

REPORT

N.J. Employers' liability commission

1915

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REPORT

OF THE

Employers' Liability Commission

APPOINTED FOR THE PURPOSE OF
OBSERVING THE OPERATION OF
THE EMPLOYERS' LIABILITY ACT

For the Year 1914

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REPORT.

TRENTON, N. J., January 21st, 1915.

To His Excellency James F. Fielder, Governor of the Commonwealth.

SIR—In compliance with the requirements of chapter 241 of the laws of 1911, the Employers' Liability Commission, appointed for the purpose of observing the operation of the Employers' Liability act approved April 4th, 1911, has the honor to present herewith to you and through you to the Honorable Legislature, the following report for the year 1914:

There are two viewpoints from which to consider the question of the Workmen's Compensation law:

1st. The theory that the State should refrain from doing for the individual citizen anything which he can do for himself. This idea is sometimes expressed by the saying that the least governed is the best governed community.

2d. The theory that the State should throw its protecting arm around the citizen, especially the ignorant or otherwise handicapped persons, who may not be capable of asserting their rights to the fullest degree, and by means of philanthropic legislation, transfer many of the responsibilities of life from the individual to the State. This is usually designated by its critics as the paternalistic theory of government.

The majority of the Commission, in presenting our last report, leaned toward the first theory, as is evident by the following quotation:

"The law is on the statute books and provides a simple means for the settlement of every claim for injury. It is at least an open question as to how far the State is justified in multiplying the machinery of administration so as to compel citizens to assert their rights."

Our Commission desires to emphasize the fact that while in their last report they expressed a doubt as to the advisability of adopting what might be called a paternalistic policy, the members have been open-minded and have held themselves in readiness to recommend a wider supervision of the law if the present system was clearly shown to be inadequate. Further study of the question has convinced us that the failure of a citizen to assert his rights under the compensation law is not quite on a parity with his failure in other cases, for the reason that his failure to claim, or having claimed, to receive full compensation may and usually does result in placing a burden on the community. Having arrived at the conclusion that a closer supervision of the law was necessary, the practical question arises as to the best means to accomplish this purpose. Other States, notably New York, Ohio, Massachusetts, Washington, Michigan, West Virginia, California, Illinois and Wisconsin, have entrusted practically the complete administration of their laws to paid commissions.

In our last report, in commenting on the New York law, we made the statement that the administration of this law would probably cost the State one hundred and fifty thousand dollars per annum. In making this statement it was our desire to be extremely conservative; that we were so is evidenced by the fact that we are advised that the New York Commission will require for the next fiscal year a total appropriation of about \$1,225,000, and that the expenses of the first seven months in which the law has been operative will probably exhaust this year's appropriation of \$500,000. We are informed that the cost of administering compensation laws by Commissions in some of the other States is as follows: Massachusetts, \$89,000; Michigan, \$40,000; Ohio, \$175,000; Washington, \$90,000.

In view of the above facts it has seemed to us that it would be unwise for New Jersey to make any radical change in the method of administering our law, such as would be involved in the creation of a Commission having exclusive jurisdiction and the dispensing of the services of the twenty-three county judges who are now adjudicating all claims which are presented to them in accordance with the terms of the law.

The New Jersey law was intended to be practically automatic, the only cases requiring the interference of a third party between the employer and the injured workman, or his dependents, being those in which the two principal parties were unable to agree, in which case the law provides for settlement by the courts.

While there may have been some improper settlements in the courts, due to the inexperience of the judges in handling a new law, we feel that on the whole the courts have handled such cases as have been presented to them, in a satisfactory manner.

The chief complaints which come to us are not so much as to the manner in which settlements were made by the courts, as that in many cases there were either no payments, or else grossly inadequate payments were made, owing to the ignorance of their rights on the part of those to whom compensation was due, or to neglect or fraud on the part of the employer, or insurance carrier.

The complaints which have been made in cases settled by the courts have been based on the large proportion of the average awards which the beneficiary was compelled to pay for medical and legal services in order to properly present his case. We feel that we have provided a remedy for this in the proposed supplement to the act creating the Department of Labor, wherein we have provided that in all cases where an injured employee or his representatives have been compelled to go to court on account of the undue delay or failure of the employer or insurance carrier to make proper payments, reasonable expenses, including medical and legal services, shall be assessed by the court against the employer or insurance carrier.

The trend of public opinion is against the multiplication of governmental agencies, in which opinion the Commission concurs. Even if this were not the case, the present financial condition of the State would prohibit the adoption of any plan for the administration of our law, which would involve expenditures such as other States have undertaken.

The State now has a Department of Labor, which, with some additional assistance, should be able, through the use of reports which are now or will hereafter be required by law, to safeguard

the interest of all persons entitled to compensation. We have therefore recommended that this Department be authorized to act in all cases which are not settled, either automatically between the two principal parties or by the courts as provided in the law.

It has also seemed to us advisable, in establishing the proposed State Insurance Fund, to utilize the knowledge and experience which have been gained by the State officer selected for the important function of administering the fund, in the performance of his present duties. The plan, as outlined, will therefore limit the additional expenditures to the amount necessary for the employment of the subordinates required by the Department of Labor and the Department of Banking and Insurance, for the effective administration of the law.

As a result of the study of the laws of this and other States, we now definitely recommend the following action:

1st. The passage of a resolution providing for the submission to the people of a constitutional amendment which will enable the Legislature to pass a compulsory Workmen's Compensation law, including compulsory insurance. Until such amendment has been adopted the present elective law should be continued in force, with supplements and amendments as hereinafter proposed.

2d. In our former reports we have pointed out that the law was gravely defective in that the injured person or his dependents had no assurance of payment in the event of the insolvency of the employer. As this serious defect can only be remedied by a system of compulsory insurance, we now recommend the passage of a compulsory insurance act, for the protection of the employer from financial disaster and the assurance to those persons entitled to compensation, of the payments provided by law. In recommending this, we have in mind the fact that it is quite as necessary for the protection of the employer as for the employee, as otherwise he may be forced out of business and into bankruptcy owing to his failure to voluntarily cover his liability by insurance.

3d. The creation of a New Jersey Workmen's Compensation State Insurance Fund. In any scheme of compulsory insurance, the establishing of a State Fund would seem to be essential to

ensure equitable rates on the part of the privately owned companies and associations, and to prevent the establishing of a monopoly by agreement or otherwise, by these companies. On the other hand, we desire to place the greatest emphasis on the necessity for safeguarding the State Insurance Fund and placing it on a scientific basis, by requiring the Commissioner of Banking and Insurance, who will administer it, to conform to all of the rules and regulations which are imposed by him on these other companies.

4th. The passage of an act supplementing the act establishing the Department of Labor, imposing additional duties on and giving additional powers to the Commissioner of Labor, and providing for the organization of a Bureau of Workmen's Compensation in that Department, in order to secure more efficient administration of the Compensation act.

5th. The passage of an act requiring certain protective clauses in all policies of liability insurance issued in this State.

6th. In connection with the Department of Labor, we have given careful consideration to the practicability of bringing within the operation of the Compensation law such occupational diseases as can be clearly traced to causes connected with the different trades. As a matter of abstract justice, there can be no question as to the right of the workmen to compensation for injury received as a necessary result of the conditions of employment, but heretofore, the difficulty in clearly defining the responsibility has prevented the inclusion of occupational diseases in the Compensation acts of the various States, including New Jersey.

Based on the report received from the Commissioner of Labor, a copy of which is submitted herewith, we recommend the bringing within the operation of the law of certain occupational diseases; in a supplemental report we will submit a proposed form of amendment covering this subject.

7th. The passage of a number of amendments to the present Compensation act, of which the most important are the following:

Increase of all schedules from the present basis of 50 per cent. of wages to 66 $\frac{2}{3}$ per cent.

Increase of minimum payments to \$6.00 instead of \$5.00 and of maximum to \$12.00 instead of \$10.00.

Increase of death payments to 400 weeks instead of 300.

Increase of total permanent disability payments to life instead of 400 weeks.

Provision for appeal to court for additional medical services in exceptional cases.

While we are convinced as to the justice of these increases in the rates of compensation, we would hesitate to recommend them if the plan did not also include a scheme of compulsory insurance which will scientifically distribute the risk. We therefore respectfully suggest that our recommendations should be considered as a whole and not in detached parts.

Suggested forms for the above-mentioned resolution, acts and amendments, will be submitted in a supplementary report.

The total amount appropriated for the expenses of the commission for the year 1914 was \$3,500.00. This has been expended to date approximately as follows: Salary of secretary, \$2,000.00; Stenographers, \$930.00; Clerk, \$110.00; Distributor, \$420.87; Secretary's expenses, \$8.05; Office supplies, \$15.50; Commissioners' expenses, \$11.20; Total, \$3,495.62.

It must be apparent to the most casual observer that to provide any real supervision of the operation of the Workmen's Compensation law, a more liberal provision must be made. Under the circumstances we have only been able to do the clerical work necessary for the tabulation of reports received from employers and insurance companies, and have had no means at our disposal to enable us to determine to what extent the purpose of the law has been defeated by the failure of employers to meet their obligations. Our report as to the actual operation of the law must, therefore, be limited to these statistics which are at best incomplete and unsatisfactory.

On this account we welcome this opportunity to bring to your attention the result of investigation of the working of our law, which has recently been made by a committee of the American Association for Labor Legislation.

If our recommendations as to the enlarging of the powers and duties of the Department of Labor, the establishing of a Bureau

of Workmen's Compensation in that Department, and the establishing of the State Insurance Fund are adopted, we strongly recommend that sufficient funds be provided to enable these agencies to render effective service.

In conclusion, if our work meets with your approval and our recommendations are adopted, there would seem to be no necessity for the continuance of this Commission. We esteem it a high privilege to have been associated with the constituted authorities in the great work of establishing a system of Workmen's Compensation in this State. The law, while not yet perfect in its operation, marks one of the greatest advances of our generation in establishing more equitable relations between the employer and employee, and in securing justice to the great body of workers on whose welfare must depend, to a great degree, the future well-being of our State.

Respectfully submitted,

WILLIAM B. DICKSON,

President;

WALTER E. EDGE,

J. WILLIAM CLARK.

Approved, we reserving the privilege of presenting our individual views as to the method of administration.

EDWARD K. MILLS,

JNO. T. COSGROVE,

S. BOTTERILL.

WM. E. STUBBS, *Secretary.*

TRENTON, N. J., January 21st, 1915.

Hon. William B. Dickson,

Chairman Employers' Liability Commission:

DEAR SIR—In considering the inclusion of occupational disease in any American schedule of Workmen's Compensation, precedents established by the British Compensation Laws of 1901, 1906, 1907, 1908 and 1913 must be taken as models. Yet the difference between English administrative features, and those in the States which have already adopted workmen's compensation are so marked that the task of incorporating the recognition of occupational disease at times seems one of insuperable difficulty. As the English authority, Lawes, pointed out in the arguments advanced by the Home Secretary, Herbert E. Gladstone,

"Once the principle is admitted that workmen should be compensated by their employers for injuries arising out of and in the course of their employment, it appeared only consistent that injuries or incapacity caused by disease due to the employment should be included. Apart from the fact that some diseases are, in the ordinary acceptance of the word, accidental, the number of workers employed in the many dangerous trades where disease may be contracted, and where there is a constant risk of illness is very large. The diseases are themselves at least as serious as most other forms of accidents, and there seems no justification for drawing an arbitrary line of distinction of various sorts of employment when the principle of accident compensation is no longer in an experimental stage."

Following the experience of England, workmen's compensation in this country may be declared to have passed the experimental stage. It is manifestly unfair that minor mechanical injuries should be recognized, while diseases which may incapacitate or produce fatal consequences are ignored. Already in this country precedents have been established which convince those interested in the subject that the lesser, though more obvious evils of accident, will no longer monopolize the attention of employee and employer.

The "Kern Bill" (S-738, 63d Congress, First Session), now before Congress, calls for compensation to all employees of the United States Government suffering from occupational disease, as well as from injuries in the course of their employment. The

Industrial Board of Massachusetts has already interpreted the "Personal Injury" in their Workmen's Compensation Law as applying equally to disease and accident; and compensation therefor may be recovered in the future if such disease takes from the employee his ability to earn full wages. Five important rulings, two of which have already been endorsed by the Supreme Court, are already on record. One was payment to an employee who contracted pneumonia due to exposure in a leaky boat; another was an award for blindness due to inhalation of noxious gases in a producer gas works; another for lobar pneumonia due to cold and exposure in course of employment; another for paralysis due to electric shock; the last for complete incapacity to work arising from lead poisoning. Payment in the lead poisoning and blindness cases having already been ratified by the Supreme Court. It is generally conceded that in Massachusetts the precedent for the inclusion of industrial disease in its schedule is too firmly established to prevent its almost automatic extension.

In July of the past year the Legislature of Canada provided compensation for industrial disease under the existing accident compensation law; and in the twenty-three States in which there is now more or less complete workmen's compensation, as well as in the Department of the Federal Government recognizing the claims of injured workers, the question of industrial disease compensation is recognized as an important issue.

It should be pointed out that primarily the object of workmen's compensation is accident prevention. But while the entire machinery of the compensation law tends toward the correction of conditions which produce the injuries it is designed to meet, there must, nevertheless, always remain the element of "The human factor" which, it is generally conceded, is responsible for nearly half of our industrial accidents. So that with every safeguard, and every mechanical device for the protection of employees necessarily exposed to some form of mechanical hazard, there will probably always exist a more or less steady ratio of industrial accident, which industry must assume as one of its burdens.

In the case of industrial disease, however, the fact of imposing compensation is very different. Indeed, it may be said that the recognition of industrial disease is practically tantamount to its elimination. The majority of occupational diseases are in no way due to the individual carelessness, or habitual recklessness of the worker. They arise from an environment absolutely beyond his control, and forced upon him by working conditions

not of his own choosing. By exercising personal care, watchfulness, and by sobriety, the average worker may hope to escape mechanical hazards; but no exercise of care on his part can protect the worker exposed to dangerous dusts or noxious fumes; and though their action is commonly slower and less likely to awaken public sympathy than mechanical injury, his sufferings may be as great, and his loss of earning capacity as complete, as in the case of some dramatic accident. The manifest injustice of compelling an employer to pay for the loss of a phalange, but leaving him free to throw off paralyzed workers who have been wrecked by exposure to lead dusts or fumes, is obvious. No one familiar with industry will question the fact that industrial disease is a much more serious evil than industrial accident. Although we lack statistics in this country, it is conservatively estimated that out of some 33,000,000 wage earners, 3,000,000 are always temporarily ill from the results of controllable working conditions. The experience of Great Britain and Germany has been that, with the adoption of compensation for industrial disease, the conditions responsible for that disease have been almost automatically corrected, so that the "burdens of industry" first heralded by employers adverse to compensation have not materialized. Furthermore, the adoption of sanitary manufacturing methods have not only protected the worker by the elimination of disease, but have immeasurably increased the efficiency and economy of general trade production. Along these lines the experience of Germany has been instructive, although in that country the benefits arising from improved care of the worker have been largely based on the enforced physical examinations due to military service. In England the operation of industrial compensation has produced similar results, but these have come not as a consequence of militarism, but from the attitude of industry itself. It must be borne in mind that occupational disease is an indictment of occupational conditions; that industrial sickness is unnecessary; and that modern science has proved that—with certain notable exceptions—there are practically no inherent risks of occupations. For example, the great menace to the worker commonly termed "Industrial tuberculosis" is controllable. Austrian smelters reduced their percentage of lead poisoning cases from 73% to less than 3% within two years of scientific control. Against the American record of 1909 of 60% of lead poisoning among the employees in certain white and red lead works, England opposed a record in similar factories of less than 2%. The bath-tub enamel trade of Great Britain has a clean record; yet during the same year a Pittsburg enamel

plant showed 40% of its employees suffering from lead poisoning. One Western electric battery works, employing fifteen men, sent three of them to the hospital, paralyzed from lead, within a period of three months; while an English plant, employing 150 men in similar work, had no case during the year. These are typical instances of what sanitary control, augmented by personal effort on the part of the management, can do, and will do, when compensation for industrial disease compels the employer to recognize his responsibility as to materials handled, and methods of production. In practically no instance has either Germany, England, Austria or France furnished a case where undue hardship has been imposed upon the employer as a result of improved sanitary standards. Indeed, the testimony is overwhelming from employers themselves as to the benefits arising from the enforcement of practical scientific standards.

Although the fundamental principles of accident and disease compensation are identical, there are certain differences which must be recognized in a discussion of their enforcement. Physical fitness may have only indirect bearing on mechanical injury, but in the case of occupational disease, a knowledge of the physical condition of the worker certainly after (and in many trades before) the contraction of disease, is of the utmost importance. In countries where militarism compels an intimate knowledge of the physical rating of adult males, there is little difficulty in the listing of hazardous and extra-hazardous trades; but in countries like our own, where no such obligation exists, and where the study of industrial physique is barely in its infancy, the whole discussion of disease compensation raises new and difficult issues. Without entering into the details of the feeling of the American worker against enforced physical examination, it is necessary to point out the fact that, in comparing his attitude with that of his English brother, this fact should be borne in mind: that in America the man who is physically unfit, or who has become diseased from working conditions over which he has no control, may be thrown aside as ruthlessly as a broken tool. In England, on the contrary, a physical examination which leads to suspension, or which discovers a man's incapacity for work arising out of physical disease due to his employment, entitles him to compensation on a reasonably liberal basis (for his living standards).

The first schedule for occupational disease compensation was passed by Great Britain in 1906, and was the result of a dramatic anthrax poisoning case so rapid that the man died within a few hours of infection, thereby, answering the legal definition of "Death by accident."

SCHEDULE I (Still Operative).

DESCRIPTION OF DISEASE.	DESCRIPTION OF PROCESS.
Anthrax.	Handling of wool, hair, bristles, hides and skin.
Lead poisoning or its sequelæ.	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelæ.	Any process involving the use of mercury or its preparations or compounds.
Phosphorous poisoning or its sequelæ.	Any process involving the use of phosphorous or its preparations or compounds.
Arsenic poisoning or its sequelæ.	Any process involving the use of arsenic or its preparations or compounds.
Ankylostomiasis.	Mining.

ADDITIONAL SCHEDULE (Now Operative).

DESCRIPTION OF DISEASE OR INJURY.	DESCRIPTION OF PROCESS.
Poisoning by nitro and amido-derivatives of benzine (dinitro-benzol, aniline and others), or its sequelæ.	Any process involving the use of a nitro or amido-derivative of benzine or its preparations or compounds.
Poisoning by carbon bisulphide or its sequelæ.	Any process involving the use of carbon bisulphide or its preparations or compounds.
Poisoning by nitrous fumes or its sequelæ.	Any process in which nitrous fumes are evolved.
Poisoning by nickel carbonyl or its sequelæ.	Any process in which nickel carbonyl is involved.
Arsenic poisoning or its sequelæ.	Handling of arsenic or its preparations or compounds.
Lead poisoning or its sequelæ.	Handling of lead or its preparations or compounds.
Poisoning by gonionia kamassie (African boxwood) or its sequelæ.	Any process in the manufacture of articles from gonionia kamassie.
Chrome ulceration or its sequelæ.	Any process involving the use of chromic acid or bi-chromate of ammonium, potassium, or sodium or their preparations.
Eczematous ulceration of the skin produced by dust or liquids, or ulceration of the mucous membrane of the nose or mouth.	Handling or use of pitch, tar, or tarry compounds.
Epitheliomatous cancer or ulceration of the skin of the corneal surface of the eye, due to pitch, tar or tarry compounds.	Chimney sweeping.
Scrotal epithelioma (chimney sweep's cancer).	Mining.
The disease known as Miner's Nystagmus, whether occurring in miners or others, and whether the symptoms of oscillation of the eyeballs be present or not.	Care of any equine animal suffering from glanders, handling the carcase of any such animal.
Glanders.	Any process carried on in compressed air.
Compressed air illness or its sequelæ.	Mining.
Subcutaneous cellulitis of the hand (beat hand).	Mining.
Subcutaneous cellulitis over the patella. (Miner's beat knee.)	Mining.
Acute bursitis over the elbow. (Miner's beat elbow.)	Mining.
Inflammation of the synovial lining of the wrist point and tendon-sheaths.	Mining.
Cataract in glass workers.	Process in the manufacture of glass involving exposure to the glare of molten glass.
Telegraphist's cramp.	Use of telegraphic instruments.
Writer's cramp.	

The first schedule which marks the beginnings of disease compensation was soon proved to be too limited for satisfactory results. Also the fact that compensation for lead, mercury and phosphorous poisoning is limited to those using its preparations in trade processes denied its benefits to those handling these dangerous materials in transportation, where many serious injuries have been proved to occur. The complete schedule now operative is based upon a combination of recommendations by the Secretary of State of December, 1906; May 22, 1907; December 2, 1908; July 30, 1913, and it will be noted that its operations are practically limited to the process scheduled against each occupational disease, except in such instances as when suit has been brought, and the burden of proof has rested with victims outside of industries already admittedly hazardous.

Compensation for industrial disease must rest on the basis of the physical examination of the worker. In certain industries this is required at the time of employment. In the white and red lead factories, and those manufacturing electric accumulators, paints and colors, or where heading of yarn and vitreous enameling occur, and in the potteries, bi-chromate factories, and those manufacturing chromate of potassium, and certain rubber processes, periodical examination of the worker is either compulsory or commonly in force. But in Great Britain the Government maintains the position that compulsory examination is not warranted when no compensation either for suspension or for disease contracted is enforced; and there is operative a good system of medical service available to the employee, which renders the obtaining of certificates for suspension or compensation inexpensive and devoid of financial burden.

A certifying surgeon (who must neither be in the employ of, nor have any direct interest in any manufacturing process scheduled under the compensation law) is appointed under the Factory and Workshop Act of 1901 for each industrial district; and he certifies at the request of any workman in that district (after physical examination) that the workman is suffering from a disease mentioned in the schedules of the compensation act, and is thereby disabled from earning full wages at the work at which he has been employed. Any claim for compensation based on such certificate must be filed within six months of date of injury. Such physician may be appointed by one of his Majesty's Factory Inspectors under the Act of 1901, or by the Secretary of State under the Act of 1906; and in the event of temporary lapse of appointment, the Poor Law Medical Officer of the district may act.

Or the workman may, in pursuance of special rulings and regulations made under the Factory and Workshop Act of 1901, be suspended from his usual employment on account of having contracted an occupational disease. The surgeon may certify in fatal cases that the death of a workman is caused by a recognized occupational disease, which was due to the nature of the employment in which the workman was employed. Compensation for disease, or for death due to occupational disease, is only paid where such disease or death is the result of working conditions within the twelve months prior to the certified date of disability in the claim for compensation (whether under one or more employers). If such disability or death is proved to have occurred within the twelve months previous to the certified date of claim, all of his dependents are entitled to compensation under the act the same as if the disease or suspension or fatality were a personal injury by accident, arising out of and in the course of that employment. It is to be noted that while compensation is commonly recovered from the last employer during the year previous to suspension, disease claim, or death, the employers with whom, during the last twelve months, the employee may have worked at similar hazardous trades, may join as parties in arbitration; and it may be decided by the court which employer is liable, or (in the event of proved responsibility) all may contribute a quota of the sum to be paid.

The duties of the certifying surgeon include personal examination of the workman and the delivery to him of a certificate either of disablement, or refusal to certify disablement. Under the original schedule no certifying surgeon could demand a fee in excess of one shilling; provided the examination was made in his office at reasonable and convenient time. Otherwise, if the examination were made at any place or hour other than his office, the sum of five shillings, with an additional shilling added for each mile or portion of each mile traveled by the physician for the purpose of examination, might be charged to the worker. This maximum fee has been protested by the medical profession as unfair, and as imposing hardship on those in congested industrial centers.

No compensation can be claimed by a worker who refuses a physical examination, and in the event of compensation paid by the employer, he may require physical examination of a suspended or disabled employee at reasonable intervals by his own physician; and if there be proof of malingering, a re-certification by the appointed surgeon of the district may be required.

It is obvious that without such machinery for the obtaining of medical certificates of unfitness by the worker, at a reasonable charge, any industrial disease compensation is inoperative. In the event of disagreement between the certifying surgeon and the employer, and in cases of obscure diagnosis, or where the charge of malingering seems reasonably established, appeal may be made to Medical Referees appointed by the Secretaries of State (whose decision is final), thereby eliminating costly process of litigation with expert testimony. The fees of such Referees vary from 2 guineas (\$10.20) to 3 guineas, according to the nature of the case. If the same case comes twice before a Referee, the fee is 1 guinea. Aside from the difficulty arising from the dissatisfaction of the medical profession with the small fee originally authorized, the working of the British Disease Compensation has been satisfactory; although the feeling is general that certain other well-defined diseases should be specifically scheduled, thereby protecting claimants from the necessity of court procedure.

In recommending the inclusion of compensation for industrial disease in the Employer's Liability Law of New Jersey, it is necessary to call attention to the obvious difficulties in the way of its enforcement. While the day has passed for defense of the distinction between injury from accident and injury from disease, both the American worker and the American employer is under a disadvantage not existing in Great Britain, which will seriously interfere with the operation of any such compensation law, and which is likely to react unfavorably upon those endeavoring to avail themselves of the protection such law is designed to cover.

Although we are a leading industrial nation, industry and industrial conditions are ignored in the training of our physicians, so that the average practitioner (through no fault of his own) has not had the experience to diagnose most industrial disease. And in ignorance of the processes in which the victims have been employed, and the nature of the material handled, the records of our hospitals, dispensaries, and even the day books of private physicians give practically no data on physical hazards which have long been familiar to the medical profession of other countries. While it is true that certain clearly defined symptoms are listed in most medical works (such as wrist drop through lead poisoning, loss of teeth and tremor from mercury poisoning, a few well-defined trade eczemas, phosphorous necrosis and wood alcohol poisoning) the majority of symptoms are capable

of false diagnosis, which is a serious handicap to the worker's ability to recover the compensation to which he is entitled. For example, lead poisoning produces destruction of the red corpuscles of the blood, anemia, loss of weight and muscular strength, paralysis, premature senility, lead delirium, nephritis, arthritis, and a long list of obscure kidney affections. Mercury poisoning is responsible for a complication of nervous disorders and kidney diseases, as well as the obvious symptoms of salivation and palsy. Arsenic produces complicated digestive disturbances. Aniline, while rapidly fatal in acute instances, produces multiple neuritis and obscure nervous symptoms, and the effects of the entire aniline group require expert neurological training in those familiar with processes in which such industrial risks occur.

It should be borne in mind that there are in use in the factories of New Jersey nearly fifty industrial poisons capable of producing serious and even fatal disease, and that a campaign of education as to industrial hazards is absolutely essential before a reliable diagnosis is generally possible. It will be seen how unfair a burden will be imposed on the worker entitled to disease compensation, if he is forced to combat the plausible arguments of physicians retained for the defense of unscrupulous employers, with available medical testimony. The expense involved is too great to warrant substantial benefit, even should the worker win his case. Some reasonable system based on that of English administrative features should be devised, whereby a certified physician, or physicians in industrial centers should be in touch with the State Department of Labor, and through it obtain information as to recognized trade hazards in the industries scheduled for compensation. It has been suggested that city physicians, or those connected with the city dispensaries and hospitals, might be available for such purpose. It is difficult to suggest other than a trained physician connected with the State Board of Health as a substitute for the English Medical Referee, whose judgment is final in all questions of dispute.

In reviewing the English schedule of industries in which employees may recover disease compensation the criticism is warranted that several diseases listed do not apply to the workers of New Jersey. Our mining interests are so limited that the inclusion of nystagmus, miner's beat hand, miner's beat knee, miner's beat elbow and ankylostomiasis, seems futile. Nor have we any industry likely to produce chimney sweep's cancer or poisoning from African boxwood. It would seem advisable to substitute for these, wood alcohol poisoning which is a wide hazard in several industries, especially that of leather dressing.

Anthrax.

Lead poisoning or its sequelæ.

Mercury poisoning or its sequelæ.

Phosphorous poisoning or its sequelæ.

Arsenic poisoning or its sequelæ.

Wood alcohol poisoning or its sequelæ.

Poisoning by nitro and amido-derivatives of benzene (dinitro-benzol aniline and others) or its sequelæ.

Poisoning by carbon bisulphide or its sequelæ.

Poisoning by nitrous fumes or its sequelæ.

Chrome ulceration or its sequelæ.

Eczematous ulceration of the skin produced by dust or liquids, or ulceration of the mucous membrane of the nose or mouth.

Epitheliomatous cancer or ulceration of the skin of the corneal surface of the eye, due to pitch, tar or tarry compounds.

Compressed air illness or its sequelæ.

Inflammation of the synovial lining of the wrist joint and tendon-sheaths.

Cataract in glassworkers.

Telegraphist's cramp.

Brass poisoning and its sequelæ.

Handling of wool, hair, bristles, hides and skin.

Any process involving the use or handling of lead or its preparations or compounds.

Any process involving the use or handling of mercury or its preparations or compounds.

Any process involving the use or handling of phosphorous or its preparations or compounds.

Any process involving the use or handling of arsenic or its preparations or compounds.

Any process involving the use of wood alcohol.

Any process involving the use of a nitro or amido-derivative of benzene or its preparations or compounds.

Any process involving the use of carbon bisulphide or its preparations or compounds.

Any process in which nitreous fumes are evolved.

Any process involving the use of chromic acid or bi-chromate of ammonium, potassium, or sodium or their preparations.

Handling or use of pitch, tar, or tarry compounds.

Any process carried on in compressed air.

Process in the manufacture of glass involving exposure to the glare of molten glass.

Use of telegraphic instruments.

Any process in the manufacture of brass.

In view of the attitude of Massachusetts and other progressive States, it would seem reactionary if the Department of Labor of New Jersey did not endorse the inclusion of occupational disease in the Employers' Liability Law of the State. But it seems essential to point out the facts already noted concerning the difficulties of its administration, in view of the problems involved in the medical certification of the necessity for suspension or compensation of workers wrecked in industrial processes. The department therefore urges the adoption of simple but effective machinery which will make it possible for injured workers to avail themselves of the protection promised them.

With this outline of the Department's position is included a copy of Assembly Bill No. 625, introduced March 4th, 1914, as an amendment to the present elective schedule of accident compensation. If for the schedule there proposed is substituted that offered in this report, and if there be included some method for certifying of occupational disease similar to that in vogue in

England, the proposed amendment seems to offer a satisfactory solution of the difficulties to be surmounted by the inclusion of occupational disease in the Employers' Liability Law. It has been accepted by the bill-drafting experts of Columbia University and other students on laws of workmen's compensation as the best amendment available under existing conditions in this State.

The enactment of such an amendment would probably secure anticipated benefits to only a fractional part of those entitled to compensation. But as time passes, and knowledge of trade hazards becomes more general, we have every reason to hope for an annual increase in the effectiveness of the law.

Yours respectfully,
LEWIS T. BRYANT,
Commissioner of Labor.

Statistical Report, November 1st, 1912, to October 31st, 1914.

NON-FATAL CASES.

	1912.	1913.	1914.
The total number of non-fatal accident reports received,	6,635	5,750	6,537
Number of accidents occurring under section one,	364	305	266
Elected by employer,	286	286	254
Elected by employee,	19	12	12
Being of the total,	5.8%	5.3%	4%
Number of accidents occurring under section two,	6,271	5,445	6,271
Being of the total,	94.2%	94.7%	96%
Number of total disability cases,	4	1	3
Partial disabilities of a permanent nature,	384	515	679
Temporary disabilities,	4,336	5,230	5,855
Classified as trivial and not requiring medical aid,	2,365	204	230
Cases requiring medical aid,	4,300	5,244	6,307
Medical aid supplied to,	3,691	4,659	5,888
Being of the total,	86%	89%	93.3%
Cases not receiving necessary aid, although legally entitled to same,	609	585	419
Being of the total,	14%	11%	6.7%
Number of cases entitled to compensation,	2,303	4,276	5,327
Compensation paid to,	2,139	4,103	5,178
Being of the total,	92.8%	96%	97.2%
Cases not receiving compensation due, although legally entitled to same,	164	173	149
Being of the total,	7.2%	4%	2.8%
Irregular or faulty compensation, i. e., not agreeing with the terms of the act,	445	207	169
Being of the total,	19.3%	5%	3.3%
Of the above, shortage in payments appeared in,	143	103	103
The total shortage was,	\$10,382.53	\$5,035.39	
The average per case being,	\$72.60	\$48.88	
The maximum shortage was,	\$760.00	\$275.00	
The irregular compensations, together with the cases which did not receive compensation, make of the total number of cases entitled thereto,	26%	9%	6%
Cases closed during the year,	4,992	5,573	
Cases still open at the end of the year,	453	205	
Number of second reports received,	1,000	1,541	
Number of individual employers reporting,	1,428	1,879	
Number of these that are insured,	1,104	1,570	
Being of the total,	77%	83.5%	
Reports received from insurance companies,		6,011	
Of these the number classified as trivial,		225	
Notices sent to employers demanding reports,		2,756	
Reports received therefrom,		1,981	

FATAL CASES.

	1913.	1914.
Total number of fatal accidents reported,	233	249
Cases under section II,		242
Fatal cases involving dependents entitled to compensation,	132	120
Cases paid,	93	110
Ratio,	7.5%	91.7%
Cases entitled to, but not receiving compensation,	39	10
Ratio,	29.5%	8.3%
The average number of dependents given,	2.7	3
Burial expenses due,	198	240*
Burial expenses paid,	59	128
Ratio,	29.8%	53.3%
Burial not furnished for,	139	114
Ratio,	7.2%	46.6%

* In view of decision of Supreme Court, burial expenses may not have been due some of these cases.

FATAL CASES—(Continued).

	1913.	1914.
Total burial reported in 58 cases,	\$8,449.43	
Total burial reported in 128 cases,		\$16,368.98
Average burial cost per case,	\$145.68	\$127.88
Total by weekly compensation to dependents of 68 cases,	\$132,905.96	
Total by weekly compensation to dependents of 100 cases,		\$191,033.51
Average of such cases respectively,		
Lump sum payments made to aliens,	\$1,947.14	\$1,910.33
Average settlement to aliens,	3	3
Fatal cases not involving dependents,	\$363.00	\$458.33
Cases under section one,	101	122
Under section one the following settlements were recorded:	7	7
For 5 dependents of two cases, average for each,	\$2,760.00	
For 9 dependents of two cases, average for each,		\$622.55
Irregular cases as reported,	4	9
These will be found in the list of fatal cases given below.		

FATAL CASES.

The following tables set forth extracts from the report of each fatal accident, exclusive of those occurring in connection with railroads. Every effort has been made to secure final information about each case, so as to place the responsibility for any incomplete statements upon the employer, who should, by law, complete the records by making supplemental reports when necessary. These records were held open until January twenty-third to give all the time possible for final statements.

No.	Burial.	Compensation. Due.	Paid.	Shortage.	Dependents.	Insuring.
1	\$109.50		\$1,798.30		0	Yes
2	Will pay	\$1,500.00	1,500.00		1	
3	80.25				A	
4		1,800.00	1,800.00		5	Yes
5	100.00				0	Yes
6	35.00				0	
7	100.00				0	Yes
8		1,500.00	1,950.00		1	Yes
9	100.00				0	Yes
10		?		?	4	Yes
11	Court decided accident did not arise out of, and in course of employment.					
12	Insurance company claims case not under jurisdiction of New Jersey act—occurred in New York harbor.					
13		1,558.80	1,558.80		5	
14	89.75				3A	
15	150.00				0	Yes
16	100.00	370.44	370.44		1	
17	145.25				0	Yes
18	75.00				0	Yes
19	100.00	3,000.00	3,000.00—C		?	Yes
20		2,160.00	250.00	1,910.00	6	
21		1,517.29	1,517.29—C		4	
22	233.70	2,100.00	2,100.00		4	Yes
23	125.00				A	
24		1,555.20	1,555.20		2	Yes
25		1,890.00	1,890.00		4	Yes
26	100.00		850.00—LS		0	Yes
27	Being negotiated between counsel for deceased and Casualty company.					
28		?	1,500.00		?	Yes
29		?			?	
30	100.00	1,575.00	1,575.00		1	
31			275.00		7	Yes
32		2,160.00			0	Yes
33	183.50				0	
34	152.75				0	

A=Aliens. C=Court decision. LS=Lump sum payment. Sec. I=Not under compensation section.

No.	Burial.	Compensation. Due.	Paid.	Shortage.	Dependents.	Insuring.
35	125.28	2,217.00	2,217.00		2	
36	63.58	1,575.00	1,575.00		1	
37	109.00	2,061.00	2,061.00		1	
38	186.50				0	
39	209.00				0	
40	214.00	1,950.00	1,950.00		4	
41	186.75	2,382.00	2,382.00		5	
42	217.00	2,706.57	2,706.57		5	
43	109.00	1,500.00	1,500.00		2	
44	100.00				0	Yes
45		1,500.00	1,500.00—C		1	
46	100.00	2,044.20	2,044.20		2	
47	174.15				A	
48		?			?	
49	100.00	2,160.00	2,160.00—C		7	Yes
50	Court case, will report later.					
51	Court case, will report when decision is made.					
52	172.35	3,000.00	3,000.00		5	
53	128.25				0	
54	400.00	3,000.00	3,000.00—C		2	Yes
55		2,079.00	2,079.00		3	Yes
56	100.00	2,340.00	1,950.00	390.00	6	Yes
57	155.29				0	Yes
58	153.51				0	Yes
59	100.00				0	
60		1,500.00	1,500.00		2	Yes
61	100.00	1,500.00	1,500.00		1	Yes
62		1,500.00	1,500.00		1	Yes
63		3,000.00		3,000.00	3	
64	134.00				0	Yes
65	89.00	1,500.00	Widow wants lump sum.		1	
66		2,970.00	2,970.00		4	Yes
67		?	1,125.00		8	Yes
68	Compensation paid as a compromise—died of pneumonia. Burial refused by attorneys, threaten suit under treaty of rights of next of kin.					
69		?			A	Yes
70	100.00				?	
71	100.00	1,706.40	1,983.00		0	
72	100.00				2	
73	100.00	1,500.00	1,500.00		0	
74	Asked for commutation, court turned case down as casual employment.					
75	100.00				1	Yes
76	Insurance company claims that case comes under New York statutes.					
77	100.00	2,871.00	2,871.00		0	Yes
78	Sec. I 182.00		3,143.00		5	
79	150.00	3,000.00	3,000.00		3	Yes
80	150.00		C		0	Yes
81	150.00	1,500.00	1,500.00—C		1	Yes
82	Awaiting proof of authority to pay burial.					
83		1,941.60	1,941.60—C		3A	Yes
84	100.00	1,500.00	1,500.00		6	Yes
85	147.00	1,500.00	1,500.00		1	Yes
86	100.00				2	Yes
87	100.00	1,890.00	1,890.00		A	Yes
88	76.00				1	Yes
89	53.77				0	
90	100.00				A	Yes
91	Case brought to New York Supreme Court.					
92		3,000.00	3,000.00		0	Yes
93	100.00	1,890.00	1,890.00		5	Yes
94	Will advise later.					
95		2,887.50	Hearing asked.		3	Yes
96	100.00		Case not yet closed.		1	Yes
97	100.00		Court decided no legal dependents.		0	Yes
98		?			?	Yes
99		1,500.00	1,500.00		2	Yes
100	200.00				0	Yes
101	92.40				5A	Yes
102		?	1,500.00		?	

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No.	Burial.	Compensation. Due.	Paid.	Shortage.	Dependents.	Insuring.
103	?	?
104	211.60	2,383.89	2,150.00-C	233.89	6	Yes
105	100.00	1,885.80	1,941.00	.....	1	Yes
106	90.00	.....	.....	.....	0	Yes
107	.....	?	.....	.....	0	Yes
108	100.00	.....	.....	.....	0	Yes
109	.....	2,145.00	2,145.00	.....	5	Yes
110	100.00	.....	1,665.00-C	.....	3	Yes
111	65.00	.....	600.00	.....	3 A	.....
112	60.00	.....	.....	.....	0	.....
113	125.00	.....	.....	.....	A	.....
114	125.00	.....	.....	.....	A	.....
115	125.00	.....	.....	.....	A	.....
116	202.50	3,000.00	3,000.00	.....	5	.....
117	.....	.....	.....	.....	0	.....
118	125.00	.....	.....	.....	0	.....
119	Will be paid	2,073.00	2,073.00	.....	6	.....
120	.....	2,133.00	2,133.00-C	.....	3	.....
121	100.00	.....	.....	.....	0	Yes
122	104.00	.....	.....	.....	0	.....
123	.....	2,788.50	3,000.00	.....	5	Yes
124	.....	3,000.00	3,000.00	.....	1	Yes
125	100.00	1,785.00	1,785.00	.....	1	Yes
126	Question of industrial disease.	.....	.....	.....	3 A	Yes
127	100.00	.....	.....	.....	0	.....
128	100.00	2,187.00	2,430.00-C	.....	3	.....
129	.....	2,169.85	2,169.65-C	.....	4	.....
130	112.00	1,500.00	1,500.00	.....	3	.....
131	107.00	2,806.05	2,806.05	.....	6	.....
132	.....	1,872.00	1,872.00	.....	1	.....
133	.....	1,672.00	1,672.00	.....	3	.....
134	.....	1,500.00	1,500.00	.....	2	Yes
135	100.00	1,937.40	1,937.40	.....	4	Yes
136	100.00	Two widows make claim.	.....	.....	?	Yes
137	.....	1,500.00	1,500.00	.....	1	Yes
138	.....	?	.....	.....	?	.....
139	.....	?	.....	.....	?	.....
140	90.00	.....	.....	.....	A	.....
141	.....	1,980.00	.....	1,980.00	4	.....
142	.....	1,980.00	1,400.00-LS	500.80	2	.....
143	Partial dependents—lump sum.	.....	500.00-C	.....	2	Yes
144	245.00	1,500.00	1,500.00	.....	6	Yes
145	Sec. I	100.00	.....	.....	A	Yes
146	Sec. I	100.00	100.00	.....	1	Yes
147	.....	.....	.....	.....	?	.....
148	Claim no lawful wife.	.....	.....	.....	?	Yes
149	.....	2,910.70	2,910.70-C	.....	5	Yes
150	100.00	.....	.....	.....	2 A	Yes
151	100.00	.....	.....	.....	0	Yes
152	Sec. I	.....	800.00	.....	2	.....
153	Insurance company claims no responsibility after hours—report not required.	.....	.....	.....	0	.....
154	Sec. I	.....	.....	.....	0	.....
155	.....	2,475.00	2,475.00	.....	5 & 2 A	.....
156	.....	3,000.00	3,000.00	.....	1	.....
157	Burial offered but refused by relatives.	1,500.00	1,500.00	.....	0	Yes
158	100.00	.....	.....	.....	2	Yes
159	100.00	.....	.....	.....	0	.....
160	100.00	1,500.00	1,500.00	.....	5	Yes
161	.....	1,500.00 ?	1,483.69-C	.....	1	.....
162	100.00	Court ordered \$5 for 300 weeks—case appealed—mother a questionable dependent.	.....	.....	?	Yes
163	.....	2,471.20	2,471.20	.....	5	Yes
164	.....	?	1,500.00	.....	?	Yes
165	Sec. I	.....	.....	.....	5	.....
166	Sec. I	303.75	1,560.00-LS	.....	3	Yes
167	.....	?	.....	.....	?	Yes
168	100.00	1,500.00	1,500.00	.....	4	Yes
169	.....	1,500.00	1,500.00	.....	1	Yes
170	.....	2,250.00	2,250.00	.....	4	Yes
171	100.00	.....	.....	.....	0	Yes
172	100.00	2,700.00	2,700.00	.....	4	Yes
173	125.00	.....	.....	.....	0	.....

A=Aliens. C=Court decision. LS=Lump sum payment. Sec. I=Not under compensation section.

No.	Burial.	Compensation. Due.	Paid.	Shortage.	Dependents.	Insuring.
174	.....	1,680.00	.....	1,680.00	1	Yes
175	.....	3,000.00	.....	3,000.00	1	Yes
176	Court decided no compensation due—delirium tremens.	1,695.90	.....	1,695.90	1	Yes
177	222.95	.....	.....	.....	0	.....
178	288.95	.....	.....	.....	0	.....
179	292.67	.....	.....	.....	3	Yes
180	.....	2,004.00	2,004.00	.....	0	Yes
181	100.00	.....	.....	.....	0	Yes
182	100.00	.....	.....	.....	1	.....
183	Court decided death not due to injury.	.....	.....	.....	0	.....
184	35.00	.....	.....	.....	0	.....
185	160.00	.....	.....	.....	2	Yes
186	.....	1,500.00	1,500.00	.....	3	Yes
187	162.00	2,430.00	2,468.50	.....	0	Yes
188	100.00	.....	.....	.....	1	Yes
189	.....	1,500.00	1,500.00	.....	1	Yes
190	.....	1,500.00	1,500.00	.....	0	Yes
191	100.00	.....	.....	.....	5	.....
192	.....	1,500.00	1,500.00	.....	6 A	.....
193	84.00	.....	500.00	.....	6	.....
194	200.00	2,160.00 ?	1,500.00	660.00 ?	0	.....
195	319.43	.....	.....	.....	0	.....
196	100.00	.....	.....	.....	0	.....
197	Court held that dependents failed to prove injury was received in course of employment.	.....	.....	.....	5	Yes
198	126.50	2,217.60	2,034.00	183.60	1	Yes
199	100.00	.....	.....	.....	0	Yes
200	100.00	1,500.00	1,500.00	.....	2	Yes
201	.....	.....	.....	.....	0	Yes
202	100.00	.....	.....	.....	0	Yes
203	.....	1,840.50	1,872.00-C	.....	1	Yes
204	.....	1,500.00	1,500.00-C	.....	1	Yes
205	.....	1,800.00	1,383.60-LS	416.30	2	Yes
206	100.00	125.00	.....	Dependent died.	1	.....
207	.....	1,500.00	1,500.00	.....	1	.....
208	.....	1,800.00	2,340.00	.....	2	.....
209	.....	1,800.00	1,800.00-C	.....	1	.....
210	.....	1,500.00	1,500.00	.....	0	.....
211	.....	.....	.....	.....	0	.....
212	100.00	.....	.....	.....	0	.....
213	.....	1,323.32	1,323.32	.....	4	.....
214	100.00	.....	.....	.....	0	Yes
215	100.00	.....	.....	.....	0	.....
216	100.00	.....	.....	.....	0	.....

A=Aliens. C=Court decision. LS=Lump sum payment. Sec. I=Not under compensation section.

IRREGULAR SETTLEMENTS.

The following tables have been prepared from the statements given upon the official reports filed by employers and insurance companies. The law requires both of the above to give full and complete statements, and if any of the details enumerated below are incomplete, or do not properly set forth the facts, it is due to failure on their part in not filing final statements. The items are quotations from the reports with our comment as to the apparent irregularity.

IRREGULAR BECAUSE OF DEFINITE SHORTAGES.

No.	Nature of Injury.	Compensation.		Shortage. Insuring.		Remarks.
		Due.	Paid.			
1	One-half of fourth finger lost,	\$42.50	\$5.00	\$37.50	Yes	No compensation for permanent injury.
2	Right first finger lost,	234.00	210.00	24.00	Yes	No compensation for temporary disability.
3	Right hand bruised and sprained,	30.00	28.00	2.00	Yes	Short 50c. on compensation rate.
4	One-half right second finger lost,	138.00	50.55	87.45	Yes	Paid for one-quarter finger and no temporary disability.
5	One-half third finger lost,	50.00 P	25.00	25.00 P	Yes	Short 5 weeks on permanent injury and no temporary disability allowed.
6	Both thumbs amputated,	690.00 P	563.60	126.40 P	Yes	Short 25c. on compensation rate, no temporary disability and lump sum payment.
7	One-half left first finger amputated,	86.00	72.00	14.00	Yes	No temporary disability allowed and short one-third week permanent injury.
8	One-half second toe lost,	31.50	26.25	5.25	Yes	No temporary disability allowed.
9	Sight of eye lost,	832.00	600.00	232.00	Yes	Lump sum payment.
10	Third finger amputated,	202.50	180.00	22.50	Yes	No temporary disability allowed.
11	First and second fingers amputated,	643.77	606.45	37.32	Yes	Short 4 weeks' temporary disability.
12	Great toe amputated,	277.20	39.60	237.60	Yes	No permanent injury payment.
13	One-half first finger lost,	183.00	78.00	105.00	Yes	No permanent injury payment.
14	Leg contused,	21.67	11.67	10.00		Short 1 week temporary disability.
15	One-half left thumb amputated,	199.20	31.20	168.00		No permanent injury payment.
16	Toes crushed, second amputated,	76.00	31.06	44.94		No permanent injury payment.
17	Third finger lost,	107.50	16.92	90.58		One-half wage as compensation less than \$5 and no permanent injury payment.
18	One-half thumb lost,	155.83	150.00	5.83	Yes	No temporary disability payment.
19	End of left first finger cut,	9.00	6.00	3.00	Yes	Short one-half week's compensation.
20	Triangular wound of heel,	23.91	21.40	2.51	Yes	Short 48c. on compensation rate.
21	Second finger lost,	272.58	247.80	24.78	Yes	No temporary disability payment.
22	Toe broken,	37.50	30.00	7.50	Yes	Short 1 week's temporary disability.
23	Right thumb lacerated,	42.00	24.00	18.00	Yes	Short 3 weeks' temporary disability.
24	Thumb lacerated,	43.50	21.75	21.75	Yes	Short 3 weeks' compensation.
25	Leg amputated below knee,	730.00 P	635.00	95.00 P	Yes	No temporary disability allowed over 2 weeks.
26	Fourth finger lost,	81.00	40.50	40.50	Yes	Paid for only one-half finger.
27	One-half second finger lost,	80.00	5.00	75.00	Yes	No permanent injury payment.
28	Broken collar bone,	49.95	38.85	11.10	Yes	Short 2 weeks temporary disability.
29	One-half thumb lost,	234.00	202.50	31.50	Yes	No temporary disability payment.
30	One-quarter first finger lost,	53.75	43.75	10.00	Yes	No temporary disability payment.
31	One-quarter thumb lost,	129.60	121.50	8.10	Yes	Short 1 week's temporary disability.
32	Skin scraped from shin for several inches,	35.15	21.33	13.82	Yes	Since this firm works 5½ days per week, man lost 38 days or 5 8/10 weeks.
33	One-half first finger lost,	102.50	87.50	15.00	Yes	Short 3 weeks' temporary disability, lump sum for permanent injury.
34	First and second fingers lost,	325.00 P	245.33	79.67 P		Lump sum for permanent injury.

Note.—P—indicates "plus."

IRREGULAR BECAUSE OF DEFINITE SHORTAGES—Con.

No.	Nature of Injury.	Compensation.		Shortage. Insuring.		Remarks.
		Due.	Paid.			
35	Nail off right first finger,	\$25.83	\$15.00	\$10.83	Yes	Lost 43 days, paid for 3 weeks.
36	One-half third finger lost,	120.00	100.00	20.00	Yes	No temporary disability payment.
37	Right fourth finger lost,	91.80	76.50	15.30	Yes	No temporary disability payment.
38	Ribs injured,	25.00	15.00	10.00	Yes	Short two weeks on temporary disability.
39	One-half right fourth finger lost,	65.96	58.25	7.71	Yes	Lump sum settlement, \$58.25.
40	Nose injured,	13.50	11.24	2.26	Yes	Compensation rate short \$1.13.
41	One-half second and third fingers lost,	204.75	168.75	36.00	Yes	Lump sum settlement.
42	Approximately one-quarter thumb lost—almost to base of nail,	141.90	45.15	96.75	Yes	No permanent injury payment.
43	Internal injuries,	90.00	60.00	30.00	Yes	Disability 4 months, paid for 10 weeks.
44	Fourth finger lost,	180.00	135.00	45.00	Yes	Short 5 weeks' temporary disability.
45	One-half left first finger lost,	97.50	87.50	10.00	Yes	No temporary disability allowed.
46	Fourth finger lost, third lacerated,	170.76	56.92	113.84	Yes	No permanent injury payment.
47	Leg broken, badly bruised and cut all over,	112.50	81.00	31.50	Yes	Short 3½ weeks' temporary disability.
48	One-half right third finger lost,	165.00	82.50	82.50	Yes	No permanent injury payment.
49	Side of body cut,	21.00	18.00	3.00	Yes	Compensation rate short, \$1.00.
50	One-half second finger lost,	173.33	150.00	23.33	Yes	No temporary disability payment.
51	Second finger amputated,	160.41	22.50	137.91	Yes	No permanent injury payment.
52	Hand bruised and infected,	43.33	35.00	8.33	Yes	Short 1½ week's temporary disability.
53	Left second and fourth fingers crushed, third broken,	55.00	30.25	24.75	Yes	Paid for only 5½ out of 12 weeks' disability.
54	One-half right first finger lost,	141.45	60.37	81.08	Yes	Short 11¾ weeks' on permanent injury.
55	Breast bone fractured,	15.00	13.50	1.50		One-half wage less than \$5, short 50c. on compensation rate.
56	One-quarter right second finger lost,	48.45	18.81	29.64	Yes	No permanent injury payment.
57	Left second finger lost,	178.75	49.50	129.25	Yes	Short 6 weeks' temporary disability.
58	Fourth finger lost, compound fracture of third,	157.50	112.50	45.00	Yes	Short ½ week's compensation.
59	Cracked small bone in ankle,	35.00	20.00	15.00	Yes	No permanent injury payment.
60	One-half first finger lost,	138.37	67.50	70.87		Short 4½ weeks' temporary disability.
61	One-half right first finger lost,	132.00	105.00	27.00		Short 7½ weeks' temporary disability.
62	Left first finger lost,	267.75	220.50	47.25	Yes	No temporary disability payment, and short on permanent injury.
63	Third and fourth fingers lost,	333.00	262.50	70.50		No permanent injury.
64	Arms and back scalded,	21.00	5.25	15.75	Yes	Short three weeks' compensation.
65	Right third finger lost,	120.00	100.00	20.00	Yes	Lump sum payment and no temporary disability paid.
66	One-half first, second and third fingers lost,	289.25	255.00	34.25	Yes	50c. short on compensation rate and no temporary disability paid.
67	One-half second finger lost, third lacerated,	75.60 P	75.00	.60		No temporary disability payment.
68	One-half great toe amputated,	210.00	105.00	105.00		Short 15 weeks, either on temporary disability or permanent injury.
69	One-quarter thumb amputated,	84.03	9.75	74.28	Yes	No permanent injury payment.
70	Finger cut,	10.00	2.50	7.50	Yes	Out 4 weeks, paid for one-half week.

Note.—P—indicates "plus."

IRREGULAR BECAUSE OF DEFINITE SHORTAGES—Con.

No.	Nature of Injury.	Compensation.		Shortage.	Insuring.	Remarks.
		Due.	Paid.			
71	Eye lost,	\$963.00	\$900.00	\$63.00	Yes	Short 7 weeks' temporary disability.
72	First finger amputated,	199.50 P	99.75	99.75 P	Yes	Paid for only one-half finger and no temporary disability paid.
73	One-half right first finger lost,	112.50	87.50	20.00		Short 5 weeks' temporary disability.
74	Thumb and first finger lost,	475.00 P	400.00	75.00 P	Yes	Settled for \$400 on permanent injury and no temporary disability paid.
75	Seven-twelfths use of eye lost,	321.66	280.00	41.66	Yes	Paid \$250 as compromise on account of permanent injury to eye.
76	Toes bruised,	9.43	6.60	2.83		Short 3/7 week's compensation.
77	Left thumb lost,	710.00	600.00	110.00	Yes	Short 11 weeks' temporary disability.
78	Nail off right first finger,	10.43	5.69	4.74		Short 5 days' compensation.
79	Left thumb, nail mashed and cut,	41.66	26.66	15.00	Yes	Short 1 1/2 week's compensation.
80	Hernia,	10.00	9.35	.65		One-half pay less than \$.
81	One-quarter right first finger lost,	83.33	43.33	40.00	Yes	Either temporary disability or permanent injury overlooked.
82	Left arm scraped,	5.83	5.25	.58	Yes	One-half wage less than \$5, soc. short on compensation rate.
83	Eye lost,	657.90	615.63	42.27	Yes	Lump sum payment short on permanent injury and no temporary disability paid.
84	One-half first and second fingers lost,	273.75	178.12	95.63	Yes	No temporary disability and short on permanent injury.
85	Pricked finger with needle,	40.00	24.00	16.00	Yes	Compensation rate \$2 per week short.
86	One-quarter second finger lost,	93.75	37.50	56.25	Yes	No permanent injury payment.
87	One-half third finger lost,	50.00	25.00	25.00	Yes	Lump sum payment.
88	Left first finger amputated,	194.25	183.75	10.50		Short 2 weeks' temporary disability.
89	One-quarter second finger amputated,	78.75	22.50	56.25	Yes	No permanent injury payment.
90	Left thumb amputated,	726.75	570.00	156.75	Yes	16 1/2 weeks' temporary disability not paid.
91	One-half second and third fingers lost,	336.60	89.10	247.50	Yes	No permanent injury payment.
92	Left eye removed,	590.33	550.00	40.33	Yes	No temporary disability payment.
93	Four fingers of right hand amputated,	575.00	517.00	58.00		Lump sum settlement for permanent injury.
94	One-half left second finger lost,	75.00 P	50.00	25.00 P	Yes	Short 5 weeks on permanent injury and no temporary disability paid.
95	One-half left first finger lost,	150.50	138.83	11.67	Yes	Short 1 1/2 week's temporary disability.
96	One-half third finger lost,	57.50	50.00	7.50	Yes	Short 1 1/2 week's temporary disability.
97	Two fingers crushed,	17.50	14.40	3.10	Yes	Short on compensation rate and time.
98	Right third and fourth fingers crushed, permanent injury,	200.00	155.00	45.00	Yes	Lump sum payment for permanent injury and no temporary disability paid.
99	Third finger and one-half fourth lost,	338.00	63.00	275.00	Yes	No permanent injury payment.
100	One-half great toe amputated,	75.00 P	55.00	20.00 P	Yes	Four weeks short on permanent injury and no temporary disability paid.

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Note.—P—indicates "plus."

IRREGULAR BECAUSE OF DEFINITE SHORTAGES—Con.

No.	Nature of Injury.	Compensation.		Shortage.	Insuring.	Remarks.
		Due.	Paid.			
101	One-half right first finger lost,	\$175.00 P	\$80.00	\$95.00 P	Yes	Settled for \$80 lump sum, no temporary disability paid.
102	Right hand badly cut,	55.00	40.00	15.00	Yes	Short 3 weeks on temporary disability.
103	One-quarter second finger lost,	42.00	2.65	39.35	Yes	No permanent injury payment.
Totals,		\$18,209.75	\$13,174.36	\$5,035.39		

IRREGULAR BECAUSE OF LUMP SUM PAYMENTS.

No.	Nature of Injury.	Compensation.		Insuring.	Remarks.
		Due.	Paid.		
1	Bruised abdomen,	\$6.12	\$106.13	Yes	Lump sum settlement 2 months after injury. Final settlement paid in one check probably covering a period of 50 weeks.
2	Foot and thigh burned,	16.50	119.00	Yes	
3	First and second fingers lost,	445.00	451.71	Yes	
4	Right arm and hip bruised,	?	486.75	Yes	
5	One-half left thumb amputated,	173.29	173.29	Yes	Lump sum for temporary disability.
6	Toe amputated,	100.00	100.00	Yes	
7	Foot burned,	?	?		
8	First and second fingers crushed, partial deformity,	15.96 P	75.00	Yes	Extent of injury to mangled fingers not stated. Lump sum settlement with guardian, injured being a minor.
9	First and second and third fingers lost, first and fourth mangled,	224.00 P	472.50	Yes	
10	One-half second and one-quarter third finger lost,	357.50	380.00		
11	One-half first finger lost,	87.50	87.50	Yes	
12	One-half second finger split, amputation advised,	?	115.00	Yes	
13	Rib broken,	30.00	130.00	Yes	No temporary disability paid.
14	Second finger lost and one-half first and third,	412.27 P	431.25	Yes	
15	One-quarter left first finger lost,	43.32	43.32	Yes	After paying for 13 weeks the case was settled for \$300.
16	Neck, shoulder, arm and hands burned,	?	374.49	Yes	
17	Eye ball burned,	?	250.00	Yes	
18	Hip fractured,	?	400.00	Yes	
19	Loss of power to move first finger,	?	165.00	Yes	
20	Three minor toes amputated, two large bones of foot broken,	319.41	350.00	Yes	
21	One-half thumb and second finger lost,	?	270.00	Yes	

Note.—P—indicates "plus."

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IRREGULAR BECAUSE OF LUMP SUM PAYMENTS—Con.

No.	Nature of Injury.	Compensation. Due.	Paid.	Shortage.	Insuring.	Remarks.
22	Both ankles fractured, compression four vertebrae anky- losis of same,	?	?	\$581.00	Yes	Paid compensation for 27½ weeks then made final settlement of \$350.
23	Foreign body under lid of eye, .....	.....	.....	150.00	Yes	
24	Muscle in leg cut, .....	.....	.....	100.00	Yes	
25	One-half right first and second fingers lost, .....	.....	.....	223.33	Yes	
26	First finger cut, partial stiffness,	\$167.50	?	86.62	Yes	
27	One-half second and tip of first finger lost,	?	?	?	Yes	
28	Left fourth finger amputated,	162.15	?	221.00	Yes	Paid \$80 for loss of fourth finger.
29	First finger taken off above first joint, .....	.....	.....	111.55	Yes	
30	Eye bruised, permanent injury,	120.99 P	.....	314.45	Yes	Cash settlement of \$200 for permanent injury.
31	One-half left thumb lost,	300.00 P	.....	300.00	Yes	No temporary disability payment.
32	Eye injured, entire sight not lost,	20.00 P	.....	100.00	Yes	Received \$100 in settlement.
33	Foot bruised,	35.00	.....	100.00	Yes	Settled for \$100 injured paying medical bills.
34	One-quarter right first and second fingers lost,	131.62	.....	131.62	Yes	\$150 paid for broken wrist.
35	Wrist broken,	99.45	.....	249.45	Yes	Paid \$150 for second finger and \$50 for third.
36	Second and third fingers crushed and permanently stiff, .....	?	.....	210.00	Yes	Paid \$200 for permanent injury.
37	Foot crushed, permanent injury, .....	?	.....	294.61	Yes	

Note.—P—Indicates "plus."

IRREGULAR BECAUSE OF FAILURE TO ALLOW TEMPORARY DISABILITY.
PERIODS OF TIME UNKNOWN.

No.	Nature of Injury.	Compensation. Due.	Paid.	Insuring.
1	One-half of left fourth finger torn off,	\$67.50 P	\$67.50	Yes
2	First and second fingers lost,	325.00 P	325.00	Yes
3	Fingers lacerated, first amputated and one-half thumb, lost,	325.00 P	325.00	Yes
4	One-half of right first finger lost,	87.50 P	87.50	Yes
5	Left hand off at wrist,	1,462.50 P	1,462.50	Yes
6	Sight of eye lost,	900.00 P	900.00	Yes
7	One-half of right thumb lost,	150.00 P	150.00	Yes
8	Left fourth finger lost,	75.00 P	75.00	Yes
9	Great toe amputated,	150.00 P	150.00	Yes
10	Eye removed,	1,000.00 P	1,000.00	Yes
11	Sight of eye lost,	560.00 P	560.00	Yes
12	One-half of left first finger lost,	87.50 P	87.50	Yes
13	Left first finger lost, flesh wound of arm, lost,	245.00 P	245.00	Yes
14	Right first and second fingers lost,	325.00 P	325.00	Yes
15	Left second finger lost,	300.00 P	300.00	Yes
16	First, second and third fingers, and one-half of thumb lost, fourth contused,	862.50 P	862.50	Yes
17	Right second finger lost,	160.80 P	160.80	Yes
18	Left first finger lost,	268.62 P	268.62	Yes
19	Abscess and use of fourth finger lost,	150.00 P	150.00	Yes
20	Fourth finger lost,	75.00 P	75.00	Yes
21	Right first finger and metacarpal bone lost,	199.50 P	199.50	Yes
22	Third and fourth fingers lost,	175.00 P	175.00	Yes
23	Left first, second and third fingers lost,	595.00 P	595.00	Yes
24	One-half first finger lost,	87.50 P	87.50	Yes
25	Felon of first finger amputated at first phalange,	131.25 P	131.25	Yes
26	Ninety per cent. loss of vision of right eye,	675.00 P	675.00	Yes
27	Second finger lost,	225.00 P	225.00	Yes

ALL OTHER IRREGULARITIES.

No.	Nature of Injury.	Compensation. Due.	Paid.	Insuring.	Remarks.
1	Palm of right hand mutilated, ..	?	?	?	Paid by company's relief association.
2	One-half of first finger lost,	\$169.57	\$169.57	Yes	Paid one-half wage for 35 weeks instead of one-half wage for 17½ weeks.

Note.—P—Indicates "plus."

COURT RECORDS.

During the past fiscal year we have received records of 432 cases taken to the Courts of Common Pleas for adjustment, because of non-payment, or non-agreement, or for commutation. This is 6.6 per cent. of the total number of compensation cases.

These records were received from the various counties as follows:

Counties.	Number of Cases in Each County.
Atlantic,	16
Bergen,	12
Burlington,	4
Camden,	47
Cape May,	3
Cumberland,	7
Essex,	92
Gloucester,	0
Hudson,	62
Hunterdon,	1

Mercer,	25
Middlesex,	33
Monmouth,	4
Morris,	15
Ocean,	0
Passaic,	47
Salem,	2
Somerset,	14
Sussex,	4
Union,	34
Warren,	10
Total for year,	432

During the year twenty-five cases were taken on appeal by writ of certiorari to the Supreme Court.

COMPARATIVE TABLES OF WORKMEN'S COMPENSATION SCHEDULES.

COMPILED BY WILLIAM E. STUBBS, SECRETARY.

The accompanying tables were prepared to give a ready comparison between compensation awards of any two States for any particular injury. In each column also appears the average of all of the awards in the States listed for the injury heading the column. These averages virtually reduce the States having compensation laws to a unit so that the schedule of any particular State can be compared with the entire country taken as a whole.

It is hoped that these tables will be of service to those States which are at present considering legislation along this line by aiding them to prepare schedules of compensation which shall reasonably reflect the status of this question throughout the country. They may also have some influence on any amendments made to existing laws tending toward more uniformity in the schedules of the various States, a consideration the importance of which cannot too strongly be urged.

The last two columns of table three give the totals for each State for all the injuries listed on both tables two and three. They show at once a comparison between the total awards for all the minor and major amputations, so that any State may readily know where it stands with respect to any other State regarding this class of injury. The average is also given for these totals.

Table four is prepared to show the various awards for about the average wage, \$14. It is independent of the minimum and maximum limits, which rarely apply in the actual application of the compensation laws. Table four is, therefore, a better criterion of the real value of liability legislation to the working class wherein industrial accident most generally occurs.

In some particulars a direct comparison is not possible, to cover which reference notes are appended to each table. Where the monetary comparison could not readily be made, the number of weeks involved is given.

It is interesting to note that the schedule of New Jersey, which established the first Workmen's Compensation Law in this country, very closely follows the average of schedules, which would rather indicate that it must, to a considerable extent, have influenced the legislation which followed it. The excessively high schedule of New York is worthy of study. To what a disadvantage must the employers of that State be put, when competing with employers in Connecticut or New Jersey. What a great difference their needs must be in the insurance premiums each must pay. Can anything more strikingly and conclusively set forth need of more uniformity in our various State laws?

TABLE ONE.

STATES.	MEDICAL AID.		RATE %	DISABILITY.				FATAL.				
	Time Days.	Max. Cost.		TEMPORARY WEEKLY LIMIT.		TOTAL PERMANENT.		BURIAL.			DEPENDENTS.	
				Min.	Max.	Min.	Max.	No Depend'ts.	All Cases.	Age Limit.	Min.	Max.
Average,	38	\$85	54.3	\$4.65	\$11.24	\$2100	\$4264	\$135	\$102	17.7	\$1500	\$3520
Arizona,		0	50	50%	50%	.....	4000	Reas.	.....	18	.....	4000
California,	90	.....	65	65%	100%	.....	3120c	100	.....	21	1000	5000
Connecticut,	30	.....	50	5	10	2600	5200	.....	100	18	1560	3120
Illinois,	50	200	50	5	12	.....	3500d	150	.....	.....	1500	3500
Iowa,	14	100	60	5	10	2000	4000	.....	100	.....	1500	3500
Kansas, .....	.....	0	50	6	15	2500	6240	100	.....	.....	1200	3600
Maryland, .....	.....	0	50	50%	50%	.....	50%L	.....	100	.....	1000	3y
Massachusetts,	14	.....	66.66	4	10	2000	4000	200	.....	.....	2000	4000
Michigan,	21	.....	50	4	10	1600	4000	200	.....	.....	1200	3000
Minnesota,	90	100e	50	6	10	2400	4000	100	.....	18	1800	3000
Nebraska,	21	200	50	5	10	.....	3000c	.....	100	.....	1750	3500
Nevada, .....	.....	0	50	4.66	14	2000	5000	.....	125	.....	2000	3000
New Hampshire, .....	.....	0	50	0	10	.....	3000	100	.....	.....	.....	3000
New Jersey,	14	50	50	5	10	2000	4000	.....	100	18	1500	3000
New York,	60	.....	66.66	5	15	5a	15a	.....	100	18	21.66b	66.66b
Ohio, .....	.....	200	66.66	5	12	5a	12a	.....	150	.....	1500	3750
Oregon, .....	.....	250	\$25m	7	12.25	7a	115a	.....	100	16	30b	50b
Pennsylvania,	14	25	50	5	10	2000	4000	.....	100	16	1500	3000
Rhode Island,	14	.....	50	4	10	2000	5000	200	.....	.....	1200	3000
Texas,	7	.....	60	5	15	2000	6000	100	.....	.....	1800	5400
Washington, .....	.....	0	.....	4.66	12.25	4.66a	8a	.....	75	16	20b	35b
West Virginia, .....	.....	150	50	3	6	.....	6a	.....	75	.....	20b	35b
Wisconsin,	90	.....	65	65%	100%	.....	6y	100	.....	.....	1500	3000

a—per week for life.
b—per month for life.

c—plus \$8 per week for life.
d—plus \$5.38 per week for life.

e—\$100 more by order of Court.
l—for life.

m—per month.
y—year's wages.

TABLE TWO.

STATES.	MINOR AMPUTATIONS.													
	THUMBS.		FINGERS.								TOES.			
			1st.		2d.		3d.		4th.		Great.		Other.	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Average,	\$212	\$526	\$140	\$355	\$107	\$283	\$83	\$217	\$64	\$169	\$112	\$300	\$51	\$133
Arizona,	50 per cent. loss of earning power—limit \$4,000													
California,	65 per cent. loss of earning power—limit \$5,000													
Connecticut,	0	380	0	380	0	300	0	250	0	200	0	380	0	130
Illinois,	300	720	175	420	150	360	100	240	75	180	150	360	50	120
Iowa,	200	400	150	300	125	250	100	200	75	150	125	250	75	150
Kansas,	No schedule													
Maryland,	No schedule													
Massachusetts,	48	120	48	120	48	120	48	120	48	120	48	120	48	120
Michigan,	240	600	140	350	120	300	80	200	60	150	120	300	40	100
Minnesota,	360	600	210	350	180	300	120	200	90	150	180	300	60	100
Nebraska,	No schedule													
Nevada,	300	900	180	540	140	420	100	300	80	240	140	420	50	150
New Hampshire,	No schedule													
New Jersey,	300	600	175	350	150	300	100	200	75	150	150	300	50	100
New York,	300	900	230	690	150	450	125	375	75	225	190	570	80	240
Ohio,	0	720	0	420	0	360	0	240	0	180	0	360	0	120
Oregon,	600	600	400	400	225	225	200	200	150	150	250	250	100	100
Pennsylvania,	No schedule													
Rhode Island,	48	120	48	120	48	120	48	120	48	120	48	120	48	120
Texas,	60	180	60	180	60	180	60	180	60	180	60	180	60	180
Washington,	Determined by department \$1,500 Maximum													
West Virginia,	Determined by department													
(r) Wisconsin,	52 wks.	26 wks.	26 wks.	19.5 wks.	10.4 wks.	13 wks.	26 wks.	5.2 wks.	10 wks.	15 wks.	30 wks.	10 wks.	10 wks.	10 wks.
New Jersey,	60 wks.	35 wks.	30 wks.	20 wks.	15 wks.	30 wks.	10 wks.	10 wks.	15 wks.	30 wks.	10 wks.	10 wks.	10 wks.	10 wks.

§ Temporary compensation additional. (r) Reduced to New Jersey rate per cent. Revised September, 1914.

TABLE THREE.

STATES.	MAJOR AMPUTATIONS.										ALL AMPUTATIONS.	
	HAND.		ARM.		FOOT.		LEG.		EYE.		TOTALS.	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Average,	\$670	\$1700	\$850	\$2171	\$573	\$1456	\$781	\$1983	\$436	\$1177	\$3916	\$9636
Arizona,	50% loss of earning power—limit \$4000											4000
California,	65% loss of earning power—limit \$5000											5000
Connecticut,	0	1560	0	2080	0	1300	0	1820	0	1940	0	10720
Illinois,	750	1800	1000	2400	625	1500	875	2100	500	1200	4750	11400
Iowa,	750	1500	1000	2000	625	1250	875	1750	500	1000	4600	9200
Kansas,	No schedule											
Maryland,	25% for life								10% for life			
Massachusetts,	200	500	200	500	200	500	200	500	200	500	1336	3340
Michigan,	600	1500	800	2000	500	1250	900	1750	400	1000	3800	9500
Minnesota,	900	1500	1200	2000	750	1250	1050	1750	600	1000	5700	9500
Nebraska,	875	1750	1075	2150	750	1500	1075	2150	625	1250		
Nevada,	800	2400	1000	3000	700	2100	900	2700	500	1500	4890	14670
New Hampshire,	No schedule											
New Jersey,	750	1500	1000	2000	625	1250	875	1750	500	1000	4750	9500
New York,	1200	4800	1560	6240	1025	4100	1445	5780	640	2560	7020	26930
Ohio,	0	1800	0	2400	0	1500	0	2100	0	1200	0	11400
Oregon,	1900	1900	2400	2400	1600	1600	2200	2200	1000	1000	11025	11025
Pennsylvania,	875	1750	1075	2150	750	1500	1075	2150	625	1250		
Rhode Island,	200	500	200	500	200	500	200	500	200	500	1336	3340
Texas,	250	750	250	750	250	750	250	750	250	750	1670	5010
Washington,	To be determined by Department \$1500 max.											
West Virginia,	To be determined by Department \$1248 max.											
(r) Wisconsin,	208 wks.		312 wks.		156 wks.		312 wks.		156 wks.			
New Jersey,	150 wks.		200 wks.		125 wks.		175 wks.		100 wks.			

§ Temporary compensation additional. (r) Reduced to New Jersey rate per cent.

TABLE FOUR.

STATES.	SPECIAL CASE WAGES \$14.00 PER WEEK.														
	Total Disability.	Wife & Child.	Thb.	1st.	2d.	3d.	4th.	Gr. Toe.	Other Toe.	Hand.	Arm.	Foot.	Leg.	Eye.	Total.
Average,	\$3071	\$2512	\$361	\$240	\$189	\$144	\$114	\$204	\$87	\$1139	\$1472	\$965	\$1355	\$784	\$11737
Arizona,	4000	4000	No schedule												
California,	1420	2184	No schedule												
Connecticut,	3640	2184	266	266	210	175	140	266	91	1092	1456	910	1274	728	12698
Illinois,	T3500d	2912	420	245	210	140	105	210	70	1050	1400	875	1225	700	13062
Iowa,	2800	2100	280	210	175	140	105	175	105	1050	1400	875	1225	700	11340
Kansas,	2912	2184	No schedule												
Maryland,	50%L	2184								25%L		25%L		10%L	
Massachusetts,	T4000	4000	112	112	112	112	112	112	112	466	466	466	466	466	11114
Michigan,	3500	2100	420	245	210	140	105	210	70	1050	1400	875	1225	700	12250
Minnesota,	2800	2100	420	245	210	140	105	210	70	1050	1400	875	1225	700	11550
Nebraska,	2100f	2450								1225	1505	1050	1505	875	10710
Nevada,	2600	3000	450	270	210	150	120	210	75	1200	1500	1050	1350	750	12935
New Hampshire,	2100	2100	No schedule												
New Jersey,	T2800	1890	420	245	210	140	105	210	70	1050	1400	875	1225	700	11340
New York,	9.33a	4.20a	560	429	280	233	140	355	149	2240	2912	1912	2688	1195	13094
Ohio,	9.33a	2912	560	327	280	187	140	280	93	1400	1867	1167	1628	933	11774
Oregon,	35b	30b	600	400	225	200	150	250	100	1900	2400	1600	2200	1000	11025
Pennsylvania,	2800	1890								1225	1505	1050	1505	875	10850
Rhode Island,	3500	2100	84	84	84	88	84	84	84	350	350	350	350	350	7938
Texas,	3360	2520	101	101	101	101	101	101	101	420	420	420	420	420	8687
Washington,	6a	20b	Determined by Department					Maximum		\$1500					
West Virginia,	6a	20b	Determined by Department					Maximum		\$1248					
Wisconsin,	4368	2912	364	182	136	73	91	182	36	1456	2184	1092	2184	1456	16716

f—plus \$5.60 per week for life.
d—plus \$5.38 per week for life.
a—per week for life.

b—per month for life.
L—for life.
§—plus other considerations.

T—plus compensation for temporary disability.

RAILROADS.

Owing to the complications which arise in connection with accidents occurring on or about railroads, no such cases have been included in the tables setting forth irregular settlements or fatal cases. The frequency with which these accidents are related to interstate traffic makes it impossible to classify them with certainty until the doubt is definitely determined, which in many cases is not done until considerable time has elapsed, and often not at all.

As stated in the last annual report the Central Railroad of New Jersey appears to be the only road which has definitely adopted the compensation schedule as the general means of settlement.

STATE OF NEW JERSEY, EMPLOYERS' LIABILITY COMMISSION.

TRENTON, February 5th, 1915.

To His Excellency James F. Fielder,

Governor of the Commonwealth.

SIR—Supplementing our report of January 21st, 1915, we hand you herewith suggested forms for the resolutions, acts and amendments recommended by us in that report, as follows:

1st—Form of resolution providing for the submission of a constitutional amendment;

2d—An act providing for compulsory insurance and the creation of a Workmen's Compensation State Insurance Fund;

3d—An act requiring certain protective clauses in all policies of liability insurance;

4th—An act providing for various amendments to the schedules of the Workmen's Compensation Act.

Referring to our comments on the practicability of bringing within the operation of the Compensation Law all occupational diseases, we have given earnest thought to this subject and find ourselves unable at this time to formulate such an act as we believe will be necessary to meet the situation. This matter is of such great importance to both employers and employees of this State that we recommend the appointment of a special commission, which should include physicians, to make a study of this question and report later to you and the Legislature.

Yours very truly,

WILLIAM B. DICKSON, *President.*

J. WILLIAM CLARK,

EDWARD K. MILLS,

JNO. T. COSGROVE,

S. BOTTERILL,

WALTER E. EDGE.

WM. E. STUBBS, *Secretary.*

STATE OF NEW JERSEY,
EMPLOYERS' LIABILITY COMMISSION.

TRENTON, February 13th, 1915.

To His Excellency James F. Fielder,

Governor of the Commonwealth:

SIR—In compliance with the requirements of Chapter 241 of the Laws of 1911, the Employers' Liability Commission, appointed for the purpose of observing the operations of the Employers' Liability Act, approved May 2d, 1911, the undersigned, members of such Commission, have the honor to present herewith to you, and through you to the Honorable Legislature, the following minority report:

The minority of the Commission presents with this report the amendments suggested, and trust it will meet with your approval and that of the Senate and Assembly of our State.

Respectfully submitted,

JOHN T. COSGROVE,
S. BOTTERILL.

MINORITY REPORT.

It is with deep regret that we find ourselves unable to agree with our colleagues on the Commission upon a matter of fundamental importance in relation to the economical and efficient administration of workmen's compensation legislation. We are convinced as a result of close observation and long and careful consideration of the subject that it is a mistake to place the administration of a workmen's compensation law in the hands of the courts. We are of the opinion that administration through a commission of three paid members, with summary powers, would prove to be more satisfactory because more efficient, and that such administration would be most truly economical in the long run. We would point out in this connection that the industrial commissions of Ohio and Wisconsin, for example, are charged, in addition to workmen's compensation administration, with the duty of enforcing all labor laws, including such work as is now carried on by the New Jersey Department of Labor, the Bureau of Statistics, and the operation of employment bureaus in addition. Chairman C. H. Crownhart, of the Wisconsin Industrial Commission, reports: "The expense to the commission for the administration of the compensation act, including all printing and postage, from September 1st, 1911, to December 31st, 1913, inclusive (one year and four months), is \$18,000, approximately."

While agreeing most heartily with the other members of our Commission as to the desirability of recommending legislation—(1) for the adoption of a constitutional amendment authorizing the Legislature to pass a compulsory compensation law; (2) for the security of payment of awards through a compulsory insurance system; (3) for the creation of a State insurance fund; (4) for the regulation of certain protective clauses in policies of liability insurance; (5) for investigation looking toward the

extension of the compensation principle to embrace occupational diseases; and (6) for the purpose of making more nearly adequate the compensation scale—we nevertheless feel that we would be untrue to our responsibility to the Legislature and to the people of the whole State if we did not register an emphatic protest against the continuance of the court system of administration and recommend instead the creation of an administrative board with summary powers. As direct representatives upon the Commission of the great body of industrial workers for whose protection the compensation law was enacted, we have, perhaps, been in a position to observe more intimately than our four esteemed colleagues the points at which our present compensation system has failed satisfactorily to fulfil its purpose. And our personal observation and our study of the subject lead us to believe that the most serious weakness of the present law is this unfortunate provision for its administration through the courts. We have made as diligent inquiry as opportunity afforded, and we have given special attention to this problem of law enforcement. We respectfully submit for your careful consideration the following facts:

1. The New Jersey act was the pioneer State compensation law in America. Twenty-three other States have since legislated upon the subject, most of them after official inquiries here and abroad. The vast majority of these States have decided against the court system and in favor of the commission method. No State has abandoned the commission form for the court system, while two States, which at first followed the New Jersey court plan, have already abandoned it as unsatisfactory, and have created administrative boards instead. We find that as a rule the States of greatest industrial importance are the ones which have the commission form of administration. New Jersey stands practically alone as of first industrial importance among the remaining seven States which still rely upon the court system—Arizona, Kansas, Louisiana, Minnesota, Nebraska, New Hampshire and Rhode Island. From reports upon the subject we have reached the conclusion that the seven States mentioned are not among those in which the compensation system has been

most effective in indemnifying the injured and their dependents or in the supremely important matter of the prevention of accidents.

2. In the year 1913 a joint committee of the National Civic Federation and the American Federation of Labor visited the various States then having compensation laws in operation, and in their report, published as a United States Senate Document (No. 419, 63d Congress, second session), declared as a result of their investigation that "In the States where there are industrial accident boards having power to pass upon settlement agreements, to make rules and regulations, to require the filing of receipts showing the actual payments of compensation to the men, and having arbitrations and hearings before them in cases of dispute, there was found no danger from fraud or deception on the part either of the employer or the workman. In these States the law is being fairly administered, and employees are receiving promptly their full compensation under the law. It is evident that the law cannot be well administered except through a board or officials charged with powers and duties similar to those of the existing State boards. * * * The members of the boards become specialists. They get to understand problems that arise under the administration of the law; they know the type of people who come before them; they work out a uniform administration of the law; they bring about prompt adjustments; when accidents are reported and compensation agreements not entered into, they investigate; and they quite frequently return agreements for correction which contain amounts not proper for the particular injury and the consequent loss of time. In most of these States employers are required, either by statutory provisions or by rule adopted by the board, to file with it receipts showing that weekly payments have been actually paid as directed by the board. Everywhere both employer and employee testify to the satisfaction given by the accident boards. * * * From information received by this Commission, it seems probable that not over 60 per cent. of the amounts payable under the New Jersey statute are being paid. The opportunity for fraud exists, fraud that is difficult to detect. This condition

could not exist in a State having an industrial accident board with power to approve all settlements and follow up the payments and see that they are made in full. The defect in the New Jersey law, with some of its consequences, was well described by Commissioner of Labor Bryant, of that State, in an address made at the 1913 convention of the New Jersey Federation of Labor, in which he said: * * * 'Employers and employees enter into the compensation settlements absolutely at variance with the compensation schedule indicated by the law. The very object of the passage of the law was to see that the injured operative received fair and just compensation. This compensation was to be paid to him absolutely in accord with a specific schedule which had been prearranged. He was to get the entire amount. It was not to be frittered away in court costs or lawyers' fees.'

3. With the understanding that organized manufacturers had made at home and abroad an important study of workmen's compensation and accident prevention, and in seeking information from every possible point of view, we sent the following telegram on January 20th, 1915, to the chairman of the workmen's compensation and accident prevention committee of the National Association of Manufacturers: "As members of State legislative commission we wish your judgment as to advisability of following Wisconsin Industrial Commission plan for administration of workmen's compensation and accident prevention rather than having a single labor commissioner to administer all labor and compensation laws. Wire reply." In response to this inquiry we received on January 21st, 1915, and filed with our Commission the following reply: "Wisconsin industrial plan is to my mind infinitely superior to single labor commissioners for administration of labor and compensation laws."

4. At a national conference in Philadelphia on December 28th, 1914, Hon. Wallace D. Yaple, chairman of the Industrial Commission of Ohio, in summing up his address on "Administration by Courts or by Commission?" said:

"It seems to me that a consideration of all of the objections as well as the advantages to be derived from both

methods of administration warrants the conclusion that administration by a board or commission is more desirable than administration through the courts, whether considered from the viewpoint of the employer, the employee, or the general public. It is my opinion that administration by a board or commission will result (1) in less expense to the people of the State; (2) in greater uniformity of interpretation of the law; (3) in a more thorough supervision of the payments made in claims involving short periods of disability than could be had under administration by the courts; and (4) that the general exercise of the administrative functions of the commission will result in a more just, equitable and uniform application of the law in all parts of the State and to all classes of employers and employees.

"The Commission should consist of not less than three nor more than five members. The members should be appointed by the Governor for definite periods of time and should not be subject to removal except for cause, and should be required to devote their entire time to their official duties. At least one of the Commissioners should be a lawyer. The law should require every claim, no matter how small, to receive the approval of the commission before settlement becomes binding upon the parties. The Commission should have continuing jurisdiction over awards and its jurisdiction should be final as to all questions of fact, but its findings should be subject to review by the Supreme Court in a proceeding direct from the Commission to said court on all questions of law."

In discussing this matter at the same convention, Hon. John Mitchell, member of the New York Workmen's Compensation Commission, and one of the investigators in the national inquiry made by the National Civic Federation and the American Federation of Labor, went emphatically on record as opposed to the administration of compensation laws by the courts and in favor of administration by a commission. Hon. Joseph A. Parks,

member of the Massachusetts Accident Board, also declared that a workmen's compensation law without an administrative commission must be something of a farce.

5. The American Association for Labor Legislation, through experienced investigators, has recently completed a study of three and one-half years of the actual operation of our workmen's compensation law. From a manuscript copy of the association's report, which was submitted to our Commission for criticism on December 30th, 1914, we were permitted to make the following extracts:

"Administration of a workmen's compensation law by the courts, a number of separate and scattered tribunals each already overburdened by its ordinary business and all more or less likely to be unfamiliar with the law, results harmfully in that (1) tremendous delays arise, defeating one main purpose of a compensation law, namely, to care for the injured or his dependents financially during the period of no earnings; (2) fees necessarily paid to attorneys eat up large portions of the awards; (3) settlements in violation of the law are frequently sanctioned by the courts or even ordered by them on their own initiative; (4) conflicting opinions are handed down, confusing and complicating the whole system and making justice a matter of location, not of law; (5) unjust decisions arise as a natural result of the courts' lack of acquaintance with the conditions of industry; and finally (6) many meritorious claims are not pressed because of fear that court action will result in dismissal from one's livelihood. A more unsatisfactory system, from the injured workers' point of view, would be hard to devise."

"The payment of compensation is neither prompt nor certain," continues the report. "An unnecessarily large proportion of money due the employee is still used up in litigation. The law provides a tribunal which is so slow in procedure, and so expensive, that in the majority of disputes the injured actually has no recourse. Much of the hostility between employer and

employee, and much of the waste and injustice that existed under the old liability system remains in New Jersey because the machinery which gave rise to the evil practices under the old system has been retained for administering the new. Experience in other States has shown that these evils can be eliminated by the creation of a supervising board with summary power in the settlement of disputes."

6. At its thirty-fourth annual convention in November, 1914, the American Federation of Labor, in considering the subject of workmen's compensation legislation, went on record in the following words of instruction to the various local Federations of Labor:

"The features especially to be emphasized when seeking the enactment of new laws, or the modification of existing statutes, are the basing of the scale of compensation for the injured on two-thirds of wages, with provision for necessary medical attendance; security for the payment of compensation awards; and the necessity of commissions to administer and enforce the laws. * * * The A. F. of L. advises all legislative committees and all others interested in this question to work for this standard and cooperate with associations adopting the same program."

7. In response to a call issued by the executive board of the New Jersey State Federation of Labor, eighty representatives of central bodies and the larger local unions of the State met January 23d, 1915, to voice their opinion with reference to legislation desired and undesired. "It was," says the *Union Labor Bulletin*, "perhaps the most representative body of labor men ever called together in the State on a special matter, and the interest exhibited was keen." As a result of this representative meeting a formal statement was prepared setting forth the legislative desires of the New Jersey State Federation of Labor. Prominently emphasized in this "Memorial to the Honorable Senate and Assembly of the State of New Jersey" was the demand for "a paid Commission to supervise and enforce the payments of the workmen's compensation for injury and death."

A specific demand was that "all settlements" should be "approved by the Commission," the "Commission to approve the insurance, which should either be self-insurance, with security deposited with the Commission, or with mutual or liability companies approved by the Commission, or with a State insurance fund to be created. The Commission to be in continuous session every working day; to have power to appoint necessary deputies and office force and a secretary. The Commission to consist of three (3) members, appointed by the Governor with the approval of the Senate, and the Commissioner of Labor and State Treasurer to be ex officio members thereof."

Upon consideration of all of the above facts, and as a result of our own personal observations among the thousands of industrial workers in this great State who are daily subjected to the hazards of modern industry, we are of the opinion that in this very important matter "temporary expediency" may be more apparent than real, and we feel it our duty at this time earnestly to recommend that the Legislature relieve the courts of a burden which we believe the courts were not devised to carry, and to create for the enforcement of the workmen's compensation law a commission of three paid members with summary powers.

We attach to this minority report and respectfully submit for your consideration two bills to carry into effect our recommendations.

JOHN T. COSGROVE,
S. BOTTERILL.