amendment of March 11, 1912, is given at 174, while for the Forestry Service, included in the same act, the number fluctuates greatly with the seasons of the year. The number of regular employees on the rolls in the summer of 1911 that would probably come within the law was 2,560, while in July there were 681 temporary employees. During the disastrous fire season of 1910, over 25,000 temporary laborers were employed in a single month, almost all, if not entirely all, of whom were engaged in hazardous employment. In the Lighthouse Service, covered by the amendment of July 30, 1912, it is estimated that 5,166 employees are in

hazardous employments. The number of persons added would therefore, amount to a minimum of 12,000, with a possibility of grea increase in conditions of emergency, such as affected the Forestry Service in 1910, so that the total number of persons under th amended act would not fall far short of 95,000, to which are to b added the temporary employees of the Forestry Service. Approxi mately 15,000 are to be added on account of provisions for life-savin and postal employees, making nearly 110,000 persons given some sor of compensation provision.

According to the Official Register of the United States, the tota number of persons in the executive branch of the Government serv ice, exclusive of the Army and Navy, was on July 1, 1913, approxi mately 470,000. This includes the government of the District o Columbia, the Diplomatic and Consular Service, certain part-tim employees of the Census Bureau, some 7,000 in all. It also include 290,605 employees in the Postal Service, chiefly outside the Distric of Columbia, postmasters and office clerks not being distinguishabl from carriers, railway mail clerks, etc. Only an approximate esti mate can be made of the persons who would come under a genera law for compensating civilian employees of the United States, there fore, but it seems safe to say that the present provisions do no include as much as 25 per cent of the total number, though they do include a much larger proportion of the so-called hazardous em ployments under the Government.

PERIOD COVERED BY REPORT.

It is important to bear in mind that in this report of the opera tions of the act during the first five years of its existence there is con sidered not only the action taken within the period covered, but also the action called for by such accidents as occurred in this time, so that the report shows the results of the accidents up to and including the final settlement of compensation claims.

Some delay in sending in reports was inevitable, and this delay is necessarily increased in cases of claims. While claims for disability must be presented "within a reasonable period," it has developed in practice that claims submitted after the lapse of several months have been admitted for satisfactory reasons. Furthermore, as payments may continue for a full year after the beginning of disability, and the disability may arise some time subsequent to the occurrence of the accident causing it, it follows that claims for such disability will be finally disposed of and complete returns made only after the lapse of a considerable time after the end of the fiscal year within which the accident occurred. The present report, therefore, really covers

various operations under the law extending over six years, and even more, but is limited to such acts as were involved in the recording and adjusting of injuries and claims arising out of accidents occurring during the period August 1, 1908, to June 30, 1913. The data given are in every instance for fiscal years, ending with June 30 of the year last named.

SUMMARY OF ACCIDENTS REPORTED AND INJURIES COMPENSATED.

The principal data for this period may be summarized as follows:

NUMBER OF ACCIDENTS REPORTED, CLAIMS FOR COMPENSATION, AND AMOUNT OF COMPENSATION PAID FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13.

	1908-9 [1]	1909-10	1910-11	1911-12 [2]	1912-13
Number of accidents reported (all departments)	4,887	6,989	9,381	7,997	10,876
Number of claims received	1,818	2,656	3,171	3,793	3,525
Number of claims allowed	1,692	2,530	2,948	3,489	3,387
Number of claims disallowed	126	126	220	301	138
Amount of compensation paid	$242,937.05	$337,257.77	$410,698.53	$435,137.66	$392,124.80

[1] Eleven months.
[2] Not including Isthmian Canal Commission meritorious sick-leave cases reported from Nov. 1, 1911, to June 30, 1912.

The number of injuries reported for the fiscal year 1911-12 does not include meritorious sick-leave cases handled on the Canal Zone from November 1, 1911, to June 30, 1912, as this information is not available for tabulation.

The total number of meritorious sick-leave cases reported for the fiscal years 1910-11 and 1912-13 was 6,477, an average of 270 per month. The approximate number of meritorious sick-leave cases not reported during the year 1911-12 would be 2,160, using 270 cases per month as the average. These, added to the 7,997 cases reported, would give a total of 10,157 cases for the fiscal year 1911-12.

It is apparent that the monthly average of accidents reported and of claims received was considerably larger for each successive year. This accords with the experience of other countries which have adopted an accident-reporting system, as it is commonly found that a fair degree of accuracy and completeness in reporting accidents is obtained only after some years of experience and familiarity with a new law.

The ratio of claims to accidents reported varies for the years 1908-9,[1] 1909-10, 1910-11, 1911-12, and 1912-13, being 37.2 per cent, 38 per cent, 33.8 per cent, 37.3 per cent, and 32.4 per cent, respectively. The ratio for 1911-12 is based on 10,157 accidents, being the approximate number of cases for that year. The percentage of claims rejected was highest for the year 1911-12, 7.9 per cent being

[1] Eleven months.

disallowed for that year, and lowest in 1912–13, 3.9 per cent bei disallowed. For the year 1909–10, 4.7 per cent of the claims fil were rejected, and 6.9 per cent were disallowed for each of the yea 1908–9[1] and 1910–11.

It will not be possible in every case to compare the number of ac dents reported under this act with the number presented in t official reports of the various departments and services, as the reg lations request that only accidents causing disability continuing least one day shall be reported to the Secretary of Labor, while it true, at least in some instances, that records are made of accidents n causing absence from work except for the brief period of time requir to secure the simple treatment necessary for a slight scratch, t removal of a foreign substance from the eye, or the like. It is also evidence that a considerable number of accidents that were not sufficient gravity to entitle the injured person to compensation, that occurred in branches of service not covered by the act, have n been reported. While the Secretary of Labor requests that repor be made of all accidents resulting in disability of one day or more, has no authority under the act to require the reporting of acciden not subject to compensation, and no information in regard to ac dents reaches the Secretary of Labor except by the action eith of an official under whose observation the accident occurred or the injured person who desires to take advantage of the provisions the act.

ACCIDENTS, BY DEPARTMENTS AND BRANCHES OF SERVICE.

The distribution of the accidents reported and claims receive allowed, and disallowed, separately for fatal and nonfatal accident by separate departments and independent administrative establis ments, and also, under each department, separately for the separa branches of service or establishments which are most important the study of accidents, is shown in detail, for the first five fiscal yea of the operation of the act, in Table I (p. 82). The facts as to ac dents reported are summarized briefly by departments and services the following table.

[1] Eleven months.

NUMBER AND PER CENT OF ACCIDENTS REPORTED IN SPECIFIED DEPARTMENTS AND BRANCHES OF SERVICE IN EACH FISCAL YEAR, 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13.

Departments and branches of service.	Accidents reported.									
	Number.					Per cent.				
	1908-9[1]	1909-10	1910-11	1911-12	1912-13	1908-9[1]	1909-10	1910-11	1911-12	1912-13
Isthmian Canal Commission	2,107	3,234	5,594	[2]3,317	5,542	43.11	46.27	59.63	[2]41.48	50.95
Treasury:										
Bureau of Engraving and Printing	29	58	86	95	249	.59	.83	.92	1.19	2.29
Life-Saving Service	56	57	26	31	10	1.15	.82	.28	.39	.09
Customs Service	44	35	26	48	40	.90	.50	.28	.60	.37
All other	25	30	39	38	38	.51	.43	.41	.47	.35
Total	154	180	177	212	337	3.15	2.58	1.89	2.65	3.10
War:										
Arsenals	204	255	296	313	362	4.17	3.65	3.15	3.91	3.33
Engineer Department	336	416	499	546	816	6.88	5.95	5.32	6.83	7.50
Quartermaster's Department	58	70	72	123	135	1.19	1.00	.77	1.54	1.24
All other	25	27	27	24	36	.51	.39	.29	.30	.33
Total	623	768	894	1,006	1,349	12.75	10.99	9.53	12.58	12.40
Navy: Navy yards	1,057	1,503	1,593	1,917	2,088	21.63	21.51	16.98	23.97	19.20
Interior:										
Reclamation Service	133	186	219	432	386	2.72	2.66	2.33	5.40	3.55
All other	26	27	29	35	90	.53	.39	.31	.44	.83
Total	159	213	248	467	476	3.25	3.05	2.64	5.84	4.38
Commerce and Labor:										
Lighthouse Service	44	42	28	48	57	.90	.60	.30	.60	.52
All other	19	19	25	31	29	.39	.27	.27	.39	.27
Total	63	61	53	79	86	1.29	.87	.57	.99	.79
Post Office:										
City Mail Delivery	132	186	135	206	180	2.70	2.66	1.44	2.57	1.66
Rural Mail Delivery	54	42	45	35	35	1.11	.60	.48	.44	.32
Railway Mail Service	399	659	497	570	509	8.16	9.43	5.30	7.13	4.68
All other	68	61	47	68	74	1.39	.87	.50	.85	.68
Total	653	948	724	879	798	13.36	13.56	7.72	10.99	7.34
Agriculture	26	25	27	38	123	.53	.36	.29	.48	1.13
Government Printing Office	35	54	67	72	74	.72	.77	.71	.90	.68
All other	10	3	4	10	3	.21	.04	.04	.12	.03
Grand total	4,887	6,989	9,381	[2]7,997	10,876	100.00	100.00	100.00	100.00	100.00

[1] Eleven months.
[2] Not including meritorious sick leave cases reported from Nov. 1, 1911, to June 30, 1912.

The difference between the distribution of accidents reported and of approved claims appears from a comparison of the foregoing summary with the summary of such claims given below. It will be observed that some of the departments or services for which accidents are reported are not represented by claims because the employees injured were not of those classes entitled to compensation under the law.

NUMBER AND PER CENT OF CLAIMS FOR COMPENSATION APPROVED IN SPECIFIED DEPARTMENTS AND BRANCHES OF SERVICE FOR THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13.

Departments and branches of service.	Claims approved.									
	Number.					Per cent.				
	1908–9[1]	1909–10	1910–11	1911–12	1912–13	1908–9[1]	1909–10	1910–11	1911–12	1912–13
Isthmian Canal Commission	736	1,158	1,353	1,510	1,007	44.33	45.77	45.90	43.28	29.73
Treasury:										
Bureau of Engraving and Printing	16	26	43	45	109	.94	1.03	1.46	1.29	3.22
Other	4	3	9	3	7	.24	.12	.30	.09	.21
Total	20	29	52	48	116	1.18	1.15	1.76	1.38	3.43
War:										
Arsenals	99	136	155	195	192	5.85	5.38	5.26	5.59	5.67
Engineer Department	149	221	263	294	404	8.81	8.73	8.92	8.42	11.93
Quartermaster's Department	4	7	5	22	21	.24	.28	.17	.63	.62
Other	8	12	15	10	5	.47	.47	.51	.29	.15
Total	260	376	438	521	622	15.37	14.86	14.86	14.93	18.36
Navy: Navy yards	563	812	918	1,127	1,260	33.27	32.09	31.14	32.30	37.20
Interior:										
Reclamation Service	71	110	118	203	222	4.19	4.35	4.00	5.82	6.55
Other	1	3	5	8	29	.06	.12	.17	.23	.86
Total	72	113	123	211	251	4.25	4.47	4.17	6.05	7.41
Commerce and Labor	4	2	2	15	27	.24	.08	.07	.43	.80
Post Office	.....	.....	4	3	5	.....	.....	.14	.08	.15
Agriculture	.....	.....	.....	5	38	.....	.....	.....	.14	1.12
Government Printing Office	23	40	57	48	61	1.36	1.58	1.93	1.38	1.80
Smithsonian Institution	.....	.....	1	1	.....	.....	.....	.03	.03	.....
Grand total	1,692	2,530	2,948	3,489	3,387	100.00	100.00	100.00	100.00	100.00

[1] Eleven months.

It is seen that for the period covered by the foregoing tables several branches of service were outside of the application of the law, as the Rural Free Delivery and city delivery, Customs Service, Bureau of Animal Industry, etc., although in some of the services mentioned the number of accidents reported was not inconsiderable. Claims arising in the Department of Agriculture were first approved during the year 1911–12, the amendment authorizing the payment of compensation to injured employees of the Forestry Service being effective March 11, 1912. As was stated above (pp. 10–12), independent systems of compensation exist for the Railway Mail Service and Life-Saving Service, while amendments have extended the law somewhat, but outside of these several large groups of injuries are left without any provision.

FATAL ACCIDENTS.

The number of fatal accidents to Government employees reported as occurring during the period August 1, 1908, to June 30, 1913, is shown below. It seems probable, for various reasons, that omissions in reporting were few, if any, in cases of accidents of this class.

The fatal accidents reported were distributed among the principal departments and services as follows:

NUMBER AND PER CENT OF FATAL ACCIDENTS REPORTED IN SPECIFIED DEPARTMENTS AND BRANCHES OF SERVICE FOR THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13.

Departments and branches of service.	Fatal accidents reported.									
	Number.					Per cent.				
	1908–9[1]	1909–10	1910–11	1911–12	1912–13	1908–9[1]	1909–10	1910–11	1911–12	1912–13
Isthmian Canal Commission	119	85	108	97	15	51.07	36.80	51.21	44.49	12.82
Life-Saving Service	2	1	.....	3	.....	.86	.43	.....	1.38	.....
Engineer Department (War)	37	40	44	42	44	15.88	17.32	21.25	19.26	37.60
Quartermaster's Department (War)	6	8	4	5	6	2.57	3.46	1.92	2.30	5.13
Arsenals	2	1	1	1	3	.86	.43	.48	.46	2.57
Navy yards	18	15	19	23	17	7.73	6.49	9.18	10.55	14.53
Reclamation Service	14	25	6	15	5	6.01	10.82	2.90	6.88	4.27
Indian Service	3	2	2	4	1	1.29	.87	.97	1.83	.85
Lighthouse Service	4	5	3	7	4	1.72	2.17	1.45	3.21	3.42
Rural Free Delivery	7	8	3	3	4	3.00	3.46	.97	1.38	3.42
Railway Mail Service	11	20	9	5	8	4.72	12.56	4.35	2.30	6.83
City Delivery	1	1	.....	2	3	.43	.43	.....	.91	2.57
Agriculture	1	3	4	6	3	.43	1.30	1.93	2.75	2.57
All other	8	8	7	5	4	3.43	3.46	3.38	2.30	3.42
Total	233	231	207	218	117	100.00	100.00	100.00	100.00	100.00

[1] Eleven months.

The operations in the Canal Zone naturally claimed a large proportion of the fatal accidents; in fact, nearly one-half for four of the five years covered by this report, although for 1912–13 the percentage is but 12.82. But outside of these operations of exceptional hazard the regular work of the Government employees caused a loss of 584 lives during the five years reported for.

There were several fatal accidents in branches of service not covered by this law, such as the Life-Saving Service, Quartermaster's Department (War), Rural Free Delivery, Railway Mail Service, etc.

CLAIMS FOR COMPENSATION.

Out of accidents which occurred from August 1, 1908, to June 30, 1909, 1,818 claims, or 37.2 per cent of the total number of accidents reported, were presented. For 1909–10, 1910–11, 1911–12 and 1912–13 the corresponding figures are 2,656, or 38 per cent; 3,171, or 33.8 per cent; 3,793, or 37.3 per cent; and 3,525, or 32.4 per cent, respectively. The proportion between accidents and claims is largely influenced by the fact that the law excludes from all benefits accidents causing disability of not over 15 days, and as shown in Table VI (p. 164), 2,300 accidents, or nearly one-half (47.1 per cent), were in that group during the first year;[1] 3,430, or 49.1 per cent, in 1909–10; 5,511, or 58.7 per cent, in 1910–11; approximately 5,572, or 54.9 per cent,

[1] Eleven months.

in 1911–12; and 6,641, or 61.1 per cent, in 1912–13. The percentages of cases reported by the Isthmian Canal Commission for the years 1908–09,[1] 1909–10, 1910–11, 1911–12, and 1912–13, causing not over 15 days' disability are 55.1, 61.3, 72, 67.4, and 80.8, respectively, while the percentages for all other departments and services for the same periods are 40.9, 38.6, 39.2, 40.2, and 40.6, respectively. In 1908–9 the proportion of claims to accidents lasting over 15 days would appear to be approximately 70 per cent; in 1909–10, 75 per cent; in 1910–11, 82 per cent; in 1911–12 and in 1912–13, 83 per cent.

The number of fatal accidents reported, the number of resulting claims for compensation, and the number of claims approved is shown below:

Year.	Fatal accidents reported.	Claims filed.		Claims approved.	
		Number.	Per cent.	Number.	Per cent.
1908–9[1]	233	93	39.9	64	68.8
1909–10	231	124	53.7	97	78.2
1910–11	207	148	71.5	122	82.4
1911–12	218	131	60.1	98	74.8
1912–13	117	69	59.0	56	81.2

[1] Eleven months.

The large proportion of fatal accidents in which no claims were made is explained in many cases by the remoteness or nonexistence of dependent relatives, or, when the law first went into effect, of their ignorance of it, or by the evident fact that the establishment in which the decedent was employed is not covered by the law. In the Canal Zone alone, where nearly all employees are protected by the law, claims were presented in only 53 of 119 fatal cases in 1908–9,[1] in 68 of 85 cases in 1909–10, in 92 of 106 cases in 1910–11, in 66 of 97 cases in 1911–12, and in 14 of 15 cases in 1912–13.

CLAIMS FOR COMPENSATION DISALLOWED.

The causes of disallowance of claims for compensation are summarized below, while General Table II, at the end of this report, shows for 11 months in 1908–9 and for the fiscal years 1909–10, 1910–11, 1911–12, and 1912–13 the number of claims disallowed for each specified cause on account of fatal and nonfatal accidents in each department and branch of service.

[1] Eleven months.

REASONS FOR DISALLOWANCE OF CLAIMS FOR COMPENSATION FOR FATAL AND NONFATAL ACCIDENTS IN EACH FISCAL YEAR, 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13.

Reasons for disallowance of claims for compensation.	Number of claims disallowed.						
	Isthmian Canal Commission.		All other departments and services.		Total.		Grand total.
	Fatal.	Non-fatal.	Fatal.	Non-fatal.	Fatal.	Non-fatal.	
1908-9.[1]							
Occupations not covered by the act	1	10	2	32	3	42	45
Claims not filed within 90 days	14		2		16		16
Insufficient evidence of injury	1	7	2	5	3	12	15
Parents not dependent	3				3		3
Injury not in course of employment	1	5	1	5	2	10	12
Disability not over 15 days		3		6		9	9
Negligence or misconduct		16		6		22	22
All other		1	2	1	2	2	4
Total	20	42	9	55	29	97	126
1909-10.							
Occupations not covered by the act	1	8	5	20	6	28	34
Claims not filed within 90 days	3		3		6		6
Insufficient evidence of injury	2	31		15	2	46	48
Parents not dependent	5		2		7		7
Injury not in course of employment	2	4		2	2	6	8
Disability not over 15 days		1		10		11	11
Negligence or misconduct	2	3	2	4	4	7	11
All other				1		1	1
Total	15	47	12	52	27	99	126
1910-11.							
Occupations not covered by the act		3	6	20	6	23	29
Insufficient evidence of injury	2	66		21	2	87	89
Parents not dependent	5		1		6		6
Injury not in course of employment	3	15	1	7	4	22	26
Disability not over 15 days		8		10		18	18
Negligence or misconduct	5	23		4	5	27	32
All other		8	3	9	3	17	20
Total	15	123	11	71	26	194	220
1911-12.							
Occupations not covered by the act			6	15	6	15	21
Claims not filed within 90 days	1		1		2		2
Insufficient evidence of injury	3	82		15	3	97	100
Parents not dependent	6				6		6
Injury not in course of employment	3	34	4	4	7	38	45
Disability not over 15 days		13		28		41	41
Negligence or misconduct	5	25		2	5	27	32
All other	2	44	1	7	3	51	54
Total	20	198	12	71	32	269	301
1912-13.							
Occupation not covered by the act			1	22	1	22	23
Insufficient evidence of injury		13		12		25	25
Parents not dependent	2		3		5		5
Injury not in course of employment		7	5	9	5	16	21
Disability not over 15 days		2		26		28	28
Negligence or misconduct	1	6	1	4	2	10	12
All other		20		4		24	24
Total	3	48	10	77	13	125	138

[1] Eleven months.

AMOUNT OF COMPENSATION PAID.

ACT OF MAY 30, 1908.

The cost of the operation of the compensation act to the departments and branches of service in which compensated accidents occurred is shown in Table III.

The total amount of compensation paid under the act for accidents which occurred during the 11 months ending June 30, 1909, was $242,937.05, of which 18.6 per cent was paid for fatal accidents and 81.4 per cent for nonfatal accidents. The average amount of compensation for a fatal compensated accident was $704.48 and for a nonfatal compensated accident, $121.53.

Similar compensation paid during the fiscal year 1909–10 amounted to $337,257.77 for all classes of accidents, of which 18.2 per cent was paid as compensation on account of fatal accidents and 81.8 per cent on account of nonfatal accidents. The average amount of compensation paid per fatal compensated accident was $633.15 and per nonfatal compensated accident, $113.52.

In the fiscal year 1910–11 the total was $410,698.53, of which 17.7 per cent was for fatal and 82.3 per cent for nonfatal accidents. The average amounts paid this year per fatal and nonfatal compensated accident were $595.05 and $119.64, respectively.

For the fiscal year 1911–12 the total amount paid was $435,137.66, of which 15.3 per cent was for fatal and 84.7 per cent for nonfatal accidents, the average amount paid for the former class being $681.31 and for the latter class $108.89.

For the last year covered by this report, 1912–13, $392,124.80 was paid, 9.44 per cent of this amount being for fatal and 90.6 per cent for nonfatal accidents. For this year the average amount paid for fatal cases was $661.12 and for nonfatal cases, $106.96.

The total amounts paid as compensation by the main branches of the service are shown in the following statement:

AMOUNT AND PER CENT OF COMPENSATION PAID IN SPECIFIED DEPARTMENTS AND BRANCHES OF SERVICE FOR THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13.

[This table relates only to compensation under the act of May 30, 1908. For compensation for injuries paid Federal employees under other laws, see pp. 43–45.]

Departments and services.	AMOUNT.				
	1908–9 [1]	1909–10	1910–11	1911–12	1912–13
Isthmian Canal Commission	$100,400.60	$156,409.29	$197,441.22	$180,131.30	$97,787.24
Treasury	4,752.35	3,491.63	7,332.08	5,753.69	20,821.32
War	36,547.41	52,696.84	61,771.77	64,909.76	73,665.90
Navy	78,317.71	92,097.72	110,383.43	140,828.64	138,400.35
Interior	20,090.16	28,138.97	28,327.19	36,920.47	43,383.17
Post Office	.....	.....	323.02	278.56	284.35
Agriculture	.....	.....	.....	1,773.05	8,944.61
Commerce and Labor	1,391.47	135.48	172.09	1,732.91	3,828.27
Government Printing Office	1,437.36	4,287.84	4,842.63	2,710.11	5,059.59
Smithsonian Institution	.....	.....	105.00	99.17	.....
Total	242,937.05	337,257.77	410,698.53	435,137.66	392,124.80

[1] Eleven months.

AMOUNT AND PER CENT OF COMPENSATION PAID IN SPECIFIED DEPARTMENTS AND BRANCHES OF SERVICE FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Concluded.

Departments and services.	PER CENT.				
	1908-9 [1]	1909-10	1910-11	1911-12	1912-13
Isthmian Canal Commission	41.33	46.38	48.07	41.40	24.94
Treasury	1.96	1.04	1.78	1.32	5.31
War	15.04	15.62	15.04	14.92	18.79
Navy	32.24	27.31	26.88	32.36	35.29
Interior	8.27	8.34	6.90	8.49	11.06
Post Office	.....	.....	.08	.06	.07
Agriculture	.....	.....	.....	.41	2.28
Commerce and Labor	.57	.04	.04	.40	.98
Government Printing Office	.59	1.27	1.18	.62	1.28
Smithsonian Institution	.....	.....	.03	.02	.....
Total	100.00	100.00	100.00	100.00	100.00

[1] Eleven months.

The average cost per case is subject to great fluctuation in different departments, due to the difference in the wage scale as well as in the gravity of injury and duration of disability. In fatal cases the average compensation for the 11 months of 1908–9 and for the fiscal years 1909–10, 1910–11, 1911–12, and 1912–13 was as follows:

AVERAGE COST OF COMPENSATION FOR FATAL INJURIES.

Departments and services.	1908-9 [1]	1909-10	1910-11	1911-12	1912-13
Isthmian Canal Commission	$640.74	$537.71	$533.81	$602.91	$410.77
War	648.71	632.40	567.93	586.96	657.75
Navy	850.63	616.75	527.88	773.61	771.39
Interior	1,051.56	1,043.71	1,073.65	1,059.83	790.90
Agriculture	.....	.....	.....	1,400.00	1,200.00
Commerce and Labor	.....	.....	.....	.....	764.25

[1] Eleven months.

The preceding table relates solely to compensation paid under the act of May 30, 1908. For the sake of completeness, the data concerning other compensation systems for civil employees of the United States Government existing by virtue of special legislation is here presented. These are: The act of February 24, 1909, for the Isthmian Canal Zone employees, covering accidents not included in the act of May 30, 1908; the act of May 4, 1882, covering the Life-Saving Service; and the railway mail clerks' compensation system, established for the first time by the Post Office Department appropriation act for 1901, and since then extended by the annual appropriation acts.

ACT OF FEBRUARY 24, 1909.

The payments made under this act are presented for the years 1908–9 (from Feb. 25 to June 30), 1909–10, 1910–11, 1911–12 (four months), and 1912–13 in the table following.

NUMBER OF CASES COMPENSATED AND AMOUNT OF COMPENSATION PAID BY THE ISTHMIAN CANAL COMMISSION FOR INJURIES OCCURRING FROM FEBRUARY 25, 1909, TO JUNE 30, 1913, UNDER THE ACT OF FEBRUARY 24, 1909.

Year.	Number of compensated cases in which the duration of disability was—			Total compensated cases.	Total compensation.
	7 days and under.	Over 7 but not over 15 days.	Over 15 days.		
1909 (Feb. 25 to June 30)	381	206	25	612	$9,478.56
1909–10	1,434	548	12	1,994	26,040.77
1910–11	2,791	1,232	7	[1] 4,075	[2] 48,996.16
1911–12 (not including cases handled from Nov. 1, 1911, to June 30, 1912)	1,071	460	7	1,538	18,470.64
1912–13	3,139	1,339	6	4,484	48,970.62

[1] Including 45 cases, duration of disability not reported.
[2] Not including 47 cases in which the cost of compensation was not reported.

Above 62 per cent of the cases compensated during the period February 25 to June 30, 1909, were for disability of 7 days' duration or less, while during the fiscal year 1909–10 nearly 72 per cent and in 1910–11 just above 69 per cent were of this class. For the four months reported for the fiscal year 1911–12 nearly 70 per cent of these cases were of less than 7 days' duration, while for the fiscal year 1912–13 the number is 70 per cent. The data here given do not agree with the data shown in the reports of the Isthmian Canal Commission for the reason that the latter present the payments made during the year covered by the report, while the tables given above are for the cost of all accidents occurring during the fiscal year, without regard to the time of the payment of compensation therefor.

The average cost per case was $15.49 in 1908–9, $13.06 in 1909–10, $12.16 in 1910–11, $12.01 in 1911–12, and $10.92 in 1912–13. The beneficiary in practically all the cases compensated was an employee of a class covered by the act of May 30, 1908.

LIFE-SAVING SERVICE.

According to reports received, 56 accidents occurred in the Life-Saving Service during the 11 months August 1, 1908, to June 30, 1909, of which 2 cases were fatal. Both fatal cases were those of temporary employees, and no compensation was due; 2 injured persons belonged to a higher class not entitled to compensation, and in 9 cases no claim was made. In 43 cases compensation was paid which according to a statement furnished by the superintendent of the Life-Saving Service amounted to $3,159.24. During 1909–10 there were 87 nonfatal injuries, for which compensation was paid to the amount of $9,980.42, and 1 death, on account of which $2,000 was paid to the beneficiaries. The nonfatal injuries in 1910–11 were 102 in number, and the compensation therefor was $10,421.63; 1 death

this year called for the payment of $1,560 to the beneficiaries. During the fiscal year 1911–12, 94 employees were paid benefits amounting to $11,832, while for the fiscal year 1912–13, 64 employees received benefits aggregating $6,216.10.

RAILWAY MAIL SERVICE.

The amounts paid representatives of deceased clerks and to clerks acting in place of injured employees is as follows:

	1908–9[1]	1909–10	1910–11	1911–12	1912–13
For employees killed	$11,000.00	$24,000.00	$25,000.00	$8,000.00	$12,000.00
For substitute service	61,120.59	75,222.17	65,045.90	71,366.07	90,659.26
Total	72,120.59	99,222.17	90,045.90	79,366.07	102,659.26

[1] Eleven months.

The marked increase in payments on account of death in 1909–10 as compared with 1908–09 is due to the increase in the number of fatalities, while for the next year there was an increase in payments from $1,000 to $2,000 in case of death. The amount paid in 1911 includes 3 cases adjudicated in that year but coming under the provision of law allowing but $1,000 in case of death, while in each of the fiscal years 1911–12 and 1912–13, $2,000 of the amount paid was on account of employees killed in prior fiscal years. The amounts paid in 1911–12 and 1912–13 also include $333.15 and $564.29, respectively, paid as substitute service on account of prior fiscal years.

RATES OF PAY OF INJURED EMPLOYEES.

The classification of the persons injured, according to the rate of pay on an annual basis, is shown in Table IV at the end of this report. In the reports of accidents which are made to the Secretary of Labor the rate of pay is given either on an annual, monthly, daily, or hourly basis. Where an annual rate is given it was accepted as stated; the monthly rate was multiplied by 12; in other cases, in order to reduce all to the yearly basis, the daily wage was multiplied by 313, and where the pay is on a per hour basis the daily amount was computed and multiplied by 313, the maximum number of working days through the year. The daily wage was computed from the hourly wage on the assumption of an 8-hour day for all employees, except those in the Isthmian Canal service. In the case of the latter the hourly wage was multiplied by 8 or 9, according to the information furnished by the Isthmian Canal Commission. While some degree of inaccuracy is therefore possible, the returns are substantially correct.

The percentage distribution of the injured employees, according to the rate of pay, is shown in the following summary table for the entire service, as well as for the Isthmian Canal Commission, the Navy Department, the War Department, and the Post Office Department.

The figures for the 11 months in 1908–9 indicated that nearly two-thirds (65.5 per cent) of all injured employees were earning less than $1,000, more than one-half (55.5 per cent) less than $800, and nearly two-fifths (39.1 per cent) less than $600; in 1909–10, 68.5 per cent of all injured employees were earning less than $1,000; 59.3 per cent less than $800; and 42.3 per cent less than $600. The percentages for the corresponding wage groups in 1910–11, 1911–12, and 1912–13 are 70.8, 63.6, and 49.3; 70.3, 61.3, and 41.8; 72.8, 64.9, and 47.2, respectively.

NUMBER AND PER CENT OF PERSONS INJURED RECEIVING EACH CLASSIFIED YEARLY RATE OF PAY, BY DEPARTMENTS AND BRANCHES OF SERVICE, FOR THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13.

Yearly rate of pay.	Isthmian Canal Commission.		Navy Department.		War Department.		Post Office Department.		All other departments and services.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
1908–9.[1]												
Under $400	521	24.73	32	3.03	84	13.48	2	0.31	23	5.15	662	13.55
$400 and under $500	365	17.32	47	4.45	85	13.64	.....	.....	28	6.26	525	10.74
$500 and under $600	476	22.59	105	9.93	124	19.90	1	.....	18	4.03	724	14.81
$600 and under $700	49	2.33	135	12.77	88	14.13	18	2.76	72	16.11	362	7.41
$700 and under $800	31	1.47	203	19.21	80	12.84	22	3.37	101	22.60	437	8.94
$800 and under $900	15	.71	64	6.05	38	6.10	48	7.35	37	8.28	202	4.13
$900 and under $1,000	32	1.52	79	7.47	56	8.99	82	12.56	40	8.95	289	5.91
$1,000 and under $1,100	33	1.57	118	11.15	35	5.62	86	13.17	41	9.17	313	6.40
$1,100 and under $1,200	69	3.27	182	17.22	6	.96	149	22.82	7	1.57	413	8.45
$1,200 and under $1,300	56	2.66	51	4.82	15	2.41	132	20.21	30	6.71	284	5.81
$1,300 and under $1,400	6	.28	23	2.18	2	.32	54	8.27	4	.67	89	1.82
$1,400 and under $1,500	57	2.71	11	1.04	5	.80	12	1.84	10	2.24	95	1.94
$1,500 and under $1,600	39	1.85	4	.38	2	.32	36	5.51	18	4.03	99	2.03
$1,600 and under $1,700	118	5.60	.....	.....	.....	.....	5	.77	1	.22	124	2.54
$1,700 and under $1,800	77	3.65	1	.09	.....	.....	.....	.....	.....	.....	78	1.60
$1,800 and under $1,900	42	1.99	1	.09	1	.16	.....	.....	2	.45	46	.94
$1,900 and under $2,000	6	.28	1	.09	.....	.....	.....	.....	.....	.....	7	.14
$2,000 and under $2,500	75	3.56	.....	.....	.....	.....	.....	.....	5	1.12	80	1.64
$2,500 and over	40	1.90	.....	.....	1	.16	1	.15	.....	.....	42	.86
Not reported	.....	.....	.....	.....	1	.16	5	.77	10	2.24	16	.33
Total	2,107	100.00	1,057	100.00	623	100.00	653	100.00	447	100.00	4,887	100.00
1909–10.												
Under $400	912	28.20	89	5.92	88	11.46	2	.21	18	3.36	1,109	15.87
$400 and under $500	653	20.19	74	4.92	95	12.37	.....	.....	20	3.73	842	12.05
$500 and under $600	705	21.80	108	7.19	171	22.27	1	.12	17	3.17	1,002	14.33
$600 and under $700	130	4.02	266	17.70	130	16.93	23	2.43	61	11.38	610	8.73
$700 and under $800	41	1.27	288	19.03	89	11.59	24	2.53	142	26.49	582	8.33
$800 and under $900	16	.49	114	7.58	29	3.78	69	7.28	50	9.33	278	3.98
$900 and under $1,000	23	.71	122	8.12	67	8.72	85	8.97	65	12.13	362	5.18
$1,000 and under $1,100	15	.46	148	9.85	61	7.94	112	11.81	44	8.21	377	5.39
$1,100 and under $1,200	47	1.45	208	13.84	8	1.04	253	26.69	16	2.99	532	7.61
$1,200 and under $1,300	50	1.55	46	3.06	15	1.95	170	17.93	39	7.28	320	4.58
$1,300 and under $1,400	3	.09	19	1.26	5	.65	108	11.39	7	1.31	142	2.04
$1,400 and under $1,500	76	2.35	20	1.33	2	.26	25	2.64	17	3.17	140	2.00
$1,500 and under $1,600	59	1.82	5	.33	4	.52	54	5.70	4	.75	126	1.80
$1,600 and under $1,700	185	5.72	.....	.....	.....	.....	12	1.27	4	.75	201	2.88
$1,700 and under $1,800	66	2.04	.....	.....	.....	.....	.....	.....	.....	.....	66	.94
$1,800 and under $1,900	69	2.13	1	.07	3	.39	1	.12	7	1.31	81	1.16
$1,900 and under $2,000	4	.12	.....	.....	.....	.....	.....	.....	1	.19	5	.07
$2,000 and under $2,500	105	3.25	.....	.....	.....	.....	.....	.....	3	.56	108	1.55
$2,500 and over	59	1.82	.....	.....	1	.13	.....	.....	1	.19	61	.87
Not reported	16	.49	.....	.....	.....	.....	9	.95	20	3.73	45	.64
Total	3,234	100.00	1,503	100.00	768	100.00	948	100.00	536	100.00	6,989	100.00
1910–11.												
Under $400	1,628	29.10	55	3.[illegible]	104	11.63	1	.14	14	2.43	1,802	19.21
$400 and under $500	1,350	24.13	75	4.73	106	11.86	.....	.....	32	5.56	1,563	16.66
$500 and under $600	970	17.34	82	5.15	187	20.92	1	.14	24	4.17	1,264	13.47

[1] Eleven months.

NUMBER AND PER CENT OF PERSONS INJURED RECEIVING EACH CLASSIFIED YEARLY RATE OF PAY, BY DEPARTMENTS AND BRANCHES OF SERVICE, FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Concluded.

Yearly rate of pay.	Isthmian Canal Commission.		Navy Department.		War Department.		Post Office Department.		All other departments and services.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
1910-11—Concluded.												
$600 and under $700	169	3.02	242	15.19	149	16.57	20	2.76	84	14.58	664	7.08
$700 and under $800	61	1.09	349	21.91	118	13.20	17	2.35	125	21.70	670	7.14
$800 and under $900	24	.43	131	8.22	56	6.26	47	6.49	59	10.24	317	3.38
$900 and under $1,000	51	.91	121	7.60	71	7.94	55	7.60	68	11.81	366	3.90
$1,000 and under $1,100	8	.14	148	9.29	52	5.82	92	12.71	46	7.99	346	3.69
$1,100 and under $1,200	98	1.75	258	16.20	17	1.90	200	27.62	14	2.43	587	6.26
$1,200 and under $1,300	43	.77	73	4.58	12	1.34	137	18.92	45	7.81	310	3.30
$1,300 and under $1,400	4	.07	35	2.20	6	.67	81	11.19	7	1.22	133	1.42
$1,400 and under $1,500	155	2.77	16	1.00	2	.22	14	1.93	9	1.56	196	2.09
$1,500 and under $1,600	133	2.38	2	.13	8	.89	45	6.22	8	1.39	196	2.09
$1,600 and under $1,700	429	7.67	2	.13	1	.11	4	.55	5	.87	441	4.70
$1,700 and under $1,800	82	1.47	1	.06	.....	.....	.....	.....	2	.35	85	.91
$1,800 and under $1,900	121	2.16	1	.06	.....	.....	2	.28	7	1.22	131	1.40
$1,900 and under $2,000	15	.27	.....	.....	.....	.....	.....	.....	.....	.....	15	.16
$2,000 and under $2,500	175	3.13	1	.06	.....	.....	.....	.....	3	.52	179	1.91
$2,500 and over	74	1.32	.....	.....	2	.22	.....	.....	3	.52	79	.84
Not reported	4	.07	1	.06	3	.34	8	1.10	21	3.65	37	.39
Total	5,594	100.00	1,593	100.00	894	100.00	724	100.00	576	100.00	9,381	100.00
1911-12.												
Under $400	1,162	35.03	66	3.44	87	8.65	.....	.....	9	1.03	1,324	16.56
$400 and under $500	641	19.32	107	5.58	50	4.97	.....	.....	79	9.00	877	10.97
$500 and under $600	765	23.06	134	6.99	205	20.38	.....	.....	34	3.87	1,138	14.23
$600 and under $700	85	2.56	344	17.94	178	17.69	19	2.16	139	15.83	765	9.57
$700 and under $800	28	.84	391	20.40	191	18.99	22	2.50	167	19.02	799	9.99
$800 and under $900	8	.24	145	7.56	57	5.67	40	4.55	75	8.54	325	4.06
$900 and under $1,000	36	1.09	140	7.30	97	9.64	28	3.19	92	10.48	393	4.91
$1,000 and under $1,100	10	.30	177	9.23	59	5.86	129	14.68	78	8.88	453	5.66
$1,100 and under $1,200	41	1.24	292	15.23	9	.89	267	30.38	23	2.62	632	7.90
$1,200 and under $1,300	25	.75	74	3.86	15	1.49	215	24.46	52	5.92	381	4.76
$1,300 and under $1,400	3	.09	19	.99	8	.80	75	8.53	20	2.28	125	1.56
$1,400 and under $1,500	61	1.84	14	.73	3	.30	10	1.14	44	5.01	132	1.65
$1,500 and under $1,600	37	1.12	6	.31	5	.50	50	5.69	15	1.71	113	1.41
$1,600 and under $1,700	172	5.19	1	.05	6	.60	6	.68	6	.68	191	2.39
$1,700 and under $1,800	32	.96	1	.05	1	.10	2	.23	4	.46	40	.50
$1,800 and under $1,900	65	1.96	1	.05	.....	.....	1	.11	5	.57	72	.90
$1,900 and under $2,000	9	.27	.....	.....	1	.10	.....	.....	3	.34	13	.16
$2,000 and under $2,500	96	2.89	3	.16	.....	.....	.....	.....	5	.57	104	1.30
$2,500 and over	37	1.12	1	.05	.....	.....	.....	.....	4	.46	42	.53
Not reported	4	.12	1	.05	34	3.38	15	1.71	24	2.73	78	.98
Total	[1]3,317	100.00	1,917	100.00	1,006	100.00	879	100.00	878	100.00	[1]7,997	100.00
1912-13.												
Under $400	1,900	34.28	93	4.46	97	7.19	4	.50	21	1.91	2,115	19.45
$400 and under $500	1,303	23.51	105	5.03	68	5.04	1	.13	113	10.28	1,590	14.62
$500 and under $600	1,010	18.22	124	5.94	247	18.31	.....	.....	43	3.91	1,424	13.09
$600 and under $700	120	2.16	390	18.69	300	22.24	24	3.01	129	11.74	963	8.85
$700 and under $800	37	.67	384	18.40	251	18.61	31	3.88	259	23.57	962	8.85
$800 and under $900	28	.51	143	6.85	86	6.38	18	2.26	105	9.55	380	3.49
$900 and under $1,000	63	1.14	162	7.76	109	8.08	62	7.77	92	8.37	488	4.49
$1,000 and under $1,100	13	.23	201	9.63	85	6.30	58	7.27	66	6.01	423	3.90
$1,100 and under $1,200	65	1.17	349	16.72	32	2.37	157	19.67	35	3.18	629	5.78
$1,200 and under $1,300	40	.72	89	4.26	27	2.00	363	32.96	39	3.55	458	4.21
$1,300 and under $1,400	7	.13	23	1.10	13	.96	67	8.40	22	2.00	132	1.21
$1,400 and under $1,500	103	1.86	15	.72	5	.37	43	5.39	17	1.55	183	1.68
$1,500 and under $1,600	48	.87	7	.34	6	.44	22	2.76	14	1.27	97	.89
$1,600 and under $1,700	416	7.50	2	.10	2	.15	29	3.63	10	.91	459	4.22
$1,700 and under $1,800	41	.74	1	.05	.....	.....	4	.50	5	.45	51	.47
$1,800 and under $1,900	142	2.56	1	.05	3	.15	4	.50	5	.45	154	1.42
$1,900 and under $2,000	12	.22	1	.05	.....	.....	1	.13	5	.45	19	.17
$2,000 and under $2,500	144	2.60	.....	.....	.....	.....	.....	.....	17	1.55	161	1.48
$2,500 and over	51	.92	.....	.....	1	.08	.....	.....	10	.91	62	.57
Not reported	.....	.....	6	.29	18	1.33	10	1.25	92	8.37	126	1.16
Total	5,543	100.00	2,087	100.00	1,349	100.00	798	100.00	1,099	100.00	10,876	100.00

[1] Not including Isthmian Canal Commission meritorious sick-leave cases for seven months.

There is a very marked difference in the prevailing rates of pay in the Canal Zone as compared with all other branches of the service, due, first, to the large amount of unskilled labor and, secondly, to the necessary employment of a comparatively highly-paid technical supervising force. Thus, on the one hand, in each year the vast majority of the injured persons receiving less than $600 were employed in the Canal Zone, the per cent of injured employees of this class for the 11 months of 1908–9 and for the fiscal years 1909–10, 1910–11, 1911–12, and 1912–13 being 71.3, 76.9, 85.3, 76.9, and 82.1, respectively. On the other hand, of the injured employees in salary groups receiving $1,600 or over during the 11 months of 1908–9 and during the fiscal years 1909–10, 1910–11, 1911–12, and 1912–13, the per cent of those employed in the Canal Zone was 95, 93.5, 96.3, 89, and 89, respectively.

These figures are important as indicating that in case of any important change of the scale of compensation as now provided different minimum and maximum limits would be necessary for the Canal Zone and other branches of service. Such limits are often established in the form of a proviso that the earnings above a certain amount shall not be taken into consideration. Above $1,600 such limitation would be important in the Canal Zone, but of very little significance in all other branches of service. On the other hand, a minimum limit adaptable to the other branches may be excessive in case of many Canal Zone employees whose very much lower standard is indicated by the lower level of wages.

As the largest number of the lower-paid employees are employed in those branches of the service which contain the greatest danger to life, such as on the Canal Zone and in the Engineer Department, it is quite natural that the lower-paid employees represented a very much larger percentage of the fatally injured employees.

Of the 233 fatal accidents reported in the 11 months in 1908–9, 63.5 per cent occurred to employees receiving less than $600 per annum, 31.8 per cent to those receiving $600 but less than $1,600, and 4.7 per cent to those receiving $1,600 or over. In 1909–10, of the 231 fatal accidents reported, 48.9 per cent were to workmen receiving less than $600, 46.3 per cent to those receiving $600 but less than $1,600, and 3.5 per cent to those receiving $1,600 or above. The corresponding figures for each of the other fiscal years covered are as follows: For 1910–11, 207 cases, 62.8 per cent less than $600, 33.3 per cent $600 but less than $1,600, 3.4 per cent over $1,600; for 1911–12, 218 cases, 50.9 per cent less than $600, 45.4 per cent $600 but less than $1,600, 1.8 per cent over $1,600; and 1912–13, 117 cases, 29.1 per cent less than $600, 66.7 per cent over $600 but less than $1,600, and 1.7 per cent over $1,600.

Both the ratio and distribution of fatal accidents as compared with all accidents reported vary considerably for the period under consideration. Thus in the 11 months of 1908–9 4.8 per cent of all accidents reported were fatal, in 1909–10 the rate was 3.3 per cent, and in 1910–11 it was 2.2. In 1911–12, using 10,157 as the approximate number of injuries, the rate was 2.1 per cent, while for 1912–13 it was but 1.1 per cent. This decrease, with the exception of the fiscal year 1912–13, when the total number of deaths was 100 less than during the preceding fiscal year, is obviously due hardly at all to the reduction in the number of fatal accidents occurring, but rather to the more general reporting of the minor accidents which occurred.

With the limited scope of the act and in the absence of data showing the total number of workmen employed in the different wage groups no definite conclusions can be reached as to the actual accident rates on the basis of rates of earnings, but it is at least clear from the higher proportion of fatal accidents among the lower-paid workmen that there is no adjustment of wages to compensate for the hazards of especially dangerous employments, as is sometimes claimed.

The following table summarizes the cases of fatal injury, classified by rates of pay, and shows the number and per cent in each class:

NUMBER AND PER CENT OF EMPLOYEES REPORTED AS FATALLY INJURED RECEIVING EACH CLASSIFIED YEARLY RATE OF PAY FOR THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13.

Yearly rate of pay.	Fatal accidents reported.									
	1908–9[1]		1909–10		1910–11		1911–12		1912–13	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under $400	67	28.76	67	29.00	64	30.92	56	25.69	16	13.68
$400 and under $500	35	15.02	21	9.09	42	20.29	28	12.84	9	7.69
$500 and under $600	46	19.74	25	10.82	24	11.59	27	12.39	9	7.69
$600 and under $700	10	4.29	12	5.19	14	6.76	22	10.09	21	17.95
$700 and under $800	14	6.01	9	3.90	12	5.80	19	8.72	21	17.95
$800 and under $900	6	2.58	13	5.63	4	1.93	10	4.59	5	4.27
$900 and under $1,000	13	5.58	33	14.29	9	4.35	10	4.59	6	5.13
$1,000 and under $1,100	10	4.29	11	4.76	8	3.86	8	3.67	8	6.84
$1,100 and under $1,200	12	5.15	8	3.46	4	1.93	11	5.05	5	4.27
$1,200 and under $1,300	4	1.72	9	3.90	9	4.35	5	2.29	8	6.84
$1,300 and under $1,400	2	.86	8	3.46	2	.97	5	2.29	2	1.71
$1,400 and under $1,500	1	.43	3	1.30	2	.97	4	1.83	1	.85
$1,500 and under $1,600	2	.86	1	.43	5	2.42	5	2.29	1	.85
$1,600 and under $1,700	1	.43	6	2.60	2	.97	1	.46	1	.85
$1,700 and under $1,800										
$1,800 and under $1,900	4	1.72	1	.43	3	1.45	2	.92		
$1,900 and under $2,000										
$2,000 and under $2,500	4	1.72	1	.43						
$2,500 and over	2	.86			2	.97	1	.46	1	.85
Not reported			3	1.30	1	.48	4	1.83	3	2.56
Total	233	100.00	231	100.00	207	100.00	218	100.00	117	100.00

[1] Eleven months.

CAUSES OF ACCIDENTS.

In the tabulation of the causes of accidents the standard classification of causes as used by many European countries has been adopted with some modifications. General Table V, at the end of this report,

shows the accidents by causes in compensated cases, in non-compensated cases, and for all accidents reported, for each department or service. From this table, it will be seen that the comparative importance of the causes of accidents varies from one branch of the service to another, depending upon the nature of the work and the particular hazards attached to it. Railway operations stand out as the principal cause of injury in the Railway Mail Service, while in other services, with the exception of the Isthmian Canal Commission, this cause is of minor importance.

The following summary table shows the distribution of injuries by causes for all departments and services combined. During the first year the collapse, fall, etc., of materials stands out as the largest single cause of injury, during the second year it ranks third, and for the remaining years it was the second principal cause. With the exception of the first year, loading, unloading, lifting, etc., caused the greater number of injuries, with railway operations, flying bodies, and hand tools as the other principal causes.

NUMBER AND PER CENT OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13.

Cause of injury.	1908-9[1]		1909-10		1910-11		1911-12		1912-13	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Motors	24	0.49	19	0.27	24	0.26	11	0.14	9	0.08
Power transmission apparatus	48	.98	74	1.06	95	1.01	64	.80	69	.63
Working with machinery:										
Using power	362	7.41	407	5.82	456	4.86	435	5.44	522	4.80
Not using power	15	.31	30	.43	103	1.10	52	.65	90	.83
Elevators, hoists, cranes, etc.	137	2.80	233	3.33	380	4.05	331	4.14	545	5.01
Steam boilers, piping, explosions, etc.	69	1.41	22	.31	129	1.38	70	.88	52	.48
Explosions of dynamite, powder, etc.	185	3.79	61	.87	75	.80	94	1.18	176	1.62
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	104	2.13	245	3.51	260	2.77	230	2.88	328	3.02
Electric current	16	.33	45	.64	50	.53	26	.33	39	.36
Collapse, fall, etc., of materials, etc.	995	20.36	924	13.22	1,352	14.41	1,068	13.36	1,287	11.83
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	356	7.28	565	8.08	756	8.06	688	8.60	734	6.75
Falls on even surface	177	3.62	391	5.59	315	3.36	354	4.43	439	4.04
Loading and unloading, lifting, carrying, etc.	549	11.23	934	13.36	1,672	17.82	1,571	19.64	2,331	21.43
Vehicles (run over by wagons, carts, etc.)	91	1.86	151	2.16	174	1.85	91	1.14	232	2.13
Railway operation (run over, etc.)	606	12.40	929	13.29	950	10.13	794	9.93	816	7.50
Animals (kicks, bites, etc., and riding)	92	1.88	128	1.83	82	.87	111	1.39	122	1.12
Shipping and water transportation	121	2.48	94	1.34	124	1.32	46	.58	74	.68
Flying bodies, splinters, cuts from rough or sharp edges, etc.	53	1.08	665	9.51	1,000	10.66	710	8.88	1,072	9.86
Hand tools and simple instruments	464	9.49	440	6.30	689	7.34	595	7.44	956	8.79
Stepping on nails and similar sharp bodies	112	2.29	172	2.46	295	3.14	204	2.55	391	3.60
Other causes	299	6.12	412	5.89	357	3.81	444	5.55	574	5.28
Cause not reported	12	.25	48	.69	43	.46	8	.10	18	.17
Total	4,887	100.00	6,989	100.00	9,381	100.00	[2] 7,997	100.00	10,876	100.00

[1] Eleven months.

[2] Not including Isthmian Canal Commission meritorious sick-leave cases for seven months.

The following table shows the number and causes of fatal accidents reported for each year covered by this report, and the total number of accidents reported from August 1, 1908, to June 13, 1913. Railway operations caused the largest number of fatal accidents in four of the five years reported for, while falls, shipping and water transportation, collapse, etc., of materials, and explosions are other causes of a large number of fatalities. While general conclusions can not be based on the limited data now available, they are of interest as showing the current facts.

NUMBER AND PER CENT OF FATAL ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13.

Causes.	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
1908-9.[1]						
Motors			1	0.88	1	0.43
Power-transmission apparatus	1	0.84	1	.88	2	.86
Working machinery, using power			4	3.51	4	1.72
Elevators, hoists, cranes, etc	1	.84	3	2.63	4	1.72
Steam boilers, piping, explosions, etc			1	.88	1	.43
Explosions of dynamite, powder, etc	44	36.97	2	1.75	46	19.74
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc	1	.84	1	.88	2	.86
Electric current	1	.84	1	.88	2	.86
Collapse, fall, etc., of materials, etc	10	8.40	15	13.16	25	10.73
Falls from ladders, stairs, scaffolding, etc., or into excavations	2	1.68	18	15.79	20	8.58
Falls on even surface	1	.84	2	1.75	3	1.29
Loading, unloading, lifting, carrying, etc	5	4.20	7	6.14	12	5.15
Vehicles (run over by wagons, carts, etc.)	1	.84	1	.88	2	.86
Railway operation (run over, etc.)	41	34.45	15	13.16	56	24.03
Animals (kicks, bites, etc., and riding)			3	2.63	3	1.29
Shipping and water transportation	8	6.72	26	22.81	34	14.59
Other causes	2	1.68	9	7.89	11	4.72
Cause not reported	1	.84	4	3.51	5	2.15
Total	119	100.00	114	100.00	233	100.00
1909-10.						
Motors	1	1.18			1	.43
Power-transmission apparatus	1	1.18	2	1.37	3	1.30
Working machinery, using power	1	1.18	1	.68	2	.87
Elevators, hoists, cranes, etc	9	10.59	6	4.11	15	6.49
Steam boilers, piping, explosions, etc			1	.68	1	.43
Explosions of dynamite, powder, etc	4	4.71			4	1.73
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc	1	1.18	13	8.90	14	6.06
Electric current	5	5.88	3	2.05	8	3.46
Collapse, fall, etc., of materials, etc	7	8.24	5	3.42	12	5.19
Falls from ladders, stairs, scaffolding, etc., or into excavations	5	5.88	21	14.38	26	11.26
Falls on even surface			1	.68	1	.43
Loading, unloading, lifting, carrying, etc	1	1.18			1	.43
Vehicles (run over by wagons, carts, etc.)			5	3.42	5	2.16
Railway operation (run over, etc.)	38	44.71	39	26.71	77	33.33
Animals (kicks, bites, etc., and riding)			7	4.79	7	3.03
Shipping and water transportation	9	10.59	29	19.86	38	16.45
Other causes	3	3.53	9	6.16	12	5.19
Cause not reported			4	2.74	4	1.73
Total	85	100.00	146	100.00	231	100.00

[1] Eleven months.

NUMBER AND PER CENT OF FATAL ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Continued.

Causes.	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
1910-11.						
Motors	1	0.94			1	0.48
Power transmission apparatus			1	0.99	1	.48
Working machinery using power			1	.99	1	.48
Elevators, hoists, cranes, etc	6	5.66	5	4.95	11	5.31
Steam boilers, piping, explosions, etc	1	.94	2	1.98	3	1.45
Explosions of dynamite, powder, etc	9	8.49	15	14.85	24	11.59
Electric current	6	5.66	2	1.98	8	3.86
Collapse, fall, etc., of materials, etc	15	14.15	11	10.89	26	12.56
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc	10	9.43	15	14.85	25	12.08
Falls on even surface			1	.99	1	.48
Loading, unloading, lifting, carrying, etc			1	.99	1	.48
Vehicles (run over by wagons, carts, etc.)			2	1.98	2	.97
Railway operation (run over, etc.)	42	39.62	12	11.88	54	26.09
Animals (kicks, bites, etc., and riding)			5	4.95	5	2.42
Shipping and water transportation	8	7.55	14	13.86	22	10.63
Flying bodies, splinters, etc	2	1.89	1	.99	3	1.45
Hand tools and simple instruments	1	.94	1	.99	2	.97
Stepping on nails and similar sharp bodies			1	.99	1	.48
Other causes	4	3.77	10	9.90	14	6.76
Cause not reported	1	.94	1	.99	2	.97
Total	106	100.00	101	100.00	207	100.00
1911-12.						
Power transmission apparatus	1	1.03	1	.83	2	.92
Working machinery using power	1	1.03	1	.83	2	.92
Elevators, hoists, cranes, etc	7	7.22	5	4.13	12	5.50
Steam boilers, piping, explosions, etc			1	.83	1	.46
Explosions of dynamite, powder, etc	10	10.30	6	4.96	16	7.34
Inflammable, hot, poisonous, corrosive materials, gases, vapors, etc	1	1.03	1	.83	2	.92
Electric current	1	1.03	2	1.65	3	1.38
Collapse, fall, etc., of material, etc	11	11.34	23	19.01	34	15.60
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc	9	9.28	36	29.75	45	20.64
Falls on even surface			2	1.65	2	.92
Loading and unloading, lifting, carrying, etc	2	2.06	1	.83	3	1.38
Vehicles (run over by wagons, carts, etc)			4	3.31	4	1.83
Railway operation (run over, etc.)	38	39.18	9	7.44	47	21.56
Animals (kicks, bites, etc., and riding)	1	1.03	3	2.48	4	1.83
Shipping and water transportation	4	4.12	11	9.09	15	6.88
Flying bodies, splinters, etc	5	5.15	2	1.65	7	3.21
Hand tools and simple instruments	1	1.03			1	.46
Other causes	4	4.12	12	9.92	16	7.34
Cause not reported	1	1.03	1	.83	2	.92
Total	97	100.00	121	100.00	218	100.00
1912-13.						
Power-transmission apparatus			2	1.96	2	1.71
Working machinery, not using power			1	.98	1	.85
Elevators, hoists, cranes, etc	4	26.67	5	4.90	9	7.69
Steam boilers, piping, explosions, etc			1	.98	1	.85
Explosions of dynamite, powder, etc			7	6.86	7	5.98
Inflammable, poisonous, hot, corrosive material, gases, vapors, etc			1	.98	1	.85
Electric current			1	.98	1	.85
Collapse, fall, etc., of materials, etc	3	20.00	8	7.84	11	9.40
Falls from ladders, stairs, scaffolding, etc., or into excavations	1	6.67	22	21.57	23	19.66
Falls on even surface			1	.98	1	.85
Loading and unloading, lifting, carrying, etc			2	1.96	2	1.71
Vehicles (run over by wagons, carts, etc.)			4	3.92	4	3.42
Railway operation (run over, etc.)	3	20.00	10	9.80	13	11.11
Animals (kicks, bites, etc., and riding)			5	4.90	5	4.27
Shipping and water transportation	3	20.00	13	12.75	16	13.68
Flying bodies, splinters, etc			2	1.96	2	1.71
Hand tools and simple instruments	1	6.67			1	.85
Other causes			17	16.67	17	14.53
Total	15	100.00	102	100.00	117	100.00

NUMBER AND PER CENT OF FATAL ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Concluded.

Causes.	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Aug. 1, 1908, to July 1, 1913.						
Motors	2	0.47	1	0.17	3	0.30
Power-transmission apparatus	3	.71	7	1.20	10	.99
Working machinery:						
Using power	2	.47	7	1.20	9	.89
Not using power			1	.17	1	.10
Elevators, hoists, cranes, etc	27	6.40	24	4.11	51	5.07
Steam boilers, piping, explosions, etc	1	.24	6	1.03	7	.70
Explosions of dynamite, powder, etc	67	15.88	30	5.14	97	9.64
Inflammable, poisonous, hot, corrosive material, gases, vapors, etc	3	.71	16	2.74	19	1.89
Electric current	13	3.08	9	1.54	22	2.19
Collapse, fall, etc., of materials, etc	46	10.90	62	10.62	108	10.74
Falls from ladders, stairs, scaffolding, etc., or into excavations	27	6.40	112	19.18	139	13.82
Falls on even surface	1	.24	7	1.20	8	.80
Loading and unloading, lifting, carrying, etc	8	1.90	11	1.88	19	1.89
Vehicles (run over by wagons, carts, etc.)	1	.24	16	2.74	17	1.69
Railway operation (run over, etc.)	162	38.39	85	14.55	247	24.55
Animals (kicks, bites, etc., and riding)	1	.24	23	3.94	24	2.39
Shipping and water transportation	32	7.58	93	15.92	125	12.43
Flying bodies, splinters, etc	7	1.66	5	.86	12	1.19
Hand tools and simple instruments	3	.71	1	.17	4	.40
Stepping on nails and similar sharp bodies			1	.17	1	.10
Other causes	13	3.08	57	9.76	70	6.96
Cause not reported	3	.71	10	1.71	13	1.29
Total	422	100.00	584	100.00	1,006	100.00

DURATION OF DISABILITY.

The duration of the disability resulting from accidents is one of the most important factors in computing the cost of a compensation system. In General Table VI of this report the data are presented somewhat in detail for all accidents reported, by causes of injury, for the Isthmian Canal Commission, for all other branches of service, and for the two combined. The separation of the injuries occurring in the Canal Zone from the others is important on account of the nature of the work and the large proportion of unskilled workmen employed, as for both of these reasons there is a higher accident rate and the resultant injuries are more serious than in the more permanent lines of service with better trained and disciplined employees than the nature of conditions on the Isthmus renders possible.

The separation is important also because of the fact that accidents involving disability of 15 days and less, which are not compensated under the act of May 30, 1908, are, in the case of employees of the Canal Commission only, compensated under the act of February 24, 1909.

The following table summarizes the accidents reported by duration of disability, and shows the number and per cent causing disability for the various periods:

NUMBER AND PER CENT OF ACCIDENTS REPORTED BY DURATION OF DISABILITY FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13.

Duration of disability.	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
1908-9.[1]						
7 days and under	768	36.45	766	27.55	1,534	31.39
O ver 7, but not over 15 days	394	18.70	371	13.35	765	15.65
Over 15, but not over 21 days	266	12.62	371	13.35	637	13.03
Over 21, but not over 28 days	158	7.50	274	9.86	432	8.84
Over 28, but not over 35 days	105	4.98	214	7.70	319	6.53
Over 35, but not over 42 days	70	3.32	120	4.32	190	3.89
Over 42, but not over 49 days	45	2.14	84	3.02	129	2.64
Over 49, but not over 56 days	28	1.33	57	2.05	85	1.74
Over 56, but not over 63 days	19	.90	74	2.66	93	1.90
Over 63, but not over 70 days	20	.95	35	1.26	55	1.13
Over 70, but not over 77 days	10	.47	26	.94	36	.74
Over 77, but not over 84 days	7	.33	18	.65	25	.51
Over 84, but not over 91 days	11	.52	29	1.04	40	.82
Over 91, but not over 119 days	16	.76	50	1.80	66	1.35
Over 119, but not over 147 days	17	.81	36	1.29	53	1.08
Over 147, but not over 182 days	8	.38	30	1.08	38	.78
Over 182, but not over 365 days	17	.81	66	2.37	83	1.70
Over 365 days, but not permanent	7	.33	20	.72	27	.55
Permanent	20	.95	23	.83	43	.88
Fatal	119	5.65	114	4.10	233	4.77
Not reported	2	.09	2	.07	4	.08
Total	2,107	100.00	2,780	100.00	4,887	100.00
1909-10.						
7 days and under	1,362	42.11	918	24.45	2,280	32.62
Over 7 but not over 15 days	620	19.17	530	14.11	1,150	16.45
Over 15 but not over 21 days	266	8.23	538	14.33	804	11.50
Over 21 but not over 28 days	234	7.24	444	11.82	678	9.70
Over 28 but not over 35 days	181	5.60	286	7.62	467	6.68
Over 35 but not over 42 days	123	3.80	136	3.63	259	3.71
Over 42 but not over 49 days	56	1.73	105	2.80	161	2.30
Over 49 but not over 56 days	48	1.48	91	2.42	139	1.99
Over 56 but not over 63 days	45	1.39	97	2.58	142	2.03
Over 63 but not over 70 days	22	.68	41	1.09	63	.90
Over 70 but not over 77 days	21	.65	35	.93	56	.80
Over 77 but not over 84 days	15	.46	27	.72	42	.60
Over 84 but not over 91 days	12	.37	34	.91	46	.66
Over 91 but not over 119 days	31	.96	65	1.73	96	1.37
Over 119 but not over 147 days	12	.37	44	1.17	56	.80
Over 147 but not over 182 days	14	.43	42	1.12	56	.80
Over 182 but not over 365 days	40	1.24	87	2.32	127	1.82
Over 365 days but not permanent	6	.19	41	1.09	47	.67
Permanent	35	1.08	14	.37	49	.70
Fatal	85	2.63	146	3.89	231	3.31
Not reported	6	.19	34	.91	40	.57
Total	3,234	100.00	3,755	100.00	6,989	100.00
1910-11.						
7 days and under	2,794	49.95	993	26.22	3,787	40.37
Over 7 but not over 15 days	1,233	22.04	491	12.97	1,724	18.38
Over 15 but not over 21 days	364	6.51	584	15.42	948	10.11
Over 21 but not over 28 days	269	4.81	472	12.46	741	7.90
Over 28 but not over 35 days	208	3.72	287	7.58	495	5.28
Over 35 but not over 42 days	106	1.89	163	4.30	269	2.87
Over 42 but not over 49 days	71	1.27	109	2.88	180	1.92
Over 49 but not over 56 days	36	.64	73	1.94	109	1.16
Over 56 but not over 63 days	29	.52	82	2.17	111	1.18
Over 63 but not over 70 days	25	.45	39	1.03	64	.68
Over 70 but not over 77 days	21	.38	34	.90	55	.59
Over 77 but not over 84 days	6	.11	25	.66	31	.33

[1] Eleven months.

NUMBER AND PER CENT OF ACCIDENTS REPORTED BY DURATION OF DISABILITY FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Concluded.

Duration of disability.	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
1910-11—Concluded.						
Over 84 but not over 91 days	16	0.29	35	0.92	51	0.54
Over 91 but not over 119 days	28	.50	55	1.45	83	.88
Over 119 but not over 147 days	12	.21	48	1.27	60	.64
Over 147 but not over 182 days	17	.30	35	.92	52	.55
Over 182 but not over 365 days	49	.88	90	2.38	139	1.48
Over 365 days but not permanent	40	.72	30	.79	70	.75
Permanent	31	.55	30	.79	61	.65
Fatal	106	1.89	101	2.67	207	2.21
Not reported	133	2.38	11	.29	144	1.54
Total	5,594	100.00	3,787	100.00	9,381	100.00
1911-12.						
7 days and under	1,071	32.29	1,280	27.35	2,351	29.40
Over 7 but not over 15 days	460	13.87	601	12.84	1,061	13.26
Over 15 but not over 21 days	409	12.33	744	15.90	1,153	14.42
Over 21 but not over 28 days	336	10.13	567	12.12	903	11.29
Over 28 but not over 35 days	209	6.30	324	6.92	533	6.66
Over 35 but not over 42 days	97	2.92	173	3.70	270	3.38
Over 42 but not over 49 days	77	2.32	167	3.57	244	3.05
Over 49 but not over 56 days	38	1.15	80	1.71	118	1.48
Over 56 but not over 63 days	32	.96	81	1.73	113	1.41
Over 63 but not over 70 days	29	.87	50	1.07	79	.99
Over 70 but not over 77 days	12	.36	45	.96	57	.71
Over 77 but not over 84 days	19	.57	29	.62	48	.60
Over 84 but not over 91 days	12	.36	28	.60	40	.50
Over 91 but not over 119 days	43	1.30	71	1.52	114	1.43
Over 119 but not over 147 days	23	.69	49	1.05	72	.90
Over 147 but not over 182 days	22	.66	45	.96	67	.84
Over 182 but not over 365 days	84	2.53	101	2.16	185	2.31
Over 365 days but not permanent	24	.72	59	1.26	83	1.04
Permanent	6	.18	20	.43	26	.33
Fatal	97	2.92	121	2.59	218	2.73
Not reported	217	6.54	45	.96	262	3.28
Total	3,317	100.00	4,680	100.00	7,997	100.00
1912-13.						
7 days and under	3,139	56.63	1,471	27.58	4,610	42.39
Over 7 but not over 15 days	1,339	24.16	692	12.98	2,031	18.67
Over 15 but not over 21 days	264	4.76	940	17.63	1,204	11.07
Over 21 but not over 28 days	233	4.20	624	11.70	857	7.88
Over 28 but not over 35 days	134	2.42	370	6.94	504	4.63
Over 35 but not over 42 days	78	1.41	201	3.77	279	2.57
Over 42 but not over 49 days	46	.83	153	2.87	199	1.83
Over 49 but not over 56 days	28	.51	104	1.95	132	1.21
Over 56 but not over 63 days	29	.52	93	1.74	122	1.12
Over 63 but not over 70 days	21	.38	54	1.01	75	.69
Over 70 but not over 77 days	17	.31	31	.58	48	.44
Over 77 but not over 84 days	7	.13	37	.69	44	.40
Over 84 but not over 91 days	10	.18	41	.77	51	.47
Over 91 but not over 119 days	36	.65	81	1.52	117	1.08
Over 119 but not over 147 days	17	.31	37	.69	54	.50
Over 147 but not over 182 days	19	.34	43	.81	62	.57
Over 182 but not over 365 days	45	.81	94	1.76	139	1.28
Over 365 days but not permanent	16	.29	49	.92	65	.60
Permanent	2	.04	17	.99	19	.17
Fatal	15	.27	102	1.91	117	1.08
Not reported	48	.87	99	2.06	147	1.35
Total	5,543	100.00	5,333	100.00	10,876	100.00

Some caution is necessary in considering these data. First, there is apparent a very low proportion of injuries reported as permanent. As a matter of fact, the information concerning permanent disability is necessarily incomplete, since the law does not concern itself with the results of the injuries after the expiration of the first year, and the department has no means of determining accurately how many of the injuries lead to permanent disability. Whether or not ultimate recovery will take place can only be estimated, and it is very likely that many of the cases reported as of a duration of 365 days, or a longer period, may actually be cases of permanent disability. No method exists, however, of following up cases of injury after the termination of the first year of disability.

A further important qualification is found in the failure of the law to recognize partial permanent disability. In case of return to work the disability is considered as having terminated, though the results of the injury are often permanent and such as seriously to impair the earning capacity of the employee in any other employment which he might be forced at some time to seek. In some cases the permanent nature of the injuries and the permanent reduction of earning capacity are quite evident, as may be ascertained by an examination of the tables in which the accidents are classified according to the nature of the injury and duration of disability. (See Table IX.)

A comparison of the distribution of the accidents reported according to duration of disability on the Isthmian Canal with all other departments, services, and establishments discloses marked differences. A comparatively larger proportion of injuries from accidents reported as occurring on the Canal Zone lasted less than 15 days (55.1 in the 11 months of 1908–9, 61.3 in 1909–10, 72 in 1910–11, 67.4 in 1911–12, and 80.8 in 1912–13) than in all other branches of service (40.9 in the 11 months of 1908–9, 38.6 in 1909–10, 39.2 in 1910–11, 40.2 in 1911–12, 40.6 in 1912–13), and correspondingly, a larger proportion of the accidents causing disability from 15 to 21 days were reported in the other branches than in the Canal Zone, namely, 13.4 as against 12.6 in 1908–9 (11 months), 11.8 as against 7.2 in 1909–10, 15.4 as against 6.5 in 1910–11, 15.9 as against 7.5 in 1911–12, and 17.6 as against 4.8 in 1912–13. In computing these averages for 1911–12, 5,477 cases were used as the total number from the Canal Zone, 2,160 cases of less than 15 days' duration being added to represent the estimated number of cases of meritorious sick leave not reported from November 1, 1911, to June 30, 1912.

The difference may be partly due to better reporting of minor accidents in the Isthmian Canal Zone, but also probably to the fact that all injured employees receive gratuitous medical and surgical aid from Government physicians and are consequently under closer medical supervision, which, while necessarily leading to more accurate report-

ing of accidents, must both accelerate the actual recovery from injuries and also prevent the undue extension of absence from work beyond the time required by the condition of the injury. Furthermore, employees on the Isthmus are compensated for all periods of disability under the system of meritorious sick leave authorized by the act of February 24, 1909, thus differing from that provision of the general law which allows no compensation in other departments and branches of service in cases of disability lasting not over 15 days and full compensation for the entire time of disability when it lasts more than 15 days; and this fact is known to exercise a material influence upon the reported duration of disability in individual cases perhaps sufficient in number to affect the foregoing statistical showing on this point.

In the following table a comparison is made of the duration of compensated accidents with that of noncompensated accidents for the purpose of determining whether the fact of compensation appears to influence in any way the duration of disability. For the purposes of this comparison all accidents leading to a disability of 15 days and under were eliminated, as these do not lead to any compensation under the law. The fatal accidents were also eliminated, as in these cases the fact of compensation can not affect the question under consideration.

NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES, BY CLASSIFIED DAYS OF DURATION, FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13.

Duration of disability.	Compensated cases.				Noncompensated cases.			
	Isthmian Canal Commission.	All other departments, services, and establishments.	Total.		Isthmian Canal Commission.	All other departments, services, and establishments.	Total.	
			Number.	Per cent.			Number.	Per cent.
1908-9.[1]								
Over 15 but not over 21 days	221	221	442	27.15	45	150	195	26.97
Over 21 but not over 28 days	140	197	337	20.70	18	77	95	13.14
Over 28 but not over 35 days	94	125	219	13.45	11	89	100	13.83
Over 35 but not over 42 days	61	83	144	8.85	9	37	46	6.36
Over 42 but not over 49 days	42	53	95	5.84	3	31	34	4.70
Over 49 but not over 56 days	24	32	56	3.44	4	25	29	4.01
Over 56 but not over 63 days	19	31	50	3.07	.....	43	43	5.95
Over 63 but not over 70 days	17	16	33	2.03	3	19	22	3.04
Over 70 but not over 77 days	9	17	26	1.60	1	9	10	1.38
Over 77 but not over 84 days	7	9	16	.98	.....	9	9	1.24
Over 84 but not over 91 days	8	10	18	1.11	3	18	21	2.90
Over 91 but not over 119 days	14	31	45	2.76	2	20	22	3.04
Over 119 but not over 147 days	12	13	25	1.54	5	23	28	3.87
Over 147 but not over 182 days	7	16	23	1.41	1	14	15	2.07
Over 182 but not over 365 days	15	25	40	2.46	2	41	43	5.95
Over 365 days but not permanent	7	14	21	1.29	.....	6	6	.83
Permanent	20	18	38	2.33	.....	5	5	.69
Total	717	911	1,628	100.00	[2] 107	[3] 616	[4] 723	100.00

[1] Eleven months.
[2] Not including 2 cases, duration of disability not reported.
[3] Not including 1 case, duration of disability not reported.
[4] Not including 3 cases, duration of disability not reported.

NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES, BY CLASSIFIED DAYS OF DURATION, FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Continued.

Duration of disability.	Compensated cases.				Noncompensated cases.			
	Isthmian Canal Commission.	All other departments, services, and establishments.	Total.		Isthmian Canal Commission.	All other departments, services, and establishments.	Total.	
			Number.	Per cent.			Number.	Per cent.
1909-10.								
Over 15 but not over 21 days	256	369	625	25.72	10	169	179	20.86
Over 21 but not over 28 days	222	342	564	23.21	12	102	114	13.29
Over 28 but not over 35 days	165	161	326	13.42	16	125	141	16.43
Over 35 but not over 42 days	121	94	215	8.85	2	42	44	5.13
Over 42 but not over 49 days	55	61	116	4.77	1	44	45	5.24
Over 49 but not over 56 days	45	55	100	4.12	3	36	39	4.55
Over 56 but not over 63 days	40	34	74	3.05	5	63	68	7.93
Over 63 but not over 70 days	22	27	49	2.02	.....	14	14	1.63
Over 70 but not over 77 days	20	17	37	1.52	1	18	19	2.21
Over 77 but not over 84 days	13	16	29	1.19	2	11	13	1.52
Over 84 but not over 91 days	12	9	21	.86	.....	25	25	2.91
Over 91 but not over 119 days	29	35	64	2.63	2	30	32	3.73
Over 119 but not over 147 days	11	18	29	1.19	.....	26	26	3.03
Over 147 but not over 182 days	14	20	34	1.40	.....	22	22	2.56
Over 182 but not over 365 days	41	42	83	3.42	.....	45	45	5.24
Over 365 days but not permanent	6	11	17	.70	.....	30	30	3.50
Permanent	33	14	47	1.93	2	.....	2	.23
Total	1,105	1,325	2,430	100.00	[1] 56	[2] 802	[3] 858	100.00
1910-11.								
Over 15 but not over 21 days	356	433	789	27.92	8	151	159	22.94
Over 21 but not over 28 days	254	390	644	22.79	15	82	97	14.00
Over 28 but not over 35 days	201	191	392	13.87	7	96	103	14.86
Over 35 but not over 42 days	103	118	221	7.82	3	45	48	6.93
Over 42 but not over 49 days	68	74	142	5.02	3	35	38	5.48
Over 49 but not over 56 days	35	56	91	3.22	1	17	18	2.60
Over 56 but not over 63 days	27	45	72	2.55	2	37	39	5.63
Over 63 but not over 70 days	24	26	50	1.77	1	13	14	2.02
Over 70 but not over 77 days	21	17	38	1.34	.....	17	17	2.45
Over 77 but not over 84 days	6	14	20	.71	.....	11	11	1.59
Over 84 but not over 91 days	14	13	27	.96	2	22	24	3.46
Over 91 but not over 119 days	23	34	57	2.02	5	21	26	3.75
Over 119 but not over 147 days	11	30	41	1.45	1	18	19	2.74
Over 147 but not over 182 days	17	18	35	1.24	.....	17	17	2.45
Over 182 but not over 365 days	48	55	103	3.64	1	35	36	5.19
Over 365 days but not permanent	40	14	54	1.91	.....	16	16	2.31
Permanent	28	22	50	1.77	3	8	11	1.59
Total	1,276	1,550	2,826	100.00	[4] 52	[5] 641	[6] 693	100.00
1911-12.								
Over 15 but not over 21 days	405	595	1,000	29.56	4	149	153	21.19
Over 21 but not over 28 days	335	472	807	23.85	1	95	96	13.30
Over 28 but not over 35 days	207	222	429	12.68	2	102	104	14.40
Over 35 but not over 42 days	97	131	228	6.74	.....	42	42	5.81
Over 42 but not over 49 days	77	129	206	6.09	.....	38	38	5.26
Over 49 but not over 56 days	38	48	86	2.54	.....	32	32	4.43
Over 56 but not over 63 days	32	44	76	2.25	.....	37	37	5.12
Over 63 but not over 70 days	29	30	59	1.74	.....	20	20	2.77
Over 70 but not over 77 days	12	29	41	1.21	.....	16	16	2.22
Over 77 but not over 84 days	19	19	38	1.12	.....	10	10	1.39
Over 84 but not over 91 days	12	8	20	.59	.....	20	20	2.77
Over 91 but not over 119 days	43	43	86	2.54	.....	28	28	3.88

[1] Not including 6 cases, duration of disability not reported.
[2] Not including 34 cases, duration of disability not reported.
[3] Not including 40 cases, duration of disability not reported.
[4] Not including 133 cases, duration of disability not reported.
[5] Not including 11 cases, duration of disability not reported.
[6] Not including 144 cases, duration of disability not reported.

NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES, BY CLASSIFIED DAYS OF DURATION, FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Concluded.

Duration of disability.	Compensated cases.				Noncompensated cases.			
	Isthmian Canal Commission.	All other departments, services, and establishments.	Total.		Isthmian Canal Commission.	All other departments, services, and establishments.	Total.	
			Number.	Per cent.			Number.	Per cent.
1911-12—Concluded.								
Over 119 but not over 147 days	23	25	48	1.42	.....	24	24	3.32
Over 147 but not over 182 days	22	21	43	1.27	.....	24	24	3.32
Over 182 but not over 365 days	84	51	135	4.00	.....	50	50	6.93
Over 365 days but not permanent	24	35	59	1.74	.....	24	24	3.32
Permanent	6	16	22	.65	.....	4	4	.55
Total	1,465	1,918	3,383	100.00	7	[1] 715	[1] 722	100.00
1912-13.								
Over 15 but not over 21 days	262	787	1,049	31.56	2	153	155	23.96
Over 21 but not over 28 days	232	535	767	23.07	1	89	90	13.91
Over 28 but not over 35 days	131	262	393	11.82	3	108	111	17.16
Over 35 but not over 42 days	73	160	233	7.16	.....	41	41	6.33
Over 42 but not over 49 days	46	116	162	4.87	.....	37	37	5.72
Over 49 but not over 56 days	28	76	104	3.13	.....	28	28	4.33
Over 56 but not over 63 days	29	57	81	2.44	.....	41	41	6.33
Over 63 but not over 70 days	21	39	60	1.81	.....	15	15	2.32
Over 70 but not over 77 days	17	23	40	1.20	.....	8	8	1.24
Over 77 but not over 84 days	7	35	42	1.26	.....	2	2	.31
Over 84 but not over 91 days	10	23	33	.99	.....	18	18	2.78
Over 91 but not over 119 days	36	56	92	2.77	.....	25	25	3.86
Over 119 but not over 147 days	17	27	44	1.32	.....	10	10	1.55
Over 147 but not over 182 days	19	32	51	1.53	.....	11	11	1.70
Over 182 but not over 365 days	45	60	105	3.16	.....	34	34	5.26
Over 365 days but not permanent	16	29	45	1.35	.....	20	20	3.09
Permanent	2	16	18	.54	.....	1	1	.15
Total	996	[2] 2,328	[3] 3,324	100.00	[5] 6	[4] 640	[6] 647	100.00

[1] Not including 4 cases, duration of disability not reported.
[2] Not including 2 cases, duration of disability not reported.
[3] Not including 48 cases, duration of disability not reported.
[4] Not including 97 cases, duration of disability not reported.
[5] Not including 145 cases, duration of disability not reported.

It appears from the above table that for each year reported the percentage of cases in which the duration of disability was from 15 to 21 days and from 21 to 28 days was greater for compensated than for noncompensated cases, while in most instances the noncompensated cases show a higher proportion of the longer periods of disability. The larger percentages in cases of minor compensated accidents as compared with the minor noncompensated accidents probably mean that in the case of such minor accidents those which are entitled to compensation are reported more carefully; a certain extension of disability in some cases to bring the accident within the provision of the law that incapacity must continue for more than 15 days before the right to compensation accrues is also probable, and has been recognized in some degree in the administration of the law. Beyond that, however, the statistics of the duration of accidents reveal no tendency to prolong the period of disability unnecessarily.

DURATION OF DISABILITY AND CAUSE OF ACCIDENTS REPORTED.

General Table VI also furnishes material for a study of the relation of the cause of the accident to the duration of the resultant disability, accidents being there classified by cause and duration. Even on a casual inspection of these tables a decided difference between effects of different causes may be easily noticed. For purposes of a more careful comparison all accidents (including those resulting in disability of 15 days and under) have been classified as to duration in the following summary table into six groups—those lasting not over 4 weeks, from 4 to not over 13 weeks, from 13 to not over 26 weeks, from 26 weeks to 1 year, over 1 year (including permanent), and fatal.

For each year the largest proportion of disability lasting not over four weeks is found in accidents due to stepping on nails and similar objects. Accidents caused by flying bodies, etc., and hand tools resulted in a shorter period of disability than those from other causes, while accidents due to shipping and water transportation, electric currents, and explosions caused the largest proportion of fatalities.

NUMBER AND PER CENT OF ACCIDENTS REPORTED, BY CAUSE OF INJURY AND CLASSIFIED DURATION OF DISABILITY, FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13.

Cause of injury.	Disability of—												Total.
	4 weeks and under.		Over 4 but not over 13 weeks.		Over 13 but not over 26 weeks.		Over 26 weeks but not over 1 year.		Over 1 year.		Fatal.		
	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.
1908-9.[1]													
Motors	14	58.33	7	29.17	2	8.33					1	4.17	24
Power-transmission apparatus	37	77.08	7	14.58	1	2.08			1	2.08	2	4.17	48
Working machinery:													
Using power	275	76.18	70	19.39	7	1.94	4	1.11	1	.28	4	1.11	361
Not using power	11	73.33	1	6.67	1	6.67	2	13.33					15
Elevators, hoists, cranes, etc.	79	57.66	40	29.20	4	2.92	2	1.46	8	5.84	4	2.92	137
Steam boilers, piping, explosions, etc.	61	88.41	5	7.25	1	1.45	1	1.45			1	1.45	69
Explosions of dynamite, powder, etc.	94	50.81	27	14.59	8	4.32	4	2.16	6	3.24	46	24.86	185
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	82	78.85	16	15.38	3	2.88	1	.96			2	1.92	104
Electric current	12	75.00	2	12.50							2	12.50	16
Collapse, fall, etc., of material, etc.	749	75.28	160	16.08	27	2.71	11	1.11	14	1.41	25	2.51	995
Falls from ladders, stairs, scaffolding, etc., or into excavations	229	64.33	79	22.19	18	5.06	8	2.25	2	.56	20	5.62	356
Falls on even surface	116	65.54	44	24.86	9	5.08	3	1.69	2	1.13	3	1.69	177
Loading and unloading, lifting, carrying, etc.	395	71.82	122	22.18	10	1.82	4	.73	6	1.09	13	2.36	550
Vehicles (run over by wagons, carts, etc.)	63	69.23	19	20.88	3	3.30	3	3.30	1	1.10	2	2.20	91
Railway operation (run over, etc.)	277	45.71	184	30.36	36	5.94	32	5.28	21	3.47	56	9.24	606

[1] Eleven months.

NUMBER AND PER CENT OF ACCIDENTS REPORTED, BY CAUSE OF INJURY AND CLASSIFIED DURATION OF DISABILITY, FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Continued.

Cause of injury.	Disability of—												Total.
	4 weeks and under.		Over 4 but not over 13 weeks.		Over 13 but not over 26 weeks.		Over 26 weeks but not over 1 year.		Over 1 year.		Fatal.		
	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.
1908-9—Concluded.													
Animals (kicks, bites, etc., and riding)	59	64.84	22	24.18	4	4.40	.....	.....	3	3.30	3	3.30	91
Shipping and water transportation	68	56.67	16	13.33	2	1.67	.....	.....	.....	.....	34	28.33	120
Flying bodies, splinters, etc.	41	77.36	9	16.98	2	3.77	.....	.....	1	1.89	.....	.....	53
Hand tools and simple instruments	378	81.47	73	15.73	10	2.16	1	.22	2	.43	.....	.....	464
Stepping on nails and similar sharp bodies	103	96.43	4	3.57	.....	.....	.....	.....	.....	.....	.....	.....	112
Other causes	219	73.49	50	16.78	10	3.36	7	2.35	2	.67	10	3.36	298
Cause not reported	2	.....	5	.....	.....	.....	.....	.....	.....	.....	5	.....	12
Total	3,369	68.98	971	19.88	158	3.24	83	1.70	70	1.43	233	4.77	[1] 4,884
1909-10.													
Motors	12	63.16	4	21.05	2	10.53	.....	.....	.....	.....	1	5.26	19
Power-transmission apparatus	51	68.92	14	18.92	4	5.41	.....	.....	2	2.70	3	4.05	74
Working machinery:													
Using power	287	71.04	104	25.74	4	.99	3	0.74	4	.99	2	.50	404
Not using power	16	53.33	9	30.00	2	6.67	.....	.....	2	6.67	1	3.33	30
Elevators, hoists, cranes, etc.	158	67.81	47	20.17	5	2.15	6	2.58	2	.86	15	6.44	233
Steam boilers, piping, explosions, etc.	16	72.73	4	18.18	1	4.55	.....	.....	.....	.....	1	4.55	22
Explosions of dynamite, powder, etc.	27	44.26	17	27.87	4	6.56	3	4.92	6	9.84	4	6.56	61
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	186	76.23	40	16.39	3	1.23	1	.41	.....	.....	14	5.74	244
Electric current	30	66.67	5	11.11	1	2.22	1	2.22	.....	.....	8	17.78	45
Collapse, fall, etc., of materials, etc.	697	75.68	158	17.16	22	2.39	20	2.17	12	1.30	12	1.30	921
Falls from ladders, stairs, scaffolding, etc., or into excavations	357	63.64	122	21.75	29	5.17	20	3.57	7	1.25	26	4.63	561
Falls on even surface	295	76.23	80	20.67	9	2.33	1	.26	1	.26	1	.26	387
Loading and unloading, lifting, carrying, etc.	667	71.95	223	24.06	17	1.83	15	1.62	4	.43	1	.11	927
Vehicles (run over by wagons, carts, etc.)	100	67.11	36	24.16	5	3.36	2	1.34	1	.67	5	3.36	149
Railway operation (run over, etc.)	430	46.54	265	28.68	59	6.39	43	4.65	50	5.41	77	8.33	924
Animals (kicks, bites, etc., and riding)	78	62.40	25	20.00	11	8.80	4	3.20	.....	.....	7	5.60	125
Shipping and water transportation	35	37.63	18	19.35	1	1.08	1	1.08	.....	.....	38	40.86	93
Flying bodies, splinters, etc.	567	85.52	80	12.07	10	1.51	5	.75	1	.15	.....	.....	663
Hand tools and simple instruments	382	87.21	49	11.19	5	1.14	1	.23	.....	.....	1	.23	438
Stepping on nails and similar sharp bodies	155	90.64	13	7.60	3	1.75	.....	.....	.....	.....	.....	.....	171
Other causes	327	79.56	60	14.60	8	1.95	2	.49	4	.97	10	2.43	411
Cause not reported	39	82.98	2	4.26	2	4.26	.....	.....	.....	.....	4	8.51	47
Total	4,912	70.69	1,375	19.79	207	2.98	128	1.84	96	1.38	231	3.32	[2] 6,949
1910-11.													
Motors	15	62.50	5	20.83	2	8.33	1	4.17	.....	.....	1	4.17	24
Power-transmission apparatus	66	70.21	21	22.34	4	4.26	1	1.06	1	1.06	1	1.06	94
Working machinery:													
Using power	340	75.39	90	19.96	8	1.77	7	1.55	5	1.11	1	.22	451
Not using power	79	77.45	22	21.57	1	.98	.....	.....	.....	.....	.....	.....	102
Elevators, hoists, cranes, etc.	300	80.00	42	11.20	3	2.13	10	2.67	4	1.07	11	2.93	375
Steam boiler, piping, explosions, etc.	105	81.40	16	12.40	2	1.55	2	1.55	1	.78	3	2.33	129

[1] Not including 3 cases, duration of disability not reported.
[2] Not including 40 cases, duration of disability not reported.

NUMBER AND PER CENT OF ACCIDENTS REPORTED, BY CAUSE OF INJURY AND CLASSIFIED DURATION OF DISABILITY, FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Continued.

Cause of injury.	Disability of—										Fatal.		Total.
	4 weeks and under.		Over 4 but not over 13 weeks.		Over 13 but not over 26 weeks.		Over 26 weeks but not over 1 year.		Over 1 year.				
	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.
1910-11—Concluded.													
Explosions of dynamite, powder, etc.	23	31.08	12	16.22	2	2.70	3	4.05	10	13.51	24	32.43	74
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	231	89.53	25	9.69	2	.78							258
Electric current	35	70.00	3	6.00	1	2.00	3	6.00			8	16.00	50
Collapse, fall, etc., of materials, etc.	1,058	79.13	196	14.66	20	1.50	17	1.27	20	1.50	26	1.94	1,337
Falls from ladders, stairs, scaffolding, etc., or into excavations	513	68.95	140	18.82	31	4.17	23	3.09	12	1.61	25	3.36	744
Falls on even surface	222	72.55	64	20.92	8	2.61	6	1.96	5	1.63	1	.33	306
Loading and unloading, lifting, carrying, etc.	1,347	82.69	238	14.61	26	1.60	8	.49	9	.55	1	.06	1,629
Vehicles (run over by wagons, carts, etc.)	133	77.33	25	14.53	6	3.49	3	1.74	3	1.74	2	1.16	172
Railway operation (run over, etc.)	538	57.48	214	22.86	47	5.02	39	4.17	44	4.70	54	5.77	936
Animals (kicks, bites, etc., and riding)	54	65.85	15	18.29	2	2.44	1	1.22	5	6.10	5	6.10	82
Shipping and water transportation	76	61.29	17	13.71	4	3.23	3	2.42	2	1.61	22	17.74	124
Flying bodies, splinters, etc.	886	89.95	72	7.31	10	1.02	8	.81	6	.61	3	.30	985
Hand tools and simple instruments	593	87.21	82	12.06	2	.29	1	.15			2	.29	680
Stepping on nails and similar sharp bodies	278	95.53	12	4.12							1	.34	291
Other causes	278	79.20	44	12.54	8	2.28	3	.85	4	1.14	14	3.99	351
Cause not reported	30	69.77	10	23.26	1	2.33					2	4.65	43
Total	7,200	77.95	1,365	14.78	195	2.11	139	1.50	131	1.42	207	2.24	[1] 9,237
1911-12.													
Motors	8	80.00	2	20.00									10
Power-transmission apparatus	30	48.39	20	32.26	2	3.23	6	9.68	2	3.23	2	3.23	62
Working machinery:													
Using power	296	68.84	98	22.79	18	4.19	7	1.63	9	2.09	2	.47	430
Not using power	39	78.00	9	18.00	2	4.00							50
Elevators, hoists, cranes, etc.	210	63.83	76	23.10	13	3.95	10	3.04	8	2.43	12	3.65	329
Steam boilers, piping, explosions, etc.	52	75.36	13	18.84	1	1.45	1	1.45	1	1.45	1	1.45	69
Explosions of dynamite, powder, etc.	43	47.25	15	16.48	2	2.20	10	10.99	5	5.49	16	17.58	91
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	181	80.09	37	16.37	3	1.33	3	1.33			2	.88	226
Electric current	15	57.69	5	19.23	1	3.85			2	7.69	3	11.54	26
Collapse, fall, etc., of material, etc.	755	71.97	190	18.11	33	3.15	21	2.00	16	1.53	34	3.24	1,049
Falls from ladders, stairs, scaffolding, etc., or into excavations	413	62.86	143	21.77	32	4.87	18	2.74	6	.91	45	6.85	657
Falls on even surface	233	68.13	84	24.56	12	3.51	10	2.92	1	.29	2	.58	342
Loading and unloading, lifting, carrying, etc.	1,130	76.51	293	19.84	29	1.96	14	.95	8	.54	3	.20	1,477
Vehicles (run over by wagons, carts, etc.)	58	64.44	24	26.67	3	3.33	1	1.11			4	4.44	90
Railway operation (run over, etc.)	364	47.40	207	26.95	59	7.68	55	7.16	36	4.69	47	6.12	768
Animals (kicks, bites, etc., and riding)	69	63.89	22	20.37	7	6.48	4	3.70	2	1.85	4	3.70	108
Shipping and water transportation	19	41.30	8	17.39	1	2.17	1	2.17	2	4.35	15	32.61	46
Flying bodies, splinters, etc.	588	84.73	69	9.94	15	2.16	10	1.44	5	.72	7	1.01	694

[1] Not including 144 cases, duration of disability not reported.

NUMBER AND PER CENT OF ACCIDENTS REPORTED, BY CAUSE OF INJURY AND CLASSIFIED DURATION OF DISABILITY, FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Concluded.

Cause of injury.	Disability of—										Fatal.		Total.
	4 weeks and under.		Over 4 but not over 13 weeks.		Over 13 but not over 26 weeks.		Over 26 weeks but not over 1 year.		Over 1 year.				
	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.	No.
1911-12—Concluded.													
Hand tools and simple instruments	476	82.35	91	15.74	6	1.04	2	.35	2	.35	1	.17	578
Stepping on nails and similar sharp bodies	182	92.86	14	7.14									196
Other causes	303	70.47	81	18.84	14	3.26	12	2.79	4	.93	16	3.72	430
Cause not reported	4	57.14	1	14.28							2	28.57	7
Total	5,468	70.69	1,502	19.42	253	3.27	185	2.39	109	1.41	218	2.82	[1] 7,735
1912-13.													
Motors	8	88.89	1	11.11									9
Power-transmission apparatus	49	72.06	15	22.06	2	2.94					2	2.94	68
Working machinery:													
Using power	397	76.20	108	20.73	12	2.30	3	0.58	1	0.19			521
Not using power	67	74.44	18	20.00	2	2.22	1	1.11	1	1.11	1	1.11	90
Elevators, hoists, cranes, etc	412	76.30	88	16.30	17	3.15	10	1.85	4	.74	9	1.67	540
Steam boilers, piping, explosions, etc	42	82.35	8	15.69							1	1.96	51
Explosions of dynamite, powder, etc	130	73.86	23	13.07	5	2.84	7	3.98	4	2.27	7	3.98	176
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc	281	86.20	41	12.58	2	.61			1	.31	1	.31	326
Electric current	24	63.16	8	21.05	4	10.53			1	2.63	1	2.63	38
Collapse, fall, etc., of material, etc	1,024	80.38	166	13.03	29	2.28	27	2.12	17	1.33	11	.86	1,274
Falls from ladders, stairs, scaffolding, etc., or into excavations	534	72.58	118	16.34	22	3.05	22	3.05	13	1.80	23	3.19	722
Falls on even surface	322	75.29	93	21.63	7	1.63	2	.47	1	.70	1	.23	429
Loading and unloading, lifting, carrying, etc	1,968	85.75	272	11.85	36	1.57	10	.44	7	.31	2	.09	2,295
Vehicles (run over by wagons, carts, etc.)	175	76.75	36	15.79	8	3.51	4	1.75	1	.44	4	1.75	228
Railway operation (runover, etc.)	519	64.88	177	22.13	41	5.13	31	3.88	19	2.38	13	1.63	800
Animals (kicks, bites, etc., and riding)	76	64.96	31	26.50	4	3.42	1	.85			5	4.27	117
Shipping and water transportation	47	65.27	2	2.78	1	1.39	2	2.78	4	5.56	16	22.22	72
Flying bodies, splinters, etc	962	90.41	77	7.24	14	1.32	6	.56	3	.28	2	.19	1,064
Hand tools and simple instruments	821	86.97	105	11.12	11	1.67	5	.83	1	.11	1	.11	944
Stepping on nails and similar sharp bodies	381	97.94	7	1.80			1	.26					389
Other causes	458	81.64	59	10.52	16	2.85	7	1.25	4	.71	17	3.03	561
Cause not reported	14	93.33	1	6.67									15
Total	8,702	81.11	1,454	13.55	233	2.17	139	1.30	84	.78	117	1.09	[2] 10,729

[1] Not including 262 cases, duration of disability not reported.
[2] Not including 147 cases, duration of disability not reported.

DURATION OF DISABILITY AND AMOUNT OF COMPENSATION.

The number and total and average cost of nonfatal compensated cases, by classified periods of disability, and also the total and average payments for fatal cases are given in detail in General Table VII. The following table shows in summary form what per cent of the aggregate cost of compensated cases was represented by

injuries of each classified duration. The average cost per case according to classified duration is also shown.

PER CENT OF TOTAL COST OF COMPENSATION PAID FOR EACH CLASSIFIED DURATION OF DISABILITY AND AVERAGE COST OF EACH COMPENSATED CASE, BY DURATION OF DISABILITY, FOR EACH FISCAL YEAR FROM 1908-9 TO 1912-13.

Duration of disability.	Per cent of total cost of compensation paid for each classified duration of disability.					Average cost of compensation per compensated case.				
	1908-9[1]	1909-10	1910-11	1911-12	1912-13	1908-9[1]	1909-10	1910-11	1911-12	1912-13
Over 15 but not over 21 days..	7.29	6.64	6.89	8.35	10.26	$40.06	$35.82	$35.86	$36.33	38.40
Over 21 but not over 28 days..	7.15	7.95	7.78	8.90	9.70	51.52	47.56	49.63	47.99	49.61
Over 28 but not over 35 days..	6.24	6.40	6.76	6.12	7.05	69.20	66.17	70.84	62.12	70.55
Over 35 but not over 42 days..	5.28	4.55	4.42	4.01	4.77	89.13	71.39	82.11	76.46	78.55
Over 42 but not over 49 days..	3.81	3.02	3.46	4.53	4.13	97.35	87.73	100.03	95.67	100.04
Over 49 but not over 56 days..	2.79	3.27	2.40	1.97	2.74	121.10	110.27	108.11	99.64	103.44
Over 56 but not over 63 days..	2.77	2.68	2.04	1.89	2.67	134.52	121.95	116.54	108.28	127.85
Over 63 but not over 70 days..	1.86	1.77	1.66	1.73	1.89	136.60	121.70	136.21	127.90	125.53
Over 70 but not over 77 days..	1.68	1.36	1.43	1.40	1.44	157.01	124.41	154.64	148.67	141.35
Over 77 but not over 84 days..	1.47	1.32	.71	1.49	2.15	222.69	153.83	144.98	171.01	205.89
Over 84 but not over 91 days..	1.76	.89	1.19	1.02	1.50	238.18	143.20	180.48	219.87	178.15
Over 91 but not over 119 days.	4.15	3.36	2.95	3.93	4.90	224.25	176.83	212.85	198.77	208.70
Over 119 but not over 147 days.	3.50	1.91	2.76	2.92	3.07	340.27	222.17	276.86	264.89	273.85
Over 147 but not over 182 days.	3.72	3.56	2.99	3.50	4.85	393.43	353.58	350.81	354.42	372.62
Over 182 but not over 365 days	11.80	20.11	18.21	19.71	16.79	716.39	817.22	728.38	635.20	626.93
Over 365 days but not permanent	6.23	4.14	9.38	8.95	8.68	721.23	820.67	713.62	660.25	773.74
Permanent	9.94	8.86	7.29	4.24	3.95	635.42	635.79	598.41	837.96	860.92
Total nonfatal cases	81.44	71.79	82.32	84.66	90.56	121.53	113.52	119.64	108.89	106.96
Fatal cases	18.56	18.21	17.68	15.34	9.44	704.48	633.15	595.05	681.31	661.12
Grand total	100.00	100.00	100.00	100.00	100.00	.....	.....	.....	.....	.....

[1] Eleven months.

The average amount of compensation per nonfatal case for the 11 months of 1908–9 and for the fiscal years 1909–10, 1910–11, 1911–12, and 1912–13 was $121.53, $113.52, $119.64, $108.89, and $106.96, respectively. For each of these five years the average amount paid in about one-third of the cases compensated was less than the yearly average. Nevertheless, as a result of the payment of full wages as compensation in the case of minor accidents and the discontinuance of compensation after the period of one year, the proportion of the total cost of the compensation system carried by the minor accidents is very high as compared with other systems of compensation. Roughly, the total cost for the five years reported was divided as follows: Fatal cases, 15.7 per cent; injuries lasting over 6 months, 31.5 per cent; injuries lasting over 3 but not over 6 months, 10.4 per cent; and those lasting not over 3 months (91 days), 42.4 per cent. Considering the number of compensated cases, those recovering within a week after payments accrued formed the largest single group in all years.

NATURE OF INJURY.

General Table VIII (pp. 182–190) of this report shows the number and percentage of accidents by nature of injury. Compensated and noncompensated cases are first shown separately, the Isthmian Canal

Commission and all other branches of service being distinguished, a third section showing totals.

In many cases the injuries were complicated and somewhat difficult to classify. Injuries to the lower extremities were most frequent during the first three years (32 per cent in the 11 months of 1908–9, 32.04 per cent in 1909–10, and 33.15 per cent in 1910–11), followed by those to the upper extremities (27.30 per cent in the 11 months of 1908–9, 29.30 per cent in 1909–10, and 29.52 per cent in 1910–11). During the last two years injuries to the upper extremities were more frequent than to the lower extremities, 31.51 per cent against 30.96 per cent in 1911–12 and 32.21 per cent against 32.11 in 1912–13. Injuries to the fingers and feet are most numerous, while injuries to the thighs and legs rank third for each year reported.

Although it is impossible to determine from this table the actual results of many of the injuries, it is obvious that where there is maiming there is a more or less serious permanent disability. For the period from August 1, 1908, to July 1, 1913, there were reported as nonfatal injuries 23 cases of loss of arm, 19 cases of loss of hand, 456 cases of loss of fingers, 64 cases of loss of one leg, 11 cases of loss of both legs, 31 cases of loss of one foot, 1 case of loss of both feet, 64 cases of loss of toes, 3 cases of loss of both eyes, and 59 cases of loss of one eye.

The table giving noncompensated cases shows that a number of serious injuries remained without compensation, at least as far as the action of this law is concerned, though a few may have been covered by the Railway Mail or Life-Saving Service provisions. Thus, of the nonfatal injuries reported from August 1, 1908, to July 1, 1913, there were 4 such cases of the loss of an arm, 2 cases of loss of hand, 85 cases of loss of fingers, 8 cases of loss of one leg, 3 cases of loss of both legs, 7 cases of loss of one foot, 1 case of loss of both feet, 14 cases of loss of toes, and 10 cases of loss of one eye. In addition, there were 188 fractures of the upper extremities, besides 204 fractures of fingers, 182 fractures of thigh or leg, 115 fractures of foot, 240 fractures of ribs, 22 fractures of skull, and 90 fractures of other bones or not clearly defined, for which nothing was received under this act.

NATURE OF INJURY AND DURATION OF DISABILITY.

The effect of the nature of injury upon the duration of disability may be studied in detail in general Table IX (pp. 191–249). The data are given separately for cases under the Isthmian Canal Commission, for all other cases, for compensated and noncompensated cases separately, and for all accidents.

In accordance with the provisions of the law, which contains no reference to permanent disability, the duration of disability is as-

sumed to be at an end when the injured person returns to his previous occupation or accepts work at a similar salary if not of like nature. It has already been noted that under this system only a part of the injuries leaving permanent, incurable effects and materially reducing the earning capacity of the employee are registered as permanent injuries. On the face of things, the loss of both legs, for instance, would for most if not all the persons coming under this act amount to permanent total disability. The reports show, however, that in 2 cases of this nature in 1910–11 such a classification was not made, and it can only be surmised that either the injured workman was given employment of some sort or that the report was furnished under a misapprehension.

While it is true that the law contemplates no following up of cases after the expiration of one year from the beginning of disability, an effort has been made to secure either a statement of fact as to recovery or an estimate as to the probable permanency of disability. The following table presents the cases of accident in which there was loss of a limb or other part of the body, showing the number of cases reported as permanent, compensated and noncompensated cases being shown separately:

NUMBER OF CASES OF LOSS OF LIMB OR OTHER PART OF BODY OCCURRING AND NUMBER REPORTED AS CAUSING PERMANENT DISABILITY FOR THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13.

Nature of injury.	Compensated.		Noncompensated.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.	
	Cases occurring.	Reported permanent.	Cases occurring.	Reported permanent.	Cases occurring.	Reported permanent.	Cases occurring.	Reported permanent.	Cases occurring.	Reported permanent.
1908–9.[1]										
Loss of arm	1	1	1	.....	2	1	2	1	.....	.....
Loss of hand	1	.....	1	.....	2	.....	.....	.....	2	.....
Loss of fingers	71	1	26	.....	97	1	53	1	44	.....
Loss of one leg	11	8	1	1	12	9	7	5	5	4
Loss of both legs	2	2	[2] 4	.....	[3] 6	2	[4] 5	2	[2] 1	.....
Loss of foot	8	3	1	.....	9	3	7	2	2	1
Loss of toes	3	.....	1	.....	4	.....	3	.....	1	.....
Loss of eye	9	.....	2	1	11	1	4	.....	7	1
Total	106	15	[3] 37	2	[3] 143	17	[4] 81	11	[4] 62	6
1909–10.										
Loss of arm	8	6	.....	.....	8	6	5	3	3	3
Loss of hand	5	2	.....	.....	5	2	2	1	3	1
Loss of fingers	113	3	21	.....	134	3	67	2	67	1
Loss of one leg	14	12	[5] 2	1	[6] 16	13	[6] 15	12	1	1
Loss of both legs	[5] 3	2	[4] 4	1	[7] 7	3	[6] 5	3	[2] 2	.....
Loss of foot	[5] 3	1	.....	.....	[5] 3	1	[5] 3	1	.....	.....
Loss of toes	14	1	3	.....	17	1	13	.....	4	1
Loss of eye	8	.....	2	.....	10	.....	5	.....	5	.....
Loss of both eyes	2	2	.....	.....	2	2	2	2	.....	.....
Total	[6] 170	29	[3] 32	2	[7] 202	31	[8] 117	24	[6] 85	7

[1] Eleven months.
[2] Fatal.
[3] Including 4 fatal.
[4] Including 3 fatal.
[5] Including 1 fatal.
[6] Including 2 fatal.
[7] Including 6 fatal.

NUMBER OF CASES OF LOSS OF LIMB OR OTHER PART OF BODY OCCURRING AND NUMBER REPORTED AS CAUSING PERMANENT DISABILITY FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13—Concluded.

Nature of injury.	Compensated.		Noncompensated.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.	
	Cases occurring.	Reported permanent.	Cases occurring.	Reported permanent.	Cases occurring.	Reported permanent.	Cases occurring.	Reported permanent.	Cases occurring.	Reported permanent.
1910-11.										
Loss of arm	5	3	[1] 3		[1] 8	3	[1] 6	2	2	1
Loss of hand	4	1			4	1	2		2	1
Loss of fingers	91	2	22		113	2	64	2	49	
Loss of one leg	[1] 19	14	4	3	[1] 23	18	[1] 19	14	4	4
Loss of both legs	[2] 5	2	[2] 3		[2] 8	2	[2] 8	2		
Loss of foot	4		3	1	7	1	6	1	1	
Loss of toes	13		8		21		15		6	
Loss of eye	14	3	2		16	3	10	1	6	2
Total	[4] 55	25	[4] 45	4	[5] 200	30	[5] 130	22	70	8
1911-12.										
Loss of arm	[1] 5	1	1		[1] 6	1	[1] 6	1		
Loss of hand	5	5			5	5	4	4	1	1
Loss of fingers	50	1	10		60	1	35		25	1
Loss of one leg	[1] 11	2	[1] 3		[2] 14	2	[1] 10		[1] 4	2
Loss of both legs	[1] 2	1	[2] 3		[4] 5	1	[4] 5	1		
Loss of foot	3		3		6		3		3	
Loss of both feet			1	1	1	1			1	1
Loss of toes	5		2		7		1		6	
Loss of eye	8		2		10		5		5	
Total	[4] 89	10	[4] 25	1	[6] 14	11	[6] 69	6	[1] 45	5
1912-13.										
Loss of arm	1	1			1	1	1	1		
Loss of hand	2	2	1		3	2			3	2
Loss of fingers	46		6		52		20		32	
Loss of one leg	[1] 4	1			[1] 4	1	1		[1] 3	1
Loss of foot	[1] 3	1			[1] 3	1	2		[1] 1	1
Loss of toes	15				15		4		11	
Loss of eye	10		2		12		4		8	
Loss of both eyes	1	1			1	1			1	1
Total	[2] 85	6	9		[2] 96	6	32	1	[2] 64	5

[1] Including 1 fatal.
[2] Including 2 fatal.
[3] Including 4 fatal.
[4] Including 3 fatal.
[5] Including 6 fatal.
[6] Including 5 fatal.

NATURE OF INJURY AND CAUSES OF ACCIDENTS REPORTED.

General Table X (pp. 250–291) of this report classifies all accidents reported according to the cause and nature of injury. It is of interest in showing the existing relation between cause and effect in industrial accidents and also furnishes data for estimating the comparative hazards of different industrial operations. As in other tables, the data are shown separately for the Canal Zone and all other branches of service.

While the data given in this table are insufficient to use as a basis for general conclusions, their accumulation through a series of years should be of considerable value. Injuries to the upper extremities were caused principally by power machinery, loading, unloading, etc.,

and by the use of hand tools, while the two principal causes of injuries to the lower extremities for each of the five years reported were the collapse, fall, etc., of materials, etc., and loading, unloading, carrying, etc. Flying bodies, splinters, etc., and inflammable, poisonous, etc., gases, vapors, etc., caused the most injuries to the eyes, and multiple injuries were due to railway operations and to falls to a larger extent than to any other cause.

NATURE OF INJURY AND AMOUNT OF COMPENSATION.

According to the act, the amount of compensation depends upon two factors—the rate of pay and the time incapacitated for work, and not at all upon the nature of injury, except as it influences the duration of disability. No compensation is allowed after the first year, regardless of the time incapacitated for work. Nevertheless, it is of interest to ascertain what relation there is, if any, between the nature of the injury and the amount of compensation paid. This is shown in detail in General Table XI, which gives the classified cost of nonfatal compensated cases, by nature of injury.

As appears from Table XI, in some cases very serious accidents have been compensated by less than $100, $50, and even $25. Thus, in the 11 months of 1908–9, in 15 cases of loss of fingers, 3 fractures of arm, and 1 fracture of leg, the injured persons received less than $25 each; in 18 cases of loss of finger or fingers, 7 fractures of arm, 1 fracture of leg, 10 fractures of ribs, and 1 loss of eye the compensation was from $25 to $50; for the loss of an arm between $300 and $400 was paid, while for the loss of both legs one person was paid between $300 and $400 and another received between $500 and $600. For the loss of an eye one employee was paid between $25 and $50 and another between $50 and $75, in 1910–11, while during the same year between $1,250 and $1,500 was paid in one case and $1,500 to $2,000 in another case of the same kind of an injury. During 1910–11 one employee received less than $250 for the loss of both legs, although in 3 cases over $2,000 was paid as compensation, in one case for a fractured rib, in one for a fracture of the bones of the foot, and in one for a fractured arm.

During the fiscal year 1911–12 compensation amounting to less than $25 was paid in the following cases: Three fractures of arm, 7 fractures of hand, 5 cases of loss of fingers, 3 fractures of ribs, 9 hernias, and 2 fractures of skull. Between $25 and $50 was paid in each case for 13 fractures of arms, 12 fractures of hand, 14 cases of loss of fingers, 7 fractures of legs, 16 fractures of ribs, 48 hernias, and 4 fractures of the skull. During this period less than $400 was paid as compensation for the loss of a right arm, and two employees each received less than $400 for the loss of the right hand. One case of loss of a leg

received between $200 and $250, while in 4 cases of loss of one leg and 1 case of loss of both legs between $300 and $400 was paid. Two cases of fractured arms, 1 case of fractured hand, and 1 of a fractured leg received over $2,000, while in 2 cases of loss of eye each received less than $150. In 1 case of loss of eye between $200 and $250 was paid, the largest amount paid for this injury being between $900 and $1,000 in one case.

For the year 1912–13, 2 cases of fractured arms, 3 fractures of the hand, 4 cases of the loss of fingers, 20 fractures of fingers, 1 fracture of the leg, and 2 fractures of the skull, received in each case less than $25 as compensation; and in each of 8 cases of fractured arms, 12 cases of fractures of the hand, 9 cases of loss of fingers, 47 cases of fractured fingers, 6 cases of fractured legs, 14 cases of fractured ribs, 33 cases of hernias, and 4 cases of the loss of an eye, between $25 and $50 was paid. One employee received between $500 and $600 for the loss of a right arm; 2 cases of loss of the hand were paid from $800 to $900, and $1,000 to $1,250, respectively; while for the loss of a leg one employee received from $700 to $800, another received from $800 to $900, and one was paid from $900 to $1,000. Compensation amounting to less than $1,000 was paid to one employee for the loss of both eyes.

The data from which Table XI (pp. 292–321) is made up are summarized in the table below, so as to show the total and average cost of the various cases according to the nature of the injury. The total and average compensation for each class of injuries is shown separately for the Isthmian Canal Commission and for all other branches of service. Although in the case of many injuries the number is so small that the averages obtained are without much significance, the information conveyed in the table is sufficient to show the very small amount of compensation paid in many cases of very serious injury, while on the other hand, very slight injuries sometimes give rise to payments of large sums. As the compensation during disability amounts to the "same pay" the employee would have received if he had continued to be employed, the controlling factor is in one aspect the rate of pay, since two employees may suffer an injury of the same kind and the term of disability be approximately the same, while one may be receiving 10 cents per hour and the other 60 cents or more per hour.

NUMBER OF COMPENSATED CASES OF NONFATAL INJURIES AND AGGREGATE AND AVERAGE COMPENSATION FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY.

1908-9.[1]

Nature of injury.	Isthmian Canal Commission.			All other departments, services, and establishments.			Total compensated cases.		
	Number of cases.	Compensation.		Number of cases.	Compensation.		Number of cases.	Compensation.	
		Amount.	Average.		Amount.	Average.		Amount.	Average.
Upper extremities:									
Loss of either arm, not specified	1	$300.25	$300.25	.....	.....	.....	1	$300.25	$300.25
Fracture of arm or forearm	19	2,423.48	127.55	16	$3,477.14	$217.32	35	5,900.62	168.59
Other injuries to either arm or forearm	16	3,192.28	199.52	20	4,085.70	204.29	36	7,277.98	202.17
Loss of hand, not specified	.....	.....	.....	1	73.50	73.50	1	73.50	73.50
Fractures of bones of hand	7	365.98	52.28	6	555.15	92.53	13	921.13	70.86
Other injuries to hand	29	1,863.37	64.25	66	5,394.98	81.74	95	7,258.35	76.40
Loss of 1 finger, right hand	7	405.74	57.96	.....	.....	.....	7	405.74	57.96
Loss of 1 finger, left hand	2	158.85	79.43	1	58.08	58.08	3	216.93	72.31
Loss of more than 1 finger, right hand	4	710.92	177.73	.....	.....	.....	4	710.92	177.73
Loss of more than 1 finger, left hand	.....	.....	.....	1	74.76	74.76	1	74.76	74.76
Either hand, not specified	28	2,000.60	71.45	28	3,444.95	123.03	56	5,445.55	97.24
Fracture of fingers	44	2,541.56	57.76	38	2,696.05	70.95	82	5,237.61	63.87
All other injuries to fingers	62	2,291.94	36.97	122	10,837.83	88.83	184	13,129.77	71.36
All other injuries to upper extremities	11	1,163.80	105.80	33	4,559.39	138.16	44	5,723.19	130.07
Lower extremities:									
Loss of either leg	7	2,922.08	417.44	4	2,755.06	688.77	11	5,677.14	516.10
Loss of both legs	2	886.19	443.10	.....	.....	.....	2	886.19	443.10
Fracture of either thigh	11	3,158.60	288.69	5	2,069.98	414.00	16	5,223.58	326.47
Fracture of either leg	24	6,787.11	282.80	25	9,352.29	374.09	49	16,139.40	329.38
Fracture of both thighs or legs	1	563.40	563.40	1	420.00	420.00	2	983.40	491.70
Other injuries to thigh or leg	81	8,923.90	110.17	47	7,863.77	167.31	128	16,787.67	131.15
Loss of foot	6	2,044.30	340.72	2	807.28	403.64	8	2,851.58	356.45
Fracture of bones of foot	51	6,363.93	124.78	39	3,728.83	95.61	90	10,092.76	112.14
Other injuries to foot	82	4,272.81	52.11	90	7,434.37	82.60	172	11,707.18	68.07
Loss of toe or toes	3	230.72	76.91	.....	.....	.....	3	230.72	76.91
All other injuries to lower extremities	37	4,653.33	125.77	63	8,397.50	133.29	100	13,050.83	130.51
Combined injuries to upper and lower extremities:									
Including the loss of any part	1	273.60	273.60	.....	.....	.....	1	273.60	273.60
Including fractures	3	471.38	157.13	3	930.96	310.32	6	1,402.34	233.72
All other injuries to the extremities	5	329.00	65.80	8	907.45	113.43	13	1,236.45	95.11
Trunk:									
Fracture of rib	10	811.49	81.15	30	3,996.80	133.23	40	4,808.29	120.21
Other chest injuries	5	409.20	81.84	13	3,647.60	280.58	18	4,056.80	225.38
Injuries to back	15	2,553.14	170.21	33	4,312.00	130.67	48	6,865.14	143.02
Hernias	42	3,624.02	86.29	19	3,368.03	177.26	61	6,992.05	114.62
Other abdominal injuries	6	544.45	90.74	6	595.13	99.19	12	1,139.58	94.97
All other injuries to trunk	14	1,374.80	98.20	41	4,399.16	107.30	55	5,773.96	104.98
Eyes:									
Loss of either eye	4	382.04	95.51	5	951.34	190.27	9	1,333.38	148.15
Other injuries to either eye	20	2,929.69	146.48	43	3,959.69	92.09	63	6,889.38	109.36
Other injuries to both eyes	.....	.....	.....	1	80.00	80.00	1	80.00	80.00

[1] Eleven months.

NUMBER OF COMPENSATED CASES OF NONFATAL INJURIES AND AGGREGATE AND AVERAGE COMPENSATION FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

1908-9—Concluded.

Nature of injury.	Isthmian Canal Commission.			All other departments, services, and establishments.			Total compensated cases.		
	Number of cases.	Compensation.		Number of cases.	Compensation.		Number of cases.	Compensation.	
		Amount.	Average.		Amount.	Average.		Amount.	Average.
Head:									
Fracture of skull	2	$154.30	$77.15	1	$1,003.68	$1,003.68	3	$1,157.98	$385.99
Fracture of other bones	3	136.66	45.55	5	1,308.40	261.68	8	1,445.06	180.63
Concussion of brain without fracture	1	22.00	22.00	4	373.64	93.41	5	395.64	79.13
All other injuries to head	8	338.07	42.26	25	1,315.17	52.61	33	1,653.24	50.10
Neck: All injuries				3	762.76	254.25	3	762.76	254.25
Miscellaneous:									
Internal injuries	1	33.60	33.60	6	806.11	134.35	7	839.71	119.96
Poisoning				1	124.00	124.00	1	124.00	124.00
All other (including multiple injuries)	41	6,388.84	155.83	55	7,459.42	135.63	96	13,848.26	144.25
Not reported	1	260.83	260.83	1	115.28	115.28	2	376.11	188.06
Total	717	79,257.25	110.54	911	118,503.23	130.08	1,628	197,760.48	121.47

1909-10.

Upper extremities:									
Loss of right arm	3	$810.52	$270.17	1	$1,348.00	$1,348.00	4	$2,158.52	$539.63
Loss of either arm, not specified	2	762.21	381.11	2	1,250.25	625.13	4	2,012.46	503.12
Fracture of arm or forearm	30	4,739.29	157.98	20	3,834.60	191.73	50	8,573.89	171.48
Other injuries to either arm or forearm	26	4,876.47	187.56	32	2,660.53	83.14	58	7,537.00	129.95
Loss of right hand				2	361.57	180.79	2	361.57	180.79
Loss of either hand, not specified	2	531.88	265.94	1	14.82	14.82	3	546.70	182.23
Fracture of bones of hand	24	1,745.99	72.75	11	1,308.40	118.95	35	3,054.39	87.27
Other injuries to hand	70	3,209.84	45.85	99	6,644.66	67.12	169	9,854.50	58.31
Loss of 1 finger, right hand	26	3,846.58	147.95	11	768.40	69.85	37	4,614.98	124.73
Loss of 1 finger, left hand	16	782.94	48.93	28	3,227.65	115.27	44	4,010.59	91.15
Loss of more than 1 finger, right hand	6	656.56	109.43	4	1,017.89	254.47	10	1,674.45	167.45
Loss of more than 1 finger, left hand	5	418.65	83.73	9	2,296.80	255.20	14	2,715.45	193.96
Loss of finger or fingers, both hands, or either hand, not specified	5	151.67	30.33	3	97.34	32.45	8	249.01	31.13
Fracture of fingers	63	5,930.53	94.14	56	4,961.29	88.59	119	10,891.82	91.53
All other injuries to fingers	83	3,714.22	44.75	192	15,976.18	83.21	275	19,690.40	71.60
All other injuries to upper extremities	8	1,386.25	173.28	15	1,256.59	83.77	23	2,642.84	114.91
Lower extremities:									
Loss of either leg	13	8,994.76	691.90	1	162.76	162.76	14	9,157.52	654.11
Loss of both legs	2	858.42	429.21				2	858.42	429.21
Fracture of either thigh	5	1,182.54	236.51	4	3,500.14	875.04	9	4,682.68	520.30
Fracture of either leg	39	10,391.50	266.45	20	7,424.40	371.22	59	17,815.90	301.96
Fracture of both thighs or legs				1	602.40	602.40	1	602.40	602.40
Other injuries to thigh or leg	121	12,654.90	105.24	128	13,402.13	104.70	249	26,257.03	105.45
Loss of foot	2	533.15	266.58				2	533.15	266.58
Fracture of bones of foot	68	6,604.51	97.13	48	6,636.28	138.26	116	13,240.79	114.14
Other injuries to foot	123	7,097.11	57.70	206	15,454.45	75.02	329	22,551.56	68.55
Loss of toe or toes	11	1,198.93	108.99	3	824.99	275.00	14	2,023.92	144.57
All other injuries to lower extremities	16	2,365.75	147.86	9	975.83	108.43	25	3,341.58	133.66

NUMBER OF COMPENSATED CASES OF NONFATAL INJURIES AND AGGREGATE AND AVERAGE COMPENSATION FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

1909-10—Concluded.

Nature of injury.	Isthmian Canal Commission.			All other departments, services, and establishments.			Total compensated cases.		
	Number of cases.	Compensation.		Number of cases.	Compensation.		Number of cases.	Compensation.	
		Amount.	Average.		Amount.	Average.		Amount.	Average.
Combined injuries to upper and lower extremities:									
Including loss of any part	1	$52.60	$52.60				1	$52.60	$52.60
Including fractures	1	52.50	52.50	1	$477.12	$477.12	2	529.62	264.81
All other injuries to the extremities	6	584.37	97.40	8	422.39	52.80	14	1,006.76	71.91
Trunk:									
Fracture of rib	15	1,349.51	89.97	37	3,868.05	104.54	52	5,217.56	100.34
Other chest injuries	18	1,087.43	60.41	6	406.33	67.72	24	1,493.76	62.24
Injuries to back	20	1,548.89	77.44	39	6,310.09	162.57	59	7,858.98	133.71
Hernias	92	9,978.40	108.46	26	3,880.00	149.23	118	13,858.40	117.44
Other abdominal injuries	5	517.80	103.56	3	272.50	90.83	8	790.30	98.79
All other injuries to trunk	7	429.09	61.30	45	5,157.93	114.62	52	5,587.02	107.44
Eyes:									
Loss of either eye	5	3,348.90	669.78	3	263.33	87.78	8	3,612.23	451.53
Other injuries to either eye	37	1,959.54	52.96	55	5,271.55	95.85	92	7,231.09	78.60
Loss of both eyes	2	792.20	396.10				2	792.20	396.10
Other injuries to both eyes	4	1,337.66	334.42	3	182.96	60.99	7	1,520.62	217.23
Head:									
Fracture of skull	7	1,235.82	176.55	4	1,594.80	398.70	11	2,830.62	257.33
Fracture of other bones	7	499.22	71.32	1	109.00	109.00	8	608.22	76.03
Concussion of brain without fracture	2	314.64	157.32	6	1,035.34	172.56	8	1,349.98	168.75
All other injuries to head	20	2,544.48	127.22	58	5,363.06	92.47	78	7,907.54	101.38
Neck, all injuries	2	122.80	61.40	2	1,330.66	665.33	4	1,453.46	363.37
Miscellaneous:									
Internal injuries	1	356.07	356.07	5	2,503.64	500.73	6	2,859.71	476.62
Poisoning				2	66.88	33.44	2	66.88	33.44
All other (including multiple injuries)	84	14,153.39	168.49	113	13,184.03	116.67	197	27,337.42	138.77
Not reported				2	193.80	96.90	2	193.80	96.90
Total	1,105	127,910.48	115.76	1,325	147,931.81	111.65	2,430	275,842.29	113.52

1910-11.

Upper extremities:									
Loss of right arm	2	$818.51	$409.26	2	$1,503.92	$751.96	4	$2,322.43	$580.61
Loss of either arm, not specified	1	191.52	191.52				1	191.52	191.52
Fracture of arm or forearm	39	6,525.02	167.30	22	4,160.42	189.11	61	10,685.44	175.17
Other injuries to either arm or forearm	31	4,632.65	149.44	49	3,895.98	79.51	80	8,528.63	106.60
Loss of right hand				2	745.00	372.50	2	745.00	372.50
Loss of either hand, not specified	1	192.15	192.15				1	192.15	192.15
Fracture of bones of hand	23	2,840.62	123.51	10	1,059.83	105.98	33	3,900.45	118.20
Other injuries to hand	53	2,504.25	47.25	124	10,247.64	82.64	177	12,751.89	72.04
Loss of 1 finger, right hand	17	1,046.21	61.54	13	2,031.80	156.29	30	3,078.01	102.60
Loss of 1 finger, left hand	20	869.48	43.47	10	1,924.62	192.46	30	2,794.10	93.14
Loss of more than 1 finger, right hand	10	1,208.53	120.85	4	237.82	59.46	14	1,446.35	103.31
Loss of more than 1 finger, left hand	9	2,084.02	231.56	4	596.70	149.18	13	2,680.72	206.21
Loss of finger or fingers, both hands, or either hand, not specified				4	698.73	174.68	4	698.73	174.68

NUMBER OF COMPENSATED CASES OF NONFATAL INJURIES AND AGGREGATE AND AVERAGE COMPENSATION FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

1910-11—Concluded.

Nature of injury.	Isthmian Canal Commission.			All other departments, services, and establishments.			Total compensated cases.		
	Number of cases.	Compensation.		Number of cases.	Compensation.		Number of cases.	Compensation.	
		Amount.	Average.		Amount.	Average.		Amount.	Average.
Upper extremities—Con.									
Fracture of fingers	81	$4,044.80	$49.94	90	$7,457.97	$82.87	171	$11,502.77	$67.27
All other injuries to fingers	154	6,325.74	41.08	232	18,458.46	79.56	386	24,784.20	64.21
All other injuries to upper extremities	1	33.04	33.04	22	1,544.72	70.21	23	1,577.76	68.60
Lower extremities:									
Loss of either leg	15	6,849.98	456.66	3	1,211.38	403.79	18	8,061.31	447.85
Loss of both legs	3	1,132.21	377.40	.....	.....	.....	3	1,132.21	377.40
Fracture of either thigh	5	1,605.72	321.14	4	3,297.21	824.30	9	4,902.93	544.77
Fracture of either leg	62	20,654.36	333.13	37	14,505.41	392.04	99	35,159.77	355.15
Fracture of both thighs or legs	.....	.....	.....	1	702.24	702.24	1	702.24	702.24
Other injuries to thigh or leg	140	14,713.88	105.10	122	10,534.73	86.35	262	25,248.61	96.37
Loss of foot	3	483.40	161.13	1	248.25	248.25	4	731.65	182.91
Fracture of bones of foot	71	11,361.03	160.01	73	11,778.77	161.35	144	23,139.80	160.69
Other injuries to foot	173	12,845.65	74.25	237	23,690.06	99.96	410	36,535.71	89.11
Loss of toe or toes	9	573.94	63.77	4	695.10	173.78	13	1,269.04	97.62
All other injuries to lower extremities	8	503.55	62.94	14	2,020.43	144.32	22	2,523.98	114.73
Combined injuries to upper and lower extremities:									
Including fractures	.....	.....	.....	3	1,843.74	614.58	3	1,843.74	614.58
All other injuries to the extremities	6	610.19	101.70	9	1,636.21	181.80	15	2,246.40	149.76
Trunk:									
Fracture of rib	13	2,900.62	223.12	30	2,047.19	68.24	43	4,947.81	115.07
Other chest injuries	11	680.48	61.86	4	759.06	189.77	15	1,439.54	95.97
Injuries to back	15	3,682.94	245.53	55	6,957.52	126.50	70	10,640.46	152.00
Hernias	105	7,794.55	74.23	27	3,964.34	146.83	132	11,758.89	89.08
Other abdominal injuries	6	625.96	104.33	5	346.69	69.34	11	972.65	88.42
All other injuries to trunk	32	5,234.80	163.59	92	10,989.27	119.45	124	16,224.07	130.84
Eyes:									
Loss of either eye	9	5,504.87	611.65	4	1,837.67	459.42	13	7,342.54	564.81
Other injuries to either eye	31	4,795.36	154.68	61	6,010.99	98.54	92	10,806.35	117.46
Other injuries to both eyes	4	553.82	139.71	7	337.56	48.22	11	896.38	81.49
Head:									
Fracture of skull	6	1,470.26	245.04	7	1,711.32	244.47	13	3,181.58	244.74
Fracture of other bones	4	187.41	46.85	1	37.75	37.75	5	225.16	45.03
All other injuries to head	16	934.26	58.39	45	3,301.19	73.36	61	4,235.45	69.43
Neck: All injuries	1	150.80	150.80	1	91.96	91.96	2	242.76	121.38
Miscellaneous:									
Internal injuries	2	228.70	114.35	8	1,447.92	180.94	10	1,676.22	167.62
All other, including multiple injuries	83	15,310.49	184.46	106	15,150.10	142.92	189	30,460.59	161.17
Not reported	1	1,627.60	1,627.60	1	46.75	46.75	2	1,674.35	837.18
Total	1,276	156,338.32	122.52	1,550	181,764.02	117.27	2,826	338,102.34	119.22

1911-12.

Upper extremities:									
Loss of right arm	2	$1,938.05	$969.03	.....	.....	.....	2	$1,938.05	$969.03
Loss of either arm, not specified	2	819.50	409.75	.....	.....	.....	2	819.50	409.75
Fracture of arm or forearm	40	10,104.43	252.61	28	5,363.66	$191.56	68	15,468.09	227.47
Other injuries to either arm or forearm	34	2,265.89	66.64	53	4,518.12	85.25	87	6,784.01	77.98
Loss of right hand	4	1,690.96	422.74	.....	.....	.....	4	1,690.96	422.74

NUMBER OF COMPENSATED CASES OF NONFATAL INJURIES AND AGGREGATE AND AVERAGE COMPENSATION FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

1911-12—Continued.

Nature of injury.	Isthmian Canal Commission.			All other departments, services, and establishments.			Total compensated cases.		
	Number of cases.	Compensation.		Number of cases.	Compensation.		Number of cases.	Compensation.	
		Amount.	Average.		Amount.	Average.		Amount.	Average.
Upper extremities—Con.									
Loss of either hand, not specified				1	$600.00	$600.00	1	$600.00	$600.00
Fracture of bones of hand	27	$3,610.44	$133.72	14	4,686.42	334.74	41	8,296.86	202.36
Other injuries to hand	78	5,982.48	76.70	151	12,839.65	85.03	229	18,822.13	82.19
Loss of 1 finger, right hand	12	1,053.25	87.77	7	1,110.05	158.57	19	2,163.30	113.86
Loss of 1 finger, left hand	11	746.85	67.90	8	1,986.40	248.30	19	2,733.25	143.86
Loss of more than 1 finger, right hand	5	1,355.61	271.12	1	393.25	393.25	6	1,748.86	291.48
Loss of more than 1 finger, left hand	2	328.21	164.11	1	51.25	51.25	3	379.46	126.49
Loss of finger or fingers, both hands, or either hand, not specified	3	1,683.53	561.18				3	1,683.53	561.18
Fracture of fingers	64	4,932.43	77.07	55	6,070.58	110.37	119	11,003.01	92.46
All other injuries to fingers	289	12,048.71	41.69	386	28,792.85	74.59	675	40,841.56	60.51
All other injuries to upper extremities	13	784.17	60.32	21	3,966.33	188.87	34	4,750.50	139.72
Lower extremities:									
Loss of either leg	7	2,843.33	406.19	3	2,605.82	868.61	10	5,449.15	544.92
Loss of both legs	1	361.00	361.00				1	361.00	361.00
Fracture of either thigh	9	3,830.88	425.65	5	2,893.59	578.72	14	6,724.47	480.32
Fracture of either leg	62	16,491.37	265.99	31	8,744.81	282.09	93	25,236.18	271.36
Fracture of both thighs or legs	2	530.00	265.00	2	1,078.96	539.48	4	1,608.96	402.24
Other injuries to thigh or leg	127	12,843.43	101.13	195	22,935.96	117.62	322	35,779.39	111.12
Loss of foot	2	1,721.98	860.99	1	620.50	620.50	3	2,342.48	780.83
Fracture of bones of foot	23	4,554.68	198.03	16	2,161.14	135.07	39	6,715.82	172.20
Other injuries to foot	180	12,251.09	68.06	228	17,004.62	74.58	408	29,255.71	71.71
Loss of toe or toes	1	73.60	73.60	4	727.98	181.99	5	801.58	160.32
All other injuries to lower extremities	95	5,524.65	58.15	157	11,946.98	76.10	252	17,471.63	69.33
Combined injuries to upper and lower extremities:									
Including fractures	1	53.87	53.87	1	105.32	105.32	2	159.19	78.60
All other injuries to the extremities	14	1,102.34	78.74	8	508.87	63.61	22	1,611.21	73.24
Trunk:									
Fracture of rib	14	810.90	57.92	30	3,142.69	104.76	44	3,953.59	89.85
Other chest injuries	23	2,022.03	87.91	46	5,392.07	117.22	69	7,414.10	107.45
Injuries to back	18	1,208.75	67.15	73	7,121.32	97.55	91	8,330.07	91.54
Hernias	81	5,317.35	65.65	31	5,930.79	191.32	112	11,248.14	100.43
Other abdominal injuries	1	420.00	420.00	6	500.66	83.44	7	920.66	131.52
All other injuries to trunk	28	5,256.28	187.72	87	11,865.76	136.39	115	17,122.04	148.89
Eyes:									
Loss of either eye	4	1,951.98	488.00	4	1,131.40	282.85	8	3,083.38	385.42
Other injuries to either eye	42	4,415.27	105.13	56	6,170.88	110.19	98	10,586.15	108.02
Other injuries to both eyes	1	13.30	13.30	7	1,535.36	219.34	8	1,548.66	193.58
Head:									
Fracture of skull	12	2,562.36	213.53	4	791.58	197.90	16	3,353.94	209.62
Fracture of other bones	6	676.97	112.83	1	145.34	145.34	7	822.31	117.47
Concussion of brain without fracture	4	1,809.09	452.27	4	1,601.17	400.29	8	3,410.26	426.28
All other injuries to head	17	1,427.22	83.95	41	2,198.11	53.61	58	3,625.33	62.51
Neck: All injuries	1	17.75	17.75	2	125.23	62.62	3	142.98	47.66

NUMBER OF COMPENSATED CASES OF NONFATAL INJURIES AND AGGREGATE AND AVERAGE COMPENSATION FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

1911-12—Concluded.

Nature of injury.	Isthmian Canal Commission.			All other departments, services, and establishments.			Total compensated cases.		
	Number of cases.	Compensation.		Number of cases.	Compensation.		Number of cases.	Compensation.	
		Amount.	Average.		Amount.	Average.		Amount.	Average.
Miscellaneous:									
Internal injuries	3	$233.98	$77.99	3	$175.40	$58.47	6	$409.38	$68.23
Poisoning	.....	.....	.....	4	235.96	58.99	4	235.96	58.99
All other (including multiple injuries)	100	13,330.14	133.30	142	25,592.58	180.23	242	38,922.72	160.84
Total	1,465	153,000.10	104.44	1,918	215,369.41	112.29	3,383	368,369.51	108.89

1912-13.

Nature of injury.	Isthmian Canal Commission.			All other departments, services, and establishments.			Total compensated cases.		
	Number of cases.	Compensation.		Number of cases.	Compensation.		Number of cases.	Compensation.	
		Amount.	Average.		Amount.	Average.		Amount.	Average.
Upper extremities:									
Loss of right arm	1	$541.50	$541.50	.....	.....	.....	1	$541.50	$541.50
Fracture of arm or forearm	13	1,360.34	104.64	45	$10,222.93	$227.18	58	11,583.27	199.71
Other injuries to either arm or forearm	20	1,511.78	75.59	89	8,970.87	100.80	109	10,482.65	96.17
Loss of left hand, or not specified	.....	.....	.....	2	2,073.76	1,036.88	2	2,073.76	1,036.88
Fractures of bones of hand	28	3,427.47	122.41	15	1,965.84	131.06	43	5,393.31	125.43
Other injuries to hand	50	3,358.14	67.16	173	12,626.15	72.98	223	15,984.29	71.68
Loss of 1 finger, right hand	11	699.39	63.58	12	3,039.78	253.31	23	3,739.12	162.57
Loss of 1 finger, left hand	6	678.62	113.10	12	1,666.35	138.86	18	2,344.97	130.28
Loss of more than 1 finger, left hand	.....	.....	.....	2	367.98	183.99	2	367.98	183.99
Loss of finger or fingers, both hands or either hand, not specified	3	194.50	64.83	.....	.....	.....	3	194.50	64.83
Fracture of fingers	68	4,374.34	64.33	74	8,681.69	117.32	142	13,056.03	91.94
All other injuries to fingers	182	8,668.17	47.63	474	32,883.18	69.37	656	41,551.35	63.37
All other injuries to upper extremities	12	814.97	67.91	21	1,417.76	67.51	33	2,232.73	67.66
Lower extremities:									
Loss of either leg	1	747.91	747.91	2	1,708.80	854.40	3	2,456.71	818.90
Fracture of either thigh	3	1,660.84	553.61	10	7,565.98	756.60	13	9,226.82	709.76
Fracture of either leg	45	12,533.56	278.53	52	19,052.61	366.40	97	31,586.16	325.63
Fracture of both thighs or legs	1	518.80	518.80	.....	.....	.....	1	518.80	518.80
Other injuries to thigh or leg	82	6,767.28	82.53	191	23,217.97	121.56	273	29,985.25	109.84
Loss of foot	2	990.15	495.08	5	2,954.73	590.95	7	3,944.88	563.55
Fracture of bones of foot	22	2,953.50	134.48	31	5,898.91	190.29	53	8,857.41	167.12
Other injuries to foot	110	6,845.49	62.23	238	18,502.54	77.74	348	25,348.03	72.84
Loss of toe or toes	4	223.86	55.97	11	1,640.43	149.13	15	1,864.29	124.29
All other injuries to lower extremities	69	4,337.73	62.87	160	10,948.50	68.43	229	15,286.23	66.75
Combined injuries to upper and lower extremities:									
Including the loss of any part	1	355.68	355.68	.....	.....	.....	1	355.68	355.68
Including fractures	4	472.92	118.23	2	844.19	422.10	6	1,317.11	219.52
All other injuries to the extremities	10	911.87	91.19	19	1,596.16	84.01	29	2,508.03	86.48
Trunk:									
Fracture of rib	10	841.80	84.18	53	6,830.15	128.87	63	7,671.95	121.78
Other chest injuries	12	829.31	69.11	52	5,126.36	98.58	64	5,955.67	93.06
Injuries to back	10	818.44	81.84	105	10,944.65	104.23	115	11,763.09	102.29
Hernias	57	3,261.54	57.22	43	5,728.42	133.22	100	8,989.96	89.90
Other abdominal injuries	6	860.82	143.47	13	944.21	72.63	19	1,805.03	95.00
All other injuries to trunk	16	1,811.64	113.23	77	6,402.06	83.14	93	8,213.70	88.32

NUMBER OF COMPENSATED CASES OF NONFATAL INJURIES AND AGGREGATE AND AVERAGE COMPENSATION FOR THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Concluded.

1912-13—Concluded.

Nature of injury.	Isthmian Canal Commission.			All other departments, services, and establishments.			Total compensated cases.		
	Number of cases.	Compensation.		Number of cases.	Compensation.		Number of cases.	Compensation.	
		Amount.	Average.		Amount.	Average.		Amount.	Average.
Eyes:									
Loss of either eye	4	$473.81	$118.45	6	$3,371.69	$561.95	10	$3,845.50	$384.55
Other injuries to either eye	25	4,199.57	167.98	83	6,866.41	82.73	108	11,065.98	102.46
Loss of both eyes	.....	.....	.....	1	905.00	905.00	1	905.00	905.00
Other injuries to both eyes	1	88.30	88.30	5	289.44	57.89	6	377.74	62.96
Head:									
Fracture of skull	6	860.28	143.38	8	1,741.75	217.72	14	2,602.03	185.86
Fracture of other bones	3	511.89	170.63	7	371.87	53.12	10	883.76	88.38
Concussion of brain, without fracture	1	17.81	17.81	10	4,169.25	416.93	11	4,187.06	380.64
All other injuries to head	14	955.82	68.27	57	3,791.74	66.52	71	4,747.56	66.87
Neck, all injuries	2	85.50	42.75	6	358.48	59.75	8	443.98	55.50
Miscellaneous:									
Internal injuries	8	844.56	105.57	7	1,801.68	257.38	15	2,646.24	176.42
Poisoning	.....	.....	.....	3	290.60	96.87	3	290.60	96.87
All other (including multiple injuries)	66	11,117.60	168.45	148	24,052.43	162.52	214	35,170.03	164.35
Not reported	7	736.25	105.18	.....	.....	.....	7	736.25	105.18
Total	996	93,268.74	93.64	2,324	261,833.25	112.66	3,320	355,101.99	106.96

Despite the evident incompleteness of the act of May 30, 1908, as a remedial provision for all conditions resulting from injuries to employees of the United States, it is none the less clear that it is in large measure beneficial. This appears from the statistical account of its operations as well as from a consideration of the interpretation which it has received from the officers charged with that duty. As a first application of the principle of compensation in this field, the act was necessarily in some degree tentative, as is shown both by the amendments which it has received and by the consideration already given to the subject of complete new drafts of bills for the compensation of civilian employees of the United States, such bills having been introduced and given consideration in both Houses of Congress. A secondary effect of the enactment of the law has been the partial acceptance of the rate of compensation fixed therein as a standard in cases of special acts passed for the relief of individual claimants not provided for by this act; and here, again, appears a disposition favorable to an extension of the act and an adjustment of the scale of benefits to a more equable scheme of compensation than can be provided for by a law that takes note of no disability other than total and makes one year's wages the maximum of benefits, since in serious cases before Congress there is a noticeable disposition to enlarge the

allowances to meet conditions. But whether the present act be considered as a basis for amendment or as a point of departure in the enactment of new legislation, the results of the experience under it for its first five years of operation are undoubtedly of value in determining in what direction such amendment or new legislation shall proceed.

RECENT PROPOSAL FOR AMENDMENT AND EXTENSION OF COMPENSATION LAW.

During the second session of the Sixty-third Congress (on April 21, 1914) the Committee on the Judiciary made a favorable report on H. R. 15222, Union Calendar No. 181, entitled "A bill to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes," a copy of which appears in the appendix of this report. This bill provides that compensation on account of injury shall be 66⅔ per cent of the loss of wage-earning capacity, beginning with the fourth day of disability, and provides for more liberal payments in cases of fatal accidents. The maximum amount of compensation which may be paid in any one case is $66.66 per month, and, as the title of the bill indicates, compensation is paid for incapacity due to occupational diseases as well as to accidents. The bill also provides that the United States shall furnish necessary medical, surgical, and hospital services and supplies, in addition to the above compensation.

The bill as reported covers all employees of the United States and of the Panama Railroad. This enlarges the scope of the proposed protection as furnished by the present law from approximately 95,000 to a number at least four times as great. The enlargement, however, is made by the inclusion of a large number of persons engaged in what are usually designated as nonhazardous employments, including the clerical service in the District of Columbia and in post offices and customhouses throughout the country. Injuries in the course of employment to this class of persons are, according to reports received, very infrequent, so that the number of accidents to be compensated would not be increased in the proportion indicated by the number of persons affected by the proposed legislation. The fact remains, however, that such injuries as do occur work the same hardship in the loss of wage income in employments of this class as if accidents were more frequent, and as the law now stands they are without redress in the absence of special acts of Congress, no suits lying against the Government.

An effort has been made to estimate the additional number of accidents under a law covering disability beginning with the fourth day instead of with the sixteenth as is the case with the present law,

and also covering all employees of the United States instead of the present limited number. It is estimated that of 4,662 accidents reported during the year ending June 30, 1912, not including the Canal Zone, 3,480 were to workmen included under the present act and 1,182 were to workmen not so included. Of the total number of accidents 543 were reported as causing disability for not more than three days, while 1,321 caused disability continuing for more than three but not more than 15 days. Considering the number of persons added by reason of the inclusion of all the employees and the number of cases added by reason of the inclusion of the period of 3 to 15 days, it appears that the number of claims would be approximately doubled. However, 1,321 of these cases would be for the period falling between 3 and 15 days, so that the larger part of 2,007 cases which would have been added in 1912 would increase the amount of compensation paid only by the addition of short-term benefits.

Reports for the year 1913 disclose practically the same proportionate results. It is estimated that under the bill H. R. 15222 there might have been 2,100 additional cases, but of these 1,464 would have been for periods varying from 3 to 15 days.

The further consideration remains that the proposed bill provides continuing payments in cases of death and permanent disability, while the present act limits compensation to one year as a maximum. By reason of this provision of the present law the data relative to continuing disabilities are not so trustworthy as would be the case if the injuries were followed up for the purpose of compensation for longer periods. Reports were requested, however, for all injuries resulting in total disability beyond 365 days. Omitting the Canal Zone, in 1912 there were 79 such cases reported, and in 1913 there were 66 such cases. There were, besides these, 121 deaths in 1912 and 102 in 1913. This makes a total of 200 continuing cases by death or disability for 1912 and 168 for 1913, or less than 5 per cent of the total number of cases for the first year and less than 4 per cent for the second year. These figures are corroborated by the data for 1909–10. Omitting the Canal Zone, 3.92 per cent were fatal during that year, while in 1910–11, 2.68 per cent were fatal. Add to this the number of cases reported as extending beyond 365 days, and it makes a total of 5.38 per cent of all cases in 1909–10 calling for compensation beyond one year, while in 1910–11 this number amounted to 4.19 per cent of the total.

Permanent partial disability caused by maiming must be considered also in this connection, and for the year 1909–10, 8 per cent of all claims allowed were for cases in which there was some degree of maiming; in 1910–11 the number of cases of maiming amounted to 7 per cent of the compensated cases for the year. In view of the fact that the larger percentage of the cases of maiming are losses of fingers

or parts of fingers, which in many cases would not cause a reduction of wages, and therefore would give rise to no prolonged compensation payments, an estimate of 10 per cent of all accidents as giving rise to continuing disabilities seems to be a liberal one so far as can be determined from the data secured during the administration of the act of May 30, 1908.

As to the inclusion of occupational diseases in the proposed bill, but little experience is available. Cases of lead poisoning and of "bends," or caisson disease, have been reported in a few instances and these have received compensation as work injuries under the present act. Cases of lead poisoning have chiefly been reported from the Navy Department in connection with work on the interior of vessels, though occasional cases are found in the Government Printing Office, some due to contact and some to the inhalation of fumes from molten metal. In the Bureau of Engraving and Printing there are some cases of eczema due to the constant handling of wet materials, of synovitis from the use of ink rollers, and of rupture from the pulling of presses. Cases of synovitis are also found among the folders in the Government Printing Office. The inclusion of occupational diseases under compensation laws is in line with the legislation of Europe, and of some of the more recent laws of this country, but would appear to be of far greater importance to the comparatively few individuals affected by such diseases than to the Government, which would be called upon to pay the compensation claimed for such causes.

Besides the sums paid under the present compensation act, it must be remembered that compensation is being paid to injured employees in the Railway Mail and Life-Saving Services. During the year 1909–10, $180,000 was paid under the act of May 30, 1908, to employees in the United States, and $156,340 to employees on the Canal Zone. In the Life-Saving Service payments were made amounting to $11,980, and in the Railway Mail Service to the amount of $99,220, the total for the year being in round numbers $447,500. For the next year the payments aggregated $482,358. It appears, therefore, that the Government is at the present time making compensation payments for death and injury in an amount approximating $500,000. In all cases the amount for total disability is full wages during the first year, half wages during the second year being paid in the Railway Mail Service and the Life-Saving Service. It is evident that the substitution of a two-thirds benefit instead of full pay, as proposed by the bill under discussion, would reduce the expense for the first year by one-third, in so far as the new law applied to persons receiving benefits under existing law. Inasmuch as at least one-half the additions would be for short-term disabilities, it seems

probable that the extension of the law to cover all classes of employees from the third day of disability would result in no actual increase in the amount expended during the early years of its operation. The cumulative effect of payments continuing after the first year can only be approximately estimated, but as stated above would seem to fall below 10 per cent increase annually, which, after the first years, would be offset to some extent by the dropping out of limited-term payments, as by children reaching the age of 18 years, and the expiration of the terms of payments to parents, etc., besides cases of widows marrying, and beneficiaries dying.

Another feature of the present laws can not be ignored in the light of administrative experience. It is the uniform conclusion that the intent of a compensation law is to afford relief and prevent distress on account of disability incurred in course of employment, and that it is not practicable, if desirable, to pay to a workman not employed equal wages to the amount that he was earning while employed. Certain expenses of food, clothing, and travel are saved to a man who is at home, while the provision of the bill which provides medical care looks after the extra burden accruing in this respect in case of injury. To offer a man the same wages while not employed as when employed puts too heavy a strain on the integrity of many persons; and even if not intentionally dishonest, it is a medical fact well demonstrated in experience that a person requires some stimulus in order to induce him to take up the activities of his employment after they have been laid down for a time by reason of injury or enfeeblement of the body. It can not be denied that cases of malingering have occurred under the administration of the present act of May 30, 1908, and as the law is drafted and administered it is impossible to exercise the necessary supervision entirely to prevent such occurrences. With a reduction of the rate of compensation to two-thirds of the pay and the limitation of $66.66⅔ as the monthly maximum amount that any workman could receive as compensation, regardless of the amount that he may be receiving as earnings when employed, there would be afforded a degree of stimulus to return to work, while the opportunity of continuing unemployment without loss of pay would be withdrawn. It is believed, therefore, that the proposed bill would involve an expense for the first year not exceeding the present cost, and in all probability would fall below it by reason of the fact that in the $482,000 paid out in the year 1910–11, for instance, there were many cases in which the amount of compensation paid was to persons receiving in excess of $66.66⅔ per month as benefits. Indeed, of the fatal compensated cases during that year under the act of May 30, 1908, 22 of the 119 received from $900 to $2,500 for the year's benefits, while of the nonfatal cases for that year 810 of the 2,818 compensated cases were of work-

men receiving from $900 to $2,500. Under the act in question no year's payments on account of injury to an individual could exceed $800.

The cost of medical attention must of course be added to these amounts, and in this field the office has absolutely no experience. It is a fact, however, that in the principal establishments and places of employment under the Government a medical officer is maintained who uniformly gives first-aid treatment, and frequently dresses slight injuries so that a considerable saving would be effected over what would be the case if no such provision existed.

Experience under the act of May 30, 1908, shows that the failure of many workmen to secure the treatment needed, with the hope of an unaided recovery, has proved costly both to the injured man and to the Government; while the value of a careful continuous medical supervision has been fully demonstrated. Provision for medical treatment for longer or shorter periods is made in the great majority of State laws, and this is in accord with practice of the principal continental European countries.

TABLE I.—FATAL AND NONFATAL ACCIDENTS REPORTED AND NUMBER OF CLAIMS FOR COMPENSATION RECEIVED AND NUMBER ALLOWED AND DISALLOWED DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS.

1908-9.[1]

Departments, services, and establishments.	Number of accidents reported.			Accidents: Number of claims—								
				Received.			Allowed.			Disallowed.		
	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.
Isthmian Canal Commission	119	1,988	2,107	53	759	812	33	717	750	20	42	62
Treasury:												
Bureau of Engraving and Printing		29	29		16	16		16	16			
Mints		8	8		4	4		4	4			
Life-Saving Service	2	54	56									
Customs Service	1	43	44									
All other		17	17		1	1					1	1
Total	3	151	154		21	21		20	20		1	1
War:												
Engineer Department	37	299	336	16	140	156	13	136	149	3	4	7
Quartermaster's Department	6	52	58	2	16	18		4	4	2	12	14
Frankford Arsenal		52	52		29	29		28	28		1	1
Rock Island Arsenal		64	64		26	26		26	26			
Watertown Arsenal		30	30		17	17		16	16		1	1
Springfield Arsenal		25	25		14	14		13	13		1	1
Watervliet Arsenal	2	20	22	2	9	11	2	9	11			
Picatinny Arsenal		11	11		5	5		5	5			
All other	1	24	25	1	9	10	1	7	8		2	2
Total	46	577	623	21	265	286	16	244	260	5	21	26
Justice		2	2									
Navy:												
Washington Navy Yard	2	128	130	2	57	59	1	57	58	1		1
Philadelphia Navy Yard	2	99	101		62	62		60	60		2	2
New York Navy Yard	2	171	173	1	113	114		113	113	1		1
Boston Navy Yard	4	159	163	4	99	103	4	96	100		3	3

Portsmouth (N. H.) Navy Yard	1	36	37	1	28	29	1	26	27		2	2
Norfolk Navy Yard	2	139	141	1	66	67	1	62	63		4	4
Mare Island Navy Yard	4	132	136	3	71	74	3	70	73		1	1
Puget Sound Navy Yard		64	64		27	27		26	26		1	1
All other	1	111	112	1	45	46	1	42	43		3	3
Total	18	1,039	1,057	13	568	581	11	552	563	2	16	18
Interior:												
Reclamation Service	14	119	133	6	72	78	4	67	71	2	5	7
Indian Service	3	7	10		1	1		1	1			
All other	2	14	16									
Total	19	140	159	6	73	79	4	68	72	2	5	7
Agriculture	1	25	26		2	2					2	2
Commerce and Labor:												
Lighthouse Service	4	40	44		12	12		4	4		8	8
All other	1	18	19		1	1					1	1
Total	5	58	63		13	13		4	4		9	9
Post Office:												
Rural Delivery Service	7	47	54									
Railway Mail Service	11	388	399									
City Delivery Service	1	131	132									
All other	2	66	68		1	1					1	1
Total	21	632	653		1	1					1	1
Government Printing Office		35	35		23	23		23	23			
Smithsonian Institution	1	7	8									
Grand total	233	4,654	4,887	93	1,725	1,818	64	1,628	1,692	29	97	126

1909-10.

Isthmian Canal Commission	85	1,155	1,240	68	1,152	1,220	53	1,105	1,158	15	47	62
Isthmian Canal Commission, meritorious sick leave		1,994	1,994									
Total	85	3,149	3,234	68	1,152	1,220	53	1,105	1,158	15	47	62

[1] Eleven months.

TABLE I.—FATAL AND NONFATAL ACCIDENTS REPORTED AND NUMBER OF CLAIMS FOR COMPENSATION RECEIVED AND NUMBER ALLOWED AND DISALLOWED DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

1909-10—Concluded.

Departments, services, and establishments.	Number of accidents reported.			Accidents: Number of claims—								
				Received.			Allowed.			Disallowed.		
	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.
Treasury:												
Bureau of Engraving and Printing		58	58		26	26		26	26			
Mints		6	6		2	2		2	2			
Life-Saving Service	1	56	57									
Customs Service	1	34	35									
All other		24	24		2	2		1	1		1	1
Total	2	178	180		30	30		29	29		1	1
War:												
Engineer Department	40	376	416	26	213	239	22	199	221	4	14	18
Quartermaster's Department	8	62	70	4	12	16		7	7	4	5	9
Frankford Arsenal		59	59		31	31		30	30		1	1
Rock Island Arsenal	1	109	110	1	54	55	1	53	54		1	1
Watertown Arsenal		33	33		22	22		22	22			
Springfield Arsenal		24	24		14	14		14	14			
Watervliet Arsenal		13	13		7	7		7	7			
Picatinny Arsenal		16	16		10	10		9	9		1	1
All other		27	27		13	13		12	12		1	1
Total	49	719	768	31	376	407	23	353	376	8	23	31
Navy:												
Washington Navy Yard		104	104		50	50		48	48		2	2
Philadelphia Navy Yard	1	115	116	1	79	80	1	78	79		1	1
New York Navy Yard	3	388	391	2	234	236	2	230	232		4	4
Boston Navy Yard		157	157		91	91		88	88		3	3
Portsmouth (N. H.) Navy Yard		43	43		36	36		36	36			
Norfolk Navy Yard	1	234	235	1	117	118	1	114	115		3	3
Mare Island Navy Yard	1	181	182	1	100	101	1	96	97		4	4
Puget Sound Navy Yard		69	69		33	33		33	33			
All other	9	187	196	7	80	87	6	78	84	1	2	3
Total	15	1,488	1,503	12	820	832	11	801	812	1	19	20

Interior:												
Reclamation Service	25	161	186	13	103	116	10	100	110	3	3	6
Indian Service	2	5	7		3	3		2	2		1	1
All other		20	20		2	2		1	1		1	1
Total	27	186	213	13	108	121	10	103	113	3	5	8
Agriculture	1	24	25									
Commerce and Labor:												
Lighthouse Service	5	37	42		5	5		2	2		3	3
All other	1	18	19		1	1					1	1
Total	6	55	61		6	6		2	2		4	4
Post Office:												
Rural Delivery Service	8	34	42									
Railway Mail Service	29	630	659									
City Delivery Service	3	183	186									
All other	6	55	61									
Total	46	902	948									
Government Printing Office		54	54		40	40		40	40			
Smithsonian Institution		3	3									
Grand total	231	6,758	6,989	124	2,532	2,656	97	2,433	2,530	27	99	126

1910–11.

Isthmian Canal Commission	106	1,413	1,519	92	[1] 1,402	[1] 1,494	77	1,276	1,353	15	123	138
Isthmian Canal Commission, meritorious sick leave		4,075	4,075									
Total	106	5,488	5,594	92	[1] 1,402	[1] 1,494	77	1,276	1,353	15	123	138
Treasury:												
Bureau of Engraving and Printing		86	86		43	43		43	43			
Mints	1	12	13		9	9		9	9			
Life-Saving Service		26	26									
Customs Service	2	24	26									
All other	1	25	26		2	2					2	2
Total	4	173	177		54	54		52	52		2	2

[1] Including 3 claims on which action taken was not reported.

TABLE I.—FATAL AND NONFATAL ACCIDENTS REPORTED AND NUMBER OF CLAIMS FOR COMPENSATION RECEIVED AND NUMBER ALLOWED AND DISALLOWED DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

1910–11—Concluded.

Departments, services, and establishments.	Number of accidents reported.			Accidents: Number of claims—								
				Received.			Allowed.			Disallowed.		
	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.
War:												
Engineer Department	44	455	499	31	252	283	24	239	263	7	13	20
Quartermaster's Department	4	68	72	1	9	10	.....	5	5	1	4	5
Frankford Arsenal	.....	93	93	.....	52	52	.....	52	52	.....	.....	.....
Rock Island Arsenal	.....	107	107	.....	49	49	.....	48	48	.....	1	1
Watertown Arsenal	.....	37	37	.....	21	21	.....	20	20	.....	1	1
Springfield Arsenal	.....	15	15	.....	13	13	.....	13	13	.....	.....	.....
Watervliet Arsenal	.....	13	13	.....	6	6	.....	6	6	.....	.....	.....
Picatinny Arsenal	1	30	31	1	17	18	1	15	16	.....	2	2
All other	1	26	27	.....	16	16	.....	15	15	.....	1	1
Total	50	844	894	33	435	468	25	413	438	8	22	30
State	.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
Navy:												
Washington Navy Yard	2	139	141	2	83	85	2	81	83	.....	2	2
Philadelphia Navy Yard	2	97	99	2	71	73	2	69	71	.....	2	2
New York Navy Yard	3	362	365	2	239	241	2	234	236	.....	5	5
Boston Navy Yard	1	208	209	1	131	132	1	126	127	.....	5	5
Portsmouth (N. H.) Navy Yard	.....	107	107	.....	87	87	.....	87	87	.....	.....	.....
Norfolk Navy Yard	1	181	182	1	115	116	1	106	107	.....	9	9
Mare Island Navy Yard	2	213	215	2	90	92	1	87	88	1	3	4
Puget Sound Navy Yard	.....	111	111	.....	58	58	.....	53	53	.....	5	5
All other	8	156	164	8	60	68	8	58	66	.....	2	2
Total	19	1,574	1,593	18	934	952	17	901	918	1	33	34
Interior:												
Reclamation Service	6	213	219	3	118	121	3	115	118	.....	3	3
Indian Service	2	6	8	.....	4	4	.....	3	3	.....	1	1
All other	1	20	21	.....	4	4	.....	2	2	.....	2	2
Total	9	239	248	3	126	129	3	120	123	.....	6	6

Agriculture		27	27		2	2					2	2
Commerce and Labor:												
Lighthouse Service	3	25	28	2	3	5		1	1	2	2	4
All other	1	24	25		1	1		1	1			
Total	4	49	53	2	4	6		2	2	2	2	4
Post Office:												
Rural Delivery Service	2	43	45		1	1					1	1
Railway Mail Service	9	488	497									
City Delivery Service	4	131	135									
All other		47	47		4	4		4	4			
Total	15	709	724		5	5		4	4		1	1
Government Printing Office		67	67		60	60		57	57		3	3
Smithsonian Institution		3	3		1	1		1	1			
Grand total	207	9,174	9,381	148	[1] 3,023	[1] 3,171	122	2,826	2,948	26	194	220

1911-12.

Isthmian Canal Commission	97	1,682	1,779	[2] 66	[3] 1,665	[1] 1,731	45	1,465	1,510	20	198	218
Isthmian Canal Commission, meritorious sick leave		[4] 1,538	[4] 1,538									
Total	97	[4] 3,220	[4] 3,317	[2] 66	[3] 1,665	[1] 1,731	45	1,465	1,510	20	198	218
Treasury:												
Bureau of Engraving and Printing		95	95		49	49		45	45		4	4
Mints		10	10		4	4		3	3		1	1
Life Saving Service	3	28	31									
Customs Service	1	47	48									
All other		28	28									
Total	4	208	212		53	53		48	48		5	5
War:												
Engineer Department	42	504	546	28	277	305	24	270	294	4	7	11
Quartermaster's Department	5	118	123	3	27	30	1	21	22	2	6	8
Frankford Arsenal		80	80		52	52		51	51		1	1
Rock Island Arsenal	1	132	133	1	77	78	1	75	76		2	2

[1] Including 3 claims on which action taken was not reported.
[2] Including 1 claim on which action taken was not reported.
[3] Including 2 claims on which action taken was not reported.
[4] Not including meritorious sick-leave cases reported from Nov. 1, 1911, to June 30, 1912.

TABLE I.—FATAL AND NONFATAL ACCIDENTS REPORTED AND NUMBER OF CLAIMS FOR COMPENSATION RECEIVED AND NUMBER ALLOWED AND DISALLOWED DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

1911–12—Concluded.

Departments, services, and establishments.	Number of accidents reported.			Accidents: Number of claims—								
				Received.			Allowed.			Disallowed.		
	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.
War—Concluded:												
Watertown Arsenal	.....	41	41	.....	31	31	.....	31	31	.....	.....	.....
Springfield Arsenal	.....	16	16	.....	11	11	.....	11	11	.....	.....	.....
Watervliet Arsenal	.....	24	24	.....	15	15	.....	14	14	.....	1	1
Picatinny Arsenal	.....	19	19	.....	12	12	.....	12	12	.....	.....	.....
All other	.....	24	24	.....	10	10	.....	10	10	.....	.....	.....
Total	48	958	1,006	32	512	544	26	495	521	6	17	23
Navy:												
Washington Navy Yard	1	124	125	1	81	82	1	79	80	.....	2	2
Philadelphia Navy Yard	.....	135	135	.....	100	100	.....	97	97	.....	3	3
New York Navy Yard	4	531	535	3	358	361	3	353	356	.....	5	5
Boston Navy Yard	.....	266	266	.....	162	162	.....	153	153	.....	9	9
Portsmouth (N. H.) Navy Yard	.....	94	94	.....	80	80	.....	80	80	.....	.....	.....
Norfolk Navy Yard	10	272	282	9	135	144	8	129	137	1	6	7
Mare Island Navy Yard	2	161	163	1	61	62	1	61	62	.....	.....	.....
Puget Sound Navy Yard	2	147	149	2	89	91	2	87	89	.....	2	2
All other	4	164	168	2	74	76	1	72	73	1	2	3
Total	23	1,894	1,917	18	1,140	1,058	16	1,111	1,127	2	29	31
Interior:												
Reclamation Service	15	417	432	9	202	211	9	194	203	.....	8	8
Indian Service	4	12	16	2	7	9	1	5	6	1	2	3
All other	.....	19	19	.....	7	7	.....	2	2	.....	5	5
Total	19	448	467	11	216	227	10	201	211	1	15	16

Agriculture:												
Forest Service	2	17	19	2	6	8	1	4	5	1	2	3
All other		19	19									
Total	2	36	38	2	6	8	1	4	5	1	2	3
Commerce and Labor:												
Lighthouse Service	7	41	48	1	14	15		13	13	1	1	2
All other		31	31		2	2		2	2			
Total	7	72	79	1	16	17		15	15	1	1	2
Post Office:												
Rural Delivery	3	32	35									
Railway Mail Service	5	565	570									
City Delivery	6	200	206									
All other	3	65	68		3	3		3	3			
Total	17	862	879		3	3		3	3			
Government Printing Office	1	71	72	1	49	50		48	48	1	1	2
Smithsonian Institution		10	10		2	2		1	1		1	1
Grand total	218	[1] 7,779	[1] 7,997	[2] 131	[3] 3,662	[4] 3,793	98	3,391	3,489	32	269	301

1912-13.

Isthmian Canal Commission	15	1,044	1,059	14	1,044	1,058	11	996	1,007	3	48	51
Isthmian Canal Commission, meritorious sick leave		4,484	4,484									
Total	15	5,528	5,543	14	1,044	1,058	11	996	1,007	3	48	51
Treasury:												
Bureau of Engraving and Printing		249	249		114	114		109	109		5	5
Mints		8	8		7	7		7	7			
Life-saving Service		10	10									
Customs service		40	40									
All other	1	29	30		1	1					1	1
Total	1	336	337		122	122		116	116		6	6
War:												
Engineer Department	44	772	816	25	394	419	20	384	404	5	10	15
Quartermaster's Department	6	129	135	1	28	29	1	20	21		8	8
Frankford Arsenal	2	112	114	2	78	80	2	76	78		2	2

[1] Not including meritorious sick leave cases reported from Nov. 1, 1911, to June 30, 1912.
[2] Including 1 claim on which action taken was not reported.
[3] Including 2 claims on which action taken was not reported.
[4] Including 3 claims on which action taken was not reported.

TABLE I.—FATAL AND NONFATAL ACCIDENTS REPORTED AND NUMBER OF CLAIMS FOR COMPENSATION RECEIVED AND NUMBER ALLOWED AND DISALLOWED DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Concluded.

1912–13—Concluded.

Departments, services, and establishments.	Number of accidents reported.			Accidents: Number of claims—								
				Received.			Allowed.			Disallowed.		
	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.	Fatal.	Nonfatal.	Total.
War—Concluded:												
Rock Island Arsenal	1	128	129	1	58	59	1	55	56	.....	3	3
Watertown Arsenal	.....	52	52	.....	23	23	.....	21	21	.....	2	2
Springfield Arsenal	.....	18	18	.....	15	15	.....	14	14	.....	1	1
Watervliet Arsenal	.....	24	24	.....	13	13	.....	12	12	.....	1	1
Picatinny Arsenal	.....	25	25	.....	12	12	.....	11	11	.....	1	1
All other	.....	36	36	.....	7	7	.....	5	5	.....	2	2
Total	53	1,296	1,349	29	628	657	24	598	622	5	30	35
Navy:												
Washington Navy Yard	.....	204	204	.....	104	104	.....	99	99	.....	5	5
Philadelphia Navy Yard	.....	172	172	.....	127	127	.....	126	126	.....	1	1
New York Navy Yard	1	528	529	1	313	314	1	307	308	.....	6	6
Boston Navy Yard	4	224	228	4	145	149	4	144	148	.....	1	1
Portsmouth (N. H.) Navy Yard	.....	71	71	.....	58	58	.....	58	58	.....	.....	.....
Norfolk Navy Yard	4	389	393	4	259	263	4	258	262	.....	1	1
Mare Island Navy Yard	4	79	83	2	48	50	1	47	48	1	1	2
Puget Sound Navy Yard	1	157	158	1	102	103	1	101	102	.....	1	1
All other	3	246	249	3	109	112	3	106	109	.....	3	3
Total	17	2,070	2,087	15	1,265	1,280	14	1,246	1,260	1	19	20
Interior:												
Reclamation Service	5	381	386	4	222	226	4	218	222	.....	4	4
Indian Service	1	53	54	1	28	29	1	22	23	.....	6	6
All other	2	34	36	1	10	11	.....	6	6	1	4	5
Total	8	468	476	6	260	266	5	246	251	1	14	15

Agriculture:												
Forest Service	2	71	73	2	38	40	1	35	36	1	3	4
All other	1	49	50		2	2		2	2			
Total	3	120	123	2	40	42	1	37	38	1	3	4
Commerce and Labor:												
Lighthouse Service	4	53	57	3	27	30	1	26	27	2	1	3
All other	1	[1] 28	[1] 29									
Total	5	[1] 81	[1] 86	3	27	30	1	26	27	2	1	3
Post Office:												
Rural Delivery Service	4	31	35									
Railway Mail Service	8	501	509									
City Delivery Service	3	177	180									
All other		74	74		6	6		5	5		1	1
Total	15	783	798		6	6		5	5		1	1
State		1	1									
Government Printing Office		74	74		64	64		61	61		3	3
Smithsonian Institution		2	2									
Grand total	117	10,759	10,876	69	3,456	3,525	56	3,331	3,387	13	125	138

[1] Four cases, Department of Labor, included.

TABLE II.—CLAIMS FOR COMPENSATION DISALLOWED FOR EACH SPECIFIED REASON DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS.

1908–9.[1]

Departments, services, and establishments.	Accidents: Number of claims disallowed.															
	Occupation or service not covered by act.		Disability not over 15 days.	Insufficient evidence.		Negligence or misconduct.		Not injured in course of employment.		Claims not filed within 90 days.	Parents not dependents.	All other reasons.		Total.		Grand total.
	Fatal.	Non-fatal.	Non-fatal.	Fatal.	Non-fatal.	Fatal.	Non-fatal.	Fatal.	Non-fatal.	Fatal.	Fatal.	Fatal.	Non-fatal.	Fatal.	Non-fatal.	
Isthmian Canal Commission	1	10	3	1	7		16	1	5	14	3		1	20	42	62
Treasury		1													1	1
War:																
Engineer Department		1	1	1	1			1	1			1		3	4	7
Quartermaster's Department	2	12												2	12	14
Frankford Arsenal					1										1	1
Watertown Arsenal							1								1	1
Springfield Arsenal									1						1	1
All other		2													2	2
Total	2	15	1	1	2		1	1	2			1		5	21	26
Navy:																
Washington Navy Yard				1										1		1
Philadelphia Navy Yard							2								2	2
New York Navy Yard												1		1		1
Boston Navy Yard		1	2												3	3
Portsmouth (N. H.) Navy Yard					1				1						2	2
Norfolk Navy Yard			2		2										4	4
Mare Island Navy Yard													1		1	1
Puget Sound Navy Yard		1													1	1
All other		1	1				1								3	3
Total		3	5	1	3		3		1			1	1	2	16	18
Interior: Reclamation Service		1					2		2	2				2	5	7
Agriculture		2													2	2

Commerce and Labor:																
Lighthouse Service		8													8	8
All other		1													1	1
Total		9													9	9
Post Office		1													1	1
Grand total	3	42	9	3	12		22	2	10	16	3	2	2	29	97	126

1909-10.

Isthmian Canal Commission	1	8	1	2	31	2	3	2	4	3	5			15	46	62
Treasury		1													1	1
War:																
Engineer Department	1	6	4		2	1	1			2			1	4	14	18
Quartermaster's Department	4	3					1		1					4	5	9
Frankford Arsenal		1													1	1
Rock Island Arsenal		1													1	1
Picatinny Arsenal		1													1	1
All other		1													1	1
Total	5	13	4		2	1	2		1	2			1	8	23	31
Navy:																
Washington Navy Yard		1			1										2	2
Philadelphia Navy Yard					1										1	1
New York Navy Yard					3		1								4	4
Boston Navy Yard					2		1								3	3
Norfolk Navy Yard			1		2										3	3
Mare Island Navy Yard					4										4	4
All other			2							1				1	2	3
Total		1	3		13		2			1				1	19	20
Interior:																
Reclamation Service		1	1			1			1		2			3	3	6
Indian Service			1												1	1
All other		1													1	1
Total		2	2			1			1		2			3	5	8

[1] Eleven months.

TABLE II.—CLAIMS FOR COMPENSATION DISALLOWED FOR EACH SPECIFIED REASON DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

1909-10—Concluded.

Departments, services, and establishments.	Accidents: Number of claims disallowed.															
	Occupation or service not covered by act.		Disability not over 15 days.	Insufficient evidence.		Negligence or misconduct.		Not injured in course of employment.		Claims not filed within 90 days.	Parents not dependents.	All other reasons.		Total.		Grand total.
	Fatal.	Non-fatal.	Non-fatal.	Fatal.	Non-fatal.	Fatal.	Non-fatal.	Fatal.	Non-fatal.	Fatal.	Fatal.	Fatal.	Non-fatal.	Fatal.	Non-fatal.	
Commerce and Labor:																
Lighthouse Service		2	1												3	3
All other		1													1	1
Total		3	1												4	4
Grand total	6	28	11	2	46	4	7	2	6	6	7		1	27	98	126

1910-11.

Isthmian Canal Commission		3	8	2	66	5	23	3	15		5		8	15	123	138
Treasury		2													2	2
War:																
Engineer Department	3	2	6		2		1	1	2		1	2		7	13	20
Quartermaster's Department	1	3							1					1	4	5
Rock Island Arsenal		1													1	1
Watertown Arsenal					1										1	1
Picatinny Arsenal		1			1										2	2
All other													1		1	1
Total	4	7	6		4		1	1	3		1	2	1	8	22	30

Navy:																
Washington Navy Yard							1		1						2	2
Philadelphia Navy Yard					1				1						2	2
New York Navy Yard		1			2								2		5	5
Boston Navy Yard					3		1						1		5	5
Norfolk Navy Yard			2		7										9	9
Mare Island Navy Yard					1		1		1			1		1	3	4
Puget Sound Navy Yard													5		5	5
All other		1			1										2	2
Total		2	2		15		3		3			1	8	1	33	34
Interior:																
Reclamation Service		1	2												3	3
Indian Service		1													1	1
All other		1							1						2	2
Total		3	2						1						6	6
Agriculture		2													2	2
Commerce and Labor: Lighthouse Service	2	2												2	2	4
Post Office: Rural Delivery Service		1													1	1
Government Printing Office		1			2										3	3
Grand total	6	23	18	2	87	5	27	4	22		6	3	17	26	194	220

1911-12.

Isthmian Canal Commission			13	3	82	5	25	3	34	1	6	2	44	20	198	218
Treasury:																
Bureau of Engraving and Printing					4										4	4
Mints									1						1	1
Total					4				1						5	5
War:																
Engineer Department		2	2		2		1	3		1				4	7	11
Quartermaster's Department	2	5											1	2	6	8
Frankford Arsenal			1												1	1
Rock Island Arsenal			1		1										2	2
Watervliet Arsenal			1												1	1
Total	2	7	5		3		1	3		1			1	6	17	23

PRINCIPAL FEATURES OF LAWS RELATING TO WORKMEN'S COMPENSATION AND INSURANCE.

States.	Employments covered: Private.	Employments covered: Public.	Insurance.	How election is made: By employer.	How election is made: By employee.	Defenses abrogated if employer does not elect.	Suits for damages: If both employer and employee come under act.	Suits for damages: If employer elects but employee rejects.	Special contracts.	Injuries covered.	Waiting period.	Compensation benefits: Per cent of wages.	Maximum and minimum weekly compensation payments.	Maximum period.	Death. (a) Dependents. (b) No dependents.	Total disability. (a) Permanent. (b) Temporary.	Partial disability.	Medical and surgical aid.	Time for notice and claim.	Administrative system.	How compensation cases are settled.	Accident reports required.	Accident-prevention work by—(a) Compensation commission. (b) Other agencies.	Per cent of employees subject to act.[1]
Alaska. Ch. 71. Approved Apr. 29, 1915. In effect July 28, 1915.	*Elective*, as to mining operations having 5 or more employees.	No provision.	Not required.	Presumed in absence of written notice filed with United States commissioner.	Presumed in absence of written notice served on employer and filed with United States commissioner.	Assumed risk, fellow service, and contributory negligence unless willful or due to intoxication.	Not permitted.	Defenses remain except assumed risk growing out of employer's violation of safety laws.	Waivers forbidden.	Personal injuries by accident arising out of and in the course of employment unless directly due to intoxication or willful intention to injure self or another.	2 weeks. None if disability continues for 8 weeks or more.	50 per cent for temporary total disability. Fixed lump sums in other cases.	No provision.	Temporary total disability, 6 months.	(a) $3,000 to widow or minor orphan; $600 to each child under 16 and to dependent parents; maximum, $6,000. If single, $1,200 to each dependent parent. (b) $150 maximum for burial expenses; $150 for other expenses between accident and death.	(a) $3,600; $1,200 additional if wife and $600 for each child under 16. If single, $600 for each dependent parent: maximum, $6,000. (b) 50 per cent of wages during disability: maximum, 6 months.	Lump sums based upon schedule of payments for permanent total disability proportioned to loss of earning capacity; maximum, $4,800. Specified injuries, fixed lump sums, varying with conjugal condition and number of children; disfigurement, $240 for loss of ear, $480 for loss of nose.	Only in fatal cases involving no dependents: maximum, $150 for expenses between injury and death.	Notice in 120 days; claim in 2 years.	Courts.	Voluntary agreement; disputed cases settled by courts.	No provision.	(a) No commission. (b) Mine inspector.[2]	31.2
Arizona. Ch. 14 (extra session). Approved June 8, 1912. In effect Sept. 1, 1912. New act, ch. 7, 1913.	*Compulsory*, as to "especially hazardous" employments enumerated. *Voluntary*, as to other employments.	do.	do.				After injury, employee has option of accepting compensation or suing for damages; if he sues, employer retains defense of contributory negligence.		Permitted if benefits equal those of act.	Personal injuries by accident arising out of and in the course of employment due wholly or partly to a necessary risk of the employment or to failure of employer or any employee to exercise due care or to comply with any law.	2 weeks. None if disability continues longer than 2 weeks.	50 per cent.	do.	Death, 200 weeks' earnings, payable as court may order. Disability, during its continuance.	(a) 2,400 times one-half average daily wages; maximum, $4,000. (b) Reasonable medical and burial expenses.	(a) (b) 50 per cent of wages during disability; maximum, $4,000.	50 per cent of wage loss during disability; maximum, $4,000.	Reasonable medical and burial expenses only in fatal cases involving no dependents.	Notice in 2 weeks; none required in case of death or incompetence; action on claim within 1 year.	do.	Voluntary agreement; disputed cases settled by arbitration, reference to attorney general, and eventually by courts.	do.	(a) No commission. (b) Mine inspector.[2]	52.4
California. Ch. 399. Approved Apr. 8, 1911. In effect Sept. 1, 1911. New act, ch. 176, 1913. Amended, chs. 541, 607, 662, 1915.	*Compulsory*, as to all employments except farm labor, domestic service, and casual employees not in usual course of employer's business. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees except deputy clerks, deputy sheriffs, and deputy constables serving without remuneration.	Not required. (There is a State fund which competes with private companies.)				Permitted if injury caused by employer's personal gross negligence or willful misconduct.		Employer may maintain benefit fund, but no reduction of liability allowed.	Personal injuries arising out of and in the course of employment unless due to intoxication or willful misconduct.	2 weeks.	65 per cent.	Maximum, $20.83. Minimum, $4.17.	Death, 240 weeks. Permanent total disability, life. Temporary disability, 240 weeks.	(a) 3 years' annual earnings; maximum, $5,000; minimum, $1,000. (b) Reasonable burial expenses; maximum, $100.	(a) 65 per cent of wages for 240 weeks, then 40 per cent for life. (b) 65 per cent of wages during disability; not over 240 weeks nor over 3 times annual earnings.	If permanent, 65 per cent of wage loss for fixed periods proportionate to disability. If temporary, 65 per cent of wage loss during disability; not over 240 weeks nor over 3 times annual earnings.	Reasonable medical, surgical, and hospital treatment *for 90 days*, and longer if commission orders.	Notice in 30 days; claim in 6 months for disability, 1 year for death.	Industrial accident commission.	Voluntary agreement approved by commission; disputed cases referred to one or more referees appointed by commission and reviewed by commission; rehearing in certain cases; appeal to courts upon questions of law.	All employers, attending physicians, and insurers must report all injuries to industrial accident commission.	(a) Industrial accident commission. (b) Bureau of labor statistics.[2]	76.2
Colorado. Ch. 179. Approved Apr. 10, 1915. In effect Aug. 1, 1915.	*Elective*, as to all employments except those having regularly less than 4 employees, farm labor, domestic service, casual employees, and those not in usual course of employer's business. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees except elective officials.	Electing employers must insure in State fund or private companies, or provide self-insurance.	Presumed in absence of written notice to commission: notice of acceptance or rejection to be posted.	Presumed in absence of written notice to employer.	Assumed risk due to employer's negligence, fellow service, and contributory negligence unless willful.	Employers insuring in State fund not entitled to benefits of act if in arrears on insurance premiums.	Defenses remain, including assumed risk.	Act is exclusive where available.	Personal injuries accidentally sustained arising out of and in the course of employment, unless intentionally inflicted by self or another.	3 weeks.	50 per cent.	Maximum, $8. Minimum, $5 or actual wages if less than $5.	Death, 6 years. Permanent total disability, life. Temporary total and partial disability, during its continuance.	(a) 50 per cent of wages; weekly maximum, $8, for 6 years; total not over $2,500 or less than $1,000. (b) Reasonable burial expenses; maximum, $100.	(a) (b) 50 per cent of wages during disability; weekly maximum, $8; minimum, $5, or actual wages if less than $5.	50 per cent of wage loss during disability; weekly maximum, $8; total not over $2,080. Specified injuries, 50 per cent of wages for fixed periods; weekly maximum, $8. Facial disfigurement, maximum, $500.	Reasonable medical, surgical, and hospital treatment *for 30 days*; maximum, $100.	Notice in 30 days; claim in 1 year.	Industrial commission.	Voluntary agreement approved by commission; disputed cases determined by commission after hearing upon application of either party; petition for rehearing; appeal to courts upon questions of law.	All employers must report all accidents within 10 days to industrial commission.	(a) Industrial commission. (b) Department of labor and factory inspection;[2] inspectors of coal mines;[2] bureau of mines.[2]	63.1
Connecticut. Ch. 138. Approved May 29, 1913. In effect Jan. 1, 1914. Amended, ch. 288, 1915.	*Elective*, as to all employments except those having regularly less than 5 employees, outworkers, and casual employees. *Voluntary*, as to excepted employments.	*Elective*, as to the State and all public corporations having regularly 5 or more employees. *Voluntary*, as to others.	Electing employers must insure in private companies, or provide self-insurance.	Presumed in absence of written notice.	Presumed in absence of written notice.	Assumed risk, fellow service, and contributory negligence.	Permitted if employer fails to insure risk.	Defenses remain.	Approved schemes may be substituted if benefits equal those of act.	Personal injuries arising out of and in course of employment unless due to willful and serious misconduct or intoxication. (Occupational diseases excluded by court.)	10 days.	do.	Maximum, $10. Minimum, $5.	Death, 312 weeks. Total disability, 520 weeks. Partial disability, 312 weeks.	(a) Burial expenses, $100; 50 per cent of wages for 312 weeks; weekly maximum, $10; minimum, $5. (b) Burial expenses, $100.	(a) (b) 50 per cent of wages during disability, not over 520 weeks; weekly maximum $10, minimum $5.	50 per cent of wage loss during disability, not over 312 weeks; weekly maximum $10. Specified injuries, 50 per cent of wages for fixed periods: weekly maximum $10, minimum $5.	Such medical, surgical, and hospital treatment as deemed reasonable by attending physician; charges limited to those prevailing in the community. Special provision for seamen on United States vessels.	Notice at once; claim in 1 year.	Board of 5 compensation commissioners, each supreme in own district.	Voluntary agreement approved by commissioner; disputed cases settled by commissioner after hearing upon application of either party; appeal to courts.	Assenting employers must report all injuries of 1 day's disability weekly to compensation commissioner; supplementary report within 1 week after termination of disability.	(a) No provision. (b) Department of labor and factory inspection.[2]	81.9
Hawaii. No. 221. Approved Apr. 28, 1915. In effect July 1, 1915.	*Compulsory*, as to all employments carried on for gain, except casual employees, those not in usual course of employer's business, and those receiving more than $36 a week from any one employer.	*Compulsory*, as to all employees except elective officials or employees receiving more than $1,800 a year.	Employers must insure in private companies, or provide self-insurance.				Not permitted.		Waivers forbidden.	Personal injuries by accident arising out of and in course of employment unless due to willful intention to injure self or another or to intoxication.	2 weeks.	Death, 25 to 60 per cent. Total disability, 60 per cent. *Partial* disability, 50 per cent.	Death: basic wage, maximum, $36; minimum, $5. Total disability: maximum, $18; minimum, $3, or actual wages if less than $3. Partial disability: maximum, $12.	312 weeks.	(a) Burial expenses, $100; 25 to 60 per cent of wages for 312 weeks; basic weekly wage, maximum, $36; minimum, $5; total, not over $5,000. (b) Burial expenses, $100.	(a) (b) 60 per cent of wages during disability, not over 312 weeks; weekly maximum $18; minimum $3, or actual wages if less than $3; total not over $5,000.	50 per cent of wage loss during disability, not over 312 weeks; weekly maximum $12; total not over $5,000. Specified injuries, 50 per cent wages for fixed periods; weekly maximum $12. Compensation for disfigurement if resulting in decreased ability to obtain employment.	Reasonable medical, surgical and hospital services *for 14 days*; maximum, $50; charges limited to those prevailing in the community.	Notice soon as practicable; claim in 3 months.	Industrial accident board for each county.	Voluntary agreement approved by board; disputed cases settled by arbitration committee of 3 persons composed of representatives of each party and a member of board; review by full board; appeal to courts.	All employers must report all injuries of 1 day's disability or more as soon as practicable to industrial accident board; supplementary report at termination of disability or after 60 days; final report within 60 days after termination of disability.	(a) No provision. (b) No provision.	92.6
Illinois. P. 314. Approved June 10, 1911. In effect May 1, 1912. New act, p. 335, 1913. Amended, 1915.	*Elective*, as to "extrahazardous" employments enumerated; farm labor, and persons whose employment is casual or not in usual course of employer's business excepted. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees except officials or beneficiaries of established pension fund.	Electing employers must insure in private companies, or provide self-insurance.	Presumed as to employers in designated extrahazardous employments in absence of written notice.	Presumed in absence of written notice if employer elects.	Assumed risk, fellow service, and contributory negligence as to employers in designated extrahazardous employments.	Permitted if employer fails to insure risk.	Defenses remain.	Approved schemes permitted if benefits equal those of act. No waiver of provisions of act as to amount of compensation without approval of board.	Accidental injuries arising out of and in course of employment.	Six working days; compensation begins on eighth day, but if disability is total and permanent, then on day after injury.	50 per cent.	Maximum, $12. Minimum, $6.	Death, 8 years. Permanent total disability, life. Permanent partial disability, 8 years. Temporary disability, during its continuance.	(a) 4 years' earnings; maximum, $3,500; minimum, $1,650. (b) Burial expenses, maximum, $150.	(a) 50 per cent of earnings for 8 years during disability; weekly maximum $12, minimum $6; thereafter 8 per cent of death benefits for life, minimum $10 a month. (b) 50 per cent of earnings during disability; weekly maximum $12, minimum $6; total not over $3,500.	50 per cent of wage loss during disability, not over 8 years; weekly maximum $12. Specified injuries, 50 per cent of wages for fixed periods; weekly maximum $12, minimum $6; disfigurement of hand, head, or face, maximum one-fourth death benefits.	First aid, medical, surgical, and hospital services *for 8 weeks*; maximum, $200.	Notice as soon as practicable, not later than 30 days; claim in 6 months.	Industrial board.	Voluntary agreement 7 days after injury; disputed cases settled by arbitrator appointed by board; in case of death or permanent disability by arbitration committee of 3 persons composed of representatives of each party and a member of board, upon application of either party; review by full board; appeal to courts upon question of law.	All employers within provisions of act must report all injuries of more than 1 week's disability to industrial board; fatal accidents at once; others once a month; supplementary report of permanent disability cases.	(a) No provision. (b) Department of factory inspection;[2] mine inspector.[2]	54.1
Indiana. Ch. 106. Approved Mar. 8, 1915. In effect Sept. 1, 1915.	*Elective*, as to all employments except farm labor, domestic service, and casual laborers. *Voluntary*, as to excepted employments.	*Compulsory*, as to all employees.	do.	Presumed in absence of written notice, posted or served, and filed with industrial board.	Presumed in absence of written notice served on employer and filed with industrial board.	Assumed risk, fellow service, and contributory negligence.	do.	do.	Approved schemes permitted if benefits equal those of act. All other waivers forbidden.	Personal injuries by accident arising out of and in course of employment unless due to willful misconduct, including intentionally self-inflicted injury, intoxication, and willful failure to use safety appliances, or obey safety laws. Occupational diseases specifically excepted.	2 weeks.	Total disability and specified injuries, 55 per cent. Others, 50 per cent.	Death: maximum, $12; minimum, $5. Total disability: maximum $13.20; minimum $5.50. Partial disability: basic wage, maximum $24; minimum $10.	Death and partial disability, 300 weeks. Total disability, 500 weeks.	(a) Burial expenses, maximum, $100; 50 per cent of wages for 300 weeks; weekly maximum $12, minimum $5, total not to exceed $5,000. (b) Burial expenses, maximum $100.	(a) (b) 55 per cent of wages during disability, not over 500 weeks; weekly maximum $13.20; minimum $5.50; total not over $5,000.	50 per cent of wage loss during disability; not over 300 weeks; basic wage, maximum $24, minimum $10. Specified injuries, 55 per cent wages for fixed periods: maximum $13.20, minimum $5.50; permanent disfigurement, not over 200 weeks.	Necessary medical, surgical, and hospital services *for 30 days*; longer at option of employer; employee must accept unless otherwise ordered by board; charges limited to those prevailing in the community.	Notice in 30 days; claim in 2 years.	do.	Voluntary agreement, 14 days after injury, approved by board; disputed cases settled by board or member thereof, after hearing upon application of either party; review by full board; appeal to courts upon questions of law.	All employers must report all injuries of more than 1 day's disability within 1 week to industrial board; supplementary report after 60 days or upon termination of disability.	(a) Industrial board. (b) No provision.	79.4
Iowa. Ch. 147. Approved Mar. 18, 1913. In effect July 1, 1914.	*Elective*, as to all employments carried on for gain except farm labor, domestic service, casual employees, and clerks not subject to hazard of the industry.	*Compulsory*, as to all employees (city school teachers excepted by ruling of commissioner).	do.	Presumed in absence of notice posted in establishment and filed with industrial commissioner.	Presumed in absence of written notice to employer and industrial commissioner.	Assumed risk, fellow service, and contributory negligence unless willful and with intent to cause injury, or due to intoxication.	do.	Defenses remain except on violation of safety statutes by employer; no presumption of employer's negligence.	Approved schemes permitted, but no reduction of liability allowed. All other waivers forbidden.	Personal injuries arising out of and in course of employment, unless due to willful intention to injure self or another, intoxication, or willful act of a third party. Occupational diseases specifically excluded.	do.	50 per cent.	Death: maximum, $10; minimum, $5. Disability: maximum, $10; minimum, $5, or actual wages if less than $5.	Death and temporary total disability, 300 weeks. Permanent total disability, 400 weeks.	(a) Burial expenses: maximum, $100; 50 per cent of wages for 300 weeks: weekly maximum $10, minimum, $5. (b) Last sickness and burial expenses, maximum, $100.	(a) 50 per cent of wages for 400 weeks: weekly maximum $10, minimum $5, or actual wages if less than $5. (b) Same for not over 300 weeks.	Specified injuries, 50 per cent of wages for fixed periods; proportionate for others; weekly maximum $10, minimum $5, or actual wages if less than $5.	Reasonable medical, surgical, and hospital services *for 2 weeks*, if requested by employee, court, or commissioner, maximum, $100.	Notice in 15 days; if in 30 days, not barred except as to extent employer was prejudiced; bar absolute after 90 days.	Industrial commissioner.	Voluntary agreement, 12 days after injury, approved by commissioner; disputed cases settled by arbitration committee of 3 persons composed of representatives of each party and the commissioner; review by commissioner.	All employers must report all accidents within 48 hours to industrial commissioner; supplementary report after 60 days or upon termination of disability.	(a) Industrial commissioner in cooperation with employers must fix safety standards other than mines. (b) Bureau of labor statistics;[2] mine inspectors.[2]	62.7
Kansas. Ch. 218. Approved Mar. 14, 1911. In effect Jan. 1, 1912. Amended, ch. 216, 1913.	*Elective*, as to "especially dangerous" employments enumerated conducted for gain except those having less than 5 employees, farm labor, and those not in usual course of employer's business; all mines covered. *Voluntary*, as to enumerated hazardous employments having less than 5 employees.	*Elective*, as to workmen on county and municipal work.	Not required.	Presumed in absence of notice posted in establishment and filed with secretary of state.	Presumed in absence of written notice filed with secretary of state.	Assumed risk and fellow service: contributory negligence to be measured by jury in assessing damages.	Not permitted.	Defenses remain unless injury is caused by willful or gross negligence of employer.	Approved schemes permitted if benefits equal those of act.	Personal injuries by accident arising out of and in course of employment except when going to and from work, unless due to intoxication, deliberate intention to cause injury, or willful failure to use safeguards provided by statute or furnished by employer.	do.	Total disability, 50 per cent. Partial disability, 25 to 50 per cent.	Total disability: maximum, $15; minimum, $6. Partial disability: maximum, $12; minimum, $3.	Death, 3 years' earnings, payable as court may order. Disability 8 years.	(a) 3 years' earnings: maximum, $3,600; minimum, $1,200. (b) Medical attendance and burial expenses, maximum, $100.	(a) (b) 50 per cent of earnings during disability, not over 8 years; weekly maximum $15, minimum $6.	50 per cent of wage loss, but not less than 25 or more than 50 per cent of weekly earnings during disability, maximum 8 years; weekly maximum $12, minimum $3; if minor earns less than $10 weekly compensation shall not be less than 75 per cent of earnings.	Only in fatal cases involving no dependents, reasonable expenses of medical attendance and burial, maximum $100.	Notice in 10 days; claim in 6 months.	Courts.	Voluntary agreement; disputed cases settled by local arbitration committee representing each party or by an arbitrator selected by committee; in case of failure, by an arbitrator appointed by court, or by court.	All employers affected by act must report annually to factory inspector "such reasonable particulars as to accidents as State factory inspector may require."	(a) No commission; (b) department of labor and industry.[2]	36.9
Kentucky. Approved Mar. 23, 1916. In effect Aug. 1, 1916.	*Elective*, as to all employments except those having less than 5 employees, farm labor and domestic service. *Voluntary*, as to excepted employments.	*Elective*, as to all municipal corporations having 5 or more employees. *Voluntary*, as to others.	Electing employers must insure in Kentucky Employees' Insurance Association or other private companies, or provide self-insurance.	By writing filed with the commission and posted in the establishment.	By signed notice filed with employer.	Assumed risk, fellow service, and contributory negligence.	Permitted if injury is due to deliberate intention of employer, unlawful employment of minors, or failure to file evidence as to insurance.	Defenses remain.	Approved schemes permitted if benefits equal those of act.	Personal injuries by accident arising out of and in course of employment, unless self-inflicted, due to willful misconduct or intoxication. Occupational diseases or injuries due to preexisting disease excluded.	do.	65 per cent.	Maximum $12. Minimum, $5.	Death, 335 weeks. Total disability, 8 years. Partial disability, 335 weeks.	(a) Burial expenses, maximum $75; 65 per cent of wages for 335 weeks: weekly maximum $12, minimum $5; total not over $4,000. (b) Burial expenses, maximum $75; and $100 to representative of deceased.	(a) (b) 65 per cent of wages during disability, not over 8 years: weekly maximum $12, minimum $5; total not over $5,000.	If permanent, 65 per cent of wages multiplied by percentage of disability, if temporary, 65 per cent of wage loss; maximum period 335 weeks: weekly maximum $12; total not over $4,000. Specified injuries, 65 per cent of wages for fixed periods: weekly maximum $12, minimum $5. Compensation for disfigurement if it impairs future usefulness or occupational opportunities.	Reasonable medical, surgical, and hospital services *for 90 days*, unless board fixes other period; maximum $100; maximum in case of operation for hernia, $200; charges limited to those prevailing in the community.	Notice as soon as practicable; claim in 1 year.	Workmen's compensation board.	Voluntary agreement approved by board; disputed cases settled by board, a member of same, or referee appointed by it; review by full board; appeal to courts.	All employers subject to act must report all injuries of more than 1 day's disability to workmen's compensation board within 1 week; supplementary report after 60 days or upon termination of disability.	(a) No provision. (b) Mine inspectors;[2] Kentucky Employees' Insurance Association.	54.7
Louisiana. No. 20. Approved June 18, 1914. In effect Jan. 1, 1915. Amended, Nos. 243, 270, 1916.	*Elective*, as to "hazardous" employments enumerated, or as agreed upon or determined by court, except employments not conducted for purpose of employer's business. *Voluntary*, as to other employments.	*Compulsory*, as to all employees except officials.	Not required.	Presumed in absence of written notice to employee.	Presumed in absence of written notice to employer.	Assumed risk, fellow service, and contributory negligence.	Not permitted.	do.	No contract may relieve employer from liability.	Personal injuries by accident arising out of and in course of employment, unless due to willful intention to injure self or another, intoxication, deliberate failure to use safeguards, or deliberate breach of safety laws.	1 week. None if disability continues for 6 weeks or more.	Death, 25 to 50 per cent. Disability 50 per cent.	Death and permanent total disability: maximum, $10; minimum, $3. Partial disability: maximum, $10. Temporary total disability and specified injuries: maximum, $10; minimum, $3, or actual wages if less than $3.	Death, 300 weeks. Permanent total disability, 400 weeks. Temporary total and partial disability, 300 weeks.	(a) Expenses of burial and last sickness, maximum $100; 25 to 50 per cent of wages for 300 weeks: weekly maximum, $10, minimum $3. (b) Expenses of burial and last sickness, maximum, $100.	(a) 50 per cent of wages for 400 weeks: weekly maximum $10, minimum $3. (b) 50 per cent of wages during disability, not over 300 weeks; weekly maximum $10, minimum $3, or actual wages if less than $3.	50 per cent of wage loss during disability, not over 300 weeks; weekly maximum $10. Specified injuries, 50 per cent of wages for fixed maximum periods: weekly maximum $10, minimum $3, or actual wages if less than $3. Facial or head disfigurement, not over 100 weeks.	Reasonable medical, surgical, and hospital services unless employee refuses to allow them to be furnished by employer; maximum $150.	Notice in 6 months; proceedings must be begun within 1 year.	Courts.	Voluntary agreement approved by court; disputed cases settled by court after hearing.	No provision.	(a) No commission. (b) New Orleans factory inspector.[2]	35.2
Maine. Ch. 295. Approved Apr. 1, 1915. In effect Jan. 1, 1916.	*Elective*, as to all employments, except those having less than 6 employees, farm labor, domestic service, logging operations, casual employees, and those not in usual course of employer's business.	*Compulsory*, as to all employees of State, counties, and cities, except officials. *Voluntary*, as to towns.	Electing employers must insure in private companies or provide self-insurance.	Writing filed with commission and posted in establishment.	Presumed if employer elects, in absence of written notice to employer filed with commission.	Assumed risk, fellow service, and contributory negligence.	do.	do.	Existing approved schemes may be continued; waivers forbidden.	Personal injuries by accident arising out of and in course of employment unless due to willful intention to injure self or another, or intoxication without employer's knowledge.	2 weeks.	50 per cent.	Maximum, $10. Minimum, $4.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) 50 per cent of wages for 300 weeks; weekly maximum, $10; minimum, $4. (b) Expenses of burial and last sickness; maximum, $200.	(a) (b) 50 per cent of wages during disability, not over 500 weeks; weekly maximum, $10; minimum $4; total not over $3,000.	50 per cent of wage loss during disability, weekly maximum, $10 for not over 300 weeks. Specified injuries, 50 per cent of wages for fixed periods; thereafter 50 per cent of wage loss for not over 300 weeks; weekly maximum, $10; minimum, $4.	Reasonable medical and hospital services *for 2 weeks*; maximum, $30, except in case of major surgical operations.	Notice in 30 days; claim in 1 year.	Industrial accident commission.	Voluntary agreement approved by commission; disputed cases settled by commissioner after hearing upon application of either party; appeal to court upon questions of law.	All assenting employers must report all accidents promptly to industrial accident commission; insurers must furnish information requested by commission or insurance commissioner.	(a) No provision. (b) Department of labor and industry.[2]	72.9
Maryland. Ch. 800. Approved Apr. 16, 1914. In effect Nov. 1, 1914. Amended, chs. 86, 368, 379, 597, 1916.	*Compulsory*, as to "extrahazardous" employments enumerated conducted for gain; act does not apply to farm labor, domestic service, country blacksmiths, wheelwrights, or similar rural employments, casual employees, and those receiving over $2,000 a year. *Voluntary*, as to nonhazardous employments.	*Compulsory*, as to all workmen employed for wages and engaged in extrahazardous employments. *Voluntary*, as to other employments.	Employers must insure in State fund or private companies, or provide self-insurance.				Permitted in lieu of compensation if accident caused by deliberate intention of employer or failure to insure risk.		Waivers forbidden.	Accidental personal injuries arising out of and in course of employment, unless due to willful intention to injure self or another, willful misconduct, or intoxication as the sole cause. Occupational diseases excluded by implication.	2 weeks; 1 week if disability is permanent.	do.	Death; no weekly maximum. Total disability: Maximum, $12; minimum, $5, or actual wages if less than $5. Permanent partial disability: Maximum, $12.	Death, 8 years. Permanent total disability, life. Temporary total disability, 6 years.	(a) Burial expenses, maximum, $75; 50 per cent of wages for 8 years; maximum, $4,250; minimum, $1,000. (b) Burial expenses, maximum, $75, unless estate sufficient to defray same.	(a) 50 per cent of wages for life: weekly maximum, $12; minimum, $5, or actual wages if less than $5; total not over $5,000. (b) 50 per cent of wages during disability, not over 6 years; weekly maximum, $12; minimum, $5, or actual wages if less than $5; total not over $3,750.	If permanent, 50 per cent of wage loss; weekly maximum, $12; total not over $3,000. If temporary, 50 per cent of wage loss, total not over $3,500. Specified injuries, 50 per cent of wages for fixed periods: weekly maximum, $12; total not over $3,000.	Such medical, surgical, or hospital services as may be required by commission; maximum, $150. Charges limited to those prevailing in the community.	Notice of accident in 10 days; of death in 30 days, unless sufficient reason; claim in 30 days.	do.	Application by employee to commission who render award in accordance with facts, or commission may appoint arbitration committee of 3 persons composed of representatives of each party and a commissioner or deputy; appeal from committee to commission; appeal to courts.	All employers must report all accidents to industrial accident commission at once. Commission may require additional reports.	(a) No provision. (b) Bureau of statistics and information;[2] mine inspector.[2]	45.9
Massachusetts. Ch. 751. Approved July 28, 1911. In effect July 1, 1912. Amended, chs. 571, 1912; 696, 746, 1913; 338, 708, 1914; 123, 275, 314, 1915; 72, 90, 200, 307, 1916.	*Elective*, as to all employments, except farm labor, domestic service, and persons not in usual course of employer's business. *Voluntary*, as to excepted employments.	*Compulsory*, as to laborers, workmen, and mechanics of State. *Elective*, as to counties, cities, towns, or districts having power of taxation.	Electing employers must insure in Massachusetts Employees' Insurance Association or other private companies.	By subscribing to State association or insuring in other company.	Presumed in absence of written notice, if employer insures.	Assumed risk, fellow service, and contributory negligence.	Not permitted.	Defenses remain.	Waivers forbidden; employers must insure.	Personal injuries arising out of and in course of employment, unless due to serious and willful misconduct. (Occupational diseases included by decision of court.)	10 days.	66⅔ per cent.	Maximum, $10. Minimum, $4.	500 weeks.	(a) 66⅔ per cent of wages for 500 weeks; weekly maximum, $10; minimum, $4; total not over $4,000. (b) Expenses of burial and last sickness, maximum, $200.	(a) (b) 66⅔ per cent of wages during disability, not over 500 weeks; weekly maximum, $10; minimum, $4; total not over $4,000.	66⅔ per cent of wage loss during disability, weekly maximum, $10; total not over $4,000. Specified injuries, 66⅔ per cent of wages for fixed periods in addition to all other compensation: weekly maximum, $10; minimum, $4.	Reasonable medical, surgical, and hospital services *for 2 weeks*, or longer in unusual cases, at discretion of board.	Notice as soon as practicable; claim in 6 months.	Industrial accident board.	Voluntary agreement approved by board; disputed cases settled by arbitration committee of 3 persons composed of representatives of each party and a member of board; appeal from committee to full board; certain cases taken direct to board; appeal to court upon questions of law.	All employers must report all injuries to industrial accident board within 48 hours; supplementary report after 60 days or termination of disability; insurer must report compensation paid within 60 days after termination of disability.	(a) No provision. (b) Board of labor and industries;[2] district police;[2] Massachusetts Employees' Insurance Association.	87.8
Michigan. No. 10. Approved Mar. 20, 1912. In effect Sept. 1, 1912. Amended, Nos. 50, 79, 156, 259, 1913; 104, 153, 170, 171, 1915.	*Elective*, as to all employments, except farm labor, domestic service, casual employees, and those not in usual course of employer's business.	*Compulsory*, as to all employees except officials.	Electing employers must insure in State fund or private companies, or provide self-insurance.	Writing filed with industrial accident board.	Presumed in absence of written notice, if employer elects.	do.	Permitted if employer is in default on insurance premiums.	do.	Existing schemes may be continued, but no reduction in liability allowed; waivers forbidden.	Personal injuries arising out of and in course of employment, unless due to intentional and willful misconduct. (Occupational diseases excluded by court.)	2 weeks. None if disability continues 8 weeks or more.	50 per cent.	do.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) 50 per cent of wages for 300 weeks; weekly maximum, $10; minimum, $4. (b) Expenses of burial and last sickness, maximum, $200.	(a) (b) 50 per cent of wages during disability, for not over 500 weeks; weekly maximum, $10; minimum, $4; total not over $4,000.	50 per cent of wage loss during disability, for not over 300 weeks; weekly maximum, $10. Specified injuries, 50 per cent of wages for fixed periods; weekly maximum, $10; minimum, $4.	Reasonable medical and hospital services *for 3 weeks*.	Notice in 3 months; claim in 6 months.	do.	Do.	All employers must report all injuries to industrial accident board within 10 days.	(a) No provision. (b) Department of labor.[2]	83.1
Minnesota. Ch. 467. Approved Apr. 24, 1913. In effect Oct. 1, 1913. Amended, chs. 193, 209, 1915.	*Elective*, as to all employments except farm labor, domestic service, steam railroads, casual employees not in usual course of employer's business.	*Elective*, as to employees of counties, cities, towns, villages, and school districts, except officials.	Not required.	Presumed in absence of written notice posted in establishment and filed with commissioner of labor.	Presumed in absence of written notice to employer and filed with commissioner of labor.	Assumed risk, fellow service, and contributory negligence, unless willful.	Not permitted.	do.	Employer may insure or maintain fund, but may not reduce liability fixed by law.	Personal injuries by accident arising out of and in course of employment, unless intentionally self-inflicted, due to intoxication, or caused by fellow employee for personal reason. Occupational diseases excluded by implication.	2 weeks.	Death, 25 to 60 per cent. Disability, 50 per cent.	Maximum, $11. Minimum: $6.50, or actual wages if less than $6.50.	Death, 300 weeks. Permanent total disability, 550 weeks. Temporary total and partial disability, 300 weeks.	(a) Burial expenses, maximum, $100; 25 to 60 per cent of wages for 300 weeks; weekly maximum, $11; minimum, $6.50, or actual wages if less than $6.50. (b) Expenses of burial and last sickness, maximum, $100.	(a) 50 per cent of wages for 400 weeks; weekly maximum, $11; minimum, $6.50, or actual wages if less than $6.50; not over $6.50 thereafter 150 weeks; total not over $5,000. (b) 50 per cent of wages during disability, for not over 300 weeks; weekly maximum, $11; minimum, $6.50, or actual wages if less than $6.50.	50 per cent of wage loss during disability, for not over 300 weeks; weekly maximum, $11. Specified injuries, 50 per cent of wages for fixed periods: weekly maximum, $11, minimum, $6.50, or actual wages if less than $6.50.	Reasonable medical and surgical treatment *for 90 days*; maximum, $100; court may allow additional treatment, maximum, $200, if need is shown within 100 days of injury; charges limited to those prevailing in the community.	Notice in 14 days; if in 30 days not barred except as to extent employer was prejudiced; bar absolute after 90 days.	Limited supervision by commissioner of labor; disputed cases settled by courts.	Voluntary agreement approved by court; commissioner of labor, upon request, shall advise employee and assist in adjusting differences; disputed cases settled by court; appeal to supreme court upon questions of law.	No provision.	(a) No provision. (b) Department of labor and industries;[2] county inspectors of mines.[2]	79.0
Montana. Ch. 96. Approved Mar. 8, 1915. In effect July 1, 1915.	*Elective*, as to "inherently hazardous" employments enumerated, except farm labor, domestic service, and casual employees (defined as not in usual course of employer's business).	*Compulsory*, as to all employees, including those of public contractors.	Electing employers must insure in State fund, or private companies, or provide self-insurance.	Writing filed with board and posted in establishment.	Presumed in absence of written notice to employer and filed with board.	do.	Permitted if employer is in default on insurance premiums.	do.	Waivers forbidden; hospital fund may be maintained.	Injuries from *fortuitous* event arising out of and in course of employment. Occupational diseases specifically excluded.	do.	Death, 30 to 50 per cent. Disability, 50 per cent.	Maximum, $10. Minimum, $6, or actual wages if less than $6.	Death, 400 weeks. Permanent total disability, life. Temporary total and partial disability, 300 weeks.	(a) Burial expenses, maximum, $75; 30 to 50 per cent of wages for 400 weeks; weekly maximum, $10; minimum, $6, or actual wages if less than $6. (b) Burial expenses, maximum, $75.	(a) 50 per cent of wages for 400 weeks; weekly maximum, $10; minimum, $6, or actual wages if less than $6; thereafter $5 a week for life. (b) 50 per cent of wages during disability, for not over 300 weeks; weekly maximum, $10; minimum, $6, or actual wages if less than $6.	50 per cent of wage loss, 150 weeks if permanent, 300 weeks if temporary; weekly benefits and wages to be not less than $6. Specified injuries, 50 per cent of wages for fixed periods; weekly maximum, $10; minimum, $6, or actual wages if less than $6.	Reasonable medical and hospital services *for 2 weeks*; maximum, $50, unless there is a hospital fund; special operating fee of $50 in case of hernia.	Notice in 60 days; claim in 6 months.	Industrial accident board.	Disputed cases determined by board subject to rehearing on certain specified grounds; limited appeal to courts.	All employers and insurers must report all accidents to industrial accident board; employers not in State fund must report monthly on compensation and medical aid paid.	(a) Industrial accident board. (b) Department of labor and industries (mines and boilers only).[2]	50.9
Nebraska. Ch. 198. Approved Apr. 21, 1913. In effect July 17, 1913.	*Elective*, as to all employments except those having regularly less than 5 employees, farm labor, domestic service, outworkers, casual employees, and those not employed for employer's business or profit. *Voluntary* as to excepted employments.	*Elective*, as to all employees, except officials.	Not required.	Presumed in absence of notice posted in establishment and filed with insurance commissioner.	Presumed in absence of notice to employer and filed with insurance commissioner.	Assumed risk, fellow service, and contributory negligence unless willful or due to intoxication.	Not permitted.	do.	Existing schemes may be continued if benefits equal those of act. Waivers forbidden.	Personal injuries by accident arising out of and in course of employment, unless due to willful negligence (deliberate and reckless indifference to safety or intoxication). Occupational diseases specifically excluded.	2 weeks. None if disability continues for 8 weeks or more.	50 per cent.	Maximum, $10. Minimum: $5, or actual wages if less than $5.	Death, 350 weeks. Permanent total disability, life. Temporary total disability, during its continuance. Partial disability, 300 weeks.	(a) Expenses of burial and last sickness, maximum, $100; 50 per cent of wages for 350 weeks; weekly maximum, $10; minimum, $5, or actual wages if less than $5. (b) Expenses of burial and last sickness, maximum, $100.	(a) (b) 50 per cent of wages for 300 weeks; weekly maximum, $10; minimum, $5, or actual wages if less than $5; thereafter 40 per cent of wages during disability; weekly maximum, $8; minimum, $4, or actual wages if less than $4.	50 per cent of wage loss for not over 300 weeks; weekly maximum, $10. Specified injuries, 50 per cent of wages for fixed periods; weekly maximum, $10; minimum, $5, or actual wages if less than $5.	Reasonable medical and hospital services *for 21 days*; maximum, $200; employer not liable for aggravation of injury for which he is not allowed to furnish medical service.	Notice as soon as practicable; claim in 6 months; petitions filed in court in 1 year.	Courts.	By interested parties; disputed cases submitted to arbitration by mutual consent, or either party may submit claim to district court; appeal to supreme court.	No provision.	(a) No commission. (b) Bureau of labor and industrial statistics.[2]	58.7
Nevada. Ch. 183. Approved Mar. 24, 1911. In effect July 1, 1911. New act, ch. 111, 1913. Amended, ch. 190, 1915.	*Elective*, as to all employments except farm labor and domestic service.	*Compulsory*, as to all employees including those of contractors.	Electing employers must insure in State fund.	Presumed in absence of notice posted in establishment and filed with commission.	Presumed in absence of notice to employer and filed with commission.	do.	Permitted if employer is in default on insurance premiums.	Defenses remain except assumed risk due to employer's violation of safety laws; no presumption of employer's negligence.	Waivers forbidden.	Personal injuries by accident arising out of and in course of employment, unless due to willful intention to injure self or another, or sustained while intoxicated.	1 week. None if disability continues for 3 weeks or more.	Death, 40 to 60 per cent. Disability, 50 per cent.	Maximum, $60 a month. Minimum, $20 a month.	Death, 100 months. Permanent disability, 100 months. Temporary partial disability, 60 months.	(a) Burial expenses, maximum, $125; 40 to 60 per cent of wages for 100 months: monthly maximum, $60; minimum, $20; total not over $6,000. (b) Burial expenses, maximum $125.	(a) (b) 50 per cent of wages, for not over 100 months; monthly maximum, $60; minimum, $20; total not over $5,000.	If permanent, 50 per cent of wages for periods proportioned to disability, maximum, 100 months; monthly maximum $50. If temporary, 50 per cent of wage loss, for not over 60 months; monthly maximum, $40. Specified injuries 50 per cent of wages for fixed periods; monthly maximum, $60; minimum, $20. Facial disfigurement, not over 12 months.	Reasonable medical, surgical, or hospital treatment *for 4 months*.	Applications must be made and claims enforced in 1 year.	Industrial commission.	By commission under rules adopted by it.	All employers must report all accidents to industrial commission at once.	(a) No provision. (b) Labor commissioner;[2] inspectors of mines.[2]	76.2
New Hampshire. Ch. 163. Approved Apr. 15, 1911. In effect Jan. 1, 1912.	*Elective*, as to "dangerous" employments enumerated, except factories or shops having less than 5 employees engaged in manual or mechanical labor; applies only to "workmen."	No provision.	Electing employers must give proof of financial ability or file a bond.	Writing filed with commissioner of labor.	By accepting compensation or beginning proceedings under act.	Fellow service; burden of proof of contributory negligence on employer; no assumption of risk due to negligence.	Permitted in lieu of compensation after injury.	Defenses remain.	No provision.	Injuries arising out of and in course of employment, unless due to willful misconduct, intoxication, or violation of law.	2 weeks.	50 per cent.	Maximum, $10. Minimum, no provision.	Death, 150 times weekly earnings. Disability, 300 weeks.	(a) 150 times weekly earnings; total not over $3,000. (b) Expenses of burial and medical attendance, maximum, $100.	(a) (b) 50 per cent of wages during disability, for not over 300 weeks; weekly maximum, $10.	50 per cent of wage loss during disability, for not over 300 weeks; weekly maximum, $10.	Only in fatal cases involving no dependents, medical attendance and burial expenses; maximum, $100.	Notice as soon as practicable and before leaving service; claim in 6 months.	Courts.	Voluntary agreement, or by action in equity before superior court.	All employers subject to act must make such reports to commissioner of labor as required by him.	(a) No commission. (b) Bureau of labor.[2]	56.0
New Jersey. Ch. 95. Approved Apr. 4, 1911. In effect July 4, 1911. Amended, ch. 174, 1913; 244, 1914; 54, 1916.	*Elective*, as to all employments except casual employees.	*Compulsory*, as to all employees except elective officials or those receiving a salary over $1,200.	Not required.	Presumed in absence of written notice to employees.	Presumed in absence of written notice to employer.	Assumed risk, fellow service, and contributory negligence unless willful (deliberate act or failure to act, reckless indifference to safety, or intoxication). Abrogation is absolute and does not depend upon rejection of act.	Not permitted.	Abrogation of defenses absolute.	No substitute agreements valid.	Personal injuries by accident arising out of and in course of employment, unless intentionally self-inflicted, or due to intoxication.	do.	Death, 35 to 60 per cent. Disability, 50 per cent.	Maximum, $10. Minimum, $5, or actual wages if less than $5.	Death, 300 weeks. Permanent total disability, 400 weeks. Temporary total and partial disability, 300 weeks.	(a) Expenses of burial and last sickness: maximum, $100; 35 to 60 per cent of wages for 300 weeks: weekly maximum $10; minimum $5, or actual wages if less than $5. (b) Burial expenses, maximum, $100.	(a) 50 per cent of wages for 400 weeks: weekly maximum, $10; minimum, $5, or actual wages if less than $5. (b) 50 per cent of wages during disability, for not over 300 weeks; weekly maximum, $10; minimum, $5, or actual wages if less than $5.	50 per cent of wages for periods proportioned to disability; maximum, 300 weeks. Specified injuries, 50 per cent of wages for fixed periods: weekly maximum, $10; minimum, $5, or actual wages if less than $5.	Reasonable medical and hospital services *for 2 weeks*, unless employee refuses such treatment; maximum, $50.	Notice in 14 days; if in 30 days, not barred except as to extent employer was prejudiced; bar absolute after 90 days; claim in 1 year.	Limited supervision by department of labor; disputed cases settled by courts.	Voluntary agreement approved by department of labor; department may attempt to adjust differences after 21 days; disputed cases settled by courts of common pleas; appeal to supreme court upon questions of law.	All employers must report all accidents of more than 2 weeks' disability to department of labor within 4 weeks; fatal accidents within 2 weeks.	(a) No commission. (b) Department of labor.	99.8
New York. Ch. 816. Approved Dec. 16, 1913. In effect July 1, 1914. Amended, chs. 41, 316, 1914; 167, 168, 615, 674, 1915; 622, 1916.	*Compulsory*, as to enumerated "hazardous" employments conducted for gain; farm labor and domestic service specifically excluded. *Voluntary*, as to other employments.	*Compulsory*, as to all employees.	Employers must insure in State fund or private companies, or provide self-insurance.				Permitted if employer fails to insure risk. Defenses abrogated.		Waivers forbidden.	Accidental personal injuries arising out of and in course of employment, unless due to willful intention to injure self or another, or intoxication.	do.	15 to 66⅔ per cent.	Death: maximum basic wage, $100 a month. Disability: weekly maximum, $15 ($20 for certain injuries); minimum, $5.	Death, during life or until remarriage of widow or dependent widower. Permanent total disability, life. Others, during disability.	(a) Burial expenses, maximum, $100; widow or dependent widower, 30 per cent of wages until death or remarriage; 10 per cent additional for each child under 18; total not over 66⅔ per cent; maximum basic wage, $100 a month. (b) Burial expenses, maximum, $100; and $100 to create special fund for paying for loss of second major members.	(a) 66⅔ per cent of wages for life: weekly maximum, $15; minimum, $5. (b) 66⅔ per cent of wages during disability; weekly maximum, $15; minimum, $5; total not over $3,500.	66⅔ per cent of wage loss during disability; total not over $3,500 if temporary. Specified injuries, 66⅔ per cent of wages for fixed periods; weekly maximum, $15 ($20 for certain injuries); minimum, $5, or actual wages if less than $5. Facial or head disfigurement, maximum, $3,500.	Such medical, surgical, and hospital services as may be required or requested by employee *for 60 days*. Charges limited to those prevailing in the community.	Notice of injury in 10 days, death in 30 days unless excused by commission; claim in 1 year.	Industrial commission.	Voluntary agreement, 14 days after injury, approved by commission; disputed cases may be submitted to arbitration committee of 3 persons, appointed by commission, composed of representatives of each party and a commissioner or deputy; commission may settle cases direct after hearing; appeal to court upon questions of law.	All employers must report all accidents to industrial commission within 10 days; commission may require any information.	(a) Industrial commission. (b) No provision.	55.9
Ohio. P. 524. Approved June 15, 1911. In effect Jan. 1, 1912. Amended, pp. 72, 396, 1913; 193, 1914; 508, 1915.	*Compulsory*, as to all employments except those having less than 5 employees, casual employees, and those not in usual course of employer's business. *Voluntary*, as to employments having less than 5 employees.	*Compulsory*, as to all employees, except officials or firemen and policemen in cities having pension funds.	Employers must insure in State fund or provide self-insurance.				Permitted if injury is due to willful act of employer, violation of safety laws, or default on insurance premiums.		Approved substitute insurance schemes permitted. Waivers forbidden.	Injuries sustained in course of employment, unless purposely self-inflicted. (Occupational diseases excluded by court.)	1 week.	do.	Maximum, $12. Minimum: $5, or actual wages if less than $5.	Death, 6 years. Permanent total disability, life. Temporary total disability, 6 years. Partial disability, during its continuance.	(a) Burial expenses, maximum, $150; 66⅔ per cent of wages for 6 years; weekly maximum, $12; minimum, $5, or actual wages if less than $5; total not over $3,750 or less than $1,500. (b) Burial expenses, maximum, $150.	(a) 66⅔ per cent of wages for life; weekly maximum, $12; minimum, $5, or actual wages, if less than $5. (b) 66⅔ per cent of wages during disability, for not over 6 years; weekly maximum, $15; minimum, $5, or actual wages if less than $5; total not over $3,750.	66⅔ per cent of wage loss during disability; weekly maximum $12; total not over $3,750. Specified injuries, 66⅔ per cent of wages for fixed periods; weekly maximum, $12; minimum, $5, or actual wages if less than $5.	Such medical and hospital services as commission deems proper; maximum, $200.	To be fixed by commission.	do.	Commission determines all questions within its jurisdiction; appeal to court.	All employers must report all accidents to industrial commission within 1 week.	(a) Industrial commission. (b) No provision.	77.3
Oklahoma. Ch. 246. Approved Mar. 22, 1915. In effect Sept. 1, 1915.	*Compulsory*, as to "hazardous" employments (enumerated list and general clause) conducted for gain except those having less than 3 employees, farm labor, retail stores, and employees not engaged in manual or mechanical work.	*Compulsory*, as to all workmen in hazardous employments employed for wages, except when equivalent schemes are in force.	Employers must insure in private companies or provide self-insurance.				Permitted if employer fails to insure risk. Defenses abrogated.		Approved schemes permitted. Waivers forbidden.	Accidental personal injuries arising out of and in course of employment, unless due to willful intention to injure self or another, intoxication, or willful failure to use statutory safeguards. *Fatal* accidents excluded.	2 weeks.	50 per cent.	Maximum, $10. Minimum, $6, or actual wages if less than $6.	Permanent total disability, 500 weeks. Temporary total and partial disability, 300 weeks.	Fatal accidents not covered.	(a) 50 per cent of wages for 500 weeks; weekly maximum, $10; minimum $6, or actual wages if less than $6. (b) 50 per cent of wages during disability, for not over 300 weeks; weekly maximum, $10; minimum $6, or actual wages if less than $6.	50 per cent of wage loss during disability, for not over 300 weeks. Specified injuries, 50 per cent of wages for fixed periods; weekly maximum, $12; minimum, $6, or actual wages if less than $6.	Necessary medical, surgical, and hospital services *for 15 days*; charges limited to those prevailing in the community.	Notice in 30 days; claim in 1 year.	do.	Voluntary agreement, after 14 days, approved by commission; disputed cases may be submitted to arbitration committee of 3 persons, appointed by commission, composed of representatives of each party and a commissioner or deputy; or commission may settle cases direct after hearing; appeal to courts.	All employers must report all accidents to industrial commission within 10 days or reasonable time; commission may require any information.	(a) No provision. (b) Department of labor;[2] inspectors of mines, oil, and gas.[2]	34.6
Oregon. Ch. 112. Approved Feb. 25, 1913. In effect July 1, 1913. Amended, ch. 271, 1915. Compensation and insurance provisions effective July 1, 1914.	*Elective*, as to enumerated "hazardous" employments. *Voluntary*, as to other employments.	No provision.	Electing employers must insure in State fund.	Presumed in hazardous employments in absence of notice posted in establishment and filed with commission.	Presumed in absence of written notice, *if employer elects*.	Assumed risk, fellow service, and contributory negligence, except willful and with purpose of self-injury.	Permitted if injury is due to willful act of employer, violation of safety laws, or default on insurance premiums.	Defenses remain; prior law abrogated assumed risk and fellow service; contributory negligence to be measured.	Waivers forbidden.	Personal injuries by accident caused by violent or external means arising out of and in course of employment, unless due to deliberate intention to injure self. Occupational diseases excluded by implication.	None.	Monthly pension; amounts not based on wages.	Monthly pension. Death, $15 to $50. Permanent total disability, $30 to $50. Temporary total disability, $30 to $50, increased by 50 per cent for first 6 months but not over 60 per cent of wages. Permanent partial disability, $25.	Death, during life or until remarriage of widow or invalid widower. Total disability, during its continuance. Temporary partial disability, 2 years.	(a) Burial expenses, maximum, $100; widow or invalid widower, $30 a month until death or remarriage; $6 for each child under 16; monthly maximum $50. (b) Burial expenses, maximum, $100.	(a) (b) $30 a month if single, $35 if dependent spouse, $6 for each child under 16; monthly maximum $50. If temporary, above schedule increased by 50 per cent for first 6 months, but not over 60 per cent of wages. Compensation in all cases to continue during disability.	If temporary, benefits proportionate to those for total disability for not over 2 years. Specified permanent injuries, $25 a month for fixed periods; others in proportion.	First aid, medical, surgical, and hospital services and transportation; maximum, $250.	Claim in 1 year.	Industrial accident commission.	Commission settles all questions; appeal to courts.	All employers must report all accidents to industrial accident commission at once.	(a) Industrial accident commission must investigate violation of safety laws and report same to prosecuting attorney. (b) Bureau of labor statistics.[2]	44.4
Pennsylvania. No. 338. Approved June 2, 1915. In effect Jan. 1, 1915.	*Elective*, as to all employments except farm labor, domestic service, casual employees not in usual course of employer's business, and outworkers.	*Compulsory*, as to all employees.	Electing employers must insure in State fund or private companies, or provide self-insurance.	Presumed in absence of notice posted in establishment, given employee, and filed with compensation bureau.	Presumed in absence of written notice to employer and filed with compensation bureau.	Assumed risk, fellow service, and contributory negligence, unless due to intoxication or reckless indifference. Abrogation of defenses is absolute and does not depend upon rejection of act.	Permitted if employer fails to insure risk.	Abrogation of defenses absolute.	do.	Personal injuries by accident in course of employment while actually engaged in furtherance of employer's business, unless intentionally self-inflicted, or due to intentional act of third party for reasons not connected with the employment.	2 weeks.	Death, 15 to 60 per cent. Disability, 50 per cent.	Death: Basic wage, maximum, $20; minimum, $10. Disability: Maximum, $10; minimum, $5, or actual wages if less than $5.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) Expenses of burial and last sickness, maximum, $100; 15 to 60 per cent of wages for 300 weeks; basic wage, maximum, $20; minimum, $10. (b) Expenses of burial and last sickness, maximum, $100.	(a) (b) 50 per cent of wages during disability, maximum 500 weeks; weekly maximum $10; minimum $5, or actual wages if less than $5; total not over $4,000.	50 per cent of wage loss during disability, for not over 300 weeks; weekly maximum $10. Specified injuries, 50 per cent of wages for fixed periods; weekly maximum, $10; minimum $5, or actual wages if less than $5.	Reasonable medical, surgical, and hospital services *for 14 days*, unless employee refuses; maximum, $25; in case of major surgical operations, maximum $75; if employee refuses medical service, employer not liable for aggravation of injury.	Notice in 14 days; claim in 1 year.	Workmen's compensation board and department of labor and industry.	Voluntary agreement, after 14 days, approved by board; disputed cases settled by board's referee after hearing; appeal to board; cases involving agreed facts settled by board direct; appeal to court upon questions of law.	All subscribers to State fund must report all accidents to workmen's insurance board within 7 days; commissioner of insurance may require insurers to file annual statement of loss experience. All employers (except casual employments) must report all accidents of 2 days' disability to department of labor and industry within 30 days.[2]	(a) Workmen's insurance board empowered to make safety regulations affecting subscribers to State fund. (b) Department of labor and industry;[2] department of mines.[2]	88.8
Porto Rico. No. 19. Approved Apr. 13, 1916. In effect July 1, 1916.	*Elective*, as to all employments except those having regularly less than 5 employees, farm labor not working with mechanical-driven machinery, domestic service, clerical occupations, and employees receiving more than $1,200 a year.	No provision.	Electing employers must insure in State fund.	Presumed in absence of written notice filed with commission.	Presumed in absence of written notice to employer and filed with commission.	Assumed risk, fellow service, and contributory negligence.	Permitted if injury is caused by willful act or criminal negligence of employer.	Defenses remain.	No provision.	Personal injuries by accident arising out of and in course of employment, unless received while willfully intending to commit a crime, when voluntarily self-inflicted or while trying to injure another, when due to intoxication, when willful criminal act of another, or where gross negligence was sole cause.	None.	Death and permanent total disability 75 per cent plus $1,500. Temporary total disability, 75 per cent.	Maximum, $7. Minimum, $3.	Death and permanent total disability, 208 weeks. Temporary total disability, 104 weeks.	(a) Burial expenses, maximum, $40; $1,500 plus 75 per cent of wages for 208 weeks; weekly maximum, $7; minimum $3. (b) No provision.	(a) $1,500 plus 75 per cent of wages for 208 weeks; weekly maximum, $7; minimum, $3. (b) 75 per cent of wages during disability, for not over 104 weeks; weekly maximum, $7; minimum, $3.	No provision.	Necessary medical attendance as prescribed by commission; maximum 8 weeks of disability; also necessary medicines and food supplies until compensation begins.	Claim must be made in 90 days.	Workmen's relief commission.	Investigation by commission and bureau of labor; claims settled by commission; appeal to court only upon question of whether injured employee is entitled to compensation.	All employers must report all accidents to bureau of labor within 10 days.	(a) No provision; (b) Bureau of labor.[2]	18.4
Rhode Island. Ch. 831. Approved Apr. 29, 1912. In effect Oct. 1, 1912. Amended, ch. 937, 1913; 1288, 1915.	*Elective*, as to all employments except those having less than 6 employees, farm labor, domestic service, casual employees not in usual course of employer's business, and employees receiving over $1,800 a year. *Voluntary*, as to excepted employments.	do.	Electing employers must insure in private companies or provide self-insurance.	Writing filed with commissioner of industrial statistics.	Presumed in absence of written notice, if employer elects.	do.	Permitted if employer fails to insure risk.	do.	Approved schemes may be substituted if benefits equal those of act. Waivers forbidden.	Personal injuries by accident arising out of and in course of employment unless due to willful intent to injure self or another, or intoxication.	2 weeks.	50 per cent.	Maximum, $10. Minimum, $4.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.	(a) 50 per cent of wages for 300 weeks: weekly maximum, $10; minimum, $4. (b) Expenses of burial and last sickness, maximum, $200.	50 per cent of wages during disability: for not over 500 weeks: weekly maximum, $10; minimum, $4.	50 per cent wage loss during disability, for not over 300 weeks; weekly maximum, $10. Specified injuries, 50 per cent of wages for fixed periods in addition to all other compensation: weekly maximum, $10; minimum, $4.	Reasonable medical and hospital services *for 2 weeks*; maximum, $200, including burial, in fatal cases involving no dependents.	Notice in 30 days; claim in 1 year.	Courts.	Voluntary agreement approved by court; disputed cases settled by court upon petition of either party; appeal to supreme court upon questions of law or equity.	All assenting employers (except public utilities) must report all injuries of 2 weeks' disability to bureau of industrial statistics within 3 weeks, fatal within 48 hours.	(a) No commission. (b) Factory inspector.[2]	50.0
Texas. Ch. 179. Approved Apr. 16, 1913. In effect Sept. 1, 1913.	*Elective* as to all employments except those having less than 5 employees, farm labor, domestic service, cotton ginning, railways used as common carriers, casual employees, and those not in usual course of employer's business.	do.	Electing employers must insure in Texas Employer's Insurance Association or other private companies.	By subscribing to State association or insuring in other company and notifying employees.	No option.	Assumed risk and fellow service; contributory negligence to be measured.	Permitted against employer accepting insurance system if his willful or gross negligence causes death.	No option.	Waivers forbidden.	Personal injuries sustained in course of employment. (Occupational diseases excluded by court.)	1 week.	60 per cent.	Maximum, $15. Minimum, $5.	Death, 360 weeks. Total disability, 400 weeks. Partial disability, 300 weeks.	(a) 60 per cent of wages for 360 weeks; weekly maximum, $15; minimum, $5. (b) Expenses of burial and last sickness, maximum, $100; creditors to be paid but not more than beneficiaries would have received.	(a) (b) 60 per cent of wages during disability, for not over 400 weeks; weekly maximum, $15; minimum, $5.	60 per cent of wage loss during disability, for not over 300 weeks: weekly maximum, $15. Specified injuries, 60 per cent of wages for fixed periods in addition to all other compensation: weekly maximum, $15; minimum, $5.	Reasonable medical and hospital services *for 1 week*.	Notice as soon as practicable; claim in 6 months.	Industrial accident board.	Voluntary agreement or by board; appeal to court.	All employers must report all accidents to industrial accident board within 8 days; supplementary report after 60 days, or upon termination of disability.	(a) No provision. (b) Bureau of labor statistics;[2] mine inspector;[2] Texas Employer's Insurance Association.	42.5
Vermont. Ch. 164. Approved Apr. 1, 1915. In effect July 1, 1915.	*Elective*, as to all employments conducted for gain except those having less than 11 employees, domestic service, casual employees, those not in usual course of employer's business and employees receiving over $1,500 a year.	*Elective*, as to all employees of cities, towns, and incorporated villages, except officials elected or receiving more than $1,500 a year.	Electing employers must insure in private companies, or provide self-insurance.	Presumed in absence of written notice to employees and board; municipalities by vote.	Presumed in absence of written notice or agreement to employers and board.	Assumed risk, fellow service, and contributory negligence.	Not permitted.	Defenses remain.	do.	Personal injuries by accident arising out of and in course of employment, unless due to willful intention to injure self or another, intoxication, or failure to use safety devices. Occupational diseases specifically excluded.	2 weeks.	Death, 15 to 45 per cent; disability, 50 per cent.	Death: Basic wage, maximum, $25; minimum, $5, or actual wages if less than compensation. Permanent total disability: Maximum, $12.50; minimum, $3. Temporary total disability: Maximum, $12.50; minimum, $3, or actual wages if less than $3. Partial disability: Maximum, $10.	Death, 260 weeks. Permanent total disability, 260 weeks. Temporary total disability, 78 weeks. Partial disability, 5 years.	(a) Burial expenses, maximum, $75; 15 to 45 per cent of wages for 260 weeks; total not over $3,500; weekly basic wage, maximum, $25; minimum, $5, or actual wages if less than compensation. (b) Burial expenses, maximum, $75.	(a) 50 per cent of wages for 260 weeks; weekly maximum, $12.50; minimum, $3; total not over $4,000. (b) 50 per cent of wages during disability, for not over 78 weeks; weekly maximum, $12.50; minimum, $3, or actual wages if less than $3.	50 per cent of wage loss during disability; maximum, 5 years; weekly maximum, $10. Specified injuries, 50 per cent of wages for fixed periods; weekly maximum, $10. Compensation for disfigurement if resulting in decreased ability to secure employment.	Reasonable medical, surgical, and hospital services *for 14 days*; maximum, $75. Charges limited to those prevailing in the community.	do.	do.	Voluntary agreement approved by board; disputed cases settled by board after hearing; appeal to courts.	All employers must report all injuries of 1 day's disability to industrial accident board within 72 hours; supplementary report after 60 days or termination of disability; final report showing total payments made within 60 days after termination of disability.	(a) No provision. (b) Factory inspector.[2]	55.2
Washington. Ch. 74. Approved Mar. 14, 1911. In effect Oct. 1, 1911. Amended, ch. 148, 1913; ch. 188, 1915.	*Compulsory*, as to "extrahazardous" employments, including enumerated list. *Voluntary*, as to employments not "extrahazardous."	*Compulsory*, as to all employees in "extrahazardous" work in which workmen are employed for wages. *Voluntary*, as to employments not "extrahazardous."	Employers must insure in State fund.				Suit for excess damages permitted, in addition to compensation, if injury resulted from deliberate intention of employer; also permitted if employer is in default on insurance premiums.		do.	Personal injuries sustained on premises of plant or in course of employment away from plant, unless deliberately self-inflicted. Occupational diseases specifically excluded.	"5 per cent of disability." Interpreted by department to mean 5 per cent of 1 month, or 1½ days; none if injuries continue for more than 1½ days.	Monthly pension; amounts not based on wages.	Monthly pension: Death, $20 to $35. Permanent total disability, $20 to $35. Temporary total disability, $20 to $35, increased by 50 per cent for first 6 months but not over 60 per cent of wages.	Death, during life or until remarriage of widow or invalid widower. Total disability, during its continuance.	(a) Burial expenses: maximum, $75; $20 a month to widow or invalid widower until death or remarriage; $5 to each child under 16; monthly maximum, $35. (b) Burial expenses, maximum, $75.	(a) (b) $20 a month if single, $25 if married; $5 for each child under 16, $5 a month; monthly maximum, $35. If temporary, above schedule increased by 50 per cent for first 6 months, but not over 60 per cent of wages. Compensation in all cases to continue during disability.	Proportionate amounts based upon loss of earning capacity; maximum, $1,500. (No fixed schedule in law, but industrial insurance department adopted one.)	None.	Claim in 1 year.	Industrial insurance department.	All questions relating to compensation determined by department; appeal to courts.	All employers must report all accidents to industrial insurance department at once.	(a) No provision; (b) Bureau of labor;[2] bureau of mines.[2]	51.5
West Virginia. Ch. 10. Approved Feb. 22, 1913. In effect Oct. 1, 1913. Amended Feb. 20, Mar. 13, 1915.	*Elective*, as to all regular private employments conducted for gain, except farm labor, domestic service, temporary employments, casual employees, traveling salesmen, and officers of corporations. *Voluntary*, as to temporary employments.	No provision.	Electing employers must insure in State fund or provide self-insurance.	By paying premiums and posting notice.	Remaining in service with notice of employer's election.	Assumed risk, fellow service, contributory negligence, and negligence of persons "whose duties are prescribed by statute."	Suit for excess damages permitted, in addition to compensation, if injury is due to employer's intent to injure; also permitted if employer is in default on insurance premiums.	Assenting employers relieved of liability for damages to employees who remain in service after notice of employer's election.	Benefit funds permitted provided employees do not contribute and benefits equal those of act. Waivers forbidden.	Personal injuries sustained in course of and resulting from employment, unless self-inflicted or due to willful misconduct, disobedience to rules, or intoxication.	1 week.	Death, $10 to $35 monthly pension. Disability, 50 per cent.	Permanent disability, maximum, $8; minimum, $4. Temporary disability, maximum, $10; minimum, $5.	Death, during life or until remarriage of widow or invalid widower. Permanent total disability, life. Temporary disability, 52 weeks. Permanent partial disability, 210 weeks.	(a) Burial expense, maximum, $75; widow or invalid widower, $20 a month until death or remarriage; $5 additional for each child under 15; monthly maximum, $35. (b) Burial expenses, maximum, $75.	(a) 50 per cent of wages for life; weekly maximum $8, minimum $4. (b) 50 per cent of wages during disability: for not over 26 weeks (52 weeks in special cases); weekly maximum, $10; minimum, $5.	If permanent, 50 per cent of wages for various periods (from 30 to 210 weeks); 70 to 85 per cent of disability, 40 per cent of wages for life; over 85 per cent, 50 per cent of wages for life; weekly maximum $8, minimum, $4. If temporary, 50 per cent of wage loss during disability; for not over 26 weeks (52 weeks in special cases); weekly maximum, $10.	Reasonable medical, surgical, and hospital treatment; maximum, $150; maximum, $300 in special cases where disability can be reduced.	Claim in 6 months; proof of dependency in 9 months.	Compensation commissioner.	Commissioner has full power to determine all questions relating to compensation; appeal to courts.	All employers must report any information required by compensation commissioner for purpose of act upon request.	(a) Commissioner may require employers to adopt and post safety rules. (b) Bureau of labor;[2] department of mines.[2]	74.7
Wisconsin. Ch. 50. Approved May 3, 1911. In effect same date. Amended, chs. 599, 707, 1913; 121, 241, 316, 369, 378, 462, 1915.	*Elective*, as to all employments except those having less than 4 employees,[3] farm labor, steam railroads used as common carriers, casual employees, and those not in usual course of employer's business. *Voluntary*, as to steam railroads.	*Compulsory*, as to all employees except officials.	Electing employers must insure in private companies or provide self-insurance.	Presumed as to employers of 4 or more persons in absence of notice filed with commission.	Presumed in absence of written notice to employer, if employer elects.	Assumed risk; also fellow service, and contributory negligence unless willful, if 4 or more employees. (Does not apply to farm labor.)	Not permitted.	Defenses remain.	Insurance or other schemes permitted if benefits equal those of act. Waivers forbidden.	Personal injuries accidentally sustained growing out of and incidental to employment, unless intentionally self-inflicted.	1 week. None if disability continues for more than 28 days.	Disability, 65 per cent.	No provision.	Death, 320 weeks. Permanent total disability, 480 weeks. Temporary total and partial disability, 320 weeks.	(a) 4 years' earnings, but amount added to prior disability payments may not exceed 6 years' earnings. (b) Burial expenses, maximum, $100.	(a) 65 percent of wages; if nurse required, 100 per cent after 90 days; maximum, 6 years' earnings. (b) 65 per cent of wages; if nurse required, 100 per cent after 90 days; maximum 4 years' earnings.	65 per cent of wage loss, maximum, 4 years' earnings. Specified injuries, 65 per cent of wages for fixed periods, subject to extension. Serious permanent head or facial disfigurement, maximum, $750.	Reasonable medical, surgical, and hospital treatment *for 90 days*.	Notice in 30 days; claim in 2 years.	Industrial commission.	Voluntary agreement approved by commission; disputed cases settled by commission after hearing; appeal to courts.	All employers of 4 or more persons and insurers must report all accidents to industrial commission within first 5 days of each month; insurers must report accident experience annually.	(a) Industrial commission. (b) No provision.	74.7
Wyoming. Ch. 124. Approved Feb. 27, 1915. In effect Apr. 1, 1915.	*Compulsory*, as to "extrahazardous" employments enumerated conducted for gain, except those having less than 5 employees, casual employees not in usual course of employer's business, clerical employees not subject to hazard of employment, and officials; numerical exception does not apply to "extrahazardous" employments where explosives are used and to structural work 10 feet above ground.	*Compulsory*, as to all employees in "extrahazardous" work in which workmen are employed for wages, except employees who are otherwise provided for.	Employers must insure in State fund.				do.		Waivers forbidden. No reduction of liability allowed.	Injuries sustained as a result of employment, unless due to culpable negligence of employee or willful act of a third party. Occupational diseases specifically excluded.	10 days in case of total temporary disability only; lump-sum payments in all other cases.	Amounts not based on wages.	Temporary total disability, monthly pension $15 to $35. Fixed lump sums in other cases.	No provision.	(a) Burial expenses, maximum, $50; $1,000 to widow or invalid widower; lump sum equal to present worth of $60 a year, for each child under 16; total not over $2,000 for all. (b) Burial expenses, maximum, $50.	(a) $1,000 if single, $1,200 if wife or invalid husband; a sum equal to $60 a year for each child under 16; total not over $3,000. (b) $15 a month if single, $20 if married; $5 a month for each child under 16; monthly maximum, $35; total not over $3,000.	Fixed lump sums for specified injuries; others in proportion; maximum, $1,000.	None.	No provision.	Courts.	Claims and disputed cases settled by district courts of county after hearing; appeal to supreme court.	All employers engaged in extrahazardous employments must report all accidents to district court within 20 days.	(a) No commission. (b) Inspector of mines.[2]	40.0
United States. 35 Stat., 556. Approved May 30, 1908. In effect Aug. 1, 1908. Amended, chs. 57, 255, 390, 1911-12. New act, No. 267, approved Sept. 7, 1916. In effect same date.	*Compulsory*, as to all employees of Panama Railroad.	*Compulsory*, as to all civil employees.					Government can not be sued.		No provision.	Personal injuries sustained while in performance of duty unless due to willful misconduct, intention to injure self or another, or intoxication.	3 days. Compensation begins on fourth day after disability or exhaustion of sick and annual leave.	Death, 10 to 66⅔ per cent. Disability, 66⅔ per cent.	Death: Basic wage, monthly maximum, $100; minimum, $50. Total disability: Monthly maximum, $66.67; minimum, $33.33, or actual wages if less than $33.33. Partial disability: Monthly maximum, $66.67.	Death, during life or until remarriage of widow or widower, other dependents, 8 years. Disability, during its continuance.	(a) Burial [illegible] maximum [illegible] transportat[illegible] mediate fa[illegible], 25 to 66⅔ per cent until death, remarriage, or 18 years of age; other dependents, 10 to 40 per cent, maximum, [illegible] years; basic wage maximum, $100 a month; minimum, $50 a month. (b) Burial expenses, maximum, $100, and transportation.	(a) (b) 66⅔ per cent of wages during disability; monthly maximum, $66.67; minimum, $33.33, or actual wages if less than $33.33.	66⅔ per cent of wage loss during disability; monthly maximum, $66.67.	Reasonable medical, surgical, and hospital services, and transportation if necessary, *for a reasonable period* unless employee refuses.	Notice in 48 hours, 1 year for reasonable cause; claim for disability in 60 days, 1 year for reasonable cause; death, 1 year.	United States Employees' Compensation Commission.	Commission decides all questions arising under act.	Immediate superiors must report such information as required by commission immediately; supplementary reports as required by commission.	(a) No provision. (b) Bureau of Mines;[2] Bureau of Standards;[2] Interstate Commerce Commission.[2]	100.0

[1] Including all employees in employments covered by the compensation law, whether or not the employers in elective States have accepted the act.

[2] Not provided for in compensation law.

[3] But employers having less than 4 employees lose defense of assumed risk if they do not elect.

1912-13.

Isthmian Canal Commission			2		13	1	6		7		2		20	3	48	51
Treasury		1	4		1										6	6
War:																
Engineer Department		1	6		1	1	1	2			2		1	5	10	15
Quartermaster's Department		7	1												8	8
Frankford Arsenal			2												2	2
Rock Island Arsenal					1				2						3	3
Watertown Arsenal					1				1						2	2
Springfield Arsenal							1								1	1
Watervliet Arsenal									1						1	1
Picatinny Arsenal		1													1	1
All other			1						1						2	2
Total		9	10		3	1	2	2	5		2		1	5	30	35
Navy:																
Washington Navy Yard					4				1						5	5
Philadelphia Navy Yard					1										1	1
New York Navy Yard			2		3								1		6	6
Boston Navy Yard			1												1	1
Norfolk Navy Yard			1												1	1
Mare Island Navy Yard								1	1					1	1	2
Puget Sound Navy Yard													1		1	1
All other			2				1								3	3
Total			6		8		1	1	2				2	1	19	20
Interior:																
Reclamation Service			3				1								4	4
Indian Service		6													6	6
All other	1	4												1	4	5
Total	1	10	3				1							1	14	15
Agriculture: Forest Service			2								1		1	1	3	4
Commerce and Labor: Lighthouse Service		1						2						2	1	3
Post Office		1													1	1
Government Printing Office			1						2						3	3
Grand total	1	22	28		25	2	10	5	16		5		24	13	125	138

TABLE III.—COST OF COMPENSATION FOR FATAL AND NONFATAL INJURIES DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS.

1908–9.[1]

Departments, services, and establishments.	Fatal accidents: Claims allowed.			Nonfatal accidents: Claims allowed.			Total.	
	Number.	Cost.		Number.	Cost.		Number.	Cost.
		Aggregate.	Average.		Aggregate.	Average.		
Isthmian Canal Commission	33	$21,144.35	$640.74	717	$79,256.25	$110.54	750	$100,400.60
Treasury:								
Bureau of Engraving and Printing				16	2,415.35	150.96	16	2,415.35
Mints				4	2,337.00	584.25	4	2,337.00
Total				20	4,752.35	237.62	20	4,752.35
War:								
Engineer Department	13	8,706.50	669.73	136	15,791.89	116.12	149	24,498.39
Quartermaster's Department				4	1,590.43	397.61	4	1,590.43
Frankford Arsenal				28	2,657.28	94.90	28	2,657.28
Rock Island Arsenal				26	2,140.44	82.32	26	2,140.44
Watertown Arsenal				16	1,001.24	62.58	16	1,001.24
Springfield Arsenal				13	690.11	53.09	13	690.11
Watervliet Arsenal	2	1,125.04	562.52	9	901.18	100.13	11	2,026.22
Picatinny Arsenal				5	239.05	47.81	5	239.05
All other	1	547.75	547.75	7	1,156.50	165.21	8	1,704.25
Total	16	10,379.29	648.71	244	26,168.12	107.25	260	36,547.41
Navy:								
Washington Navy Yard	1	976.56	976.56	57	4,897.96	85.93	58	5,874.52
Philadelphia Navy Yard				60	8,612.35	143.54	60	8,612.35
New York Navy Yard				113	19,844.11	175.61	113	19,844.11
Boston Navy Yard	4	3,510.72	877.68	96	9,567.46	99.66	100	13,078.18
Portsmouth (N. H.) Navy Yard	1	1,101.76	1,101.76	26	4,999.02	192.27	27	6,100.78
Norfolk Navy Yard	1	1,076.72	1,076.72	62	5,797.20	93.50	63	6,873.92
Mare Island Navy Yard	3	2,229.30	2,220.36	70	8,631.26	123.30	73	10,860.62
Puget Sound Navy Yard				26	2,691.68	103.53	26	2,691.68
All other	1	461.76	461.76	42	3,919.79	93.33	43	4,381.55
Total	11	9,356.88	850.63	552	68,960.83	124.93	563	78,317.71

Interior:								
Reclamation Service	4	4,206.25	1,051.56	67	15,783.91	235.58	71	19,990.16
Indian Service				1	100.00	100.00	1	100.00
Total	4	4,206.25	1,051.56	68	15,883.91	233.59	72	20,090.16
Commerce and Labor: Lighthouse Service				4	1,391.47	347.87	4	1,391.47
Government Printing Office				23	1,437.35	62.48	23	1,437.35
Grand total	64	45,086.77	704.48	1,628	197,850.28	121.53	1,692	242,937.05

1909–10.

Isthmian Canal Commission	53	$28,498.81	$537.71	1,105	$127,910.48	$115.76	1,158	$156,409.29
Treasury:								
Bureau of Engraving and Printing				26	3,137.18	120.66	26	3,137.18
Mints				2	300.00	150.00	2	300.00
All other				1	54.45	54.45	1	54.45
Total				29	3,491.63	120.40	29	3,491.63
War:								
Engineer Department	22	14,834.52	674.30	199	23,084.19	116.00	221	37,918.71
Quartermaster's Department				7	1,943.77	277.68	7	1,943.77
Frankford Arsenal				30	3,031.11	101.04	30	3,031.11
Rock Island Arsenal	1	860.75	860.75	53	3,416.17	64.46	54	4,276.92
Watertown Arsenal				22	1,426.36	64.83	22	1,426.36
Springfield Arsenal				14	1,149.48	82.11	14	1,149.48
Watervliet Arsenal				7	360.52	51.50	7	360.52
Picatinny Arsenal				9	1,737.66	193.07	9	1,737.66
All other				12	852.31	71.03	12	852.31
Total	23	15,695.27	682.40	353	37,001.57	104.82	376	52,696.84
Navy:								
Washington Navy Yard				48	4,092.91	85.27	48	4,092.91
Philadelphia Navy Yard	1	1,001.60	1,001.60	78	9,654.12	123.77	79	10,655.72
New York Navy Yard	2	1,724.48	862.24	230	20,518.29	89.21	232	22,242.77
Boston Navy Yard				88	9,431.04	107.17	88	9,431.04
Portsmouth (N. H.) Navy Yard				36	3,930.19	109.17	36	3,930.19
Norfolk Navy Yard	1	623.50	623.50	114	10,288.00	90.25	115	10,911.50
Mare Island Navy Yard	1	810.48	810.48	96	12,345.10	128.59	97	13,155.58
Puget Sound Navy Yard				33	7,373.18	223.43	33	7,373.18
All other	6	2,624.24	437.37	[2] 77	7,680.59	99.75	[2] 83	10,304.83
Total	11	6,784.30	616.75	[2] 800	85,313.42	106.64	[2] 811	92,097.72

[1] Eleven months.

[2] Not including 1 claimant who disappeared without receiving compensation.

TABLE III.—COST OF COMPENSATION FOR FATAL AND NONFATAL INJURIES DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

1909–10—Concluded.

Departments, services, and establishments.	Fatal accidents: Claims allowed.			Nonfatal accidents: Claims allowed.			Total.	
	Number.	Cost.		Number.	Cost.		Number.	Cost.
		Aggregate.	Average.		Aggregate.	Average.		
Interior:								
Reclamation Service	10	$10,437.10	$1,043.71	[1] 98	$17,495.57	$178.52	[1] 108	$27,932.67
Indian Service				2	160.80	80.40	2	160.80
All other				1	45.50	45.50	1	45.50
Total	10	10,437.10	1,043.71	[1] 101	17,701.87	175.27	[1] 111	28,138.97
Commerce and Labor: Lighthouse Service				2	135.48	67.74	2	135.48
Government Printing Office				40	4,287.84	107.20	40	4,287.84
Grand total	97	61,415.48	633.15	[2] 2,430	275,842.29	113.52	[2] 2,527	337,257.77
1910–11.								
Isthmian Canal Commission	77	$11,103.00	$333.81	1,276	$156,338.32	$122.51	1,353	$197,441.32
Treasury:								
Bureau of Engraving and Printing				43	5,346.41	124.34	43	5,346.41
Mints				9	1,985.67	220.63	9	1,985.67
Total				52	7,332.08	141.02	52	7,332.08
War:								
Engineer Department	24	12,638.30	526.60	239	30,034.82	125.67	263	42,673.12
Quartermaster's Department				5	1,626.17	325.23	5	1,626.17
Frankford Arsenal				52	4,865.44	93.57	52	4,865.44
Rock Island Arsenal				48	3,015.49	62.82	48	3,015.49
Watertown Arsenal				20	1,357.73	67.89	20	1,357.73
Springfield Arsenal				13	1,200.50	92.35	13	1,200.50
Watervliet Arsenal				6	1,067.16	177.86	6	1,067.16
Picatinny Arsenal	1	1,560.01	1,560.01	15	1,223.64	81.58	16	2,783.65
All other				15	3,182.51	212.17	15	3,182.51
Total	25	14,198.31	567.93	413	47,573.46	115.19	438	61,771.77

Navy:								
Washington Navy Yard	2	2,103.36	1,051.68	81	6,379.30	78.76	83	8,482.66
Philadelphia Navy Yard	2	1,565.44	782.72	69	7,010.78	101.61	71	8,576.22
New York Navy Yard	2	1,977.76	988.88	234	26,045.72	111.31	236	28,023.48
Boston Navy Yard	1	1,182.05	1,182.05	126	15,615.11	123.93	127	16,797.16
Portsmouth (N. H.) Navy Yard				87	9,683.18	111.30	87	9,683.18
Norfolk Navy Yard	1	524.48	524.48	106	9,369.81	88.39	107	9,894.29
Mare Island Navy Yard	1	1,285.44	1,285.44	87	9,140.20	105.06	88	10,425.64
Puget Sound Navy Yard				53	9,097.91	182.98	53	9,097.91
All other	8	5,435.40	679.43	58	3,367.49	58.06	66	8,802.89
Total	17	14,073.93	827.88	901	96,309.50	104.67	918	110,383.43
Interior:								
Reclamation Service	3	3,220.95	1,073.65	115	23,484.77	204.22	118	26,705.72
Indian Service				3	734.47	244.82	3	734.47
All other				2	887.00	443.50	2	887.00
Total	3	3,220.95	1,073.65	120	25,106.24	209.22	123	28,327.19
Commerce and Labor:								
Lighthouse Service				1	78.75	78.75	1	78.75
All other				1	93.34	93.34	1	93.34
Total				2	172.09	86.05	2	172.09
Post Office				4	323.02	80.76	4	323.02
Government Printing Office				57	4,842.63	84.96	57	4,842.60
Smithsonian Institution				1	105.00	105.00	1	105.30
Grand total	122	72,596.19	595.05	2,826	338,102.34	119.64	2,948	410,698.53

1911-12.

Isthmian Canal Commission	45	$27,131.20	$602.91	1,465	$153,000.10	$104.44	1,510	$180,131.30
Treasury:								
Bureau of Engraving and Printing				45	5,475.44	121.68	45	5,475.44
Mints				3	278.25	92.75	3	278.25
Total				48	5,753.69	119.87	48	5,753.69
War:								
Engineer Department	24	14,339.33	597.47	[3] 269	29,058.17	108.02	[3] 293	43,397.50
Quartermaster's Department	1	136.50	136.50	21	3,804.48	181.17	22	3,940.98
Frankford Arsenal				51	4,601.16	90.22	51	4,601.16

[1] Not including 2 claimants who disappeared without receiving compensation.
[2] Not including 3 claimants who disappeared without receiving compensation.
[3] Not including 1 claimant who died before payment was made.

TABLE III.—COST OF COMPENSATION FOR FATAL AND NONFATAL INJURIES DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Concluded:

1911–12—Concluded.

Departments, services, and establishments.	Fatal accidents: Claims allowed.			Nonfatal accidents: Claims allowed.			Total.	
	Number.	Cost.		Number.	Cost.		Number.	Cost.
		Aggregate.	Average.		Aggregate.	Average.		
War—Concluded.								
Rock Island Arsenal	1	$785.00	$785.00	75	$5,771.63	$76.96	76	$6,556.63
Watertown Arsenal				31	2,941.62	94.89	31	2,941.62
Springfield Arsenal				11	1,443.50	131.23	11	1,443.50
Watervliet Arsenal				14	1,017.38	72.67	14	1,017.38
Picatinny Arsenal				12	451.72	38.55	12	451.72
All other				10	559.27	55.93	10	559.27
Total	26	15,260.83	586.96	[1] 494	49,648.93	100.50	[1] 520	64,909.76
Navy:								
Washington Navy Yard	1	1,176.88	1,176.88	79	6,285.57	79.56	80	7,462.45
Philadelphia Navy Yard				97	8,655.74	89.23	97	8,655.74
New York Navy Yard	3	2,021.60	673.87	353	45,756.13	129.62	356	47,777.73
Boston Navy Yard				[2] 152	15,150.15	99.67	[2] 152	15,150.15
Portsmouth (N. H.) Navy Yard				80	11,445.69	143.07	80	11,445.69
Norfolk Navy Yard	8	5,162.96	782.87	129	14,330.10	111.09	137	20,493.06
Mare Island Navy Yard	1	400.64	400.64	61	9,400.82	154.11	62	9,801.46
Puget Sound Navy Yard	2	2,215.10	1,107.55	87	11,069.66	127.24	89	13,284.76
All other	1	400.64	400.64	[2] 71	6,356.96	89.53	[2] 72	6,757.60
Total	16	12,377.82	773.61	[3] 1,109	128,450.82	115.83	[3] 1,125	140,828.64
Interior:								
Reclamation Service	9	9,878.30	1,097.59	[4] 190	24,577.26	129.35	[4] 199	34,455.56
Indian Service	1	720.00	720.00	[5] 4	1,632.41	408.10	[5] 5	2,352.41
All other				2	112.50	56.25	2	112.50
Total	10	10,598.30	1,059.83	[6] 196	26,322.17	134.30	[6] 206	36,920.47
Agriculture: Forest Service	1	1,400.00	1,400.00	4	373.05	93.26	5	1,773.05

Commerce and Labor:								
Lighthouse Service				13	1,528.75	117.60	13	1,528.75
All other				2	204.16	102.08	2	204.16
Total				15	1,732.91	115.53	15	1,732.91
Post Office				3	278.56	92.85	3	278.56
Government Printing Office				48	2,710.11	56.46	48	2,710.11
Smithsonian Institution				1	99.17	99.17	1	99.17
Grand total	98	66,768.15	681.31	[7] 3,383	368,369.51	108.89	[7] 3,481	435,127.66

1912-13.

Isthmian Canal Commission	11	$4,518.50	$410.77	996	$93,268.74	$93.64	1,007	$97,787.24
Treasury:								
Bureau of Engraving and Printing				109	18,767.32	172.18	109	18,767.32
Mints				7	2,054.00	293.43	7	2,054.00
Total				116	20,821.32	179.49	116	20,821.32
War:								
Engineer Department	20	12,559.37	627.97	[8] 380	40,675.76	107.04	[8] 400	53,235.13
Quartermaster's Department	1	720.00	720.00	20	2,035.59	101.83	21	2,755.59
Frankford Arsenal	2	1,489.46	744.73	76	4,499.40	59.20	78	5,988.86
Rock Island Arsenal	1	1,017.25	1,017.25	55	3,383.12	61.51	56	4,400.37
Watertown Arsenal				21	3,156.29	150.30	21	3,156.29
Springfield Arsenal				14	942.26	67.30	14	942.26
Watervliet Arsenal				12	1,557.49	129.79	12	1,557.49
Picatinny Arsenal				11	518.69	47.15	11	518.69
All other				5	1,110.22	222.04	5	1,110.22
Total	24	15,786.08	657.75	[8] 594	57,879.82	97.44	[8] 618	73,665.90
Navy:								
Washington Navy Yard				99	8,235.38	83.19	99	8,235.39
Philadelphia Navy Yard				126	8,615.83	68.38	126	8,615.83
New York Navy Yard	1	626.00	626.00	307	32,673.15	106.43	308	33,299.15
Boston Navy Yard	4	3,266.12	816.28	144	20,274.47	140.79	148	23,567.59
Portsmouth (N. H.) Navy Yard				58	7,019.85	121.03	57	7,019.85
Norfolk Navy Yard	4	3,163.64	790.91	258	24,803.93	96.14	262	27,967.57

[1] Not including 1 claimant who died before payment was made.
[2] Not including 1 claim not yet paid.
[3] Not including 2 claims not yet paid.
[4] Not including 4 claimants who disappeared without receiving compensation.
[5] Not including 1 claimant who disappeared without receiving compensation.
[6] Not including 5 claimants who disappeared without receiving compensation.
[7] Not including 8 claims approved and not paid.
[8] Not including (4): 1 payment not yet made, 1 died before payment made, 1 disappeared before payment made, 1 amount not reported.

TABLE III.—COST OF COMPENSATION FOR FATAL AND NONFATAL INJURIES DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Concluded.

1912–13—Concluded.

Departments, services, and establishments.	Fatal accidents: Claims allowed.			Nonfatal accidents: Claims allowed.			Total.	
	Number.	Cost.		Number.	Cost.		Number.	Cost.
		Aggregate.	Average.		Aggregate.	Average.		
Navy—Concluded:								
Mare Island Navy Yard	1	$751.20	$751.20	47	$6,681.38	$142.16	48	$7,432.58
Puget Sound Navy Yard	1	1,041.60	1,041.60	101	12,323.64	122.02	102	13,365.24
All other	3	1,923.92	641.31	106	6,973.24	65.79	109	8,897.16
Total	14	10,799.48	771.39	1,246	127,600.87	102.41	1,260	138,400.35
Interior:								
Reclamation Service	4	3,234.50	808.63	[1] 215	36,619.98	170.33	[1] 219	39,854.48
Indian Service	1	720.00	720.00	[2] 21	2,423.03	115.38	[2] 22	3,143.03
All other				[3] 5	385.66	77.13	[3] 5	385.66
Total	5	3,954.50	790.90	[4] 241	39,428.67	163.60	[4] 246	43,383.17
Agriculture:								
Forest Service	1	1,200.00	1,200.00	[2] 34	7,548.92	176.70	[2] 35	8,748.92
All other				2	195.69	97.85	2	195.69
Total	1	1,200.00	1,200.00	[2] 36	7,744.61	215.13	[2] 37	8,944.61
Commerce and Labor: Lighthouse Service	1	764.25	764.25	[2] 25	3,064.02	122.56	[2] 26	3,828.27
Post Office				5	284.35	56.87	5	284.35
Government Printing Office				61	5,009.59	82.12	61	5,009.59
Grand total	56	37,022.81	661.12	[5] 3,320	355,101.99	106.96	[5] 3,376	392,124.80

[1] Not including (3): 1 disappeared before paid, 2 amount not reported.
[2] Not including: 1 amount not reported.
[3] Not including: 1 paid as sick leave.
[4] Not including (5): 1 disappeared before payment was made, 3 amount not reported, 1 paid as sick leave.
[5] Not including (11): 6 amount not reported, 1 payment not yet made, 1 died before payment was made, 2 disappeared before payment was made, 1 paid as sick leave.

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS.

A.—FATAL CASES, 1908–9.[1]

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																			
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Isthmian Canal Commission	50	22	31	3	2		1	1		1						2		3	2		119
Treasury:																					
Life-Saving Service					2																2
Customs Service					1																1
Total					3																3
War:																					
Engineer Department	14	6	7	3	1		1	2	1			1				1					37
Quartermaster's Department		2					2	1		1											6
Watervliet Arsenal			2																		2
All other			1																		1
Total	14	8	10	3	1		3	3	1	1		1				1					46
Navy:																					
Washington Navy Yard							1		1												2
Philadelphia Navy Yard			1			1															2
New York Navy Yard					1		1														2
Boston Navy Yard					1	2			1												4
Portsmouth (N. H.) Navy Yard									1												1
Norfolk Navy Yard					1			1													2
Mare Island Navy Yard			1			2			1												4
All other		1																			1
Total		1	2		3	5	2	1	4												18

[1] Eleven months.

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

A.—FATAL CASES, 1908-9—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Interior:																					
Reclamation Service			3	2	4			1		1			2					1			14
Indian Service	1			1	1																3
All other	1	1																			2
Total	2	1	3	3	5			1		1			2					1			19
Agriculture								1													1
Commerce and Labor:																					
Lighthouse Service	1	3																			4
All other											1										1
Total	1	3									1										5
Post Office:																					
Rural Delivery Service							7														7
Railway Mail Service						1		3	5	1	1										11
City Delivery Service									1												1
All other									1					1							2
Total						1	7	3	7	1	1			1							21
Smithsonian Institution				1																	1
Grand total	67	35	46	10	14	6	13	10	12	4	2	1	2	1		4		4	2		233

B.—NONFATAL CASES, 1908-9.

Isthmian Canal Commission	471	343	445	46	29	15	31	32	69	55	6	57	39	118	77	39	6	72	38		1,988
Treasury:																					
Bureau of Engraving and Printing	1	4	2	2	5	1				2		2								10	29
Mints								5		1			2								8
Life-Saving Service				1	31	12	4	4					1					1			54
Customs Service				1	6	6	21	1		4	2		1			1					43
All other	5			3	2		1	2		4											17
Total	6	4	2	7	44	19	26	12		11	2	2	4			1		1		10	151
War:																					
Engineer Department	41	52	61	41	42	15	20	11	1	9	1	3	1						1		299
Quartermaster's Department	4	8	2	14	9	2	7	4				1								1	52
Frankford Arsenal	17	12	7	3	3	1	9														52
Rock Island Arsenal	5		17	9	14	5	5	8	1												64
Watertown Arsenal			5	7	1	5	8	2	2												30
Springfield Arsenal			9	4	5	6	1														25
Watervliet Arsenal			8	1	1	3	1	5			1										20
Picatinny Arsenal			4	2	3		2														11
All other	3	5	1	4	1	1		2	1	5			1								24
Total	70	77	114	85	79	38	53	32	5	14	2	4	2						1	1	577
Navy:																					
Washington Navy Yard	1	3	4	12	27	2	6	14	54	3	2										128
Philadelphia Navy Yard	4	2	29	15	3	4	10	18	11	1		1	1								99
New York Navy Yard	1	4	6	49	20	5	8	22	43	11		2									171
Boston Navy Yard	1	1	1	7	61	8	23	24	23	7	3										159
Portsmouth, N. H., Navy Yard	1	1	3	10	1	6	1	6	7	7											36
Norfolk Navy Yard	2	2	42	23	12	7	18	20	10	1			1			1					139
Mare Island Navy Yard	2	1	4	7	38	23	3	8	11	11	13	7	2		1		1				132
Puget Sound Navy Yard					27	1	1	3	14	15	2	1									64
All other	20	32	14	12	11	3	7	2	5	2	3										111
Total	32	46	103	135	200	59	77	117	178	51	23	11	4		1	1	1				1,039
Interior:																					
Reclamation Service	1	2	1	27	35	10	9	17	4	6			6					1			119
Indian Service	1	2	2	1						1											7
All other	5	4			1					2	1	1									14
Total	7	8	3	28	36	10	9	17	4	9	1	1	6					1			140
Agriculture	1	1		2	2	3	1	4		1		7		1		1		1			25

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

B.—NONFATAL CASES, 1908–9—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																					
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Commerce and Labor:																						
Lighthouse Service	4	5	7	12	3	2	1	2	1	2			1								40
All other	2	2	2	3	4		3						1					1			18
Total	6	7	9	15	7	2	4	2	1	2			2					1			58
Post Office:																						
Rural Delivery					2	12	31		1	2											48
Railway Mail Service				2	3	20	29	44	126	61	53	10	36	4							388
City Delivery	1			6	6	8	7	28	9	60										4	129
All other	1		1	10	11	7	8	11	6	8		2							1	1	67
Total	2		1	18	22	47	75	83	142	131	53	12	36	4					1	5	632
Government Printing Office				16	2	2		4	2	5			4								35
Smithsonian Institution		4	1		1	1															7
Justice					1					1											2
Grand total	595	490	678	352	423	196	276	303	401	280	87	94	97	123	78	42	7	76	40	16	4,654

C.—TOTAL ACCIDENTS REPORTED: 1908–9.

Isthmian Canal Commission	521	365	476	49	31	15	32	33	69	56	6	57	39	118	77	42	6	75	40		2,107
Treasury:																					
Bureau of Engraving and Printing	1	4	2	2	5	1				2		2								10	29
Mints								5		1			2								8
Life-Saving Service				1	33	12	4	4					1					1			56

Customs Service				1	7	6	21	1		4	2		1			1					44
Other	5			3	2		1	2		4											17
Total	6	4	2	7	47	19	26	12		11	2	2	4			1		1		10	154
War:																					
Engineer Department	55	58	68	44	43	15	21	13	2	9	1	4	1			1			1		336
Quartermaster's Department	4	10	2	14	9	2	9	5		1		1								1	58
Frankford Arsenal	17	12	7	3	3	1	9														52
Rock Island Arsenal	5		17	9	14	5	5	8	1												64
Watertown Arsenal			5	7	1	5	8	2	2												30
Springfield Arsenal			9	4	5	6	1														25
Watervliet Arsenal			10	1	1	3	1	5			1										22
Picatinny Arsenal			4	2	3		2														11
All other	3	5	2	4	1	1		2	1	5			1								25
Total	84	85	124	88	80	38	56	35	6	15	2	5	2			1			1	1	623
Justice					1					1											2
Navy:																					
Washington Navy Yard	1	3	4	12	27	2	7	14	55	3	2										130
Philadelphia Navy Yard	4	2	20	15	3	5	10	18	11	1		1	1								101
New York Navy Yard	1	4	6	49	21	5	9	22	43	11		2									173
Boston Navy Yard	1	1	1	7	62	10	23	24	24	7	3										163
Portsmouth (N. H.) Navy Yard	1	1	3	10	1	6	1	6	8												37
Norfolk Navy Yard	2	2	42	23	13	7	18	21	10	1			1			1					141
Mare Island Navy Yard	2	1	5	7	38	25	3	8	12	11	13	7	2		1		1				136
Puget Sound Navy Yard					27	1	1	3	14	15	2	1									64
All other	20	33	14	12	11	3	7	2	5	2	3										112
Total	32	47	105	135	203	64	79	118	182	51	23	11	4		1	1	1				1,057
Interior:																					
Reclamation Service	1	2	4	29	39	10	9	18	4	7			8					2			133
Indian Service	2	2	2	2	1					1											10
All other	6	5			1					2	1	1									16
Total	9	9	6	31	41	10	9	18	4	10	1	1	8					2			159
Agriculture	1	1		2	2	3	1	5		1		7		1		1		1			25
Commerce and Labor:																					
Lighthouse Service	5	8	7	12	3	2	1	2	1	2			1								44
All other	2	2	2	3	4		3				1		1					1			19
Total	7	10	9	15	7	2	4	2	1	2	1		2					1			63

[1] Eleven months.

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

C.—TOTAL ACCIDENTS REPORTED, 1908-9—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Post Office:																					
Rural Delivery Service					2	12	38		1	2											55
Railway Mail Service				2	3	21	29	47	131	62	54	10	36	4							399
City Delivery Service	1			6	6	8	7	28	10	60										4	130
All other	1		1	10	11	7	8	11	7	8		2		1					1	1	69
Total	2		1	18	22	48	82	86	149	132	54	12	36	5					1	5	653
Government Printing Office				16	2	2		4	2	5			4								35
Smithsonian Institution		4	1	1	1	1															8
Grand total	662	525	724	362	437	202	289	313	413	284	89	95	99	124	78	46	7	80	42	16	4,887

A.—FATAL CASES, 1909-10.

Isthmian Canal Commission	40	12	16	2	2	1	1			4				3				1		3	85
Treasury:																					
Life-Saving Service					1																1
Customs											1										1
Total					1						1										2
War:																					
Engineer Department	18	5	5	3	1	1	4		1	1		1									40
Quartermaster's Department	1	4		1	1			1													8
Rock Island Arsenal						1															1
Total	19	9	5	4	2	2	4	1	1	1		1									49

Navy:																					
Philadelphia Navy Yard								1													1
New York Navy Yard					1			1	1												3
Norfolk Navy Yard				1																	1
Mare Island Navy Yard						1															1
All other	5		1	2		1															9
Total	5		1	3	1	2		2	1												15
Interior:																					
Reclamation Service					2	2	13	3	1	1				2		1					25
Indian Service				1		1															2
Total				1	2	3	13	3	1	1				2		1					27
Agriculture							1														1
Commerce and Labor:																					
Lighthouse Service	2		2	1																	5
All other											1										1
Total	2		2	1							1										6
Post Office:																					
Rural Delivery Service						1	7														8
Railway Mail Service	1					4	6	4	5	1	5	2	1								29
City Delivery Service					1					2											3
All other			1	1			1	1			1			1							6
Total	1		1	1	1	5	14	5	5	3	6	2	1	1							46
Grand total	67	21	25	12	9	13	33	11	8	9	8	3	1	6		1		1		3	231

B.—NONFATAL CASES, 1909-10.

Isthmian Canal Commission	362	276	266	30	11	2	7	7	14	14	2	14	27	39	18	22	3	24	4	13	1,155
Isthmian Canal Commission, meritorious sick leave	510	365	423	98	28	13	15	8	33	32	1	62	32	143	48	47	1	80	55		1,994
Total	872	641	689	128	39	15	22	15	47	46	3	76	59	182	66	69	4	104	59	13	3,149
Treasury:																					
Bureau of Engraving and Printing		10	3	10	9		1		1	2		1				2				19	58
Mints								2		3		1									6
Life-Saving Service				1	35	15		4					1								56
Customs and Internal Revenue				2	7	5	13	1	2	3	1										34
All other	3		3	6	9			1		1						1					24
Total	3	10	6	19	60	20	14	8	3	9	1	2	1			3				19	178

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

B.—NONFATAL CASES, 1909-10—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
War:																					
Engineer Department	43	66	98	49	50	7	23	23	2	5	4		4			2					376
Quartermaster's Department	1	7	3	24	11	3	7	3		2	1										62
Frankford Arsenal	16	9	8	10	4	2	7	2				1									59
Rock Island Arsenal	7		35	15	10	6	14	17	3	1									1		109
Watertown Arsenal			6	13	3	2	4	2	2	1											33
Springfield Arsenal			7	8	3		2	3		1											24
Watervliet Arsenal	1	1	1	2	2	1	4	1													13
Picatinny Arsenal		1	6	1	2	5										1					16
All other	1	2	2	4	2	1	2	9		4											27
Total	69	86	166	126	87	27	63	60	7	14	5	1	4			3			1		719
Navy:																					
Washington Navy Yard	9		4	16	23		5	7	39		1										104
Philadelphia Navy Yard	3	2	21	42	7	3	14	13	10												115
New York Navy Yard	6	14	12	103	77	41	13	38	68	7	1	4	3			1					388
Boston Navy Yard	3	2	1	20	53	12	22	19	32	2	1										167
Portsmouth (N. H.) Navy Yard	1	1	1	10	9	3	9	5	4												43
Norfolk Navy Yard	4	19	43	47	12	14	38	37	18	1	1										234
Mare Island Navy Yard	1	3	3	3	62	27	7	12	15	18	14	16									181
Puget Sound Navy Yard				6	31	4	2	1	11	13	1										69
All other	57	33	22	16	11	8	12	11	10	5			2								187
Total	84	74	107	263	285	112	122	143	207	46	19	20	5			1					1,488
Interior:																					
Reclamation Service		1	1	8	58	17	32	12	8	17		2	2	1		1		1			161
Indian Service		3				1		1													5
All other	10	2		1	1		1	3										1	1		20
Total	10	6	1	9	59	18	33	16	8	17		2	2	1		1		2	1		186
Agriculture					2	4	1	6		2		9									24

Commerce and Labor:																					
Lighthouse Service	2	3	7	6	3	3	2	7	2		1						1				37
All other	1		1	2	6			1		2		3		1				1			18
Total	3	3	8	8	9	3	2	8	2	2	1	3		1			1	1			55
Post Office:																					
Rural Delivery Service					1	5	28														34
Railway Mail Service					1	42	29	93	210	71	101	22	51	9		1					630
City Delivery Service	1			13	11	8	3	11	30	91	1									9	183
All other				9	10	9	6	3	8	5		1	2	2							55
Total	1			22	23	64	71	107	248	167	102	23	53	11		1				9	902
Government Printing Office		1		22	9	2		2	2	8	3	1	1			2				1	54
Smithsonian Institution				1			1	1													3
Grand total	1,042	821	977	598	573	265	329	366	524	311	124	127	125	195	66	80	5	107	61	42	6,758

C.—TOTAL ACCIDENTS REPORTED: 1909-10.

Isthmian Canal Commission	402	288	282	32	13	3	8	7	14	18	2	14	27	42	18	22	3	25	4	16	1,240
Isthmian Canal Commission, meritorious sick leave	510	365	423	98	28	13	15	8	53	32	1	62	32	143	48	47	1	80	55		1,994
Total	912	653	705	130	41	16	23	15	47	50	3	76	59	185	66	69	4	105	59	16	3,234
Treasury:																					
Bureau of Engraving and Printing		10	3	10	9		1		1	2		1				2				19	58
Mints								2		3		1									6
Life-Saving Service				1	36	15		4					1								57
Customs Service				2	7	5	13	1	2	3	2										35
All other	3		3	6	9			1		1						1					24
Total	3	10	6	19	61	20	14	8	3	9	2	2	1			3				19	180
War:																					
Engineer Department	61	71	103	52	51	8	27	23	3	6	4	1	4			2					416
Quartermaster's Department	2	11	3	25	12	3	7	4		2	1										70
Frankford Arsenal	16	9	8	10	4	2	7	2				1									59
Rock Island Arsenal	7		35	15	10	7	14	17	3	1									1		110
Watertown Arsenal			6	13	3	2	4	2	2	1											33
Springfield Arsenal			7	8	3		2	3		1											24
Watervliet Arsenal	1	1	1	2	2	1	4	1													13
Picatinny Arsenal		1	6	1	2	5										1					16
All other	1	2	2	4	2	1	2	9		4											27
Total	88	95	171	130	89	29	67	61	8	15	5	2	4			3			1		768

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

C.—TOTAL ACCIDENTS REPORTED, 1909–10—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Navy:																					
Washington Navy Yard	9		4	16	23		5	7	39		1										104
Philadelphia Navy Yard	3	2	21	42	7	3	14	14	10												116
New York Navy Yard	6	14	12	103	78	41	13	39	69	7	1	4	3			1					391
Boston Navy Yard	3	2	1	20	53	12	22	19	32	2	1										167
Portsmouth (N. H.) Navy Yard	1	1	1	10	9	3	9	5	4												43
Norfolk Navy Yard	4	19	43	48	12	14	38	37	18	1	1										235
Mare Island Navy Yard	1	3	3	3	62	28	7	12	15	18	14	16									182
Puget Sound Navy Yard				6	31	4	2	1	11	13	1										69
All other	62	33	23	18	11	9	12	11	10	5			2								196
Total	89	74	108	266	286	114	122	145	208	46	19	20	5			1					1,503
Interior:																					
Reclamation Service		1	1	8	60	19	45	15	9	18		2	2	3		2		1			186
Indian Service		3		1		2		1													7
All other	10	2		1	1		1	3										1	1		20
Total	10	6	1	10	61	21	46	19	9	18		2	2	3		2		2	1		213
Agriculture					2	4	2	6		2		9									25
Commerce and Labor:																					
Lighthouse Service	4	3	9	7	3	3	2	7	2		1						1				42
All other	1		1	2	6			1		2	1	3		1				1			19
Total	5	3	10	9	9	3	2	8	2	2	2	3		1			1	1			61
Post Office:																					
Rural Delivery Service					1	6	35														42
Railway Mail Service	1				1	46	35	97	215	72	106	24	52	9		1					659

City Delivery Service	1			13	12	8	8	11	30	93	1									9	186
All other			1	10	10	9	7	4	8	5	1	1	2	3							61
Total	2		1	23	24	69	85	112	253	170	108	25	54	12		1				9	948
Government Printing Office		1		22	9	2		2	2	8	3	1	1			2				1	54
Smithsonian Institution				1			1	1													3
Grand total	1,109	842	1,002	610	582	278	362	377	532	320	142	140	126	201	66	81	5	108	61	45	6,989

A—FATAL CASES, 1910–11.

Isthmian Canal Commission	45	28	19	2	2					2		1	2	1		2			1	1	106
Treasury:																					
Mints								1													1
Customs Service		1				1															2
All other				1																	1
Total		1		1		1		1													4
War:																					
Engineer Department	16	9	3	4	4	1	3	1	1					1					1		44
Quartermaster's Department		1		2									1								4
Picatinny Arsenal													1								1
All other						1															1
Total	16	10	3	6	4	2	3	1	1				2	1					1		50
Navy:																					
Washington Navy Yard								2													2
Philadelphia Navy Yard				1			1														2
New York Navy Yard				1	1					1											3
Boston Navy Yard									1												1
Norfolk Navy Yard			1																		1
Mare Island Navy Yard										1	1										2
All other	1	2		2	1		1			1											8
Total	1	2	1	4	2		2	2	1	3	1										19
Interior:																					
Reclamation Service					3	1		1								1					6
Indian Service		1			1																2
All other				1																	1
Total		1		1	4	1		1								1					9

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

A.—FATAL CASES, 1910-11—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Commerce and Labor:																					
Lighthouse Service	1		1				1														3
All other	1																				1
Total	2		1				1														4
Post Office:																					
Rural Delivery Service							2														2
Railway Mail Service								2	2	2	1	1	1								9
City Delivery Service							1	1		2											4
Total							3	3	2	4	1	1	1								15
Grand total	64	42	24	14	12	4	9	8	4	9	2	2	5	2		3			2	1	207

B.—NONFATAL CASES, 1910-11.

Isthmian Canal Commission	442	372	247	43	22	5	10	1	10	12	1	22	41	65	24	32	4	45	12	3	1,413
Isthmian Canal Commission, meritorious sick leave	1,141	950	704	124	37	19	41	7	88	29	3	132	90	363	58	87	11	130	61		4,075
Total	1,583	1,322	951	167	59	24	51	8	98	41	4	154	131	428	82	119	15	175	73	3	5,488
Treasury:																					
Bureau of Engraving and Printing	2	19	9	5	8	3	3	1	2	1	1			2	2	1		3	3	21	86
Mints	1						3	6		1		1									12
Life-Saving Service					1	4	16	5													26

Customs Service				4	6		10			2	2										24
All other	2	2	4	8	2		2	1	1		1	2									25
Total	5	21	13	17	17	7	34	13	3	4	4	3		2	2	1		3	3	21	173
War:																					
Engineer Department	51	76	101	66	72	26	25	23	2	7	1	1	4						1		455
Quartermaster's Department		6	7	28	14	1	5	2		1			1							3	68
Frankford Arsenal	18	11	19	11	7	9	12	3	2		1										93
Rock Island Arsenal	13	1	30	14	8	9	12	14	4	1	1										107
Watertown Arsenal	1	1	6	6	5	5	4	3	4	1	1										37
Springfield Arsenal			1	7	1	3	1	2													15
Watervliet Arsenal	2		6	1			2	1					1								13
Picatinny Arsenal			14	6	4	1	4		1												30
All other	3	1		4	3	1	3	4	2	2	2	1									26
Total	88	96	184	143	114	54	68	52	15	12	6	2	6						1	3	844
State					1																1
Navy:																					
Washington Navy Yard	6	2	2	14	44	1	12	12	44	2											139
Philadelphia Navy Yard	3	2	5	44	6	3	7	7	18	2											97
New York Navy Yard	1	6	5	79	72	20	10	41	98	18	3	5	1	1	1			1			362
Boston Navy Yard	2	1		13	74	17	23	28	40	7	3										208
Portsmouth (N. H.) Navy Yard	1	3	4	35	13	17	14	11	7	2											107
Norfolk Navy Yard	4	17	44	25	13	9	26	26	14	2	1										181
Mare Island Navy Yard	1	7	4	5	61	42	13	11	16	15	26	11		1						1	213
Puget Sound Navy Yard	5	3	1	2	51	12	8		6	20	2		1								111
All other	31	32	16	21	13	10	6	10	14	2						1					156
Total	54	73	81	238	347	131	119	146	257	70	34	16	2	2	1	1		1		1	1,574
Interior:																					
Reclamation Service	1	6	4	19	80	32	20	15	5	24		2	4	1							213
Indian Service			2	1	1			1		1											4
All other	1	1	1	8	3		2	1		2						1					20
Total	2	7	7	28	84	32	22	17	5	27		2	4	1		1					239
Agriculture				2	1	3	1	9		2		4		2		3					27
Commerce and Labor:																					
Lighthouse Service	4	1	3	5	4	2	2	2	1				1								25
All other	1	1		3	4	2	8	1		2			1			1					24
Total	5	2	3	8	8	4	10	3	1	2			2			1					49

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

B.—NONFATAL CASES, 1910–11—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Post Office:																					
Rural Delivery Service				1	1	11	30														43
Railway Mail Service					1	24	8	74	179	60	80	12	44	4		2					488
City Delivery Service			1	12	4	7	9	9	16	65										8	131
All other	1			7	11	5	5	6	3	8		1									47
Total	1		1	20	17	47	52	89	198	133	80	13	44	4		2				8	709
Government Printing Office				25	10	11		2	5	10	2		2								67
Smithsonian Institution				2							1										3
Grand total	1,738	1,521	1,240	650	658	313	357	339	582	301	131	194	191	439	85	128	15	179	77	36	9,174

C.—TOTAL ACCIDENTS REPORTED, 1910–11.

Isthmian Canal Commission	487	400	266	45	24	5	10	1	10	14	1	23	43	66	24	34	4	45	13	4	1,519
Isthmian Canal Commission, meritorious sick leave	1,141	950	704	124	37	19	41	7	88	29	3	132	90	363	58	87	11	130	61		4,075
Total	1,628	1,350	970	169	61	24	51	8	98	43	4	155	133	429	82	121	15	175	74	4	5,594
Treasury:																					
Bureau of Engraving and Printing	2	19	9	5	8	3	3	1	2	1	1			2	2	1		3	3	21	86
Mints	1						3	7		1		1									13
Life-Saving Service					1	4	16	5													26
Customs Service		1		4	6	1	10			2	2										26
All other	2	2	4	9	2		2	1	1		1	2									26
Total	5	22	13	18	17	8	34	14	3	4	4	3		2	2	1		3	3	21	177
War:																					
Engineer Department	67	85	104	70	76	26	28	23	4	7	1	1	4	1					2		499
Quartermaster's Department		7	7	30	14	1	5	2		1			2							3	72
Frankford Arsenal	18	11	19	11	7	9	12	3	2		1										93

Rock Island Arsenal	12	1	30	14	8	9	12	14	4	1	1										107
Watertown Arsenal	1	1	6	6	5	5	4	3	4	1	1										37
Springfield Arsenal			1	7	1	3	1	2													15
Watervliet Arsenal	2		6	1			2	1					1								13
Picatinny Arsenal			14	6	4	1	4		1				1								31
All other	3	1		4	3	2	3	4	2	2	2	1									27
Total	104	106	187	149	118	56	71	82	17	12	6	2	8	1					2	3	894
State					1																1
Navy:																					
Washington Navy Yard	6	2	2	14	44	1	12	14	44	2											141
Philadelphia Navy Yard	3	2	5	45	6	3	8	7	18	2											99
New York Navy Yard	1	6	5	80	73	20	10	41	98	19	3	5	1	1	1			1			365
Boston Navy Yard	2	1		13	74	17	23	28	41	7	3										209
Portsmouth (N. H.) Navy Yard	1	3	4	35	13	17	14	11	7	2											107
Norfolk Navy Yard	4	17	45	25	13	9	26	26	14	2	1										182
Mare Island Navy Yard	1	7	4	5	61	42	13	11	16	16	26	11		1						1	215
Puget Sound Navy Yard	5	3	1	2	51	12	8		6	20	2		1								111
All other	32	34	16	23	14	10	7	10	14	3						1					164
Total	55	75	82	242	349	131	121	148	258	73	35	16	2	2	1	1		1		1	1,593
Interior:																					
Reclamation Service	1	6	4	19	83	33	20	16	5	24		2	4	1		1					219
Indian Service		1	2	1	2			1		1											8
All other	1	1	1	9	3		2	1		2						1					21
Total	2	8	7	29	88	33	22	18	5	27		2	4	1		2					248
Agriculture				2	1	3	1	9		2		4		2		3					27
Commerce and Labor:																					
Lighthouse Service	5	1	4	5	4	2	3	2	1				1								28
All other	2	1		3	4	2	8	1		2			1			1					25
Total	7	2	4	8	8	4	11	3	1	2			2			1					53
Post Office:																					
Rural Delivery Service				1	1	11	32														45
Railway Mail Service					1	24	8	76	181	62	81	13	45	4		2					497
City Delivery Service			1	12	4	7	10	10	16	67										8	135
All other	1			7	11	5	5	6	3	8		1									47
Total	1		1	20	17	47	55	92	200	137	81	14	45	4		2				8	724
Government Printing Office				25	10	11		2	5	10	2		2								67
Smithsonian Institution				2							1										3
Grand total	1,802	1,563	1,264	664	670	317	366	346	557	310	133	196	196	441	85	131	15	179	79	37	9,381

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

A.—TOTAL CASES, 1911-12.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Isthmian Canal Commission	43	20	15	5	3			1	2		1	1	1	1		2			1	1	97
Treasury:																					
Life-Saving Service							3														3
Customs Service						1															1
Total						1	3														4
War:																					
Engineer Department	10	2	7	9	7	3	1	1	1			1									42
Quartermaster's Department	1	2					2														5
Rock Island Arsenal					1																1
Total	11	4	7	9	8	3	3	1	1			1									48
Navy:																					
Washington Navy Yard									1												1
New York Navy Yard				2		1			1												4
Norfolk Navy Yard			3	2		1	1	2												1	10
Mare Island Navy Yard		1			1																2
Puget Sound Navy Yard						1					1										2
All other	2	1				1															4
Total	2	2	3	4	1	4	1	2	2		1									1	23
Interior:																					
Reclamation Service		1		1	2	2	2	1	3	1		1	1								15
Indian Service		1	1		1					1											4
Total		2	1	1	3	2	2	1	3	2		1	1								19
Agriculture: Forest Service												1								1	2
Commerce and Labor: Lighthouse Service			1	1	3			1					1								7

Post Office:																					
Rural Delivery Service							1	2													3
Railway Mail Service									2	1	2										5
City Delivery Service				1	1				1	2										1	6
All other											1		2								3
Total				1	1		1	2	3	3	3		2							1	17
Government Printing Office				1																	1
Grand total	56	28	27	22	19	10	10	8	11	5	5	4	5	1		2			1	4	218

B.—NONFATAL CASES, 1911-12.

Isthmian Canal Commission	618	334	424	41	12	3	13	5	7	11	2	18	19	74	10	35	4	39	10	3	1,682
Isthmian Canal Commission, meritorious sick leave	501	287	326	39	13	5	23	4	32	14		42	17	97	22	28	5	57	26		[1]1,538
Total	1,119	621	750	80	25	8	36	9	39	25	2	60	36	171	32	63	9	96	36	3	[1]3,220
Treasury:																					
Bureau of Engraving and Printing	4	18	11	4	16	2	3		2		1	2	1		2	2	3	1	2	21	95
Mints							2	2	1	1		1	3								10
Life-Saving Service				1			25	2													28
Customs Service					7	8	14	3		5	7					1			1	1	47
All other	1	3	1	10	1	1	2	2		4	1							2			28
Total	5	21	12	15	24	11	46	9	3	10	9	3	4		2	3	3	3	3	22	208
War:																					
Engineer Department	39	30	105	86	126	33	40	22	3	6	5		4	3			1			1	504
Quartermaster's Department	1	4	5	27	12	4	19	5		3	2		1	1						33	118
Frankford Arsenal	16	5	24	15	5	1	8	5				1									80
Rock Island Arsenal	17	3	39	19	13	7	13	15	2	4											132
Watertown Arsenal			4	9	7	2	12	5	1	1											41
Springfield Arsenal			1	4	5	3	1	1							1						16
Watervliet Arsenal	1	4	6	2	5	1	1	1				1		2							24
Picatinny Arsenal			12	3	3	1															19
All other	2		2	4	6	2		4	2	1	1										24
Total	76	46	198	169	183	54	94	58	8	15	8	2	5	6			1			34	958
Navy:																					
Washington Navy Yard	6	5	1	16	33	4	8	10	39	2											124
Philadelphia Navy Yard	6	1	10	55	10	9	8	18	17	1											135
New York Navy Yard	5	22	14	149	87	46	15	54	113	18	2	3		1				1	1		531
Boston Navy Yard	4	3	2	16	98	8	33	35	52	13	1							1			266
Portsmouth (N. H.) Navy Yard	2	2	2	27	10	10	9	19	8	5											94
Norfolk Navy Yard	12	21	64	47	15	11	40	25	31	3	2	1									272

[1] Not including meritorious sick-leave cases reported from Nov. 1, 1911, to June 30, 1912.

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

B.—NONFATAL CASES, 1911-12—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Navy—Concluded:																					
Mare Island Navy Yard	2	7	3	5	55	39	10	4	4	9	10	9	2	.....	1	.....	.....	1	.....	.....	161
Puget Sound Navy Yard	6	5	2	7	70	9	2	2	16	21	3	.....	3	.....	.....	1	.....	.....	.....	.....	147
All other	21	39	33	18	12	5	14	8	10	2	.....	1	1	.....	.....	.....	.....	.....	.....	.....	164
Total	64	105	131	340	390	141	139	175	290	74	18	14	6	1	1	1	.....	3	1	.....	1,894
Interior:																					
Reclamation Service	.....	50	8	59	106	46	27	50	9	19	5	31	5	.....	1	1	.....	.....	.....	.....	417
Indian Service	1	.....	2	3	4	.....	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	12
All other	2	2	.....	1	4	.....	2	2	1	3	1	.....	1	.....	.....	.....	.....	.....	.....	.....	19
Total	3	52	10	63	114	46	30	52	10	23	6	31	6	.....	1	1	.....	.....	.....	.....	448
Agriculture:																					
Forest Service	.....	.....	.....	1	1	1	3	2	3	1	.....	2	.....	1	.....	.....	.....	2	.....	.....	17
All other	.....	1	1	.....	.....	2	1	4	.....	1	.....	5	.....	4	.....	.....	.....	.....	.....	.....	19
Total	.....	1	1	1	1	3	4	6	3	2	.....	7	.....	5	.....	.....	.....	2	.....	.....	36
Commerce and Labor:																					
Lighthouse Service	.....	1	8	12	7	6	.....	5	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	41
All other	.....	2	.....	4	8	2	4	1	.....	3	3	1	.....	.....	1	1	.....	.....	.....	1	31
Total	.....	3	8	16	15	8	4	6	2	3	3	1	.....	.....	1	1	.....	.....	.....	1	72
Post Office:																					
Rural Delivery Service	.....	.....	.....	.....	.....	3	7	22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	32
Railway Mail Service	.....	.....	.....	.....	.....	26	7	88	228	77	72	10	48	5	.....	.....	.....	.....	.....	4	565
City Delivery Service	.....	.....	.....	7	9	5	8	12	27	122	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	200
All other	.....	.....	.....	11	12	6	5	5	9	13	.....	.....	.....	1	2	1	.....	.....	.....	.....	65
Total	.....	.....	.....	18	21	40	27	127	264	212	72	10	48	6	2	1	.....	.....	.....	14	862

Government Printing Office				40	4	4	2	1	2	11	2		3	1					1		71
Smithsonian Institution	1		1	1	3		1	2		1											10
Grand total	1,268	849	1,111	743	780	315	383	445	621	376	120	128	108	190	40	70	13	104	41	74	[1] 7,779

C.—TOTAL ACCIDENTS REPORTED, 1911-12.

Isthmian Canal Commission	661	354	439	46	15	3	13	6	9	11	3	19	20	75	10	37	4	39	11	4	1,779
Isthmian Canal Commission, meritorious sick leave	501	287	326	39	13	5	23	4	32	14		42	17	97	22	28	5	57	26		[1] 1,538
Total	1,162	641	765	85	28	8	36	10	41	25	3	61	37	172	32	65	9	96	37	4	[1] 3,317
Treasury:																					
Bureau of Engraving and Printing	4	18	11	4	16	2	3		2		1	2	1		2	2	3	1	2	21	95
Mints							2	2	1	1		1	3								10
Life-Saving Service				1			28	2													31
Customs Service					7	9	14	3		5	7					1			1	1	48
All other	1	3	1	10	1	1	2	2		4	1							2			28
Total	5	21	12	15	24	12	49	9	3	10	9	3	4		2	3	3	3	3	22	212
War:																					
Engineer Department	49	32	112	95	133	36	41	23	4	6	5	1	4	3			1			1	546
Quartermaster's Department	2	6	5	27	12	4	21	5		3	2		1	1						33	123
Frankford Arsenal	16	5	24	15	5	1	8	5				1									80
Rock Island Arsenal	17	3	39	19	14	7	13	15	2	4											133
Watertown Arsenal			4	9	7	2	12	5	1	1											41
Springfield Arsenal			1	4	5	3	1	1							1						16
Watervliet Arsenal	1	4	6	2	5	1	1	1				1		2							24
Picatinny Arsenal			12	3	3	1															19
All other	2		2	4	6	2		4	2	1	1										24
Total	87	50	205	178	191	57	97	59	9	15	8	3	5	6	1		1			34	1,006
Navy:																					
Washington Navy Yard	6	5	1	16	33	4	8	10	40	2											125
Philadelphia Navy Yard	6	1	10	55	10	9	8	18	17	1											135
New York Navy Yard	5	22	14	151	87	47	15	54	114	18	2	3		1				1	1		535
Boston Navy Yard	4	3	2	16	98	8	33	35	52	13	1							1			266
Portsmouth (N. H.) Navy Yard	2	2	2	27	10	10	9	19	8	5											94
Norfolk Navy Yard	12	21	67	49	15	12	41	27	31	3	2	1								1	282
Mare Island Navy Yard	2	8	3	5	56	39	10	4	4	9	10	9	2		1			1			163
Puget Sound Navy Yard	6	5	2	7	70	10	2	2	16	21	4		3			1					149
All other	23	36	33	18	12	6	14	8	10	2		1	1								168
Total	66	107	134	344	391	145	140	177	292	74	19	14	6	1	1	1		3	1	1	[1] 1,917

[1] Not including meritorious sick-leave cases reported from Nov. 1, 1911, to June 30, 1912.

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

C.—TOTAL ACCIDENTS REPORTED, 1911–12—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Interior:																					
Reclamation Service	.....	51	8	60	108	48	29	51	12	20	5	32	6	.....	1	1	.....	.....	.....	.....	432
Indian Service	1	1	3	3	5	.....	1	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	16
All other	2	2	.....	1	4	.....	2	2	1	3	1	.....	1	.....	.....	.....	.....	.....	.....	.....	19
Total	3	54	11	64	117	48	32	53	13	25	6	32	7	.....	1	1	.....	.....	.....	.....	467
Agriculture:																					
Forest Service	.....	.....	.....	1	1	1	3	2	3	1	.....	3	.....	1	.....	.....	.....	2	.....	1	19
All other	.....	1	1	.....	.....	2	1	4	.....	1	.....	5	.....	4	.....	.....	.....	.....	.....	.....	19
Total	.....	1	1	1	1	3	4	6	3	2	.....	8	.....	5	.....	.....	.....	2	.....	1	38
Commerce and Labor:																					
Lighthouse Service	.....	1	9	13	10	6	.....	6	2	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	48
All other	.....	2	.....	4	8	2	4	1	.....	3	3	1	.....	.....	1	1	.....	.....	.....	1	31
Total	.....	3	9	17	18	8	4	7	2	3	3	1	1	.....	1	1	.....	.....	.....	1	79
Post Office:																					
Rural Delivery Service	.....	.....	.....	.....	.....	3	8	24	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	35
Railway Mail Service	.....	.....	.....	.....	.....	26	7	88	230	78	74	10	48	5	.....	.....	.....	.....	.....	4	570
City Delivery Service	.....	.....	.....	8	10	5	8	12	28	124	.....	.....	.....	.....	.....	.....	.....	.....	.....	11	206
All other	.....	.....	.....	11	12	6	5	5	9	13	1	.....	2	1	2	1	.....	.....	.....	.....	68
Total	.....	.....	.....	19	22	40	28	129	267	215	75	10	50	6	2	1	.....	.....	.....	15	879
Government Printing Office	.....	.....	.....	41	4	4	2	1	2	11	2	.....	3	1	.....	.....	.....	.....	1	.....	72
Smithsonian Institution	1	.....	1	1	3	.....	1	2	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10
Grand total	1,324	877	1,138	765	799	325	393	453	632	381	125	132	113	191	40	72	13	104	42	78	[1]7,997

[1] Not including meritorious sick-leave cases reported from Nov. 1, 1911, to June 30, 1912.

A.—FATAL CASES: 1912-13.

Isthmian Canal Commission	8	3	1	1	1														1		15
Treasury										1											1
War:																					
Engineer Department	4	3	7	15	9		2		1	1	1									1	44
Quartermaster's Department	1			3	1					1											6
Frankford Arsenal					2																2
Rock Island Arsenal								1													1
Total	5	3	7	18	12		2	1	1	2	1									1	53
Navy:																					
New York Navy Yard				1																	1
Boston Navy Yard					2		1		1												4
Norfolk Navy Yard		1			1	1		1													4
Mare Island Navy Yard					3		1														4
Puget Sound Navy Yard								1													1
All other		1		1		1															3
Total		2		2	6	2	2	2	1												17
Interior:																					
Reclamation Service		1				3		1													5
Indian Service					1																1
All other								1		1											2
Total		1			1	3		2		1											8
Agriculture:																					
Forest Service							1			1											2
All other	1																				1
Total	1						1			1											3
Commerce and Labor:																					
Lighthouse Service	1		1		1															1	4
All other										1											1
Total	1		1		1					1										1	5
Post Office:																					
Rural Delivery Service								2	2												4
Railway Mail Service							1	1	1	1	1	1	1	1							8
City Delivery Service	1									1										1	3
Total	1						1	3	3	2	1	1	1	1						1	15
Grand total	16	9	9	21	21	5	6	8	5	8	2	1	1	1					1	3	117

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

B.—NONFATAL CASES: 1912–13.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Isthmian Canal Commission	371	232	248	29	8	2	12	1	6	8	1	8	11	48	1	25	2	22	9	.....	1,044
Isthmian Canal Commission, meritorious sick leave	1,521	1,068	761	90	28	26	51	12	59	32	6	95	37	368	40	117	10	122	41	.....	4,484
Total	1,892	1,300	1,009	119	36	28	63	13	65	40	7	103	48	416	41	142	12	144	50	.....	5,528
Treasury:																					
Bureau of Engraving and Printing	7	58	8	17	14	4	6	2	2	2	5	2	.....	2	5	1	3	14	9	88	249
Mints	.....	.....	.....	.....	.....	.....	2	3	.....	.....	.....	2	1	.....	.....	.....	.....	.....	.....	.....	8
Life-Saving Service	.....	.....	1	.....	6	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10
Customs Service	.....	.....	.....	1	3	11	19	.....	.....	3	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	40
All other	1	2	4	7	5	2	4	.....	1	1	1	1	.....	.....	.....	.....	.....	.....	.....	.....	29
Total	8	60	13	25	28	20	31	5	3	6	9	5	1	2	5	1	3	14	9	88	336
War:																					
Engineer Department	44	43	148	187	155	56	46	40	19	13	11	4	4	1	.....	.....	.....	.....	1	.....	772
Quartermaster's Department	3	10	6	37	23	4	18	3	.....	4	.....	.....	1	1	.....	2	.....	.....	.....	17	129
Frankford Arsenal	15	6	39	14	12	8	11	3	2	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	112
Rock Island Arsenal	24	1	27	17	24	4	10	16	4	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	128
Watertown Arsenal	.....	2	4	11	4	8	14	7	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	52
Springfield Arsenal	.....	.....	1	1	8	2	1	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	18
Watervliet Arsenal	2	1	3	8	1	.....	4	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	24
Picatinny Arsenal	.....	.....	10	4	6	2	1	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25
All other	4	2	2	3	6	2	2	5	5	4	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	36
Total	92	65	240	282	239	86	107	84	31	25	12	5	6	2	.....	2	.....	.....	1	17	1,296
Navy:																					
Washington Navy Yard	10	6	5	28	58	4	11	14	58	8	1	.....	1	.....	.....	.....	.....	.....	.....	.....	204
Philadelphia Navy Yard	3	1	4	79	5	8	12	25	32	2	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	172
New York Navy Yard	7	25	10	126	99	47	23	64	86	20	3	9	2	.....	1	.....	.....	.....	.....	6	528
Boston Navy Yard	1	2	4	14	82	5	26	29	50	8	1	.....	.....	2	.....	.....	.....	.....	.....	.....	224
Portsmouth Navy Yard	3	2	.....	17	10	4	8	19	6	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	71
Norfolk Navy Yard	20	30	60	78	24	24	44	31	66	2	3	.....	1	.....	.....	.....	.....	.....	.....	.....	389

Mare Island Navy Yard		1		1	21	20	6	1	6	8	3	5	1				1					79
Puget Sound Navy Yard	4	1	1	5	62	15	8	6	12	34	6	1	1									157
All other	45	36	34	40	17	14	22	10	22	6						1						246
Total	93	103	124	388	378	141	160	199	339	80	23	15	7	2	1	1	1			6	2,070
Interior:																						
Reclamation Service		36	4	28	177	55	31	27	8	5	3	2	2				1			2	381
Indian Service	2	7	11	9	13	1	4	2		2			1							1	53
All other	5	1	1	2	6	3	4	4		3	2			1			1		1		34
Total	7	44	16	39	196	59	39	33	8	10	5	2	3	1			2		1	3	468
Agriculture:																						
Forest Service		2	1	5	11	4	13	4	17	7	1	4	1					1			71
All other	3	4		3	2	9	3	8	1	2		6		5		3					49
Total	3	6	1	8	13	13	16	12	18	9	1	10	1	5		3		1			120
Commerce and Labor:																						
Lighthouse Service		2	11	13	5	5		7	4	2			1	1				2			53
All other	1		1	8	5		5	4		2	2										28
Total	1	2	12	21	10	5	5	11	4	4	2		1	1				2			81
Post Office:																						
Rural Delivery Service						1	5	6	19												31
Railway Mail Service						9	40	41	116	141	63	42	20	25	4						501
City Delivery Service	1	1		10	15	7	8	5	18	103										9	177
All other	2			14	16	1	8	3	1	17	3		1	3		4	1				74
Total	3	1		24	31	18	61	55	154	261	66	42	21	28	4	4	1			9	783
State													1								1
Government Printing Office				35	9	5		3	2	6	5		7	1		1					74
Smithsonian Institution				1	1																2
Grand total	2,099	1,581	1,415	942	941	375	482	415	624	450	130	182	96	458	51	154	19	161	61	123	10,759

C.—TOTAL CASES, 1912-13.

Isthmian Canal Commission	379	235	249	30	9	2	12	1	6	8	1	8	11	48	1	25	2	22	10		1,059
Isthmian Canal Commission, meritorious sick leave	1,521	1,068	761	90	28	26	51	12	59	32	6	95	37	368	40	117	10	122	41		4,484
Total	1,900	1,303	1,010	120	37	28	63	13	65	40	7	103	48	416	41	142	12	144	51		5,543

TABLE IV.—NUMBER OF FATAL AND NONFATAL CASES, BY EACH CLASSIFIED RATE OF PAY, ON A YEARLY BASIS, DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Concluded.

C.—TOTAL CASES, 1912-13—Concluded.

Departments, services, and establishments.	Number of cases in which each classified rate of pay, on yearly basis, was—																				
	Under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,100.	$1,100 and under $1,200.	$1,200 and under $1,300.	$1,300 and under $1,400.	$1,400 and under $1,500.	$1,500 and under $1,600.	$1,600 and under $1,700.	$1,700 and under $1,800.	$1,800 and under $1,900.	$1,900 and under $2,000.	$2,000 and under $2,500.	$2,500 and over.	Not reported.	Total.
Treasury:																					
Bureau of Engraving and Printing	7	58	8	17	14	4	6	2	2	2	5	2		2	5	1	3	14	9	88	249
Mints							2	3				2	1								8
Life-Saving Service			1		6	3															10
Customs Service				1	3	11	19			3	3										40
All other	1	2	4	7	5	2	4		1	2	1	1									30
Total	8	60	13	25	28	20	31	5	3	7	9	5	1	2	5	1	3	14	9	88	337
War:																					
Engineer Department	48	46	155	202	164	56	48	40	20	14	12	4	4	1					1	1	816
Quartermaster's Department	4	10	6	40	24	4	18	3		5			1	1		2				17	135
Frankford Arsenal	15	6	39	14	14	8	11	3	2	1		1									114
Rock Island Arsenal	24	1	27	17	24	4	10	17	4	1											129
Watertown Arsenal		2	4	11	4	8	14	7	1				1								52
Springfield Arsenal			1	1	8	2	1	5													18
Watervliet Arsenal	2	1	3	8	1		4	5													24
Picatinny Arsenal			10	4	6	2	1			2											25
All other	4	2	2	5	6	2	2	5	5	4	1										36
Total	97	68	247	300	251	86	109	85	32	27	13	5	6	2		2			1	18	1,349
Navy:																					
Washington Navy Yard	10	6	5	28	58	4	11	14	58	8	1		1								204
Philadelphia Navy Yard	3	1	4	79	5	8	12	25	32	2			1								172
New York, Navy Yard	7	25	10	127	99	47	23	64	86	20	3	9	2		1					6	529
Boston Navy Yard	1	2	4	14	84	5	27	29	51	8	1			2							228
Portsmouth Navy Yard	8	2		17	10	4	8	19	6	1	1										71
Norfolk Navy Yard	20	31	66	78	25	25	44	32	66	2	3		1								393
Mare Island Navy Yard		1		1	24	20	7	1	6	8	8	5	1				1				83
Puget Sound Navy Yard	4	1	1	5	62	15	8	7	13	34	6	1	1								158
All other	45	36	34	41	17	15	22	10	22	6						1					249
Total	93	105	124	390	384	143	162	201	340	89	23	15	7	2	1	1	1			6	2,087

Interior:																						
Reclamation Service		37	4	28	177	58	31	28	8	5	3	2	2				1				2	386
Indian Service	2	7	11	9	14	1	4	2		2			1								1	54
All other	5	1	1	2	6	3	4	5		4	2			1			1		1			36
Total	7	45	16	39	197	62	39	35	8	11	5	2	3	1			2		1			476
Agriculture:																						
Forest Service		2	1	5	11	4	14	4	17	8	1	4	1					1				73
All other	4	4		3	2	9	3	8	1	2		6		5		3						50
Total	4	6	1	8	13	13	17	12	18	10	1	10	1	5		3		1				123
Commerce and Labor:																						
Lighthouse Service	1	2	12	13	6	5		7	4	2			1	1				2			1	57
All other	1		1	8	5		5	4		3	2											29
Total	2	2	13	21	11	5	5	11	4	5	2		1	1				2			1	86
Post Office:																						
Rural Delivery Service						1	5	8	21													35
Railway Mail Service						9	41	42	117	142	64	43	21	26	4							509
City Delivery Service	2	1		10	15	7	8	5	18	104											10	180
All other	2			14	16	1	8	3	1	17	3		1	3		4	1					74
Total	4	1		24	31	18	62	58	157	263	67	43	22	29	4	4	1				10	798
State													1									1
Government Printing Office				35	9	5		3	2	6	5		7	1		1						74
Smithsonian Institute				1	1																	2
Grand total	2,115	1,590	1,424	963	962	380	488	423	629	458	132	183	97	459	51	154	19	161	62	126		10,876

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS.

A.—COMPENSATED CASES: 1908-9.[1]

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
Isthmian Canal Commission	6	10	44	3	24	10	66	12	1	190	35	20	121	7	85	5	14	5	59	10	23		750
Treasury:																							
Bureau of Engraving and Printing			8		1					1	1	1	3	1									16
Mints			1			1						1							1				4
Total			9		1	1				1	1	2	3	1					1				20
War:																							
Engineer Department	2	2	3		8	2	2	2		37	19	3	27		2		15		14	1	9	1	149
Quartermaster's Department										1	1		2										4
Frankford Arsenal			13		2			3		5	1	1	1	1					1				28
Rock Island Arsenal			9							4	3	1	4					1	3		1		26
Watertown Arsenal		1	5		1			3		3	1			1					1				16
Springfield Arsenal			6							1		2	1						1	1	1		13
Watervliet Arsenal			3							2	1		1		1	2			1				11
Picatinny Arsenal										1	2		1			1							5
All other										2	2		1				2				1		8
Total	2	3	39		11	2	2	8		56	30	7	38	2	3	3	17	1	21	2	12	1	260

Navy:																							
Washington Navy Yard		1	19		1	2		2	2	8	1	2	7				1		10		2		58
Philadelphia Navy Yard	1		6	1	6	1		1		23	7		4	2			1		4		2	1	60
New York Navy Yard		3	14		5	3	2	6	1	15	22	5	16		1	1	1	1	9		8		113
Boston Navy Yard		2	12		2	2		9		22	11	7	14			1	1	1	12	1	3		100
Portsmouth (N. H.) Navy Yard			3			1		2		5	3	2	6	1				2	2				27
Norfolk Navy Yard			7		3			1		14	3	2	8			2		2	14		7		63
Mare Island Navy Yard			9	1	5			1	1	19	10	5	6		1			1	10	2	2		73
Puget Sound Navy Yard			6		1				1	6	4			1			1		4		2		26
All other	1	1	3	1	1	1	2	1		12	1		5		2	1		1	6	2	2		43
Total	2	7	79	3	24	10	4	23	5	124	62	23	66	4	4	5	5	8	71	5	28	1	563
Interior:																							
Reclamation Service	1		5		5		5	2		21	5	3	6	3	4		1	1	5	3	1		71
Indian Service																			1				1
Total	1		5		5		5	2		21	5	3	6	3	4		1	1	6	3	1		72
Commerce and Labor:																							
Lighthouse Service			1								2										1		4
Government Printing Office			6		1			4	2	4	2	1	2								1		23
Grand total	11	20	183	5	66	23	77	49	8	396	137	56	236	17	96	13	37	15	158	20	66	2	1,692

B.—NONCOMPENSATED CASES: 1908-9.[1]

Isthmian Canal Commission	3	17	62	4	37	33	93	19	2	341	56	36	159	8	163	10	22	11	171	45	64	1	1,357
Treasury:																							
Bureau of Engraving and Printing			4		1					2	1	1	1			1			1		1		13
Mints			1					1	1	1													4
Life-Saving Service	4					1		1		2	7	1	12			1	13		1	5	7	1	56
Customs service					2					11	1	1	3				3		10	6	7		44
All other					1			1		3	4	4	1			1		1			1		17
Total	4		5		4	1		3	1	19	13	7	17			3	16	1	12	11	16	1	134

[1] Eleven months.

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

B.—NONCOMPENSATED CASES: 1908–9—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
War:																							
Engineer Department	1	3	4		5	2	1	2	1	47	30	8	27		5		20	1	16	8	6		187
Quartermaster's Department	1				1	2	1	1		5	9	3	10	1		12	2		1		4	1	54
Frankford Arsenal			10	2	1	1				3		2	1						2		2		24
Rock Island Arsenal			9				1	2		9	1		5	1				2	6	1	1		38
Watertown Arsenal			4							3			1			2			3	1			14
Springfield Arsenal			2							2	2	1	1						2		2		12
Watervliet Arsenal			4							3									1	2	1		11
Picatinny Arsenal	1		1										1						1	1	1		6
Al other			1			1		1		5	1	1	1						3	1	2		17
Total	3	3	35	2	7	6	3	6	1	77	43	15	47	2	5	14	22	3	35	14	19	1	363
Justice					1						1												2
Navy:																							
Washington Navy Yard		2	18		1			3	1	20	1	2	4					2	9		9		72
Philadelphia Navy Yard		4	1					1	2	12	4	1	3					2	7	2	1	1	41
New York Navy Yard		1	8		2			1		12	9	2	9				1	3	9	1	2		60
Boston Navy Yard	1	1	6		2			5		12	4	4	10	1				1	9	2	5		63
Portsmouth (N. H.) Navy Yard			5									1	1					1	1		1		12

Norfolk Navy Yard			7		2			4		14	5	3	11	3				3	11	5	9	1	78
Mare Island Navy Yard		2	6		2			3	1	21	4	1	7	1				1	5	1	8		63
Puget Sound Navy Yard			4		1					6	5	1	2					3	12	1	3		38
All other		1	5			3	3			13	8	1	14	1	2	1	3	2	4	4	4		69
Total	1	11	60		10	3	3	17	4	110	41	16	61	6	2	1	4	17	67	16	42	2	494
Interior:																							
Reclamation Service			2		2		6	2		8	3	2	5	6	2	3	3	1	6	1	9		62
Indian Service			1					1			1		1			1			3		1		9
All other			1							2	2	3			1	1			1		5		16
Total			4		2		6	3		10	6	6	6	6	3	5	3	1	10	1	15		87
Agriculture			1		1			1		2	3	2		3	2	2			4		5		26
Commerce and Labor:																							
Lighthouse Service		1		1	2	2	1	1		6	7		3		1		9		1		3	2	40
All other	2			1	1			1		1		3	1				7		1		1		19
Total	2	1		2	3	2	1	2		7	7	3	4		1		16		2		4	2	59
Post Office:																							
Rural Delivery Service											1	1		8	8	29			1		4	2	54
Railway Mail Service					1		2	3		15	10	2	9	6	306	1	1	5	1	1	35	1	399
City Delivery Service					1					4	27	28	1	22	18	12				3	16		132
All other			4		3			1		9	8	4	9	13	2	1				1	13		68
Total			4		5		2	4		28	46	35	19	49	334	43	1	5	2	5	68	3	653
Government Printing Office			5		1	1				3	1								1				12
Smithsonian Institution										2	2	1				1			2				8
Grand total	13	32	176	8	71	46	108	55	8	599	219	121	313	74	510	79	84	38	306	92	233	10	3,195

C.—TOTAL ACCIDENTS REPORTED: 1908-9.[1]

Isthmian Canal Commission	9	27	106	7	61	43	159	31	3	531	91	56	280	15	248	15	36	16	230	55	87	1	2,107
Treasury:																							
Bureau of Engraving and Printing			12		2					3	2	2	4	1		1			1		1		29
Mints			2			1		1	1	1		1							1				8

[1] Eleven months.

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1908–9—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery. Using power.	Working machinery. Not using power.	Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
Treasury—Concluded:																							
Life-Saving Service	4					1		1		2	7	1	12			1	13		1	5	7	1	56
Customs Service					2					11	1	1	3				3		10	6	7		44
All other					1			1		3	4	4	1			1		1			1		17
Total	4		14		5	2		3	1	20	14	9	20	1		3	16	1	13	11	16		154
War:																							
Engineer Department	3	5	7		13	4	3	4	1	84	49	11	54		7		35	1	30	9	15	1	336
Quartermaster's Department	1				1	2	1	1		6	10	3	12	1		12	2		1		4	1	58
Frankford Arsenal			23	2	3	1		3		8	1	3	2	1					3		2		52
Rock Island Arsenal			18				1	2		13	4	1	9	1				3	9	1	2		64
Watertown Arsenal		1	9		1			3		6	1		1	1		2			4	1			30
Springfield Arsenal			8							3	2	3	2						3	1	3		25
Watervliet Arsenal			7							5	1		1		1	2			2	2	1		22
Picatinny Arsenal	1		1							1	2		2			1			1	1	1		11
All other			1			1		1		7	3	1	2				2		3	1	3		26
Total	5	6	74	2	18	8	5	14	1	133	73	22	85	4	8	17	39	4	56	16	31	2	623
Justice					1						1												2

Navy:																								
Washington Navy Yard		3	37		2	2		5	3	28	2	4	11				1	2	19		11		130
Philadelphia Navy Yard	1		10	2	6	1		2	2	35	11	1	7	2			1	2	11	2	3	2	101
New York Navy Yard		4	22		7	3	2	7	1	27	31	7	25		1	1	2	4	18	1	10		173
Boston Navy Yard	1	3	18		4	2		14		34	15	11	24	1		1	1	2	21	3	8		163
Portsmouth (N. H.) Navy Yard			8			1		2		5	4	3	7	1				2	3		1		37
Norfolk Navy Yard			14		5			5		28	8	5	19	3		2		5	25	5	16	1	141
Mare Island Navy Yard		2	15	1	7			4	2	40	14	6	13	1	1			2	15	3	10		136
Puget Sound Navy Yard			10		2				1	12	9	1	2	1			1	3	16	1	5		64
All other	1	2	8	1	1	4	5	1		25	9	1	19	1	4	2	3	3	10	6	6		112
Total	3	14	142	4	34	13	7	40	9	234	103	39	127	10	6	6	9	25	138	21	70	3	1,057
Interior:																								
Reclamation Service	1		7		7		11	4		29	8	6	11	9	6	3	4	2	11	4	10		133
Indian Service			1					1			1		1			1			4		1		10
All other			1							2	2	3			1	1			1		5		16
Total	1		9		7		11	5		31	11	9	12	9	7	5	4	2	16	4	16		159
Agriculture			1		1			1		2	3	2		3	2	2			4		5		26
Commerce and Labor:																								
Lighthouse Service		1	1	1	2	2	1	1		6	9		3		1		9		1		4	2	44
All other	2			1	1			1		1		3	1				7		1		1		19
Total	2	1	1	2	3	2	1	2		7	9	3	4		1		16		2		5	2	63
Post office:																								
Rural Delivery Service											1	1		8	8	29			1		4	2	54
Railway Mail Service					1		2	3		15	10	2	9	6	306	1	1	5	1	1	35	1	399
City Delivery Service					1					4	27	28	1	22	18	12				3	16		132
All other			4		3			1		9	8	4	9	13	2	1				1	13		68
Total			4		5		2	4		28	46	35	19	49	334	43	1	5	2	5	68	3	653
Government Printing Office			11		2	1		4	2	7	3	1	2						1		1		35
Smithsonian Institution										2	2	1				1			2				8
Grand total	24	48	362	15	137	69	185	104	16	995	356	177	549	91	606	92	121	53	464	112	299	12	4,887

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

A.—COMPENSATED CASES: 1909-10.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery. Using power.	Working machinery. Not using power.	Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
Isthmian Canal Commission	4	14	47	8	60	3	37	23	11	163	68	39	274	5	181	2	17	90	59	17	34	2	1,158
Treasury:																							
Bureau of Engraving and Printing		1	4	1				1		1	7	1	1	1					1		7		26
Mints											1										1		2
All other			1																				1
Total		1	5	1				1		1	8	1	1	1					1		8		29
War:																							
Engineer Department	3	4	6	2	22	1	4	6		24	29	14	30	1	11		21	8	14	3	18		221
Quartermaster's Department											1		2			1		1	1		1		7
Frankford Arsenal			12				1	2		1	3	1	3	2	1			2	2				30
Rock Island Arsenal		5	15						1	5	1	3	10	1				4	4		4	1	54
Watertown Arsenal		1	3	1				2		5	1		3	1		1		2	2				22
Springfield Arsenal		2	2					1			2		2	1				2	1		1		14
Watervliet Arsenal			3							1								1	1		1		7

Picatinny Arsenal								4		2	1			1				1						9
All other			2							2		1	1				1		2	3				12
Total	3	12	43	3	22	1	5	15	1	40	38	19	51	7	12	3	21	23	28	3	25	1	376
Navy:																								
Washington Navy Yard		2	13		1			1		8	8	1	6	1				7	1	1	1	2	48
Philadelphia Navy Yard	2		5		1			3		16	9	4	14		2	3		7	10	1	2		79
New York Navy Yard		1	29	2	4	1		15	3	42	32	19	28	6	5		2	17	15	3	8		232
Boston Navy Yard			9		1			9	1	20	3	3	13			3	1	14	3	4	4		88
Portsmouth (N. H.) Navy Yard			6		2	1		8	1	4	4	1	3						4		2		36
Norfolk Navy Yard	1	3	13	2	5			4		18	11	8	22	2		1		6	14		5		115
Mare Island Navy Yard	1	1	11	1	7	1		3	3	6	14	6	24	1	2	1		1	6	1	6	1	97
Puget Sound Navy Yard		1	7		1			6		2	3		5		1			2	1		4		33
All other		3	15	1	2	2	1	11		15	5	4	8		2	3		7	2	1	2		84
Total	4	11	108	6	24	5	1	60	8	131	84	46	123	10	12	11	3	61	56	11	34	3	812
Interior:																								
Reclamation Service			6	1	1	1	2	9	1	26	18	2	10	2	6	8		7	6	2	2		110
Indian Service										1		1											2
All other			1																				1
Total			7	1	1	1	2	9	1	27	18	3	10	2	6	8		7	6	2	2		113
Commerce and Labor:																								
Lighthouse Service												1							1				2
Government Printing Office			11					2		3	2	5	8					2	2		3	2	40
Grand total	11	38	221	19	107	10	45	110	21	365	218	114	467	25	211	24	41	183	153	33	106	8	2,530

B.—NONCOMPENSATED CASES: 1909-10.

Isthmian Canal Commission					3		2	2	1	6	1	1	18	1	23	1	7	4	3	1	8		82
Isthmian Canal Commission, meritorious sick leave		30	44	1	77	1	12	71	9	366	119	127	251	8	128	11	8	289	189	84	164	5	1,994
Total		30	44	1	80	1	14	73	10	372	120	128	269	9	151	12	15	293	192	85	172	5	2,076

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

B.—NONCOMPENSATED CASES: 1909–10—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
Treasury:																						
Bureau of Engraving and Printing			6	3						3	5	2	6							7		32
Mints								2		1									1			4
Life-Saving Service	3			1				2			6	8	9	4		2	10	1	4	3	1	57
Customs Service					6			1		1	3	3	3	3				3	2	5		35
Other					1	1		1		1	11	1	3	2				1		1		23
Total	3		6	4	7	1		6		6	25	14	21	9		2	10	5	7	8	16	1	151
War:																						
Engineer Department	4		8		20			3		26	27	13	16	4	9	3	11	13	11	13	14		195
Quartermaster's Department		1	2		1			5	1	3	7	6	10	8		12	3	1		2	1		63
Frankford Arsenal			14					1		4	1	2		1				3	1		2		29
Rock Island Arsenal			11							4	2	1	12					13	8	1	4		56
Watertown Arsenal			2							1	1	2	2						1		2		11
Springfield Arsenal			2							4			1	1				2					10
Watervliet Arsenal			1					1			1	1						1			1		6
Picatinny Arsenal								1	1	1	1								2		1		7
All other			1					1		4	5							1	1	1	1		15
Total	4	1	41		21			12	2	47	45	25	41	14	9	15	14	34	24	17	26		392

Navy:																								
Washington Navy Yard			13	1				3	1	7	1	2	8		1			13	4	1	1		56
Philadelphia Navy Yard		1	4		1			2	2	3	6		5	1	1	2		3		2	4		37
New York Navy Yard			23		1	2		7	3	21	13	9	10		1		1	32	8	2	4	22	159
Boston Navy Yard			6		1	1		9	2	15	4	7	13					13	1	2	5		79
Portsmouth (N. H.) Navy Yard										3		1	1					2					7
Norfolk Navy Yard		1	10					2	2	12	14	2	16	1		2		25	22	7	4		1
Mare Island Navy Yard			7		5	3		1		15	8	3	17		2		1	4	7	1	11		85
Puget Sound Navy Yard			7	1	2			1		5	3	4	4	1				3	1	1	3		36
All other		1	6	1	3	1	1	5	1	19	14	5	16	3	1		2	13	7	6	6	1	112
Total		3	76	3	13	7	1	30	11	100	63	33	90	6	6	4	4	108	50	22	38	23	691
Interior:																								
Reclamation Service		1	4			1	1	5	1	8	8	5	8	4	1	7	5	4	6	3	4		76
Indian Service										1				2	1						1		5
All other			2	1							4	1	2	1		3			2		3		19
Total		1	6	1		1	1	5	1	9	12	6	10	7	2	10	5	4	8	3	8		100
Agriculture								3		1	5	3	1	1	1	7			3				25
Commerce and Labor:																								
Lighthouse Service	1		4	1	1	1		2		1	5	2	6	1			3	2	2	1	6	1	40
All other		1	2	1							5	1	2	1	1	2		1		1	1		19
Total	1	1	6	2	1	1		2		1	10	3	8	2	1	2	3	3	2	2	7	1	59
Post Office:																								
Rural Delivery Service								1			1	2		6	3	24					1	4	42
Railway Mail Service						1		1		13	17	8	17	9	540	3	1	29	1		17	2	659
City Delivery Service					1					2	41	46	2	51	3	22	1	1		1	12	3	186
All other			2		3					6	7	8	7	9	2	3		4		1	8	1	61
Total			2		4	1		2		21	66	64	26	75	548	52	2	34	1	2	38	10	948
Government Printing Office			5					2				1	1	3				1			1		14
Smithsonian Institution										2	1												3
Grand total	8	36	186	11	126	12	16	135	24	559	347	277	467	126	718	104	53	482	287	139	305	40	4,459

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1909–10.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
Isthmian Canal Commission	4	14	47	8	63	3	39	25	12	169	69	40	292	6	204	3	24	94	62	18	42	2	1,240
Isthmian Canal Commission, meritorious sick leave	.....	30	44	1	77	1	12	71	9	366	119	127	251	8	128	11	8	289	189	84	164	5	1,994
Total	4	44	91	9	140	4	51	96	21	535	188	167	543	14	332	14	32	383	251	102	206	7	3,234
Treasury:																							
Bureau of Engraving and Printing	.....	1	10	4	.....	.....	.....	1	.....	4	12	3	7	1	.....	.....	.....	.....	1	.....	14	.....	58
Mints	.....	.....	.....	.....	.....	.....	.....	2	.....	1	1	.....	.....	.....	.....	.....	.....	.....	1	.....	1	.....	6
Life-Saving Service	3	.....	.....	1	.....	.....	.....	2	.....	.....	6	8	9	4	.....	2	10	1	4	3	3	1	57
Customs service	.....	.....	.....	.....	5	.....	.....	1	.....	1	3	3	3	3	.....	.....	.....	3	2	5	5	.....	35
All other	.....	.....	1	.....	1	1	.....	1	.....	1	11	1	3	2	.....	.....	.....	1	.....	.....	1	.....	24
Total	3	1	11	5	7	1	.....	7	.....	7	33	15	22	10	.....	2	10	5	8	8	24	1	180
War:																							
Engineer Department	7	4	14	2	42	1	4	9	.....	50	56	27	46	5	20	3	32	21	25	16	32	.....	416
Quartermaster's Department	.....	1	2	.....	1	.....	.....	5	1	3	8	6	12	8	.....	13	3	2	1	2	2	.....	70
Frankford Arsenal	.....	.....	26	.....	.....	.....	1	3	.....	5	4	3	3	3	1	.....	.....	5	3	.....	2	.....	59
Rock Island Arsenal	.....	5	26	.....	.....	.....	.....	.....	1	9	3	4	22	1	.....	.....	.....	17	12	1	8	1	110
Watertown Arsenal	.....	1	5	1	.....	.....	.....	2	.....	6	2	2	5	1	.....	1	.....	2	3	.....	2	.....	33
Springfield Arsenal	.....	2	4	.....	.....	.....	.....	1	.....	4	2	.....	3	2	.....	.....	.....	4	1	.....	1	.....	24
Watervliet Arsenal	.....	.....	4	.....	.....	.....	.....	1	.....	1	1	1	.....	.....	.....	.....	.....	2	1	.....	2	.....	13

Picatinny Arsenal								5	1	3	2			1				1	2		1			16
All other			3					1		6	5	1	1			1		3	4	1	1			27
Total	7	13	84	3	43	1	5	27	3	87	83	44	92	21	21	18	35	57	52	20	51	1		768
Navy:																								
Washington Navy Yard		2	26	1	1			4	1	15	4	3	14	1	1			20	5	2	2	2		104
Philadelphia Navy Yard	2	1	9		2			5	2	19	15	4	19	1	3	5		10	10	3	6			116
New York Navy Yard		1	52	2	5	3		22	6	63	45	28	38	6	6		3	49	23	5	12	22		391
Boston Navy Yard			15		2	1		18	3	35	7	10	26			3	1	27	4	6	9			167
Portsmouth (N. H.) Navy Yard			6		2	1		8	1	7	4	2	4					2	4		2			43
Norfolk Navy Yard	1	4	23	2	5			6	2	30	25	10	38	3		3		31	36	7	9			235
Mare Island Navy Yard	1	1	18	1	12	4		4	3	21	22	9	41	1	4	1	1	5	13	2	17	1		182
Puget Sound Navy Yard		1	14	1	3			7		7	6	4	9	1	1			5	2	1	7			69
All other		4	21	2	5	3	2	16	1	34	19	9	24	3	3	3	2	20	9	7	8	1		196
Total	4	14	184	9	37	12	2	90	19	231	147	79	213	16	18	15	7	169	106	33	72	26		1,503
Interior:																								
Reclamation Service		1	10	1	1	2	3	14	2	34	26	7	18	6	7	15	5	11	12	5	6			186
Indian Service										2		1		2	1						1			7
All other			3	1							4	1	2	1		3			2		3			20
Total		1	13	2	1	2	3	14	2	36	30	9	20	9	8	18	5	11	14	5	10			213
Agriculture								3		1	5	3	1	1	1	7			3					25
Commerce and Labor:																								
Lighthouse Service	1		4	1	1	1		2		1	5	3	6	1			3	2	3	1	6	1		42
All other		1	2	1							5	1	2	1	1	2		1		1	1			19
Total	1	1	6	2	1	1		2		1	10	4	8	2	1	2	3	3	3	2	7	1		61
Post Office:																								
Rural Delivery Service								1			1	2		6	3	24					1	4		42
Railway Mail Service						1		1		13	16	8	17	9	540	3	1	29	2		17	2		659
City Delivery Service					1					2	41	46	2	51	3	22	1	1		1	12	3		186
All other			2		3					6	7	8	7	9	2	3		4		1	8	1		61
Total			2		4	1		2		21	65	64	26	75	548	52	2	34	2	2	38	10		948
Government Printing Office			16					4		3	2	6	9	3				3	2		4	2		54
Smithsonian Institution										2	1													3
Grand total	19[illegible]	74	407	30	233	22	61	245	45	924	565	391	934	151	929	128	94	665	440	172	412	48		6,989

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

A.—COMPENSATED CASES: 1910–11.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
Isthmian Canal Commission	3	22	52	11	75	8	28	32	9	188	111	34	362	3	166	2	20	97	78	21	28	3	1,353
Treasury:																							
Bureau of Engraving and Printing		1	3	13		1				3	3	8	1	2				1		1	6		43
Mints			2			1				2		2	1								1		9
Total		1	5	13		2				5	3	10	2	2				1		1	7		52
War:																							
Engineer Department	3	5	9		17	6	14	6		40	35	5	46	1	12	1	21	13	11	4	14		263
Quartermaster's Department										1	2		1					1					5
Frankford Arsenal		2	14		1		1			9	5		4			1		7	5		2	1	52
Rock Island Arsenal			10	1			1	2		14	4	1	4	1	1			5	2		2		48
Watertown Arsenal		1	1	3	1			1		4	2		4					2	1				20
Springfield Arsenal			3							2	5	1	4					2					13
Watervliet Arsenal										1			2					2			1		6
Picatinny Arsenal			3			3	1			1	2		1	1				3			1		16
All other			2		1					1			3			1		4	3				15
Total	3	8	42	4	20	9	17	9		73	55	7	65	3	13	3	21	39	22	4	20	1	438

Navy:																							
Washington Navy Yard		2	20	3	3		4	*6	1	19	4	3	8					5	5				83
Philadelphia Navy Yard			5		1	1		1	2	21	13	4	10			1		1	5	1	3	2	71
New York Navy Yard	2	2	20	1	5	3		5	3	64	24	19	21	1	1		2	24	17	2	6	4	236
Boston Navy Yard	1	3	7	4	2	4		4	1	24	18	7	16	2	1		3	17	9		3	1	127
Portsmouth (N. H.) Navy Yard	1	1	7		3	2		2	1	22	12	4	11	1	1		1	7	7		4		87
Norfolk Navy Yard	1	3	15	2	5	1		2		16	16	6	12	1	1	1		10	8	1	5	1	107
Mare Island Navy Yard			7	3	3	3		5		9	14	7	19		1	1	2	2	7	1	2	2	88
Puget Sound Navy Yard		1	7						1	10	12	6	6				1	5	1		3		53
All other	1	1	10	1	2	5	4	1		10	7		8	1	2	1		3	2	1	6		66
Total	6	13	98	14	24	19	8	26	9	195	130	56	111	6	7	4	9	74	61	6	32	10	918
Interior:																							
Reclamation Service		2	6	1	6	4	3	6	3	25	8	2	11	9	4	5	2	5	10	2	4		118
Indian Service			1								1								1				3
All other										2													2
Total		2	7	1	6	4	3	6	3	27	9	2	11	9	4	5	2	5	11	2	4		123
Commerce and Labor:																							
Lighthouse Service			1																				1
All other													1										1
Total			1										1										2
Post Office			1							1		1						1					4
Government Printing Office	1	1	17		1	4		1		6	5	6	10	1				1	3				57
Smithsonian Institution											1												1
Grand total	13	47	223	43	126	46	56	74	21	495	314	116	562	24	190	14	52	218	175	34	91	14	2,948

B.—NONCOMPENSATED CASES: 1910-11.

Isthmian Canal Commission			3	1	3		1	1	3	13	14	10	40	1	45		1	8	7	5	7	3	166
Isthmian Canal Commission, meritorious sick leave	4	30	141	6	205	52	7	115	14	559	217	100	869	54	290	8	37	582	399	214	166	6	4,075
Total	4	30	144	7	208	52	8	116	17	572	231	110	909	55	335	8	38	590	406	219	173	9	4,241

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

B.—NONCOMPENSATED CASES: 1910–11—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
Treasury:																						
Bureau of Engraving and Printing				19				1		7	4	2	2			1		5	1		1		43
Mints			1										1					2					4
Life-Saving Service			2	1			1			1	3	2	1	1		2	2	1	4	2	3		26
Customs Service					3					2	2	1	4	2	1	1		4	1	4	1		26
All other					1			1		5	12	1		2	1				1	1	1		26
Total			3	20	4		1	2		15	21	6	8	5	2	4	2	12	7	7	6		125
War:																						
Engineer Department	1		6	3	10		5	8		45	30	7	38	2	1	1	16	16	20	13	14		236
Quartermaster's Department		1	3		3					14	8	1	11	4	4	9	2	5	2				67
Frankford Arsenal		1	9	5				1		5	4	1	4	2				2	1	1	5		41
Rock Island Arsenal		4	8	5				4		7	1	2	4	1				9	10		4		59
Watertown Arsenal			1					2	1	4	1	1	1					3	3				17
Springfield Arsenal								1		1													2
Watervliet Arsenal			2							1								2	2				7
Picatinny Arsenal						2		2		2	4		3					2					15
All other					1					3	1	2	1	1		1		1			1		12
Total	1	6	29	13	14	2	5	18	1	82	49	14	63	10	5	11	18	40	38	14	24		456
State													1										1

Navy:																								
Washington Navy Yard		1	3	4	1	1		1		10	1	3	10	2				12	2		2			58
Philadelphia Navy Yard		2	3			1		2		4	5		2		1			3	1	4				23
New York Navy Yard		3	6	2	4	4		9	3	25	16	5	9	1			1	25	7	2	5	2		129
Boston Navy Yard		1	5	1	1	1		10	2	14	7	2	7					21	6		2	2		82
Portsmouth (N. H.) Navy Yard					2	1		2		6	5		1					1	1		1			20
Norfolk Navy Yard		1	3	1	2	1		3		12	8		11	2			1	14	11	3	1	1		75
Mare Island Navy Yard		3	7	3	3	4	1	5	3	24	20	5	23	1	1	2	1	6	5	3	4	3		127
Puget Sound Navy Yard			3	4		1		9		13	4		5					13	2	1	3			58
All other	1		5	2		2	3	5	1	23	9		9		3	1	7	11	9	4	2	1		98
Total	1	11	40	17	13	16	4	46	9	131	75	15	77	6	5	3	10	106	44	17	20	9		675
Interior:																								
Reclamation Service	1		4		2	9		3	1	18	7	1	12	10	5	7		7	8	1	4	1		101
Indian Service										2	1			1		1								5
All other			2			1				2	3		2		1				4		4			19
Total	1		6		2	10		3	1	22	11	1	14	11	6	8		7	12	1	8	1		125
Agriculture			2		1			1		3	4	3		2	1	2		4	2	1	1			27
Commerce and Labor:																								
Lighthouse Service	1		2		2	1				1	7		2				2	2	2		4	1		27
All other		1	1	1		1	1			4	5	1	2	1			2		1		1	2		24
Total	1	1	3	1	2	2	1			5	12	1	4	1			4	2	3		5	3		51
Post Office:																								
Rural Delivery Service	1				1						2	3	1	17	3	14		1				2		45
Railway Mail Service					5				1	17	8	8	23	9	390	2		15	1		15	3		497
City Delivery Service	2				1					2	23	34	2	31	12	14		3		1	9	1		135
All other			4	2	3	1				5	4	3	6	3	1	2		2	1	1	4	1		43
Total	3		4	2	10	1			1	24	37	48	32	60	406	32		21	2	2	28	7		720
Government Printing Office			1							3	1	1	3								1			10
Smithsonian Institution			1								1													2
Grand total	11	48	233	60	254	83	19	186	29	857	442	199	1,110	150	760	68	72	782	514	261	266	29		6,433

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1910–11.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
Isthmian Canal Commission	3	22	55	12	78	8	29	33	12	201	125	44	402	4	211	2	21	105	85	26	35	6	1,519
Isthmian Canal Commission, meritorious sick leave	4	30	141	6	205	52	7	115	14	559	217	100	869	54	290	8	37	582	399	214	166	6	4,075
Total	7	52	196	18	283	60	36	148	26	760	342	144	1,271	58	501	10	58	687	484	240	201	12	5,594
Treasury:																							
Bureau of Engraving and Printing	.....	1	3	32	.....	1	.....	1	.....	10	7	10	3	2	.....	1	.....	6	1	1	7	.....	86
Mints	.....	.....	3	.....	.....	1	.....	.....	.....	2	.....	2	2	.....	.....	.....	.....	2	.....	.....	1	.....	13
Life-Saving Service	.....	.....	2	1	.....	.....	1	.....	.....	1	3	2	1	1	.....	2	2	1	4	2	3	.....	26
Customs Service	.....	.....	.....	.....	3	.....	.....	.....	.....	2	2	1	4	2	1	1	.....	4	1	4	1	.....	26
All other	.....	.....	.....	.....	1	.....	.....	1	.....	5	12	1	.....	2	1	.....	.....	.....	1	1	1	.....	26
Total	.....	1	8	33	4	2	1	2	.....	20	24	16	10	7	2	4	2	13	7	8	13	.....	177
War:																							
Engineer Department	4	5	15	3	27	6	19	14	.....	85	65	12	84	3	13	2	37	29	31	17	28	.....	499
Quartermaster's Department	.....	1	3	.....	3	.....	.....	.....	.....	15	10	1	12	4	4	9	2	6	2	.....	.....	.....	72
Frankford Arsenal	.....	8	23	5	1	.....	1	1	.....	14	9	1	8	2	.....	1	.....	9	6	1	7	1	93
Rock Island Arsenal	.....	4	18	6	.....	.....	1	6	.....	21	5	3	8	2	1	.....	.....	14	12	.....	6	.....	107

Watertown Arsenal		1	2	3	1				1	3	3	1	5					5	4				3
Springfield Arsenal			3					13		3	5	1						2					15
Watervliet Arsenal			2							2			2					4	2		1		13
Picatinny Arsenal			3			5	1	2		3	6		4	1				5			1		31
All other			2		2					4	1	2	4	1		2		5	3		1		27
Total	4	14	71	17	34	11	22	27	1	155	104	21	127	13	18	14	39	79	60	18	44	1	894
State													1										1
Navy:																							
Washington Navy Yard		3	28	7	4	1	4	7	1	29	5	6	18	2				17	7		2		141
Philadelphia Navy Yard		2	8		1	2		3	2	25	18	4	12		1	1		4	6	5	3	2	99
New York Navy Yard	2	5	26	3	9	7		14	6	89	50	24	30	2	1		3	49	24	4	11	6	355
Boston Navy Yard	1	4	12	5		5		14	3	38	25	9	23	2	1		3	38	15		5	3	209
Portsmouth (N. H.) Navy Yard	1	1	7		5	3		4	1	28	17	4	12	1	1		1	8	8		5		107
Norfolk Navy Yard	1	4	18	3	7	2		5		28	24	6	23	3	1	1	1	24	19	4	6	2	182
Mare Island Navy Yard		3	14	6	6	7	1	10	3	33	34	12	42	1	2	3	3	8	12	4	6	5	215
Puget Sound Navy Yard		1	10	4		1		9	1	23	16	6	11				1	18	3	1	6		111
All other	3	1	15	3	2	7	7	6	1	33	16		17	1	5	2	7	14	11	5	8	1	164
Total	7	24	138	31	37	35	12	72	18	326	205	71	188	12	12	7	19	180	105	23	52	19	1,593
Interior:																							
Reclamation Service	1	2	10	1	8	13	3	9	4	43	15	3	23	19	9	12		12	13	3	8	1	219
Indian Service			1							2	2			1		1			1				8
All other			2			1				4	3		2		1				4		4		21
Total	1	2	13	1	8	14	3	9	4	49	20	3	25	20	10	13	2	12	23	3	12	1	248
Agriculture			2		1			1		3	4	3		2	1	2		4	2	1	1		27
Commerce and Labor:																							
Lighthouse Service	1		3		2	1				1	7		2				2	2	2		4	1	28
All other		1	1	1		1	1			4	5	1	3	1			2		1		1	2	25
Total	1	1	4	1	2	2	1			5	12	1	5	1			4	2	3		5	3	53
Post Office:																							
Rural Delivery Service	1				1						2	3	1	17	3	14		1				2	45
Railway Mail Service					5				1	17	8	8	23	9	390	2		15	1		15	3	497

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1910-11—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported	Total.
			Using power.	Not using power.																			
Post Office—Concld.:																							
City Delivery Service	2	.....	.....	.....	1	.....	.....	.....	.....	2	23	34	2	31	12	14	.....	3	.....	1	9	1	135
All other	.....	.....	5	2	3	1	.....	.....	.....	6	4	4	6	3	1	2	.....	3	1	1	4	1	47
Total	3	.....	5	2	10	1	.....	.....	1	25	37	49	32	60	406	32	.....	22	2	2	28	7	724
Government Printing Office	1	1	18	.....	1	4	.....	1	.....	9	6	7	13	1	.....	.....	.....	1	3	.....	1	.....	67
Smithsonian Institution	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Grand total	24	95	456	103	380	129	75	260	50	1,352	756	315	1,672	174	950	82	124	1,000	689	295	357	43	9,381

A.—COMPENSATED CASES: 1911-12.

Isthmian Canal Commission	.....	22	51	7	101	8	37	39	4	186	96	41	425	6	150	7	5	113	119	31	61	1	1,510
Treasury:																							
Bureau of Engraving and Printing	.....	.....	2	10	.....	.....	.....	1	.....	8	6	5	5	1	.....	.....	.....	2	2	.....	3	.....	45
Mint	.....	.....	.....	1	.....	.....	.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Total	.....	.....	2	11	.....	.....	.....	2	.....	9	6	5	5	1	.....	.....	.....	2	2	.....	3	.....	48

War:																						
Engineer Department		6	9	3	24	5	3	2		58	46	10	55		9		13	11	22	5	12		293
Quartermaster Department		1	4		1			1		4	2	2	3	1				1	2				22
Frankford Arsenal			17	2	1	1	4	3		4	2	3	7					2	3		2		51
Rock Island Arsenal		1	13	2	2			2	1	9	7	4	15	3				4	5		6		76
Watertown Arsenal		1	7		1			2		5	1		2					8	1	1	1		31
Springfield Arsenal			6								1	1	1						1		1		11
Watervliet Arsenal			2							2	1	1	7					1					14
Picatinny Arsenal			2		1	1	1	1		1	2		2								1		12
All other			1			1		1		2			3					2					10
Total		9	61	7	30	8	8	12	1	85	62	21	96	4	9		13	29	34	6	26		520
Navy:																						
Washington Navy Yard	1		15		2			5		14	7	4	15		1			6	8		2		80
Philadelphia Navy Yard			10		3			8	1	23	14	3	15			2		4	6	3	5		97
New York Navy Yard		2	46	3	7	4	1	10	1	63	50	19	68	1	2	2		19	33	1	24		356
Boston Navy Yard		1	13	1	5	1		4	3	27	13	14	35			3		14	12	1	5		152
Portsmouth (N. H.) Navy Yard			16		3	2		5		10	8	1	17			1	1	6	8		2		80
Norfolk Navy Yard			10	2	4	2	1	6	2	26	14	2	26		2	2		13	15		10		137
Mare Island Navy Yard		1	8		5					11	17	1	13					2	1		3		62
Puget Sound Navy Yard		1	12		4	1		5		10	14	5	16		1	1	1	8	5	1	4		89
All other		1	4		2	2		7		14	6	1	15			2	4	5	5	1	3		72
Total	1	6	134	6	35	12	2	50	7	198	143	50	220	1	6	13	6	77	93	7	58		1,125
Interior:																						
Reclamation Service		2	7	1	11	1	1	3	4	53	20	7	22	4	4	12		7	22	1	17		199
Indian Service		1						1		1	1		1										5
All other													1	1									2
Total		3	7	1	11	1	1	4	4	54	21	7	24	5	4	12		7	22	1	17		206
Agriculture: Forest Service											1					3			1				5
Commerce and Labor:																						
Lighthouse Service			2								4		3	1				1	2				13
All other			1																1				2
Total			3								4		3	1				1	3				15

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

A.—COMPENSATED CASES: 1911-12—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery. Using power.	Working machinery. Not using power.	Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
Post Office			1								1							1					3
Government Printing Office			8	1	3		1	1		7	3	6	9	1				4	1	1	2		48
Smithsonian Institution																		1					1
Grand total	1	40	207	33	180	29	49	108	16	539	337	130	782	19	169	35	24	235	275	46	106	1	3,481

B.—NONCOMPENSATED CASES: 1911-12.

Isthmian Canal Commission	1	3	2	1	4	1	5	4	1	17	30	9	86		45	2	2	18	15	8	14	1	269
Isthmian Canal Commission, meritorious sick leave	1	8	43	2	69	14	25	47		206	81	59	351	16	80	2		226	137	94	76	1	1,538
Total	2	11	45	3	73	15	30	51	1	223	111	68	437	16	125	4	2	244	152	102	90	2	1,807
Treasury:																							
Bureau of Engraving and Printing			2	8	2			3		2	6	5	8	2				7			5		50
Mints			1							2			1					2			1		7
Life-Saving Service	2									4	6	2	4	2		1	1	4	1	1	6		31

Customs Service								2		12	7	3	9	1				4	2	5	3		48
All other	1		1		1			1		2	8	2	3			1			2	2	4		28
Total	3		4	3	3			6		22	27	12	25	5		2	1	14	5	8	19		164
War:																							
Engineer Department	1		5	3	18	7	7	8		47	32	4	46		7	4	7	16	17	8	16		253
Quartermaster's Department		4	16		3	2		1		11	11	13	14	3	3	2	2	3	7	1	5		101
Frankford Arsenal			6	1			2	1		5	2	1	5			2			1	1	2		29
Rock Island Arsenal			11	2				4	1	2	2	2	5	1				15	8	1	3		57
Watertown Arsenal			1		2					3			1					1	1		1		10
Springfield Arsenal			2															3					5
Watervliet Arsenal		1								2		1	1					4	1				10
Picatinny Arsenal								3		1			2					1					7
All other					1						3	1	5			1			1	1	1		14
Total	1	5	41	6	24	9	9	17	1	71	50	22	79	4	10	9	9	43	36	12	28		486
Navy:																							
Washington Navy Yard			5		2	1		1		8	2		14	1				9	2				45
Philadelphia Navy Yard			1	1				1	1	3	7	5	10				1	3	3	2			38
New York Navy Yard	1		12		3	3		10		24	12	14	33		2			29	16	4	14	1	170
Boston Navy Yard	1	1	4		2	1		7	3	21	6	6	16	1			3	16	17	1	8		114
Portsmouth (N. H.) Navy Yard			3								2		4	1			1	2	1				14
Norfolk Navy Yard	1		6	1	3	2		13		18	10	1	15					38	19	10	6	2	145
Mare Island Navy Yard			16		2			2	1	17	12	2	28			1		5	8	2	5		101
Puget Sound Navy Yard			7		3	2		1	1	8	3		10					14	5	2	4		60
All other		3	6		5	2		5	1	11	5	6	23	1	3	1		6	12	2	4		96
Total	3	4	61	2	20	11		40	7	110	59	34	153	4	5	2	5	122	83	23	41	3	792
Interior:																							
Reclamation Service		1	5		13		3	2	1	58	18	4	41	4	7	10		18	24	6	12		233
Indian Service			1		1					3	2		1			1				1	1		11
All other		1	1		1	2				2	1	3	1			2		1		1	1		17
Total		2	7		15	2	3	2	1	63	21	7	43	4	7	19		19	24	8	14		261
Agriculture:																							
Forest Service										3	3					3			3		2		14
All other								2		1	3	2				3			6	1	1		19
Total								2		4	6	2				6			9	1	3		33

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

B.—NONCOMPENSATED CASES: 1911–12—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
Commerce and Labor:																							
Lighthouse Service	1	.....	1	.....	5	.....	2	1	.....	8	6	1	4	.....	1	.....	1	1	1	.....	2	.....	35
All other	.....	1	2	.....	2	1	.....	.....	.....	1	2	1	6	.....	.....	.....	1	3	4	.....	5	.....	29
Total	1	1	3	.....	7	1	2	1	.....	9	8	2	10	.....	1	.....	2	4	5	.....	7	.....	64
Post Office:																							
Rural Delivery Service	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	4	4	15	.....	.....	.....	.....	10	.....	35
Railway Mail Service	.....	.....	.....	.....	3	3	.....	.....	.....	15	11	6	19	4	440	5	.....	20	.....	1	43	.....	570
City Delivery Service	.....	.....	.....	.....	2	.....	.....	.....	.....	3	44	62	4	27	28	12	.....	2	1	2	18	1	206
All other	.....	1	3	.....	3	.....	1	2	.....	7	12	6	11	4	5	.....	3	2	.....	1	4	.....	65
Total	.....	1	3	.....	8	3	1	2	.....	25	67	75	35	39	477	32	3	24	1	4	75	1	876
Government Printing Office	.....	.....	4	.....	1	.....	.....	1	.....	2	1	1	4	.....	.....	.....	.....	3	5	.....	1	1	24
Smithsonian Institution	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	3	.....	.....	2	.....	2	.....	.....	.....	.....	9
Grand total	10	24	158	19	151	41	45	122	10	529	351	224	789	72	625	76	22	475	320	158	278	7	4,516

C.—TOTAL ACCIDENTS REPORTED: 1911-12.

Isthmian Canal Commission	1	25	53	8	105	9	42	43	5	203	126	50	511	6	195	9	7	131	134	39	75	2	1,779
Isthmian Canal Commission, meritorious sick leave	1	8	43	2	69	14	25	47		206	81	59	351	16	80	2		226	137	94	76	1	1,538
Total	2	33	96	10	174	23	67	90	5	409	207	109	862	22	275	11	7	357	271	133	151	3	3,317
Treasury:																							
Bureau of Engraving and Printing			4	18	2			4		10	12	10	13	3				9	2		8		95
Mints			1	1				1		3			1					2			1		10
Life-Saving Service	2									4	6	2	4	2		1	1	1	1	1	6		31
Customs Service								2		12	7	3	9	1				4	2	5	3		48
All other	1		1		1			1		2	8	2	3			1			2	2	4		28
Total	3		6	19	3			8		31	33	17	30	6		2	1	16	7	8	22		212
War:																							
Engineer Department	1	6	14	6	42	12	10	10		105	78	14	101		16	4	20	27	39	13	28		546
Quartermaster's Department		5	20		4	2		2		15	13	15	17	4	3	2	2	4	9	1	5		123
Frankford Arsenal			23	3	1	1	6	4		9	4	4	12			2		2	4	1	4		80
Rock Island Arsenal		1	24	4	2			6	2	11	9	6	20	4				19	13	1	11		133
Watertown Arsenal		1	8		3			2		8	1		4					9	2	1	2		41
Springfield Arsenal			8								1	1	1					3	1		1		16
Watervliet Arsenal		1	2							4	1	2	8					5	1				24
Picatinny Arsenal			2		1	1	1	4		2	2		4					1			1		19
All other			1		1	1		1		2	3	1	8			1		2	1	1	1		24
Total	1	14	102	13	54	17	17	29	2	156	112	43	175	8	19	9	22	72	70	18	53		1,006
Navy:																							
Washington Navy Yard	1		20		4	1		6		22	9	4	29	1	1			15	10		2		125
Philadelphia Navy Yard			11	1	3			9	2	26	21	8	25			2	1	7	9	5	5		135
New York Navy Yard	1	2	59	3	10	7	1	20	1	87	62	53	101	1	4	2		48	49	5	38	1	535
Boston Navy Yard	1	2	17	1	7	2		11	6	48	19	20	51	1		3	3	30	29	2	13		266
Portsmouth (N. H.) Navy Yard			19		3	2		5		10	10	1	21	1		1	2	8	9		2		94
Norfolk Navy Yard	1		16	3	7	4	1	19	2	44	24	3	41		2	2		51	34	10	16	2	282
Mare Island Navy Yard		1	24		7			2	1	28	29	3	41			1		7	9	2	8		163

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1911-12—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
Navy—Concluded:																						
Puget Sound Navy Yard	.....	1	19	.....	7	3	.....	6	1	18	17	5	26	.....	1	1	1	22	10	3	8	.....	149
All other	.....	4	10	.....	7	4	.....	12	1	25	11	7	38	1	3	3	4	11	17	3	7	.....	168
Total	4	10	195	8	55	23	2	90	14	308	202	84	373	5	11	15	11	199	176	30	99	3	1,917
Interior:																						
Reclamation Service	.....	3	12	1	24	1	4	5	5	111	38	11	63	8	11	28	.....	25	46	7	29	.....	432
Indian Service	.....	1	1	.....	1	.....	.....	1	.....	4	3	.....	2	.....	.....	1	.....	.....	.....	1	1	.....	16
All other	.....	1	1	.....	1	2	.....	.....	.....	2	1	3	2	1	.....	2	.....	1	.....	1	1	.....	19
Total	.....	5	14	1	26	3	4	6	5	117	42	14	67	9	11	31	.....	26	46	9	31	.....	467
Agriculture:																						
Forest Service	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	4	.....	.....	.....	.....	6	.....	.....	4	.....	2	.....	19
All other	.....	.....	.....	.....	.....	.....	.....	2	.....	1	3	2	.....	.....	.....	3	.....	.....	6	1	1	.....	19
Total	.....	.....	.....	.....	.....	.....	.....	2	.....	4	7	2	.....	.....	.....	9	.....	.....	10	1	3	.....	38
Commerce and Labor:																						
Lighthouse Service	1	.....	3	.....	5	.....	2	1	.....	8	10	1	7	1	1	.....	1	2	3	.....	2	.....	48
All other	.....	1	3	.....	2	1	.....	.....	.....	1	2	1	6	.....	.....	.....	1	3	5	.....	5	.....	31
Total	1	1	6	.....	7	1	2	1	.....	9	12	2	13	1	1	.....	2	5	8	.....	7	.....	79

Post Office:																						
Rural Delivery Service											1	1	4	4	15					10		35
Railway Mail Service					3	3				15	11	6	19	4	440	5		20		1	43		570
City Delivery Service					2					3	44	62	4	27	28	12		2	1	2	18	1	206
All other		1	4		3		1	2		7	13	6	11	4	5		3	3		1	4		68
Total		1	4		8	3	1	2		25	68	75	35	39	477	32	3	25	1	4	75	1	879
Government Printing Office			12	1	4		1	2		9	4	7	13	1				7	6	1	3	1	72
Smithsonian Institution											1	1	3			2		3					10
Grand total	11	64	425	52	231	70	94	230	26	1,068	688	354	1,571	91	794	111	46	710	595	204	444	8	7,997

A.—COMPENSATED CASES: 1912-13.

Isthmian Canal Commission	1	5	39		108	2	41	25	7	127	48	30	269	15	88	4	6	66	81	10	34	1	1,007
Treasury:																						
Bureau of Engraving and Printing		1	8	22				1		4	8	14	10	7				5	4		25		109
Mints			2					1		1	1							2					7
Total		1	10	22				2		5	9	14	10	7				7	4		25		116
War:																						
Engineer Department		8	8	2	29	5	6	5		77	48	18	90	1	17	2	13	23	28	6	15		401
Quartermaster's Department			2					1	1	1	1	3	5	1				1	4		1		21
Frankford Arsenal		3	18		3	1	6	1	1	5	5	2	18			1		7	6		1		78
Rock Island Arsenal		1	20	1		1				4	2		14	1		1		3	6	1	1		56
Watertown Arsenal			2		1			1		6			6			1		3	1				21
Springfield Arsenal			2			1			1	1			3					4	2				14
Watervliet Arsenal			3		1					1		1	3					1	1		1		12
Picatinny Arsenal							2	1		1	3		1			1			2				11
All other			1							2			1						1				5
Total		12	56	3	34	8	14	9	3	98	59	24	141	3	17	6	13	42	51	7	19		619
Navy:																						
Washington Navy Yard		2	15		3		1	8	1	17	8	2	19	1				9	9	2	2		99
Philadelphia Navy Yard		4	10	1	2	1		6	2	29	14	4	20	1	1			15	10	1	5		126

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Continued.

A.—COMPENSATED CASES: 1912–13—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
Navy—Concluded:																							
New York Navy Yard	.....	.....	23	.....	7	1	3	8	4	59	35	22	64	2	4	1	.....	26	28	3	18	.....	308
Boston Navy Yard	.....	1	17	.....	9	3	.....	6	1	18	11	16	29	.....	.....	.....	.....	9	17	3	8	.....	148
Portsmouth (N. H.) Navy Yard	.....	2	9	.....	2	.....	.....	2	1	5	7	2	8	.....	.....	.....	.....	4	11	.....	5	.....	58
Norfolk Navy Yard	.....	4	35	3	4	4	.....	8	2	31	31	12	51	3	1	.....	.....	20	36	5	12	.....	262
Mare Island Navy Yard	.....	.....	3	1	6	.....	.....	3	.....	1	5	4	13	.....	.....	1	.....	1	5	.....	5	.....	48
Puget Sound Navy Yard	.....	.....	4	1	6	.....	2	1	.....	8	14	5	18	.....	2	1	.....	17	8	1	14	.....	102
All other	.....	2	12	1	5	1	.....	9	.....	18	6	1	33	1	1	2	.....	5	4	.....	8	.....	109
Total	.....	15	128	7	44	10	6	51	11	186	131	68	255	8	9	5	.....	106	128	15	77	.....	1,260
Interior:																							
Reclamation Service	.....	2	3	.....	26	.....	5	2	4	59	24	12	22	6	5	6	.....	8	20	1	15	.....	220
Indian Service	.....	2	3	.....	.....	.....	.....	1	.....	1	1	1	5	.....	.....	1	.....	2	.....	1	5	.....	23
All other	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	1	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
Total	.....	4	6	.....	26	.....	5	3	4	62	26	13	29	6	5	7	.....	10	20	2	20	.....	248

Agriculture:																							
Forest Service		1						2		7	6	3	3	1		5		1	6		3		36
All other			1																				2
Total		1	1					2		7	6	3	2	1		5		1	6		3		38
Commerce and Labor:																							
Lighthouse Service		1	1					3		2	5	1	6		3			1	2		2		27
Post Office			1										3	1									5
Government Printing Office			16		2			2		6	4	10	16					1		1	3		61
Grand total	1	39	258	32	214	20	66	97	25	493	288	163	731	41	122	27	19	234	292	35	183	1	3,381

B.—NONCOMPENSATED CASES: 1912-13.

Isthmian Canal Commission					2				1	3	3	6	18	1	7	1		2	3	1	4		52
Isthmian Canal Commission, meritorious sick leave	7	16	154	5	256	12	101	148	5	480	183	99	1,128	91	276	9	38	542	425	280	221	7	4,484
Total	7	16	154	5	258	12	101	148	6	483	186	105	1,146	92	283	10	38	544	428	281	225	7	4,536
Treasury:																							
Bureau of Engraving and Printing			3	37				9		7	5	19	15					18	5	2	20		140
Mints										1													1
Life-Saving Service							1			1	1		4	1	1						1		10
Customs Service										5	5	6	9	3				1	2	6	3		40
All other			2	1		1		2			6	4	6	1		1		3	1		2		30
Total			5	38		1	1	11		14	17	29	34	5	1	1		22	8	8	26		221
War:																							
Engineer Department		2	5	3	21	3	4	6		73	50	12	90	7	8	1	11	25	40	33	20		415
Quartermaster's Department	2	9	1			2		4		11	15	5	21	4	1	13	6	4	6	3	5	2	114
Frankford Arsenal		7	1	3	1	1		2			2	3	7					7	2		1		36
Rock Island Arsenal		14	3					2	1	2	4	4	16	1				13	9	2	2		73
Watertown Arsenal		5		1				1		4	3		7					5	3		2		31
Springfield Arsenal		2								1			1										4
Watervliet Arsenal				3						1	1	2	3					2					12
Picatinny Arsenal		1					1	2			1	1	4					1	1	2			14
All other		1		5	1	1		1		6	2	1	7	1		2		2	2	1	1		31
Total		4	44	8	31	7	5	18	1	98	78	29	156	13	9	16	17	59	63	41	31	2	730
State										1													1

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS.—Continued.

B.—NONCOMPENSATED CASES: 1912–13—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
Navy:																						
Washington Navy Yard	.....	2	9	.....	.....	1	.....	8	.....	9	6	2	30	.....	.....	.....	.....	21	12	2	3	.....	105
Philadelphia Navy Yard	.....	.....	2	.....	.....	.....	.....	3	1	7	3	1	8	2	.....	.....	.....	8	7	1	3	.....	46
New York Navy Yard	.....	.....	3	.....	6	1	.....	13	2	31	19	13	31	.....	2	1	.....	37	32	5	21	4	221
Boston Navy Yard	.....	.....	5	.....	4	2	.....	4	1	17	9	3	15	.....	.....	.....	.....	10	6	2	2	.....	80
Portsmouth (N. H.) Navy Yard	1	.....	.....	.....	.....	.....	.....	.....	.....	1	3	1	3	.....	.....	.....	.....	4	.....	.....	.....	.....	13
Norfolk Navy Yard	2	.....	6	.....	1	2	.....	5	2	13	5	3	26	4	.....	.....	.....	32	23	3	4	.....	131
Mare Island Navy Yard	.....	.....	1	.....	.....	.....	.....	3	.....	5	5	3	7	.....	.....	.....	.....	6	1	2	2	.....	35
Puget Sound Navy Yard	1	.....	6	.....	1	.....	.....	2	.....	6	4	1	9	.....	.....	.....	.....	9	12	.....	4	1	56
All other	2	.....	8	2	7	.....	1	6	.....	14	7	2	35	.....	3	1	.....	18	19	5	9	1	140
Total	.....	8	40	2	19	6	1	44	6	103	61	20	164	6	5	2	.....	145	112	20	48	6	827
Interior:																						
Reclamation Service	.....	1	2	2	12	.....	1	2	.....	36	18	8	31	8	3	3	.....	14	17	3	4	1	166
Indian Service	.....	.....	2	2	3	.....	.....	.....	.....	7	1	.....	4	1	1	1	.....	2	4	.....	3	.....	31
All other	.....	.....	3	1	.....	.....	.....	1	.....	1	4	3	4	1	1	2	.....	2	1	1	5	1	31
Total	.....	1	7	5	15	.....	1	3	.....	44	23	11	39	10	5	6	.....	18	22	4	12	2	228

Agriculture:																								
Forest Service										2	7	2	2			6		1	13	1	3		37
All other			2		1			2		5	6	2	3	1		8		2	14		2		48
Total			2		1			2		7	13	4	5	1		14		3	27	1	5		85
Commerce and Labor:																								
Lighthouse Service					1		1			1	11	2	3			2			6	1		2		30
All other	1		1			2		3	1	5	4	2	5			2			2	1				29
Total	1		1		1	2	1	3	1	6	15	4	8			4			8	2		2		59
Post Office:																								
Rural Delivery Service											1	1		5	3	24					1		35
Railway Mail Service					3	2		1		21	15	9	31	7	357	3		35			25		509
City Delivery Service			1		3	1				8	29	45	2	43	22	16		2			8		180
All other			6							7	7	9	13	9	5	3		1	1	1	7		69
Total			7		6	3		1		36	52	64	46	64	387	46		38	1	1	41		793
Government Printing Office		1	4					1		1	1	1	2					1	1				13
Smithsonian Institution										1											1		2
Grand total	8	30	264	58	331	32	110	231	14	794	446	276	1,600	191	694	95	55	838	664	356	391	17	7,495

C.—TOTAL ACCIDENTS REPORTED: 1912-13.

Isthmian Canal Commission	1	5	39		110	2	41	25	8	130	51	36	287	16	95	5	6	68	84	11	38	1	1,059
Isthmian Canal Commission, meritorious sick leave	7	16	154	5	256	13	101	148	5	480	183	99	1,128	91	276	9	38	542	425	280	221	7	4,484
Total	8	21	193	5	366	15	142	173	13	610	234	135	1,415	107	371	14	44	610	509	291	259	8	5,543
Treasury:																								
Bureau of Engraving and Printing		1	11	59				10		11	12	33	25	7				23	9	2	45		249
Mints			2					1		2	1							2					8
Life-Saving Service							1			1	1		4	1	1						1		10
Customs Service										5	5	6	9	3				1	2	6	3		40
All other			2	1		1		2			6	4	8	1		1		3	1		2		30
Total		1	15	60		1	1	13		19	26	43	44	12	1	1		29	12	8	51		337

TABLE V.—NUMBER OF ACCIDENTS REPORTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY DEPARTMENTS, SERVICES, AND ESTABLISHMENTS—Concluded.

C.—TOTAL ACCIDENTS REPORTED: 1912-13—Concluded.

Departments, services, and establishments.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
War:																						
Engineer Department	.....	10	13	5	50	8	10	11	.....	150	98	31	180	8	25	3	24	48	68	39	35	.....	816
Quartermaster's Department	.....	2	11	1	.....	2	.....	5	1	12	16	8	26	5	1	13	6	5	10	3	6	2	135
Frankford Arsenal	.....	3	25	1	6	2	6	3	1	5	7	5	25	.....	.....	1	.....	14	8	.....	2	.....	114
Rock Island Arsenal	.....	1	34	4	.....	1	.....	2	1	6	6	4	30	2	.....	1	.....	16	15	3	3	.....	129
Watertown Arsenal	.....	.....	7	.....	2	.....	.....	2	.....	10	8	.....	13	.....	.....	1	.....	8	4	.....	2	.....	52
Springfield Arsenal	.....	.....	4	.....	.....	1	.....	.....	1	2	.....	.....	4	.....	.....	.....	.....	4	2	.....	.....	.....	18
Watervliet Arsenal	.....	.....	3	.....	4	.....	.....	.....	.....	2	1	3	6	.....	.....	.....	.....	3	1	.....	1	.....	24
Picatinny Arsenal	.....	.....	1	.....	.....	.....	3	3	.....	1	4	1	5	.....	.....	1	.....	1	3	2	.....	.....	25
All other	.....	.....	2	.....	3	1	.....	1	.....	8	2	1	8	1	.....	2	.....	2	3	1	1	.....	36
Total	.....	16	100	11	65	15	19	27	4	196	137	53	297	16	26	22	30	101	114	48	50	2	1,349
State	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Navy:																						
Washington Navy Yard	.....	4	24	.....	3	1	1	16	1	26	14	4	49	1	.....	.....	.....	30	21	4	5	.....	204
Philadelphia Navy Yard	.....	4	12	1	2	1	.....	9	3	36	17	5	28	3	1	.....	.....	23	17	2	8	.....	172

New York Navy Yard			26		13	2	3	21	6	90	54	35	95	2	6	2		63	60	8	39	4	520
Boston Navy Yard		1	22		13	5		10	2	35	20	19	44					19	23	5	10		228
Portsmouth (N. H.) Navy Yard		2	9		2			2	1	6	10	3	11					8	11		5		71
Norfolk Navy Yard		6	41	3	5	6		13	4	44	36	15	77	7	1			52	59	8	16		393
Mare Island Navy Yard			4	1	6			6		6	10	7	20			1		7	6	2	7		88
Puget Sound Navy Yard		1	10	1	7		2	8		14	18	6	27		2	1		26	20	1	18	1	158
All other		4	20	3	72	1	1	15		32	13	3	68	1	4	3		28	23	5	17	1	249
Total		23	168	9	63	16	7	95	17	269	102	97	419	14	14	7		251	240	35	125	6	2,087
Interior:																								
Reclamation Service		3	5	2	38		6	4	4	95	42	20	58	14	8	9		22	37	4	19	1	386
Indian Service		2	5	2	3			1		8	2	1	9	1	1	2		4	4	1	8		54
All other			3	1				1		3	5	3	6	1	1	2		2	1	1	5	1	36
Total		5	13	5	41		6	6	4	106	49	24	68	16	10	13		28	42	6	32	2	476
Agriculture:																								
Forest Service		1						2		9	13	5	4	1		11		1	19	1	6		73
All other			3		1			2		5	6	2	3	1		8		3	14		2		50
Total		1	3		1			4		14	19	7	7	2		19		4	33	1	8		123
Commerce and Labor:																								
Lighthouse Service		1	1		1		1	3		3	16	3	9		5			7	3		4		20
All other	1		1			2		3	1	5	4	2	5		2			2	1				37
Total	1	1	2		1	2	1	6	1	8	20	5	14		7			9	4		4		86
Post Office:																								
Rural Delivery											1	1		5	8	24					1		35
Railway Mail Service					3	2		1		21	15	9	31	7	357	3		35			25		500
City Delivery			1		3	1				8	20	45	2	43	23	16		2			8		180
All other			7							7	7	9	16	10	5	3		1	1	1	7		74
Total			8		6	3		1		36	52	64	49	65	387	46		38	1	1	41		798
Government Printing Office		1	20		2			3		7	5	11	18					2	1	1	3		74
Smithsonian Institution										1											1		2
Grand total	9	69	522	90	545	52	176	528	39	1,287	734	439	2,331	232	816	122	74	1,072	956	391	574	18	10,876

TABLE VI.—NUMBER OF CASES REPORTED IN WHICH THE DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY CAUSE OF INJURY.

A.—ISTHMIAN CANAL COMMISSION: 1908–9.

Cause of injury.	Number of cases in which classified duration of disability was—																		Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.				
Motors	2	1	2	2	2																	9
Power transmission apparatus	9	7	3	4	1	1				1										1		27
Working machinery:																						
Using power	40	19	16	11	8	5	2	1	1					2			1					106
Not using power	2	2	2	1																		7
Elevators, hoists, cranes, etc	22	12	6	3	4	3	2	1		2			1						4	1		61
Steam boilers, piping, explosions, etc.	16	15	6	4	1		1															43
Explosions of dynamite, powder, etc.	27	27	14	13	5	2	8	1		3	2			2	3	1	3	1	3	44		159
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc	11	6	7	4				1		1										1		31
Electric current	2																			1		3
Collapse, fall, etc., of materials, etc	213	103	82	30	23	15	8	7	11	5	3	3	2	5	3	5	1		2	10		531
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc	30	20	13	6	8	4	4		1						1		2			2		91
Falls on even surface	18	14	8	3	3	3	1	2				1			1		1			1		56
Loading and unloading, lifting, carrying, etc	82	58	40	32	20	12	3	6	1	1	3			3	1		1	2	1	6	1	282
Vehicles (run over by wagons, carts, etc.)	7		2	1		1	1					1	1							1		15
Railway operation (run over, etc.)	69	33	17	12	8	13	7	2		4	3	2	7	2	7	1	8	4	9	41		248
Animals (kicks, bites, etc., and riding)	2	4	2	1	1	1	1	1	1													14
Shipping and water transportation	9	4	3	7	1			1		1				1						8	1	36
Flying bodies, splinters, cuts from rough or sharp edges, etc	9	2	1				1	1	1										1			16
Hand tools and simple instruments	119	42	25	16	8	7	6	3	3						1							230
Stepping on nails or on similar sharp bodies	33	12	6	3	1																	55
Other	46	13	11	5	2	3		1		2				1		1				1		86
Not reported																				1		1
Total	768	394	266	158	105	70	45	28	19	20	10	7	11	16	17	8	17	7	20	119	2	2,107

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1908-9.[1]

Motors	3	4				1	1	1	1	1				1	1					1		15
Power transmission apparatus	6	1	4	3	1	1	1		1							1			1	1		21
Working machinery:																						
Using power	76	21	48	44	21	9	7	5	3	2	3	2	1	3	1	1	3	1		4	1	256
Not using power	1	2	1		1											1	2					8
Elevators, hoists, cranes, etc.	13	9	7	7	5	7	4	3	2	4	2			2	1	1	2	2	2	3		76
Steam boilers, piping, explosions, etc.	6	5	5	4	1	1			1					1			1			1		26
Explosions of dynamite, powder, etc.	4	5	1	3	2	1	1	1		1				1	1		1		2	2		26
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	17	6	19	12	2	2	3	1	2		2		2	1	2		1			1		73
Electric current	4		1	5	2															1		13
Collapse, fall, etc., of materials, etc.	155	47	63	56	26	29	8	5	10	3	6	1	2	8	3	3	10	3	9	15		464
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	66	33	30	31	18	10	13	1	7	2	1	3	2	3	3	6	6	1	1	18		265
Falls on even surface	31	17	15	10	8	10	4	5	1	2	1	1	2	3	4	1	2	1	1	2		121
Loading and unloading, lifting, carrying, etc.	76	36	42	29	19	14	15	9	4	3	2		1	2	3	1	3	3		7		269
Vehicles (run over by wagons, carts, etc.)	20	12	8	4	5	3	2	1	1	2			1	1	1	1	3		1	1		76
Railway operation (run over, etc.)	37	56	36	17	45	16	11	12	27	6	5	3	13	7	9	10	24	7	1	15		358
Animals (kicks, bites, etc., and riding)	23	16	7	4	6	1	2		2	5			1	1	3				3	3		77
Shipping and water transportation	11	16	11	7	7	1	2		2				1	1						26		85
Flying bodies, splinters, cuts from rough or sharp edges, etc.	16	5	5	1	1	1	1	2	1					2								37
Hand tools and simple instruments	79	38	36	28	22	6	6	4	5	2		1		5	1	3	1		2			234
Stepping on nails or on similar sharp bodies	34	9	8	3	1	1	1															57
Other	77	33	23	11	17	4	2	6	4	2	3	2	2	4	3	1	7	2		9		212
Not reported	1		1		1	2		1			1									4		11
Total	767	371	371	274	214	120	84	57	74	35	26	18	28	51	36	30	66	20	23	114	1	2,780

C.—TOTAL ACCIDENTS REPORTED: 1908-9.[1]

Motors	5	5	2	2	2	1	1	1	1	1				1	1					1		24
Power transmission apparatus	15	8	7	7	2	2	1		1	1						1			1	2		48
Working machinery:																						
Using power	116	40	64	55	29	14	9	6	4	2	3	2	1	5	1	1	4	1		4	1	362
Not using power	3	4	3	1	1											1	2					15
Elevators, hoists, cranes, etc.	35	21	13	10	9	10	6	4	2	6	2		1	2	1	1	2	2	6	4		137
Steam boilers, piping, explosives, etc.	22	20	11	8	2	1	1		1					1			1			1		69
Explosions of dynamite, powder, etc.	31	32	15	16	7	3	9	2		4	2			3	4	1	4	1	5	46		185
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	28	12	26	16	2	2	3	2	2	1	2		2	1	2		1			2		104

[1] Eleven months.

TABLE VI.—NUMBER OF CASES REPORTED IN WHICH THE DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY CAUSE OF INJURY—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1908-9—Concluded.

Cause of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
Electric current	6		1	5	2															2		16
Collapse, fall, etc., of materials, etc.	368	150	145	86	51	44	16	12	21	8	9	4	4	13	6	8	11	3	11	26		995
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	96	53	43	37	26	14	17	1	8	2	1	8	2	8	4	6	8	1	1	20		356
Falls on even surface	49	31	23	13	11	13	5	7	1	2	1	2	2	3	5	1	3	1	1	3		177
Loading and unloading, lifting, carrying, etc.	158	94	82	61	48	26	18	15	5	4	5		1	5	4	1	4	5	1	13	1	551
Vehicles (run over by wagons, cars, etc.)	36	12	10	5	5	4	3	1	1	2		1	2	1	1	1	3		1	2		91
Railway operation (run over, etc.)	106	89	53	29	54	29	18	14	27	10	7	5	20	9	16	11	32	11	10	56		606
Animals (kicks, bites, etc., and riding)	25	20	9	5	7	2	3	1	3	5			1	1	3				3	3		91
Shipping and water transportation	20	20	14	14	8	1	2	1	2	1			1	2						34	1	121
Flying bodies, splinters, cuts from rough or sharp edges, etc.	27	7	6	1	1	1	2	3	2					2					1			53
Hand tools and simple instruments	198	80	61	39	30	13	12	7	8	2		1		5	2	3	1		2			464
Stepping on nails or on similar sharp bodies	67	21	14	6	2	1	1															112
Other	123	46	34	16	19	7	2	7	4	4	3	2	2	5	3	2	7	2		10		298
Not reported	1		1		1	2		1			1									5		12
Total	1,535	765	637	432	319	190	129	85	93	55	36	25	39	67	53	38	83	27	43	233	3	4,887

A.—ISTHMIAN CANAL COMMISSION: 1909-10.

Motors					2									1						1		4
Power transmission apparatus	19	11	1	2		8		1	1	1	1			2				1		1		44
Working machinery:																						
Using power	26	18	12	9	7	3	2	3	2	1	2			1		1			3	1		91
Not using power	1			2	3									1					1	1		9

Elevators, hoists, cranes, etc.	48	27	11	11	9	7	3		3	1		2		1	1	1	4		2	9		140
Steam boilers, piping, explosions, etc.	1				1	1										1						4
Explosions of dynamite, powder, etc.	5	7	8	5	2	2	3	1	1	1	1	1	1	2			3		4	4		51
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	42	28	9	6	3	3	1					1	1							1		96
Electric current	7	2	2	2	1			1									1			5		21
Collapse, fall, etc., of materials, etc.	254	112	37	21	23	21	8	6	7	6	2	1	4	4	2	2	10	2	5	7		535
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	81	36	10	6	14	10	4	4	3	1		1	2	2	1		6	1	1	5		188
Falls on even surface	93	34	10	7	11	4	1	1	3			2			1							167
Loading and unloading, lifting, carrying, etc.	167	81	65	75	48	33	12	14	10	6	7	3	2	5	2	2	6		1	1	3	543
Vehicles (run over by wagons, cars, etc.)	5	3	3		1	1											1					14
Railway operation (run over, etc.)	87	41	30	24	21	10	10	5	5	3	4	2	1	4	4	5	7	2	18	38	2	332
Animals (kicks, bites, etc., and riding)	7	2		3				2														14
Shipping and water transportation	3	5	8	2	1		1		1	1				1						9		32
Flying bodies, splinters, cuts from rough or sharp edges, etc.	213	76	26	20	11	11	6	5	4	1	3	1	1	1		2	2					383
Hand tools and simple instruments	126	62	13	29	12	2	1	1	1			1		2							1	251
Stepping on nails or on similar sharp bodies	61	23	6	2	5	3			1					1								102
Other	112	49	13	8	6	3	4	1	3		1			3			1			2		200
Not reported	3	2	2																			7
Total	1,362	620	266	234	181	123	56	48	45	22	21	15	12	31	11	14	41	6	35	85	6	3,234

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1909–10.

Motors		6	4	2		1			1					1								15
Power transmission apparatus	3	1	6	8	1	2		3			1			1	1				1	2		30
Working machinery:																						
Using power	93	37	42	50	27	15	11	7	14	4	4	2		1	1		3		1	1	3	316
Not using power	6	1	2	4	1		2		1	1		1		1				1				21
Elevators, hoists, cranes, etc.	22	10	11	13	3	10	2	6			1			1		1	2			6		93
Steam boilers, piping, explosions, etc.	7	3	3	2			1						1							1		18
Explosions of dynamite, powder, etc.	1			1			2			1	1			2				1	1			10
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	26	12	33	28	12	6	6	1	2		2	1			2	1	1			13	1	149
Electric current	7	2	2	6	2	1									1					3		24
Collapse, fall, etc., of materials, etc.	103	54	70	45	31	15	12	10	2	4	3	3		7	4	3	10	4	1	5	3	389
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	98	41	40	47	20	15	7	10	5	7	2	1	6	12	6	8	14	2	3	21	4	377
Falls on even surface	53	25	35	28	21	5	9	7	4	2	5	1	4	4	2	2	1		1	1	4	224
Loading and unloading, lifting, carrying, etc.	102	54	71	52	31	14	10	11	7	7	8	4	1	3	4	1	9	1	2		4	391
Vehicles (run over by wagons, cars, etc.)	29	33	15	12	8	7	7	2	3	3		2	2	4	1		1		1	5	2	137
Railway operation (run over, etc.)	39	118	56	35	67	12	23	17	41	6	8	6	15	15	17	14	36	29	1	39	3	597

TABLE VI.—NUMBER OF CASES REPORTED IN WHICH THE DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY CAUSE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1909–10—Concluded.

Cause of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
Animals (kicks, bites, etc., and riding)	27	13	10	16	9	4	2	3	4	.....	.....	.....	1	4	1	6	4	.....	.....	7	3	114
Shipping and water transportation	4	3	4	6	2	3	3	2	2	.....	1	.....	1	.....	.....	.....	1	.....	.....	29	1	62
Flying bodies, splinters, cuts from rough or sharp edges, etc.	122	44	36	30	11	7	2	4	5	2	2	2	2	3	2	2	3	1	.....	.....	2	282
Hand tools and simple instruments	71	13	41	27	15	7	2	3	1	.....	1	2	.....	2	.....	1	1	.....	.....	1	1	189
Stepping on nails or on similar sharp bodies	33	16	11	3	1	1	.....	.....	1	1	.....	.....	.....	1	.....	1	.....	.....	.....	.....	1	70
Other	56	26	39	24	13	10	4	5	4	3	1	1	1	2	2	1	1	2	2	8	1	206
Not reported	18	7	7	.....	1	.....	.....	.....	.....	.....	.....	1	.....	1	.....	1	.....	.....	.....	4	1	41
Total	918	530	538	444	286	136	105	91	97	41	35	27	34	65	44	42	87	41	14	146	34	3,755

C.—TOTAL ACCIDENTS REPORTED: 1909–10.

Motors	.....	6	4	2	2	1	.....	.....	1	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	1	.....	19
Power transmission apparatus	29	12	7	10	1	5	.....	4	1	1	2	.....	.....	3	1	.....	.....	1	1	3	.....	74
Working machinery:																						
Using power	119	55	54	59	34	18	13	10	16	5	6	2	.....	2	1	1	3	.....	4	2	3	407
Not using power	7	1	2	6	4	.....	2	.....	1	1	.....	1	.....	2	.....	.....	.....	1	1	1	.....	30
Elevators, hoists, cranes, etc.	70	37	22	29	12	17	5	6	3	1	1	2	.....	2	1	2	6	.....	2	15	.....	233
Steam boilers, piping, explosions, etc.	8	3	3	2	1	1	1	.....	.....	.....	.....	.....	1	.....	.....	1	.....	.....	.....	1	.....	22
Explosions of dynamite, powder, etc.	6	7	8	6	2	2	5	1	1	2	2	1	1	4	.....	.....	3	1	5	4	.....	61
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	69	41	42	34	16	9	7	1	2	.....	2	2	1	.....	2	1	1	.....	.....	14	1	245
Electric current	14	4	4	8	3	1	.....	1	.....	.....	.....	.....	.....	.....	1	.....	1	.....	.....	8	.....	45
Collapse, fall, etc., of materials, etc.	357	107	107	66	54	36	20	16	9	10	5	4	4	11	6	5	20	6	6	12	3	924
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	177	77	50	53	43	26	11	14	8	8	2	2	8	14	7	8	20	3	4	26	4	565
Falls on even surface	146	69	45	35	32	9	10	8	7	2	5	3	4	4	3	2	1	.....	1	1	4	391
Loading and unloading, lifting, carrying, etc.	269	135	136	127	79	47	22	25	17	13	10	7	3	8	6	3	15	1	3	1	7	934

Vehicles (run over by wagons, carts, etc.)	34	26	18	12	9	3	7	2	3	3		2	2	4	1		2		1	5	2	151
Railway operation (run over, etc.)	126	159	85	59	85	28	33	25	45	9	12	8	16	19	21	19	43	31	19	77	5	29
Animals (kicks, bites, etc., and riding)	34	15	10	19	9	4	2	5	4				1	4	1	6	4			7	3	128
Shipping and water transportation	7	8	12	8	3	3	4	2	3	1	1		1	1			1			38	1	94
Flying bodies, splinters, cuts from rough or sharp edges, etc.	235	120	62	50	22	13	8	9	9	3	5	3	3	4	2	4	5	1			2	665
Hand tools and simple instruments	197	75	54	56	27	9	3	4	2		1	3		4		1	1			1	2	440
Stepping on nails or on similar sharp bodies	94	39	17	5	6	4			2	1				2		1			1		1	172
Other	163	75	52	32	19	13	8	6	7	3	2	1	1	5	2	1	2	2	2	10	1	412
Not reported	21	9	9		1							1		1		1				4	1	48
Total	2,280	1,150	804	678	467	259	151	139	142	63	56	42	46	96	55	56	128	47	49	231	40	6,989

A.—ISTHMIAN CANAL COMMISSION: 1910-11.

Motors	3	1			2															1		7
Power transmission apparatus	22	8	5	5	5	2	1			1				1			1		1			52
Working machinery:																						
Using power	91	48	12	11	7	3	4	2	2	1			2	1			4	1	2		5	196
Not using power	4	2	3	2	2	2	1		1												1	13
Elevators, hoists, cranes, etc.	126	74	27	17	7	6	3	3	1				1		1	1	3	1	1	6	5	283
Steam boilers, piping, explosions, etc.	35	17	1	3	2												1			1		60
Explosions of dynamite, powder, etc.	5	2	3	4		4								1				6	1	9	1	36
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	66	48	12	7	4	3	3	1		1				1							2	148
Electric current	11	3		2		1		1									2			6		26
Collapse, fall, etc., of materials, etc.	389	164	50	32	20	14	11	9	3	4	7	2		3	1	1	9	8	5	15	13	760
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	147	68	24	17	16	12	4	3	3	3	4		2	1	3	3	5	6		10	11	342
Falls on even surface	56	32	9	13	4	4	4						1				2		1		8	144
Loading and unloading, lifting, carrying, etc.	547	302	111	89	79	28	20	6	7	10	5		3	6	1	5	4	3	2		43	1,271
Vehicles (run over by wagons, cars, etc.)	38	16		1													1	1			1	58
Railway operation (run over, etc.)	211	77	20	21	18	12	9	4	6	3	2	3	2	9	5	3	12	11	17	42	14	501
Animals (kicks, bites, etc., and riding)	6	2	1														1					10
Shipping and water transportation	26	11	5	1		1		2	1		1					1			1	8		58
Flying bodies, splinters, cuts from rough or sharp edges, etc.	446	131	32	13	15	6	7	1	1	2	2	1	3	4	1	1	4	2		2	13	687
Hand tools and simple instruments	262	124	30	19	16	7	1	2	2					1		1				1	8	484
Stepping on nails or on similar sharp bodies	158	56	8	6	4		1	2	1												4	240
Other	122	44	9	6	4	1	2		1				2			1		1		4	4	201
Not reported	3	3	2		3															1		12
Total	2,704	1,233	364	269	208	106	71	36	29	25	21	6	16	28	12	17	49	40	31	106	133	5,594

TABLE VI.—NUMBER OF CASES REPORTED IN WHICH THE DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY CAUSE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1910–11.

Cause of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
Motors	1	1	6	3	1	1			1						1	1	1					17
Power transmission apparatus	14	1	6	5	5	4	1			2				1	2					1	1	43
Working machinery:																						
Using power	58	21	49	50	21	15	11	9	7	1	2	3		4	1	2	3	1	1	1		260
Not using power	40	12	9	7	6	4	3	1		1	1				1							85
Elevators, hoists, cranes, etc	20	12	14	10	8	3	2	2		1		2	3	4	1	1	7		2	5		97
Steam boilers, piping, explosions, etc.	22	5	15	7	5	4	1	3				1		1	1		1		1	2		69
Explosions of dynamite, powder, etc.	2	1	2	4	3			1	1	1		1	1	1			3		3	15		39
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc	40	17	24	17	4	5	1			1	1		1	1								112
Electric current	9	2	6	2		1									1		1			2		24
Collapse, fall, etc., of materials, etc	176	71	87	89	36	33	17	9	19	5	3	2	2	6	2	7	8	3	4	11	2	592
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc	96	58	58	45	28	18	12	10	8	4	6	4	3	9	9	6	18	2	4	15	1	414
Falls on even surface	41	15	26	20	18	13	9	2	5	2	1		1	1	5	2	4	1	3	1	1	171
Loading and unloading, lifting, carrying, etc	113	43	78	64	24	14	12	13	5	7		2	3	5	6	3	4	2	2	1		401
Vehicles (run over by wagons, cars, etc.)	39	18	10	11	8	2	4	4	2	1	2	2		4	1	1	2	2		2	1	116
Railway operation (run over, etc.)	32	99	50	28	59	14	14	7	26	3	11	6	15	10	10	10	27	13	3	12		449
Animals (kicks, bites, etc., and riding)	23	7	8	7	7	2		1	1	1	1	1	1		2			1	4	5		72
Shipping and water transportation	9	8	10	6	4	3	1	1		2	1			1	2		3	1		14		66
Flying bodies, splinters, cuts from rough or sharp edges, etc	127	40	56	41	11	7	7	2	2	1	2	1	1	2	2		4	2	2	1	2	313
Hand tools and simple instruments	61	24	39	24	25	11	6	3	4	4	1						1			1	1	205
Stepping on nails or on similar sharp bodies	27	11	7	5	1	2		1												1		55
Other	35	18	21	23	11	6	7	2	1	2	2		3	4	1	2	3	2	1	10	2	156
Not reported	8	7	3	4	2	1	1	2					1	1						1		31
Total	993	491	584	472	287	163	109	73	82	39	34	25	35	55	48	35	90	30	30	101	11	3,787

C.—TOTAL ACCIDENTS REPORTED: 1910-11.

Motors	4	2	6	3	3	1			1						1	1	1			1			24
Power transmission apparatus	36	9	11	10	10	6	2			3				2	2		1		1	1	1		95
Working machinery:																							
Using power	149	69	61	61	28	18	15	11	9	2	2	3	2	5	1	2	7	2	3	1	5		456
Not using power	44	14	12	9	8	6	4	1	1	1	1				1						1		103
Elevators, hoists, cranes, etc	146	86	41	27	15	9	5	5	1	1		2	4	4	2	2	10	1	3	11	5		380
Steam boilers, piping, explosions, etc.	57	22	16	10	7	4	1	3				1		1	1		2		1	3			129
Explosions of dynamite, powder, etc.	7	3	5	8	3	4		1	1	1		1	1	2			3	6	4	24	1		75
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	106	65	36	24	8	8	4	1		2	1		1	2							2		260
Electric current	20	5	6	4		2		1							1		3			8			50
Collapse, fall, etc., of materials, etc.	565	235	137	121	56	47	28	18	22	9	10	4	2	9	3	8	17	11	9	26	15		1,352
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	243	126	82	62	44	30	16	13	11	7	10	4	5	10	12	9	23	8	4	25	12		756
Falls on even surface	107	47	35	33	22	17	13	2	5	2	1		2	1	5	2	6	1	4	1	9		315
Loading and unloading, lifting, carrying, etc.	660	345	189	153	108	42	32	19	12	17	5	2	6	11	7	8	8	5	4	1	43		1,672
Vehicles (run over by wagons, carts, etc.)	77	34	10	12	8	2	4	4	2	1	2	2		4	1	1	3	3		2	2		174
Railroad operation (run over, etc.)	243	176	70	49	77	26	23	31	32	6	13	9	17	19	15	13	39	24	20	54	14		950
Animals (kicks, bites, etc., and riding)	29	9	9	7	7	2		1	1	1	1	1	1		2		1	1	4	5			82
Shipping and water transportation	35	19	15	7	4	4	1	3	1	2	2			1	2	1	3	1	1	22			124
Flying bodies, splinters, cuts from rough or sharp edges, etc.	573	171	88	54	26	13	14	3	3	3	4	2	4	6	3	1	8	4	2	3	15		1,000
Hand tools and simple instruments	333	148	69	43	41	18	7	5	6	4	1			1		1	1			2	9		689
Stepping on nails or on similar sharp bodies	185	67	15	11	5	2	1	3	1											1	4		295
Other	157	62	30	29	15	7	9	2	2	2	2		5	4	1	3	3	3	1	14	6		357
Not reported	11	10	5	4	5	1	1	2					1	1						2			43
Total	3,787	1,724	948	741	495	269	180	109	111	64	55	31	51	83	60	52	139	70	61	207	144		9,381

A.—ISTHMIAN CANAL COMMISSION: 1911-12.

Motors	1																				1		2
Power transmission apparatus	7	1	3	4	3	2	3	1	1								4		1	1	2		33
Working machinery:																							
Using power	31	12	20	5	5	5		3				2		1	1	4	2	1	1	1	2		96
Not using power	1	1	3	2			2														1		10
Elevators, hoists, cranes, etc.	48	21	24	15	12	6	14	2	3			3		4	5	1	5	2	1	7	1		174
Steam boilers, piping, explosions, etc.	9	5	3	1	3												1				1		23
Explosions of dynamite, powder, etc.	18	7	2	5	2	3	2	1	1	2				1		1	7	1	2	10	2		67
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	29	18	14	8	7	4	1		2			1				1	1			1	3		90
Electric current			1	1										1				1		1			5
Collapse, fall, etc., of materials, etc.	145	59	44	43	23	14	9	6	4	3	2	2	2	5	5	4	10	5		11	13		409

TABLE VI.—NUMBER OF CASES REPORTED IN WHICH THE DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY CAUSE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1911–12—Concluded.

Cause of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	47	34	24	19	10	7	5	3				1	4	5	4	3	8			9	24	20
Falls on even surface	38	21	14	9	7	2	1	1			2			2			8				9	109
Loading and unloading, lifting, carrying, etc.	242	108	118	130	64	26	19	11	8	10	6	4	3	11	2	3	9	1		2	85	862
Vehicles (run over by wagons, carts, etc.)	7	9	3		1					1			1									22
Railway operation (run over, etc.)	50	28	19	20	15	7	12	4	4	3	1	3	2	6	4	4	22	8	1	38	24	275
Animals (kicks, bites, etc., and riding)	1	1	1	2	2												2			1	1	11
Shipping and water transportation				1	1					1										4		7
Flying bodies, splinters, cuts from rough or sharp edges, etc.	171	53	38	25	14	5	4	2	3	3	1	2		5	1		5	5		5	15	357
Hand tools and simple instruments	99	38	45	25	22	11	2	3	5	3		1		1			1			1	14	271
Stepping on nails or on similar sharp bodies	67	27	17	3	7	1	2			1											8	133
Other	59	17	16	18	10	4	1	1	1	2				1	1	1	4			4	11	151
Not reported	1				1															1		3
Total	1,071	460	409	336	209	97	77	38	32	29	12	19	12	43	23	22	84	24	6	97	217	3,317

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1911–12.

Motors	2	3	1	1	2																	9
Power transmission apparatus	6		5	4	4	2	3			1				1	1		2		1	1		31
Working machinery:																						
Using power	88	23	59	58	31	19	13	5	5	3	4	3		5	2	5	5	4	3	1	3	339
Not using power	9	3	11	9	1	1	2		1	2				1		1					1	42

Elevators, hoists, cranes, etc.	33	25	28	16	13	6	5	3	3	1		1	4	1	1	1	5	3	2	5	1	157
Steam boilers, piping, explosions, etc.	13	6	8	7	4	2		1	1		2				1				1	1		47
Explosions of dynamite, powder, etc.	5	3	2	1			2			2							3	1	1	6	1	27
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	51	15	24	22	9	4	4	1	2		1	1		2			2			1	1	140
Electric current	5	4	2	2	1			3	1									1		2		21
Collapse, fall, etc., of materials, etc.	171	81	114	96	43	23	26	8	9	5	7	3	1	9	7	3	11	9	2	23	6	659
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	116	46	66	61	29	26	19	10	4	9	11	1	4	8	9	3	10	4	2	36	7	481
Falls on even surface	78	25	28	20	19	15	13	3	6	5	4	5	1	5	2	3	7		1	2	3	245
Loading and unloading, lifting, carrying, etc.	206	91	131	104	48	22	30	13	11	8	6	3	1	5	5	3	5	6	1	1	9	709
Vehicles (run over by wagons, carts, etc.)	14	14	9	2	7	4	3	2	1		3	1		3			1			4	1	69
Railway operation (run over, etc.)	62	93	59	33	57	17	14	16	30	8	3	3	8	17	11	17	33	25	2	9	2	519
Animals (kicks, bites, etc., and riding)	25	17	17	5	3	4	3	4	1		1	1	3	2	3	2	2	1	1	3	2	100
Shipping and water transportation	8	4	3	3	1			1			2	2		1			1	2		11		39
Flying bodies, splinters, cuts from rough or sharp edges, etc.	162	48	63	28	17	6	5		2	1	1	3		5	2	2	5			2	1	353
Hand tools and simple instruments	116	40	62	51	19	4	12	4	1	2		1	1	3	1	1	1	1	1		3	324
Stepping on nails or similar sharp bodies	36	18	9	5		1	2															71
Other	72	41	43	37	16	17	11	6	3	3		1	5	3	4	4	8	2	2	12	3	293
Not reported	2	1																		1	1	5
Total	1,280	601	744	567	324	173	167	80	81	50	45	29	28	71	49	45	101	59	20	121	45	4,680

C.—TOTAL ACCIDENTS: 1911-12.

Motors	3	3	1	1	2																1	11
Power transmission apparatus	12	1	8	8	7	4	6	1	1	1				1	1		6		2	2	2	64
Working machinery:																						
Using power	119	35	79	63	36	24	12	8	5	3	4	5		6	3	9	7	5	4	2	5	435
Not using power	10	4	14	11	1	1	4		1	2				1		1					2	52
Elevators, hoists, cranes, etc.	81	45	52	31	25	12	19	5	6	1		4	4	5	6	2	10	5	3	12	2	331
Steam boilers, piping, explosions, etc.	22	11	11	8	7	2		1	1		2				1		1		1	1	1	70
Explosions of dynamite, powder, etc.	23	10	4	6	2	3	4	1	1	4				1		1	10	2	3	16	3	94
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	80	33	38	30	16	8	5	1	4		1	2		2		1	3			2	4	230
Electric current	5	4	3	3	1			3	1					1				2		3		26
Collapse, fall, etc., of materials, etc.	316	140	158	141	66	37	35	14	13	8	9	5	3	14	12	7	21	14	2	34	19	1,068
Falls from ladders, stairs, scaffolding, or into excavations, etc.	163	80	90	80	39	33	24	13	4	9	11	2	8	12	13	6	18	4	2	45	31	688
Falls on even surface	116	46	42	29	26	17	14	4	6	5	6	5	1	7	2	3	10		1	2	12	354
Loading and unloading, lifting, carrying, etc.	448	199	249	234	112	48	49	24	19	18	12	7	4	16	7	6	14	7	1	3	94	1,571
Vehicles (run over by wagons, carts, etc.)	21	23	12	2	8	4	3	2	1	1	3	1	1	3			1			4	1	91
Railway operation (run over, etc.)	112	121	78	53	72	24	26	20	34	11	4	6	10	23	15	21	55	33	3	47	26	794

TABLE VI.—NUMBER OF CASES REPORTED IN WHICH THE DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY CAUSE OF INJURY—Continued.

C.—TOTAL ACCIDENTS: 1911–12—Concluded.

Cause of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
Animals (kicks, bites, etc., and riding)	26	18	18	7	5	4	3	4	1		1	1	3	2	3	2	4	1	1	4	3	111
Shipping and water transportation	8	4	3	4	2			1		1	2	2		1			1	2		15		46
Flying bodies, splinters, cuts from rough or sharp edges, etc.	333	101	101	53	31	11	9	2	5	4	2	5		10	3	2	10	5		7	16	710
Hand tools and simple instruments	215	78	107	76	41	15	14	7	6	5		2	1	4	1	1	2	1	1	1	17	595
Stepping on nails or on similar sharp bodies	103	45	26	8	7	2	4			1											8	204
Other	131	58	59	55	26	21	12	7	4	5		1	5	4	5	5	12	2	2	16	14	444
Not reported	3	1			1															2	1	8
Total	2,351	1,061	1,153	903	533	270	244	118	113	79	57	48	40	114	72	67	185	83	26	218	262	7,997

A.—ISTHMIAN CANAL COMMISSION: 1912–13.

Motors	5	2					1															8
Power transmission apparatus	14	2	1		1					1	1					1						21
Working machinery:																						
Using power	108	46	10	10	5	3	4	2	1	1		1		2								193
Not using power	3	2																				5
Elevators, hoists, cranes, etc.	156	100	17	25	16	8	4	3	5	1	1	2	1	5	6	1	6	3		4	2	366
Steam boilers, piping, explosions, etc.	6	6	2	1																		15
Explosions of dynamite, powder, etc.	64	37	7	4	2	5	1	3	2		1	2	1	4	1		6	2				142
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	110	38	11	5	4	2	2							1								173
Electric current	3	2	1	1	1				1	1					1			1			1	13
Collapse, fall, etc., of materials, etc.	321	158	35	23	16	7	6	3	1	2	2		3	2	1	6	15	4		3	2	610
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	122	61	10	11	8	1	1	1	2	3	2			1		1	6	1		1	2	234
Falls on even surface	64	35	10	9	4	3			1	1			1	1							6	135
Loading and unloading, lifting, carrying, etc.	757	370	82	73	41	24	8	9	7	6	3		1	4	3	3	1				18	1,415

Vehicles (run over by wagons, cars, etc.)	61	30	3	1	2	3	2		1		1						1	1			1	107
Railway operation (run over, etc.)	192	83	20	12	11	7	5	3	1	1	3	2	2	7	1	2	7	2	2	3	5	371
Animals (kicks, bites, etc., and riding)	9		2	1					1												1	14
Shipping and water transportation	19	19		3																3		44
Flying bodies, splinters, cuts from rough or sharp edges, etc	435	106	17	15	9	4	7	1	1	2	2			6	1	1	1				2	610
Hand tools and simple instruments	303	122	24	18	9	9	3	2	5	2				2	2	2	1	1		1	3	509
Stepping on nails or on similar sharp bodies	218	62	4	4							1						1				1	291
Other	164	56	8	12	4	2	2	1					1	1	1	2		1			4	259
Not reported	5	2			1																	8
Total	3,139	1,239	264	233	134	78	46	28	29	21	17	7	10	36	17	19	45	16	2	15	48	5,543

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1912-13.

Motors				1																			1
Power transmission apparatus	5	3	9	12	5	2	3			1		1		1						2	1		48
Working machinery:																							
Using power	68	28	67	60	36	15	12	11	4	5		5	3	5	2	3	3		1		1		329
Not using power	42	8	6	5	7	5	5					1		1	1		1	1		1			85
Elevators, hoists, cranes, etc	36	24	30	24	10	12	11	4	3	2	4		1	4	1		4	1		5	3		179
Steam boilers, piping, explosions, etc	8	6	6	7	4	1		2	1											1	1		37
Explosions of dynamite, powder, etc	2	1	11	4	3	1		2									1		2	7			34
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc	51	18	30	18	12	3	5	3	2	1	4	2	1	1					1	1	2		155
Electric current	7	1	3	6	2	2		1						2		1				1			26
Collapse, fall, etc., of materials, etc	182	78	143	84	44	27	15	10	13	3	4	5	5	13	1	6	12	8	5	8	11		677
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc	124	53	77	66	34	18	11	7	9	11	3	4	3	9	2	9	16	9	3	22	10		500
Falls on even surface	86	30	57	32	27	14	13	12	4	4	1	7	1	2	1	3	2	3		1	4		304
Loading and unloading, lifting, carrying, etc	252	127	176	126	48	46	25	17	13	10	4	5	5	15	5	6	9	6	1	2	18		916
Vehicles (run over by wagons, cars, etc.)	36	19	15	10	11	3	4	3	1	2	1		2	2	3	3	3			4	3		125
Railway operation (run over, etc.)	45	99	43	25	53	16	19	10	23	6	2	2	11	12	13	6	24	14	1	10	11		445
Animals (kicks, bites, etc., and riding)	22	17	15	10	8	3	7	2	3	2	2	1	2	3	1		1			5	4		108
Shipping and water transportation	3	1	2					2						1			2	4		13	2		30
Flying bodies, splinters, cuts from rough or sharp edges, etc	211	56	84	38	13	12	8	5	9		2		2	4	1	1	5	1	2	2	6		462
Hand tools and simple instruments	147	63	85	59	31	14	6	7	4	5	4	2	2	3	1	1	4				9		447
Stepping on nails or on similar sharp bodies	56	18	16	3	2		1	2					1								1		100
Other	79	42	64	33	20	7	8	4	4	2		2	2	3	5	4	7	2	1	17	9		315
Not reported	6		1																		3		10
Total	1,471	692	940	624	370	201	153	104	93	54	31	37	41	81	37	43	94	49	17	102	99		5,333

TABLE VI.—NUMBER OF CASES REPORTED IN WHICH THE DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY CAUSE OF INJURY—Concluded.

C.—TOTAL ACCIDENTS REPORTED: 1912-13.

Cause of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
Motors	5	2	.....	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	9
Power transmission apparatus	22	5	10	12	6	2	3	.....	.....	2	1	1	.....	1	.....	1	.....	.....	.....	2	1	69
Working machinery:																						
Using power	176	74	77	70	41	18	16	13	5	6	.....	6	3	7	2	3	3	.....	1	.....	1	522
Not using power	45	10	6	6	7	5	5	.....	.....	.....	.....	1	.....	1	1	.....	1	1	.....	1	.....	90
Elevators, hoists, cranes, etc	192	124	47	49	26	20	15	7	8	3	5	2	2	9	7	1	10	4	.....	9	5	545
Steam boilers, piping, explosions, etc.	14	12	8	8	4	1	.....	2	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	52
Explosions of dynamite, powder, etc.	66	38	18	8	5	6	1	5	2	.....	1	2	1	4	1	.....	7	2	2	7	.....	176
Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	161	56	41	23	16	5	7	3	2	1	4	2	1	2	.....	.....	.....	.....	1	1	2	328
Electric current	10	3	4	7	3	2	.....	1	1	1	.....	.....	.....	2	1	1	.....	1	.....	1	1	39
Collapse, fall, etc., of materials, etc.	503	236	178	107	60	34	21	13	14	5	6	5	8	15	2	12	27	12	5	11	13	1,287
Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	246	114	87	77	42	19	12	8	11	14	5	4	3	10	2	10	22	10	3	23	12	734
Falls on even surface	150	65	57	41	31	17	13	12	5	5	1	7	2	3	1	3	2	3	.....	1	10	439
Loading and unloading, lifting, carrying, etc	1,009	497	258	204	89	70	33	26	20	16	7	5	6	19	8	9	10	6	1	2	36	2,331
Vehicles (run over by wagons, carts, etc.)	97	49	18	11	13	6	6	3	2	2	2	.....	2	2	3	3	4	1	.....	4	4	232
Railroad operation (run over, etc.)	237	182	63	37	64	23	24	13	24	7	5	4	13	19	14	8	31	16	3	13	16	816
Animals (kicks, bites, etc., and riding)	31	17	17	11	3	3	7	2	4	2	2	1	2	3	1	.....	1	.....	.....	5	5	122
Shipping and water transportation	22	20	2	3	.....	.....	.....	2	.....	.....	.....	.....	.....	1	.....	.....	2	4	.....	16	2	74
Flying bodies, splinters, cuts from rough or sharp edges, etc.	646	162	101	53	22	16	15	6	10	2	4	.....	2	10	2	2	6	1	2	2	8	1,072
Hand tools and simple instruments	450	185	109	77	40	23	9	9	9	7	4	2	2	5	3	3	5	1	.....	1	12	956
Stepping on nails or on similar sharp bodies	274	80	20	7	2	.....	1	2	.....	.....	1	.....	1	.....	.....	.....	1	.....	.....	.....	2	391
Other	243	98	72	45	24	9	10	5	4	2	.....	2	3	4	6	6	7	3	1	17	13	574
Not reported	11	2	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	18
Total	4,610	2,031	1,204	857	504	279	199	132	122	75	48	44	51	117	54	62	139	65	19	117	147	10,876

TABLE VII.—COST OF COMPENSATION FOR FATAL AND NONFATAL INJURIES DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY CLASSIFIED DAYS OF DURATION.

1908–9.

Duration of disability.	Isthmian Canal Commission.				All other departments, services, and establishments.				Total compensated cases.			
	Number of cases.	Cost.		Per cent of total cost.	Number of cases.	Cost.		Per cent of total cost.	Number.	Cost.		Per cent of total cost.
		Aggregate.	Average.			Aggregate.	Average.			Aggregate.	Average.	
Over 15 but not over 21 days	221	$8,198.18	$37.10	8.17	221	$9,508.61	$42.03	6.67	442	$17,706.79	$40.06	7.29
Over 21 but not over 28 days	140	6,824.46	48.75	6.80	197	10,538.65	53.50	7.39	337	17,363.11	51.52	7.15
Over 28 but not over 35 days	94	6,599.13	70.20	6.57	125	8,555.64	68.45	6.00	219	15,154.77	69.20	6.24
Over 35 but not over 42 days	61	5,149.20	84.41	5.13	83	7,685.99	92.60	5.39	144	12,835.19	89.13	5.28
Over 42 but not over 49 days	42	4,076.62	97.06	4.06	53	5,171.35	97.57	3.63	95	9,247.97	97.35	3.81
Over 49 but not over 56 days	24	2,614.26	108.93	2.60	32	4,167.36	130.23	2.92	56	6,781.61	121.10	2.79
Over 56 but not over 63 days	19	3,092.90	162.78	3.08	31	3,633.34	117.20	2.55	50	6,726.24	134.52	2.77
Over 63 but not over 70 days	17	2,311.45	135.97	2.30	16	2,196.27	137.25	1.54	33	4,507.72	136.60	1.86
Over 70 but not over 77 days	9	1,212.94	134.77	1.21	17	2,869.35	168.78	2.01	26	4,082.29	157.01	1.68
Over 77 but not over 84 days	7	1,566.43	223.78	1.56	9	1,996.65	221.85	1.40	16	3,563.08	222.69	1.47
Over 84 but not over 91 days	8	2,154.57	269.32	2.15	10	2,132.58	213.26	1.50	18	4,287.15	238.18	1.76
Over 91 but not over 119 days	14	2,354.13	168.15	2.34	31	7,737.03	249.58	5.43	45	10,091.16	224.26	4.15
Over 119 but not over 147 days	12	4,726.56	393.88	4.71	13	3,780.29	290.79	2.65	25	8,506.85	340.27	3.50
Over 147 but not over 182 days	7	2,722.20	388.89	2.71	16	6,326.66	395.42	4.44	23	9,048.86	393.43	3.72
Over 182 but not over 365 days	15	10,158.83	677.26	10.12	25	18,496.69	739.84	12.98	40	28,655.52	716.39	11.80
Over 365 days but not permanent	7	3,751.43	535.92	3.74	14	11,394.43	813.89	7.99	21	15,145.86	721.23	6.23
Permanent	20	11,742.97	587.15	11.70	18	12,403.14	689.06	8.70	38	24,146.11	635.42	9.94
Total nonfatal cases	717	79,256.25	110.54	78.94	911	118,594.03	130.18	83.20	1,628	197,850.28	121.53	81.44
Fatal cases	33	21,144.35	640.74	21.06	31	23,942.42	772.34	16.80	64	45,086.77	704.48	18.56
Grand total	750	100,400.60	.....	100.00	942	142,536.45	.....	100.00	1,692	242,937.05	.....	100.00

[1] Eleven months.

TABLE VII.—COST OF COMPENSATION FOR FATAL AND NONFATAL INJURIES DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY CLASSIFIED DAYS OF DURATION—Continued.

1909–10.

Duration of disability.	Isthmian Canal Commission.				All other departments, services, and establishments.				Total compensated cases.			
	Number of cases.	Cost.		Per cent of total cost.	Number of cases.	Cost.		Per cent of total cost.	Number.	Cost.		Per cent of total cost.
		Aggregate.	Average.			Aggregate.	Average.			Aggregate.	Average.	
Over 15 but not over 21 days	256	$8,853.00	$26.77	4.38	369	$15,537.12	$42.11	8.59	625	$22,390.12	$35.82	6.64
Over 21 but not over 28 days	222	8,789.73	39.59	5.62	342	18,033.24	52.73	9.97	564	26,822.97	47.56	7.95
Over 28 but not over 35 days	165	9,959.40	60.36	6.37	161	11,613.18	72.13	6.42	326	21,572.58	66.17	6.40
Over 35 but not over 42 days	121	7,782.09	64.31	4.98	94	7,566.80	80.50	4.18	215	15,348.89	71.39	4.55
Over 42 but not over 49 days	55	4,044.78	73.54	2.59	61	6,132.37	100.53	3.39	116	10,177.15	87.73	3.02
Over 49 but not over 56 days	45	4,749.89	105.55	3.04	55	6,277.06	114.13	3.47	100	11,026.95	110.27	3.27
Over 56 but not over 63 days	40	4,386.43	109.66	2.80	34	4,638.41	136.42	2.57	74	9,024.84	121.95	2.68
Over 63 but not over 70 days	22	2,450.56	111.80	1.57	27	3,503.73	129.77	1.94	49	5,963.29	121.70	1.77
Over 70 but not over 77 days	20	2,250.41	112.52	1.44	17	2,352.82	138.40	1.30	37	4,603.23	124.41	1.36
Over 77 but not over 84 days	13	1,886.77	145.14	1.21	16	2,574.42	160.90	1.42	29	4,461.19	153.83	1.32
Over 84 but not over 91 days	12	1,587.31	132.28	1.01	9	1,419.94	157.77	.79	21	3,007.25	143.20	.89
Over 91 but not over 119 days	29	4,020.15	138.63	2.57	35	7,296.72	208.48	4.04	64	11,316.87	176.83	3.36
Over 119 but not over 147 days	11	1,778.81	161.71	1.14	18	4,664.01	259.11	2.58	29	6,442.82	222.17	1.91
Over 147 but not over 182 days	14	4,148.58	296.33	2.65	20	7,873.27	393.66	4.35	34	12,021.85	353.58	3.56
Over 182 but not over 365 days	41	37,028.92	903.14	23.67	42	30,800.04	733.33	17.03	83	67,828.96	817.22	20.11
Over 365 days but not permanent	6	4,469.23	744.87	2.86	11	9,482.10	862.01	5.24	17	13,951.33	820.67	4.14
Permanent	33	21,715.42	658.04	13.88	14	8,166.58	583.33	4.52	47	29,882.00	635.79	8.86
Total nonfatal cases	1,105	127,910.48	115.76	81.78	1,325	147,931.81	111.65	81.80	2,430	275,842.29	113.52	71.79
Fatal cases	53	28,498.81	537.71	18.22	44	32,916.67	748.11	18.20	97	61,415.48	633.15	18.21
Grand total	1,158	156,409.29	.....	100.00	1,369	180,848.48	.....	100.00	2,527	337,257.77	.....	100.00

1910–11.

Over 15 but not over 21 days	356	$10,451.73	$29.36	5.29	433	$17,843.09	$41.21	8.37	789	$28,294.82	$35.86	6.89
Over 21 but not over 28 days	254	10,902.49	42.92	5.52	390	21,059.88	54.00	9.88	644	31,962.37	49.63	7.78
Over 28 but not over 35 days	201	13,772.74	68.52	6.98	191	13,997.14	73.28	9.56	392	27,769.88	70.84	6.76
Over 35 but not over 42 days	103	8,283.87	80.43	4.20	118	9,863.24	83.59	4.62	221	18,147.11	82.11	4.42
Over 42 but not over 49 days	68	6,537.36	96.14	3.31	74	7,667.09	103.61	3.59	142	14,204.45	100.03	3.46
Over 49 but not over 56 days	35	3,415.36	97.58	1.73	56	6,422.31	114.68	3.01	91	9,837.67	108.11	2.40

Over 56 but not over 63 days	27	2,807.13	103.97	1.42	45	5,583.92	124.09	2.62	72	8,391.05	116.54	2.04
Over 63 but not over 70 days	24	2,763.14	115.13	1.40	26	4,047.30	155.67	1.90	50	6,810.44	136.21	1.66
Over 70 but not over 77 days	21	3,125.60	148.84	1.58	17	2,750.55	161.80	1.29	38	5,876.15	154.64	1.43
Over 77 but not over 84 days	6	553.87	92.31	.28	14	2,345.71	167.55	1.10	20	2,899.58	144.98	.71
Over 84 but not over 91 days	14	2,676.91	191.21	1.35	13	2,195.96	168.92	1.03	27	4,872.87	180.48	1.19
Over 91 but not over 119 days	23	4,009.25	174.32	2.03	34	8,123.41	238.92	3.81	57	12,132.66	212.85	2.95
Over 119 but not over 147 days	11	2,349.11	213.56	1.19	30	9,002.13	300.07	4.23	41	11,351.24	276.86	2.76
Over 147 but not over 182 days	17	6,095.33	358.55	3.09	18	6,183.01	343.50	2.90	35	12,278.34	350.81	2.99
Over 182 but not over 365 days	48	38,891.27	810.23	19.70	55	35,928.12	653.20	16.85	103	74,817.39	726.38	18.21
Over 365 days but not permanent	40	25,997.81	649.95	13.17	14	12,537.84	895.56	5.88	54	38,535.65	713.62	9.38
Permanent	28	13,705.35	489.48	6.94	22	16,215.32	737.06	7.60	50	29,920.67	598.41	7.29
Total nonfatal cases	1,276	156,338.32	122.52	79.18	1,550	181,764.02	117.27	85.23	2,826	338,102.34	119.64	82.32
Fatal cases	77	41,103.00	533.81	20.82	45	31,493.19	699.85	14.77	122	72,596.19	595.05	17.68
Grand total	1,353	197,441.32	.....	100.00	1,595	213,257.21	.....	100.00	2,948	410,698.53	.....	100.00

1911-12.

Over 15 but not over 21 days	405	$12,394.28	$30.61	6.88	595	$23,933.95	$40.23	9.39	1,000	$36,328.23	$36.33	8.35
Over 21 but not over 28 days	335	13,486.40	40.26	7.49	472	25,240.15	53.47	9.90	807	38,726.55	47.99	8.90
Over 28 but not over 35 days	207	10,860.27	52.47	6.03	222	15,787.21	71.11	6.19	429	26,647.48	62.12	6.12
Over 35 but not over 42 days	97	6,176.05	63.67	3.43	131	11,256.19	85.93	4.41	228	17,432.24	76.46	4.01
Over 42 but not over 49 days	77	6,052.71	78.74	3.37	129	13,645.45	105.78	5.35	206	19,708.16	95.67	4.53
Over 49 but not over 56 days	38	3,499.10	92.08	1.94	48	5,069.63	105.62	1.99	86	8,568.73	99.64	1.97
Over 56 but not over 63 days	32	2,467.99	77.12	1.37	44	5,761.14	130.94	2.26	76	8,229.13	108.28	1.89
Over 63 but not over 70 days	29	3,153.53	108.74	1.75	30	4,392.34	146.41	1.72	59	7,545.87	127.90	1.73
Over 70 but not over 77 days	12	1,573.33	131.11	.87	29	4,522.16	155.94	1.77	41	6,095.49	148.67	1.40
Over 77 but not over 84 days	19	2,684.88	141.31	1.49	19	3,813.49	200.71	1.50	38	6,498.37	171.01	1.49
Over 84 but not over 91 days	12	2,632.80	219.40	1.46	3	1,764.55	220.57	.69	20	4,397.35	219.87	1.02
Over 91 but not over 119 days	43	7,219.82	170.23	4.06	43	9,774.82	227.32	3.83	86	17,094.64	198.77	3.93
Over 119 but not over 147 days	23	5,126.77	222.90	2.85	25	7,588.17	303.53	2.97	48	12,714.94	264.89	2.92
Over 147 but not over 182 days	22	8,133.46	369.70	4.52	21	7,106.65	338.41	2.79	43	15,240.11	354.42	3.50
Over 182 but not over 365 days	84	52,506.36	625.08	29.15	51	33,245.73	651.88	13.04	135	85,752.09	635.20	19.71
Over 365 days but not permanent	24	11,247.98	468.63	6.24	35	27,707.05	791.63	10.86	59	38,955.03	660.25	8.95
Permanent	6	3,674.37	612.40	2.04	16	14,760.73	922.55	5.79	22	18,435.10	837.96	4.24
Total nonfatal cases	1,465	153,000.10	104.44	84.94	1,918	215,369.41	112.29	84.46	3,383	368,369.51	108.89	84.66
Fatal cases	45	27,131.20	602.92	15.06	53	39,636.95	747.87	15.54	98	66,768.15	681.31	15.34
Grand total	1,510	180,131.30	.....	100.00	1,971	255,006.36	.....	100.00	3,481	435,137.66	.....	100.00

TABLE VII.—COST OF COMPENSATION FOR FATAL AND NONFATAL INJURIES DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY CLASSIFIED DAYS OF DURATION—Concluded.

1912-13.

Duration of disability.	Isthmian Canal Commission.				All other departments, services, and establishments.				Total compensated cases.			
	Number of cases.	Cost.		Per cent of total cost.	Number of cases.	Cost.		Per cent of total cost.	Number.	Cost.		Per cent of total cost.
		Aggregate.	Average.			Aggregate.	Average.			Aggregate.	Average.	
Over 15 but not over 21 days	262	$7,977.89	$30.45	8.16	786	$32,270.17	$41.05	10.96	1,048	$40,248.06	$38.50	10.26
Over 21 but not over 28 days	232	9,058.34	39.04	9.26	535	28,994.08	54.19	9.85	767	38,052.42	49.61	9.70
Over 28 but not over 35 days	131	8,413.13	64.22	8.61	261	19,241.61	73.72	6.54	392	27,654.74	70.55	7.05
Over 35 but not over 42 days	78	4,491.92	57.59	4.59	160	14,203.23	88.77	4.83	238	18,695.15	78.55	4.77
Over 42 but not over 49 days	46	3,423.80	74.43	3.50	116	12,783.05	110.20	4.34	162	16,206.85	100.04	4.13
Over 49 but not over 56 days	28	2,196.48	78.45	2.25	76	8,561.22	112.65	2.91	104	10,757.70	103.44	2.74
Over 56 but not over 63 days	29	3,113.77	107.37	3.18	53	7,370.10	139.06	2.50	82	10,483.87	127.85	2.67
Over 63 but not over 70 days	21	1,768.78	84.23	1.81	38	5,537.48	145.85	1.92	59	7,406.26	125.53	1.89
Over 70 but not over 77 days	17	1,886.90	110.99	1.93	23	3,766.91	163.78	1.28	40	5,653.81	141.35	1.44
Over 77 but not over 84 days	7	1,838.94	262.71	1.88	34	6,602.62	194.19	2.24	41	8,441.56	205.89	2.15
Over 84 but not over 91 days	10	1,685.56	168.56	1.72	23	4,193.53	182.32	1.42	33	5,879.09	178.15	1.50
Over 91 but not over 119 days	38	6,182.21	171.73	6.32	56	13,018.23	232.47	4.42	92	19,200.44	208.70	4.90
Over 119 but not over 147 days	17	3,454.50	203.21	3.53	27	8,594.86	318.33	2.92	44	12,049.36	273.85	3.07
Over 147 but not over 182 days	19	6,775.38	356.60	6.93	32	12,228.14	382.13	4.15	51	19,003.52	372.62	4.85
Over 182 but not over 365 days	45	21,938.70	487.53	22.44	60	43,889.16	731.48	14.91	105	65,827.86	626.93	16.79
Over 365 days but not permanent	16	8,165.26	510.33	8.35	28	25,879.42	924.26	8.79	44	34,044.68	773.74	8.68
Permanent	2	897.18	448.59	.92	16	14,599.44	912.46	4.96	18	15,496.62	860.92	3.95
Total nonfatal cases	996	93,268.74	93.64	95.38	[1] 2,324	261,833.25	112.66	88.96	[1] 3,320	355,101.99	106.96	90.56
Fatal cases	11	4,518.50	410.77	4.62	45	32,504.31	722.31	11.04	56	37,022.81	661.12	9.44
Grand total	1,007	97,787.24	.....	100.00	[1] 2,369	294,337.56	.....	100.00	[1] 3,376	392,124.80	.....	100.00

[1] Not including 25 cases amount paid not reported; 1 case payment not yet made; 1 case paid as sick leave; 1 case claimant died before payment was made, and 2 cases claimants disappeared without receiving compensation.

TABLE VIII.—NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES AND NUMBER AND PER CENT OF TOTAL ACCIDENTS REPORTED DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY.

1908–9.[1]

Nature of injury.	Compensated cases.						Noncompensated cases.						Total accidents reported.					
	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
UPPER EXTREMITIES.																		
Loss of either arm, not specified	1	0.13			1	0.06	1	0.07			1	0.03	2	0.09			2	0.04
Fracture of arm or forearm	19	2.53	16	1.70	35	2.07	6	.44	18	0.98	24	.75	25	1.19	34	1.22	59	1.21
Other injuries to either arm or forearm	16	2.13	20	2.12	36	2.13	35	2.58	56	3.05	91	2.85	51	2.42	76	2.73	127	2.60
Loss of right hand									1	.05	1	.03			1	.04	1	.02
Loss of either hand, not specified			1	.11	1	.06									1	.04	1	.02
Fracture of bones of hand	7	.93	6	.64	13	.77	7	.52	5	.27	12	.38	14	.66	11	.40	25	.51
Other injuries to hand	29	3.87	66	7.01	95	5.61	72	5.31	88	4.79	160	5.01	101	4.79	154	5.54	255	5.22
Loss of 1 finger, right hand	7	.93			7	.41	1	.07	1	.05	2	.06	8	.38	1	.04	9	.18
Loss of 1 finger, left hand	2	.27	1	.11	3	.18	4	.29			4	.13	6	.28	1	.04	7	.14
Loss of more than 1 finger, right hand	4	.53			4	.24	2	.15			2	.06	6	.28			6	.12
Loss of more than 1 finger, left hand			1	.11	1	.06									1	.04	1	.02
Loss of finger or fingers, both hands or either hand, not specified	28	3.73	28	2.97	56	3.31	5	.37	13	.71	18	.56	33	1.57	41	1.47	74	1.51
Fracture of fingers	44	5.87	38	4.03	82	4.85	53	3.91	29	1.58	82	2.57	97	4.60	67	2.41	164	3.36
All other injuries to fingers	62	8.27	122	12.95	184	10.87	105	7.74	199	10.83	304	9.51	167	7.93	321	11.55	488	9.99
All other injuries to upper extremities	11	1.47	33	3.50	44	2.60	33	2.43	38	2.07	71	2.22	44	2.09	71	2.55	115	2.35
Total	230	30.67	332	35.24	562	33.22	324	23.88	448	24.37	772	24.16	554	26.29	780	28.06	1,334	27.30
LOWER EXTREMITIES.																		
Loss of either leg	7	.93	4	.42	11	.65			1	.05	1	.03	7	.33	5	.18	12	.25
Loss of both legs	2	.27			2	.12	3	.22	1	.05	4	.13	5	.24	1	.04	6	.12
Fracture of either thigh	12	1.60	5	.53	17	1.00			2	.11	2	.06	12	.57	7	.25	19	.39
Fracture of either leg	24	3.20	25	2.65	49	2.90	3	.22	33	1.80	36	1.13	27	1.28	58	2.09	85	1.74
Fracture of both thighs or legs	1	.13	1	.11	2	.12			2	.11	2	.06	1	.05	3	.11	4	.08

[1] Eleven months.

TABLE VIII.—NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES AND NUMBER AND PER CENT OF TOTAL ACCIDENTS REPORTED DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

1908–9—Concluded.

Nature of injury.	Compensated cases.						Noncompensated cases.						Total accidents reported.					
	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
LOWER EXTREMITIES—concluded.																		
Other injuries to thigh or leg	81	10.80	48	5.10	129	7.62	135	9.95	139	7.56	274	8.58	216	10.25	187	6.73	403	8.25
Loss of foot	6	.80	2	.21	8	.47	1	.07	.....	.....	1	.03	7	.33	2	.07	9	.18
Fracture of bones of foot	51	6.80	39	4.14	90	5.32	23	1.69	26	1.41	49	1.53	74	3.51	65	2.34	139	2.84
Other injuries to foot	82	10.93	90	9.55	172	10.17	253	18.64	210	11.43	463	14.49	335	15.90	300	10.79	635	12.99
Loss of toe or toes	3	.40	.....	.....	3	.18	.....	.....	1	.05	1	.03	3	.14	1	.04	4	.08
All other injuries to lower extremities	38	5.07	63	6.69	101	5.97	71	5.23	76	4.13	147	4.60	109	5.17	139	5.00	248	5.07
Total	307	40.93	277	29.41	584	34.52	489	36.04	491	26.71	980	30.67	796	37.78	768	27.63	1,564	32.00
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																		
Including loss of any part	1	.13	.....	.....	1	.06	1	.07	.....	.....	1	.03	2	.09	.....	.....	2	.04
Including fractures	3	.40	3	.32	6	.36	1	.07	2	.11	3	.09	4	.19	5	.18	9	.18
All other injuries to the extremities	5	.67	8	.85	13	.77	6	.44	26	1.41	32	1.00	11	.52	34	1.22	45	.92
Total	9	1.20	11	1.17	20	1.18	8	.59	28	1.52	36	1.13	17	.81	39	1.40	56	1.15
TRUNK.																		
Fracture of rib	10	1.33	30	3.18	40	2.36	6	.44	39	2.12	45	1.41	16	.76	69	2.48	85	1.74
Other chest injuries	6	.80	14	1.49	20	1.18	12	.88	18	.98	30	.94	18	.85	32	1.15	50	1.02
Injuries to back	16	2.13	34	3.61	50	2.96	65	4.79	132	7.18	197	6.17	81	3.84	166	5.97	247	5.05
Hernias	42	5.60	20	2.12	62	3.66	10	.74	15	.82	25	.78	52	2.47	35	1.26	87	1.78
Other abdominal injuries	6	.80	8	.85	14	.83	9	.66	19	1.03	28	.88	15	.71	27	.97	42	.86
All other injuries to trunk	15	2.00	41	4.35	56	3.31	71	5.23	97	5.28	168	5.26	86	4.08	138	4.96	224	4.58
Total	95	12.67	147	15.61	242	14.30	173	12.75	320	17.41	493	15.43	268	12.72	467	16.80	735	15.04

EYES.																		
Loss of either eye	4	.53	5	.53	9	.53			2	.11	2	.06	4	.19	7	.25	11	.23
Other injuries to either eye	20	2.67	43	4.56	63	3.72	70	5.16	68	3.70	138	4.32	90	4.27	111	3.99	201	4.11
Other injuries to both eyes			1	.11	1	.06	7	.52	4	.22	11	.34	7	.33	5	.18	12	.25
Total	24	3.20	49	5.20	73	4.31	77	5.67	74	4.03	151	4.73	101	4.79	123	4.42	224	4.58
HEAD.																		
Fracture of skull	2	.27	7	.74	9	.53	10	.74	11	.60	21	.66	12	.57	18	.65	30	.61
Fracture of other bones	3	.40	5	.53	8	.47	2	.15	5	.27	7	.22	5	.24	10	.36	15	.31
Concussion of brain without fracture	1	.13	6	.64	7	.41	5	.37	6	.33	11	.34	6	.28	12	.43	18	.37
All other injuries to head	8	1.07	25	2.65	33	1.95	98	7.22	108	5.88	206	6.45	106	5.03	133	4.78	239	4.89
Total	14	1.87	43	4.56	57	3.37	115	8.47	130	7.07	245	7.67	129	6.12	173	6.22	302	6.18
NECK.																		
All injuries	1	.13	3	.32	4	.24	7	.52	3	.16	10	.31	8	.38	6	.22	14	.29
MISCELLANEOUS.																		
Internal injuries	2	.27	7	.74	9	.53	5	.37	9	.49	14	.44	7	.33	16	.58	23	.47
Poisoning			1	.11	1	.06			6	.33	6	.19			7	.25	7	.14
All other (including multiple injuries)	48	6.40	65	6.90	113	6.68	117	8.62	307	16.70	424	13.27	165	7.83	372	13.38	537	10.99
Not reported	20	2.67	7	.74	27	1.60	42	3.10	22	1.20	64	2.00	62	2.94	29	1.04	91	1.86
Total	70	9.33	80	8.49	150	8.87	164	12.09	344	18.72	508	15.90	234	11.11	424	15.25	658	13.46
Grand total	750	100.00	942	100.00	1,692	100.00	1,357	100.00	1,838	100.00	3,195	100.00	2,107	100.00	2,780	100.00	4,887	100.00

1909-10.

UPPER EXTREMITIES.																		
Loss of right arm	3	0.26	1	0.07	4	0.16							3	0.09	1	0.03	4	0.06
Loss of left arm or not specified	2	.17	2	.15	4	.16							2	.06	2	.03	4	.06
Fracture of arm or forearm	30	2.59	20	1.46	50	1.98	3	0.14	22	0.92	25	0.56	33	1.02	42	1.12	75	1.07
Other injuries to either arm or forearm	26	2.25	32	2.33	58	2.29	93	4.48	128	5.37	221	4.96	119	3.68	160	4.26	279	3.99
Loss of right hand			2	.15	2	.08									2	.05	2	.03
Loss of left hand or not specified	2	.17	1	.07	3	.12							2	.06	1	.03	3	.04
Fracture of bones of hand	24	2.07	11	.80	35	1.38	2	.10	9	.38	11	.25	26	.80	20	.53	46	.66
Other injuries to hand	70	6.04	99	7.22	169	6.68	200	9.64	158	6.63	358	8.03	270	8.35	257	6.85	527	7.54
Loss of 1 finger, right hand	26	2.24	11	.80	37	1.46	4	.19	7	.29	11	.25	30	.93	18	.48	48	.69
Loss of 1 finger, left hand	16	1.38	28	2.04	44	1.74	2	.10	4	.17	6	.13	18	.56	32	.85	50	.71
Loss of more than 1 finger, right hand	6	.52	4	.29	10	.39							6	.19	4	.11	10	.14
Loss of more than 1 finger, left hand	5	.43	9	.66	14	.55							5	.15	9	.24	14	.20
Loss of finger or fingers, both hands, or either hand, not specified	5	.43	3	.22	8	.32	3	.14	1	.04	4	.09	8	.25	4	.11	12	.17

TABLE VIII.—NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES AND NUMBER AND PER CENT OF TOTAL ACCIDENTS REPORTED DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

1909–10—Concluded.

Nature of injury.	Compensated cases.						Noncompensated cases.						Total accidents reported.					
	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
UPPER EXTREMITIES—concluded.																		
Fracture of fingers	63	5.44	56	4.08	119	4.70	5	0.24	15	0.63	20	0.45	68	2.10	71	1.89	139	1.99
All other injuries to fingers	83	7.17	192	13.99	275	10.87	283	13.63	250	10.49	533	11.95	366	11.32	442	11.77	808	11.56
All other injuries to upper extremities	8	.69	15	1.09	23	.91	2	.10	2	.08	4	.09	10	.31	17	.45	27	.39
Total	369	31.86	486	35.42	855	33.79	597	28.76	596	25.01	1,193	26.76	966	29.87	1,082	28.82	2,048	29.30
LOWER EXTREMITIES.																		
Loss of either leg	13	1.12	1	.07	14	.55	2	.10	.....	.....	2	.04	15	.47	1	.03	16	.23
Loss of both legs	3	.26	.....	.....	3	.12	2	.10	2	.08	4	.09	5	.15	2	.05	7	.10
Fracture of either thigh	5	.43	5	.36	10	.40	.....	.....	1	.04	1	.02	5	.15	6	.16	11	.16
Fracture of either leg	39	3.37	22	1.60	61	2.41	.....	.....	30	1.26	30	.67	39	1.21	52	1.38	91	1.30
Fracture of both thighs or legs	.....	.....	1	.07	1	.04	1	.05	2	.08	3	.07	1	.03	3	.08	4	.06
Other injuries to thigh or leg	122	10.54	128	9.33	250	9.88	203	9.77	262	10.99	465	10.43	325	10.05	390	10.39	715	10.23
Loss of foot	3	.26	.....	.....	3	.12	.....	.....	.....	.....	.....	.....	3	.09	.....	.....	3	.04
Fracture of bones of foot	68	5.87	48	3.50	116	4.59	6	.29	21	.88	27	.61	74	2.29	69	1.84	143	2.05
Other injuries to foot	123	10.62	207	15.09	330	13.04	542	26.10	330	13.85	872	19.56	665	20.56	537	14.30	1,202	17.20
Loss of toe or toes	11	.95	3	.22	14	.55	2	.10	1	.04	3	.07	13	.40	4	.11	17	.24
All other injuries to lower extremities	19	1.64	9	.66	28	1.11	1	.05	1	.04	2	.04	20	.62	10	.26	30	.43
Total	406	35.06	424	30.90	830	32.81	759	36.56	650	27.28	1,409	31.60	1,165	36.02	1,074	28.60	2,239	32.04
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																		
Including loss of any part	1	.09	.....	.....	1	.04	.....	.....	.....	.....	.....	.....	1	.03	.....	.....	1	.01
Including fractures	1	.09	1	.07	2	.08	.....	.....	2	.08	2	.04	1	.03	3	.08	4	.06

All other injuries to the extremities	6	.52	8	.59	14	.55	12	.58	39	1.64	51	1.14	18	.56	47	1.25	65	.98
Total	8	.69	9	.66	17	.67	12	.58	41	1.72	53	1.18	20	.62	50	1.33	70	1.00
TRUNK.																		
Fracture of rib	15	1.30	39	2.84	54	2.14	2	.10	61	2.56	63	1.41	17	.53	100	2.66	117	1.67
Other chest injuries	18	1.55	6	.44	24	.95	17	.82	23	.97	40	.90	35	1.08	29	.77	64	.92
Injuries to back	22	1.90	39	2.84	61	2.41	80	3.85	135	5.67	215	4.82	102	3.15	174	4.64	276	3.95
Hernias	93	8.03	27	1.97	120	4.74	13	.62	21	.88	34	.76	106	3.28	48	1.28	154	2.20
Other abdominal injuries	6	.52	4	.29	10	.39	6	.29	6	.25	12	.27	12	.37	10	.27	22	.31
All other injuries to trunk	8	.69	46	3.35	54	2.14	45	2.17	123	5.16	168	3.77	53	1.64	169	4.50	222	3.18
Total	162	13.99	161	11.73	323	12.77	163	7.85	369	15.48	532	11.93	325	10.05	530	14.12	855	12.23
EYES.																		
Loss of either eye	5	.43	3	.22	8	.31			2	.08	2	.04	5	.16	5	.13	10	.14
Other injuries to either eye	37	3.20	55	4.01	92	3.64	137	6.60	113	4.74	250	5.61	174	5.38	168	4.78	342	4.90
Loss of both eyes	2	.17			2	.08							2	.06			2	.03
Other injuries to both eyes	4	.35	3	.22	7	.28	17	.82	11	.46	28	.63	21	.65	14	.37	35	.50
Total	48	4.15	61	4.45	109	4.31	154	7.42	126	5.29	280	6.28	202	6.25	187	4.98	389	5.57
HEAD.																		
Fracture of skull	18	1.55	8	.58	26	1.03	3	.14	12	.50	15	.34	21	.65	20	.53	41	.58
Fracture of other bones	7	.60	1	.07	8	.31	1	.05	1	.04	2	.04	8	.25	2	.05	10	.14
Concussion of brain without fracture	3	.26	6	.44	9	.36			2	.08	2	.04	3	.09	8	.21	11	.16
All other injuries to head	20	1.73	58	4.23	78	3.08	182	8.77	125	5.25	307	6.89	202	6.24	183	4.88	385	5.51
Total	48	4.15	73	5.32	121	4.78	186	8.96	140	5.87	326	7.31	234	7.23	213	5.67	447	6.39
NECK.																		
All injuries	2	.17	2	.15	4	.16	5	.24	9	.38	14	.32	7	.22	11	.29	18	.26
MISCELLANEOUS.																		
Internal injuries	6	.52	6	.44	12	.47	6	.29	13	.55	19	.43	12	.37	19	.50	31	.44
Poisoning			8	.58	8	.32	2	.10	8	.34	10	.22	2	.06	16	.43	18	.26
All other (including multiple injuries)	109	9.41	140	10.20	249	9.84	83	3.99	401	16.82	484	10.85	192	5.94	541	14.41	733	10.49
Not reported			2	.15	2	.08	109	5.25	30	1.26	139	3.12	109	3.37	32	.85	141	2.02
Total	115	9.93	156	11.37	271	10.71	200	9.63	452	18.97	652	14.62	315	9.74	608	16.19	923	13.21
	1,158	100.00	1,372	100.00	2,530	100.00	2,076	100.00	2,383	100.00	4,459	100.00	3,234	100.00	3,755	100.00	6,989	100.00

TABLE VIII.—NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES AND NUMBER AND PER CENT OF TOTAL ACCIDENTS REPORTED DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

1910–11.

Nature of injury.	Compensated cases.						Noncompensated cases.						Total accidents reported.					
	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
UPPER EXTREMITIES.																		
Loss of right arm	2	0.15	2	0.13	4	0.14	2	0.05			2	0.03	4	0.07	2	0.05	6	0.07
Loss of left arm, or not specified	1	.07			1	.03	1	.02			1	.01	2	.04			2	.02
Fracture of arm or forearm	39	2.88	22	1.38	61	2.07	5	.12	24	1.09	29	.45	44	.79	46	1.21	90	.96
Other injuries to either arm or forearm	31	2.29	49	3.07	80	2.71	127	3.00	70	3.19	197	3.06	158	2.82	119	3.14	277	2.95
Loss of right hand	1	.07	2	.13	3	.10							1	.02	2	.05	3	.03
Loss of left hand, or not specified	1	.07			1	.03							1	.02			1	.01
Fracture of bones of hand	23	1.70	10	.63	33	1.12	5	.12	8	.37	13	.20	28	.50	18	.47	46	.49
Other injuries to hand	53	3.92	124	7.77	177	6.00	374	8.82	172	7.85	546	8.49	427	7.63	296	7.82	723	7.71
Loss of 1 finger, right hand	17	1.26	13	.81	30	1.02	5	.12	12	.55	17	.26	22	.39	25	.66	47	.50
Loss of 1 finger, left hand	20	1.48	10	.63	30	1.02	1	.02	2	.09	3	.05	21	.38	12	.32	33	.35
Loss of more than 1 finger, right hand	10	.74	4	.25	14	.48							10	.18	4	.11	14	.15
Loss of more than 1 finger, left hand	9	.67	4	.25	13	.44	1	.02			1	.02	10	.18	4	.11	14	.15
Loss of finger or fingers, both hands or either hand, not specified			4	.25	4	.14	1	.02			1	.02	1	.02	4	.11	5	.05
Fracture of fingers	80	5.92	90	5.64	170	5.77	15	.35	15	.68	30	.47	95	1.70	105	2.77	200	2.13
All other injuries to fingers	154	11.38	232	14.55	386	13.09	621	14.64	261	11.91	882	13.71	775	13.85	493	13.02	1,268	13.52
All other injuries to upper extremities	1	.07	22	1.38	23	.78	8	.19	9	.41	17	.26	9	.16	31	.82	40	.43
Total	442	32.67	588	36.87	1,030	34.94	1,166	27.49	573	26.14	1,739	27.03	1,608	28.75	1,161	30.66	2,769	29.52
LOWER EXTREMITIES.																		
Loss of either leg	16	1.18	3	.19	19	.64	3	.07	1	.05	4	.06	19	.34	4	.10	23	.25
Loss of both legs	5	.37			5	.17	3	.07			3	.05	8	.14			8	.09
Fracture of either thigh	7	.52	4	.25	11	.37			6	.27	6	.09	7	.12	10	.26	17	.18
Fracture of either leg	62	4.58	38	2.38	100	3.39	2	.05	23	1.05	25	.39	64	1.14	61	1.61	125	1.33
Fracture of both thighs or legs			1	.06	1	.03									1	.03	1	.01
Other injuries to thigh or leg	139	10.27	124	7.78	263	8.92	447	10.54	189	8.62	636	9.89	586	10.48	313	8.26	899	9.58
Loss of foot	3	.22	1	.06	4	.14	3	.07			3	.05	6	.11	1	.03	7	.07
Fracture of bones of foot	71	5.25	73	4.58	144	4.89	5	.12	14	.64	19	.30	76	1.36	87	2.30	163	1.74
Other injuries to foot	174	12.86	238	14.92	412	13.98	1,053	24.83	327	14.92	1,380	21.45	1,227	21.93	565	14.92	1,792	19.10

Loss of toe or toes	9	.67	4	.25	13	.44	6	.14	2	.09	8	.12	15	.27	6	.16	21	.22
All other injuries to lower extremities	8	.59	14	.88	22	.75	17	.40	15	.68	32	.50	25	.45	29	.77	54	.58
Total	494	36.51	500	31.35	994	33.72	1,539	36.29	577	26.32	2,116	32.90	2,033	36.34	1,077	28.44	3,110	33.15
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																		
Including fractures	1	.52	3	.19	4	.14							1	.02	3	.08	4	.04
All other injuries to the extremities	7	.07	9	.56	16	.54	13	.31	18	.82	31	.48	20	.36	27	.71	47	.50
Total	8	.59	12	.75	20	.68	13	.31	18	.82	31	.48	21	.38	30	.79	51	.54
TRUNK.																		
Fracture of rib	13	.96	30	1.88	43	1.46	8	.19	39	1.78	47	.73	21	.37	69	1.82	90	.96
Other chest injuries	12	.89	4	.25	16	.54	79	1.86	19	.87	98	1.52	91	1.63	23	.61	114	1.22
Injuries to back	18	1.33	55	3.45	73	2.48	162	3.82	120	5.93	292	4.54	180	3.22	185	4.89	365	3.89
Hernias	107	7.91	27	1.69	134	4.54	39	.92	14	.64	53	.83	146	2.61	41	1.08	187	2.00
Other abdominal injuries	7	.51	5	.31	12	.41	19	.45	3	.14	22	.34	26	.46	8	.21	34	.36
All other injuries to trunk	38	2.81	92	5.77	130	4.41	155	3.65	159	7.25	314	4.88	193	3.45	251	6.63	444	4.73
Total	195	14.41	213	13.35	408	13.84	462	10.89	364	16.61	826	12.84	657	11.74	577	15.24	1,234	13.1
EYES.																		
Loss of either eye	10	.74	4	.25	14	.48			2	.09	2	.03	10	.18	6	.16	16	.17
Other injuries to either eye	31	2.29	61	3.82	92	3.12	316	7.45	108	4.92	424	6.59	347	6.20	169	4.46	516	5.50
Other injuries to both eyes	4	.30	7	.44	11	.37	30	.71	8	.37	38	.59	34	.61	15	.40	49	.52
Total	45	3.33	72	4.51	117	3.97	346	8.16	118	5.38	464	7.21	391	6.99	190	5.02	581	6.19
HEAD.																		
Fracture of skull	18	1.33	16	1.01	34	1.15	6	.14	12	.55	18	.28	24	.43	28	.74	52	.55
Fracture of other bones	4	.30	1	.25	5	.17			1	.05	1	.01	4	.07	2	.05	6	.06
Concussion of brain without fracture	2	.15			2	.07			5	.23	5	.08	2	.04	5	.13	7	.08
All other injuries to head	18	1.33	48	3.01	66	2.24	330	7.78	145	6.61	475	7.38	348	6.22	193	5.10	541	5.77
Total	42	3.11	65	4.08	107	3.63	336	7.92	163	7.44	499	7.75	378	6.76	228	6.02	606	6.46
NECK.																		
All injuries	1	.07	2	.12	3	.10	8	.19	5	.23	13	.20	9	.16	7	.18	16	.17
MISCELLANEOUS.																		
Internal injuries	8	.59	9	.56	17	.58	1	.03	13	.59	14	.22	9	.16	22	.58	31	.33
Poisoning									10	.46	10	.16			10	.26	10	.11
All other (including multiple injuries)	114	8.42	132	8.28	246	8.34	199	4.69	339	15.46	538	8.36	313	5.59	471	12.44	784	8.36
Not reported	4	.30	2	.13	6	.20	171	4.03	12	.55	183	2.84	175	3.13	14	.37	189	2.01
Total	126	9.31	143	8.97	269	9.12	3.71	8.75	374	17.06	745	11.58	497	8.88	517	13.65	1,014	10.81
Grand total	1,353	100.00	1,595	100.00	2,948	100.00	4,241	100.00	2,192	100.00	6,433	100.00	5,594	100.00	3,787	100.00	9,381	100.00

TABLE VIII.—NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES AND NUMBER AND PER CENT OF TOTAL ACCIDENTS REPORTED DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

1911-12.

Nature of injury.	Compensated cases.						Noncompensated cases.						Total accidents reported.					
	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
UPPER EXTREMITIES.																		
Loss of right arm	2	0.13			2	0.06	1	0.05			1	0.02	3	0.09			3	0.04
Loss of left arm or not specified	3	.20			3	.09							3	.09			3	.04
Fracture of arm or forearm	40	2.65	28	1.42	68	1.95	2	.11	27	1.00	29	.64	42	1.27	55	1.18	97	1.21
Other injuries to arm or forearm	34	2.25	53	2.69	87	2.50	55	3.04	79	2.92	134	2.97	89	2.68	132	2.82	221	2.76
Loss of right hand	4	.27			4	.11							4	.12			4	.05
Loss of left hand or not specified			1	.05	1	.03									1	.02	1	.01
Fracture of hand	27	1.79	14	.71	41	1.18	1	.05	9	.33	10	.22	28	.85	23	.49	51	.64
Other injuries to hand	79	5.23	151	7.66	230	6.61	179	9.91	203	7.49	382	8.46	258	7.78	354	7.56	612	7.65
Loss of 1 finger, right hand	12	.79	7	.36	19	.55			4	.15	4	.09	12	.36	11	.24	23	.29
Loss of 1 finger, left hand	11	.73	8	.41	19	.54	1	.06	1	.04	2	.04	12	.36	9	.19	21	.26
Loss of more than 1 finger, right hand	5	.33	1	.05	6	.17	1	.06	3	.11	4	.09	6	.18	4	.09	10	.12
Loss of more than 1 finger, left hand	2	.13	1	.05	3	.09							2	.06	1	.02	3	.04
Loss of finger or fingers, both hands or either hand, not specified	3	.20			3	.09							3	.09			3	.04
Fracture of fingers	64	4.24	55	2.79	119	3.42	3	.17	6	.22	9	.20	67	2.02	61	1.30	128	1.60
Other injuries to fingers	289	19.14	386	19.58	675	19.39	260	14.39	342	12.62	602	13.33	549	16.55	728	15.56	1,277	15.97
Other injuries to upper extremities	13	.86	22	1.12	35	1.00	6	.33	22	.81	28	.62	19	.57	44	.94	63	.79
Total	588	38.94	727	36.89	1,315	37.78	509	28.17	696	25.69	1,205	26.68	1,097	33.07	1,423	30.41	2,520	31.51
LOWER EXTREMITIES.																		
Loss of either leg	7	.47	4	.20	11	.32	3	.17			3	.07	10	.30	4	.09	14	.17
Loss of both legs	2	.13			2	.06	3	.17			3	.07	5	.15			5	.06
Fracture of either thigh	9	.60	7	.36	16	.46	1	.05	5	.19	6	.13	10	.30	12	.26	22	.27
Fracture of either leg	62	4.11	31	1.57	93	2.67	5	.28	31	1.15	36	.80	67	2.02	62	1.32	129	1.61
Fracture of both thighs or legs	2	.13	2	.10	4	.11	1	.06	1	.04	2	.04	3	.09	3	.06	6	.08

Other injuries to thigh or leg	127	8.41	195	9.90	322	9.25	166	9.19	205	7.56	371	8.22	293	8.83	400	8.55	693	8.67
Loss of foot	2	.13	1	.05	3	.09	1	.05	2	.07	3	.07	3	.09	3	.06	6	.08
Loss of feet									1	.04	1	.02			1	.02	1	.01
Fracture of bones of foot	23	1.52	16	.81	39	1.12	1	.05	3	.11	4	.09	24	.73	19	.41	43	.54
Other injuries to foot	180	11.92	228	11.57	408	11.72	370	20.48	313	11.56	683	15.12	550	16.58	541	11.56	1,091	13.64
Loss of toe or toes	1	.07	4	.20	5	.14			2	.07	2	.04	1	.03	6	.13	7	.09
All other injuries to lower extremities	95	6.29	157	7.97	252	7.24	88	4.87	119	4.39	207	4.58	183	5.52	276	5.90	459	5.74
Total	510	33.78	645	32.73	1,155	33.18	639	35.36	682	25.18	1,321	29.25	1,149	34.64	1,327	28.36	2,476	30.96
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																		
Including the loss of any part							1	.06			1	.02	1	.03			1	.01
Including fractures	1	.07	2	.10	3	.09	1	.05	1	.04	2	.04	2	.06	3	.06	5	.06
All other injuries to the extremities	14	.92	8	.41	22	.63	11	.61	25	.92	36	.80	25	.76	33	.71	58	.73
Total	15	.99	10	.51	25	.72	13	.72	26	.96	39	.86	28	.85	36	.77	64	.80
TRUNK.																		
Fracture of rib	14	.93	30	1.52	44	1.26	4	.22	39	1.44	43	.95	18	.55	69	1.47	87	1.09
Other chest injuries	23	1.52	47	2.38	70	2.01	50	2.77	55	2.03	105	2.32	73	2.20	102	2.18	175	2.19
Injuries to back	18	1.19	73	3.70	91	2.61	65	3.60	167	6.17	232	5.14	83	2.50	240	5.13	323	4.04
Hernias	81	5.36	31	1.57	112	3.22	63	3.49	31	1.14	94	2.08	144	4.34	62	1.32	206	2.57
Other abdominal injuries	1	.07	8	.41	9	.26	3	.16	19	.70	22	.49	4	.12	27	.58	31	.39
All other injuries to trunk	32	2.12	89	4.52	121	3.48	52	2.88	195	7.20	247	5.47	84	2.53	284	6.07	368	4.60
Total	169	11.19	278	14.10	447	12.84	237	13.12	506	18.68	743	16.45	406	12.24	784	16.75	1,190	14.88
EYES.																		
Loss of either eye	4	.26	4	.20	8	.23	1	.06	1	.04	2	.05	5	.15	5	.11	10	.12
Other injuries to either eye	42	2.78	56	2.84	98	2.82	133	7.36	115	4.24	248	5.49	175	5.28	171	3.65	346	4.33
Other injuries to both eyes	1	.07	7	.36	8	.23	14	.77	10	.37	24	.53	15	.45	17	.36	32	.40
Total	47	3.11	67	3.40	114	3.28	148	8.19	126	4.65	274	6.07	195	5.88	193	4.12	388	4.85
HEAD.																		
Fracture of skull	22	1.46	9	.46	31	.89	7	.39	13	.48	20	.44	29	.87	22	.47	51	.64
Fracture of other bones	6	.40	1	.05	7	.20	2	.11	2	.07	4	.09	8	.24	3	.06	11	.14
Concussion of brain, without fracture	4	.26	5	.25	9	.26	1	.06	16	.59	17	.38	5	.15	21	.45	26	.32
All other injuries to head	17	1.13	44	2.23	61	1.75	89	4.92	173	6.39	262	5.80	106	3.20	217	4.64	323	4.04
Total	49	3.25	59	2.99	108	3.10	99	5.48	204	7.53	303	6.71	148	4.46	263	5.62	411	5.14
NECK.																		
All injuries	2	.13	3	.15	5	.14	6	.33	6	.22	12	.27	8	.24	9	.19	17	.22

TABLE VIII.—NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES AND NUMBER AND PER CENT OF TOTAL ACCIDENTS REPORTED DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

1911-12—Concluded.

Nature of injury.	Compensated cases.						Noncompensated cases.						Total accidents reported.					
	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
MISCELLANEOUS.																		
Internal injuries	5	0.33	4	0.20	9	0.26	7	0.39	13	9.48	20	0.44	12	0.36	17	0.36	29	0.36
Poisoning			5	.25	5	.14			7	.26	7	.16			12	.26	12	.15
All other (including multiple injuries)	121	8.01	155	7.87	276	7.93	76	4.20	411	15.17	487	10.78	197	5.94	566	12.09	763	9.54
Drowned	4	.27	17	.86	21	.60	6	.33	21	.77	27	.60	10	.30	38	.81	48	.60
Not reported			1	.05	1	.03	67	3.71	11	.41	78	1.73	67	2.02	12	.26	79	.99
Total	130	8.61	182	9.23	312	8.96	156	8.63	463	17.09	619	13.71	286	8.62	645	13.78	931	11.64
Grand total	1,510	100.00	1,971	100.00	3,481	100.00	1,807	100.00	2,709	100.00	4,516	100.00	3,317	100.00	4,680	100.00	7,997	100.00

1912-13.

Nature of injury.	Compensated cases.						Noncompensated cases.						Total accidents reported.					
	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
UPPER EXTREMITIES.																		
Loss of right arm	1	0.10			1	0.03							1	0.02			1	0.01
Fracture of arm or forearm	13	1.29	45	1.90	58	1.72	2	0.04	26	0.88	28	0.37	15	.27	71	1.33	86	.79
Other injuries to arm or forearm	20	1.99	89	3.75	109	3.22	127	2.80	127	4.29	254	3.39	147	2.65	216	4.05	363	3.34
Loss of right hand									1	.03	1	.01			1	.02	1	.01
Loss of left hand			2	.08	2	.06							2	.04	2	.02	2	.02
Fracture of bones of hand	28	2.78	15	.63	43	1.27	5	.11	4	.14	9	.12	33	.60	19	.36	52	.48
Other injuries to hand	50	4.97	173	7.29	223	6.60	476	10.49	229	7.74	705	9.41	526	9.49	402	7.54	928	8.53
Loss of 1 finger, right hand	11	1.09	12	.51	23	.68			3	.10	3	.04	11	.20	15	.28	26	.24
Loss of 1 finger, left hand	6	.60	12	.51	18	.53							6	.11	12	.23	18	.17
Loss of more than 1 finger, right hand									1	.03	1	.01			1	.02	1	.01
Loss of more than 1 finger, left hand			2	.08	2	.06			1	.03	1	.01			3	.06	3	.03

Loss of finger or fingers, both hands or either hand not specified	3	.30			3	.09			1	.03	1	.01	3	.05	1	.02	4	.04
Fracture of fingers	65	6.75	75	3.16	143	4.23	47	1.04	16	.54	63	.84	115	2.07	91	1.71	206	1.89
Other injuries to fingers	182	18.07	474	19.97	656	19.40	662	14.59	442	14.94	1,104	14.73	844	15.23	916	17.18	1,760	16.18
All other injuries to upper extremities	12	1.19	21	.88	33	.98	12	.26	7	.24	19	.25	24	.43	28	.53	52	.48
Total	394	39.12	920	38.75	1,314	38.86	1,331	29.34	858	29.00	2,189	29.21	1,725	31.12	1,778	33.34	3,503	32.21
LOWER EXTREMITIES.																		
Loss of either leg	1	.10	3	.13	4	.12							1	.02	3	.06	4	.04
Fracture of either thigh	3	.30	10	.42	13	.38			8	.27	8	.11	3	.05	18	.34	21	.19
Fracture of either leg	45	4.47	53	2.23	98	2.90			32	1.08	32	.43	45	.81	85	1.59	130	1.20
Fracture of both thighs or legs	1	.10			1	.03							1	.02			1	.01
Other injuries to thigh or leg	82	8.14	191	8.05	273	8.07	406	8.95	253	8.89	659	8.93	488	8.80	454	8.51	942	8.66
Loss of foot	2	.20	6	.25	8	.24							2	.04	6	.11	8	.07
Fracture of foot	22	2.18	31	1.31	53	1.57	6	.13	10	.34	16	.21	28	.51	41	.77	69	.63
Other injuries to foot	110	10.92	240	10.11	350	10.35	1,021	22.51	360	12.17	1,381	18.43	1,131	20.40	600	11.25	1,731	15.92
Loss of toe or toes	4	.40	11	.46	15	.44							4	.07	11	.21	15	.14
Other injuries to lower extremities	69	6.85	161	6.78	230	6.80	193	4.25	148	5.00	341	4.55	262	4.73	309	5.79	571	5.25
Total	339	33.66	706	29.74	1,045	30.91	1,626	35.85	821	27.75	2,447	32.65	1,965	35.45	1,527	28.63	3,492	32.11
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																		
Including the loss of any part	1	.10			1	.03							1	.02			1	.01
Including fractures	4	.40	2	.08	6	.18			1	.03	1	.01	4	.07	3	.06	7	.06
All other injuries to the extremities	10	.99	19	.80	29	.86	18	.40	38	1.28	56	.75	28	.51	57	1.07	85	.78
Total	15	1.49	21	.88	36	1.06	18	.40	39	1.32	57	.76	33	.60	60	1.13	93	.85
TRUNK.																		
Fracture of rib	10	.99	53	2.23	63	1.86	3	.07	40	1.35	43	.57	13	.23	93	1.74	106	.97
Other chest injuries	12	1.19	55	2.32	67	1.98	97	2.14	79	2.67	176	2.35	109	1.97	134	2.51	243	2.23
Injuries to back	10	.99	106	4.47	116	3.43	147	3.24	175	5.91	322	4.30	157	2.83	281	5.27	438	4.03
Hernias	57	5.66	45	1.90	102	3.02	19	.42	30	1.01	49	.65	76	1.37	75	1.41	151	1.39
Other abdominal injuries	6	.60	13	.55	19	.56	25	.55	13	.44	38	.51	31	.56	26	.49	57	.52
All other injuries to trunk	16	1.59	80	3.37	96	2.84	107	2.36	154	5.20	261	3.48	123	2.22	234	4.39	357	3.28
Total	111	11.02	352	14.83	463	13.69	398	8.77	491	16.59	889	11.86	509	9.18	843	15.81	1,352	12.43
EYES.																		
Loss of either eye	4	.40	6	.25	10	.30			2	.07	2	.03	4	.07	8	.15	12	.11
Other injuries to either eye	25	2.48	83	3.50	108	3.19	392	8.64	157	5.31	549	7.32	417	7.52	240	4.50	657	6.05
Loss of both eyes			1	.04	1	.03									1	.02	1	.01
Other injuries to both eyes	1	.10	5	.21	6	.18	31	.68	12	.41	43	.57	32	.58	17	.32	49	.45
Total	30	2.98	95	4.00	125	3.70	423	9.33	171	5.78	594	7.93	453	8.17	266	4.99	719	6.61

TABLE VIII.—NUMBER AND PER CENT OF COMPENSATED AND NONCOMPENSATED CASES AND NUMBER AND PER CENT OF TOTAL ACCIDENTS REPORTED DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Concluded.

1912-13—Concluded.

Nature of injury.	Compensated cases.						Noncompensated cases.						Total accidents reported.					
	Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.		Isthmian Canal Commission.		All other departments, services, and establishments.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
HEAD.																		
Fracture of skull	6	0.60	11	0.46	17	0.50	2	0.04	7	0.24	9	0.12	8	0.14	18	0.34	26	0.24
Fracture of other bones	3	.30	7	.29	10	.30	1	.02	7	.24	8	.11	4	.07	14	.26	18	.17
Concussion of brain without fracture	1	.10	10	.42	11	.33	.....	.....	13	.44	13	.17	1	.02	23	.43	24	.22
All other injuries to head	16	1.59	57	2.40	73	2.16	266	5.86	151	5.10	417	5.56	282	5.09	208	3.90	490	4.51
Total	26	2.58	85	3.58	111	3.28	269	5.93	178	6.02	447	5.96	295	5.32	263	4.93	558	5.13
NECK.																		
All injuries	2	.20	6	.25	8	.24	8	.18	7	.24	15	.20	10	.18	13	.24	23	.2
MISCELLANEOUS.																		
Internal injuries	8	.79	11	.46	19	.56	10	.22	21	.71	31	.41	18	.32	32	.60	50	.46
Poisoning	.....	.....	3	.13	3	.09	.....	.....	6	.20	6	.08	.....	.....	9	.17	9	.08
All other (including multiple injuries)	71	7.05	158	6.66	229	6.77	116	2.56	331	11.19	447	5.96	187	3.37	489	9.17	676	6.22
Drowned	4	.40	17	.72	21	.62	.....	.....	20	.68	20	.27	4	.07	37	.69	41	.38
Not reported	7	.70	.....	.....	7	.21	337	7.43	16	.54	353	4.71	344	6.21	16	.30	360	3.31
Total	90	8.94	189	7.96	279	8.25	463	10.21	394	13.32	857	11.43	553	9.98	583	10.93	1,136	10.45
Grand total	1,007	100.00	2,374	100.00	3,381	100.00	4,536	100.00	2,959	100.00	7,495	100.00	5,543	100.00	5,333	100.00	10,876	100.00

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES.

A.—ISTHMIAN CANAL COMMISSION: 1908–9.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
UPPER EXTREMITIES.																						
Loss of either arm, not specified													1						1			2
Fracture of arm or forearm			1	2	2	3	4	1	2	2	2		2	2	2							25
Other injuries to either arm or forearm	25	8	5	5	3	1	2		1						1				1			51
Fracture of bones of hand	2	3	1		4	3																14
Other injuries to hand	36	31	16	10	2	2		2		1				1								101
Loss of 1 finger, right hand		1	1	3	2			1														8
Loss of 1 finger, left hand	1	3	1	1																		6
Loss of more than 1 finger, right hand	1	1	2	1															1			6
Loss of finger or fingers, both hands or either hand, not specified		4	10	8	3	3	1			2				1	1							33
Fracture of fingers	32	20	20	7	4	6	3	3	1	1												97
All other injuries to fingers	63	32	39	17	8	4	1	2	1													167
All other injuries, upper extremities	22	10		5		2	2	2					1									44
Total	182	113	96	59	28	24	13	11	5	6	2		4	4	4				3			554
LOWER EXTREMITIES.																						
Loss of either leg																	1	1	5			7
Loss of both legs																			2	3		5
Fracture of either thigh					1								2	1	3	2	2			1		12
Fracture of either leg		2	1					2	1	3	1		3	3	3	2	2	1	3			27
Fracture of both thighs or legs																		1				1
Other injuries to thigh or leg	85	41	30	22	10	5	7	2	1		4		1	2	2	1	2	1				216
Loss of foot							1										4		2			7
Fracture of bones of foot	4	9	14	8	9	8	3	3	1	6	1	3			2	1	2					74

[1] Eleven months.

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1908–9—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																		Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.				
LOWER EXTREMITIES—concluded.																						
Other injuries to foot	167	7	47	19	9	4	6	4	3			1		3			1					335
Loss of toe or toes			1	1		1																3
All other injuries, lower extremities	43	20	15	6	5	6	2	1	2	1		1					1	2		4		109
Total	209	143	108	56	34	24	18	12	8	10	6	5	6	9	10	6	15	6	12	8		795
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including loss of any part																			1	1		2
Including fractures						1	1											1		1		4
All other injuries to the extremities	3	2	2	2	1			1														11
Total	3	2	2	2	1	1	1	1										1	1	2		17
TRUNK.																						
Fracture of rib	2	2	3	3	5																	16
Other chest injuries	7	4	2	1			1	1			1									1		18
Injuries to back	34	19	10	6	2										2	1				5		81
Hernias				13	24	8	2		1	1										1	2	52
Other abdominal injuries	5	3	5			1						1										15
All other injuries to trunk	43	22	3	5	3	3		1					1	1						4		86
Total	91	50	23	27	34	13	3	2	2	1	1	1	1	2	2	1			1	11	2	268

EYES.																						
Loss of either eye					1		1	1							1							4
Other injuries to either eye	59	9	7	4	3	1	2	1	2	1									1			90
Other injuries to both eyes	6	1																				7
Total	65	10	7	4	4	1	3	2	2	1					1				1			101
HEAD.																						
Fracture of skull	1		1	1		1	1		1											6		12
Fracture of other bones		2	1		1					1												5
Concussion of brain without fracture	2	1			1															2		6
All other injuries to head	65	29	7	1	1					1										2		106
Total	68	32	9	2	3	1	1		1	2										10		129
NECK.																						
All injuries	4	2																		2		8
MISCELLANEOUS.																						
Internal injuries				1																6		7
All other (including multiple injuries)	48	39	20	7	1	5	5		1		1			1		1	2		2	31		165
Not reported	8	3	1									1								49		62
Total	56	42	21	8	1	5	5		1		1	1		1		1	2		2	86		234
Grand total	798	394	266	158	105	70	45	28	19	20	10	7	11	16	17	8	17	7	20	119	2	2,107

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1908-9.[1]

UPPER EXTREMITIES.																						
Fracture of arm or forearm	1	4	2	2	2	3	4	2	5	1	1				1	1	2	2	1			34
Other injuries to either arm or forearm	19	17	10	7	9	3	1		3				1	2			3	1				76
Loss of right hand					1																	1
Loss of either hand, not specified			1																			1
Fracture of bones of hand	1	1	3	1	2	1				2												11
Other injuries to hand	48	25	35	23	7	4	5	1	1		1		1	1			1		1			154
Loss of 1 finger, right hand									1													1
Loss of 1 finger, left hand			1																			1
Loss of more than 1 finger, left hand						1																1
Loss of finger or fingers, both hands or either hand, not specified	3	6	4	3	7	2	4	2		1	2	1	1	2	2	1						41

[1] Eleven months.

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1908–9—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
UPPER EXTREMITIES—concluded.																						
Fracture of fingers	15	4	12	10	10	5	2	2	3	1	3											67
All other injuries to fingers	121	48	55	39	22	13	5	3	3	1		2		3	3	1		1			1	321
All other injuries, upper extremities	18	4	9	10	5	3	6	1	3	1	2	1	1	2		1	3		1			71
Total	226	109	132	95	65	35	27	11	19	7	9	4	4	10	6	4	9	4	3		1	780
LOWER EXTREMITIES.																						
Loss of either leg											1								4			5
Loss of both legs																				1		1
Fracture of either thigh									1				2			1	2	1				7
Fracture of either leg			2	2	7	3	3	2	2	2		3	2	6	8	2	10	2	1	1		58
Fracture of both thighs or legs																			2	1		3
Other injuries to thigh or leg	75	23	19	19	13	4	5	6	4	1	2	1	2	3	2	1	4		2	1		187
Loss of foot																	1		1			2
Fracture of bones of foot	16	2	8	9	8	6	4	4	1	2	3			1					1			65
Other injuries to foot	130	48	38	28	12	15	5	5	7	3	1	2	1	1			2	2				300
Loss of toe or toes	1																					1
All other injuries, lower extremities	28	16	26	21	16	7	6	2	2	1		1	2	4	2	1	3	1				139
Total	250	89	93	79	56	35	23	19	17	9	7	7	9	15	12	5	22	6	11	4		768
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures			1	1	1	1										1						5
All other injuries to the extremities	8	10		6	1	2	2		1	2				2								34
Total	8	10	1	7	2	3	2		1	2				2		1						39

TRUNK.																							
Fracture of rib	1	11	11	10	6	7	5	4	5	3	.....	1	1	1	.....	1	1	1	.....	.....	.....	69
Other chest injuries	10	2	5	5	2	.....	1	1	.....	.....	.....	1	.....	1	.....	.....	1	.....	1	1	1	32
Injuries to back	48	36	24	12	10	4	3	3	2	2	2	.....	1	6	3	1	1	4	1	2	.....	166
Hernias	2	2	1	4	5	5	4	1	2	.....	.....	1	2	2	.....	1	1	1	.....	1	.....	35
Other abdominal injuries	6	5	1	4	1	1	3	.....	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	4	.....	27
All other injuries to trunk	35	20	18	14	11	9	5	5	3	1	2	.....	2	2	2	4	2	1	1	1	.....	38
Total	102	76	60	49	35	26	21	14	14	6	4	3	6	12	5	8	6	7	3	9	1	467
EYES.																							
Loss of either eye	.....	.....	.....	.....	.....	1	.....	.....	1	.....	.....	1	1	1	.....	1	.....	.....	1	.....	.....	7
Other injuries to either eye	45	9	22	10	7	3	2	4	2	2	.....	.....	.....	1	2	1	1	.....	.....	.....	.....	111
Other injuries to both eyes	4	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
Total	49	9	22	11	7	4	2	4	3	2	.....	1	1	2	2	2	1	.....	1	.....	.....	123
HEAD.																							
Fracture of skull	.....	.....	.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	14	.....	18
Fracture of other bones	2	2	.....	1	.....	.....	1	.....	.....	.....	.....	.....	.....	1	.....	1	1	.....	1	.....	.....	10
Concussion of brain without fracture	3	1	.....	.....	1	2	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	12
All other injuries	62	23	18	8	7	2	3	1	1	3	.....	1	.....	1	.....	.....	1	.....	.....	2	.....	133
Total	67	26	18	10	8	4	5	2	2	3	.....	1	.....	2	.....	1	4	.....	1	19	.....	173
NECK.																							
All injuries	2	1	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	6
MISCELLANEOUS.																							
Internal injuries	.....	2	4	.....	.....	.....	1	.....	2	.....	.....	.....	.....	2	2	.....	.....	1	.....	2	.....	16
Poisoning	.....	3	1	.....	.....	.....	.....	.....	.....	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
All other (including multiple injuries)	58	44	39	22	41	12	3	7	16	5	4	2	8	5	9	9	23	2	4	59	.....	372
Not reported	4	2	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	21	.....	29
Total	62	51	44	22	41	13	4	7	18	6	6	2	9	7	11	9	23	3	4	82	.....	424
Grand total	766	371	371	274	214	120	84	57	74	35	26	18	29	50	36	30	66	20	23	114	2	2,780

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

C.—COMPENSATED CASES: 1908–9.

Nature of injury.	Number of cases in which classified duration of disability was—																						
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
UPPER EXTREMITIES.																							
Loss of either arm, not specified																			1			1
Fracture of arm or forearm			2	2	2	4	7	3	4	1	3			2	1		2	1	1			35
Other injuries to either arm or forearm			8	7	7	3	3		3					1			2	1	1			36
Loss of either hand, not specified			1																			1
Fracture of bones of hand			1		6	4				2												13
Other injuries to hand			39	29	10	5	4	2	1	1				2			1		1			95
Loss of 1 finger, right hand			1	3	2			1														7
Loss of 1 finger, left hand			2	1																		3
Loss of more than 1 finger, right hand			2	1															1			4
Loss of more than 1 finger, left hand						1																1
Loss of finger or fingers, both hands or either hand, not specified			12	11	9	5	3	2		3	2	1	1	3	3	1						56
Fracture of fingers			28	14	12	11	5	5	3	2	2											82
All other injuries to fingers			72	50	24	15	5	5	4	1		2		2	2	1		1				184
All other injuries, upper extremities			6	10	3	5	7	2	1	1	2	1	1	2		1	1		1			44
Total			174	128	75	53	34	20	16	11	9	4	2	12	6	3	6	3	6			562
LOWER EXTREMITIES.																							
Loss of either leg											1						1	1	8			11
Loss of both legs																			2			2
Fracture of either thigh					1				1				3	1	3	3	3	1		1		17
Fracture of either leg			1	1	4	2	1	3	1	2	1		4	5	5	3	9	3	4			49

Fracture of both thighs or legs																			1	1			2
Other injuries to thigh or leg			37	34	16	5	7	4	2	1	5		2	4	2	1	5		1	2	1		129
Loss of foot							1										4			3			8
Fracture of bones of foot			16	15	16	12	6	6	2	7	4	3		[1]4			1			1			90
Other injuries to foot			66	39	16	15	10	7	9		1	3		3			2	1					172
Loss of toe or toes			1	1		1																	3
All other injuries, lower extremities			32	18	16	8	7		2	1		1	2	4	1	1	4	3			1		101
Total			152	106	69	43	32	20	17	11	12	7	11	18	11	8	20	11	21	8			584
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part																			1				1
Including fractures					1	2	1									1		1					6
All other injuries to the extremities			2	3	2	1	1	1	1					2									13
Total			2	3	3	3	2	1	1					2		1		1	1				20
TRUNK.																							
Fracture of rib			6	10	6	5	2	2	3	2		1		1		1	1						40
Other chest injuries			4	6	1		2	2			1						1		1	2			20
Injuries to back			15	12	6	3		2			1			3	2	1		2	1	2			50
Hernias			1	14	24	9	4	1	2	1			2	1		1		1		1			62
Other abdominal injuries			4	3	1	1	1					1				1				2			14
All other injuries to trunk			16	11	5	10	3	1	1				1	2	1	3		1		1			56
Total			46	56	43	28	12	8	6	3	2	2	3	7	3	7	2	4	2	8			242
EYES.																							
Loss of either eye					1		1	1	1			1	1	1	1	1							9
Other injuries to either eye			17	14	10	3	4	5	4	2				1	2				1				63
Other injuries to both eyes				1																			1
Total			17	15	11	3	5	6	5	2		1	1	2	3	1			1				73
HEAD.																							
Fracture of skull			1						1								1			6			9
Fracture of other bones			1	1	1		1			1						1	1		1				8
Concussion of brain without fracture					2	2			1											2			7
All other injuries to the head			15	6	5		1	1	1	3													33
Total			17	7	8	3	2	1	3	4						1	2		1	8			57
NECK.																							
All injuries			1	1													1			1			4

[1] Eleven months.

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

C.—COMPENSATED CASES: 1908–9—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
MISCELLANEOUS.																						
Internal injuries			2	1			1		1					1	1					2		9
Poisoning											1											1
All others (including multiple injuries)			30	18	10	10	7		1	2	2	1	1	3	1	2	2		6	17		113
Not reported						1						1								25		27
Total			32	19	10	11	8		2	2	3	2	1	4	2	2	2		6	44		150
Grand total			442	337	219	144	95	56	50	33	26	16	18	45	25	23	42	19	38	64		1,692

D.—NONCOMPENSATED CASES: 1908–9.[1]

UPPER EXTREMITIES.																						
Loss of either arm, not specified													1									1
Fracture of arm or forearm	1	4	1	2	2	2	1		3	2			2		2	1		1				24
Other injuries to either arm or forearm	44	25	7	5	5	1			1				1	1			1					91
Loss of right hand					1																	1
Fracture of bones of hand	3	4	3	1											1							12
Other injuries to hand	84	56	12	4			1	1			1		1									160
Loss of 1 finger, right hand		1							1													2
Loss of 1 finger, left hand	1	3																				4
Loss of more than 1 finger, right hand	1																					2

Loss of finger or fingers, both hands or either hand, not specified	3	10	2		1		2																18
Fracture of fingers	47	24	4	3	2				1		1												82
All other injuries to fingers	184	80	22	6	6	2	1							1	1							1	304
All other injuries, upper extremities	40	14	3	5	2		1	1	2				1				2						71
Total	408	222	54	26	19	5	6	2	8	2	2		6	2	4	1	3	1				1	772
LOWER EXTREMITIES.																							
Loss of either leg																			1				1
Loss of both legs																				4			4
Fracture of either thigh													1				1						2
Fracture of either leg		2	2	1	3	1	2	1	2	3		3	1	4	6	1	3			1			36
Fracture of both thighs or legs																			1	1			2
Other injuries to thigh or leg	160	64	12	7	7	4	5	4	3		1	1	1	1	2	1	1						274
Loss of foot																	1						1
Fracture of bones of foot	20	11	5	2	1	2	1	1		1					2	1	1						49
Other injuries to foot	297	119	19	8	5	4	1	2	1	3			1	1			1	1					463
Loss of toe or toes	1																						1
All other injuries, lower extremities	71	36	9	9	5	5	1	3	2	1		1			1					3			147
Total	549	232	48	27	21	16	10	11	8	8	1	5	4	6	11	3	8	1	2	9			980
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part																				1			1
Including fractures			1	1																1			3
All other injuries to the extremities	11	12		5		1	1			2													32
Total	11	12	1	6		1	1			2										2			36
TRUNK.																							
Fracture of rib	3	13	8	3	5	2	3	2	3	1			1					1					45
Other chest injuries	17	6	3		1							1		1								1	30
Injuries to back	82	55	19	6	6	2	3	1	3	2	1		1	3	3	1	1	2	1	5			197
Hernias	2	2		2	5	4	2		1			1		2			1			1	2		25
Other abdominal injuries	11	8	2	1		1	2		1											2			28
All other injuries to trunk	78	42	5	8	9	2	2	5	2	1	2		1	2	1	1	2		1	4			168
Total	193	126	37	20	26	11	12	8	10	4	3	2	3	8	4	2	4	3	2	12	3		493
EYES.																							
Loss of either eye						1													1				2
Other injuries to either eye	104	18	12			1				1						1	1						138
Other injuries to both eyes	10	1																					11
Total	114	19	12			2				1						1	1		1				151

[1] Eleven months.

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

D.—NONCOMPENSATED CASES: 1908–9—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
HEAD.																						
Fracture of skull	1		1	2			1	1									1			14		21
Fracture of other bones	2	4												1								7
Concussion of brain without fracture	5	2					1													3		11
All other injuries to the head	127	52	9	3	3	2	2			1		1		1			1			4		206
Total	135	58	10	5	3	2	4	1		1		1		2			2			21		245
NECK.																						
All injuries	6	3																		1		10
MISCELLANEOUS.																						
Internal injuries		2	2						1					1	1			1		6		14
Poisoning		3	1							1	1											6
All other (including multiple injuries)	106	83	29	11	32	8	1	7	16	3	3	1	7	3	8	8	23	2		73		424
Not reported	12	5	1										1							45		64
Total	118	93	33	11	32	8	1	7	17	4	4	1	8	4	9	8	23	3		124		508
Grand total	1,534	765	195	95	101	45	34	29	43	22	10	9	21	22	28	15	41	8	5	169	4	3,195

E.—TOTAL ACCIDENTS REPORTED: 1908-9.[1]

UPPER EXTREMITIES.																						
Loss of either arm, not specified													1						1			2
Fracture of arm or forearm	1	4	3	4	4	5	8	3	7	3	3		2	2	3	1	2	2	1			59
Other injuries to either arm or forearm	44	25	15	12	12	4	3		4				1	2			3	1	1			127
Loss of right hand					1																	1
Loss of either hand, not specified			1																			1
Fracture of bones of hand	3	4	4	1	6	4				2					1							25
Other injuries to hand	84	56	51	33	9	6	5	3	1	1	1		1	2			1		1			255
Loss of 1 finger, right hand		1	1	2	2			1	1													9
Loss of 1 finger, left hand	1	3	2	1																		7
Loss of more than 1 finger, right hand	1	1	2	1															1			6
Loss of more than 1 finger, left hand						1																1
Loss of finger or fingers, both hands or either hand, not specified	3	10	14	11	10	5	5	2		3	2	1	1	3	3	1						74
Fracture of fingers	47	24	32	17	14	11	5	5	4	2	3											164
All other injuries to fingers	134	80	94	56	30	17	6	5	4	1		2		3	3	1		1			1	488
All other injuries, upper extremities	40	14	9	15	5	5	8	3	3	1	2	1	2	2		1	3		1			115
Total	408	222	228	154	93	59	40	22	24	13	11	4	8	14	10	4	9	4	6		1	1,334
LOWER EXTREMITIES.																						
Loss of either leg											1						1	1	9			12
Loss of both legs																			2	4		6
Fracture of either thigh					1				1				4	1	3	3	4	1		1		19
Fracture of either leg		2	3	2	7	3	3	4	3	5	1	3	5	9	11	4	12	3	4	1		85
Fracture of both thighs or legs																		1	2	1		4
Other injuries to thigh or leg	160	64	49	41	23	9	12	8	5	1	6	1	8	5	4	2	6	1	2	1		403
Loss of foot							1										5		3			9
Fracture of bones of foot	20	11	22	17	17	14	7	7	2	8	4	3		1	2	1	2		1			139
Other injuries to foot	297	119	85	47	21	19	11	9	10	3	1	3	1	4			3	2				635
Loss of toe or toes	1		1	1		1																4
All other injuries, lower extremities	71	36	41	27	21	13	8	3	4	2		2	2	4	2	1	4	3		4		248
Total	549	232	201	135	90	59	42	31	25	19	13	12	15	24	22	11	37	12	23	12		1,564
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including loss of any part																			1	1		2
Including fractures			1	1	1	2	1									1		1		1		9
All other injuries to the extremities	11	12	2	8	2	2	2	1	1	2				2								45
Total	11	12	3	9	3	4	3	1	1	2				2		1		1	1	2		56

[1] Eleven months.

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

E.—TOTAL ACCIDENTS REPORTED: 1908–9—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																						
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
TRUNK.																							
Fracture of rib	3	13	14	13	11	7	5	4	6	3		1	1	1		1	1	1					85
Other chest injuries	17	6	7	6	2		2	2			1	1		1			1		1	2	1		50
Injuries to back	82	55	34	18	12	5	3	3	3	2	2		1	6	5	2	1	4	2	7			217
Hernias	2	2	1	16	29	13	6	1	3	1		1	2	3		1	1	1		2	2		87
Other abdominal injuries	11	8	6	4	1	2	3		1			1				1				4			42
All other injuries to trunk	78	42	21	19	14	12	5	6	3	1	2		3	3	2	4	2	1	1	5			224
Total	193	126	83	76	69	39	24	16	16	7	5	4	7	14	7	9	6	7	4	20	3		735
EYES.																							
Loss of either eye					1	1	1	1	1			1	1	1	1	1			1				11
Other injuries to either eye	104	18	29	14	10	4	4	5	4	3				1	2	1	1		1				201
Other injuries to both eyes	10	1		1																			12
Total	114	19	29	15	11	5	5	6	5	3		1	1	2	3	2	1		2				224
HEAD.																							
Fracture of skull	1		1	2		1	1	1	1								2			20			30
Fracture of other bones	2	4	1	1	1		1			1				1		1	1		1				15
Concussion of brain without fracture	5	2			2	2	1		1											5			18
All other injuries to the head	127	52	25	9	8	2	3	1	1	4		1		1			1			4			239
Total	135	58	27	12	11	5	6	2	3	5		1		2		1	4		1	29			302

NECK.																						
All injuries	6	3	1	1												1			2			14
MISCELLANEOUS.																						
Internal injuries		2	4	1			1		2					2	2			1		8		23
Poisoning		3	1							1	2											7
All other (including multiple injuries)	106	68	59	29	42	18	8	7	17	5	5	2	8	6	9	10	26	2	6	90		537
Not reported	12	5	1			1						1	1							70		91
Total	118	93	65	30	42	19	9	7	19	6	7	3	9	8	11	10	26	3	6	168		658
Grand total	1,584	765	637	432	319	190	129	85	93	55	36	25	40	66	58	85	88	27	43	233	4	4,887

A.—ISTHMIAN CANAL COMMISSION: 1909-10.

UPPER EXTREMITIES.																						
Loss of right arm					1														2			3
Loss of either arm, not specified																1			1			2
Fracture of arm or forearm		1	2	1	3	7	1	5	4	5	1			1	2	1			1			33
Other injuries to either arm or forearm	71	22	9	6	3	1	3		1				1				2					119
Loss of either hand, not specified														1					1			2
Fracture of bones of hand		1	4	7	2	5	2	1	1		1		1				1					25
Other injuries to hand	126	70	25	19	14	8	4		1		1		1		1							270
Loss of 1 finger, right hand	1	2	3	9	4	3		1											2			30
Loss of 1 finger, left hand		2	3	3	5	4	1															18
Loss of more than 1 finger, right hand			1				1	2	1			1										6
Loss of more than 1 finger, left hand			1	1	1			1								1						5
Loss of finger or fingers, both hands or either hand, not specified	1	2	2	2				1														8
Fracture of fingers	3	2	14	18	12	9	3	2	1	1		1							2			68
All other injuries to fingers	166	112	36	21	7	5	4	3	7		3			1								360
All other injuries, upper extremities	1		1	2				1	1	1	2						1					10
Total	369	214	106	89	52	43	19	17	17	5	6	2	3	3	3	2	5		9			966
LOWER EXTREMITIES.																						
Loss of either leg																	2		12	1		15
Loss of both legs																			3	2		5
Fracture of either thigh														1	2		2					5
Fracture of either leg			1	2	1	1	1	2	2	5		2		7	1	4	6	2				30
Fracture of both thighs or legs																				1		1
Other injuries to thigh or leg	135	62	84	20	17	10	5	9	4	5	1	4		2	1	1	3			1	1	325
Loss of foot											1								1	1		3

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1909-10—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																						
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
LOWER EXTREMITIES—concluded.																							
Fracture of bones of foot	1	5	8	13	13	10	3	1	8		1	1	3	2	2	1	2					74
Other injuries to foot	357	176	47	22	19	15	6	5	6	1	2	1	1	3	1	1	2					665
Loss of toe or toes		1	1	3	2	1	1	1	1			1		1								13
All other injuries, lower extremities		1	1		3	1	2			1	3			3					2	3		20
Total	493	245	92	60	55	38	19	18	21	12	8	9	4	19	7	7	19	2	18	9	1	1,165
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part						1																1
Including fractures						1																1
All other injuries to the extremities	10	1	1	3										2							1	18
Total	10	1	1	3		2								2							1	20
TRUNK.																							
Fracture of rib	2		4	4	3	3	1															17
Other chest injuries	11	4	1	5	6	4	2	1						1								35
Injuries to back	64	13	5	7	1		1	2			1		1				1		2	3	1	102
Hernias				33	35	20	2	3	8	1		1		2			3			1	2	108
Other abdominal injuries	5	1	1				2	1	1											1		12
All other injuries to trunk	31	14	4	1	1									1						1		53
Total	113	32	15	50	46	27	8	7	4	1	1	1	1	4			4		2	6	3	325

EYES.																						
Loss of either eye					1	1										1	2					5
Other injuries to either eye	118	18	15	10	3	2	2	2		1			1	1			1		2			174
Loss of both eyes																			2			2
Other injuries to both eyes	9	7		1	1			1								1			1			21
Total	127	25	15	11	5	3	2	3		1			1	1		2	3		3			202
HEAD.																						
Fracture of skull					3		2							1			1			14		21
Fracture of other bones		1	3	1		2												1				8
Concussion of brain without fracture					1														1	1		3
All other injuries to head	138	43	14	2	2				1							1	1					202
Total	138	44	17	3	6	2	2		1					1		1	2	1	1	15		234
NECK.																						
All injuries	2	2				1		1												1		7
MISCELLANEOUS.																						
Internal injuries	2																	1		9		1
Poisoning	2																					2
All other (including multiple injuries)	38	19	19	9	17	7	6	2	2	3	4	3	3	1	2	2	7	2	2	45	1	192
Not reported	70	38	1																			109
Total	110	57	20	9	17	7	6	2	2	3	4	3	3	1	2	2	7	3	2	54	1	315
Grand total	1,362	620	266	234	181	123	56	48	45	22	21	15	12	31	12	14	40	6	35	85	6	3,284

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1909-10.

UPPER EXTREMITIES.																						
Loss of right arm																			1			1
Loss of either arm, not specified																			2			2
Fracture of arm or forearm		3		2	6	3	3	6	2	2	1	2	1	4		2	3	2				42
Other injuries to either arm or forearm	51	24	22	24	10	3	2	4	6	1			3	4	2	1	2				1	160
Loss of right hand									1										1			2
Loss of either hand, not specified				1																		1
Fracture of bones of hand	1	1	1	2	6		2	1	3				2			1						20
Other injuries to hand	36	35	56	31	21	5	5	3	1	4	2	2	1	1	2						2	257
Loss of 1 finger, right hand	1	2	2	5	4	1			2						1							18
Loss of 1 finger, left hand	1	1	3	4	6	7	3	1	2		1				1	1					1	32

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1909-10—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
UPPER EXTREMITIES—concluded.																						
Loss of more than 1 finger, right hand			1		1													1	1			4
Loss of more than 1 finger, left hand						1		1	3					2	1		1					9
Loss of finger or fingers, both hands or either hand, not specified		1	1	1				1														4
Fracture of fingers	5	2	13	26	9	6	4		1	1		1			1		1				1	71
All other injuries to fingers	149	69	70	71	22	16	7	7	7	4	4	2	1	2	2	2	4				3	442
All other injuries to upper extremities			5	4	6	1										1						17
Total	294	138	174	171	91	43	26	24	28	12	8	7	8	13	10	8	11	3	5		8	1,082
LOWER EXTREMITIES.																						
Loss of either leg																			1			1
Loss of both legs																				2		2
Fracture of either thigh																	3	1		1	1	6
Fracture of either leg			2		1	1	2	5	3	3	1	2	3	5	5	5	5	5	2	2		52
Fracture of both thighs or legs														1			2					3
Other injuries to thigh or leg	105	56	63	42	30	13	15	14	5	2	4	3	3	10	2	2	11	3	1		6	390
Fracture of bones of foot	3	5	9	7	9	7	8	3	1	3			1	3	4	2	3				1	69
Other injuries to foot	186	84	96	56	35	17	9	12	7	6	2	3	2	6	2	2	5				6	537
Loss of toe or toes			2			1													1			4
All other injuries to lower extremities			5	2	1										1	1						10
Total	294	145	177	107	76	39	34	34	16	14	7	8	9	25	14	12	30	9	5	5	14	1,074

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including fractures																2		1					3
All other injuries to the extremities	9	10	13	3	1	2	2	3							1		2	1					47
Total	9	10	13	3	1	2	2	3							1	2	2	2					50
TRUNK.																							
Fracture of rib	4	13	7	23	12	6	7	4	5	2	1		1	2	1	4	2	1		3	2	100	
Other chest injuries	7	7	3	4	3		1		1		1					1					1	29	
Injuries to back	48	38	19	24	17	1	3	3	2				1	1	2	1	6	5	1		2	174	
Hernias	5	4	2	2	7	3	1	4	4	4	2	1	1	2	1		1			1	2	43	
Other abdominal injuries	3	1	2	1	1							1								1		10	
All other injuries to trunk	21	29	20	18	18	6	12	7	9	1	3	3	2	2		6	2	3		7		169	
Total	88	92	53	73	58	16	24	18	21	7	7	5	5	7	4	12	11	9	1	12	7	530	
EYES.																							
Loss of either eye					1	1			1	1		1										5	
Other injuries to either eye	86	21	20	18	3	6	1	3	2	1	1		1	1		1	1	1			1	163	
Other injuries to both eyes	10	1		2		1																14	
Total	96	22	20	20	4	8	1	3	3	2	1	1	1	1		1	1	1			1	187	
HEAD.																							
Fracture of skull	1	1				1			1						1		1	1		13		20	
Fracture of other bones						1								1								2	
Concussion of brain without fracture	1		3	1			1		1										1			8	
All other injuries to head	64	38	33	24	6	2	1		1		2		1	2	2		5	1		1		183	
Total	66	39	36	25	6	4	2		3		2		1	3	3		6	2	1	14		213	
NECK.																							
All injuries	4	2	1														1			3		11	
MISCELLANEOUS.																							
Internal injuries	1	2	3	2											1		2			8		19	
Poisoning	1	3	2																	9	1	16	
All other (including multiple injuries)	64	76	58	43	49	22	14	8	26	6	10	6	9	15	9	7	22	15	2	77	3	541	
Not reported	1	1	1		1	2	2	1					1	1	2		1			18		32	
Total	67	82	64	45	50	24	16	9	26	6	10	6	10	16	12	7	25	15	2	112	4	608	
Grand total	918	530	538	444	286	136	105	91	97	41	35	27	34	65	44	42	87	41	14	146	34	3,755	

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMENSATED CASES—Continued.

C.—COMPENSATED CASES; 1909–10.

Nature of injury.	Number of cases in which classified duration of disability was—																		Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.				
UPPER EXTREMITIES.																						
Loss of right arm					1														3			4
Loss of either arm, not specified																	1		3			4
Fracture of arm or forearm			2	3	6	8	2	8	2	5	1	1	1	4	2	2	2		1			50
Other injuries to arm or forearm			17	18	7	8	4	2	1				1	2			3					58
Loss of right hand									1										1			2
Loss of either hand, not specified				1										1					1			3
Fracture of bones of hand			4	8	6	5	2	2	2		1		3			1	1					35
Other injuries to hand			64	42	28	12	8	2	1	4	2	1	2	1	2							169
Loss of 1 finger, right hand			8	14	7	4		1							1				2			37
Loss of 1 finger, left hand			6	7	11	10	4	1	2		1				1	1						44
Loss of more than 1 finger, right hand			2		1		1	2	1			1						1	1			10
Loss of more than 1 finger, left hand			1	1	1	1		2	3					2	1	1	1					14
Loss of finger or fingers, both hands or either hand, not specified			3	3				2														8
Fracture of fingers			24	43	20	14	7	2	1	2		2			1		1		2			119
All other injuries to fingers			91	87	27	19	9	9	12	3	6	2		2	2	2	4					275
All other injuries to upper extremities			6	6	4	1		1	1	1	1					1	1					23
Total			228	233	119	77	37	34	27	15	12	7	7	12	10	8	14	1	14			855
LOWER EXTREMITIES.																						
Loss of either leg																	2		12			14
Loss of both legs																			2	1		3
Fracture of either thigh														1	2		5	1		1		10
Fracture of either leg			1	2	1	2	2	2	3	6		2		10	4	6	12	5	2	1		61

Fracture of both thighs or legs																		1					3
Other injuries to thigh or leg			73	52	37	18	14	18	6	5	1	6		7	2	2		6	1	1	1		256
Loss of foot											1									1	1		1
Fracture of bones of foot			16	20	20	15	8	4	9	2	1	1	3	4	4	3	6						110
Other injuries to foot			116	71	42	29	12	15	9	7	4	3	2	8	2	3	7						330
Loss of toe or toes			3	3	1	1	1	1	1			1		1						1			14
All other injuries to lower extremities			6	2	3	1	2			1	3			3	1	1				2	3		28
Total			215	150	104	66	39	40	28	21	10	13	5	24	15	15	39	7	21	8			830
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part						1																	1
Including fractures						1										1							2
All other injuries to the extremities			6	4		1		1						2									14
Total			6	4		2		1						2		1							17
TRUNK.																							
Fracture of rib			9	10	7	8	4		1				1	2		2					1		54
Other chest injuries			3	5	7	4	3	1						1									24
Injuries to back			13	21	6		2	2	1		1		1				4			3	2		61
Hernias			2	23	34	22	3	4	6	5	1	2		2			4				2		120
Other abdominal injuries			2		1		2	1	1			1									2		10
All other injuries to trunk			15	13	4	1	5	3	1	1	2	3		2		1			1		2		54
Total			49	91	59	35	19	11	10	6	4	6	2	7		3	8	1	3	9			323
EYES.																							
Loss of either eye					1	2			1			1				1	2						8
Other injuries to either eye			32	27	5	7	3	5	2	2	1		2	2		1	2	1					92
Loss of both eyes																				2			2
Other injuries to both eyes				3		1		1								1				1			7
Total			32	30	6	10	3	6	3	2	1	1	2	2		3	4	1	3				109
HEAD.																							
Fracture of skull					3		2		1					1	1		2	1		15			26
Fracture of other bones			3	1		2								1				1					8
Concussion of brain without fracture			3		1		1		1										2	1			9
All other injuries to head			39	21	6	1	1		1		2		1	1		1	3	1					78
Total			45	22	10	3	4		3		2		1	3	1	1	5	3	2	16			121
NECK.																							
All injuries			1			1		1									1						4

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

C—COMPENSATED CASES: 1909-10—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																		Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.				
MISCELLANEOUS.																						
Internal injuries			2	1													2	1		6		12
Poisoning			2																	6		8
All other (including multiple injuries)			47	33	28	20	13	6	3	5	8	2	4	4	3	3	11	3	4	52		249
Not reported							1	1														2
Total			51	34	28	20	14	7	3	5	8	2	4	4	3	3	13	4	4	64		271
Grand total			627	564	326	215	116	100	74	49	37	29	21	64	29	34	84	17	47	97		2,530

D.—NONCOMPENSATED CASES: 1909-10.

UPPER EXTREMITIES.																						
Fracture of arm or forearm		4			3	2	2	3	4		1	1		1		1	1	2				25
Other injuries to either arm or forearm	122	46	14	12	6	1	1	2	6	1			3	2	2	1	1				1	221
Fracture of bones of hand	1	2	1	1	2		2		2													11
Other injuries to hand	212	105	17	8	7	1	1	1	1		1	1			1						2	358
Loss of 1 finger, right hand	2	4	2		1				2													11
Loss of 1 finger, left hand	1	3				1															1	6
Loss of finger or fingers, both hands or either hand, not specified	1	3																				4
Fracture of fingers	8	4	3	1	1	1			1												1	20

All other injuries to fingers	315	181	15	5	2	3	2	1	2	1	1		1	1							3	533
All other injuries to upper extremities	1				2						1											4
Total	663	352	52	27	24	9	8	7	18	2	4	2	4	4	3	2	2	2			8	1,193
LOWER EXTREMITIES.																						
Loss of either leg																			1	1		2
Loss of both legs																			1	3		4
Fracture of either thigh																					1	1
Fracture of either leg			2		1		1	5	2	2	1	2	3	2	2	3	1	2		1		30
Fracture of both thighs or legs														1			1			1		3
Other injuries to thigh or leg	240	118	24	19	10	5	7	5	3	2	4	1	3	5	1	1	8	2			7	465
Fracture of bones of foot	4	10	1		2	2	3			1			1	1	1	1					1	27
Other injuries to foot	543	260	27	7	12	3	3	2	4			1	1	1	1		1				6	872
Loss of toe or toes		1			1	1																3
All other injuries to lower extremities		1			1																	2
Total	787	390	54	26	27	11	14	12	9	5	5	4	8	10	5	4	11	4	2	6	15	1,409
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures																1		1				2
All other injuries to the extremities	19	11	8	2	1	1	2	2							1		2	1			1	51
Total	19	11	8	2	1	1	2	2							1	1	2	2			1	53
TRUNK.																						
Fracture of rib	6	13	2	8	8	1	4	4	4	2	1				1	2	2	1		2	2	63
Other chest injuries	18	11	1	4	2				1		1					1					1	40
Injuries to back	112	51	6	10	12	1	2	3	1				1	1	2	1	3	5		1	3	215
Hernias	5	4		3	8	1		3	1		1		1	2	1						4	34
Other abdominal injuries	8	2	1	1																		12
All other injuries to trunk	52	43	9	6	15	5	7	4	8		1		2	1		5	2	2		6		168
Total	201	124	19	32	45	8	13	14	15	2	4		4	4	4	9	7	8		9	10	532
EYES.																						
Loss of either eye					1					1												2
Other injuries to one eye	204	39	3	1	1	1															1	250
Other injuries to both eyes	19	8			1																	28
Total	223	47	3	1	3	1				1											1	280

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

D.—NONCOMPENSATED CASES: 1909–10—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																		Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.				
HEAD.																						
Fracture of skull	1	1				1														12		15
Fracture of other bones		1				1																2
Concussion of brain without fracture	1			1																		2
All other injuries to head	202	81	8	5	2	1			1					1	2		3			1		307
Total	204	83	8	6	2	3			1					1	2		3			13		326
NECK.																						
All injuries	6	4																		4		14
MISCELLANEOUS.																						
Internal injuries	3	2	1	1											1					11		19
Poisoning	3	3																		3	1	10
All other (including multiple injuries)	100	95	30	19	38	9	7	4	25	4	6	7	8	12	8	6	18	14		70	4	484
Not reported	71	39	2		1	2	1						1	1	2		1			18		139
Total	177	139	33	20	39	11	8	4	25	4	6	7	9	13	11	6	19	14		102	5	652
Grand total	2,280	1,150	177	114	141	44	45	39	68	14	19	13	25	32	26	22	44	30	2	134	40	4,459

E.—TOTAL ACCIDENTS REPORTED: 1909-10.

UPPER EXTREMITIES.																						
Loss of right arm					1														3			4
Loss of either arm, not specified																	1		3			4
Fracture of arm or forearm		4	2	3	9	10	4	11	6	5	2	2	1	5	2	3	8	2	1			75
Other injuries to either arm or forearm	122	46	31	30	13	4	5	4	7	1			4	4	2	1	4				1	279
Loss of right hand									1										1			2
Loss of either hand, not specified				1										1					1			3
Fracture of bones of hand	1	2	5	9	8	5	4	2	4		1		3			1	1					46
Other injuries to hand	212	105	81	50	35	13	9	8	2	4	3	2	2	1	8						2	527
Loss of 1 finger, right hand	2	4	10	14	8	4		1	2						1				2			48
Loss of 1 finger, left hand	1	3	6	7	11	11	4	1	2		1				1	1					1	50
Loss of more than 1 finger, right hand			2		1		1	2	1			1						1	1			10
Loss of more than 1 finger, left hand			1	1	1	1		2	3					2	1	1	1					14
Loss of finger or fingers, both hands or either hand, not specified	1	3	3	3				2														12
Fracture of fingers	8	4	27	44	21	15	7	2	2	2		2			1		1		2		1	139
All other injuries to fingers	315	181	106	92	29	22	11	10	14	4	7	2	1	3	2	2	4				3	808
All other injuries to upper extremities	1		6	6	6	1		1	1	1	2					1	1					27
Total	663	352	280	260	143	86	45	41	45	17	16	9	11	16	13	10	16	3	14		8	2,048
LOWER EXTREMITIES.																						
Loss of either leg																	2		13	1		16
Loss of both legs																			3	4		7
Fracture of either thigh														1	2		5	1		1	1	11
Fracture of either leg			3	2	2	2	3	7	5	3	1	4	3	12	6	9	13	7	2	2		91
Fracture of both thighs and legs														1			2			1		4
Other injuries to thigh or leg	240	118	97	71	47	23	21	23	9	7	5	7	3	12	3	3	14	3	1	1	7	715
Loss of foot											1								1	1		3
Fracture of bones of foot	4	10	17	20	22	17	11	4	9	3	1	1	4	5	5	3	6				1	143
Other injuries to foot	543	260	143	78	54	32	15	17	13	7	4	4	3	9	3	3	8				6	1,202
Loss of toe or toes		1	3	3	2	2	1	1	1			1		1					1			17
All other injuries to lower extremities		1	6	2	4	1	2			1	3			3	1	1			2	3		30
Total	787	390	269	176	131	77	53	52	37	26	15	17	13	44	20	19	50	11	23	14	15	2,239

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

E.—TOTAL ACCIDENTS REPORTED: 1909–10—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																						
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part						1																	1
Including fractures						1										2		1					4
All other injuries to the extremities	19	11	14	6	1	2	2	3						2	1		2	1			1		65
Total	19	11	14	6	1	4	2	3						2	1	2	2	2			1		70
TRUNK.																							
Fracture of rib	6	13	11	27	15	9	8	4	5	2	1		1	2	1	4	2	1		3	2		117
Other chest injuries	18	11	4	9	9	4	3	1	1		1			1		1					1		64
Injuries to back	112	51	24	31	18	1	4	5	2		1		2	1	2	1	7	5	3	3	3		276
Hernias	5	4	2	36	42	23	3	7	7	5	2	2	1	4	1		4			2	4		154
Other abdominal injuries	8	2	3	1	1		2	1	1			1								2			22
All other injuries to trunk	52	43	24	19	19	6	12	7	9	1	3	3	2	3		6	2	3		8			222
Total	201	124	68	123	104	43	32	25	25	8	8	6	6	11	4	12	15	9	3	18	10		855
EYES.																							
Loss of either eye					2	2			1	1		1				1	2						10
Other injuries to either eye	204	39	35	28	6	8	3	5	2	2	1		2	2		1	2	1			1		342
Loss of both eyes																			2				2
Other injuries to both eyes	19	8		3	1	1		1								1			1				35
Total	223	47	35	31	9	11	3	6	3	3	1	1	2	2		3	4	1	3		1		389

HEAD.																								
Fracture of skull	1	1			3	1	2		1					1	1		2	1			27		41
Fracture of other bones		1	3	1		3								1				1		2	1		10
Concussion of brain without fracture	1		3	1	1		1		1												1		11
All other injuries to head	202	81	47	26	8	2	1		2		2		1	2	2	1	6	1			1		385
Total	204	83	53	28	12	6	4		4		2		1	4	3	1	8	3	2		29		447
NECK.																								
All injuries	6	4	1			1		1									1				4		18
MISCELLANEOUS.																								
Internal injuries	3	2	3	2											1		2	1			17		31
Poisoning	3	3	2																		9	1	18
All other (including multiple injuries)	100	95	77	52	55	29	20	10	28	9	14	9	12	16	11	9	29	17	4		122	4	733
Not reported	71	39	2		1	2	2	1					1	1	2		1				18		141
Total	177	139	84	54	67	31	22	11	28	9	14	9	13	17	14	9	32	18	4		166	5	923
Grand total	2,280	1,150	804	678	467	259	161	139	142	63	55	42	46	96	55	56	128	47	49		231	40	6,989

A.—ISTHMIAN CANAL COMMISSION: 1910-11.

UPPER EXTREMITIES.																								
Loss of right arm													1						2	1			4
Loss of either arm, not specified																	1					1	2
Fracture of arm or forearm			5	4	1	3	5	2	3	2	5		2		1	2	2	1	1			2	44
Other injuries to either arm or forearm	92	32	11	7	6	4		1	2							1	1					1	158
Loss of right hand																						1	1
Loss of either hand, not specified																		1					1
Fracture of bones of hand	1	2	9	5	1	2	3		1	1					1		1					1	28
Other injuries to hand	245	122	21	13	9	2	1	2	2	1	1						1					7	427
Loss of 1 finger, right hand	1	4	6	3	3		2			1			1				1						22
Loss of 1 finger, left hand		1	10	2	2	3	2	1															21
Loss of more than 1 finger, right hand			4	1	2											1			2				10
Loss of more than 1 finger, left hand	1		1	2	2	2							1				1						10
Loss of finger or fingers, both hands or either hand, not specified		1																					1
Fracture of fingers	2	11	33	22	9	5	8	1	1							1						1	95
All other injuries to fingers	341	257	70	30	27	13	3	2	3	4	1		1	1								22	775
All other injuries, upper extremities	3	4		1																		1	9
Total	686	434	168	90	62	40	24	9	12	9	7		6	1	2	5	8	2	5	1	37		1,608

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1910–11—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
LOWER EXTREMITIES.																						
Loss of either leg														1				3	14	1		19
Loss of both legs	1																1		2	4		8
Fracture of either thigh														1		2		2		2		7
Fracture of either leg	1			2	1	3	1	1	3	3	3	3		7	5	3	16	10	1		1	64
Other injuries to thigh or leg	273	150	44	33	23	10	4	5	1	3	1		2	7	1	2	2	1	2		22	586
Loss of foot														3	1		1		1			6
Fracture of bones of foot	1	2	10	10	14	9	6	3	3	2	2	1	1	2			3	5	1		1	76
Other injuries to foot	726	307	70	40	31	6	10	7	6	2	2		1			2	2	1		2	12	1,227
Loss of toe or toes		1		1	1	1	3	1	1					2	1			1			2	15
All other injuries, lower extremities	13	4	1	1	1	1	2	1			1											25
Total	1,015	464	125	87	71	30	26	18	14	10	9	4	4	23	8	9	25	23	21	9	38	2,033
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures																				1		1
All other injuries to the extremities	11	2	3		1	1		1												1		20
Total	11	2	3		1	1		1												2		21
TRUNK.																						
Fracture of rib	2	6	6	3			1		1	1								1				21
Other chest injuries	51	21	6	2	2									1				1		1	6	91
Injuries to back	141	39	4	3	3	1						1					2	1		2	3	180
Hernias	1	1	2	42	48	16	6	3			1		2							2	22	146

Other abdominal injuries	14	5		2	1	1	1								1					1			26
All other injuries to trunk	110	29	15	6	3	4	1		1	1			1		1		1	1	1	10	8		193
Total	299	101	33	56	57	22	9	3	2	2	1	1	3	1	2		3	4	1	16	39		657
EYES.																							
Loss of either eye							1			1				1			2	3	1		1		10
Other injuries to either eye	261	49	9	7	3	1	4						1	1		1	3	1			6		347
Other injuries to both eyes	23	7	1	1							1							1					34
Total	284	56	10	8	3	1	5			1	1		1	2		1	5	5	1		7		391
HEAD.																							
Fracture of skull	1	3		1	1		2					1					1			14			24
Fracture of other bones			1		1		1			1													4
Concussion of brain without fracture																				2			2
All other injuries	265	63	7	4	3	2													1	2	1		334
Total	266	66	8	5	5	2	3			1		1					1		1	18	1		378
NECK.																							
All injuries	7	1			1																		9
MISCELLANEOUS.																							
Internal injuries					1	1											1			6			9
All other (including multiple injuries)	112	55	17	21	7	9	4	5	1	2	3		2	1		2	5	6	2	49	11		314
Not reported	114	54															1			5			174
Total	226	99	17	21	8	10	4	5	1	2	3		2	1		2	7	6	2	60	11		497
Grand total	2,794	1,233	364	269	208	106	71	36	29	25	21	6	16	28	12	17	49	40	31	106	133		5,594

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1910-11.

UPPER EXTREMITIES.																							
Loss of right arm										1									1				2
Fracture of arm or forearm		3		3	3	5	9	3	5	1	1		1	5	3	1	3						46
Other injuries to either arm or forearm	33	25	21	16	8	5	2	1	3	1		1	1	1			1						119
Loss of right hand														1					1				2
Fracture of bones of hand	2			2	2	5		1	1	3		1					1						18
Other injuries to hand	105	41	59	40	15	10	4	4	3	2	4		1	1	1		4					2	296
Loss of 1 finger, right hand	3	2	5	5	2	3		2					1					1					25

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1910–11—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
UPPER EXTREMITIES—concluded.																						
Loss of 1 finger, left hand		1			1	2	1	4		1						1	1					12
Loss of more than 1 finger, right hand				2	1		1															4
Loss of more than 1 finger, left hand				1		1	1							1								4
Loss of finger or fingers, both hands or either hand, not specified							3								1							4
Fracture of fingers	5		14	22	25	14	7	3	4	3			2	2	3	1						105
All other injuries to fingers	178	58	108	67	35	11	13	5	4		4	2		1	2	1	4					493
All other injuries, upper extremities	6	1	9	6	3	2		1	1	1				1								31
Total	332	131	216	164	95	58	41	24	21	13	9	5	6	13	10	4	14	1	2		2	1,161
LOWER EXTREMITIES.																						
Loss of either leg																			4			4
Fracture of either thigh						1								1	2		4	1	1			10
Fracture of either leg		2	2	1	1	2	1	1	3	3	1	5	1	5	6	7	10	4	5	1		61
Fracture of both thighs or legs																			1			1
Other injuries to thigh or leg	87	49	49	36	20	15	9	7	6	2	5	1	2	11	5		4	1		2	2	313
Loss of foot															1							1
Fracture of bones of foot	2	1	7	18	13	6	7	6	4	2	4		1	2	3	3	7		1			87
Other injuries to foot	196	89	78	88	36	25	7	8	9	3		1	2	4	3	2	9	1	1	1	2	565
Loss of toe or toes			1	1	1								2				1					6
All other injuries, lower extremities	6	3	6	5	2		2			1			1			1		1	1			29
Total	291	144	143	149	73	49	26	22	22	11	10	7	9	23	20	13	35	8	14	4	4	1,077

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including fractures									1								1	1					3
All other injuries to the extremities	10	1	4	3	1	1	1	1	1						2	1	1						27
Total	10	1	4	3	1	1	1	1	2						2	1	2	1					30
TRUNK.																							
Fracture of rib	3	10	7	17	14	5	3		3	2	1	2	1				1						69
Other chest injuries	5	5	3	2	3										2	2	1						23
Injuries to back	46	28	35	19	20	6	5	3	4	1	2		3	2	1	1	3	3	2			1	185
Hernias	2	3	4	5	6	4	1	3	3	4	1			1		2	1	1					41
Other abdominal injuries	1	1		2	1				2											1			8
All other injuries to trunk	59	38	45	32	16	11	12	5	5	2	1	2		3	2	1	4	4	4	3	2		251
Total	116	85	94	77	60	26	21	11	17	9	5	4	4	6	5	6	10	8	6	4	3		577
EYES.																							
Loss of either eye		1	1					1					1						2				6
Other injuries to either eye	77	20	33	18	2	6	4		1	1	1	1		2			1	1				1	169
Other injuries to both eyes	5	1	5	2	1							1											15
Total	82	22	39	20	3	6	4	1	1	1	1	2	1	2			1	1	2			1	190
HEAD.																							
Fracture of skull			1		1		1	1	1					1			1			21			28
Fracture of other bones		1		1																			2
Concussion of brain without fracture	4									1													5
All other injuries to head	87	35	26	18	4	4	1	1	2	1					4	1	1	1		6	1		193
Total	91	36	27	19	5	4	2	2	3	2				1	4	1	2	1		27	1		228
NECK.																							
All injuries	3	1									1									2			7
MISCELLANEOUS.																							
Internal injuries	1	3	2		2	3		1	2	1		1			1	1			1	3			22
Poisoning	2		2	2	2		1						1										10
All other (including multiple injuries)	60	65	56	37	46	16	13	11	14	1	8	6	14	10	6	9	26	10	5	58			471
Not reported	5	3	1	1						1										3			14
Total	68	71	61	40	50	19	14	12	16	3	8	7	15	10	7	10	26	10	6	64			517
Grand total	993	491	584	472	287	193	109	73	82	39	34	25	35	55	48	35	90	30	30	101	11		3,787

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

C.—COMPENSATED CASES: 1910–11.

Nature of injury.	Number of cases in which classified duration of disability was—																		Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.				
UPPER EXTREMITIES.																						
Loss of right arm										1									3			4
Loss of either arm, not specified																	1					1
Fracture of arm or forearm			2	6	2	8	7	4	6	3	6		3	2	3	2	5	1	1			61
Other injuries to either arm or forearm			27	22	10	7	2	2	4	1			1	1		1	2					80
Loss of right hand														1					1		1	3
Loss of either hand, not specified																		1				1
Fracture of bones of hand			9	6	1	5	3	1	2	3					1		2					33
Other injuries to hand			68	48	22	10	5	6	5	3	4		1	1			4					177
Loss of 1 finger, right hand			8	6	4	2	2	2		1		1	2				1	1				30
Loss of 1 finger, left hand			10	2	3	4	3	5		1						1	1					30
Loss of more than 1 finger, right hand			4	3	3		1									1			2			14
Loss of more than 1 finger, left hand			1	3	2	3	1						1	1			1					13
Loss of finger or fingers, both hands or either hand, not specified							3								1							4
Fracture of fingers			45	40	32	19	14	4	4	3			2	2	3	2						170
All other injuries to fingers			162	93	59	24	16	6	6	4	4	2	1	2	2	1	4					386
All other injuries, upper extremities			8	7	3	2			1	1				1								23
Total			344	236	141	84	57	30	28	21	14	3	11	11	10	8	21	3	7		1	1,030
LOWER EXTREMITIES.																						
Loss of either leg																		3	15	1		19
Loss of both legs																	1		2	2		5
Fracture of either thigh														1	2	2	1	3		2		11

Fracture of either leg			1	2	1	5	1	1	4	5	3	8	1	10	8	7	25	12	5	1		100
Fracture of both thighs or legs																			1			1
Other injuries to thigh or leg			80	61	35	20	11	10	6	4	4		3	15	3	2	4	1	2	2		263
Loss of foot														1	2		1					4
Fracture of bones of foot			17	26	25	14	13	8	6	4	4	1	2	2	3	3	9	5	2			144
Other injuries to foot			124	121	60	24	15	13	10	4	2	1	2	3	3	4	11	2	1	2		412
Loss of toe or toes			1	2	2	1	3	1	1					1			1					13
All other injuries, lower extremities			5	6	2	1	4	1		1	1							1				22
Total			238	218	125	65	47	34	27	18	14	10	8	33	21	18	53	27	28	10		994
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures									1								1	1		1		4
All other injuries to the extremities			5	2	2	1	1	2								1	1			1		16
Total			5	2	2	1	1	2	1							1	2	1		2		20
TRUNK.																						
Fracture of rib			11	12	8	5	3		2	1								1				43
Other chest injuries			7	2	3										1	1		1		1		16
Injuries to back			25	15	13	5		2			1	1					3	2	2	2	1	73
Hernias			4	35	48	19	7	6	2	4	2		2	1		1	1			2		134
Other abdominal injuries				4	2	1	1		2						1					1		12
All other injuries to trunk			43	30	12	14	3	3	2	1			1	2	2		3	4	3	6		130
Total			90	98	86	45	14	11	9	6	3	1	3	3	4	2	7	8	5	12	1	408
EYES.																						
Loss of either eye			1				1	1		1				1			2	3	3		1	14
Other injuries to either eye			37	24	5	5	8		1			1	1	3		1	4	2				92
Other injuries to both eyes			6	1	1						1	1						1				11
Total			44	25	6	5	9	1	1	1	1	2	1	4		1	6	6	3		1	117
HEAD.																						
Fracture of skull			1	1	2		3	1	1			1		1			2			21		34
Fracture of other bones			1	1	1		1			1												5
Concussion of brain without fracture																				2		2
All other injuries			23	20	6	5	1	1	1						2	1			1	5		66
Total			25	22	9	5	5	2	2	1		1		1	2	1	2		1	28		107
NECK.																						
All injuries					1						1									1		3

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

C.—COMPENSATED CASES: 1910–11—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
MISCELLANEOUS.																						
Internal injuries			1		2	2		1		1					1		1		1	7		17
All other (including multiple injuries)			41	41	20	14	10	10	4	2	5	3	4	5	3	4	10	8	5	58		247
Not reported			1														1			4		6
Total			43	41	22	16	10	11	4	3	5	3	4	5	4	4	12	8	6	68		269
Grand total			789	642	392	221	143	91	72	50	38	20	27	57	41	35	103	53	50	122	3	2,948

D.—NONCOMPENSATED CASES: 1910–11.

UPPER EXTREMITIES.																						
Loss of right arm													1							1		2
Loss of either arm, not specified																					1	1
Fracture of arm or forearm		3	1	1	2	5	7	1	2					3	1	1					2	29
Other injuries to either arm or forearm	121	55	5	1	4	2			1			1									1	191
Fracture of bones of hand	3	2		1	2	2				1		1									1	13
Other injuries to hand	341	157	12	5	2	2					1				1		1				9	531
Loss of 1 finger, right hand	4	6	3	2	1	1																17
Loss of 1 finger, left hand		2				1																3
Loss of more than 1 finger, left hand	1																					1
Loss of finger or fingers, both hands or either hand, not specified		1																				1

Fracture of fingers	7	11	2	4	2	1	1		1												1	30
All other injuries to fingers	504	295	16	4	3			1	1		1										22	847
All other injuries, upper extremities	9	5	1					1													1	17
Total	990	527	40	18	16	14	8	3	5	1	2	2	1	3	2	1	1			1	38	1,683
LOWER EXTREMITIES.																						
Loss of either leg														1					3			4
Loss of both legs	1																			2		3
Fracture of either thigh						1								1			3		1			6
Fracture of either leg	1	2	1	1	1		1	1	2	1	1			2	3	3	1	2	1		1	25
Other injuries to thigh or leg	347	188	13	8	8	5	2	2	1	1	2	1	1	3	3		2	1			24	612
Loss of foot														2					1			3
Fracture of bones of foot	3	3		2	2	1		1	1		2			2			1				1	19
Other injuries to foot	896	380	14	7	7	7	2	2	5	1			1	1						1	14	1,338
Loss of toe or toes		1											2	1	1			1			2	8
All other injuries, lower extremities	14	4	2		1								1			1			1			24
Total	1,262	578	30	18	19	14	5	6	9	3	5	1	5	13	7	4	7	4	7	3	42	2,042
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
All other injuries to the extremities	20	3	2	1		1			1						2							30
TRUNK.																						
Fracture of rib	5	16	2	8	6		1		2	2	1	2	1				1				1	48
Other chest injuries	53	24	2	2	2									1	1	1	1				5	92
Injuries to back	159	66	14	7	10	1	5	1	4	1	1		3	2	1	1	2	2			3	283
Hernias	3	4	2	12	6	1			1							1		1			22	53
Other abdominal injuries	15	4																		1		20
All other injuries to trunk	164	63	17	8	7	1	10	2	3	2	1	2		1	1	1	2	1	2	7	10	305
Total	399	177	37	37	31	3	16	3	10	5	3	4	4	4	3	4	6	4	2	8	41	801
EYES.																						
Loss of either eye		1											1									2
Other injuries to either eye	323	67	5	1		2				1	1										7	412
Other injuries to both eyes	27	6		2																		35
Total	355	74	5	3		2				1	1		1								7	449
HEAD.																						
Fracture of skull	1	3																		14		18
Fracture of other bones		1																				1
Concussion of brain without fracture	4									1												5
All other injuries	343	93	10	2	1	1			1	1					2		1	1		3	2	461
Total	348	97	10	2	1	1			1	2					2		1	1		17	2	485

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13 FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

D.—NONCOMPENSATED CASES: 1910-11—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
NECK.																						
All injuries	9	2																		1		12
MISCELLANEOUS.																						
Internal injuries	1	3	1		1	2			2			1				1				2		14
Poisoning	2		2	2	2		1						1									10
All other (including multiple injuries)	167	114	32	17	33	11	7	6	11	1	6	3	12	6	3	7	21	8	2	49	11	528
Not reported	114	53		1						1										4		173
Total	284	170	35	20	36	13	8	6	13	2	6	4	13	6	3	8	21	8	2	56	11	725
Grand total	3,667	1,638	159	99	103	48	37	18	39	14	17	11	24	26	19	17	36	17	11	85	141	6,227

E.—TOTAL ACCIDENTS REPORTED: 1910-11.

UPPER EXTREMITIES.																						
Loss of right arm										1			1						3	1		6
Loss of either arm, not specified																	1				1	2
Fracture of arm or forearm		3	3	7	4	13	14	5	8	3	6		3	5	4	3	5	1	1		2	90
Other injuries to either arm or forearm	125	57	32	23	14	9	2	2	5	1		1	1	1		1	2				1	277
Loss of right hand														1					1		1	3

Loss of either hand, not specified																			1				1
Fracture of bones of hand	3	2	9	7	3	7	3	1	2	4		1			1		2					1	46
Other injuries to hand	350	163	80	53	24	12	5	6	5	3	5		1	1	1		5					9	723
Loss of 1 finger, right hand	4	6	11	8	5	3	2	2		1		1	2				1	1					47
Loss of 1 finger, left hand		2	10	2	3	5	3	5		1						1	1						33
Loss of more than 1 finger, right hand			4	3	3		1									1			2				14
Loss of more than 1 finger, left hand	1		1	3	2	3	1						1	1			1						14
Loss of finger or fingers, both hands or either hand, not specified		1					3								1								5
Fracture of fingers	7	11	47	44	34	20	15	4	5	3			2	2	3	2						1	200
All other injuries to fingers	519	315	178	97	62	24	16	7	7	4	5	2	1	2	2	1	4					22	1,268
All other injuries, upper extremities	9	5	9	7	3	2		1	1	1				1								1	40
Total	918	565	384	254	157	98	65	33	33	22	16	5	12	14	12	9	22	3	7	1		39	2,769
LOWER EXTREMITIES.																							
Loss of either leg														1				3	18	1			23
Loss of both legs	1																1		2	4			8
Fracture of either thigh						1								2	2	2	4	3	1	2			17
Fracture of either leg	1	2	2	3	2	5	2	2	6	6	4	8	1	12	11	10	26	14	6	1	1		125
Fracture of both thighs or legs																			1				1
Other injuries to thigh or leg	360	199	93	60	43	25	13	12	7	5	6	1	4	18	5	2	6	2	2	2	24		899
Loss of foot														3	2		1		1				7
Fracture of bones of foot	3	3	17	28	27	15	13	9	7	4	5	1	2	4	3	3	10	5	2		1		163
Other injuries to foot	922	396	148	128	67	31	17	15	15	5	2	1	3	4	3	4	11	2	1	3	14		1,702
Loss of toe or toes		1	1	2	2	1	3	1	1				2	2	1		1	1			2		21
All other injuries, lower extremities	19	7	7	6	3	1	4	1		1			1			1		1	1				52
Total	1,306	608	268	236	144	79	52	40	36	21	19	11	13	46	23	22	60	31	35	13	42		3,110
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including fractures									1								1	1		1			4
All other injuries to the extremities	21	3	7	3	2	2	1	2	1						2	1	1			1			47
Total	21	3	7	3	2	2	1	2	2						2	1	2	1		2			51
TRUNK.																							
Fracture of rib	5	16	13	20	14	5	4		4	3	1	2	1				1	1					90
Other chest injuries	56	26	9	4	5									1	2	2	1	1		1	6		114
Injuries to back	107	67	39	22	23	7	5	3	4	1	2	1	3	2	1	1	5	4	2	2	4		365
Hernias	3	4	6	47	54	20	7	6	3	4	2		2	1		2	1	1		2	22		187
Other abdominal injuries	15	6		4	2	1	1		2						1					2			34
All other injuries to trunk	169	67	60	38	19	15	13	5	6	3	1	2	1	3	3	1	5	5	5	13	10		444
Total	315	186	127	135	117	48	30	14	19	11	6	5	7	7	7	6	13	12	7	20	42		1,234

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

E.—TOTAL ACCIDENTS REPORTED: 1910–11—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																						
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total
EYES.																							
Loss of either eye	.....	1	1	.....	.....	.....	1	1	.....	1	.....	.....	1	1	.....	.....	2	3	3	.....	1	10
Other injuries to either eye	338	69	42	25	5	7	8	.....	1	1	1	1	1	3	.....	1	4	2	.....	.....	7	516
Other injuries to both eyes	28	8	6	3	1	.....	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....	1	.....	.....	.....	49
Total	366	78	49	28	6	7	9	1	1	2	2	2	2	4	.....	1	6	6	3	.....	8	581
HEAD.																							
Fracture of skull	1	3	1	1	2	.....	3	1	1	.....	.....	1	.....	1	.....	.....	2	.....	.....	35	.....	52
Fracture of other bones	.....	1	1	1	1	.....	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
Concussion of brain without fracture	4	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	7
All other injuries	352	98	33	22	7	6	1	1	2	1	.....	.....	.....	.....	4	1	1	1	1	8	2	541
Total	357	102	35	24	10	6	5	2	3	3	.....	1	.....	1	4	1	3	1	1	45	2	606
NECK.																							
All injuries	10	2	.....	.....	1	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	16
MISCELLANEOUS.																							
Internal injuries	1	3	2	.....	3	4	.....	1	2	1	.....	1	.....	.....	1	1	1	.....	1	9	.....	31
Poisoning	2	.....	2	2	2	.....	1	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	10
All other (including multiple injuries)	172	120	73	58	53	25	17	16	15	3	11	6	16	11	6	11	31	16	7	107	11	785
Not reported	119	57	1	1	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1	.....	.....	8	.....	188
Total	294	180	78	61	58	29	18	17	17	5	11	7	17	11	7	12	33	16	8	124	11	1,014
Grand total	3,787	1,724	948	741	495	269	180	109	111	64	55	31	51	83	60	52	139	70	61	207	144	9,381

A.—ISTHMIAN CANAL COMMISSION: 1911-12.

UPPER EXTREMITIES.																						
Loss of right arm																	1	1		1	3
Loss of left arm or not specified																	2		1		3
Fracture of arm or forearm			2	1	3	3	8	1	3	1	2	1		4	1	8	2			2	42
Other injuries to arm or forearm	39	12	22	3	6									1		1	1			4	89
Loss of right hand																		4			4
Fracture of bones of hand			1	7	2	5	3	1		1		1		1	1	4				1	23
Other injuries to hand	113	50	35	16	12	2	2	1	1				1			3	5	1		1	15	258
Loss of 1 finger, right hand			4	2		2		1			1							1				12
Loss of 1 finger, left hand			2	3	2	1					1			1			1			1	12
Loss of more than 1 finger, right hand					1									1	2		1			1	6
Loss of more than 1 finger, left hand					1												1				2
Loss of finger or fingers, both hands, or either hand not specified					1											1	1				3
Fracture of fingers	1	1	14	14	11	11	1	2	1	1	1	1		2	1	1	2	1		1	67
All other injuries to fingers	152	101	116	75	43	14	13	6	5	5	1	3	1	4	1	1	1			7	549
All other injuries, upper extremities	5	1	3	4	1	1	3	1													19
Total	310	165	199	126	83	39	30	13	10	8	6	6	2	14	6	7	24	9	5	2	33	1,097
LOWER EXTREMITIES.																						
Loss of either leg																	4	3		1	2	10
Loss of both legs																			1	3	1	5
Fracture of either thigh										1			1			1	5	1			1	10
Fracture of either leg				1	1	1	3	2		4	2	5	3	8	12	7	11	2			5	67
Fracture of both thighs or legs																1	1			1		3
Other injuries to thigh or leg	95	47	39	38	15	10	3	3	6	2		2		3	1	2	4				23	293
Loss of foot																	1	1			1	3
Fracture of bones of foot			4	1	3	2	1	1	1	1		1		3	1	1	2	1			1	24
Other injuries to foot	239	108	68	33	31	15	10	2	4	6	3	1	2	2	1		4				21	550
Loss of toe or toes									1													1
All other injuries, lower extremities	57	17	28	27	13	6	6	2	4	1		1	2	4			2			2	11	183
Total	391	172	139	100	63	34	23	10	16	15	5	10	8	20	15	12	34	8	1	7	66	1,149
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including the loss of any part																				1		1
Including fractures														1						1		2
All other injuries to the extremities	7	1	4	1	4	2				1							1	1			3	25
Total	7	1	4	1	4	2				1				1			1	1		2	3	28

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1911-12—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
TRUNK.																						
Fracture of rib		2	3	5	4	1	1														2	18
Other chest injuries	29	11	4	9	4	2		1						1			2			2	8	73
Injuries to back	50	13	7	4	2	2	1	1										1		1	1	83
Hernias	1		1	40	26	7	2	1			1			3							62	144
Other abdominal injuries	3																1					4
All other injuries to trunk	28	10	9	9	3	1	1	1				1					4			5	12	84
Total	111	36	24	67	39	13	5	4			1	1		4			7	1		8	85	406
EYES.																						
Loss of either eye				1											1		2	1				5
Other injuries to either eye	110	16	10	11	6	1	3	2	1	1		1		2			3	1			7	175
Other injuries to both eyes	9	3	1																		2	15
Total	119	19	11	12	6	1	3	2	1	1		1		2	1		5	2			9	195
HEAD.																						
Fracture of skull			2	1	1		3			1					1	1	1	1		16	1	29
Fracture of other bones		1		1			3	1	1												1	8
Concussion of brain without fracture			2					1									1			1		5
All other injuries to head	66	18	6	5	2	1	1		1							1				1	4	106
Total	66	19	10	7	3	1	7	2	2	1					1	2	2	1		18	6	148

NECK.																							
All injuries	3	1		1																2	1	8
MISCELLANEOUS.																							
Internal injuries		1		1						1				1						6	2	12
All other (including multiple injuries)	28	20	22	21	11	7	9	7	3	2		1	2	1		1	11	2		41	8	197
Drowned																				10		10
Not reported	36	26																		1	4	67
Total	64	47	22	22	11	7	9	7	3	3		1	2	2		1	11	2		58	14	286
Grand total	1,071	460	409	336	209	97	77	38	32	20	12	19	12	43	23	22	84	24	6	97	217	3,317

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1911-12.

UPPER EXTREMITIES.																							
Fracture of arm or forearm	1	3	2	2	6	6	9	6	3	3	4		1		3		1	3		1	1	55
Other injuries to arm or forearm	42	20	26	13	11	4	3	1	3	2	1	1	1	1			1				2	132
Loss of left hand, or not specified																			1			1
Fracture of bones of hand		2	4	2	2	4	3	1			1	2						1	1			23
Other injuries to hand	130	50	72	45	12	11	12	4	2	1	3			1	1	2	2		2		4	354
Loss of 1 finger, right hand			1	1	1	1	1	1	1	2			1		1							11
Loss of 1 finger, left hand			1	1	3			1						1			1		1			9
Loss of more than 1 finger, right hand	1	1		1												1						4
Loss of more than 1 finger, left hand							1															1
Fracture of fingers	2	1	6	10	13	5	6	2	1	1	2	2	1	2	2		1	1				61
All other injuries to fingers	221	89	164	126	39	28	19	8	7	2	1	2	1	7	2	3	5	1			3	728
All other injuries, upper extremities	8	2	7	5	4	3	1	2	2	2	1			1	1		1	1	1	1	1	44
Total	405	168	283	206	91	65	55	26	19	13	13	5	4	13	10	6	12	7	6	2	11	1,423
LOWER EXTREMITIES.																							
Loss of either leg																	1		2	1		4
Fracture of either thigh				1							1			1	1	1	3		1	3		12
Fracture of either leg			1	5	2	3	4	1	1	1	2	2	4	7	7	5	9	5		1	2	62
Fracture of both thighs or legs																		1				3
Other injuries to thigh or leg	99	50	66	68	36	14	11	3	7	3	2	5	1	6		5	9	2	1		2	400
Loss of foot																	2	1				3
Loss of feet																			1			1
Fracture of bones of foot			2	2	4	2		2	1		1	1	1		2			1				19
Other injuries to foot	184	81	79	63	43	20	22	8	1	4	4	1	2	5	6	2	7	1		1	7	541
Loss of toe or toes		1			1		2				1		2				1					6
All other injuries, lower extremities	72	31	61	45	18	9	15	2	2	5			2	5		3	4				2	276
Total	355	173	209	184	104	48	54	16	12	13	11	9	10	24	16	16	36	12	5	6	14	1,327

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1911-12—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures							1										1			1		3
All other injuries to the extremities	10	5	1	5	5		1		1	1	1	1			1						1	33
Total	10	5	1	5	5		2		1	1	1	1			1		1			1	1	36
TRUNK.																						
Fracture of rib	5	7	11	8	12	4	8	1	3	1	1			3	1		2	1			1	69
Other chest injuries	24	10	18	11	8	8	5	2	1	4				2		2	1	1		4	1	102
Injuries to back	80	38	37	33	15	8	2	6	5		2	1				3	1	5	1	1	2	240
Hernias	9	5	3	3	6	2	8	6	6	3	2			3	1		2	1			2	62
Other abdominal injuries	9	2	4	4			1	1			1				1		2			2		27
All other injuries to trunk	65	37	41	26	21	14	6	3	7	4	8	3	4	9	7	5	10	8	1	3	2	284
Total	192	99	114	85	62	36	30	19	22	12	14	4	4	17	10	10	18	16	2	10	8	784
EYES.																						
Loss of either eye							1			1	1				1	1						5
Other injuries to either eye	91	18	24	10	13	3	1		2			1		3	1		3				1	171
Other injuries to both eyes	8	1	3		1		1		1							1	1					17
Total	99	19	27	10	14	3	3		3	1	1	1		3	2	2	4				1	193

HEAD.																							
Fracture of skull						2		1	1		1				1		1			15		22
Fracture of other bones	2											1										3
Concussion of brain, without fracture	4	2	2	2	3								1						1	5		21
All other injuries to head	99	49	29	16	4	1	5	2					1	1	1		2			4	3	217
Total	105	51	31	18	7	3	5	3	1		1	1	2	1	2		3	1	1	24	3	263
NECK.																							
All injuries	1	3		2													1			2		9
MISCELLANEOUS.																							
Internal injuries		1	4	1	2	1		1	1		1						1			3	1	17
Poisoning	4	1	3	2																1	1	12
All other (including multiple injuries)	103	79	72	53	39	17	18	15	22	10	3	5	8	13	8	11	25	23	6	31	5	566
Drowned																				38		38
Not reported	6	2		1																3		12
Total	113	83	79	57	41	18	18	16	23	10	4	5	8	13	8	11	26	23	6	76	7	645
Grand total	1,260	601	744	567	324	173	167	80	81	50	45	29	28	71	49	45	101	59	20	121	45	4,680

C.—COMPENSATED CASES: 1911-12.

UPPER EXTREMITIES.																							
Loss of right arm																		1	1			2
Loss of left arm or not specified																		2		1		3
Fracture of arm or forearm			3	1	7	6	14	3	6	2	5	1		4	3		9	4				68
Other injuries to arm or forearm			47	13	13	2	1	1	3		1	1		2		1	1	1				87
Loss of right hand																			4			4
Loss of left hand or not specified																			1			1
Fracture of bones of hand			4	9	2	7	5	2		1		3		1	1		4	1	1			41
Other injuries to hand			99	56	21	12	13	4	2	1	3		1	1	1	5	7	1	2	1		230
Loss of 1 finger, right hand			4	3	1	3		2	1	1	1	1			1			1				19
Loss of 1 finger, left hand			3	4	4	1		1			1			2			2		1			19
Loss of more than 1 finger, right hand					1									1	2	1	1					6
Loss of more than 1 finger, left hand					1		1										1					3
Loss of finger or fingers, both hands or either hand not specified					1											1	1					3
Fracture of fingers			10	24	23	19	7	4	1	2	3	3	1	4	3	1	3	2				119
All other injuries to fingers			268	197	76	37	31	13	12	7	2	5	2	11	3	4	6	1				675
All other injuries, upper extremities			6	8	5	4	4	1	1	2				1			1	1		1		35
Total			453	315	155	91	76	31	28	16	16	14	4	27	14	13	36	15	10	3		1,315

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

C.—COMPENSATED CASES: 1911–12—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
LOWER EXTREMITIES.																						
Loss of either leg																	5	3	2	1		11
Loss of both legs																			1	1		2
Fracture of either thigh				1						1			1			1	8	1	1	2		16
Fracture of either leg			1	3	3	3	5	3	1	4	4	5	3	13	15	10	15	5				93
Fracture of both thighs or legs																1	1	1			1	4
Other injuries to thigh or leg			95	93	44	21	13	5	10	4	1	7		7	1	6	12	2	1			322
Loss of foot																	2	1				3
Fracture of bones of foot			6	3	7	4	1	2	2	1		1	1	3	3	1	2	2				39
Other injuries to foot			130	93	68	32	30	9	4	10	6	2	4	5	6	1	7	1				408
Loss of toe or toes					1		1		1		1						1					5
All other injuries, lower extremities			85	69	27	14	21	4	6	6		1	3	9		2	5					252
Total			317	262	150	74	71	23	24	26	12	16	12	37	25	22	58	16	5	4	1	1,155
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures							1							1						1		3
All other injuries to the extremities			4	5	7	2				2							1	1				22
Total			4	5	7	2	1			2				1			1	1		1		25
TRUNK.																						
Fracture of rib			10	10	10	5	5	1			1			1				1				44
Other chest injuries			16	17	9	8	3	3	1	3				3		2	3	1		1		70
Injuries to back			31	31	9	7	2	3	2		1							4	1			91

Hernias			2	41	30	8	8	7	4	3	3			4			1	1					112
Other abdominal injuries			2	2			1				1						1			2			9
All other injuries to trunk			33	28	13	11	4	2	1	1	4	3		2	2	1	5	4	1	6			121
Total			94	129	71	39	23	16	8	7	10	3		10	2	3	10	11	2	9			447
EYES.																							
Loss of either eye							1				1				2	1	2	1					8
Other injuries to either eye			33	20	16	4	4	2	3	1		2		5	1		6	1					98
Other injuries to both eyes			4		1		1		1								1						8
Total			37	20	17	4	6	2	4	1	1	2		5	3	1	9	2					114
HEAD.																							
Fracture of skull			2	1	1		3		1	1	1				2	1	2	1		15			31
Fracture of other bones				1			3	1	1			1											7
Concussion of brain without fracture			2	1				1					1				1		1	1			9
All other injuries to head			29	16	5	1	5		1							1				3			61
Total			34	19	6	1	11	2	3	1	1	1	1		2	2	3	1	1	19			108
NECK.																							
All injuries				3																2			5
MISCELLANEOUS.																							
Internal injuries			1	1	1	1				1				1						3			9
Poisoning			3	1																1			5
All other (including multiple injuries)			57	52	22	16	18	12	11	5	1	2	3	5	2	2	18	12	4	34			276
Drowned																				21			21
Not reported																				1			1
Total			61	54	23	17	18	12	11	6	1	2	3	6	2	2	18	12	4	60			312
Grand total			1,000	807	429	228	206	86	76	59	41	38	10	86	48	48	135	58	22	98	1		3,481

D.—NONCOMPENSATED CASES: 1911-12.

UPPER EXTREMITIES.																							
Loss of right arm																					1		1
Fracture of arm or forearm	1	8	1	2	2	3	3	4		2	1		1		1			1		1	3		29
Other injuries to arm or forearm	81	32	1	3	4	2	2			2			1								6		134
Fracture of bones of hand		2	1		2	2	1				1										1		10
Other injuries to hand	243	100	8	5	3	1	1	1	1												19		382
Loss of 1 finger, right hand			1	1			1			1													4

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

D.—NONCOMPENSATED CASES: 1911-12—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																						
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total
UPPER EXTREMITIES—concluded.																							
Loss of 1 finger, left hand		1			1																1	2
Loss of more than 1 finger, right hand	1	1		1																	1	4
Fracture of fingers	3	2	1		1				1												1	9
All other injuries to fingers	373	190	12	4	6	5	1	1													10	602
All other injuries, upper extremities	13	3	4	1				2	1		1				1				1		1	28
Total	715	333	29	17	19	13	9	8	3	5	3		2		2			1	1	1	44	1,205
LOWER EXTREMITIES.																							
Loss of either leg																				1	2	3
Loss of both legs																				2	1	3
Fracture of either thigh											1			1	1	1				1	1	6
Fracture of either leg				3		1	2			1		2	4	2	4	2	5	2		1	7	36
Fracture of both thighs or legs																		1		1		2
Other injuries to thigh or leg	194	107	10	13	7	3	1	1	3	1	1		1	2		1	1				25	371
Loss of foot																	1	1			1	3
Loss of foot																			1			1
Fracture of bones of foot	4							1			1	1									1	4
Other injuries to foot	423	189	17	3	6	3	2	1	1		1			2	1	1	4			1	28	683
Loss of toe or toes		1					1															2
All other injuries, lower extremities	129	48	4	3	4	1							1			1	1			2	13	207
Total	746	345	31	22	17	8	6	3	4	2	4	3	6	7	6	6	12	4	1	9	79	1,321

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including the loss of any part																					1		1
Including fractures																	1				1		2
All other injuries to the extremities	17	6	1	1	2		1		1		1	1			1							4	36
Total	17	6	1	1	2		1		1		1	1			1		1				2	4	39
TRUNK.																							
Fracture of rib	5	9	4	2	6		4		3	1				2	1		2					3	43
Other chest injuries	53	21	6	3	3	2	2			1											5	9	105
Injuries to back	130	51	12	6	8	3	1	4	3		1	1				3	1	2			2	3	232
Hernias	10	5	2	2	2	1	2		2					2	1		1					64	94
Other abdominal injuries	12	2	2	2				1							1		2						22
All other injuries to trunk	93	47	17	7	11	4	3	2	6	3	4	1	4	7	5	4	9	4			2	14	247
Total	303	135	44	23	30	10	12	7	14	5	5	2	4	11	8	7	15	6			9	93	743
EYES.																							
Loss of either eye				1						1													2
Other injuries to either eye	201	34	1	1	3											1						8	248
Other injuries to both eyes	17	4																				2	24
Total	218	38	1	2	3					1						1						10	274
HEAD.																							
Fracture of skull						2		1													16	1	20
Fracture of other bones	2	1																				1	4
Concussion of brain without fracture	4	2	1	1	3													1			5		17
All other injuries to head	165	67	6	5	1	1	1	2					1	1	1		2				2	7	262
Total	171	70	7	6	4	3	1	3					1	1	1		2	1			23	9	303
NECK.																							
All injuries	4	4															1				2	1	12
MISCELLANEOUS.																							
Internal injuries		2	3	1	1			1	1		1						1				6	3	20
Poisoning	4	1		1																		1	7
All other (including multiple injuries)	121	99	37	22	28	8	9	10	14	7	2	4	7	9	6	10	18	13	2		38	13	487
Drowned																					27		27
Not reported	42	28		1																	3	4	78
Total	177	130	40	25	29	8	9	11	15	7	3	4	7	9	6	10	19	13	2		74	21	619
Grand total	2,351	1,061	153	96	104	42	38	32	37	20	16	10	20	28	24	24	50	25	4		120	261	4,516

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

E.—TOTAL ACCIDENTS REPORTED: 1911-12.

Cause of injury.	Number of cases in which classified duration of disability was—																		Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.				
UPPER EXTREMITIES.																						
Loss of right arm																		1	1		1	3
Loss of left arm or not specified																		2		1		3
Fracture of arm or forearm	1	3	4	3	9	9	17	7	6	4	6	1	1	4	4		9	5		1	3	97
Other injuries to arm or forearm	81	32	48	16	17	4	3	1	3	2	1	1	1	2		1	1	1			6	221
Loss of right hand																			4			4
Loss of left hand or not specified																			1			1
Fracture of bones of hand		2	5	9	4	9	6	2		1	1	3		1	1		4	1	1		1	51
Other injuries to hand	243	100	107	61	24	13	14	5	3	1	3		1	1	1	5	7	1	2	1	19	612
Loss of 1 finger, right hand			5	4	1	3	1	2	1	2	1	1			1			1				23
Loss of 1 finger, left hand			3	4	5	1		1			1			2			2		1		1	21
Loss of more than 1 finger, right hand	1	1		1	1									1	2	1	1				1	10
Loss of more than 1 finger, left hand					1		1										1					3
Loss of finger or fingers, both hands, or either hand not specified					1											1	1					3
Fracture of fingers	3	2	20	24	24	19	7	4	2	2	3	3	1	4	3	1	3	2			1	128
All other injuries to fingers	373	190	280	201	82	42	32	14	12	7	2	5	2	11	3	4	6	1			10	1,277
All other injuries, upper extremities	13	3	10	9	5	4	4	3	2	2	1			1	1		1	1	1	1	1	63
Total	715	333	482	332	174	104	85	39	29	21	19	14	6	27	16	13	36	16	11	4	44	2,520
LOWER EXTREMITIES.																						
Loss of either leg																	5	3	2	2	2	14
Loss of both legs																			1	3	1	5
Fracture of either thigh				1						1	1		1	1	1	2	6	1	1	3	1	22
Fracture of either leg			1	6	3	4	7	3	1	5	4	7	7	15	19	12	20	7		1	7	129
Fracture of both thighs or legs																1	1	2		1	1	6
Other injuries to thigh or leg	194	107	105	106	51	24	14	6	13	5	2	7	1	9	1	7	13	2	1		25	693
Loss of foot																	3	2			1	6

Loss of feet																				1			1
Fracture of bones of foot			6	3	7	4	1	3	2	1	1	2	1	3	3	1	2	2				1	43
Other injuries to foot	423	189	147	96	74	35	32	10	5	10	7	2	4	7	7	2	11	1			1	28	1,091
Loss of toe or toes		1			1		2		1		1						1						7
All other injuries, lower extremities	129	48	89	72	31	15	21	4	6	6		1	4	9		3	6				2	13	459
Total	746	345	348	284	167	82	77	26	28	28	16	19	18	44	31	28	70	20	5	13	80	2,476
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including the loss of any part																				1			1
Including fractures							1							1			1			2			5
All other injuries to the extremities	17	6	5	6	9	2	1		1	2	1	1			1		1	1			4		58
Total	17	6	5	6	9	2	2		1	2	1	1		1	1		2	1		3	4		64
TRUNK.																							
Fracture of rib	5	9	14	12	16	5	9	1	3	1	1			3	1		2	1			3		87
Other chest injuries	53	21	22	20	12	10	5	3	1	4				3		2	3	1		6	9		175
Injuries to back	130	51	44	37	17	10	3	7	5		2	1				3	1	6	1	2	3		323
Hernias	10	5	4	43	32	9	10	7	6	3	3			6	1		2	1			64		205
Other abdominal injuries	12	2	4	4			1	1			1				1		3			2			31
All other injuries to trunk	93	47	50	35	24	15	7	4	7	4	3	4	4	9	7	5	14	8	1	8	14		368
Total	303	135	138	152	101	49	35	23	22	12	15	5	4	21	10	10	25	17	2	18	93		1,190
EYES.																							
Loss of either eye				1			1			1	1				2	1	2	1					10
Other injuries to either eye	201	34	34	21	19	4	4	2	3	1		2		5	1		6	1			3		346
Other injuries to both eyes	17	4	4		1		1		1							1	1				2		32
Total	218	38	38	22	20	4	6	2	4	2	1	2		5	3	2	9	2			10		388
HEAD.																							
Fracture of skull			2	1	1	2	3	1	1	1					2	1	2	1		31	1		51
Fracture of other bones	2	1		1			3	1	1			1									1		11
Concussion of brain without fracture	4	2	4	2	3			1					1				1	1	1	6			26
All other injuries to head	165	67	35	21	6	2	6	2	1				1	1	1	1	2			5	7		323
Total	171	70	41	25	10	4	12	5	3	1	1	1	2	1	3	2	5	2	1	42	9		411
NECK.																							
All injuries	4	4		3													1			4	1		17
MISCELLANEOUS.																							
Internal injuries		2	4	2	2	1		1	1	1	1			1			1			9	3		29
Poisoning	4	1	3	2																1	1		12

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

TOTAL ACCIDENTS REPORTED, 1911-12—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																						
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
MISCELLANEOUS—concluded.																							
All other (including multiple injuries)	131	99	94	74	50	24	27	22	25	12	3	6	10	14	8	12	36	25	6	72	13	763
Drowned																				48		48
Not reported	42	28		1																4	4	70
Total	177	130	101	79	52	25	27	23	26	13	4	6	10	15	8	12	37	25	6	134	21	931
Grand total	2,351	1,061	1,153	903	533	270	244	118	113	79	57	48	40	114	72	67	185	83	26	218	262	7,997

A.—ISTHMIAN CANAL COMMISSION: 1912-13.

Nature of injury.	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
UPPER EXTREMITIES.																						
Loss of right arm																			1			1
Fracture of arm or forearm		1	1	3	1	1			2					3		1	1				1	15
Other injuries to either arm or forearm	90	37	9	6		1			1			1	1	1								147
Fracture of bones of hand	1	4	1	6	6	1	3	2	1	3					1		2	2				33
Other injuries to hand	295	180	17	11	6	2	5	2	3	1				1			2	1				526
Loss of 1 finger, right hand			1	3		1	2	3			1											11
Loss of 1 finger, left hand			1	1			1		1		1							1				6
Loss of finger or fingers, both hands or either hand, not specified			2											1								3
Fracture of fingers	24	23	16	16	9	10	4	2	3	1	1		1	1		1	3					115
All other injuries to fingers	400	254	64	42	22	15	8	6	3	6	5		1	7	2		2				7	844
All other injuries, upper extremities	5	7	4	1	2	1			2	1						1						24
Total	815	506	116	89	46	32	23	15	16	12	8	1	3	14	3	3	10	4	1		8	1,725

LOWER EXTREMITIES.																						
Loss of either leg																	1					1
Fracture of either thigh																	3					3
Fracture of either leg				3	3	4	1				2	1	4	2	5	7	10	3				45
Fracture of both thighs or legs																	1					1
Other injuries to thigh or leg	275	126	27	19	15	4	5		4	1	1	1	2	2	1	1	1				3	488
Loss of foot																		2				2
Fracture of bones of foot	1	4	4	3	1	3	1	1	1		1			1	2	1	2	1			1	28
Other injuries to foot	735	282	36	24	23	7	7	3	1	2	3	1			1	1	1				4	1,131
Loss of toe or toes			1	1			1								1							4
All other injuries, lower extremities	114	75	17	25	8	7	1	2	3				1	2	1		1	1			4	262
Total	1,125	487	85	75	50	25	16	6	9	3	7	3	7	7	11	10	20	7			12	1,965
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including the loss of any part																			1			1
Including fractures			1	1						1							1					4
All other injuries to the extremities	13	5	3	1	2	1		1	1								1					28
Total	13	5	4	2	2	1		1	1	1							2		1			33
TRUNK.																						
Fracture of rib	2	1	6	1	1									1			1					13
Other chest injuries	68	27	5	2	2			1	1						1	1					1	109
Injuries to back	112	30	7	2	1												1				4	157
Hernias	1	1	3	33	12	5	3														17	76
Other abdominal injuries	18	5	2		1	1									1			1			2	31
All other injuries to trunk	86	20	3	4	3	2						1		3							1	123
Total	287	84	26	42	20	9	3	1	1			1		4	2	1	2	1			25	509
EYES.																						
Loss of either eye					2			1										1				4
Other injuries to either eye	344	48	7	5	1	2	1		1	1				4	1	1	1					417
Other injuries to both eyes	29	2												1								32
Total	373	50	7	5	3	2	1	1	1	1				5	1	1	1	1				453
HEAD.																						
Fracture of skull	1		1	2		1										1	1			1		8
Fracture of other bones			1							1				1						1		4
Concussion of brain without fracture			1																			1
All other injuries	214	52	6	1	1	2	1	1			1	1								2		282
Total	215	52	9	3	1	3	1	1		1	1	1		1		1	1			4		295
NECK.																						
All injuries	7	1	2																			10

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1912–13—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																		Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.				
MISCELLANEOUS.																						
Internal injuries	5	3	1	2	2	.....	.....	1	.....	.....	.....	1	.....	.....	.....	.....	1	.....	.....	.....	2	18
All other (including multiple injuries)	81	32	13	13	9	6	2	2	.....	3	1	.....	.....	4	.....	3	7	3	.....	7	1	187
Drowned																				4		4
Not reported	218	119	1	2	1	.....	.....	.....	1	.....	.....	.....	.....	1	.....	.....	1	.....	.....	.....	.....	344
Total	304	154	15	17	12	6	2	3	1	3	1	1	.....	5	.....	3	9	3	.....	11	3	553
Grand total	3,139	1,339	264	233	134	78	46	28	29	21	17	7	10	36	17	19	45	16	2	15	48	5,543

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1912–13.

UPPER EXTREMITIES.																						
Fracture of arm or forearm	2	3	3	4	7	14	7	1	5	2	1	4	1	2	4	1	5	2	.....	1	2	71
Other injuries to either arm or forearm	75	25	48	26	12	8	4	5	.....	1	1	.....	1	2	.....	.....	3	2	1	.....	2	216
Loss of right hand																		1	.....	.....	.....	1
Loss of left hand, or not specified																			2	.....	.....	2
Fracture of bones of hand	1	2	.....	4	3	2	1	.....	.....	1	2	.....	.....	1	1	1	.....	.....	.....	.....	.....	19
Other injuries to hand (wrist)	143	57	80	52	24	20	4	2	3	2	2	.....	2	4	.....	1	1	.....	.....	.....	5	402
Loss of 1 finger, right hand	1	.....	1	2	2	.....	.....	1	.....	1	.....	2	.....	2	2	.....	1	.....	.....	.....	.....	15

Loss of 1 finger, left hand			2		1	2	2	1					1	1	1	1						12
Loss of more than 1 finger, right hand		1																				1
Loss of more than 1 finger, left hand		1			1									1								3
Loss of finger, or fingers, both hands, or either hand, not specified													1									1
Fracture of fingers	3	6	15	15	14	8	2	7	5	4	1	3		2	2	2	2					91
All other injuries to fingers	279	123	211	131	60	30	26	11	9	12	1	6	2	3		2	3				7	916
All other injuries, upper extremities	5	1	6	9	2		3			1			1									23
Total	509	219	366	243	125	84	49	28	22	24	8	15	9	18	10	8	15	5	3	1	16	1,778
LOWER EXTREMITIES.																						
Loss of either leg																		1	1	1		3
Fracture of either thigh			1					1	1		1			1			8	2	1		2	18
Fracture of either leg (knee cap)	2	2		2	4	1	4	6	3	4	2	2	2	11	5	6	18	6			4	85
Other injuries to thigh or leg	122	60	78	61	38	16	16	9	9	1	3	6	2	1	5	6	5	4	2		10	454
Loss of foot																1		3	1	1		6
Fracture of bones of foot	1		3	2	3	1	7	2	1	1	3	1	2	5	1	2	6					41
Other injuries to foot (ankle)	202	100	105	65	31	27	16	10	6	2	5	5	1	4	2	2	1	1			15	600
Loss of toe or toes				2		1	1	1	1				1	2		1	1					11
All other injuries, lower extremities	92	36	71	39	30	6	9	6	2	1	3	1	1	3	1		2	1		1	4	309
Total	419	198	258	171	106	52	53	35	23	9	17	15	10	27	14	18	41	18	5	3	35	1,527
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures														2			1					3
All other injuries to the extremities	21	7	10	5	5	1	1	2	2	1	1					1						57
Total	21	7	10	5	5	1	1	2	2	1	1			2		1	1					60
TRUNK.																						
Fracture of rib (or ribs)	5	12	17	20	12	9	1	3	3	2			1	2		1		1	1		3	93
Other chest injuries (shoulder, collar bone)	38	15	23	13	6	6	7	3	3	3		1	2	2		2	1			4	5	134
Injuries to back	86	39	51	38	16	8	8	4	1	1		1	1	3		5	4	3	2	1	9	281
Hernias	3	5	4	7	8	7	8	5	6	4		2	4	4	1		3			1	3	75
Other abdominal injuries	3	3	6	4	2	2	1	1					1	1							2	28
All other injuries to trunk	58	38	41	31	16	10	5	2	3			1	2	5		2	3	2		7	8	234
Total	193	112	142	113	60	42	30	18	16	10		5	11	17	1	10	11	6	3	13	30	843

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1912–13—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
EYES.																						
Loss of either eye			1	1				1	1				1				2		1			8
Other injuries to either eye	120	25	48	17	6	1	1	3	6		1		1	3	1		1				6	240
Loss of both eyes																			1			1
Other injuries to both eyes	10	2	3	1	1																	17
Total	130	27	52	19	7	1	1	4	7		1		2	3	1		3		2		6	266
HEAD.																						
Fracture of skull		1	1		1	3		1								1	2	1		7		18
Fracture of other bones	3	4	4	2	1																	14
Concussion of brain without fracture	2	1	4	2	2		1	1	1	1							3	2	1	1	1	23
All other injuries to head	98	36	37	17	8	2	1	1		3	1						1	1			2	208
Total	103	42	46	21	12	5	2	3	1	4	1					1	6	4	1	8	3	263
NECK.																						
All injuries	4		5			1														3		13
MISCELLANEOUS.																						
Internal injuries	7	4	1	4		1	1	2	1		1			1				1		7	1	32
Poisoning			2		2		1		1				1	1							1	9
All other (including multiple injuries)	78	80	58	47	51	14	15	12	20	5	2	2	8	12	11	5	17	14	3	29	6	489

Drowned																					37		37
Not reported	7	3		1	1					1								1			1	1	16
Total	92	87	61	52	54	15	17	14	22	6	3	2	9	14	11	5	17	16	3	74	9		583
Grand total	1,471	692	940	624	370	201	153	104	93	54	31	37	41	81	37	43	94	49	17	102	99		5,333

C.—COMPENSATED CASES: 1912-13.

UPPER EXTREMITIES.																							
Loss of right arm																			1				1
Fracture of arm or forearm			3	5	5	11	6	1	3	2	1	4	1	4	4	2	4	2					58
Other injuries to either arm or forearm			52	31	6	7	3	2	1			1	1	2			1	1	2				109
Loss of left hand																			2				2
Fracture of bones of hand			1	10	3	3	4	2	1	4	2			1	2	1	2	2					43
Other injuries to hand			89	58	23	21	8	4	4	2	2		2	5		1	3	1					223
Loss of 1 finger, right hand			2	4	1	1	2	4		1	1	2		2	2		1						23
Loss of 1 finger, left hand			3	1	1	2	3	1	1		1		1	1	1	1		1					18
Loss of more than 1 finger, left hand					1									1									2
Loss of finger, or fingers, both hands or either hand, not specified			2											1									3
Fracture of fingers			28	31	22	17	6	8	7	5	2	3	1	3	2	3	5						143
Other injuries to fingers			205	166	79	45	32	17	11	17	6	6	3	10	2	2	5						656
Other injuries to upper extremities			9	10	4	1	3		2	2			1			1							33
Total			444	316	150	108	67	39	30	33	15	16	10	30	13	11	21	7	4				1,314
LOWER EXTREMITIES.																							
Loss of either leg																	1	1	1	1			4
Fracture of either thigh																	10	2	1				13
Fracture of either leg				4	4	4	4	2	3	2	4	3	6	12	10	12	20	7				1	98
Fracture of both thighs or legs																	1						1
Other injuries to thigh or leg			80	67	38	13	16	5	10	2	2	7	4	3	5	7	5	2	2				273
Loss of foot																1		5	1	1			8
Fracture of foot			7	5	3	4	6	3	2	1	3	1	2	5	3	2	5	1					53
Other injuries to foot			125	77	52	26	21	12	6	4	7	6	1	4	3	2	2	1				1	350
Loss of toe or toes			1	3		1	2	1	1				1	2	1	1	1						15
Other injuries to lower extremities			79	61	38	11	10	8	5	1	2	1	2	5	2		3	1		1			230
Total			292	217	135	64	59	31	27	10	18	18	16	31	24	25	48	20	5	3	2		1,045

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

C.—COMPENSATED CASES: 1912-13—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																						
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including the loss of any part																			1			1
Including fractures			1	1						1				1			2					6
All other injuries to the extremities			10	6	4	1		2	2	1	1					1	1					29
Total			11	7	4	1		2	2	2	1			1		1	3		1			36
TRUNK.																							
Fracture of rib			20	15	9	6	1	3	1	2				2		1	1	1	1			63
Other chest injuries			23	13	5	5	5	1	2	2		1	2	1	1	3				3		67
Injuries to back			50	33	11	6	5	1		1		1				1	3	2	2			116
Hernias			5	37	17	13	9	5	5	1		2	2	3	1		1			1		102
Other abdominal injuries			8	2	3	1	1	1					1		1			1				19
All other injuries to trunk			33	29	9	8	4	1	1			1		4		1	2			3		96
Total			139	129	54	39	25	12	9	6		5	5	10	3	6	7	4	3	7		463
EYES.																							
Loss of either eye			1	1	2			2					1				2	1				10
Other injuries to either eye			52	22	6	3	2	3	6	1	1		1	6	2	1	2					108
Loss of both eyes																			1			1
Other injuries to both eyes			3	1	1									1								6
Total			56	24	9	3	2	5	6	1	1		2	7	2	1	4	1	1			125

HEAD.																						
Fracture of skull			2	2	1	4										1	3	1		3		17
Fracture of other bones			5	2	1					1				1								10
Concussion of brain without fracture			3	1	1		1	1									2	1	1			11
All other injuries to head			36	17	5	3	2	2		2	2	1					1			2		73
Total			46	22	8	7	3	3		3	2	1		1		1	6	2	1	5		111
NECK.																						
All injuries			7			1																8
MISCELLANEOUS.																						
Internal injuries			1	4	2	1		1	1		1	1		1			1	1		4		19
Poisoning			1				1		1													3
All other (including multiple injuries)			51	46	29	14	6	11	5	5	2	1		10	2	6	14	9	3	15		229
Drowned																				21		21
Not reported			1	2	1									1			1	1				7
Total			54	52	32	15	7	12	7	5	3	2		12	2	6	16	11	3	40		279
Grand total			1,049	767	393	238	162	104	81	60	40	42	33	92	44	51	105	45	18	55	2	3,381

D.—NONCOMPENSATED CASES: 1912–13.

UPPER EXTREMITIES.																						
Fracture of arm or forearm	2	4	1	2	3	4	1		4					1			2			1	3	28
Other injuries to arm or forearm	165	62	5	1	6	2	1	3		1	1		1	1			2	1			2	254
Loss of right hand																		1				1
Fracture of bones of hand	2	6			1																	9
Other injuries to hand (wrist)	438	237	8	5	7	1	1		2	1											5	705
Loss of 1 finger, right hand	1			1	1																	3
Loss of more than 1 finger, right hand		1																				1
Loss of more than 1 finger, left hand		1																				1
Loss of finger or fingers, both hands or either hand, not specified													1									1
Fracture of fingers	27	29	3		1	1		1	1													63
Other injuries to fingers	679	377	20	7	3		2		1	1											14	1,104
Other injuries to upper extremities	10	8	1																			19
Total	1,324	725	38	16	22	8	5	4	8	3	1		2	2			4	2		1	24	2,189
LOWER EXTREMITIES.																						
Fracture of either thigh			1					1	1		1			1			1				2	8
Fracture of either leg (kneecap)	2	2		1	3	1	1	4		2			1	1		1	8	2			3	32
Other injuries to thigh or leg	397	186	25	13	15	2	5	4	3		2				1		1	2			13	669

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Continued.

D.—NONCOMPENSATED CASES: 1912-13—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability	Fatal accidents.	Result not reported.	Total.
LOWER EXTREMITIES—concluded.																						
Fracture of foot	2	4			1		2				1			1		1	3				1	16
Other injuries to foot (ankle)	937	382	16	12	1	8	3	1	1		1					1					18	1,381
Other injuries to lower extremities	206	111	9	3		2					1							1			8	341
Total	1,544	685	51	29	20	13	11	10	5	2	6		1	3	1	3	13	5			45	2,447
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures														1								1
All other injuries to the extremities	34	12	3		3	1	1	1	1													56
Total	34	12	3		3	1	1	1	1					1								57
TRUNK.																						
Fracture of rib	7	13	3	6	4	3			2				1	1							3	43
Other chest injuries (shoulder, collar bone)	106	42	5	2	3	1	2	3	2	1				1			1			1	6	176
Injuries to back	198	69	8	7	6	2	3	3	1				1	3		4	2	1		1	13	322
Hernias	4	6	2	3	3		2		1	3			2	1			2				20	49
Other abdominal injuries	21	8		2		2								1							4	38
All other injuries to trunk	144	58	11	6	10	4	1	1	2			1	2	4		1	1	2		4	9	261
Total	480	196	29	26	26	12	8	7	8	4		1	6	11		5	6	3		6	55	889

EYES.																							
Loss of either eye									1										1				2
Other injuries to either eye	464	73	3		1				1					1							6		549
Other injuries to both eyes	39	4																					43
Total	503	77	3		1				2					1					1		6		594
HEAD.																							
Fracture of skull	1	1						1								1				5			9
Fracture of other bones	3	4																		1			8
Concussion of brain without fracture	2	1	2	1	1				1	1							1	1		1	1		13
All other injuries to head	312	88	7	1	4	1				1								1			2		417
Total	318	94	9	2	5	1		1	1	2						1	1	2		7	3		447
NECK.																							
All injuries	11	1																		3			15
MISCELLANEOUS.																							
Internal injuries	12	7	1	2			1	2												3	3		31
Poisoning			1		2								1	1							1		6
All other (including multiple injuries)	159	112	20	14	31	6	11	3	15	3	1	1	8	6	9	2	10	8		21	7		447
Drowned																				20			20
Not reported	225	122		1	1				1	1										1	1		353
Total	396	241	22	17	34	6	12	5	16	4	1	1	9	7	9	2	10	8		45	12		857
Grand total	4,610	2,031	155	90	111	41	37	28	41	15	8	2	18	25	10	11	34	20	1	62	145		7,495

E.—TOTAL ACCIDENTS REPORTED: 1912–13.

UPPER EXTREMITIES.																							
Loss of right arm																			1				1
Fracture of arm or forearm	2	4	4	7	8	15	7	1	7	2	1	4	1	5	4	2	6	2		1	3		86
Other injuries to arm or forearm	165	62	57	32	12	9	4	5	1	1	1	1	2	3			3	2	1		2		363
Loss of right hand																		1					1
Loss of left hand																			2				2
Fracture of bones of hand	2	6	1	10	9	3	4	2	1	4	2			1	2	1	2	2					52
Other injuries to hand (wrist)	438	237	97	63	30	22	9	4	6	3	2		2	5		1	3	1				5	928
Loss of 1 finger, right hand	1		2	5	2	1	2	4		1	1	2		2	2		1						26
Loss of 1 finger, left hand			3	1	1	2	3	1	1		1		1	1	1	1		1					18
Loss of more than 1 finger, right hand		1																					1

TABLE IX.—NUMBER OF CASES REPORTED OF INJURY OF SPECIFIED NATURE IN WHICH DURATION OF DISABILITY WAS EACH CLASSIFIED NUMBER OF DAYS DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, FOR ISTHMIAN CANAL COMMISSION AND FOR OTHER DEPARTMENTS AND FOR COMPENSATED AND NONCOMPENSATED CASES—Concluded.

E.—TOTAL ACCIDENTS REPORTED: 1912-13—Concluded.

Nature of injury.	Number of cases in which classified duration of disability was—																					
	7 days and under.	Over 7 but not over 15 days.	Over 15 but not over 21 days.	Over 21 but not over 28 days.	Over 28 but not over 35 days.	Over 35 but not over 42 days.	Over 42 but not over 49 days.	Over 49 but not over 56 days.	Over 56 but not over 63 days.	Over 63 but not over 70 days.	Over 70 but not over 77 days.	Over 77 but not over 84 days.	Over 84 but not over 91 days.	Over 91 but not over 119 days.	Over 119 but not over 147 days.	Over 147 but not over 182 days.	Over 182 but not over 365 days.	Over 365 days but not permanent.	Cases of permanent disability.	Fatal accidents.	Result not reported.	Total.
UPPER EXTREMITIES—concluded.																						
Loss of more than 1 finger, left hand		1			1									1								3
Loss of finger or fingers, both hands or either hand, not specified			2										1	1								4
Fracture of fingers	27	29	31	31	23	18	6	9	8	5	2	3	1	3	2	3	5					206
Other injuries to fingers	679	377	275	173	82	45	34	17	12	18	6	6	3	10	2	2	5				14	1,760
Other injuries to upper extremities	10	8	10	10	4	1	3		2	2			1			1						52
Total	1,324	725	482	332	172	116	72	43	38	36	16	16	12	32	13	11	25	9	4	1	24	3,503
LOWER EXTREMITIES.																						
Loss of either leg																	1	1	1	1		4
Fracture of either thigh			1					1	1		1			1			11	2	1		2	21
Fracture of either leg (knee cap)	2	2		5	7	5	5	6	3	4	4	3	7	13	10	13	28	9			4	130
Fracture of both thighs or legs																	1					1
Other injuries to thigh or leg	397	186	105	80	53	20	21	9	13	2	4	7	4	3	6	7	6	4	2		13	943
Loss of foot																1		5	1	1		8
Fracture of foot	2	4	7	5	4	4	8	3	2	1	4	1	2	6	3	3	8	1			1	69
Other injuries to foot (ankle)	937	382	141	89	54	34	23	13	7	4	8	6	1	4	3	3	2	1			19	1,731
Loss of toe or toes			1	3		1	2	1	1				1	2	1	1	1					15
Other injuries to lower extremities	206	111	88	64	38	13	10	8	5	1	3	1	2	5	2		3	2		1	8	571
Total	1,544	685	343	246	156	77	69	41	32	12	24	18	17	34	25	28	61	25	5	3	47	3,492

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including the loss of any part																			1			1
Including fractures			1	1						1				2			2					7
All other injuries to the extremities	34	12	13	6	7	2	1	3	3	1	1					1	1					85
Total	34	12	14	7	7	2	1	3	3	2	1			2		1	3		1			93
TRUNK.																						
Fracture of rib	7	13	23	21	13	9	1	3	3	2			1	3		1	1	1	1		3	105
Other chest injuries (shoulder, collar bone)	105	42	28	15	8	6	7	4	4	3		1	2	2	1	3	1			4	6	243
Injuries to back	198	69	58	40	17	8	8	4	1	1		1	1	3		5	5	3	2	1	13	438
Hernias	4	6	7	40	20	13	11	5	6	4		2	4	4	1		3			1	20	151
Other abdominal injuries	21	8	8	4	3	3	1	1					1	1	1			1			4	57
All other injuries to trunk	144	58	44	35	19	12	5	2	3			2	2	3		2	3	2		7	9	357
Total	480	196	168	155	80	51	33	19	17	10		6	11	21	3	11	13	7	3	13	55	1,352
EYES.																						
Loss of either eye			1	1	2			2	1				1				2	1	1			12
Other injuries to either eye	464	73	55	22	7	3	2	3	7	1	1		1	7	2	1	2				6	657
Loss of both eyes																			1	1		1
Other injuries to both eyes	39	4	3	1	1									1								49
Total	503	77	59	24	10	3	2	5	8	1	1		2	8	2	1	4	1	2		6	719
HEAD.																						
Fracture of skull	1	1	2	2	1	4		1								2	3	1		3		26
Fracture of other bones	3	4	5	2	1					1				1								18
Concussion of brain without fracture	2	1	5	2	2		1	1	1	1							3	2	1	1	1	24
All other injuries to head	312	88	43	18	9	4	2	2		3	2	1					1	1		2	2	490
Total	318	94	55	24	13	8	3	4	1	5	2	1		1		2	7	4	1	12	3	558
NECK.																						
All injuries	11	1	7			1														3		23
MISCELLANEOUS.																						
Internal injuries	12	7	2	6	2	1	1	3	1		1	1		1			1	1		7	3	50
Poisoning			2		2		1		1				1	1							1	9
All other (including multiple injuries)	159	112	71	60	60	20	17	14	20	8	3	2	8	16	11	6	24	17	3	36	7	676
Drowned																				41		41
Not reported	225	122	1	3	2				1	1				1			1	1		1	1	360
Total	396	241	76	69	66	21	19	17	23	9	4	3	9	19	11	8	26	19	3	85	12	1,136
Grand total	4,610	2,031	1,204	857	504	279	199	132	122	75	48	44	51	117	54	62	139	65	19	117	147	10,876

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY.

A.—ISTHMIAN CANAL COMMISSION: 1908–9.[1]

Nature of injury.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
UPPER EXTREMITIES.																							
Loss of either arm, not specified															2								2
Fracture of arm or forearm							3			6	2	1	3		6	2	1				1		25
Other injuries to either arm or forearm			5		3	5	4	4		6	1	1	4		1			1	13		3		51
Fracture of bones of hand			2							2			5	1	2				1		1		14
Other injuries to hand	2	2	13	1	3	1	3	2		15	1	6	16	1	4		2		20		9		101
Loss of 1 finger, right hand			1		1					4			2										8
Loss of 1 finger, left hand			1		1								2		1		1						6
Loss of more than 1 finger, right hand			3		1					1									1				6
Loss of finger or fingers, both hands or either hand, not specified	1	3	8							3		1	10	1	2				3		1		33
Fracture of fingers	1	2	9	1	2	1	1			13	1	1	35		3		1		21		5		97
All other injuries to fingers	1	4	19	2	9					36	4	2	41		4	1		1	39		4		167
All other injuries to upper extremities			3	1			1			9	4	5	4		7				7		3		44
Total	5	11	64	5	20	7	12	6		95	13	17	122	3	32	3	5	2	105		27		554

LOWER EXTREMITIES.																							
Loss of either leg					1					1					5								7
Loss of both legs							1						1										2
Fracture of either thigh			1				2				1			1	4						1		11
Fracture of either leg					1		3			13			3		6						1		27
Fracture of both thighs or legs															1								1
Other injuries to thigh or leg	1	4	7		11	10	14	2		59	12	7	24	1	23	2	4		23		12		216
Loss of foot															7								7
Fracture of bones of foot	1		2		6		1			42			3	3	11				3		2		74
Other injuries to foot	1	1	4		5	3	2	2		171	6	2	25	5	24		6		20	54	4		335
Loss of toe or toes					1					1	1												3
All other injuries to lower extremities						3	6	2		17	12	9	12	1	23	1	1		1	1	16		105
Total	3	5	14		25	16	30	6		304	32	18	68	11	104	3	11		47	55	30		788
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part															1								1
Including fractures							1						1		1								3
All other injuries to the extremities			1			1	1	1		2			2		1	1	1						11
Total			1			1	2	1		2			3		3	1	1						15
TRUNK.																							
Fracture of rib			2							1	7	2			2	1	1						16
Other chest injuries		1	2		1	2	1	1		4	3								1		1		17
Injuries to back					1	1	9			16	8	2	18		10	1	1		3		6		76
Hernias		1		1	1					1	9	1	33		3		1		4		2		51
Other abdominal injuries	1		1				1			2	1	1	2		1	1			4				15
All other injuries to trunk		3	1		4	6	5			27	2	4	10		9		4		5		2		82
Total	1	5	6	1	7	9	16	1		51	24	10	63		25	3	7		17		11		257
EYES.																							
Loss of either eye							1	1											2				4
Other injuries to either eye		1	14				2	8		1	1	2	2		2			12	41		4		90
Other injuries to both eyes			2					1	2									1	1				7
Total		1	16				3	10	2	1	1	2	2		2			13	44		4		101

[1] Eleven months.

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1908-9—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
HEAD.																							
Fracture of skull							1			4					1								6
Fracture of other bones							2			1					1	1							5
Concussion of brain without fracture							2			1	1												4
All other injuries		1	4	1	2	2	17	2		30		2	6		12	1	2	1	16		5		104
Total		1	4	1	2	2	22	2		36	1	2	6		14	2	2	1	16		5		119
NECK.																							
All injuries							2			2	1								1				6
MISCELLANEOUS.																							
Internal injuries																	1						1
All other (including multiple injuries)		3	1		6	8	28	4		28	16	6	8		20	3	1				2		134
Not reported										2	1		3		7								13
Fatal cases		1			1		44	1	1	10	2	1	5	1	41		8				2	1	119
Total		4	1		7	8	72	5	1	40	19	7	16	1	68	3	10				4	1	267
Grand total	9	27	106	7	61	43	159	31	3	531	91	56	280	15	248	15	36	16	230	55	87	1	2,107

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1908-9.[1]

UPPER EXTREMITIES.																							
Fracture of arm or forearm	1				2					6	7	7	1	2	5	3							34
Other injuries to either arm or forearm			11		4			3		5	6	4	6	2	16	3	2	2	4		8		76
Loss of right hand							1																1
Loss of either hand, not specified					1																		1
Fracture of bones of hand		1	1		2					1		1	1		1		1				2		11
Other injuries to hand		2	26	1	4	1	1	5	7	15	5	2	19	1	7		1		40		17		154
Loss of 1 finger, right hand		1																					1
Loss of 1 finger, left hand			1																				1
Loss of more than 1 finger, left hand			1																				1
Loss of finger or fingers, both hands or either hand, not specified	1		20	2	5					1			4	1					5		2		41
Fracture of fingers	2	1	20		3					10			14		1		5		5		6		67
All other injuries to fingers	5	6	112	2	11			3	2	33	2	1	45	2	3		4		52		37	2	321
All other injuries to upper extremities	1	2	4		1	2	1	5	1	8	9	6	10		7		3		6		5		71
Total	10	13	196	5	33	3	3	19	10	79	27	21	100	8	39	6	16	2	112		77	2	780
LOWER EXTREMITIES.																							
Loss of either leg					2					1			1		1								5
Fracture of either thigh										2	3		1		1								7
Fracture of either leg					5					15	8	1	7	5	4	9	1		1		1		57
Fracture of both thighs or legs		1								1													2
Other injuries to thigh or leg		1	3		6		2	2		29	26	15	25	4	12	9	9		15		28		186
Loss of foot										1					1								2
Fracture of bones of foot			3		1					46	1		4	5					3		2		65
Other injuries to foot	2		2		5	2	4	10		135	6	3	17	12	4	3	5		25	57	8		300
Loss of toe or toes													1										1
All other injuries to lower extremities	1		1		2	4		2		22	26	18	10	4	6	4	6		5		27	1	139
Total	3	2	9		21	6	6	14		252	70	37	65	31	28	26	21		49	57	66	1	764

[1] Eleven months.

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1908–9—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures			1							2					1	1						5
All other injuries to the extremities		1	1			2		1		6	5		1	2	13	1	1					34
Total		1	2			2		1		8	5		1	2	14	2	1					39
TRUNK.																						
Fracture of rib		2			2					5	20	9	2		12	6	5		3		3		69
Other chest injuries			1	1	1					7	11	3	1		1				3		2		31
Injuries to back					3	1				10	31	14	46	5	37	4	3		1		9		164
Hernias					1			1			5	3	14		3	3			1		3		34
Other abdominal injuries			1							2	2	1	8		2	3	1				3		23
All other injuries to trunk			5	1	2	2	1	1		12	19	12	15	4	41	5	5		4		8		137
Total		2	7	2	9	3	1	2		36	88	42	86	9	96	21	14		12		28		458

EYES.																						
Loss of either eye																	2	3		1	1	7
Other injuries to either eye			18			1		10		2		1	1		1		24	46		7		111
Other injuries to both eyes			1					1	1								1			1		5
Total			19			1		11	1	2		1	1		1		27	49		9	1	123
HEAD.																						
Fracture of skull										1	2			1								4
Fracture of other bones		1			2		1			1				2	2		1					10
Concussion of brain without fracture										6				1	1	1						9
All other injuries	1	2	16		2	1	3	7		32	13	5	4	7	10	3	2	4	10		9		131
Total	1	3	16		4	1	4	7		40	15	5	4	11	13	4	2	5	10		9		154
NECK.																						
All injuries				1	1					1	1							1	1				6
MISCELLANEOUS.																						
Internal injuries			1		1		1			3	3	1	1		2	1							14
Poisoning								2								1			1		2	1	7
All other (including multiple injuries)		1	3		4	6	9	16	1	27	36	12	4	13	150	13	5	2			10	1	313
Not reported			1							1	2		1	1							1	1	8
Fatal cases	1	1	4		3	1	2	1	1	15	18	2	7	1	15	3	26				9	4	114
Total	1	2	9		8	7	12	19	2	46	59	15	13	15	167	18	31	2	1		22	7	456
Grand total	15	23	257	8	76	22	26	73	13	454	265	121	270	76	358	77	85	37	234	57	211	11	2,780

C.—TOTAL ACCIDENTS REPORTED: 1908–9.[1]

UPPER EXTREMITIES.																						
Loss of either arm, not specified															2							2
Fracture of arm or forearm	1				2		3			12	9	8	4	2	11	5	1				1		59
Other injuries to either arm or forearm			16		7	5	4	7		11	7	5	10	2	17	3	2	3	17		11		127
Loss of right hand							1																1
Loss of either hand, not specified					1																		1
Fracture of bones of hand		1	3		2					3		1	6	1	3		1		1		3		25

[1] Eleven months.

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1908-9—Continued.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
UPPER EXTREMITIES—concluded.																							
Other injuries to hand	2	4	38	2	7	2	4	10	7	30	4	8	35	2	11		3		60		26		255
Loss of 1 finger, right hand		1	1		1					4			2										9
Loss of 1 finger, left hand			2		1								2		1		1						7
Loss of more than 1 finger, right hand			3		1					1									1				6
Loss of more than 1 finger, left hand			1																				1
Loss of finger or fingers, both hands or either hand, not specified	2	3	28	2	5					4		1	14	2	2				8		3		74
Fracture of fingers	3	3	29	1	5	1	1			23	1	1	49		4		6		26		11		164
All other injuries to fingers	6	10	131	4	20			3	2	69	6	3	86	2	6	1	4	1	91		41	2	438
All other injuries to upper extremities	1	2	7	1	1	2	2	5	1	17	13	11	14		14		3		13		8		115
Total	15	24	259	10	53	10	15	25	10	174	40	38	222	11	71	9	21	4	217		104	2	1,334
LOWER EXTREMITIES.																							
Loss of either leg					3					2				1	5	1							12
Loss of both legs							1						1										2

Fracture of either thigh			1				3			2	4		1	1	5						1		18
Fracture of either leg					6		3			28	8	1	10	5	10	9	1		1		2		84
Fracture of both thighs or legs		1								1					1								3
Other injuries to thigh or leg	1	5	10		17	10	16	4		88	38	22	49	5	35	11	13		38		40		402
Loss of foot										1					8								9
Fracture of bones of foot	1		5		7		1			88	1		7	8	11				6		4		139
Other injuries to foot	3	1	6		10	5	5	12		306	12	5	42	17	28	3	11		45	111	12		635
Loss of toe or toes					1					1	1		1										4
All other injuries to lower extremities	1		1		2	7	6	4		39	38	27	22	5	29	5	7		6	1	43	1	244
Total	6	7	23		46	22	36	20		556	102	55	133	42	132	29	32		96	112	102	1	1,552
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part															1								1
Including fractures			1				1			2			1		2	1							8
All other injuries to the extremities		1	2			3	1	2		8	5		3	2	14	2	2						45
Total		1	3			3	2	2		10	5		4	2	17	3	2						54
TRUNK.																							
Fracture of rib		2	2		2					6	27	11	2		14	7	6		3		3		85
Other chest injuries		1	3	1	2	2	1	1		11	14	3	1		1				4		3		48
Injuries to back					4	2	9			26	39	16	64	5	47	5	4		4		15		240
Hernias		1		1	2			1		1	8	4	47		6	3	1		5		5		85
Other abdominal injuries	1		2				1			4	3	2	10		3	4	1		4		3		38
All other injuries to the trunk		3	6	1	6	8	6	1		39	21	16	25	4	50	5	9		9		10		219
Total	1	7	13	3	16	12	17	3		87	112	52	149	9	121	24	21		29		39		715
EYES.																							
Loss of either eye							1	1										2	5		1	1	11
Other injuries to either eye		1	32			1	2	18		3	1	3	3		3			36	87		11		201
Other injuries to both eyes			3					2	3									2	1		1		12
Total		1	35			1	3	21	3	3	1	3	3		3			40	93		13	1	224
HEAD.																							
Fracture of skull							1			5	2			1	1								10
Fracture of other bones		1			2		3			2				2	3	1		1					15
Concussion of brain without fracture							2			7	1			1	1	1							13

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1908–9—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
HEAD—concluded.																							
All other injuries to the head	1	3	20	1	4	3	20	9	.....	62	13	7	10	7	22	4	4	5	26	.....	14	.....	235
Total	1	4	20	1	6	3	26	9	.....	76	16	7	10	11	27	6	4	6	26	.....	14	.....	273
NECK.																							
All injuries	.....	.....	.....	1	1	.....	2	.....	.....	3	2	.....	.....	.....	.....	.....	.....	1	2	.....	.....	.....	12
MISCELLANEOUS.																							
Internal injuries	.....	.....	1	.....	1	.....	1	.....	.....	3	3	1	1	.....	2	1	1	.....	.....	.....	.....	.....	15
Poisoning	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1	.....	2	1	7
All other (including multiple injuries)	.....	4	4	.....	10	14	37	20	1	55	52	18	12	13	170	16	6	2	.....	.....	12	1	447
Not reported	.....	.....	1	.....	.....	.....	.....	.....	.....	3	3	.....	4	1	7	.....	.....	.....	.....	.....	1	1	21
Fatal cases	1	2	4	.....	4	1	46	2	2	25	20	3	12	2	56	3	34	.....	.....	.....	11	5	233
Total	1	6	10	.....	15	15	84	24	3	86	78	22	29	16	235	21	41	2	1	.....	26	8	723
Grand total	24	50	363	15	137	66	185	104	16	995	356	177	550	91	606	92	121	53	464	112	298	12	4,887

A.—ISTHMIAN CANAL COMMISSION: 1909-10.

UPPER EXTREMITIES.																						
Loss of right arm				1						1					1							3
Loss of either arm, not specified							1								1							2
Fracture of arm or forearm			1		1		2			5	9	2	5		5		1	1			1	33
Other injuries to either arm or forearm		2	2		7		2	17	1	18	5	7	14		14			19	8	1	2	119
Loss of either hand, not specified			1												1							2
Fracture of bones of hand			2		3					2	5	2	7		2	1			1		1	26
Other injuries to hand		6	12		11	1	3	10	6	27	12	18	41		11	2	3	48	38	1	19	1	270
Loss of 1 finger, right hand			6		4					1		1	6	2	7			1	2				30
Loss of 1 finger, left hand	1	1	1		3								7		3				1		1		18
Loss of more than 1 finger, right hand			1										1		3						1		6
Loss of more than 1 finger, left hand		1	1										1		2								5
Loss of finger or fingers, both hands or either hand, not specified		1	1		3								2					1					8
Fracture of fingers		2	11	1	5					5		1	16		12	1		1	8		4		68
All other injuries to fingers		11	22	2	18			3	1	38	1	11	86		17		3	30	71		50	1	356
All other injuries to upper extremities			3						2	2			2								1		10
Total	1	24	65	4	55	1	8	30	10	99	32	42	188	2	80	4	7	101	129	2	80	2	966
LOWER EXTREMITIES.																						
Loss of either leg					1		1			1					11								14
Loss of both legs															3								3
Fracture of either thigh					1					2				1							1		5
Fracture of either leg		1		1	3		1			12	3		3		8		1				1		39
Other injuries to thigh or leg		4	4		7		4	13	1	56	33	42	35	2	38	1	4	33	27		20		324
Loss of foot															2								2
Fracture of bones of foot		1	2		3					20	2	1	23		12		1						74
Other injuries to foot		4	7		11			17		186	20	30	125	6	42	1	3	20	54	98	40	1	665
Loss of toe or toes		1	2		2					1			3		3					1			13
All other injuries to lower extremities		1			1					5	2		2		3		1	1			1		17
Total		12	15	1	29		6	30	1	292	60	73	196	9	122	2	10	54	81	99	63	1	1,156

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1909–10—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part													1										1
Including fractures					1																		1
All other injuries to the extremities		2	2		1			2		2		2	2		3	1					1		18
Total		2	2		2			2		2		2	3		3	1					1		20
TRUNK.																							
Fracture of rib										1	3	2	4		4				1		2		17
Other chest injuries			1				2			4	2	5	3		4	3		6	4		1		35
Injuries to back					5			4		21	11	18	23		8		1	2	2		3	1	99
Hernias	1			2						1	7	2	84		3				5				105
Other abdominal injuries											1	1	4		2			1	1		1		11
All other injuries to trunk					1		1	3		4	9	5	3	1	13		1	7	1		3		52
Total	1		1	2	6		3	7		31	33	33	121	1	34	3	2	16	14		10	1	319

EYES.																							
Loss of either eye							2										3						5
Other injuries to either eye					1		1	3	1	4	1	1	2		1	1	149	2	1	6			174
Loss of both eyes							2																2
Other injuries to both eyes							2		1								15			3			21
Total					1		7	3	2	4	1	1	2		1	1	167	2	1	9			202
HEAD.																							
Fracture of skull	1		1		1		1				1				1		1						7
Fracture of other bones			1		1					1					3			1		1			8
Concussion of brain without fracture							1			1													2
All other injuries to head		3	1	1	12	1	4	3		60	8	7	16		16		2	33	16		19		202
Total	1	3	3	1	14	1	6	3		62	9	7	16		20		2	34	17		20		219
NECK.																							
All injuries										2		1	1		1						1		6
MISCELLANEOUS.																							
Internal injuries		1								1					1								3
Poisoning								2															2
All other (including multiple injuries)		1	2		8	2	14	13	3	24	26	5	10		21	1	1	8	3		7		147
Not reported			2		18		3	5		11	22	3	5	2	11	2	1	3	5		18	3	109
Total		2	4		24	2	17	20	3	36	48	8	15	2	33	3	2	11	8		20	3	261
Fatal cases	1	1	1	1	9		4	1	5	7	5		1		38		9				2		85
Grand total	4	44	91	9	140	4	51	96	21	535	188	167	543	14	332	14	32	383	251	102	206	7	3,234

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1909-10.

UPPER EXTREMITIES.																							
Loss of right arm										1													1
Loss of either arm, not specified											1		1										2
Fracture of arm or forearm		1	2	1	2		1			2	7	9	3	2	3	7	1		1				42
Other injuries to either arm or forearm	2	4	18		1	3		7		12	10	15	8	6	39	5		13	7		9	1	160
Loss of right hand			2																				2
Loss of either hand, not specified			1																				1

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1909-10—Continued.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
UPPER EXTREMITIES—concluded.																							
Fracture of bones of hand			2							1	3	4	3		3	1		2			1		20
Other injuries to hand	1	3	37	1	6			15	6	20	12	18	28	2	9	4	1	40	30		17	7	257
Loss of 1 finger, right hand		1	10	1						1			1		2				2				18
Loss of 1 finger, left hand	1	2	16		4								3	1	2		1		1		1		32
Loss of more than 1 finger, right hand		1	2							1													4
Loss of more than 1 finger, left hand			7				1					1											9
Loss of finger or fingers, both hands or either hand, not specified		1	1										1								1		4
Fracture of fingers		1	21		6					7	2	2	11		3		2	2	10		4		71
All other injuries to fingers	3	12	147	8	13	1		7	5	26	1	13	53	6	10	4	3	33	57	1	34	5	442
All other injuries to upper extremities					1			2	1	1	1		6		3				1		1		17
Total	7	26	266	11	33	4	2	31	12	72	37	62	118	17	74	21	8	90	109	1	68	13	1,082

LOWER EXTREMITIES.																							
Loss of either leg																				1			1
Fracture of either thigh									2	2	1												5
Fracture of either leg						1			7	7	8	4	4	4	6	2	2	1		4			50
Fracture of both thighs or legs									1				1	1									3
Other injuries to thigh or leg	2		7	2	11	1		6	42	67	43	43	16	48	29	9	7	18		36	3	390
Fracture of bones of foot					4				28	4	5	14	4	3	2	1	1			2	1	69
Other injuries to foot	4		8	3	12			16	135	38	22	79	30	13	7	7	8	36	68	39	11	537
Loss of toe or toes					1									1				1		1			4
All other injuries to lower extremities					1			3	2	2				1	1								10
Total	6		15	5	30	1	1	25	217	120	79	140	55	71	45	19	18	56	68	83	15		1,069
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including fractures										1				1	1								3
All other injuries to the extremities			2		1	1		2	2	9	3	2	6	18	1								47
Total			2		1	1		2	2	10	3	2	6	19	2								50
TRUNK.																							
Fracture of rib	1	1	3		1				2	29	13	3	5	23	7	1	1	3		4			97
Other chest injuries					1					5	7	2	2	8	1	1		1		1			29
Injuries to back			3		3			1	10	23	10	62	3	48	3			3		3	2		174
Hernias				1						7	2	31		1			2	2		1			47
Other abdominal injuries			1									3	1	2	1			1					9
All other injuries to trunk	1		3	3	3	1		2	8	22	18	11	8	61	6	3		3		6	3		162
Total	2	1	10	4	8	1		3	20	86	50	112	19	143	18	5	3	13		15	5		518
EYES.																							
Loss of either eye																	5						5
Other injuries to either eye			1			1		21	1	2			2				131	1		6	2		168
Other injuries to both eyes							1	1	4								8						14
Total			1			1	1	22	5	2			2				144	1		6	2		187
HEAD.																							
Fracture of skull					1					2	3	1											7
Fracture of other bones				1											1								2

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1903–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1909–10—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
HEAD—concluded.																							
Concussion of brain without fracture	6				1					2	3			1		1							8
All other injuries to head			17		5	4	1	8		38	18	12	4	6	24	2	1	25	7		9	1	182
Total			17	1	7	4	1	8		42	24	13	4	7	24	4	1	25	7		9	1	199
NECK.																							
All injuries		1	1			1		1		1	2										1		8
MISCELLANEOUS.																							
Internal injuries								2			1	2	2		1	1					2		11
Poisoning								7															7
All other (including multiple injuries)			3		7	4	5	35	4	28	74	13	10	25	222	15		2	2	1	13	1	464
Not reported					1						2	1	1	3	4	1					1		14
Total			3		8	4	5	44	4	28	77	16	13	28	227	17		2	2	1	16	1	496
Fatal cases		2	1		6	1		13	3	5	21	1		5	39	7	29		1		8	4	146
Grand total	15	30	316	21	93	18	10	149	24	389	377	224	391	137	597	114	63	282	189	70	206	41	3,755

C.—TOTAL ACCIDENTS REPORTED: 1909-10.

UPPER EXTREMITIES.																							
Loss of right arm				1						2					1								4
Loss of either arm, not specified							1				1		1		1								4
Fracture of arm or forearm		1		1	3		3			7	16	11	8	2	3	7	1	1	1		1		74
Other injuries to either arm or forearm	2	6	20		8	3	2	24	1	30	15	22	22	6	53	5	1	32	15	1	11	1	280
Loss of right hand			2																				2
Loss of either hand, not specified			2												1								3
Fracture of bones of hand			4		3					3	8	6	10		5	2		2	1		2		46
Other injuries to hand	1	9	49	1	17	1	3	25	12	47	24	36	69	2	20	6	4	83	68	1	36	8	527
Loss of 1 finger, right hand		1	16	1	4					2		1		2	9			1	4				45
Loss of 1 finger, left hand	2	3	17		7								10	1	5		1		2		2		50
Loss of more than 1 finger, right hand		1	3							1			1		3						1		10
Loss of more than 1 finger, left hand		1	3				1					1	1		2								14
Loss of finger or fingers, both hands or either hand, not specified		2	2		3								3					1			1		12
Fracture of fingers		3	32	1	11					12	2	3	27		16	1	2	3	18		8		139
All other injuries to fingers	3	23	170	10	31	1		10	6	64	2	24	139	6	27	4	6	63	128	1	84	6	808
All other injuries to upper extremities			3		1			2	3	3	1		8		3				1		2		27
Total	8	50	331	15	88	5	10	61	22	171	69	104	306	19	154	25	15	121	238	3	148	15	2,048
LOWER EXTREMITIES.																							
Loss of either leg					1		1			1					11						1		15
Loss of both legs															3								3
Fracture of either thigh					1					4	2	1		1							1		10
Fracture of either leg		1		1	3		2			19	10	8	12	4	12	6	3	2	1		5		89
Fracture of both thighs or legs										1				1	1								3
Other injuries to thigh or leg	2	4	11	2	18	1	4	19	1	98	100	85	78	18	86	30	13	40	45		56	3	714
Loss of foot															2								2
Fracture of bones of foot		1	2		7					57	6	6	37	4	15	2	2	1			2	1	143
Other injuries to foot	4	4	15	3	24			33		321	58	52	204	35	55	8	10	28	90	166	79	12	1,202
Loss of toe or toes		1	2		3					1			3		4				1	1	1		17
All other injuries to lower extremities		1			2			3		7	4		2		4	1	1	1			1		27
Total	6	12	30	6	59	1	7	55	1	509	190	152	336	64	133	47	29	72	137	167	146	16	2,225

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1909–10—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Including fractures	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1	.....	.....	.....	1	1	.....	.....	.....	.....	.....	.....	4
All other injuries to the extremities	.....	2	4	.....	2	1	.....	4	.....	4	9	5	4	6	21	2	.....	.....	.....	.....	1	.....	65
Total	.....	2	4	.....	3	1	.....	4	.....	4	10	5	5	6	22	3	.....	.....	.....	1	.....	1	70
TRUNK.																							
Fracture of rib	1	1	3	.....	1	.....	.....	.....	.....	3	32	15	7	5	27	7	1	1	4	.....	6	.....	114
Other chest injuries	.....	.....	1	.....	1	.....	2	.....	.....	4	7	12	5	.....	12	4	1	6	5	.....	2	.....	64
Injuries to back	.....	.....	3	.....	8	.....	.....	5	.....	31	34	23	85	3	56	3	1	2	5	.....	6	3	273
Hernias	1	.....	.....	3	.....	.....	.....	.....	.....	1	14	4	115	.....	4	.....	.....	2	7	.....	1	.....	152
Other abdominal injuries	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1	1	7	1	4	1	.....	1	2	.....	1	.....	20
All other injuries to trunk	1	.....	3	3	4	1	1	5	.....	12	31	23	14	9	74	6	4	7	4	.....	9	3	14
Total	3	1	11	6	14	1	3	10	.....	51	119	83	233	20	177	21	7	19	7	.....	25	6	837

EYES.																							
Loss of either eye							2										8						10
Other injuries to either eye			1		1	1	1	24	2	6	1	1	4		1	1		280	3	1	12	2	342
Loss of both eyes							2																2
Other injuries to both eyes							3	1	5									23			3		35
Total			1		1	1	8	25	7	6	1	1	4		1	1		311	3	1	15	2	389
HEAD.																							
Fracture of skull	1		1		2		1			2	4	1			1			1					14
Fracture of other bones			1	1	1					1					3	1			1		1		10
Concussion of brain without fracture					1		1			3	3			1		1							10
All other injuries to head		3	18	1	17	5	5	11		98	26	19	20	6	40	2	3	58	23		28	1	384
Total	1	3	20	2	21	5	7	11		104	33	20	20	7	44	4	3	59	24		29	1	418
NECK.																							
All injuries		1	1			1		1		3	2	1	1		1						2		14
MISCELLANEOUS.																							
Internal injuries		1						2		1	1	2	2		2	1					2		14
Poisoning								9															9
All other (including multiple injuries)		1	5		13	6	19	48	7	52	100	18	20	25	243	16	1	10	5	1	20	1	611
Not reported			2		10		3	5		11	24	4	6	5	15	3	1	3	5		14	3	123
Total		2	7		32	6	22	64	7	64	125	24	28	30	260	20	2	13	10	1	36	4	757
Fatal cases	1	3	2	1	15	1	4	14	8	12	26	1	1	5	77	7	38		1		10	4	231
Grand total	19	74	407	30	233	22	61	245	45	924	565	291	934	151	929	128	94	665	440	172	412	48	6,989

A.—ISTHMIAN CANAL COMMISSION: 1910-11.

UPPER EXTREMITIES.																							
Loss of right arm		1										1			2								4
Loss of either arm, not specified							1								1								2
Fracture of arm or forearm			4	1	3					6	11	3	8		4		1		1		2		44
Other injuries to either arm or forearm		4	10	1	10	3	2	16		16	8	8	21		12		3	23	20		5	1	158
Loss of right hand															1								1
Loss of either hand, not specified															1								1

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1910-11—Continued.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
UPPER EXTREMITIES—con.																							
Fracture of bones of hand										3	1	2	9	1	4			2	5		1		28
Other injuries to hand	1	19	16	1	23	8		17	6	44	15	12	83	4	22		5	77	74		9		427
Loss of 1 finger, right hand	1	2	1		3					4			7		3				1				22
Loss of 1 finger, left hand			3	1	4								5		2			1	5				21
Loss of more than 1 finger, right hand			3		1						1		4		1								10
Loss of more than 1 finger, left hand			2		1	1							4		2								10
Loss of finger or fingers, both hands or either hand, not specified													1										1
Fracture of fingers		5	8	1	7					12	1		43		5				10		3		95
All other injuries to fingers	4	14	85	7	49	6		3		61	3	8	265	3	28	1	5	50	139		41	3	775
All other injuries to upper extremities					1		1	2		1	1		2								1		9
Total	6	36	132	12	102	18	4	38	6	147	41	29	452	8	88	1	14	153	255		62	4	1,608
LOWER EXTREMITIES.																							
Loss of either leg							1			1					17								19
Loss of both legs								1							7								8
Fracture of either thigh										1	1		1		4								7

Fracture of either leg			4		5		1			19	7		9		17				1		1		64
Other injuries to thigh or leg		3	9	3	33	7	2	10		100	67	34	120	7	58	2	6	52	38	2	33		586
Loss of foot														1	5								6
Fracture of bones of foot		2	1	1	3					24	1		25	1	13		1	1	3				76
Other injuries to foot		5	18	1	34	4	1	36		185	30	26	367	26	66	1	17	42	77	237	52	1	1,227
Loss of toe or toes										1	1		3		10								15
All other injuries to lower extremities					4			3		4		1	6		1		1		2		2	1	25
Total		11	32	5	79	11	5	50		335	107	61	531	35	198	3	25	95	121	239	88	2	2,033
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including fractures															1								1
All other injuries to the extremities			1		3		1	1		5	2	1	3		2			1					20
Total			1		3		1	1		5	2	1	3		3			1					21
TRUNK.																							
Fracture of rib			1		2	1				3	7	1	1		3				1		1		21
Other chest injuries		1	2		8	1		5		12	11	5	17		11			4	11		2		91
Injuries to back			2		10	4		5	1	29	17	5	65	1	23			7	8		3		180
Hernias			4		1	1	1				13	11	96		5		1		10		1	2	146
Other abdominal injuries		1	1		2	1				1	2		7		3	1		2	4		1		26
All other injuries to trunk		1	4		7	3	1	8		32	38	12	30	4	21	1	2	8	12		8	1	193
Total		3	14		30	11	2	18	1	78	88	34	216	5	66	2	3	21	46		16	3	657
EYES.																							
Loss of either eye			1				2				1							6					10
Other injuries to either eye					1	3	4	15		5			2		4			310	3				347
Other injuries to both eyes					1		1	4	3	1								21				3	34
Total			1		2	3	7	19	3	6	1		2		4			337	3			3	391
HEAD.																							
Fracture of skull					3		1			6	2		1		3	1		4	1		2		24
Fracture of other bones										1			1						2				4
Concussion of brain without fracture										1					1								2
All other injuries to head			12	1	25	4	2	3	1	92	12	8	34	2	33		4	60	45		9	1	348
Total			12	1	28	4	3	3	1	100	14	8	36	2	37	1	4	64	48		11	1	378

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1910-11—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
NECK.																						
All injuries			1					1					1		1			3	2				9
MISCELLANEOUS.																						
Internal injuries					2					2	1		1		1			1			1		9
All other (including multiple injuries)	1	2	1		18	12	11	17	13	53	52	6	18	4	69		12	10	4		10	1	314
Not reported			2		19	1	3	1	2	34	36	5	11	4	34	3		2	5	1	10	1	174
Total	1	2	3		39	13	14	18	15	89	89	11	30	8	104	3	12	13	9	1	21	2	497
Grand total	7	52	196	18	283	60	36	148	26	760	342	144	1,271	58	501	10	58	687	484	240	201	12	5,594

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1910-11.

UPPER EXTREMITIES.																							
Loss of right arm			1							1													2
Fracture of arm or forearm	1			1	1		1			2	12	9	3	3	4	1	2		3		1	2	46
Other injuries to either arm or forearm	1	5	10	3	4	4		7		11	16	8	6	2	12	3		14	6		5	1	119

Loss of right hand			1														1							2
Fracture of bones of hand			1			1				1	3	1	3	2	2			1	3					18
Other injuries to hand	1	5	30	12	5	6	1	13	12	29	11	18	29	2	8	2	3	47	37		12	4		296
Loss of 1 finger, right hand	1	1	12		2		1					1	1		1		1	2			2			25
Loss of 1 finger, left hand		1	5	1	2					2			1											12
Loss of more than 1 finger, right hand			2										2											4
Loss of more than 1 finger, left hand		1	1							1									1					4
Loss of finger or fingers, both hands or either hand, not specified	1		2										1											4
Fracture of fingers	1	2	26	6	8	2				19		2	21		2		3		9		3	1		105
All other injuries to fingers	3	9	117	44	13	9	1	5	7	51	3	4	65	2	13		9	41	64		26	7		493
All other injuries to upper extremities	1					2	1	8	1	4	5	1	2		2			2	2					31
Total	10	25	217	67	35	24	5	33	20	121	50	44	134	11	44	6	19	107	125		49	15		1,161
LOWER EXTREMITIES.																								
Loss of either leg						1	1								1	1								4
Fracture of either thigh		1			1					2	2	1			2								1	10
Fracture of either leg	1		1		3	1	2			13	12	3	6	5	5	1	2	2			4			61
Fracture of both thighs or legs					1																			1
Other injuries to thigh or leg		3	6	3	10	6	1	4	1	49	58	27	32	12	31	12	5	18	13	2	19	1		313
Loss of foot		1																						1
Fracture of bones of foot	2	1	1		5		1			45	9	1	13	1	2	1	1		1		3			87
Other injuries to foot	2	3	6	3	14	5		21		201	53	14	71	17	13	6	7	10	35	52	29	3		565
Loss of toe or toes					1		1			1					2				1					6
All other injuries to lower extremities								5		10	1	2	2	3	4	1					1			29
Total	5	9	14	6	35	13	6	30	1	321	135	48	124	38	60	22	15	30	50	54	56	5		1,077
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																								
Including fractures										3														3
All other injuries to the extremities							1				9	4	1	5	3	2		2						27
Total							1			3	9	4	1	5	3	2		2						30

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1910–11—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																		
TRUNK.																						
Fracture of rib	1			2	2					2	24	11	2	5	13	5					2		69
Other chest injuries				1		2				3	5	2	1	1	3	4					1		23
Injuries to back	1		3	1	3	3				16	25	14	58	7	40	3	2		2		6	1	185
Hernias		1	3	4	2					1	3	3	17		1		2		1		2	1	41
Other abdominal injuries			1	1						1	1		1						1		2		8
All other injuries to trunk		1	5	1	5	4	1	1		24	51	21	36	14	52	9	7	3	7		6	3	251
Total	2	2	12	10	12	9	1	1		47	109	51	115	27	109	21	11	3	11		19	5	577
EYES.																						
Loss of either eye					1													5					6
Other injuries to either eye			5			2		9		6	1		1		3			137	4		1		169
Other injuries to both eyes						1	2	6										4			2		15
Total			5		1	3	2	15		6	1		1		3			146	4		3		190
HEAD.																						
Fracture of skull					1	1	8			4	5			1	4	3		1					28
Fracture of other bones											1					1							2
Concussion of brain without fracture										3	1			1									5

All other injuries to head		3	7	1	6	1	2	7		45	28	8	4	9	15	5	3	22	14	1	11	1	193
Total		3	7	1	7	2	10	7		52	35	8	4	11	19	9	3	23	14	1	11	1	228
NECK.																							
All injuries					1			1		4											1		7
MISCELLANEOUS.																							
Internal injuries								1		3	1		9	1	3	1	1				1	1	22
Poisoning								10															10
All other (including multiple injuries)		3	5	1	6	18	14	14	3	35	73	16	13	22	199	9	17	2	1		16	4	471
Not reported		1									1			1	9	2							14
Total		4	5	1	6	18	14	25	3	38	75	16	22	24	211	12	18	2	1		17	5	517
Grand total	17	43	260	85	97	69	39	112	24	592	414	171	401	116	449	72	66	313	205	55	156	31	3,787

C.—TOTAL ACCIDENTS REPORTED: 1910-11.

UPPER EXTREMITIES.																							
Loss of right arm		1	1							1		1			2								6
Loss of either arm, not specified							1								1								2
Fracture of arm or forearm	1		4	2	4		1			8	23	12	11	3	8	1	3		4		3	2	90
Other injuries to either arm or forearm	1	10	20	4	14	7	2	23		27	24	11	27	2	24	3	3	37	26		10	2	277
Loss of right hand			1												1		1						3
Loss of either hand, not specified															1								1
Fracture of bones of hand			1			1				4	4	3	12	3	6			3	8		1		46
Other injuries to hand	2	15	55	13	28	14	1	30	18	73	26	30	112	6	30	2	8	124	111		21	4	723
Loss of 1 finger, right hand	2	3	12		5		1			4		1	8		4		1	2	1		2		47
Loss of 1 finger, left hand		1	8	2	6					2			6		2			1	5				33
Loss of more than 1 finger, right hand			5		1						1		6		1								14
Loss of more than 1 finger, left hand		1	3		1	1				1			4		2				1				14
Loss of finger or fingers, both hands or either hand, not specified	1		2										2										5
Fracture of fingers	1	7	34	7	15	2				31	1	2	64		7		3		19		6	1	200
All other injuries to fingers	7	23	202	51	62	15	1	8	7	112	6	12	330	5	41	1	14	91	203		67	10	1,268
All other injuries to upper extremities	1				1	2	2	10	1	5	6	1	4		2			2	2		1		40
Total	16	61	349	79	137	42	9	71	26	268	91	73	586	19	122	7	33	260	380		111	19	2,769

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1910-11—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
LOWER EXTREMITIES.																							
Loss of either leg						1	2			1					18	1							23
Loss of both legs								1		3					7								8
Fracture of either thigh		1			1					3	3	1	1		6							1	17
Fracture of either leg	1		5		8	1	3			32	19	3	15	5	22	1	2	2	1		5		125
Fracture of both thighs or legs					1																		1
Other injuries to thigh or leg		6	15	6	43	13	3	14	1	149	125	61	152	19	89	14	11	70	51	4	52	1	899
Loss of foot		1												1	5								7
Fracture of bones of foot	2	3	2	1	8		1			69	10	1	38	2	15	1	2	1	4		3		163
Other injuries to foot	2	9	24	4	48	9	1	57		386	83	40	438	42	79	7	24	52	112	289	81	4	1,792
Loss of toe or toes					1		1			2	1		3		12				1				21
All other injuries to lower extremities					4			8		14	1	3	8	3	5	1	1		2		3	1	54
Total	5	20	46	11	114	24	11	80	1	656	242	109	655	73	258	25	40	125	171	293	144	7	3,110
COMBINED INJURIES TO UPPER OR LOWER EXTREMITIES.																							
Including fractures										3					1								

All other injuries to the extremities			1		3		2	1		5	11	5	4	5	5	2		3					47
Total			1		3		2	1		8	11	5	4	5	6	2		3					51
TRUNK.																							
Fracture of rib	1		1	2	4	1				5	31	12	3	5	16	5			1		3		90
Other chest injuries		1	2	1	8	3		5		16	16	7	18	1	14	4		4	11		3		114
Injuries to back	1		5	1	13	7		5	1	45	42	19	123	8	63	3	2	7	10		9	1	365
Hernias		1	7	4	3	1	1			1	16	14	113		6		3		11		3	3	187
Other abdominal injuries		1	2	1	2	1				2	3		8		3	1		2	5		2		34
All other injuries to trunk		2	9	1	12	7	2	9		56	89	33	66	18	73	10	9	11	19		14	4	444
Total	2	5	26	10	42	20	3	19	1	125	197	85	331	32	175	23	14	24	57		35	8	1,234
EYES.																							
Loss of either eye			1		1		2				1							11					16
Other injuries to either eye			5		1	5	4	24		11	1		3		7			447	7		1		516
Other injuries to both eyes					1	1	3	10	3	1								25			5		49
Total			6		3	6	9	34	3	12	2		3		7			483	7		6		581
HEAD.																							
Fracture of skull					4	1	9			10	7		1	1	7	4		5	1		2		52
Fracture of other bones										1	1		1			1			2				6
Concussion of brain without fracture										4	1			1	1								7
All other injuries		3	19	2	31	5	4	10	1	137	40	16	38	11	48	5	7	82	59	1	20	2	541
Total		3	19	2	35	6	13	10	1	152	49	16	40	13	56	10	7	87	62	1	22	2	606
NECK.																							
All injuries			1		1			2		4			1		1			3	2		1		16
MISCELLANEOUS.																							
Internal injuries					2			1		5	2		10	1	4	1	1	1			2	1	3
Poisoning								10															1
All other	1	5	6	1	24	30	25	31	16	88	125	22	31	26	268	9	29	12	5		26	5	785
Not reported		1	2		19	1	3	1	2	34	37	5	11	5	43	5		2	5	1	10	1	188
Total	1	6	8	1	45	31	28	43	18	127	164	27	51	32	315	15	30	15	10	1	38	7	1,014
Grand total	24	95	456	103	380	129	75	260	50	1,352	756	315	1,672	174	950	82	124	1,000	670	314	357	43	9,381

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1911–12.

Nature of injury.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
UPPER EXTREMITIES.																							
Loss of right arm		1													1			1					3
Loss of left arm, or not specified					1										2								3
Fracture of arm or forearm		2	1		6					7	5	3	3		8			3	3		1		42
Other injuries to arm or forearm			4	2	6	2	4	2		7	5	10	8		7			18	8		6		89
Loss of right hand			1		1		2																4
Fracture of bones of hand		2	2		2					4		1	7		2			5	3				28
Other injuries to hand	1	3	13	1	7	3	4	14	3	16	11	12	68		10	1		56	22		12	1	258
Loss of 1 finger, right hand		1			2					3			5						1				12
Loss of 1 finger, left hand			1		2					1	1		4		1						2		12
Loss of more than 1 finger, right hand			2		4																		6
Loss of more than 1 finger, left hand			1										1										2
Loss of finger or fingers, both hands or either hand, not specified		1	1										1										3
Fracture of fingers		3	7		4					5	2	1	22		4			1	14		4		67
All other injuries to fingers		7	38	4	40		1	2	1	34	4	4	227	2	19		1	34	107		23	1	549
All other injuries to upper extremities			2		4		1			2			1		2			2	2		3		19
Total	1	20	73	7	79	5	12	18	4	79	28	31	347	2	56	1	1	120	160		51	2	1,097

LOWER EXTREMITIES.																						
Loss of either leg		1									1	1			6			1				10
Loss of both legs															5							5
Fracture of either thigh					1					2	1	1	2		2	1						10
Fracture of either leg					5		1			17	9	4	11		12		1	2	1		4	67
Fracture of both thighs or legs															3							3
Other injuries to thigh or leg		1	5		16	3	3	2		43	36	20	64		21	2	1	20	30	1	25	293
Loss of foot															3							3
Fracture of bones of foot					2					7	4		8		2				1			24
Other injuries to foot		3	2	1	18	4	3	31		80	26	22	141	12	25			16	17	128	21	550
Loss of toe or toes													1									1
All other injuries to lower extremities		1	4		2		3	1		42	3		79	5	18			3	11	4	7	183
Total		6	11	1	44	7	10	34		191	80	48	306	17	97	3	2	42	60	133	57	1,149
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including loss of any part															1							1
Including fractures											1				1							2
All other injuries to the extremities						2	3			2	5		7		3			2	1			25
Total						2	3			2	6		7		5			2	1			28
TRUNK.																						
Fracture of rib					1					4	3	2	1		3	1		1	1		1	18
Other chest injuries		1	2	1	7		1	1		6	7	7	17		8	2		7	4		2	73
Injuries to back		2	1		3	2		3		19	10	4	28		8			1	1		1	83
Hernias	1									6	11	4	110		1				9		2	144
Other abdominal injuries													2		1			1				4
All other injuries to trunk		1			6	2	2	1		13	10	5	18	1	15			1	5		4	84
Total	1	4	3	1	17	4	3	5		48	41	22	176	1	36	3		11	20		10	406
EYES.																						
Loss of either eye							1											4				5
Other injuries to either eye			2		2			10		1	1		2		2			149	5		1	175
Other injuries to both eyes							1	3										7			4	15
Total			2		2		2	13		1	1		2		2			160	5		5	195

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1911-12—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
HEAD.																							
Fracture of skull			2		3					3	4				9			2			1		29
Fracture of other bones					2					2					3				1				8
Concussion of brain without fracture					1		1			1					2								5
All other injuries to the head		1	3		4	1	6	3		33	4	1	8	1	5			11	15		10		106
Total		1	5		10	1	7	3		44	8	1	8	1	19			13	16		11		148
NECK.																							
All injuries					1			1					1	1	1			1			2		8
MISCELLANEOUS.																							
Internal injuries					1		1						1			3		2	1		2	1	12
All other (including multiple injuries)		1	2	1	8	4	27	9	1	34	28	7	5		48			6	5		11		197
Drowned					1					1	4						4						10
Not reported		1			11		2	7		9	11		9		11	1			3		2		67
Total		2	2	1	21	4	30	16	1	44	43	7	15		59	4	4	8	9		15	1	286
Grand total	2	33	96	10	174	23	67	90	5	409	207	109	862	22	275	11	7	357	271	133	151	3	3,317

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1911-12.

UPPER EXTREMITIES.																						
Fracture of arm or forearm		1	4				1			10	13	12	4		2	4	2				2		55
Other injuries to arm or forearm		1	11	6	3	1		8	2	9	12	11	12		14	3		16	15		8		132
Loss of left hand or not specified			1																				1
Fracture of bones of hand	1		2		3					2	2	2	3	1		2			3		3		23
Other injuries to hand	2	4	50	7	11	12	2	21	3	26	12	18	51		8	4	1	50	53		19		354
Loss of 1 finger, right hand			3		1		1			2			1								3		11
Loss of 1 finger, left hand			2		2					1			3								1		9
Loss of more than 1 finger, right hand	1		2												1								4
Loss of more than 1 finger, left hand																					1		*1
Fracture of fingers			10		4	1				2	1	1	23		3		1	1	12		2		61
All other injuries to fingers	1	7	203	17	26	1		11	2	38	2	4	185		6	6	4	68	105	1	41		728
All other injuries, upper extremities			9		2	3		9	2	1	3	2	1		5	2		1	1		3		44
Total	5	13	297	30	52	18	4	49	9	91	45	50	283	1	39	21	8	136	189	1	82		1,423
LOWER EXTREMITIES.																							
Loss of either leg			1							1					1		1						4
Fracture of either thigh					1					3	3	2		1					1		1		12
Fracture of either leg		1	1		2		1			10	10	12	4	2	3	10					5		62
Fracture of both thighs or legs										1	1				1								3
Other injuries to thigh or leg	2	2	10	1	18	1		4		52	66	47	52	7	18	16	4	11	29	1	58	1	409
Loss of foot											1				2								3
Loss of feet															1								1
Fracture of bones of foot										10	2		2	1	1				2		1		19
Other injuries to foot		3	1	1	20	4		19		131	65	31	76	13	16	11	3	9	32	67	38	1	541
Loss of toe or toes		1								1						1			3				6
All other injuries, lower extremities		2	4	2	10			6		141	4	4	59	11	5	1	2	2	14	2	7		276
Total	2	9	17	4	51	5	1	29		350	152	97	193	35	48	39	10	22	81	70	110	2	1,327
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including fractures													1		1						1		3
All other injuries to the extremities					2			1		2	8	4		1	12	1		1			1		33
Total					2			1		2	8	4	1	1	13	1		1			2		36

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1911-12—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
TRUNK.																							
Fracture of rib					1					8	24	6	5	1	17	2			2		3		69
Other chest injuries		1	2	1	3			1		15	24	9	17	4	6	5		2	6		6		102
Injuries to back			2	4	5	1				17	27	15	95		51	3	2	2	5		11		240
Hernias									1		4	5	44		2				4		2		62
Other abdominal injuries		1	2	1						2	2		5		3	4		2	1		4		27
All other injuries to trunk	1		3	1	4	1			1	30	65	21	43	6	82	7	2		7		10		284
Total	1	2	9	7	13	2		1	2	72	146	56	209	11	161	21	4	6	25		36		784
EYES.																							
Loss of either eye																		5					5
Other injuries to either eye			3			2		15		1	1				1			138	6		3	1	171
Other injuries to both eyes							2	5										7			3		17
Total			3			2	2	20		1	1				1			150	6		6	1	193
HEAD.																							
Fracture of skull		1			2		1			8	5	1	1	1				1			1		22
Fracture of other bones													1					1	1				3
Concussion of brain without fracture										5	4	2		1	4	1					4		21

All other injuries to head	1	2	8	1	13	5	3	9	1	61	7	9	9	2	15	3	3	26	21	.....	18	.....	217
Total	1	3	8	1	15	5	4	9	1	74	16	12	11	4	19	4	3	28	22	.....	23	.....	263
NECK.																							
All injuries	.....	.....	1	.....	.....	.....	1	1	.....	1	1	1	1	.....	2	.....	.....	.....	.....	.....	.....	.....	9
MISCELLANEOUS.																							
Internal injuries	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	4	1	1	2	5	1	.....	.....	.....	.....	.....	1	17
Poisoning	.....	.....	.....	.....	.....	.....	.....	9	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	1	.....	12
All other (including multiple injuries)	.....	4	4	.....	23	15	13	21	9	63	88	22	10	14	231	12	4	7	.....	.....	25	1	566
Drowned	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	19	.....	.....	.....	.....	1	10	.....	.....	.....	6	.....	38
Not reported	.....	.....	.....	.....	1	.....	2	.....	.....	1	1	2	.....	1	.....	.....	.....	1	1	.....	2	.....	12
Total	.....	4	4	.....	24	15	15	30	9	68	112	25	11	17	236	14	14	10	1	.....	34	2	645
Grand total	9	31	339	42	157	47	27	140	21	659	481	245	709	69	519	100	39	353	324	71	293	5	4,680

C.—TOTAL ACCIDENTS REPORTED: 1911-12.

UPPER EXTREMITIES.																							
Loss of right arm	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1	.....	.....	.....	.....	3
Loss of left arm or not specified	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	3
Fracture of arm or forearm	.....	3	5	.....	6	.....	1	.....	.....	17	18	15	7	.....	10	4	2	3	3	.....	3	.....	97
Other injuries to arm or forearm	.....	1	15	8	9	3	4	10	2	16	17	21	20	.....	21	3	.....	34	23	.....	14	.....	221
Loss of right hand	.....	.....	1	.....	1	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4
Loss of left hand or not specified	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Fracture of bones of hand	1	2	4	.....	5	.....	.....	.....	.....	6	2	3	10	1	2	2	.....	5	6	.....	2	.....	51
Other injuries to hand	3	7	63	8	18	15	6	35	6	42	23	30	119	.....	18	5	1	106	75	.....	31	1	612
Loss of 1 finger, right hand	.....	1	3	.....	3	.....	1	.....	.....	5	.....	.....	6	.....	.....	.....	.....	.....	1	.....	3	.....	23
Loss of 1 finger, left hand	.....	.....	3	.....	4	.....	.....	.....	.....	2	1	.....	7	.....	1	.....	.....	.....	.....	.....	3	.....	21
Loss of more than 1 finger, right hand	1	.....	4	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	10
Loss of more than 1 finger, left hand	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1	.....	3
Loss of finger or fingers, both hands or either hand, not specified	.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Fracture of fingers	.....	3	17	.....	8	1	.....	.....	.....	7	3	2	45	.....	7	.....	1	2	26	.....	6	.....	128
All other injuries to fingers	1	14	241	21	66	1	1	13	3	72	6	8	412	2	25	6	5	102	212	1	61	1	1,277
All other injuries to upper extremities	.....	.....	11	.....	6	3	1	9	2	3	3	2	2	.....	7	2	.....	3	3	.....	6	.....	63
Total	6	33	370	37	131	23	16	67	13	170	73	81	630	3	95	22	9	256	349	1	133	2	2,520

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

C.—TOTAL ACCIDENTS REPORTED: 1911–12—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery. Using power.	Working machinery. Not using power.	Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
LOWER EXTREMITIES.																							
Loss of either leg		1	1							1	1	1			7		1	1					14
Loss of both legs															5								5
Fracture of either thigh					2					5	4	3	2	1	2	1			1		1		22
Fracture of either leg		1	1		7		2			27	19	17	15	2	15	10	1	2	1		9		129
Fracture of both thighs or legs										1	1				4								6
Other injuries to thigh or leg	2	3	15	1	34	4	3	6		95	102	67	116	7	39	18	5	31	59	2	83	1	693
Loss of foot											1				5								6
Loss of feet															1								1
Fracture of bones of foot					2					17	6		10	1	3				3		1		43
Other injuries to foot		6	3	2	38	8	3	50		211	91	53	217	25	41	11	3	25	49	195	59	1	1,091
Loss of toe or toes		1								1			1			1			3				7
All other injuries to lower extremities		3	8	2	12		3	7		183	7	4	138	16	23	1	2	5	25	6	14		459
Total	2	15	28	5	95	12	11	63		541	232	145	499	52	145	42	12	64	141	203	167	2	2,476
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including loss of any part															1								1
Including fractures											1		1		2						1		5

All other injuries to the extremities					2	2	3	1		4	13	4	7	1	15	1		3	1		1		58
Total					2	2	3	1		4	14	4	8	1	18	1		3	1		2		64
TRUNK.																							
Fracture of rib					2					12	27	8	6	1	20	3		1	3		4		87
Other chest injuries		2	4	2	10		1	2		21	31	16	34	4	14	7		9	10		8		175
Injuries to back		2	3	4	8	3		3		36	37	19	123		59	3	2	3	6		12		323
Hernias	1								1	6	15	9	154		3				13		4		206
Other abdominal injuries		1	2	1						2	2		7		4	4		3	1		4		31
All other injuries to trunk	1	1	3	1	10	3	2	1	1	43	75	26	61	7	97	7	2	1	12		14		388
Total	2	6	12	8	20	6	3	6	2	120	187	78	385	12	197	24	4	17	45		46		1,190
EYES.																							
Loss of either eye							1											9					10
Other injuries to either eye			5		2	2		25		2	2		2		3			287	11		4	1	246
Other injuries to both eyes							3	8										14			7		32
Total			5		2	2	4	33		2	2		2		3			310	11		11	1	388
HEAD.																							
Fracture of skull		1	2		5		1			16	9	1	1	1	9			3			2		51
Fracture of other bones					2					2			1		3			1	2				11
Concussion of brain without fracture					1		1			6	4	2		1	6	1					4		26
All other injuries to head	1	3	11	1	17	6	9	12	1	94	11	10	17	3	20	3	3	37	36		28		323
Total	1	4	13	1	25	6	11	12	1	118	24	13	19	5	38	4	3	41	38		34		411
NECK.																							
All injuries			1		1		1	2		1	1	1	2	1	3			1			2		17
MISCELLANEOUS.																							
Internal injuries					1		1			2	4	1	2	2	5	4		2	1		2	2	29
Poisoning								9										2			1		12
All other (including multiple injuries)		5	6	1	31	19	40	30	10	97	116	29	15	14	279	12	4	13	5		36	1	763
Drowned					1					3	23					1	14				6		48
Not reported		1			12		4	7		10	12	2	9	1	11	1		1	4		4		79
Total		6	6	1	45	19	45	46	10	112	155	32	26	17	295	18	18	18	10		49	3	931
Grand total	11	64	435	52	331	70	94	230	26	1,068	658	854	1,571	91	794	111	46	710	595	204	444	8	7,997

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1912–13.

Nature of injury.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
UPPER EXTREMITIES.																							
Loss of right arm															1								1
Fracture of arm or forearm			1		1		1			2	1		3	1	3						2		15
Other injuries to arm or forearm			7		13	3	8	20		16	2	8	26	2	11			14	11		4	2	147
Fracture of bones of hand	1				6		1			3	1	3	11		4				1		2		33
Other injuries to hand	1	5	35	1	30	1	5	29	2	41	10	12	149	10	25		1	71	77	2	19		526
Loss of 1 finger, right hand		1	1		2								4					1	1		1		11
Loss of 1 finger, left hand			1		1								1	1				1			1		6
Loss of finger or fingers, both hands or either hand, not specified					1								1		1								3
Fracture of fingers		1	13	1	12		1			7		2	46	1	3		3	3	20		2		115
Other injuries to fingers	4	2	80		60	1	4	4	3	37	3	5	301	14	35		11	67	180		30	3	844
Other injuries to upper extremities			1		8	2	3	1	1	3	1		5			1		2	1				24
Total	6	9	139	2	129	7	23	54	6	109	18	30	547	29	83	1	15	159	291	2	61	5	1,725
LOWER EXTREMITIES.																							
Loss of either leg							1																1
Fracture of either thigh					1						1								1				3

Fracture of either leg (kneecap)			1		5		3			12	6		4	1	10				1				45
Fracture of both thighs or legs														1									1
Other injuries to thigh or leg		2	17		35	2	26	10		66	33	32	95	5	51	2	6	25	39	1	41		488
Loss of foot					2																		2
Fracture of foot		1	1		2		2		1	3		1	6	2	3				3		3		28
Other injuries to foot (ankle)		3	14		40	2	6	35	1	132	16	15	337	38	42	1	5	28	67	274	72	3	1,131
Loss of toe or toes													3		1								4
Other injuries to lower extremities		1	6	1	15		1	3	1	37	3	5	124	7	19		2	2	15	13	7		262
Total		7	39	1	100	4	39	48	3	250	59	53	569	54	126	3	13	55	126	288	125	3	1,965
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including the loss of any part															1								1
Including fractures										4													4
All other injuries to the extremities					3		1	2		6	1	2	2	1	5						5		28
Total					3		1	2		10	1	2	2	1	6						5		33
TRUNK.																							
Fracture of rib (or ribs)										2	3		3	1	3				1				13
Other chest injuries (shoulder, collar bone)					9		9	2		18	8	3	34	3	11	1	1	2	4		4		109
Injuries to back					12		4	5		25	11	7	54		12			1	6		10		157
Hernias					4					2	3	6	53		2	1			5				76
Other abdominal injuries			1		6			2		3	2	3	8		1		1	1	2		1		31
All other injuries to trunk					10		6	2		23	13	7	31	3	15		2		4		7		123
Total			1		41		19	11		73	40	26	193	7	44	2	4	4	22		22		509
EYES.																							
Loss of either eye																		3	1				4
Other injuries to either eye			1	1	1	2	6	28	3	3		1	5		10		3	343	5		5		417
Other injuries to both eyes	1						1	5		1								24					32
Total	1		1	1	1	2	7	33	3	4		1	5		10		3	370	6		5		453

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1912–13—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
HEAD.																							
Fracture of skull					1		1			3	2							1					8
Fracture of other bones			1							1									2				4
Concussion of brain without fracture											1												1
All other injuries to head	1	2	8	1	24	2	19	4	1	74	16	6	31	3	19	1	1	12	46		11		282
Total	1	2	9	1	25	2	20	4	1	78	19	6	31	3	19	1	1	13	48		11		295
NECK.																							
All injuries			1					1		1			1					3	2		1		10
MISCELLANEOUS.																							
Internal injuries					3						4	1	6				1		2		1		18
All other (including multiple injuries)					23		15	13		37	23	6	19	1	29		1	2	6		12		187
Drowned					1												3						4
Not reported		3	3		40		18	7		48	70	10	42	12	54	7	3	4	6	1	16		344
Total		3	3		67		33	20		85	97	17	67	13	83	7	9	5	14	1	29		553
Grand total	8	21	193	5	366	15	142	173	13	610	234	135	1,415	107	371	14	44	610	509	291	259	8	5,543

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1912-13.

UPPER EXTREMITIES.																								
Fracture of arm or forearm	1	1	2	1	1					10	16	8	9	3	6	2	1	3	2		5		71
Other injuries to arm or forearm		1	15	12	6	7	1	13	1	18	17	20	17	2	24	1		19	14		27		216
Loss of right hand															1								1
Loss of left hand or not specified			1				1																2
Fracture of bones of hand					2					3		1	4					1	4		4		19
Other injuries to hand		9	35	11	11	5	2	17	11	15	18	21	72	3	13	5		63	68		23		402
Loss of 1 finger, right hand		1	4	1	2				1				2		1		1		1		1		15
Loss of 1 finger, left hand		2	4		2								1						2		1		12
Loss of more than 1 finger, right hand																					1		1
Loss of more than 1 finger, left hand			2	1																			3
Loss of finger or fingers, both hands or either hand, not specified													1										1
Fracture of fingers		1	24		8					10	1		25		1	1		1	15		4		91
All other injuries to fingers		18	209	25	35		2	12	5	44	4	5	232	4	10	1	1	90	154		50	4	916
All other injuries to upper extremities		1	5	1			1	3	1	2	1	3	3					2	4		1		28
Total	1	34	302	52	68	12	7	45	19	102	57	58	366	12	56	10	3	179	264		127	4	1,778
LOWER EXTREMITIES.																								
Loss of either leg					1					1		1										1	2
Fracture of either thigh					2					3	5	2	1	1		1	1	1			1		18
Fracture of either leg		1			7					12	15	11	9	6	9	3	4	1			6	1	85
Other injuries to thigh or leg		4	4	3	18	6	1	7	1	49	77	53	54	15	29	20	1	17	56	1	37	1	454
Loss of foot					1					2					1		2						6
Fracture of bones of foot					5					16	3	1	8	4		1		1	2				41
Other injuries to foot		2	1	5	17			25		123	50	71	97	22	12	10	1	1	43	93	26	1	600
Loss of toe or toes			1		1					2	1		4				1		1				11
All other injuries to lower extremities		1	2		9	1		6		131	8	4	94	17	3	1		4	15	6	7		309
Total		8	8	8	61	7	1	38	1	339	159	143	267	65	54	36	10	25	117	100	77	4	1,526
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																								
Including fractures			1							1	1												3
All other injuries to the extremities			1		1	2		1		8	11	6	3	5	10	4		1	1		3		57
Total			2		1	2		1		9	12	6	3	5	10	4		1	1		3		60

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1912-13—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																					
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using powder.	Not using powder.																		
TRUNK.																						
Fracture of rib		1	1	1	2					7	34	10	7	4	11	9		1	4		1		93
Other chest injuries				7	6	2				12	31	15	27	2	9	8	1	3	2		8	1	134
Injuries to back		1	2	2	2			1		21	37	19	126	5	32	3		2	9		19		281
Hernias		1	2	2	2					1	6	5	42		6	1			6		1		75
Other abdominal injuries			3	2	1					3	2		4		3	1		2	3		2		26
All other injuries to trunk		1	3	7	5		1	2		33	33	18	38	6	46	8		5	13		14	1	234
Total		4	11	21	18	2	1	3		77	143	67	244	17	107	30	1	13	37		45	2	843
EYES.																						
Loss of either eye							2	1										4			1		8
Other injuries to either eye			1		1	2	1	17		2		1	3		2			201	5		4		240
Loss of both eyes																		1					1
Other injuries to both eyes								8	1									7			1		17
Total			1		1	2	3	26	1	2		1	3		2			213	5		6		266
HEAD.																						
Fracture of skull					3					7	4		1		1	2							18
Fracture of other bones					2					1	1				1	2		3			4		14
Concussion of brain without fracture		1								4	3	1	1	1	3	1		3	1		4		23

All other injuries to head			3	1	9	4	4	8		68	19	9	8	5	13	5		16	16		20		208
Total		1	3	1	14	4	4	8		80	27	10	10	6	18	10		22	17		28		263
NECK.																							
All injuries								2		4			2		1	1		1	1		1		13
MISCELLANEOUS.																							
Internal injuries				1	2	1		3		3	4	1	4	3	4	3					3		32
Poisoning								6										2			1		9
All other (including multiple injuries)		1	2	1	14	7	17	23	5	61	77	16	16	15	189	11	2	6	5		19	1	489
Drowned							1				17				1	1	13				4		37
Not reported				1							4	2	1	2	3	2					1		16
Total		1	2	3	16	8	18	32	5	64	102	19	21	20	197	17	16	8	5		28	1	583
Grand total	1	48	329	85	179	37	34	155	26	677	500	304	916	125	445	108	30	492	447	100	315	11	5,332

C.—TOTAL ACCIDENTS REPORTED: 1912-13.

UPPER EXTREMITIES.																							
Loss of right arm															1								1
Fracture of arm or forearm	1	1	3	1	2		1			12	17	8	12	4	9	2	1	3	2		7		86
Other injuries to arm or forearm		1	23	12	19	10	9	33	1	34	19	28	43	4	35	1		33	25		31	2	363
Loss of right hand															1								1
Loss of left hand or not specified			1				1																2
Fracture of bones of hand	1				8		1			6	1	4	15		4			1	5		6		52
Other injuries to hand	1	14	70	12	41	6	7	46	13	56	28	33	221	13	38	5	1	134	145	2	42		928
Loss of 1 finger, right hand		2	5	1	4				1				6		1		1	1	2		2		26
Loss of 1 finger, left hand		2	5		3								2	1				1	2		2		18
Loss of more than 1 finger, right hand																					1		1
Loss of more than 1 finger, left hand			2	1																			
Loss of finger, or fingers, both hands or either hand not specified					1								2		1								4
Fracture of fingers		2	37	1	20		1			17	1	2	71	1	4	1	3	4	35		6		206
All other injuries to fingers	4	20	289	25	96	1	6	16	8	81	7	10	533	18	45	1	12	157	334		90	7	1,760
All other injuries to upper extremities		1	6	1	3	2	4	4	2	5	2	3	8			1		4	5		1		52
Total	7	43	441	54	197	19	30	99	25	211	75	88	913	41	139	11	18	338	555	2	188	9	3,503

TABLE X.—NUMBER OF ACCIDENTS REPORTED WHICH RESULTED FROM EACH SPECIFIED CAUSE DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY—Concluded.

C.—TOTAL ACCIDENTS REPORTED: 1912-13—Concluded.

Nature of injury.	Number of accidents reported as resulting from specified causes.																						
	Motors.	Power transmission apparatus.	Working machinery.		Elevators, hoists, cranes, etc.	Steam boilers, piping, explosions, etc.	Explosions of dynamite, powder, etc.	Inflammable, poisonous, hot, corrosive materials, gases, vapors, etc.	Electric current.	Collapse, fall, etc., of materials, etc.	Falls from ladders, stairs, scaffolding, etc., or into excavations, etc.	Falls on even surface.	Loading and unloading, lifting, carrying, etc.	Vehicles (run over by wagons, carts, etc.).	Railway operation (run over, etc.).	Animals (kicks, bites, etc., and riding).	Shipping and water transportation.	Flying bodies, splinters, cuts from rough or sharp edges, etc.	Hand tools and simple instruments.	Stepping on nails or on similar sharp bodies.	Other causes.	Cause not reported.	Total.
			Using power.	Not using power.																			
LOWER EXTREMITIES.																							
Loss of either leg					1		1			1		1											4
Fracture of either thigh					3					3	6	2	1	1		1	1	1	1		1		21
Fracture of either leg		1	1		12		3			24	21	11	13	7	19	3	4	1	1		3	1	130
Fracture of both thighs or legs														1									1
Other injuries to thigh or leg		6	21	3	53	3	27	17	1	115	110	85	149	20	80	22	7	42	95	2	78	1	942
Loss of foot					3					2					1		2						8
Fracture of bones of foot		1	1		7		2		1	19	3	2	14	6	3	1		1	5		3		69
Other injuries to foot		5	15	5	57	2	6	60	1	255	66	86	434	60	54	11	6	29	110	357	98	4	1,731
Loss of toe or toes			1		1					2	1		7		1		1		1				15
All other injuries to lower extremities		2	8	1	24	1	1	9	1	168	11	9	218	24	22	1	2	6	30	19	14		571
Total		15	47	9	161	11	40	86	4	589	218	196	836	119	180	39	23	80	243	388	202	6	3,492
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																							
Including the loss of any part															1								1
Including fractures			1							5	1												7

All other injuries to the extremities			1		4	2	1	3		14	12	8	5	6	15	4		1	1		8		85
Total			2		4	2	1	3		19	13	8	5	6	16	4		1	1		8		93
TRUNK.																								
Fracture of rib		1	1	1	2					9	37	10	10	5	14	9		1	5		1		106
Other chest injuries				7	15	2	9	2		30	39	18	61	5	20	9	2	5	6		12	1	243
Injuries to back		1	2	2	14		4	6		46	48	26	190	5	44	3		3	15		29		438
Hernias		1	2	2	6					3	9	11	95		8	2			11		1		151
Other abdominal injuries			4	2	7			2		6	4	3	12		4	1	1	3	5		3		57
All other injuries to trunk		1	3	7	15		7	4		56	46	25	69	9	61	8	2	5	17		21	1	357
Total		4	12	21	59	2	20	14		150	183	93	437	24	151	32	5	17	59		67	2	1,352
EYES.																								
Loss of either eye							2	1										7	1		1		12
Other injuries to either eye			2	1	2	4	7	45	3	5		2	8		12		3	544	10		9		657
Loss of both eyes																		1					1
Other injuries to both eyes	1						1	13	1	1								31			1		49
Total	1		2	1	2	4	10	59	4	6		2	8		12		3	583	11		11		719
HEAD.																								
Fracture of skull					4		1			10	6		1		1	2		1					26
Fracture of other bones			1		2					2	1				1	2		3	2		4		18
Concussion of brain without fracture		1								4	4	1	1	1	3	1		3	1		4		24
All other injuries to head	1	2	11	2	33	6	23	12	1	142	35	15	39	8	32	6	1	28	62		31		490
Total	1	3	12	2	39	6	24	12	1	158	46	16	41	9	37	11	1	35	65		39		558
NECK.																								
All injuries			1					2		5			3		1	1		4	3		2		23
MISCELLANEOUS.																								
Internal injuries				1	5	1		3		3	8	2	10	3	4	3	1		2		4		50
Poisoning								6										2			1		9
All other (including multiple injuries)		1	2	1	37	7	32	36	5	98	100	22	35	16	218	11	4	8	11		31	1	676
Drowned					1		1				17				1	1	16				4		41
Not reported		3	3	1	40		18	7		48	74	12	43	14	57	9	3	4	6	1	17		360
Total		4	5	2	83	8	51	52	5	149	199	36	88	33	280	24	24	12	19	1	57	1	1,136
Grand total	9	69	522	90	545	52	176	328	39	1,287	734	439	2,331	232	816	122	74	1,072	956	391	574	18	10,876

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908-9, 1909-10, 1910-11, 1911-12, AND 1912-13, BY NATURE OF INJURY.

A.—ISTHMIAN CANAL COMMISSION: 1908-9.[1]

Nature of injury.	Number of cases which received each classified compensation.																			
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of either arm, not specified									1												1
Fracture of arm or forearm	2	5	6	1	2			1	1					1							19
Other injuries to either arm or forearm	6	5	2	1		1													1		16
Fracture of bones of hand	1	4	1		1																7
Other injuries to hand	9	10	4	3	1	1				1											29
Loss of 1 finger, right hand	2	2	1		2																7
Loss of 1 finger, left hand	1				1																2
Loss of more than 1 finger, right hand	3											1									4
Loss of finger or fingers, both hands or either hand, not specified	7	13	4	1	2									1							28
Fracture of fingers	12	13	10	4		3	2														44
All other injuries to fingers	20	29	7	5	1																62
All other injuries to upper extremities		2	1	4	2		2														11
Total	63	83	36	19	12	5	4	1	2	1		1		2					1		230
LOWER EXTREMITIES.																					
Loss of either leg							1	1	1	1	3										7
Loss of both legs									1		1										2
Fracture of either thigh				2	5		1			1			1			1					11
Fracture of either leg	1	1	5	1	4	3			1		6	1				1					24
Fracture of both thighs or legs											1										1
Other injuries to thigh or leg	19	24	8	9	8	4	2	2	2				1			2					81
Loss of foot							2		2	2											6
Fracture of bones of foot	6	18	9	1	3	5		5	1	1								1			51
Other injuries to foot	24	30	11	10	2	4		1													82
Loss of toe or toes	1			1	1																3
All other injuries to lower extremities	6	11	2	6	7		1	1	1		1						1				37
Total	57	84	35	30	30	17	7	10	9	5	12	1	2			4	1	1			305

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																					
Including the loss of any part								1													1
Including fractures		1	1						1												2
All other injuries to the extremities	2		1		2																5
Total	2	1	2		2			1	1												9
TRUNK.																					
Fracture of rib		3	4		2	1															10
Other chest injuries	1	1		2		1															5
Injuries to back		3	1	5	2	1		2							1						15
Hernias	3	13	8	5	7	5			1												42
Other abdominal injuries		1	1	1	2	1															6
All other injuries to the trunk	2	3	2	1	4		1	1													14
Total	6	24	16	14	17	9	1	3	1						1						92
EYES.																					
Loss of either eye		1	1	1			1														4
Other injuries to either eye	5	5	4	2	2				1									1			20
Total	5	6	5	3	2		1		1									1			24
HEAD.																					
Fracture of skull			1	1																	2
Fracture of other bones	1	1		1																	3
Concussion of brain without fracture	1																				1
All other injuries to the head	2	4	1	1																	8
Total	4	5	2	3																	14
MISCELLANEOUS.																					
Internal injuries		1									1										2
All other (including multiple injuries)	9	12	3	3	8	1	2			1						1					40
Not reported								1													1
Total	9	13	3	3	8	1	2	1		1	1					1					43
Grand total	146	216	99	72	71	32	15	16	14	7	13	2	2	2	1	5	1	2	1		717

[1] Eleven months.

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1908–9.[1]

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Fracture of arm or forearm	1	2	2	2	4		1		2			1			1						16
Other injuries to either arm or forearm		6	5		5			1		1					1		1				20
Loss of either hand, not specified			1																		1
Fracture of bones of hand		2	1	1	1		1														6
Other injuries to hand	2	23	25	9	3	1	1			1					1						66
Loss of 1 finger, left hand			1																		1
Loss of more than 1 finger, left hand			1																		1
Loss of finger or fingers, both hands or either hand, not specified	2	3	4	6	6	1	3	2	1												28
Fracture of fingers	3	9	11	7	5	3															38
All other injuries to fingers	5	38	40	18	9	2	2	2	2	2	1		1								122
All other injuries to upper extremities	1	8	6	4	5	1	1	4	1		1	1									33
Total	14	91	97	47	38	8	9	9	6	4	2	2	1		3		1				332
LOWER EXTREMITIES.																					
Loss of either leg									2				1				1				4
Fracture of either thigh						2		1			1			1							5
Fracture of either leg			3	4	3	1	2	1	1	2	2	1	1	1	1	2					25
Fracture of both thighs or legs										1											1
Other injuries to thigh or leg	1	13	7	12	4	2			2	1	1	1	1		1	1					47
Loss of foot						1						1									2
Fracture of bones of foot		12	9	5	8	4						1									39
Other injuries to foot	4	32	25	10	11	6					1			1							90
All other injuries to lower extremities	4	25	11	7	6			2	3	1					1	3					63
Total	9	82	55	38	32	16	2	4	8	5	5	4	3	3	3	6	1				276

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures			1		1								1									3
All other injuries to extremities		3	2			2			1													8
Total		3	3		1	2			1				1									11
TRUNK.																						
Fracture of rib	1	7	9	2	4	2	2	1			1				1			1	1			30
Other chest injuries	1	4	3	1	2																	13
Injury to back	1	10	10	3	1	2	4							2								33
Hernias		3	3	4	3	2	1		1		1		1									19
Other abdominal injuries		2	2	1					1													6
All other injuries to the trunk		18	9	4	3	1	1	1	2	1		1										41
Total	3	44	36	15	13	7	8	2	4	1	2	1	1	2	1		1	1				142
EYES.																						
Loss of either eye					2	1		2														5
Other injuries to either eye		10	14	7	4	3	3	2														43
Other injuries to both eyes				1																		1
Total		10	14	8	6	4	3	4														49
HEAD.																						
Fracture of skull																1						1
Fracture of other bones			1		1			1	1		1											5
Concussion of brain without fracture			1	1	2																	4
All other injuries to head	4	9	6	6																		25
Total	4	9	8	7	3			1	1		1					1						35
NECK.																						
All injuries			2									1										3
MISCELLANEOUS.																						
Internal injuries		1	2	1				1	1													6
Poisoning					1																	1
All other (including multiple injuries)	1	19	19	4	1	1	2	3	1	1	1					2						55
Not reported					1																	1
Total	1	20	21	5	3	1	2	4	2	1	1					2						63
Grand total	31	259	236	120	96	38	24	24	22	11	11	8	6	5	7	9	3	1				911

[1] Eleven months.

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

C.—TOTAL NONFATAL CASES COMPENSATED: 1908–9.[1]

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of either arm, not specified									1												1
Fracture of arm or forearm	3	7	8	3	6		1	1	3			1		1	1						35
Other injuries to either arm or forearm	6	11	7	1	5	1		1		1					1		1		1		36
Loss of hand, not specified			1																		1
Fracture of bones of hand	1	6	2	1	2		1														13
Other injuries to hand	11	33	29	12	4	2	1			2					1						95
Loss of 1 finger, right hand	2	2	1		2																7
Loss of 1 finger, left hand	1		1		1																3
Loss of more than 1 finger, right hand	3											1									4
Loss of more than 1 finger, left hand			1																		1
Loss of finger or fingers, both hands or either hand, not specified	9	16	8	7	8	1	3	2	1					1							56
Fracture of fingers	15	22	21	11	5	6	2														82
All other injuries to fingers	25	67	47	23	10	2	2	2	2	2	1		1								184
All other injuries to upper extremities	1	10	7	8	7	1	3	4	1		1	1									44
Total	77	174	133	66	50	13	13	10	8	5	2	3	1	2	3		1		1		562
LOWER EXTREMITIES.																					
Loss of either leg							1	1	3	1	3		1				1				11
Loss of both legs									1		1										2
Fracture of either thigh				2	5	2	1	1		1	1		1	1		1					16
Fracture of either leg	1	1	8	5	7	4	2	1	2	2	8	2	1	1	1	3					43
Fracture of both thighs or legs										1	1										2
Other injuries to thighs or legs	20	37	15	21	12	6	2	2	4	1	1	1	2		1	3					128
Loss of foot						1	2		2	2		1									8
Fracture of bones of foot	6	30	18	6	11	10		5	1	1		1						1			90
Other injuries to foot	28	62	36	20	13	10		1			1			1							172
Loss of toe or toes	1			1	1																3
All other injuries to lower extremities	10	36	13	13	13		1	3	4	1	1				1	3	1				100
Total	66	166	90	68	62	33	9	14	17	10	17	5	5	3	3	10	2	1			581

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																					
Including loss of any part								1													1
Including fractures		1	2		1				1				1								6
All other injuries to the extremities	2	3	3		2	2			1												13
Total	2	4	5		3	2		1	2				1								20
TRUNK.																					
Fracture of rib	1	10	13	2	6	3	2	1			1				1						40
Other chest injuries	2	5	3	3	2	1															18
Injuries to back	1	13	11	8	3	3	4	2						2	1		1	1			48
Hernias	3	16	11	9	10	7	1		2		1		1								61
Other abdominal injuries		3	3	2	2	1			1												12
All other injuries to trunk	2	21	11	5	7	1	2	2	2	1		1									55
Total	9	68	52	29	30	16	9	5	5	1	2	1	1	2	2		1	1			234
EYES.																					
Loss of either eye		1	1	1	2	1	1	2													9
Other injuries to either eye	5	15	18	9	6	3	3	2	1									1			62
Other injuries to both eyes				1																	1
Total	5	16	19	11	8	4	4	4	1									1			72
HEAD.																					
Fracture of skull			1	1												1					3
Fracture of other bones	1	1	1	1	1			1	1		1										8
Concussion of brain without fracture	1		1	1	2																5
All other injuries to head	6	13	7	7																	33
Total	8	14	10	10	3			1	1		1					1					49
NECK.																					
All injuries			2									1									3
MISCELLANEOUS.																					
Internal injuries		2	2	1				1	1		1										8
Poisoning					1																1
All other (including multiple injuries)	10	31	22	7	9	2	4	3	1	2	1					3					95
Not reported					1			1													2
Total	10	33	24	8	11	2	4	5	2	2	2					3					106
Grand total	177	475	335	192	167	70	39	40	36	18	24	10	8	7	8	14	4	3	1		1,628

[1] Eleven months.

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1909–10.

Nature of injury.	Number of cases which received each classified compensation.																			
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm		1							2												3
Loss of either arm, not specified									1	1											2
Fracture of arm or forearm	5	8	8		3	1	1		2	1								1			30
Other injuries to either arm or forearm	11	6	4	2		1												1	1		26
Loss of either hand, not specified				1						1											2
Fracture of bones of hand	7	3	6	3	2	2			1												24
Other injuries to hand	29	26	6	2	2	4	1														70
Loss of 1 finger, right hand	12	8	2	1	1												1	1			26
Loss of 1 finger, left hand	6	6	2		1	1															16
Loss of more than 1 finger, right hand	1		3	1					1												6
Loss of more than 1 finger, left hand	1	1	2					1													5
Loss of finger or fingers, both hands or either hand, not specified	3	1	1																		5
Fracture of fingers	15	30	5	4	4	3											1	1			63
All other injuries to fingers	37	28	9	2	3	1		3													83
All other injuries to upper extremities		5		1	1										1						8
Total	127	123	48	17	17	13	2	4	7	3					1		2	4	1		369
LOWER EXTREMITIES.																					
Loss of either leg								1	2	6	2							1	1		13
Loss of both legs										2											2
Fracture of either thigh					3				1	1											5
Fracture of either leg	1	4	8	5	5	4	3	2	1		2	1				1		2			39
Other injuries to thigh or leg	37	38	15	6	10	5	1	1	2	2						2		2			121
Loss of foot			1							1											2
Fracture of bones of foot	12	27	11	4	8	2	2								1			1			68
Other injuries to foot	37	50	12	8	7	1	4	2	2												123
Loss of toe or toes	1	5	2			1		1		1											11
All other injuries to lower extremities		2	5	1	3	1	1	1	1	1											16
Total	88	126	54	24	36	14	11	8	9	14	4	1			1	3		6	1		400

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																					
Including loss of any part			1																		1
Including fractures			1																		1
All other injuries to the extremities	2				3	1															6
Total	2		2		3	1															8
TRUNK.																					
Fracture of rib	1	4	3	2	3	1		1													15
Other chest injuries		9	6		2	1															18
Injuries to back	7	5		4	1	1		1	1												20
Hernias	4	41	20	7	6	9	1		1		1						1	1			92
Other abdominal injuries	1		1	2				1													5
All other injuries to trunk	4			2		1															7
Total	17	59	30	17	12	13	1	3	2		1						1	1			157
EYES.																					
Loss of either eye		2					1									1		1			5
Other injuries to either eye	12	11	6	5	1	1		1													37
Loss of both eyes							1				1										2
Other injuries to both eyes		1	1							1			1								4
Total	12	14	7	5	1	1	2	1		1	1		1			1		1			48
HEAD.																					
Fracture of skull		1	1	1	1		1		2												7
Fracture of other bones	3	3							1												7
Concussion of brain without fracture		1						1													2
All other injuries to head	8	6	2	1	1		1											1			20
Total	11	11	3	2	2		2	1	3									1			36
NECK.																					
All injuries		1		1																	2
MISCELLANEOUS.																					
Internal injuries									1												1
All other (including multiple injuries)	15	24	11	9	4	7	1		5		3					2	3				84
Total	15	24	11	9	4	7	1		6		3					2	3				85
Grand total	272	358	155	75	75	49	19	17	27	18	9	1	1		2	6	6	13	2		1,105

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1909–10.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm																	1				1
Loss of either arm, not specified												2									2
Fracture of arm or forearm		4	3	4	3	1			2	1	1				1						20
Other injuries to either arm or forearm	1	10	11	4	2	2		1		1											32
Loss of right hand					1		1														2
Loss of either hand, not specified	1																				1
Fracture of bones of hand		3	2	2	2	1			1												11
Other injuries to hand	6	37	33	7	9	3	2	2													99
Loss of 1 finger, right hand	1	2	6	1			1														11
Loss of 1 finger, left hand		5	9	4	3	4	1			2											28
Loss of more than 1 finger, right hand	1		1						1			1									4
Loss of more than 1 finger, left hand				2	3	1	1	1								1					9
Loss of finger or fingers, both hands or either hand, not specified	1	1	1																		3
Fracture of fingers	2	20	18	7	5	1	1	1								1					56
All other injuries to fingers	8	72	59	22	15	7	1		2	3		1	1			1					192
All other injuries to upper extremities		7	6	1							1										15
Total	21	161	149	54	43	20	8	5	6	7	2	4	1		1	3	1				486
LOWER EXTREMITIES.																					
Loss of either leg						1															1
Fracture of either thigh											1	1				1	1				4
Fracture of either leg			1		3	2	1	4	1	1	2	3		2						1	21
Fracture of both thighs or legs												1									1
Other injuries to thigh or leg	4	39	38	15	14	4	6	2	2	1				1	1	1					128
Fracture of bones of foot	1	9	13	8	4	4	4	1	1	2							1				48
Other injuries to foot	9	73	71	19	16	9	2	1	2	3	1									1	207
Loss of toe or toes		2											1								3
All other injuries to lower extremities		6	1						2												9
Total	14	129	124	42	37	20	13	8	8	7	4	5	1	3	1	2	2			2	422

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures										1												1
All other injuries to the extremities		4	2	1	1																	8
Total		4	2	1	1					1												9
TRUNK.																						
Fracture of rib		9	12	3	6	2	2	1	1	1											1	38
Other chest injuries		2	3		1																	6
Injuries to back	1	15	9	7	2	1						1				2	1					39
Hernias		4	4	4	4	5	4							1								26
Other abdominal injuries		1		1	1																	3
All other injuries to trunk		18	9	4	7	4	1		1								1					45
Total	1	49	37	19	21	12	7	1	2	1		1		1		2	2				1	157
EYES.																						
Loss of either eye		1			2																	3
Other injuries to either eye	1	16	18	9	5	3			1	1				1								55
Other injuries to both eyes		1	1	1																		3
Total	1	18	19	10	7	3			1	1				1								61
HEAD.																						
Fracture of skull				1						2		1										4
Fracture of other bones					1																	1
Concussion of brain without fracture		3	1		1								1									6
All other injuries to head	4	25	20	3	2	1			1							2						58
Total	4	28	21	4	4	1			1	2		1	1			2						69
NECK.																						
All injuries	1																1					2
MISCELLANEOUS.																						
Internal injuries		1	2													2						5
Poisoning	1	1																				2
All other (including multiple injuries)	4	33	27	17	17	5	1	2		1	2		2		1	1						113
Not reported				1	1																	2
Total	5	35	29	18	18	5	1	2		1	2		2		1	3						122
Grand total	47	424	381	148	131	61	29	16	18	20	8	11	5	5	3	12	6				3	1,328

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

C.—TOTAL NONFATAL CASES COMPENSATED: 1909–10.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm		1							2								1				4
Loss of either arm, not specified									1	1		2									4
Fracture of arm or forearm	5	12	11	4	6	2	1		4	2	1				1			1			50
Other injuries to either arm or forearm	12	16	15	6	2	3		1		1								1	1		58
Loss of right hand					1		1														2
Loss of either hand, not specified	1			1						1											3
Fracture of bones of hand	7	6	8	5	4	3			2												35
Other injuries to hand	35	63	39	9	11	7	3	2													169
Loss of 1 finger, right hand	13	10	8	2	1		1										1	1			37
Loss of 1 finger, left hand	6	11	11	4	4	5	1			2											44
Loss of more than 1 finger, right hand	2		4	1					2			1									10
Loss of more than 1 finger, left hand	1	1	2	2	3	1	1	2								1					14
Loss of finger or fingers, both hands or either hand, not specified	4	2	2																		8
Fracture of fingers	17	50	23	11	9	4	1	1								1	1	1			119
All other injuries to fingers	45	100	68	24	18	8	1	3	2	3		1	1			1					275
All other injuries to upper extremities		12	6	2	1						1				1						23
Total	148	284	197	71	60	33	10	9	13	10	2	4	1		2	3	3	4	1		855
LOWER EXTREMITIES.																					
Loss of either leg						1		1	2	6	2							1	1		14
Loss of both legs										2											2
Fracture of either thigh					3				1	1	1	1				1	1				9
Fracture of either leg	1	4	9	5	8	6	4	6	2	1	4	4		2		1		2		1	60
Fracture of both thighs or legs												1									1
Other injuries to thigh or leg	41	77	53	21	24	9	7	3	4	3				1	1	3		2			249
Loss of foot			1							1											2
Fracture of bones of foot	13	36	24	12	12	6	6	1	1	2					1		1	1			116
Other injuries to foot	46	123	83	27	23	10	6	3	4	3	1									1	330
Loss of toe or toes	1	7	2			1		1		1			1								14
All other injuries to lower extremities		8	6	1	3	1	1	1	3	1											25
Total	102	255	178	66	73	34	24	16	17	21	8	6	1	3	2	5	2	6	1	2	829

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including loss of any part			1																			1
Including fractures			1							1												2
All other injuries to the extremities	2	4	2	1	4	1																14
Total	2	4	4	1	4	1				1												17
TRUNK.																						
Fracture of rib	1	12	15	5	9	2	2	2	1	1											1	53
Other chest injuries		11	9		3	1																24
Injuries to back	5	20	9	11	2	2		1	1			1				2	1					59
Hernias	4	45	24	11	10	14	5		1		1			1			1	1				118
Other abdominal injuries	1	1	1	3	1			1														8
All other injuries to trunk	4	18	9	6	7	5	1		1								1					52
Total	18	108	67	36	33	25	8	4	4	1	1	1		1		2	3	1		1		314
EYES.																						
Loss of either eye		3			2		1									1		1				8
Other injuries to either eye	13	27	24	14	6	4		1	1	1				1								92
Loss of both eyes							1				1											2
Other injuries to both eyes		2	2	1						1			1									7
Total	13	32	26	15	8	4	2	1	1	2	1		1	1		1		1				109
HEAD.																						
Fracture of skull		1	1	2	1		1		2	2		1										11
Fracture of other bones	2	3			1				1													8
Concussion of brain without fracture		4	1		1			1					1									8
All other injuries to head	12	31	22	4	3	1	1		1							2		1				78
Total	15	39	24	6	6	1	2	1	4	2		1	1			2		1				105
NECK.																						
All injuries	1	1		1													1					4
MISCELLANEOUS.																						
Internal injuries		1	2						1							2						6
Poisoning	1	1																				2
All other (including multiple injuries)	19	57	38	26	21	12	2	2	5	1	5		2		1	3	3					197
Not reported				1	1																	2
Total	20	59	40	27	22	12	2	2	6	1	5		2		1	5	3					207
Grand total	319	782	536	223	206	110	48	33	45	38	17	12	6	5	5	18	12	13	2	3		2,433

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1910–11.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm									1	1											2
Loss of either arm, not specified						1															1
Fracture of arm or forearm	2	12	8	1	4	5	3	1	1	1									1		39
Other injuries to either arm of forearm	6	8	3	2	7	2	1					1						1			31
Loss of either hand, not specified						1															1
Fracture of bones of hand	10	3	6	1	1									1		1					23
Other injuries to hand	23	17	5	4	2		1			1											53
Loss of 1 finger, right hand	7	6	1		2				1												17
Loss of 1 finger, left hand	8	8	2		1	1															20
Loss of more than 1 finger, right hand	2	5				1			1	1											10
Loss of more than 1 finger, left hand	2	5								1							1				9
Fracture of fingers	20	28	11	8	3	3	2														81
All other injuries to fingers	58	62	16	7	9	2															154
All other injuries to upper extremities		1																			1
Total	144	155	52	23	29	16	7	1	4	5		1		1		1	1	1	1		442
LOWER EXTREMITIES.																					
Loss of either leg					2			2	5	3	1	1						1			15
Loss of both legs							1			2											3
Loss of either thigh					1	1	1		1				1								5
Fracture of either leg		8	6	4	6	7	4	1	10	5	7							4			62
Other injuries to thigh or leg	42	41	17	9	12	6	2		2	2		4	1	1					1		140
Loss of foot				1	1			1													3
Fracture of bones of foot	8	26	8	3	8	6	2		7	1								1	1		71
Other injuries to foot	63	58	16	14	7	4	1	3	4							2	1				173
Loss of toe or toes	1	3	4				1														9
All other injuries to lower extremities		5	2			1															8
Total	114	141	53	31	37	25	12	7	29	13	8	5	2	1		2	1	6	2		489

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
All other injuries to the extremities	2	1	1			1			1													6
TRUNK.																						
Fracture of rib	3	2	2	3	1	1														1		13
Other chest injuries	6	4								1												11
Injuries to back	3	4	1	2	2						1	1							1			15
Hernias	14	45	12	5	11	12	4		1													105
Other abdominal injuries		3		1	1			1														6
All other injuries to trunk	7	7	3	3	6	2	1		1	1										1		32
Total	33	66	18	14	21	15	5	1	2	2	1	1							1	2		182
EYES.																						
Loss of either eye			1			1		2	1	1					1		1	1				9
Other injuries to either eye	9	8	2	1	5	2		1	1							1	1					31
Other injuries to both eyes	1	1	1							1												4
Total	10	9	4	1	5	3		3	2	2					1	1	2	1				44
HEAD.																						
Fracture of skull		1	2	2												1						6
Fracture of other bones	1	1	1	1																		4
All other injuries to head	7	4	1		3	1																16
Total	8	6	4	3	3	1										1						26
NECK.																						
All injuries						1																1
MISCELLANEOUS.																						
Internal injuries		1				1																2
All other (including multiple injuries)	15	21	10	5	7	3	1	3	6	4	3	1		1		2	1					83
Not reported																		1				1
Total	15	22	10	5	7	4	1	3	6	4	3	1		1		2	1	1				86
Grand total	326	400	142	77	102	66	25	15	44	26	12	8	2	6	1	7	5	10	5			1,276

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1910–11.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm				1													1				2
Fracture of arm or forearm		2	3	3	4	4	2	1	1			1	1								22
Other injuries to either arm or forearm	1	14	21	4	5	1		1	2												49
Loss of right hand					1							1									2
Fracture of bones of hand	1	1	3	1	2		2														10
Other injuries to hand	4	45	42	13	10	3	3	1	1	1						1					124
Loss of 1 finger, right hand		2	5	2	2			1							1						13
Loss of 1 finger, left hand			1	3	3			1		2											10
Loss of more than 1 finger, right hand	1		2		1																4
Loss of more than 1 finger, left hand			2		1				1												4
Loss of finger or fingers, both hands or either hand, not specified				1	1	1			1												4
Fracture of fingers	4	23	24	16	14	4	4		1												90
All other injuries to fingers	17	82	75	31	12	3	5	1	2					3		1					232
All other injuries to upper extremities		8	7	3	2	2															22
Total	28	177	185	78	58	18	16	6	9	3		2	1	3	1	2	1				588
LOWER EXTREMITIES.																					
Loss of either leg						1			1				1								3
Loss of either thigh								1	1					1				1			4
Fracture of either leg		1		3	3	7	3	2	4	4	2	2	1	3			2				37
Fracture of both thighs or legs													1								1
Other injuries to thigh or leg	2	50	23	16	16	5	6		3			1									122
Loss of foot							1														1
Fracture of bones of foot		14	13	14	11	7	1	1	4	2	1	2	2	1							73
Other injuries to foot	7	94	59	31	19	8	2	3	2	2	2	4	2		1	1					237
Loss of toe or toes	1			2						1											4
All other injuries to lower extremities		7	3	1	2											1					14
Total	10	166	98	67	51	28	13	7	15	9	5	9	7	5	1	2	2	1			496

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures				1									1			1						3
All other injuries to the extremities	1	3			3		1								1							9
Total	1	3		1	3		1						1		1	1						12
TRUNK.																						
Fracture of rib	1	7	13	3	5	1																30
Other chest injuries		1	1					1	1													4
Injuries to back	1	22	15	8	3		2			1		1	1			1						55
Hernias		3	4	3	12	1	2				1	1										27
Other abdominal injuries		3		1			1															5
All other injuries to trunk	4	40	17	11	7	4			2		2	1	1	1	2							92
Total	6	76	50	26	27	6	5	1	3	1	3	3	2	1	2	1						213
EYES.																						
Loss of either eye		1			1								1		1							4
Other injuries to either eye	5	22	19	7	2	2		1	1					1			1					61
Other injuries to both eyes		5	1	1																		7
Total	5	28	20	8	3	2		1	1				1	1	1		1					72
HEAD.																						
Fracture of skull	1		1	1		2			1					1								7
Fracture of other bones		1																				1
All other injuries to head	7	16	12	4	2	1	1		1	1				1								45
Total	8	17	13	5	2	3	1		2	1				1								53
NECK.																						
All injuries				1																		1
MISCELLANEOUS.																						
Internal injuries			3		1	2	1				1											8
All other (including multiple injuries)		37	23	12	10	6	1	1	8	3	2		1	1	1							106
Not reported		1																				1
Total		38	26	12	11	8	2	1	8	3	3		1	1	1							115
Grand total	58	505	392	198	155	65	38	16	38	17	11	14	13	12	7	6	4	1				1,550

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

C.—TOTAL NONFATAL CASES COMPENSATED: 1910–11.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm				1					1	1							1				4
Loss of either arm, not specified						1															1
Fracture of arm or forearm	2	14	11	4	8	9	5	2	2	1		1	1						1		61
Other injuries to either arm or forearm	7	22	24	6	12	3	1	1	2			1						1			80
Loss of right hand					1							1									2
Loss of either hand, not specified						1															1
Fracture of bones of hand	11	4	9	2	3		2							1		1					33
Other injuries to hand	27	62	47	17	12	3	4	1	1	2						1					177
Loss of 1 finger, right hand	7	8	6	2	4			1	1						1						30
Loss of 1 finger, left hand	8	8	3	3	4	1		1		2											30
Loss of more than 1 finger, right hand	3	5	2		1	1			1	1											14
Loss of more than 1 finger, left hand	2	5	2		1				1	1							1				13
Loss of finger or fingers, both hands or either hand, not specified				1	1	1			1												4
Fracture of fingers	30	51	35	24	17	7	6		1												171
All other injuries to fingers	75	144	91	38	21	5	5	1	2					3		1					386
All other injuries, upper extremities		9	7	3	2	2															23
Total	172	332	237	101	87	34	23	7	13	8		3	1	4	1	3	2	1	1		1,030
LOWER EXTREMITIES.																					
Loss of either leg					2	1		2	6	3	1	1	1					1			18
Loss of both legs							1			2											3
Loss of either thigh					1	1	1	1	2				1	1				1			9
Fracture of either leg		9	6	7	9	14	7	3	14	9	9	2	1	3			2	4			99
Fracture of both thighs or legs													1								1
Other injuries to thigh or leg	44	91	40	25	28	11	8		5	2		5	1	1					1		262
Loss of foot				1	1		1	1													4
Fracture of bones of foot	8	40	21	17	19	13	3	1	11	3	1	2	2	1				1	1		144
Other injuries to foot	70	152	75	45	26	12	3	6	6	2	2	4	2		1	3	1				410
Loss of toe or toes	2	3	4	2			1			1											13

All other injuries to lower extremities		12	5	1	2	1										1					22
Total	124	307	151	98	88	53	25	14	44	22	13	14	9	6	1	4	3	7	2		985
COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																					
Including fractures				1									1			1					3
All other injuries to the extremities	3	4	1		3	1	1		1						1						15
Total	3	4	1	1	3	1	1		1				1		1	1					18
TRUNK.																					
Fracture of rib	4	9	15	6	6	2													1		43
Other chest injuries	6	5	1					1	1	1											15
Injuries to back	4	26	16	10	5		2			1	1	2	1			1		1			70
Hernias	14	40	16	8	23	13	6		1		1	1									132
Other abdominal injuries		6		2	1		1	1													11
All other injuries to trunk	11	47	20	14	13	6	1		3	1	2	1	1	1	2				1		124
Total	39	142	68	40	48	21	10	2	5	3	4	4	2	1	2	1		1	2		395
EYES.																					
Loss of either eye		1	1		1	1		2	1	1			1		2		1	1			13
Other injuries to either eye	14	30	21	8	7	4		2	2					1		1	2				92
Other injuries to both eyes	1	6	2	1						1											11
Total	15	37	24	9	8	5		4	3	2			1	1	2	1	3	1			116
HEAD.																					
Fracture of skull	1	1	3	3		2			1					1		1					13
Fracture of other bones	1	2	1	1																	5
All other injuries to head	14	20	13	4	5	2	1		1	1											61
Total	16	23	17	8	5	4	1		2	1				1		1					79
NECK.																					
All injuries				1		1															2
MISCELLANEOUS.																					
Internal injuries		1	3		1	3	1				1										10
All other (including multiple injuries)	15	58	33	17	17	9	2	4	14	7	5	1	1	2	1	2	1				189
Not reported		1																1			2
Total	15	60	36	17	18	12	3	4	14	7	6	1	1	2	1	2	1	1			201
Grand total	384	905	534	275	257	131	63	31	82	43	23	22	15	15	8	13	9	11	5		2,826

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1911-12.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm									1									1			2
Loss of left arm or not specified								1			1										2
Fracture of arm or forearm	3	9	9	4	4	1	1		2	3		2							2		40
Other injuries to either arm or forearm	10	12	2	5	2	1	1				1										34
Loss of right hand									2	1	1										4
Fracture of bones of hand	5	9	2	1	1	4		1	1	1					1						27
Other injuries to hand (wrist)	33	26	3	3	2	2	2	1	3		2	1									78
Loss of 1 finger, right hand	2	4	3	2							1										12
Loss of 1 finger, left hand	2	6	1	1					1												11
Loss of more than 1 finger, right hand		1		1	1				1			1									5
Loss of more than 1 finger, left hand		1						1													2
Loss of finger or fingers, both hands or either hand, not specified		1				1											1				3
Fracture of fingers	19	23	2	6	7	2	1		2	1	1										64
Other injuries to fingers	123	111	24	15	7	6	1	1					1								289
Other injuries to upper extremities	2	7	1	1	1		1														13
Total	200	210	47	39	25	17	7	5	13	6	7	4	1		1		1	1	2		586
LOWER EXTREMITIES.																					
Loss of either leg							1		3	1	2										7
Loss of both legs									1												1
Fracture of either thigh				1		1		3	1	2								1			9
Fracture of either leg (kneecap)		4	5	3	22	7	6	2	5	2	1	1				3			1		62
Fracture of both thighs or legs						1			1												2
Other injuries to thigh or leg	38	39	12	11	7	11	3	1		3								2			127
Loss of foot									1								1				2
Fracture of bones of foot	3	7	2		2	3			2	1	1		1	1							23
Other injuries to foot (ankle)	62	73	16	9	7	5	1			4	1				1			1			180
Loss of toe or toes			1																		1
Other injuries to lower extremities	27	38	12	6	8			3				1									95
Total	130	161	48	30	46	28	11	9	14	13	5	2	1	1	1	3	1	4	1		509

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																					
Including fractures			1																		1
All other injuries to the extremities	5	6		1				1		1											14
Total	5	6	1	1				1		1											15
TRUNK.																					
Fracture of rib (or ribs)	3	8	1			1	1														14
Other chest injuries (shoulder, collar-bone)	4	11	1	2		1	1		1		1										23
Injuries to back	6	5	2	3				2													18
Hernias	9	46	9	4	5	5	1		2												81
Other abdominal injuries										1											1
All other injuries to trunk	9	5	2	1	5		2		1	1							1	1			28
Total	31	75	15	11	10	7	5	2	4	2	1						1	1			165
EYES.																					
Loss of either eye					1				1		1				1						4
Other injuries to either eye	6	11	6	6	6	1	1	1	2	1	1										42
Other injuries to both eyes	1																				1
Total	7	11	6	6	7	1	1	1	3	1	2				1						47
HEAD.																					
Fracture of skull	2	4	1			1				2	1	1									12
Fracture of other bones			2	1	2		1														6
Concussion of brain, without fracture	1		1		1													1			4
All other injuries to head	7	6		2	1									1							17
Total	10	10	4	3	4	1	1			2	1	1		1				1			39
NECK.																					
All injuries	1																				1
MISCELLANEOUS.																					
Internal injuries		1		1	1																3
All other (including multiple injuries)	17	26	16	8	9	7	1	2	7	3	1		1			1	1				100
Total	17	27	16	9	10	7	1	2	7	3	1		1			1	1				103
Grand total	401	500	127	99	102	61	26	20	41	28	17	7	3	2	3	4	4	7	3		1,465

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

B.—ALL OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1911–12.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Fracture of arm or forearm		4	5	3	8	2	2		1		1				1	1					28
Other injuries to either arm or forearm	3	19	16	5	6	2	1									1					53
Loss of left hand or not specified			1									1			1						1
Fracture of bones of hand	1	3	2	2	2	1	1					1							1		14
Other injuries to hand (wrist)	10	64	40	13	13		3	1	2	2		1	1			1					151
Loss of 1 finger, right hand			1	1	2	1	1		1												7
Loss of 1 finger, left hand	1	1	1	2					1	1					1						8
Loss of more than 1 finger, right hand									1												1
Loss of more than 1 finger, left hand			1																		1
Fracture of fingers		8	15	14	9	1	3	2	2		1										55
Other injuries to fingers	22	158	109	37	33	8	5	3	5	3	1			1	1						386
Other injuries to upper extremities	1	1	6	3	8											2					21
Total	38	258	196	80	81	15	16	6	13	6	3	3	1	1	3	5			1		726
LOWER EXTREMITIES.																					
Loss of either leg									1				1				1				3
Fracture of either thigh			1								1	2				1					5
Fracture of either leg (knee cap)		3	1	3	5	6	2	3		1	2	3		1		1					31
Fracture of both thighs or legs									1				1								2
Other injuries to thigh or leg	9	66	41	30	19	7	6	4	4		1	1	2	1	1	2	1				195
Loss of foot												1									1
Fracture of bones of foot		3	6	3				2	1	1											16
Other injuries to foot (ankle)	8	88	70	28	17	3	6	4	1	1	2										228
Loss of toe or toes			1	1		1				1											4
Other injuries to lower extremities	1	79	32	19	13	6	2		3		1			1							157
Total	18	239	152	84	54	23	16	13	11	4	7	7	4	3	1	4	2				642

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																					
Including fractures					1																1
All other injuries to the extremities		4	1	2	1																8
Total		4	1	2	2																9
TRUNK.																					
Fracture of rib (or ribs)		8	10	7	2	2									1						30
Other chest injuries (shoulder, collar bone)	2	16	12	6	2	1	2	3					1			1					46
Injuries to back	1	22	20	8	8					1			1	1	1						73
Hernias		2	3	7	10	4	2			1						2					31
Other abdominal injuries		2		2	1	1															6
All other injuries to trunk and multiple injuries to trunk (sprained hip)	1	28	29	5	9	2		3	2	2		2	1	2		1					87
Total	4	88	74	35	32	10	4	6	2	4		2	3	3	2	4					273
EYES.																					
Loss of either eye					1		1		1	1											4
Other injuries to either eye	2	19	15	4	6	2	1	2	1		2				1						56
Other injuries to both eyes		2	1	1		2									1						7
Total	2	21	17	5	7	4	2	2	2	1	2				2						67
HEAD.																					
Fracture of skull				1		1	1		1												4
Fracture of other bones					1																1
Concussion of brain without fracture		1	1					1								1					4
All other injuries to head	2	19	15	3	2																41
Total	2	20	16	4	3	1	1	1	1							1					50
NECK.																					
All injuries			2																		2
MISCELLANEOUS.																					
Internal injuries		2		1																	3
Poisoning			4																		4
All other (including multiple injuries)		42	31	18	16	10	1	1	1	4	3	6	5		1	1	2				142
Total		44	35	19	16	10	1	1	1	4	3	6	5		1	1	2				149
Grand total	64	674	493	229	195	63	40	29	30	19	15	18	13	7	9	15	4		1		1,918

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

C.—TOTAL NONFATAL CASES COMPENSATED: 1911–12.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm									1									1			2
Loss of left arm or not specified								1			1										2
Fracture of arm or forearm	3	13	14	7	12	3	3		3	3	1	2			1	1			2		68
Other injuries to either arm or forearm	13	31	18	10	8	3	2				1					1					87
Loss of right hand									2	1	1										4
Loss of left hand or not specified												1									1
Fracture of bones of hand	7	12	4	3	3	5	1	1	1	1		1			1				1		41
Other injuries to hand (wrist)	43	90	43	16	15	2	5	2	5	2	2	2	1			1					229
Loss of 1 finger, right hand	2	4	4	3	2	1	1		1		1										19
Loss of 1 finger, left hand	3	7	2	3					2	1					1						19
Loss of more than 1 finger, right hand		1		1	1				2			1									6
Loss of more than 1 finger, left hand		1	1					1													3
Loss of finger or fingers, both hands or either hand, not specified		1				1											1				3
Fracture of fingers	19	31	17	20	16	3	4	2	4	1	2										119
Other injuries to fingers	145	269	133	52	40	14	6	4	5	3	1		1	1	1						675
Other injuries to upper extremities	3	8	7	4	9		1									2					34
Total	238	468	243	119	106	32	23	11	26	12	10	7	2	1	4	5	1	1	3		1,312
LOWER EXTREMITIES.																					
Loss of either leg							1		4	1	2		1				1				10
Loss of both legs									1												1
Fracture of either thigh			1	1		1		3	1	2	1	2				1		1			14
Fracture of either leg (kneecap)		7	6	6	27	13	8	5	5	3	3	4		1		4			1		93
Fracture of both thighs or legs						1			2				1								4
Other injuries to thigh or leg	47	105	53	41	26	18	9	5	4	3	1	1	2	1	1	2	1	2			322
Loss of foot									1			1					1				3
Fracture of bones of foot	3	10	6	3	2	3		2	3	2	1		1	1							39
Other injuries to foot (ankle)	70	161	86	37	24	3	7	4	1	5	3				1			1			408
Loss of toe or toes			2	1		1				1											5
Other injuries to lower extremities	28	117	44	25	21	6	2	3	3		1	1		1							252
Total	148	400	200	114	100	51	27	22	25	17	12	9	5	4	2	7	3	4	1		1,151

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES, INCLUDING LOSS OF ANY PART.																					
Including fractures			1		1																2
All other injuries to the extremities	5	10	1	3	1			1		1											22
Total	5	10	2	3	2			1		1											24
TRUNK.																					
Fracture of rib (or ribs)	3	16	11	7	2	3	1								1						44
Other chest injuries (shoulder, collar bone)	6	27	13	9	2	2	3	3	1		1		1			1					69
Injuries to back	7	37	22	11	8			2		1			1	1	1						91
Hernias	9	48	12	11	15	9	3		2	1						2					112
Other abdominal injuries		2		2	1	1				1											7
All other injuries to trunk and multiple injuries to trunk (sprained hip)	10	33	31	6	14	2	2	3	3	3		2	1	2		1	1	1			115
Total	35	163	89	46	42	17	9	8	6	6	1	2	3	3	2	4	1	1			438
EYES.																					
Loss of either eye					2		1		2	1	1				1						8
Other injuries to either eye	8	30	22	10	12	3	2	3	3	1	3				1						98
Other injuries to both eyes	1	2	1	1		2									1						8
Total	9	32	23	11	14	5	3	3	5	2	4				3						114
HEAD.																					
Fracture of skull	2	4	1	1		2	1		1	2	1	1									16
Fracture of other bones			2	1	3		1														7
Concussion of brain without fracture	1	1	2		1			1								1		1			8
All other injuries to head	9	25	15	5	3									1							58
Total	12	30	20	7	7	2	2	1	1	2	1	1		1		1		1			80
NECK.																					
All injuries	1		2																		3
MISCELLANEOUS.																					
Internal injuries		3		2	1																6
Poisoning			4																		4
All other (including multiple injuries)	17	68	47	26	25	17	2	3	8	7	4	6	6		1	2	3				242
Total	17	71	51	28	26	17	2	3	8	7	4	6	6		1	2	3				252
Grand total	465	1,174	630	328	297	124	66	49	71	47	32	25	16	9	12	19	8	7	4		3,883

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A.—ISTHMIAN CANAL COMMISSION: 1912–13.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm											1										1
Fracture of arm or forearm	2	2	1	3	3	1			1												13
Other injuries to either arm or forearm	7	4	4		2	2				1											20
Fracture of bones of hand	3	9	5	1	3	1	1	1	2	2											23
Other injuries to hand	13	20	6	5	2	1		1	1			1									50
Loss of 1 finger, right hand	2	3	4		1		1														11
Loss of 1 finger, left hand	1		3			1			1												6
Loss of finger or fingers, both hands or either hand, not specified	1	1				1															3
Fracture of fingers	19	26	7	3	5	3	3	1		1											68
All other injuries to fingers	55	76	21	12	10	4	2	1	1												182
All other injuries to upper extremities	3	3	2	1	2	1															12
Total	106	144	53	25	28	15	7	4	6	4	1	1									394
LOWER EXTREMITIES.																					
Loss of either leg													1								1
Fracture of either thigh									1	1				1							3
Fracture of either leg	1	5	4	6	4	9	3	3	3			3		1		2		1			45
Fracture of both thighs or legs												1									1
Other injuries to thighs or legs	21	25	13	4	9	2	3		1	3	1										82
Loss of foot									1			1									2
Fracture of bones of foot	2	7	3	2	4				3						1						22
Other injuries to foot	40	40	9	5	9	1	2	1	1			1		1							110
Loss of toe or toes	1	1	1			1															4
All other injuries to lower extremities	18	33	7	3	4	1			1		1	1									69
Total	83	111	37	20	30	14	8	4	11	4	2	7	1	3	1	2		1			339

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																					
Including loss of any part									1												1
Including fractures	1	1		1					1												4
All other injuries to the extremities	1	4	2	1			1		1												10
Total	2	5	2	2			1		3												15
TRUNK.																					
Fracture of rib	3	4	2								1										10
Other chest injuries	4	3	1	1	1	1	1														12
Injuries to back	1	4		2	2		1														10
Hernias	6	31	10	1	5	4															57
Other abdominal injuries	1	1			2	1			1												6
All other injuries to trunk	4	5	1	1	3					1	1										16
Total	19	48	14	5	13	6	2		1	1	2										111
EYES.																					
Loss of either eye		2	1						1												4
Other injuries to either eye	5	5	2	1	5	2				3		1	1								25
Other injuries to both eyes				1																	1
Total	5	7	3	2	5	2			1	3		1	1								30
HEAD.																					
Fracture of skull	1	3							1	1											6
Fracture of other bones		1		1						1											3
Concussion of brain without fracture		1																			1
All other injuries to head	5	4	1	3					1												14
Total	6	9	1	4					2	2											24
NECK.																					
All injuries		1	1																		2
MISCELLANEOUS.																					
Internal injuries	2	2	2	1							1										8
All other (including multiple injuries)	14	16	11	6	3	4	4			3	2						1	2			68
Not reported	1	3	1			1			1												7
Total	17	21	14	7	3	5	4		1	3	3						1	2			81
Grand total	238	346	125	65	79	42	22	8	25	17	8	9	2	3	1	2	1	3			996

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Continued.

A. OTHER DEPARTMENTS, SERVICES, AND ESTABLISHMENTS: 1912–13.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of of arm or forearm		6	6	6	11	3	4	2	1	1	1				1	2	1				45
Fracture injuries to arm or forearm	5	38	24	8	8	2			1			1			1				1		89
Loss of left hand, or not specified															1	1					2
Fracture of bones of hand		3	3	2	1	3	2			1											15
Other injuries to hand (wrist)	8	61	57	20	16	2	5		2	2											173
Loss of 1 finger, right hand		2		1	2	2	2	1			1					1					12
Loss of 1 finger, left hand		2	2	2	2	1	1		1	1											12
Loss of more than 1 finger, left hand		1							1												2
Fracture of fingers	1	21	9	14	14	6	3	2		2		2								1	75
Other injuries to fingers	32	196	125	52	43	11	6	3	2	2	1					1					474
Other injuries to upper extremities	2	3	11	1	3	1															21
Total	48	333	237	106	100	31	23	8	8	9	3	3			3	5	1		1	1	920
LOWER EXTREMITIES.																					
Loss of either leg														1	1						2
Fracture of either thigh									1		1	3	2		1	2					10
Fracture of either leg (knee cap)		1	4	3	7	5	7	7	2	4	2	1		3	2	3	1			1	53
Other injuries to thigh or leg	6	48	70	20	16	4	11	2	2	3	1	3	1	1		2		1			191
Loss of foot								1		1		1	2								5
Fracture of foot	1	3	4	5	6	1	2	2	4	2				1							31
Other injuries to foot (ankle)	17	90	57	25	27	10	8		1	2						1				2	240
Loss of toe or toes			3	2	2	2		1		1											11
Other injuries to lower extremities	6	72	42	21	10	3	3	1		1				1							160
Total	30	214	180	76	68	25	31	14	10	14	4	8	5	7	4	8	1	1		3	703

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																						
Including fractures					1								1									2
All other injuries to the extremities		8	6	1	1	2			1													19
Total		8	6	1	2	2			1				1									21
TRUNK.																						
Fracture of rib (or ribs)		10	22	5	6	6			2							2						53
Other chest injuries (shoulder, collar bone)	1	20	10	2	10	2	3	1	2	1												52
Injuries to back	3	47	28	14	4	1		1		1	2		1	1	1		1				1	106
Hernias		2	6	8	13	7	3	3	1												1	44
Other abdominal injuries	2	4	2	3	1		1															13
All other injuries to trunk	4	32	22	7	5	1	2		2		1	1										77
Total	10	115	90	39	39	17	9	5	7	2	3	1	1	1	1	2	1				2	345
EYES.																						
Loss of either eye		2			1			1							1			1				6
Other injuries to either eye	3	32	28	5	7	2		4	1							1						83
Loss of both eyes															1							1
Other injuries to both eyes		1	3	1																		5
Total	3	35	31	6	8	2		5	1						2	1		1				95
HEAD.																						
Fracture of skull	1	2	1	1	1					1				1								8
Fracture of other bones		4	2	1																		7
Concussion of brain without fracture		2	2	2								1			1	2						10
All other injuries to head	1	31	15	2	5	1			2													57
Total	2	39	20	6	6	1			2	1		1		1	1	2						82
NECK.																						
All injuries	1	1	3		1																	6
MISCELLANEOUS.																						
Internal injuries		1	2			2		1								1						7
Poisoning		1		1		1																3
All other (including multiple injuries)	5	52	30	13	15	8	2	1	3	3	3	3	2	2	5		1					148
Total	5	54	32	14	15	11	2	2	3	3	3	3	2	2	5	1	1					158
Grand total	99	799	599	248	239	89	65	34	32	29	13	16	9	11	16	19	4	2	1	26		2,330

TABLE XI.—NUMBER OF CASES OF NONFATAL ACCIDENTS WHICH RECEIVED EACH CLASSIFIED AMOUNT OF COMPENSATION DURING THE FISCAL YEARS 1908–9, 1909–10, 1910–11, 1911–12, AND 1912–13, BY NATURE OF INJURY—Concluded.

C.—TOTAL NONFATAL CASES COMPENSATED: 1912–13.

Nature of injury.	Number of cases which received each classified compensation.																				
	Under $25.	$25 and under $50.	$50 and under $75.	$75 and under $100.	$100 and under $150.	$150 and under $200.	$200 and under $250.	$250 and under $300.	$300 and under $400.	$400 and under $500.	$500 and under $600.	$600 and under $700.	$700 and under $800.	$800 and under $900.	$900 and under $1,000.	$1,000 and under $1,250.	$1,250 and under $1,500.	$1,500 and under $2,000.	$2,000 and over.	Not reported.	Total.
UPPER EXTREMITIES.																					
Loss of right arm											1										1
Fracture of arm or forearm	2	8	7	9	14	4	4	2	2	1	1				1	2	1				58
Other injuries to arm or forearm	12	42	28	8	10	4			1	1		1			1				1		109
Loss of left hand, or not specified															1	1					2
Fracture of bones of hand	3	12	8	3	4	4	3	1	2	3											43
Other injuries to hand (wrist)	21	81	63	25	18	3	5	1	3	2		1									223
Loss of 1 finger, right hand	2	5	4	1	3	2	3	1			1					1					23
Loss of 1 finger, left hand	1	2	5	2	2	2	1		2	1											18
Loss of more than 1 finger, left hand		1							1												2
Loss of finger or fingers, both hands, or either hand, not specified	1	1				1															3
Fracture of fingers	20	47	16	17	19	9	6	3		3		2								1	143
Other injuries to fingers	87	272	146	64	53	15	8	4	3	2	1					1					656
Other injuries to upper extremities	5	6	13	2	5	2															33
Total	154	477	290	131	128	46	30	12	14	13	4	4			3	5	1		1	1	1,314
LOWER EXTREMITIES.																					
Loss of either leg													1	1	1						3
Fracture of either thigh									2	1	1	3	2	1	1	2					13
Fracture of either leg (kneecap)	1	6	8	9	11	14	10	10	5	4	2	4		4	2	5	1	1		1	98
Fracture of both thighs or legs												1									1
Other injuries to thigh or leg	27	73	83	24	25	6	14	2	3	6	2	3	1	1		2		1			273
Loss of foot								1	1	1		2	2								7
Fracture of bones of foot	3	10	7	7	10	1	2	2	7	2				1	1						53
Other injuries to foot (ankle)	57	130	66	30	36	11	10	1	2	2		1		1		1				2	350
Loss of toe or toes	1	1	4	2	2	3		1		1											15
Other injuries to lower extremities	24	105	49	24	14	4	3	1	1	1	1	1		1							229
Total	113	325	217	96	98	39	39	18	21	18	6	15	6	10	5	10	1	2		3	1,042

COMBINED INJURIES TO UPPER AND LOWER EXTREMITIES.																					
Including loss of any part									1												1
Including fractures	1	1		1	1				1				1								6
All other injuries to the extremities	1	12	8	2	1	2	1		2												29
Total	2	13	8	3	2	2	1		4				1								36
TRUNK.																					
Fracture of rib or ribs	3	14	24	5	6	6			2		1					2					63
Other chest injuries (shoulder, collar bone)	5	23	11	3	11	3	4	1	2	1											64
Injuries to back	4	51	28	16	6	1	1	1		1	2		1	1	1		1			1	116
Hernias	6	33	16	9	18	11	3	3	1											1	101
Other abdominal injuries	3	5	2	3	3	1	1		1												19
All other injuries to trunk	8	37	23	8	8	1	2		2	1	2	1									93
Total	29	163	104	44	52	23	11	5	8	3	5	1	1	1	1	2	1			2	456
EYES.																					
Loss of either eye		4	1		1			1	1						1			1			10
Other injuries to either eye	8	37	30	6	12	4		4	1	3		1	1			1					108
Loss of both eyes															1						1
Other injuries to both eyes		1	3	2																	6
Total	8	42	34	8	13	4		5	2	3		1	1		2	1		1			125
HEAD.																					
Fracture of skull	2	5	1	1	1				1	2				1							14
Fracture of other bones		5	2	2						1											10
Concussion of brain without fracture		3	2	2								1			1	2					11
All other injuries to head	6	35	16	5	5	1			3												71
Total	8	48	21	10	6	1			4	3		1		1	1	2					106
NECK.																					
All injuries	1	2	4		1																8
MISCELLANEOUS.																					
Internal injuries	2	3	4	1		2		1			1					1					15
Poisoning		1		1		1															3
All other (including multiple injuries)	19	68	41	19	18	12	6	1	3	6	5	3	2	2	5		2	2			214
Not reported	1	3	1			1			1												7
Total	22	75	46	21	18	16	6	2	4	6	6	3	2	2	5	1	2	2			239
Grand total	337	1,145	724	313	318	131	57	42	57	46	21	25	11	14	17	21	5	5	1	26	3,326

APPENDIX A.—REGULATIONS CONCERNING THE DUTIES OF EMPLOYEES, OFFICIAL SUPERIORS, AND MEDICAL OFFICERS.

The text of the regulations now in use is as follows:

DUTIES OF EMPLOYEES.

1. *Reports of injuries.*—Whenever any injury is sustained by an employee in the course of his employment, he shall immediately report the same to his official superior, if he is able to do so, giving also a statement of the facts and the names of witnesses, if any.

2. *First-aid treatment.*—No matter how slight the injury sustained, the injured employee shall immediately apply to the dispensary or medical officer, if there be one, for examination and for first-aid treatment, and it shall be the duty of his official superior to direct him to do so.

3. *Reports of disability.*—In case the disability arises some time after the injury has been received, it shall be the duty of the injured employee to notify his official superior within 48 hours from the beginning of such disability.

4. *Treatment.*—It shall be the duty of each injured employee intending to take advantage of the provision of the act to obtain necessary medical and surgical treatment and to comply with all reasonable orders for treatment and conduct which the attending physician may give. He shall also submit to such medical examinations as his official superior may from time to time direct.

5. *Notices of continuing disability.*—Every employee injured in the course of employment who is unable to return to work because of such injury, shall, within 24 hours, inform his official superior of such fact, either in person or by mail, telephone, or messenger. Such notice shall be given by the injured employee or for him every week, unless, in the opinion of the official superior, the permanent nature of the injury makes this notice unnecessary. Such notice should state when the injured employee was last seen by his attending physician.

6. *Examinations.*—For the purpose of the medical examinations prescribed by the act, the injured employee shall appear at the dispensary of the establishment whenever directed to do so; but if he claims to be unable to present himself for such examination the medical officer or other officially designated physician may call at the residence of the injured employee in order to make an examination. The injured employee shall be entitled to have his attending physician present during such examination.

7. *Disagreements.*—If the injured employee refuses to accept the opinion of the official examining physician as to his ability to resume work, either because of a different opinion held by his private physician or for any other reason, the employee shall immediately so report to his official superior, who will in turn report the same to the Secretary of Labor.

8. *Examinations by order of the Department of Labor.*—On receipt of reports concerning disagreement between the claimant or his physician and the official examining physician, the Secretary of Labor will immediately order an examination of the claimant by a physician designated by him, so as to ascertain the claimant's physical condition; and if the employee refuses to submit to or obstructs such examination the right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

9. *Claims.*—The claim, properly filled out, must be presented by the injured employee to his official superior, who shall forward the same, with the statements of witnesses, if there were witnesses, through the regular official channels for transmission to the Secretary of Labor.

10. *Certificates.*—In cases of continuing disability the injured employee shall furnish such medical certificates from time to time as the official superior may require.

11. *Disregard of instructions.*—Where an injured employee shall fail to make any of the reports prescribed in these regulations, or refuses to submit himself to examination by the medical officer or other officially designated physician, when ordered by his official superior to do so, such refusal or failure will be considered by the Secretary of Labor as presumptive evidence against his right to compensation under the law.

DUTIES OF OFFICIAL SUPERIORS.

12. *Record of accident.*—Whenever an accident causing injury to an employee comes to the knowledge of the person in charge of such employee he should immediately secure a record of the cause and nature of the accident and the nature and extent of the injury, however slight. The names and testimony of witnesses should also be secured and the employee directed to apply to the dispensary or medical officer, if there be one, for examination and first-aid treatment.

13. *Reports of injuries.*—All injuries which prevent the employee from performing work for one day or longer should be reported to the Secretary of Labor by the official superior of such employee, on the form provided for that purpose, within 48 hours after such injuries have been brought to the notice of such official superior. The reports called for in paragraphs numbered 1, 3, 13, 14, and 16 should be made for all employees regardless of the application of the provisions governing compensation.

14. *Report of termination of disability.*—Whenever a person who has been reported disabled by an accident is able to return to work his official superior should immediately report the termination of such disability to the Secretary of Labor on the proper form.

15. *Disagreements.*—The official superior should make immediate report directly to the Secretary of Labor of all cases of disagreement between the injured employee and the official examining physician as to the ability of the employee to resume work.

16. *Report of death.*—Whenever an injury received in the course of employment results in death, either immediately or within one year thereafter, such death should be reported on the proper form as soon as possible after the knowledge of such death reaches the official superior of the deceased employee.

17. *Blanks to be furnished.*—Whenever the official superior of an injured employee has reason to believe from the statement of the medical officer or other officially designated physician, or from any other evidence, that disability has lasted more than 15 days, he should furnish such employee with a blank form for claim and call his attention to the provisions of the compensation act. Blank forms should be furnished upon request to any employee wishing to make a claim.

18. *Indorsement of claims.*—The official superior or other person designated should either fill out and sign the certificate of approval provided for that purpose, or indicate the reasons for his refusal to give his approval. In either case, statements of witnesses, if any, and copies of the records of the examination of the claimant by the medical officer or officially designated physician, if such examinations have been made, should be attached to the claim, and the entire record submitted to the Secretary of Labor, to whom the determination of the validity of all claims is committed by the act.

19. *Claims to be forwarded.*—All claims for compensation when filled out and presented by injured employees to their official superiors should be forwarded by them through the regular official channels for transmission to the Secretary of Labor. No letter of transmittal is necessary. All information desired should be made part of the indorsement on such claims.

20. *Approval or disapproval.*—Notice of the approval or disapproval of claims will be forwarded from the office of the Secretary of Labor to the heads of the respective departments, or independent office, for transmittal to the official superior of the employee.

21. *Payments.*—Payments under this law should be made at the regular intervals at which salaries are paid to all employees, except payments accrued before the receipt of the approved claim, which should be made as soon after the receipt of the approval as possible so as to avoid unnecessary hardship to the employee. If subsistence is furnished during employment but not during the period of disability, the value of the subsistence should be allowed to the injured workman during disability in addition to the wages usually paid in cash.

When compensation is approved for a fixed period, payments may be made on the authority of such approval without further evidence.

When compensation is approved for an indefinite period, each payment shall be based upon the certificate signed by the claimant and approved by the claimant's official superior to the effect that during the time covered by the said payment the claimant was unable to resume work and that inability to so resume work was the result of the injury for which compensation was granted.

In no case shall annual leave be charged against any portion of the period for which compensation is due.

22. *Certificates.*—If the claimant's superior officer is unable to satisfy himself that the claimant was unable to resume work for any period for which compensation is claimed, he may require that the claimant submit to him a certificate from a duly authorized medical practitioner showing the continuance of the inability to resume work.

23. *Special examinations.*—If this medical certificate is satisfactory to the official superior, he should then approve payment; but if the certificate does not satisfy him he may require the medical officer or officially designated physician, where such is available, to examine the claimant for the purpose of ascertaining whether the disability still exists.

24. *Payments withheld.*—In all cases where the continuance of disability has not been proved to the satisfaction of the superior officer, or where the results of the examination of the claimant by the medical officer or officially designated physician are contradictory to the statements of the attending physician, payments should be withheld and a report of these facts should be immediately forwarded directly to the Secretary of Labor. A detailed report of the examination of the claimant by the medical officer or officially designated physician, if any has been made, should accompany this report, together with the statement of the employee and a certificate of his attending physician.

25. *Examination by physician of Department of Labor.*—On receipt of reports concerning disagreement between the claimant or his physician and the official superior, the Secretary of Labor will immediately order an examination of the claimant by a physician designated by him, so as to ascertain the claimant's ability to return to work.

26. *Decision.*—The decision of the department will then be communicated to the official superior. If the claim of the injured person be sustained, the amount due him should be paid as soon as possible after the receipt of the decision.

27. *Discontinuance of payments.*—When payments are discontinued because of recovery or other reason, such fact should be reported to the Department of Labor on the blanks furnished for that purpose.

28. *Examination at end of six months.*—Whenever compensation has been paid for any case of disability for five months and there is a possibility of the disability lasting so as to extend over six months, the official superior of the injured employee should

report the fact to the Secretary of Labor, so as to enable him to order as soon as possible a medical examination.

29. *Death.*—Whenever a person in the employ of the Government shall die as the result of injury received in the course of his employment, and his wife, his children under 16 years of age, or his parents desire to claim payment under this act, they should be furnished with blank forms of claim for compensation. If the official superior has reason to believe that the person so injured is covered by the provisions of the law he should inform the dependent relatives, if the names and addresses of such relatives can be ascertained by him, of the necessary procedure under the law and the provision as to the 90-day limit.

If the persons who may be entitled to compensation on account of the death of an employee are located in a foreign country, they may file their affidavits of claim, respectively, with the consular officer of the United States located most conveniently, and any affidavit so filed within 90 days after the death will be considered as having been duly filed with the Secretary of Labor, as required by section 4 of the compensation act.

30. *Death benefits.*—Claims for compensation on account of death should be forwarded to the Secretary of Labor. If the claim be established and compensation is due to more than one person the Secretary of Labor will designate the portion to be paid to each claimant.

31. *Employees to have laws and regulations.*—Copies of the law and the regulations should be on hand in each establishment and, upon request, furnished free to all employees for their information and guidance.

A summary prepared by the Secretary of Labor, presenting the principal provisions of the compensation act and the regulations governing its application, should be posted in establishments affected by the act, in such numbers and places as to be easily accessible to all the workmen.

DUTIES OF MEDICAL OFFICERS.

32. *First-aid treatment.*—The medical officer of each establishment or his assistant, where such services are available, should render such immediate aid as is necessary to each employee of the establishment injured while on duty, and make a report to the head of the establishment of the exact extent of the injury and the nature of the treatment administered, and a detailed record of the same should be kept on file in his office.

33. *Subsequent examinations.*—The medical officer or officially designated physician should examine the injured employee as frequently as is necessary in his opinion or in the opinion of the head of the establishment during the absence of such employee from his work.

34. *Records.*—A record of each examination by the medical officer or officially designated physician should be made in detail and contain an accurate description of the general condition of the employee, the state of the injuries, and an opinion as to whether the disability still continues. Such record should be kept on file in the office of the medical officer or officially designated physician, and reports of the findings should be made to the head of the establishment.

35. *Treatment.*—The medical officer or officially designated physician should ascertain whether the injured employee is under treatment of a duly licensed practitioner of medicine, and if he finds this not to be the case he should inform the injured employee of the necessity of medical attendance whenever such necessity exists.

36. *Opinion as to termination of disability.*—The medical officer or officially designated physician making any examination should inform the injured employee of his opinion concerning the continuance or termination of disability.

APPENDIX B.—BILL TO PROVIDE COMPENSATION FOR EMPLOYEES OF THE UNITED STATES SUFFERING INJURIES OR OCCUPATIONAL DISEASES IN THE COURSE OF THEIR EMPLOYMENT, AND FOR OTHER PURPOSES.[1]

SECTION 1. The United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained in the course of his employment, and for the disability, death, or suspension from work of an employee resulting from an occupational disease contracted in the course of his employment; but no compensation shall be paid if the injury, death, or occupational disease is caused by the employee's intention to bring about the injury or death of himself or of another, or if the injury or death results solely from the intoxication of the injured employee in the course of his employment.

SEC. 2. During the first three days of disability the employee shall not be entitled to compensation except as provided in section ten. No compensation shall at any time be paid for such period.

SEC. 3. If the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of his monthly pay.

SEC. 4. If the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him.

SEC. 5. If a partially disabled employee refuses to work after suitable work is furnished to or secured for him by the United States he shall not be entitled to any compensation while such refusal continues, and the period of such refusal shall be deducted from the period during which compensation is payable to him.

SEC. 6. If, as a result of any examination authorized by section twenty-three any employee is found to have contracted any occupational disease he may, in the discretion of the commission, although not disabled, be suspended from work, or, if practicable, given other work which he may be physically able to do until such time as, in the opinion of the commission, it is safe for him to return to his regular work. During such suspension or substitute employment the United States, if he has contracted the disease in the course of his employment, shall pay to him a monthly compensation as for total or partial disability, as the case may be.

SEC. 7. The monthly compensation for total disability or for suspension from work shall not be more than $66.67 nor less than $33.33, unless the employee's monthly pay is less than $33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than $66.67. In the case of persons who at the time of the injury or of the beginning of disability or suspension from work resulting from an occupational disease were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury or disease, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury or disease, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.

SEC. 8. As long as the employee is in receipt of compensation under this act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions.

SEC. 9. If at the time the disability or suspension from work begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall, in the case of suspension from work, begin immediately after the annual or sick leave has ceased, and, in the case of disability, begin on the fourth day of disability after the annual or sick leave has ceased.

[1] H. R. 15222, Union Calendar No. 181, reported favorably by the Committee on the Judiciary, April 21, 1914.

SEC. 10. Immediately after an injury sustained by an employee in the course of his employment, whether or not disability has arisen, and for a reasonable time thereafter, and immediately after the beginning of disability or of suspension from work due to an occupational disease contracted by an employee in the course of his employment, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.

SEC. 11. If death results from the injury or from the occupational disease within six years after the injury or the beginning of disability or suspension from work due to such disease the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or of disability or suspension from work resulting from such disease, or, if there has been no disability preceding death, more than one year after the injury:

(A) To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage.

(B) To the widower, if there is no child, thirty-five per centum if wholly dependent for support upon the deceased employee at the time of her death, and such proportionate amount as the commission deems proper if partly dependent. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto ten per centum for each child, not to exceed a total of sixty-six and two-thirds per centum for such widow or widower and children. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum; if more than one are wholly dependent, thirty per centum, divided among them share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among them share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. The term "parent" includes step-parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death. The terms "adopted" and "adoption" as used in this clause include only legal adoption.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section, the monthly pay shall be considered not to be more than $100 nor less than $50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section thirteen.

(L) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 12. If death results from the injury or from the occupational disease within six years after the injury or the beginning of disability or suspension from work due to such disease, the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed $100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or of disability or suspension from work resulting from such disease, or if there has been no disability preceding death, more than one year after the injury.

SEC. 13. In computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay but overtime pay shall not be taken into account.

SEC. 14. In the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account.

SEC. 15. In cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than $5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

SEC. 16. Every employee injured in the course of his employment, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.

SEC. 17. The notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and

the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice.

SEC. 18. Unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury.

SEC. 19. No compensation under this act shall be allowed to any person, except as provided in section forty-one, unless he or some one on his behalf shall, within the time specified in section twenty-one, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate.

SEC. 20. Every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury or disease and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section.

SEC. 21. All original claims for compensation for disability resulting from injury shall be made within sixty days after the injury. All original claims for compensation for disability or suspension from work resulting from occupational disease shall be made within sixty days after the beginning of the disability or suspension. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability resulting from injury or occupational disease to be made at any time within one year.

SEC. 22. Any person seeking to enter the service of the United States shall, if so requested by the commission, submit himself, at a reasonable time and place, to examination by a medical officer of the United States, or by a duly qualified physician designated or approved by the commission. If, in the opinion of the examining physician, such person exhibits symptoms of an occupational disease, or by reason of his condition is peculiarly likely to sustain an injury or to contract an occupational disease, the physician shall so certify to the appointing officer, and such person shall not be appointed to any position for which he is adjudged on the basis of such examination to be unfitted.

SEC. 23. Any employee employed in or about any work or process in which he is subject to the risk of contracting an occupational disease shall, from time to time if so ordered by the commission, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission for the purpose of determining whether or not he has contracted such disease.

SEC. 24. After the injury or after disability or suspension from work on account of an occupational disease the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

SEC. 25. In case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination.

SEC. 26. Fees for examinations made on the part of the United States under sections twenty-two, twenty-three, twenty-four, and twenty-five by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section twenty-four, shall be paid out of the appropriation for the work of the commission.

SEC. 27. Immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require.

SEC. 28. Any assignment of a claim for compensation under this act shall be void and all compensation and claims therefor shall be exempt from all claims of creditors.

SEC. 29. No claim for legal services in connection with any claim arising under this act shall be enforceable unless approved by the commission.

SEC. 30. If an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a benficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States.

SEC. 31. A commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. Each commissioner shall hold office until his successor is appointed and has qualified. Any vacancy occurring shall be filled in the same manner as an original appointment. Each commissioner shall receive a salary of $5,000 a year.

SEC. 32. The commission, or any commissioner by authority of the commission, shall have power to issue subpœnas for and compel the attendance of witnesses, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses.

SEC. 33. The commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed by the commission in the same manner as appointments to the competitive classified civil-service positions.

SEC. 34. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission.

SEC. 35. The commission is authorized to make necessary rules and regulations for the enforcement of this act, and shall decide all questions arising under this act.

SEC. 36. The commission shall study the causes of accidents and occupational diseases among the employees covered by this act, and shall from time to time make such recommendations as it may deem proper to the various departments as to the best means of preventing such accidents and occupational diseases.

SEC. 37. The commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receipts of and expenditures from the employees' compensation fund, and its recommendations for legislation.

SEC. 38. For the remainder of the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for the fiscal year ending June thirtieth, nineteen hundred and fifteen, there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $50,000 for the work of the commission, including salaries of the commissioners and of such assistants, clerks, and other employees as the commission may deem necessary, and for traveling expenses, expenses of medical examinations under sections twenty-two to twenty-five, inclusive, reasonable traveling and other expenses and loss of wages payable to employees under section twenty-four, rent and equipment of offices, purchase of books, stationery, and other supplies, printing and binding, to be done at the Government Printing Office, and other necessary expenses.

SEC. 39. There is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby permanently appropriated for the payment of the compensation provided by this act, including the medical, surgical, and hospital services and supplies provided by section ten

and the transportation and burial expenses provided by sections ten and twelve. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund.

SEC. 40. Compensation provided by this act may be awarded in such manner as the commission may by regulation determine upon the claim presented by the beneficiary and the report furnished by the immediate superior of the employee and upon such investigation as the commission may deem necessary to discover the facts. Compensation when awarded shall be paid from the employees' compensation fund.

SEC. 41. If the original claim for compensation has been made within the time specified in section twenty-one, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or if compensation has been refused or discontinued, award compensation.

SEC. 42. If any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund.

SEC. 43. Whoever makes, in any affidavit required under section four or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 44. Wherever used in this act—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civilian officers and employees of the United States and of the Panama Railroad Company, but includes no others.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section thirty-one.

The term "department" includes the executive departments whose heads are members of the President's Cabinet, and all independent offices, bureaus, boards, or Commissions.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury or, in case of disability or of suspension from work resulting from an occupational disease, at the time of the beginning of such disability or suspension, unless the employee at the time of the beginning of such disability or suspension is not in the service of the United States, in which case it shall be taken to refer to the monthly pay at the time of his leaving such service.

SEC. 45. All acts or parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That for injuries occurring prior to July first, nineteen hundred and fourteen, compensation shall be paid under the law in force at the time of the passage of this act: *And provided further*, That if an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability in the Panama Railroad Company to pay damages therefor under the laws of any State, Territory, or possession of the United States or of the District of Columbia or of any foreign country, no compensation shall be payable until the person entitled to compensation releases to the Panama Railroad Company any right of action which he may have to enforce such liability of the Panama Railroad Company, or until he assigns to the United States any right which he may have to share in any money or other property received in satisfaction of such liability of the Panama Railroad Company.

SEC. 46. Sections twenty-two, twenty-six, thirty-one to thirty-eight, both inclusive, forty-four, and forty-six of this act shall take effect immediately upon its passage. The remainder of the act shall take effect on July first, nineteen hundred and fourteen, but shall not apply to disability or death resulting from an injury sustained prior to July first, nineteen hundred and fourteen, or to disability, suspension from work, or death resulting prior to July first, nineteen hundred and fourteen, from an occupational disease.

O

U. S. DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS
ROYAL MEEKER, Commissioner

BULLETIN OF THE UNITED STATES BUREAU OF LABOR STATISTICS . . . WHOLE NUMBER 203

WORKMEN'S INSURANCE AND COMPENSATION SERIES: No. 8

WORKMEN'S COMPENSATION LAWS OF THE UNITED STATES AND FOREIGN COUNTRIES

2

JANUARY, 1917

WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

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GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.
AT
75 CENTS PER COPY

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BULLETIN OF THE

U. S. BUREAU OF LABOR STATISTICS.

WHOLE NO. 203. WASHINGTON. JANUARY, 1917

WORKMEN'S COMPENSATION LAWS OF THE UNITED STATES AND FOREIGN COUNTRIES.

INTRODUCTION.

The Fourth Special Report of the Commissioner of Labor, issued in 1893 under the title of "Compulsory Insurance in Germany," was the first report published in this country devoted to the subject of workmen's insurance.[1] At that time compensation for industrial accidents had been established by law in two countries only, Germany in 1884, and Austria in 1887; the third country—Norway—not following until 1894. In the other countries discussed in the appendix of this early report the workmen's compensation movement had not passed beyond the stage of Government commissions and legislative discussion.

Since the publication of this first report, the development of the legislation providing for workmen's compensation for industrial accidents in Europe and throughout the world has been extremely rapid; in fact, it may be doubted whether any other subject of labor legislation has ever made such progress or gained such general acceptance for its principles in so brief a period. The legislative summaries in the present report show that 46 foreign countries (including all European countries except Turkey) have introduced some form of workmen's compensation for industrial accidents, which, while showing great variations in the industries covered, the amount of compensation provided, and the methods by which compensation payments are secured, recognize the principles of compensation as distinguished from the older idea of employer's liability previously accepted in the civil law of continental Europe, as well as in English and American law.

[1] A list of the publications of the Bureau of Labor Statistics relating to the general subject of workmen's insurance and compensation may be found on the second and third pages of cover.

In the United States what might be called the period of investigation and education began somewhat late as compared with European countries. But since that beginning, investigation and study have been followed with great rapidity by legislative action. The first American State commissions were appointed in New York, Wisconsin, and Minnesota in 1909, and legislation followed in New York in 1910, in Wisconsin in 1911, and in Minnesota in 1913. Beginning with the year 1909, 35 commissions, either appointed or voluntary, not including the Federal commission, have considered or are considering the subject of compensation, and compensation legislation has been enacted in 32 States, as well as in the Territories of Alaska and Hawaii, and Porto Rico and the Philippine Islands. There are also to be noted the orders applicable to the Canal Zone and the Alaskan railway, and the Federal laws of 1908 to 1914, these orders and laws being now repealed and superseded by the United States Employees' Compensation Act of September 7, 1916.

Foreign countries, too, have been progressive in the same field, some of the laws noted in earlier reports being superseded, while in new and comparatively undeveloped industrial countries this type of law has been adopted, so that a statement as much as three years old is found inadequate to present conditions as they exist to-day. A new compilation is necessary, therefore, to meet the needs of those who wish to study and compare the various provisions now in force as a guide to new or amendatory legislation, or as a phase of that class of social legislation which is more and more commanding public attention.

The present report is in three parts. The first part reviews the work of the compensation commissions of the various States, summarizes the principal features of the legislation enacted, and briefly discusses the decisions of the courts upon the constitutionality and construction of the workmen's compensation statutes. The second part summarizes the principal features of the foreign workmen's compensation laws as now existing, presenting also analyses of the principal features of the laws of the individual countries. Forty-six foreign countries are thus represented. The third part gives in an appendix the text of the workmen's compensation laws of the various States, etc., and the Federal statute.

WORKMEN'S COMPENSATION LAWS OF THE UNITED STATES.

INTRODUCTION.

The first summary of State action on workmen's compensation and insurance in the United States published by the Bureau of Labor Statistics appeared in Bulletin 90,[1] September, 1910. At that time it was possible to present only the tentative propositions of a number of State legislatures and commissions and of interested organizations and associations, the laws of three States providing for insurance and compensation systems, and the Federal compensation act of May 30, 1908, relating to certain employees of the United States.

A second review of the subject, in January, 1911,[2] gave an account of the reports of seven State commissions and of the enactment of seven State laws, besides drafts of three commission bills, two of which, with some amendment, became laws later in the year.

The next report, Bulletin 126,[3] presented laws of 23 States, discussed reports of 20 commissions, and contained also a summary account of foreign legislation and an analysis of the laws, together with a review of the interpretation of the American statutes by the courts.

Supplementary to the above was Bulletin 185,[4] which brought the laws of the United States up to the end of the year 1915.

The present bulletin contains such matter of the last two bulletins as is still valid, together with such new material relative to foreign and State legislation as has accrued to the date of publication, briefs of late reports of commissions, and a sufficiently detailed summary of the interpretation and application of the State laws by the courts and the boards and commissions of administration to indicate fairly the scope and effect of the laws thus construed.

Following is a list of the States, etc., in which committees or commissions have been charged by the legislature or otherwise with the duty of investigating the subject of a more adequate method of caring

[1] Recent action relating to employers' liability and workmen's compensation. September, 1910.

[2] Workmen's compensation and insurance: Laws and bills, 1911. Bul. 92, January, 1911.

[3] Workmen's compensation laws of the United States and foreign countries. December, 1913.

[4] Compensation legislation of 1914 and 1915. October, 1915.

for the results of industrial accident than is provided under the system of employers' liability; also of the States in which compensation laws have been enacted, and those in which the laws have been amended or new laws substituted for former legislation.

STATES, ETC., IN WHICH COMMISSIONS WERE APPOINTED AND IN WHICH COMPENSATION LAWS WERE ENACTED AND AMENDED, BY YEARS, 1908 TO 1916.

State, etc.	Year commission was appointed.	Year compensation law was enacted.		State, etc.	Year commission was appointed.	Year compensation law was enacted.	
		Original.	Amendment or substitute.			Original.	Amendment or substitute.
Alabama	1915	.....	.....	Nevada	.....	1911	1913, 1915
Alaska	.....	1915	.....	New Hampshire	.....	1911	.....
Arizona	.....	1912	1913	New Jersey	1910	1911	1913, 1914
California	.....	1911	1913, 1915	New York	1909	[4] 1910	1913, 1914 1915, 1916
Colorado	1911	1915	.....	North Dakota	1911	.....	.....
Connecticut	1907	1913	1915	Ohio	1910	1911	1913, 1914
Delaware	1911	.....	.....	Oklahoma	.....	1915	.....
Hawaii	.....	1915	.....	Oregon	[3] 1911	1913	1915
Illinois	1905	1911	1913, 1915	Pennsylvania	1911	1915	.....
Indiana	1913	1915	.....	Philippine Islands	.....	1907	1912
Iowa	1911	1913	.....	Porto Rico	1913	.....	1916
Kansas	.....	1911	1913	Rhode Island	.....	1912	1913, 1915
Kentucky	[1] 1915	[2] 1914	1916	Tennessee	1913	.....	.....
Louisiana	1912	1914	1916	Texas	1911	1913	.....
Maine	.....	1915	.....	Utah	1915	.....	.....
Maryland	[2] 1913	1912	1914, 1916	Vermont	1913	1915	.....
Massachusetts	1903	1911	1912, 1913 1914, 1915 1916	Virginia	1916	.....	.....
Michigan	1911	1912	1913, 1915	Washington	[3] 1910	1911	1913, 1915
Minnesota	1909	1913	1915	West Virginia	[3] 1911	1913	1915
Missouri	[3] 1910	.....	.....	Wisconsin	1909	1911	1913, 1915
Montana	[3] 1910	[3] 1909	1915	Wyoming	.....	1915	.....
Nebraska	1911	1913	.....	United States	1910	1908	1909, 1911 1912, 1916

[1] Voluntary.
[2] Law declared unconstitutional.
[3] Appointed by the governor.
[4] Two laws, one (compulsory) declared unconstitutional.

The earlier commissions or committees of Connecticut (1907), Illinois (1905), and Massachusetts (1903) are in place here only by a somewhat liberal inclusion, since none of them was so thorough, either in investigation or report, as the later bodies noted, and all were followed by other commissions which opened the way finally for legislation. However, it is desirable to take account of them for the sake of completeness. Also, in Pennsylvania a second commission was appointed before the enactment of a law was secured, while in Missouri there have been three commissions, without the enactment as yet of any law; in Delaware, North Dakota, and Tennessee, also, there have been commissions, but no laws to date. The Kentucky commission was voluntary, organized after the declaration of unconstitutionality of the law of 1914; and, in addition to the statutory commissions of Alabama, Utah, and Virginia, voluntary commissions are at work in Missouri and Tennessee.

The following table shows the action taken during each year since the enactment of the first workmen's compensation law.

NUMBER OF WORKMEN'S COMPENSATION COMMISSIONS AND LAWS, BY YEARS, 1903 TO 1916.

Year.	Commissions formed or provided for.	States, etc., enacting original law.	States, etc. enacting amending or substitute laws.
1903	1		
1905	1		
1907	2		
1908		[1] 1	
1909	3	1	1
1910	8	1	
1911	12	10	1
1912	1	4	2
1913	7	7	13
1914		2	4
1915	3	9	11
1916	1	1	6
Total	39	36	

[1] United States.

Thus there have been 39 commissions in 32 jurisdictions within the period noted. Compensation laws have been declared unconstitutional by the courts of last resort of three States, but new laws have been enacted in all of these, so that there are now in force 34 laws in the various subdivisions of the Union, besides those of the Philippine Islands and Porto Rico, and the law of the Federal Government covering civil employees. Besides the laws taking the place of those declared unconstitutional, entirely new laws making considerable or complete departure from the old have been enacted in five States and by Congress; while, to nearly all the older laws, amendments of greater or less effect have been enacted. The Legislature of Idaho passed a compensation law in 1915, but it was vetoed by the governor.

REPORTS OF COMMISSIONS.

Not all of the 39 commissions provided for have published reports. The bureau has been unable to obtain reports of the commissions of Delaware, Porto Rico, and Texas. That of Vermont made no report other than the draft of a bill which, with some amendments, became law. The report of the Indiana commission was not printed; while those of Alabama, Utah, and Virginia are of course not yet due.

The available reports are considered below in two groups, those of earlier appointment being taken up first.

COMMISSIONS PRIOR TO 1913.

COLORADO.

The members of this commission were designated in the act of June 1, 1911, creating it, a representative of the bar, one of labor, one of the employers of labor, and one of each house of the legislature being named. An appropriation of $1,000 was made, but was placed in a class of appropriations that did not become available within the time fixed for the commission to report. The principal work that could be done under the circumstances was the collection of existing literature on the subject.

There was no attempt made to draft a law, and the examination made of the statutes of other States showed such wide divergence that no conclusion was reached as to the type to be recommended. The commission was impressed with the importance of uniformity of legislation on the subject, but felt that none of the existing State laws were adapted to the industrial conditions of Colorado. It was agreed that a compensation law should be enacted, that it should be applicable to all productive employments, and that there should be some plan by which compensation payments would be guaranteed. It was recommended that more study and investigation be given to the subject before any bill was drafted, reference being made to the fact that all laws of this type are of recent enactment in this country, and that it took 16 years to unify the laws of Germany on the subject.

A summary of State laws, mention of the commissions appointed to investigate employers' liability, and a list of printed matter collected complete this pamphlet[1] of 48 pages. No law was enacted until 1915.

[1] Report of Employees' Compensation Commission, 1913.

CONNECTICUT.

A senate joint resolution of the State of Connecticut (No. 22 approved Feb. 27, 1907) directed the appointment by the gover nor of a committee to make investigations and recommendation with reference to laws for the regulation of the liability of employ ers for injuries to employees. This committee consisted of one em ployer, one employee, and a lawyer, and was to report on or befor April 2 following, but the time was extended to May 20, 1907, an subsequently to the early part of January, 1909. This committe considered the subject of compensation, and while unanimously rec ognizing the high standing of the indorsements of the system an agreeing that the future relations of employer and employee will ver probably be settled by legislation along this line, they were not abl to agree in the matter of recommending such an act at that time. Th then existing law of Connecticut was a bare statement of som of the principles of common law applicable to this subject, and th committee reported a bill modifying the fellow-servant doctrine t some extent and particularly in the matter of employment on rail roads, the bill being of the general type of the British liability lav of 1880, as adopted by the neighboring States of Massachusetts an New York.[1] The bill failed of adoption, and no further action wa taken until 1911, when the legislature, by joint resolution, author ized the governor of the State to appoint a commission of three per sons to serve without compensation but with power to employ neces sary clerical assistance and to incur proper expenses. Public meet ings were held at various points in the State, some of which wer largely attended. Nineteen pages of the report[2] are occupied wit general and constitutional considerations, the remaining 22 page being given to the reproduction of a tentative draft of a law. Th type proposed was compulsory compensation, administered by th courts, surgical examiners to be appointed in each county, and a com missioner for each of four districts into which the State was to b divided. A law was enacted in 1913, but it differs widely from th bill recommended by the commission.

ILLINOIS.

In the State of Illinois a committee appointed in 1905 reported bill to the legislature of 1907 intended to provide a system of insur ance of employees against the consequences of industrial accident and authorizing contracts between employers and employees on th basis of an insurance scheme embodied in the bill. This bill failed

[1] Connecticut: Report of the Bureau of Labor Statistics, 1908, pp. 292-312.
[2] Report of the Connecticut State Commission on Compensation for Industrial Acci dents, 1912.

of enactment. At an extra session of the legislature in 1910 an act was passed providing for a commission of 12 members, to be appointed by the governor, 6 of whom should be employers of labor, and 6 "either employees or persons known to represent the interests of workmen." The duties of this commission were to investigate the problems of industrial accidents, and especially the present condition of the law as to liability for injuries or death suffered in the course of industrial employment, both in Illinois and in other States and countries; to inquire into the most equitable and effectual method of providing for compensation for such losses, and to report its conclusions, with a draft of such bill or bills as might be deemed appropriate, on or before September 15, 1910. Cooperation with similar commissions of other States, so far as practical, was directed; and the sum of $10,000 appropriated for the expenses of the commission.

The report of this later commission[1] is an octavo volume of 49 pages, presenting a brief record of the work of the commission; a draft of a bill; a discussion of the constitutionality of a compensation law; records of cases heard before certain courts of the State; the record of the coroner of Cook County, in which the city of Chicago is situated; special studies of the coal-mining industry, railroads, manufactories, etc., from the standpoint of hazard, and showing accident records and compensation for injuries; and other valuable statistical and economic data. The discussion as to constitutionality was made by the commission's attorney, who expressed the conviction that within a decade provision for compulsory compensation will be generally accepted as being within the police power of the State. He recommended, however, as a concession to the present state of information and public opinion that an alternative proposition be enacted, embodying compensation, but as optional and not required, though so limiting rights and defenses as to lead both parties to an acceptance of the compensation provisions. "That the law should read into every contract of hiring a limited guaranty by the master to his servant against injury to life or limb while the servant is going about his master's business, when it appears that the larger proportion of such injuries in almost all employments are entirely incidental to the business, does not seem any more unreasonable than that the law should conclusively presume that the servant, upon entering the employment, voluntarily assumes in advance all the necessary and inherent hazards of the trade."

The study of the coal-mining industry—one of the largest industries of the State—leads the commission to the conclusion that the adoption of the scheme of compensation proposed, giving $2,250 for fatal

[1] Report of the Employers' Liability Commission of the State of Illinois, 1910.

accidents as against the present average award of $168, would effect a charge of but 1.6 cents per ton of coal mined to meet the necessary expenditures. As to the direction of this expenditure it is said: "Should this prompt the exercise of extra care, as the commission confidently anticipates, only a portion of this increase would be utilized for the purpose of compensation, the remainder going into the plant in additional safeguards and conveniences."

In the other industries investigated and in the report from the Illinois Manufacturers' Association details of accidents showing the nature of the injury and the form and amount of damages or compensation on account of it are shown; also a comparison of the present actual cost and the estimated cost under the commission's plan.

The bill proposed became law, though restricted to especially dangerous employments, but was amended in 1913 so as to cover all industries. The rates of compensation were also increased over those proposed by the commission.

IOWA.

A commission, to consist of two employers, two employees, and one disinterested person, was authorized by an act of the Legislature of Iowa at its session of 1911. A report was ordered to be in the hands of the members of the legislature not later than November 15, 1912. This report[1] forms a volume of above 400 pages, in which is discussed briefly the classes of laws in force in Europe and in the various States having compensation or insurance laws. The liability law of Iowa is next considered, and a proposed bill is briefly discussed. The bill was of the elective type, to be administered by a State commission, and with provisions for an employers' indemnity association to form a reserve fund to secure compensation payments, all employers under the act to be members. A minority report urged a compulsory plan, but without the State insurance feature. The system embodied in the law enacted is elective, with a requirement that payments shall be guaranteed by some form of insurance, unless the industrial commission is satisfied as to the employer's solvency.

Appendixes form a considerable portion of the volume. Among these are an estimate of insurance rates in Iowa, accident statistics, and various papers and excerpts on subjects connected with questions of constitutionality, a synopsis of American laws, etc. The second and larger part of the volume is made up of minutes of the hearings and of papers submitted in connection therewith.

[1] Report of the Employers' Liability Commission, 1912.

MASSACHUSETTS.

This seems to have been the first State to move in the direction of a workmen's compensation law. In 1903, by a resolution adopted by the State legislature, provision was made for a committee of five citizens of the Commonwealth to be known as a committee on the relations between employer and employee. The question of the liability of the employer for injuries to employees was mentioned as to be especially considered. The report of this committee[1] supported "the theory that, where a man receives injury while in the course of his employment, society should recoup him in some measure without resorting to charity. * * * As the deterioration of a plant is paid for by being added to the cost of production, the deterioration of the man should also be added to the cost of production. The theory is also—and this has determined the acts of foreign countries in this respect—that society ultimately pays all such costs through consumption." The conclusion was reached that the liability theory was not satisfactory, and the committee recommended a compensation law, applicable to employment on, in, or about railroads, street railways, factories, workshops, warehouses, mines, quarries, engineering work, and work in the construction, alteration, or repair of a building where scaffolding, staging, or ladders are used, on buildings being demolished, or in work about the construction, repair, or destruction of buildings where steam, water, or other mechanical power is used in the work.

The commission was unanimous in the opinion that the compensation law should operate exclusively in its field, but would reserve to an injured employee the right to sue in cases where the employer's gross negligence was the cause of the injury. The bill provided that proceedings instituted under either the compensation or the liability law barred the employee from action under the other. Medical inspection at the option and cost of the employer was provided for, with reference in disputed cases to medical referees to be appointed by the governor and paid by the county. Disputes as to facts were to be settled by a committee representing the employer and the employee, by an arbitrator agreed upon by the parties, or by a referee appointed by a justice of the superior court. Appeals were to be permitted on questions of law to the supreme judicial court, pending which any justice of the superior court might order compensation to be paid on proper and adequate representations. The maximum compensation for death was 3 years' earnings, not less than $1,000 nor more than $2,000; for disability, 50 per cent of the daily earnings to amount to not more than $10 weekly, and to be allowed for not more than 4 years.

[1] Report of Committee on Relations between Employer and Employee, January, 1904.

This bill was rejected, and no further action was taken until by an order of the senate, concurred in by the house, a committee of 8 members of the house and 3 of the senate was appointed in 1907 to report to the next legislature (among other matters) as to the expediency of legislation providing for "compensating workmen who are accidentally injured in the course of their employment." The majority of this committee felt that a compensation law of general application was not feasible at the time, though 5 members renewed the recommendation of the earlier committee.[1] What was actually done by the legislature was to enact a law (Acts of 1908, ch. 489; see Acts of 1909, ch. 514, secs. 136–142, Bul. No. 85, p. 626) authorizing employers to submit to the State board of conciliation and arbitration schemes of compensation, which, if approved by the board, might form a basis of contracts between such employers and their employees by virtue of which the provisions of the compensation scheme should be substituted for the liability of the employer under the common law or the employers' liability act.

That such tentative and permissive legislation has not satisfied the demands of the parties in interest in the State of Massachusetts is evidenced by the adoption of a resolution by the legislature of that State (approved June 7, 1910) to the effect that "the public good requires a change in the present system of determining the compensation of employees for injuries sustained in industrial accidents, and that the Commonwealth ought to provide different and more suitable relief." The governor was therefore authorized to appoint, with the advice and consent of the council, a commission of five persons for the purpose of investigating the present laws of the State on the subject of employers' liability, and the laws and systems of other States and countries, and to "draft an act for the compensation of employees for industrial accidents." A printed report of data and statistics and a draft of an act were to be submitted on or before the second Wednesday in January, 1911. Expenditures by the committee were not to exceed $10,000, though a subsequent extension and appropriation added the sum of $2,000.

This commission was appointed in June, 1910, and first submitted only a partial report, recommending that another year be given to investigation before submitting any bill, an earlier tentative draft not being included in the report. A pamphlet[2] of 23 pages sketched briefly the forms of compensation in use in Great Britain, Germany, and Norway as typical of the three systems in use in countries having compensation systems. Tables were given showing the period of disability in 2,849 accidents reported to the commission from

[1] Report: House No. 1190 (1908).
[2] Report of the Commission on Compensation for Industrial Accidents, 1911.

September 12 to November 20, 1910; also the cost of industrial accidents in 734 establishments during 1909.

In accordance with its recommendations, the commission was continued in existence until July 1, 1912. A compensation law having been enacted in 1911, the duties of the commission were to compile accident data, and make recommendations as to further legislation, the expenditures not to exceed $13,000. Under this new authorization a report[1] of 322 pages was made to the legislature, setting forth the work of the commission in various directions, both before and after the enactment of the State law; the text of the State law, with commentary; a brief description of foreign laws and of the laws of the United States; a consideration of the constitutionality of a compulsory law for Massachusetts; statistics of accidents in Massachusetts, May 1, 1911, to April 30, 1912, and an appendix in which are reproduced the laws of the States providing for compensation, with some other matter.

The question of the constitutionality of a compulsory law for Massachusetts is considered at some length, the conclusion being reached that the courts of that State would probably uphold such a law. The action of the New York Court of Appeals in declaring invalid the compulsory law of that State, and the effect of this decision on subsequent legislation in the various States is noted, and strong exceptions are taken both as to the ruling in this case and the attitude of the court of that State generally in the matter of testing the constitutionality of the acts of the legislature.

MICHIGAN.

An act of May 1, 1911, created a commission of five members without salary, but to be reimbursed for actual expenses. A report to the next legislature was directed, or to any earlier extra session. An extra session was in fact held, at which a law was enacted and approved March 20, 1912, following in the main the recommendations of the commission.

The report[2] is a pamphlet of 152 pages, in which are discussed in brief the rules and defenses applicable in employers' liability actions. Data as to accidents and damages are presented, and the results of the old system of liability, under which it was concluded that it was impossible to secure justice to either employer or employee. The proposed bill is next presented and analyzed, and appendixes containing minutes of the meetings of the commission, schedules of inquiry, accident statistics, costs, representative relief plans in use, etc., conclude the report.

[1] Report of the Commission on Compensation for Industrial Accidents, 1912.
[2] Report of the Employers' Liability and Workmen's Compensation Commission, 1911.

MINNESOTA.

The report of the Minnesota commission[1] is devoted more to the discussion of legal and constitutional questions than to a study of industrial conditions. Practically 100 of the 289 pages of the report are taken up with a presentation of the draft of a bill proposed by the commission and its discussion, point by point, in which the rights and liabilities provided are defined and court decisions cited in support of the various provisions.

The conclusions of the commission are adverse to the constitutionality of a State insurance law, in view of the provisions of the State constitution which forbid the State to engage in private business or to use the public funds in competitive undertakings as a means of regulating the conduct of business, citing Rippe *v.* Becker (56 Minn., 100), a case in which it was held that the State had not the power to build and operate a grain elevator. The discussion as to the constitutionality of the proposed bill is detailed and, together with the summary, presents the argument in favor of a compensation bill of compulsory application.

No law was enacted until 1913, when an act embodying the principle of compensation, but in elective form, was passed.

MISSOURI.

A commission was appointed in 1910 by the governor of Missouri, the principal recommendation of which, so far as appears, was that a new commission be appointed to give the matter further consideration.

The State senate in 1911 passed a resolution of similar effect, and a new commission was accordingly appointed. It consisted of 15 members, 5 being appointed by the president of the senate, 5 by the speaker of the house, and 5 by the governor, and held a number of meetings in September and October, 1912. Majority and minority reports were submitted, with bills representing the diverse views. The report[2] of the majority is a pamphlet of 145 pages, 10 of which contain the commission's letter of transmittal setting forth its conclusions, the remainder being minutes of the hearings. In the bill recommended for the consideration of the legislature the New Jersey law was used as a basis, the avowed purpose of the commission being "to establish the principle of workmen's compensation in this State," while recognizing that "to realize the ideal of workmen's compensation is impossible."

[1] Report to Legislature of Minnesota Employees' Compensation Commission, 1911.

[2] Report of Missouri Commission on Employers' Liability and Workmen's Compensation, 1913.

The minority report[1] consists of 30 pages, 22 of which present a bill, while the remaining portion is taken up with an account of the grounds for dissent from the majority. The principal contention was to the effect that later drafts and more extended studies were available, showing advances over the provisions of the New Jersey act of 1911, and that these should be taken advantage of in the enactment of new legislation. The bill recommended was the draft of a law prepared by a committee of the National Association of Manufacturers, some of the points of advantage emphasized being the prevention of accidents, the compulsory insurance of the risks of all employers who elect to accept the law, the encouragement of mutual insurance as a means of holding in check the charges for premiums, and the inclusion of farm and domestic labor. Compulsory compensation was said by the minority report to be desirable eventually, but not immediately attainable.

No law was enacted in 1913, but a third commission was provided for, to report to the legislature of 1915, which also enacted no law.

MONTANA.

Though the legislature had in 1909 enacted a law of limited scope, applicable to coal mines only, the governor of Montana appointed on his own motion a commission of eight men in 1910 to prepare employers' liability and workmen's compensation acts to present to the legislature. This commission, or six of its members, agreed to recommend two bills, one providing for automatic compensation in extrahazardous employments, and a companion bill limiting the amounts recoverable if workmen elect to sue instead of accepting the proposed benefits. Neither of these bills became a law.

The report[2] proper is very short, containing only seven pages, occupied with an account of the appointment and action of the commission, the nature of the proposed bills, and a general expression as to the desirability of compensation laws as compared with those declaring the employers' liability. A recommendation was made for the appointment of a new commission by the legislature to give further attention to the subject. A law was enacted in 1915 without a commission.

NEBRASKA.

The House of Representatives of Nebraska passed a resolution, April 6, 1911, empowering and requesting the governor to appoint a commission to investigate the subject of employers' liability and compensation laws. No appropriation was made for expenses, but the commission was authorized to call on the State legislative refer-

[1] Letter of transmittal accompanying minority report prepared by F. C. Schwedtman of the Missouri Commission on Employers' Liability and Workmen's Compensation, 1913.

[2] Governor's message relating to employers' liability and workmen's compensation act, with report of the commission appointed by the governor, 1911.

ence bureau for assistance and clerical help and for other aid in preparing its report. The report[1] is a pamphlet of 48 pages, and is issued by the Nebraska Legislative Reference Bureau as Bulletin No. 2. Data are presented as to accidental deaths in the State for the first 11 months of 1912, reported under the board of health law of 1905, and as to court business from personal-injury cases.

Two bills are presented as majority and minority reports of the commission, the first being a compulsory compensation system and the second an elective State insurance system. A law was passed in 1913 differing widely from either of the propositions of the commission, being an elective compensation law.

NEW JERSEY.

The report of the New Jersey commission[2] is embodied in a message of the governor to the legislature, transmitting the report. The pamphlet, of 91 pages, contains the evidence taken at the hearings of the commission, discussions of the defenses commonly in use in meeting actions for injuries to employees, some account of the Chicago conference of November, 1910, and the bill proposed for enactment. The representatives of labor on the commission, while supporting the principle of the bill, objected to the amount of compensation proposed.

A law on the subject was enacted in 1911, practically in agreement with the recommendations of the commission, and has been upheld as constitutional by the courts.

NEW YORK.

The Legislature of New York by an act of May 27, 1909, provided for a commission of 14 persons to consider existing conditions in the State as to the liability of employers for industrial accidents, and "the comparative efficiency, cost, justice, merits, and defects of the laws of the other industrial States and countries relative to the same subject." An appropriation of $10,000 was made for the expenses of the commission, its report, submitted in 1910,[3] being a quarto volume composed of the report proper, of 69 pages, with 200 pages of appendixes, and a record of hearings comprising 470 pages. A second volume appeared under the date of April 20, 1911, on the causes and prevention of industrial accidents, consisting of a report, 116 pages, and minutes, 307 pages; while after the action of the court of appeals of the State declaring the compulsory compensation law unconsti-

[1] Preliminary Report Employers' Liability and Workmen's Compensation Commission, 1912.

[2] Message of the governor transmitting to the legislature the report of commission on employers' liability, 1911.

[3] Report by the Commission to Inquire into the Question of Employers' Liability. First report, Mar. 10, 1910.

tutional, a brief report (11 pages) was issued May, 3, 1911, reviewing this decision and recommending the adoption of an amendment to the constitution of the State to meet objections raised by the court. In this report the enactment of an elective system, withdrawing the employer's defenses to secure his coming under the law, was considered as of doubtful constitutionality under the ruling in the case in which the compulsory act was disapproved, and also as of doubtful practical value, since many employers might refuse to accept it, even under such pressure as the law might provide.

The first and principal report is one of the most extended reports issued by a State commission. Eleven public hearings in various parts of the State, 14 executive sessions of the commission, and numerous meetings of committees and subcommittees indicate something of the activity of the commission in one direction. Inquiries were sent to 1,942 employers reporting accidents to the State department of labor, to 975 reporting accidents to the public-service commission, and to the presidents of 2,331 labor organizations in the State. Several statistical studies were made as to the economic results of accidents and proceedings at law with reference to such accidents; also the cost of industrial accidents to employers and the distribution of such costs to hospitals for fees, insurance premiums, settlements, as damages, etc.

An investigation of 1,040 work accidents by the State labor department, in which total losses and payments were ascertained, showed that in 404 of the 902 cases of temporary disability (lasting from one week to more than one year) nothing was received by the injured person, not even medical expenses, while in 304 cases the amount recovered from the employer was less than one-half the loss of wages and expenses of the injury. In 71 cases there was permanent partial disability, reducing the earning capacity of the employee in varying amounts. Of this number 18 received nothing, 22 received $100 or less, 14 received from $101 to $500, 5 received from $501 to $2,000, while 1 person received more than $2,000; suits were still pending in 11 cases. In 902 cases of temporary disability there was a wage loss of $66,800, besides medical expenses amounting to $20,000, while all payments by employers amounted to but $25,339, or less than 30 per cent of the losses and costs. Payments in cases of permanent partial disability make a somewhat better showing, approximating 34 per cent of the actual losses, though this omits from consideration the depreciated earning power, while in 10 cases of permanent total disability, computed on a basis of three years' wage loss, the payments by employers amounted to but 9.7 per cent of the losses and costs. Data obtained from other sources indicate the same general condition of inadequate compensation for losses suffered.

That the system of liability and damage suits entails waste is shown by the fact that the expenditures of 327 firms in the State in 1907, employing 125,995 men, amounted to $192,538 on account of accidents, accident insurance, legal expenses, etc., of which the amount paid to the persons injured was but $104,643, or 54 per cent of the employers' outgo in this connection. Premium receipts and payments of losses by nine insurance companies that kept separate accounts of their employers' liability business show that during 1906, 1907, and 1908 they took in as premiums $23,523,585 and paid out in insurance $8,559,795, or but 36 per cent of the premiums received. In connection with attorney's fees, which are frequently contingent on recoveries, it was shown that in 14 of the 51 cases investigated the fee was less than 25 per cent of the recovery, in 14 cases it was 50 per cent or more, while in the remaining 23 cases it was more than 25 per cent and less than 50 per cent.

The question of the cost to the employer of a compensation system as compared with the cost of the present system received consideration, the investigation of this phase of the question being conducted by the State bureau of labor statistics.

It was concluded that large manufacturing firms (though perhaps not small employers) could pay compensation benefits at least equal to the English scale at no greater cost than incurred for accidents under the existing system, and probably in some cases for less.

With one member excepting, because he thought that while a change of system was necessary, the remedy for the situation had not yet been found, the commission summarized its conclusions as follows:

First. That the present system in New York rests on a basis that is economically unwise and unfair, and that in operation it is wasteful, uncertain, and productive of antagonism between workmen and employers.

Second. That it is satisfactory to none, and tolerable only to those employers and workmen who practically disregard their legal rights and obligations and fairly share the burden of accidents in industries.

Third. That the evils of the system are most marked in hazardous employments where the trade risk is high and serious accidents frequent.

Fourth. That as a matter of fact workmen in the dangerous trades do not, and practically can not, provide themselves adequate accident insurance, and therefore the burden of serious accidents falls on the workmen least able to bear it and brings many of them and their families to want.

The commission recommended legislation along two lines—a compulsory compensation act applicable to specified dangerous employments and an elective law of general application, coupled with amendments to the existing laws on liability. Drafts of bills were prepared and submitted to the legislature in accordance with these

views, and, with some amendment, these bills were passed, being the pioneers in their class in the United States. As already noted, the compulsory act was subsequently declared unconstitutional as interfering with freedom of contract and due process of law.

Subsequent to this decision, the constitution of the State was amended, as recommended by the commission in its report of May 3, 1911, and a compulsory statute applicable to an extensive list of employments classed as hazardous was enacted in 1913.

NORTH DAKOTA.

The compensation commission of this State was appointed in accordance with the provisions of an act of March 17, 1911, creating a commission of three persons, one to be an employer of labor, one a representative of labor, and one learned in the law. No compensation was appropriated for the commission but necessary expenses might be incurred, not exceeding $1,000.

The report[1] is a pamphlet of 128 pages, and is in six sections, discussing the present state of the law in North Dakota, its inadequateness, the statutory modifications of the common law, a brief summary of foreign and domestic compensation acts, two proposed acts for the consideration of the legislature, and concluding with a consideration of the constitutionality of these proposed acts.

The recommendation as to bills is an alternative one, the first bill being for simple compensation, the law of Wisconsin being substantially followed, the other conforming closely to the Ohio statute providing for a State insurance system. While the recommendation presents these two forms for consideration by the legislature, the preference of the commission is for the State insurance system as eliminating waste, while the burden of administration is offset by the improved condition of the beneficiaries, reducing police and relief expenses. No law was passed.

In the discussion of the inadequacy of present remedies large use is made of the report of the New York commission, while in the consideration of the question of constitutionality the brief of Mr. H. V. Mercer, of the Minnesota commission, is said to have been liberally drawn from.

OHIO.

The report of this commission[2] consists of two octavo volumes, each of more than 400 pages. The first volume contains the report to the State legislature, with numerous appendixes containing sum-

[1] Report of the Commission on Legislation providing for the Liability of Employers in Compensation for Injured Workingmen, 1913.

[2] Report to the Legislature of the State of Ohio by the Employers' Liability Commission, 1911.

maries and discussions of the compensation acts of foreign countries, statistical data, Federal and State laws, drafts submitted by other commissions, etc. The second volume is made up of minutes of evidence and a record of the public hearings held by the commission.

Considerable space is given in the report proper to a consideration of the legal aspects of the question, while the social and economic reasons for a change in the law are also discussed. The conclusions of the commission were in favor of a law providing "a uniform plan of insurance, practically compulsory in its nature," and the argument as to constitutionality is, of course, directed to the support of such a law. Besides the draft of a compensation bill, the commission recommended an investigation of occupational diseases, an increase in the number of factory inspectors, and an increase of the penalty for violations of the laws requiring the installation of guards and safety devices in factories and workshops.

An optional State insurance law was enacted in 1911 and amended in 1913 so as to make it compulsory.

OREGON.

The commission of this State was appointed by the governor, representatives of employers, of employees, and of the general public being chosen. The report[1] is a pamphlet of 23 pages, 15 of which are taken up with a draft of a bill prepared by the commission.

No hearings or statistical investigations seem to have taken place, the commission having taken into consideration the action of other States in legislation in the same field, and its results. This was said to be "of incalculable value," and the bill reported was "in large measure a composite of features of acts of other States which have been tried and proven, with modifications necessary to a proper unification."

The law of Washington was chiefly followed in this draft, an elective system being substituted for a compulsory one, however, the insurance fund to be maintained by contributions from both employers and employees, as well as other changes of less importance. The reason for this change is chiefly the uncertainty as to the constitutionality of a compulsory law, while the practically general acceptance of the proposed law was anticipated on account of the withdrawal of the customary defenses from employers not accepting the act, and the certain and obvious advantages offered to the workmen by it.

A law was enacted in 1913 in practical agreement with the recommendations of the commission.

[1] Report of Commission to Draft a Workmen's Compensation Bill to be Submitted to the 27th Legislative Assembly, 1912 (?).

PENNSYLVANIA.

An act of June 14, 1911, directed the appointment of a commission with the duty of investigating the prevention of industrial accidents and the compensation of injured workmen and their dependents. The report[1] consists of but 55 pages, mainly occupied with drafts of bills for consideration by the legislature. As to accident prevention, existing legislation is commended and its amendment and better enforcement advised.

The question of the desirability of a compensation law as compared with the present liability law is considered as no longer open to debate, the only point being the type to be adopted. State insurance is thought not desirable, as it removes the incentive to vigilant safety work and affords opportunity for injustice in the determination of premium rates. A compulsory compensation system is recommended similar to that provided by the New York statute of 1909, which was declared unconstitutional in the Ives case, but was thought to require an amendment of the constitution of the State, which is urged. In the meantime an elective compensation system is proposed and a draft of a bill submitted. Correlated laws are recommended to meet the situation that would arise in connection with a compensation law, the full list being an amendment to the factory act, an act requiring employers to make reports of accidents, an elective workmen's compensation law, an act providing for the incorporation of employers' mutual insurance associations, an act regulating policies of insurance so as to secure the payment of benefits directly to injured workmen in case of the insolvency of the employer, and an act authorizing the appointment of an industrial accidents commission.

The commission contemplated in the last-named bill was to make a study of accidents, observe the workings of the compensation law, and suggest such amendments as might be suggested by the first two years of experience. No compensation law was passed at the regular session of 1913. Each house of the legislature passed a bill, but the two houses were unable to reach an agreement.

WASHINGTON.

The report of the Washington commission[2] is one of the briefest, comprising but 5 pages of a pamphlet of 48 pages, the remainder of the pamphlet being taken up with the proposed bill and a discussion of its provisions from a legal viewpoint. Like the Ohio bill, the bill offered is one that provides for State insurance, and so far from feel-

[1] Report of Industrial Accidents Commission, 1912.
[2] Report of Commission to Investigate the Problems of Industrial Accidents, 1910.

ing itself bound by the case cited by the Minnesota commission it regards this case as controverted by decisions in the Slaughterhouse cases (16 Wall. (U. S.), 36), and the State Dispensary cases (State *v.* Porterfield, 47 S. C., 75; Farmville *v.* Walker, 101 Va., 323; Carsed *v.* Greensboro, 126 N. C., 159, etc.). It is said that "it ought to be a sufficient answer that in the proposed act the State is not engaging in a business, but only creating and through State officers disbursing funds, to which the State contributes nothing, in the administration of the police power by the means deemed by the legislature most effective. There is no possibility of a revenue or profit to the State, and the State is not insuring anybody or anything." The law enacted provided for compulsory insurance administered by a State department, and has been sustained as constitutional.

WEST VIRGINIA.

The legislature of this State provided by a joint resolution of February 24, 1911, for the appointment of a commission, the members of which were in part named in the resolution, and in part to be selected from the senate and house, to investigate what States have laws on the subject of liability and compensation and the purport of such laws, to secure data as to the industries of the State and as to the amount of liability litigation in the State, and to consider the advisability of legislation on the subject. The sum of $5,000 was appropriated to meet the expenses of the commission.

A volume of 274 pages was issued as Part I of the commission's report,[1] covering the liability and compensation laws of the several States, with a summary of their principal features and opinions on their form, contents, constitutionality, and administration, and the more important bills drafted by State commissions and associations of employers and labor organizations. A second volume to contain the findings and recommendations of the commission was announced, but a subsequent communication to the United States Commissioner of Labor stated that in all probability no other volume would be published.

The first chapter presents definitions of employer, employee, vice principal, etc., in terms of the statutes of a number of States, while the second presents the text of the liability and compensation laws of the various States. Chapter 3 summarizes these laws, and the fourth chapter presents proposed drafts of bills. The last chapter is chiefly quoted matter bearing on the points previously considered and on the legal aspects of compensation. A law was enacted in 1913.

[1] Report of the Employers' Liability and Laborers' Compensation Commission, 1911.

WISCONSIN.

The report of the Wisconsin commission[1] is a pamphlet of 98 pages, presenting a draft of a bill which is discussed section by section to set forth the working and purpose of the various provisions rather than to support their constitutionality. There are about 40 pages of tables showing the nature and results of accidents, the outcome of damage suits, insurance costs, etc.

The counsel for the commission concluded that no compulsory system of compensation could constitutionally be enacted, except for the State and its subdivisions, while an elective system would be possible and, by the withdrawal of the defenses commonly offered by employers, acceptable as well.

The commission reports that from the beginning they agreed that accidents or deaths suffered in industrial pursuits should be reasonably compensated, not as a matter of charity, but as a matter of justice; and that as a rule the manufacturers of the State have approved a change in the conditions and have expressed at all times their desire to cooperate in framing a suitable bill and in gathering helpful data. As to the matter of uniformity of legislation; the commission regarded it as important that Wisconsin and other States, particularly those that are adjacent, should adopt a uniform or nearly uniform scale of compensation, though it did not think it important that the bills should be similar as regards compulsory or optional features.

A law was enacted in 1911 in practical accordance with the recommendations of the commission, and has been declared constitutional by the courts of the State.

UNITED STATES.

The Employers' Liability and Workmen's Compensation Commission of the United States was appointed in accordance with the provisions of a joint resolution of Congress approved June 25, 1910, to report by the time of the opening of Congress in 1911. By subsequent legislation its term was extended to March 1, 1912.

The report of this commission[2] is approached in size only by that of New York, and comprises two volumes of 214 and 1,495 pages, respectively.

The first volume contains the report proper of the commission and three appendixes, the first being a memorandum showing the law and conditions in the United States, Germany, and England, the second presenting the bill recommended by the commission, and the third a statistical appendix of 81 pages showing accident data for

[1] Report of the Special Committee on Industrial Insurance, 1911.
[2] Report of the Employers' Liability and Workmen's Compensation Commission, 1912.

the years 1908, 1909, and 1910 of railway companies operating practically one-half the railway mileage of the United States. Judgments and settlements for different classes of injuries, the accident rate for different classes of employees by districts, and the days lost by reason of accidental injury are the principal items presented. The second volume contains about 300 pages of briefs and minutes of the hearings.

While, on account of the constitutional restrictions on congressional action, the special subject of the hearings and briefs was a compensation system for interstate railway service, the economic and constitutional principles underlying the idea of compensation were necessarily considered, and much of the discussion related to these general phases of the question. Of those appearing before the commission or submitting briefs, by far the larger number were favorable to a substitution of the compensation idea for that of liability, though on the question of compulsory and elective systems there was more of a division.

Constitutional questions were argued ably and at length, the conclusion of the commission being that Congress possesses the power of absolute control in the field under consideration. A compulsory compensation law was therefore recommended for enactment, the law to be exclusive within its scope. It was said in the report that an elective law appeared to the commission to be fundamentally unsound. "A law is a rule of conduct prescribed by the lawmaking power. It should operate upon all alike, irrespective of the wishes of the private persons affected by it. It would seem to be an anomaly in legislation to prescribe a rule of conduct to be observed by the private citizen which the lawmaking power deemed to be wise, just, and wholesome, and at the same time leave it to the private citizen, as his pleasure or convenience may determine, to say whether or not he will or will not be bound by the terms of the law."

The rule of expediency that may control a legislature in its attempt to avoid conflict with the Constitution did not affect the commission's attitude, since it was "thoroughly convinced of the constitutionality of a compulsory law."

The argument for exclusiveness is along the same lines. "The basic principle upon which a compensation law is urged is that the existing system of liability for negligence is wasteful, unjust, and provocative of ill feeling between employer and employee. To provide for compensation in all cases, whether fault exists or not, and at the same time permit the employee to elect between an acceptance of this compensation or a resort to the common-law remedy would simply amount to a perpetuation of the principal evils of the existing system."

The bill that was submitted by the commission passed the Senate at the session of 1912-13, with some amendments, and subsequently passed the House with further amendments. It failed of enactment, however, because the two Houses were unable to adjust their differences in the face of the opposition that developed during the closing days of the session. Bills of a similar nature to this one were introduced into the Sixty-third Congress, as well as various measures having the same end in view but containing quite a variety of provisions as to amounts, methods, administrations, etc. The same is true of the present Congress. During both of these periods also various bills were introduced proposing added legislation to provide compensation for Federal employees, and a law of general application in this field was passed by Congress, the President having approved the act on September 7, 1916.

COMMISSIONS FROM 1913 TO 1916.

Reports of commissions from 1913 to 1916 are restricted more closely than the reports of the earlier ones to the legal questions involved, the standards of compensation, and administrative methods, rather than to any economic proposition, the question of the desirability of such legislation from the latter standpoint being apparently conceded. Indeed, it is hardly too much to say that the appointment of a commission at the present time suggests a willingness to defer action rather than a desire to secure results, and but few legislatures seem disposed at the present time to take such procrastinating action.

KENTUCKY.

As already indicated, the Legislature of Kentucky enacted a compensation law in the year 1914, which was declared unconstitutional before it became effective. Following this a voluntary commission was formed of persons interested, representing the State federation of labor, a manufacturers and shippers' association, the mine-owners' association, and the attorney general's department. The report submitted by this commission[1] is a pamphlet of 63 pages, of which 40 pages are taken up by the draft of a proposed law, the earlier part of the pamphlet being occupied with an account of the origin and objects of the commission, a brief statement of reasons for the enactment of a compensation law, an account of the progress of such legislation, constitutional considerations, a discussion of the schedule of benefits, methods of administration, considering finally and at some length the matter of insurance.

Inasmuch as the court of appeals of the State, when declaring the earlier law unconstitutional, had pointed out the particular defects

[1] Report of the Voluntary Investigating Commission on Workmen's Compensation, 1915.

to be avoided, these were naturally in the minds of the commission, which undertook both to meet the present state of the law and to provide for a removal of existing defects by recommending an amendment to the constitution.

The bill drafted by the commission was elective in form and of general scope, covering municipal employments and all private employments in which there are three or more employees, domestic and agricultural labor and railroad employments in which Federal statutes control being excepted. Compensation is on a 65 per cent basis, with provision for medical, etc., expenses, and a schedule for permanent partial disabilities by maiming, etc.

Perhaps the most interesting general feature of the report is the discussion of the question of insurance. "Monopolistic insurance," whether by the State or by stock companies, was condemned. The experience of the States of Ohio, Washington, and West Virginia with State funds was considered, partly independently and partly by reference to a report of the Missouri commission noted on page 36. The conclusion was reached that the advantages of lower cost to the insurer which are supposed to represent the chief advantage of State administration are not sufficient to warrant the assumption of an exclusive control in the field. Other disadvantages, both financial and social, were charged, but in the bill as drawn provision was made for the establishment of a State institution of voluntary formation, along with such other forms of insurance as employers might choose, including practically the options contained in the Michigan statute.

The law enacted in 1916 contained practically the provisions noted above, except that 5 was substituted for 3 as the number of employees in establishments to which the law should apply, and it may apply to smaller establishments on application of both employer and employees.

LOUISIANA.

In this State a commission was provided for by an act (No. 58) of the legislature of 1912, the commission comprising members of the State legislature, with representatives of manufacturing enterprises and of organized labor as advisory members. The report[1] is a pamphlet of 24 pages, about half of which is taken up with the draft of a bill. The report considers briefly the basis of compensation laws, finding their source in the movement that led to the enactment of statutes restricting or abolishing the common-law defenses in suits for injuries to employees. The commission committed itself to a position of conservatism on the ground that the laws in this field are of such recent enactment that their operation could not yet be forecasted, though admitting that "it is apparent that within the next

[1] Report of the Louisiana Employers' Liability Commission, 1914.

few years the principle will have been adopted in the great majority, if not all of the States." The great variety of provisions in the various laws, and the divergence in conditions existing in different parts of the country were cited as suggesting grounds for careful procedure, though the commission did not wish to leave the State "behind the standard adopted by other States, but in line with the most conservative thought presented in the enactment of all the States." Questions of inclusion, classification, the effect of common-law defenses, the adjustment of disputes, and security of compensation received special mention.

On the subject of securing compensation payments it was said that this question "goes to the very substance of the proposition" as to any form of compensation legislation. "There can be little doubt but that under ideal conditions compulsory insurance might offer the most ready solution. Some might think that State insurance is the only solution."

This, however, did not appeal to the commission at that time, the attitude of waiting for further results in other Commonwealths being maintained. The commission said:

The commission has not thought it safe to advise the adoption of any State insurance, for the reason that the intricacies of insurance business require a permanence of management and a degree of skill inconsistent with the changes inherently a part of our political system. The experiment in that direction is novel in this country. Washington and Ohio are struggling under trial. The most damaging charges are made against the burdens arising from these experiments.

In suggesting initial legislation on the subject of employees' compensation it is evidently prudent not to burden it with the extreme hazard incident to State insurance, but to leave that feature open, so that the growth of that legislation based upon general experience will eventually determine what best is to be done. In other words, the interests affected in the State of Louisiana may well afford to wait until the experiments of others will have determined the merits of State insurance.

The bill suggested covered public employments and private employments in hazardous trades, businesses, and occupations, with power in the courts to determine as to the inclusion of other occupations within the class. The law was to be elective in form and to provide compensation for disability of 50 per cent of the weekly wages, with a maximum of $10, limited for total disability to a period not exceeding 400 weeks. A schedule for permanent partial disability was to be enacted, and settlements were to be made by the parties in interest, with appeal to courts.

The legislature to which this report was made enacted a law practically along the lines of the recommendation of the commission.

MARYLAND.

A commission was appointed in this State in May, 1913, for the purpose of preparing a bill for consideration by the legislature at its session of the ensuing winter. The report[1] was made in November of the same year. It is a pamphlet of 47 pages, of which 18 are occupied with a discussion of the bill submitted in the succeeding pages.

A compulsory statute was recommended, covering hazardous occupations, with election as to nonhazardous employments, the system to be exclusive where applicable. The question of the constitutionality of a compulsory law was discussed in the light of the decision by the New York court of appeals in the Ives case, and the views of that court were held not to govern, the commission reaching the conclusion that constitutional amendment was not necessary to permit the State to alter the rule of liability of an employer to his employee.

A board of administration was provided for, but no insurance fund was to be maintained, the method of State insurance being discussed and a conclusion unfavorable thereto being reached.

The law enacted at the 1914 session of the Maryland Legislature differed very considerably from that proposed by the commission, though it retained its features of compulsory application to hazardous employments and as to mode of administration. The law established a State fund as an alternative method of securing payments, and on the whole fixed the benefits payable at a somewhat lower amount than those proposed in the bill, notably in the schedule for maimings.

MISSOURI.

The report of the Missouri commission[2] is considerably more elaborate than those of the States above noted, containing 128 pages, and presenting drafts for four acts—(1) an elective compensation act, (2) an act creating an industrial commission, (3) an act providing for mutual insurance corporations, and (4) a taxing act for the support of the industrial commission. Forty-five pages are given to a consideration of conditions demanding compensation legislation, questions of constitutionality, of modes of compensation, and of the principal features of a law providing for compensation.

The uniform recognition by the State courts of the validity of elective statutes (the Kentucky statute, though elective in form, was held by the courts of that State to be compulsory in fact), was said to favor legislation of that type, though election after the

[1] Report of the Employers' Liability and Workmen's Compensation Commission to the Governor of Maryland, 1913.

[2] Report of the Workmen's Compensation Commission appointed by the Senate of the 47th General Assembly of Missouri, 1915. See also p. 22.

injury was declared "illegal, impractical, and unfair to both parties," as well as "inconsistent with all the principles upon which the bill is founded." The exclusion of domestic and farm labor was justified on the ground that such employments are not so organized that they "can easily, intelligently, and universally distribute costs." Emphasis was laid upon the necessity of an administrative commission. The bill proposed a compensation basis of 66⅔ per cent of the wages, with a maximum of $15 a week as benefits. As compensation for total permanent disability it was decided that a restricted period was necessary until adjustments of industrial conditions would permit payment until the death of the injured person, the limitation being fixed for the present at 400 weeks. The minimum death benefit was made $1,000. For permanent partial disabilities no schedule was recommended for enactment, but one of the duties assigned to the proposed industrial commission was to investigate and compile a schedule of awards "fixing percentages of disability under Missouri conditions." The matter of including occupational diseases was considered at some length, and, while it was regarded with favor, the conclusion was reached that it would "be unwise to include occupational diseases in a bill until such matters are better understood." The question of State insurance was discussed, though not at length, but definite conclusion was reached that until the plan of giving an industrial commission the power to make rates had been fairly tried resort should not be had to State insurance either voluntary or compulsory, the opinion being expressed that where the competitive plan was followed there was either a small percentage of employers insuring with the State or the complaint was made that the State was getting the bad risks and not furnishing adequate service or protection. The monopolistic or quasimonopolistic systems of Ohio and Washington were also said to furnish insurance "in a very imperfect manner" and to be "throwing the larger proportion of its burden upon the shoulders of the employer."

In making its recommendations for an industrial commission, the commission patterned its bill after the laws of California, Ohio, and Wisconsin for a general industrial body with wide powers. None of the recommendations of this commission was adopted at the legislature of 1915, so that the State remains at present as one of those of larger industrial importance which are without legislation of this type, though there is evidence that the interest in this legislation has not ceased, a voluntary commission being at present engaged on the draft of a bill for presentation to the legislature at its session of 1917.

PENNSYLVANIA.

An act of June 27, 1913 (Act No. 380, Acts of 1913), provided for the appointment of an industrial accidents commission. In its report[1] this body described itself as "in effect a continuance of the commission appointed under the act of June 14, 1911, which presented its report at the last session of the legislature." (See p. 29.) This report is a pamphlet of 53 pages, taken up chiefly with the draft of bills establishing the compensation principle, providing for mutual insurance associations, and the establishment of a State board and a State fund for insurance. An earlier bulletin of the same commission presented tentative drafts along these various lines. In both these reports reference is made to the recommendations of the earlier commission as embodying practically the principles incorporated in the later draft.

Though not bearing the imprint of the commission, it appears safe to assume as its final publication a bulletin of 148 pages issued in 1915, presenting drafts of a series of bills covering the various lines named, with interleaves of explanatory matter. The full list of laws thus recommended was enacted at the session of 1915, the attitude apparently being that with the full consideration given in the various reports and by the legislature of 1913 the time was ripe for definite action. An amendment to the constitution adopted in November, 1915, permits the enactment of a compulsory statute. The legislature had already (June 2, 1915) enacted an elective compensation law, compulsory as to the State and its municipalities, and requiring employers accepting it to insure their risks in a State fund, mutual or stock companies, or give proof of financial ability to safely carry their own risks.

TENNESSEE.

The legislature of 1913 authorized the appointment by the governor of a workmen's compensation commission of five persons to investigate the subject and submit a report to the next general assembly of the State. This commission was organized in November, 1913, and its report[2] to the legislature of 1915 is a pamphlet of 83 pages, of which 55 are occupied with a statement of the law under which the commission came into existence, an account of its proceedings, and a discussion of the principal features of the question with which it dealt; on the remaining pages is presented the draft of a bill submitted to the legislature.

The discussion is opened by a somewhat general consideration of the existing industrial order and the broad field of social insurance

[1] Report of Industrial Accidents Commission, 1915.

[2] Report of the Workmen's Compensation Commission to the 59th General Assembly of Tennessee (1915).

appropriate to meet the needs which have developed thereunder, pointing out that workmen's compensation is but one of a number of provisions that are needed to establish a complete scheme. A consideration of the economic basis of such a law led the commission to the conclusion that "the necessity and wisdom and feasibility of workmen's compensation laws are no longer debatable questions among those who are informed on the subject." It is also said that "a refusal on the part of the legislature at this late date to pass a workmen's compensation law would brand Tennessee as a reactionary, nonprogressive State, a State not alive to the interests of its working people."

The next point under discussion was the result of the operation of the liability doctrine, the inadequacy of such a remedy being pointed out. The question of the schedule of compensation was then considered and a 60 per cent basis of the average wages was decided upon, subject to limitations of payment to the maximum of $10 per week for 400 weeks.

Methods of securing compensation were considered, the theoretical advantages of State insurance being presented, together with the objections to such system under the conditions existing in the State. The conclusion was reached that in a State whose stage of industrial development was such as existed in Tennessee, neither a monopolistic nor a competitive State system was feasible, while without at least a competitive system it was not deemed advisable to make insurance of any sort compulsory, since to do so would place employers at the mercy of the stock companies. No mention is made of the feasibility of the regulation of premium rates for such companies by the State. The recommendation made in this connection was that benefits under the act should be a first lien on the assets of the employer, second only to taxes. It was pointed out that mutual insurance companies might be organized as a means of solving the problems confronting employers, either under existing laws or under such special enactment as the legislature might see fit to make if the compensation system should be established.

The question of waiting period was argued with some fullness, and two weeks was agreed upon, both as a defense against malingering and as affording relief in the more serious cases of loss of working time, even though imposing a considerable burden upon the injured workman; this, however, was felt to be justifiable in view of the state of industry in Tennessee and the fear of checking its development by imposing upon it an undue burden. It was pointed out that the condition of the workman would be considerably relieved by the provision requiring medical and surgical treatment during the waiting period.

The law was to be administered by a board of adjusters consisting of three members, one representing each of the three geographical divisions of the State.

About 20 pages of the report are occupied with a consideration of the constitutionality of the proposed act, reference being made chiefly to decisions of a somewhat general nature as establishing the broad principles on which such a law could rest. Brief reference was made to some of the opinions of State courts sustaining the compensation laws of those States, while the decision of the New York Court of Appeals in the Ives case was discussed at greater length. Certain positions of the New York court were held to be untenable, while others were referred to as conceding the validity of such a law as the commission suggested.

In spite of the conclusions and urgent recommendations of the commission, the legislature failed to enact a law in 1915.

This completes the reports of State investigating commissions that the Bureau has been able to obtain. In addition to these, however, attention may be directed to two reports by other bodies, since the subject matter of their investigations in one case largely, and in the other chiefly, is the statutes enacted in the United States.

In 1910 a commissioner was appointed by the lieutenant governor of the Province of Ontario to make a study of compensation systems "in force in other countries." It is evident that at this date there was little to study in this country, but the final report was made October 31, 1913, which allowed some time for observation of American legislation. It is of interest to note that the opening communication of the first report is one by a committee representing organized labor and commending with emphasis the recently enacted law of Washington, especially the principle of compulsory State insurance, with its systems of "police administration and tax upon industry as a preventive of accidents." This report also presented a much more extensive brief representing the Canadian Manufacturers' Association, and recommending a State insurance system to be administered by an industrial commission or board, and providing in addition to compensation prompt medical and hospital attention.

The final report of the commissioner submitted a bill embracing these features, and arguing at length in favor of the system of collective liability, all employers being required to contribute to a fund to be administered by the State. Frequent reference was made in the course of this discussion to the opposing arguments of representatives of the insurance companies. Besides making this provision for the classes of persons included under the act, the abrogation of the defenses available to the employer in liability suits was recommended for the benefit of other workmen. It is of particular interest to note

the strong resemblance of the bill submitted and the law enacted to the statutes in force in the United States rather than to the British pattern, though the bill and act both followed the British law in the inclusion of a limited number of occupational diseases.

The similarity of the above act to the legislation of the United States is less, however, than is that to be found in a law of later enactment for the Province of British Columbia. This law also followed the report of an investigating committee, appointed on September 27, 1915, the subject of its investigations to be "the operations of modern systems of workmen's compensation laws" in the United States and eastern Canada. The States visited included Washington, Oregon, California, Wisconsin, Ohio, New York, and Massachusetts. Special interest was expressed in the report in the workings of the insurance system of the Washington law, and of the industrial commission system in vogue in Wisconsin. Decided objection was expressed to one deficiency charged to the Washington law, which is the omission of a definite provision for medical aid. Representatives of both employers and employees heartily approved the recommendations of the committee as to the provision for medical aid and the connected provision for a waiting period of three days for which no compensation should be paid at any time.

The subject of accident prevention and safety was given an important place in the report, and it was recommended that the administrative commission be given authority both to make and to enforce, by inspection and otherwise, rules and orders to this end.

The subject receiving most attention in the report was discussed under the heading "State-administered insurance versus casualty companies." The list of States visited included those having an exclusive State-fund system, those having competition by a State fund, and those without a State-administered fund. The exclusive system of Washington was said to be satisfactory to representative employers and the representatives of organized labor alike; while in Ohio, where the State system is not absolutely but practically exclusive, it was found that the efforts of the stock companies to secure a wider range of activities were unanimously opposed by the Ohio Manufacturers' Association and by the representatives of organized labor before the State legislature, so that the efforts were unsuccessful. The report states as the reason for failure of the more general acceptance of the State system "the strenuous opposition of casualty insurance companies," which, "by bringing their enormous influence to bear, succeeded in most instances in preventing the enactment of an exclusive law." Greatly reduced premium rates and a correspondingly large aggregate of savings are noted in the States having dominant State systems. Comparing the experience under the State insurance system of Oregon with that of the State of Wisconsin, where

there is free competition of insurance companies, "we are told that it cost Wisconsin employers insuring in stock companies in 1914 an average of $2.07 to place $1 of benefits in the hands of injured workmen, while in Oregon it only cost $1.13; a total saving in the year's business in Oregon of $351,522.44 as compared with the Wisconsin method." The committee was therefore unanimous in its recommendation for an exclusive State-administered fund, as not only saving to the employers large sums of money, but also contributing "greatly to the success of the act as a whole by eliminating many undesirable features usually attendant on the competitive company system."

In the above connection the fact may be mentioned that the administrative boards of the Canadian laws, those of Ontario, Nova Scotia, and British Columbia, which have adopted more or less fully the type of compensation legislation in force in the United States, have long terms of service—in Ontario and Nova Scotia, during good behavior, with an age retirement at 75; and in British Columbia for terms of 10 years. Such periods of service naturally overcome the hindrance to the State administration of insurance systems suggested by the Louisiana commission in its report, where it referred to the difficulty of administering such provisions with a body frequently changing by reason of political exigencies.

Other recommendations were that the cost of administration should be borne in a substantial degree by the Province, and that the rulings of the administrative commission should be final, no appeal to the courts being allowed under any circumstances.

The law was enacted in practical conformity with the recommendations of the committee, receiving approval May 31, 1916.

It is obvious that in the state of knowledge of the subject 10 years ago there was an important place for investigative commissions to fill in considering both the economic and legal aspects of the questions involved. However, the fruits of the labors of these commissions are now available, as well as a very considerable fund of experience, with statistical demonstration of the social and economic effects of such laws; while numerous decisions of the highest courts afford authoritative discussions as to the constitutionality and construction of the laws as enacted. In both these aspects, therefore, there is a large amount of material on which to base the legislation of States which have not as yet adopted this method of dealing with the subject of relief from the consequences of industrial accident, as well as for the perfecting of earlier laws, and the appointment of further investigative commissions can hardly be looked upon as other than superfluous, if not actually dilatory.

Beginning with a Massachusetts committee in 1903, there has been a series of nearly 40 bodies of this nature, whose conclusions have been unanimously in favor of doing away with the liability system

and substituting therefor one of compensation; the only approach to a difference of opinion on this subject being a committee appointed in Connecticut in 1907, which, while recognizing that compensation was highly indorsed and agreeing that it would probably come to be the controlling system in the future, was unable to recommend its adoption at that time.

Not only have the commissions been thus unanimous, but in the hearings before the commissions, open to all who wished to present their views as individuals or as representatives of organizations or associations, the defenders of the liability system have been a very small minority. One of the most prominent and perhaps the most active among these opponents of the compensation system said in introducing his argument before the Federal commission:

The most impressive feature of the entire discussion has been the almost undivided support given the theory of workmen's compensation by those employers and employees that have appeared before legislative committee hearings. There seem to have been but few to question its advisability or to present reasons why the abandonment of American ideas and the adoption of European practice may be detrimental, at least to those American workmen who have expended years in building up magnificent systems of compensation for death and disability arising from any cause, and in creating by constant agitation a public sentiment, which during recent years has resulted in greatly improved employers' liability legislation, both State and national.

The writer realizes that the great mass of working people in this country have not exhibited that degree of ability and determination necessary to protect themselves in the proper manner, and that something should be done to help these helpless working people. What is said herein against the theory of workmen's compensation does not apply to the millions who have proven themselves helpless, and who apparently must depend upon a paternal government for compensation for injuries arising out of modern industries. The sole purpose is to present the question from the standpoint of a railway employee in train service, who has found means of helping himself in matters of compensation for injuries, arising out of his employment.

Obviously this opposition is not directed toward compensation as an idea, but toward its application to a small and highly organized body of employees, important in their field but not typical of the millions of unorganized or less closely organized working men and women whose situation precludes the possibility of self-supported and self-administered benefit systems. And the question is hardly an open one as to whether or not it is desirable to have one law for one class of a railway company's employees and another for another, or even for different fields of industry; so that while the restricted railway organization (Locomotive Firemen and Enginemen), of which the writer above quoted is the head, has put itself on record as opposed to a Federal compensation law for interstate carriers, the American Federation of Labor has for a number of

years been working for compensation legislation for all classes of employment.

No State or country that has adopted compensation has ever returned to the older system, so that questions of desirability or feasibility may be said to be answered for all legislatures before whom the subject may come, and that without the necessity of statistical or other argument.

The question of the type of law seems hardly more capable of satisfactory solution by a commission than without its aid. The cooperation of such bodies as the American Federation of Labor, the National Civic Federation, the American Association for Labor Legislation, and the Commissioners on Uniform Legislation, despite their strength and the thoroughness of their work, can not be said to have been markedly effective in securing uniformity of type, or of amount of compensation, on which latter point the Wisconsin commission considered that stress should be laid rather than on the general type of the law. Doubtless the most satisfactory answer to the questions as to type will be given by experience, as intimated by the Colorado commission, but the States do not seem much inclined to defer action to observe in this country the working out of systems that have been long used in European countries. The Legislature of Michigan solves the problem of experimentation by offering practically all options to its employers as to methods of administering the benefits contemplated by the law; i. e., directly by the employer, if of proved solvency; by insurance in any authorized insurance company; by funds maintained by mutual associations of employers; and by a State fund to which employers may arrange to contribute. This is for the avowed purpose of a determination by experience of the system best adapted to the conditions prevailing in the State. The New York act of 1913 contains practically the same provisions in this respect.

PROGRESS OF LEGISLATION.

Legislation providing for stated benefits payable without suit or proof of negligence was first enacted in the United States in the form of a cooperative insurance law of the State of Maryland in 1902. This law was of restricted application, affecting only mining, quarrying, steam and street railways, and work by municipalities in constructing any sewer, excavation, or other physical structure. This law was to be administered by the State insurance commissioner, and made payment an absolute requirement in case of death. It was declared unconstitutional as depriving parties of the right of trial by jury and conferring on an executive officer judicial or at least quasi-judicial functions.[1]

The next law within the territorial jurisdiction of the United States was an enactment by the United States Philippine Commission in 1905, authorizing the continuance of wages for a period during disability, but not exceeding 90 days, in case of injury received by employees of the insular government in line of duty.[2]

In 1908 the Federal Congress enacted a law "granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of employment."[3]

Next in order of time was the Montana statute of March 4, 1909, in effect October 1, 1910, providing for the maintenance of a State cooperative insurance fund for miners and laborers in and about the coal mines of the State. Contribution to the fund was compulsory, employers to pay on the basis of the tonnage of coal mined and employees on the basis of their monthly gross earnings. State officials were to administer the fund, and payments for death and disability were provided for.

While compulsory, the act was not exclusive as against injured workmen, who were permitted to sue under the employers' liability law, though bringing suit forfeited benefits under this act. The double obligation imposed upon the employer by the act was held by the supreme court of the State to invalidate it, though in its essential features it was held to be a valid exercise of the lawmaking power.[4] The opinion of the court will be further noted under the heading "Constitutionality and construction of statutes."

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[1] For an account of the operation of this law and the opinion declaring it unconstitutional, see Bul. No. 57, pp. 645–648, 689, 690. The law itself is given in Bul. No. 45, pp. 406–408.

[2] Act No. 1416. See Bul. No. 71, p. 394.

[3] Ch. 236, 35 Stat. 556.

[4] For the law in full see Bul. No. 85, pp. 658–661.

The next law enacted in this field, and the last before the effect of investigations by commissions came to be influential, is a local law of 1910 of Maryland establishing cooperative insurance funds for the coal and clay miners of Allegany and Garrett counties. This act was repealed by the compensation law of 1914. It provided for equal contributions to a fund to be collected and disbursed by the treasurers of the respective counties. Miners in Allegany County must pay 27 cents per month and in Garrett County 38 cents per month, employers paying like amounts, unless funds in fixed sums had accumulated in the hands of the respective treasurers. The county commissioners administered the act, the maximum payment for death being $1,500, while for maiming injuries a schedule of awards was provided, the maximum being $750, though medical relief in the amount of $1 per working day for not more than 26 weeks might also be allowed. For injuries without maiming, $1 per working day might be allowed for not more than 52 weeks. Suit could be brought, but this barred compensation rights, and conversely the acceptance of benefits barred the right to sue. The fault of double liability which was held to invalidate the Montana statute was avoided in this law by a provision which authorized an employer who had defended a suit, and against whom judgment had been rendered, to deduct, on compliance with certain conditions, the amount of such judgment and costs from the payments thereafter to be made by him to the county fund.[1]

It is to be observed of the foregoing legislation, antedating what may be called the commission period, that it is of limited application, either as to the locality or classes of employees affected; also that there appears to have been but little regard to actuarial requirements in its enactment. Indeed in the Federal and Philippine statutes there is no occasion to consider this question, as they are simple compensation laws in form, but in fact falling far short of establishing a balanced compensation system. The remaining laws to be noticed may be said to be of general application, and have either followed the investigations of commissions or have been enacted under conditions making the results of such commissions available to those interested in their enactment.

The first of the laws of this class is the elective compensation law of New York, 1910, followed in the same session by a compulsory law for hazardous occupations. The latter law was declared unconstitutional after a very brief term of existence, but after an amendment to the constitution, a new law was passed, as noted on an earlier page.

[1] This act is given in Bul. No. 91, pp. 1066–1070; amendments enacted in 1912 appear in Bul. No. 111, pp. 88, 89.

Ten laws were enacted in 1911, seven providing for simple compensation, three containing also provisions for insurance; while in 1912, three States enacted compensation laws and one an insurance law; in 1913 seven States were added to the list, in five of which compensation only is provided for, while in two there is also a system of insurance. In 1914 compensation laws were enacted in two States, though in one (Kentucky) the law was declared unconstitutional before the time for it to take effect. Of the 10 new laws enacted in 1915, 9 provided for compensation merely, while 1 established an insurance system. A new compensation law was passed in Kentucky in 1916, in lieu of the earlier law declared unconstitutional; this, with a law of Porto Rico which requires the insurance of the liabilities fixed by it are the only new laws of the year, though important amendments were made in Louisiana and New York. Indeed, practically every year is marked by amendments whose tendency is in general to strengthen the laws and enlarge their scope.

Besides the statutory enactments noted above, there have been constitutional provisions made in a number of States, adopted with a view to the removal or forestalling of objections to compensation legislation on grounds of constitutionality. Thus the constitution of Arizona, adopted on the admission of that State into the Union in 1910, provides specifically for the enactment of a compensation law. Amendments in favor of such legislation were adopted in 1911 in California, in 1912 in Ohio, 1913 in New York and Vermont, 1914 in Wyoming, and in 1915 in Pennsylvania. In Oklahoma alone, of all the States where the question has been submitted to the people, was such an amendment rejected. This took place on August 1, 1916, the amendment failing along with eight others submitted at the time. Of this it has been said that the questions passed upon were rejected, as a whole, on account of other facts than the attitude of the public toward this particular subject.

Federal legislation in the field of compensation, taking it in a large sense, began with an act of May 4, 1882 (22 Stat., p. 57), making provision for accidental injuries and disease contracted in the line of duty, for certain employees of the Life-Saving Service in the Treasury Department. This law continued in force until the union of the Life-Saving Service with the Revenue-Cutter Service under the title of Coast Guard, by the act of January 28, 1915, which also makes the Coast Guard a part of the military forces of the United States, thus bringing its members within the provisions of the pension and retirement laws governing the military service. There are, however, a number of civilian employees of the Coast Guard not covered by these provisions.

In 1900 (31 Stat., p. 259), the act making appropriations for the service of the Post Office Department contained a provision for the appointment of "acting clerks in place of clerks injured while on duty." This related only to the Railway Mail Service, and permitted the continuance of salaries to injured clerks during the term of their disability, not to exceed one year. The same act for 1903 provided for a lump-sum benefit of $1,000 to the survivors of railway mail clerks fatally injured while on duty, the amount being increased to $2,000 in 1910. Increased appropriations for these purposes were made from time to time, and in 1913 provision was made for a second year of disability by allowing one-half of the clerk's salary in case of the continuance of disability for such a period. Sea post clerks were at this time also brought within the scope of these provisions, which in 1914 were further extended to cover supervisory officials of the Railway Mail Service, post-office inspectors, carriers in the City and Rural Delivery services, post-office clerks, and special-delivery messengers, while the act of 1917 is of still wider inclusiveness, covering also post-office laborers and all classified civil-service employees in the post offices of the first and second class. The number of persons affected by these provisions in 1916 was reported to be 138,718, thus exceeding the number covered by the compensation act of 1908. The amount appropriated for the expenses of the post-office system of compensation for the year ending June 30, 1917, was $234,000.

Efforts to secure the enactment of a law of more general application were first made in the Fifty-ninth Congress (1905–6), but no law resulted. In the next Congress, however, following the introduction of 14 bills, some of them identical in effect, an act was passed, receiving presidential approval May 30, 1908. This measure was of limited scope, covering artisans and laborers employed by the United States in designated establishments and classes of employments, but was extended somewhat by subsequent amendments. Benefits could not exceed the wages of the injured person for one year, and were payable to certain beneficiaries in cases where the injury was fatal. No payments were made for the first 15 days of disability, but if incapacity continued beyond that period full wages were paid as from the date of the injury until recovery. The law was administered by the Secretary of Commerce and Labor at first and subsequently by the Secretary of Labor, and originally applied to the Panama Canal; by a later act of Congress (ch. 390, Acts of 1911–12) this work was placed under an order to be issued by the President, providing an independent system, to be administered by the Governor of the Panama Canal, covering also the Panama Railroad.

Next in order of time was the act providing for the construction of railways in Alaska (act of Mar. 12, 1914, 38 Stat., 305), which

authorized the President to "do all necessary acts and things * * * to accomplish the purposes and objects of this act." Reckoned among these was the establishment of a system of compensation, which was directed to be "in general on the lines of the system now in force in the construction of the Isthmian Canal," but to be framed to benefit the employees of contractors as well as those of the United States directly. The order affecting employees on the Isthmus was of the general type of the State laws, giving 75 per cent of the wages for the first three months and 50 per cent thereafter for the continuance of total disability, eight years being the maximum, with a schedule of fixed awards for maimings. Death benefits were subject to a maximum of 50 per cent of the decedent's earnings for a period of eight years. Instead of patterning after this order, the order governing the Alaskan railways followed the act of 1908, but with medical and surgical aid to injured employees of the engineering commission and also to the employees of contractors. No compensation was provided for in the latter case, however, though the commission might furnish transportation for such employees to a point where they could be better cared for.

As already noted, the law governing employees of the Life-Saving Service became obsolete on the formation of the Coast Guard, leaving in existence four partial and divergent methods of dealing with injured employees of the United States. The act of 1908 has been the subject of a special report[1] presenting an account of its construction and operations up to June 30, 1914. The incompleteness of this act and the need of a more inclusive and adequate law had been recognized even before the publication of this report, and efforts for a new law were actively put forth until the enactment of the desired legislation by the present Congress was an accomplished fact. The new statute received the presidential approval on September 7, 1916, becoming immediately effective, and repealing "all acts or parts of acts inconsistent with this act." A commission of three persons has charge of the administration of this law, but provision is made for separate administration on the Isthmian Canal and Panama Railroad, and for the Alaskan railways, by officials of the respective localities, by orders of the President, the power to transfer the administration being placed in his hands.

With this enactment Congress has provided for one of the four fields in which it alone can take action. Remaining for its consideration are laws relating to the District of Columbia, to employees engaged in interstate commerce, and to employees of contractors with the United States, the District of Columbia, or any Territory, for the performance of a specific undertaking. The efforts made in re-

[1] Compensation for Accidents to Employees of the United States: Report of Operations under the Act of May 30, 1908. Bulletin No. 155, September, 1914.

gard to interstate employees have already been noted. Bills have also been introduced to provide compensation for persons engaged in extrahazardous employments in the District of Columbia, including persons working for the District government at such employments, where such persons are "employed for wages." These bills omit from their protection large groups of employees both of private employers and of the District government, and furthermore they fall short of the standards set by the law providing compensation for employees of the United States, in which compensation is granted for injuries, without regard as to whether or not the employment in which they were received is commonly rated as hazardous.

Employees of contractors with the United States, etc., have not as yet been considered in connection with this class of legislation, though Congress has enacted several laws looking to the establishment and observance of an eight-hour day for such employees; their wages must be secured by bonds given by the contractors; and the compensation order of the President relative to workmen on the Alaskan railways gave them partial recognition. Any law in this field would of course not provide for compensation by the United States, but would require the payment of benefits on a prescribed scale, under a suitable guaranty, such as is now required, for instance, to secure the payment of wages to employees of contractors, or by another method determined upon by Congress.

All existing laws and provisions of constitutions providing for or contemplating systems of compensation for workmen for injuries are reproduced on subsequent pages.

COMPARISON OF PRINCIPAL FEATURES OF THE LAWS.[1]

The rapid growth of compensation legislation, involving, as it has, the almost simultaneous enactment of laws in a number of States,[a] has operated to prevent the adoption of any one form of law as a type, so that although a single fundamental principle underlies the entire group of laws of this class, its expression and application present great diversity of details in the different States. This extends not only to the primary factors of the scope of the laws and the amount of compensation payable under them but the matter of making the laws compulsory or voluntary in their acceptance, the securing or not securing the payments of the benefits, the mode of securing where it is required, methods of administration, of election or rejection, etc.

A comparison of these and other features which may be classed as of principal rank is essential to any fair understanding of the relative effectiveness of the laws—a fact which is recognized by insurance companies in fixing the rates of premium to be charged in writing policies to cover the liabilities prescribed by the laws, and is of no less interest also to the employer who is primarily charged with these liabilities, and to the workman for whose benefit the laws were enacted.

The compensation States contain approximately 75 per cent of the persons gainfully employed in the United States and include practically all of the industrial States. There seems to have been

[a] The following States, etc., have enacted compensation laws:

State.	Approved.	Effective.	State.	Approved.	Effective.
Washington	Mar. 14, 1911	Oct. 1, 1911	Connecticut	May 29, 1913	Jan. 1, 1914
Kansas	do	Jan. 1, 1912	New York	Dec. 16, 1913	July 1, 1914
Nevada	Mar. 24, 1911	July 1, 1911	Maryland	Apr. 16, 1914	Nov. 1, 1914
New Jersey	Apr. 4, 1911	July 4, 1911	Louisiana	June 13, 1914	Jan. 1, 1915
California	Apr. 8, 1911	Sept. 1, 1911	Wyoming	Feb. 27, 1915	Apr. 1, 1915
New Hampshire	Apr. 15, 1911	Jan. 1, 1912	Indiana	Mar. 8, 1915	Sept. 1, 1915
Wisconsin	May 3, 1911	May 3, 1911	Montana	do	July 1, 1915
Illinois	June 10, 1911	May 1, 1912	Oklahoma	Mar. 22, 1915	Sept. 1, 1915
Ohio	June 15, 1911	Jan. 1, 1912	Vermont	Apr. 1, 1915	July 1, 1915
Massachusetts	July 28, 1911	July 1, 1912	Maine	do	Jan. 1, 1916
Michigan	Mar. 20, 1912	Sept. 1, 1912	Colorado	Apr. 10, 1915	Aug. 1, 1915
Rhode Island	Apr. 29, 1912	Oct. 1, 1912	Hawaii	Apr. 28, 1915	July 1, 1915
Arizona	June 8, 1912	Sept. 1, 1912	Alaska	Apr. 29, 1915	July 28, 1915
West Virginia	Feb. 22, 1913	Oct. 1, 1913	Pennsylvania	June 2, 1915	Jan. 1, 1916
Oregon	Feb. 25, 1913	July 1, 1914	Kentucky	Mar. 23, 1916	Aug. 1, 1916
Texas	Apr. 16, 1913	Sept. 1, 1913	Porto Rico	Apr. 13, 1916	July 1, 1916
Iowa	Apr. 18, 1913	July 1, 1914			
Nebraska	Apr. 21, 1913	July 17, 1913	United States	May 30, 1908	Aug. 1, 1908
Minnesota	Apr. 24, 1913	Oct. 1, 1913	New act	Sept. 7, 1916	Sept. 7, 1916

[1] This section of the report (covering pages 51 to 128), except pages 94 to 106, was prepared by Carl Hookstadt.

no causal connection between the need for compensation laws and the sequence of their enactment. Of the 10 States enacting such laws in 1911, 3 were manufacturing States on the Atlantic coast, 4 were agricultural or semiindustrial States in the Mississippi Valley, and 3 were primarily agricultural or mining States west of the Rocky Mountains. The 17 noncompensation States[1] remaining include 10 Southern States; the 2 Dakotas; the 3 Mountain States of Idaho, Utah, and New Mexico; Delaware and the District of Columbia. Practically all of these are primarily agricultural States, though in most of them manufacturing or mining are of considerable and increasing importance.

Compensation laws may be classified as compulsory, elective (optional), or voluntary, depending upon the degree of constraint to which employers are subjected to accept the compensation provisions. Since these terms will be used repeatedly it may be advisable to define them in detail. A compulsory law is one which requires every employer within the scope of the compensation law to accept the act and pay the compensations specified. There is no other choice. Usually, but not always, the employee must also accept the provisions of the act. In Arizona, for example, the law is compulsory as applied to the employer, but the employee, after an injury, has the option of accepting compensation or suing for damages.

An elective act is one in which the employer has the option of either accepting or rejecting the act, but, in case he rejects, the customary common-law defenses are usually abrogated. In other words, the employer is penalized if he does not elect. In most States the employee also has the right to accept or reject the act although in Texas he has no option and must accept if his employer elects.

None of the compensation laws covers all employments. Usually agriculture, domestic service, employments casual in nature or not conducted for the purpose of the employer's business, and in some laws nonhazardous employments, are exempted from the provisions of the act. In some States such employments, however, may come under the provisions of the law through the voluntary acceptance of the employer or the joint election of employer and employee in these exempted classes, but the employer loses no rights or defenses if he does not accept. Such action on the part of the employer is called voluntary and to this extent the compensation law is a voluntary one. Thus a law may be either compulsory or elective as to the employments covered, and voluntary as to employments exempted.

Furthermore, the employments referred to above are private employments. An act may be elective as to private but compulsory as

[1] Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Idaho, Mississippi, Missouri, New Mexico, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Utah, and Virginia. For the sake of simplicity all jurisdictions are referred to as States.

to public employments. In fact, one-half of the elective compensation laws are compulsory as to public employees. Classification, however, is based exclusively upon private employments.

Distinction must also be made between the effective and theoretical scope of an act. A compulsory compensation law may be limited in its scope, but at least all employees within this scope are covered, while an elective act may include all employments and yet fail to cover a large proportion of employees because of the employers refusing to accept the provisions of the law.

Hereafter, unless otherwise specified, the theoretical scope of an act is meant, and when such expressions as 50 per cent of employees are "covered" by the act, or "affected" by the act, or "come under" the act, or are "subject to" the act, it is presumed that all employers in the State referred to have accepted the compensation provisions of the law. It is hoped that by thus limiting the meaning of terms, ambiguity and confusion will be avoided, or at least minimized. The extent to which employers in elective States have actually accepted the law will be discussed in another connection.

SYSTEMS PROVIDED FOR.

Compensation laws may be classified as compulsory, i. e., of obligatory acceptance, or elective, where acceptance of the law is optional. Again, the law may require the employer coming under the act, whether voluntarily or by compulsion, to insure his liability to make payments, or the matter of insurance may be left to his choice. On the basis of these two facts the following classification appears:

Compensation compulsory, 9.		Compensation elective, 26.	
Insurance required, 7.	Insurance not required, 2.	Insurance required, 20.	Insurance not required, 6.
Hawaii. Maryland. New York. Ohio. Oklahoma. Washington.[1] Wyoming.[1]	Arizona. California.	Colorado. Connecticut. Illinois. Indiana. Iowa. Kentucky. Maine. Massachusetts. Michigan. Montana. Nevada.[1] New Hampshire. Oregon.[1] Pennsylvania. Porto Rico.[1] Rhode Island. Texas. Vermont. West Virginia. Wisconsin.	Alaska. Kansas. Louisiana. Minnesota. Nebraska. New Jersey.

[1] Monopolistic State insurance.

It will be noted that of the 35 compensation laws 9 are compulsory and 26 elective as to the compensation provisions, and 27 are compulsory and 8 elective as to the insurance requirements. Of the 26 elective compensation laws, 20 provide for compulsory insurance in some form, while with the remaining 6 the question of insurance is left optional. Of the 9 compulsory compensation laws, 7 require insurance and 2 do not.

Very considerable differences appear in the methods provided by the laws of the 27 States in which insurance is obligatory. Thus the State may make provision for the carrying of such insurance, and require all employers coming under the act to avail themselves of such provision; or the State fund may simply offer one of alternative methods. Again, the State may refrain entirely from such action, but require insurance in private companies, stock or mutual; and lastly, self-insurance may be permitted, i. e., the carrying of the risk by the individual, subject to such safeguards as the law may prescribe.

The following table shows the groupings on the bases indicated:

COMPULSORY INSURANCE STATES, CLASSIFIED AS TO DIFFERENT KINDS OF INSURANCE ALLOWED.

State monopoly (5).	State fund (8).[1]	Private insurance (21).	Self-insurance (20).
.....	Colorado	Colorado	Colorado.
.....	.....	Connecticut	Connecticut.
.....	.....	Hawaii	Hawaii.
.....	.....	Illinois	Illinois.
.....	.....	Indiana	Indiana.
.....	.....	Iowa	Iowa.
.....	.....	Kentucky	Kentucky.
.....	.....	Maine	Maine.
.....	Maryland	Maryland	Maryland.
.....	.....	Massachusetts	
.....	Michigan	Michigan	Michigan.
.....	Montana	Montana	Montana.
Nevada	.....	.....	
.....	.....	New Hampshire [2]	New Hampshire.[2]
.....	New York	New York	New York.
.....	Ohio [3]	Ohio [3]	Ohio.[3]
.....	.....	Oklahoma	Oklahoma.
Oregon	.....	.....	
.....	Pennsylvania	Pennsylvania	Pennsylvania.
Porto Rico	.....	.....	
.....	.....	Rhode Island	Rhode Island.
.....	.....	Texas	
.....	.....	Vermont	Vermont.
Washington	.....	.....	
.....	West Virginia [4]	.....	West Virginia.[4]
.....	.....	Wisconsin	Wisconsin.
Wyoming	.....	.....	

[1] The California law also provides for a State fund, but insurance in this State is not compulsory and therefore it is not included in the above list.

[2] The New Hampshire law requires employers accepting the act to furnish proof of solvency or give bond, but makes no other provisions for insurance.

[3] Ohio provides for the organization of mutual companies and also permits self-insurance, but all employers are required to contribute their proportionate share to the State insurance fund surplus.

[4] West Virginia has practically a monopolistic State insurance system. Self-insurance is allowed, but employers desiring to carry their own risk must bear the whole burden of the act and in addition contribute their proportionate share of the administrative expenses of the law, while employers insuring in the State company may charge 10 per cent of the premiums against their employees.

Broadly speaking, the laws may be divided into four main groups or combination of groups, namely, (1) State monopoly, (2) competitive State fund, (3) private insurance, either stock or mutual, and (4) self-insurance or where employers are permitted to carry their own risk. In most cases the employers have the option of several kinds of insurance. This does not hold true, however, of the States having monopolistic systems. In these cases no other form of insurance is permitted.

It will be noted that five States[1] have such monopolistic systems. In three of these, Nevada, Oregon, and Porto Rico, compensation is elective and insurance is therefore not absolutely compulsory, since employers need not accept the act, but should they accept, insurance in the State fund is compulsory. In Washington and Wyoming both compensation and insurance are compulsory. In these five States the State becomes the sole insurance carrier. It classifies the industries into groups according to hazard, fixes and collects premiums, adjudicates claims, and pays compensation. Because the insurance feature plays such an important part, and because State insurance is a radical departure from past public policy, these laws are sometimes called State insurance laws.

In the other 22 States having compulsory insurance laws some form of competition exists, or at least the employer is given an option as to the method of insuring his risk. Eight of these laws[2] provide for a State fund through which the State conducts a workmen's compensation insurance business in competition with private liability companies. However, two of these States, Ohio and West Virginia, differ quite materially from the other six. Ohio does not permit private stock companies to write workmen's compensation insurance, but allows the organization of mutual companies and also permits employers to carry their own risk, but all employers are required to contribute their proportionate share to the State insurance fund surplus. Self-insurers may, however, insure their risk in private companies. West Virginia has practically a monopolistic State insurance system. She permits no private insurance, but does allow self-insurance. The employers, however, who desire to carry their own risk must bear the whole burden of the act and in addition contribute their proportionate share to the administrative expenses of the law, while those insuring in the State fund may charge 10 per cent of the premiums against their employees. The other six States allow both private and self insurance in addition to the State fund.

[1] Nevada, Oregon, Porto Rico, Washington, and Wyoming.

[2] Colorado, Maryland, Michigan, Montana, New York, Ohio, Pennsylvania, and West Virginia.

Three States[1] have so-called State mutual-insurance companies. Massachusetts was the first State to provide for this type of insurance. The original purpose was to create an insurance monopoly conducted by an employers' mutual company and supervised by the State. Before the law was finally enacted, however, private companies were given practically the privileges of the so-called State company, which at present is a regular competing private company. The other two States merely copied the provisions of the Massachusetts law. Massachusetts and Texas do not permit self-insurance, while Kentucky does. The two former States are exceptional in that election of the act is made by insuring.

Of the 27 compulsory-insurance States, 21 permit private companies to operate, the only exceptions being the 5 monopolistic States of Nevada, Oregon, Porto Rico, Washington, and Wyoming, and the States of West Virginia and Ohio.

Twenty States allow employers to self-insure or carry their own risk, the exceptions again being the monopolistic States and Massachusetts and Texas. Employers who avail themselves of this privilege are required either to give proof of their financial solvency and ability to pay compensation or to furnish bonds or other security, or to do both. In several States such employers are also permitted to secure their compensation payments by guaranty insurance.

New Hampshire's compensation law is exceptional in that employers who accept the act must furnish proof of financial solvency or deposit adequate security, but the law makes no other provision as to insurance.

SCOPE.

No two compensation laws are alike. A number of provisions have been adopted quite uniformly by nearly all the States, and certain States have been taken as models by others. For example: Michigan and Texas have followed Massachusetts in important particulars; Oregon and Nevada have copied after Washington, and Maryland has adopted New York's law quite generally. But taken as a whole the laws are distinguished more for their dissimilarities than for their likenesses.

In attempting to compare and weigh the various acts it is necessary to concentrate upon the more important features. The scope of an act is perhaps of foremost importance. In other words, what industries are covered, what persons are compensated, and what exemptions are made? These are vital questions. It is of no particular importance to an injured workman to know that his State has an efficient administrative system, or that the compensation scale is high,

[1] Kentucky, Massachusetts, and Texas.

or that payments are well secured by adequate supervision over insurance carriers, if his occupation is excluded from the benefits of the act.

The amount of compensation received is probably the next most important feature of a compensation law. This includes the compensation scale, the length of time for which compensation is paid, the maximum and minimum limits, the amount of medical service provided, and the length of the waiting period.

A third important feature is the provision for an administrative system. It is essential that the rights of injured workmen be looked after by some responsible agency in order to prevent intimidation on the part of employers. It is desirable that injured employees should receive the full amount of compensation due them and to receive it immediately and regularly. Other important provisions are those relating to security of compensation payments and injuries covered.

No State compensation act, even when full use of the elective provisions is taken into account, covers all employees. The nearest approach to universal coverage is the New Jersey act, which exempts only casual laborers, public officials, and public employees receiving salaries in excess of $1,200. The principal exemptions in the order of their importance, perhaps, are: (1) Nonhazardous employments; (2) agriculture; (3) domestic service; (4) numerical exceptions, i. e., employers having less than a specified number of employees; (5) public employees; (6) casual laborers or those not employed for the purpose of the employer's business; and (7) employments not conducted for gain. In addition, there are a number of minor exemptions affecting individual States.

As already noted, most of the States which exempt certain employments provide that the parties exempted may accept the provisions of the compensation system through voluntary agreements or joint election, but the ordinary defenses of the employer are not abrogated if they do not elect. As a matter of fact, in most States this privilege has not been taken advantage of at all completely [1] except in case of public employees,[2] and its effect in increasing the scope of an act is negligible.

The table following shows the inclusions and exclusions of the various States arranged according to the foregoing classifications:

[1] For example: In California, in 1916, only 10,397 out of a total of not less than 77,000 employing farmers, not under the act by compulsion, had come under it voluntarily; in Connecticut, in 1916, 1,500 out of 70,000 employees had elected to come under the act; in Maryland, in 1915, only 42 of all the employers in nonhazardous industries, and thus not compelled to accept the act, had voluntarily done so; and in Nebraska, in 1915, only 87 employers of those exempt from all compulsion had voluntarily accepted the act.

[2] In Massachusetts municipalities are not compelled to accept the compensation act, but practically all have accepted voluntarily.

SCOPE OF COMPENSATION LAWS.

Inclusions.		Exclusions.						
Both hazardous and nonhazardous employments.	Hazardous employments only.	Numerical exemptions.	Agriculture.	Domestic service.	Casual labor and employment not for employer's business.	Employments not conducted for gain.	Public employments.	Other exemptions.
	Alaska	Alaska[1]					Alaska	
	Ariz.						Ariz.	
Cal.			Cal.	Cal.	Cal.[2]			
Colo.		Colo.[3]	Colo.	Colo.	Colo.[4]	Colo.		
Conn.		Conn.[1]			Conn.[5]			Outworkers.
Hawaii					Hawaii[4]	Hawaii		Private employees receiving over $36 a week; public employees over $1,800 a year.
	Ill.		Ill.		Ill.[4]		(6)	
Ind.			Ind.	Ind.	Ind.[4]			
Iowa			Iowa	Iowa	Iowa[4]	Iowa	Iowa[7]	Clerks not subject to hazard of industry.
	Kans.	Kans.[1]	Kans		Kans.[9]	Kans.	Kans.[9]	
Ky.		Ky.[1]	Ky.	Ky.			Ky.[10]	
	La.				La.[8]			
Me.		Me.[11]	Me.	Me.	Me.[4]			Logging.
	Md.		Md.	Md.	Md.[5]	Md.	Md.[12]	Country blacksmiths; employees receiving over $2,000 a year.
Mass.			Mass.	Mass.	Mass.[8]		Mass.[13]	
Mich.			Mich.	Mich.	Mich.[4]			
Minn.			Minn.	Minn.	Minn.[3]		Minn.[14]	Steam railroads.
	Mont.		Mont.	Mont.	Mont.[8]			
Nebr.		Nebr.[1]	Nebr.	Nebr.	Nebr.[4]	Nebr.		Outworkers.
Nev.			Nev.	Nev.				
	N. H.	N. H.[1]					N. H.	Only workmen engaged in manual or mechanical labor included.
N. J.					N. J.[5]			Public employees receiving over $1,200 a year.
	N. Y.		N. Y.	N. Y.		N. Y.		
Ohio		Ohio[1]			Ohio[4]			
	Okla.	Okla.[15]	Okla.			Okla.	Okla.[12]	Retail stores; persons not engaged in manual or mechanical work.
	Oreg.						Oreg.	
Pa.			Pa.	Pa.	Pa.[2]			Outworkers.
P. R.		P. R.[1]	P. R.	P. R.			P. R.	Clerical occupations; employees receiving over $1,200 a year.
R. I.		R. I.[11]	R. I.	R. I.	R. I.[3]		R. I.	Employees receiving over $1,800 a year.
Tex.		Tex.[11]	Tex.	Tex.	Tex.[4]		Tex.	Cotton ginning; railways used as common carriers.
Vt.		Vt.[16]		Vt.	Vt.[4]	Vt.	Vt.[14]	Employees receiving over $1,500 a year.
	Wash.						Wash.[12]	
W. Va.			W. Va.	W. Va.	W. Va.[5]	W. Va.	W. Va.	"Temporary" employments; traveling salesmen; corporation officers.
Wis.		Wis.[2]	Wis.		Wis.[4]			
	Wyo.	Wyo.[1]			Wyo.[5]	Wyo.	Wyo.[12]	Officials; clerks not subject to hazard of industry.

[1] Less than 5 excluded. Kansas excepts mines from this provision, while Wyoming exempts public employments, employments where explosives are used, and structural operations 10 feet above ground.
[2] Casual and not for purpose of employer's business.
[3] Less than 4 excluded.
[4] Casual or not for purpose of employer's business.
[5] Casual only.
[6] Municipal corporations and branches of State government maintain they are not under the law except by election; Chicago board of education has rejected the act.
[7] City teachers excluded by ruling of commissioner.
[8] Not for purpose of employer's business.
[9] Except municipal and county workmen.
[10] State, and municipalities having less than 5 employees.
[11] Less than 6 excluded.
[12] Except workmen.
[13] Except State workmen.
[14] State.
[15] Less than 3 excluded.
[16] Less than 11 excluded.

HAZARDOUS EMPLOYMENTS.

It will be noted that 13 of the 35 States include only hazardous employments. In these States the industries covered are enumerated and classified in varying degrees of detail, ranging from 5 classifications in New Hampshire to 42 in New York and Maryland. These lists may, in some cases, be further extended at the discretion of the administrative commissions, or through decisions of the courts. There is also considerable diversity in the scope and number of hazardous employments included. It is impossible within the bounds of a chart or summary to present all the details of inclusion. In Alaska, only mining operations are included, but in the other States the principal hazardous employments are covered, including manufacturing, mining, transportation, and construction work. In enumerating the industries covered various phrases are used to denote the unusual degree of risk to which the employees are exposed. In four States[1] the term "hazardous" employment is used, in four[2] "extra hazardous," and in one[3] "inherently hazardous"; one State[4] employs the word "dangerous," while two[5] use "especially dangerous." In no State is agriculture, generally admitted to be a hazardous employment, included in terms, while in six[6] States it is specifically excluded. Five States[7] also provide for numerical exclusions, i. e., exempting the small employer from the operation of the act.

Obviously the scope of the law in the foregoing groups of States is much more limited than in all other States, since it would exclude the trades, professions, clerical occupations, and domestic service. It may be noted, however, that compensation is compulsory in six of these "hazardous" States.

The exclusion of employments or employers on the ground of reduced hazard is indefensible from every point of view and especially from that of the injured workman whose misfortune is not at all alleviated by the suggestion that the injury was quite unusual or unexpected. An injury received in a mercantile establishment may be just as severe and entail just as much economic distress as one received in a mine. And, furthermore, the additional burden to the industry and society will be slight because of the very fact that accidents are infrequent in these exempted employments.

NUMERICAL EXEMPTIONS.

A second exclusion is the exemption of small employers from the operation of the law. There are 16 States having such numerical

[1] Louisiana, New York, Oklahoma, and Oregon.
[2] Illinois, Maryland, Washington, and Wyoming.
[3] Montana.
[4] New Hampshire.
[5] Arizona and Kansas.
[6] Illinois, Kansas, Maryland, Montana, New York, and Oklahoma.
[7] Alaska, Kansas, New Hampshire, Oklahoma, and Wyoming.

exemptions. One State[1] exempts employers having less than 3 employees; two[2] exempt employers of less than 4; nine[3] exempt less than 5; three[4] less than 6; and one[5] less than 11.

Several reasons have been advanced for the exclusion of the small employer; one being based upon the theory that the hazard of fellow service is materially reduced in employments where only a few workmen are employed; another reason given is that the cost of insurance for such employees would be proportionately high. A third reason is that such exemption automatically excludes two important classes of employments, namely, agriculture and domestic service. A large proportion of casual labor and employments not in the usual course of the employer's business are also excluded through the numerical-exemption provision.

AGRICULTURE.

Every State except two[6] exempts agriculture. The exclusion is either direct or, what amounts to the same thing, the employer's defenses are not abrogated in case he does not elect. With the exception of Hawaii, none of the compulsory-compensation States includes this employment. In 23 States agriculture is excluded specifically in the law, while in 3 States[7] its exclusion is accomplished through the exemption of the small employer. In the other States[8] only hazardous employments are covered and agriculture is not included in the enumerated lists.

The reason for the almost universal exclusion of agriculture in the United States can hardly lie in the fact of its nonhazardous character. European experience, combined with available accident statistics in this country, proves quite conclusively that agriculture is a highly hazardous employment. The opposition of the farming element no doubt explains the exclusion, in 33 States, of agricultural laborers from the benefits of compensation acts.

DOMESTIC SERVICE.

Domestic service is exempted in all but 1 State.[9] In 20 States the exclusion is direct, while in 3[10] it is brought about by exempting the small employers: in 1 State[11] the exclusion is accomplished

[1] Oklahoma.
[2] Colorado and Wisconsin.
[3] Alaska, Connecticut, Kansas, Kentucky, Nebraska, New Hampshire, Ohio, Porto Rico, and Wyoming.
[4] Maine, Rhode Island, and Texas.
[5] Vermont.
[6] Hawaii and New Jersey.
[7] Connecticut, Ohio, and Vermont.
[8] Alaska, Arizona, Louisiana, New Hampshire, Oregon, Washington, and Wyoming.
[9] New Jersey.
[10] Connecticut, Ohio, and Wisconsin.
[11] Hawaii.

by limiting the field of compensation to "industrial employments" and exempting those not conducted for gain; in the other 10 States only hazardous employments are covered.

PUBLIC EMPLOYEES.

The provisions in regard to public employees also lack uniformity. Some States differentiate between the employees of the State and of municipalities. Others include only those engaged in manual labor. In some States again the inclusion is compulsory, in others it is optional, while in still others, no provision at all is made.

Seventeen States[1] include both State and municipal employees, while 8 States[2] include neither. In the other 10 States the inclusion of public employees is only partial. The status of each State is shown in the table on page 58. Of the 27 States which include public employees, either in whole or in part, in all but 6[3] such inclusions are compulsory. In these six elective States compensation is also elective as to private employers.

CASUAL LABOR.

Two other exceptions are found in most of the compensation laws. These are casual laborers and persons not employed for the purpose of the employer's trade, business, profession, or occupation. The term "casual labor" is not readily defined nor is its meaning clear. The various courts and commissions differ in their construction of the term. One State[4] has interpreted the phrase as meaning employment for less than one week. Another State,[5] after a court decision which showed the effect of such a provision, eliminated it from the act entirely.

Distinction must also be made between persons not employed in the usual course of the employer's business on the one hand and employments not conducted for gain on the other. The former refers primarily to employees as such and would include personal and household servants; employments not conducted for gain refer primarily to employers and would include religious and charitable institutions. Casual employment may or may not be for gain, regularity being the principal criterion; employments not in the usual course of the employer's business may or may not be casual and may or may not be for

[1] California, Colorado, Connecticut, Hawaii, Illinois, Indiana, Louisiana, Maine, Michigan, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

[2] Alaska, Arizona, New Hampshire, Oregon, Porto Rico, Rhode Island, Texas, and West Virginia.

[3] Illinois, Kansas, Kentucky, Minnesota, Nebraska, and Vermont.

[4] California.

[5] Massachusetts.

the employer's pecuniary gain; but persons employed in employments not conducted for gain by the employer may be and usually are, in the usual course of the employer's business.

Twenty-five States make exceptions of this kind, while 10 do not. Ten States[1] exempt both casual laborers and those not employed in the usual course of the employer's business; while in 5 States[2] the employment must be both casual and not for purpose of employer's business, thus limiting the exclusions considerably. Six States[3] exempt only casual labor, while 4 States[4] exempt only persons employed otherwise than for the purpose of the employer's business. The West Virginia act provides also for the exclusion of "temporary employments."

EMPLOYMENTS NOT FOR GAIN.

As already noted, employments not conducted for gain refer primarily to businesses or institutions and not to employees as such. Eleven States exempt such employments not conducted for gain or profit. Charitable, educational, and religious institutions are included within this group. The court in New York held that even public employments, irrespective of the fact that they were specifically included in another provision of the act, were excluded from the operation of the law, because such employments were not conducted for gain. The law was later amended[5] so as definitely to include public employments, regardless of the question of gain.

EXTRATERRITORIALITY.

Another feature pertaining to the scope of compensation laws is the question of extraterritoriality, i.e., whether employees injured outside of the State are entitled to compensation. Some States include such injuries, either specifically by law or through the decisions of the commissions and courts; some exclude them, while others make no provision. In 12 States[6] the laws have extraterritorial effect; in 10 States[7] injuries occurring without the State are not compensable; while in 13 States[8] the law is not explicit.

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[1] Colorado, Hawaii, Illinois, Maine, Michigan, Nebraska, Ohio, Texas, Vermont, and Wisconsin.

[2] California, Minnesota, Pennsylvania, Rhode Island, and Wyoming.

[3] Connecticut, Indiana, Iowa, Maryland, New Jersey, and West Virginia.

[4] Kansas, Louisiana, Massachusetts, and Montana.

[5] Ch. 622, Laws of 1916.

[6] Colorado, Connecticut, Hawaii, Indiana, Kentucky, Maine, Nevada, New Jersey, New York, Ohio, Vermont, and West Virginia.

[7] Alaska, California, Kansas, Maryland (exception as to miners), Massachusetts, Michigan, Minnesota, Pennsylvania, Texas, and Washington.

[8] Arizona, Illinois, Iowa, Louisiana, Montana, Nebraska, New Hampshire, Oklahoma, Oregon, Porto Rico, Rhode Island, Wisconsin, and Wyoming.

MISCELLANEOUS EXEMPTIONS.

In addition to the foregoing exclusions, many States have special exemptions of more or less importance, the most frequent being the exclusion of highly paid employees. Six States[1] have exemptions of this character. Other exemptions are: Outworkers in Connecticut, Nebraska, and Pennsylvania; logging in Maine; cotton ginning and all railways used as common carriers in Texas; country blacksmiths in Maryland; retail stores in Oklahoma; traveling salesmen in West Virginia; clerical occupations in Iowa, Porto Rico, and Wyoming; and steam railroads in Minnesota.

INTERSTATE COMMERCE.

The exemptions of employments and employees heretofore enumerated are all subject to State legislation and State jurisdiction. Another employment which must necessarily be excluded is interstate railroads. The power to legislate for them is vested in the Federal Congress, and since it has acted the State laws can not enter the field. This exclusion is automatic by force of the facts, but several of the laws state that they do not apply to such employment or that they apply only so far as the operation of such roads is not regulated by Federal statute.

A peculiar exclusion is that of the law of Texas, affecting all steam and street railways, while the law of Minnesota excludes all steam railroads. In both these States, however, the legislature has provided for this class of employees by enacting a liability law patterned after the Federal statute.

The difficulties in interpreting and determining the jurisdiction of State and Federal liability laws, when both were based on negligence, were sufficiently great, but the entrance of State compensation laws, involving new and different ideas of responsibility, introduces questions of even greater complexity. The judicial answers for the solution of these problems, moreover, have been irreconcilably conflicting. The New York and New Jersey courts adopt the view that though Congress has spoken in cases of the interstate employer's negligence, it has said nothing which applies to cases of injury due to other causes, and therefore the State may enter the field without conflict with the Federal prerogative. The Illinois courts take the opposite view; and the United States Supreme Court holds that "Congress has undertaken to cover the subject of the liability" of the interstate common carrier by railroad, but as this particular point was not involved, it is not yet regarded as settled.

The problem of how the conflict may be avoided is a difficult one, and various methods of solution have been proposed, one being the

[1] Hawaii, Maryland, New Jersey, Porto Rico, Rhode Island, and Vermont.

abrogation by Congress of the liability law in those States in which an adequate compensation law has been enacted, a precedent for such a step being found in the so-called Webb-Kenyon law, which subjects interstate shipments of intoxicants to the operation of State laws on arrival within the jurisdiction of the State affected. A second suggestion is incorporated in a bill introduced in the Sixty-third Congress and again in the Sixty-fourth Congress (H. R. 3651) proposing a Federal statute providing compensation for injuries to employees engaged in interstate commerce by railroad, the law to be administered by referees who may also be referees or administrative officers under the compensation laws of the State in which they act, thus permitting an award under the proper law on the presentation of evidence to a single individual or authority. A third proposition is that with the progress of compensation legislation making adequate provision, which did not exist at the time of the enactment of the Federal liability law of 1908, no Federal law be enacted, that the act of 1908 be repealed, and the whole subject relegated to State law, as it practically was prior to the enactment of the Federal liability statute.

The diametrically opposite rulings of the courts of Illinois and New York indicate the great importance of some authoritative disposition of the matter, which may be reached by the Federal Supreme Court or might be effected in one of the ways indicated above; still another method is that embodied in a proposed amendment to the Federal liability law providing that Congress do not assume to interfere with the power of the various States to provide a method of compensation for death and injury in cases not based upon negligence. This would enact into law the doctrine laid down by the courts of last resort of New Jersey and New York.

NUMBER OF PERSONS SUBJECT TO COMPENSATION ACTS.

Thus far only the theoretical or statutory scope of the compensation laws has been discussed, without reference to its application to actual conditions in the several States. But what do the various inclusions and exclusions really mean when applied in each State? How many employees are actually excluded through the nonhazardous, or numerical, or agricultural, or domestic service exemptions? Then again how does the same statutory exclusion affect different States? The exemption of agriculture in Rhode Island, for instance, is of little importance as compared to a similar exemption in Texas.

An attempt has been made to work out the number of employees affected by compensation laws in the various States. The computations are based upon the Federal occupation census of 1910. The absolute figures of the census of 1910, of course, understate the numbers as they exist at present, but probably the percentages would

remain practically the same except in the case of such States as have witnessed a marked change in the character of their industrial development. These computations, although based upon a detailed study of the census figures, are in some cases merely estimates, and no claim is laid to such accuracy as the figures would suggest. The aim has been, however, to maintain uniformity of treatment as between States, so that while the percentage of error for a given State may be considerable, the percentages given would show the relative status of each State with a reasonable degree of accuracy.

The method adopted has been as follows: The employers (including farmers, independent workers, etc.) were first deducted from the number gainfully employed as reported by the census, the remainder being the bona fide employees or wage earners; from the latter group were then excluded those employees exempted by the provisions of law as interpreted by the court or commission of each State. It has been difficult, and in some cases impossible, to apply the census classifications to those of the compensation acts. The classifications as enumerated in the census and in the laws do not agree, and furthermore the census gives occupations only and does not classify persons employed according to industry or as to whether they are employees.

The table on page 66 shows the number of persons gainfully employed;[1] the number of employers, and the percentage this group is of the total gainfully employed; the number of employees covered and not covered and the percentages of these groups to the total gainfully employed; and the percentage of employees covered and not covered to *total employees*. The phrase "gainfully employed" is used in the same sense as used in the census, i. e., it includes all persons engaged in any gainful occupation irrespective of whether they are employees, employers, or independent workers.

[1] The figures in the table do not include Federal and interstate railroad employees on the ground that such persons are not subject to State laws. The number of such employees in each of the compensation States is given below. The sum of these figures added to the total persons gainfully employed (column 1 of the table) would correspond to the total persons gainfully employed as given in the census of occupations, 1910.

Alaska	1,225	Maryland	17,945	Pennsylvania	134,318
Arizona	7,109	Massachusetts	33,414	Porto Rico	1,567
California	48,832	Michigan	32,186	Rhode Island	6,977
Colorado	20,138	Minnesota	46,919	Texas	52,147
Connecticut	10,864	Montana	19,402	Vermont	5,057
Hawaii	3,142	Nebraska	23,220	Washington	33,212
Illinois	105,210	Nevada	3,761	West Virginia	22,836
Indiana	43,644	New Hampshire	5,950	Wisconsin	30,252
Iowa	40,093	New Jersey	38,502	Wyoming	12,811
Kansas	38,601	New York	105,850		
Kentucky	24,429	Ohio	74,952	Total	1,110,386
Louisiana	19,872	Oklahoma	16,210		
Maine	10,909	Oregon	18,830		

ESTIMATES OF THE NUMBER AND PER CENT OF PERSONS AFFECTED BY COMPENSATION ACTS.

[The estimates of "employees covered by act" and "employees not covered by act" in this table are made on the assumption that all elections provided for by law have been made. Owing to lack of definite information, no estimates have been made of employees unprotected because of failure of employer to elect under elective acts.]

State.	Total persons gainfully employed.[2]	Employers (includes farmers, independents, etc.).		Employees.				Per cent employees covered are of total employees.	Per cent employees not covered are of total employees.
				Covered by act.[1]		Not covered by act.			
		Number.	Per cent of total gainfully employed.	Number.	Per cent of total gainfully employed.	Number.	Per cent of total gainfully employed.		
	1	2	3	4	5	6	7	8	9
Alaska	38,848	5,300	13.6	10,481	27.0	23,067	59.4	31.2	68.8
Arizona	89,716	18,742	23.2	32,455	40.2	29,519	36.6	52.4	47.6
California	1,038,836	254,804	24.1	611,941	57.8	192,091	18.1	76.2	23.8
Colorado	318,586	101,214	31.8	137,157	43.0	80,215	25.2	63.1	36.9
Connecticut	479,598	85,985	17.9	322,211	67.2	71,402	14.9	81.9	18.1
Hawaii	98,052	11,309	11.5	80,310	82.3	6,424	6.2	92.6	7.4
Illinois	2,191,568	616,894	28.1	851,890	38.9	722,784	33.0	54.1	45.9
Indiana	993,066	360,244	36.3	502,729	50.6	130,093	13.1	79.4	20.6
Iowa	786,220	360,568	45.9	266,936	33.9	158,716	20.2	62.7	37.3
Kansas	582,732	289,690	49.7	108,388	18.6	184,654	31.7	36.9	63.1
Kentucky	842,551	422,144	50.1	230,135	27.3	190,272	22.6	54.7	45.3
Louisiana	659,311	261,019	39.6	140,239	21.3	258,053	39.1	35.2	64.8
Maine	294,548	88,535	30.1	150,305	51.0	55,708	18.9	72.9	27.1
Maryland	523,219	117,410	22.4	188,433	36.0	217,376	41.6	45.9	54.1
Massachusetts	1,497,654	235,283	15.7	1,109,134	74.1	153,237	10.2	87.8	12.2
Michigan	1,080,812	361,579	33.4	597,585	55.3	121,648	11.3	83.1	16.9
Minnesota	788,533	308,735	39.2	379,349	48.1	100,449	12.7	79.0	21.0
Montana	159,345	47,883	30.0	56,826	35.7	54,636	34.3	50.9	49.1
Nebraska	417,894	210,559	50.4	121,026	29.0	86,309	20.6	58.3	41.7
Nevada	41,149	8,668	21.1	24,746	60.1	7,735	18.8	76.2	23.8
New Hampshire	185,753	43,551	23.4	79,680	42.9	62,522	33.7	56.0	44.0
New Jersey	1,035,858	171,895	16.6	861,963	83.2	2,000	.2	99.8	.2
New York	3,897,994	772,297	19.8	1,748,213	44.9	1,377,484	35.3	55.9	44.1
Ohio	1,844,103	522,448	28.3	1,008,813	54.7	312,842	17.0	77.3	22.7
Oklahoma	582,419	338,365	58.1	84,522	14.5	159,532	27.4	34.6	65.4
Oregon	286,334	87,464	30.5	88,510	30.9	110,360	38.6	44.4	55.6
Pennsylvania	2,996,363	577,178	19.3	2,149,867	71.7	269,318	9.0	88.8	11.2
Porto Rico	302,581	60,536	15.4	61,207	15.6	270,838	69.0	18.4	81.6
Rhode Island	244,024	36,405	14.9	166,915	68.1	41,604	17.0	80.0	20.0
Texas	1,[illegible]04,719	864,609	57.5	271,777	18.0	368,243	24.5	42.5	57.5
Vermont	139,032	46,811	33.7	50,942	36.6	41,279	29.7	55.2	44.8
Washington	488,289	116,746	23.9	191,458	39.2	180,085	36.9	51.5	48.5
West Virginia	425,654	160,064	37.6	203,139	47.7	62,451	14.7	74.7	25.3
Wisconsin	862,160	325,263	37.7	401,092	46.5	135,888	15.8	74.7	25.3
Wyoming	60,795	17,953	29.5	17,103	28.1	25,739	42.4	40.0	60.0
Total	27,880,216	8,308,240	29.8	13,307,403	47.7	6,264,573	22.5	68.0	32.0
Noncompensation States and Territories (17)	[3] 9,350,000	[3] 2,786,300	29.8	.....	.....	[3] 6,563,700	70.2	.....	.....
United States civilian employees	[4] 488,711	.....	.....	[4] 488,711	100.0	.....	.....	100.0	.....
Interstate railroad employees	[5] 1,300,000	.....	.....	.....	.....	[5] 1,300,000	100.0	.....	100

[1] Includes all employees in employments covered by the compensation law irrespective of whether the employers in elective States have accepted the act or not.

[2] These figures, based upon the United States Census of 1910, do not include Federal employees and interstate railroad employees, on the ground that they are not subject to State laws. The total persons gainfully employed include employers as well as employees.

[3] The ratio as determined from the compensation States has been applied to the noncompensation States. The percentage of employers in the noncompensation States is probably greater than 29.8, due to the preponderance of agriculture in these States.

[4] Figures as of 1915 taken from United States register.

[5] Does not include shop employees and others usually subject to State compensation acts.

As already stated, the absolute figures are based on the Federal Census of 1910, and therefore would not correspond with the facts as they exist at present. They are given here primarily for the purpose of showing the relative numerical importance of the several States and of emphasizing the large number of persons (over 8,000,000) who can not possibly be covered under any existing compensation act. From the number of persons gainfully employed (column 1) have been subtracted the Federal and interstate-railroad employees, on the ground that they are not subject to State laws. The ratio of employers, employees covered by the act, and employees not covered by the act to total gainfully employed (cols. 3, 5, and 7) are given chiefly to show to what extent the number of employees is affected by different industrial conditions. As would be expected, in agricultural States the percentage of employees is relatively small, while in industrial States it is large. The four States in which over 50 per cent of persons gainfully employed belong to the employing class are agricultural States,[1] while the four most intense industrial States have a small employing class.[2] The last two columns (8 and 9) show the percentage of employees theoretically covered and not covered by the acts. As already explained, it is assumed that all employers in elective States subject to the compensation act have accepted its provisions.

In computing the percentages of employees subject to the acts proper numerical deductions have been made for all the exclusions and exemptions except casual laborers, those not employed for the purpose of the employer's business, and employments not conducted for gain. For these no separate deductions were made, because a large proportion of such employments are automatically excluded through the domestic service, numerical, and nonhazardous exemptions. Furthermore, it would be difficult, if not impossible, to compute with any degree of accuracy the number engaged in such employments.

It will be noted that of the 27,880,216 persons gainfully employed in the 35 States and Territories having compensation laws, 8,308,240, or 29.8 per cent, belong to the employing or independent class, while 13,307,403, or 47.7 per cent, represent employees covered by compensation acts, and 6,264,573, or 22.5 per cent, are employees not covered. Approximately 80 to 85 per cent of the employing class are farmers or home-farm laborers. On the same basis the 17 remaining non-compensation States[3] have approximately 6,563,700 employees. The total number of employees, therefore, in the 52 States and Territories deprived of the benefits of workmen's compensation legislation is

[1] Oklahoma, 58.1; Texas, 57.5; Nebraska, 50.4; Kentucky, 50.1.

[2] Rhode Island, 14.9; Massachusetts, 15.7; New Jersey, 16.6; Connecticut, 17.9. The small number of employers in the two agricultural territories of Hawaii (11.5) and Porto Rico (15.4) is due to the large plantation system, employing many laborers.

[3] Including District of Columbia.

nearly 13,000,000, or almost one-half of the total number of employees. In addition, there are about 1,300,000 interstate-railroad employees not subject to State acts and for which no Federal compensation law has been enacted.

The following table shows the States arranged in the order of the percentage of employees covered:

COMPENSATION STATES ARRANGED IN DESCENDING ORDER OF PERCENTAGE OF EMPLOYEES COVERED.

[The estimates of "employees covered" used in this table are made on the assumption that all elections provided for by law have been made. Owing to lack of definite information no estimates have been made of employees unprotected because of failure of employers to elect under elective acts.]

State.	Per cent employees covered are of total employees.	Per cent employees covered are of total gainfully employed.	Per cent employees not covered are of total employees.	Per cent employees not covered are of total gainfully employed.
New Jersey	99.8	83.2	0.2	0.2
Hawaii	92.6	82.3	7.4	6.2
Pennsylvania	88.8	71.7	11.2	9.0
Massachusetts	87.8	74.1	12.2	10.2
Michigan	83.1	55.3	16.9	11.3
Connecticut	81.9	67.2	18.1	14.9
Rhode Island	80.0	68.1	20.0	17.0
Indiana	79.4	50.6	20.6	13.1
Minnesota	79.0	48.1	21.0	12.7
Ohio	77.3	54.7	22.7	17.0
Nevada	76.2	60.1	23.8	18.8
California	76.2	57.8	23.8	18.1
Wisconsin	74.7	46.5	25.3	15.8
West Virginia	74.7	47.7	25.3	14.7
Maine	72.9	51.0	27.1	18.9
Colorado	63.1	43.0	36.9	25.2
Iowa	62.7	33.9	37.3	20.2
Nebraska	58.3	29.0	41.7	20.6
New Hampshire	56.0	42.9	44.0	33.7
New York	55.9	34.9	44.1	35.3
Vermont	55.2	36.6	44.8	29.7
Kentucky	54.7	27.3	45.3	22.6
Illinois	54.1	36.9	45.9	33.0
Arizona	52.4	40.2	47.6	36.6
Washington	51.5	39.2	48.5	36.9
Montana	50.9	35.7	49.1	34.3
Maryland	45.9	36.0	54.1	41.6
Oregon	44.4	30.9	55.6	38.6
Texas	42.5	18.0	57.5	24.5
Wyoming	40.0	28.1	60.0	42.4
Kansas	36.9	18.6	63.1	31.7
Louisiana	35.2	21.3	64.8	39.1
Oklahoma	34.6	11.5	65.4	27.4
Alaska	31.2	27.0	68.6	59.4
Porto Rico	18.4	15.6	81.6	60.0
Average	68.0	47.7	32.0	22.5

The second and fourth columns show what proportion the number of employees covered and not covered is to the total gainfully employed in the State. By bringing the two columns of percentages into juxtaposition the effect of the industrial character of the State in determining the percentage of gainfully employed persons subject to an act is brought out; for example, Massachusetts (87.8 per cent) and Minnesota (79 per cent) have nearly the same percentage of employees covered, but in industrial Massachusetts these con-

stitute 74.1 per cent of the total gainfully employed, whereas in agricultural Minnesota they constitute only 48.1 per cent.

New Jersey, with 99.8 per cent of its employees covered, heads the list of States, while Porto Rico, with 18.4 per cent, stands at the bottom. Seven States cover 80 per cent or over, 15 over 70 per cent, 17 over 60 per cent, and 26 over 50 per cent. One covers less than 20 per cent, 6 cover 40 per cent or less, and 9 less than 50 per cent. The States which include only hazardous employments stand lowest in the scale; next come the numerical exemption States, and these are followed by those excluding agriculture and domestic service only. Naturally there are deviations from the group by individual States. Texas, for example, because of the exclusion of her dominant industry—agriculture—has fewer of her employees covered than most of the hazardous States. On the other hand, Rhode Island, which excludes all employers having less than 5 employees, has a higher percentage of employees covered than California, which excludes only agriculture and domestic service. The following table shows the effect of the three main exclusions upon the number of employees covered:

COMPENSATION STATES CLASSIFIED ACCORDING TO EMPLOYMENTS EXCLUDED AND PER CENT OF EMPLOYEES COVERED IN EACH.

[The estimates of employees excluded used in this table are made on the assumption that all elections provided for by law have been made. Owing to lack of definite information, no estimates have been made of employees unprotected because of failure of employers to elect under elective acts.]

All employments covered.		Agriculture and domestic service excluded.		Numerical exclusions.		Nonhazardous exclusions.	
State.	Per cent of employees covered.	State.	Per cent of employees covered.	State.	Per cent of employees covered.	State.	Per cent of employees covered.
N. J.	99.8	Pa.	88.8	Conn.[1]	81.9	N. H.[2]	56.0
Hawaii[3]	92.6	Mass.[4]	87.8	R. I.[2]	80.0	N. Y.	55.9
		Mich.	83.1	Ohio[1]	77.3	Ill.	54.1
		Ind.	79.4	Wis.	74.7	Ariz.[2]	52.4
		Minn.[4]	79.0	Me.	72.9	Wash.[4]	51.5
		Nev.	76.2	Colo.	63.1	Mont.	50.9
		Cal.	76.2	Nebr.	58.3	Md.[4]	45.9
		W. Va.[4]	74.7	Vt.[4]	55.2	Oreg.[2]	44.4
		Iowa[4]	63.7	Ky.[4]	54.7	Wyo.[4]	40.0
				Tex.[2]	42.5	Kans.[4]	36.9
				P. R.[2]	18.4	La.	35.2
						Okla.[4]	34.6
						Alaska[2]	31.2

[1] Agriculture and domestic service *not* specifically exempted.
[2] All public employees exempted.
[3] Hawaii exempts employments not in the usual course of the employer's business and those not conducted for gain.
[4] Public employees partially exempted.

Taking the median State in each group as a basis of comparison it will be noted that there is a difference of about 17 per cent between each two groups of States; 96.2 being the median for the two States including all employments; 79 per cent for the nine States

excluding agriculture and domestic service; 63.1 per cent for the 11 numerical exemption States; and 45.9 for the 13 nonhazardous States.

The relative importance of the principal exclusions is shown more clearly in the following table in which the exclusions for each State have been divided into their main constituent elements; i. e., agriculture, domestic service, numerical and nonhazardous exemptions. The purpose of this subdivision is to show what relation each individual exemption bears to the total number of employees excluded and also to the total number of employees in the State. The agriculture and domestic service exclusions have been put in separate columns, irrespective of whether these employments were exempted specifically or through the numerical or nonhazardous exclusions.

ESTIMATED NUMBER OF EMPLOYEES EXCLUDED UNDER COMPENSATION ACTS AND PER CENT OF SUCH EXCLUDED EMPLOYEES WHO ARE EXCLUDED BECAUSE OF EMPLOYMENT IN AGRICULTURE, DOMESTIC SERVICE, NONHAZARDOUS EMPLOYMENTS, ETC.

[The estimates of employees excluded used in this table are made on the assumption that all elections provided for by law have been made. Owing to lack of definite information, no estimates have been made of employees unprotected because of failure of employers to elect under elective acts.]

State.	Total employees excluded.		Of total employees excluded, per cent excluded by—				Of total employees, per cent excluded by—		
	Number.	Per cent.	Agriculture.	Domestic service.	Numerical exemptions.[1]	Nonhazardous and other exemptions.	Agriculture.	Domestic service.	Numerical exemptions.
Alaska	23,067	68.8	19.0	19.5	0.2	61.3	13.0	13.4	0.2
Ariz	29,519	47.6	41.9	18.6	.....	39.5	20.0	8.9	.....
Cal	192,091	21.8	62.5	37.5	.....	.....	14.9	8.9	.....
Colo	80,215	36.9	40.4	29.5	30.1	.....	14.9	10.9	11.1
Conn	71,402	18.1	30.6	49.5	19.9	.....	5.6	8.9	3.6
Hawaii	6,424	7.4	.....	93.4	.....	6.6	.....	7.5	.....
Ill	722,784	45.9	18.5	24.8	.....	56.7	8.5	11.4	.....
Ind	130,093	20.6	68.5	31.5	.....	.....	14.1	6.5	.....
Iowa	158,716	37.3	52.4	19.4	.....	28.2	19.5	9.4	.....
Kans	194,554	63.1	25.6	17.3	9.0	48.6	15.8	10.9	5.3
Ky	190,272	45.3	45.1	34.6	20.3	.....	20.5	15.7	9.1
La	258,053	64.8	48.7	27.4	.....	21.9	31.6	17.6	.....
Me	55,708	27.1	41.8	37.4	20.8	.....	11.3	10.1	5.7
Md	217,376	54.1	26.9	31.5	.....	41.6	14.2	16.9	.....
Mass	153,237	12.2	23.9	57.3	.....	18.8	2.9	6.9	.....
Mich	121,648	16.9	64.6	35.4	.....	.....	10.9	6.0	.....
Minn	100,449	21.0	57.6	40.6	.....	1.8	12.1	8.3	.....
Mont	54,636	49.1	41.7	22.2	.....	36.1	20.3	10.9	.....
Nebr	88,309	41.7	43.5	27.5	29.0	.....	18.1	11.5	12.1
Nev	7,735	23.8	69.0	31.0	.....	.....	16.4	7.4	.....
N. H	62,522	44.0	22.7	22.1	3.4	51.8	10.0	9.7	1.5
N. J	2,000	.2	.....	.....	.....	100.0	.....	.....	.....
N. Y	1,377,484	44.1	10.9	30.9	.....	58.2	4.8	13.6	.....
Ohio	312,842	22.7	34.6	41.7	23.7	.....	8.2	9.9	5.6
Okla	159,532	65.4	37.0	17.7	4.4	40.3	24.6	11.6	2.8
Oreg	110,360	55.6	27.4	18.3	.....	54.3	15.2	10.1	.....
Pa	299,318	11.2	42.7	57.3	.....	.....	4.8	6.4	.....
P. R	270,838	81.6	74.5	17.9	6.0	.7	60.8	14.9	5.0
R. I	41,604	20.0	16.0	43.1	24.4	16.5	3.2	8.6	4.9
Tex	368,243	57.5	46.9	26.1	18.0	6.0	28.7	15.0	10.4
Vt	41,279	44.8	39.8	30.2	28.2	.....	17.8	13.5	12.6
Wash	180,085	48.5	28.5	20.3	.....	51.2	13.8	9.8	.....
W. Va	62,451	25.3	55.4	26.9	.....	17.7	13.0	6.3	.....
Wis	135,988	25.3	46.6	41.1	12.3	.....	11.8	10.4	3.1
Wyo	25,739	60.0	47.3	45.6	7.0	20.1	28.4	10.0	4.2
Total	6,234,573	32.0	33.8	30.8	5.4	30.0	10.8	9.8	1.7

[1] Does not include agriculture or domestic service.

It will be recalled that 6,264,573, or 32 per cent of the total employees, are not covered by compensation legislation in the 35 compensation States, and that these exclusions have been brought about in several ways. It will be noted that of these 33.9 per cent[1] have been excluded through the exemption of agriculture, 30.8 per cent[2] through the exemption of domestic service, 5.4 per cent[3] through the exemption of the small employer, and 30 per cent[4] through the exemption of nonhazardous employments. These exclusions constitute, respectively, 10.8 per cent, 9.8 per cent, 1.7 per cent, and 9.6 per cent of the total number of employees.

The percentage of each exclusion to the total exclusion in any given State depends upon the total number excluded in the State as well as upon the number of employees in the excluded group. To illustrate, agriculture may constitute 60 per cent of the total excluded if only farm labor and domestic service are excluded, but would constitute a much smaller percentage of the total if nonhazardous employments were also excluded.

It will be noted that the percentage of total exclusions due to agriculture alone ranges from 10.9 per cent in New York to 74.5 per cent in Porto Rico, while the exclusion due to domestic service ranges from 16.6 per cent in Wyoming to 93.4 per cent in Hawaii. For the combined States the number of employees excluded by exempting the small employer is much less than either the agriculture or domestic service exclusions. But for the States having the numerical exemption it is sometimes of as much importance as the domestic service exclusion.

In the foregoing computations as to the number of employees covered by the compensation laws no distinction has been made between compulsory and elective acts. It has been assumed that all the employers in the elective States are under the law. As a matter of fact, however, this is not true. In some States practically all employers have accepted the act, while in others relatively few have done so. For this reason elective compensation acts have been severely criticized. It is maintained that the substitution of the compensation system for the old liability system has not been brought about and to this extent elective compensation laws have failed. A large number of employees must still resort to damage suits and be subject to expensive litigation in order to be indemnified for industrial injuries. In New Hampshire only 19 employers employing 23,000 persons were under the compensation law in 1915.

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[1] 2,122,154.
[2] 337,499.
[3] 1,926,500.
[4] 1,878,420.

These constitute less than 30 per cent of the employees potentially covered by the act and only 16 per cent of the total employees in the State. Very little reliable information as to the number of employees actually covered by compensation acts in the elective States is available. The following table gives the estimates furnished by the States themselves.

NUMBER OF EMPLOYEES WHO MAY BE BROUGHT UNDER COMPENSATION ACTS AND NUMBER ACTUALLY UNDER THE ACTS IN THE TWENTY-SIX ELECTIVE STATES.

Elective State.	Number of employees who may be brought under compensation acts as computed by United States Bureau of Labor Statistics.	Number of employers rejecting the act, and number of employees actually under acts through employers' election as estimated by the several States.	Per cent of employees under acts to employees who may be brought under acts.
Alaska	10,481		
Colorado	32,455		
Connecticut	322,211	7 employers rejected act (1915)	
Illinois	851,890	In 1915, 17,889 employers accepted act and 1,389 additional accepted but did not insure. In 1916, 831 employers and Chicago Board of Education rejected act. 187 of these rejections were in mining.	
Indiana	502,729		
Iowa	266,936	Over 25 per cent of employees, estimated at 30,000, subject to act not insured [1] (1916).	75 to 87.7
Kansas	108,388		
Kentucky	230,135		
Louisiana	140,239		
Maine	150,305		
Massachusetts	1,109,134	650,000 (1915) [2]	58.6 to 81.2
Michigan	597,585	505,025 (1915)	84.5
Minnesota	379,349		
Montana	56,826	43,769 (1916)	77.0
Nebraska	121,026	37 employers rejected act (1915)	
Nevada	24,746	11,024 (1915)	44.5
New Hampshire	79,680	23,000 (1915)	28.9
New Jersey	861,963		
Oregon	88,510	80–85 per cent (1915) [3]	80 to 85
Pennsylvania	2,149,867		
Porto Rico	61,207		
Rhode Island	166,915	154,538 (1915)	92.6
Texas	271,777	118,046 (1915)	43.4
Vermont	50,942		
West Virginia	203,139	155,062 (1914)	76.3
Wisconsin	401,000	Over 250,000. 851 employers with 3,000 employees rejected act (1915).	62 to 99

[1] Failure to insure supposed to be due to stringent insurance provisions.
[2] Total subject to act estimated by industrial accident board at 800,000.
[3] Estimated by writer at 72,500.

HOW ELECTION IS MADE.

Under this head are indicated the methods required by the laws for their acceptance or rejection in the 26 States where the elective system is provided. In 17 States[1] the employer is presumed to accept the act in the absence of positive action rejecting it, while under the other 9 elective systems he must institute some action

[1] Alaska, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Nebraska, Nevada, New Jersey, Oregon, Pennsylvania, Porto Rico, Vermont, and Wisconsin.

indicating his purpose to come under the law. In 6 of these States[1] he elects by filing acceptances with designated State authorities, while in 3 States[2] election is made either by insuring in authorized casualty companies or subscribing to the State fund. In the 17 States where the employer is presumed to accept the act the employee is subject to the same presumption in the absence of positive steps to reject, while in 7 of the 9 States where the employer must take positive action acceptance by the employee is presumed until the negative is shown; of the other 2 States, Kentucky requires the employee to file written notice of acceptance with his employer, while in Texas no option is given the employee where the employer elects. This latter provision invalidated the old Kentucky act. It was also questioned in Texas, but the supreme court of that State held the law constitutional on all points.

The extent to which employers have accepted the compensation laws has already been discussed. In most States very few employees have rejected the acts. In States having strong employers' liability laws the employees appear to be less favorably inclined toward compensation legislation.

ABROGATION OF DEFENSES.

Under the elective system, as provided in 26 States, acceptance of the act is induced by the withdrawal or modification of the three customary common-law defenses of assumed risk, fellow service, and contributory negligence in cases where the employer refuses to accept the act. In 2 States[3] such abrogation is absolute, irrespective of whether the employer accepts or rejects the act, but in all the other States the defenses are abrogated only if the employer rejects the act. Employers accepting the compensation act are generally exempt from damage suits, while those rejecting the act are relieved of the duty of paying compensation but are subject to actions at law, with the usual defenses abrogated. In cases where an employee rejects the compensation system and sues an employer who has accepted it the employer usually retains his three defenses.

The two defenses of assumed risk and fellow service are abrogated in each of the 26 elective States without restriction. The defense of contributory negligence, however, is abrogated unqualifiedly only in 12[4] of the 26 States. In 11 States[5] this defense is modified to the extent that injuries caused by the employee's intoxication, will-

[1] Kentucky, Maine, Michigan, Montana, New Hampshire, and Rhode Island.
[2] Massachusetts, Texas, and West Virginia.
[3] New Jersey and Pennsylvania.
[4] Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Porto Rico, Rhode Island, Vermont, and West Virginia.
[5] Alaska, Colorado, Iowa, Minnesota, Montana, Nebraska, Nevada, New Jersey, Oregon, Pennsylvania, and Wisconsin.

ful act, or reckless indifference are not actionable. In 2 States[1] the doctrine of contributory negligence is changed to comparative negligence, leaving the degree of negligence to be determined by a jury. In 1 State[2] the defense remains, but the burden of proof is shifted to the employer.

SUITS FOR DAMAGES.

When both the employer and employee have accepted the compensation act the bringing of damage suits under either the common or statute laws of liability is forbidden absolutely in 12 States.[3] In the other 23 States employees are permitted to sue upon certain conditions, generally some neglect on the part of the employer. The following table shows in which States and upon what conditions employees are allowed to bring actions at law:

CONDITIONS UNDER WHICH DAMAGE SUITS MAY BE BROUGHT WHEN BOTH PARTIES COME UNDER ACT.

Not permitted.	Permitted.	Conditions under which they are permitted.
Alaska		
	Arizona	After injury. Defense of contributory negligence alone remains.
	California	If injury is caused by employer's gross negligence or willful misconduct.
	Colorado	If employer, insuring in State fund, is in arrears on premiums.
	Connecticut	If employer fails to insure his risk.
Hawaii		
	Illinois	If employer fails to insure his risk.
	Indiana	If employer fails to insure his risk.
	Iowa	If employer fails to insure his risk.
Kansas		
	Kentucky	If injury is due to deliberate intention of employer, illegal employment of minors, or failure to insure.
Louisiana		
Maine		
	Maryland	If injury is due to deliberate intention of employer or failure to insure.
Massachusetts		
	Michigan	If employer, insuring in State fund, is in default on insurance premiums.
Minnesota		
	Montana	If employer, insuring in State fund, is in default on insurance premiums.
Nebraska		
	Nevada	If employer is in default on insurance premiums.
	New Hampshire.	In lieu of compensation, after injury.
New Jersey		
	New York	If employer fails to insure his risk. Defenses abrogated.
	Ohio	If injury is due to willful act of employer, violation of safety law, or if employer is in default on insurance premiums.
	Oklahoma	If employer fails to insure his risk. Defenses abrogated.
	Oregon	If injury is due to willful act of employer, violation of safety law, or if employer is in default on insurance premiums.
	Pennsylvania	If employer fails to insure his risk.
	Porto Rico	If injury is due to employer's willful or criminal negligence.
	Rhode Island	If employer fails to insure his risk.
	Texas	If employer's willful or gross negligence causes death.
Vermont		
	Washington	If injury is due to employer's deliberate intention,[a] or if employer is in default on insurance premiums.
	West Virginia	If injury is due to employer's deliberate intention,[a] or if employer is in default on insurance premiums.
Wisconsin		
Wyoming		

[a] Excess damages in addition to compensation.

[1] Kansas and Texas.

[2] New Hampshire.

[3] Alaska, Hawaii, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Nebraska, New Jersey, Vermont, Wisconsin, and Wyoming.

It will be noted that 9 States[1] permit suit if the injury was due to a willful act, willful misconduct, or gross negligence of the employer; 18[2] permit it in case the employer fails to insure his risk or is in default on insurance premiums; 2[3] if the employer has violated the safety laws; and 1[4] if he has illegally employed minors. In most of the above cases the injured employee has the option of either accepting compensation or suing for damages, but he may not do both. In 2 States,[5] however, where the injury is due to the employer's deliberate intention, the employee may bring suit for excess damages in addition to receiving compensation.

When employees elect a compensation act, they must do so before the injury, except in 2[6] States, where the law reserves the right to an injured employee to bring suit or accept compensation after the accident, and in both States the defense of contributory negligence alone remains available to the employer. Possibly this provision explains in part why only 19 employers have accepted the act in New Hampshire. There is little inducement for an employer to come under a compensation act if he is also to be subjected to damage suits. In Arizona the law is compulsory, and consequently employers have no option. The former Montana statute, which fixed upon the employer a double liability by compelling him to contribute to an insurance fund and leaving him still liable for damages, was declared unconstitutional by the court.

If the compensation system is accepted by the employer but rejected by the employee, the defenses remain available to the former in 22 States,[7] but in 2 of these States[8] the defense of assumed risk is abrogated if the employer has violated the safety laws and regulations; in another State[9] all three defenses are withdrawn if the employer has violated the safety statute, but there is no presumption of the employer's negligence; and in a fourth State[10] all defenses are abrogated if the employer has been guilty of willful or gross negligence. In 2 States[11] the abrogation of defenses is absolute. In 1 State[12] the employee has no option, but must accept the act if his

[1] California, Kentucky, Maryland, Ohio, Oregon, Porto Rico, Texas, Washington, and West Virginia.

[2] Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Montana, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Washington, and West Virginia.

[3] Ohio and Oregon.

[4] Kentucky.

[5] Washington and West Virginia.

[6] Arizona and New Hampshire.

[7] Alaska, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, Oregon, Porto Rico, Rhode Island, Vermont, and Wisconsin.

[8] Alaska and Nevada.

[9] Iowa.

[10] Kansas.

[11] New Jersey and Pennsylvania.

[12] Texas.

employer does. In another State[1] the employee surrenders his right of action if he remains in the service of his employer after the latter elects the act.

SPECIAL CONTRACTS.

In order to secure to the employee the benefits contemplated by the act, without loss by reason of ill-considered and inadequate settlements, the law usually provides that an employee can not waive his right to compensation benefits or otherwise contract with his employer for the purpose of modifying the latter's liability under the law. Such waivers are absolutely forbidden in 16 States,[2] except that in Montana the employer and employees may enter into an agreement to maintain jointly a hospital fund. In 14 States[3] the employer is permitted to establish and maintain substitute insurance schemes or benefit funds, but is not allowed to reduce his liability as fixed by law. In 3 States[4] only existing substitute insurance schemes are permitted. The laws of 2 States[5] make no provision in this regard. If the employee makes any contribution to the fund or substitute system, he must receive additional benefits corresponding to the amount of his contribution. This, of course, does not apply in those States in which the law places a part of the burden of cost upon the employee.

BURDEN OF COST.

With but two exceptions the burden of cost for compensation is entirely on the employer. Oregon and West Virginia alone require employees to bear part of the cost, the contributions being deducted from the employees' wages. In Oregon employees are required to contribute 1 cent for each day or part of day worked. The remainder of the burden is borne by the employer, except that the State pays a subsidy of one-seventh of the amount contributed by both employers and employees. In West Virginia the employees must pay 10 per cent of the insurance premiums into the State fund, while the other 90 per cent is paid by the employer. Those employers, however, who elect to carry their own risk must bear the whole burden of cost and are not permitted to collect contributions from their employees; in addition, these employers must contribute their share to the administrative expenses of the State fund. Also the laws of Montana and Nevada specifically authorize the withholding of sums from employees for medical and hospital services. In Montana employers

[1] West Virginia.

[2] Alaska, Colorado, Hawaii, Louisiana, Maryland, Massachusetts, Montana, Nevada, New Jersey, New York, Oregon, Pennsylvania, Texas, Vermont, Washington, and Wyoming.

[3] Arizona, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Ohio, Oklahoma, Rhode Island, West Virginia, and Wisconsin.

[4] Maine, Michigan, and Nebraska.

[5] New Hampshire and Porto Rico.

and employees may enter into an agreement to maintain jointly a hospital fund, while in Nevada employers may require employees to pay $1 a month for medical services. When substitute insurance or benefit schemes are maintained, employees are sometimes required to contribute to the fund; but since the laws do not allow the employer to reduce his liability, the compensation benefits received by injured employees must equal the compensation scale as provided in the act plus the employees' contributions, and consequently there is no real tax upon the employee for the statutory benefits.

In some States certain employers have made a practice of compelling their employees to share the cost of compensation. In the lumber industry in Texas and Louisiana, for example, a large proportion of the burden of cost was borne by the employees. To prevent this evil the Legislature of Louisiana recently enacted a law[1] making it a misdemeanor for employers to charge premiums against their employees.

SECURITY OF PAYMENTS.

Since it occasionally happens that employers become insolvent or meet with a catastrophe and consequently are unable to meet their pecuniary obligations, it is important that employees be safeguarded from such or similar contingencies by suitable legislation providing for security of compensation payments. In the 27 States having compulsory insurance laws, such security is reasonably assured, provided, of course, that the risk is actually and adequately insured. A number of laws limit insurance to authorized companies, while a provision frequently found makes insurance policies generally subject to the provisions of the compensation laws. In most States failure to insure penalizes the employer either by subjecting him to a fine or by permitting the employee to sue for damages. Usually, also, the law holds the employer and the insurer jointly liable for compensation. Where monopolistic State insurance funds exist, such funds furnish the basis of the employee's protection in this regard. When employers are authorized to carry their own risk, they are usually required to furnish satisfactory proof of solvency and ability to meet present and future compensation payments, or to deposit adequate bonds or other security. Twenty States permit self-insurance.

In 7 of these 20 States[2] employers are required to furnish proof of solvency or to deposit such security as required by the compensation commission or insurance department; while in 11 States[3] they must deposit security in addition to furnishing proof of financial

[1] No. 270, 1916.

[2] Connecticut, Hawaii, Illinois, Iowa, New Hampshire, Rhode Island, and Vermont.

[3] Colorado, Indiana, Kentucky, Maine, Maryland, Montana, New York, Ohio, Oklahoma, West Virginia, and Wisconsin.

responsibility. In three States[1] they are permitted to insure their risk in authorized guaranty companies.

Another form of security in most of the laws is the provision making compensation payments preferred claims against the property of the employer. In fact, this is practically the only security possessed by employees in the eight noncompulsory insurance States.

In order to protect the injured employees from themselves and from creditors, nearly all of the States provide that compensation payments shall be nonassignable and exempt from attachment or execution.

STATE SUPERVISION OVER INSURANCE AND REGULATION OF RATES.

The adequacy and reasonableness of insurance premiums is of vital importance to the employers of the compensation States, since the burden of cost depends largely upon the insurance rates. When compensation laws were first enacted there existed no satisfactory experience upon which to base premium rates. The old employers' liability experience was unsatisfactory and the experience of foreign countries was to some extent inapplicable. Called upon suddenly to produce a schedule of rates, with no reliable data as a basis, the insurance carriers were forced to rely upon their "underwriting judgment," and the rates thus formulated were generally too high. Since then, however, with the accumulation of experience and the entrance of the State into the insurance field as a competitor, rates have been established more nearly in accordance with the hazards of industry.

The regulation of insurance rates by the State is still far from satisfactory. Sixteen[2] of the thirty-five compensation States make no provision as to rate regulation. Two States[3] forbid discrimination, while the remaining 17,[4] including, of course, those having State insurance monopolies, require the approval of rates, either as to adequacy or reasonableness, by the industrial commissions or insurance departments.

The determination of an adequate rate for each industrial risk or process in accordance with its hazard has been found exceedingly difficult, due to the limited experience or exposure in certain industries and the absence of reliable accident statistics. For the purpose of combining all available experience the insurance companies have organized a bureau[5] to work out a schedule of basic rates, to which

[1] Hawaii, Oklahoma, and Vermont.

[2] Alaska, Arizona, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, Rhode Island, and Vermont.

[3] Michigan and Wisconsin.

[4] California, Colorado, Kentucky, Maine, Maryland, Massachusetts, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Porto Rico, Texas, Washington, West Virginia, and Wyoming.

[5] National Workmen's Compensation Service Bureau, New York City.

is applied the law differential for each State. This basic schedule is continually modified in the light of additional experience. In order to stimulate accident prevention work and to promote justice as between employers in the same risk or industry, a system of merit rating has been devised, in which the employer receives a credit or debit upon the basic rate in accordance with the physical condition of his plant. Some States have made use of these schedules, modified according to their own particular experience, and a few of the States[1] have established independent rate-making bureaus of their own.

It is apparent from the foregoing and other discussions that the insurance provisions of the compensation laws vary widely. It will be recalled that insurance in State funds is compulsory in Nevada, Oregon, Porto Rico, Washington, and Wyoming, while in Ohio and West Virginia State funds are the dominant method, with a strong effort, notably in Ohio, to secure State monopoly; that State funds in competition with other systems of insurance are maintained in California, Colorado, Maryland, Michigan, Montana, New York, and Pennsylvania; and that Kentucky, Massachusetts, and Texas provided for "employees' insurance associations" of a quasi-official character.

With the development of the foregoing variety of methods, it is inevitable that comparison should be made between them, this being, in fact, the avowed purpose in some States. In Michigan, for example, the different methods of insurance provided for under the act were for the purpose of developing experience which would enable a choice to be made therefrom. The discussion as to the feasibility and desirability of State monopoly, or even of State competition, has been conducted with vigor. Representatives of stock companies take the view that the entrance of the State into this field of enterprise is unwarranted and undesirable. The opposite view is that workmen's compensation insurance is primarily a matter of public welfare into which the question of profits of an intermediary agent should not be allowed to enter; that the public alone is concerned, and that it alone should act to secure the necessary adjustments and determinations in the simplest form and with the least possible expense.

INJURIES COVERED.

Compensation laws are limited not only as to employments covered and persons compensated, but also as to injuries covered. No State holds the employer liable for every injury received by the employee. As a rule, the injury must have been received in the course of the employment and must have resulted as a natural consequence there-

[1] California, Massachusetts, New York, and Pennsylvania.

from; usually, also, those due to the employee's intoxication, willful misconduct, or gross negligence are not compensable.

The following table shows the laws classified as to kind of injuries, i. e., what and under what conditions injuries are compensable and noncompensable:

INJURIES COVERED AND CONDITIONS UNDER WHICH COMPENSATION IS PAID OR DENIED.

Kind of disability.		Injuries arising out of and in course of employment.	Injuries in course of employment only.	Exclusions.								
				Willful intention to injure self or another.	Intoxication.	Willful misconduct.	Injuries intentionally inflicted by another.	Violation of safety appliances or laws.	Occupational diseases.			
Accident.[1]	Injury.[2]								Excluded specifically by law.	Excluded by word "accident."	Excluded by courts.	Status undetermined.
Alaska		Alaska		Alaska	Alaska					Alaska		
Ariz.		Ariz.								Ariz.		
	Cal.	Cal.			Cal.	Cal.						Cal.
Colo.		Colo.		Colo.			Colo.			Colo.		
	Conn.	Conn.			Conn.	Conn.[3]					Conn.	
Hawaii		Hawaii		Hawaii	Hawaii					Hawaii		
Ill.		Ill.								Ill.		
Ind.		Ind.		Ind.	Ind.	Ind.		Ind.	Ind.	Ind.		
	Iowa.	Iowa.		Iowa.	Iowa.		Iowa.		Iowa.			
Kans.		Kans.[4]		Kans.	Kans.[5]			Kans.[5]		Kans.		
Ky.		Ky.		Ky.	Ky.	Ky.			Ky.	Ky.		
La.		La.		La.	La.			La.		La.		
Me.		Me.		Me.	Me.[6]					Me.		
Md.		Md.		Md.	Md.[6]	Md.			Md.[7]	Md.		
	Mass.	Mass.				Mass.[8]						
	Mich.	Mich.				Mich.					Mich.	
Minn.		Minn.		Minn.	Minn.		Minn.[9]		Minn.[7]	Minn.		
Mont.		Mont.							Mont.	Mont.		
Nebr.		Nebr.			Nebr.	Nebr.[9]			Nebr.	Nebr.		
Nev.		Nev.[10]		Nev.	Nev.					Nev.		
	N. H.	N. H.			N. H.	N. H.		N. H.[11]				N. H.
N. J.		N. J.		N. J.	N. J.					N. J.		
N. Y.		N. Y.		N. Y.	N. Y.[5]					N. Y.		
	Ohio.		Ohio.	Ohio.							Ohio.	
Okla.		Okla.		Okla.	Okla.			Okla.		Okla.		
Oreg.		Oreg.		Oreg.					Oreg.[7]	Oreg.		
Pa.			Pa.[12]	Pa.			Pa.[13]			Pa.		
P. R.		P. R.		P. R.[14]	P. R.	P. R.[15]	P. R.			P. R.		
R. I.		R. I.		R. I.	R. I.					R. I.		
	Tex.		Tex.								Tex.	
Vt.		Vt.		Vt.	Vt.			Vt.	Vt.	Vt.		
Wash.			Wash.[16]	Wash.					Wash.	Wash.		
	W. Va.	W. Va.[17]		W. Va.	W. Va.	W. Va.		W. Va.[18]				W. Va.
Wis.		Wis.[19]		Wis.						Wis.		
	Wyo.	Wyo.[20]				Wyo.[21]	Wyo.		Wyo.			

[1] Includes such expressions as: Personal injury by accident or accidentally sustained; accidental injuries and injuries caused by a fortuitous event.
[2] The word "accident" does not appear in description of compensable injuries.
[3] Willful and serious misconduct.
[4] Except when going to and from work.
[5] Solely.
[6] Without employer's knowledge.
[7] By implication.
[8] By fellow employee for personal reasons.
[9] Deliberate or reckless indifference to safety.
[10] "Arising out of *and* in course of employment" and "arising out of *or* in course of employment" both used in act.
[11] Violation of law.
[12] While actually engaged in furtherance of employer's business.
[13] For reasons not connected with the employment.
[14] Also while willfully intending to commit a crime.
[15] Gross negligence of employee sole cause.
[16] Sustained on premises of plant or in course of employment away from plant. (Department held that injury must be incidental to employment.)
[17] In course of or resulting from employment.
[18] Disobedience to rules.
[19] Growing out of or incidental to employment.
[20] Sustained as a result of employment and while at work.
[21] Culpable negligence of employee.

ACCIDENTS.

But what constitutes an injury? In most States an injury is limited to what is commonly known as an accident. There must be a sudden and tangible happening, producing an immediate or prompt result, and occurring from without. In other words, it must be of a traumatic nature. Industrial diseases, especially the slow-developing ones, would therefore be excluded by this definition, and such has been the position taken by the courts of the several States.[1] Twenty-five States,[2] in describing compensable injuries, use some variation of the word "accident," or words of similar import, such as personal injuries by accident, accidental injuries, or injuries caused by some fortuitous event. A few States restrict the meaning of an injury still further by definition. In Louisiana, for example, an accident means an unexpected or unforeseen event, happening suddenly or violently, with or without human fault, and producing at the time objective symptoms of an injury; while in Oregon a compensable injury must be caused by violent or external means. The courts, however, have been more liberal in interpreting this phrase. Compensation has been granted for sunstroke,[3] frostbite,[4] neuritis from vibration of punch press,[5] cerebral hemorrhage caused by gas poisoning,[5] nervous shock,[6] angina pectoris,[7] pneumonia,[8] arteriosclerosis,[8] insanity,[8] infection due to compulsory vaccination,[8] tuberculosis,[8] lead poisoning,[8] facial paralysis,[8] blindness due to inhalation of noxious gases,[8] and aggravation of a pre-existing disease.[9]

INJURIES.

Ten States[10] do not employ the term "accident" in describing compensable injuries, limiting themselves simply to "injuries" or "personal injuries." The meaning of this broader term, as interpreted by the commissions and courts, is confusing and conflicting. Apparently it was the intent of the legislature in several of the States to include occupational diseases when it substituted the word "injury" for the British term "injury by accident," but with a single exception,[11] the courts, where cases have come before them,

[1] Except Massachusetts and possibly California.

[2] Alaska, Arizona, Colorado, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Montana, Nebraska, Nevada, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Porto Rico, Rhode Island, Vermont, Washington, and Wisconsin.

[3] California, Illinois, Iowa, Minnesota, and Ohio.

[4] Connecticut, Massachusetts, Montana, New York, and Wisconsin.

[5] Illinois.

[6] California.

[7] Massachusetts and New York.

[8] Massachusetts.

[9] California, Connecticut, Massachusetts, and Ohio.

[10] California, Connecticut, Iowa, Massachusetts, Michigan, New Hampshire, Ohio, Texas, West Virginia, and Wyoming.

[11] Massachusetts.

have ruled against the inclusion of such diseases. In 2[1] of the 10 States mentioned occupational diseases have been specifically excluded by law; in 4 States[2] they have been excluded by the courts. In excluding occupational diseases in Michigan the court relied upon the use of the word "accident" found in the title but not in the body of the act. In New Hampshire the law declares the employer liable "for any injury arising out of and in course of employment"; but as it also announces its purpose "to establish a new system of compensation for accidents to workmen," and repeatedly uses the term "accident" in prescribing the methods of administration, it is probable that occupational diseases are excluded. In two States[3] the phraseology of the law favors more strongly the inclusion of occupational diseases. Thus the original West Virginia law included two references to accidents, but the most significant of these was changed in 1915 from accident to injury. In California the legislature recently amended its law, substituting the word "injury" for "accident" wherever the latter word appeared, with the apparent intention of including occupational diseases, but no court interpretation has yet been made. This leaves Massachusetts as the only State in which both the board and court have ruled that occupational diseases are included within the scope of the compensation act.

ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT.

The next limitation of compensable injuries is the condition under which they occur. No State compensates for all injuries, irrespective of the time and place of their occurrence. In every State a compensable injury must happen in the course of the employment, and in all but four States[4] it must arise out of or result from the employment. A definition of this double clause has been stated by the Massachusetts Supreme Court, as follows:[5]

> It is not easy nor necessary to the determination of the case at bar to give a comprehensive definition of these words which shall accurately include all cases embraced within the act and with precision exclude those outside its terms. It is sufficient to say that an injury is received "in the course of" the employment when it comes while the workman is doing the duty which he is employed to perform. It arises "out of" the employment when there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is required to be performed and the resulting injury. Under this test, if the injury can be seen to have followed as a natural incident of the work, and to have been contemplated by a reasonable person familiar with

[1] Iowa and Wyoming.
[2] Connecticut, Michigan, Ohio, and Texas. (In Connecticut, Michigan, and Texas the courts overruled the administrative commissions, which had allowed compensation for such diseases.)
[3] California and West Virginia.
[4] Ohio, Pennsylvania, Texas, and Washington.
[5] McNichols v. Employers' Liability Assurance Association, 215 Mass. 497.

the whole situation as a result of the exposure occasioned by the nature of the employment, then it arises "out of" the employment. But it excludes an injury which can not fairly be traced to the employment as a contributing proximate cause and which comes from a hazard to which the workman would have been equally exposed apart from the employment. The causative danger must be peculiar to the work and not common to the neighborhood; it must be incident to the character of the business and not independent of the relation of master and servant. It need not to have been foreseen or expected, but after the event it must appear to have had its origin in the risk connected with the employment and to have flowed from that source as a rational consequence.

In other words, the injury must result from a hazard of the *employment*, not merely one of the hazards of *existence*. The commissions and courts generally have been liberal in their interpretations of this phrase. Granted a causal connection between injury and employment and compensation is usually allowed. Awards have even been granted in the case of a watchman who was shot by a burglar[1] and where an employee was killed by an intoxicated fellow worker.[2]

As already noted, four States use merely the single phrase "in the course of employment," thus considerably increasing the scope of injuries covered, since such injuries need not result as a consequence of the employment. For example, a workman may be injured as a result of a prank played by a fellow employee. Such an injury does not "arise out of" the employment, but it does occur "in the course of" the employment and would be compensated if the provision of the law were limited simply to the latter phrase. It has been maintained that it is unfair to hold an employer liable for an injury which did not result from the employment. On the other hand, the comprehensiveness and comparative simplicity of this single phrase would decrease litigation to an appreciable extent, since a large number of disputed cases center around the question as to whether the injury arose out of the employment.

EXEMPTIONS DUE TO EMPLOYEE'S FAULT.

Most of the States do not grant compensation for injuries occasioned in whole or in part through some gross fault of the employee. Four States,[3] however, have not accepted this principle and allow compensation, regardless of the employee's negligence. Twenty-four States withhold compensation if the injury was caused by the willful intention of the employee to injure himself or another; 22 deny compensation if injury is due to intoxication; 12 if caused by willful misconduct; and 7 if employee is guilty of violation of safety laws or removal of safety appliances. For more de-

[1] California.
[2] Massachusetts.
[3] Arizona, Illinois, Montana, and Texas.

tailed information see table on page 80. Five States,[1] while not denying compensation entirely in certain cases of the employee's negligence, nevertheless penalize him by decreasing the amount. Colorado reduces the amount of compensation 50 per cent if the injury is caused by the employee's willful failure to use safety devices or obey reasonable rules, or is the result of his intoxication; Kentucky and Wisconsin reduce the amount 15 per cent if the injury is caused by the employee's willful failure to use safety devices or obey reasonable safety rules; Nevada reduces the amount 25 per cent and Washington 10 per cent, if the injury is caused by the removal of safeguards. On the other hand, in four States[2] the employer is penalized if he has been guilty of negligence. In Kentucky and Wisconsin the employer must pay 15 per cent additional compensation if the injury is caused by his failure to obey safety laws or regulations; Washington adds 50 per cent if injury is caused by violation of safety statutes or the illegal employment of minors; while in Massachusetts the compensation is doubled if the injury is due to the serious or willful misconduct of the employer.

Another limitation, though not directly connected with either the employee's or employer's negligence, is the exclusion of injuries which are intentionally inflicted by another. Six States[3] have exemptions of this character.

WAITING PERIOD.

As already noted, injuries in order to be compensable must, as a rule, arise out of and in the course of the employment and must not be occasioned by gross negligence on the part of the employee. Another factor restricting a compensable injury is the degree of severity of the injury or the duration of disability caused by it. In most States an injury, to be compensable, must cause disability for a certain length of time, generally two weeks, and no compensation is paid during this time. This noncompensable preliminary period is known as the "waiting period." In two States[4] there is no such waiting time, compensation being paid for all injuries producing any disability. In another State[5] the statute provides that "no compensation shall be payable * * * unless the loss of earning power shall exceed 5 per cent." This peculiar phrase has been interpreted by the insurance department to mean 5 per cent of a working month, or 1½ days. For injuries which incapacitate the employee more than 1½ days compensation is paid from date of injury. The most common provision is that disability must continue

[1] Colorado, Kentucky, Nevada, Washington, and Wisconsin.
[2] Kentucky, Massachusetts, Washington, and Wisconsin.
[3] Colorado, Iowa, Minnesota, Pennsylvania, Porto Rico, and Wyoming.
[4] Oregon and Porto Rico.
[5] Washington.

for more than two weeks, this being found in 21 States.[1] One State[2] requires more than three weeks; three[3] more than 10 days; six[4] more than one week; and one[5] requires more than six working days, compensation beginning on the eighth day after the injury. Qualifications of these general provisions occur in nine States. In Arizona no compensation is paid for the first two weeks, but if disability continues for more than two weeks compensation begins from date of injury. In Nevada there is no waiting period if disability lasts three weeks or more; in Wisconsin if disability continues for more than four weeks; in Louisiana if for six weeks or more; in Alaska, Michigan, and Nebraska if for eight weeks or more; and in Illinois if disability is total and permanent. Maryland reduces the waiting period from two weeks to one week if the disability is permanent.

Probably no other feature of compensation laws is considered and debated more than the waiting period. It is maintained, especially by organized labor, that the laws in this respect are by far inadequate, since the large majority of industrial injuries cause disability of less than two weeks.

The loss of even a week's wages to the average workman would create a hardship or at least cause inconvenience to his family. On the other hand, several objections are advanced against the abolition of the waiting period altogether. There is the supposed danger of increased malingering; another objection is the undue increase in administrative expenses. There is always an irreducible minimum amount of expense involved in the settlement of every case, and a point may be reached where the cost of administering a case may exceed the compensation award. This difficulty will be obviated to some extent, however, by the fact that in many cases the injured employee will make no claim to compensation when the injury is slight and the award is small. The argument that the abolishment of the waiting period entirely will throw too heavy a burden upon the employers is hardly valid because the industry eventually will shift this burden to society as a whole.

COMPENSATION BENEFITS.

The theory underlying the old employers' liability system is the payment of damages to an employee for an injury resulting from the employer's fault or negligence. It is recompense for a wrong.

[1] Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, and Vermont.

[2] Colorado.

[3] Connecticut, Massachusetts, and Wyoming, in case of temporary total disability only.

[4] Louisiana, Nevada, Ohio, Texas, West Virginia, and Wisconsin.

[5] Illinois.

The new compensation system, with unimportant exceptions, abolishes the whole question of negligence and bases its justification upon economic necessity. Instead of the least able unit of industry assuming its risks, the consuming public, acting through the employer, furnishes relief to injured workers by fixed awards.

The question arises, however, as to the extent to which an employee should be compensated for his losses sustained as a result of the injury. On the one hand it is maintained that the entire cost of rehabilitation and restoration of earning capacity, including full wages, or more if necessary, and adequate medical treatment, should be borne by the industry; and if the employee is totally and permanently incapacitated he should receive an adequate life pension. On the other hand it is contended that only major injuries should be compensated for, and then only for a small part of the wage loss.

No two of the 35 States have identical compensation provisions, and no State seems to have followed any definite theory in this respect. The necessity for a workable law, not excessively burdensome to the employer and not conducive to malingering, while affording such reasonable benefits to the injured workman as to prevent hardships of dependents and loss of income of the family wage earner, have led to a wide variety of attempts to determine the proper amounts to be awarded.

The compensation benefits are classified according to death, total disability, and partial disability, and the provisions for each class usually vary; moreover, there may also be different provisions for permanent and temporary disability. In addition to these compensation provisions most of the laws provide for medical, surgical, and hospital treatment, and in a number of States for burial in case of fatal injuries as well.

SCALE.

The compensation scale is usually based upon the earnings of the injured employee, ranging from 50 to 66⅔ per cent of his weekly or monthly wages at the time of injury or for a prescribed period preceding it. In the case of minors, however, an exception is sometimes made, the law recognizing the fact that the wage of a minor would nominally increase as he grows older. Nine States[1] make provision upon this point.

The weekly benefits are, as a rule, also subject to a maximum and a minimum limit. The period during which compensation is paid varies also, the usual provision in case of death being three or four years, and in case of disability payment during disability, with a

[1] California, Iowa, Kansas, Maryland, Massachusetts, New York, Ohio, Oklahoma, and Wisconsin.

maximum of 300 to 500 weeks, and occasionally during life in case of permanent total disability. A further limitation may be prescribed stipulating that the total compensation shall not exceed a certain fixed amount. To compare accurately the compensation benefits awarded in the several States it is necessary to take into consideration the present value of those benefits—i. e., whether the compensation is paid outright as a lump sum or whether it is paid in periodical installments covering a long period of time. For example, a lump sum of $4,000 considerably exceeds the present worth of payments of $10 a week for 400 weeks; similarly the present value of a weekly payment of $20 a week for 100 weeks exceeds that of payments of $10 a week for 200 weeks. However, experience has shown that, on the average, greater economic benefit will result from continuing payments.

The following table shows the provisions of each State as to (1) percentage of weekly wages, (2) maximum and minimum weekly payments, and (3) maximum period of compensation:

PER CENT OF WEEKLY WAGES PAID AS COMPENSATION, MAXIMUM AND MINIMUM WEEKLY PAYMENTS, AND MAXIMUM PERIOD OF COMPENSATION, BY STATES.

State.	Percentage of wages.	Maximum and minimum weekly payments.	Maximum period of compensation.
Alaska	Temporary total disability, 50 per cent; others, fixed lump sums.	No provision	Temporary total disability, 6 months.
Ariz	50 per cent	do	Death, 200 weeks' earnings, payable as court may order; disability, during its continuance.
Cal	65 per cent	Maximum, $20.83; minimum, $4.17	Death, 240 weeks; permanent total disability, life; temporary disability, 240 weeks.
Colo	50 per cent	Maximum, $8; minimum, $5, or actual wages if less than $5.	Death, 6 years; permanent total disability, life; temporary total and partial disability, during its continuance.
Conn	do	Maximum, $10; minimum, $5	Death, 312 weeks; total disability, 520 weeks; partial disability, 312 weeks.
Hawaii	Death, 25 to 66 per cent; total disability, 60 per cent; partial disability, 50 per cent.	Death, basic wage, maximum, $36, minimum, $5; total disability, maximum, $18, minimum, $3, or actual wages if less than $3; partial disability, maximum, $12.	312 weeks.
Ill	50 per cent	Maximum, $12; minimum, $6	Death, 8 years; permanent total disability, life; temporary disability, during its continuance; permanent partial disability, 8 years.
Ind	Total disability and specific injuries, 55 per cent; others 50 per cent.	Death, maximum, $12, minimum, $5; total disability, maximum, $13.20, minimum, $5.50; partial disability, basic wage, maximum, $24, minimum, $10.	Death and partial disability, 300 weeks; total disability, 500 weeks;
Iowa	50 per cent	Death, maximum, $10, minimum, $5; disability, maximum, $10, minimum, $5, or actual wages if less than $5.	Death and temporary total disability, 300 weeks; permanent total disability, 400 weeks.
Kans	Total disability, 50 per cent; partial disability, 25 to 50 per cent.	Total disability, maximum, $15, minimum, $6; partial disability, maximum, $12, minimum, $3.	Death, 3 years' earnings, payable as court may order; disability, 8 years.

PER CENT OF WEEKLY WAGES PAID AS COMPENSATION, MAXIMUM AND MINIMUM WEEKLY PAYMENTS, AND MAXIMUM PERIOD OF COMPENSATION, BY STATES—Continued.

State.	Percentage of wages.	Maximum and minimum weekly payments.	Maximum period of compensation.
Ky	65 per cent	Maximum, $12; minimum, $5	Death, 335 weeks; total disability, 8 years; partial disability, 335 weeks.
La	Death, 25 to 50 per cent; disability, 50 per cent.	Death and permanent total disability, maximum, $10, minimum, $3; temporary total and specified injuries, maximum, $10, minimum, $3, or actual wages if less than $3; partial disability, maximum, $10.	Death, 300 weeks; permanent total disability, 400 weeks; others, 300 weeks.
Me	50 per cent	Maximum, $10; minimum, $4	Death, 300 weeks; total disability, 500 weeks; partial disability, 300 weeks.
Md	do	Death, no weekly maximum: total disability, maximum, $12, minimum, $5, or actual wages if less than $5; permanent partial disability, maximum, $12.	Death, 8 years; permanent total disability, life; temporary total disability, 6 years.
Mass	66⅔ per cent	Maximum, $10; minimum, $4	500 weeks.
Mich	50 per cent	do	Death, 300 weeks; total disability, 500 weeks; partial disability, 300 weeks.
Minn	25 to 60 per cent; disability, 50 per cent.	Maximum, $11; minimum, $6.50, or actual wages if less than $6.50.	Death, 300 weeks; permanent total disability, 550 weeks; others, 300 weeks.
Mont	Death, 30 to 50 per cent; disability, 50 per cent.	Maximum, $10; minimum, $6, or actual wages if less than $6.	Death, 400 weeks; permanent total disability, life; others 300 weeks.
Nebr	50 per cent	Maximum, $10; minimum, $5, or actual wages if less than $5.	Death, 350 weeks; total disability, during disability; partial disability, 300 weeks.
Nev	Death, 40 to 60 per cent; disability, 50 per cent.	Maximum, $40 a month; minimum, $20 a month.	Death, 100 months; permanent disability, 100 months; temporary partial disability, 60 months.
N. H	50 per cent	Maximum, $10; minimum, no provision.	Death, 150 times weekly earnings; disability, 300 weeks.
N. J	Death, 35 to 60 per cent; disability, 50 per cent.	Maximum, $10; minimum, $5, or actual wages if less than $5.	Death, 300 weeks; permanent total disability, 400 weeks; temporary total and partial disability, 300 weeks.
N. Y	15 to 66⅔ per cent	Death, basic wage; maximum, $100 a month; disability, maximum, $15 (in certain cases, $20), minimum, $5.	Death, during life or until remarriage of widow or dependent widower; permanent total disability, life; others during disability.
Ohio	do	Maximum, $12; minimum, $5, or actual wages if less than $5.	Death, 6 years; permanent total disability, life; temporary total disability, 6 years; partial disability, during its continuance.
Okla	50 per cent	Maximum, $10; minimum, $6, or actual wages if less than $6.	Fatal accidents not covered; permanent total disability, 500 weeks; others, 300 weeks.
Oreg	Monthly pension; amounts not based on wages.	Monthly pension: Death, $15 to $50; permanent total disability, $30 to $50; temporary total disability, $30 to $50, increased by 50 per cent for first 6 months, but not over 60 per cent of wages; permanent partial disability, $25.	Death, during life of or until remarriage of widow or invalid widower; total disability, during its continuance; temporary partial disability, 2 years.
Pa	Death, 15 to 60 per cent; disability, 50 per cent.	Death, basic wage, maximum, $20, minimum, $10; disability maximum, $10, minimum $5, or actual wages if less than $5.	Death, 300 weeks; total disability, 500 weeks; partial disability, 300 weeks.
Porto Rico	75 per cent	Maximum, $7; minimum, $3	Death and permanent total disability, 208 weeks; temporary total disability, 104 weeks.
R. I	50 per cent	Maximum, $10; minimum, $4	Death, 300 weeks; total disability, 500 weeks; partial disability, 300 weeks.
Tex	60 per cent	Maximum, $15; minimum, $5	Death, 360 weeks; total disability, 400 weeks; partial disability, 300 weeks.

PER CENT OF WEEKLY WAGES PAID AS COMPENSATION, MAXIMUM AND MINIMUM WEEKLY PAYMENTS, AND MAXIMUM PERIOD OF COMPENSATION, BY STATES—Concluded.

State.	Percentage of wages.	Maximum and minimum weekly payments.	Maximum period of compensation.
Vt.	Death, 15 to 45 per cent; disability, 50 per cent.	Death, basic wage, maximum, $22, minimum, $5, or actual wages if less than compensation; permanent total disability, maximum, $12.50, minimum, $3; temporary total disability, maximum, $12.50, minimum, $3, or actual wages if less than $3; partial disability, maximum, $10.	Death, 260 weeks; permanent total disability, 260 weeks; temporary total disability, 78 weeks; partial disability, 5 years.
Wash.	Monthly pension; amounts not based on wages.	Monthly pension: death, $10 to $35; permanent total disability, $20 to $35; temporary total disability, $20 to $35, increased by 50 per cent for first 6 months, but not over 60 per cent of wages.	Death, during life or until remarriage of widow or invalid widower; total disability, during its continuance.
W. Va.	Death, $10 to $35 a month pension; disability, 50 per cent.	Permanent disability, maximum, $8, minimum, $4; temporary disability, maximum, $10, minimum, $5.	Death, during life or until remarriage of widow or invalid widower; permanent total disability, life; temporary disability, 52 weeks; permanent partial disability, 210 weeks.
Wis.	Disability, 65 per cent.	No provision	Death, 320 weeks; permanent total disability, 480 weeks; others, 320 weeks.
Wyo.	Amounts not based on wages.	Temporary total disability, $15 to $35 a month pension; fixed lump sums in other cases.	No provision.
U. S.	Death, 10 to 66⅔ per cent; disability, 66⅔ per cent.	Death, basic wage, monthly maximum, $100, minimum, $50; total disability, monthly maximum, $66.67, minimum, $33.33, or actual wages if less than $33.33; partial disability, monthly maximum, $66.67.	Death, during life or until remarriage of widow or widower; other dependents, 8 years; disability, during its continuance.

PER CENT OF WAGES.

In all but 3 States[1] compensation is based upon wages. A number of States, however, provide for fixed lump sums for certain injuries, but apply the percentage system to all others. Alaska, for example, provides absolute amounts in case of death and permanent disability, and 50 per cent of wages for injuries causing temporary disability. In most of the States the prescribed percentage remains uniform for all injuries, but in several it varies with conjugal condition and number of children.

It will be noted that in 22 States[2] compensation is 50 per cent of the employee's wages, in 1 State[3] 55 per cent, in 2 States[4] 60 per cent, in 3 States[5] 65 per cent, in 3 States[6] 66⅔ per cent, and in Porto Rico 75 per cent. In the 3 remaining States[1] different methods are

[1] Oregon, Washington, and Wyoming.

[2] Alaska, Arizona, Colorado, Connecticut, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, Vermont, and West Virginia.

[3] Indiana (total disability and specific injuries only; others 50 per cent).

[4] Hawaii (total disability only; partial, 50 per cent; death, 25 to 60 per cent) and Texas.

[5] California, Kentucky, and Wisconsin.

[6] Massachusetts, New York, and Ohio.

provided. Oregon and Washington provide for monthly pensions in case of death or injury, while in Wyoming fixed absolute amounts are prescribed.

WEEKLY MAXIMUM AND MINIMUM.

The compensation benefits based upon percentage of wages are usually modified by weekly maximum and minimum limits, which may materially affect the amounts, though to what extent depends, of course, on the wage scale, the limit of $7 in Porto Rico, for instance, probably affecting but few workers. Six States [1] have no maximum or minimum limits; all these are Western States, where wages are presumably relatively high. Five States [2] have a maximum of $15 or over, 3 States [3] have a maximum over $12 and under $15, 4 States [4] have a maximum of $12, 1 [5] of $11, 14 [6] of $10, 1 [7] of $8, and 1 [8] of $7.

DEATH.

The benefits for death in most cases approximate three or four years' earnings of the injured employee. The methods provided for determining compensation for death vary considerably. Two States [9] provide for fixed absolute amounts without reference to wages or length of time. One State [10] provides for a fixed sum of $1,500, plus 75 per cent of wages for 208 weeks. Five States [11] provide for annual earnings for three or four years. The large majority of States, however, apply a wage percentage for specified periods. Of these 1 [12] pays compensation for 260 weeks; 9,[13] 300 weeks; 4,[14] 312 weeks; 1,[15] 335 weeks; 1,[16] 350 weeks; 1,[17] 360 weeks; 2,[18] 400 weeks; 1,[19] 416 weeks; 1,[20] 433 weeks, and 1,[21] 500 weeks. Four States [22] provide for benefits until death or remarriage. The Oklahoma law does not cover fatal accidents.

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[1] Alaska, Arizona, Oregon, Washington, Wisconsin, and Wyoming.
[2] California, $20.83; Hawaii, $18; Kansas, New York, and Texas, $15.
[3] Nevada, $13.64; Indiana, $13.20; Vermont, $12.50.
[4] Illinois, Kentucky, Maryland, and Ohio.
[5] Minnesota.
[6] Connecticut, Iowa, Louisiana, Maine, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, New Jersey, Oklahoma, Pennsylvania, Rhode Island, and West Virginia.
[7] Colorado.
[8] Porto Rico.
[9] Alaska and Wyoming.
[10] Porto Rico.
[11] California, Kansas, and New Hampshire, three years; Illinois and Wisconsin, four years.
[12] Vermont.
[13] Indiana, Iowa, Louisiana, Maine, Michigan, Minnesota, New Jersey, Pennsylvania, and Rhode Island.
[14] Colorado, Connecticut, Hawaii, and Ohio.
[15] Kentucky.
[16] Nebraska.
[17] Texas.
[18] Arizona and Montana.
[19] Maryland.
[20] Nevada.
[21] Massachusetts.
[22] New York, Oregon, Washington, and West Virginia.

While most of the States provide for a uniform rate in death cases, in 12[1] States, however, the compensation varies with conjugal condition and number of children, the percentage ranging from 15 to 66⅔. The provisions as to children who are beneficiaries usually make the benefits payable in their behalf cease on their reaching the age of 16 or 18 years, but many of these provide that the benefits shall not cease if, at the ages named, the recipient is mentally or physically incapacitated for earning a living.

The remarriage of a widow is made to terminate benefits in a number of cases, though in a few instances a lump sum is payable on such remarriage, either a fixed amount or representing a fixed number of months of benefit payments. If the beneficiary is a widower no provision is made for a similar allowance in case of his remarriage. In most cases the dependency of the widow is presumed, although in several States proof of dependency must be shown.

In addition to the foregoing compensation benefits most of the States provide also for burial expenses, the maximums ranging from $40 to $200. Twenty-one States[2] provide for such expenses in case the deceased leaves dependents, and all the States except two[3] make similar provision in case of no dependents. In the latter event the entire liability of the employer is limited to such burial expenses in every State except two.[4] In Kentucky $100 additional must be paid to the personal representative of the employee, and in New York $100 additional is required for the creation of a special fund, from which are to be paid benefits to employees who sustain successive major injuries. The original Connecticut act provided for the payment of $750 into the State treasury in case the deceased employee left no dependents, but this provision of the law was never enforced, because of doubt of its constitutionality, and was subsequently repealed.

TOTAL DISABILITY.

A few States recognize the fact that a permanently disabled workman is a greater economic loss to his family than if he were killed outright at the time of the accident, and allow in case of permanent total disability a larger amount of compensation than in case of fatal accidents. Twelve States[5] provide that for permanent total disability compensation payments shall continue for the full period of the

[1] Hawaii, Louisiana, Minnesota, Montana, Nevada, New Jersey, New York, Oregon, Pennsylvania, Vermont, Washington, and West Virginia.

[2] Connecticut, Hawaii, Indiana, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Porto Rico, Vermont, Washington, West Virginia, and Wyoming.

[3] Porto Rico, and Oklahoma, which does not cover fatal accidents.

[4] Kentucky and New York.

[5] Arizona, California, Colorado, Illinois, Maryland, Montana, Nebraska, New York, Ohio, Oregon, Washington, and West Virginia.

injured workman's life, while in cases of death only 4 States[1] make provision for payments during the life of the beneficiary. A few also allow a higher percentage than for death. For the most part, however, payments are limited to 400 or 500 weeks, and are at the same rate as for death.

PARTIAL DISABILITY.

The working out of a satisfactory basis of compensation benefits for injuries causing partial disability has been most difficult. Compensation for temporary total disability alone is inadequate, especially in view of the fact that while the employee may be able to return to work of some sort within a few weeks he is handicapped for life by reason of some maiming or other injury which interferes with his ability as a workman. To provide for such contingencies two methods have generally been adopted. One method, found in practically all of the States, is the payment of an award based on the percentage of the wage loss occasioned by such disability, payments continuing during incapacity but subject to maximum limits. The second method is the adoption of a specific schedule of injuries for which benefits are awarded for fixed periods, the payments being based upon a percentage of wages earned at the time of the injury. Usually both methods of payment are provided for. The practice in most States is to pay a percentage of the wage for fixed periods for certain enumerated injuries and for all other injuries a percentage of the wage loss during disability. The number of injuries specified in the schedule varies in the different States, but provision is generally made for loss of arm, hand, leg, foot, eye, fingers, and toes, and parts thereof. All but 7 States[2] provide by law for such schedules of specific injuries, and in three of these excepted states[3] the administrative commission has worked out a schedule for partial disability.

The advantages of the schedule-of-specific-injuries method of compensating partial disabilities are its simplicity and definiteness. For example, compensation for loss of a hand is ordinarily fixed at 50 per cent of the employee's wages for 150 weeks. The question arises, however, should such an employee also receive compensation for total disability during the healing period and for partial disability if the injury results in loss of earning capacity? Some of the laws are silent upon the subject, but most of the States, either by law or administrative ruling, have made provision therefor. In 19 States[4]

[1] New York, Oregon, Washington, and West Virginia.

[2] Arizona, California, Kansas, New Hampshire, Porto Rico, Washington, and West Virginia.

[3] California, Washington, and West Virginia.

[4] Alaska, Colorado, Connecticut, Hawaii, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Montana, Nebraska, New York, Oklahoma, Oregon, Pennsylvania, Vermont, and Wisconsin.

compensation according to the schedule of specific injuries is *in lieu of all other benefits* except medical service; in 5[1] States such compensation is *in addition to benefits for temporary total disability only* during the healing period; in 3 States[2] it is *in addition to all other benefits;* 1 State[3] provides for continuing partial disability payments in addition to those provided by the schedule.

The question is earnestly discussed as to whether the "percentage" or "schedule" method is the fairer method of compensation. The advocates of the percentage basis contend that the wage loss may develop with passing years and that the subject of the amount of compensation should be open to revision in accordance with the changing conditions; while, on the other hand, it is claimed that there is an apparent fixed proportionate loss for which an equitable award can be made, and which should be made in every case at the time of the injury. This has the advantage at least of securing compensation to the workman on the basis of an actually proved injury without leaving the matter open to remote contingencies and the possibility of the disability arising at a time when there would be no fund available from which it could be compensated, or when by removal or other change of conditions it would be impossible to take any steps in the way of proof and the securing of the contemplated compensation.

COMPENSATION FOR DISFIGUREMENT.

Frequently injuries cause disfigurement, which may not affect the injured employee's earning capacity, but may decrease his opportunities to obtain employment. Should compensation be awarded for such injuries? Eleven States[4] make specific statutory provisions for such contingencies. Most of these States limit compensation to disfigurement of the head or face, while 3 States[5] specify that the injury must result in diminished ability to obtain employment. In addition to these States the courts in three others[6] have ruled upon the matter. Michigan and Minnesota have granted compensation for the loss of an ear, and the Iowa court has held that it might allow compensation if the injury affected the opportunity to secure employment.

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[1] Illinois, Nevada, New Jersey, Ohio, and Wyoming.
[2] Massachusetts, Rhode Island, and Texas.
[3] Maine.
[4] Alaska, Colorado, Hawaii, Illinois, Maryland, Kentucky, Louisiana, Nevada, New York, Vermont, and Wisconsin.
[5] Hawaii, Kentucky, and Vermont.
[6] Iowa, Michigan, and Minnesota.

COMPARISON OF SCHEDULES.

As already noted, the schedules of periods of compensation adopted in the various States include generally the same items, and it is possible to tabulate many of them so as to afford a comparison of the awards allowed by different States for specified injuries. In most cases compensation is to continue for a fixed number of weeks, though in a few instances the term is measured by months. In order to make the latter cases comparable with the majority, the number of months indicated has been multiplied by 4⅓ to reduce them to weeks, the nearest whole number of weeks being used. Several of the laws provide for the loss of one phalanx of a finger or toe by allowing one-half the compensation that is fixed for the whole member, and the term of compensation has been computed in these cases, which accounts for the appearance of a number of fractions in the tables which are not evident on the face of the schedules as enacted by law. The periods of payment in Rhode Island and Texas are identical with those in Massachusetts, except that in Texas total disability is compensable for but 400 weeks.

SCHEDULES OF COMPENSATION AWARDS FOR SPECIFIED INJURIES, VARIOUS LAWS.

Nature of injury.	Weeks for which compensation is payable in—									
	Conn.[1]	Ill.[2]	Ind.[1]	Iowa.[1]	Ky.[1]	Mo.[3]	Md.[1]	Mass.[4]	Mich.[1]	Minn.[1]
Loss of—										
Arm	208	200	200	200	200	150	200	50	200	200
Hand	156	150	150	150	150	125	150	50	150	150
Thumb	38	60	60	40	60	50	50	12	60	60
One phalanx	19	30	15	20	30	25	25	12	30	30
Index finger	38	35	30	30	45	30	30	12	35	35
One phalanx	13	17½	15	15	15	15	10	12	17½	17½
Middle finger	30	30	30	25	30	25	25	12	30	30
One phalanx	10	15	15	12½	10	12½	8	12	15	15
Ring finger	25	20	30	20	20	18	20	12	20	20
One phalanx	8	10	15	10	7	9	7	12	10	10
Little finger	20	15	30	15	15	15	15	12	15	15
One phalanx	7	7½	15	7½	5	7½	5	12	7½	7½
Leg	182	175	175	175	200	150	175	50	175	175
Foot	130	125	125	125	125	125	150	50	125	125
Great toe	38	30	30	25	30	25	25	12	30	30
One phalanx	.....	15	.....	12½	15	12½	.....	12	15	15
Other toe	13	10	30	15	10	10	10	12	10	10
One phalanx	.....	5	.....	7½	5	5	.....	12	5	5
Sight of one eye	104	100	100	100	100	100	100	50	100	100
Hearing, one ear	52	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hearing, both ears	156	.....	75	.....	.....	.....	.....	.....	.....	156
Total disability	520	[5] 416	[6] 500	400	416	500	(6)	500	500	550

[1] Payments under this schedule are exclusive or in lieu of all other payments.
[2] Payments under this schedule are in addition to payments on account of temporary total disability.
[3] Payments cover total disability; partial disability may be compensated at end of periods given for not over 300 weeks in all.
[4] Payments under this schedule are in addition to all other payments.
[5] Thereafter a pension during life.
[6] During its continuance, total not to exceed $5,000.

SCHEDULES OF COMPENSATION AWARDS FOR SPECIFIED INJURIES, VARIOUS LAWS—Concluded.

Nature of injury.	Weeks for which compensation is payable in—									
	Mont.[1]	Nev.[2]	N. J.[2]	N. Y.[1]	Ohio.[2]	Okla.[1]	Oreg.[2]	Pa.[1]	Vt.[1]	Wis.[1]
Loss of—										
Arm	200	217	200	312	200	250	416	215	170	240
Hand	150	173	150	244	150	200	329	175	140	160
Thumb	30	65	60	60	60	60	104	.....	40	40
One phalanx	20	32½	30	30	30	30	52	.....	20	20
Index finger	20	39	35	46	35	35	60	.....	25	20
One phalanx	10	19½	17½	23	12	17½	23	.....	12½	10
Middle finger	15	30	30	30	30	30	39	.....	20	15
One phalanx	5	15	15	15	10	15	13	.....	10	5
Ring finger	12	22	20	25	20	20	35	.....	15	8
One phalanx	4	11	10	12½	7	10	12	.....	7½	4
Little finger	9	17	15	15	15	16	26	.....	10	10
One phalanx	3	8½	7½	7½	5	7½	9	.....	5	4
Leg	180	195	175	288	175	175	381	215	170	160
Foot	125	152	125	305	125	150	277	150	120	120
Great toe	15	30	30	38	30	30	43	.....	20	20
One phalanx	10	15	15	10	.....	15	.....	.....	10	10
Other toe	6	11	10	16	10	10	17	.....	8	4
One phalanx	3	5½	5	8	.....	5	.....	.....	4	4
Sight of one eye	100	108	100	128	100	100	173	125	100	120
Hearing, one ear	.....	87	.....	.....	.....	.....	208	.....	.....	40
Hearing, both ears	.....	260	.....	.....	.....	.....	416	.....	170	160
Total disability	[4] 400	433	400	(5)	(5)	500	(5)	500	260	480

[1] Payments under this schedule are exclusive or in lieu of all other payments.
[2] Payments under this schedule are in addition to payments on account of temporary total disability.
[3] The periods named in this column are to be reduced by any time for which payments on account of temporary total disability have been made.
[4] Thereafter a pension during life.
[5] Payments during life.

Naturally, with the years of cumulative experience under the European laws, many decisions have been made on the subject of awards for injuries, and on the basis of these awards some laws have been enacted codifying this experience, while in other instances scales have been drawn up for the guidance of administrative officers of the insurance associations. Experts in administration and students of the subject have also taken up the matter and have drawn up tables embodying the experience under these laws either as a matter of selection or by elaboration and a systematic development of proposed percentages of disability. The subject seems of sufficient interest to warrant the introduction at this place of some comparative data, though it is evident that strict comparisons can not be made on account of the varying forms and provisions of the laws. The periods during which compensation is paid and the rate of its payment, as well as the rating of degree of disability for a specified injury, are to be considered in determining the liberality of a schedule. The fact remains, however, that on the basis of an award for total disability the European schedules have fixed certain percentages of disability as corresponding to specified forms of injury, and the American laws have likewise fixed a limit for the period of payments for total disability and for the periods for which compensation will be paid for specified injuries. While, therefore, under the European systems payment is usually continuous during life and the insurance payments begin only after the expiration of a period during which, in many instances, benefits are derived from other funds, a general idea of the

comparative standards can, nevertheless, be derived by considering the tables for the two countries.

Since the foreign scales present degrees of disability by percentages of an estimated total disability, while the State laws make awards for specified periods, in order to make the latter comparable with the former it becomes necessary to compute the percentages for the States using the number of weeks' payments for total disability as the base, and determining the percentage for each specific compensation period respectively. Inasmuch as certain American laws provide for payment during life, it would be impossible, without the introduction of the actuarial basis of expectancy, to compute percentages for the temporary awards made, and these are therefore omitted from this comparison. It must be borne in mind also that in some cases, indicated in the foregoing table, the specific awards provided for are declared to be in lieu of all other compensation for the injuries in question, while in others they are in addition to the amounts paid during the continuance of total disability on account of the injury received, and in still others the law is silent on this point. It is obvious, therefore, that strict comparisons between the American and European scales as thus arrived at are not possible, though a measure of value doubtless remains.

The computed table, based on the American laws, is as follows:

COMPUTED PERCENTAGES OF DISABILITY FOR SPECIFIED INJURIES, BASED ON SCHEDULES OF COMPENSATION AWARDS UNDER THE LAWS OF VARIOUS STATES.

Nature of injury.	Conn.	Ind.	Iowa.	Ky.	Mich.	Minn.	Nev.	N. J.	Wis.
Loss of—	*P. ct.*	*P. ct.*	*P. ct.*	*P. ct.*	*P. ct.*	*P. ct.*	*P. ct.*	*P. ct.*	*P. ct.*
Arm	40	40	50	48	40	36	27	50	50
Hand	30	30	38	36	30	27	40	38	33
Thumb	7	12	10	14	12	11	15	15	8
One phalanx	4	3	5	7	6	5	.....	8	4
Index finger	7	6	8	11	7	6	9	9	4
One phalanx	3	3	4	4	4	3	.....	4	2
Middle finger	6	6	6	7	6	5	7	8	3
One phalanx	2	3	3	2	3	3	.....	4	1
Ring finger	5	6	5	5	4	4	5	5	2
One phalanx	2	3	3	2	2	2	.....	3	1
Little finger	4	6	4	4	3	3	4	4	2
One phalanx	1	3	2	1	2	1	.....	2	1
Leg	35	35	44	48	35	32	45	44	33
Foot	25	25	31	30	25	22	35	31	25
Great toe	7	6	6	7	6	5	7	8	4
One phalanx	.....	.....	3	4	3	3	3	4	2
Other toe	3	6	4	2	2	2	3	3	1
One phalanx	.....	.....	2	1	1	1	1	1	1
Sight of one eye	20	20	25	24	20	18	25	25	25
Hearing, one ear	10	.....	.....	.....	.....	.....	.....	.....	8
Hearing, both ears	30	15	.....	.....	.....	28	.....	.....	33

As already stated, the compensation commissioner of West Virginia has established on his own motion a table covering permanent disabilities of various parts of the body. This is more flexible than the statutory schedules, in that it establishes minimum and maximum rates, between which awards may be made on the basis of the merits of the case as seen by the administrative official, all awards being

made by the central office. The law of this State authorizes consideration of age and occupation in the determination of awards, and it is probable that these factors are involved in reaching any conclusion, the maximum and minimum rates being the bounds for listed injuries. In other cases the award is made on a comparative basis, measuring unlisted injuries "with the nearest average fixed loss that is listed in the table."

The table referred to follows, with an explanatory note which is in effect a part of the same. A table showing ratings for injuries to the eyes, prepared by the same commissioner, is reproduced on a later page in connection with similar tables.

PARTIAL LIST OF PERMANENT DISABILITIES EXPRESSED IN PERCENTAGE OF TOTAL DISABILITY, AS USED BY WEST VIRGINIA COMPENSATION COMMISSIONER.

[The loss of an arm at or above elbow is considered a 50 per cent to 65 per cent disability, as set out in paragraph (g) of section 31 of the amended compensation act of 1915, three weeks' time being allowed for each per centum disability; 50 per cent of average weekly earnings paid (maximum $8, minimum $4 per week). Disability of 71 per cent to 85 per cent—40 per cent of average weekly earnings for remainder of life; disability of from 86 per cent to 100 per cent—50 per cent of average weekly earnings for remainder of life.]

Loss of—	Per cent.		
	Minimum.	Maximum.	Average.
1. Arm	50	65	57
2. Forearm	45	60	52½
3. Hand	45	60	52½
4. Thumb	15	25	20
5. Thumb, including metacarpal bone	15	25	20
6. Thumb, one phalanx only	10	13	11½
7. Index finger	10	15	12½
8. Index finger, two phalanges	8	10	9
9. Middle finger	5	10	7½
10. Middle finger, two phalanges	3	5	4
11. Ring finger	5	10	7½
12. Ring finger, two phalanges	3	5	4
13. Little finger	5	8	6½
14. Little finger, two phalanges	3	5	4
15. Thumb and index finger, one hand	25	40	32½
16. Index and middle fingers, one hand	15	25	20
17. Middle and ring fingers, one hand	10	20	15
18. Ring and little fingers, one hand	10	18	14
19. Thumb, index and middle fingers, one hand	30	45	37½
20. Index, middle, and ring fingers, one hand	20	35	27½
21. Middle, ring, and little fingers, one hand	15	28	21½
22. Four fingers, one hand	25	40	32½
23. Thigh	40	50	45
24. Thigh, disarticulation at hip joint	50	60	55
25. Leg	30	40	35
26. Foot	30	40	35
27. Fore part of foot only	25	35	30
28. All toes	15	25	20
29. Great toe	5	10	7½
30. Other toes	3	5	4

The Bureau of Labor Statistics undertook some time ago to secure the official scales of disability (*Invaliditäts-Skala*) of the German associations (*Berufsgenossenschaften*), but obtained such a scale in only one of the three score instances in which they were supposed to exist, this being the scale of the association managing the insurance in the Bavarian woodworking industries; a number of such associations stated that the matter was in the hands of the administrative bodies, and such tables were not used. There are available, how-

ever, in the library of the Bureau of Labor Statistics and the Library of Congress books presenting the results of a number of studies, while the Twenty-fourth Annual Report of the Commissioner of Labor, Workmen's Insurance and Compensation Systems in Europe, contains some material along these lines, notably the official schedule used in administering the Russian workmen's insurance law, presented at pages 2107–2111 of the report. Such data as are at hand at this time are collected in a table presented below, the list of injuries being one that was drawn up by the authors of a French work "Accidents du Travail: Guide pour l'Évaluation des Incapacités," by Imbert, Oddo, and Chavernac. The data on which this classification and rating is based are cited as from official sources, the German, French, and Austrian material being official adjudications or ratings, while the Italian law itself furnishes the rates for that country. From these four sources, and some others which the authors consider as of commanding value, the scale presented in the first column, headed "Imbert, etc.," is derived, and the four succeeding columns present the basic data contained in the work above mentioned.

Dr. Maximilian Miller published a work in 1908 on the subject of degrees of disability under the insurance legislation of Germany, "Die Erwerbsunfähigkeit und ihre Ursachen." This author presents a table based on the collective experience of a number of German insurance associations giving different rates for skilled and unskilled workmen. These rates are presented in the two columns headed "Miller" on page 100. The next column presents the data furnished by the Bavarian woodworkers' association mentioned above, while the column immediately following contains the Russian standard adopted in 1904, which was drawn up by the medical council of the Ministry of the Interior for the guidance of the physicians concerned with the administration of the workmen's insurance law of that country.

This scale and the one presented in the column headed "Könen-Köln" present forms of disability not contained in the other scales, to which attention will be given in another place, the items here presented being such as correspond to the list of Imbert. The basis of the scale presented by Könen-Köln is the decisions of the German adjudicating officers. The next column, headed "Bähr," is the result of the consideration of the experience of important German, Swiss, and Austrian insurance associations by F. Bähr. The two last-named scales are presented in a volume, "Handbuch der Unfallerkrankungen," by Dr. C. Thiem, 1909. Dr. Thiem undertakes to draw up from the above and other data a table of his own, systematizing the degrees of disability in accordance with the various facts at hand, and the result of his labors is given in the last column of the table which follows:

DEGREES OF DISABILITY FOR SPECIFIED INJURIES, ACCORDING TO VARIOUS FOREIGN STANDARDS AND AUTHORITIES, EXPRESSED IN PERCENTAGES OF TOTAL DISABILITY.

Nature of injury.	Imbert, etc.	German adjudications.	French adjudications.	Austrian Imperial Office ratings.	Italian law.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
Loss of right or major—					
Arm	75	60–75	60–85	66–83	80
Forearm	70	66–75	70–80		70–90
Disarticulation at shoulder	85				
Hand	65	50–75	55–80	50–83	70
Thumb	30	30	14–60	25–33	30
Including metacarpal bone	35				
One phalanx only	15	10–20	6–30	16	15
Index finger	15	10–15	8–15		20
Two phalanges	10	10	7–20		
One phalanx only	6	0–10	2–12	10	
Middle finger	10	20	6–16		8
Two phalanges	8	0–10	5–10		
One phalanx only	5	0–10	3–10	1–10	5
Ring finger	10	15	8–11		8
Two phalanges	8	0–10	5–10		
One phalanx only	5	0–10	0– 8		5
Little finger	8	10	6– 8		12
Two phalanges	6	0–10	3– 8		
One phalanx only	3	0	0– 6	8–10	5
Thumb and index finger	45	40			
Index and middle fingers	25	25–50	34–70		
Middle and ring fingers	20	33–40	33–40		
Ring and little fingers	20	20–33	10–20		
Thumb, index, and middle fingers	55	50–60	30–50		
Index, middle, and ring fingers	35	45–60	40–50		
Middle, ring, and little fingers	30	33	50–60		
Thumb and three fingers	65	50–60	60–65		
Four fingers	50		60		
Loss of left or minor—					
Arm	65	60	60–80	66–83	75
Forearm	60	60–75	60	66–75	65–75
Disarticulation at shoulder	75				
Hand	55	50–60	50–55	50–83	65
Thumb	25	25	10–20	25–30	25
Including metacarpal bone	30				
One phalanx only	10	10	5–13		12
Index finger	10	10	11–13		15
Two phalanges	8	10	6–20		
One phalanx only	5	0–10	0–10		
Middle finger	8	15	5–16		8
Two phalanges	6	0–10	8–15		
One phalanx only	2	0–10	3–10	1–10	
Ring finger	8	0–10	8–10		
Two phalanges	6	0–10	5– 8		
One phalanx only	2	0–10	2– 6		
Little finger	6	0–10	3–10		
Two phalanges	4	0–10	2–10		
One phalanx only	1	0	1– 6	8–10	
Thumb and index finger	35				
Index and middle fingers	20		20–35		
Middle and ring fingers	15				
Ring and little fingers	12		13		
Thumb, index, and middle fingers	45	33	30–40		
Index, middle, and ring fingers	25	45			
Middle, ring, and little fingers	20		20–35		
Thumb and three fingers	50				
Four fingers	40				
Loss of thigh:					
Disarticulation	85–90	85		50–83	70
Amputation	70–80	66	65–90	66	60
Loss of leg	60–65	50–70	43–65	45–65	50
Loss of foot	45–55	50–60	60–65		50
Fore part of foot only	20–30	35–50			
Loss of great toe	12–16	10–15	5– 8	10	7
Including metatarsal bone	15–20				15
One phalanx only	4– 5		2– 8		
Loss of other toe	3– 5	5	7–20		5
Loss of all toes	20–25	20–25		30	
Loss of sight, one eye	20–50	25	33		35
Loss of hearing, one ear:					
Partial	8–10	10–40			
Complete	10–15	15–30	4–22		10
Loss of hearing, both ears:					
Partial	10–15	20–30			
Complete	50	15–50		45	40

DEGREES OF DISABILITY FOR SPECIFIED INJURIES, ACCORDING TO VARIOUS FOREIGN STANDARDS AND AUTHORITIES, EXPRESSED IN PERCENTAGES OF TOTAL DISABILITY—Concluded.

Nature of injury.	Miller.		Bavarian wood-workers' association.	Russian standard, 1904.	Könen-Köln.	Bähr.	Thiem.
	Skilled workmen.	Unskilled workmen.					
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*	*Per ct.*	*Per ct.*	*Per ct.*
Loss of right or major—							
Arm	80	60	70 -80	75	75	50 -66⅔	66⅔-80
Forearm	70	60		75		50 -66⅔	
Disarticulation at shoulder				75			
Hand	70	60	70 -80	75	66⅔	50 -66⅔	60 -66⅔
Thumb	30	20	22 -26	30	25-30	18 -27	25 -30
Including metacarpal bone	40	30		30			30 -33⅓
One phalanx only			11 -13	15			
Index finger	15	15	16 -18	25	15-20	12 -17½	15 -18
Two phalanges				15			
One phalanx only			5½- 6				
Middle finger	10	10	13 -14	10	15	5 -10	12
Two phalanges				5			
One phalanx only			4 - 5				
Ring finger	10	10	8 -10	10	10	5 -10	10
Two phalanges				5			
One phalanx only			3				
Little finger	10	10	11 -12		10	10 -17½	10 -12
Two phalanges							
One phalanx only			3½- 4				
Thumb and index finger				50			
Index and middle fingers				35			
Middle and ring fingers				25			
Ring and little fingers				20			
Thumb, index, and middle fingers				60			
Index, middle, and ring fingers				50			
Middle, ring, and little fingers				35			
Thumb and three fingers				70			
Four fingers				70	50		
Loss of left or minor—							
Arm	70	50	60 -70	60	66⅔	40 -50	60 -70
Forearm	60	50		65		40 -50	
Disarticulation at shoulder				60			
Hand	60	50	60 -70	65	50-60	40 -50	50 -60
Thumb	20	20	19 -22	25	20-25	12 -17½	20 -25
Including metacarpal bone	30	20		25			25 -30
One phalanx only			9½-11	10			
Index only	15	15	14 -16	15	15	8 -12	12 -15
Two phalanges				10			
One phalanx only			4½- 5½				
Middle finger	10	10	11 -13	5	10	5 -10	10
Two phalanges							
One phalanx only			3½- 4				
Ring finger	10	10	7 - 8	5	10	5 -10	10
Two phalanges							
One phalanx only			2½- 3				
Little finger	10	10	9 -11		10	7½-10	10 -12
Two phalanges							
One phalanx only			3 - 3½				
Thumb and index finger				40			
Index and middle fingers				25			
Middle and ring fingers				20			
Ring and little fingers				10			
Thumb, index, and middle fingers				50			
Index, middle, and ring fingers				40			
Middle, ring, and little fingers				20			
Thumb and three fingers				60			
Four fingers				55	40		
Loss of thigh:							
Disarticulation					85		
Amputation	80	70	50 -70	75	75	40 -50	75
Loss of leg	60	60		65	60	40 -50	50 -66⅔
Loss of foot	50	50	50 -60	60	40	30 -50	50
Fore part of foot only	30-40	30-40		50			
Loss of great toe	10	10	15 -20	10	10	5 -10	0 -10
Including metatarsal bone							
One phalanx only							
Loss of other toe			5 - 6		5	3 - 5	
Loss of all toes			50 -60	25			20 -33⅓
Loss of sight, one eye	33	25	35 -50	35		25 -40	20 -30
Loss of hearing, one ear:							
Partial	10	10					0 -10
Complete	20	20		10		25	20
Loss of hearing, both ears:							
Partial	20	20					10 -40
Complete	50	50		50		65	50 -60

As mentioned in the introduction to the foregoing tables, certain forms of disability are provided for in some of these scales which are not mentioned in the American laws except by the provision in some cases that the loss of the use of a member is equivalent to the loss of that member. On account of their interest in the general field, some of these rates are given in the following table, though not strictly comparable with any American material:

DEGREES OF DISABILITY FOR SPECIFIED INJURIES OTHER THAN MAIMINGS, ACCORDING TO CERTAIN FOREIGN STANDARDS, EXPRESSED IN PERCENTAGES OF TOTAL DISABILITY.

Name of injury.	Russian standard, 1904.		Könen-Köln.	
	Right.	Left.	Right.	Left.
Stiff wrist joint	30	25	40	30
Stiff elbow joint at full extension or full flexion	50	40	60	50
Stiff elbow joint at right-angle flexion	35	25	40	30
Loose elbow joint	60	50	60–70	50–60
Stiffness of elbow and wrist joints	60	50	70	60
Stiffness of shoulder joint	60	50	50	40
Inability to raise arm above horizontal position	40	30	30	20
Habitual dislocation of shoulder	20	10	35	15
Stiffness of knee joint at extension	40		50	
Stiffness of knee joint strongly flexed or overextended	50		60–70	
Loose knee joint			50	
Fracture of patella with injury to extension attachments	50		50	

Injuries to the eye have received comparatively little attention in American laws, degrees of visual capacity being noted in perhaps but one statute. The subject has been given detailed attention in European practice, the medical council of the Russian Ministry of the Interior having adopted what is known as Josten's table for computing the degrees of disability due to the weakening of eyesight. The table is as follows:

JOSTEN'S TABLE FOR DETERMINING DEGREES OF DISABILITY RESULTING FROM WEAKENING OF VISION.

S.	0.50	0.40	0.30	0.20	0.10	0.00
0.50	0.00	6.50	13.50	20.00	26.50	33.50
.40	6.50	14.50	22.00	30.00	38.00	46.00
.30	13.50	22.00	31.50	41.00	50.50	60.00
.20	20.00	30.00	41.00	52.00	62.50	73.50
.10	26.50	38.00	50.50	62.50	75.00	87.00
.00	33.50	46.00	60.00	73.50	87.00	100.00

NOTE.—S. stands for strength of vision; the first horizontal line of figures gives the remaining strength of one eye, and the first vertical line the remaining strength of vision of the other eye. The figure at the crossing of the two lines proceeding from the respective figures in the first horizontal and vertical lines gives the degree of loss of vision. Thus, when the vision in one eye is 0.20, and the other 0.10, the disability is 62.50 per cent.

Besides the strength of central vision, other conditions, such as accommodation, muscular action of the eye, etc., as well as the nature of the employment of the injured, may be taken into consideration.

A small volume by a German authority, Dr. Maschke, makes this subject the sole matter of its consideration. This volume in a French translation is entitled "Guide Pratique pour la Détermination des Rentes en Cas d'Accidents Oculaires." The table presented by Dr. Maschke is said by him to be the rating actually employed in German practice in determining insurance benefits. It differs in detail from the Josten's table used by the Russian authorities, making more refined distinctions as to degrees of disability.

The method is the same as in Josten's table, i. e., the left-hand column represents the visual power of one eye and the horizontal line of fractions represents the visual power of the other, while the figure in the body of the table found at the vertex of a right angle drawn from the two fractional quantities represents the percentage of a total disability that is allowed for the particular case. Thus if the left-hand figure, one-seventh, represents the visual capacity of one eye, and the fraction, one-half, represents the visual capacity of the other, the amount of compensation allowed would be 20 per cent of a full allowance. It will be noted that in eight cases an amount of compensation in excess of the standard full allowance is granted, the amounts ranging from 105 to 125 per cent. This is explained by the fact that it is considered that the person whose loss of vision is so extensive as to involve complete or practically complete blindness is entitled to a higher rate of compensation because he is not only incapable of exercising any trade but in addition requires personal care and attention.

GERMAN TABLE FOR DETERMINING DEGREES OF DISABILITY RESULTING FROM WEAKNESS OF VISION.

Visual capacity.	1 to $\frac{3}{4}$	$\frac{1}{2}$	$\frac{1}{3}$	$\frac{1}{4}$	$\frac{1}{5}$	$\frac{1}{6}$	$\frac{1}{7}$	$\frac{1}{8}$	$\frac{1}{9}$	0
1 to $\frac{3}{4}$	0	0	5	10	10	15	15	20	20	25
$\frac{1}{2}$	0	5	10	10	15	20	25	25	30	35
$\frac{1}{3}$	5	10	25	25	30	30	35	40	45	55
$\frac{1}{4}$	10	10	25	40	40	45	50	55	60	65
$\frac{1}{5}$	10	15	30	40	55	60	65	70	75	80
$\frac{1}{6}$	15	20	30	45	60	70	75	80	85	90
$\frac{1}{7}$	15	25	35	50	65	75	85	90	95	105
$\frac{1}{8}$	20	25	40	55	70	80	90	95	100	115
$\frac{1}{9}$	20	30	45	60	75	85	95	100	110	125
0	25	35	55	65	80	90	105	115	125	125

With the foregoing tables may be compared a table prepared by the State compensation commissioner of West Virginia "from a combination of the tables used in Germany and Russia for compensation purposes." The table is self-explanatory, its method of use being identical to those already reproduced.

PERMANENT DISABILITIES OF EYE EXPRESSED IN PERCENTAGE OF TOTAL DISABILITY AS USED BY WEST VIRGINIA COMPENSATION COMMISSIONER.

Visual capacity.	20/20	19/20	18/20	17/20	16/20	15/20	14/20	13/20	12/20	11/20
20/20	0	1	3	5	6	8	10	11	13	15
19/20	1	3	5	7	9	10	12	13	15	17
18/20	3	5	7	9	11	12	14	15	17	19
17/20	5	7	9	11	13	15	16	18	20	21
16/20	6	9	11	13	14	16	18	20	22	24
15/20	8	10	12	15	16	18	20	22	24	26
14/20	10	12	14	16	18	20	22	24	26	28
13/20	11	13	15	18	20	22	24	27	29	31
12/20	13	15	17	20	22	24	26	29	31	34
11/20	15	17	19	21	24	26	28	31	34	36
10/20	16	19	21	23	26	28	30	33	36	38
9/20	18	21	23	25	28	30	32	35	38	40
8/20	20	23	25	27	30	32	35	38	41	43
7/20	21	24	26	28	32	34	37	40	43	46
6/20	23	26	28	30	34	36	39	42	46	43
5/20	25	27	30	32	36	38	41	44	48	50
4/20	26	29	32	35	38	41	44	47	50	53
3/20	28	31	33	36	40	43	46	49	53	55
2/20	30	33	35	38	42	45	48	51	55	57
1/20	31	35	37	40	44	47	50	53	57	60
0/0	33	37	40	43	46	49	54	57	60	63

Visual capacity.	10/20	9/20	8/20	7/20	6/20	5/20	4/20	3/20	2/20	1/20	0/0
20/20	16	18	20	21	23	25	26	28	30	31	33
19/20	19	21	23	24	26	27	29	31	33	35	37
18/20	21	23	25	26	28	30	32	33	35	37	40
17/20	23	25	27	28	30	32	35	36	38	40	43
16/20	26	28	30	32	34	36	38	40	42	44	46
15/20	28	30	32	34	36	38	41	43	45	47	49
14/20	30	32	35	37	30	41	44	46	48	50	54
13/20	33	35	38	40	42	44	47	49	51	53	57
12/20	36	38	41	43	46	48	50	53	55	57	60
11/20	38	40	43	46	48	50	53	56	57	60	63
10/20	41	43	46	48	50	53	56	58	60	63	66
9/20	43	46	49	52	54	56	59	61	64	67	70
8/20	46	49	52	55	57	60	62	65	68	71	73
7/20	48	52	55	57	59	62	65	67	70	73	77
6/20	50	54	57	59	62	66	68	71	74	77	80
5/20	53	56	60	62	65	68	71	74	77	80	83
4/20	56	59	62	65	66	71	75	78	81	84	87
3/20	58	61	65	67	71	74	78	81	84	87	90
2/20	60	64	68	70	74	77	81	84	87	90	94
1/20	63	67	71	73	77	80	84	87	90	94	97
0/0	66	70	73	77	80	83	87	90	94	97	100

Three weeks' compensation is allowed for each per cent of disability, amounting to 50 per cent of the average weekly earnings (maximum, $8; minimum, $4) for the time. For a disability of from 71 to 85 per cent, 40 per cent of the average weekly earnings is paid for the remainder of life; and for a disability of from 86 to 100 per cent, 50 per cent of the average weekly earnings.

It is evident that the disability schedules on pages 99 to 102 are much more extensive than those established by any American statute, while on the other hand the West Virginia table for injuries to the eyes presents greater refinements of gradation than appear in the foreign tables. But by far the most elaborate system is that developed under the California commission, which is still confessedly unequal to all contingencies that arise—as must of necessity be the case until the exhaustion of a practically limitless series of permutations and combinations. In the meantime much that has of necessity been done on a basis of theory and estimate will be brought into compari-

son with the results of observation and experience, with the result that authoritative data will be used in the place of opinion and the value of such aids to the determination of equitable awards correspondingly increased.

In this connection it will be of interest to notice the conclusions reached by an Austrian authority[1] with reference to the mode of making awards in cases of permanent partial disability. Austria differs from Germany in administrative methods in this field, local insurance institutes having charge of the work in Austria, while in Germany there is a central body of last resort, the Imperial Insurance Office, by whose activities a uniform interpretation of the compensation law is secured as well as an effective continuous development. It is pointed out by Mr. Schnitzler that the Austrian institutes have in all cases established a more or less extensive expert medical service, by whose advice the determination of compensation is effected, though there is some variation as to the controlling influence of such advice as compared with that of the technical experts who are also consulted. With the introduction of accident insurance as a governmental undertaking, the Austrian institutes, lacking in original basic experience, adopted scales contained in the insurance contracts of private insurance companies, but quite generally increasing the rates of compensation. Of these company scales it is said also that they were not based on observation of actual conditions, but merely represent assumptions on which the two contracting parties have agreed, so that there is no justification of the conclusion that slight modifications of these scales will secure equitable and satisfactory awards. Even when there is more of a free hand given, as in the courts of arbitration, it is said that disproportionate weight is given to medical opinion, the laymen chosen as technical advisers being usually less familiar with the law and not having experience in the great number of individual cases of which the medical and official members are actually or presumably cognizant.

From the article by Ferdinand Schnitzler above referred to the following is quoted:[2]

With increasing frequency the admission is encountered in technical literature that the compensation scales now in use for specified visible injuries are based on very faulty principles. In inquiring into the origin of the scales in use, as, for instance, for loss of an eye, 25 to 33⅓ per cent; loss of the right arm, 75 per cent, etc., one will be surprised to find that none of them is based on systematic observation of facts, i. e., of the actual earnings made by persons who have suffered such injuries.

[1] Ferdinand Schnitzler, director of the Workmen's Accident Insurance Institute for Moravia and Silesia, and professor in the Technical Institute at Brünn. Determination of the consequences of industrial accidents in Austria. MONTHLY REVIEW of the U. S. Bureau of Labor Statistics, December, 1916.

[2] MONTHLY REVIEW of the U. S. Bureau of Labor Statistics, December, 1916, pp. 738, 739.

At the beginning of compulsory workmen's accident insurance the insurance institutes had merely adopted the compensation scales contained in the insurance contracts of private insurance companies, but quite generally increased the rates of compensation. Likewise, the scales of the private insurance companies (so-called scales for injuries to members of the body, *Gliedertaxe*) were not based on observation of actual conditions, but represent merely assumptions on which the two contracting parties have agreed. One is, therefore, mistaken in assuming that the usual compensation scales represent averages deduced from actual conditions, and that by small increases or decreases of the rates of these scales full justice can be done to the individual conditions of injured persons. The medical experts, who as a rule, have no knowledge of the actual earnings of a large number of persons afflicted with a certain infirmity, of course, uphold the traditional scales of compensation which are also adopted by the courts of arbitration. In the case of insurance institutes which also consider the earning possibilities of pensioners the officials charged with the determination of the amounts of compensation, supported by observations of their own, often have doubts as to the value of the usual compensation scales, but, on account of the pressure in favor of maintaining existing conditions brought to bear upon them by tradition and by medical experts, they are hardly able to achieve results. This would only be possible if a general systematic observation of the pensioners should be introduced and the results scientifically compiled. Neither in Austria nor in Germany has this so far been attempted.

At any rate, in the case of several insurance institutes, the valuation of consequences of accident is no longer left entirely to the medical experts. In addition to the medical opinions these institutes consider the earnings of the injured persons after the accident and the experiences of other persons similarly injured.

It might be supposed that in the courts of arbitration less weight is given to the medical opinion because the presiding judge is assisted by four associates taken from practical life. In fact, it has been shown that the courts of arbitration deviate only in exceptional instances from the medical opinion. As a rule the court of arbitration simply adopts the rate of compensation proposed by the physician, and in case the physician in his proposed rate has left open a certain range, as, for instance, 15 to 25 per cent, it generally awards the higher rate, and in some instances goes even beyond that.

The true bases of awards are discussed, the conclusion being reached that it is not the visible injury in itself that is the decisive factor, but that questions of recovery, adjustment, the opportunity of employment under changing industrial conditions, and other elements must be considered. The fact that an injured person has suffered no immediate wage loss is not conclusive, nor is disability to pursue one's original employment to be finally determinative. "The method of investigation of the earning capacity of insured persons must be adapted to the organization of the insurance and to special conditions in the individual territories of the insurance institutes."

As a result of systematic observation and the accumulation of experience, the prospect is held out of the establishment of more satisfactory guides for administration.

MEDICAL AND SURGICAL AID.

Aside from its incentive as an accident preventive, probably the most important function of a compensation law is the rehabilitation of injured workmen and the restoration of their earning capacity. This accomplishment requires adequate medical and surgical treatment, a point evidently overlooked by most of the legislatures and not sufficiently grasped by many of the compensation commissions. The old idea of indemnity for tortious action on the part of the employer toward his injured workmen is still all too prevalent. It may not be deemed advisable to pay full compensation benefits, but there appears to be no valid reason, apart from the extra burden placed upon the employer, why adequate and unlimited medical service should not be furnished. As a matter of fact, liberal medical treatment will more quickly restore the earning capacity of the employee and consequently reduce the compensation cost to the employer or insurance carrier. In many cases the insurer voluntarily provides treatment even beyond the statutory requirements because it is economical to do so.

The usual provision in the law is that the employer shall furnish reasonable or necessary medical, surgical, and hospital service during specified periods and in some cases limited as to maximum amounts. Only one State (Connecticut) places no limit upon the amount of medical service which the employer must furnish. All other States limit the employer's liability either as to length of time or amount, or both. The following table shows the States classified as to length of time and maximum amounts for which the employer is liable.

LENGTH OF TIME DURING WHICH MEDICAL SERVICE IS FURNISHED, AND MAXIMUM AMOUNTS.

None.	1 week.	2 weeks.	3 weeks.	30 days.	8 weeks.	60 days.	90 days.	4 mos.	Unlimited as to time.
Alaska	Tex.	Hawaii ($50)	Mich.	Colo.($100)	Ill. ($200)	N.Y.	Cal.[1]	Nev.	Conn.
Ariz.		Iowa ($100)	Nebr.($200)	Ind.	P. R.		Ky. ($100)		La. ($150).
Kans.		Me. ($50)					Minn. ($100)		Md. ($150).
N. H.		Mass.[1]					Wis.		Ohio($200).
Wash.		Mont. ($50)							Oreg.($250).
Wyo.		N. J. ($50)							W.Va.($150)
		Okla.[2]							
		Pa. ($25)							
		R. I.							
		Vt. ($75)							

[1] Longer period under certain conditions.

[2] 15 days.

It will be noted that 6 States[1] do not provide for medical service in the real acceptation of the term. Four of these 6 States[2] provide that in fatal cases involving no dependents the medical expenses of last sickness shall be paid by the employer. Washington has no medical service, but provides for additional compensation benefits during the first six months of temporary total disability. Possibly this was meant as a substitute for medical treatment; but, on the other hand, Oregon, which has practically unlimited medical service, also has this provision.

The following table gives in more detail the amount and under what conditions medical aid is furnished. It will be noted that many States, in addition to the time limitation, also limit the amount, ranging from $25 in Pennsylvania to $250 in Oregon. Others allow additional medical service in certain cases, at the discretion of the commission or court.

AMOUNT AND CONDITIONS OF MEDICAL SERVICE UNDER COMPENSATION LAWS.

State.	Medical and surgical aid.		Employer's liability limited to prevailing charges.	Employee may choose physician if employer neglects or refuses.
	Period.	Maximum amount and other qualifications.		
Alaska		Only in death cases involving no dependents; maximum $150 for medical expenses between injury and death.		
Ariz		Reasonable medical and burial expenses in death cases involving no dependents.		
Cal	90 days	Longer if commission orders		Yes.
Colo	30 days	Maximum $100 unless there is a hospital fund. Special operating fee of $50 in case of hernia.		
Conn	Unlimited	Such service as deemed reasonable by attending physician. Special provision for seamen on United States vessels.	Yes	Yes.
Hawaii	14 days	Maximum $50	Yes	
Ill	8 weeks	Maximum $200		
Ind	30 days	Such service as deemed necessary by attending physician or board; longer at option of employer. Employee must accept unless otherwise ordered by board.	Yes	Yes.
Iowa	2 weeks' disability	Maximum $100. If requested by employee, court, or commissioner.		
Kans		Reasonable medical and burial expenses in death cases involving no dependents, maximum $100.		
Ky	90 days	Unless board fixes other period. Maximum $100, or $200 for hernia operations.	Yes	Yes. Board may order change of physicians if employee's recovery is endangered.
La		Reasonable services unless employee refuses to accept; maximum $150.		
Me	2 weeks	Maximum $30, except for major surgical operations.		
Md		Such service as may be required by commission; maximum $150.	Yes	Yes.
Mass	2 weeks	Longer in unusual cases at discretion of board		Yes.
Mich	3 weeks			
Minn	90 days	Maximum $100; court may allow additional treatment, not over $200, if need is shown within 100 days of injury.	Yes	Yes.
Mont	2 weeks	Unless employee refuses; maximum $50 unless there is a hospital fund; special operating fee of $50 in case of hernia.		

[1] Alaska, Arizona, Kansas, New Hampshire, Washington, and Wyoming.
[2] Alaska, Arizona, Kansas, and New Hampshire.

AMOUNT AND CONDITIONS OF MEDICAL SERVICE UNDER COMPENSATION LAWS—Concluded.

State.	Medical and surgical aid.		Employer's liability limited to prevailing charges.	Employee may choose physician if employer neglects or refuses.
	Period.	Maximum amount and other qualifications.		
Nebr.	21 days	Unless employee refuses; maximum $200; employer not liable for aggravation of injury if employee refuses to accept.		
Nev.	4 months			Yes.
N. H.		Medical service and burial expenses in death cases involving no dependents; maximum $100.		
N. J.	2 weeks	Unless employee refuses such treatment; maximum $50.		
N. Y.	60 days	Such service as may be required or requested by employee.	Yes	Yes.
Ohio		Such service as commission deems proper; maximum $200.		
Okla.	15 days		Yes	Yes.
Oreg.		Includes transportation; maximum $250		
Pa.	14 days	Unless employee refuses; maximum $25, or $75 when a major surgical operation is necessary. Employer not responsible for aggravation of injury if employee refuses.		Yes.
P. R.	8 weeks' disability.	Such service as prescribed by commission, medicines and food supplies until compensation begins.		
R. I.	2 weeks			
Tex.	1 week			Yes.
Vt.	14 days	Maximum $75	Yes	
Wash.	None	50 per cent of benefits added for first 6 months of total temporary disability; maximum 60 per cent of wages in all.		
W. Va.		Maximum $150; $300 in special cases where disability can be reduced.		
Wis.	90 days			Yes.
Wyo.	None			
U. S.	Reasonable period.	Unless employee refuses; transportation furnished if necessary.		

KIND OF SERVICE.

Most of the States provide that "reasonable or necessary medical, surgical, and hospital service" must be furnished, leaving the question of reasonableness or adequacy to the commissions or courts to determine. Twenty-two States include medicines within this provision; 12[1] include surgical appliances and supplies; 4[2] include nursing; Oregon and the Federal Government include transportation; and Porto Rico, oddly enough, includes food supplies until compensation begins, but since there is no waiting period the meaning is not altogether clear. It must not be understood, however, that the specific services just mentioned are not furnished in the States which do not specifically mention them in the law. The inclusiveness of the term depends upon the liberality of the administering body. Furthermore, employers and insurance carriers as a matter of policy often furnish artificial limbs and other surgical appliances in order to restore the earning capacity of the employee and thereby reduce their compensation costs.

[1] California, Colorado, Indiana, Iowa, Kentucky, Maryland, Minnesota, New York, Oklahoma, Pennsylvania, Vermont, and Wisconsin.

[2] California, Maryland, New York, and Ohio.

SELECTION OF PHYSICIANS.

Since the employer is required to furnish the medical service, he is also given the prerogative of selecting the physician. This right is not specifically mentioned in most of the laws, but the courts and commissions generally hold that the obligation of the employer to "furnish" or "provide" medical service carries with it the privilege of choosing the physician. In this connection the Supreme Court of Wisconsin[1] said:

This provision is made for two reasons: First, as a rule, an employer is more competent to judge the efficiency of the doctor employed and to provide efficient medical and surgical treatment. Second, it is to the interest of the employer to furnish the very best medical and surgical treatment, so as to minimize the result of the injury and to secure as early a recovery as possible. The more serious the result of the injury the more the employer must pay. Also, by this means he obtains a complete knowledge of the exact condition of the injured employee.

Two States[2] specifically grant the injured employee the right to furnish his own medical service—at his own expense, however; and 13 States[3] provide that in case of the employer's neglect, inability, or refusal to furnish adequate treatment the employee may provide same at the expense of the employer. In Kentucky the board may order a change of physicians if the employee's recovery is endangered.

As a matter of practice, however, the employee in some of the States is allowed to choose his own physician, provided the latter is competent. The extent of this practice depends upon the policy of the employers and insurance carriers. Frequently better results are obtained if the employee is attended by his family physician and one in whom he has confidence. On the other hand, there is a certain type of physician practicing largely among the working classes who is incompetent and consequently expensive. Employers and insurers, who maintain their own hospitals and medical corps, however, do not grant to the employee this privilege of choosing his own physician.

MEDICAL FEES.

Perhaps the most perplexing and exasperating problem connected with workmen's compensation administration is the question of medical and hospital fees. The laws are usually silent on this subject, although 9 States[4] provide that the employer's pecuniary lia-

[1] City of Milwaukee v. Miller, 144 N. W. 188.

[2] Connecticut and Illinois.

[3] California, Connecticut, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Nevada, New York, Oklahoma, Pennsylvania, Texas, and Wisconsin.

[4] Connecticut, Hawaii, Indiana, Kentucky, Maryland, Minnesota, New York, Oklahoma, and Vermont.

bility for medical fees shall be "limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by injured persons"; in other words, physicians or hospitals may not charge more for treating a compensation patient than they would charge, and presumably collect, from other persons of the same standard of living. On the one hand, insurance carriers contend that in compensation cases many physicians pad their bills, make unnecessary calls, prolong treatment, and overcharge generally. On the other hand, the physicians maintain that the insurance companies should not be the beneficiaries of the charity work of the medical profession and that the profession ought not to bear a portion of the burden of the compensation act—a burden which the legislature intended should be borne solely by the industry. They further contend that their losses would not be the gain of the injured workmen, but would redound to the benefit of the employers, and especially the insurance carriers. They believe also that it is an injustice to expect the medical profession to adopt a sliding scale of fees, governed by their clients' ability to pay, when other institutions and businesses, including the very same insurance companies, are not subjected to the same principles and practices.

Administrative commissions find the successful solution of this medical problem a most difficult one. The laws of several States provide for a medical advisor to aid and advise the commission in medical matters. Some States have appointed medical committees composed of representatives of the medical profession and insurance companies to study the whole subject and advise the administrative boards. The Massachusetts Industrial Accident Board appointed such a committee, which has apparently been of great assistance to the board. Its findings have generally been approved and adopted by the board.

Another factor which has been both a cause and result of the medical controversy is the contract doctor. The tendency among insurance carriers and employers seems to be to establish their own hospitals and employ their own physicians on a contract basis. They contend that they can thus furnish cheaper and more efficient service.

A good indication of the views of the medical profession generally, the medical problems arising out of the administration of a compensation act, and the attempts at solution can perhaps be obtained from a report[1] made by the Massachusetts medical advisory committee to the physicians of the State:

"A certain small proportion of these (insurance) companies have adjusters and other subordinates who are at times inclined to play

[1] Boston Medical and Surgical Journal, Sept. 18, 1913, p. 444.

cheaper games than proper. There has been a tendency on the part of some physicians, not many of them members of our societies, but still physicians ostensibly respectable, to pad their bills and raise their rates; in other words, to treat this law as an opportunity for medical graft. In many of these matters the medical advisory board has been able to help the industrial board toward a solution. * * *

"There is no agreement as to what the word 'furnish' really means. When no service is offered, or when the injured person does not accept the service offered and calls on his family doctor, disputes over bills arise. Disputed bills go to the board, and hearings may be held, but even then the board seems to lack power to enforce its decrees in the matter of medical or hospital fees. In fact, however, the board reached, before we came into the matter at all, a sort of working agreement with the insurance men that the companies should pay reasonable charges for work actually rendered. Lately there have been two conferences between the board, the advisory committee, and the insurance men, which have helped toward a reasonable co-operation on the part of the companies.

"It has been necessary, to keep peace under this agreement, to adopt an 'industrial rate' as to bills, not a fixed rate, but an understanding that services paid for under this act shall be at a rate not less than the average minimum rate in the locality where such services were rendered.

"It seems to us that the whole intent of the law is not charity, but rather to lift the injured workman out of the pauper class and, at least for the fortnight following the injury, to furnish him with the best care, to give him the best possible chance for complete and early recovery and return to working power. Some of the insurance men regard the whole matter, seemingly, as a partially charitable service, and argue that as cut rates and charity were granted the sufferers by doctors and hospitals before this act went into effect, therefore this sort of thing should continue.

"This committee believes that the law has worked out well so far—for a new law—and that, on the *whole*, the medical profession has lost nothing by it. In certain communities medical men previously retained by the employers to care for injured employees have received less than their due consideration (often, in fact, not a particle of consideration) from the insurance companies that have assumed the employer's liability. Here and there insurance companies, usually the unimportant ones, have shown a desire to press the advantage given them by the phrase of the current law. In the main, however, the better companies * * * have shown themselves decent and reasonable, not inclined to overwork a technical advantage."

TIME FOR NOTICE AND CLAIM.

Limitations are placed on the time for giving notice and for making claims under the acts, notice usually being required within from 10 to 30 days, and a claim within from 6 months to 2 years. A number of laws contain the provision that no notice is necessary where the employer has other knowledge of the fact or where the accident was a fatal one. The time set may also be extended if it is shown that the employer was not prejudiced, but if prejudiced the liability will be reduced only to the extent of such prejudice. Many laws also provide that no defect in the notice shall be a bar to proceedings or recovery. The time for presenting the claim or bringing action thereon appears usually to be fixed absolutely. As a matter of practice, the commissions construe this provision very liberally; nor is the strict adherence to the technicality of the law insisted upon by the employers and insurers if the injury actually occurred and their liability therefor is unquestioned. On the other hand, it is necessary to protect the employer from false claims made by employees a considerable period of time subsequent to the alleged injury. It would be difficult for an employer to disprove several weeks or months after its occurrence that an injury arose out of the employment if he had no knowledge of its occurrence and no report of it had been made. Then, too, the employer should have immediate knowledge of the injury in order that he may furnish competent medical and surgical treatment so as to minimize the result of the injury and to secure as early a recovery as possible.

ADMINISTRATIVE SYSTEMS.

The three most important factors in a compensation act are its scope, compensation benefits, and administrative system—in other words, *who* receives compensation, *how much* does he receive, and *does* he receive it, and if so, when. The first two are fixed by law, subject, of course, to the interpretation of commission and court, but some responsible administrative body is necessary to insure to the injured workman his rights under the law, and to see that he receives the full amount of his compensation immediately and regularly. Administratively speaking, there are two general types of compensation acts—the commission or board type, of which there are 25,[1] and the self-administrative or court type, of which there are 10.[2]

In the commission type, a special board, usually of 3 or 5 members,[3] is appointed to enforce the law, including the administration of the

[1] California, Colorado, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Montana, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Porto Rico, Texas, Vermont, Washington, West Virginia, and Wisconsin.

[2] Alaska, Arizona, Kansas, Louisiana, Minnesota, Nebraska, New Hampshire, New Jersey, Rhode Island, and Wyoming.

[3] A single commissioner in Iowa and West Virginia.

State insurance fund, if such a fund is created. The commission is granted extensive powers and quasi-judicial functions. It receives accident reports, investigates claims, settles disputes, hears cases, grants awards, issues decrees, and, in case of a State fund, classifies industries, fixes and collects premiums, and pays compensation. In some States it has the additional function of accident prevention, while in a few States[1] it administers the entire body of labor laws. There seems to be a tendency among States to consolidate the separate agencies authorized to enforce the various labor laws into one body called an industrial commission. Several States[2] have recently created such commissions, thereby abolishing all existing agencies.

In the court type of law the amount of compensation and other questions at issue are settled directly by the employer or insurer and the injured employee. In case of dispute the matter may be referred to an arbitration committee, and eventually taken to the courts. In some of these States, however, there exists a certain amount of loose supervision by one or more State agencies. For example, in Alaska, rejections of the act are filed with the United States commissioner; in Arizona, in case the parties do not agree, reference may be had to the attorney general; in Kansas, disputes are settled by local committees or arbitrators selected either by the parties in interest or by the court; in Minnesota, notices and settlements are filed with the commissioner of labor who shall advise the employee of his rights and assist in adjusting disputes; in Nebraska, acceptances are filed with the insurance commissioner, while settlements and releases are filed with the labor commissioner; in New Hampshire, acceptances and proof of financial solvency are filed with the commissioner of labor; in New Jersey, supervisory power over the act has recently (1916) been increased and this State now approximates more closely the commission type of law. The workmen's compensation aid bureau of the department of labor receives and approves agreements and is authorized to attempt to settle disputed cases. In Rhode Island, acceptances, accident reports, and proof of financial solvency are filed with the commissioner of industrial statistics; while in Wyoming, the State treasurer supervises the State fund and county assessors are required to report lists of extrahazardous employments to the treasurer who shall compile accident statistics.

Two variations from the standard compensation commission type of administration are (1) the system in Hawaii, which provides for an industrial accident board in each county, and (2), the district

[1] Indiana, New York, Ohio, and Wisconsin.

[2] Indiana, New York, Ohio, and Wisconsin. Also of similar type are California, Colorado, and Montana.

system of Connecticut. In the latter State the administration of the act is vested, not in a central board, but in five separate commissioners, each supreme in his own district, which coincides with the congressional district of the State. Each commissioner maintains an office at some central point, generally the largest industrial city in the district. The five commissioners, acting as a board, make rules, prescribe forms, issue bulletins, etc.; but as regards the interpretation and administration of the act, each commissioner is supreme and independent in his own district. Although conflicting decisions have been made, a satisfactory uniformity in rulings and practices seems to be maintained by means of frequent conferences and the use made of each other's awards. This district system is defended on the ground that it permits closer supervision of compensation cases and expedites settlements, and that the close personal relationship between the commissioner and the parties in interest makes possible a feeling of mutual confidence. On the other hand, it is maintained that a single commissioner is more easily subject to undue influences and affected by personal considerations.

The great predominance of the commission type of law seems abundantly warranted from the experience that has developed under the various methods, and with two exceptions[1] the States passing laws in 1915 and 1916 provided for this method of administration. The need of authoritative agencies to administer compensation laws is sufficiently demonstrated in those States which do not possess them. The average non-English-speaking foreign workman is generally unfamiliar with his rights under the law and does not know what action to take in case of injury. Complaint, too, is frequent that the fear of discharge acts as an effective deterrent in demanding compensation. In one of these self-administrative States[2] the secretary of the employers' liability commission, which had limited power "to observe the working of the act," informed an injured employee of his rights under the law. The secretary was told by the employer, however, that the commission was exceeding its powers and that he objected to its meddling and interference. There seems to be no question that some employers make no effort to pay compensation until their employees request it.

SETTLEMENT OF COMPENSATION CASES.

The settlement of disputes is one of the principal administrative functions of a compensation commission or board, and consumes most of its time and energy. The speedy settlement of cases and the immediate and regular payment of benefits depends in a great measure upon the efficiency of the commission, which in turn is affected by the method of organization. It is important, therefore, to examine the methods provided for in the various laws for hearing and

[1] Alaska and Wyoming. [2] New Jersey.

settling compensation cases and disputes. Much of the administrative routine, such as examining accident reports, investigating claims, and checking up voluntary agreements and settlements, may be delegated to subordinates. On the other hand, a large proportion of the work, such as hearing and deciding cases and granting commutations, is quasi-judicial in character and can not ordinarily be so delegated; in fact, the hearing of cases by the commissioners, either individually or collectively, frequently takes up so much time that little opportunity is afforded for constructive work, such as accident prevention, restoring the maximum earning capacity of injured workmen, and fitting them to their new and changed economic environment. The settlement of compensation cases, in the first instance, therefore, by methods which require the minimum personal attention of the commissioners is of utmost importance.

The most common system devised for this purpose is the settlement of cases directly by the parties in interest through the medium of voluntary agreements subject to the approval of the commission. If the terms of the agreement conform to the provisions of the law as shown by the accident report, it is approved. This work is usually done by the clerical force and requires little or no personal supervision by the commission. Of the 35 compensation States, 26 have this voluntary-agreement provision. Of the remaining 9[1] States, 7 are the State monopoly insurance States in which the State is the insurer and pays compensation direct to the employee upon application, and the other 2 States[2] have State funds. In case the parties can not agree the matter may be settled in one or more of several ways. In the 10 noncommission States, disputed cases usually go to the inferior courts for adjudication, although 3 of these States[3] provide for arbitration committees appointed either by the interested parties or by the court, 1[4] provides for reference to the attorney general, and 2[5] authorize the department of labor to attempt to settle the matter. In the 25 commission States disputed cases may go either directly to the commission for adjudication or they may be first heard before a subordinate tribunal usually appointed in part at least by the commission. These preliminary tribunals may be either arbitration committees, referees, or individual members of the commission. Eight States[6] provide for arbitration committees representing the parties in interest with a member of the commission, or deputy[7] appointed by it, acting as

[1] Maryland, Montana, Nevada, Ohio, Oregon, Porto Rico, Washington, West Virginia, and Wyoming.

[2] Maryland and Montana.

[3] Arizona, Kansas, and Nebraska.

[4] Arizona.

[5] Minnesota and New Jersey.

[6] Hawaii, Illinois, Iowa, Maryland, Massachusetts, Michigan, New York, and Oklahoma.

[7] Maryland, New York, and Oklahoma are authorized to appoint deputies; in the other five States a member of the commission must sit on the committee.

chairman. Two States[1] provide for the appointment of referees to hear cases subject to review by the commission; in 1 State[2] disputes in the first instance may be heard by either a referee or commission member while another State[3] authorizes an individual commissioner to hear such cases. The findings of fact and decisions of all such preliminary tribunals are, of course, subject to review by the full commission. It does not follow, however, that the States enumerated above are the only ones having such preliminary tribunals. The commissions in some of the States have very wide powers and may establish methods of procedure providing for such tribunals. Right of appeal from the commission's rulings to the courts is generally provided for, but a number of States limit this right to questions of law only. Another method of settling disputes not specifically provided for in law but developed through experience is the informal conference. The parties in interest are requested to appear before a member or representative of the commission. The points in dispute are considered and in a large proportion of cases the matter is satisfactorily settled. This method not only expedites procedure by eliminating the time and expense of formal hearings but also promotes amicable relationships between the parties and helps to establish a feeling of confidence.

REVISION OF BENEFITS.

It frequently happens, after an agreement has been drawn up or an award has been made, that the incapacity of the injured workman or the measure of dependency has been changed, necessitating a modification of benefits in conformity with changed conditions. All but 4 States[4] provide for revision of benefits under certain circumstances if conditions warrant. As a rule a review may be had upon application of either party or upon the commission's own motion. Usually a time limit is set after which no review will be allowed, although a number of States provide that an award may be modified at any time if circumstances justify a change. In some States,[5] however, lump-sum settlements when once made are final and not subject to review or modification.

NONRESIDENT ALIEN BENEFICIARIES.

One of the matters of regret, and perhaps the only one, in contrast with the old liability system, is the reopening of the question of the status of nonresident beneficiaries of aliens who lose their lives in employment in this country. After a long series of adjudi-

[1] California and Pennsylvania.
[2] Kentucky.
[3] Indiana.
[4] Arizona, New Hampshire, Texas, and Wyoming.
[5] Hawaii, Massachusetts, Michigan, and Vermont.

cations and legislative action the position had been reached of equal treatment before the law of the dependents and personal representatives of all persons employed, without reference to their citizenship status. Comparatively recent legislation in Pennsylvania and Wisconsin has made the liability acts of those two States available for the benefit of nonresident alien claimants, thus reversing the adverse rulings of the courts on this subject in these two States which were the principal remaining strongholds of the harsh doctrine excluding them.

The provisions as to the status of nonresident alien beneficiaries in the 35 compensation laws can be seen from the following table:

PROVISIONS OF COMPENSATION LAWS AS TO NONRESIDENT ALIEN BENEFICIARIES.

No provision.	Excluded.	Included.	Limitations: Only enumerated dependents included.
Alaska			
Arizona			
		California [1]	
		Colorado	One-third benefits, not over $1,000.
		Connecticut	One-half rates except as to residents of Canada or United States dependencies.
	Hawaii		
		Illinois [1]	
Indiana			
Iowa			
		Kansas	$750 maximum except to residents of Canada.
		Kentucky	Half benefits to widow or children under 16.
Louisiana			
		Maine	Half rates except to residents of Canada.
		Maryland	Dependent widows, children, and parents. After 1 year commission may commute payments to three-fourths value.
		Massachusetts [1]	
		Michigan	
		Minnesota	
		Montana	Half benefits to widow, or children under 16, unless treaty provides otherwise.
		Nebraska	Widow, children, and parents.
		Nevada	
	New Hampshire.		
	New Jersey		
		New York	Wife, children, and dependent ascendants.
Ohio			
Oklahoma [2]			
		Oregon	Widow, widower, children, and parents.
		Pennsylvania.	Two-thirds benefits to widow and children.
Porto Rico			
Rhode Island.			
Texas			
Vermont			
		Washington	Parents only, unless treaty provides otherwise.
		West Virginia.	Widow, invalid widower, children under 16, or over if incapacitated.
		Wisconsin	
		Wyoming	One-fourth benefits to widow and children under 16.

[1] Not specifically mentioned in law but included by court or commission.
[2] Fatal accidents not covered.

It will be noted that 14 States [1] make no statutory provision for nonresident alien dependents, although in several of these States such dependents have been included by the courts or commissions; 3 States [2] exclude them from the benefits of the act; 7 [3] include all

[1] Alaska, Arizona, California, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Ohio, Oklahoma, Porto Rico, Rhode Island, Texas, and Vermont.
[2] Hawaii, New Hampshire, and New Jersey.
[3] California, Illinois, Massachusetts, Michigan, Minnesota, Nevada, and Wisconsin.

beneficiaries and provide for full compensation; while 14 States[1] recognize them but establish limitations either by reducing the amount of benefits payable in cases where the beneficiaries are nonresidents, or by limiting the classes of beneficiaries to whom payment may be made, or by establishing both limitations. There may be a plausible justification for a proportionate reduction of benefits corresponding to the lower cost of living in foreign countries and possibly for a restriction of the groups of beneficiaries to immediate members of the injured employee's family; but even these restrictions open the door for injurious discriminations against American citizens by reason of the fact that injuries to aliens whose possible beneficiaries are nonresident entail less expense on the employer of such labor. Several European countries have entered into reciprocal agreements, guaranteeing mutual benefits to each other's nationals, but such a measure would be without practical benefit in this country. Because of its unfairness to citizen employees and as a matter of simple justice the discriminatory treatment of aliens, on the whole, lacks justification, even though the danger of burdening the State or municipality with dependent charges is absent.

LUMP-SUM SETTLEMENTS.

Compensation payments are supposed to be a substitute for wages, and accordingly every State except 3[2] provides that such payments shall be made in weekly or monthly installments. The purpose of small regular payments is to prevent unwise and unnecessary expenditures which lump-sum settlements would facilitate. Injured workmen and especially dependent widows all too frequently squander the entire amount of compensation, and in a short time are left penniless and a burden upon the community. On the other hand, under certain circumstances, the commutation of weekly payments into a lump sum would be beneficial and desirable. Especially is this true in case of a widow or permanently disabled workman who wishes to start a small independent business or who desires to return to his native country, where cost of living is much cheaper.

The practice of granting commutations, however, unless properly restricted, opens the way for abuses and injustices. A lump sum looks large to a workman or his dependents, who are usually willing to compromise upon an amount much less than that to which they are legally entitled. And, furthermore, the commissions, harassed by their many administrative duties, are at times inclined to grant lump sums without proper investigation in order that the case may be settled and closed. The laws of most States therefore provide that lump-sum payments must be approved by the commission or court and must be in the interest of the beneficiary or of both parties,

[1] Colorado, Connecticut, Kansas, Kentucky, Maine, Maryland, Montana, Nebraska, New York, Oregon, Pennsylvania, Washington, West Virginia, and Wyoming.

[2] Alaska, Porto Rico, and Wyoming.

leaving the question of necessity or justice to the discretion of the administrative body. Some States require that a certain time elapse, usually six months, before commutations may be granted at all, and in most cases the application for a lump sum must be made by either or both of the interested parties, although in a number of States the commission is authorized to grant such commutations on its own motion.

The following table shows when and under what conditions commutations may be granted in the several States:

CONDITIONS UNDER WHICH LUMP-SUM SETTLEMENTS ARE PERMITTED UNDER COMPENSATION LAWS.

State.	Conditions under which commutations may be made.		
	Application made by—	Lapse of time before commutation can be granted.	Other conditions.
Alaska			
Arizona	Motion of court		Best interest of workman.
California	Either party or commission's motion.		Best interest of parties.
Colorado	Motion of commission	6 months	
Connecticut	Motion of commissioner		Just or necessary.
Hawaii	Either party		Best interest of parties.
Illinois	do	6 months in total disability cases.	Interest of both parties; either party may reject board's award, except in death or dismemberment.
Indiana	Either party or board's motion in case of permanent disability of minors.	6 months; any time in case of minors.	In unusual cases.
Iowa	Either party		When period of compensation can be definitely determined.
Kansas	Employee	6 months	If security is doubtful; employer may redeem liability after 6 months' payment.
Kentucky	Either party	6 months	Best interest of parties.
Louisiana	Mutual agreement		
Maine	Either party	6 months	Best interest of beneficiary.
Maryland	Motion of commission		In every case except temporary disability.
Massachusetts	Mutual agreement; or board's motion, in case of permanent disability of minors.	6 months; any time in case of minors.	In unusual cases.
Michigan	Mutual agreement; board may grant commutation.	6 months	Board may grant commutations at any time if special circumstances require.
Minnesota	Mutual agreement		Any case except death or permanent disability.
Montana	Beneficiary		
Nebraska	Mutual agreement		In death and permanent disability cases consent of court necessary.
Nevada	Motion of commission		In small partial disability cases, time may be shortened and amounts increased.
New Hampshire	Employer		
New Jersey	Either party		In unusual cases.
New York	Motion of commission		In interest of justice.
Ohio	do		Under special circumstances.
Oklahoma	do		In interest of justice.
Oregon	do		Commission may in any case commute one-fourth of value and thereafter reduce payments proportionately.
Pennsylvania	Either party		Best interest of parties.
Porto Rico			
Rhode Island	Either party	6 months	Best interest of beneficiary or hardship upon employer.
Texas	Mutual agreement		In death or permanent disability cases.
Vermont	Either party		Best interest of parties.
Washington	Beneficiary		In death or permanent disability cases.
West Virginia	Motion of commissioner		Under special circumstances and if advisable.
Wisconsin	Motion of commission	6 months	Best interest of parties.
Wyoming			

It will be noted that in 10 States[1] a lapse of six months' time is necessary before commutations can be made. In 13 States[2] the commission or court may grant lump sums on its own motion, and in 2 additional States[3] this power is granted in case of minors permanently disabled. In 3 States[4] commutations may be granted only upon application of the employee or beneficiary, and in 1 State[5] upon request of employer; while in 17 States[6] lump sums may be granted upon application of either or both parties in interest.

ACCIDENT REPORTING AND PREVENTION.

Coordinate with the movement for the enactment of compensation laws has been the growth of the movement for accident prevention. Safety laws have for a number of years been on the statute books of many of the more advanced industrial States, but the aggregate result has been unsatisfactory in both extent and effectiveness. A tangible and immediate result of the new legislation, in requiring the employer to pay compensation without question as to negligence or assumption of risks, has been to give a new impetus to accident-prevention work, both by the enactment of new and better laws and by the greater care with which safety rules are observed.

Reports of accidents have been incomplete and lacking in uniformity, so that little material of a reliable nature has been available. Here, too, the influence of compensation enactments has been felt, even in the brief period covered by their existence. Insurance is haphazard as to costs and results without definite accident data, which is as true for State funds as for stock insurance. Initial results have been the extension of the powers of labor departments and industrial commissions, the more intelligent study by employers, State officials, and insurance companies of the problems to be solved, and the organization of associations whose avowed purpose it is to establish standards of safety, and accurate and uniform accident reporting systems. Where commissions administer the compensation laws, their reports are available as representing the actual economic results of accidents; while the accident-reporting requirements of other laws tend in the same direction.

The problem of accident reporting and prevention, however, has by no means been solved. Just what the quantitative effect of

[1] Colorado, Illinois, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan, Rhode Island, and Wisconsin.

[2] Arizona, California, Colorado, Connecticut, Maryland, Michigan, Nevada, New York, Ohio, Oklahoma, Oregon, West Virginia, and Wisconsin.

[3] Indiana and Massachusetts.

[4] Kansas, Montana, and Washington. In Kansas the employer may redeem his liability after 6 months' payment.

[5] New Hampshire.

[6] California, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, Pennsylvania, Rhode Island, Texas, and Vermont.

workmen's compensation laws upon accident reduction has been is still problematical, due to the absence of uniform and reliable accident statistics. That the increased safety activities have resulted in accident reduction would seem probable, but the extent and nature of reduction can only be surmised. There are relatively more accidents reported to-day than there were five years ago. This does not mean necessarily that the accident rate has increased. It may be simply that more accidents are reported than formerly.

Reference to the chart will show the principal requirements of each State as to accident reporting and prevention. Some of the compensation acts[1] make no provision for accident reporting and nearly all make no provision for accident prevention work.

ACCIDENT REPORTING.

It will be noted that the provisions as to accident reporting lack uniformity. Only 18 States[2] require all accidents to be reported, while 5 States[3] require those of one day's disability or more; 1[4] requires more than 2 days; 1[5] requires more than one week; 2[6] require two weeks or more; 3 States[7] provide that such accidents be reported as required by the commissioner or inspector. Five States[8] make no provision for accident reporting in the compensation act, but have such laws outside the act. Of these States, Alaska provides for the reporting of such mining accidents as the governor may require; Arizona requires only serious or fatal accidents in mines; Louisiana requires accidents of two weeks' disability or more in establishments where women and children are employed; Minnesota requires employers engaged in industrial pursuits to report all accidents of more than one week's disability, and mine operators to report fatal or serious accidents; and Nebraska requires the reporting of all accidents in factories, workshops, mills, mechanical establishments, or other institutions.

In 21 States[9] all employers are required to report accidents; in 7 States[10] employers subject to the compensation act; in 1 State[11] only

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[1] Alaska, Arizona, Louisiana, Minnesota, and Nebraska.

[2] California, Colorado, Iowa, Maine, Maryland, Massachusetts, Michigan, Montana, Nevada, New York, Ohio, Oklahoma, Oregon, Porto Rico, Texas, Washington, Wisconsin, and Wyoming.

[3] One day's disability, Connecticut, Hawaii, and Vermont; more than one day, Indiana and Kentucky.

[4] Pennsylvania.

[5] Illinois.

[6] More than two weeks, New Jersey; two weeks or more, Rhode Island.

[7] Kansas, New Hampshire, and West Virginia.

[8] Alaska, Arizona, Louisiana, Minnesota, and Nebraska.

[9] California, Colorado, Hawaii, Indiana, Iowa, Maryland, Massachusetts, Michigan, Montana, Nevada, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania (except casual employments), Porto Rico, Texas, Vermont, Washington, and West Virginia.

[10] Connecticut, Illinois, Kansas, Kentucky, Maine, New Hampshire, and Rhode Island (except public utilities).

[11] Wisconsin.

employers having four or more employees, and in another[1] only those engaged in extrahazardous employments. Five States, as already noted, have no provisions in the compensation law.

In the 25 States having administrative commissions, accidents are required to be reported to such commissions except in 2 States,[2] and in these 2 States the compensation act is administered jointly by the compensation commission and the department of labor. Several States have more than one accident reporting law, due in some instances to the failure to repeal the existing law when the compensation act was passed. In such cases the old law is usually not enforced. Then again in those States in which the compensation acts require only employers subject to the acts to report accidents there usually exist other accident reporting laws providing that such employers as are included within its scope must report their accidents to other State departments. Such laws, in most States, however, are not enforced at all, or at least enforced ineffectively.

ACCIDENT PREVENTION.

Accident reporting and accident prevention are closely related. In fact, effective prevention of accidents depends largely upon a knowledge of their causes, frequency and nature. A compensation commission, in the very nature of things, must receive reports of all compensable injuries, and that it is the only agency which does receive them is shown by experience. Furthermore, the problem of accident prevention is intimately connected with the whole theory and system of compensation. It would seem, therefore, that this important work might logically be undertaken by the same agency that administers the compensation provisions. As a matter of fact, however, the practice of a large majority of the States has been in the opposite direction, as is shown by an examination of the chart.

It will be noted that of the 25 States having the commission type of administration 14[3] make no provision for accident-prevention work by the compensation commission. In 5 States[4] the commission is authorized to perform safety work, but, with the exception of Colorado, this power is very slight. In the latter State the commission has jurisdiction over all places of employment for the purpose of enforcing the safety statutes, but thus far (1916) the accident-prevention work has been carried on by other agencies. This leaves only 6 States[5] in which all the safety work is done by the industrial

[1] Wyoming.

[2] Pennsylvania and Porto Rico.

[3] Connecticut, Hawaii, Kentucky, Illinois, Maine, Maryland, Massachusetts, Michigan, Nevada, Oklahoma, Porto Rico, Texas, Vermont, and Washington.

[4] Colorado, Iowa, Oregon, Pennsylvania, and West Virginia.

[5] California, Indiana, Montana (except mines and boilers), New York, Ohio, and Wisconsin.

commission. In fact, in all but two of these States[1] the entire body of labor laws is enforced by this one agency. Which system is best adapted for effective accident-prevention work is undetermined. On the one hand Wisconsin with a highly centralized commission is doing effective safety work, but, on the other hand, so also is New Jersey, a noncommission State.

SUMMARY COMPARISON.

Thus far the principal features of the various compensation laws have been treated as individual units. In order to obtain a concise but comprehensive view of the relative importance or adequacy of the entire law in each of the several States it has been deemed advisable to bring together briefly in tabular form a summary of the most important features. These principal provisions include the percentage of employees covered, money benefits received, medical service, waiting period, percentage of wages, weekly maximum and minimum compensation. It is impossible for the purpose of this study to work out an absolutely accurate comparison of the relative compensation benefits of the several States. However, as a fair indication of all of the compensation benefits, four typical items or injuries have been taken: Compensation for (1) death, (2) loss of major hand at the wrist, (3) total disability for a period of 4 weeks, and (4) total disability for a period of 13 weeks. The waiting period was deducted in computing the benefits for both of the disability items and for the loss of the hand in case compensation for temporary total disability was provided by law.

The example taken was as follows: A married machinist, 35 years of age, receiving $15 a week, having a dependent wife, 30 years of age, and three normal dependent children, 3, 6, and 9 years of age. In computing the life expectancy of the widow the American experience table of mortality was used.

The maximum benefits in each case have been given. The amounts computed for death include burial expenses where such are provided by law. It has been assumed that the loss of the hand resulted in a total disability of 15 weeks and a subsequent partial disability of 50 per cent for life. Several States have no schedules of specified injuries, and in such States the compensation for loss of the hand has been based upon the given percentage of wages for the given number of weeks limited by the maximum amounts. In such States, together with those States which provide for a continuing partial disability in addition to the specified scale, both compensations have been given, i. e., compensation for total disability only and compensation for total plus partial disability. Compensation for total

[1] California and Montana.

disability during the healing period has been included in the amounts given for those States which provide for such benefits. For the total-disability accidents, as already noted, the waiting period in each case has been taken into consideration and deducted from the amount of the compensation.

It has been the purpose to take an example which is most typical of all States and conditions. It is admittedly true that the specific example and the four items taken will result in a higher scale for some of the States than would have resulted had a different example been taken or had the whole scale of compensation benefits been considered. For example, compensation for the death or injury of a married man with three children would result favorably for such States as Oregon, Washington, New York, and West Virginia, which pay compensation not only until the death or remarriage of the widow but the death benefits increase in proportion to the number of children. The medical benefits were not taken into consideration in computing the money benefits for the cases cited. This provision is taken care of in another column. In two States—Oregon and West Virginia—10 per cent has been deducted from each of the compensation amounts. This 10 per cent represents the employees' contributions. In West Virginia this is the per cent provided for by law; in Oregon each employee is required to contribute 1 cent for each working-day. What percentage of the total amount this 1 cent a day constitutes is not exactly known, but 10 per cent is undoubtedly a maximum estimate. Perhaps it would seem unfair to the two States mentioned to deduct this 10 per cent, because for individual injuries the whole amount of compensation is received. But, on the other hand, the employees must regularly contribute their 10 per cent, and the resultant effect will be the same.

Again, a weekly wage of $15 results more favorably for States having a low wage level and less favorably for States having a high weekly maximum limit. However, $15 would probably most nearly typify the average wage throughout the country as a whole.

In computing the money benefits no account has been taken of the present value of such benefits. A fixed lump sum paid outright at the time of the injury of course exceeds the present worth of the same amount paid in weekly installments over a period of years. In comparing the computed benefits, therefore, it is necessary to take this fact into consideration.

In estimating the "per cent of employees subject to act" as given in column 2 of the table, all employees in employments covered by the compensation law are included, assuming that all employers who may elect to come under the act have made such election. The figures, therefore, show the maximum possible inclusions under existing law.

COMPARISON OF BENEFITS PAID UNDER THE WORKMEN'S COMPENSATION LAWS OF THE SEVERAL STATES.

State.	Per cent of employees subject to act.	Money benefits received in typical cases.				Medical service.		Waiting period.	Rate of money benefits.	
		Death.	Loss of hand.[1]	Total disability accident.		Maximum period.	Maximum amt.		Per cent of wages.	Weekly maximum and minimum.
				4 weeks.	13 weeks.					
Alaska	31.2	$4,800.00	$2,640.00	$15.00	$97.50	None [2]	.....	2 weeks; none if disability lasts 8 weeks	50	(3)
Arizona	62.4	3,000.00	112.50 [4] 4,000.00	30.00	97.50	...do	.....	2 weeks; none if disability lasts over 2 weeks	50	(3)
California	76.2	2,340.00	2,232.75	19.50	107.25	90 days [5]	.....	2 weeks	65	$20.83–$4.17
Colorado	64.1	2,347.50	780.00	7.50	75.00	30 days	$100	3 weeks	50	8.00– 5.00
Connecticut	81.9	2,440.00	1,170.00	19.29	86.79	Unlimited	.....	10 days	50	10.00– 5.00
Hawaii	92.6	2,908.00	1,860.00	18.00	99.00	2 weeks	50	2 weeks	25–60	18.00– 2.50
Illinois	54.1	3,135.00	1,230.00	22.50	90.00	8 weeks	200	6 working days; none if disability is total and permanent	50	12.00– 6.00
Indiana	79.4	2,350.00	1,237.50	16.50	90.75	30 days	.....	2 weeks	50–55	13.20– 5.50
Iowa	62.7	2,350.00	1,125.00	15.00	82.50	2 weeks	100	...do	50	10.00– 5.00
Kansas	36.9	2,340.00	97.50 [4] 1,623.75	15.00	82.50	None [2]	.....	...do	25–50	15.00– 6.00
Kentucky	54.7	3,341.25	1,462.50	19.50	107.25	90 days	100	...do	65	12.00– 5.00
Louisiana	35.2	2,350.00	1,125.00	22.50	97.50	.....	150	1 week; none if disability lasts 6 weeks	20–50	10.00– 3.00
Maine	72.9	2,250.00	937.50 [4] 1,593.75	15.00	82.50	2 weeks	30	2 weeks	50	10.00– 4.00
Maryland	45.9	3,202.50	1,125.00	15.00	82.50	.....	150	2 weeks; 1 if disability is permanent	50	12.00– 5.00
Massachusetts	87.8	[6] 4,000.00	635.71 [4] 3,135.71	25.71	115.71	2 weeks [5]	.....	10 days	66⅔	10.00– 4.00
Michigan	83.1	2,250.00	1,125.00	15.00	97.50	3 weeks	.....	2 weeks; none if disability lasts 8 weeks	50	10.00– 4.00
Minnesota	79.0	2,575.00	1,125.00	15.00	82.50	90 days	100	2 weeks	25–60	11.00– 6.50
Montana	50.9	3,075.00	1,125.00	15.00	82.50	2 weeks	50	2 weeks	30–50	10.00– 6.00
Nebraska	58.3	2,725.00	1,312.50	15.00	97.50	3 weeks	200	2 weeks; none if disability lasts 8 weeks	50	10.00– 5.00
Nevada	76.2	4,025.00	1,412.50	30.00	97.50	4 months	.....	1 week; none if disability lasts 3 weeks	40–60	13.84– 4.62
New Hampshire	56.0	2,250.00	97.50 [4] 1,173.75	15.00	82.50	None [2]	.....	2 weeks	50	10.00
New Jersey	99.8	2,380.00	1,222.50	15.00	82.50	2 weeks	50	...do	35–60	10.00– 5.00
New York	55.9	11,205.22	2,440.00	20.00	110.00	90 days	.....	...do	15–66⅔	[8] 15.00– 5.00
Ohio	77.3	3,280.00	1,640.00	30.00	120.00	.....	200	1 week	66⅔	12.00– 5.00
Oklahoma	34.6	(7)	1,600.00	15.00	82.50	15 days	.....	2 weeks	50	10.00– 6.00

[1] It is assumed that loss of hand causes decrease of 50 per cent in earning capacity.
[2] Employer liable for expenses of last sickness in fatal cases involving no dependents.
[3] No provision.
[4] Includes compensation for partial disability.
[5] Longer in certain cases.
[6] Maximum $30 for certain injuries, death basic wage $100 a month.

COMPARISON OF BENEFITS PAID UNDER THE WORKMEN'S COMPENSATION LAWS OF THE SEVERAL STATES—Concluded.

State.	Per cent of employees subject to act.	Money benefits received in typical cases.				Medical service.		Waiting period.	Rate of money benefits.	
		Death.	Loss of hand.[1]	Total disability accident.		Maximum period.	Maximum amt.		Per cent of wages.	Weekly maximum and minimum.
				4 weeks.	13 weeks.					
Oregon	44.4	[2] $13,480.92	[2] $1,787.89	[2] $41.54	[2] $135.00		$250	None	(3)	(4)
Pennsylvania	88.8	2,575.00	1,312.50	15.00	82.50	2 weeks	25	2 weeks	15-60	$10.00-$5.00
Porto Rico	18.4	2,996.00	(4)	28.00	91.00	8 weeks		None	75	7.00- 3.00
Rhode Island	80.0	2,250.00	472.50 [5] 1,567.50	15.00	82.50	2 weeks		2 weeks	50	10.00- 4.00
Texas	42.5	3,240.00	576.00 [5] 1,926.00	27.00	108.00	1 week		1 week	60	15.00- 5.00
Vermont	55.2	1,830.00	1,050.00	15.00	82.50	2 weeks	75	2 weeks	15-50	12.50- 2.50
Washington	51.5	10,354.20	1,385.00	36.00	117.00	None		1½ days; none if disability lasts over 1½ days	(5)	(4)
West Virginia	74.7	[6] 9,156.78	[2] 1,012.50	[2] 20.25	[2] 81.00		150	1 week	[7] 50	[8] 10.00- 4.00
Wisconsin	74.7	3,125.00	1,560.00	29.25	126.75	90 days		1 week; none if disability lasts over 4 weeks	65	(4)
Wyoming	40.0	2,050.00	999.48	23.33	93.33	None		10 days	(3)	(4)
United States	100.0	12,480.84	8,433.51	35.71	125.71	Reasonable period.		3 days	10-66⅔	(10)

[1] It is assumed that loss of hand causes decrease of 50 per cent in earning capacity.
[2] 10 per cent deducted to cover employee's contributions.
[3] $15 to $50 a month. If temporary disability, amounts increased by 50 per cent; maximum 60 per cent of wages.
[4] No provision.
[5] Includes compensation for partial disability.
[6] $10 to $35 a month. If temporary disability, amounts increased by 50 per cent; maximum 60 per cent of wages
[7] Death, $20 to $35 a month.
[8] If permanently disabled, maximum $8, minimum $4.
[9] Lump sum; $15 to $35 a month if temporarily disabled.
[10] $66.67-$33.33 monthly.

The following table shows the most advantageous and the least advantageous compensation provisions, from the viewpoint of the employee, in the various States:

EXTREMES OF LIBERALITY IN THE COMPENSATION PROVISIONS OF THE VARIOUS STATES.

Nature of provisions.	Most advantageous provisions.		Least advantageous provisions.	
	State.	Amount or percentage.	State.	Amount or percentage.
Percentage of employees covered	New Jersey	99.8 per cent	Porto Rico	18.40 per cent.
Compensation for death	Oregon	$13,480.92	Oklahoma Vermont	None. $1,830.
Compensation for loss of hand	Alaska	$2,640	Porto Rico Colorado	No provision. $760.
Compensation for 4 weeks' disability	Oregon	$41.54	Colorado	$7.50.
Compensation for 13 weeks' disability	do	$135	do	$75.
Medical service	Connecticut	Unlimited	Washington Wyoming	None. None.
Waiting period	Oregon Porto Rico	None None	Colorado	3 weeks.
Per cent of wages [1]	Porto Rico	75 per cent	Vermont Louisiana Kansas	15 to 50 per cent. 20 to 50 per cent. 25 to 50 per cent.
Weekly maximum compensation [1]	Wisconsin California	No limit $20.83	Colorado Porto Rico	$8. $7.
Weekly minimum compensation	Minnesota	$6.50	Vermont Hawaii	$2.50. $2.50.

[1] Oregon and Washington pay a stipulated monthly pension which may be increased to 60 per cent of employee's wages.

It is obvious that no fixed form of analysis or summary presentation can give in complete detail the provisions of the laws under consideration. They include questions relating not only to the compensation of accidents, but also to accident reporting, safety provisions, the enforcement of safety laws, the establishment of insurance systems, premium rates, investments, the scale of payments in cases of certain forms of negligence or their increase under certain conditions, procedure in arbitration, forms of appeal, and a great variety of subjects on which it would be impossible to generalize, and which can be discovered only by a reading of the individual statutes, though the use of the index to the laws will aid in this. The acceptance by a few States of laws generally similar can be clearly recognized, but it is obvious that at the present time it can not be said that any one type of law is predominantly approved. Admitting that the question of State insurance is open to discussion, it can not be denied that some form of security of payments is desirable; and while constitutional limitations may appear to stand in the way of compulsory compensation systems, it is none the less certain that the welfare of both employer and employee, as well as the public interest generally, would be served by the general adoption of uni-

form laws, just and certain in their operations, and not dependent for their acceptance on the personal views or interests of individuals or groups of individuals. What has appeared possible to the courts is shown in the section beginning on page 165, in which are discussed the constitutionality and construction of statutes, while under the same heading appears a discussion of the rulings and awards of administrative boards and commissions.

ANALYSIS OF THE PRINCIPAL FEATURES OF THE LAWS.

ALASKA.

Date of enactment.—April 29, 1915; in effect July 28, 1915.

Injuries compensated.—Personal injury causing disability for more than 2 weeks, or death, arising out of and in course of employment, not due to the employee's willful intention to injure himself or another, or to his intoxication.

Industries covered.—Mining operations in which 5 or more persons are employed, unless election to the contrary is made (includes development and construction work, stamp and roller mills, reduction work and processes, coke ovens, etc.).

Persons compensated.—Private employment: All employees in industries covered, contractors and subcontractors excluded. Public employment not included.

Burden of payment.—All on employer.

Compensation for death:

(a) If married, $3,000 to widow, $600 additional to each child under 16 years of age, and to dependent parent or parents if any; if no widow, $3,000 to any minor orphans, and $600 additional to any under 16; no total to exceed $6,000.

(b) If unmarried, and dependent parent or parents, $1,200 to each.

(c) If no dependents, funeral expenses not to exceed $150, and other expenses, if any, to same amount.

Compensation for disability:

(a) Total permanent: $3,600 to workman alone; $1,200 additional if wife is living; $600 additional for each child under 16; total not to exceed $6,000. If no wife or children, $600 to each dependent parent.

(b) Total temporary disability: 50 per cent of weekly wages for not over 6 months.

(c) Partial permanent disability: Fixed sums for specified injuries, varying with conjugal condition and number of children.

Revision of benefits.—Readjustment must be made if within 2 years an injury develops or proves to be such as to warrant a different award from any previously made.

Insurance.—No provision.

Security of payments.—Attachment may be had pending result of action, or employer may deposit cash or bond with court. Payments are exempt from execution.

Settlement of disputes.—By courts, either with or without jury trial.

ARIZONA.

Date of enactment. June 8, 1912; in effect September 1, 1912; amended May 13, 1913, in effect October 1, 1913.

Injuries compensated. All accidental injuries causing disability of at least two weeks, or death, arising out of and in the course of the employment, caused in whole, or in part, or contributed to, by a necessary risk or danger of, or inherent in the nature of the employment, or by failure of the employer or his agents to exercise due care or to comply with any law affecting the employment.

Industries covered. All especially dangerous employments, including the construction, operation and maintenance of steam and street-railroads, using or working near explosives, building work using iron or steel frames or hoists, derricks, or ladders or scaffolds 20 or more feet above ground; telegraph, telephone or other electrical work; work in mines, quarries, tunnels, subways, etc.; all mills, shops, and factories using power machinery. Industries declared especially dangerous are specified in law. Elective as to other industries.

Persons compensated. Private employment: All employees in industries covered. Public employment: No provision.

Burden of payment. Entire cost rests upon the employer.

Compensation for death.

(*a*) To persons wholly dependent, a lump sum equal to 2,400 times one-half the daily wages or earnings of the deceased employee, but not to exceed $4,000. Payments to children cease on reaching the age of 18 years.

(*b*) If no dependents, the reasonable expenses of medical attendance and burial of deceased employee.

Compensation for disability.

(*a*) For total disability, 50 per cent of the employee's semimonthly earnings during the time he is unable to work at any gainful occupation.

(*b*) For partial disability, a semimonthly payment equal to one-half the wage decrease.

(*c*) The total amount of payments for total or partial disability caused by a single injury not to exceed $4,000.

Revision of benefits. Examinations as to the nature of injury and degree of incapacity, etc., may be required by either party at intervals of not less than three months.

Insurance. The employer may insure provided the liability for compensation is not less than the compensation fixed by law.

Security of payments. A judgment for compensation issued by a court is collectible without relief from valuation or appraisement laws and has the same preferential claim as is allowed by law for unpaid wages or personal services.

Settlement of disputes. Disputes may be settled by (*a*) written agreement between the parties, (*b*) arbitration, or (*c*) by reference to the attorney general of the State, in case of failure or refusal to agree by any of the modes above provided, then by a civil action at law.

CALIFORNIA.

Date of enactment. April 8, 1911; in effect September 1, 1911; amended May 26, 1913, in effect January 1, 1914; amended, chs. 541, 607, 662, 1915.

Injuries compensated. Injuries arising out of and in the course of employment causing disability for more than two weeks, or death, and not the result of the intoxication or willful misconduct of the injured employee.

Industries covered. All except agriculture and domestic service.

Persons compensated. Private employment: Every person in the service of an employer for hire, including aliens, apprentices, and members of employer's family who perform labor, excepting casual laborers. Public employment: Persons employed by the State and its political subdivisions, and all public corporations.

Burden of payment. Entire cost rests upon the employer.

Compensation in case of death.

(a) To persons wholly dependent, 3 times the annual earnings of the deceased employee; not less than $1,000 nor more than $5,000, payable at least monthly in installments equal to 65 per cent of the wages. Payments to children cease on reaching the age of 18 years, unless mentally or physically incapacitated for earning a living.

(b) If only partial dependents survive, such proportion of the above as corresponds to the ratio between the earnings of the deceased and his contribution to their support.

(c) If no dependents, the reasonable expense of burial, not exceeding $100.

Compensation for disability.

(a) Reasonable medical, surgical, and hospital treatment required during the first 90 days after the injury, or longer if commission directs.

(b) For temporary total disability 65 per cent of average weekly earnings during such disability.

(c) For temporary partial disability 65 per cent of weekly loss of wages during such disability.

(d) The aggregate amount of benefits for a single injury causing temporary disability is limited to three times the annual earnings of the injured person, with a maximum benefit period of 240 weeks.

(e) For permanent disability 65 per cent of average weekly earnings, for periods varying from 40 to 240 weeks, according to the degree of disability. After the expiration of 240 weeks, a further benefit varying from 10 to 40 per cent of the weekly earnings is payable during the remainder of life, when the degree of disability reaches or exceeds 70 per cent.

In case of permanent incapacity or death, a lump sum may be substituted for benefits, such lump sum to equal the present value of the benefits computed at 6 per cent.

Revision of benefits. Decisions and awards may be reviewed at any time during the first 245 weeks, after legal notice received.

Insurance. A State insurance fund is created under State control for the purpose of insuring employers against liability. Employers may effect insurance for liability for accident with any insurance company. Municipalities are required to insure in the State fund, unless the risk is refused.

Security of payments. A claim for injury or death of an employee or any award shall have the same preference over other unsecured debts as is given by law to claims for wages, but not so as to impair a lien of a previous award.

Settlement of disputes. Disputes are settled by the State industrial accident commission, subject to a limited review by the courts.

COLORADO.

Date of enactment.—April 10, 1915; in effect August 1, 1915.

Injuries compensated.—Injuries caused by accident arising out of and in course of employment, not intentionally self-inflicted or intentionally inflicted by another, and causing death within 2 years or disability for more than 3 weeks.

Industries covered.—All except interstate commerce and domestic and agricultural labor in which 4 or more persons are employed in which employers elect to come under the act; others may elect, but lose no defenses if they do not. Public service under State, municipalities, school or irrigation districts, etc.

Persons compensated.—Private employment: Every person in the service of another under any contract of hire, express or implied, casual employees excepted. Public employees: All under any appointment or contract of hire; elective officials excluded.

Burden of payment.—All on employer.

Compensation for death:

(*a*) To persons wholly dependent, 50 per cent of the weekly wages for 6 years, $8 maximum, total not to exceed $2,500 nor to be less than $1,000. If death occurs from any cause during receipt of disability benefits, any unaccrued and unpaid remainder goes to dependents.

(*b*) If only partial dependents survive, 50 per cent of the weekly wages, $8 maximum, for such part of 6 years as the commission may determine, total not to exceed $2,500. If death occurs from any cause during the receipt of disability benefits, partial dependents shall receive not more than four times the amount contributed by the deceased during his last year of employment, the aggregate of disability and death benefits not to exceed $2,500.

(*c*) If no dependents, $100 funeral expenses.

(*d*) Payments to widow or dependent widower cease on death or remarriage; to children, on reaching the age of 18, unless physically incapacitated from earning.

Compensation for disability:

(*a*) Medical and surgical assistance for first 30 days, not more than $100 in value.

(*b*) For total disability, 50 per cent of weekly wages during continuance, $5 minimum, $8 maximum; full wages if less than $5.

(*c*) For partial disability, 50 per cent of the weekly wage decrease, $8 maximum; total not to exceed $2,080.

(*d*) Special schedule for specified injuries, 50 per cent of weekly wages for periods ranging from 4 to 208 weeks.

Payments may be commuted to a lump sum after 6 months.

Revision of benefits.—Awards may be changed within 15 days after making, on discovery of mistake, and may be appealed from within 60 days.

Insurance.—Insurance in State fund, stock or mutual company, or proof of financial ability to make payments is required.

Security of payments.—Insurers are primarily liable to a workman or his beneficiaries entitled to benefits; notice to employer is notice to insurer; insolvency of employer does not release insurer. Claims are not assignable, and payments are exempt from attachment or execution.

Settlement of disputes.—Disputes are determined by the industrial commission, with limited appeal to courts.

CONNECTICUT.

Date of enactment.—May 29, 1913; in effect January 1, 1914; amended, chapter 288, Acts of 1915.

Injuries compensated.—All injuries arising out of and in the course of employment, disability of more than 10 days, or death, except when injury is caused by willful and serious misconduct of the injured employee, or by his intoxication.

Industries covered.—All industries in which 5 or more persons are employed, in absence of contrary election by employer.

Persons compensated.—Private employment: All employees of employers accepting the act, in absence of contrary election, outworkers and casual employees excepted. Public employment: Employees of the State and any public corporation within the State using the services of another for pay.

Burden of payment.—Entire cost rests upon the employer.

Compensation for death:

(a) $100 for burial expenses.

(b) To persons wholly dependent, a weekly compensation equal to one-half the earnings of the deceased employee.

(c) If only partial dependents survive, a weekly compensation, determined according to the measure of dependence, not exceeding one-half the earnings of the deceased employee.

(d) Compensation shall in no case be more than $10 or less than $5 weekly, and shall not continue longer than 312 weeks.

A widow's or widower's dependence ceases with remarriage, and a child's upon reaching 18 years of age, unless physically or mentally incapacitated.

If a widow or dependent widower remarries or dies during the term of benefit payments, subsequent payments go to other dependents, if any.

Compensation for disability:

(a) Reasonable medical and surgical aid and hospital service.

(b) For total disability, a weekly compensation equal to one-half the employee's earnings, not more than $10 or less than $5 weekly, or for longer than 520 weeks.

(c) For partial disability, a weekly compensation equal to one-half the wage loss, but not more than $10 per week, or for longer than 312 weeks. For specified injuries causing permanent partial disability, one-half the average weekly earnings for fixed periods in lieu of all other payments.

Lump-sum payments may be approved by the commissioner, provided they equal the value of the compensations.

Revision of benefits.—Review may be had upon request of either party, whenever it shall appear to the compensation commissioner that the incapacity or the measure of dependence has changed.

Insurance.—Approved schemes may be substituted provided the benefits are equivalent to those provided by law. Insurance may be taken in approved stock or mutual companies or associations.

Security of payments.—Employer must furnish the insurance commissioner satisfactory proof of his solvency and financial ability to pay awards, file satisfactory security with the insurance commissioner, or insure in approved stock or mutual companies or associations.

Settlement of disputes.—Disputes are to be settled by the compensation commissioners. Appeals from findings and awards of any commissioner may be made to the superior court of the county without cost to either party.

HAWAII.

Date of enactment.—April 28, 1915; in effect July 1, 1915.

Injuries compensated.—Personal injury by accident arising out of and in course of employment, causing disability for more than 14 days or death within two years, and not due to the employee's intention to injure himself or another or to his intoxication.

Industries covered.—All public and all industrial employment.

Persons compensated.—Private employment: All persons under contract of employment or apprenticeship, other than casual employees, whose pay does not exceed $36 per week. Public employment: All except elective officials and employees who receive salaries in excess of $1,800 per year.

Burden of payment.—All on employer.

Compensation for death:

(*a*) $100 funeral expenses if death occurs within 6 months after the injury.

(*b*) 40 per cent of average weekly wages to widow or dependent widower alone, 50 per cent if 1 or 2 dependent children, 60 per cent if 3 or more; 30 per cent to 1 or 2 orphans, 10 per cent additional for each child in excess of 2, total not to exceed 50 per cent. If no consort or child, but other dependents, 25 to 40 per cent.

(*c*) Payments to widow cease on death or remarriage, and to widower on termination of disability or remarriage; to child on reaching age of 16, unless incapable of self-support, when they may continue to 18; to other beneficiaries, on termination of disability; no payments except to children to continue longer than 312 weeks. Basic wages not less than $5 nor more than $36 weekly.

Compensation for disability:

(*a*) Reasonable surgical, medical, and hospital services for first 14 days, not exceeding $50 in amount.

(*b*) For total disability, 60 per cent of weekly wages, $3 minimum, $18 maximum, for not longer than 312 weeks; total not to exceed $5,000. If wages are less than $3, full wages will be paid unless disability is permanent, when $3 will be paid.

(*c*) For partial disability, 50 per cent of wage decrease, $12 maximum, not over 312 weeks, total not to exceed $5,000; fixed awards for specified injuries.

Payments may be commuted to one or more lump sums in any case.

Revision of benefits.—Agreements and awards may be reviewed at any time, not oftener than once in 6 months.

Insurance.—Private employers must carry insurance, secure guaranty insurance, deposit security, or furnish proof of financial ability to make payments.

Security of payments.—Payments are preferred claims, the same as wage debts. Employees have direct recourse to insuring company; insolvency of employer does not release insurer.

Settlement of disputes.—Industrial accident boards for each county; appeals to courts.

ILLINOIS.

Date of enactment.—June 10, 1911; in effect May 1, 1912. New act, June 28, 1913; in effect July 1, 1913; amended June 28, 1915.

Injuries compensated.—Accidental injuries arising out of and in the course of employment causing permanent disfigurement, disability of over 6 working days, or death.

Industries covered.—The building trades; construction, excavating, and electrical work; transportation; mining and quarrying; work with or about explosives, molten metals, injurious gases or vapors, or corrosive acids, and all enterprises in which the law requires protective devices, provided the employer elects. Other employers may elect, but forfeit no defenses if they do not. Compulsory as to State and its municipalities.

Persons compensated.—Private employment: All employees. Public employment: All persons employed by the State, county, municipality, etc., except officials.

Burden of payment.—Entire cost rests on the employer.

Compensation for death:

(*a*) To persons wholly dependent or to lineal heirs to whose support the employee had contributed within 4 years, a sum equal to 4 years' earnings, not less than $1,650 nor more than $3,500.

(*b*) If only dependent collateral heirs survive, such a percentage of the above sum as the support rendered during the last two years was of the earnings of the deceased.

(*c*) If no dependents, a burial benefit not exceeding $150.

Compensation for disability:

(*a*) Medical and surgical aid for not over 8 weeks, not over $200 in value.

(*b*) For total disability, beginning with eighth day (second day of permanent), a weekly sum equal to one-half the employee's earnings, $6 minimum, $12 maximum, during disability or until payments equal a death benefit; thereafter, if the disability is permanent, a sum annually equal to 8 per cent of a death benefit, but not less than $10 per month.

(*c*) For permanent partial disability, one-half the loss of earning capacity, not more than $12 per week.

(*d*) For certain specific injuries (mutilations, etc.), a benefit of 50 per cent of weekly wages for fixed periods.

(*e*) For serious and permanent disfigurement, not causing incapacity and not otherwise compensated, a sum not exceeding one-fourth the death benefits.

No payments are to extend beyond 8 years, except in case of permanent total incapacity.

Lump-sum payments for either death or disability may be substituted by the industrial board for periodic payments.

Revision of benefits.—Medical examination may be had not oftener than every 4 weeks. The industrial board may, on request, review installment payments within 18 months after the award or agreement thereon.

Insurance.—The employer may insure or maintain a benefit system, but may not reduce his liability under the act.

Security of payments.—In case of insolvency, awards constitute liens upon all property of the employer within the county, paramount to all other claims, except wages, taxes, mortgages, or trust deeds.

Employers must furnish proof of ability to pay, or give security, insure, or make other provision for security of payment. The rights of an insolvent employer to insurance indemnities are subrogated to injured employees.

Settlement of disputes.—Disputes are determined by the industrial board through an arbitrator or arbitration committee, subject to review by the board. Questions of law may be reviewed by the courts.

INDIANA.

Date of enactment.—March 8, 1915; in effect September 1, 1915.

Injuries compensated.—Personal injury causing disability for more than 2 weeks, or death by accident arising out of and in course of employment, not due to willful misconduct, intention to injure self, intoxication, or willful failure or refusal to use safety appliance or perform duty required by statute.

Industries covered.—All except interstate and foreign commerce, for which Federal laws make provision, and domestic and agricultural labor, unless employer make contrary election; compulsory as to State and its municipalities.

Persons compensated.—Private employment: All employees and contractors' employees engaged upon the subject matter of the contract; casual employees are excepted. Public employment: All employees.

Burden of payment.—All on employer.

Compensation for death:

(*a*) $100 for funeral expenses, if death from the injury occurs within 300 weeks.

(*b*) 50 per cent of weekly wages to persons wholly dependent; to those partially dependent, amounts proportionate to decedent's contributions to their support. The term of payment is limited to 300 weeks from the receipt of the injury.

(*c*) Payments cease on remarriage of widow or dependent widower, or on children attaining the age of 18 years, unless mentally or physically disabled for earning. Wages are to be considered as not above $24 nor less than $10 weekly, no total to exceed $5,000.

Compensation for disability:

(*a*) Medical and hospital services for first 30 days, and longer at option of employer; employee must accept unless otherwise ordered by industrial board.

(*b*) For total disability, 55 per cent of wages for not more than 500 weeks.

(*c*) For partial disability, 50 per cent of wage loss for not more than 300 weeks.

(*d*) For certain specified injuries, 55 per cent of wages for designated periods ranging from 15 to 200 weeks.

Wage basis and total amounts are limited as for death benefits.

Any payments may be commuted to a lump sum after 26 weeks.

Revision of benefits.—Awards may be reviewed at any time by industrial board on its own motion or the request of either party, but without retroactive effect.

Insurance.—Required unless satisfactory proof of financial ability to meet payments.

Security of payments.—Contracts of insurance must inure directly to the benefit of the person entitled to payments under an award. Payments have same preference and priority as unpaid wages, and are exempt from claims of creditors.

Settlement of disputes.—Disputes are determined by the industrial board, with appeal to courts on questions of law.

IOWA.

Date of enactment. April 18, 1913; in effect (*a*) establishing industrial commission and providing for insurance of employees July 4, 1913; (*b*) compensation features, July 1, 1914.

Injuries compensated. All personal injuries arising out of and in the course of the employment causing disability of more than two weeks, or death; except when caused by the injured employee's willful intention to injure himself or another, or by the intoxication of the employee.

Industries covered. All industries except agriculture, in absence of contrary election by employer. Compulsory as to State and its municipalities.

Persons compensated. Private employment: All employees in industries covered in absence of contrary election, except clerks not subjected to the hazards of the industry and casual employees. Public employment: All employees of the State and its subdivisions.

Burden of payment. Entire burden is on employer.

Compensation for death.

(*a*) Reasonable expenses of the employee's last sickness and burial, not to exceed $100.

(*b*) To persons wholly dependent, a weekly payment equal to 50 per cent of the wages of the deceased employee, but not more than $10 nor less than $5 per week, for 300 weeks.

(*c*) If only partial dependents survive, such a proportion of the above as the amounts contributed by the employee to such partial dependents bear to his annual earnings.

(*d*) If the employee was a minor whose earnings were received by the parent, a sum to the parent equal to two-thirds of the amount provided for persons wholly dependent.

Compensation for disability.

(*a*) Reasonable surgical, medical, and hospital services and supplies for first two weeks, not exceeding $100.

(*b*) For total temporary disability, 50 per cent of wages, not more than $10 nor less than $5, (unless wages are less than $5, then full wages), for not more than 300 weeks.

(*c*) For total permanent disability, the same compensation as for temporary disability, to be paid for a period of not more than 400 weeks.

(*d*) For partial permanent disability, (specified maimings) 50 per cent of average weekly wages for fixed periods.

Lump sum payments may be substituted on approval of the court.

Revision of benefits. Payments may be reviewed by the industrial commissioner at the request of either party.

Insurance. Employers may insure in approved companies or mutual associations, or contract with employees to maintain approved scheme in lieu of the compensation provided by law, provided there is no diminution of benefits.

Security of payments. Employers must insure in approved companies or mutual associations, or furnish satisfactory proof of financial ability to make payments, or deposit security with the State insurance department. In case of insolvency of the insurer, a claim for compensation becomes a first lien, and in case of legal incapacity of insured to receive the amount due the insurer must settle directly with the beneficiary.

Settlement of disputes. Disputes may be settled by arbitration.

KANSAS.

Date of enactment. March 14, 1911; in effect January 1, 1912; amended March 10, 1913.

Injuries compensated. Injuries by accident arising out of and in the course of employment not due to intoxication or deliberate intention of injured employee, or caused by his willful failure to use safeguards provided by statute or furnished by employer, causing incapacity to earn full wages for at least two weeks, or death.

Industries covered. Railways, factories, quarries, electrical, building or engineering work, laundries, natural gas plants, county and municipal work, employments requiring the use of dangerous, explosive or inflammable materials, if employing 5 or more persons; and mines without reference to the number of employees, in absence of contrary election; employers of less than 5 persons may also elect.

Persons compensated. Private employment: All employees, including apprentices, but excluding casual employees. Public employment: Workmen on county and municipal work.

Burden of payment. Entire cost rests upon the employer.

Compensation for death.

(*a*) To persons wholly dependent, a sum equal to 3 years' earnings of the deceased employee, not less than $1,200 nor more than $3,600. For nonresident alien beneficiaries (except in Canada) the maximum is $750.

(*b*) If only partial dependents survive, a sum proportionate to the injury to such dependents.

(*c*) If no dependents are left, a reasonable expense for medical attendance and burial not exceeding $100.

Compensation ceases upon the marriage of any dependent, or when a minor, not physically or mentally incapable of wage earning, shall become 18 years of age.

Compensation for disability.

(*a*) For total incapacity, payments during incapacity after the second week, equal to 50 per cent of earnings, but not less than $6 nor more than $15 per week.

(*b*) For partial incapacity, payments during incapacity, after the second week, not less than 25 nor more than 50 per cent of earnings, not less than $3 nor more than $12 per week, except in case of minors earning less than $10 per week, in which case the compensation shall not be less than 75 per cent of the earnings.

No payments for total or partial disability shall extend over more than 8 years.

After six months, lump sum payments may be substituted, as agreed upon or determined by the court.

Revision of benefits. Any award may be modified at any time by agreement. After one year either party may demand a revision. Employees must submit to medical examination at reasonable periods to determine their physical condition.

Insurance. The employer may insure in any approved insurance scheme which provides compensation not less favorable than is provided in this act.

Security of payments. Lump sums awarded by the court, may be secured by order of the court by a good and sufficient bond when there is doubt of security of payment. If the employer was insured, the insurer shall be subrogated to the rights and duties of the employer.

Settlement of disputes. Disputes not settled by agreement may be referred to arbitrators, subject to an appeal to courts.

KENTUCKY.

Date of enactment.—March 23, 1916; in effect August 1, 1916.

Injuries compensated.—Personal injuries by accident arising out of and in course of employment, causing incapacity for more than two weeks, or death, not self-inflicted, or due to intoxication or willful misconduct. Results of pre-existing diseases are not included.

Industries covered.—All except domestic service and farm labor where five or more persons are employed; excepted industries may become subject to the act by joint application by employers and employees.

Persons compensated.—Private employment: All employees in establishments coming under the act, if the employees elect. Public employment: All employees of municipalities coming under the act, if the employees elect.

Burden of payment.—All on the employer.

Compensation for death:

(*a*) Reasonable burial expenses, not to exceed $75.

(*b*) To persons wholly dependent, 65 per cent of the average weekly earnings, not more than $12 nor less than $5 per week, for 335 weeks, the total not to exceed $4,000.

(*c*) If only partial dependents survive, a proportion of the amount for total dependency, determined by the degree of dependence.

(*d*) If no dependents, $100 payable to the personal representative.

Payments to a widow or widower cease on remarriage and to a child on reaching the age of 16, unless incapacitated for wage earning. Payments thus terminated go to other beneficiaries, if any.

Compensation for disability:

(*a*) Medical, surgical, and hospital aid for 90 days, unless another period is fixed by the board, the cost not to exceed $100.

(*b*) For total disability, 65 per cent of average weekly wages, not more than $12 nor less than $5, for eight years, total not to exceed $5,000.

(*c*) For partial disability, 65 per cent of the weekly wage loss, not to exceed $12, for not more than 335 weeks, total not to exceed $4,000.

Compensation periods are fixed for specified injuries.

Lump-sum awards may be made after six months, if approved by the board.

Revision of benefits.—Review may be had on the request of either party or on the motion of the board, changing or revoking any previous order.

Insurance.—Employers accepting the act must insure in a stock or mutual company or the State Employees' Insurance Association, or give proof of financial ability to pay compensation direct.

Security of payments.—Insurance policies must provide for direct liability to the beneficiaries. Self-insurers must furnish bond or other security. Benefits have the same priority as wage debts and are not subject to assignment or attachment.

Settlement of disputes.—Disputes are settled by the workmen's compensation board, or a member thereof, or a referee appointed by it; limited appeals to courts.

LOUISIANA.

Date of enactment.—June 18, 1914; in effect January 1, 1915.

Injuries compensated.—Personal injury by accident arising out of and in course of employment causing disability for more than 2 weeks, or death within 1 year, and not due to willful intention to injure, to intoxication, to deliberate failure to use safeguards, or to deliberate breach of safety laws.

Industries covered.—Hazardous trades, businesses, or occupations in absence of contrary election; extensive list, and others may be so adjudged or brought within the act by voluntary agreement. Compulsory as to employees of the State and its municipalities and public boards.

Persons compensated.—Private employment: Every person performing services arising out of and incidental to his employer's trade, business, or occupation, if the same is within the act. Public employment: Every person in the service of the State, etc., except officials.

Burden of payment.—All on employer.

Compensation for death:

(*a*) $100 expenses of last sickness and burial.

(*b*) To widow or dependent widower alone, 25 per cent of weekly wages, 40 per cent if 1 child, and 50 per cent if 2 or more. If 1 child alone, 25 per cent, 40 per cent for 2, and 50 per cent for 3 or more. For 1 dependent parent, 25 per cent; for 2, 50 per cent; if 1 brother or sister, 25 per cent and 10 per cent additional for each other. The total in no case may exceed 50 per cent of the weekly wages, $3 minimum payment, $10 maximum, for not over 300 weeks. Payment to any beneficiary ceases on death or marriage, to children on reaching the age of 18, unless mentally or physically incapacitated.

Compensation for disability:

(*a*) Reasonable medical, surgical, and hospital service, not to exceed $100 in value.

(*b*) For total disability, 50 per cent of the weekly wages, $3 minimum, $10 maximum, for not more than 400 weeks.

(*c*) For partial disability, 50 per cent of the wage loss, not over $10, for not more than 400 weeks.

(*d*) Fixed schedule for specified injuries, for periods from 10 to 150 weeks. Payments in any case may be commuted to a lump sum on agreement of the parties and approval by the courts.

Revision of benefits.—Judgments may be modified at any time by agreement of the parties and approval by the courts; or after 1 year, they may be reviewed by the court on application of either party.

Insurance.—Not required.

Security of payments.—Policy of insurance must give claimants right to direct payment regardless of the default or bankruptcy of the employer. Compensation payments have the same preference as wage debts.

Settlement of disputes.—Disputes are settled by judges of the courts in simple, summary procedure.

MAINE.

Date of enactment.—April 1, 1915; in effect January 1, 1916.

Injuries compensated.—Injury sustained in course of employment, causing disability for more than 2 weeks, or death, not due to willful intention to injure himself or another, and not due to intoxication unless fact or habit of intoxication was known or cognizable to employer.

Industries covered.—All except agricultural and domestic labor, and seamen in interstate or foreign commerce, in which more than 5 persons are employed, if employer elects. Abrogation of defenses does not affect cutting, hauling, driving, or rafting of logs.

Persons compensated.—Private employment: All persons in industries covered, casual employees excepted. Public employment: Employees of State, cities, and counties, and of towns accepting the provisions of the act, other than officials.

Burden of payment.—All on employer. If employees contribute to substitute scheme, additional proportionate benefits must be paid.

Compensation for death:

(*a*) To persons wholly dependent, 50 per cent of weekly wages for 300 weeks, $4 minimum, $10 maximum.

(*b*) If only partial dependents survive, amounts proportionate to their degree of dependency, for 300 weeks.

(*c*) If only 1 wholly dependent and more than 1 partly dependent person survives, payments are to be divided according to the relative extent of dependency.

(*d*) If no dependents, not above $200 expenses of last sickness and burial. Payments to children cease at age of 18 unless mentally or physically incapacitated for earning a living.

Compensation for disability:

(*a*) Reasonable medical and hospital services during first 2 weeks, not over $30 in value, unless by agreement or order of commission a larger amount is provided for.

(*b*) For total disability, 50 per cent of the wages for not more than 500 weeks, $4 minimum, $10 maximum, total not to exceed $3,000.

(*c*) For partial disability, 50 per cent of the weekly wage loss, not over $10, for not more than 300 weeks. For specified injuries causing permanent partial disability, 50 per cent of the wages for various fixed periods, then compensation on basis of wage loss, if any, for not more than 300 weeks in all.

Lump-sum payments may be approved by the commission after weekly payments for not less than 6 months.

Revision of benefits.—Agreements or awards may be reviewed at the instance of either party at any time within 2 years.

Insurance.—Insurance in approved companies is required unless the employer gives satisfactory proof of solvency and makes deposit or bond to secure payments.

Security of payments.—Insurance as above. Claims have same preference over unsecured debts as do wages for labor.

Settlement of disputes.—Disputes are to be settled by the industrial accident commission, with appeals to courts on questions of law.

MARYLAND.

Date of enactment.—April 16, 1914; in effect November 1, 1914.

Injuries compensated.—Accidental personal injury arising out of and in course of employment, not due to willful intention or intoxication, and causing disability for more than 2 weeks or death within 2 years.

Industries covered.—Extra-hazardous (enumerated list); others by joint election of employers and employees. Farm and domestic labor, country blacksmiths and wheelwrights are excluded.

Persons compensated.—Private employment: All in industries covered, except casual employees and those receiving more than $2,000 annually. Public employment: Workmen employed for wages in extra-hazardous work, unless the municipality makes other equal or better provision.

Burden of payment.—All on employer.

Compensation for death:

(*a*) Funeral expenses, not over $75.

(*b*) To persons wholly dependent, 50 per cent of the weekly wages for 8 years; not more than $4,250 nor less than $1,000.

(*c*) To persons partly dependent, 50 per cent of the weekly wages for such portion of 8 years as the commission may fix, the amount not to exceed $3,000.

(*d*) If no dependents, funeral expenses only.

(*e*) Payments to widow close on remarriage, and to children on reaching the age of 16 years, unless mentally or physically incapacitated.

Compensation for disability:

(*a*) Medical, surgical, etc., expenses, not above $150 in value.

(*b*) For total disability, 50 per cent of weekly wages, $5 minimum, $12 maximum, during its continuance, total not to exceed $5,000. If wages are less than $5, full wages will be paid.

(*c*) For partial disability, 50 per cent of weekly wage loss, $12 maximum, total not over $3,000; specific periods for specified maimings.

Where the injured employee is a learner, with prospect of increase of wages, this fact may be considered in fixing awards.

Payments may, in the discretion of the commission, be made in part or in whole in lump sums.

Revision of benefits.—The commission may modify its findings and orders at any time for justifiable cause.

Insurance.—Insurance in State fund, stock or mutual company, or proof of financial ability, is required.

Security of payments.—Policies must permit action by commission to secure payments to any person entitled. Payments may not be assigned, nor are they subject to execution or attachment.

Settlement of disputes.—Disputes are to be settled by the industrial accident commission, with appeal to courts.

MASSACHUSETTS.

Date of enactment.—July 28, 1911; in effect July 1, 1912; amended, chapters 571, 1912; 48, 448, 568, 696, 746, 1913; 338, 708, 1914; 123, 275, 314, 1915.

Injuries compensated.—Injuries arising out of and in the course of employment causing incapacity for 2 weeks, or death, unless the injury is due to the serious and willful misconduct of the injured employee.

Industries covered.—All industries if the employer so elects.

Persons compensated.—Private employment: All employees, except masters of vessels and seamen engaged in interstate or foreign commerce and casual employees. Public employment: The State shall, and any county, city, town or district having power of taxation and accepting the act may, compensate its laborers, workmen, and mechanics.

Burden of payment.—Entire cost rests upon the employer.

Compensation for death:

(*a*) To persons wholly dependent, a weekly payment equal to two-thirds the average weekly wages of the deceased employee, but not less than $4 nor more than $10, for a period of 500 weeks, the total not to exceed $4,000.

(*b*) If only partial dependents survive, a sum proportionate to the portion of earnings contributed to their support by the deceased employee.

(*c*) If no dependents, the reasonable expense of last sickness and burial, not to exceed $200.

Children cease to be dependents at 18, unless mentally or physically incapacitated from earning a living.

Compensation for disability:

(*a*) Reasonable medical and hospital services, and medicines as needed, for the first 2 weeks after injury.

(*b*) For total disability, a sum equal to two-thirds the average weekly wages, but not less than $4 or more than $10 per week, not exceeding 500 weeks, nor $4,000 in amount.

(*c*) For partial disability, two-thirds the wage loss, but not to exceed $10 per week, and for not longer than 500 weeks.

(*d*) In specified injuries (mutilations, etc.) two-thirds the weekly wages, not exceeding $10 nor less than $4 per week, for fixed periods, in addition to other compensation.

Lump-sum payments may be substituted in whole or part, after payments for injury or death have been made for not less than six months.

Revision of benefits.—Either party may demand a revision of payment at any time. Employees must submit to medical examination to determine their physical condition when requested by the employer.

Insurance.—Employer must become a subscriber of the State Employees' Insurance Association or insure in some authorized liability insurance company.

Security of payments.—All risks must be insured in approved companies.

Settlement of disputes.—On request of either party, the industrial accident board calls for a committee of arbitration, whose decision is subject to review by the industrial accident board.

MICHIGAN.

Date of enactment. March 20, 1912; in effect September 1, 1912; amended April 10, 1913; April 16, 1913; May 2, 1913; and May 7, 1913.

Injuries compensated. Injuries causing incapacity to earn full wages for a period of two weeks, or death, arising out of and in the course of employment, unless such injuries resulted from intentional and willful misconduct of the injured person.

Industries covered. Compulsory as to the State and its municipalities, and each incorporated public board and commission authorized to hold property and to sue and be sued. All industries having one or more persons in service under contract of hire if the employer elects.

Persons compensated. Private employment: All employees, including aliens and minors, except casual employees. Public employment: All employees except officials of the State or of a municipality.

Burden of payment. Entire cost rests upon the employer.

Compensation for death.

(*a*) To persons wholly dependent, a weekly payment equal to one-half the deceased workman's earnings, but not less than $4 nor more than $10 per week for a period of 300 weeks.

(*b*) If only partial dependents survive, such proportion of the above as the amount of previous contributions bears to such earnings.

(*c*) If no dependents, the reasonable expense of the last sickness and burial, not exceeding $200.

Compensation for disability.

(*a*) Reasonable medical and hospital services for the first 3 weeks.

(*b*) For total incapacity, a weekly payment equal to one-half the earnings, but not less than $4 nor more than $10 per week, nor for a period longer than 500 weeks from the date of the injury, and not exceeding $4,000.

(*c*) For partial incapacity, a weekly payment equal to one-half the wage loss, but not more than $10 per week, and for not longer than 300 weeks.

(*d*) For certain specified injuries (mutilations, etc.), 50 per cent of average weekly earnings for fixed periods.

(*e*) Payments begin with the fifteenth day after the injury, but if the disability continues for 8 weeks or longer compensation is computed from the date of injury.

After six months lump sums may be substituted for weekly payments.

Revision of benefits. Weekly payments may be reviewed by the industrial accident board at the request of either party. An injured employee must submit to medical examination when requested.

Insurance. Employer must furnish proof of financial ability to pay the required compensation, or insure in an authorized employers' liability company, or in an employers' insurance association organized under State laws, or become a member of a State insurance fund administered by the State commissioner of insurance.

Security of payments. In case of insolvency, claims constitute a first lien upon all property of the employer. Employers must furnish proof of financial ability to pay compensation, or insure in approved companies or with the State.

Settlement of disputes. Either party may request the industrial accident board to appoint a committee of arbitration whose decisions are subject to review by the board. The supreme court may review questions of law.

MINNESOTA.

Date of enactment.—April 24, 1913; in effect October 1, 1913; amended, chapters 193, 209, 1915.

Injuries compensated.—Injury by accident arising out of and in the course of employment causing disability for more than 2 weeks, or death, unless intentionally caused, or due to the intoxication of the injured person.

Industries covered.—All excepting common carriers by steam railroad and farm and domestic service, in the absence of contrary election by employers.

Persons compensated.—Private employment: All employees, including aliens and minors, in the absence of contrary election, casual employees excepted. Public employment: All persons in the service of a county, city, town, village, or school district, excluding public officials elected or appointed for regular terms.

Burden of payment.—Cost rests upon the employer.

Compensation for death:

(*a*) $100 funeral expenses.

(*b*) To a widow alone, 35 per cent of monthly wages of deceased, increasing to 60 per cent if 4 or more children; to a dependent husband alone, 25 per cent; to a dependent orphan, 40 per cent, with 10 per cent additional for each additional orphan, with a maximum of 60 per cent; to the dependent parent or parents, if no dependent widow, widower, or children, 30 per cent if 1 parent and 40 per cent if both survive; if none of the foregoing, but a brother, sister, grandparent, mother-in-law, or father-in-law is wholly dependent if but 1 such relative, 25 per cent, or if more than 1, 30 per cent, divided equally.

(*c*) If only partial dependents survive, that proportion of benefits provided for actual dependents which contributions bore to wages earned.

(*d*) When no dependents are left, expense of last sickness and burial not exceeding $100, in addition to medical and hospital services provided in case of disability.

Payments continue for not more than 300 weeks, and cease when a minor child reaches the age of 18, unless physically or mentally incapacitated from earning, and upon the death or marriage of other dependents unless otherwise specified.

Compensation for disability:

(*a*) Reasonable medical and surgical treatment, not exceeding 90 days nor $100 in value, unless ordered in exceptional cases, when $200 is the limit.

(*b*) For total disability, 50 per cent of wages.

(*c*) For temporary partial disability, 50 per cent of the wage loss.

(*d*) For specified permanent partial disability (mutilations, etc.), 50 per cent of the earnings for fixed periods.

Payment for death or disability may not be less than $6.50 nor more than $11 per week, unless the wages were less than $6.50, when the amount of wages is paid. Payments may not extend beyond 300 weeks except for permanent total disability, when the maximum is 400 weeks, with payments of not more than $6.50 per week thereafter for 150 weeks, the total not to exceed $5,000.

Lump sums may be substituted for periodical payments, but in case of compensation for death, permanent total disability, or certain maimings the consent of the court must be obtained.

Revision of benefits.—After six months from the date of an award either party may apply to the court for revision. The employee must submit to medical examination when requested.

Insurance.—Employers may insure in any authorized company, stock or mutual, or maintain cooperative schemes, assuming other and greater risks, and other classes of industrial insurance.

Security of payments.—Insured workmen have an equitable lien upon any policy becoming due, and in case of the employer's incapacity the insurer shall make payment directly to them. Claims to compensation have the same preference against the assets of the employer as unpaid wages.

Settlement of disputes.—Either party may submit a claim to the judge of the district court, who shall determine such dispute in a summary manner, subject to review by the supreme court as to questions of law.

MONTANA.

Date of enactment.—March 8, 1915; in effect July 1, 1915.

Injuries compensated.—Injuries arising out of and in course of employment, resulting from some fortuitous event, causing death or disability of more than 2 weeks' duration.

Industries covered.—"All inherently hazardous works and occupations," including manufactures, construction work, transportation, and repair of the means thereof, and any hazardous occupation or work not enumerated, in which employers elect, but not including agricultural, domestic, or casual labor.

Persons compensated.—Private employment: All persons other than independent contractors, employed in the industries covered, whether as manual laborers or otherwise, except casual employees. Public employment: All employees in the industries covered.

Burden of payment.—All on employer except that contributions may be arranged for hospital fund.

Compensation for death:

(*a*) $75 for funeral expenses, if death occurs within 6 months of injury.

(*b*) To beneficiaries (widow, widower, child or children under 16, or invalid child above 16) 50 per cent of wages of the deceased if residents of the United States; if not, 25 per cent, unless otherwise required by treaty. To major dependents (father or mother) in case there are no beneficiaries, 40 per cent. To minor dependents (brothers or sisters actually dependent), if no beneficiary or major dependent, 30 per cent. Nonresident alien dependents receive nothing unless required by treaty, nor do beneficiaries if citizens of a Government excluding citizens of the United States from equal benefits under compensation laws. Term of payments may not exceed 400 weeks, $10 maximum, $6 minimum; if wages less than $6, then full wages. Payments cease on remarriage of widow or widower, or when child, brother, or sister reaches the age of 16, unless an invalid.

Compensation for disability:

(*a*) Medical and hospital services during first 2 weeks after happening of injury, not over $50 in value, unless there is a hospital contract.

(*b*) For total temporary disability, 50 per cent of wages during disability, $10 maximum, $6 minimum, unless wages are less than $6, when full wages will be paid, for not more than 300 weeks.

(*c*) For total permanent disability, same scale as above for 400 weeks, then $5 per week while disability continues.

(*d*) For partial disability, 50 per cent of the wage loss, wages and benefits not to exceed $10 nor fall below $6 in amount, unless wages at time of injury were less than $6; payments to continue not more than 150 weeks for permanent cases, and 50 weeks where disability is temporary.

(*e*) For maimings, compensation of same scale and limits as in (*b*) for terms ranging from 3 to 200 weeks.

Periodical payments may in any case be converted in whole or part to lump sums.

Revision of benefits.—Decisions and awards may be rescinded or amended at any time by the industrial accident board, for good cause.

Insurance.—The employer may carry his own risk on a showing of financial ability; security may be required for probable liabilities and must be given when a continuing payment is ascertained. Insurance may be carried in any company authorized to do business in the State, or the employer may contribute to a State fund.

Security of payments.—In case of bankruptcy, etc., liabilities under this act are a first lien upon any deposit made by an employer, and if this is not sufficient, then on any property of the employer or insurer within the State, and shall be prorated with other lienable claims.

Settlement of disputes.—Proceedings to determine disputes under the act must be instituted before the board and not elsewhere; limited appeal to courts.

NEBRASKA.

Date of enactment. April 21, 1913; in effect July 17, 1913.

Injuries compensated. Injury causing disability for more than fourteen days, or death, caused by accident arising out of and in the course of employment, except accident caused by or resulting in any degree from willful negligence or intoxication.

Industries covered. All industries where 5 or more persons are employed by the employer in the regular trade, business or occupation of the employer, except domestic service, agriculture, and interstate or foreign commerce, in the absence of contrary election. Exempt employers may make an affirmative election.

Persons compensated. Private employment: All employees, including aliens and minors, but excluding casual employees, and home workers. Public employment: All persons employed by the State, or any government agency created by the State, not having been elected or appointed for a regular term.

Burden of payment. The entire cost rests upon the employer.

Compensation for death.

(*a*) In addition to any other benefits, a reasonable amount not exceeding $100 to cover expenses of last sickness and burial.

(*b*) To persons wholly dependent, 50 per cent of the employee's wages, but not less than $5 nor more than $10 per week, during dependency, but not exceeding 350 weeks; if the wages of the deceased were less than $5 per week, then full wages are to be paid as compensation.

(*c*) If only partial dependents survive, a proportion of the above corresponding to the relation the contribution of the deceased to their support bore to his wages.

Compensation to children ceases when they reach the age of 16 years, unless they are physically or mentally incapacitated from earning.

Compensation for disability.

(*a*) Medical and hospital services during the first 21 days, not exceeding $200 in value.

(*b*) For total disability, one-half of the weekly wages, but not less than $5 or more than $10 per week for 300 weeks; thereafter while disability lasts 40 per cent of such wages, but not less than $4 or more than $8 per week: *Provided, however*, If weekly wages are less than the minimum, compensation to amount of full wages is to be paid.

(*c*) For partial disability, 50 per cent of loss of earning capacity, but not exceeding $10 per week nor exceeding 300 weeks.

(*d*) For certain specified injuries (mutilations, etc.), 50 per cent of wages for fixed periods with the same limits as to amounts as above.

Payments begin with the twenty-second day, but if disability continues 8 weeks or longer, compensation is computed from the date of injury.

Lump sums may be substituted for periodic payments, but if for death or permanent disability, the approval of the court must be obtained.

Revision of benefits. Benefits running for a period of six months or longer may be revised at any time by agreement of the parties or after six months by application to a court.

Insurance. An employer may insure his liability for compensation in any authorized stock or mutual insurance company.

Security of payments. In case of the insolvency of an insured employer, claimants are subrogated to the rights as against the company which the employer would have had if he had paid the claim.

Compensation rights and awards have the same preference against the assets of the employer as unpaid wages for labor.

Settlement of disputes. Questions may be submitted to arbitration by mutual consent, or either party may submit a claim to the district court of county to be heard and determined as a cause in equity, with the right of appeal to the supreme court.

NEVADA.

Date of enactment.—March 15, 1913; in effect July 1, 1913; amended, chapter 190, 1915.

Injuries compensated.—Injuries arising out of and in course of employment, causing incapacity to earn full wages for more than 7 days or death, except when caused by the employee's willful intention to injure himself or another or the injury is sustained while intoxicated.

Industries covered.—All except domestic and farm labor in the absence of contrary election, compulsory as to the State and its municipalities.

Persons compensated.—Private employment: All employees in the industries covered. Public employment: All employees.

Burden of payment.—The entire cost rests on the employer, except that he may deduct $1 per month from each employee's wages for medical, etc., expenses.

Compensation for death:

(*a*) Burial expenses not to exceed $125.

(*b*) To dependent widow or widower alone, 40 per cent of the average monthly wages, total not to exceed $4,0000; if 1 or 2 children, 50 per cent, $5,000 maximum; if 3 or more children, 60 per cent, $6,000 maximum. Payments may not be less than $20 nor more than $60 monthly nor continue more than 100 months. Orphans under 16 receive sums fixed by the commission, $10 minimum, $35 maximum, for periods also fixed by the commission. Partial dependents receive in proportion to the contributions of the deceased to their support at the time of his death for periods not exceeding 100 months.

Compensation for disability:

(*a*) Reasonable medical, surgical, and hospital aid for not more than four months.

(*b*) For total disability, an amount equal to one-half the average monthly wages, but not less than $20 nor more than $60 for 100 months, the total not to exceed $5,000.

(*c*) For partial disability, one-half the loss of earning capacity, but not more than $40 per month for not more than 60 months.

(*d*) For certain specific injuries (mutilations, etc.), a monthly payment equal to one-half the monthly wages for fixed periods.

No compensation is payable for the first week of disability, but if it continues 3 weeks or longer compensation is paid from the date of the injury.

The industrial commission may permit the substitution of lump sums for monthly payments in an amount not exceeding $5,000.

Revision of benefits.—Readjustment of compensation may be made by the commission on application therefor.

Insurance.—Employers coming under this act must insure in the State insurance fund.

Security of payments.—State management of the insurance fund and collection of premiums by the State. Payments are not assignable and are exempt from attachment, etc.

Settlement of disputes.—All matters relating to the amount of compensation to be paid are determined by the industrial commission.

NEW HAMPSHIRE.

Date of enactment. April 15, 1911; in effect January 1, 1912.

Injuries compensated. Any injury to an employee arising out of and in the course of employment causing disability of over two weeks, or death, unless due to willful misconduct, intoxication, or violation of law.

Industries covered. Industries dangerous to life or limb, including the operation and maintenance of steam and electric railroads, work in shops, mills, factories, etc., employing 5 or more persons; work about lines or cables charged with electricity; operations dangerously near explosives used in the industry, or to a steam boiler owned and operated by the employer; and work in or about any quarry, mine or foundry; provided the employer elects.

Persons compensated. Private employment: All workmen engaged in any of the employments covered by this law. Public employment: Government employees are not mentioned.

Burden of payment. Entire cost rests upon the employer.

Compensation for death.

(*a*) To persons wholly dependent, a sum equal to 150 times the average weekly earnings of the deceased, not to exceed $3,000.

(*b*) If only partial dependents survive, such proportion of the above compensation as corresponds to the portion of wages contributed to their support.

(*c*) If no dependents are left, expenses of medical care and burial to a reasonable amount, not in excess of $100.

Compensation for disability.

(*a*) For total disability, a sum beginning with the fifteenth day, not exceeding 50 per cent of average weekly earnings.

(*b*) For partial disability, a sum not in excess of 50 per cent of the loss of earning capacity.

In no case is compensation to exceed $10 a week nor run for a longer period than 300 weeks.

The court may determine the amount of lump sums payable as a substitute for weekly payments.

Revision of benefits. The injured person, when requested by the employer, must submit to medical examination not oftener than once a week.

Insurance. No provision.

Security of payments. The employer must satisfy the commissioner of labor of his ability to pay the required compensation or file a bond conditioned on the discharge of all liability incurred under this act.

Weekly payments have the same preferential claim against the assets of the employer as is allowed for unpaid wages or personal services.

Settlement of disputes. All questions not settled by agreement are determined by an action in equity.

NEW JERSEY.

Date of enactment.—April 4, 1911; in effect July 1, 1911; amended May 2, 1911, April 1, 1912, March 27, 1913, and April 17, 1914.

Injuries compensated.—Injury by accident arising out of and in the course of employment causing disability of over two weeks, or death, unless intentionally self-inflicted or due to intoxication.

Industries covered.—All employments in the absence of contrary election.

Persons compensated.—Private employment: All employees except casual. Nonresident aliens receive no benefits. Public employment: Every employee of the State, county, municipality, board or commission, or other governing body, including boards of education, except persons receiving a salary greater than $1,200 per year, and those holding an elective office.

Burden of payment.—The entire cost rests upon the employer.

Compensation for death:

(*a*) The expense of the last sickness and of burial, not exceeding $100 for burial.

(*b*) To one dependent, 35 per cent of the wages of the deceased person, and for each additional dependent 5 per cent additional, the total not to exceed 60 per cent, payable for not more than 300 weeks. Compensation not to be less than $5 nor more than $10 per week, unless the earnings were less than $5, when full wages are paid.

Payments to widows cease on remarriage, and to orphans on reaching the age of 18, unless physically or mentally deficient.

A lump-sum payment may be substituted at the discretion of the court of common pleas.

Compensation for disability:

(*a*) Reasonable medical and hospital services for the first two weeks of incapacity, not exceeding $50 in value.

(*b*) For temporary total disability 50 per cent of wages, payable during disability, but not beyond 300 weeks.

(*c*) For permanent total disability, 50 per cent of wages during such disability, not beyond 400 weeks.

(*d*) For certain specific injuries (mutilations, etc.) producing partial but permanent disabilities, 50 per cent of wages during fixed periods.

All weekly payments are subject to the same rule as to minimum and maximum, as for death benefits.

A lump-sum payment may be substituted at the discretion of the court of common pleas.

Revision of benefits.—At any time after one year from the time an award becomes operative, either party may demand a revision of benefits.

Insurance.—No provision.

Security of payments.—The right of compensation has the same preference against the assets of the employer as is now or may hereafter be allowed by law for a claim for unpaid wages.

Settlement of disputes.—Either party may submit a claim to the judge of the court of common pleas who shall hear and determine such disputes in a summary manner, subject to review of questions of law by the supreme court.

NEW YORK.

[Compulsory law.]

Date of enactment.—December 16, 1913; in effect July 1, 1914; amended, chapters 41, 316, 1914; 167, 168, 615, 674, 1915; 622, 1916.

Injuries compensated.—Accidental injuries arising out of and in course of employment, and disease or infection naturally and unavoidably resulting therefrom, causing disability for more than two weeks, or death, unless caused by the willful intention of the injured employee to bring about the injury or death of himself or another, or by his intoxication while on duty.

Industries covered.—"Hazardous employments," including construction, maintenance, and operation of steam and street railroads; telegraph, telephone, and other electrical construction, installation, operation, or repair; foundries, machine shops, and power plants; stone cutting, crushing, grinding, or dressing; manufactures, tanneries, laundries, printing, and bookbinding; shipbuilding and repair, and the use of vessels in intrastate commerce; work in mines, quarries, tunnels, subways, shaft sinking, etc.; engineering work, and the construction, repair, and demolition of buildings and bridges; lumbering, draying, loading, and unloading, ice harvesting, freight and passenger elevators, etc.; others by election.

Persons compensated.—Private employment: All employees in industries covered, farm laborers and domestic servants not included. Public employment: Included.

Burden of payment.—Entire cost rests on employer.

Compensation for death:

(*a*) $100 for funeral expenses.

(*b*) To a widow or dependent widower alone, 30 per cent of wages of deceased, 10 per cent additional for each child under 18; dependent orphans under 18 receive 15 per cent each, and dependent parents, brothers, or sisters receive 15 per cent each; aggregate payments in no case to exceed 66⅔ per cent.

(*c*) Payments to widow or widower cease on death or remarriage or when dependence of widower ceases, with two years' compensation on remarriage; payments to children, brothers, and sisters cease at 18, and to parents when dependence ceases.

In computing the above benefits no wages in excess of $100 monthly are considered.

Compensation for disability:

(*a*) Medical and surgical treatment and hospital services for 60 days, costs to be approved by the commission.

(*b*) For total disability, 66⅔ per cent of wages during continuance.

(*c*) For partial disability, 66⅔ per cent of wage loss; for specified permanent partial disabilities (mutilations, etc.), 66⅔ per cent of wages for fixed periods; separate provision for disfigurements.

The foregoing payments may not be less than $5 nor more than $15 per week, except for certain maimings the maximum may be $20.

Revision of benefits.—Awards may be reviewed at any time, and ended or increased or decreased within the limits fixed.

Insurance.—Employer must give proof of financial ability to make payments (deposit of securities may be required), or must insure in State fund or mutual or stock company.

Security of payments.—Insurance may be made to inure directly to the benefit of claimants; insolvency of employer does not release insurance company. Payments have same preference as unpaid wages for labor.

Settlement of disputes.—Disputes are settled by the State industrial commission, with limited appeals to courts.

OHIO.

Date of enactment.—June 15, 1911; in effect January 1, 1912; amended, pages 72, 396, 1913; 193, 1914; 508, 1915.

Injuries compensated.—All injuries not self-inflicted received in the course of employment causing disability beyond one week, or death.

Industries covered.—All industries employing 5 or more persons regularly in the same business; also establishments with less than 5 workmen, if the employer elects to pay the premiums provided by this act.

Persons compensated.—Private employment: All employees excluding casual workers, but including aliens and minors lawfully employed. Public employment: Persons in the service of the State, or its political subdivisions, excepting the officials of the State or municipal governments, and policemen and firemen in cities where pension funds are established and maintained by municipal authority.

Burden of payment.—Entire cost rests upon the employer.

Compensation for death:

(*a*) Burial expenses not to exceed $150.

(*b*) To persons wholly dependent, 66⅔ per cent of the average weekly earnings of the deceased workman for six years after the date of the injury, not less than $1,500 nor more than $3,750.

(*c*) If only partial dependents survive, a proportionate sum to continue for all or such portion of the period of six years as the industrial commission may determine in each case, not exceeding a maximum of $3,750.

(*d*) If no dependents, medical and hospital services not exceeding $200 in value and burial expenses as above.

Compensation for disability:

(*a*) Medical, hospital, etc., services, not to exceed $200.

(*b*) For total temporary disability, a weekly payment of 66⅔ per cent of average weekly wages during disability, not less than $5 nor more than $12 per week, but not for longer than six years, nor exceeding $3,750.

(*c*) For total permanent disability, a weekly payment as above, continuing until death.

(*d*) For partial disability, 66⅔ per cent of loss of earning capacity during the continuance thereof, but not exceeding $12 per week, or a total of $3,750.

(*e*) In certain specified injuries (mutilations, etc.), compensation of 66⅔ per cent of wages for fixed periods, with the same maximum and minimum limitations as noted above.

In all cases if wages are less than prescribed minimum, then total wages are paid as compensation; an expected increase in wages may be given consideration.

Revision of benefits.—The industrial commission may from time to time make such modification or change in its former findings of fact as it deems necessary.

Insurance.—The law creates a State insurance fund, under control of an industrial commission. Other schemes are permitted, provided benefits equal to those provided by the State insurance fund are guaranteed employees at the employer's cost.

Security of payments.—Insurance is under State control. Claims for compensation under this law have the same preference against the assets of the employer as is or may be allowed by law on judgments rendered for claims for taxes.

Settlement of disputes.—The commission hears and determines all cases within its jurisdiction, limited right of appeal to the civil courts being reserved to the claimant.

OKLAHOMA.

Date of enactment.—March 22, 1915; in effect September 1, 1915.

Injuries compensated.—Personal injuries causing disability for more than 2 weeks arising out of and in course of employment, not due to the willful intention of the injured employee to injure himself or another, intoxication, or willful failure to use statutory safeguard. Fatal injuries not covered.

Industries covered.—"Hazardous" (enumerated list and general clause), in which more than 2 persons are employed, including work by State or municipalities; agriculture, stock raising, retail stores, and interstate railways not included.

Persons compensated.—Private employment: Persons engaged in manual or mechanical work or labor in industries covered. Public employment: Workmen employed for wages in any hazardous work within meaning of this act.

Burden of payment.—All on employer.

Compensation for death.—Fatal injuries not covered.

Compensation for disability:

(*a*) Necessary medical, surgical, or other treatment for first 15 days.

(*b*) For temporary total disability, 50 per cent of average weekly wages for not more than 300 weeks.

(*c*) For permanent total disability, 50 per cent of average weekly wages for not more than 500 weeks.

(*d*) For permanent partial disability, 50 per cent of wage loss for not more than 300 weeks; for specified injuries, 50 per cent of weekly wages for fixed periods in lieu of other compensation.

Payments may not exceed $10 per week nor be less than $6 unless wages were less than $6, when full wages will be paid. Periodical payments may be commuted to lump sums, and aliens who are nonresidents may have payments commuted to lump sums equal to one-half of the value of the present worth.

Revision of benefits.—Awards may be reviewed at any time on application of any party in interest.

Insurance.—Insurance, the maintenance of a benefit fund, or proof of ability to make compensation payments is required.

Security of payments.—Insurance companies or fund systems must be approved by the commission. Claims can not be assigned, and payments are exempt from levy, execution, etc. Deposits with the commission to secure payments may be required of employers or insurers.

Settlement of disputes.—Disputes may be settled by the industrial commission, subject to appeals to the supreme court.

OREGON.

Date of enactment.—February 25, 1913, in effect June 30, 1914. (Deferred by referendum.) Amended, chapter 271, 1915.

Injuries compensated.—Injuries by accident arising out of and in the course of employment, except those brought about intentionally.

Industries covered.—All hazardous occupations, including factories, mills, and workshops employing machinery; mines, quarries, wharves and docks, dredges, engineering works; building trades; telegraph, telephone, electric light and power plants or lines, steamboats, tugs and ferries; all in absence of contrary election. Other employers may accept the law by affirmative election.

Persons compensated.—Private employment: Any workman employed as above in absence of contrary election. Nonresident alien beneficiaries other than parent, spouse, or child are not included unless otherwise provided by treaty. Public employment: Not included.

Burden of payment.—The employer deducts one cent from employee's daily earnings, and himself contributes this sum and a percentage of his monthly pay roll, fixed according to industry. The State gives a subsidy.

Compensation for death:

(*a*) Burial expenses not to exceed $100.

(*b*) To widow or invalid widower, a monthly payment of $30, and to each child under 16 (daughters 18), $6 a month, the total monthly payments not to exceed $50.

(*c*) To orphans under 16 years of age (daughters 18), a monthly payment of $15 each; the total monthly payments not to exceed $50.

(*d*) To other dependents, there being none of the foregoing, a monthly payment to each of 50 per cent of the average support received during the preceding year, but not to exceed $30 a month in all.

(*e*) To parents of an unmarried minor, a monthly payment of $25, until such time as he would have been 21, after which time compensation shall be paid according to (*d*) above.

Payments to widow or widower continue until death or remarriage. On remarriage of widow she receives a lump sum of $300. Payments to a male child cease at 16 and to a female at 18, unless the child is an invalid.

Compensation for disability:

(*a*) Transportation, medical, surgical, and hospital expenses not exceeding $250 in value.

(*b*) For permanent total disability, monthly payments as follows: (1) If unmarried at the time of the injury, $30; (2) if with wife or invalid husband, but no child under 16 years, $35; if the husband is not an invalid, the sum is $30; (3) if married or a widow or widower with a child or children under 16 years, $6 additional to the provision under (2) above, for each child until 16 years of age; the total monthly payments not to exceed $50.

(*c*) For temporary total disability, the above payments apply during disability, increased 50 per cent for first 6 months, but in no case to exceed 60 per cent of monthly wages.

(*d*) For partial, temporary disability, a proportionate amount, corresponding to loss of earning power for not exceeding 2 years.

(*e*) For certain specified injuries (mutilations, etc.), monthly payment of $25 per month payable for fixed periods. A lump sum at the option of the injured person is provided in some cases.

Partial lump-sum payments to any beneficiary may be substituted at the discretion of the commission.

Revision of benefits.—The rate of compensation may be readjusted either upon the application of the beneficiary or by the State Industrial Accident Commission upon its own initiative.

Insurance.—Insurance is effected through the State Industrial Accident Fund, under supervision of the State Industrial Accident Commission.

Security of payments.—Insurance under State control.

Settlement of disputes.—Any decision of the commission is subject to review by the circuit court, and appeals lie from the circuit court as in other civil cases.

PENNSYLVANIA.

Date of enactment.—June 2, 1915; in effect January 1, 1916.

Injuries compensated.—Personal injury by accident in the course of employment, causing disability for more than 14 days or death in 300 weeks, not intentionally self-inflicted or due to the intentional act of a third person for reasons not connected with the employment.

Industries covered.—All, unless employer makes election to the contrary. (Agricultural and domestic employees are excluded by a separate act.)

Persons compensated.—Private employment: All persons rendering service to another for a valuable consideration, casual employees and those working on material given out to be made up, repaired, etc., on premises not under the control of the employer excepted. Public employment: All employees.

Burden of payment.—All on employer.

Compensation for death:

(*a*) $100 funeral expenses.

(*b*) 40 per cent of weekly wages to widow or dependent widower, 5 per cent additional for each child, total not to exceed 60 per cent; if no parent, 25 per cent if 1 or 2 children, 10 per cent additional for each child in excess of 2, total not to exceed 60 per cent; if no consort or child under 16, but dependent parent, brothers, or sisters, 15 to 25 per cent wages.

(c) Payments cease on death, remarriage of widow or widower, cessation of dependence of widower, or child, brother, or sister attaining the age of 16; not to continue beyond 300 weeks, unless for children under 16, when 15 per cent of wages will be paid for 1 and 10 per cent additional for each additional child, total not to exceed 50 per cent. Basic wages are not less than $10 nor more than $20 weekly.

Compensation for disability:

(*a*) Reasonable medical, surgical, and hospital expenses for first 14 days after disability begins, cost not to exceed $25, unless major surgical operation is necessary, when $75 is the maximum.

(*b*) For total disability, 50 per cent of weekly wages for 500 weeks, $5 minimum, $10 maximum, total not to exceed $4,000; if wages less than $5, full wages will be paid.

(*c*) For partial disability, 50 per cent of weekly wage loss, $10 maximum, for not over 300 weeks; fixed periods for specified injuries, $5 minimum, $10 maximum, full wages if less than $5.

Payments may be commuted to a lump sum.

Revision of benefits.—Agreements and awards may be reviewed by the board at any time for proper cause.

Insurance.—Employers must insure in the State fund, a stock or mutual company, or give proof of financial ability.

Security of payments.—Agreements or claims may be filed with a prothonotary, who enters them as a judgment, and if approved by the board they become a lien on the property of the employer. A separate act provides for direct payments from insurance companies to the beneficiaries, in case of the employer's failure to make payments of benefits.

Settlement of disputes.—Disputes are settled by a workmen's compensation board, with appeal to courts.

PORTO RICO.

Date of enactment.—April 13, 1916; in effect July 1, 1916.

Injuries compensated.—All personal injuries by accident arising out of and during the course of employment causing death or disability, excepting injuries due to willful intent to commit crime, intoxication or gross negligence, or willful criminal act of a third person.

Industries covered.—All industries employing five or more persons except domestic service and agricultural work without mechanically driven machinery, and common carriers by railroad.

Persons compensated.—Private employment: All employees of employers not rejecting the provisions of the act, clerical employees in offices and commercial establishments where machinery is not used excepted; also excepting employees whose earnings exceed $1,200 per year. Public employment: Not mentioned.

Burden of payment.—All on employer.

Compensation for death:

(*a*) Burial expenses not exceeding $40.

(*b*) Any balance of the sums the deceased workman would have received if the injuries had not proved fatal.

Benefits may be apportioned among the dependent legal heirs by the workman's relief commission.

Compensation for disability:

(*a*) Necessary medical attendance and such medicines and necessary food as the workman's relief commission may prescribe, for not longer than eight weeks and not after the date on which compensation is allowed.

(*b*) For temporary disability an amount equal to three-fourths of the weekly wages, not less than $3 nor more than $7, for not more than 104 weeks.

(*c*) For permanent disability the sum of $1,500 and an amount equal to three-fourths of the weekly wages, not less than $3 nor more than $7, for a maximum of 208 weeks.

The time and manner of payments are to be determined by the workman's relief commission.

Revision of benefits.—Awards may be modified at any time during the period for which they were originally made.

Insurance.—All payments are made from the workman's relief trust fund established by the act, to which all employers covered by the act contribute.

Security of payments.—Fund is administered by the treasurer of the island. Rights not assignable nor subject to attachment.

Settlement of disputes.—Disputes are settled by the workman's relief commission, with limited appeals to the courts.

RHODE ISLAND.

Date of enactment.—April 29, 1912; in effect October 1, 1912; amended, chapters 937, 1913; 12, 68, 1915.

Injuries compensated.—Personal injuries by accidents arising out of and in the course of employment causing incapacity for earning full wages for a period of more than 2 weeks, or death, except where the injury resulted from the willful intention of the injured person to injure himself or another, or from intoxication.

Industries covered.—All industries except domestic service and agriculture if the employer elects. Defenses in suits for damages are not abrogated unless more than 5 persons are employed.

Persons compensated.—Private employment: All employees in establishments covered by this act in absence of contrary election, casual employees and those earning above $1,800 a year excepted. Public employment: Not mentioned.

Burden of payment.—Entire cost rests upon the employer.

Compensation for death:

(*a*) To persons wholly dependent, a weekly payment equal to one-half the average weekly earnings of the deceased employee, but not less than $4 nor more than $10 per week, for a period of 300 weeks.

(*b*) If only partial dependents survive, a sum proportionate to the amount which the annual contributions bore to the annual earnings of the deceased, for not exceeding 300 weeks.

(*c*) If no dependents, the expense of the last sickness and burial of the deceased employee, not exceeding $200.

Payments to children cease on their reaching the age of 18 years unless they are physically or mentally incapacitated.

Compensation for disability:

(*a*) The necessary medical and surgical care and hospital services for the first 2 weeks after the injury.

(*b*) For total incapacity, a weekly payment equal to one-half the wages, but not less than $4 nor more than $10 per week, during such incapacity, but not for a longer period than 500 weeks.

(*c*) For partial incapacity, a weekly payment equal to one-half the loss of earning power, but not exceeding $10 per week, during such incapacity, and not for a longer period than 300 weeks.

(*d*) For certain specified injuries (mutilations, etc.), in addition to the above, one-half the wages, weekly payments to be not less than $4 nor more than $10 per week, for fixed periods.

Lump-sum payments may be substituted by order of the superior court after compensation has been paid for six months for either death or injury.

Revision of benefits.—Amounts payable may be reviewed and modified by the superior court at any time within 2 years, if the time for payments has not expired.

Insurance.—Employers must insure, give proof of financial ability to make direct payments, or furnish security or bond. If employees contribute to any approved scheme or insurance plan, proportionate added benefits must be provided.

Security of payments.—Insurers are directly liable to claimants; beneficiaries have a first lien on any sum due from insurers to the employer on any policy.

Settlement of disputes.—Disputes are settled by the superior court on a petition in the nature of a petition in equity, filed by any party in interest. Appeals may be carried to the supreme court by any aggrieved person.

TEXAS.

Date of enactment.—April 16, 1913; in effect September 1, 1913.

Injuries compensated.—Personal injury sustained in the course of employment causing incapacity to earn full wages for at least one week, or death.

Industries covered.—Excluded from the act are domestic and farm labor, railways operated as common carriers, and cotton ginning; also establishments in which not more than five persons are employed. Applies to other industries if the employer subscribes to the State insurance fund.

Persons compensated.—Private employment: All employees in industries included, except casual. Public employment: No provision.

Burden of payment.—The entire cost rests upon the employer.

Compensation for death:

(*a*) To the legal beneficiary of the deceased employee, a weekly payment equal to 60 per cent of his wages, not less than $5 nor more than $15, for a period of 360 weeks, distributed according to law governing property distribution.

(*b*) If no beneficiaries or creditors are left, the expenses of the last sickness and in addition a funeral benefit not to exceed $100.

(*c*) If the deceased leaves no beneficiaries but leaves creditors, the insurance association is liable to the creditors for such debts in an amount not exceeding that which would be due beneficiaries.

Compensation for disability:

(*a*) Medical and hospital care for the first week.

(*b*) For total incapacity, a compensation equal to 60 per cent of the average weekly wages of the injured person, but not less than $5 nor more than $15 per week, during such disability, but not exceeding a period of 400 weeks.

(*c*) For partial incapacity, a compensation equal to 60 per cent of the loss of earning power during such disability, but not exceeding 300 weeks, in no case to exceed $15 per week.

(*d*) For certain specified injuries (mutilations, etc.), an additional compensation equal to 60 per cent of the average weekly wages of the injured person for fixed periods, not less than $5 nor more than $15 per week.

A lump-sum payment may be substituted for weekly payments in cases of death or total permanent disability, subject to the approval of the industrial accident board.

Revision of benefits.—The industrial accident board may call for medical examination as often as may be reasonably ordered.

Insurance.—Insurance may be effected through the Texas Employers' Insurance Association or in any company admitted to do business in the State.

Security of payments.—All risks must be insured in approved companies.

Settlement of disputes.—Disputes are referable to the industrial accident board, whose decisions are subject to appeal to any court of competent jurisdiction.

VERMONT.

Date of enactment.—April 1, 1915; in effect July 1, 1915.

Injuries compensated.—Personal injury causing disability for more than 14 days or death within 2 years, arising out of and in course of employment, not due to the employee's willful intention to injure himself or another, his intoxication, or failure to use a safety appliance.

Industries covered.—All industrial establishments in which more than 10 persons are employed, and commerce as far as permissible under Federal laws, domestic and casual labor excepted, unless election to the contrary is made. Public service under municipalities which elect compensation system.

Persons compensated.—Private employment: All under contract with or in service of an employer, domestic and casual employees and those receiving more than $1,500 excepted. Public employees: All except those elected by popular vote or receiving in excess of $1,500 annually.

Burden of payment.—All on employer.

Compensation for death:

(*a*) $75 for funeral expenses if death occurs within 2 years.

(*b*) 33⅓ per cent of weekly wages to dependent widow or widower, 40 per cent if there be 1 or 2 children, and 45 per cent if more than 2; if no parent, 25 per cent to 1 or 2 children, 10 per cent additional for each child in excess of 2, total not to exceed 40 per cent; if no consort or child under 18, and dependent parent, grandparent, or grandchild, 15 to 25 per cent of wages.

(*c*) Payments to widow cease on death or remarriage; to widower on remarriage or cessation of dependency; to children on reaching age of 18 unless incapable of self-support, in no case to exceed 260 weeks or $3,500 in amount; payments to other classes of beneficiaries end in 208 weeks at most. Basic wages are not less than $5 nor more than $25 weekly.

Compensation for disability:

(*a*) Medical and hospital services for first 14 days, not to exceed $75.

(*b*) For total disability 50 per cent of weekly wages for 26 weeks if temporary, 260 if permanent, subject to extension for 52 weeks, $3 minimum, $12.50 maximum, total not to exceed $4,000. If wages are less than $3, full wages will be paid unless disability is permanent, when $3 will be paid.

(*c*) For partial disability, 50 per cent of wage decrease, maximum $10, for not more than 5 years.

(*d*) For certain specified injuries, 50 per cent of weekly wages, but not more than $10, for designated periods ranging from 8 to 170 weeks.

Payments may be commuted to one or more lump sums in any case.

Revision of benefits.—Awards may be reviewed on application at any time, but not oftener than once in 6 months.

Insurance.—Required unless deposit of security is made, or satisfactory proof of financial responsibility.

Security of payments.—Employees may have direct recourse to insuring company; insolvency of employer does not release insurer; compensation rights are preferred claims.

Settlement of disputes.—Disputes are determined by an industrial accident board, with appeal to courts.

WASHINGTON.

Date of enactment.—March 14, 1911; in effect October 1, 1911; amended, chapters 138, 1913; 188, 1915.

Injuries compensated.—Injuries causing disability of 5 per cent, or death, to a person whether received upon the premises or at the plant or in the course of employment while away from the establishment, except injuries brought about intentionally.

Industries covered.—All extrahazardous employment, including mills, factories, and workshops where machinery is used, blast furnaces, mines, quarries, and wharves; engineering works; logging, lumbering, and shipbuilding; building trades; telegraph, telephone, electric light or power plants or lines; steamboats, tugs, and ferries; railroads except as governed by Federal statute; State, county, and municipal undertakings involving extrahazardous work in which persons are employed for wages.

Persons compensated.—Private employment: All employees in industries covered by the act; any working employer or salaried employee on the pay roll at a rate not greater than the average named in such pay roll. Public employment: All employees in industries covered by the act.

Burden of payment.—The entire burden rests upon the employer.

Compensation for death:

(*a*) Expenses of burial not exceeding $75.

(*b*) To widow or invalid widower, a monthly payment of $20; to each child under 16, $5 per month, the total not to exceed $35 per month.

(*c*) If no parent survives, a monthly payment of $10 to each child under 16 years of age, the total not to exceed $35 per month.

(*d*) To other dependents, if none of the above survive, a monthly payment to each equal to 50 per cent of the average amount previously contributed to the dependent, the total not to exceed $20 per month.

(*e*) To the parent or parents of an unmarried minor a monthly payment of $20 until the time he would have been 21. In case of dependence, payments to parents of minors are governed by (*d*).

Payments to a widow or widower continue until death or remarriage, and to a child until reaching the age of 16 years. If a widow remarries she receives a lump sum of $240.

Compensation for disability:

(*a*) For permanent total disability, payments as follows: (1) If unmarried at time of the accident, $20 per month; (2) if with a wife or invalid husband, but no child under 16 years of age, $25 a month; if the husband is not an invalid, $15 per month; (3) if married, or a widow or widower with a child or children under 16 years, $5 a month additional for each child, the total not to exceed $35 per month.

(*b*) For total temporary disability, payments as for permanent total disdisability during disability, increased by 50 per cent for first six months, but in no case to exceed 60 per cent of monthly wages.

(*c*) For temporary partial disability, the payment as for total disability continues in proportion to the loss of earning power, provided this shall exceed 5 per cent.

(*d*) For permanent partial disability, a lump sum not to exceed $1,500; if the injured person is a minor, the parents receive an additional sum, equal to 10 per cent of the award to the injured person.

Monthly payments may be converted into lump-sum payments in case of death or permanent total disability.

Revision of benefits.—Revision may be had upon application of the beneficiary or upon the motion of the department.

Insurance.—Insurance is required in a State accident fund.

Security of payments.—Accident fund under State control.

Settlement of disputes.—By industrial insurance department whose decisions are subject to review by the superior court, from which appeal lies as in other civil cases.

WEST VIRGINIA.

Date of enactment.—February 22, 1913; in effect October 1, 1913; amended February 20 and May 21, 1915.

Injuries compensated.—All personal injuries not the result of willful misconduct or intoxication of the injured employee, or self-inflicted, causing incapacity for more than 1 week, or death.

Industries covered.—All except domestic or agricultural labor, if the employer becomes a member of the State insurance fund.

Persons compensated.—Private employment: All employees in industries covered, including aliens, except persons casually employed, and the officers of corporations. Public employment: No provision.

Burden of payment.—Employer, 90 per cent; employees, 10 per cent.

Compensation for death:

(*a*) Reasonable funeral expenses, not to exceed $75.

(*b*) To the widow or invalid widower, $20 per month and $5 per month additional for each child under the age of legal employment, the total not to exceed $35 per month.

(*c*) To orphan child or children, $10 each per month until the age of 15, total not to exceed $30 per month.

(*d*) To other persons wholly dependent, if no widow, invalid widower, or child under the age of legal employment is left, 50 per cent of the average monthly support received from the deceased during the preceding year, not exceeding $20 per month, for 6 years.

(*e*) If the deceased was a single minor, to a dependent parent, 50 per cent of the earnings, not to exceed $6 per week, until the time when he would have become 21.

(*f*) If only partial dependents survive, a compensation computed as in (*d*), with the same maximum.

Payments to a widow or widower cease on remarriage, and to children on reaching the age of 15 years. If widow or invalid widower remarry within 2 years of death of employee, to be paid 20 per cent of balance of 10 years' benefits.

Compensation for disability:

(*a*) Medical, nurse, and hospital services, not exceeding $150 ($300 in special cases).

(*b*) For temporary partial disability, during such disability, 50 per cent of loss of his earning capacity, not more than $10 per week nor exceeding 26 weeks, except that for certain ununited fractures, etc., the period may be 52 weeks.

(*c*) For permanent partial disability, 50 per cent of wages for periods varying with degree of disability (from 10 to 70 per cent), periods ranging from 30 to 210 weeks; from 70 to 85 per cent disability, 40 per cent of wages for life.

(*d*) For permanent total disability (85 per cent or above), 50 per cent of the average weekly wages, during life.

Lump-sum payments may be substituted for periodic payments in case of either injury or death. Payments under (*c*) and (*d*), $4 minimum, $8 maximum.

Revision of benefits.—Awards may be modified at any time.

Insurance.—Insurance is effected through a State fund under the control of the compensation commissioner, or employers of approved ability may carry own risks, giving bond for performance of requirements not less than those of the law, without contributions from their employees.

Security of payments.—Payments may be made only to beneficiaries, and are exempt from claims of creditors or attachment or execution.

Settlement of disputes.—Disputes are settled by the commissioner; limited appeal to the supreme court.

WISCONSIN.

Date of enactment.—May 3, 1911; in effect same date; amended, chapters 599, 707, 772, 1913; 121, 241, 316, 369, 378, 462, 1915.

Injuries compensated.—Personal injury by accident causing disability of at least one week, or death, while performing service growing out of and incidental to the employment, not intentionally self-inflicted.

Industries covered.—All, if the employer elects. Compulsory as to State and its municipalities.

Persons compensated.—Private employment: All employees except casual, including aliens, in the absence of contrary election. Public employment: All employees of the State or its political subdivisions.

Burden of payment.—Entire cost rests upon the employer.

Compensation for death:

(*a*) To persons wholly dependent, a sum equal to 4 years' earnings, but which when added to any prior compensation for permanent total disability shall not exceed 6 years' earnings.

(*b*) If only partial dependents survive, a sum not to exceed 4 times the amount provided for their support during the preceding year.

(*c*) If no dependents, the reasonable expense of burial, not exceeding $100.

All payments are to be made in weekly installments equal to 65 per cent of the average weekly earnings.

Dependence of children ceases at 18, unless physically or mentally incapacitated.

Compensation for disability:

(*a*) Medical, surgical, and hospital treatment for not exceeding 90 days, or the reasonable expenses therefor.

(*b*) For total disability, 65 per cent of average weekly earnings during such disability, but if the injured person requires the assistance of a nurse, then 100 per cent of earnings for first 90 days of disability.

(*c*) For partial disability, 65 per cent of loss of earning power.

(*d*) For certain specific injuries (mutilations, etc.), a sum equal to 65 per cent of average weekly earnings for fixed periods.

(*e*) For serious permanent disfigurement, a lump sum may be allowed, not exceeding $750.

In case of temporary or partial disability the aggregate compensation for a single injury shall not exceed 4 years' earnings, and for permanent disability 6 years' earnings, nor may the disability period exceed 15 years from the date of the accident.

Lump-sum payments may be substituted at any time after 6 months from the date of injury.

Revision of benefits.—The commission may modify or change its order or award within 10 days if a mistake is discovered; or a review by the court may be had on appeal within 20 days. The commission may call for a medical examination at any time it deems necessary.

Insurance.—Insurance in approved companies is permitted, but the liability of the employer may not be reduced.

Security of payments.—The employer must give proof of financial ability or insure risks. Claims for compensation are preferred above other unsecured debts thereafter contracted.

Settlement of disputes.—Disputes are settled by the industrial commission, subject to a limited review by the courts.

WYOMING.

Date of enactment.—February 27, 1915; in effect April 1, 1915.

Injuries compensated.—Personal injury causing disability for more than 10 days, or death, as a result of employment and not due to the culpable negligence of the injured employee or to the willful act of a third person due to reasons personal to such employee or because of his employment.

Industries covered.—Extrahazardous (enumerated list), in which 5 or more workmen are employed, interstate railroads excepted; public employments and use of explosives and work 10 or more feet above ground included, without reference to number of employees.

Persons compensated.—Private employment: All employees in industries covered. Public employment: All employees in classes of employment designated.

Burden of payment.—All on employer.

Compensation for death:

(*a*) $50 for funeral expenses, unless other arrangements exist under agreement.

(*b*) Lump-sum payments of $1,000 to widow or invalid widower, and additional sum, equal to $60 per year, until the age of 16 is reached for each child under the age of 16, the total for children not to exceed $1,000. If there are dependent parents and no spouse and no child under 16, a sum equal to 50 per cent of 1 year's contribution, not exceeding $500.

Compensation for disability:

(*a*) For total permanent disability, lump sum of $1,000 if single, $1,200 if wife or invalid husband, and a sum equal to $60 per year for each child under 16, until age of 16 is reached, the total for children not to exceed $1,800. If disability is temporary, $15 per month if single, $20 if married, and $5 monthly for each child under 16, the total monthly payment not to exceed $35 and the aggregate not to exceed the amount payable if the disability were permanent.

(*b*) For permanent partial disability, fixed lump sums for specified injuries, others in proportion.

No provision is made for medical or surgical aid; all payments are lump sums, except for total temporary disability.

Revision of benefits.—No provision.

Insurance.—Insurance in State fund required.

Security of payments.—Insurance under State control; payments not assignable or subject to execution, attachment, etc.

Settlement of disputes.—Disputes are settled by the district courts of the counties, with appeal to the supreme court of the State.

UNITED STATES.

Date of enactment.—September 7, 1916; in effect same date.

Injuries compensated.—Personal injuries sustained while in the performance of duty, not due to intoxication, willful misconduct or intention to bring about injury, causing death, or disability for more than three days.

Industries covered.—All civilian employments of the United States Government and the Panama Railroad Co.

Persons compensated.—All civil employees of the United States and of the Panama Railroad Co.

Burden of payment.—All on the employer.

Compensation for death:

(*a*) One hundred dollars burial expenses, and transportation of body of residents of the United States dying away from home, if relatives desire it.

(*b*) To widow or dependent widower alone, 35 per cent of the monthly wages of the deceased, with 10 per cent additional for each child, the total not to exceed 66⅔ per cent.

(*c*) If no parent survives, 25 per cent to one child, and 10 per cent additional for each additional child, the total not to exceed 66⅔ per cent.

(*d*) To dependent parents of deceased, 25 per cent if one, 40 per cent if both are dependent; if there is a widow, widower, or child, the parents' rights are subordinate, and the total awards may not exceed 66⅔ per cent.

(*e*) Other dependent relatives receive benefits in smaller amounts subject to the claims of the foregoing relatives.

Payments to a widow or dependent widower terminate on their death or remarriage; to a child on marriage, reaching the age of 18, or if over 18 and incapable of self-support, on becoming capable of self-support; payments to other beneficiaries are subject to the above limitations, but may in no case continue beyond eight years.

All payments are subject to a maximum of $66.67 per month, and to a minimum of $33.33, unless the actual earnings are less than that amount, when the compensation shall equal the earnings.

Compensation for disability:

(*a*) Reasonable medical, surgical, and hospital services and supplies.

(*b*) For total disability, 66⅔ per cent of the monthly pay during the continuance of such disability.

(*c*) For partial disability, 66⅔ per cent of the difference in wage-earning capacity due to such disability.

Payments are subject to the same maximum and minimum amounts as in case of death.

Payments on account of death or permanent disability may be commuted to a lump sum.

Revision of benefits.—Rewards may be reviewed at any time, either on request or by the commission on its own motion.

Insurance.—No provision.

Security of payments.—Compensation is paid from special compensation fund.

Settlement of disputes.—The United States Employees' Compensation Commission decides all questions arising under the act.

CONSTITUTIONALITY AND CONSTRUCTION OF STATUTES.[1]

Especially in the early commission reports great stress was laid on the question of constitutionality, as the laws under consideration were obviously wide departures from the principles that had been applied theretofore. Until the decisions of the courts of several States passing upon the constitutionality of the laws of such States were available, there was nothing of controlling authority to which reference could be made as directly supporting laws of this class. There were, however, carefully worked out arguments presented in the report of the New York commission, as well as in those of Minnesota and Ohio, others devoting less space to this subject. In all these it was necessary to proceed on the basis of analogies, and it was not until the compulsory statute of New York (ch. 674, Acts of 1910) was considered by the courts of that State that there was any direct judicial ruling on the points involved in compensation statutes. This, of course, is excluding from consideration the Maryland statute of 1902, which, as already pointed out, was a cooperative insurance law applicable only to a very limited class of employments. This law was held unconstitutional by the court of first instance on the ground that it deprived the parties of their right to trial by jury, and as conferring judicial or at least quasi-judicial functions on an executive officer. The case was not carried up, so that no opinion of a higher court was ever secured.

Within the few years since the enactment of more general laws, the question of the constitutionality of a type of legislation so widely different from that hitherto in force naturally arose. The formal claim of unconstitutionality has not been made in every jurisdiction, however, earlier decisions doubtless being influential in enforcing the belief that such laws are within the power of the legislatures of the States unless because of unusual provisions in the laws or in the State constitutions.

Under the peculiar system in vogue in Massachusetts, the question of constitutionality was determined in advance of enactment, the State senate having submitted a bill to the supreme judicial court of the State for its opinion on this point. In Ohio the State treasurer refused to pay a bill for supplies for the State board of awards on the ground that the act was unconstitutional, thus enforcing an early decision; in Washington also practically the same method of securing prompt court review was adopted. In the other States, as a gen-

[1] This section (covering pages 165 to 296) was prepared by Lindley D. Clark, M. A., LL. M.

eral rule, interested parties raised questions attacking the general principles of the laws, thus securing adjudication in the customary order. The principal points will be considered in the light of the discussions of the various courts.

DUE PROCESS OF LAW.

Naturally, in the case of such wide departure from established procedure, doing away with trial by jury, questions of negligence, contributory negligence, and old methods of procedure generally, and establishing a system contemplating practically automatic compensation and placing the burden of industrial accidents on the industry rather than on any particular member of it, the question arose as to violations of the constitutional guaranties of due process of law. As to what constitutes due process of law the Ohio supreme court said (State *v.* Creamer, 85 Ohio St. 349, 69 N. E. 602):

Perhaps no exact definition of due process of law has been agreed on. Judge Story defines it in his work on the Constitution, section 1935: "The right to be protected in life and liberty, and in the acquisition of property under equal and impartial laws, which govern the whole community. This puts the State upon its true foundation for the establishment and administration of general justice, justice of law, equal and fixed, recognizing individual rights and not impairing them."

In Cooley on Constitutional Limitations, section 356, it is said: "Due process of law in each particular case means such an exercise of the government as the settled maxims of the law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the classes of cases to which the one in question belongs."

The court then adverted to the case of Ives *v.* South Buffalo Ry. Co. (201 N. Y. 271, 94 N. E. 431), in which the compulsory law of New York had been held unconstitutional by the court of appeals of that State. Of this the Ohio court said:

The [New York] court held the law invalid, as imposing the ordinary risks of a business (which under the common law the employee was held to assume) on the employer. The court states one of the premises on which it proceeds as follows: "When our constitutions were adopted it was the law of the land that no man who was without fault or negligence could be held liable in damages for injuries sustained by another." But that rule was not of universal application. At common law one may sustain such relation to the inception of an undertaking that he will be held liable for negligence in the progress of the enterprise, even though he has no part or connection with the negligent act itself which caused the injury. * * * The position in the line of causation which employers sustain in modern industrial pursuits is, of course, the basic fact on which employers' liability laws rest.

The Ohio statute was an elective one, differing in this respect from the law of New York, and while the acceptance of the compensation provisions involved the surrender of other forms of defense or relief, the court held that this act in no way violated due process of law.

The elective laws of Massachusetts and Wisconsin were likewise upheld by the supreme courts of the respective States as against the charges that they had violated this principle, the Massachusetts court (In re Opinion of Justices, 96 N. E. 308) laying particular stress on the voluntary or noncompulsory features of the proposed law, and holding that there was nothing unconstitutional in its proposals and requirements; while the Wisconsin court (Borgnis *v.* Falk Co., 147 Wis. 327, 133 N. W. 221) considered the nature of the administration of the law by a board and not by a court, and the limitations of the powers of such board as contributing to keep the law within constitutional limits. In the principal opinion in this case it was pointed out that the law in question was enacted in response to an urgent public opinion in an attempt "to solve certain very pressing problems which have arisen out of the changing industrial conditions of our time." While declaring that constitutional commands and prohibitions must be implicitly obeyed so long as they exist, it was held that, in the absence of an express provision, conditions prevailing at the time of the adoption of the constitution and subsequent changes in social and economic affairs should be compared and weighed, and that no attempt should be made to hold back the legislation needed for present conditions by reason of earlier constructions and interpretations; and in general it may be said that statutes of optional acceptance are not open to the charge that they deprive one of property without due process of law, since it is of his own choice that he becomes subject to their provisions. (Evanhoff *v.* Industrial Commission of Oregon, 154 Pac. 106; Deibeikis *v.* Link-Belt Co. (Ill.), 104 N. E. 211; Hawkins *v.* Bleakley (U. S. D. C., Iowa), 220 Fed. 378; and cases cited above.)

The Supreme Court of Washington had a different problem to meet, in that the law under consideration was one which proposed an exclusive remedy, the question of acceptance being determined by the statute and not left to the option of the employer. Under this act every employer to whom it applies is required to contribute to a fund from which payment is to be made for the injuries of employees of persons engaged in similar industries, such payments to be made without reference to the fault of the employer or the negligence of the employee, and also without reference to the fact that no workman in a contributing employer's establishment may be injured during the entire period for which the contributions are made. The court (State ex rel. Davis-Smith Co. *v.* Clausen, 65

Wash. 156; 117 Pac. 1106) conceded that on first impression the objections contained in these facts constituted a persuasive argument against the validity of the act, but added that these conditions do not furnish an absolute test of such validity.

The test of the validity of such a law is not found in the inquiry Does it do objectionable things? but is found rather in the inquiry Is there no reasonable ground to believe that the public safety, health, or general welfare is promoted thereby? * * * It is not meant here to be asserted that this [police] power is above the constitution, or that everything done in the name of the police power is lawfully done. It is meant only to be asserted that a law which interferes with personal and property rights is valid only when it tends reasonably to correct some existing evil or promote some interest of the State, and is not in violation of any direct and positive mandate of the constitution. The clause of the constitution now under consideration was intended to prevent the arbitrary exercise of power or undue, unjust, and capricious interference with personal rights; not to prevent those reasonable regulations that all must submit to as a condition of remaining a member of society.

The court then cited a number of authorities as supporting the principles above laid down, many of the cases being those mentioned in the earlier discussions presented in the reports of investigating commissions of Minnesota, New York, and Ohio, already referred to (p. 165).

The Montana statute was also a compulsory one, and the court in considering it (Cunningham *v.* Northwestern Improvement Co., 44 Mont. 180; 119 Pac. 562) cited and followed the Washington opinion and reached the conclusion that the general scheme of the act under consideration was well within the police power of the State. "If the people, represented by their legislature, are of opinion that the public interests demand that industrial insurance ought to be substituted in whole or in part for actions in wrongs, this court certainly can not say that they are in error."

Later than the above is the discussion of this subject by the Supreme Court of New Jersey in its consideration of the elective compensation law of that State. (Sexton *v.* Newark District Telegraph Co., 86 Atl. 451.) This statute being elective, its operation can only follow from the choice of the persons affected by it, so that under the act neither the employer nor the employee is bound to accept its provisions unless he chooses to do so. "If he does not he certainly is not deprived of property without due process of law. If he does, then he has given the consent which the prosecutors contend he must give in order to be bound by the provisions of the second [compensation] section."

With the exception of the Court of Appeals of New York, therefore, all the courts of last resort which passed upon the constitutionality of these earlier enactments held that they did not violate

the constitutional rule as to due process of law. The same view was held by the Supreme Court of New York in its opinion in the Ives case, quoting from the opinion of the Supreme Court of the United States in the case Holden *v.* Hardy (169 U. S. 366; 18 Sup. Ct. 383):

While the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuation; and the Constitution of the United States, which is necessarily and to a large extent inflexible and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them conform to the wishes of the citizens as they may deem best for the public welfare without bringing them into conflict with the supreme law of the land.

On appeal, however, the foregoing opinion was rejected by the court of appeals. As to the liability fixed by the New York compulsory statute, it was said that it plainly constitutes a deprivation of liberty and property under the Federal and State constitutions which would not be valid unless justifiable under the police power. The economic argument was considered and the defects of the present system were recognized.

We have already admitted the strength of this appeal to a recognized and widely prevalent sentiment; but we think it is an appeal which must be to the people and not to the courts. The right of property rests not upon philosophical or scientific speculations, nor upon the commendable impulses of benevolence or charity, nor yet upon the dictates of natural justice. The right has its foundation in the fundamental law. That can be changed by the people, but not by legislatures. * * * If such economic and sociological arguments as are here advanced in support of this statute can be allowed to subvert the fundamental idea of property, then there is no private right entirely safe, because there is no limitation upon the absolute discretion of legislatures, and the guaranties of the constitution are a mere waste of words.

It was further said that—

The argument that the risk to an employee should be borne by the employer because it is inherent in the employment may be economically sound, but it is at war with the legal principle that no employer can be compelled to assume a risk which is inseparable from the work of the employee and which may exist in spite of a degree of care by the employer far greater than may be exacted by the most drastic law. * * * In its final and simple analysis that is taking the property of A and giving it to B, and that can not be done under our constitutions.

The cases cited in the New York State investigating commission's report and later in the Washington and other decisions, were referred to and distinguished as not supporting the claims made for them. The opinion, therefore, of the New York court of appeals and that given out by the Washington supreme court are in direct conflict. In referring to the New York opinion the Washington court said:

The act the [New York] court there had in review is dissimilar in many respects to the act before us and is perhaps less easily defended on economic grounds. The principle embodied in the statutes is, however, the same, and it must be conceded that the case is direct authority against the position we have here taken. We shall offer no criticism of the opinion. We will only say that, notwithstanding the decision comes from the highest court of the first State of the Union and is supported by a most persuasive argument, we have not been able to yield our consent to the view there taken.

Following the declaration of unconstitutionality of the New York law of 1910 in the Ives case, the constitution of that State was amended, and a new law enacted. In Jensen *v.* Southern Pacific Co. (109 N. E. 600), the new compulsory law was attacked on the ground that it takes property without due process of law, the plaintiff relying largely on the ruling in the Ives case. Reference was made by the court to the fact that the constitution of the State had been amended since that decision, while the Federal Constitution had been so construed by the Supreme Court of the United States as to permit the enactment of such legislation as that under consideration, and the act was sustained.

In California also the constitution has been amended since the enactment of its first compensation law, and a more comprehensive law of a compulsory type enacted. Much the same grounds of attack were used against this law as against that of New York just noted, the court upholding the law for practically the reasons assigned in the Jensen case above (Western Indemnity Co. *v.* Pillsbury, 151 Pac. 398). The Iowa statute, an elective one, was sustained in Hunter *v.* Colfax Consolidated Coal Co. (154 N. W. 1037), against a claim that the right of contract was interfered with by it and due process of law denied, practically on the grounds adopted by the Supreme Court of New Jersey in the Sexton case above. Referring to the requirement to insure risks or show solvency, the court said that as to any theoretical taking of property under the compulsory insurance system established by the law, such taking might be admitted, but in experience it disappears, since it is only for the insurance of the employer's own risk that the taking is done, and it has long been customary to carry such insurance; it is competent for the State to prescribe a more beneficial system for the parties interested, and the principle has been upheld by the Supreme Court of the United States (Noble State Bank *v.* Haskell, 31 Sup. Ct. 186).

The question of due process was raised in the discussion of the Kentucky statute (Ky. State Journal Co. *v.* Workmen's Compensation Board (1914), 170 S. W. 1166). The State constitution forbids

any limitation by law on the amount to be recovered for injuries resulting in death, or for injuries to person or property. This was held to guarantee rights which the law in question violated by reason of the limitation of amounts, and also by the provision that a workman might make a contract of waiver which would be binding both upon himself and upon all persons claiming under or through him. On rehearing, however, it was suggested that the mere fact of waiver would not be objectionable if free choice in making the same was secured, the court having held in the first instance that though the act was elective in form it was in fact compulsory. A further objection to the act was found in the fact that where the employer accepted the statute, the employee was automatically drawn into the contract and made subject to the provisions of the law on pain of being deprived of all his causes of action.

Another provision of the statute was held to violate the employer's rights in that where a fatally injured workman left no dependents a fixed amount was to be paid to the State compensation board for its own use, barring the estate or personal representatives from any claim. This was held to violate another provision of the constitution (sec. 241), which gives a right to sue for damages in case of injuries causing death, and the court ruled that a law to be valid must not thus restrict the rights of personal representatives nor compel contributions to the State fund. The legislature of 1916 undertook to avoid the defects indicated, in the enactment of a new law.

This law was before the court of appeals of the State in June of the year of enactment, a test case having been made to secure an early decision as to its constitutionality (Greene *v.* Caldwell, 186 S. W. 648). It was upheld in all points, the elective provisions being extended to employer and employee alike. The restriction of the amount of recovery was held not to conflict with the clause of the constitution forbidding the limitation of the amount of recovery, since it was optional with the claimant to accept the compensation law in the first instance. Having accepted it he was not in a position to complain of the limits set by the new law, and in the absence of constitutional objections, the wisdom and propriety of the law were held to be for the legislature to determine without interference by the courts.

The most recent decision in this field is that of the Supreme Court of Pennsylvania, sustaining the compensation law of that State (Anderson *v.* Carnegie Steel Co., 99 Atl. 215, July 1, 1916). The contention was made in this case that the abrogation of the customary common-law defenses where an employer failed to accept the provisions of the act was a deprivation of property without due process of law. This was denied by the court, which held that there was no violation of rights in the mere enactment of a new rule of conduct,

subject to be changed at the will of the legislature, in the absence of constitutional limitations, which do not exist in the present instance. The same view was taken as in the Kentucky case above of the point raised as to the limitation on the amount of recovery for fatal injuries, the court saying that it was only after the parties to the contract of employment had agreed to such a limitation that it became effective.[1]

JURY TRIAL.

A contention made in connection with the question of due process of law, but as a specific point, was that the system of awards proposed was an abrogation of the right of trial by jury in violation of constitutional rights. The Supreme Court of New Jersey (Sexton case) in speaking of this point said: "This contention totally misconceives the proper construction and effect of the constitutional provision in question. The language with respect to this mode of trial is that it shall remain inviolable, not that it shall be unalterable. It is therefore a privilege which may be waived by either party and not an absolute right which is not the subject of such a waiver." It was pointed out that there had been for a number of years provisions for the waiver of the right of jury trials, and that provisions of this sort had been uniformly held to be constitutional.

In the foregoing case it is obvious that the matter of election or option was of the essence of the opinion; but in Washington (Clausen case) the subject of a fixed rule was before the court, and it was objected that "the legislature can not fix a procrustean rule for the admeasurement of damages arising from injuries received by one in the employment of another," as both parties were entitled to have the question of right and amount submitted to a jury. The court having held, however, that for the privilege of engaging in business of certain sorts the State might properly require contributions to a benefit fund, it concluded that it might also require employees entering into contract relations with employers of the foregoing class to receive a given sum for such injuries as they might incur during employment. In this view the legislature would be authorized to provide that if a workman was injured while so engaged he should receive a "sure award in a limited sum as compensation for his injury and in lieu thereof shall forego his common-law action in damages therefor. * * * The desirability of this substitution is unquestioned, and we believe that the legislature had the power to make it without violating any principal of the fundamental law."

[1] After the above was in type (January, 1917) the Supreme Court of Oklahoma upheld the compulsory law of that State against the contention that it does away with due process of law, right of trial by jury, and the common-law defenses, holding it constitutional in all points (Iten v. Biscuit Co., — Pac. —).

A similar conclusion was reached by another line of argument, the court saying that "the right of trial by jury accorded by the constitution, as applicable to civil cases, is incident only to causes of action recognized by law." If, therefore, the legislature is able to take away the cause of action on the one hand and the ground of defense on the other and merge both into a statutory indemnity, the right to sue has fallen and with it, of necessity, the right of jury trial. The United States Circuit Court of Appeals, while discussing the Washington statute (Raymond *v.* Chicago, Milwaukee & St. Paul Railway Co., 233 Fed. 239), pointed out that the guaranty of the Federal Constitution as to trial by jury does not prevent the establishment of a process of law in which trial by jury is omitted.

In the Montana (Cunningham) case also it was pointed out that the Constitution of the United States does not guarantee a trial by jury in a civil action in a State court, citing a decision by the Supreme Court of the United States. It was said, further, that the provision of the State constitution that the right of trial by jury shall be secured to all and remain inviolate had been construed by the court as applying only to those cases wherein a right of trial by jury existed at the date of the adoption of the constitution.

It was held therefore that such guaranty would have no reference to claims against an indemnity fund such as are provided for by the act in question, since the adjustment of claims under the act is administrative and not judicial, nor does due process of law necessarily require a jury trial, citing Montana Co. *v.* St. Louis Min. Co. (152 U. S. 160; 14 Sup. Ct. 506).

The Supreme Court of Massachusetts pointed out that under the law of that State an employee retained the right to jury trial as to the facts as to whether the employer had insurance and whether the employee had given the statutory notice not to be bound by the act; but failure to give such notice was a waiver of the right to trial by jury, which was not a compulsory deprivation, but optional with the employee. (Young *v.* Duncan, 106 N. E. 1.) The elective character of the Illinois statute was also pointed out by the supreme court of that State as relieving it of the charge of depriving parties of the right of trial by jury (Deibeikis *v.* Link-Belt Co., 104 N. E. 211); by the Supreme Court of Iowa for the law of that State (Hunter *v.* Colfax Consol. Coal Co., 154 N. W. 1037); the Supreme Court of Pennsylvania for its law (Anderson *v.* Carnegie Steel Co., 99 Atl. 215); and the Supreme Court of Rhode Island in sustaining the constitutionality of its law (Sayles *v.* Foley, 96 Atl. 340).

Somewhat broader in its form was the charge made against the New York statute that it deprives plaintiffs of their right to recover for torts, in reply to which the court of appeals declared that there

is no deprivation, but a substitution, which, if restricted, is yet a remedy, and this restriction may be viewed as the employee's contribution to the insurance fund, the employer discharging his obligation by the payment of premiums. (Jensen *v.* Southern Pacific Co., supra.)

The matter was disposed of by the Supreme Court of Texas by saying that the right of trial by jury can not be claimed in an inquiry that is nonjudicial in its character or with respect to proceedings before an administrative board, such as the accident board provided for by the act (Middleton *v.* Texas Power & Light Co., 185 S. W. 556), while a district court of the United States emphasized the elective nature of the Iowa statute, saying that the constitutional guaranty of the right of trial by jury, as well as of liberty to contract and of due process of law, could be waived, either expressly or by common consent or acquiescence. (Hawkins *v.* Bleakley, 220 Fed. 378.)

LIABILITY WITHOUT FAULT.

Perhaps the ground on which the New York court of appeals most strongly condemned the first compulsory law of that State was that it charged the employer with a liability without fault. The point was argued at considerable length, and the cases offered in support of such liability were examined and held to be inapplicable to the questions under consideration by the court, and the conclusion was therefore reached that the law in question contained no justifying provision that would warrant the imposition of such liability.

It contains not a single provision which can be said to provide for the safety, health, or morals of the employees therein specified, nor to impose upon the enumerated employers any duty or obligation designed to have that effect. It does not affect the status of employment at all, but reads into the contract between the employer and employee without the consent of the former a liability on his part which never existed before and to which he is permitted to interpose practically no defense, for he can only escape liability when the employee is injured through his own willful misconduct (Ives case).

The Supreme Court of Washington (Clausen case) held with equal vigor that the valuable ends in view and the reasonable provisions of the law for the securing of those ends warranted the imposition of such liabilities as were enforced by the law of that State, so that in the exercise of the police power for the promotion of the welfare of the State a sufficient warrant existed for the fixing of the liability in question, citing in this connection an extended list of cases, some of which the New York court had noted and distinguished.

In a case decided by the Supreme Court of Wisconsin (City of Milwaukee *v.* Miller, 144 N. W. 188), in discussing the nature of compensation laws, the court referred to the old rule of liability as being

based on "the common-law principle that he who tortiously injures another in his person or his property incurs a legal liability to make good to that other all the loss which is directly and naturally caused thereby, regardless of any element of reasonable anticipation of consequences." The court then said: "This extreme and rather harsh rule is characterized by a penal element, grounded on the moral turpitude of the wrongful act. Under the statutory system for dealing with personal injury losses incident to performance of the duties of an employer they are regarded as mutual misfortunes to be charged up, as directly as practicable, to the cost of production. The right to have the employer regarded as an agency to make payment to the employee and absorb the same as an expense of the industry, regardless of whether the loss is attributable to any human fault, is a legislative creation within the constitutional exercise of the police power to legislate for the public welfare."

The Supreme Court of California took up the question in very much the same manner as that of Washington, assuming the power of the legislature to declare a liability without fault as a matter of public policy. It pointed out that it was generally admitted that the common-law defenses of the employer can be abrogated, and declared that the rule of fault was neither more sacred nor more necessary. At common law, in the absence of fault, the burden of the accident fell on the employee; and by declaring the liability of the employer in such cases, the legislature was simply exercising its right to shift the burden to the employer, and through him to the industry. It was held that no vested right was disturbed, the statute not being retroactive, and that what was effected was simply a readjustment of the employment status, not forbidden by the fourteenth amendment. (Western Indemnity Co. *v.* Pillsbury, 151 Pac. 398.) It may be mentioned in this connection that the Arizona compensation law specifically abrogates "the common-law doctrine of liability without fault," in so far as it might be pleaded with reference to the classes of accidents covered by the act; and the courts uniformly rule that the negligence of the employer need not be proved in proceedings under the compensation laws, the question being not one of the right to recover damages for a tort, but the grant of a different right based on the status of the employee as such.

ABROGATION OF EMPLOYERS' DEFENSES.

In a number of cases the question was raised as to the power of the legislature to abolish the defenses of fellow service, contributory negligence, and assumption of risks, as was done in most of the laws providing for compensation. There was, however, little disagreement by the courts on this point, the New York court of appeals saying that the power of the State to make changes in methods of

procedure and the rules of law was clearly recognized. "We have said enough to show that the statutory modifications of the 'fellow-servant' rule and the law of 'contributory negligence' are clearly within the legislative power. These doctrines, for they are nothing more, may be regulated or even abolished. This is true to a limited extent as to the assumption of risk by the employee." (Ives *v.* South Buffalo Ry. Co., supra.)

The Massachusetts court (Opinion of Justices) said that the rules of law relating to these three defenses were established by the courts, not by the constitution, and that the legislature may change them or do away with them altogether as defenses. The courts of Wisconsin, New Jersey, and Ohio agree with the opinion of the Massachusetts court, the Ohio court (Creamer case) saying that as to the right to abolish the defense of assumption of risks the great weight of authority is against the New York court, holding that it is subject to the same complete legislative control as the other defenses made. The Supreme Court of Appeals of West Virginia, speaking on this point, says that "the defenses inhibited or barred are such as the legislature had a clear right to eliminate for reasons of public policy." (De Francesco *v.* Piney Mining Co., 86 S. E. 777.)

A United States district court, considering the elective statute of Iowa, held that the employer had no vested right in the common-law defenses, and that the legislature was authorized to abrogate them, while the Supreme Court of Illinois declares that the right of the legislature to abolish the common-law defenses can not be seriously questioned (Deibeikis *v.* Link-Belt Co., supra), and when later a non-accepting employer attempted to carry an appeal to that court on the question, it was said that the constitutionality of this provision had been decided and the question was no longer open in the State. (Strom *v.* Postal Telegraph Cable Co., 111 N. E. 555.) A similar position was taken by the Supreme Court of Minnesota (Matheson *v.* Minneapolis Street Ry. Co., 148 N. W. 71), that of New Hampshire (Wheeler *v.* Contoccook Mills, 94 Atl. 265), and that of Texas (Middleton *v.* Texas Power & Light Co., 185 S. W. 556).

The contentions made before the Supreme Court of Iowa were that the employee who rejects the act and sues an accepting employer is penalized by reason of the employer's retention of defenses, as compared with employees suing employers who had elected to reject the act. The court maintained that there was no discrimination effected, inasmuch as both employer and employee were subjected to limitations by the statute, and it was not essential that the limitations for the two parties should be identical. (Hunter *v.* Colfax Consol. Coal Co., supra.)

The Court of Appeals of Kentucky held it within the power of the legislature to abrogate these defenses as to employees in certain cir-

cumstances and permit their use in others, the classifications not being such as are forbidden by the constitution of the State. (Greene *v.* Caldwell, 186 S. W. 648.) As to the provision of this law that provides a different rate of compensation in cases in which the beneficiaries are nonresident aliens, the court made no final statement, but said that if such discrimination should be found unconstitutional it could be eliminated without affecting the remainder of the act.

CLASSIFICATION.

In a number of the statutes under consideration distinction is made between hazardous and nonhazardous industries or occupations. Opponents of the laws seized upon these provisions as points for attacking the constitutionality of the laws on the ground of being repugnant to that provision of the fourteenth amendment to the Federal Constitution which guarantees to all citizens the equal protection of the laws. In discussing the New York statute which applied only to designated dangerous employments, the court (Ives case) noted the claim that the classification was fanciful and arbitrary, but from its examination it concluded that "all the occupations enumerated in the statute are more or less inherently dangerous to a degree which justifies such legislative regulation as is properly within the scope of police power." The Massachusetts court also found nothing unconstitutional in the provision of the proposed law in that State excluding domestic servants and farm laborers (Opinion of Justices). The Supreme Court of Washington, in passing upon this objection to the law of that State, held that "it is well settled that neither the clause of the State constitution prohibiting class legislation nor the clause of the fourteenth amendment to the Constitution of the United States relating to the equal protection of the laws, takes from the State power to classify in the adoption of police regulations" (Clausen case).

The Wisconsin court, in discussing the provision of the law which preserves to employers who elect to come under the law the right to use these defenses in suits by employees who elect not to come under the law, while it takes away the same defenses from employers who do not so elect, held that this was a classification which meets the essential requirements of the constitution. The test prescribed was that the classification must be based on substantial distinctions which make real differences, must be germane to the purposes of the law, and must not be limited to existing conditions only and must apply equally to each member of the class. It was also held in the same opinion that it was not necessary to make a distinction between hazardous and nonhazardous employments as a basis for abrogating the employers' common-law defenses (Borgnis *v.* Falk).

Similar was the ruling of the Ohio Supreme Court to the objection that the statute of that State makes an unjust and arbitrary classification and does not affect all who are within its reason as required by the constitution of the State, the law in question exempting employers of less than five workmen from its operation. The court held this classification to be reasonable and proper, since "in the nature of the case the risks of any regular employment are less and the opportunity for avoiding them better where an employee is one of four than when the number is larger," citing from the decision in the Wisconsin case in which it was said that the difference in the situation is not merely fanciful but is real (State *v.* Creamer).

The Wisconsin statute abrogates defenses when employers of four or more employees fail to come within the act, and this provision was held to be controlling in Cavanaugh *v.* Morton Salt Co. (140 N. W. 53), so as to bar the defense of fellow service in a workman's suit for damages, the constitutionality of such a provision being assumed rather than discussed.

It is of interest to note that the single compensation case that has thus far come to a decision in the Supreme Court of the United States related to the constitutionality of that provision of the Ohio compensation law which excludes employers of less than five persons from its obligatory application. This was held by the court not to be an unreasonable discrimination, as danger from fellow service is less in smaller establishments. (Jeffrey Mfg. Co. *v.* Blagg, 235 U. S. 571; 35 Sup. Ct. 167.)

The exclusion of those employees not subject to the hazards of the general business was held proper and reasonable by the Supreme Court of Illinois (Deibeikis *v.* Link-Belt Co.); while that of Minnesota upheld the exclusion of domestic servants, farm laborers, and casual employees as being within the discretion of the legislature; and the placing of employers rejecting the act and those accepting it in different classes was justified on the ground that those accepting it tender valuable rights to their employees not previously available. (Matheson *v.* Minneapolis Street Ry. Co., supra.) A similar position was taken by the supreme courts of Michigan (Mackin *v.* Detroit-Timkin Axle Co., 153 N. W. 49), New Hampshire (Wheeler case), and Rhode Island (Sayles case) as to their respective laws.

Involving the question not of constitutionality but of the construction of the law is a case decided by the Supreme Court of Washington (State *v.* Chicago, M. & P. S. R. Co., 141 Pac. 897), in which the defendant company insisted on a general railroad classification for work in the construction of a tunnel not yet in use, the premium rate for tunnel work being higher. The court held that where operations are separable they should be divided; otherwise the enterprise rate would apply. It was held in this case that separation was feasible, and it was directed.

The exclusion of railroad employees from the law of Texas was justified by the supreme court of that State on the ground of existing special laws applicable thereto; other exclusions were said to be in the discretion of the legislature, not apparently arbitrary, and therefore not such as to invalidate the law. (Middleton *v.* Texas Power & Light Co.)

EQUAL PROTECTION OF THE LAW.

An objection that was found fatal to the Montana statute was its failure to provide equal protection, not as between different classes of employers or of employees, but as between the employers and workmen to whom the act applied. The law in question was a compulsory cooperative insurance statute, requiring the payment of contributions to a State fund by the employer in his own behalf and in behalf of his employees, permitting him to recoup himself in part by withholding from the employees' wages fixed amounts as their contribution to the fund. Designated amounts were provided as benefits for injured workmen to be paid from this fund, but the workmen were given the option of suing the employer in an action to recover damages for injuries received. This resulted in the compulsory maintenance of a fund by the employers' contribution and a second liability to an action in damages after having made such contribution. This provision of the statute, not essential to its general scheme (which had been declared constitutional by the court), was held to be inequitable and unjust so as clearly to invalidate the law as charging the employer with a double liability and not affording equal protection (Cunningham case). It may be noted that in the local law of Maryland applying to Allegany and Garrett counties (now repealed), the option was permitted employees of accepting benefits from the funds maintained by contributions or to sue the employer for damages. The difficulty which invalidated the Montana law was avoided, however, by permitting the employers to reimburse themselves by withholding from subsequent contributions such an amount as would equal the judgment and costs incurred in the action.

The Court of Appeals of Texas held void the provision of the statute of that State which denies the nonconsenting employees the right to sue a consenting employer, but also held that this provision was severable from others of the act (Middleton *v.* Texas Power & Light Co., 178 S. W. 956), so that the act as a whole was not thereby invalidated. When this case came to the supreme court of the State, however, it was declared that the act deprived the employee of no property rights, since he had no vested interest in the continuance of the rules of the common law or the continuance of existing law otherwise than as it affected rights accruing thereunder, there being the same right to change the law as to the employee as there was to change the law as to the employer's defenses, which had been deter-

mined beyond dispute (185 S. W. 556). In the same opinion the court disposed of all contentions as to the transfer of judicial power to the accident board, jury trial, the validity of the establishment of the State Employees' Insurance Association, etc., and held the law constitutional in all points. An appeal to the Supreme Court of the United States is reported as probable.

As against the contention that the moderate continuing payments under the Washington statute were inadequate as compensation for a serious injury to a young workman, the United States Circuit Court of Appeals held (Raymond *v.* C., M. & St. P. Ry. Co., 233 Fed. 239) that it was not prepared to say that there was a taking away of the equal protection of the law, since the workman might be in a better position with a fixed monthly benefit running through life than with a mere right to sue, with the necessity of proving the employer's negligence, the uncertainty as to the amount recoverable, and the large reduction of that amount to meet attorney's fees. The law was therefore held to be constitutional.

The question of equal protection arose in a limited field in a case in which the city of Detroit made the point that the law of Michigan was discriminatory in that it is compulsory in its application to municipalities, while it is elective as to private employers. The supreme court of the State denied the contention of unconstitutionality, saying that municipalities are mere auxiliaries of the State and draw their powers from it, so that the prescription of the legislature can not be questioned (Wood *v.* City of Detroit, 155 N. W. 592). A similar contention was raised by various officers of Ohio municipalities, the allegation being made that the difference in the method of payment of premiums by the State and its subdivisions and by other employers was an undue discrimination. The Supreme Court of Ohio took the same view as that of Michigan, above noted, and further held that any inconvenience resulting from the diversion of taxes from the objects for which they were originally intended could be overcome by the choice and action of the municipalities themselves, the mere fact of inconvenience not affecting the validity of the law. (Porter *v.* Hopkins, 109 N. E. 629.)

EXERCISE OF JUDICIAL POWERS.

A number of the laws in question provide for their administration and the settlement of disputes by boards or commissions, and these provisions were made the grounds of attack on their constitutionality as conferring judicial powers upon nonjudicial officers. In no case was the contention of unconstitutionality admitted, though the courts found different grounds for sustaining the various laws.

The Montana law conferred certain duties upon the State auditor, which were held by the supreme court of that State to be adminis-

trative and not judicial, while the suggestion that he might in certain cases be called upon to exercise judicial power was said to be of no persuasive force, since such procedure would be altogether voluntary on his part and he might resort to the courts if he so desired. (Cunningham *v.* Northwestern Improvement Co., supra.)

The industrial commission provided for in the Wisconsin statute was said by the court of that State not to be a court, and the act was construed as not vesting in this commission judicial powers within the meaning of the constitution. "It is an administrative body or arm of the Government, which in the course of its administration of the law is empowered to ascertain some questions of fact and apply existing law thereto, and in so doing acts quasi-judicially; but it is not thereby vested with judicial power in the constitutional sense." It was held that the act made no attempt to confer on the board power to consider and determine its own jurisdictional authority, but that courts were open for appeals from its findings on any one of three grounds, first, that the board acted without or in excess of its powers; second, that the award was procured by fraud; and, third, that the findings of fact did not support the award. In view of these provisions the court held that there was no violation of the constitution in conferring such powers on the commission as it was authorized to exercise. (Borgnis *v.* Falk, 147 Wis. 327; 133 N. W. 221; see also Menominee Bay Shore Lumber Co. *v.* Industrial Commission, 156 N. W. 151, where the ruling that the commission is not a court was incidental to a decision that a minor needs no guardian in order to appear before it.)

Similar considerations were involved in the discussion of the Ohio statute, and like conclusions were reached by the court in this case (State *v.* Creamer, supra). It was said that the board of awards created by the act was purely an administrative agency with duties referring to the creation and administration of the insurance fund, and the fact that it is empowered to classify persons to come under the law and to ascertain facts as to the application of the fund does not invest it with judicial power within the constitutional sense; so also of the Texas statute (Middleton *v.* Texas Power & Light Co.) and that of Kentucky (Greene *v.* Caldwell).

The law authorizing the industrial accident board of Michigan was held not to be unconstitutional, on the ground that it is merely an administrative agency available at the option of the parties interested (Mackin *v.* Detroit-Timkin Axle Co., 153 N. W. 49). In Iowa also it was held that though the right of appeal from the decisions of the commission was more restricted than under the laws of a number of other States, there was no excessive delegation of judicial powers, since the conditions and amounts of awards are fixed by statute, and further, an acceptance of the act must precede its appli-

cation (Hunter *v.* Colfax Consol. Coal Co.; Hawkins *v.* Bleakley, 220 Fed. 378). The elective nature of the law was held by the Supreme Court of Illinois to obviate any difficulty that might otherwise arise on the ground of the exercise of judicial powers by the commission of that State. (Deibeikis *v.* Link-Belt Co.)

In all the foregoing cases the nonjudicial character of the boards and commissions was affirmed, but the courts of several States adopt another view for identical agencies therein. Thus it was said by the Supreme Judicial Court of Massachusetts that for certain purposes and in certain respects the commission on arbitration and the industrial accident board, provided for by the compensation law of the State, should be classed as courts, though the members are not judicial officers within the constitution. However, as they have power to summon witnesses, administer oaths, make rulings, and render decisions they are in a sense courts, in which proceedings may be had which correspond to actions. (Pigeon *v.* Emp. Liab. Assurance Corp., 102 N. E. 932.)

Going still further, the Supreme Court of California found the powers of the accident commission of that State to be those of a court, the law giving to it "full power, authority, and jurisdiction to try and finally determine" all proceedings for the recovery of compensation, which are "precisely the same functions that are performed by any court in passing upon questions brought before it." Power thus to act is held to be given by the amendment to the constitution of the State authorizing the enactment of the law and the creation of the board with authority to settle disputes. (Western Metal Supply Co. *v.* Pillsbury, 156 Pac. 491; Carstens *v.* Pillsbury, 158 Pac. 218.)

In discussing its law the Supreme Court of Oregon held that the constitution of the State gave the legislature authority to set up new courts if the three departments of the government, legislative, executive, and judicial, are kept properly separate (Evanhoff *v.* Industrial Accident Commission, 154 Pac. 106). Evidently, the peculiar limitations of the State constitutions afford ground for diverse rulings on the power to establish courts, while the functions of the commissions also vary; but whether on one ground or another, the authority of these bodies has been unanimously upheld.

Somewhat different was the point raised against the statute of Rhode Island, the contention being made that the provision of the act which authorizes employers to maintain benefit schemes as a substitute for the provisions of the act amounted to a delegation of legislative powers. This was overruled by the supreme court on the ground that the establishment and acceptance of such schemes was optional, and not binding as a law would be. (Sayles *v.* Foley, 96 Atl. 340.)

FREEDOM OF CONTRACT.

The compulsory laws of New York and Washington were because of their nature subjected to scrutiny on the ground that they interfered unconstitutionally with the freedom of contract, and in the New York (Ives) case it was held that this was unwarrantably done, reading into the contract between the employer and employee, and without the employer's consent, a new liability to which he can interpose practically no defense. In the Washington (Clausen) case it was said that personal rights, such as that of contract, are not absolute; "on the contrary, it has been many times said that there is no absolute right to do as one will, to assume any calling one desires, or contract as one chooses; that the term 'liberty' means absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community," citing Frisbie *v.* United States (157 U. S. 160; 15 Sup. Ct. 586). Other opinions cited were Holden *v.* Hardy (169 U. S. 366; 18 Sup. Ct. 383), in which the Supreme Court, speaking of the power to limit the hours of labor a workman may be employed in underground mines, said: "This right of contract, however, is itself subject to certain limitations which the State may lawfully impose in the exercise of its police powers"; and State *v.* Buchanan (29 Wash. 602; 70 Pac. 52), in which a law limiting the number of hours of labor that women might be employed in a day was held constitutional, although requiring the yielding of individual rights.

The Supreme Court of Massachusetts (Opinion of Justices) found no difficulty in disposing of the question of freedom of contract because of the elective or optional feature of the State law, by reason of which employers and employees were alike at liberty to choose whether or not they would accept the provisions of the statute. As to the Wisconsin law it was contended that while it in form presented to employers and their workmen a free choice as to acceptance or rejection of its terms, it was in fact coercive, since the employer is constrained by the abolition of his defenses to accept the act, while the employee will feel himself obliged to come within its provisions for fear of discharge if he does not accept. The court assumed that certain employers would feel themselves able to adequately safeguard their workmen and carry their own risks under the liability laws of the State, even with the defenses abrogated, since under the circumstances of their establishments they would consider that preferable to assuming the burdens of the compensation law. So also it was argued that in all probability a great body of workmen, especially the unskilled classes, would be glad to secure a certain compensation in case of injury instead of accepting the uncertainties of a lawsuit. This phase of the subject was dismissed

as being speculative and conjectural, since no one could say what the practical operation of the law would be. "It is enough for our present purpose that no one can say with certainty that it would operate to coerce either employer or employee" (Borgnis case).

The same situation was developed in the Ohio opinion, in which it was said that "it is urgently insisted that while the law is apparently permissive and leaves its operation to the election of the employer and employees, it is really coercive." The law in question deprived the employer of certain defenses if he failed to elect, election by the employee being presumed if he continued in service, but he might sue in certain cases of the employer's negligence. The system thus provided was held by the court not to be coercive on account of the common-law and statutory rights still preserved to the parties. "As was said in the Wisconsin case, 'Laws can not be set aside upon mere conjecture or speculation. The court must be able to say with certainty that an unlawful result will follow.' We do not see how such a thing could be said here" (Creamer case).

The New Jersey supreme court took the same view, holding that no coercion was exercised upon either party to the contract of hire. There are two principal parts of the law—one a stringent liability law, and the other a compensation statute—and both parties are free to choose under which of them the employment is to stand. It is provided that in the absence of notice of rejection acceptance of the compensation system is presumed. It was said that it would have been quite as competent for the legislature to have adopted other alternatives, but in its wisdom the particular choice made was the one adopted. "Really, the matter comes down to a question of presumption or burden of proof, which it is entirely within the control of the legislature to regulate so long as the parties are left entirely free to make whatever contract they choose, as they are in this case. We are therefore of the opinion that, as against the objections taken, section 2 is constitutional" (Sexton case).

To the general charge that the laws interfered with freedom of contract, the supreme courts of Illinois and Iowa in the cases already cited (p. 173) give the answer that the statutes are elective, and that if the parties elect, they can not complain of the consequences; so also of the right of the parties to waive remedies otherwise provided and subjecting themselves to such inquiries as to violate the provisions of law as to unreasonable search and seizure, their acceptance of the act being voluntary.

More specifically, the point of the restriction of freedom is raised against the presumptions as to election. The Supreme Court of Minnesota held that the law of that State was not vitiated as a voluntary and optional one, because express disavowal of its provisions was required (Matheson *v.* Minneapolis St. Ry. Co.); while the Massachu-

setts court declared that a requirement which provides that the law must be rejected at the time of hiring, if the employee does not wish to come under it, is reasonable (Young *v.* Duncan). Of this provision the Michigan supreme court, speaking of the presumption that the employee will accept where the employer elects, said that the former has a knowledge of the law and a presumptive notice of his employer's action, there being merely an establishment by the legislature of a presumption which can be overcome, the purpose being to avoid uncertainty. (Mackin *v.* Detroit-Timkin Axle Co.)

A provision of the Arizona law relative to election was held unconstitutional by the supreme court of that State. (Behringer *v.* Copper Co., 149 Pac. 1065.) This statute gives to the injured workman an option between the compensation law and a suit for damages, which accords with existing provisions of the constitution. The legislature went further, however, and undertook to give to the personal representative of an employee whose injuries were fatal the same option. This the court declared was beyond the power of the legislature, since the representative had only the right to sue, and could be given no right under the compensation act in case the injured man had failed to make the election before his death.

The provision of the law of Pennsylvania forbidding contracts of waiver or agreements for releases prior to the happening of an accident was attacked in a case (Anderson *v.* Carnegie Steel Co., 99 Atl. 215) which was before the supreme court of that State. The court held that this was in accordance with the declared policy of the State as set forth in an earlier law, the present provision being but an extension of the same, and not an invalid interference with the freedom of contract.

STATUS OF BENEFIT FUNDS.

An objection was urged against the constitutionality of the statute of Washington in its provision for the maintenance of a fund to be formed of premiums or contributions by employers, on the ground that this was a violation of the provisions of the constitution requiring equal and uniform taxation of property for public purposes. It was held that while the fund was a charge laid on persons engaged in the industries named, imposed by public authority as are taxes, it was not in the meaning of the constitution a tax, as "no acquisition to the public revenue, general or local, is authorized or aimed at. It is to be used, not to meet the current expenses of government, but to recompense employees of the industries on whom the burden is imposed for injuries received by them while engaged in the pursuit of their employment. It is the consideration which owners of the industries pay for the privilege of carrying them on. It is therefore in the nature of a license tax, and can be justified on the principle of

law that justifies the imposition and collection of license taxes generally." Cases were then cited showing the power of the legislature to levy such taxes in the State, the conclusion being reached that the sums might be considered as partaking of the nature of a license for both revenues and regulation, but in neither aspect was there anything inimical to either the State or Federal constitution. (State *v.* Clausen, 65 Wash. 156; 117 Pac. 1106.) Considering another phase of the subject, the supreme court of the State said that when the employer had contributed to the fund, his obligations were discharged, and an injured employee would look not to the employer but to the fund, and if the claim were rejected no suit would lie against the employer but against the commission. (Stertz *v.* Industrial Insurance Commission, 158 Pac. 256.)

The Montana statute was likewise compulsory in the matter of contributions to the general fund. It was held here that as the act in question was a scheme calculated to result to the public welfare it was a proper corollary conclusion that the contributions to the fund were of the nature of a tax imposed for a public purpose; or the procedure might be justified if the act abolished suits at law for personal injuries and death, on the theory that the State had given a quid pro quo to the employer. The court concluded, however, that it was not required to accept either of these arguments, but that it was within the police power of the State to levy such an impost as an employment tax upon the occupation covered by the act. "It is not at all necessary to justify the imposition of such a tax that the business itself should particularly require police supervision, although, as we have seen, extrahazardous enterprises may demand restraint and regulation. Such a tax may be imposed, either for regulation or revenue, or for both. Property and occupation are alike legitimate objects of taxation" (Cunningham case).

A somewhat different aspect of this question is involved in the Wisconsin statute, since, while no general fund is maintained, compensation is compulsory as to the State and its municipalities. It follows therefore that public funds raised by taxation are used for the payment of the benefits contemplated by the act, and on this ground the constitutionality of the law was challenged as compelling municipalities to levy taxes for other than public purposes. As to this point the supreme court of the State (Borgnis *v.* Falk) said:

We have not been quite able to perceive the force of this point, and we find no argument upon it in the brief. We shall only say that the manner in which the State or the public shall treat its workmen is peculiarly a matter for the legislature to determine. No one is compelled to work for the public, and, if he does, he takes the situation on the terms which the public gives. We know of no reason why the public, acting by its law-making power, may not provide that its employees shall have as part of their compensation certain

indemnities in case of accidental injury in the public service. When the law does so provide, the raising of the funds to discharge those indemnities becomes plainly a proper public purpose.

It is evident that the principles here enunciated are the same as those set forth by the supreme courts of Michigan and Ohio in sustaining the laws of the respective States against contentions that the compulsory application of the statute to municipalities and the diversion of taxes were unconstitutional (p. 180).

The Ohio supreme court had before it in an earlier case (State *v.* Creamer, 85 Ohio St. 349; 69 N. E. 602) the question of the legality of the State fund, which, under the law as it then stood, was made up of contributions from both employers and employees, while the State assumed the expense of administration. It was charged against this system that the law directed the State to use public funds for private purposes, to which the court replied that the ends in view were of a nature to justify the action of the State in its power to secure peace, safety, and the best interests of the Commonwealth, and quoted from the opinion of the Supreme Court in the case of Noble State Bank *v.* Haskell (219 U. S. 104; 31 Sup. Ct. 186), in which the constitutionality of a statute of Oklahoma, authorizing the establishment of a guaranty fund for deposits by a levy on the banks of the State, was under consideration. The quotation is as follows:

> The substance of the plaintiff's argument is that the assessment takes private property for private use without compensation. * * * Nevertheless, notwithstanding the logical form of the objection, there are more powerful considerations on the other side. In the first place, it is established by a series of cases that an ulterior public advantage may justify a comparatively insignificant taking of private property for what, in its immediate purpose, is a private use. * * *
>
> It may be said in a general way that the police power extends to all the great public needs. It may be put forth in aid of what is sanctioned by usage or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare.

The objection on this ground was therefore overruled.

The same views were expressed by the Supreme Court of Iowa and the Court of Appeals of New York in meeting the contention that the insurance systems established by the laws of these States effected a taking of property without due process of law. (See p. 170.)

The Employees' Insurance Association of Texas was attacked on the ground that it was a private corporation formed otherwise than by a general law, contrary to the provisions of the constitution of the State. This contention was rejected, the supreme court saying that the association was only an agency for the proper administration of the law and not properly a corporation, even though so desig-

nated in the act. (Middleton *v.* Texas Power & Light Co., 185 S. W. 556.)

It may be mentioned in this connection that the provision of section 27 of the Ohio law (section 1465-74 of the codified law), which authorizes the State industrial commission to make compensation awards for injuries received by employees of employers who have not contributed to the State fund, is the subject of current litigation to test its constitutionality, nonsubscribing employers setting up the contention that an attempt to confer such authority upon the commission is outside the powers of the legislature. Other litigation affecting the same statute concerns that portion of section 22 (1465-69), which authorizes self-insurance, the maintenance of substitute benefit schemes, and mutual insurance associations. It is contended that this section is void as being out of harmony with the provisions of the constitution which authorize the enactment of a compensation law with a compulsorily maintained State fund. Another contention is that liability insurance is so unlike compensation insurance that a license to write the former does not include the latter. The decisions in these cases have not yet been reached.

POLICE POWER.

As to whether or not the acts under consideration properly fall within the police power of the State is a question to be answered according to the views taken as to the scope and purpose of the laws themselves. With the exception of the New York court, the laws were regarded as tending to meet existing needs in a legitimate manner and as being within the police power of the State. The Supreme Court of Ohio (Creamer case) quoted with approval from the discussion of Prof. Freund in his work on the subject, as follows: "The term 'police power' has never been circumscribed. It means at the same time a power and function of Government, a system of rules, and an administrative organization and force."

Prof. Freund is further quoted as saying that a consideration of the subject "will reveal the police power not as a fixed quantity, but as the expression of social, economic, and political conditions. As long as these conditions vary, the police power must continue to be elastic, i. e., capable of development."

This court regarded the law in question as a proper exercise of the police power of the State in view of the objects to be gained by its enforcement. So also the Washington court, which said: "In fine, when reduced to its ultimate and final analysis, the police power is the power to govern." The insurance law of the State having, as this court held, "a reasonable relation to the protection of the public health, morals, safety, or welfare, it is not to be set aside

because it may incidentally deprive some person of his property without fault or take the property of one person to pay the obligation of another" (Clausen case).

The Montana statute was opposed on the ground that it was not designed to prevent the evils growing out of and incident to the present system of actions for fault, because it does not abolish such actions. In passing the court remarked that if the act has a reasonable tendency to accomplish the desired result it ought to be upheld as within the police power. Aside from the humanitarian features of the law which provided prompt and certain relief for injured workmen, which might be regarded as a matter of private benefit, this opinion considered the view that the act might be fairly construed as an attempt to prevent persons injured in coal mines and their dependents from becoming public charges.

Any measure which tends to minimize indigency of necessity raises the general standard of the people; any statute which has a tendency to reduce the present enormous expense of operating our courts would seem to be presumptively a proper exercise of the police power. * * * In our judgment the general scheme of this act is well within the police power of the State. If the people, represented by their legislature, are of opinion that the public interests demand that industrial insurance ought to be substituted, in whole or in part, for actions for wrongs, this court certainly can not say that they are in error (Cunningham case).

Other opinions reached the same conclusions by practically the same arguments, the laws being regarded as calculated to serve the public welfare. The New York court, however, says: "We have tried to make it clear that in our judgment this statute is not a law of regulation. It contains not a single provision which can be said to make for the safety, health, or morals of the employees therein specified, nor to impose upon the enumerated employers any duty or obligation designed to have that effect." The recent decisions by the Supreme Court relied upon in other opinions as supporting the views adopted as to the police power (Noble State Bank *v.* Haskell, 219 U. S. 104; 31 Sup. Ct. 186; Assaria State Bank *v.* Dolley, 219 U. S. 121; 31 Sup. Ct. 189) were referred to, but of them it was said: "We can not recognize them as controlling of our construction of our own constitution" (Ives case).

The Supreme Court of Washington (State *v.* Mountain Timber Co., 135 Pac. 645), called upon to consider its earlier decision on the constitutionality of the industrial insurance law of that State, had before it objections on the ground that the act violated article 4, section 4, of the Constitution of the United States, which guarantees for the State a republican form of government; that it violated the fourth amendment to the Constitution, which secures all persons

against unreasonable searches and seizures of their persons and effects; that it violated the fifth and seventh amendments in depriving the plaintiff of property without due process of law, and for a public use without just compensation, and also without the right of trial by jury; and, lastly, that it violated the fourteenth amendment in granting privileges and immunities and depriving the plaintiff of property without due process of law, and also depriving him of equal protection of the laws.

The court recognized that not all these points had been considered in detail in the case State ex rel. Davis-Smith Co. *v.* Clausen, but said, "When we say that we sustain a law by reference to the police power that might otherwise be in conflict with some provision of the Constitution it would seem that every incident to that law, as well as all methods necessary to make it effective, are likewise exempted from the prescriptions and limitations of the Constitution. The legislature has adopted the idea of industrial insurance and seen fit to make that idea a workable one by putting its execution, as well as its administrative features, in the hands of a commission."

The court then cited a number of cases on the subject of the police power, quoting therefrom to show its development and application under the conditions. "Having in mind the sovereignty of the State, it would be folly to define the term. To define is to limit that which in the nature of things can not be limited and which is rather to be adjusted to conditions touching the common welfare when covered by legislative enactment. The police power is to the public what the law of necessity is to the individual. It is comprehended in the maxim, Salus populi suprema lex. It is not a rule; it is an evolution."

It was further said that "To hold the idea of industrial insurance to be constitutional, and to hold its incidents and machinery when molded into law to be inoperative because of some constitutional limitation, would lead to absurd results." The court then unanimously upheld the judgment from which the appeal was taken, declaring that the power to provide for the execution and administration of the law had been sustained in a previous decision (Davison *v.* Walla Walla, 52 Wash. 453; 100 Pac. 981, and cases cited); that the constitutional provision as to the right to a trial by jury has no application in the State courts or to prosecutions for the violation of State laws, citing State *v.* McDowell (61 Wash. 398; 112 Pac. 521), and that the contention that the industrial insurance law is in violation of a republican form of government needs no discussion, citing Pacific States Telephone & Telegraph Co. *v.* Oregon (223 U. S. 118; 32 Sup. Ct. 224) and Kiernan *v.* Portland (223 U. S. 151; 32 Sup. Ct. 231). In the concluding paragraph the court said, "We recognize that this case is appealed to this court in order to bring it to the

future attention of the Supreme Court of the United States," and concluded with citations of the decisions of the various courts sustaining compensation laws and other decisions bearing on points of law of like nature.[1]

The Supreme Court of Illinois avoided the issue by declaring that the compensation law of that State was not an exercise of police power, but simply offered the parties concerned a method of settlement of cases falling within its purview. (Deibeikis *v.* Link-Belt Co.) The Supreme Court of Rhode Island, on the other hand (Sayles *v.* Foley), declared that the law of that State was a warranted exercise of the police power, taking modern industrial conditions into consideration.

It is obvious that a large part of the discussion presented in the preceding pages under the various heads relates to subjects that might be considered under this head of police power, and are summed up in this conclusion of the Rhode Island court. Indeed, it was conceded by the Court of Appeals of New York in its acknowledgment of the cogency of the economic and equitable reasons for the enactment of a compensation law, while declaring such a statute unconstitutional (Ives *v.* South Buffalo Ry. Co.). This fact is pointed out by the Supreme Court of New Hampshire in its statement that the opinion in the Ives case supports all the provisions of such a law as that enacted by the New Hampshire Legislature. (Wheeler *v.* Contoocook Mills.)

PARTICULAR PROVISIONS OF THE LAWS.

Besides questions of a more general nature, as the foregoing, numerous decisions have been made by the courts construing particular phrases and features of the laws, and determining their application to particular cases. Where industrial commissions and administrative boards exist, charged with the duty of deciding controversies under the acts, rulings, and opinions are formulated, and these also are available as setting forth the scope and method of the laws in their practical working. It would be both undesirable and impractical to attempt a complete survey of this field in the present bulletin, but inasmuch as the construction of a statute is of no less vital importance than its terms, some account will here be given of the action taken by the various courts and administrative bodies with reference to a number of the specific provisions of the laws.

INJURIES COMPENSATED.

As to the class of injuries compensated, the natural conclusion from the fact of the enactment of compensation laws to supersede

[1] The case, State *v.* Mountain Timber Co., was argued before the Supreme Court in March, 1916, but was not decided. Reargument was ordered Nov. 13, 1916, Jan. 22, 1917, being subsequently set therefor, and for New York, New Jersey, and Iowa cases also before the court.

those governing the employer's liability would be that only injuries due to accident are covered by the acts. Indeed, in most of the laws this is specifically stated, and carefully chosen language is used in several with the obvious intent of excluding what are commonly known as occupational diseases and the results of cumulative processes as distinguished from the immediate results of single accidental occurrences. In a few jurisdictions, however, only the word "injury" or the phrase "personal injury" occurs, and in such cases the field would seem to lie open for the inclusion of any physical disability occasioned by the nature and conditions of the employment, thus permitting awards for occupational diseases. The qualifying term "accidental" does not appear in the laws of California (as amended, 1915), Connecticut, Massachusetts, Ohio, the Philippine Islands, Texas, West Virginia, and the Federal statutes of 1908 and 1916. In Wyoming the definition is obscure, the words "injury and personal injury" being declared not to include "a disease except as it shall directly result from an injury incurred in the employment." This is obviously a definition in the terms of the thing defined, but it seems probable that the intent was to exclude other than accidental injuries. This construction is supported by the reports required when "an accident occurs causing injury"; also in some degree by the title of the State fund for insurance, i. e., "industrial accident fund."

As originally enacted, the California statute contained the word "accident," and was consistently construed on that basis, though the industrial accident commission by a vote of 2 to 1 granted compensation in a case of loss of vision through wood-alcohol poisoning occasioned by the inhalation of vapors by a workman who used considerable amounts of wood alcohol, and especially at a time just preceding the discovery of the serious consequences induced thereby. Dermatitis on the hands of a chambermaid in a hotel was regarded as an occupational disease, though not one usually arising out of the employment, and compensation was not allowed on the ground that it was necessary that there should have been a well-defined accident out of which the disability arose. By amendment, however, the word "accident" and the phrase "happening of an accident" have been stricken out and the word "injury" and the phrase "suffering of an injury" substituted therefor. While the intent of such amendments is doubtless to open the way for awards in cases of occupational disease, no ruling of the Industrial Accident Commission or of the courts of the State is at hand to support this conclusion, though the brief time that has elapsed since the amendments became effective (Aug. 8, 1915) easily accounts for this fact.

Accidents.—The term "accident" can hardly be said to have any peculiar meaning in laws of this class, but for statistical purposes

the compensation commission of New York defines an industrial accident as one which causes loss of time from work or which requires medical aid, and orders that all such accidents be reported.

Whether sunstroke should be classed as an accidental injury is considered by the administrative authorities of several States, the California Industrial Commission saying that as a general rule injuries suffered from so-called acts of God, such as sunstroke, freezing, lightning, wind, etc., are not compensable, since they are risks which the whole citizenry takes; circumstances in the instant case were held to warrant an award for sunstroke, the workman having been engaged in removing cement from a warehouse with an iron roof and no windows, the thermometer standing at 105°. The Illinois board gave compensation to a laborer digging in a trench and overcome by heat, stating that a rational and reasonable conclusion is that the prostration would not have occurred had he not been so employed. This board took the same view of the case of a stationary engineer, whose death was reported due to heat prostration, he having worked in a poorly ventilated room, with a temperature of about 120°. The Iowa board ruled in one case that heat prostration was not an injury within the act, there being no extraordinary hazard or exposure to heat on account of the laborer's employment; but ruled in another case that "where the employee sustains such injury when put to work at a task which peculiarly exposes him to such injury, he should be paid the compensation provided for in the act." The commissioner of labor of Minnesota, in passing upon this question, reaches the conclusion that where heatstroke or sunstroke is due to the conditions of employment rather than to physical weakness on the part of the injured person, it is an accident within the provisions of the compensation law. The industrial commission of Ohio awarded compensation for heat prostration of a roller in an iron mill, holding that it was an injury within the meaning of the act, though it was held that sunstroke, in the absence of special conditions artificially produced, would not support an award.

The rule as to injury by freezing or frostbite would naturally be the same. A compensation commissioner of Connecticut ruled that a collector driving long distances in very cold weather was exposed to such hazard as to warrant an award for freezing followed by erysipelas and death. This was affirmed by the supreme court of the State. (Larke v. Insurance Co., 97 Atl. 320.) The same commissioner, however, denied the claim of a night watchman who suffered frostbite of a toe while bringing coal from a storage shed into the boiler room of the establishment. The Massachusetts Industrial Accident Board made awards for freezing where outdoor employment led to the exposure of the employee, and the supreme court of the State

affirmed an award in favor of a longshoreman whose hands were frozen while at work at a wharf, the view being adopted that he was exposed to materially greater danger of freezing than the ordinary outdoor worker. (In re McManaman, 113 N. E. 287.) The industrial accident board of Montana took a similar position, saying that where an accident is due to forces of nature which might have been anticipated or foreseen there must be present some aggravation of the hazard whereby the workman is more exposed to danger as a result of his employment than is the ordinary man; but if the employment entails such unusual degree of exposure there is liability for the injurious consequences.

The compensation commission of New York took a similar view in the case of a loader of logs in the woods, and also in the case of an ice harvester. The latter award was made prior to the ruling in the Aylesworth case (p. 209), after which an award in that employment could not have been made until the amendment of 1916, which names ice harvesting as an occupation to which the act applies. The Wisconsin commission lays down the rule as to frostbite in practically the terms used by the Montana board.

That there was no ground for an award was the opinion of the commissioner of labor of Minnesota in a case in which there was an abscess due to ink or metal poisoning where there was no break or infection due to accident, the commissioner saying that "If there was no breach of the surface of the body due to accident and through which the infection or poisoning takes place, it does not come within the meaning of the act." Likewise adverse was the ruling of the compensation commissioner of West Virginia in a case where a coal miner was overcome by smoke on account of returning to his working place too soon after the firing of a shot; and the law of this State was held not to cover the case of a miner suffering from an abraded bunion infected by the poison of bank water in a mine, though claims were allowed for ulcerated eyes caused by the splashing of such water into the eyes of a miner while pulling down coal, and where carbolineum used to preserve the crossarms of a telegraph pole got into a lineman's eyes and face, causing abscesses. The compensation board of Pennsylvania also allowed compensation in a case where a workman was poisoned by sumac in a skin which he was handling, dermatitis and disability resulting. The board ruled that the injury was sudden, not a disease and not a secondary result, but due to a cause proceeding from without and encountered in the course of service.

The condition of a breach of the surface of the body prescribed by the labor commissioner of Minnesota seems to have been met in a case passed upon by the industrial commission of Ohio in which an employee handling goods claimed to have incurred blood poisoning

by scratching her face with her fingers, this being held not to be an occupational disease, but an accidental injury. That lesion is not required by the industrial commission of California as a basis of awards appears from favorable rulings in two cases passed upon by that body, one being that of a man who appeared to be suffering from nervous shock due to efforts to rescue fellow workmen from suffocation in a septic tank, two having been killed and the superintendent nearly so. It was said that the risk of such experiences was involved in any employment and should be compensated if it directly causes injury. In the other case there was no apparent serious injury, but an apparently sincere belief of incapacity, which was held to entitle the claimant to compensation until the restoration of mental balance. As to such cases it must be said that there is an abundance of experience to show that a final determination, whether favorable or adverse to the claimant, is very generally followed by prompt recovery. (See pp. 249 and 250, and footnote.)

What can hardly be looked upon as other than a border-line case is one in which the compensation commission of New York allowed a claim where a man had been at work for 21 hours, with a total of 1½ hours out for meals, during which time he was on his feet almost continuously and climbed 216 steps three times. About half an hour after stopping work he was found sitting dead in a chair. Death was said to be due to angina pectoris, brought on by overexertion and exhaustion.

An entirely different phase of the term "accident" is presented when an intentional assault is committed on an employee, several such cases being noted under the head, "Arising out of and in course of employment" (p. 227). A very late opinion on this point is that of the Supreme Court of California (Western Metal Supply Co. *v.* Pillsbury, 156 Pac. 491), in which a night watchman was shot by a burglar, the court ruling that as to the injured man there was an accident, even though there was intention on the part of the person inflicting it, citing Western Indemnity Co. *v.* Pillsbury (p. 232), where a foreman was assaulted by a discharged workman. The statute of Washington, as construed by the supreme court of that State (Stertz *v.* Industrial Insurance Commission, 158 Pac. 256), does not require that the injury arise out of the employment, so that a man shot by a discharged workman is within the protection of the act in any case if on the employer's premises, and if in course of employment when off the premises.

Hernias as injuries have been the subject not only of much discussion by courts and commissions, but special sections have been devoted to them in some of the more recent statutes. Questions of preexisting condition and proximate cause are involved, as well as of the proper treatment to be applied and the right of the employee

to accept or reject the prescribed course of conduct. The industrial commission of Ohio concludes that "hernia (or so-called rupture) is a disease which ordinarily develops *gradually*, being, *very* rarely, the result of an accident." Rules were therefore adopted to the effect that where there is real traumatic hernia, resulting from the application of force directly to the abdominal wall, either puncturing or tearing the wall, full disability will be allowed; but in all other cases it will be considered as either congenital or of slow development and not compensable, being a disease rather than an accidental injury, unless conclusive proof is offered that the immediate cause which calls attention to the hernia was such as a sudden effort, severe strain, or bruise; that the descent of the hernia immediately followed the cause; that there was severe pain immediately following; and that the foregoing facts were noticed and communicated immediately to one or more persons. Where these conditions are fulfilled, compensation will be allowed as for the aggravation of previous conditions, for a time loss only and to a limited extent.

The Washington commission presented in its first annual report a tentative decision to award compensation only when it is proved that the hernia appeared suddenly, that it was accompanied by pain, that it immediately followed an accident, and that it did not exist prior thereto. A year later it called attention to the Ohio rules, saying, however, that the Ohio commission's findings are not subject to review in court, so that it can settle hernia cases on their merits from a medical standpoint, not being confronted by the legal side of the question. A case rejected by the Washington commission came to the supreme court of the State, and a claim was there allowed, the court holding the injury complained of to be the result of a "fortuitous event" within the meaning of the law, saying that "to hold with the commission that if a machine breaks, any resulting injury is within the act, but if the man breaks, any resulting injury is not within the act, is too refined to come within the policy of the act as announced by the legislature. * * * It must admit that the tearing of the muscles or the rupture of fibers, or whatever it is that causes hernia, while exercising unusual effort, is likewise covered by the act." (Zappala *v.* Industrial Insurance Commission, 144 Pac. 54.)

It is apparent that the matter of the "tearing of the muscles or the rupture of the fibers" was rather vaguely assumed by the court as the explanation of the condition made the ground for a claim; while a compensation commissioner of the State of Connecticut, in an extensive memorandum, quotes medical authorities in accord with the statements of the Ohio commission, one of them saying that "Local trauma, which has long been accorded by the laity an important place in the etiology of hernia, practically very rarely is the cause." The

commissioner, however, awarded compensation in a limited form to the claimant in the case in hand, requiring him to submit within four weeks to proper surgical treatment.

The industrial accident board of Michigan likewise has furnished a pretty full discussion of the question, concluding in favor of the accident theory, if it may be so designated, saying: "We do not overlook the medical evidence introduced on the hearing to the effect that hernia should be classed as an accident only in a few rare cases. We think the weight of authority in workmen's compensation cases is clearly against such theory, and that the general rule established in the adjudicated cases and the textbooks is otherwise." The award of the committee in the case under consideration was approved by the board. That this is the conclusion of the supreme court of the State appears from its decision in a case (Bell *v.* Hayes-Ionia Co., 158 N. W. 179) in which an award of the board was affirmed, even though there was evidence that there had been structural weakness prior to the event to which the injury was traced; the court saying that this would not "preclude a recovery if the injury itself is distinct and the result of a particular strain causing a sudden protrusion of the intestine." This case was decided largely on the authority of an earlier case (Robbins *v.* Original Gas Engine Co., 157 N. W. 437) in which the view that hernia is a disease was discussed. It was said by the court that it would be assumed from the evidence that the strain to which the condition of the claimant was traced was the occasion of the first protrusion of the sac through the abdominal wall, and if it was also assumed that there was a certain lack of physical integrity of the parts, still compensation might be allowed for the injury, and that not on the basis of disease, but of accidental injury.

The industrial commission of Wisconsin, in passing on a case before it, said: "This is another case where a man who suddenly discovers that he has hernia concludes that it must have resulted from some fall or strain, and immediately recalls to his mind some recent incident which not only seems to him to constitute a sufficient cause, but which he honestly brings himself to believe did cause it. At best, such an incident constitutes nothing more than a mere possible cause. Except such incident was particularly violent or was followed immediately by severe pain, it can not, with any degree of certainty, be said to be a probable cause. In this case, a hernia on each side, an insignificant accident or strain given as the cause does not argue much." The application was accordingly dismissed. Similar was the position of the Massachusetts board in a case in which the claimant testified to injury by heavy lifting, the impartial physician testifying: "The hernia could have been caused by his work. But every hernia is related to and is caused by strain, and if the

board authorizes compensation for this hernia, it must require some employer hereafter to pay for every hernia that arises in any employee. Hernia, to be caused by some specific accident, can only follow a physical effort of tremendous and unusual violence." The finding of the board was adverse to the claimant.

The Supreme Court of West Virginia, on the other hand, takes the view of that of Washington and of the Michigan board and specifically rejects the position of the Washington commission, reversing also the public service commission of its own State, allowing a claim attributed to heavy lifting, and holding hernia to be an accident within the meaning of the law of the State. (Poccardi *v.* Public Service Commission, 84 S. E. 242.) The Minnesota Department of Labor and Industries took a similar position, offering as a typical decision and award the case of Rakovich *v.* Agnew Bros., decided by a county court, in which a rupture was held compensable as an injury under the act, with an award also for medical and hospital expenses covering the costs of an operation.

Occupational diseases.—As already noted, the Federal act of 1908 provided for compensation for employees injured in the course of employment without the restricting words "by accident." However, the Attorney General of the United States said of this act that "there is nothing either in the language of the act or its legislative history which justifies the view that the statute was intended to cover disease contracted in the course of employment, although directly attributable to the conditions thereof. On the contrary, it appears that the statute was intended to apply to injuries of an accidental nature resulting from employment in hazardous occupations, not to the effects of disease. * * * The word 'injury,' as used in the statute, is in no sense suggestive of disease, nor has it ordinarily any such signification." The language and intent of this statute had been previously construed by the Solicitor of the Department of Commerce and Labor in the same way, a case of lead poisoning incurred from employment being held not covered by it.

It may be noted here that the later rulings by the Solicitor of the Department of Labor, construing the same Federal statute, approved claims for disability due to lead poisoning, distinguishing such cases from the one in which the Attorney General used the language above quoted, the disease in that instance being pneumonia contracted in the course of employment. In construing the law to include cases of lead poisoning and the like, the Solicitor said:

"It is, in fact, difficult to find any good, substantial reason why Congress should have desired to make a discrimination as to the manner in which the incapacity arose. The intention was clearly to provide compensation for loss of time caused by incapacity arising from the employment in a similar manner to which the States and

United States 'are requiring private employers to respond, so that all injuries shall be compensated for out of the business or industry in which sustained instead of requiring the employee to bear this burden.'"

The Supreme Court of Errors of Connecticut construed the law of that State as not covering occupational diseases, reversing an award by one of the compensation commissioners in a case of lead poisoning. (Miller *v.* American Steel & Wire Co., 97 Atl. 345.) There was a dissenting opinion, in which was pointed out the fact that the majority, by "judicial construction, ascertains that the term 'personal injury' includes only injuries arising through accident, while I [the dissenting judge], by judicial construction, find the same term to include all injuries, whether arising from accident or disease."

The commissioner for the fifth district of that State allowed compensation for incapacity from an injury to a plumber caused by working in a kneeling position for a considerable time, the result being what is commonly known as "housemaid's knee." The account of the ruling at hand does not designate the disability as one due to occupational disease, though it comes within that definition according to British law, the award being made on the basis that "there was a direct causal connection between the employment and the resulting injury." A committee of arbitration considered another case in the same State in which claim was made for occupational neurosis attributed to the jarring of the arm of a workman using a pneumatic chipping machine, and while the statement was not made directly, it is inferable that if the facts had been found to support the claim, there would have been an award. As it was, apoplectic strokes were held to be the cause of the weakness, and as these were not due to the employment, no compensation was allowed.

Under the Massachusetts law the meaning of the term "personal injury" without the qualifying words "by accident" was held by the supreme judicial court of that State to so broaden the law as to warrant the inclusion of occupational diseases, awards being made in the case of a claim by an employee suffering from lead poisoning (Johnson *v.* London Guarantee & Accident Co., 104 N. E. 725); and one based on blindness induced by the inhaling of poisonous gases at a kiln or furnace (In re Hurle, 104 N. E. 336). The court held that personal injuries as contemplated by the act are not restricted to those caused by external violence or physical force, but that the phrase covers bodily harm caused by the conditions of employment. Under the same law a committee of arbitration awarded benefits in the case of a claim based on illness said to be due to the severe shaking of the floor on which the workman sat while at work, the referee physician reporting the case as one of "occupation neurosis due to continual vibration"; another claim that was allowed by the indus-

trial accident board was one for temporary total incapacity followed by partial incapacity, due to an occupational disease gradually contracted as the result of work at cigar making; and the Supreme Court of New York allowed a claim where a workman was disabled by reason of the poisonous fumes and gases which were allowed to accumulate in his working place, the injury being classed as accidental. (Naud *v.* King Sewing Machine Co., 159 N. Y. Supp. 910.)

The law of Michigan in its body uses the same phraseology as that of Massachusetts, and the industrial accident board of the State held that the language was broad enough to include cases of occupational disease, the particular instance being one of lead poisoning. The supreme court of the State took the opposite view, construing the compensation act as a substitute for the old liability laws only, providing relief in cases of accidental injuries, and not embracing new fields. It was further held that the title of the act, which indicated its purpose to provide "compensation for accidental injury or death," was sufficiently restrictive to exclude occupational diseases not due to accident. (Adams *v.* Acme White Lead & Color Works, 148 N. W. 485.)

The Ohio statute, while not containing the word "accident," has been construed by the industrial commission of the State to be restricted in its application to injuries other than those which can be classed as diseases. It was admitted that the word "injury" might be so construed as to include every kind of disability, whether due to accident or not, "but if the word is to be taken in its ordinary and popular sense, then the applicant is not entitled to compensation, for by the term 'injury' is generally understood some sudden and unexpected event inflicting bodily harm and resulting in a period of disability." The fact that the constitution of the State had just been amended so as to specifically authorize compensation for occupational diseases was also referred to as supporting the construction. A case thus decided adversely to the claimant by the industrial accident commission was reversed by the trial court, and compensation awarded. This case reached the supreme court of the State, however, and the award of the commission denying compensation was approved, practically for the reasons assigned by the commission. (Industrial Commission *v.* Brown, 110 N. E. 744.) So in Texas, though the word accident does not appear, the court held that the law relates to accidental injuries. However, the distinction was between accidental and intentional injury, and not between accident and disease. (Middleton *v.* Texas Power & Light Co., 185 S. W. 556.) No decisions or rulings have come to hand relative to the construction of the law of West Virginia as to this point. In Colorado a dishwasher complained of a rash caused by sal soda used in the dishwater, claiming compensation therefor. The State industrial

commission held that the disability was not due to accident, but was an occupational disease and not compensable. In Illinois injuries that might be classed as diseases were admitted under the act, one case being that of a punch pressman who after three days' work found his arm numb from constant vibration, with acute pain, necessitating cessation of work. The diagnosis was traumatic peripheral neuritis, resulting in practical loss of the use of the right arm. An award was made over the contention that there was no accidental injury within the meaning of the compensation act. So also in the case of an employee working on an inside pipe at a pumping station within from 1 to 5 feet of a gas flame. There was inperfect combustion, and death followed within 24 hours after a collapse, an autopsy and analysis of the blood showing cerebral hemorrhage caused by gas poisoning, caused by inhaling the unburned particles of the gas. The industrial board took as its definition of an accident, "an untoward event which is not expected or designed," and ruled that there was a causal connection between the conditions of employment and the resulting injury warranting the award.

A New Jersey case quite similar to that of the dishwasher in Colorado is one that was passed upon by the New Jersey supreme court, where claim was made for an eczema probably due to acid used in a bleachery. This was held not to be an injury by accident, since no specific time or occasion of its occurrence could be pointed out. (Liondale Bleach, Dye & Paint Works *v.* Riker, 89 Atl. 929.) The industrial commission of Wisconsin in November, 1913, and December, 1914, had before it cases in which claims were made for disability from lead poisoning. In the earlier case it is said that "lead poisoning is an occupational disease and is not contemplated within the provisions of the act, except such as might follow so quickly and proximately from some specific condition in the employer's business that it could be included within the meaning of the word 'accident' as used in the law." In the other case it was said that if the poisoning was due to the inhaling of lead it must have been through a considerable period of time, "which in its culminative effect resulted in an occupational disease, which is not an injury within the meaning of the act."

The Pennsylvania law limits its benefits to injuries due to "violence to the physical structure of the body"; however, claims were presented in a case of anthrax without evidence of any wound or cut, and in one of palsied wrist caused by inhaling acid fumes, the industrial board holding in both cases that the act did not extend to such injuries.

Disfigurement.—Injuries disfiguring but not disabling raise questions under an act whose intent is economic and not to make good

suffering or injuries not interfering with industrial opportunity. The industrial board of Illinois made allowances in cases where, even though there was no wage loss immediately effected, it was probable that the disfigurement was sufficient to affect the earning capacity or opportunity for employment in another occupation; in a case where scars on the head would not be seen unless the hair was cut very short, it was ruled that no award was warranted. The Iowa statute was construed by the compensation commissioner of the State to give compensation only in cases of actual disability, and no claim was allowed in the instant case. It was said, however, that no decision was made on the question of a disfigurement which would prevent the obtaining of any employment. Rulings covering the loss of an ear are on hand from three sources, the industrial accident board of Michigan and the labor commissioner of Minnesota making allowances for the mutilation, while the New York supreme court, appellate division, ruled that such an injury was neither enumerated in the schedules of the law nor did it cause disability, so that no compensation could be awarded for it. It was said, however, that the right to sue for such an injury was not affected by the statute, it not being included under it, so that an action at common law would lie. (Shinnick *v.* Clover Farms Co., 154 N. Y. Supp. 423.) The supreme court of the State in special term in a later case (Connors *v.* Semet-Solvay Co., 159 N. Y. Supp. 431), rejected this view and allowed compensation for burns causing disfigurement and pain, saying that no recovery could be had apart from the compensation act, holding that the compensation law covers all points of the employer's liability, and citing the court of appeals of the State (Jensen *v.* S. P. Co.) as authority.

Accidental injury as proximate cause.—Where the laws are construed as applying only to cases of accidental injury, using that term in its customary significance, there is great difficulty in determining the proximate cause of the physical conditions for which claims are submitted; i. e., whether or not the causal connection between the condition and the alleged happening back of it is such as to support a claim. It is a common rule that where, on account of preexisting conditions, as of varicose veins, hardening of arteries, or incipient or latent tubercular, cancerous, etc., conditions, the employee is peculiarly liable to serious results from comparatively slight injuries, "the employer takes his employee subject to the physical conditions he is in at the time he enters the employment";[1] and even though the injury was in reality but an aggravation of existing conditions, compensation must be paid where the injury actually caused the disability of a person otherwise able to continue in employment. This rule is followed by the California industrial commission, but

[1] Decisions, Industrial Accident Commission of California, vol. 2, p. 525.

in a case in which recovery from ulceration and varicose veins was prolonged by reason of a previous ulceration which had destroyed the true skin and left only a scar tissue of slow healing capacity, the period of compensation was restricted to an estimated period ordinarily required for recovery from varicose ulceration. The Ohio Industrial Commission allowed full benefits for the death of a man who was predisposed to apoplexy, a stroke having been induced by overexertion in the course of his employment. A ruling by the Massachusetts board on review awarded total-incapacity benefits in the case of a man to whom an injury had caused aggravation of an old arthritis of the spine, recovery from the injury being interfered with by habits of regular drinking which affected "circulation, heart, blood vessels, liver and kidneys. It will be a tremendously long time before such a spine becomes normal. The accident is responsible for taking two or three years out of the man." The same board, however, determined that the general physical condition of another employee would have incapacitated him in any event within approximately one year after the date of the injury which effected his disability, and payments were limited to that period; and a Minnesota county court decided that the condition of a miner's eye was such prior to the injury that it would have become useless in 67 weeks, so that compensation should be limited to the period thus fixed, where the injury resulted in the blindness of the affected eye. (Pintar v. Morton Mining Co.) This corresponds to the action of one of the compensation commissioners of Connecticut in estimating the period of probable capacity to remain at work of an injured man who was afflicted with a progressive disease at eight weeks beyond the date of his injury, limiting the award for compensation to that period.

It seems impossible to reconcile these rulings with another ruling of the Massachusetts Accident Board in which compensation for the full term was awarded a widow for the death of her husband from apoplexy following heavy lifting. It was found that the man had previously suffered from advanced arteriosclerosis, Bright's disease, and heart trouble, and "probably would not have lived a year if he had not been injured." In making this ruling, however, the board cited two decisions of the supreme court, In re Fisher (108 N. E. 361) and In re Brightman (107 N. E. 527), in both of which the statutory allowance was made for the death of employees who were affected by weakness of the heart and succumbed after exertion which would probably not have produced any serious results in the case of a person in normal physical condition. That this is definitely the position of the Massachusetts supreme court appears from the following, quoted from a very recent opinion handed down by it (In re Madden, 111 N. E. 379, Feb. 7, 1916): "There is nothing said in the act about the protection being confined to the healthy employee. The

previous condition of health is of no consequence in determining the amount of relief to be afforded. It is the injury arising out of the employment and not out of disease for which compensation is to be made. Yet it is the hazard of the employment acting upon the particular employee in his condition of health and not what the hazard would be if acting upon a healthy employee or upon the average employee. All who rightly are describable as employees come within the act." (See also Crowley *v.* City of Lowell, 111 N. E. 786; accident to a man having dormant syphilis resulted in insanity.) The industrial commissioner of Iowa, in discussing a case in which there was a syphilitic condition which presumably doubled the period of disability, ruled that there was nothing found in the law which justified taking this difference into consideration, saying, "It is my opinion that in Iowa compensation must be paid for the entire period of disability and that you should not take into consideration the physical defects."[1]

The Supreme Court of Michigan took the same view as that expressed by the Iowa court in a case (Hills *v.* Oval Wood Dish Co.,

[1] The provisions of the laws vary in regard to any limitation in this field, but they generally undertake to exclude diseases not the result of injuries in the employment, the law of Kentucky excluding also "the results of a preexisting disease," though just how this exclusion will work out in the administration of the act remains to be seen.

An obvious necessity for safeguarding the situation in this respect is the examination of applicants for employment, and it has been suggested that this duty be performed by the State so as to enable such distribution or employment of impaired workmen as will best avoid their being entirely deprived of opportunity for self-support. The Industrial Commission of Ohio has a special bulletin on this subject (Physical Examination of Wage Earners in Ohio, 1915), giving an account of results of examinations of applicants and employees in establishments employing some 68,000 persons. An Executive order of President Taft, date of Dec. 7, 1912, covering "all artisan and supervisory artisan positions under the jurisdiction of the Department of the Navy" under the competitive classified service, contains the following:

"No artisan or supervisory artisan whose position is included in the classified service by this order shall be classified unless he has established his capacity for efficient service or has been examined and found qualified by the labor board and is recommended for classification by the commanding officer under whom he is employed."

In accordance with the foregoing, instructions were drafted by the Civil Service Commission in 1914 barring applicants from examination who are affected by insanity, tuberculosis, paralysis, epilepsy, blindness, loss of both arms or both legs, loss of arm and leg, badly crippled or deformed hands, arms, feet, or legs, uncompensated valvular diseases of the heart, locomotor ataxia, cancer, Bright's disease, or diabetes. Ratings were also adopted showing deductions for the impairments named ranging from 5 per cent to rejection.

Besides the rejections named, contagious or infectious disease (including venereal) and arterio sclerosis were added. Deductions from 30 per cent to rejection were directed in case of loss of hand or foot, or hernia; from 15 to rejection for piles, fistula, or fissure, and for deformities, old fractures, etc.; from 10 to rejection for chronic disorders of stomach or bowels; and from 5 to rejection for rheumatism or history of it. Also deductions of 30 per cent for valvular disease of heart fully compensated, as attested by certificates of two physicians; 15 for loss of eye, middle ear disease, or deafness; 15 to 30 for spinal curvature, loss of one or more fingers or toes; 10 to 25 for enlarged heart (unaccompanied by valvular disease) or irregular heart; 5 to 30 for varicose veins; 5 to 25 for skin diseases (noncontagious) and chronic bronchitis; 5 to 15 for chronic tonsilitis or pharyngitis; 5 to 10 for varicocele, minor defects of vision, deficient chest mobility, insufficient muscular development, obesity, too rapid heart, or deviation of nasal septum, cleft palate, etc.

A rating of at least 70 per cent on physical ability is required for all positions filled through noneducational examinations.

158 N. W. 214) involving similar conditions. It was said that assuming that the disability was in fact prolonged by the disease, there was yet no point at which it could be said that the consequences of the injury ceased to operate, the claim being indeed that the consequences of the injury were prolonged rather than that they ceased to have effect. "There is no part of the period of disability that would have happened, or would have continued, except for the injury." Compensation was therefore to be continued during the whole term of disability.

That appendicitis was the result of a blow on the walls of the abdomen, and compensable under the act, was the ruling of the accident board of Maine, the injury following a fall against an object near the injured man's working place, the floor being slippery with oil. A Connecticut commissioner made a full award in the case of a man suffering from appendicitis, the appendix being ruptured by a strain, resulting fatally; and so of an award affirmed by the Supreme Court of New Jersey, where an internal cancer was ruptured by effort while at work, with fatal results, the court saying "but for the injury, life might have continued for a considerable period" (Voorhees *v.* Smith Schoonmaker Co., 92 Atl. 280); while the California commission held that the fatal consequences of a perforation caused by gastric ulcer following an effort in cranking an automobile was not compensable, as the effort was only the occasion of the injury, and not the cause. An unusual situation developed in the case of a Connecticut employee who had practically lost the sight of an eye previously, but received an injury necessitating its removal. The award made was for the period of total disability and for medical, surgical, and hospital services prescribed by the law, and not for the loss of an eye. The administrative bodies of Michigan and Wisconsin ruled similarly in opposition to claims where workmen fell as the result of illness and injured themselves by so falling, the Michigan board saying that "The employer is not liable for injury due to illness rendering the employee incapable of properly guarding himself against injury"; while the Wisconsin commission declared that "Such injuries are not subject to compensation unless they result from unusual physical conditions." The New York commission, on the other hand, awarded the regular benefits in a case in which an employee fell in a fit of apoplexy and was burned by a pail of hot tar which he was carrying. In a case in which a fall while at work apparently lighted up a latent infection, the Wisconsin commission allowed a claim for resultant disability.

Questions of proximate cause were passed upon by the courts of a few States, the Supreme Court of Massachusetts sustaining an award in the case of death from suicide following insanity, the employee having had his eye burned from a splash of molten lead, the court saying that if the injury arose out of and in the course of employ-

ment it was not of importance whether the consequences appeared natural and probable or abnormal and inconceivable, the only question being whether or not they actually resulted. (In re Sponatski, 108 N. E. 466.)

The question of sequence was also before the appellate division of the Supreme Court of New York (Plass *v.* Central N. E. R. Co., 155 N. Y. Supp. 854), in which a railroad sectionman was poisoned by contact with poison ivy, blood poisoning, bronchitis, congestion of the lungs, and death following. These facts found by the industrial commission were held not open to review by the court, there being "certainly some evidence to warrant them."

An interesting decision rendered by the Supreme Court of Wisconsin (Vennen *v.* New Dells Lumber Co., 154 N. W. 640) sustained an award as for accidental injury proximately resulting from the drinking of water furnished for the camp by the employer, in a case of death by typhoid fever. The same court denied compensation to a man who, when recovering from a hurt, engaged in a boxing bout which seems to have excited bacteria that were walled off so as to be harmless, but by blows received were brought into the circulation, resulting in blood poisoning. It was held in that case that the original hurt was not the proximate cause of the subsequent disability, but that it was superseded by an act not in the course of employment. (Kill *v.* Industrial Commission, 152 N. W. 148.)

Obviously the question of proximate cause is closely related to that of the preexisting condition of the employee in many instances, an illustration being found in a case cited by the compensation commission of New York, in which a man injured by burning developed delirium tremens while in the hospital and died. The ruling of the commission was in favor of the dependent claimant, on the ground that the primary cause of the death was the burning, the delirium tremens being contributory. The industrial board of Massachusetts took the same view in a case in which a fracture of the leg resulted fatally by reason of the low resistance of the injured man, due to regular use of alcohol. The chain of incidents was given as injury, sepsis, delirium tremens, death, the death being held to be connected with the injury. The Supreme Court of Michigan affirmed an award of compensation in a very similar case (Ramlow *v.* Moon Lake Ice Co., 158 N. W. 1027), the view being taken that the delirium tremens would not have developed at the time but for the injury. Under the Massachusetts law decisions are originally made by a committee of arbitration, and in a case passed upon by such a committee it was shown that liquor had been smuggled to the injured man while in the hospital, and the conclusion was reached that death was due to the delirium caused by such surreptitious use of liquor, and compensation was denied.

Pneumonia, regarded as the result of an accident, formed the basis of awards by the commissions of New York and West Virginia, while the Massachusetts accident board on review denied compensation in a case where a janitor, overheated while stoking a furnace, became chilled while sweeping, the finding being that there was no personal injury in the course of employment, so that no compensation was due. In the New York case a watchman fell and broke his leg and developed static pneumonia and pleurisy, followed by death. In one of the West Virginia cases the injured man was kicked in the chest, while in the other the injury consisted of a fracture of the skull. Obviously the development of a case of inhalation pneumonia following an operation for compensable hernia would furnish a basis for an award (Industrial Accident Board of Massachusetts).

That the injury was the proximate cause of death was determined by the industrial accident commission of California in a case in which a blistered heel, due to the wearing of boots, furnished by the employer, too large for the employee, was followed by blood poisoning, uremia, and death, it being held that the chain of causation was complete. Where a chauffeur's arm was broken, and unpadded splints led to the formation of an abscess, followed by blood poisoning and ankylosis of thumb and fingers, the Supreme Court of New Jersey allowed an award, as without the happening of the original injury none of the subsequent events would have taken place (Newcomb *v.* Albertson, 89 Atl. 928); and a district court judge of the same State allowed a claim for an upholsterer, whose death from cancer was held to be traceable to injuries to the tongue caused by his holding tacks in his mouth, according to the custom of the trade.

Somewhat stricter than the foregoing appears to be the ruling of the Supreme Court of Kansas in a case (Ruth *v.* Witherspoon-Englar Co., 157 Pac. 403) in which compensation as for total disability was disallowed on the ground that it was due, not to the original injury, but to the malpractice of the physician treating the case. The cause was remanded to the lower court for a determination of the extent of the injury due directly to the accident as distinguished from the subsequent malpractice.

COVERAGE.

Under this head are considered a number of rulings and decisions determining the application of the acts to various classes of employment, and also the determination as to what persons are to be considered employees entitled to benefits.

Domestic and farm labor.—The common omission of domestic and farm labor, sometimes absolute and sometimes conditional, though ordinarily simple enough, raises questions requiring determination where there is a combination of duties or of industrial undertakings.

Thus the industrial accident board of California excluded an employee who was in regular employment in his employer's saloon, but whose injury was received while cleaning windows in the employer's apartment above the saloon, such employment being classed as household domestic service and not compensable. On the other hand, a horseman and general utility man about a house, caring for the garden, lawn, etc., was held to be within the compensation act while exercising horses belonging to the employer. The Supreme Court of Illinois rejected a claim on account of the injury of a carpenter received while building a crib for a farmer, the ground being taken that the farmer was not engaged in the business or occupation of building, the work itself not being extrahazardous and the business of farming being excluded from the act. (Uphoff *v.* Industrial Board, 111 N. E. 128.) The question is approached from the other side in a case before the industrial board of this State where a farm hand and teamster on the farm of a seedsman was injured, the employer maintaining a seed warehouse with an elevator subject to city ordinances and a storeroom, so that he was an employer within the hazardous class and had elected to accept the law. The employer was held bound as to all employees except those specifically exempted, this exemption including the claimant in the present case.

The Massachusetts law was construed by the supreme court of that State so as to permit a farmer and market gardener to insure drivers and helpers, while omitting laborers whose duties were strictly agricultural, the court saying that such a classification is reasonable and valid and conforms to the spirit of the act. (In re Keaney, 104 N. E. 438.) The industrial board of the same State recognized similar distinctions in the case of an employer who insured his office force and other employees. The family chauffeur was held not to be included in the policy of insurance, as his work was not in the usual occupation of his employer, his principal duties being to drive the car of his employer on errands of pleasure. The industrial accident board of Michigan awarded compensation to a farm laborer where the employer was a corporation whose business it was to manufacture chemicals, serums, etc., incidental to which a farm was maintained, the injury being caused by a kick from a horse. It was held that the maintenance of the farm was in this case a part of the manufacturing business of the company, and further pointed out that the law of the State does not exclude farmers, but merely places them under no added burdens if they fail to accept the act. This was reversed by the supreme court of the State (Shafer *v.* Parke, Davis & Co., 159 N. W. 304) on the ground that the status of the employee was fixed by the work actually done by him, and not by the fact that his employer had other interests, not affecting the nature of his work.

Similar questions to the foregoing were passed upon by the industrial accident board of Texas in a case in which a partnership operated a farm and an irrigation plant. It was held that even though the management of the two undertakings was the same, if they were operated separately the irrigation plant could come under the statute while the farm and the laborers on it would be excluded. It was further said that the same workmen might be included or excluded according as they were employed in the one undertaking or the other. The same board in another case, however, excluded all the employees on a farm and ranch, though one man was a mechanician in charge of a considerable amount of machinery on the place. It was added that even if a different ruling should be made with reference to the mechanician it would not have the effect of bringing the farm laborers within the act.

Hazardous employments.—The question of hazard is made the basis of determining inclusions and exclusions in a number of the laws, enumerations being made by the acts in a number of cases, while in the others the matter is open to determination. The Supreme Court of New York, appellate division, has had before it a number of cases involving the definition of the term "hazardous" under the act of that State. Thus (Aylesworth *v.* Phoenix Cheese Co., 155 N. Y. Supp. 916), a laborer employed by a company at harvesting ice was held not to be within the act, since the harvesting of ice is not classed as hazardous (since included by an amendment of the law, 1916), and the employee was not working for the company in the preparation of foods, in which case he would have been included. A butcher or chef's assistant in a hotel who cut an artery while preparing a leg of mutton for cooking and died from the injury was held not engaged in the manufacture or preparation of meats or meat products, so that no claim on his account could be allowed (De la Gardelle *v.* Hampton Co., 153 N. Y. Supp. 162); so also of a driver for a packing house, who in his ordinary employment would be included within the act, but who was sent on foot to deliver a retail order and fell over a bucket of glass and received injuries from which he died, it being held that he was at the time not in hazardous employment. (Newman *v.* Newman, 155 N. Y. Supp. 665; affirmed by court of appeals.)

While the business of warehousing is covered by the statute, it was held that an employee injured while handling a barrel of vinegar for a wholesale produce merchant in his warehouse was not protected by the law, since the employer was not engaged in warehousing, that phase of his business not being for pecuniary gain. (Mihm *v.* Hussey, 155 N. Y. Supp. 860.) The act by amendment of 1916 now includes storage of all kinds. Another excluded case was that of a

janitor whose general duties were not of the kinds classed by the law as hazardous, and who was injured while hanging out a flag, which was a part of his duties. It was held that in the case of such employees it must be specifically shown that the work in which the employee was engaged at the time of his injury was of the hazardous class, which was held not to be the case in the present instance, though the man fell and broke his leg. (Reisner *v.* Gross & Herbener, 155 N. Y. Supp. 946.)

Admitted to benefits by this court were a porter and elevator man in a manufacturing and wholesale drug house in which some parts of the work were hazardous, the court saying that an employee therein would be presumptively included in the act (Larsen *v.* Paine Drug Co., 112 N. E. 725); and a butcher's helper in a retail establishment who lost four fingers in an electric meat chopper, pneumonia and death ensuing, it being held that the injured man might be regarded as included in the work of manufacture or preparation of meats or meat products unless the employer showed specifically otherwise. (Kohler *v.* Frohmann, 153 N. Y. Supp. 559.) (Meat markets are now (1916) within the act.) A man injured while lifting glass from a cutting table in an establishment in which plate glass was polished, mirrors made, etc., was presumed to be engaged in the manufacture of glass, glass products, etc., unless specific facts to the contrary should be presented in the defense. It was said in this case that the employer's premiums were the same, whether or not the employee was engaged in hazardous employments at all times. (McQueeney *v.* Sutphen & Hyer, 153 N. Y. Supp. 554.)

The court of appeals of the State had before it a case involving the operation of an elevator, reaching the conclusion that this does not come within the protection of the law unless the business in connection with which the elevator is used is classed as hazardous. (Wilson *v.* Dorflinger Sons, 112 N. E. 567.) This reversed a judgment of the supreme court, appellate division, awarding compensation in the case named on the ground that elevators should be classed as vehicles "other than on tracks." An amendment of 1916 brings freight and passenger elevators within the scope of the act.

The compensation commission of the State ruled in favor of a hotel porter injured while at work in the hotel's ice-manufacturing plant, since, though his regular employment was not covered by the act, the work in which he was engaged at the time of his injury was held to be so, laying down the rule that employees in industries that are nonhazardous as a whole are protected under the act while engaged in occupations covered by it. In another case before this commission an employee of a mining company, whose duties were to act as policeman on the premises, was killed while making an arrest. It was found that he was an employee of the company

under contract, and since the business of the company was classed as hazardous, all its employees would be covered by the act, the injured man in this particular instance being required to be on the premises in the discharge of his duties, even though not actually engaged in the physical operation of the plant. Other contentions to the effect that the injury was not an accidental one, and that it did not arise out of and in the course of employment, were rejected and compensation awarded.

In its application to the Reclamation Service the Federal statute of May 30, 1908, was limited to hazardous employment in work of construction or maintenance, and for two and one-half years the same limitation affected employees of the Isthmian Canal Commission.

In considering this phase of the act the general occupation of the injured workman was regarded as the decisive factor in some instances and in others his specific employment at the time of the injury. In the absence of statutory determination the rulings necessarily reflect an estimate as to the hazard, based in part on known facts as to frequency of accident and in part on conclusions reached from the particular circumstances. Thus in the Canal Zone the following employees were held to be in hazardous employments: A policeman; a hospital orderly, injured while catching an escaped insane patient; the driver of an ambulance; a time inspector whose duty required him to go upon the excavation and construction work; a messenger boy who had to cross tracks at a railroad yard; a water boy who stood on a high wall to serve the workmen; a laborer clearing ground by the use of a machete to cut small trees; a laborer attending a printing press; teamsters; a carpenter; a plumber and tinner; a hotel porter taking baggage to a station; a waiter injured while lifting supplies on a dredge.

The following were held not to be employed in hazardous employments: Laborers in the Quartermaster's Department; laborer on delivery wagon; acting postmaster struck by train while going for mail; cook; janitor; storeroom clerk, opening barrels; scavenger, sanitation department; laborers clearing ground by the use of scythes to cut grass, bushes, etc.; water boy serving water to crew clearing ground, who struck scythe hidden in the grass.

In the Reclamation Service a ditch rider, a quarryman, an ice-plant attendant who fell from a ladder, and a gas-engine tender were held to be within the act, while a cook's helper was held not to be in a hazardous employment.

In so far as the rulings above noted relate to the Canal Zone they are not of current importance, since the question of hazard no longer affects the application of the law in that field, but they show the line drawn in an attempt to apply the test of hazard. Thus far no case has arisen in connection with the Bureau of Mines, the Forestry

Service, or the Lighthouse Service, but from the foregoing it is reasonably clear that all station or field work in carrying out the purposes of the services, not clerical and not strictly supervisory or administrative, would probably be included in the act.

Rulings on the question of hazard are obviously difficult, since they would seem to be practically answered by the fact of the occurrence of the injury which must befall before the case can come to consideration; and the fact of the injury is in itself proof that the occupation is at least in some degree hazardous. It is difficult, therefore, to avoid the impression of unfair exclusion in cases where a workman suffers injury in circumstances ordinarily giving rise to valid claims for compensation, but finds himself—or his dependents in case of fatal injuries—deprived of supposed rights, and, indeed, of all possibility of recovery, because the industry is reckoned by the courts or administrative commission as nonhazardous. Industrial protection is incomplete in such a state of affairs, besides the uncertainty that exists where the decision rests on opinion, statistics of accident rates in specific industries not being available in many cases to afford a real basis of determination.

In any view, the matter resolves itself into this—that a given occupation is hazardous, so that those engaged in it may properly expect provision to be made in their behalf; or the risk is comparatively slight, so that the cost of providing for the occasional injuries arising in it is not burdensome on the employer, while ministering to the needs of the injured individual, which are none the less urgent because of the comparatively slight number of persons injured in like circumstances. It is of interest to note that after brief experience with its law New York has added (ch. 622, Acts of 1916) a considerable number of employments to its "hazardous" list, and made compensation available by election for all employments.

Casual employment.—The exception in many laws of persons whose employment is only casual and not in the usual course of the trade, business, etc., of the employer has been passed upon in a number of cases at hand. The California law requires for exception that the employment shall be both casual and not in the usual course; the Iowa industrial commissioner construes the law of that State to be of the same effect. In a California case, where an employee passing a creamery operated by his employer was requested to furnish aid for a short time in work outside the usual course of his employment and was injured while doing so, it was held that while his employment in this case was casual it was nevertheless in the usual course of his employer's business, so that he was entitled to compensation, which corresponds with the provisions of the British act. This commission has fixed an arbitrary term of one week as the standard,

employment for a less period being held per se casual, if not in the usual course of the trade or business of the employer. A plasterer doing less than one week's work for a rooming-house keeper was held excluded for both reasons, while a decorator who usually did his own carpenter work by regular employees was required to pay compensation to a carpenter hired for less than one week to do such work for him, as it was in the regular course of the employer's business. Where a locomotive engineer wished a garage built on his premises he engaged the services of a workman, who agreed to secure the services of another man and assured the employer that the job would not last more than five days, relying on which assurance the employer did not insure his liability under the compensation law. The failure of the workman to secure constant assistance prolonged the work beyond the period of one week, but the California commission held that the employer had a right to rely upon his employee's agreement to complete the work within a time which would have made the employment casual, so that no compensation could be demanded.

The law of Massachusetts originally excepted persons whose employment was but casual *or* not in the usual course of the trade, etc., of the employer, and under it a caterer was held not required to compensate for injuries to a waiter employed by him for a single occasion. (In re Gaynor, 217 Mass. 86; 104 N. E. 339.) As employment on occasion merely is the custom in this class of work, it is evident that service of this nature was by this decision excluded from the act, until an amendment of 1914 struck out the provision debarring casual employees from its benefits.

The laws of Connecticut and Minnesota agree with that of California in following the British act, so that even if the business is but casual, if it is in line with the employer's business, the employer is liable (State *v.* District Court of Rice County (Minn.), 155 N. W. 103); while in a Connecticut case (Thompson *v.* Twiss, 97 Atl. 328), an indefinite term of employment, though to last at least several weeks, was held not to be casual, even though the work was not in the main business of the employer, "yet a very substantial one." This viewpoint coincides with that of the compensation commission of Pennsylvania; in this State the law excludes persons whose employment is casual *and* not in the regular course of the employer's business. The commission rules that "the policy of the law is against the creation of any situation whereby a workman can be engaged in his occupation in the State of Pennsylvania and be deprived thereby of the benefits of the workmen's compensation act." It was said that if a farmer undertook to build a barn, hiring the men therefor, they would not be classed as agriculturists because employed by him; but if he hurriedly employed a workman to repair a suddenly discovered leak, that would be a casual employment. This accords with

an earlier ruling by a referee in this State who allowed the claim of a carpenter remodeling the residence of his employer, who was engaged in no trade, but was held for the occasion to be engaged in the business of reconstructing the home. It was said that if there was "time for premeditation, calculation, and design he must be considered to have engaged in a business, and the employee under those circumstances can not be considered as casual."

Where an employee came to the employer's house for one day each week to assist in domestic duties it was held that such employment was not casual but periodical, and injuries received during its continuance were compensable (compensation commissioner of Connecticut). Quite similar was the view taken by the Maryland Accident Commission in the case of an employee who received $2 per week from an employer in a market, with the privilege of rendering services to other persons having stalls in the same market. An injury received while at work for one employer was held not to be during the rendering of casual services. Where one renders occasional services, but is under no contract and has no agreement therefor, the defense of casual employment was held to apply in a Massachusetts case, even though the employment was in the line of the employer's business. This ruling by a committee of arbitration is in harmony with a decision of the supreme court of this State, where a teamster with team rendered services of a few days' duration once or twice a year. (In re Cheevers, 106 N. E. 861.) The accident board of the same State allowed a claim where an employee was supplied under a contract with a union, the men not being hired as individuals but as members of the union; the injured man was supplied as a substitute mailer, and was injured during the first day of his employment, though he had been pretty constantly at work in other offices in the city. The board held that his employment was substantially regular and not casual and that he was working under a contract, so that compensation must be allowed. The supreme court of that State passed upon another case in which a workman employed to trim trees to keep the wires of the employing company clear was directed by his foreman to trim the limbs of a tree through which none of the company's wires ran. The court held that as he was supposed to obey orders it was none of his business to inquire as to the right of the company to trim a particular tree, and that as he was doing what he had been hired to do the work was not casual. (In re Howard, 105 N. E. 636.)

The Minnesota commissioner of labor ruled that the length of service did not determine the nature of employment as casual in a case where a contractor who had no regular employees took on such men as he could obtain in a strange town for the purpose of a piece of work which he had contracted to do there.

The Supreme Court of New Jersey applied a principle already noted under this head in a case where a longshoreman was killed two hours after taking employment. Men in his line of service do not work regularly for one employer, but render services on the occasion of ships coming into port, being a regular class of employees for this purpose. The court held that such employment was not casual despite its irregularity. (Sabella *v.* Brazileiro, 91 Atl. 1032.) The industrial commission of Ohio holds the law of that State to cover public employees without distinction as to whether casual or not. The same view is taken of the Wisconsin statute by the industrial commission of that State and of the Michigan law by its board.

The status of a workman not employed in the business of the employer was considered by the Court of Appeals of New York in a case (Bargey *v.* Massaro Macaroni Co., 113 N. E. 407) in which a carpenter engaged in making alterations in the factory was injured while at work. It was held that under the act the company was an employer in its capacity as a manufacturer of foodstuffs, but as the carpenter was not engaged in that work he was not an employee, his work having no relation to the hazardous business of the employer. Recovery under the provision of the act covering the construction, demolition, and repair of buildings was also denied on the ground that the company did not carry on such occupation for pecuniary gain. An award of the commission of the State in the claimant's behalf was therefore reversed.

Other exclusions.—The Washington statute was held not to authorize the inclusion of elevators in mercantile establishments, the term "elevator," where used in the act, referring to grain elevators, mercantile establishments not being among the extrahazardous places of employment contemplated by the act. (Guerrieri *v.* Industrial Insurance Commission, 146 Pac. 608.)

The law of Illinois includes occupations subject to statutory or municipal regulations. This was held by the appellate court not to cover occupations known not to be extrahazardous, so that the driver of a milk wagon was held not to be covered by the act, even though the dairy business was subject to municipal regulation; it was stated that transportation and warehousing were mere incidents to the conduct of the employer's business and were not of such nature as the act was intended to cover, and an award by the lower court was reversed. (Bowman Dairy Co. *v.* Noyes, — N. E. —.) The Supreme Court of Washington in passing upon this phase of the law of that State rules that a merchant who has repair shops and employs mechanics in them is, as to such employees and mechanical departments, engaged in extrahazardous employment within the meaning of the act, though simply as a merchant he is not. (Wendt *v.* Industrial Insurance Commission, 141 Pac. 311.)

The Texas statute excludes railways as common carriers, and this is held to exclude also the operation of street railways. The industrial accident board held that a company operating a street railway and also an electric light plant would be under the act as regards the latter if the electricity was furnished for other purposes than the operation of the road. Labor being interchangeable to a certain extent, it would be a question of fact in each case whether a claimant was injured while working for the electric light plant as such or was in the service of the railway company. The statute of this State also has a provision exempting employers of not more than five employees. It was held that a mercantile partnership operating stores in two different places in one city, each store having five employees, might become a subscriber under the act on the basis of its aggregate force of employees, since it was a single employer, though operating separate establishments.

Decisions are at hand from a few jurisdictions passing upon the question of the status of working stockholders or partners, etc. One of the compensation commissioners of Connecticut declared that if it had been desired to exclude officers of corporations from benefits as employees specific language would have been employed, so that one who was engaged in the company's service, although he was stockholder, director, and treasurer, was held entitled to compensation. The compensation commissioner of New York likewise allowed benefits to the president of an employing corporation who was injured while working in its shops as a mechanic; and the supreme court of the State, appellate division, though denying a claim on the ground that the employment was not covered by the act, held that a shareholder and vice president of a corporation was an employee within the meaning of the compensation act where he worked alongside the regular workmen, though he was general foreman. (Beckman *v.* J. W. Oelerich & Son, 160 N. Y. Supp. 791.)

The industrial accident board of Massachusetts, on the other hand, denied the benefits of the act of that State to a partner who received $30 a week from the firm and claimed that it was wages. The public service commission of West Virginia also disallowed the claim of an employee who was bookkeeper and secretary of the company, on the ground that he was an officer of the corporation and not an employee within the meaning of the act of that State. The law of Texas was construed by the industrial accident board of that State to cover sons, wives, and daughters of merchants working in the store and paid a salary or wages.

The question of the status of employees engaged otherwise than on a fixed salary was ruled upon by the compensation commission of New York, the instant case being that of a traveling salesman employed on a commission basis. It was held that such employees

should be included in the pay roll upon which premiums are based, though it is permissible to exclude such salesmen who are continuously employed outside of the State. Similar were the rulings of the industrial accident board of Texas as to salesmen taking orders on commission and pieceworkers in factories; so also as to a porter working in a hotel, dependent entirely upon tips for his income, the same board ruling that he was rendering service for the company even though his payment came from such tips.

Public employees.—The status of employees in public service was passed upon in a number of cases coming under notice. The law of New York as enacted defined employments as trades, etc., carried on by the employer "for pecuniary gain," and under this provision the attorney general of the State in 1914 made a ruling, under which the commission has since acted, by which the claims of a number of employees of municipalities were rejected on the ground that no municipality could be engaged in business for pecuniary gain. The view of nonliability was taken by the supreme court of the State, appellate division, in the case of a worker on a State road (Allen *v.* State, 160 N. Y. Supp. 85), though it was said that the State has power to engage in business for profit, of which this was not an instance. Where there is profit, therefore, as may occur in municipal docks, lighting and water plants, and the like, compensation would seem to be payable, though it is clear that the phrasing of the law excluded the greater portion of municipal employees from its benefits. An amendment of 1916 makes the law applicable to work carried on by the State or a municipality, regardless of the question of profit, and the attorney general of the State has ruled that all such agencies must insure their employees coming within the classes covered by the act, though self-insurance is permitted.

In Connecticut a woman supervising pupils in a State school for imbeciles was held to be an employee of the State within the act, the law covering all employers who use "the services of another for pay." Another class of employment was under consideration by the Supreme Court of Michigan (Wood *v.* City of Detroit, 155 N. W. 592) in which the injured person was an employee of the public lighting commission of the city. The State accident board had made an award over the city's contention that the act was void as applied to municipalities, and this award was sustained by the court. The method of disposing of the question of constitutionality has already been noted (p. 180).

The constitutionality of the Montana law was challenged by a county of that State, the claim being made that inasmuch as counties were not originally subject to the operation of the liability statutes they could not be brought under the compensation law. The supreme court of the State dismissed this contention, stating that the present

law was not a substitute for the liability statutes, but rested on fundamentally different grounds, and that counties were subject to its operations. (Lewis & Clark County *v.* Industrial Accident Board, 155 Pac. 268.)

The University of Illinois claimed that it was not covered by the act of that State, that it had not elected to come under the act, and that it was not engaged in a hazardous occupation. A claim was allowed on account of the death by accident of an elevator operator in the institution, the industrial board ruling that the institution was within the act compulsorily, and that on account of the various enterprises connected with it it was a hazardous employer of labor. The Agricultural College of Michigan also contested the claim of a carpenter who did repair work about the buildings of the institution, in the course of which he fell, sustaining a fractured leg. The claim was contested on the ground that the employee was a casual one, and also that the college was not subject to legislative control, so that it was not under the law. The industrial accident board of the State held that the proviso excluding casual employees does not apply to employees of the State or municipal corporations, and also that the college is subject to general laws regarding liability, an award in behalf of the claimant being affirmed.

The industrial commissioner of Iowa discriminates between school-teachers in cities and in the country on the ground that country teachers frequently have to do the work of a janitor, while teachers in the city schools are not required to perform such duties. School janitors and country school-teachers, as well as other employees who perform manual labor for the school districts, were held to be included in the act; but as the law contains no reference to either manual or hazardous employments as conditioning rights under it the grounds for the distinction are not clear.

A Massachusetts statute (ch. 807, Acts of 1913) authorizes cities to vote on the question of accepting the provisions of the State compensation law for "laborers, workmen, and mechanics" employed by them. These words were held by the supreme court of the State (Devney *v.* City of Boston, 111 N. E. 788), not to apply to a hoseman in the city fire department, such employees being classed as in "the official service" of the city and not in "the labor service," as determined by the civil-service rules laid down by the State civil service commission. It was also said that laborers were persons without particular training, employed at manual labor, while workmen and mechanics broadly embrace those who are skilled users of tools, hosemen coming in neither class.

The status of police officers, under a city charter where appointment is made by a commission and the police are required to take an oath of office, was passed upon by the Supreme Court of the State of

Michigan (Blynn *v.* City of Pontiac, 151 N. W. 681), the court holding that the injured man was a public officer and not an employee of the city, reversing an award by the State accident board. The Supreme Court of Connecticut spoke similarly of a sheriff elected to office, and not "working under a contract of service," and therefore not an employee. (Sibley *v.* State, 96 Atl. 161.) The legal department of the city of Newark, N. J., held that the law of the State did not apply to a patrolman of the city; while the Pennsylvania Compensation Board rules that policemen are protected by its statute, though constables, and elective officers generally, are not. The industrial commission of Ohio also held that a police lieutenant in a city which does not maintain a policeman's pension system is an employee within the meaning of the act of that State, this decision being based on the particular provision of the law on this point. The law of Minnesota excludes city officials elected or appointed for a regular term of office. This was held (State *v.* District Court of St. Louis Co., 158 N. W. 790) not to debar policemen from a right to recover under the act; and so also of firemen in the city fire department (State *v.* District Court of St. Louis Co., 158 N. W. 791); and the fact that the fireman was a member of a voluntary relief association supported in part by the city and in part by the members, from which the dependents of the decedent drew benefits, does not affect the right to compensation nor the amount thereof.

The industrial commission of Wisconsin ruled that a prisoner placed at work during the term of his sentence was not an employee of the State, so that no compensation could be allowed for the loss of the right hand of an imprisoned sailor from an injury while employed about a planing machine in a chair factory. A similar ruling was made by the attorney general of Minnesota where a prisoner lost an eye while working for the county.

Children unlawfully employed.—Where a child was employed at an age under the limit fixed by statute, the New Jersey court of errors and appeals held (Hetzel *v.* Wasson Piston Ring Co., 98 Atl. 306) that, the employment not being lawful, there was no application of the compensation law, and the rights of the child at common law remained unchanged. The Supreme Court of Washington also held that a boy under the lawful age was not an employee within the act. (Hillestad *v.* Industrial Commission, 141 Pac. 913.) The Supreme Court of Wisconsin, on the other hand, held that a minor who was of legal age for employment but was engaged at forbidden hazardous occupations was under the compensation act, and could not sue for damages, since the statute itself gives minors of employable age a right to contract under it. (Foth *v.* Macomber & Whyte Rope Co., 154 N. W. 369.) In a later case the same court held that a child of employable age but working without a statutory certificate was

not an employee under the compensation act even though his age had been misrepresented and the employment was found by the court to have been in good faith. A compensation award had been paid and release secured, but this was held void, and damages were allowed under the liability act of the State. (Stetz *v.* Boot & Shoe Co., 156 N. W. 971.) This case is distinguished from the Foth case above on the ground that in that case the minor was legally authorized to engage in the business in which he contracted to work, even though at the time of the injury he was employed at a machine forbidden by law; while in the present case, in the absence of an employment certificate, no employment was lawful. One judge dissented from this finding, while two others took no part in the decision. The effect of these findings is to penalize the unwitting (even though not therefore excusable) violation of an administrative provision, while the penal provisions of the child-labor act were held inapplicable to an obvious violation of it in exposing a child to hazards which were forbidden, even if he was lawfully present in the establishment.

The industrial board of Illinois ruled in practical accord with the Supreme Court of Wisconsin in the Foth case above, in a case in which a boy of the legal age of employment, 14 years, lost the use of his hand by an injury received in a forbidden hazardous occupation. It was said that a boy under legal age may recover for his wages, and for the purposes of the compensation act such a boy is entitled to compensation in the event of injury.

Extraterritoriality.—The question of the application of the laws of the States in cases arising outside their boundaries is answered differently by the authorities of the different States. The industrial commission of California took the view that the language of the statute is not limited as to territorial operation, but follows the contract. The supreme court held this view on its first decision, but later held the contrary. (Anderson *v.* North Alaska Salmon Co., — Pac. —.) The industrial commission of Colorado, on the other hand, decides that the contract of employment follows the employee into other States wherever he goes in its performance. Practically the same language was used by the Supreme Court of Connecticut in construing the law of that State. (Kennerson *v.* Thames Towboat Co., 94 Atl. 372.) This is the position also of the industrial commission of Indiana, of the Supreme Court of Rhode Island (Grinnell *v.* Wilkinson, 98 Atl. 103), and of the Supreme Court of New Jersey, the latter saying that the compensation act is contractual in its nature and the place of the performance of the contract thereunder is no more essential than in the case of life insurance. (Rounsaville *v.* Central R. Co., 94 Atl. 392.)

The New York court of appeals sustains this view of the matter, saying that the contract was entered into with the compensation law in view, and that the premiums paid for insurance were computed on the pay roll and not on the time worked within or without the State boundaries (Post *v.* Burger & Gohlke, 111 N. E. 351); and a West Virginia case (Gooding *v.* Ott, 87 S. E. 862) also upholds it, the court emphasizing the elective feature of the State law, ruling that a contract so voluntarily made follows the parties even beyond the State boundaries.

Where an accident occurred in the State of New Jersey, the contract of employment having been made beyond its borders, recovery under the New Jersey law was allowed on the ground that it covers all accidents occurring within the State unless rejected (American Radiator Co. *v.* Rogge, 92 Atl. 85). However, where an employer hires an employee outside the State to do work outside its borders, the New York supreme court holds that the law does not apply (Gardener *v.* Horseheads Construction Co., 156 N. Y. Supp. 899).

The law of New Jersey provides that disputes under the act are to be settled by a judge of the court of common pleas, and this provision was held by the Supreme Court of New York, special term, to prevent it from taking cognizance of a claim under the New Jersey law, or giving judgment on an amount alleged to be due under the provisions of that law, the court saying that a forum had been fixed by the act itself, and the right being statutory, all its conditions should be complied with (Lehmann *v.* Ramo Films, Inc., 155 N. Y. Supp. 1032); and this is true even though both parties are citizens of New York, where the claim is under the law of New Jersey. (McCarthy *v.* McAllister Steamboat Co., 158 N. Y. Supp. 563.)

Other variations were passed upon by the industrial commission of the State of New York, one case being that of a resident of New Jersey, who had been hired by a Philadelphia corporation to do work in the State of New York. The employee was injured and applied for compensation under the New York law. It was held that jurisdiction existed in the State of New York and that difficulty might arise in establishing it in the other States named, while if the claim is made in New York the claimant would be estopped to deny recovery had, so that no double recovery could be secured. The claim was therefore allowed. In another instance a marine engineer living in New Jersey, but employed by a New York corporation in waters in and about New York Harbor, was killed in Newark, N. J. A claim in his behalf was allowed. The Ohio law is given the same application by the industrial commission of that State, where a citizen of the State was sent outside its boundaries in the employer's service.

The question of extraterritorial jurisdiction was before the Supreme Judicial Court of Massachusetts in the case In re American Mutual

Liability Insurance Co. (102 N. E. 693). In this case the parties in interest were residents of the State of Massachusetts and had accepted the provisions of the compensation law of the State. The death, however, occurred while the workman was rendering service to his employer in the State of New York, his employment occasionally leading him to service in that State and in other States. The industrial accident board of the State found that the insurance company had been paid by the employer for insuring all injuries received by its employees in the course of their employment, whether within or without the Commonwealth. The supreme court, however, declined to accept this fact as binding, and held that the scope of the law itself must determine, and from a consideration of all its terms it was decided that the law had no effect as to injuries outside the State and that the company was not liable in the case in hand.

Denying extraterritorial application of the laws of their respective States are also to be found the opinions of the industrial accident commission of Maryland and the industrial accident board of Michigan, and rulings of the attorney general of Minnesota and the industrial accident board of Texas.

Admiralty.—What might be considered as a part of the foregoing subject is the question of persons employed at occupations giving them a right of action under the admiralty law. The California commission held that a man injured on the high seas was covered by the law of that State on the ground of the residence of himself and of the employing corporation and of the location of the port of registry of the vessel and the place of contract. The Supreme Court of Connecticut held that the State has concurrent jurisdiction in such cases, and the compensation law is available. (Kennerson *v.* Thames Towboat Co., supra.) The Court of Appeals of New York (In re Walker, 109 N. E. 604) ruled that as the employee formerly had the option of proceeding at common law or in admiralty to recover for injuries, so now he has the option of choosing the compensation law, which has superseded the common law. As to the contention that shipowners are not equally exempted from possible suits with other employees, the court held that this lies in the nature of the case and is not a result of the action of the legislature, so that no question of the constitutionality of the act was raised thereby.

The Supreme Court of Washington took the opposite view, holding that since the State had no power to modify the shipowner's liability under admiralty, it could not be presumed to make the compensation act effective where admiralty might apply; it was further held that to do so would require shipowners to contribute to the State insurance fund and still be liable to suits in admiralty. (State *v.* Daggett, 151 Pac. 648.) The same view was taken by the District Court

of the United States for the Western District of Washington. (The *Fred E. Sander*, 208 Fed. 724.)

The compensation commission of New York held that the law administered by it was exclusive in its application to longshoremen, whether at work on docks or on vessels in the harbors of the State.

Interstate commerce.—The initial difficulty confronting both legislatures and courts in determining the application of State compensation laws to railroad employees lies in the fact that the control of interstate carriers is vested by the Constitution of the United States in the Federal Congress. Various regulative measures have been enacted by this body affecting employees of such carriers, but the only statute which demands consideration in this particular field is the act of 1908, amended 1910, determining the liability of railroad companies for injuries to their employees while engaged in interstate commerce. As the authority of Congress is necessarily paramount (Michigan Central Railroad Co. *v.* Vreeland, 227 U. S. 59; 33 Sup. Ct. 192; Grand Trunk Railway *v.* Knapp (C. C. A.), 233 Fed. 950), the States are compelled to legislate with this statute in mind. Phraseology is frequently used to indicate the purpose of the legislature to enact laws applicable to railroad employments only in so far as such employments are not covered by the Federal law. The Texas statute in its original form, and the Minnesota statute by amendment, exclude absolutely railroad employments from their purview, leaving the recovery of persons injured in such employments to the rights established by statutes declaring the liability of employers. Actions for damages are therefore necessary in these jurisdictions in all cases of injury to railroad employees, whether engaged in interstate or intrastate commerce; and this principle controls even to the extent of making it impossible for an injured workman and his employer to make an agreement of settlement under the terms of a State compensation law (that of Michigan in the instant case), where the case is clearly one of interstate commerce, according to a decision of a United States Circuit Court of Appeals. (Waters *v.* Guile, 234 Fed. 532.)[1]

In States having compensation laws opposite conclusions have been reached as to the boundaries of the field within which they

[1] It is of interest to note in this connection the procedure agreed upon by the Pennsylvania Railroad Co. in regard to injuries due to accidents occurring in the State of Pennsylvania. In cases clearly intrastate the compensation law of the State is followed by the making of agreements for periodical payments as contemplated by the act. Where there is doubt and where the commerce was clearly interstate, if a claim petition is filed in accordance with the act, an agreement for a lump-sum payment is made, based on the schedule of the act, and on the payment of this to the proper party a general release is obtained, thus securing protection for the company under both Federal and State laws. Where no claim is filed the company seeks an adjustment on the basis of the schedule provided in the act, commuted to a lump-sum payment, taking the release as above. In both these cases commutations are either made by, or notified to, the compensation authorities, so that a proper record can be kept.

may act, one view being that since the Federal law applies only where there is negligence on the part of the employer, other cases may be cared for by a supplemental act, the contrary opinion being that the Federal statute is exclusive and comprehends the entire liability of employers in interstate commerce by railroad. The California court of appeals held (Smith *v.* Industrial Accident Commission, 147 Pac. 600) that a watchman whose duty it was to keep tramps off an interstate train is engaged in interstate duties and does not lose that status while continuing his pursuit to drive them from the railroad yards, so that no claim can arise in his behalf under the State compensation law. The Illinois supreme court reversed the lower courts which awarded judgment in favor of an employee injured in interstate commerce without negligence of the employer, holding that the State had no authority to supplement the Federal statute in this manner. (Staley *v.* I. C. R. Co., 109 N. E. 342.) The industrial commission of Ohio takes practically the same view, setting forth that under the State law railroads and their employees engaged in intrastate and also in interstate commerce are subject to the provisions of the State compensation act only to the extent that the two kinds of work are clearly separable and distinguishable; also that under the act the application as to intrastate employees is effective only after the voluntary acceptance of the act by both parties in writing. Since such acceptance is voluntary, a nonaccepting employer loses no defenses by a failure to accept. (Connole *v.* Norfolk & Western Railway Co., 216 Fed. 823.)

In contrast with the Illinois opinion, the court of errors and appeals of New Jersey holds that the Federal act is exclusive only where there is negligence on the part of the employer. In proceedings for compensation the plaintiff does not charge negligence, and if the plaintiff does not admit or plead negligence none appears, so that there is no applicability of the Federal law, and compensation may be awarded on the contractual obligation imposed by the compensation statute. (Winfield *v.* Erie R. Co., 96 Atl. 384.) The supreme court of the State in an earlier case (Rounsaville *v.* Central R. Co., 94 Atl. 392) remarked that the Federal law established no new right of action, merely taking away defenses, and that liability under it is not affected by the terms of contract, while the compensation act is a new remedy, contractual in nature, the two not overlapping, but each valid where applicable; but a referee under the Pennsylvania law refused to admit the defense of interstate commerce in the case of a brakeman killed in railroad yards, and awarded compensation under the State law. The State board confirmed such an award, saying that where the company offers the objection that the Federal law controls, its contention is matter of

defense and must be supported by positive testimony, the full burden of proof resting on the company to take the case out from under the State law.

The New York court of appeals took the same view as the New Jersey courts, saying that the acts are so different as to leave room for both. Employees in the State are protected by the regular insurance covering all accidents regardless of negligence. The Federal law covers cases of negligence by its exclusive right, but goes no further, so that there is no risk of double liability. (Winfield *v.* N. Y. C. & H. R. R. Co., 110 N. E. 614.) The industrial commissioner of Iowa similarly construes the law of that State, though the point seems not to have been passed upon by its courts.

A citation from a decision of the Supreme Court of the United States (Michigan Central R. Co. *v.* Vreeland, 227 U. S. 59; 33 Sup. Ct. 192) declares the supremacy of the Federal law in the following language:

> By this act Congress has undertaken to cover the subject of the liability of railroad companies to their employees injured while engaged in interstate commerce. This exertion of a power which is granted in express terms must supersede all legislation over the same subject by the States.

Whether or not this pronouncement can be taken as declaring also the exclusiveness of the act, without regard to the question of negligence, doubtless remains open in spite of the general form of the statement, since this particular point was not under consideration at the time.

The New York court of appeals held that longshoremen loading interstate vessels are not operating the vessels within the meaning of the State law. It was added that regulating the relations between employers and employees was not a regulation of commerce, and was within the jurisdiction of the State until Congress acts, which it has not done as to vessels, so that an award might be made in the case in hand (Jensen *v.* S. P. R. Co., 109 N. E. 600); and generally where the interstate commerce is by water, the authorities available agree that since Congress has not legislated at all on the subject, the State laws control. The law of Washington declares on this point that its provisions "shall apply to employers and workmen engaged in intrastate and also interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce." The court held that taking the law as it stood in all its points it was intended to legislate for all persons engaged in

the extrahazardous employments enumerated in the act, and that Congress having in no way legislated in the particular premises, the State had the right to enact laws incidentally affecting such commerce. It was held, therefore, that any right of recovery which the plaintiff might have would be by way of a claim under the compensation law of the State. (Stoll *v.* Pacific Coast S. S. Co., 205 Fed. 169.)

Not using the same language as to strict exclusiveness, but maintaining the applicability of the laws, are to be found the supreme courts of Connecticut (Kennerson *v.* Thames Towboat Co.) and of Minnesota (Lindstrom *v.* Mutual S. S. Co., 156 N. W. 669); while the industrial commission of Ohio, though refusing to consider cases of interstate commerce by railroad, as already noted, applied the compensation law to the case of an employee swept overboard from a tug in Lake Erie and drowned.

Alien beneficiaries.—The laws are in most instances specific enough on the point of the inclusion or exclusion of nonresident alien beneficiaries to make construction unnecessary. The Illinois statute is not thus specific, however, but the industrial board of the State ruled that the wording of the law, "the people of the State," includes aliens as among those workmen covered by the act, so that their nonresident dependents are entitled to benefits; this view was confirmed when a case involving the point came before the supreme court of the State. (Victor Chemical Works *v.* Industrial Board, 113 N. E. 173.) The New Jersey statute excludes nonresident beneficiaries, and inasmuch as employees within the State have no other remedy than that provided by the act, it was held that no right survives, so that Lord Campbell's Act giving the right of recovery for fatal injuries no longer avails for nonresident aliens, the only right that the injured man had having died with him. (Gregutis *v.* Waclark Wire Work, 91 Atl. 98; 92 Atl. 354.)

The law of California makes no reference to alien beneficiaries, but does include alien employees, and the contention was made (Western Metal Supply Co. *v.* Pillsbury, 156 Pac. 491) that this made possible payments to alien and nonresident dependents; that no public purpose cognizable by the legislature was to be served thereby, and that therefore the law was unconstitutional. The supreme court of the State rejected this view, saying that "There is no constitutional or rational ground for limiting the benefits of this legislative scheme to citizens or residents of this State. If the employment was such as to fall within the State's lawmaking jurisdiction, the legislature certainly had the power to pass laws operating uniformly upon all persons affected by such employment."

ARISING OUT OF AND IN COURSE OF EMPLOYMENT.

The majority of the laws of the States contain as a limitation on the injuries to be compensated the statement that they must arise out of and in the course of employment, and the rulings on this point are necessarily numerous. The phrase is copied from the British workmen's compensation law, and in considering it frequent use has been made of English decisions. The supreme court of New Jersey discussed its effect in an early case (Bryant *v.* Fissell, 86 Atl. 458), reaching the conclusion that "an accident arises 'in the course of the employment' if it occurs while the employee is doing what a man so employed might reasonably do within the time during which he is employed, and at a place where he may reasonably be during that time." Since, however, the law of New Jersey contains also the words "out of" and requires that both conditions be met, further consideration was had, concluding "that an accident arises 'out of' the employment when it is something the risk of which might have been contemplated by a reasonable person when entering the employment as incident to it. * * * A risk is incidental to the employment when it belongs to or is connected with what a workman has to do in fulfilling his contract of service." In this case a carpenter engaged in the erection of a building was injured by the falling of material in charge of the ironwork contractor, who was a separate employer of labor. It was held that the injury was received in the course of and arising out of the employment. The same court applied this doctrine to include the case of a workman killed while crossing railroad tracks on the way from the place of his employment to the toilet customarily used by persons in the employer's service. (Zabriskie *v.* Erie R. Co., 88 Atl. 824.) In discussing the same phraseology the supreme judicial court of Massachusetts (In re Employers' Liability Assurance Corporation, 102 N. E. 697, frequently cited as "McNicol's Case") first laid down the rule that both conditions of the phrase must be complied with, and in discussing the effect of these words said:

It is not easy nor necessary to the determination of the case at bar to give a comprehensive definition of these words which shall accurately include all cases embraced within the act and with precision exclude those outside its terms. It is sufficient to say that an injury is received "in the course of" the employment when it comes while the workman is doing the duty which he is employed to perform. It arises "out of" the employment, when there is apparent to the rational mind upon consideration of all the circumstances, a causal connection between the conditions under which the work is required to be performed and the resulting injury. Under this test, if the injury can be seen to have followed as a natural incident of the work and to have been contemplated by a reasonable person familiar with the whole situation as a result of the exposure occasioned by

the nature of the employment, then it arises "out of" the employment. But it excludes an injury which can not fairly be traced to the employment as a contributing proximate cause and which comes from a hazard to which the workmen would have been equally exposed apart from the employment. The causative danger must be peculiar to the work and not common to the neighborhood. It must be incidental to the character of the business and not independent of the relation of master and servant. It need not have been forseen or expected, but after the event it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

On these grounds the court allowed benefits for the death of a man killed by blows and kicks of a fellow workman who was "in an intoxicated frenzy of passion," his habits and disposition having been known to his employer, the award being based "upon the causal connection between the injury of the deceased and the conditions under which the defendant required him to work."

Difficulty remains in the determination of the question as to whether the hazard is due to the employment or to conditions affecting the public generally. Thus a delivery man walking along the street and falling over a bucket of broken glass, receiving fatal injuries, was denied compensation by the New York Supreme Court, appellate division (Newman *v.* Newman, 155 N. Y. Supp. 665, affirmed by the court of appeals, 113 N. E. 332), the court saying that he was exposed to no other hazard than that to which any one walking in the same locality would have been exposed, so that it was not an incident of the employment. The supreme court of the State, however, appellate division, allowed compensation in a case (Miller *v.* Taylor, 159 N. Y. Supp. 999), in which the driver of an express truck was struck by an automobile while crossing the street to deliver a package, distinguishing this from the Newman case above; and the same court affirmed the finding of the industrial commission in a case (Putnam *v.* Murray, 160 N. Y. Supp. 811), where a driver engaged in collecting dirt from the streets of a city stepped on a rusty nail, the injury resulting in tetanus and death, the contention that the injury was the result merely of conditions to which the public generally was exposed not being admitted as a defense. The employee was held to have been engaged in a hazardous employment under the act, and "the mere fact that a person not engaged in a hazardous employment was exposed to the danger of a similar injury should he chance to travel that way furnishes no argument for a denial of the right of compensation to a person whose hazardous employment compelled his constant presence on the street."

To the same effect was the ruling of a Pennsylvania referee, who held that a delivery boy struck by an automobile on the street and killed was at the time engaged in furthering his employer's interests,

and compensation was accordingly allowed. So also a Minnesota court ruled that a driver was exceptionally exposed to street risks, so that one hurt by the fall of material from a building which he was passing was held to have been injured by an accident arising out of and in course of the employment (Mahowald *v.* Thompson-Starrett Co., 158 N. W. 913). An award was also made by the Massachusetts board in the case of a street sweeper injured by a runaway horse, over the contention of the city of New Bedford that such an occurrence was not a natural incident of the injured man's employment.

The California commission allowed the claim of a motorman who had reported for work five minutes before starting time, according to rule, but slipped and fell on the street while going from the barn to his car; it was contended that the nature of his employment was not such as to expose him to street risks more than the average man, but the commission stated that this rule should not be applied too broadly, but with reference to the particular circumstances of the case. Where an office employee, after finishing her day's work, took some of her employer's letters to deposit in the post office on the way home and was struck by a train, the New York commission rejected the claim for compensation on the ground that she was following the same route that she would have followed if she had been going home without undertaking to mail the letters; that she was exposed to no unusual hazard due to the employment; and that the injury did not arise out of and in the course of the employment.

The Supreme Court of Wisconsin made a ruling similar to that of the California commission in the case of the motorman above, in the instance of an employee who reported at 7.30 a. m. for orders as to work which was to begin at 8, and while proceeding along the street under orders to his work place, slipped and fell; the court held that the status of employer and employee existed, and that the accident grew out of and was incidental to his employment. (City of Milwaukee *v.* Althoff, 145 N. W. 238.)

Where the injury was due to lightning stroke, the Michigan Supreme Court held that the exposure of a railroad section man who sought shelter in a barn which was struck by lightning, was in no way different from the risk of other members of the community, and was not caused by or in connection with his employment (Klawinski *v.* Lake Shore & M. S. Ry., 152 N. W. 213)—a position that was assumed also by the Supreme Court of Wisconsin (Hoenig *v.* Industrial Commission, 150 N. W. 996), deciding on a case in which a workman on a dam was killed by lightning. The Supreme Court of Minnesota, on the other hand, affirmed an award of the lower court in behalf of a claimant, where a man was injured by lightning while seeking shelter under a tree at the time of a storm, the court

saying that there was evidence to sustain a finding that the injury arose out of the employment. (State ex rel. People's Coal & Ice Co v. District Court of Ramsey County, 153 N. W. 119.)

The Pennsylvania statute provides compensation for accidents in the course of employment, omitting the limitation as to "arising out of." It was held, therefore, by the compensation board of the State that as death by lightning is unquestionably an accident, and the law does not require that it should arise out of the employment, an employee killed by lightning while engaged in the regular course of his employer's business was within the act.

The award in the Minnesota case last named necessarily involved the conclusion that the injured man had not left employment while thus seeking shelter, and this question was also involved in the case of a railroad lineman who took shelter from a storm under cars standing on an adjacent track. The cars moving without warning, he was injured, and the Supreme Court of New York, appellate division, affirmed an allowance of compensation on the ground that to seek available shelter was not leaving the employment but was incident thereto. (Moore v. Lehigh Valley R. R. Co., 154 N. Y. Supp. 628.)

Where one's employment is of such a nature as not to involve fixed working hours, difficulty may arise in determining between service for the employer and the pursuit of private ends. Thus a real estate and insurance agent whose time was occupied largely according to his own judgment, was injured while on his way to keep an appointment with a prospective customer. The injury was held by the California Industrial Commission to be while in his employer's service, without regard to the time. The same body awarded compensation to a traveling salesman injured in an automobile accident while returning from a search for prospective customers, basing the decision on the same grounds. This principle was also applied by a compensation commissioner of Connecticut in the case of a general manager of his employer's business, who was killed while going on an errand for his employer's benefit after the expiration of the usual working time. The industrial accident board of Texas approved the claim of a traveling salesman who volunteered to assist workmen repairing a bridge which he was to cross on his way from one town to another, a delay of several hours being imminent.

Taking a contrary position to that assumed in the foregoing rulings, the Supreme Court of Massachusetts laid down a rule of a strictness that would go far to limit the application of a compensation law in cases where an employee was not restricted in his movements to a set of conditions strictly affected by his employment. The superior court had affirmed the award of the State industrial accident board in a case where a life insurance agent was injured

in an automobile accident, he having accepted the invitation of a prospective customer to ride with him and talk over the policy proposed. The court held that the field of the agent's employment was in a sense boundless—that his time and his method of procedure were his own.

He might travel on foot, or horseback, by trolley, train, or automobile. * * * He was wholly free as to time, place, or weather. Under such circumstances, when one accepts an invitation to ride an injury received is not "occasioned by the nature of the employment."

The danger incident to the use of an automobile is not a "causative danger" "peculiar to the work," but is a risk which is common to all persons using one. The injury can not be said reasonably to have been contemplated as the result of the exposure of the employment.

The claim of the injured man was therefore ordered dismissed. (Hewitt *v.* Casualty Co. of America, 113 N. E. 572.)

A still different aspect of the question of the nature of the employment calls for consideration where the preservation of discipline or order or the handling of funds giving rise to a temptation to robbery is a factor. The California commission awarded compensation in the case of a city marshal killed while in the performance of duty, even though a premeditated assault could not be classed as an accident. It was said, however, that the injury under such circumstances might be said to be accidental. Similarly, a citizen called upon to aid a deputy sheriff in arresting an offender was held to be entitled to compensation as an employee of the municipality, an award to this effect being affirmed by the Supreme Court of Wisconsin (Village of West Salem *v.* Industrial Commission, 155 N. W. 929); so also of a night marshal or policeman killed while attempting to enforce the speed laws of the State. (Village of Kiel *v.* Industrial Commission, 158 N. W. 68.)

Compensation was denied by the commissioner of West Virginia in a case where a night watchmen was attacked and went in the darkness to secure his gun, which was accidentally discharged, causing injury to himself, the commissioner saying that the injury was not one received in the course of and by reason of the employment. On the other hand, the industrial board of Illinois awarded compensation in behalf of a railroad watchman who was shot by a thief whom he had taken; so also where a night watchman was killed by a burglar (Supreme Court of California, Western Metal Supply Co. *v.* Pillsbury, 156 Pac. 491); and where a mill superintendent was murdered by an objectionable person whom he had ordered to leave the mill (Massachusetts Supreme Court, In re Reithel, 109 N. E. 951); where a foreman was shot by an employee whom he had discharged (Ohio Industrial Commission); where a foreman was as-

saulted and seriously injured while trying to compel a discharged workman to leave the place of his former employment (California supreme court, Western Indemnity Co. *v.* Pillsbury, 151 Pac. 398); and where an employee with authority to enforce discipline was attacked after threatening discharge for frolicking during work time (compensation commission of New York).

A difficult case within this group was before the Supreme Court of Massachusetts (In re Harbroe, 111 N. E. 709), in which a night watchman was mistakenly shot by officers pursuing burglars who had robbed a safe elsewhere and were being pursued. There was nothing to indicate a fear of robbery of the premises which Harbroe was guarding, and he was not fired upon because of his employment. Shots were exchanged under mutual mistake, and the fatal injury was said not to be an incident reasonably connected with employment of that nature. The claim was therefore rejected on the ground that the injury did not arise out of the employment. Quite similar is a case decided by the Supreme Court of New Jersey (Schmoll *v.* Weisbrod & Hess Brewing Co., 97 Atl. 730), in which an award approved by a lower court was reversed. The claim arose on account of the death of the employee who was a delivery man and collector for the employing company and who was shot by an unknown person and for an unknown cause while in the service of the company. The man had money on his person, but no attempt at robbery was made, and it was held that there was nothing to indicate that the shooting was in any way connected with the employment. In another case (Walther *v.* American Paper Co., 98 Atl. 264) the same court affirmed the award of the court below—a night watchman having been killed by a coemployee for purposes of robbery. It was said that the facts differentiated the case from the Schmoll case above, and the reasoning of the memorandum filed in the lower court was approved. One point emphasized therein was that the assailant gained the knowledge as to the watchman's movements and his possession of his pay from the fact of coemployment, which also gave him access to the building in which the attack was made. "The facts are so interwoven with the question of his employment that it must be determined that the accident arose both out of and in the course of his employment."

Other cases in which robbery appeared as a motive were decided in favor of the claimants by the industrial commission of California, where a street-car conductor whose line terminated in a lonely locality was attacked for the purposes of robbery; by the industrial commission of Ohio, where the bookkeeper of a firm was assaulted and robbed while returning from a bank with the weekly pay roll; and by the West Virginia Public Service Commission, where the paymaster of a coal company was ambushed while

carrying money for the employees, being killed and robbed. The correctness of such rulings is supported by remarks of the Supreme Court of New Jersey in the Schmoll case above, in which such conditions are discussed and are said to fall within the principle of an approved English case cited.

The presumptions were held by the California commission to be against a claim for the death of a chauffeur, whose body was found after having taken two men out in his employer's machine to an agreed point a few miles outside. The employment was held not to be one giving rise to risk of assault, and in the absence of direct evidence favoring an award the claim was dismissed. Where an intentional assault was committed upon a workman who had been employed in the place of discharged employees it was held that the positive danger peculiar to the work and not common to the neighborhood was a factor that was present, and also that the injury was incidental to the character of the business and not independent of the relation of master and servant. The injury need not have been foreseen or anticipated, but if it happens it must be seen to have had its origin in a risk incidental to the employment and to have flowed from that source as a rational consequence. The discharged workmen had been reemployed and had shown illfeeling, the injuries being the result of a fight between them and the injured man. The New York commission held that the incident might reasonably have been anticipated and that it arose out of and in the course of the employment. The award was affirmed by the supreme court, appellate division. (Harnet *v.* Thomas J. Steen Co., — N. Y. Supp. —.)

Playful assaults or horseplay occasioned injuries that were considered by the authorities of several States, somewhat variant conclusions being reached. Thus the Industrial Commission of California, while recognizing that the general rule would be that "skylarking" was out of employment and not compensable, allowed a claim in the case of a man who was known to be peculiarly susceptible of being tickled, and was made to fall by the action of one of his associates, he himself taking no part in any scuffling or diversion. It was said that a rigid application of the general rule would deny compensation to a considerable number of persons who are injured without stepping outside the course of their employment, and without any intent to injure or any seeming likelihood of injury resulting from the act of a fellow employee. In a similar case, however, the same commission denied benefits in the case of an employee of a brewing company who, in accordance with custom, undertook to drink beer from a bottle, and found that a fellow employee had, as a practical joke, put caustic soda used for cleaning the bottles into this bottle, causing injury; and when the first case noted above came before the Supreme Court of California, the award was reversed,

the court saying that while the accident was undoubtedly in the course of the employment, it did not arise out of it, as there was no causal connection between the accident and the conditions under which the employee was working. (Coronado Beach Co. *v.* Pillsbury, 158 Pac. 212.) The same view was taken in a case (Fishering *v.* Pillsbury, 158 Pac. 215), where a workman sought compensation for the loss of an eye due to an injury afflicted by a fellow workman who pointed a trick camera at the injured man, from which a spring was ejected when a button was pressed.

The Industrial Board of Illinois discredited the contention of horseplay where the employer claimed that the injury was received during a scuffle among the employees at the pay window for the purpose of receiving their pay checks. Employment was said to be continuous during this time, and the claim was allowed.

Two claims passed upon by the Industrial Accident Board of Massachusetts were rejected, one being where workmen were scuffling for possession of a truck, the other that of a man who was tickled by a coworker, he himself taking no part in the action. The Supreme Court of Nebraska (Pierce *v.* Lumber & Coal Co., 156 N. W. 509) ruled that horseplay or anger leading to the injury of an employee by another is not within the act. So also the Court of Errors and Appeals of New Jersey reversed the supreme court of the State in the case of an award made by it allowing a claim where an employee fell and was fatally injured by dodging a playful blow, saying that it was not the employer's duty to prevent playful assaults, and that it was immaterial whether the employee engaged therein or not, the risk not being reasonably incident to the employment. (Hulley *v.* Moosbrugger, 95 Atl. 1007.) This corresponds to the action of the Supreme Court of New York, appellate division, which reversed an award in behalf of a girl who practically lost the sight of one eye by scissors thrust through a crack toward which she leaned to discover the occasion of a slight disturbance. (De Fillippis *v.* Falkenburg, 155 N. Y. Supp. 761.) Earlier in the year the compensation commission of that State had made awards in cases coming under this principle which, so far as is now known, have not been reversed. In one instance an employee slapped a fellow workman who was asleep on a table and walked while looking backward at him, running into an object which necessitated the removal of an eye. In another case workmen quarrelled as to the performance of a piece of work on which they were jointly engaged; while in the third instance a friendly controversy was in progress when injuries were incurred by one of the parties, which might lead to total blindness. The court of appeals of the State took a position more nearly in accord with the rulings of the commission than of the supreme court as expressed above in a case in which an injury to the eye of a stable-

man, received in the course of a quarrel or argument as to the best method of doing a piece of work, was held compensable. (In re Heitz, 112 N. E. 750.)

The industrial board of Indiana allowed compensation where an employee was assaulted by his employer, and the department of labor of Minnesota ruled similarly where a bartender was injured by a drunken customer. This latter finding was approved by the supreme court of the State. (State *v.* District Court of Koochiching Co., 158 N. W. 713.)

The Ohio statute does not contain the words "arising out of," so that if the injury is found to have been received in the course of employment it may be compensated. Thus the commission ruled in favor of a workman struck by a missile thrown in sport by a fellow workman while the former was going from his work place to a locker; also where a man was killed by an enraged fellow workman with whom he had previously had an altercation, though the deceased was engaged in his employment at the time of the attack and was not fighting; and in the case of a stenographer killed by a jealous suitor in the establishment. In this last case the injury was said not to be due to the hazards of the employment, but did occur in the course of it. Where, however, men suspended their work for a brief time and engaged in a friendly boxing bout, one being hurt, the injury was held not to have been received in the course of employment.

The industrial commission of Oklahoma rules that injuries of this sort are not covered, whether only one or both of the employees voluntarily engage in the diversion. The Supreme Court of Wisconsin also denied benefits in the case of a man injured by the sportive application to his body of a compressed-air hose by a fellow employee, the injuries being said not to be a rational consequence of the employment. (Federal Rubber Mfg. Co. *v.* Havolic, 156 N. W. 143.)

The Supreme Court of Michigan passed upon a case where a workman voluntarily left his post to participate in an altercation in which his employer was engaged, going to his defense, the court ruling that the man was not injured in the course of his employment. (Clark *v.* Clark, 155 N. W. 507.) The attempted rescue of a fellow workman, resulting in the death of the volunteer, was held to be an act in the line of duty and compensable. (Supreme Court of Illinois, Dragovich *v.* Iroquois Iron Co., 109 N. E. 999.) The new York court of appeals carried this principle a step further in a case (Waters *v.* William J. Taylor Co., 112 N. E. 727), in which an award was approved in behalf of a workman who went to attempt the rescue of a workman on the same building, but employed by another contractor. It was admitted that the man stepped "some-

what beyond the limits which would fix the scope of his employment under ordinary circumstances," but to bar a claim in his behalf would be "narrow and disappointing."

What departure from the strict performance of duty will amount to leaving employment was ruled upon by the California commission in a case in which compensation was allowed where an employee in a canning establishment moved a few steps to hear the remarks of a fellow workman and was injured, the course of employment being held not to be broken by this act; so where a deck hand was in an engine room to help start the engine, as ordered by his superior, though the rules forbade deck hands to be in the engine room. The New York supreme court, appellate division, affirmed an award by the commission of that State in behalf of the driver of a truck who was injured while putting his horse in the stable, the court holding that the care of the horse was a part of the operation of the truck, and was therefore covered by the act. (Smith *v.* Price, 153 N. Y. Supp. 221.) The public service commission of West Virginia rejected a number of claims on the ground that the injuries were not due to the employment, one instance being that of a miner who while on his way to work stopped at a pump to get some water in a bucket, the pump handle striking his watch pocket and exploding four dynamite caps which were in it, causing serious injury to his hands, it being held that the injury was not received in the course of and resulting from the employment. In another case an employee volunteered to assist a fellow employee in adjusting a kicker on a log dock, and suffered injury, compensation being denied on the ground that the injury was not received in the course of the workman's employment; so also where a lathe operator undertook to operate a machine of a different type. The fourth instance was that of a miner attempting to drill a dynamite cap for a tube for his carbide lamp. The industrial commission of Wisconsin was less stringent in its consideration of a case in which an employee in a packing house engaged in general lines of service undertook to kill a hog and cut his hand, the ruling being that as he had not been instructed that it was not his duty to kill the hog, there was a failure on the part of the employer to make the nature of the employment sufficiently specific to lead to the conclusion that this accident was not in the course of employment, and the claim was allowed.

A case passed upon by the Supreme Court of Michigan presents a construction of a strictness surpassing the usual attitude of the courts on this point, and was dissented to by three of the eight judges before whom it was tried. The claimant was a molder in a foundry, who also as a part of his duties operated a crane used to aid him in his work, such operation being effected from the floor. It was the duty of a machinist to make any needed repairs, and there being need of

repairs, notice was given by the claimant, and the machinist, a German, went upon the crane to do the required work. The claimant was a Croatian, and was not able easily to tell the machinist where the difficulty lay, so went upon the crane to point it out, and while descending lost a portion of his hand by the unexpected starting of the crane. The accident board awarded compensation, which the employer contested on the ground that the employee had left his place of employment, so that the injury did not arise out of and in course of the employment, and that he was guilty of intentional and willful misconduct. The majority opinion held that the injury did not arise in the course of the employment, and that being the case, it was immaterial whether or not there was misconduct. (Bischoff *v.* American Car & Foundry Co., 157 N. W. 34.) The dissenting judges were of the opinion that there was no other purpose in the man's act than to hasten the repair of the crane, the difficulty with which he knew, and which he was not able to indicate clearly by word of mouth. "His effort was made in furtherance of the master's business, and it should not deprive him of the award."

The interruption of employment for a matter of personal convenience has already been noticed in the case of a workman going to the toilet. (Zabriskie case, p. 227.) Similarly, the public service commission of West Virginia held that a laborer had not left service while on his way to procure a drink of water, this being said to be a necessity and not terminating employment. The Supreme Court of Massachusetts held that an employee going out for lunch by the only means of egress from the shop was within the act, even though the stairway was not a part of the rented establishment, nor under the control of the employer (In re Sundine, 105 N. E. 433); and so of a compositor going on a roof on a hot night for fresh air, in accordance with a permitted practice, and presumably falling by reason of a misstep, whereby his death was caused (In re von Ette, 111 N. E. 696). The decision in the Sundine case corresponds with the ruling of a Connecticut commissioner under practically identical circumstances. The industrial commission of Michigan awarded compensation in a case where a section hand on a railroad was killed by a train while going home for his lunch at the noon hour; this was reversed by the supreme court of the State on the ground that the employee had not remained on the premises and had broken the status of employer and employee for the time being. (Hills *v.* Blair, 148 N. W. 243.)

The California commission held that service had not been suspended in the case of a cook who had left the kitchen to smoke for a time on the adjoining porch, and on attempting to return opened the wrong door and fell downstairs. It was held that what one may reasonably do of a personal nature and not in conflict with specific in-

structions does not take him out of his employment. The assistant attorney general of Iowa approved a claim for compensation in the case of a workman injured by undertaking to light his pipe while his hands were moist with gasoline with which he had been cleaning clothing. The public service commission of West Virginia, however, in a case in which an employee of a gas company was burned by lighting his pipe near a leaky line, ruled that no compensation was payable, since it was no part of the man's employment to smoke or to light his pipe.

The compensation commissioner of the same State (succeeding the public-service commission mentioned above) similarly denied compensation to a plumber who drank a poisonous fluid by mistake, thinking that it was drinking water furnished by the employer for his workmen's use. This action was reversed by the court of appeals of the State, however, and compensation allowed. (Archibald *v.* Ott, 87 S. E. 791.) Where accidental poisoning on the premises involved the intervention of a third party the court of appeals of New York (O'Neil *v.* Carley Heater Co., 113 N. E. 406) held that payment of compensation was not warranted. In this case a workman complained of feeling poorly and was told by an employee of another contractor at work on the same premises where about the establishment a remedy might be found. The workman, however, took the wrong substance by mistake, with fatal results. The State commission had made an award, which the court reversed, distinguishing this case from that of Archibald, which had been cited as supporting the award in favor of the claimant.

In line with the position of the court of West Virginia is the ruling of the New York commission in another case of poisoning, or of corrosive effects rather, where an employee in a millinery establishment became nervous, hysterical, and finally fainted after a rebuke from her foreman for talking when she had in fact been speaking on a subject connected with the establishment. Ammonia and water were brought in separate receptacles, but in the confusion the former was dashed on the employee's face in lieu of the latter, with serious results to the eyes, lips, etc. Compensation was awarded as for injuries arising out of and in the course of employment.

Incidents arising before the beginning or after the termination of work form a border area in which individual cases must be considered largely on their own merits, and the fundamental principles can hardly be said to differ from those applicable under the old liability laws. Thus where an employer transports his employees to and from their place of work the responsibility of the employer was ruled upon diversely in two cases before the industrial accident commission of California, in one case the ruling being made that where the employer was in the habit of furnishing such transporta-

tion his liability ran during the period of its performance; in the other case it was said that the element of transportation was not a part of the contract of hiring but merely an accommodation granted without cost and terminable without notice, so that no responsibility attached for injuries occurring during its period. The Supreme Court of Massachusetts held that transportation in a wagon furnished by the employer was a collateral or subsidiary part of the contract in the instant case and therefore within the act. (In re Donovan, 104 N. E. 431.)

Where woodchoppers were allowed time to return to camp from the place of the day's work the commission of California ruled that an injury to an employee who fell from a log while on his way to camp was on the employer's premises and in the course of employment.

The Supreme Court of New Jersey held within the act of that State the action of a girl combing her hair to remove bits of wool at the close of the day's work, the hair being caught in the machinery and injury following. (Terlecki *v.* Strauss, 89 Atl. 1023.) A similar ruling was made by the Supreme Court of Michigan in the case of an employee running to punch a time clock at the close of work and colliding with a fellow workman on account of an obstruction that hid him from view. (Rayner *v.* Sligh Furniture Co., 146 N. W. 665.) The same court more recently affirmed a decision of an arbitration committee awarding compensation for the death of a railroad laborer whose time of employment was irregular, and who was killed while on his way home at night on the right of way after leaving reports at the station (Papinaw *v.* Grand Trunk Ry., 155 N. W. 545).

The industrial commission of Ohio allowed benefits in the case of a man killed on a roadway which was on the premises of his employer, and while on his way to work; also in a case in which a workman was hurt by contact with objects lying on the floor while going for his coat and hat after the whistle blew; and the Wisconsin Commission allowed a claim in the case of a 14-year-old boy returning to work after lunch, who diverged from the most direct route, placing his hand under a machine hood and losing the forearm by the action of the knives therein. It was said that the natural curiosity of a boy of 14 years must be taken into consideration and that a common-sense construction of the law must be made, the responsibility for such accidents resting on employers who place such children in places of danger rather than upon the children themselves.

Admitting that the accident arose out of the course of the employment, but holding that the degree of injury complained of was not due thereto, the Supreme Court of Kansas reversed an award in

a claimant's favor where it appeared that total disability would not have resulted from the injury but for the malpractice of the attending physician. (Ruth *v.* Witherspoon-Englar Co., 157 Pac. 403.) The case was remanded for a determination of the degree of disability due to the accident as such and a corresponding award.

The law of Washington makes no mention of arising out of employment, but provides for employees "injured in extrahazardous work," so that the law is of broader application than those considered above. The State commission refused the application of a widow for compensation for the death of her husband, who was shot by a discharged workman in a general mêleé, on the ground that the injury was not a direct result of the employment; but the supreme court reversed this ruling, saying that "Under our statute the workman is the soldier of organized industry, accepting a kind of pension in exchange for absolute insurance on his master's premises." (Stertz *v.* Industrial Ins. Com., 158 Pac. 256.)

WILLFUL MISCONDUCT.

The term "willful and serious misconduct" is used in the British compensation statute, and these words or words of similar intent have been incorporated in a number of the American laws. What constitutes such conduct as will bar claims is a question that frequently comes up for discussion. The industrial accident commission of California held that an injured employee who attempted to clear away the sawdust from a saw after having signalled for the power to be shut off and waited the usual time for the saw to cease revolving, was not guilty of willful misconduct, even though negligent, in undertaking to do the work before movement had actually ceased. In another case an award was made where an employee was electrocuted by undertaking repair work without shutting off the current; it was in evidence that this had been the custom, since to do otherwise would bring a considerable amount of work to a standstill, and there was no evidence that the foreman himself had taken such precautions. It was said that in fatal cases evidence regarding willful misconduct must be clear and of the highest character.

Another case of fatal injury passed upon by this commission was that of an employee riding a motorcycle down hill at a claimed excessive speed in violation of an ordinance. The brakes of the motorcycle were defective, so that the speed was not entirely under control of the employee. It was said that a mere violation of an ordinance would not establish willful misconduct, and the defense must be established by a preponderance of testimony to prove the element of willfulness. A somewhat similar award by the commission was reversed by the supreme court of the State where the injury resulted from the driving of an automobile at a rate of from 35 to 45 miles per hour, the court saying that such action was willful mis-

conduct, especially where wholly unnecessary, even if not unusual in the locality and not in violation of rules and orders of the employer. (Fidelity & Deposit Co. *v.* Industrial Accident Commission, 154 Pac. 834.)

A compensation commissioner of Connecticut made an award in the case of a motorman killed in a head-on collision said to be due to his running his car beyond an agreed stopping point. The same view was taken as to the evidence in fatal cases as that indicated by the California commission, pointing out that a distinction should be drawn between a criminal action against a living man and a compensation claim made by dependents of a deceased employee. It was said that "serious and willful misconduct connotes deliberation and intention, mere carelessness or negligence not being sufficient." The Supreme Court of Michigan applied practically this view in the case of a man injured by failure to observe the movements of the crew of a train on a track which he was crossing, the court saying that, though there was gross negligence, it was not willful and intentional misconduct so as to defeat the recovery (Gignac *v.* Studebaker Corporation, 152 N. W. 1037); while in New Jersey the defense of willful negligence was not allowed where a workman digging at a pier was injured by falling objects, the court saying that intentional self-infliction and intoxication were the only bars to recovery mentioned in the act of that State (Taylor *v.* Seabrook, 94 Atl. 399).

Less liberal was the ruling of the public service commission of West Virginia where a "pickler" in a sheet-iron mill attempted to secure his tongs, which had slipped from his hand into the acid solution, and was burned thereby. Compensation was refused on the ground that he knew of the injurious nature of the acid, so that reaching his arm into it was equivalent to serious and willful misconduct. The element of disobedience to rules and orders was involved in several cases in hand, the Supreme Court of California denying compensation to a lineman who was killed by contact with a live wire, though he had rubber gloves with him and had been instructed to use them, an award of the commission in favor of his beneficiaries being annulled. (Great Western Power Co. *v.* Pillsbury, 149 Pac. 35.) The earlier administrative body of the State (the accident board) had formulated a rule that "convincing proof of the deliberate intentional violation of a rule formulated, brought to the attention of those whom it is designed to govern, and diligently enforced, will establish willful misconduct." The later commission, however, made an award in favor of a claimant who was injured while performing a service which it was stated he had been forbidden to render, the commission saying that where it appears that the disobedience of an oral instruction was not actuated by willful

desire to disobey an order, but by a wish to further the employer's interests, it is not willful misconduct so as to defeat a claim.

This latter principle was applied by the industrial board of Illinois to the case of a workman who volunteered to operate a punch press whose operator he was to serve by the delivery of material to him, the operator being at that time absent. It was held here that the violation of orders, specific or general, does not amount to willful misconduct or take one out of the course of his employment if it is done in good faith and upon the theory that it is for the best interests or promotes the business of the employer. In the other case it is said that to make a ruling that a workman violating instructions or committing acts of negligence or willfulness should not be entitled to compensation would add to the law by the exercise of judicial powers not conferred upon the board by law.

The Supreme Court of Massachusetts allowed compensation in a case where a man was told that he must do certain work only when the adjacent machinery was at rest, but came in contact with a revolving shaft and was killed. The court said in this case that serious and willful misconduct means more than negligence or gross negligence, and that disobedience to orders, to constitute such misconduct, must be deliberate and not merely thoughtless. (In re Nickerson, 105 N. E. 604.) In a case before the industrial accident board of the State, however, compensation was denied a workman who was injured by contact with a machine which he had no occasion to touch, but which he had been told repeatedly not to touch or work on, and had been threatened with discharge if he used it contrary to orders. Misconduct was charged in the Rayner case (p. 239), where a workman was injured while running to punch the time clock. This, however, the Supreme Court of Michigan disallowed.

In two cases the Supreme Court of New Jersey denied compensation where injuries were fatal, on the ground of disobedience, one being that of an employee using an automobile contrary to specific and immediate orders (Reimers *v.* Proctor Publishing Co., 89 Atl. 931); the other that of a workman on a building who was of infirm health and had been forbidden to go on any scaffold, and was killed by a fall following disobedience of the order (Smith *v.* Corson, 93 Atl. 112).

In two cases also the industrial commission of Wisconsin denied benefits on account of injuries, one of them fatal, where men undertook the operation of appliances which they had been forbidden to use.

That the injury was self-inflicted was made the ground for the denial of benefits in two West Virginia cases, both being cases where the workman opened pimples or blisters, infection following, the

pubic service commission saying that the injury was not the result of employment, but was a self-inflicted injury in no wise connected therewith. The opposite view was taken by the accident commission of California, where a man undertook to remove a sliver from his finger with a pocketknife against the protest of the employer's wife. The commission said that the action was unwise, but did not constitute willful misconduct. In another case metal splinters were extracted from the hand of a toolmaker with forceps, infection and dermatitis following, a Connecticut compensation commissioner here ruling that the employee was guilty of willful misconduct, there being full instructions for reporting injuries in all cases.

Intoxication is mentioned in a number of laws as a bar to claims, or it may be classed in itself as serious misconduct. The California commission rejected this defense in an instance where the only evidence was that of the smell of liquor on the breath and perhaps an admission of the occasional use of beer, it being said that this did not meet the burden of proof required. In three cases reported from two compensation districts of Connecticut claims were disallowed on the ground of the intoxication of the injured man, in one instance the commissioner saying that the employee was guilty of willful misconduct in using intoxicants while in the course of employment; in the second a quarrelsome and abusive man under the influence of liquor was ordered to leave the works, and fell or was thrown down while being ejected; in the third case a teamster under the influence of liquor was permitted to remain at work on the strength of a promise that he would drink no more that day, which promise was broken, and the man fell off the wagon in the afternoon and suffered serious injuries.

The omission of any mention of intoxication or willful misconduct in the law of Illinois, already mentioned, left the industrial board of that State free to approve the claim of a beneficiary of a man who had fallen down a stairway while intoxicated. The law of Massachusetts bars injuries due to serious and willful misconduct, and the degree of intoxication found in two cases, reports of which are at hand, was held by the accident board of the State as sufficient to bar recovery, one instance being that of a man falling from his wagon, while in the second the injured man was struck by an electric truck in the street.

The converse to the barring of claims by reason of the willful misconduct of the employee is the principle of allowing special damages or double compensation where the employer is so careless of the welfare of his employees as to incur such liability under the law. A committee of arbitration under the Massachusetts law had made an award of double damages as for wanton and reckless disregard of an employee's saftey in neglecting to furnish a kicking strap for a horse

of known vicious disposition. The industrial accident board of the State reversed the penal part of the award, saying that the employee knew of the tendency and should have been cautious, and that the personal injury could not be held to have resulted from the serious and willful misconduct of the superintendent.

The Ohio statute allows suit for damages where injury results from the willful acts of the employer, and it was held by a Federal court that it was not necessary that there should be a deliberate intent to do bodily injury, but that liability would lie where there was, as appeared in the instant case, an "utter disregard of consequences." (McWeeney *v.* Standard Boiler & Plate Co., 210 Fed. 507.) It may be noted that the legislature of the State subsequently amended the law by incorporating a definition of the term "willful act," restricting it to "an act done knowingly and purposely with the direct purpose of injuring another," thus controverting the position taken by the court in the McWeeney case. This definition comports with the interpretation placed upon the term "deliberate intention" found in the Oregon statute, the supreme court of that State saying that it does not imply carelessness or negligence, however gross, but a determination to injure. (Jenkins *v.* Carman Mfg. Co., 155 Pac. 703.)

LIABILITY OF THIRD PARTIES.

It is commonly provided by the statutes that where the injury to an employee is due to the negligence of a third party, claim may lie against the employer, he being subrogated to the rights of the injured man, and entitled to sue; or the workman himself may sue, the employer being thereby left free from liability. In construing this provision of the Massachusetts statute the supreme court of the State held that the injured employee has the choice of remedies and if he dies his personal representative has similar rights to elect which of the two remedies he will pursue; an insurer giving relief under his contract is not equitably subrogated to the rights of the injured man, but stands as an assignee of such rights, and may proceed in any amount that the latter could recover, not being limited by what he as insurer has paid or was liable to pay. (Turnquist *v.* Hannon, 107 N. E. 443.) The same court had before it a case in which a man injured by the negligence of a third party had recovered from him for the injuries received and subsequently died therefrom. It was held that the widow could look to the employer for benefits under the compensation law, as her rights were independent of her husband's, and were not affected by his receipt of any sum from the third party. (In re Cripp, 104 N. E. 565.) But the injured man himself, having accepted benefits under the act, can not then have recourse to a suit against the third party. (Barry *v.* Bay State Street Ry. Co., 110 N. E. 1030.)

The validity of the corresponding provision of the Minnesota statute was vigorously attacked in a case (Matheson *v.* Minneapolis Street Ry. Co., 148 N. W. 71) in which a city employee sued a street railway company for injuries inflicted by one of its cars while he was laying paving near the track. The right of the injured man thus to sue for damages in spite of the fact that the city and its employees were under the compensation law was sustained, the court pointing out that there was to be but a single recovery, and that no provision in regard thereto contravened the fundamental law of the State.

A New York claimant undertook to recover from both his employer and a third party, which the supreme court of the State, appellate division, held impossible. (Miller *v.* New York Rys. Co., 157 N. Y. Supp. 200.) The same court passed upon a case in which the injured man had signed a release to the third party, and sued to recover compensation under the law, the court holding that the release would serve only to reduce his claim for compensation by the amount paid for such release, and was not an absolute bar to the claim; on the other hand, the release would be ineffectual as against the insurer's rights to recover from the third party unless the insurer had assented thereto in writing. (Woodward *v.* E. W. Conklin & Son, 157 N. Y. Supp. 948.)

The Ohio statute permits employers to act as self-insurers on a showing of financial ability, etc. No provision as to injuries by third parties appears in the law, and the industrial commission of the State ruled that an employee injured by the negligence of a third party might proceed both against such party for damages and against his employer for compensation under the act. The Supreme Court of New Jersey passed upon a case which was practically identical in its situation to the facts in the Cripp case above, and the court held that in the existing state of the law not only could a widow recover from the employer under her independent right, but further that the employer was not subrogated to the rights of the injured man as against the third party. (Newark Paving Co. *v.* Klotz, 91 Atl. 91.) It was said that double compensation would be possible under the circumstances, just as was allowed under the ruling of the Ohio commission last noted; but it was said that this situation, if it was to be remedied, must be remedied by the legislature. Action was subsequently taken to this end, and an amendment to the law subrogates the employer to the rights of the injured man against the third party, where compensation is claimed under the law.

In West Virginia, as in Ohio, the law omits all reference to injuries due to the negligence of third parties, and the supreme court of that State decided (Mercer *v.* Ott, 89 S. E. 952) that the personal representative of a man killed by the fault of a third party might

recover against the latter, the right of the widow to compensation from the employer under the law being unimpaired thereby.

The Wisconsin statute contains a provision as to subrogation, and in a case in which the employer had settled with his employee and was therefore subrogated to the latter's rights against the third person for the injury, the employer subsequently assigned this right of action to the injured employee; the third person thereupon objected that the employer should be made a party plaintiff, which contention the court rejected, ruling that there had been a full and complete assignment. (McGarvey *v.* Independent Oil & Grease Co., 146 N. W. 895.)

The Michigan law permits recovery against either the employer or the third person, and if the employer pays he is entitled to take action against the third person for his own reimbursement. It was contended that this fixed the amount of the recovery against the third person at the amount awarded as compensation and was unconstitutional, as depriving the third party of his right to appear and defend in the action and have his rights determined by a court of competent jurisdiction. The supreme court of the State (Grand Rapids Lumber Co. *v.* Blair, 157 N. W., 29) held that this was not the proper construction of the law and that as properly construed it was not unconstitutional, merely making the payment of compensation prima facie evidence of the liability of the third party, which was within the power of the legislature.

In a case before the Illinois board the claimant contended that the amount received by him from the third party had nothing to do with his claim against the employer for compensation. This was not allowed by the board, and as the amount so received exceeded the amount recoverable as compensation, no claim was considered, the application being dismissed.

In the case of Bryant *v.* Fissell (86 Atl. 458), already noticed, the negligence of the independent contractor whose employee caused the death by dropping the piece of metal on the workman below, was offered as a reason why Bryant's employer should not be held as the responsible party. The Supreme Court of New Jersey said on this point that when there has been an acceptance of the elective compensation system provided by the act, it is expressly stated that compensation shall be made by the employer without regard to his negligence. "The fact, if it be a fact, that the representative of the decedent has also a right of action against a third party in no wise militates against the present action. The act under which this suit is brought, and which at best provides only for partial compensation, nowhere provides specifically or by implication that an employee shall be deprived of his right to compensation thereunder merely

because the accident gives rise to a right of recovery against a third party."

Another phase of this general question was discussed in a case arising under the law of Washington. (Northern Pacific Ry. Co. *v.* Meese, 36 Sup. Ct. 223.) Action was first brought in the district court of the United States to recover from a railway company for an injury caused by the alleged negligence of its employees in moving cars in a brewery yard, causing a fatal injury to an employee of the brewery. This action was in damages as against a third person. The compensation law of the State provides that all claims against employers for injuries to workmen shall be determined in accordance with the provisions of this act, and civil suits for damages are abolished, with some exceptions. The statute provides that if an injury to a workman occurs away from the plant of his employer, and is due to the negligence or wrong of a third person, action may be brought against the third person or a claim made under the compensation law, at the option of the injured workman or his survivors. In the case at hand the injury did not occur away from but at the plant of his employer, and the court held that as the right of action for fatal injuries was entirely a statutory one, it was within the power of the legislature to make the provisions that it had, and that it was the evident intent to abolish private controversies and civil actions except as specifically provided for, the case in hand not coming within the exception. Since, therefore, the provision of the law was thus clear, the remedy by a claim for compensation was held to be exclusive, and the action against the railroad company was dismissed (206 Fed. 222). On appeal, however, this decision was reversed by the circuit court of appeals (211 Fed. 254), but the Supreme Court of the United States, on further appeal, adopted the opinion of the trial court, reversing the court of appeals. This accords also with the view taken by the supreme court of the State (Peet *v.* Mills, 76 Wash. 437; 136 Pac. 685), which declares that the law is exclusive, reaching to "every injury sustained by any workman while engaged in any such [included] industry, regardless of the cause of the injury or the negligence to which it might be attributed."

Not going so far as the above, but representing something of the same attitude, was a case decided by the Supreme Court of New York, appellate division (Winter *v.* Peter Doelger Brewing Co., 162 N. Y. Supp. 469), in which a driver employed by a brewery was injured by reason of a defective elevator on the premises of a saloon where he was making a delivery. Instead of taking compensation of the employer, he sued the saloon owner as the negligent third party liable for the injury. As it happened, the saloon was owned by the employing brewery company, which resisted suit on the ground that

the case was one of compensation for injuries to an employee. This contention was sustained by the court, it saying that the fact that the elevator and saloon were located at some distance from the employer's brewery did not make the employer a third party or in any way change the relation of the plaintiff to his employer, so that his rights were based on the compensation law and not on the law of negligence. (Reversing appellate term, 159 N. Y. Supp. 113.)

Another phase of the question was before the same court in a case (In re Cahill, 159 N. Y. Supp. 1060) where a deceased employee left a widow and a mother entitled to claim benefits. It was held that the widow's action in electing to sue the third party for damages did not debar the mother's claim for compensation under the act.

TEMPORARY DISABILITY.

As compensation terminates on recovery from the effects of the injury, it is a fundamental necessity of administration to determine when this occurs, and when there are other causes that intervene to prolong disability, while the matter of malingering must also be taken into consideration.

The industrial commission of California ruled in two very similar cases that the prolongation of disability due to the failure of the injured man to take the necessary exercise required to restore a fractured limb to use was not ground for prolonging payments, saying in one instance that the law does not contemplate compensation for mere pain and inconvenience, but only for disability to labor, which would not exist in the instant case had the injured man possessed the necessary resolution to put the injured member into service. In another case before this commission it was said that the applicant must prove his actual disability as a physical fact as distinguished from an inability to secure employment on account of the scarcity of opportunities, saying, "compensation is payable for inability to do work, not for inability to find work to do." In contrast with this is the ruling of the Supreme Court of Kansas (Gorrell *v.* Battelle, 144 Pac. 244), in which a man unable to secure employment after recovery from a total disability by reason of a continuing partial disability, was held entitled to full compensation until work was obtained, the court holding that compensation is to be paid for the loss of earning power as the result of the injury, whether manifested in inability to perform obtainable work or inability to secure work to do. This accords with the ruling of the Supreme Court of Massachusetts that the act of that State covers not only physical incapacity but also inability to obtain work, resulting directly from a physical injury. (In re Sullivan, 105 N. E. 463; In re Septimo, 107 N. E. 63.)

The California rulings noted above accord with a statement in an opinion by the superior court of New Haven County, Conn., in which

it was said that the law was not concerned with the fact of whether an injured man had recovered and was actually earning the same amount as before the injury or whether he had found a position where he could so earn, but that the statute was satisfied with his adequate recovery to be able to do so.

In a case before a compensation commissioner of Connecticut the injured man's action in delaying recovery by the use of intoxicants was held adequate ground for denying a claim for compensation for 16 weeks, the award being for but 6 weeks. In another case a Connecticut commissioner denied disability benefits where a claimant refused to do work that was offered him and which he was able to do, because he had formed the idea that it would interfere with his getting pay for his injury. Apparently departing from the foregoing practice is the ruling in another case before a commissioner of the State in which the former employer had no work for the injured man on the declared termination of his disability, and the latter found other employment which he was compelled to withdraw from after two days, being unable to continue. It was ruled that the injured man was entitled to employment by his former employer, or that suitable work should be found for him. This corresponds also with a ruling by the industrial board of Indiana to the effect that the employer was liable for compensation until such recovery as would enable the injured man to resume his former occupation, though the employer might discharge his liability by furnishing work which the employee could do.

The industrial accident board of Massachusetts required an employer to continue payments in behalf of an employee who lost a foot beyond the period of the schedule award for partial disability "until occupation suitable for a one-legged man is found."

Taking the same view as that of the California commission above was a ruling by the Massachusetts board terminating benefits on a fixed date, as the continuing incapacity could be attributed to the lack of confidence of the injured man in using his leg, while a finding of a committee of arbitration in this State was affirmed by the board where there was claim of a continuing pain and disability which led the man to stop working, although it was held that "he would be better off if he worked," so that, though he had not entirely recovered, compensation benefits should not be extended beyond an elapsed date, incapacity from the injury having ceased at that time.

Two cases involving alleged simulation required a determination of actual capacity to work where there were vigorous claims of pain and sensitiveness and inability to use the muscles, medical examination showing injuries neither to the physical nor to the nervous system, cases of a class that are so definitely recognized in German practice as to receive the designation "Renten-hysteria" or compensation

hysteria.[1] The industrial commission of Wisconsin, in commenting on a similar condition, said that "the employee's trouble is largely of the mind, increased perhaps by the prospect of compensation." Compensation for an adequate period of recovery was allowed, but not for the period for which claim was made. The necessity of returning to work, even at the cost of some inconvenience, was emphasized by the commission in another case in which it was said that there would necessarily be some tenderness of amputated fingers, no matter when the injured man returned to work, and compensation was terminated at the time of the healing of the wounds.

A situation the converse to that appearing in some of the foregoing cases was before the industrial board of Illinois in a case in which an employee whose fractured patella had been joined by a silver wire was taking exercise as directed by his physician and felt something give way, an examination showing that the wire had pulled through the bone. As against the contention of the employer that this was a second injury for which he was not liable, the board ruled that the condition of the employee was due to the original injury, and that he was doing what could reasonably be expected, as advised by the physician, and payments were continued. The same view was taken of a case before the California commission, where a broken collar bone parted after a supposed uniting, no accident intervening, and the original employer was held responsible.

PARTIAL DISABILITY.

Where there is a surviving effect of an injury, amounting to a permanent partial disability, the question of the amount of compensation for designated injuries is fixed in many of the laws by schedule, while in other cases proportional awards or estimated rates must be allowed; questions of possible benefits from operations, etc., are also involved. (See Medical treatment, p. 272.)

The Connecticut statute contains no provision as to partial loss of vision, and in a case before a commissioner of the State an award for the period of temporary total disability was all that was found possible under the act, though there was a 50 per cent impairment of the vision of one eye, which might not, however, and it was testified that it probably would not, interfere with the employee's earning capacity. In a case before another commissioner of the same State there was no evident loss of earning capacity at the time, but it was ordered that in view of the possibility of further decrease or total loss of vision on account of the injury, "this claim remains active in the files and is subject to revision." The Pennsylvania schedule

[1] An interesting recent contribution to the literature on this subject is a work by Francis X. Dercum, M. D., entitled "Hysteria and Accident Compensation," 1916.

provides only for "the loss of an eye," and it was held by the board that in the absence of proved loss of earning power, a proportionate award for partial loss of vision was not authorized.

The Illinois statute, like that of Connecticut, makes provision only for the loss of sight of an eye, but the board of that State rules that for the partial loss there should be a proportional award. The schedule of Michigan makes the same omission, and where the State board allowed a proportional award in the case of the loss of from one-third to one-half the vision of an eye, there being no immediate wage loss, the supreme court disallowed the award except for the period of total disability. (Hirschkorn *v.* Fiege Desk Co., 150 N. W. 851.) In another case (Cline *v.* Studebaker Corporation, 155 N. W. 519), the same court held that where there was a 90 per cent loss of vision which could be reduced to a 50 per cent loss by the use of glasses, it was the duty of the employee to use such a common appliance as glasses, and compensation would be allowed for partial disability on the basis of the wage loss sustained, if any, and not as for the loss of vision which would be practically total without the aid of the glasses. The Supreme Court of Wisconsin had before it a case involving similar facts, there being a permanent impairment of the vision of one eye, but no present wage loss. The law of this State as it then stood provided for compensation "in all other cases in this class" in an amount proportionate to the awards presented in the schedule, the schedule itself providing for both enucleation and the total blindness of an eye. The industrial commission had made an award on account of the probable difficulty in securing future employment, which the court reversed, as not being judicially aware of the loss of earning power of a man with but one eye. Three judges dissented on the ground that "In the exercise of common knowledge and observation the capacity to obtain employment is impaired." (International Harvester Co. *v.* Industrial Commission, 147 N. W. 53.)

The statute of Minnesota contains a schedule covering certain disabilities, followed by the provision that where there is a permanent partial disability involving less than a total loss of a member and not otherwise compensated in the schedule, compensation should be paid at the prescribed rate during such part of the time specified in the schedule for total loss of the member as the extent of injury to the member bears to its total loss. On a question submitted to the attorney general of the State where a workman had suffered the complete loss of one eye and an injury to the other estimated at 10 per cent loss, it was ruled that each injury should be considered separately, the eye which was entirely lost calling for a 50 per cent benefit on the basis of the daily wages for 100 weeks, while for the

other eye payment should be made at the prescribed rate for a period proportionate to the degree of injury.

Where there was an injury to a diseased eye whose usefulness was determined to be limited to a period of 67 weeks from the date of the injury, if no accident had occurred, a county court of the same State allowed compensation for that time, minus two weeks' waiting time, in lieu of the allowance prescribed by the schedule for such an injury. (Pintar *v.* Morton Mining Co.)

In a case that came before the New Jersey supreme court (Feldman *v.* Braunstein, 93 Atl. 679) an award had been made as for permanent partial disability, the injury consisting of a 90 per cent loss of the vision of one eye, the partial disability payments to run for not more than 300 weeks, there being an expression of opinion that the disability would be but temporary if an operation was had. The court reversed this award and made the schedule allowance of 100 weeks' benefits as for the loss of an eye, subject to review in case an operation should be had, saying that the award must be made on the basis of existing facts and not on contingencies or the probable effects of an operation. In another case this court considered the method of an award where both eyes were affected, there being an 80 per cent loss of vision. The original award was for 80 per cent of the 100 weeks for each eye taken alone—i. e., for 160 weeks for the two. The supreme court substituted for this an award of 80 per cent of the compensation allowed for the loss of both eyes—i. e., 400 weeks, which allowed 320 weeks' compensation. (Vishney *v.* Empire Steel & Iron Co., 95 Atl. 143.)

A case came before the compensation commission of New York in which a man was allowed compensation for temporary total disability for an injury to the eye, subsequent to which entire loss developed. The law of that State awards 128 weeks' compensation for the loss of an eye, and the question was whether this was in addition to the total disability period or should include it. The commission ruled that the disability payments already made should be deducted, so that the total award should not exceed the schedule allowance.

The law of Kansas contains no schedule, but provides for a percentage of the wages for a period not exceeding eight years in cases of partial disability, no reference being made to actual wage loss. The supreme court of the State held (Gailey *v.* Peet Bros. Mfg. Co., 157 Pac. 431) that the continuation of an injured man in employment at the same wages would not deprive him of a right to compensation unless the employment continued for the full period for which compensation might be paid; and, even so, the employee might wish to take other employment where the injury would, perhaps, interfere with his earning capacity, in which case recovery of compensation in accordance with the terms of the act would be

the only means of discharging the liability of the employer. An award in the claimant's favor was therefore affirmed. Under the statute of the State the minimum award for partial disability is $3 per week, and this sum was allowed in the present instance, as well as in another case before the same court (Oliver *v.* Christopher, 159 Pac. 397) in which the loss of an eye was compensated for, not on a showing of actual wage loss but on the testimony of the injured man, a carpenter, that he was not able to "get the focus" so as to drive nails or do similar work with his former facility.

An opinion of the Supreme Court of New York, appellate division (Wagner *v.* American Bridge Co., 158 N. Y. Supp. 1043) corresponds more closely to that of the dissenting opinion in the International Harvester case above than to the decision of the majority. The injury resulted in practically total deafness of one ear. The New York statute presents a schedule of awards for specific permanent partial disabilities but does not mention deafness as one of them. The injured man sought to recover damages in a suit at law, but the employer claimed the right to settle under the compensation law of the State, whose provisions were applicable to him. This position was sustained by the court, saying that, though there was no mention of this particular injury in the schedule, the enumeration did not profess to be inclusive, the injuries set out being merely examples to aid in administering the statute. The law provides that in other cases where there is a permanent partial disability compensation shall be awarded on the basis of the loss of earning capacity, and the court directed that the industrial commission of the State should take the case under advisement and make such award as the facts indicated, saying that "Total deafness, the gravamen of this complaint, obviously impairs plaintiff's industrial efficiency," thus taking judicial notice of the consequences of such an injury.

The law of New Jersey fixes a schedule of benefits for designated injuries and provides that other injuries shall be proportionately compensated. Under these provisions the supreme court reversed a judgment allowing more for a stiffened ankle than the schedule allowance for an amputation between the knee and the ankle, leaving it for the trial judge to decide on reconsideration whether the award should equal such amount or be less. (Rakiec *v.* D., L. & W. R. Co., 88 Atl. 953.)

In the case of Nitram Co. *v.* Creagh (86 Atl. 435) an employee was injured by the crushing of certain fingers of his hand, causing a temporary total disability of approximately six months and also a partial but permanent disability, due to the injury to the fingers. The law provides for compensation for temporary total disability at

a rate based on the injured employee's earnings and in another clause for compensation in amounts determined on the basis of a percentage of the employee's wages payable for fixed periods of time for different specific injuries. Under the law of New Jersey awards, if not otherwise agreed upon, are made by the judges of the courts of common pleas. In the case in hand the award for total disability for the term of its continuance was made, and in addition to this the award under the subsequent clause for permanent disability partial in character. To this the employer objected that compensation could be awarded only under a single clause, which contention the supreme court rejected, sustaining the principle of a combined award, one for total disability during its continuance and one for the partial disability that remains after any degree of maiming.

Much the same question was involved in the case of George W. Helme Co. *v.* Middlesex Common Pleas (87 Atl. 72), in which an injury involving several fingers was compensated for under provisions of the law which designate the amount to be paid for each separate injury. The injury consisted in the loss of parts of the second and fourth fingers and all of the third finger, and separate awards were made according to the schedule for each finger. It was claimed by the employer that as all three fingers were injured in the same accident the time should run concurrently, so that during the first 15 weeks there would be a total computed compensation of $13.20, reduced to $10 per week by the maximum limitation of the statute, while for the succeeding weeks during which any compensation was allowed there would be the concurrent operation of awards for the designated injuries. This contention was denied in the trial court and on appeal in the Supreme Court of New Jersey. It may be noted that the law of this State has been amended so as to make benefit payments consecutive and not concurrent, allowing first for the temporary total disability and subsequently for such payments as are awarded as compensation for permanent partial disability.

A ruling by the Illinois board related to the rating of disability where the four fingers of a hand were lost, claim being submitted as for the complete loss of the use of the hand. Award was made on this basis as against the contention that with the thumb and palm remaining intact the schedule award for individual fingers should control.

The industrial accident board of Michigan took the same view of the loss of all the fingers of the right hand as constituting loss of the use of the hand as that set forth by the Illinois board above; in this instance, however, there was some impairment of the use of the thumb. In another case before the Michigan board the schedule of maimings was interpreted as having the purpose to furnish indemnity to the person who suffers the loss of members, and the fact that

he earned the same wages as before was not admitted to consideration, specific indemnities being "payable not on account of the effect on the earning capacity but because the injured man must go through life without the use of the member lost." A similar view was taken by the Supreme Court of California in a case (Frankfort General Insurance Co. *v.* Pillsbury, 159 Pac. 150) in which a carpenter was awarded 20¼ per cent of disability for the loss of the greater part of a forefinger, though no loss of wages was suffered on account of the maiming. The law of the State has no schedule of awards, but uses a table based on employment, occupation, etc., the immediate effect of the injury on earning capacity not being the sole test.

In contrast with this is a decision of the Supreme Court of Wisconsin (Northwestern Fuel Co. *v.* Leipus, 152 N. W. 856), in which an award based on an impairment of function of the arm of the injured man was reversed, the court saying that the basis of compensation was not the impairment of function but the impairment of earning capacity. This diverges again from the opinion of the Supreme Court of New Jersey (Burbage *v.* Lee, 93 Atl. 859), where it was said that permanent injuries (limitation of wrist motion and shortening of leg in this case), even if not causing wage loss, are to be compensated, as it is not the mere loss of earning power that is considered but also the physical efficiency not so measured, which harmonizes more nearly with the expressions of the Michigan board and the Supreme Court of California.

Another case, involving the construction of the New York schedule, was that of a workman who lost a phalanx of a finger, with injuries stiffening other joints. The supreme court, appellate division, ruled that there should be an award on the schedule basis as for not more than the loss of a finger, and not a compensation on the basis of wage reduction, which might increase the award above that for such a loss. (Fineman *v.* Albert Mfg. Co., 155 N. Y. Supp. 909.) The industrial accident board of Vermont made a ruling involving this principle, in which it declared that the schedule of maimings as set forth by the law of that State was the exclusive award in cases to which it was applicable, nothing being allowable for subsequent reduced earning capacity.

The schedule of Connecticut contains a provision for injury to the hand involving partial disability, and an award on the basis of the present condition of the injured hand was made in a case in which it was admitted that an operation might improve the condition, the commissioner ruling that an award on a contingency could not be made.

Questions of fluctuating status were passed upon by the Supreme Court of Massachusetts in two cases, in one of which (In re Durney, 111 N. E. 166) it was said that where partial disability is to be

compensated for by a payment of one-half of the wage loss, as was required by the law of that State, no account should be taken of the depressed labor market, but the difference between the amount that the injured man would have been able to earn if there had been no depression in employment and his former earning capacity should be made the basis of payments. In the other case (In re Stickley, 107 N. E. 350) a man who returned to work for his former employer with a partial disability and was allowed compensation therefor, at the expiration of this contract found himself unable to obtain work on account of his crippled condition; he was held entitled to compensation as for total disability for an indefinite period, subject to the right of review.

The disposition of cases involving multiple injuries was considered by the supreme courts of Minnesota, New Jersey, and New York in cases at hand. The Supreme Court of Minnesota (State ex rel. Kennedy *v.* District Court of Clay County, 151 N. W. 530) held that an award involving injuries to the hand and arm should be proportionate to the total effects and not to the sum of the items. This was the view taken by the Supreme Court of New Jersey. (O'Connell *v.* Simms Magneto Co., 89 Atl. 922.) In both these cases awards made below by addition were in excess of the award computed according to the rules of the courts. In a case before the Supreme Court of New York, appellate division, however (Rockwell *v.* Lewis, 154 N. Y. Supp. 893), separate awards for the loss of several fingers amounted to less than the award for the loss of the hand; on review the injury was found practically to amount to such loss, and the award made on the latter basis was affirmed. In another case before this court there was the loss of a foot, together with injuries to the hands, and concurrent awards had been made. This was reversed by the court, the award for the loss of the foot being allowed to stand, though leaving the matter of other injuries open for subsequent consideration if they should continue beyond the period of the schedule allowance for the loss of the foot, the court saying that a payment of two-thirds of the wages (for 205 weeks in the case of a foot) is the maximum benefit, and concurrent awards leading to an excess of such an allowance would violate the principle of the law, which is not to furnish profit to the employee nor to punish the employer who, though liable under the statute, may not have been negligent. (Fredenburg *v.* Empire United Railways Co., 154 N. Y. Supp. 351.)

TOTAL DISABILITY.

A number of States declare total disability as a presumed fact in case of the loss of both eyes, hands, etc. The question of the status of an employee who has previously lost an eye or a hand raises the

question of the degree of the award where the second member is subsequently lost. The industrial accident commission of California considered the question at length and reached the conclusion that it would be an injustice to one-eyed workmen in the State seeking employment to hold that there would be a liability as for the loss of both eyes in case of the loss of the second eye, and an award was made as for the loss of one eye. The industrial board of Illinois made a similar ruling in a like case. The Supreme Court of Massachusetts, on the other hand, held that a man with but one eye "had that degree of capacity which enabled him to do the work for which he was hired," and since the loss of the second eye terminates that capacity, it causes total disability, and he should be so compensated. (In re Branconnier, 111 N. E. 792.) The Supreme Court of Michigan (Weaver *v.* Maxwell Motor Co., 152 N. W. 993) and that of Minnesota (State ex rel. Garwin *v.* District Court of Cass County, 151 N. W. 910) sustained the view enunciated by the California commission, the latter court saying that "If the injury would alone cause partial disability, but with a previous injury causes total disability, the employer is liable for a partial disability," which conforms to the provision of the law of that State. The compensation commissioner of West Virginia adopted the position set forth by the Massachusetts court and made an award for life payment in such a case as for permanent total disability. The department of justice of Iowa ruled in favor of a middle course, holding that a workman having but one eye and losing that was entitled to more compensation than one with two good eyes, but not as much as though he had lost both eyes in the single accident.

The Supreme Court of New York, appellate division, had before it the question of the loss of the hand of a man who had suffered by a previous maiming, and it also followed the doctrine of the Massachusetts supreme court, making an award as for total disability, arguing that such a man was presumably paid on the basis of a reduced earning capacity, and to allow merely as for the loss of but one hand of an unmaimed man would be to place him at a double disadvantage, so that he would practically get but half as much for the second hand, which was of double importance, as for the first. (Schwab *v.* Emporium Forestry Co., 153 N. Y. Supp. 234.) An amendment of 1915 limits awards to the consequences of the immediate injury, without regard to combined effects.

A different cause for total disability from any heretofore noted was set up by the employer in a case before the Supreme Court of Kansas (Ruth *v.* Witherspoon-Englar Co., 157 Pac. 403), where it appeared that the state of total disability was due not to the original injury as a proximate cause, but to the malpractice of the physician

who treated the case. The court held that recovery under the compensation law could be had only for the consequences of the accident as such and not for the consequences of an intervening event, such as the failure of the physician to give the injured man proper treatment. A decision of the lower court in favor of the claimant was therefore reversed and a new trial ordered for a determination of the extent of the disability actually due to the original injury. Action was pending at the time to recover from the employer for the injuries due to the malpractice of the physician, who had been furnished by the employer in accordance with the requirements of the act.

Appropriate for consideration in this connection or in connection with the cases in which preexisting conditions due to disease were discussed, are a few cases in which the injury affected aged employees. In answering the contention that the injury disabling the employee would not have had that effect but for his senility the industrial board of Illinois ruled that if the injured man was able to do the work for which he had been employed, his disability was chargeable to the accident and not to his physical condition, and compensation was allowed. The Supreme Court of Massachusetts took the same view, saying that the fact that a man's powers are failing and he would soon be unable to work on account of age was no bar to compensation if the present incapacity was the result of injuries. (Duprey *v.* Maryland Casualty Co., 106 N. E. 686.) The court in this case also applied a principle already noted in ruling the incapacity total, though the man was able to do certain kinds of work which were not obtainable. A different view was taken by the Supreme Court of New Jersey in the case of a man 73 years old whose broken leg bones would not knit on account of his age and who had been awarded compensation as for total disability. This award the court reversed, allowing compensation only for the loss of a leg. (Bateman Mfg. Co. *v.* Smith, 89 Atl. 979.)

Noted here because the same principle is applied, though involving a death claim, is a case that was before the Supreme Court of Wisconsin. (City of Milwaukee *v.* Ritzow, 149 N. W. 480.) The law of Wisconsin provides for a scaling of permanent disability payments to aged persons, 5 per cent being deducted if over 55, 10 per cent if over 60, and 15 per cent if over 65 years of age. The deceased was 80 years of age, and the full death award was allowed in his case, the provision for scaling being held not to apply in cases of death, since the law does not specifically provide therefor though it was said that analogy would suggest it. It is of interest to note that the award in this case provided an income, based on the assumed earning capacity of the deceased, for a period of 320 weeks, i. e., in excess of six years, while according to the American experience table of mortality his life expectancy was but 4.4 years. In the New

Jersey case above, also, the award for disability as originally made was for 400 weeks, which was in excess of the life expectancy of the workman in that case, though unless the award should be construed to be a vested right in the estate payments would of course terminate with the death of the injured man unless it was found due to the injury.

DEPENDENCE.

It is clear that rulings under this head are chiefly to be based on individual circumstances, and that the principles involved in compensation administration do not differ from those elsewhere applied, though of course the terms used in the different acts vary.

The determination of benefits payable to survivors of deceased employees was the subject of several cases arising under the New Jersey statute, which in its original form did not make a clear provision for the various classes of survivors. Thus in the case of a dependent mother where the deceased employee left no widow (Blanz *v.* Erie R. R., 85 Atl. 1030), it was held by a judge of the common pleas that the failure to make a specific provision for a case of this kind left applicable only that section of the law which allows benefits in the amount of $200 in cases in which there are no dependents surviving.

The mother appealed, and the supreme court took the view that the object of the law was clearly to award compensation to actual dependents, and while it made no specific stipulation for a mother alone, it contained no language expressly excluding her if there is no widow, provided, of course, that she is an actual dependent. It follows from the above that where dependence is actual and the law clearly contemplates compensation to actual dependents, specific statutory provision is not necessary. In another case before the same court (Miller *v.* Public Service R. R. Co., 85 Atl. 1030), the question arose under the law of New Jersey as to the amount payable in a case where the decedent left a childless widow and a father, brothers, and a sister. As already noted, the widow was entitled under the law to a benefit of 25 per cent of her deceased husband's wages, while if there was also a dependent parent, the compensation would be 50 per cent. The court below made an award of 50 per cent of the deceased workman's wages on the ground that besides a childless widow there was a father surviving. This ruling was held by the Supreme Court of New Jersey to be erroneous, the mere fact of relationship not being controlling, but a showing of actual dependence.

Another case before the Supreme Court of New Jersey (Batista *v.* West Jersey & S. R. Co., 88 Atl. 954) resulted in reversing a judgment which awarded compensation to a widow who had been

abandoned some years before her husband's death, the latter having lived unlawfully with another woman whom he had supported and who had borne him children.

The question of dependence was also involved in a case arising under the Wisconsin statute. (Northwestern Iron Co. *v.* Industrial Commission of Wisconsin, 142 N. W. 271.) In this case the beneficiary was a nonresident alien, widow of the deceased workman. The deceased workman had made two remittances to his wife during the time of his employment, at intervals of three months, having made the statement that if he did not send money every three months, his wife could not make a living. On the facts the industrial commission ruled that the husband and wife were living together within the meaning of the statute, and that she was therefore an actual dependent entitled to the benefits provided by the law for such persons. The employing company appealed from this ruling and it was set aside by the circuit court as being in excess of the powers of a commission and contrary to the facts. The supreme court considered the language of the law which provides for a conclusive presumption of the dependence of a wife upon a husband with whom she is living at the time of his death. Speaking on this point, the court said: "Proof of total dependency is dispensed with under the statute where the husband and wife are 'living together' at the time of the death of the injured employee. It seems, therefore, quite obvious that the legislature intended by the use of the words to include all cases where there is no legal or actual severance of the marital relation, though there may be physical separation of the parties by time and distance. The 'living together' contemplated by the statute, we think, was intended to cover cases where no break in the marriage relation existed and therefore physical dwelling together is not necessary in order to bring the parties within the words 'living together.'" The judgment of the circuit court was therefore reversed and the award of the industrial commission directed affirmed.

The Massachusetts law declares a presumption in favor of the dependence of the widow of a deceased workman and of "a child or children under the age of 18 years * * * upon the parent with whom he is or they are living at the time of the death of such parent, there being no surviving dependent parent." Under this provision of the act it was held that a divided award to a widow and to a child under 18 years of age residing with her was not in accordance with the terms of the law, since the child would be a beneficiary only in case there was no surviving dependent parent, the widow in the present instance being entitled to the entire amount of the benefits. (In re Employer's Liability Assurance Corporation, 102 N. E. 697.)

Another case under the law of Massachusetts (Coakley *v.* Coakley, 102 N. E. 930) involved the correlative rights of a dependent

daughter of a deceased workman and his widow and children by a second marriage. It was held by the supreme court of the State that the daughter was entirely orphaned and a dependent to share equally with the widow, even though the latter had also dependent children of the deceased dependent on her, the widow and the orphaned daughter representing a case in which "there is more than one person wholly dependent," between whom the law provides that the death benefit should be equally divided.

In another case (In re Murphy, 113 N. E. 283) the deceased workman had lived with a dependent mother, who was an invalid, whose sole support he was. A sister was the housekeeper for the family, there being other members who were, however, self-supporting. Before the final determination of the mother's claim she died and an administrator intervened and secured an award in behalf of the next of kin of the deceased mother. The superior court affirmed this award, but it was reversed by the supreme court on the ground that the mother was the sole next of kin dependent on the deceased workman under the act, the family being not his but his mother's and the determination as to dependence being made necessarily at the time of the injury. In a quite similar case an unmarried son assumed the care of his aged parents and invited his sister to become the housekeeper of the family, not on a wage basis, but with a promise of support. It was held that the sister was a dependent on the brother, but since she had some property of her own the dependence was said to be partial only, and consideration was not to be given to any sum that she might inherit from her brother. (Kenney *v.* Boston, 111 N. E. 47.)

The same court construed the law of that State in a case in which a wife was living apart from her husband for alleged justifiable cause, ruling that under the circumstances the question of dependence would be subject to proof and not conclusively presumed. It was said that such cause may not be sufficient to warrant divorce, but it must be continuing, and if not in existence at the time of the fatality it will not suffice even though once valid. (In re Newman, 111 N. E. 359.) An award was refused in the case of a nonresident wife to whom the deceased had sent $161 in the course of eight years, there being insufficient evidence as to the wife's circumstances and means of support. It was said that there must be proof of actual dependence and a knowledge of the facts as to the separation of the parties before an award can be made. (In re Fierro, 111 N. E. 957.) That the intent of the parties will be considered was ruled by the accident board of this State in a case where a wife and children had been left in Syria, but with the definite purpose in mind of a future reunion of the family, an award for the wife's total dependency being made. That such intention must be definite would be concluded from

the decision of the Supreme Court of Michigan in a case (Finn *v* Detroit, etc., Ry., 155 N. W. 721) in which a wife had left her husband following some friction and resumed teaching, contemplating a reunion as possible some time in the future, the court holding that such indefinite prospect did not bring the case within the act.

In the foregoing case, of course, the wife was earning, but that this of itself would not be a bar to a claim was the ruling of the industrial commissioner of Iowa in applying the law of that State to the case of a claimant widow who was herself a wage earner. It is pointed out that there must be a legal marriage and not a willful desertion without fault of the husband, and that under the provisions of the act of the State it is immaterial that she herself earns and was helping to support herself at the time of the injury.

The Ohio commission awarded benefits in the case of a wife and child deserted and left without support for several months through no fault of her own; in the case of a bigamous wife, ignorant of the fact of the first marriage of the deceased (lawful wife deserted for 18 years ruled not a dependent and was not a claimant); and in the case of a common-law wife and child with whom the deceased had lived and whom he supported. The West Virginia commission struck a middle course in the case of a man who had deserted his legal wife and had lived with another woman for 14 years, denying compensation both to the deserted wife and to the common-law wife making claim, but allowing compensation for the benefit of the three young children of the latter. In another case the same law was considered to warrant compensation to the children of the deceased, the widow's claim being denied, where she had deserted her husband two months prior to his death, taking her children with her, and going to live with another man, who supported the family.

An insane woman supported entirely by the State for several years was held not entitled to be considered as a beneficiary under the Michigan law (Roberts *v*. Whaley, 158 N. W. 209), but the attorney general of Minnesota held that a man confined in jail was nevertheless entitled to compensation, and the department of labor of the same State awarded compensation to a child in confinement in a reformatory institution.

The question of dependence of parents on their children involves no particular principle peculiar to compensation laws, but a few rulings have been noted. In a case before the Supreme Court of New Jersey (Reardon *v*. P. & R. R. Co., 88 Atl. 970), the employer contested an award under the law of the State for the death of an unmarried workman. The court held, however, that since the father had been dependent on his son's earnings an award in his behalf was valid. A compensation commissioner of Connecticut awarded benefits to a nonresident alien mother in a case in which the son had been

in the habit, while in France, of giving his earnings to his parents, and while in this country had given the money to his father for the support of the family. The industrial accident board of Massachusetts made an award on the claim of the mother where it was shown that the son had contributed to the support of herself and a large family, making contributions in an amount which was found to be more than double the actual cost of the board received by him. Where the father and son worked together, both losing their lives in the same accident, and the son's earnings had gone largely to the family support, the mother was held to be a partial dependent of the son; it was also held that the young man's sister, though 19 years of age and competent to make her own living, was in fact supported by the family and was dependent so as to justify an award in her behalf on account of her brother's death. So, also, under the law of New Jersey an award was made on behalf of a sister who received substantial benefits from her adult brother's earnings, which he had turned over to the father, the question being one of dependence as a fact, and not of minority or incapacity to work (Conners *v.* Electric Co., 97 Atl. 792); of course such a ruling depends on the terms of the act.

The Supreme Court of Massachusetts made an award as for entire dependency, i. e., based on the full wages of a minor son, where all his earnings had been turned into the family fund, the father and other children also working. (In re Murphy, 105 N. E. 635.) In another case (Grove *v.* Royal Indemnity Co., 111 N. E. 702) this court affirmed an award of the State board where a young man had turned over part of his wages to his mother, receiving his board as a member of the family, the father also working. The mother was declared to be a dependent upon the son to the full amount of the wages turned over to her, without deducting therefrom the value of the board received by him, the benefits under the compensation law differing from the judgments allowed under Lord Campbell's Act, in that it is not on the amount of injury done to the dependent but on the amount of the decedent's wages that awards are to be based.

Somewhat in contrast with the ruling in the Murphy case above is the decision of the Supreme Court of Rhode Island in a case (Dazy *v.* Apponaug Co., 89 Atl. 160) in which it appeared that there was no actual dependence on a minor son who had turned in his wages to his father, the facts being that without them the father was able to support his family and put by savings. The only allowance made therefore was for last sickness and funeral expenses. A lower court of Minnesota, on the other hand, declared the partial dependency of a mother on her son where she was earning $60 per month, and he

had given her $97.50 monthly. (Hayden *v.* Great Northern Power Co.)

The position of the commission of Ohio where a son contributed $7 or $8 per week to the family fund and lived as a member of the family, the father earning $12.50 per week, was the same as that taken by the Massachusetts commission above, holding that the mother was entitled to an award as a partial dependent.

Where the deceased made no contributions and was under no legal obligation to do so in the absence of court proceedings, the Supreme Court of Michigan held that the mother was not a dependent. (Pinel *v.* Rapid Ry. System, 150 N. W. 897.)

In the case of Boyd *v.* Pratt (130 Pac. 371) the construction of the Washington statute as to the duration of benefit payments where the deceased employee was a minor on whose earnings his mother was dependent was the question before the court. The deceased was 19 years of age, and on the occurrence of his death by accident an order was made providing for payments to his dependent mother until such time as he would have arrived at the age of 21 years. From this order of the industrial insurance department an appeal was taken to the court, where the order of the department was reversed and a new order entered allowing monthly payments as long as dependency should continue. The statute in question provides that dependents shall receive during dependency 50 per cent of the average monthly support received during the preceding 12 months, but not in excess of $20 per month. It also provides that in the case of the death of unmarried minors their parents shall receive $20 per month for each month after the death until the time at which the deceased would have arrived at the age of 21 years. The Supreme Court of Washington construed the latter clause as being based on the parents' right to the earnings of a minor and not involving the question of dependence. Where, however, there was actual dependence, as in the case in hand, the question of minority was not controlling, and the case would come under the general provision relating to dependence. The judgment of the lower court was therefore affirmed.

Going beyond the narrower bounds of relationship was a ruling of the industrial commission of Ohio to the effect that an invalid father and the stepmother and half brothers and sisters were wholly dependent on the earnings of a 19-year old son of the father by a prior marriage; so also in a case passed upon by the Wisconsin commission where the employee had been reared by the claimants but was not their child nor had she been legally adopted. She had, however, regularly turned over a part of her weekly wages for their support, and they were held to be proportionately dependent. An award was made accordingly.

The dependence of children is usually restricted by a provision of the law fixing an age limit, though physical or mental incapacity frequently waives this limitation. The Massachusetts board had before it a case in which the father and mother lived separately, and an 18-year old daughter was unable to work. The mother made a statement that she was not dependent, while the daughter had made a claim on the ground of her total dependence, she having been previously supported by the father, and having no other income; an award was made exclusively for the daughter's benefit on the ground that she was wholly dependent. In a case before the supreme court of this State (In re Herrick, 104 N. E. 432), an adult daughter capable of self-support but living with and caring for her father, both being supported by his earnings, was held a dependent.

The attorney general of Minnesota ruled on a case in which a child by the first marriage of the deceased had not lived with the family for the past five years though she had not been adopted by others and might be returned any time. The fact of separate residence was held not to bar her dependence under the act, since it was only necessary that she be unmarried and under 18, or incapable of self-support over that age. The child was but 10 years old and compensation was directed in her behalf. Quite similar to the Herrick case above was a decision by the Supreme Court of Minnesota (State *v.* District Court of Ramsey Co., 158 N. W. 798), applying the law of Minnesota as amended by chapter 209, Acts of 1915. In this case a widowed daughter was held to be partially dependent on her father where she lived with him and derived part of her support from him, the law providing for such an award without regard to age or inability to earn.

The law of Pennsylvania provides for payments to the widow or dependent widower alone, with additional sums where there is one child, where two children, etc., the phraseology suggesting payments to the head of the family only, if there be one. It was held by a court of common pleas (Irvin *v.* William M. Frost & Co.) that children are entitled to compensation in their own right no less when there is a parent surviving than where there is none. In the case in hand a posthumous child was held entitled to the award made in its behalf by the State board.

BASIS OF AWARDS.

In practically every law compensation awards are based on the amount of wages received. What shall be considered as the proper wages or earnings comes up for decision in several cases for which reports are available. In a California case passed upon by the State commission the amount of tips or gratuities additional to the salary was held not to be a part of the earnings on which compensa-

tion could be based, the ground being taken that if that were allowed there would be room for fraudulent claims. On the other hand, the industrial accident board of Texas took as the basis of an award for a porter in a hotel the amount of his income from tips, he being entirely dependent upon this source of revenue. This accords also with the decision of the industrial accident board of Massachusetts, where tips to a waiter formed a part of his income, allowance being made therefor as included in his regular earnings.

Another case before the California commission was that of a 7-day employee, as to whom it was ruled that the general computation of a 6-day week would not apply, and the commission fixed upon 332 days as the average for a year's work as against 300 days allowed for the 6-day worker.

Where the occupation in which the man is engaged at the time of his injury differs from his usual occupation it was held by the commissions of California and Connecticut that the award must be based on the amount of the earnings in the occupation in which the man was engaged at the time of the injury.

In a case which was before the California commission a lineman earning $4.50 per day was injured while in camp with the National Guard, where he received 70 cents per day and board. Compensation was awarded, not on the basis of his earnings as a lineman, but the minimum rate fixed by law was allowed, his employment being considered at the time as in the National Guard. Somewhat similar was the question decided by the Supreme Court of Wisconsin, involving the case of a citizen killed while obeying a summons to aid an official in making an arrest. Compensation was awarded not on the basis of his occupational earnings but on the customary pay for police services in the locality. (Village of West Salem *v.* The Industrial Commission, 155 N. W. 929.)

On the other hand, it was held by the industrial board of Massachusetts that where a man's average wages were greater than those ordinarily paid for work of the kind on which he was temporarily employed at the time of his injury, the award should be based on such average, the evidence being to the effect that the injured man was competent to earn the higher rate of pay in work for the same employer.

Where an employee is rendering part-time services for one employer, with the privilege of serving other employers, the basis of a compensation award will be the average weekly earnings which he receives from all sources, and not merely the amount received from the employer in whose services he is at the time of the injury (Maryland Industrial Accident Commission).

The same principle was involved in a California case (Western Metal Supply Co. *v.* Pillsbury, 156 Pac. 491), where a night watch-

man employed by several parties independently was killed by a burglar on the premises of one, and his beneficiaries were held to be entitled to an award based on his entire earnings but payable by the person on whose premises he was at the time of the fatal injury. This differs in no respect from the question which was considered by the Supreme Judicial Court of Massachusetts in a case (Gillen *v.* Ocean Accident & Guarantee Corporation, 102 N. E. 346) in which the claimant was a longshoreman employed by a company which was insured with the insurance corporation named. His employment being irregular, the question arose as to the amount of compensation payable under the Massachusetts law, the basis provided by the statute being the average weekly wages, for the determination of which various methods are indicated. Owing to the circumstances of the company's business, Gillen while working for it received not more than $8 weekly, while with employments at other jobs his average earnings were $13 per week, which was the average weekly wage earned by other longshoremen in the same class of employment and in the same district. Benefits payable being 50 per cent of the average wages, the insurance company contended that they were liable only to the amount of $4 per week, while the plaintiff Gillen claimed $6.50 per week as being one-half his average weekly earnings as longshoreman from all sources. The latter view was the one adopted by the lower court and sustained by the supreme judicial court, this court holding that the law does not restrict consideration of what constitutes weekly wages to a single employer, but took into consideration the custom of the employment and had regard for all the wages which the employee received. It was held that this was a case where the condition of the workman is one of continuous labor in regular employment with different employers. "The loss of his capacity to earn, as demonstrated by his conduct in such regular employment, is the basis upon which his compensation should be based."

Under the Wisconsin statute benefits are payable for partial disability at the rate of 65 per cent of the weekly loss of wages during the period of such partial disability. This weekly loss of wages is to be computed so as fairly to represent the "proportionate extent of the impairment of his earning capacity in the employment in which he was working at the time of the accident," to be determined in view of the nature and extent of the injury. In the case of Mellen Lumber Co. *v.* Industrial Commission of Wisconsin (142 N. W. 187), a shingle sawyer employed by the company lost by accident the thumb and index finger of his left hand, totally incapacitating him from again following the occupation of shingle sawyer. It was held that the act warranted a payment as for a total disability, without deductions for the recognized fact that at some occupations the

injured man might be employed at a lower rate of earnings, the conclusion being based on the provision of the law that his earning capacity in the employment in which he was working at the time of the accident was determinative. The court admitted that it was not very probable that it was intended to give an injured employee who lost a thumb and finger the same compensation as if he had been totally incapacitated for any kind of work, but held that the remedy was with the legislature and not with the court. The amending statute of 1913 adopts a schedule of compensation for specified maimings, so that the award becomes proportionate to the injury and the difficulty in the foregoing case can not recur.

The inclusion of overtime earnings was passed upon by the commissioner of labor of Minnesota and the industrial commission of Ohio, both holding that such earnings should be considered as a part of the total income on which awards should be based; so also, of the inclusion of the value of board and room, as decided by the commissioner of labor of Minnesota.

There is a wide divergence of opinions expressed on the subject of the anticipation of an increase in earnings of minors, the Supreme Court of New York, appellate division, stating that the law of that State provides for such anticipation, and where a boy of 16 was then earning $5.50 per week, it was estimated that in two years he would be earning $12 per week, and in five years from $12 to $18, and an award made on this basis was affirmed (Kilberg *v.* Vitch, 156 N. Y. Supp. 971); while the industrial accident board of Vermont ruled that where a learner was injured the award should be based on his earning capacity at the time, without taking into consideration what he would earn with the increased pay that continuance in his trade would bring.

The Massachusetts supreme court ruled that where a man's wage loss for partial disability has been increased on account of business depression, the award should be based on the earnings that would have been possible for the injured man if business had continued as at the time of the injury, and not on the wages he was actually able to earn (In re Durney, 111 N. E. 166), the proper test being the physical condition of the injured man, and not the prevalent industrial conditions.

A result of the form of the law of Michigan was considered in a case before the supreme court of the State (Foley *v.* Detroit United Ry., 157 N. W. 45) in which an injured man suffering permanent partial disability was earning more after the injury than before, though disabled from work in his former employment. The law provides for compensation for partial disability on the basis of the wage loss suffered, but further provides that this shall be computed so that it will " fairly represent the proportionate extent of the impairment

of his earning capacity in the employment in which he was working at the time of the accident"; and while the court recognized that the law might work inequitably in its literal application, it was said that this was for the legislature and not for the court, as the law was not contradictory nor impossible as it stood, and an award as for partial disability was approved.

The computation of earnings for seasonal employments is regulated by the law of Pennsylvania by a provision that in such employments the total earnings of the previous year, omitting overtime pay, shall be divided by 50 to determine a week's average earnings; while for regular employments the determination is arrived at by multiplying the average daily earnings by 5½. A mining company gave notice of its intention to pay compensation on the basis of a seasonal occupation, which would effect quite a reduction in the amounts payable; the compensation board of the State ruled against the proposition, however, and declared the employment continuous within the meaning of the act.

The Supreme Court of Iowa in passing on the question of the wage basis in a case involving the earnings of miners, from whose gross earnings deductions are made to pay the cost of powder and of blacksmithing, held that these charges were not to be considered in deciding the amount of weekly earnings as a basis for determining the amount of compensation, but that the award should be made on the amount earned without such deductions. (Richards *v.* Central Iowa Fuel Co., 159 N. W. 696.)

SETTLEMENTS.

Various points are involved in the question of settlements and vested rights, and also in the powers of the parties under the act to conclude agreements. Under the last head may be noted the ruling of the industrial commission of Ohio in a case in which a widow made formal claim for compensation, and subsequently undertook to withdraw the claim, alleging that the insurance company had paid her the sum of $2,000 in full settlement. The commission insisted on evidence in the case, and a ruling was made that proceedings brought under the act can not be settled without the consent and approval of the commission. The award finally made was for a sum practically double the amount of the original settlement by the company.

The status of a claim was considered in another case by this commission in which an award was made on a claim submitted, but at the time of the award the claimant had disappeared without giving information as to his whereabouts; he had undertaken, however, to assign the anticipated award as payment for a board bill, and though the assignment was made in writing for this specific purpose, it was

held that it was invalid since compensation must be paid to the employee only.

Another case involving restricted application of compensation settlements was passed upon by the California commission, in which the employer sought to secure an order deducting a certain indebtedness from the employee to himself from the award of the commission; this the commission denied as being outside its powers.

The effect of a settlement under the Massachusetts statute where the injured person was a minor was considered by the supreme court of that State, the decision being reached that such settlement did not bar the right of a parent to sue under the common law for the loss of the minor's services. (King *v.* Viscoloid Co., 106 N. E. 988.)

Whether or not compensation rights are vested so as to survive death or a change of status of the beneficiary is a question that has received conflicting answers from the authorities passing upon it. Thus, the Massachusetts board ruled that where an award for a specified time was payable to a widow and her death occurred within the period fixed, the estate had a vested interest, so that the remaining payments should be made to the administrator. In the light of a later decision of the supreme court of that State, however, it seems that this view is not the controlling one under the Massachusetts law, the court ruling (In re Murphy, 113 N. E. 283) that where a mother was the sole dependent at the time of her son's death, an award available for her could not on her death pass to other members of her family, even though such persons might have been the dependent next of kin of the deceased workman if the mother had died before the son. It was said that the law of Massachusetts differed from that of Ohio, under which an award to a sole dependent, once made, was held to be a vested right and payable without regard to the subsequent death or other change of status of the beneficiary. (See State ex rel. Munding *v.* Industrial Commission, 111 N. E. 299.)

A ruling of the Ohio commission also confirmed the right of a widow, where the husband had died before an award was made and from another cause than the injury, to receive such disability payments as the injured man might have received if an award had been agreed upon before his death; and it would seem that equity would warrant a readjustment of benefits in cases where a recipient died or from any cause ceased to be eligible for further payments. Lump-sum payments once made have obviously passed beyond the control of the payer, and to cut off continuing payments, as was done in the Murphy case above, places a premium on the lump-sum method of settlement.

In a number of States provision is made for the cessation of payments, either at once or with a commutation for a fixed period, in case of the remarriage of a widow receiving benefits, while in others

the matter is left open. Under the Ohio law the industrial commission ruled that benefits are a vested right after an award, and a widow remarrying is entitled to their payment according to the original award, citing the Munding case above. The New Jersey court of common pleas, on the other hand, held that as the law is for the benefit of dependents, payments would cease on the remarriage of a widow, as it would be presumed that she was no longer a dependent, and it was not fair to burden industry for the benefit of such persons. It may be noted that since this decision the law of that State has been amended so as to bar payments after marriage.

Under the law of Maryland, benefits to a widow cease on her remarriage, other beneficiaries receiving benefits for eight years. Under this provision, the accident commission of the State held that the award to a sister became a vested right on its being made, so that her marriage would not terminate it, which is an obvious inconsistency of legislation.

The mutual exclusiveness of classes of awards was passed upon by a compensation commissioner of Connecticut in a case in which the disabled workman received compensation during the period of his incapacity, and on his subsequent death the claim was made that this amount should be deducted from the compensation awarded the widow; this contention the commissioner rejected, saying that the rights of the widow are separate and distinct from the rights of the deceased, and the two forms of compensation should be kept separate.

The law of Michigan is construed by a recent decision of the supreme court of the State (Foley *v.* Detroit United Ry., 157 N. W. 45), in which it was held that an approval by the State board of an agreement between employer and employee covering the period of total incapacity was no bar to a reopening of the case to determine what was a proper award for permanent partial incapacity, and the release given by the injured man as a full discharge against the employer, at the end of total disability payments, not having been approved by the board, was no bar to the claim. So also of a release by an injured man who subsequently died of the injury, the Supreme Court of Wisconsin holding that this was no bar to the widow's claim, which was an independent right, not in being during her husband's lifetime, and not capable of being affected by his acts, and her claim was allowed accordingly. (Milwaukee Coke & Gas Co. *v.* Industrial Commission, 151 N. W. 245.)

The industrial accident board of Michigan ruled that the employer had no power to regulate the contract for burial expenses under the provision of the law of that State, which limits such expenses to $200 in cases in which the injured man left no dependents, the board pointing out that he could not be required to pay more than

$200, but had no right to undertake the control of matters that properly belonged to the next of kin or the relatives or friends.

A very common provision of the laws arranges for the commutation of payments to a lump sum. Under the Massachusetts statute it was held that this matter rested with the parties affected, and in the absence of a submitted agreement the court had no power to act, though it might approve or reject any proposition made by the parties. A case involving this question was before the Supreme Court of Kansas. (McCracken *v.* Missouri Valley Bridge & Iron Co., 150 Pac. 832.) There had been an award for death, and the court took the view that the insurer was seeking to prevent commutation and continue periodical payments with the hope that the death of the beneficiary would end the obligation before it was completely discharged. It was said that the insurer was not entitled to raise such an objection, ruling that the mode of payment is in the discretion of the trial court under the law of that State.

The Texas statute authorizes lump-sum settlements in cases of death or of total permanent disability, and the accident board of the State rules that such settlements for temporary or partial disabilities are null as outside the scope of the act.

The compensation commission of Pennsylvania took the view that lump-sum payments should not be favored, refusing its sanction in a case where a widow with children had secured the consent of her former husband's employer to pay in a lump the amount of $6,015 in settlement of an award, which sum she wished to invest. Installment payments as provided by the law were ordered, since "it is well to protect her against herself and an uncertain investment."

The status of an award in case of bankruptcy was decided by a Federal court (Wood *v.* Camden Iron Works, 221 Fed. 1010), in a ruling to the effect that compensation payments were a charge against the operation of the business, to be paid the same as wages.

MEDICAL TREATMENT.

What is a sufficient compliance with the law requiring medical treatment to be furnished was considered by the California commission in a ruling that set forth that (1) The physician most quickly obtainable should be summoned; (2) the employer should furnish instruction as to further treatment; (3) if insured, the insurer should furnish the employer with definite instructions to be followed in case of accident. It was also said that the commission will not favor the policy of procuring the cheapest physician. A request by the employee is not required, as the duty of an active compliance with the law rests upon the employer; if he has knowledge of an injury and a reasonable opportunity to furnish the needed service, that is sufficient to charge him with the reasonable expense of any service obtained by

the employee in default of the employer's action. Where, however, the employee has secured emergency treatment, and the employer afterwards offers the services of his physician, they must be accepted, as a general proposition, and subsequent services rendered by the employee's physician will be at his risk and cost; but if there has been a capital operation, the physician originally taking charge will not be dismissed unless shown to be wholly unfit to continue the treatment.

In a case in which there was a wrong diagnosis of an injury, this commission ruled that the mistaken advice of the employer's physician could not be used to deprive the injured man of his rights, but was rather an injury to the employer himself. However, where the wrong diagnosis was not corrected until after the expiration of the 90 days during which medical aid was to be furnished, it was held too late to require such treatment, though disability payments must be made; but if the employer tender the necessary treatment, the employee must accept it or forfeit such payments. Where a man suffered from a hernia and chose to take a truss, not desiring an operation at the time for family reasons, he asked to have an award in order to hold the case open for future review. This the commission declined to do, as there had not been a disability of 14 days' duration; it ruled, however, that as hernia was a permanent disability, an award would be considered on that basis unless an operation was tendered, together with temporary disability payments for the time required for recovery therefrom, saying that a cure offers the best service to the community, and accords with the purpose of the law. The discontinuance of medical service was held not to be warranted by the disobedience of hospital rules by an injured man who absented himself without permission and drank several glasses of beer during his absence.

An opinion by the Supreme Court of Massachusetts declares that the mere posting of lists of physicians to whom injured men may go is not a compliance with the requirement to furnish treatment, and in the absence of positive instructions as to the proper course to be taken, the employee may select his physician, and the board will have jurisdiction of the question of the employee's right to recover the costs of the treatment. (In re Panasuk, 105 N. E. 368.) In a case in which the injured man had been furnished a physician, but called in his own doctor on account of pain during the first night, and continued to have him, the accident board of the State allowed the payment of a fee for the call for relief during the first night, but held that as the employer had furnished a physician, resort should have been had to him for subsequent treatment, and bills therefor were disallowed; and so generally where the employer is

prompt to make provision, it can not be rejected unless for sufficient cause shown, except at the employee's own cost.

The question of the expense of medical and surgical services was involved in the case of City of Milwaukee *v.* Miller (144 N. W. 188), in which the surpreme court disallowed a claim for services rendered by a physician employed by the claimant, Miller, who gave no notice to the city of his desire for medical attendance, and continued the employment of his physician after the city had voluntarily offered the services of a competent physician. The time during which the claimant could properly employ a physician was held to be limited to such reasonable time as necessarily intervened between his injury and reasonable opportunity, after due notice, for the city to exercise its privilege of furnishing a physician. The injury was a comparatively slight one, and the industrial commission had regarded the charges as quite large, but accepted the attending physician's evidence as controlling in the matter, on account of his greater experience as compared with the city's physician, who had testified that practically one-fourth the amount of the claim would have been adequate as the cost of medical attendance. As to balancing the evidence in such a case the court said that where there were great doubts as to the amount, and the truth of the matter rested solely on the word of the interested party, opposed by the evidence of a competent witness who had little or no interest in the result, there should be much hesitation and generally a refusal to decide the matter wholly against the defendant; adding that one who, by reason of special knowledge, might be competent to give opinion evidence might deal in such exaggerations, especially when they favor his selfish interests, as in this case, as to render his evidence of little or no value. It was also said that it did not devolve upon the city to exercise active vigilance to discover the necessities of injured employees, since the language, "neglect or refusal seasonably to do so," was held to necessarily imply that reasonable notice should be given of the employee's needs and of his desire for treatment.

It was held, therefore, that the act did not authorize the payment of medical and surgical costs incurred under the circumstances, and the compensation awarded was confirmed only as to the actual compensation benefits approved by the industrial commission, plus the cost of bandages and supplies.

To the same effect was a decision of the Supreme Court of New York, appellate division, in a case (Keigher *v.* General Electric Co., 158 N. Y. Supp. 939) holding that where suitable provision of medical service is made by the employer, the employee can not refuse the same and claim payment for a physician of his own choosing.

Where the employee refuses to accept or act on the advice of the physician the question of actual or estimated consequences comes up for consideration. Thus where the neglect of a fracture led to infection and amputation the commission of California reckoned that recovery would have taken place in five weeks with proper care and allowed compensation only for a temporary total disability for that period and nothing for the loss of the limb. If a probably advantageous operation of comparatively inconsiderable risk is refused, that the commission may bar absolutely all claims for compensation for the remaining disability was the ruling in another case, while in a third payments were suspended until the injured man should consent to undergo a minor operation which medical testimony indicated to be necessary to a recovery of the use of the injured member.

Such also was the position of a commissioner of Connecticut in a case where an operation was indicated for the recovery of the use of a fractured limb; but where the testimony was only as to a possible benefit and the injured man declined, it was held that he would not be penalized for the refusal. So also in a case that was before the Supreme Court of Massachusetts, an operation was not required where the evidence of prospective benefit was said to be too slight to warrant an insistence thereon. (Floccher *v.* Fidelity & Deposit Co., 108 N. E. 1032.) Serious danger attendant on the operation was held to be ground for a refusal to undergo it, especially as the result might not be of curative effect in the case in hand (accident board of Massachusetts); though in a case where there was no such risk the man was required to decide within a period of six days what course he would pursue, at the end of which time, if refusal persisted, compensation would be suspended during its continuance. The industrial commission of Oklahoma also ruled that refusal to observe instructions, leading to the prolongation of disability, did not afford a basis for the extension of the compensation period; and in a case before the industrial commission of Wisconsin the refusal of an injured man to accept the advice of both his employer's and his own physician, causing, as was alleged, a prolongation of the term of incapacity, was held to warrant the rejection of his claim for such excess of time. The industrial board of Illinois ruled similarly where neglect prolonged the period of disability of a man suffering from an injury to the eye.

The effect of deferring consent to a serious surgical operation was before the Supreme Court of Michigan in Jendrus *v.* Detroit Steel Products Co. (144 N. W. 563), the physician employed in the case having urged an immediate operation as offering the only opportunity for saving the injured man's life. Assent was refused, but given the next day. The injury was to the intestines, and peritonitis

had set in at the time the advice to operate was first given. Vomiting followed, becoming fecal in its nature. Pneumonia next developed, caused, as claimed by all the surgeons who testified, by the entrance into the lungs of this fecal matter. The operation was apparently followed by a measure of favorable results, but death ensued in a few days, chiefly due to the pneumonia.

Under these circumstances the employer contended that the action of the injured man in delaying the operation was so unreasonable and persistent as to defeat the claim to compensation made by his widow. In affirming an award of the arbitration committee, approved by the industrial accident board, the court took into consideration the fact that the injured man was a foreigner, little able to understand what was being said, in great pain, and unacquainted with his surroundings, and decided that it could not be held, as a matter of law, either that the conduct of Jendrus was so unreasonable and persistent as to defeat the claim for compensation by his widow, or that in his delay in assenting to the operation he was guilty of intentional and willful misconduct. When, however, a simple operation, involving little danger or suffering, is reasonably likely to relieve or terminate the disability, refusal to submit thereto will warrant a suspension of compensation payments. (Kricinovich *v.* American Car & Foundry Co. (Mich.), 159 N. W. 302.)

The Supreme Court of Wisconsin makes a lucid statement of the principles involved, in its discussion of a case in which it was found by the State commission on the testimony of three physicians and surgeons that disability subsequent to a date fixed "resulted directly from the injured man's willful refusal to submit himself to safe and simple medical treatment," and rejected his application for permanent disability benefits. The court sustained this view, saying that "where the disability is so related to the accident that it is the natural consequence thereof, then compensation should be awarded"; but holding further when there is an unreasonable refusal to accept a safe and simple operation, fairly certain to remove the difficulty, subsequent disability "is not proximately caused by the accident, but is the direct result of such unreasonable refusal." The duty of society to carry the burden of a man in such a case was emphatically denied, the court saying that to prolong or probably even increase his disability by such refusal, "and thereby cast the burden of his wrongful act upon society in general, is not only repugnant to all principles of law, but is abhorrent to that sense of justice common to all mankind." (Lesh *v.* Illinois Steel Co., 157 N. W. 539.) It was pointed out that no question of compelling the man to submit to an operation was involved, but only his status as a claimant under the law.

Some cases in hand involve the question of the status of the physician himself. Thus an employer in Connecticut disputed a fee on the

ground that the services were rendered by a "bonesetter," and not by a regularly qualified physician. A commissioner of the State disallowed the contention on the ground that the services had been rendered at the desire of both parties, with a knowledge of his status, so that any complaint on that point was of no avail. The industrial commission of Ohio, on the other hand, refused any payment to a "bonesetter," on the ground that the law of that State contemplated payments on this account only to persons who have been regularly admitted to practice medicine; similarly, the Iowa commission ruled that an osteopath does not furnish "medical or surgical service" within the meaning of the act of that State.

The Supreme Court of Wisconsin ruled that an employer was liable for the malpractice of a physician furnished by him during the period of service required by law (Pawlak *v.* Hayes, 156 N. W. 464); while that of Minnesota held that there was no other duty owed by an employer who collected hospital money than to select a competent physician. However, the release to him on settlement for compensation was declared not a bar to an action against the physician for malpractice. (Viita *v.* Dolan, 155 N. W. 1077.)

As the laws frequently limit medical attendance to a fixed period following the receipt of injury, the question of when the limitation begins to run is of importance. Attention has already been called to a case in which the California commission ruled that no medical expense could be claimed, as the wrong diagnosis had led to a delay beyond the period fixed by law. In a Connecticut case, however, a commissioner held that the period from which the limitation should be computed was the date when the injury became effective, and not necessarily the date of the accident giving rise to it; so also the Michigan board ruled that the "first three weeks after the injury" means the first three weeks from the time when the disability requires medical attention.

The Pennsylvania statute requires the employer to furnish medical and hospital services during the first 14 days of disability of the injured employee, and also that in case of death expenses of last sickness and of burial be met by the employer, the amount not to exceed $100, this sum to be in addition to any benefits payable to the dependents of the deceased. The compensation board of the State held that where payments had been made for medical services during the 14 days succeeding the injury, and death occurred after the expiration of this period, the employer is authorized to deduct the value of the amount so paid from the sum payable as expenses of last sickness and burial.

Nursing is, of course, a part of the provision to be made by the employer in cases requiring the same, and a Connecticut commis-

sioner allowed a man's wife $10 per week for nursing him, estimating this sum to be the cost of nursing in a semiprivate ward in a hospital. The California commission, on the other hand, refused to make allowances for home nursing, on the presumption that the family would render such services without cost, qualifying the rule in another case by saying that allowance would not be made for nursing by members of the family not professional nurses. The Ohio commission also refused to make allowance for nursing by members of the family where no loss of time or wages is involved, as did the Supreme Court of Wisconsin, where a niece voluntarily nursed an injured man and a claim for nursing was afterwards made. (City of Milwaukee *v.* Miller.)

The matter of fees was involved in the Ohio case last noted, and the ruling was representative of others that have been made by other authorities, taking the ground that there will be a scrutiny of bills submitted, since there is a real discretion in the commission in this matter, and it is not obligated to honor all claims presented, and will only allow rates ordinarily charged for such services in the locality for persons of the station of the persons treated—not of the employer nor of those having the financial resources of the insurer. (See also the case of City of Milwaukee *v.* Miller, p. 274.)

The Texas board considered railroad fare in transporting an injured employee to a hospital for treatment as a proper charge on account of medical aid, etc., if expended during the statutory first week following the injury.

Bills for dental services are allowed under rulings of the accident board of Massachusetts and the labor commissioner of Minnesota. The attorney general of Iowa said no disability payments as such would be allowed for injury to the teeth, but that dental work might properly be allowed for under the head of surgical and medical attention. The public service commission of West Virginia refused to allow for gold crowns made necessary by the breaking of two teeth in an accident, holding that the act does not provide for the payment of dental bills.

A question involving fees in another field was passed upon by the commission of the State of New York when it declined to consider any agreement for fees for legal services in advance of the rendering of the services, saying that in all cases claims will be considered solely with reference to the actual service rendered, upon a statement submitted to the commission upon the conclusion of the service.

ELECTION.

As already noted, election, either passive or active, is required by the laws of a number of States to bring parties within the pro-

visions of the acts. In a Connecticut case it appeared that an employer had mailed a notice, on the prescribed blank, electing not to accept the terms of the law of the State. This was sent by ordinary mail and not registered mail or served in person, as prescribed by the act. The claimant received the notice and read it, but did not preserve it. It was held by a commissioner of compensation that his claim to compensation was barred, as he was said to have sufficient notice of the employer's rejection; he was accordingly remitted to his rights, if any, in a suit at law. The supreme court of this State held, in a case in which the employer contested a claim on the ground that, though he had elected to accept the act he had not taken the required steps to prove his ability to make compensation payments, that such failure on the part of the employer to comply with the provisions of the act would not deprive the employee relying upon the law of his rights under it. (Bayon *v.* Buckley, 93 Atl. 139.)

The Supreme Court of Kansas held that the employer defending against a claim could not require the claimant to offer proof of the employer's acceptance or rejection of the act; but if he wished to make his alleged rejection a defense he himself should be required to prove it. (Gorrell *v.* Battelle, 144 Pac. 244.)

In a case arising under the Wisconsin statute it appeared that the employer had elected to accept the act, while the employee rejected it but subsequently made claim for compensation, which was denied. He then brought suit and recovered damages at law. But on appeal the supreme court reversed the decision of the trial court, since the employer having elected was entitled to all the common-law defenses, and the injury was not shown to have been due to the negligence of the employer, while the employee had assumed the risks. (Karny *v.* N. W. Malleable Iron Co., 151 N. W. 786.) Another provision of this act allows employees 30 days within which to make their decision following the employer's election to accept the act. It was held by the supreme court (Green *v.* Appleton Woolen Mills, 155 N. W. 958) that an injury to the employee before the expiration of his 30 days' option is not compensable, but must be passed upon in accordance with the provisions of the liability laws of the State, since, unless the employee has taken action, he may reject within the time fixed.

EXCLUSIVENESS OF REMEDY.

While most of the States provide for the voluntary acceptance of the laws before they are binding, after which it is generally held that suits can not be brought, the law of Washington is explicit in declaring the abrogation of all suits for injuries of employees. This provision was held to reach so far as to bar an action by a brewery employee who was injured by the negligence of a railway company

moving cars in the yard of the brewery, so that even the liability of the third person who caused the injury could not be made the basis of an action by the injured workman. (Northern Pacific Ry. Co. *v.* Meese, 36 Sup. Ct. 223.) The supreme court of the State also construed the statute to cover incidental suits, as well as those arising directly from the injury, as where an injured man who had received compensation under the act undertook to sue for the malpractice of the physician engaged by the employer but paid by deductions from the employee's wages, such suit not being allowed. (Ross *v.* Construction Co., 155 Pac. 153.)

In another case arising in the same State (Peet *v.* Mills, 136 Pac. 685) a railway employee sought to hold the president of a railway company personally liable for his injuries, claiming that, though actions against the employing company were abrogated, the president could be sued on an individual liability. This the court denied, emphasizing its ruling as to the constitutionality of the law given in the case, State *v.* Clausen (65 Wash. 156; 117 Pac. 1101), and declaring the new remedy to be exclusive. A provision of the same statute permitting employees to sue an employer who is delinquent in premium payments was held not to warrant such a suit where the delinquent employer makes good his shortage within the period allowed by the rules of the State insurance commission for such payments after notice of delinquency. (Barrett *v.* Grays Harbor Commercial Co., 209 Fed. 95.)

If the law of Washington is thus exclusive and other remedies are not available, it may be noted as a complementary fact that it is of broad application, the supreme court of the State calling it a provision for a kind of pension given the workman in exchange for absolute insurance on his master's premises (Stertz *v.* Industrial Insurance Commission, 158 Pac. 256), thus covering injuries not classed in other jurisdictions as within the scope of acts containing more restrictive terms.

The Supreme Court of New York in special term denied the right of a plaintiff to sue for damages for pain and disfigurement, after having received compensation under the act of the State providing therefor, holding the remedy offered by the statute to be complete and exclusive and enacted with a view to afford certain relief and obviate litigation. (Connors *v.* Semet-Solvay Co., 159 N. Y. Supp. 431.)

The constitution of Arizona requires the enactment of a compulsory compensation statute, retaining, however, to the employee the option of suing under the liability law or choosing his right under the compensation statute. The supreme court of the State held (Consol. Arizona Smelting Co. *v.* Ujack, 139 Pac. 465) that this election may be made after the injury has been received, and the remedy becomes

exclusive only by the institution of an action in the chosen form. Under the laws of most of the States, however, election is made at the time the contract is entered into either actively or passively, and such election is binding until other action is taken disavowing the same. The Supreme Court of Kansas held that under its law the remedy by compensation is exclusive, and if one desires to retain the right to sue for damages he must reject the compensation law in advance. (Shade *v.* Ash Grove Lime, etc., Co., 144 Pac. 249.) So also the Supreme Court of Rhode Island held that an employee making a contract in the State of Massachusetts and accepting the compensation law of that State extinguishes his right to sue for damages at common law in that State, and, having lost that right, he cannot sue at common law in any other State in which he may reside. (Pendar *v.* H. B. Am. Mach. Co., 87 Atl. 1.) Applying the same principle of the control of local law, it was held that the Washington statute, though exclusive where applicable, as already noted, does not bar suits for damages in that State where the cause of action arose in a State permitting such suits, the law of the locality being enforceable in whatever jurisdiction it might be brought. (Reynolds *v.* Day, 140 Pac. 681.)

A somewhat different aspect of the question of the exclusiveness of the remedy given under compensation legislation is found in a case (Shanahan *v.* Monarch Engineering Co., — N. E.) in which the New York Court of Appeals held that the law takes away the right of the next of kin of a deceased workman to sue under the former statute allowing suits for damages on fatal cases, the compensation law being held to cover the entire field of remedy for the death of an employee. There were no dependents in the case in hand.

NOTICE AND CLAIM.

Practically every law requires notice of an injury and a presentation of the claim within a specified time, failure to comply with the law being either a complete or partial bar to the procuring of compensation benefits. The Connecticut law made want of notice within the time fixed a bar to the claim to the extent that the employer should be shown to be prejudiced thereby. The phrase "want of notice" was construed by the supreme court of that State to mean absolute lack of notice. It was said, however, that this was not intended by the act to be an absolute bar to the claim, but only a ground for a diminution of the award to the extent that the employer should be shown to be prejudiced by the failure to receive notice. (Schmidt *v.* Baking Co., 96 Atl. 963.) Where there has been a delay beyond the period fixed by statute, provision is made in the Massachusetts law that the claim may still be renewed if the delay was due to reasonable cause. The supreme court of the State

held (In re Fierro, 111 N. E. 957) that the industrial board should not assume that there was reasonable cause or act on a supposed reason, but that it must be positively shown that there was ground for the delay. What was a sufficient notice under the Massachusetts law was passed upon by the industrial accident board, and, where it was shown that oral notice had been given to the manager and also to one of the partners in the business, it was ruled that the employing association had knowledge of the injury under the law, even though no written notice had been given, either to the employer, the insurance company, or the board; and the supreme court of the State ruled similarly where the injured man had told a foreman and a timekeeper of the injury. (In re Bloom, 111 N. E. 45.)

Oral inquiry of the manager of a firm as to "what he was going to do" in the matter of compensating an injury was held by the Supreme Court of Kansas to be sufficient notice. (Gailey *v.* Peet Bros. Mfg. Co., 157 Pac. 431.) The effect of such informal but actual notice was discussed by the Supreme Court of Wisconsin (Pellett *v.* Industrial Commission, 156 N. W. 956), the court saying that the employer would be estopped to plead the lack of statutory notice unless actual prejudice could be proved; in this case the injured workman told one of his employers of the fall causing the injury, and they agreed to pay the doctor's bill, and also made a payment for time lost within the 30 days during which notice might be given, the law of this State providing that such payment shall be equivalent to notice.

A claim was held by the Supreme Court of Michigan not to be barred in a case in which notice of the death of an alien had been timely given, and steps had also been taken to procure letters of administration, though these did not arrive until after the expiration of the prescribed six months' period; it was held that the claim had not been outlawed, as the employer had had opportunity to investigate the facts and had not been prejudiced by the delay, the court ruling that the law ought not to be technically construed. (Matwiczuk *v.* American Car & Foundry Co., 155 N. W. 412.) More technical was the ruling in the case of a claim preferred by the Austrian consul at Pittsburgh for compensation under the law of West Virginia, the public service commission ruling that it could not be considered on the ground that the application must be made in due form within six months from the date of the death, as provided by the act.

Another limitation contained in this law barred a claim in the case of the death of a man as the result of an injury, the death not occurring until after the expiration of 90 days from the date of the accident causing it. The law provides that compensation is payable only

where death supervenes, as a result of the injury, within 90 days after the accident.

The law of Nebraska requires claims for compensation to be presented within six months "after the injury occurred." Where a man was the victim of an accident which did not result in noticeable injury for some time afterwards, and gave notice within six months from the later date, but more than six months from the date of the accident, it was held by the Supreme Court of Nebraska that the law had been complied with. (Johansen *v.* Union Stockyards Co., 156 N. W. 511.)

A provision common to several of the laws is that want of or defect in the notice shall not be a bar to a claim unless the employer is prejudiced in his rights thereby. Such a provision is found in the Kansas statute, and the supreme court of that State (Knoll *v.* City of Salina, 157 Pac. 1167) sustained an award to a claimant in a case where written notice had not been given within the period named in the law, but oral notice had been given, and no right of the employer had been affected. It was also held in this case that an oral demand for compensation was a sufficient claim.

A case involving multiple injuries was before the Supreme Court of California (Ehrhart *v.* Industrial Accident Commission, 158 Pac. 193), in which an award by the commission was reversed. The injured man had submitted a claim for injuries to a leg, compensation being allowed. Some months later he asked compensation on account of injuries to the chest alleged to have been received at the same time, which the commission allowed on the ground that it had continuing jurisdiction over the case for the period of 245 weeks fixed by law, taking this to cover all injuries received by the injured man at the time of the accident. This contention the court rejected, holding that the commission had jurisdiction of only such injuries as had been called to its attention within the period of six months prescribed as a limitation by the act. This view was held to be necessary in order to the realization of the intention of the legislature that all injuries for which claims were to be submitted should be subjected to timely investigation, both to prevent the encouragement of false claims and to enable the proper steps to be taken to give remedial treatment.

DISPUTES.

There is a considerable variety in the method of determining disputes or reviewing awards on appeal or otherwise, the laws of some States being much more stringent in their provisions than others. In the California statute of 1913 a distinction was made between settlements under agreement and those under an original award by the commission, proceedings in review being allowed in

the former case only within six months after any payment, while in the latter case the commission obtains jurisdiction for 245 weeks. In a case before the commission it was found that some eight months after the last payment made under an agreement, an injury to the eye from which apparent recovery had been had was lighted up, leading to renewed disability. It was held that since there had been an agreement and not an original award new proceedings were barred, which was pointed out by the commission as a provision of the law the hardship of which should be remedied by amendment. This step was taken by the legislature in 1915.

The Kansas statute permits the bringing of suits to determine awards under the law "in default of agreement and arbitration." This was held by the supreme court of the State (Halverhout *v.* S. W. Milling Co., 155 Pac. 916) not to make an attempt to agree or to secure arbitration a condition precedent to the bringing of the suit, but that either in the absence of such action or upon its failure, suit might be brought.

Many of the provisions of the acts indicate a desire to secure the prompt determination of the points in issue, the law of Massachusetts providing that no second hearing shall be had as a matter of right on any question of fact. The supreme court of the State (In re Fierro, 111 N. E. 957) ruled that on an appeal, if there was a full trial of the question in issue there shall not be a rehearing ordered, but a final decree shall be entered. The right of appeal was denied to a railroad company under the New York law in a case in which an award had been made to the injured employee, the supreme court of the State, appellate division, holding that since the employer is protected from all liability by the insurance fund, he has no interest in the award that would give him a right to appeal, the possibility of an increase of the premium rates being too remote to confer such a right. (Crockett *v.* State Insurance Fund, 155 N. Y. Supp. 692.)

A provision of the New Jersey law requires the determination of cases before the court within 30 days after final hearing. This was held by the supreme court of the State to be directory only, and not mandatory, so that no invalidity was attached to later decisions. (Diskon *v.* Bubb, 96 Atl. 660.)

EVIDENCE.

Procedure under the compensation laws naturally differs largely from the technical court procedure in damage suits, though the courts differ largely as to the real extent of such departure that is proper. The Supreme Court of California (Englebretson *v.* Industrial Accident Commission, 151 Pac. 421) held that evidence that a certain act might have been a sufficient cause of the injury suffered would not

support the claim, being only hearsay, saying that though the commission was not bound by technical rules the rule excluding hearsay was not technical. On the other hand, the Supreme Court of New York, appellate division (Carroll *v.* Knickerbocker Ice Co., 155 N. Y. Supp. 1), said that the spirit of the statute is that the commission shall be "wholly unfettered by any law previously invented by man." In the case in hand there was slight evidence of internal injury and some evidence supporting the inference that the man strained himself in his work, which was, however, mainly hearsay and partly "hearsay on hearsay." It was said that "no court would have hesitated a moment to reject it," but that "all the rules of evidence, the accumulation of centuries of experience and wisdom, were ignored by the commission." The decision was affirmed as carrying out the purpose of the legislature in enacting the law. When the case came to the court of appeals, however, it was said that while the law does provide that the commission is "not bound by common law or statutory rules of evidence or by technical or formal rules of procedure," it must be borne in mind that this provision of the statute is meant to enable the commission "to ascertain the substantial rights of the parties." The presumption that the claim comes within the provisions of the act, as the law provides, can not prevail against substantial evidence to the contrary; and while the commission "may in its discretion accept any evidence that is offered, still in the end there must be a residuum of legal evidence to support the claim before an award can be made." Persons present testified that they saw no injury inflicted or accident take place, nor were there any marks as of bruises or abrasions, such as would have existed had the statements of the decedent been correct; so that the reported remarks of a man in a highly nervous condition, verging on delirium tremens, which subsequently developed, were held not sufficient to support an award, and the judgment was reversed with costs against the commission (113 N. E. 507).

The industrial commission of Ohio went almost as far as the New York commission and supreme court in the above case in making an award for the death of a man from blood poisoning, where there was no one who saw the injury inflicted which was regarded as responsible for the death, and the evidence as to causation was contradictory. A large amount of evidence was considered, both direct and hearsay, but since the commission was not bound by statutory rules of evidence or of procedure it was able to reach the conclusion that the injury should be regarded as the proximate cause of the death, and compensation was awarded accordingly.

The Supreme Court of Wisconsin sustained presumptions in favor of the claimant in a case in which the trial court had decided that in the absence of witnesses the theory of accident was only equally

plausible with that of suicide; the decision of the lower court was reversed on the ground that the burden of proof rested on those advocating the suicide theory, and compensation was allowed. (Milwaukee Western Fuel Co. *v.* Industrial Commission, 150 N. W. 988.) This accords with the position taken in a very similar case by the accident board of Michigan, where it was said that the lack of direct evidence would not be allowed to defeat the applicant's claim if the facts and circumstances justify and reasonably require the inference that death was due to drowning as the workman was leaving a lumber dock for dinner. Similar to the foregoing was the conclusion of the Supreme Court of California in a case (Western Grain & Sugar Products Co. *v.* Pillsbury, 159 Pac. 423) in which an award for the death of a night watchman was allowed, the body not having been found, but evidences of a struggle and other circumstances suggesting murder being disclosed.

On the ground that questions of negligence had nothing to do with the right of claimant under the compensation act, the Supreme Court of Kansas (Ruth *v.* Witherspoon-Englar Co., 157 Pac. 403) declared that evidence as to the misconduct of a foreman in ordering the workman into a place of danger was prejudicial to the rights of the company where there was a trial before a jury. But if the findings of the jury are not in reality affected by such evidence, its erroneous admission will not necessitate the reversal of the judgment. (Oliver *v.* Christopher, 159 Pac. 397.)

INSURANCE.

As pointed out in the discussion of the provisions of the acts, the laws of several States provide for State insurance funds either exclusive in their operations or competing with private insurance institutions. Naturally stock companies writing insurance of this kind are opposed to the idea of a State monopoly, the situation being particularly acute in the State of Ohio, where the question of monopoly was in discussion between the insurance companies and the State authorities, the law being differently interpreted by the two parties. The commission took the view that the intent of the law was that insurance should be taken in the State fund and not elsewhere. The supreme court of the State in a case considered the law as permitting stock companies to write insurance, and requiring all employers of 5 or more workmen regularly in the same business, other than employers providing self-insurance, to pay into the State insurance fund the amount of premium determined and fixed by the State authorities. Self-insurers were, moreover, held to be required to contribute to the surplus fund, which is a guaranty fund for the State insurance fund. The existing provision of the General Code

conferring upon employees the rights of the employer under any insurance policy which he may carry after the employee has secured a judgment against his employer for injuries due to the latter's negligence was held not to be repealed by the compensation law but to remain subject to construction in connection with the provisions of the compensation law. Contracts providing indemnity for employers in all cases in which they are required to pay compensation in accordance with the provisions of the compensation act may be written by any insurance company, stock or otherwise. The question as to whether or not employers can insure against other liabilities than those established by the compensation law was left undecided, reargument to be had thereon when the court should again convene.

The California commission ruled an insurance policy in effect on its delivery and during its existence, even though no premium is paid thereon; the law makes the employer and insurer jointly liable for compensation payable under any policy, and a failure of the former to pay and of the latter to collect his premiums, is a personal matter between the two parties and does not bar the employee's rights. Quite similar is a ruling construing the Iowa statute to the effect that under the law of that State the employer is primarily liable to the injured employee regardless of any arrangement which he may have with the insurer to carry the risk. He may protect himself by insurance, and, indeed, is required to do so; but if for any reason the insurance company is not able to carry out its contract, the injured person or his beneficiaries still have direct recourse to the employer for the amount of compensation due.

Subject to mention either under this heading or under that of course of employment is a case (Bayer *v.* Bayer, 158 N. W. 109), in which an employee of a carpenter was injured while doing some work for the latter's brother in an undertaking in no way connected with the business of the injured man's employer. The employer was insured against the risks of his business, and the insurance company was joined in the defense against the enforcement of an award made by a committee of arbitration and approved by the industrial accident board of Michigan. The arbitrators had said that the only question involved was whether the employee was under the employer's control and was paid by him; but the court ruled that the policy was expressly and effectively limited to cases of employment "in the operation of and in connection with the business herein stated." The order of the board for the payment of the award was therefore vacated.

EXPERIENCE UNDER THE ACTS.

The laws of most of the States provide for reports showing experience under the acts, and a very considerable volume of material has accumulated from these States, showing the extent of acceptance of the elective laws; the condition of the funds where State insurance or State organized mutuals are provided; number of accidents classified by causes, nature, and duration; premiums paid; expenses of administration; medical and surgical costs, etc. The reports vary much in subject matter and mode of presentation, and comparisons are not feasible in respect of many of the points involved.[1] It would be impracticable and hardly appropriate in a bulletin devoted to the development and interpretation of the laws to take up the statistical side of the question, besides the duplication involved in reproducing matter so extensively included in the REVIEW. The bureau has in course of preparation studies in the administration of compensation laws involving a presentation of methods and results, and necessarily there will be to some extent an inclusion of statistical matter in these studies.

Perhaps no form of legislation has achieved so wide an acceptance since its first adoption in the United States, and the forecasts of its supporters a few years ago that it would speedily supplant the liability doctrine throughout the country seem in a fair way to be vindicated. The very considerable amount of amendatory legislation that appears in States having laws, while a confession of the experimental stage in which such legislation yet remains, speaks still more forcibly

[1] The bureau has presented summaries of a number of these reports in its MONTHLY REVIEW, as follows: Massachusetts workmen's compensation experience, July 1, 1912, to Sept. 30, 1914, vol. 1, No. 3; Report of the California Industrial Accident Commission, June 1, 1913, to June 30, 1914, vol. 2, No. 1; Report of the Washington Industrial Insurance Department for the year ending Sept. 30, 1914, ibid.; Report of Wisconsin Industrial Commission on Workmen's Compensation Insurance, June 1, 1915, ibid.; Report of Iowa Industrial Commission to June 30, 1914, vol. 2, No. 2; Report of Industrial Accident Board of Montana, Oct. 1, 1915, ibid.; Report of the Industrial Insurance Department of Washington for the year ending Sept. 30, 1915, ibid.; Report of the Public Service Commission of West Virginia, June 1, 1913, to June 30, 1914, ibid.; Report of the Industrial Accident Board of Massachusetts for the year ending June 30, 1914, vol. 2, No. 3; Statement of condition of the Ohio State insurance fund as of Nov. 15, 1915, ibid.; Report of the Industrial Commission of Oregon for the year ending June 30, 1915, ibid.; Report of the Industrial Board of Illinois, June 30, 1915, vol. 2, No. 4; Report of the Industrial Accident Commission of Maryland, Nov. 1, 1914, to Oct. 31, 1915, ibid.; Report of the Industrial Accident Board of Michigan for the year 1915, ibid.; Report of the Industrial Accident Commission of California, July 1, 1914, to June 30, 1915, vol. 2, No. 5; Massachusetts workmen's compensation experience, June 1, 1912, to Dec. 31, 1914, ibid.; New York (advance data for nine months, July 1, 1914, to Mar. 31, 1915), vol. 3, No. 1; Industrial Commission of Ohio, department of investigation and statistics, Report No. 21, Industrial accidents in Ohio, Jan. 1, 1914, to June 30, 1915, ibid.; Wisconsin (advance data as to completed experience under workmen's compensation insurance policies to Dec. 31, 1915), ibid.; Board of Compensation Commissioners of Connecticut, Second annual report for the year ending Sept. 30, 1915, vol. 3, No. 2; State department of labor of Nebraska, Report upon the operation of the workmen's compensation law for the year ending Nov. 30, 1915, ibid.

of the purpose to perfect the laws and incorporate in them the results of experience which has shown defects and inequalities, the amendments, almost without exception, having been in the direction of broader application and more liberal benefits.

The Federal Government is conspicuous by reason of its early entrance into this field of legislation, but hardly less so for its slowness in remedying the defects of the statute of 1908 when they became so apparent during the eight years of progressive legislation by more than 30 States of the Union. Prior to the enactment of the law of 1916, four partial and inadequate laws covered a part of the approximately 490,000 civilian employees of the United States, at a cost of some $600,000 per annum; while of the new law it is estimated that a less amount will carry its more equitable and scientifically distributed benefits, covering the entire group, at least until the accumulation of a considerable number of continuing payments.

What will be the next step on the part of Congress can not of course be foretold. The importance of a railroad law can hardly be overstated in view of the confusion resulting from the attempt to construe compensation and liability laws side by side as must be done in by far the greater part of the territory of the United States to-day. The Employers' Liability (railroad) Act of 1908 was well in advance of the legislation in its field when enacted, but the same can not be said after the lapse of the brief period since that date, even the liability laws of some of the States surpassing it in liberality. Instead of the enactment of a Federal compensation law, however, it has been proposed that Congress repeal the liability law of 1908 and relegate the entire subject of redress for injuries to railroad employees, both interstate and intrastate, to the control of the State laws. The District of Columbia is governed by no legislation except in the matter of commerce by railroad, workmen generally being under the common law, and an antiquated construction of it at that; so that there is a need in this regard, as well as for the employees of the District, who may well ask to be placed on as good a footing as are those of the Federal Government, with whom they are in constant contact and comparison. And, finally, the status of the employees of contractors may properly be considered, Congress having by its action in passing the law of 1916 committed itself to a standard that other workmen within its purview may regard as their measure of rights; while on the other hand, the enactment in behalf of those who may be called its own employees clears the way for Congress to act in behalf of others for whom its responsibility is not so direct, but who must nevertheless look to it for any adequate protection in case of injury in employment.

MUTUAL INSURANCE COMPANIES.

The insurance of the employers' risk under the compensation laws is the subject of various forms of treatment, as appears from the fact that some of the laws are in themselves insurance laws, others require some form of insurance without specifying its type, while still others leave the matter entirely to the initiative and choice of the persons interested. Stock companies writing employers' liability insurance under the old laws naturally extend their activities to cover the obligations imposed by the new legislation; and both by provision of law and by a natural growth to meet new conditions, the question of the formation of mutual companies came into increased prominence. In some States the compensation acts themselves contain provisions covering this subject, while special acts regulating the formation of such companies have been passed in several others, and while they are not strictly parts of the compensation laws, they are so closely related to their operations that they should be considered in this connection. Their similarity of form and purpose makes it unnecessary, however, to reproduce each of them at length, and that of New York is here given as representative of this class of laws. The act is in the form of an article of the law of the State relating to insurance corporations, and is as follows:

NEW YORK.

CONSOLIDATED LAWS.

CHAPTER 28. ARTICLE 5-A.—*Workmen's compensation insurance—Mutual companies.*

(Added by chapter 832, Acts of 1913, extra session.)

Who may incorporate.

SECTION 185. Thirteen or more persons may become a corporation for the purpose of insuring on the mutual plan against loss or damage resulting from accident to or injury suffered by an employee or other person and for which the person insured is liable, or the liability of the employer to pay compensation to his employees, or the compensation of employees under any workmen's compensation law * * * by making and filing in the office of the superintendent of insurance a certificate to be signed by each of them, stating their intention to form a corporation for the purpose named, and setting forth a copy of the charter which they propose to adopt, which shall state the name of the proposed corporation, the place where it is to be located, the mode and manner in which its corporate powers are to be exercised, the number of directors, the manner of electing its directors and officers, the time of such elections, the manner of filling vacancies, the names and post-office addresses of the directors who will serve until the first annual meeting of such corporation, and such further particulars as may be necessary to explain and make manifest the objects and purposes of the corporation. Such certificate shall be approved or acknowledged and recorded in a book kept for that purpose by the superintendent of insurance and a certified copy thereof shall be delivered to the persons executing the same.

SEC. 186 (as amended by chapter 506, Acts of 1915). Upon receipt of a certified copy of the certificate of incorporation from the superintendent of insurance, the persons signing such certificate may open books to receive applications for membership therein. No such corporation shall transact any business of insurance unless the annual premium cost on the insurance applied for shall be not less than twenty-five thousand dollars at the minimum annual rates approved by the superintendent of insurance and until at least forty employers employing not less than twenty-five hundred employees; or thirty employers employing not less than five thousand employees; or twenty employers employing not less than seven thousand five hundred employees; or ten employers employing not less than ten thousand employees have become members of such corporation and applied for and agreed to take insurance therein, covering the liability of such employers to their employees for accidents to or injuries suffered by such employee nor until the facts specified in this section have been certified under oath by at least three of the persons signing the original certificate to the superintendent of insurance and the superintendent of insurance has issued a license to such corporation authorizing such corporation to begin writing the insurance specified in this article. The superintendent of insurance must be satisfied that the membership list of the corporation is genuine and that every member thereof will take the policies as agreed by him within thirty days of the granting of the license to the corporation by the superintendent of insurance to issue policies. If at any time the number of members or the number of employees who are employed by the members of the corporation falls below the number required by this section, no further policies shall be issued by the corporation until other employers have made bona fide applications for insurance therein, who, together with the existing members, amount to not less than forty employers who employ not less than twenty-five hundred employees, or thirty employers who employ not less than five thousand employees, or twenty employers who employ not less than seven thousand five hundred employees, or ten employers who employ not less than ten thousand employees, and in the event that such applications for insurance shall not be obtained within a reasonable time, to be fixed by the superintendent of insurance, such superintendent may take the proceedings against such corporation under section sixty-three of this chapter to the same effect as if clause h of subdivision one of such section was specifically applicable to corporations organized under this article. **Completion of organization.**

The members of the corporation shall be policyholders therein, and when any member ceases to be a policyholder he shall cease, at the same time, to be a member of the corporation. A corporation, partnership, association, or joint stock company may become a member of such insurance corporation and may authorize another person to represent it in such insurance corporation, and such representative shall have all the rights of any individual member. Any person acting as employer in the capacity of a trustee may insure in such corporation and as such trustee may assume the liabilities and be entitled to the rights of a member, but shall not be personally liable upon such contract of insurance. **Members to be policyholders.**

Such corporation may borrow money or assume liability in a sum sufficient to defray the reasonable expenses of its organization.

SEC. 187. Any such corporation shall have not less than thirteen directors, and such officers as shall be provided in the certificate of incorporation or by the by-laws made by the members. The directors shall be elected annually by the votes of the members. All except two of the directors of the corporation elected after the organization of the corporation is completed and it is authorized to begin to issue insurance policies shall be members of the corporation. All the officers except the secretary, assistant secretary and the actuary must be members of the board of directors. **Directors and officers.**

Voting power. SEC. 188 (as amended by chapter 506, Acts of 1915). At all meetings of the members of the corporation each member shall have one vote and one additional vote for every five hundred employees or major fraction thereof, covered by the policy held by such member in the corporation: *Provided*, That no member shall have more than twenty votes. The number of votes of a member shall be determined by the average number of employees at work and covered by said member's policy in the corporation during the last six months from a date not more than ten days immediately prior to the date of any such meeting. Before any member shall be permitted to cast more than one vote at any meeting of members he shall file with the secretary an affidavit showing the average number of employees at work during the preceding six months covered by the employer's policy of insurance.

Assessments. SEC. 189. The corporation may in its by-laws and policies fix the contingent mutual liability of the members for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a member shall not be less than an amount equal to and in addition to the cash premium written in the policy. If the corporation is not possessed of cash funds above its unearned premium sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the members liable to assessment therefor, in proportion to their several liability. Every member shall be liable to pay and shall pay his proportionate part of any assessment which may be laid by the corporation in accordance with law and his contract, on account of losses and expenses incurred while he was a member, if he is notified of such assessment within one year after the expiration of his policy. All assessments shall be based upon present values of all future payments, and all proposed premium assessments shall be filed in the insurance department and shall not take effect until approved by the superintendent of insurance, after such investigation as he may deem necessary. All funds of the corporation and the contingent liability of the members thereof shall be available for the payment of any claim against the corporation.

Dividends. SEC. 190. The board of directors may, from time to time, fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compensation and other policy obligations which may be payable on account of the injuries sustained and expenses incurred. Any such corporation may hold cash assets in excess of its liabilities, but such excess shall be limited to one hundred per centum of its reserves for losses and expenses incurred, and may be used from time to time in payment of losses, dividends, and expenses.

Reserves. SEC. 191 (as amended by chapter 506, Acts of 1915). Such corporation shall be required to maintain the same reserves for the protection of policyholders and employees who may have a right of action directly against such corporation as are required to be maintained by stock insurance corporations in relation to the same class of insurance, except that reserves for liability for insurance of compensation under the workmen's compensation law shall be prescribed by the superintendent of insurance, and the superintendent of insurance may suspend or cancel the certificate issued by him authorizing said corporation to transact such insurance business at any time when in the judgment of the superintendent of insurance the reserves of said corporation are insufficient to insure and secure the payment of its policy obligations, and the superintendent of insurance may reinstate or renew said certificate whenever by assessment or otherwise said reserves have been increased to a sum sufficient in the judgment of the superintendent of insurance to insure and secure the payment of the policy obligations of such corporation.

Reports and examinations. SEC. 192. Every such corporation shall make reports to the superintendent of insurance at the same times and in the same manner as are required from stock insurance companies transact-

ing the same kind of business, and the superintendent of insurance may examine into the affairs of such corporation at any time, either personally or by any duly authorized examiner appointed by him, and the superintendent of insurance must make such an examination into the affairs of said corporation at least once in every two years.

Prevention of accidents.

SEC. 193. The board of directors shall make and enforce reasonable rules and regulations not in conflict with the laws of the State for the prevention of accidents to the employees on the premises of members, and for this purpose the inspectors of the corporation shall have free access to all such premises during regular working hours. The policy of any member neglecting to provide suitable safety appliances as provided by law or as required by the board of directors may be canceled and terminated by the board of directors after giving to such member notice of cancellation ten days prior to its becoming effective.

Foreign companies.

SEC. 194. After January first, nineteen hundred and seventeen, the superintendent of insurance may, in his discretion, issue a certificate of authority to a mutual corporation organized under the laws of another State to do such insurance in this State: *Provided*, That, in no event, shall authority be given to any such mutual corporation to do other kinds of business than those specified in this article. Such corporation shall be required to maintain the same reserves for the protection of members and employees as are required for domestic corporations authorized to transact the same kind of insurance.

Other States having laws on this subject are California (ch. 177, Acts of 1913; ch. 661, Acts of 1915), Colorado (ch. 181, Acts of 1915), Illinois (p. 485, Acts of 1915), Indiana (ch. 140, Acts of 1915), Kentucky (ch. 19, Acts of 1916), Maryland (ch. 489, Acts of 1914), Massachusetts (ch. 251, Acts of 1911; ch. 181, Acts of 1915), Michigan (act No. 12, Acts of 1912, extra session; act No. 177, Acts of 1915), Minnesota (ch. 122, Acts of 1913), Nebraska (secs. 3322–3345, Rev. Stat., 1913), New Hampshire (ch. 170, Acts of 1915), Oklahoma (ch. 225, Acts of 1915), Pennsylvania (act No. 342, Acts of 1915), and Texas (ch. 156, Acts of 1915).

The law of California requires 5 incorporators and not less than 5 nor more than 11 directors. Business may be begun with 100 subscribers having not less than 1,000 employees in the aggregate. The State insurance commissioner may limit the membership of any company to persons engaged in the same general character of industry or residing within a limited part of the State. The term of the corporation may not exceed 50 years. Premium rates may not be less than those fixed by the State workmen's compensation rating bureau.

Under the Colorado statute 15 or more employers, individual or corporate, may associate to write mutual insurance. Business may not be begun until at least 20 employers with not less than 2,500 employees apply for and agree in writing to take insurance and until such applications and agreements are properly authenticated to the commissioner of insurance. In special cases, where the hazard is comparatively slight, the number of employees may be reduced but must be above 1,000. Members have one vote for each 500 employees or major fraction thereof, but no member may have more than 20

votes. Directors make classifications and fix premium rates and may allow for merit rating; they may also maintain separate funds and rates for different employments.

In Illinois not less than 20 persons may form a mutual association and may begin business with the simultaneous issue of at least 20 policies to 20 members covering the same kind of insurance upon not less than 200 separate risks. No maximum single risk may exceed 20 per cent of its admitted assets, or three times the average policy, or 1 per cent of the insurance in force, whichever is the greater. Not more than $25,000 admitted assets is required, and at least 1,500 employees must be covered, each employee being considered a separate risk. Policyholders must be members of the corporation and are entitled to votes in accordance with the insurance in force, the number of policies held, or the amount of premium paid, as may be provided by the by-laws.

The Indiana statute requires at least 20 incorporators and contains provisions as to initial issue of policies, maximum single risks, and the amount of admitted assets and number of employees similar to provisions in the Illinois statute; provisions as to voting are also similar.

Twenty persons may incorporate in Kentucky; not more than $25,000 in admitted assets shall be required for the commencement of business. At least 1,500 employees shall be covered by a minimum of 20 policies, each employee being considered as a separate risk. Votes shall be by the number of policies held or the amount of premium paid, as the by-laws may determine.

The Maryland statute calls for at least 9 directors and 20 subscribers, with 2,000 employees as a minimum for the commencement of business. Members have 1 vote for each 500 employees or major fraction thereof, but not more than 10 votes in all. If employees contribute to the insurance fund they are to have an equal voting power with the employers.

In Massachusetts 10 or more persons may form a mutual company, but no policy may be issued until applications for insurance in an amount not less than $50,000 have been received, or applications by not less than 100 employers with not less than 10,000 employees, or applications by not less than 50 employers having not less than 5,000 employees, each employer obligating himself in an amount not less than five times his cash premium, which may be called upon in emergency, or they may give bond in the amount of $100,000 to meet such emergencies; a fund of $50,000 in cash deposited with a trustee may be substituted for the bond. In any case provision must be made for extraordinary losses caused by disasters. In general, corporations of this class are subject to the provisions of the corporation laws of the State.

The law of Michigan requires 5 incorporators and provides for a discretionary restriction to groups of employers engaged in operations of the same general character. At least 5,000 employees must be represented. The term of the corporation may not exceed 30 years. In fixing premium rates the board of directors may take into account the safety conditions of the plants of the respective subscribers. The law of 1915 authorizes any mutual company, organized in the State or elsewhere, to write liability insurance if possessed of net cash assets in an amount of $500,000.

In Minnesota 20 incorporators are required, and business may be begun only when there are at least 5,000 employees covered. A proviso as to companies insuring creameries and cheese factories allows them to operate only if there are 300 employees covered, the number of subscribers being not less than 200. This act requires a statement, in each policy, of the maximum contingent liability of the holder. The life of the corporation is limited to 30 years.

Twenty employers with 5,000 employees may incorporate in Nebraska, and the charter may be perpetual. Subscribers may cast one vote for each $100 premium or fraction thereof paid during the preceding calendar year.

The New Hampshire law authorizes the incorporation of 20 or more employers with not less than 5,000 employees. The general corporation law applies where not inconsistent with the present act. One vote is allowed for each $100 or fraction thereof paid in premiums, no person to be allowed more than 20 votes. Directors may inspect plants, prescribe safety rules and regulations, and examine books and pay rolls. Merit rating is permissible, and a reserve, as required by the insurance commissioner of the State, must be provided. Groups of industries and separate funds may be maintained, but all funds are ultimately available to meet losses when necessary.

The Oklahoma statute is identical with that of Illinois in the points noted. The premium rates to be charged by mutual companies, as by "every insurance company granting insurance against liability of employers," are subject to revision by the State insurance board if found unreasonably high or inadequate. (Ch. 174, Acts of 1915.)

The Pennsylvania law requires 20 or more employers with not less than 5,000 employees who have accepted the elective compensation system of the State, though in case of agricultural employments not less than 200 employers and 500 employees are required. The same provision as to voting, inspection, premiums, groups, funds, and ultimate collective liability as appears in the New Hampshire law is in force in this State. A surplus may be established to cover catastrophe hazards.

The Texas statute differs considerably from the other laws of this class and authorizes subscribers "to exchange reciprocal or inter-insurance contracts with each other" at an office designated in the application for such authority. Not less than 75 employers with 2,000 employees must apply and must place in deposit at least $10,000 for the payment of losses, and the reserve fund must be retained at this amount as a minimum. The insurance contracts must amount to not less than $500,000, and no employer may assume a risk in excess of 10 per cent of his net worth as shown by a reputable commercial rating agency.

Applicable to the above forms of insurance companies, and to all others operating in the field, including the State fund, are the provisions of a statute of California (ch. 642, Acts of 1915, adding sec. 602b to the Political Code of the State) which requires every such company to file with the State insurance commissioner its classification of risks and premium rates, together with its list of schedule or merit ratings. After hearings the commissioner is to fix a uniform classification of risks and premium rates, and may also establish a uniform system of merit rating; no insurance may be carried at less than the established rates. The statistical and actuarial data compiled by the State's industrial accident commission and compensation insurance fund are to be at the disposal of the insurance commissioner for the purposes above set forth.

WORKMEN'S COMPENSATION LAWS OF FOREIGN COUNTRIES.[1]

The principle of systematic compensation for losses due to industrial accident has been practiced in Europe for over a century, the earliest examples being found in the mining industries, especially in Germany and Austria. As these industries were the first to be operated with large numbers of employees, whose life and safety depended on the care and skill of the manager and of their fellow workmen, and, in addition, had a high danger rate, it was but natural that attempts should be made to provide in a definite manner for the relief of the distress caused by accidental injuries or other physical disability of employees. The industry of navigation possessed similar characteristics and also developed at an early date comparatively well-defined systems of relief for disability asiring from the operation of vessels. The next industry to be operated on a large scale, an industry which had at the same time a high trade risk, was that of railway transportation, and in the States of the present German Empire we find record of early efforts to make provision for railway employees on a more liberal scale than that prevailing in the manufacturing industries.

With the introduction of the factory system, the development of large-scale industries, and the more extensive use of power machinery, there was an increase in the trade risk of the industries so affected. Previous to the development of large-scale production a system of compensation for industrial accidents prevailed in practically all countries of the world, based on the idea that a workman suffering an injury from industrial accident should be compensated by the person or persons at fault in causing the accident. The relief provided under the civil code in continental Europe was more readily obtainable than that permitted under the English common law, but in each case the person liable was supposed to have committed some fault, and it was necessary for the plaintiff to begin suit and to prove such fault or negligence according to the rules of evidence prevailing in the courts of each country.

[1] This article is a revision and extension of similar articles published under the titles "Summary of foreign workmen's compensation acts" in Bulletin No. 74 (January, 1908), Bulletin No. 90 (September, 1910), and Bulletin No. 126 (December, 1913) of the United States Bureau of Labor Statistics, and is believed to cover all legislation to the end of 1915, and, besides, contains some laws of 1916.

To distinguish them from employers' liability laws, the term "workmen's compensation laws" is used to designate those acts which provide for the award of fixed sums to employees injured in industrial accidents, without the necessity of litigation and without reference to the question of negligence upon which employers' liability acts are based. It is provided in most such laws, however, that gross negligence on the part of the injured person will bar his right to compensation, while, on the other hand, such negligence on the part of the employer sometimes gives rise to a right to increased compensation.

The first country to adopt a comprehensive system of accident compensation on a national scale was Germany in 1884. Austria followed in 1887, and since then practically all industrial foreign countries have adopted this plan, with more or less modification. Disregarding early acts affecting only selected groups of workmen, the order in which the various countries have passed laws providing national systems of accident compensation is as follows:

DATES OF ENACTMENT OF FOREIGN COMPENSATION LAWS.

Country.	Date of enactment of original law.	Country.	Date of enactment of original law.
Germany	1884	Transvaal	1907
Austria	1887	Newfoundland	1908
Norway	1894	Alberta	1908
Finland	1895	Bulgaria	1908
Great Britain	1897	Quebec	1909
Denmark	1898	Manitoba	1910
Italy	1898	Nova Scotia	1910
France	1898	Liechtenstein	1910
Spain	1900	Serbia	1910
New Zealand	1900	New South Wales	1910
South Australia	1900	Tasmania	1911
Netherlands	1901	Peru	1911
Greece (mining, quarrying, metallurgy, etc., only)	1901	Montenegro	1911
Sweden	1901	Japan	1911
Western Australia	1902	San Salvador	1911
Luxemburg	1902	Switzerland	1912
British Columbia	1902	Roumania	1912
Russia	1903	Portugal	1913
Belgium	1903	Ontario	1914
Cape of Good Hope	1905	Union of South Africa [1]	1914
Queensland	1905	Victoria	1914
Venezuela (mining only)	1906	Argentina	1915
Mexico—Nuevo Leon	1906	Colombia	1915
Hungary	1907	Cuba	1916

[1] Repeals and supersedes laws of Cape of Good Hope and Transvaal.

The industries usually covered by the acts are manufacturing, mining and quarrying, transportation, building and engineering work, and in some countries agriculture, forestry, and navigation. In Venezuela only mining is covered and in Greece only mining, quarrying, and metallurgy. In Belgium, Great Britain, and Victoria the laws apply to practically all employments.

In Austria, Belgium, Denmark, Finland, Germany, Italy, Luxemburg, Netherlands, Norway, Spain, and Sweden the persons subject

to compensation within the industries covered are wage earners only, and in some cases those exposed to the same risks, such as overseers and technical experts. On the other hand, in France, Great Britain, the British colonies, Hungary, and Russia the laws apply to salaried employees and workmen equally.

Overseers, technical experts, and employees earning more than a prescribed amount are excluded in some countries, as Belgium ($463), Denmark ($643), Germany ($1,190), Great Britain ($1,217), Italy ($1.35 a day), Luxemburg ($724), Manitoba ($1,200), New Zealand ($1,265), and Ontario ($2,000). Employees of the State, provincial, and local administrations usually come within the provisions of the acts.

It will thus be seen that even in the countries which were earliest in accepting the principle of workmen's compensation the systems of insurance do not, in most cases, cover all wage earners. The German Imperial Insurance Office in December, 1912, published an estimate presenting, so far as the data were available, the number of wage earners in the population and the number of persons covered by the accident compensation insurance.

NUMBER OF WAGE EARNERS IN THE POPULATION AND NUMBER OF PERSONS COVERED BY ACCIDENT COMPENSATION INSURANCE.

[From Die Sozialversicherung in Europa nach dem gegenwärtigen Stande der Gesetzgebung in den verschiedenen Staaten. Ergänzter Neudruck (Januar, 1913) der Sonderbeilage zum Reichs-Arbeitsblatt Nr. 12, 1912.]

Country.	Year of statistics.	Population.	Wage earners.	Persons insured.
Austria	1909	27,800,000	10,000,000	3,710,000
Belgium	1910	7,400,000	2,100,000	.....
Denmark	1911	2,900,000	500,000	.....
Finland	1909	3,000,000	500,000	.....
France	1911	40,000,000	10,000,000	4,250,000
Germany	1911	65,000,000	16,700,000	24,600,000
Great Britain	1911	45,200,000	14,000,000	13,000,000
Greece	1910	2,700,000	.....	.....
Hungary	1909	21,000,000	3,200,000	1,100,000
Italy	1911	34,700,000	10,500,000	1,800,000
Luxemburg	1910	200,000	55,000	40,000
Netherlands	1909	5,900,000	1,500,000	500,000
Norway	1910	2,400,000	400,000	380,000
Roumania	1911	7,070,000	250,000	180,000
Russia	1910	145,000,000	6,500,000	2,400,000
Serbia	1910	2,900,000	56,000	.....
Spain	1910	20,000,000	7,000,000	.....
Sweden	1910	5,500,000	1,000,000	650,000
Switzerland	1910	3,800,000	800,000	700,000

The laws in every case fix the compensation to be paid, and with but one or two unimportant exceptions the compensation is based upon the wages received by the injured person. It consists of allowance for temporary disability, and annual pensions or lump-sum payments for death or permanent disability, to which are added, in many countries, the expenses of medical and surgical treatment, and the funeral benefit.

The matter of the inclusion or exclusion of diseases classed as industrial or occupational practically divides the laws into two groups, at least as far as the earlier legislation is concerned. These groups may be classed as continental European, in which the laws providing for compensation for accidents omit any provisions for occupational disease, and the British, including England and a number of her colonies, whose laws provide for compensation for certain diseases the same as for accident. A partial exception to the continental grouping is Russia, since, though the general law of 1903 contains no reference to such diseases, laws applicable to State mines and metallurgical establishments and to employees in government establishments generally include provisions for their compensation.

The law of Hungary (1907) provides for insurance against the consequences of sickness and accidents, the provisions as to sickness insurance relating to designated classes of employment, so that it has a strong industrial aspect. The Swiss law of 1911 likewise combines sickness and accident insurance, but the provisions as to sickness are of broader scope than in the Hungarian law. The new law of Denmark (1916) also provides for industrial diseases, as does the somewhat earlier one of Portugal (1913). Efforts have been made for their inclusion in other countries, notably in France and Spain, but these do not appear to have been successful thus far. However, in a number of the countries of continental Europe there is provision for sickness insurance under systems separate from or coordinate with their compensation laws.

The British statute of 1906 provided for compensation for a limited number (6) of industrial diseases, with power in the hands of the secretary of state for the home department to increase the number, which has been done by various orders until some 25 or 30 diseases have been included.[1] The laws of British Columbia (1916), New Zealand (1908), Nova Scotia (1915), Ontario (1914), South Australia (1911), and Victoria (1914) follow in their scope the original provisions of the British act of 1906, somewhat modified in some cases. The law of Western Australia (1912) covers injury to health or loss of life arising out of or consequent upon employment declared by proclamation of the governor to be dangerous, the legislature assenting.

In the countries to the south of us, the laws of San Salvador (1911) and the Argentine Republic (1915) provide for compensation for diseases due to the employment.

The laws of the various countries are not equally liberal in providing for compensation in the case of minor accidents, regardless of the period of resulting disability. Eight countries grant compensation for all injuries involving any loss of working time, the most

[1] See Bulletin No. 157, p. 122.

important being Italy, Russia, and Spain. In most countries, however, a waiting time is fixed, beyond which disability must extend in order to entitle the injured workman to compensation. This waiting time varies greatly, from 2 days in the Netherlands and in Switzerland up to 60 days in Sweden and 13 weeks in Denmark. These variations in waiting time, it may be noted, are important as measuring the completeness with which accident disabilities are compensated under the various systems, and must be borne in mind in a study of accident statistics whenever such statistics are based upon the accidents compensated, as is the practice in some countries.

In the following statement is shown for each country the length of disability necessary under the law to entitle the injured workman to compensation. In this statement no note is made of provisions for benefits in the form of medical treatment, medicines, etc.

LENGTH OF ACCIDENT DISABILITY NECESSARY TO ENTITLE INJURED EMPLOYEES TO BENEFITS.

No waiting time:
- Colombia.
- Italy.
- Liechtenstein.
- Mexico—Nuevo Leon.
- Peru.
- Portugal.
- Russia.[1]
- San Salvador.
- Serbia.[1]
- Spain.
- Venezuela.

Over 2 days:
- Netherlands.
- Switzerland.

Over 3 days:
- Austria.[1]
- British Columbia.
- Germany.[1]
- Hungary.[1]
- Luxemburg.[1]
- Norway.[1]
- Queensland.

Over 4 days:
- Greece.

Five days or more:
- France.

Over 6 days:
- Argentina.
- Finland.

At least 1 week:
- Great Britain.
- Newfoundland.
- New Zealand.
- Nova Scotia.
- Ontario.
- South Australia.
- Tasmania.
- Union of South Africa.
- Victoria.

Over 1 week:
- Belgium.
- Quebec (over 7 days).

At least 2 weeks:
- Alberta.
- Cuba.
- Western Australia.
- New South Wales.

Over 2 weeks:
- Manitoba.
- Roumania.[1]

Over 60 days:
- Sweden.

Over 13 weeks:
- Denmark.

[1] Including benefits paid out of compulsory sickness insurance funds during early part of disabilities due to accident, as explained in the text.

In some of the countries compensation during the early part of the disability period is paid out of funds established under systems of compulsory sickness insurance. Where such provision is made, full account has been taken of the fact in making up the above statement. The countries in which a system of compulsory sickness insurance exists and the periods during which disabilities resulting from accident are compensated out of sickness funds are as follows:

Austria, first 4 weeks.
Germany, fourth to ninety-first day.
Hungary, first 10 weeks.
Great Britain, beginning with fourth day.[1]
Luxemburg, first 13 weeks.
Norway, first 4 weeks.
Roumania, first 2 weeks.
Russia, first 13 weeks.
Serbia, first 13 weeks.

In a considerable number of other countries systematic provision is made for voluntary sickness insurance, but inasmuch as all such systems are entirely voluntary, with membership depending on the initiative of the workman himself, they are properly omitted from a statement such as the above.

The entire burden of the accident compensation cost rests upon the employer in all but nine countries: Austria, Bulgaria, Germany, Greece, Hungary, Luxemburg, Montenegro, Roumania, and Russia. In these countries the employees bear a part of the expense.

The acts of nearly all of the countries are framed with the view of obviating the necessity for instituting legal proceedings. If disputes arise the acts specify the necessary procedure for settlement by special arbitration tribunals or by ordinary law courts.

In most countries the adoption of the law carries with it the abrogation of all rights under liability laws for the persons concerned; in some countries the injured employee retains the right to sue under the general liability laws in cases of gross negligence on the part of the employer; while in a few cases the liability laws are left undisturbed with the right to choose either method of compensation.

So far as the method of organization of insurance is concerned, the countries may be divided into two large groups, according to whether insurance is compulsory or voluntary.

I. COMPULSORY INSURANCE.

Two forms of compulsory insurance are differentiated—compulsory insurance and compulsion to insure; one enforcing compulsory insurance in prescribed institutions, the other enforcing the obligation to insure, but leaving free the choice of the insurance institution.

[1] National Insurance Act has provisions to limit duplication of sickness and compensation benefits.

A. COMPULSORY INSURANCE IN PRESCRIBED INSTITUTIONS.

1. In a Government institution with a monopoly of insurance:
   British Columbia, Norway, Nova Scotia, and Ontario, one State insurance bureau for all industries.
   Switzerland, a national accident insurance fund.
2. In employers' compulsory mutual associations, controlled by the State:
   (a) Organized on territorial lines.
      (1) Luxemburg, one institution for all industries.
      (2) Hungary, two institutions—one for Hungary and one for Croatia-Slavonia, including all industries.
      (3) Austria, seven institutions, the whole country being divided into seven districts for all industries, in addition to which there are separate institutions for railroads and mining.
      (4) Russia.
   (b) Organized on industry lines.
      (1) Germany, 66 industrial institutions, each covering the entire country for one group of industries, except that some industries have several associations, each covering a specified area; in addition there are 48 agricultural institutions.
      (2) Greece, where the law applies to mines, quarries, and metallurgical establishments only, has a special miners' fund.

B. COMPULSORY INSURANCE WITH CHOICE OF INSURANCE INSTITUTION.

1. Private companies or mutual associations with State institutions competing:
   (a) Italy has the National Industrial Accident Insurance Institution; except that for navigation and for the Sicilian sulphur mines, compulsory mutual associations have been created by special legislation.
   (b) Netherlands has the Royal Insurance Bank. The employers may insure in private insurance companies or may be permitted to carry their own insurance, but all compensation is paid by the Royal Insurance Bank, which deals with the employer or insurance company.
   (c) Queensland and Victoria have the State accident insurance fund.
2. Private companies or mutual associations without State institution competing:
   Cuba.
   Finland, except that for seamen a special compulsory employers' mutual association under strict Government control has been established by special law.

II. VOLUNTARY INSURANCE.

A. PRIVATE COMPANIES OR MUTUAL ASSOCIATIONS WITH STATE INSTITUTION COMPETING.

1. Sweden, with State Insurance Institute.
2. France, with National Accident Insurance Fund, which, however, is not permitted to provide against temporary disability. Compulsory insurance is provided for seamen in a special Government institution.

B. PRIVATE COMPANIES OR MUTUAL ASSOCIATIONS WITHOUT STATE COMPETITION.

1. Argentina, Belgium, Colombia. (Belgian law as to accident insurance in National Retirement Fund not in operation.)
2. Denmark, where insurance is voluntary, except that the law requires compulsory insurance of seamen, either in mutual associations or in insurance companies, and where a State institution exists for voluntary insurance of fishermen and seamen not covered by the compulsory law.
3. Great Britain and most of the British colonies.
4. San Salvador and Spain.

Wherever there is compulsory insurance in prescribed institutions controlled by the State, there is of course no question as to the security of payments. Such is the case in Norway, where a Government bureau provides the insurance, and in Switzerland, where the National Accident Insurance Fund is maintained by the Confederation. In Germany, Austria, Hungary, Luxemburg, the Netherlands, and Russia the law either specifically states or implies the guaranty of the solvency of the institutions providing the insurance. In the Netherlands the injured workman is protected by the equivalent of insurance in the Royal Insurance Bank, irrespective of the institution in which the employer carries the insurance; the uninsured employer and the private insurance companies are required to give satisfactory guaranties to the Royal Insurance Bank. In Greece the payments are guaranteed by the National Miners' Fund.

The second method of State guaranty is by a special national fund, from which the compensation is paid in cases of insolvency, either of the employer or of the insurance carrier. The sources of revenue of these funds show considerable differences. In Italy, notwithstanding the system of compulsory insurance, a fund has been organized under the supervision of the Government Bank of Deposits and Loans, supported by fines for noncompliance with requirement to insure, or other fines, and by the compensation due in fatal cases but not paid because of absence of survivors. In France the guaranty fund is managed by the National Old Age Retirement Fund and is sup-

ported by special taxes upon all employers covered by the act, but this fund guarantees pension payments only, while compensation for temporary disability is secured by a preferred claim on the assets of the employer. In Belgium the guaranty fund is managed by the National Retirement Fund and is supported by a tax levied only upon those employers who do not carry insurance.

Where no State guaranty exists guaranties must be exacted from insurance companies or from the individual employer. Wherever insurance is either voluntary or there is a choice of insurance institutions, the Government protects the insured employee by requiring the insurance company to maintain proper reserves or to make guaranty deposits with the Government, or by both methods combined.

In the case of uninsured employees, their interests are usually protected by giving them a preferred claim upon the assets of the employer. In certain countries, where there is no compulsory insurance, the employer is not permitted to carry the liability for continuous payment of pensions in cases of death or permanent disability, but must provide for such payments through insurance institutions.

In Belgium both reserves and guaranty deposits are exacted; in addition, the capitalized value of pensions must be deposited in the National Retirement Fund. There is, therefore, no necessity for giving the injured employee a preferred claim on the assets of the employer.

Finland requires the payment of the capitalized value of the pension to an insurance company in cases where no insurance has been taken. The guaranty of the pension payments of the uninsured employer is limited to a preferred claim upon his assets in case of insolvency in the following countries: Denmark, Great Britain, Sweden, and the British colonies.

In Spain both reserves and deposits are required from insurance carriers, but in case of uninsured employers no special provision is made in case of insolvency.

ANALYSIS OF PRINCIPAL FEATURES OF THE LAWS.

Compensation laws have been enacted in 46 foreign countries and are summarized in the following pages. The law of New Brunswick, covering compensation for industrial accidents, is not here included because, while very much broader than the former laws of negligence, it is still an employers' liability law rather than a workmen's compensation law.

ALBERTA.

Date of enactment. March 5, 1908; in effect January 1, 1909.

Injuries compensated. Injuries by accident arising out of and in the course of the employment which cause death or disable a workman for at least two weeks from earning full wages at the work at which he was employed. Compensation is not paid when injury is due to serious and willful misconduct of the workman, unless the injury results in death or permanent disablement.

Industries covered. Railways, factories, mines, quarries, engineering work, construction, repair, and demolition of buildings, either over 30 feet in height, or with the use of mechanical power.

Persons compensated. Any person employed in manual labor, and other employees whose remuneration does not exceed $1,200 a year.

Government employees. Government employees are covered by this act if employed in establishments or undertakings to which the law applies.

Burden of payment. Entire cost of compensation rests upon employer.

Compensation for death.

(*a*) To those entirely dependent on earnings of deceased, a sum equal to three years' earnings, but not less than $1,000, nor more than $1,800.

(*b*) To those partially dependent on earnings of deceased, a sum less than above amount, to be agreed upon by the parties or fixed by arbitration.

(*c*) Temporary payments previously made to be deducted from the above amounts.

(*d*) If deceased leaves no dependents, reasonable expenses of medical attendance and burial, but not to exceed $200.

Compensation for disability.

(*a*) A weekly payment of not more than 50 per cent of employee's weekly earnings, but not exceeding $10 a week, for employees 21 years and over or earning $10 a week and over.

(*b*) 100 per cent of employee's earnings, but not exceeding $7.50 a week for employees under 21 years of age and earning less than $10.

For partial disability, such weekly payment "as may appear proper" with regard to the difference between employee's average weekly earnings before the accident and average weekly amount which he is earning or able to earn after the injury, but not to exceed the amount of that difference.

A lump sum may be substituted for the weekly payments after six months, on the application of the employer, the amount to be settled by agreement or by the courts.

Revision of compensation. Weekly payments may be revised at request of either party.

Insurance. Employers may make contracts with employees for substitution of a scheme of compensation benefit or insurance in place of the provisions of the act, if the attorney general certifies that the scheme is not less favorable to the workmen and their dependents than the provisions of the act, and that a majority of the workmen are favorable to the substitute. The employers are then liable only in accordance with the provisions of the scheme.

Security of payments. In case of employer's bankruptcy, the amount of compensation due under this act, up to $500 in any individual case, is classed as a preferred claim, or when an employer has entered into a contract with insurers in respect of any liability under the act to any workman, such rights of the employer, in case he becomes bankrupt, are transferred to and vested in the workman.

Settlement of disputes. Disputes arising under the act are settled by arbitration, either by an arbitration committee representing employer and employees, or by an arbitrator, or, in absence of agreement, by the court. The attorney general may confer upon such arbitration committee any or all of the powers of courts in connection with the act.

ARGENTINA.

Date of enactment. September 27, 1915; in effect January 14, 1916.

Injuries compensated. Injuries by accident occurring during the time of employment of the services of employees, causing death or incapacity for more than six working days, not intentionally caused by the victim or due exclusively to his serious fault, or to force majeure not connected with the work.

Industries covered. Industrial establishments in which other than human power is used as motive power; construction and repair of buildings, railways, ports, docks, and canals; mines and quarries; transportation; the manufacture and use of explosives, electricity, etc.; forestry and agriculture as regards transportation and the use of mechanical motive power; installation and maintenance of telegraphs, telephones, and lightning conductors; any industry of like character, dangerous to workmen, so scheduled by the Executive at least 30 days before the accident.

Persons compensated. All employees in the industries covered whose wages do not exceed $3,000 ($1,320 United States) per annum.

Government employees. Apparently included.[1]

Burden of payment. All on the employer.

Compensation for death.

(*a*) Funeral benefit not exceeding $100 ($44 United States).

(*b*) An amount equal to 1,000 days' wages, not over $6,000 ($2,640 United States), in monthly payments, to the spouse or infant children (under 22 years of age); if none survive, then to ascendants, or to grandchildren, brothers, or sisters under 16 years of age.

Compensation for disability.

(*a*) Medicines and medical aid until death, recovery, or declared permanent disability.

(*b*) For permanent total disability, the same amount as for death.

(*c*) For temporary total disability, one-half the average daily wage; if continuing at the end of one year, it shall be considered as permanent and so compensated, prior payments being deducted.

(*d*) For permanent partial disability, 1,000 times the daily wage loss.

Revision of compensation. No provision.

Insurance. Employers may insure their obligations under the act in any company or association that complies with the provisions of the act. No policy may provide benefits less than those fixed by the act.

Security of payments. Employers and insurers must, on the accrual of any liability, deposit in the name of the beneficiary the amount of the sum due as compensation in a special fund under the charge of the national superannuation and pensions funds, to be invested in Government stock, monthly payments to be made to those entitled thereto. Benefits are exempt from execution, and can not be assigned, transferred, or renounced. In case of the bankruptcy of an employer or insurer, compensation benefits are released from the general liability of assets of the bankrupt.

Settlement of disputes. Legal proceedings of a summary character may be had before local judges.

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[1] An earlier act (June 18, 1913) applies exclusively to employment on public works. It provides a schedule for maimings, other compensation provisions being the same as above.

AUSTRIA.

Date of enactment. Dec. 28, 1887; in effect Nov. 1, 1889. Amendatory and supplementary acts, Mar. 30, 1888, Apr. 4 and July 28, 1889, Jan. 17, 1890, Dec. 30, 1891, Sept. 17, 1892, July 20, 1894, July 12, 1902, Aug. 9, 1908, Feb. 8, 1909, Apr. 29, 1912, and Feb. 11, 1913.

Injuries compensated. All injuries causing death, or disability for more than three days received in the course of employment, unless caused intentionally.

Industries covered. Mining, quarrying, stonecutting, manufacturing, building trades, railways, transportation on inland waters, storage, theaters, chimney sweeping, street cleaning, building, cleaning, sewer cleaning, dredging, well digging, structural iron working, etc.; agricultural and forestry establishments using machinery; operating motor vehicles, when not training for or taking part in racing; marine navigation and fishing on the high seas.

Persons compensated. All workmen and technical officials regularly employed, but in agriculture and forestry only employees exposed to machinery.

Government employees. Act applies to Government employees unless an equal or more favorable compensation is provided by other laws.

Burden of payment. Medical and surgical treatment for twenty weeks and compensation for four weeks of disability paid by sick funds, to which employers contribute one-third and employees two-thirds. Compensation for disability after fourth week, and for death, paid by territorial insurance associations, to which employees contribute 10 per cent and employers 90 per cent. In marine navigation and fishing on the high seas the entire burden is on the employer.

Compensation for death.

(*a*) Funeral expenses not to exceed 25 florins ($10.15).

(*b*) Pensions to members of family, not to exceed 50 per cent of earnings of deceased, to—

Widow, 20 per cent until death or remarriage; in the latter case a lump sum equal to three annual payments; to dependent widower, 20 per cent during disability.

Each legitimate child, 15 years of age or under, 15 per cent when one parent survives and 20 per cent when neither survives; to each illegitimate child, 15 years of age or under, 10 per cent; pensions of widow (or widower) and children reduced proportionately if they aggregate over 50 per cent.

(*c*) When pensions to above heirs do not reach 50 per cent, dependent heirs in ascending line receive pensions, not to exceed 20 per cent of earnings of deceased, parents taking precedence over grandparents.

(*d*) In computing pensions, the excess of the annual earnings over 1,200 florins ($487.20) is not considered.

Compensation for disability.

(*a*) Medical and surgical attendance for 20 weeks, paid by sick benefit fund.

(*b*) For total temporary or permanent disability, 60 per cent of average daily wages of insured workmen in the locality, paid by sick benefit funds, from first to twenty-eighth day; and 60 per cent of average annual earnings of injured persons, after twenty-eighth day, paid by territorial accident insurance institutions.

(*c*) For partial, temporary, or permanent disability, benefits consist of a portion of above allowance, but may not exceed 50 per cent of average annual earnings.

(*d*) In computing payments, the excess of annual earnings over 1,200 florins ($487.20) is not considered.

Revision of compensation. Reconsideration of the case may be undertaken by the insurance association of its own will, or upon petition.

Insurance. Payments are met by mutual insurance associations of employers in which all employees are required to be insured. The country is divided into districts, with a separate association for each district.

Security of payments. Operations of the insurance associations are conducted under the supervision of the minister of interior, who may increase the assessments.

Settlement of disputes. Disputes are settled by arbitration courts composed of a judicial officer appointed by the minister of justice, two experts appointed by the minister of the interior, and one representative each of the employers and the employees.

BELGIUM.

Date of enactment. December 24, 1903; in effect July 1, 1905.

Injuries compensated. All injuries by accident to employees in the course of and by reason of the execution of the labor contract, causing death, or disability for over one week, unless intentionally brought on by the person injured.

Industries covered. Practically all establishments in mining, quarrying, forestry work, manufacturing, building and engineering work, transportation, and telephone and telegraph services; establishments using mechanical motive power; industrial establishments employing five or more persons; agricultural and commercial establishments employing three or more persons; industries designated by royal decree as dangerous. Other industries at option of employer.

Persons compensated. Workmen and apprentices, and salaried employees exposed to the same risks as workmen whose annual salaries do not exceed 2,400 francs ($463.20).

Government employees. Act covers employees of any public establishment engaged in industries enumerated above.

Burden of payment. Entire cost of compensation rests upon employer.

Compensation for death.

(a) Funeral benefit of 75 francs ($14.48).

(b) A sum representing value of an annuity of 30 per cent of annual earnings of deceased, calculated upon basis of his age at death, to be distributed to—

Dependent widow or widower, whole amount if no other heirs, four-fifths if one child under 16 years of age or one or more dependent heirs, three-fifths if two or more children.

Children under 16 years of age, the residue.

Dependent heirs in ascending line and descending line under 16 years of age, in absence of widow or widower or children under 16 years of age.

Dependent brothers and sisters under 16 years of age in absence of heirs above enumerated.

(c) Allowances in case of annual wages of 2,400 francs ($463.20) or more, or of 365 francs ($70.45) or less, are based upon those amounts, respectively.

(d) Payments to widow and heirs in ascending line are converted into life pensions, those to other heirs into pensions expiring at age of 16 years. Heirs may require one-third of capital value of life pensions to be paid in cash and pension reduced accordingly.

Compensation for disability.

(a) Expense of medical and surgical treatment for not over six months.

(b) If totally disabled, an allowance of 50 per cent of daily wages, beginning with day after accident.

(c) If partially disabled, an allowance of 50 per cent of loss of earning power, beginning with day after accident.

(d) If after three years disability is permanent, temporary allowance is replaced by life annuity. Victim may require one-third of capital value of pension to be paid in cash and pension reduced accordingly.

(e) Allowances in case of annual wages of 2,400 francs ($463.20) or more, or of 365 francs ($70.45) or less, are based upon these amounts, respectively.

Revision of compensation. Revision of compensation because of aggravation or diminution of disability, or death of victim, may be made within three years.

Insurance. Employers may transfer burden of payment of compensation to establishment funds or approved insurance companies or to general savings and retirement fund. They may also transfer burden of payment of temporary allowances to mutual aid societies.

Security of payments. Employers who have not relieved themselves of liability by insurance must make deposits of cash or securities or give real-estate mortgages to secure pension payments. To secure temporary disability payments of uninsured employers a state guaranty fund is maintained by a tax levied upon such employers.

Settlement of disputes. The local justice of the peace has sole jurisdiction as a court of first resort over disputes arising under the act, and his judgment is final in all cases involving 300 francs ($57.90) or less.

BRITISH COLUMBIA.

Date of enactment. May 31, 1916; in effect January 1, 1917, superseding act of June 21, 1902.

Injuries compensated. Injuries by accident arising out of and in course of employment causing death or more than three days' disability to earn wages at the work at which the injured person was employed, and not due to his serious and willful misconduct; misconduct is not a bar where the injury results in death or serious and permanent disablement.

Industries covered. Lumbering, mining, manufacturing, construction, transportation by land and water, public utilities, municipal, police and fire departments, street cleaning, theaters, packing houses, warehouses, refrigerating plants, elevators, horseshoeing, painting, decorating, dyeing, cleaning, etc.

Persons compensated. All employees in the industries covered except salesmen and office or clerical force not exposed to the hazards of the industry, casual employees employed otherwise than for the purposes of the employer's trade or business, outworkers, and members of the employer's family.

Government employees. Includes employees of municipal corporations and of boards and commissions managing any work or service operated for a municipal corporation.

Burden of payment. Compensation cost is on employer exclusively; employer must retain 1 cent per day from each workman's wages as contribution to the medical aid fund.

Compensation for death.

(*a*) Funeral expenses in an amount not exceeding $75.

(*b*) To a widow or invalid widower, $20 monthly until death or remarriage; if widow remarries, two years' benefits are payable in a lump sum. For each child under 16 years of age, an additional sum of $5 monthly is payable, the total not to exceed $40.

(*c*) If children alone survive, $10 monthly for each until the age of 16, or beyond that age if a child is an invalid, the total not to exceed $40.

(*d*) If there are none of the above, but other dependents, a sum proportionate to their pecuniary loss caused by the death, not over $20 monthly to a parent or parents, and not over $30 in all, payments to continue only so long as contributions from the decedent might have been expected.

(*e*) If there is a dependent parent or parents and a widow, invalid widower or orphan child or children, the parent or parents may receive not over $20 monthly, the total not to exceed $40. If there are both total and partial dependents, payments may be allotted between them.

Compensation for disability.

(*a*) Medical, surgical, and hospital treatment as may be reasonably necessary.

(*b*) For total disability, 55 per cent of the average earnings of the injured person during its continuance, not less than $5 per week, unless the earnings were less, when payments shall equal the earnings.

(*c*) For partial disability, 55 per cent of the difference between the average earnings before the accident, and the amount earned or able to be earned afterwards, during the continuance of such disability. Permanent facial disfigurement not affecting earning capacity may be compensated for by a lump sum.

All compensation payments may be commuted in whole or in part to lump-sum payments.

Revision of compensation. Awards are subject to review and redetermination by reason of changes in the condition of the injured person, or in the circumstances of the dependents, or otherwise.

Insurance. All employers are required to insure in an accident fund managed by the workmen's compensation board.

Security of payments. The Province contributes to the management expenses of the fund, and is liable for its safe-keeping.

Settlement of disputes. Workmen's compensation board has exclusive and final jurisdiction.

BULGARIA.

According to the act of March 7, 1900, certain industrial undertakings (i. e., those enjoying certain advantages conferred by this act) are bound to provide a special fund for the insurance of their workpeople against accidents or to insure them with one of the insurance companies of this country. The manner of providing such funds is to be fixed by the minister of commerce and agriculture. The workpeople also contribute to the fund by means of deductions from their wages.

COLOMBIA.

Date of enactment. November 15, 1915; in effect, ——.

Injuries compensated. All injuries or permanent functional derangement to employees arising out of and in the course of their employment, unless due to the fault of the workman, force majeure outside of the occupation in which employed, imprudence or carelessness of the workman, sudden attack of sickness preventing the use of mental or physical powers, or a violation of the rules of the establishment.

Industries covered. Manufacturing establishments using mechanical power; transportation, including navigation with large vessels; public utilities, Government works; the manufacture of intoxicants; building and masonry work where more than 15 persons are employed; mines and quarries.

Persons compensated. All employed persons receiving wages not exceeding 6 gold pesos ($6)[1] per week.

Government employees. Act applies to persons employed by a municipality, State, or the General Government, whether employed by a contractor or directly by the Government.

Burden of payment. Entire burden rests upon the employer.

Compensation for death. If death occurs within 60 days, one full year's wages to heirs.

Compensation for disability.

(*a*) Necessary medical care.

(*b*) For temporary total disability, two-thirds of weekly wages.

(*c*) For permanent total disability, one full year's wages.

(*d*) For permanent partial disability, full wages for a period not less than 90 days and not more than 140 days, depending upon the character of the injury.

If the employer provides employment during incapacity, he is responsible for loss of wages only.

Employers having a capital less than $1,000[1] are required to pay for medical care only.

Revision of compensation. No provision.

Insurance. Employers may transfer obligation imposed by law by insuring their employees against such accidents in any properly organized and authorized society providing for equal compensation.

Settlement of disputes. Disputes arising under the act are settled by courts of competent jurisdiction.

[1] The Colombian gold dollar has the same value as that of the United States; the paper dollar, just above 95 cents.

CUBA.

Date of enactment. June 12, 1916; in effect, December 12, 1916.

Injuries compensated. Injuries by accident occurring by reason of and in course of employment, not due to an extraneous force or intentionally caused, and resulting in death or disability for not less than two weeks.

Industries covered. Building operations, mines and quarries, fishing, river and harbor work, the production of gas and electricity, electric installation, manufacture and use of explosives and poisonous materials, work on railroads and highways, the working of agricultural and forest products, the operation of theaters, etc., manufacturing done with the use of mechanical power, and in general, the conduct of any industry or similar work in which five or more persons are employed; on buildings where scaffolds more than 5 meters (16.4 feet) above ground are used, without reference to the number of workmen.

Persons compensated. All persons working away from their homes, in the industries covered, and for a fixed remuneration, including apprentices; also supervisory employees whose pay does not exceed $3 per day, and whose employment is for not less than 30 days.

Government employees. Employees of contractors for public works are included; also civil employees of the Government.

Burden of payment. Entire cost rests on the employer.

Compensation for death.

(*a*) Funeral expenses not to exceed $30.

(*b*) To a widow alone, 20 per cent of the annual earnings of the deceased until death or remarriage. If one child 30 per cent, increasing to 60 per cent if there are four or more.

(*c*) To children alone, the payments may not exceed 50 per cent of the wages.

(*d*) To other dependents, if none of the above survive, not in excess of 30 per cent of the earnings of the deceased.

Payments to children or grandchildren cease on their attaining majority, unless they are incapacitated; to brothers and sisters at 18 or on their contracting marriage; and to ascendants, at death.

Compensation for disability.

(*a*) Medical aid and supplies.

(*b*) For permanent total disability, a sum equal to two-thirds the annual earnings.

(*c*) For temporary disability, a daily indemnity, including Sundays and holidays, equal to one-half the earnings, a disability not recovered from within one year to be classed as permanent.

(*d*) For permanent partial disability, a sum equal to one-half the wage loss.

All payments may be increased if the injury is due to the inexcusable fault of the employer, or if he has failed to install prescribed safety appliances.

Revision of benefits. No provision.

Insurance. Private employers must insure in approved companies, or secure exemption by proof of solvency.

Security of payments. All risks must be insured, and assignments and attachments are forbidden.

Settlement of disputes. Disputes are settled by the courts.

DENMARK.

Date of enactment. July 6, 1916; in effect April 1, 1917. Supersedes act of 1898.

Injuries compensated. All injuries by accident occasioned by the trade or its conditions, and causing either death or disability lasting over 13 weeks,[1] unless brought on intentionally or through gross negligence of the victim.

Industries covered. All manufacturing industries, handicrafts, and permanent domestic service, including agriculture, dairying, forestry, and horticulture, provided the estate has a value of over 8,000 crowns ($2,144); also seafaring, and fishing, together with subsidiary and related undertakings.

Persons compensated. All persons working for wages or hire, including those in supervisory capacity whose annual earnings do not exceed 3,000 crowns ($804); 2,700 crowns ($723.60) in seafaring; and 2,000 crowns ($536) in agriculture.

Members of the household of the employer over 10 years of age, not including the housewife, are also covered.

Government employees. Act applies to all employees of State and the communal governments in industries above indicated.

Burden of payment. Entire burden rests upon employer, except in those industrial establishments and in agriculture where the annual value of their products does not amount to 1,200 crowns ($321.60) in rural districts, 1,500 crowns ($402) in urban centers, and 1,800 crowns ($482.40) in Copenhagen or Fredericksberg, in which instances the State contributes two-fifths of the premiums. The State also pays half the compensation of seamen on sailing vessels (not including yachts) and of fishermen, the same maxima as to value of product applying as above.

Compensation for death.

(*a*) Funeral benefit of 120 crowns ($32.16) if deceased resided in Copenhagen or Fredericksberg, 100 crowns ($26.80) if in urban centers, and 80 crows ($21.44) if in rural districts.

(*b*) A lump sum equal to five times the annual earnings of deceased, but not over 6,000 crowns ($1,488) nor less than 3,000 crowns ($804) to—
Widow, whole amount if she survives.
Child, whole amount if it be the only heir.
Children, according to decision of insurance council, when there is no widow.
If neither widow nor children, insurance council decides whether and how far other heirs receive compensation.

Compensation for disability.

(*a*) From end of thirteenth[1] week after accident until end of treatment, or until disability is declared permanent, but not longer than one year after the accident, a daily compensation of 66⅔ per cent of earnings, but not less than 1 crown (27 cents) nor over 3 crowns (80 cents) for total disability, and a proportionate compensation for partial disability.

(*b*) In case of permanent disability an indemnity varying with degree of disability, ranging from five to sixteen times annual earnings.

For purposes of this calculation, annual earnings in excess of 1,200 crowns ($321.60) are excluded.

The insurance council may substitute annuities in certain cases.

Revision of compensation. Determination of degree of permanent disability must be made as soon as possible after one year from date of injury. If this be not possible, a temporary determination may be made, but a redetermination must be made within two years following.

Insurance. Employers may transfer obligation imposed by the law by insuring their employees in authorized insurance companies or mutual employers' insurance associations. A special association of masters and owners is provided for carrying the risk of the seamen's and fishermen's insurance.

Security of payments. Where liability under the law has not been transferred by insurance, indemnity for disability is a preferred claim upon assets of employer.

Settlement of disputes. Disputes concerning compensation must be referred to insurance council. Appeals may be had to the minister of the interior.

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[1] Voluntary sickness insurance law, Apr. 29, 1915, provides benefits for first 13 weeks for accidents causing disability.

FINLAND.

Date of enactment. December 5, 1895; in effect January 1, 1898; supplementary act, October 9, 1902.

Injuries compensated. All injuries by accident during work, causing death or disability for more than six days, except when brought on intentionally or through gross negligence of victim, intentionally by any other person than the one charged with supervision of the work, or caused by some other occurrence utterly independent of the nature or conditions of work.

Industries covered. Mines, quarries, metallurgical establishments, factories, sawmills, industrial establishments using mechanical power, construction of churches and buildings over one story high; construction and operation of water, gas, electric power plants, and operation of railroads; and maritime navigation.

Persons compensated. All persons actually employed at work, but not those supervising only.

Government employees. Act applies to employment on the State and communal construction works and State railways.

Burden of payment. Entire burden of payment rests upon employer.

Compensation for death. In addition to any prior payments on account of disability, pensions to dependent heirs, from day of death, not exceeding 40 per cent of annual earnings of deceased, to—

(*a*) Widow, 20 per cent, until death or remarriage; in latter case a final sum equal to two annual payments.

(*b*) Each child until the age of 15 years, 10 per cent, if one parent survives, and 20 per cent if neither parent survives.

(*c*) In computing pension, earnings of workman to be considered not over 720 marks ($138.96) nor under 300 marks ($57.90); but no adult employee to receive a pension greater than his actual earnings.

Compensation for disability.

(*a*) A pension equal to 60 per cent of employee's earnings for total disability, or a pension proportionate to the degree of incapacity for partial disability, to be paid from day of recovery from illness due to injury, or after 120 days have elapsed since injury.

(*b*) Pension may by mutual consent be replaced by single payment, if it does not exceed 20 marks ($3.86) annually.

(*c*) In computing pension, earnings of workman to be considered not over 720 marks ($138.96) nor under 300 marks ($57.90); but no adult employee to receive a pension greater than his actual earnings.

(*d*) In cases of temporary disability (including all cases of disability for 120 days after injury) daily compensation of 60 per cent of earnings, beginning with seventh day after accident, for complete temporary disability, and a proportionate compensation for partial disability; but not more than 2.50 marks (48 cents) per diem.

(*e*) Until recovery, injured employee may be given treatment in a hospital in lieu of other compensation; during such treatment his wife and children get a compensation equal to pension in case of death.

Revision of compensation. Demands for revision of compensation may be made by either party before proper court.

Insurance. Employers are required to transfer the burden of payment of compensation to a governmental insurance office, private insurance company, mutual employers' insurance association, or approved foreign insurance company, unless unable to obtain such insurance or released from this obligation on presentation of satisfactory guarantees.

Security of payments. When exempted from the duty of insuring his employees, or unable to obtain insurance, the employer must guarantee payment of pension to the injured workman or his family by arrangement with a private insurance company.

Settlement of disputes. In case of absence of insurance or dissatisfaction with decision of insurance company, injured employee or his dependent may carry the case into the inferior court of the locality.

FRANCE.

Date of enactment. April 9, 1898; in effect July 1, 1899; amendatory and supplementary acts March 22, 1902, March 31, 1905, April 12, 1906, July 18, 1907, and March 26, 1908.[1]

Injuries compensated. All injuries by accident to workmen or salaried employees during or on account of labor causing death, or disability for five or more days, unless produced intentionally by the victim. If due to inexcusable fault of victim or of employer, compensation may by a court order be decreased or increased, but not exceeding actual earnings of victim.

Industries covered. Building trades, factories, workshops, shipyards, transportation by land and water, public warehouses, mining and quarrying, manufacture or handling of explosives, agricultural and other work using mechanical power, and mercantile establishments; other industries on request of both parties.

Persons compensated. All workmen and salaried employees.

Government employees. Law applies to State, departmental, and communal establishments when engaged in industries enumerated above.

Burden of payment. Entire cost of compensation falls upon employer.

Compensation for death.

(*a*) Funeral expenses not exceeding 100 francs ($19.30).

(*b*) Pensions to dependent heirs not exceeding 60 per cent of annual wages of deceased, distributed to—

Widow or widower, 20 per cent until death or remarriage, in which latter case a final sum equal to three annual payments.

Children under 16 years of age if one parent survives—15 per cent if there is but one child; 25 per cent if there are two children; 35 per cent if there are three children; 40 per cent if there are four or more children.

Each child under 16 years of age if neither parent survives, 20 per cent.

Each ascendant and each descendant under 16 years of age dependent upon deceased, if no widow or children survive, 10 per cent, the aggregate not to exceed 30 per cent.

(*c*) If annual wages exceed 2,400 francs ($463.20), only one-fourth of the excess is considered in computing pensions.

Compensation for disability.

(*a*) Expenses of medical or surgical treatment.

(*b*) If permanently disabled, a pension of 66⅔ per cent of annual wages for total disability and of one-half loss of earning capacity for partial disability; or if demanded, one-fourth the capital value of pension in cash, the pension to be reduced accordingly.

(*c*) If temporarily disabled, an allowance of 50 per cent of daily wages, beginning with fifth day, and including Sundays and holidays, unless disability lasts more than ten days, when payments become due from the first day.

(*d*) If annual wages exceed 2,400 francs ($463.20), only one-fourth of the excess is considered in computing pensions.

(*e*) Payments of pensions of not over 100 francs ($19.30) per annum may, by mutual consent when beneficiary is of age, be replaced by a cash payment.

Revision of compensation. Revision of compensation because of aggravation or diminution of disability of victim may be made within three years.

Insurance. Employers may transfer burden of payment of compensation to approved mutual aid, accident insurance, or guaranty associations, or in case of pensions, to national accident insurance or national old-age pension funds.

Security of payments. The State guarantees against loss of pension payments on account of insolvency of employers or insurance organizations, and is reimbursed by a special tax on employers within scope of the act. For temporary disability payments, medicines and medical or surgical attendance, and funeral expenses the victim, his creditors, or representatives have a preferred claim on property of employer.

Settlement of disputes. Disputes as to pensions or involving more than 300 francs ($57.90) may be carried into higher civil courts. Judgment of local justice of the peace is final in other cases.

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[1] Special law covering seamen (December 29, 1905; amended July 13, 1911) provides different system and scale of compensation from that above.

GERMANY.

Date of enactment. Code of July 19, 1911; in effect January 1, 1913, replacing previous laws (July 6, 1884; supplementary acts of May 28, 1885, May 5, 1886, July 11 and July 13, 1887; and a codification enacted June 30, 1900).

Injuries compensated. Injuries by accident in the course of the employment, causing death, or disability for more than three days, unless caused intentionally by the injured and his survivors. Compensation may be refused or reduced if injury was received while committing an illegal act.

Industries covered. Mining, salt works, quarrying, and allied industries, factories, manufacture of explosives, production or distribution of electric power, shipyards, smelting works, building trades, breweries, pharmacies, tanneries, bathing establishments, chimney sweeping, window cleaning, butchering, fish culture, ice cutting, transportation, expressing, hauling, and storage, agriculture, forestry, and fisheries.

Persons compensated. All workmen and apprentices; those establishment officials whose annual earnings are less than 5,000 marks ($1,190). With the approval of the Federal Council the law may be extended to other classes.

Government employees. Act covers Government employees in postal, telegraph, and railway services and in industrial enterprises of Army and Navy, unless otherwise provided for.

Burden of payment. Medical and surgical treatment for 91 days and benefit payments from beginning of fourth to ninety-first day are provided by sick-benefit funds, to which employers contribute one-third and employees two-thirds; from beginning of twenty-ninth to ninety-first day payments are increased by one-third at expense of employer in whose establishment accident occurred; after ninety-first day, and in case of death from injuries, expense is borne by employers' associations supported by contributions of employers.

Compensation for death.

(*a*) Funeral benefits of one-fifteenth of annual earnings of deceased, but not less than 50 marks ($11.90).

(*b*) Pensions to dependent heirs not exceeding 60 per cent of annual earnings of the deceased, as follows: Widow, 20 per cent of annual earnings until death or remarriage; in latter case a final sum equal to three annual payments; dependent widower, 20 per cent of annual earnings; each child 15 years of age of under, 20 per cent; payments to consort and to children to be reduced proportionately if the total would exceed 60 per cent; dependent heirs in ascending line, 20 per cent or less, if there is a residue after providing for above heirs; orphan grandchildren, 20 per cent or less, if there is a residue after providing for above heirs.

(*c*) If annual earnings exceed 1,800 marks ($428.40), only one-third of excess is considered in computing pensions.

Compensation for disability.

(*a*) Free medical and surgical treatment paid first 13 weeks by sick benefit funds and afterwards by employers' associations.

(*b*) For temporary or permanent total disability, 50 per cent of daily wages of persons similarly employed, but not exceeding 3 marks (71 cents), paid by sick benefit funds from beginning of fourth day to end of fourth week; from fifth to end of thirteenth week, above allowance by sick benefit fund, plus 16⅔ per cent contributed by employer direct; after 13 weeks, 66⅔ per cent of average annual earnings of injured person paid by employers' associations.

(*c*) For complete helplessness necessitating attendance, payments may be increased to 100 per cent of annual earnings.

(*d*) For partial disability, a corresponding reduction in payments.

(*e*) If annual earnings exceed 1,800 marks ($428.40), only one-third of excess is considered in computing pensions.

Revision of payments. Whenever a change in condition of injured person occurs, a revision of benefits may be made.

Insurance. Payments are met by mutual insurance associations of employers, in which all employees are required to be insured at the expense of employers. Separate associations have been organized for each industry.

Security of payments. Solvency of employers' association is guaranteed by the State.

Settlement of disputes. Disputes are settled by the "superior insurance offices," composed of Government officials and an equal number of representatives of employers and employees.

GREAT BRITAIN.

Date of enactment. December 21, 1906; in effect July 1, 1907, replacing acts of August 6, 1897, and July 30, 1900.

Injuries compensated. Injuries by accident arising out of and in the course of the employment which cause death or disable a workman for at least one week from earning full wages at the work at which he was employed. Compensation is not paid when injury is due to serious and willful misconduct, unless it results in death or serious and permanent disablement.

Industries covered. "Any employment."

Persons compensated. Any person regularly employed for the purposes of the employer's trade or business whose compensation is less than £250 ($1,216.63) per annum; but persons engaged in manual labor only are not subject to this limitation.

Government employees. Act applies to civilian persons employed under the Crown to whom it would apply if the employer were a private person.

Burden of payment. Entire cost of compensation rests upon employer.

Compensation for death.

(*a*) A sum equal to three years' earnings, but not less than £150 ($729.98) nor more than £300 ($1,459.95), to those entirely dependent on earnings of deceased.

(*b*) A sum less than above amount if deceased leaves persons partially dependent on his earnings, amount to be agreed upon by the parties or fixed by arbitration.

(*c*) Reasonable expenses of medical attendance and burial, but not to exceed £10 ($48.67) if deceased leaves no dependents.

Compensation for disability.

(*a*) A weekly payment during incapacity of not more than 50 per cent of employee's average weekly earnings during previous twelve months, but not exceeding £1 ($4.87) per week; if incapacity lasts less than two weeks no payment is required for the first week.

(*b*) A weekly payment during partial disability, not exceeding the difference between employee's average weekly earnings before injury and average amount which he is earning or is able to earn after injury.

(*c*) Minor persons may be allowed full earnings during incapacity, but weekly payments may not exceed 10 shillings ($2.43).

(*d*) A sum sufficient to purchase a life annuity through the Post-Office Savings Bank of 75 per cent of annual value of weekly payments may be substituted, on application of the employer, for weekly payments after six months; but other arrangements for redemption of weekly payments may be made by agreement between employer and employee.

Revision of compensation. Weekly payments may be revised at request of either party, under regulations issued by the secretary of state.

Insurance. Employers may make contracts with employees for substitution of a scheme of compensation, benefit, or insurance in place of the provisions of the act, if the registrar of friendly societies certifies that the scheme is not less favorable to the workmen and their dependents than the provisions of the act, and that a majority of the workmen are favorable to the substitute. The employer is then liable only in accordance with the provisions of the scheme.

Security of payments. In case of employer's bankruptcy, the amount of compensation due under the act, up to £100 ($486.65) in any individual case, is classed as a preferred claim; or where an employer has entered into a contract with insurers in respect of any liability under the act to any workman, such rights of the employer, in case he becomes bankrupt, are transferred to and vested in the workman.

Settlement of disputes. Questions arising under the law are settled either by a committee representative of the employer and his workmen, by an arbitrator selected by the two parties, or, if the parties can not agree, by the judge of the county court, who may appoint an arbitrator to act in his place.

GREECE.

Date of enactment. February 21 (March 6), 1901; in effect (retroactively) December 20, 1900 (January 2, 1901).

Injuries compensated. All injuries by accidents during or because of the employment and causing death or disability lasting more than four days, unless brought on intentionally by the injured person.

Industries covered. Mines, quarries, and metallurgical establishments.

Persons compensated. All workmen and subordinate salaried persons.

Government employees. No mention of Government employees is made in the law.

Burden of payment. Employer carries full burden of payment of indemnities during first three months; after three months half the payments of pensions are contributed by the miners' fund, which is mainly supported by a tax on the mines and metallurgical establishments, but partly by contributions from the workmen's mutual aid societies in these establishments and some minor sources.

Compensation for death.

(*a*) If death occurs immediately or within three months: (1) Funeral expenses amounting to 60 drachmas ($11.58); (2) pensions to heirs aggregating pension paid for total disability.

(*b*) If death occurs three months after injury or later, pensions to heirs aggregating 75 per cent of pension paid during life of the injured.

(*c*) All pensions to heirs are distributed as follows: Equal share to widow and children, or, in absence of widow and children, equal share to father and mother.

(*d*) Pension to widow ceases on her remarriage; to male children at 16 years of age; to female children on their marriage, with payment of one year's pension as a dowry.

(*e*) If only one heir survives, he is entitled to only one-half of original pension.

Compensation for disability.

(*a*) Free medical and surgical treatment.

(*b*) An allowance of 50 per cent of earnings of injured employee during first three months.

(*c*) If permanently disabled, a pension of 50 per cent of earnings in case of total disability (including loss of a hand or foot); in case of partial disability, a pension of 33⅓ per cent of earnings, pension payments to begin after end of third month.

(*d*) Pension may not exceed 100 drachmas ($19.30) per month plus 25 per cent of the excess of computed pension over 100 drachmas ($19.30).

(*e*) In computing pension of apprentices and children, no wage is to be considered less than 2.50 drachmas (48 cents) per day.

Revision of compensation. Injured employee may present a new petition, or the council of the miners' fund may order a new examination, whenever there is reason to believe that changes have occurred in the degree of disability.

Insurance. No provision is made by the law for the transfer of the burden of payment of compensation by insurance.

Security of payments. The miners' fund guarantees payment of pensions and other allowances, and has preferred claim upon employer's assets in cases of dissolution or forced sale of establishments, and also in case of voluntary transfer, unless the new proprietor assumes the obligations under the law.

Settlement of disputes. Amount of pension is settled by the council of the miners' fund, and appeals against its decisions may be carried into the ordinary courts.

HUNGARY.

Date of enactment. April 9, 1907; in effect July 1, 1907.

Injuries compensated. Injuries by accident in the course of the employment causing death, or disability for more than three days. Injuries caused intentionally are not compensated unless fatal.

Industries covered. All factories subject to inspection, mines, quarries, metallurgical establishments, building trades, lumbering, construction work, shipbuilding, slaughterhouses, pharmacies, sanatoria, theaters, institutes of art and science.[1]

Persons compensated. All employees in industries enumerated.

Government employees. Act covers Government employees in State, municipal, and communal industries enumerated above.

Burden of payment. All benefits and cost of treatment for first ten weeks provided by sick funds to which employers and employees contribute equally. Beginning with eleventh week entire cost is defrayed by employers through the accident fund.

Compensation for death.

(*a*) Funeral benefit of twenty times average daily wages.

(*b*) Pensions to heirs not exceeding 60 per cent of annual earnings of deceased, as follows—

Widow, 20 per cent of annual earnings until death or remarriage; in latter case a final sum equal to 60 per cent of annual earnings; or to dependent widower 20 per cent during disability.

Each child 16 years of age or under, 15 per cent if one parent survives, 30 per cent if neither survives; payments to consort and children reduced proportionately if they aggregate more than 60 per cent.

Dependent parents and grandparents if there is a residue after providing for above heirs, 20 per cent or less.

Dependent orphan grandchildren 15 years of age or under, if there is a residue after providing for above heirs, 20 per cent or less.

(*c*) Where both parties were insured and both die as result of accident the pension is based on the earnings of the one receiving the highest wages.

(*d*) In computing pensions the excess of annual earnings above 2,400 crowns ($487.20) is not considered.

(*e*) Pension is allowed after the child has completed the sixteenth year if needed to enable him to complete his education.

Compensation for disability.

(*a*) Free medical and surgical treatment provided first ten weeks by sick fund, and afterward by accident fund.

(*b*) For temporary or permanent total disability, 50 per cent of average daily wages but not exceeding 4 crowns ($1 cents) for first ten weeks, provided by sick fund; beginning with eleventh week, 60 per cent of average annual earnings, provided by accident fund.

(*c*) For complete helplessness necessitating attendance payments may be increased to 100 per cent of annual earnings.

(*d*) For partial disability a corresponding portion of full pension.

(*e*) In computing pensions the excess of annual earnings above 2,400 crowns ($487.20) is not considered.

Revision of compensation. Whenever a change in condition of injured person occurs the accident fund or the injured person may ask for a revision of the benefits.

Insurance. Payments are met by a State insurance institution, in which all employees are required to be insured at the expense of employers.

Security of payments. Guaranteed by the State.

Settlement of disputes. Disputes are settled by arbitration courts, consisting of a presiding judge and an equal number of representatives of workmen and employers.

[1] Employers in certain industries, agriculture, domestic service, and certain small landholders, each having an income of not over 1,000 crowns ($203) may take out voluntary insurance under the act.

ITALY.

Date of enactment. March 17, 1898; in effect September 17, 1898. Amended June 29, 1903. Promulgated in codified form January 31, 1904. Supplementary acts, July 11, 1904, December 14, 1905, and July 14, 1907.

Injuries compensated. All injuries sustained by workmen or salaried employees during or on account of labor. If due to willful misconduct, employer may be reimbursed through criminal action.

Industries covered. Mines (including sulphur mines), quarries, building trades; light, heat, and power plant; arsenals; maritime construction work; transportation; industries requiring the use or handling of explosives; all industrial or agricultural work in proximity to power machinery; where more than five persons are employed in engineering construction work; operation for protection against landslides, floods, hailstorms; logging and timber rafting, and shipbuilding; maritime navigation.

Persons compensated. All workmen and apprentices and overseers receiving not more than 7 lire ($1.35) per day and paid at intervals of one month or less.

Government employees. Act applies to employment in State, provincial, and communal industries enumerated above unless specially provided for, to work performed for a Government institution under contract or concession, and to officials and workmen employed in the postal and telegraph service and the telephone service.

Burden of payment. Entire cost of compensation rests upon employer.

Compensation for death. If within two years after the accident, five times annual wages of deceased workman, with a maximum of 10,000 lire ($1,930), distributed to—

(*a*) Surviving consort two-fifths of indemnity if there are children; one-half of indemnity if there are dependent ascendents; three-fifths of indemnity if only dependent brothers or sisters; entire indemnity in absence of heirs enumerated.

Children, amounts sufficient to purchase an annuity of equal amount for each child under 12 years of age, and one-half of such annuity for each child from 12 to 18 years of age.

Each dependent parent or grandparent, if there are no children, annuity of equal amount for life.

Dependent brothers or sisters less than 18 years of age or incapable of performing labor by reason of a mental or physical defect, if there are no children or dependent ascendants, annuities distributed upon same principle as in case of children.

(*b*) In absence of heirs indemnity is turned into a special fund for immediate aid to injured, payment of indemnities for insolvent employers, and prevention of accidents.

Compensation for disability.

(*a*) Cost of first medical and surgical treatment.

(*b*) An indemnity in case of permanent disability of six times annual earnings, but not less than 3,000 lire ($579) if totally disabled, and six times the loss of annual earning capacity if partially disabled, earnings in latter case to be considered as not less than 500 lire ($96.50).

(*c*) A daily allowance in case of temporary disability of one-half the wages of injured workman, payable for not more than three months, if totally disabled, and equal to one-half the reduction in wages occasioned by the injury, if partially disabled.

Revision of compensation. Both workman and insurer may ask for a revision of compensation within two years after accident.

Insurance. Employers must insure their employees in (a) the National Accident Insurance Fund, (b) an authorized insurance company, (*c*) an association of employers for mutual insurance against accidents, or (d) a private employers' insurance fund.

Security of payments. Payments are guaranteed by State.

Settlement of disputes. In cases of dispute concerning temporary disability payments, the council of prudhommes or the pretor of the locality in which the accident occurred has authority to sit in final judgment if amount involved does not exceed 200 lire ($38.60). Disputes involving larger amounts are referred for settlement to the local magistrates.

JAPAN.

Date of enactment. March 28, 1911, in effect August 2, 1916.

Injuries compensated. Injuries, sickness or death of an operative sustained while at his work, unless due to grave negligence of the operative himself.

Industries covered. Factories.

Persons compensated. Operatives.

Government employees. A separate regulation is to cover operatives in government factories.

Burden of payment. Factory owner.

Compensation for death.

(*a*) Funeral benefit of more than 10 yen ($4.98).

(*b*) A compensation of more than 170 days' wages payable to the surviving spouse, or, there being no such survivor, to the direct offspring living in the same family; or, there being no such, then to the ascendants living in the same family. Priority shall be given to the head of the family over all others; man over woman, and as to children, legitimate over illegitimate. There being none of these living, then to the (1) heir, (2) brother or sister of the operative, or, (3) dependent relative or person living with the operative at time of his death.

Compensation for disability.

(*a*) Free medical services and supplies. If, after three years of medical attention, the injured person is still disabled, a lump sum of more than 170 days' wages relieves the factory owner from further liability.

(*b*) If after recovery from the injury the operative is permanently disabled so as to require another's bodily assistance in order to subsist, more than 170 days' wages; unable to return to his work any more, more than 150 days' wages; unable to resume his previous work, or can not be restored to his previous health, or to a woman whose appearance is marred, more than 100 days' wages; rendered partially disabled, but able to continue his previous work, 30 days' wages.

(*c*) During the period of total disability due to the injury or sickness, a compensation equal to one-half his wages; provided that if such disability continue longer than three months, the compensation may be decreased to one-third such wages.

Expense of medical services and compensation in cases of injuries shall be paid more than once a month.

The amount of any compensation collected under the civil code may be deducted from the above amounts.

Insurance. No reference to the insurance of risks under the law is contained in the decree.

Security of payments. No provision.

Settlement of disputes. All disputes regarding period of payments, computation of compensation and as to cause of injury, may be matters of mediation by the governor of the prefecture.

LIECHTENSTEIN.

Date of enactment. April 30, 1910; in effect January 1, 1911.

Injuries compensated. All injuries resulting from accidents causing death or disability.

Industries covered. All undertakings in which more than 10 persons are employed who are especially exposed to danger, and in particular in quarries, building enterprises, and others in which engines or steam boilers are used.

Persons compensated. The whole staff of working people.

Government employees. No mention is made of Government employees in the law.

Burden of payment. The entire burden of payment rests upon the employer.

Compensation for death.

(*a*) A sum equal to 1,000 times daily wage, payable to dependents (widow, widower, children under 16 years of age or permanently incapable of self-support). If the deceased leaves no widow or children a sum equal to 500 times the daily wage shall be paid to the dependent father or mother.

(*b*) In special circumstances a lump sum may be converted into a corresponding pension payable to the dependents.

Compensation for disability.

(*a*) Funeral benefit of 40 crowns ($8.12) payable to dependents.

(*b*) Free medical treatment and medicines from date of injury; a weekly allowance, not to exceed 20 weeks, equal to 50 per cent of the average wages over a period of 8 weeks, but not less than 1.20 crowns (24.4 cents) per day for male adults, 1 crown (20.3 cents) per day for adult female persons, and 0.80 crown (16.2 cents) per day for young persons, or free treatment and nursing in hospital. In such case one-half the benefits are paid to the family of the injured person. A pension of 90 per cent of wages payable during treatment may be substituted.

(*c*) A lump sum equal to 1,000 times the daily wages of the injured person if totally incapacitated, or a proportionately smaller one if partially incapacitated.

(*d*) The lump-sum payment may be converted into a corresponding pension.

Revision of payments. There is no specific provision in the law for any revision of payments.

Insurance. Insurance may be effected with any approved domestic or foreign institution.

Security of payments. Every insurance company accepting this class of risk must be approved in Liechtenstein.

LUXEMBURG.

Date of enactment. April 5, 1902; in effect April 15, 1903. Amendatory acts, December 23, 1904, and April 21, 1908. Sick insurance law enacted July 31, 1901.

Injuries compensated. All injuries by accident during or because of the employment resulting in death, or disability for more than three days, unless caused intentionally by the victim or during the commission of an illegal act.

Industries covered. Mines, quarries, manufactories, metallurgical establishments; gas and electric works; transportation and handling; building and engineering construction; and certain artisans' shops having at least five employees regularly and using mechanical motive power. By administrative order other establishments may become subject to the law if regarded dangerous.

Persons compensated. All workmen; those supervising and technical officials whose annual earnings are less than 3,750 francs ($723.75). Certain other classes of persons may be voluntarily insured.

Government employees. Act applies to Government telegraph and telephone services, public works conducted by public agencies, and other governmental industrial establishments, unless other provisions are made for pensioning employees. Penal institutions are not included.

Burden of payment. Benefits and cost of treatment first thirteen weeks provided by sick-benefit funds, to which employers contribute one-third and employees two-thirds, if injured person is insured against sickness; if not, because employed less than one week, by an accident insurance association, supported by contributions of employers; if not insured for other reasons, by the employer direct; all benefits and treatment after thirteen weeks paid by accident insurance association.

Compensation for death.

(*a*) Funeral expenses, one-fifteenth of the annual earnings, but not less than 40 francs ($7.72) nor more than 80 francs ($15.44).

(*b*) Pensions, not to exceed 60 per cent of earnings of deceased, to—

Widow 20 per cent until death or remarriage; in the latter case a lump sum equal to 60 per cent; same payment to a dependent widower.

Each child 20 per cent until 15 years of age, even if father survives, provided he abandoned them, or the mother who was killed was their main support.

Dependent heirs in an ascending line, 20 per cent.

Dependent orphan grandchildren, 20 per cent until 15 years of age.

Widow and children have the preference over other heirs.

(*c*) If annual earnings exceed 1,500 francs ($289.50) only one-third of excess is considered in computing pensions.

Compensation for disability.

(*a*) Entire cost of medical and surgical treatment.

(*b*) For temporary or permanent total disability, from third day to end of fourth week, 50 per cent, and from fifth to end of thirteenth week, 60 per cent of wages of persons similarly employed; after thirteen weeks, 66⅔ per cent of annual earnings of injured person. If requiring personal attention or care, 100 per cent during such disability.

(*c*) For partial disability a portion of above (depending upon degree of disability), which may be increased to full amount, as long as injured employee is without employment.

(*d*) Lump-sum payments may be substituted for pensions when degree of disability is not greater than 20 per cent.

(*e*) If annual earnings exceed 1,500 francs ($289.50), only one-third of excess is considered in computing pensions.

(*f*) Special treatment, if earning capacity would be increased by it.

(*g*) Special relief to injured person, or his dependents, when hospital treatment is necessary.

Revision of compensation. Demands for change of amount of compensation may be made within three years.

Insurance. Payments are met by mutual accident insurance association of employers, in which all employees must be insured at expense of employers.

Security of payments. Insurance association conducted under State supervision.

Settlement of disputes. Appeals from the decisions of the association may be carried within forty days to a justice of the peace, who is required to invite two delegates, representing employer and employee, to assist in an advisory capacity. Further appeals may be taken to the higher courts.

MANITOBA.

Date of enactment. March 16, 1910; in effect January 1, 1911.

Injuries compensated. Those arising out of and in the course of employment, or while attempting to rescue a fellow workman in danger while on employer's premises, causing death or disability for more than two weeks. Excepted are injuries due to drunkenness of the employee and those caused by gross negligence or intention resulting in incapacity. In case of permanent disability or death a claim for compensation shall not be disallowed because of such serious or willful misconduct alone.

Industries covered. All trades or business employing five or more persons in the one establishment at the time of the accident, or usually so doing. Agriculture and domestic service not included.

Persons compensated. Any person employed in any employment to which this act applies, excluding those employed at other than manual labor who have annual earnings exceeding $1,200 or who are casual laborers. Apprentices, whether at manual labor or in a clerical position, are included.

Government employees. State and municipal employees are included in the insurance.

Burden of payment. The employer bears the entire cost of compensation, but if there are contractors, then on such contractors and principal jointly and severally.

Compensation for death.

(*a*) To persons entirely dependent upon the deceased workman, a sum not exceeding $1,500, less any weekly payments made in accordance with this act and any lump sum paid in redemption thereof.

(*b*) To persons partly dependent, in default of persons entirely dependent, such sum as may be agreed upon or decided by arbitration to be reasonable and proportionate to the injury suffered, but not more than $1,500.

(*c*) In case no dependents entitled to compensation reside in the Province, the reasonable expenses of medical attendance and burial, not exceeding $100.

Compensation for disability. For total or partial incapacity of a journeyman working at his trade a weekly payment after the first two weeks not exceeding 50 per cent of the average wages lost, average wages to be average of preceding 12 months or shorter period; one not a journeyman working at his trade shall only be entitled to 25 per cent of such loss if the accident occurs during the first month of his employment, 40 per cent if during the second, and 50 per cent thereafter.

No compensation for disability to exceed $10 per week for adults, $6 per week to an apprentice, and total compensation not to exceed $1,500 in any one case.

A lump sum may be substituted for the weekly payments after six months, on the application of the employer, the amount to be determined by the court, but no such sum shall exceed $1,500, including amount already paid as weekly payments.

Revision of compensation. Weekly payments may be revised at the request of either party.

Insurance. The employer may contract for insurance in any scheme of insurance granting equal benefits, or one granting equivalent additional voluntary insurance made by reason of contributions paid by employees, providing a majority of the employees assent and the attorney general certifies the competency of the scheme.

Security of payments. In case of employer's bankruptcy the amount of compensation due under the act, up to $500 in any individual case, is a first claim, or, when an employer has entered into a contract with any insurers in respect of any liability under the act to any workman, such rights of the employer shall be transferred to and vested in the workman.

Settlement of disputes. Disputes, if not settled by agreement or by the arbitration committee, shall be settled by a single arbitrator agreed on by the parties. If no arbitrator is agreed upon or no agreement reached, the dispute is settled by the court.

MEXICO: NUEVO LEON.

Date of enactment. November 9, 1906.

Injuries compensated. Injuries to employees and workmen in specified enterprises arising in the course of or out of their employment. Injuries caused by force majeure, gross carelessness, serious misconduct, or intentionally by injured person are not compensated.

Industries covered. Factories, workshops, and industrial enterprises employing mechanical power; mines and quarries; construction, repairing, and maintenance of bridges, canals, waterworks, embankments, rail, tram, and underground railways, etc.; building trades, smelting and engineering works; loading and unloading; industries in which injurious, poisonous, explosive, or inflammable substances are manufactured; agricultural works where mechanical power is used; cleaning of wells and sanitary appliances and sewers; gas, electrical, telephone and telegraph enterprises; and all other similar enterprises.

Persons compensated. All employees and workmen.

Government employees. Government employees are not mentioned in the law.

Burden of payment. Cost of compensation rests entirely upon the employer, unless a third person is proved liable in which case the employer may recover from the third party.

Compensation for death.

(a) Costs of medical treatment and medicine, not exceeding 6 months, to be deducted from survivors' benefits when death intervenes, and funeral expenses.

(b) To survivors (husband or wife, descendants under 16 years of age, also parents, grandparents, great grandparents, etc., if dependent) whole amount of the deceased's wages, as follows:

(1) For two years if deceased leaves a husband or wife and children or grandchildren.

(2) For 18 months if deceased leaves children or grandchildren.

(3) For one year if deceased leaves husband or wife only, but in case of the husband when incapacitated only.

(4) For 10 months if the deceased leaves parents, grandparents, or great grandparents.

If the widow or widower remarry, the compensation ceases, but in that case the children or grandchildren shall receive compensation till the expiration of the prescribed period (18 months). If the widow survives she shall be paid compensation for one year in respect of any children or grandchildren who complete their sixteenth year within that period.

Compensation for disability.

(a) Medicine and medical treatment for injured person for 6 months.

(b) For temporary total incapacity, compensation amounting to full wages from date of accident and during such incapacity.

(c) For temporary partial incapacity compensation according to circumstances, at 20 to 40 per cent of such wages during incapacity.

(d) For permanent total incapacity full wages during a period of 2 years.

Revision of compensation. No revision of compensation is provided for.

Insurance. No provision is made by the law for the transfer of the burden of payment of compensation by insurance.

Security of payments. There is no guaranty provided by the law.

Settlement of disputes. Every judge of the first instance is authorized to take cognisance of claims for compensation, and appeals from the judgment may be taken to the final court of appeals.

MONTENEGRO.

An act relating to concessions to national trade and for the promotion of industry under date of February 18 (March 3), 1911, provides that any industry desirous of receiving the benefit of the enumerated concessions shall be required to establish a workers' fund to which the workers shall contribute 65 per cent of the funds necessary, and the employers 35 per cent. The proper minister has supervisory control over this fund.

NETHERLANDS.

Date of enactment. January 2, 1901, in effect June 1, 1901. Other acts February 3 and December 8, 1902; amended January 13, 1908, February 13, June 12 and 30, July 1, 1909, July 15, 1910, and February 11, 1911.

Injuries compensated. All injuries caused by accident in the course of the employment and causing death or disability for over two days, unless brought on intentionally. If due to intoxication, compensation is reduced one-half, and if death results no compensation is paid.

Industries covered. Practically all manufacturing, mining, quarrying, building, engineering construction, and transportation; fishing in internal waters; establishments using mechanical motive power, or explosive or inflammable materials, and mercantile establishments handling such materials.

Persons compensated. All workmen, including apprentices.

Government employees. All State, provincial, and communal employees are included when engaged in any of the industries enumerated.

Burden of payment. The entire expense rests upon the employer.

Compensation for death.

(a) Funeral benefit of thirty times average daily earnings of deceased.

(b) Pensions to heirs of not over 60 per cent of earnings of deceased, distributed to—

Widow, 30 per cent of earnings, until death or remarriage, in latter case two years' payments as a settlement; or to dependent widower, a pension equal to cost of support, but not over 30 per cent of earnings of deceased.

Each child under 16 years of age, 15 per cent if one parent survives, and 20 per cent if both are dead.

Dependent parents, and in their absence to grandparents, not over 30 per cent.

Orphan grandchildren, not over 20 per cent.

Dependent parents-in-law, not over 30 per cent.

Widow and children to be preferred over all other heirs, and their respective shares to be reduced proportionately when aggregating over 60 per cent.

(c) In computing pensions, wages higher than 4 florins ($1.61) per day are to be considered as of that amount.

Compensation for disability.

(a) Free medical and surgical treatment, or its cost.

(b) From day after injury (if disability exceeds two days) until forty-third day, an allowance of 70 per cent of daily earnings, excluding Sundays and holidays.

(c) From forty-third day a pension of above amount during total disability and a smaller pension in proportion to loss of earning power if partially disabled.

(d) In computing pensions, wages higher than 4 florins ($1.61) per day are to be considered as of that amount.

Revision of compensation. An examination of condition of victim may be made whenever the Royal Insurance Bank so desires.

Insurance. Employers may insure their employees in the Royal Insurance Bank (a State institution), in a private company or association operating under State supervision, or they may carry the burden themselves. If not insured in the Royal Insurance Bank, a sufficient guarantee must be deposited with the latter. Employers must bear a proportionate share of the expense of administration of the Royal Insurance Bank, whether they insure in it or not.

Security of payments. Compensation payments are guaranteed by the State.

Settlement of disputes. Appeals may be taken from decisions of the Royal Insurance Bank to local arbitration councils, in which employers and employees are equally represented, and from them to a central arbitration council whose decisions are final.

NEWFOUNDLAND.

Date of enactment. February 18, 1908; in effect July 1, 1908.

Injuries compensated. All injuries caused by accident arising out of and in the course of employment causing death, or disability for at least one week, except when due to serious and willful misconduct of the workman injured.

Industries covered. Railways, factories, mines, quarries, engineering work, erection or repair of buildings over 25 feet in height, by means of scaffolding, or by use of mechanical power.

Persons compensated. All employees.

Government employees. All employees of the State to whom the law would apply if they were under private employment.

Burden of payment. Entire cost rests upon the employers.

Compensation for death.

(*a*) A sum equal to three years' earnings, but not less than $750 nor more than $1,500, to those entirely dependent on earnings of deceased.

(*b*) A sum not in excess of $1,500, as may be agreed upon or determined to be reasonable and proportionate, to those partially dependent.

(*c*) Reasonable expenses of medical attendance and burial not exceeding $50 if deceased leaves no dependents.

Compensation for disability. A weekly payment, including the first week of disability if disability lasts two weeks or over, not exceeding 50 per cent of employee's earnings during the previous 12 months, but not exceeding $5 per week.

After six months, upon application of the employer, a lump sum may be substituted for weekly payments, to be determined in default of agreement by the court.

Revision of compensation. Weekly payment may be reviewed at the request of either party.

Insurance. Employers may make contracts with employees for substitution of an officially approved scheme of compensation benefits or insurance in place of the provisions of this act, provided the scheme is not less favorable to the employees than the provisions of this act, and a majority of the workmen are favorable to such substitution.

Security of payments. In case of employer's bankruptcy the amount of compensation due under this act is classed as a preferred claim, or when an employer has entered into a contract with insurers in respect to any liability under the act to any workman, such rights of the employer, in case he becomes bankrupt, are transferred to and vested in the workman.

Settlement of disputes. In case of disagreement, proceedings are taken in courts.

NEW SOUTH WALES.

Date of enactment. November 5, 1900; in effect January 1, 1901; amended December 28, 1901; scale of compensation increased by governor on July 28, 1905, in accordance with power given by the act; August 19, 1910; in effect January 1, 1911.

Injuries compensated. Personal injuries by accident arising out of and in course of employment causing death, or disability for at least two weeks, except when due to serious or willful misconduct on the part of the workman.

Industries covered. Any railway, tramway, factory, workshop, mine,[1] quarry, wharf, vessel, engineering, or building work, building used for dumping or storing wool, carried on by the employer as a part of his business; any other employment declared dangerous by proclamation.[2]

Persons compensated. All persons employed at manual labor, under contract with an employer, except casual labor, or otherwise than for the purpose of the employer's trade or business.

Government employees. The law applies to all workmen in any employment by or under the State to which the law would apply in case the employer were a private person.

Burden of payment. Entire cost of compensation rests upon the employer; but if there are contractors, then on such contractors and the principal, jointly and severally.

Compensation for death.

(a) A sum equal to three years' earnings, but not less than £200 ($973.30) nor more than £400 ($1,946.60) to those entirely dependent upon the earnings of the deceased. Weekly payments or lump sums paid under this law are deducted from such sum.

(b) A sum not exceeding the above amount, as may be agreed upon or determined as being reasonable and proportionate to the loss or damage suffered by those partly dependent.

(c) If no dependents are left, the expenses of medical attendance and burial, but not exceeding £12 ($58.40), unless such expenses are payable by a friendly society to which the workman belonged.

Compensation for disability.

(a) A weekly payment after the second week not exceeding 50 per cent of average weekly earnings, but no such payment shall exceed £1 ($4.87), with a total liability of £200 ($973.30).

(b) In case of partial incapacity the weekly payment shall in no case exceed one-half of the loss of earning capacity.

In fixing the weekly payment consideration must be given to any financial assistance given by the employer to the injured during incapacity.

(c) A lump sum may be substituted for weekly payments after six months, on application of the employer; the amount to be agreed upon, in default of agreement, to be determined by the court.

Revision of compensation. Weekly payments may be revised at the request of either party.

Insurance. Employers may contract with their employees for substitution of a scheme of compensation, benefit, or insurance in place of the provisions of the act, if the scheme is officially certified to be not less favorable to the employees and their dependents than the provisions of the act. In such case the employer is liable only in accordance with the scheme.

Security of payments. When the employer becomes liable under the act to pay compensation, and is entitled to any sum from insurers on account of the amount due to a worker under such liability, then in the event of his becoming insolvent such workman has a first claim upon this sum for the amount so due.

Settlement of disputes. Disputes arising under the act are heard and determined by a police magistrate, unless the claim is for more than £30 ($146). When in excess of that amount proceedings are taken in the district court.

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[1] Act of Aug. 19, 1910, includes only mines, employees in which are not included under the special compensation and protective law covering mines, viz, Miners' Accident Relief Act, 1900, and amendments 1901 and 1910.

[2] Seamen are compensated under a Commonwealth law of December 23, 1911.

NEW ZEALAND.

Date of enactment. October 10, 1908, in effect January 1, 1911. Amended October 28, 1911.

Injuries compensated. All injuries to workmen arising out of and in the course of the employment causing death, or disability for at least one week, except when due to serious and willful misconduct of the workman injured.

Industries covered. Any trade, business, or work carried on by or on behalf of the employer; mining, quarrying, excavating, cutting standing timber, cutting scrub and clearing land of stumps and logs; building operations; manufacture of explosives; using machinery driven by mechanical power, driving a vehicle moved by horse or mechanical power, domestic service, when period of engagement is not less than seven days; any occupation in which a worker incurs a risk of falling a greater distance than 12 feet; navigation in New Zealand waters on board New Zealand ships.

Persons compensated. All workmen, including apprentices, exclusive of other than manual laborers whose annual earnings exceed £260 ($1,265.29).

Government employees. Act applies to work carried on by or on behalf of the Government or any local authority if it would, in case of a private employer, be an employment to which the act applies.

Burden of payment. Entire cost of compensation rests upon employer; but if there are contractors, then on such contractors and the principal, jointly and severally.

Compensation for death.

(*a*) A sum equal to three years' earnings, but not less than £200 ($973.30) nor more than £500 ($2,433.25), to those wholly dependent upon earnings of deceased.

(*b*) A sum less than above if dependents were partly dependent upon deceased, to be agreed upon by the parties or fixed by a magistrate or by the arbitration court.

(*c*) Reasonable expenses of medical attendance and burial, not exceeding £20 ($97.33).

(*d*) Amounts previously paid are deducted from final compensation payable on death.

Compensation for disability.

(*a*) Medical and surgical aid not to exceed £1 ($4.87).

(*b*) A weekly payment during disability not exceeding 50 per cent of employee's average weekly earnings during the previous 12 months, but not to exceed £2 10s. ($12.67) nor to fall below £1 ($4.87) where employee's ordinary rate of pay at time of accident was not less than 30 shillings ($7.30) per week. Total liability of employer is limited to £500 ($2,433.25). No payment is made for first week if disability does not continue for a longer period than two weeks. Weekly payments not to extend beyond six years.

(*c*) For certain permanent injuries (mutilations, etc.) a fixed per cent of the compensation paid above for partial and total disability.

A lump sum may be substituted for weekly payments, capitalized at 5 per cent compound interest, for permanent total or partial disability, to be agreed on by the parties, or, in default of agreement, determined by the court of arbitration.

Revision of compensation. Weekly payments may be revised at request of either party.

Insurance. Employers may contract with their employees for substitution of a scheme of compensation, benefit, or insurance in place of the provisions of the act if the scheme is shown to be not less favorable to the general body of employees and their dependents than the provisions of the act. In such case the employer is liable only in accordance with the scheme.

Security of payments. When an employer becomes liable under this act to pay compensation, and is entitled to any sum from insurers on account of the amount due to a workman under such liability, then in the event of his becoming insolvent such workman has a first claim upon this sum. Compensation for injuries sustained in the course of employment in or about a mine, factory, building, or vessel is deemed a charge upon the employer's interest in such property and has priority over all charges other than those lawfully existing at the time of the commencement of the act.

Settlement of disputes. Disputes arising under the act are settled by the court of arbitration under the industrial arbitration act.

NORWAY.

Date of enactment. August 13, 1915; in effect January 1, 1916; replacing act of July 23, 1894. Sickness insurance law August 6, 1915; in effect January 3, 1916; replacing act of September 18, 1909.

Injuries compensated. All injuries by industrial accidents, causing death or disability, involving a loss of earning capacity of at least 5 per cent, unless intentionally brought about by the injured person.

Industries covered. Practically all factories, workshops, and employments using other than hand power; mines and quarries; the handling of ice, explosives, or inflammables; building and engineering construction, electric work, transportation, salvage and diving, chimney sweeping, and fire extinguishing; forestry, to a limited extent; employment about dams, canals, and sluices; express and hauling, provided at least two horses are used, or provided they are carried on in connecton with other industries named; work on lighters or scows of 50 registered tons and over; electric heating and power plants; agricultural operations in which mechanical power is used. Employees in other industries may avail themselves of this insurance system.[1]

Persons compensated. All workmen, including apprentices, and salaried employees.

Government employees. Act covers employees in Government or communal service, when engaged in any of the industries enumerated above, unless at least equal compensation is provided by special regulation.

Burden of payment. Cost of compensation rests upon employer.

Compensation in case of death.

(*a*) Funeral benefit of 50 crowns ($13.40).

(*b*) Pensions to heirs not exceeding 50 per cent of earnings to be distributed to—Widow, 20 per cent of earnings until death or remarriage; in the latter case a lump sum equal to three annual payments; or dependent widower, 20 per cent of annual earnings of deceased while disability lasts.

Each child, 15 per cent of annual earnings till age of 15 years, if one parent survives, 20 per cent if neither survives, 15 per cent for each parent to each child when both parents have died as a result of injuries.

Dependent relatives in ascending line if there is a residue after providing for above-mentioned heirs, a pension of 20 per cent of earnings until death or cessation of need, to be divided equally; but living parents exclude grandparents from participation.

(*c*) In computing pensions the excess of annual earnings over 1,200 crowns ($321.60) is not considered.

(*d*) Pension payments are in addition to prior allowances granted for disability.

(*e*) Nonresident foreign dependents are excluded.

Compensation for disability.

(*a*) Free medical and surgical treatment paid first 10 days by sick funds; after 10 days by accident system.

(*b*) If employee is totally disabled for more than 10 days, an allowance of 60 per cent of the earnings, but not less than 0.50 crowns (13 cents) per diem, or 150 crowns ($40.20) per annum; and a proportionate allowance in case of partial disability, all to continue during disability.

(*c*) If injured employee is forced to stay in a hospital, dependents receive allowances during that time equal to 20 per cent of earnings if one dependent, 35 per cent if two, and 50 per cent if three or more.

(*d*) If injured employee is not a member of a sick-insurance fund, he is entitled to receive from employer directly sick benefits and free medical treatment from first day of injury; otherwise, from the fund.

(*e*) In computing allowances the excess of annual earnings over 1,200 crowns ($321.60) is not considered.

A lump sum may be paid if required, or at discretion of the insurance institute, if compensation is for loss of disability of 10 per cent or less.

Revision of compensation. Compensation is subject to revision upon demand of either the beneficiary or the insurance office.

Insurance. A State central insurance office is established for the entire Kingdom, in which all employees subject to the law must be insured by employer, unless he is for special reasons relieved by royal order from the obligation of insurance.

Security of payments. Insurance office is guaranteed by the State.

Settlement of disputes. Appeals from decisions of insurance office may be entered within six weeks with the special insurance commission.

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[1] Fishermen are covered by the law of Aug. 8, 1908, amended Aug. 18, 1911, and Aug. 6, 1915; seamen by the law of Aug. 18, 1911, amended July 30, 1915.

NOVA SCOTIA.

Date of enactment. April 23, 1915; in effect, ——, replacing act of April 22, 1910, in effect February 1, 1911.

Injuries compensated. Injuries by accident arising out of and in course of employment, causing death or incapacity to earn full wages for at least seven days at the work at which the injured person was employed, and not due solely to the serious and willful misconduct of the victim; the latter exception does not apply where the injury is fatal or results in serious and permanent disablement.

Industries covered. Manufacturing, construction work, mining, quarrying, lumbering, transportation by land and water, public utilities, warehousing, painting, dyeing, cleaning, laundry work, etc. Industries not enumerated may be included on request of the employer.

Persons compensated. Workers in the industries covered, office and casual employees, outworkers and members of the employer's family excepted, unless on application of the employer.

Government employees. Employees of municipal corporations are included in so far as they are engaged in the industries covered.

Burden of payment. Entire cost is on the employer.

Compensation for death.

(*a*) Necessary expenses for burial, not exceeding $75.

(*b*) To a widow or invalid widower, $20 per month, and $5 additional for each child under 16 years of age, the total not to exceed $40.

(*c*) To orphan children under 16 years of age, $10 per month, the total not to exceed $40.

(*d*) To other dependents, a sum proportionate to the pecuniary loss, not over $20 per month to a parent or parents, and not over $30 in all, for only such periods as support from the deceased might have been reasonably expected.

If there are both total and partial dependents, an allotment may be made between them. Exclusive of burial expenses, not more than 55 per cent of the decedent's earnings may be paid as compensation.

No earnings in excess of $1,200 per annum are to be considered in awarding compensation or assessing premiums.

Compensation for disability.

(*a*) For total disability, 55 per cent of the injured person's average weekly earnings, during the continuance of disability.

(*b*) For partial disability, 55 per cent of the weekly wage loss, payable during the continuance of such disability.

(*c*) Where, in the opinion of the board, special medical or surgical treatment would avoid heavy payments for permanent disability, such treatment may be furnished.

Revision of compensation. The board may reopen and redetermine any claim or adjustment if conditions change or are found to be more or less serious than they were deemed to be.

Insurance. Approved schemes of compensation may be maintained by two designated employing corporations. Benefits under the act are to be paid from an accident fund for the Province, maintained by premiums collected from employers; the Province contributes for administration expenses.

Security of payments. A State board administers the accident fund, and is required to maintain a reserve. Assessed premiums are prior claims in case of bankruptcy, etc. Benefit payments are exempt from assignment, attachment, etc., except with the approval of the board.

Settlement of disputes. Disputes are to be settled by the compensation board, with limited appeals to the courts.

ONTARIO.

Date of enactment. May 1, 1914; in effect January 1, 1915; amended April 8, 1915.

Injuries compensated. Injuries by accident arising out of and in course of employment which cause death or disable a workman for at least seven days from earning full wages at the work at which he was employed. Injuries due solely to the serious and willful misconduct of the injured workman are not compensable, unless resulting in death or serious disablement.

Industries covered. Extensive list; includes manufacturing, construction, lumbering, mining, quarrying, transportation, navigation, operation of public utilities, etc.

Persons compensated. All employees other than casual in industries covered.

Government employees. Included in so far as their employments would be covered if under private employers.

Burden of payment. Cost rests entirely on the employer.

Compensation for death.

(*a*) Necessary burial expenses, not exceeding $75.

(*b*) To a widow or invalid widower, $20 per month, until death or remarriage, with $5 additional for each child under 16 years of age, the total not to exceed $40 per month.

(*c*) To orphan children under 16 years of age, $10 per month each, the total not to exceed $40.

(*d*) To other dependents, not over $20 to the parent or parents, and not over $30 per month in all, for not longer than support might be reasonably expected.

If there are both total and partial dependents, an allotment may be made between them; if no dependents, reasonable allowance may be made for medical attendance, care, maintenance, and burial.

The aggregate compensation, except for burial expenses, may not exceed 55 per cent of the monthly wages of the deceased. No earnings in excess of $2,000 are to be considered in determining any compensation payments.

Compensation for disability.

(*a*) For total disability, 55 per cent of the injured person's average weekly earnings, during the continuance of disability.

(*b*) For partial disability, 55 per cent of the weekly wage loss, payable during the continuance of such disability.

(*c*) Where, in the opinion of the board, special medical or surgical treatment would avoid heavy payments for permanent disability, such treatment may be furnished.

Revision of compensation. Awards may be reviewed on the motion of either party in interest; also on the board's own motion if payments are being made from the accident fund.

Insurance. Payments under the main schedule are made from an accident fund compulsorily maintained by employers under Schedule I of the act, with a subsidy for expenses of administration.

Security of payments. State board administers the accident fund and is required to maintain a reserve. Employers not contributors to the fund may be required to deposit a capital sum to secure payments, or furnish other security. Payments are exempt from assignment or attachment, except with the approval of the board.

Settlement of disputes. All disputes are to be settled by the board, suits at law being forbidden except in defined classes of cases of liability for negligence of employers not contributing to the fund.

PERU.

Date of enactment. January 20, 1911.

Injuries compensated. The employer is responsible for any accidents, unless intentionally brought about by the injured person, which occur to his workmen and employees in the course of or directly occasioned by their work.

Industries covered. Production and transmission of power; electric and gaslight production and installation; telegraph and telephone; naval construction; transportation, land, river, and marine, employing power; agricultural operations involving use of mechanical power; loading and unloading; mines and quarries where more than 35 workmen are employed; ore-reduction work, etc.; factories using mechanical power, and building trades.

Persons compensated. All workmen and employees whose annual earnings do not exceed £120 ($583.98). Elective for those receiving higher compensation.

Government employees. These are subject to the act if the employment itself comes within the scope of the law.

Burden of payment. The entire cost of compensation rests upon the employer.

Compensation for death.

(*a*) A funeral benefit equal to two months' earnings of the deceased, even though his remuneration exceeded £120 ($583.98) per annum and without regard to number of employees.

(*b*) To the widow, a life annuity equal to 11 per cent of annual earnings of the deceased.

(*c*) To the children, legitimate, or acknowledged illegitimate, an annuity, equally divided, of 22 per cent of such earnings until 16 years of age, or, if incapacitated for work, an equal annuity for life.

(*d*) In default of children, to direct descendants entirely dependent on the deceased, the compensation under (*c*).

(*e*) Should there be neither widow, children, nor other dependents, to ascendants who would have been dependent on the deceased, a life annuity of 15 per cent to each, but not in excess of 30 per cent of such wages, and where more than two, such annuity to be equally distributed.

(*f*) Should there be no widow, her portion of the annuity is added to that of the children.

Compensation for disability.

(*a*) Medical and surgical aid during disability.

(*b*) For total permanent disability a life annuity of 33 per cent of annual earnings.

(*c*) For partial permanent disability a life annuity of 33 per cent of loss of earning capacity.

(*d*) For total temporary disability a compensation during disability of 22 per cent of earnings.

(*e*) For partial temporary disability a compensation of 50 per cent of the loss of earning capacity until complete recovery.

An increase of 50 per cent in the compensation is made if the accident occurs in default of prescribed protective apparatus on the part of the employer or by reason of his inexcusable fault. It is proportionately reduced if through inexcusable fault of the injured.

If the accident causing injury is the result of an unlawful act of the employer, the injured person shall be entitled to indemnity for all damages and injuries, as determined at common law.

Revision of compensation. Demands for revision of compensation may be made by either party within three years.

Insurance. Employers may transfer burden of payment of compensation by insuring their employees in authorized insurance companies.

Security of payments. In case of insolvency compensation payments become preferred claims, and any funds deposited with the Government bank for the purpose of paying allowances are available for the payment of such claims.

Settlement of disputes. Disputes arising under this act go before the magistrate or justice of the peace, subject to review by the judge of the court, and finally subject to an appeal to the superior court.

PORTUGAL.

Date of enactment. July 24, 1913; in effect July 27, 1913.

Injuries compensated. Accidents causing death or injury, not brought about fraudulently, arising in the course of employment unless proved not to have arisen out of the employment.

Persons compensated. All operatives and employees, including apprentices, engaged in industries covered by the act.

Industries covered. Factories and workshops employing other than human power; mines and quarries; iron works; building trades; manufacture of explosives and inflammable and poisonous materials; railway and waterway construction; sewers and waterworks; transportation by land or water; storage, handling, and the like; agriculture and forestry, if mechanical power is used (covering only such accidents as are caused by such power machinery); herding and tending wild cattle; theaters; administration of public security; gas and electrical works; telegraph and telephone systems; fishing, if not a cooperative enterprise.

Government employees. These are included if engaged in industries covered by the acts and if higher compensation is not otherwise provided by law.

Burden of payment. The entire burden rests upon the employer; if there are contractors and subcontractors, then upon such contractors.

Compensation for death.

(*a*) Funeral expenses not exceeding 15 times the daily wage.

(*b*) To surviving consort, 20 per cent of annual earnings of employee until death or remarriage; lump sum of 60 per cent of annual earnings paid at time of remarriage.

(*c*) To legitimate child under 14 years of age, 15 per cent of annual earnings, 25 per cent if 2 children, 35 per cent if 3, and 40 per cent if 4 or more. If left orphans, each child receives 20 per cent of annual earnings, with a maximum of 60 per cent.

(*d*) If there are no children, then to any dependent parents or grandparents, or descendants under 14 years of age, 10 per cent of annual earnings to each such dependent, but in no case over 40 per cent of annual earnings.

(*e*) In calculating annual earnings the maximum wage considered is 400 milreis ($432), plus any excess to the extent of one-half.

Compensation for disability.

(*a*) Necessary medical and surgical expenses.

(*b*) For total permanent disability, two-thirds of annual earnings.

(*c*) For total temporary disability, two-thirds of the daily wage during each working day lost.

(*d*) For partial disability, one-half the loss of earning power.

(*e*) All compensation is paid from the beginning of disability.

(*f*) In calculating annual earnings the maximum wage considered is 400 milreis ($432), plus any excess to the extent of one-half.

Revision of compensation. No provision is made in the law.

Insurance. Employers may transfer burden of payment to recognized establishment funds, mutual aid associations, or approved insurance companies. They may also insure with the State Insurance Council.

Security of payments. The obligations contracted under the law, in the event of bankruptcy, have special precedence over all debts of the employer. Risk classes and reserves are determined by the State Insurance Council.

Settlement of disputes. Disputes are settled by special tribunals of arbitrators composed of employers, employees, and medical officers having deliberative votes, and of representatives of the insurance companies having consultative votes.

QUEBEC.

Date of enactment. May 29, 1909; in effect January 1, 1910.

Injuries compensated. All injuries happening to workmen by reason of or in the course of their work causing death, or disability lasting over seven days. Injuries intentionally caused by the person injured are not compensated.

Industries covered. Building, manufacturing, transportation, engineering, and construction work, mining, quarrying; stone, wood, and coal yards; any industrial enterprise using machinery operated by power. Agriculture and sailing vessels are excluded.

Persons compensated. Workmen, apprentices, and employees earning not more than $1,000 per annum. Foreign workmen or their representatives are compensated only if and so long as they reside in Canada.

Government employees. Government employees are not mentioned in the act.

Burden of payment. The entire expense rests upon the employer.

Compensation for death.

(*a*) Medical and funeral expenses not in excess of $25, unless same are provided by an association of which the deceased was a member.

(*b*) Four times average yearly wages, but not less than $1,000 nor more than $2,000 payable to surviving consort, to children under 16 years of age, and dependent ascendants, shares to be agreed upon or determined by court.

All amounts may be decreased or increased by court on account of inexcusable fault of employee or employer.

Payments made for disability before death are deducted.

Compensation for disability.

(*a*) For permanent total disability, a pension equal to 50 per cent of the yearly wages (including the maximum and minimum amounts).

(*b*) For permanent partial incapacity, a pension equal to 50 per cent of the amount by which the wages have been reduced because of the injury.

(*c*) For temporary incapacity lasting over seven days, compensation equal to one-half the daily earnings received at the time of the accident, beginning with the eighth day.

(*d*) In computing pensions only one-fourth the excess of the annual earnings between $600 and $1,000 is considered; the capital of any pension shall not exceed $2,000, unless higher because of accidents due to inexcusable fault of the employer.

Revision of compensation. Demands for change of amount of compensation may be made within four years.

Insurance. No reference concerning the insurance of risks under the law is contained in the act, except as to the payment of pensions due, which may be transferred to insurance companies. No release from liability is obtained by the employer by such transfer.

Security of payments. Claims for compensation or pensions form a lien on the real and personal property of the employer so long as they remain unpaid.

Settlement of disputes. Superior and circuit courts have jurisdiction over all disputes arising under this act. All proceedings are summary, no trial by jury being allowed.

QUEENSLAND.

Date of enactment: January 5, 1916; in effect July 1, 1916, replacing act of December 20, 1905.

Injuries compensated: All injuries by accident in the course of employment not intentionally self-inflicted, causing death or disability for at least three days for earning full wages at the work at which employed.

Industries covered: All.

Persons compensated: All employed under contracts of service whose remuneration does not exceed £400 ($1,946.60) per year, including clerical employment, domestic service, casual employees if specially insured or covered by a policy under the act, and seamen on Queensland vessels in Queensland waters.

Government employees: Included the same as if in private employment.

Burden of payment: All on employer.

Compensation for death:

(*a*) A sum equal to three years' earnings, but not less than £300 ($1,459.95) nor more than £600 ($2,919.90), to persons wholly dependent, less any payments to the injured person prior to his death.

(*b*) A proportionate sum if beneficiaries are only partially dependent.

(*c*) Reasonable expenses of medical service and burial, not exceeding £50 ($243.33), if no dependents survive.

Compensation for disability: Weekly payments during incapacity, not exceeding 50 per cent of the average earnings, not more than £2 ($9.73) per week nor £750 ($3,649.88) in all. Benefits of less than £2 ($9.73) per week may be increased to that limit, but not to exceed the average weekly earnings. Payments for total disability of an adult worker shall not be less than £1 ($4.87) per week. Weekly payments may be commuted to a lump sum by agreement.

Revision of compensation: Lump-sum payments may be reviewed within 12 months after the agreement fixing their amount. Weekly payments may be reviewed on a showing of the misconduct of the recipient.

Insurance: It is obligatory for every employer to obtain a policy of insurance from the State insurance commissioner, though authorized accident insurance companies may also do business.

Security of payment: Policies of the State fund are guaranteed by the Government. Accident-insurance companies must deposit security with the State treasurer. Compensation benefits are not subject to assignment, execution, or attachment. No limitation of liability affects compensation payments.

Settlement of disputes: Applications are first heard by the State insurance commissioner, but may, on his own motion or at the request of the claimant, be submitted to an industrial referee appointed by the governor in council. An appeal on points of law may be taken to the supreme court.

ROUMANIA.

Date of enactment. January 25 (February 7), 1912. (Includes sickness insurance.)

Injuries compensated. Injuries resulting from accidents without investigation as to whether caused by force majeure or fault of the injured. Accident caused intentionally shall be submitted to the central office for investigation. No sick money benefits paid if the illness or accident was due to drunkenness.

Industries covered. Industries and handicrafts using machinery operated by motor power of all kinds, building undertakings, earthworks, mines, quarries, sawmills; agricultural machinery, forestry, mills, tramways and railroads of all classes; inland and sea navigation, transportation in so far as loading and unloading merchandise are concerned. Other industries may be added by order of the central office.

Persons compensated. All workers and helpers.

Government employees. The law covers employees of the State, districts, and communes in occupations otherwise under the act.

Burden of payment. Burden of payment rests entirely upon the employer after first two weeks; medical treatment and sick benefits paid from sick relief funds supported by its members (employers and employees) who contribute on the basis of a certain wage classification from 0.05 leu (1 cent) to 0.60 leu (11.6 cents) per week.

Compensation for death.

(*a*) A death benefit amounting to 100 lei ($19.30).

(*b*) To a widow without children one-fifth of the average wages of the deceased until her death or remarriage; to each child under 16 years of age, including illegitimate child of mother dying as result of injury, one-fifth of such earnings. In no case shall the aggregate pensions exceed three-fifths of annual earnings.

(*c*) If the deceased was a female person the same pensions are payable to her children and to her husband if he had been incapacitated for a considerable time.

(*d*) If the deceased leaves dependent persons in the ascending line, a pension of one-fifth of such earnings shall be paid them, with preference in favor of the parents over grandparents.

Compensation for disability.

(*a*) Medical treatment at home or in a hospital, medicines, and therapeutical appliances, supplied by sick funds for first two weeks.

(*b*) Beginning with the third week the injured person, if totally incapacitated, shall be allowed during the entire period of incapacity two-thirds of his wages, and if partially disabled a correspondingly reduced allowance, payable from the General Trade Association for Accident Insurance.

(*c*) In case the person is so injured as to require the attention of another the allowance may be increased to full wages.

If the wages exceed 5 lei (96.5 cents) per day, that sum plus one-third the excess is considered in computing pensions.

Revision of compensation. No provision is made for revision of compensation.

Insurance. Every employer in the enterprises covered by the law must insure his employees in the General Trade Association. Insurance is effected in the General Trade Association for Accident managed by an Administrative Council appointed by royal decree.

The State does not become a member of the General Trade Association, but itself insures its employees.

Security of payments. The association fixes the amount of contribution from employers to cover the amounts to be paid as benefits and pensions.

Settlement of disputes. All disputes as to right to and amount of assistance or benefits shall be decided by the arbitration courts, with a right of appeal to the administrative council of the central office.

RUSSIA.

Date of enactment. June 23 (July 6), 1913; in effect January 1, 1914, replacing act of June 2 (15), 1903.

Injuries compensated. Injuries from accidents in the course of or arising out of employment, causing incapacity for work, or death, except such are caused intentionally by the injured.

Industries covered. Factories, mines, iron and steel works, local railways, tramways, and inland navigation, making use of motor power and regularly employing 20 workpeople or more. Enterprises employing 30 or more workpeople, whether using motor power or not. Other industries may be added by the insurance council.

Persons compensated. All persons (other than casual workers) irrespective of age or sex, employed for wages or salary. Those having annual earnings in excess of 1,500 rubles ($772.50) may sue under ordinary liability law.

Government employees. The law excludes employees on State owned undertakings and the main railway systems; zemstvos and village establishments are included.

Burden of payment. Medical treatment for persons, including hospital treatment, medicine, bandages and medical appliances, and sick pay, for persons insured in the sick fund, for the first 13 weeks of disability will be paid from that fund to which the employees contribute three-fifths and the employers two-fifths. From the ninety-first day compensation is paid by the accident insurance association in which the injured person is insured at the cost of the employers.

Compensation for death.

(*a*) Funeral benefits, fixed at an amount varying between 20 and 30 days' pay of the insured person.

(*b*) To widow one-third of annual earnings until death or remarriage; to each child under 15 years of age one-sixth in case of survival of one parent; otherwise, one-fourth; to each dependent relative, one-sixth. The total annuity in no case in excess of two-thirds of the annual earnings of the deceased.

(*c*) A lump sum payment may be substituted for annuity not in excess of 36 rubles ($18.54) plus 15 per cent of annual earnings of the deceased.

(*d*) The maximum annual earnings for purpose of calculating insurance are 1,500 rubles ($772.50).

Compensation for disability.

(*a*) For total disability during the first 13 weeks from two-thirds (for male persons) to full amount (for women) of daily wages. After the ninety-first day two-thirds of the injured person's earnings.

(*b*) For total permanent incapacity an annuity of two-thirds annual earnings, and for partial permanent incapacity a proportionately smaller annuity.

(*c*) The annuity may be increased to full pay in case of resulting insanity, loss of both hands or both limbs, or such disablement as requires constant care by another person.

Revision of compensation. On request of either party within three years reexamination may be made to adjust pension to any change in working capacity.

Insurance. Insurance is effected through employers' associations established by the order of the Minister of Commerce and Industry, with a prescribed district for each association. An insurance association may transfer its liability for payment of insurance to the government savings bank, by a deposit equal to the capitalized value of the pension.

Security of payments. The insurance associations are under direct State supervision.

Settlement of disputes. In case the decision of the insurance board is unsatisfactory, a rehearing is granted and from the decision rendered on this second hearing an appeal may be carried to the ordinary courts.

SAN SALVADOR.

Date of enactment. May 12, 1911; in effect, ——.

Injuries compensated. All injuries caused by or received in consequence of work being done for another, including those arising from handling toxic materials, unless from force majeure, or a cause foreign to the work being done, or from the gross carelessness or imprudence of the injured person.

Industries covered. Mining; the manufacture of explosives, or inflammable, deleterious, or toxic materials; transportation, including navigation; the production or distribution of electricity. The members of fire companies are also included.

Persons compensated. All persons regularly employed by another at manual labor outside of their domicile, including apprentices and commercial employees (*dependientes*).

Government employees. Not mentioned.

Burden of payment. The entire burden of payment rests upon the employer.

Compensation for death.

(*a*) Funeral expenses not exceeding 40 pesos ($14.68).

(*b*) To the widow, no other dependents surviving, a lump-sum payment equal to one year's wages.

(*c*) To widow and dependent children, or orphaned nieces and nephews under 16 years old, in her care, legitimate or natural, two years' wages.

(*d*) To children, legitimate or natural, or nieces and nephews, legitimate, under 16 years of age, no widow surviving, two years' wages.

(*e*) If none of the above survive, to the parents or grandparents, being 70 years of age and dependent, or if under that age and not able to work, 10 months' wages, or if only one survives, 6 months' wages.

Compensation for disability.

(*a*) Medical care and treatment.

(*b*) For temporary disability, one-half daily wages. If disability continues for one year, compensation same as for permanent disability.

(*c*) For permanent partial disability, employment must be provided at wages equal to the rate paid on day of injury, for at least one year.

(*d*) For permanent total disability, two years' wages, but if the injury is of such a character as to permit work in other than the usual occupation of the injured person, 18 months' wages.

Compensation for permanent partial or total disability is independent of that provided for temporary disability.

Wages must be considered as not less than 50 centavos (18.3 cents) per day. Compensation includes holidays.

Revision of compensation. No provision appears.

Insurance. Employers may transfer their obligations by insuring their employees in an approved association, providing compensation equal to that provided by law, if such insurance is acceptable to the insured, and a copy of the policy is furnished him.

Security of payments. Insurance does not relieve the employer from obligation if the insurance company fails to pay the compensation within 30 days following the injury.

Settlement of disputes. Immediately after an injury an investigation by public officials (of the court, if there be one) determines the character of the injury and the amount of the compensation payable. An appeal may be taken as provided by the code.

SERBIA.

Date of enactment. June 29 (July 12), 1910; in effect July 1 (14), 1911.

Injuries compensated. Insurance of workmen relates to cases of illness, accident, disablement, old age, and death when it can not be proved that accident occurred owing to the fault of the injured workman.

Industries covered. All handicrafts and commercial undertakings in which are employed in the one workshop or in one place more than 15 workers where motor power is used, and more than 25 workers where motor power is not used.

Persons compensated. All workmen, including apprentices, in handicrafts and commercial establishments under the law; voluntary insurance for others provided annual earnings do not exceed 2,000 dinars ($386).

Government employees. Relief funds in the case of mines, and insurance funds in case of State and private works which shall be in existence at the time this act comes in force, may be placed on an equal footing with the local associations under the same conditions as agreed with the national insurance fund.

Burden of payment. Accident insurance premiums shall be paid by the employers alone.

Compensation for death.

(a) A funeral benefit in proportion to the insured monthly wages of the deceased, fixed by the local workmen's insurance associations.

(b) A sum equal to 30 per cent of the allowance to which the insured person shall have had claim to be paid the widow, so long as she remains unmarried, and 5 per cent in addition for each child up to the time of completing their fourteenth year. Should the widow remarry she may be granted three years' allowance.

(c) Should the children be orphans, the eldest shall receive 20 per cent of the allowance, and the second, third, and fourth children 10 per cent each, and each additional child 5 per cent of the total allowance.

(d) Up to the time when this insurance becomes payable, medical attendance for the injured and his family, medicine and similar assistance, nurses in hospitals and health resorts for workmen and families and daily relief money not less than half the daily wages of the insured person.

Compensation for disability.

(a) Medical and surgical aid.

(b) Pecuniary benefit not less than 5 per cent of wages of injured, according to disability.

(c) In the event of permanent total disability, maximum may be equal to full wages.

Revision of compensation. No special provision is made in the law.

Insurance. Insurance is effected in local workmen's insurance associations, which form a National Union of Workmen's Insurance Associations. Certain relief and insurance funds are recognized when meeting required conditions. Accident and sickness insurance obligatory.

Security of payments. The State makes each year a grant not less than 100,000 dinars ($19,300) to the insurance fund.

Settlement of disputes. Appeals are allowed from the decision of the local associations to the national union, and a further appeal to the minister of political economy, whose decision shall be final.

SOUTH AUSTRALIA.

Date of enactment. December 14, 1911; in effect January 1, 1912, replacing act of 1900 and amendatory act of 1904.

Injuries compensated. All injuries to workmen arising out of and in the course of the employment causing death, or disability for at least one week, except when due to serious and willful misconduct of the workman injured.

Industries covered. "Any employment," including agricultural work employing mechanical power, and navigation in domestic waters on South Australian vessels, but excluding home work, domestic service, and clerical work.[1]

Persons compensated. All workmen including apprentices, engaged in manual labor or otherwise, provided weekly earnings do not exceed £5 ($24.33).

Government employees. Act applies to civilian persons employed under the Crown to whom it would apply if the employer were a private person.

Burden of payment. Entire cost of compensation rests upon employer; but if there are contractors, then either upon such contractors or the principal, provided contractors for agricultural work included in the act must bear the burden alone.

Compensation for death.

(*a*) A sum equal to three years' earnings, but not less than £200 ($973.30) nor more than £300 ($1,459.95), to those wholly dependent upon earnings of deceased.

(*b*) A sum not exceeding above amount if dependents were partly dependent upon deceased, to be agreed upon by the parties or fixed by arbitration.

(*c*) Reasonable expenses of medical attendance and burial not exceeding £20 ($97.33), if deceased leaves no dependents.

Compensation for disability.

(*a*) A weekly payment during disability not exceeding 50 per cent of employee's average weekly earnings during the previous 12 months, such weekly payments not to exceed £1 ($4.87) nor, in case of total incapacity of workmen under 21 years and receiving under 20s. ($4.87) a week, to be less than 10s. ($2.43) per week, and total liability not to exceed £300 ($1,459.95).

(*b*) A weekly payment during partial disability to be fixed with regard to difference between employee's average weekly earnings before the accident and average weekly amount which he is earning or able to earn after injury.

(*c*) A lump sum may be substituted for weekly payments after six months on application of either party, the amount to be settled by arbitration under the act in default of agreement.

In any case, if disability lasts less than two weeks, no compensation is paid for the first week.

Revision of compensation. Weekly payments may be revised at request of either party.

Insurance. Employers may contract with their employees for substitution of a scheme of compensation, benefit, or insurance in place of the provisions of the act, if the public actuary certifies that the scheme is on the whole not less favorable to general body of employees and their dependents than the provisions of the act. In such case employer is liable only in accordance with the scheme.

Security of payments. In event of employer's insolvency the amount of compensation due under act, up to £100 ($486.65) in any individual case, becomes a preferred claim; or where an employer has entered into a contract with insurers in respect of any liability under this act to any workman such rights of the employer, in the event of insolvency, are transferred to and vested in the workman.

Settlement of disputes. Disputes arising under the act are settled by the arbitration of existing committees of employers and employees, or, if either party objects, by a single arbitrator agreed on by the parties, or, in absence of agreement, by a special magistrate. An arbitrator appointed by the magistrate has all the powers of a local court.

[1] Seamen are compensated under a Commonwealth law of Dec. 28, 1911.

SPAIN.

Date of enactment. January 30, 1900; in effect July 28, 1900.

Injuries compensated. All injuries by accidents to employees in the course of and by reason of the employment causing death or disability. Compensation may be reduced if injured person was engaged in an illegal act.

Industries covered. Manufacturing, mines, quarries, metallurgical establishments, construction work, industries injurious to health, transportation, gas and electric works, street cleaning, theaters, and agricultural and forestry establishments using power machinery.

Persons compensated. Workmen performing manual labor, including helpers and apprentices.

Government employees. Act applies to employees of State factories and other Government establishments, to labor accidents in war and naval departments, and to establishments of provincial and communal governments.

Burden of payment. Entire cost of compensation rests upon employer.

Compensation for death. In addition to any prior benefits paid for disability—

(*a*) Funeral expenses, not exceeding 100 pesetas ($19.30).

(*b*) A lump sum equal to two years' earnings, if widow, and children or dependent orphan grandchildren under 16 years survive; eighteen months' earnings if only children or orphan grandchildren survive; one year's earnings if only widow survives; ten months' earnings to dependent parents or grandparents over 60 years of age, in absence of widow or children, if two or more survive; seven months' earnings if only one parent or grandparent survives.

(*c*) For these lump-sum payments, by mutual consent, the following pensions may be substituted: 40 per cent of annual earnings when widow and children or grandchildren survive; 20 per cent of annual earnings when only widow survives; 10 per cent to each dependent parent or grandparent over 60 years of age, when no widow or children survive, but not over 30 per cent in the aggregate; compensation to widow ceases on her remarriage, and to children on their attaining the age of 16 years.

(*d*) In these cases, the daily earnings to be considered as not less than 1.50 pesetas (29 cents).

(*e*) All of these compensations are increased by 50 per cent if the establishment is lacking in the required safety provisions.

Compensation for disability.

(*a*) Free medical and surgical treatment during disability.

(*b*) Fifty per cent of daily earnings, including Sundays and holidays, from day of injury to day of recovery from disability, but not over one year, after which case is treated as one of permanent disability.

(*c*) In case of permanent disability, in addition to the foregoing, a sum equal to two years' earnings for total disability.

Eighteen months' earnings, if total disability extends only to former trade.

One year's earnings in cases of partial permanent disability for usual employment, unless the employer agrees to employ injured workmen at some other work at old rate of wages.

(*d*) In these cases the daily earnings to be considered as not less than 1.50 pesetas (29 cents).

(*e*) Compensations are increased by 50 per cent if the establishment is lacking in the required safety provisions.

Revision of compensation. No special provision is made in the law.

Insurance. Employers may contract with authorized insurance companies to assume obligations imposed by law.

Security of payments. No special provision is made in the law.

Settlement of disputes. Disputes concerning compensation under the law may be carried to special permanent labor tribunals consisting of representatives of the State, employers, and employees.

SWEDEN.

Date of enactment. June 17, 1916; in effect January 1, 1918.

Injuries compensated. Injuries by accident to workmen resulting from the employment and causing death or disability of more than 35 days duration,[1] unless caused by the willful act of the victim or by the willful act or gross negligence of the survivor. Compensation may be reduced for drunkenness at time of accident or for failure to comply with safety laws or for gross negligence of injured person.

Industries covered. All.

Persons compensated. Persons working for wages, including apprentices, and children and other members of the employer's household, but excluding home workers, independent craftsmen, and employees whose earnings exceed 5,000 crowns ($1,340).

Government employees. All Government employees are covered, unless otherwise provided for.

Burden of payment. Entire cost of compensation rests upon employer, except that some of the State Insurance Institute expenses fall upon the State.

Compensation for death.

(*a*) Funeral benefit of one-tenth of annual earnings, but not less than 60 crowns ($16.08.)

(*b*) To widow or widower until marriage, or to dependent parents, annual pension equal to one-fourth of annual earnings of deceased; to each child under 15 years of age one-sixth of annual earnings; total to survivors not to exceed two-thirds of annual earnings of deceased.

(*c*) To widow or widower remarrying before 60 years of age a lump sum equal to three-fourths of annual earnings of deceased.

Compensation for disability.

(*a*) If temporarily disabled for more than 35 days,[1] medical treatment, surgical supplies, and pecuniary benefits as long as illness continues, of two-thirds of daily wages, with reductions according to loss of earning capacity, but not to less than one-fourth of daily wages.

Hospital treatment for injured person and institutional care for dependents may be substituted, and cash benefits in such cases reduced by one-half.

(*b*) If permanently disabled, an annual pension equivalent to two-thirds of earnings for total disability and a smaller sum to correspond with loss of earning capacity in case of partial disability. No pension is paid for disability causing less than 10 per cent loss of earning power.

On request a lump sum may be substituted for annual pension.

In computing compensation excess of wages over 1,800 crowns ($482.40) not included; full amount of wages paid if under 300 crowns ($80.40).

Revision of compensation. Revision of compensation may be made or requested at any time.

Insurance. If an injured person receives an allowance or pension from an organization which is supported entirely or in greater part by the employer or if the victim is insured in a private organization by his employer, the amounts received from such a source may be deducted from payments required of employer under the act. Employers may transfer burden of payment of compensation by insuring either in the State Insurance Institute, created for this purpose by the act, or in a mutual company of employers with unlimited liability. A State insurance fund is established.

Security of payments. Premiums assessed enjoy same precedence as taxes for collection.

Settlement of disputes. All disputed claims are referred to a special insurance council, from which there is no appeal.

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[1] The enactment of a compulsory sickness insurance law is forecast in the above accident compensation law, and until such enactment compensation is payable from the beginning of the fourth day of disability.

SWITZERLAND.

Date of enactment. June 13, 1911, accepted by referendum February 4, 1912.

Injuries compensated. Every bodily injury suffered by an injured person in the course of work performed under direction of the director, or his agent, of the insured enterprise, or service undertaken in the interest of the enterprise, or during interruption of work, before or after work, if the insured person is on the premises, or in the danger zone, without fault on his part. All insured persons contracting an occupational disease due to the action of injurious substances used in the establishment.

Industries covered. Railway and postal services, steam vessels, factories, building trades, transportation by land and water, rafting, telegraph and telephone lines, engineering works, excavating, mines, quarries, manufacture of explosives.

Persons compensated. All employees, laborers, apprentices, laborers without pay, and probationers.

Government employees. No special provision is mentioned in the law.

Burden of payment. In the case of occupational accident insurance, premiums are paid by the employers; in nonoccupational accident insurance, three-fourths by the insured person and one-fourth by the Confederation.

Compensation for death.

(*a*) A funeral benefit of 40 francs ($7.72).

(*b*) To widow or dependent widower or a widower who shall become infirm or incapacitated within 5 years after the death of the wife, an annuity of 30 per cent of annual wages of the insured. On the remarriage of a widow she is allowed a lump sum equivalent to her annuity of 3 years.

(*c*) To each child until the completion of 16 years of age an annuity of 15 per cent of said annual earnings, 25 per cent if orphaned of both parents; if upon the completion of 16 years said child is permanently incapacitated, annuity to continue till 70 years of age.

(*d*) Ascendants in a direct line are entitled during life, and brothers and sisters until 16 years of age, to a total annuity of 20 per cent, equally distributed. The total annuities payable shall not exceed 60 per cent of the earnings of the insured persons.

Compensation for accident.

(*a*) Free medical attendance, medicine, surgical apparatus, and necessary traveling expenses.

(*b*) Indemnity for loss of time payable beginning with third day after the accident, equal to 80 per cent of earnings. If treatment in a hospital is necessary the fund may retain, in the case of a person without family, three-fourths, and, with a family, one-half of the loss of time indemnity.

Loss of time payments are based on daily earnings not exceeding 14 francs ($2.70).

(*c*) An annuity for total disability equal to 70 per cent of annual earnings. For partial disability a proportionate rate. Annuities are based on annual earnings not exceeding 4,000 francs ($772).

(*d*) When medical treatment if instituted may reasonably be expected to improve the earning capacity of the persons, the annuity may be replaced by such treatment payable in the same manner as loss of time and hospital treatment.

(*e*) A lump-sum payment not exceeding in value an annuity for 3 years may be made to any person in whose condition no reasonable improvement may be expected from medical treatment, and who will probably recover his capacity for labor.

Revision of compensation. Revision of annuity may be had at any time within 3 years from its establishing, provided the degree of disability undergoes any essential change. After that time revision may be had only at the expiration of the sixth and ninth years.

Insurance. Compulsory in a National fund against accidents, occupational and nonoccupational; and voluntary insurance of all persons 14 years of age and over, and heads of establishments who have themselves and their laborers insured, may insure such other persons against accidents for which they are civilly responsible.

Security of payments. Under Government control.

Settlement of disputes. Cantonal courts decide in the first instance subject to appeal to the Federal Insurance Court.

TASMANIA.

Date of enactment. January 13, 1911; in effect July 1, 1911.

Injuries compensated. Personal injury by accident arising in the course of employment, causing disability from earning full wages for at least one week, or death, except injuries attributable to insobriety, or serious and willful misconduct, or breach of law, or gross negligence, and those occurring while proceeding to or from place of work.

Industries covered. Railroads, factories, mines, quarries, engineering work, or any other industry so declared by a resolution of parliament.[1]

Persons compensated. Any worker, except casual, employed in manual labor whose annual earnings do not exceed £156 ($759.17).

Government employees. Act applies to workers in Government service to whom it would apply if the employer were a private person.

Burden of payment. The entire cost rests upon the employer, but if there are contractors, then upon such contractors and the principal jointly and severally.

Compensation for death.

(*a*) To those wholly dependent a sum equal to three years' earnings of the deceased employee, but not less than £100 ($486.65) nor more than £200 ($973.30).

(*b*) To those partially dependent a sum proportionate to the loss to such dependents, but not larger than above amount, to be determined by agreement or arbitration.

(*c*) If deceased leaves no dependents, reasonable expenses of medical attendance and burial, but not to exceed £30 ($146), provided he is unable to meet such expenses.

Compensation for disability.

(*a*) A weekly payment during incapacity of not more than 50 per cent of employee's average weekly earnings during previous 12 months, but not exceeding 30 shillings ($7.30), and a total liability not exceeding £200 ($973.30). If incapacity lasts less than two weeks, no payment is required for the first week. Aged and infirm employees may agree in advance to accept reduced amounts.

(*b*) Minor persons may be allowed full earnings during incapacity, but weekly payments may not exceed 10 shillings ($2.43).

(*c*) For certain permanent injuries (mutilations, etc.) a fixed per cent of the compensation paid above for partial and total disability.

A lump sum may be substituted for the weekly payments after two weeks.

Revision of compensation. Weekly benefits may be revised at the request of either party.

Insurance. Employers may contract with their employees for substitution of a scheme of compensation, benefit, or insurance in any approved company in place of the provisions of the act if the scheme is shown to be not less favorable to the general body of employees and their dependents than the provisions of the act. In such case the employer is liable only in accordance with such scheme.

Security of payments. In case of the employer's insolvency, the amount of compensation due under the act, up to £100 ($486.65) in any individual case, is classed as a preferred claim; or, where an employer has entered into a contract with insurers in respect of any liability under the act to any workman, such rights of the employer, in the event of his insolvency, are transferred to and vested in the workman.

Settlement of disputes. Questions arising under the act are settled by agreement of the parties or by arbitration before a special commissioner according to ordinary rules of court.

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[1] Seamen are compensated under a Commonwealth law of Dec. 28, 1911.

UNION OF SOUTH AFRICA.

Date of enactment. July 1, 1914; in effect January 1, 1915.

Injuries compensated. Injuries by accident arising out of and in course of work, not due to the workman's own serious and willful misconduct causing death or disability. No compensation is paid where disability is for less than one week, or where the accident or its consequences are due to a preexisting diseased condition of the workman which was unknown to the employer.

Industries covered. "Any trade, industry, business, or public undertaking," including seamen, but excluding domestic service and agriculture unless the employment is in connection with an engine driven or machine worked by mechanical power.

Persons compensated. All employees other than casual, or outworkers, or those whose earnings exceed £500 ($2,433.35) per annum.

Government employees. Civilian employees are included.

Burden of payment. Entire cost is to be met by the employer.

Compensation for death.

(*a*) To persons wholly dependent an amount not exceeding 2 years' wages, or £500 ($2,433.25), whichever is less.

(*b*) To partial dependents an amount not exceeding three times the amount of support received or reasonably to be expected during 12 months.

(*c*) If no dependents, the reasonable expenses of last illness caused by the accident, and of the burial, not to exceed £40 ($194.66).

Compensation for disability.

(*a*) An amount not exceeding 3 years' earnings or £750 ($3,649.88), whichever is less, in case of permanent total disability.

(*b*) If disability is partial, an amount not exceeding the probable resultant wage loss for 3 years may be paid, the sum not to exceed one-half the average earnings at the time of the accident, or one-half of £750 ($3,649.88), whichever is less.

(*c*) For temporary disability, not over 50 per cent of the wages. All payments are made as from the date of the incapacity.

Persons specially liable to injury or death by reason of age or infirmity may contract to receive reduced benefits, not less in amount than one-half the above.

Revision of compensation. Orders for periodical payments may be reviewed at the instance of either party, and modified according to the findings on such review.

Insurance. Not regulated by the act.

Security of payments. Benefits payable on account of death are to be paid to the magistrate for the use of the beneficiaries, and disability benefits may be so paid. Compensation payments are not subject to assignment or attachment. In case of the insolvency of an insured employer, workmen entitled to compensation are subrogated to the employer's rights under the policy, unaffected by such insolvency.

Settlement of disputes. All questions are to be determined by a magistrate of the district in which the accident occurred, with appeals to superior courts.

VENEZUELA.

Date of enactment. February 23, 1906.

Injuries compensated. Death, injury, or total disability resulting from an accident.

Industries covered. Mining.

Persons compensated. Any miner suffering injury as a result of an accident.

Government employees. The law makes no provision for compensation of Government employees.

Burden of payment. Not stated in the law.

Compensation. Amount to be determined by agreement or by a committee composed of one person appointed by each party and one by the highest civil authority.

Revision of compensation. No scheme of revision is provided.

Insurance. No plan for transfer of burden to insurance company or otherwise is provided.

Settlement of disputes. The committee above provided for.

VICTORIA.

Date of enactment. September 6, 1915; in effect, October 1, 1915.

Injuries compensated. Injuries by accident arising out of and in course of employment causing death or disability for at least one week; those due to the serious and willful misconduct (including intoxication) of the employee are not compensated unless death or serious and permanent disablement follows.

Industries covered. "Any employment."

Persons compensated. Any person regularly employed for the purposes of the employer's trade or business whose earnings are not in excess of £250 ($1,216.63) per annum, but persons engaged in manual labor are not subject to this limitation.

Government employees. Workers employed in public service are included in all cases where the act would apply to private employment.

Burden of payment. Entire cost rests on employer.

Compensation for death.

(*a*) A sum equal to 3 years' earnings, but not less than £200 ($973.30) nor more than £500 ($2,433.25) to persons entirely dependent.

(*b*) If only partial dependents survive, a sum not greater than for total dependents, to be determined by agreement or arbitration, and proportionate to the loss sustained.

(*c*) If no dependents, the reasonable expense of medical attendance and burial, not exceeding £50 ($243.33).

Compensation for disability.

(*a*) Not more than 50 per cent of the weekly wages, not to exceed £1 10s. ($7.30) per week, nor £500 ($2,433.25) in all; schedule of percentages of a total disability appended for rating partial disablements.

(*b*) Minor workers may receive full wages during incapacity, but not more than 10s. ($2.43) per week.

(*c*) Persons specially liable to injury by reason of age or infirmity may be employed under an agreement limiting liability, which shall not, however, be for less than £50 ($243.25) in case of death, if there are dependents; nor for weekly disability payments of less than 5s. ($1.22) or one-fourth the weekly earnings, whichever is larger, the total not to exceed £50 ($243.25).

Any weekly payment may be commuted to a lump sum after six months.

Revision of compensation. Weekly payments may be reviewed at the request of either party, and ended, reduced or increased, as the findings may indicate.

Insurance. Approved benefit schemes may be maintained if not less favorable than the requirements of the act; if employees contribute, corresponding additional benefits must be provided. If no such scheme is maintained, employers must insure in a State accident insurance fund, or in an approved company.

Security of payments.—Insurance policies must contain such provisions as prescribed in regulations made by the governor in council. Employees of insolvent employers are subrogated to the employers' rights under any policy of insurance to the amount of employers' liability to such employees. Policies in the State fund are guaranteed by the Government. Payments are not subject to assignment, execution, etc.

Settlement of disputes. Disputes are settled by a judge of the county courts or a police magistrate, at the option of the worker, under procedure prescribed by rules of court; appeals to the supreme court on questions of law.

WESTERN AUSTRALIA.

Date of enactment. December 21, 1912; in effect on a date fixed by the governor by order in council.

Injuries compensated. All injuries caused to a workman arising out of and in the course of the employment causing death, or disability for at least one week, except when due to serious and willful misconduct of the workman injured.

Industries covered. Railways, waterworks, tramways, electric-light plants, factories, mines, quarries, engineering and building work, cutting standing timber, cutting scrub and clearing land; manufacture and use of explosives; using machines driven by mechanical power; driving vehicles moved by horse or mechanical power; any occupation in which worker incurs risk of falling any distance, if injury or death results; navigation on Western Australian ships in territorial waters.[1]

Persons compensated. All persons engaged under contract in any employment, except casual workers, outworkers, and those having annual earnings in excess of £300 ($1,459.95).

Government employees. Act applies to all persons employed under the Crown to whom it would apply if employer were a private person.

Burden of payment. Entire cost of compensation rests upon employer but if there are contractors and subcontractors, then upon such jointly and severally.

Compensation for death.

(*a*) A sum equal to three years' earnings, but not less than £300 ($1,459.95) nor more than £400 ($1,946.60), to those wholly dependent upon earnings of deceased.

(*b*) A sum less than above amount if dependents were partly dependent upon deceased, to be agreed upon by the parties or fixed by local court.

(*c*) Reasonable expenses of medical attendance and burial not to exceed £100 ($486.65), if deceased leaves no dependents.

Compensation for disability.

(*a*) Reasonable expenses of medical and surgical aid, but not in excess of £1 ($4.87).

(*b*) A weekly payment during disability after second week, not exceeding 50 per cent of injured person's average weekly earnings during the previous 12 months, such weekly payment not to exceed £2 ($9.73) and total liability not to exceed £400 ($1,946.60).

(*c*) In case of partial disability, regard is to be had to the difference between average weekly earnings before and after the accident, and to any payment other than wages made by employer on account of the injury.

(*d*) For certain permanent injuries (mutilations, etc.) a fixed per cent of the compensation paid above for partial and total disability.

A lump sum may be substituted for weekly payments, after six months, on the application of the employer, the amount to be determined by the court in default of agreement.

Revision of compensation. Weekly payments may be revised by the court at request of either party.

Insurance. Employers may contract with their employees for substitution of a scheme of compensation, benefit, or insurance in place of the provisions of the act, if the registrar of friendly societies certifies that the scheme is on the whole not less favorable to the general body of employees and their dependents than the provisions of the act. In such case employer is liable only in accordance with this scheme.

Security of payments. When an employer becomes liable under the act to pay compensation, and is entitled to any sum from insurers on account of the amount due to a workman under such liability, then in the event of his becoming insolvent such workman has a first charge upon this sum for the amount so due. Compensation for injuries sustained in the course of employment in or about a mine, factory building, or vessel is deemed a charge on the employer's interest in such property.

Settlement of disputes. Disputes arising under the act are settled by the local court of the district in which the injury is received.

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[1] Seamen are compensated under a Commonwealth law of Dec. 28, 1911.

APPENDIX.

TEXT OF WORKMEN'S COMPENSATION LAWS, AMENDMENTS TO CONSTITUTIONS, AND RESOLUTIONS—UNITED STATES.

ALABAMA.

ACTS OF 1915.

HOUSE JOINT RESOLUTION.—*Commission to consider subjects of legislation.*

(Page 944.)

SECTION 1. A commission consisting of the governor, chief justice of the supreme court, presiding judge of the court of appeals, the attorney general, and the director of the department of archives and history is hereby appointed whose duty it shall be to make an investigation of the subjects of workman's compensation. * * *. Appointment.

SEC. 2. The commission shall submit a report of its investigation to the next ensuing regular session of the legislature, together with bills, so prepared as to carry into effect such recommendations. Duties.

Adopted by the house September 25, 1915.

Adopted by the senate September 25, 1915.

ACTS OF 1915.

CHAPTER 71.—*Compensation of workmen for injuries.*

SECTION 1. Any person or persons, partnership, joint-stock company, association, or corporation employing five or more employees in connection with mining operations carried on in this Territory, who shall not have given notice of his, her, their, or its election to reject the provisions of this act in the manner hereinafter provided, or who having given such notice shall, prior to the time that an employee is injured, as hereinafter referred to, have waived the same in the manner hereinafter provided, shall be liable to pay compensation, in accordance with the schedule herein adopted, to each of his, her, their, or its employees who receives a personal injury by accident arising out of and in the course of his or her employment, or to the beneficiaries named herein, as the same are hereinafter designated and defined, in all cases where the employee shall be so injured and such injuries shall result in his or her death: *Provided*, The employee so injured had not, prior to the time of being so injured, given notice of his or her election to reject the provisions of this act in the manner hereinafter provided, or having given such notice had prior to such time waived the same in the manner hereinafter provided.

Employees in mining operations.

The compensation to which such employee so injured, or in case of his or her death, if death results from such injury, such beneficiaries, shall be entitled, and for which such employer shall be legally liable, shall be as follows:

Compensation for—

(A) In the event of the death of any such employee resulting from such injury, where such employee at the time of his death was married, his widow shall be entitled to receive the sum of three thousand ($3,000) dollars.

Death;

(B) In those cases where such married employee had children under the age of sixteen (16) years at the time of his death, his widow shall be entitled to receive in addition to the sum above specified, the sum of six hundred ($600) dollars for each child under the age of sixteen (16) years which such employee left at the time of his decease, but not to exceed in all the sum of six thousand ($6,000) dollars.

(C) In those cases where such employee left either father or mother or both, dependent upon him for support at the time of his death, the sum of six hundred ($600) dollars shall be paid to such father or mother or both, in addition to the sum provided for and made payable to the widow. In no case, however, is the total sum to be paid hereunder to exceed the sum of six thousand ($6,000) and the payments to which the widow and children may be entitled shall be first paid out of said sum of six thousand ($6,000) dollars.

(D) In those cases where such deceased employee was unmarried at the time of his or her death survived by either his or her father or mother, who was at the time of his or her death dependent upon him or her for support, such father or mother shall be paid the sum of one thousand two hundred ($1,200) dollars.

(E) Where such deceased employee was survived by his or her father and mother, both dependent upon him or her for support at the time of his or her death, such father and mother dependent upon him or her for support shall be paid the sum of one thousand two hundred ($1,200) dollars each.

(F) In those cases where such deceased employee was a widower at the time of his death, but left one or more minor orphan children, there shall be paid the sum of three thousand ($3,000) dollars, and the further sum of six hundred ($600) dollars for each orphan child under the age of sixteen (16) years: *Provided*, The total amount paid shall not exceed six thousand ($6,000) dollars; and the judge of the probate court of the precinct wherein such accident or injury occurred shall appoint a guardian for all of said children, who shall be entitled to and who shall be paid the amount specified in this paragraph for the benefit of said orphan children, and shall divide three thousand ($3,000) dollars thereof equally among such children and divide the surplus, if any, among the children under sixteen (16) years of age.

(G) In those cases where such deceased employee is at the time of his or her death unmarried, and leaves no children nor father nor mother dependent upon him or her as above specified, the employer shall be required to pay the funeral expenses of the deceased, not to exceed the sum of one hundred fifty ($150) dollars, and such other expenses, if any, arising after the injury and before the death, not to exceed the further sum of one hundred fifty ($150) dollars.

Permanent total disability;

Where any such employee receiving an injury arising out of and in the course of his or her employment as the result of which he or she is totally and permanently disabled, he or she shall be entitled to receive compensation as follows:

(a) If such employee was at the time of his injury married, he shall be entitled to receive four thousand eight hundred ($4,800) dollars, with six hundred ($600) dollars additional for each child under the age of sixteen (16) years, but the total to be paid shall not exceed six thousand ($6,000) dollars.

(b) If such employee at the time of his injury had no wife or children, but had a mother or father dependent upon him, four thousand two hundred ($4,200) dollars.

(c) In case where such employee who at the time of his injury had both father and mother dependent upon him, four thousand eight hundred ($4,800) dollars.

(d) In those cases where such employee was at the time of his injury a widower or was divorced, but had minor children, he shall receive the sum of three thousand six hundred ($3,600) dollars, with an additional sum of six hundred ($600) dollars for each child below the age of sixteen (16) years: *Provided*, That the total sum to be paid such employee shall not in any case exceed the sum of six thousand ($6,000) dollars.

(e) In those cases where such employee so injured at the time of his injury was unmarried and had no children nor father nor mother dependent upon him, he shall receive the sum of three thousand six hundred ($3,600) dollars.

Permanent partial disability;

Where any such employee receives an injury arising out of or in the course of his or her employment, resulting in his or her partial disability, he or she shall be paid in accordance with the following schedule:

For the loss of a thumb:

(a) In case the employee was at the time of the injury unmarried, $480.

(b) In case the employee was married but had no children, $600.

(c) In case the employee was either married or a widower, but had one or more children, $720.

For the loss of an index finger:

(a) In case the employee was at the time of the injury unmarried, $300.

(b) In case that the employee was married but had no children, $390.

(c) In case the employee was either married or a widower, but had one or more children, $480.

For the loss of any other finger than the index finger and thumb, $180.

For the loss of a great toe, $300.

For the loss of any other toe than the great toe, $120.

For the loss of a hand:

(a) In case the employee was at the time of the injury unmarried, $1,440.

(b) In case the employee was married but had no children, $1,920.

(c) In case the employee was either married or a widower and had one child, $1,920 and $240 additional for each of said children, not to exceed, however, the total sum of $2,400.

For the loss of an arm:

(a) In case that the employee was at the time of the injury unmarried, $1,800.

(b) In case the employee was married but had no children, $2,400.

(c) In case the employee was either married or a widower and had one child, $2,400 and $300 additional for each additional child, the total amount not to exceed, however, $3,000.

For the loss of a foot:

(a) In case that the employee was at the time of the injury unmarried, $1,440.

(b) In case the employee was married but had no children, $1,800.

(c) In case the employee was either married or a widower and had one child, $1,920 and $240 additional for each additional child, but not to exceed the total sum of $2,400.

For the loss of a leg:

(a) In case the employee was at the time of the injury unmarried, $1,800.

(b) In case the employee was married but had no children, $2,400.

(c) In case the employee was either married or a widower and had but one child, $2,400, with $300 for each additional child, not to exceed the total sum of $3,000.

For the loss of an eye:

(a) In case the employee was at the time of the injury unmarried, $1,440.

(b) In case the employee was married but had no children, $1,920.

(c) In case the employee was either married or a widower and had one child, $1,920, plus $240 for each additional child, not to exceed, however, the total sum of $2,400.

For the loss of an ear, $240.

For the loss of the nose, $480.

Temporary disability.

For all other injuries causing temporary disability the employer shall pay to the employee during the period of such disability fifty per cent (50%) of his daily average wages: *Provided, however,* That the period for the payment for temporary disability shall not exceed six (6) months. And in all cases where the injury develops or proves to be such as to entitle the employee to compensation under some provision in this schedule, relating to cases other than temporary disability, and the employee has been paid compensation for temporary disability, the amount so paid him shall be deducted from the amount to which he shall be entitled under such provision in this schedule.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, shall constitute total and permanent disability and be compensated according to the provisions of this act with reference to total and permanent disability.

Amputation between the elbow and the wrist shall be considered equivalent to the loss of a hand, and amputation between the knee and the ankle shall be considered equivalent to the loss of a foot.

Proportionate awards.

Whenever such employee receives an injury, arising out of and in the course of employment, as a result of which he or she is

partially disabled, and the disability so received is such as to be permanent in character and such as not to come wholly within any of the specific cases for which provision is herein made, such employee shall be entitled to receive as compensation a sum which bears the same relation to the amount he or she would be entitled to receive hereunder if he or she were totally and permanently disabled that the loss of earning capacity of such employee, by reason of the accident, bears to the earning capacity such employee would have had had he or she not been injured, the amount to be paid in no case to exceed four thousand eight hundred ($4,800) dollars.

To illustrate: If said employee were of a class that would entitle him or her to four thousand eight hundred ($4,800) dollars under this schedule, if he or she were totally and permanently disabled and his or her injury would be such as to reduce his or her earning capacity twenty-five (25%) per cent, he or she would be entitled to receive one thousand two hundred ($1,200) dollars, it being the amount that bears the same relation to four thousand eight hundred ($4,800) dollars that twenty-five (25%) per cent does to one hundred (100%) per cent. Should such employee receive an injury that would impair his or her earning capacity seventy-five (75%) per cent, he or she would be entitled to receive three thousand six hundred ($3,600) dollars, it being the amount that bears the same relation to four thousand eight hundred ($4,800) dollars that seventy-five (75%) per cent does to one hundred (100%) per cent.

Right to higher awards.

SEC. 2. If an injured employee entitled to compensation hereunder shall be paid compensation under any subdivision or part of this scredule [schedule], and it shall afterwards develop that he or she is or was entitled to a higher rate of compensation under some other part or subdivision of this schedule, then and in that event he or she shall receive such higher rate, after first deducting the amount that has already been paid him or her: *Provided, however*, That no compensation under such increased rate shall be paid unless the disability entitling the employee thereto shall develop within two (2) years after the injury.

Settlement by agreement.

SEC. 3. At any time subsequent to the injury the employer and the employee shall have the right to compromise and settle any claim for injury hereunder in accordance with schedule herein, and the employee shall have the right to give full satisfaction and acquittance therefor and thereby discharge the employer from further liability, and such satisfaction and acquittance shall be binding upon the said employer, employee beneficiaries under this act, and all other persons whatsoever.

Willful intention.

SEC. 4. No compensation shall be allowed or paid for the injury or death of an employee in any case where such injury or death was occasioned by his or her willful intention to bring about the injury or death of himself or herself or of another, or where the employee's intoxication was the proximate cause of the injury.

Waiting time.

SEC. 5. No compensation shall be paid under this act for an injury which does not incapacitate the employee for a period of at least two weeks from earning full wages, but if incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury: *Provided, however*, That if such disability continues for eight weeks or longer, such compensation shall be computed from the date of the injury.

Proviso.

Contractors.

SEC. 6. No contractor or subcontractor shall be entitled to receive compensation under this act, but shall be deemed to be an employer.

Remedy exclusive.

SEC. 7. The right to compensation for an injury and the remedy therefor granted by this act shall be in lieu of all rights and remedies as to such injury now existing either at common law or otherwise, and no rights or remedies, except those provided for by this act, shall accrue to employees entitled to compensation under this act while it is in effect, nor shall any right or remedy, except those provided for by this act, accrue to the personal or legal representatives, dependents, beneficiaries under this act, or next of kin of such employees.

SEC. 8. Step-parents shall be regarded in this act as parents; and an adopted child, or adopted children, or a stepchild, or children, shall be regarded in this act as issue of the body. Step-parents, etc.

SEC. 9. Every employee coming within the provisions of this act shall, either at the time he or she is employed or thereafter, furnish his or her employer with a written statement showing the name or names of each and all persons that would be entitled to benefits under the provisions of this act in case such employee should become deceased as a result of an injury received by him or her arising out of and in the course of his or her employment; such written statement shall bear the date upon which the same shall be furnished to the employer and shall be signed by the employee: *Provided*, That in cases where such employee is unable to write his or her name, his or her name may be affixed to such statement by another, and such employee shall make his or her mark in the manner customary in such cases, and such mark shall be made in the presence of at least one witness, who shall subscribe such statement as a witness. Statement as to dependents.

In all cases where there shall be a change of beneficiaries, or a change in the address of any beneficiary, the employee may furnish the employer with a new statement showing such change; such new statement to be so furnished shall in all respects conform and comply with the provisions hereof with reference to the original statement to be furnished.

In all cases where such statement or statements is or are furnished the employer by the employee, the employer shall, if such employee became deceased as a result of an injury received in the course of his or her employment, notify each beneficiary named in the last statement of that fact; such notice shall be given by sending each beneficiary at the address given in the last statement furnished a copy of such notice by registered mail, and an envelope containing such notice addressed to each beneficiary at the address given in said last statement furnished shall be deposited in the post office and registered within ten days after such employee shall have become deceased.

The notice to be so given shall be substantially in the following form:

To _____ _____ (giving the name of the beneficiary):

This is to advise you that _____ _____ (giving the name of the deceased person) became deceased on the ____ day of _____, as a result of an injury received while in the employ of _____ _____. You will take notice that all persons entitled to benefits because of the fact that the above-named employee was injured and as a result thereof became deceased, under the laws of Alaska, are required to serve notice upon the employer within one hundred and twenty (120) days after the date on which such employee became deceased, in accordance with the provisions of the laws of Alaska upon that subject, and that a failure to serve such notice within the time specified and in the manner specified will result in depriving the beneficiary failing to give such notice within such time and in such manner of his or her rights to compensation under the laws of Alaska.

_____ _____.

Any failure on the part of the employee to supply the employer with a statement as hereinabove provided shall not work a forfeiture of the right of his or her beneficiaries to benefits hereunder, but it shall relieve the employer of all obligation to give to any of the beneficiaries of such deceased employee notice of the fact that such deceased employee became deceased.

In cases where the employer shall have been furnished with such statement or statements and shall fail to notify the beneficiaries therein named as shown by the last statement furnished, within the time and in the manner herein provided, such beneficiaries who have not been so notified shall have the right to notify the employer of their claim to benefits and file claims and prosecute actions or other proceedings for the recovery thereof, notwith-

standing the fact that such notice was not served, as hereinafter provided, within the period of one hundred and twenty (120) days from and after the time that the employee became deceased.

Upon the trial of any issue relating to a beneficiary's right to compensation under this act, any statement furnished an employer, as hereinabove provided, may be offered in evidence by such employer, and when so offered shall be received in evidence and shall be held to establish the fact that the persons named in the statement bore to the deceased the relation shown by such statement at the date thereof.

Notice.

In all cases where any person claims to be a beneficiary under this act entitled to compensation because of an injury to an employee coming within its provisions, which resulted in his or her death, such beneficiary, or some one in his or her behalf, shall within one hundred and twenty (120) days from and after the death of such employee serve a written notice upon the employer, which notice shall contain the name and address of the person claiming to be such beneficiary, the relationship existing between such beneficiary and the deceased; and if such beneficiary shall be either the father or mother of the deceased, such notice shall also contain a statement showing that such person was dependent upon the earnings of the deceased. Such notice shall be liberally construed, and no claim for compensation shall be denied because of any defect in the notice: *Provided*, It appears that a notice was served with a bona fide intention to comply with the provisions of this act. Such notice may be served by any person of legal age by delivering a copy thereof to the employer or the employer's agent in person or by leaving a copy thereof at the employer's principal place of business within the Territory of Alaska with some person over the age of eighteen (18) years in the employ of such employer. If the employer can not be found within the Territory and has no known agent or place of business therein, such beneficiary may serve such notice by publishing the same in one issue of any newspaper of general circulation published in the judicial division where the injury, out of which the right to compensation arose, occurred. Except in the cases in this section otherwise expressly provided, no action or other proceedings to recover such compensation shall be brought or maintained, nor shall any claim for such compensation be filed or allowed, as hereinafter provided, unless such notice shall have been served in the manner and within the time herein provided.

Deposits by employers.

SEC. 10. In case one or more beneficiaries serve notice upon an employer, as above provided, of his, her, or their claim to compensation under this act, such employer may at any time during the ten days next following the period of one hundred and twenty (120) days during which such notices could be served, deposit six thousand ($6,000) dollars with the clerk of the district court for the division within which such employee was injured, or such employer may deposit with such clerk of the court a bond in the sum of six thousand ($6,000) dollars, signed by such employer as principal and two or more good and sufficient sureties, to be approved by the judge of the court, conditioned that such employer will pay the sum or sums that may be finally awarded as compensation under this act under the judgment of the court to the person or persons entitled thereto according to said judgment, and conditioned further that judgment may be entered on said bond, not only against the principal, but against the sureties, and each of them, jointly and severally, as well as by the court in said proceeding and without bringing a separate action on said bond. No action brought to recover such compensation shall be tried until after the expiration of said period of one hundred and twenty (120) days and said period of ten days.

Notice of deposits.

SEC. 11. Upon depositing such sum or such bond, as above provided, the employer shall notify in writing any and all persons who shall have served notice upon such employer as herein provided, claiming to be beneficiaries under this act, of the fact that such sum or bond has been so deposited. Such notice may be served by delivering a copy thereof to the person to be served in

person or by sending a copy thereof by registered mail to the address given in the notice served upon the employer by the beneficiary to be served.

Actions to abate.

SEC. 12. If prior to the time that such sum or such bond is so deposited an action or actions have been commenced against such employer to recover compensation on account of the death of such employee by a person or persons claiming to be a beneficiary or beneficiaries, such action or actions shall thereupon abate, and all proceedings had therein shall be quashed and set aside, and the plaintiff or plaintiffs shall thereupon be required to establish his, her, or their claims to compensation in the manner hereinafter provided. In case where such action or actions is or are so dismissed, and it is afterwards adjudged that the plaintiff or plaintiffs is or are entitled to compensation in connection with the injury which was the subject matter of the action or actions so dismissed, such plaintiff or plaintiffs shall then be awarded his, her, or their costs in the action or actions so dismissed, which the employer shall be required to pay, in addition to the other sum or sums awarded against the employer.

Publication of notice.

SEC. 13. The employer by whom such sum or such bond shall have been deposited shall, upon such deposit having been made, give at least sixty (60) days' notice of the fact that such sum or such bond has been so deposited with the clerk of the district court, which notice shall be published in a newspaper published within the commissioner's precinct within which such employee was injured, or, if no newspaper be published in such precinct, then in a newspaper published nearest the place where such employee was injured. The notice shall be published once a week for four (4) consecutive weeks, and the sixty (60) days' period shall commence to run from the date of the first publication. Such notice shall be substantially in the following form:

Notice to beneficiaries by ——— ———, employer, has deposited with the clerk of the district court for the Territory of Alaska, division number ——, the sum of six thousand ($6,000) dollars (or a good and sufficient bond in the sum of six thousand ($6,000) dollars, as the case may be) in accordance with the provisions of the law relating to employees' compensation, for award and distribution among the beneficiaries thereto entitled because of the death of ——— ———, an employee of said ——— ———, employer; and all persons are notified, cited, and warned to appear before the district court for the Territory of Alaska, division number ——, on or before the — day of ——— and make and file their claims, if any, to compensation.

——— ———, Employer.

Claims to be filed.

SEC. 14. All beneficiaries shall, within the time fixed by said notice, file his or her or their claim in writing with such district court, which said claim shall be verified by the oath of the claimant or claimants, or some one authorized thereto in his or her or their behalf, and shall set up the facts relied upon as a basis for the claimant's or claimants' claim to such compensation under this act. Two or more claimants may join in the same claim or may file separate claims. A copy of each claim so filed shall be served upon the employer, who shall have twenty days, from and after the time such copy has been so served, to file an answer thereto. Such answer may admit, or deny, the facts set up in said claim, either in whole or in part, or may set up any other defense thereto. And any and all claimants shall have the right within twenty (20) days from and after the date as fixed in the published notice within which claims may be filed, to file an answer thereto admitting or denying the same, either in whole or in part, or setting up any defense whatsoever to the allowance of such claim. The court may, in its discretion and in furtherance of justice, allow the parties to amend the claims or answers filed.

Hearings.

SEC. 15. The court shall upon the application of the employer or any claimant fix a date for a hearing upon the claim or claims

so filed, which date shall be not less than thirty (30) days later than the date fixed in the published notice for the filing of such claims. The hearing may be continued at any time by the court for good cause shown as in other cases. Upon the date set for hearing, or at any time prior thereto, the employer or any claimant, who shall have filed his claim, as herein provided, may ask for a jury to try and determine any issue or issues of fact arising upon any of the claims and answers so filed. If no jury is demanded, as above provided, a jury shall be deemed to have been waived, and the trial of all the issues raised shall proceed before the judge of the court as in other cases. Upon a trial, whether before the court or jury, proofs shall be offered by the claimant or claimants in support of his, her, or their claims to compensation under this act in the same manner that proof is heard and received upon the trial of other civil cases. The court shall also hear and receive such proof as may be offered by the employer touching the right of any or all of the claimants to compensation under this act, and the fact that such employer has deposited the sum aforesaid, or the bond as herein provided for, shall not be construed as an admission against such employer.

Upon such trial evidence shall be received in accordance with the rules of evidence touching any issue of fact raised as hereinbefore provided. The order of proof shall rest in the discretion of the court, but such discretion shall be so exercised as to give all parties a full, fair, and complete hearing. Upon the conclusion of such trial the court shall, in all cases tried before the court without a jury, make written findings of fact based upon the evidence before him. And in all cases tried before a jury, the jury shall determine any and all issues of fact under instruction from the court as in other cases. Upon the filing of such findings of fact made by the court, or such verdict rendered by the jury, the court shall, unless a new trial is granted, enter a judgment in accordance therewith.

Return of deposits.

SEC. 16. If no claim on the part of any dependent be filed with the district court within the time specified by the notice above referred to, or if such claim or claims be filed and it appear from the findings of the court or the verdict of the jury that none of the claimants is entitled to compensation under this act, then the sum deposited by the employer, less the cost of publishing the notice above provided for and the filing, trial, and other fees of court in connection with such proceeding, shall be returned to the employer in cases where such sum was deposited as above provided, and the bond shall be declared void and the sureties thereon exonerated in those cases where a bond was deposited, upon the payment by the employer of the filing, trial, and other fees of court and the cost of publishing the notice as herein provided.

Payments out of deposits.

SEC. 17. In all cases where a judgment is entered against the employer and in favor of one or more claimants, and where the sum of six thousand ($6,000) dollars was deposited as aforesaid by the employer, the amount to which each, any, and all claimants shall be so adjudged to be entitled shall be paid to such claimant or claimants out of the sum so deposited without costs and without the allowance of interest thereon. And if any part of said six thousand ($6,000) dollars so deposited shall remain after such payments have been made to the claimant or claimants entitled thereto, under the judgment of the court, such amount shall be returned to the employer, less the court costs of any claimant or claimants, in any action or actions which have been dismissed because of the deposit by the employer of such six thousand ($6,000) dollars, as herein previously provided for. Such court costs in such cases so previously dismissed shall be allowed and paid to the claimant or claimants by which the same was or were brought, in addition to the compensation to which such claimant or claimants shall be found entitled, and shall be deducted from the amount deposited in cases where the total amount of the claims allowed plus such court costs does not exceed six thousand

($6,000) dollars. In other cases such claimant or claimants shall have judgment against such employer for the court costs that shall have accrued in such action or actions so dismissed.

Judgments.

SEC. 18. In cases where the employer has deposited a bond as herein provided and judgment is entered in favor of one or more claimants as herein provided, such judgment shall be entered in favor of the claimant or claimants found entitled thereto, and shall specify the amount to which each of such claimants, if more than one, is entitled, and shall be against the employer and each of the sureties on the bond so deposited in such a manner that each and all shall be jointly and severally liable under said judgment. In those cases where any one or more claimants had filed actions which were dismissed because of the deposit of a bond as herein provided and such claimant or claimants shall be adjudged entitled to compensation so as to entitle him, her or them to costs in connection with such action under the provisions hereof, and the total amount of claims allowed plus such costs shall be less than six thousand ($6,000) dollars, the amount to which any claimant may be entitled to as such costs shall be added to the amount to which such claimant is entitled as compensation, and included within said judgment in his favor and against the employer and the sureties as above provided. In all other cases separate judgments shall be entered against the employer only for the amount of such costs in favor of the claimant or claimants entitled thereto because of the dismissal of an action previously brought by such claimant or claimants.

Appeals.

SEC. 19. One or more claimants may take an appeal from any judgment rendered under this act as to such claimant or claimants, and any employer may take an appeal from any such judgment, either in whole or in part, that is to say, as to any one or more of the claimants. Such appeal shall be to the United States Circuit Court of Appeals for the Ninth Circuit, and shall be taken up on writ of error, sued out and prosecuted as in other cases. When, however, an employer takes an appeal from such judgment or any part thereof against the allowance in favor of any one or more claimants, and the judgment shall be affirmed as to any such claimant, the claimant in whose favor the judgment has been so affirmed shall be entitled to interest at the rate of eight (8%) per cent on the amount of his claim calculated from the date of the judgment and shall also be entitled to costs on appeal.

Actions to be consolidated.

SEC. 20. Whenever two or more persons claiming to be beneficiaries of any deceased employee, whose beneficiaries are entitled to compensation under the provisions of this act, bring separate actions to recover such compensation, such actions shall be consolidated and tried as one action upon the application of any party to either or any of such actions.

Actions brought where.

SEC. 21. Actions for the recovery of compensation due under this act, may be brought, maintained and determined in and by the courts of this Territory, and when so brought shall be governed by the law of procedure applicable to other actions for the recovery of money except as herein otherwise expressly provided.

Venue.

SEC. 22. No action for the recovery of compensation hereunder shall be brought in any court holden outside of the judicial division in which the injury occurred, out of which the right to compensation arises except in cases where service can not be had on the employer in the judicial division where the injury occurred. Any attempt to bring such action in any court outside of the Territory of Alaska shall work a forfeiture of the right of the plaintiff in such action to compensation under this act.

Procedure.

SEC. 23. (a) A writ of attachment shall be issued by the clerk of the court in which such action for the recovery of compensation under this act is pending or by the United States commissioner in actions pending in the court of such commissioner. Whenever the plaintiff or anyone in his behalf shall make and file an affidavit showing that he or she is entitled to recover compensation from the defendant, under the provisions of this act, such affidavit must show all the facts necessary to bring the plaintiff within

the provisions of this act, and must further set up all the facts necessary to show that a cause of action exists in favor of the plaintiff and against the defendant for the amount sued for and for which the attachment is sought under the provisions of this act.

(b) Upon filing such affidavit in actions pending as aforesaid with the clerk of the court, or the commissioner in actions pending in the court of such commissioner, the plaintiff shall be entitled to have a writ of attachment issued without filing any bond or other security; such writ shall be directed to the marshal, and shall in all respects conform to writs of attachment in other cases and shall be issued, served, executed, and returned in the same manner that writs of attachment in other cases are now issued, served, executed, and returned.

(c) The defendant may, however, file a written undertaking in any pending cause for the benefit of the plaintiff in an amount equal to double the amount sued for, executed by two or more sufficient sureties, to be approved by the judge or commissioner in whose court the action is pending, and conditioned that the defendant will pay any judgment that may be awarded against such defendant in the action. No writ of attachment shall issue after such undertaking has been filed by the defendant, and if such undertaking shall be filed after the writ has been issued such writ shall be quashed, and if property has been attached under such writ at the time of the filing of such undertaking such attachment shall be dissolved and set aside and the property attached returned to the defendant.

Medical examinations.

SEC. 24. The employee shall, after an injury, at reasonable times during the continuance of his or her disability, if so requested by his or her employer, submit himself or herself to an examination by a physician or surgeon authorized to practice medicine under the laws of the Territory of Alaska, furnished and paid for by the employer. The employee shall have the right to have a physician, provided and paid for by himself or herself, present at such examination or examinations. If any employee refuses to submit himself or herself to any such examination or examinations provided for in this act, or in any way obstructs any such examination or examinations, his or her rights to compensation shall be suspended, and his or her compensation during such period of suspension may, in the discretion of the jury or court determining an action brought for the recovery of compensation under this act, be forfeited.

Waivers.

SEC. 25. No agreement by an employee to waive his or her rights to compensation under this act shall be valid, except as herein elsewhere provided, and no employer or employee shall exempt himself, herself, or itself, except in the manner herein elsewhere provided, from the burden or waive the benefits of this act by any contract, agreement, rule, regulation, or device, and any such contract, agreement, rule, regulation, or device shall be absolutely void.

Limitation.

SEC. 26. Any and all claims for compensation under this act shall be barred unless an action for the recovery of the same shall be commenced within two years after the cause of action shall have accrued, or in the event of mental incapacity within two years after the removal of such mental incapacity.

Liability of third parties.

SEC. 27. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some one other than the employer to pay damages in respect thereof, the employee may take proceedings both against the one so liable to recover damages and against anyone liable to pay compensation under this act, but shall not be entitled to receive both damages and compensation. And if the employee has been paid compensation under this act, the employer by whom the compensation was paid shall be entitled to indemnity from the person, firm, or corporation so liable to pay damages as aforesaid, and to the extent of such indemnity shall be subrogated to the rights of the employee to recover damages therefor.

Election presumed when.

SEC. 28. When five or more employees, as defined by this act, are employed in the same general employment in connection with mining operations carried on in this Territory, and in the usual and ordinary conduct of such operations, it shall be presumed that the employer, as defined by this act, has elected to pay compensation according to the terms, conditions, and provisions of this act to such employees as may sustain personal injury arising out of and in the course of the employment, and in such case the employer shall be relieved from liability for a recovery of damages or other compensation for such personal injuries unless by the terms of this act otherwise provided.

Defenses abrogated.

SEC. 29. If such employer exercise the right to reject the terms, conditions, and provisions of this act, in the manner and form by this act provided, such employer shall not escape liability for personal injury sustained by an employee of such employer when the injury sustained arises out of and in the usual course of the employment because:

(1) The employee assumed the risks inherent to or incidental to or arising out of his or her employment, or the risks arising from the failure of the employer to provide and maintain a reasonably safe place to work, or the risks arising from the failure of the employer to furnish reasonably safe tools or appliances, or because the employer exercised reasonable care in selecting reasonably competent employees in the business;

(2) That the injury was caused by the negligence of a coemployee;

(3) That the employee was negligent, unless and except it shall appear that such negligence was willful and with intent to cause the injury; or the result of intoxication on the part of the injured party;

(4) In actions by an employee against an employer for personal injury sustained arising out of and in the course of the employment where the employer has elected to reject the provisions of this act, it shall be presumed that the injury to the employee was the first result and growing out of the negligence of the employer, and that such negligence was the proximate cause of the injury; and in such case the burden of proof shall rest upon the employer to rebut the presumption of negligence.

Notice of rejection.

SEC. 30. Every such employer shall be conclusively presumed to have elected to pay compensation to employees for injuries sustained arising out of and in the course of the employment according to the provisions of this act, unless and until notice in writing of an election to the contrary shall have been given to the employee by recording said notice with the United States commissioner in whose precinct the employer's operations are carried on; and if such operations are carried on in more than one precinct, then such notice shall be recorded in the office of the commissioner for each precinct in which the same are being conducted, and the notice to reject shall be recorded by the commissioner, who shall be paid a fee of one and one-half dollars therefor, and such notice when so recorded shall be and become a public record. Such recorded notice shall be substantially in the following form, and the signature shall be witnessed by two witnesses:

EMPLOYER'S NOTICE TO REJECT.

To the employees of the undersigned:

You and each of you are hereby notified that the undersigned rejects the terms, conditions, and provisions to pay compensation to employees of the undersigned for injuries received as provided in the act of the Legislature of the Territory of Alaska, known as "An act relating to the measure and recovery of compensation of injured employees in the mining industry of this Territory, and the compensation to designated beneficiaries where such injuries result in death, defining and regulating the liability of employers to their employees in connection with such industry, and repealing all acts and parts of acts in conflict with this act,"

and that the undersigned employer elects to pay damages for personal injuries of such employees under the common law and statutes of this Territory, modified by the provisions of the act above referred to and the other laws of the Territory of Alaska.

(Signed) ——— ———.

Witnesses:

———.

———.

Future hirings.

SEC. 31. The notice so recorded shall apply to the employees subsequently employed by the employer with the same fullness and effect and to the same extent and in like manner as employees in the employ at the time the notice was recorded, except as herein provided.

Terms of contract.

SEC. 32. Where the employer and employee have not given notice of an election to reject the terms of this act, this act shall constitute a part of every contract of hire, express or implied, and the same shall be construed as an agreement on the part of the employer to pay and on the part of the employee to accept compensation in the manner as by this act provided for all personal injuries sustained arising out of and in the course of the employment.

Rejection by employees.

SEC. 33. All employees affected by this act shall be conclusively presumed to have elected to take compensation in accordance with the terms, conditions, and provisions of this act until notice in writing shall have been served upon the employer or his agent in person, and shall also have been recorded in the office of the commissioner for the precinct in which the mining operations of the employer, in connection with which the employee is employed, are conducted; and if such operations are carried on in more than one precinct, then the same shall be recorded in the precinct wherein the employer's principal place of business in the Territory is situate, and the commissioner shall record the same, and shall receive a fee of one dollar and fifty cents therefor, and the same shall be and become a public record. Such notice shall be accompanied with an affidavit thereon showing the date upon which the same was served upon the employer.

(b) In the event that such employee elects to reject the terms, conditions, and provisions of this act, the rights and remedies thereof shall not apply where an employee brings an action or takes proceedings to recover damages or compensation for injuries received growing out of and in the course of his or her employment except as otherwise provided by this act; and in such actions where the employee has rejected the terms of this act the employer shall have the right to plead and rely upon any and all defenses, including those at common law, and the rules and defenses of contributory negligence, assumption of risk, and fellow servant shall apply and be available to the employer, unless otherwise provided in this act: *Provided, however,* That if an employee sustains an injury as the result of the employer's failure to furnish or fails to exercise reasonable care to keep or maintain any safety device required by statute, or violates any of the statutory provisions or rules and regulations now or hereafter in force relating to safety of employees, the doctrine of assumed risk in such case growing out of the negligence of the employer shall not apply or be available as defensive matter to such offending party. The notice required to be given by an employee shall be substantially in the following form:

Defenses.

EMPLOYEE'S NOTICE TO REJECT.

To ——— ——— (giving the name of the employer):

You are hereby notified that the undersigned elects to reject the terms, conditions, and provisions of an act for the payment of compensation as provided by an act of the Territorial Legislature of the Territory of Alaska, entitled "An act relating to the meas-

ure and recovery of compensation of injured employees in the mining industry of this Territory and the compensation to designated beneficiaries where such injuries result in death, defining and regulating the liability of employers to their employees in connection with such industry, and repealing all acts and parts of acts in conflict with this act," and acts amendatory thereto, and elects to rely upon the common law, as modified by the provisions of the act last above referred to, for the right to recover for personal injury which I may receive, if any, growing out of and arising from the employment while in line of duty for my employer above named.

Dated this —— day of ———, ———.

(Signed) ——— ———.

United States of America,
Territory of Alaska, ss:

The undersigned being first duly sworn deposes and [says]: That the above and foregoing written notice was on the —— day of ——— served on the within-named employer of the undersigned by delivering to ——— ——— (here give the name of the employer or his agent) a true, correct, and verbatim copy thereof.

(Signed) ——— ———.

Subscribed and sworn to before me this —— day of ———, ———.

———,
Notary Public for Alaska.

My commission expires ——— ———.

Term of election.

SEC. 34. Where the employer or employee has given notice in compliance with this act electing to reject the terms thereof, such election shall be for one year from the date of becoming effective, and unless renewed with thirty days before the expiration of one year, as herein provided, it shall be conclusively presumed that such party has elected to waive the rejection made and come under the provisions of this act to pay or accept, as the case may be, the compensation here provided until the contrary is shown by the service of notice anew, electing to reject the provisions of this act as herein provided.

Renewal of notice.

Waiver of rejections.

SEC. 35. Where an employer or employee rejects the terms, conditions, or provisions of this act such party may at any time thereafter elect to waive the same by giving notice in writing in the same manner required of the party in electing to reject the provisions of this act, and which shall become effective and be recorded with the commissioner or commissioners in like manner that said notice to reject is required to be recorded.

Rejections by both parties.

SEC. 36. Where the employer and employee elect to reject the terms, conditions, and provisions of this act the liability of the employer shall be the same as though the employee had not rejected the terms and conditions thereof and the employer had rejected the same.

Assignment of claims.

SEC. 37. No claim for compensation due under this act shall be assignable, and all compensation due hereunder shall be exempt from execution.

Employer.

SEC. 38. Whenever the term "employer" is used in this act reference is had to any person or persons, partnership, joint-stock company, association, or corporation employing five or more employees in connection with mining operations carried on in this Territory. And whenever the term "employee" is used in this act reference is had to an employee employed by an employer as above defined.

Mining operations.

SEC. 39. The phrase "mining operations," whenever used in this act, shall be held to include all work in connection with underground workings, underground mines, open-cut working, surface working, stamp mills, roller mills, chlorination processes, cyanide processes, coke ovens, all reduction work of any kind or character, and all work performed on or for the benefit of any mine, mining claim, or claims, whether quartz or placer, and the phrase shall be held to include development and construction work as well as work carried on in connection with actual mining or milling.

Beneficiary.

SEC. 40. The term "beneficiary," as used in this act, refers to any person entitled to compensation under the provisions hereof.

Genders.

SEC. 41. The masculine gender whenever used herein shall be held to include the feminine and neuter.

Costs.

SEC. 42. If the court before whom any proceedings are brought under this act determines that such proceedings have been brought, prosecuted, or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who has so brought, prosecuted, or defended them.

Approved April 29, 1915.

ARIZONA.

CONSTITUTION.

ARTICLE XVIII.—*Employment of labor—Compensation for injuries to workmen.*

SECTION 8. The legislature shall enact a workmen's compulsory compensation law applicable to workmen engaged in manual or mechanical labor in such employments as the legislature may determine to be especially dangerous, by which compulsory compensation shall be required to be paid to any such workman by his employer, if in the course of such employment personal injury to any such workman from any accident arising out of, and in the course of, such employment is caused in whole, or in part, or is contributed to, by a necessary risk of danger of such employment, or a necessary risk or danger inherent in the nature thereof, or by failure of such employer, or any of his or its officers, agents, or employee, or employees, to exercise due care, or to comply with any law affecting such employment: *Provided*, That it shall be optional with said employee to settle for such compensation, or retain the right to sue said employer as provided by this constitution. Compulsory compensation.

ACTS OF 1913.

CHAPTER VII.—*Compensation for injuries to workmen.*

SECTION 65. This chapter is a workman's compulsory compensation law as provided in section 8 of Article XVIII of the State constitution. Title.

SEC. 66. Compulsory compensation shall be paid by his employer to any workman engaged in any employment declared and determined as in the next section hereof (as provided in sec. 8 of Article XVIII of the State constitution) to be especially dangerous, whether said employer be a person, firm, association, company, or corporation, if in the course of the employment of said employee personal injury thereto from any accident arising out of, and in the course of, such employment is caused in whole, or in part, or is contributed to, by a necessary risk or danger of such employment, or a necessary risk or danger inherent in the nature thereof, or by failure of such employer, or any of his or its officers, agents, or employee or employees, to exercise due care, or to comply with any law affecting such employment. Compensation to be paid, when.

SEC. 67. The employments hereby declared and determined to be especially dangerous (as provided in sec. 8 of Article XVIII of the State constitution) within the meaning of this chapter are as follows: Especially dangerous employment.

1. The operation of steam railroads, electrical railroads, street railroads, by locomotives, engines, trains, motors, or cars of any kind propelled by a steam, electricity, cable, or other mechanical power, including the construction, use or repair of machinery, plants, tracks, switches, bridges, roadbeds, upon, over, and by which such railway business is operated.

2. All work when making, using or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive.

3. The erection or demolition of any bridge, building, or structure in which there is, or in which the plans and specifications require, iron or steel frame work.

4. The operation of all elevators, elevating machinery or derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure.

5. All work on ladders or scaffolds of any kind elevated twenty (20) feet or more above the ground or floor beneath in the erection, construction, repair, painting or alteration of any building, bridge, structure or other work in which the same are used.

6. All work of construction, operation, alteration or repair, where wires, cables, switchboards, or other apparatus or machinery are in use charged with electrical current.

7. All work in the construction, alteration or repair of pole lines for telegraph, telephone or other purposes.

8. All work in mines; and all work in quarries.

9. All work in the construction and repair of tunnels, subways and viaducts.

10. All work in mills, shops, works, yards, plants, and factories where steam, electricity, or any other mechanical power is used to operate machinery and appliances in and about such premises.

Alternative rights of employees.

SEC. 68. In case such employee or his personal representative shall refuse to settle for such compensation as provided in section 8 of Article XVIII of the State constitution, and chooses to retain the right to sue said employer (as provided in any law provided for in section 7, Article XVIII of the State constitution) he may so refuse to settle and may retain said right.

Failure to exercise due care.

SEC. 69. It is hereby declared and determined to be contrary to public policy that any employer conducting any especially dangerous industry, through any of his or its officers, agents, or employee or employees, shall fail to exercise due care, or fail to comply with any law affecting such employment, in such manner as to endanger the lives and safety of employees thereof, without assuming the burden of the financial loss through disability entailed upon such employees, or their dependents, through such failure; and it is further declared and determined to be contrary to public policy that the burden of the financial loss to employees in such dangerous employments, or to their dependents, due to injuries to such employees received through such accidents as are hereinbefore mentioned shall be borne by said employees without due compensation paid to said employees, or their dependents, by the employer conducting such employment, owing to the inability of said employees to secure employment in said employments under a free contract as to the conditions under which they will work.

Liability without fault.

SEC. 70. The common law doctrine of no liability without fault is hereby declared and determined to be abrogated in Arizona as far as it shall be sought to be applied to the accidents hereinbefore mentioned.

What injuries to be compensated.

SEC. 71. When, in the course of work in any of the employments described in section 67 of this title, personal injury by accident arising out of and in the course of such labor, service, or employment, is caused to or suffered by any workman engaged therein, by any risk or failure specified in section 66 hereof, then such employer shall be liable to and must make and pay compensation to the workman injured, and his personal representative, when death ensues, for the benefit of the estate of the deceased, for such injury at the rates and in the manner hereinafter set out in this chapter.

Waiting time.

Provided, That the employer shall not be liable under this chapter in respect of any injury which does not disable the workman for a period of at least two weeks after the date of the accident from earning full wages at the work at which he was employed at the time of the injury, and

Provided, further, That the employer shall not be liable under this chapter in case the employee refuses to settle for such compensation and retains his right to sue as provided in section 68 of this title.

Amount of compensation—

SEC. 72. When an injury is received by a workman engaged in any labor or service specified in section 67 of this title, and for which the

employer is made liable as specified in section 71 hereof, then the measure and amount of compensation to be made by the employer to such workman or his personal representative for such injuries, shall be as follows:

For total disability;

1. If the injury by accident does not result in death within six months from the date of the accident, but does produce or result in total incapacity of the workman for work at any gainful employment for more than two (2) weeks after the accident then the compensation to be made to such workman by his employer shall be a semimonthly payment commencing from the date of the accident and continuing during such total incapacity, of a sum equal to fifty (50) per centum of the workman's average semimonthly earnings when at work on full time during the preceding year, if he shall have been in the employment of of such employer for such length of time; but if not for a full year, then fifty (50) per centum of the average wages, whether semimonthly, weekly, or daily, being earned by such workman during the time he was at work for his employer before and at the time of the accident.

For partial disability;

2. In case (1) the accident does not wholly incapacitate the workman from the same or other gainful employment; or (2) in case the workman, being at first wholly incapacitated, thereafter recovers so as to be able to engage at labor in the same or other gainful employment, thereby earning wages, then in each case the amount of the semimonthly payment shall be one-half of the difference between the average earnings of the workman at the time of the accident determined as above provided, and the average amount he is earning or is capable of earning, thereafter, semimonthly in the same or other employment—it being the intent and purpose of this chapter, that the semimonthly payment shall not exceed, but equal, from time to time one-half the difference between the amount of average earnings ascertained as aforesaid at the time of the accident, and the average amount which the workman is earning, or is capable of earning, in the same or other employment or otherwise, after the accident, and at the time of such semimonthly payment. Such payments shall cease upon the workman recovering and earning, or being capable of earning, in the same or other gainful employment or otherwise, wages equal to the amount being earned at the time of the accident.

Provided, however, That the payments shall continue to be made as herein determined to the workman so long as incapacity to earn wages in the same or other employment continues, but in no case shall the total amount of such payments as provided in subsections 1 and 2 of this section exceed four thousand ($4,000) dollars.

For death.

3. When the death of the workman results from the accident within six months thereafter, and the workman, at the time of his death, leaves a widow, and a monor [minor] child, or children dependent on such workman's earnings for support and education, then the employer shall pay to the personal representative of the deceased workman for the exclusive benefit of such widow and child, or children, a sum equal to twenty-four hundred times one-half the daily wages or earnings of the decedent, determined as aforesaid, but in no event more than the sum of four thousand dollars ($4,000). Such sum shall be paid in lump and held in trust by such representative for such widow and children and applied by him to the support of the widow while she remains unmarried, and to the support and education of the children so long as necessary, and until eighteen (18) years of age, in such way and manner as to him shall seem best and just, under and in accordance with the directions of the court having jurisdiction of the estate of the decedent; any balance remaining unapplied at the closing of the estate of the decedent shall be distributed to the decedent's widow (if still his widow), and the children or next of kin, as provided by the law of descents. The personal representative may pay out of said fund the reasonable and necessary expenses of medical attendance and burial of the decedent. If the workman leaves no widow or child, or children, but a father or mother or sister dependent on him for support, then said sum shall be for their benefit to be applied as above provided. If the deceased workman leaves no widow, children, or other dependents, then the employer shall pay the reasonable expenses of medical attendance upon the decedent and also provide and secure his burial

in a proper cemetery, which may be chosen by the friends of the decedent.

Medical examinations.

SEC. 73. Any workman claiming compensation under the provisions of this chapter shall, if requested by the employer, or upon written notice by him given to the employer, submit himself for bodily examination by some competent licensed medical practitioner or surgeon of the county in which the workman then resides, to ascertain and determine the nature, character, extent, and effect of the injury to such workman at the time of such examination for the purpose of ascertaining the semimonthly compensation then and thereafter to be made. The employer or the workman not having requested the examination may have present at the examination a medical representative, by him chosen. Each party shall pay his chosen representative the expenses of such examination. The said notice shall be given at least ten (10) days before the date fixed for the examination, and the place shall be convenient for the workman to be examined. In case the employer is a corporation, the notice may be served on any officer or agent thereof in the said county, and if none there, then elsewhere in the State. The examiner shall make a verified report in writing in duplicate within ten (10) days after the examination and furnish one copy to the employer and one to the workman. If any workman neglects or refuses to submit to an examination, his right to compensation, if any, shall be suspended until he notifies the employer in writing of his readiness to submit thereto. No persons other than the physicians and surgeons aforesaid shall attend any examination except by agreement of the parties. If the employer and the workman each have an examiner, and they shall agree upon and join in a report, the same shall be conclusive so long as it remains in force. If either the employer or the employee, having opportunity, fails to provide an examiner, then the report of the examiner making such examination shall likewise be conclusive so long as the same remains in force. If the workman and the employer each have an examiner present, and they disagree as to the nature, character, extent, or effect of the injury, and the degree of incapacity, if any, for labor on the part of the workman at the time of such examination, then they shall join in a written report stating the matters in which they agree, and in which they disagree, and mutually select some disinterested medical practitioner or surgeon of the county, to whom the same shall be referred, and who shall proceed promptly to make an examination of the workman as to the matters in disagreement, and the same shall be conclusive so long as such report remains in force, which report shall be made by such disinterested examiner and verified, and a copy thereof furnished to the employer and the workman. For making such examination, such examiner shall be entitled to a fee of ten dollars ($10), to be paid one-half by the employer and one-half by the workman at the time of such examination. Such examination may be required by the workman or the employer at periods not shorter than three months from the date of the last examination. The report of any examination shall supersede all previous reports. When there is disagreement between the examiners aforesaid, and they can not agree upon a third person as above provided, then it shall be the duty of the chairman of the board of supervisors of the county, on written notice of either the workman or employer, to appoint some licensed medical practitioner or surgeon, who shall be a resident of the county, to make such examination, and said appointee shall be entitled to the same compensation.

Notice.

SEC. 74. Every workman seeking compensation under the provisions of this chapter, where the same is not fatal or does not render him incompetent to give the notice, shall, within two weeks after the day of the accident, give notice in writing to the employer, or his representative employing such workman, or to the foreman or other employee of the employer under whom he was working at the time of the accident, and before the workman has voluntarily left the service of the employer and during his disability. The notice shall state (1) the name and address of such workman, (2) the date and place of the accident, (3) and state in simple words the cause thereof, (4) the nature and degree of the injury sustained, (5) and that compensation is claimed under this chapter. The notice may be written and served personally by the workman or by

any one in his behalf on any person named above in this section, or by mail, postpaid, to such person, addressed to the office, place of business or residence of the person notified. No want or defect or inaccuracy of the notice shall be a bar to the right of the workman to claim and receive compensation under this chapter, or to maintain any proceeding to secure the same, unless the employer proves that he has been seriously prejudiced by such lack of notice. No compensation shall be claimed or allowed so long as such notice is not given. If the workman is killed, or otherwise rendered incompetent to give the notice, the same is not hereby required, nor is any notice required to be given by the personal representative of such deceased person. It shall be the duty of any one giving a notice as in this section provided, to mail a duplicate copy to the attorney general of this State.

Settlement of disputes.

SEC. 75. Any question which may arise between the employer and the workman or his personal representative, under this chapter, shall be determined either (1) by written agreement between the parties, or (2) by arbitration, or (3) by reference and submission to the attorney general of this State; and in case of a refusal or failure of the employer and workman, or such personal representative, to agree upon a settlement by either of the modes above provided, then by a civil action at law, showing such refusal or failure as a reason for suit. If any employer fails to make and pay compensation, as in this chapter provided, for a period of three months after the date of the accident, or for any two months or more after payment of the last monthly compensation, then the injured workman, if surviving, or the personal representative, in case of death, may bring an action in any court of competent jurisdiction to recover and enforce the compensation herein provided. Such action shall be conducted as near as may be in the same manner as other civil actions at law. The action shall be brought within one year after the happening of the accident, or after the nonpayment of any semimonthly installment theretofore fixed by agreement or otherwise; or within one year after the appointment of a personal representative of the decedent. The judgment in such action, when in favor of the plaintiff, shall be for a sum equal to the amount of payments then due and prospectively due under the provisions of this chapter. The judgment shall be for the total amount thereof and collectible without relief from valuation or appraisement laws. And the court awarding the judgment shall, by proper order, direct that the same shall be paid ratably to the workman, if living, in semimonthly installments until the determination of the periods provided in this chapter the same as if such payments were being made voluntarily or without suit in conformity with this chapter. The judgment by agreement, if it appears to the court to be for the best interests of the workman, may be paid in lump and not otherwise. The court rendering the judgment is hereby given power from time to time to make such orders touching the matter of payments as may appear best to provide for the maintenance and support of the workman and his family during his infirmity, and for his and their benefit and security. The employer shall have the right to stay the judgment in whole, whether the same is to be paid in lump sum or monthly installments, upon securing the same by one or more freehold sureties or a surety company, to be approved by the court rendering the judgment, who shall enter into a recognizance acknowledging themselves bound for the defendant for the payment of the judgment in lump or in partial payments as the same is, or shall be made, payable, together with interest and costs. On failure of any one or more of such payments by the employer, execution may issue out of said court and cause, against such defendant, and his bail from time to time leviable and collectible without relief from valuation or appraisement or stay laws. The recognizance shall be written upon the order book of the court and immediately following the entry of the judgment and signed by such bail and docketed in the judgment docket of the court against such defendant and bailors, which shall bind the property of the same in the same manner as the judgment binds the property of the employer. In an action by a personal representative of a deceased workman, the court shall determine the proportions of the judgment, whether in lump or in installments, to be distributed between the widow and child, or

Enforcement of claims.

Limitation.

Payments.

Distribution.

children, with power to alter and amend the proportionment from time to time on petition of any party interested as the court may deem best for the support, maintenance, and education of such widow and children.

Attorney's fees.

In any action under this chapter the court shall fix and allow, at the time of entering the judgment against the employer, a reasonable fee to the workman's attorney, to be taxed against the employer as costs, and collectible in the same manner. From such allowance there shall be no right of appeal. Such attorney shall have no claim for compensation upon the judgment or its proceeds, other than as herein provided. But no allowance, or any fee payable by the workman to an attorney for services, or any fee payable by the workman to an attorney for services in securing a recovery or disbursement, shall ever exceed twenty-five (25) per centum of the principal of the sum recovered; and the same shall not be made a lien on the recovery of its proceeds, except as may be determined and allowed and fixed by the court.

Payments are preferred claims.

SEC. 76. Any workman entitled to monthly or other payments from or to any judgment against any employer as above provided, as compensation shall have the same preferential claim therefor against the property and assets of the employer and any bailor, as now is allowed by law for unpaid wages or personal services. No judgment or any part thereof, nor monthly payments due, or coming due, under this chapter shall be assignable by the workman or subject to mortgage, levy, execution, or attachment. But the same shall stand as a continuing provision for the maintenance and support of such injured workman during his incapacity for the periods provided in this chapter.

Mental incompetence.

SEC. 77. In case an injured workman, having a right of action under the provisions of this chapter, shall be mentally incompetent at the time when any right or privilege accrues thereunder to him, a guardian may be appointed by any court having jurisdiction, to secure and protect the rights of such workman; and the guardian may claim and exercise any and all of such rights or privileges with the same force and effect as if the workman himself had been competent and had claimed or exercised any such right or privilege; and no limitation of time provided in any of the foregoing sections shall run so long as said incompetent workman has no guardian.

Effect of act.

SEC. 78. This chapter shall be construed as a continuation of the law contained in chapter 14 of the laws of the first legislature of the State of Arizona, second session.

Existing contracts.

All workmen employed by an employer at manual and mechanical labor of the kinds defined in section 67 of this title shall be deemed and held in law to be employed and working subject to the provisions of this chapter, and the employer and the workman shall alike be bound by and shall have each and every benefit and right given in this chapter the same as if a mutual contract to that effect were entered into between the employer and the workman at any time before the happening of any accident. It shall be lawful, however, for the employer and workmen to disaffirm an employment under the provisions of this chapter by written contract between them, or by written notice by one to, and served upon the other to that effect before the day of the accident.

Substitute schemes.

Provided, Such written contract does not provide for less compensation than as provided in this chapter. And in the absence of such written contract or written notice, served as above provided, it shall be taken and held that the employment and service is under this chapter; and the same shall be the sole measure of their respective rights and liabilities when and as provided in this chapter.

Suits.

Provided, If, after the accident, either the employer or the workman shall refuse to make or accept compensation under this chapter or to proceed under or rely upon the provisions hereof for relief, then the other may pursue his remedy or make his defense under other existing statutes, the State constitution, or the common law, except as herein provided, as his rights may at the time exist. Any suit brought by the workman for a recovery shall be held as an election to pursue such remedy exclusively.

Agreements.

SEC. 79. Any employer employing workmen to perform labor or services of other kinds than as defined in this chapter, and such workmen

and employees may, by agreement, at any time during the employment, accept and adopt the provisions of this chapter as to liability for accident, compensation, and the methods and means of paying and securing and enforcing the same. And in every such case the provisions of this chapter shall be taken in law and fact to bind the parties as fully as if they were specifically mentioned and embraced in the provisions of this chapter.

Nature of act.

SEC. 80. This chapter is remedial in its purpose and shall be construed and applied so as to secure promptly and without burdensome expense to the workmen the compensation herein provided and apportioned so as to provide support during the periods named for the loss of ability to earn full wages.

Construction.

SEC. 81. Nothing in this chapter shall be deemed or taken to repeal or affect in any way any other acts or laws passed by the first legislature of the State of Arizona, and as [sic] in so far as it refers to the same subject in other acts it shall be deemed to be cumulative only.

Repealer.

SEC. 82. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Act in effect.

SEC. 83. This act shall take effect and be in force from and after the first day of October, 1913.

Approved May 13, 1913.

CALIFORNIA.

CONSTITUTION.

ARTICLE XX.—*Miscellaneous—Compensation of workmen for injuries.*

SECTION 21. The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this constitution to the contrary notwithstanding.

Compulsory laws authorized.

Settlement of disputes.

Amendment adopted October 10, 1911.

ACTS OF 1913.

CHAPTER 176.—*Compensation for injuries to employees—State insurance fund.*

SECTION 1. This act shall be known, and may be cited, as the "Workmen's compensation, insurance, and safety act" and shall apply to the subjects mentioned in its title.

Title.

SEC. 2 (as amended by chapters 607 and 662, acts of 1915). The following terms as used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

Definitions

(1) The term "commission" means the Industrial Accident Commission of the State of California.

(2) The term "commissioner" means one of the members of the commission.

(3) The term "compensation" means compensation under this act and includes every benefit or payment conferred by sections twelve to thirty-five, inclusive, of this act upon an injured employee, or in the event of his death, upon his dependents, without regard to negligence.

(4) The term "damages" means the recovery allowed in an action at law as contrasted with compensation under this act.

(5) The term "person" includes an individual, firm, voluntary association, or a corporation.

(6) The term "insurance carrier" includes the State compensation insurance fund herein created and any private company, corporation, mutual association, reciprocal or interinsurance exchange authorized under the laws of this State to insure employers against liability for compensation under this act.

(7) The phrase "compensation provisions of this act" means and includes sections twelve to thirty-five, inclusive, of this act.

(8) The phrase "safety provisions of this act" means and includes sections fifty-one to seventy-two, inclusive, of this act.

(9) Whenever in this act the singular is used the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

SEC. 3. There is hereby created a board to consist of three members who shall be appointed by the governor from the State at large and which shall be known as the "Industrial Accident Commission" and shall have the powers, duties, and functions herein-

Industrial Accident Commission.

after conferred. Within thirty days prior to the first day of January, 1914, the governor shall appoint the three members of said commission, one for the term of two years, one for the term of three years, and one for the term of four years. Thereafter, the term of office of each commissioner shall be four years. Vacancies shall be filled by appointment in the same manner for the unexpired term. Each commissioner shall receive an annual salary of five thousand dollars. Each commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office.

Organization.

SEC. 4. The commission shall organize by choosing one of its members as chairman. A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power or authority of the commission. A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the power and authority of the commission. The act of the majority of the commission, when in session as a commission, shall be deemed to be the act of the commission, but any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any member thereof or any referee appointed by the commission for that purpose, and every finding, order, decision, or award made by any commissioner or referee, pursuant to such investigation, inquiry, or hearing, when approved and confirmed by the commission and ordered filed in its office, shall be deemed to be the finding, order, decision, or award of the commission.

Seal.

SEC. 5. The commission shall have a seal, bearing the following inscription: "Industrial Accident Commission, State of California, seal" The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

Office.

SEC. 6. The commission shall keep its principal office in the city and county of San Francisco, and shall also keep an office in the city of Los Angeles, and shall provide itself with suitable rooms, necessary office furniture, stationery, and other supplies. For the purpose of holding sessions in other places, the commission shall have power to rent temporary quarters.

Powers.

SEC. 7. The commission shall have full power and authority—

(1) To appoint as its attorney an attorney at law of this State, who shall hold office at the pleasure of the commission. It shall be the right and the duty of the attorney to represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this act or under any order or act of the commission and, if directed so to do by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute, and expedite the final determination of all actions or proceedings, civil or criminal, directed or authorized by the commission; to advise the commission and each member thereof, when so requested, in regard to all matters in connection with the jurisdiction, powers, or duties of the commission and members thereof; and generally to perform all duties and services as attorney to the commission which may be required of him.

(2) To appoint, and it shall appoint, a secretary, who shall hold office at the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the commission, to issue all necessary processes, writs, warrants, and notices which the commission is required or authorized to issue, and generally to perform such other duties as the commission may prescribe. The commission may also appoint such assistant secretaries as may be necessary and such assistant secretaries may perform any duty of the secretary, when so directed by the commission.

(3) To appoint a manager of the State compensation insurance fund who shall hold office at the pleasure of the commission. It

shall be the duty of such manager to manage, supervise, and conduct, subject to the general direction and approval of the commission, the business and affairs of the State compensation insurance fund and to perform such other duties as the commission may prescribe. Before entering on the duties of his office, he must give an official bond in the sum of $50,000, and take and subscribe to an official oath. Said bond must be approved by the commission, by written indorsement thereon, and be filed in the office of the secretary of state.

(4) To appoint a superintendent of the department of safety, who shall hold office at the pleasure of the commission and who shall perform such duties as the commission shall prescribe.

(5) To employ such other assistants, officers, experts, statisticians, actuaries, accountants, inspectors, referees, and other employees, as it may deem necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon the commission.

Compensation.

SEC. 8. All officers and employees of the commission shall receive such compensation for their services as may be fixed by the commission and shall hold office at the pleasure of the commission and shall perform such duties as are imposed on them by law or by the commission. The salaries of the members of the commission, its attorney, secretary and assistant secretary, as fixed by law or the commission, shall be paid in the same manner as are the salaries of other State officers. The salary or compensation of every other person holding office or employment under the commission, as fixed by law or by the commission, shall be paid monthly, after being approved by the commission, upon claims therefor to be audited by the State board of control. All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers and employees, incurred while on business of the commission, either within or without the State, shall, unless otherwise provided in this act, be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control: *Provided, however*, That no such expenses incurred outside of the State shall be allowed unless prior authorization therefor be obtained from the board of control.

Apportionment of expenses.

SEC. 9. In all cases in which salaries, expenses, or outgoings of one department under the jurisdiction of the commission are expended in whole or in part on behalf of another department the commission may apportion the same between such departments.

Forms and records.

SEC. 10. The commission shall cause to be printed and furnished free of charge to any employer or employee, or other person, such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act; it shall provide a book in which shall be entered the minutes of all its proceedings, a book in which shall be recorded all awards made by the commission, and such other books or records as it shall deem requisite for the proper and efficient administration of this act; all such records to be kept in the office of the commission.

Additional powers.

SEC. 11. The commission shall also have power and authority—

(1) To charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the commission, 10 cents for each folio; for certified copies of official documents and orders filed in its office or of the evidence taken on proceedings had, 15 cents for each folio.

(2) To publish and distribute in its discretion from time to time, in addition to its annual report to the governor of the State, such further reports and pamphlets covering its operations, proceedings, and matters relative to its work as it may deem advisable.

(3) To fix and collect reasonable charges for publications issued under its authority.

(4) The fees charged and collected under this section shall be paid monthly into the treasury of the State to the credit of the "Industrial Accident Fund" and shall be accompanied by a detailed statement thereof.

Liability without fault.

SEC. 12 (as amended by chapter 607, Acts of 1915). (*a*) Liability for the compensation provided by this act, in lieu of any other liability whatsoever to any person, shall, without regard to negligence, exist against an employer for any personal injury sustained by his employees arising out of and in the course of the employment and for the death of any such employee if the injury shall proximately cause death, in those cases where the following conditions of compensation concur:

(1) Where, at the time of the injury, both the employer and employee are subject to the compensation provisions of this act.

(2) Where, at the time of the injury, the employee is performing service growing out of and incidental to his employment and is acting within the course of his employment as such.

(3) Where the injury is proximately caused by the employment, either with or without negligence, and is not so caused by the intoxication or the willful misconduct of the injured employee.

Remedy exclusive.

(*b*) Where such conditions of compensation exist, the right to recover such compensation pursuant to the provisions of this act, shall be the exclusive remedy against the employer for the injury or death, except that when the injury was caused by the employer's gross negligence or willful misconduct, and such act or failure to act causing such injury was the personal act or failure to act on the part of the employer himself, or if the employer be a partnership on the part of one of the partners, or if a corporation, on the part of an elective officer or officers thereof, and such act or failure to act indicated a willful disregard of the life, limb, or bodily safety of employees, any such injured employee may, at his option, either claim compensation under this act or maintain an action at law for damages.

Gross negligence.

If such action is commenced and at any time before judgment is withdrawn or dismissed and the injured employee or his dependents apply for compensation under this act, the commission shall allow the employer or insurance carrier, as a counterclaim or set-off against any indemnity or death benefit awarded, the reasonable expense incurred in preparing for or making a defense against such suit for damages.

Who are employers.

SEC. 13 (as amended by chapter 607, Acts of 1915). The term "employer" as used in sections twelve to thirty-five, inclusive, of this act shall be construed to mean: The State, and each county, city and county, city, school district, and all public corporations and quasi-public corporations therein, and every person, firm, voluntary association, and private corporation (including any public service corporation), who has any person in service under any appointment or contract of hire, or apprenticeship, express or implied, oral or written, and the legal representatives of any deceased employer.

Employees.

SEC. 14 (as amended by chapter 541, Acts of 1915). The term "employee" as used in sections twelve to thirty-five, inclusive, of this act shall be construed to mean: Every person in the service of an employer as defined by section thirteen hereof under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens and also including minors, but excluding any person whose employment is both casual and not in the usual course of the trade, business, profession, or occupation of his employer, and also excluding any employee engaged in farm, dairy, agricultural, viticultural, or horticultural labor, in stock or poultry raising or in household domestic service, and also excluding any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for the convenience of such appointee and who receives no compensation from the county or municipal corporation or from the citizens thereof for services as such deputy.

SEC. 15 (as amended by chapter 607, Acts of 1915). Where liability for compensation under this act exists such compensation shall be furnished or paid by the employer and be as provided in the following schedule: Compensation.

(a) Such medical, surgical, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, including artificial members, as may reasonably be required at the time of the injury and within ninety days thereafter, unless such time is extended by the commission, to cure and relieve from the effects of the injury, the same to be provided by the employer, and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same. Medical, etc., care.

(b) 1. If the injury causes disability, a disability indemnity which shall be payable for one week in advance as wages on the fifteenth day after the injured employee leaves work as a result of the injury, and thereafter on the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, subject, however, to the following limitations: Disability.

(1) If the period of disability does not last longer than two weeks from the day the employee leaves work as the result of the injury, no disability indemnity whatever shall be recoverable. Waiting time.

(2) If the period of disability lasts longer than two weeks from the day the employee leaves work as the result of the injury, no disability indemnity shall be recoverable for the first two weeks of such disability.

2. The disability indemnity payable shall be as follows:

(1) If the injury causes temporary total disability, sixty-five per cent of the average weekly earnings during the period of such disability. Total disability.

(2) If the injury causes temporary partial disability, sixty-five per cent of the weekly loss in wages during the period of such disability. Partial disability.

(3) If the temporary disability caused by the injury is at times total and at times partial, the weekly disability indemnity during the periods of each such total or partial disability shall be in accordance with paragraphs (1) and (2) of this subdivision, respectively.

(4) Paragraphs (1), (2), and (3) of this subdivision shall be limited as follows: Aggregate disability indemnity for a single injury causing temporary disability shall not exceed three times the average annual earnings of the employee, nor shall the aggregate disability period for such temporary disability in any event extend beyond two hundred forty weeks from the date of the accident.

(5) If the injury causes permanent disability, the percentage of disability to total disability shall be determined and the disability indemnity computed and allowed as follows: For a one per cent disability sixty-five per cent of the average weekly earnings for a period of four weeks; for a ten per cent disability, sixty-five per cent of the average weekly earnings for a period of forty weeks; for a twenty per cent disability, sixty-five per cent of the average weekly earnings for a period of eighty weeks; for a thirty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred twenty weeks; for a forty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred sixty weeks; for a fifty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred weeks; for a sixty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks; for a seventy per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks, and thereafter ten per cent of such weekly earnings during the remainder of life; for an eighty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hun- Permanent disability.

dred forty weeks, and thereafter twenty per cent of such weekly earnings during the remainder of life; for a ninety per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter thirty per cent of such weekly earnings during the remainder of life; for a hundred per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter forty per cent of such weekly earnings during the remainder of life.

(6) The indemnity for permanent disabilities intermediate to those fixed by the foregoing schedule shall be computed and allowed as follows: If under seventy per cent, sixty-five per cent of the average weekly earnings for four weeks for each one per cent of disability; if seventy per cent or over, sixty-five per cent of the average weekly earnings for two hundred forty weeks and thereafter one per cent of such weekly earnings for each one per cent of disability in excess of sixty per cent to be paid during the remainder of life.

(7) In determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee, and his age at the time of such injury.

(8) Nothing contained in the foregoing schedule of permanent disability indemnity shall be held to limit the amount of compensation recoverable for any such permanent injury during any period of total incapacity resulting from that injury.

(9) The following permanent disabilities shall be conclusively presumed to be total in character: Loss of both eyes or the sight thereof; loss of both hands or the use thereof; an injury resulting in a practically total paralysis; an injury to the brain resulting in incurable imbecility or insanity. In all other cases, permanent total disability shall be determined in accordance with the fact.

(10) The percentage of permanent disability caused by any injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any injury previously suffered or any permanent disability caused thereby.

Death following disability.

3. The death of the injured employee shall not affect the liability of the employer under subsections (*a*) and (*b*) of this section, so far as such liability has accrued and become payable at the date of the death, and any accrued and unpaid compensation shall be paid to the dependents, if any, without administration, or if there are no dependents, to the personal representatives of the deceased employee or other person entitled thereto, but such death shall be deemed to be the termination of the disability.

Compensation for death.

(*c*) If the injury causes death, either with or without disability, a death benefit which shall be payable in installments equal to sixty-five per cent of the average weekly earnings of the deceased employee, upon the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, which death benefit shall be as follows:

(1) In case the deceased employee leaves a person or persons wholly dependent upon him for support, the death benefit shall be a sum sufficient, when added to the disability indemnity which, at the time of death has accrued and become payable, under the provisions of subsection (*b*) hereof, including the reasonable expense of his burial, not exceeding one hundred dollars, to make the total disability indemnity, cost of burial, and death benefit equal to three times his average annual earnings, such annual earnings to be taken at not less than three hundred and thirty-three dollars and thirty-three cents nor more than one thousand six hundred and sixy-six dollars and sixty-six cents.

Minimum and maximum earnings.

(2) In case the deceased employee leaves no person wholly dependent upon him for support, but one or more persons partially dependent therefor, the death benefit shall be such percentage of three times such average annual earnings of the employee as the

annual amount devoted by the deceased to the support of the person or persons so partially dependent bears to such average annual earnings: *Provided*, That the death benefit shall not be greater than a sum sufficient when added to the disability indemnity which, at the time of the death, has accrued and become payable under the provisions of subsection (*b*) hereof, together with the reasonable cost of the burial of such deceased employee, not exceeding one hundred dollars, to make the total disability indemnity, cost of burial, and death benefit equal to three times his average annual earnings, such average annual earnings to be taken at not less than three hundred and thirty-three dollars and thirty-three cents nor more than one thousand six hundred and sixty-six dollars and sixty-six cents.

(3) If the deceased employee leaves no person dependent upon him for support, the death benefit shall consist of the reasonable expenses of his burial not exceeding one hundred dollars and such further death benefit as may be provided by law.

(*d*) Payment of compensation in accordance with the order and direction of the commission shall discharge the employer from all claims therefor.

Limitations.

SEC. 16 (as amended by chapter 607, Acts of 1915). (*a*) Unless compensation is paid or an agreement for its payment made within the time limited in this section for the institution of proceedings for its collection, the right to institute such proceedings shall be wholly barred.

(*b*) The periods within which proceedings for the collection of compensation may be commenced are as follows:

(1) Proceedings for the collection of the benefit provided by subsection (*a*) of section fifteen or for the collection of the disability indemnity provided by subsection (*b*) of said section fifteen must be commenced within six months from the date of the injury, except as otherwise provided in this act.

(2) Proceedings for the collection of the death benefit provided by subsection (*c*) of said section fifteen must be commenced within one year from the date of death, and in any event within two hundred forty weeks from the date of the accident, and can only be maintained when it appears that death ensued within one year from the date of the accident, or that the injury causing death also caused disability which continued to the date of the death and for which a disability indemnity was paid, or an agreement for its payment made, or proceedings for its collection commenced within the time limited for the commencement of proceedings for the recovery of the disability indemnity.

(*c*) The payment of the disability indemnity or death benefit, or any part thereof, or agreement therefor, shall have the effect of extending the period within which proceedings for its collection may be commenced six months from the date of the agreement or last payment of such disability indemnity or death benefit or any part thereof: *Provided, however*, That nothing contained in this section shall be construed to bar the right of any injured employee to institute proceedings for the collection of compensation within two hundred forty-five weeks after the date of the injury, upon the grounds that the original injury has caused further disability; and the jurisdiction of the commission in such cases shall be a continuing jurisdiction at all times within such period.

Minor and incompetent beneficiaries.

(*d*) If an injured employee, or in the case of his death, one or more of his dependents, shall be under twenty-one years of age or incompetent at any time when any right or privilege accrues to such person under the provisions of this act, a general guardian, appointed by the court or a guardian ad litem or trustee appointed by the commission or a commissioner may, on behalf of any such person, claim and exercise any such right or privilege with the same force and effect as if no such disability existed; and no limitation of time provided by this act shall run against any such person under twenty-one years of age or incompetent unless and until such guardian or trustee is appointed.

Refusing medical treatment.

(c) No compensation shall be payable in respect of the death or disability of an employee if his death is caused, or if and so far as his disability is caused, continued, or aggravated, by an unreasonable refusal to submit to medical treatment, or to any surgical treatment, the risk of which is, in the opinion of the commission, based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

Second injuries.

(f) The fact that an employee has suffered a previous disability, or receives compensation therefor, shall not preclude him from compensation for a later injury, or his dependents from compensation for death resulting therefrom, but in determining compensation for the later injury, or death resulting therefrom, his average annual earnings shall be fixed at such sum as will reasonably represent his annual earning capacity at the time of the later injury.

Payments not due.

(g) Any payment, allowance, or benefit received by the injured employee during the period of his incapacity, or by his dependents in the event of his death, which by the terms of this act was not then due and payable or when there is any dispute or question concerning the right to compensation, shall not, in the absence of any agreement, be construed to be an admission of liability for compensation on the part of the employer, or the acceptance thereof as a waiver of any right or claim which the employee or his dependents may have against the employer, but any such payment, allowance, or benefit may be taken into account by the commission in fixing the amount of the compensation to be paid.

Computing earnings.

SEC. 17 (as amended by chapter 607, Acts of 1915). (a) The average weekly earnings referred to in section fifteen hereof shall be one fifty-second of the average annual earnings of the employee; in computing such earnings his average annual earnings shall be taken at not less than three hundred and thirty-three dollars and thirty-three cents, nor at more than one thousand six hundred and sixty-six dollars and sixty-six cents and between said limits shall be arrived at as follows:

(1) If the injured employee has worked in the same employment, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily earnings, wage, or salary which he earned as such employee during the days when so employed.

(2) If the injured employee has not so worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily earnings, wage, or salary which an employee of the same class, working substantially the whole of such immediately preceding year, in the same or a similar kind of employment, in the same or a neighboring place, earned during the days when so employed.

(3) In every case where for any reason the foregoing methods of arriving at the average annual earnings of the injured employee can not reasonably and fairly be applied, such annual earnings shall be taken at such sum as shall reasonably represent the average annual earning capacity of the injured employee at the time of the injury in the kind of employment in which he was then working, or in any employment comparable therewith, but not of a higher class.

(b) In determining such average weekly earnings, there shall be included the market value of board, lodging, fuel, and other advantages received by the injured employee as part of his remuneration and which can be estimated in money, but such average weekly earnings shall not include any sum which the employer paid to the injured employee to cover any special expenses entailed on him by the nature of his employment.

(c) If the injured employee is under twenty-one years of age, and his incapacity, whether total or partial, is permanent, his average weekly earnings shall be deemed, within the limits fixed,

to be the weekly sum that under ordinary circumstances he would probably be able to earn after attaining the age of twenty-one years in the occupation in which he was employed at the time of the injury, or the occupation to which he would reasonably have been promoted if he had not been injured.

Wage loss.

SEC. 18. The weekly loss in wages referred to in section fifteen hereof shall consist of the difference between the average weekly earnings of the injured employee, computed according to the provisions of said section, and the weekly amount which the injured employee, in the exercise of reasonable diligence, will probably be able to earn during the disability, to be determined in view of the nature and extent of the injury. In computing such probable earnings due regard shall be had to the ability of the injured employee to compete in an open labor market.

Dependents.

SEC. 19 (as amended by chapter 607, Acts of 1915). (a) The following shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(1) A wife upon a husband with whom she was living at the time of his death, or for whose support such husband was legally liable at the time of his death.

(2) A husband upon a wife upon whose earnings he is partially or wholly dependent at the time of her death.

(3) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning) upon the parent with whom he or they are living at the time of the death of such parent or for whose maintenance such parent was legally liable at the time of his death, there being no surviving dependent parent.

(b) In all other cases, questions of entire or partial dependency and questions as to who constitute dependents and the extent of their dependency shall be determined in accordance with the fact, as the fact may be at the time of the death of the employee.

(c) No person shall be considered a dependent of any deceased employee unless a member of the family of such employee or unless such person bears to such employee the relation of husband or wife, child, adopted child or stepchild, father or mother, father-in-law or mother-in-law, grandfather or grandmother, brother or sister, uncle or aunt, brother-in-law or sister-in-law, nephew or niece.

(d) 1. If there is one or more persons wholly dependent for support upon a deceased employee, such person or persons shall receive the entire death benefit, and any person or persons partially dependent shall receive no part thereof, unless otherwise ordered by the commission.

2. If there is more than one such person wholly dependent for support upon a deceased employee, the death benefit shall be divided equally among them, unless otherwise ordered by the commission.

3. If there is more than one person partially dependent for support upon a deceased employee, and no person wholly dependent for support, the amount allowed as the death benefit shall be divided among the persons so partially dependent in proportion to the relative extent of their dependency, unless otherwise ordered by the commission.

Payments to dependents.

(e) The death benefits shall be paid to such one or more of the dependents of the deceased, or to a trustee appointed by the commission, or a commissioner, for the benefit of the person or persons entitled, as may be determined by the commission, and the commission may, anything in this act contained to the contrary notwithstanding, apportion such benefits among the dependents in proportion to their respective needs and as may be just and equitable, and may order payment to a dependent subsequent in right, or not otherwise entitled, upon good cause being shown therefor. The person to whom the death benefit is paid for the use of the several beneficiaries shall apply the same in compliance with the findings and directions of the commission.

In the event of the death of any dependent beneficiary of any deceased employee, the unpaid death benefit shall be apportioned to the surviving dependents of such deceased employee, if any, as the commission may direct, but if there be no surviving dependent of such deceased employee, the death of such dependent shall terminate the death benefit, which shall not survive to the estate of such deceased dependent, unless otherwise provided by law.

Notice.

SEC. 20 (as amended by chapter 607, Acts of 1915). No claim to recover compensation under this act shall be maintained unless within thirty days after the occurrence of the accident which is claimed to have caused the disability or death, notice in writing, stating the name and the address of the person injured, the time and the place where the injury occurred, and the nature of the injury, and signed by the person injured or some one in his behalf, or in case of his death, by a dependent or some one in his behalf, shall be served upon the employer: *Provided, however,* That actual knowledge of such injury on the part of such employer, or his managing agent or superintendent in charge of the work, upon which the injured employee was engaged at the time of the injury, shall be equivalent to such service: *And provided further,* That the failure to give any such notice, or any defect or inaccuracy therein, shall not be a bar to recovery under this act if it is found as a fact in the proceedings for the collection of the claim that there was no intention to mislead or prejudice the employer, and that he was not in fact misled or prejudiced thereby.

Medical examinations.

SEC. 21. (*a*) Whenever in case of injury the right to compensation under this act would exist in favor of any employee, he shall, upon the written request of his employer, submit from time to time to examination by a practicing physician, who shall be provided and paid for by the employer, and shall likewise submit to examination from time to time by any physician selected by the commission or any member or referee thereof.

(*b*) The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employee and his physical condition and ability to attend at the time and place fixed. The employee shall be entitled to have a physician provided and paid for by himself present at any such examination. So long as the employee, after such written request of the employer, shall fail or refuse to submit to such examination or shall in any way obstruct the same, his right to begin or maintain any proceeding for the collection of compensation shall be suspended, and if he shall fail or refuse to submit to such examination after direction by the commission, or any member or referee thereof, or shall in any way obstruct the same, his right to the weekly indemnity which shall accrue and become payable during the period of such failure, refusal, or obstruction shall be barred. Any physician who shall make or be present at any such examination may be required to testify as to the results thereof.

References to commission.

SEC. 22 (as amended by chapter 607, Acts of 1915). Upon filing with the commission by any party in interest of an application in writing stating the general nature of any dispute or controversy concerning compensation, or concerning any right of liability arising out of, or incident thereto, jurisdiction over which is vested by this act in the commission, including any controversy relating to or arising out of the provisions of subsection (*a*) of section fifteen of this act, a time and place shall be fixed for the hearing thereof, which shall be not less than ten days nor more than forty days after the filing of such application. The person filing such application shall be known as the applicant and the adverse party shall be known as the defendant. A copy of said application, together with a notice of the time and place of hearing thereof, shall forthwith be served upon all adverse parties and may be served either as a summons in a civil action or in the same manner as any other notice that is authorized or required to be served under the provisions of this act. A notice of the time and place of hearing shall also be served upon the applicant.

SEC. 23. If any defendant desires to disclaim any interest in the subject matter of the claim in controversy, or considers that the application is in any respect inaccurate or incomplete, or desires to bring any fact, paper, or document to the attention of the commission as a defense to the claim, or otherwise, he must within five days after the service of the application upon him file with or mail to the commission his answer, setting forth the particulars in which the application is inaccurate or incomplete, and the facts upon which he intends to rely. A copy of such answer must be forthwith served upon all adverse parties. **Amendments.**

SEC. 24 (as amended by chapter 607, Acts of 1915). (*a*) No pleadings, other than the application and answer, shall be required. The hearing on the application may be adjourned from time to time and from place to place in the discretion of the commission, or commissioner or referee holding such hearing. Either party shall have the right to be present at any hearing, in person or by attorney or by any other agent, and to present such testimony as shall be pertinent under the pleadings, but the commission may, with or without notice to either party, cause testimony to be taken, or inspection of the premises where the injury occurred to be made, or the time books and pay roll of the employer to be examined by any commissioner or any referee appointed by the commission, and may from time to time direct any employee claiming compensation to be examined by a regular physician; the testimony so taken and the results of any such inspection or examination to be reported to the commission for its consideration. **Proceedings.**

(*b*) The parties to a controversy may stipulate the facts relative thereto in writing and file such stipulation with the commission. The commission may thereupon make its findings and award based upon such stipulations, or may in its discretion set the matter down for hearing and take such further testimony or make such further investigations as may be necessary to enable it to completely determine the matter in controversy.

SEC. 25 (as amended by chapter 607, Acts of 1915). (*a*) After final hearing by the commission, it shall, within thirty days, make and file (1) its findings upon all facts involved in the controversy and (2) its award which shall state its determination as to the rights of the parties. **Awards.**

(*b*) The commission in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability indemnity to be paid and order payment thereof during the continuance of such disability.

(*c*) If, in any proceeding under sections twelve to thirty-five, inclusive, of this act, it is proved that an injury has been suffered for which the employer would be liable to pay compensation if disability had resulted therefrom, but it is not proved that any incapacity had resulted, the commission may, instead of dismissing the application, award a nominal disability indemnity, if it appears that disability is likely to result at a future time.

(*d*) The commission shall have continuing jurisdiction over all its orders, decisions, and awards made and entered under the provisions of sections twelve to thirty-five, inclusive, of this act and may at any time, upon notice, and after opportunity to be heard is given to the parties in interest, rescind, alter, or amend any such order, decision, or award made by it upon good cause appearing therefor: *Provided*, That no award of compensation shall be rescinded, altered, or amended after two hundred forty-five weeks from the date of the injury. Any order, decision, or award rescinding, altering, or amending a prior order, decision, or award shall have the same effect as is herein provided for original orders, decisions, or awards. **Revision.**

SEC. 26 (as amended by chapter 607, Acts of 1915). (*a*) Any party affected thereby may file a certified copy of the findings and award of the commission with the clerk of the superior court **Filing awards in court.**

for any county, or city and county, and judgment must be entered by the clerk in conformity therewith immediately upon the filing of such findings and award.

(*b*) The certified copy of the findings and award of the commission and a copy of the judgment shall constitute the judgment roll. The pleadings, all orders of the commission, its original findings and award, and all other papers or documents filed in the cause shall remain on file in the office of the commission.

Stay.

(*c*) The commission, or any member thereof, may stay the execution of any judgment entered upon an award of the commission, upon good cause appearing therefor and upon such terms and conditions as may be imposed. A certified copy of such order shall be filed with the clerk entering such judgment.

When a judgment is satisfied in fact, otherwise than upon an execution, the commission may, upon motion of either party or of its own motion, order the entry of satisfaction of the judgment to be made, and upon filing a certified copy of such order with said clerk, he shall thereupon enter such satisfaction.

Court review.

SEC. 27. The orders, findings, decisions, or awards of the commission made and entered under sections twelve to thirty-five, inclusive, of this act may be reviewed by the courts specified in sections eighty-four and eighty-five hereof and within the time and in the manner therein specified and not otherwise.

Fees.

SEC. 28. No fees shall be charged by the clerk of any court for the performance of any official service required by this act, except for the docketing of awards as judgments and for certified copies of transcripts thereof. In all proceedings under this act before the commission, costs as between the parties shall be allowed or not in the discretion of the commission, and the commission may in its discretion, where payments of compensation have been unreasonably delayed, allow the beneficiary thereof interest thereon, at not to exceed one and one-half per cent per month, during such period of delay.

Assignment of claims.

SEC. 29 (as amended by chapter 607, Acts of 1915). (*a*) No claim for compensation shall be assignable before payment, but this provision shall not affect the survival thereof, nor shall any claim for compensation, or compensation awarded, adjudged, or paid be subject to be taken for the debts of the party entitled to such compensation, except as hereinafter provided.

Liens.

(*b*) The commission may fix and determine and allow, as a lien against any amount to be paid as compensation:

(1) A reasonable attorney's fee for legal services pertaining to any claim for compensation or application filed therefor and the reasonable disbursements in connection therewith.

(2) The reasonable expense incurred by or on behalf of the injured employee, as defined in subsection (*a*) of section fifteen hereof.

(3) The reasonable value of the living expenses of an injured employee, not exceeding sixty-five per cent of his weekly wages between the date of his injury and the payment of the disability indemnity or death benefit awarded: *Provided*, That no such allowance shall be made while an injured employee is confined to a hospital for treatment as a part of such treatment.

(4) The reasonable burial expenses of the deceased employee, not to exceed the sum of one hundred dollars.

Claim a lien, when.

(*c*) If notice in writing be given to the employer setting forth the nature and extent of any claim that may be allowed as a lien, the said claim shall be a lien against any amount thereafter to be paid as compensation, subject to the determination of the amount and approval thereof by the commission. The commission may, in its discretion, order the amount of such claim as fixed and allowed by it paid directly to the person entitled either in a lump sum or in installments.

(*d*) No claim or agreement for the legal services or disbursements mentioned in paragraph (1) of subsection (*b*) hereof, or for the expense mentioned in paragraph (2) of said subsection (*b*), in

excess of a reasonable amount, shall be valid or binding in any respect, and it shall be competent for the commission to determine what constitutes such reasonable amount.

Preference.

(c) A claim for compensation for the injury or death of any employee, or any award or judgment entered thereon, shall have the same preference over the other unsecured debts of the employer as is given by law to claims for wages. Such preference shall be for the entire amount of compensation to be paid, but this section shall not impair the lien of any previous award.

Principals and contractors.

SEC. 30 (as amended by chapter 607, Acts of 1915). The liability of principals and contractors for compensation under this act, when other than the immediate employer of the injured employee, shall be as follows:

(a) The principal, any general contractor, and each intermediate contractor who undertakes to do, or contracts with another to do, or to have done, any work, shall be liable to pay to any employee injured while engaged in the execution of such work, or to his dependents in the event of his death, any compensation which the immediate employer is liable to pay.

(b) The person entitled to such compensation shall have the right to recover the same directly from his immediate employer, and in addition thereto the right to enforce in his own name, in the manner provided by this act, the liability for compensation imposed upon other persons by this section, either by making such other persons parties to the original application or by filing a separate application: *Provided, however*, That payment in whole or in part of such compensation by either the immediate employer or other person shall, to the extent of such payment, be a bar to recovery against the other by any person entitled to such compensation.

(c) When any person, other than the immediate employer, shall have paid any compensation for which he would not have been liable independently of this section, he shall, unless he caused the injury, be entitled to recover the full amount so paid from the person primarily liable therefor.

(d) The liability imposed by this section upon such principal, general contractor, and intermediate contractor shall be subject to the following limitations:

(1) Such liability shall exist only in cases where the injury occurred on or in or about the premises on which the principal, general contractor, or intermediate contractor has undertaken to execute or to have executed any work, or when such premises or work are otherwise under his control or management.

(2) Such liability shall not exist in the event that the immediate employer, or other person primarily liable for the compensation, shall, previous to the happening of such accident, have taken out, and maintained in full force and effect, compensation insurance with any insurance carrier, covering his full liability for compensation to the injured person or his dependents.

(3) The commission may, in its discretion, order that execution against the principal, general contractor, and any intermediate contractor be stayed until execution against the immediate employer shall be returned unsatisfied.

Claim as assignment.

SEC. 31. The making of a lawful claim against an employer for compensation under this act for the injury or death of his employee shall operate as an assignment to the employer of any right to recover damages which the injured employee, or his personal representative, or other person, may have against any other party for such injury or death, and such employer shall be subrogated to any such right and may enforce in his own name the legal liability of such other party. The amount of compensation paid by the employer, or the amount of compensation to which the injured employee or his dependents is entitled, shall not be admissible in evidence in any action brought to recover damages, but any amount collected by the employer, under the provisions of this section, in excess of the amount paid by the employer, or for

which he is liable, shall be held by him for the benefit of the injured employee or other person entitled.

Waivers. SEC. 32 (as amended by chapter 607, Acts of 1915). (*a*) No contract, rule, or regulation shall exempt the employer from liability for the compensation fixed by this act, but nothing in this act contained shall be construed as impairing the right of the parties interested to settle, subject to the provisions herein contained, any liability which may be claimed to exist under this act on account of such injury or death, or as conferring upon the dependents of any injured employee any interest which such employee may not divert by such settlement or for which he, or his estate, shall, in the event of such settlement by him, be accountable to such dependents or any of them.

Settlements.

(*b*) The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment when subject to the provisions of this act, and no release of liability or settlement agreement shall be valid unless it provides for the payment of full compensation in accordance with the provisions of this act, or unless it shall be approved by the commission.

(*c*) A copy of any such release or settlement agreement signed by both parties shall forthwith be filed with the commission. When such release or settlement agreement is filed with the commission and approved by it, the commission may of its own motion, or on the application of either party, without notice, enter its award based upon such release or settlement agreement.

(*d*) Every such release or settlement agreement shall be in writing, duly executed and attested by two disinterested witnesses, and shall specify the date of the accident, the average weekly wages of the employee, determined according to section seventeen hereof, the nature of the disability, whether total or partial, permanent or temporary, the amount paid or due and unpaid to the employee up to the date of the release or agreement or death, as the case may be, and, if any, the amount of the payment or benefits then or thereafter to be made, and the length of time that such payment is to continue. In case of death there shall also be stated in such release or settlement agreement the date of death, the name of the widow, if any, the name and ages of all children, if any, and the names of all other dependents, if any, and whether such dependents be total or partial, and the amount paid or to be paid as a death benefit and to whom such payment is to be made.

Lump sums. SEC. 33 (as amended by chapter 607, Acts of 1915). (*a*) At the time of making its award or at any time thereafter the commission on its own motion, either with or without notice, or upon application of either party with due notice to the other, may, in its discretion, commute the compensation payable under this act to a lump sum, if it appears that such commutation is necessary for the protection of the person entitled thereto, or for the best interest of either party, or that it will avoid undue expense or hardship to either party, or that the employer has sold or otherwise disposed of the greater part of his assets, or is about to do so, or that the employer is not a resident of this State, and the commission may order such compensation paid forthwith or at some future time.

(*b*) The amount of the commuted payment shall be determined in accordance with the following provisions:

(1) If the injury causes temporary disability, the commission shall estimate the probable duration thereof and the probable amount of the temporary disability indemnity payable therefor in accordance with the provisions of section fifteen hereof and shall fix the lump-sum payment at such amount so determined.

(2) If the injury causes permanent disability or death, the commission shall fix the total amount of the permanent disability indemnity or death benefit payable therefor in accordance with the provisions of said section fifteen and shall estimate the present

value thereof, assuming interest at the rate of six per centum per annum, disregarding the probability of the beneficiary's death in all cases except where the percentage of permanent disability is such as to entitle the beneficiary to a life pension, and then taking into consideration the probability of the beneficiary's death only in estimating the present value of such life pension.

(c) The commission in its discretion may order the lump-sum payment, determined as hereinbefore provided, paid directly to the injured employee or to his dependents, or deposited with any savings bank or trust company authorized to transact business in this State, that will agree to accept the same as a deposit bearing interest at not less than four per cent per annum, or the commission may order the same deposited with the State compensation insurance fund. Any such amount so deposited, together with all interest thereon, shall thereafter be held in trust for the injured employee, or in the event of his death, for his dependents, who shall have no further recourse against the employer. Payments from said fund, when so deposited, shall be made by the trustee only in the same amounts and at the same times as fixed by the order of the commission and until said fund and interest thereon shall be exhausted. In the appointment of the trustee preference shall be given, in the discretion of the commission, to the choice of the injured employee or his dependents. Upon the making of such payment, the employer shall present to the commission a proper receipt evidencing the same, executed either by the injured employee or his dependents, or by the trustee, and the commission shall thereupon issue its certificate in proper form evidencing the same, and such certificate, upon filing with the clerk of the superior court in which any judgment upon an award may have been entered, shall operate as a satisfaction of said award and shall fully discharge the employer from any further liability on account thereof.

Mutual, etc., insurance companies.

SEC. 34 (as amended by chapter 607, Acts of 1915). (a) Nothing in this act shall affect the organization of any mutual or other insurance company, or any existing contract for insurance, or the right of the employer to insure in mutual or other companies, in whole or in part, against liability for the compensation provided for by this act; or to provide by mutual or other insurance, or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents, or representatives, of sick, accident, or death benefits, in addition to the compensation provided for by this act: *Provided, however,* That it shall be unlawful for any employer to exact or receive from any employee any contribution, or make or take any deduction from the earnings of any employee, either directly or indirectly, to cover the whole or any part of the cost of compensation under this act, and it shall be a misdemeanor so to do.

Liability not to be reduced.

(b) Liability for compensation shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever due to or received by the person entitled to such compensation, except as otherwise provided by this act, and the person so entitled shall, irrespective of any insurance or other contract, except as otherwise provided in this act, have the right to recover such compensation directly from the employer, and in addition thereto, the right to enforce in his own name, in the manner provided in this act, either by making the insurance carrier a party to the original application or by filing a separate application, the liability of any insurance carrier, which may, in whole or in part, have insured against liability for such compensation: *Provided, however,* That payment in whole or in part of such compensation by either the employer or the insurance company shall, to the extent thereof, be a bar to recovery against the other of the amount so paid: *And provided, further,* That as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

Direct liability.

(c) Every contract insuring against liability for compensation, or insurance policy evidencing the same, must contain a clause to the effect that the insurance carrier shall be directly and primarily liable to the employee and, in the event of his death, to his dependents, to pay the compensation, if any, for which the employer is liable; that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer under the provisions of this act.

Employee's rights.

(d) Such policy must also provide that the employee shall have a first lien upon any amount which shall become owing on account of such policy to the employer from the insurance carrier, and that in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the employee or his dependents, the said insurance carrier may and shall pay the same directly to the said employee or his dependents, thereby discharging to the extent of such payment the obligation of the employer to the employee, and such policy shall not contain any provisions relieving the insurance carrier from payment when the employer becomes insolvent or is discharged in bankruptcy, or otherwise, during the period that the policy is in operation or the compensation remains owing.

Employer relieved, when.

(e) 1. If the employer shall be insured against liability for compensation with any insurance carrier, and if after the happening of any accident such insurance carrier shall serve or cause to be served upon any person claiming compensation against such employer a notice that it has assumed and agreed to pay the compensation, if any, for which the employer is liable, and shall file a copy of such notice with the commission, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, without notice, be substituted in place of the employer in any proceedings theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceeding shall not abate on account of such substitution but shall be continued against such insurance carrier.

2. If at the time of the suffering of an injury for which compensation is claimed, or may be claimed, the employer shall be insured against liability for the full amount of compensation payable, or that may become payable, the employer may serve or cause to be served upon any person claiming compensation on account of the suffering of such injury and upon the insurance carrier a notice that the insurance carrier has, in its policy contract or otherwise, assumed and agreed to pay the compensation, if any, for which the employer is liable, and may file a copy of such notice with the commission. If it shall thereafter appear to the satisfaction of the commission that the insurance carrier has, through the issuance of its contract of insurance or otherwise, assumed such liability for compensation, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, after notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceeding shall not abate on account of such substitution, but shall be continued against such insurance carrier.

Insurer's rights.

(f) Where any employer is insured against liability for compensation with any insurance carrier and such insurance carrier shall have paid any compensation for which the employer was liable, or shall have assumed the liability of the employer therefor, it shall be subrogated to all the rights and duties of the employer and may enforce any such rights in its own name.

SEC. 35. (a) If any insurance policy shall be issued covering liability for compensation, which policy shall contain any limitation as to the compensation payable, such limitation shall be printed in the body of such policy in boldface type and in addition thereto the words "limited compensation policy" shall be printed on the top of the policy in boldfaced type not less than eighteen point in size. Limited policies.

(b) No insurance carrier shall insure against the liability of the employer for damages recoverable at law by the injured employee under the optional provisions contained in section twelve hereof, and any insurance carrier liable to any such injured employee for compensation upon the payment of the same shall have the same option given by said section twelve to such employee and shall be fully subrogated to his rights, and may enforce such liability for damages against the employer in its own name, anything in the insurance contract to the contrary notwithstanding. Liability for damages.

SEC. 36 (as amended by chapter 607, Acts of 1915). There is hereby created and established a fund to be known as the "State compensation insurance fund," to be administered by the Industrial Accident Commission of the State, without liability on the part of the State beyond the amount of said fund, for the purpose of insuring employers against liability for compensation under this act, and against the expense of defending any suit for damages under the optional provisions of section twelve hereof (subdivision 6), and insuring to employees and other persons the compensation fixed by this act for employees and their dependents. State insurance fund.

SEC. 37 (as amended by chapter 607, Acts of 1915). (a) The State compensation insurance fund shall be a revolving fund and shall consist of such specific appropriations as the legislature may from time to time make or set aside for the use of such fund, all premiums received and paid into the said fund for compensation insurance issued, all property and securities acquired by and through the use of moneys belonging to said fund, and all interest earned upon moneys belonging to said fund and deposited or invested, as herein provided. Same subject.

(b) Said fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of the salaries and other expenses to be charged against said fund in accordance with the provisions contained in this act.

(c) Said fund shall, after a reasonable time during which it may establish a business, be fairly competitive with other insurance carriers, and it is the intent of the legislature that said fund shall ultimately become neither more nor less than self-supporting. In order that the State compensation insurance fund shall ultimately become neither more nor less than self-supporting, the actual loss experience and expense of the fund shall be ascertained on or about the first of January in each year for the year preceding, and should it then be shown that there exists an excess of assets over liabilities, such liabilities to include the necessary reserves and a reasonable surplus for the catastrophe hazard, then, in the discretion of the commission, a cash dividend shall be declared to, or a credit allowed on, the renewal premium of each employer who has been insured with the fund, such cash dividend or credit to be such an amount to which, as in the discretion of the commission, such employer may be entitled as the employer's proportion of divisible surplus.

SEC. 38 (a) The commission is hereby vested with full power authority, and jurisdiction over the State compensation insurance fund and may do and perform any and all things whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of any power, authority, or jurisdiction over said fund in the administration thereof, or in connection with the insurance business to be carried on by it under the provisions of this act, as fully and completely as the governing body of a private insurance carrier might or could do. Powers of commission.

(*b*) The commission shall have full power and authority, and it shall be its duty, to fix and determine the rates to be charged by the State compensation insurance fund for compensation insurance, and to manage and conduct all business and affairs in relation thereto, all of which business and affairs shall be conducted in the name of the State compensation insurance fund, and in that name, without any other name or title, the commission may—

(1) Sue and be sued in all the courts of the State in all actions arising out of any act, deed, matter, or thing made, omitted, entered into, done, or suffered in connection with the State compensation insurance fund, the administration, management, or conduct of the business or affairs relating thereto.

(2) Make and enter into contracts of insurance as herein provided, and such other contracts or obligations relating to the State compensation insurance fund as are authorized or permitted under the provisions of this act.

(3) Invest and reinvest the moneys belonging to said fund as hereinafter provided.

(4) Conduct all business and affairs relating to the State compensation insurance fund, whether herein specifically designated or in addition thereto.

(*c*) The commission may delegate to the manager of the State compensation insurance fund, or to any other officer, under such rules and regulations and subject to such conditions as it may from time to time prescribe, any of the powers, functions, or duties conferred or imposed on the commission under the provisions of this act in connection with the State compensation insurance fund, the administration, management, and conduct of the business and affairs relating thereto, and the officer or officers to whom such delegation is made may exercise the powers and functions and perform the duties delegated with the same force and effect as the commission, but subject to its approval.

(*d*) The commission shall not, nor shall any commissioner, officer, or employee thereof be personally liable in his private capacity for or on account of any act performed or contract or other obligation entered into or undertaken in an official capacity, in good faith and without intent to defraud, in connection with the administration, management, or conduct of the State compensation insurance fund, its business, or other affairs relating thereto.

Powers of manager.

SEC. 39. In conducting the business and affairs of the State compensation insurance fund, the manager of the said fund or other officer to whom such power and authority may be delegated by the commission, as provided by subsection (*c*) of section thirty-eight hereof, shall have full power and authority—

(1) To enter into contracts of insurance, insuring employers against liability for compensation, and insuring to employees and other persons the compensation fixed by this act.

(2) To sell annuities covering compensation benefits.

(3) To decline to insure any risk in which the minimum requirements of the commission with regard to construction, equipment, and operation are not observed, or which is beyond the safe carrying of the State compensation insurance fund, but shall not have power or authority, except as otherwise provided in this subdivision, to refuse to insure any compensation risk tendered with the premium therefor.

(4) To reinsure any risk or any part thereof.

(5) To inspect and audit, or cause to be inspected and audited, the pay rolls of employers applying for insurance against liability for compensation.

(6) To make rules and regulations for the settlement of claims against said fund and to determine to whom and through whom the payments of compensation are to be made.

(7) The contract with physicians, surgeons, and hospitals for medical and surgical treatment and the care and nursing of injured persons entitled to benefits from said fund.

SEC. 40. (*a*) It shall be the duty of the commission to fix and determine the rates to be charged by the State compensation insurance fund for compensation insurance coverage as herein provided, and such rates shall be fixed with due regard to the physical hazards of each industry, occupation, or employment, and, within each class, so far as practicable, in accordance with the elements of bodily risk or safety or other hazard of the plant or premises or work of each insured and the manner in which the same is conducted, together with a reasonable regard for the accident experience and history of each such insured, and the means and methods of caring for injured persons, but such rates shall take no account of the extent to which the employees in any particular establishment have or have not persons dependent upon them for support. Rates.

(*b*) The rates so made shall be that percentage of the pay roll of any employer which, in the long run and on the average, shall produce a sufficient sum, when invested at three and one-half per cent interest:

(1) To carry all claims to maturity; that is to say, the rates shall be based upon the "reserve" and not upon the "assessment" plan;

(2) To meet the reasonable expenses of conducting the business of such insurance;

(3) To produce a reasonable surplus to cover the catastrophe hazard.

SEC. 41. The insurance contracts entered into between the State compensation insurance fund and persons insuring therewith may be either limited or unlimited and issued for one year or, in the form of stamps or tickets or otherwise, for one month or any number of months less than one year, or for one day or any number of days less than one month or during the performance of any particular work, job, or contract: *Provided*, That the rates charged shall be proportionately greater for a shorter than for a longer period and that a minimum premium charge shall be fixed in accordance with a reasonable rate for insuring one person for one day. Nothing in this act shall be construed to prevent any person applying for compensation insurance from being covered temporarily until the application is finally acted upon, or to prevent the insured from surrendering any policy at any time and having returned to him the difference between the premium paid and the premium at the customary short term for the shorter period which such policy has already run. The State compensation insurance fund may at any time cancel any policy, after due notice, upon a pro rata basis of premium repayment. Contracts.

SEC. 42. The State compensation insurance fund may issue policies, including with their employees, employers who perform labor incidental to their occupations, and including also members of the families of such employers engaged in the same occupation, such policies insuring to such employers and working members of their families the same compensations provided for their employees, and at the same rates: *Provided*, That the estimations of their wage values, respectively, shall be reasonable and separately stated in and added to the valuation of their pay rolls upon which their premium is computed. Such policies may likewise be sold to self-employing persons and to casual employees who, for the purpose of such insurance, shall be deemed to be employees within the meaning of sections twelve to thirty-five, inclusive, of this act. Who may be insured.

SEC. 43. The treasurer of the State shall be custodian of all moneys and securities belonging to the State compensation insurance fund, except as otherwise provided in this act, and shall be liable on his official bond for the safe-keeping thereof. All moneys belonging to said fund collected or received by the commission, or the manager of the State compensation insurance fund, under and by virtue of the provisions of this act, shall be delivered to the treasurer of the State or may be deposited to his credit in such bank or banks throughout the State as he may, from time to time, Custodian of fund.

designate, and such moneys when so delivered or deposited shall be credited by the treasurer to the said fund and no moneys received or collected on account of such fund shall be expended or paid out of such fund without first passing into the State treasury and being drawn therefrom as provided in this act. In like manner there shall be delivered to the treasurer all securities belonging to said fund which shall be held by him unless otherwise disposed of as provided in this act.

Monthly estimates.

SEC. 44. (*a*) The commission shall submit each month to the State board of control an estimate of the amount necessary to meet the current disbursements from the State compensation insurance fund during each succeeding calendar month and, when such estimate shall be approved by the State board of control, the controller is directed to draw his warrant on said fund in favor of said commission for such amount, and the treasurer is authorized and directed to pay the same.

(*b*) At the end of each calendar month the commission shall account to the State board of control and the State controller for all moneys so received, furnishing proper vouchers therefor.

(*c*) During the months of January and of July of each year the State board of control or the commission shall cause a valuation to be made of the properties and securities which have been acquired and which are held for said fund, and shall report the results of the same to the State controller, whose duty it shall be to keep a special ledger account showing all of the assets pertaining to the State compensation insurance fund. In the controller's general ledger this fund account may be carried merely as a cash account, like other accounts of funds in the State treasury, and therein only the actual cash coming into the State compensation insurance fund shall be credited to such fund.

Investments.

SEC. 45. (*a*) The commission shall cause all moneys in the State compensation insurance fund, in excess of current requirements, to be invested and reinvested, from time to time, in the securities now or hereafter authorized by law for the investment of funds of savings banks.

(*b*) The commission shall, from time to time, submit to the State board of control an estimate of the amount required by it for investment, which estimate shall be accompanied by a full description of the kind and character of the investments to be made and, when such estimate shall be approved by the State board of control, the controller is directed to draw his warrant on the State compensation insurance fund in favor of the commission for such amount and the treasurer is authorized and directed to pay the same.

(*c*) At the end of each calendar month the commission shall account to the said board of control and the State controller for all moneys so received, furnishing proper vouchers therefor.

(*d*) All moneys in said fund, in excess of current requirements and not otherwise invested, may be deposited by the State treasurer from time to time in the banks authorized by law to receive deposits of public moneys under the same rules and regulations that govern the deposit of other public funds and the interest accruing thereon shall be credited to the State compensation insurance fund.

Municipalities, etc.

SEC. 46 (as amended by chapter 607, Acts of 1915). Each county, city and county, city, school district, or other public corporation or quasi-public corporation within the State, not including, however, any public utility corporation; may insure against its liability for compensation with the State compensation insurance fund and not with any other insurance carrier unless such fund shall refuse to accept the risk when the application for insurance is made, and the premium therefor shall be a proper charge against the general fund of each such political subdivision of the State.

Schedules of rates to be furnished.

SEC. 47 (as amended by chapter 607, Acts of 1915). When the premium rates for insurance in the State compensation insurance fund shall have been established the commission shall furnish

schedule of rates and copies of the forms of policy to the commissioner of labor, to the clerk and to the treasurer of every county, city and county, and city in the State, and it shall be the duty of every public officer to whom the foregoing may be furnished to fill out and transmit to the manager of the State compensation insurance fund applications for compensation insurance in such fund and to receive and transmit to said manager all premiums paid on account of any policy issued or applied for, and for this service such officials may be allowed such commission or other compensation as the commission may from time to time direct.

Reports.

SEC. 48. The commission shall each quarter make to the governor of the State, reports of the business done by the State compensation insurance fund during the previous quarter, and a statement of the fund's resources and liabilites, and it shall be the duty of the State board of control to audit such reports and to cause an abstract thereof to be published one or more times in at least two newspapers of general circulation in the State. The commission shall likewise make to the State insurance commissioner all reports required by law to be made by other insurance carriers.

Misrepresenting pay rolls.

SEC. 49. Any employer who shall willfully misrepresent the amount of the pay roll upon which his premium under this act is to be based shall be liable to the State in ten times the amount of the difference in premium paid and the amount the employer should have paid had his pay roll been correctly computed, and the liability to the State under this section shall be enforced in a civil action in the name of the State compensation insurance fund and any amount so collected shall become a part of said fund.

Misrepresentations.

SEC. 50. Any person who willfully misrepresents any fact in order to obtain insurance at less than the proper rate for such insurance, or in order to obtain any payments out of such fund, shall be guilty of a misdemeanor.

Definitions.

SEC. 51. The following terms, as used in sections fifty-one to seventy-two, inclusive, of this act, shall, unless a different meaning is plainly required by the context, be construed as follows:

(1) The phrase "place of employment" shall mean and include every place, whether indoors or out or underground, or elsewhere, and the premises appurtenant thereto, where, either temporarily or permanently, any industry, trade, work, or business is carried on, or where any process or operation directly or indirectly related to any industry, trade, work, or business is carried on, and where any person is directly or indirectly employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed solely in farm, dairy, agricultural, viticultural, or horticultural labor, in stock or poultry raising, or in household domestic service.

(2) The term "employment" shall mean and include any trade, work, business, occupation, or process of manufacture, or any method of carrying on such trade, work, business, occupation, or process of manufacture in which any person may be engaged, except where persons are employed solely in farm, dairy, agricultural, viticultural, or horticultural labor, in poultry or stock raising, or in household domestic service.

(3) The term "employer" shall mean and include every person, firm, voluntary association, corporation, officer, agent, manager, representative, or other person having control or custody of any employment, place of employment, or of any employee.

(4) The term "employee" shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to work or be at any time in any place of employment.

(5) The term "order" shall mean and include any decision, rule, regulation, direction, requirement, or standard of the commission or any other determination arrived at or decision made by such commission under the safety provisions of this act.

(6) The term "general order" shall mean and include such order made, under the safety provisions of this act, as applies generally throughout the State to all persons, employments, or places of employment, or all persons, employments, or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(7) The term "local order" shall mean and include any ordinance, order, rule, or determination of any board of supervisors, city council, board of trustees, or other governing body of any county, city and county, city, or of any school district or other public corporation, or an order or direction of any other public official or board or department upon any matter over which the Industrial Accident Commission has jurisdiction.

(8) The terms "safe" and "safety" as applied to an employment or a place of employment shall mean such freedom from danger to the life or safety of employees as the nature of the employment will reasonably permit.

(9) The terms "safety device" and "safeguard" shall be given a broad interpretation so as to include any practicable method of mitigating or preventing a specific danger.

Duties of employer as to safety.

SEC. 52. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein, and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations, and processes as are reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees.

Same subject.

SEC. 53. No employer shall require, permit, or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide, and use safety devices and safeguards or fail to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees, and no such employer shall occupy or maintain any place of employment that is not safe.

Construction.

SEC. 54. No employer, owner, or lessee of any real property in this State shall construct or cause to be constructed any place of employment that is not safe.

Removing guards.

SEC. 55. No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment, or place of employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees.

Power of commission.

SEC. 56. The commission is vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place of employment.

Fixing standards.

SEC. 57 (as amended by chapter 607, Acts of 1915). The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise:

(1) To declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(2) To fix such reasonable standards and to prescribe, modify, and enforce such reasonable orders for the adoption, installation,

use, maintenance, and operation of safety devices, safeguards, and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employments and places of employment.

(3) To fix and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe.

(4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may demand.

(5) To declare and prescribe the general form of industrial injury reports, the injuries to be reported and the information to be furnished in connection therewith, and the time within which such reports shall be filed. Nothing in this act contained shall be construed to prevent the commission from requiring supplemental injury reports.

Hearings.

SEC. 58. Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders as authorized by section fifty-seven hereof, the commission shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation published and circulated in the city and county of San Francisco, and also in one or more daily newspapers of general circulation published and circulated in the county of Los Angeles, such newspapers to be designated by the commission for that purpose. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the commission after hearing had.

Orders.

SEC. 59. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any employment or place of employment is not safe or that the practices or means or methods or operations or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such employments and places of employment, the commission shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of employees in such employments and places of employment and may in said order direct that such additions, repairs, improvements, or changes be made and such safety devices and safeguards be furnished, provided, and used as are reasonably required to render such employment or place of employment safe, in the manner and within the time specified in said order.

Time for compliance.

SEC. 60. The commission may, upon application of any employer, or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.

Investigations.

SEC. 61. Whenever the commission shall learn or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings, and after a hearing upon such notice as it may prescribe, the commission may enter and serve such order as may be necessary relative thereto, anything in this act to the contrary notwithstanding.

Compliance.

SEC. 62. Every employer, employee, and other person shall obey and comply with each and every requirement of every order, decision, direction, rule, or regulation made or prescribed by the commission in connection with the matters herein specified, or in any way relating to or affecting safety of employments or places of employment, or to protect the life and safety of employees in such employments or places of employment, and shall do everything

necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule, or regulation.

Review by courts.

SEC. 63. The orders of the commission, general or special, its rules or regulations, findings, and decisions made and entered under the safety provisions of this act may be reviewed by the courts specified in sections eighty-four and eighty-five of this act and within the time and in the manner therein specified, and not otherwise.

Municipal employees.

SEC. 64. Nothing contained in this act shall be construed to deprive the board of supervisors of any county, or city and county, the board of trustees of any city, or any other public corporation or board or department, of any power or jurisdiction over or relative to any place of employment: *Provided*, That whenever the commission shall, by order, fix a standard of safety for employments or places of employment, such order shall, upon the filing by the commission of a copy thereof with the clerk of the county, city and county, or city to which it may apply, establish a minimum requirement concerning the matters covered by such order and shall be construed in connection with any local order relative to the same matter and to amend or modify any requirement in such local order not up to the standard of the order of the commission.

SEC. 65. The commission shall have further power and authority—

Museums, etc.

(1) To establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards, and other means and methods for the protection of the life and safety of employees, and to publish and distribute bulletins on any phase of this general subject.

Lectures.

(2) To cause lectures to be delivered, illustrated by stereopticon or other views, diagrams, or pictures for the information of employers and their employees and the general public in regard to the causes and prevention of industrial accidents, occupational diseases, and related subjects.

Advisers.

(3) To appoint advisers, who shall, without compensation, assist the commission in establishing standards of safety, and the commission may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers.

Orders as evidence.

SEC. 66. Every order of the commission, general or special, its rules and regulations, findings and decisions, made and entered under the safety provisions of this act, shall be admissible as evidence in any prosecution for the violation of any of the said provisions, and shall, in every such prosecution, be conclusively presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety, unless, prior to the institution of the prosecution for such violation or violations, proceedings for a rehearing thereon or a review thereof shall have been instituted as provided in sections eighty-one to eighty-five, inclusive, of this act and not then finally determined.

Violations.

SEC. 67. Every employer, employee, or other person who, either individually or acting as an officer, agent, or employee of a corporation or other person, violates any safety provision contained in sections fifty-two, fifty-three, fifty-four, or fifty-five of this act, or any part of any such provision, or who shall fail or refuse to comply with any such provision or any part thereof, or who, directly or indirectly, knowingly induces another so to do, is guilty of a misdemeanor. In any prosecution under this section it shall be deemed prima facie evidence of a violation of any such safety provision, that the accused has failed or refused to comply with any order, rule, regulation, or requirement of the commission relative thereto, and the burden of proof shall thereupon rest upon the accused to show that he has complied with such safety provision.

Same subject.

SEC. 68. Every violation of the provisions contained in sections fifty-two, fifty-three, fifty-four, or fifty-five of this act, or any part or portion thereof, by any person or corporation, is a separate and distinct offense, and, in the case of a continuing violation

thereof, each day's continuance thereof shall constitute a separate and distinct offense.

Disposition of fines.

SEC. 69. All fines imposed and collected under prosecutions for violations of the provisions of sections fifty-one to seventy-two, inclusive, of this act, shall be paid into the State treasury to the credit of the "accident prevention fund," which fund is hereby created.

Disclosing information.

SEC. 70. It shall be unlawful for any member of the commission, or for any officer or employee of the commission, to divulge to any person not connected with the administration of this act any confidential information obtained from any person concerning the failure of any other person to keep any place of employment safe, or concerning the violation of any order, rule, or regulation issued by the commission. Any member of the commission or any officer or employee of the commission divulging such confidential information shall be guilty of a misdemeanor.

Injuries to be reported.

SEC. 71 (as amended by chapter 607, Acts of 1915). (*a*) Every employer of labor without any exceptions, and every insurance carrier, and every physician or surgeon who attends any injured employee, is hereby required to file with the commission, under such rules and regulations as the commission may from time to time make, a full and complete report of every injury to an employee arising out of or in the course of his employment and resulting in loss of life or injury to such person. Such reports shall be furnished to the commission in such form and such detail as the commission shall from time to time prescribe, and shall make specific answers to all questions required by the commission under its rules and regulations. It shall be unlawful for any person, firm, corporation, agent, or officer of a firm or corporation to fail or refuse to comply with any of the provisions of this section, and any such person, firm, corporation, agent, or officer of a firm or corporation who fails or refuses to comply with the provisions of this section shall be guilty of a misdemeanor for each and every offense, and upon conviction thereof shall be punishable by a fine of not less than ten dollars nor more than one hundred dollars. Any such employer or insurance carrier who shall furnish such report shall be exempt from furnishing any similar report or reports authorized or required under the laws of this State.

(*b*) Every employer or insurance carrier receiving from the commission any blanks with directions to fill out the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case he is unable to answer any such questions, a good and sufficient reason shall be given for such failure.

(*c*) No information furnished to the commission by an employer or an insurance carrier shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any information shall be guilty of a misdemeanor.

Investigations.

SEC. 72 (as amended by chapter 607, Acts of 1915). (*a*) The commission shall investigate the cause of all industrial injuries occurring within the State in any employment or place of employment, or directly or indirectly arising from or connected with the maintenance or operation of such employment or place of employment, resulting in disability or death and requiring, in the judgment of the commission, such investigation; and the commission shall have the power to make such orders or recommendations with respect to such injuries as may be just and reasonable, provided that neither the order nor the recommendation of the commission, nor any report of injury filed with the commission, shall be admitted as evidence in any action for damages or any proceeding to recover compensation, based on or arising out of such injury or death.

(*b*) For the purpose of making any investigation which the commission is authorized to make under the provisions of this section, or for the purpose of collecting statistics or examining the provisions made for the safety of employees, any member of the commission, inspector, or other person designated by the commission for that purpose, may enter any place of employment.

(*c*) Any employer, insurance carrier, or any other person who shall violate or omit to comply with any of the provisions of this section, or who shall in any way obstruct or hamper the commission, any commissioner, or other person conducting any investigation authorized to be undertaken or made by the commission, shall be guilty of a misdemeanor.

Proceedings.

SEC. 73 (*a*) All proceedings for the recovery of compensation, or concerning any right or liability arising out of or incidental thereto, or for the enforcement against the employer or an insurance carrier of any liability for compensation imposed upon him by this act in favor of the injured employee, his dependents, or any third person, or for the determination of any question as to the distribution of compensation among dependents or other persons, or for the determination of any question as to who are dependents of any deceased employee, or what persons are entitled to any benefit under the compensation provisions of this act, or for obtaining any order which by this act the commission is authorized to make, shall be instituted before the commission, and not elsewhere, except as otherwise in this act provided, and the commission is hereby vested with full power, authority, and jurisdiction to try and finally determine all such matters, subject only to the review of the courts in this act specified and in the manner and within the time in this act provided.

Presumptions as to orders.

(*b*) All orders, rules and regulations, findings, decisions, and awards of the commission in conformity with law shall be in force and shall be prima facie lawful; and all such orders, rules and regulations, findings, decisions, and awards shall be conclusively presumed to be reasonable and lawful, until and unless they are modified or set aside by the commission or upon a review by the courts in this act specified and within the time and in the manner herein specified.

Service.

SEC. 74. (*a*) Any notice, order, or decision required by this act to be served upon any person or party either before, during, or after the institution of any proceeding before the commission, may be served in the manner provided by Chapter V, Title XIV of Part II of the Code of Civil Procedure of this State, unless otherwise directed by the commission or a member thereof, in which event the same shall be served in accordance with the order or direction of said commission or member thereof.

(*b*) The secretary, assistant secretary, and the inspectors appointed by the commission shall have all of the powers conferred by law upon peace officers to carry weapons, make arrests, and serve warrants and other process in any county or city and county of this State.

(*c*) Any such notice, order, or decision affecting the State or any city and county, city, school district or public corporation therein, shall be served upon the same officer, officers, person, or persons upon whom the service of similar notices, orders, or decisions is authorized by law.

Power as to rules of procedure, etc.

SEC. 75 (as amended by chapter 607, Acts of 1915). The commission shall have full power and authority:

(1) To adopt reasonable and proper rules of practice and procedure;

(2) To regulate and provide the manner, and by whom, minors and incompetent persons shall appear and be represented before it;

(3) To appoint a trustee or guardian ad litem to appear for and represent any such minor or incompetent upon such terms and conditions as it may deem proper; and such guardian or trustee must, if required by the commission or a commissioner, give a bond in the same form and of the same character required by

law from a guardian appointed by the courts and in such an amount as the commission or a commissioner may fix and determine, such bond to be approved by the commission or a commissioner, and such guardian or trustee shall not be discharged from liability until he shall have filed an account with the commission or with the probate court and such account shall have been approved. The trustee or guardian shall be entitled to receive such compensation for his services as shall be fixed and allowed by the commission or by the probate court;

(4) To provide for the joinder in the same proceeding of all persons interested therein, whether as employer, insurance carrier, employee, dependent, creditor, or otherwise;

(5) To regulate and prescribe the kind and character of notices, where not otherwise prescribed by this act, and the service thereof;

(6) To regulate and prescribe the nature and extent of the proofs and evidence.

Injuries outside State.

SEC. 75a (added by chapter 607, Acts of 1915). The commission shall have jurisdiction over all controversies arising out of injuries suffered without the territorial limits of this State in those cases where the injured employee is a resident of this State at the time of the injury and the contract of hire was made in this State, and any such employee or his dependents shall be entitled to the compensation or death benefits provided by this act.

Referees.

SEC. 76 (as amended by chapter 607, Acts of 1915). (a) The commission may by order entered upon its minutes, upon the agreement of the parties, upon the application of either, or of its own motion, and either with or without notice, direct and order a reference in the following cases:

(1) To try any or all of the issues in any proceeding before it, whether of fact or of law, and to report a finding, order, decision, or award to be based thereon.

(2) To ascertain a fact necessary to enable the commission to determine any proceeding before it, or to make any order, decision, or award that the commission is authorized to make under this act, or that is necessary for the information of the commission.

(b) The commission may appoint one or more referees in any proceeding, as it may deem necessary or advisable, and may refer separate matters arising out of the same proceeding to different referees. It may also, in its discretion, appoint general referees who shall hold office during the pleasure of the commission. Any referee appointed by the commission shall have such powers, jurisdiction, and authority as is granted under the law, by the order of appointment and by the rules of the commission, and shall receive such salary or compensation for his services as may be fixed by the commission.

(c) Any party to the proceeding may object to the appointment of any person as referee upon any one or more of the grounds specified in section 641 of the Code of Civil Procedure, and such objection must be heard and disposed of by the commission. Affidavits may be read and witnesses examined as to such objections.

(d) Before entering upon his duties, the referee must be sworn before an officer authorized to administer oaths, faithfully and fairly to hear and determine the allegations and evidence of the parties in relation to the matters in the reference, and to make just findings and report according to his understanding.

(e) The referee must report his findings in writing to the commission within twenty days after the testimony is closed. Such report shall be made in the form prescribed by the commission and shall include all matters required to be included in the order of reference or by the rules of the commission. The facts found and conclusions of law must be separately stated.

(f) Upon the filing of the report of the referee, the commission may confirm, adopt, modify or set aside the same or any part

thereof and may, either with or without further proceedings, and either with or without notice, enter its order, findings, decision, or award based in whole or in part upon the report of the referee.

Hearings.

SEC. 77 (as amended by chapter 607, Acts of 1915). (*a*) All hearings and investigations before the commission or any member thereof, or any referee appointed thereby, shall be governed by this act and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission nor any member thereof nor any referee appointed thereby shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, award, rule, or regulation made, approved, or confirmed by the commission; nor shall any order, award, rule, or regulation be invalidated because of the admission into the record and use as proof of any fact in dispute, in the discretion of the commission, of any hearsay or testimony not competent to be admitted in a trial in court: *Provided*, That such hearsay or testimony be or refer to the statements, written or oral, of a person who is dead, or who can not, after diligent search, be found, and relate directly to the injury in question.

(*b*) The commission or any member thereof or any party to the action or proceeding may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this State, and to that end may compel the attendance of witnesses and the production of books, documents, papers, and accounts.

Power to administer oaths, etc.

SEC. 78. The commission and each member thereof, its secretary, and referees shall have power to administer oaths, certify to all official acts, and to issue subpœnas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony in any inquiry, investigation, hearing, or proceeding in any part of the State. Each witness who shall appear by order of the commission, or a member thereof, or a referee appointed thereby, shall be entitled to receive, if demanded, for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpœnaed, unless otherwise ordered by the commission. When any witness who has not been required to attend at the request of any party is subpœnaed by the commission, his fees and mileage may be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any witness subpœnaed, except one whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled to travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission, member thereof, or referee as directed in the subpœna. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable.

Procuring testimony.

SEC. 79. The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing, or proceeding may be held by the commission, or any member thereof, or referee appointed thereby, shall have the power to compel the attendance of witnesses, the giving of testimony, and the production of papers, including books, accounts, and documents, as required by any subpœna issued by the commission, or member thereof, or referee. The commission, or the member thereof, or the referee before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpœna, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the

time and place of attendance of said witness, or the production of said papers, and that the witness has been subpœnaed in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpœna, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the commission. The court, upon the petition of the commission, or such member thereof, or referee, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he had not attended and testified or produced said papers before the commission, member thereof, or referee. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpœna was regularly issued by the commission, or member thereof, or referee, the court shall thereupon enter an order that said witness appear before the commission, or member thereof, or referee at a time and place to be fixed in such order, and testify or produce the required papers, and upon failure to obey said order said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative, and shall not be construed to impair or interfere with the power of the commission or a member thereof to enforce the attendance of witnesses and the production of papers, and to punish for contempt in the same manner and to the same extent as courts of record.

General powers.

SEC. 80. (*a*) The commission is hereby vested with full power, authority, and jurisdiction to do and perform any and all things, whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of any power, authority, or jurisdiction conferred upon it under this act.

(*b*) The commission and each member thereof shall have power to issue writs of summons, warrants of attachment, warrants of commitment, and all necessary process in proceedings for contempt, in like manner and to the same extent as courts of record. The process issued by the commission or any member thereof shall extend to all parts of the State and may be served by any persons authorized to serve process of courts of record, or by any person designated for that purpose by the commission or any member thereof. The person executing any such process shall receive such compensation as may be allowed by the commission, not to exceed the fees now prescribed by law for similar services, and such fees shall be paid in the same manner as provided herein for the fees of the witnesses.

Rehearings.

SEC. 81 (as amended by chapter 607, Acts of 1915). (*a*) Any party or person aggrieved directly or indirectly by any final order, decision, award, rule, or regulation of the commission, made or entered under any provision contained in this act, may apply to the commission for a rehearing in respect to any matters determined or covered by such final order, decision, award, rule, or regulation and specified in the application for rehearing within the time and in the manner hereinafter specified, and not otherwise.

(*b*) No cause of action arising out of any such final order, decision, or award shall accrue in any court to any person until and unless such person shall have made application for such rehearing, and such application shall have been granted or denied: *Provided*, That nothing herein contained shall be construed to prevent the enforcement of any such final order, decision, award, rule, or regulation in the manner provided in this act.

(*c*) Such application shall set forth specifically and in full detail the grounds upon which the applicant considers said final order, decision, award, rule, or regulation is unjust or unlawful, and every issue to be considered by the commission. Such application must be verified upon oath in the same manner as required for verified pleadings in the courts of record and must contain a

general statement of any evidence or other matters upon which the applicant relies in support thereof. The applicant for such rehearing shall be deemed to have finally waived all objections, irregularities, and illegalities concerning the matter upon which such rehearing is sought other than those set forth in the application for such rehearing.

(*d*) A copy of such application for rehearing shall be served forthwith on all adverse parties, if any, and any such adverse party may file an answer thereto within ten days thereafter. Such answer must likewise be verified. If there are no adverse parties, such application may be heard ex parte, or the commission may require the application for rehearing to be served on such parties as may be designated by it.

(*e*) Upon filing of an application for a rehearing, if the issues raised, or any one or more of such issues, thereby have theretofore been adequately considered by the commission, it may determine the same by confirming without hearing its previous determination, or if a rehearing is necessary to determine the issues raised, the commission shall order a rehearing thereon and consider and determine the matter or matters raised by such application. Notice of the time and place of such rehearing shall be given to the applicant and the adverse parties, if any, and to such other persons as the commission may order.

(*f*) If after such rehearing and a consideration of all the facts, including those arising since the making of the order, decision, or award involved, the commission shall be of the opinion that the original order, decision, or award, or any part thereof, is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change, or modify the same. An order, decision, or award made after such rehearing abrogating, changing, or modifying the original order, decision, or award shall have the same force and effect as an original order, decision, or award, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order, decision, or award, unless so ordered by the commission. An application for a rehearing shall be deemed to have been denied by the commission unless it shall have been acted upon within thirty days from the date of filing: *Provided, however,* That the commission may, upon good cause being shown therefor, extend the time within which it may act upon such application for rehearing for not exceeding thirty days.

Grounds for rehearing.

SEC. 82. (*a*) At any time within twenty days after the service of any final order or decision of the commission awarding or denying compensation, or arising out of or incidental thereto, any party or parties aggrieved thereby may apply for such rehearing upon one or more of the following grounds and upon no other grounds:

(1) That the commission acted without or in excess of its powers.

(2) That the order, decision, or award was procured by fraud.

(3) That the evidence does not justify the finding of fact.

(4) That the applicant has discovered new evidence, material to him, and which he could not, with reasonable diligence, have discovered and produced at the hearing.

(5) That the findings of fact do not support the order, decision, or award.

(*b*) Nothing contained in this section shall, however, be construed to limit the right of the commission, at any time within two hundred forty-five weeks from the date of its award, and from time to time, after due notice and upon the application of any party interested, to review, diminish, or increase, within the limits provided by this act, any compensation awarded upon the grounds that the disability of the person in whose favor such award was made has either increased or diminished or terminated.

Same subject.

SEC. 83. (*a*) At any time within twenty days after the service of any other final order, decision, rule, or regulation made by the commission under the provisions of this act, any party or parties,

person or persons aggrieved thereby or otherwise affected, directly or indirectly, may apply for such rehearing upon one or more of the following grounds and upon no other grounds:

(1) That the commission acted without or in excess of its powers.

(2) That the order or decision was procured by fraud.

(3) That the order, decison, rule, or regulation is unreasonable.

(b) Nothing contained in this section shall be construed to limit the right of the commission, at any time and from time to time, to adopt new or different rules or regulations or new or different standards of safety, or to abrogate, change, or modify any existing rule, regulation, or standard, or any part thereof, or to deprive the commission of continuing jurisdiction over the same or to prevent the enforcement in the manner provided by this act of any rules, regulations, or standard of the commission, or any part thereof, when so adopted or changed or modified.

Appeal to court.

SEC. 84. (a) Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days after the rendition of the decision on the rehearing, any party affected thereby may apply to the supreme court of this State or to the district court of appeal of the appellate district in which such person resides for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order, decision, or award or the order, decision, or award on rehearing inquired into and determined.

(b) Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record in the case to the court. On the return day the cause shall be heard in the court unless for good cause the same be continued. No new or additional evidence may be introduced in such court, but the cause shall be heard on the record to the commission as certified to by it. The review shall not be extended further than to determine whether or not—

(1) The commission acted without or in excess of its powers.

(2) The order, decision, or award was procured by fraud.

(3) The order, decision, rule, or regulation is unreasonable.

(4) If findings of fact are made, whether or not such findings of fact support the order, decision or award under review.

(c) The findings and conclusions of the commission on questions of fact shall be conclusive and final and shall not be subject to review; such questions of fact shall include ultimate facts and the findings and conclusions of the commission. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the court shall enter judgment either affirming, modifying, or setting aside the order, decision, or award.

(d) The provisions of the Code of Civil Procedure of this State relating to writs of review shall, so far as applicable and not in conflict with this act, apply to proceedings in the courts under the provisions of this section. No court of this State (except the supreme court and the district courts of appeal to the extent herein specified) shall have jurisdiction to review, reverse, correct, or annul any order, decision, or award of the commission, or to suspend or delay the operation or execution thereof, or to restrain, enjoin, or interfere with the commission in the performance of its duties: *Provided*, That a writ of mandamus shall lie from the supreme court or the district courts of appeal in all proper cases.

Suspension.

SEC. 85. (a) The filing of an application for a rehearing shall have the effect of suspending the order, decision, award, rule, or regulation affected, in so far as the same applies to the parties to such application, unless otherwise ordered by the commission, for a period of ten days, and the commission may, in its discretion and upon such terms and conditions as it may by order direct, stay, suspend, or postpone the same during the pendency of such rehearing.

(b) The filing of an application for, or the pendency of, a writ of review shall not of itself stay or suspend the operation of the order, decision, award, rule, or regulation of the commission subject to review, but the court before which such application is filed may, in its discretion, stay or suspend in whole or in part the operation of the order, decision, award, rule, or regulation of the commission subject to review upon such terms and conditions as it may by order direct.

Construction. SEC. 86. (a) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

(b) If any section, subsection, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

(c) This act shall not be construed to apply to employers or employments which, according to law, are so engaged in interstate commerce as not to be subject to the legislative power of the State or to employees injured while they are so engaged, except in so far as this act may be permitted to apply under the provisions of the Constitution of the United States or the acts of Congress.

Election. SEC. 87. (a) Any employer having in his employment any employee not included within the term "employee" as defined by section fourteen of this act or not entitled to compensation under this act, and any such employee may, by their joint election, elect to come under the compensation provisions of this act in the manner hereinafter provided.

(b) Such election on the part of the employer shall be made by filing with the commission a written statement to the effect that he accepts the compensation provisions of this act, which, when filed, shall operate, within the meaning of section twelve of this act, to subject him to the compensation provisions of this act, and all acts amendatory thereof, for the term of one year from the date of filing, and thereafter without further act on his part, for successive terms of one year each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file in the office of the commission a notice in writing that he withdraws his election. Such acceptance shall not be held to include employees whose employment is both casual and not in the usual course of the trade, business, profession, or occupation of the employer, unless expressly mentioned therein.

(c) Any employee in the service of any such employer shall be deemed to have accepted, and shall, within the meaning of section twelve of this act, be subject to the compensation provisions of this act, and of any act amendatory thereof, if, at the time of the accident for which liability is claimed:

(1) The employer charged with such liability is subject to the compensation provisions of this act, whether the employee has actual notice thereof or not; and

(2) Such employee shall not, at the time of entering into his contract of hire, have given to his employer notice in writing that he elects not to be subject to the compensation provisions of this act; or, in the event that such contract of hire was made in advance of the election by the employer, such employee shall have given to his employer notice in writing that he elects to be subject to such provisions, or without giving either of such notices, shall have remained in the service of such employer for thirty days after the employer has filed his election.

Reports. SEC. 88. The commission shall, not later than the first day of December of each calendar year, subsequent to the year nineteen hundred and thirteen, make a report to the governor of the State covering its entire operations and proceedings for the previous

fiscal year, with such suggestions or recommendations as it may deem of value for public information. Such report shall be printed and a copy thereof furnished to all applicants within this State.

Appropriation.

SEC. 89. The sum of one hundred eighty-seven thousand four hundred seventy dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be used by the Industrial Accident Commission in carrying out the purposes of this act, and the controller is hereby directed to draw his warrant on the general fund from time to time in favor of said Industrial Accident Commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Repealer.

SEC. 90. All acts and parts of acts inconsistent with this act are hereby repealed.

Prior injuries.

SEC. 91. The compensation provisions of this act shall not apply to any injury sustained prior to the taking effect thereof.

Act in effect.

SEC. 92. This act shall take effect and be in force on and after the first day of January, A. D. 1914.

Approved May 26, 1913.

COLORADO.

ACTS OF 1915.

CHAPTER 179.—*Compensation of workmen for injuries.*

SECTION 1. The Industrial Commission of Colorado created by the act of the General Assembly of Colorado,[1] which commission for the purposes of this act shall be a body politic and corporate under the name prescribed by said act, shall enforce and administer the provisions of this act, and wherever the word commission is used in this act it shall be construed to mean the Industrial Commission of Colorado. The said commission, in the administration of this act, shall be governed by its provisions if there be conflict between the same and the provisions of the act creating said commission. Administration of act.

SEC. 2. The term "commission" when used in this act shall mean the Industrial Commission of Colorado. Commission.

SEC. 3. Unless the context otherwise requires, a word used in this act in the singular number shall also include the plural. Singular and plural.

SEC. 4. The following terms as used in this act shall be construed and have the following meaning, unless otherwise specifically defined in the context: Definitions.

(a) The term "order" shall mean and include any decision, classification, rate, rule, regulation, direction, requirement, or standard of the commission, or any other determination arrived at or decision made by such commission. "Order."

(b) The term "place of employment" shall mean and include every place, whether indoors or out or underground, and the premises appurtenant thereto, where either temporarily or permanently any industry, trade, or business is carried on or where any process or operation, directly or indirectly relating to any industry, trade, or business, is carried on and where any person is directly or indirectly employed by another for direct or indirect gain or profit, except as otherwise expressly provided in this act. "Place of employment."

(c) The term "employment" shall mean and include any trade, occupation, or process of manufacture, or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged, except as otherwise expressly provided in this act. "Employment."

(d) The term "employer" shall mean and include: "Employer."

I. The State, and each county, city, town, irrigation and school district therein, and all public institutions and administrative boards thereof.

II. Every person, association of persons, firm and private corporation (including any public-service corporation), personal representatives, assignee, trustee, and receiver, who has four (4) or more persons regularly engaged in the same business or employment (except as otherwise expressly provided in this act), in service under any contract of hire, express or implied, and who, at or prior to the time of the accident to the employee for which compensation under this act may be claimed, shall, in the manner provided in this act, have elected to become subject to the provisions of this act and who complies with the provisions hereof respecting insurance, and who shall not, prior to such accident, have effected a withdrawal of such election in the manner provided in this act.

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[1] See pp. 433 and 434.

Exemptions. III. This act is not intended to apply to employers of private domestic servants or farm and ranch labor, nor to employers who employ less than four employees regularly in the same business or in or about the same place of employment: *Provided*, That any such employer may elect to accept the provisions of this act in the manner provided herein, in which event he and his employees shall be subject to and entitled to all the provisions of this act.

Interstate commerce. IV. The provisions of this act shall not apply to common carriers engaged in interstate commerce, nor to their employees.

"Employee." (e) The term "employee" shall mean and include:

I. Every person in the service of the State, or of the county, city, town, irrigation, or school district therein, or of any public institution or administrative board thereof, under any appointment or contract of hire, express or implied, except an elective official of the State, or of any county, city, town, irrigation or school district therein, or of any public institution or administrative board thereof. Policemen and firemen shall be deemed employees, within the meaning of this paragraph: *Provided*, That any policeman or fireman claiming compensation under this act shall have deducted from such compensation any sum which such policeman or fireman may receive from any pension or any benefit fund to which the municipality may contribute.

II. Every person in the service of any other person, association of persons, firm, private corporation, including any public-service corporation, personal representative, assignee, trustee, or receiver under any contract of hire, express or implied, including aliens, and also including minors who are legally permitted to work under the laws of this State (who, for the purposes of this act, shall be considered the same, and shall have the same power of contracting with respect to their employment, as adult employees), but not including any person whose employment is but casual, or who is expressly excluded from this act, or whose employment is not in the usual course of trade, business, profession, or occupation of his employer.

Dependents. (f) The following shall be conclusively presumed to be solely and wholly dependent for support upon a deceased employee:

I. The widow only if living with the deceased or actually dependent, wholly or partially, upon him at the time of his accident.

II. The widower only if incapable of self-support and actually dependent, wholly or partially, upon deceased at the time of her accident.

III. A child or children under the age of eighteen years (or over said age if physically or mentally incapacitated from earning) actually dependent upon the parent with whom he is, or they are, living at the time of the death of such parent, there being no surviving and dependent parent. In case there is more than one child thus dependent, the death benefit shall be divided between such dependents in such proportion as may be determined by the commission after considering the ages of such dependents and other facts bearing upon such dependency.

IV. In all other cases, questions of entire or partial dependency shall be determined in accordance with the facts, as the same may be at the time of the accident to the employee; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them; and persons partially dependent, if any, shall receive no part thereof; but if there is no one wholly dependent, and there is more than one person partially dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

V. No person shall be considered a dependent unless a member of the family of the deceased employee, or one who bears to him the relation of surviving spouse, or lineal descendant, or ancestor, or brother or sister. A child within the meaning of this act shall include a posthumous child and a child legally adopted prior to the injury.

VI. Questions as to who constitute dependents and the extent of their dependency shall be determined as of the dates as herein provided, and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions, and the death benefit shall be directly payable to the dependent or dependents entitled thereto, or their legal representatives: *Provided, notwithstanding,* That when a right to a death benefit shall have become fixed, it shall cease upon the happening of any one of the following contingencies:

(1) Upon the marriage of the widow or widower.

(2) When a child reaches the age of eighteen years, unless said child at such time is physically or mentally incapacitated from earning.

(3) Upon the death of any dependent.

Nonresidents.

VII. Death benefits under this act to dependents who are nonresidents of the United States shall be one-third of the amount which a dependent who is a resident of the United States might receive: *Provided,* That in no event shall death benefits to dependents who are nonresidents of the United States exceed the aggregate sum of one thousand dollars.

Dependents not interested, when.

VIII. No dependent of an injured employee shall be deemed, during the life of such employee, a party in interest to any proceeding by him for the enforcement or collection of any claim for compensation, nor as respects the compromise thereof by such employee.

Wages.

(g) The average weekly wage of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits; such average weekly earnings shall be one fifty-second (1-52) of the average annual earnings of the employee.

I. The average weekly earnings for all employees shall be taken at not less than the minimum nor more than the maximum provided in this act. Between said limits, said average annual earnings shall be determined as follows:

II. If the injured employee has worked in the employment in which he was working at the time of the accident, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earning shall consist of three hundred times the average daily wage or salary which he has earned in such employment during the days when so employed.

III. If the injured employee shall not have worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of the average daily wage or salary which such employee shall have earned in such employment during days when so employed, multiplied by the number of days that he shall have worked in all employments during said year.

(h) In cases where the foregoing methods of arriving at the average annual earnings of the injured employee can not reasonably and fairly be applied, such average annual earnings shall be taken at such sum as, having regard to the previous earnings of the injured employee, and of other employees of the same or most similar class, working in the same or most similar employment, in the same or a neighboring locality shall reasonably represent the average annual earning capacity of the injured employee at the time of the accident, in the employment in which he was working at such time.

Minors.

I. If an employee is a minor, and is permanently disabled, his weekly earnings shall be determined on the basis of the earnings that such minor, if not disabled, would probably earn. If it is established that the injured employee was of such age and experience when injured as that under natural conditions his wages would be expected to be increased, the fact may be considered in arriving at his average weekly wage.

Prior injuries.

II. The fact that an employee has suffered a previous disability, or received compensation therefor, shall not preclude compensation for a later injury, or for death; but in determining compensa-

tion for the later injury, or death, his average annual earnings shall be such sum as will reasonably represent his average annual earning capacity at the time of the later injury, in the employment in which he was working at such time, and shall be arrived at according to, and subject to, the limitations of the provisions of this section.

Wage loss.

(i) The weekly loss in wages referred to in this act shall consist of such percentage of the average weekly earnings of the injured employee, computed according to the provisions of this act, as shall fairly represent the proportionate extent of the impairment of his earning capacity in the employment in which he was working at the time of the accident and other suitable employments, the same to be fixed as of the time of the accident, but to be determined in view of the nature and extent of the injury.

"Safety."

(j) The term "safe" or "safety" as applied to an employment or place of employment, shall mean such freedom from danger to the life, health and safety of employees, and such reasonable means of notification, egress and escape in case of fire, as the nature of the employment will reasonably permit.

Defenses abrogated.

SEC. 5. In an action to recover damages for a personal injury sustained within this State by an employee on and after the 1st day of August, 1915, while engaged in the line of his duty as such, or for death resulting from personal injuries so sustained, in which recovery is sought upon the ground of want of ordinary care of the employer, or of the officer, agent, or servant of the employer, it shall not be a defense:

(a) That the employee, either expressly or impliedly, assumed the risk of the hazard complained of as due to the employer's negligence;

(b) That the injury or death was caused, in whole or in part, by the want of ordinary care of a fellow servant.

(c) That the injury or death was caused, in whole or in part by the want of ordinary care of the injured employee where such want of care was not willful.

Remedy, exclusive.

SEC. 6. Any employer who has elected to and has complied with the provisions of this act, including the provisions relating to insurance, shall not be subject to the provisions of section 5 of this act; nor shall such employer be subject to any other liability whatsoever for the death of or personal injury to any employee, except as in this act provided; and all causes of action, actions at law, suits in equity and proceedings whatever, and all statutory and common-law rights and remedies for and on account of such death or of personal injury to any such employee are hereby abolished except as in this act provided.

Defenses available, when.

SEC. 7. If an employer has elected to and has complied with the provisions of this act, and an action is brought against such employer to recover damages for personal injuries or death sustained by an employee who has elected not to come under this act, then such employer shall have all the defenses to such an action which he would have had if this act and that certain other act entitled "An act concerning assumption of risk," being chapter 43, upon page 115 of the session laws of 1913, had not been enacted.

Right to compensation accrues, when.

SEC. 8. The right to the compensation provided for in this act, in lieu of any other liability whatsoever, to any and all persons whomsoever, for any personal injury or death accidentally sustained on and after August 1st, 1915, shall obtain in all cases where the following conditions concur:

I. Where, at the time of the accident, both employer and employee are subject to the provisions of this act.

II. Where, at the time of the accident, the employee is performing service arising out of and in the course of his employment.

III. Where the injury is proximately caused by accident arising out of and in the course of his employment, and is not intentionally self-inflicted or intentionally inflicted by another.

How election made.

SEC. 9. Such election on the part of any employer including the employer of private domestic servants, farm and ranch laborers or of three or less employees may be made by filing with the com-

mission a written statement to the effect that he accepts the provisions of this act, the filing of which statement shall operate to subject such employer to the provisions of this act for the term of one (1) year from the date of filing such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file in the office of said commission a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of this act.

II. On and after August 1, 1915, every employer of four or more employees, not including private domestic servants and farm and ranch laborers, engaged in a common employment, shall be conclusively presumed to have accepted the provisions of this act, unless prior to that date such employer shall have filed with the commission a notice in writing to the effect that he elects not to accept the provisions of this act; and the employer shall have the right to withdraw his election at the time and in the manner above specified: *Provided*, That any employer commencing business subsequent to August 1st, 1915, may make his election not to become subject to the provisions of this act at any time prior to becoming an employer of four or more employees, in a common employment, exclusive of private domestic servants and farm and ranch laborers, by giving written notice as above provided. Such employer may withdraw from the provisions of said sections of this act at the expiration of one year, or at the expiration of any succeeding year, in the manner provided in this act.

Notice to be posted.

III. Every employer, whether electing to accept or reject the provisions of this act, shall cause printed notice thereof to be posted in and about his place of employment in a conspicuous manner and in sufficient places frequented by his employees, as to reasonably notify such employees that he is or is not, as the case may be, subject to the provisions of this act, and shall likewise cause similar notice to be given of the filing of any change of such election on his part.

Security of payments.

SEC. 10. Any employer electing to become subject to the provisions of this act shall secure compensation to his employees in one of the following ways:

1. By insuring and keeping insured the payment of such compensation in the State compensation insurance fund; or,

2. By insuring and keeping insured the payment of such compensation with any stock or mutual corporation authorized to transact the business of workmen's compensation insurance in this State. If insurance be so effected in such a corporation or mutual corporation the employer shall forthwith file with the commission, in form prescribed by it, a notice specifying the name of such insurance corporation or mutual corporation together with a copy of the contract or policy of insurance.

3. By furnishing satisfactory proof to the commission of his financial ability to pay such compensation direct to his employees as hereinafter provided.

Duty of insurance companies.

SEC. 11. Every insurance corporation or mutual corporation, except the State compensation insurance fund as administered by the Industrial Commission of Colorado, authorized to transact business in this State, which insures employers against liability for compensation under the provisions of this act, shall file with the commission its classification of risks and premiums relating thereto, and any subsequent proposed classification of risks and premiums, together with basic rates and schedules, if a system of schedule rating be in use, none of which shall take effect until the commission shall have approved the same as adequate for the risks to which they respectively apply. The commission may withdraw its approval of any premium rate or schedule made by any insurance corporation or mutual corporation if, in its judgment, such premium rate or schedule is inadequate to provide the necessary reserves.

Every contract for the insurance of compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act, and all provisions thereof in such insurance policy inconsistent with the provisions of this act shall be void.

Provisions of policies.

Every contract insuring against liability for compensation, or insurance policy evidencing the same, must contain a clause to the effect that the insurance carrier shall be directly and primarily liable to the employee, and in the event of his death to his dependents, to pay the compensation, if any, for which the employer is liable; that as between the employee and the insurance carrier the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier, and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer under the provisions of this act.

Such policy must also provide that the employee shall have a first lien upon any amount which shall become owing on account of such policy to the employer from the insurance carrier and that in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the employee or his dependents, the said insurance carrier may and shall pay the same directly to the said employee or his dependents, thereby discharging to the extent of such payment the obligations of the employer to the employee, and such policy shall not contain any provisions relieving the insurance carrier from payment when the employer becomes insolvent or is discharged in bankruptcy or otherwise during the period that the policy is in operation or the compensation remains owing.

Employees subject to act, when.

SEC. 12. Any employee may become subject to the provisions of this act, and shall be deemed to have accepted and shall be subject to the provisions thereof if at the time of the accident upon which liability is claimed:

(a) His employer is subject to the provisions of this act when the employee has actual notice thereof; and if,

(b) Such employee shall not, at the time of entering into his contract of hire, expressed or implied with such employer, have given to his employer notice in writing that he elects not to be subject to the provisions of this act; or,

(c) Without giving such notice, shall have remained in the service of such employer for seven days after such employer has filed with the commission his election as in this act provided and has become subject hereto: *Provided*, The notices required by this act shall have been posted in and about the place of employment of such employer as required by law, in which event said employee shall be conclusively presumed to have actual notice thereof.

Other rights surrendered.

SEC. 13. Such election and compliance with the provisions of this act, including the provisions for insurance, shall be and be construed to be a surrender by the employer and employee of their rights to any other method, form, or amount of compensation or determination thereof, or to any cause of action, action at law, suit in equity or statutory or common-law right or remedy or proceeding whatever for or on account of such personal injuries or death of such employee than as provided in this act, and shall be an acceptance of all the provisions of this act, and shall bind the employee himself and, for compensation for his death, shall bind his personal representatives, his widow and next kin, as well as the employer and those conducting his business during bankruptcy or insolvency.

Records and reports of injuries.

SEC. 14. Every employer shall keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within ten days after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing to the commission upon blanks to be procured

from the commission for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address, and occupation of the injured employee, and shall state the time, the nature, and cause of injury and such information as may be required by the commission. Any employer who refuses or neglects to make any report required by this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars for each such offense.

Entering work places.

SEC. 15. The commission, or its agents, may enter any place of employment for the purpose of collecting facts and statistics, examining the provisions made for the health, protection, and safety of the employees, and bringing to the attention of every employer any law or any rule, order, or requirement of the commission, and any failure on the part of any employer to comply therewith.

Books, etc., to be open.

SEC. 16. All books, records, and pay rolls of employers showing or reflecting in any way upon the amount of wage expenditure of such employers, and other data, facts, and statistics appertaining to the purposes of this act shall always be open for inspection by the commission or any of its agents for the purpose of ascertaining the correctness of the reported wage expenditure, the number of men employed, and such other information as may be necessary for the uses and purposes of the commission in its administration of this act.

Any employer who shall refuse to admit the commission or its duly authorized agents to such place of employment for such purposes shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Information to be furnished.

SEC. 17. Every employer shall furnish the commission upon request all information required by it to accomplish the purposes of this act. In the month of January and July of each year every employer shall prepare and mail to the commission, at its main office in the city of Denver, Colorado, a statement containing the following information, viz: The number of employees employed during the preceding six months period; the number of such employees employed at each kind of employment; and the aggregate amount of wages paid to such employees, which information shall be furnished on a blank or blanks to be prepared by the commission; and it shall be the duty of the commission to furnish such blanks to such employers, free of charge, upon request therefor. Every employer receiving from the commission any blanks, with directions to fill out the same, shall cause the same to be properly filled out, so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or, if unable to do so, he shall give in writing good and sufficient reason for such failure. The commission may require that the information herein required to be furnished shall be verified under oath and shall be returned to the commission within the period fixed by it or by law. The commission, or any person employed by it for that purpose, shall have the right to examine under oath any employee or employer, or the officer, agent, or employee thereof, for the purpose of ascertaining any information which such employer or employee is required by this act to furnish to the commission. Any person who shall fail or refuse to furnish to the commission the semiannual statement herein required, or shall fail or refuse to furnish such other information as may be required by the commission under authority of this act, shall, if an employer, be punished by a fine of two hundred dollars, and if an employee, be punished by a fine of twenty-five dollars.

Use of information.

SEC. 18. The information contained in the semiannual report provided for in the preceding section, and such other information as may be furnished to the commission by employers in pursuance of the provisions of this act, shall be for the exclusive

use and information of said commission in the discharge of its official duties and shall not be open to the public nor be used in any court, in any action or proceeding pending therein, unless the commission is a party to such action or proceeding; but the information contained on said report may be tabulated and published by the department in statistical form for the use and information of other State departments and the public. Any person in the employ of the commission who shall divulge any information secured by him in respect to the transactions, property, or business of any employer to any person other than the commission shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and shall thereafter be disqualified from holding any appointment or employment with the commission.

Failure to give information.

SEC. 19. In case of failure or refusal of any person to comply with the order of the commission or subpœna issued by it or its agents, or to furnish the statistics, data, and information required to be furnished to the commission by the provisions of this act, or refuse to permit an inspection as provided in this act, the district judge of the county in which the person resides, on application of the commission or any agent appointed by it, shall compel obedience by attachment proceedings or for contempt, as in the case of disobedience of the requirements of subpœna issued from such court on a refusal to testify thereon.

State fund.

SEC. 20. There is hereby established a fund to be known as the State compensation insurance fund for the benefit of injured and the dependents of killed and injured employees, which shall be administered in accordance with the following provisions, without liability on the part of the State beyond the amount of said fund, collected as provided in this act.

Employers in arrears.

SEC. 21. If any employer shall be in arrears for more than five days in any payment required to be made by him to the State compensation insurance fund, as provided in this act, he shall by virtue of such arrearage be in default of such payment, and the amounts due from him shall be collected by civil action against him in the name of the commission as plaintiff; and it shall be the duty of the commission to certify to the attorney general of the State the names and residences of all employers known to the commission to be in default for such payments for a longer period than five days, and the amount due from each such employer, and it shall then be the duty of the attorney general forthwith to bring, or cause to be brought, against each such employer a civil action in the proper court for the collection of such amount so due, and the same, when collected, shall be paid into the State compensation insurance fund. While such default continues such employer shall not be entitled to the benefits of this act. Such employer's compliance with the provisions of this act requiring payments to be made to the State compensation insurance fund shall date from the time of the payment of said money to the State compensation insurance fund, and his right to the benefits of the provisions of this act shall be determined accordingly.

Maintenance and use of fund.

SEC. 22. The State compensation insurance fund shall be a continuing fund and shall consist of all premiums received and paid into the said fund for compensation insurance, all property and securities acquired by and through the use of moneys belonging to said fund, and all interest earned upon moneys belonging to said fund and deposited or invested, as herein provided. Said fund shall be applicable to the payment of losses sustained on account of compensation and benefit insurance in accordance with the provisions of this act.

Powers of commission.

SEC. 23. The commission is hereby vested with full power, authority, and jurisdiction over the State compensation insurance fund, and may do and perform any and all things whether herein specifically designated, or, in addition thereto, which are necessary or convenient in the exercise of any power, authority, or jurisdiction over said fund in the administration thereof under the provisions of this act, as fully and completely as the governing

body of a private insurance company might or could do, subject, however, to all the provisions of this act.

The commission shall have full power and authority, and it shall be its duty, to fix and determine the rates to be charged by the State compensation insurance fund for compensation insurance, and to manage and conduct all business and affairs in relation thereto, all of which business and affairs shall be conducted in the name of the commission, and in that name, without any other name or title, the commission may:

I. Sue and be sued in all the courts of the State in all actions arising out of any act, deed, matter, or thing made, omitted, entered into, done, or suffered in connection with the State compensation insurance fund, the administration, management, or conduct of the business or affairs relating thereto.

II. Make and enter into contracts of insurance with employers as herein provided, and such other contracts or obligations relating to the State compensation insurance fund as are authorized or permitted under the provisions of this act, but the commission shall not, nor shall any officer or employee thereof, be personally liable in its private capacity for or on account of any act performed or contract or other obligation entered into or undertaken in an official capacity, in good faith and without intent to defraud, in connection with the administration, management, or conduct of the State compensation insurance fund, its business, or other affairs relating thereto.

III. Contract with physicians, surgeons, and hospitals for medical and surgical treatment and the care and nursing of injured persons entitled to benefits from said fund.

IV. The commission may employ and maintain in the department a compensation actuary, who shall be experienced and skilled and fully competent to perform the duties of the position, and who shall assist in or take charge of the practical operation of the State compensation insurance fund under the general direction of the commission. The actuary shall receive such salary as may be agreed upon by the commission.

V. The commission shall have power, with the approval of the State auditing board, to employ during their pleasure such deputies, experts, statisticians, accountants, actuaries, inspectors, clerks and other employees as they may deem necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the commission. Such deputies, statisticians, accountants, inspectors, clerks, and all other employees, except experts and actuaries in the employ of the commission, shall have been for four years prior to such employment or appointment, bona fide residents of the State of Colorado, and each and all of them, except only the experts shall, while in the employ of the commission, devote their entire time to the service of the commission.

Salaries and expenses.

VI. All deputies, statisticians, accountants, actuaries, clerks, experts and all other employees of the commission shall receive such compensation as may be fixed by law or by the commission in conjunction with the State auditing board, and their salaries so fixed, as aforesaid, shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission and the State auditing board.

All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling expenses and other expenses and disbursements of the commission, its officers and employees, incurred while on business of the commission, shall be paid from funds appropriate for the use of the commission upon claims therefor, itemized and sworn to, made by the person who incurred the same, which shall be allowed by the commission, subject to the approval of the State auditing board, and is authorized to procure such additional furniture and supplies as may be necessary for such purposes, to be paid for in the same manner as other expenses authorized by this act.

Orders.

SEC. 24. All orders of the commission shall be valid and in force, and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose, pursuant to the provisions of this act, or until altered or revoked by the commission.

Compliance.

SEC. 25. A substantial compliance with the requirements of this act shall be sufficient to give effect to the orders or awards of the commission and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto.

Classes of establishments.

SEC. 26. The commission shall classify the places of employment of employers insured in the State compensation insurance fund into classes in accordance with the nature of the business in which they are engaged and the probable hazard or risk of injury to their employees under existing conditions. It shall determine the amount of the premiums or assessments which such employers shall pay to said State compensation insurance fund, and may prescribe when and in what manner such premiums and assessments shall be paid, and may change the amount thereof both in respect to any or all of such employers from time to time, as circumstances may require, and the condition of their respective plants, establishments, or places of work in respect to the safety of their employees may justify, but all such premiums or assessments shall be levied on a basis that shall be fair, equitable, and just as among such employers.

Subclasses.

SEC. 27. It shall also be its duty to divide each of such classes under said classification into as many subclasses as may be necessary, upon such terms and conditions as will enable it to determine the risks and fix the rates of premium of the different employers in the same class of employment, with respect to the conditions of said places of employment as regards the several requirements upon which the rates of premium of risks are based and determined, as provided in this act.

Rates of premium.

SEC. 28. It shall be the duty of the commission, in the exercise of the powers and discretion conferred upon it by this act, ultimately to fix and maintain, for each class and subclass of occupation, the lowest possible rates of premium consistent with the maintenance of a solvent State compensation insurance fund, and the creation and maintenance of a reasonable surplus, after the payment of legitimate claims for injury and death, that may be authorized to be paid from the State compensation insurance fund for the benefit of injured and dependents of killed employees; and in order that said objects may be accomplished the commission shall observe the following requirements in classifying occupations and fixing the rates of premium for the risks of the same:

It shall determine and base all rates of premium for said classes and subclasses and all revisions thereof upon the following conditions and considerations:

(a) The condition of the place of employment as regards health, safety, and protection against accident, and the means and methods of caring for injured persons;

(b) Total pay roll and number of employees in each of said classes and subclasses;

(c) The loss ratio developed by the subclass and by the class as a whole;

(d) The earned premium exposure of the subclass and of the class as a whole;

(e) The character of hazard of the subclass and of the class as a whole;

(f) The number and nature of accidents experienced by the subclass and the class as a whole;

(g) The number and nature of accidents experienced by the individual employers;

(h) A reasonable regard for the accident experience of each such employer and his employees.

But such rates shall take no account of the extent to which the employees in any particular establishment have or have not persons dependent upon them for support, nor of whether such

employees have dependents who are nonresidents of the United States, nor of whether such employees are married or single, nor the age of any such employees. The rates so made shall be that percentage of the pay roll of any employer which on the average shall produce a sufficient sum:

(1) To carry all claims to maturity; that is to say, the rates shall be based upon the "reserve" and not upon the "assessment" plan;

(2) To produce a reasonable surplus as provided in this act to cover the catastrophe hazard and insure the payment to employees and their dependents of the compensation herein provided.

Separate accounts.

SEC. 29. The commission shall keep an accurate account of the money paid in premiums by each of the several classes and subclasses of occupations or industries, and the disbursements on account of injuries and death of employees thereof, and it shall also keep an account of the money received from each individual employer and the amount disbursed from the State compensation insurance fund on account of injuries and death of the employees of such employer.

Surplus fund.

Ten per cent of all the money paid into the State compensation insurance fund shall be set aside for the creation of a surplus fund until such surplus fund shall amount to the sum of five hundred thousand dollars, after which time the sum of five per cent of all money paid into the State compensation insurance fund shall be credited to such surplus fund, until such time as, in the judgment of the commission, such surplus shall be sufficiently large to guarantee a State compensation insurance fund from year to year.

It is the intention that the amounts raised for such State compensation insurance fund shall ultimately become neither more nor less than to make said fund self-supporting, and the premiums or assessments levied for such purpose shall be subject to readjustment from time to time by the commission as may become necessary.

Rules.

SEC. 30. The commission shall adopt rules and regulations with respect to the collection, maintenance, and disbursement of the State compensation insurance fund; one of which rules shall provide that in the event the amount of premium collected from any employer at the beginning of any period of six months, as ascertained and calculated by using the estimated expenditure of wages for the period of time covered by such premium payments as a basis, shall differ from the actual wage expenditure for such six months' period, that an adjustment of the amount of such premium shall be made at the end of such six months' period and the actual amount of such premium shall be determined in accordance with the amount of the actual expenditure of wages for said period; and in the event such actual wage expenditure for said period is less than the amount on which such estimated premium was collected, then such employer shall be entitled to have the amount of such difference credited on succeeding premium payments, and should such actual premium, when ascertained as aforesaid, exceed in amount the premium so paid by such employer, at the beginning of such six months' period, such employer shall upon being advised of the true amount of such premium due, forthwith pay to the State treasurer an amount equal to the difference between the amount actually found to be due and the amount paid by him at the beginning of said six months' period.

Schedule to be issued.

SEC. 31. The commission shall on or before August 1st, 1915, issue in proper form for distribution a schedule of rates of premiums to be paid to the State compensation insurance fund by the employers of the several classes and subclasses, based and determined as in this act provided, which rates shall control and govern for the period ending December 31st, 1915.

Revision.

On the first day of January, 1916, and semiannually thereafter, a readjustment of the rates shall be made for each of the several classes and subclasses of occupation or industry which, in the judgment of the commission, have developed an average loss

ratio in accordance with the experience of the commission in the administration of the law as shown by the accounts kept as provided herein.

Should any such accounting show a balance remaining to the credit of any class of occupation or industry, after the above-mentioned amounts have been credited to the surplus fund and after the payment of all awards for injury or death lawfully chargeable against the same, the premium rate for such class or subclass shall be reduced, and each individual member of such class or subclass who has been a subscriber to the State compensation insurance fund for a period of six months or longer prior to the time of such readjustment, and whose premium or premiums so paid to the State compensation insurance fund and to the surplus fund thereof exceeds the amount of the disbursements from the State compensation insurance fund on account of injuries or death to his employees during such period, shall be entitled to a credit on the installment or installments of premium next due from him, the amount of which credit shall be such proportion of said balance as the amount of his prior paid premiums sustains to the whole amount of said premiums paid by the class or subclass to which he belongs since the last readjustment of rates, based and determined as provided in this act.

Misrepresentations.

SEC. 32. Any employer who intentionally misrepresents to the commission the amount of pay roll upon which the premium under this act is based shall pay into the State compensation insurance fund the sum of ten times the amount of the difference in premium paid and the amount such employer should have paid, and shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Blanks.

SEC. 33. The commission shall prepare and furnish at the expense of the State, blank forms of application for benefits or compensation from the State compensation insurance fund, notices to employers, proofs of injury or death, or medical attendance, or employment and wage earnings, and such other blanks as may be deemed proper and advisable, and it shall be the duty of employers to constantly keep on hand a sufficient supply of such blanks, that the same may be readily available.

Schedules, etc., to be printed.

SEC. 34. The commission shall cause to be printed in proper form for distribution to the public proper schedules showing its classification, rates, regulations, and rules of procedure, which shall be printed and ready for distribution at least thirty days prior to the date the same are due by law to go into effect, and shall furnish the same to any person upon application therefor, and the fact that such classification, rates, regulations, and rules of procedure are printed and ready for distribution to all who apply for the same shall be a sufficient publication of the same as required by this act.

Orders in effect.

SEC. 35. All general orders shall take effect upon their publication in the semiannual manual or schedule of rates, rules, and regulations issued by the commissioner.

Duties of public officials.

SEC. 36. It shall be the duty of all officers and employees of the State, the counties, and municipalities, upon request of the commission, to enforce in their respective departments all lawful orders of the commission in so far as the same may be applicable and consistent with the general duties of such officers and employees, and it shall also be their duty to make to such commission such reports as it may require concerning matters within their knowledge appertaining to the purposes of this act and to furnish to it such facts, data, statistics, and information as may from time to time come to them appertaining to the purposes of this act and the duties of such commission thereunder, and particularly such information coming to their knowledge respecting the condition of all places of employment subject to the provisions of this act as regards the health, protection, and safety of employees and the hazard of risk of such places of employment.

Unsafe places.

SEC. 37. Whenever the commission shall learn, or upon petition by any person be informed, that any employment or place of employment is not safe, it shall proceed summarily, with or without notice, to make such investigation as may be necessary to determine the matter complained of, as the same may affect the hazard or risk of insurance.

Investigation by deputies.

SEC. 38. For the purpose of making any investigation with regard to any employment or place of employment the commission shall have power to appoint, by an order in writing, any deputy or any other competent person as an agent whose duties shall be prescribed in such order.

In the discharge of his duties such agent shall have every power whatsoever for obtaining information granted in this act to the commission and all powers granted by law to officers authorized to take depositions are hereby granted to such agent.

The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon his examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude any further investigation or the taking of further testimony if the commission so order.

Annual reports.

SEC. 39. Annually on or before the 15th day of December, the commission shall make a report to the governor for the preceding fiscal year, which shall include a statement of the number of awards made by it and a general statement of the causes of accidents leading to the injuries for which the awards were made, a detailed statement of the disbursements from the State compensation insurance fund, the amount credited to the reserve fund, and the condition of the respective funds, together with any other matters which the commission deems proper to call to the attention of the governor, including any recommendations it may have to make, and it shall be the duty of the commission from time to time to publish and distribute among employers and employees such general information as to the business transacted by the State compensation insurance fund as in its judgment may be useful.

Rate of contributions.

SEC. 40. Every employer insured in the State compensation insurance fund shall contribute to it in proportion to the annual expenditure of money by said employer for the service of persons engaged in such employment, and the hazard of risk of his employment and place of employment, the amount of such payments and the method of making the same to be determined as in this act provided.

Semiannual payments.

SEC. 41. Except as hereinafter provided, every employer insured in the State compensation insurance fund shall, in the month of September, 1915, and semiannually thereafter during January and July of each year, pay into the State compensation insurance fund in advance the amount of premium determined and fixed by the commission for the employment or occupation of such employer for the ensuing period, the amount of which premium to be so paid by each such employer to be determined by the classifications, rules, and rates made and published by the commission, and such employer shall semiannually thereafter pay such further sum of money into the State compensation insurance fund as may be ascertained to be due from him by applying the provisions of this act and rules and rates of the commission. Such payment shall be made within the time fixed by the commission and a receipt or certificate certifying that such payment has been made shall immediately be mailed to such employer by the commission, which receipt or certificate shall be prima facie evidence of the payment of such premium. Notwithstanding anything in this act, any employer accepting the provisions thereof who shall file with the commission a statement showing his intentions to pay the compensation and benefits herein provided

and furnishing satisfactory proof to the commission of his solvency and financial ability to pay the same and furnish security, if the commission, in its discretion, deems such security necessary, may on permission granted by the commission be permitted to make such payments direct to his employees and their dependents as they may be entitled to receive the same under the provisions of this act.

Direct payments of benefits.

Any employer so receiving such permission or who shall insure with any stock or mutual corporation as provided in this act, shall, during his prompt compliance with the provisions of this act, and the payment by him of the compensation and benefits therein provided, be relieved from making the payments herein required to be made to the State compensation insurance fund, and shall have the benefits of all the provisions of this act, as though said employer paid premiums into the State compensation insurance fund as provided by this act. Such employer shall cause notice of such fact to be given his employees in the manner provided for notice by employers accepting or rejecting the provisions of this act.

Insurance required.

Exception.

SEC. 42. An employer, liable under the provisions of this act, to pay compensation shall insure payment of such compensation in any company authorized to insure such liability in this State or in the State compensation insurance fund, unless such employer shall be exempted from such insurance by the commission. The commission shall, from time to time, require further statement of financial ability of such employer to pay compensation, and may, upon ten (10) days' notice in writing, revoke its order granting such exemption, in which case such employer shall immediately insure his liability.

Payments by municipalities, etc.

SEC. 43. The amount of money to be contributed by the State itself, and by each county, city, town, irrigation or school district, or other taxing district of the State, shall be, unless otherwise provided by law, a sum equal to one per centum of the amount of money expended by the State, and by each county, city, town, irrigation or school district, or other taxing district respectively, during the last preceding fiscal year for the service of all persons in their employ who are subject to the provisions of this act.

Same subject.

SEC. 44. In the month of September, 1915, the auditor of State shall draw his warrant on the State treasurer in favor of said treasurer or custodian of the State compensation insurance fund, and for deposit to the credit of said fund, for a sum equal to one per centum of the amount of money expended by the State, during the last preceding six months, for the service of persons in its employ, who are subject to the provisions of this act, which said sums are hereby appropriated and made available for such payments; and thereafter in the months of January and July of each year, such sums of money shall in like manner be paid into the State compensation insurance fund; and it shall be the duty of the commission to communicate to the general assembly on the first day of each regular session thereof an estimate of the aggregate amount of money necessary to be contributed by the State during the two years next ensuing as its proper proportion of the State compensation insurance fund.

List of expenditures for service.

SEC. 45. By the 15th day of July, 1915, and in the month of December of each year the State auditor shall prepare a list for each county of the State showing the amount of money expended by each township, city, town, village, irrigation or school district, or other taxing district therein for the service of persons in their employ during the fiscal year last preceding the time of preparing such lists; and file a copy of such list with the clerk and recorder of the county for which such list is made, and copies of all such lists with the State treasurer. Such lists shall also show the amount of money due from the county itself and from each city, town, irrigation or school district and other taxing districts thereof, as its power [proper (?)] contribution to the State compensation insurance fund and the aggregate sum due from the county and such taxing districts located therein; *Provided, however*, That should the com-

mission on or before the first day of December in any year certify to the State auditor that sufficient money is in the State compensation insurance fund to the credit of any county or counties to provide for the payment of compensation to the injured and to the dependents of killed employees of such county or counties, and the several taxing districts therein for the ensuing year, the State auditor shall not prepare and file with the county clerks and the State treasurer said list or lists for such county or counties specified in such certificate; and it shall be the duty of the commission to make and file such certificate with the State auditor whenever in its judgment there is sufficient money in the State compensation insurance fund to the credit of any county or counties to provide for the probable disbursement required to be made to the injured and to the dependents of killed employees of such county or counties and the several taxing districts therein for the ensuing year.

Payment by counties.

SEC. 46. During the month of September, 1915, and in January and July of each year following the filing with him of the lists mentioned in the last preceding section hereof, the clerk and recorder of each county shall issue his warrant in favor of the State treasurer on the county treasurer of his county for the aggregate amount due from such county and from the taxing districts therein, to the State compensation insurance fund, and the county treasurer shall pay the amount called for by such warrant from the county treasury, and the county clerk and recorder shall charge the amount so paid to the county itself and the several taxing districts therein as shown by such lists; and the State treasurer shall immediately on receiving such money convert the same into the State compensation insurance fund.

Statements of payments.

SEC. 47. In October, 1915, and in February of each year thereafter the State treasurer shall certify to the commission the amount of money that has been paid to him for credit to the State compensation insurance fund as provided in this act, and the amount paid by the State itself, and by each county, city, town, irrigation or school district therein, and at the same time shall certify to the commission the name of such as may have made default in the payments thereinbefore provided, and the respective amounts for which they are in default. When any default is made in the payment of the sums hereinbefore required to be contributed to the State compensation insurance fund, or when any official fails, neglects, or refuses to perform any act or acts required to be performed by him with reference to the making of such payments, it shall be the duty of the commission forthwith to institute the proper proceedings in court to compel such payment or payments to be made. The commission shall keep a separate account of the money paid into the State compensation insurance fund by the State and by its political subdivisions as hereinbefore provided, and the disbursements made therefrom on account of the injuries to and death of public employees, subject to the provisions of this act.

Self-insurance by municipalities, etc.

SEC. 48. *Provided*, Any county, city, town, village, irrigation district, school district, or other taxing district therein desiring to be exempted from insuring its liability for compensation shall make application to the commission showing its solvency and financial ability to pay such compensation; whereupon the commission, by written order, may make such exemption. The commission may from time to time require further statement of financial ability of such employer to pay compensation and may, upon thirty days' notice in writing, revoke its order granting such exemption, in which case such employer shall immediately insure its liability.

Disbursements.

SEC. 49. The commission shall disburse the State compensation insurance fund to such employees of such employers as have paid into said fund the premiums applicable to the classes to which they belong who met with accidents arising out of and in the course of their employment, wheresoever such injuries have occurred, or to their dependents in case death has ensued, and shall furnish such medical, surgical, nurse, and hospital care and atten-

tion or funeral expenses as are provided by this act. The commission shall have full power to adopt rules and regulations with the respect to furnishing such medical and hospital service and medicine as provided for in section 50 to injured employees entitled thereto out of the State compensation fund, and the same shall be paid for as in this act provided for compensation and benefits.

Medical, surgical, etc., aid.

SEC. 50. Every employer, regardless of his method of insurance, shall furnish such medical, surgical, and hospital treatment, medicines, medical and surgical supplies, crutches, and apparatus as may be reasonably needed at the time of the injury and thereafter during the disability, but not exceeding thirty days and one hundred dollars in value, to cure and relieve from the effects of the injury: *Provided*, That medical, surgical, and hospital treatment, payment for which is provided for in any plan in force between an employer and his employees at the time of the enactment of this act or which is thereafter agreed to by employer and employee, shall be deemed a full compliance with the requirements of this section and shall be received by the employee in full accord and satisfaction thereof.

Burial expenses.

SEC. 51. If the deceased employee leaves no person dependent upon him for support, and the accident proximately causes death, the death benefit shall consist of the reasonable expenses of his burial, not exceeding one hundred dollars ($100).

Payment of death benefits.

Death benefit shall be paid in monthly installments corresponding in amount to fifty (50) per cent of the average weekly earnings of the employee until otherwise ordered by the commission.

Compensation for disability.

SEC. 52. If the accident causes disability, a disability indemnity shall be payable as wages upon the twenty-ninth day after the injured employee leaves work as the result of the injury, and thereafter regularly, but not less frequently than once in each calendar month, unless otherwise ordered by the commission, subject, however, to the following limitations:

Waiting time.

(a) If the period of disability does not last longer than three weeks from the day the employee leaves work as the result of the injury, no disability indemnity whatever shall be recoverable except the disbursement in this act provided for medical, nurse, and hospital services and medicines; nor in any case unless the commission has actual knowledge of the injury or is notified thereof within the period specified in this act.

(b) If the period of disability lasts longer than three weeks from the day the employee leaves work as the result of injury, no disability indemnity shall be recoverable for the first three weeks of disability.

Hernia.

A workman in order to be entitled to compensation for hernia must clearly prove: (1) That the hernia is of recent origin, (2) that its appearance was accompanied by pain, (3) that it was immediately preceded by some accidental strain suffered in the course of the employment, and (4) that it did not exist prior to the date of the alleged injury. If a workman, after establishing his right to compensation for hernia as above provided, elects to be operated upon, a special operating fee of not to exceed fifty dollars shall be paid by the employer, the insurer, or the commission, as the case may be. In case such workman elects not to be operated upon and the hernia becomes strangulated in the future, the results from such strangulation will not be compensated.

Temporary disability.

SEC. 53. In case of temporary disability of more than three weeks' duration, the employee shall receive fifty per cent of his average weekly wages so long as such disability is total, not to exceed a maximum of eight dollars per week and not less than a minimum of five dollars per week, unless the employee's wages shall be less than five dollars per week, in which event he shall receive compensation equal to his average weekly wages.

Partial disability.

SEC. 54. In case of injury resulting in partial disability, the employee shall receive fifty per cent of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of eight dollars per week, or a greater sum in the ag-

gregate than two thousand and eighty dollars. In cases included in the following schedule the disability in each case shall be deemed to continue for the period specified and the compensation so paid for such injury shall be as specified herein, to wit:

Schedule.

The loss of one arm between the elbow and shoulder, 208 weeks;

The loss of a forearm at the lower half thereof, 104 weeks;

The loss of a hand, 104 weeks;

The loss of a palm where thumb remains, 70 weeks;

The loss of a thumb and the metacarpal bone thereof, 50 weeks;

The loss of a thumb at the proximal joint, 35 weeks;

The loss of a thumb at the second or distal joint, 18 weeks;

The loss of an index finger and the metacarpal bone thereof, 26 weeks;

The loss of an index finger at the proximal joint, 18 weeks;

The loss of an index finger at the second joint, 13 weeks;

The loss of an index finger at the distal joint, 9 weeks;

The loss of a second finger and the metacarpal bone thereof, 18 weeks;

The loss of a middle finger at the proximal joint, 13 weeks;

The loss of a middle finger at the second joint, 9 weeks;

The loss of a middle finger at the distal joint, 5 weeks;

The loss of a third or ring finger and the metacarpal bone thereof, 11 weeks;

The loss of a ring finger at the proximal joint, 7 weeks;

The loss of a ring finger at the second joint, 7 weeks;

The loss of a ring finger at the distal joint, 4 weeks;

The loss of a little finger and the metacarpal bone thereof, 13 weeks;

The loss of a little finger at the proximal joint, 9 weeks;

The loss of a little finger at the second joint, 9 weeks;

The loss of a little finger at the distal joint, 4 weeks;

The loss of all the fingers of one hand where the thumb and palm remain, 52 weeks;

The loss of a leg at the hip joint, or so near thereto as to preclude the use of an artificial limb, 208 weeks;

The loss of a leg at or above the knee, where stump remains sufficient to permit the use of an artificial limb, 139 weeks;

The loss of a foot at the ankle, 104 weeks;

The loss of a great toe with the metatarsal bone thereof, 26 weeks;

The loss of a great toe at the proximal joint, 18 weeks;

The loss of a great toe at the second joint, 9 weeks;

The loss of any other toe with the metatarsal bone thereof, 11 weeks;

The loss of any other toe at the proximal joint, 4 weeks;

The loss of any other toe at the second or distal joint, 4 weeks;

The loss of all the toes of one foot, 35 weeks;

The loss of an eye by enucleation, 139 weeks;

Total blindness of one eye, 104 weeks;

Total deafness of both ears, 139 weeks;

Total deafness of one ear, 35 weeks;

Total deafness of the second ear, 104 weeks.

Other relative injuries: In all other cases, not otherwise specified in the foregoing schedule, the compensation shall bear such relation to the amount stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule, except

(a) Facial disfigurement: If any employee is seriously, permanently disfigured about the face or head, the commission may allow such sum for compensation on account thereof as it may deem just, not exceeding five hundred dollars.

(b) Disability through infection: When by reason of infection or other cause not due to the neglect or misconduct of the injured employee he is actually disabled longer than the time specified in the foregoing schedule for earning wages, compensa-

tion shall be paid such employee for such loss of wages within the limits otherwise provided.

(c) Paralysis: For the purpose of this schedule, permanent and complete paralysis of any member as the proximate result of an accidental injury shall be deemed equivalent to the loss thereof.

(d) Amputation: Whenever an amputation is made between any two joints mentioned in this schedule (except amputations between the knee and hip joint) the resulting loss shall be estimated as if the amputation had been made at the joint nearest thereto.

(e) The amounts specified in this section are all subject to the limitation as to the maximum weekly amount payable as hereinbefore specified in this act.

Permanent total disability.

SEC. 55. In cases of permanent total disability, the award shall be fifty per cent of the average weekly wages and shall continue until the death of such person so totally disabled but not to exceed a maximum of eight dollars per week and not less than a minimum of five dollars per week, unless the employee's average weekly wages are less than five dollars per week at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages.

The loss of both hands or both arms, or both feet or both legs, or both eyes, or of any two thereof, shall prima facie constitute total and permanent disability, to be compensated according to the provisions of this section: *Provided*, That, where the disability comes under this section, and where the employer or the commission obtains other suitable employment for such disabled person which he can perform and which in all cases shall be subject to the approval of the commission, the disabilities set out in this paragraph shall not constitute permanent total disability, but such partial disability as may be determined by the commission after a finding of the facts.

Medical examinations.

SEC. 56. Whenever, in case of injury, the right to compensation under this act would exist in favor of an employee, he shall, upon the written request of his employer, or the insurer carrying such risk, submit himself from time to time to examination by a physician or surgeon duly authorized to practice medicine under the laws of this State, who shall be provided and paid for by the employer or insurer, and shall likewise submit to examination from time to time by any regular physician selected and paid for by said commission or a member or examiner thereof. The employee shall be entitled to have a physician provided and paid for by himself present at any such examination. So long as the employee, after such written request of the employer or insurer shall refuse to submit himself to such examination, or shall in any way obstruct the same, his right to collect or to begin or to maintain any proceeding for the collection of compensation shall be suspended; and if he shall refuse to submit to such examination, after direction by the commission or any member or examiner thereof, or shall in any way obstruct the same, his right to weekly indemnity which shall accrue and become payable during the period of such refusal or obstruction shall be barred. If any employee shall persist in unsanitary or injurious practice which tends to imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to promote his recovery, the commission may, in its discretion, reduce or suspend the compensation of any such injured employee. Any physician who shall make, or be present at, any such examination may be required to testify as to the results thereof. Any physician having attended an employee in a professional capacity may be required to testify before the commission when it shall so direct. Physicians will not be required, however, to disclose confidential communications communicated to them for the purpose of treatment and which are unnecessary to a proper understanding of the case.

Commutation to lump sums.

SEC. 57. Any time after six months has elapsed from the date of the injury, the commission may order payment in gross or in

such manner as it may determine to be for the best interest of the parties concerned. When payment in gross is ordered, the commission shall fix the gross amount to be paid based on the present worth of partial payments, considering interest at four per cent per annum.

Compensation for death.

In case death proximately results from the injury within a period of two years, the benefits shall be in the amounts and to the persons following:

(1) If there be no dependents, the compensation shall be limited to the expenses provided for medical, hospital, and funeral of deceased, together with such sums as deceased may have been paid for disability.

(2) If there are wholly dependent persons at the time of the death, the payment shall be 50 per cent of the average weekly wages, subject to the limitations of this act as to maximum weekly amount, and to continue for the remainder of the period from the date of the death and not to exceed six years after the date of the injury and not to amount to more than a maximum of two thousand five hundred dollars, nor less than a minimum of one thousand dollars.

(3) If there are partly dependent persons at the time of the death, the payment shall be fifty per cent of the average weekly wages, subject to the limitations of this act as to maximum amount, and to continue for all or such portion of the period of six years after the date of the injury as the commission in each case may determine and not to amount to more than a maximum of two thousand five hundred dollars.

If death occurs to an injured employee other than as a proximate result of the accident before disability indemnity ceases, and the deceased leaves a person or persons wholly dependent upon him for support, death benefit shall be as follows:

(a) Where the accident proximately caused permanent total disability, the death benefit shall consist of the unpaid and unaccrued portion of the permanent total disability benefit which the employee would have received had he lived until he had received the sum of twenty-five hundred dollars.

(b) Where the accident proximately caused permanent partial disability, the death benefit shall consist of the unpaid and unaccrued portion of the permanent partial disability benefit which the employee would have received if he had lived.

Partial dependents.

SEC. 58. If death occurs to an injured employee, either as a proximate result of the accident or otherwise, before disability indemnity ceases, and the deceased employee leaves no one wholly dependent upon him for support, but one or more persons partially dependent therefor, the death benefit shall not exceed four times the amount devoted by deceased during the year immediately preceding his death to the support of such dependents, and shall be apportioned according to the percentage that the amount devoted by the deceased to the support of such person or persons for the year immediately prior to the accident bears to the average annual earnings of the deceased: *Provided*, That such death benefits shall not exceed in the aggregate the difference between the amount of liability benefits received by deceased in his lifetime and the sum of twenty-five hundred dollars.

Payments.

SEC. 59. The benefits in case of death shall be paid to such one or more of the dependents of the decedent for the benefit of all the dependents entitled to such compensation as may be determined by the commission, who may apportion the benefits among such dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the commission deems it proper, which payment shall operate to discharge all other claims therefor. The dependents or persons to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof, according to their respective claims upon the decedent for support in compliance with the finding and direction of the commission.

In all cases of death where the dependents are a widow and one or more minor children, it shall be sufficient for the widow to make application to the commission on behalf of herself and minor children; and in cases where all of the dependents are minors, the application shall be made by the guardian or next friend of such minor dependents.

Same subject.

SEC. 60. Payment of death benefits to one or more dependents shall protect and discharge to that extent all compensation under this act, unless and until any other person claiming to be a dependent shall have given the commission notice of his claim. In such case the commission shall determine the respective rights of said rival claimants, and thereafter such death benefits shall be paid to such dependents as it shall so find entitled under the provisions of this act.

Reduction of compensation.

SEC. 61. The compensation provided herein shall be reduced fifty per cent:

(a) Where injury is caused by the willful failure of the employee to use safety devices provided by the employer;

(b) Where injury results from the employee's willful failure to obey any reasonable rule adopted by the employer for the safety of the employee;

(c) Where injury results from the intoxication of the employee.

Notice and claim.

SEC. 62. No claim to recover compensation under this act shall be maintained unless, within thirty days after the occurrence of the accident which is claimed to have caused the injury or death, notice in writing, stating the name and address of the person injured, the time and place where the accident occurred, the nature and cause of the injury, and making a claim for compensation with respect to injury and signed by the person injured, or by some one in his behalf, or, in case of death, by a dependent, or some one on his behalf, stating also the names and addresses of each dependent, shall be served upon the commission, either by delivering to and leaving with it a copy of such notice or by mailing to it by registered mail a copy thereof, in a sealed and postpaid envelope, addressed to him at its office in Denver, Colorado. Such mailing shall constitute completed service: *Provided, however,* That the failure to give any such notice or any defect or inaccuracy therein shall not be a bar to a recovery under this act, if it is found as a fact in the proceedings for the collection of the claim that there was no intention to mislead the commission, and that it was not in fact misled thereby, or that said claimants were nonresidents: *And provided further,* That if no such notice is given and no payment of compensation has been made within one year from the date of the accident, the right to compensation therefor shall be wholly barred.

Exemptions.

SEC. 63. Compensation before payment shall be exempt from all claims of creditors and from any attachment or execution, and shall be paid only to such employees or their dependents.

Claims not assignable.

SEC. 64. No claim for compensation under this act shall be assignable, but this provision shall not affect the survival thereof.

Assignments of cause of action.

SEC. 65. The making of a claim for compensation under this act for the injury of or death shall operate as an assignment of any cause of action in court which the employee or his legal representative or others may have against any other party for such injury or death.

Custodian of fund.

SEC. 66. The State treasurer shall be the custodian of the State compensation insurance fund, and all disbursements therefrom shall be paid by him upon warrants of the State auditor upon vouchers authorized by the commission for benefits legally due to the person or persons designated in such vouchers, and the State auditor is hereby authorized and directed to draw warrants upon the State compensation insurance fund for payment thereof.

Deposit of funds.

SEC. 67. The State treasurer is hereby authorized to deposit any portion of the State compensation insurance fund not needed for immediate use, in the same manner and subject to all provisions of law with respect to the deposit of State funds by such treasurer; and all interest earned by such portion of the State

compensation insurance fund as may be deposited by the State treasurer in pursuance of authority herein given, shall be collected by him and placed to the credit of such fund: *Provided, however*, That none of the funds belonging to the State compensation insurance fund shall be used for any other purpose whatsoever.

Bond.

SEC. 68. The State treasurer shall give a separate and additional bond in such amount as may be fixed by the governor and with sureties to his approval, conditioned for the faithful performance of his duties as custodian of the State compensation insurance fund, subject to all provisions of law governing bonds of State treasurer.

Power to make awards.

SEC. 69. The commission shall have full power and authority to hear and determine all questions within its jurisdiction, and its finding award and order issued thereon shall be final, except as in this act provided.

Any person affected by any finding, order, or award of the commission may petition for a hearing on the reasonableness of any such finding, order, or award.

Such petition shall be verified, and shall specify the finding, order, or award upon which a hearing is desired and every reason why such finding or order or award is considered unreasonable. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the finding, order, or award upon which a hearing is sought other than those set forth in the petition. All hearings of the commission shall be open to the public.

Settlement of disputes.

SEC. 70. Any dispute or controversy concerning compensation under this act, including any in which the State may be a party, shall be submitted to said industrial commission in the manner and with the effect provided herein. If the injured employee or his dependents and the employer or his insurer reach an agreement in regard to compensation under this act a memorandum of the agreement shall be filed with the commission, and if approved by it thereupon the memorandum for all purposes shall be enforceable as are all the awards of the commission. All such agreements shall be approved by the commission. Such approval shall be given by the commission only when the terms thereof conform to the provisions of this act.

Upon the filing with the commission by any party in interest of an application in writing stating the general nature of any claim as to which any dispute or controversy may have arisen, the commission shall fix a time for the hearing thereof which shall not be more than forty days after the filing of such application. The commission shall cause reasonable notice of such hearing, embracing a general statement of such claim, to be given to each party interested, by service of such notice on him personally or by mailing a copy thereof to him at his last known post-office address at least ten days before such hearing. Such hearing may be adjourned from time to time in the discretion of the commission, and hearings shall be held at such places as the commission may designate. Either party shall have the right to be present at any hearing in person or by attorney or by any other agent, and to present such testimony as may be pertinent to the controversy before the commission, and shall have the right of cross-examination: *Provided*, That the commission may, with or without notice to either party, cause testimony to be taken or an inspection of the premises where the injury occurred to be had or the time books and pay roll of the employer to be examined; the testimony so taken and the results of any such inspection or examination shall be reported to the commission for its consideration upon final hearing. All ex parte testimony taken by the commission shall be reduced to writing and either party shall have opportunity to examine and rebut the same on final hearing. The commission or any agent designated by him shall have power and authority to issue subpœnas, to compel the attendance of witnesses or parties, and the production of books, papers, or records, and to administer oaths.

Fees of officers.

SEC. 71. Each officer who serves such subpœna shall receive the same fee as a sheriff, and each witness who appears in obedience to a subpœna before the commission or its agents shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the district court, which shall be audited and paid from the State treasury in the same manner as other expenses are audited and paid upon the presentation of proper vouchers approved by the commission. No witness subpœnaed at the instance of a party other than the commission or its agent shall be entitled to compensation from the State treasury unless the commission shall certify that his testimony was material to the matter investigated.

Failure to appear.

SEC. 72. Any person who shall willfully fail or neglect to appear and testify or to produce books, papers, and records as required by such subpœna duly served upon him shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned in the county jail not longer than thirty days for each such offense. Each day such person shall so refuse or neglect shall constitute a separate offense.

The district court of the county wherein such person resides, or district court of the city and county of Denver, upon application of the commission or its agent, may issue an order compelling the attendance and testimony of witnesses and the production of books, papers, and records before such commission or any such agent.

Upon such hearing, if it shall be found that the finding, order, or award complained of is unreasonable, the commission shall substitute therefor such other finding, order, or award as shall be just and reasonable, or may rescind such finding, order, or award.

Depositions.

SEC. 73. The commission or any party may, in any investigation, cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in district courts. All such depositions shall be taken upon commission issued by the commission, and shall be taken in accordance with the laws and rules of court covering depositions in civil cases in the district courts of this State.

Records.

SEC. 74. A full and complete record shall be kept of all proceedings had before the commission on any investigation, and all testimony shall be taken down by a stenographer appointed by the commission.

Transcripts as evidence.

SEC. 75. A transcribed copy of the evidence and proceedings, or any specific part thereof, on any investigation, by a stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript of the testimony on the investigation of a particular witness, or of a specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation, so purporting to be taken and subscribed, may be received as evidence by the commission with the same effect as if such stenographer were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand to any party upon the payment of the fees therefor as prescribed for transcripts in district courts.

Findings and awards.

SEC. 76. After final hearings by said commission it shall make and file (1) its findings upon all facts involved in the controversy and (2) its award, which shall state its determination as to the rights of the claimant. Pending the hearing and determination of any controversy before it, the commission shall have power to order the payment of such part of the compensation which the commission concedes is or may fall due, as to which the claimant is entitled, and upon the final determination of the commission as to the rights of the claimant, such payments so made shall be specified in and constitute a part of his finding and award.

The commission on its own motion, on three days' notice to the parties interested, by mail or served personally, may modify

or change his order, finding, or award at any time within fifteen days from the date thereof, if he shall discover any mistake therein.

Vacating orders

SEC. 77. No action, proceeding, or suit to set aside, vacate, or amend any finding, order, or award of the commission, or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have first applied to the commission for a hearing thereon as provided in this act, and unless such action, proceeding, or suit shall have been commenced within sixty days after final decision by the commission.

Suits to modify awards.

SEC. 78. Any person in interest being dissatisfied with any such finding, order, or award of the commission issued or promulgated by virtue of the authority conferred in this act may commence an action in the district court in and for the county wherein the injury was sustained or in the district court in and for the city and county of Denver against the commission is defendant to modify or vacate the same on the ground that the same is unlawful or unreasonable, in which action the adverse party shall also be made a defendant.

All such actions shall have precedence over any civil cause of a different nature pending in such court, and the district court shall always be deemed open for the trial thereof, and the same shall be tried and determined by the district court in manner as provided for other civil actions.

Procedure.

SEC. 79. In such action a copy of the complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. The commission shall file its answer within twenty days after the service of the complaint. With its answer the commission shall make return to said court of all documents and papers on file in the matter, and of all testimony which may have been taken therein, and of its order, finding, and award. Such return of the commissioner when filed in the office of the clerk of the district court shall constitute a judgment roll in such action; and it shall not be necessary to settle a bill of exceptions in order to make such return part of the record of such court in such action. Said action may thereupon be brought on for hearing before said court upon such record by either party on ten days' notice to the other, subject, however, to the provisions of law for a change of the place of trial or the calling in of another judge.

Reference to commission.

SEC. 80. If upon trial of such action it shall appear that all issues arising in such action have not theretofore been presented to the commission in the petition filed as provided in this act, or that the commission has not theretofore had an ample opportunity to hear and determine any of the issues raised in such action, or has for any reason not in fact heard and determined the issues raised, the court shall, before proceeding to render judgment, unless the parties to such action stipulate to the contrary, transmit to the commission a full statement of such issue or issues not adequately considered, and shall stay further proceedings in such action for fifteen days from the date of such transmission, and may thereafter grant such further stays as may be necessary.

Upon receipt of such statement the commission shall hear and consider the issues not theretofore heard and considered, and may alter, modify, amend, or rescind its finding, order, or award complained of in said action, and it shall report its action thereon to said court within ten days from the receipt of the statement from the court for further hearing and consideration.

The court shall thereupon order such amendment or other proceeding as may be necessary to raise the issues as presented by such modification of the finding, order, or award as may have been made by the commission upon the hearing, if any such modification has in fact been made, and shall proceed with the trial of such action.

Findings of court.

SEC. 81. Upon such hearing the court may confirm or set aside such order, but only upon the following grounds:

(1) That the commission acted without or in excess of its powers;

(2) That the finding, order, or award was procured by fraud;

(3) That the findings of fact by the commission do not support the order or award.

Any action commenced in court under this section to set aside or modify any finding, order, or award of the commission shall be brought to trial thirty days after the issue shall be joined, unless continued on order of the court for good cause shown. No continuance shall be for longer than thirty days at one time.

Upon the trial of any such action the court shall disregard any irregularity or error of the commission unless it be made affirmatively to appear that the claimant was damaged thereby.

The record in any case shall be transmitted to the commission within twenty days after the order or judgment of the court, unless in the meantime a writ of error addressed to the district court shall be obtained from the supreme court for the review of such order or judgment.

How case may be disposed of.

SEC. 82. Upon setting aside of any finding, order, or award the court may recommit the controversy and remand the record in the case to the commission for further hearing or proceedings, or it may enter the proper judgment upon the findings, as the nature of the case shall demand: *Provided, however*, That in no event shall such judgment be for a greater amount of compensation than allowed by this act or in any manner conflict with the provisions thereof. An abstract of the judgment entered by the trial court upon the review of any order or award shall be made by the clerk thereof upon the docket of said court, and a transcript of such abstract may be obtained as of any entry upon such docket.

Review on writ of error.

SEC. 83. The commission or any party who may consider himself aggrieved by a judgment entered upon the review of any such finding, order, or award may have questions of law only reviewed summarily by the supreme court by writ of error, as provided by law, and said cause shall be advanced upon the calendar of the supreme court, and a final decision rendered within sixty days from date of issuance of the writ. It shall not be necessary for said commission or any party aggrieved by said action to execute, serve, or file any undertaking in order to obtain such writ of error.

Court fees.

SEC. 84. No fees shall be charged by the clerk of any court for the performance of any official service required by this act, except for the docketing of judgments and for certified copies of transcripts thereof. On proceedings to review any finding, order, or award costs as between the parties shall be allowed or not in the discretion of the court, but no costs shall be taxed against said commission. In any action for the review of any finding, order, or award, and upon any review thereof by the supreme court it shall be the duty of the district attorney of the county wherein said action is pending, or of the attorney general, if requested by the commission, to appear on behalf of the commission, whether any other party defendant should have appeared or be represented in the action or not. Unless previously authorized by the commission no lien shall be allowed, nor any contract be enforceable for any contingent attorneys' fees for the enforcement or collection of any claim for compensation, where such contingent fee, inclusive of all attorneys' fees paid, or agreed to be paid, for the enforcement or collection of such claim, exceed fifteen per cent of the amount at which claim shall be compromised or of the amount awarded, adjudged, or collected.

Costs.

How commission represented.

Violations.

SEC. 85. If any employer or employee, as defined in this act, or any other person shall violate any provisions of this act, or shall do any act prohibited thereby, or shall fail or refuse to perform any duty lawfully enjoined, within the time prescribed by the commission, for which no penalty has been specifically provided, or shall fail, neglect, or refuse to obey any lawful order made by the commission, or any judgment or decree made by any court as provided by this act, for each such violation, failure, or refusal such employer, employee, or other person shall be punished

by a fine of not more than one hundred dollars for each such offense.

SEC. 86. Every day during which any employer or officer or agent thereof or any employee shall fail to comply with any lawful order of the commission or shall fail to perform any duty imposed by this act shall constitute a separate and distinct violation thereof: *Provided, however*, That in any action which may be brought to enforce the same, or to enforce any penalty provided for in this act, such violations shall be considered cumulative and may be joined in such action. Each day a separate offense.

SEC. 87. All penalties provided for in this act shall be collected in a civil action brought against the employer or employee, as the case may be, in the name of the commission, and all such penalties when collected shall be applicable to the expense of the commission. Collection of penalties.

SEC. 88. Upon the request of the commission, the attorney general, or, under his direction, the district attorney of any district or county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this act, or for the recovery of any money due the State compensation insurance fund, or any penalty herein provided for, arising within the district or county in which he was elected, and shall defend in like manner all suits, actions, or proceedings brought against the commission in his official capacity. Enforcement.

SEC. 89. If for the purpose of obtaining any order, benefit, award, or compensation or payment under the provisions of this act, either for himself or for any other person, anyone willfully makes a false statement or representation, he shall be guilty of perjury and punished accordingly, and he shall forfeit all right to compensation under this act upon conviction of such offense. False statements.

SEC. 90. For the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the State treasury not otherwise appropriated for the ordinary expenses of the departments of the State, the sum of twenty thousand dollars ($20,000), or so much thereof as may be necessary for the payment of any premiums that may become due the State compensation insurance fund in compliance with section forty-four of this act; and the State auditor is hereby authorized and directed to draw his warrants on said fund upon certified vouchers of the commission approved by the governor. Appropriations.

SEC. 91. All acts or parts of acts in conflict with the provisions of this act are hereby repealed: *Provided*, That no right action now existing shall be affected by such repeal, and nothing contained in this act shall be construed to affect the authority of the State board of health relative to the public health. Repeals.

SEC. 92. If any part, section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The general assembly hereby declares that it would have passed this act and each part, section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more other parts, section, subsection, sentences, clauses, or phrases be declared unconstitutional. Provisions severable.

SEC. 93. It is hereby declared that this act is necessary for the immediate preservation of the public peace, health, and safety. Emergency.

SEC. 94. In the opinion of the general assembly an emergency exists; therefore this act shall take effect and be in force immediately after its passage. Act in effect.

Approved April 10, 1915.

CHAPTER 180.—*Industrial commission.*

SECTION 5. There is hereby created a board which shall be known as the "Industrial Commission of Colorado." Within thirty days after the passage of this act the governor, by and Commission created.

with the consent of the senate, shall appoint one member whose term of office shall expire March 1, 1917; a second member whose term of office shall expire March 1, 1919; and a third member whose term of office shall expire March 1, 1921. Upon the expiration of each appointment the governor shall appoint members of the commission, by and with the advice and consent of the senate, for terms of six years each. Vacancies shall be filled in the same manner for unexpired terms. Not more than two of the commissioners shall be members of the same political party. Not more than one of the appointees to such commission shall be a person who, on account of his previous vocation, employment, or affiliations, can be classed as a representative of employers, and not more than one of such appointees shall be a person who, on account of his previous vocation, employment, or affiliations, can be classed as a representative of employees.

Each member of the commission, before entering upon the duties of his office, shall take the oath prescribed by the constitution, and shall give good and sufficient bond running to the people of the State of Colorado, in the penal sum of ten thousand dollars, conditioned that he shall faithfully discharge the duties of his office and shall account for and pay over to the person entitled thereto such moneys as shall come into his possession; said bond shall be signed by a surety company duly authorized to do business in this State or by two or more individuals as surety or sureties and shall be subject to approval by the governor and shall then be filed with the secretary of state. If surety company bonds shall be furnished, the premium therefor shall be paid by the State as other expenses of the commission are paid. In case of a vacancy the remaining two members of the commission shall exercise all the powers and authority of the commission until such vacancy is filled. Each member of the commission shall receive an annual salary of not to exceed four thousand dollars and actual expenses necessarily incurred in the performance of his duties, which shall be in full for all services performed. The commissioners shall devote their entire time to the duties of their office.

A majority of said commissioners shall constitute a quorum to transact business and for the exercise of any of the powers or authority conferred by this act

Approved April 12, 1915.

CONNECTICUT.

ACTS OF 1913.

CHAPTER 138.—*Compensation of workmen for injuries.*

PART A—EMPLOYERS' LIABILITY.

SECTION 1. In an action to recover damages for personal injury sustained by an employee arising out of and in the course of his employment, or for death resulting from injury so sustained, it shall not be a defense: (a) That the injured employee was negligent; (b) that the injury was caused by the negligence of a fellow employee; (c) that the injured employee had assumed the risk of injury. Defenses abolished.

SEC. 2. The provisions of section one of part A of this act shall not apply to actions to recover damages for personal injuries sustained by employees of any employer having regularly less than five employees, by casual employees, or by outworkers; nor shall the same provisions apply to actions against any employer who shall have accepted part B of this act in the manner hereinafter prescribed. When abrogation does not apply.

PART B—WORKMEN'S COMPENSATION.

SECTION 1. When any persons in the mutual relation of employer and employee shall have accepted part B of this act, the employer shall not be liable to any action for damages on account of personal injury sustained by an employee arising out of and in the course of his employment or on account of death resulting from injury so sustained; but the employer shall pay compensation on account of such injury in accordance with the scale hereinafter provided, except that no compensation shall be paid when the injury shall have been caused by the willful and serious misconduct of the injured employee or by his intoxication. The acceptance of part B of this act by employers and employees shall be understood to include the mutual renunciation and waiver of all rights and claims arising out of injuries sustained in the course of employment as aforesaid, other than rights and claims given by part B of this act, including the right of jury trial on all questions affecting compensation and all right of appeal from the compensation commissioners except as hereinafter established. Election of compensation.

SEC. 2 (as amended by chapter 288, Acts of 1915). All contracts of employment between an employer and an employee, as such terms are defined in section forty-three of part B, except those made between an employer having regularly less than five employees and any such employee, whether made before this act goes into effect and continued in force after such time or made thereafter, shall be conclusively presumed to include a mutual agreement between employer and employee to accept part B of Election presumed.

said act and become bound thereby, unless either employer or employee shall, by written stipulation in the contract, or by such notice as is prescribed in section three of said part B, indicate his refusal to accept the provisions of said part B. No provision of said part B shall apply to any employer having regularly less than five employees unless such employer shall, in the manner hereinafter provided, accept the provisions of part B and become bound thereby. All contracts of employment between an employer having regularly less than five employees and any such employee, whether made before this act goes into effect and continued in force after such time or made thereafter, shall be conclusively presumed to include the following mutual agreements between employer and employee: (1) That the employer may accept the provisions of part B and become bound thereby by giving written or printed notice of his acceptance to the employee and to the compensation commissioner of the district in which the employee is employed: *Provided*, Such acceptance shall not be effective unless it is accompanied by a certificate of a stock or mutual insurance company or association authorized to take such risks in this State, that the employer has insured his full liability under part B, and that the policy of insurance is in accordance with the requirements of part B; (2) that if the employer accepts the provisions of part B the employee shall thereupon be deemed to accept such provisions and shall become bound thereby; (3) that the employee may at any time withdraw his acceptance of such provisions and become released therefrom by giving written or printed notice of such withdrawal to the commissioner having jurisdiction, and also to the employer, and such withdrawal shall take effect forthwith from the time of its service on the commissioner and the employer; and (4) that the employer may withdraw his acceptance and the acceptance of the employee by filing a written or printed notice of his withdrawal with such commissioner and with such employee, which withdrawal shall become effective forthwith from the time of its service on the commissioner and the employee. The notices of acceptance and withdrawal to be given by an employer having regularly less than five employees and the notice of withdrawal to be given by the employee, as herein provided, shall be served upon such commissioner, employer, or employee either by personal presentation or by registered mail; and notices in behalf of a minor shall be given by his parent or guardian, or if there be no parent or guardian by such minor. The manner of acceptance of or withdrawal from the provisions of part B shall not apply to employers having regularly less than five employees or to such employees.

Employers of less than five employees.

Withdrawal of acceptance.

SEC. 3. Acceptance of part B of this act may be withdrawn by written or printed notice from either employer or employee to the other party and to the compensation commissioner of the district in which the employee is employed. Notice of withdrawal may be served by personal presentation or by registered letter addressed to the person on whom it is to be served at his last known residence or place of business, and such notice shall become effective thirty days after service. Either employer or employee who has withdrawn acceptance may renew the same by the same notice and procedure as is prescribed for withdrawals. Notices in behalf of a minor shall be given by his parent or guardian, or, if there be no parent or guardian, then by such minor.

Renewals.

SEC. 4. Every employer not accepting part B of this act shall be liable to action for damages on account of personal injury to his employees in accordance with the provisions of part A of this act, and every employee not accepting part B of this act shall lose all rights and benefits of part A of this act with reference to any employer who continues to accept said part B.

Failure to elect.

SEC. 5. When any principal employer procures any work to be done, wholly or in part for him, by a contractor, or through him by a subcontractor, and the work so procured to be done is a part of process in the trade or business of such principal employer, and is performed in, on, or about premises under his con-

Contractors and subcontractors.

trol, then such principal employer shall be liable to pay all compensation under this act to the same extent as if the work were done without the intervention of such contractor or subcontractor.

SEC. 6 (as amended by chapter 288, Acts of 1915). When any injury for which compensation is payable under the provisions of this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may claim compensation under the provisions of this act, but the payment or award of compensation shall not affect the claim or right of action of such injured employee against such other person, whether injured prior or subsequent to the time this act goes into effect, but such injured employee may proceed at law against such person to recover damages for such injury; and any employer having paid, or by award having become obligated to pay, compensation under the provisions of this act may bring an action against such other person to recover any amount that he has paid or by award has become obligated to pay as compensation to such injured employee: *Provided*, If either such employee or such employer shall bring such action against such third person he shall forthwith notify the other, in writing, by personal presentation or by registered mail, of such fact and of the name of the court to which the writ is returnable, and such other may join as a party plaintiff in such action within thirty days after such notification, and if such other fails to join as a party plaintiff, his right of action against such third person shall abate. In the event that such employer and employee shall join as parties plaintiff in such action and any damages are recovered, such damages shall be so apportioned that the claim of the employer shall take precedence over that of the injured employee, and if the damages shall not be sufficient, or shall be only sufficient to reimburse him for the compensation which he has paid, or by award has become obligated to pay, with a reasonable allowance for an attorney's fee, to be fixed by the court, and his costs, such damages shall be assessed in his favor; but if the damages shall be more than sufficient to reimburse him, damages shall be assessed in his favor sufficient to reimburse him for the money he has paid, with a reasonable allowance for an attorney's fee, to be fixed by the court, and his costs, and the excess shall be assessed in favor of the injured employee. The provisions of this section shall apply to any action brought by such injured employee or employer to recover damages against such third person which may be pending at the time of the passage of this act.

Liability of third persons.

SEC. 7 (as amended by chapter 288, Acts of 1915). Any employee who has sustained an injury in the course of his employment shall forthwith notify his employer, or some person representing him, of such injury; and on his failure to give such notice the commissioner may reduce the award of compensation proportionately to any prejudice which he shall find the employer has sustained by reason of such failure; but the burden of proof with respect to such prejudice shall rest upon the employer. The employer, as soon as he has knowledge of any such injury, shall provide a competent physician or surgeon to attend the injured employee, and in addition shall furnish such medical and surgical aid or hospital service as such physician or surgeon shall deem reasonable or necessary. In the event of the failure of the employer promptly to provide such physician or surgeon or medical, surgical, or hospital service, the injured employee may provide such physician or surgeon or medical, surgical, or hospital service at the expense of the employer; or at his option the injured employee may refuse the medical, surgical, and hospital service provided by his employer and provide the same at his own expense. If it shall appear to the commissioner that an injured employee has refused to accept or failed to provide such reasonable medical, surgical, or hospital service, all rights of compensation under the provisions of this act shall be suspended during such refusal or failure. The pecuniary liability of the employer for the medical,

Notice of injury.

Medical and surgical care.

surgical, or hospital service herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured persons. In the case of a seaman employed upon any enrolled vessel of the United States and entitled by the provisions of any law of the United States to medical or surgical aid or hospital service without charge, such medical or surgical aid or hospital service may be substituted for that provided for in this section so far as it may answer the requirements of the provisions of this section, but nothing herein shall excuse the employer in such cases from giving emergency treatment when required; and any employer desiring to take advantage of this provision shall ascertain that such services as are provided for by the laws of the United States are rendered.

Seamen.

Waiting time.

SEC. 8 (as amended by chapter 288, Acts of 1915). No compensation shall be payable under the provisions of this act on account of any injury which does not incapacitate the injured employee for a period of more than ten days from earning full wages at his regular employment; but if incapacity extends beyond a period of ten days compensation shall begin on the eleventh day of such incapacity.

Compensation for death.

SEC. 9 (as amended by chapter 288, Acts of 1915). Compensation shall be paid on account of death resulting from injuries within two years from date of injury as follows: (a) For burial expenses, one hundred dollars; (b) to those wholly dependent upon the deceased employee at the time of his injury, a weekly compensation equal to half of the average weekly earnings of the deceased at the time of his injury; (c) in case there is no one wholly dependent upon the deceased employee, to those partially dependent upon the deceased employee at the time of his injury a weekly compensation not exceeding that payable to those wholly dependent and in such proportionate sum as may be determined according to the measure of dependence; but the compensation payable on account of death resulting from injuries shall in no case be more than ten dollars or less than five dollars weekly, and such compensation shall not continue longer than three hundred and twelve weeks after death. The compensation on account of death payable under the provisions of this act to a widow or widower of a deceased employee shall not cease with the death of such widow or widower, but upon her or his death within the period during which such compensation is payable it shall continue to be paid for the remainder of such period to her or his dependents as defined in section forty-three.

Dependents.

SEC. 10 (as amended by chapter 288, Acts of 1915). The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee: (a) A wife upon a husband with whom she lives at the time of his injury or from whom she receives support regularly; (b) a husband upon a wife with whom he lives at the time of her injury or from whom he receives support regularly; (c) any child under the age of eighteen years, or over said age but physically or mentally incapacitated from earning, upon the parent with whom he is living or from whom he is receiving support regularly at the time of the injury of such parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them. In all other cases questions of dependency shall be determined in accordance with the fact, as the fact may be at the time of the injury. In such other cases, if there is more than one person wholly dependent, the compensation in case of death shall be divided equally among them, and persons partially dependent, if any, shall receive no part thereof. If there is no person wholly dependent and more than one person partially dependent, the compensation in case of death shall be divided among them according to the relative degree of their dependence. For the purposes of this act the dependence of a widow or widower of a deceased employee shall be construed to terminate with remarriage, but upon remarriage within the period during which

such compensation is payable it shall continue to be paid for the remainder of such period to other dependents of the deceased employee, as defined in section forty-three of part B, provided there are any such dependents. The presumptive dependence of a child as hereinbefore defined, except a child physically or mentally incapacitated from earning, shall be construed to terminate at the age of eighteen years. Compensation under the provisions of this act shall be paid to alien dependents in half the amounts indicated in this act, unless such alien dependents are residents of the United States or its dependencies or Canada, such alienage to be determined as of the date of the injury.

Total disability.

SEC. 11 (as amended by chapter 288, Acts of 1915). In case the injury results in total incapacity to work, there shall be paid to the injured employee a weekly compensation equal to half of his average weekly earnings at the time of the injury, but the compensation shall in no case be more than ten dollars or less than five dollars weekly, and such compensation shall not continue longer than the period of total incapacity, or, in any event, longer than five hundred and twenty weeks. The following injuries of any person shall be considered as causing total incapacity, and compensation shall be paid accordingly: (a) Total and permanent loss of sight in both eyes, or the reduction to one-tenth or less of normal vision with glasses; (b) the loss of both feet at or above the ankle; (c) the loss of both hands at or above the wrist; (d) the loss of one foot at or above the ankle and one hand at or above the wrist; (e) any injury resulting in permanent and complete paralysis of the legs or arms or of one leg and one arm; (f) any injury resulting in incurable imbecility or insanity.

Partial disability.

SEC. 12 (as amended by chapter 288, Acts of 1915). In case the injury results in partial incapacity, there shall be paid to the injured employee a weekly compensation equal to half the difference between his average weekly earnings before the injury and the amount he is able to earn thereafter. Such compensation shall in no case be more than ten dollars weekly and shall continue during the period of partial incapacity, but not longer than three hundred and twelve weeks. If the employer procures for an injured employee employment suitable to his capacity, the wages offered in such employment shall be taken as the earning capacity of the injured employee. In case of the following injuries the compensation, in lieu of all other payments, shall be half of the average weekly earnings of the injured employee prior to such injury for the terms respectively indicated, but in no case more than ten dollars or less than five dollars weekly: (a) For the loss of one arm at or above the elbow, or the complete and permanent loss of the use of one arm, two hundred and eight weeks; (b) for the loss of one hand at or above the wrist, or the complete and permanent loss of the use of one hand, one hundred and fifty-six weeks; (c) for the loss of one leg at or above the knee, or the complete and permanent loss of the use of one leg, one hundred and eighty-two weeks; (d) for the loss of one foot at or above the ankle, or the complete and permanent loss of the use of one foot, one hundred and thirty weeks; (e) for the complete and permanent loss of hearing in both ears, one hundred and fifty-six weeks; (f) for the complete and permanent loss of hearing in one ear, fifty-two weeks; (g) for the complete and permanent loss of sight in one eye, or the reduction in one eye to one-tenth or less of normal vision with glasses, one hundred and four weeks; (h) for the loss of or the complete and permanent loss of the use of a thumb, thirty-eight weeks; (i) for the loss of or the complete and permanent loss of the use of a first finger or a great toe, thirty-eight weeks; (j) for the loss of or the complete and permanent loss of the use of a second finger, thirty weeks; a third finger, twenty-five weeks; a fourth finger, twenty weeks; (k) for the loss of or the loss of the use of any toe except the great toe, thirteen weeks; the loss of or the loss of the use of one phalanx of a thumb shall be construed as half of the loss of the thumb; the loss of or the loss of the use of one phalanx of a finger shall

be construed as one-third of the loss of the finger; for the loss of or the loss of the use of two phalanges of a finger shall be construed as two-thirds of the loss of the finger; and the loss of the greater part of a phalanx shall be construed as the loss of the phalanx, and shall be compensated accordingly.

Computation of earnings.

SEC. 13. For the purposes of this act the average weekly wage shall be ascertained by dividing the total wages received by the injured workman from the employer in whose service he is injured during the twenty-six calendar weeks immediately preceding that during which he was injured by the number of said calendar weeks during which, or any portion of which, said workman was actually employed by said employer: *Provided*, In making such computation absence for seven consecutive calendar days, although not in the same calendar week, shall be considered as absence for a calendar week. Where the employment commenced other than at the beginning of a calendar week, such calendar week and the wages earned during such week shall be excluded in making the above computation. Where the employment previous to injury as provided above is computed to be less than a net period of two calendar weeks, then his weekly wage shall be considered to be equivalent to the average weekly wage prevailing in the same or similar employment in the same locality at the time of injury.

Advance payments.

SEC. 14. In fixing the amount of compensation under this act due allowance shall be made for any sum which the employer may have paid to any injured employee or to his dependents on account of the injury, except such sums as the employer may have expended or directed to be expended for medical, surgical, or hospital service.

Review.

SEC. 15 (as amended by chapter 288, Acts of 1915). Any award of or voluntary agreement concerning compensation made under this act shall be subject to modification, upon the request of either party and in accordance with the procedure for original determinations, whenever it shall appear to the compensation commissioner that the incapacity of an injured employee has increased, decreased, or ceased, or that the measure of dependence, on account of which the compensation is paid, has changed, or that changed conditions of fact have arisen which necessitate a change of such agreement or award in order to properly carry out the spirit of this act. The commissioner shall also have the same power to open and modify an award as any court of the State has to open and modify a judgment of such court.

Compensation commissioners.

SEC. 16. Within ninety days after the passage of this act the governor shall appoint five competent persons, one for each of the five congressional districts as at present constituted, to be known as compensation commissioners, and shall designate one of them as chairman. The term of office of the compensation commissioners shall be five years, except that when first appointed one shall be appointed for one year and three months from October 1, 1913, one for two years and three months from said date, one for three years and three months from said date, one for four years and three months from said date, and one for five years and three months from said date. Thereafter, upon the expiration of the term for which a commissioner is first appointed, his successor shall be appointed by the governor for the full term of five calendar years. After due notice and public hearing the governor may remove any commissioner for cause and the good of the public service. Said commissioners shall be sworn to a faithful performance of their duties. Vacancies occurring during a term shall be filled by the governor.

Powers.

SEC. 17 (as amended by chapter 288, Acts of 1915). Each commissioner shall, for the purposes of this act, have power to summon and examine under oath such witnesses, and may direct the production of, and examine or cause to be produced or examined, such books, records, vouchers, memoranda, documents, letters, contracts, or other papers in relation to any matter at issue as he may find proper, and shall have the same powers in reference thereto as are vested in magistrates taking depositions. He shall

have power to certify to official acts, and all powers necessary to enable him to perform the duties imposed upon him by the provisions of this act. The commissioners shall reside in the districts for which they are severally appointed, and each shall have jurisdiction of all claims and questions arising in such district under part B of this act. The commissioner for the first congressional district shall maintain an office at some convenient location in the city of Hartford; the commissioner for the second district, an office similarly located in the city of Norwich; the commissioner for the third district, in the city of New Haven; the commissioner for the fourth district, in the city of Bridgeport; and the commissioner for the fifth district, in the city of Waterbury. Each commissioner shall keep his office open during reasonable business hours of every day except Sundays and legal holidays, but may hear and decide cases at any other place within his district. In case a commissioner is disqualified or temporarily incapacitated from hearing any matter, he shall designate some other commissioner to hear and decide such matter and such other commissioner shall possess the same jurisdiction and power, for the purpose of such hearing, as such incapacitated or disqualified commissioner. The superior court, on application of a commissioner or the commission, or of the attorney general, may enforce, by appropriate decree or process, any provision of this act or any proper order of a commissioner or the commission rendered in pursuance of any such provision.

Residence.

Enforcement of orders.

SEC. 18. Acting together, the commissioners shall have power to adopt and change such common rules, procedure, and forms as they shall deem expedient for the purposes of this act. Annually the commissioners shall prepare and submit to the governor a report of their doings, including such recommendations as they shall think proper for the improvement of this act or its administration.

Rules, etc.

Reports.

SEC. 19 (as amended by chapter 288, Acts of 1915). Each of the commissioners shall receive a salary of four thousand dollars per annum, payable in equal monthly installments, and, in addition, such allowance, not exceeding three thousand dollars per annum, as may be approved by the comptroller for expenses incurred in the discharge of his duties, and said provision for expenses of commissioners shall also apply to expenses heretofore incurred by said commissioners as to the amount thereof incurred in any year.

Salaries and expenses.

SEC. 20 (as amended by chapter 288, Acts of 1915). Every employer who has accepted part B of this act shall keep a record of such injuries sustained by his employees in the course of their employment as result in incapacity for one day or more; and every such employer shall send each week to the commissioner such report of such injuries, in duplicate, as the commissioner shall require, with such notices of claims for compensation as have been served upon him within one week, in conformity with the provisions of section twenty-one. Within one week after the termination of disability or death of any injured person to whom compensation has been paid under the provisions of this act, the employer shall make a supplementary report, in duplicate, to the commissioner in regard to the length of disability, the amount of compensation paid, and such other facts relative to the same as may be required by the compensation commissioners to make a complete report upon the operations and economic effects of this act. The duplicates of such reports shall be transmitted by the commissioner to the factory inspector. All forms for reports required under the provisions of this section shall be furnished to employers by the commissioner without charge. No other reports of injuries or compensation shall be required by any department or office of the State from such employers as have accepted part B.

Reports of accidents.

SEC. 21 (as amended by chapter 288, Acts of 1915). No proceedings for compensation under the provisions of this act shall be maintained unless a written notice of claim for compensation is made within one year from the date of the injury. Such notice shall state in simple language the date, place, and nature of the

Claims.

injury, the name and address of the injured employee, and the person in whose interest compensation is claimed. Notices may be served in the same manner as notices of withdrawal from the provisions of part B of this act, and, in cases of fatal injuries, notice may be served either by any one of the dependents under the provisions of this act, as provided in section three thereof, or by the legal representative of the deceased employee; but where there has been a hearing or a written request for a hearing or an assignment for hearing within one year from the date of the injury, or where a voluntary agreement has been submitted within said period of one year, no want of such notice of claim shall be a bar to the maintenance of proceedings, and in no case shall any defect or inaccuracy of such notice of claim be a bar to the maintenance of proceedings unless the employer shall show that he was ignorant of the injury and was prejudiced thereby. Upon satisfactory showing of such ignorance and prejudice, the employer shall receive allowance to the extent of such prejudice. Within one week after the receipt by an employer of such notice of claim for compensation he shall report the substantial facts of such notice to the commissioner.

Voluntary agreements. SEC. 22 (as amended by chapter 288, Acts of 1915). If an employer and an injured employee, or in case of fatal injury his legal representative, shall, not earlier than two weeks after the date of the injury, reach an agreement in regard to compensation, such agreement shall, by the employer, be submitted in writing to the commissioner, with a statement of the time, place, and nature of the injury upon which it is based; and if said commissioner shall find such agreement to conform to the provisions of this act in every regard he shall so approve it. Every agreement thus approved shall be filed in the office of the clerk of the superior court for the county in which the injury occurred if such injury occurred within this State; otherwise in the office of the clerk of the superior court for the county in which the office of the commissioner making the award is located. A copy of such agreement shall be retained by the commissioner, and a like copy delivered to each of the parties, and thereafter it shall be as binding upon both parties as an award by the commissioner.

Medical examinations. SEC. 23. At any time while claiming or receiving compensation, upon the reasonable request of the employer or at the direction of the commissioner, an injured employee shall submit himself to examination by a reputable practicing physician or surgeon provided and paid by the employer, with a view to a determination of the nature of the injury and the incapacity resultant therefrom. At any such examination the injured employee shall be allowed to secure the attendance of any reputable practicing physician or surgeon provided and paid by himself. The refusal of an injured employee thus to submit himself to a reasonable examination shall suspend his right to compensation during such refusal.

Hearings. SEC. 24. If an employer and his injured employee, or his legal representative, as the case may be, shall fail to reach an agreement in regard to compensation under this act, either party may notify the commissioner of the failure. Upon such notice, or upon other knowledge that an agreement has not been reached in a case in which compensation is claimed, the commissioner shall appoint an early hearing upon the matter, giving both parties due notice of time and place not less than ten days prior to the date appointed. Hearings shall be held, if practicable, in the town in the State in which the injured employee resides; and, if such place is not practicable, in such other convenient place as the commissioner may prescribe. Sufficient notice of such hearing may be given to the parties in interest by a brief written statement in ordinary terms of the date, place, and nature of the injury upon which the claim for compensation is based.

Conduct of hearings. SEC. 25 (as amended by chapter 288, Acts of 1915). Both parties may appear at any hearing, either in person or by attorney or other accredited representative, and no formal pleadings shall be required beyond such informal notices as the commission shall

approve. In all cases and hearings under the provisions of this act the commissioner shall proceed, so far as possible, in accordance with the rules of equity. He shall not be bound by the ordinary common-law or statutory rules of evidence or procedure, but may make inquiry in such manner, through oral testimony or written and printed records, as is best calculated to ascertain the substantial rights of the parties and carry out justly the spirit of this act. No fees shall be taxed or charged to either party by the commissioner in connection with any hearing or other procedure, but the commissioner shall furnish at cost certified copies of any testimony, award, or other matter which may be of record in his office. Witnesses subpœnaed by the commissioner shall be allowed such fees and traveling expenses as are allowed in civil actions, to be paid by the party in whose interest such witnesses are subpœnaed.

Awards.

SEC. 26 (as amended by chapter 288, Acts of 1915). As soon as may be after the conclusion of any hearing the commissioner shall send to each party a written copy of his finding and award, and shall file a third copy in his office. The original award shall be filed in the office of the clerk of the superior court for the county in which the injury occurred, if such injury occurred within this State. If such injury occurred outside of the State and under such circumstances as to authorize an award under the provisions hereof, the original award may be filed in the office of the clerk of the superior court in the county in which the office of the commissioner making the award is located. If no appeal from his decision is taken by either party within ten days thereafter, such finding and award shall be final and may be enforced in the same manner as a judgment of the superior court. The superior court is hereby authorized to issue execution upon any uncontested or final award of a commissioner in the same manner as in cases of judgments rendered in the superior court.

Appeals.

SEC. 27 (as amended by chapter 288, Acts of 1915). At any time within ten days after entry of such finding and award by the commissioner either party may appeal therefrom to the superior court for the county in which the award was filed. The clerk of said court shall notify the adverse party of such appeal. No bond for prosecution shall be required on any such appeal unless property of the defendant is attached therein. Actions brought into the superior court under the provisions of this section shall be privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by or on behalf of the State, including information on the relation of private individuals. No costs shall be taxed in favor of either party on any such appeal, either in the superior court or in the supreme court of errors, nor shall either party be liable to pay any fees or costs of any kind whatsoever except the record fee on appeal to the supreme court of errors.

Lump sums.

SEC. 28 (as amended by chapter 288, Acts of 1915). When he finds it just or necessary, the commissioner may approve or direct the commutation, in whole or in part, of weekly compensations under the provisions of this act into monthly or quarterly payments or into a single lump sum, which may be paid to the one then entitled to the compensation, and such commutation shall be binding upon all persons who may be entitled to compensation for the injury in question. In any such case of commutation a true equivalence of value shall be maintained, with due discount of sums payable in the future, and when commutation is made into a single lump sum the commissioner may direct that it be paid into any savings bank, trust company, or life insurance company which is authorized to do business within this State, to be held in trust for the beneficiary or beneficiaries under the provisions of this act, and paid in conformity with the provisions of this act.

Substitute schemes.

SEC. 29. With the approval of the State insurance commissioner, any employer subject to the provisions of part B may enter into an agreement with his employees to provide a system of com-

pensation, benefit, and insurance in lieu of the compensation and insurance provided by this act. No such substitute system shall be approved unless it confers benefits upon injured employees at least equivalent to the benefits provided by this act, nor shall any such substitute system be approved which contains an obligation of employees to join in it as a condition of employment, or which, in that case, does not contain equitable provision for the withdrawal of employees from it and the distribution of its assets. If any such system requires contributions from employees, it shall not be approved unless it confers benefits in addition to those provided under this act at least commensurate with such contributions. The insurance commissioner, having given his approval of such substitute system, shall have over it all the jurisdiction given him by chapter 186 of the Public Acts of 1909 over insurance companies. He may withdraw his approval upon reasonable notice to the employer and order a distribution of the assets, subject to the right of any party in interest to take an appeal to the superior court for Hartford County.

Guaranty of payments.

SEC. 30. Every employer subject to part B who shall not furnish to the commissioner satisfactory proof of his solvency and financial ability to pay directly to injured employees or other beneficiaries the compensation provided by this act shall insure his full liability under part B in one or both the following ways: (1) By filing with the insurance commissioner, in form acceptable to him, security guaranteeing the performance of the obligations of this act by said employer, or (2) by insuring his full liability under part B of this act in such stock or mutual companies or associations as are or may be authorized to take such risks in this State, or by such combination of the above-mentioned two methods as he may choose, subject to the approval of the insurance commissioner.

Provisions of policies.

SEC. 31. Every policy insuring the payment of compensations under this act shall contain a clause to the effect that as between the employee and the insurer notice and knowledge of the occurrence of injury by the insured shall be deemed notice and knowledge by the insurer; that jurisdiction of the insured for the purposes of this act shall be jurisdiction of the insurer, and that the insurer shall in all things be bound by and subject to the findings, judgments, and awards rendered against such insured.

Full liability.

SEC. 32 (as amended by chapter 288, Acts of 1915). No policy of insurance against liability under part B of this act, except as provided in section thirty, shall be made unless the same shall cover the entire liability of the employer thereunder, and shall contain an agreement by the insurer that, in case the insured shall become insolvent or be discharged in bankruptcy during the period that the policy is in operation, or the compensation, or any part of it, is due and unpaid, or in case an execution upon a judgment for compensation is returned unsatisfied, an injured employee or other person entitled to compensation under the provisions of this act may enforce his claim to compensation against the insurer to the same extent that the insured could have enforced his claim against such insurer had he paid compensation. Nothing herein contained shall prevent the issuance of an insurance policy insuring any employer having ordinarily and regularly less than five employees against such liability under part B of this act as he may incur by reason of employing five or more employees at irregular intervals or from time to time.

Direct payments.

Small employers.

Waivers forbidden.

SEC. 33. No contract, expressed or implied, no rule, regulation, or other device shall in any manner relieve any employer, in whole or in part, of any obligation created by this act, except as herein set forth.

Incompetents.

SEC. 34 (as amended by chapter 288, Acts of 1915). When any employee affected by the provisions of this act, or any person entitled to compensation hereunder, shall be a minor or mentally incompetent, his parent or guardian, duly appointed, may on his behalf perform any act or duty required or exercise any right conferred by the provisions of this act with the same effect as if

such person were legally capable to act in his own behalf and had so acted. The commissioner may, for just cause shown, authorize or direct the payment of compensation directly to a minor or to some person nominated by the minor and approved by the commissioner, which person shall act in behalf of such minor.

Fees.

SEC. 35. All fees of attorneys, physicians, or other persons for service under this act shall be subject to the approval of the commissioner.

Status of payments.

SEC. 36. All sums due for compensation under this act shall be exempt from levy, attachment, and execution, and shall be non-assignable before or after award. The rights of compensation granted by this act shall have the same preference against the assets of an employer as may be allowed by law to a claim for unpaid wages.

Mode of payment.

SEC. 37. Compensations payable under this act shall be paid at such particular times in the week and in such manner as the commissioner may order, and shall be paid directly to the persons entitled to receive them unless the commissioner, for good reasons, shall order payment to those entitled to act for such persons.

Service of notice.

SEC. 38. Any notice under this act required to be served upon employer, employee, or commissioner may be served in the manner prescribed in section three of part B of this act, unless the circumstances of the case or the rules of the commission shall direct otherwise.

Duty of town clerks.

SEC. 39. The town clerks of the several towns are hereby authorized and directed to receive from the commission such blank forms as may be prepared for use under this act and to distribute the same to persons making proper application for them.

Interstate commerce.

SEC. 40. This act shall not affect the liability of employers to employees engaged in interstate or foreign commerce, for death or injury in case the laws of the United States provide for compensation or for liability for such death or injury.

Prior injuries.

SEC. 41. The provisions of this act shall not apply to injuries or actions brought on account of injuries sustained before January 1, 1914.

Failure to observe act.

SEC. 42 (as amended by chapter 288, Acts of 1915). If an employer has accepted part B of this act and thereafter fails to conform to any provision of section thirty of part B, an employee shall have the option to elect, either to claim his right to compensation under the terms of this act, or to bring an action to recover damages under the terms of part A. If the injury sustained results in death, the option to elect shall be exercised by those persons entitled to compensation under the terms of section nine of part B. In the event of a failure by such persons to agree upon the election, the commissioner shall decide and his decision shall be final. The option to elect to bring an action to recover damages under the terms of part A shall be exercised by notifying the employer within thirty days after receiving the injury upon which such claim is based, and such action shall be brought within one year from the date of such injury. If the employer is not so notified, there shall remain only the right to compensation under the terms of this act. If an employer has accepted part B of this act and thereafter fails to conform to any provision of part B, he shall be fined not more than one hundred dollars for each such failure.

Definitions.

SEC. 43 (as amended by chapter 288, Acts of 1915). "Commissioner" shall mean that compensation commissioner, as constituted in this act, who has jurisdiction in the matter referred to in the context. "Commission" shall mean the five commissioners, or a majority of them, acting as a board. "Dependents" shall mean members of the injured employee's family or next of kin who were wholly or partly dependent upon the earnings of the employee at the time of the injury. "Employee" shall mean any person who has entered into or works under any contract of service or apprenticeship with an employer, whether such contract contemplated the performance of duties within or without the State. It shall not be construed to include either (a) an out-

worker, or (b) one whose employment is of a casual nature, and who is employed otherwise than for the purposes of the employer's trade or business, or (c) a member of the employer's family dwelling in his house. "Employer" shall mean any person, corporation, firm, partnership, or joint-stock association, the State, and any public corporation within the State using the services of another for pay; it shall include also the legal representative of any such employer. Masculine terms include males, females, and legal persons. "Outworker" shall mean a person to whom articles or materials are given to be treated in any way on premises not under the control or management of the person who gave them out. As the natural interpretation of the context may require, singular terms may be taken to include the plural, and plural to include the singular.

Provisions severable.

SEC. 44. In case any provision of this act shall be held by the courts to be unconstitutional and invalid, the invalidity of such provision shall not affect any other provision which can be given effect without the provision held invalid.

PART C—EMPLOYERS' MUTUAL INSURANCE.

Mutual associations authorized.

SECTION 1. With the approval of the insurance commissioner, employers who have accepted the provisions of Part B of this act and are bound to pay compensations to their employees thereunder, may associate themselves, in accordance with the law for the formation of corporations without capital stock, for the purpose of establishing and maintaining mutual associations to insure their liabilities under this act, but no such association shall be formed to include employers not in the same or similar trade or business, or in trades or businesses with substantially similar degrees of hazard of injury to employees.

To be approved.

SEC. 2. With a view to his approval, the insurance commissioner may require the incorporators of any such association to include in their proposed certificate of incorporation such lawful provisions for the regulation of the affairs of the association and the definition of its powers and the powers of its officers, directors, and incorporators as shall satisfy him that it is well designed and wisely adapted to its proposed purposes. When such a certificate, in form and substance acceptable to the insurance commissioner, has been approved by and filed with the secretary of the State, the incorporators shall forthwith cause copies thereof to be filed in the offices of the insurance commissioner and each of the compensation commissioners.

Membership.

SEC. 3. Membership in such associations shall be limited to such employers as are subject to Part B of this act, and each association shall have power, by appropriate by-laws, to provide for the admission, suspension, withdrawal, or expulsion of members.

Control.

SEC. 4. Except as herein otherwise provided, such associations shall be subject to the same regulation and control as is or may be imposed by law upon other corporations or associations taking similar risks in this State, and over them the insurance commissioner shall have all the jurisdiction given him by chapter 186 of the Public Acts of 1909 over insurance companies.

Policies to issue, when.

SEC. 5. No policies shall be issued by any such association until members in such numbers and with such numbers of employees as the insurance commissioner may decide will give a fair diffusion of risks shall have obligated themselves to take policies immediately upon their authorization, nor shall any policies be issued except such as the insurance commissioner shall have approved as conforming in all respects to the requirements of this act. Conformably to the provisions of section thirty of Part B of this act, policies may be issued covering claims only in excess of a certain amount. If at any time by the retirement of members, reduction of numbers of employees, or other causes, the membership of any

association shall appear to the insurance commissioner no longer to afford a fair diffusion of risks, he may suspend or forbid the further issue of policies until the former conditions of the association have been restored.

Officers.

SEC. 6. The affairs of all associations incorporated under this act shall be managed by such officers and directors as may be chosen in manner prescribed by the by-laws of the association: *Provided*, Every member shall be entitled to cast at least one ballot in all elections and votes, that any member having had for six months an average of more than one hundred and not more than five hundred employees to whom he is bound to pay compensation under this act shall be entitled to cast two ballots, that each additional five hundred employees shall entitle such member to an additional ballot, and that no member shall be entitled to cast more than eight ballots.

Votes.

Rules for safety.

SEC. 7. Each association shall have power to prescribe and enforce reasonable rules for safety regulations on the premises of its members, and for that purpose its inspectors shall have free access to all such premises during regular working hours.

Premiums.

SEC. 8. Each association shall have power to determine the comparative premium rates for each occupation or risk insured by it and to prescribe rates of cash premiums sufficient to cover the current cost. Said premium rates shall prevail for the fiscal year of the association, but annually they may be changed at any time by the directors. The current cost herein specified shall be such an amount as is estimated to cover the expenses and the claims or portions of claims payable within the same fiscal year within which they originated. Members of each association shall be required to pay yearly in advance cash premiums for current costs, and in addition thereto an amount in negotiable notes sufficient to maintain a reserve equal to that required of stock or commercial casualty companies by the general statutes for similar classes of risks. These notes shall be payable on the call of the treasurer of the association as they may be required to meet estimated losses or expenses in excess of the current cost or to meet claims covering losses not payable within the same fiscal year within which the claim originated. The directors may, in their discretion, fix rates of interest on either notes or balances.

Assessments.

SEC. 9. If an association is not possessed of funds sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the members liable to assessment therefor in proportion to their several liabilities.

Funds.

SEC. 10. The funds of each association shall be invested by the directors in the same classes of securities and in the same manner in which the funds of domestic life insurance companies are by law required or permitted to be invested.

By-laws and regulations.

SEC. 11. Each association shall have power to determine the premiums, contingent liabilities, assessments, penalties, and dividends of its members, and to enforce or administer the same without the limitations imposed upon corporations without capital stock by section ninety of chapter 194 of the Public Acts of 1903. It shall also have power to make and amend by-laws or regulations not inconsistent with its certificate of incorporation for the prompt, economical, and safe conduct of its affairs. All by-laws and regulations of each association shall be filed with the insurance commissioner, and shall be subject to his approval. If not disapproved by him, they shall go into effect thirty days after filing, or at such later date as may be indicated in the by-laws or regulations.

Appeals.

SEC. 12. From any decision or order of the insurance commissioner affecting any association, such association shall have the right of appeal to the superior court of Hartford County.

GENERAL PROVISIONS.

Repealer.

SECTION 13. All acts and parts of acts inconsistent with any provision of this act are hereby repealed to the extent of such inconsistency.

Act in effect, when.

SEC. 14. So much of this act as directs the appointment of compensation commissioners and authorizes the formation of employers' mutual insurance associations shall take effect upon its passage; so much as empowers the commission to adopt and publish rules, procedure, and forms shall take effect October 1, 1913; all other provisions of this act shall take effect January 1, 1914.

Volume of decisions.

SEC. 15 (added by chapter 288, Acts of 1915). The comptroller is authorized and directed to cause a digest of the decisions of the compensation commissioners to be compiled, and to have published twenty-five hundred copies thereof for distribution by him as follows: To the commissioners, seven hundred copies; to the State librarian, three hundred copies; and to the secretary of the State for sale by him at cost, fifteen hundred copies.

Appropriation.

SEC. 16 (added by chapter 288, Acts of 1915). The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expenses incurred in carrying out the provisions of [the preceding section].

ACTS OF 1915.

CHAPTER 287.—*Workmen's compensation insurance.*

Effect of insurance contract.

SECTION 1. Whenever any employer of labor, as defined in chapter 138 of the Public Acts of 1913 and amendments thereto, shall insure his liability under said act as amended, with any company authorized to transact a compensation insurance business in this State, the contract of insurance between such employer of labor and such insurer shall be a contract for the benefit of any employee who shall sustain an injury arising out of and in the course of his employment by such insured by reason of the business operations described in the policy while conducted at any working place therein described or elsewhere in connection therewith, or, in the event of such injury resulting in death, for the benefit of the dependents of such employee. Every such policy shall contain an agreement by the insurer to the effect that the insurer shall be directly and primarily liable to the employee and, in the event of his death, to his dependents, to pay to him or to them the compensation, if any, for which the employer is liable: *Provided*, Payment, in whole or in part, of such compensation, by either the employer or the insurer, shall to the extent thereof be a bar to the recovery against the other of the amount so paid.

Contents of policy.

Notice of hearings.

SEC. 2. When a claim for compensation by any such injured employee or the dependent of an injured employee of an employer who has insured his liability as aforesaid shall not result in a voluntary agreement, and a hearing before a compensation commissioner shall be necessary to determine such claim, the insurer shall receive the same notice of such hearing as is by law required to be given to the employer, and shall thereupon be a party to the proceeding.

Awards.

SEC. 3. In any such hearing the commissioner having jurisdiction may make his award directly against such employer, insurer, or both, and such award shall be enforceable in all respects as provided by law for enforcing awards against an employer, and the proceedings on hearing, finding, award, appeal, and execution, shall be in all respects similar to that provided by law as between employer and employee.

Scope and validity of contract.

SEC. 4. As between any such injured employee or his dependent and the insurer, every such contract of insurance shall be conclusively presumed to cover the entire liability of the insured, and no question as to breach of warranty, coverage, or misrepresentation by the insured shall be raised by the insurer in any

proceeding before the compensation commissioner or on appeal therefrom.

False statements.

SEC. 5. No statement in an application for a policy of compensation insurance shall vitiate such policy as between the insurer and the insured, unless such statement shall be false and shall materially affect either the acceptance of the risk or the hazard assumed by the insurer.

Forms to be approved.

SEC. 6. No insurer shall issue any policy of insurance purporting to cover the liability of an employer under the provisions of chapter 138 of the Public Acts of 1913 and amendments thereto, until a copy of the form of such policy shall have been filed with and approved by the insurance commissioner.

Damages for misstatements.

SEC. 7. When any insured shall knowingly make a material misstatement to any insurer to the damage of such insurer, such insurer may recover just damages resulting from such misstatement.

Definitions.

SEC. 8. The terms "employer," "employee," "dependent," and "commissioner" as used herein shall be construed as defined in chapter 138 of the Public Acts of 1913 as amended.

Approved May 20, 1915.

HAWAII.

ACTS OF 1915.

ACT No. 221.—*Compensation of workmen for injuries.*

SECTION 1. This act shall apply to all public and all industrial employment as hereinafter defined. If a workman receives personal injury by accident arising out of and in the course of such employment, his employer or the insurance carrier shall pay compensation in the amounts and to the person or persons hereinafter specified. Scope of law.

SEC. 2. This act shall apply to employees (other than officials as hereinafter defined) of the Territory and all counties and all other political subdivisions within the Territory now existing or which may hereafter be created. Public employments.

SEC. 3. No compensation shall be allowed for an injury caused (1) by the employee's willful intention to injure himself or to injure another, or (2) by his intoxication. If the employer claims an exemption or forfeiture under this section the burden of proof shall be upon him. Injuries not covered.

SEC. 4. The rights and remedies herein granted to an employee on account of a personal injury for which he is entitled to compensation under this act shall exclude all other rights and remedies of such employee, his personal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury. Remedy exclusive.

Employers who hire workmen within this Territory to work outside of the Territory may agree with such workmen that the remedies under this act shall be exclusive as regards injuries received outside this Territory by accident arising out of and in the course of such employment, and all contracts of hiring in this Territory shall be presumed to include such an agreement.

SEC. 5. When any injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim compensation under this act or obtain damages from or proceed at law against such other person to recover damages; and if compensation is claimed and awarded under this act, any employer having paid the compensation or having become liable therefor shall be subrogated to the rights of the injured employee to recover against that person: *Provided*, If the employer shall recover from such other person damages in excess of the compensation already paid or awarded to be paid under this act, then any such excess shall be paid to the injured employee, less the employer's expenses and costs of action. Liability of third persons.

SEC. 6. No contract, rule, regulation, or device whatsoever shall operate to relieve the employer in whole or in part from any liability created by this act. Contracting out.

SEC. 7. If death results from the injury within six months, the employer or the insurance carrier shall pay to the persons entitled to compensation, or if there be none, then to the personal representative of the deceased employee, burial expenses not to exceed one hundred dollars ($100), and shall also pay to or for the following persons for the following periods a weekly compensation equal to the following percentages of the deceased employee's average weekly wages, as defined in section 15: Compensation for injuries causing death.

(a) To the dependent widow or widower, if there be no dependent children, 40 per cent.

(b) To the dependent widow or widower, if there be one or two dependent children, 50 per cent, or if there be three or more dependent children, 60 per cent. Such compensation to the widow

or widower shall be for the use and benefit of such widow or widower and of the dependent children, and the industrial accident board may from time to time apportion such compensation between them in such way as it deems best.

(c) If there be no dependent widow or widower, but a dependent child or children, then to such child or children 30 per cent, with 10 per cent additional for each child in excess of two, with a maximum of 50 per cent, to be divided equally among such children, if more than one.

(d) If there be neither dependent widow, widower, nor child, but there be a dependent father or mother, then to such parent, if wholly dependent, 40 per cent, or if partially dependent, 25 per cent; or if both parents be dependent, then one-half of the foregoing compensation to each of them; or if there be no such parents, but a dependent grandparent, then to every such grandparent the same compensation as to a parent.

(e) If there be neither dependent widow, widower, child, parent, or grandparent, but there be a dependent grandchild, brother, or sister, or two or more of them, then to such dependents 25 per cent for one such dependent and 5 per cent additional for each additional such dependent, with a maximum of 40 per cent, to be divided equally among such dependents, if more than one.

Dependents.

SEC. 8. The following persons, and they only, shall be deemed dependents and entitled to compensation under the provisions of this act:

A child if under 16 years of age or incapable of self-support and unmarried, whether ever actually dependent upon the deceased or not;

The widow only if living with the deceased or actually dependent, wholly or partially, upon him;

The widower only if incapable of self-support and actually dependent, wholly or partially, upon the deceased at the time of her injury;

A parent or grandparent only if actually dependent, wholly or partially, upon the deceased;

A grandchild, brother, or sister only if under 16 years of age or incapable of self-support and wholly dependent upon the deceased. The relation of dependency must exist at the time of the injury.

An alien shall not be considered a dependent within the meaning of this act unless actually residing within the United States, and any alien dependent leaving the United States shall thereupon lose all right to any benefit under this act.

Periods of compensation.

SEC. 9. The compensation herein provided for shall be payable during the following periods:

To a widow, until death or remarriage, but in no case to exceed three hundred and twelve weeks;

To a widower, during disability or until remarriage, but in no case to exceed three hundred and twelve weeks;

To or for a child, until 16 years of age, but in the case of a child incapable of self-support and unmarried as long as so incapable, but in no case to exceed one hundred and four weeks beyond said age of 16 years;

To a parent or grandparent, during the continuation of a condition of actual dependency, but in no case to exceed three hundred and twelve weeks;

To or for a grandchild, brother, or sister, during dependency as hereinbefore defined, but in no case to exceed three hundred and twelve weeks.

Definitions.

Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

SEC. 10. As used in this section the term "child" includes stepchildren, adopted children, posthumous children, and illegitimate

children, acknowledged previous to the injury, but does not include married children unless dependent. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers nor married sisters unless dependent. The term "grandchild" includes children of adopted children and children of stepchildren, but does not include stepchildren of children, stepchildren of stepchildren, stepchildren of adopted children, nor married grandchildren unless dependent. The term "parent" includes step-parents and parents by adoption. The term "grandparent" includes parents of parents by adoption, but does not include parents of step-parents, step-parents of parents, nor step-parents of step-parents.

Basic wages.

SEC. 11. In computing death benefits the average weekly wages of the deceased employee shall be considered not to be more than thirty-six dollars ($36) nor less than five dollars ($5); but the total weekly compensation shall not exceed in any case the average weekly wages computed as provided in section 15, nor shall the amount of compensation paid in any case exceed in the aggregate the sum of five thousand dollars ($5,000).

What payments a defense.

Payment of death benefits by an employer in good faith to a dependent subsequent in right to another or other dependents shall protect and discharge the employer unless and until such dependent or dependents prior in right shall have given him notice of his or their claim. In case the employer is in doubt as to the respective rights of rival claimants he may apply to the industrial accident board to decide between them.

Subsequent death.

In case death occurs after a period of disability, either total or partial, the period of disability shall be deducted from the total periods of compensation respectively stated in section 9.

The compensation of a person who is insane shall be paid to his or her guardian.

Medical, etc., attendance.

SEC. 12. During the first fourteen days of disability the employer shall furnish reasonable surgical, medical, and hospital services and supplies not exceeding the amount of fifty dollars ($50). The pecuniary liability of the employer for the medical, surgical, and hospital service herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured person.

Compensation for—Total disability;

SEC. 13. Where the injury causes total disability for work, the employer during such disability, but not including the first fourteen days thereof, shall pay the injured employee a weekly compensation equal to sixty per cent of his average weekly wages, but not more than eighteen dollars ($18) nor less than three ($3) dollars a week. In no case shall the weekly payments continue after the disability ends, nor longer than three hundred and twelve weeks, nor shall the amount of compensation paid in any case exceed in the aggregate the sum of five thousand dollars ($5,000).

In case of an employee whose average weekly wages are less than three dollars ($3) a week, the weekly compensation shall be the full amount of such average weekly wages, but where the disability is permanent the weekly compensation in such case shall be three dollars ($3). In case the total disability begins after a period of partial disability, the period of partial disability shall be deducted from such total period of three hundred and twelve weeks.

In the case of the following injuries the disability caused thereby shall be deemed total and permanent, to wit:

(1) The total and permanent loss of sight in both eyes;

(2) The loss of both feet at or above the ankle;

(3) The loss of both hands at or above the wrist;

(4) The loss of one hand and one foot;

(5) An injury to the spine resulting in permanent and complete paralysis of both legs or both arms or of one leg or of one arm;

(6) An injury to the skull resulting in incurable imbecility or insanity.

The above enumeration is not to be taken as exclusive.

Partial disability.

SEC. 14. Where the injury causes partial disability for work, the employer, during such disability and for a period of three hundred and twelve weeks beginning on the fifteenth day of disability, shall pay the injured workman a weekly compensation equal to fifty per cent of the difference between his average weekly wages before the accident and the weekly wages he is most probably able to earn thereafter, but not more than twelve dollars ($12) a week. In no case shall the weekly payments continue after the disability ends, and in case the partial disability begins after a period of total disability, the period of total disability shall be deducted from such total period of three hundred and twelve weeks, nor shall the amount of compensation paid in any case exceed in the aggregate, the sum of five thousand dollars ($5,000).

In case of the following injuries the compensation shall be fifty per cent of the average weekly wages, but not more than twelve dollars ($12) to be paid weekly for the periods stated against such injuries, respectively, to wit:

(1) The loss by separation of one arm at or above the elbow joint, or the permanent and complete loss of the use of one arm, three hundred and twelve weeks;

(2) The permanent and complete loss of hearing in both ears, three hundred and twelve weeks;

(3) The loss by separation of one leg at or above the knee joint, or the permanent and complete loss of the use of one leg, two hundred and eighty-six weeks;

(4) The loss by separation of one hand at or above the wrist joint, or the permanent and complete loss of the use of one hand, two hundred and forty-eight weeks;

(5) The loss by separation of one foot at or above the ankle joint, or the permanent and complete loss of the use of one foot, two hundred and eight weeks.

Computation of wages.

SEC. 15. Average weekly wages shall be computed in such a manner as is best calculated to give the average weekly earnings of the workman during the twelve months preceding his injury: *Provided*, That where, by reason of the shortness of the time during which the workman has been in the employment, or the casual nature of the employment, or the terms of the employment, it is impracticable to compute the rate of remuneration, regard may be had to the average weekly earnings which, during the twelve months previous to the injury, were being earned by a person in the same grade employed at the same work by the employer of the injured workman, or if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district.

If a workman at the time of the injury is regularly employed in a higher grade of work than formerly during the year and with larger regular wages, only such larger wages shall be taken into consideration in computing his average weekly wages.

Advances.

SEC. 16. Any payments made by the employer or his insurer to the injured workman during the period of his disability, or to his dependents, which by the terms of this act were not due and payable when made, may, subject to the approval of the board, be deducted from the amount to be paid as compensation: *Provided*, That in case of disability such deduction shall be made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly payments under sections 13 and 14.

Time of payments.

SEC. 17. The board, upon the application of either party, may, in its discretion, having regard to the welfare of the employee and the convenience of the employer, authorize compensation to be paid monthly or quarterly instead of weekly.

Commutation of payments.

SEC. 18. Whenever the board determines that it is for the best interest of all parties, the liability of the employer for compensation may, on application to the board by any party interested, be discharged in whole or in part by the payment of one or more lump sums to be fixed by the board.

Trustee for lump-sum payments.

SEC. 19. Whenever for any reason the board deems it expedient, any lump sum which is to be paid as provided in section 18 shall be paid by the employer to some suitable person or corporation appointed by the circuit court in the jurisdiction of which the injury occurred as trustee to administer or apply the same for the benefit of the person or persons entitled thereto in the manner provided by the board. The receipt of such trustee for the amount so paid shall discharge the employer or any one else who is liable therefor.

Medical examinations.

SEC. 20. After an injury and during the period of disability, the workman, whenever ordered by the board, shall submit himself to examination, at reasonable times and places, to a duly qualified physician or surgeon designated and paid by the employer. The workman shall have the right to have a physician or surgeon designated and paid by himself present at such examination, which right, however, shall not be construed to deny to the employer's physician the right to visit the injured workman at all reasonable times and under all reasonable conditions during total disability. If a workman refuses to submit himself to or in any way obstructs such examination, his right to take or prosecute any proceeding under this act shall be suspended until such refusal or obstruction ceases, and no compensation shall be payable for the period during which such refusal or obstruction continues.

Notice and claim.

SEC. 21. No proceedings under this act for compensation for an injury shall be maintained unless a notice of the injury shall have been given to the employer as soon as practicable after the happening thereof, and unless a claim for compensation with respect to such injury shall have been made within three months after the date of the injury; or in case of death then within three months after such death whether or not a claim had been made by the employee himself for compensation. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by some one on his behalf. If payments of compensation have been made voluntarily, the making of a claim within said period shall not be required.

Form.

SEC. 22. Such notice and such claim shall be in writing, and such notice shall contain the name and address of the employee and shall state in ordinary language the time, place, nature, and cause of the injury, and shall be signed by him or by a person on his behalf, or, in the event of his death, by any one or more of his dependents or by a person on their behalf. The notice may include the claim.

How given.

SEC. 23. Any notice under this act shall be given to the employer, or if the employer be a partnership, then to any one of the partners. If the employer be a corporation, then the notice may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation, or any agent in charge of the business at the place where the injury occurred. Such notice shall be given by delivering it or by sending it by mail by registered letter addressed to the employer at his or its last known residence or place of business. The foregoing provisions shall apply to the making of a claim.

Sufficiency of notice.

SEC. 24. A notice given under the provisions of section 21 of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, nature, or cause of the injury, or otherwise, unless it is shown that the employer was in fact misled to his injury thereby. Want of notice or delay in giving notice shall not be a bar to proceedings under this act if it be shown that the employer, his agent or representative, had knowledge of the accident, or that the employer has not been prejudiced by such delay or want of notice.

Limitation as to incompetents.

SEC. 25. No limitation of time provided in this act shall run as against any person who is mentally incompetent or a minor dependent, so long as he has no guardian or next friend.

Industrial accident board.

SEC. 26. There shall be a board created, to be known as the industrial accident board, in each county, consisting of five members to be appointed by the governor, as provided by section 80 of

the organic act. Each board shall elect its own chairman. Members of the boards shall hold office for five years, except that when the boards are first constituted one member for each board shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter one member shall be appointed to each board every year for the full term of five years. Outgoing members shall be eligible for reappointment. It shall be the duty of the county or city and county attorney, as the case may be, to act as attorney for the board in all matters coming before the board whenever requested to so act.

Jurisdiction.

SEC. 27. Each board shall have jurisdiction over the injuries occurring within the county for which it is appointed, or occurring to employees of residents of the county while such employees are without the Territory, or on vessels operated by residents of such county: *Provided*, That if the principal business or occupation of the employer concerned or of the owner of the vessel is carried on in another county, the board of such other county shall have such jurisdiction.

Salaries and expenses.

SEC. 28. The members of such boards shall serve without remuneration, except that they may be allowed their reasonable traveling and other expenses while proceeding to, attending, and returning from attendance of meetings of the board, or reasonably incurred in the discharge of their duties, which board may employ such assistance and clerical help as it may deem necessary, and fix the compensation of all persons so employed. All such salaries and expenses shall be paid out of such funds as shall be appropriated by the legislature for the use of such boards.

Rules, etc.

SEC. 29. Each board may make rules not inconsistent with this act for carrying out the provisions of this act. Process and procedure under this act shall be as summary and simple as reasonably may be. The board, or any member thereof, shall have the power to subpœna witnesses, administer oaths, and to examine such of the books and records of the parties to a proceeding as relate to the questions in dispute. The circuit court shall have power to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records. The board shall cause to be printed and furnished free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act. Such blanks shall also be furnished by the board to the clerk of the circuit court, who shall furnish the same to any employer or employee free of charge, but subject, however, to any rules and regulations the board shall make relating thereto.

Agreements.

SEC. 30. If the employer and the injured employee reach an agreement in regard to compensation under this act, a memorandum of the agreement shall be filed with the board, and, if approved by it, thereupon the memorandum shall for all purposes be enforceable under the provisions of section 39, unless modified as provided in section 37.

Such agreements shall be approved by the board only when the terms conform to the provisions of this act.

Committee of arbitration.

SEC. 31. If the compensation is not settled by agreement, either party may make an application to the board for the formation of a committee of arbitration. Such committee shall consist of three members, one of whom shall be a member of the industrial accident board, or appointed by it, who shall act as chairman. The other two members shall be named, respectively, by the parties. If a vacancy occurs, it shall be filled in the same way as the original appointment.

How committee formed.

SEC. 32. Immediately after such application the board shall designate one of its members, or a substitute, to act as chairman of the committee of arbitration, and shall request the parties to appoint their respective representatives. If within seven days after such request, or after a vacancy has occurred, either party does not appoint his representative, the board shall fill the vacancy and notify the parties to that effect.

SEC. 33. The committee on arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee, unless otherwise agreed, shall be held in the city or town where the injury occurred if within this Territory, and the award of the committee, together with a statement of its findings of fact, rulings of law, and any other matters pertinent to the questions arising before it, shall be filed with the industrial accident board of the respective county. A copy of the award shall be immediately sent to the parties. Unless a claim for a review is filed by either party within ten days after the sending of the award, it shall be enforceable under the provisions of section 39.

Hearings and awards.

SEC. 34. Each industrial accident board, or any member thereof, may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be three dollars ($3) and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases.

Medical examination.

SEC. 35. The fees and expenses of arbitrators under section 33 and of physicians under section 34 shall be paid from the funds appropriated by the legislature for the use of the respective boards.

Fees and expenses.

SEC. 36. If an application for review is made to any board, or if the committee fails to make an award within thirty days after its formation, the board shall allow a full trial and shall make an award, which shall be filed with the record of proceedings, and shall state its conclusions of fact and rulings of law, and shall immediately send to the parties a copy of the award.

Review of award.

SEC. 37. On the application of any party on the ground of a change in conditions, the board may at any time, but not oftener than once in six months, review any agreement or award, and on such review may make an award ending, diminishing, or increasing the compensation previously agreed upon or awarded, subject to the maximum and minimum provided in this act, and shall state its conclusions of fact and rulings of law, and immediately send to the parties a copy of the award, but this section shall not apply to a commutation of payments under section 18.

Modification of awards and agreements.

SEC. 38. An award of the board, in the absence of fraud, shall be final and conclusive between the parties, except as provided in section 37, unless within ten days after a copy has been sent to the parties either party appeals to the circuit court of the circuit in which said board is located. In the county of Hawaii the circuit court shall be that of the fourth circuit. In case of every such appeal the right of a trial by jury shall be deemed to be waived unless claimed within ten days from the date such appeal is entered. Said court may by proper rules prescribe the procedure to be followed in the case of such appeals.

Appeals.

The board may certify questions of law to the supreme court of the Territory for its determination.

SEC. 39. Any party in interest may file in the circuit court in the jurisdiction of which the injury occurred a certified copy of a decision of the board awarding compensation, from which no appeal has been taken within the time allowed therefor, or a certified copy of a decision of an arbitration committee awarding compensation from which no claim for review has been filed within the time allowed therefor, or a certified copy of a memorandum of agreement approved by the board, whereupon said court shall render a decree or judgment in accordance therewith and notify the parties thereof. Such decree or judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said decree or judgment had been rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom.

Enforcement of award.

SEC. 40. If the committee of arbitration, industrial accident board, or any court before whom any proceedings are brought under this act determines that such proceedings have been brought, prosecuted, or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who has so brought, prosecuted, or defended them.

Costs.

Powers of board.

SEC. 41. All questions arising under this act, if not settled by agreement of the parties interested therein with the approval of the board shall, except as otherwise herein provided, be determined by the board. The decisions of the board shall be enforceable by the circuit court under the provisions of section 39. There shall be a right of appeal from decisions of the board to the circuit court as provided in section 38, but in no case shall such an appeal, either under this section or under section 38, operate as a supersedeas or stay unless the board or the circuit court shall so order.

Revision of decrees.

SEC. 42. The circuit court, upon the filing with it of a certified copy of a decision of the industrial accident board ending, diminishing, or increasing compensation previously awarded, shall revoke or modify its prior decree or judgment so that it will conform to said decision.

Injuries outside the territory.

SEC. 43. If a workman who has been hired in this Territory receives personal injury by accident arising out of and in the course of such employment, he shall be entitled to compensation according to the law of this Territory even though such injury was received outside this Territory.

If a workman who has been hired outside of this Territory is injured while engaged in his employer's business and is entitled to compensation for such injury under the law of the State or Territory where he was hired, he shall be entitled to enforce against his employer his rights in this Territory if his rights are such that they can reasonably be determined and dealt with by the board and the court in this Territory.

Preferences.

SEC. 44. All rights of compensation granted by this act shall have the same preference or priority for the whole thereof against the assets of the employer as is allowed by law for any unpaid wages for labor.

Assignments.

SEC. 45. No claims for compensation under this act shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors. Claims of attorneys and of physicians for services under this act shall be subject to the approval of the board.

Attorneys' fees.

Security for payments.

SEC. 46. Employers, but not including the Territorial or the municipal bodies mentioned in section 2, shall secure compensation to their employees in one of the following ways:

(1) By insuring and keeping insured the payment of such compensation with any stock corporation or mutual association authorized to transact the business of workmen's compensation insurance in this Territory, or

(2) By obtaining and keeping in force guaranty insurance with any company authorized to do such guaranty business within the territory; or

(3) By depositing and maintaining with the Territorial treasurer security satisfactory to the board securing the payment by said employer of compensation according to the terms of this act.

(4) Upon furnishing satisfactory proof to the board of his solvency and financial ability to pay the compensation and benefits herein provided, no insurance or security shall be required, and the employer shall make such payments directly to his employees as they may become entitled to receive the same under the terms and conditions of this act.

Any person who willfully misrepresents any fact in order to obtain the benefits of this section shall be guilty of a misdemeanor.

Any decision of the board rendered under the provisions of subdivisions 3 and 4 of this section with respect to the amount of security required or refusing to permit no security to be given shall be subject to reviews on appeal by the circuit court in like manner as appeals are permitted under section 38 of this act.

Notice of insurance.

SEC. 47. If the insurance so affected is not under subdivisions 3 or 4 of section 46 the employer shall forthwith file with the Territorial treasurer and with the board in form prescribed by

the board a notice of his insurance, together with a copy of the contract or policy of insurance.

Failure to secure compensation.

SEC. 48. If an employer fails to comply with the provisions of section 46 he shall be liable to a penalty for every day during which such failure continues, of one dollar ($1) for every employee, to be recovered in an action brought by the chairman of the board in the name of the Territory, and the amounts so collected shall be paid into the Territorial treasury and be a special fund for the use of the board. It shall be the duty of the county attorney of each county to prosecute such suits, if so requested by the board.

The board may, however, in its discretion, for good cause shown, remit any such penalty in whole or in part, provided the employer in default forthwith secures compensation as provided in section 46.

Furthermore, if any employer shall be in default under section 46, for a period of thirty days, he may be enjoined by the circuit court from carrying on his business while such default continues.

Provisions of policies.

SEC. 49. Every policy of insurance and every guaranty contract covering the liability of the employer for compensation, whether issued by a stock company or by a mutual association authorized to transact workmen's compensation or guaranty insurance in this Territory, shall cover the entire liability of the employer to his employees covered by the policy or contract, and also shall contain a provision setting forth the right of the employees to enforce in their own names either by at any time filing a separate claim or by at any time making the insurance carrier a party to the original claim, the liability of the insurance carrier in whole or in part for the payment of such compensation by either the employer or the insurance carrier shall, to the extent thereof, be a bar to the recovery against the other of the amount so paid.

Effect of knowledge of employer.

SEC. 50. Every such policy and contract shall contain a provision that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier, and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer for the payment of compensation under the provisions of this act.

Insolvency of employer.

SEC. 51. Every such policy and contract shall contain a provision to the effect that the insolvency or bankruptcy of the employer and his discharge therein shall not relieve the insurance carrier from the payment of compensation for injuries or death sustained by an employee during the life of such policy or contract.

Notice of cancellation.

SEC. 52. No policy or contract of insurance or guaranty issued by a stock company or mutual association against liability arising under this act shall be canceled within the time limited in such contract for its expiration until at least ten days after notice of intention to cancel such contract, on a date specified in such notice, shall have been filed in the office of the Territorial treasurer and also served on the board and the employer.

Public employees.

SEC. 53. The Territory and each county and any other political subdivision of the Territory which is liable to its employees for compensation may insure with any authorized insurance carrier.

Burden of cost.

SEC. 54. No agreement by an employee to pay any portion of the premiums paid by his employer to contribute to a benefit fund or department maintained by such employer, or to the cost of mutual or other insurance maintained for or carried for the purpose of securing compensation as herein required shall be valid; and any employer who makes a deduction for such purpose from the wages or salary of any employee entitled to the benefits of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed two hundred and fifty dollars ($250).

Inspections.

SEC. 55. The board shall have the right to inspect the plants and establishments of all employers in the Territory, and the inspectors designated by the board shall have free access to such premises during regular working hours and at other reasonable times.

Report of accidents.

SEC. 56. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment, when known to him or brought to his attention. As soon as practicable after the occurrence of an injury causing absence from work for one day or more, a report thereof shall be made in writing by the employer to the board on blanks to be procured from the board for the purpose.

Upon the termination of the disability of the injured employee the employer shall make a supplemental report upon blanks to be procured from the board for that purpose. If the disability extends beyond a period of sixty days, the employer shall report to the board at the end of such period that the injured employee is still disabled, and upon the termination of the disability shall file a final supplemental report, as provided above.

The said reports shall contain the name and nature of the business of the employer, the situation of the establishment, the name, age, sex, wages, and occupation of the injured employee, and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and such other information as may be required by the board.

Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than twenty-five dollars ($25) for each offense.

Within sixty days after the termination of the disability of the injured employee, the employer or other party liable to pay the compensation provided for by this act shall file with the board a statement showing the total payments made or to be made for compensation and for medical services for such injured employee.

Interstate commerce.

SEC. 57. This act shall affect the liability of employers to employees engaged in interstate or foreign commerce or otherwise only so far as the same is permissible under the laws of the United States.

Reports of industrial accident boards.

SEC. 58. Annually on or before the first day of February the board of each county shall make a report to the governor, which shall be transmitted to the legislature and which shall include a properly classified statement of the expenses of the board, together with any other matters which the board deems proper to report, including any recommendations it may desire to make.

Acts of majority.

SEC. 59. Whenever under this act any award, order, rule, regulation, or decision is required or authorized to be made by the board or by a committee of arbitration the action of a majority of the members of such board or committee shall be considered as the action of such board or committee, respectively, as the case may be.

Definitions.

SEC. 60. In this act unless the context otherwise requires:

(a) "Employer," unless otherwise stated, includes any body of persons, corporate or unincorporated, public or private, and the legal representative of a deceased employer. It includes the owner or lessee of premises, or other person who is virtually the proprietor or operator of the business there carried on, but who, by reason of there being an independent contractor, or for any other reason, is not the direct employer of the workmen there employed. If the employer is insured, it includes his insurer so far as applicable.

(b) "Workman" is used as synonymous with "employee," and means any person who has entered into the employment of or works under contract of service or apprenticeship with an employer. It does not include a person whose employment is purely casual or not for the purpose of the employer's trade or business, or whose remuneration from any one employer, excluding pay for overtime, exceeds thirty-six dollars ($36) a week. Any reference to a workman who has been injured shall, where the workman is

dead, include a reference to his dependents as herein defined, if the context so requires, or where the employee is a minor or incompetent to his guardian or next friend.

(c) "Injury" or "personal injury" includes death resulting from injury within two years.

(d) The words "personal injury by accident arising out of and in the course of such employment" shall include an injury caused by the willful act of a third person directed against an employee because of his employment.

They shall not include a disease except as it shall result from injury.

(e) "Employment" in the case of private employers includes employment only in a trade or occupation which is carried on by the employer for the sake of pecuniary gain.

Public employment means employment by the Territory or by a county or by any political subdivision of the Territory now existing or which may hereafter be created.

It does not include the employment of public officials who are elected by popular vote or who receive salaries exceeding eighteen hundred dollars ($1,800) a year.

(f) The word "board" or words "industrial accident board," whenever used in this act, unless the context shows otherwise, shall be taken to mean the industrial accident board of the respective county.

(g) "Partial disability." Diminished ability to obtain employment owing to disfigurement resulting from an injury may be held to constitute partial disability.

(h) "Wages" shall include the market value of board, lodging, fuel, and other advantages which can be determined in money which the employee receives from the employer as a part of his remuneration.

"Wages" shall not include any sums which the employer has paid to the employee to cover any special expenses entailed on him by the nature of his employment.

(i) "Insurance carrier" shall include stock corporations or mutual associations from any of which employers have obtained workmen's compensation insurance or guaranty insurance in accordance with the provisions of this act.

(j) The word "county" includes the city and county of Honolulu.

(k) Any term shall include the singular and plural and both sexes where the context so requires.

Provisions severable.

SEC. 61. If any part or section of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid.

False representations.

SEC. 62. If for the purpose of obtaining any benefit or payment under the provisions of this act, either for himself or for any other person, anyone willfully makes a false statement or representation, he shall be guilty of a misdemeanor and liable to a fine of not exceeding two hundred and fifty dollars.

Prior injuries.

SEC. 63. The provisions of this act shall not apply to injuries sustained or accidents which occur prior to the taking effect hereof.

Rules of construction.

SEC. 64. (a) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

(b) This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those States which enact it.

Title of act.

SEC. 66. This act may be cited as the workmen's compensation act.

Time of taking effect.

SEC. 67. This act shall take effect on the first day of July, 1915.

Approved April 28, 1915.

ILLINOIS.

ACTS OF 1913.

Compensation of workmen for injuries.

(Page 335.)

SECTION 1. Any employer in this State may elect to provide and pay compensation for accidental injuries sustained by any employee arising out of and in the course of the employment according to the provisions of this act, and thereby relieve himself from any liability for the recovery of damages, except as herein provided.

Election allowed.

(a) Election by an employer to provide and pay compensation according to the provisions of this act shall be made by the employer filing notice of such election with the Industrial Board.

How made.

(b) Every employer within the provisions of this act who has elected to provide and pay compensation according to the provisions of this act shall be bound thereby as to all his employees covered by this act until January 1st of the next succeeding year and for terms of each year thereafter: *Provided*, Any such employer may elect not to provide and pay the compensation herein provided for accidents resulting in either injury or death and occurring after the expiration of any such calendar year by filing notice of such election with the Industrial Board at least sixty days prior to the expiration of any such calendar year, and by posting such notice at a conspicuous place in the plant, shop, office, room, or place where such employee is employed, or by personal service, in written or printed form, upon such employee, at least sixty days prior to the expiration of any such calendar year.

Term.

Notice of withdrawal.

(c) In the event any employer elects to provide and pay the compensation provided in this act, then every employee of such employer, as a part of his contract of hiring or who may be employed at the time of the taking effect of this act and the acceptance of its provisions by the employer, shall be deemed to have accepted all the provisions of this act and shall be bound thereby unless within thirty days after such hiring or after the taking effect of this act, and its acceptance by the employer, he shall file a notice to the contrary with the Industrial Board, whose duty it shall be to immediately notify the employer, and if so notified, the employer shall not be deprived of any common law or statutory defenses existing but for this act; and until such notice to the contrary is given to the employer, the measure of liability of the employer shall be determined according to the compensation provisions of this act: *Provided, however*, That any employee may withdraw from the operation of this act upon filing a written notice of withdrawal at least ten days prior to January 1st of any year with the Industrial Board, whose duty it shall be to immediately notify the employer by registered mail, and, if so notified, the employer shall not be deprived of any common law or statutory defenses existing but for this act, and until such notice to the contrary is given to the employer the measure of liability of the employer shall be determined according to the compensation provisions of this act.

Presumption as to employees.

Notice of withdrawal.

(d) Any employer or employee may, without prejudice to any existing right or claim, withdraw his election to reject this act by giving thirty days' written notice in such manner and form as may be provided by the Industrial Board.

Presumption as to certain employers.

SEC. 2. Every employer enumerated in section 3, paragraph (*b*), shall be conclusively presumed to have filed notice of his election as provided in section 1, paragraph (*a*), and to have elected to provide and pay compensation according to the provisions of this act, unless and until notice in writing of his election to the contrary is filed with the Industrial Board and unless and until the employer shall either furnish to his employee personally or post at a conspicuous place in the plant, shop, office, room, or place where such employee is to be employed, a copy of said notice of election not to provide and pay compensation according to the provisions of this act; which notice of nonelection, if filed and posted as herein provided, shall be effective until withdrawn; and such notice of nonelection may be withdrawn as provided in this act.

Defenses abolished.

SEC. 3 (as amended by act, p. 400, Acts of 1915). (*a*) In any action to recover damages against an employer engaged in any of the occupations, enterprises, or businesses enumerated in paragraph (*b*) of this section, who shall elect not to provide and pay compensation to any employee, according to the provisions of this act, it shall not be a defense that: First, the employee assumed the risks of the employment; second, the injury or death was caused in whole or in part by the negligence of a fellow servant; or third, the injury or death was proximately caused by the contributory negligence of the employee.

(*b*) The provisions of paragraph (*a*) of this section shall only apply to an employer engaged in any of the following occupations, enterprises, or businesses, namely:

1. The building, maintaining, removing, repairing, or demolishing of any structure, except as provided in subsection 8 of this section;
2. Construction, excavating, or electrical work, except as provided in subsection 8 of this section;
3. Carriage by land or water and loading or unloading in connection therewith;
4. The operation of any warehouse or general or terminal storehouses;
5. Mining, surface mining, or quarrying;
6. Any enterprise in which explosive materials are manufactured, handled, or used in dangerous quantities;
7. In any enterprise wherein molten metal, or explosive, or injurious gases or vapors, or inflammable vapors or fluids, or corrosive acids are manufactured, used, generated, stored, or conveyed in dangerous quantities;
8. In any enterprise in which statutory or municipal ordinance regulations are now or shall hereafter be imposed for the regulating, guarding, use, or the placing of machinery or appliances, or for the protection and safeguarding of the employees or the public therein; each of which occupations, enterprises, or businesses are hereby declared to be extra hazardous: *Provided*, Nothing contained herein shall be construed to apply to any work, employment, or operations done, had, or conducted by farmers and others engaged in farming, tillage of the soil, or stock raising, or to those who rent, demise, or lease land for any of such purposes, or to anyone in their employ or to any work done on a farm or country place, no matter what kind of work or service is being done or rendered.

Proviso.

Who are employers.

SEC. 4. The term "employer" as used in this act shall be construed to be:

First. The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

Second. Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious, or charitable corporations or associations who has any person in service or under any contract for hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee

for which compensation under this act may be claimed, shall in the manner provided in this act have elected to become subject to the provisions of this act, and who shall not, prior to such accident, have effected a withdrawal of such election in the manner provided in this act.

Who are employees.

SEC. 5. The term "employee" as used in this act shall be construed to mean:

First. Every person in the service of the State, county, city, town, township, incorporated village, or school district, body politic, or municipal corporations therein, under appointment, or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein; and except any employee thereof for whose accidental injury or death arising out of and in the course of his employment compensation or a pension shall be payable to him, his personal representatives, beneficiaries, or heirs, from any pension or benefit fund to which the State, or any county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein contributes in whole or in part: *Provided*, That one employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic, or municipal corporation which made the contract.

Second. Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and minors who are legally permitted to work under the laws of the State, who, for the purpose of this act, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees, but not including any person whose employment is but casual or who is not engaged in the usual course of the trade, business, profession, or occupation of his employer: *Provided*, That employees shall not be included within the provisions of this act when excluded by the laws of the United States relating to liability of employers to their employees for personal injuries where such laws are held to be exclusive.

Remedy exclusive.

SEC. 6. No common law or statutory right to recover damages for injury or death sustained by any employee while engaged in the line of his duty as such employee other than the compensation herein provided shall be available to any employee who is covered by the provisions of this act, to any one wholly or partially dependent upon him, the legal representatives of his estate, or any one otherwise entitled to recover damages for such injury.

SEC. 7 (as amended by act, p. 400, Acts of 1915). The amount of compensation which shall be paid for an injury to the employee resulting in death shall be:

Compensation for death.

(a) If the employee leaves any widow, child, or children whom he was under legal obligation to support at the time of his injury, a sum equal to four times the average annual earnings of the employee, but not less in any event than one thousand six hundred fifty dollars and not more in any event than three thousand five hundred dollars. Any compensation payments other than necessary medical, surgical, or hospital fees or services shall be deducted in ascertaining the amount payable on death.

(b) If no amount is payable under paragraph (a) of this section and the employee leaves any widow, child, parent, grandparent, or other lineal heir to whose support he had contributed within four years previous to the time of his injury, a sum equal to four times the average annual earnings of the employee, but not less in any event than one thousand six hundred fifty dollars and not more in any event than three thousand five hundred dollars. Any compensation payments other than necessary medical,

surgical, or hospital fees or services shall be deducted in ascertaining the amount payable on death.

(*c*) If no amount is payable under paragraph (*a*) or (*b*) of this section and the employee leaves collateral heirs dependent at the time of the injury to the employee upon his earnings, such a percentage of the sum provided in paragraph (*a*) of this section as the average annual contributions which the deceased made to the support of such collateral dependent heirs during the two years preceding the injury bears to his average annual earnings during such two years.

(*d*) If no amount is payable under paragraph (*a*) or (*b*) or (*c*) of this section, a sum not to exceed one hundred and fifty dollars for burial expenses.

(*e*) All compensation, except for burial expenses, provided for in this section to be paid in case injury results in death shall be paid in installments equal to one-half the average earnings at the same intervals at which the wages or earnings of the employee were paid, or if this shall not be feasible, then the installments shall be paid weekly: *Provided*, Such compensation may be paid in a lump sum upon petition as provided in section 9 of this act.

To whom payable.

(*f*) The compensation to be paid for injury which results in death, as provided in this section, shall be paid at the option of the employer either to the personal representative of the deceased employee or to his beneficiaries, and shall be distributed to the heirs who formed the basis for determining the amount of compensation to be paid by the employer, the distributees' share to be in the proportion of their respective dependency at the time of the injury on the earnings of the deceased: *Provided*, That, in the judgment of the court appointing the personal representative, a child's distributive share may be paid to the parent for the support of the child. The payment of compensation by the employer to the personal representative of the deceased employee shall relieve him of all obligations as to the distribution of such compensation so paid. The distribution by the personal representative of the compensation paid to him by the employer shall be made pursuant to the order of the court appointing him.

Compensation for injuries.

SEC. 8 (as amended by act, p. 400, Acts of 1915). The amount of compensation which shall be paid to the employee for an injury not resulting in death shall be:

Medical, etc., services.

(*a*) The employer shall provide necessary first aid, medical, surgical, and hospital services; also medical, surgical, and hospital services for a period not longer than eight weeks, not to exceed, however, the amount of $200. The employee may elect to secure his own physician, surgeon, or hospital services at his own expense.

Total disability.

(*b*) If the period of temporary total incapacity for work lasts for more than six working-days, compensation equal to one-half the earnings, but not less than $6 nor more than $12 per week, beginning on the eighth day of such temporary total incapacity and continuing as long as the temporary total incapacity lasts, but not after the amount of compensation paid equals the amount which would have been payable as a death benefit under paragraph (*a*), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving as provided in said paragraph (*a*), section 7.

Disfigurement.

(*c*) For any serious and permanent disfigurement to the hand, head, or face the employee shall be entitled to compensation for such disfigurement, the amount to be fixed by agreement or by arbitration in accordance with the provisions of this act, which amount shall not exceed one-quarter of the amount of the compensation which would have been payable as a death benefit under paragraph (*a*), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (*a*), section 7: *Provided*, That no compensation shall be payable under this paragraph where compensation is payable under paragraphs (*d*), (*e*), or (*f*) of this section:

And provided further, That when the disfigurement is to the hand, head, or face as a result of an injury, for which injury compensation is not payable under paragraphs (*d*), (*e*), or (*f*) of this section, compensation for such disfigurement may be had under this paragraph.

Permanent partial disability.

(*d*) If after the injury has been sustained the employee as a result thereof becomes partially incapacitated from pursuing his usual and customary line of employment, he shall, except in the cases covered by the specific schedule set forth in paragraph (*e*) of this section, receive compensation, subject to the limitations as to time and maximum amounts fixed in paragraphs (*b*) and (*h*) of this section, equal to one-half of the difference between the average amount which he earned before the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident. In the event the employee returns to the employment of the employer in whose service he was injured, the employee shall not be barred from asserting a claim for compensation under this act: *Provided*, Notice of such claim is filed with the Industrial Board within eighteen months after he returns to such employment, and the said board shall immediately send to the employer, by registered mail, a copy of such notice.

Specific injuries.

(*e*) For injuries in the following schedule the employee shall receive in addition to compensation during the period of temporary total incapacity for work resulting from such injury, in accordance with the provisions of paragraphs (*a*) and (*b*) of this section, compensation for a further period, subject to the limitations as to time and amounts fixed in paragraphs (*b*) and (*h*) of this section, for the specific loss herein mentioned, as follows, but shall not receive any compensation under any other provision of this act:

For the loss of a thumb, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during sixty weeks;

For the loss of a first finger, commonly called the index finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during thirty-five weeks;

For the loss of a second finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during thirty weeks;

For the loss of a third finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during twenty weeks;

For the loss of a fourth finger, commonly called the little finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during fifteen weeks;

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb or finger, and compensation shall be one-half the amounts above specified;

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Provided, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

For the loss of a great toe, fifty per centum of the average weekly wage during thirty weeks;

For the loss of one toe other than the great toe, fifty per centum of the average weekly wage during ten weeks, and for the additional loss of one or more toes other than the great toe, fifty per centum of the average weekly wage during an additional ten weeks;

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified;

The loss of more than one phalange shall be considered as the loss of the entire toe;

For the loss of a hand, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and fifty weeks;

For the loss of an arm, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during two hundred weeks;

For the loss of a foot, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and twenty-five weeks;

For the loss of a leg, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and seventy-five weeks;

For the loss of the sight of an eye, fifty per centum of the average weekly wage during one hundred weeks;

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the compensation fixed by paragraph (*f*) of this section: *Provided*, That these specific cases of total and permanent disability shall not be construed as excluding other cases.

Permanent total disability.

(*f*) In case of complete disability, which renders the employee wholly and permanently incapable of work, compensation equal to 50 per cent of his earnings, but not less than $6 nor more than $12 per week, commencing on the day after the injury and continuing until the amount paid equals the amount which would have been payable as a death benefit under paragraph (*a*), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (*a*), section 7, and thereafter a pension during life annually equal to 8 per cent of the amount which would have been payable as a death benefit under paragraph (*a*), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (*a*), section 7. Such pension shall not be less than $10 per month and shall be payable monthly.

Subsequent death.

(*g*) In case death occurs as a result of the injury before the total of the payments made equals the amount payable as a death benefit, then in case the employee leaves any widow, child or children, parents, grandparents, or other lineal heirs entitled to compensation under section 7, the difference between the compensation for death and the sum of the payments made to the employee shall be paid, at the option of the employer, either to the personal representative or to the beneficiaries of the deceased employee, and distributed, as provided in paragraph (*f*) of section 7, but in no case shall the amount payable under this paragraph be less than $500.

Maximum benefits.

(*h*) In no event shall the compensation to be paid exceed fifty per centum of the average weekly wage or exceed $12 per week in amount; nor, except in cases of complete disability as defined above, shall any payments extend over a period of more than eight years from the date of the accident. In case an injured employee shall be incompetent at the time when any right or privilege accrues to him under the provisions of this act, a conservator or guardian may be appointed, pursuant to law, and may, on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the employee himself had been competent and had claimed or exercised said right or privilege; and no limitations of time by this act provided shall run so long as said incompetent employee is without a conservator or guardian.

Installments.

(*i*) All compensations provided for in paragraphs (*b*), (*c*), (*d*), (*e*), and (*f*) of this section, other than cases of pension for life, shall be paid in installments at the same intervals at which the wages or earnings of the employee were paid at the time of the injury, or if this shall not be feasible, then the installments shall be paid weekly.

Lump sums.

SEC. 9 (as amended by act, p. 400, Acts of 1915). Any employer or employee or beneficiary who shall desire to have such compensation, or any unpaid part thereof, paid in a lump sum, may petition the Industrial Board, asking that such compensation be so paid, and if, upon proper notice to the interested parties and a proper showing made before such board, it appears to the interest of the parties that such compensation be so paid, the board may order the commutation of the compensation to an equivalent lump sum which commutation shall be an amount which will equal the total sum of the probable future payments capitalized at their present value upon the basis of interest calculated at three per centum per annum, with annual rests: *Provided*, That in cases indicating complete disability no petition for a commutation to a lump-sum basis shall be entertained by the Industrial Board until after the expiration of six months from the date of the injury, and where necessary, upon proper application being made, a guardian, conservator, or administrator, as the case may be, may be appointed for any person under disability who may be entitled to any such compensation, and an employer bound by the terms of this act and liable to pay such compensation may petition for the appointment of the public administrator, or a conservator, or guardian, where no legal representative has been appointed or is acting for such party or parties so under disability. Either party may reject an award of a lump-sum payment of compensation, except an award for compensation under section 7 or paragraph (*c*) of section 8 or for the injuries defined in the last paragraph of paragraph (*e*) of section 8 as constituting total and permanent disability, by filing his written rejection thereof with the said board within ten days after notice to him of the award, in which event compensation shall be payable in installments as herein provided.

Compensation computed, how.

SEC. 10. The basis for computing the compensation provided for in sections 7 and 8 of the act shall be as follows:

(*a*) The compensation shall be computed on the basis of the annual earnings which the injured person received as salary, wages, or earnings if in the employment of the same employer continuously during the year next preceding the injury.

(*b*) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the employee was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(*c*) If the injured person has not been engaged in the employment of the same employer for the full year immediately preceding the accident, the compensation shall be computed according to the annual earnings which persons of the same class in the same employment and same location (or if that be impracticable, of neighboring employments of the same kind) have earned during such period.

(*d*) As to employees in employments in which it is the custom to operate throughout the working-days of the year, the annual earnings, if not otherwise determinable, shall be regarded as 300 times the average daily earnings in such computation.

(*e*) As to employees in employments in which it is the custom to operate for a part of the whole number of working-days in each year, such number, if the annual earnings are not otherwise determinable, shall be used instead of 300 as a basis for computing the annual earnings: *Provided*, The minimum number of days which shall be so used for the basis of the year's work shall be not less than 200.

(*f*) In the case of injured employees who earn either no wage or less than the earnings of adult day laborers in the same line of employment in that locality, the yearly wage shall be reckoned according to the average annual earnings of adults of the same class in the same (or if that is impracticable then of neighboring) employments.

(*g*) Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a days' work for that employment, and shall exclude overtime earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employee to cover any special expense entailed on him by the nature of his employment.

(*h*) In computing the compensation to be paid to any employee, who, before the accident for which he claims compensation, was disabled and drawing compensation under the terms of this act, the compensation for each subsequent injury shall be apportioned according to the proportion of incapacity and disability caused by the respective injuries which he may have suffered.

(*i*) To determine the amount of compensation for each installment period, the amount per annum shall be ascertained pursuant hereto, and such amount divided by the number of installment periods per annum.

Limit of liability.

SEC. 11. The compensation herein provided, together with the provisions of this act, shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment subject to the provisions of this act.

Medical examinations.

SEC. 12 (as amended by act, p. 400, Acts of 1915). An employee entitled to receive disability payments shall be required, if requested by the employer, to submit himself, at the expense of the employer, for examination to a duly qualified medical practitioner or surgeon selected by the employer, at a time and place reasonably convenient for the employee, as soon as practicable after the injury, and also one week after the first examination and thereafter at intervals not oftener than once every four weeks, which examination shall be for the purpose of determining the nature, extent, and probable duration of the injury received by the employee, and for the purpose of ascertaining the amount of compensation which may be due the employee from time to time for disability according to the provisions of this act: *Provided, however*, That such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee, if such employee so desires. In all cases where the examination is made by a surgeon engaged by the employer and the injured employee has no surgeon present at such examination, it shall be the duty of the surgeon making the examination at the instance of the employer to deliver to the injured employee, upon his request or that of his representative, a statement in writing of the condition and extent of the injury to the same extent that said surgeon reports to the employer. If the employee refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this act for such period. It shall be the duty of surgeons treating an injured employee who is likely to die, and treating him at the instance of the employer, to have called in another surgeon, to be designated and paid for by either the injured employee or by the person or persons who would become his beneficiary or beneficiaries, to make an examination before the death of such injured employee.

Industrial board.

SEC. 13 (as amended by act, p. 400, Acts of 1915). There is hereby created a board, which shall be known as the Industrial Board, to consist of three members to be appointed by the governor, by and with the consent of the senate, one of whom shall be a representative citizen of the employing class operating under this act, and one of whom shall be a representative citizen chosen from among the employees operating under this act, and one of whom shall be a representative citizen not identified with either the employing or employee classes, and who shall be designated by the governor as chairman. Appointment of members to places on the first board or to fill vacancies on said board may be made

during recesses of the senate, but shall be subject to confirmation by the senate at the next ensuing session of the legislature. The term of office of members of this board shall be six years, expiring on January 31 of the odd years, except that when first constituted one member shall be appointed for two years, one for four years, and one for six years. Thereafter one member shall be appointed every second year for the full term of six years. Not more than two members of the board shall belong to the same political party.

Salaries.

SEC. 14 (as amended by act, p. 30, Acts of 1915, special session). The salary of each of the members of the board so appointed by the governor shall be five thousand dollars ($5,000) per year. The board shall appoint a secretary and shall employ such assistants and clerical help as may be necessary. The salary of the secretary * * * shall be * * * at the rate of twenty-five hundred dollars per annum, payable in monthly installments. The salary of the arbitrators designated by the board shall be at the rate of eighteen hundred dollars ($1,800) per year. The members of the board and the arbitrators shall have reimbursed to them their actual traveling expenses and disbursements made or incurred by them in the discharge of their official duties while away from their places of residence in the performance of their duties. The board shall provide itself with a seal for the authentication of its orders, awards, and proceedings, upon which shall be inscribed the words "Industrial Board—Illinois—Seal."

Seal.

Jurisdiction.

SEC. 15. The industrial board shall have jurisdiction over the operation and administration of this act, and said board shall perform all the duties imposed upon it by this act, and such further duties as may hereafter be imposed by law and the rules of the board not inconsistent therewith.

Powers.

SEC. 16 (as amended by act, p. 400, Acts of 1915). The board may make rules and orders for carrying out the duties imposed upon it by law, which rules and orders shall be deemed prima facie reasonable and valid; and the process and procedure before the board shall be as simple and summary as reasonably may be. The board, or any member thereof, or any arbitrator designated by said board, shall have the power to administer oaths, subpœna and examine witnesses, to issue subpœnas duces tecum requiring the production of such books, papers, records, and documents as may be evidence of any matter under inquiry, and to examine and inspect the same and such places or premises as may relate to the question in dispute. Said board, or any member thereof, or any arbitrator designated by said board, shall, on written request of either party to the dispute, issue subpœnas for the attendance of such witnesses and production of such books, papers, records, and documents as shall be designated in said applications: *Providing, however*, That the parties applying for such subpœna shall advance the officer and witness fees provided for in suits pending in the circuit court. Service of such subpœnas shall be made by any sheriff or constable or other person. In case any person refuses to comply with an order of the board or subpœna issued by it or any member thereof, or any arbitrator designated by said board, or to permit an inspection of places or premises, or to produce any books, papers, records, or documents, or any witness refuses to testify to any matter regarding which he may be lawfully interrogated, the county court of the county in which said hearing or matter is pending, on application of any member of the board or any arbitrator designated by the board, shall compel obedience by attachment proceedings, as for contempt, as in a case of disobedience of the requirements of a subpœna from such court on a refusal to testify therein.

Records.

The board, at its expense, shall provide a stenographer to take the testimony and record of proceedings at the hearings before an arbitrator, committee of arbitration, or the board, and said stenographer shall furnish a transcript of such testimony or proceedings to any person requesting it upon payment to him therefor

of five cents per one hundred words for the original and three cents per one hundred words for each copy of such transcript.

Fees. The board shall have the power to determine the reasonableness and fix the amount of any fee or compensation charged by any person for any service performed in connection with this act or for which payment is to be made under this act or rendered in securing any right under this act.

Blanks and records. SEC. 17. The board shall cause to be printed and furnish free of charge upon request by any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act, and the performance of the duties of the board; it shall provide a proper record in which shall be entered and indexed the name of any employer who shall file a notice of declination or withdrawal under this act, and the date of the filing thereof; and a proper record in which shall be entered and indexed the name of any employee who shall file such a notice of declination or withdrawal, and the date of the filing thereof; and such other notices as may be required by the terms and intendment of this act; and records in which shall be recorded all proceedings, orders, and awards had or made by the board, or by the arbitration committees, and such other books or records as it shall deem necessary, all such records to be kept in the office of the board.

Disputes. SEC. 18. All questions arising under this act, if not settled by agreement of the parties interested therein, shall, except as otherwise provided, be determined by the Industrial Board.

Arbitration. SEC. 19 (as amended by act, p. 400, Acts of 1915). Any disputed questions of law or fact upon which the employer and employee or personal representative can not agree shall be determined as herein provided.

(*a*) It shall be the duty of the Industrial Board, upon notification that the parties have failed to reach an agreement, to designate an arbitrator: *Provided*, That if the compensation claimed is for a partial permanent or total permanent incapacity or for death, then the dispute may, at the election of either party, be determined by a committee of arbitration, which election for a determination by a committee shall be made by petitioner filing with the board his election in writing with his petition, or by the other party filing with the board his election in writing within five days of notice to him of the filing of the petition, and thereupon it shall be the duty of the Industrial Board, upon either of the parties having filed their election for a committee of arbitration as above provided, to notify both parties to appoint their respective representatives on the committee of arbitration. The board shall designate an arbitrator to act as chairman, and if either party fails to appoint its member on the committee within seven days after notification as above provided, the board shall appoint a person to fill the vacancy and notify the parties to that effect. The party filing his election for a committee of arbitration shall with his election deposit with the board the sum of twenty dollars, to be paid by the board to the arbitrators selected by the parties as compensation for their services as arbitrators, and upon a failure to deposit as aforesaid, the election shall be void and the determination shall be by an arbitrator designated by the board. The members of the committee of arbitration appointed by either of the parties or one appointed by the board to fill a vacancy by reason of the failure of one of the parties to appoint, shall not be a member of the board or an employee thereof.

(*b*) The arbitrator or committee of arbitration shall make such inquiries and investigations as he or they shall deem necessary, and may examine and inspect all books, papers, records, places, or premises relating to the questions in dispute, and hear such proper evidence as the parties may submit. The hearings before the arbitrator or committee of arbitration shall be held in the vicinity where the injury occurred, after ten days' notice of the time and place of such hearing shall have been given to each of the par-

ties or their attorneys of record. The decision of the arbitrator or committee of arbitration shall be filed with the industrial board, which board shall immediately send to each party or his attorney a copy of such decision, together with a notification of the time when it was filed, and unless a petition for a review is filed by either party within fifteen days after the receipt by said party of the copy of such decision and notification of time when filed, and unless such party petitioning for a review shall within twenty days after the receipt by him of the copy of said decision, file with the board either an agreed statement of the facts appearing upon the hearing before the arbitrator or committee of arbitration, or if such party shall so elect, a correct stenographic report of the proceedings at such hearings, then the decision shall become the decision of the Industrial Board: *Provided*, That such Industrial Board may for sufficient cause shown grant further time, not exceeding thirty days, in which to petition for such review or to file such agreed statement or stenographic report. Such agreed statement of facts or correct stenographic report, as the case may be, shall be authenticated by the signatures of the parties or their attorneys, and in the event they do not agree as to the correctness of the stenographic report it shall be authenticated by the signature of the arbitrator designated by the board.

Physician.

(*c*) The Industrial Board may appoint at its expense a duly qualified, impartial physician to examine the injured employee and report to the board. The fee for this service shall not exceed five dollars and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases. The fees and the payment thereof of all attorneys and physicians for services authorized by the board under this act shall, upon request of either the employer or the employee or the beneficiary affected, be subject to the review and decision of the Industrial Board.

Refusing medical aid.

(*d*) If any employee shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery or shall refuse to submit to such medical or surgical treatment as is reasonably essential to promote his recovery, the board may, in its discretion, reduce or suspend the compensation of any such injured employee.

Review.

(*e*) If a petition for review and agreed statement of facts or stenographic report is filed, as provided herein, the Industrial Board shall promptly review the decision of the arbitrator or committee of arbitration and all questions of law or fact which appear from the said statement of facts or stenographic report and such additional evidence as the parties may submit. After such hearing upon review, the board shall file in its office its decision thereon, and shall immediately send to each party or his attorney a copy of such decision and a notification of the time when it was filed. Such review and hearing may be held in its office, or elsewhere, as the board may deem advisable: *Provided*, The board shall give ten days' notice of the time and place thereof to the parties or their attorneys. In any case, the board in its decision may, in its discretion, find specially upon any question or questions of law or fact, which shall be submitted in writing by either party, whether ultimate or otherwise. Any party may, within twenty days after the receipt of notice of the board's decision, or within such further time, not exceeding thirty days, as the board may grant, file with the board either an agreed statement of the facts appearing upon the hearing, or, if such party shall so elect, a correct stenographic report of the additional proceedings presented before the board, in which report the party may embody a correct statement of such other proceedings in the case as such party may desire to have reviewed, such statement of facts or stenographic report to be authenticated by the signatures of the parties or their attorneys; and in the event that they do not agree, then the authentication of such stenographic report shall be by the signature of the chairman of the board. The applications for adjustment of claim and other documents in the nature of pleadings filed by

either party, together with the decisions of the arbitrator and of the Industrial Board, and the statement of facts or stenographic reports hereinbefore provided for in paragraphs (*b*) and (*e*), shall be the record of the proceedings of said board and shall be subject to review as hereinafter provided.

Decisions conclusive.

(*f*) The decision of the Industrial Board, acting within its powers, according to the provisions of paragraph (*e*) of this section, and of the arbitrator or committee of arbitration, where no review is had and his or their decision becomes the decision of the Industrial Board in accordance with the provisions of this section, shall, in the absence of fraud, be conclusive unless reviewed as in this paragraph hereinafter provided.

Review by court.

(1) The circuit court of the county where any of the parties defendant may be found shall by writ of certiorari to the Industrial Board have power to review all questions of law presented by such record. Such writ shall be issued by the clerk of such court upon praecipe. Service upon any member of the Industrial Board or the secretary thereof shall be service on the board, and service upon other parties in interest shall be by scire facias, or service may be made upon said board and other parties in interest by mailing notice of the commencement of the proceedings and the return day of the writ to the office of said board and the last known place of residence of the other parties in interest at least ten days before the return day of said writ; or (2) any party in interest may commence a suit in chancery in the circuit court of the county where any of the parties defendant may be found to review the decision of the board only for errors of law appearing on the said record of the said board. Such suit by writ of certiorari or in chancery shall be commenced within twenty days of the receipt of notice of the decision of the board.

The court may confirm or set aside the decision of the arbitrator or committee of arbitration or Industrial Board. If the decision is set aside and the facts found in the proceedings before the board are sufficient, the court may enter such decision as is justified by law, or may remand the cause to the Industrial Board for further proceedings, and may state the questions requiring further hearing, and give such other instructions as may be proper.

Judgments, orders, and decrees of the circuit court under this act shall be reviewed only by the supreme court upon writ of error. Upon motion, the trial court shall enter of record a certificate that the cause is or is not, in his opinion, one proper to be reviewed by the supreme court. Upon filing with the clerk of the supreme court a certified copy of such a certificate that the cause is one proper to be reviewed, writ of error shall issue. If the trial court certifies that the cause is not one proper to be reviewed, the supreme court, in its discretion, may, nevertheless, order that a writ of error issue. A writ of error when issued shall operate as a supersedeas.

The decision of any two members of a committee of arbitration or of the Industrial Board shall be considered the decision of such committee or board, respectively.

Judgment.

(*g*) Either party may present a certified copy of the decision of the Industrial Board when no proceedings for review thereof have been taken, or of the decision of such arbitrator or committee of arbitration when no claim for review is made, or of the decision of the Industrial Board after hearing upon review, providing for the payment of compensation according to this act, to the circuit court of the county in which such accident occurred or either of the parties are residents, whereupon such court shall render a judgment in accordance therewith; and in cases where the employer does not institute proceedings for review of the decision of the Industrial Board and refuses to pay compensation according to the award upon which such judgment is entered, the court shall, in entering judgment thereon, tax as costs against him the reasonable costs and attorney fees in the arbitration proceedings and in the court entering the judgment, for the person in whose favor the

judgment is entered, which judgment and costs, taxed as herein provided, shall, until and unless set aside, have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with like effect, be entered and docketed. The circuit court shall have power, at any time, upon application, to make any such judgment conform to any modification required by any subsequent decision of the supreme court upon appeal, or as the result of any subsequent proceedings for review, as provided in this act.

Judgment shall not be entered until fifteen days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the Industrial Board; which board shall, in case it has on file the address of the employer or the name and address of its agent, upon whom notices may be served, immediately send a copy of the notice to the employer or such designated agent; and no judgment shall be entered in the event the employer shall file with the said board its bond, with good and sufficient surety in double the amount of the award, conditioned upon the payment of said award in the event the said employer shall fail to prosecute with effect proceedings for review of the decision, or the said decision, upon review, shall be affirmed.

Review of awards.

(*h*) An agreement or award under this act, providing for compensation in installments, may at any time within eighteen months after such agreement or award be reviewed by the Industrial Board at the request of either the employer or the employee, on the ground that the disability of the employee has subsequently recurred, increased, diminished, or ended; and on such review, compensation payments may be reestablished, increased, diminished, or ended: *Provided*, That the board shall give fifteen days' notice to the parties of the hearing for review: *And provided further*, Any employee, upon any petition for such a review being filed by the employer, shall be entitled to one day's notice for each one hundred miles necessary to be traveled by him in attending the hearings of the board upon said petition and three days in addition thereto, and such employee shall, at the discretion of the board, also be entitled to five cents per mile necessarily traveled by him in attending such hearing, not to exceed a distance of three hundred miles, to be taxed by the board as costs and deposited with the petition of the employer.

Furnishing address.

(*i*) Each party, upon taking any proceedings or steps whatsoever before any arbitrator, committee of arbitration, Industrial Board, or court shall file with the Industrial Board his address or the name and address of an agent upon whom all notices to be given to such party shall be served, either personally or by registered mail addressed to such party or agent at the last address so filed with the Industrial Board: *Provided*, That in the event such party has not filed his address or the name and address of an agent, as above provided, service of any notice may be had by filing such notice with the Industrial Board.

Reports of board.

SEC. 20. The Industrial Board shall report in writing to the governor on the thirtieth day of June, annually, the details and results of its administration of this act, in accordance with the terms of this act, and may prepare and issue such special bulletins and reports from time to time as in the opinion of the board seems advisable.

Exemption, etc., of payments.

SEC. 21 (as amended by act, p. 400, Acts of 1915). No payment, claim, award, or decision under this act shall be assignable or subject to any lien, attachment, or garnishment, or be held liable in any way for any lien, debt, penalty, or damages. In case of insolvency of the employer every decision of the Industrial Board for compensation under this act shall, upon the filing of a certified copy of the decision with the recorder of deeds of the county, constitute a lien upon all property of the employer within said county paramount to all other claims or liens, except for wages and taxes and mortgages or trust deeds, and such liens shall be

enforced by order of the court. Any right to receive compensation hereunder shall be extinguished by the death of the person or persons entitled thereto, subject to the provisions of this act relative to compensation for death received in the course of employment: *Provided*, That upon the death of a beneficiary who is receiving compensation provided for in section 7, leaving surviving a parent, sister, or brother of the deceased employee, at a time of his death depending upon him for support, who were receiving from such beneficiary a contribution to support, then that proportion of the compensation of the beneficiary which would have been paid but for the death of the beneficiary, but in no event exceeding said unpaid compensation, which the contribution of the beneficiary to the dependent's support within one year prior to the death of the beneficiary bears to the compensation of the beneficiary within that year shall be continued for the benefit of such dependents notwithstanding the death of the beneficiary.

Death of beneficiary.

Agreements in seven days.

SEC. 22. Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this act within seven days after the injury shall be presumed to be fraudulent.

Waivers.

SEC. 23. No employee, personal representative, or beneficiary shall have power to waive any of the provisions of this act in regard to the amount of compensation which may be payable to such employee, personal representative, or beneficiary hereunder except after approval by the Industrial Board.

Notice.

SEC. 24. No proceedings for compensation under this act shall be maintained unless notice of the accident has been given the employer as soon as practicable, but not later than 30 days after the accident. In cases of mental incapacity of the employee, notice must be given within six months after such accident. No defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings by arbitration or otherwise by the employee, unless the employer proves that he is unduly prejudiced in such proceedings by such defect or inaccuracy. Notice of the accident shall in substance apprise the employer of the claim of compensation made and shall state the name and address of the employee injured, the approximate date and place of the accident, if known, and in simple language the cause thereof; which notice may be served personally or by registered mail, addressed to the employer at his last-known residence or place of business: *Provided*, That the failure on the part of any person entitled to such compensation to give such notice shall not relieve the employer from his liability for such compensation, when the facts and circumstances of such accident are known to such employer, his agent, or vice principal in the enterprise. No proceedings for compensation under this act shall be maintained unless claim for compensation has been made within six months after the accident, or in the event that payments have been made under the provisions of this act, unless written claim for compensation has been made within six months after such payments have ceased.

Claims.

Employers' options.

SEC. 25. Any employer against whom liability may exist for compensation under this act may, with the approval of the Industrial Board, be relieved therefrom by:

(*a*) Depositing the commuted value of the total unpaid compensation for which such liability exists, computed at three per centum per annum in the same manner as provided in section 9, with the State treasurer, or county treasurer in the county where the accident happened, or with any State or national bank or trust company doing business in this State, or in some other suitable depository approved by the Industrial Board: *Provided*, That any such depository to which such compensation may be paid shall pay the same out in installments as in this act provided, unless such sum is ordered paid in, and is commuted to, a lump sum payment in accordance with the provision of this act.

(*b*) By the purchase of an annuity, in an amount of compensation due or computed, under this act within the limitation pro-

vided by law, in any insurance company granting annuities and licensed or permitted to do business in this State, which may be designated by the employer or the Industrial Board.

Guaranty of payments.

SEC. 26 (as amended by act, p. 400, Acts of 1915). (*a*) An employer who elects to provide and pay the compensation provided for in this act shall, within ten (10) days of receipt by the employer of a written demand by the Industrial Board, (1) file with the board a sworn statement showing his financial ability to pay the compensation provided for in this act, normally required to be paid, or (2) furnish security, indemnity, or a bond guaranteeing the payment by the employer of the compensation provided for in this act, normally required to be paid, or (3) insure to a reasonable amount his normal ability to pay such compensation in some corporation, association, or organization authorized, licensed, or permitted to do such insurance business in this State, or (4) make some other provisions for the securing of the payment of compensation provided for in this act, normally required to be paid, and shall, within twenty (20) days of the receipt of such written demand, furnish to the board evidence of his compliance with one of the above alternatives: *Provided*, That the sworn statement of financial ability, or security, indemnity or bond, or amount of insurance or other provision, filed, furnished, carried, or made by the employer, as the case may be, shall be subject to the approval of the board, upon the approval of which the board shall send to the employer written notice of its approval thereof: *And provided further*, That demand shall not be made upon the employer by the board oftener than once in any calendar year.

Liability in absence of guaranty.

(*b*) If no sworn statement or no security, indemnity or bond, or no insurance is filed, furnished, or carried, or other provisions made by the employer within ten (10) days of receipt by the employer of the written demand provided for in paragraph (*a*), or if the statement, security, indemnity, bond, or amount of insurance filed, furnished, or carried, or other provision made by the employer, as provided in paragraph (*a*), shall not be approved by the board, and written notice of such nonapproval shall be given to the employer and the employer shall not comply with one of the alternatives of paragraph (*a*) of this section within ten (10) days after the receipt by the employer of such written notice of nonapproval, then the employer shall be liable for compensation to any injured employee, or his personal representative, according to the terms of this act, or for damages in the same manner as if the employer had elected not to accept this act, at the option of such employee or his personal representative: *Provided*, Such option is exercised and written notice thereof is given to the employer within thirty (30) days after the accident to such employee; otherwise the employer shall be liable only for the compensation payable according to the provisions of this act: *And provided further*, That if at any time thereafter the employer shall comply with any of the alternatives of paragraph (*a*), then as to all accidents occurring after the said compliance, the employer shall only be liable for compensation according to the terms of this act: *And provided further*, That upon the failure of any employer to comply with the provisions of this section the Industrial Board may, for the purpose of furnishing notice to the employees of such employer, publish the fact of such failure by such employer in any newspaper having a general circulation in the county where such employer does business.

"Normal liability."

(*c*) "Normal liability" and "normally required to be paid," whenever used herein, shall be measured by the experience, if any, of the said employer during the two years preceding the demand by the board, and if there is no such individual basis of experience, then by the general experience in the same industry, business, occupation, or enterprise in the same neighborhood during the same period.

Insurance, etc.

SEC. 27. (*a*) This act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the

employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm, or corporation for him: *Provided*, The employer contributes to such association or department an amount not less than the full compensation herein provided, exclusive of the cost of the maintenance of such association or department and without any expense to the employee. This act shall not prevent the organization and maintaining under the insurance laws of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this act, the expense of which is maintained by the employer. This act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit, or relief association among employees for the payment of additional accident or sick benefits.

(*b*) No existing insurance, mutual aid, benefit, or relief association or department shall, by reason of anything herein contained, be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

Costs on employer.

(*c*) Any contract, oral, written, or implied, of employment providing for relief benefit, or insurance or any other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this act shall be null and void, and any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars nor more than one thousand dollars, or imprisonment in the county jail for not more than six months, or both, in the discretion of the court.

Subrogation of employees.

SEC. 28. Any person, who shall become entitled to compensation under the provisions of this act, shall, in the event of his inability to recover such compensation from the employer on account of his insolvency, be subrogated to all the rights of such employer against any insurance company, association, or insurer which may have insured such employer against loss growing out of the compensation required by the provisions of this act to be paid by such employer, and, in such event only, the said insurance company, association, or insurer shall become primarily liable to pay to the employee or his personal representative the compensation required by the provisions of this act to be paid by such employer.

Liability of third persons.

SEC. 29. Where an injury or death for which compensation is payable by the employer under this act was not proximately caused by the negligence of the employer or his employees, and was caused under circumstances creating a legal liability for damages in some person other than the employer to pay damages, such other person having also elected to be bound by this act, then the right of the employee or personal representative to recover against such other person shall be subrogated to his employer, and such employer may bring legal proceedings against such other person to recover the damages sustained, in an amount not exceeding the aggregate amount of compensation payable under this act, by reason of the injury or death of such employee. Where the injury or death for which compensation is payable under this act was not proximately caused by the negligence of the employer or his employees and was caused under circumstances creating a legal liability for damages on the part of some person other than the employer to pay damages, such other person having elected not to be bound by this act, then legal proceedings may be taken against such other person to recover damages notwithstanding such employer's payment of or liability to pay compensation under this act, but in such case if the action against such other person is brought by the injured employee or his personal representative and judgment is obtained and paid, or settlement is made with such other person, either with or without suit, then from the amount received by such employee or personal representative there shall be paid to the employer the amount of

compensation paid or to be paid by him to such employee or personal representative: *Provided*, That if the injured employee or his personal representative shall agree to receive compensation from the employer or to institute proceedings to recover the same or accept from the employer any payment on account of such compensation, such employer shall be subrogated to all the rights of such employee or personal representative and may maintain, or in case an action has already been instituted, may continue an action either in the name of the employee or personal representative or in his own name against such other person for a recovery of damages to which but for this section the said employee or personal representative would be entitled, but such employer shall nevertheless pay over to the injured employee or personal representative all sums collected from such other person by judgment or otherwise in excess of the amount of such compensation paid or to be paid under this act and all costs, attorneys' fees, and reasonable expenses incurred by such employer in making such collection and enforcing such liability.

Accidents to be reported.

SEC. 30. It shall be the duty of every employer within the provisions of this act to send to the Industrial Board in writing an immediate report of all accidental injuries arising out of or in the course of the employment and resulting in death; it shall also be the duty of every such employer to report between the 15th and the 25th of each month to the Industrial Board all accidental injuries for which compensation has been paid under this act, which injuries entail a loss to the employee of more than one week's time, and in case the injury results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result from such injury. All reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the name, address, the age, sex, conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the character of the injury, the length of disability, and, in case of death, the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons', and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses, if known. The making of reports as provided herein shall release the employer covered by the provisions of this act from making such reports to any other officer of the State.

Contractors.

SEC. 31. Any person, firm, or corporation, who undertakes to do or contracts with others to do, or have done for him, them, or it any work enumerated as extra hazardous in paragraph (b) in section 3, requiring employment of employees in, on, or about the premises where he, they, or it as principal or principals contract to do such work or any part thereof, and does not require of the person, firm, or corporation undertaking to do such work for said principal or principals, that such person, firm, or corporation undertaking to do such work shall insure his, their, or its liability to pay the compensation provided in this act to his, their, or its employees and any such person, firm, or corporation who creates or carries into operation any fraudulent scheme, artifice, or device to enable him, them, or it to execute such work without such person, firm, or corporation being responsible to the employee, his personal representative, or beneficiary entitled to such compensation under the provisions of this act, such person, firm, or corporation shall be included in the term "employer" and with the immediate employer shall be jointly and severally liable to pay the compensation herein provided for and be subject to all the provisions of this act.

Fraud.

Existing rights of action.

SEC. 32. No right of action for damages at common law, or under any other statute existing at the time of the taking effect of this act shall be affected by this act.

If act unconstitutional, what.

If the provisions of this act relating to compensation for injuries to or death of employees shall be repealed or adjudged invalid or unconstitutional, the period intervening between the occurrence of an injury or death and such repeal or final adjudication of invalidity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death, but the amount of any compensation which may have been paid for any such injury shall be deducted from any judgment for damages recovered on account of such injury. Any claim, disagreement, or controversy existing or arising under "an act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment," approved June 10, 1911, in force May 1, 1912, shall be adjusted in accordance with the provisions of said act, notwithstanding the repeal thereof, or may by agreement of the parties be adjusted in accordance with the method of procedure provided in this act for the adjustment of differences, jurisdiction to adjust such differences so submitted by the parties being hereby conferred upon the Industrial Board or committee of arbitration provided for in this act.

Violations.

SEC. 33. Any willful neglect, refusal, or failure to do the things required to be done by any section, clause, or provision of this act on the part of the persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any court officer or any other person charged with the duty of administering or enforcing the provisions of this act shall be deemed a misdemeanor, punishable by a fine of not less than $10 nor more than $500 at the discretion of the court.

Title.

SEC. 33½ (added by act, p. 400, Acts of 1915). This act may be cited as the workmen's compensation act.

Invalidity of part of act.

SEC. 34. The invalidity of any portion of this act shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part.

Repealer.

SEC. 35. That an act to promote the general welfare of the State of Illinois by providing compensation for accidental injuries or death suffered in the course of employment, approved June 10, 1911, in force May 1, 1912, be, and the same is hereby repealed.

Approved June 28, 1913.

INDIANA.

ACTS OF 1915.

CHAPTER 106.—*Compensation of workmen for injuries.*

PART I.

SECTION 1. This act shall be known as "The Indiana workmen's compensation act." Title.

SEC. 2. From and after the taking effect of this act every employer and every employee, except as herein stated, shall be presumed to have accepted the provisions of this act respectively to pay and accept compensation for personal injury or death by accident arising out of and in the course of the employment and shall be bound thereby, unless he shall have given prior to any accident resulting in injury or death, notice to the contrary in the manner herein provided. Acceptance presumed.

SEC. 3. Either an employer or an employee who has excepted himself by proper notice from the operation of this act may at any time waive such exemption and thereby accept the provisions of this act by giving notice as herein provided. Waiver by notice.

The notice of exemption and the notice of acceptance heretofore referred to shall be given thirty days prior to any accident resulting in injury or death: *Provided*, That if any such injury occurred less than thirty days after the date of employment, notice of such exemption or acceptance given at the time of employment shall be sufficient notice thereof. The notice shall be in writing or print in a substantial form prescribed by the industrial board, and shall be given by the employer by posting the same in a conspicuous place in the plant, shop, office, room, or place where the employee is employed, or by serving it personally upon him; and shall be given by the employee by sending the same in registered letter addressed to the employer at his last known residence or place of business, or by giving it personally to the employer or any of his agents upon whom a summons in civil action may be served under the laws of the State.

A copy of the notice in prescribed form shall also be filed with the industrial board.

SEC. 4. Every contract of service between any employer and employee covered by this act, written or implied, now in operation or made or implied prior to the taking effect of this act shall, after the act has taken effect, be presumed to continue; and every such contract made subsequent to the taking effect of this act shall be presumed to have been made subject to the provisions of this act, unless either party shall give notice, as provided in section 3, to the other party to such contract that the provisions of this act other than sections 10, 11, and 67 are not intended to apply. Presumption as to contracts.

A like presumption shall exist equally in the case of all minors unless notice of the same character be given by or to the parent or guardian of the minor.

SEC. 5. Every employer who accepts the compensation provisions of this act shall insure the payment of compensation to his employees in the manner hereinafter provided, and while such insurance remains in force he or those conducting his business shall only be liable to any employee for personal injury or death by accident to the extent and in the manner herein specified. Remedy exclusive.

SEC. 6. The rights and remedies herein granted to an employee subject to this act on account of personal injury or death by accident shall exclude all other rights and remedies of such employee, his personal representatives, dependents or next of kin, at common law or otherwise on account of such injury or death. Same subject.

Violation of statute.

SEC. 7. Nothing in this act shall be construed to relieve any employer or employee from penalty for failure or neglect to perform any statutory duty.

Willful misconduct, etc.

SEC. 8. No compensation shall be allowed for an injury or death due to the employee's willful misconduct, including intentional self-inflicted injury, intoxication, and willful failure or refusal to use a safety appliance or perform a duty required by statute.

The burden of proof shall be on the defendant employer.

Exemptions.

SEC. 9. This act, except section 67, shall not apply to casual laborers, to farm or agricultural laborers and to domestic servants, nor to employers of such persons, unless such employees and their employers voluntarily elect in the manner hereinafter specified to be bound by this act.

Defenses abrogated.

SEC. 10. Every employer who elects not to operate under this act shall not in any suit at law by an employee to recover damages for personal injury or death by accident be permitted to defend any such suit at law upon any one or all of the following grounds:

(a) That the employee was negligent;

(b) That the injury was caused by the negligence of a fellow employee;

(c) That the employee had assumed the risk of the injury.

Employee rejecting act.

SEC. 11. Every employee who elects not to operate under this act shall, in any action to recover damages for personal injury or death brought against an employer accepting the compensation provisions of this act, proceed at common law, and the employer may avail himself of the defenses of contributory negligence, negligence of a fellow servant, and assumption of risk, as such defenses exist at common law.

Rejection by both parties.

SEC. 12. When both the employer and employee elect not to operate under this act, the liability of the employer shall be the same as though he alone had rejected the terms of this act, and in any suit brought against him the employer shall not be permitted to avail himself of any of the common-law defenses cited in section 11.

Liability of third persons.

SEC. 13. Whenever an injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may at his option either claim compensation or proceed at law against such other person to recover damages or proceed against both the employer and such other person, but he shall not collect from both; and if compensation is awarded under this act the employer having paid the compensation or having become liable therefor, may collect in his own name or that of the injured employee from the other person in whom legal liability for damages exists, the indemnity paid or payable to the injured employee.

Employees of subcontractors.

SEC. 14. A principal, intermediate, or subcontractor shall be liable for compensation to any employee injured while in the employ of any one of his subcontractors and engaged upon the subject matter of the contract to the same extent as the immediate employer.

Any principal, intermediate, or subcontractor who shall pay compensation under the foregoing provision may recover the amount paid from any person who, independently of this section, would have been liable to pay compensation to the injured employee.

Every claim for compensation under this section shall in the first instance be presented to and instituted against the immediate employer, but such proceeding shall not constitute a waiver of the employee's rights to recover compensation under this act from the principal or intermediate contractor: *Provided*, That the collection of full compensation from one employer shall bar recovery by the employee against any others, nor shall he collect from all a total compensation in excess of the amount for which any of the said contractors is liable.

This section shall apply only in cases where the injury occurred on, in, or about the premises on which the principal contractor has undertaken to execute work or which are otherwise under his control or management.

Waivers.

SEC. 15. No contract or agreement, written or implied, no rule, regulation, or other device shall in any manner operate to relieve any employer, in whole or in part, of any obligation created by this act except as herein provided.

Preferences.

SEC. 16. All rights of compensation granted by this act shall have the same preference or priority for the whole thereof against the assets of the employer as is allowed by law for any unpaid wages for labor.

Assignments.

SEC. 17. No claim for compensation under this act shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors.

Public employments.

SEC. 18. The provisions of this act, except sections 3, 4, 10, 11, and 12, shall apply to the State and any municipal corporation within the State, or any political division thereof, and to the employees thereof.

Interstate commerce.

SEC. 19. This act, except section 67, shall not apply to employees engaged in interstate or foreign commerce, nor to their employers, in case the laws of the United States provide for compensation or for liability for injury or death by accident of such employees.

Injuries outside State.

SEC. 20. Every employer and employee under this act, except as provided in section 19, shall be bound by the provisions of the act whether injury by accident or death resulting from such injury occurs within the State or in some other State or in a foreign country.

Prior injuries.

SEC. 21. The provisions of this act shall not apply to injuries or death nor to accidents which occurred prior to the taking effect of this act.

PART II.

Notice.

SECTION 22. Every injured employee or his representative shall immediately upon the occurrence of an injury, or as soon thereafter as practicable, give or cause to be given to the employer written notice of the injury, and the employee shall not be entitled to physician's fees nor to any compensation which may have accrued, under the terms of this act, prior to the giving of such notice, unless it can be shown that the employer, his agent, or representative had knowledge of the injury or death, or that the party required to give such notice had been prevented from doing so by reason of physical or mental incapacity or the fraud or deceit of some third person, or for equally good reason; but no compensation shall be payable unless such written notice is given within thirty days after the occurrence of the injury or death, unless reasonable excuse is made to the satisfaction of the industrial board for not giving such notice.

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SEC. 23. The notice provided in the foregoing section shall state in ordinary language the name and address of the employee, the time, place, nature, and cause of the injury or death, and shall be signed by the employee or by a person on his behalf, or, in the event of his death, by any one or more of his dependents or by a person in their behalf.

No defect or inaccuracy in the notice shall be a bar to compensation unless the employer shall prove that his interest was prejudiced thereby, and then only to the extent of such prejudice.

Said notice shall be given personally to the employer or any of his agents upon whom a summons in civil action may be served under the laws of the State, or may be sent by registered letter addressed to the employer at his last known residence or place of business.

Claim.

SEC. 24. The right to compensation under this act shall be forever barred unless within two years after the injury, or, if death results therefrom, within two years after such death, a claim for compensation thereunder shall be filed with the industrial board.

Medical, etc., services.

SEC. 25. During the thirty days after an injury the employer shall furnish or cause to be furnished free of charge to the injured employee, and the employee shall accept, and during the whole or any part of the remainder of his disability resulting from the injury the employer may, at his own option, continue to furnish or cause to be furnished, free of charge to the employee, and the employee shall accept, an attending physician: *Provided, however*, Unless otherwise ordered by the industrial board, and, in addition, such surgical and hospital service and supplies as may be deemed necessary by said attending physician or the industrial board.

Refusing aid.

The refusal of the employee to accept such service when provided by the employer shall bar said employee from further compensation until such refusal ceases, and no compensation shall at any time be payable for the period of suspension unless in the opinion of the industrial board the circumstances justify the refusal, in which case the board may order a change in the medical or hospital service.

If in an emergency or on account of the employer's failure to provide the medical care for the first thirty days, as herein specified, or for other good reason, a physician other than that provided by the employer is called to treat the injured employee during the first thirty days, the reasonable cost of such service shall be paid by the employer, subject to the approval of the industrial board.

Charges.

SEC. 26. The pecuniary liability of the employer for medical, surgical, and hospital service herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured person.

Medical examinations.

SEC. 27. After an injury and during the period of resulting disability, the employee, if so requested by his employer or ordered by the industrial board, shall submit himself to examination, at reasonable times and places, by a duly qualified physician or surgeon designated and paid by the employer or the industrial board. The employee shall have the right to have present at any such examination any duly qualified physician or surgeon provided and paid by him. No fact communicated to, or otherwise learned by any physician or surgeon who may have attended or examined the employee, or who may have been present at any examination, shall be privileged, either in the hearings provided for in this act, or any action at law brought to recover damages against any employer who may have accepted the compensation provisions of this act. If the employee refuses to submit himself to or in any way obstructs such examination, his right to compensation and his right to take or prosecute any proceeding under this act shall be suspended until such refusal or obstruction ceases, and no compensation shall at any time be payable for the period of suspension unless in the opinion of the industrial board the circumstances justify the refusal or obstruction.

The employer or the industrial board shall have the right in any case of death to require an autopsy at the expense of the party requiring the same.

Waiting time.

SEC. 28. No compensation shall be allowed for the first fourteen calendar days of disability resulting from an injury, except the benefits provided for in section 25; but if disability extends beyond that period compensation shall commence with the fifteenth day after the injury.

Total disability.

SEC. 29. Where the injury causes total disability for work, there shall be paid to the injured employee during such total disability, but not including the first two weeks thereof, a weekly compensation equal to fifty-five per cent of his average weekly wages for a period not to exceed five hundred weeks.

Partial disability.

SEC. 30. Where the injury causes partial disability for work there shall be paid to the injured employee during such disability, but not including the first two weeks thereof, a weekly compensation equal to one-half of the difference between his "average weekly wages" and the weekly wages at which he is actually

employed after the injury for a period not to exceed three hundred weeks.

In case the partial disability begins after a period of total disability, the latter period shall be deducted from the maximum period allowed for partial disability.

Schedule.

SEC. 31. For injuries in the following schedule the employee shall receive in lieu of all other compensation a weekly compensation equal to fifty-five per cent of his average weekly wages for the periods stated against such injuries, respectively, to wit:

(a) For the loss by separation of not more than one phalange of a thumb or not more than two phalanges of a finger, 15 weeks;

(b) For the loss by separation of more than two phalanges of a finger or of a whole finger or a toe, 30 weeks;

(c) For the loss by separation of more than one phalange of a thumb or of a whole thumb, 60 weeks;

(d) For the permanent and irrecoverable loss of the sight of one eye or its reduction to one-tenth of normal vision with glasses, 100 weeks;

(e) For the loss by separation of one foot at or above the ankle joint, 125 weeks;

(f) For the loss by separation of one hand at or above the wrist joint, 150 weeks;

(g) For the loss by separation of one leg at or above the knee joint, 175 weeks;

(h) For the loss by separation of one arm at or above the elbow joint, 200 weeks;

(i) For the permanent and complete loss of hearing, 75 weeks.

In all other cases of permanent partial disability, including any disfigurement which may impair the future usefulness or opportunities of the injured employee, compensation in lieu of all other compensation shall be paid when and in the amount determined by the industrial board, not to exceed fifty-five per cent of average weekly wages per week for a period of two hundred weeks.

Refusing employment.

SEC. 32. If an injured employee refuses employment suitable to his capacity procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the industrial board such refusal was justifiable.

Subsequent injuries.

SEC. 33. If an employee has sustained a permanent injury in another employment than that in which he received a subsequent permanent injury by accident, such as specified in section 31, he shall be entitled to compensation for the subsequent injury in the same amount as if the previous injury had not occurred.

If two injuries.

SEC. 34. If an employee receive an injury for which compensation is payable while he is still receiving or entitled to compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries unless it be for a permanent injury, such as specified in section 31; but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under this act.

Two permanent injuries.

SEC. 35. If an employee receives a permanent injury, such as specified in section 31, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation.

When the previous and subsequent permanent injuries result in total permanent disability, compensation shall be payable for permanent total disability, but payments made for the previous injury shall be deducted from the total payment of compensation due.

Death during compensation period.

SEC. 36. When an employee receives or is entitled to compensation under this act for an injury and dies from any other cause than the injury for which he was entitled to compensation, payment of the unpaid balance of compensation shall be made to his next of kin dependent upon him for support.

Burial and death benefits.

SEC. 37. Where death results from the injury within three hundred weeks, there shall be paid in addition to burial expenses not to exceed one hundred dollars, a weekly compensation equal to one-half of the deceased's average weekly wages during such remaining part of three hundred weeks as compensation shall not have been paid to the deceased for total or partial disability, to all dependents of the employee wholly dependent upon his earnings for support at the time of the injury. If the employee leaves dependents only partially dependent upon his earnings for support at the time of the injury, the weekly compensation to those dependents shall, in addition to burial expenses, not to exceed one hundred dollars, be in the same proportion to the weekly compensation for persons wholly dependent as the amount contributed by the deceased employee to such partial dependent bears to his annual earnings at the time of the injury.

Dependents.

SEC. 38. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(a) A wife upon a husband with whom she lives at the time of his death.

(b) A husband upon a wife with whom he lives at the time of her death if he is then incapable of self-support and actually dependent upon her.

(c) A boy under the age of 18, or a girl under the age of 18, upon the parent with whom he or she is living at the time of the death of such parent, there being no surviving dependent parent. If a child is over the ages specified above, but physically or mentally incapacitated from earning, he or she shall be presumed to be totally dependent if there is no surviving dependent parent.

As used in this section the term "boy," "girl," or "child" shall include stepchildren, legally adopted children, posthumous children, acknowledged illegitimate children, but shall not include married children; the term "parent" shall include step-parents and parents by adoption.

In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided among them; and persons partly dependent, if any, shall receive no part hereof; if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

For the purposes of this act the dependence of a widow or widower of a deceased employee and dependent children living with said widow or widower shall terminate with remarriage; and the amount received by her shall be divided among other dependents in the proportion in which they are receiving compensation, and in the event of the separation of the wife from her second or subsequent husband and her obtaining a divorce upon her own application, then she shall receive the same compensation for which she would have been entitled had she not remarried, but the time from the date of the remarriage to the date of the divorce shall be deducted from the time compensation runs; and the dependence of a child, except a child physically or mentally incapacitated from earning, shall terminate with the attainment of 18 years of age.

If no dependents.

SEC. 39. If the deceased employee leaves no dependents the employer shall pay the burial expense of the deceased, not to exceed one hundred dollars.

Limits of benefits.

SEC. 40. In computing compensation under the foregoing sections the average weekly wages of an employee shall be considered not to be more than twenty-four dollars nor less than ten dollars: *And provided further*, That the total compensation payable under this act shall in no case exceed five thousand dollars ($5,000).

Advanced payments.

SEC. 41. Any payments made by the employer to the injured employee during the period of his disability, or to his dependents,

which by the terms of this act were not due and payable when made, may, subject to the approval of the industrial board, be deducted from the amount to be paid as compensation: *Provided*, That in case of disability such deduction shall be made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly payments, unless otherwise hereinafter specified.

Time of payments.

SEC. 42. The industrial board upon the application of either party, may, in its discretion, having regard to the welfare of the employee and the convenience of the employer, authorize compensation to be paid monthly or quarterly instead of weekly.

Lump sums.

SEC. 43. Whenever any weekly payment has been continued for not less than 26 weeks, the liability therefor may, in unusual cases, where the parties agree and the industrial board deems it to be for the best interests of the employee or his dependents, be redeemed by the payment, in whole or in part, by the employer, of a lump sum which shall be fixed by the board, but in no case to exceed the commutable value of the future installments which may be due under this act. The board may, however, in its discretion at any time in the case of a minor who has received permanently disabling injuries, either partial or total, provide that he be compensated in whole or in part by the payment of a lump sum, the amount of which shall be fixed by the board, but in no case to exceed the commutable value of the future installments which may be due under this act.

Trustees.

SEC. 44. Whenever the industrial board deems it expedient, any lump sum under the foregoing section shall be paid by the employer to some suitable person or corporation appointed by the circuit or superior court, as trustee, to administer the same for the benefit of the person entitled thereto, in the manner provided by the board. The receipt of such trustee for the amount as paid shall discharge the employer or anyone else who is liable therefor.

Reviews.

SEC. 45. Upon its own motion or upon the application of any party in interest on the ground of a change in condition, the industrial board may at any time review any award and on such review may make an award ending, diminishing, or increasing the compensation previously awarded, subject to the maximum or minimum provided in this act, and shall immediately send to the parties a copy of the award. No such review shall affect such award as regards any moneys paid.

Receipts.

SEC. 46. Whenever payment of compensation is made to a widow or widower for her or his use, or for her or his use and the use of a child or children, the written receipt thereof by such widow or widower shall acquit the employer.

Whenever payment is made to any person eighteen years of age or over, the written receipt of such person shall acquit the employer.

Whenever payment is made to a minor under the age of eighteen years, or to a dependent child over the age of eighteen, the same shall be made to some suitable person or corporation appointed by the circuit or superior court as trustee, and the receipt of such trustee shall acquit the employer: *Provided, however*, That the industrial board may review the facts and circumstances surrounding the payment of any money and the taking of any receipt, as provided in this section, and may set the same aside either for fraud or undue influence.

Incompetents.

SEC. 47. If an injured employee is mentally incompetent or is under eighteen years of age at the time when any right or privilege accrues to him under this act, his guardian or trustee may in his behalf claim and exercise such right or privilege.

Limitation not to run.

SEC. 48. No limitation of time provided in this act shall run as against any person who is mentally incompetent or a minor dependent, so long as he has no guardian or trustee.

Two employers.

SEC. 49. Whenever any employee for whose injury or death compensation is payable under this act shall at the time of the injury

be in the joint service of two or more employers subject to this act, such employers shall contribute to the payment of such compensation in proportion to their wage liability to such employees: *Provided, however*, That nothing in this section shall prevent any reasonable arrangement between such employers for a different distribution as between themselves of the ultimate burden of compensation.

PART III.

Industrial board.

SECTION 50. There is hereby created a board which shall be known as the Industrial Board of Indiana, which shall consist of three members, not more than two of whom shall belong to the same political party, appointed by the governor, one of whom he shall designate as chairman. Each member of the board shall hold office for four years, and until his successor is appointed and qualified, except that when the board is first constituted, one member shall be appointed for three years, one for four years, and the third shall be the present chief of the State bureau of inspection, who shall serve for one year as hereinafter provided. Thereafter, upon the expiration of the term of any member, the governor shall appoint his successor for the full term of four years.

Each member of the board shall devote his entire time to the duties of his office and shall not hold any position of trust or profit or engage in any occupation or business interfering or inconsistent with his duties as such member.

Salaries, etc.

SEC. 51. The salary of each member of the board shall be four thousand dollars per year each.

The board may appoint a secretary at a salary of not more than twenty-five hundred dollars a year and may remove him. The board may also, subject to the approval of the governor, employ such clerical and other assistants as it may deem necessary and fix the compensation of all persons so employed.

The members of the board and its assistants shall be entitled to receive from the State their actual and necessary expenses while traveling on the business of the board, but such expenses shall be sworn to by the person who incurred the same and shall be approved by the chairman of the board before payment is made.

All salaries and expenses of the board shall be audited and paid out of the State treasury in the manner prescribed for similar expenses in other departments or branches of the State service.

Transfer of powers.

SEC. 52. The rights, powers, and duties conferred by law upon the State bureau of inspection of the State of Indiana are hereby continued in full force and are hereby transferred to the industrial board hereby created and shall be held and exercised by them under the laws heretofore in force and the said State bureau of inspection is hereby abolished. The present chief inspector of said State bureau of inspection is hereby made a member of said industrial board until the expiration of one year from the date of the taking effect of this act and until his successor is appointed and qualified. The deputy inspectors heretofore appointed by the governor as deputy inspectors in said State bureau of inspection, to wit: Inspector of buildings, factories, and workshops, inspector of boilers, and inspector of mines and mining, together with their assistant inspectors, are hereby continued in their respective offices, at their present salaries, until the expiration of the terms for which they are respectively appointed and until their successors are appointed and qualified, and each of them respectively shall have and perform all the rights, powers, and duties now held and performed by each of them, respectively, together with such other rights, powers, and duties as may be prescribed by said industrial board. Upon the termination of the said terms of office for which said deputy inspectors have been appointed, said industrial board, with the concurrence of the governor, shall appoint their successors to serve during the pleasure of said industrial board.

SEC. 53. All the rights, powers, and duties of the labor commission of the State of Indiana, heretofore created and subsequently transferred to and vested in the State bureau of inspection, are hereby abolished. Labor commission abolished.

SEC. 54. The board shall be provided with adequate offices in the capitol or some other suitable building in the city of Indianapolis, in which the records shall be kept and its official business be transacted during regular business hours; it shall also be provided with necessary office furniture, stationery, and other supplies. Offices.

The board or any member thereof may hold sessions at any place within the State as may be deemed necessary.

SEC. 55. The board may make rules not inconsistent with this act for carrying out the provisions of this act. Processes and procedure under this act shall be as summary and simple as reasonably may be. The board or any member thereof shall have the power for the purpose of this act to subpœna witnesses, administer or cause to have administered oaths, and to examine or cause to have examined such parts of the books and records of the parties to a proceeding as relate to questions in dispute. Rules.

The county sheriff shall serve all subpœnas of the board and shall receive the same fees as now provided by law for like service in civil actions; each witness who appears in obedience to such subpœna of the board shall receive for attendance the fees and mileage for witnesses in civil cases in the courts.

The circuit or superior court shall, on application of the board or any member thereof, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.

SEC. 56. The board shall prepare and cause to be printed, and upon request furnish free of charge to any employer or employee, such blank forms and literature as it shall deem requisite to facilitate or promote the efficient administration of this act. Forms.

The board shall tabulate the accident reports received from employers in accordance with section 67, and shall publish the same in the annual report of the board and as often as it may deem advisable, in such detailed or aggregate form as it may deem best. The name of the employer or employee shall not appear in such publications and the employers' reports themselves shall be private records of the board and shall not be open for public inspection except for the inspection of the parties directly involved, unless in the opinion of the board the public interest shall require otherwise. These reports shall not be used as evidence against any employer in any suit at law brought by any employee for the recovery of damages. Annual reports.

SEC. 57. If after fourteen days from the date of the injury or at any time in case of death the employer and the injured employee or his dependents reach an agreement in regard to compensation under this act, a memorandum of the agreement in the form prescribed by the industrial board shall be filed with the board; otherwise such agreement shall be voidable by the employee or his dependents. Memorandum of agreements.

If approved by the board, thereupon the memorandum shall for all purposes be enforceable by the court decree as hereinafter specified. Such agreement shall be approved by said board only when the terms conform to the provisions of this act.

SEC. 58. If the employer and the injured employee or his dependents fail to reach an agreement in regard to compensation under this act, or if they have reached such an agreement which has been signed and filed with the board and compensation has been paid or is due in accordance therewith, and the parties thereto then disagree as to the continuance of any weekly payment under such agreement, either party may make an application to the industrial board for a hearing in regard to the matters at issue and for a ruling thereon. Reference to board.

Immediately after such application has been received the board shall set the date for a hearing, which shall be held as soon as Hearing.

practicable, and shall notify the parties at issue of the time and place of such hearing. The hearing shall be held in the county where the injury occurred.

Award. SEC. 59. The board or any of its members shall hear the parties at issue and their representatives and witnesses and shall determine the dispute in a summary manner. The award, together with a statement of the findings of fact, rulings of law, and any other matters pertinent to the question at issue shall be filed with the record of proceedings, and a copy of the award shall immediately be sent to the parties in dispute.

Review. SEC. 60. If an application for review is made to the board within seven days from the date of the award, the full board, if the first hearing was not held before the full board, shall review the evidence, or if deemed advisable as soon as practicable hear the parties at issue, their representatives and witnesses, and shall make an award and file same in like manner as specified in the foregoing section.

Appeals. SEC. 61. An award of the board, as provided in section 59, if not reviewed in due time, or an award of the board upon such review as provided in section 60, shall be conclusive and binding as to all questions of fact, but either party to the dispute may within thirty days from the date of the award appeal to the appellate court for errors of law under the same terms and conditions as govern appeals in ordinary civil actions. The board, of its own motion, may certify questions of law to said appellate court for its decision and determination.

Enforcement. SEC. 62. Any party in interest may file in the circuit or superior court of the county in which the injury occurred a certified copy of a memorandum of agreement approved by the board or of an order or decision of the board, or of an award of the board unappealed from, or of an award of the board rendered upon an appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though said judgment had been rendered in a suit duly heard and determined by said court.

Any such judgment of said circuit or superior court unappealed from or affirmed on appeal or modified in obedience to the mandate of the appellate court shall be modified to conform to any decision of the industrial board, ending, diminishing, or increasing any weekly payment under the provisions of section 45 of this act, upon the presentation to it of a certified copy of such decision.

Costs. SEC. 63. If the industrial board or any court before whom any proceedings are brought under this act shall determine that such proceedings have been brought, prosecuted, or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who has so brought, prosecuted, or defended them.

Medical examination. SEC. 64. The board or any member thereof may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employee and to testify in respect thereto. Said physician or surgeon shall be allowed traveling expenses and a reasonable fee to be fixed by the board, not exceeding ten dollars for each examination and report, but the board may allow additional reasonable amounts in extraordinary cases.

The fees and expenses of such physician or surgeon shall be paid by the State.

Fees. SEC. 65. Fees of attorneys and physicians and charges of hospitals for services under this act shall be subject to the approval of the board.

Settlement of disputes. SEC. 66. All questions arising under this act, if not settled by agreement of the parties interested therein with the approval of the board, shall be determined by the board except as otherwise herein provided for.

Reports of injuries. SEC. 67. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the

course of their employment. Within one week after the occurrence and knowledge thereof, as provided in section 2, of an injury to an employee causing his absence from work for more than one day, a report thereof shall be made in writing and mailed to the industrial board on blanks to be procured from the board for the purpose.

Upon the termination of the disability of the injured employee, or if the disability extends beyond a period of 60 days, then also at the expiration of such period the employer shall make a supplementary report to the board on blanks to be procured from the board for the purpose.

The said reports shall contain the name, nature, and location of the business of the employer, and name, age, sex, wages, and occupation of the injured employee, and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and such other information as may be required by the board.

Any employer who refuses or neglects to make the report required by this section shall be liable for a penalty of not more than twenty-five dollars for each refusal or neglect, to be recoverable in any court of competent jurisdiction in a suit by the board.

PART IV.

Insurance required.

SECTION 68. Every employer under this act shall either insure and keep insured his liability hereunder in some corporation, association, or organization authorized to transact the business of workmen's compensation insurance in this State, or shall furnish to the industrial board satisfactory proof of his financial ability to pay direct the compensation in the amount and manner and when due as provided for in this act. In the latter case the board may, in its discretion, require the deposit of an acceptable security, indemnity, or bond to secure the payment of compensation liabilities as they are incurred.

Financial ability.

Evidence of compliance.

SEC. 69. Every employer accepting the compensation provisions of this act shall within thirty days after this act takes effect file with the board in form prescribed by it, and thereafter annually or as often as may be necessary, evidence of his compliance with the provisions of section 68 and all others relating thereto.

If such employer refuses or neglects to comply with these provisions he shall be punished by a fine of ten cents for each employee at the time of the insurance becoming due, but not less than one dollar nor more than fifty dollars for each day of such refusal or neglect and until the same ceases, and he shall be liable during continuance of such refusal or neglect to an employee either for compensation under this act or at law in the same manner as provided for in section 10.

Certificate.

SEC. 70. Whenever an employer has complied with the provisions of section 68, relating to self-insurance, the industrial board shall issue to such employer a certificate which shall remain in force for a period fixed by the board, but the board may upon at least sixty days' notice and a hearing to the employer revoke the certificate upon satisfactory evidence for such revocation having been presented. After the expiration of one year from such revocation the board may grant a new certificate to the employer upon his petition.

Mutual companies.

SEC. 71. For the purpose of complying with the provisions of section 68, groups of employers, to form mutual insurance associations or reciprocal insurance associations subject to such reasonable conditions and restrictions as may be fixed by the industrial board, are hereby authorized. Membership in such mutual insurance associations or reciprocal insurance associations so approved, together with evidence of the payment of premiums due, shall be evidence of compliance with section 68.

Substitute schemes.

SEC. 72. Subject to the approval of the industrial board any employer may enter into or continue any agreement with his employees to provide a system of compensation, benefit, or in-

surance in lieu of the compensation and insurance provided by this act. No such substitute system shall be approved unless it confers benefits upon injured employees at least equivalent to the benefits provided by this act, nor if it requires contributions from the employees unless it confers benefits in addition to those provided under this act at least commensurate with such contributions.

Such substitute system may be terminated by the industrial board on reasonable notice and hearing to the interested parties if it shall appear that the same is not fairly administered or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purposes of this act; and in this case the board shall determine upon the proper distribution of all remaining assets, if any, subject to the right of any party in interest to take an appeal to the appellate court.

Provisions of policies.

SEC. 73. All policies insuring the payment of compensation under this act must contain a clause to the effect that as between the employer and the insurer the notice to or knowledge of the occurrence of the injury on the part of the insured shall be deemed notice or knowledge, as the case may be, on the part of the insurer; that jurisdiction of the insured for the purposes of this act shall be jurisdiction of the insurer; and that the insurer shall in all things be bound by and subject to the awards, judgments, or decrees rendered against such insured.

Same subject.

SEC. 74. No policy of insurance against liability arising under this act shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to same all benefits conferred by this act and all installments of the compensation that may be awarded or agreed upon, and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy, or otherwise. Such agreement shall be construed to be a direct promise by the insurer to the person entitled to compensation enforceable in his name.

Presumptions.

SEC. 75. Every policy for the insurance of the compensation herein provided, or against liability thereof, shall be deemed to be made subject to the provisions of this act. No corporation, association, or organization shall enter into any such policy of insurance unless its form shall have been approved by the industrial board.

PART V.

Definitions.

SECTION 76. In this act unless the context otherwise requires:

(a) "Employer" shall include the State and any municipal corporation within the State or any political division thereof, and any individual, firm, association, or corporation or the receiver or trustee of the same or the legal representatives of a deceased employer, using the services of another for pay. If the employer is insured it shall include his insurer so far as applicable.

(b) "Employee" shall include every person, including a minor, in the service of another under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents, and other persons to whom compensation may be payable.

(c) "Average weekly wages" shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of fifty-two weeks immediately preceding the date of injury, divided by fifty-two; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of such fifty-two weeks shall be divided by the number of weeks remaining after the time so lost has been

deducted. Where the employment prior to the injury extended over a period of less than fifty-two weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer or the casual nature or terms of the employment, it is impracticable to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the fifty-two weeks previous to the injury was being earned by a person in the same grade employed at the same work by the same employer, or if there is no person so employed, by a person in the same grade employed in the same class of employment in the same district.

Wherever allowances of any character made to an employee in lieu of wages are specified part of the wage contract, they shall be deemed a part of his earnings.

(d) "Injury" and "personal injury" shall mean only injury by accident arising out of and in the course of the employment and shall not include a disease in any form except as it shall result from the injury.

Provisions severable

SEC. 77. If any section or provision of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of this act as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Repeal

SEC. 78. All acts and parts of acts inconsistent with any provisions of this act are hereby repealed to the extent of such inconsistency.

Act in effect.

SEC. 79. This act shall take effect on the first day of September, 1915, except that Part III with the exception of section 67, shall take effect upon the passage of this act.

Appropriation.

SEC. 80. For the purpose of paying the salaries and expenses of the members of the industrial board and its employees, the sum of $70,000 per year or so much thereof as may be necessary is hereby appropriated.

Pending causes.

SEC. 81. The provisions of this act shall not affect pending litigation.

Emergency.

SEC. 82. Whereas an emergency exists for the immediate taking effect of Part III of this act with the exception of section 67, said Part III with said exception shall be in full force from and after the passage of this act.

ACTS OF 1913.

CHAPTER 147.—*Compensation of workmen for injuries.*

SECTION 1. (a) Except as by this act otherwise provided, it shall be conclusively presumed that every employer as defined by this act has elected to provide, secure and pay compensation according to the terms, conditions, and provisions of this act for any and all personal injuries sustained by an employee arising out of and in the course of the employment; and in such cases the employer shall be relieved from other liability for recovery of damages or other compensation for such personal injury, unless by the terms of this act otherwise provided; but this act shall not apply to any household or domestic servant, farm or other laborer engaged in agricultural pursuits, nor persons whose employment is of a casual nature.

Election of compensation presumed.

Effect.

(b) Where the State, county, municipal corporation, school district, cities under special charter and commission form of government is the employer, the terms, conditions and provisions of this act for the payment of compensation and amount thereof for such injury sustained by an employee of such employer shall be exclusive, compulsory and obligatory upon both employer and employee.

Compulsory as to municipalities.

(c) An employer having the right under the provisions of this act to elect to reject the terms, conditions and provisions thereof and in such case exercises the right in the manner and form by this act provided, such employer shall not escape liability for personal injury sustained by an employee of such employer when the injury sustained arises out of and in the usual course of the employment because—

Defenses abrogated, when.

(1) The employee assumed the risks inherent in or incidental to or arising out of his or her employment; or the risks arising from the failure of the employer to provide and maintain a reasonably safe place to work, or the risks arising from the failure of the employer to furnish reasonably safe tools or appliances, or because the employer exercised reasonable care in selecting reasonably competent employees in t he business.

(2) That the injury was caused by the negligence of the coemployee.

(3) That the employee was negligent unless and except it shall appear that such negligence was willful and with intent to cause the injury; or the result of intoxication on the part of [on] the injured party.

(4) In actions by an employee against an employer for personal injury sustained arising out of and in the course of the employment where the employer has elected to reject the provisions of this act, it shall be presumed that the injury to the employee was the direct result and growing out of the negligence of the employer; and that such negligence was the proximate cause of the injury; and in such cases the burden of proof shall rest upon the employer to rebut the presumption of negligence.

Suits.

Every such employer shall be conclusively presumed to have elected to provide, secure and pay compensation to employees for injuries sustained arising out of and in the course of the employment according to the provisions of this act, unless and until notice in writing of an election to the contrary shall have been given to the employees by posting the same in some conspicuous place at the place where the business is carried on, and also by filing notice with the Iowa industrial commissioner with return thereon by affidavit showing the date that notice was posted as by this act provided: *Provided, however*, That any employer beginning business after the taking effect of this act and giving notice at once of his desire not to come under the provisions of this act, shall not be considered as under the act: *Provided, however*, That such employer shall not be relieved of the payment of compensation as by this act provided until thirty days after the filing of such notice with the Iowa industrial commissioner, which notice shall be substantially in the following form:

Election to reject law.

EMPLOYERS' NOTICE TO REJECT.

To the employees of the undersigned, and the Iowa Industrial Commissioner:

You and each of you are hereby notified that the undersigned rejects the terms, conditions and provisions to provide, secure and pay com-

Form of notice.

pensation to employees of the undersigned for injuries received as provided in the acts of the (———) general assembly known as chapter (———) and elects to pay damages for personal injuries received by such employee under the common law and statutes of this State modified by subdivisions one, two, three and four of section one, chapter (———) of the acts of the (———) general assembly and acts amendatory thereto.

Signed ——— ———

State of Iowa,
——— County, ss.

The undersigned being first duly sworn deposes and says that a true, correct and verbatim copy of the foregoing notice was on the ——— day of ———, 19——, posted at ——— ———. (State fully place where posted.)

———,

Subscribed and sworn to before me by ——— ——— this ——— day of ———, 19——.

———,
Notary Public.

Notice to be posted.

The employer shall keep such notice posted in some conspicuous place which shall apply to the employees subsequently employed by the employer with the same force and effect and to the same extent and in like manner as employees in the employ at the time the notice was given.

Implied agreement.

Where the employer and employee have not given notice of an election to reject the terms of this act, every contract of hire express or implied, shall be construed as an implied agreement between them and a part of the contract on the part of the employer to provide, secure and pay, and on the part of the employee to accept compensation in the manner as by this act provided for all personal injuries sustained arising out of and in the course of the employment.

No compensation, when.

SEC. 2. No compensation under this act shall be allowed for an injury caused:

(a) By the employee's willful intention to injure himself or to willfully injure another; nor shall compensation be paid to an injured employee if injury is sustained where intoxication of the employee was the proximate cause of the injury.

Remedies exclusive.

SEC. 3. (a) The rights and remedies provided in this act for an employee on account of an injury shall be exclusive of all other rights and remedies of such employee, his personal or legal representatives, dependents or next of kin, at common law or otherwise on account of such injury; and all employees affected by this act shall be conclusively presumed to have elected to take compensation in accordance with the terms, conditions and provisions of this act until notice in writing shall have been served upon his employer; and also on the Iowa industrial commissioner, with return thereon by affidavit showing the the date upon which notice was served upon the employer.

Rejection of act by employee.

(b) In the event such employee elects to reject the terms, conditions and provisions of this act, the rights and remedies thereof shall not apply where an employee brings an action or takes proceedings to recover damages or compensation for injuries received growing out of and in the course of his employment, except as otherwise provided by this act; and in such actions where the employee has rejected the terms of this act the employer shall have the right to plead and rely upon any and all defenses including those at common law, and the rules and defenses of contributory negligence, assumption of risk and fellow servant shall apply and be available to the employer as by statute authorized unless otherwise provided in this act: *Provided, however*, That if an employee sustains an injury as the result of the employer's failure to furnish or failure to exercise reasonable care to keep or maintain any safety device required by statute or rule, or violation of any of the statutory provisions or rules and regulations now or hereafter in force relating to safety of employees, the doctrine of assumed risk in such case growing out of the negligence of the employer shall not apply or be available as defensive matter to such offending party. The notice required to be given by an employee shall be substantially in the following form:

EMPLOYER'S NOTICE TO REJECT.

To ——— ——— and the Iowa Industrial Commissioner:
(Name of employer)

Form of notice.

You and each of you are hereby notified that the undersigned hereby elects to reject the terms, conditions and provisions of an act for the payment of compensation as provided by the acts of the (———) general assembly and acts amendatory thereto, and elects to rely upon the common law as modified by section three of the acts of the (———) general assembly for the right to recover for personal injury which I may receive, if any, growing out of and arising from the employment while in line of duty for my employer above named.

Dated this —— day of ———, 19——.

Signed ——— ———

State of Iowa, }
——— County. } ss:

The undersigned being first duly sworn deposes and says that the written notice was on the —— day of ———, 19——, served on the within named employer of the undersigned by delivering to ——— (Name of served.) ——— a true, correct, and verbatim copy thereof.

——— ———.

Subscribed and sworn (or affirmed) to before me by the said ——— ——— this —— day of ———, 19——.

——— ———,
Notary Public.

Information required.

In any case where an employee or one who is an applicant for employment elects to reject the terms, conditions, and provisions of this act, he shall, in addition to the notice required by subdivision (b) of section 3 of this act, state in an affidavit to be filed with said notice who, if any person, requested, suggested, or demands of such person to exercise the right to reject the provisions of this act. And if request, suggestion, or demand has been made of such employee by any person, such employee shall give and state the name of the person who made the request, suggestion, or demand, and all of the circumstances relating thereto, the date and place when and where made, and persons present, and if it be found that the employer of such employee, or an employer to whom an applicant for employment, or any person a member of the firm, association, corporation, or agent or official of such employer, made a request, suggestion, or demand of such employee or applicant for employment to reject the terms, conditions and provisions of this act, such request, suggestion, or demand if made under such conditions, shall be conclusively presumed to have been sufficient to have unduly influenced such employee or an applicant for employment to exercise the right to reject the terms of this act, and the rejection made under such circumstances shall be conclusively presumed to have been procured through fraud and thereby fraudulently procured, and such rejection shall be nul and void and of no effect.

Administration of oath.

No person interested in the business of such employer, financially or otherwise, shall be permitted to administer the oath to the affidavit required in case as [an] employee or applicant for employment elects to exercise the right to reject the provisions of this act. And the person administering such oath in making such affidavit, shall carefully read the notice and affidavit to such person making such rejection, and shall explain that the purpose of the notice is to bar such person from recovering compensation in accordance with the schedule and terms of this act in the event that he sustains an injury in the course of such employment. All of which shall be shown by certificate of the person administering the oath herein contemplated. The Iowa industrial commissioner, or any person acting for such commissioner, shall refuse to file the notice and affidavit, unless such notice, affidavit and certificate fully, and in detail, comply with the requirements hereof. And if such rejection, affidavit and certificate is found insufficient for any cause, shall be returned by mail or otherwise to the person who executed the instrument.

Rejection in force.

SEC. 4. (a) When the employer or employee has given notice in compliance with this act electing to reject the terms thereof such election shall continue and be in force until such employer or employee shall thereafter elect to come under the provisions of this act as is provided in subdivision (b) of this section.

Waiver.

(b) When an employer or employee rejects the terms, conditions or provisions of this act, such party may at any time thereafter elect to waive the same by giving notice in writing in the same manner required of the party in electing to reject the provisions of the act and which shall become effective when filed with the Iowa industrial commissioner.

Rejection by both parties.

SEC. 5. Where the employer and employee elect to reject the terms, conditions and provisions of this act, the liability of the employer shall be the same as though the employee had not rejected the terms, conditions and provisions thereof.

Rejection after election.

SEC. 6. An employer having come under this act, who thereafter elects to reject the terms, conditions and provisions thereof, shall not be relieved from the payment of compensation to such employee who sustains an injury in the course of the employment before the election to reject becomes effective; and in such cases the employer shall be required to secure the payment of any compensation due or that may become due to such workman, subject to the approval of the Iowa industrial commissioner.

Injuries caused by third parties.

SEC. 7. Where an employee coming under the provisions of this act receives an injury for which compensation is payable under this act and which injury was caused under circumstances creating a legal liability in some person other than the employer, to pay damages in respect thereof.

(a) The employee or beneficiary may take proceedings both against that person to recover damages and against the employer for compensation, but the amount of the compensation to which he is entitled under this act shall be reduced by the amount of damages recovered.

(b) If the employee or beneficiary in such case recovers compensation under this act, the employer by whom the compensation was paid or the party who has been called upon to pay the compensation, shall be entitled to indemnity from the person so liable to pay damages as aforesaid, and shall be subrogated to the rights of the employee to recover therefor.

Waivers forbidden.

SEC. 8. No contract, rule, regulation or device whatsoever shall operate to relieve the employer, in whole or in part, from any liability created by this act except as herein provided.

Notice.

SEC. 9. Unless the employer or representative of such employer shall have actual knowledge of the occurrence of an injury, or unless the employee or some one on his behalf, or some of the dependents or some one on their behalf, shall give notice thereof to the employer within fifteen days of the occurrence of the injury, then no compensation shall be paid until and from the date such notice is given or knowledge obtained; but if notice is given or the knowledge obtained within thirty days from the occurrence of the injury, no want, failure or inaccuracy of a notice shall be a bar to obtaining compensation, unless the employer shall show that he was prejudiced by such want, defect or inaccuracy, and then only to the extent of such prejudice: *Provided*, That if the employee or beneficiary shall show that his failure to give prior notice was due to mistake, inadvertence, ignorance of fact or law, or inability, or to the fraud, misrepresentation or deceit of another or to any other reasonable cause or excuse, then compensation may be allowed, unless and then to the extent only that the employer shall show that he was prejudiced by failure to receive such notice: *Provided, further*, Unless knowledge is obtained or notice given within ninety days after the occurrence of the injury, no compensation shall be allowed. No form of notice shall be required but may substantially conform to the following form:

Form.

FORM OF NOTICE.

To ——— ———

You are hereby notified that on or about the —— day of ———, 19——, personal injury was sustained by ——— ——— while in your employ at ———, ———. (Give name of place employed and point where located when injury occurred and that compensation will be claimed therefor.)

Signed ——— ———

but no variation from this form of notice shall be material if the notice is sufficient to advise the employer that a certain employee, by name, received an injury in the course of his employment on or about a specified time at or near a certain place. Notice served upon one on whom an original notice may be served in civil cases shall be a compliance with this act.

The notice required to be given to the employer may be served by any person over sixteen years of age, who shall make return upon a copy of the notice, properly sworn to, showing the date of service where and upon whom served, but no special form of the return of service of the notice shall be required. It shall be sufficient if the facts therefrom can be reasonably ascertained. The return of service may be amended at any time.

Compensation payable, when.

SEC. 10. If any employee has not given notice to reject the terms, conditions and provisions of this act, or has given such notice and waived the same as by this act provided, and the employer has not rejected the terms, conditions and provisions of the act or has given such notice and waived the same and the employee receives a personal injury arising out of and in the course of the employment, compensation shall be paid as herein provided.

Amount.

(a) The compensation provided for in this act shall be paid in accordance with the schedule unless otherwise provided.

Medical, etc., expenses.

(b) At any time after an injury and until the expiration of two weeks of incapacity, the employer, if so requested by the workman, or any one for him, or if so ordered by the court or Iowa industrial commissioner, shall furnish reasonable surgical, medical and hospital services and supplies, not exceeding one hundred ($100.00) dollars.

Funeral, etc., expenses.

(c) Where the injury causes death the compensation under this act shall be as follows:

The employer shall in addition to any other compensation pay the reasonable expense of the employee's last sickness and burial not to exceed one hundred ($100.00) dollars. If the employee leaves no dependents this shall be the only compensation.

Death benefits.

(d) If death results from the injury, the employer shall pay the dependents of the employee wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to fifty (50%) per cent of his average weekly wages, but not more than ten ($10.00) dollars nor less than five ($5.00) dollars per week for a period of three hundred (300) weeks.

(e) If the employee leaves dependents only partially dependent upon his earnings for support at the time of the injury, the weekly compensation to be paid as aforesaid shall be equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bear to the annual earnings of the deceased at the time of the injury When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred (300) weeks from the date of the injury.

Minors.

(f) Where injury causes death to an employee, a minor, whose earnings were received by the parent, the compensation to be paid the parent shall be two-thirds (2-3) of the amount provided for payment in subdivision "D" section "10."

Waiting time.

(g) No compensation shall be paid for an injury which does not incapacitate the employee for a period of at least two weeks from earning full wages; but if incapacity extends beyond a period of two weeks, compensation shall begin on the fifteenth day after the injury.

Temporary disability.

(h) For injury producing temporary disability, fifty (50%) per cent of the average weekly wages received at the time of injury, subject to a maximum compensation of ten ($10.00) dollars and a minimum of five ($5.00) dollars per week: *Provided*, That if at the time of injury the employee receives wages less than five ($5.00) dollars per week, then he shall receive the full amount of wages per week. This compensation shall be paid during the period of such disability, not, however, beyond three hundred (300) weeks.

Permanent total disability.

(i) For disability total in character and permanent in quality fifty (50%) per cent of the average weekly wages received at the time of the injury, subject to a maximum compensation of ten ($10.00) dollars

per week, and a minimum of five ($5.00) dollars per week: *Provided*, That if at the time of injury, the employee receives wages less than five ($5.00) dollars per week, then he shall receive the full amount of wages per week.

This compensation shall be paid during the period of such disability, not however, beyond four hundred (400) weeks.

Partial disability.

(j) For disability partial in character and permanent in quality the compensation shall be based upon the extent of such disability.

For all cases included in the following schedule compensation shall be paid as follows, to-wit:

(1) For the loss of a thumb fifty per cent (50%) of daily wages during forty weeks.

(2) For the loss of a first finger, commonly called the index finger, fifty per cent (50%) of daily wages during thirty (30) weeks.

(3) For the loss of a second finger, fifty per cent (50%) of daily wages during twenty-five (25) weeks.

(4) For the loss of a third finger, fifty per cent (50%) of daily wages during twenty (20) weeks.

(5) For the loss of a fourth finger, commonly called the little finger, fifty per cent (50%) of daily wages for fifteen (15) weeks.

(6) For the loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of one-half of such thumb or finger and compensation shall be one-half of the amounts above specified.

(7) The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Provided, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(8) For the loss of a great toe, fifty per cent (50%) of daily wages during twenty-five (25) weeks.

(9) For the loss of one of the toes other than the great toe, fifty (50%) per cent of daily wages during fifteen (15) weeks.

(10) For the loss of the first phalange of any toe, shall be considered to be equal to the loss of one-half of such toe and the compensation shall be one-half of the amount above specified.

(11) The loss of more than one phalange shall be considered as the loss of the entire toe.

(12) For the loss of a hand fifty per cent (50%) of daily wages during one hundred fifty (150) weeks.

(13) For the loss of an arm fifty per cent (50%) of daily wages during two hundred (200) weeks.

(14) For the loss of a foot fifty per cent (50%) of daily wages during one hundred twenty-five (125) weeks.

(15) For the loss of a leg, fifty per cent (50%) of daily wages during one hundred seventy-five (175) weeks.

(16) For the loss of any [an] eye, fifty per cent (50%) of daily wages during one hundred (100) weeks.

(17) For the loss of both arms, or both hands, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability to be compensated according to provisions of clause "I" section ten, part one hereof.

(18) In all other cases in this, clause "J", the compensation shall bear such relation to the amount stated in the above schedule as the disability bears to those produced by the injuries named in the schedule. Should the employee and employer be unable to agree upon the amount of compensation to be paid in cases not specifically covered by the schedule, the amount of compensation shall be settled according to provisions of this act as in other cases of disagreement.

(19) The amounts specified in this, clause "J" and subdivisions thereof shall be subject to the same limitations as to maximum and minimum weekly payments as are stated in clause "H" section ten hereof.

Death of beneficiary.

SEC. 11. Where an employee is entitled to compensation under this act for an injury received and death ensues from any cause not resulting from the injury for which he was entitled to the compensation, payments of the unpaid balance for such injury shall cease and all liability therefor shall terminate.

SEC. 12. After an injury the employee, if so requested by his employer, shall submit himself for examination at some reasonable time and place within the State and as often as may be reasonably requested, to a physician or physicians authorized to practice under the laws of this State without cost to the employee; but if the employee requests he shall, at his own cost, be entitled to have a physician or physicians of his own selection present to participate in such examination. The refusal of the employee to submit to such examination shall deprive him of the right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect to the period of suspension. Medical examinations.

SEC. 13. The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment subject to the provisions of this act, and it shall not be in any wise reduced by contribution from employees. Burden on employer.

SEC. 14. Where a minor dependent or one physically or mentally incapacitated from earning is entitled to compensation under this act, payment shall be made to a trustee appointed by the judge of the district court for each county in the respective judicial districts, and the money coming into the hands of the said trustee shall be expended for the use and benefit of the person entitled thereto under the direction and orders of the judge during term time or in vacation. The trustee shall make annual reports to the court of all money or property received and expended for each person, and for services rendered as trustee shall be paid such compensation by the county as the court may direct by written order directed to the auditor of the county who shall issue a warrant therefor upon the treasurer of the county in which the appointment is made. If the judge making the appointment deems it advisable, a trustee may be appointed to serve for more than one county in the district and the expenses shall be paid ratably by each county according to the amount of work performed in each county. The trustee shall qualify and give bond in such amount as the judge may direct, which may be increased or diminished from time to time as the court may deem best. Payments to trustees, when.

SEC. 15. In any case where the period of compensation can be determined definitely either party may, upon due notice to the other, apply to any judge of the district court for the county in which the accident occurred for an order commuting future payments to a lump sum. And such judge may make such an order when it shall be shown to his satisfaction that the payment of a lump sum in lieu of future monthly or weekly payments, as the case may be, will be for the best interest of the person or persons receiving or dependent upon said compensation, or that the continuance of periodical payments will as compared with lump sum payments entail undue expense or undue hardship upon the employer liable therefor. Where the commutation is ordered, the court shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments capitalized at their present value and upon the basis of interest, calculated at 5 per cent per annum. Upon the payment of such amount the employer shall be discharged from all further liability on account of such injury or death, for which said compensation was being paid, and be entitled to a duly executed release, upon filing which the liability of such employer under any agreement, award, finding or judgment shall be discharged of record. Lump-sum payments.

SEC. 16. The basis for computing compensation provided for in this act shall be as follows: Computation of payments.

(a) The compensation shall be computed on the basis of the annual earnings which the injured person received as salary, wages or earnings in the employment of the same employer during the year next preceding the injury.

(b) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the employee was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(c) The annual earnings, if not otherwise determinable, shall be regarded as three hundred (300) times the average daily earnings in such computation.

(d) If the injured person has not been engaged in the employment for a full year immediately preceding the accident, the compensation shall be computed according to the annual earnings which persons of the same class in the same or in neighboring employments of the same kind have earned during such period. And if this basis of computation is impossible, or should appear to be unreasonable, three hundred (300) times the amount which the injured person earned on an average of those days when he was working during the year next preceding the accident, shall be used as a basis for the computation.

(e) In case of injured employees who earn either no wages or less than three hundred (300) times the usual daily wage or earnings of the adult day laborer in the same line of industry of that locality the yearly wage shall be reckoned as three hundred (300) times the average daily local wages of the average wage earner in that particular kind or class of work; or if information of that class is not obtainable, then of the class or kindred or similarity in the same general employment in the same neighborhood.

(f) As to employees in employments in which it is the custom to operate for a part of the whole number of working days in each year, such number shall be used instead of three hundred (300) as a basis for computing the annual earnings, provided, the minimum number of days which shall be used for the basis of the year's work shall not be less than two hundred (200.).

(g) Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a day's work for that employment, and shall exclude overtime earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employee to cover any special expense entailed on him by the nature of his employment.

(h) In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, was disabled and drawing compensation under the terms of this act, the compensation for each subsequent injury shall be apportioned according to the proportion of incapacity and disability caused by the respective injuries which he may have suffered.

Definitions.

SEC. 17. In this act unless the context otherwise requires:

(a) "Employer" includes and applies to any person, firm, association or corporation, and includes State, counties, municipal corporations, cities under special charter and under commission form of government and shall include school districts and the legal representatives of a deceased employer. Whenever necessary to give effect to section seven of this act, it includes a principal or intermediate contractor.

(b) "Workman" is used synonymous with "employee" and means any person who has entered into the employment of, or works under contract of service, express or implied, or apprenticeship for an employer, except a person whose employment is purely casual and not for the purpose of the employer's trade or business or those engaged in clerical work only, but clerical work shall not include one who may be subjected to the hazards of the business or one holding an official position or standing in a representative capacity of the employer, or an official elected or appointed by the State, county, school district, municipal corporation, cities under special charter and commission form of government: *Provided*, That one who sustains the relation of contractor with any person, firm, association, corporation or the State, county, school district, municipal corporation, cities under special charter or commission form of government, shall not be considered an employee thereof.

The term "workman" shall include the singular and plural of both sexes. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependents as herein defined, legal representatives or where the workman is a minor or incompetent to his guardian or next friend.

Dependency presumed, when.

(c) The following shall be conclusively presumed to be wholly dependent upon a deceased employee:

(1) The surviving spouse, unless it be shown that the survivor willfully deserted deceased without fault upon the part of the deceased, and if it be shown that the survivor deserted deceased without

fault upon the part of deceased, the survivors shall not be regarded as a dependent in any degree. No surviving spouse shall be entitled to the benefits of this act unless she shall have been married to the deceased at the time of the injury.

(2) A child or children under sixteen years of age (and over said age if physically or mentally incapacitated from earning) whether actually dependent for support or not upon the parent at the time of his or her death.

(3) A parent of a minor entitled to the earnings of the employee at the time when the injury occurred, subject to provisions of subdivision "F" section ten hereof.

(4) If the deceased employee leaves dependent surviving spouse, the full compensation shall be paid to such spouse; but if the dependent surviving spouse dies before payment is made in full, the balance remaining shall be paid to the person or persons wholly dependent, if any, share and share alike. If there be no person or persons wholly dependent, then payment shall be made to partial dependents.

Other dependents.

(5) In all other cases questions of dependency in whole or in part shall be determined in accordance with the fact as the fact may be at the time of the injury; and in such other cases if there is more than one person wholly dependent, the death benefit shall be equally divided among them, and persons partially dependent, if any, shall receive no part thereof. If there is no one wholly dependent and more than one person partially dependent, the death benefit shall be divided among them according to the relative extent of their dependency: *Provided, however,* That when a lump sum is paid as contemplated by this act, the court or commissioner, in making distribution thereof, shall take into consideration the contingent rights of partial beneficiaries or the rights of those who may become such after a wholly dependent child or children becomes sixteen years of age.

(6) Step-parents shall be regarded in this act as parents.

(7) Adopted child or children or stepchild or children shall be regarded in this act the same as if issue of the body.

Injury.

(d) "Injury" or "personal injury" includes death resulting from injury.

(e) The words "personal injury arising out of and in the course of such employment" shall include injuries to employees whose services are being performed on, in or about the premises which are occupied, used or controlled by the employer, and also injuries to those who are engaged elsewhere in places where their employer's business requires their presence and subjects them to dangers incident to the business.

(f) The words "injury and personal injury" shall not include injury caused by the willful act of a third person directed against an employee for reasons personal to such employee or because of his employment.

(g) They shall not include a disease except as it shall result from the injury.

(h) "Industrial employment" includes only employment in occupation, callings, businesses or pursuits which are carried on by the employer for the sake of pecuniary gain.

(i) The word "court" whenever used in this act unless the context shows otherwise, shall be taken to mean the district court.

Contracts with employees to pay premiums.

SEC. 18. (a) Any contract of employment, relief benefit or insurance or other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this act shall be null and void; and any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a misdemeanor and punishable by a fine not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars for each offense in the discretion of the court.

No employee or beneficiary shall have power to waive any of the provisions of this act in regard to the amount of compensation which may be payable to such an employee or beneficiary hereunder to whom the act applies.

Agreements within 12 days.

SEC. 19. Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this act within twelve (12) days after the injury shall be presumed to be fraudulent.

Standards of safety.

SEC. 20. The Iowa industrial commission cooperating with the employers affected by this act, or any committee or committees appointed by such employers or the Iowa industrial commissioner, shall fix standards of safety for safety appliances or places of employment, except mines under the jurisdiction of the mine inspectors.

Attorneys' fees.

SEC. 21. No claim of an attorney at law for services in securing a recovery under this act shall be an enforcible lien thereon unless the amount of the same be approved in writing by a judge of a court of record or the Iowa industrial commissioner, which approval may be made in term time or vacation.

Commerce.

SEC. 22. The provisions of this act shall apply to employers and employees as defined in this act engaged in intrastate commerce and also those engaged in interstate or foreign commerce for whom a rule or method of compensation has been or may be established by the congress of the United States, only to the extent that their mutual connection with intrastate work or foreign commerce shall be clearly separable and distinguishable from interstate or foreign commerce: *Provided*, That any such employer and workman of such employer working only in this State may, subject to the approval of the Iowa industrial commissioner, and so far as not forbidden by any act of congress or permitted, voluntarily by written agreement, accept and become bound by the provisions of this act in like manner and with the same force and effect in every respect as by this act provided for other employers and employees.

PART II.

Industrial commissioner.

SEC. 23. There is hereby created the office of Iowa industrial commissioner, to be appointed by the governor, by and with the consent of the senate. The term of office of the commissioner shall be six years. An appointment may be made to fill a vacancy or otherwise when the senate is not in session, but shall be acted upon at the next session thereof.

Salary, expenses, etc.

SEC. 24. The salary and actual necessary expenses of the commissioner shall be paid by the State, and he shall be provided with adequate and necessary office rooms, furniture, equipment, supplies and other necessaries in the transaction of the business. The salary of the commissioner shall be three thousand dollars ($3,000.00) per annum. The commissioner, by and with the consent of the executive council may fix the salary and appoint a secretary and other assistants and clerical help as may be required and needed: *Provided*, That the salary of the secretary shall not exceed fifteen hundred dollars ($1,500.00) per annum. The salary and actual personal expense account of the commissioner shall be itemized and sworn to, and filed as other current bills as provided by statute, and warrant therefor shall be issued by the auditor upon the treasurer of the State for the payment thereof at the end of each calendar month: *Provided, however*, That the expense account may be audited, allowed and paid at the end of each week. The commissioner shall provide himself with a seal, which shall be used to authenticate his orders, decisions and other proceedings deemed necessary, upon which shall be inscribed the words "Iowa Industrial Commissioner's Seal" and the date of organization. All other accounts made by, through or under the commissioner for salaries, expenditures, unless otherwise by this act provided, shall be itemized and sworn to by the parties entitled thereto, audited by the commissioner, attested by the secretary, filed as other bills are required by statute, and a warrant shall issue therefor by the auditor of state upon the treasurer, who shall pay the same out of the funds appropriated for the use of the commissioner as by this act provided. The salaries of all persons under the commissioner shall be audited, allowed and paid at the end of each month, and expense accounts may be audited, allowed and paid at the end of each week. The commissioner shall have the power to remove the secretary or any other person appointed to an office by him at any time the commissioner may see fit.

Political activity.

It shall be unlawful for any appointee by the commissioner to espouse the election or appointment of any candidate for or to any political office, or contribute to the campaign fund of any political party, or to the campaign fund of any person who is a candidate for election or

appointment to any political office, and any person performing the duties as an appointee under the commissioner violating the provisions of this act shall be sufficient cause for dismissal and removal from office.

Before entering upon his duties the commissioner shall qualify by taking the oath of his office, that he will support the constitution of the United States and of the State of Iowa, and will faithfully and impartially, without fraud fear or favor, discharge the duties of his office incumbent upon him, as provided by the law of the State of Iowa, to the best of his ability and understanding. Oath.

There is hereby appropriated out of any money not otherwise appropriated for the use of the commissioner, as contemplated within the terms of this act or acts amendatory thereof, or other statutes relating to the commissioner, his duties and responsibilities empowered by law, the sum of twenty thousand dollars ($20,000.00) annually, and in addition thereto the executive council shall provide and furnish the commissioner with such printing as may be necessary in the transaction of the business within the contemplation of law. Appropriation.

SEC. 25. The commissioner may make rules and regulations not inconsistent with this act for carrying out the provisions of the act. Process and procedure under this act shall be as summary as reasonably may be. The commissioner shall have the power to subpoena witnesses, administer oaths and to examine such books and records of the parties to a proceeding or investigation as relate to questions in dispute or under investigation. The fees for attending as a witness before the industrial commissioner shall be $1.50 per diem; for attending before an arbitration committee $1.00 per diem; in both cases five cents per mile for traveling to and from the place of hearing. The district court is hereby empowered to enforce by proper proceedings the provisions of this section relating to the attendance and testimony of witnesses and the examination of books and records. The commissioner shall make biennial reports to the governor who shall transmit the same to the general assembly, in which among other things, the commissioner shall recommend such changes in the law covered by this act as it may deem necessary. Rules and regulations.

SEC. 26. If the employer and the employee reach an agreement in regard to the compensation under this act, a memorandum thereof shall be filed with the Iowa industrial commissioner by the employer or employee, and unless the commissioner shall, within twenty days, notify the employer and employee of his disapproval of the agreement by registered letter sent to their addresses as given on the memorandum filed, the agreement shall stand as approved and be enforceable [enforcible] for all purposes under the provisions of this act. Such agreement shall be approved by said commissioner only when the terms conform to the provisions of this act. Memoranda of agreements.

SEC. 27. If the employer and the injured employee or representatives or dependents fail to reach an agreement in regard to compensation under this act, either party may notify the industrial commissioner, who shall thereupon call for the formation of a committee of arbitration. The arbitration committee shall consist of three persons, one of whom shall be the industrial commissioner who shall act as chairman. The other two shall be named, respectively, by the two parties. If a vacancy occurs it shall be filled by the party whose representative is unable to act. Arbitrations.

SEC. 28. The arbitrators appointed by the parties shall be sworn by the chairman to take the following oath: Oath of arbitrators.

I ——— ——— do solemnly swear (or affirm) that I will faithfully perform my duties as arbitrator and will not be influenced in my decision by any feeling of friendship or partiality toward either party.

(Signed) ——— ———

SEC. 29. It shall be the duty of the industrial commissioner, upon notification, that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The commissioner shall act as chairman, and, if either party does not appoint its member on this committee within seven days after notification as above provided, or after a vacancy has occurred, the commissioner shall fill the vacancy and notify the parties to that effect. Committee.

Investigations.

SEC. 30. The committee on arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee shall be in the city, town or place where the injury occurred and the decision of the committee, together with the statement of evidence submitted before it, its findings of fact, rulings of law and any other matters pertinent to questions arising before it shall be filed with the industrial commissioner. Unless a claim for a review is filed by either party within five days, the decision shall be enforceable [enforcible] under the provisions of this act.

Physicians.

SEC. 31. The industrial commissioner may appoint a duly qualified impartial physician to examine the injured employee and make report. The fee for this service shall be five ($5.00) dollars, to be paid by the industrial commissioner together with traveling expenses, but the commissioner may allow additional reasonable amounts in extraordinary cases. Any physician so examining any injured employee shall not be prohibited from testifying before the Iowa industrial commissioner or any other person, commission or court, as to the results of his examination or the condition of the injured employee.

Arbitrators' fees.

SEC. 32. The arbitrators named by or for the parties to the dispute shall each receive five ($5.00) dollars as a fee for his services, but the industrial commissioner may allow additional reasonable amounts in extraordinary cases. The fees shall be paid by the employer who may deduct an amount equal to one-half of the sum from any compensation found due the employee. And all other costs incurred in the hearing before the board of arbitration shall be taxed to the losing party, or an equitable apportionment made thereof by the committee according to the facts.

Review.

SEC. 33. If a claim for review is filed, the industrial commissioner shall hear the parties and may hear evidence in regard to any or all matters pertinent thereto and may revise the decision of the committee in whole or in part, or may refer the matter back to the committee for further findings of fact, and shall file its decision with the records of the proceedings and notify the parties thereof. No party shall as a matter of right be entitled to a second hearing upon any question of fact.

Filing orders in court.

SEC. 34. Any party in interest may present certified copy of an order or decision of the commissioner or a decision of an arbitration committee from which no claim for review has been filed within the time allowed therefor, or a memorandum of agreement approved by the commissioner, and all papers in connection therewith, to the district court of the county in which the injury occurred, whereupon said court shall render a decree in accordance therewith and notify the parties.

Effect.

Such decree shall have the same effect and in all proceedings in relation thereto shall thereafter be the same as though rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom upon questions of fact or where the decree is based upon an order or decision of the commissioner which has not been presented to the court within ten days after the notice of the filing thereof by the commissioner. Upon the presentation to the court of a certified copy of a decision of the industrial commissioner, ending, diminishing or increasing a weekly payment under the provisions of this act, the court shall revoke or modify the decree to conform to such decision.

Revision of payments.

SEC. 35. (a) Any payment to be made under this act may be reviewed by the industrial commissioner at the request of the employer or of the employee, and on such review it may be ended, diminished or increased subject to the maximum or minimum amounts provided for in this act if the commissioner finds the conditions of the employee warrants such action.

(b) Any notice to be given by the commissioner or court provided for in this act shall be in writing but service thereof shall be sufficient if registered and deposited in the mail, addressed to the last known address of the parties.

Fees to be approved.

SEC. 36. Fees of attorneys and physicians for services under this act shall be subject to the approval of the industrial commissioner unless otherwise provided in this act.

Accidents to be reported.

SEC. 37. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, sustained by his employees in the course of their

employment. Within forty-eight hours not counting Sundays and legal holidays, after the employer has knowledge of the occurrence of an accident resulting in personal injury, a report shall be made in writing by the employer to the industrial commissioner on blanks to be procured from the commissioner for that purpose.

Upon the termination of the disability of the injured employee, or if such disability extends beyond a period of sixty days, at the expiration of such period, the employer shall make a supplemental report on blanks to be procured from the commissioner for that purpose. The said reports shall contain the name and nature of the business of the employer, the location of the establishment, the name, age, sex and occupation of the injured employee, and shall state the date and hour of the accident, the nature and cause of the injury, and such other information as may be required by the commissioner. Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty ($50.00) dollars for each offense.

Books, records, etc.

All books, records and pay rolls of the employers, coming under this act showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the industrial commissioner, or any of his representatives presenting a certificate of authority from said commissioner for the purpose of ascertaining the correctness of the wage expenditure; the number of men employed and such other information as may be necessary for the uses and purposes of the commissioner in its administration of the law. But information obtained within the contemplation of this act shall be used for no other purpose than the information of the commissioner or insurance association with reference to the duties imposed upon such commissioner. A refusal on the part of the employer to submit his books, records, or pay rolls for the inspection of the commissioner, or his authorized representative presenting written authority from the commissioner, shall subject the employer to a penalty of one hundred dollars ($100.00) for each such offense to be collected by civil action in the name of the State, and paid into the State treasuror [treasury].

Political activity.

SEC. 38. It shall be unlawful for the commissioner, during his term of office, to serve upon any committee of any political party or espouse the election or appointment of any person for any political office or contribute to any campaign fund of any political party, or to the campaign fund of any person who is a candidate for election or appointed to any political office. A violation of this section shall be deemed a misdemeanor and upon conviction shall be fined one hundred ($100.00) dollars.

Promise of vote.

SEC. 39. It shall be unlawful for any person who is a candidate for the appointment as commissioner to make any promise to another, expressed or implied, in consideration of any assistance or influence given or recommendation made that the candidate will, if appointed as commissioner, vote to appoint such person or one whom he may recommend to an office within the power of the commissioner to appoint. A violation thereof shall be deemed a misdemeanor and upon conviction thereof shall be fined one hundred ($100.00) dollars.

Recommendations as to appointments.

SEC. 40. All recommendations to the governor of any person asking the appointment of another as commissioner shall be reduced to writing signed by the person presenting the same, which shall be filed by the governor in his office and open at all reasonable times for public inspection, and all recommendations made by any person to the commissioner for the appointment of another within the power of the commissioner to appoint, shall be reduced to writing, signed by the person presenting the same and filed by the commissioner and open for public inspection at all reasonable times and hours. If any person recommending the appointment of another within the contemplation of this act refuse to reduce the same to writing, it shall be the duty of the person to whom the recommendation is made, to make a brief memoranda thereof stating the name of the person recommended and the name of the person who made the same, which shall be filed as by this act in other cases provided. It shall be unlawful for the commissioner to be financially interested in any business enterprise coming under or

Commissioner not to have financial interest.

affected by this act during his term of office and any member offending this statute, it shall be sufficient grounds [sic] for his removal from office and in such case the governor shall at once declare the office vacant and appoint another to fill the vacancy.

Removal from office.

SEC. 41. The governor shall remove from office the commissioner on the grounds of inefficiency, neglect of duty, or malfeasance in office, upon written charges having been filed with the executive council and sustained by proofs. But written notice of such charges, together with a copy thereof, shall be served upon the accused ten (10) days before the time fixed for hearing. The executive council shall have jurisdiction to hear the case, and shall make such finding in accordance with justice and the law. The finding shall be reduced to writing, and report and finding filed with the governor.

PART III.

Insurance.

SECTION 42. Every employer, subject to the provisions of this act, shall insure his liability thereunder in some corporation, association or organization approved by the State department of insurance. Every such employer shall within thirty (30) days after this act goes into effect exhibit on demand of the State insurance department evidence of his compliance with this section. And if such employer refuses, or neglects to comply with this section, he shall be liable in case of injury to any workman in his employ under part one (1) of this act.

Mutual associations.

SEC. 43. For the purpose of complying with the foregoing section, groups of employers by themselves or in an association with any or all of their workmen, may form insurance associations as hereafter provided, subject to such reasonable conditions and restrictions as may be fixed by the State insurance department and membership in such mutual insurance organization as approved, together with evidence of the payment of premiums due, shall be evidence of compliance with the preceding section.

Approved schemes.

SEC. 44. Subject to the approval of the Iowa industrial commissioner any employer or group of employers may enter into or continue an agreement with his or their workmen to provide a scheme of compensation, benefit or insurance in lieu of the compensation and insurance provided by this act; but such scheme shall in no instance provide less than the benefits here secured, nor vary the period of compensation provided for disability or for death, or the provisions of this act with respect to periodic payments, or the percentage that such payments shall bear to weekly wages, except that the sums required may be increased: *Provided further*, That the approval of the Iowa industrial commissioner shall be granted, if the scheme provides for contribution by workmen, only when it confers benefits in addition to those required by this act commensurate with such contributions.

Certificates.

SEC. 45. Whenever such scheme or plan is approved by the Iowa industrial commissioner, he shall issue a certificate to that effect, whereupon it shall be legal for such employer, or group of employers, to contract with any or all of his or their workmen to substitute such scheme or plan for the provisions of this act during a period of time fixed by said department.

Termination of schemes.

SEC. 46. Such scheme or plan may be terminated by the Iowa industrial commissioner on reasonable notice to the interested parties if it shall appear that the same is not fairly administered, or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purpose of this act; but from any such order of said Iowa industrial commissioner the parties affected, whether employer or workman, may, upon the giving of proper bond to protect the interests involved appeal for equitable relief to the district court of this State.

Commission for insuring.

SEC. 47. No insurer of any obligation under this act shall either by himself or through another, either directly or indirectly, charge or accept as a commission or compensation for placing or renewing any insurance under this act more than fifteen (15) per cent of the premium charged.

Provisions of policy.

SEC. 48. Every policy issued by any insurance corporation, association or organization to assure the payment of compensation under this

act shall contain a clause providing that between any employer and the insurer, notice, to and knowledge of the occurrence of injury or death on the part of the insured shall be notice and knowledge on the part of the insurer; and jurisdiction of the insured for the purpose of this act shall be jurisdiction of the insurer, and the insurer shall be bound by every agreement, adjudgment, award, or judgment rendered against the insured.

Insolvency of employer.

SEC. 49. No policy of insurance issued under this act shall contain any provision relieving the insurer from payment if the insured becomes insolvent or discharged in bankruptcy during the period that the policy is in operation, or the compensation, or any part of it, is due and unpaid. Every policy shall provide that the workmen shall have a first lien upon any amount becoming due on account of such policy to the insured from the insurer, and that in case of the legal incapacity, inability, or disability of the insured to receive the amount due and pay it over to the insured workman, or his dependents, said insurer shall pay the same directly to such workman, his agent, or to a trustee for him or his dependents, to the extent of discharging any obligation of the insured to said workman or his dependents.

Insurance not required, when.

SEC. 50. Where an employer coming under this act furnishes proofs to the insurance department satisfactory to the insurance department and Iowa industrial commissioner of such employer's solvency and financial ability to pay the compensation and benefits as by this act provided, and to make such payments to the parties when entitled thereto, or when such employer deposits with such insurance department security satisfactory to such insurance department and the Iowa industrial commissioner as will secure the payment of such compensation, such employer shall be relieved of the provision of section forty-two (42) of this act: *Provided*, That such employer shall from time to time, as may be required by such insurance department and Iowa industrial commissioner, furnish such additional proof of solvency and financial ability to pay as by this section of this act provided.

The insurance department and Iowa industrial commissioner may, at any time, upon reasonable notice to such employer and upon hearing, revoke for cause any order or approval theretofore made, as by this act provided and within the contemplation of this section.

Act in effect.

SEC. 51. Part one of this act shall take effect from and after July first, 1914, and parts two and three July fourth, 1913.

Notice.

And any employer or employee who serves the notice to reject the terms of the act as by the act provided not less than thirty days before part one thereof takes effect, such notice for the purpose [of] rejecting the terms of the act shall have the same force and effect as though part one had taken effect July fourth, 1913.

Approved April 18, A. D. 1913.

KANSAS.

ACTS OF 1911.

CHAPTER 218.—*Compensation for injuries to workmen.*

SECTION 1. If in any employment to which this act applies, personal injury by accident arising out of and in the course of employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation to the workman in accordance with this act. Save as herein provided, no such employer shall be liable for any injury for which compensation is recoverable under this act: *Provided*, That (a) the employer shall not be liable under this act in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he is employed; (b) if it is proved that the injury to the workman results from his deliberate intention to cause such injury, or from his willful failure to use a guard or protection against accident required pursuant to any statute and provided for him, or a reasonable and proper guard and protection voluntarily furnished him by said employer, or solely from his deliberate breach of statutory regulations affecting safety of life or limb, or from his intoxication, any compensation in respect to that injury shall be disallowed. Compensation payable, when.

SEC. 2. [Repealed.]

SEC. 3. Nothing in this act shall affect the liability of the employer or employee to a fine or penalty under any other statute. Fines.

SEC. 4. (a) Where any person (in this section referred to as principal) undertakes to execute any work which is a part of his trade or business or which he has contracted to perform and contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of the work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed. (b) Where the principal is liable to pay compensation under this section, he shall be entitled to indemnity from any person who would have been liable to pay compensation to the workman independently of this section, and shall have a cause of action therefor. (c) Nothing in this section shall be construed as preventing a workman from recovering compensation under this act from the contractor instead of the principal. (d) This section shall not apply to any case where the accident occurred elsewhere than on, or in, or about the premises on which the principal has undertaken to execute work or which are otherwise under his control or management, or on, in, or about the execution of such work under his control or management. (e) A principal contractor, when sued by a workman of a subcontractor, shall have the right to implead the subcontractor. (f) The principal contractor who pays compensation voluntarily to a workman of a subcontractor shall have the right to recover over against the subcontractor. Employees of contractors.

Injuries caused by third persons.

SEC. 5. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability against some person other than the employer to pay damages in respect thereof. (*a*) The workman may take proceedings against that person to recover damages and against any person liable to pay compensation under this act for such compensation, but shall not be entitled to recover both damages and compensation; and (*b*) if the workman has recovered compensation under this act, the person by whom the compensation was paid, or any person who has been called on to indemnify him under the section of this act relating to subcontracting, shall be entitled to indemnity from the person so liable to pay damages as aforesaid, and shall be subrogated to the rights of the workman to recover damages therefor.

Scope of law.

SEC. 6 (as amended by chapter 216, Acts of 1913). This act shall apply only to employment in the course of the employer's trade or business on, in, or about a railway, factory, mine or quarry, electric, building, or engineering work, laundry, natural gas plant, county and municipal work, and all employments wherein a process requiring the use of any dangerous explosive or inflammable materials is carried on which is conducted for the purpose of business, trade, or gain; each of which employments is hereby determined to be especially dangerous, in which from the nature, conditions, or means of prosecution of the work therein extraordinary risk to the life and limb of the workman engaged therein are inherent, necessary, or substantially unavoidable, and as to each of which employments it is deemed necessary to establish a new system of compensation for injuries to workmen. This act shall not apply in any case where the accident occurred before this act takes effect, and all rights which have accrued by reason of any such accident at the time of the publication of this act shall be saved the remedies now existing therefor, and the courts shall have the same power as to them as if this act had not been enacted. Agricultural pursuits and employments incident thereto are hereby declared to be nonhazardous and exempt from the provisions of this act.

Exemptions.

Interstate commerce.

SEC. 7. This act shall be construed to apply to business or employments which, according to law, are so engaged in interstate commerce as to be not subject to the legislative power of the State, nor to persons injured while they are so engaged.

What employers affected.

SEC. 8 (as amended by chapter 216, Acts of 1913). It is hereby determined that the necessity for this law and the reason for its enactment exist only with regard to employers who employ a considerable number of persons. This act, therefore, shall only apply to employers by whom five or more workmen have been (employed) continuously for more than one month at the time of the accident: *Provided, however*, That employers having less than five workmen may elect to come within the provisions of this act in which case his employees shall be included herein, as hereinafter provided: *And provided further*, That this act shall apply to mines without regard to number of workmen employed.

Definitions.

SEC. 9 (as amended by chapter 216, Acts of 1913). In this act, unless the context otherwise requires. (*a*) "Railway" includes street railways and interurban and "employment on railways" includes work in depots, power houses, roundhouses, machine shops, yards, and upon the right of way, and in the operation of its engines, cars, and trains, and to employees of express companies while running on railroad trains. (*b*) "Factory" means any premises wherein power is used in manufacturing, making, altering, adapting, ornamenting, finishing, repairing, or renovating any article or articles for the purpose of trade or gain or of the business carried on therein, including expressly any brick yard, meat-packing house, foundry, smelter, oil refinery, lime-burning plant, steam heating plant, electric lighting plant, electric power plant and water power plant, powder plant, blast furnace, paper mill, printing plant, flour mill, glass factory, cement plant, arti-

ficial gas plant, machine or repair shop, salt plant, and chemical manufacturing plant. (c) "Mine" means any opening in the earth for the purpose of extracting any minerals, and all underground workings, slopes, shafts, galleries, and tunnels, and other ways, cuts, and openings connecting therewith, including those in the course of being opened, sunk, or driven; and includes all the appurtenant structures at or about the openings of the mine, and any adjoining adjacent work place where the material from a mine is prepared for use or shipment. (d) "Quarry" means any place, not a mine, where stone, slate, clay, sand, gravel, or other solid material is dug or otherwise extracted from the earth for the purpose of trade or bargain or of the employer's trade or business. (e) "Electrical work" means any kind of work in or directly connected with the construction, installation, operation, alteration, removal, or repair of wires, cables, switchboards, or apparatus used for the transmission of electrical current. (f) "Building work" means any work in the erection, construction, extension, decoration, alteration, repair, or demolition of any building or structural appurtenances. (g) "Engineering work" means any work in the construction, alteration, extension, repair, or demolition of a railway (as hereinbefore defined), bridge, jetty, dike, dam, reservoir, underground conduit, sewer, oil or gas well, oil tank, gas tank, water tower, or waterworks (including standpipes or mains) any caisson work or work in artificially compressed air, any work in dredging, pile driving, moving buildings, moving safes, or in laying, repairing, or removing underground pipes and connections, the erection, installing, repairing, or removing of boilers, furnaces, engines, and power machinery (including belting and other connections), and any work in grading or excavating where shoring is necessary or power machinery or blasting powder, dynamite, or other high explosives is in use (excluding mining and quarrying). (h) "Employer" includes any person or body of persons corporate or incorporate, and the legal representatives of a deceased employer or the receiver or trustee of a person, corporation, association, or partnership. (i) "Workman" means any person who has entered into the employment of or works under contract of service or apprenticeship with an employer, but does not include a person who is employed otherwise than for the purpose of the employer's trade or business. Any reference to a workman who has been injured shall, when the workman is dead, include a reference to his dependents, as hereinafter defined, or to his legal representative, or where he is a minor or incompetent, to his guardian. (j) "Dependents" means such members of the workman's family as were wholly or in part dependent upon the workman at the time of the accident. And "members of a family" for the purpose of this act means only widow, or husband, as the case may be, and children; or if no widow, husband, or children, then parents and grandparents, or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section parents include step-parents, children include stepchildren, and grandchildren include stepgrandchildren, and brothers and sisters include stepbrothers and stepsisters, and children and parents include that relation by legal adoption. (k) The words "Arising out of and in the course of employment" as used in this act shall not be construed to include injuries to the employee occurring while he is on his way to assume the duties of his employment or after leaving such duties, the proximate cause of which injury is not the employer's negligence.

Incompetent persons.

SEC. 10. In case an injured workman is mentally incompetent or a minor, or where death results from the injury, in case any of his dependents as herein defined is mentally incompetent or a minor, at the time when any right, privilege, or election accrues to him under this act, his guardian may, in his behalf, claim and exercise such right, privilege, or election, and no limitation of time, in this act provided for, shall run, so long as such incompetent or minor has no guardian.

Compensation for—
Death;

SEC. 11 (as amended by chapter 216, Acts of 1913). The amount of compensation under this act shall be: (*a*) Where death results from injury: (1) If the workman leaves any dependents wholly dependent upon his earnings, an amount equal to three times his earnings for the preceding year but not exceeding thirty-six hundred dollars and not less than twelve hundred dollars, provided, such earnings shall be computed upon the basis of the scale which he received or would have been entitled to receive had he been at work during the thirty days next preceding the accident; and, if the period of the workman's employment by the said employer had been less than one year, then the amount of his earnings during the said year shall be deemed to be fifty-two times his average weekly earnings during the period of his actual employment under said employer: *Provided*, That the amount of any payments made under this act and any lump sum paid hereunder for such injury from which death may thereafter result shall be deducted from such sum: *And provided, however*, That if the workman does not leave any dependents, citizens of and residing at the time of the accident in the United States or the Dominion of Canada, the amount of compensation shall not exceed in any case seven hundred and fifty dollars. (2) If the workman does not leave any such dependents, but leaves any dependents in part dependent upon his earnings, such proportion of the amount payable under the foregoing provisions of this section, as may be agreed upon or determined to be proportionate to the injury to the said dependents; and (3) If he leaves no dependents, the reasonable expense of his medical attendance and burial, not exceeding one hundred dollars. (4) Marriage of any dependent shall terminate all compensation of such dependent, but shall not affect compensation allowed other dependents; when any minor dependent, not physically or mentally incapable of wage earning shall become eighteen years of age, such compensation shall cease.

Total disability;

(*b*) Where total incapacity for work results from injury, periodical payments during such incapacity, commencing at the end of the second week, equal to fifty per cent of his average weekly earnings computed as provided in section 12 but in no case less than six dollars per week or more than fifteen dollars per week.

Partial disability.

(*c*) When partial incapacity for work results from injury, periodical payments during such incapacity, commencing at the end of the second week, shall not be less than twenty-five per cent, nor exceed fifty per cent, based upon the average weekly earnings computed as provided in section 12, but in no case less than three dollars per week or more than twelve dollars per week: *Provided, however*, That if the workman is under twenty-one years of age at the date of the accident and the average weekly earnings are less than $10.00 his compensation shall not be less than seventy-five per cent of his average weekly earnings. No such payment for total or partial disability shall extend over a period exceeding eight years.

Earnings computed, how.

SEC. 12. For the purposes of the provisions of this act relating to "earnings" and "average earnings" of a workman the following rules shall be observed: (a) "Average earnings" shall be computed in such manner as is best calculated to give the average rate per week at which the workman was being remunerated for the 52 weeks prior to the accident: *Provided*, That where by reason of the shortness of time during which the workman has been in the employment of his employer, or the casual nature or the terms of the employment, it is impractical to compute the rate of remuneration, regard shall be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person employed, by a person in the same grade employed in the same class of employment and in the same district. (b) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such

employer and at another time for another such employer, his "earnings" and his "average earnings" shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident. (c) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by his absence of work due to illness or any other unavoidable cause. (d) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed upon him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings. (e) In fixing the amount of the payment, allowance shall be made for any payment or benefit which the workman may receive from the employer during his period of incapacity. (f) In case of partial incapacity the payments shall be computed to equal, as closely as possible, fifty per cent of the difference between the amount of the "average earnings" of the workman before the accident, to be computed as herein provided, and the average amount which he is most probably able to earn in some suitable employment or business after the accident, subject, however, to the limitations hereinbefore provided.

Payments.

SEC. 13. The payments shall be made at the same time, place, and in the same manner as the wages of the workman were payable at the time of the accident, but a judge of any district court having jurisdiction upon the application of either party may modify such regulation in a particular case as to him may seem just.

Payments to dependents.

SEC. 14. Where death results from the injury and the dependents of the deceased workman as herein defined have agreed to accept compensation, and the amount of such compensation and the apportionment thereof between them has been agreed to or otherwise determined, the employer may pay such compensation to them accordingly (or to an administrator if one be appointed) and thereupon be discharged from all further liability for the injury. Where only the apportionment of the agreed compensation between the dependents is not agreed to, the employer may pay the amount into any district court having jurisdiction, or to the administrator of the deceased workman, with the same effect. Where the compensation has been so paid into court or to an administrator, the proper court, upon the petition of such administrator or any of such dependents, and upon such notice and proof as it may order shall determine the distribution thereof among such dependents. Where there are no dependents, medical and funeral expenses may be paid and distributed in like manner.

Payments not assignable, etc.

SEC. 15. The payments due under this act, as well as any judgment obtained thereunder, shall not be assignable or subject to levy, execution, or attachment except for medicine, medical attention, and nursing; and no claim of any attorney at law for services rendered in securing such indemnity or compensation or judgment shall be an enforceable lien thereon, unless the same has been approved in writing by the judge of the court where said case was tried; but if no trial was had, then by any judge of the district court of this State to whom such matter has been regularly submitted, on due notice to the party or parties in interest of such submission.

Reports by employers.

SEC. 16. Employers affected by this act shall report annually to the State commissioner and factory inspector such reasonable particulars in regard thereto as he may require, including particulars as to all releases of liability under this act and any other law. The penalty for failure to report or for false report shall invalidate any such release of liability.

Medical examinations.

SEC. 17. (a) After an injury to the employees, if so requested by his employer, the employee must submit himself for examination at some reasonable time to a reputable physician selected by the employer, and from time to time thereafter during the pendency of his claim for compensation, or during the receipt by him

for payment under this act, but he shall not be required to so submit himself, more than once in two weeks unless in accordance with such orders as may be made by the proper court or judge thereof. Either party may upon demand require a report of any examination made by the physician of the other party upon payment of a fee of one dollar therefor. (b) If the employees request he [sic] shall be entitled to have a physician of his own selection present at the time to participate in such examinations. (c) Unless there has been a reasonable opportunity thereafter for such physician selected by the employee to participate in the examination in the presence of the physician selected by the employer, the physician selected by the employer shall not be permitted afterwards to give evidence of the condition of the employee in a dispute as to the injury. (d) Except as provided herein in this act there shall be no other disqualification or privilege preventing the testimony of a physician who actually makes an examination.

Special examinations.

SEC. 18. In case of a dispute as to the injury, the committee, or arbitrator as hereinafter provided, or the judge of the district court shall have the power to employ a neutral physician of good standing ability, whose duty it shall be, at the expense of the parties, to make an examination of the injured person, as the court may direct, on the petition of either or both the employer and employee or dependents.

Evidence not admitted, when.

SEC. 19. If the employer or the employee has a physician make such an examination and no reasonable opportunity is given to the other party to have his physician make examination, then, in case of a dispute as to the injury, the physician of the party making such examination shall not give evidence before the court unless a neutral physician either has examined or then does examine the injured employee and give testimony regarding the injuries.

Refusal to be examined.

SEC. 20. If the employee shall refuse examination by physician selected by the employer, with the presence of a physician of his own selection, and shall refuse an examination by the physician appointed by the court, he shall have no right to compensation during the period from refusal until he, or some one in his behalf, notifies the employer or the court that he is willing to have such examination.

Certificates.

SEC. 21. A physician making an examination shall give to the employer and to the workman a certificate as to the condition of the workman, but such certificate shall not be competent evidence of that condition unless supported by his testimony if his testimony would have been admissible.

Notice.

SEC. 22 (as amended by chapter 216, Acts of 1913). Proceedings for the recovery of compensation under this act shall not be maintainable unless written notice of the accident, stating the time, place, and particulars thereof, and the name and address of the person injured, has been given within ten days after the accident, and unless a claim for compensation has been made within three months after the accident, or in case of death, within six months from the date thereof. Such notice shall be delivered by registered mail, or by delivery to the employer. The want of or any defect in such notice, or in its service, shall not be a bar unless the employer proves that he has, in fact, been thereby prejudiced, or if such want or defect was occasioned by mistake, physical or mental incapacity, or other reasonable cause, and the failure to make a claim within the period above specified shall be a bar: *Provided, however*, That in case of incapacity of an injured employee the limitation herein shall not run during such incapacity.

Claim.

Agreements.

SEC. 23. Compensation due under this act may be settled by agreement. Every such agreement, other than a release, shall be in the form hereinafter provided.

Settlement of disputes.

SEC. 24. If compensation be not so settled by agreement: (a) If any committee representative of the employer and the workman

exists, organized for the purpose of settling disputes under this act, the matter shall, unless either party objects by notice in writing delivered or sent by registered mail to the other party before the committee meets to consider the matter, be settled in accordance with its rules by such committee or by an arbitrator selected by it. (b) If either party so objects, or there is no such committee, or the committee or the arbitrator to whom it refers the matter fails to settle it within sixty days from the date of the claim, the matter may be settled by a single arbitrator agreed on by the parties, or appointed by any judge of a court where an action might be maintained. The consent to arbitration shall be in writing and signed by the parties and may limit the fees of the arbitrator and the time within which the award must be made. And unless such consent and the order of appointment expressly refers other questions, only the question of the amount of compensation shall be deemed to be an issue.

Award.

SEC. 25. The arbitrator shall not be bound by technical rules of procedure or evidence, but shall give the parties reasonable opportunity to be heard and act reasonably and without partiality. He shall make and file his award, with the consent to arbitration attached, in the office of the clerk of the proper district court within the time limited in the consent, or if no time limit is fixed therein, within sixty days after his selection, and shall give notice of such filing to the parties by mail.

Fees.

SEC. 26. The arbitrator's fee shall be fixed by the consent to arbitration or be agreed to by the parties before the arbitration and if not so fixed or agreed to, they shall not exceed $10.00 per day, for not to exceed ten days, and disbursements for expense. The arbitrator shall tax or apportion the costs of such fees in his discretion and shall add the amount taxed or apportioned against the employer to the first payment made under the award, and he shall note the amount of his fees on the award and shall have a lien therefor on the first payments due under the award.

Agreements, etc., to be in writing.

SEC. 27. Every agreement for compensation and every award shall be in writing, signed and acknowledged by the parties or by the arbitrator or secretary of the committee hereinbefore referred to, and shall specify the amount due and unpaid by the employer to the workman up to the date of the agreement or award, and if any, the amount of the payments thereafter to be paid by the employer to the workman and the length of time such payments shall continue.

Filing.

SEC. 28. It shall be the duty of the employer to file or cause to be filed every release of liability hereunder, every agreement for or award of compensation, or modifying an agreement for or award of compensation, under this act, if not filed by the committee or arbitrator, to which he is a party, or a sworn copy thereof, in the office of the district court in the county in which the accident occurred within sixty days after it is made; otherwise it shall be void as against the workman. The said clerk shall accept, receipt for, and file any such release, agreement, or award, without fee, and record and index it in the book kept for that purpose. Nothing herein shall be construed to prevent the workman from filing such agreement or award.

Cancellation.

SEC. 29. At any time within one year after an agreement or award has been so filed, a judge of a district court having jurisdiction may, upon the application of either party, cancel such agreement or award, upon such terms as may be just, if it be shown to his satisfaction that the workman has returned to work and is earning approximately the same or higher wages as or than he did before the accident, or that the agreement or award has been obtained by fraud or undue influence, or that the committee or arbitrator making the award acted without authority or was guilty of serious misconduct, or that the award is grossly inadequate or grossly excessive, or if the employee absents himself so that a reasonable examination of his condition can not be made,

or has departed beyond the boundaries of the United States or Canada.

Stay of proceedings.

SEC. 30. At any time after the filing of an agreement or award and before judgment has been granted thereon, the employer may stay proceedings thereon by filing in the office of the clerk of the district court wherein such agreements or award is filed: (a) A proper certificate of a qualified insurance company that the amount of the compensation to the workman is insured by it; (b) a proper bond undertaking to secure the payment of the compensation. Such certificate or bond shall first be approved by a judge of the said district court.

Lump-sum payments.

SEC. 31. At any time after an agreement or award has been filed, the workman may apply to the said district court for judgment against the employer for a lump sum equal to eighty per cent of the amount of payments due and unpaid and prospectively due under the agreement or award; and, unless the agreement or award be stayed, modified or canceled, or the liability thereunder be redeemed or otherwise discharged, the court shall examine the workman under oath, and if satisfied that the application is made because of doubt as to the security of his compensation, shall compute the sum and direct judgment accordingly, as if in an action: *Provided*, That if the employer shall give a good and sufficient bond, approved by the court, no execution shall issue on such judgment so long as the employer continues to make payments in accordance with the original agreement or award undiminished by the discount.

Review, etc.

SEC. 32. An agreement or award may be modified at any time by a subsequent agreement; or, at any time after one year from the date of filing, it may be reviewed, upon the application of either party on the ground that the incapacity of the workman has subsequently increased or diminished. Such application shall be made to the said district court; and, unless the parties consent to arbitration, the court may appoint a medical practitioner to examine the workman and report to it; and upon his report and after hearing the evidence of the parties, the court may modify such agreement or award, as may be just, by ending, increasing, or diminishing the compensation, subject to the limitations hereinbefore provided.

Lump-sum payments after six months.

SEC. 33. Where any payment has been continued for not less than six months the liability therefor may be redeemed by the employer by the payment to the workman of a lump sum of an amount equal to eighty per cent of the payments which may become due according to the award, such amount to be determined by agreement, or, in default thereof, upon application to a judge of a district court having jurisdiction. Upon paying such amount the employer shall be discharged from all further liability on account of the injury, and be entitled to a duly executed release, upon filing which or other due proof of payment, the liability upon any agreement or award shall be discharged of record.

Insurer's rights and duties.

SEC. 34. Where the payment of compensation to the workman is insured, by a policy or policies, at the expense of the employer, the insurer shall be subrogated to the rights and duties under this act of the employer, so far as appropriate.

Courts.

SEC. 35. All references hereinbefore to a district court of the State of Kansas having jurisdiction of a civil action between the parties shall be construed as relating to the then existing Code of Civil Procedure. Such court shall make all rules necessary and appropriate to carry out the provisions of this act.

Legal enforcement.

SEC. 36. A workman's right to compensation under this act, may, in default of agreement or arbitration, be determined and enforced by action in any court of competent jurisdiction. In every such action the right to trial by jury shall be deemed waived and the case tried by the court without a jury, unless either party, with his notice of trial, or when the case is placed upon the calendar—demand a jury trial. The judgment in the action, if in favor of the plaintiff, shall be for a lump sum equal

to the amount of the payments then due and prospectively due under this act, with interest on the payments overdue, or, in the discretion of the trial judge, for periodical payments as in an award. Where death results from injury, the action shall be brought by the dependent or dependents entitled to the compensation or by the legal representative of the deceased for the benefit of the dependents as herein defined; and in such action the judgment may provide for the proportion of the award to be distributed to or between the several dependents; otherwise such proportions shall be determined by the proper probate court. An action to set aside a release or other discharge of liability on the ground of fraud or mental incompetency may be joined with an action for compensation under this act. No action or proceeding provided for in this act shall be brought or maintained outside of the State of Kansas, and notice thereof may be given by publication against nonresidents of the State in the manner now provided by article 7 of chapter 95, General Statutes of Kansas of 1909 so far as the same may be applicable, and by personal service of a true copy of the first publication within twenty-one days after the date of the said first publication unless excused by the court upon proper showing that such service can not be made.

Rights accrue, when.

SEC. 37. The cause of action shall be deemed in every case, including a case where death results from the injury, to have accrued to the injured workman at the time of the accident; and the time limited in which to commence an action for compensation therefor shall run as against him, his legal representatives, and dependents from that date.

Attorneys' fees.

SEC. 38. Contingent fees of attorneys for services and proceedings under this act shall in every case be subject to approval by the court.

Schemes may be substituted.

SEC. 39. If the superintendent of insurance, by and with the advice and written approval of the attorney general, certifies that any scheme of compensation, benefit, or insurance for the workman of an employer in any employment to which this act applies, whether or not such scheme includes other employers and their workmen, provides scales of compensation not less favorable to the workmen and their dependents than the corresponding scales contained in this act, and that, where the scheme provides for contributions by the workman, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this act or their equivalents, the employer may, while the certificate is in force, contract with any of his workmen that the provisions of the scheme shall be substituted for the provisions of this act; and thereupon the employer shall be liable only in accordance with that scheme; but, save as aforesaid, this act shall not apply, notwithstanding any contract to the contrary made after this act becomes a law.

Provisions to be equitable.

SEC. 40. No scheme shall be so certified which does not contain suitable provisions for the equitable distribution of any moneys or securities held for the purpose of the scheme, after due provision has been made to discharge the liabilities already accrued, if and when such certificate is revoked or the scheme otherwise terminated.

Certificate may be revoked.

SEC. 41. If at any time the scheme no longer fulfills the requirements of this article, or is not fairly administered, or other valid and substantial reasons therefor exist, the superintendent of insurance, by and with the attorney general, shall revoke the certificate and the scheme shall thereby be terminated.

Reports.

SEC. 42. Where a certified scheme is in effect the employer shall answer all such inquiries and furnish all such accounts in regard thereto as may be required by the superintendent.

Rules.

SEC. 43. The superintendent of insurance may make all rules and regulations necessary to carry out the purposes of the four preceding sections.

Election by employers.

SEC. 44 (as amended by chapter 216, Acts of 1913). All employers, as defined by and entitled to come within the provisions of this act, shall be presumed to have done so unless such employer shall file with the secretary of state at Topeka, Kansas, a written statement that he elects not to accept thereunder, and thereafter any such employer desiring to change his election shall only do so by filing a written declaration thereof with the secretary of state. Notice of such election shall be forthwith posted by such employer in conspicuous places in and about his place of business.

By employees.

SEC. 45 (as amended by chapter 216, Acts of 1913). Every employee entitled to come within the provisions of this act shall be presumed to have done so unless such employee shall file with the secretary of state, before injury, a written declaration that he elects not to accept thereunder, and thereafter any such employee desiring to change his election shall only do so by filing a written declaration thereof with the secretary of state. Any contract wherein an employer requires of an employee as a condition of employment that he shall elect not to come within the provisions of this act shall be void.

Suits for damages.

SEC. 46. In any action to recover damages for a personal injury sustained within this State by an employee (entitled to come within the provisions of this act) while engaged in the line of his duty as such or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of due care of the employer or of any officer, agent, or servant of the employer, where such employer is within the provisions hereof, it shall not be a defense to any employer (as herein in this act defined) who shall not have elected, as hereinbefore provided, to come within the provisions of this act; (a) That the employee either expressly or impliedly assumed the risk of the hazard complained of; (b) that the injury or death was caused in whole or in part by the want of due care of a fellow servant; (c) that such employee was guilty of contributory negligence, but such contributory negligence of said employee shall be considered by the jury in assessing the amount of recovery.

Defenses abrogated, when.

Defenses allowed, when.

SEC. 47. In an action to recover damages for a personal injury sustained within this State by an employee (entitled to come within the provisions of this act) while engaged in the line of his duty as such or for death resulting from personal injury so sustained in which recovery is sought upon the ground of want of due care of the employer or of any officer, agent, or servant of the employer, and where such employer has elected to come and is within the provisions of this act as hereinbefore provided, it shall be a defense for such employer in all cases where said employee has elected not to come within the provisions of this act; (a) That the employee either expressly or impliedly assumed the risk of the hazard complained of; (b) that the injury or death was caused in whole or in part by the want of due care of a fellow servant; (c) that said employee was guilty of contributory negligence: *Provided, however*, That none of these defenses shall be available where the injury was caused by the willful or gross negligence of such employer, or of any managing officer, or managing agent of said employer or where under the law existing at the time of the death or injury such defenses are not available.

Construction of statute.

SEC. 48. Nothing in this act shall be construed to amend or repeal section 6999 of the General Statutes of Kansas of 1909, or House Bill No. 240 of the Session of 1911, the same being "An act relating to the liability of common carriers by railroads to their employees in certain cases, and repealing all acts and parts of acts so far as the same are in conflict herewith."

In effect, when.

SEC. 49. This act shall take effect and be in force from and after its publication in the statute book, and the first day of January, 1912.

Approved March 14, 1911.

KENTUCKY.

ACTS OF 1916.

CHAPTER 33.—*Compensation for injuries to workmen.*

SECTION 1. This act shall apply to all employers having five or more employees regularly engaged in the same occupation or business and to their employees, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers, other than steam railways, for which a rule of liability is provided by the laws of the United States. It shall affect the liability of the employers subject thereto to their employees for personal injuries sustained by the employee by accident arising out of and in the course of his employment or for death resulting from such accidental injury: *Provided, however,* That personal injury by accident as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall they include the results of a preexisting disease. Scope.

Any employers and employees who are, by the provisions of this section, excepted from the provisions of this act may subject themselves thereto by joint voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated. Joint application.

SEC. 2. The term "employer" as used in this act shall be construed to include municipal corporations and any political subdivision or corporation thereof, and any election with reference to this act shall be exercised by the lawmaking or other governing body thereof: *Provided, however,* That nothing contained in this act shall be construed as amending or repealing any statute or ordinance relating to associations or funds for the relief, pensioning, retirement, or other benefit of any employees of such municipal employer, or of the widows, children, or dependents of such employees, or as in any manner interfering with the same as now or hereafter established. Public employments.

SEC. 3. Whereas at the time of the injury, both employer and employee have elected to furnish or accept compensation under the provisions of this act for a personal injury, received by an employee by accident and arising out of and in the course of his employment, or for death resulting from such injury, within two years thereafter, the employer shall be liable to provide and pay compensation under the provisions of this act and shall be released from all other liability whatsoever: *Provided, however,* That if injury or death result to an employee through the deliberate intention of his employer to produce such injury or death, the employee or his dependent as herein defined shall receive the amount provided in this act in a lump sum to be used, if they so desire to prosecute the employer, and said dependents shall be permitted to bring suit against said employer for any amount they may desire, that if injury or death results to an employee through the deliberate intention of his employer to produce such injury or death, the employee or his dependents as herein defined shall have the privilege to take under this act, or in lieu thereof, to have a cause of action at law against such employer as if this act had not been passed for such damages so sustained by the employee, his dependents or personal representatives as may be Act exclusive. Intentional injuries.

recoverable at law. If a suit is brought under this section, all right to compensation under the provisions of this act shall thereby be waived and void as to all persons, and if a claim is made for the payment of compensation or any other benefit provided by this act, all rights to sue the employer for damages on account of such injury or death shall thereby be waived and void as to all persons.

Willful misconduct.

Notwithstanding anything hereinbefore or hereafter contained no employee or dependent of any employee shall be entitled to receive compensation on account of any injury to or death of an employee caused by a willful self-inflicted injury, willful misconduct, or intoxication of such employee.

Medical, etc., treatment.

SEC. 4. In addition to all other compensation herein provided, such medical, surgical, and hospital treatment, including nursing, medical, and surgical supplies and appliances as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding 90 days unless the board shall, by order made within that time, otherwise direct, not exceeding a total expense to the employer of more than $100 on account of the benefits provided by this section, to cure and relieve from the effects of the injury shall be furnished by the employer, and, in case of his refusal or neglect reasonably to do so, the employer shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employee in providing the same.

In the event of an emergency, the employee shall have the right to call in any available physician or surgeon to administer such first aid as may be reasonably necessary at the expense of the employer within the limits of this section.

Hernia.

SEC. 4a. In all claims for hernia resulting from injury received in the course of and resulting from the employee's employment, it must be definitely proved to the satisfaction of the board:

First. That there was an injury resulting in hernia.

Second. That the hernia appeared suddenly and immediately followed the injury.

Fourth. That the hernia did not exist in any degree prior to the injury for which compensation is claimed.

In all such cases where liability for compensation exists, the employer shall provide competent surgical treatment by radical operation, the limits of benefits payable under section 4 hereof being increased to $200 in such cases, if the operation is performed. In case the injured employee refuses to submit to the operation, the employer shall have the right to a medical examination as provided in section 37 hereof. If it be shown by such examination that the employee has any chronic disease or is otherwise in such physical condition as to render it more than ordinarily unsafe to submit to such operation, he shall, if unwilling to submit to the operation, be entitled to compensation for disability under the general provisions of this act. If the examination does not disclose the existence of disease or other physical condition rendering the operation more than ordinarily unsafe and the employee, with knowledge of the result of such examination, thereafter refuses to submit to such operation, he shall be entitled to compensation for disability under the general provisions of this act for not exceeding one year.

If the employee submits to the operation he shall, in addition to the surgical benefits herein provided for, be entitled to compensation for 26 weeks. If the hernia result in death within one year after it is sustained, or the operation result in death, such death shall be deemed a result of the injury causing such hernia and compensated accordingly under the provisions of this act. This paragraph shall not apply where the employee has refused to submit to an operation which has been found by the examination herein provided for not to be more than ordinarily unsafe.

Change of physician.

SEC. 5. If it be shown that the employer is furnishing the requirements provided by section 4 hereof in such manner that there

is reasonable ground for believing that the life, health, or recovery of the employee is being endangered or impaired thereby, the board may order a change in the physician or other requirement, and if the employer fail promptly to comply with such order after receiving it, may permit the employee or some one for him to provide the same at the expense of the employer under such reasonable regulations as may be provided by the board.

No action shall be brought against any employer subject to this act by any employee or other person to recover damages for malpractice or improper treatment received by such employee from any physician, hospital, or attendant thereof.

Medical, etc., fees and charges.

SEC. 6. All fees and charges under sections 4 and 5 shall be fair and reasonable, shall be subject to regulation by the board, and shall be limited to such charges as are reasonable for similar treatment of injured persons of a like standard of living in the same community and where such treatment is paid for by the injured person himself. In determining what fees are reasonable, the board may also consider the increased security of payment afforded by this act.

Where such requirements are furnished by a public hospital or other institution, payment thereof shall be made to the proper authorities conducting same. No compensation shall be payable for the death or disability of an employee if his death is caused, or if and in so far as his disability may be aggravated, caused, or continued by an unreasonable refusal, failure, or neglect to submit to or follow any competent surgical treatment or medical aid or advice.

Refusing treatment.

Waiting time.

SEC. 7. Except as provided in sections 4 and 5 hereof, no compensation shall be payable for the first two weeks of disability, and all compensation shall be payable on the regular pay day of the employer, commencing with the first regular pay day after two weeks after the injury, with interest at the rate of 6 per cent per annum on each installment from the time it is due until paid.

Work outside State.

SEC. 8. Employers who hire employees within this State to work in whole or in part without this State may agree in writing with such employees to exempt from the operation of this act injuries received outside of this State; in the absence of such an agreement the remedies provided by this act shall be exclusive as regards injuries received outside this State upon the same terms and conditions as if received within the State.

Waivers.

SEC. 8a. No contract or agreement, written or implied, no rule, regulation, or other device shall in any manner operate to relieve any employer in whole or in part of any obligation created by this act except as herein provided.

Liability of third parties.

SEC. 9. Whenever an injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may at his option either claim compensation or proceed at law by civil action against such other person to recover damages, or proceed both against the employer for compensation and such other person to recover damages, but he shall not collect from both, and if compensation is awarded under this act the employer having paid the compensation or having become liable therefor shall have the right to recover in his own name or that of the injured employee from the other person in whom legal liability for damages exists not to exceed the indemnity paid and payable to the injured employee.

Employees of contractors.

SEC. 10. A principal contractor, intermediate, or subcontractor shall be liable for compensation to any employee injured while in the employ of any one in [of] his intermediate or subcontractors and engaged upon the subject matter of the contract, to the same extent as the immediate employer. Any principal, intermediate, or subcontractor who shall pay compensation under the foregoing provision may recover the amount paid from any subordinate con-

tractor through whom he may have been rendered liable under this section.

Every claim to compensation under this section shall in the first instance be presented to and instituted against the immediate employer, but such proceeding shall not constitute a waiver of the employee's rights to recover compensation under this act from the principal or intermediate contractor: *Provided*, That the collection of full compensation from one employer shall bar recovery by the employee against any others, nor shall he collect from all a total compensation in excess of the amount for which his immediate employer is liable.

This section shall apply only in cases where the injury occurred on, in, or about the premises on which the principal contractor has undertaken to execute work or which are under his control otherwise or management.

Status of minors.

SEC. 11. A minor, except where employed in willful violation of any law of this State regulating the employment of minors, shall be deemed sui juris for the purposes of this act, and no other person shall have cause of action or right to compensation for an injury to or death of such minor employee or loss of service on account thereof, by reason of the minority of such employee. In the event of the award of a lump sum of compensation to such minor employee, payment shall be made to the guardian of such minor.

Compensation for death.

SEC. 12. If death results within two years from an accident for which compensation is payable under this act, the employer or his insurer shall pay to the persons entitled to compensation, or, if none, then to the personal representative of the deceased employee reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $75, and shall also pay to or for the following persons compensation as follows, to wit:

Funeral expenses.

No dependents.

(1) If there are no dependents, as herein defined, there shall be paid, in addition to the burial expenses and medical expenses, if any otherwise provided for herein, the further sum of $100, payment to be made to the personal representative of the deceased employee.

Persons wholly dependent.

(2) If there are one or more wholly dependent persons, 65 per cent of the average weekly earnings of the deceased employee, but not to exceed $12 nor less than $5 per week, shall be payable, all such payments to be made for the period between the date of death and 335 weeks after the date of accident to the employee, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $4,000.

Partial dependents.

(3) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employee may be proportionate to total dependency, all such payments to be made for the period between the date of death and 335 weeks after the date of the accident to the deceased employee or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $4,000.

Partial dependency shall be determined by the proportion of the earnings of the employee which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency shall not have existed for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as may be fair and reasonable thereunder.

(4) All relations of dependency herein referred to shall be construed to mean dependency existing at the time of accident to the employee.

Who are dependents.

SEC. 13. The following persons shall be presumed to be wholly dependent upon a deceased employee: (*a*) A wife upon a husband whom she has not voluntarily abandoned at the time of the accident; (*b*) a husband incapacitated from wage earning, upon a

wife whom he has not voluntarily abandoned at the time of the accident to the wife; (c) a child or children under the age of 16 years or over 16 years if incapacitated from wage earning, upon the parent with whom such child or children are living or by whom actually supported at the time of the accident. In all other cases the relation of dependency in whole or in part shall be determined in accordance with the facts of each case existing at the time of the accident, but no person shall be considered a dependent in any degree unless he be living in the household of the employee at the time of the accident or unless such person bears to the employee the relation of father, mother, husband, or wife, father-in-law or mother-in-law, grandfather or grandmother, child or grandchild, or brother or sister of the whole or half blood.

Cessation of payments.

Compensation to any dependent shall cease at the death or legal or common-law marriage of such dependent and upon the cessation of compensation to or on account of any person, the compensation of the remaining persons entitled to compensation shall, for the unexpired period during which their compensation is payable, be that which such persons would have received during such unexpired period if they had been the only persons entitled to compensation at the time of the accident.

Definitions.

SEC. 14. As used in this act, the term "child" includes stepchildren, legally adopted children, posthumous children, and recognized illegitimate children, but does not include married children unless actually dependent.

The terms "brother" and "sister" include stepbrothers, stepsisters, and brothers and sisters of the half blood or by adoption, but excludes married brothers or sisters unless actually dependent. The term "grandchild" includes children of adopted children and children of stepchildren, but excludes stepchildren of children or of adopted children and married children. The term "parent" includes step-parents and parents by adoption. The words "adopted" and "adoption" as herein used include cases where the persons are legally adopted.

Payments a release.

SEC. 15. Payment of death benefits, in good faith, to a supposed dependent or to a dependent subsequent in right to another or other dependents shall protect and discharge the employer and insurer unless and until the lawful dependent or dependents prior in right shall have given the employer or insurer written notice of his or their claim. In case the employer or insurer is in doubt as to who are dependents or as to their respective rights, the board shall, on application, decide and direct to whom payment shall be made, and payment made under such direction shall release the employer and insurer from all liability: *Provided, however*, That if an appeal be taken from the order of the board directing payment, persons receiving payment under such order shall be required to furnish bond for the protection of adverse claimants pending the outcome of the proceedings.

In case death occurs as a result of the injury, after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for the death respectively stated in section 12 hereof.

Total disability.

SEC. 16. Where the injury causes total disability for work, the employer, during such disability, except the first two weeks thereof, shall pay the employee so injured a weekly compensation equal to 65 per cent of his average weekly earnings, not to exceed $12 nor less than $5 per week, such payments to be made during the period of total disability but not longer than eight years after the date of the injury, nor in any case to exceed the maximum sum of $5,000. In case the period of total disability begins after the period of partial disability, the period of partial disability shall be deducted from the total period of eight years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $5,000.

In case of the following injuries, the disability shall be deemed total and permanent, to wit:

(1) The total and permanent loss of sight in both eyes.

(2) The loss of both feet at or above the ankle.

(3) The loss of both hands at or above the wrist.

(4) A similar loss of one hand and one foot.

(5) An injury to the spine resulting in permanent and complete paralysis of both arms or both legs or of one arm and one leg.

(6) An injury to the skull resulting in incurable insanity or imbecility.

The above enumeration is not to be taken as exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Partial disability.

SEC. 17. In case of an injury resulting in temporary partial disability, the employee shall receive during such disability, except the first two weeks thereof, a weekly compensation equal to 65 per cent of the difference between his average weekly earnings before the injury and the average weekly earnings which he earns or is able to earn in some suitable employment after the injury and during such disability, not to exceed 335 weeks from the date of injury nor exceeding the sum of $12 per week nor the maximum sum of $4,000. In case partial disability follows a period of total disability, such period of total disability shall be deducted from the maximum period allowed for partial disability and the benefits paid on account thereof from the maximum allowed for partial disability.

Schedule.

SEC. 18. For injuries enumerated in the following schedule, the employee shall receive in lieu of all other compensation, except such as may be payable under sections 4 and 5 hereof, a weekly compensation equal to 65 per cent of his average weekly earnings, but not less than $5 per week nor exceeding $12 per week, for the respective periods stated thereon, to wit:

For the loss of a thumb, 65 per cent of the average weekly wages during 60 weeks.

For the loss of a first finger, commonly called the index finger, 65 per cent of the average weekly wages during 45 weeks.

For the loss of a second finger, 65 per cent of the average wages during 30 weeks.

For the loss of a third finger, 65 per cent of the average weekly wages during 20 weeks.

For the loss of a fourth finger, commonly known as the little finger, 65 per cent of the average weekly wages during 15 weeks.

The loss of the second, or distal, phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third, or distal phalange, of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of the middle, or second phalange, of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger: *Provided, however*, That in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a metacarpal bone (bone of palm) for the corresponding thumb, finger, or fingers above, add 10 weeks to the number of weeks as above.

For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand, 65 per cent of the average weekly wages during 150 weeks.

For the loss of an arm, 65 per cent of the average weekly wages during 200 weeks.

For the loss of one of the toes, other than the great toe, 65 per cent of the average weekly wages during 10 weeks.

For the loss of the great toe, 65 per cent of the average weekly wages during 30 weeks.

The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe. For the loss of a foot, 65 per cent of the average weekly wages during 125 weeks.

For the loss of a leg, 65 per cent of the average weekly wages during 200 weeks, or the total and permanent loss of the sight of an eye, 65 per cent of the average weekly wages during 100 weeks.

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury; the compensation paid therefor shall be 65 per cent of the average weekly earnings of the employee, but not less than $5 nor more than $12, multiplied by the percentage of disability caused by the injury, for such period as the board may determine, not exceeding 335 weeks nor a maximum sum of $4,000. Whenever the weekly payments under this paragraph would be less than $3 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in sections 4 and 5 of this act, is paid under any other provision of this act the period during which such other compensation is paid and the amount thereof shall be deducted respectively from the maximum period and maximum amount which may be paid under this paragraph.

Refusal to work.

SEC. 19. If an injured employee refuses employment reasonably suited to his capacity and physical condition procured for him, he shall not be entitled to compensation during the period of such refusal unless, in the opinion of the board, such refusal was justifiable.

Second injuries.

SEC. 20. If a previously injured employee sustains a subsequent injury which results in a condition to which both injuries, or their effects, contribute, the employer in whose employment the subsequent injury is sustained shall be liable only for the compensation to which such resulting condition entitled the employee, less all compensation which the provisions of this law would have afforded on account of the prior injury or injuries had they been compensated for thereunder.

Review of awards.

SEC. 21. Upon its own motion or upon the application of any party interested and a showing of change of conditions, mistake, or fraud the board may at any time review any award or order, ending, diminishing, or increasing the compensation previously awarded, within the maximum and minimum provided in this act, or change or revoke its previous order, sending immediately to the parties a copy of its subsequent order or award. Review under this section shall be had upon notice to the parties interested and shall not affect the previous order or award as to any sums already paid thereunder.

Alien dependents.

SEC. 22. Compensation under this act to alien dependent widows and children, not residents of the United States, shall be one-half of the amount provided in each case for residents; and the employer may at any time commute all future installments of compensation to alien dependents the then value thereof. Alien widowers, parents, brothers, and sisters, not residents of the United States, shall not be entitled to any compensation.

Notice.

SEC. 23. Any notice required to be given under this act shall be deemed to have been properly given and served when deposited in the mail in a registered letter or package properly stamped and addressed to the person to whom notice is to be given at his last-

known address and in time to reach him in due time to act thereon. Notice may also be given and served in like manner as are notice in civil actions.

Any notice, given and served as provided in this section, to the consular representative of the nation of which any nonresident dependent of a deceased employee is a citizen or subject, or to the authorized agent or representative of any such official residing in this State, shall be deemed to have been properly given and served upon such dependent.

Computing wages.

SEC. 24. Compensation shall be computed at the average weekly wage earned by employee at time of injury, reckoning wages as earned while working at full time.

(a) If the employee at the time of the injury is regularly employed in a higher grade of work or occupation than formerly during the year and with larger regular wages, only such higher grade of work or occupation, if the same be not seasonal, shall be taken into consideration in computing his average weekly wages.

Advances.

SEC. 25. Any payments made, or the value of supplies furnished by the employer or his insurer during the period of disability, to the employee or his dependents which by the terms of this act were not due or payable when made or furnished may, with the approval of the board, be deducted from the amount payable as compensation.

The board may, on the application of either party, in its discretion and having regard both to the welfare of the employee and the convenience and financial ability of the employer, authorize compensation to be paid monthly or quarterly.

Lump sums.

SEC. 26. Whenever compensation has been paid for not less than six months, thereafter, on the application of either party and upon notice to the other party, in any case where the board may determine that it will be for the best interests of either party and will not subject the employer or his insurer to an undue risk of overpayment, future payments of compensation or any part thereof may be commuted to a lump sum of an amount which will equal the total sum of the probable future payments so commuted, discounted at 5 per cent per annum on each payment. Upon payment of such lump sum all liability for the payments therein commuted shall cease.

Payment to trustees.

SEC. 27. Whenever for any reason the board may deem it expedient, any lump sum which is paid as provided in section 26 hereof shall be paid to any suitable person or corporation appointed by the judge of the county court of the county of the residence of the injured employee or of his dependents as trustee to administer or apply the same for the benefit of the person or persons entitled thereto. The receipt of such trustee for the amount so paid to him or it shall discharge the employer and his insurer. Except as otherwise herein specifically provided, the manner of qualification and the rights, duties, and liabilities of such trustee shall be determined by the general laws of this State.

To whom payments made.

SEC. 28. The benefits in case of death shall be paid to such one or more dependents of the deceased employee, for the benefit of all the dependents entitled thereto, as may be determined by the board. The dependents to whom payments are made shall apply the same to the use of the several persons thereto entitled under this act according to their respective claims on the deceased for support. The compensation of an insane person shall be paid to his or her committee.

In cases where the dependents are a widow, or other head of a family of minor children, and one or more minor children, it shall be sufficient for the widow or head of such family to make application for compensation on behalf of all, and in cases where the dependents are mentally incapacitated or are minors the head of whose family is not a dependent, the application may be made by the committee, guardian, or next friend of such dependents.

Failure to comply with safety statutes.

SEC. 29. Where an accident is caused in any degree by the intentional failure of the employer to comply with any specific statute or lawful regulation made thereunder, communicated to

such employer, and relative to installation or maintenance of safety appliances or methods, the compensation for which the employer would otherwise have been liable under this act, shall be increased 15 per cent in the amount of each payment; where the accident is caused in any degree by the intentional failure of the employee to use any safety appliance furnished by the employer, or to obey any lawful and reasonable rule, order, or regulation of the board or the employer for the safety of employees or the public, the compensation for which the employer would otherwise have been liable under this act, shall be decreased 15 per cent in the amount of each payment: *Provided, however*, That nothing in this section shall be construed to conflict with or impair any of the provisions of section 3 of this act.

Minors unlawfully employed.

SEC. 30. In case any minor employee who is injured or killed is, at the time of such injury, employed in willful and known violation by the employer of any law of this State regulating the employment of minors, his statutory guardian, or personal representative of the minor so killed, may claim compensation under the terms of this act or may sue to recover damages as if this act had not been passed. If a claim to compensation be made under this section, the making of such claim shall be a waiver and bar to all rights of action on account of said injury or death of said minor as to all persons, and the institution of an action to recover damages on account of such injury or death shall be a waiver and bar of all rights to compensation under this act.

Claims preferred.

SEC. 31. All rights of compensation granted by this act shall have the same preference or priority for the whole thereof against the assets of the employer as is allowed by law for any unpaid wages for labor.

Assignments, etc.

SEC. 32. No claim for compensation under this act shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors.

Notice.

SEC. 33. No proceeding under this act for compensation for an injury or death shall be maintained unless a notice of the accident shall have been given to the employer as soon as practicable after the happening thereof, and unless a claim for compensation with respect to such injury shall have been made within one year after the date of the accident, or, in case of death, within one year after such death, whether or not a claim has been made by the employee himself for compensation. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by some one in his behalf. If payments of compensation, as such, have been made voluntarily, the making of a claim within such period shall not be required, but shall become requisite following the suspension of such voluntary payments.

Claims.

Form.

SEC. 34. Such notice and such claim shall be in writing, and the notice shall contain the name and address of the employee, and shall state in ordinary language the time, place of occurrence, nature and cause of the accident, with names of witnesses, the nature and extent of the injury sustained, and the work or employment in which the employee was at the time engaged, and shall be assigned by him or a person on his behalf, or, in the event of his death, by any one or more of his dependents or a person on their behalf. The notice may include the claim.

To whom given.

SEC. 35. Any such notice or claim shall be given to the employer, or, if the employer be a partnership, then to any one of the partners. If the employer be a corporation, then the notice may be given to any agent of the corporation upon whom process may be served or to any officer of the corporation or agent of the corporation in charge of the business at the place where the injury occurred. Such notice or claim may be given by delivery to any of such persons or in the manner provided in section 23 hereof.

Inaccuracy.

SEC. 36. Such notice shall not be held invalid or insufficient by reason of any inaccuracy in complying with section 34 hereof, unless it be shown that the employer was in fact misled to his injury thereby. Want of notice or delay in giving notice shall not

be a bar to proceedings under this act if it be shown that the employer, his agent, or representative had knowledge of the injury, or that such delay or failure to give notice was occasioned by mistake or other reasonable cause.

Medical examinations.

SEC. 37. After an injury and so long as compensation is claimed, the workman, if so requested by his employer or the board, shall submit himself to examination, at reasonable time and places, to a duly qualified physician or surgeon designated and paid by the employer. The employee shall have the right to have a duly qualified physician or surgeon designated and paid by himself present at such examination, which right, however, shall not be construed to deny to the employer's physician or surgeon the right to visit the injured employee at all reasonable times and under all reasonable conditions. If an employee refuses to submit himself to or in any way obstructs such examination, his right to take or prosecute any proceedings under this act shall be suspended until such refusal or obstruction ceases, and no compensation shall be payable for the period during which said refusal or obstruction continues.

Incompetents.

SEC. 38. No limitation of time provided in this act shall run against any person who is mentally incompetent or who is a minor dependent, so long as he has no committee, guardian, or next friend.

Workmen's compensation board.

SEC. 39. A board is hereby created, to be known as the "Workmen's Compensation Board," which shall consist of three members appointed by the governor. Each member of the board shall hold office for four years and until his successor shall have been appointed and qualified, except that when the board is first created one member shall be appointed for two years, one for three years, and one for four years. Thereafter, upon the expiration of the term of any member, his successor shall be appointed for a full term of four years. Of the board as first constituted, the member appointed for two years shall be chairman during his term, the member appointed for three years during the third year, and the member appointed for four years during the fourth year. Thereafter the senior member in length of service on the board in his current term in any given year shall be chairman during that year.

Vacancies on the board shall be filled by appointment for the remainder of the unexpired term, but no vacancy shall impair the rights of the remaining members to exercise all the powers of the board nor shall relieve such members from discharging all the duties of the board during such vacancy. In the event of a vacancy, the appointee for the unexpired term shall not succeed his predecessor in the chairmanship of the board; such other member as would, but for the vacancy, have been chairman shall at once succeed to the unexpired chairmanship, when a vacancy occurs therein, in addition to the year's chairmanship to which he would otherwise have been entitled.

Qualifications.

SEC. 40. No person shall be eligible to appointment as a member of the board unless he shall be at least thirty years of age, a resident of Kentucky not less than three years consecutively next preceding his appointment, and of good moral character.

No person accepting appointment as a member of the board and qualifying as such shall be eligible to election or appointment to any public office during any calendar year which shall include any part of the term of membership on the board for which he may have been appointed and qualified and in which such election shall be held or appointment made. Resignation from membership on the board shall not relieve such member from any of the provisions of this section and the acceptance of appointment and qualification as a member of the board shall constitute a valid waiver of any and all statutory or constitutional rights to or eligibility for holding any other public office during such time.

Removals.

SEC. 41. The governor may, at any time, remove any member of the board for inefficiency, neglect of duty, misconduct in office, or political activity, or if he become ineligible as defined in section

40, giving him in advance a copy of the charges preferred and an opportunity of being publicly heard, in person or by counsel, upon not less than ten days' notice. A representative of the attorney general's office shall attend such proceedings, and, upon the governor's request, shall advise or assist him therein. Either party may procure the attendance of witnesses and their testimony as is now provided by the Civil Code in ordinary actions.

If such member be removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such member and his findings thereon, together with a complete record of the proceedings had and transcript of testimony heard, the same to constitute a public record of the Commonwealth. Any member of the board may also be removed by the senate by impeachment under the same procedure as is now provided by law.

Salaries, etc.

SEC. 42. The salary and expenses of the board with their assistants and employees shall be paid out of the maintenance fund provided for in section 85 hereof; the annual salary of each member shall be $3,500. The board may appoint a secretary at a salary of not more than $2,500 a year and a medical director and such other assistants and employees as are necessary to the proper administration of this act at salaries to be fixed by the board and approved by the governor: *Provided, however,* That such salaries shall in no case exceed $75 per month to any stenographer, $100 per month to any clerical employee, $150 per month to any other employee or assistant, or $3,000 per year to the medical director, who shall be a reputable licensed and practicing physician and surgeon of the professional education, training, or qualification required by law for admission to practice in this State. The board may at any time remove any of its appointees upon filing with the secretary of state a full written statement of its reasons for such removal.

Oath.

SEC. 42a. Members of the "Workmen's compensation board" shall be considered as officers, and shall take the oath prescribed by the constitution and laws of Kentucky, and shall give bond in the sum of $10,000 of a surety company authorized to do business in the State, for the faithful performance of their duties, which bonds shall be approved by the governor and kept on file in the office of the secretary of state, and any action on said bonds for breach thereof shall be instituted by special counsel employed by the governor and shall be in the name of the Commonwealth. The premium upon said bonds shall be paid out of the maintenance fund.

Bonds.

Expenses.

SEC. 42b. The board and their employees or authorized representatives shall, for such traveling as is necessitated by the discharge of their official duties, be allowed transportation actually paid for, not exceeding the regular fare over the most direct route, and meals and lodging actually paid for, not exceeding $3 per day.

Offices.

SEC. 43. The board shall keep and maintain its main offices in Frankfort, Ky., using suitable rooms and offices belonging to the State, and shall be provided necessary office furniture to be paid for out of the State treasury. The board shall provide necessary supplies, books, periodicals, and maps, and shall provide itself with a seal for the authentication of its orders, awards, or proceedings on which shall be inserted the words "Workmen's Compensation Board, State of Kentucky. Official seal." The board may hold sessions at any place within the State where necessary and shall have power to sue or institute legal proceedings in any court of the Commonwealth under existing laws as to jurisdiction of actions; unless consented to by the board, all actions or proceedings against it or a member thereof in his official capacity as such shall be brought in the courts of the county of Franklin.

Meetings.

SEC. 44. The board shall fix and adopt at least one day of the week on which regular meetings shall be held biweekly for the transaction of all business, a quorum of the board to be present at its main offices not later than eleven a. m., and remaining at

the office, or available thereto, until 5 p. m. of such day. When necessary, the chairman shall call the board together at any time during business hours on any other day to consider and transact any business which may be before it. All proceedings of the board shall be recorded in a book for that purpose by the secretary, which shall constitute a public record and shall contain an entry of each case, claim, or proceeding considered, heard, or passed upon by the board or a member thereof, with the award, finding, or decision made thereon.

Districts.

SEC. 45. For the purposes of this act, the State of Kentucky is hereby divided into three districts, to be known, respectively, as the eastern, central, and western districts. The eastern district shall contain the counties of Carroll, Gallatin, Boone, Kenton, Campbell, Owen, Grant, Pendleton, Bracken, Scott, Harrison, Robertson, Mason, Woodford, Jessamine, Fayette, Bourbon, Nicholas, Fleming, Lewis, Greenup, Boyd, Carter, Elliott, Rowan, Bath, Montgomery, Clark, Madison, Estill, Powell, Menifee, Morgan, Lawrence, Johnson, Martin, Pike, Floyd, Knott, Letcher, Perry, Magoffin, Wolfe, Lee, Breathitt, Owsley. The central district, the counties of Trimble, Henry, Oldham, Jefferson, Shelby, Franklin, Bullitt, Spencer, Anderson, Nelson, Washington, Mercer, Marion, Boyle, Garrard, Lincoln, Rockcastle, Green, Taylor, Adair, Casey, Russell, Pulaski, Cumberland, Clinton, Wayne, McCreary, Whitley, Laurel, Jackson, Clay, Leslie, Knox, Bell, Harlan. The western district, the counties of Fulton, Hickman, Graves, Carlisle, Ballard, McCracken, Calloway, Marshall, Livingston, Crittenden, Lyon, Caldwell, Trigg, Christian, Hopkins, Webster, Union, Henderson, Daviess, McLean, Muhlenberg, Todd, Logan, Butler, Ohio, Hancock, Breckinridge, Meade, Hardin, Grayson, Larue, Edmonson, Hart, Warren, Barren, Metcalfe, Monroe, and Allen. One member of the board, as first constituted, shall be appointed for each district, the successors of each to thereafter be appointed from such district. During his term of office each member shall maintain his residence at some point in his district and shall adopt and maintain office hours for at least one day of the week at some point in his district during usual business hours; the place, day, and time of maintaining such office hours and the place of residence of the member shall be shown upon the official stationery used by him in his district.

Quorum.

SEC. 46. A majority of the board shall constitute a quorum for the transaction of business, and vacancies shall not impair the right of the remaining members to exercise all the powers of the full board, so long as a majority remains. Any investigation, inquiry, or hearing which the board is authorized to hold or undertake may be held or undertaken by or before any one member of the board, or a referee acting for him, under authorization of the board. All investigations, inquiries, hearings, and decisions of the board, and every order made by a member thereof, when approved by a majority of the members, and so shown on a record of its proceedings, shall be deemed to be the order of the board.

Rules.

SEC. 47. The board may make rules not inconsistent with this act for carrying out the provisions of this act. Processes and procedure under this act shall be as summary and simple as reasonably may be.

Procedure.

The board or any member thereof shall have the power for the purpose of this act to subpœna witnesses, administer or cause to have administered oaths, and to examine or cause to have examined such parts of the books and records of the parties to a proceeding as relate to question in dispute.

The county sheriff shall serve all subpœnas of the board and shall receive the same fees as now provided by law for like service in civil actions; each witness who appears in obedience to such subpœna of the board shall receive for attendance the fees and mileage for witnesses in civil cases in the courts.

The circuit court shall, on application of the board, or any member thereof, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.

Agreements.

SEC. 48. If the employee and employer reach an agreement, conforming to the provisions of this act, in regard to compensation, a memorandum of the agreement shall be filed with the board, and, if approved by it, shall be enforceable in like manner as is herein provided for the enforcement of awards of the board. Nothing herein shall prevent the voluntary payment of compensation in the amounts and for the periods herein prescribed, without formal agreement, but nothing shall operate as a final settlement except a memorandum of agreement filed with and approved by the board in accordance with this section, or the expiration of the time limit hereinbefore prescribed in section 33.

Applications for hearings.

SEC. 49. If the parties fail to reach an agreement in regard to compensation under this act, or if they have previously filed such an agreement with the board and compensation has been paid or is due in accordance therewith and the parties thereafter disagree, either party may make written application to the board for a hearing in regard to the matter at issue and for a ruling thereon. Such application for a hearing must be filed as soon as is practicable after disagreement, or after the cessation of voluntary payments, if any have been made.

As soon as possible after such application has been received the board shall set the date for a hearing, to be held as soon as is practicable in view of the matter involved, and shall notify the parties at issue of the time and place of such hearing.

Unless otherwise agreed to by the parties and authorized by the board, the hearing shall be held at or convenient to the place where the injury was sustained or the ground for disagreement occurred. In advance of directing a hearing, the board, or a member thereof, or referee authorized by the board, may confer informally with the parties at issue in an attempt to assist in adjusting their differences, but may not delay the granting of a hearing, over the objection of either party, for such purpose.

Hearings.

SEC. 50. The board, or any of its members, shall hear the parties at issue and their representatives and witnesses and shall determine the dispute in a summary manner. The award, together with a statement of the findings of fact, rulings of law, and any other matters pertinent to the question at issue, shall be filed with the record of proceedings, and a copy of the award shall immediately be sent to the parties in dispute.

Reviews.

SEC. 51. If an application for review is made to the board within seven days from the date of the award, the full board, if the first hearing was not held before the full board, shall review the evidence, or if deemed advisable, as soon as practicable hear the parties at issue, their representatives and witnesses and shall make and award and file the same in like manner as specified in the foregoing section.

If a party introduce at a hearing before the full board a witness whose testimony at the original hearing appears in the transcript of evidence taken thereat, the costs accruing through the attendance of such witness and the transcribing of his testimony at the second hearing shall be borne by the party introducing him, at such hearing, regardless of the outcome of the controversy.

Awards conclusive.

SEC. 52. An award, or order of the board, as provided in section 50, if application for review be not filed as therein provided, or an award or order of the board upon review as provided in section 51, shall be conclusive and binding as to all questions of fact, but either party may, within 20 days after the rendition of such final order or award of the board, by petition appeal to the circuit court that would have jurisdiction to try an action for damages for said injuries if this act had not passed, for the review of such order or award, the board and the adverse party being made respondents. Such petition shall state fully the grounds upon which a review is sought, assign all errors relied on, and shall be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing same.

Appeals to courts.

Summons shall issue upon the petition, directing the adverse party to file answer within 15 days after service thereof and directing the board to certify its complete record of the case to the court, or, in lieu thereof, and if consented to by the petitioner and adverse party, an abstract of the record prepared in the same manner as hereinafter provided for appeals to the court of appeals.

No new or additional evidence may be introduced in the circuit court, except as to the fraud or misconduct of some person engaged in the administration of this act, and affecting the order, ruling, or award, but the court shall otherwise hear the cause upon the record or abstract thereof as certified by the board, and shall dispose of the cause in summary manner, its review being limited to determining whether or not:

(1) The board acted without or in excess of its powers.

(2) The order, decision, or award was procured by fraud.

(3) The order, decision, or award is not in conformity to the provisions of this act.

(4) If findings of fact are in issue, whether such findings of fact support the order, decision, or award.

The board and each party shall have the right to appear in such review proceedings; the court shall enter judgment affirming, modifying, or setting aside the order, decision, or award, or in its discretion remanding the cause to the board for further proceedings in conformity with the direction of the court. The court may, in advance of judgment and upon a sufficient showing of fact, remand the cause to the board.

Court of appeals.

SEC. 53. Where an amount sufficient under existing laws to authorize an appeal to the court of appeals is involved, the judgment of the circuit court shall be subject to appeal to the court of appeals, the scope of whose review shall include all matters herein made the subject of review by the circuit court and also errors of law arising in the circuit court and upon appeal made reviewable by the Civil Code of Procedure where not in conflict with the provisions of this act. The procedure as to appeal to the court of appeals shall be the same as in civil actions, so far as the same may be applicable to and not in conflict with the provisions of this act, except as follows:

(1) Only so much of the evidence shall be embraced in a bill of exceptions as may be necessary to present clearly the questions of law involved in the rulings to which exceptions are reserved, and such evidence as is embraced therein shall be set forth in condensed and narrative form, save as a proper understanding of the questions presented may require that parts of it be set forth otherwise.

(2) In order to carry out the provisions of subsection 1 and further to reduce the size of the record on appeal, it shall be the duty of the appellant to file with the clerk of the circuit court, together with proof or acknowledgment of service of a copy on the appellee or his counsel, a schedule which shall indicate the portions of the record to be incorporated into the transcript of the record on such appeal. Should the appellee or his counsel desire additional portions of the record incorporated into the record to be filed in the court of appeals, he may file with the clerk of the circuit court his schedule also, within ten days thereafter (unless the term be extended by order of the circuit court or of the court of appeals), indicating such additional portions of the record desired by him.

The clerk of the circuit court shall transmit to the court of appeals as the transcript of the record only those portions of the record in the lower court which are designated by the parties as above provided. The parties, or their counsel, may, however, agree by written stipulation to be filed with the clerk of the circuit court, the portions of the record which shall constitute the transcript of record on appeal, and the clerk in such case shall transmit only the papers designated in such stipulation.

SEC. 54. If the court of appeals shall find that portions of the record unnecessary to a proper presentation of the case have been incorporated into the transcript by either party, the court may order that the whole or any part of the clerk's fee for preparing the transcript shall be paid by the offending party. Unnecessary transcripts.

Whenever it shall be necessary or proper, in the opinion of the judge of the circuit court, that original papers of any kind should be inspected by the court of appeals, such judge may make such rule or order for the safe-keeping, transporting, and return of such original papers as to him may seem proper, and the court of appeals will receive and consider such original papers in connection with the transcript of the record. Safety of papers.

SEC. 55. Upon motion of either party and a sufficient showing of reason or necessity therefor, the court to which an appeal is taken may continue in force the award, judgment, or order appealed from, pending its decision of such appeal. Award in effect.

SEC. 56. Any party in interest may file in the circuit court of the county in which the injury occurred a certified copy of a memorandum of agreement approved by the board or of an order or decision of the board, or of an award of the board unappealed from, or of an award of the board rendered upon an appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though said judgment had been rendered in a suit duly heard and determined by said court. Judgment on agreement.

Any such judgment of said circuit court unappealed from or affirmed on appeal or modified in obedience to the mandate of the appellate court, shall be modified to conform to any decision of the board, ending, diminishing, or increasing any weekly payment under the provisions of section 21 of this act, upon a presentation to it of a certified copy of such decision.

SEC. 57. If the board or any court before whom any proceedings are brought under this act shall determine that such proceedings have been brought, prosecuted, or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who has so brought, prosecuted, or defended them. Costs.

SEC. 58. The board, or any member thereof, may, upon the application of either party, or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employee and to testify in respect thereto. Said physician or surgeon shall be allowed traveling expenses and a reasonable fee to be fixed by the board, but not exceeding $10 for each examination and report, but the board may allow additional reasonable amounts in extraordinary cases. Medical examinations.

The fees and expenses of such physician or surgeon shall be paid out of the maintenance fund.

SEC. 59. All fees of attorneys and physicians and charges of hospitals under this act shall be subject to the approval of the board. No attorney's fees shall be allowed or approved against any party or parties not represented by such attorney, nor exceeding an amount equal to 15 per cent of the amount of the first $1,000 or fraction thereof recovered, or 10 per cent of the excess of such recovery, if any, over $1,000. The board may deny or reduce an attorney's fee upon proof of solicitation of employment. Fees.

SEC. 60. All questions arising under this act, if not settled by agreement of the parties interested therein, with the approval of the board, shall be determined by the board except as otherwise herein provided for. Disputes.

SEC. 61. Every employer subject to this act shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within one week after the occurrence and knowledge thereof, as provided in sections 33 to 38, of an injury to an employee, causing his absence from work for more than one day, a report thereof shall be made in writing Injuries to be reported.

and mailed to the board on blanks to be procured from the board for the purpose.

Upon the termination of the disability of the injured employee or if the disability extends beyond a period of 60 days, then also at the expiration of such period the employer shall make a supplementary report to the board on blanks to be procured from the board for the purpose.

The said report shall contain the name, nature, and location of the business of the employer, and name, age, sex, wages, and occupation of the injured employee, and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and such other information as may be required by the board.

Any employer subject to this act who refuses or willfully neglects to make the report required by this section shall be liable for a fine of not more than $25 for each such refusal or neglect.

False claims, etc.

SEC. 62. Any person who shall knowingly file, cause to be filed or permit to be filed, any false or fraudulent claim on his behalf to compensation or other benefits under this act, or who shall by fraud, deceit, or misrepresentation procure or cause to be made or shall receive any payments of compensation or other benefits under this act to which the recipient is not lawfully entitled, or shall conspire with, aid, or abet another so to do, shall be guilty of a misdemeanor.

Any person who shall by deceit or misrepresentation and with intent to defraud, cause or procure or conspire with, aid or abet another in so causing or procuring any person entitled to compensation or other benefits under this act to omit to file claim thereto or to accept the payment of a less sum than that to which he may be lawfully entitled to thereunder shall be guilty of a misdemeanor.

Any person guilty of a misdemeanor as defined in this section shall, upon conviction, be punishable by a fine of not less than $50 nor more than $500, or imprisonment of not less than 10 nor more than 90 days, in the discretion of the jury.

Insurance.

SEC. 63. Every employer under this act shall either insure and keep insured his liability for compensation hereunder in some corporation, association, or organization authorized to transact the business of workmen's compensation insurance in this State, or shall furnish to the board satisfactory proof of his financial ability to pay direct the compensation in the amount and manner and when due as provided for in this act. In the latter case the board shall require the deposit of an acceptable security, indemnity, or bond to secure to such an extent as the board may direct the payment of compensation liabilities as they are incurred.

Every employer accepting the provisions of this act shall at the time of such acceptance file with the board in substantially the form prescribed by it, and annually thereafter, or as often as may be necessary, evidence of his compliance with the provisions of this section and all others relating thereto. Until these provisions are complied with the employer shall, from the date of his acceptance of the act, be liable to an employee either for compensation under this act or at law in the same manner as if the employer had refused to accept the provisions of this act. Claim of compensation in such cases shall be deemed a waiver of the right to proceed at law and the institution of an action at law shall be deemed a waiver of all claim to compensation.

Self-insurers.

SEC. 64. Whenever an employer has complied with the provisions of section 63 relating to self-insurance, the board shall issue to such employer a certificate which shall remain in force for a period fixed by the board, but the board may, upon at least 60 days' notice and a hearing to the employer, revoke the certificate upon satisfactory evidence for such revocation having been presented. The board may thereafter, upon petition of the employer and a hearing, grant a new certificate, but the employer shall not, as a matter of right, be entitled to a hearing for this

purpose sooner than six months after a previous revocation of his certificate.

Authorization to make payments of compensation direct may be granted either as to the employer's entire risk or as to such part or class thereof as the board may direct in its certificate. In the latter case the board shall determine the extent to which and the manner in which the remainder of his said risk shall be insured. Any employer authorized to make payments of compensation direct may, for his own protection, independently insure the whole or any part or character of such payments.

Mutual insurance.

SEC. 65. For the purposes of complying with the provisions of section 63, groups of employers are hereby authorized to form either among themselves or with employers in other States mutual insurance associations or reciprocal or interinsurance exchanges, subject to the general laws of this State relating to such mutual insurance associations or reciprocal or interinsurance exchanges and such reasonable conditions and restrictions, not inconsistent therewith, as may be fixed by the board. Membership in such mutual insurance associations or reciprocal or interinsurance exchanges so approved, together with evidence of the payment of premiums due, shall be evidence of compliance with section 63.

The board shall have power in any case to require any mutual insurance association or reciprocal or interinsurance exchange to purchase an annuity or to effect reinsurance with a company authorized to transact insurance in this State or to make such deposit with a bank or trust company of this State as shall in either case be approved by said board for the purpose of fully securing the payment of all deferred installments upon any claim for compensation.

Any unreasonable failure or delay in securing the payment of any deferred installments of compensation after request has been made by such board as provided in this action [section], shall, when reported to the insurance commissioner, constitute grounds for suspension or revocation of the insurer's license to do business in this State.

Benefit schemes.

SEC. 66. Subject to the approval of the board, any employer may enter into or continue any agreement with his employee to provide a system of compensation, benefit, or insurance in lieu of the compensation and insurance provided by this act. No such substitute system shall be approved unless it confers benefits upon injured employees at least equivalent to the benefits provided by this act, nor if it requires contributions from the employees, unless it confers benefits in addition to those provided under this act at least commensurate with such contributions.

Such substitute system may be terminated by the board on reasonable notice and hearing to the interested parties if it shall appear that the same is not fairly administered, or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purpose of this act; and in this case the board shall determine upon the proper distribution of all remaining assets, if any, subject to the right of any party in interest to take an appeal to the courts.

Provisions of policies.

SEC. 67. All policies insuring the payment of compensation under this act must contain a clause to the effect that as between the employer and the insurer the notice to or knowledge of the occurrence of the injury on the part of the insured shall be deemed notice or knowledge, as the case may be, on the part of the insurer; that jurisdiction of the insured for the purpose of this act shall be jurisdiction of the insurer; and that the insurer shall in all things be bound by and subject to the awards, judgments, or decrees rendered against such insured.

Same.

SEC. 68. No policy of insurance against liability for compensation arising under this act shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to same all benefits conferred by this act, and all installments of the compensation that may be awarded or agreed upon,

and that the obligation shall not be affected by any default in the giving of any notice required by such policy, or otherwise. Such agreement shall be construed to be a direct promise by the insurer to person entitled to compensation enforceable in his name.

Act controls.

SEC. 69. Every policy for the insurance of the compensation herein provided against liability therefor shall be deemed to be made subject to the provisions of this act. No corporation, association, or organization shall enter into any such policy of insurance unless its form shall have been approved by the board.

Entire liability covered.

SEC. 70. Every policy or contract of workmen's compensation insurance under this act issued or delivered in this State shall cover the entire liability of the employer for compensation under this act to each and all of his employees covered by such policy, except as otherwise provided in section 64 hereof, regardless of whatever other contingencies may be insured or provided for by riders attached thereto or indorsements made thereon. On the face of every such policy shall be printed conspicuously the words, "Insurance under this policy is in class (designating the same) of the company's workmen's compensation classification manual," and in the blank thus provided the number or other designation in said manual under which the said policy is written shall be placed before the policy is issued. If more than one class of risk be covered by the same policy, the separate risks and their corresponding manual classifications shall be stated in the same manner.

Forms to be filed.

SEC. 71. No such policy of insurance or rider to be used therewith shall be issued or delivered until a copy of the form thereof has been filed with the commissioner of insurance at least 30 days prior to such issue or delivery, unless before the expiration of 30 days the said commissioner shall have approved the form thereof in writing; nor if the commissioner of insurance notifies the company in writing that in his opinion the form of said policy or rider does not comply with the laws of this Commonwealth, specifying fully the reasons for his opinion: *Provided*, That upon petition of the company the decision of the said commissioner shall be subject to review by the Franklin circuit court and to appeal therefrom to the court of appeals.

Approval.

Rates.

SEC. 72. The rates charged by all carriers of insurance, including the parties to any mutual, interindemnity, interinsurance, reciprocal, or other plan or scheme, writing insurance against the liability for compensation under this act, for insurance against such liability and against the liability of employers to employees where either or both have not elected to furnish or accept compensation under this act, shall be fair, reasonable, and adequate, with due allowance for merit rating, and all risks of the same kind and degree of hazard shall be written at the same rate by the same carrier. No policy of insurance against liability for compensation under this act shall be valid until the rate thereof has been approved by the board, nor shall any such carrier of insurance write any such policy or contract until its basic and merit rating schedule have been filed with, approved, and not subsequently disapproved by the board. Each such insurance carrier shall report to the board [sic] State insurance commissioner in accordance with such reasonable rules as the State insurance commissioner may at any time prescribe, for the purpose of determining the solvency of the carrier, and the adequacy of its rates; for such purposes the board or State insurance commissioner may inspect the books and records of such insurance carrier, and examine its officers, agents, and directors under oath.

Election.

SEC. 73. Election to operate under the provisions of this act shall be effected by the employer by filing with the board the following notice, to wit:

By employer.

"(Name of employer) elects to operate under the provisions of chapter 33, Acts of 1916, commonly known as the Workmen's Compensation Act, this election being effective as of the day of ——— and covering (here insert name of industry, business, or operation on which election is made.)"

In addition to the name of each industry, business, or operation as to which such election is filed, there shall also be stated in the notice with reference thereto (1) its location and address of chief office, (2) average number of employees during preceding 12 months, (3) kind of business being conducted, (4) method of securing payments of compensation to employees which the employer elects to adopt.

Such notice shall be in writing and signed by the employer, if an individual, by any partner if a partnership, or by the chief officer or agent within this State if a corporation.

SEC. 74. Election to operate under the provisions of this act shall be effected by the employee by signing the following notice, to wit:

By employees.

"I hereby agree with (name of employer) to accept the provisions of chapter 33, Acts of 1916, commonly known as the Kentucky Workmen's Compensation Act."

The election shall be effective from and including the date of signing, which shall be inserted opposite the employee's signature. In case an employee be unable to write, his mark shall be witnessed by a third person, who shall at the time read the notice to the employee. Any number of employees may sign the same notice: *Provided*, That there be conspicuously written or printed at the top of each page thereof on which signatures appear a copy of the above form of notice. If the employment be intermittent or be temporarily suspended, the original acceptance of the employee shall continue effective in subsequent employment under the same employer.

Identification of such signature or mark of the employee shall constitute conclusive proof of his election to operate under the provisions of this act in any hearing or proceeding in which such election may be material or in issue.

Notices to be kept.

SEC. 75. All such notices of election by employees shall, when executed, be preserved by the employer during the continuation of the employment of those employees whose names are subscribed thereto. Any person who shall, with fraudulent intent, willfully destroy, convert, or secrete any such notice, or willfully deprive the owner or his agent thereof, or erase or obliterate any part thereof, shall be guilty of a misdemeanor and upon conviction be punishable by a fine of not less than $50 nor more than $200, or imprisonment of not less than 10 days nor more than 90 days, in the discretion of the jury.

Withdrawal.

SEC. 76. At any time after electing to operate under the provisions of this act either party may withdraw such election, the employer by filing written notice with the board stating the date when such withdrawal is effective and the industry, business, or operation covered thereby, by personal written notice to the employee or posting in conspicuous places about such place of business not less than one week next preceding the date on which the same is to become effective copies of such notice of withdrawal; the employee desiring to withdraw such election shall file with the employer a written notice of withdrawal, stating the date when such withdrawal is to become effective. Following the filing or giving of such notices, the status of the party withdrawing shall become the same as if his former election had not been made: *Provided, however*, That withdrawal shall not be effective as to an injury sustained less than one week after the filing thereof.

Acceptance to be posted.

An employer, while operating under the provisions of this act, shall at all times keep posted in conspicuous places about his place of business notices to that effect, in such form as may be prescribed by the board.

Defenses abrogated.

SEC. 76a. Every employer affected by the provisions of this act who does not elect to operate thereunder shall not, in any suit at law by an employee or his representative to recover damages for personal injury or death by accident arising out of and in the course of his employment, be permitted to defend any such suit at law upon any or all of the following grounds:

(1) That the employee was guilty of contributory negligence.

(2) That the injury was caused by the negligence of a fellow servant of the injured employee.

(3) That the employee has assumed the risk of injury.

Suits at law. SEC. 76b. Every employee affected by the provisions of this act who does not elect to operate thereunder, and his representative in case of death, shall, in any suit at law to recover damages for personal injury or death by accident arising out of and in the course of his employment against an employer electing to operate under the provisions of this act, proceed at law as if this act had not been enacted, and the employer may avail himself of the defenses of contributory negligence, negligence of a fellow servant, and assumption of risk as such defenses now exist at common law.

Payment of premiums. SEC. 77. No agreement by any employee to pay any portion of the insurance premium paid by his employer shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employee entitled to the benefits of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $100 for each offense.

Prosecutions. SEC. 78. Upon the request of the board, the attorney general, or, under his direction, the Commonwealth's attorney or county attorney of any county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this act arising within the county or counties of their respective jurisdictions, and shall defend in like manner all suits, actions, or proceedings brought against the board or the members thereof in their official capacity.

Forms. SEC. 79. The board shall prepare and furnish, free of charge, blank forms and provide its rules for their distribution, so that the same may be readily available, of all notices, claims, reports, proofs, and other blank forms and literature which it may deem proper and requisite to the efficient administration of this act. It may authorize the publication and distribution of such blanks by employers and their insurers in manner and form provided by it.

Annual reports. SEC. 80. Annually on or before the 15th day of December the board shall make a report to the governor for the preceding fiscal year, which shall include a statement of the number of awards made and of claims rejected by it, a general statement of the causes of accident leading to the injuries for which awards were made or rejected claims based, and a detailed statement of the disbursements from, and unpaid expenses chargeable against, the maintenance fund and its condition, together with any other information which the board deems proper to call to the attention of the governor, including any recommendations it may have to make, and it shall be the duty of the board to publish and distribute among employers and employees such general information as to the business transacted by the department as may be useful and necessary: *Provided, however*, That an abuse of such right to so publish and distribute information shall constitute political activity within the meaning of section 41 hereof.

The annual report shall not exceed 500 copies. All printing of the department shall be done by the contractor or contractors for public printing, subject to such provisions of the general laws governing public printing as may be applicable thereto, and shall be paid for out of any funds in the State treasury not otherwise appropriated.

Act in effect. SEC. 81. This act shall become effective on the 1st day of August, 1916, except as to sections 39 to 47, hereof, both inclusive, relating to the appointment of the board and their rights, powers, and duties, an emergency is declared to exist, and the same shall become effective on the 1st day of April, 1916.

Elections by employers and employees and contracts of insurance entered into in conformity with the provisions of this act, between April 1, 1916, and August 1, 1916, to become effective on or after August 1, 1916, shall be valid and enforceable.

SEC. 82. For the purpose of paying the salaries and expenses of the board and its necessary employees in making preparation and putting this act into operation the sum of $7,500 is hereby appropriated, payable out of any funds in the State treasury not otherwise appropriated. All claims for salaries or expenses, when approved by resolution of the board, and countersigned by the chairman thereof, shall be presented to the auditor of public accounts, who shall issue his warrant in payment thereof. All such claims shall show to whom and for what service, material, or other things or reason such amounts are to be paid and shall be accompanied by voucher checks or receipts covering the same except as to items of less than $1. Salaries and expenses.

SEC. 83. For the purpose of paying the salaries and necessary expenses of the board and its assistants and employees in administering and carrying out the provisions of this act an administrative fund shall be created and maintained in the following manner: Administrative fund.

SUBSECTION 1. Every person, partnership, association, corporation, whether organized under the laws of this or any other State or country, company, mutual company, or association, the parties to any interindemnity contract or reciprocal plan or scheme, and every other insurance carrier, insuring employers in this State against liability for personal injuries to their employees, or death caused thereby, under the provisions of this act, shall, as hereinafter provided, pay a tax upon the premiums received, whether in cash or notes, in this State or on account of business done in this State, for such insurance in this State, at the rate of 4 per cent of the amount of such premiums, which tax shall be in lieu of all other taxes on such premiums, which tax shall be assessed and collected as hereinafter provided: *Provided, however*, That such insurance carriers shall be credited with all canceled or returned premiums actually refunded during the year on such insurance, and with premiums, on reinsurance with companies authorized and licensed to transact business in Kentucky, which reinsurance shall be reported by the reinsurer; but no credit shall be allowed for reinsurance in companies not licensed to transact business in Kentucky.

SUBSEC. 2. Every such insurance carrier shall, for the six months ending October 31, 1916, for the eight months ending June 30, 1917, and annually thereafter, make a return verified by the affidavit of its president and secretary, or other chief officers or agents, to the commissioner of insurance, stating the amount of all such premiums and credits during the period covered by such return. Every insurance carrier required to make such return shall file the same with the commissioner of insurance within 30 days after the close of the period covered thereby and shall at the same time pay into the State treasury a tax of $4 on each $100 of such premium ascertained as provided in subsection 1 hereof, less returned premiums on canceled policies and reinsurance with other companies licensed to transact business in this State, and upon payment file a statement with the secretary of state. Upon receiving such payments the State treasurer shall place the whole thereof to the credit of the fund for the administration of this act.

SUBSEC. 3. If any such insurance carrier shall fail or refuse to make the return required by this act, the said commissioner of insurance shall assess the tax against such insurance carrier at the rate herein provided for, on such amount of premiums as he may deem just, and the proceedings thereon shall be the same as if the return had been made.

SUBSEC. 4. If any such insurance carrier shall withdraw from business in this State before the tax shall fall due, as herein provided, or shall fail or neglect to pay such tax, the commissioner of insurance shall at once proceed to collect the same, and he is hereby empowered and authorized to employ such legal process as may be necessary for that purpose, and when so collected he

shall pay the same into the State treasury. The suit may be brought by the commissioner of insurance, in his official capacity, in any court of this State having jurisdiction; reasonable attorney's fees may be taxed as costs therein, and process may issue to any county of the State, and may be served as in civil actions, or in cases of unincorporated associations, partnerships, inter-indemnity contracts, or other plan or scheme, upon the principal agent of the parties thereto.

SUBSEC. 5. Any person or persons who shall in this State act or assume to act as agent for any such insurance carried whose authority to do business in this State has been suspended, while such suspension remains in force, or shall neglect or refuse to comply with any of the provisions of this section obligatory upon such persons or party, or who shall willfully make a false or fraudulent statement of the business or condition of any such insurance carrier or false or fraudulent return as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment for not less than 10 nor more than 90 days, or both such fine and imprisonment, in the discretion of the jury.

SUBSEC. 6. Whenever by this act any officer is required to give any notice to an insurance carrier, the same may be given by delivery, or by mailing by registered letter properly addressed and stamped, to the principal office or chief agent of such insurance carrier within this State, or to its home office, or to the secretary, general agent, or chief officer thereof in the United States.

SUBSEC. 7. Any insurance carrier liable to pay a tax upon premiums under this act shall not be liable to pay any other or further tax upon such premiums, or on account thereof, under any other law of this State.

SUBSEC. 8. Every employer carrying his own risk under the provisions of section 63 shall, under oath, report to the board his pay roll subject to the provisions of this act. Such report shall be made in form prescribed by the board and at the times herein provided for premium reports by insurer. The board shall assess against such pay roll a maintenance fund tax computed by taking 4 per cent of the basic premiums chargeable against the same or most similar industry or business, taken from the manual insurance rates for compensation then in force in this State.

SUBSEC. 9. The board shall not be authorized to incur expenses or indebtedness during any period, chargeable against the maintenance fund, in excess of the premium tax payable to such fund for the same period. If it be ascertained that the tax collected for a given period exceeds the total expense chargeable against the maintenance fund under the provisions of this act, the board may authorize a corresponding credit upon collections for the succeeding period.

Employees' insurance association.

SEC. 84. For the purpose of carrying out the provisions of this act, and of affording to employers a method of insuring their liability as required thereby, the Kentucky Employees' Insurance Association is hereby created a body corporate with the powers herein and with all the general corporate powers incident thereto.

Directors.

SEC. 85. The board of directors of the association shall consist of 15 members thereof, three of whom shall be appointed by the governor, and 12 of whom shall be elected by ballot of the subscribers, in accordance with section 207 of the constitution. Of the original directors appointed by the governor, one shall be appointed for one year, one for two years, and one for three years; annually thereafter one director shall be appointed for a term of three years. Election of directors by the subscribers shall be held at such times and in such manner as the by-laws shall provide.

First meeting.

SEC. 86. The appointed directors shall, within 30 days of the subscription of 25 employers, call the first meeting of the subscribers by a notice in writing mailed to each subscriber at his

place of business not less than 10 days before the date fixed for the meeting.

Powers of directors.

SEC. 87. At the first meeting of the subscribers the remaining 12 directors shall be elected. The board of directors may thereafter exercise power as such and may adopt by-laws not inconsistent with the provisions of this act.

Officers.

SEC. 88. The board of directors shall annually choose by ballot a president, who shall be a member of the board, a secretary, a treasurer, and such other officers as the by-laws shall provide.

Quorum.

SEC. 89. Seven or more of the directors shall constitute a quorum for the transaction of business.

Vacancies in any office may be filled in such manner as the by-laws shall provide.

Subscribers.

SEC. 90. Any employer in the Commonwealth may become a subscriber.

Votes.

SEC. 91. In any meeting of the subscribers each subscriber shall be entitled to one vote, and if a subscriber has 250 employees to whom the association is bound to pay compensation he shall be entitled to two votes, and he shall be entitled to one additional vote for each additional 250 employees to whom the association is bound to pay compensation, but no subscriber shall cast by his own right or by the right of proxy more than 10 votes.

Issue of policies.

SEC. 92. No policy shall be issued by the association until [not] less than 50 employers have subscribed who have not less than 5,000 employees to whom the association may be bound to pay compensation.

Matter to be filed.

SEC. 93. No policy shall be issued until a list of the subscribers, with the number of employees of each, together with such other information as the insurance commissioner may require, shall have been filed at the insurance department, nor until the president and secretary of the association shall have certified under oath that every subscription in the list so filed is genuine and made with an agreement by every subscriber that he will take the policies subscribed for by him within 30 days of the granting of a license to the association by the insurance commissioner to issue policies.

Classification.

SEC. 94. The board of directors shall distribute the subscribers into groups in accordance with the nature of the business and the degree of the risk of injury.

Subscribers within each group shall annually pay in cash, or notes absolutely payable, such premiums as may be required to pay the compensation herein provided for the injuries which may occur in that year.

Contingent liability.

SEC. 95. The association may in its by-laws and policies fix the contingent mutual liability of the subscribers for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a subscriber shall not be less than an amount equal to and in addition to the cash premium.

Assessments.

SEC. 96. If the association is not possessed of cash funds above its unearned premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the subscriber liable to assessment therefor in proportion to their several liability.

Every subscriber shall pay his proportional part of any assessments which may be laid by the association, in accordance with law and his contract, on account of injuries sustained and expenses incurred while he is a subscriber.

Dividends.

SEC. 97. The board of directors may, from time to time, by vote, fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compensation which may be payable on account of injuries sustained and expenses incurred.

All premiums, assessments, and dividends shall be fixed by and for groups as heretofore provided in accordance with the experience of each group, but all the funds of the association and the contingent liability of all the subscribers shall be available for the payment of any claim against the association.

Premiums, etc., to be approved.

SEC. 98. Any proposed premium, assessment, dividend, or distribution of subscribers shall be filed with the insurance department and shall not take effect until approved by insurance commissioner after such investigation as he may deem necessary.

Rules.

SEC. 99. The board of directors shall make and enforce reasonable rules and regulations for the prevention of injuries on the premises of subscribers, and for this purpose the inspectors of the association shall have free access to all such premises during regular working hours.

Any subscriber or employee aggrieved by any such rule or regulation may petition the workmen's compensation board for a review, and it may affirm, amend, or annul the rule or regulation.

Perjury.

SEC. 100. If any officer of the association shall falsely make oath to any certificate required to be filed with the insurance commissioner he shall be guilty of perjury.

Act in effect.

SEC. 101. This act shall not affect any causes of action existing or action pending on August 1, 1916, and, its application as between employer and employee, except as otherwise herein provided, shall date from and include August 1, 1916.

Construction.

SEC. 102. The rule of law requiring strict construction of statutes in derogation of the common law shall not be applicable to the provisions of this act. If any section or part thereof shall be held invalid, such partial invalidity shall not affect the act as a whole or any other section or part thereof.

Approved March 23, 1916.

LOUISIANA.

ACTS OF 1914.

ACT No. 20.—*Compensation of workmen for injuries.*

Scope of law.

SECTION 1. This act shall apply only to the following:

1. Every person in the service of the State, or of any parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission in this State authorized by law to hold property and to sue and be sued, under any appointment or contract of hire, express or implied, oral or written, except an official of the State, or of any parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission in this State authorized by law to hold property and to sue and be sued; and for such employee and employer the payment of compensation, according to and under the terms, conditions, and provisions hereinafter set out in this act, shall be exclusive, compulsory, and obligatory: *Provided*, That one employed by a contractor who has contracted with the State, parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission in the State, through its proper representative, shall not be considered an employee of the State, parish, township, incorporated village or city, or other political subdivision, or incorporated public board or commission.

2. Every person performing services arising out of and incidental to his employment in the course of his employer's trade, business, or occupation in the following hazardous trades, businesses, and occupations:

Hazardous trades.

(a) The operation, construction, repair, removal, maintenance, and demolition of railways and railroads, vessels, boats, and other water crafts, terminal docks, street railways, factories, mills, including rice mills, cotton-oil mills, sawmills, shingle mills, planing mills and syrup mills, power laundries, power bakeries, foundries, forges, smelters, blast furnaces, machine shops, coke-burning plants, lime-burning plants, bleaching works, dyeing works, potteries, phosphate and sulphur works, rendering works, slaughterhouses, meat-packing plants, ice plants, warehouses, marble or stone cutting or polishing plants, shipbuilding and ship-repairing plants and yards, mines, mining plants, quarries, oil, gas, sulphur, salt or other wells, heating plants, lighting plants, power plants, waterworks, pumping works, coal yards, lumberyards, building-material yards, derricks, bridges, junk yards, malt houses, breweries, freight or passenger elevators, stockyards, harvesting machinery, thrashing machine, cotton gins, cotton compresses, sugar-houses, sugar and other refineries, sash and door factories, woodworking establishments, printing and photo-engraving establishments, bookbinding and general presswork, skidders, engineering works. Rigging or coaling of vessels, or loading or unloading the cargoes of vessels, logging and lumbering, storing ice, paving with asphalt or other molten material, excavating or grading with power machinery or with the use of an explosive, working in compressed air, dredging, pile driving, boring, moving safes, chimney sweeping. The construction, installation, operation, alteration, removal, or repair of wires, cables, switchboards or apparatus charged with electrical current. Work in any of the building or metal trades in the erection, construction, extension, decoration, alteration, repair, or demolition of any building or structural appurtenances. Any occupation entailing the manufac-

ture, transportation, care of, use of, or regular proximity to dangerous quantities of gunpowder, dynamite, nitroglycerine, and other like dangerous explosives. The installation, repair, erection, removal, or operation of boilers, furnaces, engines, and other forms of machinery.

Definitions.

"Factory" means any premises wherein mechanical power is used in manufacturing, making, altering, adapting, ornamenting, finishing, repairing, or renovating any article or articles for the purpose of trade or gain or of the business carried on therein.

"Mine" means any opening into and beneath the surface of the earth for the purpose of extracting any mineral or minerals, and all underground workings, slopes, shafts, galleries and tunnels, and other ways, cuts and openings connected therewith, including those in the course of being opened, sunk, or driven; and includes also the appurtenant structures at or about the openings of a mine and any adjoining work place where the material from a mine is stored or prepared for use or shipment.

"Quarry" means any place, not a mine, including a bank or pit, where shell, stone, slate, clay, sand, gravel, or other material is dug or otherwise extracted from the earth or ground for the purpose of trade or barter or of the employer's trade or business; and includes also the appurtenant structures at or about the openings of a quarry and any adjoining work place where the material from a quarry is stored or prepared for use or shipment.

"Railways" and "railroads" also includes work in or about depots, powerhouses, roundhouses, cars, locomotives, and all other appurtenances, and in private yards, terminals, switches, etc., and work on railroads for express companies.

Trades not enumerated.

3. If there be or arise any hazardous trade, business or occupation or work other than these hereinabove enumerated, it shall come under the provisions of this act. The question of whether or not a trade, business or occupation not named herein is hazardous may be determined by agreement between the employer and employee or by submission at the instance of either employer or employee to the judge of the court which shall have jurisdiction over the employer in a civil case. The decision of the court shall not be retroactive in its effect.

Voluntary contracts.

4. An employer and any employee in a trade, business or occupation not specified in paragraph 2 of this section and any one engaged in a trade, business or occupation that may not be determined to be hazardous under the operation of paragraph 3 of this section, may, prior to the accident, voluntarily contract in writing to come under the benefit and protection of the provisions of this act with the same force and effect as though they had been specifically included instead of omitted.

Compensation payable, when.

SEC. 2. 1. If a workman employed as hereinabove set forth in paragraph 1 of section 1 (except a workman who shall be eliminated from the benefit of this act for the causes and reasons set forth in section 28 of this act) receives personal injury by accident arising out of and in the course of such employment his employer shall pay compensation in the amounts and to the person or persons hereinafter specified.

Election provided for.

SEC. 3. 1. This act, except sections 4 and 5, relating to defenses, shall not apply to any employer or employee engaged in the trades, businesses and occupations specified in paragraph 2 of section 1, nor to those that may be determined to be hazardous under the operation of paragraph 3 of section 1, unless prior to the injury they shall have so elected by agreement, either express or implied, as hereinafter provided. Such an agreement shall be a surrender by the parties thereto of their rights to any other method, form, or amount of compensation or determination thereof than as provided in this act, and shall bind the employee himself, his widow and relations and dependents as hereinafter defined, as well as the employer and those conducting his business during bankruptcy and insolvency.

Effect of agreements.

Presumptions as to contracts.

2. Every contract of hiring, verbal, written or implied between an employer and any employee engaged in the trades, business, or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1, now in operation or made or implied prior to the time fixed for this act to take effect shall after this act takes effect be presumed to continue subject to the provisions of this act unless either party shall at any time not less than thirty days prior to the accident, in writing, notify the other party to such contract that the provisions of this act other than sections 4 and 5 are not intended to apply.

Same subject.

3. Every contract of hiring, verbal, written or implied, between any employer or employee engaged in the trades, businesses, or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1, made subsequent to the time provided for this act to take effect, shall be presumed to have been made subject to the provisions of this act, unless there be as a part of said contract an express statement in writing not less than thirty days prior to the accident, either in the contract itself or by written notice by either party to the other, that the provisions of this act other than sections 4 and 5 are not intended to apply, and it shall be presumed that the parties have elected to be subject to the provisions of this act and to be bound thereby.

Minors.

4. Any workman of the age of eighteen and upwards engaged in the trades, businesses or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1, shall himself exercise the election hereby authorized; the right of election hereby authorized shall be exercised on behalf of any workman under the age of eighteen by his parent or guardian: *Provided*, That this act shall not apply to workmen of less than the minimum age prescribed by law for the employment of minors in the trades, businesses or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1.

Termination of agreements.

5. The agreement between any employer or employee engaged in the trades, businesses or occupations specified in paragraph 2 of section 1, or engaged in the trades, businesses or occupations that may be determined to be hazardous under the operation of paragraph 3 of section 1, for the operation of the provisions of this act other than sections 4 and 5 may be terminated by either party upon thirty days' written notice prior to the accident.

Notice to parents, etc., when.

6. Where the notice is to be served upon one who is under the age of eighteen years, said notice must be served upon the parent, tutor or guardian of said individual under the age of eighteen years.

Defenses abrogated, when.

SEC. 4. 1. If an employee has elected as aforesaid to come under this act and his employer has elected as aforesaid not to come under this act, then if an action is brought by the employee or relation or personal representative to recover for personal injuries sustained after such election by the employer arising out of and in the course of his employment, it shall not be a defense,

(a) That the employee assumed the risks inherent in or incidental to or arising out of his employment, or the risks arising from the failure of the employer to provide and maintain a reasonably safe place to work or arising from the failure of the employer to furnish reasonably safe tools and appliances, or that the employer exercised reasonable care in selecting reasonably competent employees in the trade, business, or occupation.

(b) That the injury was caused by the negligence of a fellow employee.

(c) That the employee was negligent.

Presumption as to negligence.

2. In an action by an employee against an employer for personal injury sustained arising out of and in the course of the employment where the employer has elected to reject the provisions of this act, it shall be presumed that the injury to the employee was the direct result and arose out of the negligence of the employer; and that such negligence was the proximate cause of the injury, and in such case the burden of proof shall rest upon the employer to rebut the presumption of negligence.

Defenses available, when.

SEC. 5. 1. If an employer has elected as aforesaid to come under this act and his employee has elected as aforesaid not to come under this act, then if an action is brought by the employee to recover damages for personal injury sustained after the employee has so elected, and arising out of and in the course of his employment the employer shall have all the defenses which he would have had if this act had not been enacted.

Waiver of rejection.

2. An employee who has given notice to his employer in writing as aforesaid that he elects not to be subject to the provisions of this act, may waive such election by a notice in writing which shall take effect immediately.

Employees of contractors.

SEC. 6. 1. Where any person (in this section referred to as principal) undertakes to execute any work, which is a part of his trade, business, or occupation, or which he has contracted to perform, and contracts with any other person (in this section referred to as contractor) for the execution by or under the contractor of the whole or any part of the work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this act, reference to the principal shall be substituted for reference to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

2. Where the principal is liable to pay compensation under this section, he shall be entitled to indemnity from any person who would have been liable to pay compensation to the workman independently of this section, and shall have a cause of action therefor.

3. Nothing in this section shall be construed as preventing a workman from recovering compensation under this act from the contractor instead of from the principal.

4. A principal contractor, when sued by a workman of a subcontractor, shall have the right to call in that subcontractor or any intermediate contractor or contractors as defendant or codefendant.

Liability of third persons.

SEC. 7. 1. When an injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim compensation under this act or obtain damages from or proceed at law against such other person to recover damages; and if compensation is claimed and awarded under this act any employer having paid the compensation or having become liable therefor shall be subrogated to the rights of the injured employee to recover against that person, and may compromise the claim therefor in his discretion: *Provided*, If the employer shall recover from such other person damages in excess of the compensation already paid or awarded to be paid under this act then any such excess shall be paid to the injured employee less the employer's legitimate and reasonable expenses and costs of the action, which payment shall be credited upon the balance of compensation, if any, that may become due thereafter.

Compensation for:

SEC. 8 (as amended by act No. 243, Acts of 1916). 1. Compensation shall be paid under this act in accordance with the following schedule of payments:

(a) For injury producing temporary total disability to do work of any reasonable character, fifty per centum of wages, subject to a maximum compensation of ten dollars per week and a minimum compensation of three dollars per week: *Provided*, That, if at the time of the injury the employee was receiving wages of three dollars or less per week, then the compensation shall be the full wages per week. This compensation shall be paid during the period of disability, not, however, beyond three hundred weeks. Temporary total disability;

(b) For injury producing temporary partial disability, the compensation shall be fifty per centum of the difference between the wages of the employee before the injury and the wages which he is able to earn thereafter, but not more than ten dollars a week for a period not exceeding three hundred weeks, compensation to cease whenever employee is able to earn as much as he did before the accident. Temporary partial disability;

(c) For injury producing permanent partial disability, the compensation shall be one-half of the difference between the wages of the injured employee before the injury and the wages which he is able to earn thereafter subject to a maximum of ten dollars per week, to be paid for the period of disability not exceeding three hundred weeks. Permanent partial disability.

(d) In cases included by the following schedule the compensation shall be as follows: Schedule.

For the loss of a thumb, fifty per centum of wages during fifty weeks.

For the loss of a first finger, commonly called the index finger, fifty per centum of wages during thirty weeks.

For the loss of any other finger, or a great toe, fifty per centum of wages during twenty weeks.

For the loss, by separation, of any toe other than the great toe, fifty per centum of wages during ten weeks.

The loss of the first phalanx of the thumb, or of two phalanxes of any finger or toe, shall be considered to be equal to the loss of one-half of such member, and the compensation shall be one-half of the amount above specified.

The loss of more than one phalanx of the thumb or more than two phalanges of any finger or toe shall be considered as the loss of the entire member: *Provided, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand, or the amount received for the loss of more than one toe exceed the amount provided in this schedule for the loss of a foot.

For the loss of a hand, fifty per centum of wages during one hundred and fifty weeks.

For the loss of one arm, fifty per centum of wages during two hundred weeks.

For the loss of a foot, fifty per centum of wages during one hundred and twenty-five weeks.

For the loss of a leg, fifty per centum of wages during one hundred and seventy-five weeks.

For the loss of an eye, fifty per centum of wages during one hundred weeks.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or one hand and one foot, shall constitute total and permanent disability to be compensated according to the provisions of clause (e) of this section.

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be equivalent to the loss of a foot.

In cases not falling within any of the provisions already made, where the employee is seriously permanently disfigured about the face or head or where the usefulness of a member or any physical function is seriously permanently impaired, the court of proper jurisdiction as hereinafter provided may allow such compensation as is reasonable in proportion to the compensation herein-

above specifically provided in the cases of specific disabilities above named, not to exceed fifty per centum of wages during one hundred weeks.

The amounts specified in this subsection are all subject to the same limitations as to maximum and minimum as are stated in clause (a) of this section.

Permanent total disability.

(e) For injury producing permanent total disability to do work of any character the compensation shall be fifty per centum of wages, but not more than ten dollars nor less than three dollars per week for the period of disability not exceeding four hundred weeks.

Death.

(f) For injury causing death within one year after the accident, compensation shall be computed on the following basis, subject to a maximum of ten dollars per week and a minimum of three dollars per week, and shall be paid for a period of three hundred weeks, to the following persons:

(1) To the widow or widower alone if there be no children, twenty-five per centum of wages of the deceased.

(2) To the widow or widower if there be one child, for the joint benefit of the widow or widower and child, forty per centum of wages of the deceased.

(3) To the widow or widower if there be two or more children, for the joint benefit of such widow or widower and children, fifty per centum of wages of the deceased.

(4) If one child alone and no widow or widower, then to such child twenty-five per centum of wages of the deceased.

(5) If two children and no widow or widower, then to such children forty per centum of wages of the deceased.

(6) If three or more children and no widow or widower, then to such children fifty per centum of the wages of the deceased.

(7) If there be no widow nor widower nor any child, then to the father or mother of the deceased, if dependent on the deceased to any extent for support at the time of the accident, twenty-five per centum of the wages of the deceased; if in such event both the father and the mother of the deceased survive and were dependent to any extent for support at the time of the accident, fifty per centum of the wages of the deceased to the two of them.

(8) If there be neither widow nor widower nor child nor dependent parent surviving the deceased entitled to compensation, then to the brothers and sisters and other members of the family of the deceased not hereinabove specifically provided for (if such brother or sister or other member of the family not otherwise specifically provided for was actually dependent on the deceased for support to any extent at the time of the accident), twenty-five per centum of the wages of the deceased for one brother or sister or other dependent member of the family not otherwise provided for, and ten per centum additional for each additional brother or sister or other dependent member of the family not otherwise provided for, and ten per centum additional for each additional brother or sister or other dependent member of the family, [sic] subject to a maximum of fifty per centum of the wages of the deceased.

(9) Whenever under this schedule compensation is due to several persons in the same class, it shall be equally divided among them; and where the aggregate of such compensation would exceed fifty per centum of wages were the maximum limit not imposed, the compensation due each individual shall be abated proportionately so as to bring the total compensation within the limit.

(10) Where there is a surviving widow or widower and a child or children entitled to compensation, the compensation above described shall be paid entirely to the widow or widower for the common benefit of such widow or widower and the child or children, and the appointment of a guardian or tutor shall not be necessary. Where there is no surviving parent, payment shall be made to the duly appointed guardian.

(11) In all cases provided for in this schedule the relation or dependency must exist at the time of the injury.

Benefits, payable when.

(12) Compensation shall be payable under this schedule to or on account of any child or brother or sister or other dependent member of the family not otherwise specifically provided for, only if and while such child, brother, sister, or other dependent member of the family not otherwise specifically provided for is under the age of eighteen years (unless such child, brother, sister or other dependent member of the family is mentally or physically incapacitated from earning a living). No compensation shall be payable under this section to a widow unless she is living with her deceased husband at the time of his death, or was then actually dependent upon him for support. No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's decease and be at such time dependent upon her for support. The term "child" and "children" shall cover only legitimate children or acknowledged illegitimate children, but shall include stepchildren, and adopted children if members of the decedent's family at the time of his death, and shall also include posthumous children. The terms "brother" and "sister" shall include stepbrother and stepsisters and brothers and sisters by adoption. Should any dependent of a deceased employee die, or should the widow or widower remarry, or should the widower become capable of self-support, or should any dependent not physically or mentally incapacitated from earning pass beyond the age of eighteen years, the payments of the portion of the compensation theretofore due such dependent or widow or widower shall cease. If the compensation payable under this section to any person shall, for any cause, cease, the compensation to the remaining persons entitled hereunder shall thereafter be the same for the unexpired part of the period during which their compensation is payable as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased.

(13) When weekly payments have been made to an employee before his death, the compensation or dependent as provided for in this section shall begin on the date of the last of such payments, and shall not continue for more than three hundred weeks from the date of the injury.

Expenses of sickness and burial.

(14) In every case of death, the employer shall pay or cause to be paid the reasonable expenses of the last sickness and burial of the employee, not exceeding one hundred dollars.

Wages.

2. The term "wages" as used in this act is defined to mean the daily rate of pay at which the service rendered is recompensed under the contract to hire in force at the time of accident.

Waiting time.

3. No compensation shall be paid for the first week after the injury is received, nor in any case unless the employer is notified thereof within the period specified in section 11: *Provided, however*, That in cases where disability from injury continue for six weeks or longer after the injury is received, then after six weeks have elapsed compensation for the first week shall be paid.

Medical, etc., service.

4. The employer shall in every case furnish the employee reasonable medical, surgical and hospital service and medicines not to exceed one hundred and fifty dollars in value, unless the employee refuses to allow them to be furnished by the employer.

Any voluntary payments made by the employer or his insurer to the injured workmen, during the period of his disability, or to his dependents, which, by the terms of this act, were not due and payable when paid, may, subject to the approval of the court, be deducted from the amount to be paid as compensation: *Provided*, That in ases of disability, such deduction shall be made by shortening the period during which compensation shall be paid, and not by reducing the amount of the weekly payments.

Mode of payment.

6. Payments of compensation under this act shall be paid as near as may be at the same times and places as wages were pay-

able to the injured employee before the accident; but a longer interval may be substituted by agreement, with the approval of the court.

Lump sums.

7. The amounts payable periodically as compensation may be commuted to a lump-sum payment at any time by agreement of the parties, subject to the approval of the court; and upon the payment of such lump sum the liability of the employer making such payment under this act shall be fully satisfied.

Medical examinations.

SEC. 9. 1. An injured workman shall submit himself to examination by a duly qualified medical practitioner provided and paid for by the employer, as soon after the accident as demanded, and from time to time thereafter, as often as may be reasonably necessary and at reasonable hours and places, during the pendency of his claim for compensation or during the receipt by him of payments under this act.

2. It shall be the duty of the employer to cause such examination, provided for in paragraph 1 of this section to be made of the injured workman, immediately after knowledge or notice of the accident and to serve a copy of the report by his medical practitioner of such examination upon the workmen within six days after such examination. If no such examination be made and report furnished by the employer within that time, the workman shall furnish a report of an examination made by his medical practitioner to the employer, for which the employee shall be entitled to receive from the employer the sum of one dollar. Upon the receipt by either party of such a report from the other party, the party receiving it, if he disputes such report or any statement therein, shall notify the other party of that fact within six days, otherwise such report shall be prima facie evidence of the facts therein stated in subsequent proceedings under this act.

Disputes.

3. If there be any dispute thereafter as to the condition of the workman, the judge of the court which would have jurisdiction in a civil case, or, where there is more than one judge of said court, then either or any of said judges of said court, upon application of either party, shall order an examination of the workman to be made by a medical practitioner appointed by the court. The fees of such examiner shall be fixed by the court at not to exceed ten dollars, and shall be paid in advance by the applicant. Such medical examiner shall report his conclusions from such examination to the court, and such report shall be prima facie evidence of the facts therein stated in any subsequent proceedings under this act.

Suspension of rights.

SEC. 10. 1. If the workman refuses to submit himself to a medical examination as provided in section 9, or in any wise obstructs the same, his right to compensation and to take or prosecute any further proceedings under this act shall be suspended until such examinations take place. And, when a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

Notice.

SEC. 11 (as amended by act No. 243, Acts of 1916). 1. No proceeding under this act for compensation shall be maintained unless notice of the injury shall be given to the employer within six months after the day of injury or death. Such notice may be given or made by any person claiming to be entitled to compensation or by some one in his behalf.

Statement to be posted.

SEC. 12. 1. It shall be the duty of the employer to cause to have printed and to keep posted at some convenient and conspicuous point about the place of business a notice reading substantially as follows: "In case of accidental injury or death the injured employee or some one acting in his behalf, must give notice to (here shall follow the name and address of the party) within fifteen days, and unless notice be given to above party within fifteen days, no payments will be made under the law for such injury or death." In the event of the failure of the employer to keep posted said notice, the time in which notice of the injury shall be given as provided in section 11 shall be extended to six months from the date of injury.

Form of notice.

SEC. 13. 1. The notice and claim provided for in section 11 shall be made in writing and such notice shall contain the name and address of the employee, and shall state in ordinary language the time, place, nature and cause of the injury, and shall be signed by him or by a person on his behalf, or, in the event of death, by any one or more of his dependents or by a person on their behalf. The notice may include the claim.

To whom given.

SEC. 14. 1. Any notice or claim under this act shall be given to the employer, or, if the employer be a partnership, then to any one of the partners. If the employer be a corporation, then the notice may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation, or any agent in charge of the business at the place where the injury occurred. If the employer be a body politic then the notice may be given to the individual connected with said body politic upon whom process may be served: *Provided, however*, That in any case notice of accident may be given to the person designated in the notice posted in accordance with section 12. Such notice shall be given by delivering it or sending it by mail by registered letter addressed to the employer or his or its hereinabove designated officer or agent at his or its last known residence or place of business.

Sufficiency of notice.

SEC. 15. 1. A notice given under the provisions of section 11 of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, nature, or cause of the injury, or otherwise, unless it is shown that the employer was in fact misled to his injury thereby. Want of notice or delay in giving notice shall not be a bar to proceedings under this act if it be shown that the employer, or his agent or representative, had knowledge of the accident, or that the employer has not been prejudiced by such delay or want of notice.

Persons not sui juris.

SEC. 16. 1. In case an injured workman is mentally incompetent or a minor, or where death results from the injury, in case any of his dependents as herein defined is mentally incompetent or a minor, at the time when any right, privilege or election accrues to him under this act, his duly qualified curator or tutor, as the case may be, may, in his behalf, claim and exercise such right, privilege or election, and no limitation of time, in this act provided for, shall run, so long as such incompetent or minor has no curator or tutor as the case may be.

Payments valid.

2. Payment of compensation under this section by an employer to a dependent subsequent in right to another or other dependents shall protect and discharge the employer unless and until such dependent or dependents prior in right shall have given the employer notice of his or their claim. In case the employer is in doubt as to the respective rights of rival claimants the employer may apply to the court to decide between them.

Agreements.

SEC. 17. 1. The interested parties shall have the right to settle all matters of compensation between themselves. But all agreements of settlement shall be reduced to writing and shall be substantially in accord with the various provisions of this act, and shall be approved by the court which would have jurisdiction in a civil case, or, where there is more than one judge of said court, then by either or any of said judges of said court. The agreement between employer and employee shall be presented to the court upon joint petition of employer and employee, which petition must be verified by both parties. The settlement so approved shall be immediately entered as the judgment of the court, and such judgment shall have the same force and effect and may be satisfied as other judgments of the same court.

Reference to court.

SEC. 18. 1. In case of a dispute over, or failure to agree upon a claim for compensation between employer and employee, or the dependents of the employee, either party may present a verified complaint to the judge of the court which would have jurisdiction in a civil case, or, where there is more than one judge of said court, then to either or any of said judges of such court, setting forth the names and residences of the parties and the facts relat-

ing to employment at the time of injury, the character and extent of the injury, the amount of wages being received at the time of the injury, the knowledge of the employer or notice of the occurrence of said injury, and such other facts as may be necessary and proper for the information of said judge, and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto.

Hearings.

2. Upon the presentation of such complaint, it shall be filed with the clerk of the court and the judge shall fix by order a time and place for the hearing thereof, not less than three (3) weeks after the date of the filing of said complaint. A copy of said complaint and order shall be served as summons in a civil action upon the adverse party within four (4) days after filing the complaint; within seven (7) days after the service of such complaint or petition the adverse party shall file an answer to said petition, which shall admit or deny the substantial averments of the petition, and shall state the contention of the defendant with reference to the matter in dispute as disclosed by the petition. The answer shall be verified in like manner as required for a complaint or petition. The court in its discretion may grant further time for filing the answer or hearing the complaint and allow amendments of said petition and answer at any stage of the proceedings.

Judgment on petition.

3. If the time fixed for filing answer or delay, granted for filing answer by the respondent has elapsed without an answer having been filed, then upon simple request of petitioner the judge of the court, with whom the complaint or petition has been filed shall immediately enter a judgment in favor of petitioner in accord with the facts set forth in the verified petition filed by petitioner and the provisions of this act.

Procedure.

4. If an answer has been filed by the respondent within the delays allowed by law or granted by the court, or if no judgment has been entered as provided in the paragraph immediately above at the time fixed for hearing, or any adjournment thereof, the said judge shall hear such witnesses as may be presented by each party. Either party shall have the right to be present at any hearing or to appear through an attorney or any other agent. The judge shall not be bound by the usual common-law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided. The judge shall decide the merits of the controversy as equitably, summarily, and simply as may be. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as are allowed, taxed and collected for like services and proceedings in civil cases. The judgment rendered by the court shall have the same force and effect and may be satisfied as other judgments of the same court.

Appeals.

SEC. 19. 1. Either the employer or employee shall have the right to appeal to the proper appellate court from the judgment rendered as provided in paragraph 3 of section 1, and in section 18. To such an appeal preference in hearing shall be given by the appellate court such as is given in causes in which the State is an interested party. Such appeal may be prosecuted by either employer or employee without the necessity of furnishing an appeal bond and shall suspend the operation of the judgment appealed from.

Modifications of awards.

SEC. 20. 1. A judgment of compensation may be modified at any time by subsequent agreement between employer and employee, with the approval of the judge of the court that rendered the judgment sought to be modified, or any time after one year when said judgment of compensation shall have become operative, it may be reviewed by the judge of the court that rendered the judgment sought to be modified upon the application of either employer or employee, on the ground that the incapacity of the injured employee has subsequently increased, such increase growing directly out of the injury for which compensation had been

allowed or diminished. In such case the provisions of paragraphs 1 and 3 of section 9 with reference to medical examination shall apply.

Preference of compensation rights.

SEC. 21 (as amended by act No. 243, Acts of 1916). All rights of compensation granted by this act shall have the same preference and priority for the whole thereof against the assets of the employer as is allowed by law for any unpaid wages of the laborer. If it should be made to appear to the satisfaction of the court in which a judgment for compensation has been rendered that there is reasonable room for uncertainty as to the financial responsibility of an employer against whom a judgment of compensation has been finally rendered, and that such employer has not taken out insurance against his liability under this act, the court may order such employer to furnish a bond, with good and solvent surety, conditioned for the faithful payment of the compensation decreed to be paid. From an order so rendered the employer may appeal to the proper appellate court as provided in section 19.

Security of payments.

Exemptions.

SEC. 22. 1. Claims or payments due under this act shall not be assignable and shall be exempt from all claims of creditors and from levy or execution or attachment or garnishment except under a judgment of court for alimony in favor of a wife or ascendant or descendant. Fees of attorneys and physicians for services under this act shall be reasonable and measured according to the workman's station and shall be approved by the court.

Insurance policies.

SEC. 23. 1. No policy of insurance against liability arising under this act shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to compensation all installments of the compensation that may be awarded or agreed upon, and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy, or otherwise. Such agreement shall be construed to be a direct obligation by the insurer to the person entitled to compensation, enforceable in his name. No policy of insurance against liability under this act shall be made unless such policy shall cover the entire liability of the employer under this act.

Presumptions as to knowledge.

SEC. 24. 1. All policies insuring the payment of compensation under this act must contain a clause to the effect that as between the employee and the insurer the notice to the insured or the knowledge of the occurrence of the injury on the part of the insured shall be deemed to be notice or knowledge on the part of the insurer, as the case may be, that the jurisdiction of the insured for the purpose of this act shall be the jurisdiction of the insurer; and that the insurer shall in all things be bound by and subject to the awards, judgments, or decrees rendered against such insured.

Rights of beneficiaries.

SEC. 25. 1. If any employer shall carry insurance against liability under this act, and said employer shall be or become insolvent, or any execution upon a judgment for compensation is returned unsatisfied, an employee of such employer, or the dependents of a deceased employee who shall be entitled to payments under this act may enforce their claim to payments against the insurer of such employer to the same extent that the employer could have enforced his claim against such insurer had he made such payments, any provision contained in any policy or agreement of insurance written after the date of the approval of this act to the contrary notwithstanding. And the making of accrued payments to the person entitled thereto, in accordance with the provisions of this act, shall relieve such insurer from liability.

Policies subject to act.

SEC. 26. 1. Every policy for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act. No company or association shall enter into any such policy of insurance unless its form shall have been approved by secretary of state of Louisiana.

Additional benefits.

SEC. 27. 1. An employer and employee who have elected to come under the provisions of this act or who may be under the provisions of this act as provided in paragraph 1 of section 1, may by written agreement between themselves provide for compensation, in event of injury to an employee, over and above the compensation to be awarded under the provisions of this act. Such additional compensation may be provided for by the employer insuring his liability therefor in any insurance company or association authorized to do business in the State of Louisiana, and the premium therefor may be paid by employer and employee in such proportion as may be agreed upon between them.

What injuries not compensated.

SEC. 28. 1. No compensation shall be allowed for an injury caused (1) by the injured employee's willful intention to injure himself or to injure another, or (2) by the injured employee's intoxication at the time of the injury, or (3) by the injured employee's deliberate failure to use an adequate guard or protection against accident provided for him, or (4) by the employee's deliberate breach of statutory regulations affecting safety of life or limb.

Burden of proof.

2. In determining whether or not an employer shall be exempt from and relieved of paying compensation because of injury sustained by an employee for the causes and reasons set forth in this section, the burden of proofs shall be unon [upon] the employer.

Bonds of tutors, etc.

SEC. 29. 1. Where a judgment has been rendered under the provisions of this act in favor of a minor or interdict, the tutor or curator shall be required by the court to furnish a bond in favor of the court for the faithful performance of his duties, and shall be required by the court to furnish it annually with a report or accounting of the funds the said tutor or curator may be administering for the said minor or interdict. This report or accounting of the tutor or curator is not to be of the nature of the report of the tutor or curator required to be filed under existing laws, but it is to be a simple verified statement of the receipts of the tutor or curator with a detailed accounting of the expenditures.

Interstate carriers.

SEC. 30. 1. This act shall not be construed to apply to any employer acting as a common carrier while engaged in interstate or foreign commerce by railroad, which employer, by reason of being engaged in interstate or foreign commerce by railroad, is not subject exclusively to the legislative power of the State of Louisiana, or for which employer and the employee thereof a rule of liability or method of compensation has been, or may be, established by the Congress of the United States; nor shall it apply to any employee of such common carrier injured or killed while so employed; and nothing in this act shall be construed to apply to any work done by, nor shall any compensation be payable under this act to, the master, officers, or any member of the crew of any vessel used in interstate or foreign commerce which said vessel is not registered or enrolled in the State of Louisiana.

2. Whenever an employee of a common carrier engaged in interstate or foreign commerce by railroad shall sustain a personal injury by accident, arising out of and in the course of his employment, resulting in his disability or death, it shall be presumed prima facie that such employer was, at the time of the accident, engaged in such commerce.

Settlement in one year.

SEC. 31. 1. In case of personal injury (including death resulting therefrom) all claims for payments shall be forever barred unless within one year after the injury or death the parties shall have agreed upon the payments to be made under this act, or unless within one year after the injury proceedings have been begun as provided in sections 17 and 18 of this act. Where, however, such payments have been made in any case, said limitations shall not take effect until the expiration of one year from the time of making the last payment.

Two or more employers liable.

SEC. 32. 1. In case any employee for whose injury or death payments are due under this act shall, at the time of the injury be employed and paid jointly by two or more employers subject to

the provisions of this act, such employers shall contribute to such payments in proportion to their several wage liabilities to such employee: *Provided, however*, That nothing in this section shall prevent any arrangement between such employers for different distribution as between themselves of the ultimate burden of such payments. If one or more, but not all such employers should be subject to this act, then the liability of such of them as are so subject shall be to pay that proportion of the entire payments which their proportionate wage liability bears to the entire wages of the employee: *Provided, however*, That such payment by such employer subject to this act shall not bar the right of recovery against any other joint employer.

Failure to pay installments.

SEC. 33. 1. In event the employer against whom there has been rendered a judgment of court awarding compensation in favor of an employee of dependents should become insolvent or fail to pay six successive installments as they become due, the installments not yet payable under said judgment shall immediately become due and exigible and the judgment shall become executory for the whole amount: *Provided*, That where the employee is adequately protected by insurance and receives payments thereunder this right shall not accrue to the employee.

Rights exclusive.

SEC. 34. 1. The rights and remedies herein granted to an employee on account of a personal injury for which he is entitled to compensation under this act shall be exclusive of all other rights and remedies of such employee, his personal representatives, dependents, relations, or otherwise on account of such injury.

Penalties.

SEC. 35. 1. Nothing in this act shall affect the liability of the employer to a fine or penalty under any other statute.

Waivers.

SEC. 36. 1. No contract, rule, regulation or device whatsoever shall operate to relieve the employer, in whole or in part, from any liability created by this act except as herein provided.

Deception.

SEC. 37. 1. If for the purpose of obtaining or defeating any benefit or payment under the provisions of this act, either for himself or any other person, any person willfully makes a false statement or representation, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars or imprisoned not exceeding twelve months, or both, in the discretion of the court; and an employee from and after such conviction shall cease to receive any compensation under this act.

Accidents.

SEC. 38. 1. The word "accident," as used in this act, shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event happening suddenly or violently, with or without human fault and producing at the time objective symptoms of an injury.

Injury.

SEC. 39. 1. The terms "injury" and "personal injuries" shall include only injuries by violence to the physical structure of the body and such diseases or infections as naturally result therefrom. The said terms shall in no case be construed to include any other form of disease or derangement, however caused or contracted.

Use of words.

SEC. 40. 1. Whenever in this act the singular is used, the plural shall be included; where the masculine gender is used, the feminine shall be included.

Provision severable.

SEC. 41. 1. If any provision of this act shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall in no way affect the validity of any other portion thereof which can be given reasonable effect without the provision so declared unconstitutional or invalid.

Pending causes.

SEC. 42. 1. This act shall not affect any cause or action existing or pending before it went into effect.

Act in effect.

SEC. 43. 1. This act shall take effect and be in force from and after January 1, 1915.

Approved June 18, 1914.

ACTS OF 1916.

ACT No. 270.—*Workmen's compensation insurance—Deducting premiums from wages.*

Deductions from wages unlawful.

SECTION 1. It shall be unlawful for any person, firm or corporation, or his or its agent or representative, directly or indirectly, to deduct from the wages or other compensation of any employee of such person, firm or corporation, any contribution to pay, or towards the payment of, any premium or other charge of employer's liability insurance, or to demand, request or accept of any employee such contribution or payment for such purposes; or to demand or request of any employee that he or she make any payment or contribution for such purpose to any other person, firm or corporation.

Penalty.

SEC. 2. Any person, firm or corporation violating any provision of this act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred ($500.00) dollars, or by imprisonment in the parish prison or jail not exceeding a year, or by both such fine and imprisonment, at the discretion of the court.

Approved July 6, 1916.

MAINE.

ACTS OF 1915.

CHAPTER 295.—*Compensation of workmen for injuries.*

SECTION 1. The following words and phrases, as used in this act, shall, unless a different meaning is plainly required by the context, have the following meaning: Definitions.

I. "Employer" shall include corporations, partnerships, natural persons, the State, counties, water districts, and all other quasi-municipal corporations of a similar nature, cities and also such towns as vote to accept the provisions of this act, and if employer is insured it includes the insurer, unless the contrary intent is apparent from the context or it is inconsistent with the purposes of this act.

II. "Employee" shall include every person in the service of another under any contract of hire, express or implied, oral or written, except: (a) Farm laborers; (b) domestic servants; (c) masters of and seamen on vessels engaged in interstate or foreign commerce; (d) persons whose employment is but casual or is not in the usual course of the trade, business, profession, or occupation of his employer; (e) officials of the State, counties, cities, towns, or water districts, and other quasi-municipal corporations of a similar character. Policemen and firemen shall be deemed employees within the meaning of this act. If, however, any policeman or fireman claims compensation under this act, there shall be deducted from such compensation any sum which such policeman, fireman, or other person may be entitled to receive for any pension or other benefit fund to which the State or municipal body may contribute. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents, and other persons to whom compensation may be payable.

III. "Assenting employer" shall include all employers who have complied with the provisions of section 6 hereof, and to whom a certificate authorized by said section has been issued, but only so long as such certificate remains in force.

IV. "Commissioner" shall mean the commissioner of labor and industry of the State of Maine. "Commission" shall mean the industrial accident commission created by section 29 hereof.

V. "Industrial accident insurance policy" shall mean a policy in such form as the insurance commissioner of the State of Maine approves, issued by any stock or mutual casualty insurance company that may be now or hereafter authorized to do business in this State, which in substance and effect guarantees the payment of the compensation, medical, and hospital services, and expense of sickness and burial herein provided for, in such installments, at such time or times, and to such person or persons, and upon such conditions as in this act provided. Whenever a policy or certificate of renewal thereof is filed as herein provided, a copy of such policy certified by the insurance commissioner of the State of Maine or his deputy, shall be admissible as evidence in any legal proceeding wherein the original would be admissible.

VI. "Insurance company" shall mean any casualty insurance company authorized to do business in the State of Maine, which may issue policies conforming to the provisions of the paragraph next preceding. Whenever in this act relating to procedure the word "insurance company" is used, it shall be held to apply only to cases in which the employer has elected to file such policy, instead of furnishing satisfactory proof of his ability to pay compensations and benefits hereinafter provided direct to his employees.

VII. "Representatives" may include executors, administrators, and the dependents of deceased employees. Payments may be made to dependents directly or to executors or administrators. If payments are made to the latter, they shall forthwith pay the same to the dependents as the same are hereinafter defined.

Dependents.

VIII. "Dependents" shall means members of the employee's family or next of kin, who are wholly or partly dependent upon the earnings of the employee for support at the time of the injury. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(a) A wife upon a husband with whom she lives, or from whom she was living apart for a justifiable cause, or because he had deserted her, or upon whom she is dependent at the time of the accident.

(b) A husband upon a wife with whom he lives or upon whom he is dependent at the time of the accident.

(c) A child or children, including, adopted and stepchildren under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning) upon the parent with whom he is or they are living, or upon whom he is or they are dependent at the time of the death of said parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the compensation shall be divided equally among them.

In all cases questions of entire or partial dependency shall be determined in accordance with the fact, as the fact may have been at the time of the injury. In such other cases, if there is more than one person wholly dependent the compensation shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof during the period in which compensation is paid to persons wholly dependent. If there is anyone wholly dependent and more than one person partly dependent, the compensation shall be divided among them according to the relative extent of their dependency. If a dependent is an alien residing outside of the United States, or of the Dominion of Canada, the compensation paid to any such dependent shall be one-half that hereinafter provided in case of the death of an employee.

IX. "Average weekly wages, earnings or salary" of an injured employee shall be computed as follows:

Computation of wages.

(a) If the injured employee has worked in the same employment in which he was working at the time of the accident, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his "average weekly wages" shall be three hundred times the average daily wages, earnings or salary which he has earned in such employment during the days when so employed and working the number of hours constituting a full working-day in such employment, divided by fifty-two. But where the employee is employed regularly during the ordinary working hours concurrently by two or more employers, for one of whom he works at one time and for another he works at another time, his "average weekly wages" shall be computed as if the wages, earnings or salary received by him from all such employers were wages, earnings, or salary earned in the employment of the employer for whom he was working at the time of the accident.

(b) If the injured employee has not worked in such employment during substantially the whole of such immediately preceding year, his "average weekly wages" shall be three hundred times the average weekly [daily] wages, earnings, or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or a similar employment, in the same or a neighboring place, has earned in such employment during the days when so employed and working the number of hours constituting a full working-day in such employment, divided by fifty-two.

(c) In cases where the foregoing methods of arriving at the "average weekly wages, earnings, or salary" of the injured em-

ployee can not reasonably and fairly be applied, such "average weekly wages" shall be taken at such sum as, having regard to the previous wages, earnings or salary of the injured employee and of other employees of the same or most similar class, working in the same or most similar employment in the same or a neighboring locality, shall reasonably represent the weekly earning capacity of the injured employee at the time of the accident in the employment in which he was working at such time.

(d) Where the employer has been accustomed to pay to the employee a sum to cover any special expense incurred by said employee by the nature of his employment, the sum so paid shall not be reckoned as part of the employee's wages, earnings, or salary.

Previous injuries.

(e) The fact that an employee has suffered a previous injury or received compensation therefor, shall not preclude compensation for a later injury or for death; but in determining the compensation for the later injury or death, his "average weekly wages" shall be such sum as will reasonably represent his weekly earning capacity at the time of the later injury, in the employment in which he was working at such time, and shall be arrived at according to and subject to the limitations of the previous provisions of this section.

Rights of guardians, etc.

In the sections of this act relating to notices and procedure, all powers and rights granted to, or duties and obligations imposed upon employers or employees, shall inure to the benefit of and may be exercised by guardians of minors or other incapacitated persons and the legal representatives of deceased persons.

Defenses abrogated.

SEC. 2. In an action to recover damages for personal injuries sustained by an employee in the course of his employment, or for death, resulting from personal injury so sustained, it shall not be a defense (a) that the employee was negligent; (b) that the injury was caused by the negligence of a fellow employee; (c) that the employee had assumed the risk of the injury.

Exemption of small employers.

SEC. 3. The provisions of section 2 shall not apply to employers who employ five or less workmen or operatives regularly in the same business, and in case of the employer being engaged in more than one kind of business, in one of which he employs five or more workmen or operatives regularly, and in another employs five or less workmen or operatives, the facts that he elects to become subject to the provisions of this act shall not bring him within the provisions of it as to any such business in which he employs five or less workmen or operatives, and at the time of electing to become subject to the provisions of this act, if engaged in more than one kind of business, he shall specify the business or businesses in which he is engaged and concerning which he desires to come under the provisions hereof.

Employments exempted.

SEC. 4. The provisions of this act shall not apply to actions to recover damages for personal injuries or for death resulting from personal injuries sustained by employees engaged in domestic service or agriculture, or in the work of cutting, hauling, rafting, or driving logs.

Exemption of employers accepting act.

SEC. 5. The provisions of section 2 shall not apply to actions to recover damages for personal injuries or for death resulting from personal injuries sustained by employees of an employer who has elected to become subject to this act in the manner provided in section 6 hereof. In the case of personal injury sustained by an employee in the course of his employment or of death resulting from personal injury so sustained, assenting employers shall be exempt from suits either at common law or under section 9, chapter 89, of the Revised Statutes, or chapter 258 of the Public Laws of 1909 [employers' liability act].

How election is made by employer.

SEC. 6. I. Any employer desiring to become an assenting employer as herein provided, may file with the commission at its office in Augusta, his written assent in such form as the commission approves and also file with said commission a copy of an industrial accident insurance policy in any stock or mutual insurance company or association authorized to do business in the

State of Maine, said policy being stamped with the approval of the insurance commissioner of said State of Maine.

Any insurance company issuing policies covering the payment of compensation provided for in this act shall file with the insurance commissioner a copy of the form thereof, and no such policy shall be issued until said insurance commissioner has approved the same. Every such insurance company shall file with the insurance department its classification of risks and premiums relating thereto, and any subsequent proposed classifications or premiums none of which shall take effect until the insurance commissioner has approved the same as adequate for the risks to which they respectively apply. The insurance commissioner may withdraw his approval of any classification of risks or premium rates relating thereto, and he may at any time approve a revised classification of risks and premium rates relating thereto.

II. Any employer desiring to become an assenting employer as herein provided, may file with the commission his written assent in such form as said commission approves, after furnishing satisfactory proof to the commission of his solvency and financial ability to pay the compensation and benefits herein provided, and upon the deposit of cash, satisfactory securities or a bond, as the commission may determine, such bond to run to the State treasurer and his successor in office in such sum as said commission may determine and shall be conditional upon the faithful performance of all the provisions of this act relating to the payment of compensations and benefits to any injured employee. In case of cash being deposited it shall be placed at interest by the State treasurer and the accumulation of interest on said cash or securities so deposited shall be paid to the employer depositing the same: *Provided, however,* That the commission may at any time in their discretion deny to an assenting employer the right to continue in the exercise of the option granted by this paragraph.

III. Upon the filing of such assent and complying with the provisions of Paragraphs I or II of this section, the commissioner shall issue to such employer a certificate stating that such employer has conformed to the provisions of this act and setting forth the date on which the policy filed under Paragraph I expires. The certificate thus issued shall remain in full force until the date of the expiration of such policy, or until withdrawn as provided in Paragraph II, or until the employer assenting under Paragraph II shall notify the commissioner that he withdraws his assent, or files an industrial accident policy in place of the securities so deposited by him.

IV. Subject to the approval of the commission, any employer may continue with his employees in lieu of the compensation and insurance provided by this act the system of compensation, benefit, or insurance which was used by such employer on the first day of January, A. D. 1915. No such substitute system shall be approved unless it confers benefits upon injured employees at least equivalent to the benefits provided by this act, nor if it requires contributions from the employees, unless it confers benefits in addition to those provided under this act at least commensurate with such contributions. Such substitute system may be terminated by the commission on reasonable notice and hearing to the interested parties if it shall appear that the same is not fairly administered, or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purposes of this act. An employer who is authorized to substitute a plan under the provisions of this section shall give his employees notice thereof in a form to be prescribed by the commission, and a statement of the plan approved shall be filed with the commission.

V. A notice in such form as the commission approves, stating that the employer has conformed to the provisions of this act and the date of the expiration of the policy filed, together with such further matters as the commission determines, shall be posted by the employer and kept posted by him at some place in each of his

mills, factories, or place of business, conspicuous and accessible to his employees. For willful failure to post such notices, the employer shall be subject to a penalty of ten dollars per day for every day of such willful neglect, to be recovered by complaint or indictment. Such failure to so post notices shall not, however, affect the rights or liabilities of the employer or the employee hereunder.

Presumption as to employees.

SEC. 7. An employee of an employer who shall have elected to become subject to the provisions of this act as provided in section 6 of this act shall be held to have waived his right of action at common law to recover damages for personal injuries; also under section 9 of chapter 89, R. S., or chapter 258 of the Public Laws of 1909 [employers' liability act], if he shall not have given his employer at the time of his contract of hire notice in writing that he claimed such right, and within ten days thereafter have filed a copy thereof with the commission or, if the contract of hire was made before the employer so elected, if the employee shall not have given the said notice and filed the same with said commission within ten days after notice by the employer, as above provided, of such election, and such waiver shall continue in force for the term of one year, and thereafter without further act on his part, for successive terms of one year each, unless such employee shall at least sixty days prior to the expiration of such first or any succeeding year, file with the said commissioner a notice in writing to the effect that he desires to claim his said right of action at common law and within ten days thereafter shall give notice thereof to his employer. A minor working at an age legally permitted under the laws of this State shall be deemed *sui juris* for the purpose of this act and no other person shall have any cause of action or right to compensation for an injury to such minor employee except as expressly provided in this act; but if said minor shall have a parent living or a guardian, such parent or guardian, as the case may be, may give the notice and file a copy of the same as herein provided by this section, and such notice shall bind the minor in the same manner that adult employees are bound under the provisions of this act. In case no such notice is given, such minor shall be held to have waived his right of action at common law, or under the statutes above referred to, to recover damages for personal injuries. Any employee, or the parent or guardian of any minor employee, who has given notice to the employer that he claimed his right of action at common law, or under the statutes above referred to, may waive such claim by a notice in writing which shall take effect five days after the delivery to the employer or his agent.

Willful intent or intoxication.

SEC. 8. No compensation shall be allowed for the injury or death of an employee where it is proved that his injury or death was occasioned by his willful intention to bring about the injury or death of himself or of another, or that the same resulted from his intoxication while on duty. This provision as to intoxication shall not apply, if the employer knew or in the exercise of ordinary care might have known that the employee was intoxicated or that he was in the habit of becoming intoxicated while on duty.

Waiting time.

SEC. 9. No compensation except as provided by section 10 of this act shall be paid under this act for any injury which does not incapacitate the employee for a period of at least two weeks from earning full wages, but, if such incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury.

Medical and hospital services.

SEC. 10. During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services, and medicines when they are needed, but the amount of the charge for such services and medicines shall not exceed the sum of thirty dollars, unless in case of major surgical operations being required, and the employer and employee being unable to agree upon the same, the amount to be allowed for such medical services or medicines shall be fixed by the commission upon petition by either party setting forth the facts.

Compensation payable, when.

SEC. 11. If an employee who has not given notice of his claim of common-law or statutory rights or action, or who has given such notice and has waived the same, as provided in section 7 of this act, receives a personal injury by accident arising out of and in the course of his employment, he shall be paid compensation as hereinafter provided, by the employer who shall have elected to become subject to the provisions of this act.

Death.

SEC. 12. If death results from the injury, the employer shall pay the dependents of the employee wholly dependent upon his earnings for support at the time of his injury a weekly payment equal to one-half his average weekly wages, earnings, or salary, but not more than ten dollars nor less than four dollars a week, for a period of three hundred weeks from the date of the injury: *Provided, however,* That if the dependent of the employee to whom the compensation shall be payable upon his death is the widow of such employee, upon her death the compensation thereafter payable under this act shall be paid to the child or children of the deceased employee, including adopted and stepchildren, under the age of eighteen years, or over said age but physically or mentally incapacitated from earning, are dependent upon the widow at the time of her death. In case there is more than one child thus dependent, the compensation shall be divided equally among them. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the employer shall pay such dependents for a period of three hundred weeks from the date of the injury a weekly compensation equal to the same proportion of the weekly payments herein provided for the benefit of persons wholly dependent as the amount contributed annually by the employee to such partial dependents bears to the annual earnings of the deceased at the time of injury. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury: *Provided, however,* That if the deceased leaves no dependents at the time of the injury, the employer shall not be liable to pay compensation under this act except as specifically provided in section 13 of this act.

If no dependents.

SEC. 13. If the employee dies as a result of the injury leaving no dependents at the time of the injury, the employer shall pay, in addition to any compensation provided for in this act, the reasonable expense of his last sickness and burial, which shall not exceed two hundred dollars.

Total disability.

SEC. 14. While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to one-half his average weekly wages, earnings, or salary, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks from the date of the injury, nor the amount more than three thousand dollars. In the following cases it shall, for the purposes of this act, be conclusively presumed that the injury resulted in permanent total disability, to wit: The total and irrevocable loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull resulting in incurable imbecility or insanity.

Partial disability.

SEC. 15. While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to one-half the difference between his average weekly wages, earnings, or salary before the injury, and the average weekly wages, earnings, or salary which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury.

Specified injuries.

SEC. 16. In cases included in the following schedule the disability in each such case shall be deemed to be total for the period specified and after such specified period, if there be a partial incapacity for work resulting from the injury specified, the employee shall receive compensation while such partial incapacity continues under the provisions of section 15, but in no case shall compensation continue more than three hundred weeks after the injury. The compensation to be paid for the injuries hereinafter specified shall be as follows, to wit:

For the loss of a thumb, one-half the average weekly wages during fifty weeks.

For the loss of the first finger, commonly called the index finger, one-half the average weekly wages during thirty weeks.

For the loss of the second finger, one-half the average weekly wages during twenty-five weeks.

For the loss of the third finger, one-half the average weekly wages during eighteen weeks.

For the loss of the fourth finger, commonly called the little finger, one-half the average weekly wages during fifteen weeks.

The loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of one-half of said thumb or finger, and the compensation shall be one-half the amount above specified. The loss of more than one phalange shall be considered as a loss of the entire thumb or finger: *Provided, however,* That in no case shall the amount received for the loss of more than one finger exceed the amount specified in this schedule for the loss of a hand.

For the loss of the great toe, one-half the average weekly wages during twenty-five weeks.

For the loss of one of the toes other than the great toe, one-half the average weekly wages during ten weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of said toe and the compensation shall be one-half of the amount above specified.

The loss of more than one phalange shall be considered as the loss of the entire toe.

For the loss of a hand, one-half the average weekly wages during one hundred and twenty-five weeks.

For the loss of an arm, or any part above the wrist one-half the average weekly wages during one hundred and fifty weeks.

For the loss of a leg, or any part above the ankle, one-half the average weekly wages during one hundred and fifty weeks.

For the loss of a foot, one-half the average weekly wages for one hundred and twenty-five weeks.

For the loss of an eye or the reduction of the sight of an eye, with glasses, to one-tenth of the normal vision, one-half the average weekly wages during one hundred weeks.

The amounts specified in this section are all subject to the same limitations as to maximum and minimum amounts, that is, of not more than ten and not less than four dollars a week, as provided for total or partial disability.

Notice and claim.

SEC. 17. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the accident shall have been given to the employer within thirty days after the happening thereof; and unless the claim for compensation with respect to such injury shall have been made within one year after the occurrence of the same, or, in case of his physical or mental incapacity, within one year after death or the removal of such physical or mental incapacity.

Form of notice.

SEC. 18. Such notice shall be in writing and shall state in ordinary language the nature, time, place, and cause of the injury, and the name and address of the person injured and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representatives, or by a dependent, or by a person in behalf of either.

Service of notice.

SEC. 19. Such notice shall be served upon the employer, or upon one employer, if there are more employers than one, or, if the

employer is a corporation, upon any officer or agent upon whom process may be served, or by leaving it at his last known residence or place of business, or by sending it by registered mail addressed to the person to be served, or in the case of a corporation to the corporation itself, at his or its last known residence or place of business; and such mailing of the notice shall constitute a completed service.

Defective notices.

SEC. 20. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the nature, time, place, or cause of the injury, or the name and address of the person injured, unless it is shown that it was the intention to mislead and the employer was in fact misled thereby. Want of notice shall not be a bar to proceedings under this act, if it be shown that the employer or his agent had knowledge of the injury, or that failure to give such notice was due to accident, mistake, or unforeseen cause.

Medical examinations.

SEC. 21. The employee shall after the injury, at all reasonable times during the continuance of his disability, if so requested by his employer, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of this State, to be selected and paid for by the employer. The employee shall have the right to have a physician or surgeon, selected and paid for by himself, present at such examination, of which right the employer shall give him notice when requesting such examination.

The chairman of the commission may at any time after the injury appoint a competent and impartial physician or surgeon to act as a medical examiner, and the reasonable fees of such medical examiner shall be fixed and paid by the commission.

Such medical examiner being first duly sworn to the faithful performance of his duties before any justice of the peace, or any clerk of the supreme judicial court, shall thereupon and as often as the chairman of the commission may direct, examine such injured employee in order to determine the nature, extent, and probable duration of the injury. Such medical examiner shall file a report of every examination made of such employee in the office of the commission, and a copy thereof certified by the clerk of said commission may be produced in evidence in any hearing or proceeding to determine the amount of compensation due said employee under the provisions of this act. If such employee refuses to submit himself to examination provided for in this act, or in any way obstructs any such examination, his rights to compensation shall be suspended and his compensation during such period of suspension may be forfeited.

Savings or insurance of employee.

SEC. 22. No savings or insurance of the injured employee, independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than the employer be considered in fixing the compensation under this act.

Incompetence.

SEC. 23. In case an injured employee is mentally incompetent, or, where death results from the injury, in case any of his dependents entitled to compensation hereunder are mentally incompetent or minors at the time when any right, privilege, or election accrues to him or them under this act, his guardian, or next friend may, in his behalf, claim and exercise such right, privilege, or election, and no limitation of time in this act provided shall run so long as such incompetent or minor has no guardian.

Waivers.

SEC. 24. No agreement by an employee, except as provided in section 30, to waive his rights to compensation under this act shall be valid. No claims for compensation under this act shall be assignable, or subject to attachment, or liable in any way for debts.

Workmen going out of State.

SEC. 25. Employers who hire workmen within this State to work outside of the State may agree with such workmen that the remedies under this act shall be exclusive as regards injuries received outside this State by accident arising out of and in the

course of such employment; and all contracts of hiring in this State shall be presumed to include such an agreement.

Liability of third persons.

SEC. 26. When any injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim compensation under this act or obtain damages from or proceed at law against such other person to recover damages; and if compensation is claimed and awarded under this act, any employer having paid the compensation or the injured employee to recover against that person: *Provided*, If the employer shall recover from such other person damages in excess of the compensation already paid or awarded to be paid under this act, then any such excess shall be paid to the injured employee, less the employer's expenses and costs of action.

Claims to have preference.

SEC. 27. The claim for compensation under this act, and any decree on any such claim, shall be entitled to a preference over the unsecured debts of the employer hereafter contracted to the same amount as the wages of labor are now preferred by the laws of this State, but nothing herein shall be construed as impairing any lien which the employee may have acquired.

Lump sums.

SEC. 28. In case payments have continued for not less than six months either party may, upon due notice to the other party, petition the commission for an order commuting the future payments to a lump sum. Such petition shall be considered by the commission and may be summarily granted where it is shown to the satisfaction of the commission that the payment of a lump sum in lieu of future weekly payments will be for the best interest of the person or persons receiving or dependent upon such compensation, or that the continuance of weekly payments will, as compared with lump-sum payments, entail undue expense or undue hardship upon the employer liable therefor, or that the person entitled to compensation has removed or is about to remove from the United States. Where the commutation is ordered, the commission shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments, capitalized at their present value upon the basis of interest calculated at five per centum per annum with annual rests. Upon payment of such amount the employer shall be discharged from all further liability on account of the injury or death, and be entitled to a duly executed release, upon filing which, or other due proof of payment, the liability of such employer under any agreement, award, findings, or decree shall be discharged of record.

Industrial accident commission.

SEC. 29. A commission is hereby created to be known as the Industrial Accident Commission of the State of Maine and it shall consist of three members. The insurance commissioner and the commissioner of labor and industry shall be ex officio members of this commission. The governor shall appoint a chairman of this commission, who shall be learned in the law and a member of the bar in good standing and who shall hold office for three years from date of appointment and unless removed, as hereunder provided, shall hold office until his successor is appointed and qualified. Such chairman shall be sworn, and for inefficiency, willful neglect of duty, or for malfeasance in office, may after notice and hearing be removed from office by the governor and council. In case of vacancy occurring through death, resignation, or removal, the governor shall appoint a successor for the whole term of three years, subject to removal as aforesaid. Such chairman shall receive a salary of twenty-five hundred dollars per annum. The other members of the commission shall receive a salary of five hundred dollars per annum in addition to compensation received by them under existing law. The members of the commission shall also receive their actual necessary cash expenses while away from their office on official business.

The commission shall have a secretary appointed and removable by it, whose salary shall be fifteen hundred dollars per annum. It shall be allowed the sum of two thousand dollars, or so much thereof as is necessary, for expert and clerical assistance and other expenses in organizing a suitable system of administration. From and after January first, 1916, there shall be appropriated the sum of seven thousand five hundred dollars per annum, or such part thereof as is necessary, for clerical and other assistance, traveling expenses, physicians' and witness fees, and other necessary expenses.

The commission shall have a seal bearing the words "Industrial Accident Commission of Maine." It shall have its office and keep its records in the statehouse in Augusta, but may hold sessions at any place within the State. The commission shall have general supervision over the administration of this act and shall have the following powers:

Powers.

I. To make rules and regulations not inconsistent with this act or other laws of the State for the purpose of carrying out the provisions hereof.

II. To issue subpœnas for witnesses and subpœnas duces tecum to compel the production of books and papers relating to any questions in dispute before it.

III. The chairman of said commission at any hearing before him under the provisions of this act, shall also have power to issue subpœnas for witnesses and subpœnas duces tecum to compel the production of books and papers relating to any matters in dispute before him. Witness fees in all proceedings under this act shall be the same as witnesses before supreme judicial courts.

Agreements.

SEC. 30. If the employer and employee reach an agreement in regard to compensation under this act, a memorandum of such agreement signed by the parties shall be filed in the office of the commission. If the commissioner finds that such agreement is in conformity with the provisions of this act, he shall approve the same and the clerk of the commission shall record it in a book kept for that purpose. In case the commissioner shall find that any such agreement is not in conformity with the provisions of this act and shall refuse to approve the same, or if the employer and employee fail to reach an agreement in regard to compensation under this act, either employer or employee; and when death has resulted from the injury and the dependents of the deceased employee entitled to compensation are, or the apportionment thereof among them is in dispute, any person in interest may file

Petition.

in the office of the commission a petition setting forth the names and residences of the parties, the facts relating to the employment at the time of the injury, the cause, extent, and character of the injury and the knowledge of the employer or notice of the occurrence of the injury, and, if an agreement had been reached between the parties which had not been approved by the commissioner, the form of such agreement and such other facts as may be necessary and proper for the determination of the matter in dispute, and shall state the matter in dispute and the claims of the petitioner with reference thereto.

Notice to other party.

SEC. 31. Within four days after the filing of the petition a copy thereof attested by the clerk of the commission shall be mailed by said clerk, postage prepaid, to the other parties named in the petition, or notice be given in such other manner as the commission may determine.

Answer.

SEC. 32. Within ten days after the filing of such petition all the other parties interested in opposition to the petition shall file an answer to said petition and furnish a copy thereof to the petitioner, which answer shall state the claims of the opponents with reference to the matter in dispute as disclosed by the petition. The chairman of said commission may grant further time for filing answer and allow amendments to said petition and answer at any stage of the proceedings. If any party opposing such petition does not file an answer within the time limited, the hearing

shall proceed upon the petition. If any party be an infant or person under disability, either parent or a guardian, or a guardian ad litem for such infant or person under disability may file the petition or answer required by this section.

Hearing.

SEC. 33. The whole matter shall then be referred to the chairman of said commission, who shall fix a time for hearing upon the request of either party, upon a three days' notice given to the other party. All hearings shall be held in the town where the accident occurred, unless the claimant shall in writing request that it be held in some other place.

Procedure.

SEC. 34. If from the petition and answer there appear to be facts in dispute, the chairman of the commission shall then hear such witnesses as may be presented by each party, or by agreement the claims of both parties as to the facts in dispute may be presented by affidavits. From the evidence thus furnished the chairman shall, in a summary manner, decide the merits of the controversy. His decision, together with a statement of the facts submitted, his findings of fact and rulings of law, and any other matters pertinent to the questions raised at the hearing, shall be filed in the office of the commission, and a copy thereof certified by the clerk of the commission mailed forthwith to all parties interested. His decision, in the absence of fraud, upon all questions of fact shall be final.

Any party in interest may present copies certified by the clerk of said commission of any order or decision of the commission or of its chairman, or of any memorandum of agreements approved by the commissioner, together with all papers in connection therewith, to the clerk of courts for the county in which the injury occurred; whereupon any justice of the supreme judicial court shall render a decree in accordance therewith and notify all the parties. Such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in a suit in equity duly heard and determined by said court, except there shall be no appeal therefrom upon questions of fact found by said commission or its chairman, or where the decree is based upon a memorandum of agreement approved by the commissioner. Upon any appeal therefrom the proceedings shall be the same as in appeals in equity procedure and the law court may, after consideration, reverse or modify any decree made by a justice, based upon an erroneous ruling or finding of law. There shall be no appeal from a decree based upon any order or decision of the commission or of its chairman, or upon any memorandum of agreement approved by the commissioner, which has not been certified and presented to the court within ten days after the notice of the filing thereof by the commission or its chairman. Upon the presentation to it of a certified copy of any decision of the chairman of the commission terminating, diminishing, increasing, or modifying any payments under the provisions of section 36, or under any decision of said chairman or any agreement approved by the commissioner the court shall revoke or modify its decree, if any has been based thereon, to conform to such decision.

Effect of agreements.

SEC. 35. Any agreement between employer and employee filed with the commission and approved by the commissioner or any decision of the chairman of said commission under the provisions of section 34, shall have the same effect as the judgment of a court, and a copy thereof certified to by the clerk of said commission and filed with the clerk of the court of the county in which either the employer or employee resides, or where the business of the employer is located, shall be enforceable by the supreme judicial court by any suitable process, including execution against the goods, chattels, and real estate, and including proceedings for contempt for willful failure or neglect to obey the orders or decrees of the court, or in any other manner that decrees in equity may be enforced.

Reviews.

SEC. 36. At any time before the expiration of two years from the date of the approval of an agreement by the commissioner,

or the entry of a decree fixing compensation, but not afterwards, and before the expiration of the period for which compensation has been fixed by such agreement or decree, but not afterwards, any agreement, award, findings, or decree may be from time to time reviewed by the chairman of said commission upon the application of either party, after due notice to the other party, upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished. Upon such review the said chairman may increase, diminish, or discontinue the compensation from the date of the application for review, in accordance with the facts, or make such other order as the justice of the case may require, but shall order no change of the status existing prior to the application for review. The finding of the said chairman upon such review shall be served on the parties and filed with the clerk of the commission and may be certified to the court in like time and manner and subject to like disposition as in the case of original decrees: *Provided*, That an agreement for compensation may be modified at any time by a subsequent agreement between the parties approved by the commissioner in the same manner as original agreements in regard to compensation are required to be approved by the provisions of section 30 of this act.

Forms and orders.

SEC. 37. The commission may prescribe forms and make suitable orders as to procedure adapted to secure a speedy, efficient, and inexpensive disposition of all proceedings under this act; and in interpreting this act it shall construe it liberally and with a view to carrying out its general purpose. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

Death of petitioner.

SEC. 38. No proceedings under this act shall abate because of the death of the petitioner, but may be prosecuted by his legal representative or by any person entitled to compensation by reason of said death under the provisions of this act.

Claims barred in two years.

SEC. 39. An employee's claim for compensation under this act shall be barred unless an agreement or a petition, as provided in section 30, shall be filed within two years after the occurrence of the injury, or in case of the death of the employee or in the event of his physical or mental incapacity, within two years after the death of the employee or the removal of such physical or mental incapacity.

Public employments.

SEC. 40. This act shall be compulsory as to the State, counties, cities, water districts, and other quasi-municipal corporations of a similar nature. The provisions of section 6 of this act shall not apply to the State, counties, cities, water districts, and other quasi-municipal corporations of a similar nature, or to any towns voting to accept the provisions of this act.

Reports of accidents.

SEC. 41. All assenting employers shall make prompt reports to the commission of all accidents to their employees in the course of employment, with the average weekly wages or earnings of such employees, and together with such other particulars as the commission may require and shall also report whenever the injured employee shall resume his employment and the amount of his wages or earnings.

Settlements.

Whenever any final settlement is made with any injured employee, either by the employer or insurance company, a copy of the receipt or final agreement showing the total amount of money paid to such injured employee, shall be filed with the commission, but shall not be binding without the approval of the commission or of its chairman.

Penalties.

Any employer or insurance company that shall willfully neglect or refuse to make such reports or file any receipts or agreements required to be filed under this act, shall be liable to a forfeiture of ten dollars for each day of such willful neglect or refusal, to be enforced by the commission in an action of debt in the name of the State. All sums so recovered shall be paid into the State treasury and be credited to the appropriation made for the administration of this act.

SEC. 42. Any insurance company insuring employers under this act shall fill out any blanks and answer all questions submitted to them that may relate to policies, premiums, amount of compensations paid, and such other information as the commission or the insurance commissioner may deem important, either for the proper administration of this act or for statistical purposes. Any insurance company which shall refuse to fill out such blanks or answer such questions shall be liable to a forfeiture of ten dollars for each day of such refusal, to be enforced by the commission in an action of debt in the name of the State. All money so recovered shall be paid into the State treasury and credited to the appropriation for the administration of this act. Reports by insurance companies.

SEC. 43. The commission shall make an annual report giving full statistical information as may be contained in their department in relation to the administration of this act, particularly with reference to the number of employees effected [sic], the number injured, the amount of compensations received and the cost of the same to the employers. Annual reports of commission.

SEC. 44. This act shall affect the liability of employers to employees engaged in interstate or foreign commerce or otherwise only so far as the same is permissible under the laws of the United States. Interstate commerce.

SEC. 45. If an employee receiving a weekly payment under this act shall cease to reside in the State, or, if his residence at the time of the accident is in an adjoining State, the commission upon application of either party may, in its discretion, having regard to the welfare of the employee and the convenience of the employer, order such payment to be made monthly or quarterly instead of weekly. Beneficiaries removing from State.

SEC. 46. If any part or section of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole, or any part thereof, which can be given effect without the part so decided to be unconstitutional or invalid. Sections separately construed.

SEC. 47. If for the purpose of obtaining any benefit or payment under the provisions of this act, either for himself or for any other person, anyone willfully makes a false statement or representation, he shall be guilty of a misdemeanor and liable to a fine of not exceeding fifty dollars, and he shall forfeit all right to compensation under this act after conviction for such offense. False statements.

SEC. 48. The duties of the commission shall begin on the first day of October, A. D. nineteen hundred and fifteen, but the provisions of this act shall not apply to injuries sustained or accidents which occur prior to January one, A. D. nineteen hundred and sixteen. Act in effect.

SEC. 49. The commission shall have authority to provide blank forms of notices, agreements, and other forms required in its department under this act. Forms, etc.

SEC. 50. All acts and parts of acts inconsistent with this act are hereby repealed. Repealer.

SEC. 51. This act may be cited as the workmen's compensation act. Citation.

MARYLAND.

PUBLIC GENERAL LAWS.

ARTICLE 101.—*Workmen's compensation.*

SECTION 1. A commission is hereby created which shall be known as the State Industrial Accident Commission, to be composed of three commissioners. Immediately upon the taking effect of this act the governor shall appoint such commissioners (not more than two of whom shall belong to the same political party). One of them shall hold office for the first two years, another for the first four years, and another for the first six years following the passage and approval of this article. Thereafter the terms shall be six years. Each commissioner shall devote his entire time to the duties of the office, and shall not hold any position of trust or engage in any occupation or business interfering or inconsistent with his duties as such commissioner, or serve on or under any committee of a political party. Each commissioner shall hold office until his successor shall be appointed and shall have qualified. Vacancies shall be filled by the governor for the unexpired term. A decision on any question arising under this article concurred in by two of the commissioners shall be the decision of the commission. The governor may at any time remove any commissioner from office for inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and shall fix a time when he can be heard in his own defense, either in person or by counsel, which shall not be less than ten days thereafter, and such hearing shall be open to the public. The governor shall designate a member of said commission as chairman thereof. The principal office of the commission shall be in the city of Baltimore, but branch offices may be established at other places in the State for the purpose of administering this article. **Industrial accident commission.** **Offices.**

SEC. 2. A majority of the commission shall constitute a quorum for the transaction of business, and a vacancy shall not impair the right of the remaining members to exercise all the powers of the full commission, so long as a majority remains. Any investigation, inquiry, or hearing which the commission is authorized to hold or undertake may be held or undertaken by or before any one member of the commission, and every order made by a member thereof, when approved and confirmed by a majority of the members and so shown on its record of proceedings, shall be deemed to be the order of the commission. **Quorum.**

SEC. 3. The salary of each of the commissioners shall be three thousand dollars ($3,000) per annum, and shall be paid out of the State treasury, and in addition to the said sum of three thousand dollars per annum each of said commissioners shall also receive the sum of two thousand dollars per annum which shall be paid out of its funds by the mayor and city council of Baltimore to each of said commissioners as employees of said municipal corporation.[1] In addition to the salary provided in this section each commissioner shall be allowed his actual and necessary traveling and incidental expenses. **Salaries.**

[1] Chapter 713, Acts of 1916, fixes the salaries of the commissioners at $5,000 each per annum, payable entirely from State funds, and directs that no payments on such account shall be made by the city of Baltimore after Oct. 1, 1916.

Sessions.

SEC. 4. The commission shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public, and shall stand and be adjourned without further notice thereof on its record. All proceedings of the commission shall be shown on its record of proceedings, which shall be a public record, and shall contain a record of each case considered and the award paid or allowed to any employee of the commission, or to any other person for service: *Provided, however*, That any person in the employ of the commission who shall divulge any information secured by him in respect to the transactions, property, or business of any person, firm, company, or corporation, association or joint partnership to any person other than the members of the commission shall be guilty of a misdemeanor and subject to a fine of not less than $100 or more than $500, or imprisonment, not exceeding 18 months, in the discretion of the court, and shall thereafter be disqualified from holding any appointment or employment with the commission.

Employees.

SEC. 5. The commission may employ a secretary, actuaries, accountants, inspectors, examiners, experts, clerks, stenographers, and other assistants, and fix their compensation subject to the written approval of the governor; such compensation shall be paid out of the appropriation in the State treasury provided for in this act. The secretary, actuaries, accountants, inspectors, examiners, experts, clerks, stenographers, and other assistants that may be employed shall be entitled to receive their actual necessary expenses while traveling on the business of the commission. Such expenses shall be itemized and sworn to by the person who incurred the expense, and allowed by the commission. The commission shall keep and maintain its main office and such branch offices as it shall deem proper and necessary for the administration of the act, and shall provide suitable rooms, necessary office furniture, supplies, books, periodicals, and maps for the same. All necessary expenses shall be audited and paid out of the appropriation in the State treasury provided for in this article. It shall provide itself with a seal for the authentication of its orders, awards, and proceedings, upon which shall be inscribed the words "State Industrial Accident Commission, State of Maryland—Official Seal."

Each member of the commission and each person appointed to office or employment by the commission shall before entering upon the duties of his office or employment take and subscribe the constitutional oath of office.

Secretary.

SEC. 6. The secretary of the commission shall keep and maintain a full and true record of all proceedings of the commission, of all documents or papers ordered filed by the commission or by its rules, of decisions or orders made by any member of the commission, and of all decisions or orders made by the commission or approved and confirmed by it and ordered filed, and he shall be responsible to the commission for the safe custody and preservation of all such documents at its office. He shall have the power to administer oaths in all parts of the State, so far as the exercise of such power is properly incident to the performance of his duty or that of the commission. He may designate, from time to time with the approval of the commission, one of the clerks of the office appointed by the commission to exercise the powers and duties of the secretary during his absence. Under the direction of the commission, the secretary shall have general charge of its office, superintend its clerical business, and perform such other duties as the commission may prescribe.

Powers of commissioners, etc.

SEC. 7. Each member of the commission, the secretary thereof, and any special examiner or inspector shall, for the purpose contemplated by this act, have power to issue subpœnas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within or without the State of Maryland as now provided by law, compel the production of pertinent books, pay rolls, accounts, papers, records, documents, and testimony.

If a person in attendance before the commission or a commissioner refuse, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper when ordered to do so by the commission, the commission may apply to any judge of the supreme bench of Baltimore City, or of the circuit court of any county, upon proof by affidavit of the fact, for a rule or order returnable in not less than two or more than five days, directing such person to show cause before the judge who made the order, or any other judge aforesaid, why he should not be committed to jail. Upon the return of such order, the judge before whom the matter and such person shall come on for a hearing shall examine under oath such person and such person shall be given an opportunity to be heard; and if the judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or paper which he has ordered to bring or produce, he may forthwith commit the offender to jail, there to remain until he submits to do the act which he was so required to do, or is discharged according to law.

No person shall be excused from testifying or from producing any books or papers or documents in any investigation or inquiry by or upon any hearing before the commission or any commissioner, when ordered to do so by the commission or its secretary, upon the ground that the testimony or evidence, books, papers, or documents required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing concerning which he shall, under oath, have, by order of the commission or a commissioner or its inspector or examiner, testified to or produced documentary evidence of: *Provided, however*, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Fees.

SEC. 8. Each officer who serves such subpœna shall receive the same fee as the sheriff would receive in the county or city where said witness is subpœnaed, and each witness who appears in obedience to a subpœna before the commission or an inspector or an examiner shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the circuit courts of the counties or the common-law courts of Baltimore City, as of the place where he gives his testimony, which shall be audited and paid from the State treasury in the same manner as other vouchers approved by any member of the commission and the secretary. No witness subpœnaed at the instance of a party other than the commission, or an inspector or examiner, shall be entitled to compensation from the State treasury unless the commission shall certify that his testimony was material to the matter investigated. In an investigation, the commission may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions taken in cases pending before the circuit courts of the counties or the common-law courts of Baltimore City, as is now or hereafter may be provided by law.

Procedure.

SEC. 9. Subject to the provisions of this article, the State Industrial Accident Commission shall adopt reasonable and proper rules to govern its procedure, which procedure shall be as summary and simple as reasonably may be. It shall regulate and provide for the kind and character of notices, and the services thereof, and in cases of injury by accident to employees the nature and extent of the proofs and evidence and the method of taking and furnishing the same for the establishment of the right to compensation. It shall determine the nature and forms of application of those claiming to be entitled to benefits or compensation, and shall regulate the method of making investigations, physical examinations, and inspections and prescribe the time within which adjudications and awards shall be made: *Provided always*, That all such rules and regulations shall conform to the provisions of this article.

Proceedings not formal.

SEC. 10. The commission shall not be bound by the usual common-law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided, but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act.

Evidence.

SEC. 11. A transcribed copy of the evidence and proceedings or any specific part thereof, of any investigation taken by a stenographer appointed by the commission being certified and sworn to by such stenographer, to be a true and correct transcript of the testimony, or of a particular witness, or any specific part thereof, or to be a correct transcript of the proceedings had on such investigation so purporting to be taken and subscribed, may be received in evidence by the commission with the same effect as if such stenographer were present and testified to the facts certified. A copy of such transcript shall be furnished on demand to any party in interest upon payment of the fee therefor, as provided for transcripts in the circuit courts of the counties or the common-law courts of Baltimore City.

Blanks.

SEC. 12. The commission shall prepare and furnish free of cost blank forms and provide in its rules for their distribution so that the same may be readily available, of applications for benefits or compensation notices, to employers, proof of injury or death, of medical attendance, of employment, and wage earnings and such other blanks as may be deemed proper and advisable, and it shall be the duty of employers to constantly keep on hand a sufficient supply of such blanks.

Reports.

SEC. 13. Annually on or before the first day of January the State Industrial Accident Commission shall make a report to the governor, which shall include a statement of the number of awards made by it, the causes of the accidents leading to the injuries for which the awards were made, and a detailed statement of the expenses of the commission and the condition of the State accident fund, together with any other matters which the commission deems proper to report to the governor, including any recommendations it may desire to make.

Compensation to be paid.

SEC. 14 (as amended by chapter 597, Acts of 1916). Every employer subject to the provisions of this article, shall pay or provide as required herein compensation according to the schedules of this article for the disability or death of his employee resulting from an accidental personal injury sustained by the employee arising out of and in the course of his employment without regard to fault as a cause of such injury, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty. Where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty, neither the injured employee nor any dependent of such employee shall receive compensation under this article.

Suits allowed, when.

The liability prescribed by the last preceding paragraph shall be exclusive, except that if an employer fail to secure the payment of compensation for his injured employees and their dependents as provided in this article, an injured employee or his legal representative in case death results from the injury, may, at his option, elect to claim compensation under this article, or to maintain an action in the courts for damages on acount of such injury; and in such an action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant or that the employee assumed the risk of his employment, or that the injury was due to the contributory negligence of the employee. If an employer, besides employing workmen in extrahazardous employment within the meaning of this article, shall also employ workmen in employments not extrahazardous, the provisions of

this article shall apply only to the extrahazardous employments within the meaning of this article and the workmen employed therein, except as provided in section 33 of this article.

Security of compensation payments.

SEC. 15 (as amended by chapter 597, Acts of 1916). The employer shall secure compensation to his employees in one of the following ways:

(1) By insuring and keeping insured the payments of such compensation in the State accident fund, or

(2) By insuring and keeping insured the payments of such compensation with any stock corporation or mutual association authorized to transact the business of workmen's compensation insurance in this State.

(3) Any such employer who does not with the approval of said commission voluntarily insure the payment of the compensation by one of the methods designated in the preceding paragraphs of this section, must furnish satisfactory proof to the commission of his financial ability to pay such compensation himself, in which case the commission may, at any time and from time to time in its discretion, require the deposit with the commission of securities, such as are accepted by the equity courts of Baltimore City for the investment of trust funds and in an amount or amounts to be determined by the commission, to secure the liability of the employer to pay the compensation specified in this act; and in order to be informed as to the continued financial responsibility of any such employer the commission may require reports from him annually or at such other times as the commission may deem necessary or advisable and may examine such employer under oath or make such other examination of his business as the commission may determine. If he should fail to furnish such satisfactory proof, or give bond, or deposit such securities as required by the commission, or if he should at any time fail to render satisfactory reports to the commission or otherwise satisfy the commission of his continued financial ability to pay the compensation himself, he shall be subject to the provisions of the first paragraph of this section of this article and shall be required by the commission to insure as provided in the first paragraph of said this section, unless he, at once, insure voluntarily as provided in the second paragraph of this section.

Any employer, subject to the provisions of this article, who after November first, nineteen hundred and fourteen, fails or refuses to submit to said commission, as provided in the next succeeding paragraphs, the method he desires to adopt for assuring compensation, or who shall fail to secure insurance by one of such methods, shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred nor more than five thousand dollars. The court may, in its discretion, remit any such penalty: *Provided*, The employer in default assures the compensation as provided in this section: *And provided further*, That he has paid or secured to be paid any compensation or other benefits under this act which may have been awarded against him.

State accident fund.

SEC. 16 (as amended by chapter 597, Acts of 1916). The State Industrial Accident Commission is hereby authorized and directed to create and establish a fund to be known as the "State accident fund," for the purpose of insuring employers against liability under this article and to their employees and their dependents the payment of the compensation specified in this article. Such fund shall consist of all premiums or taxes received and paid into the fund and of property and securities acquired and interest earned through the use of moneys belonging to the fund. Said fund shall be administered by the commission and shall be applicable to the payment of losses sustained on account of insurance and to the payment of expenses in the manner provided in this article.

Premiums.

SEC. 17 (as amended by chapter 597, Acts of 1916). For the purpose of creating such State accident fund each employer insured in this fund or required to be insured therein by this act shall pay

into the State treasury the premiums of liability based upon and being such percentage of the pay roll of such employer, as may have been determined and published by the commission and be then in effect. The premiums shall be paid every four months, and shall be the prescribed percentage of the total wages paid to all employees subject to the act for such preceding four months' period. The State treasurer shall issue his receipt for any sums paid him hereunder in duplicate, the original to be delivered to the person, firm or corporation or other employer paying the same and the duplicate filed with the commission: *Provided, however,* That in order to create a fund available upon the application of this article as aforesaid on November first, one thousand nine hundred and fourteen, the payments for the months of November, one thousand nine hundred and fourteen, to February, inclusive, one thousand nine hundred and fifteen, shall be made on or before November first, one thousand nine hundred and fourteen, and be preliminarily based upon the pay roll of the operations of the first four months of the year one thousand nine hundred and fourteen. If any employer be found to have overpaid for such four months he may deduct such overpayment from the next succeeding four months' payment made to the fund; if any employer be found to have underpaid for such four months, he shall pay the deficiency with the first four months' payment made by him after the end of said four months.

Several occupations.

SEC. 18. If a single establishment of work insured in the State accident fund comprises several occupations listed in section 32 of this act, the premium shall be computed according to the pay roll of each occupation, if clearly separable; otherwise an average rate of premium shall be charged for the entire establishment, taking into consideration the number of employees and the relative hazards. In computing the pay roll the entire compensation received by every workman employed in extrahazardous work and insured in the State accident fund, within the meaning of this act, shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit sharing, premium, or otherwise, and whether payable in money, board, or otherwise: *Provided,* The money value of board and similar advantages shall have been fixed by parties at the time of hiring.

Classification of industries.

SEC. 19. It shall be the duty of the commission to classify any industries subject to this act, mentioned or not mentioned, which are insured in the State accident fund. And the commission shall have power on or before the first day of January of each year to reclassify such industries, or oftener, if in the opinion of the commission the same should be deemed just and advantageous; or to create additional classification with respect to their respective degrees of hazard and determine the risk of the different classes, and fix the rates of premium for each class, according to the risks of the same sufficiently large to guarantee a workmen's compensation fund from year to year. It shall be the duty of the commission in determining the rates, in order to create a fund sufficiently large to guarantee a workmen's compensation fund from year to year to also reclassify from time to time the industries or occupations in order that there may be a flexible adjustment of the rates as the hazard fluctuates, and to use all means in their power through the rate adjustment to lessen the opportunities for injuries to the workmen. The classification so determined and the rates of premium established shall be applicable for such year; and based on each one hundred dollars of the gross annual pay roll of each employer in any class: *Provided, also,* That for the purpose of this act the pay of the employee partly within and partly without the State shall be deemed to be such proportion of the total pay of such employee as his services within the State bears to his services outside the State.

Form of pay roll.

SEC. 20. The commission may establish and require all employers insured in the State accident fund to install and maintain

a uniform form pay roll. The commission shall ascertain and establish the amounts to be paid into and out of the accident fund, issue proper receipts for moneys received, and certificates for benefits accrued and accruing from the State accident fund.

Reports thrice yearly.

SEC. 21. Every employer subject to the operation and effect of this act who shall insure in the State accident fund shall every four months submit a report to the commission herein created, according to the regulations and requirements it may prescribe, of his pay roll for the four months then ending. A failure to comply with this section shall subject the employer to an extra contribution of one hundred dollars to be collected by the commission in a civil action in its name. The amount collected under this section shall be paid into the State accident fund.

Any employer who shall with fraudulent intent misrepresent to the commission the amount of pay roll upon which the premium under this act is based shall be liable to the commission in ten times the amount of the difference in the premium paid and the amount the employer should have paid. The liability to the commission under this provision shall be enforced in a civil action in the name of the commission. All sums collected under this section shall be paid into the State accident fund.

Default in payments.

SEC. 22. If an employer shall default in any payment required to be made by him to the State accident fund, the amount due from him shall be collected by civil action against him in the name of the State of Maryland, and it shall be the duty of the commission on the first Monday of each month after November first, nineteen hundred and fourteen, to certify to the attorney general of the State the names and residences, or places of business, of all employers known to the commission to be in default for such payment or payments for a longer period than five days and the amount due from each employer, and it shall then be the duty of the attorney general forthwith to bring or cause to be brought against each employer a civil action in the proper court for the collection of such amount so due, and the same when collected shall be paid into the State accident fund, and each employer's compliance with the provisions of this chapter requiring payments to be made to the State accident fund shall date from the time of the payment of said money so collected as aforesaid to the said commission for credit to the State accident fund.

Surplus.

SEC. 23. Ten per centum of the premiums collected from employers insured in the State accident fund shall be set aside by the commission for the creation of a surplus until such surplus shall amount to the sum of fifty thousand dollars, and thereafter five per centum of such premiums until such time as in the judgment of said commission such surplus shall be sufficiently large to cover the catastrophe hazard. The commission shall also set up and maintain a reserve adequate to meet anticipated losses and carry all claims and policies to maturity.

Custody of funds.

SEC. 24. The treasurer of the State shall be the custodian of the State accident fund and all disbursements therefrom shall be paid by him upon order or voucher, approved and signed by the chairman or acting chairman and secretary of the commission, and directed to the comptroller of the State, who shall draw his warrant therefor. It shall be the duty of the treasurer to keep and maintain the fund herein created separate and distinct from other State funds. On and after January first, nineteen hundred and fifteen, the obligation in the bond of the State treasurer shall contain a provision securing the protection of this fund.

Investment.

SEC. 25. Whenever and as often as there shall be in the hands of the treasurer any sum belonging to the State accident fund not likely, in the opinion of the commission, to be required for immediate use, it shall be the duty of the board of public works, when called upon by the commission, to invest the same in interest-bearing securities, such as are accepted by the equity courts of Baltimore City for the investment of trust funds, and when and as it may become necessary or expedient to use the moneys so

loaned or invested the board of public works shall, when called upon by the commission, collect or sell or otherwise realize upon any such loan or investment, and any interest accruing upon any such loan or investment, as well as any interest received upon the deposit of moneys belonging to said fund shall be credited to said fund.

The State treasurer may deposit any portion of the State fund not needed for immediate use, in the manner and subject to all the provisions of law respecting the deposit of other State funds by him. Interest earned by such portion of the State accident fund deposited by the State treasurer shall be collected by him and placed to the credit of the fund.

Withdrawing from fund.

SEC. 26 (as amended by chapter 379, Acts of 1916). Any employer, after entering the State accident fund may withdraw from said fund after the period of one year upon giving sixty (60) days' notice of his intention so to do and upon paying all arrears, if any, of premiums due the said fund, and upon assuring compensation to his employees by one of the other methods specified in the act.

Expenses.

SEC. 27 (as amended by chapter 597, Acts of 1916). The entire expense of conducting and administering the State accident fund as likewise all other expenses of the State Industrial Accident Commission shall be paid in the first instance by the State out of the moneys appropriated for the maintenance of the State Industrial Accident Commission and the payment of the salaries and expenses of said commission and its officers and employees. In the month of January, nineteen hundred and eighteen, and annually thereafter in such month, the commission shall ascertain the just expense incurred by the commission during the preceding calendar year, in conducting and in the administration of the State accident fund, by including the salaries of the superintendent of said fund and such other employees of the commission whose services were rendered exclusively to said fund, and all other expenses incurred exclusively for said fund; and the amount of such salaries and expenses shall be chargeable to the State accident fund. And if there be employees of the commission, other than the members themselves and the secretary, whose time is devoted partly to the general work of the commission and partly to the work of the State accident fund, and in case there are any other expenses which are incurred jointly on behalf of the general work of the commission and the State accident fund, an equitable apportionment of the salaries of such employees and expenses shall be made by the commission and the part thereof which is applicable to the State accident fund shall likewise be chargeable thereto; and the commission shall authorize, in the same manner as other disbursements from the State accident fund are authorized, the whole amount so chargeable to the State accident fund to be transferred from said fund by the treasurer to the State treasury to reimburse the State for the moneys so appropriated and expended in conducting and administering the State accident fund for the calendar year ending December thirty-first, nineteen hundred and seventeen and for each calendar year thereafter.

Adjustment.

As soon as practicable after January first, nineteen hundred and eighteen, and annually thereafter, the commission shall ascertain as fully and accurately as possible the total pay roll of all the employers of this State, subject to the provisions of this act, for the preceding calendar year, whether insured in the State accident fund, in a stock company, or mutual association, or self-insured, and shall also calculate and ascertain the amount paid by the State for administrative expenses of the State Industrial Accident Commission during said preceding calendar year, excluding the amount chargeable to the State accident fund under the preceding paragraph of this section. The commission shall then calculate and determine the percentage which the total amount of such salaries and expenses, other than the amount chargeable to the State accident fund, bore to the total pay roll, ascertained as

aforesaid for that year, of all the employers of this State subject to the provisions of this act; and the percentage so calculated and determined shall be assessed against all such employers carrying their own insurance in proportion to their several pay rolls, and all insurance carriers, including the State accident fund, in proportion to the aggregate pay roll of employers insured therewith, as a special tax for the maintenance of the State Industrial Accident Commission, other than for conducting and administering the State accident fund, for the calendar year ending December thirty-first, nineteen hundred and seventeen, and for each calendar year thereafter: *Provided, however,* That the total amount to be assessed against and paid by such insurance carriers and self-insurers shall not exceed sixty thousand dollars for any one year.

Payment of said taxes may be enforced by civil action in the name of the State of Maryland, and the amounts so assessed and collected by the commission shall be paid into the State treasury to reimburse the State for this portion of the expense of administering the workmen's compensation law. And the commission shall be and it is hereby clothed with such power and authority to examine pay rolls and require reports from employers and insurance carriers as may be reasonable and necessary to carry out the provisions of this section and to adopt rules and regulations in regard thereto.

Distribution of funds in case of repeal.

SEC. 28. If this article shall be hereafter repealed, all moneys which are in the State accident fund at the time of the repeal shall be subject to such disposition as may be provided by the legislature, and in default of such legislative provision, distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.

Policies.

SEC. 29. Every policy for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act. No company or association shall enter into any such policy of insurance until such company or association shall first obtain from the insurance commissioner of Maryland a license of authority for the purpose, which said commissioner of insurance shall have full power and authority from time to time to determine the adequacy of its or their premium rates for carrying compensation insurance as provided in this law, and until the form of such policy shall have been approved by the State Industrial Accident Commission; and said insurance commissioner shall have full power and authority to require said insurance companies to establish and maintain adequate rates to cover respective risks to which their policies are applicable under the provisions of this act. Any person violating the provisions of this section shall be subjected to a fine of not less than one hundred nor more than one thousand dollars for each offense.

Provisions of policies.

SEC. 30. Every policy of insurance covering the liability of the employer for compensation issued by a stock company or by a mutual association authorized to transact workmen's compensation insurance in this State, shall contain a provision setting forth the right of the commission to enforce in the name of the State of Maryland for the benefit of the person entitled to the compensation insured by the policy either by filing a separate application or by making the insurance carrier a party to the original application, the liability of the insurance carrier in whole or in part for the payment of such compensation: *Provided, however,* That payment in whole or in part of such compensation by either the employer or the insurance carrier shall to the extent thereof be a bar to the recovery against the other of the amount so paid.

Every such policy shall contain a provision that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of

the insurance carrier; the jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier, and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer for the payment of compensation under the provisions of this article.

Every such policy shall contain a provision to the effect that the insolvency or bankruptcy of the employer shall not relieve the insurance carrier from the payment of compensation for injuries or death sustained by an employee during the life of such policy.

Every contract or agreement of an employer the purpose of which is to indemnify him from loss or damage on account of the injury of an employee by accidental means, or on account of the negligence of such employer or his officer, agent, or servant, if engaged in extrahazardous employment, shall be absolutely void unless it shall also cover liability for the payment of the compensation provided for by this article.

Cancellation. No contract or insurance issued by a stock company or mutual association against liability arising under this article shall be canceled within the time limited in such contract for its expiration until at least ten days after notice of intention to cancel such contract, on a date specified in such notice, shall be filed in the office of the commission and also served on the employer. Such notice shall be served on the employer by delivering it to him or by sending it by mail, by registered letter, addressed to the employer at his or its last-known place of residence: *Provided*, That if the employer be a partnership, then such notice may be so given to any one of the partners, and if the employer be a corporation, then the notice may be given to any agent or officer of the corporation upon whom legal process may be served.

Existing policies, etc. SEC. 31. Nothing herein shall affect any existing contract of policy of employer's liability insurance or the liability of any mutual insurance association, or any arrangement now existing between employers and employees, providing for the payment to such employees, their families, dependents, or representatives of sick, accident, or death benefits in addition to the compensation provided for by this article; but liability for the compensation specified in this article shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever, due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any such insurance or other contract, have the right to recover the compensation directly from the employer.

Extrahazardous employments. SEC. 32 (as amended by chapter 597, Acts of 1916). Compensation provided for in this article shall be payable for injuries sustained or death incurred by employees engaged in the following extrahazardous employments:

(1) The operation, including construction and repair, of railways operated by steam, electric, or other motive power, street railways, and inclined railways, but not in their construction when constructed by any person other than the company which owns or operates the railways, including work of express, sleeping, parlor, and dining car employees on railway trains.

(2) Construction and operation of railways not included in paragraph one.

(3) The operation, including construction and repair, of car shops, machine shops, steam and power plants, and other works for the purposes of any such railway, or used or to be used in connection with it when operated, constructed, or repaired by the company which owns or operates the railway.

(4) The operation, including construction and repair, of car shops, machine shops, steam and power plants not included in paragraph three.

(5) The operation, including construction and repair, of telephone lines and wires for the purposes of the business of a telephone company, or used or to be used in connection with its business, when constructed or operated by the company.

(6) The operation, including construction and repair, of telegraph lines and wires for the purposes of the business of a telegraph company, or used or to be used in connection with its business, when constructed or operated by the company.

(7) Construction of telegraph and telephone lines not included in paragraphs five and six.

(8) The operation, within or without the State, including repair, of vessels other than vessels of other States or countries used in interstate or foreign commerce when operated or repaired by the company.

(9) Shipbuilding, including construction and repair in a shipyard or elsewhere, not included in paragraph eight.

(10) Longshore work, including the loading or unloading of cargoes or parts of cargoes of grain, coal, ore, freight, general merchandise, lumber or other products or materials, or moving or handling the same on any dock, platform, or place, or in any warehouse or other place of storage.

(11) Subaqueous or caisson construction and pile driving.

(12) Construction, installation or operation of electric-light and electric-power lines, dynamos, or appliances and power transmission lines.

(13) Paving, sewer, and subway construction, work under compressed air, excavation, tunneling and shaft sinking, well digging, laying and repair of underground pipes, cables and wires, not included in paragraph 5 of this section.

(14) Lumbering, logging, river driving, rafting, booming, sawmills, shingle mills, lath mills, manufacture of veneer and of excelsior, manufacture of staves, spokes, or headings.

(15) Pulp and paper mills.

(16) Manufacture of furniture, interior woodwork, organs, pianos, piano actions, canoes, small boats, coffins, wicker and rattan ware, upholstering, manufacture of mattresses or bed springs.

(17) Planing mills, sash and door factories, manufacture of wooden and corrugated paper boxes, cheese boxes, moldings, window and door screens, window shades, carpet sweepers, wooden toys, articles, and wares or baskets.

(18) Mining, reduction of ores and smelting, preparation of metals or minerals.

(19) Quarries; sand, shale, clay or gravel pits, lime kilns; manufacture of brick, tile, terra cotta, fireproofing, or paving blocks, manufacture of calcium carbide, cement, asphalt, or paving material.

(20) Manufacture of glass, glass products, glassware, porcelain, or pottery.

(21) Iron, steel, or metal foundries; rolling mills; manufacture of castings, forgings, heavy engines, locomotives, machinery, safes, anchors, cables, rails, shafting, wires, tubing, pipes, sheet metal, boilers, furnaces, stoves, structural steel, iron, or metal.

(22) Operation and repair of stationary engines and boilers, not included in other paragraphs of this section.

(23) Manufacture of small castings or forgings, metal wares, instruments, utensils and articles, hardware, nails, wire goods, screens, bolts, metal beds, sanitary, water, gas or electric fixtures, light machines, typewriters, cash registers, adding machines, carriage mountings, bicycles, metal toys, tools, cutlery, instruments, photographic cameras and supplies, sheet-metal products, buttons.

(24) Manufacture of agricultural implements, thrashing machines, traction engines, wagons, carriages, sleighs, vehicles, automobiles, motor trucks, toy wagons, sleighs, or baby carriages.

(25) Manufacture of explosive and dangerous chemicals, corrosive acids or salts, ammonia, gasoline, petroleum, petroleum products, celluloid, gas, charcoal, gunpowder, or ammunition.

(26) Manufacture of paint, color, varnish, oil, japans, turpentine, printing ink, printers' rollers, tar, tarred, pitched, or asphalted paper.

(27) Distilleries, breweries; manufacture of spirituous or malt liquors, alcohol, wine, mineral water, or soda waters.

(28) Manufacture of drugs and chemicals, not specified in paragraph 25, medicines, dyes, extracts, pharmaceutical or toilet preparations, soaps, candles, perfumes, noncorrosive acids or chemical preparations, fertilizers, including garbage disposal plants; shoe blacking or polish.

(29) Milling; manufacture of cereals or cattle foods, warehousing; storage; operation of grain elevators.

(30) Packing houses, abattoirs, manufacture or preparation of meats or meat products or glue.

(31) Tanneries.

(32) Manufacture of leather goods and products, belting, saddlery, harness, trunks, valises, boots, shoes, gloves, umbrellas, rubber goods, rubber shoes, tubing, tires, or hose.

(33) Canning or preparation of fruit, vegetables, fish, or foodstuffs; pickle factories and sugar refineries.

(34) Bakeries, including manufacture of crackers and biscuits, manufacture of confectionery, spices, or condiments.

(35) Manufacture of tobacco, cigars, cigarettes, or tobacco products.

(36) Manufacture of cordage, ropes, fiber, brooms, or brushes; manila or hemp products.

(37) Flax mills; manufacture of textiles or fabrics, spinning, weaving, and knitting manufactories; manufacture of yarn, thread, hosiery, cloth, blankets, carpets, canvas, bags, shoddy, or felt.

(38) Manufacture of men's or women's clothing, white wear, shirts, collars, corsets, hats, caps, furs, or robes.

(39) Power laundries; dyeing, cleaning, or bleaching.

(40) Printing, photo-engraving, stereotyping, electrotyping, lithographing, embossing; manufacture of stationery, paper, cardboard boxes, bags, or wall paper; and bookbinding.

(41) The operation, otherwise than on tracks, on streets, highways, or elsewhere of cars, trucks, wagons or other vehicles, and rollers and engines, propelled by steam, gas, gasoline, electric, mechanical or other power, or drawn by horses and mules.

(42) Stone cutting or dressing; marble works; manufacture of artificial stone; steel building and bridge construction; installation of elevators, fire escapes, boilers, engines, or heavy machinery; bricklaying, tile laying, mason work, stone setting, concrete work, plastering; and manufacture of concrete blocks; structural carpentry; painting, decorating, or renovating; sheet-metal work; roofing; construction, repair, and demolition of buildings and bridges; plumbing, sanitary, or heating engineering; installation and covering of pipes or boilers.

(43) In addition to the employments set out in the preceding paragraphs, this act is intended to apply to all extrahazardous employments not specifically enumerated herein.

Who may elect. SEC. 33. Any employer, his employee, or employees engaged in works not extrahazardous within the meaning of this article may, by their joint election, filed with the commission, accept the provisions of this article and such acceptances when approved by the commission shall subject them to the provisions of this article to all intents and purposes as if they had been originally included in its terms.

Any workman of the age of sixteen years and upwards may himself exercise the election hereby authorized. The right of election hereby authorized shall be exercised on behalf of any workman under the age of sixteen years by his parent or guardian. Nothing herein shall be construed to apply to workmen of less than the minimum age prescribed by law for the employment of minors in the occupations in which such workmen shall be engaged.

The provisions of this article shall apply to employers and employees engaged in intrastate and also in interstate or foreign

commerce for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen only in this State may, with the approval of the commission and so far as not forbidden by any act of Congress, voluntarily accept the provisions of this article by filing written acceptances with the commission, which shall subject the acceptors to the provisions of this article to all intents and purposes as if they had been originally included in its terms.

Interstate commerce.

SEC. 34. Whenever there shall have been enacted by the Congress of the United States and shall be in effect any act providing an exclusive remedy and compensation to employees of common carriers by railroad while employed in interstate or foreign commerce who sustain personal injury by accident arising out of and in the course of such employment and resulting in disability, or to the dependents of such employees in case such injury results in death, it shall be lawful for any such common carrier by railroad in this State and its employees or any of them, by agreement between such employer and employees, to provide for the payment by the employer of compensation in the amounts at the times and in the manner specified in said act of Congress to any employee who, while employed by such employer in commerce or business wholly within this State, sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability, or to the dependents, as defined in said act of Congress, of such employee in case such injury results in his death; and in and by such agreement to stipulate and agree that, except as provided therein, such employer shall not be civilly liable for any injury to or death of any such employee resulting from any such accident.

If any such employer shall file with the commission an instrument in writing under its corporate seal offering to enter into such an agreement with all and any of its employees in this State and referring to such act of Congress, and shall cause notice of such offer filed to be published once each week for three successive weeks following the date of such filing in a newspaper published in each county in this State through which such employer runs regularly any freight or passenger train, and in two newspapers published in the city of Baltimore, if such employer runs regularly any freight or passenger train into or through said city, every employee of such employer shall be conclusively presumed to accept such offer of the employer and to have entered into such agreement, unless such employee shall, within thirty days after the filing of such offer by the employer, file with the commission a notice in writing or statement declining such offer; and at the expiration of said period of thirty days the terms of said agreement shall be mutually binding upon the employer and upon every employee not so declining, but any employee or the employer may at any time by filing with the commission not less than thirty days' notice in writing of his or its intention so to do, terminate such agreement upon his or its part as to all accidental injuries occurring after the expiration of such notice.

Municipalities.

SEC. 35. Whenever the State, county, city, or any municipality shall engage in any extrahazardous work within the meaning of this article in which workmen are employed for wages, this article shall be applicable thereto. Whenever and so long as by State law, city charter, or municipal ordinance, provision equal or better than that given under the terms of this article is made for municipal employees injured in the course of employment such employees shall not be entitled to the benefits of this article.

Scale of compensation.

SEC. 36 (as amended by chapters 368 and 597, Acts of 1916). Each employee (or in case of death his family or dependents), entitled to receive compensation under this article, shall receive the same in accordance with the following schedule, and except

as in this article otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

Permanent total disability.

(1) In case of total disability adjudged to be permanent fifty per centum of the average weekly wages shall be paid to the employee during the continuance of such total disability, exclusive of the first week, not to exceed a maximum of twelve dollars per week and not less than a minimum of five dollars per week unless the employee's established weekly wages are less than five dollars per week at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages, but not to exceed a total of five thousand dollars. Loss of both hands, or both arms, or both feet or both legs, or both eyes, or of any two thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts.

Temporary total disability.

(2) In case of temporary total disability fifty per centum of the average weekly wages shall be paid to the employee during the continuance thereof, but not in excess of a maximum of twelve dollars per week, and not less than a minimum of five dollars per week unless the employee's established weekly wages are less than five dollars per week at the time of the injury, in which event he shall receive compensation equal to his full wages, but in no case to continue more than six years from the date of the injury or to exceed thirty-seven hundred and fifty dollars in the aggregate.

Permanent partial disability.

(3) In case of disability partial in character but permanent in quality the compensation shall be fifty per centum of the average weekly wages, in no case to exceed twelve dollars per week or more than three thousand dollars in the aggregate, and shall be paid to the employees for the period named in the schedule as follows:

Thumb. For the loss of a thumb, fifty weeks.

First finger. For the loss of a first finger, commonly called the index finger, thirty weeks.

Second finger. For the loss of a second finger, twenty-five weeks.

Third finger. For the loss of a third finger, twenty weeks.

Fourth finger. For the loss of a fourth finger commonly called the little finger, fifteen weeks.

The loss of the second, or distal, phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb. The loss of the third, or distal, phalange of any finger shall be considered to be equal to the loss of one-third of such finger. The loss of the middle or second phalange of any finger shall be considered to be equal to the loss of two-thirds of such finger. The loss of more than the middle and distal phalange of any finger shall be considered to be equal to the loss of the whole of such finger: *Provided, however,* That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

Great toe. For the loss of a great toe, twenty-five weeks.

Other toes. For the loss of one of the toes other than the great toe, ten weeks.

Hand. For the loss of a hand, one hundred and fifty weeks.

Arm. For the loss of an arm, two hundred weeks.

Foot. For the loss of a foot, one hundred and fifty weeks.

Leg. For the loss of a leg, one hundred and seventy-five weeks.

Eye. For the loss of an eye, one hundred weeks.

Loss of use. Permanent loss of the use of a hand, arm, foot, leg, or eye shall be considered as the equivalent of the loss of such hand, arm, foot, leg, or eye, and for the loss of the fractional part of the vision of either one or both eyes the injured employee shall be compensated in like proportion to the compensation for total loss of vision.

Amputations. Amputations between the elbow and the wrist shall be considered as the equivalent of the loss of a hand. Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation at or above the knee shall be considered as the loss of the leg.

The compensation for the foregoing specific injuries shall be in lieu of all other compensations, except the benefits provided in section thirty-seven of this article.

Other cases. In all other cases in this class of disability the compensation shall be fifty per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, if less than before the accident (but not to exceed twelve dollars per week), payable during the continuance of such partial disability, but not to exceed three thousand dollars, and subject to reconsideration of the degree of such impairment by the commission on its own motion or upon application of any party in interest.

In all cases where there has been an amputation of a part of any member of the body herein specified or the loss of the use of any part thereof, for which compensation is not specifically provided herein, the commission shall allow compensation for such proportion of the total number of weeks allowed for the amputation or the loss of use of the entire member, as the affected or amputated portion thereof bears to the whole.

Temporary partial disability.

(4) In case of temporary partial disability, except the particular cases mentioned in subdivision three of this section, an injured employee shall receive fifty per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, if less than before the accident, during the continuance of such partial disability, but not in excess of three thousand five hundred dollars, except as otherwise provided in this article.

Death.

In case the injury causes death within the period of two years, the benefits shall be in the amounts and to the persons following:

If there be no dependents, the disbursements shall be limited to the expenses provided for in section thirty-seven hereof.

If there are wholly dependent persons at the time of the death, the payment shall be fifty per centum of the average weekly wages, and to continue for the remainder of the period between the date of the death and eight years after the date of the injury, and not to amount to more than a maximum of four thousand two hundred and fifty dollars, nor less than a minimum of one thousand dollars.

If there are partly dependent persons at the time of the death, the payment shall be fifty per centum of the average weekly wages, and to continue for all or such portion of the period of eight years after the date of the injury, as the commission in each [case] may determine, and not to amount to more than a maximum of three thousand dollars.

The following persons shall be presumed to be wholly dependent for support upon a deceased employee: A wife or invalid husband ("invalid" meaning one physically or mentally incapacitated from earning), a child or children under the age of sixteen years (or over said age if physically or mentally incapacitated from earning) living with or dependent upon the parent at the time of the injury or death.

In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the facts in each particular case existing at the time of the injury resulting in death of such employee, but no person shall be considered as dependent unless such person be a father, mother, grandfather, grandmother, stepchild, or grandchild, or brother or sister of the deceased employee, including those otherwise specified in this section.

Nonresident beneficiaries.

Compensation under this article to alien dependent widows, children, and parents, not residents of the United States, shall be the same in amount as is provided in each case for residents, except that, at any time within one year after an accident resulting in death, the commission may in its discretion commute any payments thereafter becoming due to such beneficiaries into a lump-sum payment, not in any case to exceed twenty-four hundred dollars, by paying a sum equal to three-fourths of the then value of such payments.

Nonresident alien dependents may be officially represented by the consular officers of the nation of which such alien or aliens may be citizens or subjects, and in such cases the consular officers shall have the right to receive, for distribution to such nonresident alien dependents, all compensation awarded hereunder, and the receipt of such consular officers shall be a full discharge of all sums paid to and received by them.

Medical, etc., attendance.

SEC. 37 (as amended by chapter 597, Acts of 1916). In addition to the compensation provided for herein the employer shall promptly provide for an injured employee, such medical, surgical, or other attendance or treatment, nurse and hospital services, medicines, crutches, and apparatus as may be required by the commission in an amount not to exceed one hundred and fifty dollars ($150). If the employer fail to provide the same the injured employee may do so at the expense of the employer. All fees and other charges for such treatment and services shall be subject to regulations by the commission, and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living, and in case death ensues from the injury within two years, reasonable funeral expenses shall be allowed not to exceed the sum of seventy-five dollars ($75): *Provided, however,* That if there are no dependents and the deceased employee leaves sufficient estate to pay same, all expenses of last sickness and burial shall be paid by said estate and not by the employer or insurance company or commission out of the State accident fund, as the case may be. The commission shall have full power to adopt rules and regulations with respect to furnishing medical, nurse, hospital services, and medicines to injured employees entitled thereto and for the payment therefor.

Notice.

SEC. 38. Notice of an injury for which compensation is payable under this article shall be given to the employer within ten days after the accident, and also in case of the death of the employee resulting from such injury, within thirty days after such death. Such notice may be in writing and contain the name and address of the employee, and state in ordinary language the time, place, nature, and cause of the injury, and be signed by him or by a person on his behalf, or in case of death, by any one or more of his dependents, or by a person on their behalf. The failure to give such notice, unless excused by the commission either on the ground that notice for some sufficient reason could not have been given, or on the ground that the State accident fund, insurance company, or employer, as the case may be, has not been prejudiced thereby, shall be a bar to any claim under this article.

Report.

Whenever an accident occurs to any employee it shall be the duty of the employer to at once report such accident and the injury resulting therefrom to the commission, and also to any legal representative of the commission. Such report shall state (*a*) the time, cause, and nature of the accident and injuries, and the probable duration of the injury resulting therefrom; (*b*) whether the accident arose out of or in the course of the injured person's employment; (*c*) any other matters the rules and regulations of the commission may prescribe.

Application.

SEC. 39 (as amended by chapter 597, Acts of 1916). When an employee is entitled to compensation under this article he shall file with the commission his application together with the certificate of the physician, if any, who attended him, within thirty

days after the beginning of his disability, for which compensation is claimed, and failure to do so, unless excused by the commission, either on the ground that the insurance carrier or the employer has not been prejudiced thereby, or for some other sufficient reason, shall be a bar to any claim under the act.

When death results from injury, the parties entitled to compensation under this article or some one in their behalf, shall make application for same to the commission, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this article, certificates of attending physician, if attended by a physician, and such other proof as may be required by the rules of the commission.

Investigation, etc.

SEC. 40. The commission shall make or cause to be made such investigation of any claim as it deems necessary, and upon application of either party shall order a hearing, and within thirty days after a claim for compensation is submitted under this section, or such hearing closed, shall make or deny an award, determining such claim for compensation, and file the same in the office of the commission, together with a statement of its conclusions of fact and rulings of law. The commission may, if it deems proper, on the written application of any party in interest, or on its own motion, require the claimant to appear before an arbitration committee appointed by it and consisting of one representative of employees, one representative of employers, and either a member of the commission or a person specially deputized by the commission to act as chairman, before which the evidence in regard to the claim shall be adduced and by which it shall be considered and reported upon with the right of either party to appeal to the commission from the finding of said arbitration committee on all questions of law and fact.

If changes of circumstances warrant an increase or rearrangement of compensation, like application shall be made. No increase or rearrangement shall be operative for any period prior to application therefor.

Fraud.

SEC. 41. Any person who shall knowingly secure or attempt to secure larger compensation or compensation for a longer term than he is entitled to, or knowingly secure or attempt to secure compensation when he is not entitled to any, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars or imprisoned not exceeding twelve months, or both, in the discretion of the court, and shall from and after such conviction cease to receive any compensation.

Medical examinations.

SEC. 42. Any employee entitled to receive compensation under this article is required, if requested by the commission to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the employee and as may be provided by the rules of the commission. If the employee refuse to submit to any such examination, or obstructs the same, his right to compensation shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period.

Second injuries.

SEC. 43. Should a further accident occur to an employee already receiving payment under this article for a disability, or who has been previously the recipient of a lump-sum payment under this article, his future compensation shall be adjusted according to the other provisions of this article, and with regard to the combined effect of his injuries and his past receipt of compensation under this article.

Remarriage of widow or widower.

In case of the remarriage of a dependent widow of a deceased employee without dependent children, all compensation under this article shall cease, and further no widow or widower shall receive any benefits under this article where the marriage shall have taken place after the person entitled to benefits hereunder shall have been injured, provided there are no dependent children.

Review of awards.

If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have

been established or compensation terminated in any case, the commission may, upon the application of any party in interest or upon its own motion, readjust for future application the rate of compensation in accordance with rules in this section provided, or, in a proper case, terminate the payments.

Deserting spouse. A husband or wife of an injured employee who has deserted said employee for more than one year prior to the time of the injury or subsequently shall not be a beneficiary under this article.

In case of the remarriage of a dependent widow of a deceased employee without dependent children, all compensation under this article shall cease, and no widow or widower shall receive any benefits under this article where the marriage shall have taken place after the person entitled to benefits hereunder shall have been injured, provided there are no dependent children.

Removing from State. SEC. 44. If a beneficiary shall reside or remove out of the State and shall have been such nonresident for a period of one year, the commission may in its discretion convert any payments thereafter to become due to such beneficiary into a lump-sum payment, not in any case to exceed twenty-four hundred dollars, by paying a sum equal to three-fourths of the then value of such payments.

Intentional injury. SEC. 45. If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the employee, the widow, widower, child, children, or dependents of the employee shall have the privilege either to take under this article or have cause of action against such employer as if this article had not been passed.

Injuries not compensated. SEC. 46 (as amended by chapter 597, Acts of 1916). Notwithstanding anything hereinbefore or hereinafter contained, no employee or dependent of any employee shall be entitled to receive any compensation or benefits under this article on account of any injury to or death of an employee caused by self-inflicted injury, the willful misconduct, or where the injury or death resulted solely from the intoxication of the injured employee.

Learners, etc. SEC. 47. If it be established that the injured employee was of such age and experience when injured as that under the natural conditions his wages would be expected to increase, this fact may be considered in arriving at his average weekly wage.

Minors. SEC. 48. A minor working at an age legally permitted under the laws of this State shall be deemed sui juris for the purposes of this article, and no other person shall have any cause of action or right to compensation for any injury to such minor employee unless otherwise herein provided.

Waiting time. SEC. 49. No compensation shall be allowed for two weeks after the injury is received except disbursements herein authorized for medical, nurse, and hospital services and medicines, and for funeral expenses.

Distribution of death benefits. SEC. 50. The benefits in case of death shall be paid to such one or more of the dependents of the decedent for the benefit of all the dependents as may be determined by the commission, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. The dependent or persons to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the findings and direction of the commission.

Lump sums. SEC. 51. In every case providing for compensation to an employee or his dependent, excepting temporary disability, the commission may, if in its opinion the facts and circumstances of the case warrant it, allow the compensation to be paid in a partial or total lump sum.

Assignments, etc. SEC. 52. No money payable under this article shall, prior to issuance and delivery of the warrant or voucher therefor, be capable of being assigned, charged, or taken in execution or attachment.

Waivers. SEC. 53. No employer or employee who are subject to the provisions of this article shall exempt himself from the burden or waive

the benefit of this article by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void. No agreement by such employee to pay any portion of the premium paid by such employer shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employee entitled to the benefits of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than two hundred dollars for each offense.

Jurisdiction continuing.

SEC. 54. The powers and jurisdiction of the commission over each case shall be continuing, and it may from time to time make such modifications or change with respect to former findings or orders with respect thereto as in its opinion may be justified.

Absence of safeguards.

SEC. 55. If an employee shall be injured because of the absence of any safeguard or protection required by the commission, the employer shall be guilty of a misdemeanor and liable to a fine of not less than fifty dollars or more than five hundred dollars, to be paid into the State accident fund.

Appeals.

SEC. 56. Any employer, employee, beneficiary, or person feeling aggrieved by any decision of the commission affecting his interests under this article may have the same reviewed by a proceeding in the nature of an appeal and initiated in the circuit court of the county or in the common-law courts of Baltimore City having jurisdiction over the place where the accident occurred or over the person appealing from such decision, and the court shall determine whether the commission has justly considered all the facts concerning injury, whether it has exceeded the powers granted it by the article, whether it has misconstrued the law and facts applicable in the case decided. If the court shall determine that the commission has acted within its powers and has correctly construed the law and facts, the decision of the commission shall be confirmed, otherwise it shall be reversed or modified. Upon the hearing of such an appeal the court shall, upon motion of either party filed with the clerk of the court according to the practice in civil cases, submit to a jury any question of fact involved in such case. The proceedings in every such an appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No such appeal shall be entertained unless notice of appeal shall have been served personally upon some member of the commission within thirty days following the rendition of the decision appealed from. An appeal shall not be a stay. If the decision of the commission shall be changed or modified, the practice prevailing in civil cases as to the payment of costs and the fees of medical and other witnesses shall apply. Appeal shall lie from the judgment of the circuit court of the county or the common-law courts of Baltimore City to the court of appeals as in other civil cases, and such appeals shall have precedence over all cases except criminal cases.

The attorney general shall be the legal adviser of the commission and shall represent it in all proceedings whenever so requested by any of the commissioners in all court proceedings under or pursuant to this article. The decision of the commission shall be prima facie correct and the burden of proof shall be upon the party attacking the same.

Costs and fees.

SEC. 57. If the commission or the court before which any proceedings for compensation or concerning an award of compensation have been brought, under this article, determines that such proceedings have not been so brought upon reasonable ground, it shall assess the whole cost of the proceeding upon the party who has so brought them. Claims for legal services in connection with any claims arising under this article and claims for services or treatment rendered or supplies furnished pursuant to section thirty-six of this article shall not be enforceable unless approved by the commission. If so approved, such claim or claims shall become a lien upon the compensation awarded, but shall be paid therefrom only in the manner fixed by the commission.

Liability of third parties.

SEC. 58. Where the injury or death for which compensation is payable under this article was caused under circumstances creating a legal liability in some person, other than the employer, to pay damages in respect thereof, the employee, or in case of death, his personal representative or dependents as hereinbefore defined, may proceed either by law against that other person to recover damages or against the employer for compensation under this article, or in case of joint tort feasors against both; and if compensation is claimed and awarded or paid under this article any employer may enforce for the benefit of the insurance company or association carrying the risk or the State accident fund, or himself, as the case may be, the liability of such other person: *Provided, however,* If damages are recovered in excess of the compensation already paid or awarded to be paid under this article, then any such excess shall be paid to the injured employee or, in case of death, to his dependents, less the employer's expenses and costs of action.

Law of limitations not to run, when.

SEC. 59. If the provisions of this article relative to compensation for injuries to or death of employees become invalid because of any adjudication, or be repealed, the period intervening between the occurrence of an injury or death not previously compensated for under this article by lump payment or completed periodical payments shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death: *Provided,* That such action be commenced within one year after such repeal or adjudication, but in any such action any sum paid to the employee on account of injury for which the action is prosecuted shall be taken into account or disposed of as follows: If the defendant employer shall have insured himself as provided for in this article without delinquency, such sums as may have been paid to the employee or his dependents on account of injury or death shall be credited upon recovery as payment thereon.

Records on appeals.

SEC. 59a (added by chapter 597, Acts of 1916). It shall be the duty of the clerk of the court to which a case is sent on appeal, under the preceding section, to send to the commission a duly certified copy of the docket entries, and judgment of the court in each case heard and determined on appeal.

Cases outside scope of act.

SEC. 60. If any employer shall be adjudicated to be outside the lawful scope of this article, the article shall not apply to him or his employees; if any employee shall be adjudicated to be outside the lawful scope of this article, because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this article in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received.

Contractors and subcontractors.

SEC. 60a (added by chapter 597, Acts of 1916). When any person as a principal contractor, undertakes to execute any work which is a part of his trade, business, or occupation which he has contracted to perform and contracts with any other person as subcontractor, for the execution by or under the subcontractor, of the whole or any part of the work undertaken by the principal contractor, the principal contractor shall be liable to pay to any workman employed in the execution of the work any compensation under this article which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal contractor, then, in the application of this article, reference to the principal contractor shall be substituted for reference to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

Where the principal contractor is liable to pay compensation under this section, he shall be entitled to indemnity from any employer, who would have been liable to pay compensation to the employee independently of this section, and shall have a cause of action therefor against such employer.

Nothing in this section shall be construed as preventing a workman from recovering compensation under this article from the subcontractor instead of from the contractor.

Whenever an employee of a subcontractor files a claim under this article against the principal contractor, the principal contractor shall have the right to join the subcontractor or any intermediate contractors as defendant or codefendant in the case.

Construction to be liberal.

SEC. 61. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this article; but this article shall be so interpreted and construed as to effectuate its general purpose.

Presumptions.

SEC. 62. In any proceedings for the enforcement of a claim for compensation under this article, it shall be presumed in the absence of substantial evidence to the contrary:

(*a*) That the claim comes within the provisions of this article.

(*b*) That sufficient notice thereof was given.

(*c*) That the injury was not occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another.

(*d*) That the injury did not result solely from the intoxication of the injured employee while on duty.

Definitions.

SEC. 63 (as amended by chapters 86 and 597, Acts of 1916). Definitions as used in this article: (1) "Extrahazardous employment" means a work or occupation described in section thirty-two of this article.

(2) "Employer," except when otherwise expressly stated, means a person, partnership, association, corporation, and the legal representatives of a deceased employer, or the receiver or trustee of a person, partnership, association, or corporation employing workmen in extrahazardous employments.

(3) "Employee" means a person who is engaged in an extrahazardous employment in the service of an employer carrying on or conducting the same upon the premises or at a plant, or in the course of his employment away from the plant of his employer, and shall not include farm laborers. "Farm laborers," as used in this article, shall mean any employees who at the time of the accident, are engaged in rendering any agricultural service, including the thrashing and harvesting of crops, or who, at the time of the accident, are engaged in service incidental to and in connection with agricultural pursuits or developments, whether the employer be the farmer or other person undertaking or contracting with the farmer to perform any such agricultural service, pursuit, or development. This article shall not apply to farm laborers, domestic servants, nor to country blacksmiths, wheelwrights, or similar rural employments, nor in any case where the accident occurred before this article takes effect, nor to casual employees or any employee whose salary is in excess of two thousand dollars a year, or any employees who are employed wholly without the State.

(4) "Employment" includes employment only in a trade, business, or occupation carried on by the employer for pecuniary gain.

(5) "Compensation" means the money allowance payable to an employee or to his dependents as provided for in this article, and includes funeral benefits provided therein.

(6) "Injury" and "personal injury" mean only accidental injuries arising out of and in the course of employment and such disease or infection as may naturally result therefrom.

(7) "Death," when mentioned as a basis for the right to compensation means only death resulting from such injury.

(8) "Average weekly wages" for the purposes of this article shall be taken to mean the average weekly wages earned by an employee when working on full time.

(9) "State accident fund" means the State insurance fund provided for in section sixteen of this article.

(10) "Child" shall include a posthumous child and a child legally adopted prior to the injury of the employee.

(11) "Beneficiary" means a husband, wife, child, children, or dependents of an employee in whom shall vest a right to receive payment under this article.

(12) "Mining" means all underground workings by shaft, drift slope or otherwise, for the securing, removing and taking out from under the ground coal, iron ore, clays, and all other minerals and mineral substances, found in and under the earth, and shall mean all work done by any miner or employee working in and about said mines in said shafts, slopes, headings, tunnels, rooms and other subterranean places therein for the purposes of obtaining and removing therefrom all such minerals and mineral substances, and the benefits of this article shall be extended to any employee, or in case of his death, to his dependent relatives, otherwise entitled, who shall be killed or injured while so working or employed therein, and such mine worker shall be deemed to be wholly employed in the State of Maryland, and entitled to the benefits of this article if the tipple, mouth or principal mine entrance in and about which he works, is situated in this State, notwithstanding such shaft, heading, slope or other subterranean tunnel may extend underground into an adjoining State, and notwithstanding such mine worker so employed in this State may be killed or injured while working in said mine beyond the lines of this State, and within the lines of an adjoining State.

Appropriation.

SEC. 64. The sum of forty thousand dollars ($40,000) annually for the years nineteen hundred and fourteen, nineteen hundred and fifteen, and nineteen hundred and sixteen, or so much thereof as may be necessary annually for the maintenance of the State Industrial Accident Commission and the payment of the salaries and expenses of said commission and its officers and employees, and so much thereof, if any, as may be necessary to maintain a solvent State accident fund, is hereby appropriated, and shall be payable on the order or orders of the said commission from time to time as in this law provided; and the comptroller shall draw his warrant upon the treasurer of Maryland, as in law provided, for the annual appropriations. And a further appropriation is hereby made of the sum of fifteen thousand dollars for the year nineteen hundred and fourteen for the necessary expenses of the aforesaid State Industrial Accident Commission to cover printing, office fixtures, and such other legitimate expenses as the commission may incur in establishing their office or offices as in this article contemplated, and the comptroller of the State of Maryland shall draw his warrant upon the treasurer of Maryland for the sum of fifteen thousand dollars ($15,000), or any part thereof, upon the order or orders presented to the State comptroller by the said State Industrial Accident Commission.

Repeal.

SEC. 65. Chapter one hundred and fifty-three of the Acts of nineteen hundred and ten, as amended by chapter four hundred and forty-five of the Acts of nineteen hundred and twelve of the General Assembly of Maryland [establishing a miners' cooperative insurance fund in Allegany and Garrett counties] are hereby repealed, except for the purpose of providing confirmation for all claims which may arise thereunder prior to the first day of November, nineteen hundred and fourteen; and if after all such claims are paid there be a surplus in the fund, it shall be turned over to the treasurer of Maryland for the account of the State industrial accident fund, but if there be a deficit in said fund at the time this act takes effect as between employers and employees, the payments provided for under chapter one hundred and fifty-three of the Acts of nineteen hundred and ten as amended by chapter four hundred and forty-five of the Acts of nineteen hundred and twelve shall be continued by the employers and employees of Allegany and Garrett counties to the treasurers of said counties until such pending claims are paid, when said payments shall cease.

MASSACHUSETTS.

ACTS OF 1911.

CHAPTER 751.—*Compensation of workmen for injuries—State insurance association.*

PART I.

MODIFICATION OF REMEDIES.

SECTION 1. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense: *Suits for damages. Defenses abrogated.*

1. That the employee was negligent;
2. That the injury was caused by the negligence of a fellow employee;
3. That the employee had assumed the risk of the injury.

SEC. 2. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by domestic servants and farm laborers. *Farm laborers, etc.*

SEC. 3. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by employees of a subscriber. *Employees of subscribers to association.*

SEC. 4. The provisions of sections one hundred and twenty-seven to one hundred and thirty-five, inclusive, and of one hundred and forty-one to one hundred and forty-three, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and of any acts in amendment thereof, shall not apply to employees of a subscriber while this act is in effect. *Same.*

SEC. 5. An employee of a subscriber shall be held to have waived his right of action at common law to recover damages for personal injuries if he shall not have given his employer, at the time of his contract of hire, notice in writing that he claimed such right, or if the contract of hire was made before the employer became a subscriber, if the employee shall not have given the said notice within thirty days of notice of such subscription. An employee who has given notice to his employer that he claimed his right of action at common law may waive such claim by a notice in writing which shall take effect five days after it is delivered to the employer or his agent. *Presumption of waiver.*

PART II.

PAYMENTS.

SECTION 1. If an employee who has not given notice of his claim of common-law rights of action, as provided in Part I, section five, or who has given such notice and has waived the same, receives a personal injury arising out of and in the course of his employment, he shall be paid compensation by the association, as hereinafter provided, if his employer is a subscriber at the time of the injury. *Compensation payable, when.*

SEC. 2. If the employee is injured by reason of his serious and willful misconduct, he shall not receive compensation. *Misconduct.*

SEC. 3 (as amended by chapter 571, Acts of 1912). If the employee is injured by reason of the serious and willful misconduct *Double compensation.*

of a subscriber or of any person regularly intrusted with and exercising the powers of superintendence, the amounts of compensation hereinafter provided shall be doubled. In such case the subscriber shall repay to the association the extra compensation paid to the employee. If a claim is made under this section the subscriber shall be allowed to appear and defend against such claim only.

Waiting time.

SEC. 4 (as amended by chapter 90, Acts of 1916). No compensation shall be paid under this act for any injury which does not incapacitate the employee for a period of at least ten days from earning full wages, but if incapacity extends beyond the period of ten days, compensation shall begin on the eleventh day after the injury. When compensation shall have begun, it shall not be discontinued except with the written assent of the employee or the approval of the board, or a member thereof: *Provided, however,* That such compensation shall be paid in accordance with section ten of Part II of said chapter seven hundred and fifty-one, as amended by section five of chapter seven hundred and eight of the acts of the year nineteen hundred and fourteen, if the employee in fact earns wages at any time after the original agreement is filed.

Medical, etc., aid.

SEC. 5 (as amended by chapter 708, Acts of 1914). During the first two weeks after the injury, and, if the employee is not immediately incapacitated thereby from earning full wages then from the time of such incapacity, and in unusual cases, in the discretion of the board, for a longer period, the association shall furnish reasonable medical and hospital services, and medicines, when they are needed. Where, in a case of emergency or for other justifiable cause, a physician other than the one provided by the association is called in to treat the injured employee, the reasonable cost of his services shall be paid by the association, subject to the approval of the industrial accident board. Such approval shall be granted only if the board finds that there was such justifiable cause and that the charge for the services is reasonable.

Death benefits.

SEC. 6 (as amended by chapter 708, Acts of 1914). If death results from the injury, the association shall pay the dependents of the employee, wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to sixty-six and two-thirds per cent of his average weekly wages, but not more than ten dollars nor less than four dollars a week, for a period of five hundred weeks from the date of the injury; but in no case shall the amount be more than four thousand dollars. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the association shall pay such dependents a weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than five hundred weeks from the date of the injury.

Dependents.

SEC. 7 (as amended by chapter 708, Acts of 1914). The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(*a*) A wife upon a husband with whom she lives at the time of his death, or from whom, at the time of his death, the industrial accident board shall find the wife was living apart for justifiable cause or because he had deserted her. The findings of the board upon the questions of such justifiable cause and desertion shall be final.

(*b*) A husband upon a wife with whom he lives at the time of her death.

(*c*) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning), upon the parent with whom he is or they are living at the

time of the death of such parent, there being no surviving dependent parent: *Provided*, That in the event of the death of an employee who has at the time of his death a living child or children by a former wife or husband, under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning) said child or children shall be conclusively presumed to be wholly dependent for support upon such deceased employee, and the death benefit shall be divided between the surviving wife or husband and all the children of the deceased employee in equal shares, the surviving wife or husband taking the same share as a child. The total sum due the surviving wife or husband and her or his own children shall be paid directly to the wife or husband for her or his own use and for the benefit of her or his own children, and the sums due to the children by the former wife or husband of the deceased employee shall be paid to their guardians or legal representatives for the benefit of such children.

In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof, and if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

No dependents.

SEC. 8. If the employee leaves no dependents, the association shall pay the reasonable expenses of his last sickness and burial, which shall not exceed two hundred dollars.

Incapacity.

SEC. 9 (as amended by chapter 708, Acts of 1914). While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent of his average weekly wages, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks, nor the amount more than four thousand dollars.

Partial incapacity.

SEC. 10 (as amended by chapter 708, Acts of 1914). While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent of the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks from the date of the injury, nor the amount more than four thousand dollars.

Specific injuries.

SEC. 11 (as amended by chapter 708, Acts of 1914). In case of the following specified injuries the amounts hereinafter named shall be paid in addition to all other compensation:

(*a*) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or the loss of one hand and one foot, or the reduction to one-tenth of normal vision in both eyes with glasses, sixty-six and two-thirds per cent of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of one hundred weeks.

(*b*) For the loss by severance of either hand at or above the wrist, or either foot at or above the ankle, or the reduction to one-tenth of normal vision in either eye with glasses, sixty-six and two-thirds per cent of the average weekly wages of the injured person, for each hand or foot so severed, but not more than ten dollars nor less than four dollars a week, for a period of fifty weeks.

(*c*) For the loss by severance at or above the second joint of two or more fingers, including thumbs, of the same hand, or of two or more toes of the same foot, sixty-six and two-thirds per

cent of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twenty-five weeks for each hand or foot so injured.

(*d*) For the loss by severance of at least one phalange of a finger, thumb, or toe, sixty-six and two-thirds per cent of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twelve weeks for each hand or foot so injured.

(*e*) The additional amounts provided for in this section in case of the loss of a hand, foot, thumb, finger, toe, or phalange shall also be paid for the number of weeks above specified in case the injury is such that the hand, foot, thumb, finger, toe, or phalange is not lost but so injured as to be permanently incapable of use.

Insurance not considered.

SEC. 12. No savings or insurance of the injured employee, independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than the association be considered in fixing the compensation under this act.

Payee.

SEC. 13 (as amended by chapter 708, Acts of 1914). The compensation payable under this act in case of the death of the injured employee shall be paid to his legal representative; or, if he has no legal representative, to his dependents; or, if he leaves no dependents, to the persons to whom payment of the expenses for the last sickness and burial are due. If the payment is made to the legal representative of the deceased employee, it shall be paid by him to the dependents or other persons entitled thereto under this act.

Appointment of legal representative.

When the appointment of a legal representative of a deceased employee, not otherwise necessary, is required for carrying out the provisions of this act, the association shall furnish or pay for all legal services rendered in connection with the appointment of such legal representative, or in connection with any of his duties, and shall pay the necessary disbursements for such appointment, the necessary expenses of such legal representative, and reasonable compensation to him for time necessarily spent in carrying out said provisions. All of said payments shall be in addition to all sums paid for compensation.

Incompetent persons.

SEC. 14. If an injured employee is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may in his behalf claim and exercise such right or privilege.

Notice.

SEC. 15. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the association or subscriber as soon as practicable after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employee, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity.

Form.

SEC. 16 (as amended by chapter 571, Acts of 1912). The said notice shall be in writing, and shall state in ordinary language the time, place, and cause of the injury, and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf, or by a person to whom payments may be due under this act or by a person in his behalf. Any form of written communication signed by any person who may give the notice as above provided, which contains the information that the person has been so injured, giving the time, place, and cause of the injury, shall be considered a sufficient notice.

Service.

SEC. 17. The notice shall be served upon the association, or an officer or agent thereof, or upon the subscriber, or upon one subscriber, if there are more subscribers than one, or upon any officer or agent of a corporation if the subscriber is a corporation, by delivering the same to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it

by registered mail addressed to the person or corporation on whom it is to be served, at his last-known residence or place of business.

Sec. 18. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, or cause of the injury, unless it is shown that it was the intention to mislead and the association was in fact misled thereby. Want of notice shall not be a bar to proceedings under this act, if it be shown that the association, subscriber, or agent had knowledge of the injury. Sufficiency.

Sec. 19 (as amended by chapter 571, Acts of 1912). After an employee has received an injury, and from time to time thereafter during the continuance of his disability he shall, if so requested by the association or subscriber, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the Commonwealth, furnished and paid for by the association or subscriber. The employee shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to submit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited. Medical examinations.

Sec. 20. No agreement by an employee to waive his rights to compensation under this act shall be valid. Waivers.

Sec. 21. No payment under this act shall be assignable or subject to attachment, or be liable in any way for any debts. Payments exempt.

Sec. 22 (as amended by chapter 708, Acts of 1914). Whenever any weekly payment has been continued for not less than six months, the liability therefor may, in unusual cases where the parties agree and the board deems it to be for the best interest of the employee or his dependents, be redeemed by the payment, in whole or in part, by the association of a lump sum which shall be fixed by the board, but in no case to exceed the amount provided by this act. The board may, however, in its discretion at any time in the case of a minor who has received permanently disabling injuries, either partial or total, provide that he be compensated in whole or in part by the payment of a lump sum, the amount of which shall be fixed by the board, but in no case to exceed the amount provided by this act. Lump-sum payments.

Sec. 23 (added by chapter 571, Acts of 1912). The claim for compensation shall be in writing and shall state the time, place, cause, and nature of the injury; it shall be signed by the person injured or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf, or by a person to whom payments may be due under this act or by a person in his behalf, and shall be filed with the industrial accident board. The failure to make a claim within the period prescribed by section fifteen shall not be a bar to the maintenance of proceedings under this act if it is found that it was occasioned by mistake or other reasonable cause. Claims.

Sec. 24 (added by chapter 708, Acts of 1914). Whenever any question involving the compensation of an injured employee, or his dependents, is appealed to the supreme judicial court, and the decision rendered is in favor of the employee or his dependents, interest to the date of payment shall be paid by the association on all sums due as compensation to such employee or dependents. Interest to be allowed.

Part III.

PROCEDURE.

Section 1 (as amended by chapter 571, Acts of 1912). There shall be an industrial accident board consisting of five members, to be appointed by the governor, by and with the advice and consent of the council, one of whom shall be designated by the governor as chairman. The term of office of members of this board shall be Industrial accident board.

five years, except that when first constituted one member shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter one member shall be appointed every year for the full term of five years.

Salaries, etc. SEC. 2 (as amended by chapter 48, Acts of 1913). The salaries and expenses of the board shall be paid by the Commonwealth. The salary of the chairman shall be five thousand dollars a year, and the salary of the other members shall be forty-five hundred dollars a year each. The board may appoint a secretary at a salary of not more than three thousand dollars a year, and may remove him. It shall be also allowed such sums as may annually be appropriated by the general court for clerical service, and traveling and other necessary expenses. The board shall be provided with an office in the statehouse or in some other suitable building in the city of Boston, in which its records shall be kept.

Powers of board. SEC. 3 (as amended by chapter 275, Acts of 1915). The board may make rules not inconsistent with this act for carrying out the provisions of the act. Process and procedure under this act shall be as simple and summary as reasonably may be. The board or any member thereof shall have the power to subpœna witnesses, administer oaths, and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. Upon the written request of the board or of any member thereof, together with interrogatories and cross-interrogatories, if any there be, filed with the clerk of the superior court for any county of this Commonwealth, commissions to take depositions of persons or witnesses residing without the Commonwealth or in foreign countries, or letters rogatory to any court in any other of the United States or to any court in any foreign country, shall forthwith issue from the said superior court, as in cases pending in said superior court, and upon the return of the said depositions or answers to letters rogatory the same shall be opened by the clerk of the court which issued the commissions or letters, and the said clerk shall indorse thereon the date upon which any deposition or answer to letters rogatory was received and the same shall forthwith be delivered to the board. No entry fee shall be charged in such cases. The fees for attending as a witness before the industrial accident board shall be one dollar and fifty cents a day, for attending before an arbitration committee fifty cents a day; in both cases five cents a mile for travel out and home. The superior court shall have power to enforce by proper proceedings the provisions of this section relating to the attendance and testimony of witnesses and the examination of books and records.

Depositions, etc.

Agreements to be filed. SEC. 4 (as amended by chapter 571, Acts of 1912). If the association and the injured employee reach an agreement in regard to compensation under this act, a memorandum of the agreement shall be filed with the industrial accident board, and, if approved by it, thereupon the memorandum shall for all purposes be enforceable under the provisions of Part III, section eleven. Such agreements shall be approved by said board only when the terms conform to the provisions of this act.

Arbitration. SEC. 5 (as amended by chapter 708, Acts of 1914). If the association and the injured employee fail to reach an agreement in regard to compensation under this act, or if they have reached such an agreement, which has been signed and filed in accordance with the provisions of this act, and compensation has been paid or is due in accordance therewith and the parties thereto then disagree as to the continuance of any weekly payments under such agreement, either party may notify the industrial accident board who shall thereupon call for the formation of a committee of arbitration. The committee of arbitration shall consist of three members, one of whom shall be a member of the industrial accident board, and shall act as chairman. The other two members shall be named, respectively, by the two parties. If the subscriber has appeared under the provisions of Part II, section three, the member named by the association shall be subject to his approval. If

a vacancy occurs it shall be filled by the party whose representative is unable to act.

The arbitrators appointed by the parties shall be sworn by the chairman as follows: I, _____, do solemnly swear that I will faithfully perform my duty as arbitrator and will not be influenced in my decision by any feeling of friendship or partiality toward either party. So help me God.

Duty of board.

SEC. 6 (as amended by chapter 571, Acts of 1912). It shall be the duty of the industrial accident board, upon notification that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The board shall designate one of its members to act as chairman, and, if either party does not appoint its member on this committee within seven days after notification, as above provided, or after a vacancy has occurred, the board or any member thereof shall fill the vacancy and notify the parties to that effect.

Investigation.

SEC. 7 (as amended by chapter 571, Acts of 1912). The committee on arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee shall be held in the city or town where the injury occurred, and the decision of the committee, together with a statement of the evidence submitted before it, its findings of fact, rulings of law, and any other matters pertinent to questions arising before it shall be filed with the industrial accident board. Unless a claim for a review is filed by either party within seven days, the decision shall be enforceable under the provisions of Part III, section eleven.

Physician.

SEC. 8 (as amended by chapter 72, Acts of 1916). The industrial accident board or any member thereof may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be five dollars and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases, and the association shall reimburse the board for the amount so paid. The report of the physician shall be admissible as evidence in any proceeding before the industrial accident board or a committee of arbitration, provided that the employee and insurer have seasonably been furnished with copies thereof.

Fees.

SEC. 9. The arbitrators named by or for the parties to the dispute shall each receive five dollars as a fee for his services, but the industrial accident board or any member thereof may allow additional reasonable amounts in extraordinary cases. The fees shall be paid by the association, which shall deduct an amount equal to one-third of the sum from any compensation found due the employee.

Review.

SEC. 10 (as amended by chapter 571, Acts of 1912). If a claim for a review is filed, as provided in Part III, section seven, the board shall hear the parties and may hear evidence in regard to any or all matters pertinent thereto and may revise the decision of the committee in whole or in part, or may refer the matter back to the committee for further findings of fact, and shall file its decision with the records of the proceedings and notify the parties thereof. No party shall as a matter of right be entitled to a second hearing upon any question of fact.

Decrees by courts.

SEC. 11 (as amended by chapter 571, Acts of 1912). Any party in interest may present certified copies of an order or decision of the board, a decision of an arbitration committee from which no claim for review has been filed within the time allowed therefor, or a memorandum of agreement approved by the board, and all papers in connection therewith, to the superior court for the county in which the injury occurred or for the county of Suffolk, whereupon said court shall render a decree in accordance therewith and notify the parties. Such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom

upon questions of fact, or where the decree is based upon a decision of an arbitration committee or a memorandum of agreement, and that there shall be no appeal from a decree based upon an order or decision of the board which has not been presented to the court within ten days after the notice of the filing thereof by the board. Upon the presentation to it of a certified copy of a decision of the industrial accident board ending, diminishing, or increasing a weekly payment under the provisions of Part III, section twelve, the court shall revoke or modify the decree to conform to such decision.

Review of award.

SEC. 12 (as amended by chapter 708, Acts of 1914). Any weekly payment under this act may be reviewed by the industrial accident board, and on such review the board may, in accordance with the evidence and subject to the provisions of this act, issue any order which it deems advisable.

Fees to be approved.

SEC. 13 (as amended by chapter 708, Acts of 1914). Fees of attorneys and physicians and charges of hospitals for services under this act shall be subject to the approval of the industrial accident board. If the association and any physician or hospital, or the employee and any attorney, fail to reach an agreement as to the amount to be paid for such services, either party may notify the board, which may thereupon call for the formation of a committee of arbitration in accordance with the provisions of this act, and all proceedings thereunder shall be in accordance with the provisions of this act.

Arbitration.

Costs.

SEC. 14. If the committee of arbitration, industrial accident board, or any court before whom any proceedings are brought under this act determines that such proceedings have been brought, prosecuted, or defended without reasonable ground, it shall assess the whole cost of the proceedings upon the party who has so brought, prosecuted, or defended them.

Injuries caused by third persons.

SEC. 15 (as amended by chapter 448, Acts of 1913). Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the subscriber to pay damages in respect thereof, the employee may at his option proceed either at law against that person to recover damages, or against the association for compensation under this act, but not against both, and if compensation be paid under this act, the association may enforce in the name of the employee, or in its own name and for its own benefit, the liability of such other person, and in case the association recovers a sum greater than that paid by the association to the employee four-fifths of the excess shall be paid over to the employee.

Disputes.

SEC. 16 (as amended by chapter 571, Acts of 1912). All questions arising under this act, if not settled by agreement by the parties interested therein, shall, except as otherwise herein provided, be determined by the industrial accident board. The decisions of the industrial accident board shall for all purposes be enforceable under the provisions of Part III, section eleven.

Independent contractors.

SEC. 17. If a subscriber enters into a contract, written or oral, with an independent contractor to do such subscriber's work, or if such a contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contract with the subscriber, and the association would, if such work were executed by employees immediately employed by the subscriber, be liable to pay compensation under this act to those employees, the association shall pay to such employees any compensation which would be payable to them under this act if the independent or subcontractors were subscribers. The association, however, shall be entitled to recover indemnity from any other person who would have been liable to such employees independently of this section, and if the association has paid compensation under the terms of this section, it may enforce in the name of the employee, or in its own name and for the benefit of the association, the liability of such other person. This section shall not apply to any contract of an independent or subcontractor which is merely ancillary and incidental to, and is no part of or process in, the trade or

business carried on by the subscriber, nor to any case where the injury occurred elsewhere than on, in, or about the premises on which the contractor has undertaken to execute the work for the subscriber or which are under the control or management of the subscriber.

Accidents to be reported.

SEC. 18 (as amended by chapter 746, Acts of 1913). Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within forty-eight hours, not counting Sundays and legal holidays, after the occurrence of an injury a report thereof shall be made in writing to the industrial accident board on blanks to be procured from the board for the purpose. Upon the termination of the disability of the injured employee, the employer shall make a supplemental report upon blanks to be procured from the board for that purpose. If the disability extends beyond a period of sixty days, the employer shall report to the board at the end of such period that the injured employee is still disabled, and upon the termination of the disability shall file a final supplemental report, as provided above.

The said reports shall contain the name and nature of the business of the employer, the situation of the establishment, the name, age, sex, and occupation of the injured employee, and shall state the date and hour of any accident causing the injury, the nature and cause of the injury, and such other information as may be required by the board.

Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offense.

Copies of all reports of injuries filed by employers with the industrial accident board, and all statistics and data compiled therefrom, shall be kept available by the said board, and shall be furnished on request to the State board of labor and industries for its own use.

Report of payments.

Within sixty days after the termination of the disability of the injured employee the association or other party liable to pay the compensation provided for by Part II of this act shall file with the board a statement showing the total payments made or to be made for compensation and for medical services for such injured employee.

PART IV.

THE MASSACHUSETTS EMPLOYEES INSURANCE ASSOCIATION.

Association created.

SECTION 1 (as amended by special act 314, Acts of 1915). The Massachusetts Employees Insurance Association is hereby created a body corporate with the powers provided in this act and with all the general corporate powers incident thereto. The said association may also transact within the Commonwealth any kind of liability insurance which mutual companies are allowed by law to transact, and shall be governed by the laws now or hereafter in force relating to the transaction of such business by mutual companies, so far as the same are not in conflict with the provisions of this act.

Board of directors.

SEC. 2 (as amended by chapter 338, Acts of 1914). The board of directors of the association shall consist of not less than fifteen members, to be elected by ballot by the members, who shall hold office for such term or terms as the by-laws may provide in accordance with the provisions of section twenty-six of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven and until their successors are elected.

Powers of board.

SEC. 3. Until the first meeting of the subscribers the board of directors shall have and exercise all the powers of the subscribers, and may adopt by-laws not inconsistent with the provisions of this act, which shall be in effect until amended or repealed by the subscribers.

Officers.

SEC. 4. The board of directors shall annually choose by ballot a president, who shall be a member of the board, a secretary, a treasurer, and such other officers as the by-laws shall provide.

Quorum. SEC. 5. Seven or more of the directors shall constitute a quorum for the transaction of business.

Vacancies in any office may be filled in such manner as the by-laws shall provide.

Membership. SEC. 6. Any employer in the Commonwealth may become a subscriber.

First meeting. SEC. 7. The board of directors shall, within thirty days of the subscription of twenty-five employers, call the first meeting of the subscribers by a notice in writing mailed to each subscriber at his place of business not less than ten days before the date fixed for the meeting.

Votes. SEC. 8. In any meeting of the subscribers each subscriber shall be entitled to one vote, and if a subscriber has five hundred employees to whom the association is bound to pay compensation he shall be entitled to two votes, and he shall be entitled to one additional vote for each additional five hundred employees to whom the association is bound to pay compensation, but no subscriber shall cast, by his own right or by the right of proxy, more than twenty votes.

Policies issued, when. SEC. 9. No policy shall be issued by the association until not less than one hundred employers have subscribed, who have not less than ten thousand employees to whom the association may be bound to pay compensation.

Same. SEC. 10. No policy shall be issued until a list of the subscribers, with the number of employees of each, together with such other information as the insurance commissioner may require, shall have been filed at the insurance department, nor until the president and secretary of the association shall have certified under oath that every subscription in the list so filed is genuine and made with an agreement by every subscriber that he will take the policies subscribed for by him within thirty days of the granting of a license to the association by the insurance commissioner to issue policies.

Issues cease, when. SEC. 11. If the number of subscribers falls below one hundred, or the number of employees to whom the association may be bound to pay compensation falls below ten thousand, no further policies shall be issued until other employers have subscribed, who, together with existing subscribers, amount to not less than one hundred who have not less than ten thousand employees, said subscriptions to be subject to the provisions contained in the preceding section.

License. SEC. 12. Upon the filing of the certificate provided for in the two preceding sections the insurance commissioner shall make such investigation as he may deem proper and, if his findings warrant it, grant a license to the association to issue policies.

Risk groups. SEC. 13. The board of directors shall distribute the subscribers into groups in accordance with the nature of the business and the degree of the risk of injury.

Subscribers within each group shall annually pay in cash, or notes absolutely payable, such premiums as may be required to pay the compensation herein provided for the injuries which may occur in that year.

Liabilities. SEC. 14. The association may in its by-laws and policies fix the contingent mutual liability of the subscribers for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a subscriber shall not be less than an amount equal to and in addition to the cash premium.

Assessments. SEC. 15. If the association is not possessed of cash funds above its unearned premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the subscribers liable to assessment therefor in proportion to their several liability.

Every subscriber shall pay his proportional part of any assessments which may be laid by the associations, in accordance with law and his contract, on account of injuries sustained and expenses incurred while he is a subscriber.

SEC. 16. The board of directors may, from time to time, by vote fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compensation which may be payable on account of injuries sustained and expenses incurred. Dividends.

All premiums, assessments, and dividends shall be fixed by and for groups as heretofore provided in accordance with the experience of each group, but all the funds of the association and the contingent liability of all the subscribers shall be available for the payment of any claim against the association.

SEC. 17. Any proposed premium, assessment, dividend, or distribution of subscribers shall be filed with the insurance department and shall not take effect until approved by the insurance commissioner after such investigation as he may deem necessary. Rates to be approved.

SEC. 18. The board of directors shall make and enforce reasonable rules and regulations for the prevention of injuries on the premises of subscribers, and for this purpose the inspectors of the association shall have free access to all such premises during regular working hours. Rules.

Any subscriber or employee aggrieved by any such rule or regulation may petition the industrial accident board for a review, and it may affirm, amend, or annul the rule or regulation.

SEC. 19. If any officer of the association shall falsely make oath to any certificate required to be filed with the insurance commissioner, he shall be guilty of perjury. False statements.

SEC. 20. Every subscriber shall, as soon as he secures a policy, give notice, in writing or print, to all persons under contract of hire with him that he has provided for payment to injured employees by the association. Notice of policy.

SEC. 21 (as amended by chapter 571, Acts of 1912). Every subscriber shall give notice in writing or print to every person with whom he is about to enter into a contract of hire that he has provided for payment to injured employees by the association. If an employer ceases to be a subscriber he shall, on or before the day on which his policy expires, give notice thereof in writing or print to all persons under contract with him. In case of the renewal of the policy no notice shall be required under the provisions of this act. He shall file a copy of said notice with the industrial accident board. The notices required by this and the preceding section may be given in the manner therein provided or in such other manner as may be approved by the industrial accident board. Notice by subscribers.

SEC. 22. If a subscriber who has complied with all the rules, regulations, and demands of the association is required by any judgment of a court of law to pay to an employee any damages on account of personal injury sustained by such employee during the period of subscription, the association shall pay to the subscriber the full amount of such judgment and the cost assessed therewith, if the subscriber shall have given the association notice in writing of the bringing of the action upon which the judgment was recovered and an opportunity to appear and defend the same. Employers reimbursed, when.

SEC. 23. [Repealed by special act 314, Acts of 1915.]

SEC. 24. The board of directors appointed by the governor under the provisions of Part IV, section two, may incur such expenses in the performance of its duties as shall be approved by the governor and council. Such expenses shall be paid from the treasury of the Commonwealth and shall not exceed in amount the sum of fifteen thousand dollars. Expenses. Limit.

PART V.

MISCELLANEOUS PROVISIONS.

SECTION 1. If an employee of a subscriber files any claim with or accepts any payment from the association on account of personal injury, or makes any agreement, or submits any question to arbitration, under this act, such action shall constitute a re- Compensation proceedings bar suit.

lease to the subscriber of all claims or demands at law, if any, arising from the injury.

Definitions.

SEC. 2 (as amended by chapter 708, Acts of 1914). The following words and phrases as used in this act shall, unless a different meaning is plainly required by the context, have the following meaning:

"Employer" shall include the legal representative of a deceased employer.

"Employee" shall include every person in the service of another under any contract of hire, express or implied, oral or written, except masters of and seamen on vessels engaged in interstate or foreign commerce, and except one whose employment is not in the usual course of the trade, business, profession, or occupation of his employer. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents, and other persons to whom compensation may be payable.

"Dependents" shall mean members of the employee's family or next of kin who were wholly or partly dependent upon the earnings of the employee for support at the time of the injury.

"Average weekly wages" shall mean the earnings of the injured employee during the period of twelve calendar months immediately preceding the date of injury, divided by fifty-two; but if the injured employee lost more than two weeks' time during such period then the earning for the remainder of such twelve calendar months shall be divided by the number of weeks remaining after the time so lost has been deducted. Where, by reason of the shortness of the time during which the employee has been in the employment of his employer, or the nature or terms of the employment, it is impracticable to compute the average weekly wages, as above defined, regard may be had to the average weekly amount, which during the twelve months previous to the injury, was being earned by a person in the same grade employed at the same work by the same employer; or, if there is no person so employed, by a person in the same grade employed in same class of employment and in the same district.

"Association" shall mean the Massachusetts Employees Insurance Association.

"Subscriber" shall mean an employer who has become a member of the association by paying a year's premium in advance and receiving the receipt of the association therefor: *Provided*. That the association holds a license issued by the insurance commissioner as provided in Part IV, section twelve.

Who may write insurance.

SEC. 3 (as amended by chapter 571, Acts of 1912). Any liability insurance company authorized to do business within this Commonwealth shall have the same right as the association to insure the liability to pay the compensation provided for by Part II of this act, and when such liability company issues a policy conditioned to pay such compensation the holder of such policy shall be regarded as a subscriber so far as applicable within the meaning of this act, and when any such company insures such payment of compensation it shall be subject to the provisions of Parts I, II, III, and V and of section twenty-two of Part IV of this act, and shall file with the insurance department its classifications of risks and premiums relating thereto and any subsequent proposed classifications or premiums, none of which shall take effect until the insurance commissioner has approved the same as adequate for the risks to which they respectively apply.

SEC. 4. [Repeals earlier laws.]

SEC. 5. [Prior injuries not covered.]

SEC. 6. [Time for taking effect.]

Information to be furnished.

SEC. 7 (added by chapter 708, Acts of 1914). The association and all insurance companies insuring employees under the provisions of this act shall, at the request of the industrial accident board, furnish to said board in writing any information required in connection with the administration by said board of said act,

including any statistical facts and figures and the names of all employees insured by them.

Branch offices.

SEC. 8 (added by chapter 708, Acts of 1914). There may be established and maintained under the care and direction of the industrial accident board not more than four branch offices in such cities as may be selected by said board, from time to time, after proper investigation, for the purpose of the better adjustment of disputed cases and for the better information of all parties as to their rights under this act. Said board is hereby authorized to provide such offices with useful rooms, furniture, and equipment required for the transaction of the business authorized by this act, also to appoint such officers, agents, clerks, and assistants as are necessary to discharge in connection with such offices the duties required by this act, under the direction of said industrial accident board.

Medical adviser.

SEC. 9 (added by chapter 708, Acts of 1914). The industrial accident board may appoint a medical adviser, who shall be a duly qualified physician. The board shall prescribe the duties of said medical adviser. His compensation shall be fixed by said board, subject to the approval of the governor and council, and shall not exceed the sum of four thousand dollars a year.

ACTS OF 1912.

CHAPTER 666.—*Compensation of workmen for injuries—Regulation of insurance.*

Disapproval of rates, etc.

SECTION 1. The insurance commissioner may withdraw his approval of any premium or distribution of subscribers given by him to the Massachusetts Employees Insurance Association under the provisions of section seventeen of Part IV of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, or of any premium or rate made by an insurance company and approved by him under the provisions of section three of Part V of said chapter seven hundred and fifty-one as amended by section seventeen of chapter five hundred and seventy-one of the acts of the year nineteen hundred and twelve.

SEC. 2. The notices required by section five of Part I of said chapter seven hundred and fifty-one shall be given in such manner as the industrial accident board may approve.

Approved May 28, 1912.

ACTS OF 1913.

CHAPTER 807.—*Compensation for injuries to public employees.*

Employees of State and municipalities.

SECTION 1. The Commonwealth shall and any county, city, town, or district having the power of taxation, may pay the compensation provided by Part II of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven and acts in amendment thereof and in addition thereto to such laborers, workmen and mechanics employed by it as receive injuries arising out of and in the course of their employment, or, in case of death resulting from any such injury, may pay compensation as provided in sections six, seven and eight of said Part II, and in any amendments thereof, to the persons thereto entitled.

Procedure and jurisdiction.

SEC. 2. Procedure under this act and the jurisdiction of the industrial accident board shall be the same as under the provisions of said chapter seven hundred and fifty-one, and the Commonwealth or a county, city, town or district which accepts the provisions of this act shall have the same rights in proceedings under said chapter as the association thereby created. The treasurer and receiver general, or the treasurer or officer having similar duties of a county, city, town or district which accepts the provisions of this act, shall pay any compensation awarded for injury to any person in its employment upon proper vouchers without any further authority.

Submission to vote of municipalities.

SEC. 3. Counties, cities, towns, and districts having the power of taxation, may accept the provisions of this act by vote of a majority of those legal voters who vote on the question of its acceptance at an annual meeting or election as hereinafter provided. In towns and districts which have an annual meeting of the legal voters, this act shall be submitted for acceptance to the voters of the town or district at the next annual meeting after its passage. In cities, and in towns which do not have annual meetings, this act shall be submitted to the voters at the next municipal election, and in counties and in districts which do not have an annual meeting, at the next State election after its passage. At every such election, and at every annual meeting where ballots are used, the following question shall be printed on the ballot:

"Shall chapter [807] of the acts of nineteen hundred and thirteen, being an act to provide for compensating laborers, workmen and mechanics for injuries sustained in public employment, and to exempt from legal liability counties and municipal corporations which pay such compensation, be accepted by the inhabitants of this (county, city, town, water district, fire district, etc.) of ———?"

YES.	
NO.	

The vote shall be canvassed by the county commissioners, city council or commission, or selectmen, or, in the case of a district, by the district commissioners or other governing board of the district. A notice stating the result of the vote shall be posted in the county court house, or city or town hall, or, in the case of a district, in the public building where the employees of the district are paid. Except as provided in section four, a county, city, town or district which accepts the provisions of this act shall not be liable in any action for a personal injury sustained by a laborer, workman or mechanic in the course of his employment by such county, city, town or district, or for death resulting from such injury.

Options of employees.

SEC. 4. A laborer, workman or mechanic entering or remaining in the service of a county, city, town or district, who would, if injured, have a right of action against the county, city, town or district by existing law, may, if the county, city, town or district has accepted the provisions of this act, before he enters its service, or accepts them afterward, claim or waive his right of action as provided in section five of Part I of said chapter seven hundred and fifty-one, and shall be deemed to have waived such right of action unless he claims it. Section four of said Part I shall apply to actions by laborers, workmen or mechanics employed by a county, city, town or district which accepts the provisions of this act.

Election as to compensation or pension.

SEC. 5. Any person entitled to receive from the Commonwealth or from a county, city, town or district the compensation provided by Part II of said chapter seven hundred and fifty-one, who is also entitled to a pension by reason of the same injury, shall elect whether he will receive such compensation or such pension, and shall not receive both. In case a person entitled to such compensation from the Commonwealth or from a county, city, town or district receives by special act a pension for the same injury, he shall forfeit all claim for compensation, and any compensation received by him or paid by the Commonwealth or by the county, city, town or district which employs him for medical or hospital services rendered to him may be recovered back in an action at law. No further payment shall be awarded by vote or otherwise to any person who has claimed and received compensation under this act.

Scope of law.

SEC. 6. This act shall apply to all laborers, workmen and mechanics in the service of the Commonwealth or of a county, city or town, or district having the power of taxation, under any employment or contract of hire, expressed or implied, oral or written, including those employed in work done in performance of governmental duties as well as those employed in municipal enterprises conducted for gain or profit. For the purposes of this

act all laborers, workmen and mechanics paid by the Commonwealth, but serving under boards or commissions exercising powers within defined districts, shall be deemed to be in the service of the Commonwealth.

Same subject.

SEC. 7 (as amended by chapter 307, Acts of 1916). The provisions of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, and acts in amendment thereof and in addition thereto shall not apply to any persons in public employments other than laborers, workmen and mechanics employed by counties, cities, towns or districts having the power of taxation.

Act in effect.

SEC. 8. This act shall take effect upon its passage.

Approved June 16, 1913.

ACTS OF 1914.

CHAPTER 656.—*Industrial accident board—Reports.*

Reports to be annual.

SECTION 1. The industrial accident board established by section one of Part III of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven shall make an annual report to the general court; of which report there shall be printed four thousand five hundred copies, fifteen hundred to be bound, and the remainder to be unbound. Of the said copies, five hundred bound and five hundred unbound shall be distributed by the secretary of the Commonwealth, and the remainder shall be distributed by the board.

CHAPTER 708.—*Compensation of workmen for injuries.*

[This chapter is mainly amendatory of the principal act. The following is, however, an independent section:]

Insurance rates.

SECTION 16. All insurance rates under said chapter seven hundred and fifty-one and acts in amendment thereof and in addition thereto, now on file and approved by the insurance commissioner, shall continue to apply to the several classifications after the taking effect of the provisions of this act, unless the insurance commissioner withdraws approval in accordance with the provisions of chapter six hundred and sixty-six of the acts of the year nineteen hundred and twelve.

ACTS OF 1915.

CHAPTER 132.—*Workmen's compensation—Appeals.*

Appeal not a suspension.

SECTION 1. An order or decision of the industrial accident board, a decree of the superior court upon such an order, a decision of an arbitration committee from which no claim for review has been filed within the time allowed therefor, or a memorandum of agreement approved by the industrial accident board shall have effect, notwithstanding an appeal, until it is otherwise ordered by a justice of the supreme judicial court who may, in any county, suspend or modify such decree, order, or decision during the pendency of the appeal.

Approved April 2, 1915.

CHAPTER 183.—*Workmen's compensation insurance—Withdrawing companies.*

Deposit required.

SECTION 1. Every foreign insurance company transacting the business of workmen's compensation insurance in this Commonwealth shall within five days after its withdrawal from the transaction of business herein, or after the revocation of its license issued by the insurance commissioner or of his refusal to renew the same, deposit with a trustee to be named by the industrial accident board an amount equal to twenty-five per cent of its

obligations incurred or to be incurred under workmen's compensation policies issued to employers in this Commonwealth, and within thirty days after such withdrawal, revocation of license, or refusal to renew a license, such company shall deposit with said trustee an amount equal to the remainder of such obligations, incurred or to be incurred, the amount of which obligations shall be determined by the industrial accident board. The amounts so deposited shall be available for the payment of the said obligations of the company to the same extent as if the company had continued to transact business in this Commonwealth, and it shall be the duty of the trustee so receiving said deposits to pay such obligations of the retiring company at the times and in a manner satisfactory to the industrial accident board.

Bond.

SEC. 2 (as amended by chapter 29, Acts of 1916). Every such foreign insurance company shall, within sixty days after the passage of this act, furnish a bond, running to the Commonwealth, with some surety company authorized to transact business in this Commonwealth as surety, for such term and such amount and in such form and with such surety as may be approved by the insurance commissioner, the bond being conditioned upon the making by said company of the deposits required by section one of this act. The annual license of such a company shall not be issued or renewed until it has filed with the insurance commissioner a bond as aforesaid covering a future period at least as long as that covered by the license. In place of a bond as aforesaid the company may furnish other security, satisfactory to the insurance commissioner, that said deposits will so be made.

Approved April 19, 1915.

CHAPTER 236.—*Workmen's compensation—Inexperienced workmen.*

Future increase of wages.

SECTION 1. Whenever an employee is injured under circumstances that would entitle him to compensation under the provisions of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven, and acts in amendment thereof and in addition thereto, if it be established that the injured employee was of such age and experience when injured that, under natural conditions, his wages would be expected to increase, that fact may be taken into consideration in determining his weekly wages.

Approved May 10, 1915.

CHAPTER 244.—*Workmen's compensation—Public employees.*

Agent to be appointed.

SECTION 1. Every board, commission, and department of the Commonwealth employing laborers, workmen, and mechanics, the Boston transit commission, and every county, city, town, and district which has accepted the provisions of chapter eight hundred and seven of the acts of the year nineteen hundred and thirteen, shall, through its executive officer or board, designate a person to act as its agent in furnishing the benefits due under chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven and acts in amendment thereof and in addition thereto. Such agent shall be held responsible for the proper carrying out of this act under the direction and supervision of the industrial accident board until his agency is revoked and a new agent designated. The name and address of every such agent shall be filed with the industrial accident board immediately upon his designation; and each of the foregoing boards, commissions, departments, counties, cities, towns, and districts shall designate such an agent within thirty days after this act takes effect.

Exemption.

SEC. 2. This act shall not apply to counties, cities, towns, and districts which are insured under the provisions of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven and acts in amendment thereof.

Approved May 10, 1915.

CHAPTER 287.—*Workmen's compensation insurance—Approval of policies.*

SECTION 1. Every policy of workmen's compensation insurance issued or delivered in this Commonwealth shall cover separately and for a separate consideration all the liabilities which are imposed upon an insurer by the provisions of chapter seven hundred and fifty-one of the acts of the year nineteen hundred and eleven and amendments thereof, whatever other contingencies may be insured by riders attached thereto or indorsements made thereon. On the face of every such policy there shall be printed conspicuously the words: "Insurance under this policy is in Class ——— of the company's Workmen's Compensation Classification Manual," and in the blank thus provided the number or other designation in said manual under which the said policy is written shall be placed before the policy is issued.

Separate liabilities.

Classes.

SEC. 2. No such policy of insurance or rider to be used therewith shall be issued or delivered until a copy thereof has been filed with the insurance commissioner at least thirty days prior to such issue or delivery, unless before the expiration of the thirty days the said commissioner shall have approved the form of the policy in writing; nor if the insurance commissioner notifies the company in writing that in his opinion the form of said policy or rider does not comply with the laws of this Commonwealth, specifying the reasons for his opinion: *Provided*, That upon petition of the company the opinion of the insurance commissioner shall be subject to review by the supreme judicial court of this Commonwealth.

Commissioner's approval.

Approved May 27, 1915.

ACTS OF 1916.

CHAPTER 200.—*Workmen's compensation and liability insurance—Status of companies.*

SECTION 1. Any mutual liability company authorized to do business in this Commonwealth may, with the approval of the insurance commissioner, have and exercise any or all of the rights, powers and privileges relating to the transaction of the business of workmen's compensation insurance by law vested in or conferred upon the Massachusetts Employees Insurance Association.

Rights of mutual companies.

SEC. 2. The Massachusetts Employees Insurance Association may with the approval of the insurance commissioner have and exercise, within or without the Commonwealth, all of the rights, powers and privileges vested in or conferred upon domestic mutual liability companies under general laws, and shall be subject to all the laws now or hereafter in force relating to such companies.

Rights of Employees Insurance Association.

Approved May 12, 1916.

MICHIGAN.

FIRST EXTRA SESSION—1912.

ACT No. 10.—*Compensation of workmen for injuries.*

PART I.

MODIFICATION OF REMEDIES.

SECTION 1. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injuries so sustained, it shall not be a defense: Defenses abrogated.

(a) That the employee was negligent, unless and except it shall appear that such negligence was willful;

(b) That the injury was caused by the negligence of a fellow employee;

(c) That the employee had assumed the risks inherent in or incidental to, or arising out of his employment, or arising from the failure of the employer to provide and maintain safe premises and suitable appliances.

SEC. 2. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by household domestic servants and farm laborers. Exemptions.

SEC. 3. The provisions of section one shall not apply to actions to recover damages for the death of, or for personal injuries sustained by employees of any employer who has elected, with the approval of the industrial accident board hereinafter created, to pay compensation in the manner and to the extent hereinafter provided. Election by employers.

SEC. 4. Any employer who has elected, with the approval of the industrial accident board hereinafter created, to pay compensation as hereinafter provided, shall not be subject to the provisions of section one; nor shall such employer be subject to any other liability whatsoever, save as herein provided for the death of or personal injury to any employee, for which death or injury compensation is recoverable under this act, except as to employees who have elected in the manner hereinafter provided not to become subject to the provisions of this act. Effect of election.

SEC. 5 (as amended by Act No. 50, Acts of 1913). The following shall constitute employers subject to the provisions of this act:

1. The State and each county, city, township, incorporated village and school district therein, and each incorporated public board or public commission in this State authorized by law to hold property and to sue or be sued generally; Who are employers.

2. Every person, firm and private corporation, including any public service corporation, who has any person in service under any contract of hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee for which compensation under this act may be claimed, shall in the manner provided in the next section, have elected to become subject to the provisions of this act, and who shall not, prior to such accident, have effected a withdrawal of such election, in the manner provided in the next section.

How election is made.

SEC. 6. Such election on the part of the employers mentioned in subdivision two of the preceding section, shall be made by filing with the industrial accident board hereinafter provided for, a written statement to the effect that such employer accepts the provisions of this act, and that he adopts, subject to the approval of said board, one of the four methods provided for the payment of the compensation hereinafter specified. The filing of such statement and the approval of said board shall operate, within the meaning of the preceding section, to subject such employer to the provisions of this act and all acts amendatory thereof for the term of one year from the date of the filing of such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least thirty days prior to the expiration of such first or any succeeding year, file in the office of said board a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of this act: *Provided, however,* That such employer so electing to become subject to the provisions of this act shall, within ten days after the approval by said board of his election filed as aforesaid, post in a conspicuous place in his plant, shop, minor place of work, or if such employer be a transportation company, at its several stations and docks, notice in the form as prescribed and furnished by the industrial accident board to the effect that he accepts and will be bound by the provisions of this act.

SEC. 7. The term "employee" as used in this act shall be construed to mean:

Who are employees.

1. Every person in the service of the State, or of any county, city, township, incorporated village or school district therein, under any appointment, or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city, township, incorporated village or school district therein: *Provided,* That one employed by a contractor who has contracted with a county, city, township, incorporated village, school district or the State, through its representatives, shall not be considered an employee of the State, county, city, township, incorporated village or school district which made the contract;

2. Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work under the laws of the State who, for the purposes of this act, shall be considered the same and have the same power to contract as adult employees, but not including any person whose employment is but casual or is not in the usual course of the trade, business, profession or occupation of his employer.

Employees subject to act.

SEC. 8. Any employee as defined in subdivision one of the preceding section shall be subject to the provisions of this act and of any act amendatory thereof. Any employee as defined in subdivision two of the preceding section shall be deemed to have accepted and shall be subject to the provisions of this act and of any act amendatory thereof if, at the time of the accident upon which liability is claimed:

1. The employer charged with such liability is subject to the provisions of this act, whether the employee has actual notice thereof or not; and

2. Such employee shall not, at the time of entering into his contract of hire, express or implied, with such employer, have given to his employer notice in writing that he elects not to be subject to the provisions of this act; or, in the event that such contract of hire was made before such employer became subject to the provisions of this act, such employee shall have given to his employer notice in writing that he elects not to be subject to such provisions, or without giving either of such notices shall have remained in the service of such employer for thirty days after the employer has filed with said board an election to be subject to the terms of this act. An employee who has given notice to his employer in writing as aforesaid that he elects not to be subject to the provisions of this act, may waive such claim by a notice in writing, which shall take effect five days after it is delivered to the employer or his agent.

PART II.

COMPENSATION.

Who may receive compensation.

SECTION 1. If an employee who has not given notice of his election not to be subject to the provisions of this act, as provided in part one, section eight, or who has given such notice and has waived the same as hereinbefore provided, receives a personal injury arising out of and in the course of his employment by an employer who is at the time of such injury subject to the provisions of this act, he shall be paid compensation in the manner and to the extent hereinafter provided, or in case of his death resulting from such injuries such compensation shall be paid to his dependents as hereinafter defined.

Willful misconduct.

SEC. 2. If the employee is injured by reason of his intentional and willful misconduct, he shall not receive compensation under the provisions of this act.

Waiting time.

SEC. 3. No compensation shall be paid under this act for any injury which does not incapacitate the employee for a period of at least two weeks from earning full wages, but if incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury: *Provided, however*, That if such disability continues for eight weeks or longer, such compensation shall be computed from the date of the injury.

Medical, etc., services.

SEC. 4. During the first three weeks after the injury the employer shall furnish, or cause to be furnished, reasonable medical and hospital services and medicines when they are needed.

Death.

SEC. 5. If death results from the injury, the employer shall pay, or cause to be paid, subject, however, to the provisions of section twelve hereof, in one of the methods hereinafter provided, to the dependents of the employee, wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to one-half his average weekly wages, but not more than ten dollars nor less than four dollars a week for a period of three hundred weeks from the date of the injury. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the weekly compensation to be paid as aforesaid shall be equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employee before his death the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury.

Dependents.

SEC. 6. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(*a*) A wife upon a husband with whom she lives at the time of his death;

(*b*) A husband upon a wife with whom he lives at the time of her death;

(*c*) A child or children under the age of sixteen years (or over said age, if physically or mentally incapacitated from earning) upon the parent with whom he is or they are living at the time of the death of such parent, there being no surviving parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them. In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof; if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency. No person shall be considered a dependent, unless a member of the family of the deceased employee, or bears to him the relation of husband or widow, or lineal descendant, or ancestor, or brother, or sister.

Determination of dependency.

SEC. 7. Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the accident to the employee, and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions; and the death benefit shall be directly recoverable by and payable to the dependent or dependents entitled thereto, or their legal guardians or trustees. In case of the death of one such dependent his proportion of such compensation shall be payable to the surviving dependents pro rata. Upon the death of all such dependents compensation shall cease. No person shall be excluded as a dependent who is a nonresident alien. No dependent of an injured employee shall be deemed, during the life of such employee, a party in interest to any proceeding by him for the enforcement of collection of any claim for compensation, nor as respects the compromise thereof by such employee.

If no dependents.

SEC. 8. If the employee leaves no dependents the employer shall pay, or cause to be paid as hereinafter provided, the reasonable expense of his last sickness and burying, which shall not exceed two hundred dollars.

Total incapacity.

SEC. 9. While the incapacity for work resulting from the injury is total, the employer shall pay, or cause to be paid as hereinafter provided, to the injured employee a weekly compensation equal to one-half his average weekly wages, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks, nor shall the total amount of all compensation exceed four thousand dollars.

Partial incapacity.

SEC. 10. While the incapacity for work resulting from the injury is partial, the employer shall pay, or cause to be paid as hereinafter provided, to the injured employee a weekly compensation equal to one-half the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury. In cases included by the following schedule the disability in each such case shall be deemed to continue for the period specified, and the compensation so paid for such injury shall be as specified therein, to wit:

Specific injuries.

For the loss of a thumb, fifty per centum of the average weekly wages during sixty weeks;

For the loss of a first finger, commonly called index finger, fifty per centum of average weekly wages during thirty five weeks;

For the loss of a second finger, fifty per centum of average weekly wages during thirty weeks;

For the loss of a third finger, fifty per centum of average weekly wages during twenty weeks;

For the loss of a fourth finger, commonly called little finger, fifty per centum of average weekly wages during fifteen weeks;

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb or finger, and compensation shall be one-half the amounts above specified;

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Provided, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

For the loss of a great toe, fifty per centum of average weekly wages during thirty weeks;

For the loss of one of the toes other than a great toe, fifty per centum of average weekly wages during ten weeks;

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified;

The loss of more than one phalange shall be considered as the loss of the entire toe;

For the loss of a hand, fifty per centum of average weekly wages during one hundred and fifty weeks;

For the loss of an arm, fifty per centum of average weekly wages during two hundred weeks;

For the loss of a foot, fifty per centum of average weekly wages during one hundred and twenty-five weeks;

For the loss of a leg, fifty per centum of average weekly wages during one hundred and seventy-five weeks;

For the loss of an eye, fifty per centum of average weekly wages during one hundred weeks;

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of section nine.

The amounts specified in this clause are all subject to the same limitations as to maximum and minimum as above stated.

Wages defined.

SEC. 11. The term "average weekly wages" as used in this act is defined to be one fifty-second part of the average annual earnings of the employee. If the injured employee has not worked in the employment in which he was working at the time of the accident, whether for the employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he has earned in such employment during the days when so employed. If the injured employee has not worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or a similar employment in the same or a neighboring place, shall have earned in such employment during the days when so employed. In cases where the foregoing methods of arriving at the average annual earnings of the injured employee can not reasonably and fairly be applied, such annual earnings shall be taken at such sum as, having regard to the previous earnings of the injured employee, and of other employees of the same or most similar class, working in the same or most similar employment, in the same or neighboring locality, shall reasonably represent the annual earning capacity of the injured employee at the time of the accident in the employment in which he was working at such time. The fact that an employee has suffered a previous disability, or received compensation therefor, shall not preclude compensation for a later injury, or for death, but in determining compensation for the later injury, or death, his average annual earnings shall be such sum as will reasonably represent his annual earning capacity at the time of the later injury in the employment in which he was working at such time, and shall be arrived at according to and subject to the limitations of the provisions of this section. The weekly loss in wages referred to in this act shall consist of such percentage of the average weekly earnings of the injured employee, computed according to the provisions of this section, as shall fairly represent the proportionate extent of the impairment of his earning capacity in the employment in which he was working at the time of the accident, the same to be fixed as of the time of the accident, but to be determined in view of the nature and extent of the injury.

Second injuries.

Death during period of disability.

SEC. 12. The death of the injured employee prior to the expiration of the period within which he would receive such weekly payments shall be deemed to end such disability, and all liability for the remainder of such payments which he would have received in case he had lived shall be terminated, but the employer shall thereupon be liable for the following death benefits in lieu of any further disability indemnity:

If the injury so received by such employee was the proximate cause of his death, and such deceased employee leaves dependents, as hereinbefore specified, wholly or partially dependent on him for support, the death benefit shall be a sum sufficient, when added to the indemnity which shall at the time of death have been paid or become payable under the provisions of this act to such deceased employee, to make the total compensation for the injury and death exclusive of medical and hospital services and medicines furnished as provided in section four hereof, equal to the full amount which such dependents would have been entitled to receive under the provisions of section five hereof in case the accident had resulted in immediate death, and such benefits

shall be payable in weekly installments in the same manner and subject to the same terms and conditions in all respects as payments made under the provisions of said section five.

Insurance, etc., of employees.

SEC. 13. No savings or insurance of the injured employee, nor any contribution made by him to any benefit fund or protective association independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than those paid or caused to be paid by the employer as herein provided, be considered in fixing the compensation under this act.

Incompetence.

SEC. 14. If an injured employee is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may in his behalf claim and exercise such right or privilege.

Notice and claim.

SEC. 15. No proceedings for compensation for an injury under this act shall be maintained, unless a notice of the injury shall have been given to the employer three months after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employee, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity.

Form.

SEC. 16. The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury; and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his dependents or by a person in their behalf.

Service.

SEC. 17. The notice shall be served upon the employer or an agent thereof. Such service may be made by delivering said notice to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served, at his last known residence or place of business.

Defects, etc.

SEC. 18. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, unless it is shown that it was the intention to mislead, and the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be, was in fact misled thereby. Want of such written notice shall not be a bar to proceedings under this act, if it be shown that the employer had notice or knowledge of the injury.

Medical examinations.

SEC. 19. After an employee has given notice of an injury, as provided by this act, and from time to time thereafter during the continuance of his disability, he shall, if so requested by the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the State, furnished and paid for by the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be. The employee shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to submit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited. Any physician who shall make or be present at any such examination may be required to testify under oath as to the results thereof.

Waivers.

SEC. 20. No agreement by an employee to waive his rights to compensation under this act shall be valid.

Exemption from assignment, etc.

SEC. 21. No payment under this act shall be assignable or subject to attachment or garnishment, or be held liable in any way for any debts. In case of insolvency every liability for compensation under this act shall constitute a first lien upon all the property of the employer liable therefor, paramount to all other claims or liens except for wages and taxes, and such liens shall be enforced by order of the court.

Lump-sum payments.

SEC. 22. Whenever any weekly payment has been continued for not less than six months, the liability therefor may be redeemed by the payment of a lump sum by agreement of the parties, subject to the approval of the industrial accident board, and said board may at any time direct in any case, if special circumstances be found which

in its judgment require the same, that the deferred payments be commuted on the present worth thereof at five per cent per annum to one or more lump sum payments, and that such payments shall be made by the employer or the insurance company carrying such risk, or commissioner of insurance, as the case may be.

Payments by public boards and commissions.

SEC. 23 (added by Act No. 50, Acts of 1913). All compensation paid or to be paid under this act by any employer, being an incorporated public board, or public commission shall be treated as part of the necessary operating expenses thereof, and all sums and amounts of money required therefor may be embraced in any requisition authorized by law to be made upon any other public corporation, body or officer for moneys for the use of such employer in addition to all other sums authorized by law, or separate requisition therefor may be made in like manner; and the same shall be allowed and paid to such employer in the same manner as other moneys are required to be allowed and paid for the use of such employer; or the same may be embraced in any report or requirement authorized by law to be made to or upon any other public corporation, or officer, of sums of money to be levied as taxes for the use of such employer, in addition to all other sums authorized by law, or separate report or requirement thereof may be made in like manner; and the same shall be levied, collected and paid as other amounts for taxes are required to be levied, collected and paid for the use of such employer.

PART III.

PROCEDURE.

Industrial accident board.

SECTION 1. There is hereby created a board which shall be known as the industrial accident board, consisting of three members to be appointed by the governor, by and with the consent of the senate, one of whom shall be designated by the governor as chairman. Appointments to fill vacancies may be made during recesses of the senate, but shall be subject to confirmation by the senate at the next ensuing session of the legislature. The term of office of members of this board shall be six years, except that when first constituted one member shall be appointed for two years, one for four years, and one for six years. Thereafter one member shall be appointed every second year for the full term of six years. No more than two members of this board shall belong to the same political party.

Salaries, etc.

SEC. 2. The salary of each of the members so appointed by the governor shall be three thousand five hundred dollars per year. The board may appoint a secretary at a salary of not more than two thousand five hundred dollars a year, and may remove him. The board shall be provided with an office in the capitol, or in some other suitable building in the city of Lansing, in which its records shall be kept, and it shall also be provided with necessary office furniture, stationery and other supplies. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words "Industrial Accident Board—Michigan—Seal." It shall employ such assistants and clerical help as it may deem necessary and fix the compensation of all persons so employed: *Provided*, That the average compensation paid to such employees shall not exceed one thousand dollars per annum for each person employed, and all such clerical assistants shall be subject to existing laws regulating the grading and compensation of department clerks. The members of the board and its assistants shall be entitled to receive from the State their actual and necessary expenses while traveling on the business of the board; but such expenses shall be sworn to by the person who incurred the same, and be approved by the chairman of the board before payment is made.

All such salaries and expenses when audited and allowed by the board of State auditors, shall be paid by the State treasurer out of the general fund, upon warrant of the auditor general.

Rules.

SEC. 3. The board may make rules not inconsistent with this act for carrying out the provisions of the act. Process and procedure under this act shall be as summary as reasonably may be. The board or any member thereof shall have the power to administer oaths, subpœna

witnesses and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute.

Forms.

SEC. 4. The board shall cause to be printed and furnish free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act; it shall provide a proper record book in which shall be entered and indexed the name of any employer who shall file a statement of election under this act, and the date of the filing thereof and its approval by such board, and a separate book in which shall be entered and indexed the name of every employer who shall file his notice of withdrawal of said election, and the date of the filing thereof; and books in which shall be recorded all orders and awards made by the board; and such other books or records as it shall deem required by the proper and efficient administration of this act; all such records to be kept in the office of the board. Upon the filing of a statement of election by an employer to become subject to the provisions of this act, the board shall forthwith cause such notice of the fact to be given by requiring said employer to post such notice as hereinbefore provided; and the board shall likewise cause notice to be given of the filing of any withdrawal of such election; but notwithstanding the failure to give, or the insufficiency of, any such notice, knowledge of all filed statements of election and notices of withdrawal of election, and of the time of the filing of the same, shall conclusively be imputed to all employees.

Agreements to be filed.

SEC. 5. If the employer, or the insurance company carrying such risk, or commissioner of insurance, as the case may be, and the injured employee reach an agreement in regard to compensation under this act, a memorandum of such agreement shall be filed with the industrial accident board, and, if approved by it, shall be deemed final and binding upon the parties thereto. Such agreements shall be approved by said board only when the terms conform to the provisions of this act.

Arbitration.

SEC. 6. If the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be, and the employee fail to reach an agreement in regard to compensation under this act, either party may notify the industrial accident board, who shall thereupon call for the formation of a committee of arbitration. The committee of arbitration shall consist of three members, one of whom shall be a member of the industrial accident board, and shall act as chairman. The other two members shall be named respectively by the two parties.

Duty of board.

SEC. 7. It shall be the duty of the industrial accident board, upon notification that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The board shall designate one of its members to act as chairman, and, if either party does not appoint its member on this committee within seven days after notification as above provided, the board or any member thereof shall fill the vacancy and notify the parties to that effect.

Investigations.

SEC. 8. The committee of arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee shall be held at the locality where the injury occurred, and the decision of the committee shall be filed with the industrial accident board. Unless a claim for a review is filed by either party within seven days, the decision shall stand as the decision of the industrial accident board: *Provided*, That said industrial accident board may, for sufficient cause shown, grant further time in which to claim such review.

Examination by physician.

SEC. 9. The industrial accident board or any member thereof may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be five dollars and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases.

Fees, etc.

SEC. 10. The arbitrators named by or for the parties to the dispute shall each receive five dollars a day for his services, but the industrial accident board or any member thereof may allow additional reasonable amounts in extraordinary cases. The fees of such arbitrators and other costs of such arbitration, not exceeding, however, the taxable costs allowed in suits at law in the circuit courts of this State, shall be fixed by the board and paid by the State as the other expenses of the board are paid. The fees and the payment thereof of all attorneys and physi-

cians for services under this act shall be subject to the approval of the industrial accident board.

Review.

SEC. 11. If a claim for review is filed, as provided in part three, section eight, the industrial accident board shall promptly review the decision of the committee of arbitration and such records as may have been kept of its hearings, and shall also if desired hear the parties, together with such additional evidence as they may wish to submit, and file its decision therein with the records of such proceedings. Such review and hearing may be held in its office at Lansing or elsewhere as the board shall deem advisable.

Questions of fact and of law.

SEC. 12. The findings of fact made by said industrial accident board acting within its powers, shall, in the absence of fraud, be conclusive, but the supreme court shall have power to review questions of law involved in any final decision or determination of said industrial accident board: *Provided*, That application is made by the aggrieved party within thirty days after such determination by certiorari, mandamus or by any other method permissible under the rules and practice of said court or the laws of this State, and to make such further orders in respect thereto as justice may require.

Court decrees.

SEC. 13. Either party may present a certified copy of the decision of such industrial accident board approving agreements of settlement as provided in part three, section five hereof, or of the decision of such committee of arbitration when no claim for review is made as provided in part three, section eight, or of the decision of such industrial accident board when a claim for review is filed as provided in part three, section eleven, providing for payment of compensation under this act, to the circuit court for the county in which such accident occurred, whereupon said court shall, without notice, render a judgment in accordance therewith against said employer and also against any insurance company carrying such risk under the provisions of this act; which judgment, until and unless set aside shall have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with like effect, be entered and docketed.

Revision of payments.

SEC. 14. Any weekly payment under this act may be reviewed by the industrial accident board at the request of the employer, or the insurance company carrying such risks, or the commissioner of insurance as the case may be, or the employee; and on such review it may be ended, diminished or increased, subject to the maximum and minimum amounts above provided, if the board finds that the facts warrant such action.

Injuries caused by third parties.

SEC. 15. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the employee may at his option proceed either at law against that person to recover damages, or against the employer for compensation under this act, but not against both, and if compensation be paid under this act the employer may enforce for his benefit or for that of the insurance company carrying such risk, or the commissioner of insurance, as the case may be, the liability of such other person.

Settlement of disputes.

SEC. 16. All questions arising under this act, if not settled by agreement by the parties interested therein, shall, except as otherwise herein provided, be determined by the industrial accident board.

Records of accidents.

SEC. 17. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within ten days after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing to the industrial accident board on blanks to be procured from the board for that purpose. The said reports shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, age, sex and occupation of the injured employee, and shall state the time, the nature and cause of the injury, and such other information as may be required by the board. Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offense.

Assistant secretary.

SEC. 18 (added by Act No. 156, Acts of 1913). The board may appoint an assistant secretary at a salary of not more than fifteen hundred dollars a year to be paid as other State employees are paid.

Deputies.

SEC. 20 (added by act No. 171, Acts of 1915). The board may appoint not to exceed two deputy commissioners who shall hold office during its pleasure. Such deputy commissioners shall take and subscribe the constitutional oath of office, have power to administer oaths, certify official acts, take depositions, issue subpœnas to compel the attendance of witnesses and the production of books, accounts, and papers, and under the direction of the board any such deputy may conduct an investigation, inquiry, hearing, or arbitration in the same manner and with like effect as if done by a member of the board. The salary of such deputies shall be fixed by the board, not exceeding in any case eighteen hundred dollars per year.

PART IV.

METHOD OF PAYMENT.

How payment may be provided for.

SECTION 1 (as amended by act No. 104, Acts of 1915). Every employer filing his election to become subject to the provisions of this act, as hereinbefore set forth, shall have the right to specify at the time of doing so, subject to the approval of said industrial accident board, which of the following methods for the payment of such compensation he desires to adopt, to wit:

First. Upon furnishing satisfactory proof to said board of his solvency and financial ability to pay the compensation and benefits hereinbefore provided for, to make such payments directly to his employees as they may become entitled to receive the same under the terms and conditions of this act; or

Second. To insure against such liability in any employers' liability company authorized to take such risks in the State of Michigan; or

Third. To insure against such liability in any employers' insurance association organized under the laws of the State of Michigan; or

Fourth. To request the commissioner of insurance of the State of Michigan to assume the administration of the disbursement of such compensation and the collection of the premiums and assessments necessary to pay the same, as provided in part five hereof. Said board, however, shall have the right from time to time to review and alter its decision in approving the election of such employer to adopt any one of the foregoing methods of payment, if in its judgment such action is necessary or desirable to secure and safeguard such payments to employees.

Existing insurance contracts.

SEC. 2. Nothing herein shall affect any existing contract for employers' liability insurance or affect the organization of any mutual or other insurance company, or any arrangement now existing between employers and employees, providing for the payment to such employees, their families, dependents, or representatives sick, accident, or death benefits in addition to the compensation provided for by this act. But liability for compensation under this act shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer; and in addition thereto the right to enforce in his own name in the manner provided in this act the liability of any insurance company or of any employers' association organized under the laws of the State of Michigan, or the commissioner of insurance, who may, in whole or in part, have insured the liability for such compensation: *Provided, however*, That payment in whole or in part of such compensation by either the employer, or the insurance company carrying such risk, or the commissioner of insurance, as the case may be, shall to the extent thereof be a bar to recovery against the other of the amount so paid.

Contracts subject to act.

SEC. 3. Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act, and provisions thereof inconsistent with this act shall be void. No company shall

enter into any such contract for insurance unless such company shall have been approved by the commissioner of insurance as provided by law.

Discharge of liability.

SEC. 4. Any employer against whom liability may exist for compensation under this act may, with the approval of the industrial accident board, be relieved therefrom by:

1. Depositing the present value of the total unpaid compensation for which such liability exists, assuming interest at three per centum per annum, with such trust company of this State as shall be designated by the employee, or by his dependents in case of his death and such liability exists in their favor, or in default of such designation by him, or them, after ten days' notice in writing from the employer, with such trust company of this State as shall be designated by the industrial accident board; or

2. By the purchase of an annuity, within the limitations provided by law, in any insurance company granting annuities and licensed in this State, which may be designated by the employee, or his dependents, or the industrial accident board, as provided in subsection one of this section.

PART V.

ADMINISTRATION BY COMMISSIONER OF INSURANCE.

Collection of premiums.

SECTION 1 (as amended by act No. 153, Acts of 1915). Whenever five or more employers, who have become subject to the provisions of this act and who have on their pay rolls an aggregate number of not less than three thousand employees, shall in writing request the commissioner of insurance so to do, he shall assume charge of levying and collecting from them such premiums or assessments as may from time to time be necessary to pay the sums which shall become due their employees or dependents of their employees as compensation under the provisions of this act, and also the expense of conducting the administration of such funds; and shall disburse the same to the persons entitled to receive such compensation under the provisions of this act: *Provided, however*, That neither the commissioner of insurance nor the State of Michigan shall become or be liable or responsible for the payment of claims for compensation under the provisions of this act beyond the extent of the funds so collected and received by him as hereinafter provided.

Administration of fund.

SEC. 2 (as amended by act No. 153, Acts of 1915). The commissioner of insurance shall immediately upon assuming the administration of the collection and disbursement of the moneys referred to in the preceding section cause to be created in the State treasury a fund to be known as "accident fund." Each such employer shall contribute to this fund to the extent of such premiums or assessments as the commissioner shall deem necessary to pay the compensation accruing under this act to employees of such employers or to their dependents, and also the expense of the administration of said accident fund, which premiums and assessments shall be levied in the manner and proportion hereinafter set forth. There shall be maintained in said accident fund a sufficient amount of cash to pay current losses and expenses, and the balance may be invested by the commissioner of insurance and the State treasurer acting together in such securities as are specified in section four of act number seventy-seven of the Public Acts of eighteen hundred sixty-nine, for deposit by insurance companies with the State treasurer. All such securities shall be purchased and may be sold at such time in such manner and in accordance with such rules and conditions as may be prescribed and required by the joint action of said insurance commissioner and State treasurer: *Provided, however*, That no such investment shall be made nor any securities sold or disposed of except by and with the consent and approval in writing of the board of State auditors. The commissioner of insurance shall give a good and sufficient bond in the sum of twenty-five thousand dollars, executed by some

surety company authorized to do business in the State of Michigan, covering the collection and disbursement of all moneys that may come into his hands under the provisions of this act. The premium on said bond shall be paid out of the general funds of the State on the order of the auditor general. Said bond must be approved by the board of State auditors.

Premium rates.

SEC. 3. It is the intention that the amounts raised for such fund shall ultimately become neither more nor less than self-supporting, and the premiums or assessments levied for such purpose shall be subject to readjustment from time to time by the commissioner of insurance as may become necessary.

Classification.

SEC. 4 (as amended by act No. 153, Acts of 1915). The commissioner of insurance may classify the establishments or works of such employers in groups in accordance with the nature of the business in which they are engaged and the probable risk of injury to their employees under existing conditions. He shall determine the amount of the premiums or assessments which such employers shall pay to said accident fund, and may prescribe when and in what manner such premiums and assessments shall be paid, and may change the amount thereof both in respect to any or all of such employers from time to time, as circumstances may require, and the condition of their respective plants, establishments, or places of work in respect to the safety of their employees may justify, but all such premiums or assessments shall be levied on a basis that shall be fair, equitable, and just as among such employers.

Default in payments of premiums.

SEC. 5 (as amended by act No. 153, Acts of 1915). All premiums or assessments shall be due and payable within forty-five days from the date on which the insurance became effective, and formal demand for the payment of such premium shall be made within thirty days from said date. If any employer shall make default in the payment of any contribution, premium, or assessment required as aforesaid by the commissioner of insurance, the insurance of such employer shall become void, and the sum due for the period insured shall be collected by an action at law in the name of the State as plaintiff, and such right of action shall be in addition to any other right of action or remedy. In case any injury happens to any of the workmen of such employer after the default in the payment of any such premium, assessment, or contribution, the defaulting employer shall not, if such default be fifteen days after demand for payment, be entitled to the benefits of this act, but shall be liable to suit by the injured workman, or by his dependents in case death results from such accident, as if he had not elected to become subject to this act.

Certificate of insurance.

SEC. 6 (as amended by act No. 153, Acts of 1915). Every employer requesting insurance under the administration of the commissioner of insurance shall, upon complying with the rules and regulations adopted by said commissioner of insurance, be furnished with a certificate showing the date on which such insurance becomes effective. Such insurance shall be in force for a period of one year, and may be renewed for subsequent periods of one year providing such employer shall have complied with all of the rules and regulations adopted by the commissioner of insurance.

Disputes.

SEC. 7. In case any controversy shall arise between the commissioner of insurance and any employer subject to the provisions of part five of this act relative to any rule or regulation adopted by said commissioner of insurance, or any decision made by him in respect to the collections, administration, and disbursement of such funds, or in case any controversy shall arise between any employee claiming compensation under the provisions of this act and said commissioner of insurance, all such controversies of every kind and nature shall be subject to review in like manner and with the same force and effect in all respects as is heretofore provided in respect to differences arising through the administration of such funds by the employer or by a liability insurance company or by an employers' mutual insurance association.

Inspection of pay rolls, etc.

SEC. 8 (as amended by act No. 153, Acts of 1915). The books, records, and pay rolls of each employer subject to the provisions of part five of this act shall always be open to inspection by the commissioner of insurance, or his duly authorized agent or representative, for the purpose of ascertaining the correctness of the amount of the pay roll reported, the number of men employed, and such other information as said commissioner may require in the administration of said funds. Refusal on the part of any such employer to submit said books, records, and pay rolls for such inspection shall subject the offending employer to a penalty of fifty dollars for each offense, to be collected by civil action in the name of the State and paid into the accident fund, and the individual who shall personally give such refusal shall be guilty of a misdemeanor. Any such employer who shall knowingly submit to the commissioner of insurance a false statement of pay roll for the purpose of securing a lower premium charge shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than one hundred dollars or imprisonment for not more than thirty days in the county jail, or both such fine and imprisonment, in the discretion of the court.

Receipts, expenditures, etc.

SEC. 9 (as amended by act No. 153, Acts of 1915). The commissioner of insurance shall issue proper receipts for all moneys so collected and received from employers, as aforesaid, shall take receipts for all sums paid to employees for compensation under the provisions of this act, and shall keep full and complete records of all business transacted by him in the administration of such funds. He may employ such deputies and assistants and clerical help as may be necessary, and as the board of State auditors may authorize, for the proper administration of said funds and the performance of the duties imposed upon him by the provisions of this act, at such compensation as may be fixed by said board of State auditors, and may also remove them. The commissioner of insurance and such deputies and assistants shall be entitled to receive from the State their actual and necessary expenses while traveling on the business of the acident fund, but all such salaries and expenses so authorized by the provisions of this act shall, when audited and approved by the board of State auditors, be charged to and paid out of said accident fund. He shall include in his annual report a full and correct statement of the administration of such fund, showing its financial status and outstanding obligations, the claims contested and why, and general statistics in respect to all business transacted by him under the provisions of this act.

Payments made, how.

SEC. 10 (as amended by act No. 153, Acts of 1915). All payments on account of injuries to employees from said accident fund shall be made only upon the certificate of the commissioner of insurance, which certificate shall be in accordance with the agreement for compensation as approved by the industrial accident board; such certificate shall be filed with the auditor general, who shall thereupon draw his warrant on the State treasurer against said accident fund.

Winding up of fund.

SEC. 11 (as amended by act No. 153, Acts of 1915). If this act shall be hereafter repealed (or if it shall in the judgment of the commissioner of insurance become necessary to dissolve the accident fund) all moneys which are in the accident fund at such time shall be subject to disposition under the direction of the circuit court for the county of Ingham, with due regard, however, to the obligation incurred and existing to pay compensation under the provisions of this act.

PART VI.

MISCELLANEOUS PROVISIONS.

Acceptance of benefits.

SECTION 1. If the employee, or his dependents, in case of his death, of any employer subject to the provisions of this act files any claim with, or accepts any payment from such employer, or

any insurance company carrying such risks, or from the commissioner of insurance on account of personal injury, or makes any agreement, or submits any question to arbitration under this act, such action shall constitute a release to such employer of all claims or demands at law, if any, arising from such injury.

Effect of litigation.

SEC. 2. If the provisions of this act relating to compensation for injuries to or death of workmen shall be repealed or adjudged invalid or unconstitutional, the period intervening between the occurrence of an injury or death and such repeal, or the final adjudication of invalidity, shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death, but the amount of any compensation which may have been paid for any such injury shall be deducted from any judgment for damages recovered on account of such injury.

Prior causes of action.

SEC. 3. This act shall not affect any cause of action existing or pending before it went into effect.

Relation to Federal statutes.

SEC. 4. The provisions of this act shall apply to employers and workmen engaged in intrastate commerce, and also to those engaged in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen working only in this State may, subject to the approval of the industrial accident board and so far as not forbidden by any act of Congress, voluntarily accept and become bound by the provisions of this act in like manner and with the same force and effect in all respects as is hereinbefore provided for other employers and their workmen.

Repeal.

SEC. 5. All acts or parts of acts inconsistent with this act are to be deemed replaced by this act, and to that end are hereby repealed.

Part 5 separate.

SEC. 6. The legislature intends that part five of this act shall be deemed separate from the other parts thereof, so that if said part five should fail or be adjudged invalid or unconstitutional it shall in no way affect any other part of this act.

Appropriation.

SEC. 7 (as amended by act No. 170, Acts of 1915). To carry out the provisions of this act there is hereby appropriated for the expenses of the industrial accident board for the fiscal year ending June thirty, nineteen hundred sixteen, and annually thereafter, the sum of forty-five thousand dollars. The auditor general shall add to and incorporate into the State tax the sum of forty-five thousand dollars annually, which said sum shall be included in the State taxes apportioned by the auditor general on all taxable property of the State, to be levied, assessed, and collected as other State taxes, and when so assessed and collected to be paid into the general fund to reimburse said fund for the appropriation made by this act.

Act in effect.

SEC. 8. The provisions of this act shall take effect and be in force from and after September first, nineteen hundred twelve.

Approved March 20, 1912.

ACTS OF 1913.

ACT No. 388.—*Compensation of workmen for injuries—Insurance of State employees.*

Limitation of insurance.

SECTION 1. On and after the passage of this act no officer or agent of this State * * * shall pay out any public moneys or funds on account of any insurance * * * against any liability arising or that may arise under the provisions of act number ten of the first special session of nineteen hundred twelve [workmen's compensation bill], except in a manner hereinafter provided.

Insurance by State for liability to employees.

SEC. 6. Upon July first, nineteen hundred thirteen, and annually thereafter the commissioner of insurance shall determine the premium or assessment necessary to pay the compensation accruing under act number ten of the first special session of nineteen hundred twelve to persons in the service of the State, except that such premium shall not cover the medical and hospital services and medicines as required by said act, but the cost of same shall be paid by each State institution out of its current expense fund, and he shall then certify the same to the auditor general, and the auditor general shall order the State treasurer to credit to the "accident fund" created by the above-mentioned act the amount so certified, and the amount so credited by the State treasurer to said accident fund shall be debited by him to the current expense fund appropriated by the legislature for each State institution or department, and for the purposes of this act the State shall be entitled to all of the benefits and subject to all of the liabilities of an individual employer who has availed himself of the provisions of part five of said act number ten of the first special session of nineteen hundred twelve: *Provided, however,* That any credits that may be due the State under said act shall be credited to the respective funds or accounts contributing to said accident fund.

ACTS OF 1915.

ACT No. 136.—*Workmen's compensation insurance adjusters.*

Certificate required.

SECTION 1. No person, partnership, association, or corporation shall, after this act takes effect, engage in the business of adjusting claims for compensation under act number ten of the Public Acts of nineteen hundred twelve, and acts amendatory thereto, for companies carrying workmen's compensation insurance, without first procuring a certificate of authority to act as such adjuster from the commissioner of insurance of this State. The commissioner of insurance shall issue such adjuster's certificate of authority only to persons, partnerships, associations, or corporations applying therefor who are trustworthy and competent to transact such business in such manner as to safeguard the interests of the public. Every person, partnership, association, or corporation to whom such certificate is issued shall pay to the commissioner of insurance as a license fee therefor the sum of two dollars to be paid into the State treasury of this State as other fees paid to such commissioner.

Suspension, etc.

SEC. 2. Such license and certificate of authority may be suspended or revoked by the commissioner of insurance for fraud or serious misconduct on the part of any such adjuster. Before revoking the license of any adjuster under this act the commissioner shall give notice in writing to such adjuster of the charges of fraud or misconduct preferred against him, and shall give such adjuster full opportunity to be heard in relation to the same.

Violations.

SEC. 3. Any person, partnership, association, or corporation, or their agents or employees, violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, and in default of the payment thereof shall be imprisoned in the county jail for not more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Approved May 6, 1915.

ACT No. 182.—*Workmen's compensation insurance—Classifications.*

Duty of insurance companies.

SECTION 1. Every employers' liability company and every employer's insurance association insuring employers against the liability provided for by act number ten of the Public Acts of nineteen hundred twelve, first extra session, as amended, shall file with the insurance commissioner of the State its classification of risks and normal premiums relating thereto together with any and all reasonable percentage of allowance made upon such pre-

miums above or below the said normal premium for increased or diminished hazards in said classifications of risks. The classifications so filed shall be classifications upon which the insurer filing same shall classify its risks and the premiums and percentage of allowances thereon shall be the premiums which must be charged by the insurer filing same, on its risks until such classification and premiums and percentage allowances shall be changed as herein provided.

Classifications to be reasonable.

SEC. 2. No insurer against liability provided for in this act shall fix any classification or allowance or charge any premium against liability under said act number ten of the Public Acts of nineteen hundred twelve which is unreasonable or which discriminates unfairly between risks in the application of like charges and credits, or which discriminates unfairly between risks on essentially the same hazards and having substantially the same degree of protection against accident.

Uniformity.

SEC. 3. Any deviation of any such insurer from the classifications and schedules of premiums and percentages relating hereto, as filed with the insurance commissioner shall be uniform in its application to all the risks in the class for which the deviation is made, and no such uniform deviation shall be made unless notice thereof shall be filed with the insurance commissioner of the State at least fifteen days before such uniform deviation is in effect.

Commission on classifications.

SEC. 4. The State banking commissioner, the attorney general, and the commissioner of insurance of this State shall constitute a commission, and upon written complaint or upon its own information that discrimination in classification of risks or in the normal premiums relating thereto, or in any percentage of allowance upon such premiums, exists, or that any such classification of risks or that any premiums or any percentage of allowance upon such premiums discriminates between risks of essentially the same hazard and having substantially the same degree of protection against accident, the commission may order a hearing for the purpose of determining such questions of discrimination and the review of such classification of risks, such premiums or such percentage allowance before said commission shall be had only after due notice to all parties interested, and if upon such hearing the commission shall determine that said classification, such premium or premiums, or such percentage allowance is or are discriminatory, it shall have power to order the discrimination removed. Any party in interest being dissatisfied with any order of the commission may, within thirty days from the issuance of such order and notice thereof, commence an action in the circuit court in chancery for the county of Ingham against the commission, as defendant, to vacate and set aside any such order upon the ground that such order is unlawful or unreasonable; in which suit the commission shall be served with a subpœna and a copy of the complaint. The commission shall file its answer and on leave of court any interested party may file an answer to said complaint. Upon the filing of the answer of the commission said action shall be at issue and stand ready for hearing upon ten days' notice by either party. The said circuit court for the county of Ingham in chancery is hereby given jurisdiction of such suits and empowered to affirm, vacate, or set aside the order of the commission in whole or in part, and to make such other order or decree as the court shall decide to be in accordance with the facts and the law. During pendency of such proceedings the order shall be suspended, and in the event of final determination against any insurer any overcharge during the pendency of such proceedings shall be refunded by the insurer to the persons entitled thereto.

Approved May 11, 1915.

MINNESOTA.

ACTS OF 1913.

CHAPTER 467.—*Employers' liability—Compensation of workmen for injuries.*

PART 1.

EMPLOYERS' LIABILITY.

SECTION 1. When personal injury or death is caused to an employee by accident arising out of and in the course of his employment, of which injury the actual or lawfully imputed negligence of the employer is the natural and proximate cause, he, or, in case of death, his personal representative, for the exclusive benefit of the surviving spouse and next of kin, shall receive compensation by way of damages therefor from his employer: *Provided*, The employee was himself not willfully negligent at the time of receiving such injury; and the question of whether the employee was willfully negligent shall be one of fact to be submitted to the jury, subject to the usual powers of the court over verdicts rendered contrary to the evidence, or to law. Damages. Questions of negligence.

SEC. 2. In all cases brought under Part 1 of this act it shall not be a defense (a) that the employee was negligent, unless and except it shall also appear that such negligence was willful; (b) that the injury was caused by the negligence of a fellow employee; (c) that the employee had assumed the risks inherent in, or incidental to the work, or arising out of and in the course of his employment from the failure of the employer to provide and maintain safe premises and suitable appliances, which grounds of defense are hereby abolished except as provided in section 4. Defenses abrogated.

SEC. 3. If the employer elects not to come under Part 2 of this act, he loses the right to interpose the three defenses named in section 2 in any action brought against him for personal injury or death of an employee. Where abrogation operates.

SEC. 4. If the employer becomes subject to Part 2 of this act and the employee does not, then the employer may set up such defenses as are available at the time of the passage of this act. When defenses are allowed.

SEC. 5. The provisions of sections one, two, three and four shall apply to any claim for the death of an employee arising under section 4503 of chapter 84, Revised Laws of Minnesota 1905, and the acts or parts of acts amendatory thereof, concerning death by wrongful act. Death by wrongful act.

SEC. 6. In all actions at law brought pursuant to Part 1 of this act, the burden of proof to establish willful negligence of the injured employee shall be upon the defendant. Burden of proof.

SEC. 7. No claim for legal services or disbursements pertaining to any demand made or suit brought under the provisions of this act shall be an enforceable lien against the amount paid as compensation, or be valid or binding in any other respect, unless the same be approved in writing by the judge presiding at the trial, or in case of settlement without trial, by a judge of the district court: *Provided*, That if notice in writing be given the defendant, of such claim for legal services or disbursements, the same shall be a lien against the amount paid as compensation, subject to determination of the amount and approval hereinbefore provided. All sums allowed as liens against such compensation or paid for legal, medical and hospital services and other disbursements, shall be reported by the employee to the labor commissioner with terms of settlement as provided in section 24 of this act. Legal fees not a lien.

PART 2.

ELECTIVE COMPENSATION.

Employments exempt.

SECTION 8 (as amended by chapter 193, Acts of 1915). This act shall not be construed or held to apply to any common carrier by steam railroad, domestic servants, farm laborers or persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of his employer.

Compensation payable, when.

SEC. 9. If both employer and employee, shall, by agreement express or implied, or otherwise, as herein provided, become subject to Part 2 of this act, compensation according to the schedules hereinafter contained shall be paid by every such employer, in every case of personal injury or death of his employee, caused by accident, arising out of and in the course of employment, without regard to the question of negligence, except accidents which are intentionally self-inflicted or when the intoxication of such employee is the natural or proximate cause of the injury, and the burden of proof of such fact shall be upon the employer.

Method to be exclusive.

SEC. 10. Such agreement or the election hereinafter provided for shall be a surrender by the parties thereto of their rights to any other method, form or amount of compensation or determination thereof than as provided in Part 2 of this act, and an acceptance of all the provisions of Part 2 of this act, and shall bind the employee himself, and for compensation for his death shall bind his personal representative, the surviving spouse and next of kin, as well as the employer, and those conducting his business during bankruptcy or insolvency, for compensation for death or injury, as provided for by Part 2 of this act.

Presumption as to contracts.

SEC. 11. All contracts of employment made after the taking effect of this act shall be presumed to have been made with reference, and subject to the provisions of Part 2, unless otherwise expressly stated in the contract, in writing, or unless written or printed notice has been given by either party to the other, as hereinafter provided, that he does not accept the provisions of Part 2. Every employer and every employee is presumed to have accepted and come under Part 2 hereof, unless thirty (30) days prior to accident, he shall have signified his election not to accept or be bound by the provisions of Part 2. This election not to accept Part 2 shall be by notice as follows:

The employer shall post and keep posted in his shop or place of business a written or printed notice of his election not to be bound by Part 2 hereof and file a duplicate thereof with the labor commissioner.

The employee shall give written or printed notice to the employer of his election not to be bound by Part 2, and file a duplicate with proof of service attached thereto with the labor commissioner.

Termination of agreement.

SEC. 12 (as amended by chapter 209, Acts of 1915). Either party may terminate his acceptance or his election not to accept of the provisions of Part 2 by thirty (30) days' written notice to the other, such notice to be given as provided in section 11. A duplicate of such notice, with proof of service attached thereto, shall be filed with the labor commissioner, and the time shall not begin to run until the notice is so filed.

Minors.

SEC. 12a (added by chapter 209, Acts of 1915). Minors who are permitted to work by the laws of this State shall, for the purposes of Part 2 of this act, have the same power to contract, make election of remedy, make settlements, and receive compensation as adult employees, subject, however, to the power of the court, in its discretion, at any time to require the appointment of a guardian to make such settlement and to receive moneys thereunder or under an award.

Compensation for—

SEC. 13 (as amended by chapter 209, Acts of 1915). Following is the schedule of compensation: (a) For injury producing tem-

porary total disability, fifty per centum of the wages received at the time of injury, subject to a maximum compensation of eleven dollars ($11) per week and a minimum of six and one-half dollars ($6.50) per week: *Provided*, That if at the time of injury the employee receives wages of less than six and one-half dollars ($6.50) per week, then he shall receive the full amount of such wages per week. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks, payments to be made at the intervals when the wage was payable, as nearly as may be. Temporary total disability;

(b) In all cases of temporary partial disability the compensation shall be fifty per cent of the difference between the wage of the workman at the time of the injury and the wage he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks, payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to the same maximum as stated in clause (a). Partial disability;

(c) For permanent partial disability the compensation shall be based upon the extent of such disability. In cases included by the following schedule the compensation shall be that named in the schedule, to wit:

For the loss of a thumb, fifty per centum of daily wages during sixty (60) weeks.

For the loss of a first finger, commonly called index finger, fifty per centum of daily wages during thirty-five (35) weeks.

For the loss of a second finger, fifty per centum of daily wages during thirty (30) weeks.

For the loss of a third finger, fifty per centum of daily wages during twenty (20) weeks.

For the loss of a fourth finger, commonly called little finger, fifty per centum of daily wages during fifteen weeks.

The loss of the first phalange of the thumb or of any finger shall be considered equal to the loss of one-half of such thumb or finger, and compensation shall be paid at the prescribed rate during one-half the time specified above for such thumb or finger.

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Provided, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, fifty per centum of daily wages during thirty (30) weeks.

For the loss of one of the toes other than a great toe, fifty per centum of daily wages during ten (10) weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be paid at the prescribed rate during one-half the time specified above for such toe.

The loss of more than one phalange shall be considered as the loss of the entire toe.

For the loss of a hand, fifty per centum of daily wages during one hundred and fifty (150) weeks.

For the loss of an arm, fifty per centum of daily wages during two hundred (200) weeks.

For the loss of a foot, fifty per centum of daily wages during one hundred and twenty-five (125) weeks.

For the loss of a leg, fifty per centum of daily wages during one hundred and seventy-five (175) weeks.

For the loss of an eye, fifty per centum of daily wages during one hundred (100) weeks.

For the complete and permanent loss of hearing in both ears, fifty per centum of daily wages during one hundred and fifty-six (156) weeks.

For the loss of an eye and a leg, fifty per centum of daily wages during three hundred and fifty (350) weeks.

For the loss of an eye and an arm, fifty per centum of daily wages during three hundred and fifty (350) weeks.

For the loss of an eye and a hand, fifty per centum of daily wages during three hundred and twenty-five (325) weeks.

For the loss of an eye and a foot, fifty per centum of daily wages during three hundred (300) weeks.

For the loss of two arms other than at the shoulder, fifty per centum of daily wages during four hundred (400) weeks.

For the loss of two hands, fifty per centum of daily wages during four hundred (400) weeks.

For the loss of two legs, fifty per centum of daily wages during four hundred (400) weeks.

For the loss of two feet, fifty per centum of daily wages during four hundred (400) weeks.

For the loss of one arm and the other hand, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one hand and one foot, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one leg and the other foot, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one leg and one hand, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one arm and one foot, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one arm and one leg, fifty per centum of the daily wages during four hundred (400) weeks.

Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation only for the injury which produces the longest period of disability; but this section shall not affect liability for the concurrent loss of more than one member, for which members compensations are provided in the specific schedule and in subsection (e) below.

In all cases of permanent partial disability it shall be considered that the permanent loss of the use of a member shall be equivalent to and draw the same compensation as the loss of that member; but the compensation in and by said schedule provided, shall be in lieu of all other compensation in such cases.

In cases of permanent partial disability due to injury to a member, resulting in less than total loss of such member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss of the respective member, which the extent of injury to the member bears to its total loss.

All compensation provided in clause (c) of this section for loss of members, or loss of use of members, are subject to the same limitations as to maximum and minimum as are stated in clause (a).

In all other cases of permanent partial disability not above enumerated the compensation shall be fifty per centum of the difference between the wage of the workman at the time of the injury and the wage he is able to earn in his partially disabled condition, subject to a maximum of eleven ($11) dollars per week. Compensation shall continue during disability, not, however, beyond three hundred (300) weeks.

Permanent total disability.

(d) For permanent total disability as defined in subsection (e), below fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of eleven ($11) dollars per week and a minimum compensation of six and one-half ($6.50) dollars per week: *Provided*, That if, at the time of injury, the employee was receiving wages of less than six and one-half ($6.50) dollars per week, then he shall receive the full amount of his wages per week. This compensation shall be paid during such permanent total disability, not exceeding five hundred and fifty (550) weeks; but in all such cases drawing more compensation than six and one-half ($6.50) dollars per week, the payments after the first four hundred (400) weeks shall be reduced to six and one-half ($6.50) dollars per week for the remainder of the

five hundred and fifty (550) weeks, while the permanent total disability continues, payment to be made at the intervals when the wage was payable as nearly as may be. The total amount of compensation payable under this subsection shall not exceed five thousand ($5,000) dollars in any case: *Provided, however,* That in case an employee who is permanently and totally disabled becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in subsections (1), (2), and (3) of section 14 (whose dependency shall be determined as if the employee were deceased); in which case the compensation provided for in this subsection shall be paid for the benefit of said persons so dependent during dependency, in the manner ordered by the court, while the employee is an inmate of such institution.

(e) The total and permanent loss of the sight of both eyes or the loss of both arms at the shoulder, or complete and permanent paralysis, or total and permanent loss of mental faculties shall constitute permanent total disability.

(e) 1. For permanent total disability other than as defined in subsection (e) fifty per centum of the wages received at the time of injury, subject to a maximum compensation of eleven ($11) dollars per week and a minimum compensation of six and one-half ($6.50) dollars per week: *Provided,* That if at the time of injury the employee was receiving wages of less than six and one-half ($6.50) dollars per week, then he shall receive the full amount of his wages per week. This compensation shall be paid during the period of such permanent total disability, not exceeding four hundred weeks, payments to be made at the intervals when the wage was payable as nearly as may be.

Death of employee receiving compensation.

(f) In case a workman sustains an injury due to accident arising out of and in the course of his employment, and during the period of disability caused thereby death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death.

Dependents.

SEC. 14 (as amended by chapter 209, Acts of 1915). (1) For the purposes of this act the following described persons shall be conclusively presumed to be wholly dependent: (a) Wife, unless it be shown that she was voluntarily living apart from her husband at the time of his injury or death; (b) minor children under the age of sixteen years.

(2) Children between sixteen and eighteen years of age, or those over eighteen, if physically or mentally incapacitated from earning, shall, prima facie, be considered dependent.

(3) Wife, child, husband, mother, father, grandmother, grandfather, sister, brother, mother-in-law, and father-in-law who were wholly supported by the deceased workman at the time of his death and for a reasonable period of time immediately prior thereto shall be considered his actual dependents, and payment of compensation shall be made to them in the order named.

(3A) Any member of a class named in subdivision (3), who regularly derived part of his support from the wages of the deceased workman at the time of his death and for a reasonable period of time immediately prior thereto shall be considered his partial dependent, and payment of compensation shall be made to such dependents in the order named.

Death benefits.

(4) In death cases compensation payable to dependents shall be computed on the following basis and shall be paid to the persons entitled thereto without administration.

(5) If the deceased employee leave a widow and no dependent child, there shall be paid to the widow thirty-five per centum of the monthly wages of deceased.

(6) If the deceased employee leave a widow and one dependent child, there shall be paid to the widow for the benefit of herself and such child forty-five per centum of the monthly wages of deceased.

(7) If the deceased employee leave a widow and either two or three dependent children, there shall be paid to the widow for the benefit of herself and such children fifty-five per centum of the monthly wages of deceased.

(8) If the deceased employee leave a widow and four or more dependent children, there shall be paid to the widow for the benefit of herself and such children sixty per centum of the monthly wages of the deceased.

(8A) In all cases where compensation is payable to a widow for the benefit of herself and dependent child or children the court shall have power to determine, in its discretion, what portion of the compensation shall be applied for the benefit of any such child or children, and may order the same paid to a guardian.

(9) In case of remarriage of a widow without children she shall receive a lump-sum settlement equal to one-half of the amount of the compensation remaining unpaid. This sum shall be paid to her within sixty (60) days after written notice to the employer of such remarriage. In case of remarriage of a widow who has dependent children the unpaid balance of compensation which would otherwise become due to her shall be paid to such children.

(10) If the deceased employee leave a dependent orphan, there shall be paid forty per centum of the monthly wages of deceased, with ten per centum additional for each additional orphan, with a maximum of sixty per centum of such wages.

(11) If the deceased employee leave a dependent husband and no dependent child, there shall be paid to the husband twenty-five per centum of the monthly wages of deceased.

(12) If the deceased employee leave no widow or child or husband entitled to any payment hereunder, but should leave a parent or parents, either or both of whom are wholly dependent on the deceased, there shall be paid, if only one parent, thirty per centum of the monthly wages of the deceased, and if both parents, forty per centum of the monthly wages of the deceased to such parent or parents.

(13) If the deceased leave no widow or dependent child or husband or parent entitled to any payment hereunder, but leaves a grandparent, brother, sister, mother-in-law, or father-in-law wholly dependent on him for support, there shall be paid to such dependent, if but one, twenty-five per centum of the monthly wages of the deceased, or if more than one, thirty per centum of the monthly wages of the deceased, divided between or among them share and share alike.

(14) If compensation is being paid under Part 2 of this act to any dependent, such compensation shall cease upon the death or marriage of such dependent, unless otherwise provided herein.

(15) Partial dependents shall be entitled to receive only that proportion of the benefits provided for actual dependents which the average amount of the wages regularly contributed by the deceased to such partial dependent at and for a reasonable time immediately prior to the injury bore to the total income of the dependent during the same time.

(16) In all cases where death results to an employee caused by accident arising out of and in the course of employment the employer shall pay, in addition to the medical and hospital expenses provided for in section 18, the expense of last sickness and burial, not exceeding in amount one hundred ($100) dollars, except in cases where an insurer of the deceased or a benefit association is liable therefor, or for a part thereof; in which case the employer shall not be required to pay any part of such expense for which such insurer or a benefit association is liable unless such nonpayment by the employer would diminish the benefits received by the dependents of the deceased from any such insurer or benefit association. In case any dispute arises as to the reasonable value of the services rendered in connection with the last sickness and burial, the same shall be approved by the court before payment, after such reasonable notice to interested parties as the court shall require. If the deceased leave no dependents no compensation shall be payable except as provided by this subsection.

(17) The compensation payable in case of death to persons wholly dependent shall be subject to a maximum compensation of eleven ($11) dollars per week and a minimum of six and one-half ($6.50) dollars per week: *Provided*, That if at the time of injury the employee receives wages of less than six and one-half ($6.50) dollars per week, then the compensation shall be the full amount of such wages per week. The compensation payable to partial dependents shall be subject to a maximum of eleven ($11) dollars per week and a minimum of six and one-half ($6.50) dollars per week: *Provided*, That if the income loss of the said partial dependents by such death is less than six and one-half ($6.50) dollars per week, then the dependents shall receive the full amount of their income loss. This compensation shall be paid during dependency not exceeding three hundred (300) weeks, payments to be made at the intervals when the wage was payable, as nearly as may be.

(18) In computing and paying compensation to orphans or other children, in all cases, only those under eighteen years of age, or those over eighteen years of age who are physically or mentally incapacitated from earning, shall be included, the former to receive compensation only during the time they are under eighteen, the latter only for the time they are so incapacitated, within the period of three hundred (300) weeks.

(19) Actual dependents shall be entitled to take compensation in the order named in subsection (3) above until fifty per centum of the monthly wages of the deceased during the time specified in subsection (17) shall have been exhausted, but the total compensation to be paid to all actual dependents of a deceased employee shall not exceed in the aggregate eleven ($11) dollars per week.

Subsequent injuries.

SEC. 15. If an employee receive an injury which, of itself, would only cause permanent partial disability, but which, combined with a previous disability, does in fact cause permanent total disability, the employer shall only be liable for the permanent partial disability caused by the subsequent injury.

Joint employers.

SEC. 16. In case any employee for whose injury or death compensation is payable under Part 2 of this act shall, at the time of the injury, be employed and paid jointly by two or more employers subject to this act, such employers shall contribute the payment of such compensation in the proportion of their several wage liability to such employee. If one or more but not all of such employers should be subject to Part 2 of this act, and otherwise subject to liability for compensation hereunder, then the liability of such of them as are so subject shall be to pay the proportion of the entire compensation which their proportionate wage liability bears to the entire wages of the employee: *Provided, however*, That nothing in this section shall prevent any arrangement between such employers for a different distribution, as between themselves, of the ultimate burden of such compensation.

Waiting time.

SEC. 17 (as amended by chapter 209, Acts of 1915). In cases of temporary total or temporary partial disability no compensation shall be allowed for the first two weeks after injury received, except as provided by section 18, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in section 19.

Medical, etc., services.

SEC. 18 (as amended by chapter 209, Acts of 1915). Such medical and surgical treatment, medicine, medical and surgical supplies, crutches, and apparatus as may be reasonably required at the time of the injury and thereafter during the disability, but not exceeding ninety (90) days, to cure and relieve from the effects of the injury, the same to be provided by the employer, and in case of his inability or refusal seasonably to do so the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same: *Provided, however*, That the total liability under this section shall not exceed the sum of one hundred ($100) dollars in value; except that the court may, upon

necessity being shown therefor, at any time within one hundred (100) days after the date of the injury require the employer to furnish such additional medical, surgical, and hospital treatment, and supplies during said period of ninety (90) days as may be reasonable, which together with any such sums or relief theretofore furnished shall not exceed in all two hundred dollars ($200) in value.

The pecuniary liability of the employer for the medical, surgical, and hospital service herein required, and the liability of the employee for any amount in excess thereof shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured persons, and in all cases of dispute as to the value of the medical or hospital service rendered an injured employee either party may require that the same before payment shall be approved by the court, after such reasonable notice to interested parties as the court shall require.

Notice.

SEC. 19. Unless the employer shall have actual knowledge of the occurrence of the injury, or unless the injured workman, or a dependent, or some one in behalf of either, shall give notice thereof to the employer in writing, within fourteen (14) days after the occurrence of the injury, then no compensation shall be due until such notice is given or knowledge obtained. If the notice is given, or knowledge obtained within thirty (30) days from the occurrence of the injury, no want, failure, or inaccuracy of a notice shall be a bar to obtaining compensation, unless the employer shall show that he was prejudiced by such want, defect, or inaccuracy, and then only to the extent of such prejudice. If the notice is given, or the knowledge obtained within ninety (90) days, and if the employee, or other beneficiary, shall show that his failure to give prior notice was due to his mistake, inadvertence, ignorance of fact or law, or inability, or to the fraud, misrepresentation or deceit of the employer or his agent, then compensation may be allowed, unless the employer shall show that he was prejudiced by failure to receive such notice, in which case the amount of compensation shall be reduced by such sum as shall fairly represent the prejudice shown. Unless knowledge be obtained or notice given, within ninety (90) days after the occurrence of the injury, no compensation shall be allowed.

Service of notice.

SEC. 20. The notice referred to in section 19 may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action, or by sending it by registered mail to the employer at the last known residence or business place thereof within the State, and shall be substantially in the following form:

NOTICE.

"You are hereby notified that an injury was received by (Name) ——— ———, who was in your employ at (Place) ——— ———, while engaged as (kind of work) ——— on or about the — day of ——, 19—, and who is now located at (give town, street and number) ——— that so far as now known, the nature of the injury was ——— and that compensation may be claimed therefor.

(Signed) ——— ———,
(Giving address).

Dated ———, 19—."

But no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employee, by name, received a specified injury in the course of his employment on or about a specified time, at or near a certain place specified.

Limitations of actions.

SEC. 20a (added by chapter 209, Acts of 1915). The time within which the following acts shall be performed under Part 2 of this act shall be limited to the following periods respectively:

(1) Actions or proceedings by an injured employee to determine or recover compensation one (1) year after the occurrence of the injury.

(2) Actions or proceedings by dependents to determine or recover compensation one year after the date of notice in writing given by the employer to the department of labor of the State, stating his willingness to pay compensation when it is shown that the death is one for which compensation is payable. In case the deceased was a native of a foreign country and leaves no known dependent or dependents within the United States, it shall be the duty of the department of labor to give written notice of said death to the consul or other representative of said foreign country forthwith.

(3) Proceedings to obtain judgment in case of default of employer for thirty (30) days to pay any compensation due under any settlement or determination, one (1) year after such default.

(4) In case of physical or mental incapacity, other than minority, of the injured person or his dependents to perform or cause to be performed any act required within the time in this section specified, the period of limitation in any such case shall be extended for one year from the date when such incapacity ceases.

Medical examinations.

SEC. 21 (as amended by chapter 209, Acts of 1915). (1) The injured employee must submit himself to examination by employer's physician, if requested by the employer, and at reasonable times thereafter upon employer's request. The employee shall be entitled upon request to have his own physician present at any such examination. Each party shall defray the cost of his own physician.

(2) In case of dispute as to the injury, the court may, of its own motion, or upon request of any interested party, appoint a neutral physician of good standing and ability to make an examination of the injured person, and report his findings to the court. The expense of such examination shall be borne by the said parties.

(3) If the injured employee refuses to comply with any reasonable request for examination, his right to compensation shall be suspended and no compensation shall be paid while he continues in such refusal.

(4) In all death claims where the cause of death is obscure or disputed, any interested party may require an autopsy; the cost of such autopsy shall be borne by the party demanding the same.

(5) Any physician whose services are furnished or paid for by the employer who treats, or who makes or is present at any examination, of an injured employee, may be required to testify as to any knowledge acquired by him in the course of such treatment or examination, relative to the injury or the disability resulting therefrom.

Settlements.

SEC. 22 (as amended by chapter 209, Acts of 1915). (1) The interested parties shall have the right to settle all matters of compensation between themselves. But all settlements shall be substantially in accordance with the provisions of sections 13 and 14 of this act, and shall be approved by a judge of the district court. When so approved such settlements shall be filed with the clerk of the district court, and in case of default by the employer in the payment of any compensation determined or agreed upon and the continuation of such default for the period of thirty (30) days after payment is due and payable, the employee may upon five (5) days' notice in writing to the employer of his intention to apply to the court for judgment, cause judgment to be entered on such settlement or determination for all compensation due and payable and unpaid; and such judgment shall have the same force and effect and may be satisfied as other judgments of the same court. There shall be but one fee of twenty-five cents (25c.) charged by said clerk for services in each case under this subsection and said fee shall cover all services performed by him.

Reference to court.

(2) In case of a dispute over, or failure to agree upon a claim for compensation between employer and employee, or the dependents of the employee, either party may submit the claim, both as to questions of fact, the nature and effect of the injuries, and the amount of compensation therefor according to the schedule herein provided, to the judge of the district court of the county which

would have jurisdiction in a civil case, or, where there is more than one judge of said court, then to either or any of said judges of such court; which judge is hereby authorized to hear and determine such disputes in a summary manner, and his decision as to all questions of fact shall be conclusive and binding, subject to the right of appeal as hereinafter provided.

Nonresident aliens.

SEC. 23 (as amended by chapter 209, Acts of 1915). In case a deceased employee, for whose injury or death compensation is payable, leaves surviving him an alien dependent or dependents residing outside of the United States, the said judge shall direct payment of all compensation due to the deceased or to his dependents to be made to the duly accredited consular officer of the country of which the beneficiaries are citizens, if such consular officer reside within the State of Minnesota, or, if not, to his designated representative residing within the State, and such consular officer or his representative shall be the sole representative of such deceased employee and of such dependents to settle all claims for compensation and to receive for distribution to the persons entitled thereto all compensation arising hereunder. The distribution of said funds to be made only on order of the district court. Such consular officer or his representative shall furnish, if required by the district court, a good and sufficient bond satisfactory to the court, conditioned upon the proper application of the moneys received by him. Before such bond is discharged such consular officer or representative shall file with the court a verified account of the items of his receipts and disbursements of such compensation.

Such consular officer or his representative shall before receiving the first payment of such compensation, and at reasonable times thereafter, upon request of the employer, furnish to the employer a sworn statement containing a list of the dependents, with the name, age, residence, extent of dependency, and relationship to the deceased of each dependent.

Record of settlements.

SEC. 24. Copies of all settlements and releases shall be filed by the employer with the labor commissioner within ten (10) days after such settlements are made, and shall become part of the permanent records of that department.

Commissioner of labor.

SEC. 24a (as amended by chapter 209, Acts of 1915). The commissioner of labor and the officers and employees of the department of labor and industries, upon demand of an employer or an employee or his dependent, shall advise such party or parties of his or their rights under this act, and shall assist, so far as possible, in adjusting differences between the employee or his dependent and the employer under Part 2 hereof, and are hereby empowered to appear in person before the court in any proceeding under Part 2 of this act as the representative or adviser of any such party; and in any such case such party shall not be required to be also represented by an attorney at law. The commissioner of labor shall observe in detail the operation of the act throughout the State and shall make report thereof to each session of the legislature, together with such suggestions and recommendations as to changes as he may deem necessary or advisable for the improvement thereof.

Lump sums.

SEC. 25 (as amended by chapter 209, Acts of 1915). The amounts of compensation payable periodically hereunder, either by agreement of the parties, so approved by the court, or by decision of the court, may be commuted to one or more lump-sum payments, except compensation due for death or permanent total disability, or for permanent partial disability resulting from total loss of hearing or from the loss of an arm or a hand or a foot or a leg or an eye or of more than one such member. These may be commuted only with the consent of the district court.

In making such commutation the lump-sum payments shall, in the aggregate, amount to a sum equal to the present value of all future installments of compensation calculated on a six per cent basis.

SEC. 26. All settlements of compensation by agreement of the parties, and all awards of compensation made by the court, where the amount paid or to be paid in settlement or by award, does not exceed the compensation for six months' disability, shall be final and not subject to readjustment. What settlements final.

SEC. 27. All amounts paid by employer and received by the employee or his dependents, by lump-sum payment, shall be final; but the amount of any award payable periodically for more than six (6) months may be modified as follows: Reviews.

(a) At any time by agreement of the parties and approved by the court.

(b) If the parties can not agree, then at any time after six (6) months from the date of the award an application may be made to the court by either party on the ground of increase or decrease of incapacity due solely to the injury. In such case the same procedure shall be followed as in section 30 in case of disputed claim for compensation.

SEC. 28. At any time after the amount of any award has been agreed upon by the parties, or found and ordered by the court, a sum equal to the present value of all future installments of compensation calculated on a six per cent basis, may (where death or the nature of the injury renders the amount of future payments certain) by leave of court, be paid by the employer to any savings bank or trust company of this State to be approved and designated by the court, and such sum, together with all interest thereon, shall, thereafter be held in trust for the employee or the dependents of the employee, who shall have no further recourse against the employer. The payment of such sum by the employer, evidenced by the receipts in duplicate of the trustee one of which shall be filed with the labor commissioner, and the other filed with the clerk of the district court, shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee in the same amounts and at the same time as are herein required of the employer until said fund and interest shall be exhausted. In the appointment of the trustee, preference shall be given, in the discretion of the court, to the choice of the injured employee or the dependents of the deceased employee, as the case may be. Payments to trustees.

SEC. 29. The right to compensation and all compensation awarded any injured employee or for death claims to his dependents, shall have the same preference against the assets of the employer as other unpaid wages for labor; but such compensation shall not become a lien on the property of third persons by reason of such preference. Compensation payments preferred

Claims for compensation owned by an injured employee or his dependents, shall not be assignable and shall be exempt from seizure or sale for the payment of any debt or liability.

SEC. 30 (as amended by chapter 209, Acts of 1915). Procedure in case of dispute shall be as follows: Either party may present a verified complaint to said judge setting forth the names and residences of the parties and the facts relating to employment at the time of injury, the injury in its extent and character, the amount of wages being received at the time of injury, the knowledge of the employer or notice of the occurrence of said injury, and such other facts as may be necessary and proper for the information of the said judge, and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto. Disputes.

Upon the presentation of such complaint it shall be filed with the clerk of the district court of the proper county, and the judge shall fix by order a time and place for the hearing thereof, not less than three (3) weeks after the date of the filing of said complaint. A copy of said complaint and order shall be served as summons in a civil action upon the adverse party within four (4) days after filing the complaint. Within seven (7) days after the service of such complaint the adverse party may file and serve a verified answer to said complaint, which shall admit or deny the substantial averments of the complaints, and shall state the con-

tention of the defendant with reference to the matter in dispute as disclosed by the complaint. Within five (5) days after the service of the answer the complainant may file and serve a verified reply admitting or denying the matters set forth in the answer.

At the time fixed for hearing, or any adjournment thereof, the said judge shall hear such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. This determination shall be filed in writing with the clerk of the said court, and judgment shall be entered thereon in the same manner as in causes tried in the said district court, and shall contain a statement of facts as determined by said judge. Subsequent proceedings thereon shall only be for the recovery of moneys thereby determined to be due: *Provided*, That nothing herein contained shall be construed as limiting the jurisdiction of the supreme court to review questions of law by certiorari. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed, and collected as are allowed, taxed, and collected for like services and proceedings in civil cases: *Provided*, That if it shall appear that the employer, prior to the commencement of the action, made to the person or persons entitled thereto a written offer of compensation in specific terms, which terms were in accordance with the provisions of this act, then no costs shall be awarded or taxed against such employer. Whenever any decision or order is made and filed by the judge upon any matter arising under Part 2 of this act, the clerk of the court shall forthwith make and forward to the commissioner of labor a certified copy of said decision or order with any memorandum of the judge and of any judgment entered. No fee or other charge shall be collected therefor.

Prior injuries. SEC. 31. Every right of action for death by wrongful act or for injury by negligence accruing to an injured employee prior to the taking effect of this act is continued and preserved under the existing law.

Insurance of risks. SEC. 31a (as amended by chapter 209, Acts of 1915). Any employer who is responsible for compensation as provided under Part 2 of this act may insure the risk in any manner then authorized by law; but those writing such insurance shall in every case be subject to the conditions in this section hereinafter named.

If the risk of the employer is carried by any insurer doing business for profit, or by any insurance association or corporation formed of employers, or of employers and workmen, to insure the risks under Part 2 of this act, operating by the mutual assessment or other plan or otherwise, then, in so far as policies are issued on such risks, they shall provide for compensation for injuries or death according to the full benefits of Part 2 of this act; but nothing herein contained shall prevent an employer from insuring only a particular class or classes of employees or of risks.

Such policies shall contain a clause to the effect that as between the workman and the insurer that notice to and knowledge by the employer of the occurrence of the injury shall be deemed notice and knowledge on the part of the insurer; that jurisdiction of the employer for arbitration or other purposes shall be jurisdiction of the insurer, and that the insurer will in all things be bound by and subject to the awards rendered against such employer upon the risks so insured.

Provisions of policies. Such policies must provide that the workman shall have an equitable lien upon any amount which shall become owing on account of such policy to the employer from the insurer, and in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the workman or dependents, the said insurer will pay the same direct to said workmen or dependents, thereby discharging all obligations under the policy to the employer and all of the obligations of the employer and insurer to the workman; but such policies shall contain no provisions relieving the insurance company from payment when the employer becomes insolvent or discharged in bankruptcy or otherwise, during the period the policy is in force, if the compensation remains owing.

The insurer must be one authorized by law to conduct such business in the State of Minnesota, and authority is hereby granted to all insurance companies writing such insurance to include in their policies in addition to the requirements now provided by law the additional requirements, terms, and conditions in this section provided.

Insurance carriers.

No agreement by an employee to pay to an employer any portion of the cost of insuring his risk under this act shall be valid; but it shall be lawful for the employer and the workman to agree to carry the risks covered by Part 2 of this act in conjunction with other and greater risks, and providing other and greater benefits, such as additional compensation, accident, sickness, or old-age insurance or benefits, and the fact that such plan involves a contribution by the workman shall not prevent its validity if such plan has been approved in writing by the commissioner of labor. Any employer who shall make any charge or deduction prohibited by this section shall be guilty of a misdemeanor.

Contributions for larger benefits.

If the employer shall insure to his employees the payment of the compensations provided by Part 2 of this act in a corporation or association authorized to do business in the State of Minnesota and approved by the insurance commissioner of the State of Minnesota, and if the employer shall post a notice or notices in a conspicuous place or in conspicuous places about his place of employment, stating that he is so insured and stating by whom insured, and if the employer shall further file copy of such notice with the labor commissioner of the State of Minnesota, then and in such case any suits or actions brought by an injured employee or his dependents shall be brought directly against the insurer, and the employer or insured shall be released from any further liability: *Provided*, That in case of insolvency or bankruptcy of such insurance company the employer shall not be released from liability under the provisions of this act.

Direct liability.

The return of any execution upon any judgment of an employee against any such insurance company unsatisfied in whole or in part shall be conclusive evidence of the insolvency of such insurance company, and in case of the adjudication of bankruptcy or insolvency of any such insurance company by any court of competent jurisdiction, proceedings may be brought by the employee against the employer in the first instance or against such employer and insurance company jointly or severally or in any pending proceeding against any insurance company, the employer may be joined at any time after such adjudication.

SEC. 32. (1) Any person who creates or carries into operation any fraudulent scheme, artifice or device to enable him to execute work without himself being responsible to the workman for the provisions of this act, shall himself be included in the term "employer," and be subject to all the liabilities of employers under this act. But this section shall not be construed to cover or mean an owner who lets a contract to a contractor in good faith, nor a contractor who, in good faith, lets to a subcontractor a portion of his contract: *Provided, however*, That no person shall be deemed a contractor or subcontractor, so as to make him liable to pay compensation within the meaning of this section, who performs his work upon the employer's premises and with the employer's tools or appliances and under the employer's direction; nor one who does what is commonly known as "piecework," or in any way where the system of employment used merely provides a method of fixing the workman's wages.

Avoiding responsibility as employer.

(2) Where compensation is claimed from, or proceedings taken against a person under subdivision one of this section, the compensation shall be calculated with reference to the wage the workman was receiving from the person by whom he was immediately employed at the time of the injury.

Basis for compensation.

(3) The employer shall not be liable or required to pay compensation for injuries due to the acts or omissions of third persons not at the time in the service of the employer, nor engaged in the work in which the injury occurs, except as provided in section 33, or under the conditions set forth in section 34(1).

Injuries caused by third persons.

Alternative proceedings.

SEC. 33. (1) Where an injury or death for which compensation is payable under Part 2 of this act is caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, such party also being subject to the provisions of Part 2 of this act, the employee in case of injury or his dependents in case of death, may, at his or their option, proceed either at law against such party to recover damages, or against the employer for compensation under Part 2 of this act, but not against both.

If the employee in case of injury, or his dependents in case of death, shall bring an action for the recovery of damages against such party other than the employer, the amount thereof, manner in which and the persons to whom the same are payable, shall be as provided for in Part 2 of this act and not otherwise: *Provided*, That in no case shall such party be liable to any person other than the employee or his dependents for any damages growing out of or resulting from such injury or death.

Subrogation of employer.

If the employee or his dependents shall elect to receive compensation from the employer, then the latter shall be subrogated to the right of the employee or his dependents to recover against such other party, and may bring legal proceedings against such party and recover the aggregate amount of compensation payable by him to such employee, or his dependents hereunder, together with the costs and disbursements of such action and reasonable attorney's fees expended by him therein.

Suits against third persons.

(2) Where the injury or death for which compensation is payable under Part 2 of this act was caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, such party not being subject to the provisions of Part 2 of this act, legal proceedings may be taken by the employee or dependents against such other party to recover damages, notwithstanding the payment by the employer, or his liability to pay compensation hereunder. But in such case, if the action against such other party is brought by the injured employee or in case of his death by his dependents, and judgment is obtained and paid, or settlement is made with such other party, either with or without suit, the employer shall be entitled to deduct from the compensation payable by him, the amount actually received by such employee or dependents: *Provided*, That if the injured employee or in case of his death his dependents shall agree to receive compensation from the employer or shall institute proceedings to recover the same, or accept from the employer any payment on account of such compensation, such employer shall be subrogated to all the rights of such employee or dependents and may maintain, or in case an action has already been instituted, may continue the action either in the name of the employee or dependents, or in his own name against such other party for the recovery of damages, but such employer shall nevertheless pay over to the injured employee or dependents all sums collected from such other party by judgment or otherwise in excess of the amount of such compensation payable by the employer under Part 2 of this act, and costs, attorney's fees, and reasonable expenses incurred by such employer in making such collection or enforcing such liability: *Provided*, That in no case shall such party be liable to any person other than the employee or his dependents for any damages growing out of or resulting from such injury or death.

Definitions.

SEC. 34 (as amended by chapter 209, Acts of 1915). Throughout this act the following words and phrases as used therein shall be considered to have the following meaning respectively, unless the context shall clearly indicate a different meaning in the connection used.

(a) The word "compensation" has been used both in Part 1 and Part 2 of this act to indicate the money benefit to be paid on account of injury or death. Strictly speaking, the benefit which an employee may receive by action at law under Part 1 of this act is damages, and this is indicated in section 1. To avoid confusion, the word "compensation" has been used in both parts of

the act, but it should be understood that under Part 1 the compensation by way of damages is determined by an action at law.

(b) "Child" or "children" shall include posthumous children and all other children entitled by law to inherit as children of the deceased, also stepchildren who were members of the family of the deceased at the time of his injury and dependent upon him for support.

(c) A dependent child or orphan shall be considered to mean an unmarried child under the age of eighteen years or one over that age, who is physically or mentally incapacitated from earning.

(d) The term "employer" as used herein shall mean every person not excluded by section 8, who employs another to perform a service for hire, and to whom the "employer" directly pays wages, and shall include any person or corporation, copartnership, or association or group thereof, and shall include county, village, town, city, school district, and other public employers, except the State.

(e) The term "physician" shall include "surgeon," and in either case shall mean one authorized by law to practice his profession within one of the United States and in good standing in his profession at the time.

(f) The term "workman" shall include the plural and all ages and both sexes.

(g) The terms "employee" and "workman" are used interchangeably and have the same meaning throughout this act, and shall be construed to mean:

(1) Every person in the service of a county, city, town, village or school district therein, under any appointment or contract of hire, express or implied, oral or written; but shall not include any official of any county, city, town, village or school district therein, who shall have been elected or appointed for a regular term of office, or to complete the unexpired portion of any regular term.

(2) Every person, not excluded by section 8, in the service of another under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of the State.

(h) The word "accident" as used in the phrases "personal injuries due to accident" or "injuries or death caused by accident" in this act shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event, happening suddenly and violently, with or without human fault and producing at the time, injury to the physical structure of the body.

(i) Personal injuries, etc.—Without otherwise affecting either the meaning or interpretation of the abridged clause, "personal injuries arising out of and in the course of employment," it is hereby declared:

Not to cover workmen except while engaged in, on, or about the premises where their services are being performed, or where their service requires their presence as a part of such service at the time of the injury, and during the hours of service as such workmen, and shall not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of reasons personal to him, and not directed against him as an employee, or because of his employment.

(j) Wherever in this act the singular is used, the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

(k) Amputations.—Amputations between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot.

(l) The labor commissioner, referred to in this act, shall denote the commissioner of labor of the State of Minnesota.

(m) "The court" as used herein shall mean the district court which would have jurisdiction in an ordinary civil case involving

a claim for the injuries or death in question, and "the judge" shall mean a judge of said court.

Questions of constitutionality.

(n) As to constitutionality.—In case for any reason any paragraph or any provision of this act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional or invalid, the same shall not be held to affect any other paragraph or provision of this act, except that parts 1 and 2 are hereby declared to be inseparable, and if either part be declared void or inoperative in an essential part, so that the whole of such part must fall, the other part shall fall with it and not stand alone. Part 1 of this act shall not apply in cases where Part 2 becomes operative in accordance with the provisions thereof, but shall apply in all other cases, and in such cases shall be in extension or modification of the common law.

ACTS OF 1915.

CHAPTER 96.—*Compensation of workmen for injuries—Provisions for safety.*

PART I.

GENERAL PROVISIONS.

SECTION. 1. (a) This act shall be known and may be cited as the workmen's compensation act. Part I shall contain those sections which have a general application to the whole of the act and may be referred to as the "general provisions"; Part II shall contain those sections which refer to compensation plan number one; Part III shall contain those sections which refer to compensation plan number two; Part IV shall contain those sections which refer to compensation plan number three; Part V shall contain those sections which may be referred to as the "safety provisions."

Citation of act.

Parts.

(b) Whenever compensation plan number one, two, or three, or the safety provisions of this act shall be referred to, such reference shall also be held to include all other sections which are applicable to the subject matter of such reference.

(c) The "compensation provisions" of this act, whenever referred to, shall be held to include the provisions of compensation plans number one, two, or three, and all other sections of this act applicable to the same or any part thereof.

SEC. 2. (a) There is hereby created a board to consist of three members. The commissioner of labor and industry shall be one member, the State auditor shall be one member, and one member shall be appointed by the governor, which board shall be known as the industrial accident board, and shall have the powers, duties, and functions hereinafter conferred. The term of office of the appointed member of the board shall be for four years and until his successor shall have been appointed and qualified. He shall receive an annual salary of four thousand dollars, payable monthly, and shall be the chairman of the board. The board shall elect one of their number as treasurer of the board.

Industrial accident board.

(b) A vacancy in the office of the appointed member of the board shall be filled in the same manner as the original appointment, but shall only be for the unexpired term of such vacancy. The appointed member shall not be removed except for cause, and after a hearing had before and a finding made by the remaining members of the board, and both of the remaining members of the board must concur in the removal of the appointed member.

(c) Each member shall, upon entering upon the duties of his office, execute to the State of Montana and file with the secretary of state a bond in the sum herein prescribed, executed by not less than four responsible sureties or by some surety company authorized to become sole surety on bonds in the State of Montana, such bonds to be approved by the governor, and conditioned that he will faithfully and impartially discharge the duties of his office. Such bonds shall be in addition to any other bonds required by law to be furnished.

(d) The bond of the treasurer of the board shall be in a sum to be fixed by the governor, not less than twenty-five thousand dollars ($25,000) nor more than one hundred thousand dollars ($100,000). The bonds of the members of the board other than the treasurer shall be in the sum of ten thousand dollars ($10,000).

(e) Neither the commissioner of labor and industry nor the State auditor shall receive any additional compensation for the duties imposed upon them by this act.

(f) A majority of the board shall constitute a quorum for the transaction of any business. A vacancy on the board shall not impair the right of the remaining members to perform all of the duties and exercise all the powers and authority of the board. The act of the majority of the board when in session as a board shall be deemed to be the act of the board, but any investigation, inquiry, or hearing which the board has power to undertake or to hold may be undertaken or held by or before any member thereof or any examiner or referee appointed by the board for that purpose. Every finding, order, decision, or award made by any commissioner, examiner, or referee pursuant to such investigation, inquiry, or hearing, when approved and confirmed by the board and ordered filed in its office, shall be deemed to be the finding, order, decision, or award of the board.

(g) The board shall have a seal bearing the following inscription: "Industrial Accident Board, State of Montana, Seal." The seal shall be affixed to all writs and authentications of copies of records, and to such other instruments as the board shall direct. All courts shall take judicial notice of said seal.

(h) The board shall keep its principal office in the capital of the State, and shall be provided with suitable rooms, necessary office furniture, stationery, and other supplies. For the purpose of holding sessions in other places, the board shall have power to rent temporary quarters.

(i) The board shall appoint a secretary, who shall hold office at the pleasure of the board. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the board, to issue all necessary processes, writs, warrants, and notices which the board is required or authorized to issue, and generally to perform such other duties as the board may prescribe.

(j) The board shall employ such assistants and other employees as it may deem necessary to carry out the provisions of this act.

(k) All officers and employees of the board shall receive such compensation for their services as may be fixed by the board, shall hold office at the pleasure of the board, shall perform such duties as are imposed on them by law or by the board.

(l) The salaries of members of the board, secretary, and every other person holding office or employment under the board, as fixed by law or by the board, shall be paid monthly, after being approved by the board upon claims therefor, to be audited and approved by the State board of examiners.

(m) All expenses incurred by the board pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers, and employees incurred while on business of the board, either within or without the State, shall, unless otherwise provided in this act, be paid from the industrial administration fund, after being approved by the board upon claims therefor, to be audited and approved by the State board of examiners.

(n) The board shall cause to be printed such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act. It shall provide a book in which shall be entered the minutes of all its proceedings, a book of record in which shall be recorded all awards made by the board, and such other books or records as it shall deem requisite for the purpose and efficient administration of this act. All such records are to be kept in the office of the board.

(o) The board shall have the power and authority to publish and distribute, at its discretion, from time to time, in addition to its annual report, such further reports and bulletins covering its operations, proceedings, and matters relative to its work as it may deem advisable.

(p) The board shall have power and authority to charge and collect the following fees:

1. For copies of papers and records not required to be certified or otherwise authenticated by the board, 15 cents for each folio; for certified copies of official documents and orders filed in its office or of the evidence taken at any hearing, 20 cents for each folio.

2. To fix and collect reasonable charges for publications issued under its authority.

3. The fees charged and collected under this section shall be paid monthly into the treasury of the State to the credit of the industrial administration fund, and shall be accompanied by a detailed statement thereof.

(q) The attorney general shall be the legal adviser of the board and shall represent it in all proceedings whenever so requested by the board or any member thereof.

Defenses abrogated.

SEC. 3. (a) In an action to recover damages for personal injuries sustained by an employee in the course of his employment, or for death resulting from personal injuries so sustained, it shall not be a defense (1) that the employee was negligent, unless such negligence was willful; (2) that the injury was caused by the negligence of a fellow employee; (3) that the employee had assumed the risks inherent in, incident to, or arising out of his employment, or arising from the failure of the employer to provide and maintain a reasonably safe place to work or reasonably safe tools or appliances.

Exceptions.

(b) The provisions of section 3 (a) shall not apply to actions to recover damages for personal injuries sustained by household or domestic servants, farm or other laborers engaged in agricultural pursuits, or persons whose employment is of a casual nature.

Employers accepting act.

(c) Any employer who elects to pay compensation as provided in this act shall not be subject to the provisions of section 3 (a), nor shall such employer be subject to any other liability whatsoever for the death of or personal injury to any employee except as in this act provided; and, except as specifically provided in this act, all causes of action, actions at law, suits in equity, and proceedings whatever, and all statutory and common-law rights and remedies for, and on account of such death of or personal injury to any such employee are hereby abolished: *Provided*, That section 3 (a) shall not apply to actions brought by an employee who has elected not to come under this act, or by his representatives, for damages for personal injuries or death against an employer who has elected to come under this act.

Act exclusive remedy when.

(d) Where both the employer and employee have elected to come under this act, the provisions of this act shall be exclusive, and such election shall be held to be a surrender by such employer and such employee of their right to any other method, form, or kind of compensation, or determination thereof, or to any other compensation, or kind of determination thereof, or cause of action, action at law, suit in equity, or statutory or common law, right, or remedy, or proceeding whatever, for, or on account of, any personal injury to or death of such employee, except as such rights may be hereinafter specifically granted; and such election shall bind the employee himself and in case of death shall bind his personal representative and all persons having any right or claim to compensation for his injury or death, as well as the employer, and those conducting his business during liquidation, bankruptcy, or insolvency.

Public employments.

(e) Where a public corporation is the employer, or any contractor engaged in the performance of contract work for such public corporation, the terms, conditions, and provisions of compensation plan number three shall be exclusive, compulsory, and obligatory upon both employer and employee. Any sums necessary to be paid under the provisions of this act by any public corporation shall be considered to be ordinary and necessary expenses of such corporation, and the governing body of such public cor-

poration shall make appropriation of and pay such sums into the accident or administration fund, as the case may be, at the time and in the manner provided for in this act, notwithstanding that such governing body may have failed to anticipate such ordinary and necessary expense in any budget, estimate of expenses, appropriation, ordinance, or otherwise.

Hazardous employments.

(f) Every employer engaged in the industries, works, occupations, or employments in this act specified as "hazardous" may on or before the 1st day of July, 1915, if such employer be then engaged in such hazardous industry, work, occupation, or employment or at any time thereafter, or, if such employer be not so engaged on said date, may on or after thirty days before entering upon such hazardous work, occupation, or employment, or at any time thereafter, elect whether he will be bound by either of the compensation plans mentioned in this act. Such election shall be in the form prescribed by the board, and shall state whether such employer shall be bound by compensation plan number one or compensation plan number two or compensation plan number three, and a notice of such election, with the nature thereof, shall be posted in a conspicuous place in the place of business of such employer, and a copy of such notice, together with an affidavit of such posting, shall be filed with the board.

Election by employers;

By employees.

(g) Every employee in the industries, works, occupations, or employments in this act specified as "hazardous" shall become subject to and be bound by the provisions of that plan of compensation which shall have been adopted by his employer, unless such employee shall elect not to be bound by any of the compensation provisions of this act and until such employee shall have made such election. Such election shall be made by written notice in the form prescribed by the board, served upon the employer, and a copy filed with the board, together with the proof of such service.

Presumption in case of non-election.

(h) If the employer shall fail to make the election herein provided for at the time and in the manner herein prescribed such employer shall be presumed to have elected not to be bound by the provisions of either compensation plan number one or compensation plan number two or compensation plan number three for that fiscal year, unless such employer shall elect to become subject to or bound by this act in the manner provided for such election in the first instance. After having once elected to be bound by one or the other of the compensation plans provided in this act, such employer shall be bound by such election for said first fiscal year and each succeeding fiscal year, unless such employer shall, not less than thirty or more than sixty days prior to the end of any fiscal year, elect not to be bound by either of such compensation plans, after the expiration of said fiscal year or unless he shall elect to be bound for the succeeding fiscal year by a different compensation plan than the one by which he is then governed. Such election must be made in the manner provided for in reference to the first election of such employer under this act.

Action to be affirmative.

(i) It is the intention of this act that any employer engaged in hazardous occupations as defined herein shall, before being bound by either of the compensation plans herein provided, elect to be so bound thereby, and that the employee shall be presumed to have elected to be the subject to and bound by the provisions of the particular plan which may have been adopted by his employer, unless such employee shall affirmatively elect not to be bound by this act.

Revocations.

(j) Any employee who has elected not to be bound by the provisions of this act in the manner herein provided may revoke such election and elect to come thereunder at any time. Any employer who has failed to elect to be bound by either one or the other of the compensation plans herein mentioned may, at any time during any fiscal year, elect to be bound thereby, which said election shall be made as hereinbefore provided; but whenever any employer or employee shall have elected to come under the provisions hereof, such election, when it shall have been made, shall bind such employer and employee for the rest of the then fiscal year.

(k) No compensation shall be paid to any employee, whether such employee has elected to come under this act or not, where his employer has failed to elect and has failed to come under one or the other of the compensation plans herein provided.

Employee of nonelecting employer.

SEC. 4. (a) This act is intended to apply to all inherently hazardous works and occupations within this State, and it is the intention to embrace all thereof in sections 4 (b), 4 (c), 4 (d), and 4 (e), and the works and occupations enumerated in said sections are hereby declared to be hazardous.

What are hazardous employments.

(b) *Construction work.*—Tunnels, bridges, trestles, subaqueous works, ditches and canals (other than irrigation without blasting), dock excavations, fire escapes, sewers, house moving, house wrecking, iron or steel frame structures or parts of structures, electric light or power plants or systems, telegraph or telephone systems, pile driving; steam railroads, steeples, towers, or grain elevators not metal framed; dry docks, without excavation; jetties, breakwaters, chimneys, marine railways, waterworks or water systems; electric railways, cable railways, street railways, with or without rock work or blasting; erecting fireproof doors or shutters; steam heating plants; blasting; tanks, water towers, or windmills, not metal framed; shaft sinking; concrete buildings; freight or passenger elevators; fireproofing of buildings; galvanized iron or tin work; gas works or systems; marble, stone, or brick work; road making, with or without blasting; roof work; safe moving; slate work; plumbing work, inside or outside; metal smokestacks or chimneys; excavations not otherwise specified; blast furnaces; street or other grading; advertising signs; ornamental work on buildings; ship or boat building or rigging, with or without scaffolding; carpenter work not otherwise specified; installation of steam boilers or engines; placing wires in conduits; installing dynamos; putting up belts for machinery; marble, mantel, stone, or tile setting; metal ceiling work; mill or ship wrighting; painting of buildings or structures; installation of automatic sprinklers; concrete laying in floors, foundations, or street paving; asphalt laying; covering steam pipes or boilers; installation of machinery not otherwise specified; drilling wells; installing electrical apparatus or fire-alarm apparatus in buildings; house heating or ventilating systems; glass setting; building hothouses; lathing, paper hanging, plastering, wooden-stair building.

(c) *Operation* (including repair work) of logging, cable, electric, street, steam, or other railroads; dredges; interurban electric railroads using third-rail systems; electric light or power plants; quarries; telegraph systems; stone crushers; blast furnaces; smelters; coal mines; gas works; steamboats; tugs and ferries; mines other than coal; steam heating or power plants; grain elevators; laundries; waterworks; paper mills; pulp mills; garbage and fertilizer works.

(d) *Factories using power-driving machinery.*—Stamping tin metal; bridge work; railroad, car, or locomotive making or repairing; cooperage; logging, with or without machinery; sawmills; shingle mills, staves, veneer, box, lath, packing cases, sash, doors, blinds, barrel, keg, pail, basket, tub, woodenware, or wooden fiber ware; rolling mills; making steam shovels or dredges; tanks; water towers; asphalt; building material not otherwise specified; fertilizer; cement, stone with or without machinery; kindling wood, masts or spars, with or without machinery; canneries; metal stamping; creosoting works; excelsior; iron, steel, copper, zinc, brass, or lead articles or wares, not otherwise specified; working in wood not otherwise specified; hardware; tile, brick, terra cotta, fire clay, pottery, earthenware, porcelain ware; peat fuel; briquettes; breweries; bottling works; boiler works; foundries; machine shops not otherwise specified; cordage; working in foodstuffs, including oils, fruits, and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber, or textiles not otherwise specified; making jewelry; making

soap, tallow, lard, grease, condensed milk; creameries; printing, electrotyping, photo-engraving, engraving, and lithographing; sugar factories.

(e) *Miscellaneous work.*—Operating stockyards, with or without railroad entry; packing houses; wharf operations; artificial ice and refrigerating or cold-storage plants; tanneries; electric systems not otherwise specified; theater stage employees, including moving-picture machine operators; fireworks manufacturing, powder works.

Employments not enumerated.

SEC. 5. If there be or arise any hazardous occupation or work other than hereinbefore enumerated it shall become under this act and its terms, conditions, and provisions as fully and completely as if hereinbefore enumerated.

Definitions.

SEC. 6. Unless the context otherwise required, words and phrases employed in this act shall have the meaning hereinafter defined.

(a) "Factories" means undertakings in which the business of working at commodities is carried on with power-driven machinery, whether in manufacture, repair, or change, and shall include the premises, yards, and plant of the concern.

(b) "Workshop" means any plant, yard, premises, room, or place where power-driven machinery is employed and manual labor is exercised by way of trade or gain or otherwise in or incidental to the process of making, altering, repairing, printing, or ornamenting, finishing, or adapting for sale or otherwise any article or part of article, machinery, or thing over which premises, room, or place the employer of the person working therein has the right of access or control.

(c) "Mill" means any plant, premises, room, or place where machinery is used; any process of machinery, changing, altering, or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses, and bunkers.

(d) "Mine" means any mine where coal, clay, ore, mineral, gypsum, or rock is dug or mined underground.

(e) "Quarry" means an open cut from which coal is mined or clay, ore, mineral, gypsum, sand, shale, gravel, or rock is cut or taken for manufacturing, building, or construction purposes.

(f) "Engineering work" means any work of construction, improvement, or alteration or repair of buildings, streets, highways, sewers, street railways, railroads, logging roads, interurban roads, harbor, docks, canals; electric, steam or water power plants; telegraph and telephone plants and line; electric light and power lines, and includes any other work for the construction, alteration, or repair of which machinery driven by mechanical power is used.

(g) "Reasonably safe place to work" means that the place of employment has been made as free from danger to the life or safety of the employee as the nature of the employment will reasonably permit.

(h) "Reasonably safe tools and appliances" are such tools and appliances as are adapted to and are reasonably safe for use for the particular purpose for which they are furnished, and shall embrace all safety devices and safeguards provided or prescribed by the "safety provisions" of the act for the purpose of mitigating or preventing a specific danger.

(i) "Employer" means any person, firm, association, or corporation, and includes the State, counties, municipal corporations, cities under special charter and commission form of government, school districts, towns, or villages, and independent contractors, and shall include the legal representatives of a deceased employer.

(j) "Employee" and "workman" are used synonymously, and means every person in this State, including a contractor other than "an independent contractor," who, after July first, 1915, is engaged in the employment of an employer carrying on or conducting any of the industries classified in sections 4 (a), 4 (b), 4 (c), 4 (e) and 5 of this act, whether by way of manual labor or otherwise or whether upon the premises or at the plant of such employer, or who is engaged in the course of his employment away from the plant of his employer: *Provided, however,*

1. If the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or, if death results from such injury, beneficiaries or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such others; such election shall be made in advance of the commencement of the action. Injury due to negligence of third party.

2. If he take under this act, the cause of action against such other shall be assigned to the State for the benefit of the industrial accident fund, or the employer or insurer, as the case may be.

3. Any such cause of action assigned to the State may be prosecuted or compromised by the board in its discretion.

4. If such workman, his beneficiaries, or dependents, as the case may be, shall elect to proceed against the person responsible for the injury, such election shall constitute a waiver of any right to compensation under the provisions of this act. Waiver by suit.

(k) "Injury" means and shall include death resulting from injury. Definitions.

(l) "Beneficiary" means and shall include a surviving wife or husband and a surviving child or children under the age of sixteen years, and an invalid child or invalid children over the age of sixteen years, or if no surviving wife or husband, then the surviving child or children under the age of sixteen years, and any invalid child or children over the age of sixteen years in whom shall vest a right to receive compensation under this act.

(m) "Major dependent" means if there be no beneficiaries as defined in section 6 (l), the father and mother of the survivor of them, if actually dependent to any extent upon the decedent at the time of his injury.

(n) "Minor dependent" means, if there be no beneficiary as defined in section 6 (l), and if there be no major dependent as defined in sections [sic] 6 (m), the brothers and sisters, if actually dependent upon the decedent at the time of his injury.

(o) "Invalid" means one who is physically or mentally incapacitated.

(p) "Child" shall include a posthumous child, a stepchild, a child legally adopted prior to the injury, an illegitimate child legitimized prior to the injury.

(q) "Injury" or "injured" refers only to an injury resulting from some fortuitous event as distinguished from the contraction of disease.

(r) Wherever the singular is used the plural shall be included, and wherever the plural is used the singular shall be included.

(s) Wherever the masculine gender is used the feminine and neuter shall be included.

(t) The term "physician" shall include "surgeon," and in either case shall mean one authorized by law to practice his profession in this State.

(u) "Week" means six working days, but includes Sundays.

(v) "Wages" mean the average daily wages received by the employee at the time of the injury for the usual hours of employment in a day, and overtime is not to be considered.

(w) "Wife" or "widow" means only a wife or widow living with or legally entitled to be supported by the deceased at the time of the injury.

(x) "Husband" or "widower" means only a husband or widower incapable of supporting himself and living with or legally entitled to be supported by the deceased at the time of her injury.

(y) "Board" means the Industrial Accident Board of the State of Montana.

(z) "Commissioner" means one of the members of the industrial accident board.

(aa) "Appointed member of the board" means that member of the industrial accident board appointed by the governor.

(bb) "Order" shall mean and include any decision, rule, regulation, direction, requirement, or standard of the board, or any other determination arrived at or decision made by such board, excepting general or local orders, as herein specified.

(cc) "General order" shall mean and include such order made under the safety provisions of this act as applies generally throughout the State to all persons, employments, or places of employment, or employees working in such places of employment classed as hazardous in this act.

(dd) "Local order" shall mean and include any ordinance, order, rule, or determination of any public corporation, or any order or direction of any other public official, board, or department upon any matter over which the industrial accident board has jurisdiction.

(ee) "Pay roll," "annual pay roll," or "annual pay roll for the preceding year" means the average annual pay roll of the employer for the preceding calendar year, or if the employer shall not have operated a sufficient, or any, length of time during such calendar year, twelve times the average monthly pay roll for the current year: *Provided*, That an estimate may be made by the board for any employer starting in business where no average pay rolls are available, such estimate to be adjusted by additional payment by the employer or refund by the board, as the case may actually be, on December 31st of such current year.

(ff) "Year," unless otherwise specified, means calendar year. "Fiscal year" means the period of time between the first day of July and the 30th day of the succeeding June.

(gg) "Public corporation" means the State, or any county, municipal corporation, school district, city, city under commission form of government, or special charter, town or village.

(hh) "Insurer" means any insurance company authorized to transact business in this State insuring any employer under this act.

(ii) "Casual employment" means employment not in the usual course of trade, business, profession, or occupation of the employer.

(jj) "The plant of the employer" shall include the place of business of a third person while the employer has access to or control over such place of business for the purpose of carrying on his usual trade, business, or occupation.

(kk) "An independent contractor" is one who renders service in the course of an occupation, representing the will of his employer only as the result of his work and not as to the means by which it is accomplished.

Payments to children, etc., cease, when.

SEC. 7. (a) In computing compensation to children and to brothers and sisters, only those under sixteen years of age, or invalid children over the age of sixteen years, shall be included, and in the case of invalid children only during the period in which they are under that disability (within the maximum time limitations elsewhere in this act provided) after which payment on account of such person shall cease. Compensation to children or brothers or sisters (except invalids) shall cease when such persons reach the age of sixteen years.

(b) If any beneficiaries or major or minor dependents of a deceased employee die, or if the widow or widower remarry, the right of such beneficiary or major or minor dependent, or such widow or widower, to compensation under this act shall cease.

Nonresident beneficiaries.

SEC. 8. (a) No compensation under this act, except as otherwise provided by treaty, shall be paid to any major or minor dependents not residing within the United States at the time of the injury to the decedent.

(b) Except as otherwise provided by treaty, no compensation in excess of fifty per centum of the compensation provided in this act shall be payable to any beneficiary not residing within the United States at the time of the injury to the decedent: *Provided, however*, That no compensation shall be allowed to any nonresident, alien beneficiary who is a citizen of a government having compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefit of such law in the same degree as herein extended to nonresident beneficiaries.

(c) Nothing in section 8 (b) shall prevent the compromise of any sums due a beneficiary not residing in the United States at the time of the injury to the decedent for a sum less than fifty per centum of the compensation provided in this act, upon the approval of the board of such compromise settlement.

(d) Before payment of compensation to a beneficiary not residing within the United States, satisfactory proof of such relationship as to constitute a beneficiary under this act shall be furnished by such beneficiary duly authenticated under seal of an officer of a court of law in the country where such beneficiary resides, at such times and in such manner as may be required by the board. And such proof shall be conclusive as to the identity of such beneficiary, and any other claim of any other person to any such compensation shall be barred from and after the filing of such proof.

To whom payments may be made.

SEC. 9. (a) Payment of compensation to a beneficiary not residing within the United States may be made to any plenipotentiary or consul or consular agent within the United States representing the country in which such nonresident beneficiary resides, and the written receipt of such plenipotentiary or consul or consular agent shall acquit the employer, the insurer, or the board, as the case may be.

Payments to guardians.

(b) Where payment is due to a child under sixteen years of age or to a person adjudged incompetent the same shall be made to the parent or to the duly appointed guardian, as the case may be, and the written receipt of such parent or guardian shall acquit the employer, the insurer, or board, as the case may be. In other cases payment shall be made to the person entitled thereto or to his duly authorized representative.

Limitation for claims.

SEC. 10. (a) In case of personal injury or death all claims shall be forever barred unless presented within six months from the date of the happening of the accident.

(b) No limitations of time, as provided in this act, shall run as against any injured workman who is mentally incompetent and without a guardian or an injured minor under sixteen years of age who may be without a parent or guardian. A guardian in either case may be appointed by any court of competent jurisdiction, in which event the period of limitation, as provided in section 10 (a), shall begin to run on the date of the appointment of such guardian, or when such minor arrives at the age of sixteen years.

Contractors' employees.

SEC. 11. (a) Where any employer procures any work to be done, wholly or in part for him by a contractor other than an independent contractor, and the work so procured to be done is a part or process in the trade or business of such employer, then such employer shall be liable to pay all compensation under this act to the same extent as if the work were done without the intervention of such contractor. And the work so procured to be done shall not be construed to be "casual employment."

(b) Where any employer procures work to be done as specified in section 11 (a), such contractor and his employees shall be presumed to have elected to come under that plan of compensation adopted by the employer, unless they shall have otherwise elected, as provided herein.

(c) Where any employer procures any work to be done, wholly or in part for him, by a contractor, where the work so procured to be done is casual employment as to such employer, then such contractor shall become the employer for the purposes of this act.

(d) Where any employer procures any work to be done, payment for which is to be made in property other than money or its equivalent, and the value of which property is speculative or intangible, the wages of the employees receiving such compensation shall be determined by the board in accordance with the going wage for the same or similar work in the district or locality where the same is to be performed: *Provided, however*, That where an employer procures any work to be done by any contractor, or

through him by a subcontractor, the payment for which is to be made in property other than money or its equivalent, and the value of which property is speculative or intangible, then and in that event the employer shall not be liable for compensation, but such liability shall fall upon the contractor or subcontractor, as the case may be.

Injury proximate cause of death.

SEC. 12. (a) If an injured employee dies and the injury was the proximate cause of such death, then the beneficiary or the major or minor dependents of the deceased, as the case may be, shall receive the same compensation as though the death occurred immediately following the injury, but the period during which the death benefit shall be paid shall be reduced by the period during or for which compensation was paid for the injury.

Death from other cause.

(b) If the employee shall die from some cause other than the injury, there shall be no liability for compensation after his death.

Dependency determined, when.

(c) The question as to who constitutes a beneficiary or a major or minor dependent shall be determined as of the date of the happening of the accident to the employee, whether death shall immediately result therefrom or not.

Medical examinations.

SEC. 13. (a) Whenever in case of injury the right to compensation under this act would exist in favor of any employee, he shall, upon the written request of his employer or the insurer, submit from time to time to examination by a physician, who shall be provided and paid for by such employer or insurer, and shall likewise submit to examination from time to time by any physician selected by the board or any members or examiner or referee thereof.

(b) The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employee and his physical condition and ability to attend at the time and place fixed. The employee shall be entitled to have a physician, provided and paid for by himself, present at any such examination. So long as the employee, after such written request, shall fail or refuse to submit to such examination, or shall in any way obstruct the same, his right to compensation shall be suspended. Any physician employed by the employer, the insurer, or the board who shall make or be present at any such examination may be required to testify as to the results thereof.

Contracts for hospital benefits.

SEC. 14. (a) Nothing in this act shall be construed as preventing employers and workmen from waiving the provisions of section 16 (f) of this act and entering into mutual contracts or agreements providing for hospital benefits and accommodations to be furnished to the employee.

(b) Such hospital contract or agreements must provide for medical, hospital, and surgical attendance for such employee for sickness contracted during the employment, except venereal diseases and sickness as a result of intoxication, as well as for injuries received arising out of and in the course of the employment.

Limit on assessments.

(c) No assessment of employees for such hospital contracts or benefits shall exceed $1 per month for each employee, except in cases where it shall appear to the satisfaction of the board, after a hearing had for that purpose, that the actual cost of such service exceeds the said sum of $1 per month, and any such finding of the board may be modified at any time when justified by a change of conditions or otherwise, either upon the board's own motion or the application of any party in interest.

Profits.

(d) No profit, directly or indirectly, shall be made by any employer as a result of such hospital contract or assessments. It is the purpose and intent of this act to provide that where hospitals are maintained by employers such hospitals shall be no more than self-supporting from assessment of employees, and that where hospitals are maintained by other than the employer all sums derived by assessment of employees shall be paid in full to such hospital without deduction by the employer.

Supervision by board.

(e) Each and every hospital maintained wholly or in part by payments from workmen, which furnishes treatment and services to employees for sickness and injury, as provided in this act, shall be under the supervision of the board as to the services and treat-

ment rendered such employees, and shall from time to time make reports of such services, attendances, treatments, receipts, and disbursements as the board may require.

(f) Neither an employer, an insurer, nor the board shall be liable in any way for any act in connection with the treatment or care, or malpractice in treatment or care, of any sickness or injury sustained by an employee or the beneficiary of any hospital contract, where such act or treatment or malpractice in treatment is caused, or alleged to have been caused, by any physician, hospital, or attendant furnished by such employer, insurer, or the board. In any action for malpractice arising out of the operations of this act the merits of such action shall be investigated by the industrial accident board, and the finding of the board in relation thereto shall be filed with the clerk of the court in which such action is pending. Malpractice.

SEC. 15. In any action to recover damages for any act connected with the treatment or care or malpractice in treatment or care of any sickness of or injury sustained by an employee the question of whether or not due care was given by the defendants shall be a question of law for the court. Same.

SEC. 16. Every employer who shall become bound by and subject to the provisions of compensation plan number one, and every employer and insurer who shall become bound by and subject to the provisions of compensation plan number two, and the industrial accident fund where the employer of the injured employee has become bound by and subject to the provisions of compensation plan number three, shall be liable for the payment of compensation in the manner and to the extent hereinafter provided to an employee who has elected to come under this act and who shall receive an injury arising out of and in the course of his employment, or in the case of his death from such injury to his beneficiaries, if any; or, if none, to his major dependents, if any; or, if none, to his minor dependents, if any. What parties liable.

(a) For an injury producing temporary total disability, fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of ten dollars per week and a minimum compensation of six dollars per week: *Provided*, That if at the time of injury the employee received wages of less than six dollars per week that he shall receive the full amount of such wages per week. Such compensation shall be paid during the period of disability, but not, however, in any event, exceeding 300 weeks. Compensation for— Temporary total disability;

(b) For an injury producing total disability permanent in character, fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of ten dollars per week and a minimum compensation of six dollars per week: *Provided*, That if at the time of the injury the employee received wages of less than six dollars per week then he shall receive the full amount of such wages per week. Such compensation shall be paid during the period of disability, not exceeding 400 weeks, after which time payment shall continue during disability at the rate of five dollars per week. Permanent total disability;

(c) For an injury producing partial disability, one-half of the difference between the wages received at the time of the injury and the wages which such injured employee is able to earn thereafter, not exceeding, however, the difference between the wages which the injured employee is able to earn after the injury and the maximum compensation allowed in cases of total disability: *Provided, however*, That such a sum shall be paid as compensation in each case, which, when added to the wages which the injured employee is able to earn after the injury, will equal the minimum compensation allowed in cases of total disability. Such compensation shall be paid during the period of disability, not exceeding, however, 150 weeks in cases of permanent partial disability and 50 weeks in cases of temporary partial disability. Partial disability;

(d) Where the injury causes death, fifty per centum of the wages received at the time of the injury to his beneficiaries, if Death.

any, residing within the United States at the date of the happening of the injury, or if residing outside of the United States, fifty per centum of such compensation, or if none, then forty per centum of the wages received at the time of the injury to his major dependents, if any, if residing in the United States at the date of the happening of the injury, or, if none, then thirty per centum of the wages received at the time of the injury to his minor dependents, if any, residing within the United States at the date of the happening of the injury, subject to a maximum compensation of ten dollars per week and a minimum compensation of six dollars per week, for a period not exceeding 400 weeks: *Provided*, That if at the time of the injury the employee received wages of less than six dollars per week, the full amount of such wages per week for a period of not exceeding 400 weeks.

Burial expenses.

(e) There shall be paid, in addition to other compensation, if death occurs within six months of the happening of the injury, the reasonable burial expenses of the employee, not exceeding $75. If the employee leaves no beneficiaries or major or minor dependents, this shall be the only compensation.

Medical and hospital services.

(f) During the first two weeks after the happening of the injury the employer or insurer or the accident fund, as the case may be, shall furnish reasonable medical and hospital services and medicines as and when needed, in an amount not to exceed fifty dollars in value, except as otherwise in this act provided, and when the employer is a party to a hospital contract, unless the employee shall refuse to allow them to be furnished.

Waiting time.

(g) No compensation shall be allowed or paid during the first two weeks of any injury, except as may be required by the provisions of section 16 (f).

Order of payments.

(h) Compensation for all classes of injuries shall run consecutively and not concurrently, and as follows: First, the two weeks' medical and hospital services and medicines as provided in section 16 (f), unless the employee is a contributor to a hospital fund, as otherwise in this act provided; after the first two weeks, compensation as provided in section 16 (a) or 16 (b) or 16 (c); following either or none of the above, compensation as provided in section 16 (i); following any or either or none of the above, if death results from the accident within six months of the date of the injury, burial expenses as provided in section 16 (e); following which, compensation to beneficiaries, if any; following which, if no beneficiaries, compensation to major dependents; following which, if no beneficiaries and no major dependents, compensation to minor dependents, if any: *Provided*, That no compensation shall be paid to a major or minor dependent who does not reside within the United States or who did not reside within the United States at the date of the happening of the injury. Compensation due to beneficiaries shall be paid to the surviving spouse, if any, or if none, then divided equally among or for the benefit of the children. Compensation due to major dependents, where there be more than one, shall be divided equally among them.

Specified injuries.

(i) In case of the following specified injuries, the compensation, in lieu of any other compensation provided by this act, other than that provided in section 16 (f), unless the employee is a contributor to a hospital fund, as otherwise in this act provided, shall be fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of ten dollars per week and a minimum compensation of six dollars per week: *Provided*, That if at the time of the injury the employee received wages of less than six dollars per week, then he shall receive the full amount of such wages per week, and shall be paid for the following periods:

For the loss of—

One arm at or near shoulder	200 weeks
One arm at the elbow	180 weeks
One arm between wrist and elbow	160 weeks
One hand	150 weeks

One thumb and the metacarpal bone thereof	60 weeks
One thumb at the proximal joint	30 weeks
One thumb at the second distal joint	20 weeks
One first finger and the metacarpal bone thereof	30 weeks
One first finger at the proximal joint	20 weeks
One first finger at the second joint	15 weeks
One first finger at the distal joint	10 weeks
One second finger and the metacarpal bone thereof	30 weeks
One second finger at the proximal joint	15 weeks
One second finger at the second joint	10 weeks
One second finger at the distal joint	5 weeks
One third finger and the metacarpal bone thereof	20 weeks
One third finger at the proximal joint	12 weeks
One third finger at the second joint	8 weeks
One third finger at the distal joint	4 weeks
One fourth finger and the metacarpal bone thereof	12 weeks
One fourth finger at the proximal joint	9 weeks
One fourth finger at the second joint	6 weeks
One fourth finger at the distal joint	3 weeks
One leg at or so near the hip joint as to preclude the use of an artificial limb	180 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	150 weeks
One leg between the knee and ankle	140 weeks
One foot at the ankle	125 weeks
One great toe with the metatarsal bone thereof	30 weeks
One great toe at the proximal joint	15 weeks
One great toe at the second joint	10 weeks
One toe other than the great toe with the metatarsal bone thereof	12 weeks
One toe other than the great toe at proximal joint	6 weeks
One toe other than the great toe at second or distal joint	3 weeks
One eye blind by enucleation	120 weeks
Total blindness of one eye	100 weeks

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in the absence of conclusive proof to the contrary shall constitute total disability permanent in character.

Hernia.

(j) A workman in order to be entitled to compensation for hernia must clearly prove: (1) That the hernia is of recent origin, (2) that its appearance was accompanied by pain, (3) that it was immediately preceded by some accidental strain suffered in the course of the employment, and (4) that it did not exist prior to the date of the alleged injury. If a workman, after establishing his right to compensation for hernia as above provided, elects to be operated upon, a special operating fee of not to exceed fifty dollars shall be paid by the employer, the insurer, or the board, as the case may be. In case such workman elects not to be operated upon, and the hernia becomes strangulated in the future, the results from such strangulation will not be compensated.

Paralysis.

(k) For the purpose of section 16 (i) the complete paralysis of an arm, hand, foot, or leg shall be considered the loss of such member. For the purpose of section 16 (i) the complete paralysis of both arms, both hands, both feet, or both legs, or any two of them, shall be considered the loss of such members.

Subsequent injuries.

(l) Should a further accident occur to a workman who is already receiving compensation hereunder, or who has been previously the recipient of a payment or payments under this act, his further compensation shall be adjusted according to the other provisions of this act, and with regard to the combined effect of his injuries and his past receipt of compensation.

Revision of awards.

(m) If aggravation, diminution, or termination of disability takes place, or be discovered after the rate of compensation shall have been established, or compensation terminated in any case, where the maximum payments for disabilities as provided in this

act have not been reached, such changes may be adjusted for future application of compensation in accordance with the provisions hereof, or in a proper case terminate the payments.

Payments monthly.

(n) All payments of compensation, as provided in this act, shall be made monthly, except as otherwise provided herein.

Lump sums.

(o) The monthly payments provided for in this act may be converted, in whole or in part, into a lump-sum payment, which lump-sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of five per centum per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary, or major or minor dependents, as the case may be, and shall rest in the discretion of the board both as to the amount of such lump-sum payment and the advisability of such conversion.

Payments exempt.

SEC. 17. (a) No payments under this act shall be assignable, subject to attachment or garnishment, or be held liable in any way for any debts.

Preferences of payments.

(b) In case of bankruptcy, insolvency, liquidation, or the failure of an employer or insurer to meet any obligations imposed by this act, every liability which may be due under this act shall constitute a first lien upon any deposit made by such employer or insurer, and if such deposit shall not be sufficient to secure the payment of such liability in the manner and at the times provided for in this act the deficiency shall be a lien upon all the property of such employer or insurer within this State, and shall be prorated with other lienable claims and shall have preference over the claim of any creditor or creditors of such employer or insurer except the claims of other lienors.

Waivers.

(c) No agreement by an employee to waive any rights under this act for an injury to be received shall be valid.

Misrepresentations.

(d) Any employer who shall misrepresent to the board the amount of a pay roll upon which the premiums or assessments under compensation plan number three are to be levied, or upon which fees for factory inspection, subsequent inspection, or re-inspection, as elsewhere provided in this act, are based, shall be liable to the State in ten times the amount of difference between the amount paid and the amount which should have been paid. Such liability may be recovered in a civil action brought in the name of the State. All sums collected under this section shall be paid into the fund to which the original payments were or should have been credited.

Interstate commerce.

(e) The provisions of this act shall not apply to any railroad engaged in interstate commerce, except that railroad construction work shall be included in and subject to the provisions of this act.

Reports of payments.

(f) Every employer coming under the provisions of compensation plan number one and every insurer coming under the provision of compensation plan number two shall, on or before the fifteenth day of each and every month, file with the industrial accident board duplicate receipts for all payments made during the previous month to injured workmen or their beneficiaries or dependents, and statements showing the amounts expended during the previous month for medical, surgical, and hospital services and for the burial of injured workmen.

Notice.

(g) No claims to recover compensation under this act for injuries not resulting in death shall be maintained unless, within sixty days after the occurrence of the accident which is claimed to have caused the injury, notice in writing, stating the name and address of the person injured, the time and the place where the accident occurred, and the nature of the injury, and signed by the person injured, or some one in his behalf, shall be served upon the employer or the insurer: *Provided, however*, That actual knowledge of such accident and injury on the part of such employer or his managing agent or superintendent in charge of the work upon which the injured employee was engaged at the time of the injury shall be equivalent to such service.

(h) Every employer of labor and every insurer is hereby required to file with the board, under such rules and regulations as the board may from time to time make, a full and complete report of every accident to an employee arising out of or in the course of his employment and resulting in loss of life or injury to such person. Such reports shall be furnished to the board in such form and such detail as the board shall from time to time prescribe, and shall make specific answer to all questions required by the board under its rules and regulations, except, in case he is unable to answer any such questions, a good and sufficient reason shall be given for such failure. Reports of accidents.

(i) No information furnished to the board by an employer or an insurer shall be open to public inspection or made public except on order of the board, or by the board or a member of the board in the course of a hearing or proceeding. Any officer or employee of the board who, in violation of the provisions of this section, divulges any information shall be guilty of a misdemeanor. Information confidential.

(j) Whenever it is necessary to estimate the sum of money to set aside as a reserve in any case, the American Experience Table of Mortality shall be used. Mortality table.

(k) It shall be unlawful for the employer to deduct or obtain any part of any premium required to be paid by this act from the wages or earnings of his workmen, or any of them, and the making or attempt to make any such deduction shall be a misdemeanor, except that nothing in this section shall be construed as prohibiting contributions by employees to a hospital fund, as elsewhere in this act provided. Deducting wages.

SEC. 18. (a) All hearings and investigations before the board, or any member thereof, shall be governed by this act and by rules of practice and procedure to be adopted by the board, and in the conduct thereof neither the board nor any member thereof shall be bound by the technical rules of evidence. No informality in any proceedings or in the manner of taking testimony shall invalidate any order, decision, award, rule, or regulation made, approved, or confirmed by the board. Hearings by board.

(b) The board, or any member thereof, or any party to the action or proceeding may, in any investigation or hearing before the board, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the district courts of this State, and to that end may compel the attendance of witnesses and the production of books, documents, papers, and accounts.

(c) The board is hereby vested with full power, authority, and jurisdiction to do and perform any and all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of any power, authority, or jurisdiction conferred upon it under this act. Powers.

(d) The board and each member thereof shall have power to issue writs of summons, warrants of attachment, warrants of commitment, and all necessary process in proceedings for contempt in like manner and to the same extent as courts of record. The process issued by the board, or any member thereof, shall extend to all parts of the State and may be served by any persons authorized to serve process of courts of record, or by any person designated for that purpose by the board, or any member thereof.

The person executing any such process shall receive such compensation as may be allowed by the board, not to exceed the fees now prescribed by law for similar service and such fees shall be paid in the same manner as provided herein for the fees of witnesses.

(e) The board and each member thereof, its secretary and referees, shall have the power to administer oaths, certify to all official acts, and to issue subpœnas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony in any injury [inquiry], investigation, hearing, or proceeding in any part of the State. Each witness who shall appear by order of the board, or any member thereof, shall be entitled to receive, if

demanded, for his attendance the same fees and mileage allowed by law to a witness in civil cases in the district court, which amount shall be paid by the party at whose request such witness is subpœnaed, unless otherwise ordered by the board. When any witness who has not been required to attend at the request of any party is subpœnaed by the board his fees and mileage may be paid from the funds appropriated for the use of the board in the same manner as other expense[s] of the board are paid. Any witness subpœnaed, except one whose fees and mileage may be paid from the funds of the board, may at the time of service demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service and they are not at that time paid or tendered, he shall not be required to attend before the board, or a member thereof or referee, as directed in the subpœna.

Aid by courts.

(f) The district court in and for the county in which any inquiry, investigation, hearing, or proceeding may be held by the board, or any member thereof, shall have the power to compel the attendance of witnesses, the giving of testimony, and the production of papers, books, accounts, and documents as required by any subpœna issued by the board or any member thereof. The board, or any member thereof, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpœna, may report to the district court in and for the county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place fixed for the attendance of said witness or the production of said papers, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend, or produce the papers required by the subpœna before the board, or any member thereof, in the case or proceeding named in the notice and subpœna, or has refused to answer questions propounded to him in the course of such proceedings, and ask an order of said court compelling the witness to attend and testify or produce said papers before the board. The court, upon the petition of the board, or any member of the board, shall enter an order directing the witness to appear before the court at the time and place to be fixed by the court in such order not more than ten days from the date of the order, and then and there show cause why he had not attended or testified or produced such papers before the board. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpœna was regularly issued by the board, or a member thereof, and regularly served, the court shall thereupon enter an order that said witness appear at the time and place fixed in said order and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative and shall not be construed to impair or interfere with the power of the board, or a member thereof, to enforce the attendance of witnesses and the production of papers and to punish for contempt in the same manner and to the same extent as courts of record.

Copies as evidence.

(g) Copies of official documents and orders filed or deposited according to law in the office of the board, certified by a member of the board or by the secretary under the official seal of the board to be true copies of the original, shall be evidence in like manner as the originals.

Costs.

(h) The costs and disbursements, incurred in any proceeding or hearing before the board, or a member thereof, may be apportioned between the parties on the same or adverse sides in the discretion of the board.

Records to be open.

SEC. 19. The books, records, and pay rolls of the employer, pertinent to the administration of this act, shall always be open to inspection by the board or any duly authorized employee thereof,

for the purpose of ascertaining the correctness of the pay roll, the number of men employed, and such other information as may be necessary for the board and its management under this act. Refusal on the part of the employer to submit said books, records, and pay rolls for such inspection shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected by civil action in the name of the State and paid into the industrial administration fund.

Proceedings.

SEC. 20 (a) All proceedings to determine disputes or controversies arising under this act shall be instituted before the board and not elsewhere, and heard and determined by them, except as otherwise in this act provided, and the board is hereby vested with full power, authority, and jurisdiction to try and finally determine all such matters, subject only to review in the manner and within the time in this act provided.

Orders, etc.

(b) All orders, rules, and regulations, findings, decisions, and awards of the board in conformity with law shall be in force and shall be prima facie lawful; and all such orders, rules, and regulations, findings, decisions, and awards shall be conclusively presumed to be reasonable and lawful, until and unless they are modified or set aside by the board or upon review.

Awards.

(c) After a final hearing by the board it shall, within thirty days, make and file its findings upon all facts involved in the controversy and its award, which shall state its determination as to the right of the parties.

Forms of awards.

(d) The board in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability indemnity to be paid, and order payment thereof during the continuance of such disability: *Providing, however*, That the payment of such award and indemnity shall be in the same manner as that of undisputed awards and indemnities coming within the particular plan provided for in this act to which said award and indemnity belong.

Nominal award.

(e) If in any proceeding it is proved that an accident has happened for which the employer would be liable to pay compensation if disability has resulted therefrom, but it is not proved that an incapacity has resulted, the board may, instead of dismissing the application, award a nominal disability indemnity if it appears that disability is likely to result at a future time.

Reviews.

(f) The board shall have continuing jurisdiction over all its orders, decisions, and awards, and may at any time, upon notice and after opportunity to be heard is given to the parties in interest, rescind, alter, or amend any such order, decision, or award made by it upon good cause appearing therefor. Any order, decision, or award rescinding, altering, or amending a prior order, decision, or award shall have the same affect [effect] as original orders or awards.

Records.

(g) A full and complete record shall be kept of all proceedings and hearings had before the board, or any member thereof, of any formal hearing had, and all testimony produced before the board or any member thereof, shall be taken down by a stenographic reporter appointed by the board, and the parties shall be entitled to be heard in person or by attorney. In cases of an action to review any order or decision of the board, a transcript of such testimony, together with all exhibits, and of the pleadings, records, and proceedings in the cause, shall constitute the record of the board.

Review of orders.

(h) No orders or decisions of the board shall be subject to collateral attack, and may be reviewed or modified only in the manner provided herein.

Rehearings.

SEC. 21. (a) At any time within twenty days after the service of any order or decision of the board any party or parties aggrieved thereby may apply for a rehearing upon one or more of the following grounds and upon no other grounds:

1. That the board acted without or in excess of its powers.
2. That the order, decision, or award was procured by fraud.

3. That the evidence does not justify the findings.

4. That the applicant has discovered new evidence, material to him, and which he could not, with reasonable diligence, have discovered and produced at the hearing.

5. That the findings do not support the order, decision, or award.

6. That the order, decision, or award is unreasonable.

(b) Nothing contained in section 21 (a) shall, however, be construed to limit the right of the board, at any time after the date of its award, and from time to time after due notice and upon the application of any party interested, to review, diminish, or increase within the limits provided by this act any compensation awarded upon the grounds that the disability of the person in whose favor such award was made has either increased or diminished or terminated.

(c) The application for rehearing shall set forth specifically and in full detail the grounds upon which the applicant considers said order, decision, award, rule, or regulation to be unjust or unlawful, and shall in other respects conform to such rules and regulations as the board may prescribe.

(d) The board shall have full power and authority to make and prescribe rules to govern the procedure upon rehearing, and any matter before it and any order made after such rehearing abrogating or changing the original order shall have the same force and effect as an original order and shall not affect any right, or enforcement of any right, arising from or by virtue of the original order.

(e) An application for rehearing or the appeal hereinafter provided shall not excuse any employer, employee, or other person from complying with or obeying any order or requirement of the board or operate in any manner to stay or postpone the enforcement of an order or requirement thereof, except as the board or the court may direct.

Appeals.

SEC. 22. (a) Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days after the rendition of the decision on the rehearing, and within twenty days after notice thereof, any party affected thereby may appeal to the district court of the judicial district of the State of Montana, including the county in said State wherein the employer may have his place of residence, or if such employer be a corporation may have its principal office or place of business, or if said appeal be prosecuted by an injured workman or his dependents, such appeal may be taken to the district court wherein is located the county within which such workman was injured, which said appeal shall be for the purpose of having the lawfulness of the original order, decision, or award, or the order, decision, or award on rehearing inquired into and determined.

(b) Said appeal shall be taken by serving a written notice of said appeal upon the chairman of such industrial accident commission, or upon any other member thereof, which said service shall be made by the delivery of a copy of such notice to such chairman or member, and filing the original with the clerk of the court to which said appeal is taken. A copy of such notice must also be served upon the adversary party, if there be any, by mailing the same to said adversary party to such address of such party as said party shall have left with the board. If such party shall have left no address with the board, then no service upon such party shall be required. The order of filing and service of said notice is immaterial. Immediately upon service upon said board of said notice the said board shall certify to said district court the entire record and proceedings, including all testimony and evidence taken by said board, with the clerk of said district court. Immediately upon the return of such certified record the district court shall fix a day for the hearing of said cause, and shall cause notice to be served upon the board and upon the appellant, and also upon the adversary party, if there be any. The court may, upon

the hearing, for good cause shown, permit additional evidence to be introduced, but in the absence of such permission from the court the cause shall be heard on the record of the board as certified to the court by it. The trial of the matter shall be de novo, and upon such trial the court shall determine whether or not the board regularly pursued its authority, and whether or not the findings of the board ought to be sustained, and whether or not such findings are reasonable under all the circumstances of the case.

(c) The board and each party to the action or proceeding before the board shall have the right to appear in the proceeding, and it shall be the duty of the board to so appear. If the court shall find from such trial as aforesaid that the findings and conclusions of the board are not in accordance with either the facts or the law, or that they ought to be other or different than those made by the board, or that any finding and conclusion or any order, rule, or requirement of the board is unreasonable, the court shall set aside such finding, conclusion, order, judgment, decree, rule, or requirement of said board, or shall modify or change the same as law and justice shall require, and the court shall also make and enter any finding, conclusion, order, or judgment that shall be required or shall be legal and proper in the premises.

(d) Either the board or the appellant or any adversary party, if there be one, may appeal to the Supreme Court of the State of Montana from any final order, judgment, or decree of the said district court, which said appeal shall be taken in like manner as appeals are now taken in other civil actions to the said supreme court, and upon such appeal the said supreme court shall make such orders in reference to a stay of proceedings as it finds to be just in the premises, and may stay the operation of any order, judgment, or decree of said district court without requiring any bond or undertaking from the applicant for such stay. When any such cause is so appealed it shall have precedence upon the calendar of the said supreme court, and shall be tried anew by said supreme court upon the record made in said district court and before said board, and judgment and decree shall be entered therein as expeditiously as possible. Appeal to supreme court.

SEC. 23. (a) There is hereby appropriated out of the State treasury the sum of fifty thousand ($50,000) dollars, or so much thereof as may be necessary, to be known as the industrial administration fund, out of which the salaries, traveling and office expenses of the board shall be paid, and all other expenses incident to the administration of this act. Appropriation.

(b) There is hereby appropriated out of the industrial accident fund such sums as may be necessary to pay the compensation provided for in this act.

SEC. 24. (a) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court. Construction of act.

(b) If any section, subsection, subdivision, sentence, clause, paragraph, or phrase of this act is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this act, so long as sufficient remains of the act to render the same operative and reasonably affective [effective] for carrying out the main purpose and intention of the legislature in enacting the same as such purpose and intention may be disclosed by the act.

(c) The moneys coming into the industrial accident fund shall be held in trust for the purpose for which such fund is created, and if this act shall be hereafter repealed, such moneys shall be subject to such disposition as may be provided by the legislature repealing this act; in default of such legislative provision, distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing. Disposition of funds.

(d) This act shall not affect any action pending or any cause of action existing on the thirtieth day of June, 1915. Prior causes.

Annual reports.

SEC. 25. (a) The board shall, not later than the first day of October of each year, make a report to the governor covering its entire operations and proceedings for the preceding fiscal year, with such suggestions or recommendations as it may deem of value for public information. A reasonable number of copies of such report shall be printed for general distribution.

Act in effect.

(b) This act shall take effect and be in force from and after its passage and approval, except as to its compensation provisions, which shall not take effect until the first day of July, 1915.

PART II.

COMPENSATION PLAN NUMBER ONE.

Election of system of direct payments.

SECTION 30. (a) Any employer in the industries, trades, works, occupations, or employments in this act specified as hazardous, by filing his election to become subject to and be bound by compensation plan number one, upon furnishing satisfactory proof to the board of his solvency and financial ability to pay the compensation and benefits in this act provided for, and to discharge all liabilities which are reasonably likely to be incurred by him during the fiscal year for which such election is effective, may, by order of the said board, make such payments directly to his employees as they may become entitled to receive the same under the terms and conditions of this act.

Proof of solvency.

(b) Every such employer now or hereafter engaged in the State of Montana in the industries, trades, works, occupations, or employments herein mentioned, and who shall have elected to be bound by such compensation plan number one, shall file such proof of his solvency within the time and in such form as may be prescribed by the rules or orders of the board.

If such employer making such election shall be found by the board to have the requisite financial ability to pay the compensation and benefits in this act provided for, then the board shall grant to such employer permission to carry on his said business for the fiscal year within which such election is made and such proof filed, or the remaining portion of such fiscal year, and to make such payments directly to his employees as they may become entitled to receive the same. Every employer, so long as he continues in his said employment, and so long as he continues to be bound by such compensation plan number one, shall, at least thirty days before the expiration of each fiscal year, renew his application to be permitted to continue to make such payments as aforesaid directly to his employees for the next ensuing fiscal year and under like circumstances as those mentioned for the granting of such permission upon such first application, the board may renew the same from year to year.

Additional proof.

(c) The board may at any time require from any employer acting under compensation plan number one additional proof of solvency and financial ability to pay the compensation provided by this act, and may at any time, upon notice to such employer of not less than ten or more than twenty days, after and upon a full hearing, revoke any order or approval theretofore made.

Security required, when.

(d) If said industrial accident board shall find that such employer has not financial responsibility for the payment of the compensation herein provided to be paid which might reasonably be expected to be chargeable to such employer during the fiscal year to be covered by such permission, said industrial accident board must so find, and must require such employer, before granting to him such permission, or before continuing or engaging in such employment, subject to the provisions of compensation plan number one, to give security for such payment, which security must be in such an amount as said board shall find it reasonable and necessary to meet all liabilities of such employer which may reasonably and ordinarily be expected to accrue during such fiscal year. Said security must be deposited with the treasurer of the board and may be a certain estimated per centum of said employer's last

preceding annual pay roll, or a certain per centum of the established amount of his annual pay roll for said fiscal year, or said security may be in the form of a bond or undertaking executed to said industrial accident board in the amount to be fixed by it with two or more sufficient sureties, which undertaking must be conditioned that such employer will well and truly pay, or cause to be paid, all such sums and amounts for which the employer shall become liable under the terms of this act to his employees during said fiscal year, or such security may consist of any State, county, municipal, or school district bonds, or the bonds or evidence of indebtedness of any individuals or corporations which the board may deem solvent; and every such deposit and the character and amount of such securities shall at all times be subject to approval, revision, or change by the board as in its judgment may be required, and upon proof of the final payment of the liability for which such securities are given such securities, or any remaining part thereof, shall be returned to the depositor. The treasurer of the board and his bondsmen shall be liable for the value and safe-keeping of all such deposits or securities, and shall at any time upon demand of the bondsmen or the depositor or the board account for the same and the earnings thereof.

Failure to make payments.

(e) Upon the failure of said employer to pay any compensation provided for in this act upon the terms and in the amounts and at the times when the same shall become due and payable, it shall be the duty of such State accident board, upon demand of the person to whom compensation is due, to apply any deposits made with the board to the payment of the same, and it shall be its duty to take the proper steps to convert any securities on deposit with the said board, or sufficient thereof, into cash and to pay the same upon the liabilities of said employer accruing under the terms of this act, and it shall be its duty, in so far as the same shall be necessary, to collect and enforce the collection of the liability of all sureties upon any bonds which may be given by the said employer to insure the payment of his said liability. And to these ends and for these purposes the board shall be deemed to be the owner of said deposit and security and the obligee in said bond in trust for the said purposes and may proceed in its own name to recover upon such bonds or foreclose and liquidate said securities.

Deposits.

(f) Within thirty days after the happening of an accident where death or the nature of the injury renders the amount of future payments certain, or reasonably certain, the employer shall make a deposit or give security as herein defined with the treasurer of the board for the protection and guaranty of the payment of such liability in such sum as the board may direct: *Provided, however*, That if sufficient securities are already on deposit with the said board or if the said board shall have determined that the employer has sufficient financial responsibility to meet said liability of the said employer, together with other liabilities already accrued, no such additional deposit or security shall be demanded.

How employer may be discharged.

(g) Any employer against whom liability may exist for compensation under this act may, with the approval of the board, be relieved therefrom by (1) depositing the present value or the estimated present value of the total unpaid compensation for which such liability exists, assuming interest at five per centum per annum, with the treasurer of the board; or (2) purchasing an annuity within the limitations provided by law in any insurance company granting annuities and authorized to transact business in this State, subject to the approval of the board.

PART III.

COMPENSATION PLAN NUMBER TWO.

Insurance.

SECTION 35. (a) Any employer in the industries, trades, works, occupations, or employments in this act specified as hazardous, by filing his election to become subject to and bound by compensation

plan number two, may insure his liability to pay the compensation and benefits herein provided for in any insurance company authorized to transact such business in this State.

Statements to be filed.

(b) Any employer electing to become subject to and bound by compensation plan number two shall file with the board written acceptance of the provisions of compensation plan number two together with a statement, upon forms provided by the board, of the nature of his employment, the character and location of his works, the number of men employed during the preceding year, or any part of the preceding year, and the probable number of men to be employed during the first fiscal year to be covered by such election; and the board shall thereupon determine the amount of insurance which will be reasonably necessary to secure the compensation with which the said employer may reasonably be expected to become chargeable during such fiscal year. And thereupon the said employer shall file the policy or policies of insurance herein provided for with the board, which policy or policies shall insure in the amounts so fixed by the board against any and all liability of the employer to pay the compensation and benefits provided for in this act. The amount of such insurance shall be fixed by the board for each ensuing fiscal year during which said employer shall engage in his said employment, and shall remain subject to the provisions of compensation plan number two, and for the purpose of fixing such amount of said insurance, the said board may make all reasonable and necessary investigation, and the said employer shall furnish to such board all information which it may require.

Provisions of policies.

(c) All policies insuring the payment of compensation under this act must contain a clause to the effect that as between the employee and the insurer the notice to or knowledge of the occurrence of the injury on the part of the insured shall be deemed notice or knowledge, as the case may be, on the part of the insurer; that jurisdiction of the insured for the purpose of this act shall be jurisdiction of the insurer; and that the insurer shall in all things be bound by and subject to the awards, orders, judgments, or decrees rendered against such insured.

Direct payments.

(d) No such policy shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to compensation all the installments of compensation or other payments in this act provided for, and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy or by this act, or otherwise. Such agreement shall be construed to be a direct promise by the insurer to the person entitled to compensation.

Requirements as to policies.

(e) Every policy for the insurance of the compensation herein provided for or against liability therefor shall be deemed to be made subject to the provisions of this act. No insurer shall enter into any such policy of insurance unless its form shall have been approved by the board and as otherwise provided by law.

Renewals.

(f) Every renewal of such policy shall be made and delivered to said board at least thirty days prior to the expiration of the expiring policy.

Deposits.

(g) Within thirty days of the happening of an accident where death or the nature of the injury renders the amount of future payments certain or reasonably certain, the insurer shall make a deposit as herein defined with the treasurer of the board for the protection and guaranty of the payment of such liability in such sum as the board may direct.

How insurer may be discharged.

(h) Any insurer against whom liability may exist for compensation under this act may, with the approval of the board, be relieved therefrom by (1) depositing the present value or the estimated present value of the total unpaid compensation for which such liability exists, assuming interest at five per centum per annum, with the treasurer of the board; or (2) by purchasing an annuity within the limitations provided by law in any insurance

company granting annuities and authorized to transact business in this State, subject to the approval of the board.

(i) No policy of insurance issued under the provisions of compensation plan number two shall be canceled within the time limited for its expiration, except upon thirty days' notice to the employer in favor of whom such policy is issued, and to the board, unless such policy sought to be canceled shall have been sooner replaced by other insurance. Cancellation.

(j) Every insurance company transacting business under this act shall, at the time and in the manner prescribed by the board, make and file with the board such reports of accidents as the board may require. Reports of accidents.

(k) Every policy or contract insuring against liability for compensation under compensation plan number two must contain a clause to the effect that the insurer shall be directly and primarily liable to and will pay directly to the employee, or in case of death, to his beneficiaries or major or minor dependents, the compensation, if any, for which the employer is liable. Every such policy shall at all times be subject to the approval, change, or revision by the board, and shall contain the clauses, agreements, and promises required by this act. Provision for direct liability.

(l) Any deposit made under the provisions of compensation plan number two shall be held in trust by the treasurer of the board as security for the payment of the liability for which the deposit was made. Such deposit may be reduced from time to time with the permission of the board, as the payment of the liability of the insurer may reduce the amount required to be on deposit. Such deposit may be changed or renewed when desired by the depositor by withdrawing the same, or any part thereof, and substituting other deposits therefor; upon proof of the final payment of the liability for which such deposit was made any deposit remaining shall be returned to the depositor. All earnings made by such deposit shall be first applied upon any liability of the depositors, and if no such liability exists then such earnings shall upon demand be delivered to such depositor. The treasurer of the board and his bondsmen shall be liable for the value and safekeeping of such deposit, and shall at any time upon demand of his bondsmen, the depositor, or the board account for the same and the earnings thereof.

PART IV.

COMPENSATION PLAN NUMBER THREE.

SECTION 40. (a) Every employer, subject to the provisions of compensation plan number three, shall, in the manner and at the times herein specified, pay into the State treasury, in accordance with the following schedule, a sum equal to the percentage of his total annual pay roll specified in this section, which said schedule is subdivided into classes, and the percentage of payments of premiums or assessments to be required from each of said classes is as follows: Classified premium rates.

Class one.—Broom or brush manufacturing, without sawmill; theater stage employees; moving-picture operators; electrotyping; engraving; lithographing; photo-engraving; stereotyping; embossing; bookbinding; printing; jewelry manufacturing; not otherwise specified; sixty-five one-hundredths of one per centum.

Class two.—Cloth, textile, and wool manufacturing, not otherwise specified; wharf employees, other than stevedores and longshoremen; eight-tenths of one per centum.

Class three.—Manufacturing alcohol, drugs, other than ammonia; candy, crackers, saddles, harness, leather novelties, mattresses, not including spring or wire, paint, varnish, wagons, buggies, carriages, sleighs, cutters; operation of tugs and steamboats; manufacturing roofing paper and articles of paper not otherwise specified, paper boxes, automobiles, motor trucks, hardware; working in rubber, not otherwise specified; manufacturing

boots and shoes; manufacturing articles of and working in leather not otherwise specified; one and three-tenths per centum.

Class four.—Manufacturing cheese, condensed milk; operating creameries, manufacturing spices and condiments; paper hanging; kalsomining; whitewashing; making willow baskets; setting tiles; mantels and marble work, inside work only; making grease, lard, soap, tallow; inside plumbing work; installing heating systems; painting and decorating, inside work only; metal ceiling work; one and four-tenths per centum.

Class five.—Manufacturing glass; operating breweries, bottling works, grain warehouses, grain elevators; manufacturing articles of brass, copper, lead, and zinc; operating machine shops, not otherwise specified; lathing, plastering; canneries of meat, fruit, vegetables, or fish, not including can manufacturing; cutting stone or paving blocks, other than in quarries, with or without machinery; installing electrical apparatus inside; installing fire-alarm apparatus inside; covering boilers or steam pipes; concrete laying in floors, street paving, or sidewalks, not otherwise specified; laying asphalt and other paving not otherwise specified; including shop and yard; manufacturing canoes and rowboats; well drilling; constructing and repairing of paving of bricks or blocks; one and five-tenths per centum.

Class six.—Operating of laundries with power, dyeing, bleaching, and cleaning works; manufacturing of furniture, show cases, office and store furniture and fixtures; cabinetmaking; manufacture of wire mattresses, bed springs, wooden coffins, caskets, rough wooden boxes for coffins; building hothouses, working in foodstuffs, fruits, edible oils or vegetables, not otherwise classified; operating flour mills, chop mills, feed mills; one and six-tenths per centum.

Class seven.—Manufacturing wood fiber ware; installing automatic sprinklers or ventilating systems; setting glass; erecting fireproof doors and shutters inside of buildings; operating tanneries, sugar factories; beveling glass; manufacturing peat fuel; building wooden stairs; manufacturing brick, including kilns and buildings and diggings in pits, briquettes; brooms with sawmills, earthenware, fire clay, porcelain ware, pottery, tile, terra cotta; brush making with sawmills; one and eight-tenths per centum.

Class eight.—Manufacturing of ammonia; operating waterworks, gas works; grading, either of streets or otherwise, or road making, without blasting; construction of plank road, plank street, or plank sidewalk; operating creosoting works; pile treating works; treating ties or other timber products; plumbing, both at and away from the shop, including house connections, without blasting; construction of waterworks, gas works, and coke ovens, including laying of mains and connections, without blasting; one and nine-tenths per centum.

Class nine.—Manufacturing artificial ice; operating refrigerator plants, cold-storage plants, foundries, packing houses, including slaughtering; manufacturing agricultural implements, threshing machinery, traction engines, harvesting machinery; manufacturing asphalt; operating steam heating and power plants; manufacturing gas or gasoline engines; operating ferries; stone crushing, not at quarries; boat or ship building, other than canoes or rowboats, without scaffolds; laying hot flooring composition, not otherwise specified; operating stockyards; two per centum.

Class ten.—Operating paper mills, pulp mills; longshoring; stevedoring; manufacturing fertilizers; operating garbage works; incinerators, crematories, lime kilns, or burners, no quarrying; installing boilers, steam engines, dynamos, machinery, not otherwise specified; putting up belts for machinery; manufacturing barrels, kegs, pails, staves, tubs, excelsior, veneer, packing cases, sash, doors, and blinds; operation and maintenance of interurban railways without third rail; two and two-tenths per centum.

Class eleven.—Millwrighting, not otherwise specified; manufacturing building material, not otherwise specified; working in building material, not otherwise specified; two and one-quarter per centum.

Class twelve.—Operation of smelters; manufacturing of metallic coffins; manufacturing of iron or steel; boat or ship rigging; planing mills, independent; cement manufacturing; operating blast furnaces; two and three-tenths per centum.

Class thirteen.—Street or road making, with blasting; manufacturing wood baskets, kindling wood, window and door screens, cordage, and rope; manufacturing and refining oil; placing wires in conduits; two and four-tenths per centum.

Class fourteen.—Concentrating and amalgamating of ores; woodworking, not otherwise specified; operating gravel bunkers; hauling gravel; operating gravel pits; operating wood saws; painting, exterior work; operating boiler works; making steam shovels; boilers; shipwrighting; operating sawmills, lath mills; bridgework factories; operation of and work in mines, other than coal; two and five-tenths per centum.

Class fifteen.—Operating rolling mills; manufacturing tanks, not otherwise specified; erecting and repairing advertising signs; harvesting and storing of ice, including loading on cars; making and repairing of locomotives and railroad cars; cutting stone at stoneyards connected with quarries; boat or ship building with scaffolds; logging operations, with or without machinery; booming or driving logs, ties, or other timber products; operating shingle mills; operating quarries; two and three-quarters per centum.

Class sixteen.—Operating dredges; construction of telephone and telegraph systems; construction of dams and reservoirs, electric light and power plants, waterworks, and water systems; installing furnaces; constructing blast furnaces; sewer building, maximum depth of excavation at any point seven feet; operation and maintenance of steam railways, including logging railways; operating coal mines; three per centum.

Class seventeen.—Operating dry docks, including floating dry docks; ornamental metal work within building; electric railway construction, without rock work or blasting; railroad construction, including street and cable railways, without rock work or blasting; building canals, without rock work or blasting; installing freight or passenger elevators; operation of telephone and telegraph systems; making dredges; constructing dry docks; three and one-quarter per centum.

Class eighteen.—Carpenters not otherwise specified; constructing grain elevators, not metal framed; stump pulling with donkey engines; steam, electric, and cable railway construction, with rock work or blasting; construction of logging railways, with rock work or blasting; operation and maintenance of electric railways using third rail, and street railways, all systems, including electric and cable; operation and maintenance of electric light and power plants, including transmission systems and extensions of lines; electric systems, not otherwise specified; three and one-half per centum.

Class nineteen.—Pile driving; clearing land with blasting; galvanized iron or tin works; marble works; fireproofing of buildings, by means of wire netting and concreting; cellar excavation, with or without blasting; three and three-quarters per centum.

Class twenty.—Constructing breakwaters, marine railways and jetties; installation and repair of electrical apparatus, not otherwise specified, outside work only; stamping of metal or tin; building trestles and tunnels other than mining; shaft sinking, not otherwise specified; four per centum.

Class twenty-one.—Moving safes, boilers, machinery; construction of tanks, water towers, windmills, not metal frame; plumbers making house connections with blasting; roof work; slate work; stonework; stone setting; brickwork construction, not otherwise specified; construction of canals, with rockwork or blasting; bridge building, wooden; construction of floating docks; constructing chimneys of metal or concrete; four and one-half per centum.

Class twenty-two.—Excavations, not otherwise specified; laying of mains and connections, with blasting; sewer building, where

maximum depth of excavation at any point exceeds seven feet; blasting, not otherwise specified; manufacturing fireworks; five per centum.

Class twenty-three.—Erecting fire escapes, fireproof doors and shutters outside of buildings; building concrete structures, not otherwise specified; concrete or cement work not otherwise specified; six per centum.

Class twenty-four.—Constructing iron or steel frame structures or parts; constructing and repairing steel frames and structures; subaqueous work; caisson works; six and one-half per centum.

Class twenty-five.—House moving, house wrecking; construction or repair of steeples; construction of brick chimneys; six and three-quarters per centum.

Class twenty-six.—Manufacturing powder, dynamite, and other explosives, not otherwise specified; ten per centum.

Class twenty-seven.—Any employer and his employees engaged in nonhazardous work or employment, by their joint election, filed with and approved by the board, may accept the provisions of compensation plan number three. In such event such employer and employees shall be known as class twenty-seven, the rate of assessment in which shall be one-half of one per centum.

Separable occupations.

(b) If a single establishment or work comprises several occupations listed in section 40 (a) in different classifications, the assessment shall be computed according to the pay roll of each occupation if clearly separable, otherwise an average rate of assessment shall be charged for the entire establishment, taking into consideration the number of employees and the relative hazards.

Revision of rates.

(c) The classification of hazardous occupations in section 40 (a) and the rates of premium or assessment therein fixed are advisory only, and the board is hereby given full power and authority to rearrange, revise, add to, take from, change, modify, increase, or decrease any classification or rate named in section 40 (a) as in its judgment or experience may be necessary or expedient: *Provided*, That no change in the classification or rates prescribed in section 40 (a) shall be made effective prior to the end of the first fiscal year, and thereafter any changes so made shall not become effective until thirty days after the date of the order or decision of the board making such change except that in case of new industries, or industries not enumerated in section 40 (a), the board shall have the right to make an immediate classification thereof and establish a rate therefor.

Common fund.

(d) It is the intent and purpose of compensation plan number three that each industry, trade, occupation, or employment coming under the provisions of said plan shall be liable and pay for all injuries happening to employees coming under the provisions of said plan, and that all funds collected by assessments as herein provided shall be paid into one common fund to be known as the industrial accident fund, which fund shall be devoted exclusively to the payment of all valid claims for injuries happening in each industry, trade, occupation, or employment coming under the provisions of compensation plan number three: *Provided*, That accounts shall be kept with each industry, trade, occupation, or employment in according [accordance] with the foregoing classification or otherwise, as the board may direct, both as to receipts and disbursements, for the purpose of providing information and statistics necessary for determining any changes in such rates or classifications.

Separate accounts.

Initial payments.

(e) There shall be collected from all classes as initial payment into the industrial accident fund, on or before the fifteenth day of July, 1915, one-fourth of the premium of assessment for that fiscal year and one-twelfth thereof at the first of each month beginning with October first, 1915: *Provided*, That if such fund shall have a sufficient balance on hand at the end of the first three months, or any month thereafter, to meet the requirements of the industrial accident fund, no assessment shall be called for such month.

(f) The first payment shall be collected upon the pay roll of the months of April, May, and June, 1915. At the end of each calendar year an adjustment of the account shall be made upon the basis of the actual pay roll. Any shortage shall be made good within thirty days thereafter. Every employer who shall enter into business at any intermediate day shall make his payments in the same manner and upon the same basis before commencing operations; the amount of such payments shall be calculated upon his estimated pay roll, and an adjustment shall be made on or before February first in the year following, in the manner above provided. Collection.

(g) Any employer who is in default in the observance of any order of the board, issued pursuant to the provisions of sections 40 (a) to 40 (f), inclusive, shall, in addition to any other penalty provided by this act, be charged an advance of twenty-five per centum over the established rate, and such advanced rate shall continue and be in force until such employer shall have ceased to be in such default. Employers in default.

(h) Any change in classification of risks or premium rates, or any change caused by change in the class of work, occurring during the calendar year, shall be equalized by the board within thirty days after the end of such year in proportion to its duration in accordance with the schedules provided in this act. Equalizations.

(i) If at the end of any year it shall be seen that the contribution to the industrial accident fund by any class of industry shall be less than the drain upon such fund on account of that class, the deficiency shall be made good to the fund on the first day of February of the following year by the employers of that class in proportion to their respective payments for the previous year. Deficiencies.

(j) Upon the happening of an accident where death or the nature of the injury renders the amounts of future payments certain or reasonably certain, the board shall forthwith cause the treasurer of the board to set apart out of the industrial accident fund a sum of money, to be calculated on the basis of the maximum sum required to pay the compensation accruing on account of such injury, which will meet such required payments, not exceeding, however, the sum of four thousand dollars for any one case. Segregation of funds.

(k) The treasurer of the board shall invest such reserve in bonds of the United States, bonds of the State of Montana, or bonds of any county, city, or school district in the State of Montana, or any other security which may be approved by said board, and out of the same and its earnings shall be paid the monthly installments and any lump sum then or thereafter arranged for the case. Any deficiency shall be made good out of and any balance or overplus shall revert to the industrial accident fund. Investment of reserves.

(l) The treasurer of the board shall keep an accurate account of all such segregations of the industrial accident fund, and upon direction of the board shall divert from the main fund any sums necessary to meet monthly payments, pending the conversion into cash of any security, and in such case shall repay the same out of the cash realized from the security. Accounts.

(m) If any employer shall default in any payment to the industrial accident fund, the sum due may be collected by an action at law in the name of the State, and such right of action shall be cumulative. Defaulted payments.

(n) For any injury happening to any of his workmen during default in any payment to the industrial accident fund, the defaulting employer as to such injury shall be considered as having elected not to come under the provisions of this act, except that he shall be and remain liable to pay to the industrial accident fund the amount of such default, together with the penalty prescribed by section 40 (g). Injuries during default.

(o) The person entitled to sue under the provisions of section 40 (n) shall have the option of proceeding by suit or taking under this act. If such person take under this act, the cause of action against the employer shall be assigned to the State for the Options.

benefit of the industrial accident fund. If such person shall elect to proceed against the defaulting employer, such election shall constitute a waiver of any right to compensation under the provisions of this act.

Assigned causes.

(p) Any cause of action assigned to the State under the preceding section may be prosecuted or compromised by the board, in its discretion.

Claims.

(q) Where a workman is entitled to compensation under compensation plan number three, he shall file with the board his application therefor, together with the certificate of the physician who attended him, and it shall be the duty of such physician to lend all necessary assistance in making application for compensation and such proof of other matters as may be required by the rules of the board without charge to the workman.

Physician's fees.

(r) For a proper compliance with the provisions of the preceding section the physician, after approval by the board, shall be paid out of the industrial administration fund one and one-half dollars for each case.

Death claims.

(s) Where death results from the injury the parties entitled to compensation under compensation plan number three, or some one in their behalf, shall make application for the same to the board. The application must be accompanied with proof of death and proof of relationship, showing the parties entitled to compensation, certificate of the attending physician, if any, and such other proof as may be required by the rules of the board.

Computing pay roll.

(t) In computing the pay roll the entire compensation received by every workman employed in the hazardous occupations enumerated in this act shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit-sharing premium or otherwise, and whether payable in money, board, or otherwise.

Disbursements.

(u) Disbursements out of the industrial accident fund shall be made by the treasurer of the board as the board may order. If at any time there shall not be sufficient money in the accident fund with which to pay any warrants drawn thereon, the employer, on account of whose workmen the warrant was drawn, shall pay the same, and upon his next contribution to such fund he shall be credited with the amount so paid with interest thereon at the rate of six per centum per annum from the date of such payment to the date upon which the next assessment becomes payable, and if the amount of the credit exceeds the amount of such assessment, he shall have a warrant upon such fund for the excess, and if said warrant be not paid for want of funds it shall be credited to such employer and be applied upon succeeding assessments.

Interest earnings, etc.

(v) All earnings made by the industrial accident fund by reason of interest paid for the deposit thereof or otherwise shall be credited to and become a part of said fund, and the making of profit, either directly or indirectly, by the treasurer of the board, or any other person, out of the use of the accident fund shall constitute a felony, and on conviction thereof shall subject the person making such profit to imprisonment in the State penitentiary for a term not exceeding two years, or a fine not exceeding five thousand dollars, or both such fine and imprisonment, and the treasurer of the board shall be liable upon his official bond for all profits realized for any unlawful use of the said fund.

PART V.

SAFETY PROVISIONS.

Safe place.

SECTION 50. (a) No employer shall construct, maintain, or operate, or cause to be constructed, maintained, or operated any place of employment that is not safe.

Removing safety devices.

(b) No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere

in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for protection of any employee in such employment or place of employment, or fail or neglect to do anything reasonably necessary to protect the life and safety of himself and other employees.

Power of board:

(c) The board is vested with full power and jurisdiction over and shall have such supervision of every employment and place of employment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe and requiring the protection of the life and safety of every employee in such employment or place of employment.

Place;

Safety devices and standards.

(d) The board shall have power, in addition to other powers herein granted, by general or special orders, rules, or regulations or otherwise:

1. To declare and prescribe what safety devices, safeguards, or other means or methods of protection as are well adapted to render employees and places of employment safe.

2. To fix such reasonable standards and to prescribe, modify, and enforce such reasonable orders for the adoption, installation, use, maintenance, and operation of safety devices, safeguards, and other means and methods of protection as may be necessary for the protection of the life and safety of employees.

3. To fix and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe.

4. To require the performance of any act necessary for the protection of life and safety of employees.

Accident reports.

5. To declare and prescribe the general form of industrial accident reports, the accidents to be reported and the information to be furnished in connection therewith, and the time within which such reports shall be filed. Nothing in this act contained shall be construed to prevent the board from requiring supplemental accident reports: *Provided, however*, That where by the laws of the State of Montana the manner or method of carrying on any business, or the rules or regulations in relation thereto, or the character or kind of safety devices has been prescribed, no other or additional requirements shall be made by the board, but it shall be the duty of the board to see that the employer lives up to and obeys said laws.

Notice of hearings.

(e) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders, the board shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation, published and circulated in the State. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the board after a hearing has been had.

Inspections.

SEC. 51. (a) After July 1, 1915, every place of employment of a work or occupation defined by sections 4 (a), 4 (b), 4 (c), 4 (d), 4 (e), and 5 of this act to be hazardous shall be inspected at least once during each year by an inspector or examiner appointed by the board. Such inspection shall be for the purpose of determining the condition and operation of such places of employment as regards the safety of employees working therein, and the use of safeguards, safety appliances, and reasonably safe tools and appliances.

Reports.

(b) A report of such inspection shall be filed in the office of the board, and a copy thereof given the employer.

Certificates.

(c) Each place of employment inspected as provided in section 51 (a) and found in a satisfactory condition shall receive from the board, upon payment of the inspection fees hereinafter provided for, a certificate to that effect, which certificate must be prominently displayed, under glass, in one of the principal places of the establishment so inspected.

Orders.

(d) If after such inspection and report thereof to the board it shall be found that any such place of employment is not constructed, maintained, or operated as provided in this act, the board shall order the installation, use, maintenance, and operation, within such reasonable time as the board may direct, of such safety devices, safeguards, and other means and methods of protection as may be necessary to reasonably insure the safety of the workmen employed therein, subject to the provisions of section 51 (e).

Closing place of work.

(e) If after such inspection the board or any inspector or examiner thereof shall find such place of employment in such an unsafe condition as to constitute an immediate menace to the safety of the workmen employed therein, the board, or any inspector or examiner thereof, may order any such place of employment closed, or the work therein to cease, until such safety devices, safeguards, and other means and methods or changes or removals as may be ordered by the board, or any inspector or examiner thereof, shall have been installed, repaired, changed, or removed, and such place of employment put in such condition as will reasonably insure the safety of the workmen employed therein.

Fees.

SEC. 52. (a) For each annual inspection made under the provisions of this section the employer shall pay, at the time of such inspection, a fee of five cents for each one thousand dollars or fraction thereof of his annual pay roll for the preceding year: *Provided*, That no inspection fee under this section shall be less than five dollars.

(b) The fees for any subsequent or reinspection made during any year in which an annual inspection shall have been made shall be:

Where the annual pay roll for the preceding year shall have been not more than twenty-five thousand ($25,000) dollars, five ($5) dollars.

Where the annual pay roll for the preceding year shall have been more than twenty-five thousand ($25,000) dollars but not more than one hundred thousand ($100,000) dollars, ten ($10) dollars.

Where the annual pay roll for the preceding year shall have been more than one hundred thousand ($100,000) dollars but not more than five hundred thousand ($500,000) dollars, twenty ($20) dollars.

Where the annual pay roll for the preceding year shall have been more than five hundred thousand ($500,000) dollars but not more than one million ($1,000,000) dollars, forty ($40) dollars.

Where the annual pay roll for the preceding year shall have been more than one million ($1,000,000) dollars, fifty ($50) dollars.

Funds go to treasurer.

(c) All fees received by the board for inspection or for subsequent or reinspection, and all fines imposed or collected for a violation of the safety provisions of this act, shall be paid monthly to the State treasurer, who shall credit such payments to the industrial administration fund.

Orders of board.

SEC. 53. (a) Whenever the board shall find that any employment or place of employment is not safe, or that the practice or means or methods of operation or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such employments and places of employment, the board shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of the employees in such employments and places of employment, and may in said order direct that such additions, repairs, improvements, or changes be made; and such safety devices and safeguards be furnished, provided, and used as are reasonably required to render such employment or places of employment safe, in the manner and within the time specified in such order.

(b) The board may, upon application of any employer or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the board for an extension of time, which the board shall grant if it finds such an extension of time necessary. Time for compliance.

(c) Whenever the board shall learn or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee it may summarily investigate the same, with or without notice or hearings, and enter and serve such order as may be necessary relative thereto. Investigations.

(d) Every employer, employee, and other person shall obey and comply with each and every requirement of every order, decision, direction, rule, or regulation made or prescribed by the board, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, rule, or regulation. Compliance.

(e) Nothing contained in this act shall be construed to deprive any other public corporation, board, or department of any power or jurisdiction over or relative to any place of employment: *Provided*, That whenever the board shall by order fix a standard of safety for employments or places of employment such order shall, upon the filing by the board of a copy thereof with the secretary or clerk of any such public corporation to which or within whose jurisdiction it may apply, establish a minimum requirement concerning the matters covered by such order, and shall be construed in connection with any local order relative to the same matter and to amend or modify any requirement in such local order not up to the standard of the order of the board. Powers of other boards, etc.

(f) Every order of the board, general or special, its rules or regulations, findings or decisions, shall be admissible in evidence in any prosecution for, or suit to prevent, the violation of any of the provisions of this act, and shall be presumed to be reasonable. This presumption is, however, a rebuttable presumption. Presumptions as to orders.

(g) The board may investigate the cause of all industrial accidents occurring in any employment or place of employment, or directly or indirectly arising from or connected therewith, resulting in personal injury or death; and the board shall have the power to make such orders or recommendations with respect to such accidents as may be just and reasonable: *Provided*, That neither the order nor the recommendation of the board, nor any accident report filed with the board, shall be admitted as evidence in any action for damages, or any proceeding to recover compensation, based on or arising out of such injury or death. Investigations of accidents.

(h) If by reason of poor or careless management or otherwise any place of employment be unduly dangerous, in comparison with other like places of employment, and the employer operating the same shall not have complied with the safety provisions of this act, and such employer shall be under compensation plan number three, the board, in addition to any other penalty provided by this act, shall advance the rate upon such place of employment fifty per centum, and such advanced rate shall continue and be in force until such place of employment shall have ceased to be unduly dangerous in comparison with other like places of employment, and such employer shall have obtained a certificate of the inspector or examiner provided for herein. Increase of premium rates.

SEC. 54. Every employer, employee, or other person who either individually or acting as an officer, agent, or employee of a corporation or other person violates any safety provisions contained in this act, or any part of any such provision, or who shall fail or refuse to comply with any such provision or any part thereof, or who directly or indirectly knowingly induces another so to do, is guilty of a misdemeanor. Violations.

SEC. 55. (a) Whenever in this act the inspection of mines is referred to, such inspection shall be made by the inspector of mines or his deputy, and nothing in this act contained shall be Inspection of mines.

construed as modifying or limiting in any way the duties required to be performed by the inspector of mines as may be otherwise provided by law: *Provided, however,* That the inspector of mines shall collect and account for the fees herein prescribed for inspection or subsequent or reinspection.

No rule, regulation, or requirement relating to the operation of mines within the State of Montana made by said board shall be lawful or valid unless the same shall be concurred in and approved by the State mine inspector, and shall have been within the power of the said State mine inspector to make in the first instance.

Orders.

(b) A copy of any order, direction, or requirement of the inspector of mines shall be filed with the board and shall thereupon become and have all the force and effect of an order of the board, subject only to review by the court as in this act provided.

Repealer.

SEC. 56. All acts and parts of acts in conflict herewith are hereby repealed.

Act in effect.

SEC. 57. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1915.

NEBRASKA.

ACTS OF 1913.

CHAPTER 198.—*Employers' liability—Compensation of workmen for injuries.*

PART I.

EMPLOYERS' LIABILITY.

SECTION 1. When personal injury is caused to an employee by accident arising out of and in the course of his employment, of which the actual or lawful imputed negligence of the employer is the natural and proximate cause, he shall receive compensation therefor from his employer, provided the employee was himself not willfully negligent at the time of receiving such injury, and the question of whether the employee was willfully negligent shall be one of fact to be submitted to the jury, subject to the usual powers of the court over verdicts rendered contrary to the evidence, or to law. Damages. Questions of negligence.

SEC. 2. In all cases brought under Part I of this act it shall not be a defense (a) that the employee was negligent, unless and except it shall also appear that such negligence was willful, or that the employee was in a state of intoxication; (b) that the injury was caused by the negligence of a fellow employee; (c) that the employee had assumed the risks inherent in, or incidental to, or arising from the failure of the employer to provide and maintain safe premises and suitable appliances, which grounds of defense are hereby abolished, except as provided in section 4. Defenses abrogated.

SEC. 3. If an employer subject to the provisions of this act as shown in section 6 elects not to come under Part II hereof, he loses the right to interpose the three defenses above stated in any action brought against him for personal injury or death of an employee. When abrogation operates.

SEC. 4. If an employer becomes subject to Part II of this act, and the employee does not, then the defenses existing under the laws for Nebraska, other than the provisions of this act, at the time of the personal injury or death of the employee shall be available to the employer in any action brought by the employee or his dependents for personal injury, or death. Defenses allowed, when.

SEC. 5. The provisions of sections 1, 2, 3 and 4 shall apply to any claim for the death of any employee arising under chapter 21 of the Compiled Statutes of Nebraska, 1911, and the acts or parts of acts amendatory thereof, concerning death by wrongful act. Death by wrongful act.

SEC. 6. (1) The provisions of this act shall apply to the State of Nebraska and every governmental agency created by it, and every employer in this State employing five or more employees, in the regular trade, business, profession or vocation of such employer. To whom act applies.

(2) The following are declared not to be hazardous occupations and not within the provisions of this act: employers of household domestic servants, employers of farm laborers and all employers employing less than five employees, in the regular trade, business, profession or vocation of such employer. Railroad companies engaged in interstate or foreign commerce are declared subject to the powers of Congress and not within the provisions of this act. Exemptions.

(3) Any employer not included in the preceding paragraphs of this section and the employees of such employer may, by their joint election, filed with the insurance commissioner, accept the provisions of Part II of this act, and such acceptances shall subject them to the said provisions of Part II hereof to all intents and purposes as if they had been originally included in the terms of subdivision 2 of this section: *Provided, however*, That either such employer or workmen (prior to accident) shall have the right to waive such election to come under Part II hereof, the procedure being the same as indicated in subdivisions (a) and (b) of section 12. Election by exempt persons.

SEC. 7. In all actions at law brought pursuant to Part I of this act, burden of proof to establish willful negligence of the injured employee shall be on the defendant. Burden of proof.

Legal fees not a lien.

SEC. 8. No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of this act shall be an enforceable lien against the amounts to be paid as damages or compensation or be valid or binding in any other respect, unless the same be approved in writing by the judge presiding at the trial, or in case of settlement without trial, by the judge of the district court of the district in which such issue arose. After such approval, if notice in writing be given the defendant of such claim or agreement for legal services and disbursements, the same shall be a lien against any amount thereafter to be paid as damages or compensation: *Provided, however*, That where the employee's compensation is payable by the employer in periodical installments, the court shall fix, at the time of approval, the proportion of each installment to be paid on account of legal services and disbursements.

PART II.

ELECTIVE COMPENSATION.

Compensation payable, when.

SECTION 9. If both employer and employee become subject to Part II of this act, both shall be bound by the schedule of compensation herein, provided, which compensation shall be paid in every case of injury or death caused by accident arising out of and in the course of employment, except accidents caused by, or resulting in any degree from willful negligence, as hereinafter defined, of the employee.

Same subject.

SEC. 10. When employer and employee shall by agreement, express or implied, or otherwise as hereinafter provided, accept the provisions of Part II of this act, compensation shall be made for personal injuries to or for the death of such employee by accident arising out of and in the course of his employment, without regard to the negligence of the employer, according to the schedule hereinafter provided, in all cases except when the injury or death is caused by willful negligence on the part of the employee; and the burden of proof of such fact shall be upon the employer.

Method to be exclusive.

SEC. 11. Such agreement or the election hereinafter provided for shall be a surrender by the parties thereto of their rights to any other method, form or amount of compensation or determination thereof than as provided in Part II of this act, and an acceptance of all the provisions of Part II of this act, and shall bind the employee himself, and for compensation for his death shall bind his legal representatives, his widow and next of kin, as well as the employer and the legal representatives of a deceased employer, and those conducting the business of the employer during bankruptcy or insolvency.

Presumption as to contracts.

SEC. 12. In the occupations described in section 6 hereof, and all contracts of employment made after the taking effect of this act shall be presumed to have been made with reference, and subject to the provisions of Part II hereof, unless otherwise expressly stated in the contract, or unless written or printed notice has been given by either party to the other, as hereinafter provided, that he does not accept the provisions of Part II. Every such employer and every employee is presumed to accept and come under Part II hereof, unless prior to accident he shall signify his election not to accept or be bound by the provisions of Part II. This election not to accept Part II shall be by notice as follows:

Rejection—By employer;

(a) The employer shall post and thereafter keep continuously posted in a conspicuous place about the place or places where his workmen are employed a written or printed notice of his election not to be bound by Part II hereof, and shall file a duplicate thereof with the insurance commissioner.

By employee.

(b) The employee shall give written or printed notice to the employer of his election not to be bound by Part II and shall file a duplicate with proof of service attached thereto with the insurance commissioner.

Waiving rejection.

SEC. 13. An employer who has given notice of his election not to accept or be bound by the provisions of Part II hereof, may waive such election at any time, by posting about the place or places where his workmen are employed a written or printed notice setting forth a

withdrawal of his previous election not to be bound by the provisions of Part II. A duplicate of such notice with proof of such posting attached thereto shall be filed with the insurance commissioner. An employee who has given written or printed notice to his employer that he elects not to be subject to the provisions of Part II hereof, may waive such election at any time prior to the happening of an accident resulting in personal injuries to said employee, by a notice in writing directed to the employer and served upon the employer or his agent. A duplicate of such notice with proof of service attached thereto shall be filed with the insurance commissioner. The waivers referred to in the preceding paragraphs of this section shall not become effective until noon of the fifth day after filing the required notice with the insurance commissioner.

Who are employers.

SEC. 14. The following shall constitute employers subject to the provisions of this act:

(1) The State and every governmental agency created by it;

(2) Every person, firm or corporation, including any public service corporation, who is engaged in any trade, occupation, business, or profession as described in section 6, and who has any person in service under any contract of hire, express or implied, oral or written, and who prior to the time of the accident to the employee for which compensation under this act may be claimed, shall not, in the manner provided in section 12, have elected not to become subject to the provisions of Part II of this act.

Employees.

SEC. 15. The terms "employee" and "workman" are used interchangeably and have the same meaning throughout this act; the said terms include the plural and all ages and both sexes, and shall be construed to mean:

(1) Every person in the service of the State or of any governmental agency created by it, under any appointment or contract of hire, express or implied, oral or written, but shall not include any official of the State, or of any governmental agency created by it, who shall have been elected or appointed for a regular term of office, or to complete the unexpired portion of any regular term.

(2) Every person in the service of any employer who is engaged in any trade, occupation, business or profession as described in section 6, under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of the State, who for the purposes of making election of remedies under this code shall have the same power of contracting and electing as adult employees.

(3) It shall not be construed to include any person whose employment is casual, or not for the purpose of gain or profit by the employer, or which is not in the usual course of the trade, business, profession, or occupation of his employer. The term "casual" shall be construed to mean "occasional; coming at certain times without regularity, in distinction from stated or regular."

(4) It shall not be construed to include any person to whom articles and materials are given to be made up, cleaned, washed, finished, repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer, unless the employee is required to perform the work at a place designated by the employer.

Avoiding responsibility as employer.

SEC. 16. Any person, firm or corporation creating or carrying into operation any scheme, artifice or device to enable him, them or it to execute work without being responsible to the workmen for the provisions of this act, shall be included in the term "employer" and with the immediate employer shall be jointly and severally liable to pay the compensation herein provided for and be subject to all the provisions of this act. This section, however, shall not be so construed as to cover or mean an owner who lets a contract to a contractor in good faith, or a contractor who, in good faith, lets to a subcontractor a portion of his contract, if the owner or principal contractor, as the case may be, requires the contractor or subcontractor, respectively, to procure a policy or policies of insurance from an insurance company licensed to make such insurance in this State, which policy or policies of insurance shall guarantee payment of compensation according to this act to injured workmen.

Basis for compensation.

SEC. 17. Where compensation is claimed from, or proceedings taken against a person, firm or corporation under the foregoing section. the compensation shall be calculated with reference to the wage the workman was receiving from the person by whom he was immediately employed at the time of the injury.

Subrogation of employer.

SEC. 18. Where a third person is liable to the employee or to the dependents, for the injury or death, the employer shall be subrogated to the right of the employee or to the dependents against such third person, and the recovery by such employer shall not be limited to the amount payable as compensation to such employee or dependents, but such employer may recover any amount which such employee or his dependents would have been entitled to recover. Any recovery by the employer against such third person, in excess of the compensation paid by the employer after deducting the expenses of making such recovery, shall be paid forthwith to the employee or to the dependents, and shall be treated as an advance payment by the employer, on account of any future installments of compensation.

Waiting time.

SEC. 19. No compensation shall be allowed for the first fourteen days after disability begins, except as provided in section 20, but if disability extends beyond the period of fourteen days, compensation shall begin on the fifteenth day after the injury: *Provided, however,* That if such disability continues for eight weeks or longer, such compensation shall be computed from the date of the injury.

Medical, etc., services.

SEC. 20. During the first twenty-one days after disability begins the employer shall be liable for reasonable medical and hospital services and medicines as and when needed, not however to exceed two hundred dollars in value, unless the employee refuses to allow them to be furnished by the employer: *Provided, however,* That where the injured employee refuses or neglects to avail himself of such medical or surgical treatment, the employer shall not be liable for any aggravation of such injury due to said neglect or refusal.

Compensation for—

SEC. 21. The following schedule of compensation is hereby established for injuries resulting in disability.

Total disability:

(1) For the first three hundred weeks of total disability the compensation shall be fifty per centum of the wages received at the time of injury, but such compensation shall not be more than ten dollars per week or less than five dollars per week: *Provided,* That, if at the time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of such wages per week as compensation. After the first three hundred weeks of total disability, for the remainder of the life of the employee, he shall receive forty per centum of the wages received at the time of the injury, but the compensation shall not be more than eight dollars per week nor less than four dollars per week: *Provided,* That, if at the time of the injury the employee receives wages of less than four dollars per week then he shall receive the full amount of such wages as compensation. Nothing in this subdivision shall require the payment of compensation after disability shall cease. Should partial disability be followed by total disability, the period of three hundred weeks mentioned in this subdivision of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability.

Partial disability.

(2) For disability partial in character (except the particular cases mentioned in subdivision 3 of this section), the compensation shall be fifty per centum of the difference between the wages received at the time of injury and the earning power of the employee thereafter; but such compensation shall not be more than ten dollars per week. This compensation shall be paid during the period of such partial disability; not, however, beyond three hundred weeks after the date of the accident causing the disability. Should total disability be followed by partial disability, the period of three hundred weeks mentioned in this subdivision shall be reduced by the number of weeks during which compensation was paid for such total disability.

Schedule.

(3) For all disability resulting from permanent injury of the following classes, the compensation shall be exclusively as follows:

For the loss of a hand, fifty per centum of the wages during one hundred and seventy-five weeks;

For the loss of an arm, fifty per centum of wages during two hundred and fifteen weeks;

For the loss of a foot, fifty per centum of wages during one hundred and fifty weeks;

For the loss of a leg, fifty per centum of wages during two hundred and fifteen weeks;

For the loss of an eye, fifty per centum of wages during one hundred and twenty-five weeks;

For the loss of any two or more of such members, not constituting total disability, fifty per centum of wages during the aggregate of the periods specified for each.

The loss of both hands or both arms, or both feet, or both legs, or both eyes shall constitute total disability, to be compensated according to the provisions of subdivision 1 of this section.

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot, leg or eye shall be considered as the equivalent of the loss of such hand, arm, foot, leg or eye. Compensation under this subdivision shall not be more than ten dollars per week nor less than five dollars per week: *Provided*, That, if at the time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of such wages per week as compensation.

Death benefits.

SEC. 22. (1) If death results from the injuries and the deceased employee leaves one or more dependents wholly dependent upon his earnings for support at the time of the accident causing the injury, the compensation, subject to the provisions of section 23, shall be fifty per centum of the wages received at the time of injury, but the compensation shall not be more than ten dollars per week nor less than five dollars per week: *Provided*, That, if at the time of injury the employee receives wages of less than five dollars per week, then the compensation shall be the full amount of such wages per week. This compensation shall be paid during dependency, not exceeding three hundred and fifty weeks from the date of the accident causing the injury.

(2) If the deceased employee leaves no dependents wholly dependent upon his earnings for support at the time of the accident causing the injury, but leaves one or more dependents only partly dependent upon his earnings for support at said time, the compensation shall be the same proportion of the benefits provided in subdivision 1 of this section for persons wholly dependent as the average amount of the wage regularly contributed by the deceased to such partial dependents at, and for a reasonable time immediately prior to the injury bears to the total wage of the deceased, during the same time.

(3) Upon the death of an employee, resulting through personal injuries as herein defined, whether or not there be dependents entitled to compensation, the reasonable expenses of the last sickness and burial, not exceeding one hundred dollars, without deduction of any amount theretofore paid for compensation or for medical expenses, shall be paid to his dependents, or if there be no dependent, then to the personal representatives of the deceased.

Nonresident aliens.

(4) Compensation under this act to alien dependents, widows, children and parents not residents of the United States, shall be the same in amount as is provided in each case for residents, except that at any time within one year after the death of the injured employee, the employer may, at his option, commute all future installments of compensation to be paid to such alien dependents by paying to them two-thirds of the total amount of such future installments of compensation. Alien widowers, brothers and sisters not residents of the United States shall not be entitled to any compensation.

(5) The consul general, consul, vice consul general, or vice consul, of the nation of which the employee, whose injury results in death, is a citizen, or the representative of such consul general, consul, vice consul general, or vice consul, residing within the State of Nebraska, shall be regarded as the sole legal representative of any alien dependents of the employee, residing outside of the United States, and repre-

senting the nationality of the employee. Such consular officer or his representative, residing in the State of Nebraska, shall have in behalf of such nonresident dependents, the exclusive right to adjust and settle all claims for compensation provided by this act and to receive for distribution to such nonresidents alien dependents all compensation arising hereunder.

Death of employee receiving compensation.

SEC. 23. The death of an injured employee prior to the expiration of the period within which he would receive such disability payment, shall be deemed to end such disability, and all liability for the remainder of such payment which he would have received in case he had lived shall be terminated, but the employer shall thereupon be liable for the following death benefit in lieu of any further disability indemnity: If the injury so received by such employee was the cause of his death, and such deceased employee leaves dependents as hereinbefore specified, wholly or partially dependent on him for support, the death benefit shall be a sum sufficient, when added to the indemnity which shall at the time of death have been paid or become payable under the provisions of this act to such deceased employee, to make the total compensation for the injury and death equal to the full amount which such dependents would have been entitled to receive under the provisions of section 22 hereof in case the accident had resulted in immediate death, and such benefit shall be payable in the same manner and subject to the same terms and conditions in all respects, as payments made under the provisions of said section 22. No deduction shall be made for the amount which may have been paid for medical and hospital services and medicines or for the expenses of the last sickness or burial. If the employee die from some cause other than the injury, there shall be no liability for compensation to accrue after his death.

Dependents.

SEC. 24. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(a) A wife upon a husband with whom she is living at the time of his death;

(b) A husband upon a wife with whom he is living at the time of her death;

(c) A child or children under the age of sixteen years (or over said age, if physically or mentally incapacitated from earning) upon the parent with whom he is or they are living at the time of death of such parent, there being no surviving parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them;

(d) Compensation shall be payable under sections 22 and 23 to or on account of any child, brother or sister, only if and while such child, brother or sister, is under the age of sixteen. No compensation shall be payable under said sections to a widow, unless she was living with her deceased husband at the time of his death: *Provided*, That a wife or a husband living in a state of abandonment for more than two years at the time of the injury, or subsequently, shall not be a beneficiary under this act. The terms "child" and "children" shall include stepchildren and adopted children if members of the decedent's household at the time of his death, and shall include posthumous children. If the compensation payable under said sections to any person shall for any cause cease, the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased. If a widow or widower of a deceased employee shall remarry, then the compensation benefits shall become payable to the child or children of such widow or widower, if there be any such child or children; but if there be no such child or children of such dependent widow or widower, shall not be affected by such remarriage;

(e) In all other cases, questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof; if there is no one wholly dependent and more than one person

partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency;

(f) No person shall be considered a dependent, unless he or she be a member of the family of the deceased employee, or bears to him the relation of widow, or widower, or lineal descendent, or ancestor, or brother, or sister;

(g) Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the accident to the employee, and the death benefit shall be directly recoverable by and payable to the dependent or dependents entitled thereto, or their legal guardians or trustees. No dependent of an injured employee shall be deemed, during the life of such employee, a party in interest to any proceeding by him for the enforcement of collection of any claim for compensation, nor as respects the compromise thereof by such employee.

Payments, periodical.

SEC. 25. Except as hereinafter provided, all amounts of compensation payable under the provisions of this act shall be payable periodically in accordance with the method of payment of the wages of the employee at the time of his injury or death.

Wages.

SEC. 26. Wherever in this act the term "wages" is used, it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, and shall not include gratuities received from the employer or others, nor shall it include board, lodging or similar advantages, received from the employer, unless the money value of such advantages shall have been fixed by the parties at the time of hiring. In occupations involving seasonal employment or employments dependent upon the weather, the employee's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident, unless it be shown that during such year, by reason of exceptional causes, such method of computation does not ascertain fairly the earnings of the employee, in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings. In continuous employments, if immediately prior to the accident the rate of wages was fixed by the day or hour, or by the output of the employee, his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day of ordinary length, excluding earnings from overtime and using as the basis of calculation his earnings during so much of the preceding six months as he worked for the same employer.

Willful negligence.

SEC. 27. If the employee is injured by reason of his intentional willful negligence, or by reason of being in a state of intoxication, neither he nor his beneficiaries shall receive any compensation under the provisions of this act.

Subsequent injuries.

SEC. 28. If an employee receives an injury, which, of itself, would only cause partial disability, but which, combines [combined] with a previous disability, does in fact cause total disability, the employer shall only be liable as for the partial disability, so far as the subsequent injury is concerned.

Joint employers,

SEC. 29. In case any employee for whose injury or death compensation is payable under this act shall, at the time of the injury, be employed and paid jointly by two or more employers subject to this act, such employers shall contribute to the payment of such compensation in proportion to their several wage liabilities to such employee. If one or more, but not all of such employers should be subject to the provisions of Part II of this act, then the liability of such of them as are so subject shall be to pay that proportion of the entire compensation which their proportionate wage liability bears to the entire wages of the employee: *Provided, however*, That nothing in this section shall prevent any arrangement between employers for a different distribution between themselves of the ultimate burden of compensation.

Employees' insurance, etc.

SEC. 30. No savings or insurance of the injured employee, or any contribution made by him to any benefit fund or protective association independent of this act shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from

any other source than those paid or caused to be paid by the employer as herein provided, be considered in fixing the compensation under this act.

Waivers.

SEC. 31. No agreement by an employee to waive his rights to compensation under this act shall be valid.

Incompetent persons.

SEC. 32. If an injured employee is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may, in his behalf, claim and exercise such right or privilege.

Notice.

SEC. 33. No proceedings for compensation for an injury under this act shall be maintained, unless a notice of the injury shall have been given to the employer as soon as practicable after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same, or, in case of the death of the employee, or in the event of his physical or mental incapacity within six months after death or the removal of such physical or mental incapacity.

The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury; and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf.

The notice shall be served upon the employer or an agent thereof. Such service may be made by delivering said notice to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served at his last known residence or place of business.

A notice given under the provisions of this section shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, unless it is shown that it was the intention to mislead, and the employer, or the insurance company carrying such risk, as the case may be, was in fact misled thereby. Want of such written notice shall not be a bar to proceedings under this act, if it be shown that the employer had notice or knowledge of the injury.

Medical examinations.

SEC. 34. After an employee has given notice of an injury as provided in section 33, and from time to time thereafter during the continuance of his disability, he shall, if so requested by the employer or the insurance company carrying such risk, submit himself to an examination by a physician or surgeon legally authorized to practice medicine under the laws of the State, furnished and paid for by the employer, or the insurance company carrying such risk, as the case may be. The employee shall have the right to have a physician provided and paid for by himself present at the examination. The refusal of the employee to submit to such examination shall deprive him of the right to compensation under this act during the continuance of such refusal and the period of such refusal shall be deducted from the period during which compensation would otherwise be payable.

Autopsy.

SEC. 35. In all death claims, where the cause of death is obscure or disputed, any interested party may require an autopsy, the cost of such autopsy to be borne by the party demanding the same.

Settlements.

SEC. 36. The interested parties shall have the right to settle all matters of compensation between themselves in accordance with the provisions of this act.

Disputes.

SEC. 37. In case of a dispute over, or failure to agree upon a claim for compensation between employer and employee, or the dependents of the employee, the claim may be submitted to arbitration in such manner or method as may be mutually agreed upon, or either party may submit the claim, both as to the question of fact, the nature and effect of the injuries, and the amount of compensation therefor, according to the schedule herein provided, to the district court of the county which would have jurisdiction of a civil action between the parties, which court shall have authority to hear and determine the cause as a suit in equity and enter final judgment therein determining all questions of law and fact in accordance with the provisions of this act, which judgment shall be final and conclusive unless reversed or modified on appeal or otherwise modified pursuant to the provisions of this act.

SEC. 38. In case of personal injury, all claim for compensation shall be forever barred unless, within one year after the accident, the parties shall have agreed upon the compensation payable under this act, or unless, within one year after the accident, one of the parties shall have filed a petition as provided in section 39 hereof. In case of death, all claims for compensation shall be forever barred unless, within one year after the death, the parties shall have agreed upon the compensation under this act, or unless within one year after the death, one of the parties shall have filed a petition as provided in section 39 hereof. Where, however, payments of compensation have been made in any case, said limitation shall not take effect until the expiration of one year from the time of the making of the last payment. Action in one year.

SEC. 39. Procedure in cases of dispute shall be as follows: Either party may file in the district court a verified petition setting forth the names and residences of the parties and the facts relating to the employment at the time of the injury, the injury in its extent and character, the amount of wages being received at the time of injury, the knowledge of or notice to the employer of the occurrence of said injury and such other facts as may be necessary for the information of the court, and also stating the matter or matters in dispute and the contention of the petitioner with reference thereto. Procedure.

Upon the filing of such petition a summons shall issue and be served upon the adverse party, as in civil causes, together with a copy of the petition. Return of service shall be made within four days from the issuance of the summons. Within seven days after the return day of such summons the party upon whom the same is served shall file an answer to said petition, which shall admit or deny the substantial averments of the petition, and shall state the contention of the defendant with reference to the matters in dispute, as disclosed by the petition. The answer shall be verified in like manner as required for a petition. At the expiration of the time fixed for filing answer the court shall proceed to hear and determine the cause without delay and shall render judgment thereon according to the form of law. Any appeal from such judgment shall be prosecuted in accordance with the general laws of the State regulating appeals and actions at law except that such appeal shall be perfected within thirty days from the entry of the judgment and the cause shall be advanced for hearing in the supreme court so as to bring said cause on for argument before such court within sixty days from the filing of the appeal and said supreme court shall render its judgment and opinion in such cases within thirty days after submission.

SEC. 40. The amounts of compensation payable periodically under the law, either by agreement of the parties, or by decision of the court, may be commuted to one or more lump sum payments, except compensation due for death and permanent disability. These may be commuted only with the consent of the district court. Lump sums.

SEC. 41. All settlements by agreement of the parties and all awards of compensation made by the court, except those amounts payable periodically for six months or more, shall be final and not subject to readjustment. What settlements final.

SEC. 42. All amounts paid by an employer or by an insurance company carrying such risk, as the case may be, and received by the employee or his dependents, by lump sum payments, shall be final, but the amount of any agreement or award payable periodically for more than six months may be modified as follows: Reviews.

(a) At any time by agreement of the parties;

(b) If the parties can not agree, then at any time after six months from the date of the agreement or award, an application may be made to the court by either party on the ground of increase or decrease or incapacity due solely to the injury, or that the condition of a dependent has changed as to age or marriage, or by reason of the death of a dependent. In such case the same procedure shall be followed as in section 39 in case of disputed claim for compensation.

SEC. 43. At any time after the amount of any award has been agreed upon by the parties, or found and ordered by the court, a sum equal to the present value of all future installments of compensation may (where death or the nature of the injury renders the amount of future payments Payments to trustees.

certain) by leave of court, be paid by the employer, or by the insurance company carrying such risk, as the case may be, to any savings bank or trust company of this State, in good standing, and such sum, together with all interest thereon, shall thereafter be held in trust for the employee or the dependents of the employee, who shall have no further recourse against the employer. The payment of such sum by the employer, evidenced by the receipt of the trustee to be filed with the insurance commissioner, shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee in the same amounts and at the same time as are herein required of the employer until said fund and interest shall be exhausted. In the appointment of the trustee, preference shall be given, in the discretion of the court, to the choice of the injured employee or the dependents of the deceased employee, as the case may be.

Administrators.

SEC. 44. In case of death, where no executor or administrator is qualified, the said court shall, by order, direct payment to be made to such persons as would be appointed administrator of the estate of such decedent upon like terms as to bond for the proper application of compensation payments as are required of administrators.

Reports of settlements, etc.

SEC. 45. Report of all settlements and releases shall be filed by the employer with the labor commissioner within sixty days after such settlements are made. The said report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, age, sex, and occupation of the injured employee, and shall state the time, the nature and cause of the injury, and such other information as may be required by the labor commissioner. Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offense. If the injury shall result in the death of the employee, such report shall show whether the deceased was a citizen of the United States, or an alien; in the event that the deceased was an alien, such report shall show his nationality, and so far as may be known, his place of birth, parentage and names and addresses of dependents. If, as a result of the injury, the death of the employee occurs subsequent to the making of such report, it shall be the duty of the employer to make supplemental report giving the same information as if the injury had caused the immediate death of the employee.

When an injury results in the death of an employee who is a citizen or subject of a foreign country, the labor commissioner shall, after such death has been reported to him, at once notify the superior consular officer of the country of which the employee at the time of his death, was a citizen or subject, and whose consular district embraces the State of Nebraska, or the representative, residing in the State of Nebraska, of such consular officer, whom he shall have formally designated as his representative by a communication in writing to the labor commissioner. Such notification shall contain in addition to the name of the employee, such further information as the labor commissioner may possess respecting the place of birth, parentage, and names and addresses of the dependents of the employee.

Insurance of risks.

SEC. 46. An employer who is liable for compensation as provided in this act may insure the liability to pay such compensation in any liability insurance company or companies licensed to write such risks in the State of Nebraska, or in any mutual insurance association authorized under the laws of the State of Nebraska to assume such risks.

Provisions of policies.

SEC. 47. No policy of insurance against liability under this act shall be made unless the same shall cover the entire liability of the employer thereunder and shall contain an agreement by the insurer that, in case the employer shall be or become insolvent, or in case an execution upon a judgment for compensation is returned unsatisfied, an employee of such employer or the dependents of a deceased employee who shall be entitled to compensation under this act may enforce their claim or claims to compensation against the insurer to the same extent that the employer could have enforced his claim against such insurer had he paid compensation. No suit shall be maintained for the collection of premiums upon any such policy of insurance, unless such covenant is contained in said policy. Such covenant shall be unaffected by any default of the insured in the payment of premiums and shall be con-

strued to be a direct promise to such injured employee and dependents, and shall be enforceable by action brought in the name of such injured employee or in the names of such dependents. Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act, and provisions thereof inconsistent with this act shall be void. No company or association shall enter into any such contract for insurance unless such insurer shall have been approved by the State insurance commissioner as provided by law.

Existing insurance contracts.

SEC. 48. Nothing herein shall affect any existing contract for employers' liability insurance, or affect the organization of any mutual or other insurance company, or any arrangement now existing between employers and employees, providing for the payment to such employees, their families, dependents or representatives, sick, accident or death benefits in addition to the compensation provided for by this act; but liability for compensation under this act shall not be reduced or affected by any insurance of the injured employee, or any contribution or other benefit whatsoever, due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer, and in addition thereto, the right to enforce in his own name in the manner provided in section 47 the liability of any insurer who may, in whole or in part, have insured the liability for such compensation: *Provided, however*, That payment in whole or in part of such compensation by either the employer, or the insurer, as the case may be, shall, to the extent thereof, be a bar to recovery against the other, of the amount so paid.

PART III.

MISCELLANEOUS PROVISIONS.

Suits barred, how.

SECTION 49. If any employee, or his dependents in case of death, of any employer subject to the provisions of Part II of this act files any claim with, or accepts any payment from such employer, or from any insurance company carrying such risk, on account of personal injury, or makes any agreement, or submits any question to the court under Part II of this act, such action shall constitute a release to such employer of all claims or demands at law, if any, arising from such injury.

Compensation payments exempt.

SEC. 50. No payments under this act shall be assignable or subject to attachment or garnishment, or be held liable in any way for any debts, except as provided in section 8 hereof.

Preference.

SEC. 51. The right to compensation and all compensation awarded any injured employee or for death claims to his dependents (without limit of amount), shall have the same preference against the assets of the employer as unpaid wages for labor, but such compensation shall not become a lien on the property of third persons by reason of such preference.

Definitions.

SEC. 52. Throughout this act, the following words and phrases as used therein shall be considered to have the following meaning respectively, unless the context shall clearly indicate a different meaning in the construction used:

(a) The term "physician" shall include "surgeon," and in either case shall mean one legally authorized to practice his profession within the State of Nebraska, and in good standing in his profession at the time.

(b) The word "accident," as used in this act shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event happening suddenly and violently, with or without human fault and producing at the time objective symptoms of an injury.

The terms "injury" and "personal injuries" shall mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom. The said terms shall in no case be construed to include occupational disease in any form, or any contagious or infectious disease contracted during the course of employment, or death due to natural causes but occurring while the workman is at work.

"Death" when mentioned as a basis for the right to compensations means only death resulting from such violence and its resultant effects occurring within three hundred and fifty weeks after the accident.

(c) Without otherwise affecting either the meaning or interpretation of the abridged clause, "personal injuries arising out of and in the course of employment," it is hereby declared—

Not to cover workmen except while engaged in, on or about the premises where their duties are being performed, or where their service requires their presence as a part of such services at the time of the injury, and during the hours of service as such workmen.

(d) For the purposes of this act, willful negligence shall consist of (1) deliberate act, or (2) such conduct as evidences reckless indifference to safety, or (3) intoxication at the time of the injury.

(e) Whenever in this act the singular is used, the plural shall be included; where the masculine gender is used, the feminine shall be included.

(f) The designation "State insurance commissioner" or "insurance commissioner" as used herein is intended to mean the State official who has charge of the insurance department of the State of Nebraska.

(g) The "court" as used herein shall mean the district court which would have jurisdiction in an ordinary civil case involving a claim for the injuries or death in question, and the "judge" shall mean a judge of said court.

Prior injuries.

SEC. 53. Every right of action for death by wrongful act, or for injury by negligence, accruing to an injured employee prior to the taking effect of this act is continued and preserved under the existing law.

Status of claims if law is invalid.

SEC. 54. If the provisions of this act relating to the compensation for injuries to or death of workmen shall be repealed or adjudged invalid or unconstitutional, the period intervening between the occurrence of an injury or death and such repeal, or the final adjudication of invalidity, shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death, but the amount of any compensation which may have been paid for any such injury shall be deducted from any judgment for damages recovered on account of such injury.

Partial unconstitutionality.

SEC. 55. In case for any reason any paragraph or any provision of this act shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not be held to effect any other paragraph or provision of this act, except that Parts I and II are hereby declared to be inseparable, and if either part be declared void or inoperative in an essential part, so that the whole of such part must fall, the other part shall fall with it and not stand alone. Part I of this act shall not apply in cases where Part II becomes operative in accordance with the provisions thereof, but shall apply in all other cases when the employer is subject to the provisions of this act and in such cases shall be in extension or modification of the common law.

SEC. 56. All acts or parts of acts inconsistent with this act are to be deemed replaced by this act and to that end are hereby repealed.

SEC. 57. This act shall be known as the "Workmen's Compensation Law of 1913."

Approved April 21, 1913.

NEVADA.

ACTS OF 1913.

CHAPTER 111.—*Compensation of workmen for injuries.*

SECTION 1 (as amended by chapter 190, Acts of 1915). (a) Except as by this act otherwise provided, it shall be conclusively presumed that every employer, as defined by this act, has elected to provide, secure, and pay compensation according to the terms, conditions, and provisions of this act for any and all personal injuries by accident sustained by an employee arising out of and in the course of the employment; and in such cases the employer shall be relieved from other liability for recovery of damages or other compensation for such personal injury unless by the terms of this act otherwise provided.

Election presumed, when.

Effect.

(b) Where the State, county, municipal corporation, school district, cities under special charter and commission form of government, or contractors under the State, county, municipal corporation, school district, or cities under special charter or commission form of government is the employer, the terms, conditions, and provisions of this act for the payment of compensation and amount thereof for such injury sustained by an employee of such employer shall be exclusive, compulsory, and obligatory upon both employer and employee.

State, etc., employees.

(c) If an employer having the right under the provisions of this act to elect to reject the terms, conditions, and provisions thereof, and in such cases exercises the right in the manner and form by this act provided, such employer shall not escape liability for personal injury sustained by an employee of such employer when the injury sustained arises out of and in the usual course of the employment, because:

Employers rejecting a system.

(1) The employee assumed the risks inherent or incidental to or arising out of his or her employment, or the risks arising from the failure of the employer to provide and maintain a reasonably safe place to work, or the risks arising from the failure of the employer to furnish reasonably safe tools or appliances, or because the employer exercised reasonable care in selecting reasonably competent employees in the business;

Defenses abrogated.

(2) That the injury was caused by the negligence of a coemployee;

(3) That the employee was negligent, unless and except it shall appear that such negligence was willful and with intent to cause the injury, or the result of intoxication on the part of the injured party;

(4) In actions by an employee against an employer for personal injuries sustained arising out of and in the course of the employment where the employer has elected to reject the provisions of this act, it shall be presumed that the injury to the employee was the first result, and growing out of the negligence of the employer, and that such negligence was the proximate cause of the injury; and in such case the burden of proof shall rest upon the employer to rebut the presumption of negligence.

Presumptions as to negligence.

Every such employer shall be conclusively presumed to have elected to provide, secure, and pay compensation to employees for injuries sustained arising out of and in the course of the employment according to the provisions of this act, unless and until notice in writing of an election to the contrary shall have been given to the employee by posting the same in some conspicuous

Election presumed.

place at the place where the business is carried on, and also by filing notice with [the] Nevada Industrial Commission, with return thereon by affidavit, showing the date notice was posted, as by this act provided, substantially in the following form:

EMPLOYER'S NOTICE TO REJECT.

To the employees of the undersigned, and the Nevada Industrial Commission:

Notice to reject.

You and each of you are hereby notified that the undersigned rejects the terms, conditions, and provisions to provide, secure, and pay compensation to employees of the undersigned for injuries received as provided in the act of the Legislature of the State of Nevada known as the Nevada industrial insurance act, and elects to pay damages for personal injuries received by such employees under the common law and the statutes of this State modified by subdivisions 1, 2, 3, and 4 of section 1 of said Nevada industrial insurance act and acts amendatory thereto.

(Signed) ——— ———.

State of Nevada, county of ———, ss.

The undersigned, being duly sworn, deposes and says that a true, correct, and verbatim copy of the foregoing notice was on the —— day of ———, 19——, posted at ——— (state fully place where posted).

Subscribed and sworn to before me by ——— this —— day of ———, 19——.

——— ———, Notary Public.

The employer shall keep such notice posted in some conspicuous place which shall apply to the employees subsequently employed by the employer with the same force and effect and to the same extent and in like manner as employees in the employ at the time the notice was given.

Construction of contracts.

Where neither the employer nor the employee has given notice of an election to reject the terms of this act every contract of hire, express or implied, shall be construed as an implied agreement between them, and a part of the contract on the part of the employer to provide, secure, and pay, and on the part of the employee to accept, compensation in the manner as by this act provided for all personal injuries sustained arising out of and in the course of the employment.

Injuries not compensated.

SEC. 2. No compensation under this act shall be allowed for an injury caused:

(a) By the employee's willful intention to injure himself or to willfully injure another, nor shall compensation be paid to an injured employee if injury is sustained while intoxicated.

Remedy exclusive.

SEC. 3. (a) The rights and remedies provided in this act for an employee on account of an injury shall be exclusive of all other rights and remedies of such employee, his personal or legal representatives, dependents or next of kin, at common law or otherwise on account of such injury; all employees affected by this act shall be conclusively presumed to have elected to take compensation in accordance with the terms, conditions, and provisions of this act until notice in writing shall have been served upon his employer, and also on the Nevada Industrial Commission, with return thereon by affidavit showing the date upon which notice was served upon the employer.

Election by employees.

Suits.

(b) In the event that such employee elects to reject the terms, conditions, and provisions of this act, the rights and remedies thereof shall not apply where an employee brings an action or takes proceedings to recover damages or compensation for injuries received growing out of and in the course of his employment, except as otherwise provided by this act; and in such actions where the employee has rejected the terms of this act the employer shall have the right to plead and rely upon any and all defenses, including those at common law, and the rules and defenses of

contributory negligence, assumption of risk and fellow servant shall apply and be available to the employer unless otherwise provided in this act: *Provided, however*, That if an employee sustains an injury as the result of the employer's failure to furnish or fails to exercise reasonable care to keep or maintain any safety device required by statute or rule, or violate any of the statutory provisions or rules and regulations now or hereafter in force relating to safety of employees, the doctrine of assumed risk in such case growing out of the negligence of the employer shall not apply or be available as defensive matter to such offending party. The notice required to be given by an employee shall be substantially in the following form:

Assumed risks.

EMPLOYEES' NOTICE TO REJECT TERMS OF THIS ACT.

To (name of employer) and the Nevada Industrial Commission:

You and each of you are hereby notified that the undersigned elects to reject the terms, conditions, and provisions of an act for the payment of compensation as provided by the industrial insurance act of the State of Nevada and acts amendatory thereto, and elects to rely upon the common law as modified by section 3 of the said act for the right to recover for personal injury which I may receive, if any, growing out of and arising from the employment while in line of duty for my employer above named.

Employee's rejection.

Dated this —— day of ———, 19—.

(Signed) ——— ———.

State of Nevada, County of ———, ss.

The undersigned, being first duly sworn, deposes and says that the written notice was on the — day of ——, 19—, served on the within-named employer of the undersigned by delivering to ——— (name of person served) ——— a true, correct, and verbatim copy thereof.

Subscribed and sworn (or affirmed) to before me by the said ——— ——— this —— day of ——, 19—.

——— ———, Notary Public.

SEC. 4 (as amended by chapter 190, Acts of 1915). (a) When the employer or employee has given notice, in compliance with this act, electing to reject the terms thereof, such election shall continue and be in force until such employer or employee shall thereafter elect to come under the provisions of this act as provided in subsection (b) of this section.

Term of election.

(b) When an employer or employee rejects the terms, conditions, or provisions of this act, such party may at any time thereafter elect to waive the same by giving notice in writing in the same manner required of the party in electing to reject the provisions of this act, and which shall become effective when filed with the Nevada Industrial Commission.

Waiver.

SEC. 5. Where the employer and employee elect to reject the terms, conditions, and provisions of this act, the liability of the employer shall be the same as though the employee had not rejected the terms, conditions, and provisions thereof.

Rejection by both parties.

SEC. 6. An employer having come under this act, who thereafter elects to reject the terms, conditions, and provisions thereof, shall not be relieved from the payment of premiums to Nevada Industrial Commission prior to the time his notice of rejection becomes effective; and said premiums may be recovered in an action at law as hereinafter in this act provided.

Prior premium payments.

SEC. 7. When an employee coming under the provisions of this act receives an injury for which compensation is payable under this act, and which injury was caused under circumstances creating a legal liability in some person other than the employer, to pay damages in respect thereof:

Liability of third persons.

(a) The employee or beneficiary may take proceedings against that person to recover damages, but the amount of the compen-

sation to which he is entitled under this act shall be reduced by the amount of the damages recovered.

(b) If the employee or beneficiary in such case receives compensation under this act, the Nevada Industrial Commission, by whom the compensation was paid, shall be entitled to indemnity from the person so liable to pay damages as aforesaid, and shall be subrogated to the rights of the employee to recover therefor.

Contractors. (c) No contractor or subcontractor shall be entitled to receive compensation under this act, but shall be deemed to be an employer.

Industrial commission. SEC. 8 (as amended by chapter 190, Acts of 1915). (a) The administration of this act on and after April 1, 1915, is hereby imposed upon a commission to be known as the "Nevada Industrial Commission," and said commission, to consist of three commissioners, is hereby created. The governor, attorney general, and inspector of mines shall constitute an industrial commission board for the appointment of such commissioners. Vacancies shall be filled in the same manner for unexpired terms. No more than two of the commission shall be members of the same political party at the date of any appointment. Each commissioner shall hold office for the term of four years from and after date of his appointment, and until his successor shall be appointed and shall have qualified. One commissioner shall be designated by the governor to be, and upon being so designated shall be, chairman of the commission. A decision on any question arising under the act concurred in by two of the commissioners shall be the decision of the commission.

Board of appointment.

Removal of members. (b) The industrial commission board may remove any commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him and an opportunity of being publicly heard in person or by counsel in his own defense upon not less than ten days' notice. If such commissioner shall be removed, the industrial commission board shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and the findings thereon, together with a complete record of the proceedings.

Salaries. (c) Each commissioner shall receive as compensation for his services the sum of ten dollars per day for all days in which he is actually engaged in the business of the commission, which in no case shall exceed one hundred and fifty ($150) dollars per month. The chairman shall also serve as executive officer of the commission, in charge of the office and affairs of the commission, and shall be entitled to additional compensation for such service, which shall be fixed by the industrial commission board and approved by the governor. The executive officer of the commission shall not be financially interested in any business interfering or inconsistent with his duties. A member of the commission or an employee of the commission shall not serve on any committee of any political party.

Sessions. SEC. 9. The commission shall be in continuous session and open for the transaction of business during all the business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public, and shall stand and be adjourned without further notice thereof on its records. All proceedings of the commission shall be shown on its record of proceedings, which shall be a public record and shall contain a record of each case considered, and the award made with respect thereto and all voting shall be had by the calling of each member's name by the secretary, and each vote shall be considered as cast.

Proceedings.

Office. SEC. 10 (as amended by chapter 190, Acts of 1915). The commission shall keep and maintain its office at the capitol, in the town of Carson City, Nevada, and shall be provided by the board of capitol commissioners with suitable rooms. Except in cases of emergency, all necessary printing, including forms, blanks, envelopes, letterheads, circulars, pamphlets, bulletins, and reports required to be printed by said commission shall be done at the State printing office, and it is made the duty of the State printer to have such printing done as expeditiously as possible.

Employees.

SEC. 11. The commission may employ a secretary, actuary, accountants, inspectors, examiners, experts, clerks, stenographers, and other assistants, and fix their compensation. Such employments and compensation shall be first approved by the governor, and shall be paid out of the State treasury. The members of the commission, actuaries, accountants, inspectors, examiners, experts, clerks, stenographers, and other assistants that may be employed shall be entitled to receive from the State treasury their actual and necessary expenses while traveling in the business of the commission. Such expenses shall be itemized and sworn to by the person who incurred the expense and allowed by the commission.

Rules, forms, etc.

SEC. 12. The commission shall adopt reasonable and proper rules to govern its procedure, regulate and provide for the kind and character of notices, and the services thereof, in cases of accidents and injury to employees, the nature and extent of the proofs and evidence, and the method of taking and furnishing the same, to establish the rights to benefits of compensation from the State insurance fund, hereinafter provided for, the forms of application of those claiming to be entitled to benefits or compensation therefrom, the method of making investigations, physical examinations, and inspections, and prescribe the time within which adjudications and awards shall be made.

Duty of employers.

SEC. 13. Every employer shall furnish the commission, upon request, all information required by it to carry out the purposes of this act. The commission or any member thereof or any person employed by the commission for that purpose, shall have the right to examine under oath any employer or officer, agent, or employee thereof.

Same subject.

SEC. 14. Every employer receiving from the commission any blank with directions to fill the same, shall cause the same to be properly filled out as to answer fully and correctly all questions therein propounded, and if unable to do so shall give good and sufficient reasons for such failure. Answers to such questions shall be verified under oath and returned to the board within the period fixed by the commission for such return.

Powers of commissioners.

SEC. 15. Each member of the commission, the secretary and every inspector or examiner appointed by the commission shall, for the purposes contemplated by this act, have power to administer oaths, certify to official acts, take depositions, issue subpœnas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony.

Contempt.

SEC. 16. In case of disobedience of any person to comply with the order of the commission, or subpœna issued by it or one of its inspectors or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection as aforesaid, the district judge of the county in which the person resides, on application of any member of the commission, or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of subpœnas issued from such court on a refusal to testify therein.

Fees.

SEC. 17. Each officer who serves such subpœnas shall receive the same fees as a sheriff, and each witness who appears in obedience to a subpœna before the commission or an inspector or examiner shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid from the State treasury in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by any two members of the commission. No witness subpœnaed at the instance of a party other than the commission or any inspector shall be entitled to compensation from the State treasury unless the commission shall certify that his testimony was material to the matter investigated.

Depositions. SEC. 18. In an investigation the commission may cause deposition of witnesses residing within or without the State to be taken in the manner prescribed by the law for like depositions in civil actions in the courts of record.

Evidence. SEC. 19. A transcribed copy of the evidence and proceedings, or any specific part thereof, or any investigation, by a stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript of the testimony on the investigation, or of a particular witness, or of a specific part thereof, carefully compared by him with his original notes and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and subscribed, may be received in evidence by the commission with the same effect as if such stenographer were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand to any party upon the payment of the fee therefor, as provided for transcript in courts of record.

Distribution of forms, etc. SEC. 20. The commission shall prepare and furnish blank forms and provide in its rules for their distribution so that the same may be readily available, of application for benefits or compensation from the State insurance fund, notices to employers, proofs of injury or death, of medical attendance, of employment and wage earnings, and such other blanks as may be deemed proper and advisable, and it shall be the duty of insured employers to constantly keep on hand sufficient supply of such blanks.

Rates of premiums. SEC. 21 (as amended by chapter 190, Acts of 1915). (a) Every employer coming within the provisions of this act shall, on or before the fifteenth day of each and every month pay to the Nevada Industrial Commission for the State insurance fund, in accordance with the following schedule, a sum equal to a percentage of his total pay roll for the preceding month, to wit:

CONSTRUCTION WORK—INITIAL PREMIUM RATES.

Tunnels; bridges; trestles; subaqueous works, ditches and canals (other than irrigation without blasting); fire escapes; sewers; house moving; house wrecking	.035
Iron or steel structures or parts of structures	.040
Electric light or power plants or systems; telegraph or telephone systems; pile driving; steam railroads	.050
Steeples, towers, or grain elevators, not metal framed; chimneys; water works or systems; electric railways with rockwork or blasting; blasting; erecting fireproof doors or shutters	.050
Steam-heating plants; tanks, water towers, or windmills, not metal frames	.040
Shaft sinking	.030
Concrete buildings; freight or passenger elevators; fireproofing of buildings; galvanized iron or tin works; gas works or systems; marble, stone, or brick work; road work with blasting; roof work; safe moving; slate work; outside plumbing work; metal smokestacks or chimneys	.050
Excavations not otherwise specified; blast furnaces	.030
Street or other grading; cable or electric street railways without blasting; advertising signs; ornamental metal work in buildings	.025
Carpenter work not otherwise specified	.035
Installation of steam boilers or engines; placing wire in conduits, installing dynamos; putting up belts for machinery; marble, stone, or tile setting, inside work; mantel setting; metal-ceiling work; painting of buildings or structures; installation of automatic sprinklers; concrete laying in floors, foundations, or street paving; asphalt laying; covering steam pipes or boilers; installation of machinery not otherwise specified	.030

Drilling wells; installing electrical apparatus or fire-alarm systems in buildings; house heating or ventilating systems; glass setting; building hothouses; lathing; paper hanging; plastering; inside plumbing; wooden-stair building; road making ..... .020

The absence of power-drive[n] machinery does not exempt corporations named in this subdivision nor the small number of employees engaged nor the short time required to accomplish the work.

OPERATION (INCLUDING REPAIR WORK) OF—

(All combinations of material take the higher rate when not otherwise provided.)

OPERATION AND REPAIR WORK.

Logging railroads; railroads; dredges; interurban electric railroads using third-rail system ..... .025
Electric light or power plants; interurban electric railroads not using third-rail system; quarries ..... .025
Street railways; all employees; telegraph or telephone systems; stone crushing; blasting furnaces, smelters; coal mines; gas works; steamboats; tugs; ferries ..... .030
Mines, other than coal; steam heating or power plants ..... .025
Grain elevators; laundries; waterworks; paper or pulp mills; garbage works ..... .020

FACTORIES USING POWER-DRIVEN MACHINERY—FACTORIES.

Stamping tin or metal ..... .045
Bridge work; railroad car or locomotive making or repairing; cooperage; logging with or without machinery; sawmills; shingle mills; staves; veneer; box; lath; packing cases; sash, door, or blinds; barrel; keg; pail; basket; tub; woodenware or wooden-fiber ware; rolling mills; making steam shovels or dredges; tanks; water towers; asphalt; building material not otherwise specified; fertilizer; stone with or without machinery; kindling wood; masts and spars with or without machinery; canneries, metal stamping extra; creosoting works; pile-treating works ..... .020
Excelsior, iron, steel, copper, zinc, brass, or lead articles or wares not otherwise specified; hardware; tile, brick, terra cotta; fire clay; pottery; earthenware; ware; porcelain; peat fuel; briquettes ..... .020
Breweries; bottling works; boiler works; foundries; machine shops not otherwise specified ..... .020
Cordage; working in foodstuffs, including oils, fruits, and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber, or textiles not otherwise specified ..... .015
Making jewelry, soap, tallow, lard, grease, condensed milk ..... .015
Creameries; printing; electrotyping; photo-engraving; engraving; lithographing ..... .015

MISCELLANEOUS WORK.

Operating stockyards, with or without railroad entry; packing houses ..... .025
Artificial ice, refrigerating or cold-storage plants; tanneries; electric systems not otherwise specified ..... .020
Theater stage employees ..... .015
Fireworks manufacturing ..... .050
Powder works ..... .100
All other employments not herein specified ..... .015

(b) The Nevada Industrial Commission shall have the power, as experience and conditions demand, to increase or decrease the rates. Changing

rates above provided; sixty days' notice of any change in rates shall be given before the same shall become effective; the commission shall have the power, and it shall be their duty, to classify occupations with respect to their degree of hazard, and determine the risks of the different classes and fix the rates of premiums of the same, based upon the total pay roll and number of employees in each of said classes of occupation sufficiently large to provide an adequate fund for the compensation provided for in this act, and to create a surplus sufficiently large to guarantee a satisfactory State insurance fund from year to year.

Medical, surgical, etc., aid.

(c) In addition to the premiums which the employer is required to contribute to the State insurance fund, the employer shall furnish and promptly provide for an injured employee such medical, surgical, or hospital aid or treatment as may be reasonably required at the time of the injury, and thereafter during the disability, but not exceeding four months, to cure and relieve from the effects of the injury. If the employer neglects or refuses seasonably to do so, the injured employee may do so at the expense of the employer.

Employees' contributions.

To equalize the burden of the cost of medical, surgical, or hospital aid or treatment, as provided for in this section, mutual or cooperative arrangements may be made between the employer and employee, and the employer may assess each employee and deduct from the wages of each employee a sum not to exceed one dollar each month as the employee's contribution to a fund to provide medical, surgical, or hospital aid or treatment required by this act.

Any employer may jointly with other employers organize and maintain mutual or cooperative associations to furnish medical, surgical, or hospital aid or treatment equal to or greater than is provided for in this act.

In the event that any employer neglects or refuses seasonably to furnish the medical, surgical, or hospital aid or treatment provided for in this act, the injured employee may elect to receive such medical, surgical, or hospital aid or treatment provided by or through the Nevada Industrial Commission. If the injured employee elects to have such medical, surgical, or hospital aid or treatment provided by or through the Nevada Industrial Commission, the cause of action of said injured employee against the employer or hospital association shall be assigned to the Nevada Industrial Commission for the benefit of the State insurance fund, and the Nevada Industrial Commission shall furnish to said injured employee the medical, surgical, or hospital aid or treatment provided for in this act.

All fees and other charges for such medical, surgical, or hospital aid or treatment shall be subject to regulation by the commission, and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living.

Undue hazards.

SEC. 22 (as amended by chapter 190, Acts of 1915). Whenever an establishment or work is dangerous in comparison with other like establishments or works, the Nevada Industrial Commission may advance its classification of risk and premium rates in proportion to the hazard. Such advancement of classification of risks and premium rates may be made without previous notice.

Payment of premiums.

SEC. 23. The premiums above provided shall be paid on or before the 15th day of each and every month, commencing on the 15th day of August, 1913, and each and every month thereafter upon the pay roll for the month preceding.

State fund.

SEC. 24. All premiums provided for in this act shall be paid to the State treasurer, and shall constitute the State insurance fund for the benefit of employees of employers and for the benefit of dependents of such employees, and shall be disbursed as hereinafter provided.

Compensation—

SEC. 25 (as amended by chapter 190, Acts of 1915). Every employee or workman coming within the provisions of this act, who shall be injured by accident arising out of or in the course of em-

ployment, or his dependents, as hereinafter defined, shall be entitled to receive the following compensation:

If death results from the injury, compensation shall be paid to the dependents of deceased employee in monthly installments, as follows: Death;

(a) If there be total dependents, compensation shall be paid only to such total dependents, as follows:

1. To the dependent widow or widower, if there be no dependent children, forty per cent of the average monthly wage, but not less than twenty dollars nor more than sixty dollars per month for a period of one hundred months, but in no case to exceed the sum of four thousand dollars.

2. To the dependent widow or widower, if there be one child or two children, fifty per cent of the average monthly wage, but not less than twenty dollars nor more than sixty dollars per month for a period of one hundred months, but in no case to exceed the sum of five thousand dollars.

3. To the dependent widow or widower, if there be more than two dependent children, sixty per cent of the average monthly wage, but not less than twenty dollars nor more than sixty dollars per month for a period of one hundred months, but in no case to exceed the sum of six thousand dollars.

Compensation to the widow or widower shall be for the use and benefit of such widow or widower and of the dependent children, and the Nevada Industrial Commission may from time to time apportion such compensation between them in such way as it deems best.

4. If there be no dependent widow or widower, but a dependent child or children, compensation shall be allowed for the support of minor children under the age of sixteen years, the total amount thereof to be not less than ten dollars nor more than thirty-five dollars per month, to be fixed by the commission. The duration of such compensation shall also be fixed by the commission.

5. If the deceased employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the monthly compensation to be paid shall be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the employee to such partial dependents bears to the average wages of deceased at the time of his injury. The duration of such compensation to partial dependents shall be fixed by the commission, but in no case shall exceed one hundred months.

6. In all other cases questions of total or partial dependency shall be determined in accordance with the facts as the facts may be at the time of the injury; and in such cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partially dependent, if any, shall receive no part thereof. If there is no one wholly dependent and more than one person partially dependent, the death benefit shall be divided among them according to the relative extent of the dependency: *Provided, however*, That when a lump sum is paid, as contemplated by this act, the commission, in making distribution thereof, shall take into consideration the contingent rights of partial beneficiaries or the rights of those who may become such after a wholly dependent child or children becomes sixteen years of age.

7. If death results from the injury, burial expenses, not to exceed the sum of one hundred and twenty-five dollars, shall be paid in addition to the compensation payable under this act. Burial expenses;

For temporary total disability, compensation of fifty per cent of the average monthly wage, but not more than sixty dollars nor less than twenty dollars a month, but not exceeding one hundred months, during the period of such disability, total amount not to exceed five thousand dollars. Total disability;

For permanent total disability, compensation of fifty per cent of the average monthly wage, but not more than sixty dollars nor less than twenty dollars a month, for a period not to exceed one hundred months, total amount not to exceed five thousand dollars.

In case of the following specified injuries, the disability caused thereby shall be deemed total and permanent:

1. The total and permanent loss of sight in both eyes.
2. The loss by separation of both legs at or above the knee.
3. The loss by separation of both arms at or above the elbow.
4. The loss by separation of one arm at or above the elbow and one leg by separation at or above the knee.
5. An injury to the spine resulting in permanent and complete paralysis of both legs or both arms.
6. An injury to the skull resulting in incurable imbecility or insanity.

The above enumeration is not to be taken as exclusive, and in all other cases permanent total disability shall be determined in accordance with the facts.

Where there has been a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury shall be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

Partial disability.

For temporary partial disability, one-half of the difference between the wages earned before injury and wages which the injured is able to earn thereafter, but not more than forty dollars a month for a period not to exceed sixty months during the period of such disability.

Specific injuries.

In the case of any of the following specified injuries, the disability caused thereby shall be deemed a permanent partial disability, and the amounts named shall be paid in addition to compensation paid for temporary total disability:

1. For the loss of a thumb, fifty per cent of the average monthly wages during fifteen months.
2. For the loss of the first finger, commonly called the index finger, fifty per cent of the average monthly wages during nine months.
3. For the loss of a second finger, fifty per cent of the average monthly wages during seven months.
4. For the loss of a third finger, fifty per cent of the average monthly wages during five months.
5. For the loss of a fourth finger, commonly called the little finger, fifty per cent of the average monthly wages during four months.
6. The loss of the distal or second phalange of the thumb or the distal or third phalange of the first, second, third, or fourth fingers shall be considered a permanent partial disability and equal to the loss of one-half of such thumb or finger, and compensation shall be one-half of the amount specified for the loss of the entire thumb or finger.
7. The loss of more than one phalange of the thumb or finger shall be considered as the loss of the entire finger or thumb: *Provided, however,* That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.
8. For the loss of a great toe, fifty per cent of the average monthly wages during seven months.
9. For the loss of one of the other toes other than the great toe, fifty per cent of the average monthly wages during two and one-half months.
10. However, the loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.
11. The loss of more than one phalange shall be considered as the loss of the entire toe.
12. For the loss of a hand, fifty per cent of the average monthly wages during forty months.
13. For the loss of an arm, fifty per cent of the average monthly wages during fifty months.

14. For the loss of a foot, fifty per cent of the average monthly wages during thirty-five months.

15. For the loss of a leg, fifty per cent of the average monthly wages during forty-five months.

16. For the loss of an eye, fifty per cent of the average monthly wages during twenty-five months.

17. For permanent and complete loss of hearing in one ear, fifty per cent of the average monthly wages during twenty months.

18. For permanent and complete loss of hearing in both ears, fifty per cent of the average monthly wages during sixty months.

19. The permanent and complete loss of the use of a finger, toe, arm, hand, foot, or leg may be deemed the same as the loss of any such member by separation.

20. The permanent and complete loss of sight in one eye may be deemed as the loss of one eye.

21. Facial disfigurement: For permanent disfigurement about the head and face, the commission may allow such sum for compensation thereof as it may deem just, not exceeding fifty per cent of monthly wages during twelve months.

In all cases of permanent partial disability, not otherwise specified in the foregoing schedule, the disability shall be determined according to the percentage thereof, taking into account, among other things, any previous disability, the occupation of the injured employee, the nature of the physical injury or disfigurement, and the age of the employee at the time of the injury; and the compensation paid therefor shall be the percentage of the disability caused by the injury times fifty per cent of the average monthly wage (but not more than fifty dollars a month) for not exceeding one hundred months during the life of the injured employee. Whenever the monthly payments under this subsection are so small that the payments thereof during the full period will work a hardship on the beneficiary, or be of no substantial benefit, the period may be shortened and the payments correspondingly increased in such a manner that the same may be of substantial benefit to the injured employee.

Dependents.

SEC. 26 (as amended by chapter 190, Acts of 1915). The following persons shall be conclusively presumed to be totally dependent for support upon a deceased employee:

1. A wife upon a husband whom she has not voluntarily abandoned at the time of injury.

2. A husband, mentally or physically incapacitated from wage earning, upon a wife whom he has not voluntarily abandoned at the time of injury.

3. A natural, posthumous, or adopted child or children, whether legitimate or illegitimate, under the age of sixteen years, or over that age, if physically or mentally incapacitated from wage earning, upon the parent with whom he or they are living at the time of the injury resulting in the death of such parent, there being no surviving parent. In cases where there is more than one child thus dependent, the death benefit shall be divided between such dependents in such proportion as may be determined by the commission after considering the age of such dependents and other facts bearing on such dependency. Step-parents may be regarded in this act as parents, if the fact of dependency is shown, and a stepchild or stepchildren may be regarded in this act as a natural child or children if the existence and fact of dependency is shown.

Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the accident or injury to the employee and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions, and the death benefits shall be directly recoverable by and payable to the dependent or dependents entitled thereto, or to their legal guardians or trustees.

Waiting time.

SEC. 27 (as amended by chapter 190, Acts of 1915). No compensation shall be paid under this act for an injury which does not incapacitate the employee for a period of at least seven days from earning full wages, but if the incapacity extends beyond the period

of seven days, compensation shall begin on the eighth day after the injury: *Provided, however,* That if such disability continues for two weeks beyond the period of said seven days, such compensation shall be computed from the date of the injury.

Exemption, etc., of benefits.

SEC. 28 (as amended by chapter 190, Acts of 1915). Compensation payable under this act, whether determined or due, or not, shall not, prior to the issuance and delivery of the warrant therefor, be assignable; shall be exempt from attachment, garnishment, and execution, and shall not pass to any other person by operation of law: *Provided, however,* That the payments to the consul general, consul, vice consul general, or vice consul, of the nation of which any dependent of a deceased employee is a resident or subject, or a representative of such consul general, consul, vice consul general, or vice consul, of any compensation due under this act to any dependent residing outside of the United States, any power of attorney to receive or receipt for the same to the contrary notwithstanding, shall be as full a discharge of the benefits or compensation payable under this act as if payments were made directly to the beneficiary.

Waivers.

SEC. 29. No employer or workman shall exempt himself from the burden or waive the benefits of this act by any contract, agreement, rule, regulation, or device; and any such contract, agreement, rule, regulation, or device shall be absolutely void.

Remarriage of widow.

SEC. 30. Upon the marriage of a widow, she shall receive once and for all a lump sum equal to twelve times her monthly allowance, not to exceed, however, the sum of $300: *Provided, however,* That allowance shall be made by the commission for the support of minor children under the age of sixteen years, the total amount thereof to be not less than $10 nor more than $35 per month, to be fixed by the commission.

Lump-sum payments.

SEC. 31. The Nevada Industrial Commission may, in its discretion, allow the conversion of the compensation herein provided for into a lump-sum payment, not to exceed the sum of $5,000, under such rules and regulations and system of computation as may be devised for obtaining the present value of such compensation.

Medical examinations.

SEC. 32 (as amended by chapter 190, Acts of 1915). (a) Any workman entitled to receive compensation under this act is required, if requested by the commission, to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the workman, and as may be provided by the rules of the commission. The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employee and his physical condition and ability to attend at the time and place fixed. The employee shall be entitled to have a physician, provided and paid for by himself, present at any such examination. If the employee refuses to submit to any such examination or obstructs the same, his right to compensation shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period. Any physician who shall make or be present at any such examination may be required to testify as to the result thereof.

(b) If any employee shall persist in unsanitary or injurious practices which tend to either imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to promote his recovery, the commission may, in its discretion, reduce or suspend the compensation of any such injured employee.

(c) If, for the purpose of obtaining any benefit or payment under the provisions of this act, either for himself or for any other person, anyone willfully makes a false statement or representation, he shall be guilty of a misdemeanor, and if a claimant he shall forfeit all right to compensation under this act after conviction for such offense.

Accidents to be reported.

SEC. 33. Whenever any accident occurs to any workman, it shall be the duty of the employer to at once report such accident and

the injury resulting therefrom to the commission, and also to any local representative of the commission. Such report shall state:

(1) The time, cause, and nature of the accident and injuries and the probable duration of the injury resulting therefrom.

(2) Whether the accident arose out of or in the course of the injured person's employment.

(3) Any other matters the rules and regulations of the commission may prescribe.

Applications for compensation.

SEC. 34. (a) Where a workman is entitled to compensation under this act he shall file with the department his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this act and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman.

(b) Where death results from injury to [the] parties entitled to compensation under this act, or some one in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this act, certificates of attending physician, if any, and such other proof as required by the rules of the department.

Review of awards.

(c) If change of circumstances warrant an increase or rearrangement of compensation, like application shall be made therefor. No increase or rearrangement shall be operative for any period prior to application therefor.

(d) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the right thereto accrued.

Employers' records.

SEC. 35. The books, records, and pay rolls of the employer pertinent to the administration of this act shall always be open to inspection by the commission or its traveling auditor, agent, or assistant for the purpose of ascertaining the correctness of the pay roll, the men employed, and such other information as may be necessary for the commission and its management under this act. Refusal on the part of the employer to submit said books, records, and pay rolls for such inspection to any member of the commission or any assistant presenting written authority from the commission shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected by civil action in the name of the Nevada Industrial Commission and paid into the accident fund, and the individual who shall personally give such refusal shall be guilty of a misdemeanor.

Misrepresentations.

SEC. 36. Any employer who shall misrepresent to the department the amount of pay roll upon which the premium under this act is based shall be liable to the Nevada Industrial Commission in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability to the Nevada Industrial Commission shall be enforced in a civil action in the name of the Nevada Industrial Commission. All sums collected under this section shall be paid into the accident fund.

Defaults.

SEC. 37. If any employer shall default in any payment to the accident fund hereinbefore in this act required, the sum due shall be collected by action at law in the name of the Nevada Industrial Commission as plaintiff, and such right of action shall be in addition to any other right of action or remedy. In respect to any injury happening to any of his workmen during the period of any default in the payment of any premium under section 6, the defaulting employer shall not, if such default be after demand for payment, be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or the husband, wife, child, or dependent of such workman in case death result from the accident) as he would have been prior to the passage of this act. In case the recovery actually collected in such suit shall equal or exceed the compensation to which the plaintiff therein would be entitled

under this act, the plaintiff shall not be paid anything out of the accident fund; if the said amount shall be less than such compensation under this act, the accident fund shall contribute the amount of the deficiency. The person so entitled under the provisions of this section to sue shall have the choice (to be exercised before suit) of proceeding by suit or taking under this act. If such person shall take under this act, the cause of action against the employer shall be assigned to the Nevada Industrial Commission for the benefit of the accident fund. In any suit brought upon such cause of action the measure of liability shall be as provided in section 1, subdivision c—1, 2, 3, and 4—of this act. Any such cause of action assigned to the Nevada Industrial Commission may be prosecuted or compromised by the department in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Option of employee.

Power of commission.

SEC. 38. The Nevada Industrial Commission is hereby authorized and empowered to prosecute, defend, and maintain actions in the name of the commission for the enforcement of the provisions of this act, and verification of any pleading, affidavit, or other paper required may be made by any member of the commission or by the secretary thereof. In any action or proceeding or in the prosecution of any appeal by the commission, no bond or undertaking shall ever be required to be furnished by the commission.

Violations of statutes.

SEC. 39. If any workman be injured because of the absence of any safeguard or protection required to be provided or maintained by or pursuant to any statute or ordinance or any departmental regulation under any statute, or be at the time of the injury of less than the maximum [minimum] age prescribed by law for the employment of the minor in the occupation in which he shall be engaged when injured, the employer shall be liable to the Nevada Industrial Commission for a penalty of not less than $300 or more than $2,000, to be collected in a civil action at law by the commission.

Workmen removing guards.

The foregoing provision of this act shall not apply to the employer if the absence of such guard or such protection be due to the removal thereof by the injured workman himself, or with his knowledge, by any fellow workman, unless such removal be by order or direction of the employer or superintendent or foreman of the employer. If the removal of such guard or protection be by the workman himself, or be by his consent, by any of his fellow workmen, unless done by order or direction of the employer or superintendent or foreman of the employer, the compensation of such injured workman, as provided for by section 25 of this act, shall be reduced twenty-five per cent.

Custody, etc., of fund.

SEC. 40 (as amended by chapter 190, Acts of 1915). (a) The premiums, contributions, penalties, properties, or securities paid, collected, or acquired by operation of this act shall constitute a fund to be known as the "State insurance fund." All disbursements from the State insurance fund shall be paid by the State treasurer upon warrants or vouchers of the Nevada Industrial Commission, authorized and signed by any two members of the commission. The State treasurer shall be liable on his official bond for the faithful performance of his duty as custodian of the State insurance fund. The State of Nevada shall not be liable for the payment of any compensation or any salaries or expenses in the administration of this act, save and except from the State insurance fund, but shall be responsible for the safety and preservation of the State insurance fund.

(b) The Nevada Industrial Commission may, pursuant to a resolution of the commission, approved by the governor, invest not to exceed sixty per cent of the amount of said fund in the bonds of the United States, in the bonds of this or other States, or in the bonds of any county of the State of Nevada, or other States. The commission shall make due and diligent inquiry as to the financial standing of the State or States, county or counties, whose

bonds or securities it proposes to purchase, and shall also require the attorney general to give his legal opinion in writing as to the validity of any act or acts of any State or county under which such bonds are issued.

All such bonds or securities shall be placed in the hands of the State treasurer, who shall be the custodian thereof. He shall collect the principal and interest thereon when due and pay the same into the State insurance fund. He shall notify the Nevada Industrial Commission of the amounts so paid into the State insurance fund, giving full details of the transaction. The State treasurer shall pay all vouchers drawn on the State insurance fund for the making of such investments when signed by two members of the commission, upon delivery of such bonds or securities to him when there is attached to such vouchers a copy of the resolution of the commission authorizing the investment, approved by the governor, said copy to be certified by the secretary under seal of the commission. The commission may, upon like resolution approved by the governor, sell any of such bonds or securities.

Bank deposits.

(c) The State treasurer may, upon written authority of the Nevada Industrial Commission, approved by the governor, deposit an additional fifteen per cent of said fund in bank or banks in the State of Nevada upon special time deposits bearing interest at not less than three per cent per annum: *Provided, however,* That such bank or banks in which deposits may be made shall give to the Nevada Industrial Commission a good and sufficient surety deposit bond guaranteeing said Nevada Industrial Commission against any loss of said deposit by reason of failure, suspension, or otherwise of said bank. Interest earned by such portion of the State insurance fund which may be deposited in any bank or banks, as herein provided, shall be placed to the credit of the State insurance fund.

Oath.

(d) Each member of the commission, before entering upon the duties of his office, shall take the oath prescribed by the constitution, and shall give good and sufficient bond, running to the State of Nevada, in the penal sum of ten thousand dollars, conditioned that he shall faithfully discharge the duties of his office; said bonds shall be signed by a surety company duly authorized to do business in this State or by two or more individuals as surety or sureties, shall be subject to approval by the governor, and shall then be filed with the secretary of state. If surety company bonds be furnished, the premium therefor shall be paid out of the State insurance fund as other expenses of the commission are paid.

Seal.

(e) The commission shall have a seal upon which shall be inscribed the words "Nevada Industrial Commission—State of Nevada." Its seal shall be fixed to all orders, proceedings, and copies thereof, and to such other instruments as the commission may direct. All courts shall take judicial notice of such seal, and any copy of any record or proceeding of the commission certified under such seal shall be received in all courts as evidence of the original thereof.

Injuries outside State.

SEC. 41 (as amended by chapter 190, Acts of 1915). If a workman or employee within the provisions of this act who has been hired in this State and whose usual and ordinary duties of such employment are confined to the State is sent out of the State on business or employment of his employer, and receives personal injury by accident arising out of and in the course of such employment, he shall be entitled to receive compensation according to the provisions of this act, even though such injury was received outside of this State.

Title of act.

SEC. 42. This act shall be known as the "Nevada Industrial Insurance Act."

Scope of act.

SEC. 43 (as amended by chapter 190, Acts of 1915). This act shall apply to all employers of labor in the State of Nevada and their employees and dependents of their employees, but excludes any employee engaged in farm or agricultural labor, stock or poultry raising, or household domestic service; and no contract of employment, insurance, relief benefit, or indemnity, or any

other device shall modify, change, or waive any liability created by this act; and such contract of employment, insurance, relief benefit, or indemnity or other device, having for its purpose the waiver or modification of the terms or liability created by this act, shall be void.

Construction of statute.

SEC. 44. If any employer shall be adjudicated to be outside the lawful scope of this act, the act shall not apply to him or his workmen; or if any workman shall be adjudicated to be outside the lawful scope of this act because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this act in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received. If the provisions of section 21 of this act for the creation of the insurance fund, or the provisions of this act making the compensation to the workman provided in it, exclusive of any other remedy on the part of the workman, shall be held invalid, the entire act shall be thereby invalidated, except the provisions of section 46, and an accounting according to the justice of the case shall be had of moneys received. In other respects an adjudication of invalidity of any part of this act shall not affect the validity of the act as a whole or any part thereof.

Limitations not to run when.

SEC. 45. If the provisions of this act relative to compensation for injuries to or death of workmen become invalid because of any adjudication or be repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this act by lump payment or completed monthly payments, and such repeal or the rendition of the final adjudication of the validity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death: *Provided*, That such action be commenced within one year after such repeal or adjudication, but in any such action any sum paid out of the insurance fund to the workman on account of injury, to whom the action is prosecuted, shall be taken into account or disposed of as follows: If the defendant employer shall have paid without delinquency into the insurance fund the payment provided for by section 21, such sums shall be credited upon the recovery as payment thereon, otherwise the sum shall not be so credited, but shall be deducted from the sum collected and be paid into the said fund from which they had been previously disbursed.

Proviso.

Disposition of funds.

SEC. 46. If this act shall be hereafter repealed, all moneys which are in the insurance fund at the time of the repeal shall be subject to such disposition as may be provided by the legislature, and in default of such legislative provision distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.

Prior causes.

SEC. 47. This act shall not affect any action pending or cause of action existing on June 30, 1913.

Act in effect.

SEC. 48. This act shall be effective July 1, 1913.

Repealer.

SEC. 49. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1913.

NEW HAMPSHIRE.

ACTS OF 1911.

CHAPTER 163.—*Compensation of workmen for injuries.*

SECTION 1. This act shall apply only to workmen engaged in manual or mechanical labor in the employments described in this section which, from the nature, conditions, or means of prosecution of such work, are dangerous to the life and limb of workmen engaged therein, because in them the risks of employment and the danger of injury caused by fellow servants are great and difficult to avoid. (*a*) The operation on steam or electric railroads of locomotives, engines, trains, or cars, or the construction, alteration, maintenance, or repair of steam-railroad tracks or roadbeds over which such locomotives, engines, trains, or cars are or are to be operated. (*b*) Work in any shop, mill, factory, or other place on, in connection with, or in proximity to any hoisting apparatus, or any machinery propelled or operated by steam or other mechanical power in which shop, mill, factory, or other place five or more persons are engaged in manual or mechanical labor. (*c*) The construction, operation, alteration, or repair of wires or lines of wires, cables, switchboards, or apparatus charged with electric currents. (*d*) All work necessitating dangerous proximity to gunpowder, blasting powder, dynamite, or any other explosives, where the same are used as instrumentalities of the industry, or to any steam boiler owned or operated by the employer: *Provided*, Injury is occasioned by the explosion of any such boiler or explosive. (*e*) Work in or about any quarry, mine, or foundry. As to each of said employments it is deemed necessary to establish a new system of compensation for accidents to workmen.

Scope of law.

Dangerous employments.

SEC. 2. If, in the course of any of the employments above described, personal injury by accident arising out of and in the course of the employment is caused to any workman employed therein, in whole or in part, by failure of the employer to comply with any statute, or with any order made under authority of law, or by the negligence of the employer or any of his or its officers, agents, or employees, or by reason of any defect or insufficiency due to his, its, or their negligence in the condition of his or its plant, ways, works, machinery, cars, engines, equipment, or appliances, then such employer shall be liable to such workman for all damages occasioned to him, or, in case of his death, to his personal representatives for all damages now recoverable under the provisions of chapter one hundred and ninety-one of the Public Statutes. The workman shall not be held to have assumed the risk of any injury due to any cause specified in this section; but there shall be no liability under this section for any injury to which it shall be made to appear by a preponderance of evidence that the negligence of the plaintiff contributed. The damages provided for by this section shall be recovered in an action on the case for negligence.

Employer liable for damages, when.

Assumption of risks.

SEC. 3. The provisions of section two of this act shall not apply to any employer who shall have filed with the commissioner of labor his declaration in writing that he accepts the provisions of this act as contained in the succeeding sections, and shall have satisfied the commissioner of labor of his financial ability to comply with its provisions, or shall have filed with the commissioner of labor a bond, in such form and amount as the commissioner may prescribe, conditioned on the discharge by such employer of all liability incurred under this act. Such bond shall be enforced by the commissioner of labor for the benefit of all persons to

Election by employer.

Bonds.

whom such employer may become liable under this act in the same manner as probate bonds are enforced. The commissioner may, from time to time, order the filing of new bonds, when, in his judgment, such bonds are necessary; and after thirty days from the communication of such order to any employer, such employer shall be subject to the provisions of section two of this act until such order has been complied with. The employer may at any time revoke his acceptance of the provisions of the succeeding sections of this act by filing with the commissioner of labor a declaration to that effect, and by posting copies of such declaration in conspicuous places about the place where his workmen are employed. Any person aggrieved by any decision of the commissioner under this section may apply by petition to any justice of the superior court for a review of such decision and said justice on notice and hearing shall make such order affirming, reversing, or modifying such decision as justice may require; and such order shall be final. Such employer shall be liable to all workmen engaged in any of the employments specified in section one, for any injury arising out of and in the course of their employment, in the manner provided in the following sections of this act: *Provided*, That the employer shall not be liable in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed: *And provided*, That the employer shall not be liable in respect of any injury to the workman which is caused in whole or in part by the intoxication, violation of law, or serious or willful misconduct of the workman: *Provided, further*, That the employer shall at the election of the workman, or his personal representative, be liable under the provisions of section two of this act for all injury caused in whole or in part by willful failure of the employer to comply with any statute, or with any order made under authority of law.

Minor injuries, etc.

Right to sue.

SEC. 4. The right of action for damages caused by any such injury, at common law, or under any statute in force on January one, nineteen hundred and eleven, shall not be affected by this act, but in case the injured workman, or in event of his death his executor or administrator, shall avail himself of this act, either by accepting any compensation hereunder, by giving the notice hereinafter prescribed, or by beginning proceedings therefor in any manner on account of any such injury, he shall be barred from recovery in every action at common law or under any other statute on account of the same injury. In case after such injury the workman, or in the event of his death his executor or administrator, shall commence any action at common law or under any statute other than this act against the employer therefor, he shall be barred from all benefit of this act in regard thereto.

Barred, how.

Notice.

SEC. 5. No proceedings for compensation under this act shall be maintained unless notice of the accident as hereinafter provided has been given to the employer as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured and during such disability, and unless claim for compensation has been made within six months from the occurrence of the accident, or in case of the death of the workman, or in the event of his physical or mental incapacity, within six months after such death or the removal of such physical or mental incapacity, or in the event that weekly payments have been made under this article, within six months after such payments have ceased, but no want or defect or inaccuracy of a notice shall be a bar to the maintenance of proceedings unless the employer proves that he is prejudiced by such want, defect, or inaccuracy. Notice of the accident shall apprise the employer of the claim for compensation under this article, and shall state the name and address of the workman injured, and the date and place of the accident. The notice may be served personally or by sending it by mail in a registered letter addressed to the employer at his last-known residence or place of business.

Compensation for death.

SEC. 6. (1) The amount of compensation shall be, in case death results from injury: (*a*) If the workman leaves any widow, children, or parents, resident of this State, at the time of his death, then wholly dependent on his earnings, a sum to compensate them for loss equal to one hundred and fifty times the average weekly earnings of such workmen when at work on full time during the preceding year during which he shall have been in the employ of the same employer, or if he shall have been in the employment of the same employer for less than a year then one hundred and fifty times his average weekly earnings on full time for such less period. But in no event shall such sum exceed three thousand dollars. Any weekly payments made under this act shall be deducted from the sum so fixed. (*b*) If such widow, children, or parents at the time of his death are in part only dependent upon his earnings, such proportion of the benefits provided for those wholly dependent as the amount of the wage contributed by the deceased to such partial dependents at the time of injury bore to the total wage of the deceased. (*c*) If he leaves no such dependents, the reasonable expenses of his medical attendance and burial, not exceeding one hundred dollars. Whatever sum may be determined to be payable under this act in case of death of the injured workman shall be paid to his legal representative for the benefit of such dependents, or if he leaves no such dependents, for the benefit of the persons to whom the expenses of medical attendance and burial are due.

Compensation for incapacity.

(2) Where total partial incapacity for work at any gainful employment results to the workman from the injury, a weekly payment commencing at the end of the second week after the injury and continuing during such incapacity, subject as herein provided, not exceeding fifty per centum of his average weekly earnings when at work on full time during the preceding year during which he shall have been in the employment of the same employer, or if he shall have been in the employment of the same employer for less than a year, then a weekly payment of not exceeding one-half the average weekly earnings on full time for such less period. In fixing the amount of the weekly payment, regard shall be had to the difference between the amount of the average earnings of the workman before the accident and the average amount he is able to earn thereafter as wages in the same employment or otherwise. In fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may have received from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in the same employment or otherwise after the accident, but shall amount to one-half of such difference. In no event shall any compensation paid under this act exceed the damage suffered, nor shall any weekly payment payable under this act in any event exceed ten dollars a week or extend over more than three hundred weeks from the date of the accident. Such payment shall continue for such period of three hundred weeks: *Provided*, Total or partial disability continue during such period. No such payment shall be due or payable for any time prior to the giving of the notice required by section five of this act.

Medical examinations.

SEC. 7. Any workman entitled to receive weekly payments under this act is required, if requested by the employer, to submit himself for examination by a duly qualified medical practitioner or surgeon provided and paid for by the employer, at a time and place reasonably convenient for the workman, within two weeks after the injury, and thereafter at intervals not oftener than once in a week. If the workman refuses to submit to such examination, or obstructs the same, his right to weekly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period.

Incompetent persons.

SEC. 8. In case an injured workman shall be mentally incompetent at the time when any right or privilege accrues to him under this act, the guardian of the incompetent appointed pursuant to law may, on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the workman himself had been competent and had claimed or exercised any such right or privilege, and no limitation of time in this act provided for shall run so long as said incompetent workman has no guardian.

Proceedings in equity.

SEC. 9. Any question as to compensation which may arise under this act shall be determined by agreement or by an action at equity as hereinafter provided. In case the employer fail to make compensation as herein provided, the injured workman, or his guardian, if such be appointed, or his executor or administrator, may then bring an action to recover compensation under this act in any court having jurisdiction of an action for recovery of damages for negligence for the same injury between the same parties. Such action shall be by petition in equity, which may be made returnable at the appropriate term of the superior court or may be filed in the office of the clerk of the superior court and presented in term time or vacation to any justice of said court, who on reasonable notice shall hear the parties and render judgment thereon. The judgment in such action if in favor of the plaintiff shall be for a lump sum equal to the amount of payments then due and prospectively due under this act. In such action by an executor or administrator the judgment may provide the proportions of the award or the costs to be distributed to or between the several dependents. If such determination is not made it shall be determined by the probate court in which such executor or administrator is appointed, in accordance with this act, on petition of any party interested, on such notice as such court may direct. Any employer who has declared his intention to act under the compensation features of this act shall also have the right to apply by similar proceedings to the superior court or to any justice thereof for a determination of the amount of the weekly payments to be paid the injured workman, or of a lump sum to be paid the injured workman in lieu of such weekly payments; and either such employer or workman may apply to said superior court or to any justice thereof in similar proceeding for the determination of any other question that may arise under the compensation feature of this act; and said court or justice, after reasonable notice and hearing, may make such order as to the matter in dispute and taxable costs as justice may require.

Payments preferred.

SEC. 10. Any person entitled to weekly payments under this act against any employer shall have the same preferential claim therefor against the assets of the employer as is allowed by law for a claim by such person against such employer for unpaid wages or personal services. Weekly payments due under this act shall not be assignable or subject to levy, execution, attachment, or satisfaction of debts. Any right to receive compensation under this act shall be extinguished by the death of the person entitled thereto.

Attorneys' claims.

SEC. 11. No claim of any attorney at law for any contingent interest in any recovery under this act for services in securing such recovery or for disbursements shall be an enforceable lien on such recovery, unless the account of the same be approved in writing by a justice of the superior court, or, in case the same be tried in any court, by the justice presiding at such trial.

Reports.

SEC. 12. Every employer subject to the provisions of this act shall from time to time make to the commissioner of labor such returns as to its operation as said commissioner may require upon blanks to be furnished by said commissioner. Any employer failing to make such returns when required by said commissioner shall, until such returns are made, be subject to the provisions of section two of this act.

Act in effect, when.

SEC. 13. This act shall take effect January first, nineteen hundred and twelve.

Approved April 15, 1911.

NEW JERSEY.

ACTS OF 1911.

CHAPTER 95 (*as amended by chapter 174, Acts of 1913*)—*Employers' liability—Compensation of workmen for injuries.*

SECTION I.—EMPLOYERS' LIABILITY.

1. When personal injury is caused to an employee by accident arising out of and in the course of his employment, of which the actual or lawfully imputed negligence of the employer is the natural and proximate cause, he shall receive compensation therefor from his employer, provided the employee was himself not willfully negligent at the time of receiving such injury, and the question of whether the employee was willfully negligent shall be one of fact to be submitted to the jury, subject to the usual superintending powers of a court to set aside a verdict rendered contrary to the evidence.

Damages for personal injury.

Questions of negligence.

2. The right to compensation as provided by Section I of this act shall not be defeated upon the ground that the injury was caused in any degree by the negligence of a fellow employee; or that the injured employee assumed the risks inherent in or incidental to or arising out of his employment or arising from the failure of the employer to provide and maintain safe premises and suitable appliances; which said grounds of defense are hereby abolished.

Defenses abrogated.

3. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract, written or verbal, with a subcontractor to do all or any part of such work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer under this act for injury caused to an employee of such contractor or subcontractor by any defect in the condition of the ways, works, machinery, or plant if the defect arose or had not been discovered and remedied through the negligence of the employer or some one intrusted by him with the duty of seeing that they were in proper condition. This paragraph shall apply only to actions arising under section one.

Employees of contractors.

4. The provisions of paragraphs one, two, and three shall apply to any claim for the death of an employee arising under an act entitled "An act to provide for the recovery of damages in cases where the death of a person is caused by wrongful act, neglect, or default," approved March third, eighteen hundred and forty-eight, and the amendments thereof and supplements thereto.

Injuries causing death.

5. In all actions at law brought pursuant to Section I of this act, the burden of proof to establish willful negligence in the injured employee shall be upon the defendant.

Burden of proof.

6. No claim for legal services or disbursements pertaining to any demand made or suit brought under the provisions of this act shall be an enforceable lien against the amount paid as compensation, unless the same be approved in writing by the judge or justice presiding at the trial, or in case of settlement without trial, by the judge of the circuit court of the district in which such issue arose: *Provided*, That if notice in writing be given the defendant of such claim for legal services or disbursements, the same shall be a lien against the amount paid as compensation, subject to determination of the amount and approval hereinbefore provided.

Attorneys' fees.

SECTION II.—ELECTIVE COMPENSATION.

Compensation payable, when.

7. When employer and employee shall by agreement either expressed or implied, as hereinafter provided, accept the provisions of Section II of this act, compensation for personal injuries to or for the death of such employee by accident arising out of and in the course of his employment shall be made by the employer without regard to the negligence of the employer, according to the schedule contained in paragraph eleven, in all cases except when the injury or death is intentionally self-inflicted, or when intoxication is the natural and proximate cause of injury, and the burden of proof of such fact shall be upon the employer.

Method to be exclusive.

8. Such agreement shall be a surrender by the parties thereto of their rights to any other method, form, or amount of compensation or determination thereof than as provided in Section II of this act, and an acceptance of all the provisions of Section II of this act, and shall bind the employee himself and for compensation for his death shall bind his personal representatives, his widow, and next of kin, as well as the employer, and those conducting his business during bankruptcy or insolvency.

Presumptions as to contracts.

9. Every contract of hiring made subsequent to the time provided for this act to take effect shall be presumed to have been made with reference to the provisions of Section II of this act, and unless there be as a part of such contract an express statement in writing, prior to any accident, either in the contract itself or by written notice from either party to the other, that the provisions of Section II of this act are not intended to apply, then it shall be presumed that the parties have accepted the provisions of Section II of this act and have agreed to be bound thereby. In the employment of minors, Section II shall be presumed to apply unless the notice be given by or to the parent or guardian of the minor.

Termination of agreement.

10. The contract for the operation of the provisions of Section II of this act may be terminated by either party upon sixty days' notice in writing prior to any accident.

Compensation for—

11. Following is the schedule of compensation:

Temporary disability;

(*a*) For injury producing temporary disability, fifty per centum of the wages received at the time of injury, subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week: *Provided*, That if at the time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of such wages per week. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks.

Permanent total disability.

(*b*) For disability total in character and permanent in quality, fifty per centum of the wages received at the time of injury, subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week: *Provided*, That if at the time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of wages per week. This compensation shall be paid during the period of such disability, not, however, beyond four hundred weeks.

Partial disability.

(*c*) For disability partial in character but permanent in quality the compensation shall be based upon the extent of such disability. In cases included by the following schedule the compensation shall be that named in the schedule, to wit:

Schedule.

For the loss of a thumb, fifty per centum of daily wages during sixty weeks.

For the loss of a first finger, commonly called index finger, fifty per centum of daily wages during thirty-five weeks.

For the loss of a second finger, fifty per centum of daily wages during thirty weeks.

For the loss of a third finger, fifty per centum of daily wages during twenty weeks.

For the loss of a fourth finger, commonly called little finger, fifty per centum of daily wages during fifteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be for one-half of the periods of time above specified, and compensation for the loss of one-half of the first phalange shall be for one-fourth of the periods of time above specified.

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Providing, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, fifty per centum of daily wages during thirty weeks.

For the loss of one of the toes other than a great toe, fifty per centum of daily wages during ten weeks.

For the loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

The loss of more than one phalange shall be considered as the loss of the entire toe.

For the loss of a hand, fifty per centum of daily wages during one hundred and fifty weeks.

For the loss of an arm, fifty per centum of daily wages during two hundred weeks.

For the loss of a foot, fifty per centum of daily wages during one hundred and twenty-five weeks.

For the loss of a leg, fifty per centum of daily wages during one hundred and seventy-five weeks.

For the loss of an eye, fifty per centum of daily wages during one hundred weeks.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of clause (*b*).

In all other cases in this class, or where the usefulness of a member or any physical function is permanently impaired, the compensation shall bear such relation to the amounts stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule. Should the employer and the employee be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, the amount of compensation shall be settled according to the provisions of paragraph twenty hereof.

The amounts specified in this clause are all subject to the same limitations as to maximum and minimum as are stated in clause (*a*).

Death from other cause.

In case of the death of a person from any cause other than the accident, during the period of payments for permanent injury, the remaining payments shall be paid to his or her dependents, according to the provisions of paragraph twelve of this act, or, if no dependents, the remaining amount due, but not exceeding one hundred dollars, shall be paid in a lump sum to the proper person for funeral expenses.

Compensation for death.

12 (as amended by chapter 244, Acts of 1914). In case of death compensation shall be computed, but not distributed, on the following basis:

For one dependent, thirty-five per centum of wages.

For two dependents, forty per centum of wages.

For three dependents, forty-five per centum of wages.

For four dependents, fifty per centum of wages.

For five dependents, fifty-five per centum of wages.

For six or more dependents, sixty per centum of wages.

The term "dependents" shall apply to and include any or all of the following who are dependent upon the deceased at the time of accident or death, namely: Husband, wife, parents, stepparents, grandparents, children, stepchildren, grandchildren, posthumous child, illegitimate children, brothers, sisters, half brothers,

half sisters. Legally adopted children shall, in every particular be considered as natural children: *Provided, however*, That dependency shall be presumed as to a widow who was living with her husband at the time of his decease, and children under the age of eighteen years; stepchildren and illegitimate children shall be presumed to be dependent when they were part of the decedent's household at the time of his death. Every provision of this act applying to one class shall be equally applicable to the other. Should any dependent of a deceased employee die during the period covered by such weekly payments, or should the widow of a deceased employee remarry during such period, the right of such dependent or of such widow to compensation under this section shall cease.

Compensation shall be computed upon the foregoing basis. Distribution shall be made among dependents, if more than one according to the order of the judge of the court of common pleas who shall, when applied to for that purpose, determine, upon the facts being presented to him, the proportion to be paid to or on behalf of each dependent according to the relative dependency. Payment on behalf of infants shall be made to the surviving parent, if any.

Funeral, etc., expenses. If death results from the accident, whether there be dependents or not, expenses of last sickness and burial, the cost of burial, however, not to exceed one hundred dollars.

Orphans. In computing compensation to orphans or other children, only those under eighteen years of age shall be included, and only during the period in which they are under that age, at which time payment on account of such child shall cease: *Provided, however*, That payments to such physically or mentally deficient children as are for such reason dependent shall continue during the full term of compensation payment.

Weekly scale. The compensation in case of death shall be subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week: *Provided*, That if at the time of the injury the employee receives wages of less than five dollars per week, then the compensation shall be the full amount of such wages per week. This compensation shall be paid during three hundred weeks.

Aliens. Compensation under this schedule shall not apply to alien dependents not residents of the United States.

Waiting time. 13. No compensation shall be allowed for the first two weeks after the injury received, except as provided by paragraph fourteen, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in paragraph fifteen.

Medical, etc., services. 14. During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services and medicines, as and when needed, not to exceed fifty dollars in value, unless the employee refuses to allow them to be furnished by the employer.

Sequence of classes of compensation payments. 14a. Compensation for all classes of injuries shall run consecutively and not concurrently, as follows: First two weeks, medical and hospital services and medicines, as provided in paragraph fourteen. After the first two weeks, compensation during temporary disability. Following both, either, or none of the above, compensation consecutively for each permanent injury. Following any or all or none of the above, if death results from the accident, expenses of last sickness and burial. Following which compensation to dependents, if any. In no case shall the total number of weekly payments be more than four hundred.

Notice. 15. Unless the employer shall have actual knowledge of the occurrence of the injury, or unless the employee, or some one on his behalf, or some of the dependents, or some one on their behalf, shall give notice thereof to the employer within fourteen days of the occurrence of the injury, then no compensation shall be due until such notice is given or knowledge obtained. If the notice is given, or the knowledge obtained within thirty days from the

occurrence of the injury, no want, failure, or inaccuracy of a notice shall be a bar to obtaining compensation, unless the employer shall show that he was prejudiced by such want, defect, or inaccuracy, and then only to the extent of such prejudice. If the notice is given, or the knowledge obtained within ninety days, and if the employee, or other beneficiary, shall show that his failure to give prior notice was due to his mistake, inadver[t]ence, ignorance of fact or law, or inability, or to the fraud, misrepresentation, or deceit of another person, or to any other reasonable cause or excuse, then compensation may be allowed, unless, and then to the extent only that the employer shall show that he was prejudiced by failure to receive such notice. Unless knowledge be obtained, or notice given, within ninety days after the occurrence of the injury, no compensation shall be allowed.

Service of notice.

16. The notice referred to may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action, or by sending it through the mail to the employer at the last-known residence or business place thereof within the State, and shall be substantially in the following form:

To (name of employer):

You are hereby notified that a personal injury was received by (name of employee injured), who was in your employ at (place) while engaged as (nature of employment), on or about the (——) day of (——), nineteen hundred and (——) and that compensation will be claimed therefor.

Signed (—— ——)

but no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employee, by name, received an injury in the course of his employment on or about a specified time, at or near a certain place. Notice served at the office of, or on the person who was the employee's immediate superior, shall be a compliance with this act.

Medical examinations.

17. After an injury, the employee, if so requested by his employer, must submit himself for examination at some reasonable time and place within the State, and as often as may be reasonably requested, to a physician or physicians authorized to practice under the laws of this State. If the employee requests, he shall be entitled to have a physician or physicians of his own selection present to participate in such examination. The refusal of the employee to submit to such examination shall deprive him of the right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect of the period of suspension.

Disputes.

18. In case of a dispute over or failure to agree upon a claim for compensation between employer and employee, or the dependents of the employee, either party may submit the claim, both as to questions of fact, the nature and effect of the injuries, and the amount of compensation therefor according to the schedule herein provided, to the judge of the court of common pleas of such county as would have jurisdiction in a civil case, or where there is more than one judge of said court, then to either or any of said judges of such court, which judge is hereby authorized to hear and determine such disputes in a summary manner, and his decision as to all questions of fact shall be conclusive and binding.

Payment in case of death.

19. In case of death, where no executor or administrator is qualified, the said judge shall, by order, direct payment to be made to such person as would be appointed administrator of the estate of such decedent upon like terms as to bond for the proper application of compensation payments as are required of administrators.

Procedure.

20. Procedure in case of dispute shall be as follows:

Either party may present a petition to said judge setting forth the names and residences of the parties and the facts relating to employment at the time of injury, the injury in its extent and

character, the amount of wages received at the time of injury, the knowledge of the employer or notice of the occurrence of said injury, and such other facts as may be necessary and proper for the information of the said judge, and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto. This petition shall be verified by the oath or affirmation of the petitioner. Proceedings on behalf of an infant shall be instituted and executed by a guardian, and payment, if any, shall be made to such guardian.

Upon the presentation of such petition the same shall be filed with the clerk of the court of common pleas, and the judge shall by order fix a time and place for the hearing thereof, not less than three weeks after the date of the filing of said petition. A copy of said petition and order shall be served as summons in a civil action and may be served within six days thereafter upon the adverse party. Within seven days after the service of such notice the adverse party shall file an answer to said petition, unless the court for good cause shall grant further time, which shall admit or deny the substantial averments of the petition, and shall state the contention of the defendant with reference to the matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for a petition. Within thirty days after the final hearing the judge of the court of common pleas shall file his determination.

At the time fixed for hearing or any adjournment thereof the said judge shall hear such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. This determination shall be filed in writing with the clerk of the common pleas court, and judgment shall be entered thereon in the same manner as in causes tried in the court of common pleas, and shall contain a statement of facts as determined by said judge. The employer may once every month file receipt of payment verified by affidavit that the receipts are accurate and true, with the clerk of the court, which shall be entered in satisfaction of the judgment to the extent of such payments. Subsequent proceedings thereon shall only be for the recovery of moneys thereby determined to be due: *Provided*, That nothing herein contained shall be construed as limiting the jurisdiction of the supreme court to review questions of law by certiorari. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed, and collected as are allowed, taxed, and collected for like services in the common pleas court.

Agreements not bar.

No agreement between the parties for a lesser sum than that which may be determined by the judge of the court of common pleas to be due shall operate as a bar to the determination of a controversy upon its merits, or to the award of a larger sum, if it shall be determined by the said judge that the amount agreed upon is less than the injured employee or his dependents are properly entitled to receive.

Commutation of payments.

21. The compensation herein provided may be commuted by said court of common pleas, at its present value when discounted at five per centum simple interest, upon application of either party, with due notice to the other, if it appear that such commutation will be for the best interest of the employee or the dependents of the deceased employee, or that it will avoid undue expense or undue hardship to either party, or that such employee or dependent has removed or is about to remove from the United States, or that the employer has sold or otherwise disposed of the greater part of his business or assets.

In determining whether the commutation asked for will be for the best interest of the employee or the dependents of the deceased employee, or that it will avoid undue expense or undue hardship to either party, the judge of the court of common pleas will constantly bear in mind that it is the intention of this act that the compensation payments are in lieu of wages and are to

be received by the injured employee or his dependents in the same manner in which wages are ordinarily paid. Therefore, commutation is a departure from the normal method of payment and is to be allowed only when it clearly appears that some unusual circumstances warrant such a departure. Commutation shall not be allowed for the purpose of enabling the injured employee, or the dependents of a deceased employee, to satisfy a debt, or to make payment to physicians, lawyers, or any other persons.

Attorneys' fees.

When any proceedings have been taken under the provisions of paragraph twenty or paragraph twenty-one of this act, the judge of the court of common pleas shall, as a part of his determination and order, either for payment or for commutation of payment, settle and determine the amount of compensation to be paid by the injured employee or his dependents, on behalf of whom such proceedings are instituted, to his legal adviser or advisers, and it shall be unlawful for any lawyer, or other person acting in that behalf, to ask for, contract for, or receive any larger sum than the amount so fixed; and in the order determining weekly payments where no commutation is made, the judge shall also determine the amount to be paid per week from the compensation payment on account of the legal fee thus awarded, and it shall be unlawful for the legal adviser, or other person acting in that behalf, to ask for, contract for, or receive a larger sum per week than the allowance thus determined. Violation of the restrictions contained in this clause shall constitute contempt of court and shall be punished accordingly.

Revision of awards.

An agreement or award of compensation may be modified at any time by a subsequent agreement, or at any time after one year from the time when the same became operative it may be reviewed upon the application of either party on the ground that the incapacity of the injured employee has subsequently increased or diminished. In such case the provisions of paragraph seventeen with reference to medical examination shall apply.

Payments to trustees.

21a. At any time after the entry of the award, a sum equal to all future installments of compensation may (where death or the nature of the injury renders the amount of future payments certain) by leave of court, be paid by the employer to any savings bank, trust company, or life insurance company in good standing and authorized to do business in this State and having an office in the county in which the award was entered, and such sum, together with all interest thereon, shall thereafter be held in trust for the employee or the dependents of the employee, who shall have no further recourse against the employer. The payment of such sum by the employer, evidenced by the receipt of the trustee noted upon the docket of the clerk of the court, shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee in the same amounts and at the same times as are herein required of the employer until said fund and interest shall be exhausted. In the appointment of the trustee, preference shall be given, in the discretion of the court, to the choice of the employee or the dependents of the deceased employee. The expense of administration of such trust shall be fixed by the court and paid by the employer.

Compensation preferred.

Assignments.

22. The right of compensation granted by this act shall have the same preference against the assets of the employer as is now or may hereafter be allowed by law for a claim for unpaid wages for labor. Claims or payments due under this act shall not be assignable, and shall be exempt from all claims of creditors and from levy, execution, or attachment.

SECTION III.—GENERAL PROVISIONS.

Definitions.

23. For the purposes of this act, willful negligence shall consist of (1) deliberate act or deliberate failure to act; or (2) such conduct as evidences reckless indifference to safety; or (3) intoxication, operating as the proximate cause of injury.

Wherever in this act the singular is used the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

Employer is declared to be synonymous with master and includes natural persons, partnerships, and corporations; employee is synonymous with servant and includes all natural persons who perform service for another for financial consideration, exclusive of casual employments.

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot.

Waivers.

No agreement, composition, or release of damages made before the happening of any accident, except the agreement defined in section two of this act, shall be valid or shall bar a claim for damages for the injury resulting therefrom, and any such agreement, other than that defined in section two herein, is declared to be against the public policy of this State. The receipt of benefits from any association, society, or fund to which the employee shall have been a contributor shall not bar the recovery of damages by action at law or the recovery of compensation under section two hereof.

Liability of third persons.

Where a third person or corporation is liable to the employee or his dependents for an injury or death, the existence of a right of compensation from the employer under this statute shall not operate as a bar to the action of the employee or his dependents, nor be regarded as establishing a measure of damage therein. However, in event that the employee or his dependent shall recover from the said third person or corporation a sum equivalent to or greater than the total compensation payments for which the employer is liable under this statute, the employer shall be released thereby from the obligation of compensation. If, however, the sum so recovered from the third person or corporation is less than the total of compensation payments, the employer shall be liable only for the difference. The obligation of the employer under this statute to make compensation shall continue until the payment, if any, of such third person or corporation is made. Such employer shall file with the third person or corporation so liable, at any time prior to payment, a statement of the compensation agreement or award between himself and his employee, or the dependents of the employee, and the employer shall thereafter be entitled to receive from such third person or corporation, upon the payment of any amount in release or in judgment by the third person or corporation on account of his or its liability to the injured employee or his dependents, a sum equivalent to the amount of compensation payments which the employer has theretofore paid to the injured employee or his dependents, which payments shall be deducted by the third person or corporation from the sum paid in release or judgment to the injured employee or his dependents.

Wages defined.

Wherever in section two of this act the term "wages" is used, it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, and shall not include gratuities received from the employer or others, nor shall it include board, lodging, or similar advantages received from the employer, unless the money value of such advantages shall have been fixed by the parties at the time of hiring. Where prior to the accident the rate of wages is fixed by the output of the employee, his weekly wages shall be taken to be six times his average daily earnings for a working day of ordinary length, excluding overtime. This rate of weekly wages shall be calculated by dividing the total value of the employee's output during the actual number of full working days during the preceding six months, by the number of days the workman was actually employed. All parts of this calculation shall refer to employment by the same employer.

Claim in one year.

In case of personal injuries or death all claims for compensation on account thereof shall be forever barred unless within one

year after the accident the parties shall have agreed upon the compensation payable under this act, or unless within one year after the accident one of the parties shall have filed a petition for adjudication of compensation as provided herein.

Constitutionality and construction of act.

24. In case for any reason any paragraph or any provision of this act shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other paragraph or provision of this act, except that Sections I and II are hereby declared to be inseparable, and if either section be declared void or inoperative in an essential part, so that the whole of such section must fall, the other section shall fall with it and not stand alone. Section I of this act shall not apply in cases where Section II becomes operative in accordance with the provisions thereof, but shall apply in all other cases, and in such cases shall be in extension of the common law.

Prior injuries.

25. Every right of action for negligence, or to recover damages for injuries resulting in death, existing before this act shall take effect, is continued, and nothing in this act contained shall be construed as affecting any such right of action, nor shall the failure to give the notice provided for in Section II, paragraph fifteen of this act, be a bar to the maintenance of a suit upon any right of action existing before this act shall take effect.

Repealer.

26. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Act in effect.

27. This act shall take effect on the fourth day of July next succeeding its passage and approval.

Approved April 4, 1911.

CHAPTER 368.—*Contracts of employment—Presumption as to election.*

Prior contracts.

SECTION 1. Every contract of hiring, verbal, written, or implied from circumstances, now in operation or made or implied prior to the time limited for the act to which this act is a supplement [chapter 95, Acts of 1911] to take effect, shall, after this act takes effect, be presumed to continue subject to the provisions of section two of the act to which this act is a supplement, unless either party shall, prior to accident, in writing, notify the other party to such contract that the provisions of section two of the act to which this act is a supplement are not intended to apply.

Notice of rejection required.

Act in effect.

SEC. 2. This act shall take effect on the fourth day of July next succeeding its passage and approval.

Approved May 2, 1911.

ACTS OF 1912.

CHAPTER 316.—*Compensation of workmen for injuries—Decisions to be reported.*

Commissioner of labor to receive decisions.

SECTION 1. The clerk of each of the courts of common pleas in this State, whenever any order is filed by the judge of such court making a decision upon any matter arising under the provisions of an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, * * * [chapter 95, Acts of 1911] establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, nineteen hundred and eleven, shall forthwith forward to the commissioner of labor of the State of New Jersey a copy of the said order, which need not be certified, without any charge being made therefor.

Approved April 1, 1912.

ACTS OF 1913.

CHAPTER 145.—*Compensation of workmen for injuries—Public employees.*

Who entitled to compensation.

SECTION 1. Every employee who shall be in the employ of the State, county, municipality, or any board or commission, or any other governing body, including boards of education, within this State, shall be compensated under and by virtue of section two to which this act is a supplement: *Provided, however,* That no person receiving a salary greater than twelve hundred dollars per year, nor any person holding an elective office shall be entitled to compensation: *And provided further,* That nothing herein contained shall be construed as affecting any pension fund now or hereafter provided by law.

How payments are to be made.

SEC. 2. When any payment shall be due under the provisions of this supplement or the act to which it is a supplement, the name of the injured employee, or in case of his death, the names of the persons to whom payment is to be made as his dependents, shall be carried upon the pay roll, and payment shall be made in the same manner and from the same source in which and from which the wages of the injured employee were paid. In event that any extraordinary payment larger than the weekly rate of compensation shall be due, such payment shall be made from any fund available for the maintenance or incidental expenses of the institution, department, board, or governing body under and by which the employee was employed.

Approved March 27, 1913.

ACTS OF 1915.

CHAPTER 59.—*Compensation payments on behalf of minors.*

Parents to act as guardian.

1. In case where an infant or minor under the age of twenty-one years shall be entitled to receive a sum or sums amounting in the aggregate to not more than two hundred and fifty dollars as compensation for injuries or as a distributive share by virtue of the provisions of the act to which this act is a supplement, whether heretofore or hereafter arising, the father, mother, or natural guardian upon whom such infant or minor shall be dependent for support shall be authorized and empowered to receive and receipt for such moneys to the same extent as a guardian of the person and property of such infant or minor duly appointed by the surrogate of the orphans' court of the county in which such infant or minor resides, and the release or discharge of such father, mother, or natural guardian shall be a full and complete discharge of all claims or demands of such infant or minor thereunder.

Release a complete discharge.

Approved, March 17, 1915.

CHAPTER 199.—*Judgments in compensation cases—Failure to pay.*

Judgment docketed.

1. Any judgment entered in the court of common pleas pursuant to the provisions of section twenty of the act to which this act is a supplement may be docketed in the supreme court and thenceforward operate as a judgment recovered in that court. Upon failure to comply with the original order for compensation the court may order that the entire amount of compensation shall become due immediately and execution may issue upon proof of such failure for the entire amount of compensation, without discount or commutation. Supplementary proceedings in aid of execution may be resorted to upon a judgment so docketed and becoming due in whole as in any other case.

Failure to comply.

Approved, April 6, 1915.

ACTS OF 1916.

CHAPTER 54.—*Workmen's Compensation Aid Bureau.*

SECTION 1. There is hereby created within the department of labor a workmen's compensation aid bureau, of which the commissioner of labor shall be head. There shall be such inspectors, clerks, stenographers, and other assistants as may be necessary, who shall be appointed by and their compensation fixed by the commissioner of labor; which employees shall be appointed under the civil service laws now in force in this State. Bureau created.

SEC. 2. In addition to the powers and duties specifically devolved by this act, the bureau shall specifically observe the operation of the act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven, and the supplements and amendments thereto, and likewise the operation of legislation upon the same subject matter in other States in the United States and in foreign countries, and annually submit to the legislature a report upon the operation of the said act, together with suggestions for its improvement and the efficient and economic operation thereof. Duty to observe operations;

SEC. 3. Upon notice of the happening of an accident involving the injury or death of an employee, the bureau shall immediately endeavor to ascertain the cause of, and facts relating to, the accident, and preserve the same for the court of common pleas, wherein such cause may be heard, when required. To investigate accidents;

SEC. 4. Whenever an employer or his insurance carrier and the injured employee or his dependents shall, by agreement signed by the injured workman or his dependents, without recourse being had to the court of common pleas, settle upon and determine the compensation due to the injured employee or his dependents as provided by law, the employer shall forthwith file with the bureau a true copy of such agreement. No such agreement shall be conclusive unless approved by the bureau. If an agreement for lawful and adequate compensation, approved by the bureau, is not filed within twenty-one days after the date of the happening of the injury, the bureau shall, so far as practicable, endeavor to bring about a settlement of the pending claim. In event of undue delay or failure on the part of the employer or his insurance carrier promptly thereafter to make adequate compensation payments, or agreement therefor, the bureau shall have full power and authority to certify a state of facts relating to the claim to the judge of the court of common pleas of the county in which the injured employee or his dependents reside, unless such injured employee or his dependents, upon their own initiative, institute proceedings for the enforcement and recovery of adequate compensation. The state of facts so certified shall be filed by the clerk of the court of common pleas and shall operate as a petition filed on behalf of a petitioner. Whereupon the said judge shall, in the absence of counsel engaged by the injured employee or his dependents, assign counsel to represent the petitioner, and the matter shall thereafter proceed and be heard and determined as other petitions are heard under the provisions of the act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven. And if the court shall find that the employer, or insurance carrier, is without reasonable excuse for undue delay or failure to pay adequate compensation, then the reasonable expenses to which the injured employee or his dependents have been subject by reason of such To review agreements. To procure settlements. Delay.

delay or failure, including medical and legal services and loss of working time in prosecuting his claim, shall be assessed against the employer or insurance carrier as a penalty for such delay or failure; the compensation to be paid for legal services shall, in each and every case, be fixed and determined by order of the court.

Appropriation.

SEC. 5. For the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of twenty-five thousand dollars, when included in whole or in part in any annual or supplemental appropriation bill.

Act in effect.

SEC. 6. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved March 15, 1916.

NEW YORK.

CONSTITUTION.

ARTICLE 1.—*Safety of workmen—Compensation for injuries.*

SECTION 19. Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a State or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination, and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum: *Provided*, That all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer.

Safety laws.

Compensation system.

Exclusive remedy.

Adopted, November 4, 1913.

CONSOLIDATED LAWS.

CHAPTER 67 (ADDED BY CHAPTER 41, ACTS OF 1914).—*Compensation of workmen for injuries.*[1]

Article 1.

SECTION 1. This chapter shall be known as the "Workmen's Compensation Law."

Title.

SEC. 2 (as amended by chapter 622, Acts of 1916). Compensation provided for in this chapter shall be payable for injuries sustained or death incurred by employees engaged in the following hazardous employments:

Group 1. The operation, including construction and repair, of railways operated by steam, electric, or other motive power, street railways, and incline railways, but not their construction when constructed by any person other than the company which owns or operates the railway, including work of express, sleeping, parlor, and dining car employees on railway trains.

Hazardous employments.

Group 2. Construction, repair, and operation of railways not included in group one.

[1] This statute was first enacted as chapter 816, Acts of 1913, being approved by the governor on Dec. 16. It was reenacted with amendments as here given, the reenactment being due to doubts as to the constitutionality of the original enactment, the amendment to the constitution not being in effect until Jan. 1, 1914.

Group 3. The operation, including construction and repair, of car shops, machine shops, steam and power plants, and other works for the purposes of any such railway, or used or to be used in connection with it when operated, constructed, or repaired by the company which owns or operates the railway.

Group 4. The operation, including construction and repair, of car shops, machine shops, steam and power plants, not included in group three.

Group 5. The operation, including construction and repair, of telephone lines and wires for the purposes of the business of a telephone company, or used or to be used in connection with its business, when constructed or operated by the company.

Group 6. The operation, including construction and repair, of telegraph lines and wires for the purposes of the business of a telegraph company, or used or to be used in connection with its business, when constructed or operated by the company.

Group 7. Construction or repair of telegraph and telephone lines not included in groups five and six.

Group 8. The operation, within or without the State, including repair of vessels other than vessels of other States or countries used in interstate or foreign commerce, when operated or repaired by the company; marine wrecking.

Group 9. Shipbuilding, including construction and repair in a shipyard or elsewhere, not included in group eight.

Group 10. Longshore work, including the loading or unloading of cargoes or parts of cargoes of grain, coal, ore, freight, general merchandise, lumber, or other products or materials, or moving or handling the same on any dock, platform, or place, or in any warehouse or other place of storage.

Group 11. Dredging, subaqueous or caisson construction or repair, and pile driving.

Group 12. Construction, installation, repair, or operation of electric light and electric power lines, dynamos, or appliances, and power transmission lines.

Group 13. Paving; road building, curb and sidewalk construction or repair; sewer and subway construction or repair, work under compressed air, excavation, tunneling and shaft sinking, well digging, laying and repair of underground pipes, cables, and wires not included in other groups; street cleaning, ashes, garbage, or snow removal; operation of waterworks.

Group 14. Lumbering; logging, river driving, rafting, booming, sawmills, bark mills, shingle mills, lath mills, lumber yards; manufacture of veneer and of excelsior; manufacture of barrels, kegs, vats, tubs, staves, spokes, or headings.

Group 15. Pulp and paper mills.

Group 16. Manufacture of furniture, interior woodwork, organs, pianos, piano actions, canoes, small boats, coffins, wicker and rattan ware; upholstering; manufacture of mattresses or bed springs.

Group 17. Planing mills, sash and door factories, manufacture of wooden and corrugated paper boxes, cheese boxes, moldings, window and door screens, window shades, carpet sweepers, wooden toys, wooden articles and wares or baskets; cork cutting.

Group 18. Mining; reduction of ores and smelting; preparation of metals or minerals; oil and gas wells.

Group 19. Quarries; sand, shale, clay, or gravel pits; limekilns; manufacture of brick, tile, terra cotta, asbestos, fireproofing, or paving blocks; manufacture of calcium carbide, cement, asphalt, or paving material; stone crushing or grinding.

Group 20. Manufacture of glass, glass products, glassware, porcelain, or pottery.

Group 21. Iron, steel, or metal foundries; rolling mills; manufacture of castings, forgings, heavy engines, locomotives, machinery, safes, anchors, cables, rails, shafting, wires, tubing, pipes, sheet metal, boilers, furnaces, stoves, structural steel, iron, or metal; machine shops, including repairs.

Group 22. Operation and repair of stationary engines and boilers, freight and passenger elevators not included in other groups; window cleaning; heating and lighting.

Group 23. Manufacture of small castings or forgings, metal wares, instruments, utensils, and articles, hardware, nails, wire goods, screws, bolts, metal beds, sanitary, water, gas, or electric fixtures, light machines, typewriters, cash registers, adding machines, carriage mountings, bicycles, metal toys, tools, cutlery, instruments, photographic cameras and supplies, sheet-metal products, buttons; jewelry; gold, silver, and plated ware; articles of bone, ivory, and shell.

Group 24. Manufacture of agricultural implements, thrashing machines, traction engines, wagons, carriages, sleighs, vehicles, automobiles, motor trucks, toy wagons, sleighs, or baby carriages; blacksmiths, horseshoers.

Group 25. Manufacture of explosives and dangerous chemicals, corrosive acids or salts, ammonia, gasoline, petroleum, petroleum products, celluloid, gas, charcoal, artificial ice, gunpowder or ammunition; ice harvesting, ice storage, and ice distribution.

Group 26. Manufacture of paint, color, varnish, oil, japans, turpentine, printing and other ink, printers' rollers, tar, tarred, pitched, or asphalted paper.

Group 27. Distilleries, breweries; manufacture of spirituous or malt liquors, alcohol, wine, mineral water or soda water; bottling.

Group 28. Manufacture of drugs and chemicals, not specified in group twenty-five, medicines, dyes, extracts, pharmaceutical or toilet preparations, soaps, candles, perfumes, noncorrosive acids or chemical preparations, fertilizers, including garbage or sewerage disposal plants; shoe blacking or polish.

Group 29. Milling; manufacture of cereals or cattle foods, warehousing; storage of all kinds and storage for hire; operation of grain elevators.

Group 30. Packing houses, meat markets, abattoirs, manufacture or preparation of meats or meat products or glue, gelatine, paste, or wax.

Group 31. Tanneries.

Group 32. Furriers; manufacture of leather goods and products, belting, saddlery, harness, trunks, valises, boots, shoes, gloves, umbrellas, rubber goods, rubber shoes, tubing, tires, or hose.

Group 33. Canning or preparation of fruit, vegetables, fish, or foodstuffs; pickle factories and sugar refineries; manufacture of dairy products.

Group 34. Bakeries, including manufacture of crackers and biscuits, manufacture of confectionery, spices, or condiments.

Group 35. Manufacture of tobacco, cigars, cigarettes, or tobacco products.

Group 36. Manufacture of cordage, ropes, fiber, brooms, or brushes; manila or hemp products.

Group 37. Flax mills; manufacture of textiles or fabrics, spinning, weaving, and knitting manufactories; manufacture of yarn, thread, hosiery, cloth, blankets, carpets, canvas, bags, shoddy, or felt.

Group 38. Manufacture of men's or women's clothing, white wear, shirts, collars, corsets, hats, caps, furs or robes, or other articles from textiles or fabrics.

Group 39. Power laundries; dyeing, cleaning, or bleaching.

Group 40. Printing, engraving, photo-engraving, stereotyping, electrotyping, lithographing, embossing; manufacture of moving-picture machines and films; manufacture of stationery, paper, cardboard boxes, bags, or wall paper; and bookbinding.

Group 41. The operation, otherwise than on tracks, on streets, highways, or elsewhere of cars, trucks, wagons, or other vehicles, and rollers and engines, propelled by steam, gas, gasoline, electric, mechanical, or other power or drawn by horses or mules; public garages, livery, boarding, or sales stables; movers of all kinds.

Group 42. Stone cutting or dressing; marble works; manufacture of artificial stone; steel building and bridge construction or repair; installation or repair of elevators, fire escapes, boilers, engines, or heavy machinery; bricklaying, tile laying, mason work, stone setting, concrete work, plastering; and manufacture of concrete blocks; structural carpentry; painting, papering, picture hanging, glazing, decorating, or renovating; sheet-metal work; roofing; construction, repair, and demolition of buildings, bridges, and other structures; salvage of buildings or contents; plumbing, sanitary lighting or heating installation or repair; installation and covering of pipes or boilers; junk dealers.

Public employment not for profit.

Group 43. Any employment enumerated in the foregoing groups and carried on by the State or a municipal corporation or other subdivision thereof, notwithstanding the definition of the term "employment" in subdivision five of section three of this chapter.

Election in nonhazardous employments.

Any employer not carrying on one of the employments enumerated in this section, or who carrying on one of such employments has in his employ an employee not included within the term "employee" as defined by section three of this chapter, and the employees of any such employer may, by their joint election, elect to become subject to the provisions of this chapter in the manner hereinafter provided. Such election on the part of the employer shall be made by posting notices thereof about the place where the workmen are employed, in a manner to be prescribed by rules to be adopted by the commission, and by filing with the commission a written statement, in a form to be prescribed by the commission, to the effect that he accepts the provisions of this chapter and that he adopts subject to the approval of the commission one of the methods of securing compensation to his employees prescribed in section fifty of this chapter which, when so filed with and approved by the commission as to form and method of securing compensation shall operate to subject him to the provisions of this chapter and of all acts amendatory thereof for the period of one year from the date of such approval, and thereafter without further act on his part for successive terms of one year each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file with the commission a notice in writing that he withdraws his election.

Any employee in the service of any such employer shall be deemed to have accepted, and shall be subject to the provisions of this chapter and any act amendatory thereof, if, at the time of the accident for which liability is claimed, the employer charged with such liability has not withdrawn his election and the employee shall not at the time of entering into his contract of hire have given to his employer notice in writing that he elects not to be subject to the provisions of this chapter and filed a copy thereof with the commission, or in the event that such contract for hire was made in advance of the election of the employer, such employee shall not have given to his employer and filed with the commission within twenty days after such election notice in writing that he elects not to be subject to such provisions.

A minor employee shall be deemed sui juris for the purpose of making such an election.

The rights and remedies, benefits, and liabilities of an employer or employee so electing to become subject to the provisions of this chapter shall thereupon become the same as they would have been had they been engaged in one of the occupations or employments enumerated herein and the words employer and employee wherever they appear in this chapter shall be construed as including an employer or employee who has so elected to become subject to its provisions.

Definitions.

SEC. 3 (as amended by chapter 316, Acts of 1914, and chapter 622, Acts of 1916). As used in this chapter, 1. "Hazardous employment" means a work or occupation described in section two of this chapter.

2. "Commission" means the State industrial commission, as constituted by this chapter.

3. "Employer," except when otherwise expressly stated, means a person, partnership, association, corporation, and the legal representatives of a deceased employer, or the receiver or trustee of a person, partnership, association, or corporation, employing workmen in hazardous employments, including the State and a municipal corporation or other political subdivision thereof.

4. "Employee" means a person engaged in one of the occupations enumerated in section two or who is in the service of an employer whose principal business is that of carrying on or conducting a hazardous employment upon the premises or at the plant, or in the course of his employment away from the plant of his employer; and shall not include farm laborers or domestic servants.

5. "Employment" includes employment only in a trade, business, or occupation carried on by the employer for pecuniary gain, except when the employer and his employees have by their joint election elected to become subject to the provisions of this chapter as provided in section two.

6. "Compensation" means the money allowance payable to an employee or to his dependents as provided for in this chapter, and includes funeral benefits provided therein.

7. "Injury" and "personal injury" mean only accidental injuries arising out of and in the course of employment and such disease or infection as may naturally and unavoidably result therefrom.

8. "Death" when mentioned as a basis for the right to compensation means only death resulting from such injury.

9. "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, including the reasonable value of board, rent, housing, lodging, or similar advantage received from the employer.

10. "State fund" means the State insurance fund provided for in article five of this chapter.

11. "Child" shall include a posthumous child and a child legally adopted prior to the injury of the employee, and a stepchild dependent upon the deceased.

12. "Insurance carrier" shall include the State fund, stock corporations, or mutual associations with which employers have insured, and employers permitted to pay compensation directly under the provisions of subdivision three of section fifty.

13. "Manufacture," "construction," "operation," and "installation" shall include "repair," "demolition," and "alteration."

Article 2.

Compensation payable, when.

SECTION 10. Every employer subject to the provisions of this chapter shall pay or provide as required by this chapter compensation according to the schedules of this article for the disability or death of his employee resulting from an accidental personal injury sustained by the employee arising out of and in the course of his employment, without regard to fault as a cause of such injury, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty. Where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty, neither the injured employee nor any dependent of such employee shall receive compensation under this chapter.

Remedy exclusive.

SEC. 11 (as amended by chapter 316, Acts of 1914, and chapter 622, Acts of 1916). The liability of an employer prescribed by the last preceding section shall be exclusive and in place of any other liability whatsoever, to such employee, impersonal representatives, husband, parents, dependents, or next of kin, or any

Exception.

one otherwise entitled to recover damages at common law or otherwise on account of such injury or death, except that if an employer fail to secure the payment of compensation for his injured employees and their dependents as provided in section fifty of this chapter, an injured employee, or his legal representative in case death results from the injury, may, at his option elect to claim compensation under this chapter or to maintain an action in the courts for damages on account of such injury and in such an action it shall not be necessary to plead or prove freedom from contributory negligence, nor may the defendant plead as a defense that the injury was caused by the negligence of a fellow servant, nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

Waiting time.

SEC. 12. No compensation shall be allowed for the first fourteen days of disability, except the benefits provided for in section thirteen of this chapter.

Medical, etc., care.

SEC. 13. The employer shall promptly provide for an injured employee such medical, surgical, or other attendance or treatment, nurse, and hospital service, medicines, crutches, and apparatus as may be required or be requested by the employee, during sixty days after the injury. If the employer fail to provide the same, the injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so. All fees and other charges for such treatment and services shall be subject to regulation by the commission as provided in section twenty-four of this chapter, and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living.

Wages computed, how.

SEC. 14. Except as otherwise provided in this chapter, the average weekly wages of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation or death benefits, and shall be determined as follows:

1. If the injured employee shall have worked in the employment in which he was working at the time of the accident, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he shall have earned in such employment during the days when so employed;

2. If the injured employee shall not have worked in such employment during substantially the whole of such year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or in a similar employment in the same or a neighboring place shall have earned in such employment during the days when so employed;

3. If either of the foregoing methods of arriving at the annual average earnings of an injured employee can not reasonably and fairly be applied, such annual earnings shall be such sum as, having regard to the previous earnings of the injured employee and of other employees of the same or most similar class, working in the same or most similar employment in the same or neighboring locality, shall reasonably represent the annual earning capacity of the injured employee in the employment in which he was working at the time of the accident;

4. The average weekly wages of an employee shall be one fifty-second part of his average annual earnings;

5. If it be established that the injured employee was a minor when injured, and that under normal conditions his wages would be expected to increase, the fact may be considered in arriving at his average weekly wages.

SEC. 15 (as amended by chapter 615, Acts of 1915, and chapter 622, Acts of 1916). The following schedule of compensation is hereby established: Compensation for—

1. *Total permanent disability.*—In case of total disability adjudged to be permanent sixty-six and two-thirds per centum of the average weekly wages shall be paid to the employee during the continuance of such total disability. Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts. Permanent total disability.

2. *Temporary total disability.*—In case of temporary total disability, sixty-six and two-thirds per centum of the average weekly wages shall be paid to the employee during the continuance thereof, but not in excess of three thousand five hundred dollars, except as otherwise provided in this chapter. Temporary disability.

3. *Permanent partial disability.*—In case of disability partial in character but permanent in quality the compensation shall be sixty-six and two-thirds per centum of the average weekly wages and shall be paid to the employee for the period named in the schedule as follows: Partial disability.

Schedule.

Thumb. For the loss of a thumb, sixty weeks.

First finger. For the loss of a first finger, commonly called index finger, forty-six weeks.

Second finger. For the loss of a second finger, thirty weeks.

Third finger. For the loss of a third finger, twenty-five weeks.

Fourth finger. For the loss of a fourth finger, commonly called the little finger, fifteen weeks.

Phalange of thumb or finger. The loss of the first phalange of the thumb or finger shall be considered to be equal to the loss of one-half of such thumb or finger, and compensation shall be one-half of the amount above specified. The loss of more than one phalange shall be considered as the loss of the entire thumb or finger: *Provided, however,* That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

Great toe. For the loss of a great toe, thirty-eight weeks.

Other toes. For the loss of one of the toes other than the great toe, sixteen weeks.

Phalange of toe. The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of said toe, and the compensation shall be one-half of the amount specified. The loss of more than one phalange shall be considered as the loss of the entire toe.

Hand. The loss of a hand, two hundred and forty-four weeks.

Arm. For the loss of an arm, three hundred and twelve weeks.

Foot. For the loss of a foot, two hundred and five weeks.

Leg. For the loss of a leg, two hundred and eighty-eight weeks.

Eye. For the loss of an eye, one hundred and twenty-eight weeks.

Loss of use. Permanent loss of the use of a hand, arm, foot, leg, eye, thumb, finger, toe, or phalange shall be considered as the equivalent of the loss of such hand, arm, foot, leg, eye, thumb, finger, toe, or phalange.

Amputations. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand. Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation at or above the knee shall be considered as the loss of the leg.

The compensation for the foregoing specific injuries shall be in lieu of all other compensation, except the benefits provided in section thirteen of this chapter.

In case of an injury resulting in serious facial or head disfigurement the commission may, in its discretion, make such

award or compensation as it may deem proper and equitable, in view of the nature of the disfigurement, but not to exceed three thousand five hundred dollars.

Other cases.—In all other cases in this class of disability the compensation shall be sixty-six and two-thirds per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, payable during the continuance of such partial disability, but subject to reconsideration of the degree of such impairment by the commission on its own motion or upon application of any party in interest.

4. *Temporary partial disability.*—In case of temporary partial disability, except the particular cases mentioned in subdivision three of this section, an injured employee shall receive sixty-six and two-thirds per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise during the continuance of such partial disability, but not to exceed, when combined with his decreased earnings, the amount of wages he was receiving prior to the injury, and not to exceed in total the sum of three thousand five hundred dollars, except as otherwise provided in this chapter.

Minimum and maximum payments.

5. *Limitation.*—The compensation payment under subdivisions one, two, and four, and under subdivision three, except in case of the loss of a hand, arm, foot, leg, or eye, shall not exceed fifteen dollars per week nor be less than five dollars per week; the compensation payment under subdivision three in case of the loss of a hand, arm, foot, leg, or eye shall not exceed twenty dollars per week nor be less than five dollars a week: *Provided, however,* That if the employee's wages at the time of injury are less than five dollars per week he shall receive his full weekly wages.

What wages determine.

6. *Previous disability.*—The fact that an employee has suffered previous disability or received compensation therefor shall not preclude him from compensation for a later injury nor preclude compensation for death resulting therefrom; but in determining compensation for the later injury or death his average weekly wages shall be such sum as will reasonably represent his earning capacity at the time of the later injury: *Provided, however,* That an employee who is suffering from a previous disability shall not receive compensation for a later injury in excess of the compensation allowed for such injury when considered by itself and not in conjunction with the previous disability.

Second injuries causing total disability.

7. *Permanent total disability after permanent partial disability.*—If an employee who has previously incurred permanent partial disability through the loss of one hand, one arm, one foot, one leg, or one eye incurs permanent total disability through the loss of another member or organ, he shall be paid, in addition to the compensation for permanent partial disability provided in this section and after the cessation of the payments for the prescribed period of weeks, special additional compensation for the remainder of his life to the amount of sixty-six and two-thirds per centum of the average weekly wage earned by him at the time the total permanent disability was incurred. Such additional compensation shall be paid out of a special fund created for such purpose in the following manner: The insurance carrier shall pay to the State treasurer for every case of injury causing death in which there are no persons entitled to compensation the sum of one hundred dollars. The State treasurer shall be the custodian of this special fund and the commission shall direct the distribution thereof.

Special fund.

Death.

SEC. 16 (as amended by chapter 316, Acts of 1914, and chapter 622, Acts of 1916). If the injury causes death, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:

1. Reasonable funeral expenses, not exceeding one hundred dollars;

2. If there be a surviving wife (or dependent husband) and no child of the deceased under the age of eighteen years, to such

wife (or dependent husband) thirty per centum of the average wages of the deceased during widowhood (or dependent widowerhood) with two years' compensation in one sum upon remarriage; and if there be surviving child or children of the deceased under the age of eighteen years, the additional amount of ten per centum of such wages for each such child until of the age of eighteen years; in case of the subsequent death of such surviving wife (or dependent husband) any surviving child of the deceased employee, at the time under eighteen years of age, shall have his compensation increased to fifteen per centum of such wages, and the same shall be payable until he shall reach the age of eighteen years: *Provided*, That the total amount payable shall in no case exceed sixty-six and two-thirds per centum of such wages. The commission may, in its discretion, require the appointment of a guardian for the purpose of receiving the compensation of a minor child. In the absence of such a requirement by the commission the appointment of a guardian for such purposes shall not be necessary.

3. If there be surviving child or children of the deceased under the age of eighteen years, but no surviving wife (or dependent husband), then for the support of each such child until of the age of eighteen years fifteen per centum of the wages of the deceased: *Provided*, That the aggregate shall in no case exceed sixty-six and two-thirds per centum of such wages.

4. If there be no surviving wife (or dependent husband) or child under the age of eighteen years, or if the amount payable to surviving wife (or dependent husband) and to children under the age of eighteen years shall be less in the aggregate than sixty-six and two-thirds per centum of the average wages of the deceased, then for the support of grandchildren or brothers and sisters under the age of eighteen years, if dependent upon the deceased at the time of the accident, fifteen per centum of such wages for the support of each such person until of the age of eighteen years; and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the accident, twenty-five per centum of such wages during such dependency. But in no case shall the aggregate amount payable under this subdivision exceed the difference between sixty-six and two-thirds per centum of such wages and the amount payable as hereinbefore provided to surviving wife (or dependent husband) or for the support of surviving child or children.

Any excess of wages over one hundred dollars a month shall not be taken into account in computing compensation under this section. All questions of dependency shall be determined as of the time of the accident.

Aliens.

SEC. 17 (as amended by chapter 622, Acts of 1916). Compensation under this chapter to aliens not residents (or about to become nonresidents) of the United States or Canada, shall be the same in amount as provided for residents, except that dependents in any foreign country shall be limited to surviving wife and child or children, or, if there be no surviving wife or child or children, to surviving father or mother, or grandfather or grandmother, whom the employee has supported, either wholly or in part, for the period of one year prior to the date of the accident, and except that the commission may, at its option, or, upon the application of the insurance carrier, shall commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the commission.

Notice of injury.

SEC. 18. Notice of an injury for which compensation is payable under this chapter shall be given to the commission and to the employer within ten days after disability, and also in case of the death of the employee resulting from such injury within thirty days after such death. Such notice may be given by any person claiming to be entitled to compensation, or by some one in his behalf. The notice shall be in writing and contain the name and

address of the employee and state in ordinary language the time place, nature, and cause of the injury, and be signed by him o by a person on his behalf, or, in case of death, by any one o more of his dependents, or by a person on their behalf. It shal be given to the commission by sending it by mail, by registere letter, addressed to the commission at its office. It shall be give to the employer by delivering it to him or sending it by mail by registered letter, addressed to the employer at his or its last known place of residence: *Provided*, That, if the employer be partnership then such notice may be so given to any one of th partners, and if the employer be a corporation, then such notic may be given to any agent or officer thereof upon whom lega process may be served, or any agent in charge of the business i the place where the injury occurred. The failure to give suc notice, unless excused by the commission either on the groun that notice for some sufficient reason could not have been given or on the ground that the State fund, insurance company, or em ployer, as the case may be, has not been prejudiced thereby, shal be a bar to any claim under this chapter.

Medical examinations.

SEC. 19. An employee injured claiming or entitled to compen sation under this chapter shall, if requested by the commission submit himself for medical examination at a time, and from time to time, at a place reasonably convenient for the employee, and as may be provided by the rules of the commission. If the employee or the insurance carrier request he shall be entitled to have a physician or physicians of his own selection to be paid by him present to participate in such examination. If an employee refuse to submit himself to examination, his right to prosecute any proceeding under this chapter shall be suspended, and no compensation shall be payable for the period of such refusal.

Direct settlements.

SEC. 20 (as amended by chapter 167, Acts of 1915). At any time after the expiration of the first fourteen days of disability on the part of an injured employee, or at any time after his death, a claim for compensation may be presented to the employer and if rejected or if within ten days after presentation a report containing an agreement for compensation be not made and filed with the commission as provided by this section, the claim may be presented to the commission. The commission shall have full power and authority to determine all questions in relation to the payment of claims presented to it for compensation under the provisions of this chapter. The commission shall make or cause to be made such investigations as it deems necessary, and upon application of either party, shall order a hearing, and within thirty days after a claim for compensation is submitted under this section, or such hearing closed, shall make or deny an award, determining such claim for compensation, and file the same in the office of the commission, together with a statement of its conclusions of fact and rulings of law. The commission may, before making an award, require the claimant to appear before an arbitration committee appointed by it and consisting of one representative of employees, one representative of employers, and either a member of the commission or a person specially deputized by the commission to act as chairman, before which the evidence in regard to the claim shall be adduced and by which it shall be considered and reported upon. Immediately after such filing the commission shall send to the parties a copy of the decision. Upon a hearing pursuant to this section either party may present evidence and be represented by counsel. The decision of the commission shall be final as to all questions of fact, and, except as provided in section twenty-three, as to all questions of law. When a claim is presented to an employer, and the employer and employee, or in case of death, his principal dependent, enter into an agreement for the payment of compensation therefor pursuant to this chapter, a joint report of such claim containing such agreement shall be made to the commission upon a form prepared by it and signed by the employer and employee, or in case of death his principal dependent.

Power of commission.

Arbitration.

Report of agreement.

The commission shall examine such report and approve the same when the terms are strictly in accordance with this chapter and such approval shall constitute an award. However, the commission may make an award in the manner provided in this section in any case, and if the terms of the award vary from the joint report, the employer shall comply with the award. In case of unfair dealing or of bad faith on the part of the employer under this section, the commission may impose a penalty of not more than ten per centum of the award.

Advance payments.

SEC. 20a (added by chapter 168, Acts of 1915). Any employer shall, upon the making of the agreement provided for in section twenty, advance to any injured employee, or to the principal dependent of a deceased employee, the payment or payments provided for in the agreement, in return for which he shall receive a receipt on a form supplied by the commission and signed by the person receiving the money, which receipt shall specifically state in what capacity the signer acted while so receiving such money; such receipt shall be forwarded to the commission within forty-eight hours after date of its issuance, and the sum stated on its face shall be returned to said employer as provided in section twenty-five.

Prior to the making of said agreement, or in the event of no agreement, any employer may at his option advance to any injured employee, or to the principal dependent of a deceased employee, any sum of money, in return for which he shall receive a receipt on a form supplied by the commission and signed by the person receiving the money, which receipt shall specifically state in what capacity the signer acted while so receiving such money; such receipt shall be forwarded to the commission within forty-eight hours after date of its issuance. Should any agreement or award be made the sum so stated on the face of the receipt shall be credited to the payment under the award or agreement and shall be repaid as hereinbefore provided. Any money so advanced shall be at the employer's risk.

Credits.

Risk.

Presumptions.

SEC. 21. In any proceeding for the enforcement of a claim for compensation under this chapter, it shall be presumed in the absence of substantial evidence to the contrary

1. That the claim comes within the provisions of this chapter;
2. That sufficient notice thereof was given;
3. That the injury was not occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another;
4. That the injury did not result solely from the intoxication of the injured employee while on duty.

Modification of awards.

SEC. 22. Upon its own motion or upon the application of any party in interest, on the ground of a change in conditions, the commission may at any time review any award, and, on such review, may make an award ending, diminishing, or increasing the compensation previously awarded, subject to the maximum or minimum provided in this chapter, and shall state its conclusions of fact and rulings of law, and shall immediately send to the parties a copy of the award. No such review shall affect such award as regards any moneys already paid.

Appeals.

SEC. 23 (as amended by chapter 622, Acts of 1916). An award or decision of the commission shall be final and conclusive upon all questions within its jurisdiction, as against the State fund or between the parties, unless within thirty days after a copy of such award or decision has been sent to the parties an appeal be taken to the appellate division of the supreme court of the third department. The commission may also, in its discretion, on the application of either party, certify to such appellate division of the supreme court questions of law involved in its decision. Such appeals and the questions so certified shall be heard in a summary manner and shall have precedence over all other civil cases in such court. The commission shall be deemed a party to every such appeal, and the attorney general, without extra compensa-

tion, shall represent the commission thereon. An appeal may also be taken to the court of appeals in all cases where the decision of the appellate division is not unanimous and by the consent of the appellate division or a judge of the court of appeals where the decision of the appellate division is unanimous in the same manner and subject to the same limitations not inconsistent herewith, as is now provided in civil actions. It shall not be necessary to file exceptions to the rulings of the commission. The commission shall not be required to file a bond upon an appeal by it to the court of appeals. Otherwise such appeal shall be subject to the law and practice applicable to appeals in civil actions. Upon the final determination of such an appeal the commission shall make an award or decision in accordance therewith.

Costs and fees.

SEC. 24. If the commission or the court before which any proceedings for compensation or concerning an award of compensation have been brought, under this chapter, determines that such proceedings have not been so brought upon reasonable ground, it shall assess the whole cost of the proceedings upon the party who has so brought them. Claims for legal services in connection with any claim arising under this chapter, and claims for services or treatment rendered or supplies furnished pursuant to section thirteen of this chapter, shall not be enforceable unless approved by the commission. If so approved, such claim or claims shall become a lien upon the compensation awarded, but shall be paid therefrom only in the manner fixed by the commission.

Time of payments.

SEC. 25 (as amended by chapter 167, Acts of 1915). Compensation under the provisions of this chapter shall be payable periodically by the employer, in accordance with the method of payment of the wages of the employee at the time of his injury or death, and shall be so provided for in any award; but the commission may determine that any payments may be made monthly or at any other period, as it may deem advisable. The State fund or insurance corporation in which an employer is insured shall, within ten days after demand by such employer and on the presentation of evidence of payment of compensation in accordance with this chapter, reimburse the employer therefor. An injured employee, or in case of death his dependents or personal representatives, shall give receipts for payment of compensation to the employer paying the same, and such employer shall forward receipts therefor promptly to the commission. The commission, whenever it shall so deem advisable, may commute such periodical payments to one or more lump-sum payments to the injured employee, or in case of death his dependents, provided the same shall be in the interest of justice.

Lump sums.

Delinquent payments.

SEC. 26 (as amended by chapter 167, Acts of 1915, and chapter 622, Acts of 1916). If payment of compensation, or an installment thereof, due under the terms of an award, be not made by the employer within ten days after the same is due, the insurance carrier shall be liable therefor, and if not paid within ten days after demand by the injured employee, or in case of death his dependents or by the commission, the amount of such payment shall constitute a liquidated claim for damages against the employer, self-insurer, or insurance corporation, which with an added penalty of fifty per centum may be recovered in an action to be instituted by the commission in the name of the people of the State. An employer who negligently or intentionally defaults in payment of compensation in the first instance under this chapter shall be liable to a penalty of not more than ten per centum of the amount of such compensation, notwithstanding the fact that the insurance corporation or State fund subsequently pays the compensation as provided in this section. If such default be made in the payment of an installment of compensation and the whole amount of such compensation be not due, the commission may, if the present value of such compensation be computable, declare the whole amount thereof due, and recover the amount thereof with the added penalties, as provided by this section. Any such action may be com-

promised by the commission or may be prosecuted to final judgment as, in the discretion of the commission, may best serve the interest of the persons entitled to receive the compensation or the benefits. Compensation recovered under this section shall be disbursed by the commission to the persons entitled thereto in accordance with the award. A penalty recovered pursuant to this section shall be paid into the State treasury and be applicable to the expenses of the commission.

Procedure.

In case of default by the employer in the payment of any compensation due under an award for the period of thirty days after payment is due and payable, any party in interest may file with the county clerk for the county in which the injury occurred, a certified copy of a decision of the State industrial commission awarding compensation, or ending, diminishing, or increasing compensation previously awarded, from which no appeal has been taken within the time allowed therefor, and thereupon judgment must be entered in the supreme court by the clerk of such county in conformity therewith immediately upon the filing of such decision. Such decree or judgment shall be entered in the same manner and shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said decree or judgment had been rendered in a suit duly heard and determined by the supreme court, except that there shall be no appeal therefrom. The court upon the filing with it of a certified copy of a decision of the State industrial commission ending, diminishing, or increasing compensation previously awarded shall revoke or modify its prior decree or judgment so that it will conform to said decision. Neither the commission nor any party in interest shall be required to pay any fee to any public officer for filing or recording any paper or instrument executed in pursuance of this section.

Deposits.

SEC. 27 (as amended by chapter 622, Acts of 1916). If an award under this chapter requires payment of compensation by an employer or an insurance corporation in periodical payments, and the nature of the injury makes it possible to compute the present value of all future payments with due regard for life contingencies, the commission may, in its discretion, at any time, compute and permit or require to be paid into the State fund an amount equal to the present value of all unpaid compensation for which liability exists, together with such additional sum as the commission may deem necessary for a proportionate payment of expenses of administering the fund so created, such moneys to constitute an aggregate trust fund; and thereupon such employer or insurance corporation shall be discharged from any further liability under such award, and payment of the same shall be assumed by the trust fund so created.

The moneys so paid into this fund shall constitute an aggregate trust fund and shall be kept separate and apart from all other moneys of the State fund, and shall not be liable for any expenses of administration of the State fund other than the expenses involved in the administration of such trust fund.

Limitations.

SEC. 28. The right to claim compensation under this chapter shall be forever barred unless within one year after the injury, or if death result therefrom within one year after such death a claim for compensation thereunder shall be filed with the commission.

Subrogation of employer to employee's rights.

SEC. 29 (as amended by chapter 622, Acts of 1916). If an employee entitled to compensation under this chapter be injured or killed by the negligence or wrong of another not in the same employ, such injured employee, or in case of death, his dependents, shall, before any suit or claim under this chapter, elect whether to take compensation under this chapter or to pursue his remedy against such other. Such election shall be evidenced in such manner as the commission may by rule or regulation prescribe. If he elect to take compensation under this chapter, the cause of action against such other shall be assigned to the State for the benefit of the State insurance fund, if compensation be

payable therefrom, and otherwise to the person, association, corporation, or insurance carrier liable for the payment of such compensation, and if he elect to proceed against such other the State insurance fund, person, association, corporation, or insurance carrier, as the case may be, shall contribute only the deficiency, if any, between the amount of the recovery against such other person actually collected, and the compensation provided or estimated by this chapter for such case. Such a cause of action assigned to the State may be prosecuted or compromised by the commission. A compromise of any such cause of action by the employee or his dependents at an amount less than the compensation provided for by this chapter shall be made only with the written approval of the commission, if the deficiency of compensation would be payable from the State insurance fund, and otherwise with the written approval of the person, association, corporation, or insurance carrier liable to pay the same. Wherever an employee is killed by the negligence or wrong of another not in the same employ and the dependents of such employee entitled to compensation under this chapter are minors, such election to take compensation and the assignment of the cause of action against such other and such notice of election to pursue a remedy against such other shall be made by such minor, or shall be made on behalf of such minor by a parent of such minor, or by his or her duly appointed guardian, as the commission may determine by rule in each case.

Independent benefits.

SEC. 30 (as amended by chapter 316, Acts of 1914). No benefits, savings, or insurance of the injured employee, independent of the provisions of this chapter, shall be considered in determining the compensation or benefits to be paid under this chapter, except that in case of the death of an employee of the State, a municipal corporation, or any other political subdivision of the State any benefit payable under a pension system which is not sustained in whole or in part by the contributions of the employee may be applied toward the payment of the death benefit provided by this chapter.

Contributions by employees.

SEC. 31. No agreement by an employee to pay any portion of the premium paid by his employer to the State insurance fund or to contribute to a benefit fund or department maintained by such employer or to the cost of mutual insurance or other insurance, maintained for or carried for the purpose of providing compensation as herein required, shall be valid, and any employer who makes a deduction for such purpose from the wages or salary of any employee entitled to the benefits of this chapter shall be guilty of a misdemeanor.

Waivers.

SEC. 32. No agreement by an employee to waive his right to compensation under this chapter shall be valid.

Assignments, etc., of claims.

SEC. 33. Claims for compensation or benefits due under this chapter shall not be assigned, released, or commuted, except as provided by this chapter, and shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived. Compensation and benefits shall be paid only to employees or their dependents.

Preferences.

SEC. 34. The right of compensation granted by this chapter and any awards made thereunder shall have the same preference or lien without limit of amount against the assets of the employer as is now or hereafter may be allowed by law for a claim for unpaid wages for labor.

Article 3.

Guaranty of payments.

SECTION 50 (as amended by chapter 316, Acts of 1914, and chapter 622, Acts of 1916). An employer shall secure compensation to his employees in one of the following ways:

1. By insuring and keeping insured the payment of such compensation in the State fund, or

2. By insuring and keeping insured the payment of such compensation with any stock corporation or mutual association authorized to transact the business of workmen's compensation insurance in this State. If insurance be so effected in such a corporation or mutual association the employer shall forthwith file with the commission, in form prescribed by it, a notice specifying the name of such insurance corporation or mutual association and such information regarding the policies as the commission may require.

3. By furnishing satisfactory proof to the commission of his financial ability to pay such compensation for himself, in which case the commission may, in its discretion, require the deposit with the commission of securities of the kind prescribed in section thirteen of the insurance law, in an amount to be determined by the commission, to secure his liability to pay the compensation provided in this chapter. The commission shall have the authority to revoke its consent furnished under this section at any time for good cause shown.

If an employer fail to comply with this section, he shall be liable to a penalty during which such failure continues [sic] of an amount equal to the pro rata premium which would have been payable for insurance in the State fund for such period of noncompliance to be recovered in an action brought by the commission. Failure to guarantee payments.

The commission may, in its discretion, for good cause shown, remit any such penalty, provided the employer in default secure compensation as provided in this section.

SEC. 51. Every employer who has complied with section fifty of this chapter shall post and maintain in a conspicuous place or places in and about his place or places of business typewritten or printed notices in form prescribed by the commission, stating the fact that he has complied with all the rules and regulations of the commission and that he has secured the payment of compensation to his employees and their dependents in accordance with the provisions of this chapter. Notice to be posted.

SEC. 52 (as amended by chapter 622, Acts of 1916). Failure to secure the payment of compensation shall constitute a misdemeanor and have the effect of enabling the injured employee, or in case of death his dependents or legal representatives, to maintain an action for damages in the courts, as prescribed by section eleven of this chapter. Employer's failure to secure payments.

SEC. 53. An employer securing the payment of compensation by contributing premiums to the State fund shall thereby become relieved from all liability for personal injuries or death sustained by his employees, and the persons entitled to compensation under this chapter shall have recourse therefor only to the State fund and not to the employer. An employer shall not otherwise be relieved from the liability for compensation prescribed by this chapter except by the payment thereof by himself or his insurance carrier. Payments to State fund a release.

SEC. 54 (as amended by chapter 622, Acts of 1916). 1. Every policy of insurance covering the liability of the employer for compensation issued by a stock company or by a mutual association authorized to transact workmen's compensation insurance in this State shall contain a provision setting forth the right of the commission to enforce in the name of the people of the State of New York for the benefit of the person entitled to the compensation insured by the policy either by filing a separate application or by making the insurance carrier a party to the original application, the liability of the insurance carrier in whole or in part for the payment of such compensation: *Provided, however*, That payment in whole or in part of such compensation by either the employer or the insurance carrier shall to the extent thereof be a bar to the recovery against the other of the amount so paid. Insurers directly liable.

2. Every such policy shall contain a provision that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of Community of knowledge.

the insurance carrier; that jurisdiction of the employer shall, for the purpose of this chapter, be jurisdiction of the insurance carrier and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer for the payment of compensation under the provisions of this chapter.

Insolvency of employers.

3. Every such policy shall contain a provision to the effect that the insolvency or bankruptcy of the employer shall not relieve the insurance carrier from the payment of compensation for injuries or death sustained by an employee during the life of such policy.

Agreements to limit indemnity.

4. Every contract or agreement of an employer the purpose of which is to indemnify him from loss or damage on account of the injury of an employee by accidental means, or on account of the negligence of such employer or his officer, agent, or servant, shall be absolutely void unless it shall also cover liability for the payment of the compensation provided for by this chapter.

Cancellation of contracts of insurance.

5. No contract of insurance issued by an insurance carrier against liability arising under this chapter shall be cancelled within the time limited in such contract for its expiration until at least ten days after a notice of cancellation of such contract, on a date specified in such notice, shall be filed in the office of the commission and also served on the employer. Such notice shall be served on the employer by delivering it to him or by sending it by mail, by registered letter, addressed to the employer at his or its last-known place of residence: *Provided*, That, if the employer be a partnership, then such notice may be so given to any one of the partners; and if the employer be a corporation, then the notice may be given to any agent or officer of the corporation upon whom legal process may be served: *Provided, however*, The right to cancellation of a policy of insurance in the State fund shall be exercised only for nonpayment of premiums.

Working employers.

6. Any insurance carrier may issue policies, including with employees employers who perform labor incidental to their occupations, such policies insuring to such employers the same compensations provided for their employees, and at the same rates: *Provided, however*, That the estimation of their wage values, respectively, shall be reasonable and separately stated in and added to the valuation of their pay rolls upon which their premium is computed. The employer so insured shall have the same rights and remedies given an employee by this chapter.

Article 4.

Expenses.

SECTION 62 (as amended by chapter 674, Acts of 1915). The commission may make the necessary expenditure to obtain statistical and other information to establish classifications of employments with respect to hazards and risks. The expenses of the commission, including the premiums to be paid by the State treasurer for the bond to be furnished by him, shall be paid out of the State treasury upon vouchers signed by at least two commissioners.

Office.

SEC. 63. The commission shall keep and maintain its principal office in the city of Albany, in rooms in the capitol assigned by the trustees of public buildings. The office shall be supplied with necessary office furniture, supplies, books, maps, stationery, telephone connections, and other necessary appliances at the expense of the State, payable in the same manner as other expenses of the commission.

Sessions.

SEC. 64. The commission shall be in continuous session and open for the transaction of business during all business hours of every day excepting Sundays and legal holidays. All sessions shall be open to the public and may be adjourned, upon entry thereof in its records, without further notice. Whenever convenience of parties will be promoted or delay and expense prevented, the commission may hold sessions in cities other than the city of Albany. A party may appear before such commission and be heard in

person or by attorney. Every vote and official act of the commission shall be entered of record, and the records shall contain a record of each case considered, and the award, decision, or order made with respect thereto, and all voting shall be by the calling of each commissioner's name by the secretary, and each vote shall be recorded as cast. A majority of the commission shall constitute a quorum. A vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the full commission so long as a majority remains.

Powers of commissioners.

SEC. 65. Any investigation, inquiry, or hearing which the commission is authorized to hold or undertake may be held or taken by or before any commissioner or deputy commissioner, and the award, decision, or order of a commissioner or deputy commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be deemed to be the award, decision, or order of the commission. Each commissioner and deputy shall, for the purposes of this chapter, have power to administer oaths, certify to official acts, take depositions, issue subpœnas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. The commission may authorize any deputy to conduct any such investigation, inquiry, or hearing, in which case he shall have the power of a commissioner in respect thereof.

Secretary.

SEC. 66. The secretary of the commission shall:

1. Maintain a full and true record of all proceedings of the commission, of all documents or papers ordered filed by the commission, of decisions or orders made by a commissioner or deputy commissioner, and of all decisions or orders made by the commission or approved and confirmed by it and ordered filed, and he shall be responsible to the commission for the safe custody and preservation of all such documents at its office;

2. Have power to administer oaths in all parts of the State, so far as the exercise of such power is properly incident to the performance of his duty or that of the commission;

3. Designate, from time to time, with the approval of the commission, one of the clerks appointed by the commission to exercise the powers and duties of the secretary during his absence;

4. Under the direction of the commission, have general charge of its office, superintend its clerical business, and perform such other duties as the commission may prescribe.

Rules.

SEC. 67. The commission shall adopt reasonable rules, not inconsistent with this chapter, regulating and providing for

1. The kind and character of notices, and the service thereof, in case of accident and injury to employees;

2. The nature and extent of the proofs and evidence, and the method of taking and furnishing the same, to establish the right to compensation;

3. The forms of application for those claiming to be entitled to compensation;

4. The method of making investigations, physical examinations, and inspections;

5. The time within which adjudications and awards shall be made;

6. The conduct of hearings, investigations, and inquiries;

7. The giving of undertakings by all subordinates who are empowered to receive and disburse moneys, to be approved by the attorney general as to form and by the comptroller as to sufficiency;

8. Carrying into effect the provisions of this chapter;

9. The collection, maintenance, and disbursement of the State insurance fund.

Procedure.

SEC. 68. The commission or a commissioner or deputy commissioner in making an investigation or inquiry or conducting a hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as

provided by this chapter; but may make such investigation or inquiry or conduct such hearing in such manner as to ascertain the substantial rights of the parties.

Subpœnas.

SEC. 69. A subpœna shall be signed and issued by a commissioner, a deputy commissioner, or by the secretary of the commission and may be served by any person of full age in the same manner as a subpœna issued out of a court of record. If a person fail, without reasonable cause, to attend in obedience to a subpœna, or to be sworn or examined or answer a question or produce a book or paper, or to subscribe and swear to his deposition after it has been correctly reduced to writing, he shall be guilty of a misdemeanor.

Contempt.

SEC. 70. If a person in attendance before the commission or a commissioner or deputy commissioner refuses, without reasonable cause, to be examined or to answer a legal and pertinent question or to produce a book or paper, when ordered so to do by the commission or a commissioner or deputy commissioner, the commission may apply to a justice of the supreme court upon proof by affidavit of the facts for an order returnable in not less than two nor more than five days directing such person to show cause before the justice who made the order, or any other justice of the supreme court, why he should not be committed to jail. Upon the return of such order the justice shall examine under oath such person and give him an opportunity to be heard; and if the justice determine that he has refused without reasonable cause or legal excuse to be examined or to answer a legal and pertinent question, or to produce a book or paper which he was ordered to bring, he may forthwith, by warrant, commit the offender to jail, there to remain until he submits to do the act which he was so required to do or is discharged according to law.

Fees, etc., of witnesses.

SEC. 71. Each witness who appears in obedience to a subpœna before the commission or a commissioner or deputy commissioner, or person employed by the commission to obtain the required information, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the supreme court, which shall be audited and paid from the State treasury in the same manner as other expenses of the commission. A witness subpœnaed at the instance of a party other than the commission, a commissioner, deputy commissioner, or person acting under the authority of the commission, shall be entitled to fees or compensation from the State treasury, if the commission certify that his testimony was material to the matter investigated, but not otherwise.

Depositions.

SEC. 72. The commission may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the supreme court.

Transcripts of minutes.

SEC. 73. A transcribed copy of the testimony, evidence, and procedure or of a specific part thereof, or of the testimony of a particular witness or of a specific part thereof, on any investigation, by a stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript thereof and to have been carefully compared by him with his original notes, may be received in evidence by the commission with the same effect as if such stenographer were present and testified to the facts so certified, and a copy of such transcript shall be furnished on demand to any party upon payment of the fee provided for a transcript of similar minutes in the supreme court.

Jurisdiction to be continuing.

SEC. 74. The power and jurisdiction of the commission over each case shall be continuing, and it may, from time to time, make such modification or change with respect to former findings or orders relating thereto, as in its opinion may be just.

Reports.

SEC. 75. Annually on or before the first day of February, the commission shall make a report to the legislature, which shall include a statement of the number of awards made by it and the causes of the accidents leading to the injuries for which the awards

were made, a detailed statement of the expenses of the commission, the condition of the State insurance fund, together with any other matter which the commission deems proper to report to the legislature, including any recommendations it may desire to make.

Blanks.

SEC. 76. The commission shall prepare and cause to be distributed so that the same may be readily available blank forms of application for compensation, notice to employers, proofs of injury or death, of medical or other attendance or treatment, of employment and wage earnings, and for such other purposes as may be required. Insured employers shall constantly keep on hand a sufficient supply of such blanks.

Expenses of commission.

SEC. 77 (added by chapter 622, Acts of 1916). As soon as practicable after July first, nineteen hundred and seventeen, and annually thereafter, the commission shall ascertain the total amount of its expenses incurred during the preceding fiscal year, in connection with the administration of the workmen's compensation law, and shall thereupon assess upon and collect from each insurance carrier, including the State insurance fund, the proportion of such expense that the total compensation or payments made by such carrier in such year bore to the total compensation or payments made by all insurance carriers. The amounts so secured shall be transferred to the State treasury to reimburse it for this portion of the expense of administering this chapter.

Article 5.

State Insurance Fund.

SECTION 90. There is hereby created a fund to be known as "The State Insurance Fund," for the purpose of insuring employers against liability under this chapter and of assuring to the persons entitled thereto the compensation provided by this chapter. Such fund shall consist of all premiums received and paid into the fund, of property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned upon moneys belonging to the fund and deposited or invested as herein provided. Such fund shall be administered by the commission without liability on the part of the State beyond the amount of such fund. Such fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of expenses in the manner provided in this chapter.

Custodian.

SEC. 91. The State treasurer shall be the custodian of the State insurance fund; and all disbursements therefrom shall be paid by him upon vouchers authorized by the commission and signed by any two members thereof. The State treasurer shall give a separate and additional bond in an amount to be fixed by the governor and with sureties approved by the State comptroller conditioned for the faithful performance of his duty as custodian of the State fund. The State treasurer may deposit any portion of the State fund not needed for immediate use in the manner and subject to all the provisions of law respecting the deposit of other State funds by him. Interest earned by such portion of the State insurance fund deposited by the State treasurer shall be collected by him and placed to the credit of the fund.

Surplus and reserve.

SEC. 92 (as amended by chapter 622, Acts of 1916). Ten per centum of the premiums collected from employers insured in the fund shall be set aside by the commission for the creation of a surplus until such surplus shall amount to the sum of one hundred thousand dollars, and thereafter five per centum of such premiums until such time as in the judgment of the commission such surplus shall be sufficiently large to cover the catastrophe hazard. The commission shall also set up and maintain reserves adequate to meet anticipated losses and carry all claims and policies to maturity, which reserves shall be computed in accordance with such rules as shall be approved by the superintendent of insurance.

Investments.

SEC. 93 (as amended by chapter 622, Acts of 1916). Any of the surplus or reserve funds belonging to the State insurance fund

may, pursuant to a resolution of the commission approved by the superintendent of insurance, be invested in or loaned on the pledge of any of the securities in which deposits of insurance corporations are required to be invested pursuant to section thirteen of the insurance law, or in the public stocks or bonds of any one of the United States, or in bonds and mortgages on improved unincumbered real property in this State worth fifty per centum more than the amount loaned thereon. All such securities or evidences of indebtedness shall be placed in the hands of the State treasurer, who shall be the custodian thereof. He shall collect the principal and interest thereof, when due, and pay the same into the State insurance fund. The State treasurer shall pay all vouchers drawn on the State insurance fund for the making of such investments when signed by two members of the commission, upon delivery of such securities or evidences of indebtedness to him, when there is attached to such vouchers a certified copy of the resolution of the commission authorizing the investment. The commission may, upon like resolution approved by the superintendent of insurance, sell any of such securities.

Expense of administration.

SEC. 94 (as amended by chapter 622, Acts of 1916). The entire expense of administering the State insurance fund shall be paid in the first instance by the State, out of moneys appropriated therefor. In the month of July, nineteen hundred and seventeen, and annually thereafter in such month, the commission shall ascertain the just amount incurred by the commission during the preceding fiscal year, in the administration of the State insurance fund, and shall refund such amount to the State treasury. If there be employees of the commission other than the commissioners themselves and the secretary whose time is devoted partly to the general work of the commission and partly to the work of the State insurance fund, and in case there is other expense which is incurred jointly on behalf of the general work of the commission and the State insurance fund, an equitable apportionment of the expense shall be made for such purpose and the part thereof which is applicable to the State insurance fund shall be chargeable thereto.

Risks and premiums.

SEC. 95. Employments coming under the provisions of this chapter shall be divided for the purposes of the State fund into the groups set forth in section two of this chapter. Separate accounts shall be kept of the amounts collected and expended in respect to each such group for convenience in determining equitable rates; but for the purpose of paying compensation the State fund shall be deemed one and indivisible. The commission shall have power to rearrange any of the groups set forth in section two by withdrawing any employment embraced in it and transferring it wholly or in part to any other group, and from such employments to set up new groups at its discretion. The commission shall determine the hazards of the different classes composing each group and fix the rates of premium therefor based upon the total pay roll and number of employees in each of such classes of employment at the lowest possible rate consistent with the maintenance of a solvent State insurance fund and the creation of a reasonable surplus and reserve; and for such purpose may adopt a system of schedule rating in such a manner as to take account of the peculiar hazard of each individual risk.

Associations for accident prevention.

SEC. 96. The employers in any of the groups described in section two or established by the commission may, with the approval of the commission, form themselves into an association for accident prevention, and may make rules for that purpose. If the commission is of the opinion that an association so formed sufficiently represents the employers in such group it may approve such rules, and when so approved by the industrial board of the labor department they shall be binding on all employers in such group. If such an approved association appoint an inspector or expert for the purpose of accident prevention, the commission may at its discretion provide in whole or in part for the payment of the

remuneration and expenses of such inspector or expert, such payment to be charged in the accounting to such group. Every such approved association may make recommendations to the commission concerning the fixing of premiums for classes of hazards and for individual risks within such group.

Rules as to classifications, etc.

SEC. 97 (as amended by chapter 622, Acts of 1916). The following requirements shall be observed in classifying employments and fixing and adjusting premium rates:

1. The commission shall keep an accurate account of the money paid in premiums by each of the several classes of employments or industries, and the disbursements on account of injuries and deaths of employees thereof, including the setting up of reserves adequate to meet anticipated losses and to carry the claims to maturity, and also, on account of the money received from each individual employer and the amount disbursed from the State insurance fund on account of injuries and death of the employees of such employer, including the reserves so set up;

2. On January first, nineteen hundred and fifteen, and every fifth year thereafter, and at such other times as the commission, in its discretion, may determine, a readjustment of the rate shall be made for each of the several groups of employment or industries and of each hazard class therein, which, in the judgment of the commission, shall have developed an average loss ratio, in accordance with the experience of the commission in the administration of the law as shown by the accounts kept as provided herein;

3. If any such accounting show an aggregate balance (deemed by the commission to be safely and properly divisible) remaining to the credit of any class of employment or industry, after the amount required shall have been credited to the surplus and reserve funds and after the payment of all awards for injury or death lawfully chargeable against the same, the commission may in its discretion credit to each individual member of such group, who shall have been a subscriber to the State insurance fund for a period of six months or more prior to the time of such readjustment, and whose premium or premiums exceed the amount of the disbursements from the fund on account of injuries or death of his employees during such period, on the installment or installments of premiums next due from him such proportion of such balance as the amount of his prior paid premiums sustains to the whole amount of such premiums paid by the group to which he belongs since the last readjustment of rates. In the event that any member of the group who has heretofore or shall hereafter withdraw would have become entitled to such dividend if he had remained in the fund the commission is empowered to pay the amount of the dividend to such employer.

4. If the amount of premiums collected from any employer at the beginning of any period of six months is ascertained and calculated by using the estimated expenditure of wages for the period of time covered by such premium payment as a basis, an adjustment of the amount of such premium shall be made at the end of such six months, and the actual amount of such premium shall be determined in accordance with the amount of the actual expenditure of wages for such period; and, if such wage expenditure for such period is less than the amount on which such estimated premium was collected, such employer shall be entitled to receive a refund from the State insurance fund of the difference between the amount so paid by him and the amount so found to be actually due, or to have the amount of such difference credited on succeeding premium payments, at his option; and if such actual premium, when so ascertained, exceeds in amount a premium so paid by such employer at the beginning of such six months, such employer shall immediately, upon being advised of the true amount of such premium due, forthwith pay to the treasurer of the State an amount equal to the difference between the amount actually found to be due and the amount paid by him at the beginning of such six months' period.

Premiums payable, when.

SEC. 98. Except as otherwise provided in this chapter, all premiums shall be paid by every employer into the State insurance fund on or before July first, nineteen hundred and fourteen, and semiannually thereafter, or at such other time or times as may be prescribed by the commission. The commission shall mail a receipt for the same to the employer and place the same to the credit of the State insurance fund in the custody of the State treasurer.

Collection of premiums.

SEC. 99. If an employer shall default in any payment required to be made by him to the State insurance fund, the amount due from him shall be collected by civil action against him in the name of the people of the State of New York, and it shall be the duty of the commission on the first Monday of each month after July first nineteen hundred and fourteen, to certify to the attorney general of the State the names and residences, or places of business, of all employers known to the commission to be in default for such payment or payments for a longer period than five days and the amount due from such employer, and it shall then be the duty of the attorney general forthwith to bring or cause to be brought against each such employer a civil action in the proper court for the collection of such amount so due, and the same when collected shall be paid into the State insurance fund, and such employer's compliance with the provisions of this chapter requiring payments to be made to the State insurance fund shall date from the time of the payment of said money so collected as aforesaid to the State treasurer for credit to the State insurance fund.

Withdrawal of employers from fund.

SEC. 100. Any employer may, upon complying with subdivision two or three of section fifty of this chapter, withdraw from the fund by turning in his insurance contract for cancellation, provided he is not in arrears for premiums due the fund and has given to the commission written notice of his intention to withdraw within thirty days before the expiration of the period for which he has elected to insure in the fund: *Provided*, That in case any employer so withdraws, his liability to assessments shall, notwithstanding such withdrawal, continue for one year after the date of such withdrawal as against all liabilities for such compensation accruing prior to such withdrawal.

Pay rolls.

SEC. 101. Every employer who is insured in the State insurance fund shall keep a true and accurate record of the number of his employees and the wages paid by him, and shall furnish to the commission, upon demand, a sworn statement of the same. Such record shall be open to inspection at any time and as often as the commission shall require to verify the number of employees and the amount of the pay roll.

Falsification of pay rolls.

SEC. 102. An employer who shall willfully misrepresent the amount of the pay roll upon which the premiums chargeable by the State insurance fund is to be based shall be liable to the State in ten times the amount of the difference between the premiums paid and the amount the employer should have paid had his pay roll been correctly computed; and the liability to the State under this section shall be enforced in a civil action in the name of the State insurance fund, and any amount so collected shall become a part of such fund.

Misrepresentations.

SEC. 103. Any person who willfully misrepresents any fact in order to obtain insurance in the State insurance fund at less than the proper rate for such insurance, or in order to obtain payment out of such fund, shall be guilty of a misdemeanor.

Inspections.

SEC. 104. The commission shall have the right to inspect the plants and establishments of employers insured in the State insurance fund; and the inspectors designated by the commission shall have free access to such premises during regular working hours.

Information confidential.

SEC. 105. Information acquired by the commission or its officers or employees from employers or employees pursuant to this chapter shall not be opened to public inspection, and any officer or employee of the commission who, without authority of the commis-

sion or pursuant to its rules or as otherwise required by law, shall disclose the same shall be guilty of a misdemeanor.

Reports.

SEC. 106 (added by chapter 622, Acts of 1916). The commission shall make reports to the superintendent of insurance concerning the State insurance fund at the same times and in the same manner as is required from mutual employers' liability and workmen's compensation corporations by section one hundred and ninety-two of the insurance law, and the superintendent of insurance may examine into the condition of such State insurance fund at any time, either personally or by any duly authorized examiner appointed by him, for the purpose of determining the condition of the investments and the adequacy of the reserves of such fund.

Examinations.

Article 6.

Penalties go to expense funds.

SECTION 110. All penalties imposed by this chapter shall be applicable to the expenses of the commission. When collected by the commission such penalties shall be paid into the State treasury and be thereafter appropriated by the legislature for the purposes prescribed by this section.

Accidents to be reported.

SEC. 111. Every employer shall keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within ten days after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing by the employer to the commission upon blanks to be procured from the commission for that purpose. Such report shall state the name and nature of the business of the employer, the location of his establishment or place of work, the name, address, and occupation of the injured employee, the time, nature, and cause of the injury and such other information as may be required by the commission. An employer who refuses or neglects to make a report as required by this section shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars.

Employers to furnish information.

SEC. 112. Every employer shall furnish the commission, upon request, any information required by it to carry out the provisions of this chapter. The commission, a commissioner, deputy commissioner, or any person deputized by the commission for that purpose, may examine under oath any employer, officer, agent, or employee. An employer or an employee receiving from the commission a blank with directions to file the same shall cause the same to be properly filled out so as to answer fully and correctly all questions therein, or if unable to do so, shall give good and sufficient reasons for such failure. Answers to such questions shall be verified under oath and returned to the commission within the period fixed by the commission therefor.

Inspection of employers' records.

SEC. 113. All books, records, and pay rolls of the employers showing or reflecting in any way upon the amount of wage expenditures of such employers shall always be open for inspection by the commission or any of its authorized auditors, accountants, or inspectors for the purpose of ascertaining the correctness of the wage expenditure and number of men employed and such other information as may be necessary for the uses and purposes of the commission in the administration of this chapter.

Interstate commerce.

SEC. 114. The provisions of this chapter shall apply to employers and employees engaged in intrastate, and also in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that such employer and his employees working only in this State may, subject to the approval and in the manner provided by the commission and so far as not forbidden by any act of Congress, accept and become bound by the provisions of this chapter in like manner and with the same effect in all respects as provided herein for other employers and their employees.

False statements.

SEC. 115. If for the purpose of obtaining any benefit or payment under the provisions of this chapter, either for himself or any other person, any person willfully makes a false statement or representation, he shall be guilty of a misdemeanor.

Limitations as to incompetents.

SEC. 116. No limitation of time provided in this chapter shall run as against any person who is mentally incompetent or a minor dependent so long as he has no committee, guardian, or next friend.

Commissioner of labor.

SEC. 117. The commissioner of labor shall render to the commission any proper aid and assistance by the department of labor as in his judgment does not interfere with the proper conduct of such department.

Invalidity of part of law.

SEC. 118. If any section or provision of this chapter be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Pending causes.

SEC. 119. This act shall not affect any action pending or cause of action existing or which accrued prior to July first, nineteen hundred and fourteen.

Article 7.

Act takes effect, when.

SECTION 131. This chapter shall take effect immediately, provided that the application of this chapter as between employers and employees and the payment of compensation for injuries to employees or their dependents, in case of death, shall take effect July first, nineteen hundred and fourteen, but payments into the State insurance fund may be made prior to July first, nineteen hundred and fourteen.

Approved March 16, 1914.

ACTS OF 1914.

CHAPTER 16.—*Workmen's compensation insurance—Premium rates.*

SECTION 1. Article one of chapter * * * twenty-eight of the Consolidated Laws is hereby amended by adding at the end thereof a new section, to be section sixty-seven, to read as follows:

Rates to be approved.

Section 67. Every insurance corporation or association, except the State insurance fund as administered by the State Workmen's Compensation Commission, authorized to transact business in this State, which insures employers against liability for compensation under the workmen's compensation law, shall file with the superintendent of insurance its classification of risks and premiums relating thereto, and any subsequent proposed classification of risks and premiums, together with basis rates and schedules, if a system of schedule rating be in use, none of which shall take effect until the superintendent of insurance shall have approved the same as adequate for the risks to which they respectively apply. The superintendent of insurance may withdraw his approval of any premium rate or schedule made by any insurance corporation or association if, in his judgment, such premium rate or schedule is inadequate to provide the necessary reserves.

Became a law March 4, 1914.

ACTS OF 1915.

CHAPTER 674.—*Workmen's compensation commission—Transfer of powers, etc.*

Compensation commission abolished.

SECTION 4. The State workmen's compensation commission, created as provided in section sixty of the workmen's compensation law [chapter 816, Acts of 1913], is hereby abolished, and the terms of office of the members of such commission then in office shall cease on the appointment and qualification of the members

of the industrial commission. All the powers, duties, obligations, and liabilities conferred or imposed by law upon the workmen's compensation commission by the workmen's compensation law or any other statute are hereby conferred and imposed upon the State industrial commission, and such commission may exercise and perform such powers and duties and shall be subject to such obligations and liabilities in the same manner, to the same extent, and with the same force and effect as would have been the case had the workmen's compensation commission been continued in office. For the purpose of exercising such powers, performing such duties, being subjected to such obligations and liabilities, the State industrial commission shall be deemed to be a continuation of such workmen's compensation commission. The offices of secretary to the workmen's compensation commission and of the deputies appointed by the workmen's compensation commission are hereby abolished, and the powers and duties of such officers then in office shall cease upon the appointment and qualification of the members of the industrial commission.

Functions continuing.

SEC. 5. All other officers, assistants, inspectors, and employees of the department of labor or the workmen's compensation commission in office when this act takes effect shall continue in office until removed by the industrial commission or until their officers are abolished as provided by law.

Employees hold over.

SEC. 6. The rules, regulations, and orders of the commissioner of labor, the industrial board, or the workmen's compensation commission in force when this act takes effect enacted or promulgated pursuant to law are continued in full force and shall be operative until modified, superseded, or repealed by the industrial commission. This act shall not affect pending cases or proceedings, civil or criminal, brought by or against the commissioner of labor or the workmen's compensation commission. All proceedings, hearings, investigations, and other matters pending before the commissioner of labor, the industrial board, or the workmen's compensation commission shall be continued and brought to a final determination before the industrial commission in the same manner as though the commissioner of labor, the industrial board, and the workmen's compensation commission had been continued in office. Any award or determination made by the workmen's compensation commission prior to the taking effect of this act shall have the same force and effect as though the workmen's compensation commission had been continued in office.

Rules continue.

SEC. 7. Whenever the term "department of labor," "commissioner of labor," "industrial board," or "workmen's compensation commission" occurs in any law or in any rule or regulation made in pursuance of law, or whenever in any law reference is made to such department, commissioner, board, commission, or officer, such term or reference shall be deemed to mean the industrial commission as established by this act.

Use of terms.

Became a law May 22, 1915.

ACTS OF 1916.

CHAPTER 478.—*Workmen's compensation insurance—Contracts for public works.*

SECTION 1. Article five of chapter twenty-four of the consolidated laws is hereby amended by adding at the end thereof a new section, to be section ninety, to read as follows:

Section 90. Each contract to which a municipality, or any public department or official thereof, is a party and which is of such a character that the employees engaged thereon are required to be insured by the provisions of chapter forty-one of the laws of nineteen hundred and fourteen, known as the workmen's compensation law, and acts amendatory thereto, shall contain a stipulation that the same shall be void and of no effect unless the person or corporation making or performing the same shall secure compensa-

Contracts with municipalities.

tion for the benefit of, and keep insured during the life of said contract, such employees, in compliance with the provisions of said law.

SEC. 2. Article two of chapter fifty-six of the consolidated laws is hereby amended by adding at the end thereof a new section, to be section fifty-one, to read as follows:

Contracts with the State.

Section 51. Each contract to which the State, any public department or official thereof, or a commission appointed pursuant to law is a party and which is of such a character that the employees engaged thereon are required to be insured by the provisions of chapter forty-one of the laws of nineteen hundred and fourteen, known as the workmen's compensation law, and acts amendatory thereto, shall contain a stipulation that the same shall be void and of no effect unless the person or corporation making or performing the same shall secure compensation for the benefit of, and keep insured during the life of said contract, such employees, in compliance with the provisions of said law.

Became a law May 9, 1916.

OHIO.

CONSTITUTION.

ARTICLE II.—*Legislative—Compensation of workmen for injuries.*

SECTION 35. For the purpose of providing compensation to workmen and their dependents for death, injuries, or occupational disease, occasioned in the course of such workmen's employment, laws may be passed establishing a State fund to be created by compulsory contribution thereto by employers, and administered by the State, determining the terms and conditions upon which payment shall be made therefrom, and taking away any or all rights of action or defenses from employees and employers; but no right of action shall be taken away from any employee when the injury, disease, or death arise from failure of the employer to comply with any lawful requirement for the protection of the lives, health, and safety of employees. Laws may be passed establishing a board which may be empowered to classify all occupations according to their degree of hazard, to fix rates of contribution to such fund according to such classification, and to collect, administer, and distribute such fund, and to determine all rights of claimants thereto.

Compulsory insurance system.

Right of action.

Board of classification, etc.

Adopted, 1912.

Industrial commission—Administration of workmen's insurance law.

(Added by act, page 95, Acts of 1913.)

SECTION 871-1. There is hereby created the Industrial Commission of Ohio, to be composed of three members to be appointed by the governor within thirty days after this act goes into effect, one of the members of such commission shall be appointed for the term of two years, one member for four years, and one member for six years, and thereafter each member shall be appointed for the term of six years. Not more than one of the appointees to such commission shall be a person who, on account of his previous vocation, employment, or affiliations, can be classed as a representative of employers, and not more than one of such appointees shall be a person who, on account of his previous vocation, employment, or affiliations, can be classed as a representative of employees; not more than two of the members of the said commission shall belong to the same political party.

Appointment.

SEC. 871-2. The governor, at any time, shall remove any member of the Industrial Commission of Ohio for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

Removal.

SEC. 871-3. No commissioner shall hold any position of trust or profit, or engage in any occupation or business, interfering or inconsistent with his duties as such commissioner, and no commissioner shall serve on any committee of any political party.

Inconsistent employments.

SEC. 871-4 (as amended by act, page 26, Acts of 1915). Each of said commissioners shall receive an annual salary of $4,000, payable in the same manner as the salaries of other State officers are paid. Before entering upon the duties of his office, each commissioner shall take and subscribe the constitutional oath of office and shall swear or affirm that he holds no position under any committee of a political party, which oath or affirmation shall be filed in the office of the governor. Each member of the

Salary.

Bonds.

commission shall give a bond in the sum of $10,000, which bond shall be approved by the governor and filed with the treasurer of State. All employees or deputies of the commission receiving or disbursing funds of the State shall give bond to the State in amounts and with surety to be approved by the commission.

Offices.

SEC. 871–6. The commission shall keep and maintain its office in the city of Columbus, Ohio, * * *. The commission may hold sessions in any place within the State of Ohio.

Seal.

SEC. 871–8. The commission shall have an official seal for the authentication of its orders and proceedings, upon which seal shall be engraved the words "The Industrial Commission of Ohio," and such other design as the commission may prescribe; and the courts in this State shall take judicial notice of the seal of the said commission, and in all cases copies of orders, proceedings, or records in the office of the Industrial Commission of Ohio, certified by the secretary of the said commission under its seal, shall be equal to the original as evidence.

Sessions.

SEC. 871–9. The commission shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. The sessions shall be open to the public and the sessions of the commission shall stand and be adjourned without further notice thereof on its record.

Records.

All of the proceedings of the commission shall be shown on its records, which shall be a public record, and all voting shall be had by calling each member's name by the secretary, and each member's vote shall be recorded on the proceedings as cast.

Additional duties.

SEC. 871–12 (as amended by act, page 656, Acts of 1913). The industrial commission shall supersede and perform all of the duties of the State liability board of awards, * * * and said commission on and after the first day of September, 1913, as successor of the said liability board of awards, shall be vested with and assume and exercise all powers and duties cast by law upon said liability board of awards, and on the first day of September, 1913, the term of office of the members constituting the said State Liability Board of Awards of Ohio shall cease and terminate, together with all rights, privileges, and emoluments connected therewith.

Workmen's insurance—State liability board.

(Page 524, Acts of 1911; amended, pages 72 and 396, Acts of 1913.)

Board created.

SECTION 1465–37. There is hereby created a State liability board of awards. [This body has been superseded by the Industrial Commission of Ohio. See section 871–1 et seq., above.]

Quorum.

SEC. 1465–41. A majority of the board shall constitute a quorum for the transaction of business and a vacancy shall not impair the right of the remaining members to exercise all the powers of the full board so long as a majority remains. Any investigations, inquiry, or hearing which the board is authorized to hold, or undertake, may be held or undertaken by or before any one member of the board. All investigations, inquiries, hearings, and decisions of the board, and every order made by a member thereof, when approved and confirmed by a majority of the members, and so shown on its record of proceedings, shall be deemed to be the order of the board.

The board may hold sessions at any place within the State.

Employees.

SEC. 1465–43. The board may employ a secretary, actuaries, accountants, examiners, experts, clerks, physicians, stenographers, and other assistants, and fix their compensation. Such employment and compensation shall be first approved by the governor

Expenses.

and shall be paid out of the State treasury. The members of the board, secretary, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants that may be employed shall be entitled to receive from the State treasury their actual and necessary expenses while traveling on the business of the board, and the members of the board may

confer and meet with officers of other States and officers of the United States on any matters pertaining to their official duties. Such expenses shall be itemized and sworn to by the person who incurred the expense and allowed by the board.

Rules.

SEC. 1465-44. The board shall adopt reasonable and proper rules to govern its procedure, regulate and provide for the kind and character of notices, and the services thereof, in cases of accident and injury to employees, the nature and extent of the proofs and evidence, and the method of taking and furnishing the same, to establish the right to benefits of compensation from the State insurance fund, hereinafter provided for, the forms of application of those claiming to be entitled to benefits of compensation therefrom, the method of making investigations, physical examinations, and inspections, and prescribe the time within which adjudications and awards shall be made.

Duty of employers.

SEC. 1465-45. Every employer shall furnish the board, upon request, all information required by it to carry out the purposes of this act. In the month of January of each year every employee of the State employing five or more employees regularly in the same business, or in or about the same establishment, shall prepare and mail to the board, at its main office in the city of Columbus, Ohio, a statement containing the following information, viz: The number of employees employed during the preceding year from January 1 to December 31, inclusive; the number of such employees employed at each kind of employment; and the aggregate amount of wages paid to such employees, which information shall be furnished on a blank or blanks to be prepared by the board; and it shall be the duty of the board to furnish such blanks to employers free of charge, upon request therefor. Every employer receiving from the board any blank, with directions to fill out the same, shall cause the same to be properly filled out so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or if unable to do so, he shall give to the board in writing good and sufficient reasons for such failure. The board may require that the information herein required to be furnished be verified under oath and returned to the board within the period fixed by it or by law. The board or any member thereof, or any person employed by the board for that purpose, shall have the right to examine, under oath, any employer, or the officer, agent, or employee thereof for the purpose of ascertaining any information which such employer is required by this act to furnish to the board.

Any employer who shall fail or refuse to furnish to the board the annual statement herein required, or who shall fail or refuse to furnish such other information as may be required by the board under authority of this section, shall be liable to a penalty of five hundred dollars, to be collected in a civil action brought against said employer in the name of the State; all such penalties, when collected, shall be paid into the State insurance fund and become a part thereof.

Information confidential.

SEC. 1465-46. The information contained in the annual report provided for in the preceding section, and such other information as may be furnished to the board by employers in pursuance of the provisions of said section, shall be for the exclusive use and information of said board in the discharge of its official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the board is a party to such action or proceeding; but the information contained in said report may be tabulated and published by the department, in statistical form, for the use and information of other State departments and the public. Any person in the employ of the board who shall divulge any information secured by him in respect to the transactions, property, or business of any company, firm, corporation, person, association, copartnership, or public utility to any person other than the members of the board, while acting as an employee of the board, shall be fined not less than

one hundred dollars ($100) nor more than five hundred dollars ($500), and shall thereafter be disqualified from holding any appointment or employment with the board.

Powers of members.

SEC. 1465-47. Each member of the board, the secretary, and every inspector or examiner appointed by the board, shall, for the purposes contemplated by this act, have power to administer oaths, certify to official acts, take depositions, issue subpœnas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony.

Compelling attendance.

SEC. 1465-48. In case of disobedience of any person to comply with the order of the board, or subpœna issued by it as [or] one of its inspectors, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection as aforesaid, the probate judge of the county in which the person resides, on application of any member of the board, or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of subpœna issued from such court on a refusal to testify therein.

Officers' fees

SEC. 1465-49. Each officer who serves such subpœna shall receive the same fees as a sheriff, and each witness who appears, in obedience to a subpœna, before the board or an inspector or examiner, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of common pleas, which shall be audited and paid from the State treasury in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by any two members of the board. No witness subpœnaed at the instance of a party other than the board or an inspector shall be entitled to compensation from the State treasury unless the board shall certify that his testimony was material to the matter investigated.

Witnesses' fees.

Depositions.

SEC. 1465-50. In an investigation the board may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by the law for like depositions in civil actions in the court of common pleas.

Transcripts.

SEC. 1465-51. A transcribed copy of the evidence and proceedings, or any specific part thereof, or any investigation, by a stenographer appointed by the board, being certified by such stenographer to be a true and correct transcript of the testimony on the investigation, or of a particular witness, or of a specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and subscribed, may be received in evidence by the board with the same effect as if such stenographer were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand to any party upon the payment of the fee therefor, as provided for transcript in courts of common pleas.

Forms, etc.

SEC. 1465-52. The board shall prepare and furnish blank forms, and provide in its rules for their distribution so that the same may be readily available, of application for benefits or compensation from the State insurance fund, notices to employers, proofs of injury or death, of medical attendance, of employment and wage earnings, and such other blanks as may be deemed proper and advisable, and it shall be the duty of insured employers to constantly keep on hand a sufficient supply of such blanks.

Occupations to be classified.

SEC. 1465-53. The State liability board of awards shall classify occupations with respect to their degree of hazard, and determine the risks of the different classes and fix the rates of premium of the risks of the same, based upon the total pay roll and number of employees in each of said classes of occupation sufficiently large to provide an adequate fund for the compensation provided for in this act, to maintain a State insurance fund from year to year.

Premium rates.

SEC. 1465-54. It shall be the duty of the State liability board of awards, in the exercise of the powers and discretion conferred

upon it in the preceding section, ultimately to fix and maintain, for each class of occupation, the lowest possible rates of premium consistent with the maintenance of a solvent State insurance fund and the creation and maintenance of a reasonable surplus, after the payment of legitimate claims for injury and death that it may authorize to be paid from the State insurance fund for the benefit of injured and the dependents of killed employees; and, in order that said objects may be accomplished, the board shall observe the following requirements in classifying occupations and fixing the rates of premiums for the risks of the same:

Accounts.

1. It shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries, and the disbursements on account of injuries and death of employees thereof, and it shall also keep an account of the money received from each individual employer and the amount disbursed from the State insurance fund on account of injuries and death of the employees of such employer.

Surplus fund.

2. Ten per cent of the money that has heretofore been paid into the State insurance fund and 10 per cent of all that may hereafter be paid into such fund shall be set aside for the creation of a surplus until such surplus shall amount to the sum of one hundred thousand dollars ($100,000), after which time the sum of 5 per cent of all the money paid into the State insurance fund shall be credited to such surplus fund, until such time as, in the judgment of the board, such surplus shall be sufficiently large to guarantee a State insurance fund from year to year.

Readjustments.

3. On the 1st day of July, 1914, and semiannually thereafter, a readjustment of the rates shall be made for each of the several classes of occupation or industry which, in the judgment of the board, have developed an average loss ratio, in accordance with the experience of the board in the administration of the law as shown by the accounts kept as provided herein.

4. Should any such accounting show a balance remaining to the credit of any class of occupation or industry, after the above-mentioned amounts have been credited to the surplus fund and after the payment of all awards for injury or death lawfully chargeable against the same, the premium rate for such class shall be reduced; and, each individual member of such class, who has been a subscriber to the State insurance fund for a period of six months or longer prior to the time of such readjustment, and whose premium or premiums so paid to the fund exceeds the amount of the disbursements from the fund on account of injuries or death to his employees during such period, shall be entitled to a credit on the installment or installments of premium next due from him, the amount of which credit shall be such proportion of said balance as the amount of his prior paid premiums sustains to the whole amount of said premiums paid by the class to which he belongs since the last readjustment of rates.

Rules as to fund.

SEC. 1465-55. The State liability board of awards shall adopt rules and regulations with respect to the collection, maintenance, and disbursement of the State insurance fund; one of which rules shall provide that in the event the amount of premiums collected from any employer at the beginning of any period of six months is ascertained and calculated by using the estimated expenditure of wages for the period of time covered by such premium payments as a basis, that an adjustment of the amount of such premium shall be made at the end of such six months' period and the actual amount of such premium shall be determined in accordance with the amount of the actual expenditure of wages for said period; and, in the event such wage expenditure for said period is less than the amount on which such estimated premium was collected, then such employer shall be entitled to receive a refund from the State insurance fund of the difference between the amount so paid by him and the amount so found to be actually due, or to have the amount of such difference credited on succeeding premium payments at his option, and should such

actual premium, when ascertained as aforesaid exceed in amount the premium so paid by such employer at the beginning of such six months' period, such employer shall immediately, upon being advised of the true amount of such premium due, forthwith pay to the treasurer of State an amount equal to the difference between the amount actually found to be due and the amount paid by him at the beginning of said six months' period.

Custody.

SEC. 1465-56. The treasurer of State shall be the custodian of the State insurance fund and all disbursements therefrom shall be paid by him upon vouchers authorized by the State liability board of awards and signed by any two members of the board; or, such vouchers may bear the facsimile signatures of the board members printed thereon, and the signature of the chief of the auditing department.

Deposit of funds.

SEC. 1465-57. The treasurer of State is hereby authorized to deposit any portion of the State insurance fund not needed for immediate use, in the same manner and subject to all the provisions of the law with respect to the deposit of State funds by such treasurer; and all interest earned by such portion of the State insurance fund as may be deposited by the State treasurer in pursuance of authority herein given shall be collected by him and placed to the credit of such fund.

Investment.

SEC. 1465-58. The State liability board of awards shall have the power to invest any of the surplus or reserve belonging to the State insurance fund in bonds of the United States, the State of Ohio, or of any county, city, village, or school district of the State of Ohio, at current market prices for such bonds: *Provided*, That such purchase be authorized by a resolution adopted by the board and approved by the governor; and it shall be the duty of the boards or officers of the several taxing districts of the State in the issuance and sale of bonds of their respective taxing districts to offer in writing to the State liability board of awards, prior to advertising the same for sale, all such issues as may not have been taken by the trustees of the sinking fund of the taxing district so issuing such bonds; and said board shall, within ten days after the receipt of such written offer either accept the same and purchase such bonds or any portion thereof at par and accrued interest, or reject such offer in writing; and all such bonds so purchased forthwith shall be placed in the hands of the treasurer of State, who is hereby designated as custodian thereof, and it shall be his duty to collect the interest thereon as the same becomes due and payable, and also the principal thereof, and to pay the same, when so collected, into the State insurance fund. The treasurer of State shall honor and pay all vouchers drawn on the State insurance fund for the payment of such bonds when signed by any two members of the board, upon delivery of said bonds to him when there is attached to such voucher a certified copy of such resolution of the board authorizing the purchase of such bonds; and the board may sell any of said bonds upon like resolution, and the proceeds thereof shall be paid by the purchaser to the treasurer of State upon delivery to him of said bonds by the treasurer.

Bond.

SEC. 1465-59. The treasurer of State shall give a separate and additional bond in such amount as may be fixed by the governor, and with sureties to his approval, conditioned for the faithful performance of his duties as custodian of the State insurance fund.

Employers.

SEC. 1465-60. The following shall constitute employers subject to the provisions of this act:

1. The State and each county, city, township, incorporated village, and school district therein.

2. Every person, firm, and private corporation, including any public service corporation that has in service five or more workmen or operatives regularly in the same business, or in or about the same establishment under any contract or hire, express or implied, oral or written.

Employees.

SEC. 1465-61. The terms "employee," "workman," and "operative" as used in this act shall be construed to mean:

1. Every person in the service of the State, or of any county, city, township, incorporated village, or school district therein, including regular members of lawfully constituted police and fire departments of cities and villages, under any appointment or contract of hire, express or implied, oral or written, except any official of the State or of any county, city, township, incorporated village, or school district therein: *Provided*, That nothing in this act shall apply to policemen or firemen in cities where policemen's and firemen's pension funds are now or hereafter may be established and maintained by municipal authority under existing laws.

2. Every person in the service of any person, firm, or private corporation, including any public service corporation employing five or more workmen or operatives regularly in the same business, or in or about the same establishment under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work for hire under the laws of the State, but not including any person whose employment is but casual, or not in the usual course of trade, business, profession, or occupation of his employer.

Contributions to fund.

SEC. 1465-62. Every employer mentioned in subdivision one of section thirteen [1465-60] hereof shall contribute to the State insurance fund in proportion to the annual expenditure of money by such employer for the service of persons described in subdivision one of section fourteen [1465-61] hereof, the amount of such payments and the method of making the same to be determined as hereinafter provided.

Payments by municipalities.

SEC. 1465-63. The amount of money to be contributed by the State itself, and by each county, city, incorporated village, school district, or other taxing district of the State shall be, unless otherwise provided by law, a sum equal to one per centum of the amount of money expended by the State and for each county, city, incorporated village, school district, or other taxing district, respectively, during the next preceding fiscal year for the service of persons described in subdivision one of section fourteen [1465-61] hereof.

Payment by State.

SEC. 1465-64 (as amended by Acts of 1914, second special session, p. 8). In the month of January in the year 1914 the auditor of State shall draw his warrant on the treasurer of State, in favor of said treasurer as custodian of the State insurance fund, and for deposit to the credit of said fund, for a sum equal to one per centum of the amount of money expended by the State during the last preceding fiscal year, for the service of persons described in subdivision one of section fourteen [1465-61] hereof, which said sums are hereby appropriated and made available for such payments; and thereafter in the month of January of each year such sums of money shall in like manner be paid into the State insurance fund as may be provided by law; and it shall be the duty of the Industrial Commission of Ohio to communicate to the general assembly on the first day of each regular session thereof an estimate of the aggregate amount of money necessary to be contributed by the State during the two years next ensuing as its proper portion of the State insurance fund.

County lists.

SEC. 1465-65 (as amended by Acts of 1914, second special session, p. 8). In the month of December of each year the auditor of State shall prepare a list for each county of the State, showing the amount of money expended by each township, city, village, school district, or other taxing district therein for the service of persons described in subdivision one of section fourteen [1465-61] hereof during the fiscal year last preceding the time of preparing such lists; and shall file a copy of each such list with the auditor of the county for which such list was made, and copies of all such lists with the treasurer of State. Such lists shall also show the amount of money due from the county itself, and from each city, township, village, school district, and other taxing district thereof, as its proper contribution to the State insurance fund, and the aggregate sum due from the county and such taxing districts located therein.

County contributions omitted, when.

Provided, however, That should the Industrial Commission o Ohio on or before the 1st day of December in any year certif to the auditor of State that sufficient money is in the State in surance fund to the credit of any county or counties to provid for the payment of compensation to the injured and to the de pendents of killed employees of such county or counties and th several taxing districts therein for the ensuing year, the audito of State shall not prepare and file with the county auditors an the treasurer of State said list or lists for such county or countie specified in such certificate; and it shall be the duty of the In dustrial Commission of Ohio to make and file such certificate wit the auditor of State whenever in its judgment there is sufficien money in the State insurance fund to the credit of any county or counties to provide for the probable disbursements required t be made to the injured and to the dependents of killed employee of such county or counties and the several taxing districts therei for the ensuing year.

Payments by counties.

SEC. 1465-66. In January of each year following the filing wit him of the lists mentioned in the last preceding section hereof beginning with January, 1914, the auditor of each county shall issue his warrant in favor of the treasurer of State of Ohio on the county treasurer of his county for the aggregate amount due from such county and from the taxing districts therein, to the State insurance fund, and the county treasurer shall pay the amount called for by such warrant from the county treasury, and the county auditor shall charge the amount so paid to the county itself and the several taxing districts therein as shown by such lists and the treasurer of State shall immediately, upon receiving such money, convert the same into the State insurance fund.

Annual statements.

SEC. 1465-67. In February of each year the treasurer of State shall certify to the State liability board of awards the amount of money that has been paid to him for credit to the State insurance fund as provided in the foregoing sections, and the amount paid by the State itself and by each county, city, incorporated village, or school district therein, and at the same time shall certify to the board the names of such as may have made default in the payments hereinbefore provided and the respective amounts for which they are in default. When any default is made in the payment of the sums hereinbefore required to be contributed to the State insurance fund, or when any official fails, neglects, or refuses to perform any act or acts required to be performed by him with reference to the making of such payments, it shall be the duty of the State liability board of awards forthwith to institute the proper proceedings in court to compel such payment or payments to be made.

The State liability board of awards shall keep a separate account of the money paid into the State insurance fund by the State and its political subdivisions as hereinbefore provided, and the disbursements made therefrom on account of injuries to public employees.

Payments from funds.

SEC. 1465-68. Every employee mentioned in subdivision one of section fourteen [1465-61] hereof, who is injured, and the dependents of such as are killed in the course of employment, wheresoever such injury has occurred, provided the same was not purposely self-inflicted, on or after January 1st, 1914, shall be paid such compensation out of the State insurance fund for loss sustained on account of such injury or death as is provided in the case of other injured or killed employees, and shall be entitled to receive such medical, nurse, and hospital services and medicines, and such amount of funeral expenses as are payable in the case of other injured or killed employees.

Act in effect, when.

Every employee mentioned in subdivision two of section fourteen [1465-61] hereof, who is injured, and the dependents of such as are killed in the course of employment, wheresoever such injury has occurred, provided the same was not purposely self-inflicted, on and after January 1, 1914, shall be entitled to receive,

either directly from his employer as provided in section twenty-two [1465-69] hereof, or from the State insurance fund, such compensation for loss sustained on account of such injury or death, and such medical, nurse, and hospital services and medicines, and such amount of funeral expenses in case of death as is provided by sections thirty-two [1465-79] to forty [1465-87] inclusive of the act.

Employers' contributions.

SEC. 1465-69. Except as hereinafter provided, every employer mentioned in subdivision two of section thirteen [1465-60] hereof shall, in the month of January, 1914, and semiannually thereafter, pay into the State insurance fund the amount of premium determined and fixed by the State liability board of awards for the employment or occupation of such employer the amount of which premium to be so paid by each such employer to be determined by the classifications, rules, and rates made and published by the board; and such employer shall semiannually thereafter pay such further sum of money into the State insurance fund as may be ascertained to be due from him by applying the rules of the board, and a receipt or certificate certifying that such payment has been made shall immediately be mailed to such employer by the State liability board of awards, which receipt or certificate, attached by the seal of the board, shall be prima facie evidence of the payment of such premium:

Existing subscribers.

Provided, however, That as to all employers who are subscribers to the State insurance fund at the time of the taking effect of this act, or who may before January 1, 1914[,] elect to become subscribers thereto, the foregoing provisions for the payment of such premiums in the month of January, 1914, and semiannually thereafter shall not apply, but such subsequent semiannual premiums shall be paid by such employers from time to time upon the expiration of the respective periods for which payments into the fund have been made by them: *And provided further*, That such employers who will abide by the rules of the State liability board of awards and as may be of sufficient financial ability or credit to render certain the payment of compensation to injured employees or to the dependents of killed employees, and the furnishing of medical, surgical, nursing, and hospital attention and services and medicines, and funeral expenses equal to or greater than is provided for in this act, or such employers as maintain benefit funds or departments or jointly with other employers maintain mutual associations of such said financial ability or credit, to which their employees are not required or permitted directly or indirectly to contribute, providing for the payment of such compensation and the furnishing of such medical, surgical, nursing, and hospital services and attention, and funeral expenses, may, upon a finding of such facts by the State liability board of awards elect to pay individually or from such benefit fund department or association such compensation, and furnish such medical, surgical, nursing, and hospital services and attention and funeral expenses directly to such injured or to the dependents of such killed employees; and the State liability board of awards may require such security or bond from said employers as it may deem proper, adequate, and sufficient to compel or secure to such injured employees, or to the dependents of such employees as may be killed, the payment of the compensation and expenses herein provided for, which shall in no event be less than that paid or furnished out of the State insurance fund in similar cases to injured employees, or to the dependents of killed employees, whose employers contribute to said fund; and said board shall make and publish rules and regulations governing the mode and manner of making application and the nature and extent of the proof required to justify such finding of facts by the board as to permit such election by such employers, which rules and regulations shall be general in their applications, one of which rules shall provide that all employers electing directly to compensate their injured and the dependents of their killed employees as hereinbefore provided shall pay into the State insur-

Substitute schemes.

ance fund such amount or amounts as are required to be credited to the surplus in paragraph two of section seven hereof.

The State liability board of awards may at any time change or modify its finding of facts herein provided for, if, in its judgment, such action is necessary or desirable to secure or assure a strict compliance with all the provisions of this act in reference to the payment of compensation and the furnishing of medical, nurse, and hospital services and medicines and funeral expenses to injured and the dependents of killed employees.

Exemption from suits. SEC. 1465–70. Employers who comply with the provisions of the last preceding section shall not be liable to respond in damages at common law or by statute, save as hereinafter provided, for injury or death of any employee, wherever occurring, during the period covered by such premium so paid into the State insurance funds, or during the interval of time in which such employer is permitted to pay such compensation direct to his injured or the dependents of his killed employees as herein provided.

Employers of less than 5 workmen. SEC. 1465–71. Any employer who employs less than five workmen or operatives regularly in the same business, or in and about the same establishment, who shall pay into the State insurance fund the premiums provided by this act, shall not be liable to respond in damages at common law or by statute, save as hereinafter provided, for injuries or death of any such employees wherever occurring, during the period covered by such premiums provided the injured employee has remained in his service with notice that his employer has paid into the State insurance fund the premiums provided by this act; the continuation in the service of such employer with such notice shall be deemed a waiver by the employee of his right of action as aforesaid.

Each such employer paying the premiums provided by this act into the State insurance fund, or electing directly to pay compensation to his injured, or the dependents of his killed employees as provided in section twenty-two [1465–69] hereof, shall post in conspicuous places about his place or places of business typewritten or printed notices stating the fact that he has made such payment, or that he has complied with the provisions of said section twenty-two hereof and all of the rules and regulations of the State liability board of awards made in pursuance thereof, and has been authorized by said board directly to compensate such said employees or dependents; and the same, when so posted, shall constitute sufficient notice to his employees of the fact that he has made such payment, or that he has complied with such elective provision of section twenty-two [1465–69]; and of any subsequent payments he may make after such notices have been posted.

Disbursements to employees. SEC. 1465–72. The State liability board of awards shall disburse the State insurance fund to such employees of employers as have paid into said fund the premiums applicable to the classes to which they belong, who have been injured in the course of their employment, wheresoever such injuries have occurred, and which have not been purposely self-inflicted, or to their dependents in case death has ensued. All employers electing directly to compensate their injured employees, in compliance with this act, shall pay to such injured employees, or to the dependents of employees, who have been killed in the course of their employment, unless such injury or death of such employee has been purposely self-inflicted, the compensation, and shall furnish such medical, surgical, nurse, and hospital care and attention or funeral expenses as would have been paid and furnished by virtue of this act under a similar state of facts by the State liability board of awards out of the State insurance fund in case said employer had paid the premium provided by this act into said fund: *Provided, however*, That if any rule or regulation of such employer so directly compensating his employees shall provide for or authorize the payment of greater compensation or more complete or extended medical care, nursing, surgical, and hospital attention or funeral expenses to such injured employees, or to the dependents

of such employees as may be killed, such employer shall be required to pay to such employees, or to the dependents of such as are killed, the amount of compensation, and furnish such medical care, nursing, surgical, and hospital attention or funeral expenses provided by his said rules and regulations.

And such payment or payments to such injured employees, or to their dependents in case death has ensued, shall be in lieu of any and all rights of action whatsoever against the employer of such injured or killed employees.

Employers liable in damages.

SEC. 1465-73. Employers mentioned in subdivision two of section thirteen [1465-60] hereof, who shall fail to comply with the provisions of section twenty-two [1465-69] hereof, shall not be entitled to the benefits of this act during the period of such noncompliance, but shall be liable to their employees for damages suffered by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect, or default of the employer, or any of the employer's officers, agents, or employees, and also to the personal representatives of such employees where death results from such injuries, and in such action the defendant shall not avail himself or itself of the following common-law defenses:

Defenses abrogated.

The defense of the fellow-servant rule, the defense of the assumption of risk, or the defense of contributory negligence.

And such employers shall also be subject to the provisions of the two sections next succeeding.

Claim for compensation.

SEC. 1465-74. Any employee whose employer has failed to comply with the provisions of section twenty-two [1465-69] hereof, who has been injured in the course of his employment, whereseever such injury has occurred, and which was not purposely self-inflicted, or his dependents in case death has ensued, may, in lieu of proceeding against his employer by civil action in the courts, as provided in the last preceding section, file his application with the State liability board of awards for compensation in accordance with the terms of this act, and the board shall hear and determine such application for compensation in like manner as in other claims before the board; and the amount of the compensation which said board may ascertain and determine to be due to such injured employee, or to his dependents in case death has ensued, shall be paid by such employer to the person entitled thereto within ten days after receiving notice of the amount thereof as fixed and determined by the board; and in the event of the failure, neglect, or refusal of the employer to pay such compensation to the person entitled thereto, within said period of ten days, the same shall constitute a liquidated claim for damages against such employer in the amount so ascertained and fixed by the board, which with an added penalty of fifty per centum, may be recovered in an action in the name of the State for the benefit of the person or persons entitled to the same. And any employee whose employer has elected to pay compensation to his injured, or to the dependents of his killed employees, in accordance with the provisions of section twenty-two [1465-69] hereof, may, in the event of the failure of his employer to so pay such compensation or furnish such medical, surgical, nursing, and hospital services and attention or funeral expenses, file his application with the State liability board of awards for the purpose of having the amount of such compensation and such medical, surgical, nursing, and hospital services and attention or funeral expenses determined; and thereupon like proceedings shall be had before the board and with like effect as hereinbefore provided.

Determination by board.

Procedure.

And the State liability board of awards shall adopt and publish rules and regulations governing the procedure before the board provided in this section, and shall prescribe forms of notices and the mode and manner of serving the same in all claims for compensation arising under this section. Any suit, action, or proceeding brought against any employer under the provisions of this section, may be compromised by the board, or such suit, action,

or proceeding may be prosecuted to final judgment as in the discretion of the board may best subserve the interests of the persons entitled to receive such compensation.

Defaults in payments.

SEC. 1465-75. If any employer shall default in any payment required to be made by him to the State insurance fund the amount due from him shall be collected by civil action against him in the name of the State as plaintiff; and it shall be the duty of the State liability board of awards on the first Monday in February, 1914, and on the first Monday of each month thereafter, to certify to the attorney general of the State the names and residences of all employers known to the board to be in default for such payments for a longer period than five days, and the amount due from each such employer, and it shall then be the duty of the attorney general forthwith to bring, or cause to be brought against each such employer a civil action in the proper court for the collection of such amount so due, and the same when collected shall be paid into the State insurance fund, and such employer's compliance with the provisions of this act requiring payments to be made to the State insurance fund shall date from the time of the payment of said money so collected as aforesaid to the treasurer of State for credit to the State insurance fund.

Willful injuries.

SEC. 1465-76 (as amended by Acts of 1914, page 193). But where a personal injury is suffered by an employee, or where death results to an employee from personal injury while in the employ of an employer in the course of employment, and such employer has paid into the State insurance fund the premium provided for in this act, or is authorized directly to compensate such employee or dependents by virtue of compliance with section twenty-two [1465-69] of this act, and in case such injury has arisen from the willful act of such employer, or any of such employer's offices or agents, or from the failure of such employer or any of such employer's officers or agents to comply with any lawful requirements for the protection of the lives and safety of employees, then in such event nothing in this act contained shall affect the civil liability of such employer, but such injured employee, or his legal representative in case death results from the injury, may, at his option, either claim compensation under this act or institute proceedings in the courts for his damage on account of such injury; and such employer shall not be liable for any injury to any employee or his legal representative in case death results, except as provided in this section; and in all actions authorized by this section the defendant shall be entitled to plead the defense of contributory negligence and the defense of the fellow-servant rule; and, in all cases determined in court as authorized by this section when a judgment is awarded the plaintiff, the court shall determine, fix, and award the amount of fee or fees to be paid plaintiff's attorney or attorneys, any contract to the contrary notwithstanding.

Choice of procedure.

Defenses.

Every employee, or his legal representative in case death results, who makes application for an award, or accepts compensation from an employer who elects, under section twenty-two [1465-69] of this act, directly to pay such compensation, waives his right to exercise his option to institute proceedings in any court, except as provided in section forty-three [1465-90] hereof. Every employee, or his legal representative in case death results, who exercises his option to institute proceedings in court as provided in this section, waives his right to any award, or direct payment of compensation from his employer under section twenty-two [1465-69] hereof, as provided in this act.

The term "willful act," as employed in this section, shall be construed to mean an act done knowingly and purposely with the direct object of injuring another.

Judgments preferred.

SEC. 1465-77. All judgments obtained in any action prosecuted by the board or by the State under the authority of this act shall have the same preference against the assets of the employer as

is now or may hereafter be allowed by law on judgments rendered for claims for taxes.

SEC. 1465-78. No compensation shall be allowed for the first week after the injury is received, except the disbursement hereinafter authorized for medical, nurse, and hospital services and medicines, and for funeral expenses. First week.

SEC. 1465-79. In case of temporary disability, the employee shall receive sixty-six and two-thirds per cent of his average weekly wages so long as such disability is total, not to exceed a maximum of twelve dollars per week, and not less than a minimum of five dollars per week, unless the employee's wages shall be less than five dollars per week, in which event he shall receive compensation equal to his full wages; but in no case to continue for more than six years from the date of the injury, or to exceed three thousand seven hundred and fifty dollars. Temporary total disability.

SEC. 1465-80. In case of injury resulting in partial disability, the employee shall receive 66⅔ per cent of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of $12 per week, or a greater sum in the aggregate than $3,750. In cases included in the following schedule the disability in each case shall be deemed to continue for the period specified, and the compensation so paid for such injury shall be as specified herein, to wit: Partial disability.

For the loss of a thumb, 66⅔ per cent of the average weekly wages during 60 weeks. Schedule.

For the loss of a first finger, commonly called index finger, 66⅔ per cent of the average weekly wages during 35 weeks.

For the loss of a second finger, 66⅔ per cent of the average weekly wages during 30 weeks.

For the loss of a third finger, 66⅔ per cent of the average weekly wages during 20 weeks.

For the loss of a fourth finger, commonly known as the little finger, 66⅔ per cent of the average weekly wages during 15 weeks.

The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of the middle or second phalange of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger: *Provided, however*, That in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of the metacarpal bone (bones of palm) for the corresponding thumb, finger, or fingers as above, add 10 weeks to the number of weeks as above.

For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand, 66⅔ per cent of the average weekly wages during 150 weeks.

For the loss of an arm, 66⅔ per cent of the average weekly wages during 200 weeks.

For the loss of a great toe, 66⅔ per cent of the average weekly wages during 30 weeks.

For the loss of one of the toes other than the great toe, 66⅔ per cent of the average weekly wages during 10 weeks.

The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered to be no loss.

For the loss of a foot, 66⅔ per cent of the average weekly wages during 125 weeks.

For the loss of a leg, 66⅔ per cent of the average weekly wage during 175 weeks.

For the loss of an eye, 66⅔ per cent of the average weekly wage during 100 weeks.

The amounts specified in this clause are all subject to the limitation as to the maximum weekly amount payable as herein before specified in this section.

Permanent disability.

SEC. 1465–81. In cases of permanent total disability, the award shall be 66⅔ per cent of the average weekly wages, and shall continue until the death of such person so totally disabled, but not to exceed a maximum of $12 per week and not less than a minimum of $5 per week, unless the employee's average weekly wage are less than $5 per week at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages.

The loss of both hands or both arms, or both feet or both legs or both eyes, or of any two thereof, shall prima facie constitute total and permanent disability, to be compensated according to the provisions of this section.

Death.

SEC. 1465–82. In case the injury causes death within the period of two years, the benefits shall be in the amounts and to the persons following:

1. If there be no dependents, the disbursements from the State insurance fund shall be limited to the expenses provided for in section forty-two hereof [1465–89].

2. If there are wholly dependent persons at the time of the death, the payment shall be 66⅔ per cent of the average weekly wages, and to continue for the remainder of the period between the date of death and six years after the date of the injury, and not to amount to more than a maximum of $3,750, nor less than a minimum of $1,500.

3. If there are partly dependent persons at the time of the death, the payment shall be 66⅔ per cent of the average weekly wages, and to continue for all or such portion of the period of six years after the date of the injury, as the board in each case may determine, and not to amount to more than a maximum of $3,750.

Dependents.

4. The following persons shall be presumed to be wholly dependent for support upon a deceased employee:

(A) A wife upon a husband with whom she lives at the time of his death.

(B) A child or children under the age of 16 years (or over said age if physically or mentally incapacitated from earning) upon the parent with whom he is living at the time of the death of such parent.

In all other cases, question of dependency, in whole or in part, shall be determined in accordance with the facts in each particular case existing at the time of the injury resulting in the death of such employee, but no person shall be considered as dependent unless a member of the family of the deceased employee, or bears to him the relation of husband or widow, lineal descendant, ancestor, or brother or sister. The word "child," as used in this act, shall include a posthumous child, and a child legally adopted prior to the injury.

Payment of death benefits.

SEC. 1465–83. The benefits in case of death shall be paid to such one or more of the dependents of the decedent, for the benefit of all the dependents as may be determined by the board, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the board deems it proper, and shall operate to discharge all other claims therefor. The dependent or person to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the finding and direction of the board.

In all cases of death where the dependents are a widow and one or more minor children, it shall be sufficient for the widow

to make application to the board on behalf of herself and minor children; and in cases where all of the dependents are minors, the application shall be made by the guardian or next friend of such minor dependents.

Basis of computing benefits.

SEC. 1465-84. The average weekly wage of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits.

Young employees.

SEC. 1465-85. It [If] it is established that the injured employee was of such age and experience when injured as that under natural conditions his wages would be expected to increase, the fact may be considered in arriving at his average weekly wage.

Jurisdiction continuing.

SEC. 1465-86. The powers and jurisdiction of the board over each case shall be continuing, and it may from time to time make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion may be justified.

Lump sums.

SEC. 1465-87. The board, under special circumstances, and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

Payments exempt.

SEC. 1465-88. Compensation before payment shall be exempt from all claims or creditors and from any attachment or execution, and shall be paid only to such employees or their dependents.

Medical etc., expenses.

SEC. 1465-89. In addition to the compensation provided for herein, the board shall disburse and pay from the State insurance fund, such amounts for medical, nurse, and hospital services, and medicine as it may deem proper, not, however, in any instance, to exceed the sum of $200; and, in case death ensues from the injury, reasonable funeral expenses shall be disbursed and paid from the fund in an amount not to exceed the sum of $150, and the board shall have full power to adopt rules and regulations with respect to furnishing medical, nurse, and hospital services, and medicine to injured employees entitled thereto, and for the payment therefor.

Decisions final.

SEC. 1465-90. The board shall have full power and authority to hear and determine all questions within its jurisdiction, and its decision thereon shall be final: *Provided, however,* In case the final action of such board denies the right of the claimant to participate at all in such fund on the ground that the injury was self-inflicted or on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the claimant's right, then the claimant, within thirty (30) days after the notice of the final action of such board, may, by filing his appeal in the common pleas court of the county wherein the injury was inflicted, be entitled to a trial in the ordinary way, and be entitled to a jury if he demands it. In such a proceeding, the prosecuting attorney of the county, without additional compensation, shall represent the State liability board of awards, and he shall be notified by the clerk forthwith of the filing of such appeal.

Proviso.

Appeals.

Within 30 days after filing his appeal, the appellant shall file a petition in the ordinary form against such board as defendant, and further pleadings shall be had in said cause, according to the rules of civil procedure, and the court, or the jury, under the instructions of the court, if a jury is demanded, shall determine the right of the claimant; and if they determine the right in his favor, shall fix his compensation within the limits under the rules prescribed in this act; and any final judgment so obtained shall be paid by the State liability board of awards out of the State insurance fund in the same manner as such awards are paid by such board.

The cost of such proceeding, including a reasonable attorney's fee to the claimant's attorney to be fixed by the trial judge, shall be taxed against the unsuccessful party.

Either party shall have the right to prosecute error as in the ordinary civil cases.

Procedure.

SEC. 1465-91. Such board shall not be bound by the usual common law or statutory rules of evidence or by any technical or

formal rules of procedure, other than as herein provided; but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act.

Fixing damages.

SEC. 1465-92. No provision of this act relating to the amount of compensation shall be considered by or called to the attention of the jury on the trial of any action to recover damages as herein provided.

Minors.

SEC. 1465-93. A minor working at an age legally permitted under the laws of this State, shall be deemed sui juris for the purposes of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman, but in the event of the award of a lump sum of compensation to such minor employee, such sum shall be paid only to the legally appointed guardian of such minor.

Waivers.

SEC. 1465-94. No agreement by an employee to waive his rights to compensation under this act shall be valid. No agreement by an employee to pay any portion of the premium paid by his employer into the State insurance fund shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employee entitled to the benefits of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100 for each such offense.

Employees paying premiums.

Medical examinations.

SEC. 1465-95. Any employee claiming the right to receive compensation under this act may be required by the board or its chief medical examiner, to submit himself for medical examination at any time and from time to time at a place reasonably convenient for such employee, and as may be provided by the rules of the board. If such employee refuses to submit to any such examination or obstructs the same, his right to have his claim for compensation considered, if his claim be pending before the board, or to receive any payments for compensation theretofore granted shall be suspended during the period of such refusal or obstruction.

Employers' pay rolls, etc.

SEC. 1465-96. All books, records, and pay rolls of the employers of the State, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the board or any of its traveling auditors, inspectors, or assistants, for the purpose of ascertaining the correctness of the wage expenditure, the number of men employed, and such other information as may be necessary for the uses and purposes of the board in its administration of the law. Refusal on the part of any employer to submit his books, records, and pay rolls for the inspection of any member of the board or traveling auditor, inspector, or assistant presenting written authority from the board, shall subject such employer to a penalty of one hundred dollars ($100) for each such offense, to be collected by civil action in the name of the State, and paid into the State insurance fund to become a part thereof.

Misrepresentations.

SEC. 1465-97. Any employer who misrepresents to the board the amount of pay roll upon which the premium under this act is based, shall be liable to the State in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability to the State under this section shall be enforced in a civil action in the name of the State, and all sums collected under this section shall be paid into the State insurance fund.

Railway, etc., employees.

SEC. 1465-98. The provisions of this act shall apply to employers and their employees engaged in intrastate and also in interstate and foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, and then only when such employer and any of his workmen working only in this State, with the approval of the State liability

board of awards, and so far as not forbidden by any act of Congress, voluntarily accept the provisions of this act by filing written acceptances, which when filed with and approved by the board, shall subject the acceptors irrevocably to the provisions of this act to all intents and purposes as if they had been originally included in its terms, during the period or periods for which the premiums herein provided have been paid. Payments of premium shall be on the basis of the pay roll of the workmen who accept as aforesaid.

Accidents to be reported.

SEC. 1465-99. Every employer of the State shall keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within a week after the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing to the State liability board of awards upon blanks to be procured from the board for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address, and occupation of the injured employee, and shall state the time, the nature and cause of injury and such other information as may be required by the board. Any employer who refuses or neglects to make any report required by this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars ($500) for such offense.

Enforcement.

SEC. 1465-100. Upon the request of the board, the attorney general, or under his direction, the prosecuting attorney of any county shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this act, or for the recovery of any money due the State insurance fund, or any penalty herein provided for, arising within the county in which he was elected, and shall defend in like manner all suits, actions, or proceedings brought against the board or the members thereof in their official capacity.

Agreements void.

SEC. 1465-101. All contracts or agreements entered into by any employer, the purpose of which is to indemnify him from loss or damage on account of the injury of such employee by accidental means or on account of the negligence of such employer or such employer's officer, agent, or servant, shall be absolutely void, unless such contract or agreement shall specifically provide for the payment to such injured employee of such amounts for medical, nurse, and hospital services and medicines, and such compensation as is provided by this act for injured employees; and in the event of death shall pay such amounts as are herein provided for funeral expenses and for compensation to the dependents of those partially dependent upon such employee; and no such contract shall agree, or be construed to agree, to indemnify such employer, other than hereinbefore designated, for any civil liability for which he may be liable on account of the injury to his employee by the willful act of such employer, or any of such employer's officers or agents, or the failure of such employer, his officers, or agents to observe any lawful requirements for the safety of employees.

Expenditures by board.

SEC. 1465-102. The board may make necessary expenditures to obtain statistical and other information to establish the classes provided for in section six hereof. The salaries and compensation of the members of the board, of the secretary, and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants, and all other expenses of the board herein authorized, including the premium to be paid by the State treasurer for the bond to be furnished by him, shall be paid out of the State treasury upon vouchers signed by two of the members of such board and presented to the auditor of State, who shall issue his warrant therefor as in other cases.

Reports of accidents.

SEC. 1465-103 (as amended by acts of 1915, p. 508). As a part of its annual report, such board, under oaths of at least two of its members, shall make a report for the preceding fiscal year,

of the number of awards made by it, a general statement of the causes of accidents leading to the injuries for which awards were made and a detailed statement of the condition of its respective funds. From time to time the board shall collate such general information as to the business transacted by the department as in its judgment may be for distribution to employers and employees.

General information.

Rules, rates, etc., to be printed.

SEC. 1465–104. The board shall cause to be printed in proper form for distribution to the public its classifications, rates, rules, regulations and rules of procedure, and shall furnish the same to any person upon application therefor, and the fact that such classifications, rates, rules, regulations and rules of procedure are printed ready for distribution to all who apply for the same, shall be a sufficient publication of the same as required by this act.

Injunctions.

SEC. 1465–105. No injunction shall issue suspending or restraining any order, classification or rate adopted by the board, or any action of the auditor of State, treasurer of State, attorney general, or the auditor or treasurer of any county, required to be taken by them or any of them by any of the provisions of this act; but nothing herein shall effect any right or defense in any action brought by the board or the State in pursuance of authority contained in this act.

Questions of constitutionality.

SEC. 1465–106. Should any section or provision of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole or any part thereof other than the part so decided to be unconstitutional.

Nonresident alien beneficiaries.

SEC. 1465–107. It shall be unlawful for the State liability board of awards, or any other body constituted by the statutes of the State of Ohio, or any court of said State, in awarding compensation to the dependents of employees, or others killed in Ohio, to make any discrimination against the widows, children, or other dependents, who shall reside in a foreign country; and it shall be the duty of the State liability board of awards, or any other board or court, in determining the amount of compensation to be paid to the dependents of killed employees, to pay to the alien dependents residing in foreign countries the same benefits as to those dependents residing in the State of Ohio.

Consular officers to act.

SEC. 1465–108. When the dependents of killed employees reside in a foreign country, the counsul general, consul, vice consul, or consular agent, duly accredited to the consular district within which such killed employee lived at the time of his decease by the country wherein such dependents of the killed employee reside, shall furnish the necessary information regarding such dependents of killed employees so that the State liability board of awards may transmit to such dependents the funds provided for in the compensation act of the State of Ohio, or any amendments thereto.

Approved June 15, 1911.

OKLAHOMA.

ACTS OF 1915.

CHAPTER 246.—*Compensation of workmen for injuries.*

ARTICLE 1.

SECTION 1. This act shall be known as the "Workman's compensation law." Title.

SEC. 2. Compensation provided for in this act shall be payable for injuries sustained by employees engaged in the following hazardous employments, to wit: Scope.

Factories, cotton gins, mills and workshops where machinery is used; printing, electrotyping, photograving, and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works, elevators, dredges, smelters, powder works; laundries operated by power; quarries; engineering works; logging, lumbering; street and interurban railroads not engaged in interstate commerce; buildings being constructed, repaired, or demolished, farm building and farm improvements excepted; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, and railroads not engaged in interstate commerce. If there be or arise any hazardous occupation or work other than those hereinabove enumerated, it shall come under this act.

SEC. 3. As used in this act: Definitions.

1. "Hazardous employment" shall mean manual or mechanical work or labor connected with or incident to one of the industries, plants, factories, lines, occupation, or trades mentioned in section 2 of this act, but shall not include anyone engaged in agricultural, horticultural, or retail mercantile pursuits or dairy or stock raising or in operating any steam railroad engaged in interstate commerce.

2. "Commission" means the State industrial commission, as constituted by this act.

3. "Employer," except when otherwise expressly stated, means a person, partnership, association, corporation, and the legal representatives of a deceased employer, or the receiver or trustee of a person, partnership, association, or corporation employing workmen in hazardous employments, and shall include the State, county, city, or any municipality when engaged in any hazardous work within the meaning of this act in which workmen are employed for wages: *Provided, however*, That so long as by State law, city charter, or municipal ordinance, provision equal to or better than that given under the terms of this act is made for such employees injured in the course of employment such employees shall not be entitled to the benefits of this act.

4. "Employee" means any person engaged in manual or mechanical work, in the employment of any person, firm, or corporation carrying on a business covered by the terms of this act.

5. "Employment" includes employment only in a trade, business, or occupation carried on by the employer for pecuniary gain.

6. "Compensation" means the money allowance payable to an employee as provided for in this act.

7. "Injury or personal injury" means only accidental injuries arising out of and in the course of employment and such disease or infection as may naturally and unavoidably result therefrom.

8. "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, including the reasonable value of board, rent, housing, lodging, or similar advantage received from the employer.

9. "Insurance carrier" shall include stock corporations, reciprocal, or interinsurance association[s], or mutual associations with

which employers have insured, and employers permitted to pay compensation directly under the provisions or subdivision (d) of section 1 of article 3 of this act.

10. "Factory" means any undertaking in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair, cleaning, or assorting, and shall include the premises, yard, and plant of the concern, but shall not include any such plants or machinery used on farms.

11. "Workshop" means any premises, yard, plant, room, or place wherein power-driven machinery is employed and manual or mechanical labor is exercised by way of trade for gain or otherwise or incidental to the process of making, altering, repairing, printing, or ornamenting, cleaning, finishing, or adapting for sale or otherwise any article or part of article, machine, or thing over which premises, room, or place the employer of the person working therein has the right of access or control.

12. "Mine" means any mine where coal, ore, mineral gypsum, or rock is dug or mined under the ground.

13. "Quarry" means an opening or cut from which coal is mined or clay, ore, mineral gypsum, gravel, sand, or rock is cut or taken for manufacturing, building, or construction purposes.

14. "Construction work" means improvements or alteration or repair of building, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, electric, steam, or water plants, telegraph and telephone plants and lines, electric lines or power lines, and includes any other work for the constructions, altering, or repairing for which machinery driven by mechanical power is used.

15. "Where several classes or kinds of work is performed the commission shall classify such employment, and the provisions of this act shall apply only to such employees as are engaged in manual or mechanical labor of a hazardous nature."

ARTICLE 2.

Compensation payable, when.

SECTION 1. Every employer subject to the provisions of this act shall pay or provide, as required by this act, compensation according to the schedules of this article for the disability of his employee resulting from an accidental personal injury sustained by the employee arising out of and in the course of his employment, without regard to fault as a cause of such injury, except where the injury is occasioned by the willful intention of the injured employee to bring about injury of himself or of another, or where the injury results directly from the willful failure of the injured employee to use a guard or protection against accident furnished for his use pursuant to any statute or by order of the State labor commissioner, or results directly from the intoxication of the injured employee while on duty: *Provided*, That the provisions of this act shall not apply to any employer unless he shall employ more than two workmen.

Remedy exclusive.

Exception.

SEC. 2. The liability prescribed in the last preceding section shall be exclusive, except that if an employer has failed to secure the payment of compensation for his injured employees, as provided in this act, then an action may be maintained in the courts for damages on account of such injury for the benefit of such injured employee, and in such an action the defendant may not plead or prove as defense that the injury was caused by the negligence of a fellow servant, or that the employee assumed the risk of his employment, or that the injury was due to the contributory negligence of the employee, and this claim shall be prosecuted for the injured employee by the commissioner without expense to such employee, and the amount recovered in such action shall be paid by the commission to such injured party: *Provided*, That this section shall not be construed to relieve the employer from any other penalty provided for in this act for failure to secure the payment of compensation provided for in this act.

Defenses abrogated.

SEC. 3. No compensation shall be allowed for the first fourteen days of disability, except the benefits provided for in section four of this article. Waiting time.

SEC. 4. The employer shall promptly provide for an injured employee such medical, surgical, or other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus as may be necessary during fifteen days after the injury. If the employer fails to provide the same, the injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so. All fees and other charges for such treatment and services shall be subject to regulation by the commission as provided in section 14 of this article, and shall be limited to such charges as prevail in the same community for similar treatment of injured person of a like standard of living: *Provided*, The employer shall not be liable to make any of the payments provided for in this section, in case of a contest of liability where the commission shall decide that the injury does not come within the terms of this act. Medical and surgical aid.

SEC. 5. Except as otherwise provided in this act, the average weekly wages of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation and shall be determined as follows: Computation of wages.

1. If the injured employee shall have worked in the employment in which he was working at the time of the accident, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he shall have earned in such employment during the days when so employed.

2. If the injured employee shall not have worked in such employment during substantially the whole of such year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or in a similar employment in the same or a neighboring place shall have earned in such employment during the days when so employed.

3. If either of the foregoing methods of arriving at the annual average earnings of an injured employee can not reasonably and fairly be applied, such annual earnings shall be such sum as, having regard to the previous earnings of the injured employee and of other employees of the same or most similar class, working in the same or most similar employment in the same or neighboring locality, shall reasonably represent the annual earning capacity of the injured employee in the employment in which he was working at the time of the accident.

4. The average weekly wages of an employee shall be one fifty-second part of his average annual earnings.

5. If it be established that the injured employee was a minor when injured, and that under normal conditions his wages would be expected to increase, the fact may be considered in arriving at his average weekly wages.

SEC. 6. The following schedule of compensation is hereby established:

1. In case of total disability adjudged to be permanent, fifty per centum of the average weekly wages shall be paid to the employees during the continuance of such total disability, not exceeding five hundred weeks. Loss of both hands, or both feet, or both legs, or both eyes, or any two thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts. Permanent total disability.

Temporary total disability.

2. In case of temporary total disability, fifty per centum of the average weekly wages shall be paid to the employee during the continuance thereof, but not in excess of three hundred weeks, except as otherwise provided in this act.

Permanent partial disability.

3. In case of disability partial in character but permanent in quality the compensation shall be fifty per centum of the average weekly wages and shall be paid to the employee for the period named in the schedule as follows:

Thumb. For the loss of a thumb, sixty weeks.

First finger. For the loss of a first finger, commonly called index finger, thirty-five weeks.

Second finger. For the loss of a second finger, thirty weeks.

Third finger. For the loss of a third finger, twenty weeks.

Fourth finger. For the loss of a fourth finger, commonly called the little finger, fifteen weeks.

Phalange of thumb or finger. The loss of the first phalange of the thumb or finger shall be considered to be equal to the loss of one-half of such thumb or finger, and compensation shall be [of] one-half of the amount above specified. The loss of more than one phalange shall be considered as the loss of the entire thumb or finger: *Provided, however,* That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

Great toe. For the loss of a great toe, thirty weeks.

Other toes. For the loss of one of the toes other than the great toe, ten weeks.

Phalange of toe. The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of [said toe, and the compensation shall be one-half of] the amount specified. The loss of more than one phalange shall be considered as the loss of the entire toe.

Hand. The loss of a hand, two hundred weeks.

Arm. For the loss of an arm, two hundred fifty weeks.

Foot. For the loss of a foot, one hundred fifty weeks.

Eye. For the loss of an eye, one hundred weeks.

Leg. For the loss of a leg, one hundred seventy-five weeks.

Loss of use. Permanent loss of the use of a hand, arm, foot, leg, or eye, shall be considered as the equivalent of the loss of such hand, arm, foot, leg, or eye.

Amputations. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand. Amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation at or above the knee shall be considered as the loss of a leg.

The compensation for the foregoing specific injuries shall be in lieu of all other compensation, except the benefits provided in section 4 of article 2 of this act.

Other cases. In all other cases in this class of disability, the compensation shall be fifty per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, payable during the continuance of such partial disability; not to exceed three hundred weeks, but subject to reconsideration of the degree of such impairment by the commission on its own motion or upon the application of any party in interest.

Temporary partial disability.

4. In case of temporary partial disability, except the particular cases mentioned in subdivision three of this section, an injured employee shall receive fifty per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, if less than before the injury during the continuance of such partial disability, but not in excess of three hundred weeks, except as otherwise provided in this act.

Limit on payments.

5. The compensation payments under the provisions of this act shall not exceed the sum of ten ($10) dollars per week or be less than $6 per week: *Provided, however,* That if the employee's

wages at the time of the injury are less than six ($6) dollars per week he shall receive his full weekly wages: *Provided further*, That the compensation received as provided under subdivision 4 of this section shall not, when added to the wages received by such employee after such injury, amount to a greater sum than his average weekly wages received prior to said injury.

6. The fact that an employee has suffered previous disability or received compensation therefor shall not preclude him from the compensation for a later injury, but in determining compensation for the later injury his average weekly wages shall be such sum as will reasonably represent his earning capacity at the time of the later injury. Previous disability.

SEC. 7. Compensation under this act to aliens not residents (or about to become nonresidents) of the United States shall be the same in amount as provided for residents, except that the commission may, at its option, or, upon the application of the insurance carrier, shall commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the computed amount of such future installments of compensation as determined by the commission. Nonresident aliens.

SEC. 8. Notice of an injury for which compensation is payable under this act shall be given to the commission and to the employer within thirty days after injury. Such notice may be given by any person claiming to be entitled to compensation or by some one in his behalf. The notice shall be in writing and contain the name and address of the employee and state in ordinary language the time, place, nature, and cause of the injury and be signed by him or by a person in his behalf. It shall be given to the commission by sending it by mail, by registered letter, addressed to the commission at its office. It shall be given to the employer by delivering it to him or sending it by mail, by registered letter addressed to the employer at his or its last-known place of residence: *Provided*, That if the employer be a partnership, then such notice may be given to any one of the partners, and if the employer be a corporation, then such notice may be given to any agent or officer thereof upon whom legal process may be served or any agent in charge of the business in the place where the injury occurred. The failure to give such notice, unless excused by the commission either on the ground that notice for some sufficient reason could not have been given or on the ground that the insurance carrier or employer, as the case may be, has not been prejudiced thereby, shall be a bar to any claim under this act. Notice.

SEC. 9. An employee injured claiming or entitled to compensation under this act shall, if requested by the commission, submit himself for medical examination at a time and from time to time, at [a] place reasonably convenient for the employee and as may be provided by the rules of the commission. If the employee or the insurance carrier request, he shall be entitled to have a physician or physicians of his own selection to be paid by him present to participate in such examination. If an employee refuses to submit himself to examination, his right to prosecute any proceeding under this act shall be suspended, and no compensation shall be payable for the period of such refusal. Medical examination.

SEC. 10. At any time after the expiration of the first fourteen days of disability on the part of the injured employee a claim for compensation may be presented to the commission. If the employer and the injured employee shall reach an agreement as to the facts with relation to an injury for which compensation is claimed under this act, a memorandum of such agreement, in form as prescribed by the commission and signed by both employer and the employee, may be immediately filed by the employer with the commission, and, if approved by the commission, shall, in the absence of fraud, be deemed binding upon the parties thereto. Such agreement shall be approved by said commission only when the terms conform to the provisions of this act. The commission shall have full power and authority to determine all questions in Claim. Agreement.

relation to the payment of claims for compensation under the provisions of this act. The commission shall make or cause to be made such investigation as it deems necessary, and upon application of either party shall order a hearing, and within thirty days after a claim for compensation is submitted under this section, or such hearing closed, shall make or deny an award determining such claim for compensation, and file the same in the office of the commission, together with a statement of its conclusions of fact and rulings of law. The commission may, before making an award, require the claimant to appear before an arbitration committee, appointed by it and consisting of one representative of employees, one representative of employers, and either a member of the commission or a person specially deputized by the commission to act as chairman, before which the evidence in regard to the claim shall be adduced and by which it shall be considered and reported upon. Immediately after such filing the commission shall send to the parties a copy of the decision. Upon a hearing pursuant to this section either party may present evidence and be represented by counsel. The decision of the commission shall be final as to all questions of fact and, except as provided in section 13 of this article, as to all questions of law.

Investigation.

Presumptions.

SEC. 11. In any proceedings for the enforcement of a claim for compensation under this act it shall be presumed, in the absence of substantial evidence to the contrary:

1. That the claim comes within the provisions of this act.
2. That sufficient notice thereof was given.
3. That the injury was not occasioned by the willful intention of the injured employee to bring about the injury of himself or of another.
4. That the injury did not result solely from the intoxication of the injured employee while on duty.
5. That the injury did not result directly from the willful failure of the injured employee to use a guard or protection against accident furnished for his use pursuant to any statute or by order of the labor commissioner [commission].

Review.

SEC. 12. Upon its own motion or upon the application of any party in interest, on the ground of a change in conditions, the commission may at any time review any award, and on such review may make an award ending, diminishing, or increasing the compensation previously awarded, subject to the maximum or minimum provided in this act, and shall state its conclusions of fact and rulings of law, and shall immediately send to the parties a copy of the award. No such review shall effect [affect] such award as regards any money already paid.

Review by court.

SEC. 13. The award or decision of the commission shall be final and conclusive upon all questions within its jurisdiction between the parties, unless within thirty days after a copy of such award or decision has been sent by said commission to the parties affected, and action is commenced in the supreme court of the State to review such award or decision. Said supreme court shall have original jurisdiction of such action, and is authorized to prescribe rules for the commencement and trial of the same. Such action shall be commenced by filing with the clerk of the supreme court a certified copy of the award or decision of the commission attached to the petition by the complainant, wherein the complainant or petitioner shall make his assignments or specifications as to wherein said award or decision is erroneous and illegal. Said proceedings shall be heard in a summary manner and have precedence over all other civil cases in such court, except preferred corporation commission appeals. The commission shall be deemed a party to such proceeding, and the attorney general, without extra compensation, shall represent the commission therein. Such action shall be subject to the law and practice applicable to other civil actions cognizable in said court. Upon the final determination of said action in which the award or decision of the commission is sought to be reviewed, the commission shall make an order or decision in accordance with the judgment of said court.

The commission shall not be liable for any costs apart from said proceeding, but otherwise the costs shall be taxed as in other cases.

Costs.

SEC. 14. If the commission or the court before which any proceedings for compensation or concerning an award of compensation have been brought under this act, determine that such proceedings have not been so brought on reasonable ground, it shall assess the whole cost of the proceedings on the party who has so brought them. Claims for legal services in connection with any claim arising under this act, and claims for services or treatment rendered or supplies furnished pursuant to section 4 of article 2 of this act shall not be enforceable unless approved by the commission. If so approved such claim or claims shall become a lien upon the compensation awarded, but shall be paid therefrom only in the manner fixed by the commission.

Payments.

SEC. 15. Compensation under the provisions of this act shall be payable periodically, in accordance with the method of payment of the wages of the employee at the time of his injury, and shall be so provided for in any award; but the commission may determine that all payment or payments may be made monthly or at any other period, as it may deem advisable. The commission, whenever it shall so deem advisable, may commute such periodical payments to one or more lump-sum payments, provided the same shall be in the interest of justice. All payments as required by the award shall be made to the injured employee in the manner and form prescribed by the commission. And employers and insurance companies shall for such purposes be permitted, or when necessary to protect the interests of the beneficiary may be required, to make deposits with the commission to secure the prompt and convenient payment of such compensation.

Lump sums.

Default of payments.

SEC. 16. If payment of compensation, or an installment thereof, due under the terms of an award, except in case of appeal from an award be not made within ten days after the same is due, by the employer or insurance corporation liable therefor, the amount of such payment shall constitute a liquidated claim for damages against such employer or insurance corporation, which, with an added penalty of fifty per centum may be recovered in an action to be instituted by the commission in the name of the people of the State. If such default be made in payment of an installment of compensation and the whole amount of such compensation be not due, the commission may, if the present value of such compensation be computable, declare the whole amount thereof due, and recover the amount thereof with the added penalty of fifty per centum, as provided in this section. Any such action may be compromised by the commission or may be prosecuted to final judgments, as in the discretion of the commission may best serve the interests of the persons entitled to receive the compensation for the benefits. Compensation recovered under this section shall be disbursed by the commission to the persons entitled thereto in accordance with the award. A penalty recovered pursuant to this section shall be paid into the State treasury and be applicable to the expenses of the commission.

Claim in one year.

SEC. 17. The right to claim compensation under this act shall be forever barred unless within one year after the injury a claim for compensation thereunder shall be filed with the commission.

Liability of third persons.

SEC. 18. If a workman entitled to compensation under this act be injured by the negligence or wrong of another not in the same employ, such injured workman shall, before any suit or claim under this act, elect whether to take compensation under this act or to pursue his remedy against such other. Such election shall be evidenced in such manner as the commission may by rule or regulation prescribe. If he elects to take compensation under this act, the cause of action against such other shall be assigned to the insurance carrier liable for the payment of such compensation, and if he elects to proceed against such other person or insurance carrier, as the case may be, shall contribute only the de-

ficiency, if any, between the amount of the recovery against such other person actually collected, and the compensation provided or estimated by this act for such case. The compromise of any such cause of action by the workman at any amount less than the compensation provided for by this act shall be made only with the written approval of the commission, and otherwise with the written approval of the person or insurance carrier liable to pay the same.

What not considered.

SEC. 19. No benefits, savings, or insurance of the injured employee independent of the provisions of this act shall be considered in determining the compensation or benefits to be paid under this act.

Burden on employer.

SEC. 20. No agreement by any employee to pay any portion of the premiums paid by his employer to the cost of mutual insurance or other insurance, maintained for or carried for the purpose of providing compensation as herein required, shall be valid, and any employer who makes a deduction for such purpose from the wages or salary of any employee entitled to the benefits of this act shall be guilty of a misdemeanor.

Waivers.

SEC. 21. No agreement by an employee to waive his right to compensation under this act shall be valid.

Assignments, etc.

SEC. 22. Claims for compensation or benefits due under this act shall not be assigned, released, or commuted except as provided by this act, and shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived. Compensation and benefits shall be paid only to employees.

Preferences.

SEC. 23. The right of compensation granted by this act shall have the same preference or lien without limit of amount against the assets of the employer as is now or hereafter may be allowed by law for a claim for unpaid wages for labor.

ARTICLE 3.

Security of payments; Insurance;

SECTION 1. An employer shall secure compensation to his employees in one of the following ways:

(a) By insuring and keeping insured the payment of such compensation with any stock corporation or mutual association or by exchanging contracts of indemnity or interinsurance, under reasonable regulations prescribed by the commission providing for and securing the payment of the compensation provided in this act, or other concerns authorized to transact the business of workman's compensation insurance in this State. If insurance be so effected in such a corporation or mutual association or reciprocal or interinsurance association, the employer shall forthwith file with the commission, in form prescribed by it, a notice specifying the name of such insurance corporation or mutual association or reciprocal or interinsurance association, together with a copy of the contract or policy of insurance.

Guaranty insurance;

(b) By obtaining and keeping in force guaranty insurance with any company authorized to do such guaranty business in the State; or,

Approved benefit schemes;

(c) Subject to the approval of the commission, any employers may enter into or continue an agreement with his or their workman to provide a scheme of compensation, benefit, or insurance in lieu of the compensation and insurance provided by this act; but such scheme shall in no instance provide less than the benefits here secured nor vary the period of compensation provided for disability or the provisions of this act with respect to periodic payments or the percentage that such payments shall bear to weekly wages, except that the sums required may be increased: *Provided further*, That the approval of the State industrial commission shall be granted, if the scheme provides for contributions by workmen, only when it confers benefits in addition to those required by this act commensurate with such contributions.

(d) By furnishing satisfactory proof to the commission of his financial ability to pay such compensation for himself, in which case the commission may, in its discretion, require the deposit with the commission of securities or indemnity bond in an amount and of a kind to be determined by the commission to secure his liability to pay the compensation provided in this act. Financial ability.

If an employer fail to comply with this section, he shall be liable to a penalty for every day during which such failure continues of one dollar for every employee, to be recovered in an action brought by the commission.

The commission may, in its discretion, for good cause shown remit any such penalty: *Provided*, The employer in default secure compensation as provided in this section.

SEC. 2. Every employer who has complied with section 1 of article 3 of this act shall post and maintain in a conspicuous place or places in and about his place or places of business typewritten or printed notices in form prescribed by the commission, stating the fact that he has complied with all the rules and regulations of the commission and that he has secured the payment of compensation to his employees [and their dependents] in accordance with the provisions of this act. Notice to be posted.

SEC. 3. Failure on the part of any employer to secure the payment of compensation provided in this act shall have the effect of enabling the commission to proceed on behalf of an injured employee of such employer against the employer as provided in section 2 of article 2 of this act and as provided in section 1 of article 3 of this act. Failure to give security.

SEC. 4. (a) Every policy of insurance covering the liability of the employer for compensation issued by a stock company or by mutual association or other concern authorized to transact workman's compensation insurance in this State shall contain a provision setting forth the right of the commission to enforce in the name of the people of the State of Oklahoma for the benefit of the person entitled to the compensation insured by the policy either by filing a separate application or by making the insurance carrier a party to the original application the liability of the insurance carrier in whole or in part for the payment of such compensation; *Provided, however*, That payment in whole or in part of said compensation by either the employer or the insurance carrier shall, to the extent thereof, be a bar to the recovery against the other of the amount so paid. Provisions of policies.

(b) Every such policy shall contain a provision that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier, and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer for the payment of compensation under the provision of this act.

(c) Every such policy shall contain a provision to the effect that the insolvency or bankruptcy of the employer shall not relieve the insurance carrier from the payment of compensation for injuries sustained by an employee during the life of such policy.

(d) Every such policy shall contain a provision that as the purpose of which is to indemnify him from loss or damage on account of the injury of an employee by accidental means, or on account of the negligence of such employer or his officer, agent, or servant, shall be absolutely void unless it shall also cover liability for the payment of the compensation provided for by this act.

(e) No contract of insurance issued by a stock company, mutual association, or other concern against the liability arising under this act shall be canceled within the time limited in such contract for its expiration until at least ten days after notice of intention to cancel such contract, on a date specified in such notice, shall

be filed in the office of the commission and also served on the employer. Such notice shall be served on the employer by delivering it to him or by sending it by mail, by registered letter addressed to the employer at his or its last-known place of residence: *Provided*, That if the employer be a partnership, then such notice may be so given to any one of the partners, and if the employer be a corporation, then the notice may be given to any agent or officer of the corporation upon whom legal process may be served.

ARTICLE 4.

Industrial commission.

SECTION 1. A State industrial commission is hereby created, consisting of three commissioners, to be appointed by the governor, by and with the consent of the senate, one of whom shall be designated by the governor as chairman. The term of office of the members of the commission shall be six years, except that the first members thereof shall be appointed for such terms that the term of one member shall expire on January first, nineteen hundred [and] seventeen, and one on January first, nineteen hundred and nineteen, and one on January first, nineteen hundred and twenty-one. Successors shall be appointed in like manner for a full term of six years. Vacancies shall be filled in like manner by appointment for the unexpired term. Each member of the commission shall, before entering upon the duties of his office, execute an official undertaking in the sum of ten thousand dollars, to be approved by the governor and filed in the office of the secretary of state. The governor may remove any commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges and an opportunity of being publicly heard in person or by counsel, upon not less than ten days' notice. If such a commissioner be removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against him and a complete record of his proceedings and his findings thereon. Each commissioner shall devote his entire time to the duties of his office, and shall not hold any position of trust or profit, or engage in any occupation or business interfering or inconsistent with his duties as such commissioner, or serve on or under any committee of a political party. The commission shall have an official seal, which shall be judicially noticed. The salary of each of the commissioners shall be twenty-five hundred dollars ($2,500) per annum, except the salary of the chairman of said commission, which shall be three thousand dollars ($3,000) per annum, and shall be paid out of the State treasury, and in addition to the said sum of twenty-five hundred dollars ($2,500) per annum and three thousand dollars ($3,000) per annum each commissioner shall be allowed all traveling and necessary expenses incurred by him when away from the seat of government in the discharge of his official duty.

Employees.

SEC. 2. The commission may employ a secretary, an actuary, and such inspectors and other assistants as it may deem necessary and fix their compensation, both the number and compensation of such employees to be subject to the written approval of the governor; such compensation shall be paid on vouchers signed by at least two of the commissioners and paid out of the appropriation provided therefor. The members of the commission and all assistants shall be entitled to receive their actual necessary expenses while traveling on the business of the commission. Such expenses shall be itemized and sworn to by the person who incurred the expenses and allowed by the commission.

Expenses.

Office.

SEC. 3. The commission shall keep and maintain its principal office in the city of Oklahoma City, in rooms in the capitol assigned by the board of affairs. The office shall be supplied with the necessary office furniture, supplies, books, maps, stationery, telephone connections and other necessary appliances at the expense of the State, payable in the same manner as other expenses of the commission.

SEC. 4. The commission shall be in continuous session and open for transaction of business during all business hours of every day excepting Sunday and legal holidays. All sessions shall be open to the public, and may be adjourned upon entry thereof in its records, without further notice. Whenever convenience of parties will be promoted or delay and expense prevented the commission may hold session anywhere in the State. Every vote and official act of the commission shall be entered on record, and the record shall contain a record of each case considered and the award, decision, or order made with respect thereto, and all voting shall be by the calling of each commissioner's name by the secretary, and each vote shall be recorded as cast. A majority of the commission shall constitute a quorum. A vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the full commission so long as the majority remains. Sessions.

SEC. 5. Any investigation, inquiry or hearing with [which] the commission is authorized to hold or undertake, may be held or taken at any place in the State by or before any commissioner and the award, decision, or order of a commissioner, when approved and confirmed by the commission, and ordered filed in its office shall be deemed to be the award, decision, or order of the commission. Each commissioner shall, for the purpose of this act, have power to administer oaths, certify to official acts, take depositions, issue subpœnas, compel the attendance of witnesses, and the production of books, accounts, papers, records, documents, and testimony. The commission may authorize any inspector to conduct any such investigation, inquiry, or hearing, in which case he shall have the power of a commissioner in respect thereof. Acts official. Powers.

SEC. 6. The secretary of the commission shall: Secretary.

1. Maintain a full and true record of all proceedings of the commission, of all documents or papers ordered filed by the commission, of decisions or orders made by a commissioner, and of all decisions or orders made by the commission or approved and confirmed by it, and ordered filed, and he shall be responsible to the commission for the safe custody and preservation of all such documents at its office.

2. Have power to administer oaths in all parts of the State, so far as the exercise of such power is properly incident to the performance of his duty or that of the commission.

3. Designate from time to time, with the approval of the commission, one of the clerks appointed by the commission to exercise the powers and duties of the secretary during his absence.

4. Under the direction of the commission have general charge of its office, superintend its clerical business, and perform such other duties as the commission may prescribe.

SEC. 7. The commission shall adopt reasonable rules, not inconsistent with this act, regulating and providing for: Rules.

1. The kind and character of notices and the service thereof in case of accident and injury to employees.

2. The nature and extent of the proofs and evidence and the method of taking and furnishing the same to establish the right to compensation.

3. The forms of application of those claiming to be entitled to compensation.

4. The method of making investigations, physical examinations, and inspections.

5. The time within which adjudications and awards shall be made.

6. The conduct of hearing investigations and inquiries.

7. The giving of undertakings by all subordinates who are empowered to receive and disburse moneys, to be approved by the attorney general as to forms and by the governor as to sufficiency.

8. Carrying into effect the provisions of this act.

SEC. 8. The commission or [a] commissioner or inspector in making an investigation of [or] inquiry or conducting a hearing shall be required to preserve a complete record of all oral or document- Records.

ary evidence considered; to any part of such evidence any party affected thereby may object, which objection shall be considered and passed on by the commission and preserved in the record.

Subpœnas.

SEC. 9. A subpœna shall be signed and issued by a commissioner, an inspector, or by the secretary of the commission, and may be served by any person of full age and in the same manner as a subpœna issued out of a court of record. If a person fail, without reasonable cause, to attend in obedience to a subpœna, or to be sworn or examined or answer a question, or produce a book or paper, or to subscribe and swear to his deposition after it has been correctly reduced to writing, he shall be guilty of a misdemeanor.

Refusal to testify, etc.

SEC. 10. In case of disobedience of any person to comply with the order of the commission, or subpœna issued by it, or one of its members, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection as aforesaid, the county judge of the county in which the person resides, or of the county in which such hearing is being conducted, on application of any member of the board, or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of requirements of subpœna issued from such court on a refusal to testify therein.

Fees.

SEC. 11. Each witness who appears in obedience to a subpœna before the commission, or a commissioner, inspector, or a person employed by the commission to obtain the required information, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid out of funds appropriated therefor in the same manner as other expenses of the commission. A witness subpœnaed at the instance of a party other than the commission, a commissioner, inspector, or person acting under the authority of the commission, shall be entitled to fees for compensation from the funds appropriated therefor if the commission certify that his testimony was material to the matter investigated, but not otherwise.

Depositions.

SEC. 12. The commission may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for depositions in civil actions in courts of record.

Transcripts.

SEC. 13. A transcribed copy of the testimony, evidence, and procedure or of a specific part thereof, or of the testimony of a particular witness or of a specific part thereof on any investigation, by a stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript thereof and to have been carefully compared by him as [with] the original notes, may be received in evidence by the commission with the same effect as if said stenographer were present and testified to the facts so certified, and a copy of such transcript shall be furnished on demand to any party upon payment of the fee provided for a transcript of similar minutes in courts of record.

Reviews.

SEC. 14. The power and jurisdiction of the commission over each case shall be continuing, and it may, from time to time, make such modification or change with respect to former findings or orders relating thereto as in its opinion may be just, including the right to require physical examination as provided for in section 9 of article 2 of this act and subject to the same penalties for refusal.

Annual reports.

SEC. 15. Annually on or before the first day of January the commission shall make a report to the governor, to be by him transmitted to the legislature, which shall include a statement of the number of awards made by it and the causes of the accidents leading to the injuries for which the awards were made, a detailed statement of the expenses of the commission, together with any other matter which the commission deems proper to report to the governor, including any recommendations it may desire to make.

Blanks.

SEC. 16. The commission shall prepare and cause to be distributed so that the same may be readily available blank forms of

application for compensation, notice to employees, proofs of injury, of medical or other attendance or treatment, of employment and wage earnings, and for such other purposes as may be required. Insured employers shall constantly keep on hand a sufficient supply of such blanks.

ARTICLE 5.

Use of penalties.

SECTION 1. All penalties imposed by this act shall be applicable to the expenses of the commission. When collected by the commission such penalties shall be paid into the State treasury and be thereafter appropriated by the legislature for the purpose prescribed by this section.

Reports of accidents.

SEC. 2. Every employer shall keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within ten days or a reasonable time thereafter, after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing by the employer to the commission upon blanks to be procured from the commission for that purpose. Such reports shall state the name and nature of the business of the employer, the location of his establishment or place of work, the name, address, and occupation of the injured employee, the time, nature, and cause of the injury, and such other information as may be required by the commission. Any employer who refuses or neglects to make a report as required by this section shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500).

Information to be furnished.

SEC. 3. Every employer shall furnish the commission upon request any information required by it to carry out the provisions of this act. The commission, a commissioner, or any inspector, may examine under oath any employer, officer, agent, or employee. An employer or employee receiving from the commission a blank with directions to file the same shall cause the same to be properly filled out so as to answer fully and correctly all questions therein, or if unable to do so, shall give a good and sufficient reason for such failure. Answers to such questions shall be certified under oath and returned to the commission within the period fixed by the commission therefor.

Books, etc., to be open.

SEC. 4. All books, records and pay rolls of the employers showing or reflecting in any way upon the amount of wage expenditures of such employers shall always be open for inspection by the commission or any other authorized auditors, accountants, or inspectors for the purpose of ascertaining the correctness of the wage expenditure and number of men employed and such other information as may be necessary for the purposes and uses of the commission in the administration of this act. No person shall be excused from testifying or from producing any books or papers or documents in any investigation or inquiry, by or upon any hearing before the commission or any commissioner, when ordered to do so by the commission or its secretary, upon the ground that the testimony or pay roll or other competent evidence required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall under oath, have, by order of the commission or a commissioner or its inspector or examiner, testified to or produced documentary evidence of: *Provided, however*, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Interstate commerce.

SEC. 5. The provisions of this act shall apply to employers and employees engaged in intrastate commerce and also to those engaged in interstate or foreign commerce for whom no rule of liability has been established by the Congress of the United States.

False statements.

SEC. 6. If for the purpose of obtaining any benefit or payment under the provisions of this act, either for himself or any other person, any person willfully makes a false statement or representation, he shall be guilty of a misdemeanor.

Incompetents.

SEC. 7. No limitation of time provided in this act shall run as against any person who is mentally incompetent or a minor dependent so long as he has no committee, guardian or next friend.

Duty of commissioner of labor.

SEC. 8. The commissioner of labor shall render to the commission any proper aid and assistance by the department of labor as in his judgment does not interfere with the proper conduct of such department.

Provisions severable.

SEC. 9. If any section or provision of this act be decided by the courts to be unconstitutional or invalid, the same shall not effect the validity of this act as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Pending causes.

SEC. 10. This act shall not effect any action pending or cause of action existing or which accrued prior to September 1, 1915.

ARTICLE 6.

Injuries causing death.

SECTION 1. It is not intended that any of the provisions of this act shall apply in cases of accidents resulting in death and no right of action for recovery of damages for injuries resulting in death is intended to be denied or affected.

Remedy exclusive.

SEC. 2. The right of action to recover damages for personal injuries not resulting in death arising and occurring in hazardous employments as herein defined, except the right of action reserved to the State industrial commission for the benefit of an injured employee in section two of article two of this act, is hereby abrogated, and all jurisdiction of the courts of this State over such causes, except as to the cause reserved to the State industrial commission for the benefit of injured employees in section two of article two of this act, is hereby abolished.

Act in effect.

SEC. 3. This act shall take effect July 1, 1915: *Provided*, That the application of this act as between employers and employees and the payment of compensation for injuries to employees shall take effect September 1, 1915.

Approved March 22, 1915.

OREGON.

ACTS OF 1913.

CHAPTER 112.—*Compensation of workmen for injuries—State insurance fund.*[1]

SECTION 1. The State of Oregon recognizes that the prosecution of the various industrial enterprises which must be relied upon to create and preserve the wealth and prosperity of the State involves the injury of large numbers of workmen, resulting in their partial or total incapacity or death, and that under the rules of the common law and the provisions of the statutes now in force an unequal burden is cast upon its citizens, and that in determining the responsibility of the employer on account of injuries sustained by his workmen, a great and unnecessary cost is now incurred in litigation, which cost is divided between the workmen, the employers, and the taxpayers, who provide the public funds, without any corresponding benefit, to maintain courts and juries to determine the question of responsibility under the law as it now exists, and that the State and its taxpayers are subjected to a heavy burden in providing care and support for such injured workmen and their dependents, and that this burden should, in so far as may be consistent with the rights and obligations of the people of the State, be more fairly distributed as in this act provided.

Grounds for law.

SEC. 2 (as amended by chapter 334, Acts of 1915). A commission is hereby created which shall be known as the "State Industrial Accident Commission," to be composed of three commissioners. Immediately upon the taking effect of this act the governor shall appoint such commissioners, not more than two of whom shall belong to one political party. Each commissioner appointed hereunder shall hold office until his successor is appointed and qualified. Any vacancy shall be filled by appointment by the governor. Inasmuch as the duties to be performed by such commissioners vitally concern the employers, the employees, as well as the whole people of the State, it is hereby declared to be the purpose of this act that persons be appointed as commissioners who shall fairly represent the interests of all concerned in its administration.

Commission created.

SEC. 3. The governor may at any time remove any commissioner appointed by him for inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and shall fix the time when he can be heard in his own defense, which shall not be less than 10 days thereafter, and such hearing shall be open to the public. If such commissioner shall be removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner and his findings thereon, with a record of the proceedings. Such power of removal shall be absolute and there shall be no right of review in any court whatsoever.

Removal of commissioners.

No commissioner shall hold any other office or position of profit or pursue any other business or vocation or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office.

Duty of commissioners.

[1] This act was filed in the office of the secretary of state Feb. 25, 1913, to take effect 90 days after the adjournment of the session. Its operation was suspended by referendum, but it was adopted by such vote, Nov. 4, 1913, becoming effective June 30, 1914.

Oath. Before entering on the duties of his office each commissioner shall take and subscribe to an oath or affirmation that he will support the Constitution of the United States and of this State and faithfully and honestly discharge the duties of such office of commissioner; that he holds no other office or position of profit, and that he pursues and will pursue while such commissioner no other calling or vocation, and that he holds, and while such commissioner will hold, no position under any political party, which oath or affirmation shall be filed in the office of the secretary of state.

Bond. Each of the commissioners shall also, before entering upon the duties of his office, execute a bond payable to the State of Oregon, in the penal sum of $10,000, with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of his office, which bond when so executed and approved shall be filed in the office of the secretary of state.

Salary. Each of the commissioners shall receive an annual salary of thirty-six hundred dollars ($3,600), payable from the fund hereinafter provided.

Organization. SEC. 4. The commissioners so appointed under this act shall, within 20 days after their appointment, meet at the State capitol and organize by electing one of their number chairman, who shall serve until the commissioner to be appointed for the term commencing in January, 1915, shall have qualified and taken office. Immediately after the qualification of the commissioner for the term commencing in January, 1915, and biennially thereafter, the commissioners shall meet at the office of the commission, which shall be maintained at the State capitol, and shall elect a chairman, who shall serve for two years and until his successor is chosen.

Quorum. SEC. 5. A majority of the commissioners shall constitute a quorum to transact business, and the act or decision of any two of the commissioners shall be deemed the act or decision of the commission. No vacancy shall impair the right of the remaining commissioners to exercise all the powers of the commission.

Employees. SEC. 6. The commission may employ and terminate the employment of such assistants, experts, and clerks as may be required in the administration of this act at a total expense not exceeding twenty-five thousand dollars ($25,000) per annum.

Powers. SEC. 7. The commission, in its name, may sue and be sued, and the commission shall have a seal which shall bear the name of the commission. The commission is hereby charged with the administration of the provisions of this act, and to that end may hold sessions at any place within the State, and is hereby authorized to issue subpœnas requiring the attendance of witnesses and the production of documents, and obedience to such subpœnas may be compelled, on application of the commission, by the circuit court for the county where such subpœnas shall be returnable.

Rules, etc. SEC. 8. The commission is hereby authorized to make and declare all rules and regulations which shall reasonably be required in the administration of the provisions of this act, and shall require the making of reports of accidents, reports of amounts paid or agreed to be paid as wages by employers to workmen and may prescribe and require the use of the pay-roll form by employers which shall carry such specific information as may be deemed necessary by the commission, and may incur such expenses as the commission shall determine reasonably necessary in the administration of this act.

Reports. SEC. 9. The commission is hereby required to render to the governor of the State, quarter yearly, a report with full statistical information covering the acts of the commission and the receipt and disbursement of moneys hereunder.

Application of law. SEC. 10. All persons, firms, and corporations engaged as employers in any of the hazardous occupations hereafter specified shall be subject to the provisions of this act: *Provided, however,*

Provisos. That any such person, firm, or corporation may be relieved of cer-

tain of the obligations hereby imposed, and shall lose the benefits hereby conferred by filing with the commission written notice of an election not to be subject thereto in the manner hereinafter specified: *Provided, however,* That where an employer is engaged in a hazardous occupation, as hereinafter defined, and is also engaged in another occupation or other occupations not so defined as hazardous, he shall not be subject to this act as to such nonhazardous occupations, nor shall his workmen wholly engaged in such nonhazardous occupations be subject thereto except by an election as authorized by section 31 thereof: *Provided, however,* That employers and employees who are engaged in an occupation partly hazardous and partly nonhazardous shall come within the terms of this act the same as if said occupation were wholly hazardous.

Employees subject.

SEC. 11. All workmen in the employ of persons, firms, or corporations who as employers are subject to this act shall also be subject thereto: *Provided, however,* That any such workman may be relieved of the obligations hereby imposed and shall lose the benefits hereby conferred by giving to his employer written notice of an election not to be subject thereto in the manner hereinafter specified. Any workman of the age of 16 years and upwards shall himself exercise the election hereby authorized. The right of election hereby authorized shall be exercised on behalf of any workman under the age of 16 years by his parent or guardian. This act shall not apply to workmen of less than the minimum age prescribed by law for the employment of minors in the occupation in which such workmen shall be engaged.

Proviso.

Benefits payable, when.

SEC. 12. Every workman subject to this act while employed by an employer subject to this act who, after June 30 next following the taking effect of this act, while so employed sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability, or the beneficiaries as hereinafter defined of such workman in case such injury results in death, shall be entitled to receive from the industrial accident fund hereby created the sum or sums hereinafter specified, and the right to receive such sum or sums shall be in lieu of all claims against his employer on account of such injury or death except as hereinafter specially provided: *Provided, however,* That if the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or, if death result from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit, and if he take under this act the cause of action against such other shall be assigned to the State for the benefit of the accident fund. If the other choice is made the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the State may be prosecuted or compromised by the department in its discretion. Any compromise by the workman of any such suit which would leave a deficiency to be made good out of the accident fund may be made only with the written approval of the department.

Injuries caused by third person.

Hazardous occupations.

SEC. 13. The hazardous occupations to which this act is applicable are as follows:

Factories, mills, and workshops where machinery is used; printing, electrotyping, photo-engraving, and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelter, powder works, laundries operated by power; quarries; engineering works; logging, lumbering, and shipbuilding operations; logging, street, and interurban railroads not engaged in interstate commerce; buildings being constructed, repaired, moved, or demolished; telegraph, telephone, electric light

or power plants, or lines, steam heating or power plants, railroads not engaged in interstate commerce, steamboats, tugs, and ferries.

Definitions.

SEC. 14. In the sense of this act words employed mean as here stated, to wit:

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair, or change, and shall include the premises, yard, and plant of the concern.

Workshop means any plant, yard, premises, room, or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing, or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room, or place the employer of the person working therein has the right of access or control.

Mill means any plant, premises, room, or place where machinery is used, any process of machinery, changing, altering, or repairing any article or commodity for sale or otherwise, together with the yards and premises which are part of the plant, including elevators, warehouses, and bunkers.

Mine means any mine where coal, clay, ore, mineral, gypsum, or rock is dug or mined underground.

Quarry means an open cut from which coal is mined or clay, ore, mineral, gypsum, sand, gravel, or rock is cut or taken for manufacturing, building, or construction.

Engineering work means any work of construction, improvement, or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads not then engaged in interstate commerce, logging roads, interurban railroad not then engaged in interstate commerce, harbors, docks, canals, electric, steam or water power plants, telegraph and telephone plants and lines; electric light or power lines, and includes any other works for the construction, alteration, or repair of which machinery driven by mechanical power is used.

The term "employer" used in this act shall be taken to mean any person, firm, or corporation, but not including municipal corporations, that shall contract for and secure the right to direct and control the services of any person, and the term "workmen" shall be taken to mean any person, male or female, who shall engage to furnish his or her services subject to the direction or control of an employer.

Dependent means any of the following-named relatives of a workman whose death results from any injury and who leaves surviving no widow, widower, or child under the age of 16 years, viz: Invalid child over the age of 16 years, daughter between 16 and 18 years of age, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, stepson, stepdaughter, brother, sister, half sister, half brother, niece, nephew, who, at the time of the accident are dependent in whole or in part for their support upon the earnings of the workman. Except where otherwise provided by treaty, aliens other than father or mother, husband and wife or children, not residing within the United States at the time of the accident, are not included.

Beneficiary means a husband, wife, child, or dependent of a workman, in whom shall vest a right to receive payment under this act.

Invalid means one who is physically or mentally incapacitated from earning.

The word "child" as used in this act includes a posthumous child, a child legally adopted prior to injury, and an illegitimate child legitimated prior to the injury.

Any member or officer of any corporate employer who shall be carried upon the pay rolls at a salary or wage not less than the average salary or wage of such pay roll, but not otherwise, shall be deemed to be a workman.

SEC. 15. Any employer engaged in any of such hazardous occupations who would otherwise be subject to this act, may on or before June 15 next following the taking effect of this act file with the commission a statement in writing declaring his election not to contribute to the industrial accident fund hereby created, and thereupon such employer shall be relieved from all obligations to contribute thereto, and such employer shall be entitled to none of the benefits of this act, and shall be liable for injuries to or death of his workmen, which shall be occasioned by his negligence, default, or wrongful act as if this act had not been passed, and in any action brought against such an employer on account of an injury sustained after June 30 next following the taking effect of this act it shall be no defense for such employer to show that such injury was caused in whole or in part by the negligence of a fellow servant of the injured workman; that the negligence of the injured workman, other than in his willful act, committed for the purpose of sustaining the injury, contributed to the accident, or that the injured workman had knowledge of the danger or assumed the risk which resulted in his injury.

Election not to contribute.

Defenses abolished.

Any person, firm, or corporation hereafter engaging as an employer in any of said hazardous occupations may file a like notice with said commission within 10 days after becoming such employer, and shall thereby and thereupon become relieved from making contributions to said fund and shall be liable to his workmen as in the case of existing employers so electing and shall, as in the case of such employers, lose all benefit of the defenses above described. From and after June 30 next following the taking effect of this act, all employers engaged in said hazardous occupations shall display in a conspicuous manner about their works and in a sufficient number of places reasonably to inform their workman of the fact, printed notices stating that they are or are not, as the case may be, contributors to the fund. The failure of an employer to display such notices shall be a misdemeanor.

Notices to be posted.

SEC. 16. All such employers who shall not as herein provided give to the commission written notice of their election not to contribute to said fund, shall be subject to all of the provisions of this act until and including the next succeeding 30th day of June, and thereafter until and including June 30 of each succeeding year, unless at least 60 days prior to June 30 in some year written notice shall be given to said commission of an election to cease contributing to such fund, whereupon from and after the succeeding 1st day of July the status of the employer giving such notice shall be that resulting from the giving of the notice first above prescribed.

Relation a continuing one.

SEC. 17. An employer who has so elected not to contribute hereunder may at any time by giving to said commission 30 days' written notice recall such election, and from and after the expiration of such 30 days such employer shall become and continue in all respects subject to this act.

Recall of election.

SEC. 18. On or before June 30 next following the taking effect of this act any workman in the employ of an employer subject to this act may give notice in writing to his employer of his election not to become subject to this act, and any workman entering the employment of such an employer after such date may at such time give a like notice and thereupon such workman shall be in no wise subject to the provisions or entitled to any of the benefits hereof. Any workman in the employ of an employer who shall have elected not to contribute to the fund hereby created and who shall have recalled such election, may within 15 days after such recall by his employer has become effective, give notice in writing to his employer of his election not to become subject to this act, and thereupon such workman shall in no wise be subject to the provisions or entitled to any of the benefits hereof. But if such workman shall sustain an injury within such period of 15 days and before he shall have elected not to become subject to this act, he shall have the option to be exercised before suit brought,

Election by employees.

of taking the benefits hereby provided or of proceeding against his employer as if this act had not been passed. Any workman who shall be in the employ of an employer who shall hereafter engage in any of said hazardous occupations and who shall have become subject to this act, may give notice in writing to his employer within 15 days after his employer shall have engaged in such hazardous occupations, of his election not to become subject to this act, and thereupon and thereafter such workman shall be in no wise subject to the provisions or entitled to any of the benefits hereof, but if such workman shall sustain an injury within such period of 15 days and before he shall have elected not to become subject to this act, he shall have the option, to be exercised before suit brought, of taking the benefit hereby provided or of proceeding against his employer as if this act had not been passed. Any workman who has so elected not to become subject to this act may at any time by giving to his employer who is then subject to this act, 30 days' notice, recall such election, and after expiration of such 30 days such workman shall become and continue in all respects subject to this act.

Any workman who has become subject to this act shall, if he remains in the service of the same employer, continue subject to this act to and including the next succeeding 30th day of June and thereafter until and including the 30th day of June of each succeeding year unless at least 30 days prior to June 30 in some year he shall give written notice to his employer of his election not to be longer subject to this act, whereupon and after the succeeding 1st day of July such workman shall be no longer subject to this act.

Premium rates.

SEC. 19 (as amended by chapter 271, Acts of 1915). Every employer engaged in any of the hazardous occupations enumerated in section 13 hereof who shall not have served notice of his election not to contribute hereunder, as in this act provided, shall, except as hereinafter provided, pay to the commission on or before the 15th day of each month a percentage of his total pay roll for the preceding calendar month of workmen subject to this act according to and at the rates hereinafter set forth, to wit:

CONSTRUCTION WORK.

Subaqueous work; fire escapes; house moving; house wrecking; steeples; metal smokestacks; metal chimneys; iron or steel frame structures or parts of structures	0.080
Tunnels; trestles; bridges; pile driving; jetties; breakwaters	.065
Sewers; shaft sinking; ditches and canals (other than irrigation without blasting); erection of tanks; towers, not metal framed; windmills, not metal framed; roof work; freight and passenger elevators	.060
Electric light or power plants or systems; telegraph or telephone systems; steam or electric railroads with rock work or blasting; waterworks or systems; road work with blasting; erecting fireproof doors or shutters; concrete buildings; galvanized iron or tin work, with scaffold; marble, stone, or brick work with scaffold; gas works or systems; excavation not otherwise specified; ship or boat building or wrecking; painting of buildings or structures, outside work	.050
Steam-heating plants; advertising signs; ornamental metal work or metal ceilings in buildings; carpenter work, not otherwise specified; ship or boat rigging; ship or mill wrighting; grain elevator, not metal framed	.040
Street railways without blasting; installation of steam boilers or engines; installation of dynamos; installation of automatic sprinklers; installation of machinery not otherwise specified; drilling wells	.035

Street or other grading; road making; concrete foundations; asphalt laying; covering steam pipes or boilers; construction work not otherwise specified; street paving	0.030
Lathing; plastering	.025
Plumbing; house heating or ventilating systems; inside wiring, installation of electrical apparatus or fire-alarm systems in buildings; marble, stone, or tile setting, inside work; mantel setting; glass setting; paper hanging, decorating, or painting, inside work; concrete and composition walks	.020

OPERATION (INCLUDING REPAIR WORK) OF—

[All combinations of material take the higher rate when not otherwise provided.]

Logging railroads; railroads; wood saws; stevedoring; longshoring	.050
Electric light or power plants; interurban electric railroads; stone crushing; quarries; mines other than coal	.040
Logging, with or without machinery; coal mines	.035
Dry or floating docks; steamboats; tugs; ferries; dredges; smelters; creosoting and wood-treating works	.030
Telephone or telegraph systems	.025
Street railways; garbage works; gas works; waterworks; steam heating or power plants; grain elevators or grain warehouses; flour, grain, chop, and feed mills; gravel, sand, and coal bunkers; operations not otherwise specified	.020

FACTORIES USING POWER-DRIVEN MACHINERY.

Stamping tin or metal	.050
Sawmills; shingle mills; lath mills	.035
Furniture, staves, veneer, box, packing cases, sash, door or blinds, keg, pail, barrel, basket, tub, woodenware or wooden-fiber ware; work in wood not otherwise specified	.0275
Boiler works; paper or pulp mills	.025
Foundries	.0225
Canneries of fish or meat; cement manufacturing; soap, tallow and grease; briquettes, machine shops, not otherwise specified; iron, steel, copper, zinc, brass, or lead articles or ware not otherwise specified; hardware; marble, stone, or granite work (shop or monument erection); factories not otherwise specified	.020
Tile, brick, terra cotta, fire clay; pottery, charcoal, earthenware; porcelain; breweries; bottling works; paints, oils, and varnishes	.015
Working in foodstuffs, including oils, fruits, and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber, or textiles not otherwise specified; cordage; jewelry; laundries	.010
Condensed milk; creameries	.0075
Printing; electrotyping; photo-engraving; engraving; lithographing	.0050

MISCELLANEOUS WORK.

Operations of powder works; manufacture of fireworks	.080
Clearing land with blasting	.050
Making artificial ice; operating refrigerating or cold-storage plants; operating tanneries; manufacture of fertilizer; operation of packing houses and stockyards	.020

Contributions by employees.

Every employer who is hereby required to make such payments to the commission is hereby authorized and required to retain from the moneys earned by each of his workmen subject to this act the sum of one (1) cent a day for each day or part of day such workman shall be employed and to pay the sum so retained to the commission at the time his own payment is due hereunder.

If only a part of an employer's workmen are engaged in any of the hazardous employments above specified the workmen of such employer not so engaged shall not be subject to this act nor entitled to the benefits thereof. If an employer and his workmen are engaged in two or more of such hazardous employments for which different rates of contribution are prescribed, the employer shall contribute according to the several rates applicable to the various employments in which his workmen are so engaged and according to his pay roll for each of such employments. Any workman engaged for the same employer in two or more of such hazardous employments shall for the purpose of determining the rate of contribution hereunder be deemed to be engaged solely in the employment taking the higher rate.

Adjustments of rates.

Whenever for a period of 12 months the total amount paid out of the industrial accident fund or set apart therefrom as hereinafter provided on account of injuries sustained by the workmen of any employer shall not exceed 50 per cent of the amount contributed to said fund by such employer during such period, not including, however, moneys retained from his workmen's wages, the rate of contribution of such employer shall thereafter be reduced by 10 per cent of the amount hereinbefore prescribed, and whenever for a further period of 12 months the total amount so paid out and set aside shall not exceed 50 per cent of the amount so contributed by such employer, his rate of contribution shall be further reduced by a like amount: *Provided*, That such rate of contribution shall be immediately restored to the rate first above prescribed whenever the total amount paid out or set apart hereunder on account of injuries sustained by his workmen during the preceding 12 months shall exceed 50 per cent of his contributions to such fund during such period of 12 months: *And provided further*, That no employer shall be entitled to any such reduction if the commission shall find that during the preceding 12 months he has willfully failed to install or maintain any safety appliance, device, or safeguard required by statute.

Whenever the commission shall determine that the industrial accident fund amounts to a sufficient sum to meet all payments which shall have then accrued, together with a surplus of 30 per cent thereon, and whenever there shall have been set apart by the State treasurer from said fund the amounts hereinafter required on account of injuries resulting in death or permanent disability, all employers who have contributed to said fund for the preceding six successive months shall be exempt from contributions hereunder for the current calendar month, and the workmen of such employers shall be likewise exempt from contributions hereunder.

Fund created.

SEC. 20. There is hereby created a fund to be known as the industrial accident fund, which fund shall be held by the State treasurer and by him deposited in such banks as are authorized to receive deposits of the general funds of the State. All moneys received by the commission hereunder shall be by it paid over forthwith to the State treasurer and shall become a part of the industrial accident fund, and there is hereby appropriated out of any moneys in the general fund in the State treasury not otherwise appropriated the sum of fifty thousand dollars ($50,000), which shall become a part of such fund. There is also appropriated annually out of any moneys in the State treasury not otherwise appropriated a sum equal to one-seventh of the total sum which shall be received by the State treasurer under the provisions of section 19 hereof, and the moneys so appropriated shall become a part of such fund. All payments authorized by this act, including all salaries, clerk hire, and all other expenses, shall be made from the industrial accident fund.

SEC. 21. If any workman while he is subject to this act and in the service of an employer who is thus bound to contribute to the industrial accident fund shall sustain a personal injury by accident arising out of and in the course of his employment caused by violent or external means, he, or his beneficiaries or dependents, if the injury result in death, shall receive compensation according to the following schedule: Compensation for—

(a) Where death results from the injury the expenses of burial shall be paid in all cases not to exceed one hundred dollars ($100) in any case, and Death;

(1) If the workman leaves a widow or invalid widower, a monthly payment of thirty dollars ($30) shall be paid throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur; and the surviving spouse shall also receive six dollars ($6) per month for each child of the deceased under the age of 16 years at the time of the occurrence of the injury until such minor shall reach the age of 16 years, but the total monthly payment under this paragraph (1) shall not exceed fifty dollars ($50). Upon remarriage of a widow she shall receive once and for all a lump sum equal to ten times her monthly allowance, viz: The sum of three hundred dollars ($300), but the monthly payments for the child or children shall continue as before.

(2) If the workman leaves no wife or husband but a child or children under the age of 16 years, a monthly payment of fifteen dollars ($15) shall be made to each child until such child shall reach the age of 16 years: *Provided, however*, That if any child is under the age of 16 years and over the age of 15 years, he shall be entitled to recover such payments for a period of one year, but the total monthly payment shall not exceed fifty dollars ($50), and any deficit shall be deducted proportionately among the beneficiaries.

(3) If the workman leaves no widow, widower, or child under the age of 16 years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to 50 per cent of the average monthly support actually received by such dependent from the workman during the 12 months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed thirty ($30) per month. If any dependent is under the age of 16 years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of 16 years, excepting a daughter, the payment to whom shall cease when she shall have reached the age of 18 years: *Provided, however*, That if any child is under the age of 16 years and over the age of 15 years, he shall be entitled to recover such payments for a period of one year. The payment to any dependent shall cease if, and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

If the workman is under the age of 21 years and unmarried at the time of his death, the parents or parent of the workman shall receive twenty-five ($25) dollars per month for each month after his death until the time at which he would have arrived at the age 21 years: *Provided, however*, That such parents shall be entitled thereafter to compensation as dependents under the provisions of the first clause of this paragraph three.

(4) In the event a surviving spouse receiving monthly payments shall die leaving a child or children under the age of 16 years, the sum he or she shall be receiving on account of such child or children shall thereafter, until such child shall arrive at the age of 16 years, be paid to the child increased to $15 per month: *Provided, however*, That if any such child is under the age of 16 years and over the age of 15 years he shall be entitled to recover such payments for a period of one year, but the total to all children shall not exceed the sum of fifty dollars ($50) per month.

Permanent total disability; (b) Permanent total disability means the loss of both legs or both arms, or one leg and one arm, total loss of eyesight, paralysis, or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury the sum of thirty dollars ($30).

(2) If the workman have a wife or invalid husband, but no child under the age of 16 years, the sum of thirty-five dollars ($35). If the husband is not an invalid the monthly payment of thirty-five dollars ($35) shall be reduced to thirty dollars ($30).

(3) If the workman have a wife or husband and a child or children under the age of 16 years, or being a widow or widower, have any such child or children, the monthly payment provided in the preceding paragraph shall be increased by six dollars ($6) for each such child until such child shall arrive at the age of 16 years, but the total monthly payment shall not exceed fifty dollars ($50.)

(c) If the injured workman die during such period of total disability, whatever the cause of death, leaving a widow, invalid widower, or child under the age of 16 years, the surviving widow, or invalid widower, shall receive thirty dollars ($30) per month until death or remarriage, to be increased six dollars ($6) per month for each child under the age of 16 years until such child shall arrive at the age of 16 years; but if such child is, or shall be, without father or mother, such child shall receive fifteen dollars ($15) per month until arriving at the age of 16 years: *Provided, however,* That if any child is under the age of 16 years and over the age of 15 years, he shall be entitled to recover such payment for the period of one year. The total combined monthly payment under this paragraph shall in no case exceed fifty dollars ($50). Upon remarriage, the payments on account of a child or children shall continue as before to the child or children.

Temporary disability; (d) When the total disability is only temporary the schedule of payments contained in paragraphs 1, 2 and 3 of the foregoing subdivision (b), shall apply so long as the total disability shall continue, increased 50 per cent for the first six months of such continuance, but in no case shall the increase operate to make the monthly payment exceed 60 per cent of the monthly wage (the daily wage multiplied by 26) the workmen was receiving at the time of his injury.

(e) When the disability is or becomes partial only and is temporary in character, the workman shall receive for a period not exceeding two years that proportion of the payments provided for total disability which his earning power at any kind of work bears to that existing at the time of the occurrence of the injury.

Partial disability. (f) Permanent partial disability means the loss of either one arm, one hand, one leg, one foot, loss of hearing in one or both ears, loss of one eye, one or more fingers, any dislocation where ligaments are severed, or any other injury known in surgery to be permanent partial disability. Where permanent partial disability shall result from any injury, the workman shall receive the sum of twenty-five dollars ($25) a month for the period stated against such injury, respectively, as follows:

Schedule. In case of the loss by separation of one arm at or above the elbow joint, or the permanent and complete loss of the use of one arm, ninety-six (96) months.

The loss by separation of one hand at or above the wrist joint, or the permanent and complete loss of the use of one hand, seventy-six (76) months.

The loss by separation of one leg, at or above the knee joint, or the permanent and complete loss of the use of one leg, eighty-eight (88) months.

The loss by separation of one foot at or above the ankle joint, or the permanent and complete loss of the use of one foot, sixty-four (64) months.

The permanent and complete loss of hearing in both ears, ninety-six (96) months.

The permanent and complete loss of hearing in one ear, forty-eight (48) months, or, at the option of the workman, nine hundred dollars ($900) in a lump sum.

The permanent and complete loss of the sight of one eye forty (40) months, or, at the option of the workman, eight hundred and fifty dollars ($850) in a lump sum.

The loss by separation of a thumb twenty-four (24) months, or, at the option of the workman, six hundred dollars ($600) in a lump sum.

The loss by separation of a first finger, sixteen (16) months, or, at the option of the workman, three hundred fifty dollars ($350) in a lump sum; the second finger nine (9) months, or, at the option of the workman, two hundred dollars ($200) in a lump sum; a third finger, eight (8) months, or, at the option of the workman, one hundred and seventy-five dollars ($175) in a lump sum; a fourth finger, six (6) months, or, at the option of the workman, one hundred and fifty dollars ($150) in a lump sum.

The loss of one phalange of the thumb shall be considered equal to the loss of one-half a thumb; the loss of one phalange of a finger, equal to the loss of one-third of a finger, and the loss of two phalanges of a finger, equal to the loss of one-half a finger, and the compensation for the respective proportions of the above period or in the respective proportions of the above lump sum shall be payable. The loss of more than one phalange of a thumb, or more than two phalanges of a finger shall be considered as the loss of an entire thumb or finger.

The loss by separation of a great toe, ten (10) months, or, at the option of the workman, two hundred and fifty dollars ($250) in a lump sum; any other toe, four (4) months, or, at the option of the workman, one hundred dollars ($100) in a lump sum.

In all other cases of injury resulting in permanent partial disability, the compensation shall bear such relation to the periods stated in this clause as the disabilities bear to those produced by the injuries named in this schedule, and payments shall be made for proportionate periods, not exceeding, however, ninety-six (96) months, and in all such cases where the period of payment shall not exceed twelve (12) months, but in none other, shall the workman be entitled to a lump sum equal to the present value of such monthly payments computed at an interest rate of 4 per cent per annum.

If any workman entitled to compensation on account of a permanent disability shall have received compensation for either temporary total disability or temporary partial disability by reason of the same injury which shall entitle him to compensation for permanent partial disability, the number of months during which he shall be entitled to payments for such permanent partial disability shall be reduced by the number of monthly payments which he shall have received on account of such temporary total disability or temporary partial disability.

Segregated accident fund.

(g) For every case of injury resulting in death, or permanent total disability or permanent partial disability on account of which deferred payments are provided for a period exceeding twenty-four (24) months, it shall be the duty of the commission forthwith to notify the State treasurer in writing of the amount required to equal at 4 per cent interest per annum the present worth of the monthly installments payable on account of such injury, the number of such payments being computed in case of permanent total disability according to the age of the injured workman, and in the case of death according to the ages of the beneficiaries, both of such computations being according to the American mortality table and the expectation of life thereunder,

and in the case of permanent partial disability according to the schedule above prescribed. Thereupon the State treasurer shall transfer from the accident fund to a fund to be known as the segregated accident fund the amount so specified by the commission. All moneys comprised in the segregated accident fund shall be invested by the State treasurer in the class of securities authorized for the investment by banks of savings deposits under the laws of this State. The segregated accident fund and its earnings shall be charged with the payment of the installments on account of which such segregations shall be made. The State treasurer shall keep an accurate account of the earnings of and payments from the segregated accident fund and may borrow from the accident fund to meet monthly payments pending conversion into cash of any security, and in such case shall repay such temporary loan out of the cash realized from the security. Any deficiency in the segregated accident fund shall be made good out of and any balance or overplus shall revert to the accident fund.

Succeeding accidents.

(*h*) Should a further accident occur to a workman already receiving a monthly payment under this section for a disability, or who has been previously the recipient of a lump-sum payment under this act, his future compensation shall be adjusted according to the other provisions of this section and with regard to the combined effect of his injuries and his past receipt of money under this act.

Readjustments.

(*i*) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated in any case, the commission may, upon the application of the beneficiary, or upon its own motion, readjust for future application the rate of compensation in accordance with the rules in this section provided, or, in a proper case, terminate the payments.

Spouses living apart.

(*j*) A husband or wife of an injured workman, who has deserted said injured workman for more than one year prior to the time of the injury or subsequently shall not be a beneficiary under this act.

Nonresidents.

(*k*) If a beneficiary shall reside or remove out of the State and shall have been such nonresident for a period of one year, the commission may, in its discretion, convert any monthly payments thereafter to become due to such beneficiary into a lump sum payment, not in any case exceeding four thousand dollars ($4,000), by paying a sum equal to three-fourths of the present value of such monthly payments, estimated as to duration of the life expectancy of the beneficiary in case of death or total permanent disability and computed according to the American mortality table and on the basis of interest at the rate of four per cent per annum, or, with the consent of the beneficiary for a lesser sum, and in any case the commission may, in its discretion, pay over to any beneficiary in a lump sum an amount not exceeding one-fourth of the present value of the monthly installments payable to such beneficiary and computed as aforesaid, and thereupon all subsequent monthly installments shall be proportionately reduced.

Injuries caused wilfully.

SEC. 22. If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, neither the workman nor the widow, widower, child or dependent of the workman shall receive any payment whatsoever out of the accident fund. If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the workman, the widow, widower, child or dependent of the workman shall have the privilege to take under this act, and also have cause of action against the employer, as if this act had not been passed, for damages over the amount payable hereunder.

Minors.

A minor working at an age legally permitted under the laws of this State shall be deemed sui juris for the purpose of this act, and no other person shall have any cause of action or right of com-

pensation for an injury to such minor workman except as expressly provided herein, but in the event of a lump-sum payment becoming due under this act to such minor workman, the control and management of any sum so paid shall be within the jurisdiction of the courts as in the case of other property of minors.

Medical, etc., expenses.

SEC. 23. The commission shall have authority to provide, under uniform rules and regulations, first aid to workmen who are entitled to benefits hereunder, together with transportation, medical and surgical attendance and hospital accommodations for injured workmen at an expense not exceeding two hundred and fifty dollars ($250) in any one case, and to contract therefor in its discretion. The commission may in its discretion authorize employers to furnish or provide, at the expense of the commission and upon terms fixed by it, such transportation, attendance, and accommodations: *Provided, however,* That all such transportation, attendance, and accommodations shall be at all times subject to the supervision and control of the commission.

Default in payments.

SEC. 24. If any employer shall default in any payment to the accident fund hereinbefore required, the amount of such payment shall be collected by an action at law in the name of the commission as plaintiff, and such right of action shall be in addition to any other right of action or remedy. In respect to any injury happening to any of his workmen during the period of such default in any payment required hereunder, the defaulting employer shall not, if such default be after demand for payment, be entitled to any of the benefits of this act, but shall be liable to the injured workman (or the husband, wife, child, or dependent of such workman in case death results from the injury) as he would have been prior to the passage of this act.

In case the recovery actually collected from the employer shall equal or exceed the compensation to which the claimant would be entitled under this act, the claimant shall be entitled to nothing out of the accident fund; if such amount shall be less than the compensation herein provided, the accident fund shall contribute such deficiency. The person entitled to claim under this section shall have the choice, to be exercised before commencing suit against such defaulting employer, of proceeding by suit against such employer or of taking under this act. If such person shall elect to take under this act, the cause of action shall be assigned to the commission for the benefit of the accident fund. In any suit brought upon such cause of action the defenses withdrawn by section 15 hereof from employers electing not to contribute hereunder shall be inadmissible. Any such cause of action assigned to the commission may be prosecuted or compromised by it in its discretion. Any compromise by an individual claimant under this section which would result in a deficiency to be made good out of the accident fund may be made only upon the written approval of the commission.

Omission of safety appliances.

SEC. 25 (as amended by chapter 271, acts of 1915). It shall be the duty of the industrial accident commission to investigate all cases where they have reason to believe that employers subject to this act have failed to install or maintain any safety appliance, device, or safeguard required by statute, and in all cases of failure on the part of any employer to comply with such safety statute, to report the facts to the prosecuting attorney for the district in which such violation of law occurred and request the prosecution of the offending employer.

Payments exempt.

SEC. 26. No moneys payable on account of injuries or death hereunder shall be subject to assignment prior to the receipt thereof by the beneficiary entitled thereto, nor shall the same pass by operation of law. All moneys paid or payable hereunder and the right to receive the same shall be exempt from seizure on execution, attachment, or garnishment, or by the process of any court.

Filing claims.

SEC. 27. (a) Where a workman is entitled to compensation under this act he shall file with the commission his application for such, together with the certificate of the physician who at-

Duty of physician.

tended him, and it shall be the duty of the physician to inform the injured workman of his rights under this act and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the commission, without charge to the workman.

(*b*) Where death results from injury, the parties entitled to compensation under this act, or some one in their behalf, shall make application for the same to the commission, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this act, certificates of attending physician, if any, and such other proof as required by the rules of the commission.

(*c*) If change of circumstances warrant an increase or rearrangement of compensation, like application shall be made therefor. No increase or rearrangement shall be operative for any period prior to application therefor.

Limitation.

(*d*) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the right accrued.

Medical examinations.

SEC. 28. Any workman entitled to receive compensation under this act is required, if requested by the commission, to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the workman and as may be provided by the rules of the commission. If the workman refuses to submit to any such examination, or obstructs the same, his rights to monthly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period.

Accidents to be reported.

SEC. 29. Whenever any accident occurs to any workman it shall be the duty of the employer to at once report such accident and the injury resulting therefrom to the commission, and also to any local representative of the commission. Such report shall state—

1. The time, cause and nature of the accident and injuries, and the probable duration of the injury resulting therefrom.

2. Whether the accident arose out of or in the course of the injured person's employment.

3. Any other matters the rules and regulations of the commission may prescribe.

Employer's records.

SEC. 30. The books, records and pay rolls of the employer pertinent to the administration of this act shall always be open to inspection by the commission or its traveling auditor, agent, or assistant, for the purpose of ascertaining the correctness of the pay roll, the men employed, and such other information as may be necessary for the commission and its management under this act. Refusal on the part of the employer to report accidents or to submit said books, records, and pay roll for such inspection to any member of the commission, or any assistant presenting written authority from the commission, shall subject the offending employer to a penalty of one hundred dollars ($100) for each offense, to be collected by civil action in the name of the State and paid into the accident fund, and the individual who shall personally give such refusal shall be guilty of a misdemeanor.

Employers outside of act.

SEC. 31 (as amended by chapter 271, Acts of 1915). Any employer engaged in any occupation other than those defined in section 13 hereof may make written application to the commission to fix a rate of contribution for such occupation, and thereupon it shall be the duty of the commission to fix such rate, which shall be based on the hazard of such occupation in relation to the hazards of the occupations for which rates are prescribed by section 19 hereof. When such rate shall be so fixed such employer may give thirty days' notice in writing to the commission of his election to contribute under this act, and shall at the same time display in a conspicuous manner about his works and in a sufficient number of places reasonably to inform his workmen of the fact printed notices stating that he has elected to contribute to the fund, and stating when his election will become effective. Any workman in the employ of such an employer shall be entitled at

any time within ten days of the date when the election of his employer will become effective to give written notice to such employer of his election not to become subject to this act. At the expiration of the time fixed by the notice of such employer, the employer and such of his workmen as shall not have given such written notice of their election to the contrary shall be subject to all of the provisions of this act and entitled to all of the benefits thereof. Any employer becoming subject to this act in the manner provided in this section shall pay the rate so fixed by the commission, and shall be entitled to a reduction of such rate in the manner provided by section 19 hereof, and shall retain and pay to the commission the proportion of his workmen's wages prescribed by section 19 hereof.

Appeals to courts.

SEC. 32. Any employer, workman, beneficiary, or person feeling aggrieved by any decision of the commission affecting his interests under this act may have the same reviewed by a proceeding in the nature of an appeal and initiated in the circuit court of the county in which the accident occurred, or in which he resides, and such appeal shall have precedence over all other cases except criminal cases, and the court shall determine whether the commission has justly considered all the facts concerning injury, whether it has exceeded the powers granted it by this act, whether it has misconstrued the law and facts applicable in the case decided. If the court shall determine that the commission has acted within its powers and has correctly construed the law and facts the decision of the commission shall be confirmed; otherwise, it shall be reversed or modified. Upon the hearing of such an appeal the court in its discretion may submit to a jury any question of fact involved in such an appeal. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No such appeal shall be entertained unless notice of appeal shall have been served by mail or personally upon some member of the commission within thirty days following the rendition of the decision appealed from and actual communication thereof to the person affected thereby. No bond shall be required except that an appeal by the employer from a decision of the commission under section 25 shall be ineffectual unless within five days following the service of notice thereof a bond with surety satisfactory to the court shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay. If the decision of the commission shall be reversed or modified the fees of the medical and other witnesses and the costs shall be paid out of the industrial accident fund if the industrial accident fund is affected by the litigation. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the circuit court as in other civil cases. The attorney general shall be the legal adviser of the commission and shall represent it in all proceedings whenever so required by any of the commissioners. In all court proceedings under or pursuant to this act the decision of the commission shall be prima facie correct and the burden of proof shall be upon the party attacking same.

Warrants for disbursements.

SEC. 33. Disbursements out of the funds shall be made only upon warrants drawn by the secretary of state upon vouchers therefor transmitted to him by the commission and audited by him. The State treasurer shall, to such extent as shall appear to him to be advisable, keep the moneys of the unsegregated portion of the accident fund invested at interest in the class of securities authorized for the investment by banks of savings deposits under the laws of this State. The State treasurer shall be liable on his official bond for the safe custody of the moneys and securities of the accident fund and the segregated accident fund.

Employers' liability law.

SEC. 34. Nothing in this act shall be deemed to abrogate the rights of the employee under the present employers' liability law, in all cases where the employee, under this act, is given the right to bring suit against his employer for an injury.

Filed in the office of the secretary of state, Feb. 25, 1913.

In effect June 30, 1914.

PENNSYLVANIA.

ACTS OF 1915.

ACT No. 338.—*Compensation of workmen for injuries.*

ARTICLE I.—*Interpretation and definition.*

SECTION 1. This act shall be called and cited as the workmen's compensation act of 1915, and shall apply to all accidents occurring within this Commonwealth, irrespective of the place where the contract of hiring was made, renewed, or extended, and shall not apply to any accident occurring outside of the Commonwealth. Title and scope of act.

SEC. 102. Wherever in this act the singular is used the plural shall be included; where the masculine gender is used the feminine and neuter shall be included. Numbers and genders.

SEC. 103. The term "employer" as used in this act is declared to be synonymous with master, and to include natural persons, partnerships, joint-stock companies, corporations for profit, corporations not for profit, municipal corporations, the Commonwealth, and all governmental agencies created by it. "Employer."

SEC. 104. The term "employee" as used in this act is declared to be synonymous with servant, and includes all natural persons who perform services for another for a valuable consideration, exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer, and exclusive of persons to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in the worker's own home or on other premises not under the control or management of the employer. "Employee."

SEC. 105. The term "contractor" as used in article two, section two hundred and three, and article three, section three hundred and two (b), shall not include a contractor engaged in an independent business, other than that of supplying laborers or assistants, in which he serves persons other than the employer in whose service the accident occurs, but shall include a subcontractor to whom a principal contractor has sublet any part of the work which such principal contractor has undertaken. "Contractor."

SEC. 106. The exercise and performance of the powers and duties of a local or other public authority shall, for the purposes of this act, be treated as the trade or business of the authority. Public authorities.

SEC. 107. The term "bureau" when used in this act shall mean the bureau of workmen's compensation of the department of labor and industry. "Bureau."

The term "board" when used in this act shall mean the workmen's compensation board of the bureau. "Board."

ARTICLE II.—*Damages by action at law.*

SECTION 201. In any action brought to recover damages for personal injury to an employee in the course of his employment, or for death resulting from such injury, it shall not be a defense— Defenses abrogated.

(a) That the injury was caused in whole or in part by the negligence of a fellow employee; or

(b) That the employee had assumed the risk of the injury; or

(c) That the injury was caused in any degree by the negligence of such employee, unless it be established that the injury was caused by such employee's intoxication or by his reckless

indifference to danger. The burden of proving such intoxication or reckless indifference to danger shall be upon the defendant, and the question shall be one of fact to be determined by the jury.

Acts of employees.

SEC. 202. The employer shall be liable for the negligence of all employees, while acting within the scope of their employment, including engineers, chauffeurs, miners, mine foreman, fire bosses, mine superintendents, plumbers, officers of vessels, and all other employees licensed by the State or other governmental authority, if the employer be allowed by law the right of free selection of such employees from the class of persons thus licensed; and such employees shall be the agents and representatives of their employers, and their employers shall be responsible for the acts and neglects of such employees, as in the case of other agents and employees of their employers; and, notwithstanding the employment of such employees, the property in and about which they are employed, and the use and operation thereof, shall at all times be under the supervision, management and control of their employers.

Contractors' employees.

SEC. 203. An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employee or contractor, for the performance upon such premises of a part of the employer's regular business entrusted to such employee or contractor, shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employee.

Waivers.

SEC. 204. No agreement, composition, or release of damages made before the happening of any accident, except the agreement defined in article three of this act, shall be valid or shall bar a claim for damages for the injury resulting therefrom; and any such agreement, other than that defined in article three herein, is declared to be against the public policy of this Commonwealth.

Receipt of benefits.

The receipt of benefits from any association, society, or fund shall not bar the recovery of damages by action at law, nor the recovery of compensation under article three hereof; and any release executed in consideration of such benefits shall be void.

ARTICLE III.—*Elective compensation.*

Act applies when.

SECTION 301. When employer and employee shall by agreement, either express or implied, as hereinafter provided, accept the provisions of article three of this act, compensation for personal injury to, or for the death of, such employee, by an accident, in the course of his employment, shall be made in all cases by the employer, without regard to negligence, according to the schedule contained in sections three hundred and six and three hundred and seven of this article: *Provided,* That no compensation shall be made when the injury or death be intentionally self-inflicted, but the burden of proof of such fact shall be upon the employer.

Intentional acts.

"Injury."

The terms "injury" and "personal injury" as used in this act shall be construed to mean only violence to the physical structure of the body, and such disease or infection as naturally results therefrom; and wherever death is mentioned as a cause for compensation under this act, it shall mean only death resulting from such violence and its resultant effects, and occurring within three hundred weeks after the accident. The term "injury by an accident in the course of his employment," as used in this article, shall not include an injury caused by an act of a third person intended to injure the employee because of reasons personal to him, and not directed against him as an employee or because of his employment; but shall include all other injuries sustained while the employee is actually engaged in the furtherance of the business or affairs of the employer, whether upon the employer's premises or elsewhere, and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon, sustained by the employee, who, though not so engaged, is injured upon the premises occupied by or under

"Accident."

the control of the employer, or upon which the employer's business or affairs are being carried on, the employee's presence thereon being required by the nature of his employment.

Presumptions as to contracts of hiring.

SEC. 302. (a) In every contract of hiring made after December thirty-first, one thousand nine hundred and fifteen, and in every contract of hiring renewed or extended by mutual consent, expressed or implied, after said date, it shall be conclusively presumed that the parties have accepted the provisions of article three of this act, and have agreed to be bound thereby, unless there be, at the time of the making, renewal, or extension of such contract, an express statement in writing from either party to the other, that the provisions of article three of this act are not intended to apply, and unless a true copy of such written statement, accompanied by proof of service thereof upon the other party, setting forth under oath or affirmation the time, place, and manner of such service be filed with the bureau within ten days after such service and before any accident has occurred. Every contract of hiring, oral, written, or implied from circumstances, now in operation, or made or implied on or before December thirty-first, one thousand nine hundred and fifteen, shall be conclusively presumed to continue subject to the provisions of article three hereof, unless either party shall, on or before said date, in writing, have notified the other party to such contract that the provisions of article three hereof are not intended to apply, and unless there shall be filed with the bureau a true copy of such notice, together with proof of service, within the time and in the manner hereinabove prescribed: *Provided, however*, That the provisions of this section shall not be so construed as to impair the obligation of any contract now in force. In the employment of minors, article three shall be presumed to apply, unless the said written notice be given by or to the parent or guardian of the minor. It shall not be lawful for any officer or agent of this Commonwealth, or for any county, city, borough, or township therein, or for any officer or agent thereof, or for any other governmental authority created by the laws of this Commonwealth, to give such notice of rejection of the provisions of this article to any employee of the State or of such governmental agency.

Proviso.

Public employments.

Presumptions as to contractors', etc., employees.

(b) After December thirty-first, one thousand nine hundred and fifteen, an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employee or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employee or contractor, shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three, unless the employer shall post in a conspicuous place, upon the premises where the laborer's or assistant's work is done, a notice of his intention not to pay such compensation, and unless there be filed with the bureau, within ten days thereafter and before any accident has occurred, a true copy of such notice, together with proof of the posting of the same, setting forth upon oath or affirmation the time, place, and manner of such posting; and after December thirty-first, one thousand nine hundred and fifteen, any such laborer or assistant who shall enter upon premises occupied by or under the control of such employer for the purpose of doing such work, shall be conclusively presumed to have agreed to accept the compensation provided in article three, in lieu of his right of action under article two, unless he shall have given notice in writing to the employer, at the time of entering upon such employer's premises for the purpose of doing his work, of his intention not to accept such compensation, and unless within ten days thereafter and before any accident has occurred there shall have been filed with the bureau a true copy of such notice, accompanied by proof of service thereof upon such employer, setting forth under oath or affirmation, the time, place, and manner of such service; and in such cases, where article three binds such employer and such laborer or assistant, it shall not be in effect between the inter-

mediate employer or contractor and such laborer or assistant unless otherwise expressly agreed.

Remedy exclusive.

SEC. 303. Such agreement shall constitute an acceptance of all the provisions of article three of this act, and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment, or to any method of determination thereof, other than as provided in article three of this act. Such agreement shall bind the employer and his personal representatives, and the employee, his or her wife or husband, widow or widower, next of kin, and other dependents.

Termination of agreements.

SEC. 304. Any agreement between employer and employee for the operation or nonoperation of the provisions of article three of this act may be terminated prior to any accident, by either party, upon sixty days' notice to the other in writing, if a copy of such notice, with proof of service, be filed in the bureau, as provided in section three hundred and two of this article.

Insurance.

SEC. 305. Every employer liable under this act to pay compensation shall insure the payment of compensation in the State workmen's insurance fund, or in any insurance company, or mutual association or company, authorized to insure such liability in this Commonwealth, unless such employer shall be exempted by the bureau from such insurance. An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the bureau, showing his financial ability to pay such compensation, whereupon the bureau, if satisfied of the applicant's financial ability, shall, by written order, make such exemption. The bureau may from time to time require further statements of the financial ability of such employer, and if at any time such employer appear no longer able to pay compensation, shall revoke its order granting exemption; in which case the employer shall immediately subscribe to the State fund, or insure his liability in a mutual association or company, as aforesaid.

Exemption.

Failure to insure.

If an employer shall fail to comply with the provisions of this section, the bureau shall, by registered mail, or in such other manner as the rules and regulations of the bureau shall provide, serve upon such employer a notice to forthwith comply with such provisions; and if such employer does not within thirty days thereafter insure his liability as aforesaid or satisfy the bureau of his financial ability to pay compensation as aforesaid, or does not terminate his acceptance of article three of this act in the manner provided in section three hundred and four of the said article, such employer shall be liable for compensation under article three of this act to any employee injured thereafter, or to his personal representative, or for damages under article two of this act, at the option of such employee or his personal representatives: *Provided*, That such option be exercised by the employee and written notice given to the employer within thirty days after the accident: *And provided further*, That until the expiration of the said thirty days from the giving of the notice by the bureau the employer shall be liable only for compensation under article three of this act, and that if he shall terminate his acceptance under section three hundred and four of article three of this act he shall be liable only for compensation under article three of this act until such termination of acceptance shall become effective.

Compensation—

SEC. 306. The following schedule of compensation is hereby established for injuries resulting in total disability:

Total disability;

(a) For the first five hundred weeks after the fourteenth day of total disability, fifty per centum of the wages of the injured employee, as defined in section three hundred and nine; but the compensation shall not be more than ten dollars per week nor less than five dollars per week, and shall not exceed in aggregate the sum of four thousand dollars: *Provided*, That if at the time of injury the employee receives wages of less than five dollars per

week, then he shall receive the full amount of such wages per week as compensation. Nothing in this clause shall require the payment of compensation after disability shall cease. Should partial disability be followed by total disability, the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability.

Partial disability;

(b) For disability partial in character (except the particular cases mentioned in clause (c)), fifty per centum of the difference between the wages of the injured employee, as defined in section three hundred and nine, and the earning power of the employee thereafter; but such compensation shall not be more than ten dollars per week. This compensation shall be paid during the period of such partial disability; not, however, beyond three hundred weeks after the fourteenth day of such total disability. Should total disability be followed by partial disability, the period of three hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for such total disability.

Permanent injuries.

(c) For all disability resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows:

For the loss of a hand, fifty per centum of wages during one hundred and seventy-five weeks.

For the loss of an arm, fifty per centum of wages during two hundred and fifteen weeks.

For the loss of a foot, fifty per centum of wages during one hundred and fifty weeks.

For the loss of a leg, fifty per centum of wages during two hundred and fifteen weeks.

For the loss of an eye, fifty per centum of wages during one hundred and twenty-five weeks.

For the loss of any two or more of such members, not constituting total disability, fifty per centum of wages during the aggregate of the periods specified for each.

Unless the board shall otherwise determine, the loss of both hands or both arms, or both feet, or both legs, or both eyes, shall constitute total disability, to be compensated according to the provisions of clause (a).

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot, leg, or eye shall be considered as the equivalent of the loss of such hand, arm, foot, leg, or eye.

This compensation shall not be more than ten dollars per week nor less than five dollars per week: *Provided*, That, if at the time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of such wages per week as compensation.

Waiting time.

(d) No compensation shall be allowed for the first fourteen days after disability begins, except as hereinafter provided in clause (e) of this section.

Medical and hospital services, etc.

(e) During the first fourteen days after disability begins the employer shall furnish reasonable surgical, medical, and hospital services, medicines and supplies, as and when needed unless the employee refuses to allow them to be furnished by the employer. The cost of such services, medicines, and supplies shall not exceed twenty-five dollars, unless a major surgical operation shall be necessary; in which case the cost shall not exceed seventy-five dollars. If the employer shall, upon application made to him, refuse to furnish such services, medicines, and supplies, the employee may procure the same, and shall receive from the employer the reasonable cost thereof within the above limitations. If the employee shall refuse reasonable surgical, medical, and hospital services, medicines and supplies, tendered to him by his employer,

he shall forfeit all right to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal.

Death following disability.

(f) Should the employee die as a result of the injury, the period during which compensation shall be payable to his dependents, under sections three hundred and six [three hundred and seven] of this article, shall be reduced by the period during which compensation was paid to him in his lifetime, under this section of this article. No reduction shall be made for the amount which may have been paid for medical and hospital services and medicines, nor for the expenses of the last sickness and burial. Should the employee die from some other cause than the injury, the liability for compensation shall cease.

Compensation for death.

SEC. 307. In case of death, compensation shall be computed on the following basis, and distributed to the following persons:

1. To the child or children, if there be no widow nor widower entitled to compensation, twenty-five per centum of wages of deceased, with ten per centum additional for each child in excess of two, with a maximum of sixty per centum, to be paid to their guardian.

2. To the widow or widower, if there be no children, forty per centum of wages.

3. To the widow or widower, if there be one child, forty-five per centum of wages.

4. To the widow or widower, if there be two children, fifty per centum of wages.

5. To the widow or widower, if there be three children, fifty-five per centum of wages.

6. To the widow or widower, if there be four or more children, sixty per centum of wages.

7. If there be neither widow, widower, nor children, then to the father and mother, or the survivor of them, if dependent to any extent upon the employee for support at the time of his death, twenty per centum of wages.

8. If there be neither widow, widower, children, nor dependent parent, then to the brothers and sisters, if actually dependent to any extent upon the decedent for support at the time of his death, fifteen per centum of wages for one brother or sister, and five per centum additional for each additional brother or sister, with a maximum of twenty-five per centum; such compensation to be paid to their guardian.

Burial expenses.

9. Whether or not there be dependents as aforesaid the reasonable expenses of the last sickness and burial, not exceeding one hundred dollars (without deduction of any amounts theretofore paid for compensation or for medical expenses), payable to the dependents, or if there be no dependents then to the personal representatives of the deceased.

Terms and conditions of payments.

Compensation shall be payable under this section to or on account of any child, brother, or sister, only if and while such child, brother, and [or] sister is under the age of sixteen. No compensation shall be payable under this section to a widow, unless she was living with her deceased husband at the time of his death, or was then actually dependent upon him for support. No compensation shall be payable under this section to a widower, unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support. The terms "child" and "children" shall include stepchildren and adopted children, and children to whom he stood in loco parentis, if members of decedent's household at the time of his death, and shall include posthumous children. Should any dependent of a deceased employee die, or should the widow or widower remarry, or should the widower become capable of self-support, the right of such dependent, or such widow or widower, to compensation under this section shall cease. If the compensation payable under this section to any person shall for any cause cease, the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased.

The wages upon which death compensation shall be based shall not in any case be taken to exceed twenty dollars per week nor be less than ten dollars per week.

This compensation shall be paid during three hundred weeks, and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of three hundred weeks until such child reach the age of sixteen at the rate of fifteen per centum of wages, if there be but one child, with ten per centum additional for each additional child, with a maximum of fifty per centum.

Installments.

SEC. 308. Except as hereinafter provided all compensation payable under this article shall be payable in periodical installments, as the wages of the employee were payable before the accident.

Computing wages.

SEC. 309. Wherever in this article the term "wages" is used, it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, and shall not include gratuities received from the employer or others, nor shall it include board, lodging, or similar advantages received from the employer, unless the money value of such advantages shall have been fixed by the parties at the time of hiring, nor shall it include amounts deducted by the employer, under the contract of hiring, for labor, material, supplies, tools, or other things furnished or paid for by the employer and necessary for the performance of such contract by the employee. In occupations involving seasonal employment, or employment dependent upon the weather, the employee's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident, unless it be shown that during such year, by reason of exceptional causes, such method of computation does not ascertain fairly the earnings of the employee, in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings. In continuous employments, if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employee, his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day of ordinary length, excluding earnings from overtime, and using as a basis of calculation his earnings during so much of the preceding six months as he worked for the same employer. Where the employee is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation.

Nonresident alien beneficiaries.

SEC. 310. Compensation under this article to alien dependent widows and children, not residents of the United States, shall be two-thirds of the amount provided in each case for residents; and the employer may at any time commute all future installments of compensation payable to alien dependents, not residents of the United States, by paying to such alien dependents the then value thereof, calculated in accordance with the provisions of section three hundred and sixteen of this article. Alien widowers, parents, brothers, and sisters, not residents of the United States, shall not be entitled to any compensation.

Nonresident alien dependents may be officially represented by the consular officers of the nation of which such alien or aliens may be citizens or subjects, and in such cases the consular officers shall have the right to receive for distribution to such nonresident alien dependents all compensation awarded hereunder, and the receipt of such consular officers shall be a full discharge of all sums paid to and received by them.

Notice of accident.

SEC. 311. Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employee or some one in his behalf or some of the dependents of some one in their behalf shall give notice thereof to the employer within fourteen

days after the accident no compensation shall be due until such notice be given or knowledge obtained; but if the employee or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental inability or to fraud, misrepresentation, or deceit, or to any other reasonable cause or excuse, then compensation shall be allowed, unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay, in which case he shall be relieved to the extent of such prejudice.

Form.

SEC. 312. The notice referred to in section three hundred and eleven hereof shall be substantially in the following form:

To (name of employer).

You are hereby notified that an injury of the following character ——— was suffered by (name of employee injured), who was in your employment at (place), while engaged as (kind of employment) on or about the —— day of ———, anno Domini ———, and that compensation will be claimed therefor.

Date ———. (Signed) ——— ———.

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employee, by name, received an injury, the character of which is described in ordinary language, in the course of his employment on or about a time specified and at or near a place specified.

Service.

SEC. 313. The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer, or upon the manager or superintendent in charge of the works or business in which the accident occurred, or by sending them through the registered mail to the employer at his or its last-known residence or place of business, or, if the employer be a corporation, either foreign or domestic, then upon the president, vice president, secretary, or treasurer thereof. Knowledge of the occurrence of the injury on the part of any of said agents shall be the knowledge of the employer.

Medical examinations.

SEC. 314. At any time after an injury the employee, if so requested by his employer, must submit himself for examination, at some reasonable time and place, to a physician or physicians legally authorized to practice under the laws of such place, who shall be selected and paid by the employer. If the employee shall refuse, upon the request of the employer, to submit to the examination by the physician or physicians selected by the employer, the board may, upon petition of the employer, order the employee to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer; and if the employee shall, without reasonable cause or excuse, disobey or disregard such order he shall be deprived of his right to compensation under this article. The board may at any time after such first examination, upon petition of the employer, order the employee to submit himself to such further examinations as it shall deem reasonable and necessary, at such times and places and by such physicians as it may designate, and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employee in order to submit himself to such examination. The refusal or neglect, without reasonable cause or excuse, of the employee to submit to such examination ordered by the board, either before or after an agreement or award, shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect, and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable.

The employee shall be entitled to have a physician or physicians of his own selection, to be paid by him, participate in any examination requested by his employer or ordered by the board.

SEC. 315. In cases of personal injury all claims for compensation shall be forever barred, unless within one year after the accident the parties shall have agreed upon the compensation payable under this article; or unless within one year after the accident one of the parties shall have filed a petition as provided in article four hereof. In cases of death all claims for compensation shall be forever barred unless within one year after the death the parties shall have agreed upon the compensation under this article; or unless within one year after the death one of the parties shall have filed a petition as provided in article four hereof. Where, however, payments of compensation have been made in any case, said limitations shall not take effect until the expiration of one year from the time of the making of the last payment. Claim in one year.

SEC. 316. The compensation contemplated by this article may at any time be commuted by the board at its then value when discounted at five per centum interest, with annual rests, disregarding the probability of the beneficiary's death, upon application of either party, with due notice to the other, if it appear that such commutation will be for the best interest of the employee or the dependents of the deceased employee, and that it will avoid undue expense or undue hardship to either party, or that such employee or dependent has removed or is about to remove from the United States, or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets. Except as provided in section three hundred and ten hereof, and in this section, no commutation of compensation shall be made. Lump-sum payments.

SEC. 317. At any time after the approval of an agreement or after the entry of the award, a sum equal to all future installments of compensation may (where death or the nature of the injury renders the amount of future payments certain), with the approval of the bureau, be paid by the employer to any savings bank, trust company, or life insurance company, in good standing and authorized to do business in this State, and such sum, together with all interest thereon, shall thereafter be held in trust for the employee or the dependents of the employee, who shall have no further recourse against the employer. The payment of such sum by the employer, evidenced by the receipt of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted. In the appointment of the trustee preference shall be given, in the discretion of the court, to the choice of the employee or the dependents of the deceased employee. Should, however, there remain any unexpended balance of any fund after the payment of all sums due under this act, such balance shall be repaid to the employer who made the original payment, or to his legal representatives. Deposits to cover payments.

SEC. 318. The right of compensation granted by this article of this act shall have the same preference (without limit of amount) against the assets of an employer, liable for such compensation, as is now or may hereafter be allowed by law for a claim for unpaid wages for labor: *Provided, however*, That no claim for compensation shall have priority over any judgment, mortgage, or conveyance of land recorded prior to the filing of the petition, award, or agreement as to compensation in the office of the prothonotary of the county in which the land is situated. Claims for payments due under this article of this act shall not be assignable, and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claims of creditors, and from levy, execution, or attachment, which exemption may not be waived. Preference.

SEC. 319. Where a third person is liable to the employee or the dependents for the injury or death, the employer shall be subrogated to the right of the employee or the dependents against Subrogation.

such third person, but only to the extent of the compensation payable under this article by the employer. Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employee or to the dependents, and shall be treated as an advance payment by the employer on account of any future installments of compensation.

ARTICLE IV.—*Procedure.*

Definitions.

SECTION 401. The term "referee" when used in this article shall mean workmen's compensation referee.

The term "fund" when used in this article shall mean the State insurance fund of this Commonwealth.

The term "employer" when used in this article shall mean the employer as defined in article one of this act, or his duly authorized agent, or his insurer, if such insurer has assumed the employer's liability, or the fund, if the employer be insured therein.

Petitions.

SEC. 402. All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board. All petitions shall be in writing and in the form prescribed by the board.

Forwarding.

SEC. 403. All petitions, all copies of agreements for compensation, and all other papers requiring action by the board shall be mailed or delivered to the bureau at its principal office.

Filing.

SEC. 404. The bureau shall, immediately upon their receipt properly file and docket all petitions, agreements for compensation, findings of fact by the board or any referee, awards or disallowances of compensation, or modifications thereof, and all other reports or papers filed with it under the provisions of this act or the rules and regulations of the board.

Papers requiring action.

SEC. 405. The bureau shall, by mail or in such other manner as the board shall direct, transmit to the board or the proper referee true copies of all petitions, agreements, or other papers requiring action by the board or a referee.

Daily reports.

SEC. 406. At the close of each day the board and all referees shall, in such manner as the rules of the board shall prescribe, transmit to the bureau all findings of fact, awards or disallowances of compensation, or modifications thereof, or other decisions or reports rendered during the day.

Service of decisions.

SEC. 407. Immediately upon receiving from the board or any referee any approval or disapproval of any agreement for or any award or disallowance of compensation, or any modification thereof, or any other decision, the bureau shall serve a certified copy thereof on all parties in interest.

How service effected.

SEC. 408. All notices and certified copies to which any party shall be entitled under the provisions of this article shall be served by mail or in such other manner as the board shall direct. For the purposes of this article any notice or certified copy shall be deemed served on the date when mailed, properly stamped and addressed, and shall be presumed to have reached the party to be served; but any party may show by competent evidence that any notice or certified copy was not received, or that there was unusual or unreasonable delay in its transmission through the mails. In any such case proper allowance shall be made for the party's failure within the prescribed time to assert any right given him by this act.

The bureau, the board, and every referee shall keep a careful record of the date of mailing every notice and certified copy required by this act to be served on the parties in interest.

Referee's findings.

SEC. 409. A referee's findings of fact shall be final, unless the board shall allow an appeal therefrom, as hereinafter provided. The board's findings of fact shall in all cases be final.

From the referee's decision on any question of law an appeal may be taken to the board, and from any decision of the board on a question of law an appeal may be taken to the courts, as hereinafter provided.

Agreements.

SEC. 410. On or after the fourteenth day after any accident shall have occurred the employer and the employee, or his dependent, may agree upon the compensation payable to the employee or his dependent under this act; but any agreement made prior to the fourteenth day after the accident shall have occurred, or permitting a commutation of payments contrary to the provisions of this act, or varying the amount to be paid or the period during which compensation shall be payable as provided in this act, shall be wholly null and void.

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest.

Reference to board.

SEC. 411. Whenever an agreement shall be executed between an employer and an employee or his dependent as provided by this act, a certified copy of the same, signed by all parties in interest, shall be mailed or delivered to the board. It shall be the duty of the board to examine the agreement and to determine whether it conforms to the provisions of section four hundred and ten, and, within thirty days after the copy of the agreement has been mailed or delivered to it, to notify the parties thereto of its validity or invalidity under the aforesaid section: *Provided, however,* That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability, under article three of this act, of the employer making such payments.

Claim.

SEC. 412. If after any accident the employer and the employee or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act, the employee or his dependent may present a claim for compensation to the board.

Action by bureau.

SEC. 413. Whenever a claim petition shall be presented to the board, the bureau shall promptly assign it to a referee for hearing and determination. The bureau shall forthwith notify such referee that the petition has been assigned to him, and shall serve upon each adverse party in interest a certified copy of the petition and a notice that unless an answer shall within seven days be filed with the referee to whom the petition has been assigned (giving his name and address), the allegations of the petition shall be deemed admitted.

Answer.

SEC. 414. Within seven days after a certified copy of the petition and a notice as herein required shall have been served upon any adverse party, he may file with the referee designated in the notice an answer in the form prescribed by the rules and regulations of the board.

Hearing.

SEC. 415. Seven days after notice of a claim petition shall have been served upon the adverse parties thereto, the referee shall fix a time and place for hearing the claim and shall notify all the parties in interest. The time of hearing shall be not less than twelve days nor more than twenty-one days after notice of the filing of the petition shall have been mailed or delivered to all adverse parties thereto. Together with the notice of the time and place of hearing, a copy of any answer filed by any adverse party shall be mailed or delivered to the petitioner or petitioners.

Whenever all adverse parties in interest have concurred in the answer, all facts not denied therein shall be deemed admitted, and no testimony shall be required from the petitioner or petitioners or heard on behalf of the adverse parties upon any fact not controverted in such answer.

Taking evidence.

SEC. 416. The referee designated by the bureau, or such other referee as the board shall substitute for him, shall hear evidence relating to the claim at the time and place stated in the notice to the parties.

Investigation.

SEC. 417. The referee, if he shall deem it necessary, shall, either before or after any hearing, make an investigation of the facts set forth in the petition or cause the same to be made. With the consent of the board he may appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon, or he may employ the services of such other

experts as shall appear necessary to ascertain the facts. The board shall fix the compensation of such physicians, surgeons, and experts, and the referee shall tax the same as a part of the cost of the proceedings, to be paid by either party or both, as the board may direct. The report of any physician, surgeon, or expert appointed by the referee shall be filed with him and shall be a part of the record and open to inspection by any party to the same.

Findings.

SEC. 418. Within seven days after the conclusion of any hearing the referee shall in writing state his findings of fact, his award or disallowance of compensation in accordance with the provisions of this act, and such other matters as the rules of the board shall require.

Appeals.

SEC. 419. Any party in interest may, within ten days after notice of a referee's award or disallowance of compensation shall have been served on him, take an appeal to the board on the ground: (1) That the award or disallowance of compensation is not in conformity with the terms of this act, or that the referee committed any other error of law; or (2) that the findings of fact and award or disallowance of compensation was unwarranted by the evidence, or because of fraud, coercion, or other improper conduct by any party in interest.

Hearing on points of law.

SEC. 420. Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon. The board shall fix a time and place for such hearing and shall serve notice thereof on all parties in interest.

As soon as may be after any such hearing the board shall either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper.

Fraud, etc.

SEC. 421. Whenever an appeal shall be taken on the ground that the referee's award of [or] disallowance of compensation was unwarranted by the evidence, or because of fraud, coercion, or other improper conduct by any party in interest, the board may, in its discretion, grant a hearing de novo or sustain the referee's award or disallowance of compensation. If the board shall grant a hearing de novo it shall fix a time and place for the same and shall notify all parties in interest.

The board shall at all times have the power to make any investigation which it shall deem necessary to ascertain the facts. It may employ physicians, surgeons, or other experts to aid in its investigation, and shall in all cases fix the compensation of such physicians, surgeons, or experts, and tax the same as a part of the cost of the proceedings, to be paid by either party, or both, as the board may direct.

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act.

Decision on agreed facts.

SEC. 422. Whenever the employer and the employee or his dependent shall, on or after the fourteenth day after any accident, agree on the facts on which a claim for compensation depends, but shall fail to agree on the compensation payable thereunder, they may by petition request the board to determine the compensation payable. Such petition shall contain the agreed facts and shall be signed by all parties in interest. The board shall fix a time and place for hearing the petition and shall notify all parties in interest. As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act.

Reviews.

SEC. 423. All agreements for compensations shall be subject to review by the board at any time upon presentation of a petition alleging fraud, mistake, coercion, or other proper cause. The board shall fix a time and place for hearing the petition, and shall notify all parties in interest.

As soon as may be after such hearing, the board shall either ratify or disapprove the agreement.

Request for commutation.

SEC. 424. If any party shall desire the commutation of future installments of compensation, he shall present a petition therefor to the board. The board shall appoint a time and place for hearing the petition, and shall notify all parties in interest.

Every such petition shall be heard by the board, but the board may refer any question of fact arising out of such petition to a referee, whose findings shall be final, unless upon petition the board shall, for cause shown, grant a hearing on the facts.

The board shall fix a time and place for the hearing, and shall notify all parties in interest.

Appeal to courts.

SEC. 425. If any party in interest shall desire to appeal from the decision of the board on matters of law, he shall, within ten days after notice of its decision shall have been served on him, file a notice of appeal with the prothonotary of the court of common pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business, or, by agreement of the parties, to the court of common pleas of any other county. In such case it shall be the duty of the bureau within ten days to prepare and mail or deliver to the prothonotary of the proper county a transcript of the agreement or finding of fact and award or disallowance of compensation or modification thereof involved in the appeal.

Any appeal from a decision of the board to the courts of common pleas, and from them to the supreme or superior court, shall take precedence over all other civil cases.

Modifying awards.

SEC. 426. Any agreement or award of compensation may be modified or terminated at any time by a subsequent agreement approved by the board, and may be modified or terminated by the board or a referee designated by the board on the petition of either party on the ground that the incapacity of the injured employee has subsequently increased, decreased, or terminated, or that the status of any dependent has changed. In such case the procedure shall be the same as that provided in the case of an original agreement or petition.

Hearings public.

SEC. 427. All hearings before the board or before a referee shall be public.

Procedure.

SEC. 428. Neither the board nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation.

Judgment on petition.

SEC. 429. Wherever, after an accident, any employee or his dependents shall have entered into a compensation agreement with his employer, or shall file a claim petition with the board, he may file a certified copy thereof with the prothonotary of the court of common pleas of any county. The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as a judgment against the employer. If the agreement be approved by the board, or compensation awarded as claimed in the petition, the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary. Pending the approval of the agreement or the award of compensation, no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award; but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition.

If the agreement be disapproved, or, after hearing, compensation shall be disallowed, the employer may file with the prothonotary of any county in which the petition or agreement is on record as a judgment, a certified copy of the disapproval of the agreement or disallowance of compensation, and it shall be the duty of such prothonotary to strike off the judgment.

If the amount of compensation claimed be disallowed, but another amount awarded, the compensation judgment shall be a lien to the extent of the award, as of the date of filing the petition with the prothonotary, with the same effect as to other liens and the same disability to issue execution thereon as if the compensa-

tion claimed had been allowed. In such cases the prothonotary shall make such modification of the record as shall be appropriate.

If, after approval of the agreement or award, the agreement or award be subsequently modified, either party may file with the prothonotary a certified copy of the modified award or agreement, and it shall be the duty of the prothonotary to make such modification of the record as shall be appropriate, and the lien of the judgment shall be modified accordingly.

Entry of satisfaction.

SEC. 430. If any party against whom a compensation agreement or award is on record in any county of this Commonwealth shall at any time present to the board receipts or copies thereof, certified by any referee, showing the payment of compensation as required by the agreement or award in full, to the date of presentation to the referee, the board shall issue a certificate to such party in the form prescribed, stating the extent to which the judgment of the agreement or award has been reduced. Upon presentation of such certificate to the prothonotary of any county in which the agreement or award is on record, it shall be the prothonotary's duty to mark the judgment satisfied to the extent of the payments so certified.

Lien not divested by appeal.

SEC. 431. The lien of any judgment entered upon any award shall not be divested by any appeal. If, however, the party appealing from the award shall file with the board a bond, in such amount and in such form as the rules and regulations of the board shall direct, the appeal shall, pending its decision, excuse the payment of so much of the compensation as is contested therein; but if the final decision on appeal shall sustain the award, it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award. If on appeal the award is sustained as to a part, it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award. In case the award is annulled on appeal, it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied.

Costs.

SEC. 432. The cost of the prothonotary for entering the amount of compensation as provided in this act, or making a modification of the record, or marking the judgment satisfied, shall be allowed, taxed, and collected as upon a confession of judgment.

Monthly reports.

SEC. 433. It shall be the duty of the prothonotary of each court of common pleas and of the supreme and superior courts of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article.

ARTICLE V.—*General provisions.*

Fees for legal services.

SECTION 501. No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages, or be valid or binding in any other respect, unless the same be approved in writing by the judge presiding at the trial, or, in case of settlement without trial, by a judge of the common pleas court of the county in which the accident occurred.

No claim or agreement for legal services or disbursements in support of any claim for compensation, or in preparing any agreement for compensation, under article three of this act shall be an enforceable lien against the amount to be paid as compensation, or be valid or binding in any other respect, unless the same be approved by the board. Any such claim or agreement shall be filed with the bureau, which shall, as soon as may be, notify the person by whom the same was filed of the board's approval or disapproval thereof, as the case may be.

After the approval as herein required, if the employer be notified in writing of such claim or agreement for legal services and disbursements, the same shall be a lien against any amount thereafter to be paid as damages or compensation: *Provided, however,*

That where the employee's compensation is payable by the employer in periodical installments the board shall fix, at the time of approval, the proportion of each installment to be paid on account of legal services and disbursements.

Statute severable.

SEC. 502. If any provision of this act shall be held by any court to be unconstitutional, such judgment shall not affect any other section or provision of this act, except that articles two and three are hereby declared to be inseparable and as one legislative thought; and if either article be declared by such court void or inoperative in an essential part, so that the whole of such article must fail, the other article shall fall with it and not stand alone.

Exception.

Prior causes.

SEC. 503. Nothing in this act shall affect or impair any right of action which shall have accrued before this act shall take effect.

Repealer.

SEC. 504. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Act in effect.

SEC. 505. This act shall not apply in the case of an accident occurring prior to the first day of January next succeeding its passage and approval.

Approved June 2, 1915.

ACT No. 339.—*Bureau of workmen's compensation—Board.*

Use of terms.

SECTION 1. The bureau of workmen's compensation of the department of labor and industry is hereinafter called bureau.

The workmen's compensation board is hereinafter called the board.

The commissioner of labor and industry is hereinafter called the commissioner.

The workmen's compensation referee is hereinafter called the referee.

Bureau created.

SEC. 2. The bureau of workmen's compensation of the department of labor and industry is hereby created.

Board.

SEC. 3. The board is hereby created to supervise and direct the bureau. It shall consist of three members, who shall be appointed by the governor by and with the advice and consent of the senate. The commissioner shall be an ex officio member of the board, but shall not vote on orders, decisions, or awards. The members of the board shall be appointed for terms of four years, but they shall at all times be removable by the governor, by and with the advice and consent of the senate.

Whenever a vacancy on the board shall occur because of the death, resignation, or removal of a member the governor shall, by and with the advice and consent of the senate, appoint a member of the board to fill the remainder of the term of the member whose death, resignation, or removal created the vacancy.

Chairman.

SEC. 4. The governor shall designate a member of the board to serve as its chairman during his term of office. It shall be the duty of the chairman when present, to preside at all meetings of the board.

Quorum.

Two members shall be a quorum of the board, and any action of the board shall not be valid unless it shall have the concurrence of two members. A vacancy on the board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the board.

Attorneys.

SEC. 5. The attorney general shall ex officio be the general counsel of the bureau. He shall appoint an attorney or attorneys learned in the law as counsel for the bureau, whose salaries shall not in the aggregate exceed the sum of ten thousand dollars.

Districts.

SEC. 6. It shall be the duty of the board, immediately upon its organization, to divide the Commonwealth into districts to be known as workmen's compensation districts. Each district shall, as near as may be practicable, be compact and of contiguous territory.

Referees. SEC. 7. As soon as such districts shall have been created the commissioner, with the approval of the governor, shall appoint as many referees as shall be necessary to fulfill the purposes of this act, not to exceed ten in number.

Assignment. SEC. 8. The board may assign any referee or referees to any workmen's compensation district.

Secretary. SEC. 9. The board shall appoint a secretary to serve at its pleasure, who shall perform such duties as shall be imposed upon him by the board.

Sergeant at arms. SEC. 10. The board shall appoint a sergeant at arms, who shall attend all hearings, preserve order thereat, superintend the serving of subpœnas and such other papers as the board may direct, and perform such other duties as may be prescribed by the board.

Blanks. SEC. 11. It shall be the duty of the bureau to publish such blank forms as will be useful in the administration of any workmen's compensation law now in force or hereafter to be enacted, to distribute the same to all employers, insurers, or employees applying therefor in person or by mail, and to perform such other duties as shall be required by law.

Notice of accidents. SEC. 12. It shall be the duty of the bureau, if the State workmen's insurance board shall file with it a written notice that any employer has become a subscriber to the State workmen's insurance fund, promptly to transmit to the State workmen's insurance board a copy of any notice received by such bureau of any accident to any employee of such subscribing employer.

Rules. SEC. 13. It shall be the duty of the board to make all proper and necessary rules and regulations for the conduct of the bureau, and to promptly hear and determine all petitions and appeals, and to perform such other duties as shall be required by law.

Duties of referees. SEC. 14. It shall be the duty of every referee to hear such claims for compensation as shall be assigned to him by the bureau, to perform such duties as shall be required of him by the board, and to perform all other duties imposed by law.

Clerks, etc. SEC. 15. The commissioner shall, with the approval of the governor, appoint three clerks, whose salary shall not exceed two thousand dollars per annum, and not more than twenty-four clerks, one-half at least of whom shall be stenographers, at an annual salary not exceeding fourteen hundred dollars, to perform such duties in connection with the work of the bureau as the board shall direct. The commissioner may also appoint, with the approval of the governor, one clerk for each referee, at an annual salary not to exceed one thousand dollars, and a messenger for the bureau, at a salary not to exceed one thousand dollars per annum. The commissioner may also, from time to time, detail to the assistance of the board or the referees such other employees of the department of labor and industry as may be necessary.

Offices of referees. SEC. 16. It shall be the duty of the commissioner to provide suitable places in the various workmen's compensation districts in which referees may hold hearings. The commissioner shall have the power, with the approval of the board, to establish permanent offices for referees in the various compensation districts.

The expenses of procuring places for hearings and establishing permanent offices for referees shall be paid as other expenses of the department of labor and industry are paid.

Investigations. SEC. 17. The board and every referee shall have the power to conduct any investigation which may be deemed necessary to ascertain the facts of any claim or any other matter properly before such board or referee. Such investigations may be made by the board or referee personally, or by any inspector of the department of labor and industry, or by any other person or persons authorized by law. Every inspector of the said department of labor and industry is hereby empowered and directed to conduct any investigation authorized by this act at the request of the board or any referee, with the consent of the commissioner.

Powers as to oaths, etc. SEC. 18. Every member of the board and every referee shall have the power to issue subpœnas, administer oaths, and summon

witnesses at the request of either party to a petition, or of his own motion, and to require the attendance of witnesses, and the production of books and papers pertinent to any hearing, and to examine them and such public records as he may require in relation to any matter which he has power to investigate.

Any witness who refuses to obey a subpœna of a member of the board or any referee, or who refuses to be sworn or to testify, or who fails to produce any papers, books, or documents touching any matter under investigation, or who is guilty of any contempt after summons to appear, may be punished as for contempt of court, and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed, and for which purpose such court is hereby given jurisdiction.

The secretary of the board and all referees are hereby directed to administer any oaths required by this act, without charge, to the parties to any petition, and all certified copies of awards or disallowances of compensation, or modifications thereof, or of receipts for payments of compensation shall be made by the bureau or any referee without charge.

Issue of subpœnas.

SEC. 19. All subpœnas issued by a member of the board or by a referee shall be signed by him or by the secretary of the board, and may be served by any adult in any part of this Commonwealth.

Fees.

SEC. 20. Each witness required to attend before the board or any referee shall receive for each day's attendance the sum of one dollar and fifty cents, and, in addition thereto, three cents for each mile circular traveled by such witness by the usual route from his home to the place where his presence is required. The fees for serving subpœnas shall be the same as those paid sheriffs for similar services. The fees, expenses, and costs of any hearing may be imposed by the board upon either party, or may be divided between the parties in such proportions as the board may determine.

Salaries.

SEC. 21. Each member of the board shall receive an annual salary of seven thousand dollars, except the chairman, who shall receive seven thousand five hundred dollars; the secretary shall receive an annual salary of four thousand dollars; the sergeant at arms shall receive an annual salary of one thousand five hundred dollars; each referee shall receive an annual salary of two thousand five hundred dollars.

The salaries hereinbefore mentioned and the salaries of all other officers, agents, appointees, and the employees of the bureau, shall be payable monthly.

Expenses.

Each member of the board, its secretary, counsel, sergeant at arms, and other officers, agents, employees, and appointees, and each referee shall be paid in addition to their stipulated salary or compensation the railroad fare, board, lodging, and other traveling expenses necessarily and actually incurred by each of them in the performance of the duties required by this act or performed by direction of the board.

Approved June 2, 1915.

ACT No. 340.—*Workmen's compensation insurance board—State fund.*

Use of terms.

SECTION 1. The State workmen's insurance board is hereinafter called the board; the State workmen's insurance fund is hereinafter called the fund; and the bureau of workmen's compensation of the department of labor and industry is hereinafter called the bureau.

Board created.

SEC. 2. The State workmen's insurance board is hereby created, consisting of the commissioner of labor and industry, the insurance commissioner, and the State treasurer.

State fund.

SEC. 3. Certain sums to be paid by employers, as hereinafter provided, are hereby constituted a fund, to be known as the State

workmen's insurance fund, for the purpose of insuring such employers against liability under article three of the workmen's compensation act of 1915, and of assuring the payment of the compensation therein provided. Such fund shall be administered by the board, without liability on the part of the State, except as hereinafter provided, beyond the amount thereof, and shall be applied to the payment of such compensation.

Custodian.

SEC. 4. The State treasurer shall be the custodian of the fund, and all disbursements therefrom shall be paid by him, upon vouchers authorized by the board and signed by any two members thereof, except as hereinafter provided in sections twenty-two and twenty-three. He may deposit any portion thereof not needed for immediate use as other State funds are lawfully deposited, and the interest thereon shall be collected by him and placed to the credit of the fund.

Schedule of premiums.

SEC. 5. On or before the first day of October in each year the said board shall prepare and publish a schedule of premiums or rates of insurance for employers who shall have accepted article three of the workmen's compensation act of 1915, which schedule shall be printed and distributed free of charge to such employers as shall make application therefor; and any such employer may, at his option, as hereinafter provided, pay to the fund the amount of the premium appropriated to his business or domestic affairs, and upon payment thereof shall thereafter be considered a subscriber to the fund, and shall be insured as hereinafter provided for the calendar year for which such premium is paid; and such insurance shall cover all payments becoming due in any year because of accidents occurring during the year for which said premium is paid.

Rates.

SEC. 6. The said board shall determine the amount of premiums which the subscribers to the fund shall pay, and shall fix the premiums for insurance in accordance with the nature of their business and of the various employments of their employees, and the probable risk of injury to their employees therein; and they shall fix the premiums at such an amount as shall be adequate to enable them to pay all sums which may become due and payable to the employees of such subscribers under the provisions of article three of the workmen's compensation act of 1915; and to create and maintain the surplus provided in section nine of this act, and to provide an adequate reserve sufficient to carry all policies and claims to maturity. In fixing the premiums payable by any subscriber the board may take into account the condition of the plant, workroom, shop, farm, mine, quarry, operation, and all other property or premises of such subscriber in respect to the safety of those employed therein, as shown by the report of any inspector appointed by the board or by the department of labor and industry; and they may from time to time change the amount of premiums payable by any of the subscribers, as circumstances may require and the condition of the plant, workroom, shop, farm, mine, quarry, operation, or other property or premises of such subscribers in respect to the safety of their employees may justify; and they may increase the premiums of any subscriber neglecting to provide safety devices required by law or disobeying the rules or regulations made by the board in accordance with the provisions of section 15 of this act. The insurance of any subscriber shall not be effective until he shall have paid in full the premiums so fixed and determined.

List of subscribers.

SEC. 7. The board shall file with the workmen's compensation bureau of the department of labor and industry a notice setting forth the names and places of business of those employers who from time to time shall become subscribers to the said fund.

Expenses.

SEC. 8. The expenses of the organization and administration of the fund shall, until the first day of July, one thousand nine hundred and nineteen, be paid by the State, out of funds hereinafter appropriated therefor.

Surplus fund.

SEC. 9. The board shall set aside five per cent of all premiums collected for the creation of a surplus until such surplus shall

amount to one hundred thousand dollars; and thereafter they may set apart such percentage, not exceeding five per centum, as in their discretion they may determine to be necessary to maintain such surplus sufficiently large to cover the catastrophe hazard of all the subscribers to the fund, and to guarantee the solvency of the fund.

Classes.

SEC. 10. The said board shall divide the subscribers into groups, in accordance with the nature of the business of such subscribers and the probable risk of injury therein, and they shall fix all premiums for each group in accordance with the experience thereof. Where the employees in any business are engaged in various employments in which the risk of injury is substantially different, the board may subdivide the employments into classes and shall fix the premium for each in accordance with the probable risk of injury therein.

Distribution of balances.

SEC. 11. The board shall keep an accurate account of the money paid in premiums by the subscribers and the disbursements on account of injuries to employees thereof, and if at the expiration of any year there shall be a balance remaining, after deducting such disbursements, the unearned premiums on undetermined risks, and the percentage of premiums paid or payable to create or maintain the surplus provided in section nine of this act, and after setting aside an adequate reserve, so much of the balance as the board may determine to be safely distributable shall be distributed among the subscribers in proportion to the premiums paid by them; and the proportionate share of such subscribers as shall remain subscribers to the fund shall be credited to the installment of premium next due by them, and the proportionate share of such subscribers as shall have ceased to be subscribers in the fund shall be refunded to them out of the fund in the manner hereafter provided.

Investments.

SEC. 12. The said board may invest any of the surplus or reserve belonging to the fund in such securities and investments as are authorized for investment by savings banks. All such securities or evidence of indebtedness shall be placed in the hands of the State treasurer, who shall be the custodian thereof. He shall collect the principal and interest thereof when due, and pay the same into the fund. The State treasurer shall pay all vouchers drawn on the fund for the making of such investments, when signed by two members of the board, upon delivery of such securities or evidences of indebtedness to him, when there is attached to such vouchers a certified copy of the resolution of the board authorizing the investment. The said board may, upon like resolution, sell any of such securities.

Contracts for medical services.

SEC. 13. The said board shall have the power to make all contracts necessary for supplying medical, hospital, and surgical services, as provided in section three hundred and six, subsection (e), article three, of the workmen's compensation act of 1915.

Reinsurance.

SEC. 14. The said board shall have the power to reinsure any risk which they may deem necessary.

Inspections.

SEC. 15. The said board shall be entitled to inspect the plant, workroom, shop, farm, mine, quarry, operation, and all other property or premises of any subscriber, and shall be entitled to examine from time to time the books, records, and pay rolls of any subscriber or intending subscriber for the purpose of determining the amount of the premium payable to such subscriber or intending subscriber; and they shall have the power to appoint such inspectors and auditors as may be necessary to carry out the powers given in this section; or they may, with the consent of the department of labor and industry and commissioner of insurance, cause such inspection and examination to be made by the inspectors of the said department of labor and industry and the auditors of the State insurance department, and such inspectors and auditors shall have free access to all such premises, books, records, and pay rolls during the regular working and office hours.

Rules for safety.

The board shall make reasonable rules and regulations for the prevention of injuries upon the premises of the subscribers, and they may refuse to insure, or may terminate the insurance of, any subscriber who refuses to permit such examinations or disregards such rules or regulations, and may forfeit one-half of the unearned premiums previously paid by him.

Applications for insurance.

SEC. 16. Any employer who shall have accepted the provisions of article three of the workmen's compensation act of 1915, and who shall desire to become a subscriber to the said fund, for the purpose of insuring therein his liability to those of his employees, or any class thereof, who have accepted the said provisions, shall make a written application for such insurance to the said board, in which application the applicant shall state, under oath or affirmation: (a) The nature of the business or domestic affairs in which insurance is desired; (b) the average number of employees expected to be employed in such business during the year for which insurance is sought, and the average number of employees if any, engaged in such business during the previous calendar year; (c) The approximate money wages expected to be paid during the year for which insurance is sought, and the money wages paid to such employees during the preceding year; (d) the place where such business is to be transacted; (e) the place where the employer's pay roll and books of accounts are kept, and where the employees are customarily paid, and such other facts and information as the board shall require; and, when the employments are subdivided into classes, as provided in section ten of this act, the applicant shall further state, (f) the number of employees of each class expected to be employed or previously employed, as aforesaid; (g) the approximate money wages expected to be paid or previously paid, as aforesaid, to employees of each class for which insurance is sought. Thereupon the board shall make such investigations as they may deem necessary, and within thirty days after such application shall issue a certificate showing the classification or group in which such applicant is entitled to be placed, and the amount of premium payable by such applicant for the calendar year or the remainder of the calendar year for which insurance is sought. No insurance shall be issued for a longer period than a single calendar year.

Payment of premiums.

SEC. 17. All premiums shall be payable to the State treasurer, who shall issue an appropriate receipt therefor; and such receipt, together with the certificate of the board specified in section sixteen hereof, shall be the evidence that the applicant has become a subscriber to the fund and is insured therein.

Statements by subscribers.

SEC. 18. Each subscriber to said fund shall, within one month after his subscription has terminated, furnish a written statement under oath or affirmation to the said board setting forth the maximum average and minimum number of employees insured in the fund that such subscriber had employed during the preceding year and the actual amount of the money pay roll of such employees for such year; and setting forth, when the board has subdivided the employments in any group into classes, as provided in section ten of this act, the number and actual amounts of the money pay roll of such employees of each of such classes; and thereupon within thirty days the said board shall state the account of such subscriber for such calendar year, based on the facts thus proven, and shall render a copy of such statement to the subscriber; and if the amount of the premium theretofore paid by such subscriber shall exceed the amount due according to such stated account then the excess shall be forthwith refunded to the subscriber by payment out of the fund in the manner hereinafter provided; and if the amount shown by said statement exceed the amount of the premium theretofore paid by such subscriber the excess shall be forthwith due and payable by the subscriber into the fund, and until paid shall be a lien, as State taxes are a lien, upon the real and personal property of the subscriber; and, if unpaid, shall be collectible as State taxes are now collectible, with interest at the

rate of twelve per centum per annum, commencing thirty days after service of the copy of said account, which service shall be by registered mail.

False statements.

SEC. 19. Any person who shall falsely make oath or affirmation to any certificate, application, or statement herein required shall be guilty of a misdemeanor; and any subscriber who shall, after notice from the said board, neglect or refuse to file the statement mentioned in section eighteen hereof, within ten days after such notice, shall be liable to pay to the fund a penalty of ten dollars for each day that such neglect or refusal shall continue, to be recovered at the suit of the fund.

Liability discharged, how.

SEC. 20. Any subscriber to the fund who shall, within seven days after knowledge or notice of an accident to an employee in the course of his employment, as required by section three hundred and eleven of article three of the workmen's compensation act of 1915, have filed with the board a true statement of such knowledge, or a true copy of said notice, shall be discharged from all liability for the payment of compensation for the personal injury or death of such employee by such accident; and all such compensation due therefor, under article three of the workmen's compensation act of 1915, shall be paid out of the fund: *Provided, however*, That the report of such accident required by the act entitled "An act requiring employers to make reports to the department of labor and industry of accidents to employees and prescribing a penalty for noncompliance therewith," approved the nineteenth day of July, one thousand nine hundred and thirteen, shall be sufficient compliance with this section, if such report be made within said period of seven days and shall state that the employer making the same is a subscriber to the fund: *Provided*, That nothing in this section shall discharge any employer from the duty of supplying the medical and surgical services, medicine, and supplies required by section three hundred and six of the workmen's compensation act of 1915: *And provided further*, That any subscriber who has supplied such services, medicines, and supplies shall be reimbursed therefor from the fund.

Duty as to medical, etc., services.

Defenses by fund.

SEC. 21. In every case where a claim is made against the fund, the fund shall be entitled to every defense against such claim that would have been open to the employer, and shall be subrogated to every right of the employer arising out of such accident against the employee, the dependents, and against third persons. The fund may, in the name of the State workmen's insurance fund, sue in any county of this Commonwealth, or be sued, in the court of common pleas of Dauphin County, to enforce any right given against or to any subscribed or other person under this act or the workmen's compensation act of 1915; and the proceedings provided in article four of the workmen's compensation act of 1915 may be instituted by or against the fund, in the said name, to enforce, before the board of workmen's compensation or any referee thereof, the rights given to or against the said fund by the workmen's compensation act of 1915.

Investigation of accidents.

SEC. 22. Upon receipt of a notice or statement of knowledge of an accident to an employee of a subscriber occurring in the course of his employment the said board shall, if it deem necessary, cause an investigation to be made by an inspector appointed by it or an inspector of the department of labor and industry.

Execution of agreements.

SEC. 23. The board is hereby empowered to execute the agreements provided in the workmen's compensation act of 1915 and to appoint such agents and make such rules as they may deem necessary for this purpose. When any such agreement has been approved by the bureau the same shall be properly filed and docketed, and the board shall from time to time, until such agreement shall be modified or terminated, as provided in the workmen's compensation act of 1915, issue such warrant or warrants as may be necessary to pay the sums therein agreed upon. Such warrant or warrants shall be signed by a member of the said board or an agent appointed by the said board for this purpose

and shall be mailed to the person or persons entitled thereto under such agreement. When any award is made by the board of workmen's compensation or by a referee designated by the bureau in any proceedings brought by an employee of a subscriber or the dependents of such employee against the said fund such award shall be filed and docketed; and the State workmen's insurance board shall from time to time, until such award is modified, reversed, or terminated, issue such warrant or warrants as may be necessary to pay the sums therein lawfully awarded against the said fund. Such warrant or warrants shall be signed by a member of the State workmen's insurance board or by an agent appointed by the board for that purpose and shall be mailed to the person or persons entitled thereto under such award.

Payments.

SEC. 24. All payments to employees, dependents of deceased employees, physicians, attorneys, investigators, and others entitled to be paid out of the fund shall be made by the State treasurer on a warrant of the board as aforesaid. But where periodical installments are required to be paid, under article three of said workmen's compensation act of 1915, a single warrant shall be sufficient to authorize such periodical payments, but upon the modification of any agreement or award, in accordance with the provisions of article four, section four hundred and twenty-six of the workmen's compensation act of 1915, or upon review by the court, the board shall issue a further warrant in accordance with such subsequent agreement or such modification, and such warrant when issued shall supersede and cancel the previous warrant.

Information confidential.

SEC. 25. Information acquired by the fund, its officers and employees, from employers, employees, or insurance corporations or associations shall not be open to public inspection.

Officers.

SEC. 26. The board may, with the approval of the governor, appoint a manager, at a salary not to exceed seven thousand five hundred dollars; an assistant manager, at a salary not to exceed four thousand dollars; an actuary, at a salary not to exceed four thousand five hundred dollars; and may, with the approval of the governor, appoint at salaries fixed by the board, with the approval of the governor, such underwriters, bookkeepers, comptrollers, auditors, inspectors, examiners, medical advisers, agents, assistants, and clerks as may be necessary for the proper administration of the fund and the performance of the duties imposed upon the board by the provisions of this act. The commissioner of labor and industry shall include in his annual report a full and complete statement of the administration of the said fund.

Attorneys.

SEC. 27. The attorney general shall ex officio be the general counsel of the board. He shall appoint, at an annual salary or salaries to be fixed by him, not to exceed in the aggregate the sum of ten thousand dollars, an attorney or attorneys who shall act as counsel for the board.

Appropriation.

SEC. 28. The sum of three hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the expenses of the organization and administration of the said fund.

Act in effect.

SEC. 29. This act shall take effect on July first, one thousand nine hundred and fifteen.

Approved June 2, 1915.

ACT No. 341.—*Workmen's compensation insurance—Provisions of policies.*

Direct payments.

SECTION 1. No policy of insurance against liability arising under article three of the workmen's compensation act of 1915 shall be made unless the same shall contain the agreement of the insurer that, in the event of the failure of the insured promptly to pay any installment of compensation insured against, the insurer will forthwith make such payments to the injured employee or the dependents of the deceased employee, and that the obligations shall

not be affected by any default of the insured, after the accident, in the payment of premiums, or in the giving of any notices required by such policy or otherwise. Such agreement shall be construed to be a direct promise to such injured employee and to such dependents, enforceable by action brought in the name of such injured employee or in the name of such dependents.

Suits for premiums.

SEC. 2. No suit shall be maintained for the collection of premiums upon any such policy of insurance unless said covenant is contained in said policy.

Limitation of liability.

SEC. 3. No policy of insurance against liability arising under said article of said act shall contain any limitation of the liability of the insurer to an amount less than that payable by the insured on account of the risk insured against under said article of said act; nor shall any such policy contain any limitation of the total liability of the insurer because of injuries to two or more persons in a single accident; nor shall any action be maintained for the collection of premiums on any policy violating this section; but policies may be issued to employers insuring them against their liability under the said article to any designated class or part of their employees, or against any particular hazard to which their employees or any class or part thereof may be exposed.

Ratings, etc., to be filed.

SEC. 4. The State workmen's insurance fund, and every insurance association and corporation which insures employers against liability for compensation under the workmen's compensation act of 1915, shall file with the commissioner of insurance its classification of risks and premiums, together with basis rate and schedule or merit ratings, if a system of schedule or merit rating be in use; none of which shall take effect until the commissioner of insurance shall have approved the same as adequate for the risks to which they respectively apply. The commissioner of insurance may withdraw his approval of any premium rate or schedule made by the State workmen's insurance fund, or any insurance corporation or association, if, in his judgment, such premium rate or schedule is inadequate to provide the necessary reserves. Such premium rates or system of schedule or merit rating shall take no account of any physical impairment of employees or the extent to which employees have persons dependent upon them for support.

Rates to be approved.

On and after January first, one thousand nine hundred and sixteen, neither the State workmen's insurance fund nor any insurance association or corporation may issue, renew, or carry beyond anniversary date, any insurance for compensation under the workmen's compensation act of 1915, at premium rates which are less than those approved by the commissioner of insurance for such carrier as adequate for the risks to which they respectively apply: *Provided, however*, That if the commissioner of insurance shall have previously approved a system of schedule or merit rating, filed with him by the State workmen's insurance fund or any insurance association or corporation, it may apply the same to risks subject thereto; but any reduction from the basis rate filed with and approved by the commissioner of insurance on account of the application of such system of schedule or merit rating, shall be clearly set forth in the insurance contracts or the indorsements attached thereto.

The statistical and actuarial data compiled by the State workmen's insurance fund shall at all times be available to the State insurance commissioner for his use in judging the adequacy or inadequacy of rates and schedules filed, and it shall be the duty of the manager of the State workmen's insurance fund to render all possible assistance to the State insurance department in carrying out the provisions of this act.

Statement of losses.

The commissioner of insurance may require every insurance association or corporation, which insures employers or employees under the workmen's compensation act of 1915, to file with its annual statement a sworn report of its loss experience in such detail and form as may be prescribed by the commissioner of insurance.

Revocation of licenses.

The commissioner of insurance shall have the power to suspend or revoke the license of any insurance association or corporation which violates any of the provisions of this act.

Approved June 2, 1915.

ACT No. 343.—*Workmen's compensation—Exemptions.*

Domestic and farm labor.

SECTION 1. Nothing contained in any article or any section of an act entitled the workmen's compensation act of 1915 shall apply to or in any way affect any person who, at the time of injury, is engaged in domestic service or agriculture.

Approved June 3, 1915.

JOINT RESOLUTION No. 3.—*Amendment to constitution authorizing compulsory compensation.*

Legislation authorized.

SECTION 1. The following amendment to the constitution of the Commonwealth of Pennsylvania is hereby proposed in accordance with the eighteenth article thereof:

Amend section twenty-one, article three, of the constitution of the Commonwealth of Pennsylvania, * * * so that it shall read as follows:

The general assembly may enact laws requiring the payment by employers, or employers and employees jointly, of reasonable compensation for injuries to employees arising in the course of their employment, and for occupational diseases of employees, whether or not such injuries or diseases result in death, and regardless of fault of employer or employee, and fixing the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; but in no other cases shall the general assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the general assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

NOTE.—This proposed amendment to the constitution was submitted to the voters of the State at the election held November 2, 1915, and was adopted.

PHILIPPINE ISLANDS.

ACTS OF U. S. PHILIPPINE COMMISSION—1907.

ACT No. 1698.—*Compensation for injuries of employees of the insular Government, etc.*

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SECTION 25 (as amended by act No. 2120).

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(d) When an officer or employee in the civil service, insular or provincial, or of the city of Manila, permanent or temporary, is wounded or injured in the performance of duty, the governor general or proper head of department may direct that absence during the period of disability caused by such wound or injury shall be on full pay for a period not exceeding six months: *Provided:* That if the officer or employee is entitled to the vacation leave provided in section twenty-four of this act, absence for this reason shall be charged first against such vacation leave: *And provided further,* That the governor general or proper head of department may, in his discretion, authorize payment of medical attendance, necessary transportation, subsistence and hospital fees for all insular officers, employees and laborers, and the municipal board of the city of Manila may also in its discretion, authorize the payment of such expenses for all officers, employees and laborers of the city of Manila, whether permanently or temporarily appointed, and whatever their rate of compensation[,] pay, or wages, who have been wounded or injured in the performance of their duty: *And provided further,* That the governor general or proper head of department or the municipal board of the city of Manila, as the case may be, may authorize payment of reasonable burial expenses and of three months' salary or wages to the widow or dependent child or children of any officer, employee or laborer who is killed or dies from wounds or injuries received while in line of duty: *And provided further,* That payments made under this paragraph shall not be made from the appropriation for general purposes when the bureau or office concerned has an available appropriation for contingent expenses or public works, as the case may be, from which such payments can be made, nor shall the provisions of this section be construed to cover sickness as distinguished from physical wounds: *Provided, however,* That when such sickness is the direct and immediate result of the performance of some act in the line of duty, the governor general or proper head of department may in his discretion authorize the payment of necessary hospital fees.

Period of payment during disability.

Fatal injuries.

PORTO RICO.

ACTS OF 1916.

No. 19.—*Compensation of workmen for injuries—Insurance fund.*

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, out of the general funds in the treasury of Porto Rico not otherwise appropriated, is hereby authorized to be temporarily advanced and set apart and shall hereafter constitute, together with such other sums as will be hereinafter specified, a trust fund, to be known as the "Workman's Relief Trust Fund," which shall be administered by the commission hereinafter provided for, and used for the purposes specified in this act. The said sum so advanced as aforesaid shall be refunded to the treasury of Porto Rico, either in whole or in part, whenever in the judgment of the commission hereinafter created the Workman's Relief Trust Fund shall be sufficient to safely provide for payments to be made under this act, within the year following the date of the said refund, after deducting the amount of said refund. Fund created.

SEC. 2. Every workman, laborer or employee, who may hereafter be engaged in a trade or occupation within Porto Rico, and whose employer has not rejected the benefits of this act, shall, when injured while engaged in such trade or occupation, be entitled to relief as provided in this law, and in the case of the death of such workman as the result of the injuries received, the legal heirs of the deceased workman shall be entitled to the relief hereinafter provided for, when they depended solely on the earnings of the deceased workman for their living. Who entitled to benefits.

SEC. 3. The provisions of this act shall apply to all personal injuries by accident to employees, arising out of the employment, and during the course thereof, except farm laborers who are not employed to work with machinery driven by steam, gas or electric or other mechanical power, and except domestic servants, and excepting also employees engaged in clerical work, in offices and commercial establishments where machinery is not used; or where if used the accident does not occur on occasion when the same are being used: *Provided, however*, That no payments shall be made to any employee under this act, whenever his employer shall have elected not to pay the insurance premium, as hereinafter provided: *And provided further*, That this act shall not apply to any employer regularly employing less than five workmen, nor to any workman receiving wages in excess of one thousand two hundred dollars a year. Employments covered.

SEC. 4. Hereafter every workman who may be injured while engaged in an occupation covered by this act shall be entitled to relief from the Workman's Relief Trust Fund as follows: Compensation for injuries;

(*a*) The injured workman shall in every case receive the necessary medical attendance and such medicines and necessary food supplies as may be prescribed by the Workman's Relief Commission for a period not exceeding eight weeks of disability: *Provided*, That no medicines or food supplies shall be furnished to such injured employee from and after the date on which compensation is allowed.

(*b*) If the injury sustained is of a temporary character, the injured workman shall be paid for each week, and while the disability continues a sum equal to three-fourths of the weekly

wages he would have received computed by the average weekly wages of the said injured workman. The said sum so paid shall in no case be less than the equivalent of three dollars per week nor more than seven dollars per week, and the period of such payments shall in no case exceed the period of one hundred and four weeks.

(*c*) If the injury sustained be of a permanent character, and the workman becomes totally incapacitated for work, then the said injured workman shall be paid the sum of $1,500 from the Workman's Relief Trust Fund, and shall in addition be paid an allowance equal to three-fourths of the average weekly wages of said workman, for a maximum period of two hundred and eight weeks. The said payments shall in no case be less than the equivalent of three nor more than seven dollars per week: *Provided*, That all payments specified in this section shall be made in such a manner and at such times as shall be determined by the Workman's Relief Commission hereinafter created.

For death.

SEC. 5. Hereafter, whenever any workman entitled to relief under this act shall lose his life, as the result of injuries sustained while engaged in his occupation and the death should occur within one year after the accident, the legal heirs of such deceased workman, if they depend exclusively on the earnings of the deceased for their support shall receive relief from the Workman's Relief Trust Fund as follows:

(*a*) Burial expenses, not exceeding forty dollars.

(*b*) The balance of such sums as the deceased workman was entitled to receive, and which he would have received under the provisions of paragraph (*c*) of section 5 [4] of this act, if he had not died from the injuries sustained by him:

Provided, That the Workman's Relief Commission shall have power to determine the manner, the time and proportion in which the said payments to the heirs of the deceased workman shall be made.

What injuries not compensable.

SEC. 6. No workman, nor his heirs in case of his death, shall be entitled to relief under this act, in any of the following cases:

1. When the injuries were received by the workman while willfully intending to commit a crime, or when he voluntarily brought the injury upon himself, or when he was injured while trying to injure his employer or any other person.

2. When the intoxication of the workman at the time of the accident was the proximate cause of the injury.

3. When the injury was caused by the willful criminal act of a third person.

4. Where the gross negligence of the workman was the sole cause of the injury.

What injuries permanent.

SEC. 7. The following injuries shall be deemed to be of a permanent character, entitling the injured workman to the relief provided for in subdivision (*c*) of section 5 [4] of this law:

1. Total and permanent loss of sight.

2. Loss of both feet at or above the ankles.

3. Loss of both hands at or above the wrists.

4. Loss of one hand and one foot.

5. Injury to the spine resulting in complete and permanent paralysis of both arms or both legs or of one arm and one leg or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

Computation of wages.

SEC. 8. Average weekly wages shall be computed in a manner best calculated to give the average rate per week earned by the workman during the twelve months prior to his injury.

If by reason of the casual nature of the employment or the shortness of the time the workman has been employed it be impossible to compute the rate of remuneration, regard may be had to the average weekly wages earned by another person of the same aptitude employed at analogous work by the same employer, or if there is no such person employed, by a person of the same grade in the same class of employment in the same district.

SEC. 9. During the period of disability the injured workman, if so requested by the commission hereinafter created shall submit himself for examination, at reasonable times and places, to a competent physician or surgeon, designated by the commission whose fees shall be such as may be fixed in a schedule to be adopted by the Workman's Relief Commission and shall be paid from the trust fund. **Medical examinations.**

The workman and the employer shall also be entitled to designate and pay a physician and surgeon to witness such examination, but this right is established without prejudice to the right of the physician designated as aforesaid to visit the injured workman at all reasonable times and under all reasonable circumstances during his disability.

The refusal or objection of a workman to submit himself to such medical examination shall suspend his right to receive relief under this act or to institute or prosecute proceedings under this act for the recovery of such relief so long as such refusal or objection continues; and no relief shall be paid for the term that such refusal persists.

SEC. 10. A commission to be known as "The Workman's Relief Commission" is hereby created, which shall consist of five members, as follows: **Workman's Relief Commission.**

The treasurer of Porto Rico, or, in his absence, the assistant treasurer.

The head of the department in which the bureau of labor is placed, or, in his absence, the acting head of that department.

The attorney general or in his absence the acting attorney general.

And two members, to be appointed by the Governor of Porto Rico, with the approval of the Executive Council. The said two members shall hold such office for a term of four years and until their successors shall have been appointed and shall have qualified, and they shall not be officers or employees of the insular government, and shall receive a per diem of five dollars for each day that the commission is in session, payable out of the trust fund.

The said commission, not later than thirty days after the approval of this law, will organize by electing a chairman and a secretary. The said commission shall have power to adopt any necessary rules and regulations for the carrying out of this act and not inconsistent therewith, which rules and regulations shall have the force of law. The said commission shall have power to impose fines for a violation of the said rules and regulations, not exceeding the sum of fifty dollars for each offense, except as otherwise provided in this act. **Powers.**

SEC. 11. Every employer subject to the provisions of this act shall report to the bureau of labor, within a period of ten days, all injuries, suffered by his employees in the course of their employment. Such reports shall be upon printed blanks furnished upon request by the bureau of labor, and shall contain the name and nature of the business of the employer, the location of the establishment or place of business, the name, age, sex, and occupation of each injured employee, and shall state the date and hour of the accident, the nature and cause of the injury, and such other information as may be required by the Workman's Relief Commission to be submitted to said bureau of labor. **Accidents to be reported.**

The report made by the employer under the provisions of this section shall not be evidence against the employer in any proceeding either under this act or otherwise.

The refusal or neglect of any employer to make the report required by this section shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each offense.

The bureau of labor, immediately upon the receipt of notice from any source of the occurrence of an accident to any workman, subject to the provisions of this act, shall make a thorough investigation of the said accident, the cause or causes thereof, **Investigations.**

the character, nature and extent of the injuries sustained, and to make a full report of the said facts to the Workman's Relief Commission, including in the said report such other facts and circumstances as in the opinion of the Workman's Relief Commission shall enable it to pass judgment on the claim for the relief of the injured workman, when the said claim shall be presented to the commission as herein provided.

The Workman's Relief Commission shall have the power to make any further investigation that it may deem necessary.

The Workman's Relief Commission, or some trustworthy person designated by said commission, is hereby expressly authorized to subpœna witnesses, to take oaths and declarations, to examine books and documentary evidence material to the case under investigation, and to visit and inspect the buildings, machinery and other property where any accident to a workman may have occurred.

Initial applications. SEC. 12. From and after the approval of this act, any workman subject to this act who has sustained injuries while engaged at his work and in case of the death of such workman, as the result of said injuries, his legal heirs dependent upon his wages for support, may present to the Workman's Relief Commission, within sixty days counted from the date of the injuries, or from the date of the death of the workman, as the case may be, an application in writing for the relief provided for in this act.

Such application shall state the time, place, nature and cause of the injury or death, the name and address of the employer and the name and address of the injured workman.

Awards. Within the period of fifteen days after the receipt of the report of the bureau of labor, provided for in the foregoing section, the Workman's Relief Commission shall consider the petition for relief and shall render a decision either denying or awarding the relief applied for; and in case the commission should be of the opinion that the petitioner is entitled to relief under this act, the decision of the commission shall specify the amount to be paid, and the time and manner in which payment shall be made.

A certified copy of the decision of the Workman's Relief Commission, denying or granting relief under the provisions of this act, shall be served upon the applicant for relief and upon the employer for whom the injured workman was working at the time of the accident, within ten days after the rendering of such decision.

A certified copy of the decision of the commission, subscribed by the president and secretary thereof, and sealed with such seal as the commission may adopt, shall be a sufficient authority to the auditor of Porto Rico to issue a warrant according to law to be paid by the treasurer of Porto Rico out of the Workman's Relief Trust Fund.

Limitation. No claim for the relief provided for in this act shall be considered by the Workman's Relief Commission unless the commission has received a written application on behalf of the person or persons entitled to relief, within ninety days from the date of the accident.

Appeals. Appeals from the decision of the Workman's Relief Commission to the district court of the district where the accident occurred shall be allowed to the claimant only from the decision of the commission to the effect that no accident has occurred for which relief is provided in this act.

Appeals from the decision of the Workman's Relief Commission shall be allowed to any employer who has been assessed for premiums under the provisions of this act only from the decisions of the Workman's Relief Commission to the effect that the accident is one for which relief should be allowed under the provisions of this act.

Such appeal must be taken by filing with the secretary of the district court a written petition setting forth the facts upon which the appeal is based and serving a copy thereof upon the Work-

man's Relief Commission within thirty days after receipt of notice of the decision of the Workman's Relief Commission.

After the appeal is perfected the district court shall proceed with the case in the same manner as is provided by law for an appeal from a judgment of a municipal court in civil cases. The decision of the district court shall be final on questions of fact.

Review of awards.

The Workman's Relief Commission may at any time during the period originally fixed by the said commission for the payment of relief in accordance with this act, modify its decision either by reducing or increasing the period during which such payments shall be made or by reducing or increasing the amount of such payments: *Provided, however*, That in no case shall the period during which payments shall be made or the amount thereof exceed the limits provided in this act.

Classification of occupations.

SEC. 13. Before June 1, 1916, the Workman's Relief Commission shall classify and group the occupations of workmen to whom this act applies in accordance with the probable risk or liability of injury under existing conditions and shall fix rates of insurance to be paid by the employers of workmen in these groups. All such rates or premiums shall be levied on the estimated pay roll of the employer of such workmen, who has not elected to reject the benefits of the act, for the fiscal year covered by the insurance, on a basis that shall be fair, equitable and just as among such employers. Where the Workman's Relief Commission is of the opinion that the pay roll for the fiscal year prior to the year for which insurance is to be collected constitutes a fair basis upon which to estimate the pay roll for the fiscal year during which the insurance is to be effective, the said pay roll for the fiscal year during which the insurance is to be effective shall be estimated thereby: *Provided*, That where in the opinion of the Workman's Relief Commission such pay roll can not be taken as a fair basis upon which to estimate the pay roll for the year during which the insurance is to be effective, the Workman's Relief Commission may require a deposit in advance, as hereinafter provided. There shall be no more than five groups with rates not exceeding those here stated:

Group No. 1.—Not over 4 per cent of total annual pay roll of the employers employing workmen entitled to compensation in accordance with this act in such group.

Group No. 2.—Not over 3 per cent of total annual pay roll of the employers employing workmen entitled to compensation in accordance with this act in such group.

Group No. 3.—Not over 2 per cent of total annual pay roll of the employers employing workmen entitled to compensation in accordance with this act in such group.

Group No. 4.—Not over 1 per cent of total annual pay roll of the employers employing workmen entitled to compensation in accordance with this act in such group.

Group No. 5.—Not over one-half of 1 per cent of total annual pay roll of the employers employing workmen entitled to compensation in accordance with this act in such group.

Transfer of funds.

In case the funds in any group are insufficient to meet the compensation that may be due to injured workmen in that group, the commission is hereby authorized to cause the transfer of funds from any other group temporarily; but it shall be the duty of the Workman's Relief Commission to cause to be retransferred the said funds to the group or groups from which they have been transferred within two years from the date of the transfer: *Provided*, That if after this act has gone into effect it is shown by experience under the act that because of poor or careless management, or because of lack of safety appliances, any establishment or work is unduly dangerous in comparison with other like establishments or works, the Workman's Relief Commission may advance its classification of risk and premium rate in proportion to the undue hazard.

Collection of premiums.

SEC. 14. The treasurer of Porto Rico is hereby empowered, authorized and directed to levy, assess and collect semiannually and in advance from every employer of workmen subject to this act, such annual premiums as the Workman's Relief Commission shall determine in accordance with the preceding section, on the total amount of wages paid by said employer to workmen who were or would have been entitled to the benefits of this act during the year prior to the levying of the premiums, if the same had been in force and the employer should not have elected to reject the benefits thereof.

The assessment shall be made prior to August fifteen in each year for the fiscal year beginning on the preceding July 1, taking as a basis therefor the total amount paid for wages of workmen employed by each employer during the previous year who were or would have been entitled to the benefits of this act, if the same had been in force and the employer should not have elected to reject the benefits thereof.

Should the employer fail to pay the premiums legally levied on him, the treasurer of Porto Rico shall order the attachment of property of said employer, and shall proceed to sell the same at auction in accordance with the procedure established by the act to secure and collect due and unpaid taxes on property.

Annual adjustments.

SEC. 15. At the end of each fiscal year the treasurer shall compare the actual pay roll of each employer paying premiums in accordance with this act for such fiscal year with the pay roll of the preceding fiscal year, on the basis of which premiums were levied, assessed and collected by him, and if the pay roll for the year during which the insurance was effective is greater than that of the previous fiscal year for which premiums were levied, assessed and collected, the treasurer shall levy, assess and collect upon the difference, additional premiums in the same manner and on the same basis as the original premiums were levied, assessed and collected; and if the pay roll for the year during which insurance was effective is less than that of the previous fiscal year for which premiums were levied, assessed and collected, the treasurer shall repay from the Workman's Relief Trust Fund the proportion of the premiums corresponding to the difference between the actual pay roll for the year during which insurance was effective and the year for which they were levied, assessed and collected: *Provided*, That in any case where the Workman's Relief Commission believes that the pay roll for the preceding fiscal year is not a fair basis upon which to estimate the pay roll for the succeeding year, it may require in advance a deposit to cover the premiums during the year for which insurance is to be effective, and the balance of the said deposit, if any, shall be refunded at the end of the year after deducting the premiums due on the basis of the actual pay roll for the year during which such insurance was effective, and if the deposit is found at any time to be insufficient, the Workman's Relief Commission is authorized to require a further deposit to meet such deficiency. The deposits required by the Workman's Relief Commission shall be levied, assessed and collected in the same manner hereinbefore provided for the levy, assessment and collection of premiums.

Statements by employers.

SEC. 16. It shall be the duty of every employer of workmen entitled to the benefits of this act, and who has not elected to reject the benefits of this act, to file with the Workman's Relief Commission, on or before the fifteenth day of July in each year, a duplicate statement under oath showing the number of workmen employed by the said employer and who were or would have been entitled to the benefits of this act if the same had been in force and the employer should not have elected to reject the benefits thereof, and also the total amount of wages paid to said employees during the previous fiscal year, and such other information in regard to the wages of the said workmen as may be required to be furnished by the commission.

The failure to file such statement on or before the date above specified shall constitute a misdemeanor, punishable by a fine of not less than fifty nor more than five hundred dollars, in the discretion of the court. Blanks for such statements shall be furnished upon request by the Workman's Relief Commission.

It shall be the duty of every employer of workmen entitled to the benefits of this act to keep a complete record, in accordance with such regulations as may be prescribed by the Workman's Relief Commission, showing the name of every such employee, the age and sex of such employee, the nature of the work performed by and the wages paid to every one of the said employees.

The Workman's Relief Commission may cause an inspection to be made of all the pay rolls and other books or records of such employers, relating to the payment of wages, by any representative duly authorized by them; and it shall be the duty of such employer to permit such an inspection.

Any employer who knowingly gives false information required by this section shall be subject to the same penalty herein provided for a failure to file the statement required by this section and shall in addition be liable to the Workman's Relief Commission for three times the difference between the premium paid and the amount that should have been paid, which sum shall be collected in the same manner as is provided for the collection of the regular premiums under this act.

Deposit of premiums.

SEC. 17. The said premiums shall when collected be covered by the treasurer of Porto Rico into the Workman's Relief Trust Fund, constituted by section 2 of this act.

Employees not to pay premiums.

SEC. 18. No agreement by an employee to pay any portion of the premiums paid by his employer to the Workman's Relief Trust Fund shall be valid; and any employer who makes a reduction for such purpose from the wages or salaries of any employee entitled to the benefits of this act shall be guilty of a misdemeanor.

Administration.

SEC. 19. If in the opinion of the Workman's Relief Commission additional employees are absolutely necessary for the work of the bureau of labor, the treasury department, the department of justice or the commission, in connection with this act, such additional employees may be employed and their compensation fixed by the Workman's Relief Commission with the approval of the Executive Council of Porto Rico, and the expenses thereof, as well as any traveling expenses incurred in connection with the carrying out of this act, shall be charged to the Workman's Relief Trust Fund.

Investment of surplus or reserve.

SEC. 20. The Workman's Relief Commission may invest any of the surplus or reserve funds belonging to the Workman's Relief Trust Fund in bonds of the United States or of Porto Rico or bonds for which the credit of the people of Porto Rico has been pledged. All such securities or evidences of indebtedness shall be placed in the hands of the treasurer of Porto Rico, who shall be the custodian thereof. He shall collect the principal and interest thereof when due and pay the same into the Workman's Relief Trust Fund. The treasurer shall pay all warrants or vouchers drawn on the Workman's Relief Trust Fund for the making of such investments when signed by the president and secretary of the Workman's Relief Commission, approved by the auditor of Porto Rico and countersigned by the governor. The Workman's Relief Commission, with the consent of the Governor of Porto Rico, may sell any such securities, the proceeds thereof to be paid over to treasurer, who shall pay the same into the Workman's Relief Trust Fund.

Accounts.

SEC. 21. The Workman's Relief Commission shall report all matters relating to the receipts, disbursements, accounts and financial matters to the treasurer of Porto Rico who shall keep an accurate account of the money paid in premiums by each of the several groups of employments, and the expenses of administering the Workman's Relief Trust Fund and the disbursements

on account of injuries and deaths of employees in each of said groups, including the setting up of reserves adequate to meet anticipated and unexpected losses and to carry the claims to maturity; and also an account of the amounts received from each individual employer; and of the amount disbursed from the Workman's Relief Trust Fund for expenses, and on account of injuries and deaths of the employees of such employer, including the reserves so set up, and all other necessary accounts of the Workman's Relief Commission: *Provided*, That all such accounts shall be subject to examination and audit by the auditor of Porto Rico.

Information confidential. SEC. 22. Any information acquired in accordance with section 16 of this act by the Workman's Relief Commission or by any officer or employee intrusted with the performance of any duty under this act shall be deemed to be confidential information and any such officer or employee who shall disclose the said information shall be guilty of a misdemeanor.

Election by employers; SEC. 23. This act, except the section relating to defenses (section 25), shall apply to all employers or, as provided in section 4 of this act, unless prior to the injury they shall have rejected the benefits of this act in the manner hereinafter provided.

The rejection by the employer of the benefits of this act shall be signified by filing with the Workman's Relief Commission a written statement expressing such election. The said statement must be filed by the employer on or before the fifteenth day of June, 1916, and on or before the thirtieth day of April of each succeeding year.

It shall be the duty of the Workman's Relief Commission to keep official records showing all refusals made by employers.

By employees. SEC. 24. From and after the first day of July of each year it shall be the duty of every employer of workmen entitled to the benefits of this act, and who has not rejected the benefits of this act, to display continuously during the next succeeding year in a conspicuous manner about his works and in a sufficient number of places reasonably to inform his workmen of the fact, printed notices stating that the said employer is a contributor to the Workman's Relief Trust Fund; and any workman or employee who continues in the employment of such an employer, or who begins to work for such employer, after the posting of the said printed notices, shall be deemed to have elected to accept the benefits of this act and to have renounced and waived any right or cause of action which the said workman or his legal heirs might have against the employer for injuries sustained by the workman while working for the said employer and as long as the said employer shall be a contributor to the Workman's Relief Trust Fund, where the accident is one for which relief is provided in this act, except as otherwise provided in this act: *Provided, however*, That such workman or employee may reject the benefits of this act by serving notice in writing of such election upon his employer and by filing with the Workman's Relief Commission a written statement expressing such election (with return thereon by affidavit showing the date upon which notice was served upon his employer). The rejection of the provisions of this act by any workman or employee shall be effective only after the filing of the notice above provided for, and for injuries received subsequent to the filing of the notice, and shall preclude him and his legal representatives from claiming any of the benefits of this act and entitle them to exercise their right of action, if any, against the employer, in which case the employer may utilize any or all of the defenses specified in section 26 [25] of this act and any other defenses to which he would be entitled prior to the passage of this act. Employers shall be entitled to a rebate of the premiums paid by them upon the wages of employees who reject the benefits of this act: *Provided, however*, That if at any time the Congress of the United States shall provide that the right of action to recover damages for

injuries resulting in death shall never be abrogated, then any person or persons entitled to compensation under this act, because of the death of the workman, may elect, within sixty days from the date of the death of the workman to waive compensation in accordance with the provisions of this act, and to maintain their right of action, if any, for the injuries causing the death of the said deceased workman, against the employer to recover damages for the injuries resulting in the death of the said workman, by bringing a proper action within said period of sixty days.

Judgments against electing employers.

Whenever a final judgment is rendered by a court of competent jurisdiction against any employer who has accepted the benefits of this act and paid premiums in accordance therewith, then the amount which otherwise would have been paid to the plaintiff out of the Workmen's Relief Trust Fund shall be disposed of by the Workmen's Relief Commission in the manner following:

1. If the amount of such judgment be less than such compensation, then the Workman's Relief Commission shall pay into court the amount of such judgment exclusive of costs and shall cover the surplus into the Workman's Relief Trust Fund.

2. If the amount of such judgment be precisely equal to the amount of such compensation, then the full compensation shall be paid into court and be applied to the satisfaction of such judgment, exclusive of costs;

3. If the amount of such judgment be greater than the amount of such compensation, then the full amount of such compensation shall be paid into court and shall be credited upon such judgment exclusive of costs and the defendant in such action shall be liable for the remainder of the face of such judgment:

Provided, however, That in no case shall the people of Porto Rico, the Workman's Relief Commission, or the Workman's Relief Trust Fund be held liable for the costs of such litigation: *And provided, further*, That except as herein otherwise provided, nothing in this act contained shall be construed as modifying the authority of the courts to dispose of the costs of cases as now provided by law.

The Workman's Relief Commission may assist in defending the said suit and the employer and the Workman's Relief Commission may take advantage of all of the defenses mentioned in section 26 [25] of this act, and all other defenses now recognized by law. Until the Congress of the United States shall provide that the right of action to recover damages resulting in death shall never be abrogated, the provisions of this proviso shall be of no force and effect.

Abrogation of defenses.

SEC. 25. If at the time any accident occurs to an employee for which relief is provided under this act, the employer has rejected the benefit of this act, then if an action is brought to recover damages for personal injury sustained by the said employee arising out of and in the course of his employment, it shall not be a defense:

(*a*) That the employee was guilty of contributory negligence.

(*b*) That the injury was caused by the negligence of a fellow employee.

(*c*) That the employee had assumed the risk of the injury.

(*d*) That the injury was caused by the negligence of a subcontractor or of an independent contractor, unless the independent contractor or subcontractor shall have insured in accordance with the provisions of this act.

No contract between employer and employee purporting to permit any of said defenses shall be valid.

Willful, etc., acts of employers.

SEC. 26. Nothing in this act contained shall be interpreted as depriving the injured workman, or his heirs in case of his death, of the right to elect to waive the provisions of this act at any time prior to receiving compensation under this act and to claim and recover damages from his employer, in accordance with the

provisions of the law prior to the enactment of this act, when the injuries sustained by the said workman were caused by the willful act or criminal negligence of his employer.

Liability of third persons.

SEC. 27. When injury for which workmen are entitled to relief under this act shall have been sustained under circumstances creating a liability against some other person or against the employer where the injury was caused by his willful act or criminal negligence, and when the workman or his heirs receives relief under this act the Workman's Relief Commission shall be subrogated to the rights of the injured workman or his heirs and may prosecute and recover damages from the third person or such employer liable for such injury, which damages when recovered shall be covered into the Workman's Relief Fund, for the benefit of the particular group in which the injured workman's occupation was classified.

Assignments, attachments, etc.

SEC. 28. Rights and actions accruing under this act shall not be assignable to other persons, nor shall they be subject to attachment or to the claims of other persons.

Fines.

SEC. 29. All fines collected for a violation of any of the provisions of this act shall be paid into the Workman's Relief Trust Fund.

Attorneys' fees.

SEC. 30. Any contract, agreement or stipulation between the injured workman or his heirs and an attorney, for the payment to the said attorney of a fee contingent upon the result of the trial, shall be void and have no legal force or effect unless it be in writing and approved by the judge of the court where the suit is instituted.

Any stipulation, contract or agreement for the payment to the attorney prosecuting the claim for damages against the employer, of an amount in excess of thirty per centum of the amount recovered at the trial, shall be illegal and void, and the making of such contract or stipulation, or the actual receipt by the said attorney of an amount in excess of thirty per centum of the amount recovered by the workman or by his heirs shall constitute misconduct on the part of the said attorney, punishable by suspension or disbarment, after proper proceedings are instituted against the offender in accordance with the existing laws.

Contractors and subcontractors.

SEC. 31. In reporting their annual pay rolls all employers must include all workmen who are working either by piecework or under any independent contractor or subcontractor employed or engaged by such employer, and all premiums shall be based upon the actual pay roll of the employer so computed: *Provided*, That this section shall not apply to the employers where the work is done by an independent contractor and a written copy of the contract has been filed with the Workman's Relief Commission.

Definitions.

SEC. 32. The word "workman" or "employee" wherever either may occur in this law shall be interpreted to include any person engaged by an employer of workmen entitled to the benefits of this act, whether a man, a woman, or a child.

Railroads.

SEC. 33. Nothing in this act shall be deemed to apply to any common carrier by railroad in Porto Rico subject to the Federal Employer's Liability Act of 1908.

Repealer.

SEC. 34. All laws or parts of laws in conflict with this act are hereby repealed.

Act in effect.

SEC. 35. This act shall be applicable only to accidents occurring after July 1, 1916.

Same.

SEC. 36. This act shall take effect from and after its approval.

Approved, April 13, 1916.

RHODE ISLAND.

ACTS OF 1912.

CHAPTER 831.—*Compensation of workmen for injuries.*

ARTICLE I.

ABROGATION OF REMEDIES AND DEFENSES.

Defenses abrogated.

SECTION 1. In an action to recover damages for personal injury sustained by accident by an employee arising out of and in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense: (a) That the employee was negligent; (b) That the injury was caused by the negligence of a fellow employee; (c) That the employee has assumed the risk of the injury.

Exemptions.

SEC. 2. The provisions of this act shall not apply to actions to recover damages for personal injuries, or for death resulting from personal injuries, sustained by employees engaged in domestic service or agriculture.

Small employers.

SEC. 3. The provisions of this act shall not apply to employers who employ five or less workmen or operatives regularly in the same business, but such employers may, by complying with the provisions of section 5 of this article become subject to the provisions of this act.

Effect of election by employers.

SEC. 4. The provisions of section 1 of this article shall not apply to actions to recover damages for personal injuries, or for death resulting from personal injuries, sustained by employees of an employer who has elected to become subject to the provisions of this act, as provided in section 5 of this article.

Election made, how.

SEC. 5. Such election on the part of the employer shall be made by filing with the commissioner of industrial statistics a written statement to the effect that he accepts the provisions of this act, and by giving reasonable notice of such election to his workmen, by posting and keeping continuously posted copies of such statement in conspicuous places about the place where his workmen are employed, the filing of which statement and the giving of which notice shall operate to subject such employer to the provisions of this act and all acts amendatory thereof for the term of one year from the date of the filing of such statement, and thereafter, without further act on his part, for successive terms of one year, each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file with said commissioner a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of this act and shall give reasonable notice to his workmen as above provided. Blank forms of election and withdrawal as herein provided, shall be furnished by said commissioner.

Term.

Election by employees.

SEC. 6. An employee of an employer who shall have elected to become subject to the provisions of this act as provided in section 5 of this article shall be held to have waived his right of action at common law to recover damages for personal injuries, if he shall not have given his employer at the time of his contract of hire notice in writing that he claimed such right, and within ten days thereafter filed a copy thereof with the commissioner of industrial statistics, or, if the contract of hire was made before the employer so elected, if the employee shall not have given the said notice and filed the same with said commissioner within ten days after notice by the employer, as above provided, of such election; and such waiver shall continue in force for the term of one year, and thereafter without further act on his part, for successive terms of one year, each, unless such employee shall at least sixty days prior to the expiration of such first or any succeeding year, file with the said commissioner a notice in writing to the effect that he desires to claim his said right of action at common law and within ten days thereafter shall give notice thereof to his employer. A minor working at an age legally permitted under the laws of this State shall be deemed sui juris for the purpose of this act and no other person shall have any cause of action or right to compensation for an injury to such minor employee except as expressly provided in this act; but

Minors.

if said minor shall have a parent living or a guardian, such parent or guardian, as the case may be, may give the notice and file a copy of the same as herein provided by this section, and such notice shall bind the minor in the same manner that adult employees are bound under the provisions of this act. In case no such notice is given, such minor shall be held to have waived his right of action at common law to recover damages for personal injuries. Any employee, or the parent or guardian of any minor employee, who has given notice to the employer that he claimed his right of action at common law may waive such claim by a notice in writing which shall take effect five days after the delivery to the employer or his agent.

Waiver of common-law rights.

Remedies exclusive.

SEC. 7. The right to compensation for an injury, and the remedy therefor granted by this act, shall be in lieu of all rights and remedies as to such injury now existing, either at common law or otherwise; and such rights and remedies shall not accrue to employees entitled to compensation under this act while it is in effect.

ARTICLE II.

PAYMENTS.

Payments due, when.

SECTION 1. If an employee who has not given notice of his claim of common law rights of action or who has given such notice and has waived the same, as provided in section 6 of Article I, receives a personal injury by accident arising out of and in the course of his employment, he shall be paid compensation, as hereinafter provided, by the employer who shall have elected to become subject to the provisions of this act.

Willful injuries or intoxication.

SEC. 2. No compensation shall be allowed for the injury or death of an employee where it is proved that his injury or death was occasioned by his wilful [willful] intention to bring about the injury or death of himself or of another, or that the same resulted from his intoxication while on duty.

Attorneys' fees.

SEC. 3. Contingent fees of attorneys for services under this act shall be subject to the approval of the superior court.

Waiting time.

SEC. 4. No compensation except as provided by section 12 of this article shall be paid under this act for any injury which does not incapacitate the employee for a period of at least two weeks from earning full wages, but, if such incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury.

Medical and hospital service.

SEC. 5. During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services, and medicines when they are needed, the amount of the charge for such services to be fixed, in case of the failure of the employer and employee to agree, by the superior court.

Compensation in case of death.

SEC. 6. If death results from the injury, the employer shall pay the dependents of the employee wholly dependent upon his earnings for support at the time of his injury a weekly payment equal to one-half his average weekly wages, earnings, or salary, but not more than ten dollars nor less than four dollars a week, for a period of three hundred weeks from the date of the injury: *Provided, however,* That, if the dependent of the employee to whom the compensation shall be payable upon his death is the widow of such employee, upon her death the compensation thereafter payable under this act shall be paid to the child or children of the deceased employee, including adopted and stepchildren, under the age of eighteen years, or over said age, but physically or mentally incapacitated from earning, dependent upon the widow at the time of her death. In case there is more than one child thus dependent, the compensation shall be divided equally among them. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the employer shall pay such dependents for a period of three hundred weeks from the date of the injury a weekly compensation equal to the same proportion of the weekly payments herein provided for the benefit of persons wholly dependent as the amount contributed annually by the employee to such partial dependents bears to the annual earnings of the deceased at the time of injury. When weekly payments have been

made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury: *Provided, however*, That, if the deceased leaves no dependents at the time of the injury, the employer shall not be liable to pay compensation under this act except as specifically provided in section 9 of this article.

Dependents.

SEC. 7. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

(a) A wife upon a husband with whom she lives or upon whom she is dependent at the time of his death.

(b) A husband upon a wife with whom he lives or upon whom he is dependent at the time of her death.

(c) A child or children, including adopted and stepchildren, under the age of eighteen years, or over said age, but physically or mentally incapacitated from earning, upon the parent with whom he is or they are living or upon whom he or they are dependent at the time of the death of such parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the compensation hereunder shall be divided equally among them.

In all other cases questions of entire or partial dependency shall be determined in accordance with the fact as the fact may have been at the time of the injury. In such other cases, if there is more than one person wholly dependent, the compensation shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof during the period in which compensation is paid to persons wholly dependent. If there is no one wholly dependent and more than one person partly dependent, the compensation shall be divided among them according to the relative extent of their dependency.

Persons not dependent.

SEC. 8. No person shall be considered a dependent unless he is a member of the employee's family or next of kin, wholly or partly dependent upon the wages, earnings or salary of the employee for support at the time of the injury.

Persons without dependents.

SEC. 9. If the employee dies as a result of the injury leaving no dependents at the time of the injury, the employer shall pay, in addition to any compensation provided for in this act the reasonable expense of his last sickness and burial, which shall not exceed two hundred dollars.

Total disability.

SEC. 10. While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to one-half his average weekly wages, earnings, or salary, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks from the date of the injury. In the following cases it shall, for the purposes of this section, be conclusively presumed that the injury resulted in permanent total disability, to wit: The total and irrevocable loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, and injury to the spine, resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull, resulting in incurable imbecility or insanity.

Partial disability.

SEC. 11. While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to one-half the difference between his average weekly wages, earnings, or salary, before the injury and the average weekly wages, earnings or salary which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury.

Specific injuries.

SEC. 12. In case of the following specified injuries the amounts named in this section shall be paid in addition to all other compensation provided for in this act:

(a) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or the loss of one hand and one foot, or the entire and irrecoverable loss of the sight of both eyes, one-half of the average weekly wages, earnings, or salary, of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of one hundred weeks.

(b) For the loss by severance of either hand at or above the wrist, or either foot at or above the ankle, or the entire and irrecoverable loss of the sight of either eye, one-half the average weekly wages, earnings, or salary of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of fifty weeks.

(c) For the loss by severance at or above the second joint of two or more fingers, including thumbs, or toes, one-half the average weekly wages, earnings, or salary of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twenty-five weeks.

(d) For the loss by severance of at least one phalange of a finger, thumb, or toe, one-half the average weekly wages, earnings, or salary of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twelve weeks.

Computing wages.

SEC. 13 (as amended by chapter 1268, Acts of 1915). The "average weekly wages, earnings, or salary" of an injured employee shall be ascertained as follows:

(a) "Average weekly wages, earnings, or salary" shall mean the total earnings of the injured employee received from the employer in whose service he is injured during the period of the twenty-six calendar weeks immediately preceding the date of the injury, divided by the number of calendar weeks during which, or any portion of which, said workman was employed by, and actually worked for, the said employer; but if the injured employee has lost one or more calendar weeks during such period then the total earnings for the remainder of such twenty-six weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. In computing the time so lost, absence for seven consecutive calendar days, although not in the same calendar week, shall be considered as absence for a calendar week. Where the employment commenced other than at the beginning of a calendar week, or was terminated by the said injury other than at the end of a calendar week, such calendar week and the wages earned during such week, shall be excluded in making the above computations.

(b) Where the employment previous to the injury is less than a net period of two calendar weeks, and where the foregoing method of arriving at the average weekly wages, earnings, or salary can not reasonably and fairly be applied, such average weekly wages, earnings, or salary shall be taken at such sum as, having regard to the previous wages, earnings, or salary of the injured employee, and of other employees of the same or most similar class, working in the same or most similiar employment in the same establishment or in the same or a neighboring locality, shall reasonably represent the weekly earning capacity of the injured employee at the time of the accident in the employment in which he was working at such time.

(c) Where the employer has been accustomed to pay to the employee a sum to cover any special expense incurred by said employee by the nature of his employment, the sum so paid shall not be reckoned as part of the employee's wages, earnings, or salary.

Second injuries.

(d) The fact that an employee has suffered a previous injury, or received compensation therefor, shall not preclude compensation for a later injury or for death; but in determining the compensation for the later injury or death, his average weekly wages shall be such sum as will reasonably represent his weekly earning capacity at the time of the later injury in the employment in which he was working at such time, and shall be arrived at according to, and subject to the limitations of, the provisions of this section: *Provided*, That in computing the average weekly wages earned subsequent to the first injury the time worked and wages earned prior to said injury shall be excluded.

Insurance, etc., not to be considered.

SEC. 14 (as amended by chapter 937, Acts of 1913). No savings or insurance of the injured employee, independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than the

employer be considered in fixing the compensation under this act. Any employer who shall refuse or delay payment under this act on account of the receipt by any injured employee of such savings, insurance or benefits, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment not exceeding one year, or both.

Payments to be made to whom.

SEC. 15. The compensation payable under this act in case of the death of the injured employee shall be paid to his legal representatives; or, if he has no legal representative, to his dependents entitled thereto, or, if he leaves no such dependents, to the person to whom the expenses for the burial and last sickness are due. If the payment is made to the legal representative of the deceased employee, it shall be paid by him to the dependents or other persons entitled thereto under this act. All payments of compensation under this act shall cease upon the death of the employee from a cause other than or not induced by the injury for which he is receiving compensation.

Incompetent beneficiaries.

SEC. 16. In case an injured employee is mentally incompetent, or, where death results from the injury, in case any of his dependents entitled to compensation hereunder are mentally incompetent or minors at the time when any right, privilege or election accrues to him or them under this act, his conservator, guardian, or next friend may, in his behalf, claim and exercise such right, privilege, or election, and no limitation of time in this act provided shall run so long as such incompetent or minor has no conservator or guardian.

Notice.

SEC. 17. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the employer within thirty days after the happening thereof; and unless the claim for compensation with respect to such injury shall have been made within one year after the occurrence of the same, or, in case of the death of the employee, or in the event of his physical or mental incapacity, within one year after death or the removal of such physical or mental incapacity.

Claim.

Form of notice.

SEC. 18. Such notice shall be in writing and shall state in ordinary language the nature, time, place and cause of the injury, and the name and address of the person injured and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representative, or by a dependent, or by a person in behalf of either.

Service.

SEC. 19. Such notice shall be served upon the employer, or upon one employer, if there are more employers than one, if the employer is a corporation, upon any officer or agent upon whom process may be served, by delivering the same to the person on whom it is to be served, or by leaving it at his last known residence or place of business, or by sending it by registered mail addressed to the person to be served, or, in the case of a corporation, to the corporation itself, at his or its last known residence or place of business; and such mailing of the notice shall constitute completed service.

Questions of invalidity.

SEC. 20. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the nature, time, place or cause of the injury, or the name and address of the person injured, unless it is shown that it was the intention to mislead and the employer was in fact misled thereby. Want of notice shall not be a bar to the proceedings under this act, if it be shown that the employer or his agent had knowledge of the injury, or that failure to give such notice was due to accident, mistake or unforeseen cause.

Medical examinations.

SEC. 21. The employee shall, after an injury, at reasonable times during the continuance of his disability, if so requested by his employer, submit himself to an examination by a physician or surgeon authorized to practice medicine under the laws of the State, furnished and paid for by the employer. The employee shall have the right to have a physician, provided and paid for by himself, present at such examination.

Examiners.

Any justice of the superior court may, at any time after an injury, on the petition of the employer or employee, appoint a competent and impartial physician or surgeon to act as a medical examiner, and the reasonable fees of such medical examiner as fixed by the justice appointing him shall be paid by the party moving for such appointment.

Such medical examiner being first duly sworn to the faithful performance of his duties before the justice appointing him or clerk of the court shall thereupon, and as often as necessary, examine such injured employee in order to determine the nature, extent, and probable duration of the injury. Such medical examiner shall file a report of every examination made of such employee in the office of the clerk of the superior court having jurisdiction of the matter as provided in section 16 of Article III of this act, and such report shall be produced in evidence in any hearing or proceeding to determine the amount of compensation due such employee under the provisions of this act. If such employee refuses to submit himself for any examination provided for in this act, or in any way obstructs any such examination, his rights to compensation shall be suspended and his compensation during such period of suspension may be forfeited.

Waivers.

SEC. 22. No agreement by an employee, except as provided in Article IV, to waive his rights to compensation under this act shall be valid.

Assignments.

SEC. 23. No claims for compensation under this act, or under any alternative scheme permitted by Article IV of this act, shall be assignable, or subject to attachment, or liable in any way for any debts.

Claims preferred.

SEC. 24. The claim for compensation under this act, or under any alternative scheme permitted by Article IV of this act, and any decree on any such claim, shall be entitled to a preference over the unsecured debts of the employer hereafter contracted to the same amount as the wages of labor are now preferred by the laws of this State; but nothing herein shall be construed as impairing any lien which the employee may have acquired.

Lump-sum payments.

SEC. 25. In case payments have continued for not less than six months either party may, upon due notice to the other party, petition the superior court for an order commuting the future payments to a lump sum. Such petition shall be considered by the superior court and may be summarily granted where it is shown to the satisfaction of the court that the payment of a lump sum in lieu of future weekly payments will be for the best interest of the person or persons receiving or dependent upon such compensation, or that the continuance of weekly payments will, as compared with lump-sum payments, entail undue expense or undue hardship upon the employer liable therefor, or that the person entitled to compensation has removed or is about to remove from the United States. Where the commutation is ordered the superior court shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments, capitalized at their present value upon the basis of interest calculated at five per centum per annum with annual rests. Upon paying such amount the employer shall be discharged from all further liability on account of the injury or death, and be entitled to a duly executed release, upon filing which, or other due proof of payment, the liability of such employer under any agreement, award, findings, or decree shall be discharged of record.

ARTICLE III.

PROCEDURE.

Agreements between employers and employees.

SECTION 1. If the employer and the employee reach an agreement in regard to compensation under this act, a memorandum of such agreement signed by the parties shall be filed in the office of the clerk of the superior court having jurisdiction of the matter as provided in section 16 of this article. The clerk shall forthwith docket the same in a book kept for that purpose, and shall thereupon present said agreement to a justice of the superior court, and when approved by the justice the agreement shall be enforceable by said superior court by any suitable process, including executions against goods, chattels and real estate, and including proceedings for contempt for willful failure or neglect to obey the provisions of said agreement. No appeal shall lie from the agreement thus approved unless upon allegation that such agreement had been procured by fraud or coercion. Such agreement shall be approved by the justice only when its terms conform to the provisions of this act.

Enforcement.

When death has resulted from the injury and the dependents of the deceased employee entitled to compensation are, or the apportionment thereof among them is, in dispute, such agreement may relate only to the amount of compensation.

Reference to court.

SEC. 2. If the employer and employee fail to reach an agreement in regard to compensation under this act, either employer or employee, and when death has resulted from the injury and the dependents of the deceased employee entitled to compensation are, or the apportionment thereof among them is, in dispute, any person in interest may file in the the office of the clerk of the superior court having jurisdiction of the matter as provided in section 16 of this article, a petition in the nature of a petition in equity setting forth the names and residences of the parties, the facts relating to employment at the time of the injury, the cause, extent and character of the injury, the amount of wages, earnings, or salary received at the time of the injury, and the knowledge of the employer or notice of the occurrence of the injury, and such other facts as may be necessary and proper for the information of the court, and shall state the matter in dispute and the claims of the petitioner with reference thereto.

Notice to respondent.

SEC. 3. Within four days after the filing of the petition, a copy thereof, attested by the petitioner or his attorney, shall be served upon the respondent in the same manner as a writ of summons in a civil action.

Answer.

SEC. 4. Within ten days after the filing of the petition, the respondent shall file an answer to said petition, together with a copy thereof for the use of the petitioner, which shall state the claims of the respondent with reference to the matter in dispute as disclosed by the petition. No pleadings other than petition and answer shall be required to bring the cause to a hearing for final determination. The superior court may grant further time for filing the answer and allow amendments of said petition and answer at any stage of the proceedings. If the respondent does not file an answer, the cause shall proceed without formal default or decree pro confesso. If the respondent be an infant or person under disability, the superior court shall appoint a guardian ad litem for such infant or person under disability. Such guardian ad litem may be appointed on any court day after service of the copy referred to in section 3 of this article, upon motion of any party after notice given as required for motions made in the superior court, and opportunity to said infant or person under disability to be heard in regard to the choice of such guardian ad litem. The guardian ad litem so appointed shall file the answer required by this section.

Infants, etc.

Hearing.

SEC. 5. The petition shall be in order for assignment for hearing on the motion day which occurs next after fifteen days from the filing of the petition. Upon the days upon which said petition shall be in order for hearing it shall take precedence of other cases upon the calendar, except cases for tenements let or held at will or by sufferance.

Decision.

SEC. 6. The justice to whom said petition shall be referred by the court shall hear such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. His decision shall be filed in writing with the clerk, and a decree shall be entered thereon. Such decree shall be enforceable by said superior court by any suitable process, including executions against goods, chattels and real estate, and including proceedings for contempt for wilful [willful] failure or neglect to obey the provisions of said decree. Such decree shall contain findings of fact, which, in the absence of fraud, shall be conclusive. The superior court may award as costs the actual expenditures, or such part thereof as to the court shall seem meet, but not including counsel fees, and shall include such costs in its decree. The superior court may refuse to award costs, and no costs shall be awarded against an infant or person under disability or against a guardian ad litem.

Appeals.

SEC. 7. Any person aggrieved by the final decree of the superior court under this act may appeal to the supreme court upon any question of law or equity decided adversely to the appellant by said final decree or by any proceeding or ruling prior thereto appearing of record, the appellant having first had his objections noted to any adverse rulings

made during the progress of the trial at the time such rulings were made, if made in open court and not otherwise of record.

The appellant shall take the following steps:

(a) Within ten days after entry of said final decree he shall file a claim of appeal and, if a transcript of the testimony and rulings or any part thereof be desired, a written request therefor.

(b) Within such time as the justice of the superior court who heard the petition, or, in case of his inability to act from any cause within such time as any other justice thereof shall fix, whether by original fixing of the time, or by extension thereof, or by a new fixing after any expiration thereof, the appellant shall file reasons of appeal stating specifically all the questions of law or equity decided adversely to him which he desires to include in his reasons of appeal, together with a transcript of as much of the testimony and rulings as may be required. The supreme court may allow amendments of said reasons of appeal. Upon the filing of said reasons of appeal and transcript, the clerk of the superior court shall present the transcript to the justice who heard the cause for allowance. The justice after hearing and examination, shall restore the transcript to the files of the clerk with a certificate of his action thereon made within twenty days after filing the transcript, unless the twentieth day shall fall in vacation, in which event the certificate may be filed at any time before the first Monday in the following month of October.

If the transcript be not allowed by the justice who heard the cause within the time prescribed, or objection to his allowance be made by any party, the correctness of the transcript may be determined by the supreme court by petition filed within thirty days after filing the transcript, unless the thirtieth day shall fall in vacation, in which event the correctness of the transcript may be determined by petition, filed on or before the tenth day after the first Monday in the following month of October. In all other respects than in time of filing the same course shall be followed as provided in section 21 of chapter 298 of the General Laws for establishing the truth of exceptions.

Certification of cause.

SEC. 8. Upon the restoration or the transcript to the files, or, if there be no transcript, then upon the filing of the reasons of appeal, the clerk of the superior court shall certify the cause and all papers to the supreme court.

Effect of appeal.

SEC. 9. The claim of an appeal shall suspend the operation of the decree appealed from, but, in case of default in taking the procedure required, such suspension shall cease, and the superior court upon motion of any party shall proceed as if no claim of appeal had been made, unless it be made to appear to the superior court that the default no longer exists.

Motion day.

SEC. 10. Any court day in the supreme court shall be a motion day for the purpose of hearing a motion to assign the appeal for hearing.

Power of supreme court.

SEC. 11. The supreme court after hearing any appeal shall determine the same, and affirm, reverse or modify the decree appealed from, and may itself take, or cause to be taken by the superior court, such further proceedings as shall seem just. If a new decree shall be necessary, it shall be framed by the supreme court for entry by the superior court. Thereupon the cause shall be remanded to the superior court for such further proceedings as shall be required.

Execution.

SEC. 12. No process for the execution of a final decree of the superior court from which an appeal may be taken shall issue until the expiration of ten days after the entry thereof, unless all parties against whom such decree is made waive an appeal by a writing filed with the clerk or by causing an entry thereof to be made on the docket.

Questions may be certified.

SEC. 13. If, in the course of the proceedings in any cause, any question of law shall arise which in the opinion of the superior court is of such doubt and importance, and so affects the merits of the controversy, that it ought to be determined by the supreme court before further proceedings, the superior court may certify such question to the supreme court for that purpose, and stay all further proceedings except such as are necessary to preserve the rights of the parties.

Review of agreements, etc.

SEC. 14. At any time before the expiration of two years from the date of the approval of an agreement, or the entry of a decree fixing compen-

sation, but not afterwards, and before the expiration of the period for which compensation has been fixed by such agreement or decree, but not afterwards, any agreement, award, findings, or decree may be from time to time reviewed by the superior court upon the application of either party, after due notice to the other party, upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished. Upon such review the court may increase, diminish, or discontinue the compensation from the date of the application for review, in accordance with the facts, or make such other order as the justice of the case may require, but shall order no change of the status existing prior to the application for review. The finding of the court upon such review shall be served on the parties and filed with the clerk of the court having jurisdiction, in like time and manner and subject to like disposition as in the case of original decrees: *Provided*, That an agreement for compensation may be modified at any time by a subsequent agreement between the parties approved by the superior court in the same manner as original agreements in regard to compensation are required to be approved by the provisions of section 1 of Article III of this act.

Forms as to procedure.

SEC. 15. The superior court shall prescribe forms and make suitable orders as to procedure adapted to secure a speedy, efficient and inexpensive disposition of all proceedings under this act; and in making such orders said court shall not be bound by the provisions of the General Laws relating to practice. In the absence of such orders, special orders shall be made in each case.

Place of action.

SEC. 16. Proceedings shall be brought either in the county where the accident occurred or in the county where the employer or employee lives or has a usual place of business. The court where any proceeding is brought shall have power to grant a change of venue.

Death no cause for abatement.

SEC. 17. No proceedings under this act shall abate because of the death of the petitioner, but may be prosecuted by his legal representative or by any person entitled to compensation by reason of said death, under the provisions of this act.

Limitation.

SEC. 18. An employee's claim for compensation under this act shall be barred unless an agreement or a petition, as provided in this article, shall be filed within two years after the occurrence of the injury, or, in case of the death of the employee, or, in the event of his physical or mental incapacity, within two years after the death of the employee or the removal of such physical or mental incapacity.

Payments to nonresidents.

SEC. 19. If an employee receiving a weekly payment under this act shall cease to reside in the State, or, if his residence at the time of the accident is in an adjoining State, the superior court, upon the application of either party, may, in its discretion, having regard to the welfare of the employee and the convenience of the employer, order such payment to be made monthly or quarterly instead of weekly.

Settlement of disagreements.

SEC. 20. All questions arising under this act, if not settled by agreement of the parties interested therein, shall, except as otherwise herein provided, be determined by the superior court.

Injuries caused by third persons.

SEC. 21. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the employee may take proceedings both against that person to recover damages and against any person liable to pay compensation under this act for such compensation, but shall not be entitled to receive both damages and compensation; and if the employee has been paid compensation under this act, the person by whom the compensation was paid shall be entitled to indemnity from the person so liable to pay damages as aforesaid, and, to the extent of such indemnity, shall be subrogated to the rights of the employee to recover damages therefor.

Record of proceedings.

SEC. 22 (added by Chapter 936, Acts of 1913). The proceedings in all cases under this act shall be deemed matters of record; but the same shall not be required to be recorded at large, but shall be filed and numbered in the office of the clerk of the superior court, and a docket only, or short memorandum thereof, shall be kept by said clerk, in books provided for that purpose.

ARTICLE IV.

ALTERNATIVE SCHEMES PERMITTED.

Insurance, etc., schemes may be substituted.

SECTION 1. Any employer may enter into an agreement with his employees in any employment to which this act applies to provide a scheme of compensation, benefit, or insurance, in lieu of the compensation provided for in this act, subject to the approval of the superior court. Such approval shall be granted only on condition that the scheme proposed provides as great benefits as those provided by this act; and if the scheme provides for contributions by employees, it shall confer additional benefits at least equivalent to these contributions. If such a scheme meets with the approval of said court, the clerk shall issue a certificate enabling the employer to contract with any or all of his employees in employments to which this act applies to substitute such scheme for the provisions of this act for a period of not more than five years.

What the schemes must provide.

SEC. 2. No scheme which provides for contributing by employees shall be so certified which does not contain suitable provisions for the equitable distribution of any money or securities held for the purpose of the scheme, after due provision has been made to discharge the liabilities already incurred, if and when such certificate is revoked or the scheme otherwise terminated.

Revocation of certificates.

SEC. 3. If at any time the scheme no longer fulfills the requirements of this article, or is not fairly administered, or any other valid and substantial reason therefor exists, the superior court, on reasonable notice to the interested parties, shall revoke the certificate and the scheme shall thereby be terminated.

ARTICLE V (added by chapter 1268, Acts of 1915).

INSURANCE AGAINST LIABILITY TO PAY COMPENSATION.

Securing payments.

SECTION 1. Every employer who has elected to become subject to the provisions of this act as provided in section 5 of Article I thereof shall secure in one of the following ways the compensation for which he is or may become liable under said act:

Insurance.

1. By insuring and keeping insured against liability to pay such compensation in any stock or mutual company or association authorized to take such risks in this State.

Proof of financial ability.

2. By furnishing a sworn statement or other proof, from time to time, reasonably satisfactory to the commissioner of industrial statistics, of his financial ability to pay directly to injured employees or their dependents such compensation: *Provided*, That such statement or proof shall be approved by said commissioner, who shall give written notice thereof to the employer: *And provided further*, That demand for such statement or proof shall not be made upon the employer by the said commissioner oftener than once in any calendar year: *And provided further*, That any party aggrieved by any unreasonable requirement or demand of said commissioner may appeal to the superior court, and the provisions of section 8 shall not apply while said appeal is pending.

Furnishing indemnity, etc.

3. By furnishing security, indemnity, or a bond, reasonably satisfactory to said commissioner, guaranteeing the payment of such compensation. Such bond shall run to the said commissioner for the benefit of the employees and their dependents, and, with such indemnity or security, shall be deposited with him.

Combination of methods.

4. By a combination of the last two of the foregoing methods.

Provisions of policies.

SEC. 2. Every policy hereafter written insuring the payment of compensation under this act shall contain provisions to the effect that as between the employee and the insurer notice to and knowledge of the occurrence of injury on the part of the employer shall be deemed notice and knowledge on the part of the insurer; that jurisdiction of the employer for the purposes of this act shall be jurisdiction of the insurer, and that the insurer shall in all things be bound by and subject to the findings, judgments, orders,

and decrees rendered against the employer for the payment of compensation under this act.

Direct payments.

SEC. 3. Every such policy shall cover the entire liability of the employer under this act and shall contain an agreement by the insurer to the effect that the insurer shall be directly and primarily liable to the employee, and, in the event of his death, to his dependents, to pay to him or them the compensation, if any, for which the employer is liable.

Employees' lien.

SEC. 4. Every such policy shall also provide that the employee, or, in the event of his death, his dependents, shall have a first lien upon any amount which shall become owing on account of such policy to the employer from the insurer because of any accident to such employee, and that in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the employee or his dependents, the said insurer may and shall pay the same directly to the said employee or his dependents, thereby discharging to the extent of such payment the obligations of the employer to the employee or his dependents; and no such policy shall contain any provisions relieving the insurer from payment because of the employer's inability to pay on account of insolvency, bankruptcy, or otherwise during the period that the policy is in force or the compensation remains owing.

Recovery and enforcement.

SEC. 5. Any employee entitled to compensation from his employer under this act shall, irrespective of any insurance contract, have the right to recover such compensation directly from the employer in the manner provided in this act, and in addition thereto the right to enforce in his own name, in the manner provided in this act, either by making the insurer a party to the original petition or by filing a separate petition, the liability of any insurer who may have insured the employer against liability for such compensation: *Provided, however*, That payment in whole or in part of such compensation by either the employer or insurer shall, to the extent thereof, be a bar to recovery against the other of the amount so paid: *And provided further*, That as between the employer and the insurer, payment by either directly to any employee shall be subject to the conditions of the insurance contract between them.

Insurer's rights.

SEC. 6. When any employer is insured against liability for compensation and the insurer shall have paid any compensation for which the employer was liable, or shall have assumed the liability of the employer therefor, the insurer shall be subrogated to all the rights and duties of the employer and may enforce such rights in his own name.

Presumption as to insurance contracts.

SEC. 7. Every contract hereafter made for the insurance of the compensation provided for in this act, or against liability therefor, shall be deemed to be made subject to the provisions of this act, and all provisions of such policies inconsistent with this act shall be void.

Employer's failure to comply.

SEC. 8. If any employer shall fail to comply with the provisions of this article within ten days after said article shall take effect, or in case he shall elect to become subject to the provisions of this act after this article takes effect, then within ten days after such election he shall be liable for compensation to any injured employee or his dependents, according to the provisions of this act, or for damages in the same manner as if the employer had not elected to become subject to the provisions of said act, at the option of such employee or his dependents: *Provided*, That such option is exercised and notice thereof in writing given to the employer within thirty days after the accident to such employee, otherwise the employer shall be liable only for the compensation payable under this act by employers who have elected to become subject to the provisions of said act.

Liability insurance.

SEC. 9. Every policy hereafter written insuring against liability for personal injuries, other than payment of compensation under this act, shall contain provisions to the effect that the insurer shall be directly liable to the injured party, and, in the event of

his death, to the party entitled to sue therefor, to pay him the amount of damages for which such insured is liable. Such injured party, or, in the event of his death, the party entitled to sue therefor, in his suit against the insured, may join the insurer as a defendant, in which case judgment shall bind either or both the insured and the insurer, or said injured party or, in the event of his death, the party entitled to sue therefor, after having obtained judgment against the insured alone, may proceed on said judgment in a separate action against said insurer: *Provided, however*, That payment in whole or in part of such liability by either the insured or the insurer shall, to the extent thereof, be a bar to recovery against the other of the amount so paid: *And provided further*, That in no case shall the insurer be liable for damages beyond the amount of the face of the policy.

All policies made for the insurance against liability described in this section shall be deemed to be made subject to the provisions hereof, and all provisions of such policies inconsistent herewith shall be void.

ARTICLE VI (added by chapter 1268, Acts of 1915).

REPORT OF ACCIDENTS.

Accidents to be reported.

SECTION 1. Every employer who shall be or become subject to the provisions of this act shall report in writing to the commissioner of industrial statistics all personal injuries sustained by accident by employees arising out of and in the course of their employment, if such injuries prove fatal or incapacitate the employee from earning full wages for a period of at least two weeks. If such injuries are immediately fatal, such report shall be made within 48 hours after they occur, and if they prove fatal later, then within 48 hours after death shall occur and come to the knowledge of the employer; if such injuries are not fatal, such report shall be made within one week after the expiration of such period of two weeks; at the termination of the period of incapacity, regardless of its duration, a supplementary report in writing shall be made. All reports required by the provisions of this section shall be made upon blanks supplied by said commissioner.

Supplementary report.

Agreement between employer and employee.

If the employer and employee reach an agreement in regard to compensation under this act, with the memorandum of such agreement filed in the office of the clerk of the superior court in accordance with section 1 of Article III of this act, a duplicate of such memorandum shall be filed, and upon the approval of said agreement by the court said duplicate, duly attested by the clerk, shall be forthwith sent by the clerk to said commissioner.

Penalty.

SEC. 2. Any such employer who refuses or neglects to make the reports required by the provisions of the last preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of not more than $50 for each offense.

No other reports required.

SEC. 3. No report of injuries to employees other than those required by this act shall be required by any other department or officer of the State from employers to whom the provisions of this act apply, and copies of all such reports received by the commissioner of industrial statistics in accordance with the requirements of this act shall be transmitted by him immediately to the factory inspector.

Reports as evidence.

SEC. 4. No report required by this act shall be admitted in evidence or referred to at the trial of any action or in any judicial proceedings whatsoever, except in prosecutions for the violation of this act.

Reports confidential.

SEC. 5. No such report, or part or copy thereof, shall be open to the public, nor shall any of the contents thereof be disclosed in any manner or be permitted to become known by any officer or employee of the State or other person having access thereto, but the same shall be used for State investigation and statistics only,

and such statistics shall in no way disclose the identity of the employer making the report. Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $100 for each offense, and if the offender be an officer or employee of the State, he shall be dismissed from the office and be incapable thereafter of holding an office under the State for a period of one year.

Supervision of compensation act.

SEC. 6. In so far as is not inconsistent with other provisions of this act, the commissioner of industrial statistics shall have general supervision of the operation of said act, and from time to time he may furnish employers and employees with such information relative to said act as may assist them in an understanding of their rights and obligations thereunder. The annual salary of the commissioner of industrial statistics is hereby fixed at $5,000; and the State auditor is hereby authorized to draw his order or orders on the general treasurer from time to time for the payment of said sum, or so much thereof as may be necessary, and the sum of $5,000 is hereby annually appropriated for said purpose.

Salary.

Expenses.

The sum of $1,500, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, in addition to moneys heretofore appropriated, for the purpose of carrying this act into effect.

Exemptions.

SEC. 7. The provisions of this article shall not apply to any public utility which is now required by law to make reports of accidents to the public utility commission.

ARTICLE VII (renumbered by chapter 1268, Acts of 1915).

MISCELLANEOUS PROVISIONS.

Definitions.

SECTION 1. In this act, unless the context otherwise requires:

(a) "Employer" includes any person, copartnership, corporation or voluntary association, and the legal representative of a deceased employer.

(b) "Employee" means any person who has entered into the employment of, or works under contract of service or apprenticeship with, an employer, and whose remuneration does not exceed eighteen hundred dollars a year. It does not include a person whose employment is of a casual nature, and who is employed otherwise than for the purpose of the employer's trade or business. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to his dependents as hereinafter defined, or to his legal representative, or, where he is a minor, or incompetent, to his conservator or guardian.

Other statutes.

SEC. 2. Nothing in this act shall affect the liability of the employer to a fine or penalty under any other statute.

Prior accidents.

SEC. 3. The provisions of this act shall not apply to injuries sustained, or accidents which occur, prior to the taking effect thereof.

Sections to be construed separately.

SEC. 4. If any section of this act shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall in no way affect the validity of any other portion thereof which can be given reasonable effect without the part so declared unconstitutional or invalid.

Action for death not allowed.

SEC. 5. In all cases where an employer and employee shall have elected to become subject to the provisions of this act, the provisions of section 14 of chapter 283 of the General Laws [giving a right to sue for damages for death by wrongful act], shall not apply while this act is in effect.

Repeal.

SEC. 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Title.

SEC. 7. This act may be cited as "Workmen's compensation act."

Act in effect.

SEC. 8. This act shall take effect on the 1st day of October, 1912.

Approved April 29, 1912.

TEXAS.

ACTS OF 1913.

CHAPTER 179.—*Compensation of workmen for injuries.*

PART I.

SECTION 1. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense— Defenses abolished.

1. That the employee was guilty of contributory negligence; but in such event the damages shall be diminished in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence where the violation by such employer of any statute enacted for the safety of the employee contributed to the injury or death of such employee.

2. That the injury was caused by the negligence of a fellow employee.

3. That the employee had assumed the risk of the injury incident to his employment; but such employer may defend in such action on the ground that the injury was caused by the willful intention of the employee to bring about the injury.

4. *Provided, however*, In all such actions against an employer who is not a subscriber as defined hereafter in this act, it shall be necessary to a recovery for the plaintiff to prove negligence of such employer or some agent or servant of such employer acting within the general scope of his employment. Proviso.

SEC. 2. The provisions of this act shall not apply to actions to recover damages for the personal injuries or for death resulting from personal injuries sustained by domestic servants, farm laborers, nor to the employees of any person, firm or corporation operating any railway as a common carrier, nor to laborers engaged in working for a cotton gin, nor to the employees of any person, firm or corporation having in his or their employ not more than five employees. Employments exempted.

SEC. 3. The employees of a subscriber shall have no right of action against their employer for damages for personal injuries and the representatives and beneficiaries of deceased employees shall have no right of action against such subscribing employers for damages for injuries resulting in death, but such employees, and their representatives and beneficiaries shall look for compensation solely to the Texas Employees Insurance Association as the same is hereinafter provided for: *Provided*, That all compensation allowed under the succeeding sections herein, shall be exempt from garnishment, attachment and all other suits or claims, as are current wages now exempted by law. Remedy exclusive. Benefits exempt.

SEC. 4. Employees whose employers are not at the time of injury subscribers to said association and the representatives and beneficiaries of deceased employees who at the time of injury were working for nonsubscribing employers cannot participate in the benefits of said insurance association, but they shall be entitled to bring suit, and may recover judgment against such employers, or any of them, for all damages sustained by reason of any personal injury received in the course of employment, or by reason of death resulting from such injury, and the provisions of section 1 of this act shall be applied in all such actions. Employees of nonsubscribers.

SEC. 5. Nothing in this act shall be taken or held to prohibit the recovery of exemplary damages by the surviving husband, wife and heirs, or such of them as there may be, of any deceased employee whose death is occasioned by homicide, through the willful act or omission or gross negligence of any person, firm or corporation, the employer of such employee at the time of the injury causing the death of the latter, and in all cases where exemplary damages are sought under this section, in case the injured party has already been awarded actual damages by the board herein provided, said fact and said amount so received shall be made known to the court or jury trying said cause for exemplary damages; and on the issue for exemplary damages he shall have the same defenses as under the existing law. Willful and gross negligence.

Waiting time.

SEC. 6. No compensation shall be paid under this act for an injury which does not incapacitate the employee for a period of at least one week from earning full wages, but if incapacity extends beyond one week, compensation shall begin on the eighth day after injury.

Medical, etc., benefits.

SEC. 7. During the first week of the injury the association shall furnish reasonable medical aid, hospital services, and medicines when needed, and if it does not furnish these immediately as and when needed, it shall repay all sums reasonably paid or incurred for same: *Provided*, Reasonable notice of injury shall be given to the said association, and this provision requiring notice shall apply to all subsequent sections of this act providing for compensation.

Compensation for death.

SEC. 8. If death should result from the injury, the association hereinafter created, shall pay to the legal beneficiary of the deceased employee a weekly payment equal to 60 per cent of his average weekly wages, but not more than $15.00 nor less than $5.00 a week, for a period of three hundred and sixty weeks from the date of injury: *Provided*, That the compensation herein provided for shall be distributed according to the law providing for the distribution of other property of deceased.

No dependents.

SEC. 9. If the deceased employee leaves no legal beneficiaries or creditors, the association shall pay all expenses incident to his last sickness, and in addition a funeral benefit not to exceed one hundred dollars: *Provided*, Where the deceased leaves no beneficiaries as provided herein, but leaves creditors, the association shall be liable to such creditors for an amount not exceeding the amount that would otherwise have been due beneficiaries, which amount paid shall not exceed amount due such creditor or creditors.

Total disability.

SEC. 10. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a compensation equal to 60 per cent of his average weekly wages but not more than $15.00 nor less than $5.00 a week, and in no case shall the period covered by such compensation be greater than four hundred weeks.

Partial disability.

SEC. 11. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to 60 per cent of the difference between his average weekly wages before the injury and the average weekly wages he is able to earn thereafter, but in no case to be more than $15.00 a week; and the period covered by such compensation to be in no case greater than three hundred weeks.

Specific injuries.

SEC. 12. In case of the following specified injuries the amounts hereinafter named shall be paid by the association in addition to all other compensation:

(a) For the loss by severance of both hands, at or above the wrists, or of both feet at or above the ankle, or the loss of one hand and one foot, or the reduction to one-tenth of the normal vision in both eyes, 60 per cent of the average weekly wages of the injured employee, but not more than $15.00 nor less than $5.00 a week for a period of one hundred weeks. (b) For the loss by severance of either hand at or above the wrist, or either foot above the ankle, or the reduction to one-tenth of normal vision in either eye, 60 per cent of the average weekly wages of the injured employee, but not more than $15.00 nor less than $5.00 a week, for a period of fifty weeks. (c) For the loss by severance at or above the second joint of two or more fingers, including thumbs, and toes, 60 per cent of the average weekly wages of the injured employee, but not more than $15.00 nor less than $5.00 a week, for a period of twenty-five weeks. (d) For the loss by severance of at least one joint of a finger, thumb or toe, 60 per cent of the average weekly wages of the injured employee, but not more than $15.00 nor less than $5.00 a week, for a period of twelve weeks.

Incompetence.

SEC. 13. If an injured employee is mentally incompetent or is a minor at the time when any rights or privileges accrued to him under this act, his guardian or next friend may in his behalf claim and exercise such rights and privileges.

Waivers.

SEC. 14. No agreement by an employee to waive his rights to compensation under this act shall be valid.

Lump-sum payments.

SEC. 15. In cases where death or total permanent disability results from an injury, the liability of the association may be redeemed by pay-

ment of a lump sum by agreement of the parties thereto, subject to the approval of the "Industrial Accident Board" hereinafter created.

Survival of action.

SEC. 16. In all cases of injury resulting in death, where such injury was received in the course of employment, cause of action shall survive.

PART II.

Industrial accident board.

SECTION 1. There shall be an "Industrial Accident Board" consisting of three members, and the same is hereby created to be appointed by the governor, one of whom shall be designated as chairman, and the term of office shall be two years for members of the board.

Membership.

SEC. 2. One member of the Industrial Accident Board shall be at the time of his appointment, an employer of labor in some industry or business covered by this act; one shall be at the time of his appointment, a wage earner employed in some industry or business covered by this act, and the third member shall be, at the time of his appointment, a practicing attorney of recognized ability, said member to act in the capacity of legal adviser to the board in addition to his other duties as a member thereof.

Salaries, etc.

SEC. 3. The salaries and expenses of the Industrial Accident Board shall be paid by the State. The salary of the chairman shall be three thousand dollars a year, and the salaries of the other members of the board shall be two thousand and five hundred dollars a year each. The board may appoint a secretary at a salary of not more than two thousand dollars a year and may remove him at any time, furnishing him, upon demand, with a statement of the cause of his removal. It shall also be allowed an annual sum not exceeding five thousand dollars a year, for clerical services, traveling and other necessary expenses. The board shall be provided suitable offices in the capitol or some other convenient building in the City of Austin, where its records shall be kept.

Powers.

SEC. 4. The board may make rules not inconsistent with this act for carrying out and enforcing its provisions, and may require any employee claiming to have sustained injury, to submit himself for examination before such board or some one acting under its authority at some reasonable time and place within the State and as often as may be reasonably ordered by the board, to a physician or physicians authorized to practice under the laws of this State. If the employee requests, he shall be entitled to have a physician or physicians of his own selection present to participate in such examination. Refusal of the employee to submit to such examination shall deprive him of the right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect of the period of suspension. Process and procedure shall be as summary as may be under this act. The board or any member thereof shall have power to subpœna witnesses, administer oaths, inquire into matters of fact, and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. All rulings or decisions of the board relating to disputed claims shall be based upon questions of fact, and in accord with the provisions of this act.

Medical examinations.

Procedure.

Notice.

SEC. 4a. No proceedings for compensation for injury under this act, shall be maintained unless a notice of the injury shall have been given to the association or subscriber, as soon as practicable after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employee, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity.

Claim.

Settlement of disputes.

SEC. 5. All questions arising under this act, if not settled by agreement of the parties interested therein, shall, except as otherwise herein provided, be determined by the Industrial Accident Board. Any interested party who is not willing, and does not consent to abide by the final ruling and decision of said board on any disputed claim may sue on such claim or may require suit to be brought thereon in some court of competent jurisdiction, and the board shall proceed no further toward the adjustment of such claim: *Provided, however*, That when-

Suits.

ever any such suit is brought, the rights and liabilities of the parties thereto shall be determined by the provisions of this act, and the suit of the injured employee, or persons suing on account of the death of such employee, shall be against the association, if the employer of such injured or deceased employee is at the time of such injury or death a subscriber, as defined in this act, in which case the recovery shall not exceed the maximum compensation allowed under the provisions of this act, and the court shall determine the issues in such cause instead of said board.

Employees of contractors.

SEC. 6. If a subscriber enters into a contract, written or oral, with an independent contractor to do such subscriber's work, or if a contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contract with the subscriber, and the association would, if such work was executed by employees immediately employed by the subscriber, be liable to pay compensation under this act to such employees, the association shall pay to such employees any compensation which would be payable to them under this act if the independent or subcontractors were subscribers. The association shall, however, be entitled to recover indemnity from any other persons who would have been liable to such employees independently of this section, and if the association has paid compensation under the terms of this section, it may enforce in the name of the employees or in its own name and for its own benefit, the liability of such other persons. This section shall not apply to independent or subcontractors or any contract which is merely auxiliary and incidental to, and is no part of or process in, the trade or business carried on by the subscriber.

Injuries to be reported.

SEC. 7. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within eight days after the occurrence of an accident resulting in a personal injury to an employee, a report thereof shall be made in writing to the Industrial Accident Board on blanks to be procured from the board for that purpose. Upon the termination of the disability of the injured employee, or if such disability extends beyond a period of sixty days, the employer shall make a supplemental report upon blanks to be procured for that purpose. The said report shall contain the name and nature of the business of the employer, the location of the establishment, the name, age, sex and occupation of the injured employee, and shall state the date and hour of the accident, and the nature and cause of injury, and such other information as the board may require. Any employer failing or refusing to make any such report within the time herein provided or failing or refusing to give to said board any information demanded by said board relating to any injury to an employee, which information is in the possession of, or could have been ascertained by the employer by the use of reasonable diligence, shall be liable for and shall pay to the State of Texas a penalty of not more than one thousand ($1,000.00) dollars for each and every offense, the same to be recovered in a suit to be instituted and prosecuted by the attorney general, or under his direction, either in the district court of Travis County, or in the county in which any defendant resides, at the option of the said attorney general.

PART III.

Employers' insurance association.

SECTION 1. The "Texas Employers' Insurance Association" is hereby created a body corporate with the powers provided in this act and with all the general corporate powers incident thereto.

Directors.

SEC. 2. The governor shall appoint a board of directors of the association consisting of twelve members, who shall serve for a term of one year, or until their successors are elected by ballot by the subscribers at such time and for such term as the by-laws shall provide.

Powers.

SEC. 3. Until the first meeting of the subscribers, the board of directors shall have and exercise all of the powers of the subscribers, and may adopt by-laws not inconsistent with the provisions of this act, which shall be in effect until amended or repealed by the subscribers.

Officers.

SEC. 4. The board of directors shall annually choose by ballot a president who shall be a member of the board, a secretary, a treasurer, and such other officers as the by-laws may provide.

SEC. 5. Seven or more of the directors shall constitute a quorum for the transaction of business. Vacancies in any office may be filled in such manner as the by-laws shall provide. Quorum.

SEC. 6. Any employer of labor in the State may become a subscriber excepting as provided in Part I, section 2 of this act. Subscribers.

SEC. 7. The board of directors shall, within thirty days of the subscription of twenty-five employers, call the first meeting of the subscribers by a notice in writing mailed to each subscriber at his residence or place of business not less than ten days before the date fixed for the meeting. First meeting.

SEC. 8. In any meeting of the subscribers each subscriber shall have one vote, and if a subscriber has five hundred employees to whom the association is bound to pay compensation, he shall be entitled to two votes and he shall be entitled to one additional vote for each additional five hundred employees to whom the association is bound to pay compensation, but no subscriber shall cast, by his own right, or by right of proxy, more than ten votes. Votes.

SEC. 9. No policy shall be issued by the association until not less than fifty employers have subscribed, who have not less than two thousand employees to whom the association may be bound to pay compensation. When policies may issue.

SEC. 10. No policy shall be issued by the association until a list of the subscribers, with the number of employees of each; together with such other information as the commissioner of banking and insurance may require, shall have been filed with the department of banking and insurance, nor until the president and secretary of the association shall have certified under oath that every subscription on the list so filed is genuine and made with an agreement with every subscriber that he will take the policies so subscribed for by him within thirty days of the granting of a license to the association by the commissioner of banking and insurance to issue policies. Data to be filed.

SEC. 11. If the number of subscribers falls below fifty or the number of employees to whom the association may be bound to pay compensation falls below two thousand, no further policies shall be issued until other employers have subscribed, who, together with existing subscribers, amount to not less than fifty, who have not less than two thousand employees, to whom the association may be bound to pay compensation, said subscriptions to be subject to the provisions of the preceding section. Issue of policies suspended, when.

SEC. 12. Upon the filing of the certificates provided for in the two preceding sections the commissioner of banking and insurance shall make such investigations as he may deem proper and if his findings warrant it, grant a license to the association to issue policies. License.

SEC. 13. The board of directors shall distribute the subscribers into groups in accordance with the nature of the business and the degree of hazard incident thereto. Subscribers within each group shall annually pay in cash, such premiums as may be required to pay the compensation herein provided for the injuries which may occur in that year. Classification.

SEC. 14. The association may in its by-laws and policies fix the mutual contingent liability of the subscribers for the payment of losses and expenses not provided for by its cash fund, but such contingent liability of a subscriber shall not be less than an amount equal to and in addition to the cash premium. Contingent liability.

SEC. 15. If the association is not possessed of cash funds above its insured premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the subscribers liable to assessment therefor in proportion to their several liability. Every subscriber shall pay his proportional part of any assessment which may be levied by the association, in accordance with the laws and his contract, on account of injuries sustained and expenses incurred while he is a subscriber. Assessments.

SEC. 16. The board of directors may from time to time, by vote fix the amount to be paid as dividends upon the policies expiring during each year after retaining sums sufficient to pay all compensation which may be payable on account of injuries sustained and expenses incurred. All premiums, assessments and dividends shall be fixed by and for Dividends.

groups as heretofore provided in accordance with the experience of such group, but all the funds of the association and the contingent liability of all of the subscribers shall be available for the payment of any approved claim for compensation against the association.

Premiums, etc., to be approved.

SEC. 17. Any proposed premium, assessment, dividend or distribution of subscribers shall be filed with the commissioner of banking and insurance and shall not take effect until approved by him after such investigation as he may deem proper and necessary.

Prevention of accidents.

SEC. 18. The board of directors shall make and enforce reasonable rules for the prevention of injuries on the premises of subscribers, and for this purpose the inspector of the association shall have free access to all such premises during regular working hours. Any subscriber aggrieved by such rule or regulation may petition the Industrial Accident Board for a review, and it may affirm, amend or annul the rule or regulation.

Notice to employees.

SEC. 19. Every subscriber shall, as soon as he secures a policy, give notice, in writing or print, to all persons under contract of hire with him that he has provided for payment of compensation for injuries with the association.

Same subject.

SEC. 20. Every subscriber shall, after receiving a policy, give notice in writing or print, to all persons with whom he is about to enter into a contract of hire, that he has provided for payment of compensation for injuries by the association. If any employer ceases to be a subscriber, he shall, on or before the day on which his policy expires, give notice to that effect in writing or print to all persons under contract of hire with him. In case of the renewal of his policy no notice shall be required under this act. He shall file a copy of said notice with the Industrial Accident Board.

Employers to be reimbursed, when.

SEC. 21. If a subscriber, who has complied with all the rules, regulations and demands of the association, is required by any judgment of a court of law to pay any employee any damages on account of any personal injury sustained by such employee during the period of subscription, the association shall pay to the subscriber the full amount of the judgment and the cost assessed therewith, if the subscriber shall have given the association notice of the bringing of the action upon which the judgment was recovered, and an opportunity to appear and defend same.

Association to continue.

SEC. 22. The corporate powers of the association shall not expire because of failure to issue policies or make insurance.

Expenses.

SEC. 23. The board of directors appointed by the governor under the provisions of Part III, section 2, of this act, may incur such expenses in the performance of its duties as may be approved by the governor; such expenses shall be paid by the State out of any funds not otherwise appropriated, not to exceed five thousand dollars.

PART IV.

Definitions.

SECTION 1. The following words and phrases, as used in this act, shall, unless a different meaning is plainly required by the context, have the following meaning: "Employer" shall include the legal representatives of any original employer.

"Employee" shall include every person in the service of another under any contract of hire, expressed or implied, oral or written, except one whose employment is but casual, or is not in the usual course of the trade, business, profession or occupation of the employer. Any reference to any employee who has been injured shall when the employee is dead, also include the legal beneficiaries of such employee to whom compensation may be payable.

"Average weekly wages" shall mean the earnings of the injured employee during the period of twelve calendar months immediately preceding the date of injury divided by fifty-two; but if the injured employee lost more than two weeks during such period, then the earnings for the remainder of the twelve calendar months shall be divided by the number of weeks remaining after the time lost has been deducted. When, by reason of the shortness of the time of the employ-

ment of the employee, it is impracticable to compute the average weekly wages as above defined, it shall be computed by the Industrial Accident Board in any manner which may seem just and fair to both parties.

"Association" shall mean the "Texas Employees Insurance Association" or any other insurance company authorized under this act to insure the payment of compensation to injured employees, or to the beneficiaries of deceased employees.

"Subscriber" shall mean any employer who has become a member of the association by paying a year's premium in advance and receiving the receipts of the association therefor: *Provided*, That the association holds a license issued by the commissioner of banking and insurance as provided for in Part III, section 12 of this act.

Insurance companies.

SEC. 2. Any insurance company, which term shall include mutual and reciprocal insurance companies lawfully transacting a liability or accident business within this State, shall have the same right to insure the liability to pay the compensation provided for by Part I of this act, and when such company issues a policy conditioned to pay such compensation the holder of such policy shall be regarded as a subscriber so far as applicable under this act; and when such company insures such payment of compensation it shall be subject to the provisions of Parts I, II and IV and of sections 10, 17 and 21 of Part III of this act, and shall file with the commissioner of banking and insurance its classification of premiums none of which shall take effect until the commissioner of banking and insurance has approved same as adequate to the risks to which they respectively apply and not greater than charged by the association, and such company may have and exercise all of the rights and powers conferred by this act on the association created hereby but such rights and powers shall not be exercised by a mutual or reciprocal organization unless such organization has at least fifty subscribers, who have not less than two thousand employees.

Refund of premiums.

SEC. 3. Any subscriber who has paid his annual premium as provided in section 1, Part IV of this act, but who ceases to be an employer after three months and before the expiration of one year, may by satisfactory proof of such fact made to the Industrial Accident Board as herein created be entitled to a refund of such portion of the annual premium so paid by him as the portion of the year in which he is not an employer bears to the whole year: *Provided*, That in no event shall more than three-fourths of the annual premium by any subscriber who claims the benefit of this refund ever be refunded.

SEC. 4. Should any part of this act be, for any reason held to be invalid or inoperative, no other part or parts shall be affected thereby, and if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective the general provision shall nevertheless stand effective and valid as if it had been enacted without exception or limitation.

Repealer.

SEC. 5. All laws or parts of laws in conflict herewith are hereby repealed.

Act in effect.

SEC. 6. This act shall take effect and be in force on and after the first day of September, Nineteen Hundred and Thirteen.

Approved April 16, 1913.

UTAH.

ACTS OF 1915.

CHAPTER 50.—*Workmen's compensation commission.*

SECTION 1. The governor of this State is hereby authorized and directed to appoint a commission to consist of seven members, as follows: One State senator, one State representative, two employers of labor, two representatives of labor, and one attorney at law. The duties of the commission so appointed shall be to make an inquiry, examination, and investigation into the subject of a direct compensation law or a law affecting the liability of employers to employees for industrial accidents. Commission authorized.

SEC. 2. The members of such commission shall serve without compensation, except that each shall be entitled to his actual and necessary expenses incurred in the performance of his duties under the provisions of this act. Expenses.

SEC. 3. For the purpose of its investigations the commission or any member or subcommittee thereof is hereby authorized to visit different localities in the State, to send for persons and papers, to investigate the laws of other States and countries, to administer oaths, and to examine witnesses and papers respecting all matters pertaining to the subjects referred to in this act, to purchase books and supplies and to employ and pay all necessary assistants. Powers.

SEC. 4. The expenses incurred by the commission and its employees shall be paid upon the presentation of proper itemized vouchers signed by the chairman of the commission and approved by the governor, provided such expenses shall not exceed five hundred dollars. Payment and amount of expenses.

SEC. 5. The commissioner of immigration, labor, and statistics is hereby directed to cooperate with the commission and to render it any proper aid and assistance by the bureau of immigration, labor and statistics as in his judgment will not interfere with proper conduct of his department. Commissioner of immigration, etc.

SEC. 6. The commission herein authorized to be appointed shall organize by the election of a chairman and secretary and shall submit a full report of its work and findings to the members and members-elect of the next legislature at least sixty days before its next regular session and shall include therein its recommendations for legislation, together with such bill or bills providing for a speedy remedy for employees for injuries received in the course of their employment as will be fair, just, and reasonable both to employers and employees. Report of commission.

Approved March 16, 1915.

VERMONT.

ACTS OF 1915.

ACT No. 164.—*Compensation of workmen for injuries.*

SECTION 1. This act, except sections 2 and 3, relating to defenses, and section 55, relating to reports, shall not apply to any employer or employee unless prior to the injury they shall have so elected by agreement, either express or implied, as hereinafter provided. Such agreement shall be a surrender by the parties thereto of their rights to any other method, form, or amount of compensation or determination thereof than as provided in this act, and shall bind the employee himself, his widow, the employee's widower, personal representative and next of kin and dependents as hereinafter defined, as well as the employer and those conducting his business during bankruptcy or insolvency.

Election presumed.

Every contract of hiring—verbal, written, or implied—now in operation or made or implied prior to the time limited for this act to take effect shall, after this act takes effect, be presumed to continue subject to the provisions of this act, unless either party shall at any time prior to accident, in writing, notify the other party to such contract and the board that the provisions of this act, other than sections 2, 3, and 55, are not intended to apply.

Every contract of hiring—verbal, written, or implied—made subsequent to the time provided for this act to take effect shall be presumed to have been made subject to the provisions of this act, unless there be, as a part of said contract, an express statement in writing prior to accident, either in the contract itself or by written notice by either party to the other and to the board, that the provisions of this act, other than sections 2, 3, and 55, are not intended to apply, and it shall be presumed that the parties have elected to be subject to the provisions of this act and to be bound thereby. In the employment of minors this act shall be presumed to apply unless the notice be given by or to the parent or guardian of the minor.

Termination of agreements.

The agreement for the operation of the provisions of this act, other than sections 2, 3, and 55, may be terminated by either party upon 60 days' notice to the other and to the board in writing prior to any accident.

Defenses abrogated.

SEC. 2. If an employee has elected, as aforesaid, to come under this act and his employer has elected, as aforesaid, not to come under this act, then if an action is brought by the employee or his next of kin or personal representative to recover for personal injuries sustained after such election by the employer arising out of and in the course of his employment, it shall not be a defense—

(a) That the employee was negligent;

(b) That the injury was caused by the negligence of a fellow employee;

(c) That the employee had assumed the risk of the injury.

Defenses available, when.

SEC. 3. If an employer has elected, as aforesaid, to come under this act and his employee has elected, as aforesaid, not to come under this act, then if an action is brought by the employee to recover damages for personal injuries or by his personal representative for damages on account of his death resulting from personal injuries sustained after the employee has so elected, and arising out of and in the course of his employment, the employer shall have all the defenses which he would have had if this act had not been enacted.

Scope of law.

SEC. 4. This act shall apply to all public and all industrial employment, as hereinafter defined, but shall not apply to domestic servants or to employers who regularly employ but ten employees or less: *Provided*, That an employer who employs ten men or less may notify the board herein provided that he wishes to be included within the provisions of this act and thereafter, the provisions of this act shall apply to him, the same as if he employed to exceed ten men. If a workman receives personal injury by accident arising out of and in the course of such employment, his employer or the insurance carrier shall pay compensation in the amounts and to the person or persons hereinafter specified.

Public employees.

SEC. 5. This act shall apply to employees (other than officials, as hereinafter defined) of cities, towns, and incorporated villages and fire districts within the State. Policemen, firemen, and others entitled to pensions shall be deemed employees within the meaning of this act. If, however, any policeman, fireman, or other person entitled to a pension claims compensation under this act, there shall be deducted from such compensation any sum which such policeman or fireman or other person may be entitled to receive from any pension or other benefit fund to which the municipal body may contribute: *Provided, however*, That the provisions of this act shall not apply unless and until such municipal body so votes at any meeting duly warned for that purpose.

Injuries not covered.

SEC. 6. No compensation shall be allowed for an injury caused (1) by the employee's willful intention to injure himself or to injure another, or (2) by or during his intoxication, or (3) by failure to use a safety appliance provided. If the employer claims an exemption or forfeiture under this section, the burden of proof shall be upon him.

Remedy exclusive.

SEC. 7. The rights and remedies herein granted to an employee on account of a personal injury for which he is entitled to compensation under this act shall exclude all other rights and remedies of such employee, his personal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury.

Employers who hire workmen within this State to work outside of the State may agree with such workmen that the remedies under this act shall be exclusive as regards injuries received outside this State by accident arising out of and in the course of such employment, and all contracts of hiring in this State shall be presumed to include such an agreement.

Liability of third persons.

SEC. 8. When any injury for which compensation is payable under this act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim compensation under this act or obtain damages from or proceed at law against such other person to recover damages; and if compensation is claimed and awarded under this act any employer having paid the compensation or having become liable therefor shall be subrogated to the rights of the injured employee to recover against that person: *Provided*, If the employer shall recover from such other person damages in excess of the compensation already paid or awarded to be paid under this act, then any such excess shall be paid to the injured employee less the employer's expenses and costs of action.

Waivers.

SEC. 9. No contract, rule, regulation, or device whatsoever shall operate to relieve the employer in whole or in part from any liability created by this act.

Compensation for death.

SEC. 10. If death results from the injury within two years, the employer or the insurance carrier shall pay to the persons entitled to compensation or, if there are none, then to the personal representative of the deceased employee, burial expenses not to exceed seventy-five dollars, and shall also pay to or for the following persons for the following periods a weekly compensation equal to the following percentages of the deceased employee's average weekly wages as defined in section 17: *Provided*, That the total amounts payable on account of a single death shall not exceed

the sum of thirty-five hundred dollars and the amounts herein allowed shall be ratably reduced, if necessary, to conform to this limitation:

(a) To the dependent widow or widower, if there be no dependent children, thirty-three and one-third per cent.

(b) To the dependent widow or widower, if there be one or two dependent children, forty per cent; or if there be three or more dependent children, forty-five per cent. Such compensation to the widow or widower shall be for the use and benefit of such widow or widower and of the dependent children, and the industrial accident board may from time to time apportion such compensation between them in such way as it deems best.

(c) If there be no dependent widow or widower, but a dependent child or children, then to such child or children, twenty-five per cent, with ten per cent additional for each child in excess of two, with a maximum of forty per cent, to be divided equally among such children, if more than one.

(d) If there be neither dependent widow, widower, nor child, but there be a dependent father or mother, then to such parent, if wholly dependent, twenty-five per cent, or if partially dependent, fifteen per cent, or if both parents be dependent, then one-half of the foregoing compensation to each of them, or if there be no such parents, but a dependent grandparent, then to every such grandparent the same compensation as to a parent.

(e) If there be neither dependent widow, widower, child, parent, or grandparent, but there be a dependent grandchild, brother, or sister, or two or more of them, then to such dependents fifteen per cent for one such dependent and five per cent additional for each additional such dependent, with a maximum of twenty-five per cent, to be divided equally between such dependents, if more than one.

Dependents.

SEC. 11. The following persons, and they only, shall be deemed dependents and entitled to compensation under the provisions of this act:

A child if under eighteen years of age, or incapable of self-support and unmarried, whether ever actually dependent upon the deceased or not.

The widow only if living with the deceased, or actually dependent, wholly or partially, upon him.

The widower only if incapable of self-support, and actually dependent, wholly or partially, upon the deceased at the time of her injury.

A parent or grandparent only if actually dependent, wholly or partially, upon the deceased.

A grandchild, brother, or sister only if under eighteen years of age, or incapable of self-support, and wholly dependent upon the deceased. The relation of dependency must exist at the time of the injury.

Periods of compensation.

SEC. 12. The compensation herein provided for shall be payable during the following periods:

To a widow, until death or remarriage, but in no case to exceed two hundred sixty weeks.

To a widower, during disability or until remarriage, but in no case to exceed two hundred sixty weeks.

To or for a child during dependency as hereinbefore defined but in no case to exceed two hundred and sixty weeks.

To a parent or grandparent, during the continuation of a condition of actual dependency, but in no case to exceed two hundred eight weeks.

To or for a grandchild, brother, or sister, during dependency as hereinbefore defined, but in no case to exceed two hundred eight weeks.

Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

Wage basis.

SEC. 13. In computing death benefits the average weekly wages of the deceased employee shall be considered not to be more than twenty-five dollars, nor less than five dollars; but the total weekly compensation shall not exceed in any case the average weekly wages computed as provided in section 17.

Payments.

Payment of death benefits by an employer in good faith to a dependent subsequent in right to another or other dependents shall protect and discharge the employer unless and until such dependent or dependents prior in right shall have given him notice of his or their claim. In case the employer is in doubt as to the respective rights of rival claimants he may apply to the industrial accident board to decide between them.

In case death occurs after a period of disability, either total or partial, the period of disability shall be deducted from the total periods of compensation respectively stated in section 12.

The compensation of a person who is insane shall be paid to his or her guardian.

Medical and surgical aid.

SEC. 14. During the first fourteen days of disability the employer shall furnish reasonable surgical, medical, and hospital services and supplies not exceeding the amount of seventy-five dollars. The pecuniary liability of the employer for the medical, surgical, and hospital service herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured person.

Total disability.

SEC. 15. Where the injury causes total disability for work the employer during such disability, but not including the first fourteen days thereof, shall pay the injured employee a weekly compensation equal to fifty per cent of his average weekly wages, but not more than twelve dollars and fifty cents, nor less than three dollars a week. In no case shall the weekly payments continue after the disability ends, nor longer than two hundred sixty weeks in case of permanent disability, nor longer than twenty-six weeks in the case of temporary disability, unless the board upon application and investigation decides that it should be longer continued, in which case it may order the continuance of such payments for not to exceed an additional fifty-two weeks.

In case of an employee whose average weekly wages are less than three dollars a week the weekly compensation shall be the full amount of such average weekly wages, but where the disability is permanent the weekly compensation in such case shall be three dollars. In case the total disability begins after a period of partial disability the period of partial disability shall be deducted from such total period of two hundred sixty weeks.

In case of the following injuries the disability caused thereby shall be deemed total and permanent, to wit:

(1) The total and permanent loss of sight in both eyes.

(2) The loss of both feet at or above the ankle.

(3) The loss of both hands at or above the wrist.

(4) The loss of one hand and one foot.

(5) An injury to the spine resulting in permanent and complete paralysis of both legs or both arms or of one leg and of one arm.

(6) An injury to the skull resulting in incurable imbecility or insanity.

The above enumeration [remuneration] is not to be taken as exclusive: *Provided*, That the total amount payable on account of an accident to one person resulting in permanent total disability shall not exceed the sum of four thousand dollars.

Partial disability.

SEC. 16. Where the injury causes partial disability for work, the employer, during such disability and for a period of five years, beginning on the fifteenth day of disability, shall pay the injured workman a weekly compensation equal to fifty per cent of the difference between his average weekly wages before the accident and the weekly wages he is most probably able to earn thereafter, but not more than ten dollars a week. In no case shall the weekly payments continue after the disability ends, and in case the partial disability begins after a period of total disability, the period of

total disability shall be deducted from such total period of five years.

In case of the following injuries the compensation shall be fifty per cent of the average weekly wages, but not more than ten dollars to be paid weekly for the periods stated against such injuries, respectively, to wit:

(1) The loss by separation of one arm at or above the elbow joint or the permanent and complete loss of the use of one arm, one hundred seventy weeks.

(2) The permanent and complete loss of hearing in both ears, one hundred seventy weeks.

(3) The loss by separation of one leg at or above the knee joint or the permanent and complete loss of the use of one leg, one hundred seventy weeks.

(4) The loss by separation of one hand at or above the wrist joint or the permanent and complete loss of the use of one hand, one hundred forty weeks.

(5) The loss by separation of one foot at or above the ankle joint or the permanent and complete loss of the use of one foot, one hundred twenty weeks.

(6) The loss by separation of a thumb, forty weeks.

(7) The loss by separation of a first finger, commonly called the index finger, twenty-five weeks.

(8) The loss by separation of a second finger, twenty weeks.

(9) The loss by separation of a third finger, fifteen weeks.

(10) The loss by separation of a fourth finger, ten weeks.

(11) The loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of one-half of such thumb or finger, and compensation shall be for one-half of the periods of time above specified, and compensation for loss of one-half of the first phalange shall be for one-fourth of the periods of time above specified.

(12) The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Providing, however*, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(13) The loss by separation of a great toe, twenty weeks.

(14) The loss by separation of one of the toes other than a great toe, eight weeks.

(15) The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount specified above.

(16) The loss of more than one phalange of any toe shall be considered as the loss of the entire toe.

(17) The loss of an eye, one hundred weeks.

In all other cases in this class or where the usefulness of a member or any physical function is permanently impaired, the compensation shall bear such relation to the amounts stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule.

Computation of wages.

SEC. 17. Average weekly wages shall be computed in such a manner as is best calculated to give the average weekly earnings of the workman during the twelve months preceding his injury: *Provided*, That where, by reason of the shortness of the time during which the workman has been in the employment, or the casual nature of the employment, or the terms of the employment, it is impracticable to compute the rate of remuneration, regard may be had to the average weekly earnings which, during the twelve months previous to the injury, were being earned by a person in the same grade employed at the same work by the employer of the injured workman, or if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district.

If a workman at the time of the injury is regularly employed in a higher grade of work than formerly during the year and with larger regular wages, only such larger wages shall be taken into consideration in computing his average weekly wages.

Advance payments.

SEC. 18. Any payments made by the employer or his insurer to the injured workman during the period of his disability, or to his dependents, which by the terms of this act were not due and payable when made, may, subject to the approval of the board, be deducted from the amount to be paid as compensation: *Provided*, That in case of disability such deduction shall be made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly payments under sections 15 and 16.

Time of payments.

SEC. 19. The board, upon the application of either party, may, in its discretion, having regard to the welfare of the employee and the convenience of the employer, authorize compensation to be paid monthly or quarterly instead of weekly.

Lump sums.

SEC. 20. Whenever the board determines that it is for the best interest of all parties, the liability of the employer for compensation may, on application to the board by any party interested, be discharged in whole or in part by the payment of one or more lump sums to be fixed by the board.

Trustees.

SEC. 21. Whenever for any reason the board deems it expedient, any lump sum which is to be paid as provided in section 20 shall be paid by the employer to some suitable person or corporation appointed by the board as trustee to administer or apply the same for the benefit of the person or persons entitled thereto in the manner provided by the board. The receipt of such trustee for the amount so paid shall discharge the employer or anyone else who is liable therefor.

Medical examinations.

SEC. 22. After an injury and during the period of disability the workman, if so requested by his employer or ordered by the board, shall submit himself to examination at reasonable times and places to a duly qualified physician or surgeon designated and paid by the employer. The workman shall have the right to have a physician or surgeon designated and paid by himself present at such examination, which right, however, shall not be construed to deny to the employer's physician the right to visit the injured workman at all reasonable times and under all reasonable conditions during total disability. If a workman refuses to submit himself to or in any way obstructs such examination, his right to take or prosecute any proceeding under this act shall be suspended until such refusal or obstruction ceases, and no compensation shall be payable for the period during which such refusal or obstruction continues.

Notice.

Claim.

SEC. 23. No proceedings under this act for compensation for an injury shall be maintained unless a notice of the injury shall have been given to the employer as soon as practicable after the happening thereof, and unless a claim for compensation with respect to such injury shall have been made within six months after the date of the injury; or in the case of death then within six months after such death, whether or not a claim had been made by the employee himself for compensation. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by some one on his behalf. If payments of compensation have been made voluntarily, the making of a claim within said period shall not be required.

Form.

SEC. 24. Such notice and such claim shall be in writing, and such notice shall contain the name and address of the employee, and shall state in ordinary language the time, place, nature, and cause of the injury, and shall be signed by him or by a person on his behalf, or in the event of his death by any one or more of his dependents or by a person on their behalf. The notice may include the claim.

To whom given.

SEC. 25. Any notice under this act shall be given to the employer, or if the employer be a partnership then to any one of the partners. If the employer be a corporation, then the notice may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation, or any agent in charge of the business at the place where the injury occurred. Such notice shall be given by delivering it or by sending it by mail by registered

letter addressed to the employer at his or its last-known residence or place of business. The foregoing provisions shall apply to the making of a claim.

Sufficiency.

SEC. 26. A notice given under the provisions of section 23 of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, nature, or cause of the injury, or otherwise, unless it is shown that the employer was in fact misled to his injury thereby. Want of notice or delay in giving notice shall not be a bar to proceedings under this act if it be shown that the employer, his agent, or representative had knowledge of the accident, or that the employer has not been prejudiced by such delay or want of notice.

Limitation not to run, when.

SEC. 27. No limitation of time provided in this act shall run as against any person who is mentally incompetent or a minor dependent so long as he has no guardian.

Creation of board.

SEC. 28. A board is hereby created to be known as the industrial accident board, consisting of three members to be appointed by the governor, one of whom shall be designated by the governor as chairman. Each member of the board shall hold office for six years, except that when the board is first constituted the members shall be appointed for terms ending the thirty-first day of January, 1917, 1919, and 1921, respectively. Thereafter on or before the fifteenth day of January, biennially, one member shall be appointed for the full term of six years commencing on the first day of February next following.

Salaries and expenses.

SEC. 29. The salaries and expenses of the board shall be paid by the State. The salary of the chairman shall be two thousand dollars per year, and the salary of the other members shall be fifteen hundred dollars per year each. The board may appoint a secretary at a salary of not more than twelve hundred dollars per year and may remove him. The board shall be provided with offices in the capitol, or in some other suitable building in the city of Montpelier, in which its records shall be kept, and it shall also be provided with necessary office furniture, stationery, and other supplies. The board shall have a seal for the authentication of its orders, awards, and proceedings, upon which shall be inscribed the words, "Industrial Accident Board—Seal." The members of the board and its secretary shall be entitled to receive from the State their actual and necessary expenses while away from home on the exclusive business of the board, and salaries and expenses under this act shall be audited and paid in the manner prescribed for similar expenditures in other departments or branches of the State service.

Rules, procedure, etc.

SEC. 30. The board may make rules not inconsistent with this act for carrying out the provisions of this act. Process and procedure under this act shall be as summary and simple as reasonably may be. The board, or any member thereof, shall have the power to subpœna witnesses, administer oaths, and to examine such of the books and records of the parties to a proceeding as relate to the questions in dispute. The county court or a superior judge shall have power to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records, and, in the case of a corporation, the provisions of sections 4252 to 4256, inclusive, shall apply. The board shall cause to be printed and furnished free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act.

Agreements.

SEC. 31. If the employer and the injured employee reach an agreement in regard to compensation under this act, a memorandum of the agreement shall be filed with the board, and, if approved by it, thereupon the memorandum shall for all purposes be enforceable under the provisions of section 33, unless modified as provided in section 34.

Such agreements shall be approved by the board only when the terms conform to the provisions of this act.

Hearings and awards.

SEC. 32. If the compensation is not settled by agreement, either party may apply to the industrial accident board for hearing and award in the premises, and said board shall set a time and place for hearing and give at least six days' notice thereof to the parties. Unless otherwise agreed by the parties, such hearing shall be held in the town where the injury occurred, if within this State; and if the injury occurred outside the State, the board shall, unless the parties agree, designate some place within this State for such hearing. Said board shall allow a full trial, shall within six months from date of hearing make an award stating its conclusions of fact and of law, and shall forthwith send to each of the parties a copy of its award.

Medical examination.

SEC. 33. When application is made to said board under the provisions of the preceding section said board may appoint a duly qualified and impartial physician to examine the injured employee and to report to said board. The fee for such physician's services shall be five dollars and traveling and hotel expenses, but the board may allow additional reasonable amounts in extraordinary cases. Said fees and expenses shall be paid by the State on presentation of accounts approved by the board.

Review.

SEC. 34. On the application of any party on the grounds of a change in conditions the board may at any time, but not oftener than once in six months, review any agreement or award, and on such review may make an award ending, diminishing, or increasing the compensation previously agreed upon or awarded subject to the maximum and minimum provided in this act, and shall state its conclusions of fact and rulings of law and immediately send to the parties a copy of the award, but this section shall not apply to a commutation of payments under section 20.

Award final.

SEC. 35. An award of the board, in the absence of fraud, shall be final and conclusive between the parties, except as provided in section 34, unless an appeal be taken therefrom either to the county court or to the supreme court, as hereinafter provided.

Appeals to county court.

SEC. 36. Within ten days after a copy has been sent to each of the parties either party may appeal to the county court of a county where a civil action between the parties would be triable. The provisions of sections 1652 and 1653 of the Public Statutes, as to the time for entering and docketing such appeals and for the appellee's appearance, shall apply to such appeals. The superior judges shall by general rules provide for the procedure to be followed on such appeals, and either party shall be entitled to a trial by jury under such general rules as said judges may prescribe.

Appeals to supreme court.

SEC. 37. If no appeal is taken to the county court under the provisions of the preceding section within the time limited therefor, either party may within five days thereafter appeal to the supreme court, whose jurisdiction shall be limited to a review of questions of law certified to said court by said board. Said court may render final judgment on such appeal and award execution or may remand the cause to said board for further findings. Said court shall, by general rules, prescribe the procedure to be followed in case of such appeals.

Enforcement of award.

SEC. 38. Any party in interest may file in the county court for the county in which the injury occurred, or for the county of Washington, a certified copy of a decision of the board awarding compensation, from which no appeal has been taken within the time allowed therefor, or a certified copy of a memorandum of agreement approved by the board, whereupon said court shall render judgment in accordance therewith and notify the parties thereof. Such judgment shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though said judgment had been rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom.

Costs.

SEC. 39. If the industrial accident board, or any court before whom any proceedings are pending under this act, determines that such proceedings have been brought, prosecuted, or defended

without reasonable ground, it may assess the whole cost of the proceedings upon the party who has so brought, prosecuted, or defended them.

Powers of board.

SEC. 40. All questions arising under this act, if not settled by agreement of the parties interested therein with the approval of the board, shall, except as otherwise herein provided, be determined by the board. The decisions of the board shall be enforceable by the county court under the provisions of section 38. There shall be a right of appeal from decisions of the board as hereinbefore provided, but in no case shall such an appeal operate as a supersedeas or stay unless the board or the court to which the appeal is taken shall so order.

Revision of decrees.

SEC. 41. The county court rendering judgment, upon the filing with it of a certified copy of a decision of the industrial accident board ending, diminishing, or increasing compensation previously awarded, shall revoke or modify its prior judgment so that it will conform to said decision.

Injuries outside the State.

SEC. 42. If a workman who has been hired in this State receives personal injury by accident arising out of and in the course of such employment, he shall be entitled to compensation according to the law of this State, even though such injury was received outside of this State.

If a workman who has been hired outside of this State is injured while engaged in his employer's business, and is entitled to compensation for such injury under the law of the State where he was hired, he shall be entitled to enforce against his employer his rights in this State, if his rights are such that they can reasonably be determined and dealt with by the board and the court in this State.

Preferences.

SEC. 43. All rights of compensation granted by this act shall have the same preference or priority against the assets of the employer as is allowed by section 2657 of the Public Statutes.

Assignments.

SEC. 44. No claims for compensation under this act shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors. Claims of attorneys and of physicians for services under this act shall be subject to the approval of the board.

Fees.

Security for payment of compensation.

SEC. 45. Employers, but not including the State, county, or the municipal bodies mentioned in section 5, shall secure compensation to their employees in one of the following ways:

(1) By insuring and keeping insured the payment of such compensation with any corporation authorized to transact the business of workmen's compensation insurance in this State; or

(2) By obtaining and keeping in force guaranty insurance with any company authorized to do such guaranty business within the State; or

(3) By depositing and maintaining with the State treasurer a surety bond or other security satisfactory to the industrial accident board, securing the payment by said employer of compensation according to the terms of this act; or

(4) By satisfying the industrial board as to the financial responsibility of the employer to comply with the provisions of this act.

Notice of insurance.

SEC. 46. The employer shall forthwith file with the industrial accident board in form prescribed by it a notice of his insurance, together with a copy of the contract or policy of insurance.

Notice to be posted.

SEC. 47. Every employer who has complied with section 45 of this act shall post and maintain in a conspicuous place or places in and about his place or places of business typewritten or printed notices in form prescribed by the board, stating the fact that he has complied with the law as to securing the payment of compensation to his employees and their dependents in accordance with the provisions of this act.

Failure to secure compensation.

SEC. 48. If any employer shall be in default under section 45 for a period of thirty days, he may be enjoined by a superior judge, on notice and hearing, from carrying on his business while such default continues. The superior judge shall, by general rules,

prescribe the procedure to be followed under the provisions of this section.

Provisions of policies.

SEC. 49. Every policy of insurance and every guaranty contract covering the liability of the employer for compensation shall cover the entire liability of the employer to his employees covered by the policy or contract, and also shall contain a provision setting forth the right of the employees to enforce in their own names either by at any time filing a separate claim or by at any time making the insurance carrier a party to the original claim the liability of the insurance carrier in whole or in part for the payment of such compensation: *Provided, however*, That payment in whole or in part of such compensation by either the employer or the insurance carrier shall, to the extent thereof be a bar to the recovery against the other of the amount so paid

Knowledge of employer.

SEC. 50. Every such policy and contract shall contain a provision that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier, and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer for the payment of compensation under the provisions of this act.

Insolvency of employer.

SEC. 51. Every such policy and contract shall contain a provision to the effect that the insolvency or bankruptcy of the employer and his discharge therein shall not relieve the insurance carrier from the payment of compensation for injuries or death sustained by an employee during the life of such policy or contract.

Cancellation of insurance contracts.

SEC. 52. No policy or contract of insurance or guaranty covering liability arising under this act shall be canceled within the time limited in such contract for its expiration until at least ten days after notice of intention to cancel such contract, on a date specified in such notice, shall have been filed in the office of the industrial accident board, and also served on the employer. Such cancellation shall not affect the liability of an insurance carrier on account of an injury occurring prior to such cancellation.

Insurance by municipalities.

SEC. 53. Each city, town, or incorporated village and fire district which is liable to its employees for compensation, may insure with any authorized insurance carrier.

Burden of cost.

SEC. 54. No agreement by an employee to pay any portion of the cost of mutual or other insurance maintained for or carried for the purpose of securing compensation as herein required shall be valid, except as provided in section 45 of this act; and any employer who makes a deduction for such purpose from the wages or salary of any employee entitled to the benefits of this act, except as provided in section 45 of this act, shall be fined not more than five hundred dollars.

Accidents to be reported.

SEC. 55. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within seventy-two hours, not counting Sundays and legal holidays, after the occurrence of an injury causing absence from work for one day or more, a report thereof shall be made in writing to the industrial accident board on blanks to be procured from the board for the purpose.

Upon the termination of the disability of the injured employee, the employer shall make a supplemental report upon blanks to be procured from the board for that purpose. If the disability extends beyond a period of sixty days, the employer shall report to the board at the end of such period that the injured employee is still disabled, and upon the termination of the disability shall file a final supplemental report as provided above.

The said reports shall contain the name and nature of the business of the employer, the situation of the establishment, the name, age, sex, wages, and occupation of the injured employee, and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and such other information as may be required by the board.

Any employer who refuses or neglects to make the report required by this section shall be fined not more than twenty-five dollars for each offense.

Within sixty days after the termination of the disability of the injured employee, the employer or other party liable to pay the compensation provided for by this act shall file with the board a statement showing the total payments made or to be made for compensation and for medical services for such injured employee.

Interstate commerce.

SEC. 56. This act shall affect the liability of employers to employees engaged in interstate or foreign commerce or otherwise only so far as the same is permissible under the laws of the United States.

Reports by board.

SEC. 57. The board shall biennially report to the general assembly, giving a properly classified statement of the expenses of the board, together with any other matters which the board deems proper to report, including any recommendations it may desire to make.

Definitions.

SEC. 58. In this act, unless the context otherwise requires:

(a) "Employer," unless otherwise stated, includes any body of persons, corporate or unincorporated, public or private, and the legal representative of a deceased employer. It includes the owner or lessee of premises, or other person who is virtually the proprietor or operator of the business there carried on, but who, by reason of there being an independent contractor, or for any other reason, is not the direct employer of the workmen there employed. If the employer is insured it includes his insurer so far as applicable.

(b) "Workman" is used as synonymous with "employee," and means any person who has entered into the employment of or works under contract of service or apprenticeship with an employer. It does not include a person whose employment is purely casual or not for the purpose of the employer's trade or business or whose remuneration exceeds fifteen hundred dollars a year. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependents as herein defined, if the context so requires, or where the employee is a minor or incompetent to his committee or guardian or next friend.

(c) "Injury" or "personal injury" includes death resulting from injury within two years.

(d) The words "personal injury by accident arising out of and in the course of such employment" shall include an injury caused by the willful act of a third person directed against an employee because of his employment.

They shall not include a disease except as it shall result from the injury.

(e) "Employment," in the case of private employers, includes employment only in a trade or occupation which is carried on by the employer for the sake of pecuniary gain.

Public employment means employment by any of the public corporations mentioned in section 5.

It does not include the employment of public officials who are elected by popular vote or who receive salaries exceeding fifteen hundred dollars a year.

(f) The word "board," whenever used in this act, unless the context shows otherwise, shall be taken to mean the industrial accident board.

(g) "Partial disability." Diminishing ability to obtain employment owing to disfigurement resulting from an injury may be held to constitute partial disability.

(h) "Wages" shall include the market value of board, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as a part of his remuneration. "Wages" shall not include any sums which the employer has paid to the employee to cover any special expenses entailed on him by the nature of his employment.

(i) "Insurance carrier" shall include corporations from any of which employers have obtained workmen's compensation insurance or guaranty insurance in accordance with the provisions of this act.

Relatives included.

SEC. 59. As used in this act the term "child" includes stepchildren, adopted children, posthumous children, and acknowledged illegitimate children, but does not include married children unless dependent. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but does not include married brothers nor married sisters unless dependent. The term "grandchild" includes children of adopted children and children of stepchildren, but does not include stepchildren of children, stepchildren of stepchildren, stepchildren of adopted children, nor married grandchildren unless dependent. The term "parent" includes step-parents and parents by adoption. The term "grandparent" includes parents of parents by adoption, but does not include parents of step-parents, step-parents of parents, nor step-parents of step-parents.

Provisions severable.

SEC. 60. If any part or section of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid.

Misrepresentations.

SEC. 61. If for the purpose of obtaining any benefit or payment under the provisions of this act, either for himself or for any other person, a person willfully makes a false statement or representation he shall be guilty of misdemeanor and liable to a fine of not exceeding one hundred dollars, and he shall forfeit all right to compensation under this act after conviction for such offense.

Prior injuries.

SEC. 62. The provisions of this act shall not apply to injuries sustained or accidents which occurred prior to the taking effect hereof.

Rules of construction.

SEC. 63. (a) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

(b) This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those States which enact it.

Title.

SEC. 64. This act may be cited as the Vermont workmen's compensation act.

Repeals.

SEC. 65. No. 97 of the Acts of 1910 is hereby repealed, and all other acts and parts of acts inconsistent with this act are hereby repealed.

Terms of office.

SEC. 66. The term of office of the members of the industrial board, as provided for in this act, shall begin on the first day of May, 1915.

Act in effect.

SEC. 67. This act shall take effect on the first day of July, 1915; but as to sections 28, 29, 30, 66, and 67 this act shall take effect from its passage.

Approved April 1, 1915.

CONSTITUTION.

COMPENSATION FOR INJURIES TO EMPLOYEES.

Legislation authorized.

ARTICLE 32. The general assembly may pass laws compelling compensation for injuries received by employees in the course of their employment resulting in death or bodily hurt, for the benefit of such employees, their widows or next of kin. It may designate the class or classes of employers and employees to which such laws shall apply.

Ratified March 4, 1913.

VIRGINIA.

ACTS OF 1916.

RESOLUTION.—*Workmen's compensation commission.*

The governor of Virginia is authorized and requested to appoint not less than three nor more than seven persons, who shall be known as the "Commission on workmen's compensation." Governor to appoint.

The duties of which commission shall be to investigate and report upon the subject of workmen's compensation, to examine the laws of the various States upon this subject, and to recommend to the next general assembly such legislation as having regard to the peculiar conditions of Virginia will do justice to both employers and employees. Duties.

The members of the commission shall serve without compensation and without payment of expenses. No compensation.

Adopted February 5, 1916.

WASHINGTON.

ACTS OF 1911.

CHAPTER 74.—*Workmen's insurance—Industrial insurance department.*

SECTION 1. The common-law system governing the remedy of workmen against employers for injuries received in hazardous work is inconsistent with modern industrial conditions. In practice it proves to be economically unwise and unfair. Its administration has produced the result that little of the cost of the employer has reached the workman and that little only at large expense to the public. The remedy of the workman has been uncertain, slow, and inadequate. Injuries in such works, formerly occasional, have become frequent and inevitable. The welfare of the State depends upon its industries, and even more upon the welfare of its wageworker. The State of Washington, therefore, exercising herein its police and sovereign power, declares that all phases of the premises are withdrawn from private controversy, and sure and certain relief for workmen, injured in extrahazardous work, and their families and dependents is hereby provided regardless of questions of fault and to the exclusion of every other remedy, proceeding, or compensation, except as otherwise provided in this act; and to that end all civil actions and civil causes of action for such personal injuries and all jurisdiction of the courts of the State over such causes are hereby abolished, except as in this act provided.

Grounds of law.

Suits abolished.

SEC. 2. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them, which are within the legislative jurisdiction of the State, in the following enumeration, and they are intended to be embraced within the term "extra-hazardous" wherever used in this act, to wit:

Extra-hazardous employments.

Factories, mills, and workshops where machinery is used; printing, electrotyping, photo-engraving, and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works; breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries; engineering works; logging, lumbering, and shipbuilding operations; logging, street, and interurban railroads; buildings being constructed, repaired, moved, or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries, and railroads. If there be or arise any extrahazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risks classified in section 4.

SEC. 3. In the sense of this act words employed mean as here stated to wit:

Definitions.

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair, or change, and shall include the premises, yard, and plant of the concern.

Workshop means any plant, yard, premises, room, or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing, or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room, or place the employer of the person working therein has the right of access or control.

Mill means any plant, premises, room, or place where machinery is used, any process of machinery, changing, altering, or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses, and bunkers.

Mine means any mine where coal, clay, ore, mineral, gypsum, or rock is dug or mined underground.

Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel, or rock is cut or taken for manufacturing, building, or construction.

Engineering work means any work of construction, improvement, or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals; electric, steam, or water power plants; telegraph and telephone plants and lines; electric light or power lines, and includes any other works for the construction, alteration, or repair of which machinery driven by mechanical power is used.

Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives of a deceased employer, all while engaged in this State in any extra-hazardous work.

Workman means every person in this State who, after September 30, 1911, is engaged in the employment of an employer carrying on or conducting any of the industries scheduled or classified in section 4, whether by way of manual labor or otherwise, and whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer: *Provided, however*, That if the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or if death results from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the State for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the State may be prosecuted, or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Certain injuries away from plant of employer.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the pay roll at a salary or wage not less than the average salary or wage named in such pay roll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances as and subject to the same obligations as a workman.

Dependent means any of the following-named relatives of a workman whose death results from any injury and who leaves surviving no widow, widower, or child under the age of sixteen years, viz: Invalid child over the age of sixteen years, daughter between sixteen and eighteen years of age, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, grand-

daughter, stepson, stepdaughter, brother, sister, half sister, half brother, niece, nephew, who, at the time of the accident, are dependent, in whole or in part, for their support upon the earnings of the workman. Except where otherwise provided by treaty, aliens, other than father or mother, not residing within the United States at the time of the accident, are not included.

Beneficiary means a husband, wife, child, or dependent of a workman, in whom shall vest a right to receive payment under this act.

Invalid means one who is physically or mentally incapacitated from earning.

The word "child" as used in this act, includes a posthumous child, a child legally adopted prior to the injury, and an illegitimate child legitimated prior to the injury.

The words injury or injured, as used in this act, refer only to an injury resulting from some fortuitous event as distinguished from the contraction of disease.

Schedule of premium rates.

SEC. 4 (as amended by chapter 188, Acts of 1915). Insomuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to January 15th of each year, pay into the State treasury, in accordance with the following schedule, a sum equal to a percentage of his total pay roll for that year, to wit (the same being deemed the most accurate method of equitable distribution of burden in proportion to relative hazard):

CONSTRUCTION WORK.

Tunnels; bridges; trestles; subaqueous works; ditches and canals (other than irrigation without blasting); dock excavation; fire escapes; sewers; house moving; house wrecking	0.065
Iron, or steel frame structures or parts of structures	.065
Electric light or power plants or systems; telegraph or telephone systems; pile driving; steam railroads	.050
Steeples, towers, or grain elevators, not metal framed; drydocks without excavations; jetties; breakwaters; chimneys; marine railways; waterworks or systems; electric railways with rock work or blasting; blasting; erecting fireproof doors or shutters	.050
Steam heating plants; tanks, water towers, or windmills, not metal frames	.040
Shaft sinking	.060
Concrete buildings; freight or passenger elevators; fireproofing of buildings; galvanized iron or tin works; gas works, or systems; marble, stone, or brick work; road making with blasting; roof work; safe moving; slate work; outside plumbing work; metal smokestacks or chimneys	.050
Excavations not otherwise specified; blast furnaces	.040
Street or other grading; cable or electric street railways without blasting; advertising signs; ornamental metal work in buildings	.035
Ship or boat building or wrecking with scaffolds; floating docks	.045
Carpenter work not otherwise specified	.035
Installation of steam boilers or engines; placing wire in conduits; installing dynamos; putting up belts for machinery; marble, stone, or the setting, inside work; mantel setting; metal ceiling work; mill or ship wrighting; painting of buildings or structures; installation of automatic sprinklers; ship or boat rigging; concrete laying in floors, foundations of street paving; asphalt laying; covering steam pipes or boilers; installation of machinery not otherwise specified	.030

Drilling wells; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems; glass setting; building hothouses; lathing; paper hanging; plastering; inside plumbing; wooden stair building; road making	0.02(

OPERATION (INCLUDING REPAIR WORK) OF—

(All combinations of materials take the higher rate when not otherwise provided.)

Logging railroads; railroads; dredges; interurban electric railroads using third-rail system; dry or floating docks	0.05(
Electric light or power plants; interurban electric railroads not using third-rail system; quarries	.04(
Street railways, all employees; telegraph or telephone systems; stone crushing; blasting furnaces; smelters; coal mines; gas works; steamboats; tugs; ferries	.030
Mines, other than coal; steam heating or power plants	.025
Grain elevators; laundries; waterworks; paper or pulp mills; garbage works	.020

FACTORIES USING POWER-DRIVEN MACHINERY.

Stamping tin or metal	0.045
Bridge work; railroad car or locomotive making or repairing; cooperage; logging with or without machinery; sawmills; shingle mills; staves; veneer box; lath; packing cases; sash, door or blinds; barrel; keg; pail; basket; tub; woodenware or wooden-fiber ware; rolling mills; making steam shovels or dredges; tanks; water towers; asphalt; building material not otherwise specified; fertilizer; cement; stone with or without machinery; kindling wood; masts and spars with or without machinery; canneries, metal stamping extra; creosoting works; pile treating works	.025
Excelsior; iron, steel, copper, zinc, brass or lead articles or wares not otherwise specified; working in wood not otherwise specified; hardware; tile; brick; terra cotta; fire clay; pottery; earthenware; porcelain ware; peat fuel; briquettes	.020
Breweries; bottling works; boiler works; foundries; machine shops not otherwise specified	.020
Cordage; working in foodstuffs, including oils, fruits and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber or textiles not otherwise specified	.015
Making jewelry, soap, tallow, lard, grease, condensed milk	.015
Creameries; printing; electrotyping; photo-engraving; engraving; lithographing	.015

MISCELLANEOUS WORK.

Stevedoring; longshoring	.030
Operating stockyards, with or without railroad entry; packing houses	.025
Wharf operation; artificial ice, refrigerating or cold storage plants; tanneries; electric systems not otherwise specified	.020
Theater stage employees	.015
Fire works manufacturing	.050
Powder works	.100

Preliminary payments to fund.

The application of this act as between employers and workmen shall date from and include the 1st day of October, 1911. The payment for 1911 shall be made prior to the day last named and shall be preliminarily collected upon the pay roll of the last preceding three months of operation. At the end of each year an adjustment of accounts shall be made upon the basis of the actual

pay roll. Any shortage shall be made good on or before February 1 following. Every employer who shall enter into business at any intermediate day or who shall resume operations in any work or plant after the final adjustment of his pay roll in connection therewith shall, before so commencing or resuming operations, as the case may be, notify the commission of such fact, accompanying such notification with an estimate of his pay roll for the initial year or portion thereof, and shall make payment of the premium on such estimated pay roll for the first three months of operations. An adjustment upon such pay roll shall be made as in other cases. Every employer who shall fail to furnish an estimated pay roll and make payment as above provided shall be liable to a penalty in three times the amount of the premium on such pay roll, to be collected in a civil action in the name of the State, and paid into the accident fund. The commission may waive the whole or any part of such penalty.

Industry accounts.

For the purpose of such payments accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. There shall be collected from each class as an initial payment into the accident fund as above specified on or before the 1st day of October, 1911, one-fourth of the premium of the next succeeding year, and one-twelfth thereof at the close of each month after December, 1911: *Provided*, Any class having sufficient funds credited to its account at the end of the first three months or any month thereafter, to meet the requirements of the accident fund, that class shall not be called upon for such month. In case of accidents occurring in such class after lapsed payment or payments said class shall pay the said lapsed or deferred payments commencing at the first lapsed payment, as may be necessary to meet such requirements of the accident fund.

Accident fund.

The fund thereby created shall be termed the "accident fund" which shall be devoted exclusively to the purpose specified for it in this act.

Readjustments.

In that the intent is that the fund created under this section shall ultimately become neither more or less than self-supporting, exclusive of the expense of administration, the rates named in this section are subject to future adjustment by the industrial insurance department, in accordance with any relative increase or decrease in hazard shown by experience; and if in the judgment of the industrial insurance department the moneys paid into the fund of any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the department may divide, rearrange, or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

No deductions from wages.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid from the wages or earnings of his workmen or any of them, and the making or attempt to make any such deduction shall be a gross misdemeanor. If, after this act has come into operation, it is shown by experience under the act, because of poor or careless management any establishment or work is unduly dangerous in comparison with other like establishments or works, the department may advance its classification of risks and premium rates in proportion to the undue hazard. In accordance with the same principle, any such increase in classification or premium rate, shall be subject to restoration to the schedule rate. Any such change in classification of risks or premium rates, or any change caused by the change in the class of work, occurring during the year shall, at the time of the annual adjustment, be adjusted by the department in proportion to its duration in accordance with the schedule of this section. If, at the end of any year, it shall be seen that the contribution to the accident fund by any class of

industry shall be less than the drain upon the fund on account of that class, the deficiency shall be made good to the fund on the 1st day of February of the following year by the employers of that class in proportion to their respective payments for the past year.

For the purposes of such payment and making good of deficit the particular classes of industry shall be as follows:

CONSTRUCTION WORK.

Classes of industries.

Class 1. Tunnels; sewer; shaft sinking; drilling wells.

Class 2. Bridges; millwrighting; trestles; steeples; towers or grain elevators not metal framed; tanks, water towers, windmills not metal framed.

Class 3. Subaqueous works; canal other than irrigation or docks with or without blasting; pile driving; jetties; breakwaters; marine railways.

Class 4. House moving; house wrecking; safe moving.

Class 5. Iron or steel frame structures or parts of structures; fire escapes; erecting fireproof doors or shutters; blast furnaces; concrete chimneys; freight or passenger elevators; fire proofing of buildings; galvanized iron or tin work; marble, stone, or brick work; roof work; slate work; plumbing work; metal smokestack or chimneys; advertising signs; ornamental metal work in buildings; carpenter work not otherwise specified; marble, stone, or tile setting; mantle setting; metal-ceiling work; painting of buildings or structures; concrete laying in floors or foundations; glass setting; building hothouses; lathing; paper hanging; plastering; wooden-stair building.

Class 6. Electric light and power plants or system; telegraph or telephone systems; cable or electric railways with or without rock work or blasting; waterworks or systems; steam-heating plants; gas works or systems; installation of steam boilers or engines; placing wires in conduits; installing dynamos; putting up belts for machinery; installation of automatic sprinklers; covering steam pipes or boilers; installation of machinery not otherwise specified; installing electrical apparatus or fire-alarm systems in buildings; house heating or ventilating systems.

Class 7. Steam railroads; logging railroads.

Class 8. Road making; street or other grading; concrete laying in street paving; asphalt laying.

Class 9. Ship or boat building with scaffolds; shipwrighting; ship or boat rigging; floating docks.

OPERATION (INCLUDING REPAIR WORK) OF—

Class 10. Logging; sawmills; shingle mills; lath mills; masts and spars with or without machinery.

Class 12. Dredges; dry or floating docks.

Class 13. Electric light or power plants or systems; steam heat or power plants or systems; electric system not otherwise specified.

Class 14. Street railways.

Class 15. Telegraph systems; telephone systems.

Class 16. Coal mines.

Class 17. Quarries; stone crushing; mines other than coal.

Class 18. Blast furnaces; smelters; rolling mills.

Class 19. Gas works.

Class 20. Steamboats; tugs; ferries.

Class 21. Grain elevators.

Class 22. Laundries.

Class 23. Waterworks.

Class 24. Paper or pulp mills.

Class 25. Garbage works; fertilizer.

FACTORIES (USING POWER-DRIVEN MACHINERY).

Class 26. Stamping tin or metal.

Class 27. Bridge work; making steam shovels or dredges; tanks; water towers.

Class 28. Railroad car or locomotive making or repairing.

Class 29. Cooperage; staves; veneer; box; packing cases; sash[,] door or blinds; barrel; keg; pail; basket; tub; wood ware or wood-fiber ware; kindling wood; excelsior; working in wood not otherwise specified.

Class 30. Asphalt.

Class 31. Cement; stone with or without machinery; building material not otherwise specified.

Class 32. Canneries of fruits or vegetables.

Class 33. Canneries of fish or meat products.

Class 34. Iron, steel, copper, zinc, brass, or lead articles or wares; hardware; boiler works; foundries; machine shops not otherwise specified.

Class 35. Tile; brick, terra cotta; fire clay; pottery; earthenware; porcelain ware.

Class 36. Peat fuel; briquettes.

Class 37. Breweries; bottling works.

Class 38. Cordage; working in wool, cloth, leather, paper, brush, rubber, or textile not otherwise specified.

Class 39. Working in foodstuffs, including oils, fruit, vegetables.

Class 40. Condensed milk; creameries.

Class 41. Printing; electrotyping; photo-engraving; engraving; lithographing; making jewelry.

Class 42. Stevedoring; longshoring; wharf operation.

Class 43. Stockyards; packing houses; making soap, tallow, lard, grease; tanneries.

Class 44. Artificial ice, refrigerating or cold-storage plants.

Class 45. Theater stage employees.

Class 46. Fireworks manufacturing; powder works.

Class 47. Creosoting works; pile treating works.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the pay roll of each occupation if clearly separable; otherwise an average rate of premium shall be charged for the entire establishment, taking into consideration the number of employees and the relative hazards. If an employer besides employing workmen in extrahazardous employment shall also employ workmen in employments not extra hazardous the provisions of this act shall apply only to the extrahazardous departments and employments and the workmen employed therein. In computing the pay roll the entire compensation received by every workman employed in extrahazardous employment shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit sharing, premium or otherwise, and whether payable in money, board, or otherwise. **Classes in same establishment.**

SEC. 5 (as amended by chapter 148, acts of 1913). Each workman who shall be injured whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever. **Compensation.**

(*a*) Where death results from the injury the expenses of burial shall be paid in all cases, not to exceed $75 in any case, and **Death.**

(1) If the workman leaves a widow or invalid widower, a monthly payment of twenty dollars ($20) shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur; and the surviving spouse shall also receive five dollars ($5) per month for each child of

the deceased under the age of 16 years at the time of the occurrence of the injury until such minor child shall reach the age of 16 years, but the total monthly payment under this paragraph (1) of subdivision (*a*) shall not exceed thirty-five dollars ($35). Upon remarriage of a widow she shall receive, once and for all, a lump sum equal to twelve times her monthly allowance, viz: the sum of two hundred and forty dollars ($240), but the monthly payment for the child or children shall continue as before.

(2) If the workman leaves no wife or husband, but a child or children under the age of 16 years, a monthly payment of ten dollars ($10) shall be made to each such child until such child shall reach the age of 16 years, but the total monthly payment shall not exceed thirty-five dollars ($35), and any deficit shall be deducted proportionately among the beneficiaries.

(3) If the workman leaves no widow, widower, or child under the age of 16 years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to 50 per cent of the average monthly support actually received by such dependent from the workman during the 12 months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed twenty dollars ($20) per month. If any dependent is under the age of 16 years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of 16 years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

If the workman is under the age of 21 years and unmarried at the time of his death, the parents or parent of the workman shall receive twenty dollars ($20) per month for each month after his death until the time at which he would have arrived at the age of 21 years.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of 16 years, the sum he or she shall be receiving on account of such child or children shall be thereafter, until such child shall arrive at the age of 16 years, paid to the child increased 100 per cent, but the total to all children shall not exceed the sum of thirty-five dollars ($35) per month.

Permanent total disability. (*b*) Permanent total disability means the loss of both legs or both arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

When permanent total disability results from the injury the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of twenty dollars ($20).

(2) If the workman have a wife or invalid husband, but no child under the age of 16 years, the sum of twenty-five dollars ($25). If the husband is not an invalid, the monthly payment of twenty-five dollars ($25) shall be reduced to fifteen dollars ($15).

(3) If the workman have a wife or husband and a child or children under the age of 16 years, or, being a widow or widower, have any such child or children, the monthly payment provided in the preceding paragraph shall be increased by five dollars ($5) for each such child until such child shall arrive at the age of 16 years, but the total monthly payment shall not exceed thirty-five dollars ($35).

Death during disability. (*c*) If the injured workman die during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child under the age of 16 years, the surviving widow or invalid widower shall receive twenty dollars ($20) per month until death or remarriage, to be increased five dollars ($5) per month for each child under the age of 16 years until such child shall arrive at the age of 16 years; but if such child is or shall be

without father or mother, such child shall receive ten dollars ($10) per month until arriving at the age of 16 years. The total combined monthly payment under this paragraph shall in no case exceed thirty-five dollars ($35). Upon remarriage the payments on account of a child or children shall continue as before to the child or children.

Temporary disability.

(*d*) When the total disability is only temporary, the schedule of payment contained in paragraphs (1), (2), and (3) of the foregoing subdivision (*b*) shall apply so long as the total disability shall continue, increased 50 per cent for the first six months of such continuance, but in no case shall the increase operate to make the monthly payment exceed 60 per cent of the monthly wage (the daily wage multiplied by 26) the workman was receiving at the time of his injury. As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury the payments shall cease. If and so long as the present earning power is only partially restored the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed 5 per cent.

Partial recovery.

Capital values set aside.

(*e*) For every case of injury resulting in death or permanent total disability it shall be the duty of the department to forthwith notify the State treasurer, and he shall set apart out of the accident fund a sum of money for the case, to be known as the estimated lump value of the monthly payments provided for it, to be calculated upon the theory that a monthly payment of twenty dollars ($20) to a person 30 years of age is equal to a lump-sum payment, according to the expectancy of life as fixed by the American mortality table, of four thousand dollars ($4,000), but the total in no case to exceed the sum of four thousand dollars ($4,000). The State treasurer shall invest said sum at interest in the class of securities provided by law for the investment of the permanent school fund, and out of the same and its earnings shall be paid the monthly installments and any lump-sum payment then or thereafter arranged for the case. Any deficiency shall be made good out of and any balance or overplus shall revert to the accident fund. The State treasurer shall keep accurate account of all such investments of the accident fund and may borrow from the main fund to meet monthly payments pending conversion into cash of any security, and in such case shall repay such temporary loan out of the cash realized from the security.

Partial disability.

(*f*) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments are severed, or any other injury known in surgery to be permanent partial disability. For any permanent partial disability resulting from an injury the workman shall receive compensation in a lump sum in an amount equal to the extent of the injury, to be decided in the first instance by the department, but not in any case to exceed the sum of fifteen hundred dollars ($1,500). The loss of one major arm at or above the elbow shall be deemed the maximum permanent partial disability. Compensation for any other permanent partial disability shall be in the proportion which the extent of such disability shall bear to the said maximum. If the injured workman be under the age of 21 years and unmarried, the parents or parent shall also receive a lump-sum payment equal to 10 per cent of the amount awarded the minor workman.

(*g*) Should a further accident occur to a workman already receiving a monthly payment under this section for a temporary disability, or who has been previously the recipient of a lump-sum payment under this act, his future compensation shall be adjusted according to the other provisions of this section and with regard to the combined effect of his injuries, and his past receipt of money under this act.

Readjustments.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated in any case, the department may, upon the application of the beneficiary or upon its own motion, readjust for future application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payments.

Spouses living apart.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act.

Removal from State.

(j) If a beneficiary shall reside or remove out of the State the department may, in its discretion, convert any monthly payments provided for such case into a lump-sum payment (not in any case to exceed $4,000) upon the theory, according to the expectancy of life as fixed by the American mortality table, that a monthly payment of twenty dollars ($20) to a person 30 years of age is worth four thousand dollars ($4,000), or, with the consent of the beneficiary, for a smaller sum.

Reviews.

(k) Any court review under this section shall be initiated in the county where the workman resides or resided at the time of the injury, or in which the injury occurred.

Intentional injuries.

SEC. 6. If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, neither the workman nor the widow, widower, child, or dependent of the workman shall receive any payment whatsoever out of the accident fund. If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the workman, the widow, widower, child, or dependent of the workman shall have the privilege to take under this act and also have cause of action against the employer, as if this act had not been enacted, for any excess of damage over the amount received or receivable under this act.

Minors.

A minor working at an age legally permitted under the laws of this State shall be deemed sui juris for the purpose of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman except as expressly provided in this act, but in the event of a lump-sum payment becoming due under this act to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors.

Lump-sum payments.

SEC. 7. In case of death or permanent total disability the monthly payment provided may be converted, in whole or in part, into a lump-sum payment (not in any case to exceed $4,000), on the theory, according to the expectancy of life as fixed by the American mortality table, that a monthly payment of $20 to a person 30 years of age is worth the sum of $4,000, in which event the monthly payment shall cease in whole or in part accordingly or proportionately. Such conversion may only be made after the happening of the injury and upon the written application of the beneficiary (in case of minor children the application may be by either parent) to the department, and shall rest in the discretion of the department. Within the rule aforesaid the amount and value of the lump-sum payment may be agreed upon between the department and the beneficiary.

Defaulting employers.

SEC. 8 (as amended by chapter 188, Acts of 1915). If any employer shall default in any payment to the accident fund hereinbefore in this act required, the sum due shall be collected by action at law in the name of the State as plaintiff and such right of action shall be in addition to any other right of action or remedy. In respect to any injury happening to any of his workmen during the period of any default in the payment of any premium under section [4], * * * the defaulting employer shall not, if such default be after demand for payment, be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or the husband, wife, child, or dependent of such workman in case death result from the accident) as he

would have been prior to the passage of this act. In any suit brought by an employee it shall not be necessary to plead or prove that a demand for payment of any premium has been made by the commission.

All delinquent payments due the accident fund as herein required shall bear interest at the rate of 12 per cent per annum from the date of delinquency, and in all cases of insolvency, assignment for the benefit of creditors of bankruptcy, the claim of the State for premiums due herein shall be a claim prior to all other claims except taxes. All actions for the recovery of such premiums shall be brought in the superior court, and in any recovery by action instituted for the collection of such payments a reasonable attorney's fee shall be allowed as costs of suit.

Penalty.

Preference.

Recovery.

In any action or proceeding brought for the recovery of premiums due upon the pay roll of any employee the certificate of the industrial insurance department that an audit has been made of the pay roll of such employer pursuant to the direction of the department and of the amount of such pay roll for the period stated in the certificate shall be prima facie evidence of such fact.

In case the recovery actually collected in such suit shall equal or exceed the compensation to which the plaintiff therein would be entitled under this act, the plaintiff shall not be paid anything out of the accident fund; if the said amount shall be less than such compensation under this act, the accident fund shall contribute the amount of the deficiency. The person so entitled under the provisions of this section to sue shall have the choice (to be exercised before suit) of proceeding by suit or taking under this act. If such person shall take under this act, the cause of action against the employer shall be assigned to the State for the benefit of the accident fund. In any suit brought upon such cause of action the defense of fellow servant and assumption of risk shall be inadmissible and the doctrine of comparative negligence shall obtain. Any such case of accident assigned to the State may be prosecuted or compromised by the department in its discretion. Any compromise by the workman of any such suit which would leave a deficiency to be made good out of the accident fund may be made only with the written approval of the department.

Option to sue.

Defenses.

SEC. 9. If any workman shall be injured because of the absence of any safeguard or protection required to be provided or maintained by, or pursuant to, any statute or ordinance, or any departmental regulation under any statute, or be, at the time of the injury, of less than the maximum age prescribed by law for the employment of a minor in the occupation in which he shall be engaged when injured, the employer shall, within 10 days after demand therefor by the department, pay into the accident fund, in addition to the same required by section 4 to be paid:

Compensation where statute is violated.

(a) In case the consequent payment to the workman out of the accident fund be a lump sum, a sum equal to 50 per cent of that amount.

(b) In case the consequent payment to the workman be payable in monthly payments, a sum equal to 50 per cent of the lump value of such monthly payment, estimated in accordance with the rule stated in section 7.

The foregoing provisions of this act shall not apply to the employer if the absence of such guard or protection be due to the removal thereof by the injured workman himself or with his knowledge by any of his fellow workmen, unless such removal be by order or direction of the employer or superintendent or foreman of the employer, or any one placed by the employer in control or direction of such workman. If the removal of such guard or protection be by the workman himself or with his consent by any of his fellow workmen, unless done by order or direction of the employer or the superintendent or foreman of the employer, or any one placed by the employer in control, or direction of such workman, the schedule of compensation provided in section 5 shall be reduced 10 per cent for the individual case of such workman.

Payments exempt.

SEC. 10. No money paid or payable under this act out of the accident fund shall, prior to issuance and delivery of the warrant therefor, be capable of being assigned, charged, nor ever be taken in execution or attached or garnisheed, nor shall the same pass to any other person by operation of law. Any such assignment or charge shall be void.

Waivers.

SEC. 11. No employer or workman shall exempt himself from the burden or waive the benefits of this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

Applications.

SEC. 12. (*a*) Where a workman is entitled to compensation under this act he shall file with the department his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this act and to lend all necessary assistance in making this application for compensation and such proof or other matters as required by the rules of the department without charge to the workman.

(*b*) Where death results from injury the parties entitled to compensation under this act, or some one in their behalf, shall make application for same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this act, certificates of attending physician, if any, and such other proof as required by the rules of the department.

(*c*) If change of circumstance warrants an increase or rearrangement of compensation, like application shall be made therefor. No increase or rearrangement shall be operative for any period prior to application therefor.

(*d*) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the right thereto accrued.

Physicians to testify.

SEC. 12a (added by chapter 188, Acts of 1915). In all hearings, actions, or proceedings before the commission, or before any court on appeal from the commission, any physician having theretofore examined or treated the claimant may be required to testify fully regarding such examination or treatment, and shall not be exempt from so testifying by reason of the relation of physician to patient.

Medical examination.

SEC. 13 (as amended by chapter 188, Acts of 1915). Any workman entitled to receive compensation under this act is required if requested by the department, to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to submit to any such examination, or obstructs the same, his rights to monthly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period; or, if any injured workman shall persist in unsanitary or injurious practices, which tend to imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his recovery, the commission may reduce or suspend the compensation of such workman.

Unsanitary, etc., practices.

Accidents to be reported.

SEC. 14 (as amended by chapter 188, Acts of 1915). Whenever any accident occurs to any workman it shall be the duty of such workman or some one in his behalf to forthwith report such accident to his employer, superintendent, or foreman in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department and also to any local representative of the department.

Inspection of books, etc.

SEC. 15. The books, records, and pay rolls of the employer pertinent to the administration of this act shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the pay roll, the men employed, and such other information as may be necessary for the department and its management under this act.

Refusal on the part of the employer to submit said books, records and pay rolls for such inspection to any member of the commission, or any assistant presenting written authority from the commission, shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected by civil action in the name of the State and paid into the accident fund, and the individual who shall personally give such refusal shall be guilty of a misdemeanor.

Misrepresentations.

SEC. 16. Any employer who shall misrepresent to the department the amount of pay roll upon which the premium under this act is based shall be liable to the State in ten times the amount of the difference in premium paid and the amount the employer should have paid, The liability to the State under this section shall be enforced in a civil action in the name of the State. All sums collected under this section shall be paid into the accident fund.

Public works.

SEC. 17. Whenever the State, county or any municipal corporation shall engage in any extrahazardous work in which workmen are employed for wages, this act shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the State, county or municipality. If said work is being done by contract, the pay roll of the contractor and the subcontractor shall be the basis of computation, and in the case of contract work consuming less than one year in performance the required payment into the accident fund shall be based upon the total pay roll. The contractor and any subcontractor shall be subject to the provisions of the act, and the State for its general fund, the county or municipal corporation shall be entitled to collect from the contractor the full amount payable to the accident fund, and the contractor, in turn, shall be entitled to collect from the subcontractor his proportionate amount of the payment. The provisions of this section shall apply to all extrahazardous work done by contract, except that in private work the contractor shall be responsible, primarily and directly, to the accident fund for the proper percentage of the total pay roll of the work and the owner of the property affected by the contract shall be surety for such payments. Whenever and so long as, by State law, city charter, or municipal ordinance, provision is made for municipal employees injured in the course of employment, such employees shall not be entitled to the benefits of this act and shall not be included in the pay roll of the municipality under this act.

Interstate commerce.

SEC. 18. The provisions of this act shall apply to employers and workmen engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen working only in this State may, with the approval of the department, and so far as not forbidden by any act of Congress, voluntarily accept the provisions of this act by filing written acceptances with the department. Such acceptances, when filed with and approved by the department, shall subject the acceptors irrevocably to the provisions of this act to all intents and purposes as if they had been originally included in its terms. Payment of premium shall be on the basis of the pay roll of the workmen who accept as aforesaid.

Works not extra hazardous.

SEC. 19. Any employer and his employees engaged in works not extra hazardous may, by their joint election, filed with the department, accept the provisions of this act, and such acceptances, when approved by the department, shall subject them irrevocably to the provisions of this act to all intents and purposes as if they had been originally included in its terms. Ninety per cent of the minimum rate specified in section 4 shall be applicable to such case until otherwise provided by law.

Appeals.

SEC. 20. Any employer, workman, beneficiary, or person feeling aggrieved at any decision of the department affecting his interests under this act may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county of his residence (except as otherwise provided in subdivision (1) of section numbered 5) in so far as such decision rests upon questions of fact, or of the proper application of the provisions of this act, it being the intent that matters resting in the discretion of the department shall not be subject to review. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No such appeal shall be entertained unless notice of appeal shall have been served by mail or personally upon some member of the commission within twenty days following the rendition of the decision appealed from and communication thereof to the person affected thereby. No bond shall be required, except that an appeal by the employer from a decision of the department under section 9 shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay. The calling of a jury shall rest in the discretion of the court, except that in cases arising under sections 9, 15, and 16 either party shall be entitled to a jury trial upon demand. It shall be unlawful for any attorney engaged in any such appeal to charge or receive any fee therein in excess of a reasonable fee, to be fixed by the court in the case, and, if the decision of the department shall be reversed or modified, such fee and the fees of medical and other witnesses and the costs shall be payable out of the administration fund, if the accident fund is affected by the litigation. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the superior court as in other civil cases. The attorney general shall be the legal adviser of the department and shall represent it in all proceedings, whenever so requested by any of the commissioners. In all court proceedings under or pursuant to this act the decision of the department shall be prima facie correct, and the burden of proof shall be upon the party attacking the same.

Industrial insurance department.

SEC. 21. The administration of this act is imposed upon a department, to be known as the industrial insurance department, to consist of three commissioners to be appointed by the governor. One of them shall hold office for the first two years, another for the first four years, and another for the first six years following the passage and approval of this act. Thereafter the term shall be six years. Each commissioner shall hold until his successor shall be appointed and shall have qualified. A decision of any question arising under this act concurred in by two of the commissioners shall be the decision of the department. The governor may at any time remove any commissioner from office in his discretion, but within 10 days following any such removal the governor shall file in the office of the secretary of state a statement of his reasons therefor. The commission shall select one of their members as chairman. The main office of the commission shall be at the State capitol, but branch offices may be established at other places in the State. Each member of the commission shall have power to issue subpœnas requiring the attendance of witnesses and the production of books and documents.

Procuring evidence.

SEC. 21a (added by chapter 188, Acts of 1915). The superior court shall have power to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records before the industrial insurance department.

Salaries.

SEC. 22. The salary of each of the commissioners shall be $3,600 per annum, and he shall be allowed his actual and necessary

traveling and incidental expenses; and any assistant to the commissioners shall be paid for each full day's service rendered by him, his actual and necessary traveling expenses and such compensation as the commission may deem proper, not to exceed $6 per day to an auditor, or $5 per day to any other assistant.

Assistants.

SEC. 23. The commissioners may appoint a sufficient number of auditors and assistants to aid them in the administration of this act, at an expense not to exceed $5,000 per month. They may employ one or more physicians in each county for the purpose of official medical examinations, whose compensation shall be limited to $5 for each examination and report therein. They may procure such record books as they may deem necessary for the record of the financial transactions and statistical data of the department, and the necessary documents, forms, and blanks. They may establish and require all employees to install and maintain an uniform form of pay roll.

Regulations, etc.

SEC. 24. The commission shall, in accordance with the provisions of this act:

(1) Establish and promulgate rules governing the administration of this act.

(2) Ascertain and establish the amounts to be paid into and out of the accident fund.

(3) Regulate the proof of accident and extent thereof, the proof of death, the proof of relationship, and the extent of dependency.

(4) Supervise the medical, surgical, and hospital treatment to the intent that same may be in all cases suitable and wholesome.

(5) Issue proper receipts for moneys received, and certificates for benefits accrued and accruing.

(6) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department.

(7) Compile and preserve statistics showing the number of accidents occurring in the establishment or works of each employer, the liabilities and expenditures of the accident fund on account of, and the premium collected from the same, and hospital charges and expenses.

(8) Make annual reports to the governor (one of them not more than 60 nor less than 30 days prior to each regular session of the legislature) of the workings of the department, and showing the financial status and the outstanding obligations of the accident fund, and the statistics aforesaid.

Penalties.

SEC. 24a (added by chapter 188, Acts of 1915). Every person, firm, or corporation who shall violate or fail to obey, observe, or comply with any rule of the department promulgated under authority of this act shall be subject to a penalty of not to exceed $250. Such penalty may be recovered in a civil action in the name of the State and shall be paid into the accident fund.

SEC. 25. (Repealed.)

Disbursements.

SEC. 26. Disbursements out of the funds shall be made only upon warrants drawn by the State auditor upon vouchers therefor transmitted to him by the department and audited by him. The State treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money in the fund on which any such warrant shall have been drawn wherewith to pay the same, the employer on account of whose workman it was that the warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable, and if the amount of the credit shall exceed the amount of the contribution, he shall have a warrant upon the same fund for the excess, and if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of

the fund. The State treasurer shall to such extent as shall appear to him to be advisable keep the moneys of the unsegregated portion of the accident fund invested at interest in the class of securities provided by law for the investment of the permanent school fund. The State treasurer shall be liable on his official bond for the safe custody of the moneys and securities of the accident fund, but all the provisions of an act approved February 21, 1907, entitled "An act to provide for State depositories and to regulate the deposits of State moneys therein," shall be applied to said moneys and the handling thereof by the State treasurer.

Employers outside of act. SEC. 27. If any employer shall be adjudicated to be outside the lawful scope of this act, the act shall not apply to him or his workman, or if any workman shall be adjudicated to be outside the lawful scope of this act because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this act in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received. If the provisions of section 4 of this act for the creation of the accident fund, or the provisions of this act making the compensation to the workman provided in it exclusive of any other remedy on the part of the workman shall be held invalid the entire act shall be thereby invalidated except the provisions of section 31, and an accounting according to the justice of the case shall be had of moneys received. In other respects an adjudication of invalidity of any part of this act shall not affect the validity of the act as a whole or any other part thereof.

If law is declared unconstitutional, what. SEC. 28. If the provisions of this act relative to compensation for injuries to or death of workmen become invalid because of any adjudication, or be repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this act by lump payment or completed monthly payments, and such repeal or the rendition of the final adjudication of the invalidity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death: *Provided*, That such action be commenced within one year after such repeal or adjudication; but in any such action any sum paid out of the accident fund to the workman on account of injury, to whom the action is prosecuted, shall be taken into account or disposed of as follows: If the defendant employer shall have paid without delinquency into the accident fund the payment provided by section 4, such sum shall be credited upon the recovery as payment thereon, otherwise the sums shall be so credited but shall be deducted from the sum collected and be paid into the said fund from which they had been previously disbursed.

Administration fund. SEC. 29. There is hereby appropriated out of the State treasury the sum of $150,000, or so much thereof as may be necessary, to be known as the administration fund, out of which the salaries, traveling and office expenses of the department shall be paid, and also all other expenses of the administration of the accident fund; and there is hereby appropriated out of the accident fund for the purpose to which said fund is applicable the sum of $1,500,000, or so much thereof as shall be necessary for the purposes of this act.

Existing laws. SEC. 30. Nothing in this act contained shall repeal any existing law providing for the installation or maintenance of any device, means, or method for the prevention of accidents in extrahazardous work or for a penalty or punishment for failure to install or maintain any such protective device, means, or method, but sections 8, 9, and 10 of the act approved March 6, 1905, entitled, "An act providing for the protection and health of employees 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 employees in factories, mills, or workshops where ma-

chinery 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," are hereby repealed, except as to any cause of action which shall have accrued thereunder prior to October 1, 1911.

If act repealed, what.

SEC. 31. If this act shall be hereafter repealed, all moneys which are in the accident fund at the time of the repeal shall be subject to such disposition as may be provided by the legislature, and in default of such legislative provision distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.

Act in effect, when.

SEC. 32. This act shall not affect any action pending or cause of action existing on the 30th day of September, 1911.

Approved by the governor March 14, 1911.

WEST VIRGINIA.

ACTS OF 1913.

CHAPTER 10 (as amended by chapter 9, Acts of 1915, and chapter 1, Acts of 1915, first extra session).—*Compensation of workmen for injuries—State insurance fund.*

SECTION 1. The office of State compensation commissioner is hereby created. The governor, by and with the consent of the senate, shall, on or before the thirty-first day of May, one thousand nine hundred and fifteen, appoint as State workmen's compensation commissioner some citizen of this State entitled to vote, whose term of office shall begin at the date of appointment, and shall continue for six years and until the successor of such commissioner is appointed and qualified, unless he be sooner removed. An appointment may be made to fill a vacancy or otherwise when the senate is not in session, but shall be acted upon at the next session thereof. The person so appointed shall make the oath or affirmation prescribed by section five of article four of the constitution, and such oath shall be certified by the person who administers the same, and shall be filed in the office of the secretary of state. He shall give bond in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be approved by the attorney general as to form and by the governor as to sufficiency, and when so approved shall be filed and recorded in the office of the secretary of state. The surety of said bond may be a bonding or surety company, in which case the premium shall be paid out of the appropriation made for the administration of this act. Compensation commissioner.

(a) The commissioner may be removed by the governor for incompetency, neglect of duty, gross immorality, or malfeasance in office, after giving him notice and a copy of the charges and the right to be heard in an investigation of the truth thereof. A record of the proceedings, including the evidence, shall be kept.

(b) The attorney general shall perform all legal services required by the commissioner under the provisions of this act.

(c) The commissioner shall hold no position of trust or profit or engage in any occupation or business interfering or inconsistent with his duties as such commissioner.

(d) The said commissioner shall receive an annual salary of six thousand dollars, payable in the same manner as the salaries of other State officers are paid, and charged to the appropriations which shall be made from time to time hereafter by the State for the administration of this act.

(e) The commissioner shall have an official seal for the authentication of his orders and proceedings, upon which seal shall be engraved the words, "West Virginia Compensation Commissioner," and such other design as the commissioner may prescribe; and the courts in this State shall take judicial notice of the seal of the said commissioner, and in all cases copies of orders, proceedings or records in the office of the West Virginia compensation commissioner certified by the secretary of the said commissioner under his seal, shall be equal to the original in evidence.

Until the appointment and qualification of said compensation commissioner the duties of said compensation commissioner shall be performed by the public service commission as is now prescribed by law.

SEC. 2. All expenses peculiar to the administration of this act, including the premiums to be paid for the bonds of the State treasurer and the compensation commissioner required under this act, and when on official business, the traveling and incidental ex- Expenses.

penses of the commissioner, and salaries or other compensation, traveling and other expenses of all officers or employees of the commissioner, and all expenses for furniture, books, maps, stationery, appliances and property of all kinds, shall be paid out of the workmen's compensation fund, hereinafter created, and the sum of eighty thousand dollars per annum, or so much thereof as may be necessary, is hereby appropriated out of the said fund for the purpose of paying the salaries and expenses necessary in the administration of this act.

Charges against fund.

SEC. 3. All payments of salaries and expenses in the administration of this act shall be made by the State treasurer upon order or voucher signed by the secretary and approved by the commissioner, directed to the auditor of the State, who shall draw his warrant therefor, and any such payment shall be charged to the workmen's compensation fund: *Provided*, That the total charges against said fund under this section for any one fiscal year shall not exceed the amount appropriated under section two of this act.

Office to be open.

SEC. 4. The offices of the commissioner shall be open for the transaction of business between the hours of nine o'clock a. m. and five o'clock p. m. of each and every day, excepting Sundays and legal holidays, and be in charge of his secretary or some other competent person. All proceedings of the commissioner shall be shown on his record of proceedings, which shall be a public record and shall contain a record of each case considered and the award with respect thereto and of all salaries allowed to any employee of the commissioner or to any other person for services.

SEC. 5. Repealed by Acts of 1915.

Duty of commissioner.

SEC. 6. The commissioner shall keep and maintain his office at the seat of government, and shall provide a suitable room or rooms, necessary office furniture, supplies, books, periodicals, maps, and other equipment. After due notice, showing the time and place, the commissioner may hold hearings anywhere within the State.

As soon as said commissioner shall have been appointed and qualified, all records, books, papers, documents, office supplies and furniture, and other effects, appertaining to the administration of the workmen's compensation fund, shall be turned over to said commissioner and placed in his custody and control, and the workmen's compensation fund heretofore created shall thereupon become subject to orders or vouchers approved by him as hereinafter provided, and from such time he shall have the same jurisdiction, rights, powers, and duties in respect to the payment of compensation out of the workmen's compensation fund upon awards theretofore made by the public service commission under said chapter ten of the acts of one thousand nine hundred and thirteen, and the same continuing jurisdiction in respect to awards theretofore made by said public service commission as was vested by said chapter ten in the public service commission and is vested by this act in the said commissioner; and said commissioner shall also have jurisdiction of all applications for compensation from said fund pending before said public service commission when said commissioner shall have been appointed and have qualified, and of all applications for compensation based upon accidents theretofore occurring as if they had occurred thereafter.

Powers.

Employees.

SEC. 7. The commissioner may employ a secretary, actuary, accountants, inspectors, examiners, experts, clerks, stenographers, and other assistants, and fix their compensation, which shall be paid as provided in sections two and three of this act. The commissioner, secretary, actuaries, accountants, inspectors, examiners, experts, clerks, stenographers, and other assistants that may be employed shall be entitled to receive from the workmen's compensation fund their actual and necessary expense while traveling on business of the commissioner. Such expenses shall be itemized and sworn to by the person who incurred the expense, and allowed by the commissioner.

Rules, etc.

SEC. 8. The commissioner shall adopt reasonable and proper rules of procedure, regulate and provide for the kind and charac-

ter of notices, and the service thereof, in cases of accident and injury to employees, the nature and extent of the proofs and evidence, and the method of taking and furnishing the same, to establish the rights to benefits or compensation from the fund hereinafter provided for, or directly from employers as hereinafter provided, as the case may require, the forms of application of those claiming to be entitled to benefits or compensation therefrom, the method of making investigations, physical examinations and inspections, and prescribe the time within which adjudication and awards shall be made.

Scope of law.

SEC. 9. All persons, firms, associations, and corporations regularly employing other persons for profit, or for the purpose of carrying on any form of industry or business in this State (casual employment excepted), are employers within the meaning of this act, and subject to its provisions. All persons in the service of employers as herein defined, and employed by them for the purpose of carrying on the industry or business in which they are engaged (casual employment excepted), are employees within the meaning of this act, and subject to the provisions hereof: *Provided*, That this act shall not apply to employers of employees in domestic or agricultural service, persons prohibited by law from being employed, traveling salesmen, to employees of any employer who are employed wholly without this State; nor shall a member of a firm of employers, or any officer of an association, or of a corporation employer, including managers, superintendents, assistant managers, or assistant superintendents be deemed an employee within the meaning of this act.

Temporary business.

Any employer whose employment in this State is to be for a definite or limited period, which could not be considered "regularly employing" within the meaning of this act, may elect to pay into the workmen's compensation fund the premiums herein provided for, and at the time of making application to the commissioner such employer shall furnish a statement under oath showing the probable length of time the employment will continue in this State, the character of the work, an estimate of the monthly pay roll, and any other information which may be required by the commissioner. At the time of making application such employer shall deposit with the State treasurer to the credit of the workmen's compensation fund the amount required by section twenty-four of this act, which amount shall be returned to such employer if his application be rejected by the commissioner. Upon notice to such employer of the acceptance of his application by the commissioner, he shall be an employer within the meaning of this act and subject to all of its provisions.

Foreign corporations.

Any foreign corporation employer electing to comply with the provisions of this act and to receive the benefits hereunder shall at the time of making application to the commissioner, in addition to the other requirements of this act, furnish such commissioner with a certificate from the secretary of state showing that it has complied with all of the requirements necessary to enable it to legally do business in this State, and no application of such foreign corporation employer shall be accepted by the commissioner until such certificate is filed.

Information to be furnished.

SEC. 10. Every employer shall furnish the commissioner, upon request, all information required by him to carry out the purposes of this act. The commissioner, or any person employed by the commissioner for that purpose, shall have the right to examine under oath any employer or officer, agent or employee of any employer.

Blanks.

SEC. 11. The commissioner shall prepare report blanks for the use of, and furnish the same to, employers subject to this act; and every employer receiving from the commissioner any blank or blanks with directions for filling out and returning the same, shall return the same filled out so as to answer fully and correctly all pertinent questions therein propounded, and if unable to do so shall give good and sufficient reasons for such failure. Answers to such questions shall be verified under oath and returned to the commissioner within the period fixed by the commissioner

Duty of employers.

for such return. Every employer subject to the provisions of this act, who may hereafter elect to pay the premiums as provided herein and to receive the benefits hereunder shall make application on the forms prescribed by the commissioner for such purpose; and all employers who desire to discontinue the payment of the premiums required under this act shall so notify the commissioner on forms to be furnished by the commissioner for the purpose.

Power to administer oaths, etc.

SEC. 12. The commissioner, secretary, and every inspector or examiner appointed by the commissioner shall, for the purposes contemplated by this act, have power to administer oaths, certify official acts, take depositions, issue subpœnas, and compel the attendance of witnesses and the production of pertinent books, accounts, papers, records, documents, and testimony.

Refusal of witnesses.

SEC. 13. In case of failure or refusal of any person to comply with the order of the commissioner or subpœna issued by him, secretary, or one of his inspectors or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection as aforesaid, the circuit judge of the county in which the person resides, on application of the commissioner or any inspector or examiner appointed by him, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of a subpœna issued from said court on a refusal to testify therein.

Fees.

SEC. 14. Each officer who serves such subpœna shall receive the same fee as a sheriff, and each witness who appears in obedience to a subpœna before the commissioner or an inspector or an examiner shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the circuit court, which shall be audited and paid out of the workmen's compensation fund in the same manner as other expenses are audited and paid, upon presentation of proper vouchers approved by the commissioner.

No witness subpœnaed at the instance of a party other than the commissioner or an inspector or an examiner shall be entitled to receive any fee or mileage out of the workmen's compensation fund unless the commissioner shall certify that his testimony was material to the matter investigated.

Depositions.

SEC. 15. In an investigation the commissioner may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions as provided for transcripts in the circuit court.

Transcript as evidence.

SEC. 16. A transcribed copy of the evidence and proceeding or any specific part thereof, on any investigation, taken by a stenographer appointed by the commissioner, being certified and sworn to by such stenographer to be a true and correct transcript of the testimony in the investigation, or of a particular witness, or of a specific part thereof, or to be a correct transcript of the proceedings had on such investigation so purporting to be taken and subscribed, may be received in evidence by the commissioner with the same effect as if such stenographer were present and testified to the facts certified. A copy of such transcript shall be furnished on demand to any party upon payment of the fee therefor as provided for transcripts in the circuit court.

Forms.

SEC. 17. The commissioner shall prepare and furnish free of cost blank forms (and provide in his rules for their distribution so that the same may be readily available) of applications for benefits for compensation from the workmen's compensation fund, or directly from employers, as the case may be, notices to employers, proofs of injury or death, of medical attendance, of employment and wage earnings, and such other blanks as may be deemed proper and advisable, and it shall be the duty of employers to constantly keep on hand a sufficient supply of such blanks.

Classes of industries.

SEC. 18. For the purposes of this act the industries that now are or hereafter may be subject thereto are divided into schedules, as follows:

(a) Coal mines, including their tipples, power, light, heating, and ventilating plants, tramways, private tracks and sidings, and accessory and auxiliary plants working in or with by-products.

(b) Paint manufactories, oil refineries, oil and gas wells, including their pipe lines, storage, power, or light plants, tramways, private tracks and sidings, and accessory and auxiliary plants working in or with by-products.

(c) Iron and steel mills, including blast furnaces, smelters, tube works, rolling mills, and their accessory and auxiliary plants working in or with by-products, generating power, light, or heat, or operating tramways, private tracks, and sidings.

(d) Sheet and tin plate mills, including their accessory and auxiliary plants working in or with by-products, generating power, light, or heat, or operating tramways, private tracks, and sidings.

(e) Foundries, machine shops, firearms factories, tool factories, car building and repairing, structural iron works, and working in or with iron or steel, not otherwise specified, where power-driven machinery is used, together with their accessory and auxiliary plants working in or with by-products, or generating power, light, or heat, or operating tramways, private tracks, and sidings.

(f) Stamped metal works, can factories, enamel iron works, and working in or with sheet iron or tin plate, not otherwise specified, where power-driven machinery is used, together with their accessory and auxiliary plants working in or with by-products, or generating power, light, or heat, or operating tramways, private tracks, and sidings.

(g) Logging, logging railroads and tramways, sawmills, including their accessory and auxiliary plants working in or with by-products, or generating power, light, or heat, or operating tramways, private tracks, and sidings.

(h) Planing mills, wood pulp, cordage, and paper mills, box factories, cooperage plants, furniture factories, woodenware or wood fiber ware manufactories, vehicle works of every kind, including their accessory and auxiliary plants working in or with by-products, or generating power, light, or heat, or operating tramways, private tracks, and sidings.

(i) Glass houses of all kinds, including manufactories of tableware, bar goods, bottles, tumblers, lamps, glass light fixture parts, window and plate glass, potteries of all kind, including tile, bricks, terra cotta, fire clay, earthenware, porcelain, china, and crockery ware, using automatic machinery, together with accessory and auxiliary plants working in or with by-products, or generating light or heat, or operating tramways, private tracks, and sidings.

(k) Printing plants of all kinds, electrotyping, photo-engraving, engraving, lithographing, embossing, bookbinding, and accessory and auxiliary lines of work and manufacture.

(l) Woolen mills, knitting mills, cotton mills, carpet and rug mills, clothing manufactories of every kind, and working in or with textiles not otherwise specified.

(m) Breweries, bottling works, canneries of fruits, vegetables, oils, fish, milk, or meat, manufactories of preserves, jellies, ketchup, sauces, relishes, pickles, flour and feed mills, bakeries, confectioneries, drug and extract manufactories, tobacco, cigar, stogie, and cigarette manufactories, in which power-driven machinery is used.

(n) Slaughter and packing houses, stockyards, soap, tallow, lard, and grease manufactories, tanneries, artificial ice, and refrigerating and cold-storage plants, creameries, and carbon black factories, in which power-driven machinery is used.

(o) Steam laundries, dyeing and cleaning plants, stamping, embossing, and working with leather, shoe and harness manufactories, mattress and bedding factories, upholstering factories, manufacturers of rubber goods, and auxiliary and accessory lines of work and manufacture not otherwise specified.

(p) Steam and other railroads and transportation systems not otherwise specified.

(q) Street and interurban railways, whether propelled by electricity or other power.

(r) Telegraph and telephone plants and systems, electric light and power plants and systems, steam heat and power plants and systems, waterworks systems, gas works and systems, grain elevators, and all lighting, heating, or power systems not otherwise specified.

(s) Quarries, stone crushers, gravel pits, mines other than coal mines, and working with asphalt, cement, stone, or other building material not otherwise specified, power-propelled ferries, sand diggers, and other water craft.

(t) Such works, occupations, and manufactories specified in the foregoing schedules as are operated without power-driven machinery.

(u) Match factories, powder mills, fireworks factories, and works in which articles of an explosive nature are mixed or manufactured.

(v) Construction of tunnels, shafts, bridges, trestles, steeples, towers, grain elevators, tanks, water towers, windmills, subaqueous works, iron or steel frame structures or parts of structures, blast furnaces, smokestacks, cupolas or chimneys more than fifty feet high, water works and systems, electric lights and power plants and systems, gas works and systems, installation of steam boilers, engines and dynamos, steam railroads, logging railroads, street railways and systems, boat building with scaffolds, floating docks, engineering works, structural work on buildings over three stories in height, not otherwise specified, and drilling of wells.

(w) Construction and installation of sewers, fire escapes, freight or passenger elevator, advertising signs, ornamental metal work on or in buildings, metal ceilings, plate or window glass, electrical wiring, stairways, buildings which require galvanized iron or tin work, marble, stone, or brick work, roof work, slate work, plumbing work, carpenter work, electric work, installing automatic sprinklers, electric or fire alarm systems, heating or ventilating systems, or machinery not otherwise specified, covering steam pipes and boilers, road and street making, street or other grading, and structural work not otherwise specified.

(x) Any industry or business not specified in the foregoing schedules for which any employer shall voluntarily apply to the commissioner to be brought under the provisions of the act. And the commissioner shall have the authority to classify and place in one of the schedules aforesaid, or any schedule created by him as hereafter mentioned, any industry or business subject to this act not hereinbefore specifically mentioned.

Reclassification. The commissioner shall have the power to reclassify into schedules at any time the industries subject to this act and to create additional schedules if deemed advisable by him.

In addition to classifying into schedules the industries subject to this act, as hereinbefore provided, it shall be the duty of said commissioner when in his opinion there is a sufficient number of employers with different degrees of hazard in any schedule to warrant the same to subdivide any schedule into classes based upon the respective degrees of hazard of such employer as shown upon the books of the commissioner for a period of twelve months previous to the time of such subdivision, and any such employer who shall not have been a subscriber for said period of twelve months shall be assigned to one of said classes as may be deemed proper by the commissioner until his record for one year can be obtained.

Premium rates. The risk of the different classes shall be determined from the record of the employers forming each class as shown upon the books of the commissioner. And the commissioner shall fix the rate of premium for each class according to the risk of the same.

(y) It shall be the duty of the commissioner in the exercise of the powers and discretion conferred upon him in the preceding subsection to fix and maintain the lowest possible rates of

premium consistent with the maintenance of a solvent workmen's compensation fund and the creation and maintenance of a reasonable surplus after providing for the payment of all liability incurred by reason of injury or death to employees entitled to benefits under the provisions of this act and the expenses of the administration of same, and in order that said object may be accomplished the commissioner shall observe the following requirements in classifying occupations and fixing the rates of premium for the risk of the same:

(1) He shall keep an accurate account of the money paid in premiums by each of the several schedules and the liability incurred and disbursements on account of injuries and death of employees thereof, and also keep an account of the money received from each individual employer and the liability incurred and disbursements on account of injuries and death of the employees of such employer.

(2) Ten per centum of all that may hereafter be paid into the workmen's compensation fund shall be set aside for the creation of a surplus fund until such surplus shall amount to the sum of one hundred thousand dollars, after which time the sum of five per centum of all the money paid into the said fund shall be credited to such surplus fund until such time as, in the judgment of the commissioner, such surplus shall be sufficiently large to cover the catastrophe hazard and all other unanticipated losses.

(3) On the first day of July, one thousand nine hundred and sixteen, and annually thereafter, a readjustment of the rates shall be made for each of the several classes in accordance with the experience of the commissioner in the administration of the law, as shown by the accounts kept as provided herein: *Provided*, That nothing contained in this subsection shall prevent the commissioner from adjusting at any time the premium rate for any class.

It shall be the duty of the commissioner whenever he changes any rate to notify every employer affected thereby of that fact and of the new rate and when the same takes effect. It shall also be his duty to furnish to each employer yearly, or oftener if requested by the employer, a statement giving the name of each of his employees who were paid for injury and the amount so paid during the period covered by the statement.

Fund to be established.

SEC. 19. The commissioner shall establish a workmen's compensation fund from premiums and other funds paid thereto by employers and employees as herein provided, for the benefit of employees of employers that have paid the premium applicable to the classes to which they belong and for the benefit of the dependents of such employees and for the payment of the expenses of the administration of this act, and shall adopt rules and regulations with respect to the collection, maintenance and disbursement of said fund not in conflict with the provisions of this act.

Employers electing as herein provided to individually and directly compensate their injured employees and their fatally injured employees' dependents, shall do so in the manner prescribed by the compensation commissioner and shall make all reports, execute all blanks, forms and papers as directed by said commissioner and as herein provided in this act.

How maintained.

SEC. 20. All payments into the workmen's compensation fund shall be made into the State treasury in the manner prescribed in chapter seventeen of the code of West Virginia, and such fund shall consist of such payments and all interest accruing thereto upon investments and deposits in State depositories, and any other moneys or funds which may be given, appropriated or otherwise designated or accruing thereto. Said fund shall be a separate and distinct fund and shall be so kept upon the books and records of the auditor and treasurer. Disbursements from such fund shall be made upon requisition signed by the secretary and approved by the compensation commissioner. The board of public

works shall have authority to invest the surplus, reserve or other moneys belonging to the fund in the bonds of the United States, of this State, or of any county, city, town, village, or school district of the State. No such investment shall be made nor any investment sold or otherwise disposed of without the concurrence of a majority of all members of the board of public works. It shall be the duty of every county, school district, or municipality issuing any bonds, to offer the same in writing to the board of public works prior to advertising the same for sale, except such thereof as may have been taken by the trustees of the sinking fund of the county, district or municipality, and the board of public works shall, within fifteen days after receipt of such offer, accept the same and purchase such bonds or any portion thereof at par and accrued interest, or make an offer to purchase the same at such price as the board named in such offer or reject such offer. All bonds purchased by the board of public works for investment for the workmen's compensation fund shall be placed in the hands of the auditor as the custodian thereof, and it shall be his duty to keep and account for the same as he keeps and accounts for other securities of the State, and to collect the interest thereon as the same becomes due and payable, and the principal when the same is due. No bonds or other securities shall be purchased by the board of public works until and unless the attorney general shall investigate the issuance of such bonds or securities and shall give a written opinion to the board that the same have been regularly issued according to the constitution and the laws of this State, which opinion, if such bonds or securities be purchased, shall be filed with the auditor with such bonds or securities.

Investments.

Bond.

SEC. 21. The treasurer of the State shall give a separate and additional bond in such amount as may be fixed by the governor and with sureties to be approved by him, conditioned for the faithful performance of his duties as custodian of the workmen's compensation fund herein provided for.

Remedy exclusive.

SEC. 22. Any employer subject to this act who shall elect to pay into the workmen's compensation fund the premiums provided by this act, shall not be liable to respond in damages at common law or by statute for the injury or death of any employee, however occurring, after such election and during any period in which such employer shall not be in default in the payment of such premiums: *Provided*, The injured employee has remained in his service, with notice that his employer has elected to pay into the workmen's compensation fund the premiums provided by this act. The continuation in the service of such employer with such notice shall be deemed a waiver by the employee and by the parents of any minor employee of the right of action as aforesaid, which the employee or his or her parents would otherwise have.

Notice to be posted.

SEC. 23. Each employer electing to pay the premiums provided by this act into the workmen's compensation fund, or electing to make direct payments of compensation as hereinafter provided, shall post and keep posted in conspicuous places about his place or places of business typewritten or printed notices stating the fact that he has made such election, and the same when so posted shall constitute sufficient notice to all his employees and to the parents of any minor employees of the fact that he has made such election.

No employer or employee shall exempt himself from the burden or waive the benefits of this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

Premium payments.

SEC. 24. For the purpose of creating such workmen's compensation fund each employer subject to this act shall pay into the State treasury the premiums of liability based upon and being such a percentage of the pay roll of such employer as may have been determined by the commissioner and be then in effect. The premiums provided for in this act shall be paid by the employers into the treasury of the State and be contributed in the proportion of ninety per centum by the employers and ten per centum by the employees. The premium shall be paid monthly on or

before the twenty-fifth of each month for the preceding month and shall be the prescribed percentage of the total earnings of all employees subject to this act for such preceding month. The minimum premium to be paid by any employer for any month shall be one dollar.

Employees' contributions.

Each employer is authorized to deduct from the pay of his employees (excepting persons casually employed) for each month, ten per centum of the premium paid or to be paid for such month, in proportion to the pay received by them respectively for such month, the proper percentage to be deducted from each installment of pay, whether paid monthly or more frequently. The minimum deduction from the earnings of each employee in any one month for which settlement is made to be five cents.

Each employer shall give a receipt or statement to each employee of the amount which has been deducted for the workmen's compensation fund, and shall file with the commissioner on making his next payment to the fund a sworn statement showing what per centum of said payment herein provided to be paid by the employees (disregarding fractions of a cent) has been deducted and that no more than ten per centum (subject to the minimum requirement aforesaid) has been so deducted. The State treasurer shall issue his receipt for any sums paid him hereunder, in duplicate, the original to be delivered to the person, firm, or corporation paying the same, the duplicate to be filed with the commissioner.

Delinquents.

If such premiums be not paid as herein provided, a penalty of ten per centum of the amount of such premium shall be collected and paid into the workmen's compensation fund, as aforesaid; and the failure to pay all premiums and penalties as herein provided for two succeeding months shall deprive the employer so delinquent of the benefits and protection afforded by this act and shall terminate the election of such delinquent employer to pay into the workmen's compensation fund as herein provided, and such employer shall be liable to employees as provided in section twenty-six of this act; and the commissioner shall not be required to notify the delinquent employer of such termination or suspension, but he shall notify the employees of such employer thereof in such manner as he may deem best and sufficient.

The employer so delinquent may be reinstated upon application under such terms as are prescribed by this act, and by the commissioner hereunder, after the payment into the workmen's compensation fund of all unpaid premiums, penalties, interest, and charges. Such reinstatement shall be in force from and after the date that the new application is accepted by the commissioner, and said delinquent employer shall not receive any benefits hereunder during such suspension, nor shall his employees receive compensation for injuries received during the period of such suspension.

Guaranty deposit.

To insure the payment of the monthly premiums herein provided, all employers who have heretofore elected to accept the provisions of the workmen's compensation act shall pay into the workmen's compensation fund, in addition to the premiums provided for, an amount at least equal to the amount of premiums paid for the last two preceding months, and said employer shall be required to keep on deposit at all times in the said workmen's compensation fund an amount at least equal to the premiums for the last two preceding months. Such employer, upon the receipt of notice from the commissioner, that the amount which he is required to keep deposited in said fund is not equal to the premiums paid for the last preceding two months, shall immediately deposit as herein provided a sum sufficient and necessary to comply with the requirements of this act.

Any employer hereafter electing to avail himself of the benefits of this act shall at the time of making application to the commissioner deposit in the workmen's compensation fund an amount estimated to be equal to the amount of the premiums which will be paid by him hereunder for the next succeeding two months.

The deposit in said workmen's compensation fund shall be held as an advance credit to the employer and used to pay or to apply

on the payment of the monthly premiums and any other sums due the said fund when said employer becomes delinquent in the payment of same. Upon the withdrawal of any employer from the fund, he shall be refunded the balance due him of this advanced deposit, after deducting all amounts owed by said employer to the workmen's compensation fund.

Disbursements.

SEC. 25. The commissioner shall disburse the workmen's compensation fund to the employees of such employers as have paid into said fund the premiums for the month in which the injury occurs, or who have on deposit in said fund, as hereinbefore provided for, an amount sufficient to guarantee the payment of said premiums, and which employees shall have received injuries in this State in the course of and resulting from their employment or to the dependents, if any, of such employees in case death has ensued according to the provisions hereinafter made, and also for the expenses of the administration of this act as provided in section two hereof.

Hernia.

In all claims for compensation for hernia resulting from injury received in the course of and resulting from the employee's employment, it must be definitely proven to the satisfaction of the commissioner:

First. That there was an injury resulting in hernia;

Second. That the hernia appeared suddenly;

Third. That it was accompanied by pain;

Fourth. That the hernia immediately followed an injury;

Fifth. That the hernia did not exist prior to the injury for which compensation is claimed.

All hernia inguinal, femoral or otherwise, so proven to be the result of an injury received in the course of and resulting from the employment, shall be treated in a surgical manner by radical operation. If death results from such operation, the death shall be considered as a result of the injury, and compensation paid in accordance with the provisions of section thirty-three. In nonfatal cases, time loss only shall be paid, unless it is shown by special examination that the injured employee has a permanent partial disability resulting after the operation. If so, compensation shall be paid in accordance with the provisions in section thirty-one with reference to permanent partial disability.

In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease or is otherwise in such physical condition that it is considered unsafe for him to undergo said operation, he shall be paid as provided in section thirty-one.

Employers not under law.

SEC. 26. All employers subject to this act who shall not have elected to pay into the workmen's compensation fund the premiums provided by this act, or having so elected, shall be in default in the payment of same, shall be liable to their employees (within the meaning of this act) for damages suffered by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer, or any of the employer's officers, agents or employees, and also to the personal representatives of such employees where death results from such injuries, and in any action by any such employee or personal representative thereof such defendant shall not avail himself of the following common-law defenses:

Defenses abrogated.

The defense of the fellow-servant rule, the defense of the assumption of risk, or the defense of contributory negligence, and further shall not avail himself of any defense that the negligence in question was that of some one whose duties are prescribed by statute.

Medical, etc., benefits.

SEC. 27. The commissioner shall disburse and pay from the fund for such injuries to such employees as may be entitled thereto hereunder, as follows:

(a) Such sums for medical, surgical, and hospital treatment as in the opinion of the commissioner may reasonably be required,

not, however, in any case to exceed the sum of one hundred and fifty dollars: *Provided*, That in case an injured employee has sustained a permanent disability and it is the opinion of the commissioner that the per centum of said disability can be reduced or made negligible by surgical or medical treatment, the amount expended for medical, surgical, and hospital treatment may be, but shall not exceed, three hundred dollars in any case.

(b) Payment for such medical, surgical, and hospital treatment may be made to the injured employee, or to the persons who have furnished the service, or to the persons who have advanced payment for same, as the commissioner may deem proper.

(c) Notwithstanding anything hereinbefore contained, no payment shall be made out of the workmen's compensation fund for medical, surgical, or hospital treatment for an injured employee, if said employee be entitled under contract connected with his employment or otherwise, to medical, surgical, or hospital treatment without further charge to him.

Injuries not covered.

SEC. 28. Notwithstanding anything hereinbefore or hereinafter contained, no employee or dependent of any employee shall be entitled to receive any sum from the workmen's compensation fund, or to direct compensation from any employer making the election and receiving the permission mentioned in section fifty-four hereof, or otherwise under the provisions of this act, on account of any injury to or death of an employee caused by a self-inflicted injury, the willful misconduct, or disobedience to such rules and regulations as may be adopted by the employer and approved by the commissioner, or the intoxication of such employee.

Rules.

For the purpose of this act and to prevent accidents to employees, the commissioner may require all employers to adopt rules for the protection and safety of their employees and keep the same posted in conspicuous places in and about the work, which rules shall be submitted to the commissioner for his approval.

Intentional injuries.

If injury or death result to an employee from the deliberate intention of his employer to produce such injury or death, the employee, the widow, widower, child, or dependent of the employee shall have the privilege to take under this act, and also have cause of action against the employer as if this act had not been enacted, for any excess of damages over the amount received or receivable under this act.

Funeral expense.

SEC. 29. In case death ensues from the injury within the period of twenty-six weeks, reasonable funeral expense, not to exceed seventy-five dollars, may be paid from the fund, payment to be made to the persons who have furnished the service and supplies, or to the persons who have advanced payment for same, as the commissioner may deem proper, in addition to such award as may be made to the employee's dependents.

Waiting time.

SEC. 30. If the period of disability does not last longer than one week from the day the employee leaves work as the result of the injury, no award shall be allowed, except the disbursement provided for in sections twenty-seven and twenty-nine.

(a) If the period of disability lasts longer than one week from the day the employee leaves work as the result of the injury, no award shall be allowed for the first week of such disability, except the disbursement provided for in sections twenty-seven and twenty-nine.

SEC. 31. Where compensation is due an employee under the provisions of this act such compensation shall be as provided in the following schedule:

Temporary disability.

(a) If the injury causes temporary total disability, the employee shall receive during the continuance thereof fifty per centum of his average weekly earnings, not to exceed a maximum of ten dollars per week nor to be less than a minimum of five dollars per week.

(b) If the injury causes temporary partial disability, the employee shall receive during the continuance thereof fifty per

centum of the weekly loss in wages, not to exceed a maximum of ten dollars per week.

Limit of awards.

(c) Paragraphs (a) and (b) of this subdivision shall be limited as follows: Aggregate award for a single injury causing temporary disability shall be for a period not exceeding twenty-six weeks: *Provided*, That in case an injured employee, by reason of having an ununited fracture, or having undergone a surgical operation to correct a vicious union following a fracture, or for the repair of an ununited fracture, or having suffered an injury to the spine or pelvic bones which is of a temporary nature, is disabled for a longer period than twenty-six weeks the period for which compensation shall be paid may be, but shall not exceed, fifty-two weeks.

Permanent disability.

(d) If the accident causes permanent disability, the percentage of disability to total disability shall be determined and the award computed and allowed as follows:

For a ten per centum disability, fifty per centum of the average weekly earnings for a period of thirty weeks;

For a twenty per centum disability, fifty per centum of the average weekly earnings for a period of sixty weeks;

For a thirty per centum disability, fifty per centum of the average weekly earnings for a period of ninety weeks;

For a forty per centum disability, fifty per centum of the average weekly earnings for a period of one hundred and twenty weeks;

For a fifty per centum disability, fifty per centum of the average weekly earnings for a period of one hundred and fifty weeks;

For a sixty per centum disability, fifty per centum of the average weekly earnings for a period of one hundred and eighty weeks;

For a seventy per centum disability, fifty per centum of the average weekly earnings for a period of two hundred and ten weeks;

For a disability exceeding seventy per centum and less than eighty-five per centum, forty per centum of the average weekly earnings during the remainder of life;

For a disability from eighty-five to one hundred per centum, fifty per centum of the average weekly earnings during the remainder of life.

(e) The award for permanent disabilities intermediate to those fixed by the foregoing schedule and from ten per centum to seventy per centum disabilities shall be in the same proportion and shall be computed and allowed by the commissioner.

Limit of awards.

(f) Paragraphs (d) and (e) of this subdivision shall be limited as follows: Not to exceed a maximum of eight dollars per week nor to be less than a minimum of four dollars per week.

(g) The loss of an arm at or above the elbow shall be considered a fifty per centum to sixty-five per centum disability and shall be used as a basis in determining the per centum of permanent disability. Account shall also be taken of the nature of the physical injury, the occupation of the injured employee, and his age at the time of such injury.

(h) Nothing contained in the foregoing schedule of permanent disability awards shall be held to limit the amount of compensation receivable for any such permanent injury during any period of total disability under paragraphs (a) and (b) of section thirty-one, but any sum so received shall be deducted from the compensation payable in accordance with the said schedule. Compensation under this section shall be payable only to the injured employee or to his dependents at the time of the injury, and the right thereto shall not vest in his estate nor in the estate of his dependents.

Presumptions.

(i) The following permanent disabilities shall be conclusively presumed to be total in character:

Loss of both eyes or the sight thereof;

Loss of both hands or the use thereof;

An injury resulting in practically total paralysis.

In all other cases permanent total disability shall be determined in accordance with the fact.

SEC. 32. Repealed by Acts of 1915.

SEC. 33. In case the injury causes death within the period of twenty-six weeks from date of injury the benefits shall be in the amounts and to the persons as follows: Death benefits.

(a) If there be no dependents, the disbursements shall be limited to the expense provided for in section twenty-seven and section twenty-nine of this act and such award under section thirty-one of this act as may have accrued and been paid.

(b) If the deceased employee be under the age of twenty-one and unmarried and leave a dependent father or mother, the father, or, if there be no father, the mother shall be entitled to a payment of fifty per centum of the average weekly wages, not to exceed a maximum of six dollars a week, to continue until the employee would have been twenty-one years of age or until the death of said dependent, if same occurs before said employee would have been twenty-one years of age.

(c) If the deceased employee leave a widow or invalid widower, the payment shall be twenty dollars per month until the death or remarriage of such widow or widower, and, in addition, five dollars per month for each child under the age at which he or she may be lawfully employed in any industry, to be paid until such child reaches such age: *Provided*, That the total payment shall not exceed thirty-five dollars per month: *And provided further*, If such widow or invalid widower shall remarry within two years from date of the death of such employee, such widow or widower shall be paid at the time of remarriage twenty per centum of the amount that would be due for the period remaining between the date of such remarriage and the end of ten years from date of death of said employee: *Provided further*, That if upon investigation it shall be ascertained that said widow or widower is living with a man or woman, as the case may be, as man and wife and not married, or the widow living a life of prostitution, the commissioner shall stop the payment of the benefits herein provided to said widow or widower.

If the deceased employee be a widow or widower and leave a child or children under the age of fifteen years, the payment shall be ten dollars per month to each such child until he or she reaches the age of fifteen years, the total payment in any case not to exceed thirty dollars per month.

The word "child" as used in this act shall include a posthumous child or a child legally adopted prior to the injury causing death.

(d) If the deceased employee be an adult and there be no widow, widower, or child under the age at which he or she may be lawfully employed in any industry, but there are wholly dependent persons at the time of death, the payment shall be fifty per centum of the average monthly support actually received from the employee during the preceding twelve months, to continue for the remainder of the period between the date of death and six years after the date of injury, and shall not amount to more than a maximum of twenty dollars per month.

(e) If there be no widow, widower, or child under the age at which he or she may be lawfully employed in any industry, or wholly dependent persons, but there are partly dependent persons at the time of death, the payment shall be fifty per centum of the average monthly support actually received from the employee during the preceding twelve months, and to continue for such portion of the period of six years after the date of death as the commissioner in the case may determine, and not amount to more than a maximum of twenty dollars per month.

Compensation under subsections (d) and (e) hereof shall cease upon the death of the dependent, and the right thereto shall not vest in his or her estate.

Dependents. (f) Dependent as used in this act means a widow, invalid widower, child under fifteen years of age, invalid child over such age, or a posthumous child, who at the time of the injury causing death is dependent in whole or in part for his or her support upon the earnings of the employee; also the following persons who are and continue to be residents of the United States or its territorial possessions: Stepchild under fifteen years of age, child under fifteen years of age legally adopted prior to the injury causing death, father, mother, grandfather, or grandmother, who at the time of the injury causing death is dependent in whole or in part for his or her support upon earnings of the employee.

Payment of death benefits. SEC. 34. The benefits in case of death shall be paid to such one or more dependents of the decedent, or to such other persons, for the benefits of all of the dependents, as may be determined by the commissioner, who may apportion the benefits among the dependents in such manner as he may deem just and equitable. Payment to a dependent subsequent in right may be made if the commissioner deems proper, and shall operate to discharge all other claims therefor.

Duty of recipient. SEC. 35. The dependent or person to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the finding and direction of the commissioner.

Spouses living apart. SEC. 36. Notwithstanding anything herein contained, no sum shall be paid to a widow or widower who shall have been living separate and apart from, or have been abandoned by the employee for twelve months next preceding the injury, and who shall not have been supported by him or her during such time. But in the event a chancery suit or other action be pending concerning the relations of said widow or widower to said employee, then payment shall be made subject to the final adjudication of said suit or action.

Computation of wages. SEC. 37. The average weekly wage or earnings of the injured person at the time of injury shall be taken as the basis upon which to compute the benefits. The time of injury within the meaning of this act shall be such reasonable time prior to the injury as shall enable the commissioner to make a fair award, taking into consideration both the rate of wage and earnings of such person prior to his entering the service in which he was injured.

Installments. SEC. 38. Payments may be made in such periodical installments as may seem best to the commissioner in each case. Notwithstanding anything herein contained, the commissioner may, in his discretion, direct the repayment of, and pay out of any installment, any advances for necessaries that may have been made by any person pending the payment of such installment.

Claims. SEC. 39. To entitle any employee or dependent of a deceased employee to compensation under this act the application therefor must be made in due form within six months from and after the date of injury or death, as the case may be, and all proofs of dependency in fatal cases must be filed with the commissioner within nine months from and after the date of death. Nonresident aliens may be officially represented by the consular officers of the country of which such aliens may be citizens or subjects.

Representation of aliens.

Review. SEC. 40. The power and jurisdiction of the commissioner over each case shall be continuing, and he may from time to time make such modification or change with respect to former findings or orders with respect thereto as in his opinion may be justified.

Lump sums. SEC. 41. The commissioner, under special circumstances and when the same is deemed advisable, may commute periodical benefits to one or more lump-sum payments.

Payments exempt. SEC. 42. Benefits before payments shall be exempt from all claims of creditors and from any attachment or execution and shall be paid only to or for the use of such employees or their dependents as hereinbefore provided.

Decisions of commissioner. SEC. 43. The commissioner shall have full power and authority to hear and determine all questions within his jurisdiction, and

to review the action of any employer taken under section fifty-four thereof, and the decision of the commissioner thereon shall be final: *Provided, however,* In case the final action of said commissioner denies the right of the claimant to receive compensation from the fund or directly from the employer, as the case may be, on the ground that the injury was self-inflicted, or on the ground that the injury was not received in the course of and resulting from his employment, or upon any other ground going to the basis of the claimant's right, then the claimant may, within sixty days after notice of the final action of such commissioner, apply for an appeal to the supreme court of appeals. The appellant shall file a petition before said supreme court of appeals against such commissioner as defendant within said period of sixty days, and the commissioner shall be notified by the clerk of said court forthwith of the filing of such petition for appeal. And the commissioner shall within ten days after the receipt of such notice file with the clerk of said court the record of such proceedings before the commissioner, including a transcript of the evidence. The court, or any judge thereof, may thereupon decide whether an appeal shall be granted or not. If granted, the commissioner and the claimant or the claimant's attorney shall be notified of the fact by mail. If an appeal is granted, the case shall be tried by said court in the same manner as other cases before it, save and except that neither the record nor briefs need be printed, and that every such appeal granted prior to thirty days before the beginning of any term shall be on the docket for such term, and such appeals shall have precedence over other cases on such docket. The attorney general, without extra compensation, or other counsel, if the commissioner sees fit to employ the same, shall represent the commissioner on such appeal. The supreme court on such appeal shall determine the right of the claimant and certify its decision to the commissioner, and, if it determines the right in his favor, the commissioner shall fix his compensation within the limits and under the rules prescribed in this act. The cost of such proceedings, including a reasonable attorney's fee, not exceeding one hundred dollars, to the claimant's attorney, to be fixed by the court, shall be taxed against the unsuccessful party. No fees, expenses, or costs shall be paid out of any compensation awarded.

Appeals.

SEC. 44. Such commissioner shall not be bound by the usual common law or statutory rules of evidence, or by any technical or formal rules of procedure, other than herein provided, but may make the investigation in such manner as in his judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly and liberally the spirit of this act.

Procedure.

SEC. 45. The commissioner may make necessary expenditures to obtain statistical and other information to establish the classes provided for in section eighteen.

Expenditures.

SEC. 46. Annually, on or about the fifteenth day of September in each year, the commissioner under oath, shall make a report as of the thirtieth day of June to the governor, which shall include a statement of the number of awards made by him, and a general statement of the causes of the accidents leading to the injuries for which the awards were made, a detailed statement of all disbursements, and the condition of the fund, together with any other matters which such commissioner deems it proper to call to the attention of the governor, including any recommendations he may have to make; and the commissioner whenever required by the governor shall report to him as to any designated subject or matter and furnish such information as may be required.

Reports.

SEC. 47. Repealed by Acts of 1915.

SEC. 48. Whenever it shall appear that the commissioner will be absent or unable to act for one week or more, the secretary of the commissioner may be designated by the commissioner to act during his absence or inability to act, and during such period he shall have all the duties and powers of the commissioner.

Deputy.

SEC. 49. Any person, firm, or corporation knowingly failing to make any report or perform any duty required by the commis-

Failure to report.

sioner within the time specified, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than twenty-five hundred dollars. Any person, or firm, or the officer of any corporation, who knowingly makes a false report or statement under oath or affidavit respecting any information required by the commissioner, or who shall knowingly testify falsely in any proceeding before the commissioner, shall be deemed guilty of perjury and upon conviction thereof shall be punished as provided by law.

Misrepresentations.

SEC. 50. Any person who shall knowingly secure or attempt to secure larger compensation, or compensation for a longer term than he is entitled to, from said workmen's compensation fund, or knowingly secure or attempt to secure compensation from said fund when he is not entitled to any, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars or imprisoned not exceeding twelve months, or both, in the discretion of the court, and shall from and after such conviction cease to receive any compensation from such fund.

Investment, etc., of funds.

SEC. 51. Whenever there shall be in the State treasury any funds belonging to the workmen's compensation fund not likely, in the opinion of the commissioner, to be required for immediate use, it shall be the duty of the board of public works, when so requested by the commissioner, to invest the same as prescribed in section twenty hereof. Whenever it may become necessary or expedient to use any of the funds so invested, the board of public works shall, when requested by the commissioner, collect, sell, or otherwise realize upon any investment to the amount deemed necessary or expedient to use.

Interstate commerce.

SEC. 52. In case any employer within the meaning of this act is also engaged in interstate or foreign commerce, this act shall apply to him only to the extent that his mutual connection with work in this State is clearly separable and distinguishable from his interstate work, and in such case such employer and any of his employees thus engaged in both intrastate and interstate work may with the approval of the commissioner elect to pay into the fund the premiums provided by this act on account of work done in this State only, by filing written acceptances, or a joint election with the commissioner, and such election when filed and approved by the commissioner shall subject the acceptors irrevocably to the provisions of the act to all intents and purposes as if they had been originally included in its terms. Payments of premiums shall be on the basis of the pay roll of the employees who accept as aforesaid for work done in this State only.

Persons outside the act.

SEC. 53. If any employer shall be adjudicated to be outside the lawful scope of this act, the act shall not apply to him or his employee; or if any employee shall be adjudicated to be outside the lawful scope of this act because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this act in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received. If the provisions of this act for the creation of the fund or the provisions of this act making the compensation to the employee provided in it exclusive of any other remedy on the part of the employee shall be held invalid, the entire act shall be thereby invalidated and an accounting according to the justice of the case shall be had of money received. In other respects an adjudication of invalidity of any part of this act shall not affect the validity of the act as a whole or any part thereof.

Provisions as to fund a unit.

Severable provisions.

Self-insurance.

SEC. 54. Notwithstanding anything contained in this act employers subject to this act who are of sufficient financial responsibility to insure the payment of compensation to injured employees and the dependents of fatally injured employees, whether in the form of pecuniary compensation or medical attention, funeral expenses, or otherwise as herein provided, of the value at least equal to the compensation provided in this act, or employers of such financial responsibility who maintain their own

benefit funds or systems of compensation, to which their employees are not required or permitted to contribute, or such employers as shall furnish bond or other security to insure such payments, may upon a finding of such facts by the compensation commissioner elect to pay individually and directly or from such benefit funds department, or association the said compensation and expenses to injured employees or fatally injured employees' dependents; and the compensation commissioner shall require such security or bond from said employer to be approved by him and of such amount as is by him considered adequate and sufficient to compel or secure to said employees or their dependents payment of the compensation and expenses herein provided for, which shall in no event be less than the compensation paid or furnished out of the State workmen's compensation fund in similar cases, to injured employees or the dependents of fatally injured employees whose employers contribute to said fund: *Provided*, That any employer electing under this section shall on or before the twenty-fifth day of each month for the preceding month file with the commissioner a sworn statement of the total earnings of all his employees subject to this act for such preceding month, and shall pay into the workmen's compensation fund a sum sufficient to pay his proper proportion of the expense of the administration of this act, as may be determined by the commissioner. The commissioner shall make and publish rules and regulations governing the mode and manner of making application and the nature and extent of the proof required to justify the finding of facts by said commissioner, to consider and pass upon such election by employers subject to this act, which said rules and regulations shall be general in their application; and any employer subject to this act who shall elect to carry his own risk and who has complied with the requirements of this section and the rules of the compensation commissioner shall not be liable to respond in damages at common law or by statute for the injury or death of any employee, however occurring, after such election and during the period that he is allowed to carry his own risk by said commissioner: *Provided*, The injured employee has remained in his service with notice given, as provided for in section twenty-three of this act, that his employer has elected to carry his own risk as herein provided. The continuation in the service of such employer with such notice shall be deemed a waiver by the employee and by the parents of any minor employee of the right of action as aforesaid which the employee or his or her parents would otherwise have:

Security.

Remedy exclusive.

And provided further, That any employer whose record upon the books of the public service commission or compensation commissioner shows a liability against the workmen's compensation fund incurred on account of injury to or death of any of his employees in excess of premiums paid by said employer shall not be granted the right to individually and directly or from such benefit funds, department, or association to compensate his injured employees and the dependents of his fatally injured employees until he has paid into the workmen's compensation fund the amount of said excess of liability over premiums paid, including his proper proportion of the liability incurred on account of explosions or catastrophes occurring within the State and charged against said fund:

Employers indebted to fund.

And provided further, That in any case under the provisions of this section that shall require the payment of compensation or benefits by an employer in periodical payments and the nature of the case makes it possible to compute the present value of all future payments the commissioner may, in his discretion, at any time compute and permit or require to be paid into the workmen's compensation fund an amount equal to the present value of all unpaid compensation for which liability exists in trust, and thereupon such employer shall be discharged from any further liability upon such award and payment of the same shall be assumed by the workmen's compensation fund.

Payment of present value of benefits.

SEC. 55. Repealed by Acts of 1915.

WISCONSIN.

ACTS OF 1913.

CHAPTER 599.—*Liability of employers for injuries—Workmen's compensation.*

SECTION 1. Sections 2394–1 to 2394–31, inclusive, of the statutes are amended to read:

Section 2394–1 (as amended by chapter 316, Acts of 1915). 1. In any action to recover damages for a personal injury sustained within this State by an employee while engaged in the line of his duty as such, or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of ordinary care of the employer, or of any officer, agent, or servant of the employer, it shall not be a defense— **Defenses abolished.**

(1) That the employee either expressly or impliedly assumed the risk of the hazard complained of.

(2) When such employer has at the time of the accident in a common employment four or more employees, that the injury or death was caused in whole or in part by the want of ordinary care of a fellow servant.

(3) When such employer has at the time of the accident in a common employment four or more employees, that the injury or death was caused in whole or in part by the want of ordinary care of the injured employee, where such want of ordinary care was not willful.

2. Any employer who has elected to pay compensation as hereinafter provided shall not be subject to the provisions of this section 2394–1. **Who exempt.**

3. Subdivisions (1), (2), and (3) of subsection 1 of section 2394–1 of the statutes [abolishing the defenses of fellow service and contributory negligence where there are four or more employees and assumption of risk in all cases] shall not apply to farm labor.

Sec. 2394–2. No contract, rule or regulation shall exempt the employer from any of the provisions of section 2394–1. **Waivers.**

Sec. 2394–3. Liability for the compensation hereinafter provided for, in lieu of any other liability whatsoever, shall exist against an employer for any personal injury accidentally sustained by his employee, and for his death, in those cases where the following conditions of compensation concur: **Compensation payable, when.**

(1) Where at the time of the accident both the employer and employee are subject to the provisions of sections 2394–3 to 2394–31, inclusive.

(2) Where at the time of the accident the employee is performing service growing out of and incidental to his employment.

Every employee going to and from his employment in the ordinary and usual way, while on the premises of his employer, shall be deemed to be performing service growing out of and incidental to his employment.

(3) Where the injury is proximately caused by accident and is not intentionally self-inflicted.

And where such conditions of compensation exist for any personal injury or death, the right to the recovery of such compensation pursuant to the provisions of sections 2394–3 to 2394–31, inclusive, and acts amendatory thereof, shall be the exclusive remedy against the employer for such injury or death; in all other cases, the liability of the employer shall be the same as if this and the succeeding sections of sections 2394–3 to 2394–31, inclusive, had

not been passed, but shall be subject to the provisions of sections 2394-1 to 2394-2.

Who are employers.

Sec. 2394-4. The following shall constitute employers subject to the provisions of sections 2394-3 to 2394-31, inclusive, within the meaning of section 2394-3:

(1) The State and each county, city, town, village, and school district therein.

(2) Every person, firm, and private corporation (including any public service corporation), who has any person in service under any contract of hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee for which compensation under sections 2394-3 to 2394-31, inclusive, may be claimed, shall, in the manner provided in section 2394-5, have elected to become subject to the provisions of sections 2394-3 to 2394-31, inclusive, and who shall not, prior to such accident, have effected a withdrawal of such election, in the manner provided in subsection 1 of section 2394-5.

Sec. 2394-5 (as amended by chapter 316, Acts of 1915). (1) Such election on the part of the employer shall be made by filing with the Industrial Commission a written statement to the effect that he accepts the provisions of sections 2394-3 to 2394-31, inclusive, the filing of which statement shall operate, within the meaning of section 2394-4, to subject such employer to the provisions of sections 2394-3 to 2394-31, inclusive, for the term of one year from the date of filing such statement and until the 1st day of July following, and thereafter, without further act on his part, for successive terms of one year each, beginning July 1st of each year, unless such employer shall, at least * * * 30 days prior to the * * * 1st day of July of * * * any * * * year, file in the office of said commission a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of sections 2394-3 to 2394-31, inclusive.

(2) On and after September 1, 1913, every employer of four or more employees in a common employment shall be deemed to have elected to accept the provisions of sections 2394-3 to 2394-31, inclusive, unless prior to that date such employer shall have filed with the Industrial Commission a notice in writing to the effect that he elects not to accept the provisions hereof: *Provided*, That any employer commencing business subsequent to September 1, 1913, may make his election not to become subject to sections 2394-3 to 2394-31, inclusive, at any time prior to becoming an employer of four or more employees in a common employment. Such employer may withdraw from the provisions of sections 2394-3 to 2394-31, inclusive, at the expiration of one year or at the expiration of any succeeding year in the manner provided in subsection 1 of section 2394-5. The provisions of this subsection shall not apply to farmers or to farm labor.

Contractors' employees.

Sec. 2394-6. An employer subject to the provisions of sections 2394-3 to 2394-31, inclusive, shall be liable for compensation to an employee of a contractor or subcontractor under him who is not subject to sections 2394-3 to 2394-31, inclusive, and has not complied with the conditions of subsection 2 of section 2394-24 in any case where such employer would have been liable for compensation if such employee had been working directly for such employer. The contractor or subcontractor shall also be liable for such compensation, but the employee shall not recover compensation for the same injury from more than one party. The employer who shall become liable for and pay such compensation may recover the same from such contractor or subcontractor for whom the employee was working at the time of the accident.

Section 2394-6 shall be in force as to all contracts made subsequent to August 31, 1913.

Who are employees.

Sec. 2394-7 (as amended by chapter 707, Acts of 1913). The term "employee" as used in sections 2394-1 to 2394-31, inclusive, shall be construed to mean—

(1) Every person in the service of the State, or of any county, city, town, village, or school district therein under any appointment, or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city, town, village, or school district therein. The State and any county or municipality may require a bond from a contractor to protect the State, county, or municipality against compensation to employees of such contractor or employees of a subcontractor under him.

Nothing herein contained shall be construed to prevent municipalities from paying policemen, firemen, and other employees full salaries during disability, nor to interfere in any manner with any pension funds now or hereafter established, nor to prevent payment to policemen or firemen therefrom.

Policemen and firemen shall be deemed employees within the meaning of subdivision (1) of section 2394-7: *Provided*, That any policeman or fireman claiming compensation under sections 2394-3 to 2394-31, inclusive, shall have deducted from such compensation any sum which such policemen or fireman may receive from any pension or other benefit fund to which the municipality may contribute.

(2) Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of the State (who, for the purposes of section 2394-8, shall be considered the same and shall have the same power of contracting as adult employees), but not including any person whose employment is but casual or is not in the usual course of the trade, business, profession, or occupation of his employer.

Presumption as to employees.

Sec. 2394-8. Any employee as defined in subdivision (1) of section 2394-7 shall be subject to the provisions of sections 2394-3 to 2394-31, inclusive. Any employee as defined in subdivision (2) of section 2394-7 shall be deemed to have accepted and shall, within the meaning of section 2394-3, be subject to the provisions of sections 2394-3 to 2394-31, inclusive, if, at the time of the accident upon which liability is claimed—

(1) The employer charged with such liability is subject to the provisions of sections 2394-3 to 2394-31, inclusive, whether the employee has actual notice thereof or not; and

(2) Such employee shall not, at the time of entering into his contract of hire, express or implied, with such employer, have given to his employer notice in writing that he elects not to be subject to the provisions of sections 2394-3 to 2394-31, inclusive; or, in the event that such contract of hire was made in advance of such employer becoming subject to the provisions of sections 2394-3 to 2394-31, inclusive, such employee shall have given to his employer notice in writing that he elects to be subject to such provisions, or without giving either of such notices, shall have remained in the service of such employer for 30 days after the employer has filed with said commission an election to be subject to the terms of sections 2394-3 to 2394-31, inclusive, or when such employer has become subject to sections 2394-3 to 2394-31, inclusive, pursuant to subsection 2 of section 2394-5.

Railroads.

(3) The provisions of sections 2394-3 to 2394-31, inclusive, shall not apply to employees operating, running or riding upon, or switching freight or other trains, engines or cars for a railroad company operating a steam railroad as a common carrier, unless both employer and employee shall specifically, in writing, have voluntarily accepted the provisions of said sections, and have filed notice thereof with the industrial commission, and shall not apply to employees of such common carriers injured or killed while the common carrier and the employee are engaged in interstate commerce.

Compensation.

Sec. 2394-9 (as amended by chapters 369 and 378, Acts of 1915). Where liability for compensation under sections 2394-3 to 2394-31, inclusive, exists, the same shall be as provided in the following schedule:

Medical, etc., service.

(1) Such medical, surgical, and hospital treatment, medicines, medical and surgical supplies, crutches, and apparatus, as may be reasonably required at the time of the injury and thereafter during the disability, but not exceeding 90 days, to cure and relieve from the effects of the injury, the same to be provided by the employer; and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same. Where the employer has knowledge of the injury and the necessity for treatment his failure to tender the same shall constitute such neglect or refusal.

Waiting time.

(2) If the accident causes disability, an indemnity which shall be payable as wages on the eighth day after the injured employee leaves work as the result of the injury, and weekly thereafter, which weekly indemnity shall be as follows:

Total disability.

(*a*) If the accident causes total disability, 65 per cent of the average weekly earnings during the period of such total disability: *Provided*, That if the disability is such as not only to render the injured employee entirely incapable of work, but also so helpless as to require the assistance of a nurse, the weekly indemnity during the period of such assistance after the first 90 days shall be increased to 100 per cent of the average weekly earnings.

Partial disability.

(*b*) If the accident causes partial disability, 65 per cent of the weekly loss in wages during the period of such partial disability.

(*c*) If the disability caused by the accident is at times total and at times partial, the weekly indemnity during the periods of each such total or partial disability shall be in accordance with said subdivisions (*a*) and (*b*), respectively.

(*d*) Said subdivisions (*a*), (*b*), and (*c*) shall be subject to the following limitations:

Maximum benefits.

In case of temporary or partial disability aggregate indemnity for injury to a single employee caused by a single accident shall not exceed four times the average annual earnings of such employee, and in case of permanent total disability, aggregate indemnity for injury to a single employee caused by a single accident shall not exceed six times the average annual earnings of such employee.

Permanent total disability.

Total blindness of both eyes, or the loss of both arms at or near the shoulder, or of both legs at or near the hip, or of one arm at the shoulder and one leg at the hip shall constitute permanent total disability. This enumeration shall not be exclusive, but in other cases the commission shall find the facts.

Maximum term.

The aggregate disability period shall not, in any event, extend beyond 15 years from the date of the accident.

Pay for first week.

The weekly indemnity due on the eighth day after the employee leaves work as the result of the injury may be withheld until the twenty-ninth day after he so leaves work; if recovery from the disability shall then have occurred, such first weekly indemnity shall not be recoverable; if the disability still continues it shall be added to the weekly indemnity due on said twenty-ninth day and be paid therewith.

If the period of disability does not last more than one week from the day the employee leaves work as the result of the injury, no indemnity whatever shall be recoverable.

Compensation for death.

(3) Where death proximately results from the injury and the deceased leaves a person or persons wholly dependent upon him for support, the death benefit shall be as follows:

(*a*) In case the injured employee was permanently totally disabled, a sum equal to four times his average annual earnings, but which, when added to the disability indemnity paid and due at the time of death, shall not exceed six times his average annual earnings.

(*b*) In case the injured employee was not permanently totally disabled, such sum which, when added to the disability indemnity paid and due at the time of his death, shall equal four times his average annual earnings.

(4) If death occurs to an injured employee other than as a proximate result of the accident, before disability indemnity ceases, death benefit shall be as follows:

(a) Where the accident proximately causes permanent total disability, it shall be the same as if the accident had caused death. Permanent total disability.

(b) Where the accident proximately causes permanent partial disability, liability shall exist for such benefit as shall fairly represent the proportionate extent of the impairment of earning capacity in the employment in which the deceased was working at the time of the accident or other suitable employment, caused by such disability. Permanent partial disability.

(c) In case the deceased employee leaves no one wholly dependent upon him for support, but one or more persons partially dependent therefor, the death benefit shall not exceed four times the amount devoted by deceased, during the year immediately preceding his death, to the support of such dependents and shall be apportioned according to the percentage that the amount devoted by the deceased to the support of such person or persons, for the year immediately prior to the accident, bears to the average annual earning of the deceased. Where by reason of minority, sickness, or other causes during such year the foregoing basis is unfair or inadequate, the death benefit shall be such sum as the commission may determine to be fair and just, considering the death benefits allowed in other cases where such untoward causes do not exist. Partial dependents.

(d) If the deceased employee leaves no person dependent upon him for support, and the accident proximately causes death, the death benefit shall consist of the reasonable expense of his burial, not exceeding $100. Funeral expenses.

(e) Death benefit shall be paid in weekly installments corresponding in amount to 65 per cent of the weekly earnings of the employee, until otherwise ordered by the commission.

(5) In cases included by the following schedule, the compensation to be paid, subject of the provisions of this act for maximum and minimum payments, shall be 65 per cent of the average weekly earnings of the employee for the periods named in the schedule, to wit: Schedule for maimings.

The loss of one arm at or near the shoulder, 240 weeks;
The loss of an arm at the elbow, 200 weeks;
The loss of a forearm at the lower half thereof, 160 weeks;
The loss of a hand, 160 weeks;
The loss of a palm where the thumb remains, 80 weeks;
The loss of a thumb and the metacarpal bone thereof, 60 weeks;
The loss of a thumb at the proximal joint, 40 weeks;
The loss of a thumb at the second or distal joint, 20 weeks;
The loss of an index finger and the metacarpal bone thereof, 30 weeks;
The loss of an index finger at the proximal joint, 20 weeks;
The loss of an index finger at the second joint, 15 weeks;
The loss of an index finger at the distal joint, 10 weeks;
The loss of a second finger and the metacarpal bone thereof, 20 weeks;
The loss of a middle finger at the proximal joint, 15 weeks;
The loss of a middle finger at the second joint, 10 weeks;
The loss of a middle finger at the distal joint, 5 weeks;
The loss of a third or ring finger and the metacarpal bone thereof, 12 weeks;
The loss of a ring finger at the proximal joint, 8 weeks;
The loss of a ring finger at the second joint, 6 weeks;
The loss of a ring finger at the distal joint, 4 weeks;
The loss of a little finger and the metacarpal bone thereof, 15 weeks;
The loss of a little finger at the proximal joint, 10 weeks;
The loss of a little finger at the second joint, 8 weeks;
The loss of a little finger at the distal joint, 4 weeks;
The loss of all the fingers of one hand where the thumb and palm remain, 60 weeks;

The loss of a leg at the hip joint, or so near thereto as to preclude the use of an artificial limb, 240 weeks;

The loss of a leg at or above the knee, where stump remains sufficient to permit the use of an artificial limb, 160 weeks;

The loss of a foot at the ankle, 120 weeks;

The loss of a great toe with the metatarsal bone thereof, 30 weeks;

The loss of a great toe at the proximal joint, 20 weeks;

The loss of a great toe at the second joint, 10 weeks;

The loss of any other toe with the metatarsal bone thereof, 12 weeks;

The loss of any other toe at the proximal joint, 4 weeks;

The loss of any other toe at the second or distal joint, 4 weeks;

The loss of all the toes of one foot, 40 weeks;

The loss of an eye by enucleation, 160 weeks;

The loss of the second eye, by enucleation, 320 weeks;

Total blindness of one eye, 120 weeks;

Total blindness of the second eye, 240 weeks;

Total deafness of both ears, 160 weeks;

Total deafness of one ear, 40 weeks;

Total deafness of the second ear, 120 weeks.

When by reason of infection or other cause not due to the neglect or misconduct of the injured employee, he is actually disabled longer than the time specified in the foregoing schedule from earning a wage, compensation shall be paid such employee for such loss of wage within the limits otherwise provided.

For the purposes of this schedule permanent and complete paralysis of any member shall be deemed equivalent to the loss thereof.

Whenever an amputation is made between any two joints mentioned in this schedule (except amputations between the knee and hip joint) the resultant loss shall be estimated as if the amputation had been made at the joint nearest thereto.

For all other injuries to the members of the body or its faculties which are specified in the foregoing schedule resulting in permanent disability, though the member be not actually severed or the faculty totally lost, compensation shall bear such relation to that named in the schedule as the disabilities bear to those produced by the injuries named in the schedule. Indemnity in such cases shall be determined by allowing weekly indemnity during the healing period resulting from the injury and the percentage of permanent disability resulting thereafter as found by the commission.

If an employee is seriously permanently disfigured about the face or head, the commission may allow such sum for compensation on account thereof, as it may deem just, not exceeding $750.

In case of permanent injury to an employee who is over 55 years of age, the compensation herein shall be reduced by 5 per cent; in case he is over 60 years of age, by 10 per cent; in case he is over 65 years of age, by 15 per cent.

Violations of safety laws, etc.

(*a*) Where injury is caused by the failure of the employer to comply with any statute of the State or any lawful order of the industrial commission, compensation as provided in sections 2394-3 to 2394-31, inclusive, shall be increased 15 per cent.

(*b*) Where injury is caused by the willful failure of the employee to use safety devices where provided by the employer, or

(*c*) Where injury results from the employee's willful failure to obey any reasonable rule adopted by the employer for the safety of the employee, or

Intoxication.

(*d*) Where injury results from the intoxication of the employee, the compensation provided herein shall be reduced 15 per cent.

Lump-sum payments.

(*e*) Any time after six months have elapsed from the date of the injury, the commission may order payment in gross or in such manner as it may determine to the best interest of the parties. When payment in gross is ordered, the commission shall fix the gross amount to be paid based on the present worth of partial payments, considering interest at 3 per cent per annum.

Sec. 2394-10 (as amended by chapter 462, Acts of 1915). (1.) The average weekly earnings referred to in section 2394-9 shall be one fifty-second of the average annual earnings of the employee. Earnings computed, how.

The average annual earnings for employees operating, running, riding upon, or switching passenger, freight or other trains; engines or cars for a railroad company operating a steam railroad as a common carrier, shall be taken at not less than $500 nor more than $1,250 per annum; and for all other employees such average annual earnings shall be taken at not less than $375 nor more than $750. Between said limits such average annual earnings shall be determined as follows:

(a) If the injured employee has worked in the employment in which he was working at the time of the accident, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he has earned in such employment during the days when so employed.

(b) If the injured employee has not so worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or a similar employment in the same or a neighboring place shall have earned in such employment during the days when so employed.

(c) In cases where the foregoing methods of arriving at the average annual earnings of the injured employee can not reasonably and fairly be applied, such average annual earnings shall be taken at such sum as, having regard to the previous earnings of the injured employee, and of other employees of the same or most similar class, working in the same or most similar employment, in the same or a neighboring locality, shall reasonably represent the average annual earning capacity of the injured employee at the time of the accident in the employment in which he was working at such time.

If an employee is a minor and is permanently disabled, his weekly earnings shall be determined on the basis of the earnings that such minor, if not disabled, probably would earn after attaining the age of 21 years. Minors.

(d) The fact that an employee has suffered a previous disability, or received compensation therefor, shall not preclude compensation for a later injury, or for death, but in determining compensation for the later injury, or death, his average annual earnings shall be such sum as will reasonably represent his average annual earning capacity at the time of the later injury, in the employment in which he was working at such time, and shall be arrived at according to, and subject to the limitations of the previous provisions of this section. Subsequent injuries.

(2.) The weekly loss in wages referred to in section 2394-9 shall consist of such percentage of the average weekly earnings of the injured employee, computed according to the provisions of this section, as shall fairly represent the proportionate extent of the impairment of his earning capacity in the employment in which he was working at the time of the accident, and other suitable employments, the same to be fixed as of the time of the accident, but to be determined in view of the nature and extent of the injury. Wage loss.

(3.) The following shall be conclusively presumed to be solely and wholly dependent for support upon a deceased employee: Dependents.

(a) A wife upon a husband with whom she is living at the time of his death.

(b) A husband upon a wife with whom he is living at the time of her death.

(c) A child or children under the age of 18 years (or over said age, but physically or mentally incapacitated from earning), upon the parent with whom he or they are living at the time of the death of such parent, there being no surviving dependent parent.

In case of a divorce the charging of the full support and maintenance of a child upon one of the divorced parents shall be held to constitute a living with the parent so charged. In case there is more than one child thus dependent, the death benefit shall be divided between such dependents in such proportion as may be determined by the commission after considering the ages of such dependents and other facts bearing on such dependency.

In all other cases questions of entire or partial dependency shall be determined in accordance with the fact, as the fact may be at the time of the accident to the employee; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partially dependent, if any, shall receive no part thereof; and if there is more than one person partially dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

(4.) No person shall be considered a dependent unless a member of the family of the deceased employee, or a divorced spouse who has not remarried, or one who bears to him the relation of husband or widow or lineal descendant or ancestor or brother or sister.

(5.) Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the accident to the employee, and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions; and the death benefit shall be directly recoverable by and payable to the dependent or dependents entitled thereto or their legal guardians or trustees: *Provided*, That in case of the death of a dependent whose right to a death benefit has thus become fixed, so much of the same as is then unpaid shall be recoverable by and payable to his personal representatives in gross. No person shall be excluded as a dependent who is a nonresident alien.

(6.) No dependent of an injured employee shall be deemed, during the life of such employee, a party in interest to any proceeding by him for the enforcement or collection of any claim for compensation, nor as respects the compromise thereof by such employee.

Notice.

Sec. 2394–11. No claim to recover compensation under sections 2394–3 to 2394–31, inclusive, shall be maintained unless within 30 days after the occurrence of the accident which is claimed to have caused the injury or death, notice in writing, stating the name and address of the person injured, the time and place where the accident occurred, and the nature of the injury, and signed by the person injured or by some one on his behalf ,or in case of his death, by a dependent or some one on his behalf shall be served upon the employer, either by delivering to and leaving with him a copy of such notice, or by mailing to him by registered mail a copy thereof in a sealed and postpaid envelope addressed to him at his last-known place of business or residence. Such mailing shall constitute completed service: *Provided, however*, That any payment of compensation under sections 2394–3 to 2394–31, inclusive, in whole or in part, made by the employer before the expiration of said 30 days, shall be equivalent to the notice herein required: *And provided further*, That the failure to give any such notice, or any defect or inaccuracy therein, shall not be a bar to recovery under sections 2394–3 to 2394–31, inclusive, if it is found as a fact in the proceedings for collection of the claim that there was no intention to mislead the employer, and that he was not in fact misled thereby: *And provided further*, That if no such notice is given and no payment of compensation made within two years from the date of the accident, the right to compensation therefor shall be wholly barred.

Limitation.

Medical examinations.

Sec. 2394–12. Wherever in case of injury the right to compensation under sections 2394–3 to 2394–31, inclusive, would exist in favor of any employee, he shall, upon the written request of his

employer, submit from time to time to examination by a regular practicing physician, who shall be provided and paid for by the employer, and shall likewise submit to examination from time to time by any regular physician selected by said industrial commission or a member or examiner thereof. The employee shall be entitled to have a physician, provided and paid for by himself, present at any such examination. So long as the employee, after such written request of the employer, shall refuse to submit to such examination or shall in any way obstruct the same, his right to begin or maintain any proceeding for the collection of compensation shall be suspended; and if he shall refuse to submit to such examination after direction by the commission or any member or examiner thereof, or shall in any way obstruct the same, his right to the weekly indemnity which shall accrue and become payable during the period of such refusal or obstruction shall be barred. Any physician who shall make or be present at any such examination may be required to testify as to the results thereof. Any physician having attended an employee in a professional capacity may be required to testify before the commission when it shall so direct.

Sec. 2394–13. Sections 2394–3 to 2394–31, inclusive, shall be administered by the industrial commission. A majority of the commission shall constitute a quorum for the exercise of any of the powers or authority conferred by sections 2394–3 to 2394–31, inclusive, and an order or award made by a majority shall be valid. In case of a vacancy, the remaining two members of the commission shall exercise all the powers and authority of the commission until such vacancy is filled. **Who administers act.**

Sec. 2394–14 (as amended by chapter 772, Acts of 1913). Subject to the provisions of sections 2394–3 to 2394–31, inclusive, the commission may adopt its own rules of procedure and may change the same from time to time in its discretion. The commission, when it shall deem it necessary to expedite its business, may, from time to time, employ one or more expert examiners for such length of time as may be required, such examiners to be exempt from the operation of sections 990–1 to 990–32, inclusive, of the statutes. It may employ such deputies, inspectors, clerks, stenographers, and other employees as it may deem necessary. It shall provide itself with a seal for the authentication of its orders, awards, and proceedings, upon which shall be inscribed the words "Industrial Commission—Wisconsin—Seal." **Powers of commission.**

Sec. 2394–15 (as amended by chapter 241, Acts of 1915). (1.) Any dispute or controversy concerning compensation under sections 2394–3 to 2394–31, inclusive, including any in which the State may be a party, shall be submitted to said industrial commission in the manner and with the effect provided in sections 2394–3 to 2394–31, inclusive. Every compromise of any claim for compensation under sections 2394–3 to 2394–31, inclusive, shall be subject to be reviewed by and set aside, modified, or confirmed by the commission upon application made within one year from the time of such compromise. **Disputes.**

(2) The industrial commission shall have jurisdiction to pass upon the reasonableness of medical and hospital bills in all cases of dispute where compensation is paid, in the same manner and to the same effect as it passes upon compensation.

Sec. 2394–16. Upon the filing with the commission by any party in interest of an application in writing stating the general nature of any claim as to which any dispute or controversy may have arisen, it shall fix a time for the hearing thereof, which shall not be more than 40 days after the filing of such application. The commission shall cause notice of such hearing, embracing a general statement of such claim, to be given to each party interested, by service of such notice on him personally or by mailing a copy thereof to him at his last-known post-office address at least 10 days before such hearing. Such hearing may be adjourned from time to time in the discretion of the commission, and hearings may be held **Hearings.**

at such places as the commission shall designate. Either party shall have the right to be present at any hearing, in person or by attorney, or at any other agent, and to present such testimony as may be pertinent to the controversy before the commission; but the commission may, with or without notice to either party, cause testimony to be taken, or an inspection of the premises where the injury occurred to be had, or the time books and pay roll of the employer to be examined by any member of the commissioner or any examiner appointed by it, and may from time to time direct any employee claiming compensation to be examined by a regular physician; the testimony so taken and the results of any such inspection or examination to be reported to the commission for its consideration upon final hearing. All ex parte testimony taken by the commission shall be reduced to writing and either party shall have opportunity to rebut the same on final hearing. The commission, or any member thereof or any examiner appointed thereby shall have power and authority to issue subpœnas, to compel the attendance of witnesses or parties, and the production of books, papers, or records, and to administer oaths.

Failure to appear, etc.

Any person who shall willfully fail or neglect to appear and testify or to produce books, papers, and records as required by such subpœna duly served upon him shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25 nor more than $100, or imprisoned in the county jail not longer than 30 days for each such offense. Each day such person shall so refuse or neglect shall constitute a separate offense.

The circuit court of the county wherein such person resides, upon application of the commission or any member thereof or any such examiner, may issue an order compelling the attendance and testimony of witnesses and the production of books, papers, and records before such commission or any member thereof or any such examiner.

Findings and award.

Sec. 2394–17. After final hearing by said commission, it shall make and file (1) its findings upon all the facts involved in the controversy, and (2) its award, which shall state its determination as to the rights of the parties. Pending the hearing and determination of any controversy before it, the commission shall have power to order the payment of such, or any part, of the compensation, which is or may fall due, as to which the party from whom the same is claimed does not deny liability in good faith within 10 days after the giving of notice of hearing provided for in the preceding section; and if the same shall not be paid as required by such order, the facts with respect to the liability therefor, and the determination of the commission as to the rights of the parties, shall be embraced in and constitute a part of its finding and award; and the commission shall have the power to include in its award, as a penalty for noncompliance with any such order, if it shall find that noncompliance was not in good faith, not exceeding 25 per cent of each amount which shall not have been paid as directed thereby.

The commission may, on its own motion, modify or change its order, findings, or award at any time within 10 days from the date thereof if it shall discover any mistake therein.

Judgment by court.

Sec. 2394–18. Either party may present a certified copy of the award to the circuit court for any county, whereupon said court shall, without notice, render a judgment in accordance therewith, which judgment, until and unless set aside as hereinafter provided, shall have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with like effect, be entered and docketed.

Awards against cities, etc.

Sec. 2394–18a (added by chapter 582, Acts of 1915). Whenever an award is made by the commission against any county, city, village, or town, the person in whose favor it is made shall file a certified copy thereof with the county, city, village, or town clerk, as the case may be. Within 20 days thereafter, unless an appeal is taken, such clerk shall draw an order on the county,

city, village, or town treasurer against which the award was made for the payment of the amount specified in the award. If upon appeal such award is affirmed in whole or in part the order for payment shall be drawn within 10 days after a certified copy of such judgment is filed with the proper clerk. If more than one payment is provided for in the award or judgment, orders shall be drawn as the payments become due. The provisions of any statute relating to the filing of claims against, and the auditing, allowing, and payment of claims by counties, cities, villages, and towns shall not apply to the payment of an award or judgment under the provisions of this section.

Findings conclusive.

Sec. 2394–19. 1. The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive; and the order or award, whether judgment has been rendered thereon or not, shall be subject to review only in the manner and upon the grounds following: Within 20 days from the date of the order or award, any party aggrieved thereby may commence, in the circuit court for Dane County, an action against the commission for the review of such order or award, in which action the adverse party shall also be made defendant. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed completed service. The commission shall serve its answer within 20 days after the service of the complaint, and, within the like time, such adverse party shall, if he so desires, serve his answer to said complaint. With its answer, the commission shall make return to said court of all documents and papers on file in the matter, and of all testimony which may have been taken therein, and of its order, findings, and award. Such return of the board when filed in the office of the clerk of the circuit court shall, with the papers mentioned in section 2398 of the statutes, constitute a judgment roll in such action; and it shall not be necessary to settle a bill of exceptions in order to make such return part of the record of such court in such action. Said action may thereupon be brought on for hearing before said court upon such record by either party on 10 days' notice to the other subject, however, to the provision of law for a change of the place of trial or the calling in of another judge. Upon such hearing, the court may confirm or set aside such order or award; and any judgment which may theretofore have been rendered thereon; but the same shall be set aside only upon the following grounds:

Review.

(1) That the commission acted without or in excess of its powers.

(2) That the order or award was procured by fraud.

(3) That the findings of fact by the commission do not support the order or award.

Time for trial.

2. Any action commenced in court under section 2394–19 to set aside or modify any order or award of the commission must be brought to trial within 30 days after issue shall be joined, unless continued on order of the court for good cause shown. No continuance shall be for longer than 30 days at one time, and further continuance may be had only upon order of the court for cause.

3. Upon the trial of any such action the court shall disregard any irregularity or error of the commission unless it be made to affirmatively appear that the plaintiff was damaged thereby.

4. The record in any case shall be transmitted to the commission within 20 days after the order or judgment of the court, unless appeal shall be taken from such order or judgment.

If order set aside, what.

Sec. 2394–20. Upon the setting aside of any order or award the court may recommit the controversy and remand the record in the case to the commission for further hearing or proceedings; or it may enter the proper judgment upon the findings, as the nature of the case shall demand. An abstract of the judgment entered by the trial court upon the review of any order or award shall be

made by the clerk thereof upon the docket entry of any judgment which may theretofore have been rendered upon such order or award, and transcripts of such abstract may thereupon be obtained for like entry upon the dockets of the courts of other counties.

Who may appeal.

Sec. 2394-21. Said commission, or any party aggrieved by a judgment entered upon the review of any order or award, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the circuit court, except that it shall not be necessary for said commission or any party to said action to execute, serve or file the undertaking required by section 3052 of the statutes in order to perfect such appeal; but all such appeals shall be placed on the calendar of the supreme court and brought to a hearing in the same manner as State causes on such calendar.

Fees.

Sec. 2394-22. No fees shall be charged by the clerk of any court for the performance of any official service required by sections 2394-3 to 2394-31, inclusive, except for the docketing of judgments and for certified copies of transcripts thereof. In proceedings to review an order or award, costs as between the parties shall be allowed or not in the discretion of the court, but no costs shall be taxed against said commission. In any action for the review of an order or award and upon any appeal therein to the supreme court, it shall be the duty of the attorney general, personally or by an assistant, to appear on behalf of the commission, whether any other party defendant shall have appeared or be represented in the action or not. Unless previously authorized by the commission no lien shall be allowed nor any contract be enforceable for any contingent attorney's fee for the enforcement or collection of any claim for compensation where such contingent fee, inclusive of all taxable attorney's fees paid or agreed to be paid for the enforcement or collection of such claim, exceeds 10 per cent of the amount at which such claim shall be compromised, or of the amount awarded, adjudged, or collected.

Attorney for commission.

Claims not assignable.

Sec. 2394-23. No claim for compensation under sections 2394-3 to 2394-31, inclusive, shall be assignable before payment, but this provision shall not affect the survival thereof; nor shall any claim for compensation or compensation awarded, adjudged, or paid be subject to be taken for the debts of the party entitled thereto.

Preference.

Sec. 2394-24 (as amended by chapter 121, Acts of 1915). 1. The whole claim for compensation for the injury or death of any employee or any award or judgment thereon shall be entitled to a preference over the unsecured debts of the employer hereafter contracted, but this section shall not impair the lien of any judgment entered upon any award.

1a. In all cases where an employer shall become liable to an employee for compensation in weekly indemnity extending over a period of six months or more he may be required by the industrial commission, in its discretion, to purchase an annuity therefor with a domestic corporation, duly authorized to issue annuities, or to furnish a bond for the payment of such compensation as shall be required and approved by the industrial commission.

Security of payments.

2. An employer liable under this act to pay compensation shall insure payment of such compensation in some company authorized to insure such liability in this State unless such employer shall be exempted from such insurance by the industrial commission. An employer desiring to be exempt from insuring his liability for compensation shall make application to the industrial commission, showing his financial ability to pay such compensation, whereupon the commission, by written order, may make such exemption. The commission may, from time to time, require further statement of financial ability of such employer to pay compensation and may, upon 10 days' notice in writing, revoke its order granting such exemption, in which case such employer shall immediately insure his liability.

3. An employer who shall fail to comply with the provisions of subsection 2 of section 2394-24 shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit $25 for each offense.

Each day's failure shall be a separate offense. Upon complaint of the commission such forfeitures may be collected by the State in an action in debt.

Claims against third parties.

Sec. 2394-25. 1. The making of a lawful claim against an employer for compensation under section 2394-3 to 2394-31, inclusive, for the injury or death of his employee shall operate as an assignment of any cause of action in tort which the employee or his personal representative may have against any other party for such injury or death; and such employer may enforce in his own name the liability of such other party.

2. The making of a claim by an employee against a third party for damages by reason of an accident covered by sections 2394-3 to 2394-31, inclusive, shall operate as a waiver of any claim for compensation against the employer.

Insurance.

Sec. 2394-26. Nothing in sections 2394-3 to 2394-31, inclusive, shall affect the organization of any mutual or other insurance company, or any existing contract for insurance of employers' liability, nor the right of the employer to insure in mutual or other companies, in whole or in part, against such liability or against the liability for the compensation provided for by sections 2394-3 to 2394-31, inclusive, or to provide by mutual or other insurance or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents, or representatives of sick, accident, or death benefits in addition to the compensation provided for by sections 2394-3 to 2394-31, inclusive. But liability for compensation under sections 2394-3 to 2394-31, inclusive, shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever, due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer; and in addition thereto, the right to enforce in his own name, in the manner provided in sections 2394-3 to 2394-31, inclusive, the liability of any insurance company which may, in whole or in part, have insured the liability for such compensation: *Provided, however*, That payment in whole or in part of such compensation by either the employer or the insurance company, shall, to the extent thereof, be a bar to recovery against the other of the amount so paid: *And provided further*, That as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

Liability not to be reduced.

Insurance governed by act.

Sec. 2394-27. 1. Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of sections 2394-3 to 2394-31, inclusive, and provisions thereof inconsistent with section 2394-3 to 2394-31, inclusive, shall be void. No company shall enter into any such contract of insurance unless such company shall have been approved by the commissioner of insurance, as provided by law. For the purposes of sections 2394-3 to 2394-31, inclusive, each employee shall constitute a separate risk within the meaning of section 1898d of the statutes: *Provided*, That at least five employers shall join in the organization of a mutual company under subdivision (5) of section 1897, and no such company organized by employers shall be licensed or authorized to effect such insurance unless such company shall have in force or put in force simultaneously, insurance on at least one thousand five hundred separate risks.

Inspection of insurance companies.

2. The industrial commission, by itself or its employees, may examine from time to time the books and records of any liability insurance company insuring liability or compensation for an employer in this State. Any such company that shall refuse or fail to allow the industrial commission to examine its books and records or to file the report required by subsection 3 of section 2394-27, shall have its license to do business in the State revoked.

Companies to report.

3. Every company transacting the business of compensation insurance, in addition to all other reports required by law to be made, shall on or before the 1st day of March in each year, on

blanks furnished for such purpose, make and file with the industrial commission an annual statement of its business and accident experience covering the year ending on the preceding 31st day of December.

Rates and classifications to be filed.

4. Every insurance company, including any interinsurer or other insurer authorized to do business within this State and insuring the liability of employers for compensation as herein provided, shall file with the industrial commission its classifications of risks and rates of premium relating thereto, and any changes in or additions to such classifications or rates of premium. No such company shall issue in this State any policy insuring against such liability for compensation except upon the classifications and rates of premiums so filed with the industrial commission. No such company shall discriminate between insured having risks in the same class and degree of hazard by the granting of any rebate or deduction in such rate of premium, or by any change of classification for the purpose of granting such deduction, or in any other manner. Any such company or agent violating any provision of this section shall be subject to the penalties provided by section 1955o. Upon the filing of any complaint with the commissioner of insurance alleging any violation of this section, proceedings shall be had thereon as provided for violations of section 1955o. Upon the filing of any complaint with the commissioner of insurance alleging any violation of this section, proceedings shall be had thereon as provided for violations in section 1955o.

Employers' options.

Sec. 2394-28. Any employer against whom liability may exist for compensation under sections 2394-3 to 2394-31, inclusive, may, with the approval of the industrial commission, be relieved therefrom by—

(1) Depositing the present value of the total unpaid compensation for which such liability exists, assuming interest at 3 per cent per annum, with such trust company of this State as shall be designated by the employee (or by his dependents, in case of his death, and such liability exists in their favor), or in default of such designation by him (or them) after 10 days' notice in writing from the employer, with such trust company of this State as shall be designated by the commission; or

(2) By the purchase of an annuity, within the limitations provided by law, in any insurance company granting annuities and licensed in this State, which may be designated by the employee, or his dependents, or the commission, as provided in subdivision (1) of section 2394-28.

Blanks, etc., to be furnished.

Sec. 2394-29. The commission shall cause to be printed and furnished free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of sections 2394-3 to 2394-31, inclusive; it shall provide such proper record books or records as it shall deem required for the proper and efficient administration of sections 2394-3 to 2394-31, inclusive; all such records to be kept in the office of the commission. The commission shall cause notice of employers subject to this act to be given to employees, in such manner as the commission shall deem most effective; and the commission shall likewise cause notice to be given of the filing of any withdrawal of such election; but notwithstanding the failure to give, or the insufficiency of, and such notice, knowledge of the fact shall conclusively be imputed to all employees.

Sections separable.

Sec. 2384-31. The legislature intends the contingency in subdivision (3) of section 2394-1 to be a separate part thereof, and the subdivision likewise separable from the rest of sections 2394-1 to 2394-31, inclusive, and that part of said section 2394-1 that follows subdivision (3) likewise separable from the rest of sections 2394-1 to 2394-31, inclusive; so that any part of said subdivision, or the whole, or that part which follows said subdivision (3), may fail without affecting any other part of sections 2394-1 to 2394-31, inclusive.

Act in effect.

SEC. 2. This act shall take effect and be in force from and after June 30, 1913.

Approved June 26, 1913.

WYOMING.

CONSTITUTION.

ARTICLE 10.—*Liability of employers for injuries to employees—Workmen's compensation.*

SECTION 4 (as amended, 1914). No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person. Any contract or agreement with any employee waiving any right to recover damages for causing the death or injury of any employee shall be void.

As to all extra-hazardous employments, the legislature shall provide by law for the accumulation and maintenance of a fund or funds out of which shall be paid compensation as may be fixed by law according to proper classifications to each person injured in such employment or to the dependent families of such as die as the result of such injuries, except in case of injuries due solely to the culpable negligence of the injured employee. Such fund or funds shall be accumulated, paid into the State treasury, and maintained in such manner as may be provided by law. The right of each employee to compensation from such fund shall be in lieu of and shall take the place of any and all rights of action against any employer contributing as required by law to such fund in favor of any person or persons by reason of any such injuries or death.

Amendment adopted November 8, 1914.

ACTS OF 1915.

CHAPTER 124.—*Compensation of workmen for injuries.*

SECTION 1. This act shall be known as the "workmen's compensation law." Title.

SEC. 2. Compensation herein provided for shall be payable to persons injured in extra-hazardous employments, as herein defined, or the dependent families of such as die as the result of such injuries except in case of injuries due solely to the culpable negligence of the injured employee. Said compensation shall be payable from funds in the State treasury to be accumulated and maintained in the manner herein provided. The right of each employee to compensation from such funds shall be in lieu of and shall take the place of any and all rights of action against any employer contributing, as required by law, to such fund in favor of any such person or persons by reason of any such injury or death. Sections 3526, 4291, and 4292, and all other laws or parts of laws relating to damages for injuries or death from injuries or in anywise in conflict with this act are hereby repealed, as to the employments, employers, and employees coming within the terms of this act. Compensation payable. Remedy exclusive.

SEC. 3. The rights and remedies provided in this act for an employee on account of an injury shall be exclusive of all other rights and remedies of such employee, his personal or legal representatives or dependent family at common law or otherwise on account of such injury; and the terms, conditions, and provisions of this act for the payment of compensation and the amount thereof for injuries sustained or death resulting from such injuries shall be exclusive, compulsory, and obligatory upon both employers and employees coming within the provisions hereof. Same subject.

Extra-hazardous occupations.

SEC. 4. The extra-hazardous occupations to which this act is applicable are as follows: Factories, mills, and workshops where machinery is used; foundries, blast furnaces; mines, oil wells; gas works; natural-gas plants; waterworks; reduction works; breweries; elevators; dredges; smelters; powder works; laundries operated by power; quarries; engineering works; logging; lumbering and sawmill operations; street and interurban railroads not engaged in interstate commerce; buildings being constructed, repaired, moved, or demolished; telephone, telegraph, electric light, or power plants or lines; steam heating or power plants; railroads not engaged in interstate commerce; bridge building and all employments wherein a process requiring the use of any dangerous explosive or inflammable materials is carried on, which is conducted for the purpose of business, trade, or gain, each of which employments is hereby determined to be extra hazardous and in which from the nature, conditions, or means of prosecution of the work therein required risks to the life and limb of the workman engaged therein are inherent, necessary, or substantially unavoidable. This act shall not apply in any case where the injury occurred before this act takes effect, and all rights which have accrued by reason of any such injury prior to the taking effect of this act shall be saved the remedies now existing therefor. This act shall only apply to the employers by whom five or more workmen have been employed continuously for more than one month at the time of the accident: *Provided*, That this act shall apply to the employments wherein dangerous explosives are used or where the employment requires the performance of services upon derricks, scaffolding, poles, or other structures ten feet or more above the surface of the ground without regard to the number of workmen employed.

Interstate commerce.

SEC. 5. This act shall not be construed to apply to business or employments which, according to law, are so engaged in interstate commerce as to be not subject to the legislative power of the State, nor to persons injured while they are so engaged.

Definitions.

SEC. 6. In this act, unless the context otherwise requires—

(a) "Factories" mean any premises wherein power is used in manufacturing, making, altering, adapting, ornamenting, finishing, repairing, or renovating any article for the purpose of trade or gain or the business carried on therein, including expressly any brickyard, meat-packing house, foundry, smelter, ore reduction works, lime-burning plant, stucco plant, steam-heating plant, electric lighting or power plant, including all work in or directly connected with the construction, installation, operation, alteration, removal, or repair of wires, cables, switchboards, or apparatus used for the transmission of electric current, and water-power plant, including towers and standpipes, powder plant, blast furnace, paper mill, printing plant, flour mill, glass factory, cement plant, artificial gas plant, machine or repair shop, salt plant, oil refinery plant, and chemical manufacturing plant.

(b) "Workshop" means any yard, plant, premises, room, or place where power-driven machinery is employed and manual labor is exercised by way of trade or gain or otherwise incidental to the process of making, altering, repairing, printing, or ornamenting, finishing, or adapting for sale or otherwise any article or part of article, over which premises, room, or place the employer of the person working therein has the right of access or control.

(c) "Mill" means any plant, premises, room, or place where machinery is used, any process of machinery, changing, altering, or repairing any article or commodity for sale or otherwise, together with the yards and premises, which are part of the plant, including elevators, warehouses, and bunkers, sawmill, sash factory, or other work in the lumber industry.

(d) "Mine" means any opening in the earth for the purpose of extracting iron, oil, coal, or other minerals, and all underground workings, slopes, drifts, shafts, galleries, wells, and tunnels, and other ways, cuts and openings connected therewith, including

those in the course of being opened, sunk, or driven, and includes all the appurtenant structures or machinery at or about the openings of the mine, and any adjoining adjacent work place where the material from a mine is prepared for use or shipment.

(e) "Quarry" means any place, not a mine, where stone, slate, clay, sand, gravel, or other solid material is dug or otherwise extracted from the earth for the purpose of trade or bargain or of the employer's trade or business.

(f) "Building work" means any work in the erection, construction, extension, decoration, alteration, repair, or demolition of any building or structural appurtenances.

(g) "Engineering work" means any work in the construction, alteration, extension, repair, or demolition of a railway (as hereinbefore defined) bridge, jetty, dike, dam, reservoir, underground conduit, sewer, oil or gas well, oil tank, gas tank, water tank or tower, any caisson work or work in artificially compressed air, any work in dredging, work on log or lumber rafts or booms; pile driving, moving buildings, moving safes, or in laying, repairing, or removing underground pipes and connections, the erection, installing, repairing, or removing of boilers, furnaces, engines, and power machinery (including belting and other connections), and any work in grading or excavating where shoring is necessary or power machinery or blasting powder, dynamite, or other high explosives is in use (excluding mining and quarrying).

(h) "Employer" includes any person or body of persons corporate or incorporate, and the legal representatives of a deceased employer or the receiver or trustee of a person, corporation, association, or partnership.

(i) "Workman" means any person who has entered into the employment of or works under contract of service or apprenticeship with an employer, except a person whose employment is purely casual and not for the purpose of the employer's trade or business, or those engaged in clerical work, and not subject to the hazards of the business, or one holding an official position or standing in a representative capacity of the employer. The term "workman" shall include "employee" and shall include the singular and plural of both sexes. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his "dependent family," as hereinafter defined, or to his legal representative, or, where the workman is a minor or incompetent, to his guardian or next friend.

(j) "Dependent families" as used in this act means such members of the workman's family as were wholly or in part dependent upon the workman for support at the time of the injury, and shall include widow or husband, as the case may be, and children, or if no widow, husband, or children, the parents of the injured workman, if actually dependent upon him for support at the time of the injury; if it be shown that the surviving spouse willfully deserted deceased without fault upon the part of the deceased, such surviving spouse will not be regarded as a dependent in any degree. No surviving spouse shall be entitled to the benefits of this act unless she shall have been married to the deceased at the time of the injury.

(k) "Child or children" means such that are under sixteen (16) years of age (and over said age if physically or mentally incapacitated from earning), and shall also include legitimate children of the injured workman born after his death from injury. In other cases, questions of family dependency, in whole or in part, shall be determined in accordance with the fact, as the case may be at the time of the injury; the foregoing definition of "dependent families" shall not include any of the persons named who are aliens residing beyond the jurisdiction of the United States of America, except a surviving widow or children under sixteen (16) years of age, and as to such nonresident aliens the rate of compensation shall not exceed twenty-five per cent (25%) of the rates of compensation herein provided.

Nonresident aliens.

(l) The words "injuries sustained in extra-hazardous employment" as used in this act shall include death resulting from injury and injuries to employees as a result of their employment and while at work in or about the premises occupied, used, or controlled by the employer, and injuries occurring elsewhere while at work in places where the employer's business requires their presence and subjects them to extra-hazardous duties incident to the business, but shall not include injuries of the employees occurring while on his way to assume the duties of his employment or after leaving such duties, the proximate cause of which injury is not the employer's negligence.

(m) The words "injury and personal injury" shall not include injury caused by the willful act of a third person directed against an employee for reasons personal to such employee or because of his employment, nor a disease, except as it shall directly result from an injury incurred in the employment.

(n) "Invalid" means one who is physically or mentally incapacitated from earning wages.

Incompetent persons.

SEC. 7. In case an injured workman is mentally incompetent or a minor or where death results from the injury, in case any of his dependents, as herein defined, be mentally incompetent or a minor at the time when any right or privilege accrues to him under this act, his guardian may in his behalf claim and exercise such right or privilege, and no limitation of time in this act provided for shall run so long as such incompetent or minor has no guardian.

Liability of third persons.

SEC. 8. Where an employee coming under the provisions of this act received an injury under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof and no legal liability attaching to the employer, then and in such case such employee shall be left to his remedy at law against such other person and compensation shall not be payable under this act.

Waivers.

SEC. 9. No contract, rule, regulation, or device whatsoever shall operate to relieve the employer, in whole or in part, from any liability created by this act except as herein provided.

Blanks.

SEC. 10. It shall be the duty of the State treasurer to prepare, cause to be printed, and supplied free for use in the administration of this law such blank forms as may be needed by employers for reporting and certifying pay rolls of persons employed by them in extra hazardous employments and for reporting injuries, and forms for use of injured persons in making claims for compensation, also to provide himself with such other books, records, or forms as may be deemed necessary to expedite the transaction of business under the provisions of this act.

Accidents to be reported.

SEC. 11. Whenever an accident occurs causing injury to any workman engaged in any of the extra hazardous employments defined by this act it shall be the duty of the employer within 20 days thereafter to make a report of such accident and the injury resulting therefrom and to file said report in the office of the clerk of the district court of the county wherein such accident occurred, which report shall state:

(1) The name of the injured workman and the time, cause, and nature of the accident and injury, also whether the injury has disabled the workman from continuing the performance of his duties.

(2) Whether the accident occurred while the workman was engaged in the duties of his employment and grew out of the employment.

(3) The nature of the employment and duties and how long the workman had been engaged in the service of such employer.

(4) Whether the accident was or was not due solely to the culpable negligence of the injured employee; and, if so, a statement of the facts.

(5) Whether the injured workman is married or single; if married, whether he has a dependent family; and if so, the names of the persons comprising such dependent family and their place of residence.

(6) Whether the injured workman claims compensation under this act and whether his right to compensation or the amount of compensation is disputed by his employer.

Said report may be made upon a printed form prepared by the State treasurer for such purposes and shall be verified as pleadings in civil actions. Failure or neglect on the part of any employer whose business or occupation is one enumerated and defined herein as being extra hazardous to report accidents causing injury to any of his employees shall be a misdemeanor, and upon conviction such employer shall be punished by a fine of not exceeding five hundred ($500) dollars.

Investigation.

SEC. 12. Whenever an injury or death resulting from injury is reported to the clerk of the district court of the county wherein such injury occurred, in accordance with the preceding section, it shall be the duty of said clerk to at once notify the judge of said court that such injury report has been filed in his office. It shall thereupon be the duty of said judge to investigate the nature of said injury and claim for compensation at the earliest possible date in such a manner as he may deem necessary to ascertain whether the claim for compensation or the amount thereof is disputed by the employer, and if there be no dispute as to the right of the injured workman to receive compensation or as to the amount thereof and the claim appear to be free from collusion said judge shall thereupon make an order directing payment for such compensation from the State industrial accident fund in accordance with the facts by him ascertained and the terms of this law. If there be a dispute as to the right of said injured employee or his dependent family to receive compensation or as to the amount thereof, then it shall be the duty of said judge to set the case down for a hearing at the earliest possible date and to direct notice of such hearing to be issued by the clerk of said court for service upon the employer and the employee at least seven (7) days before the date fixed for said hearing, which said notice shall be served by the sheriff of said county without expense to either party, except that his actual traveling expenses shall be allowed and taxed as costs. The hearing shall be conducted upon the statement and report filed by the employer and such formal claims as may be presented and filed with the clerk of the district court by or on behalf of the injured workman. If the employer in his report of the injury alleges that the injury was due solely to the culpable negligence of the injured employee or that the claim for compensation is one not coming within the provisions of this law, then a jury may be demanded by either party and the cause shall be tried as a court proceeding. If a jury is demanded, it may be selected from names drawn from the five-mile limit jury box, as in civil cases at any time in term time or vacation, unless a regular jury panel be in attendance at court on the date any such hearing may occur. The taking of evidence shall be summary, giving a full oportunity to all parties to develop the facts fully. The official court reporter of the district shall attend the hearing and make a stenographic report of the evidence without cost to either party. The court or judge shall direct the county and prosecuting attorney or other competent attorney appointed by the court to conduct the examination of witnesses on behalf of the injured workman, and it shall be the duty of said attorney to appear and perform such service without expense to either party. The employer may appear in person or by counsel and introduce evidence at the same hearing. No costs shall be taxed by the clerk except fees for witnesses, who may be subpœnaed and who shall be allowed the same fees for attendance and mileage as is fixed by law in civil actions, and jury costs shall also be taxed to and paid from the accident fund if the verdict and judgment be in favor of the employer, but if against the employer then he shall pay the costs. At the conclusion of the hearing the court shall enter an order pursuant to the verdict of the jury, if a jury be called, and if no jury be called the court or judge shall render a decision upon the facts and law of the

Disputes.

Hearing.

case pursuant to the provisions of this act and make an order allowing or disallowing compensation as the law and the evidence may warrant. In any proceeding before a court or judge as aforesaid the court or judge shall have authority to appoint a duly qualified impartial physician to examine the injured employee and give testimony. The fee for such service shall be five ($5) dollars, unless otherwise ordered by the court, with mileage allowance, as is allowed to other witnesses, which shall be taxed as costs and paid as other witness fees are paid. The employer or employee may at his own expense also appoint a qualified physician, who may attend and be present at any such examination of an injured employee and give testimony at such hearing or investigation.

Appeals.

SEC. 13. Any order given and made in any investigation or hearing by a court or judge pursuant to the provisions of this act shall be reviewable by the State supreme court on proceedings in error in the manner prescribed by the code of civil procedure: *Provided, however,* That the petition in error, bill of exceptions and record on appeal must be filed in the supreme court within thirty (30) days from the date of decision or order on motion for new trial by a court or a judge; unless the time be extended by order of court or judge, and thirty (30) days shall be allowed all parties thereafter for filing briefs and said appeal shall be advanced on the calendar and disposed of as promptly as possible. In case an appeal to the supreme court is prosecuted on behalf of the injured workman, the county and prosecuting attorney, or other attorney representing said workman shall order a transcript of the record of the hearing and proceeding to be prepared by the official court reporter of the district wherein said injury occurred and duly certified without cost to said injured workman, and said county and prosecuting attorney or other attorney shall order the papers on file in the office of the district court to be by said clerk prepared, transcripted, certified and forwarded to the clerk of the supreme court without cost to the injured workman, and the proceedings in the supreme court shall be conducted on behalf of the injured workman by the attorney general of the State as a part of his official duties, and by other attorney representing said workman. In case an appeal be prosecuted on behalf of the employer, the record of the proceedings at the original hearing shall be supplied without cost to such employer, but such employer may employ counsel to conduct such appeal on his behalf.

Records.

SEC. 14. Every order given and made by a district court or judge awarding payment from the industrial accident fund to an injured employee or his dependent family, shall be entered of record by the clerk of the court where given and true copies thereof shall be immediately made and certified by said clerk and forwarded to the State auditor and State treasurer, respectively, of Wyoming, and shall be by each of said officers entered upon a record to be known as the compensation docket and shall be the authority and direction of the State auditor to issue warrants for compensation awards against the industrial accident fund and for the State treasurer to pay such compensation awards from said fund.

Industrial accident fund.

SEC. 15. There is hereby created a fund to be known as the "industrial accident fund," which shall be held by the State treasurer and by him deposited in such banks as are authorized to receive deposits of funds of the State. All moneys received by the State treasurer under the provisions of this act shall become a part of the industrial accident fund and there is hereby appropriated out of funds in the State treasury not otherwise appropriated the sum of thirty thousand dollars ($30,000), which shall be paid into and become a part of such fund. There is also appropriated annually, until otherwise provided by law, out of any moneys in the State treasury not otherwise appropriated a sum equal to one-fourth of the total sum, which shall be received by the State treasurer from employers under the provisions of section 16 hereof not, however, to exceed the sum of forty thousand dollars ($40,000), per annum, and the moneys so appropriated shall be

credited to and become a part of such fund. All fees or mileage of witnesses, jurors, and physicians adjudged to be paid from the accident fund in any court proceeding under this act, and all contingent expenses incurred in preparing for and in the administration of this act shall be paid from the industrial accident fund on proper vouchers and warrants.

Premium payments.

SEC. 16. Every employer engaged in any of the occupations herein defined as extrahazardous is hereby required to pay into the State treasury for the benefit of the industrial accident fund a sum of money equal to two per cent (2%) of the moneys earned by each of his employees engaged in such extrahazardous employment during each calendar month of such employment from and after April 1st, 1915. Such payment shall be so made on or before the 15th day of the month following the month for which such payments are computed and paid. The State treasurer shall keep a separate account for each employer so contributing to said fund. Each employer shall continue to make monthly contributions as above provided, unless the sum theretofore contributed by him, after deducting all payments made on account of injuries to his employees and all allowances made on account of such injuries, shall equal full two per cent (2%) of his annual pay roll computed by multiplying his current month's pay roll of workmen engaged in extrahazardous employment by twelve, and shall likewise be not less than five thousand ($5,000) dollars. Such employer shall not be compelled to contribute when his contributions in the fund, after making deductions as aforesaid, shall equal two per cent (2%) of his annual pay roll, and shall likewise be not less than five thousand ($5,000) dollars.

Copy of pay roll.

SEC. 17. It shall be the duty of each employer to forward to the State treasurer on a blank form provided by said State treasurer a true copy of his pay roll of persons in his employ engaged in extrahazardous employment during the current calendar month, on the tenth day of the next succeeding calendar month, sworn to either by himself or the person having knowledge of said pay roll, and any statement contained in such verified copy, which can be shown to have been made falsely and with a willful intention to evade the provisions of this act shall constitute a misdemeanor punishable by a fine of not more than five hundred ($500) dollars.

County assessors.

SEC. 18. It shall be the duty of the county assessors in each of the counties of the State to make a list of all employers within their respective counties who are engaged in extrahazardous industries, as defined by this act, and to forward such list of extrahazardous employments and industries to the State treasurer within thirty (30) days after the passage and approval of this act. It shall be the duty of county assessors of each of the counties of the State to make monthly reports to the State treasurer showing what, if any, extrahazardous industries have suspended business permanently, and what, if any, new extrahazardous industries have been established and commenced in their respective counties during the preceding month, and it shall be the duty of the State treasurer to immediately proceed in the collection of assessments from said extrahazardous industries, as is provided in section 16 of this act, and in case any employer engaged in an extrahazardous business or industry, as defined by this act, shall fail or refuse to pay the assessment upon his current monthly pay roll, as is required by this act, then it shall be the duty of the attorney general of the State to immediately bring suit in the name of the State for the benefit of the industrial accident fund against such employer for the collection of such assessment, and if a judgment for the recovery of said assessment be given in favor of the State for the use and benefit of the industrial accident fund, said judgment shall be for double the amount of the pay-roll assessment provided by section 16 hereof, together with costs.

State treasurer.

Attorney general.

Compensation.

SEC. 19. Each employee who shall be injured in any of the extra-hazardous employments, as herein defined, or the dependent

family of any such injured workman, who may die as a result of such injuries, except in case of injuries due solely to the culpable negligence of such injured employee, shall receive out of the industrial accident fund compensation in accordance with the following schedule, and such payment shall be in lieu of and take the place of any and all rights of action against any employer contributing, as required by this act, to the industrial accident fund in favor of any person or persons by reason of any such injuries or death:

Partial disability.

(a) "Permanent partial disability" means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments are severed, or any other injury known in surgery to be permanent partial disability. For any permanent partial disability resulting from any injury the workman shall receive a lump sum, as hereinafter specified:

For the loss of a thumb	$150
For the loss of a first finger	125
For the loss of a second finger	100
For the loss of a third finger	100
For the loss of a fourth finger	75
For the loss of palm (metacarpal bone)	400
For the loss of hand	800
For the loss of an arm at or below elbow	900
For the loss of an arm above elbow	1,000

For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes the fingers more than useless, the same amounts apply to such finger or fingers (not thumb) as given above.

The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger: *Provided, however,* That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe	$100
For the loss of one of the toes other than great toe	50

The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered equal to the loss of one-half of the toe.

For the loss of a foot	$800
For the loss of a leg below the knee	900
For the loss of a leg above the knee	1,000
For the loss of an eye	700

For any other injury known to surgery to be permanent partial disability the workman shall receive a lump sum in an amount proportioned to the extent of such permanent partial disability based as near as may be upon the foregoing schedule.

Total disability:

Permanent;

(b) "Permanent total disability" means the loss of both legs, or both arms, or one leg and one arm; total loss of eyesight, paralysis, or other condition permanently incapacitating the workman from performing any work at any gainful occupation. Where there has been a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury shall be determined by deducting therefrom the percentage of the previous disability, as it existed at the time of the subsequent injury. When permanent total disability results from the injury the workman shall receive:

(1) If unmarried at the time of injury a lump sum of $1,000.

(2) If the workman had a wife or invalid husband, but no child under the age of sixteen (16) years, a lump sum of $1,200.

(3) If the workman had a wife or husband and a child or children under the age of sixteen (16) years of age, or being a widow or widower, for any such child or children the lump sum provided in the preceding paragraph shall be increased by adding thereto a sum equal to sixty ($60) dollars per year for each child for each year until each child shall be of the age of sixteen (16) years, but the total amount of such increased sum allowed for children under sixteen (16) years of age shall not exceed in the aggregate a sum equal to one and one-half the sum allowed to the widow or widower in any such case.

Temporary.

(c) "Temporary total disability" means an injury which temporarily incapacitates the injured person from performing any work at any gainful occupation for the time, but from which injury such person may recover by medical or surgical treatment and be able to resume work. In such cases, if the workman be unmarried at the time of the injury, he shall receive the sum of fifteen ($15) dollars per month so long as the total disability shall continue. If he have a wife with whom he is living at the time of the injury, he shall receive twenty ($20) dollars per month, and if he have children under sixteen (16) years of age, he shall receive five ($5) dollars per month for each child under sixteen (16) years of age, but the total monthly payment shall not exceed thirty-five ($35) dollars per month. No compensation shall be allowed for the first ten days of disability, but if the incapacity extends beyond the period of ten days, compensation shall begin on the eleventh day after such injury. As soon as recovery is so complete that the earning power of the workman at any kind of work is restored, the payments shall cease; but in no case shall the total payments made in such cases exceed in the aggregate the lump-sum amount herein specified to be paid an injured workman for injuries causing permanent total disability.

Death.

(d) Where death results from an injury, the expense of burial shall be paid not to exceed fifty ($50) dollars in any case, unless other arrangements exist between employer and employee under agreement.

(1) But if the workman leaves a widow or invalid widower, such surviving spouse shall receive a lump-sum payment of $1,000, to which shall be added a lump sum aggregating the present worth of sixty ($60) dollars per year for each surviving child under sixteen (16) years of age until the time when each of said surviving children shall become sixteen (16) years of age: *Provided*, That the aggregate sum so added on account of children under sixteen (16) years of age shall in no case exceed an amount equal to the lump sum provided to be paid the surviving spouse: *And provided further*, That if it be shown that the surviving spouse willfully deserted deceased without fault upon the part of the deceased, such surviving spouse shall not be regarded as a dependent in any degree, but in such cases the right of children under sixteen (16) years of age to compensation shall not be defeated, but the aggregate sum allowed them shall not exceed in any case the amount which would have been payable to the surviving spouse if there had been no desertion of the deceased. In all cases where an order of compensation is made on account of children under sixteen (16) years of age or to persons incompetent, said fund shall be disbursed under a proper guardianship to be created by the court or judge making such an order.

(2) If the injured workman die during a period of temporary total disability and after receiving compensation therefor as herein provided, and his death be shown to have resulted from such injuries, the total amount of payments received by him during such disability and prior to his death will be deducted from the lump-sum amount herein provided to be paid to the surviving widow and children under sixteen (16) years of age in case of death resulting from injuries.

(3) If the workman leaves no widow, widower, or child under the age of sixteen (16) years, but leaves a parent or parents surviving, who were actually dependent upon him for support, such surviving parent or parents shall receive a lump sum which shall be computed at the rate of fifty per cent (50%) of the average monthly support actually received by such parent or parents from the workman during the twelve months next preceding the occurrence of the injury calculated as near as may be over the probable period such support would have continued, but in no case exceeding the sum of five hundred ($500) dollars.

Insanitary, etc., practices.

SEC. 20. If any injured employee shall persist in unsanitary or injurious practices, which tends to imperil or retard his recovery, or if he shall refuse to submit to such medical or surgical treatment, as is reasonably essential to promote his recovery, he shall forfeit all right to compensation under this act; and where an injured employee is under care and treatment of a physician he shall not be permitted to personally receive or use any compensation payments allowed him under this act, except upon the order of such physician, but such payments shall be withheld and delivered to such injured workman upon his recovery or discharge by such physician.

Exemptions.

SEC. 21. No money paid or payable under this act out of the industrial accident fund shall, prior to issuance and delivery of the warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, or shall the same pass to any other person by operation of law, any such assignment or charge shall be void.

Minors.

SEC. 22. A minor working at an age legally permitted under the laws of this State shall be deemed sui juris for the purpose of this act and no other person shall have any cause of action or right to compensation for injury to such minor workman, except as expressly provided in this act, but in the event of a lump-sum payment becoming due under this act to such minor workman, the management of same shall be within the probate jurisdiction of the courts, the same as any other properties of minors.

Public work.

SEC. 23. Whenever the State, county, or any municipal corporation shall engage in any extra-hazardous work in which workmen are employed for wages, this act shall be applicable thereto. The employer's payments into the industrial accident fund shall be made from the treasury of the State, county, or municipality. If said work is being done by contract, the pay roll of the contractor and the subcontractor shall be the basis of computation and in the case of contract work consuming less than one year in performance the required payment into the accident fund shall be subject to the provisions of this act and the State for its general fund, the county or municipal corporation shall be entitled to collect from the contractor the full amount payable to the industrial accident fund and the contractor, in turn, shall be entitled to collect from the subcontractor his proportionate amount of payment; the provisions of this section shall apply to all extra-hazardous work done by contract, except that in private work the contractor shall be responsible, primarily and directly, to the industrial accident fund for the proper percentage of the total pay roll of the work and for the amounts due it, and the owner of the property affected by the contract shall be surety for such payments. Whenever and so long as the State law, city charter, or municipal ordinance provision is made for municipal employees injured in the course of employment, such employee shall not be entitled to the benefits of this act and shall not be included in the pay roll of the municipality under this act.

Safety devices.

SEC. 24. Nothing in this act contained shall repeal any existing law providing for the installation or maintenance of any device, means or method for the prevention of accidents in extra-hazardous work or for a penalty or punishment for failure to install or maintain any such protective device, means, or method.

Fees.

SEC. 25. It shall be unlawful for any person or any number of persons acting together or separately or in any way, including attorneys, agents, interpreters, and all other persons, to receive or agree to receive, either directly or indirectly, from any beneficiary or beneficiaries under this act for services rendered or to be rendered, either jointly or separately, in relating to procuring any benefit or benefits under this act, any sum or sums aggregating more than fifty dollars or more than five per centum of the whole amount received or to be received by such beneficiary or beneficiaries on account of injuries to any employee. Every person violating or concerned in the violation of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, to which may be added imprisonment in the county jail for a term not exceeding ninety days.

Physicians to testify.

SEC. 26. Any physician having attended an employee in a professional capacity may be required to testify before any court or judge when so directed in cases coming within the provisions of this act, and the law of privileged communication between physician and patient as fixed by statute shall not apply in such cases.

Misrepresentations.

SEC. 27. Any employee or workman who shall make or cause to be made on his behalf any misrepresentation or false statement for the purpose of receiving compensation under this act to which he is not lawfully entitled shall be guilty of a misdemeanor, and shall on conviction be fined not more than three hundred ($300) dollars or imprisoned for not more than ninety (90) days.

Accident statistics.

SEC. 28. It shall be the duty of the State treasurer to secure and compile statistical information concerning accidents occurring in the extra-hazardous employment defined by this act, showing the number of accidents or fatalities occurring in each of said employments, the amount paid in by each employer coming within the provisions of this act; the amount paid out on account of injuries or death resulting from injuries in such employments and any other information relating to the operation or administration of this law that may be of interest and to make a full report thereof, together with such recommendations as he may deem proper for changes or amendments herein, and to publish a full report thereof to the legislature on or before each succeeding session following the passage and approval of this act.

Books, etc., to be open.

SEC. 29. The State treasurer may direct the State examiner to examine the books, accounts, or pay rolls of any employer at any time for the purpose of securing any information desired in the administration of this act, and it shall be the duty of the State examiner to perform such service when called upon by the State treasurer.

Medical examinations.

SEC. 30. Any workman awarded compensation for temporary total disability under this act, as defined by clause (c) of section 19 hereof, shall, if thereafter requested by his employer, submit himself for medical examination by a physician licensed to practice medicine in this State at a place designated by the employer and which shall be reasonably convenient for the workman, and said workman may have a licensed physician present of his own selection. The purpose of such examination shall be to determine whether the workman has recovered so that his earning power at any kind of work is restored. If it be agreed that the workman has recovered so that his earning power at any kind of work is restored, the fact shall be reported by the employer and said physician to the judge of the district court who made the award in the first instance, or if there be a dispute as to the recovery of the workman and his restoration to earning power, it shall be likewise reported to said judge by filing a statement in either case in the office of the clerk of the district court of the county where the award was made, and the matter shall be disposed of in such manner as said judge may deem proper under the facts. If said judge finds that said workman has recovered and has been restored to his earning power and that compensation should be dis-

continued, his decision and judgment in the premises shall be certified to the State auditor and State treasurer and shall be authority and direction to said officers to discontinue compensation payments. If the workman in such case refuses to submit to such examination or obstructs the same, his right to monthly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period or [of] refusal.

Dependents.

SEC. 31. All employees or workmen coming within the provisions of this act shall be required upon entering service in any of the extra-hazardous employments herein defined to make and sign a written statement setting forth the names of the persons dependent upon them for support or constituting members of their dependent families, in each case giving the names and ages of their children under the age of sixteen (16) years.

Payments to fund.

SEC. 32. All payments made into the accident fund by any and every employer under the provisions of this act shall be taken as paid and received in consideration of the indemnity to such employer by reason of his contributing to the industrial accident fund and in consideration of the payments made by the State to such fund, and no part of any moneys so paid in by any employer shall ever be refunded to him either during the time when he continues in business as such employer, or after he ceases such business: *Provided, however,* If this act shall be hereafter repealed or held invalid, all moneys which are in the industrial fund at the time of the repeal or final holding of invalidity shall be subject to such disposition as may be provided by the legislature, and in default of such legislative provision distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.

Prior causes.

SEC. 33. This act shall not affect any contract entered into and existing before its passage or any action pending or cause of action existing prior to April 1st, 1915.

Act in effect.

SEC. 34. This act shall take effect and be in force from and after the 1st day of April, 1915.

Approved February 27, 1915.

UNITED STATES.

ACTS OF 1915–16.

(Public No. 267.)

Compensation for injuries to civil employees of the United States.

SECTION 1. The United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death. Compensation payable when.

SEC. 2. During the first three days of disability the employee shall not be entitled to compensation except as provided in section nine. No compensation shall at any time be paid for such period. Waiting time.

SEC. 3. If the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of his monthly pay, except as hereinafter provided. Compensation for total disability.

SEC. 4. If the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him. Partial disability. Statements as to earnings.

SEC. 5. If a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation. Refusing work.

SEC. 6. The monthly compensation for total disability shall not be more than $66.67 nor less than $33.33, unless the employee's monthly pay is less than $33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than $66.67. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity. Maximum and minimum payments. Learners. Aged employees.

Other payments.

SEC. 7. As long as the employee is in receipt of compensation under this act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States.

Annual and sick leave.

SEC. 8. If at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the fourth day of disability after the annual or sick leave has ceased.

Medical, etc., services.

SEC. 9. Immediately after an injury sustained by an employee while in the performance of his duty, whether or not disability has arisen, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.

Compensation for death.

SEC. 10. If death results from the injury within six years the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:

Widow.

(A) To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage.

Widower.

(B) To the widower, if there is no child, thirty-five per centum if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

Children.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto ten per centum for each child, not to exceed a total of sixty-six and two-thirds per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

Orphan children.

(D) To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

Parents.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum.

Other dependents.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one are wholly dependent, thirty per centum, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum.

Term of payments.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

Definitions.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. The term "parent" includes step-parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death. The terms "adopted" and "adoption" as used in this clause include only legal adoption prior to the time of the injury.

Readjustments.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

Apportionments.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

Wage basis.

(K) In computing compensation under this section, the monthly pay shall be considered not to be more than $100 nor less than $50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section twelve.

Accepting payments after marriage.

(L) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Burial, etc., expenses.

SEC. 11. If death results from the injury within six years the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed $100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury.

Computation of pay.

SEC. 12. In computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account.

Housing, board, etc.

SEC. 13. In the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account.

Lump sums.

SEC. 14. In cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than $5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

Notice.

SEC. 15. Every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.

Contents.

SEC. 16. The notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice.

Compensation withheld, when.

SEC. 17. Unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury.

Claims.

SEC. 18. No compensation under this act shall be allowed to any person, except as provided in section thirty-eight, unless he or some one on his behalf shall, within the time specified in section twenty, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate.

Forms.

SEC. 19. Every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section.

Time for claims.

SEC. 20. All original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year.

Medical examinations.

SEC. 21. After the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

Medical referee.

SEC. 22. In case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination.

Fees.

SEC. 23. Fees for examinations made on the part of the United States under sections twenty-one and twenty-two by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section twenty-one, shall be paid out of the appropriation for the work of the commission.

Reports of injuries.

SEC. 24. Immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require.

Assignments, etc.

SEC. 25. Any assignment of a claim for compensation under this act shall be void and all compensation and claims therefor shall be exempt from all claims of creditors.

Assignments of damage claims against third parties.

SEC. 26. If an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name.

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this act.

The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury.

SEC. 27. If an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

Settlements with third parties.

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury.

SEC. 28. A commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissioners shall be members of the same political party. One of said commissioners shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of six years. Each commissioner shall receive a salary of $4,000 a year. The principal office of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this act.

Commission created.

SEC. 28a. Upon the organization of said commission and notification of the heads of all executive departments that the commission is ready to take up the work devolved upon it by this act, all commissions and independent bureaus, by or in which payments for compensation are now provided, together with the adjustment and settlement of such claims, shall cease and determine, and such executive departments, commissions, and independent bureaus, shall transfer all pending claims to said commission to be administered by it. The said commission may obtain, in all cases, in addition to the reports provided in section 24, such information and such reports from employees of the departments as may be agreed upon by the commission and the heads of the respective departments. All clerks and employees now exclusively engaged in carrying on said work in the various executive departments, commissions, and independent bureaus, shall be transferred to, and become employees of, the commission at their present grades and salaries.

Transfer of claims and employees.

Powers as to witnesses.

SEC. 29. The commission, or any commissioner by authority of the commission, shall have power to issue subpœnas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the commission.

Employees of commission.

SEC. 30. The commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed from lists of eligibles to be supplied by the Civil Service Commission, and in accordance with the civil-service law.

Estimates.

SEC. 31. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission.

Rules, regulations, etc.

SEC. 32. The commission is authorized to make necessary rules and regulations for the enforcement of this act, and shall decide all questions arising under this act.

Annual reports.

SEC. 33. The commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receipts of and expenditures from the employees' compensation fund, and its recommendations for legislation.

Expenses.

SEC. 34. For the fiscal year ending June thirtieth, nineteen hundred and seventeen, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $50,000 for the work of the commission, including salaries of the commissioners and of such assistants, clerks, and other employees as the commission may deem necessary, and for traveling expenses, expenses of medical examinations under sections twenty-one and twenty-two, reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, rent and equipment of offices, purchase of books, stationery, and other supplies, printing and binding to be done at the Government Printing Office, and other necessary expenses.

Compensation fund.

SEC. 35. There is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this act, including the medical, surgical, and hospital services and supplies provided by section nine, and the transportation and burial expenses provided by sections nine and eleven. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund.

Findings and awards.

SEC. 36. The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this act. Compensation when awarded shall be paid from the employees' compensation fund.

Review.

SEC. 37. If the original claim for compensation has been made within the time specified in section twenty, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.

Mistakes.

SEC. 38. If any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund.

False statements.

SEC. 39. Whoever makes, in any affidavit required under section four or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Definitions.

SEC. 40. Wherever used in this act—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section twenty-eight.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury.

Repeal.

SEC. 41. All acts or parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That for injuries occurring prior to the passage of this act compensation shall be paid under the law in force at the time of the passage of this act: *And provided further*, That if an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability in the Panama Railroad Company to pay damages therefor under the laws of any State, Territory, or possession of the United States or of the District of Columbia or of any foreign country, no compensation shall be payable until the person entitled to compensation releases to the Panama Railroad Company any right of action which he may have to enforce such liability of the Panama Railroad Company, or until he assigns to the United States any right which he may have to share in any money or other property received in satisfaction of such liability of the Panama Railroad Company.

Liability of Panama Railroad Company.

Administration for Canal Zone and Alaskan Railways.

SEC. 42. The President may, from time to time, transfer the administration of this act so far as employees of the Panama Canal and of the Panama Railroad Company are concerned to the governor of the Panama Canal, and so far as employees of the Alaskan Engineering Commission are concerned to the chairman of that commission, in which cases the words "commission" and "its" wherever they appear in this act shall, so far as necessary to give effect to such transfer, be read "governor of the Panama Canal" or "chairman of the Alaskan Engineering Commission," as the case may be, and "his"; and the expenses of medical examinations under sections twenty-one and twenty-two, and the reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, shall be paid out of appropriations for the Panama Canal or for the Alaskan Engineering Commission or out of funds of the Panama Railroad, as the case may be, instead of out of the appropriation for the work of the commission.

In the case of compensation to employees of the Panama Canal or of the Panama Railroad Company for temporary disability, either total or partial, the President may authorize the governor of the Panama Canal to waive, at his discretion, the making of the claim required by section eighteen. In the case of alien employees of the Panama Canal or of the Panama Railroad Company, or of any class or classes of them, the President may remove or modify the minimum limit established by section six on the monthly compensation for disability and the minimum

limit established by clause (K) of section ten on the monthly pay on which death compensation is to be computed. The President may authorize the governor of the Panama Canal and the chairman of the Alaskan Engineering Commission to pay the compensation provided by this act, including the medical, surgical, and hospital services and supplies provided by section nine and the transportation and burial expenses provided by sections nine and eleven, out of the appropriations for the Panama Canal and for the Alaskan Engineering Commission, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund.

Approved September 7, 1916.

EXECUTIVE ORDERS.

No. 2455.—*Employees of the Panama Canal and Panama Railroad Co.*

By virtue of the authority vested in me by section 42 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, it is hereby ordered:

1. That the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, so far as employees of the Panama Canal and of the Panama Railroad Co. are concerned, is hereby transferred to the governor of the Panama Canal. Transfer of powers.

2. That in the case of compensation to employees of the Panama Canal, or of the Panama Railroad Co., for temporary disability, either total or partial, the governor of the Panama Canal is hereby authorized to waive, at his discretion, the making of the claim required by section eighteen of said act. Power to waive claims.

3. That in the case of alien employees of the Panama Canal, or of the Panama Railroad Co., the minimum limit established by section six on the monthly compensation for disability, and the minimum limit established by clause (K) of section ten on the monthly pay on which death compensation is to be computed, is hereby removed. Alien employees.

4. That the governor of the Panama Canal is hereby authorized to pay the compensation provided by said act, including the medical, surgical, and hospital services and supplies provided by section nine and the transportation and burial expenses provided by sections nine and eleven, out of the appropriations for the Panama Canal, such appropriations to be reimbursed for such payments by transfer of funds from the employees' compensation fund. Benefits.

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No. 2463.—*Employees of the Alaskan Engineering Commission.*

Upon the recommendations of the Secretary of the Interior and the chairman of the Alaskan Engineering Commission, and by virtue of authority contained in section forty-two of "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes" (Public, No. 267, 64th Cong., 39 Stat., p. 742), approved September 7, 1916, I hereby direct the chairman of the Alaskan Engineering Commission to administer the provisions of this act in so far as employees of the Alaskan Engineering Commission are concerned; and the expenses of medical examinations under sections twenty-one and twenty-two, and the reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, shall be paid out of appropriations for "Construction and operation of railroads in Alaska." Transfer of powers. Expenses.

I further direct the chairman of the Alaskan Engineering Commission to pay the compensation provided by the aforementioned act, including the medical, surgical, and hospital services and supplies provided by section nine and the transportation and burial expenses provided by sections nine and eleven out of appropriations for the "Construction and operation of railroads in Alaska," such appropriations to be reimbursed for such payments by transfer of funds from the employees' compensation fund.

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September 29, 1916.

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