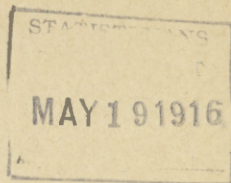


REPORT



OF THE

Employers' Liability Commission of New Jersey

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

For the Year 1915

TRENTON, N. J.
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REPORT.

TRENTON, N. J., December, 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 1915:

We reaffirm our conclusions as set forth in our report for the year 1914, and 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.

Owing, however, to the constitutional provision that amendments to the Constitution cannot be considered oftener than each five years, we are presenting no legislation on this subject.

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, or by statute, 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. 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, and in the case of widows, to life or until re-marriage; and to children until they reach the age of 18 years; and in the case of children who are physically or mentally incapacitated, for life or until the removal of the disability.

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

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

Elimination of the discrimination against the dependents of aliens in fatal cases.

7th. 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, which was published in our report for 1914, we recommend bringing within the operation of the law certain well defined and easily recognized occupational diseases.

While we are convinced as to the abstract justice of all of these proposed changes, we would hesitate to recommend them if the plan did not also include a scheme of compulsory insurance which will scientifically distribute the burden which the increased liability will unquestionably add to the employers of the State. We, therefore, respectfully emphasize the advisability of considering our recommendations as a whole and not in detached parts.

With the advice and assistance of Mr. Nelson B. Gaskill, formerly Assistant Attorney-General of the State, who aided this Commission in framing the original law and subsequent amendments, we have prepared bills and resolutions to carry into effect our recommendations, and submit them herewith.

Respectfully submitted,

WILLIAM B. DICKSON,

President,

EDWARD K. MILLS,

J. WILLIAM CLARK,

WALTER E. EDGE,

SAMUEL BOTTERILL,

BERNARD V. TANSEY.

W. E. STUBBS,

Secretary.

Statistical Report.

November 1st, 1913, to October 31st, 1915.

NON-FATAL CASES.

	1913.	1914.	1915.
The total number of non-fatal accident reports received,	5,750	6,537	7,080
Number of accidents occurring under			
Section one,	305	266	137
Elected by employer,	286	254	135
Elected by employee,	19	12	2
Being of the total,	5.3%	4%	2%
Number of accidents occurring under			
section two,	5,445	6,271	6,943
Being of the total,	94.7%	96%	98%
Number of total disability cases,	1	3	2
Partial disabilities of a permanent nature,	515	679	627
Temporary disabilities,	5,234	5,855	6,451
Cases requiring medical aid,	5,244	6,307	6,843
Medical aid supplied to,	4,659	5,888	6,604
Being of the total,	89%	93.3%	96.5%
Total medical expense reported, .....	.....	.....	\$100,471 08
Average medical expense per case, ...	.....	.....	\$15 20
Cases not receiving necessary aid, although legally entitled to same, ...	585	419	239
Being of the total,	11%	6.7%	3.5%
Number of cases entitled to compensation,	4,276	5,327	6,401
Compensation paid to,	4,103	5,178	6,202
Being of the total,	96%	97.2%	96.9%
Total compensation reported, .....	.....	.....	\$396,483 16
Average compensation per case, .....	.....	.....	\$63 93
Cases not receiving compensation due, although legally entitled to same, ..	173	149	199
Being of the total,	4%	2.8%	3.1%
Irregular or faulty compensation, <i>i. e.</i> , not agreeing with the terms of the act,	207	169	27
Being of the total,	5%	3.3%	0.4%
Of the above shortage in payments appeared in,	143	103	11
The total shortage was,	\$10,382 52	\$5,035 39	\$1,778 73

8 EMPLOYERS' LIABILITY COMMISSION.

	1913.	1914.	1915.
The average per case being,	\$72 60	\$48 88	\$161 70
The maximum shortage was,	\$760 00	\$275 00	\$562 50
The irregular compensations, together with the cases which did not receive compensation, make of the total number of cases entitled thereto, ...	9%	6%	3.3%
Number of second reports received, ..	1,000	1,541	1,947
Reports received from insurance companies,		6,011	4,876
Of the number classified as trivial, ..		225	277
Notices sent to employers demanding reports,		2,756	3,481

FATAL CASES.

	1913.	1914.	1915.
Total number of fatal accidents reported,	233	249	263
Cases under section II,		242	257
Fatal cases involving dependents, ...	132	120	170
Cases paid,	93	110	149
Ratio,	70%	91.7%	87.6%
Cases entitled to, but not receiving, compensation,	39	10	21
Ratio,	29.5%	8.3%	12.4%
The average number of dependents given,	2.7	3	2.4
Burial expenses due,	198	240	255
Burial expenses paid,	59	128	219
Ratio,	29.8%	53.3%	85.9%
Burial not furnished for,	139	114	36
Ratio,	70.2%	46.6%	14.1%
Total burial reported in 58 cases, ...	\$8,449 43		
Total burial reported in 128 cases, ...		\$16,368 98	
Total burial reported in 219 cases, ...			\$23,481 56
Average cost per case,	\$145 68	\$127 88	\$107 22
Total compensation to dependents of 68 cases,	\$132,905 96		
Total compensation to dependents of 100 cases,		\$191,033 51	
Total compensation to dependents of 149 cases,			\$297,051 58
Average of such cases respectively, ..	\$1,947 14	\$1,910 33	\$1,993 63
Lump sum payments made to aliens, ..	3	3	3
Average settlement to aliens,	\$363 00	\$458 33	\$1,040 28
Fatal cases not involving dependents, ..	101	122	87

EMPLOYERS' LIABILITY COMMISSION.

9

	1913.	1914.	1915.
Cases under section one,	7	7	6
Under section one the following settlements were recorded:			
For 5 dependents of two cases, average for each,	\$2,760 00		
For 9 dependents of two cases, average for each,		\$622 55	
For 4 dependents of two cases, average for each,			\$818 75
Irregular cases as reported,	4	9	5
These will be found in the list of fatal cases given below.			

FATAL CASES.

The following table sets forth extracts from the report of each fatal accident. 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 could, by law, complete the records by making supplemental reports, when necessary.

These records were held open until December 30th to give all the time possible for final statements.

10 EMPLOYERS' LIABILITY COMMISSION.

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring.
		Due.	Paid.			
1,	\$78 00				0	Yes.
2,	100 00	\$3,000 00	\$3,000 00 C.		3	.....
3,	100 00				0	.....
4,	100 00	2,295 00	2,295 00		5	Yes.
5,	100 00				A	.....
6,	100 00	1,500 00	1,500 00		1	Yes.
7,	100 00	1,500 00	1,500 00		3	Yes.
8,	100 00				0	Yes.
9,	97 00	1,500 00	1,500 00		1	Yes.
10,	100 00				0	Yes.
11,	97 54				A	Yes.
12,	100 00	1,500 00	1,500 00		1	Yes.
12,	100 00				0	Yes.
13,	100 00	1,500 00	1,500 00		1	Yes.
14,	100 00	1,815 00	2,209 72		2	.....
16,	205 75	1,890 00	2,752 25		1	.....
17,	102 50	1,575 00	1,575 00		4	Yes.
18,	131 15	1,731 00	1,732 50		5	Yes.
19, Sec. I,			1,150 00		?	.....
20, Case still open,					3	Yes.
21,	100 00	3,000 00	3,000 00		2	Yes.
22,	100 00				0	Yes.
23,	100 00	1,656 00	1,749 00		2	Yes.
24,	113 00		750 00	No dependents, but Ins. Co. settled with deceased's representatives.		
25,	100 00	Court refused compensation, doing something strictly forbidden.			5	.....
26,	117 60	\$1,815 00	\$1,815 00 C.		5	.....
27,	100 00	1,931 40	1,931 40 C.		4	Yes.
28,	120 00		400 00	Not really in course of employment, widow remarried in two months.	1	Yes.

EMPLOYERS' LIABILITY COMMISSION.

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring.
		Due.	Paid.			
29,	\$185 00	\$1,500 00	\$1,500 00		3	.....
30,	100 00	1,575 00	1,575 00		1	Yes.
31,	100 00				0	Yes.
32,	100 00				A	Yes.
33,		?	?		?	.....
34,	100 00	1,793 28	1,793 28		6	.....
35,	100 00	3,000 00	3,000 00		5	.....
37,	100 00	1,938 00	1,702 58	\$235.42. As a lump sum it is properly discounted.	1	.....
36,	100 00	3,000 00	3,000 00		4	.....
38,	100 00	2,706 80	2,706 80		3	.....
39,	100 00	1,500 00	1,500 00		1	.....
40,	100 00				0	.....
41,	100 00	1,674 00	1,674 00		2	.....
42,	100 00	1,575 00	1,575 00		2	.....
43,	100 00	3,000 00	3,000 00		5	.....
44,	100 00	1,890 00	Case in Court.		1	.....
45,	65 00				0	Yes.
46,	100 00	1,500 00	1,500 00		1	Yes.
47,	100 00				3A	Yes.
48,	100 00	3,000 00	2,850 00 L. S. More than table allows.		4	Yes.
49,	100 00	3,000 00	3,000 00		4	Yes.
50,	100 00	3,000 00	3,000 00		4	Yes.
51, Don't know who took body and cannot locate relatives,					?	.....
52,	100 00	2,268 00	2,268 00		3	Yes.
53,	100 00	1,500 00	Case to go to court, widow demands \$40,000		4	Yes.
54,	100 00				0	.....
55, Awaiting the action of family's attorney,					?	.....

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring.
		Due.	Paid.			
56,	\$112 73	\$2,511 00	\$2,611 44	.....	4	.....
57,	100 00	2,640 00	2,640 00	.....	5	Yes.
58,	100 00	.....	300 00 C.	.....	?	Yes.
59,	100 00	.....	.....	.....	A	Yes.
60,	100 00	2,400 00	2,400 00	.....	4	Yes.
61, .....	.....	1,500 00	Case open.	.....	4	.....
62,	139 30	2,270 07	2,270 07	.....	3	.....
63,	100 00	.....	.....	.....	0	.....
64,	167 50	.....	1,120 84 which is 75% of amount due for residents.	.....	3A	Yes.
65,	100 00	1,641 00	1,641 00	.....	2	.....
66,	100 00	?	1,155 00 L. S.	Court.	2	.....
67,	160 25	1,512 00	1,500 00	\$12 00	1	.....
68,	115 00	1,575 00	1,890 00	.....	1	.....
69,	118 00	.....	.....	.....	0	.....
70,	122 00	.....	.....	.....	0	.....
71,	174 76	1,500 00	1,500 00	.....	1	.....
72,	203 00	1,665 00	1,833 00	.....	4	.....
73,	152 50	.....	500 00 L. S.	.....	0	.....
74,	150 50	1,732 50	1,732 50	.....	1	.....
75,	100 00	2,412 00	2,412 00	.....	2	Yes.
76,	100 00	1,500 00	1,500 00	.....	2	Yes.
77,	100 00	2,283 00	2,283 00	.....	3	Yes.
78,	100 00	1,500 00	1,500 00	.....	1	Yes.
79, Burial paid out of estate, proffered but refused .....	.....	?	Case open.	.....	0	.....
80, .....	.....	.....	.....	.....	?	Yes.
81,	100 00	1,584 00	1,584 00	.....	2	Yes.
82, Refused to state cost of burial and will take case to court claiming compensation under the agreement between U. S. and Italy, 1871, .....	.....	.....	.....	.....	..	Yes.

12 EMPLOYERS' LIABILITY COMMISSION.

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring.
		Due.	Paid.			
83,	\$227 00	\$2,226 00	\$2,226 00	.....	3	.....
84,	100 00	.....	.....	.....	0	.....
85,	102 00	1,980 00	1,980 00 C.	.....	4	.....
86,	76 50	.....	.....	.....	A	Yes.
87,	100 00	1,824 00	1,824 00	.....	3	Yes.
88,	100 00	.....	.....	.....	0	Yes.
89, .....	.....	.....	.....	Burial.	0	Yes.
90,	100 00	.....	.....	.....	0	.....
91,	100 00	130 00	130 00	Widow remarried after 26 weeks.	1	Yes.
92,	189 00	1,500 00	1,500 00 C.	.....	5	Yes.
93,	100 00	1,500 00	1,500 00 C.	.....	1	Yes.
94, .....	.....	1,731 00	1,731 00 C.	Burial.	1	.....
95,	108 00	.....	.....	.....	0	Yes.
96,	100 00	3,000 00	3,000 00	.....	5	Yes.
97, Sec. I,	100 00	.....	.....	.....	A	.....
98,	100 00	3,000 00	3,000 00	.....	1	Yes.
99,	200 00	.....	.....	.....	0	.....
100,	100 00	1,680 00	1,680 00	.....	1	Yes.
101,	100 00	1,890 00	1,890 00	.....	1	Yes.
102,	100 00	1,557 00	1,557 00	.....	3	Yes.
103,	100 00	.....	.....	.....	0	Yes.
104,	100 00	2,772 00	2,772 00	.....	1	Yes.
105,	100 00	1,620 00	1,620 00	.....	3	Yes.
106,	100 00	3,000 00	3,000 00	.....	5	Yes.
107,	110 40	.....	1,500 00 Same as for residents.	.....	3A	.....
108,	141 15	2,430 00	2,430 00	.....	3	.....
109,	100 00	.....	.....	.....	0	Yes.
110,	100 00	1,500 00	1,500 00	.....	4	Yes.
111,	156 00	.....	.....	.....	1A	.....
112,	100 00	1,995 00	1,995 00	.....	1	Yes.
113,	100 00	1,500 00	1,500 00	.....	1	Yes.
114,	125 00	.....	.....	.....	0	.....

EMPLOYERS' LIABILITY COMMISSION.

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring.
		Due.	Paid.			
115,	\$125 00	.....	.....	.....	0	.....
116,	100 00	.....	.....	.....	0	Yes.
117,	100 00	?	\$4,200 00	Paid by third party.	8	Yes.
118,	100 00	\$1,890 00	1,890 00	.....	1	Yes.
119,	100 00	.....	.....	.....	0	.....
120,	100 00	.....	.....	.....	A	Yes.
121,	100 00	1,500 00	1,500 00	.....	4	Yes.
122, } Interstate complications, .....	.....	.....	.....	.....	3	Yes.
123, }	.....	.....	.....	.....	1	Yes.
124,	100 00	2,700 00	2,700 00	.....	10	.....
125,	182 50	1,941 00	1,941 00	.....	2	.....
126, Compensation and burial not yet determined, .....	.....	.....	.....	.....	?	Yes.
127,	100 00	.....	.....	.....	A	Yes.
128,	100 00	?	Case open.	.....	?	Yes.
129,	100 00	.....	.....	.....	0	Yes.
130,	100 00	1,824 00	1,824 00	.....	3	Yes.
131,	100 00	?	Case open.	.....	?	Yes.
132,	100 00	1,890 00	1,890 00	.....	1	Yes.
133,	100 00	.....	.....	.....	0	Yes.
134,	100 00	.....	.....	.....	4A	Yes.
135, .....	.....	1,500 00	1,500 00	Burial.	4	.....
136, Making all claims against third party, .....	.....	.....	.....	.....	?	Yes.
137,	100 00	1,500 00	1,500 00	.....	1	Yes.
138,	100 00	.....	.....	.....	.....	Yes.
139,	100 00	1,650 00	1,650 00	.....	1	Yes.
140,	150 00	1,575 00	2,750 00	Paid by third party.	1	Yes.
141,	100 00	1,500 00	1,500 00	.....	1	Yes.
142, } These cases not yet decided by }	.....	.....	.....	.....	?	Yes.
143, } the court, .....	.....	.....	.....	.....	?	Yes.
144,	100 00	.....	.....	.....	0	Yes.
145,	100 00	1,856 25	1,856 25	.....	2	.....
146,	65 00	.....	.....	.....	1A	.....

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring.
		Due.	Paid.			
147,	\$61 00	.....	.....	.....	4A	.....
148,	61 00	.....	.....	.....	1A	.....
149,	100 00	\$2,175 00	\$2,175 00	.....	1	.....
150, Met death through direct disobedience—nothing paid, .....	.....	.....	.....	.....	0	.....
151,	100 00	.....	.....	.....	0	.....
152,	100 00	1,371 675	1,439 62 L. S. Court.	.....	2	.....
153,	100 00	1,500 00	1,500 00	.....	2	.....
154,	100 00	2,772 00	2,772 00	.....	7	.....
155,	150 00	2,280 00	2,964 00	.....	2	.....
156,	100 00	2,835 00	2,835 00 C.	.....	3	.....
157,	100 00	2,100 00	2,100 00	.....	1	Yes.
158,	100 00	3,000 00	3,000 00	.....	4	Yes.
159,	100 00	.....	.....	.....	0	Yes.
160, Bills still outstanding, .....	.....	.....	.....	.....	0	Yes.
161, .....	?	?	.....	.....	?	Yes.
162,	100 00	.....	.....	.....	0	Yes.
163,	100 00	.....	.....	.....	0	Yes.
164,	100 00	3,000 00	3,000 00	.....	3	Yes.
165,	100 00	3,000 00	3,000 00	.....	4	Yes.
166,	100 00	3,000 00	3,000 00	.....	5	Yes.
167,	136 00	2,550 00	2,550 00	.....	4	.....
168, Bill not rendered, .....	.....	?	1,250 00 C. Question of dependency and casual employment.	.....	2	Yes.
169,	100 00	.....	.....	.....	0	Yes.
170, .....	.....	.....	.....	Burial.	0	.....
171,	100 00	1,317 79	1,317 79 L. S.	Court.	3	.....
172, Court ordered \$7.50 for 300 weeks, no action taken on judgment, .....	.....	.....	.....	.....	?	.....
173,	100 00	1,560 00	1,560 00	.....	2	Yes.
174,	100 00	2,700 00	2,700 00 C.	.....	4	Yes.
175,	100 00	1,980 00	1,980 00	.....	5	.....
176,	100 00	.....	.....	.....	0	Yes.

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring.
		Due.	Paid.			
177,	\$100 00	.....	.....	.....	0	Yes.
178,	100 00	\$2,063 12	\$2,063 12	.....	2	.....
179, Determined Dec. 3, 1915, but determination to be appealed, .....	.....	.....	.....	.....	?	.....
180,	100 00	.....	.....	.....	0	.....
181,	100 00	?	Case open.	.....	?	.....
182,	100 00	1,500 00	1,500 00	.....	1	.....
183,	100 00	1,868 31	1,868 31	.....	3	.....
184,	100 00	2,160 00	2,160 00	.....	2	.....
185,	100 00	1,500 00	1,500 00	.....	2	.....
186, In doubt, .....	.....	?	Case open.	.....	3	.....
187,	100 00	2,250 00	2,250 00 C.	.....	3	.....
188,	100 00	1,500 00	1,500 00	.....	2	.....
189,	100 00	1,926 00	1,926 00	.....	1	.....
190,	100 00	2,100 00	2,100 00	.....	4	.....
191,	100 00	.....	.....	.....	0	.....
192,	100 00	1,500 00	2,250 00 Third party.	.....	1	.....
193,	100 00	1,713 00	1,713 00	.....	3	.....
194,	100 00	.....	.....	.....	0	Yes.
195,	100 00	2,079 00	2,100 00	.....	3	Yes.
196,	100 00	?	3,000 00 C. To be appealed.	.....	4	Yes.
197, Made arrangement for what the insurance company considers a gratuitous payment and it was sanctioned by the judge without a hearing, .....	.....	.....	1,000 00 C.	.....	Father and Brother.	Yes.
198,	100 00	1,500 00	1,500 00	.....	2	Yes.
199, .....	.....	.....	Case still open.	.....	2	.....
200, Man drowned, body never recovered, .....	.....	.....	.....	.....	0	Yes.
201,	200 00	.....	.....	.....	0	Yes.
202,	100 00	1,732 00	1,732 00	.....	1	Yes.

16 EMPLOYERS' LIABILITY COMMISSION.

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring.
		Due.	Paid.			
203,	\$100 00	\$2,520 00	Payments will not be made until widow can furnish \$1,000 bond ordered by court.	.....	7	Yes.
204,	100 00	1,500 00	\$1,500 00	.....	2	Yes.
205,	100 00	1,500 00	1,500 00	.....	2	Yes.
206,	108 00	2,697 00	2,697 00	.....	5	Yes.
207, Sec. I,	225 00	.....	1,775 00	Paid in excess.	2 of Sec. II.	.....
208, Sec. I,	189 00	.....	.....	.....	0	.....
209, Sec. I,	195 00	.....	1,500 00	Same as under Section II.	2	.....
210, .....	.....	.....	1,500 00	Paid executor of estate in full settlement for death.	0	.....
211, Unable to ascertain cost of burial, .....	.....	.....	.....	.....	0	Yes.
212,	100 00	?	3,000 00	.....	?	Yes.
213,	142 00	1,992 00	2,490 00	.....	2	Yes.
214,	100 00	1,500 00	Case to go to court.	.....	2	Yes.
215, Court ordered \$6.93 for 300 weeks, but firm retired from business after three months and had no assets, .....	.....	.....	.....	.....	3	.....
216,	100 00	1,500 00	1,500 00	.....	1	Yes.
217,	100 00	1,500 00	1,500 00	.....	1	.....
218,	100 00	2,700 00	2,700 00	.....	6	.....
219,	100 00	1,980 00	1,980 00 C.	.....	2	Yes.
220,	100 00	3,000 00	3,000 00 C.	.....	3	.....
221,	100 00	1,500 00	1,500 00	.....	4	Yes.
222,	100 00	.....	.....	.....	A	Yes.
223, Sec. I,	150 00	.....	.....	.....	1	Yes.
224,	100 00	2,100 00	2,100 00	.....	1	Yes.
225,	86 50	.....	.....	.....	0	Yes.
226,	100 00	.....	.....	.....	0	Yes.
227,	100 00	2,688 00	2,688 00	.....	3	Yes.

EMPLOYERS' LIABILITY COMMISSION.

17

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring
		Due.	Paid.			
228,	\$100 00	.....	.....	.....	0	Yes.
229,	100 00	\$1,902 00	\$1,902 00	.....	6	Yes.
230,	100 00	3,000 00	3,000 00	C. Case appealed to Supreme Court.	4	Yes.
231,	125 00	.....	.....	.....	0	.....
232,	100 00	1,890 00	1,890 00	.....	3	.....
233,	?	1,785 00	?	Information not specific.	1	Yes.
234, Offered but met by Lodge, .....	.....	.....	.....	.....	0	Yes.
235,	100 00	2,618 71	2,618 71	.....	5	.....
236,	100 00	1,500 00	1,500 00	.....	4	Yes.
237,	100 00	2,561 22	2,561 22	.....	6	Yes.
238,	100 00	.....	.....	.....	0	Yes.
239,	94 00	.....	.....	.....	4A	.....
240,	100 00	.....	.....	.....	A	.....
241,	50 00	1,890 00	1,890 00	.....	1	.....
242,	100 00	.....	.....	.....	0	Yes.
243,	100 00	2,541 33	2,451 33	.....	3	.....
244,	100 00	2,136 00	2,430 00	C. Burial.	3	.....
245, .....	.....	1,500 00	1,500 00	.....	1	.....
246,	100 00	.....	.....	.....	0	.....
247,	100 00	2,295 00	2,295 00	.....	3	.....
248, Case still open, being a stockholder was he entitled to compensation, .....	.....	.....	.....	.....	2	Yes.
249,	100 00	.....	.....	.....	A	Yes.
250, .....	.....	1,317 79	800 00	L. S. \$517.79 and burial. Two sisters.	A	Yes.
251,	88 50	.....	500 00	Widow died after 54 weeks.	1	Yes.
252,	100 00	270 00	270 00	.....	1	.....
253, Man in employ of city earning over \$100 per month, .....	.....	.....	.....	.....	1	.....
254,	165 00	.....	.....	.....	0	Yes.
255,	100 00	3,000 00	3,000 00	.....	1	Yes.
256, .....	.....	2,700 00	2,700 00	C. Burial.	4	Yes.

A.—Aliens.
C.—Court decision.

L. S.—Lump sum payment.
Sec. I.—Not under compensation section.

No.	Burial.	Compensation.		Shortage.	Dependents.	Insuring
		Due.	Paid.			
257,	\$100 00	\$1,500 00	\$1,500 00	.....	1	.....
258,	100 00	.....	.....	.....	0	Yes.
259, .....	.....	.....	800 00	C. Prior to coming of age he rejected Sec. II, but not signed by parents, died at the age of 22, and there is a question as to which section applied.	5	.....
260,	100 00	1,575 00	2,250 00	.....	1	.....
261,	100 00	.....	.....	.....	0	Yes.
262,	100 00	1,500 00	1,500 00	.....	1	Yes.
263,	100 00	.....	.....	.....	0	Yes.

IRREGULAR CASES WHICH WERE MADE TO CONFORM WITH THE LAW THROUGH CORRESPONDENCE.

20

No.	Nature.	Due.	Paid.	Shortage.	Correction.	Ins.	Remarks.
1.	Right 1st finger lost.....	\$225 00	\$210 00	\$15 00	\$15 00	Yes.	No temp. dis. allowed and \$195 made L. S.
2.	Left 1st finger amputated.....	187 50	175 00	12 50	20 00	Yes.	No temp. dis. allowed.
3.	4th finger infected and amputated.....	75 00P	67 50P	7 50	7 50	Yes.	Half wage less than \$5.
4.	One-fourth of thumb lost.....	142 50	106 87	35 63	35 63	....	Paid L. S.; there was no temp. dis. to be paid.
5.	Finger fractured.....	7 50	5 50	2 00	1 67	....	Difference in shortage and amt. pd. due to method of calculating.
6.	One-fourth of right 1st finger amputated.....	43 75	.....	43 75	43 75	....	No. payment for per. inj.
7.	One-fourth of 2d finger cru., per. inj.	70 12	8 25	61 87	61 87	....	No. payment for per. inj.
8.	Great toe amputated.....	225 50	165 00	60 50	60 30	Yes.	Short 11 weeks; temp. dis.
9.	Half of right 1st finger lost.....	168 75	131 25	37 50	37 50	Yes.	Short 5 weeks on temp. dis.
10.	Arm gashed.....	5 83	5 23	60	60	....	Comp. rate 52c. below \$5.
11.	Half of 2d and 3d fingers lost.....	75 16	67 37	7 79	9 17	Yes.	Short 1 ¹ / ₁₂ weeks' comp.
12.	Half of 2d finger lost.....	108 33	75 00	33 33	33 33	Yes.	No temp. dis. paid.
13.	Half of 1st finger lost.....	108 33	87 50	20 83	20 83	Yes.	No temp. dis. paid.
14.	Left hand squeezed, rib broken.....	12 50	10 00	2 50	2 50	Yes.	Short 3 days' compensation.
15.	Fatal	2,295 00	2,295 00	*	*	....	Short burial which was later paid.
16.	Half of 1st finger lost.....	117 50	87 50	30 00	30 00	Yes.	No temp. dis. allowed.
17.	Back contused.....	11 43	10 36	1 07	1 07	Yes.	Comp. rate 75c. short.
18.	Foot lost.....	1,143 45	1,058 75	84 70	84 70	....	No temp. dis. paid.
19.	Half of right 3d finger lost.....	51 67	50 00	1 67	1 67	....	Short 2 days' comp. on temp. dis.
20.	Back sprained.....	43 87	40 50	3 37	3 37	Yes.	Short half week's compensation.
21.	Right thumb lost.....	380 16	356 40	23 76	23 76	Yes.	No temp. dis. allowed.
22.	Thumb amputated.....	300 00P	16 43	300 00	300 00	Yes.	Paid \$16.43 in one payment, probably temp. dis.
23.	Half of 2d and one-fourth of 3d finger lost.....	121 67	105 80	15 87	15 87	Yes.	Temp. dis. not allowed.
24.	2d finger cut, infected and amputated.	156 00	60 00	96 00	96 00	Yes.	No payment for perm. inj.
25.	4th finger lost.....	138 00	90 00	48 00	48 00	Yes.	Short 8 weeks' temp. dis.
26.	Half of 3d finger lost.....	60 00	50 00	10 00	10 00	Yes.	Short 2 weeks' temp. dis.

* Burial.

EMPLOYERS' LIABILITY COMMISSION.

No.	Nature.	Due.	Paid.	Shortage.	Correction.	Ins.	Remarks.
27.	Compound fracture of 4th finger.....	\$33 00	\$15 72	\$17 28	\$17 28	Yes.	Short \$2.67 on comp. rate and 1 week's comp.
28.	Wrist strained.....	10 00	9 65	35	35	....	Comp. rate due, \$5; paid, \$4.825.
29.	Left 1st and 2d fingers lost.....	347 50	30 00	317 50	472 00C	....	Per. inj. not paid.
30.	Half of 4th finger lost, 3d finger lacerated.....	42 50	37 50	5 00	12 50	Yes.	Short 1 week's temp. dis.; paid for more.
31.	Rib fractured.....	11 43	11 20	23	23	....	Comp. rate \$4.90.
32.	2d finger lost.....	306 00	255 00	51 00	51 00	Yes.	Short 6 weeks' temp. dis.
33.	1st finger lacerated and contused.....	3 57	3 42	15	15	....	Comp. rate should be \$5, paid at rate of \$4.80.
34.	Half of thumb lost.....	171 67	150 00	21 67	21 67	Yes.	Short 4 ¹ / ₂ weeks' temp. dis.
35.	Fatal .....	*	.....	.....	*	....	Short burial, now paid.
36.	Half of 3d finger amputated.....	150 00	90 00	60 00	60 00	Yes.	No temp. dis. paid.
37.	1st finger infected and amputated.....	200 00	175 00	25 00	25 00	Yes.	
38.	Half of 4th finger lost, 3d finger mashed.....	59 40	40 50	18 90	18 90	Yes.	No allowance made for temp. dis., as man did not return to work.
39.	Half of 2d finger amputated.....	85 00	75 00	10 00	10 00	Yes.	No allowance made for temp. dis., as man left employ.
40.	Right 1st finger lost.....	350 00	.....	350 00	350 00	....	"Salaried officer not expected to receive compensation."
41.	Two ribs broken.....	8 00	7 00	1 00	1 00	Yes.	Comp. rate due, \$6; paid, \$5.25.
42.	One-fourth of thumb lost.....	204 70	156 00	48 70	83 37	Yes.	Paid full wages during temp. dis., later made gratuitous payment.
43.	Badly bruised about waist.....	5 17	4 86	31	31	Yes.	Comp. rate below \$5; paid half wage.
44.	Flesh wound, palm of left hand.....	20 83	19 04	1 79	1 79	Yes.	Comp. rate due, \$5; paid \$4.57.
45.	Bone in right hand broken.....	24 00	21 00	3 00	3 00	Yes.	Man out 4 ² / ₃ weeks; paid for but 2 ¹ / ₃ weeks.
46.	Half of thumb amputated.....	151 25	150 00	1 25	1 25	Yes.	1 ¹ / ₂ days' temp. dis. not paid.
47.	Left thumb amputated.....	310 00	175 00	135 00	145 00	Yes.	Out 1 month; not given in weeks; no payment on temp. dis., and but 35 weeks on per. inj.

* Burial.

EMPLOYERS' LIABILITY COMMISSION.

21

No.	Nature.	Due.	Paid.	Shortage.	Correction.	Ins.	Remarks.
48.	Half of 1st, all of 2d and half of 3d finger amputated.....	\$322 50	\$258 75	\$63 75	\$73 75	....	Comp. date, \$4.50; should be \$5, and no temp. dis. paid.
49.	Ankle sprained, back bruised.....	40 00	31 67	8 33	8 33	Yes.	Out 6 weeks; paid for 3 $\frac{1}{2}$ weeks.
50.	Right 2d finger lost.....	200 00	150 00	50 00	50 00	....	No temp. dis. paid.
51.	Half of thumb injured.....	38 69	26 78	11 91	11 91	Yes.	Wages, \$18.70; comp. rate, \$8.93.
52.	Left 3d finger lost.....	129 00	30 00	99 00	99 00	Yes.	No payment made for per. inj. and seeming overpayment on temp. dis.
53.	Left 4th finger lost.....	100 00	75 00	25 00	28 32	Yes.	Man out "about" 7 weeks; L. S. payment for loss of finger.
54.	3d finger and tip of 4th finger lost....	178 12	174 37	3 75	3 75	Yes.	Short half weeks' temp. dis.
55.	Right 1st finger amputated.....	185 00	175 00	10 00	10 00	Yes.	No temp. dis. paid.
56.	Half of right 1st finger lost.....	102 50	87 50	15 00	15 00	Yes.	No temp. dis. paid.
57.	Hand amputated at wrist.....	1,252 50	1,125 00	127 50	127 50	....	No comp. for temp. dis.

P—In these irregular tables indicates "plus."

IRREGULAR CASES WHICH CORRESPONDENCE HAS FAILED TO REMEDY.

No.	Nature.	Due.	Paid.	Shortage.	Ins.	Remarks.
1.	One-fourth of second and one-fourth of third fingers lost.....	\$80 68	\$36 00	\$44 68	....	No allowance made for per. inj., but comp. rate \$1.11 too high and paid for entire temp. dis.
2.	Fatal	?	725 00	Burial.+	Yes.	Made cash settlement with parents.
3.	Leg amputated just below knee....	625 00P	625 00	?	Yes.	No temp. dis. allowed.
4.	Thumb lost.....	432 00	27 00	405 00	....	No. per. inj. allowed.
5.	Thumb, 3d and 4th fingers lost.....	475 00	.....	475 00	....	Claims carelessness of employee.
6.	Fatal	1,500 00*	800 00	700 00*	Yes.	Made L. S. payment, supposing young widow would marry soon again.
7.	Half of right 1st finger lost.....	117 50	30 00	87 50	Yes.	No payment for per. inj.
8.	1st, 2d and 3d fingers lost.....	637 50	75 00	562 50	....	Paid full temp. dis., making but 2 weeks on per. inj.
9.	Half of great toe, entire 2d and half of 3d toe lost.....	400 00	326 76	73 24	....	Paid full wages, \$27.23, for entire period of temp. dis., and nothing for per. inj.
10.	Toes of right foot crushed, half of foot amputated.....	528 33	490 83	37 50	....	Paid for half foot, or 62 $\frac{1}{2}$ weeks. All the toes amput. to 70 weeks.
11.	Half of 1st finger amputated.....	165 75	81 60	84 15	....	Paid for 16 of the 17 weeks of temp. dis., but nothing for per. inj.
12.	Eye injured.....	31 66	30 00	1 66	Yes.	Short 1 day's comp.
13.	Half of 1st finger lost.....	102 50	95 00	7 50	....	Short 1 $\frac{1}{2}$ weeks' comp.

* And burial.

IRREGULAR BECAUSE BEING PAID IN A LUMP SUM.

No.	Nature of Injury.	Due.	Paid.	Ins. Co.	Remarks.
1.	Hole pierced through left palm....	.....	\$215 00	Yes.	
2.	Hand broken, loss of 3d finger, half of 4th and half of 2d.....	.....	375 00	Yes.	
3.	Rupture .....	.....	25 00	Yes.	
4.	One-fourth of 3d finger lost.....	.....	41 14	Yes.	
5.	Half of 2d finger lost.....	.....	75 00	Yes.	
6.	Sight of one eye lost.....	.....	636 00	Yes.	To be paid in two or three installments.
7.	Sight of eye almost lost.....	.....	511 50	Yes.	By means of L. S. payment man was able to have operation performed in hopes of restoring sight.
8.	Half of 1st finger lost.....	.....	160 38	....
9.	1st and 2d fingers lost.....	.....	325 00	Yes.	
10.	Both wrists dislocated.....	\$215 00	360 00	....	Partial L. S. settlement covering 31 weeks not yet due.
11.	Bad cuts on hand.....	.....	344 24	Yes.	\$300 of this was a L. S. settlement by Ins. Co.
12.	Fatal	3,000 00	2,850 00	Yes.	Ins. Co. paid more than set forth by the table for commutation, but unauthorized by the court.
13.	Hip broken.....	.....	369 60	Yes.	
14.	Left hand, half of 2d finger lost; right hand, half of 1st, 2d and 3d fingers lost, two others torn.....	307 50	432 50	Yes.	

MISCELLANEOUS CASES.

These cases, from the reports submitted to this department, have given every evidence of being irregular. Investigation has shown, however, that the employer or Insurance Co., or both, have understood the reading of the law, and have given all, to our judgment, that the law requires. These corrections will be found under the heading of "REMARKS."

No.	Nature of Injury.	Due.	Paid.	Shortage.	Ins. Co.	Remarks.
1.	Small burn on foot.....	\$3 32	\$3 00	\$0 32	Yes.	Half wage less than \$5; will pay shortage when man can be located.
2.	Fatal	1,500 00	280 00	1,220 00	Yes.	Man hurt after working hours; widow remarried after two months.
3.	Fatal	2,887 50	800 00	2,087 50	....	No burial, and \$800 settlement made by court; from the report this appeals irregular, but there is some doubt.
4.	Leg broken.....	67 00	42 00	25 00	....	Paid medical bills after first two weeks, at injured's request, in lieu of compensation.
5.	Eye burned.....	10 00	5 00	.....	Yes.	Out 3 weeks, paid for half week man stayed away of his own accord.
6.	All fingers of right hand lost.....	360 00P	360 00	.....	Yes.	No temp. dis.; stated that temp. dis. did not exceed 2 weeks.
7.	Bone in great toe broken.....	45 50	18 00	27 50	Yes.	Man failed to report accident under 90 days; money given as compromise.
8.	Sight one eye lost.....	875 00P	875 00	.....	Yes.	No temp. dis. allowed. Stated that temp. dis. did not exceed 2 weeks.
9.	Left 1st finger lost; two crushed...	195 00	.....	195 00	Yes.	No payment for per. inj.; not in course of employment.
10.	Half of 1st finger lost.....	185 00	175 00	10 00	Yes.	Short one week's temp. dis.; paid by N. Y. State Commission.
11.	Fatal	Burial.	.....	Burial.	....	Willing to pay, but cannot get bill; funeral paid by lodge, can get no information.
12.	Little toe lost.....	.....	81 90	.....	....	Paid 10 weeks, less 10 per cent. cash settlement; one phalange lost, 2d questionable. Settled by arrangement.

No.	Nature of Injury.	Due.	Paid.	Shortage.	Ins. Co.	Remarks.
13.	Half of 3d finger lost.....	\$60 50	\$55 00	\$5 50	Yes.	Short one week's temp. dis.; willing to pay, but man cannot be found.
14.	Toe crushed	7 50	6 75	75	Yes.	Half wage less than \$5; will pay when man can be located.
15.	Fatal	Burial.	.....	Burial.	....	No claim made for burial; no dependents in U. S. Burial made from estate, proffered but refused.
16.	Half of 3d finger amputated.....	55 00	55 00	.....	....	Apparent L. S. payment. Report misconstrued.
17.	20 per cent. loss of vision.....	266 33	200 00	66 33	....	Short 65/8 weeks' temp. dis. Took extra med. aid in lieu of comp. at his request.
18.	Ankle bruised.....	10 83	10 00	83	Yes.	Short one day's comp. Able to work sooner, but did not wish to return.
19.	Great toe crushed.....	15 00	7 00	8 00	Yes.	Out 4 1/2 weeks; paid for 1 week. Man able to go to work 8 days before he returned.
20.	Left 2d and 3d fingers mashed.....	57 50	35 00	22 50	Yes.	Out 13 1/2 weeks; paid for 7 weeks. Dr. states man was able to return 4 1/2 weeks before he did.
21.	Foot burned.....	25 00	15 00	10 00	Yes.	Out 7 weeks; paid for but 3 weeks. Man took a vacation.
22.	Left hand and fingers burned.....	30 83	30 00	83	Yes.	Short 1 day's comp. Mill closed day inj. was able to return, obliged to wait 1 day more.
23.	Right hand sprained.....	56 66	50 00	6 66	Yes.	Short 4 days' comp. Man stayed away for personal reasons.
24.	Left hand lacerated.....	100 00	70 00	30 00	Yes.	Out 12 weeks; paid for 7 weeks. Man wished to take 3 weeks off.
25.	Internal injures.....	12 86	9 00	3 86	Yes.	Comp. \$1 short on rate and 2/7 weeks short on time. Will pay when man can be located.

Seventy cases were submitted, which, from the reports, gave every evidence of being irregular. Upon investigating, however, it was found that errors had been made in reporting.

COURT RECORDS.

During the past fiscal year we have received records of 362 cases taken to the Courts of Common Pleas for adjustment, because of nonpayment, or nonagreement, or for commutation. This is 5.5 per cent. of the total number of compensation cases. These records were received from the various counties, as follows:

Counties.	Fatal.	Commu- tation.	Adjust- ment.	Compen. Denied.	Commu. Denied.	Totals 1915. 1914.
Atlantic,	3	2	5	3	0	10
Bergen,	5	1	11	3	0	14
Burlington,	4	2	9	4	0	14
Canden,	0	9	17	16	0	39
Cape May,	0	0	0	1	0	1
Cumberland, ..	0	1	4	2	0	7
Essex,	12	7	46	15	0	64
Gloucester,	0	2	0	19	0	2
Hudson,	14	3	41	0	2	61
Hunterdon,	1	0	1	3	0	1
Mercer,	3	5	15	1	0	23
Middlesex,	7	3	22	0	0	24
Morristown,	2	3	7	0	1	10
Morris,	2	3	9	3	1	16
Ocean,	0	0	2	0	0	2
Passaic,	3	7	18	4	0	26
Salem,	0	0	0	0	0	0
Somerset,	0	2	10	1	0	11
Sussex,	1	0	3	0	0	3
Union,	5	5	21	4	1	28
Warren,	3	1	3	2	0	6
Totals, ..	65	56	244	81	5	362
						432

During the year copies of 86 Court Orders were received in which compensation was denied for the following reasons:

Already fully paid,	8
Alien dependents, nonresident,	3
Burial not due,	1
Case not established by petitioner,	22
Casual employment,	3
Commutation refused,	5
Debarred by release,	1
Disobedience of express orders,	2

Insufficient notice,	1
Interstate commerce,	9
Intoxication,	2
Public employee, salary over \$1,200,	2
Natural death,	1
Ninety-day limit,	4
No legal marriage,	1
Not actual dependent,	1
Not arising out of occupation,	7
Not in course of employment,	6
One-year time limit,	5
State employee less than three months,	1
Subject to liability section,	1
Total,	86
Of the appeals to court the cases denied compensation equaled, ..	24%
Average award in 50 cases was,	\$1,442 00
Average legal fee of 50 cases,	82 00
Ratio of legal fees to awards in above cases,	5.7%

AN ACT creating a Workmen's Compensation Aid Bureau in the Department of Labor.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. There is hereby created within the Department of Labor a Workmen's Compensation Aid Bureau, which shall be composed of the Commissioner of Labor, ex officio, and two supervisors to be appointed by the Governor by and with the advice and consent of the Senate, for the term of five years. The supervisors shall receive each a salary of thirty-six hundred dollars per annum. There shall also be a secretary and such inspectors, clerks, stenographers and other assistants as may be necessary, who shall be appointed by and their compensation fixed by the Commissioner of Labor.

2. In addition to the powers and duties specifically devolved by this act, the Bureau shall specifically observe the operation of the act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven, and the supplements and amendments thereto, and likewise the operation of legislation upon the same subject matter in other States in the United States and in foreign countries, and annually submit to the Legislature a report upon the operation of the said act, together with suggestions for its improvement and the efficient and economic operation thereof.

3. Upon the happening of an accident involving the injury or death of an employee, or his disability or death from industrial disease, the Bureau shall immediately communicate with the injured employee or his dependents, advising that in case prompt and adequate compensation is not received, as provided by law, application may be made to the Bureau for advice and assistance.

4. Whenever an employer or his insurance carrier and the injured employee or his dependents shall, by agreement, signed by the injured workman or his dependents, without recourse being had to the Court of Common Pleas, settle upon and determine the compensation due the injured employee or his dependents as provided by law, the employer shall forthwith file with the Bureau a true copy of such agreement. No such agreement shall be conclusive unless approved by the Bureau. If an agreement for lawful and adequate compensation approved by the Bureau is not filed within twenty-one days after the date of the happening of the injury, the Bureau shall, so far as practicable, endeavor to bring about a settlement of the pending claim. In event of undue delay or failure on the part of the employer or his insurance carrier promptly thereafter to make adequate compensation payments, or agreement therefor, the Bureau shall have full power and authority to certify a state of facts relating to the claim, to the judge of the Court of Common Pleas of the county in which the injured employee or his dependents reside, unless such injured employee or his dependents, upon their own initiative, institute proceedings for the enforcement and recovery of adequate compensation. The state of facts so certified shall be filed by the clerk of the Court of Common Pleas and shall operate as a petition filed on behalf of a petitioner. Whereupon the said judge shall, in the absence of counsel, engaged by the injured employee or his dependents, assign counsel to represent the petitioner, and the matter shall thereafter proceed and be heard and determined, as other petitions are heard, under the provisions of the act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven. And if the court shall find that the employer, or insurance carrier, is without reasonable excuse for undue delay or failure to pay adequate compensation, then the reasonable expenses to which the injured employee or his dependents have been sub-

jected by reason of such delay or failure, including medical and legal services and loss of working time in prosecuting his claim, shall be assessed against the employer or insurance carrier, as a penalty for such delay or failure; the compensation to be paid for legal services shall, in each and every case, be fixed and determined by order of the court.

5. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated the sum of twenty-five thousand dollars, when included in whole or in part in any annual or supplemental appropriation bill.

6. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

STATEMENT.

This act creates a Workmen's Compensation Aid Bureau in the Department of Labor. Authorizes the necessary assistants. Determines the duties of the Bureau. Provides for approving compensation settlements by the Bureau, or, if not approved, for investigating and certifying to the court, the judge to assign counsel and the costs and legal fees to be assessed against the delinquent employer or insurance carrier.

Appropriates twenty-five thousand dollars to accomplish the purpose of the act.

AN ACT concerning the compulsory insurance of compensation payments arising under Section II of the act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known as The Workmen's Compensation Insurance Act.

ARTICLE I.

2. Any employer except the State or a municipality or county or school district who by agreement express or implied is now or hereafter becomes subject to the provisions of section II of an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven, and the amendments thereof and supplements thereto hereinafter referred to as the Workmen's Compensation Act, as therein provided, shall forthwith file with the Commissioner of Labor proof in such form as said commissioner may require that such employer has made sufficient provision for the complete payment of any obligation which he may incur to any injured employee or his dependents under the provisions of section II of said Workmen's Compensation Act, by one of the following methods.

3. Providing the employer can reasonably satisfy the Commissioner of Banking and Insurance as to the permanence and financial standing of his business, he may carry his own liability insurance, in which case the Commissioner of Banking and Insurance shall require from the employer that he deposit with the State

Treasurer, securities of the kind prescribed by law as investment for savings banks, to an amount determined by the said Commissioner with lawful assignments thereof to the said Commissioner and authorization for the sale thereof by said Commissioner, conditioned upon the failure of the depositor to pay any compensation awards to or agreements with an injured employee or his dependents. The amount of securities thus required to be deposited may be increased or diminished from time to time by order of the said Commissioner as in his judgment is required as adequate compensation insurance, and the depositor shall be entitled to have the whole amount, so deposited by him, returned upon making proof to the satisfaction of the said commissioner that he has withdrawn from his status as employer, or that he has provided insurance by one of the other methods presented in this act, and that there are no incomplete or unpaid compensation awards or agreements outstanding against him, and no cases of injury or death among his employees awaiting such award or agreement. The depositor of such securities shall be permitted by the State Treasurer to detach coupons upon their maturity for the purpose of collection of interest thereon. The Commissioner of Banking and Insurance shall file with the Commissioner of Labor the names of all employers carrying self-insurance, as and when approvals thereof are issued.

Any employer providing insurance according to the provisions of this section may, for his own protection, reinsure the whole or any part or character of his risk. Such contract of insurance shall operate only between the employer and his insurance carrier and shall not be subject to any of the provisions of this act.

4. Or, the employer may insure and keep insured his liability in any stock company or mutual association authorized to engage in casualty insurance in this State. If insurance be effected by either method mentioned in this section, he shall forthwith file with the Commissioner of Labor a notice setting forth the name of such insurance company, its principal office in this State, and such statement of the contents and provisions of the contract or policy of insurance as the Commissioner shall prescribe.

5. Or, the employer may insure and keep insured his liability

in the Workmen's Compensation State Insurance Fund, hereby established and designated the State Insurance Fund.

6. Any employer who shall fail to comply with the provisions of this act within sixty days after it becomes effective, shall be liable to a fine of not more than one dollar for each of his employees for every day that such failure shall continue, recoverable by the Commissioner of Labor in the name of the State of New Jersey, in an action of debt. Absence from the files of the Department of Labor of the proof required by section II of this act shall be prima facie evidence of such failure. All such fines shall be paid into the State Insurance Fund.

7. Every employer who has complied with the provisions of this act shall post and maintain in a conspicuous place or places in and about his place or places of business typewritten or printed notices stating the fact that he has secured the payment of compensation to his employees and their dependents in accordance with the provisions of this act.

8. No contract of insurance issued by a stock company or mutual association against liability arising under the said Workmen's Compensation Act shall be canceled within the time limited in such contract for its expiration, until at least ten days after notice of cancellation of such contract on a date specified in such notice shall be filed in the office of the Commissioner of Labor and also served on the employer. Such notice shall be served on the employer by delivering it to him or sending it by mail, by registered letter, addressed to the employer at his or its last known place of business, provided, that if the employer be a partnership, then such notice may be so given to any one of the partners, and if the employer be a corporation, then the notice may be given to any agent or officer of the corporation upon whom legal process may be served.

9. An employer securing the payment of compensation by any of the methods prescribed in sections four and five of this act notwithstanding, shall be liable primarily for the payment of proper compensation for personal injuries or death sustained by his employees. The employer shall have recourse for the amount thereof against his insurance carrier. But the insurance carrier

shall be directly liable to the injured employee, or his dependents, in event of the death, insolvency, bankruptcy or other proceedings, as a result of which the conduct of the employer's business may be and continue to be in the charge of an executor, administrator, receiver, trustee or assignee.

10. Every contract of insurance covering the liability of an employer for compensation to injured employees or their dependents, under the provisions of section II of the said Workmen's Compensation Act, hereafter written by a stock company or a mutual association, shall provide or be construed to provide that it is made for the benefit of the several employees of the insured employer, and their dependents, and that such contract may be enforced by any of such employees or their dependents, suing thereon in his or their name or names as though distinctly made party thereto.

11. Every such contract shall further provide or be construed to provide that any injured employee or his dependents may enforce the provisions thereof to his or their benefit, either by agreement with the employer and the insurance carrier, in event that compensation be settled by agreement, or by joining the insurance carrier with the employer in his petition filed for the purpose of enforcing his claim for compensation, or by subsequent application to the Court of Common Pleas, upon the failure of the employer, for any reason, to make adequate and continuous compensation payments.

12. Every such contract shall further provide or be construed to provide that the employer, the employee or his dependents, and the insurance carrier may by agreement in writing, filed with the clerk of the Court of Common Pleas of the county in which the injured employee resides or resided (in case of death), substitute the liability of the insurance carrier for that of the employer, upon any existing agreement or award for compensation lawfully and properly made between the employer and the employee, prior to the substitution.

13. Every such contract shall provide or be construed to provide that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on

the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier, and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer for the payment of compensation.

14. Every such contract shall provide or be construed to provide that upon the death, insolvency or bankruptcy of the insured employer, or upon his assignment for the benefit of creditors, the insurance carrier shall immediately become directly liable for all compensation payments due to any injured employee or his dependents by virtue of prior agreement or award until completion thereof, or that may thereafter become due during the period for which the requisite premiums have been paid by such employer.

15. Nothing herein contained shall be held to apply to a contract for insurance between an insurance carrier and an employer who has provided self-insurance.

ARTICLE II.

1. There is hereby created the Workmen's Compensation State Insurance Fund, hereinafter referred to as the State Insurance Fund, for the purpose of insuring employers against liability for injury or death of employees, and of assuring to the persons entitled thereto the compensation for such injuries or death, as now or hereafter provided by law.

2. The State Insurance Fund shall consist of all premiums and fines received from employers; of property and securities acquired by and through the use of moneys belonging to the State Insurance Fund and of interest earned upon moneys belonging to the State Insurance Fund.

3. The State Insurance Fund shall be applicable to the payment of losses sustained in accordance with the terms of policies of insurance issued to employers as herein provided.

4. There shall be no liability on the part of the State for the

payment of any obligations of the State Insurance Fund, except as hereinafter provided.

5. The State Insurance Fund shall be administered by the Commissioner of Banking and Insurance, who shall establish, publish and enforce the rules, regulations, premiums, insurance contracts and all other matters and things necessary to the administration thereof, in a manner consistent with the provisions of this act.

6. All employers who adopt the insurance plan contained in section five of article I shall pay to the Commissioner of Banking and Insurance the premiums which he shall establish.

7. The State Treasurer shall be the custodian of the State Insurance Fund, and all disbursements therefrom shall be paid by him upon warrants signed by the Commissioner of Banking and Insurance. The State Treasurer and the Commissioner of Banking and Insurance shall give additional bond to the State of New Jersey, in an amount to be fixed by the Governor, with at least two sureties, to be approved by the State Comptroller, conditioned on the faithful performance of their duties, as prescribed in this act.

8. The State Treasurer may deposit any portion of the fund not needed for immediate use, in the manner and subject to all the provisions of law respecting the deposit of State funds. Interest on such deposits shall be collected by him as on State funds, and placed to the credit of the State Insurance Fund.

9. The Commissioner of Banking and Insurance may invest any of the surplus or reserve funds belonging to the State Insurance Fund in the same securities and investments as are authorized by law for investments by savings banks. All such securities or evidences of indebtedness shall be placed in the hands of the State Treasurer, who shall be the custodian thereof. He shall collect the principal and interest thereof when due and pay the same into the State Insurance Fund. The Commissioner of Banking and Insurance may sell any of such securities.

10. Ten per centum of the premiums collected from the employers insured in the State Insurance Fund shall be set aside by the Commissioner of Banking and Insurance for the creation

of a surplus until the surplus of assets over liabilities amounts to the sum of one hundred thousand dollars and thereafter five per centum of such premiums until such time as, in the judgment of the Commissioners of Banking and Insurance, the surplus shall be sufficiently large to cover the catastrophe hazard.

11. The Commissioner of Banking and Insurance shall also set up and maintain a reserve adequate to meet the anticipated losses, and carry all claims and policies to maturity, and to cover unearned premiums. This reserve shall not be less than that required by the Commissioner of Banking and Insurance to be carried by stock corporations, or mutual associations conducting the business of casualty insurance in this State.

12. The Commissioner of Banking and Insurance shall have power to classify industries, determine the hazards of the different classes, fix and readjust, from time to time, the rates of premium for each class, and issue policies of insurance accordingly. He shall also have power to classify employers within the same industry, and to fix premium rates so as to penalize employers who, for any reason, fail to furnish proper conditions of employment.

13. The Commissioner of Banking and Insurance, in administering the State Insurance Fund, shall, in so far as is consistent with this act, conform to all of the rules and regulations to which stock companies and mutual associations may be required to conform by the Commissioner of Banking and Insurance.

14. In order to carry into effect the object of this act, the Commissioner of Banking and Insurance is authorized to employ an actuary and such additional assistants in his department as is necessary, and to fix their compensation.

15. Until the surplus of assets over liabilities of the State Insurance Fund shall equal the sum of one hundred thousand dollars, the State of New Jersey shall underwrite the insurance issued by the State Insurance Fund, at which time the liability of the State shall cease and determine. All payments due from the State Insurance Fund shall be primarily made from the assets of the fund, and no payment on account thereof shall be

due from the State until the assets of the State Insurance Fund shall be exhausted. Upon the happening of such contingency, the Commissioner of Banking and Insurance shall certify the fact to the State Comptroller, stating the amount immediately called for by the obligations of the State Insurance Fund and the same shall be forthwith paid by the State Treasurer upon the warrant of the Comptroller, to the credit of the State Insurance Fund. All moneys so paid from the State treasury to and for the use of the State Insurance Fund shall be repaid by said fund to the State treasury as and when the financial condition thereof will permit, without interest.

16. There is hereby appropriated to the Department of Banking and Insurance, when included in whole or in part in any annual or supplemental appropriation bill, the sum of ten thousand dollars, for the expenses necessarily incident to the immediate execution of the object of this act. And in order to provide a fund immediately applicable to the underwriting liability of the State under the provisions of this act, there is hereby appropriated the sum of ten thousand dollars, when included in any annual or supplemental appropriation bill, to be held in the State treasury, subject to expenditure as provided in section fifteen of this act. All sums of money expended from such appropriations as may be made in pursuance hereof shall be regarded as loaned to the State Insurance Fund, and shall be repaid by said fund to the State treasury, without interest, as and when the financial condition of the said State Insurance Fund will permit.

17. It is intended that the State Insurance Fund shall be self-supporting and that all expenses incurred in the operation thereof shall be paid from the income of the said fund, and all premium rates shall be adjusted accordingly.

18. If and when any class or classes of employers or employees shall be excepted from the provisions of section II of the Workmen's Compensation Act by an act of the Legislature appropriate for that purpose from the date when such acts shall become effective, such employers as may be thereby excepted shall thereupon

and from thenceforward, by virtue of this provision in this act, be likewise excepted from the provisions hereof.

19. If this act shall be held to be unconstitutional or invalid by reason of the inclusion of any particular section, provision or exception, such section, provision or exception shall be excised and the remainder of the act shall stand.

20. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect immediately except that its provisions as to compulsory insurance shall be inoperative until July 4, 1916, when all provisions shall become operative.

STATEMENT.

This act provides for compulsory insurance under the compensation section, by self-insurance, in stock or mutual companies, or in a State insurance fund. Specifies a fine for failure to so insure. Makes the employer primarily liable for compensation.

Creates the Workmen's Compensation State Insurance Fund, and defines its object. Places its administration in the Department of Banking and Insurance, authorizing the necessary assistants. Appoints the State Treasurer the custodian of the State fund. Provides for proper investment and handling of funds. Requires the accumulation of a surplus and a reserve.

Appropriates \$10,000 to accomplish the purposes of the act, and \$10,000 to provide a fund to underwrite any immediate liability.

This act makes an injured employee a party to the contract of casualty insurance entered into by employer and any insurance company.

Permits by agreement the substitution of the insurance carrier for the employer upon any existing agreement or award of compensation.

Makes notice to the employer, notice to the insurance carrier and binds the carrier to the obligations of the employer.

Makes the insurance carrier directly liable in event of the insolvency of the employer.

AN ACT concerning the compulsory insurance of payment of damages awarded in actions for personal injuries or death arising under section I of the act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation and regulating procedure for the determination thereunder," approved April fourth, one thousand nine hundred and eleven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The provisions of a bill pending entitled "An act concerning the compulsory insurance of compensation payments arising under section II of the act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven, hereinafter referred to as the Workmen's Compensation Act, are hereby extended to and shall be applicable to and control all contracts of employment existing or which shall hereafter exist under the provisions of section I of the said Workmen's Compensation Act; provided said bill becomes a law.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect July fourth, one thousand nine hundred and sixteen.

STATEMENT.

This bill requires employers' liability insurance to be carried by employers operating under employers' liability section, the same as employers accepting the workmen's compensation section.

The purpose of this bill is to give all employees the same protection and to place all employers on the same basis.

AN ACT to amend an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment establishing an elective schedule of compensation and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Paragraph eleven of the act referred to in the title of this act is hereby amended to read as follows:

II. Following is the schedule of compensation:

(a) For injury producing temporary disability [fifty] *sixty-six and two-thirds* per centum of the wages received at the time of injury, subject to a maximum compensation of [ten] *twelve* dollars per week and a minimum of [five] *six* dollars per week; provided, that if at the time of injury the employee receives wages of less than [five] *six* dollars per week, then he shall receive the full amount of such wages per week. This compensation, shall be paid during the period of such disability, not, however, beyond three hundred weeks.

(b) For disability total in character and permanent in quality, [fifty] *sixty-six and two-thirds* per centum of the wages received at the time of injury, subject to a maximum compensation of [ten] *twelve* dollars per week and a minimum of [five] *six* dollars per week [; provided, that if at the time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of wages per week]. This compensation shall be paid during the [period of] *life of the person experiencing* such disability [not, however, beyond four hundred weeks].

(c) For disability partial in character but permanent in quality, the compensation shall be based upon the extent of such disability. In cases included by the following schedule the compensation shall be that named in the schedule, to wit:

For the loss of a thumb, [fifty] *sixty-six and two-thirds* per centum of daily wages during sixty weeks.

For the loss of a first finger, commonly called index finger, [fifty] *sixty-six and two-thirds* per centum of daily wages during thirty-five weeks.

For the loss of a second finger, [fifty] *sixty-six and two-thirds* per centum of daily wages during thirty weeks.

For the loss of a third finger [fifty] *sixty-six and two-thirds* per centum of daily wages during twenty weeks.

For the loss of a fourth finger, commonly called little finger, [fifty] *sixty-six and two-thirds* per centum of daily wages during fifteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb or finger, and compensation shall be for one-half of the periods of time above specified, and compensation for the loss of one-half of the first phalange shall be for one-fourth of the periods of time above specified.

The loss of [more than one phalange] *the first phalange and any portion of the second*, shall be considered as the loss of the entire finger or thumb; providing, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe [fifty] *sixty-six and two-thirds* per centum of daily wages during thirty weeks.

For the loss of one of the toes other than a great toe, [fifty] *sixty-six and two-thirds* per centum of daily wages during ten weeks.

[For] The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe and compensation shall be *for* one-half of the [amount] *periods of time* above specified.

The loss of [more than one phalange] *the first phalange and any portion of the second*, shall be considered as the loss of the entire toe.

For the loss of a hand, [fifty] *sixty-six and two-thirds* per centum of daily wages during one hundred and fifty weeks.

For the loss of an arm [fifty] *sixty-six and two-thirds* per centum of daily wages during two hundred weeks.

For the loss of a foot, [fifty] *sixty-six and two-thirds* per centum of daily wages during one hundred and twenty-five weeks.

For the loss of a leg, [fifty] *sixty-six and two-thirds* per centum of daily wages during one hundred and seventy-five weeks.

For the loss of an eye, [fifty] *sixty-six and two-thirds* per centum of daily wages during one hundred and twenty-five weeks.

For the loss of hearing in one ear, sixty-six and two-thirds per centum of daily wages during forty weeks. For the loss of hearing in the second ear, sixty-six and two-thirds per centum of daily wages during one hundred and twenty weeks. For the loss of hearing in both ears by one accident, sixty-six and two-thirds per centum of daily wages during one hundred and sixty weeks.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of clause (b).

In all other cases in this class, or where the usefulness of a member or any physical function is permanently impaired, or where there is a noticeable disfiguration, the compensation shall be *sixty-six and two-thirds per centum of daily wages*, and the duration of compensation shall bear such relation to the [amounts] *periods of time* stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule. Should the employer and employee be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, the amount of compensation shall be settled according to the provisions of paragraph twenty hereof.

[The amounts specified in this clause are all subject to the same limitations as to the maximum and minimum as are stated in clause (a).]

The amounts specified in all portions of clauses (b) and (c) of paragraph eleven are all subject to a maximum compensation of twelve dollars per week, and a minimum of six dollars per week, regardless of whether or not the employee was receiving wages of less than six dollars per week at the time of the injury.

When an accident shall occur the result of which, owing to a previous injury, is to cause a disability total in character and permanent in quality, compensation for this latter injury shall be only that which is set forth in the schedule for the second injury.

In case of the death of a person from any cause other than the accident, during the period of payments for permanent injury, the remaining payments shall be paid to his or her dependents, according to the provisions of paragraph twelve of this act, or, if no dependents, the remaining amount due, but not exceeding one hundred dollars, shall be paid in a lump sum to the proper person for funeral expenses.

2. Paragraph twelve of the said act is hereby amended to read as follows:

12. In case of death compensation shall be computed, but not distributed, on the following basis:

(1) Actual dependents.

For one dependent, thirty-five per centum of wages.

For two dependents, forty per centum of wages.

For three dependents, forty-five per centum of wages.

For four dependents, fifty per centum of wages.

For five dependents, fifty-five per centum of wages.

For six or more dependents, sixty per centum of wages.

The term "dependents" shall apply to and include any or all of the following who are dependent upon the deceased at the time of accident or death, namely: husband, wife, parents, step-parents, grandparents, children, stepchildren, grandchildren, posthumous child, illegitimate children, brothers, sisters, half brothers, half sisters, *niece, nephew*. Legally adopted children shall, in every particular, be considered as natural children; provided, however, that dependency shall be presumed as to a widow who was living with her husband, or *apart from him for justifiable cause*, at the time of his decease, and children under the age of eighteen years; stepchildren, *nieces, nephews* and illegitimate children shall be presumed to be dependent when they were part of the decedent's household at the time of his death. Every pro-

vision of this act applying to one class shall be equally applicable to the other. Should any dependent of a deceased employee die during the period covered by such weekly payments, or should the widow of a deceased employee remarry during such period, the right of such dependent or of such widow to compensation under this section shall cease.

Compensation shall be computed upon the foregoing basis. Distribution shall be made among dependents, if more than one, according to the order of the judge of the Court of Common Pleas, who shall, when applied to for that purpose, determine, upon the facts being presented to him, the proportion to be paid to or on behalf of each dependent according to the relative dependency. Payment on behalf of infants shall be made to the surviving parent, if any.

If death results from the accident, whether there be dependents or not, expenses of last sickness and burial, the cost of burial, however, not to exceed one hundred dollars, *and the cost of medical aid subject to the provisions of paragraph fourteen.*

In computing compensation to orphans or other children, only those under eighteen years of age shall be included, and only during the period in which they are under that age, at which time payment on account of such child shall cease *except as hereinafter provided.* [; provided, however, that payments to such physically or mentally deficient children as are for such reason dependent shall continue during the full term of compensation payment.]

The compensation in case of death shall be subject to a maximum compensation of [ten] *twelve* dollars per week and a minimum of [five] *six* dollars per week; provided, that if at the time of the injury the employee receives wages of less than [five] *six* dollars per week, then the compensation shall be the full amount of such wages per week. This compensation shall be paid during [three] *the life of the widow or until her remarriage, and in the case of children until they have reached the age of eighteen. But compensation to such children as are by reason of physical or mental defect, incapable of self-support, shall be paid until the defect is removed or death occurs. Com-*

pensation to other dependents shall not exceed four hundred weeks.

[Compensation under this schedule shall not apply to alien dependents not residents of the United States.]

3. Paragraph thirteen of the said act is hereby amended to read as follows:

13. No compensation shall be allowed for the [first two weeks after the injury received,] *remaining portion of the day of the accident, nor for the next following thirteen consecutive days, except as provided by paragraph fourteen, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in paragraph fifteen.*

4. Paragraph fourteen of the said act is hereby amended to read as follows:

14. [During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services and medicines, as and when needed, not to exceed fifty dollars in value, unless the employee refuses to allow them to be furnished by the employer.]

On the day of the accident and during the next following twenty-seven consecutive days, the employer shall furnish reasonable medical and hospital services and medicines, as and when needed, not to exceed fifty dollars in value, unless the employee refuses to allow them to be furnished by the employer; provided, however, that in fatal or in severe cases requiring unusual medical or surgical treatment or calling for artificial limb or other mechanical appliances, the employee or his representatives shall be authorized to present a petition to the judge of the Court of Common Pleas, as prescribed in paragraph twenty, and the said judge is hereby empowered, when warranted by the evidence produced, to order additional services not to exceed in total the sum of two hundred dollars, or to extend over a period not to exceed in total seventeen weeks.

5. Paragraph fourteen (a) of the said act is hereby amended to read as follows:

14. (a) Compensation for all classes of injuries shall run consecutively and not concurrently, *except as provided in paragraph*

fourteen, as follows: First [two] *four* weeks, medical and hospital services and medicines, as provided in paragraph fourteen. After the first two weeks, compensation during temporary disability. Following both, either or none of the above, compensation consecutively for each permanent injury. Following any or all or none of the above if death results from the accident, expenses of last sickness and burial. Following which compensation to dependents, if any. [In no case shall the total number of weekly payments be more than four hundred.]

6. Paragraph nineteen of the said act is hereby amended to read as follows:

19. In case of death, where no executor or administrator is qualified, the said judge shall, by order, direct payment to be made to such person as would be appointed administrator of the estate of such decedent upon [like terms as to bond] *the filing of a bond of not less than one hundred dollars nor more than five hundred dollars*, for the proper application of compensation, [payments as are required of administrators,] *if a commutation of the award is ordered. If compensation is to be paid weekly the said bond shall not be more than one hundred dollars.*

7. Insert a clause in the said act to be numbered 20 (a) to read as follows:

20. (a) *Whenever it shall appear that an employer is being prejudiced, by virtue of the refusal of an injured employee to accept proffered medical aid or to permit an operation deemed necessary by the physician, such employer is hereby authorized to file a petition with the judge of the Court of Common Pleas, as prescribed in paragraph twenty, and the judge is hereby empowered to order proper medical and surgical treatment at the expense of the employer, and in event of refusal by the employee to comply with this order, he shall make such modification in the award contained in the schedule as the evidence produced shall justify.*

8. Paragraph twenty-one of the said act is hereby amended to read as follows:

21. The compensation hereby provided may be commuted by said Court of Common Pleas, at its present value when dis-

counted at five per centum simple interest, upon application of either party, with due notice to the other, if it appear that such commutation will be for the best interest of the employee or the dependents of the deceased employee, or that it will avoid undue expense or undue hardship to either party, or that such employee or dependent has removed or is about to remove from the United States, or that the employer has sold or otherwise disposed of the greater part of his business or assets.

Unless so approved no compensation payments shall be commuted.

In determining whether the commutation asked for will be for the best interest of the employee or the dependents of the deceased employee, or that it will avoid undue expense or undue hardship to either party, the judge of the Court of Common Pleas will constantly bear in mind that it is the intention of this act that compensation payments are in lieu of wages, and are to be received by the injured employee or his dependents in the same manner in which wages are ordinarily paid. Therefore, commutation is a departure from the normal method of payment and is to be allowed only when it clearly appears that some unusual circumstances warrant such a departure. Commutation shall not be allowed for the purpose of enabling the injured employee, or the dependents of a deceased employee, to satisfy a debt, or to make payment to physicians, lawyers or any other persons.

When any proceedings have been taken under the provisions of paragraph twenty or paragraph twenty-one of this act, the judge of the Court of Common Pleas shall, as a part of his determination and order, either for payment or for commutation of payment, settle and determine the amount of compensation to be paid by the injured employee or his dependents, on behalf of whom such proceedings are instituted, to his legal adviser or advisers, and it shall be unlawful for any lawyer, or other person acting in that behalf, to ask for, contract for or receive any larger sum than the amount so fixed; and in the order determining weekly payments where no commutation is made, the judge shall also determine the amount to be paid per

week from the compensation payment on account of the legal fee thus awarded, and it shall be unlawful for the legal adviser, or other person acting in that behalf, to ask for, contract for or receive a larger sum per week than the allowance thus determined. Violation of the restrictions contained in this clause shall constitute contempt of court and shall be punished accordingly.

An agreement or award of compensation may be modified at any time by a subsequent agreement, or at any time after one year from the time when the same became operative, it may be reviewed upon the application of either party on the ground that the incapacity of the injured employee has subsequently increased or diminished. In such case the provisions of paragraph seventeen with reference to medical examination shall apply.

Whenever lawful compensation shall have been withheld from an injured employee or dependents, simple interest on each weekly payment at five per centum per annum for the period of delay of each payment, shall be added to the amount due at the time of settlement.

9. Paragraph twenty-three is hereby amended to read as follows:

23. For the purposes of this act, willful negligence shall consist of (1) deliberate act or deliberate failure to act, or (2) such conduct as evidences reckless indifference to safety, or (3) intoxication, operating as the proximate cause of injury.

Wherever in this act the singular is used the plural shall be included; where the masculine gender is used the feminine and neuter shall be included.

Employer is declared to be synonymous with master and includes natural persons, partnerships and corporations; employee is synonymous with servant and includes all natural persons who perform service for another for financial consideration, exclusive of casual employments.

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and *amputation at the elbow shall be considered equivalent to the loss of the arm.* Amputation between the knee and the ankle shall be considered

as the equivalent of the loss of a foot, *and amputation at the knee shall be considered equivalent to the loss of the leg.*

No agreement, composition or release of damages made before the happening of any accident, except the agreement defined in section two of this act, shall be valid or shall bar a claim for damages for the injury resulting therefrom, and any such agreement, other than that defined in section two herein, is declared to be against the public policy of this State. The receipt of benefits from any association, society or fund to which the employee shall have been a contributor shall not bar the recovery of damages by action at law or the recovery of compensation under section two hereof.

Where a third person or corporation is liable to the employee or his dependents for an injury or death, the existence of a right of compensation from the employer under this statute shall not operate as a bar to the action of the employee or his dependents, nor be regarded as establishing a measure of damage therein. However, in event that the employee or his dependents shall recover from the said third person or corporation, a sum equivalent to or greater than the total compensation payments for which the employer is liable under this statute, the employer shall be released thereby from the obligation of compensation. If, however, the sum so recovered from the third person or corporation is less than the total of compensation payments, the employer shall be liable only for the difference. The obligation of the employer under this statute to make compensation shall continue until the payment, if any, by such third person or corporation is made. Such employer shall file with the third person or corporation so liable, at any time prior to payment, a statement of the compensation agreement or award between himself and his employee, or the dependents of the employee, and the employer shall thereafter be entitled to receive from such third person or corporation, upon the payment of any amount in release or in judgment by the third person or corporation on account of his or its liability to the injured employee or his dependents, a sum equivalent to the amount of compensation payments which the employer has theretofore paid to the injured employee or his de-

pendents, which payments shall be deducted by the third person or corporation from the sum paid in release or judgment to the injured employee or his dependents.

Wherever in section two of this act the term "wages" is used, it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, and shall not include gratuities received from the employer or others. [nor shall it include] Board, lodging or similar advantages received from the employer, *shall be included and valued at six dollars per week*, unless the money value of such advantages shall have been *otherwise* fixed by the parties at the time of hiring. Where prior to the accident the rate of wages is fixed by the output of the employee, his weekly wages shall be taken to be six times his average daily earnings for a working day of ordinary length, excluding overtime. This rate of weekly wages shall be calculated by dividing the total value of the employee's output during the actual number of full working days during the preceding six months, by the number of full days the workman was actually employed, *and multiplying the quotient by six. Where the rate of wages is fixed by the hour, the weekly wage shall be found by multiplying the hourly rate by the number of working hours in an ordinary day, and this product by six, or by seven if the workman ordinarily worked seven days per week.* All parts of [this calculation] *these calculations* shall refer to employment by the same employer.

In case of personal injuries or death all claims for compensation on account thereof shall be forever barred unless within one year after the accident the parties shall have agreed upon the compensation payable under this act, or unless within one year after the accident one of the parties shall have filed a petition for adjudication of compensation as provided herein.

10. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect on the fourth day of July next succeeding its passage and approval.

STATEMENT.

The purpose of this bill is the revision of certain portions of the language of the compensation law, to eliminate doubtful phrases, thereby removing causes of dispute. It also provides for increased compensation in various ways, the chief of which are:

Medical aid during four weeks, with additional upon order of court.

Compensation rate altered to $66\frac{2}{3}$ per centum.

Minimum and maximum payments raised to \$6.00 and \$12.00.

A \$6.00 minimum for all permanent injuries.

Provides compensation for loss of hearing.

Compensation to dependents extended to 400 weeks, to children until eighteen, to widows for life.

Compensation for life for total disability.

Removes the clause excluding alien dependents.

There are also various other minor amendments.

A SUPPLEMENT to an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Any employee who shall suffer disability from any of the diseases mentioned in section 2 of this act, arising out of and in the course of his employment, of which disease the nature of his employment is the proximate cause, shall be deemed to have suffered a personal injury by accident within the intent and meaning of the act to which this act is a supplement, and to be en-

titled to maintain an action or to receive compensation for any disability resulting therefrom. Death resulting from any such disease so contracted as aforesaid, shall establish the same right of action or to compensation as though resulting from accident, within the intent and meaning of the act to which this act is a supplement.

2. Schedule of diseases within the meaning of this act:

1. Anthrax.
2. Lead poisoning or its sequelæ.
3. Mercury poisoning or its sequelæ.
4. Phosphorus poisoning or its sequelæ.
5. Arsenic poisoning or its sequelæ.
6. Poison by nitro- and amido-derivatives of benzene.
7. Poison by carbon bisulphide or its sequelæ.
8. Poisoning by nitrous fumes or its sequelæ.
9. Chrome ulceration or its sequelæ.
10. Eczematous ulceration of the skin produced by dust or liquids, or ulceration of the mucous membrane of the nose or mouth produced by dust.
11. Compressed air illness or its sequelæ.
12. Telegraphists' cramp.
13. Aniline poisoning.
14. Wood alcohol poisoning.

3. The date of the certificate of disability or the date of death, if there is no prior certificate of disability, shall fix the time when the right of action or the right to receive compensation arises. Notice of such disability or death, unless the employer shall have actual knowledge thereof, shall be given in accordance with and subject to the provisions of sections fifteen and sixteen of the act to which this act is a supplement.

4. The amount of compensation shall be calculated with reference to the amount of weekly wages which the employee was receiving at the time when the disabling disease originated and the employer at this time shall be the employer upon whom the duty of making compensation rests and to whom notice shall be given or knowledge brought home, notwithstanding the employee may voluntarily have left such employment.

5. The State Board of Medical Examiners shall forthwith appoint in each locality whose industries seem to warrant such action, a licensed physician of good repute and skill in his profession as "Certifying Physician," who shall continue in such appointment at the pleasure of said Board. The certifying physicians shall be selected upon the basis of their qualifications for the duties devolved upon them by this act so far as possible, and shall not be at the time of their appointment or during its continuance, in the employ of any employer, the nature of whose business subjects his employees to the risk of any disease mentioned in section 2 of this act. Notice of such appointments and any additions thereto or changes therein, with the addresses and office hours of such appointees, shall be filed with the Commissioner of Labor, who shall give such publicity thereto as he may deem proper.

6. Any employee may apply to the nearest "Certifying Physician" for examination and certification as to his disability by reason of any of the diseases mentioned in section 2 of this act, which application shall be filled out by the "Certifying Physician" upon a form to be supplied to him for that purpose by the Department of Labor. The "Certifying Physician" shall determine the disease, if any, from which the applicant is suffering and the extent and probable duration of disability therefrom and whether the proximate cause of such disease was the nature of the employment, and the time when the same originated, and shall so certify. This certification shall be in a form provided by the Department of Labor attached to the application and both shall be made in duplicate, one copy to be given to the applicant and one forwarded to the Department of Labor. The "Certifying Physician" shall receive from the applicant in advance a fee of one dollar and no more. Upon receipt of such certificate, the Department of Labor shall pay such physician the sum of two dollars, from moneys appropriated for that purpose from the State treasury.

7. The certification shall be the established basis of compensation unless the employer, or employee, within ten days after the exhibition thereof to him appeals therefrom to the State Board of Medical Examiners, who are hereby authorized to hear and determine on appeal any controversy with reference to the certifica-

tion of any "Certifying Physician." The party appealing shall apply to the Board to designate a day for a hearing and give due notice thereof to the employee or his dependents or to the employer as the case may be, and each party may subpoena witnesses. The Board shall determine the merits of the controversy upon the testimony presented and upon their own investigation and knowledge as physicians and certify their findings in duplicate, one copy to be given the employee or his dependents and the other to be filed with the Department of Labor, such certification to be final as to the matters and things stated therein.

8. Any employer shall be entitled to receive a copy of the certificate of the "Certifying Physician" from the Department of Labor by paying fifty cents therefor, and a copy of the certificate of the State Board of Medical Examiners by paying the secretary of said Board a like sum.

9. In event that death shall result from any of the diseases mentioned in section 2 of this act, like certification shall be made by the "Certifying Physician" as in the case of disability upon the application of dependents, and appeal may be taken therefrom to the State Board of Medical Examiners as in case of disability.

10. In event that the employer liable to make compensation and the employee or his dependents shall not agree as to the amount of compensation to be paid under the compensation schedule as contained in the act to which this act is a supplement, upon the basis of the disability or death as certified, then recourse shall be had to the proceedings contemplated in section 18 of the act to which this act is a supplement.

11. The provisions of this act shall be deemed to apply to every contract of hiring in operation at the time when this act becomes a law and to those thereafter made, as a part of section II of the act to which this act is a supplement, unless notice to the contrary be given in accordance with the provisions of sections 7, 8, 9 and 10 of the said act.

12. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

AN ACT to amend an act entitled "A further supplement to an act entitled 'An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder,' approved April fourth, one thousand nine hundred and eleven," approved March twenty-seventh, one thousand nine hundred and thirteen.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Paragraph one of the act referred to in the title of this act is hereby amended to read as follows:

1. Every employee or person on trial, who shall be in the service [employ] of the State, county, municipality or any board or commission, or any other governing body, including boards of education, within this State, shall be compensated under and by virtue of section two of the act to which this act is a supplement; provided, however, that no [person receiving a salary greater than twelve hundred dollars per year, nor any] person holding an elective office shall be entitled to compensation; and provided, further, that nothing herein contained shall be construed as affecting any pension fund now or hereafter provided by law.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

AN ACT to amend an act entitled "An act requiring the clerks of Courts of Common Pleas to file with the Commissioner of Labor copies of orders made by the judges of such courts upon matters arising under the provisions of an act entitled 'An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder,' approved April fourth, nineteen hundred and eleven," approved April first, one thousand nine hundred and twelve.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one of the act referred to in the title of this act is hereby amended to read as follows:

1. The clerk of each of the Courts of Common Pleas in this State, whenever any *determination of facts, order or opinion* is filed by the judge of such court making a decision upon any matter arising under the provisions of an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, nineteen hundred and eleven, shall forthwith forward to the Commissioner of Labor of the State of New Jersey a copy of the said *determination of facts, order or opinion*, which need not be certified, without any charge being made therefor.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

STATEMENT.

The purpose of this bill is to require the clerk of the Common Pleas Court to file with the Commissioner of Labor, in addition to the order, any determination of facts or opinion filed by the judge under the Workmen's Compensation Act.