Section 4. The judge of each of the courts of appeal in this state, or of any division thereof, oldest in commission shall be the presiding judge of such court or division; provided, that if there be upon the court, or any division thereof, judges having commissions of the same date, then the court, or the judges of such division, as the case may be, shall select a presiding judge from the judges thereof holding such commissions.

Section 5. In the event of the unavoidable absence or disqualification of any judge or judges of the St. Louis court of appeals, one or more circuit judges, as designated by the court, or a division thereof, shall be competent to sit in such court or division, for such time as the court or such division may, by order direct. No circuit judge before whom a cause may have been heard or tried shall sit upon a hearing of the same in said court of appeals. If, in any case, said court sitting en banc, shall be evenly divided, any judge of another of the courts of appeal, or a circuit judge, or a lawyer possessing the qualifications of a judge of a court of appeals, when designated by the court en banc, may sit in such cause as a special judge with, and be a member of the court en banc, in the determination of said cause.

Section 6. This amendment shall be self-enforcing and shall become operative from and after its adoption by the people, and it shall repeal all constitutional provisions and laws inconsistent therewith.

PROPOSITION NO. 13.

REFERENDUM ORDERED BY THE PETITION OF THE PEOPLE.

House bill No. 335, enacted by fiftieth General Assembly. Prohibiting manufacture, sale, gift, advertisement or transportation of intoxicating liquors within, into or from this state, except under certain conditions; providing for search of intoxicating liquors unlawfully sold; declaring certain buildings or certain places used in unlawful manufacture of intoxicating liquors nuisances and giving right of abatement; giving persons injured by intoxicated persons right of action against illegal liquor sellers; regulating those who manufacture, sell or prescribe for ethyl alcohol or wine; defining intoxicating liquor and other words; providing for enforcement of said act and prescribing penalties for violation of same.

AN ACT prohibiting the manufacture, sale, gift, advertisement or transportation of intoxicating liquors within, into or from the state of Missouri, except for certain purposes and under certain regulations; providing for search and seizure of intoxicating liquors unlawfully manufactured or sold; declaring certain buildings, structures and things used in the unlawful manufacture and sale of intoxicating liquors to be nuisances and giving the right of abatement; establishing the right of action in damage for injuries by intoxicated persons against illegal liquor sellers; prescribing additional duties for prosecuting attorneys, sheriffs and other law-enforcing officers; requiring permits for manufacturers, sellers or physicians who manufacture, sell or write prescriptions for ethyl alcohol or wine and providing for the revocation of same; defining intoxicating liquors and other words and phrases; making employes and agents responsible for violation of this act by a corporation; declaring intoxicating liquors illegally manufactured or sold to be contraband; fixing venue of cases under the act; and with penalties for violation; and providing when same shall be in force and effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. It shall be unlawful for any person, firm, association or corporation, his, its or their agents or employes, to manufacture, sell, give away or transport intoxicating liquors within, import the same into, or export the same from the state of Missouri for beverage purposes, except as hereinafter provided.

Section 2. That the provisions of this act shall not be construed so as to prevent the manufacture, importation, exportation, or sale of denatured alcohol, or of cider for the purpose of making vinegar or non-intoxicating cider, or of denatured rum for use only in the industrial and mechanical arts, or of methyl alcohol, or of ethyl alcohol in non-potable toilet, medicinal, antiseptic, culinary, or other non-beverage preparations, or of ethyl alcohol for scientific, pharmaceutical, mechanical, or industrial purposes, or to prevent the sale of ethyl alcohol or wine by pharmacists or druggists as provided herein for medicinal or sacramental purposes.

Section 3. It shall be unlawful for any person, firm, association or corporation to manufacture or sell ethyl alcohol or wine within the state of Missouri for non-beverage purposes without a permit therefor as herein provided. All persons, firms or corporations desiring to manufacture or sell ethyl alcohol or wine shall file with the clerk of the county court of the county, in which such persons, firm or corporation resides or has his place of business, an application for a permit to manufacture or sell, (as the case may be) ethyl alcohol or wine, at least ten (10) days before the hearing thereon. Said application shall be in such form as may be prescribed by the attorney-general of Missouri. The said clerk of the county court shall present said application to the county court of said county at its next regular term and if the judges of said court are satisfied that the allegations of the application are true, that the applicant is twenty-one (21) years of age and not addicted to the use of intoxicating liquors as a beverage; and that the applicant is of good moral character and law-abiding, the said court may issue a permit to such applicant to manufacture or sell (as the case may be) ethyl alcohol or wine for a period of one year unless revoked or suspended as herein provided. Said permit shall be in such form as may be prescribed by the attorney-general of Missouri. Applicants shall pay to the county clerk for permits issued as above set out, the following fees, to-wit: For each manufacturing permit the sum of fifty dollars ($50.00); for each selling permit the sum of ten dollars ($10.00). All fees collected by the county clerk under this section shall be paid over monthly to the county treasurer. All holders of permits granted as herein provided, shall, on or before the 5th day of each month, for the calendar month preceding, file a statement, verified by the oath of such permit holder, with the clerk of the county court of the county in which such permit holder is engaged in business, showing the amount and kinds of intoxicating liquors manufactured or received during said month with names and addresses of the persons, firms or corporations from whom received, and the amount and kind of intoxicating liquors sold or otherwise used or disposed of during said month with the names and addresses of the persons, firms or corporations to whom sold or delivered, and the amount and kind of intoxicating liquor on hand at the end of said month.

Section 4. It shall be unlawful for any person, firm or corporation in the state of Missouri, holding a permit to manufacture or sell ethyl alcohol or wine under this act, to sell, give away, or otherwise dispose of ethyl alcohol or wine except on a written application, dated and signed, of an individual or an authorized agent of a firm or corporation engaged in the manufacture of non-potable toilet, medicinal, antiseptic, culinary, or other non-beverage preparations, or of the owner or manager of a hospital, museum, laboratory, industrial or educational institutional using ethyl alcohol or wine for scientific, pharmaceutical, mechanical, industrial or other non-beverage purposes, or of a regularly registered and practicing dentist, physician or veterinarian using ethyl alcohol or wine for non-beverage purposes in the practice of his profession; or of a minister, priest, clergyman or authorized officer having charge of a church using wine for sacramental purposes; provided, that any druggist, pharmacist, or proprietor of a drug store, holding a permit to sell ethyl alcohol or wine under this act, may sell or give away ethyl alcohol or wine on a written prescription, dated and signed, first had and obtained from some regularly registered and practicing physician, and then only when such physician shall state in such prescription the name of the person for whom the same is prescribed, and that such ethyl alcohol or wine is prescribed as a necessary remedy; provided further, that each permit holder selling or giving away or otherwise disposing of ethyl alcohol or wine under this section shall attach a copy of each application and prescription received during each month to the monthly report required to be filed with the clerk of the county court under the provisions of section 3 of this act. Any permit holder who shall violate any of the provisions of this section, or any person who shall make a false statement in an application for ethyl alcohol or wine, shall be deemed guilty of a misdemeanor.

Section 5. It shall be unlawful for any physician, or pretended physician, in the state of Missouri, to make or issue any prescription to any person for ethyl alcohol or wine in any quantity, or for any compound of which such liquors shall form a part without a permit therefor secured as herein provided. All physicians desiring to write prescriptions for ethyl alcohol or wine for medicinal purposes shall file an application for a permit to do so with the clerk of the county court of the county in which such physician practices his profession. Said application shall be in such form as the attorney-general of Missouri may prescribe and permits may be granted by the judges of the county court upon the same terms and under the same rules and conditions as they are authorized to grant permits to manufacture and sell ethyl alcohol or wine by this act. Applicants shall pay the county clerk for each permit issued as above set out, the sum of two dollars ($2.00). All fees collected by the said county clerk under this section shall be paid over monthly to the county treasurer. It shall be unlawful for any physician, holding a permit as herein provided, to make or issue a prescription for ethyl alcohol or wine to any persons without a careful physical examination of the person for whom the ethyl alcohol or wine is prescribed; or to issue such prescriptions for such liquors to a person whom he has reason to believe will use such liquors for beverage purposes; or to issue such a prescription for such liquors without the name of the person for whom such liquors are prescribed written thereon together with the name of the disease or malady for which such liquor is prescribed.

Section 6. Every wife, husband, child, parent, guardian, or other person in the state of Missouri, who shall be injured in person or property or means of support or otherwise by any intoxicated person by reason of the selling of intoxicating liquors in violation of the provisions of this act, shall have the right of action in his or her name against any person, firm or corporation who shall, by such illegal selling of such liquors, have caused or contributed to the intoxication of said person or persons, or who have caused or contributed to any such injury; and in any action given by this section the plaintiff shall have the right to recover actual and exemplary damages. In case of the death of either party, the action or right of action given by this section shall survive to and against his or her executor or administrator; and in every action by husband, wife, parent, child, the general reputation of the relation of husband, wife, parent, child, shall be prima facie evidence of such relation and the amount so recovered by either wife or child shall be his or her sole and separate property. Such damages, together with the costs of suit, shall be recoverable in an action before any court of competent jurisdiction in this state; and in any case where parents shall be entitled to such damages, either the father or mother may sue alone therefor, but recovery by one of such parents shall be a bar to any suit brought by the other for such damages; and in any case where two or more children may be entitled to such damages, only one suit therefor may be brought and the separate claims for damages may be united under separate counts in the one action.

Section 7. Any person, firm or corporation who shall in the state of Missouri establish, erect, maintain, continue or use any building, structure or place, whether stationary or movable, for the purposes of manufacturing or selling intoxicating liquors unlawfully is guilty of maintaining or keeping a nuisance; and the building, structure or place, or the ground itself, in or upon which unlawful manufacture or sale or keeping with intent to unlawfully sell such intoxicating liquors, is carried on or is continued or exists; and the furniture, vessels, fixtures, and contents, are also declared a nuisance. The attorney-general or prosecuting attorney of the county in this state where such a nuisance, as defined in this section, exists, or is kept or maintained, may prosecute a suit in equity to abate and perpetually enjoin the same. All persons, whether agents or employes or officers of corporations, or agents or employes of individuals aiding or abetting in the commission of the offense, may be made parties defendant in such action. The circuit courts of this state are hereby authorized and empowered to try and determine causes arising under this section and such courts shall have the power to enforce injunctions under this section by such measures and means as are now provided or may be provided for the enforcement of injunctions in this state.

Section 8. If the attorney-general or prosecuting attorney of any county in this state shall file a statement verified by oath with the clerk of the circuit court, or other court having criminal jurisdiction in the county, that he verily believes that in some building or structure, to be designated in said statement, in the said county, intoxicating liquors are being manufactured or sold contrary to the provisions of this act, it shall be the duty of the sheriff of said county to enter said building or structure by force, if necessary, and remove therefrom any intoxicating liquors which he may find therein, and hold such liquors until all prosecutions for violating the provisions of this act by any person in said building are ended and determined. Any intoxicating liquors found in any such building and taken under the provisions of this section and not returned to the owner as herein set out shall be liable for all fines and costs assessed against any person convicted for manufacturing or selling such liquor at said place contrary to the terms of this act, and such sheriffs shall dispose of said liquors, in some legal manner, and apply the proceeds thereof, if any, to the payment of such fines and costs. No warrant shall be issued to search a private dwelling occupied as such unless some part of it is used as a store or shop, hotel or boarding house, or for any other purpose than a private residence, or unless such residence is a place of public resort.

Section 9. In case the existence of any place where intoxicating liquors are manufactured or sold in violation of law is disclosed in any criminal proceedings, it shall be the duty of the prosecuting attorney to proceed promptly to enforce the provisions of this act against such place as a nuisance. In any affidavit, information or indictment for the violation of this act, separate offenses may be united in separate counts and the defendant may be tried on all of the separate offenses at one trial and the cumulative penalty for each offense may be imposed by the courts. It shall not be necessary in any affidavit, information or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful. Whenever any prosecuting attorney shall be unable or shall neglect, fail or refuse to enforce any of the provisions of this act, or for any reason whatsoever, the provisions of this act shall not be enforced in any county in this state it shall be the duty of the attorney-general of the state to enforce the same in such county, and for that purpose, he may appoint as many assistants as he shall deem necessary, and he and his assistants shall be authorized to sign, verify and file all such complaints, affidavits, petitions, informations, indictments and papers as the prosecuting attorney is authorized to sign, verify or file, and to do and perform any act that the prosecuting attorney might lawfully do or perform.

Section 10. Sheriffs, deputy sheriffs, marshals and chiefs of police and policemen of cities, towns and villages of this state, constables and all other police officers, are hereby authorized and directed to apprehend and arrest any person or persons found violating any of the provisions of this act; and to immediately file the necessary complaint for such violation before the prosecuting attorney of the county in which such violation of the law occurs. If any sheriff, deputy sheriff, marshal or chief of police or policeman, constable, or other police officer, shall fail, refuse or neglect to discharge any duty imposed upon him by this act, such offending officer shall be removed from office in the manner now provided by law.

Section 11. If at any time there shall be filed with the clerk of the circuit court of the county in which a permit holder under this act is authorized to manufacture, sell, or write prescriptions for intoxicating liquors, a petition, signed by five (5) citizens or the prosecuting attorney of said county, setting forth that any such permit holder is not, in good faith, obeying the provisions of this act, or has been convicted of a violation of the provisions of this act, or that such permit holder is in the habit of using intoxicating liquors as a beverage, and requesting that the permit possessed by such permit holder to manufacture, sell or to write prescriptions for intoxicating liquors (as the case may be) be revoked, the judge of the said circuit court shall order the said clerk of the circuit court to immediately issue a citation to such permit holder to appear before the said judge at the court house of said county on the first day of the next regular term of said circuit court after the date of such order, at which time said petition shall be heard and determined. If it is found that such permit holder is guilty of violating any of the provisions of this act, or had failed or neglected to file the monthly statements required by this act, or is in the habit of using intoxicating liquors as a beverage, then the said judge of the circuit court shall either suspend such permit for a definite period of time or shall revoke the same and render judgment for the costs of the proceeding against the permit holder; and if such permit holder shall have his permit revoked for a second time, such revocation shall act as a bar against the issuance of any other or further permit in the state of Missouri. In the event the permit holder shall be found innocent of the charges set out in any petition filed by citizens under this section, judgment for costs of the proceeding shall be rendered against such citizens. The judge of the circuit court shall have power to subpoena witnesses and require the attendance of such witnesses in the determination of any such procedure under this section the same as in civil cases in his jurisdiction.

Section 12. It shall be unlawful for any person, firm or corporation to advertise intoxicating liquors in any manner in the state of Missouri: Provided, however, that manufacturers holding permits under this act may send price lists giving the prices and other information pertaining to ethyl alcohol and wines to holders of permits authorized to sell same.

Section 13. If any firm, corporation or association, shall violate any of the provisions of this act, any officer, agent, member or employe thereof, acting for it in any such unlawful manner or authorizing such unlawful act to be done, shall be personally guilty of such violation, the same as though such officer, agent, member or employe himself had committed the offense, and shall be subject to all fines, penalties and imprisonment therefor.

Section 14. All intoxicating liquors unlawfully manufactured, sold or transported are contraband and they and the containers thereof shall be forthwith sold as provided in section 8 of this act or destroyed whenever the proper judge or court shall hold such liquors to have been manufactured, sold or transported in violation of the law. No officer or person who destroys contraband liquor shall be liable for any damages for such an act.

Section 15. The phrases, "intoxicating liquor," or "intoxicating liquors," whenever used in this act, shall be construed to mean and include any distilled, malt, spirituous, vinous, fermented or alcoholic liquor, all alcoholic liquids whether proprietary, patented or not, which contain one-half of one per centum of alcohol by volume and which are potable or capable of being used as a beverage: Provided, however, that when the above mentioned phrases, "intoxicating liquor," or "intoxicating liquors," are hereafter defined in the laws of the United States, then such definition by congress shall supercede and take the place of the definition of said phrases in this section and shall apply to the provisions of this act and with the same force and effect as if the same were written herein.

Section 16. The phrase, "clerk of the circuit court," shall be held to mean and include, for the purposes of this act, the clerks of the criminal courts in counties of this state having fifty thousand population and in which have been or may be established therein a separate criminal court, and the clerk of the St. Louis court of criminal correction. Such clerks shall perform the duties prescribed by this act as belonging to the "clerk of the circuit court," in their respective counties, or city. The phrase "judge of the circuit court" shall be held to mean and include, for the purposes of this act, the judges of the criminal courts in counties of this state having fifty thousand population and in which have been or may be established therein separate criminal courts, and the judges of the St. Louis court of criminal correction. Such judges shall perform the duties prescribed by this act as belonging to the "judge of the circuit court" in their respective counties or city. The phrase "prosecuting attorney" shall be held to mean and include, for the purpose of this act, the prosecuting attorneys of the criminal courts in counties of this state having fifty thousand population and in which have been or may be established therein separate criminal courts, and the prosecuting attorney of the St. Louis court of criminal correction. Such prosecuting attorneys shall perform the duties prescribed by this act as belonging to the "prosecuting attorney" in their respective counties or city. The word "county" shall be held to mean and include, for the purposes of this act, the city of St. Louis. The phrase, "clerk of county court," shall be held to mean and include, for the purposes of this act, the clerk of the St. Louis court of criminal correction. The phrase, "county court," shall be held to mean and include, for the purposes of this act, the St. Louis court of criminal correction. The phrase "circuit court" shall be held to mean and include, for the purposes of this act, the criminal courts in counties of this state having fifty thousand population and in which have been or may be established therein separate criminal courts, and the St. Louis court of criminal correction. The circuit courts of this state, not having a separate criminal court therein, and the criminal courts in counties of this state having fifty thousand population and in which have been or may be established therein separate criminal courts, and the St. Louis court of criminal corrections, shall have jurisdiction in all cases, either civil or criminal, which may arise in their respective circuits or districts under the provisions of this act.

Section 17. Any person convicted of any violation of the provisions of this act shall, for the first conviction, be punished by a fine in a sum of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1000.00), or by imprisonment in the county jail for a period of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment; and for the second and each subsequent conviction, such person shall be punished by a fine in a sum of not less than three hundred dollars ($300.00) nor more than one thousand dollars ($1,000.00), or by imprisonment in the county jail for a period of not less than three (3) months nor more than one (1) year, or by both such fine and imprisonment. The attorney-general or prosecuting attorney shall, in preparing complaints, informations or indictments for a second or any subsequent violations of the provisions of this act, allege such previous convictions therein.

Section 18. This act shall be in full force and effect from and after 12:01 a. m. on the 16th day of January, A. D. 1920, when the 18th amendment to the Federal Constitution shall become and be declared in full force and effect, and all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

PROPOSITION NO. 14.

REFERENDUM ORDERED BY THE PETITION OF THE PEOPLE.

Committee substitute for Senate bill No. 389, enacted by the Fiftieth General Assembly, the purpose of which is to provide for a system of workmen's compensation, elective as to railroads and private employments, compulsory as to the state and other public employers unless their employes reject the act; defining the rights, duties and liabilities of employers and employes electing to accept or reject the act, and of third persons in connection therewith; creating a workmen's compensation commission, defining its powers and duties and prescribing the rules and regulations relating to the enforcement and carrying out of said act.

AN ACT to provide a system of workmen's compensation, elective as to railroads and private employments, and compulsory as to the state, its counties, municipal corporations and other public employers unless their employes reject the act; prescribing the manner of election and the effect thereof; defining the rights and liabilities of employers and employes electing to accept or reject the act, and of third persons in connection therewith; prescribing the powers and duties of the commission and the courts in connection therewith; regulating the charges for medical aid, burial expenses and attorney's fees; prescribing the rights, duties and liabilities of the employer's insurer and regulating insurance rates, reserves and policies; regulating the rights of dependents, making certain minors of full age; providing for the giving and serving of notices thereunder; prescribing the manner of procedure and the limitation on proceedings thereunder; providing the means of enforcing awards and the manner and extent to which the same may be reviewed by the courts; creating the Missouri workmen's compensation commission to administer the act and prescribing its powers and duties, providing for the insurance of the liability of an employer for injury or death of his employes, by insurance carriers authorized to transact this class of insurance in the state or by self-insurance; providing a tax on insurance premiums to defray the expense of administering the act; repealing all acts or parts of acts inconsistent therewith; prescribing penalties for violations of certain of its provisions and fixing the time when certain of its provisions shall take effect; with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. This act shall be known as the workmen's compensation act.

Section 2. Every employer and every employe, except as in this act otherwise provided, shall be conclusively presumed to have accepted all of the provisions of this act and respectively to furnish and accept compensation as herein provided, unless prior to the accident he shall have filed with the commission a written notice that he elects to reject this act. The presumption of election shall be re-established by filing with the commission a written notice withdrawing the rejection. All such notices shall take effect on the day of their receipt by the commission. They may be sent by mail and the commission shall immediately acknowledge receipt thereof. The notice given by the employe shall take effect upon all employments at which he may then or thereafter be employed until the rejection is withdrawn, and on application the commission shall inform any employer thereof. The employe shall also immediately inform his employer of all such notices, and the same shall not operate as to any employer until the employe informs him thereof in writing. The commission shall also furnish to each employer rejecting the act a notice thereof, which the employer shall keep posted in a conspicuous place on his premises where it can be seen by his employes.

Section 3. If both employer and employe have elected to accept the provisions of this act, the employer shall be liable, irrespective of negligence, to furnish compensation under the provisions of this act for personal injury or death of the employe by accident arising out of and in the course of his employment, and shall be released from all other liability therefor whatsoever, whether to the employe or any other person. The rights and remedies herein granted to an employe shall exclude all other rights and remedies of such employe, her husband, wife, parents, personal representatives, dependents, heirs, or next kin, at common law or otherwise, on account of such injury or death. Nor shall compensation be allowed for an injury or death due to the employe's or another's willful misconduct including intentional self-inflicted injury intoxication, and willful failure or refusal to use a safety appliance or perform a duty required by statute, or failure to obey any reasonable rule adopted by the employer for the safety of the employe, as to all of which the burden of proof shall rest upon the employer.

Section 4. If the employer has elected not to accept the provisions of this act, in any action to recover damages for personal injury or death of his employe in the course of his employment it shall not be a defense that the same was caused by the negligence of a fellow employe, or that the employe has assumed the risk of the injury or death or that the same was caused in any degree by the negligence of the employe. Such defense shall not be allowed in such action whether or not the employe accepted this act, nor shall they be allowed in any proceeding for compensation under this act such defenses shall be allowed to an employer who has elected to accept this act.

Section 5. Sections two, three and four of this act shall not apply to employments of farm labor and domestic servants, including family chauffeurs. The said sections shall not apply to employments which are but casual and not incidental to the operation of the usual business of the employer, or to employments in which articles and materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale in the home of the employe or on premises not under the control or management of the employer. If the employer has less than five employes regularly employed in his business the said sections shall not apply to such employment unless such employes and their employers voluntarily elect in the manner herein specified to be bound by this act. Any employer in this section exempted from the operation of sections two, three and four of this act, may bring himself within the provisions of the act by filing with the commission notice of his election to accept the same, and any employe thereafter entering the service of such employer, and any employe remaining in such service thirty days after such election, shall be conclusively presumed to have elected to accept this act unless he shall have filed with the commission and his employer a written notice that he elects to reject the same.

Section 6. The word "employer" as used in this act shall be construed to mean

(a) Every person, partnership, association, corporation, trustee, receiver, and every other person, including any person or corporation operating a railroad and any public service corporation, using the service of another for pay, and

(b) The state and every county, municipal corporation, township, school, road, drainage, swamp and levee district, school board, board of education, regents, curators, managers, or control commission, board and every other political subdivision, corporation or quasi-corporation thereof, all of which public employers are hereby made liable to furnish compensation under the provisions of this act for personal injury or death of their employes by accident arising out of and in the course of their employment, without the right of such public employers to elect to reject the provisions of this act, but such liability shall not exist if the employe elects to reject this act.

(c) Any reference to the employer shall also include his insurer.

Section 7. (a) The word "employe" as used in this act shall be construed to mean every person in the service of any employer as defined in this act, under any contract of hire, express or implied, oral or written, but shall not include persons whose average annual earnings exceed three thousand dollars, nor officials of political subdivisions. Any reference to any employe who has been injured, shall, when the employe is dead, also include his personal representatives, dependents, and other persons to whom compensation may be payable. The word employe shall also include all minor employes, and all such minor employes are hereby made of full age for all purposes under, in connection with or arising out of this act.

(b) The word "accident" as used in this act shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforseen event happening suddenly and violently, with or without human fault and producing at the time objective symptoms of an injury. The terms "injury" and "personal injuries" shall mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom. The said terms shall in no case be construed to include occupational disease in any form, or any contagious or infectious disease contracted during the course of employment, or death due to natural causes but occurring while the workman is at work. "Death" when mentioned as a basis for the right to compensations means only death resulting from such violence and its resultant effects occurring within three hundred and fifty weeks after the accident.

(c) Without otherwise affecting either the meaning or interpretation of the abridged clause, "personal injuries arising out of and in the course of employment," it is hereby declared not to cover workmen except while engaged in, on or about the premises where their duties are being performed, or where their services requires their presence as a part of such services at the time of the injury, and during the hours of service as such workmen.

Section 8. Nothing in this act shall be construed as amending or repealing any statute or ordinance relating to associations or funds for the relief, pensioning, retirement, or other benefit of firemen, policemen, or other public employes, their widows, children or dependents, or as in any manner interfering with such associations, funds or benefits, now or hereafter established, but any such public employe, his widow, children or dependents, who shall receive compensation under this act shall have deducted from any benefit otherwise payable by any pension or other benefit fund to which the municipal corporation or other public employer contributes, a part of such benefit proportionate to the amount then being contributed to such fund by such employer, which deductions shall be made only during the compensation period. Nor shall anything in this act be construed as interfering with the right of any public employe to draw full wages, or collect and retain his full fees, so long as he holds his office, appointment or employment, but the period during which the same are received after the injury shall be deducted from the period of compensation payments due hereunder.

Section 9. In case any employe for whose injury or death compensation is payable under this act shall, at the time of the injury, be employed and paid jointly by two or more employers subject to this act, such employers shall contribute the payment of such compensation in the proportion of their several wage liability to such employe. If one or more but not all of such employers should be subject to this act, and otherwise subject to liability for compensation hereunder, then the liability of the entire compensation which their proportionate wage liability bears to the entire wages of the employe: Provided, however, that nothing in this section shall prevent any arrangement between such employers for a different distribution, as between themselves, of the ultimate burden of such compensation.

Section 10. (a) Any person who has work done under contract on or about his premises which is an operation of the usual business which he there carries on, shall be deemed an employer and shall be liable under this act to such contractor, his subcontracts, and their employes, when injured or killed on or about the premises of the employer while doing work which is in the usual course of his business.

(b) The provisions of this section shall apply to the relationships of landlord and tenant, and lessor or lessee, when created for the fraudulent purpose of avoiding liability, but not otherwise. In such cases the landlord or lessor shall be deemed the employer of the employes of the tenant or lessee.

(c) The provisions of this section shall not apply to the owner of premises upon which improvements are being erected, demolished, altered or repaired by an independent contractor, but such independent contractor shall be deemed to be the employer of the employes of his subcontractors and their subcontractors when employed on or about the premises where the principal contractor is doing work.

(d) In all cases mentioned in the preceding subsections, the immediate contractor or subcontractor shall be liable as an employer of the employes of his subcontractors. All persons so liable may be made parties to the proceedings on the application of any party. The liability of the immediate employer shall be primary, and that of the others secondary in their order, and any compensation paid by those secondarily liable may be recovered from those primarily liable, with attorney's fees and expenses of the suit. Such recovery may be had on motion in the original proceedings.

(e) No such employer shall be liable as in this section provided, if the employe was insured by his immediate or any intermediate employer.

Section 11. If a third person not in the same employ is also liable, the employe may elect to hold either the employer or the third person. Election to hold the third person shall release the employer. Election to hold the employer shall operate as an assignment of the cause of action against the third person which the employer or his insurer may enforce in his own name or that of the employe, and in such actions recovery may be had of the amount of compensation awarded, with the reasonable expense of the suit, including attorney's fees. Election to hold the employer shall not be deemed to have been made until a claim for compensation is filed with the commission.

Section 12. (a) This act shall apply to all cases within its provisions, except those exclusively covered by any federal law.

(b) This act shall apply to all injuries received in this state, regardless of where the contract of employment was made, and also to all injuries received outside of this state under contract of employment made in this state, unless the contract of employment in any such case shall otherwise provide.

Section 13. (a) In addition to all other compensation, the employe shall receive such medical, surgical and hospital treatment, including nursing, ambulance and medicines as may reasonably be required for the first eight weeks after the injury or disability, to cure and relieve from the effects of the injury, and not exceeding the amount of two hundred dollars. If the employe desires, he shall have the right to select his own physician, surgeon or other such requirement at his own expense. Where such requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities.

(b) If it be shown to the commission that such requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employe is endangered thereby, the commission may order a change in the physician, surgeon, hospital or other requirement.

(c) All fees and charges under this section shall be fair and reasonable, shall be subject to regulation by the commission, and shall be limited to such as are fair and reasonable for similar treatment of injured persons of a like standard of living. The commission shall also have jurisdiction to hear and determine all disputes as to such charges.

(d) No compensation shall be payable for the death or disability of an employe, if and in so far as the same may be caused, continued or aggravated by an unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the commission, inconsiderable in view of the seriousness of the injury. If the employe dies as a result of an operation made necessary by the injury, such death shall be deemed to be caused by the injury.

(e) The testimony of any physician who treated the employe shall be admissible in evidence in any proceedings for compensation under this act.

(f) Every hospital or other person furnishing the employe with medical aid shall permit its records to be copied by and shall furnish full information to the commission, the employer, the employe or his dependents and any other party to any proceedings for compensation under this act, and certified copies of such records shall be admissible in evidence in any such proceedings.

Section 14. (a) Except as provided in section 13, no compensation shall be payable for the first seven days or less of disability unless the disability shall last longer than six weeks.

(b) Compensation shall be payable as the wages were paid prior to the injury or at least once every two weeks. Each installment shall bear interest at the rate of six per cent per annum from date when due until paid. Compensation shall be payable on the basis of 66⅔ per cent of the average earnings of the employe computed in accordance with the rules given in section 22 of this act.

(c) The employer shall be entitled to credit for wages paid the employe after the injury, and for any sum paid to or for the employe or his dependents on account of the injury except for liability under section 13.

Section 15. For temporary total disability the employer shall pay compensation for not more than four hundred weeks during the continuance of such disability, but not less than six dollars nor more than fifteen dollars a week, with full wages if his average earnings amount to less than six dollars a week.

Section 16. For temporary partial disability compensation shall be paid during such disability but not for more than two hundred weeks, and shall be 66⅔ per cent of the difference between the average earnings prior to the accident and the amount which the employe, in the exercise of reasonable diligence, will be able to earn during the disability, to be determined in view of the nature and extent of the injury and the ability of the employe to compete in an open labor market, not to exceed, however, twelve dollars per week.

Section 17. (a) For permanent partial disability, in addition to all other compensation, the employer shall pay to the employe 66⅔ per cent of his average earnings as computed in accordance with section 22, but not less than six dollars nor more than fifteen dollars per week, for the period hereinafter provided:

	Nature of Injury.	Weeks
1	Loss of major arm at shoulder...	230
2	Loss of minor arm at shoulder...	200
3	Loss of major arm between shoulder and elbow	210
4	Loss of minor arm between shoulder and elbow	190
5	Loss of major arm at elbow joint.	200
6	Loss of minor arm at elbow joint.	180
7	Loss of major arm between elbow and wrist	190
8	Loss of minor arm between elbow and wrist	170
9	Loss of major hand at the wrist joint	165
10	Loss of minor hand at the wrist joint	150
11	Loss of thumb of major hand at proximal joint	64
12	Loss of thumb of minor hand at proximal joint	60
13	Loss of thumb of major hand at distal joint	40
14	Loss of thumb of minor hand at distal joint	29
15	Loss of index finger at proximal joint, major hand	40
16	Loss of index finger at proximal joint, minor hand	36
17	Loss of index finger at second joint, major hand	32
18	Loss of index finger at second joint, minor hand	29
19	Loss of index finger at distal joint, major hand	28
20	Loss of index finger at distal joint, minor hand	24
21	Loss of either the middle or ring finger at the proximal joint, major hand	33
22	Loss of either the middle or ring finger at the proximal joint, minor hand	28
23	Loss of either the middle or ring finger at second joint, major hand	28
24	Loss of either the middle or ring finger at second joint, minor hand	24
25	Loss of either the middle or ring finger at the distal joint, major hand	24
26	Loss of either the middle or ring finger at the distal joint, minor hand	22
27	Loss of little finger at proximal joint, major hand	20
28	Loss of little finger at proximal joint, minor hand	18
29	Loss of little finger at second joint, major hand	18
30	Loss of little finger at second joint, minor hand	15
31	Loss of little finger at distal joint, major hand	15
32	Loss of little finger at distal joint, minor hand	13
33	Loss of one leg at the hip joint or so near thereto as to preclude the use of artificial limb	195
34	Loss of one leg at or above the knee, where the stump remains sufficient to permit the use of artificial limb	160
35	Loss of one leg at or above ankle and below knee joint	125
36	Loss of one foot, in tarsus	110
37	Loss of one foot, in metatarsus	100
38	Loss of great toe of one foot at proximal joint	35
39	Loss of great toe of one foot at distal joint	20
40	Loss of any other toe at proximal joint	12
41	Loss of any other toe at second joint	8
42	Loss of any other toe at distal joint	6
43	Complete loss of one eye	110
44	Complete loss of the sight of one eye	100
45	Complete deafness of both ears	160
46	Complete deafness of one ear, the other being normal	40

For permanent injuries other than those above specified, the said compensation shall be paid for such period as are proportionate to the relation which the other injury bears to the injuries above specified, but no such period shall exceed four hundred weeks. Such other injuries shall include permanent injuries causing a loss of earning power, disfigurement and mutilation. If an employe be seriously and permanently disfigured about the face or head, the board may allow such sum for compensation on account thereof, as it may deem just, based upon the handicap suffered by the injured employe in obtaining employment, but such sum shall not exceed $750.00.

(b) In all claims for compensation for hernia resulting from injury arising out of and in the course of the employment, it must be definitely proved to the satisfaction of the board: First, that there was an accident resulting in hernia; second, that the hernia appeared suddenly, accompanied by intense pain; third, that the hernia immediately followed the accident; fourth, that the hernia did not exist in any degree prior to the accident resulting in the injury for which compensation is claimed. All hernia inguinal, femoral or otherwise, so proved to be the result of an accident arising out of and in the course of the employment, shall, when necessary, be treated in a surgical manner by radical operation. If death results from such operation, the death shall be considered as a result of the injury, and compensation paid in accordance with the provisions of section 21 (b). In non-fatal cases, time loss only shall be paid, unless it is shown by special examination that the injured employe has a permanent partial disability resulting after the operation. If so, compensation shall be paid in accordance with the provisions hereof applicable to permanent partial disability. In case the injured employe refuses to undergo the radical operation for the recurtion of said hernia, when such operation is necessary, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employe has some chronic disease or is otherwise in such physical condition that it is considered unsafe for him to undergo said operation, he shall be paid 66⅔ per cent of his average wages for a period of 16 weeks.

Section 18. (a) For permanent total disability compensation shall be paid on the basis of 66⅔ per cent of the annual earnings during two hundred forty (240) weeks, and thereafter on the basis of 40 per cent of the average earnings for life, but not less than six dollars nor more than fifteen dollars a week.

(b) When caused by the accident the loss of both eyes or the sight thereof, the loss of both hands or the use thereof, an injury resulting in practically total and permanent paralysis or an injury resulting in incurable imbecility or insanity, shall be conclusively presumed to be permanent total disabilities, and in all other cases permanent total disability shall be determined in accordance with the facts.

Section 19. (a) In all cases of permanent disability where there has been a previous disability there shall be deducted from the amount of compensation payable, the amount paid for the previous disability, and compensation shall be paid for the difference. If the resulting condition be a total permanent disability the compensation period of such total disability shall be five hundred weeks, and the period of the previous disability shall be deducted therefrom.

(b) If more than one injury in the same employ causes concurrent temporary disabilities, compensation shall be payable only for the longest and largest paying disability.

(c) If more than one injury in the same employ causes concurrent and consecutive permanent disabilities, compensation payments for each subsequent disability shall not begin until the end of the compensation period of the prior disability.

Section 20. The death of the injured employe shall not affect the liability of the employer to furnish compensation as in this act provided, so far as such liability has accrued and become payable at the time of the death, and any accrued and unpaid compensation due the employe shall be paid to his dependents without administration, or if there be no dependents, to his personal representative or other person entitled thereto, but such death shall be deemed to be the termination of the disability.

Section 21. If the injury causes death, either with or without disability, the compensation therefor shall be as provided in this section.

(a) In all cases the employer shall pay direct to the persons furnishing the same the reasonable expense of the burial of the deceased employe not exceeding one hundred dollars, and, if not covered by the provisions of section 13, the reasonable expense of his last sickness not exceeding two hundred dollars. But no person shall [illegible]

(Continued on Page Six)

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