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WORKING HOURS, EARNINGS, AND DURATION OF EMPLOYMENT OF WOMEN WORKERS IN SELECTED INDUSTRIES OF MARYLAND AND OF CALIFORNIA.

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INTRODUCTION.

Bulletin No. 91 of the Bureau of Labor, issued in November, 1910, gave the results of a study of the "Working Hours of Wage-Earning Women in Selected Industries in Chicago." The report dealt especially with the working hours and earnings of women during the level of business and during the rush periods in a number of industries selected because of their importance as employing large numbers of women and because of the variety of conditions which they presented. The present report, continuing the study of the working hours and earnings of women, gives the results of similar investigations in two widely separated communities—Maryland and California. The industries selected for study in these localities are, with one exception, typical factory industries to be found in every industrial center of considerable size. The canning industry, also here included, is an important industry in both Maryland and California, and in both States employs large numbers of women.

The purpose of the investigation in Maryland and California, whose results are given in the present report, was to ascertain not only the working hours and earnings of women in selected industries in those localities, but also to learn the duration of employment afforded women in industries where business is fairly continuous throughout the year, including as well some industries where employment is subject to the irregularities of seasonal demands.

There was no intention of obscuring the importance of working hours and of earnings in searching for the duration of employment. Manifestly, information in regard to the duration of employment is necessary in order to judge fairly of the strain resulting from long hours. Furthermore, much light is thrown upon the economic

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reasons for working long hours by a knowledge of the steadiness of employment afforded the worker in the industry upon which she depends mainly for a living.

Here, as in the previous investigation in Chicago, the industries chosen for study were selected largely with reference to the number of women employed. The desire was to study conditions affecting the greatest possible number of women wage earners in industries fairly representative of conditions in the locality. As representative of industries which are large employers of women in these localities, as well as throughout the country, the following industries were selected: Candy, biscuits, etc.; cigars and cigarettes; paper boxes; and shirts, overalls, etc. In Baltimore the straw-hat industry was selected as one peculiar to that city and a large employer of women and girls.

Choosing industries for study on the basis of the number of women affected made it imperative both in California and Maryland to include the canneries in spite of singularly forbidding obstacles in the way of an effective study. Without going into the subject of the rapid growth of the canning and packing industries, it is enough to call attention to the fact that there are over 2,400 canning firms listed in the 1911 edition of the Directory of the National Canners Association;[1] approximately 470 are credited to Maryland and 100 to California. In the 51 city and country canneries visited in these two States, the employers reported an average of 7,887 women workers during the canning season between May 1, 1910, and April 30, 1911. While the average for the 2,400 would unquestionably fall much below the average for these 51, which include some of the largest establishments in California and Maryland, it is equally true that even if the average were only one-fourth as much, the total number of women affected by cannery conditions is too great to be ignored in spite of the difficulties, later explained, in the way of securing available data as to hours, earnings, and duration of employment.

In Maryland the investigation of the canning industry was made both in the city of Baltimore and in the country canneries outside of that city. For the other industries the study in that State was limited entirely to the city of Baltimore. In California, similarly, the study of the canning industry was carried on in San Francisco, Berkeley, and Oakland, and the country districts in that part of the State. In the other industries the investigation was confined to the cities of San Francisco and Oakland.

The period covered by the data in regard to hours, earnings, and duration of employment was in all cases the year ending April 30, 1911. The investigation was carried on in Maryland from August

[1] According to the statement of a member of this association, the organization includes about 75 per cent of all the canneries in the country.

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to October, 1911, and in California during the months of June and July.

The extent of the data upon which this report is based may best be seen in the following table, which shows for each of the two States included, and by industries, the number of establishments investigated, the total number of women employed in such establishments, and the number of those women who furnished individual data for the purposes of this report. As will be seen from the table, the investigation included in Maryland 57 establishments, employing a total of 6,883 women, and individual data were secured from 1,267 of the employees. In California the investigation included 34 establishments with a total of 5,552 women employees, of whom 1,569 furnished individual information.

ESTABLISHMENTS AMD EMPLOYEES COVERED BY THE INVESTIGATION, BY INDUSTRIES.

Industry.	Establishments investigated.	Women employed in establishments investigated.			Women employees furnishing individual data.
		16 years and over.	Under 16 years.	Total.	
MARYLAND.					
Canning	42	3,624	534	[1] 4,370	676
Candy, biscuits, etc	4	330	202	532	181
Paper boxes	4	161	104	265	121
Shirts, overalls, etc	3	1,360	125	1,485	167
Straw hats	4	217	14	231	122
Total	57	5,702	979	[1] 6,883	1,267
CALIFORNIA.					
Canning	9	3,338	[2] 179	[2] 3,517	604
Candy, biscuits, etc	10	539	15	554	347
Cigars and cigarettes	2	77	3	80	61
Paper boxes	7	199	17	216	155
Shirts, overalls, etc	6	1,179	6	1,185	402
Total	34	5,332	[2] 220	[2] 5,552	1,569

[1] Including 212 women whose ages were not reported.
[2] In 2 establishments the number of girls under 16 years of age at work was not reported.

It will be noticed that the number of establishments and employees included in the investigation, both in Maryland and California, was much greater in the canning industry than in the other industries covered. The large number of employees in the canning establishments who were taken was considered necessary because of the extreme irregularity of the work and the very considerable differences in conditions found in the various factories. For the other industries the smaller number seemed quite adequate because of the small variations in conditions between the several establishments and of the much greater steadiness of the work.

In the study of the canning industry the limited period of employment afforded, the frequent interruptions throughout the entire period of operation, and the extreme irregularity of the daily hours are features of special interest, but also involving special difficulties.

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In both Maryland and California the duration of employment of the women in canneries furnishing individual information was found to be less than one-half of that in the other industries included in the investigation. The frequent interruptions in the work throughout the entire period of activity, especially in the city canneries, affected the earnings of the employees quite as seriously as the limited duration of employment. Consequently, while the number of weeks' employment reported by women workers in the candy and biscuit, paper-box, straw-hat, cigar and cigarette, and shirt and overall industries may be regarded as fairly consecutive, at least within the well-known seasons of increased activity, this is not the case with the period of employment reported by women interviewed in the canneries. These two distinguishing facts, together with other related differences which appeared in the course of the study, seemed to demand a separate and more detailed treatment of the canneries as representing an extreme example of an intermittent industry.

Another important characteristic of the canning industry seriously diminishing the earnings of employees is the irregularity of the working hours throughout the season. So marked is this phase of the industry that the period of activity can not be divided as in the other industries into busy and normal seasons, for one week may combine within itself all the features of a slack, normal, and rush season. A working week in the canneries may be made up of 10, 8, 7, and 15 hour days, or it may be a steady drive of from 12 to 15 hours a day for 6 days in Maryland, and for 7 in California, where there is no law against Sunday work.

The "average weekly hours," as recorded in the accompanying tabulations for the canning industries, do not, therefore, approximate the usual or prevailing weekly hours, as do the average weekly hours for other industries. They show, however, the average daily amount of time put in during the recorded period of employment. Furthermore, the "usual day," as recorded in the tabulations for this markedly intermittent industry is comparable with the "usual day" of the other industries in only a very limited sense, if at all. In the other industries studied the usual day during the normal season prevailed for at least five days in the week, the last working day sometimes being shorter than the others. In the canning industry the most that can be said for the "usual day" is that it occurs more frequently, taking the whole season together, than any other given hours, because it reflects the working time standard of the wage earner. It is the number of hours she works whenever the supply of material and other circumstances permit her to rise or fall to its level.

"No two days alike" was a common answer to the agent's question as to the usual day, and only patient probing would develop the coming and going hours of the workers whenever circumstances permitted them to fix a working limit.

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In the Maryland canneries visited no pay rolls of any kind were kept for the pieceworkers, as the brass-check, punch-card, or "spot-cash" system prevailed. In the California canneries the pay rolls, even when kept, were seldom of much help in the matter of hours, because such documents rarely recorded the number of hours worked, as payment is largely on a piece-rate basis, and only the amount earned by an employee, who was designated by number, was set down. Because of the fluctuating character of the force, it frequently happens also that the same pay-roll numbers will be used for two or more wage earners in the course of a short season.

To repeat for emphasis, then, the "average weeks" in the canning and other industries are only comparable in the matter of working time put in during a given number of weeks. While the "usual days" may reflect the working-time standards that prevail in the two groups of industries, the possibility of comparison vanishes at this point, because in one group the usual day prevails for at least five days in the week, while in the canning industry it may occur one or more times during a given week or not at all, but does occur throughout the whole season oftener than any other working time.

The question naturally arises as to how the figures for daily and weekly hours and earnings were obtained under such circumstances, and what degree of accuracy the accompanying tables for the cannery workers represent. The method adopted was to secure, first, from the employer all the information available concerning the varieties of fruits and vegetables packed in the establishment within the period covered by the investigation, to ascertain when operation in each variety began and ended, and what were the range and average hours per week of the establishment's activity during the canning season for each variety or group of varieties. After securing this information the individual employees were interviewed.

While each individual is a problem in herself, they all have the human trick of talking and thinking in terms of familiar objects. For example: "How many weeks did you work from May 1, 1910, to April 30, 1911?" will, quite naturally, bring only a shake of the head or a shoulder shrug as an answer. But "Did you work in asparagus or spinach last year?" will bring all sorts of answers—"No, I didn't go to work till cherries, and I stayed through the peaches;" or, "I began right after school was out and worked through tomatoes till school began again;" or, "I skipped the apricots, because fruit was so poor I couldn't make nothing," etc. Here lies the opportunity of the investigator. By keeping close to familiar things—the loss through poor fruit or vegetables, the "long runs" because of sudden excess shipments, the interruption because of broken machinery, the impeding demands of home duties—a fairly complete account of the workers' time can be secured. In the overwhelming majority of

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cases the women are anxious to tell the truth, and the agent with reasonable skill and tact can get it from them by assisting their mental operations with questions based on the information secured beforehand from the employer.

To some extent the same difficulty is encountered in obtaining the earnings, though a pay roll here is of some help in that the agent is enabled to check the earning level as given by the individual employees with that as shown on the pay roll. Furthermore, it sometimes happens that workers, especially the asparagus and peach sorters in California and the canners (packers) in Maryland, are paid a flat rate per hour. In such cases both hours and earnings, barring deductions for fines and countercharges, can be determined for such period as the workers are employed on the time rate. That the workers have not overstated either hours or earnings is evidenced by the fact that whenever the hours could be checked mathematically because of the flat time rate they showed a substantial agreement with the figures given by the individual. The workers rarely gave the number of hours worked per day in definite figures. The questions and answers usually had to do with the hour of beginning work, the time allowed for lunch, the closing time, and the number of days worked per week, the "figuring up" being done by the Bureau's agent.

These tabulations, therefore, are presented with no claim for the accuracy of pay-roll statistics taken for a selected period. On the other hand, there is claimed for them a substantial accuracy which renders the figures a fair reflection of the hours, earnings, and duration of employment of women in the industries under discussion. A further claim made for them is that they show the individual and economic perspective which hours and earnings for a selected short period in the canning industry could not give because of the violent fluctuation of working hours occasioned by the "runs" of different varieties of fruits and vegetables.

HOURS, EARNINGS, AND DURATION OF EMPLOYMENT OF WOMEN IN SELECTED INDUSTRIES IN MARYLAND.

In Maryland the hours, earnings, and duration of employment of women in factories were studied, as has been seen, with reference to 5 industries: The canning industry, in which 10 Baltimore and 32 country establishments were investigated; candy, biscuits, etc., in which 4 establishments were covered; paper boxes, 4 establishments; shirts, overalls, etc., 3 establishments; and straw hats, 4 establishments. The 42 canneries employed together 4,370 women, while the 15 other factories employed 2,513 women. Information in regard to each establishment was secured by agents of the Bureau by means of inquiries of the employer and through personal inspection of each factory. In addition, 1,267 of the women employees were interviewed and certain individual data were secured for use in this report.

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MARYLAND CANNERIES.

In the investigation of the Maryland canneries 42 establishments were visited, of which 10 were in the city of Baltimore and 32 were country canneries outside of that city. The city canneries employed 2,214 women, and 398 of these furnished individual data for use in this report. The 32 country canneries employed a total of 2,156 women, and 278 of these furnished individual data. The proportion of women in the height of the canning season is from one-half to two-thirds of the entire force.

In the following table are shown for the city and country canneries investigated the number of establishments, the total number of women employed, the number furnishing individual data for this report, and the average number of weeks worked by the individual employees reporting:

DURATION OF EMPLOYMENT OF WOMEN IN SELECTED CITY AND COUNTRY CANNERIES OF MARYLAND.

Location of establishment.	Establishments investigated.	Women employed.	Women furnishing individual data.	Average weeks employed
City	10	2,214	398	25.2
Country	32	2,156	[1] 278	8.0
Total	42	4,370	676	18.1

[1] Includes employees who worked in both city and country canneries but who were found at work in the country and therefore included in this group.

This table shows clearly a most striking difference between the city and country canneries. While in the city canneries the employees reported an average of 25.2 weeks of employment, in the 32 country canneries an average of only 8 weeks' employment was reported. The difference is not at all difficult to explain. The country canneries work up the products of the vicinity only. The city canneries draw supplies, beginning in the spring, from various sections and greater distances, and many of them, furthermore, are engaged in the packing of oysters after the fruit and vegetable season has passed.

But, while in the country canneries the duration of employment is less than one-third of what is shown for the city canneries, in some other respects the differences are in favor of the country canneries. During the period of activity the hours are steadier; the equipment is better, especially in its provision of machinery and employment of improved methods; and, partly as a result of the better equipment and improved methods, the earnings are considerably higher.

The most impressive thing about the Maryland canneries visited was the large number of children at work, a great many of them, apparently, under 12 years of age, some of them unquestionably and often admittedly under 11. The children appearing in the tables of

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the report in no way represent the proportion found in the canneries, as only such were scheduled as were helping mother or sister during the period covered by this investigation, viz, May 1, 1910, to April 30, 1911. The companies invariably denied employing these children, contending that they came as helpers to their mothers or sisters; nevertheless, about one-fourth of the workers in the canneries visited were children well under 14. The deeper influence of the presence, not only of these child helpers, but of the infants whom the working mother can not leave at home, will be discussed elsewhere in this Bulletin.[1] The discussion in this section of the report is concerned chiefly with the influence of the helpers upon the earnings of the principal workers both in the city and country canneries included in the investigation. It should be borne clearly in mind, however, that the sanitary conditions described affect adult and child worker alike, whether in the city or the country.

CANNERIES IN BALTIMORE, MD.

LENGTH OF CANNING SEASON.

While but 10 canneries were investigated in the city of Baltimore, as compared with 32 in the rest of the State, the number of women employed in the 10 canneries was practically the same as the number employed in the much larger group of country canneries. Furthermore, as has been seen, the duration of employment of the women employees studied was three times as great in the city canneries. During the progress of this investigation the canneries were occupied chiefly with the canning of apples and tomatoes, but within a season nearly all these establishments pack from a dozen to twenty different products, beginning early in April with early spinach and running well into summer with berries of all varieties, cherries, peas, wax beans, etc. Then follow, beginning usually the last of July or first week in August, the tomato, peach, pear, and apple seasons, during which time the establishments are usually running under heavy pressure, as there is a conflux rather than a succession of these fruits and vegetables in August and September. Fall beans, fall spinach, and beets close the fruit and vegetable season, the oyster season for some of these canneries lasting only a few weeks in the late fall and winter. Certain varieties of vegetables that are obtainable throughout the seasons, such as the various kinds of beans and beets, are used as "fillers" to keep the plant busy when the supply of staple products is short.

These fillers, as well as the large assortment of fruits and vegetables available for the city canneries, have something of a steadying effect on the working hours, though not sufficient to render the

[1] See page 466 et seq.

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"average weekly hours," recorded in the tabulations, in any sense the prevailing week, as is the case in the other industries included in the present investigation. The fillers and larger assortment serve only to render the fluctuations in working hours less violent than in the California canneries visited, which were occupied largely with highly perishable fruits and did not deal to any extent in "filler products." In spite of the steadying influences mentioned, the irregularity of working hours in the Baltimore canneries visited was such that each night an announcement was usually made as to the hour for starting the following morning.

WORKING HOURS AND EARNINGS OF WOMEN IN BALTIMORE CANNERIES.

In the 10 Baltimore canneries, employing 2,214 women, the number of weeks in operation ranged from 29 to 52, four of the canneries reporting 50 weeks or over. The average hours per week in operation, as reported by the employers, were comparatively low, exceeding 60 in the case of only one establishment, but in striking contrast with this is the long day with the occasional long week of work, a characteristic feature of the industry. Thus, the employers themselves reported days of 17½, 16½, and 15½ hours and weeks of 93, 91½, and 81 hours. Along with these hours should be noted the fact that among the 2,214 female employees of these canneries were 250 girls under 16 years of age. The information in regard to the number of women employed, the weeks in operation, and the hours per day and per week, as reported by the employers, is given in the following table. The employment of children in the Maryland city and country canneries is the subject of discussion in a special section of this report (p. 466 et seq.).

HOURS OF LABOR OF WOMEN EMPLOYED IN 10 BALTIMORE CANNERIES DURING THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS.

Establishment number.	Women employed.			Weeks establishment was in operation.	Hours of usual day.	Hours of long day.	Hours of short day.	Maximum hours per day.	Average hours per week.	Maximum hours per week.
	16 years and over.	Under 16 years.	Total.							
1	100	20	120	51	11½	13½	6	15½	46½	93
2	240	60	300	50	10	13	5	17½	58	91½
3	450	42	492	52	12½	12½	6	13½	54	[1] 81
4	100	39	139	47½	9	11	5	15	36	79½
5	100	15	115	43	10	12	6	15	50	75
6	225	25	250	50	10	11½	5	12½	54	75
7	244	6	250	33	10	12	5	13	40	72
8	225	5	230	30	11	13	6	16½	48	[2] 68
9	100	18	118	29	10	11½	5	12½	54	65
10	180	20	200	33	11	12½	6	15	66	([3])

[1] Foreman reported a maximum week of 93 hours and maximum day of 15½ hours.
[2] Employees reported as high as 71 hours per week.
[3] Not reported.

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It should be noted that all the figures of the foregoing table are as reported by the employers themselves. The long hours as there stated do not, of course, apply to their full extent to all the employees. The extent to which long hours were worked by the women employees can be studied in the reports of 398 women who furnished individual data for use in this report. The reports of these employees show average weekly working hours of 47.5 for the average season of 25.2 weeks. Of the 398 employees scheduled, 73, or 18.3 per cent, showed maximum working weeks of 72 hours or over. As Sunday work is illegal in Maryland, 72 hours or over a week means an average of 12 hours or more a day. Yet the average working hours for these 73 women was but 53.9 per week. The comparatively small number of women working these extreme hours, together with the low average weekly hours for them, as well as for the whole force, would indicate a lack of attention to the distribution of labor. It would indicate that the employers count for the overflow work upon those who are willing to, or feel they must, work to the limit of endurance, at the same rate paid for normal hours; or that there is no organized effort to secure a second shift for excess work. This is as true of the country canneries visited as of those in the city. The Bureau's agents discovered one attempt to secure a night shift by paying a higher rate. The effort promptly resulted in a failure, because, being the only establishment paying a higher rate at night, the canner's night shift attracted women who had worked in other canneries during the day, and, without cooperation on the part of other canners, there was no way of keeping such women off the force. The very object of the night shift was, therefore, from the viewpoint of the employer, defeated. The attempt, furthermore, called forth a sharp protest. One canner, who did not do any night work at all himself, told of his protest in this instance. He said:

A neighboring canner recently did some night work and offered as an inducement, in order to get the workers, 5 instead of 4 cents a bucket for skinning tomatoes. Some of our people went over there to work on the night shift. The next morning we had difficulty in getting them to work on time. They were tired and didn't come out when we blew for them, and when they did come they dragged along at their work. I said to the canner, "You're getting on a tender spot when you offer an inducement to get our people to work on your night shift.[1] You'll have to stop it." We could use our people nights ourselves sometimes, but we don't do it, for it unfits them for their next day's work, and we don't want anyone else affecting the efficiency of our workers that way.

There are canners who are convinced that night work, or early morning work, is not a matter of choice, but of necessity at times.

[1] It was a noticeable fact that the extended hours in the city canneries as in the country plants were usually worked in the early morning rather than late in the evening. It should be said that Sunday work is illegal in Maryland, so that the hours per week are distributed over not more than six days. There was one case, however, of admitted violation for a short time.

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For such, a shift system under intelligent cooperation ought not to be more difficult to effect than in other industries. But few men were found during the course of the investigation who regarded the long working day seriously. Commenting on the extremely long hours which some of the women reported, one canner said:

These women are different from others. They can work 15 or 20 hours a day and it won't hurt them. They'd be opposed to any restriction in working hours, for they are greedy and want to make all they can.

This view that "these people are different," that conditions ordinarily regarded as menacing "do not hurt them," is as common in occurrence as it is singular in theory.

The earnings of the individual women, secured in the manner already described, are given in tabular form at the end of this report. The particulars of this detailed table are the basis for the figures of the following summary table. In this summary table, it should be noted, the 398 employees are presented in five groups, according as they are time or piece workers with or without helpers, or helpers scheduled independently.

AVERAGE WEEKLY HOURS AND EARNINGS OF WOMEN WORKERS DURING THE YEAR ENDING APRIL 30, 1911, IN 10 CANNERIES IN BALTIMORE, MD.

Class of employees.	Number reporting.	Average weeks employed.	Average hours per week.	Average earnings per week.
Time workers without helpers	144	31.1	45.7	$4.61
Pieceworkers without helpers	191	22.1	48.0	3.28
Pieceworkers with one helper	42	22.0	50.5	4.38
Pieceworkers with two or more helpers	10	19.1	49.2	4.84
Helpers independently scheduled	11	19.0	50.5	[1]

[1] Helpers have no separate pay checks; their earnings are included in the earnings of the pieceworkers with helpers.

This table shows a striking difference in the earnings of time workers and pieceworkers. The time workers have shorter average weekly hours than any other group, yet their average weekly earnings are equaled only by the pieceworkers who have two or more helpers.

In comparing time workers and pieceworkers, it should be borne in mind that only pieceworkers have helpers, and that in the city the helpers are usually children of few years and small growth. Of 257 piece-rate employees scheduled in the 10 city canneries visited, 52, or over one-fifth, had one or more helpers during the period covered by the investigation, the worker being usually mother or older sister to the helpers. It should be remembered also that these 52 included only those who admitted that the helpers worked continuously for all or part of the time during which the workers themselves were employed. If a child was at work, and mother and child both denied

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that "helping" was usual, or occurred during the period covered by this study, the child was not entered as a helper.

A comparison of the earnings as shown in the above table with the earnings of employees in the country canneries, page 365, shows that the pieceworkers without helpers in the city canneries earned an average of $1.54 a week less, though they maintained the same average working hours. The piece rate for the same class of work does not vary appreciably in city and country canneries, so that the explanation of the difference in average earnings is not to be found in the difference in rate of pay. In all probability the uneven supply of material in the city, necessitating many unprofitable delays, together with the greater number of time-saving conveyors in the country canneries, is wholly responsible for the difference in the earnings of the pieceworkers in the city and country canneries.

The discrepancy between the earnings of the city and country time workers, as shown on the two tables, is not as great as it seems, since the city time workers' hours average over four hours less a week, making the relative difference in earnings but about $1. Among the city time workers the packers predominate. These have been supplanted to a large extent in the country canneries by machinery, leaving only the higher-paid time workers, who form the decided minority in the group of city time workers.

The most significant thing about the foregoing table is that to approach an average weekly earning of $5 a pieceworker in the city canneries has to have two or more helpers, the working week averaging 49.2 hours for each of the workers.

The canners or packers, who are selected, as was before pointed out, on the basis of speed and efficiency, show an average weekly earning of $4.61, against an average weekly earning of $3.28 for the piece-rate workers without helpers, whose weekly working hours averaged 48, or nearly two and one-third hours more than the time workers. A piece-rate worker with one helper in the city canneries visited failed to equal the earnings of an individual time worker. Even with two helpers their earnings were but 23 cents higher than the individual time workers. The prevailing piece rate for tomatoes is 4 cents for a 40-pound bucket. With an even supply of fair-quality product an average skinner can skin 30 buckets in a 10-hour day. But while there are some violent extremes in weekly hours in scattered long-hour weeks, as the individual tabulations show, the average for the season is much under 60, and in addition there is much variation in the quantity and quality of material, causing much loss of time. This fact, together with the time and energy wasted where there are no men carriers or conveyors, probably accounts for so much of the difference in earnings as is not accounted for by the lower degree of efficiency among the pieceworkers.

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DESCRIPTION OF WELL-EQUIPPED AND WELL-MANAGED CANNERY IN BALTIMORE.

The 10 canneries included in the investigation in Baltimore were rather uniform in construction, though they varied greatly in the matter of equipment and sanitary conditions. All of them have the three main divisions for preparing, packing, and cooking. The best-equipped plant visited was so located on the pier that fruits and vegetables arriving by water could be landed directly at the cannery. In this plant, the room in which the pieceworkers (skinners, peelers, and cutters) are employed is in the extreme end of the building, having plenty of light and air, which is badly tainted, however, with odors from the harbor. This room, which was visited during the tomato-packing season, was very clean and pleasant.

As the tomatoes were brought into the cannery they were poured into a machine from which they were carried along on the conveyor or perforated moving belt. An arrangement of nozzles above and below thoroughly washed the tomatoes before they passed into the steam box, after which they were again washed before being carried to the skinning tables at either side of which the skinners sat. Each skinner had a faucet of water, a sinklike depression into which to put her tomatoes as she took them from the conveyor moving through the center of the table, and a large waste pipe to carry away the skins. She was also supplied with two large enameled buckets bearing the number of her place. When she had filled one of them, she placed it upon a second moving belt in the center of the table and higher than the first, and the finished product was carried away. When the bucket came back it contained a brass check for 4 cents—the price for skinning a 40-pound bucket of tomatoes. The skinners can sit at their work most of the time, and do, for the seats are of a convenient height. The conveyors and waste pipes relieved the women engaged in tomato skinning of all lifting or carrying, and eliminated the irritating partiality often shown when men distribute the supplies.

The tomato "packing" or canning was done in a room less pleasant and more crowded than the skinning room. The tomato packers or canners stood at the tables and put the skinned tomatoes into cans. Though they were time workers, being paid at the rate of 10 cents an hour, and though there was no apparent effort to "speed" them, their number was kept down to the point where it was necessary for them to speed in order to keep up to the supply of tomatoes that was poured on the cannery tables. The packers (sometimes called canners) are usually older girls and younger women who are selected in this as in other plants on the basis of speed and general efficiency.

The apple peeling and cutting room was not equipped with carrying machinery of any kind; consequently, the women and the children

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(all of whom are pieceworkers) had to do much carrying, as the supplies were at considerable distance from the workers.

Owing to care and efficient management and to the presence of carrying machinery and waste pipes in the tomato room and to the segregation of the cooking facilities, the sanitary conditions in this plant were good and the workers were not compelled to endure the enervating steam that affected the skinners and packers in other establishments where the cooking was done in the same rooms.

While the foregoing description presents in a general way a picture of the main features of cannery construction and organization, the variations in equipment, administration, and cleanliness in the 10 establishments visited in Baltimore are so great as to make the picture entirely incomplete and not at all a fair reflection of the conditions as found. The plant described was by far the best equipped, cleanest, and best managed cannery of the 10 and serves to show that, while canning—particularly tomato canning—is "messy" and sloppy work, there is no necessity for the existence of such conditions as were found in some establishments.

DESCRIPTION OF POORLY EQUIPPED AND POORLY MANAGED CANNERY IN BALTIMORE.

In one cannery, located like the others on the water front, and laboring under the same advantages and disadvantages as far as product and labor supply are concerned, the conditions were such as inevitably to dissipate the energies and reduce the earning capacity of the employees, to say nothing of the effect upon the product canned under such conditions.

In this plant the place where the tomato skinners worked was a shed-like part of the building on the water front, having one side entirely exposed. In dry weather this feature has an element of comfort, for the workers get much air, though it is tainted by the odors arising from the harbor. In wet weather (and one of the visits made by the bureau's agents was on a stormy day), the workers were entirely unprotected, those nearest the outer side of the shed getting thoroughly wet. As the shed itself leaks, the workers even on the inside farthest removed from the open water front, suffered no little discomfort. If there was much wind, the rain drove far into the shed. In cases of chilly weather, the discomfort must reach a danger point, apparently, for there is no provision for reducing the exposure. But even when there were no showers to drench the workers, the equipment was inadequate and the supervision so faulty, that the resulting conditions were distressing and disgusting to a degree. The vat for steaming tomatoes was in the same shed and kept the women and children in a cloud of hot humidity. The floor was covered with a slippery mixture of tomato pulp and skins, for the provision for

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carrying away refuse was wholly ineffective. Some of the women and children wore rubber boots as they stood at their skinning troughs, some were barefooted, and others wore coarse shoes, but the skirts of all the workers were wet, some of them up to the knees. The odors arising from the souring mass of tomato pulp and skins on the floors, augmented by the juice dripping from the tables and benches, the clouds of steam from the nearby vats, together with the addition of an oppressive and distinguishing odor whose origin could not be determined, produced an environment that was distinctly discreditable and called for attention on broader grounds than the health and comfort of employees. Such carrying away of waste as was done the women had to do. The Bureau's agents were told that the place was flushed out at night, but the mismanagement was such that by noon it was hard to believe that the place was ever cleaned. Many of the workers eat their lunches in this room.

Men brought supplies of tomatoes from the vats to the skinning tables, but the women and the children carried the 40-pound buckets of skinned tomatoes over the reeking and slippery floor from the skinning shed into the room where the product is weighed, canned, and cooked. The skinning shed is about 50 feet long. From the entrance to the skinning shed to the place for depositing the buckets is, approximately, 30 feet. How far each woman or child carried her bucket, therefore, depended upon her location in the skinning shed.

While the peelers and cutters' room in this establishment was not so evilly environed as the tomato-skinning shed, it was far from intelligently managed. The women and children brought and carried away all supplies, and the supply court was about 50 yards from the peeling room. As the cutters and peelers, as well as the tomato skinners, are all pieceworkers, they can not afford to take time from their earning occupations to keep the immediate surroundings clear of waste and refuse.

Sore hands and cut fingers—sometimes unswathed, sometimes wrapped in perilously dirty rags—were common sights in this establishment as in most of the others visited.

The establishment described was unquestionably the worst of the 10 visited so far as sanitary conditions were concerned, yet none of the others was as good as the first one described, and most of them were needlessly, if not dangerously, dirty. It is a regrettable fact that only 3 of the 10 canneries visited in Baltimore had conveyors for the tomato rooms to bring supplies and carry away the skinned tomatoes and the waste. In 4 of the other 7 canneries men brought supplies to the tomato room, but women and children carried away the finished product. In all of the 10 the peelers and cutters did all their own lifting and carrying. Though there is scarcely room for argument as to whether or not the necessity of carrying on the part of

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skinners and peelers reduces their earning capacity, a careful comparison of the individual earnings of the workers in the two plants involved in the foregoing detailed description showed the earnings of those in the plant equipped with conveyors to be a little over 2 cents higher per hour than the earnings of the women in the plant without conveyors.

The exact earnings and hours for each group of workers are shown in the following table:

COMPARATIVE EARNINGS OF INDEPENDENT PIECEWORKERS IN ESTABLISHMENTS WITH AND WITHOUT CONVEYORS TO RELIEVE WOMEN WORKERS OF THE NECESSITY OF CARRYING SUPPLIES AND WASTE.

[Piece rate was the same in the two establishments during the period covered by this investigation.]

Establishments.	Independent pieceworkers scheduled.	Average weeks employed.	Average hours per week.	Average earnings per week.	Average earnings per hour (cents).
Conveyors provided, so that pieceworkers do no carrying	31	23	45	$3.75	8.3
Neither conveyors nor men carriers provided, but women do all carrying	22	23	54	3.40	6.3

A significant fact concerning the two establishments involved in the foregoing table is that the time-workers, who work under the same conditions in the two plants, earn practically the same amount per hour.

MARYLAND COUNTRY CANNERIES.

LENGTH OF CANNING SEASON.

In all the 32 country canneries studied in Maryland the most striking feature was the short period of operation. But while the duration of employment is much shorter than in the city establishments, the working hours are much steadier, the average per week is slightly higher, and the long-hour drives less frequent. The country canner knows about what his "pack" is to be when he brings his help from the city and can more easily adjust the supply of labor to the season's demands. It should not be inferred, however, that the country canneries furnish no instances of extreme hours. The Bureau's agents found a number of instances where the workers were "blown out" (called out by the cannery whistles) at 4 and 3 o'clock in the morning and one instance at 1 a. m.[1] The usual stopping time is at 6 p. m., with one hour for lunch, but when the pressure of work is particularly heavy this is cut to a half hour, and the employees work also to 8, 9, and 10 o'clock. Early morning, however, seems to be the favorite time for the overflow work. One canner

[1] One establishment's time card was printed for 24 hours in the day, beginning at 1 a. m.

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explained to the agent that he could get more work out of his people in the early morning than he could by night work, as "most of the time they were bound to stop when 6 o'clock came."

Notwithstanding these instances, however, the working hours fluctuated less violently in the country than in the city and the workers maintained slightly higher weekly average hours.

WORKING HOURS AND EARNINGS OF WOMEN IN MARYLAND COUNTRY CANNERIES.

In the 32 country canneries employing 2,156 women, the number of weeks in operation ranged from 6 to a maximum of 14, only 5 of the canneries reporting 10 weeks or over and 13 reporting less than 8 weeks. The average hours per week in operation, as reported by the employers, were comparatively low, reaching 60 in case of only one establishment and exceeding 50 in only 4 establishments. As opposed to the average week, however, the long day and the occasional long week of work are especially noticeable. Thus, the employers themselves reported days of 13, 13½, and 14 hours and weeks of 72, 73½, and 81 hours. Here again, as in the case of the city canneries, note should be taken of the large number of children subject to these working conditions, 284 girls under 16 years of age being reported by the employers as employed in these canneries. In addition to this, the fact that there were many children who actually worked as helpers but were considered by the employers as not "employed" must not be overlooked. In spite of the long hours shown here, the conditions in this respect, as reported in the country canneries, are not so bad as in the city canneries (see pp. 355 and 356).

Information in regard to the number of women employed, the weeks in operation, and the hours per day and per week, as reported by the employers, is given in the following table. The employment of children in the Maryland city and country canneries is the subject of discussion in a special section of this report (p. 466 et seq.).

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HOURS OF LABOR OF WOMEN EMPLOYED IN 32 COUNTRY CANNERIES OF MARYLAND DURING THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS.

Establishment number.	Women employed.			Weeks establishment was in operation.	Hours of usual day.	Hours of long day.	Hours of short day.	Maximum hours per day.	Average hours per week.	Maximum hours per week.
	16 years and over.	Under 16 years.	Total.							
11	37	3	40	6	10	13½	5	13½	42	81
12	26	14	40	8	10	10½	5	14	52½	73½
13	80	7	87	8	10	11	5	14	48	72
14	75	5	80	14	9½	11	3	12	39	72
15	65	6	71	13	10	11	5	12	42	72
16	[1]	[1]	162	7½	10	11	5	11½	51	69
17	70	12	82	9	10	11	6	12	60	[2] 69
18	[1]	[1]	50	7½	10	11	5	12	45	68
19	60	7	67	9½	10	13½	5	13½	54	67
20	25	13	38	6½	11	11	5	11	45	66
21	40	20	60	9	11	11	5	11	48	66
22	30	5	35	6	11	11	5	11	46	66
23	31	4	35	7	11	11	8	11	56	66
24	35	5	40	7½	11	11	5	12	46	66
25	40	5	45	6	11	11	6	11	44	66
26	72	20	92	7½	10	12	5	12½	50	[2] 64½
27	50	8	58	7½	10	10½	5	10½	39	63
28	150	15	165	10	10	10	5	10	48	63
29	110	17	127	9	10	10	5	10	50	60
30	25	5	30	9	10	10	5	10	40	60
31	28	12	40	7½	10	10	5	10	42	60
32	15	5	20	9	5	10	3	10	33	60
33	56	9	65	7	10	10	5	10	33	60
34	53	12	65	9	5	10	5	10	36	60
35	48	19	67	8½	9	9½	8½	9½	39	57
36	46	4	50	12½	9½	11	5	11	48	57
37	30	5	35	9	5	9	2	9	30	54
38	70	10	80	6	5	10	2	10	26	52
39	80	4	84	9	5	10	5	10½	30	50
40	73	10	83	11	5	11	2	12½	21	32½
41	45	15	60	7	[1]	[1]	[1]	[1]	[3] 20	[1]
42	95	8	103	9	10	11	5	13	42	[1]

[1] Not reported.
[2] Employees reported as high as 102 hours per week.
[3] For packing department only.

All the figures of the foregoing table are, it should be noted, as reported by the employers themselves. The extremely long hours as there stated do not, of course, apply to their full extent to all the employees. Individual reports from 278 women employees of the country canneries are available to show the length of the working hours and the extent of the overtime work, and these reports are tabulated in detail at the end of this article. The data furnished by these employees show average weekly working hours of 48.6 for an average season of 8 weeks.

In the following table the facts as to hours, earnings, and weeks of employment are summarized for the 278 women employees who furnished individual information. In this summary table the 278 employees are presented in the same five groups into which the employees of the city canneries were divided (see p. 357).

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AVERAGE WEEKLY HOURS AND EARNINGS OF WOMEN WORKERS IN 32 CANNERIES IN MARYLAND OUTSIDE OF BALTIMORE.

Class of employees.	Number reporting.	Average number of weeks employed.	Average hours per week.	Average earnings per week.
Time workers without helpers	21	7.2	50.0	$6.06
Pieceworkers without helpers	172	7.9	48.0	4.82
Pieceworkers with one helper	24	7.6	48.9	8.48
Pieceworkers with two or more helpers	35	9.1	49.9	13.30
Helpers independently scheduled	26	7.8	49.7	(1)

[1] Helpers had no separate pay checks; their earnings are included in the earnings of the pieceworkers with helpers.

Reference to the above table shows that time workers without helpers in a week of 50 hours earned an average of $6.06, while pieceworkers without helpers in a week of 48 hours earned $4.82.

It will be remembered that the table on page 357 showed that in city canneries time workers without helpers, in a week of 45.7 hours, earned an average of $4.61. Allowing for the difference in the average weekly hours of the city and country time workers (45.7 hours in city; 50 hours in country canneries), the country workers earn about a dollar a week more than the city workers. This is largely due to a difference in the class of workers. Among the city time workers the packers predominate. In the country canneries these have been supplanted, to a large extent, by machinery, leaving only the higher-paid time workers, who form the decided minority in the group of city time workers.

The difference between the earnings of city and country pieceworkers is more marked, the balance in favor of the country pieceworkers being for those without helpers $1.54, those with one helper $4.10, and for those with two or more helpers $8.46 per week. This discrepancy is the more striking in view of the fact that the hours are almost identical and that piece rates for the same classes of work do not vary appreciably in city and country canneries. The greater use of time-saving tomato conveyors in the country canneries is an influential factor, but is not in itself sufficient to explain the difference.

CHILD WORKERS AS HELPERS.

The higher average earnings in the country are undoubtedly due, in the main, first, to the evener supply of material which eliminates the waste of time occasioned when workers must await the arrival of shipments as in the city, instead of having the products within easy wagon delivery from the cannery all the time. A more important factor in swelling the general average in the country is the fact that the pieceworkers in the country are frequently assisted not alone by children, as in the city, but by halfgrown and adult members of the

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family who have no separate pay checks, their earnings in all cases being credited to the principal worker. That many of these "helpers" in the country have, on the whole, as much earning power as the principals is shown by the preceding table, which reveals the pieceworkers with one helper to be earning not far from twice as much, even taking into consideration the difference in working hours, as those working alone.

In emphasizing the influence of the adult helpers on the general average earnings in the country, there is no intention of ignoring or minimizing the importance of the presence of the child helpers. In the group described in the following tables as "Pieceworkers with two or more helpers," and even in the group with one helper, there are children unquestionably of ages not associated with industry in the minds of the public generally. It is, however, a fact that there were not so many young children in the country canneries visited as in the city plants, but special attention is called to the adult helpers to explain the higher general average earnings in the country canneries. Frequently a husband worked with his wife. When a family of four or five adults were working together, the common pay check would amount to $25 or $30 at the end of the week. The individual tabulations at the close of this report show in detail how many cases of such earnings there were.

The foregoing table also reveals the progressive influence of more than one helper on the earnings of the worker in the country canneries. In scanning the table the reader should bear in mind not only the larger number of adults to be found among the helpers to country cannery employees, but also the short duration of employment as compared with workers in the city plants.

USE OF LABOR-SAVING DEVICES IN MARYLAND COUNTRY CANNERIES.

The much shorter duration of employment in the country canneries has an important bearing upon the problem of securing an adequate labor supply. An average of 8 weeks' employment is ominously brief for people whose bread-and-butter problem is with them 52 weeks in the year. Unless the earning and saving possibilities, or working conditions generally, are such as to offset the limited duration of employment, it would be difficult to persuade a sufficient number of workers to take chances on filling in the rest of the year either in the canneries of Baltimore City, from which a large proportion of them are drawn, or in a migratory search for labor.

As far as general working conditions are concerned, the country canning establishments themselves compare in equipment and general sanitary conditions more than favorably with the city canneries. In the first place, 10 of the canneries visited which packed tomatoes had mechanical conveyors, and nearly all the others had male carriers.

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so that the women and children, most of whom are employed in the preparing and canning departments, did not have to carry the heavy buckets. Aside from the question of health, this circumstance meant a saving of time and energy and a consequent increase of earning power (as has been shown by the comparative earnings in the city plants having, and in those not having, carriers or conveyors).

Much of the packing (canning) in the country establishments is done by machinery, reducing the number of time workers (for this work is usually paid for on a time-rate basis) to nearly one-fifth of the proportion prevailing in the city. Aside from these two facts, the organization and management of tomato canning is much the same as in the city.

Ten of the 32 country canneries visited handled corn, 5 of them packing nothing else, while the remaining 5 packed tomatoes also. In general, the organization of corn canning consists of two divisions, the husking and the canning. In some cases the husking shed is just a roof over a plot of ground where the corn is dumped as it is delivered to the cannery. The huskers, seated on boxes, put the husked ears into large baskets, weighing about 50 pounds when filled. These baskets are carried by the workers themselves (except in two cases, where conveyors were used) to the cannery where each basket is weighed and emptied. When workers are not strong, one often helps another. The type of shed above described was found in 5 of the canneries visited outside of the city of Baltimore. In another type of husking shed the floor has a decided slant at the sides, down which the corn slides within easy reach of the huskers as the teamsters unload it. When the baskets are filled, they are carried along to the end of the shed where a conveyor takes them to the cutting room of the cannery. Another conveyor running through the center of the shed carries away the husks which are constantly swept onto it by a man employed for this purpose. Four of the Eastern Shore corn canneries visited had sheds of this construction but only one provided conveyors. It is plain, therefore, that in the country establishments corn canning involves a good deal of carrying for the women. Furthermore, even in the establishments providing conveyors or carriers for either tomatoes or corn, there are degrees of effectiveness which were so low as to necessitate much lifting and carrying.

On the whole, Maryland country canners seemed to recognize, especially in connection with tomato canning, what too many city canners did not—that to provide conveyors or carriers is in the interest of both employer and employee. One country employer said to the Bureau's agent:

No woman has lifted or carried a bucket of tomatoes or basket of corn in this cannery for the last 15 years. It isn't at all necessary,

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and all canners ought to be compelled to do away with making women carry heavy loads. I tried to persuade one big corn canner to do as I do—have men do the lifting and carrying. He objected on the ground that it would be an additional expense. I figured out the cost after that and, balancing this with the increased amount of work the people did, I find it is a saving to pay men to do the lifting.

SANITARY CONDITIONS.

On the whole, the country canneries visited were in better sanitary condition than the city establishments. Of course, the season is not so long as in the city and the dampness and waste have less time to accumulate. The presence of conveyors and carriers, whose sole function is to convey the product and carry off waste, is largely responsible also for this superiority. In one or two instances the waste trough and flushing facilities were abominably managed, the trough becoming frequently choked with waste, and then flushed so violently as to throw the refuse all over the floor—and much of it onto the workers—and to keep the floors covered with puddles of water. These were plain cases of incompetent management, for the facilities were at hand for reasonable cleanliness. It should be remembered that skinning tomatoes is in itself "messy" work. The rapid action induced by the piece-rate system makes the worker careless of flying juice or slopping water. In a number of cases women and children worked in a cloud of steam from the vats. This appears to be an entirely avoidable discomfort, as in many canneries this process was carried on where the steam did not reach the women workers at all.

HOUSING OF COUNTRY CANNERY EMPLOYEES.

Aside from better equipment, steadier hours, and higher earnings, the country canners quite generally offer free housing, fuel, and vegetables as inducements to prospective workers.

A large proportion of the help in the Maryland country canneries visited was drawn from Baltimore City through the agency of the "row boss."[1] He has a pivotal importance in the organization of the country cannery, usually being an English-speaking foreigner who gets his recruits from among the people of his own race. The prevailing price paid him by the canner is fifty cents a head for adult workers and in some cases 25 cents for children. In addition, the row boss is given a fairly good job during the canning season—frequently that of foreman. One canner, explaining the importance of his row boss, said to the Bureau's agent, "He engages, works, and discharges all the foreign help. Not one of them is paid unless he says it is all right."

[1] This official gets his title from his function of assigning rows to the workers during berry-picking season.

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Free transportation to the canneries, free housing, fuel, and vegetables, together with the steadier hours and higher earnings, are the arguments used by the row boss in his work of securing an adequate labor supply for his employer. Because the tables do not show the actual or relative value of these perquisites, which are held out by both canner and row boss as important factors in compensation, a brief discussion of their quantity and quality is pertinent.

Cooking fuel (other fuel is not needed during the country canning season) is amply provided. The workers are also free to use the corn, tomatoes, or whatever the establishment is canning. In a few cases, the apple orchards, even though apples were not being canned, were available. This, however, is the limit of the "free vegetables" in the 32 country canneries visited.

The housing facilities found in the majority of country canneries visited are difficult to describe in terms that will clearly set forth their importance as a factor in compensation. Better than venturing any general statements will be a few detailed descriptions of the housing facilities found during the course of this investigation of 32 country canneries in Maryland.

No. 1.—The camp, which accommodated 15 Bohemian families, was located about two city blocks back of the cannery on a level, open tract of ground. It was laid out in rectangular form, the inclosure at one end being made by a large wooden shed about 40 by 20 feet. This shack served as the sleeping quarters for the 15 families. It was a two-story building with a single room to each story, the first being about 2½ feet above the ground. There was a door at either end and these, with two windows, furnished light and ventilation on the first floor; the second-story single room had two windows. There were no partitions of any kind either upstairs or downstairs to shield one family from another, but the floor space was marked off into squares or "apartments" for each family, an aisle running down the center of each floor affording access to each square. The "markers," or partitions, which were not over a foot high, were boards resting edges up and keeping the straw, bedding, belongings, and occupants of one "apartment" from encroaching on those of another. Clothing hung on the walls and from the rafters. The day of the agent's inspection, the cannery was not operating and, as wet weather prevailed, the workers stayed closely indoors, some of them resting in the sleeping shack. On the second floor, a man was finishing the details of dressing, while a woman was lying in the "square" a few feet away. It should be said that many of these families strive to maintain, often at the expense of health and comfort, a semblance of decency in spite of the absolute lack of privacy. Sometimes only the outer garments are removed at night and much of such dressing and undressing as is done takes place under the covers.

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Three babies, ranging in ages from 3 months to 18 months, were in the shack at the time of inspection. The air was decidedly stuffy and flies were plentiful.

Two other sides of the camp were formed by cooking and eating shacks for each family. These were of exceedingly primitive construction, affording little protection from the rain. Each family built its own eating shack of whatever material was available, matting, old canvas, etc., being the principal roofing. Improvised tables, benches, and stoves constituted the furnishings. The stoves were in some cases outside of the shacks and entirely exposed, so that meals had to be cooked in the rain or the cooking deferred until fair weather. As there was no drainage provided for the camp, the water stood in pools all about, and, in some cases, in the eating shacks, which are all without floors. The camp affords no toilet arrangements of any kind, the near-by bushes serving as outhouses. One woman told the agent that two years ago she and her four children returned to the city from a camp of this kind with typhoid fever. The woman at that time was pregnant. This woman returned from the camp above described during the week of September 19, 1911, because the baby (which she was carrying in the canning season of 1909,[1] when she was taken with typhoid fever) was ill with sore throat. The doctor pronounced the case one of diphtheria.

No. 2.—A two-story, wooden shed on one side of the cannery gave shelter, on the second floor, to a half dozen single men. The ground floor was divided into two rooms. In one of these lived a man with two half-grown daughters; the other room was occupied by a man and his wife. The man worked in the cannery and the woman boarded the single men. A two-story, wooden shed on the other side of the cannery likewise housed both families and single men—the men downstairs, the families upstairs. The room on either floor was divided by partitions about a foot high into spaces the size of beds, the width of each being measured according to the needs of each family. These spaces were filled with straw furnished by the canner. Over the straw was thrown such bedding as the people themselves brought from the city. The cooking and eating were done out of doors, with such facilities as the workers provided.

No. 3.—But little description can be given of the sleeping quarters in this camp, as the shanties were locked. Against the two shacks were propped several "lean-tos" which served as shelter for the eating tables. Camp fires and crude ovens were built, some under a rough shed, others out in the open. One woman scheduled in the cannery said to the agent, "Five families live in our shack and we live like hogs." The manager's own statement for the method of

[1] The mother is again pregnant.

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housing employees here was, "They just all bunk in together in big sheds and cook and eat out of doors."

No. 4.—The manager stated that each family was given a room to itself. The workers stated that they were "all together more or less." Investigation showed that three or four families were bunked together in each of the several rooms into which the old barn, used as a sleeping shack, was divided. Some other outhouses supplemented these sleeping facilities. The cooking and eating accommodations were outside. When the manager's attention was called to his original declaration that each family was by itself, he said, "Well, you know, they are all related." The toilet for this camp was right in the midst of the outdoor kitchens and eating tables, where it was most offensive.

No. 5.—The housing here was the best that was seen on the Eastern Shore. The camp was high and dry. While it was visited on a clear day, there was, apparently, sufficient drainage to keep the camp in a sanitary condition even on a rainy day. The shacks stood in two rows, each family having a room to itself. Between these two rows of houses, partly walled in, was the kitchen shed. This shed was well roofed, quite high, and large enough to accommodate the stoves and tables of all the families without crowding.

No. 6.—There were two camps here. One was of old shacks, much patched, but in fairly orderly condition. Practically all of the kitchens about these shacks were covered with burlap, oilcloth, or matting. A second long shack, divided into 14 rooms, 1 for each family, was located about 50 yards distant.

Directly at the side of this shack and not over 10 or 15 feet away the tomato skins and refuse from the cannery were being dumped. The odor arising from the soured, rotting mass of tomato skins was fearful. Depositing this menacing mass right under the nostrils of the workers seemed inexcusable, as there was plenty of open space at greater distances. Not content with destroying the comfort and imperiling the health of the workers with this cannery refuse, a local employee of the company kept pigs in a sty not 10 feet from the new shack. Dry privies, used by occupants of both shacks and located between the two shacks, added variety to a medley of smells that may be conservatively described as "sensational." This assortment of odors was doubtless responsible for the fact that, while the cooking was done on uncovered, improvised stoves, the workers ate inside their shacks; and this circumstance, in turn, could be named as the cause of the unusually large number of flies inside these sleeping shacks. Three agents of the Bureau inspected these living quarters.

No. 7.—The shack, which housed all the families in one room, was within a few feet of the cannery and was evidently built for a warehouse. It was made of corrugated iron, without sashed windows and with one door only. Two holes had been cut into the iron on

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each side of the building and the upper ends of loosened pieces swung on hinges, thus making a "drop window." No provision was made for holding these drops open from above and the use of props limited the opening to about one-half of their capacity. At the time of the agents' visit the drops were not more than a fourth of the way open. Inside the shack it was very dim, the air was foul, and the flies were numerous. A man who was in the shack at the time of the agents' visit said that the roof leaked so badly that when it rained the occupants could not keep dry. He told the agents also that his children had been sick. While the agents were talking to this man, a little girl, apparently 6 years old, was caring for a sick baby of about 20 months.

No. 8.—The workers were housed in a two-story building which evidently had seen better days. It had been lathed and plastered, but most of the plaster had fallen off. Inside this oblong structure a long hallway separated two rows of rooms about 12 feet square. Two families occupied each of the 20 rooms. The cooking was done in front of the building, in the open.

No. 9.—The camp here was not laid out in the usual rectangular shape. In fact, it was not laid out on any plan at all. It was set back in the brush, the ground being uneven and broken by stumps and rocks. One row of shacks, which were all under one roof, stood on the bank of a small stream. Each shack or compartment was large enough for a bunk and table and was well ventilated, a window being directly opposite each door. Cooking was done on unsheltered camp fires. Just beyond the row of shacks described was another which was taken to be additional housing facilities for cannery workers, but on closer investigation was found to be an abandoned pigsty. In addition, there was a large farmhouse where the American women workers lived. About 40 feet back of the two rows of shacks was a small frame house where lived one woman worker and her four children.

No. 10.—The camp was in the usual rectangular form, with one end open. Rows of individual shacks formed one side and one end of the rectangle. Each shack contained a sleeping bunk and was provided with a window, in most cases curtained. In many there were mantels holding pictures and other ornamental things. There was enough floor space in each room for table, trunk, or box and a limited amount of dressing space. The other side of the rectangular camp was formed by the "kitchens," adequately roofed, but open at the sides. Each family had its own kitchen and eating shack. The camp ground was well drained, but a dry toilet, too near the camp, marred the purity of the air. Near the camp were many trees under which the children, 6 and 7, were caring for the babies, all within sight of the mothers in the cannery shed.

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No. 11.—The workers were housed in three two-story shacks, separated from each other by several hundred feet and distant from the cannery about two city blocks. In one shack 6 rooms were counted, and the agent was told by a worker who had just arrived for dinner that 10 families, numbering in all 33 people, were housed therein. The interior of one room was plainly visible from the entrance. There were two bunks, built one over the other, and each filled with straw, partly covered by wearing apparel. One worker, who was caring for a sick baby on the second floor of this shack, apologized to the Bureau's agent for the appearance of things, explaining that the necessity of caring for the sick child was responsible. Flies were everywhere in this shack, as in the two others, which were similar in construction and arrangement. As there was no shelter, aside from these sleeping shacks, it was necessary to use these for eating rooms when the weather was bad. The camp ground was free from standing water, although the day of inspection had been a rainy one. There were no odors from the toilets, which were at a considerable distance. After visiting the other two shacks, the Bureau's agent, returning to the cannery, met the woman with the sick child. She had been to the store and was carrying the child in one arm and her bundles in the other, explaining that she did not dare leave the child in the shack because of the dogs that prowled about the camp.

Of the 32 canneries visited outside of Baltimore City, 20 depended partially or wholly upon help from the city, and the housing facilities of 10 out of the 20 contained sleeping shacks with single rooms occupied by from 2 to 15 families. It should not be inferred that the camps with individual sleeping shacks were in satisfactory condition. The worst camp visited (described as No. 6) had a sleeping room for each family. In but few cases was there anything like adequate drainage. In the cases cited above, all grades of "free housing" offered by the canners are reflected.

Such apology or defense as managers made for the living quarters was either that "these people are different"; that "they don't live any better in the city"; or that the canning season lasted only a few weeks and it didn't matter. One canner said to the agent, "You don't know these people. You don't want to go near them any more than you need to. We just say, 'Here are the houses,' and we don't go near them after that."

As to the first charge that "the people do not live any better in the city," it may be said that, while there is doubtless room for improvement in some of Baltimore's housing conditions, the available housing records of the section of the city from which a large majority of the cannery employees come do not sustain the country canners' contention. The only available information on this subject

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is contained in a report on housing conditions in Baltimore issued in 1907. According to this, in the district from which most of the cannery help is secured, inspection of a typical congested block showed on it 136 houses containing 400 apartments and housing 1,807 people. Thirteen apartments were unoccupied, but exclusive of these, there were 904 rooms. This gives an average of 2.3 rooms and 4.6 persons to each apartment, or, approximately, 2 persons to a room.[1] This is not ideal, but it is better than the conditions in the camps, where the highest standard found assigned an entire family to one room, and the lowest crowded unrelated men, women, and children into the same sleeping space with absolutely no provision for privacy. But even if the charge of the country canners was true, and Baltimore city did permit a half dozen families—men, women, and children—to sleep in one room, it should not be the function of the American employer to perpetuate or encourage the continuance of conditions that are a menace to the community, especially when healthful, decent living quarters can be and are maintained by some country canners under difficulties no less serious than those which the most offending employers encounter.

As to the plea concerning the brevity of the season, it is true that the country canning season is short compared with the season in the city, but no one has yet measured the train of influences of such living conditions upon the health of the workers—all moral and ethical questions aside.

Had time permitted, it would have been entirely pertinent to follow up some of the cases of illness chargeable to cannery camp conditions in order to find out just how much such illness had cost the workers in medicines, doctors' bills, and unemployment. It would be pertinent and interesting because, as was pointed out earlier, this "free housing" is held out by canner and "row boss" as a factor in compensation. While this supplemental search was not possible, the sinister influence of most of the living conditions as described admits of little doubt. It is the more to be regretted, because the few camps properly drained and adequately equipped show the possibilities in the line of comfort and health, not only for the workers, but for the babies that might thus get a breath of country air and a respite from the oppressive heat of the city.

CHARACTER OF LABOR FORCE IN MARYLAND CANNERIES.

For the 676 women employed in Maryland canneries who furnished individual data for this investigation information was secured concerning age, race, and conjugal condition, and a study of these facts

[1] See Report on Housing Conditions in Baltimore, a study under direction of the Association for Improving the Condition of the Poor and the Charities Organization Society, 1907, Table I, Houses, and Table III, Apartments.

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discloses some marked differences between the character of the labor force employed in the canneries and that of the labor force in the other industries studied.

The following table shows the number and per cent of women who were single, married, or widowed, tabulated according to race or nationality. An examination of the table shows that over 60 per cent of the force were of foreign birth, not quite 15 per cent colored, and the remainder, or approximately 25 per cent, native-born whites. One-half of all the women reporting were married, 15.09 per cent were widowed, and only 34.32 per cent were single. The large percentage of married and widowed women is even more impressive when it is noticed that 13.31 per cent were under 16 years of age. In the other industries studied in Maryland in connection with this investigation the highest percentage of married and widowed anywhere found was 8.98.

RACE AND CONJUGAL CONDITION OF WAGE-EARNING WOMEN IN MARYLAND CANNERIES.

Race or nationality.	Single.		Married.		Widowed.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent of each race.
American white	73	43.45	69	41.07	26	15.48	168	24.85
Polish	44	27.16	105	64.82	13	8.02	162	23.96
German	45	27.95	83	51.55	33	20.50	161	23.82
American colored	38	38.38	47	47.48	14	14.14	99	14.64
Bohemian	15	36.59	18	43.90	8	19.51	41	6.07
All others	17	37.78	20	44.44	8	17.78	45	6.66
Total	232	34.32	342	50.59	102	15.09	676	100.00

It is not surprising that more married women should be found in the canneries than in the other group of industries. The very intermittent nature of the work permits women with homes to supplement the family income a part of the year with entire satisfaction to cannery employers who do not require all the year round service. Furthermore, while a rigid working schedule, such as prevails in the other industries, would cause permanent neglect of home duties, the irregularity of working hours in the canneries renders this neglect more or less partial. But even these conditions scarcely account for the wide divergence between the proportion of married women found in the canneries and the proportion employed in the other industries.[1]

Only 166 (24.5 per cent) of the cannery women studied in Maryland and 67 (11.1 per cent) in California had had any gainful occupation apart from their work in the canneries; 41 of these in Maryland and 15 in California had for this additional work some occupation, like

[1] See pages 416 and 417.

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picking or packing fruit, berries, or tomatoes, closely allied to their cannery work, leaving respectively only 18.5 per cent and 8.6 per cent having gainful occupations unrelated to the canneries.

With respect to another point there is a striking difference between the women employed in canneries and those employed in the other industries. Over 25 per cent of those reporting in the Maryland canneries were 45 years of age or over, while in none of the other industries did the women in that age group reach 3 per cent. The number and per cent of women employed in canneries who were in each specified age group are shown in the following table:

NUMBER AND PER CENT OF WOMEN IN EACH SPECIFIED AGE GROUP IN MARYLAND CANNERIES.

Age group.	Number.	Per cent.
Under 16 years of age	90	13.31
16 to 44 years	416	61.54
45 years and over	170	25.15
Total	676	100.00

The employment of the older women explains in large part the high percentage of the married and widowed women employed in canneries, but its significance goes farther. Reference to the table showing the average weekly earnings for the various industries by age groups (pp. 414 and 415) shows that almost uniformly the women of 45 years and over are one of the two age groups showing lowest earning power.

Reflected in these statistics of age, conjugal condition, and earnings of the women is the fact that the canneries employ a very large amount of unskilled labor, much more, indeed, than do the other industries included in this investigation. This limited requirement in industrial skill, together with the sharply seasonal nature of the work, is unquestionably responsible for the great proportion of married women in the canning industry. The distractions of rearing a family, the claim for support from a husband—however intermittent that support may be—are not conducive to the development or maintenance of any degree of industrial skill. Within this group of facts, too, lies the probable explanation of the fact that the climax of the earning power comes in the 18 or 19 year group among the cannery women. Beyond these ages the great proportion of cannery women are married and working under the handicap of family cares. Their early marriages are chargeable, doubtless, to the presence of so many foreigners.

INDUSTRIES OTHER THAN CANNING IN BALTIMORE.

In addition to the canning factories, four other industries were studied in Baltimore for the hours and earnings of women employees. These industries were—candy, biscuits, etc.; paper boxes; shirts,

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overalls, etc.; and straw hats. There are certain features in connection with these industries that will bear special emphasis or call for brief comment. In the first place it is desirable to emphasize the fact that in appraising the comparative duration of employment reported by the women interviewed in the several industries the element of continuity of employment must be given due weight.

Employment in the four industries named above, at least for fairly well defined and known seasons, is characterized by a degree of certainty which does not obtain in the canneries. The women employed in each of these industries know that work awaits them each day in normal and rush seasons, and even in the dull period the great majority of them know that if they are kept on the force at all they will not go to the factories in vain. The longer period of employment of women in this group of industries as compared with those interviewed in the canneries, ranging from over twice to nearly two and two-thirds as long, is not more important than this quality of continuity which permits the workers to make more or less definite plans for the period of suspended activity in their regular vocations.

The greater regularity of working hours within the period of activity in these industries and the existence of pay rolls, together with settled methods of operation, make it possible to predicate conditions upon a much smaller number of interviews in each industry than would have been safe in drawing conclusions concerning conditions in the canneries. The average hours as given in the tables are fairly representative of the prevailing weekly hours. However, it may be well to repeat the warning given in connection with the Chicago report on the first of this series of investigations relating to the working hours of wage-earning women, for it is necessary to bear in mind in interpreting the accompanying tables "that rarely is there an abrupt change from one season to another and from one degree of pressure to another as the unavoidable rigidity of tabular presentation might suggest. Between the seasons there is a period during which the pressure is considerably below that indicated either by the normal or rush season hours;" [1] and as stated in the same report concerning the paper-box industry, but equally applicable to other employments: "During the slackened season the work is done under low pressure, in a number of cases the piece-workers coming to work with but indifferent regard to the regular establishment hour of beginning and leaving with equally lax attention to the exact hour for closing." [2]

With this qualification the tabulations state with fair accuracy the working hours of individual employees during the year ending April 30, 1911, for, while the establishment activity may have a very

[1] Working Hours of Wage-earning Women in Selected Industries in Chicago, Bulletin No. 91 of the Bureau of Labor, p. 867.

[2] Idem, p. 876.

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markedly dull, as well as normal and rush season, the employer meets the situation by laying off entirely more or less of his force; so that, excepting for the "stand-bys," whether they be a large or a small proportion of the total enrollment, the employees get their dull season in the form of short or long lay offs, which are accounted for in the column showing duration of employment.

A feature of working hours which the tables can not show, however, is the varying degree of pressure for the same given time. Some firms reported no overtime at all and were corroborated by their employees in this statement, yet they reported a very marked busy season, when the workers were all laboring under a high tension. The pieceworkers increased their earnings considerably during such periods; the time workers, of course, gained no additional earnings from the increased activity.

MANUFACTURE OF CANDY, BISCUITS, ETC.

The hours and earnings of women in this industry were studied among the employees of 4 factories in Baltimore. These factories employed altogether 992 hands, 532, or 53.6 per cent, being women and girls, of whom more than a third (202) were under 16 years of age. Individual information for use in this report was secured from 181, who reported an average of 37.9 weeks employment for the year ending April 30, 1911.

Factories engaged in the manufacture of candy, biscuits, etc., usually operate the year round, but the volume and pressure of the work vary greatly. In the 4 establishments which were studied in Baltimore a dull season of 9 to 13 weeks was reported in summer, when the force was somewhat reduced and the working time was shortened to 4 or 5 days per week in 2 factories and to 5½ days in 2 other factories. Two of the factories were closed for 1 week and 6 weeks respectively. On the other hand, from the beginning of September till Christmas and in the spring for several weeks preceding Easter, extra hands are taken on and the work is carried on under high pressure.

The reports given by the 4 establishments covered show that they regularly ran 6 days a week, the total weekly hours varying from 50 to 60. In the rush season hours were increased so that days of 12, 13, and even 13⅔ hours were reported and weeks of 75 and even 85½ hours. In one establishment the pay roll showed 5 weeks of more than 80 hours' work each.

The following table presents the information in regard to employees and hours of work as reported by the employers:

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HOURS OF LABOR OF WOMEN EMPLOYED IN CANDY, BISCUIT, ETC., FACTORIES DURING NORMAL PERIODS AND DURING THE RUSH SEASONS OF THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS, BALTIMORE, MD.

Establishment number.	Women employed.			Normal hours.			Busy season.				
	16 years and over.	Under 16 years.	Total.	Long day.	Short day.	Total hours per week.	Duration in weeks.	Average hours per week.	Hours of long day.	Hours of short day.	Maximum hours per week.
1	30	8	38	9	5	50	34	66½	13½	5	85½
2	150	25	175	10	10	[1] 60	15	69	13	10	75
3	50	100	150	10	10	[2] 60	43	[3] 63¾	13¾	10	72
4	100	69	169	9½	8	[4] 55½	3	64½	12½	8	64½
Total...	330	202	532	.....	.....	.....	.....	.....	.....	.....	.....

[1] For 13 weeks in summer plant ran 50 hours per week.
[2] For 9 weeks in summer plant ran 55 hours per week.
[3] Employees in this establishment reported 3 hours overtime 3 days per week.
[4] Plant closed 4 weeks in summer; for 9 other weeks averaged 38 hours per week.

The long hours as above given are as reported to agents of the Bureau by the employers or as shown by the pay-roll records. It should not be understood that all women employees of the factories in question worked the full quota of hours reported by the employers for the busy season, but in each factory the percentage affected was large, as will be seen from the reports furnished by the individual women workers of their hours of work.

The following statement summarizes for the 181 women furnishing individual data the average working hours during the normal season, the percentage working overtime, and the average number of weeks during which they worked overtime, together with their average weekly hours during such time.

AVERAGE WEEKLY HOURS WORKED IN NORMAL AND OVERTIME SEASONS AND PER CENT OF WOMEN WORKING OVERTIME IN 4 CANDY, BISCUIT, ETC., FACTORIES, BALTIMORE, MD.

Establishments investigated	4
Women employees furnishing individual data	181
Average hours worked per week, normal season	[1] 54.4
Women working overtime:	
Number	143
Per cent	79
Average number of weeks	11.3
Average hours per week	67.2

The extremes of hours which enter into these averages are shown on the individual tabulations at the end of the report. As heretofore stated, Sunday work is illegal in Maryland.[2] Therefore, nearly 80 per cent of the women, recorded on the individual tabulations for

[1] Not including 1 employee whose hours in normal season were not reported.
[2] There was one instance where the pay roll showed Sunday work. The employer insisted that the hours recorded in the "Sunday column" were overtime hours worked on regular week days.

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the candy industry as working over 60 hours a week during the maximum weeks of the busy season, worked over 10 hours a day during such weeks. These same tabulations show that 36, or one-fourth of the 143 working overtime, worked on an average from 12 to 13 hours a day during the maximum week, which ranged from 72 to 78 hours. More important, however, is the fact that the average working hours for this group of 36 during the overtime season ranged from 65 to approximately 75 hours per week. The fact germane to this discussion is that the working day of from approximately 11 to 12½ hours revealed in these averages lasted for an average of nearly 17 weeks. That this average duration is closely indicative of the prevailing duration, too, is shown by the fact that over two-thirds of the group of 36 under discussion report from 15 to 21 weeks.

When the piece-rate system or an hourly rate of payment prevails, overtime work usually means additional earnings. Gathering up in the individual tabulations the information concerning the hours and earnings of the 143 women who did overtime work in the candy and biscuit factories, the results are shown in the following table:

COMPARATIVE HOURS AND EARNINGS IN NORMAL AND OVERTIME SEASONS OF 143 WOMEN WHO REPORTED OVERTIME WORK.

Season.	Average hours per week.	Average earnings per week.
Normal season	54.9	$4.60
Overtime season	67.2	5.86
Per cent of increase in overtime season	22.4	27.4

From the above table it is plain that the average increase of a little over one-fifth in working time results in over one-fourth increase in average earnings. Under the pressure of the rush season the employees not only work longer hours, but they increase the speed of their production and thus their hourly earnings.[1] It is equally plain and highly significant that over 67 hours a week, which involves 6 working days of over 11 hours each, fails to net the worker an average of $6 a week.

The preceding table gives the average hours and earnings per week of the 143 women who reported overtime work. In the following table the corresponding facts are given for the entire 180 reporting, the women being presented in 4 age groups. It will be seen that for the group of girls under 16 years the average weekly earnings were only $3.44. This group contains a considerable number of beginners, to whom only $2.50 a week is paid.

[1] The percentage of increased earnings would have been greater had it not been for one large firm that worked normally only 50 hours per week, but hired its employees "on the basis of 60 hours a week" and paid no overtime until the women had worked in excess of that number.

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AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS IN NORMAL SEASON OF WOMEN IN 4 CANDY, BISCUIT, ETC., FACTORIES, BY AGE GROUPS, BALTIMORE, MD.

Age groups.	Women reporting.	Average hours worked per week.	Average earnings per week.
Under 16 years	73	54.6	$3.44
16 to 24 years	92	53.7	5.02
25 to 44 years	14	58.1	4.56
45 years and over	1	60.0	3.50
Total	180	54.4	4.34

It is appropriate to repeat here what was said of the candy factories studied in Chicago:

There is nothing unhealthful in the candy-making industry if the sanitation is not defective and if the toilet facilities are adequate. In the great majority of cases the operations performed by women require hand work only and permit either a sitting or a standing position. Such machines as are operated by women are not obviously dangerous when provided with proper guards. Such disadvantages as are chargeable to the candy-making industry arise from the length of the working-day and the low wage rates.[1]

The individual hours and earnings of 181 women employed in the 4 candy, biscuit, etc., factories included in this investigation are given in the table at the end of this article.

MANUFACTURE OF PAPER BOXES.

The hours and earnings of women workers in paper-box factories were studied among the employees of 4 establishments in Baltimore. These factories employed a total of 397 workers, 265, or 66.8 per cent, being women and girls, of whom about two-fifths were under 16 years of age. Individual data for use in this report were secured from 121, who reported an average of 41.4 weeks employment for the year ending April 30, 1911.

While the paper-box industry has its dull and busy seasons, they are not as sharply marked off as in some other industries, nor is the season of high pressure of so long duration. In the 4 establishments covered in Baltimore a dull season of about 13 weeks in summer was reported with only 5 or 5½ hours work on Saturdays. No shutdown was reported in any establishment. Following this a rush season with overtime work was reported of from 9 to 17½ weeks preceding Christmas.

The facts given to agents of the Bureau by the 4 establishments studied show that in the normal season they ran 6 days a week, the weekly hours varying from 59 to 60. In the rush season hours were increased so that days of 12½, 12¾, and 13 hours were reported, and weeks of 67, 67¼, and 69 hours.

[1] Working Hours of Wage-earning Women in Selected Industries in Chicago. Bulletin No. 91 of the Bureau of Labor, p. 875.

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The following table shows for each of the 4 factories covered the information in regard to employees and hours of work as reported by the employers:

HOURS OF LABOR OF WOMEN EMPLOYED IN 4 PAPER-BOX FACTORIES DURING NORMAL PERIODS AND DURING THE RUSH SEASON OF THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS, BALTIMORE, MD.

Establishment number.	Women employed.			Normal hours.			Busy season.				
	16 years and over.	Under 16 years.	Total.	Long day.	Short day.	Total hours per week.	Duration in weeks.	Average hours per week.	Hours of long day.	Hours of short day.	Maximum hours per week.
1	58	32	90	10	10	[1] 60	15	69	13	10	69
2	33	12	45	10	10	[2] 60	9	69	13	10	69
3	60	30	90	10	9	[3] 59	9	67½	12½	9	67½
4	10	30	40	10	9½	[2] 59½	17½	67	12½	9½	67
Total.	161	104	265	.....	.....	.....	.....	.....	.....	.....	.....

[1] For 13 weeks in summer plant ran 55½ hours per week.
[2] For 13 weeks in summer plant ran 55 hours per week.
[3] For 13 weeks in summer plant ran 50 hours per week.

The facts given above in regard to overtime are as reported to agents of the Bureau by the employers, and it may be assumed do not overstate the conditions. It should not be understood that these hours were worked by all the women employees of the factories covered, as rarely in any factory, even in normal seasons, would all employees be found working full time. In each of these factories, however, the percentage of overtime workers was large, as will appear from the individual reports, which show 64.5 per cent of the women scheduled working overtime.

The following table gives for the 121 women furnishing individual data the average working hours during the normal season, the percentage working overtime, and the average number of weeks during which they worked overtime, together with their average weekly hours during such time.

AVERAGE WEEKLY HOURS WORKED IN NORMAL AND OVERTIME SEASONS AND PER CENT OF WOMEN WORKING OVERTIME IN 4 PAPER-BOX FACTORIES, BALTIMORE, MD.

Establishments investigated	4
Women employees furnishing individual data	121
Average hours worked per week, normal season	58
Women working overtime:	
Number	78
Per cent	64.5
Average number of weeks	10.3
Average hours per week	67.8

From the foregoing table it appears that the average hours reported for the busy season were 67.8 per week, exceeding the overtime season hours of the candy and biscuit factories. But the duration of the

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overtime season was slightly shorter and a smaller proportion of the force—approximately two-thirds as compared with four-fifths—worked overtime. Furthermore, the extremes in the maximum week, as shown in the reports of the individual women (pp. 428 and 431), do not equal those in the candy and biscuit factories by 6 hours; 62 per cent, nevertheless, reported maximum weeks involving an average working day of from 11 to 12 hours. The general average working hours for the normal season are also higher than in the confectionery industry, showing 58 against 54.4 hours a week.

In this connection it should be remembered that the paper-box industry in Baltimore, as in Chicago and in the California cities studied, involves more machine work and greater strain than the occupations in the candy and biscuit factories. Under such circumstances, long hours have larger elements of danger than where no strain is involved. It may be added further that the usual guards against obvious danger from the machines were too frequently lacking in the Baltimore establishments included in the investigation.

A comparison of the hours and earnings in the normal week and during the overtime season will show what the extra work means to the women in the paper-box factories. The table which follows gives this information for the 78 box-factory women who reported overtime work:

COMPARATIVE HOURS AND EARNINGS IN NORMAL AND OVERTIME SEASONS OF 78 WOMEN WHO REPORTED OVERTIME WORK.

Season.	Average hours per week.	Average earnings per week.
Normal season	57.9	$5.01
Overtime season	67.8	6.24
Per cent of increase in overtime season	17.1	24.6

Even in the overtime season with the week of 67.8 hours, or over 11 hours a day, the earnings only reach $6.24. Without the overtime work the average earnings are but $5.01.

The average weekly hours and earnings for all the women employees in box factories furnishing individual data are shown, arranged by age groups, in the following table. The weekly earnings for 58 hours' work are only $4.55. For the large group under 16 years of age the earnings are $3.11, even lower than in the candy factories. Here, as there, are found some beginners at $2.50 a week.

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AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS IN NORMAL SEASON OF WOMEN IN 4 PAPER-BOX FACTORIES, BY AGE GROUPS, BALTIMORE, MD.

Age group.	Women reporting.	Average hours worked per week.	Average earnings per week.
Under 16 years	32	58.4	$3.11
16 to 24 years	80	57.9	4.94
25 to 44 years	9	58.0	6.17
45 years and over			
Total	121	58.0	4.55

MANUFACTURE OF SHIRTS, OVERALLS, ETC.

The hours and earnings of women workers in shirt, overall, etc., factories were studied among the employees of three establishments in Baltimore. These factories employed altogether 1,845 workers, 1,485, or 80 per cent, being women and girls, of whom 8.4 per cent were under 16 years of age. Individual data for use in this report were secured from 167 who reported an average of 44 weeks of employment during the year ending April 30, 1911.

Work in this industry is carried on throughout the year. Two of the plants covered in this investigation shortened their running hours during a dull period in summer, but this was only to the extent of introducing a shorter working day on Saturday during the months of July and August. On the other hand, the same two plants reported rush seasons of 9 and 17 weeks, respectively. In the third plant, while a busy season was recognized in the late fall and again in the late spring and early summer, it was reported that no overtime work was done.

The facts given to the agents of the Bureau by the three establishments included in this investigation show that in the normal season they ran 6 days a week, the weekly hours varying from 53 to 55½. In the rush season hours were increased in two establishments, so that days of 11 and 13 hours were reported, and a maximum week of 64½ hours.

The following table shows for each of the three factories covered the information in regard to employees and hours of work as reported by the employers:

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HOURS OF LABOR OF WOMEN EMPLOYED IN 3 SHIRT, OVERALL, ETC., FACTORIES DURING NORMAL PERIODS AND DURING THE RUSH SEASONS OF THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS, BALTIMORE, MD.

Establishment number.	Women employed.			Normal hours.			Busy season.				
	16 years and over.	Under 16 years.	Total.	Long day.	Short day.	Total hours per week.	Duration in weeks.	Average hours per week.	Hours of long day.	Hours of short day.	Maximum hours per week.
1	420	15	435	10	5½	[1] 55½	17	64½	13	5½	64½
2	440	10	450	9½	5½	[1] 53	9	56	11	5½	57
3	500	100	600	9¼	5¼	54½	.....	.....	.....	.....	.....
Total.	1,360	125	1,485	.....	.....	.....	.....	.....	.....	.....	.....

[1] For 9 weeks in summer plant ran 52 hours per week.

The facts in regard to overtime as given in the foregoing table are as reported to agents of the Bureau by the employers. In these establishments apparently a smaller per cent of the employees than in the candy and paper-box factories are affected by the long hours. The reports from individual women employees show only 14.4 per cent of the women scheduled working overtime.

The following table gives for the 167 women furnishing individual information the average working hours during the normal season, the percentage working overtime, and the average number of weeks during which they worked overtime, together with their average weekly hours during such time:

AVERAGE WEEKLY HOURS WORKED IN NORMAL AND OVERTIME SEASONS AND PER CENT OF WOMEN WORKING OVERTIME IN 3 SHIRT, OVERALL, ETC., FACTORIES, BALTIMORE, MD.

Establishments investigated	3
Women employees furnishing individual data	167
Average hours worked per week, normal seasons	54.2
Women working overtime:	
Number	24
Per cent	14.4
Average number of weeks	6.2
Average hours per week	64

From the foregoing table it appears that the average hours reported for the overtime season were 64 per week, being less than in either the candy or paper-box factories. The duration of the overtime season was also somewhat shorter, being only 6.2 weeks. The extremes in the maximum week do not equal those in the other industries, reaching only 64½ hours, although single days of 13 hours were reported. The average working hours per week for the normal season were 54.2.

A comparison of the hours and earnings in a normal week and during the overtime season will show the increase in earnings afforded by the extra work of the overtime force. The table which follows

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gives this information for the 24 shirt and overall workers who reported overtime work:

COMPARATIVE HOURS AND EARNINGS IN NORMAL AND OVERTIME SEASONS OF 24 WOMEN WHO REPORTED OVERTIME WORK.

Season.	Average weekly hours.	Average weekly earnings.
Normal season	57.1	$6.41
Overtime season	64.0	7.62
Per cent of increase in overtime season	12.1	18.9

It will be seen that in the normal season a week of 57.1 hours yields average weekly earnings of $6.41. In the overtime season with the hours increased to 64 per week, the average earnings are increased to $7.62. An increase in weekly working time of 12.1 per cent produces an increase in weekly earnings of 18.9 per cent.

The earnings in the factories in this industry are considerably higher than those in either the candy or paper-box factories. The higher earnings in this industry are apparently due in part to the much smaller percentage of very young girls employed. For the group of girls under 16 years of age the weekly earnings were slightly below those in the candy factories, but for the largest group of employees, those 16 to 24 years of age, the weekly earnings were $5.96 as against $5.02 in the candy factories and $4.94 in the paper-box factories for women of the same age group.

The following table presents the weekly hours and earnings of the 167 women who furnished individual information, the facts being presented by age groups:

AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS IN NORMAL SEASON OF 167 WOMEN IN 3 SHIRT, OVERALL, ETC., FACTORIES, BY AGE GROUPS, BALTIMORE, MD.

Age group.	Women reporting.	Average hours worked per week.	Average earnings per week.
Under 16 years	27	54.3	$3.23
16 to 24 years	109	54.2	5.96
25 to 44 years	29	54.3	6.94
45 years and over	2	53.8	7.02
Total	167	54.2	5.70

The extent of machine work, which is considerable in this industry, should be taken into consideration in judging the increased strain involved in the overtime hours and earnings shown on the foregoing table and in scanning the individual tabulations at the close of this report.

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MANUFACTURE OF STRAW HATS.

Four establishments in Baltimore furnished the basis of the study of hours and earnings of women workers in the straw-hat industry. These factories employed a total of 355 workers, 231, or 65.1 per cent, being women and girls, of whom only 6.1 per cent were under 16 years of age. Individual information for use in this report was secured from 122 who reported an average of 40.6 weeks' employment for year ending April 30, 1911.

While the straw-hat industry is to some extent seasonal in its character, three out of the four plants included in this investigation were continuously in operation throughout the year, only one plant reporting a shut down of 6 weeks during the summer. In all of the plants, however, a dull season of from 9 to 13 weeks was reported, during which the working hours were somewhat shortened, one of the plants meeting the situation by laying off approximately half its force and cutting off one hour from its working day, and another running only 4 or 5 days per week during a period in summer. On the other hand, a busy season was reported of from 9 to 21 weeks in the several establishments.

The facts given to the agents of the bureau by the four establishments covered show that in the normal season they ran 6 days a week, the weekly hours varying from 54 to 56. In the rush season hours were increased so that days of 12 and 12½ hours were reported and weeks of 63 and 68 hours.

The following table shows for each of the four factories covered the information in regard to employees and hours of work as reported by the employers.

HOURS OF LABOR OF WOMEN EMPLOYED IN STRAW-HAT FACTORIES DURING NORMAL PERIODS AND RUSH SEASONS OF THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS, BALTIMORE, MD.

Establishment number.	Women employed.			Normal hours.			Busy season.				
	16 years and over.	Under 16 years.	Total.	Long day.	Short day.	Total hours per week.	Duration in weeks.	Average hours per week.	Hours of long day.	Hours of short day.	Maximum hours per week.
1	35	.....	35	9½	8½	[1] 56	13	65	12½	8½	68
2	88	7	95	9½	6½	[2] 54	9	63	12½	6½	63
3	60	5	65	9½	6½	54	13	60	12	6½	61½
4	34	2	36	9	9	[3] 54	21	58½	10½	9	58½
Total.	217	14	231	.....	.....	.....	.....	.....	.....	.....	.....

[1] For 13 weeks in summer plant ran 47½ hours per week.
[2] For 9 weeks in summer plant ran 52½ hours per week.
[3] For 9 weeks in summer plant ran 49½ hours per week.

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The hours as above given are as reported to agents of the Bureau by the employers of the establishments covered. While not all of the women employees in the factories in question worked the full number of hours reported, in each factory the percentage affected was large, 65.6 per cent of the individual women workers furnishing reports having done some overtime work.

The following table summarizes for the 122 women furnishing individual data the average working hours during the normal season, the percentage working overtime, and the average number of weeks during which they worked overtime, together with their average weekly hours during such period.

AVERAGE WEEKLY HOURS WORKED IN NORMAL AND OVERTIME SEASONS AND NUMBER AND PER CENT OF WOMEN WORKING OVERTIME IN 4 STRAW-HAT FACTORIES, BALTIMORE, MD.

Establishments investigated	4
Women employees furnishing individual data	122
Average hours worked per week, normal season	53.9
Women working overtime:	
Number	80
Per cent	65.6
Average number of weeks	7.4
Average hours per week	61.8

The extremes of hours which enter into these averages are shown only on the individual tabulations at the end of the report. An inspection of these individual tabulations of the straw-hat workers will show that they do not work the extreme hours reported in the other Baltimore factories. The average weekly hours for the 80 women who worked overtime, and the duration of overtime, is considerably less than in the candy and paper-box factories. It is slightly greater, however, than in the shirt and overall factories.

The extent to which the overtime work increases the weekly earnings is shown in the following table:

COMPARATIVE HOURS AND EARNINGS IN NORMAL AND OVERTIME SEASONS OF 80 WOMEN WHO REPORTED OVERTIME WORK.

Season.	Average weekly hours.	Average weekly earnings.
Normal season	54.0	$6.84
Overtime season	61.8	8.86
Per cent of increase in overtime season	14.4	29.3

According to the above table the average weekly earnings for the 80 women who reported overtime were $6.84 for 54 hours' work during the normal season, while in the overtime season the weekly earnings were $8.86 for 61.8 hours' work, an increase of 29.3 per cent in

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weekly earnings with an increase of only 14.4 per cent in weekly hours.

The foregoing table has given the average hours and earnings per week of the 80 women who reported overtime work. For the entire number of women in the straw-hat factories who furnished individual information (122), the weekly earnings were $6.73. The earnings in the straw-hat factories are thus seen to be higher than in the factories of any other industry in Baltimore included in the investigation. The small percentage of girls under 16 years of age is in part the cause of these higher earnings, although a comparison of earnings by age groups shows that throughout every age group earnings in the straw-hat factories are in excess of those in any of the other industries. The average weekly hours and earnings for the 122 women reporting are shown in the following table, arranged by age groups:

AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS IN NORMAL SEASON OF WOMEN IN 4 STRAW-HAT FACTORIES, BY AGE GROUPS, BALTIMORE, MD.

Age group.	Women reporting.	Average weekly hours worked.	Average weekly earnings.
Under 16 years	8	54.0	$3.70
16 to 24 years	83	54.0	6.56
25 to 44 years	28	53.4	8.05
45 years and over	3	53.6	7.38
Total	122	53.9	6.73

HOURS, EARNINGS, AND DURATION OF EMPLOYMENT OF WOMEN IN SELECTED INDUSTRIES IN CALIFORNIA.

The study of the hours and earnings of women in California, as in Maryland, dealt with five industries: The canning industry, in which 9 establishments were studied; candy, biscuits, etc., which covered 10 establishments; cigars and cigarettes, 2 establishments; paper boxes, 7 establishments; and shirts, overalls, etc., 6 establishments. The 34 establishments altogether employed a total of 5,552 women. In addition to information furnished by the employer in the case of each one of these establishments, 1,569 of the women employees were interviewed, and each one furnished individual data for use in this report.

In California, as in Maryland, a study of the canning industry included both city and country canneries. So far as the other industries are concerned, the investigation was confined to the cities of San Francisco and Oakland.

The period covered by the data in regard to hours, earnings, and duration of employment was in all cases the year ending April 30, 1911. The information included in the report was collected by

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agents of the Bureau during the months of June and July. This afforded a good opportunity of observing cannery conditions early in the season of their activity.

CALIFORNIA CANNERIES.

LENGTH OF CANNING SEASON.

This report on the canning industry in California is based upon information furnished by employers in 9 establishments employing 3,517 women, and upon data secured individually from 604 employees interviewed in such establishments.

It will be noticed that the number of cannery employees interviewed was considerably larger than the number in any of the other industries. This was considered important because of the extreme irregularity of the work and the very considerable difference in conditions found in the various canneries. In the other industries the smaller numbers seem quite adequate, because of the much greater steadiness of the work and the close similarity in conditions in the several establishments.

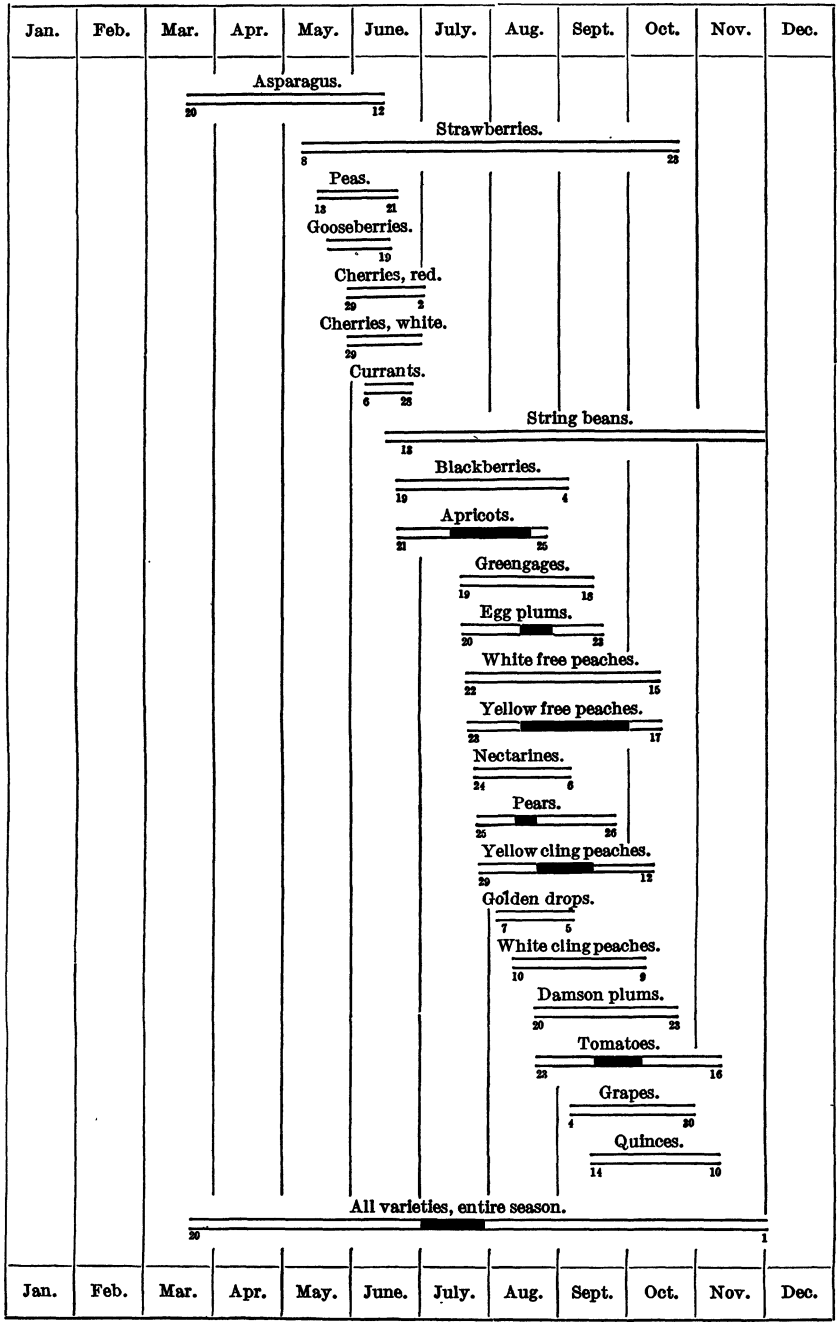
A definite idea of the length and variation of the canning season in California, as well as the periods in which the greatest stress is likely to occur, can be obtained from the following diagram issued by one of the largest canning companies in California. The information is confined, of course, to the varieties of fruits and vegetables named in the diagram.

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DURATION OF THE CALIFORNIA CANNING SEASON, BY VARIETIES.

Showing earliest and latest days' packing for period of 50 consecutive years in San Francisco and California generally.

[Explanation: ═══ entire season; ▬▬▬ heavy period.]



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From this it appears that the entire season for all varieties of fruit and vegetable packing and canning falls between the middle of March and the first of December, a period of about 8½ months.

It is important to note on this diagram, however, that no variety affords a season of more than six months, and that some of them do not last a single month. The table below shows an average of approximately 16½ weeks for the 604 employees scheduled in the 9 canneries selected for study in California. The limited duration of given varieties is an important fact in view of the inauguration and rapid growth of the "packing-and-canning-where-grown" policy. Where one large city plant handles all or nearly all varieties of fruits and vegetables shipped from all sections of the State there is a possibility of employment for the full period of 8½ months for some of the workers, the employment always characterized, however, by the sudden and extreme irregularities in working hours due to the uneven shipment of materials to the city plants.

But when canneries have been established where well-known varieties of fruits or vegetables are grown and are practically confined to the handling of such varieties, the opportunities for employment are not measured by the entire canning and packing season, but by the duration of given varieties.

The reports of the 9 canneries which furnished information for this investigation show that the duration of activity in the industry in those canneries varied from 16 to 38⅓ weeks. The tabulation of the individual reports of 604 employees of the same 9 canneries showed an average duration of employment of only 16.6 weeks. In the following table are shown for the city and country canneries investigated the number of establishments, the total number of women employed, the number furnishing individual data for this report, and the average number of weeks worked by the individual employees reporting.

DURATION OF EMPLOYMENT OF WOMEN IN SELECTED CITY AND COUNTRY CANNERIES OF CALIFORNIA.

Location of establishment.	Establishments investigated.	Women employed.	Women furnishing individual data.	Average weeks of employment.
City	5	1,848	342	18.4
Country	4	1,669	262	14.2
Total	9	3,517	604	16.6

It will be observed from the foregoing table that the difference in duration of employment reported by the country and city cannery employees in California is not nearly so great as between the corresponding groups in Maryland, the difference in the California city and country plants being but a little over 4 weeks as against 17 weeks in

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favor of the city canneries of Maryland. This is due, in part perhaps, to the fact that the California city and country canneries visited packed much the same fruits and vegetables. The country canneries also, while limited to the varieties of each product, were so located as to draw supplies from a larger district than those which fed the country canneries of Maryland.

Nevertheless, the difference of over 4 weeks' employment, shown in the foregoing table in favor of the city canneries, is a factor of no little influence in securing labor when taken in connection with the distance of some of the country canneries from the abiding places of the workers. To offset these disadvantages the country employers must offer inducements, either in added earning opportunities, better working conditions, or in substantial perquisites. The material environment and general equipment which constitute the working conditions in the main of the country and city canneries are practically the same.

WORKING HOURS AND EARNINGS OF WOMEN IN CALIFORNIA CANNERIES.

The five city canneries included in this investigation in California reported the employment of 1,848 women. Considerable variation was reported in the number of weeks during which the establishments were in operation, one reporting only 16 weeks, while another reported 38⅓ weeks. Four of the five canneries reported a season of more than 29 weeks. The average hours per week in operation, as reported by the employers, exceeded 60 in only one case, where the average was 75 hours. As against this stands out the maximum hours of the long day and the occasional exceedingly long week. Thus, the employers themselves reported days of 18, 15, and 13½ hours and weeks of 96½, 90, and 83 hours. In the California establishments, although some girls under 16 years of age were employed, their importance seemed to be much less than in the Maryland canneries, which have already been discussed.

In the four country canneries, included in the investigation, 1,669 women were reported as employed. The weeks in operation varied from 19½ to 24, showing but little variation. The average hours per week reported by the country canneries compared unfavorably with the city canneries, ranging from 50 to 76¾ hours. In respect to the hours of the maximum day and the maximum week, the country canneries differed but little from those of the city, days of 13 and 16 hours being reported with weeks of 86½ and 92 hours.

The information in regard to the number of women employed, the weeks in operation, and the hours per day and per week, as reported by the employers, is given in the table following.

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HOURS OF LABOR OF WOMEN EMPLOYED IN 9 CALIFORNIA CANNERIES DURING THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS.

Establishment number.	Women employed.			Weeks establishment was in operation.	Hours of usual day.	Hours of long day.	Hours of short day.	Maximum hours per day.	Average hours per week.	Maximum hours per week.
	16 years and over.	Under 16 years.	Total.							
CITY CANNERIES.										
1	468	30	498	38½	13	14	.5	15	75	96½
2	400	35	435	35½	11½	13½	8½	13½	[1]	[2] 90
3	280	20	300	29½	10½	13	5	18	60	83
4	300	25	325	16	11	13	4	15	55½	80
5	290	[1]	[3] 290	29½	10	10½	5	13	60	[4] 70
COUNTRY CANNERIES.										
6	450	35	485	20⅔	13	15	7	16	76¾	[5] 92
7	350	14	364	19½	12	13	11	13	75½	[6] 86½
8	200	20	220	24	11½	12½	10½	13½	68½	80
9	600	[1]	600	21	10	12	5	12	50	72

[1] Not reported.
[2] 10 girls reported over 90 hours, the highest being 98 hours.
[3] Not including girls under 16 years of age.
[4] 12 girls reported a maximum week of 80 hours and over, the highest being 98 hours.
[5] 3 girls reported over 92 hours, the highest being 96½ hours.
[6] 9 girls reported over 86½ hours, the highest being 92 hours.

It should be noted that all the figures of the foregoing table are as reported by the employers themselves. The long hours as there stated do not, of course, apply to their full extent to all employees. The extent to which they do apply can be seen in the reports of the 604 individual women employed in canneries, at the end of this article. Reports of these employees show average weekly working hours of 60.4 for the average season of 16.6 weeks. A considerable difference appears between the employees of the city and the country canneries. In the city canneries the average weekly hours were 57.8 for a season of 18.4 weeks. In the country canneries the average weekly hours were 63.8 for an average season of 14.2 weeks.

The following table summarizes the reports of the individual women employed and presents for the workers in city and country canneries the number reporting, the number of weeks employed, and the average hours and earnings per week.

AVERAGE WEEKLY HOURS AND EARNINGS OF WOMEN WORKERS DURING THE YEAR ENDING APRIL 30, 1911, IN 9 CANNERIES IN AND NEAR SAN FRANCISCO, CAL.

Location.	Reporting.	Average weeks employed.	Average hours per week.	Average earnings per week.
City	342	18.4	[1] 57.8	[1] $7.21
Country	262	14.2	[2] 63.8	[2] 7.92
Total	604	16.6	[3] 60.4	[3] 7.52

[1] Not including 3 forewomen and 11 workers whose hours and earnings were not reported separately.
[2] Not including 1 forewoman and 13 workers whose hours and earnings were not reported separately.
[3] Not including 4 forewomen and 24 workers whose hours and earnings were not reported separately.

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While the duration of employment reported by the cannery workers (city and country) scheduled in California [1] is approximately 2 weeks less than for the cannery workers interviewed in Maryland, and the extremes in maximum weeks are less violent, as is shown by the tabulations at the end of this report, the average working hours per week are much higher, 57.8 and 63.8 in the city and country canneries, respectively, against 45.7 to 50.5 and 48 to 50 in the Maryland canneries. The individual tabulations also show many more weeks of 72 hours or over. Comparison of the two sets of tabulations shows that over one-half of the California cannery workers reported such maximum weeks, while less than one-fifth of the women interviewed in the Maryland canneries reported 72 hours or more. It should be remembered that 72 hours or over a week in California does not necessarily mean an average of 6 twelve-or-more-hour days, as Sunday work is not illegal in that State.

This freedom from legal restraint in the matter of a 7-day week is largely responsible for the impressive list of maximum weeks, ranging from 72 to 98 hours, to be found in the individual tabulations for California. As the California canners contend that the long-hour drives are absolutely necessary because of the high perishability of the fruit, it is extremely interesting to note that a number of those reporting exceedingly long hours both in the average and maximum weeks are labelers and stampers, who have to do with the product after it is canned, hermetically sealed, and cooked.

The large proportion of the whole force working these long weeks would indicate a shortage of labor, as ordinarily only a small percentage of workers are willing to endure the strain of 80 hours and over even for the added earnings, particularly if there is enough work to maintain a good weekly average. The methods of keeping the force at work for the long drives in the country canneries did not differ materially from the methods adopted in the city canneries and described later.

Referring to the preceding table and comparing the average hours in the 4 country canneries visited with the average working time reported by city workers, it appears that, while the country workers have 4 weeks less employment, they have 6 hours more per week for the season of 14 weeks than their fellow workers in the city plants. This means that the women in the country canneries put in really over 15 weeks of 57.8 hours, which is the average working time each week of the city employees scheduled. As the piece-rate system prevails almost uniformly in the canning as well as in the preparing departments, this should mean a considerable difference in earnings in favor of the women in the country canneries.

[1] The probable reason for the difference in duration between city and country employment is explained in connection with the discussion of Maryland canneries (p. 353).

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LONG HOURS AND HIGH-PRESSURE METHODS.

The frequency of the excessively long week raises a question as to how women can be kept at work for such an unusually long time, for it would seem that the additional earnings would not be sufficient inducement, particularly when the hours are so excessive as to jeopardize the worker's ability to maintain a fair average of productive activity throughout the season.

It should be borne in mind that the irregularity of the working day is not a matter of caprice. This is said with no intention of implying that the extremes recorded in maximum working days and weeks are or are not unavoidable but only to call attention to the fact that the successful management of a canning industry involves the solution of some difficult problems. The materials used in a cannery are perishable and must be cared for within a given time. Frequently the "given time" is altogether inadequate to the quantity of goods to be handled, and the result is a working force increased to the capacity of the factory or to the exhaustion of the labor supply and working to the limit of endurance.

The prevailing method of keeping the force at work during the long drives is to give preference in position and material to those who have shown a willingness to stand by until the fruit is cared for; to threaten loss of work to those who refuse to work the long hours, though the scarcity of labor often renders this threat quite futile. Frequently the last work of the afternoon will not be punched or credited on the pay check until the employee has returned or stayed through the evening work. In a number of cases girls reported, and in two instances managers admitted, that the force had been locked in until the allotted work was done. Such methods were not infrequently accompanied by a firm's refusal to allow any time off for supper, probably, not so much because of the loss of the half hour's time as because of the worker's unwillingness to return when once out of the establishment. In some instances the firm either served a lunch or permitted the workers to send for something to eat. In such cases some of the workers took a few minutes off, the cannery as a whole being in active operation continuously from the noon hour until 9 and 10 o'clock; sometimes till midnight, and in one establishment visited till 2 o'clock in the morning. The last case was emphatically exceptional however, in the field covered by this investigation, as the tabulations at the end of this article will show. From 6 and 7 in the morning till 9 and 10 at night with a half hour at noon for lunch and no time off for supper, making from 12 to 15 hours a day, was a frequent occurrence, as is equally evident from both the "maximum week" and the "average weekly hours" column in these tabulations. The long-hour drive, however, may be followed by a

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day or days of but a few hours' work, or of no work at all. The underlying causes of this violent irregularity in working hours are explained in the forthcoming report of the Immigration Commission. In the chapter dealing with "Immigrant Labor in California Fruit and Vegetable Canneries," the report says:

The work in the canneries is irregular and requires a larger number of employees at some times than at others. With the change of crops, the work varies in intensity; the crop of one fruit may be unusually good while that of another is poor. Late or early crops may crowd the cannery or make it short of materials for operation, and transportation conditions may involve variations in the amount of work to be done. Moreover, changes in the prices of "green fruit" may increase or diminish the amount shipped in that form and cause a variation in the amount supplied to the cannery. * * * Sometimes employees are worked overtime for several days in succession and then laid off for a day or so. * * * When there is much work to be done, Sunday work is required.

While the whole section above referred to has to do with the question of immigrant labor, the paragraph quoted applies particularly to the women employees, who, according to the same report, constitute from three-fifths to three-fourths of the entire force of cannery employees.

Although the actual earnings reported in the California city canneries visited were 71 cents a week lower than those reported by the country workers interviewed, the relative earnings of the country workers were lower because they had to work an average of 63.8 hours to earn $7.92 a week, whereas the women employed in the city canneries worked an average of 57.8 hours and earned $7.21. In other words, the earning power was a fraction of a cent lower per hour in the country than in the city canneries.

LABOR SUPPLY OF THE COUNTRY CANNERIES.

What then are the inducements offered to secure an adequate labor supply for the country canneries? It should be borne in mind that the fluctuation of working hours in the country, while not so violent as in the city plants visited, was still sharp enough to render an earning of $3 in one day possible because of the uneven run of fruit. This possible $3 the prospective employees are not allowed to forget. It is constantly held up not as a possibility but as a probability by the employer and his labor agent.

In reply to a question as to the employers' assurance that there would be enough labor available to the country canner to enable him to care for the fruit and vegetables in the required time, one manager of a large California cannery said: "A firm can take no chances on its labor supply. Before a plant is ever established in a country district a careful canvass of the labor situation is made." The men

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who later act as foremen are the principal agents in such a campaign. They ascertain the available number of helpers in the immediate district, the number obtainable from nearby towns, and they get, and keep, in touch with the "movers" or "campers" who leave the cities in the canning seasons for the work in various country canneries. The work of the foremen is effectively supplemented by want advertisements inserted in the small town papers and in the big city dailies. During the season in which this investigation was in progress the calls for help from country canneries were markedly noticeable and not a little alluring, particularly as the peach and pear season advanced. One firm sent out a wagon with large side signs reading, "Light and pleasant work with big pay." The sign on the rear of the wagon gave the name and address of the cannery. At the same time the city dailies were running urgent advertisements. The following were taken at random:

Women and girls.—Do you want to spend two months in the country and earn good wages, with steady work in a fruit cannery? Tents furnished. Working now.

Wanted.—Women and girls for cannery work in country; commencing immediately and steady until November 1; no experience necessary; good wages. Cottages and tents furnished. Call at once.

A number of women and girls to register for work at Napa; season will begin about August 1; free tents; a profitable summer outing.

We want women and girls immediately for fruit cannery work; no experience necessary to earn big wages; tents furnished; tell your friends and go at once.

In each of the above advertisements the big wages and the offer of "free tents" or "free cottages" occur.

HOUSING FACILITIES.

The housing question during the canning season is a problem, of course, and when labor is scarce the free tents and cabins are held out as an inducement. In many instances a charge of $2 a month is made for a cabin, the rental being rebated if the workers stay throughout the season. Some employers require that each cottage shall house at least two regular workers; others stipulate that every occupant "old enough" shall work in the cannery. In none of the small town canneries visited in California did the firms restrict the occupation of the cottages to women as was done in one city cannery, which had a very few cabins for its detached and homeless workers. In the country districts the cabins are occupied largely by the Portuguese and Italians, some of whom own small ranches at considerable distance from the canneries. These workers occupy the cabins during the fruit season only, while a few of those having no interests elsewhere live in them all the year round.

A detailed consideration of the housing conditions as developed by this tent, cabin, and shack system would have no place here except for the fact that the housing is considered by both employer and

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employee as a factor in compensation, and may fairly be regarded as having an important bearing upon the earnings of country cannery workers. On this basis the quality of the housing is a proper subject for discussion.

The big, unpartitioned shed, housing dozens of families in the manner described in connection with some of the Maryland canneries, was not found in any of the California canneries visited. The company cabins or tents were all constructed either for one family or for four women. There was, of course, a wide range in the degree of healthfulness, comfort, and sanitation that characterized various groups of tents and cabins. Some of them were entirely too close to the cannery, getting the odors of decaying refuse, and when the drainage and management of the camp itself were inadequate offensive odors assailed the workers day and night. Others showed intelligent care and effective protection on the part of the management, with a consequent degree of comfort and even attractiveness about the workers' quarters that should be a real inducement "to go into the country canneries for a summer's outing."

This free housing, while a substantial perquisite, is practically the only inducement which the country canner has to offer, except for the more or less agreeable change involved in the trip to the country. It was evident, however, that the managers of country canneries did not depend to so great an extent upon help from the large cities as did the country canners of Maryland. The surrounding country, dotted with small ranches, was counted on for much of the labor and for this the country canneries have no serious competition from the city employers. With this resident supply of labor, glad to increase the family income by work in the nearby canneries, the question is not so serious as if the country plants visited were wholly or principally dependent upon help attracted from the city. It should not be inferred that migratory labor is inconsequential. The "campers" or "movers," who make a business of following up the different varieties of fruits and vegetables as they ripen, throughout the whole deciduous fruit belt of California, are factors in the labor supply of varying degrees of importance. But the very fact that they are not settled in the cities and have formed a migratory habit makes them less difficult to attract, and the availability of a resident supply of labor gives the cannery employer a good bargaining leverage.

LACK OF RECORDS AND FREEDOM FROM REGULATION OF THE CANNING INDUSTRY.

The entire absence of working-time records, and almost uniform lack of records of any description for the pieceworkers, in either the California or the Maryland canneries visited is a feature of this investigation which calls for consideration. Without such records it is

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impossible for employers to make any progress in distributing the strain of excess work over the whole force, for there is nothing but the memory or personal interest of the foremen to mark the working time of each employee. Without such records, too, there would be no effective way of preventing the employees of a day shift in one cannery from working on the night shift in another. It must be borne in mind that to the overwhelming majority of these workers extra time carries but a single meaning—extra money.

Their eagerness for this extra money finds at least some explanation in the level of earnings shown in the foregoing tables. The deeper and broader influence of long hours on a half-grown girl or a married woman has no place in their calculations. To get enough to feed, to house, and to clothe themselves is the problem that absorbs their entire attention. The women have neither the time nor the facilities to figure out the cumulative losses due to excessive hours of labor. But it is singular that employers who direct other phases of their business along lines indicated by carefully kept accounts should attempt to regulate the supply of so large a part of their labor without the help of adequate records. The bureau's agents were frequently told by both employees and employers that after a certain point the earning power waned as the working hours lengthened, and that "after a drive the work lagged." This is a loss for employer as well as employee, with the difference that to the employer a distribution of overtime strain would mean an immediate gain; to the employee accustomed to the increased earnings of excessive overtime work there would be an apparent loss of money in such distribution which it might take her some time to see was offset by the fact that her earning power during normal hours would be better sustained or increased.

Apropos of the lack of either legal or voluntary regulations in the industry, the following paragraph from the volume[1] edited by a student of this subject, is pertinent:

The exemption from regulation is also responsible for corresponding deficiencies in the technical administration of the industry (fruit and vegetable canning). The very fact that employers are legally free to make their operatives work without limit, and to crowd any number of them into one room, makes them disinclined to put thought and capital into improving arrangements. The better disposed of them admit that the present system tempts them to buy carelessly; to make no adequate use of the telegraph and telephone in regulating deliveries; to dispense with cold storage, so that it is a common custom to keep the fruit in workrooms exposed to heat, steam, and the deteriorating influence of congregated humanity.

A few firms stand out as preferring the upward way, scientifically organizing their supplies, providing cold storage, working their operatives only normal hours, and seeing to it that the work places are clean and healthy.

[1] "The Case for the Factory Acts," Mrs. Sidney Webb, p. 52.

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The extent to which this lack of records is carried can not be too much emphasized. Children and adults work side by side, delivering their buckets, baskets, or trays of prepared product and receiving therefor a brass check or cash, as the case may be. The brass check or cash in most cases is all the record the employer has for the work of an employee of whatever age.

For the pieceworkers in the canneries visited, the data for hours and earnings, developed in the course of this investigation by the patient probing of the Bureau's agents in the manner described in the introduction to this report, are at present writing, therefore, more complete records than the canners themselves possess concerning the working time of their own employees.

DESCRIPTION OF A TYPICAL CALIFORNIA CANNERY.

The typical California cannery, whether in the city or country district, is conducted with distinct reference to two main departments, viz, that in which the fruits and vegetables are prepared, canned, and cooked—the cannery proper—and that in which the goods are stored and, just before shipment, labeled. This latter division, which is known as the warehouse, is sometimes a separate building, varying in height from one to four stories, and sometimes only a room in the cannery proper. In either case it is usually large, airy, and well lighted.

The cannery proper is a large one-story brick or wood structure. The brick canneries visited were flat roofed, and dependent for light and air upon doors and windows. Many of the wooden structures visited were windowless, but were supplied with skylights. In the brick structures the cooking room, where only men are employed, was usually walled off, the steam passing out through the doors and windows. In the wooden canneries the cooking room was not walled off, but in most cases the part of the cannery where the women were at work was not seriously affected because the steam passed directly through the open skylights. The windowless construction is an economy of floor space, as materials can be stacked around the walls without interfering with light or ventilation. In one or two cases, however, either the skylights were not properly managed or the cooking equipment was not sufficiently near the doors, for the whole plant was suffused with steam, making the air depressingly humid and superheated. Also, there were a few structures which were well supplied with ventilating facilities but reeked with foul air because no use was made of such facilities. In each of these cases, of course, the health and efficiency of the workers were subjected to an entirely avoidable handicap. In some of the country canneries the cooking room was really an open court, leaving the rest of the plant completely free from the heat and steam.

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Entering the cannery by the door through which the fresh fruit is brought one first encounters a number of long tables equipped with from two to four shelves running along the top. On these tables the fruit is prepared by preparers—more commonly known as "cutters." In California practically all of the cutters are women. Very frequently women, and, in some instances, children, carry the large boxes of fruit, weighing 40 pounds and over, from the general supply place to the preparing tables. This is important not only because of the number of immature girls in the canneries but because of the presence of so many married women. Frequently these women are at work while pregnant, often working dangerously near to the day of confinement. In other canneries fruit was brought to the preparing tables by men. This method relieved the women of the physical strain, but in some cases caused them anxiety because of an alleged partiality on the part of the men in distributing the fruit or vegetables. The space between the cutting tables permits the workers to be seated while at work, but the necessity of reaching the four shelves makes work in this position difficult. Few canneries employ a person to keep the floor clean about the preparing tables, so the fallen, mashed, and spoiling fruits and vegetables render the surroundings distinctly unpleasant. As this investigation was completed before the beginning of the tomato season, it is not possible to say how unpleasant conditions become through this lack of care.

Next to the preparing tables are those for the canners who are also women. Their position and proximity to one another depend upon the presence or absence of an automatic grader. This device is a long piece of iron pierced its entire length with holes for the different grades of fruit. When the grader is used it is necessary for the canning tables to be close together because fruit is borne from the grader along moving belts on these tables. As each table has a trough and belt on either side, there is at most a narrow passage between the two rows of workers. As a rule eight girls work on either side of the table. The trough is partitioned so that each girl has her own bin. As the fruit comes from the grader on the rolling belts, gates at each place push a portion of it into the bin; where these gates are not stationary, the fruit is very unequally distributed, often because workers at the upper tables will draw the gates almost across the belt, thus taking most of the fruit and leaving a wholly inadequate supply for those at the lower tables. Each table has two upper shelves, making necessary a good deal of reaching and rendering a sitting position while at work unprofitable under any circumstances. Where the grader is used the small space between the tables makes sitting impossible.

The work of the canners consists in washing and sorting the fruit, eliminating such as is imperfect and canning the rest. The workers'

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hands are constantly in cold water. "Sore hands" was a frequent complaint among the canners and was charged to the cold water, while among the cutters both the cold water and the hardness of the green fruit was held responsible for damage to hands. The floor about the canning tables was always found in a damp condition and in some instances water stood in easily measurable depth. The canners, however, in the California establishments visited, were standing upon raised slats, so that they were fairly protected from an actual wetting. The filled cans are taken from the canning tables on trucks to the "siruper." After the air is exhausted from the cans by the use of steam they are capped and cooked.

With the exception of the grader, no machinery is placed near the women workers. The canners, however, are frequently near enough to the cooking equipment to get the full benefit of the noise. While there is little or no strain occasioned by machine work, the piece-workers soon strike a peculiar swaying motion, resembling that by which machine workers adapt themselves to the demands of their machines, and which seems to lend itself to speed and facility of production. Two cannery officials—each in a different cannery—volunteered the opinion that cannery work was so much of a strain that workers were unfit to do other work when the cannery season was over. It was noticeable, however, that in spite of the unusual length of the working day during the "drives," there was little or no complaint from the workers, because, with the piece-rate system, which prevailed almost uniformly, long hours meant to them only increased pay.

CHARACTER OF LABOR FORCE IN CALIFORNIA CANNERIES.

For the 604 women employed in California canneries who furnished individual data for this investigation, information was secured concerning age, race, and conjugal condition, as well as concerning hours, earnings, and duration of work, and a study of these facts discloses some marked differences between the character of the labor force employed in the canneries and that of the labor force in the other industries studied.

The following table shows the number and per cent of women who were single, married, or widowed tabulated according to race or nationality. An examination of the table shows that nearly 90 per cent of the force were of foreign birth and only about 10 per cent native born. The married women constituted 47.85 per cent, the widowed 11.26 per cent, and the single 40.89 per cent. These percentages are even more striking when it is noticed that 13.90 per cent were under 16 years of age. The differences in proportions of married and widowed between cannery employees and employees in the other industries are not nearly so great as in Maryland.

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The reasons assigned for the large proportion of married women found in the Maryland canneries (pp. 375 and 376) apply with equal force here. The irregularity of the working hours, the intermittent nature of the industry, and the comparatively low degree of industrial skill required makes it easier for unskilled workers to secure employment in canneries than in the other industries.

RACE AND CONJUGAL CONDITION OF WAGE-EARNING WOMEN IN CALIFORNIA CANNERIES.

Race or nationality.	Single.		Married.		Widowed.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Italian	113	39.37	146	50.87	28	9.67	287	[1] 47.75
Portuguese	57	40.71	69	49.29	14	10.00	140	23.30
American	38	59.38	[2] 17	26.56	9	14.06	64	10.65
Other nationalities	38	34.55	55	50.00	17	15.45	110	18.30
Not reported	1	33.33	2	66.67	.....	.....	3	.....
Total	247	40.89	289	47.85	68	11.26	604	100.00

[1] Per cent based on total number reporting nationality.
[2] Includes 1 American colored employee.

Among the California workers, as was noted in the case of the women employed in the Maryland factories, the women employed in the canneries are notably older than those in the other industries. Over 20 per cent of those reporting in the California canneries were 45 years of age and over, while the highest per cent found in the other industries was 11.19 in shirt, overall, etc., factories. The number and per cent of women employed in canneries who were in each specified age group are shown in the following table:

NUMBER AND PER CENT OF WOMEN EMPLOYED IN CALIFORNIA CANNERIES, BY AGE GROUPS.

Age groups.	Number.	Per cent.
Under 16 years of age	84	13.90
16 to 44 years	395	65.40
45 years and over	125	20.70
Total	604	100.00

The large employment of women 45 years of age and over explains in part the unusually large percentage of the married and widowed women employed in canneries. Reference to the table showing the average weekly earnings for the various industries by age groups (p. 415) shows that, uniformly, the women of 45 years and over form one of the two age groups showing lowest earning power, the other group being girls under 16 years of age. In the city canneries more than a third of the cannery workers scheduled fall within these two age groups, whereas less than 10 per cent of the workers scheduled

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in the four other industries are in these age groups of low earning power.

INDUSTRIES OTHER THAN CANNING IN SAN FRANCISCO AND OAKLAND, CAL.

In addition to the canneries, four other industries were studied in California with reference to the hours of labor, earnings, and duration of employment of the women employed. These industries are: Candy, biscuits, etc.; cigars and cigarettes; paper boxes; and shirts, overalls, etc.

The tables for these four industries effectively tell the story of working hours and earnings as reported by the 965 women interviewed in the course of the investigation.

The working period of 45.5 weeks reported for the year under investigation by the women in these industries, as compared with the average of 16.6 weeks shown for the California cannery workers, is deserving of special notice. This average is, moreover, fairly representative of all the industries, as the widest divergence found in any case is only six-tenths of a week.

In judging of the strain involved in the recorded working hours, it is important to remember that factory conditions are an influential factor and that the more even and salubrious climate of California has a direct bearing on such conditions. The absence of cold weather permits more open windows during factory hours, and, consequently, better ventilation the year round than usually prevails in the factories visited in the cities of the Middle West and the East. What was said in a previous report concerning the absence of any inherently unhealthful conditions[1] in the candy industry as revealed in the Chicago factories, for example, is even more applicable to the establishments visited in California, because fresh air is so important a factor in industrial hygiene.

This does not mean that there were no cases of bad ventilation. On the contrary, in spite of the warm climate, there were factories visited where every window was closed and where there were no apparent means of airing the workrooms, except through the occasionally opened doors. Sometimes, too, materials used in the manufacture of candy had to be protected from cooling drafts, but, on the whole, these cases were not numerous, and the soft climate is an active influence for good ventilation.

The length of the working day, the stress and duration of the busy season, the average weekly earnings, and the bearing of overtime work upon such earnings are the other factors of importance to be considered in connection with these industries.

[1] "There is nothing unhealthful in the candy-making industry if the sanitation is not defective and the toilet facilities are adequate." Working Hours of Wage-earning Women in Selected Industries in Chicago, Bulletin No. 91, Bureau of Labor, p. 875.

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Between the hours as reported by the employers and those reported by the individual employees there are some discrepancies, particularly in the length of the maximum week and in the average hours for the rush seasons. Most of these discrepancies are more apparent than real. None of them presented inexplicable contradictions. At the time of this investigation there was much agitation over the eight-hour law. Many employers affected thereby were more or less on the defensive. There was, not unnaturally, a tendency to emphasize, not the exceptional long day or week, but the ordinary strong pressure work that characterizes the establishment's busy season.

Often, under persistent questioning, Sunday work and five or six nights a week for "an occasional week" would be admitted by the employers. Furthermore, a girl's average hours during busy season may be higher than the average hours recorded by the firm because she may have worked only during the heaviest-pressure weeks of the busy season. In such cases, of course, the discrepancies are only apparent. Wherever any significant discrepancies occurred between the statements of employees and employers, that fact has been stated in a footnote to the tables summarizing the establishment schedules. These tables give only the firm's working schedule in normal and busy seasons, without reference to occasional concessions made to a part or the whole of the force in the slack of the season. In short, the tables take the picture of working hours in a sharp black and white, omitting entirely the light and shade of transition periods.

MANUFACTURE OF CANDY, BISCUITS, ETC.

The hours and earnings of women employed in making candy, biscuits, etc., were studied in 10 establishments of San Francisco and Oakland. These factories together employed 813 hands, 554, or 68.1 per cent, being women and girls, of whom 97.3 per cent were 16 years of age and over. Individual information for use in this report was secured from 347 women, who reported 45.6 weeks of employment for the year ending April 30, 1911.

The factories engaged in the manufacture of candy, biscuits, etc., in San Francisco and Oakland usually operated the year round. The pressure of the work was reported as somewhat reduced in summer by practically all factories who reported a busy season during the two months preceding Christmas and also for several weeks preceding Easter. Following the overtime work preceding Christmas, three of the factories reported a lay off of one or two weeks.

The reports given by the 10 establishments covered show that they ran regularly 6 days a week, the total weekly hours varying from 49 to 56½. In the rush season hours were increased so that days of 12, 12½, and even 13½ hours were reported, and weeks of 70 and even

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78 hours. The so-called busy season continued, according to the reports of the employers, from 3 to 26 weeks in the various establishments.

The following table presents the information in regard to the employees and hours of work as reported by the employers:

HOURS OF LABOR OF WOMEN EMPLOYED IN 10 CANDY, BISCUIT, ETC., FACTORIES DURING NORMAL PERIODS AND DURING THE RUSH SEASONS OF THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS, SAN FRANCISCO AND OAKLAND, CAL.

Establishment number.	Women employed.			Normal hours.			Busy season.				
	16 years and over.	Under 16 years.	Total.	Long day.	Short day.	Total hours per week.	Duration in weeks.	Average hours per week.	Hours of long day.	Hours of short day.	Maximum hours per week.
1	48	2	50	9½	9	56½	16	78	13½	9	78
2	61	.....	61	8¾	8½	52½	6	70	11½	8½	70
3	8	.....	8	9	9	54	3	64½	12½	9	64½
4	28	.....	28	9	9	54	7	63	12	9	63
5	33	2	35	9	8½	53½	15	62½	12	8½	62½
6	183	3	186	9	8½	53½	18	62½	12	8½	62½
7	37	8	45	9	7	52	12	62	12	7	62
8	75	.....	75	9	7½	52½	26	60½	12	8	67½
9	31	.....	31	9	8¼	53¼	.....	.....	.....	.....	.....
10	35	.....	35	9	4	49	.....	.....	.....	.....	.....
Total	539	15	554	.....	.....	.....	.....	.....	.....	.....	.....

The hours and duration of the busy season as given in the foregoing table are as reported to agents of the Bureau by employers. The reports from individual workers indicated that 76.4 per cent were working overtime during a part or all of the busy season.

The following statement gives for the 347 women furnishing individual information the average working hours during the normal season, the number and per cent working overtime, and the average number of weeks during which they worked overtime, together with the average weekly hours during such period:

AVERAGE WEEKLY HOURS WORKED IN NORMAL AND OVERTIME SEASONS AND PER CENT OF WOMEN WORKING OVERTIME IN 10 CANDY, BISCUIT, ETC., FACTORIES, SAN FRANCISCO AND OAKLAND, CAL.

Establishments investigated	10
Women employees furnishing individual data	347
Average hours worked per week, normal season	53.2
Women working overtime:	
Number	264
Per cent	76.1
Average number of weeks	[1] 7.9
Average hours per week	[2] 63.2

The result of the investigation, as indicated by the tables, shows that the industry here, as in Baltimore, led all the others except the canneries in the number of working hours during the maximum weeks

[1] Not including 1 not reporting.

[2] Not including 4 not reporting.

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of the busy season. However, the long-hour weeks were more extreme and more frequent than were found in the individual reports for the workers in the candy and biscuit factories of Baltimore. Of the 264 women working overtime in the San Francisco and Oakland candy and biscuit factories visited, 111, or 42 per cent, reported maximum weeks of from 66 to 90 hours. While this does not necessarily mean a working day of from 11 to 15 hours, as Sunday work was not prohibited, it frequently did mean days of such length, because reports of Sunday work were not numerous. The 111 women reporting these maximum weeks maintained an average of from 60 to 82½ hours during the busy season, which ranges from 1 week to 30 weeks in duration.

The hours and earnings of the 264 women reporting overtime work are shown in the following table for the normal season and for the weeks during which overtime work was done:

COMPARATIVE HOURS AND EARNINGS IN NORMAL AND OVERTIME SEASONS OF 264 WOMEN WHO REPORTED OVERTIME WORK.

Season.	Average hours per week.	Average earnings per week.
Normal season	53.4	$7.72
Overtime season	[1] 63.2	[2] 9.57
Per cent of increase in overtime season	18.4	24.0

[1] Not including 4 not reporting. [2] Not including 1 not reporting.

The earnings of $7.72 for a week of 53.4 hours during the normal season are shown to be increased to $9.57 for a week of 63.2 hours during the period of overtime work, the hours being increased 18.4 per cent while the weekly earnings are increased 24 per cent.

The foregoing table gives the average hours and earnings per week of the women who reported overtime work. Of the 347 women who furnished individual data the weekly hours and earnings of 330 are presented in the following table, the women being arranged in four age groups. The individual hours and earnings of the women employed in the candy, biscuit, etc., factories in San Francisco and Oakland are given in the table at the end of this article.

AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS IN NORMAL SEASON OF WOMEN IN 10 CANDY, BISCUIT, ETC., FACTORIES, BY AGE GROUPS, SAN FRANCISCO AND OAKLAND, CAL.

Age group.	Women reporting.	Average hours worked per week.	Average earnings per week.
Under 16 years	13	54.0	$4.62
16 to 24 years	253	53.2	[1] 7.41
25 to 44 years	60	53.4	7.97
45 years and over	4	52.5	6.70
Total	[2] 330	53.2	[1] 7.39

[1] Not including 2 workers whose earnings were not reported separately.
[2] Not including 15 forewomen, and 2 workers whose ages were not reported.

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MANUFACTURE OF CIGARS AND CIGARETTES.

Study of the hours and earnings of women in this industry in San Francisco was made in only 2 establishments. Here 311 persons were employed, 80, or 25.7 per cent, being women and girls, 77 of whom were 16 years of age and over. The 61 women furnishing individual data reported an average of 44.9 weeks of employment for the year ending April 30, 1911.

The employers in these factories reported work the year round with no distinctly busy season, save in one factory where the regular working hours of 47 per week were increased to 48 for a single week.

The reports given by the 2 establishments covered show that they regularly ran 6 days a week, the total weekly hours being 47 and 54.

The normal hours of work per day and per week and the hours during the busy season in the 2 cigar and cigarette factories covered in the investigation are shown in the following table:

HOURS OF LABOR OF WOMEN EMPLOYED IN 2 CIGAR AND CIGARETTE FACTORIES DURING NORMAL PERIODS AND DURING THE RUSH SEASONS OF THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS, SAN FRANCISCO, CAL.

Establishment number.	Women employed.			Normal hours.			Busy season.				
	16 years and over.	Under 16 years.	Total.	Long day.	Short day.	Total hours per week.	Duration, in weeks.	Average hours per week.	Hours of long day.	Hours of short day.	Maximum hours per week.
1	12	.....	12	9	9	54	.....	.....	.....	.....	.....
2	65	3	68	8	7	47	1	48	9	7	48
Total	77	3	80	.....	.....	.....	.....	.....	.....	.....	.....

The following statement shows for the 61 women furnishing individual data the average working hours during the normal season, the number and per cent working overtime, and the average number of weeks during which they worked overtime, together with the average weekly hours during such period. In these establishments, it will be noticed, overtime is of small significance.

AVERAGE WEEKLY HOURS WORKED IN NORMAL AND OVERTIME SEASONS AND PER CENT OF WOMEN WORKING OVERTIME IN 2 CIGAR AND CIGARETTE FACTORIES—SAN FRANCISCO, CAL.

Establishments investigated	2
Women employees furnishing individual data	61
Average hours worked per week, normal season	48.1
Women working overtime:	
Number	5
Per cent	8.2
Average number of weeks	1
Average hours per week	48.6

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The 5 women reporting overtime worked in an establishment whose normal season hours averaged less than 50 a week, while some women reporting no overtime were employed in an establishment whose prevailing hours were 54 per week during the normal season.

The hours and earnings per week in normal and overtime weeks are shown for those working overtime in the table below:

COMPARATIVE HOURS AND EARNINGS IN NORMAL AND OVERTIME SEASONS OF THE 5 WOMEN WHO REPORTED OVERTIME WORK.

Season.	Average hours per week.	Average earnings per week.
Normal season	47.0	$8.06
Overtime season	48.6	8.48
Per cent of increase in overtime season	3.4	0.52

The hours and earnings per week for the full number of women scheduled are given in the following table, the women being grouped according to age:

AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS IN NORMAL SEASON OF WOMEN IN 2 CIGAR AND CIGARETTE FACTORIES, BY AGE GROUPS, SAN FRANCISCO, CAL.

Age group.	Women reporting.	Average hours worked per week.	Average earnings per week.
Under 16 years	3	47.0	$5.13
16 to 24 years	27	48.8	7.52
25 to 44 years	27	47.4	6.46
45 years and over	4	48.8	5.58
Total	61	48.1	6.81

MANUFACTURE OF PAPER BOXES.

The hours and earnings of women in paper-box factories were studied in 7 establishments in San Francisco. These factories employed 315 persons, 216, or 68.6 per cent, being women and girls, and all except 17 were 16 years of age and over. Individual data were secured from 155 women who reported an average of 44.9 weeks of employment during the year ending April 30, 1911.

The factories investigated reported no shutdown during the year, although the pressure of the work varied considerably. A busy season with overtime work was reported for two or three months preceding Christmas and in one factory in April and May also. The overtime season as reported varied from 4 to 17 weeks.

The reports given by the establishments covered show that in the normal season the factories were running 6 days a week, the total weekly hours ranging from 48 to 53½. In the rush season hours were

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increased so that days of 11, 12, and 12¼ hours were reported and weeks of 68 and 72 hours. Sunday work was also reported by 3 of the 7 employers.

The following table presents the information in regard to employees and hours as reported by the employers:

HOURS OF LABOR OF WOMEN EMPLOYED IN 7 PAPER-BOX FACTORIES DURING NORMAL PERIODS AND DURING THE RUSH SEASON OF THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS, SAN FRANCISCO, CAL.

Establishment number.	Women employed.			Normal hours.			Busy season.				
	16 years and over.	Under 16 years.	Total.	Long day.	Short day.	Total hours per week.	Duration in weeks.	Average hours per week.	Hours of long day.	Hours of short day.	Maximum hours per week.
1	30	.....	30	9	8	53	17	72	12½	8	72
2	13	.....	13	[1] 9	8	[1] 53	4	68	12	8	68
3	14	.....	14	9	8	53	8	67	10	8	67
4	18	.....	18	9	8	53	13	64½	11	8	72
5	45	14	59	9	8½	53½	12	62½	12	8½	62½
6	65	3	68	8½	8	50½	14	59½	11½	8	62½
7	14	.....	14	8	8	48	.....	.....	.....	.....	.....
Total.	199	17	216	.....	.....	.....	.....	.....	.....	.....	.....

[1] Since December 26, 1910, hours have been 8 per day.

These long hours are as given to agents of the Bureau by the employers. With overtime work continuing for so long a period naturally a large percentage of the force was affected. Thus, among the women furnishing individual information, 71 per cent were found working overtime.

The following statement gives for 155 of the women the average working hours during the normal season, the number and per cent working overtime and the average number of weeks of overtime, together with the average weekly hours during such period:

AVERAGE WEEKLY HOURS WORKED IN NORMAL AND OVERTIME SEASONS AND PER CENT OF WOMEN WORKING OVERTIME IN 7 BOX FACTORIES—SAN FRANCISCO, CAL.

Establishments investigated	7
Women employees furnishing individual data	155
Average hours worked per week, normal season	51.7
Women working overtime:	
Number	110
Per cent	71.0
Average number of weeks	10
Average hours per week	[1] 62.3

Not only was a large percentage of the women affected by the overtime hours, but the duration of the overtime work was longer than in any of the other industries studied in San Francisco.

[1] Not including 1 forewoman.

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The increase in hours during the overtime season as compared with the normal season and the consequent increase in earnings for the 110 women who reported overtime work are shown in the following table:

COMPARATIVE HOURS AND EARNINGS IN NORMAL AND OVERTIME SEASONS OF 110 WOMEN WHO REPORTED OVERTIME WORK.

Season.	Average hours per week.	Average earnings per week.
Normal season	52.0	$7.03
Overtime season	62.3	8.99
Per cent of increase in overtime season	19.8	27.90

For the 110 women reporting overtime work the weekly earnings during the overtime season were $8.99, or 27.9 per cent, in excess of earnings in normal weeks.

The hours and earnings per week for 150 of the 155 women furnishing personal data are shown in the following table, the women being grouped according to age:

AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS IN NORMAL SEASON OF WOMEN IN 7 PAPER BOX FACTORIES, BY AGE GROUPS, SAN FRANCISCO, CAL.

Age group.	Women reporting.	Average hours worked per week.	Average earnings per week.
Under 16 years	9	52.1	$4.88
16 to 24 years	116	51.7	6.52
25 to 44 years	24	51.5	8.37
45 years and over	1	53.0	6.50
Total	[1] 150	51.7	6.71

[1] Not including 3 forewomen, and 2 workers whose ages were not reported.

MANUFACTURE OF SHIRTS, OVERALLS, ETC.

The hours and earnings of women making shirts, overalls, etc., were studied in 6 establishments in San Francisco. The employees of these factories numbered 1,296 persons, 1,185, or 91.4 per cent, of whom were women and girls. Only 6 girls under 16 years of age were employed. Individual data were secured from 402 women, who reported an average of 45.8 weeks of employment during the year ending April 30, 1911, a period slightly in excess of that reported by any other group of factories in California or in Maryland.

None of the factories investigated in this industry reported a shut down during the year, and 3 of the factories reported no distinctly "busy" season. Of the other 3 factories, in 1 the busy season was taken care of by the employment of extra hands, and in the other 2 overtime work was done for periods of 17 and 18 weeks. In one case the overtime season was from January 1 to April 30, in the other it

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was for 12 weeks preceding Christmas and for 6 weeks following March 15.

According to the reports of the employers, the plants regularly ran 6 days a week, the total weekly hours ranging from 44 to 54⅔. In the rush season 2 factories reported days of 11¾ and 12 hours and weeks of 57 and 61½ hours. No Sunday work was reported.

The following table gives the information in regard to employees and hours as reported by the employers:

HOURS OF LABOR OF WOMEN EMPLOYED IN 6 SHIRT, OVERALL, ETC., FACTORIES DURING NORMAL PERIODS AND RUSH SEASONS OF THE YEAR ENDING APRIL 30, 1911, AS REPORTED BY EMPLOYERS, SAN FRANCISCO, CAL.

Establishment number.	Women employed.			Normal hours.			Busy season.				
	16 years and over.	Under 16 years.	Total.	Long day.	Short day.	Total hours per week.	Duration in weeks.	Average hours per week.	Hours of long day.	Hours of short day.	Maximum hours per week.
1	165	4	169	9	4½	49½	18	60½	12	4½	61½
2	140	1	141	8¾	4½	48	17	57	11¾	4½	57
3	425	.....	425	9⅓	8	54⅔	.....	.....	.....	.....	.....
4	60	1	61	8½	8½	51	.....	.....	.....	.....	.....
5	375	.....	375	8¾	4½	48	.....	.....	.....	.....	.....
6	14	.....	14	8	4	44	.....	.....	.....	.....	.....
Total.	1,179	6	1,185	.....	.....	.....	.....	.....	.....	.....	.....

The hours here given are as stated to agents of the Bureau by the employers. Here the percentage of all women affected by overtime was not so great as in other industries, being only 15.2.

The following table gives for the 402 women furnishing personal data the average working hours during the normal season, the percentage working overtime, and the average number of weeks of overtime, together with the average weekly hours during such period:

AVERAGE WEEKLY HOURS WORKED IN NORMAL AND OVERTIME SEASONS AND PER CENT OF WOMEN WORKING OVERTIME IN 4 SHIRT, OVERALL, ETC., FACTORIES—SAN FRANCISCO, CAL.

Establishments investigated	6
Women employees furnishing individual data	402
Average hours worked per week, normal season	49.6
Women working overtime:	
Number	61
Per cent	15.2
Average number of weeks	8.8
Average hours per week	57.3

The increase in hours and earnings in the overtime season as compared with the normal season is brought out in the following table for the 61 women who reported overtime work. The weekly earnings which in the normal week of 49.4 hours reached $9.3C, in the overtime season with an average of 57.3 hours amounted to $11.57.

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COMPARATIVE HOURS AND EARNINGS IN NORMAL AND OVERTIME SEASONS OF 61 WOMEN WHO REPORTED OVERTIME WORK.

Season.	Average hours per week.	Average earnings per week.
Normal season	49.4	$9.36
Overtime season	57.3	11.57
Per cent of increase in overtime season	16.0	23.6

The hours and earnings per week for 379 of the 402 women furnishing personal data are shown in the following table, the women being presented by age groups.

AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS, IN A NORMAL SEASON, OF WOMEN IN 6 SHIRT, OVERALL, ETC., FACTORIES, BY AGE GROUPS, SAN FRANCISCO, CAL.

Age group.	Women reporting.	Average hours worked per week.	Average earnings per week.
Under 16 years	2	49.3	$4.73
16 to 24 years	163	49.2	8.62
25 to 44 years	170	50.1	9.47
45 years and over	44	49.4	7.03
Total	[1] 379	49.6	8.79

[1] Not including 9 forewomen, and 14 workers whose ages were not reported.

TABLE I.—AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS IN NORMAL SEASON OF WOMEN IN SELECTED INDUSTRIES, BY AGE GROUPS.

BALTIMORE, MD.

Industry and age group.	Women reporting.	Average hours worked per week.	Average earnings per week.
CANNERIES.			
Under 16 years	14	52.1	$3.61
16 to 24 years	82	49.1	4.40
25 to 44 years	134	46.0	4.06
45 years and over	105	44.5	3.18
Total	[1] 335	46.5	3.85
CANDY, BISCUITS, ETC.			
Under 16 years	73	54.6	3.44
16 to 24 years	92	53.7	5.02
25 to 44 years	14	58.1	4.56
45 years and over	1	60.0	3.50
Total	[2] 180	54.4	4.34
PAPER BOXES.			
Under 16 years	32	58.4	3.11
16 to 24 years	80	57.9	4.94
25 to 44 years	9	58.0	6.17
45 years and over	.....	.....	.....
Total	121	58.0	4.55
SHIRTS, OVERALLS, ETC.			
Under 16 years	27	54.3	3.23
16 to 24 years	109	54.2	5.96
25 to 44 years	29	54.3	6.94
45 years and over	2	53.8	7.02
Total	167	54.2	5.70

[1] Not including 63 who had no separate pay checks.
[2] Not including 1 girl whose employment was confined to busy season.

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TABLE I.—AVERAGE WEEKLY HOURS OF LABOR AND EARNINGS IN NORMAL SEASON OF WOMEN IN SELECTED INDUSTRIES, BY AGE GROUPS—Concluded.

BALTIMORE, MD—Concluded.

Industry and age group.	Women reporting.	Average hours worked per week.	Average earnings per week.
STRAW HATS.			
Under 16 years	8	54.0	3.70
16 to 24 years	83	54.0	6.56
25 to 44 years	28	53.4	8.05
45 years and over	3	53.6	7.38
Total	122	53.9	6.73
TOTAL, EXCEPT CANNERIES.			
Under 16 years	140	55.4	3.34
16 to 24 years	364	54.8	5.64
25 to 44 years	80	55.1	6.83
45 years and over	6	54.7	6.61
Total	590	55.0	5.27
CALIFORNIA.			
CANNERIES.			
Under 16 years	72	58.8	$5.71
16 to 24 years	208	60.9	8.09
25 to 44 years	175	60.5	8.06
45 years and over	121	60.7	6.81
Total	[1] 576	60.4	7.52
CANDY, BISCUITS, ETC.			
Under 16 years	13	54.0	4.62
16 to 24 years	253	53.2	[2] 7.41
25 to 44 years	60	53.4	7.97
45 years and over	4	52.5	6.70
Total	[3] 330	53.2	[2] 7.39
CIGARS AND CIGARETTES.			
Under 16 years	3	47.0	5.13
16 to 24 years	27	48.8	7.52
25 to 44 years	27	47.4	6.46
45 years and over	4	48.8	5.58
Total	61	48.1	6.81
PAPER BOXES.			
Under 16 years	9	52.1	4.88
16 to 24 years	116	51.7	6.52
25 to 44 years	24	51.5	8.37
45 years and over	1	53.0	6.50
Total	[4] 150	51.7	6.71
SHIRTS, OVERALLS, ETC.			
Under 16 years	2	49.3	4.73
16 to 24 years	163	49.2	8.62
25 to 44 years	170	50.1	9.47
45 years and over	44	49.4	7.03
Total	[5] 379	49.6	8.79
TOTAL, EXCEPT CANNERIES.			
Under 16 years	27	52.2	4.77
16 to 24 years	559	51.5	[2] 7.58
25 to 44 years	280	50.7	8.77
45 years and over	53	49.7	6.89
Total	[6] 919	51.2	[2] 7.82

[1] Not including 4 forewomen, and 24 workers who had no separate pay checks.
[2] Not including 2 workers whose earnings were not reported separately.
[3] Not including 15 forewomen, and 2 workers whose ages were not reported.
[4] Not including 3 forewomen, and 2 workers whose ages were not reported.
[5] Not including 9 forewomen, and 14 workers whose ages were not reported.
[6] Not including 27 forewomen, and 19 workers whose ages were not reported.

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TABLE II.—NUMBER AND PER CENT OF WOMEN IN SPECIFIED AGE GROUPS IN SELECTED INDUSTRIES.

MARYLAND.

Industries.	Under 16 years.		16 to 44 years.		45 years and over.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Canneries	90	13.31	416	61.54	170	25.15	676	100.00
Candy, biscuits, etc	73	40.33	107	59.12	1	.55	181	100.00
Paper boxes	32	26.45	89	73.55	.....	.....	121	100.00
Shirts, overalls, etc	27	16.17	138	82.63	2	1.20	167	100.00
Straw hats	8	6.56	111	90.98	3	2.46	122	100.00
Total, except canneries	140	23.68	445	75.30	6	1.02	591	100.00

CALIFORNIA.

Canneries	84	13.90	395	65.40	125	20.70	604	100.00
Candy, biscuits, etc	13	3.75	329	94.81	5	1.44	347	100.00
Cigars and cigarettes	3	4.92	54	88.52	4	6.56	61	100.00
Shirts, overalls, etc	2	.50	355	88.31	45	11.19	402	100.00
Paper boxes	9	5.81	145	93.55	1	.64	155	100.00
Total, except canneries	27	2.80	883	91.50	55	5.70	965	100.00

TABLE III.—RACE OR NATIONALITY AND CONJUGAL CONDITION OF WOMEN IN SELECTED INDUSTRIES.

MARYLAND.

Race or nationality.	Single.		Married.		Widowed.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent of each race.
CANNERIES.								
American (white)	73	43.45	69	41.07	26	15.48	168	24.85
Polish	44	27.16	105	64.82	13	8.02	162	23.96
German	45	27.95	83	51.55	33	20.50	161	23.82
American (colored)	38	38.38	47	47.48	14	14.14	99	14.64
Bohemian	15	36.59	18	43.90	8	19.51	41	6.07
All others	17	37.78	20	44.44	8	17.78	45	6.66
Total	232	34.32	342	50.59	102	15.09	676	100.00
CANDY, BISCUITS, ETC.								
American	154	96.25	4	2.50	2	1.25	160	88.40
German	14	100.00	.....	.....	.....	.....	14	7.73
All others	7	100.00	.....	.....	.....	.....	7	3.87
Total	175	96.69	4	2.21	2	1.10	181	100.00
PAPER BOXES.								
American	90	96.77	3	3.23	.....	.....	93	76.86
German	19	100.00	.....	.....	.....	.....	19	15.70
All others	9	100.00	.....	.....	.....	.....	9	7.44
Total	118	97.52	3	2.48	.....	.....	121	100.00
SHIRTS, OVERALLS, ETC.								
American	125	89.29	7	5.00	8	5.71	140	83.83
German	14	100.00	.....	.....	.....	.....	14	8.38
All others	13	100.00	.....	.....	.....	.....	13	7.79
Total	152	91.02	7	4.19	8	4.79	167	100.00

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TABLE III.—RACE OR NATIONALITY AND CONJUGAL CONDITION OF WOMEN IN SELECTED INDUSTRIES—Concluded.

MARYLAND—Concluded.

Race or nationality.	Single.		Married.		Widowed.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Percent of each race.
STRAW HATS.								
American	95	94.06	4	3.96	2	1.98	101	82.79
German	13	92.86	.....	.....	1	7.14	14	11.47
Irish	7	100.00	.....	.....	.....	.....	7	5.74
Total	115	94.26	4	3.28	3	2.46	122	100.00
Grand total	792	62.51	360	28.41	115	9.08	1,267	100.00

CALIFORNIA.

CANNERIES.								
Italian	113	39.37	146	50.87	28	9.76	287	47.75
Portuguese	57	40.71	69	49.29	14	10.00	140	[1] 23.30
American	38	59.38	[2] 17	26.56	9	14.06	64	[1] 10.65
All others [3]	38	34.55	55	50.00	17	15.45	110	[1] 18.30
Not reported	1	33.33	2	66.67	.....	.....	3	.....
Total	247	40.89	289	47.85	68	11.26	604	100.00
CANDY, BISCUITS, ETC.								
American	101	85.59	8	6.78	9	7.63	118	[1] 34.60
Italian	89	83.18	16	14.95	2	1.87	107	[1] 31.38
German	24	[4] 82.76	3	[4] 10.34	2	[4] 6.90	[5] 30	[1] 8.80
Irish	19	[4] 79.17	2	[4] 8.33	3	[4] 12.50	[5] 25	[1] 7.33
Spanish	14	93.33	1	6.67	.....	.....	15	[1] 4.40
English	9	75.00	.....	.....	3	25.00	12	[1] 3.52
All others	30	88.24	3	8.82	1	2.94	34	[1] 9.97
Not reported	1	16.67	4	66.66	1	16.67	6	.....
Total	287	83.19	37	10.72	21	6.09	[6] 347	100.00
CIGARS AND CIGARETTES.								
Spanish	7	36.84	11	57.90	1	5.26	19	31.15
Porto Rican	2	18.18	7	63.64	2	18.18	11	18.03
American	10	100.00	.....	.....	.....	.....	10	16.39
Italian	7	77.78	2	22.22	.....	.....	9	14.76
All others	6	50.00	4	33.33	2	16.67	12	19.67
Total	32	52.46	24	39.34	5	8.20	61	100.00
PAPER BOXES.								
American	37	78.72	2	4.26	8	17.02	47	30.32
Italian	19	86.36	2	9.09	1	4.55	22	14.19
Irish	21	100.00	.....	.....	.....	.....	21	13.55
German	17	89.47	2	10.53	.....	.....	19	12.26
All others	43	93.48	2	4.35	1	2.17	46	29.68
Total	137	88.39	8	5.16	10	6.45	155	100.00
SHIRTS, OVERALLS, ETC.								
American	69	[4] 55.64	29	[4] 23.39	26	[4] 20.97	[5] 125	[1] 31.49
Italian	50	55.56	32	35.55	8	8.89	90	[1] 22.67
Irish	38	65.52	4	6.90	16	27.58	58	[1] 14.61
German	35	67.31	7	13.46	10	19.23	52	[1] 13.10
All others	45	62.50	12	16.67	15	20.83	72	[1] 18.13
Not reported	.....	.....	2	40.00	3	60.00	5	.....
Total	237	59.10	86	21.45	78	19.45	[6] 402	100.00
Grand total	940	60.03	444	28.35	182	11.62	[7] 1,569	100.00

[1] Percentages based on total number reporting nationality.
[2] Including 1 American colored employee.
[3] Under this head are included women of other nationalities, the number of whom under any one race or nationality does not exceed 39. It includes Austrian, Canadian, Cuban, Danish, Dutch, English, Finnish, Filipino, French, Hawaiian, Mexican, Norwegian, Polish, Porto Rican, Portuguese, Russian, San Salvadorian, Scotch, Slavonian, Spanish, Swedish, Swiss, and Welsh.
[4] Percentages based on total number reporting conjugal condition.
[5] Including 1 not reporting conjugal condition.
[6] Including 2 not reporting conjugal condition.
[7] Including 3 not reporting conjugal condition.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS.

CANNERIES—42 establishments.

[The hours here given as the "Usual hours per day" are not usual in the sense that they prevail throughout a week or given number of weeks as in the other industries included in this investigation—candy, biscuits, etc.; paper boxes; shirts, overalls, etc.; and straw hats. They are usual only in the sense that they occur more frequently throughout the season than any other given hours, for they represent the number of hours the individual usually works when the supply of material and other circumstances permit. They are not, therefore, comparable with the figures in the corresponding column of tabulations for the other industries named, where the usual hours per day during the normal season represent distinctly the prevailing day throughout the normal period. In the canning industry this column of figures serves only to throw light on the average and maximum hours in adjoining columns.]

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
1	29	Preparer	31	11½	57⅜	[1] $3.90	17	102
[2] 2	44	Tomato skinner and corn husker	6½	10	66	5.15	17	102
[2] 3	17	do	6½	10	71	[3] 16.60	17	102
4	22	Packer and oyster shucker	51	11½	66½	7.05	18½	100
5	35	Preparer	52	11½	[4] 56	[5] 3.50	15½	93
6	30	do	39	11½	56½	[6] 4.65	15½	93
[2] 7	42	Tomato skinner and corn husker	8½	10	54	[1] 11.75	15	90
8	18	Packer	39½	10½	44	4.25	13½	87½
[2] 9	26	Tomato skinner	6½	10	55½	4.00	14½	87
[2] 10	17	Preparer	4	13	80	3.80	15	86
11	31	do	15½	11½	51	[7] 4.50	15	84
[2] 12	34	Tomato skinner	7½	10	55	5.85	14	84
[2] 13	36	Tomato skinner and corn husker	6½	10	65	2.25	17	84
[2] 14	26	Tomato skinner	7½	10	55	4.95	14	84
[2] 15	50	do	7½	10	55	[7] 8.00	14	84
[2] 16	46	do	7½	10	55	[1] 11.35	14	84
17	37	do	29	12	65	4.80	16	84
[2] 18	11	Tomato skinner and berry capper	[8] 4	13	70	3.55	14½	83
			[8] 4	10			10½	
[2] 19	11	Tomato skinner	6	9½	59	3.30	14½	82½
20	15	Packer	18	11½	60	6.00	14	82½
21	55	Preparer	33½	12	57½	[1] 6.20	14	82
22	10	do	33½	12	57	[9]	14	82
[2] 23	40	do	[8] 15	7	36½	[10] 4.70	10	81
			[8] 15	13½			14	
24	18	Packer and machine tender	47½	10½	35½	3.65	16½	81
[2] 25	17	Tomato skinner	8	12	73	11.80	15	81
[2] 26	33	do	6	10	67	4.55	17	81
[2] 27	20	do	8	12	73	15.30	15	81
[2] 28	14	Preparer	11½	10	62	6.40	16	81
[2] 29	38	do	6	10	67	[7] 16.65	17	81
[2] 30	58	do	6	10	67	[1] 8.30	17	81
[2] 31	15	do	11½	10	61	4.40	15	80
32	30	Machine tender	41½	12	55	5.25	14	80
33	40	Packer	43¾	11½	54	5.30	14	80
34	17	Can capper	41½	12	58	5.30	14	80
35	17	Packer	41	11	42	4.00	14	80
36	17	do	9½	11½	60	6.00	14½	80
37	19	do	42½	11½	48	4.70	14½	80
38	48	Tomato skinner	20	10	50	4.50	12	80
39	53	Packer	25¾	10	55½	5.55	15	80
40	49	do	30	10	60	6.10	15	80
41	32	do	28	10	52	5.55	15	80
42	26	do	29	12	45½	4.55	[11]	80
43	14	Labeler	4	11	60	6.00	14½	80
44	22	Packer	28	11½	63½	5.35	15½	80
45	17	Preparer and oyster shucker	22½	11½	62½	6.20	13½	79
46	19	Tomato skinner	8½	12	66½	6.30	13½	78½
[2] 47	10	Tomato skinner and corn husker	11	10	55	[9]	13	78
[2] 48	15	do	11	10	50	[9]	13	78
[2] 49	16	do	10	10	47	[9]	13	78
[2] 50	14	do	14	10	47	[9]	13	78
[2] 51	15	Tomato skinner	8	10	47	[9]	13	78
[2] 52	14	do	11	10	43½	[9]	13	78

[1] Including earnings of 1 helper.
[2] Employed in country cannery.
[3] Including earnings of 3 helpers.
[4] Based on 31 weeks.
[5] Including earnings of 1 helper; based on earnings of 31 weeks.
[6] Based on earnings for 36 weeks.
[7] Based on earnings of 2 helpers.
[8] Worked in 2 canneries.
[9] Helper.
[10] Including earnings of 3 helpers for 8½ weeks.
[11] Not reported.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Continued.

CANNERIES—42 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
[1] 53	15	Preparer	11½	10	60	$6.75	15½	78
[1] 54	40	....do	8	10	51	[2] 12.50	13	78
[1] 55	37	Tomato skinner	8	10	51	[3] 7.50	13	78
[1] 56	29	....do	8	10	47	[4] 9.45	13	78
[1] 57	38	....do	11	10	43½	[4] 10.20	13	78
[1] 58	60	....do	7	10	47	3.10	13	78
[1] 59	28	Tomato skinner and corn husker	6½	10	63	7.25	17	78
[1] 60	30	Tomato skinner	8	10	51	5.00	13	78
61	39	Preparer	44	10	46	[5] 3.00	13	78
[1] 62	35	Tomato skinner and corn husker	7⅔	10	51	5.15	13	78
[1] 63	40	Inspector	7	9½	38	5.70	13	78
[1] 64	18	Tomato skinner	7	10	51	2.85	13	78
[1] 65	18	....do	7	9½	44	3.55	13	78
[1] 66	18	Tomato skinner and corn husker	6½	11½	63	6.45	15	78
[1] 67	19	Tomato skinner	6½	10	63	6.90	17	78
[1] 68	21	....do	7	10	47	4.30	13	78
[1] 69	25	Tomato skinner and corn cutter	7	10	47	3.00	13	78
70	19	Wrapper	35	10	60	6.00	13½	78
71	18	Preparer	20	11½	60½	[4] 5.15	15½	77
72	22	Packer	32	10½	39	4.00	16½	77
73	40	Preparer	25	11½	61	2.50	15½	77
74	58	....do	29	11½	54	[6] 2.35	15½	77
75	32	Packer	25⅔	10	52½	4.75	12	77
76	30	....do	29	10	45½	4.55	12¾	76½
77	29	....do	34	10	48½	4.85	[7]	76
78	25	....do	20	10	51½	5.15	13½	76
79	51	....do	42½	10½	42	4.25	14½	76
80	17	Machine feeder	37	10	52½	5.25	12	75½
81	44	Weigher	28	9	38	3.80	[7]	75
82	43	Preparer	22	11	62	4.00	15	75
83	17	....do	28	12½	58⅓	3.20	15½	75
84	17	Packer	30½	11½	72½	7.25	12½	75
85	21	....do	33½	10	45	4.50	12	75
86	31	Checker	52	10	68	8.15	12	75
87	43	Packer	30	11	44½	4.45	13	75
88	27	Preparer	24	10½	57	2.35	12½	75
89	37	Checker	29	10	45½	5.70	12½	75
90	53	Preparer	26½	11½	60	[8] 4.40	12½	75
91	41	Packing machine and tender	42	11	46	4.60	[7]	74½
92	17	Packer	6	12	73	7.30	[7]	74½
93	30	....do	38	11	66	6.60	14	74
94	34	....do	20	11½	52½	5.25	16	74
[1] 95	49	Tomato skinner	7	10	36	5.70	13½	74
96	37	Preparer	26	11	56	[4] 2.50	15	74
97	16	Packer	22	12	43	4.30	14½	73½
98	20	....do	12	11	60	6.00	12½	73½
[1] 99	15	Tomato skinner	8	10	54	3.75	14½	73½
100	40	Preparer	11	11½	60	[4] 4.50	13	73½
101	55	....do	20	12	64	3.20	12½	73
102	45	Packer	42½	11½	42	4.20	13	73
103	50	Preparer	26	11	53⅔	[4] 3.40	13	73
104	50	....do	11½	12	62	[4] 5.75	12½	73
105	33	....do	28	11½	49½	[4] 3.80	13½	73
106	23	Packer	47½	10	35⅔	3.55	14½	72½
107	62	Preparer	29	9	54	3.05	15	72
108	57	....do	32	11½	43	[4] 3.35	13	72
109	14	....do	11½	11½	66	[9]	12½	72
110	29	Assorter	21½	10	62½	6.25	12	72
111	50	Tomato skinner	10	10	50	3.00	12	72
112	59	Preparer	25	10	38	1.60	12	72
113	56	....do	24	10	46	2.25	12	72
114	52	....do	35	10	40	4.00	14½	72
115	28	Labeler	30⅔	10	50	6.25	12	72
[1] 116	42	Corn cutter and inspector	6⅔	10	30	3.75	15	72

[1] Employed in country cannery.
[2] Includes earnings of 3 helpers.
[3] Based on earnings of 2 helpers.
[4] Including earnings of 1 helper.
[5] Including earnings of 1 helper for 4 weeks.
[6] Based on earnings of 24 weeks.
[7] Not reported.
[8] Including earnings of 1 helper for 26½ weeks and of 3 helpers for 7½ weeks.
[9] Helper.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Continued.

CANNERIES—42 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
117	19	Tomato skinner	13	11½	66	$3.45	12½	72
[1] 118	48	....do	8	10	52	[2] 7.50	13	72
[1] 119	12	....do	6½	10	56½	[3]	12	72
120	34	....do	30	11	50	5.00	13½	72
121	29	Preparer	28	11½	60	3.05	[4]	71
122	60	....do	22	11½	62½	3.30	14	71
123	30	....do	22	11½	60½	3.80	14	71
124	56	....do	17	11½	63½	[5] 4.05	12½	71
125	15	Packer	13	11	53½	5.35	15	71
126	16	....do	19	12	50½	5.05	14½	71
[1] 127	33	Tomato skinner	7½	10	56	[2] 12.35	13	71
[1] 128	18	Preparer	10	10	53	4.90	13	70½
[1] 129	46	Tomato skinner	7	10	36	4.10	13½	70
130	18	Packer	16	11	51	5.10	12½	70
131	36	Packer and oyster shucker	52	10½	53	4.70	15½	70
132	22	Preparer	21	10	60	6.80	15	70
[1] 133	17	Checker and can capper	13	10	50	5.05	12	70
134	16	Tomato skinner and packer	13	11	48	5.00	14	70
135	46	Preparer	41	10	47½	4.75	12½	70
136	23	Packer	25	10½	49	4.75	15	70
137	40	....do	25½	9	54½	4.90	12½	70
138	52	....do	46⅔	9	43	4.30	12½	70
139	16	....do	10	10	54	5.40	12½	70
140	30	....do	40½	11	37½	3.75	13	70
141	31	....do	45	11	41	4.10	12	70
142	58	....do	50	7	35	3.50	11½	70
143	49	....do	33½	10	30	3.00	15	70
144	26	....do	22	10½	49½	4.95	14	70
145	57	....do	19	10½	48½	4.85	13½	70
146	16	....do	7⅔	8	49	4.90	13	70
147	22	Labeler	51	11	61	6.10	14½	70
148	22	....do	51	11	61	6.10	13½	70
149	44	Preparer	14½	11	43	3.00	16	70
150	16	....do	28	10	40	[6] 6.00	11	70
151	43	Packer	44	10½	40	4.00	15	70
152	22	Preparer	28½	9½	42	2.15	15	70
[1] 153	10	Corn husker	6	11½	55	2.70	12	69½
[1] 154	11	....do	6	11½	55	2.75	12	69½
155	15	Preparer	17½	10	38	2.70	11½	69
156	24	Assorter and tomato skinner	11½	10	50	3.40	11½	69
[1] 157	46	Tomato skinner	8	10	50	[6] 30.00	13	69
[1] 158	13	Preparer	11½	10	60	2.60	13	69
[1] 159	40	Corn cutter and tomato skinner	9	10	48	[7] 12.80	13	69
[1] 160	46	....do	9	10	48	[2] 6.65	13	69
[1] 161	30	Tomato skinner	9	10	48	[5] 5.55	13	69
[1] 162	40	Tomato skinner and packer	8	9½	45	3.45	11½	69
163	49	Preparer	11	11½	66	4.50	11½	69
[1] 164	19	Tomato skinner	8	9½	53	5.50	12½	69
165	13	Preparer	29½	11½	51	[3]	12½	69
166	61	Packer	29	10	45½	4.55	11½	69
167	19	Preparer	42	11	50	4.00	12	69
168	16	Tomato skinner	11	11	66	6.50	11½	69
169	42	....do	11	11	66	6.50	11½	69
170	28	Preparer	28	10½	50	4.00	12	69
171	18	....do	27	11½	49	5.80	12½	69
172	27	....do	20	11	56	5.00	13	69
173	32	....do	25	10	58	4.75	12	69
174	60	....do	23	10	58	3.40	12	69
175	40	....do	25	10	56	3.00	13	69
176	57	....do	26	10½	50	3.75	12	69
177	48	....do	29	11	56	3.75	12	69
178	70	....do	25	10	58	2.25	11	69
179	52	....do	25	10	58	2.25	11	69
180	68	....do	25	10	58	2.00	12	69
181	37	Labeler	50	9	54	12.00	13	69
182	37	....do	33½	9	48	10.00	13½	69
183	17	Packer	26⅔	11	50	4.50	12	69
184	58	Preparer	22	11½	48	4.60	13½	69
185	15	....do	16	11½	60	3.95	[4]	69

[1] Employed in country cannery.
[2] Including earnings of 2 helpers.
[3] Helper.
[4] Not reported.
[5] Including earnings of 1 helper.
[6] Including earnings of 4 helpers.
[7] Including earnings of 3 helpers.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Continued.

CANNERIES—42 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
186	16	Packer	11	12	54½	$5.45	14½	69
187	56	Preparer	20	11½	63	4.25	11½	69
188	21	Packer and weigher	30½	11	66	6.90	13½	68½
189	16	Packer	30½	11	66	6.60	13½	68½
[1] 190	66	Tomato skinner	6	11	35½	[2] 10.80	12	68
[1] 191	57	.....do	6	11	35½	[3] 16.65	12	68
[1] 192	11	.....do	4	10	54½	(4)	14	68
[1] 193	39	.....do	6	11	35½	[5] 8.30	12	68
[1] 194	53	.....do	9½	10	56	5.30	14	68
[1] 195	52	Preparer	8⅔	10	56	5.00	14	68
[1] 196	20	Tomato skinner and corn husker	7⅓	10	44½	4.35	13	68
[1] 197	25	Tomato skinner	6	11	35½	6.00	12	68
198	21	Preparer	24	8	46½	1.55	11½	68
199	34	Packer	28	10	45½	4.55	12	68
200	40	Preparer	21	11	50	5.35	12	68
201	17	Tomato skinner	8	11½	60	5.50	12½	68
202	51	Preparer	17	11	44	2.70	12	68
203	48	Tomato skinner	10	10	50	4.00	12	68
204	49	Packer	44½	11	38	3.90	12½	68
205	16	Preparer	17	11	53	[5] 5.20	12½	68
206	30	Packer	30½	8	55½	5.00	12	67½
207	26	.....do	38	10½	37	3.75	14	67
208	43	.....do	41½	10	39½	3.95	11½	67
209	66	.....do	22	10½	58½	5.85	12½	67
210	70	Preparer	25	11	44	2.00	12	67
211	37	.....do	23	11	61	6.00	12	67
212	17	.....do	7	10	60	2.80	12½	67
213	23	.....do	26	10	38	2.85	12½	67
214	25	.....do	26	10	38	2.50	12½	67
215	38	Packer	21½	10	44½	4.00	11½	66⅔
216	18	.....do	24⅔	10	39	3.50	12	66⅔
217	45	.....do	19⅔	9	44½	4.00	12	66⅔
218	20	.....do	26	9	44½	4.00	13	66⅔
219	28	.....do	19½	9	50	4.50	13½	66⅔
220	30	.....do	23½	8	47½	4.25	12½	66⅔
221	55	.....do	32	10	44½	4.00	13	66⅔
222	53	.....do	25	10	44½	4.00	14½	66⅔
223	54	.....do	30½	9	50	4.50	12½	66⅔
224	58	.....do	13	11	52	4.50	13	66⅔
225	36	.....do	25½	10	55½	5.00	13	66⅔
226	56	.....do	46½	10	44	4.00	13½	66⅔
[1] 227	12	Tomato skinner	2	9½	59¼	[2] 2.00	11	66
[1] 228	45	Corn cutter	6	11	35	[6] 16.65	11	66
[1] 229	38	Tomato skinner	7	11	50	[3] 29.70	11	66
[1] 230	40	Tomato skinner and corn cutter	9	11	54	[3] 19.50	11	66
[1] 231	38	Preparer	9	11	56	[3] 26.65	11	66
[1] 232	39	Corn cutter	6	11	56	[5] 16.65	11	66
[1] 233	30	Preparer	6	11	56	[5] 16.05	11	66
[1] 234	40	Tomato skinner	9	11	56	[5] 9.00	11	66
[1] 235	29	Preparer	9	11	56	[5] 8.90	11	66
[1] 236	40	Corn husker	5	11	51	[5] 20.00	11	66
[1] 237	42	Tomato skinner	8½	11	54	[2] 12.35	11	66
[1] 238	37	Corn cutter	6	11	55	[2] 10.00	11	66
[1] 239	33	Tomato skinner and corn cutter	9	11	50	[2] 6.35	11	66
[1] 240	32	.....do	4	11	55	[2] 7.50	11	66
[1] 241	18	Corn cutter	5	11	48	[2] 12.00	11	66
[1] 242	27	Tomato skinner	8⅔	11	59½	[2] 27.00	11	66
[1] 243	27	Corn husker	6½	11	51	6.95	11	66
[1] 244	21	Corn cutter	6½	11	55	9.90	11	66
[1] 245	14	General worker	10	10	56	5.60	11	66
[1] 246	9	Tomato skinner	9	11	50½	(4)	11	66
[1] 247	6	.....do	9	11	50½	(4)	11	66
[1] 248	12	.....do	7	11	50	(4)	11	66
[1] 249	9	Corn husker	5⅔	11	63	(4)	11	66
[1] 250	12	.....do	5⅓	11	61	(4)	11	66
[1] 251	9	Tomato skinner	2	9½	59¼	(4)	11	66
[1] 252	13	.....do	6	9½	39	(4)	11	66

[1] Employed in country cannery.
[2] Including earnings of 1 helper.
[3] Including earnings of 3 helpers.
[4] Helper
[5] Including earnings of 2 helpers.
[6] Including earnings of 5 helpers.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Continued.

CANNERIES—42 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
[1] 253	19	Corn cutter	6	11	55	[2]	11	66
[1] 254	15	....do	6	11	35	[2]	11	66
[1] 255	15	Tomato skinner and corn cutter	9	11	54	[2]	11	66
[1] 256	20	Corn cutter	7	11	66	$8.25	11	66
[1] 257	16	Corn husker	7⅓	11	61	2.45	11	66
[1] 258	57	Corn cutter	6	11	55	8.10	11	66
[1] 259	45	....do	6	11	64	8.75	11	66
[3] 260	31	Preparer	13	11	[4] 64	6.40	11	66
[1] 261	28	Forewoman	6	11	55	8.00	11	66
[1] 262	24	Corn cutter	6	11	55	7.80	11	66
[1] 263	21	....do	4	11	66	9.00	11	66
[1] 264	21	Corn husker	6½	11	62	4.10	11	66
[1] 265	19	Corn cutter	6½	11	55	8.75	11	66
[1] 266	17	....do	6	11	55	12.50	11	66
[1] 267	15	....do	6	11	55	11.50	11	66
[1] 268	11	Capping machine feeder	6	11	55	5.00	11	66
[1] 269	29	Tomato skinner	9	11	50½	[5] 9.20	11	66
[1] 270	40	Tomato skinner and oyster shucker	27	11	58	[6] 4.40	11	66
[1] 271	29	Tomato skinner	8½	9½	39½	[5] 8.50	11	66
[1] 272	19	Corn husker	7⅓	11	61	[5] 7.30	11	66
[1] 273	14	Corn husker and tomato skinner	9	11	54	2.45	11	66
[1] 274	34	Corn cutter	6	11	35	4.90	11	66
[1] 275	38	....do	6	11	56	6.20	11	66
[1] 276	38	....do	6	11	56	8.35	11	66
[1] 277	47	....do	6	11	35	4.75	11	66
[1] 278	60	....do	6	11	57½	3.60	11	66
[1] 279	14	Can capper	6	11	35	3.20	11	66
[1] 280	18	Corn cutter	6	11	35	4.00	11	66
[1] 281	29	....do	6⅓	11	55	8.75	11	66
[1] 282	31	....do	6	11	55	8.75	11	66
[1] 283	31	....do	6	11	55	8.35	11	66
[1] 284	36	....do	6	11	55	9.35	11	66
[1] 285	49	....do	6	11	55	8.40	11	66
[1] 286	15	....do	6	11	55	5.65	11	66
[1] 287	30	Corn husker	7½	11	50½	2.75	11	66
[1] 288	40	....do	7½	11	56	3.80	11	66
[1] 289	11	....do	7½	11	50½	2.35	11	66
[1] 290	70	Corn cutter	5⅝	11	46½	4.85	11	66
[1] 291	42	....do	5	11	48	7.20	11	66
[1] 292	35	....do	5⅝	11	46½	6.35	11	66
[1] 293	36	....do	5⅝	11	46½	6.35	11	66
[1] 294	38	....do	5½	11	49	6.05	11	66
[1] 295	22	Tomato skinner	9	11	50½	6.45	11	66
[1] 296	34	Tomato skinner and corn husker	9	11	54	8.55	11	66
[1] 297	47	Can capper	9	11	50½	5.75	11	66
[1] 298	45	Tomato skinner and corn cutter	9	11	54	6.10	11	66
[1] 299	11	Tray girl	9	11	50½	2.85	11	66
[1] 300	16	Tomato skinner	8½	9½	39½	6.00	11	66
[1] 301	17	Corn husker	7½	11	40⅔	1.90	11	66
[1] 302	17	Corn cutter	6	11	40	3.00	11	66
[1] 303	18	Tomato skinner	8½	9½	39½	3.90	11	66
[1] 304	30	....do	8½	8½	39½	3.90	11	66
[1] 305	30	Corn cutter	5½	11	54	6.60	11	66
[1] 306	30	Tomato skinner and corn husker	7	10	49	5.00	11	66
[1] 307	55	Tomato skinner	11	9	33	3.60	11	66
[1] 308	50	....do	4	10	48	3.75	11	66
[1] 309	20	Corn cutter	5½	11	54	3.70	11	66
[1] 310	18	....do	5	11	48	4.10	11	66
[1] 311	12	Corn husker	5½	11	61	4.25	11	66
[1] 312	14	Tomato skinner	8½	9½	39½	2.25	11	66
[1] 313	11	....do	8½	9½	35	2.35	11	66
314	26	Preparer	33	9	45	4.00	11	66
[3] 315	67	Corn cutter and oyster shucker	14	11	40½	4.55	11	66
[3] 316	58	Preparer and oyster shucker	52	9	31	2.35	11	66
[1] 317	50	....do	14⅔	11	46½	6.35	11	66
[3] 318	50	Corn cutter and preparer	20⅓	10	33	5.40	11	66
319	17	Packer	28	10	50	5.00	11½	66
320	69	Preparer	32	10	42	2.00	13	66

[1] Employed in country cannery.
[2] Helper.
[3] Employed in city and in country canneries.
[4] Based on 6⅓ weeks.
[5] Including earnings of 2 helpers.
[6] Including earnings of 2 helpers for 6 weeks.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Continued.

CANNERIES—42 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
321	55	Tomato skinner	13	10	55	$4.00	11	66
322	28	Preparer	20½	10	32	4.00	13	66
323	43	....do	33	10	44	4.00	13	66
324	18	....do	33	10	44	6.00	11½	66
325	43	....do	33	10	44	4.00	11	66
326	43	....do	22	10	49	5.00	11	66
327	45	....do	33	10	44	3.00	13	66
328	35	....do	33	10	44	3.50	12½	66
329	26	....do	26	10	44	5.50	13	66
330	66	....do	23	10	40	3.00	13	66
331	38	....do	17⅓	11	45	5.00	13	66
332	25	....do	20	10	55	5.00	11½	66
333	66	....do	26	10	44	3.00	13	66
334	43	....do	26	8	44	3.00	11	66
335	63	....do	12	10	44	2.00	13	66
336	19	....do	13	10	55	5.00	13	66
337	19	....do	13	10	55	6.00	12	66
338	23	Packer	21½	10	35	3.50	13½	66
339	13	Preparer	26	10	44	3.00	12	66
340	45	....do	17	10	54	6.00	11½	66
341	30	....do	21⅓	9	32	2.80	12	66
342	50	....do	32	10	42	4.00	12	66
343	51	....do	38	10	43	3.50	11	66
344	48	....do	34	10	50	3.00	11	66
345	68	....do	24	11	56	3.00	11	66
346	49	....do	19	10½	50	4.00	11	66
347	48	....do	25	10	56	4.00	11	66
348	61	....do	30	11	40	2.50	12	66
349	14	....do	21	10	45	5.00	13	66
350	63	....do	13	11	44	2.00	12½	66
351	32	....do	38	10	40	4.00	11	66
352	64	....do	25	10	43½	2.00	11	66
353	17	....do	13	10	55	5.00	12½	66
354	35	....do	11	11	49½	4.00	12	66
355	72	....do	29	10	38	2.00	11½	66
356	36	Labeler	15	10	44	4.40	11	66
357	16	Tomato skinner	7	9½	56½	4.50	11	66
358	70	Preparer	26	11	38	1.28	12	66
359	23	Tomato skinner	9	10½	54	3.60	11	66
360	64	Preparer	24	9½	48	2.10	11	66
361	38	Packer	30	10	42	4.35	14	66
362	24	Preparer	15½	10	45	3.10	16	66
363	45	....do	33	10	46	[1] 5.00	13	66
364	31	....do	25	10	44	[1] 6.00	12	66
365	38	....do	37	10	40	[1] 4.50	11	66
366	37	....do	13	11	51½	[2] 5.25	13	66
367	24	Tomato skinner	7	10½	60	[1] 4.45	11	66
368	14	....do	10	11	58	[1] 6.00	11½	66
369	50	Preparer	24	10	44	[1] 5.00	13	66
370	50	....do	13	10	55	[1] 5.00	13	66
371	40	Corn husker	6½	10½	60½	4.70	11½	65½
372	25	Preparer	28⅔	10	42	2.00	15½	65½
373	22	....do	28⅔	10	42	1.70	15½	65½
374	12	Tomato skinner	8	10	60	2.20	11	65
375	27	....do	8½	10	60	[1] 8.00	12½	65
376	31	Preparer	20	9½	40	[2] 3.05	13½	65
377	46	....do	13	10	60	[1] 6.00	12½	65
378	46	....do	11	10	52	[1] 3.70	11	65
379	39	Weigher and packer	47½	10	35½	3.55	11	65
380	56	Preparer	28½	10	42	2.90	15	65
381	57	Packer	38	10	43	4.15	14	65
382	62	....do	39⅔	10	35	3.50	11½	65
383	34	....do	34⅔	10	37	3.70	13	65
384	35	Packer, labeler, and oyster shucker	39½	10	50	5.35	11½	65
385	32	Preparer	11½	10	50	4.20	12½	65
386	16	Preparer and oyster shucker	51	10	30	3.00	14	65
387	26	Preparer	6	10	46⅔	4.50	12½	65
388	25	....do	28⅔	10	42	3.00	12½	65
389	44	....do	16	10	43	[4] 2.40	12½	64½

[1] Including earnings of 1 helper.
[2] Including earnings of 2 helpers.
[3] Employed in country cannery.
[4] Including earnings of 2 helpers for 7 weeks and of 3 helpers for 1 week.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Continued.

CANNERIES—42 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
390	32	Tomato skinner	8	10	60	$5.00	12½	64½
391	28	Preparer	6½	10	60	3.90	12½	64½
392	22	Tomato skinner	7	10	60	4.20	11½	64½
393	32	Preparer	13	10½	50	[1] 3.90	11½	64
394	25	....do	10	10	57	5.10	11½	64
395	60	Packer	34⅔	10	39½	3.95	11½	64
396	37	....do	43⅓	8	29½	2.95	11½	64
397	77	Preparer	15	11½	47	1.45	15	64
398	21	....do	40	10	35	3.00	12	64
399	56	Packer	25½	10½	57	5.70	13½	64
400	32	....do	24	10½	33	3.45	13	64
[2] 401	32	Tomato skinner	7	10	43	3.45	12	64
[2] 402	24	....do	8⅔	5	34	3.40	11	64
[2] 403	25	....do	8⅔	5	34	3.50	11	64
[2] 404	12	Preparer	9	10	56½	2.00	14	64
405	23	....do	26½	9	42	2.70	14	64
406	29	....do	45	10	37	2.55	12½	63½
407	25	....do	32½	9½	54	3.40	10½	63
408	64	....do	27	10	44	[3] 3.10	10½	63
409	51	....do	29	10½	42	[4] 3.80	11½	63
410	40	....do	24	9½	42	[4] 2.95	16	63
411	45	....do	14	9½	46	2.90	10½	63
[2] 412	26	Tomato skinner	8	10	37½	4.10	10½	63
[2] 413	29	Labeler	1	10½	63	6.00	10½	63
[2] 414	17	Tomato skinner	7½	5	39	4.55	10½	63
[2] 415	47	....do	7½	5	39	3.80	10½	63
[2] 416	32	....do	7½	10	37	5.80	10½	63
[2] 417	41	....do	8	10	37½	4.35	10½	63
[2] 418	18	....do	8	10	37½	4.50	10½	63
[2] 419	25	....do	8	10½	54½	4.35	10½	63
[2] 420	15	....do	7½	10	37	4.95	10½	63
[2] 421	15	....do	7½	10	37	4.55	10½	63
422	15	....do	6	9	54½	2.40	10½	63
423	26	Preparer	17½	9½	45	1.05	10½	63
424	37	....do	32½	9½	54	2.45	10½	63
425	33	Packer and oyster shucker	31	9	34½	3.55	11½	63
426	52	Preparer	25⅔	10	38	2.00	11	63
427	20	....do	11½	10	49	2.90	12½	63
428	13	....do	7	10	60	1.50	12½	62½
429	22	Packer	16⅔	11	43	4.30	12½	62½
430	38	Preparer	30⅔	11	55	[5] 10.85	12½	62½
431	14	....do	30⅔	11	55	([6])	12½	62½
[2] 432	16	Tomato skinner	6½	10	56	4.10	13	62
[2] 433	13	....do	6½	10	56	4.10	13	62
434	32	Preparer	6	9½	57	4.40	11½	62
435	66	....do	16	10	40	1.25	11	62
436	29	....do	11	10	56	5.00	12	62
437	19	Packer	9	10	56	5.60	12	62
438	47	Preparer	13	10	60	[7] 5.30	12	62
439	16	Tomato skinner	2	10	60	[4] 6.00	11	62
440	48	Preparer	6	9½	40	2.00	11½	61½
441	33	Packer	42½	11	50	5.00	13	61½
442	41	Preparer	11⅔	10	56	3.45	11½	61
443	28	Packer	33⅓	10	38½	3.85	15½	61
444	28	Preparer	11	9½	56½	4.40	11½	61
445	12	Tomato skinner	9	10	60	([6])	11	61
446	45	Labeler	47½	10	50	5.00	14½	60½
[8] 447	65	Preparer and oyster shucker	18	5	35	3.20	10	60
[8] 448	22	Oyster shucker	6	10½	50	5.00	12½	60
449	37	Tomato skinner	10	10	50	[9] 4.50	11	60
450	20	Preparer	31	10	50	2.30	10	60
451	73	....do	28	10	40	1.75	12	60
452	58	....do	33	10	40	2.50	11	60
453	52	Packer	33⅓	10	40	4.00	12	60
454	48	....do	43⅓	10	30	3.00	12	60
455	39	....do	47½	10	40	4.00	12	60
456	34	....do	34½	10	50	5.00	12	60
457	33	Weigher	34½	10	45	4.50	12	60

[1] Including earnings of 1 helper for 7 weeks.
[2] Employed in country cannery.
[3] Including earnings of 1 helper for 13 weeks.
[4] Including earnings of 1 helper.
[5] Including earnings of 3 helpers.
[6] Helper.
[7] Including earnings of 1 helper for 9 weeks.
[8] Employed in city and in country canneries.
[9] Including earnings of 2 helpers.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Continued.

CANNERIES—42 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
458	16	Packer	47½	10	50	$5.00	12	60
459	15	....do	34½	10	50	5.00	12	60
460	55	Preparer	30⅔	10	50	2.65	12½	60
461	40	....do	6	10	45	2.85	10	60
462	70	....do	34	10	40	1.75	12	60
463	17	....do	37	10	50	5.20	12	60
464	28	Packer	37	11	55	5.50	12	60
465	26	Weigher	37	11	55	5.50	12	60
466	15	Preparer	13	10	60	5.00	10	60
467	32	Packer	26	10	45	4.50	12	60
468	59	Preparer	25⅔	10	38	2.00	11	60
469	13	....do	21	10	40	1.75	10	60
470	53	Packer	29	10	45½	4.55	10	60
471	50	....do	29	10	45½	4.55	12	60
472	44	....do	29	10	45½	4.55	10	60
473	20	Preparer	12½	10	48	2.35	10	60
474	43	....do	7	10	58	2.75	10	60
475	10	....do	9	9½	54	2.90	10½	60
476	46	Preparer and oyster shucker	6	10	50	2.30	10	60
477	29	....do	24	10	44	2.10	10	60
478	33	Packer	36	10	36	2.90	12	60
479	49	Preparer	15	11	55	3.00	12	60
480	40	....do	30½	11	45⅔	[1] 3.00	16	60
481	44	....do	22	10	50	[2] 5.00	11	60
482	38	....do	31	10	50	[1] 2.30	10	60
483	38	....do	17	10	50	[1] 5.00	11	60
484	36	....do	12	9½	57	[1] 7.50	10	60
485	36	....do	15	8	39	[1] 1.40	10	60
486	53	....do	28	10	40	[1] 6.00	12	60
487	15	....do	28	10	40	([3])	12	60
488	14	....do	33⅔	10	50	([3])	12	60
[4] 489	14	Tomato skinner	9	10	50	([3])	10½	60
[4] 490	12	....do	9	10	50	([3])	10½	60
[4] 491	14	....do	9	10	50	([3])	10½	60
[4] 492	11	....do	9½	10	36	([3])	10	60
[4] 493	11	....do	6	10	50	([3])	13	60
[4] 494	13	....do	6	10	50	([3])	13	60
[4] 495	13	....do	7	10	43	([3])	10	60
[4] 496	15	....do	7⅔	10	45	([3])	10	60
[4] 497	22	Tomato skinner and oyster shucker.	16⅔	5	43	4.50	10½	60
[4] 498	48	Tomato skinner	9	10	50	[1] 3.90	10½	60
[4] 499	14	Tomato skinner and corn husker	6½	10	50	[1] 6.55	10	60
[4] 500	26	....do	4	10	40	[1] 10.50	10	60
[4] 501	34	....do	7	10	34	[1] 7.15	10	60
[4] 502	30	....do	8	10	52½	[1] 4.75	10	60
[4] 503	30	....do	9	10	50	[1] 4.60	10	60
[4] 504	44	....do	7	10	43	[1] 7.30	10	60
[4] 505	38	Preparer	10	10	54	[5] 15.60	10	60
[4] 506	31	Preparer and oyster shucker	16	10	35½	[6] 4.40	12	60
[4] 507	35	Tomato skinner	8⅔	10	38	[5] 6.80	10	60
[4] 508	30	....do	4	9½	49	[6] 6.25	10	60
[4] 509	53	....do	9	10	50	[2] 7.10	10½	60
[4] 510	50	....do	7½	10	53	[6] 10.65	10	60
[4] 511	40	....do	6	10	50	([7])	13	60
[4] 512	60	....do	7½	9	26	3.85	10½	60
[4] 513	72	....do	9	10	40	3.00	10	60
[4] 514	60	....do	9	10	50	3.00	10	60
[4] 515	50	Preparer	9	10	40	3.15	10	60
[4] 516	56	Labeler and skinner	11	10	32½	4.10	10	60
[4] 517	50	Corn cutter and assorter	6⅔	10	44	4.95	10	60
[4] 518	47	Tomato skinner and corn husker	7½	10	43	5.35	10	60
[4] 519	42	Labeler	3	10	60	4.25	10	60
[4] 520	42	Preparer	9	10	37	3.65	10	60
[4] 521	40	Tomato skinner	8½	8½	40	3.25	10	60
[4] 522	40	....do	6½	10	40	1.95	10	60
[4] 523	40	Tomato skinner and packer	8	9½	55½	5.75	11	60
[4] 524	40	....do	9	10	46⅓	5.20	10	60

[1] Including earnings of 1 helper.
[2] Including earnings of 3 helpers.
[3] Helper.
[4] Employed in country cannery.
[5] Including earnings of 2 helpers.
[6] Including earnings of 4 helpers.
[7] With husband, son, and 2 daughters earn $33.35.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Continued.

CANNERIES—42 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
[1] 525	36	Tomato skinner and packer	3	9½	48½	$4.90	10	60
[1] 526	32	Tomato skinner and husker	8½	10	50½	4.10	10	60
[1] 527	33	Tomato skinner	6½	10	50	4.15	10	60
[1] 528	32	Preparer	9	10	37	3.95	10	60
[1] 529	25	....do	9	10	37	4.40	10	60
[1] 530	25	Tomato skinner	9	10	40	3.10	10	60
[1] 531	28	Labeler	6	10	55	9.60	10	60
[1] 532	22	Assorter	9	9	50	5.00	10	60
[1] 533	23	Preparer	7	10	60	6.00	10	60
534	36	Packer	43½	10	41½	4.15	11½	60
535	42	Tomato skinner	9	11½	56	2.50	12½	60
536	58	....do	11	10	40	2.50	10	60
[1] 537	23	....do	7	10	43	4.65	10	60
[1] 538	22	Labeler	4	10	55	11.00	10	60
[1] 539	20	Tomato skinner	8⅔	10	38	3.70	10	60
[1] 540	21	Assorter and general worker	9	10	40	5.00	10	60
[1] 541	20	Tomato skinner	13	10	48	5.70	10	60
[1] 542	20	Checker	13	10	47½	4.75	10	60
[1] 543	20	Labeler	3	9	53	7.80	10	60
[1] 544	19	Tomato skinner	8	10	39	3.75	10	60
[1] 545	17	....do	7½	10	38	4.20	10	60
[1] 546	17	....do	7⅓	10	42	4.25	10	60
[1] 547	17	....do	7½	10	54	5.40	10	60
[1] 548	17	Labeler	3	10	60	7.00	10	60
[1] 549	17	....do	6	10	55	6.90	10	60
[1] 550	15	....do	10	10	60	9.00	10	60
[1] 551	12	Tomato skinner	6⅓	10	40	2.70	10	60
[1] 552	12	....do	9	10	40	3.00	10	60
[1] 553	13	....do	9	10	40	3.20	10	60
[1] 554	13	....do	7⅓	10	42	4.25	10	60
[1] 555	13	....do	7⅓	10	42	2.75	10	60
[1] 556	13	....do	7⅓	10	42	3.40	10	60
[1] 557	11	....do	3	10	58⅓	2.85	10	60
[1] 558	15	....do	5	10	56	2.00	10	60
559	12	Preparer	33⅔	11	55	[2] 2.20	15	60
560	19	Packer	39½	10	37	3.80	14½	59
561	43	....do	47½	10	35½	3.65	14½	59
562	32	....do	47½	10	35½	3.65	14½	59
563	61	....do	47½	10	35½	3.65	14½	59
564	20	....do	47½	10	35½	3.55	14½	59
565	16	Preparer	8	9½	53½	3.95	10	58½
[1] 566	26	Tomato skinner	12½	9½	48	2.95	11	58½
[1] 567	15	....do	12½	9½	48	4.40	11	58½
[1] 568	19	....do	12½	9½	48	5.10	11	58½
[1] 569	41	....do	12½	9½	48	[3] 5.15	11	58½
[1] 570	24	....do	7½	10	37½	6.00	10½	58
571	11	....do	9	10	55	([4])	10	58
572	17	Tomato skinner and packer	30⅔	11	55	[5] 4.85	12½	58
[1] 573	56	Forewoman	9	11½	51½	5.85	11½	57½
574	33	Preparer	9	8	48	[3] 3.00	9½	57
575	36	....do	20	10	44	[3] 3.85	13½	57
576	39	Packer	44	10	37½	3.85	13½	57
577	67	Preparer	24	9½	44	1.20	9½	57
578	16	....do	27½	10	35	3.00	13	57
[1] 579	54	Tomato skinner	7½	5	37	3.65	9½	57
[1] 580	42	....do	6	9½	18½	2.00	9½	57
[1] 581	28	....do	14	9½	37½	[6] 4.90	11½	57
[1] 582	17	....do	14	9½	37½	5.75	11½	57
[1] 583	12	....do	5	9½	40	2.20	9½	57
584	32	Assorter	21	11	55	5.50	12	57
585	25	Preparer	20	10	40	3.00	11½	56
586	34	Labeler	50	10	54	6.00	10	56
[1] 587	32	Tomato skinner	9	9	38	3.00	10	56
[1] 588	14	....do	2	9	50	4.30	10	56
589	32	Labeler	50	10	54	6.00	10	56
590	53	Packer	43½	10½	30	3.00	12½	56
591	16	....do	12	10½	40	4.00	12	56
592	24	....do	12	9	33½	3.00	11	55½

[1] Employed in country cannery.
[2] Including earnings of 1 helper for 11 weeks.
[3] Including earnings of 1 helper.
[4] Helper.
[5] Including earnings of 1 helper for 9 weeks.
[6] Including earnings of 2 helpers.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Continued.

CANNERIES—42 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
593	23	Packer	26⅓	10½	48	$4.40	12	55½
594	56	....do	24	9	33½	3.00	12	55½
595	18	....do	29½	10	33⅓	3.00	12	55⅓
596	43	....do	47½	10	35½	3.65	12½	55
597	41	Preparer	21	10	37	1.60	11½	55
598	53	Packer	35½	10	50	5.00	12½	55
599	52	....do	47½	10	50	5.00	12½	55
[1] 600	50	Tomato skinner	8½	9½	35	3.30	11	55
[1] 601	29	Corn husker	6½	11	44	3.75	11	55
[1] 602	41	Corn cutter	6½	11	44	6.60	11	55
[1] 603	19	....do	6½	11	44	4.90	11	55
[1] 604	38	....do	6	11	55	9.00	11	55
[1] 605	56	....do	6	11	55	7.50	11	55
606	43	Packer	32½	10	30	3.00	11½	55
607	45	Preparer	21	9	38	[2] 3.25	9	54
608	39	Packer	44	10	37½	3.75	12	54
609	23	....do	22⅔	10	35	3.50	14	54
[1] 610	61	Preparer	8⅔	9	42	3.60	9	54
[1] 611	68	....do	8⅔	9	42	3.05	9	54
[1] 612	33	....do	8⅔	9	42	4.00	9	54
[1] 613	40	....do	9	9	50	2.35	9	54
614	24	....do	28	9	45	4.00	9	54
615	27	Weigher	8½	10½	41	4.10	12½	53
616	25	Preparer	21½	10	46	3.15	11½	53
617	44	....do	24	10	46	[3] 3.25	12	52
618	32	....do	20	10	50	4.20	12	52
619	50	Preparer and oyster shucker	16	10	47	3.10	12	52
620	54	Preparer	33½	10	46	3.35	12	52
621	32	Packer	33⅔	10	45	4.50	12	52
622	24	Preparer	28	10	50	3.65	11	52
623	28	....do	26	10	50	2.95	11	52
624	29	....do	27½	10	50	3.70	11	52
[1] 625	20	....do	10	10	45	[4] 5.75	11	52
626	13	....do	17	10	50	2.75	11	51
627	46	....do	28	10	50	3.30	11	51
628	10	Tomato skinner	6	8	40	([5])	10	50
629	29	Preparer	32	10	30	2.50	10	50
630	67	....do	31	10	40	2.00	12	50
631	17	Packer	10	10	30	3.00	12	50
632	24	Preparer	10⅔	9	39	1.45	9	50
633	58	....do	26	10	35	3.00	10	50
634	43	Packer	43½	8	25	2.50	10	50
635	60	Preparer	28	10	30	3.00	11	50
636	35	Packer	23⅔	9	25	2.50	12½	50
637	23	Tomato skinner	2	10	50	5.00	10	50
638	70	....do	8	10	30	1.50	11½	50
639	45	Preparer	18	10	30	2.00	12	50
640	48	....do	20½	10	30	2.00	12	50
[1] 641	13	Tomato skinner	8⅔	5	30	1.70	10½	50
[1] 642	24	....do	4	10	40	4.00	10	50
[1] 643	33	Can capper	9½	10	41	4.10	10	50
[1] 644	59	Packer	7½	11	44	3.95	12	50
[1] 645	19	Corn cutter	6½	11	44	([6])	11	50
646	35	Oyster shucker	13	6	30	2.50	8	48
647	40	Preparer	24	7½	40	3.00	8	48
648	10	Tomato skinner	9	9	42	([5])	9½	47½
649	42	Packer	22⅔	10	20	2.00	13	46
650	54	Preparer	2½	9½	32	1.50	10	46
651	41	....do	32½	9½	33½	2.30	11½	46
652	30	....do	20½	9	36½	1.75	10	46
653	43	....do	13	10	36	2.50	11½	46
654	73	....do	24⅔	10	40	1.55	12	45
655	59	....do	25	10	38	1.40	11½	45
656	48	Assorter and oyster shucker	25	10	40	3.75	11	44
657	54	Preparer	10	10½	31	2.30	11	44
658	48	Packer	8⅔	10	40	4.00	11	44
659	70	Preparer	21	8	33	.90	11	44
660	60	Packer	34	8	21⅓	2.15	10	42½
661	39	Preparer	13	10	40	[3] 4.00	12	42
662	13	....do	9	10	40	([5])	12	42

[1] Employed in country cannery.
[2] Including earnings of 2 helpers.
[3] Including earnings of 1 helper for 9 weeks.
[4] Including earnings of 1 helper.
[5] Helper.
[6] Five people earn $23.85.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE AND NEAR-BY COUNTRY DISTRICTS—Concluded.

CANNERIES—42 establishments—Concluded.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
663	27	Preparer	21½	10	40	$2.40	12	42
664	47	....do	23	10	36	2.25	11½	41½
665	42	....do	18	10	40	2.45	11	41
666	51	Tomato skinner	10	10	30	[1] 4.00	10	40
667	70	Preparer	25	10	40	.75	10	40
668	30	....do	23	7½	30	1.50	7½	40
[2] 669	40	Tomato skinner	9½	10	31	[1] 3.20	10	40
670	44	Preparer	21	10	20	.75	11	33
671	38	....do	14	10	24	2.00	11	33
672	19	Packer	13	5	29	2.90	10	30
[2] 673	60	Tomato skinner	6	10	30	1.65	10	30
674	17	Peeling-machine operator	3	10	18	1.80	11	30
675	29	Preparer	12	7	21	.75	8	24
[2] 676	21	Corn husker	6½	7½	22½	2.25	7½	22½

[1] Including earnings of 1 helper.

[2] Employed in country cannery.

TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE.

CANDY, BISCUITS, ETC.—4 establishments.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
1	18	Batch girl	51	10	56½	$5.00	15	74⅔	$6.25	13	78
2	18	Stock girl	51	10	56½	5.00	15	73⅔	7.43	13½	76½
3	18	Section head	51	10	56½	6.00	15	72	8.10	13½	76½
4	14	Packer	[1] 38	10	60	2.90	8	71½	4.00	13½	76½
5	14	Sorter, machine	[2] 24⅔	10	60	3.00	15	71½	3.75	13½	76½
6	16	Packer	51	10	56½	4.50	15	71½	7.10	13½	76½
7	15	....do	51	10	56½	4.50	15	71½	7.30	13½	76½
8	15	Bonbon dipper	51	10	56½	4.00	15	71	6.00	13½	76½
9	16	Sample packer	51	10	56½	4.30	15	71	5.75	13½	76½
10	27	Sorter, machine	51	10	56½	2.94	15	71	4.27	13½	76½
11	21	Section head	51	10	56½	6.58	15	71	9.00	13½	76½
12	17	Box folder	51	10	56½	4.50	15	71	6.40	13½	76½
13	14	Tender, machine	51	10	56½	2.25	15	71	4.48	13½	76½
14	23	Section head	51	10	56½	6.58	15	71	9.00	13½	76½
15	20	Dipper, machine	51	10	56½	6.02	15	71	9.00	13½	76½
16	17	Tender, machine	[1] 47	10	56	2.60	15	71	4.48	13½	76½
17	17	Dipper, machine	[3] 45	10	55⅔	3.50	15	71	7.17	13½	76½
18	16	Wrapper	[4] 42	10	56	4.00	10	70½	5.50	13½	76½
19	16	Packer	51	10	56½	4.50	13	70	5.25	13½	76½
20	12	Wrapper	51	10	56½	2.50	15	70	3.00	13½	76½
21	21	Packer	51	10	56½	5.00	15	70	6.20	13½	76½
22	18	....do	[3] 40	10	60	4.00	20	70½	5.15	13	75
23	39	Labeler	51	10	59	4.90	7	70	6.37	13	75
24	39	Icer and packer	[5] 48½	10	58½	4.40	14	70	5.65	13	75
25	19	Packer	52	10	58¾	4.40	14	69	5.40	13	75
26	21	Icer and packer	52	10	60	5.00	39	68½	6.23	13	75

[1] Time lost due to illness.
[2] First employment in this industry; had worked elsewhere.
[3] Time lost due to voluntary vacation.
[4] Nine weeks in country, strawberry picking, and in tomato cannery.
[5] Laid off 10 days; rest of time lost due to voluntary vacation.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

CANDY, BISCUITS, ETC.—4 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
27	17	Icer and packer	51	10	60	$4.00	41	68½	$5.03	13	75
28	19	Sample packer	[1] 48	10	59	4.40	8	68½	5.53	13	75
29	17	Icer and packer	51	10	60	4.50	42	68½	5.60	13	75
30	19	Dipper and packer	[2] 12½	9	50	3.00	16	69½	5.80	12⅔	72
31	15	Dipper	[1] 48	9	50	3.50	16	68¾	4.50	12⅔	72
32	19	Wrapper	[3] 33	9	50	2.50	16	66½	3.50	12⅔	72
33	15	Dipper	[3] 38	9	50	3.00	16	66½	3.75	12⅔	72
34	17	.....do	[3] 37	9	50	4.00	16	66½	6.00	12⅔	72
35	20	.....do	51	9	50	3.50	21	65¾	6.00	12⅔	72
36	22	Assistant forewoman	51	9	50	6.00	21	65¼	[4] 6.00	12⅔	72
37	18	Packer	[5] 34	10	58	4.50	30	70	5.38	13	70
38	15	Wrapper and packer	[5] 32	10	60	3.00	15	69¾	3.75	13⅓	69¾
39	13	Dipper and packer	[5] 34	10	60	3.00	15	69¾	5.85	13⅓	69¾
40	17	Packer	51	10	56⅔	3.00	15	69¾	4.37	13⅓	69¾
41	15	Box folder, packer, and weigher	51	10	56⅔	4.00	15	69¾	5.63	13⅓	69¾
42	15	Packer	51	10	56⅔	4.75	15	69¾	7.25	13⅓	69¾
43	16	.....do	51	10	56⅔	3.50	15	69¾	5.62	13⅓	69¾
44	16	.....do	51	10	56⅔	3.50	15	69¾	4.00	13⅓	69¾
45	15	Sample girl	[6] 48	10	56	3.76	15	69¾	5.00	13⅓	69¾
46	13	Packer	[7] 43	10	55⅓	3.50	15	69¾	4.20	13⅓	69¾
47	13	.....do	[3] 20	10	55⅓	2.50	3	69¾	4.40	13⅓	69¾
48	14	Wrapper	[5] 32⅔	10	60	3.40	15	69	4.00	13	69
49	19	Icer and packer	[5] 22	10	60	3.35	12	69	4.08	13	69
50	13	Errand girl	[3] 36	10	60	3.50	15	69	4.67	13	69
51	14	Box folder and packer	[3] 26	10	60	3.00	8	69	4.37	13	69
52	16	Box liner	[5] 4	10	60	3.50	4	69	4.25	13	69
53	52	Icer and packer	[5] 22	10	60	3.50	1	69	4.38	13	69
54	30	.....do	[3] 30	10	60	4.00	20	69	4.85	13	69
55	17	Packer	52	10	59	3.95	4	69	5.00	13	69
56	38	Icer and packer	[3] 44½	10	58¾	4.40	8	69	5.60	13	69
57	16	Packer and labeler	52	10	58¾	2.94	13	69	3.75	13	69
58	15	Batch girl	51	10	57	3.50	5	69	4.10	13	69
59	15	Box folder	51	10	56⅓	3.00	15	69	3.75	13	69
60	41	Icer and packer	52	10	60	4.50	42	68	5.63	13	69
61	39	.....do	52	10	60	4.00	40	68	4.93	13	69
62	17	Packer	[3] 28	10	57⅔	3.90	9	68	4.90	13	69
63	18	Icer and packer	[9] 44	10	60	3.33	30	67½	4.33	13	69
64	18	Packer	[5] 4	[10]	[10]	[10]	4	67½	5.04	13	69
65	17	Wrapper	[5] 6	10	60	3.56	2	67½	4.10	13	69
66	34	Icer and packer	[3] 50	10	60	5.31	30	67½	6.75	13	69
67	30	Packer	[5] 30	10	60	4.00	8	67	4.65	13	69
68	28	Section head	52	10	59	4.90	7	67	5.95	13	69
69	42	Icer and packer	50½	10	60	4.50	37	66	5.38	13	69
70	17	Packer	[3] 49	10	60	4.50	41	65	5.30	13	69
71	17	.....do	[3] 30	10	60	3.36	11	65	4.37	13	69
72	15	Dipper and wrapper	51	9	50	3.00	16	67½	4.50	12⅔	68⅓
73	19	Dipper and packer	[3] 50	9	50	3.50	16	67	6.20	12⅔	68⅓
74	15	Dipper	51	9	50	3.30	16	66½	4.59	12⅔	68⅓
75	13	.....do	[3] 41	9	50	2.50	16	66	4.40	12⅔	68⅓
76	16	.....do	[3] 46	9	50	3.50	16	62¾	5.40	12⅔	68⅓
77	16	Dipper, wrapper, and packer	51	9	50	3.00	15	62½	4.25	12⅔	68⅓
78	34	Icer and packer	52	10	55	4.25	15	65	5.65	13⅓	68
79	27	.....do	52	10	55	4.25	15	65	5.65	13⅓	68
80	16	Packer	[2] 17	10	60	3.50	4	66	4.00	13	66
81	16	.....do	[5] 32	10	60	3.50	24	66	4.08	13	66
82	24	Examiner	50	9½	55½	8.00	4	64½	8.00	12½	64½

[1] Laid off 1 week; rest of time lost due to voluntary vacation.
[2] First employment in this industry; had worked elsewhere.
[3] Time lost due to voluntary vacation.
[4] No extra pay for overtime and no deduction for time lost.
[5] First employment.
[6] Laid off 1 week; rest of time lost due to illness.
[7] Eight weeks berry picking; laid off 1 week.
[8] Only employment in period of investigation; in school rest of the time.
[9] Time lost in scattering days.
[10] Worked during busy season only.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

CANDY, BISCUITS, ETC.—4 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
83	17	Packer	[1] 24	9½	55½	$3.74	3	64½	$4.00	12½	64½
84	15	Dipper	[1] 32	9½	55½	4.00	3	64½	4.75	12½	64½
85	15	....do	[1] 31	9½	55½	4.06	4	64½	4.50	12½	64½
86	15	....do	[2] 16	9½	55½	3.00	4	64½	3.75	12½	64½
87	21	Packer	[3] 30	9½	55½	3.50	3	64½	4.00	12½	64½
88	17	Dipper, cream	[1] 28	9½	55	4.88	2	64½	6.00	12½	64½
89	16	Packer	47	9½	53¾	3.97	4	64½	5.25	12½	64½
90	17	....do	48	9½	53¾	5.74	4	64½	7.50	12½	64½
91	19	Dipper	47	9½	53¾	7.11	4	64½	9.00	12½	64½
92	17	....do	47	9½	53¾	5.34	4	64½	7.00	12½	64½
93	15	....do	48	9½	53¾	2.78	4	64½	3.75	12½	64½
94	15	....do	47	9½	53¾	6.05	4	64½	7.25	12½	64½
95	14	....do	47	9½	53¾	4.31	4	64½	5.00	12½	64½
96	19	Packer, fancy	47	9½	53¾	6.58	4	64½	10.50	12½	64½
97	23	Packer	47	9½	53¾	5.15	4	64½	7.50	12½	64½
98	17	....do	47	9½	53¾	4.92	4	64½	6.75	12½	64½
99	16	....do	[4] 43	9½	53¾	5.00	6	64½	6.50	12½	64½
100	17	....do	46	9½	52	5.00	1	64½	6.62	12½	64½
101	15	Dipper, machine	46	9½	52	5.00	1	64½	6.50	12½	64½
102	17	....do	46	9½	52	6.00	2	64½	6.75	12½	64½
103	17	....do	46	9½	52	5.00	1	64½	6.50	12½	64½
104	14	Packer	46	9½	51¾	6.00	3	64½	6.50	12½	64½
105	18	....do	46	9½	51¾	6.50	3	64½	7.50	12½	64½
106	20	Dipper	46	9½	51¾	8.00	5	64½	9.00	12½	64½
107	18	....do	46	9½	51¾	8.50	4	64½	9.50	12½	64½
108	19	....do	46	9½	51¾	8.50	4	64½	10.00	12½	64½
109	18	....do	46	9½	51¾	7.00	4	64½	8.25	12½	64½
110	19	....do	46	9½	51¾	8.00	4	64½	10.00	12½	64½
111	17	Packer	46	9½	51¾	5.00	3	64½	6.00	12½	64½
112	24	....do	46	9½	51¾	6.25	3	64½	7.50	12½	64½
113	18	....do	46	9½	51¾	5.50	3	64½	6.00	12½	64½
114	15	Dipper	46	9½	51¾	4.50	4	64½	5.50	12½	64½
115	19	....do	46	9½	51¾	9.00	3	64½	10.50	12½	64½
116	18	....do	46	9½	51¾	7.50	4	64½	8.00	12½	64½
117	19	....do	46	9½	51¾	8.00	4	64½	9.00	12½	64½
118	20	Packer	46	9½	51¾	6.50	3	64½	7.50	12½	64½
119	18	Dipper	46	9½	51¾	8.50	4	64½	9.50	12½	64½
120	14	....do	46	9½	51¾	3.50	4	64½	4.00	12½	64½
121	13	....do	46	9½	51¾	6.00	4	64½	7.00	12½	64½
122	15	....do	46	9½	51¾	4.50	5	64½	5.25	12½	64½
123	17	....do	46	9½	51¾	6.50	5	64½	7.50	12½	64½
124	15	....do	46	9½	51¾	6.00	5	64½	7.00	12½	64½
125	20	....do	46	9½	51½	7.00	8	64½	9.00	12½	64½
126	16	....do	46	9½	51½	4.50	8	64½	5.00	12½	64½
127	15	....do	46	9½	51½	4.50	8	64½	6.00	12½	64½
128	17	....do	46	9½	51½	6.00	6	64½	7.00	12½	64½
129	26	Packer	46	9½	51½	7.50	6	64½	10.00	12½	64½
130	15	....do	46	9½	51½	3.00	8	64½	3.50	12½	64½
131	15	Dipper	46	9½	51½	6.50	8	64½	7.50	12½	64½
132	24	Packer	46	9½	51½	8.00	8	64½	10.00	12½	64½
133	14	Dipper	46	9½	51½	5.00	8	64½	6.00	12½	64½
134	16	....do	46	9½	51½	4.50	8	64½	5.25	12½	64½
135	18	....do	46	9½	51½	4.50	8	64½	6.00	12½	64½
136	17	....do	46	9½	51½	6.00	7	64½	7.50	12½	64½
137	14	....do	[5] 24	9½	48	3.00	3	64½	3.75	12½	64½
138	16	Labeler	[3] 5	9½	60	3.00	1	63	3.20	13	63
139	20	Packer	51	9	53	4.60	11	62	5.35	12	62
140	14	Dipper	[3] 34	9	50	2.70	16	61	3.80	12⅔	61
141	16	Dipper and packer	[6] 49	9	50	4.00	15	61	5.00	12⅔	61
142	17	Dipper and wrapper	51	9	50	4.50	15	59	5.15	12	59
143	14	Packer	[3] 30	9	50	2.80	1	57⅓	3.30	12⅔	57⅓
144	13	Wrapper	[3] 3	10	60	3.00					

[1] First employment; laid off 10 days.
[2] First employment in this industry; had worked elsewhere.
[3] First employment.
[4] Laid off 4 weeks; rest of time lost due to voluntary vacation.
[5] First employment; laid off 2 weeks.
[6] Laid off 1 week; rest of time lost due to voluntary vacation.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

CANDY, BISCUITS, ETC.—4 establishments—Concluded.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
145	14	Wrapper and sealer	[1] 29½	10	60	$2.50	.....	.....	.....	.....	.....
146	16	Packer	[1] 4	10	60	3.50	.....	.....	.....	.....	.....
147	12	Wrapper	[1] 12	10	60	2.50	.....	.....	.....	.....	.....
148	14	Packer	[1] 35	10	60	3.00	.....	.....	.....	.....	.....
149	14	.....do	[1] 4	10	60	3.00	.....	.....	.....	.....	.....
150	14	.....do	[1] 34	10	60	3.50	.....	.....	.....	.....	.....
151	13	Wrapper	[2] 16	10	60	2.50	.....	.....	.....	.....	.....
152	14	Feeder, machine	[1] 8⅔	10	60	2.50	.....	.....	.....	.....	.....
153	14	Wrapper	[1] 16⅔	10	60	3.50	.....	.....	.....	.....	.....
154	13	.....do	[3] 16	10	60	3.50	.....	.....	.....	.....	.....
155	12	Box folder and labeler	[1] 11½	10	60	2.50	.....	.....	.....	.....	.....
156	14	Packer	[1] 2	10	60	2.50	.....	.....	.....	.....	.....
157	14	Chute girl	[1] 4	10	60	3.00	.....	.....	.....	.....	.....
158	16	Packer	[1] 12⅔	10	60	3.00	.....	.....	.....	.....	.....
159	15	.....do	52	10	59	3.40	.....	.....	.....	.....	.....
160	15	.....do	50	10	59	3.94	.....	.....	.....	.....	.....
161	15	Packer and labeler	52	10	59	3.46	.....	.....	.....	.....	.....
162	14	Packer	[1] 45	10	59	2.45	.....	.....	.....	.....	.....
163	12	Packer and labeler	[1] 28	10	58½	2.92	.....	.....	.....	.....	.....
164	13	.....do	[4] 19	10	57¼	2.41	.....	.....	.....	.....	.....
165	14	Candy separator	51	10	57½	3.25	.....	.....	.....	.....	.....
166	20	Dipper, cream	[4] 47	10	57½	7.65	.....	.....	.....	.....	.....
167	15	Dipper	[1] 16	9½	55½	4.00	.....	.....	.....	.....	.....
168	16	Packer	[1] 6	9½	55½	3.60	.....	.....	.....	.....	.....
169	14	Dipper	[1] 13	9½	55½	4.00	.....	.....	.....	.....	.....
170	13	.....do	[1] 7	9½	55½	3.00	.....	.....	.....	.....	.....
171	13	.....do	[1] 4	9½	55½	3.00	.....	.....	.....	.....	.....
172	13	Floor girl	[1] 3	9½	55½	2.50	.....	.....	.....	.....	.....
173	17	Packer	[1] 5	9½	55½	5.00	.....	.....	.....	.....	.....
174	16	.....do	[1] 10	9½	55½	6.00	.....	.....	.....	.....	.....
175	13	Batch girl	[1] 19	10	52½	3.50	.....	.....	.....	.....	.....
176	16	Wrapper	46	9½	52	5.00	.....	.....	.....	.....	.....
177	14	Packer	[3] 8	9	50	3.50	.....	.....	.....	.....	.....
178	13	Dipper and wrapper	[1] 5	9	50	2.08	.....	.....	.....	.....	.....
179	13	Packer	[1] 9	9	50	2.87	.....	.....	.....	.....	.....
180	16	Dipper, cream	[5] 28	9½	49½	5.00	.....	.....	.....	.....	.....
181	13	Dipper	[1] 8	9½	38	3.00	.....	.....	.....	.....	.....

PAPER BOXES—4 establishments.

1	19	Cover stayer	[5] 50	10	58½	$5.20	9	69½	$7.00	13	72
2	18	Glue worker, hand	52	10	57¼	4.82	9	70¼	5.50	13¾	70¼
3	15	Turner-in	[1] 30	10	60	3.00	8	69	3.45	13	69
4	19	Machine operator, cover	52	10	58½	5.50	8	69	7.50	13	69
5	20	Cover stayer	52	10	58½	5.04	9	69	6.52	13	69
6	21	.....do	50	10	58½	6.38	8	69	8.00	13	69
7	18	Machine operator, cover	[6] 49	10	58½	4.50	8	69	6.00	13	69
8	31	Glue worker, table	52	10	58½	3.00	8	69	4.00	13	69
9	15	Floor girl	52	10	58½	3.30	8	69	4.03	13	69
10	19	Glue worker, table	[1] 29	10	59½	5.00	8	68½	5.75	13	68½
11	19	Box maker	[1] 30	10	59½	7.00	13	68½	8.00	13	68½
12	16	Feeder, gluing machine	[1] 34	10	59½	3.95	16	68½	4.60	13	68½
13	19	Table worker	[1] 17	10	59½	4.00	11	68½	4.40	13	68½
14	19	Cover stayer	[5] 44	10	58¾	6.50	16	68½	7.59	13	68½
15	16	General worker	[7] 47	10	58⅓	4.40	16	68½	5.16	13	68½
16	19	Box maker	[7] 51	10	58	6.80	14	68½	9.00	13	68½
17	18	.....do	[7] 51	10	58	6.80	14	68½	9.00	13	68½

[1] First employment.
[2] First employment; sick 13 weeks.
[3] First employment in this industry; had worked elsewhere.
[4] Only employment in period of investigation; in school rest of time.
[5] Time lost due to illness.
[6] Time lost due to illness and to voluntary vacation.
[7] Time lost due to voluntary vacation.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

PAPER BOXES—4 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
18	16	Turner-in	[1] 48	10	58	$3.90	10	68½	$4.60	13	68½
19	17	Machine operator, cover	52	10	58	5.85	13	68½	6.90	13	68½
20	24	Glue worker, table	52	10	58	6.30	12	68½	10.00	13	68½
21	30	Box maker	[2] 50	10	58	8.75	10	68½	11.00	13	68½
22	26	Cover stayer	52	10	58	5.85	12	68½	6.90	13	68½
23	19	Machine operator, cover	52	10	58	5.80	16	68½	6.90	13	68½
24	34	Box maker	52	10	58	8.75	12	68½	11.00	13	68½
25	16	Feeder, gluing machine	[3] 49	10	58	3.50	16	68½	4.14	13	68½
26	19	Box maker	[3] 48	10	57½	6.20	12	68½	9.50	13	68½
27	23	Table worker	[4] 43	10	57½	6.00	7	68½	8.43	13	68½
28	17	Floor girl	[4] 44	10	57½	3.50	16	68½	4.14	13	68½
29	20	Machine operator, cover	[3] 50	10	58	5.65	14	65½	8.00	13	68½
30	18	Turner-in	52	10	58	4.74	14	68½	5.22	12½	68½
31	17	Machine operator, cover	52	10	58	5.29	16	68½	6.32	12½	68½
32	16	Machine operator, cover	52	10	58	5.16	14	68½	7.50	12½	68½
33	27	Glue worker, hand	52	10	58	7.00	14	68½	9.50	12½	68½
34	17	Feeder, gluing machine	[5] 42	10	59	3.90	12	68	4.65	13	68
35	16	Glue worker, hand	52	10	58	5.00	3	68	5.50	13	68
36	17	Bottom coverer	[2] 42	10	58	4.85	14	68	5.50	13	68
37	20	Fancy-box maker	[3] 50	10	57½	6.50	8	68	8.10	13	68
38	16	Glue worker, hand	50½	10	57½	3.60	8	68	4.25	13	68
39	17	Forewoman	50½	10	57½	6.00	8	68	7.35	13	68
40	18	Machine operator, cover	[6] 41½	10	57½	4.00	8	68	6.50	13	68
41	16	Lacer	[7] 39	10	57½	3.00	8	68	4.50	13	68
42	20	Glue worker, hand	[4] 40	10	57½	4.00	8	68	5.00	13	68
43	23	Machine operator, cover	[8] 32½	10	57	6.30	8	68	6.30	13	68
44	17	Machine operator, apron	51	10	56	3.80	14	68	4.50	13	68
45	15	Feeder, gluing machine	51	10	56	3.15	14	68	4.25	13	68
46	16	Table worker	51	10	56	2.90	14	68	3.75	13	68
47	23	Machine operator, cover	[3] 50	10	55½	6.31	13	68	9.00	13	68
48	18	Table worker	50½	10	57½	3.60	8	68	4.25	13	68
49	18	Machine operator, flange	51	10	56	6.00	12	67	7.50	13	68
50	18	....do	51	10	57½	6.00	11	65½	7.50	13	68
51	18	Fancy-box maker	52	10	58	6.75	16	67½	9.00	12½	67½
52	19	Top coverer	[9] 27	10	59	6.00	10	67½	4.60	12½	67½
53	16	General worker	50	10	58½	3.00	8	67½	2.75	12½	67½
54	14	Machine operator, cover	52	10	58½	5.00	8	67½	6.50	12½	67½
55	16	Flapper	[2] 48	10	58½	4.34	8	67½	5.00	12½	67½
56	22	Fancy-box maker	[2] 44	10	58½	6.83	8	67½	7.00	12½	67½
57	17	Packer	[1] 39	10	58	2.90	8	67½	3.75	12½	67½
58	29	Cover stayer	[2] 46	10	57½	5.90	8	67½	7.00	12½	67½
59	15	Table worker	50½	10	57½	3.77	13	67½	4.90	12½	67½
60	14	Machine operator, cover	[1] 34	10	57½	3.00	8	67½	3.45	12½	67½
61	19	Table worker	50	10	57½	4.27	9	67½	5.40	12½	67½
62	19	Glue worker, hand	52	10	57½	5.34	9	67½	6.00	12½	67½
63	17	....do	52	10	57½	3.65	9	67½	4.18	12½	67½
64	17	Machine operator, cover	50½	10	57½	5.43	14	67½	7.00	12½	67½
65	21	Cover stayer	51	10	56½	7.02	11	67½	8.00	12½	67½
66	16	Floor girl	[8] 42½	10	56½	3.72	9	67½	4.95	12½	67½
67	39	General worker	51	10	56½	5.70	9	67½	7.50	12½	67½
68	14	Examiner	51	10	56½	2.85	9	67½	4.50	12½	67½
69	15	Machine operator, gluing	[1] 18	10	56	2.37	6	67½	3.45	12½	67½
70	17	Machine operator, apron	[10] 46½	10	55½	3.67	12	67½	3.74	12½	67½
71	17	Tacker and closer	52	10	58½	4.50	2	66	5.00	12	66
72	16	Top coverer	50	10	58½	6.00	8	66	6.50	12	66
73	17	Machine operator, cover	52	10	58½	4.70	8	66	7.00	12	66
74	27	....do	52	10	58½	7.13	8	66	8.00	12	66

[1] First employment.
[2] Time lost due to illness.
[3] Time lost due to voluntary vacation.
[4] Time lost in scattering days.
[5] Laid off 1 week; rest of time lost due to illness.
[6] Laid off 10 days; rest of time lost in scattering days.
[7] First employment; laid off 2½ weeks.
[8] First employment; laid off 1½ weeks.
[9] First employment; laid off 1 week.
[10] Laid off 10 days; rest of time lost due to illness.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

PAPER BOXES—4 establishments—Concluded.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
75	16	Labeler	[1] 26	10	56½	$4.50	8	66	$5.50	12	66
76	16	Feeder, gluing machine	[2] 23	10	59	3.90	3	65	4.65	13	65
77	17	Oval worker	52	10	58	5.00	1	65	7.00	13	65
78	19	do	[1] 51	10	57¾	7.04	8	64	8.50	12½	64
79	13	Turner-in	[2] 5	10	60	2.75	.....	.....	.....	.....	.....
80	18	Liner	[2] 8	10	60	4.50	.....	.....	.....	.....	.....
81	15	Examiner	[2] 26	10	59½	3.00	.....	.....	.....	.....	.....
82	15	Feeder, gluing machine	[2] 34	10	59½	4.00	.....	.....	.....	.....	.....
83	12	Turner-in	[2] 15	10	59	2.25	.....	.....	.....	.....	.....
84	14	Glue worker, hand	[3] 30	10	59	2.50	.....	.....	.....	.....	.....
85	20	do	[2] 4	10	59	4.00	.....	.....	.....	.....	.....
86	14	do	[4] 8½	10	59	2.75	.....	.....	.....	.....	.....
87	15	Turner-in	[2] 6	10	59	2.50	.....	.....	.....	.....	.....
88	14	Box tier	[2] 3	10	59	2.50	.....	.....	.....	.....	.....
89	36	Packer	[2] 4	10	59	3.50	.....	.....	.....	.....	.....
90	15	do	[2] 4	10	59	2.50	.....	.....	.....	.....	.....
91	15	do	[2] 4	10	59	2.75	.....	.....	.....	.....	.....
92	14	do	[2] 8½	10	59	2.50	.....	.....	.....	.....	.....
93	14	Turner-in	[2] 17	10	59	3.00	.....	.....	.....	.....	.....
94	14	Examiner	[2] 17	10	59	3.30	.....	.....	.....	.....	.....
95	14	Feeder, gluing machine	[5] 20	10	59	3.90	.....	.....	.....	.....	.....
96	13	Turner-in	[2] 41	10	59	2.00	.....	.....	.....	.....	.....
97	16	Oval worker	[1] 39	10	59	5.00	.....	.....	.....	.....	.....
98	16	Turner-in	[1] 40	10	59	2.70	.....	.....	.....	.....	.....
99	16	Glue worker, hand	[6] 44	10	58⅔	4.50	.....	.....	.....	.....	.....
100	15	Examiner	[1] 49	10	58½	3.20	.....	.....	.....	.....	.....
101	20	Labeler and glue worker, hand	[6] 39	10	58⅓	5.00	.....	.....	.....	.....	.....
102	15	Machine operator, cover	52	10	58⅓	4.90	.....	.....	.....	.....	.....
103	14	Glue worker, hand	52	10	58	4.50	.....	.....	.....	.....	.....
104	14	Cover stayer and glue worker, hand	52	10	58	3.00	.....	.....	.....	.....	.....
105	16	Glue worker, hand	[6] 50	10	58	4.37	.....	.....	.....	.....	.....
106	14	do	[6] 48	10	58	2.93	.....	.....	.....	.....	.....
107	24	Oval worker	[1] 51	10	58	7.41	.....	.....	.....	.....	.....
108	15	Cover stayer and glue worker, hand	52	10	58	4.04	.....	.....	.....	.....	.....
109	19	Glue maker, hand	52	10	58	4.37	.....	.....	.....	.....	.....
110	17	Machine operator, cover	52	10	58	4.10	.....	.....	.....	.....	.....
111	16	Glue worker, hand	52	10	58	3.00	.....	.....	.....	.....	.....
112	18	do	52	10	58	6.00	.....	.....	.....	.....	.....
113	17	do	[1] 49	10	58	4.50	.....	.....	.....	.....	.....
114	18	Machine operator, cover	52	10	58	5.00	.....	.....	.....	.....	.....
115	12	Turner-in	[2] 34	10	58	2.40	.....	.....	.....	.....	.....
116	13	do	[5] 41	10	57½	2.40	.....	.....	.....	.....	.....
117	14	Bender	[5] 42	10	56⅔	3.65	.....	.....	.....	.....	.....
118	16	Machine operator, cover	[1] 45	10	56	3.49	.....	.....	.....	.....	.....
119	16	Corner stayer	52	10	55½	4.10	.....	.....	.....	.....	.....
120	22	Machine operator, cover	[2] 9	10	55	4.00	.....	.....	.....	.....	.....
121	22	do	[6] 48	10	55	7.50	.....	.....	.....	.....	.....

SHIRTS, OVERALLS, ETC.—3 establishments.

1	20	Feller	[2] 34	10	55½	$8.00	4	64½	$8.60	13	64½
2	29	Tucker	[7] 47½	10	55½	7.50	2	64½	9.00	13	64½
3	18	Examiner	[2] 34	10	55½	3.50	12	64½	4.07	13	64½
4	19	Neckband maker	49	10	55	6.00	4	64½	7.50	13	64½
5	24	Examiner	52	10	54¾	5.95	1	64½	6.50	13	64½

[1] Time lost due to voluntary vacation.
[2] First employment.
[3] First employment; voluntary vacation 2 weeks.
[4] First employment in industry; had worked elsewhere.
[5] First employment; laid off 1 week.
[6] Time lost due to illness.
[7] Laid off 10 days; rest of time lost due to voluntary vacation.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

SHIRTS, OVERALLS, ETC.—3 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
6	34	Machine operator, shirt fronts	52	10	54½	$5.70	13	64½	$7.00	13	64½
7	21	Machine operator, drawers.	52	10	54½	6.00	12	64½	6.75	13	64½
8	28	Tucker	52	10	54½	7.50	3	64½	9.00	13	64½
9	24	Machine operator, neckbands and cuffs	[1] 50	10	54½	6.50	4	64½	7.50	13	64½
10	35	Machine operator, cuffbands	52	10	54½	9.00	2	64½	10.00	13	64½
11	26	Machine operator, collars	[2] 50	10	54½	8.00	6	64½	10.00	13	64½
12	40	Machine operator, cuffs and neckbands	52	10	54½	4.50	3	64½	5.00	13	64½
13	20	Machine operator, sleeves	52	10	54½	7.00	3	64½	8.00	13	64½
14	18	Machine operator, drawers.	52	10	54½	4.30	13	64½	6.00	13	64½
15	24	Shirt feller	50	10	54½	7.25	4	64½	8.25	13	64½
16	28	Machine operator, nightrobe fronts	52	10	54½	6.83	5	64½	8.25	13	64½
17	19	Shirt feller	52	10	54½	7.14	4	64½	9.25	13	64½
18	26	....do	52	10	54½	6.50	8	64½	8.50	13	64½
19	18	Finisher, drawer bands	50	10	54½	5.40	13	64½	7.50	13	64½
20	25	Machine operator, button	52	10	54½	7.00	16	64½	8.00	13	64½
21	19	Machine operator	52	9¾	54½	7.00	9	63½	9.00	12¾	63½
22	16	Shirt buttoner	52	10	54½	3.50	1	61½	4.20	13	61½
23	46	Examiner	[1] 50	10	54½	6.59	6	61½	7.50	13	61½
24	17	Machine operator, button	50	10	54½	7.23	1	58½	7.50	13	58½
25	30	Examiner	[3] 4	10½	58	4.00	.....	.....	.....	.....	.....
26	22	Machine operator, sleeves	[2] 42	10	55½	8.00	.....	.....	.....	.....	.....
27	18	Machine operator, neckbands	[3] 16	10	55½	5.00	.....	.....	.....	.....	.....
28	19	Tucker	[4] 34	10	55½	5.00	.....	.....	.....	.....	.....
29	15	Labeler	[3] 36	10	55½	4.50	.....	.....	.....	.....	.....
30	19	Examiner	[3] 30	10	55½	4.50	.....	.....	.....	.....	.....
31	14	Marker	[3] 43	10	55½	2.91	.....	.....	.....	.....	.....
32	12	Errand girl	[3] 8	10	55½	2.38	.....	.....	.....	.....	.....
33	36	Hemmer	[3] 12	10	55½	9.50	.....	.....	.....	.....	.....
34	26	Examiner	[4] 8	10	55	5.00	.....	.....	.....	.....	.....
35	24	Tucker	49	10	55	8.25	.....	.....	.....	.....	.....
36	17	Machine operator, sleeves	52	10	55	7.05	.....	.....	.....	.....	.....
37	17	Joiner	[2] 48	10	55	5.40	.....	.....	.....	.....	.....
38	17	Hemmer	52	10	55	6.46	.....	.....	.....	.....	.....
39	18	....do	52	10	55	6.48	.....	.....	.....	.....	.....
40	31	Machine operator, shirt fronts	50	10	55	7.14	.....	.....	.....	.....	.....
41	27	Feller and hemmer	52	10	55	7.46	.....	.....	.....	.....	.....
42	23	Feller	[1] 46	10	54½	5.22	.....	.....	.....	.....	.....
43	22	Presser	52	10	54½	11.00	.....	.....	.....	.....	.....
44	29	Machine operator, shirt fronts	49	10	54½	7.22	.....	.....	.....	.....	.....
45	14	Stamper	[5] 45	10	54½	2.89	.....	.....	.....	.....	.....
46	20	Presser	52	10	54½	9.00	.....	.....	.....	.....	.....
47	40	Machine operator, shirt backs	52	10	54½	7.15	.....	.....	.....	.....	.....
48	19	Machine operator, buttonhole	[2] 50	10	54½	3.82	.....	55½	4.00	10	55½
49	20	Examiner	52	10	54½	5.95	.....	.....	.....	.....	.....
50	23	Presser	52	10	54½	11.00	.....	.....	.....	.....	.....
51	28	Feller	[2] 48	10	54½	11.22	.....	.....	.....	.....	.....
52	14	Marker	[3] 21	9¾	54½	2.60	.....	.....	.....	.....	.....
53	17	Examiner	[1] 37	10	54½	3.33	.....	.....	.....	.....	.....
54	18	Machine operator, neckbands	[3] 4	9¾	54½	5.00	.....	.....	.....	.....	.....
55	16	Machine operator, fronts	[3] 30	9¾	54½	3.50	.....	.....	.....	.....	.....
56	16	Skirt hemmer	[3] 6	9¾	54½	3.50	.....	.....	.....	.....	.....
57	17	Machine operator, sleeves	[2] 48	9¾	54½	6.71	.....	.....	.....	.....	.....

[1] Time lost due to illness.
[2] Time lost due to voluntary vacation.
[3] First employment.
[4] Returned; had been employed here before.
[5] Time lost in scattering days.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

SHIRTS, OVERALLS, ETC.—3 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
58	17	Front maker	[1] 20	9½	54½	$6.70	.....	.....	.....	.....	.....
59	20	Machine operator, shirt fronts	[2] 44	9½	54½	6.00	.....	.....	.....	.....	.....
60	20	Machine operator, cuffs	[2] 46	9½	54½	5.00	.....	.....	.....	.....	.....
61	13	Examiner	[3] 42	9½	54½	3.00	.....	.....	.....	.....	.....
62	23	Machine operator, collar bands	52	9½	54½	6.25	.....	.....	.....	.....	.....
63	19	Shirt hemmer	[2] 46	9½	54½	6.50	.....	.....	.....	.....	.....
64	24	Machine operator, collars	[3] 43	9½	54½	7.50	.....	.....	.....	.....	.....
65	16	Facer	52	9½	54½	5.60	.....	.....	.....	.....	.....
66	28	Collar setter	[4] 39	9½	54½	6.75	.....	.....	.....	.....	.....
67	18	Cuff maker	52	9½	54½	6.50	.....	.....	.....	.....	.....
68	26	Machine operator, sleeves	[3] 50	9½	54½	6.72	.....	.....	.....	.....	.....
69	18	Machine operator, collars	[3] 50	9½	54½	4.32	.....	.....	.....	.....	.....
70	17	Machine operator, cuffs	[5] 26	9½	54½	3.85	.....	.....	.....	.....	.....
71	20	Collar setter	52	9½	54½	4.33	.....	.....	.....	.....	.....
72	15	Buttonhole marker	52	9½	54½	3.37	.....	.....	.....	.....	.....
73	17	Machine operator, cuffs	52	9½	54½	4.81	.....	.....	.....	.....	.....
74	24	Buttonhole maker	[3] 48	9½	54½	6.71	.....	.....	.....	.....	.....
75	14	Sleeve stayer	52	9½	54½	4.81	.....	.....	.....	.....	.....
76	15	Packer	[1] 34	9½	54½	3.00	.....	.....	.....	.....	.....
77	18	Shirt-front maker	52	9½	54½	4.81	.....	.....	.....	.....	.....
78	20	Machine operator, fronts	51	9½	54½	5.39	.....	.....	.....	.....	.....
79	18	Machine operator, cuffs	52	9½	54½	5.77	.....	.....	.....	.....	.....
80	15	....do	52	9½	54½	3.85	.....	.....	.....	.....	.....
81	20	Machine operator, fronts	[1] 48	9½	54½	6.71	.....	.....	.....	.....	.....
82	19	Machine operator	52	9½	54½	8.15	.....	.....	.....	.....	.....
83	27	Buttonhole maker	52	9½	54½	10.26	.....	.....	.....	.....	.....
84	28	Stock girl	[6] 39	9½	54½	5.50	.....	.....	.....	.....	.....
85	24	....do	[3] 50	9½	54½	5.50	.....	.....	.....	.....	.....
86	17	Hemmer	[2] 34⅝	9½	54½	6.28	.....	.....	.....	.....	.....
87	16	....do	[1] 31	9½	54½	3.40	.....	.....	.....	.....	.....
88	16	Examiner	51	9½	54½	3.50	.....	.....	.....	.....	.....
89	17	Sleeve hemmer	[7] 30	9½	54½	2.75	.....	.....	.....	.....	.....
90	14	Hemmer	49	9½	54½	3.50	.....	.....	.....	.....	.....
91	16	Busheler	[2] 48	9½	54½	4.00	.....	.....	.....	.....	.....
92	14	Sleeve hemmer	[8] 49	9½	54½	2.50	.....	.....	.....	.....	.....
93	18	Cuff maker	50	9½	54½	4.00	.....	.....	.....	.....	.....
94	15	....do	[2] 47⅜	9½	54½	4.16	.....	.....	.....	.....	.....
95	19	....do	[3] 50	9½	54½	5.32	.....	.....	.....	.....	.....
96	15	Hemmer	[3] 50	9½	54½	3.50	.....	.....	.....	.....	.....
97	13	Packer	[7] 26½	9½	54½	2.50	.....	.....	.....	.....	.....
98	18	Cuff maker	52	9½	54½	5.25	.....	.....	.....	.....	.....
99	24	Machine operator, fronts	[3] 33	9½	54½	7.00	.....	.....	.....	.....	.....
100	24	Packer	[7] 10	9½	54½	4.50	.....	.....	.....	.....	.....
101	21	Facer	[2] 39¾	9½	54½	4.00	.....	.....	.....	.....	.....
102	14	Machine operator, buttons	[4] 37	9½	54½	4.93	.....	.....	.....	.....	.....
103	14	Examiner	[1] 4	9½	54½	3.00	.....	.....	.....	.....	.....
104	16	Feller	51	9½	54½	6.73	.....	.....	.....	.....	.....
105	18	....do	[4] 48	9½	54½	7.18	.....	.....	.....	.....	.....
106	20	....do	52	9½	54½	5.00	.....	.....	.....	.....	.....
107	17	Examiner	[7] 30	9½	54½	4.50	.....	.....	.....	.....	.....
108	14	....do	51	9½	54½	2.30	.....	.....	.....	.....	.....
109	16	Machine operator, cuffs	[3] 50	9½	54½	2.75	.....	.....	.....	.....	.....
110	21	Machine operator, collars	[3] 49	9½	54½	7.18	.....	.....	.....	.....	.....
111	22	Machine operator, sleeves	52	9½	54½	7.00	.....	.....	.....	.....	.....

[1] First employment.
[2] Time lost in scattering days.
[3] Time lost due to voluntary vacation.
[4] Time lost due to illness.
[5] First employment; sick 13 weeks.
[6] Time lost due to illness and to voluntary vacation.
[7] First employment in this industry; had worked elsewhere.
[8] Laid off 2 weeks; rest of time lost due to voluntary vacation.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

SHIRTS, OVERALLS, ETC.—3 establishments—Concluded.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
112	23	Feller	52	9½	54½	$7.00	.....	.....	.....	.....	.....
113	14	Sorter	52	9½	54½	3.00	.....	.....	.....	.....	.....
114	19	Feller	[1] 50	9½	54½	5.24	.....	.....	.....	.....	.....
115	21	....do	[2] 47	9½	54½	7.00	.....	.....	.....	.....	.....
116	21	Sleeve feller	[3] 32	9½	54½	4.50	.....	.....	.....	.....	.....
117	16	Hemmer	50	9½	54½	4.50	.....	.....	.....	.....	.....
118	19	Facer	51	9½	54½	4.50	.....	.....	.....	.....	.....
119	13	Buttonhole marker	[3] 31	9½	54½	4.50	.....	.....	.....	.....	.....
120	18	Machine operator, cuffs	[1] 51	9½	54½	4.50	.....	.....	.....	.....	.....
121	24	Machine operator, collars	[4] 4	9½	54½	7.00	.....	.....	.....	.....	.....
122	14	Examiner	[3] 38	9½	54½	3.50	.....	.....	.....	.....	.....
123	16	....do	52	9½	54½	4.50	.....	.....	.....	.....	.....
124	18	Packer	[1] 48	9½	54½	4.79	.....	.....	.....	.....	.....
125	18	Collar setter	[5] 50	9½	54½	7.05	.....	.....	.....	.....	.....
126	18	Examiner	[1] 26	10	54½	3.42	.....	.....	.....	.....	.....
127	21	Sleeve feller	[6] 22	9½	53	6.50	.....	.....	.....	.....	.....
128	18	Collar and cuff maker	[3] 40	9½	53	7.50	.....	.....	.....	.....	.....
129	14	Errand girl	[3] 27	9½	53	3.50	.....	.....	.....	.....	.....
130	13	Shirt buttoner	[3] 3	9½	53	2.50	.....	.....	.....	.....	.....
131	18	Feller	[5] 47	9½	53	5.25	.....	.....	.....	.....	.....
132	27	General worker	[1] 43	9½	52½	8.00	.....	.....	.....	.....	.....
133	46	Machine operator, cuffs	52	9½	52½	7.45	.....	.....	.....	.....	.....
134	21	Sleeve maker	52	9½	52½	5.50	.....	.....	.....	.....	.....
135	22	Coat hemmer	52	9½	52½	7.46	.....	.....	.....	.....	.....
136	17	Feller	[1] 50	9½	52½	7.00	.....	.....	.....	.....	.....
137	19	Machine operator, pajamas	51	9½	52½	6.91	.....	.....	.....	.....	.....
138	15	Errand girl	52	9½	52½	3.37	.....	.....	.....	.....	.....
139	22	Machine operator, loops	52	9½	52½	8.00	.....	.....	.....	.....	.....
140	15	Marker	[3] 34	9½	52½	3.48	.....	.....	.....	.....	.....
141	21	Feller	[5] 49	9½	52½	5.40	.....	.....	.....	.....	.....
142	21	Machine operator, pajama belts	52	9½	52½	9.23	.....	.....	.....	.....	.....
143	16	Machine operator, loops	52	9½	52½	7.05	.....	.....	.....	.....	.....
144	18	Hemmer	52	9½	52½	7.57	.....	.....	.....	.....	.....
145	20	Machine operator, button	52	9½	52½	5.56	.....	.....	.....	.....	.....
146	35	Machine operator, center maker	[1] 50	9½	52½	7.50	.....	.....	.....	.....	.....
147	36	....do	52	9½	52½	8.23	.....	.....	.....	.....	.....
148	17	Machine operator, buttons	[1] 51	9½	52½	5.00	.....	.....	.....	.....	.....
149	38	Joiner	52	9½	52½	4.70	.....	.....	.....	.....	.....
150	17	Sleeve hemmer	52	9½	52½	5.77	.....	.....	.....	.....	.....
151	24	Examiner	51	9½	52½	5.48	.....	.....	.....	.....	.....
152	26	Repairer	52	9½	52½	5.88	.....	.....	.....	.....	.....
153	20	Machine operator, sleeves	[1] 50	9½	52½	15.44	.....	.....	.....	.....	.....
154	23	Machine operator, fronts	52	9½	52½	5.83	.....	.....	.....	.....	.....
155	23	Shirt feller	52	9½	52½	9.07	.....	.....	.....	.....	.....
156	21	Belt maker	44	9½	52½	4.80	.....	.....	.....	.....	.....
157	39	Examiner	[5] 50	9½	52½	4.98	.....	.....	.....	.....	.....
158	14	Marker and errand girl	52	9½	52½	2.49	.....	.....	.....	.....	.....
159	39	Pajama maker	52	9½	52½	6.87	.....	.....	.....	.....	.....
160	19	Sleeve maker	52	9½	52½	3.50	.....	.....	.....	.....	.....
161	30	Yoker	52	9½	52½	5.20	.....	.....	.....	.....	.....
162	14	Machine operator, tacker	52	9½	52½	3.11	.....	.....	.....	.....	.....
163	17	Sleeve feller	52	9½	52½	6.50	.....	.....	.....	.....	.....
164	22	Machine operator, fronts	[1] 50	9½	52½	7.60	.....	.....	.....	.....	.....
165	23	Machine operator, cuffs	[4] 20	9½	52½	7.50	.....	.....	.....	.....	.....
166	16	Machine operator, sleeves	[5] 50	9½	51½	4.50	.....	.....	.....	.....	.....
167	18	Machine operator, shirt fronts	[7] 43	9½	48½	6.00	.....	.....	.....	.....	.....

[1] Time lost due to voluntary vacation.
[2] Laid off 1 week; rest of time lost due to voluntary vacation.
[3] First employment.
[4] Returned; had been employed here before.
[5] Time lost due to illness.
[6] First employment in this industry; had worked elsewhere.
[7] Time lost in scattering days.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS, AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

STRAW HATS—4 establishments.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
1	20	Trimmer	[1] 30	9½	54	$4.00	12	68	$7.00	13½	68
2	26	....do	[2] 47	9½	53½	8.41	8	68	9.95	13½	68
3	18	....do	[3] 46	9½	53½	4.50	13	68	7.00	13½	68
4	22	....do	[3] 47	9½	53½	5.00	8	68	7.00	13½	68
5	18	....do	50	9½	53½	5.25	13	68	7.80	13½	68
6	24	....do	50	9½	53½	5.15	8	68	9.00	13½	68
7	17	....do	[2] 48	9½	52½	4.32	8	68	6.00	13½	68
8	35	....do	52	9½	54	5.25	13	66	8.00	12½	68
9	22	....do	[4] 35	9½	56	5.70	10	65½	8.50	12½	68
10	18	Machine operator	39	9½	56	7.45	17	65½	11.00	12½	68
11	17	....do	39	9½	56	7.50	13	65½	11.00	12½	68
12	21	....do	39	9½	56	7.70	17	65½	10.00	12½	68
13	30	....do	52	9½	54	13.00	15	65½	18.00	12½	68
14	21	Stock girl	[4] 39	9½	54	8.00	2	66	9.90	13½	68
15	16	Trimmer	[4] 26	9½	56	6.28	8	65	9.25	12½	65
16	18	....do	[4] 26	9½	56	7.00	8	65	10.35	12½	65
17	19	Machine operator	37	9½	56	5.00	11	65	8.50	12½	65
18	18	....do	43	9½	56	5.65	13	65	8.40	12½	65
19	39	....do	[5] 46	9½	55½	3.80	13	65	8.00	12½	65
20	22	....do	46	9½	55	6.60	15	65	10.00	12½	65
21	19	....do	39	9½	54½	7.90	15	65	12.00	12½	65
22	17	....do	[4] 51	9½	54½	6.30	9	65	8.00	12½	65
23	31	Mender	46	9½	54	8.00	3	65	9.60	12½	65
24	25	Machine operator	45	9½	54	7.47	3	65	9.75	12½	65
25	14	Mender	[1] 29½	9½	54	4.00	3	65	4.86	12½	65
26	14	....do	[1] 34	9½	54	4.00	3	65	4.86	12½	65
27	20	Machine operator	52	9½	54	8.55	15	65	12.00	12½	65
28	21	Machine operator and finisher	48	9½	54	8.00	3	63	9.35	12½	63
29	19	Trimmer	50	9	54	4.56	4	63	6.00	12	63
30	23	Machine operator	[4] 44	9½	54	7.50	3	63	8.50	12½	63
31	18	....do	[4] 48	9½	54	7.10	8	63	9.00	12½	63
32	29	....do	[5] 41½	9½	54	9.00	6	63	11.50	12½	63
33	22	Finisher	[6] 41	9½	54	6.50	1	63	7.68	12½	63
34	20	Machine operator	[7] 35½	9½	53½	7.25	6	63	8.50	12½	63
35	30	Stitcher	48	9½	53½	9.63	8	63	12.00	12½	63
36	33	Machine operator	52	9½	53½	7.91	4	63	10.00	12½	63
37	20	....do	52	9½	53½	8.67	3	63	11.60	12½	63
38	26	Forewoman	51	9½	53½	8.81	8	63	10.50	12½	63
39	50	Machine operator	[5] 46	9½	53½	5.93	8	63	6.93	12½	63
40	42	....do	[2] 46	9½	53½	10.00	4	63	12.00	12½	63
41	24	....do	51	9½	53½	7.90	4	63	10.00	12½	63
42	45	Examiner	[4] 51	9½	53½	8.00	8	63	9.35	12½	63
43	21	Machine operator	52	9½	53½	9.84	6	63	12.00	12½	63
44	16	Trimmer	[1] 39	9½	53½	3.72	7	63	5.00	12½	63
45	29	Machine operator	49	9	53½	5.75	4	63	6.25	12	63
46	20	Sweatband maker	39	9	54	5.95	8	61½	7.00	10½	61½
47	31	Tip maker	49	9	53	7.85	8	61½	9.50	10½	61½
48	18	Machine operator	[8] 44	9½	54	6.80	12	60	8.25	12½	60
49	22	....do	47	9½	53½	6.75	4	60	7.50	12½	60
50	27	....do	48	9½	53½	11.45	1	60	15.00	12½	60
51	17	Trimmer	41	9½	56	7.00	12	59	8.50	10½	59
52	17	....do	46	9½	55½	7.00	12	59	7.50	10½	59
53	16	....do	[1] 8⅔	9½	54	2.70	4	59	3.00	10½	59

[1] First employment.
[2] Laid off 2 weeks; rest of time lost due to voluntary vacation.
[3] Laid off 2 weeks; rest of time lost due to illness.
[4] Time lost due to voluntary vacation.
[5] Time lost due to illness.
[6] Laid off 6 weeks; rest of time lost due to voluntary vacation.
[7] Laid off 4 weeks; voluntary vacation 12½ weeks.
[8] Laid off 1 week; rest of time lost due to illness.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Continued.

STRAW HATS—4 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
54	25	Trimmer	44	9½	54	$6.44	4	59	$9.50	10½	59
55	30	.....do	[1] 38	9½	54	5.60	4	59	8.50	10½	59
56	16	.....do	[2] 8⅔	9½	54	2.80	4	59	3.20	10½	59
57	28	Machine operator	42	9½	54	9.69	8	59	9.25	10½	59
58	20	Trimmer	43	9½	54	5.85	3	59	8.00	10½	59
59	20	.....do	43	9½	54	5.41	2	59	9.90	10½	59
60	22	.....do	[3] 29	9½	54	7.00	8	59	7.65	10½	59
61	27	.....do	43⅓	9½	54	6.98	8	59	8.50	10½	59
62	19	.....do	43	9½	54	3.85	13	57	6.00	10½	59
63	19	.....do	38	9	54	5.53	8	58½	7.00	10½	58½
64	26	Machine operator	48	9½	53⅔	7.50	2	58	8.60	10½	58
65	18	.....do	[4] 39	9	54	5.47	4	57	6.50	10	57
66	19	.....do	[4] 43	9	54	8.37	4	57	10.55	10	57
67	19	.....do	[4] 39	9	54	6.00	4	57	7.00	10	57
68	19	Trimmer	43	9½	54	6.60	4	57	9.50	10½	57
69	21	.....do	43	9½	54	5.43	4	57	8.00	10½	57
70	32	Machine operator	[4] 48	9½	53⅓	11.90	12	57	15.80	10½	57
71	23	.....do	[4] 50	9	53⅓	8.44	4	57	11.60	10	57
72	18	.....do	[4] 48	9	53⅓	7.55	4	57	9.60	10	57
73	24	.....do	[5] 46	9	53⅓	8.50	4	57	11.00	10	57
74	18	.....do	51	9	53⅓	6.91	4	57	8.45	10	57
75	19	.....do	[4] 51	9	53⅓	6.97	4	57	8.45	10	57
76	17	Finisher	[4] 51	9	53⅓	6.90	4	57	7.40	10	57
77	18	Mender	48	9	53⅓	6.82	21	57	7.70	10	57
78	38	Examiner	48	9½	53⅓	7.34	8	57	7.88	12½	57
79	50	Machine operator	51	9	53⅓	8.20	4	57	10.00	10	57
80	20	.....do	45	9½	54	7.60	.....	.....	.....	.....	.....
81	20	.....do	[4] 43	9½	54	7.00	.....	.....	.....	.....	.....
82	18	.....do	45	9½	54	9.00	.....	.....	.....	.....	.....
83	20	.....do	43	9½	54	8.50	.....	.....	.....	.....	.....
84	22	Leather stitcher	43	9½	54	5.75	.....	.....	.....	.....	.....
85	17	Machine operator	40	9½	54	6.20	.....	.....	.....	.....	.....
86	18	.....do	41	9½	54	5.66	.....	.....	.....	.....	.....
87	19	.....do	[4] 44	9	54	5.28	.....	.....	.....	.....	.....
88	19	Trimmer	48	9½	54	4.37	.....	.....	.....	.....	.....
89	25	Machine operator	[6] 45	9½	54	10.77	.....	.....	.....	.....	.....
90	19	.....do	[7] 41	9½	54	8.80	.....	.....	.....	.....	.....
91	20	.....do	[8] 40	9½	54	7.90	.....	.....	.....	.....	.....
92	20	.....do	43	9½	54	8.60	.....	.....	.....	.....	.....
93	14	Trimmer	[2] 12⅔	9½	54	2.80	.....	.....	.....	.....	.....
94	15	.....do	[2] 17	9½	54	4.50	.....	.....	.....	.....	.....
95	19	Machine operator	[6] 42	9½	54	9.00	.....	.....	.....	.....	.....
96	34	.....do	[6] 42	9½	54	11.80	.....	.....	.....	.....	.....
97	18	.....do	[2] 16	9½	54	7.00	.....	.....	.....	.....	.....
98	17	Trimmer	43	9½	54	3.30	.....	.....	.....	.....	.....
99	18	Lining stitcher	44	9½	54	6.70	.....	.....	.....	.....	.....
100	14	Leather stitcher	[2] 25½	9½	54	3.00	.....	.....	.....	.....	.....
101	12	Trimmer	[2] 21	9½	54	2.50	.....	.....	.....	.....	.....
102	16	Hand sewer	[2] 9	9½	54	2.50	.....	.....	.....	.....	.....
103	14	.....do	[2] 31	9½	54	6.00	.....	.....	.....	.....	.....
104	20	Machine operator	[9] 17	9½	54	6.48	.....	.....	.....	.....	.....
105	23	.....do	[4] 26	9½	54	12.00	.....	.....	.....	.....	.....
106	17	Trimmer	43	9	54	3.95	.....	.....	.....	.....	.....
107	25	Examiner	[1] 26	9½	54	7.00	.....	.....	.....	.....	.....

[1] Laid off 8 weeks; rest of time lost due to voluntary vacation.
[2] First employment.
[3] Laid off 5 weeks; rest of time lost due to voluntary vacation.
[4] Time lost due to voluntary vacation.
[5] Laid off 2 weeks; rest of time lost due to illness.
[6] Laid off 6 weeks; rest of time lost due to voluntary vacation.
[7] Laid off 9 weeks; rest of time lost due to illness.
[8] Laid off 9 weeks; rest of time lost due to voluntary vacation.
[9] Laid off 10 weeks; rest of time lost due to voluntary vacation.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—BALTIMORE—Concluded.

STRAW HATS—4 establishments—Concluded.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
108	28	Trimmer	[1] 24	9½	54	$5.19	.....	.....	.....	.....	.....
109	24	Machine operator	[2] 44	9½	54	8.59	.....	.....	.....	.....	.....
110	17	Trimmer	[3] 1	9½	54	2.50	.....	.....	.....	.....	.....
111	18	Machine operator	[4] 34	9½	54	9.00	.....	.....	.....	.....	.....
112	18	.....do	48	9½	54	9.80	.....	.....	.....	.....	.....
113	25	Finisher	46	9½	54	6.50	.....	.....	.....	.....	.....
114	15	Trimmer	[3] 8⅔	9½	54	2.80	.....	.....	.....	.....	.....
115	21	Machine operator	50	9	54	6.50	.....	.....	.....	.....	.....
116	16	Brim edger	52	9½	53⅔	2.91	.....	.....	.....	.....	.....
117	21	Machine operator	[5] 44	9	53½	12.18	.....	.....	.....	.....	.....
118	20	Trimmer	[6] 44	9	53½	6.00	.....	.....	.....	.....	.....
119	21	Machine operator	42	9	50	5.00	.....	.....	.....	.....	.....
120	35	.....do	[3] 30	9	45	5.50	4	48	$6.00	10	48
121	26	.....do	48	9½	47½	7.00	.....	.....	.....	.....	.....
122	18	.....do	[7] 37	9½	47½	7.00	.....	.....	.....	.....	.....

[1] Laid off 11 weeks; rest of time lost due to voluntary vacation.
[2] Laid off 4 weeks; rest of time lost due to voluntary vacation.
[3] First employment.
[4] Laid off 8 weeks; rest of time due to voluntary vacation.
[5] Laid off 4 weeks; rest of time lost due to voluntary vacation.
[6] Seven weeks illness; 1 week voluntary vacation.
[7] Laid off 7 weeks; rest of time lost due to voluntary vacation.

TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, OAKLAND, BERKELEY, SAN JOSE, CAL., AND NEAR-BY TOWNS.

CANNERIES—9 establishments.

[The hours here given as the "Usual hours per day" are not usual in the sense that they prevail throughout a week or given number of weeks, as in the other industries included in this investigation—candy, biscuits, etc.; paper boxes; shirts, overalls, etc.; and straw hats. They are usual only in the sense that they occur more frequently throughout the season than any other given hours, for they represent the number of hours the individual usually works when the supply of material and other circumstances permit. They are not, therefore, comparable with the figures in the corresponding column of tabulations for the other industries named, where the usual hours per day during the normal season represent distinctly the prevailing day throughout the normal period. In the canning industry this column of figures serves only to throw light on the average and maximum hours in adjoining columns.]

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
1	24	Canner	24	12½	66	$9.50	16½	98
2	32	.....do	22	12½	66	8.50	16½	98
3	54	.....do	26	11½	68	12.00	16½	97½
4	47	.....do	23	12½	65	7.00	16	97½
5	38	.....do	22	12½	68	8.50	16	97½
[1] 6	18	Cutter	19	12	76	12.00	16	96
7	30	Section head	31	10	70	8.75	14	96
8	16	Canner	29	12½	76	8.50	14½	96
9	17	.....do	29	12½	76	15.00	14½	96
10	17	.....do	32	12½	76	11.00	14	96
11	16	.....do	29	12½	76	10.50	14	96
12	16	.....do	29	12½	76	10.50	14	96
13	27	.....do	32	12½	76	12.00	14	96
14	19	Cutter	32	13	76	10.50	14	96

[1] Employed in country cannery.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, OAKLAND, BERKELEY, SAN JOSE, CAL., AND NEAR-BY TOWNS—Continued.

CANNERIES—9 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
15	25	Canner	26	12½	66	$13.00	17	94½
16	22	Cutter	31	12½	71	9.00	13½	94½
17	27	....do	31	12	71	10.50	13½	94½
18	41	....do	24	12	71	6.50	13½	94½
19	45	....do	31	12	71	9.50	14½	94½
20	37	....do	7	12½	69½	6.00	13½	94½
21	16	Peeler and cutter	31	13	71	8.00	15	94½
22	18	....do	31	13½	71	8.00	14	94½
23	14	Labeler	10	10	86½	7.00	14	94
24	16	....do	30	10	83	8.50	14	94
25	19	....do	51	10	70	7.50	14	94
26	16	....do	51	10	70	7.50	14	94
27	19	....do	51	10	70	7.50	14	94
28	40	Canner	16	12½	71	10.50	13½	94
29	30	Department head	51	10	70	8.00	14	94
[1] 30	50	Cutter	19	13	76⅔	10.00	15	93½
[1] 31	15	....do	15	12	78	7.00	14½	93
32	18	....do	24	10	70	8.00	13½	93
[1] 33	16	....do	19½	12	74	10.10	14	92½
[1] 34	19	Checker	19½	12	77⅓	9.70	16½	92½
35	31	Cutter	27	10	60	9.50	14	92
[1] 36	16	Stamper	19½	11½	78	9.75	15	92
37	60	Canner	22	11½	58	7.00	15	91
[1] 38	28	Cutter	11	12	73½	9.00	14½	91
[1] 39	35	....do	16	14	85⅓	17.00	15½	90½
40	14	....do	5	12	81	[2]	15	90½
41	18	....do	11½	11½	73⅓	12.50	13½	90½
42	24	Canner	6	12½	87	9.00	14	90½
[1] 43	15	....do	19½	12½	67½	6.36	14	90
44	15	Stamper	32	15	90	7.25	15	90
45	37	Canner	7	14	68	11.90	15	90
46	46	....do	32	12½	73	9.00	14	90
[1] 47	53	Cutter	19½	13	79	4.50	13½	89½
[1] 48	26	Canner	19½	10½	74	11.50	14	89½
[1] 49	15	Cutter	18	11½	71	7.25	14	89
50	34	Head forewoman	26	12½	63½	18.75	16½	89
51	60	Canner	20	13	69⅔	4.00	14	88½
52	25	Cutter	23½	10½	60	8.00	16	88
53	17	....do	24	10	56	5.00	14	88
54	34	Department head	17½	9	64	16.00	14½	88
55	32	Canner	28	10	60	7.80	13½	88
[1] 56	38	....do	10	10½	74	9.50	15	88
[1] 57	23	....do	19½	11½	74	17.00	15	88
58	18	....do	26	10	60	10.50	14	88
59	26	....do	26	11½	57	9.00	15	87½
60	35	Department head	26	11½	61½	8.00	14	87½
61	23	Cutter	22	11½	71	8.50	14	87½
62	16	Canner	20	10	70	10.00	14½	87½
63	15	Carrier	26	11½	61½	7.50	14	87½
64	16	Canner	13	12½	65	7.00	16	87½
[1] 65	16	Cutter	8	11½	76½	4.50	15	87½
66	15	Canner	31	10	60	8.50	14½	87
67	21	Cutter	28	10½	55	7.00	15	87
68	32	Head forewoman	29½	10½	76	15.20	18	87
[1] 69	33	Canner	18⅔	12½	73	12.00	15	86½
[1] 70	15	Sorting-machine tender	19½	13	74	7.40	15	86½
[1] 71	17	Canner	23	11½	71½	8.70	15	86½
72	36	Cutter	12	10½	65	8.50	14½	86
[1] 73	33	Canner	19½	10½	73	9.50	14	86
[1] 74	55	Cutter	4	12	86	6.00	14	86
75	40	....do	13	10½	60	6.00	14½	86
[1] 76	17	Checker	19	14	82	9.60	17⅓	86
[1] 77	38	Cutter	18½	12	72½	7.50	15	86
78	60	....do	29	10½	65	8.00	14½	86
[1] 79	24	Canner	19½	12½	72½	11.10	13	86
[1] 80	17	Cutter	8	10½	63½	7.75	16	86
[1] 81	14	....do	5	13½	75½	7.40	15	85½
[1] 82	17	....do	19	12	69	[3] 12.00	14½	85½
83	15	Cleaner	26	11½	54½	6.00	13	85½
84	20	Cutter	8½	12½	68	7.00	18	85

[1] Employed in country cannery. [2] Helper. [3] Including earnings of 1 helper.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, OAKLAND, BERKELEY, SAN JOSE, CAL., AND NEAR-BY TOWNS—Continued.

CANNERIES—9 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
[1] 85	30	Cutter	11	11½	73½	$7.00	13½	85
[1] 86	46	.....do	20⅔	12½	73	10.00	14½	85
[1] 87	15	Canner and cutter	20	13½	73½	17.00	15½	85
88	15	Canner	23	11½	58½	8.50	15½	85
89	15	.....do	22	12	42	3.00	14½	85
90	14	.....do	22	12	45	3.00	14½	85
91	16	.....do	19	12	46½	2.75	14½	85
[1] 92	17	.....do	19⅓	13	76½	8.00	17½	84½
93	58	Cutter	5	12	79½	6.50	13½	84½
94	56	.....do	11½	11½	74	6.00	12½	84½
[1] 95	18	Canner	19	13	76½	8.20	17½	84½
[1] 96	56	Cutter	16	12	76	4.00	14	84
[1] 97	50	.....do	17	12½	73	6.00	13½	84
[1] 98	18	Canner	19⅓	13	75½	8.00	17½	84
99	35	Cutter	8	10	70	7.00	12	84
[1] 100	18	.....do	10	12	75½	6.40	14	84
101	17	Labeler	39	10	70	7.50	14	84
102	30	.....do	51	10	70	7.50	14	84
[1] 103	18	Cutter	19½	11½	66½	8.00	15	84
[1] 104	18	Canner	25⅔	12½	75	10.20	16	84
[1] 105	49	Cutter	20⅔	12	70½	14.50	14	84
106	32	.....do	20	10½	69	19.00	18	83½
[1] 107	23	.....do	12⅚	11½	71½	8.00	13½	83½
108	14	Cutter	22	12	48	[2]	14	83½
[1] 109	12	.....do	7	10½	59½	[2]	14	83
[1] 110	17	Cutter and canner	11	12½	76⅔	7.60	14	83
[1] 111	16	Canner	9	13½	76	7.50	14½	83
112	15	Cutter	13½	11½	72½	8.25	13	83
[1] 113	26	Labeler	52	10½	60	9.00	13	83
114	52	.....do	52	10	50	9.60	13½	83
115	40	.....do	52	10	50	9.60	13½	83
[1] 116	18	.....do	37	10½	62	7.75	13	83
[1] 117	46	Cutter	10	13	77½	7.80	13	83
[1] 118	24	.....do	13	12	71½	5.50	14½	82½
[1] 119	16	Checker	20⅔	12	70	8.75	13½	82½
120	17	.....do	30	11½	62½	7.80	15½	82½
121	16	Cutter	25⅓	12	65	8.50	14	82
122	17	Canner	26	10½	58½	12.00	14	82
[1] 123	22	Cutter	14	11½	71	9.50	14	82
124	22	.....do	26	10½	60	9.00	15	82
125	24	Canner	24	10	55	4.00	12	82
[1] 126	30	.....do	15	13½	81	8.40	14	81½
[1] 127	16	Cutter	17⅓	12½	75½	10.50	14½	81½
128	64	.....do	10	11½	72½	5.00	12½	81½
129	40	.....do	24	11½	57⅓	5.25	12½	81½
130	49	.....do	19	11	64	7.50	13½	81
131	32	.....do	31	11	60	6.45	13½	81
132	59	.....do	21½	10½	67	10.00	15	81
133	46	.....do	12	11	60	3.25	13½	81
134	47	.....do	17	10	64	8.50	13½	81
135	21	.....do	6	10½	50	6.00	16	81
136	24	.....do	8	13½	81	12.25	13½	81
137	22	.....do	29	12½	64	7.00	13½	81
138	23	.....do	10	13	76	10.50	13½	81
[1] 139	22	Canner	19⅓	12	72½	17.00	16½	81
140	27	Cutter	22	10	55	10.00	13½	81
141	27	Canner and cutter	18	12½	64	7.50	13½	81
142	46	Cutter	33	12½	64	7.80	13½	81
143	60	.....do	29	11	62	6.00	13½	81
144	55	.....do	29	12½	64	6.00	13½	81
145	52	.....do	29	10½	60	8.00	14½	81
146	50	.....do	29	10½	60	8.00	14½	81
147	32	.....do	25	11	60	8.50	13½	81
148	38	.....do	29	10½	60	10.50	13½	81
149	28	.....do	28	10	50	6.00	13½	81
150	41	.....do	20	11	62	7.50	13½	81
151	40	.....do	29	12½	64	9.00	13½	81
152	15	Canner	29	12	67½	12.50	13½	81
153	15	.....do	24	12½	75½	6.00	13½	81

[1] Employed in country cannery.

[2] Helper.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, OAKLAND, BERKELEY, SAN JOSE, CAL., AND NEAR-BY TOWNS—Continued.

CANNERIES—9 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
154	14	Canner	22	13½	47	$5.10	13½	81
155	13	Cutter	6	13½	81	(1)	13½	81
156	15	Canner	16½	12	75½	9.00	13½	81
157	16	....do	33	12½	63¾	8.50	13½	81
[2]158	33	Cutter	13	11½	79¾	7.00	11½	80½
[2]159	45	....do	12¾	12	69⅓	6.80	14	80½
[2]160	12	....do	19½	4½	44	(1)	14	80½
[2]161	50	....do	12¾	12	69⅓	7.50	13½	80½
162	35	....do	20½	10½	56	5.00	14	80
163	16	Canner	25	10	56	(3)	14	80
[2]164	23	Cutter	12	13½	68	7.60	14	80
165	35	Canner	17	9	60	18.00	14	80
166	48	Cutter	19½	10½	56	5.25	13	80
167	50	Canner	31	10	60	9.00	14	80
168	35	Cutter	26½	10½	65	8.00	13	80
169	27	....do	17	10	60	7.00	14½	80
170	20	Canner	10	9	50	3.00	14½	80
171	24	....do	25½	10½	60	10.00	18	80
172	41	Cutter	19½	12½	74½	4.50	13½	80
173	50	Canner	18	10½	60	12.00	13	80
174	34	Cutter	29	10½	56	9.00	14	80
175	28	....do	14	10½	60	7.00	12½	80
176	46	....do	25½	10½	64	3.00	13	80
177	47	....do	15½	10½	62	7.00	15	80
178	40	Canner	15	9	60	10.00	14½	80
179	18	Cutter	29	10½	60	10.00	15	80
180	18	Sorter	15½	10½	60	8.00	15	80
[2]181	16	Canner	19½	11½	72	9.50	14	80
182	18	Cutter	29½	10½	60	10.00	15½	80
183	18	Canner	29	10½	60	10.00	13	79½
[2]184	12	....do	19½	11½	50	6.00	16	79½
[2]185	21	....do	8	11½	75	19.00	14½	79
[2]186	17	Cutter	19½	11½	65½	9.00	17	79
[2]187	27	....do	12¾	11	63⅔	7.15	13	79
[2]188	36	....do	19½	10½	62	8.00	12½	79
189	14	....do	8	10½	60½	9.00	14½	79
[2]190	41	....do	20¾	11½	69½	7.90	13½	79
[2]191	50	....do	20¾	12	68	6.00	13	79
192	23	Peeler	4	12	60	13.50	14	79
[2]193	45	Cutter	5	12	76½	6.00	14½	79
194	51	....do	26	10	60	6.80	14	79
[2]195	16	Canner	10	12½	69½	8.90	15	78½
[2]196	16	Cutter	19½	10	63	7.75	12½	78½
[2]197	36	....do	19½	10	65½	6.85	12½	78½
198	24	....do	29½	10½	60	10.00	14	78½
199	13	Canner	6	13	78	2.00	13	78
200	15	....do	21	12	44	4.00	14	78
201	16	....do	20	10	56	8.00	13	78
[2]202	24	Cutter	19½	12½	73½	9.30	14	78
[2]203	45	....do	26½	12	65	[4]12.50	14½	78
[2]204	49	....do	11	12½	73½	10.00	14	78
[2]205	60	....do	20¾	12	68	5.00	12	78
[2]206	21	....do	31	10	58½	7.00	12	78
[2]207	22	Canner	31	11	58½	9.00	12	78
208	18	Cutter	10	10½	56	6.00	12	78
[2]209	29	....do	11	12	69½	5.80	14	78
210	17	Attendant	26	11½	58½	6.00	12½	78
[2]211	19	Canner	31	10	58½	15.00	12	78
212	35	....do	12	10½	54	7.00	14	78
213	23	Labeler	52	9½	63	6.50	13	78
[2]214	41	Cutter	16	12	72	6.50	13	78
215	65	....do	20	9½	55	5.00	12	78
[2]216	38	....do	31	10	58½	7.80	12	78
217	26	Canner	13	9	60	14.00	14½	78
[2]218	15	....do	10	12½	75½	9.00	15	77½
219	19	Forewoman	23	10½	68	11.90	15	77½
[2]220	15	Cutter	3½	12½	72½	7.78	14	77½
221	35	....do	6	10	40	6.75	14½	77½
[2]222	45	....do	11	11½	69	7.75	14	77½

[1] Helper.
[2] Employed in country cannery.
[3] Not reported.
[4] Including earnings of 1 helper.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, OAKLAND, BERKELEY, SAN JOSE, CAL., AND NEAR-BY TOWNS—Continued.

CANNERIES—9 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
223	36	Canner	17	9	56	$14.00	14½	77½
224	38	Cutter	15	11	60⅓	7.50	12	77½
[1] 225	17	Canner	7½	12½	70½	12.00	14	77½
226	14	....do	22	12	45½	4.00	14½	77
227	39	Peeler and cutter	31	10	60	8.50	14	77
228	31	Canner	14	10	60	6.00	14	77
229	46	Cutter	29	10	60	8.00	13	77
230	27	....do	24	10½	46	6.00	13½	77
[1] 231	34	Department head	23	10½	67	13.00	12½	77
232	18	Cutter	23	10½	56	8.00	13	77
[1] 233	31	....do	11½	12½	75½	6.00	14	76½
[1] 234	64	....do	20⅔	12	68	5.50	14½	76½
[1] 235	46	....do	19½	12	66	8.50	13½	76½
236	23	....do	24	10½	60	8.00	15	76½
[1] 237	15	....do	8	11½	72	6.25	14½	76½
238	36	Labeler	52	10½	63½	8.00	13½	76½
239	46	Cutter	19	10	60	6.50	13	76½
[1] 240	18	....do	3	12½	71	9.00	13	76½
[1] 241	41	....do	16½	12	73	6.30	13½	76½
[1] 242	47	....do	12½	12	68	5.00	14½	76½
[1] 243	41	....do	9	12½	72½	7.60	13½	76½
244	19	Labeler	52	10½	63½	8.00	13½	76½
[1] 245	15	Cutter	10	12	73	4.75	14½	76½
[1] 246	14	....do	7	12½	76	9.00	16	76½
247	13	Canner	6	12½	76½	10.50	14	76½
[1] 248	13	Cutter	14	11½	68	2.50	13	76½
[1] 249	17	....do	9	12½	72½	7.50	13½	76½
250	17	....do	24	10	55	6.50	13	76½
251	18	Peeler and sorter	25	10	60	9.00	14	76
[1] 252	39	Cutter	18⅔	12	69	4.50	14	76
253	36	Sorter	7	13	73	7.30	13	76
[1] 254	31	Canner	14	10	60	6.50	13½	76
[1] 255	50	Cutter	4	12	68	7.50	14	76
[1] 256	56	....do	12½	12	73½	5.50	14	76
[1] 257	47	....do	12½	12½	75	9.40	13½	76
258	23	Canner	17	9	53½	15.00	14½	76
259	22	Cutter and peeler	13	10	60	8.50	13½	76
[1] 260	29	Cutter	19½	11	63½	8.50	13	76
[1] 261	27	Canner	23	11	54	14.50	12	76
[1] 262	30	Cutter	19	12	69⅓	8.05	13	76
263	66	....do	23½	10½	60	6.00	13	76
[1] 264	20	....do	19½	12½	73½	7.40	13½	76
265	16	....do	14	11½	69	9.00	15	75½
[1] 266	24	Section head	19½	11	68	9.00	13½	75½
[1] 267	36	Cutter	19½	12	69	[3] 8.50	13½	75½
[1] 268	17	....do	19½	11½	70	10.00	15	75½
[1] 269	36	....do	4	12	71	6.00	13½	75½
[1] 270	28	....do	18⅔	11½	68⅔	6.10	12½	75
[1] 271	28	Canner	15½	12½	70⅔	16.00	12½	75
272	17	[2]	22	10	62	8.00	12	75
273	17	[2]	22	10	62	10.00	12	75
274	17	Canner	17	9	54	10.00	14	75
[1] 275	41	Cutter	19½	11½	69	11.00	14	75
[1] 276	48	....do	7	9½	59½	7.00	12½	75
277	34	....do	16	7½	60½	8.10	13	75
[1] 278	25	....do	17½	12	71⅔	10.00	12½	74½
279	51	Canner	17	9	56	17.00	14	74
[1] 280	27	....do	9	12	74	19.00	14	74
[1] 281	28	Cutter	19½	11½	72½	5.80	12	74
282	13	Canner	21	12	41	6.00	13	74
283	14	....do	6	10½	66	6.00	11	74
284	24	Cutter	9	12½	66	5.00	12½	74
[1] 285	17	Canner	1	11½	74	9.50	13½	74
286	36	....do	12⅔	9	54	10.00	14	74
287	21	....do	17	9	60	16.00	14	74
288	16	Cutter	17	9	56	14.00	14½	74
289	25	....do	17	9	56	5.00	13	74
290	45	Canner	11½	11½	68½	10.00	12½	73½
[1] 291	17	Cutter	10	10½	66	6.70	12	73½

[1] Employed in country cannery. [2] Not reported. [3] Including earnings of 1 helper.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, OAKLAND, BERKELEY, SAN JOSE, CAL., AND NEAR-BY TOWNS—Continued.

CANNERIES—9 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
292	33	Cutter	7	10	60	$9.00	13	73½
293	44	.....do	13½	11½	68½	6.00	12½	73½
[1] 294	43	.....do	20½	11½	69	6.00	13½	73½
[1] 295	40	.....do	20½	11½	67½	6.20	13½	73½
[1] 296	16	.....do	1	12	73½	2.00	13½	73½
[1] 297	14	Canner	11	12½	68	5.50	14½	73½
[1] 298	14	.....do	10	11½	68	3.50	15	73½
299	16	Carrier	13½	11½	68½	7.00	12½	73½
[1] 300	16	Cutter	19½	10½	62½	11.00	11½	73
[1] 301	37	.....do	24	9½	65	8.75	13½	73
[1] 302	29	.....do	17	10½	66½	15.50	11½	73
303	64	.....do	7	11½	58	4.50	13½	73
304	45	.....do	25	11½	60	5.00	12½	73
[1] 305	40	.....do	9	12	70	10.50	12½	73
306	62	.....do	19	11½	63½	7.00	13	72½
307	45	.....do	15½	10½	57	7.00	11½	72½
308	17	Canner	12	10	55	7.25	13½	72½
309	13	.....do	5	10	69	5.00	13½	72½
[1] 310	40	Cutter	19½	9¾	57½	6.35	11¾	72½
311	17	.....do	11	9	54	5.00	13	72
312	16	Labeler	17	10	63	7.50	14	72
313	21	Cutter	29½	10½	60	7.00	15	72
314	27	.....do	6	10	60	6.30	13½	72
315	28	.....do	29½	10½	56	5.00	12½	72
316	48	.....do	21	10	55	7.00	13½	72
317	60	.....do	9½	10½	63	4.50	10½	72
318	44	.....do	30	10½	60	6.00	14	72
319	25	Canner	13	10	60	9.00	13½	72
320	23	Cutter	19	10	60	9.50	14	72
321	22	.....do	8½	10½	54	7.00	13	72
322	20	.....do	6	10	50	7.00	12	72
323	19	Peeler and cutter	22	12	64½	5.00	12	72
324	60	Canner	32	10	50	3.00	12	72
325	24	Cutter	10	10½	56	5.00	13	72
326	40	Canner	12	10	52	12.00	12	72
327	17	.....do	10½	9	49	7.00	14	72
328	17	Cutter	14	10½	58	8.00	14	72
329	16	Canner	9	10	60	5.00	13	72
330	50	Cutter	15	10½	58	7.00	14	72
331	19	.....do	9	10½	54	6.00	14	72
332	18	.....do	22	10½	60	12.00	15	72
333	35	.....do	9	10	60	6.00	16	72
[1] 334	35	Forewoman	12	10	69	16.50	12	72
[1] 335	35	Cutter	6	11½	67	6.00	12½	72
336	21	.....do	29½	10½	56	12.00	14	72
337	21	.....do	29½	10½	54	6.00	12½	72
338	29	.....do	25	10½	58	10.00	14	72
[1] 339	26	Canner	9	11	59½	10.50	12	72
340	51	Cutter	16	10	62	9.00	16	72
341	14	.....do	8	10½	66	4.50	13½	72
342	24	.....do	16	10½	60	7.00	14	72
[1] 343	50	.....do	19½	11	70½	6.50	12½	72
[1] 344	50	.....do	19½	11½	69	8.00	12½	72
[1] 345	17	.....do	23	10½	65	7.00	14	71½
346	60	.....do	1	10½	71	8.00	13½	71
[1] 347	50	.....do	19½	11½	69½	6.00	12	71
[1] 348	22	.....do	15½	11½	65½	7.10	13	71
349	47	.....do	15½	11½	61½	8.70	12½	71
350	60	.....do	27	10½	58	6.00	10½	71
351	20	.....do	20	10	55	7.50	12½	70½
[1] 352	55	.....do	8	10½	64½	6.00	12	70½
353	16	Canner	18¾	2	26	2.60	13	70½
[1] 354	50	Cutter	17½	11½	67½	8.75	12½	70
355	35	.....do	23	10½	40	7.00	14	70
356	24	Labeler	13	10	64	8.50	14	70
357	25	Cutter	5	9	56	6.00	13	70
358	37	.....do	13½	10½	60	7.00	14	70
359	20	Canner and cutter	18	10½	64	8.00	14	70
[1] 360	17	Canner	10	10½	64½	10.50	13½	70

[1] Employed in country cannery.

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CANNERIES—9 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
[1] 361	13	Cutter and canner	9	10½	67	$4.50	13	70
[1] 362	15	Canner	8	10½	65	8.00	13	70
[1] 363	16	....do	8	10½	65	8.00	13	70
364	23	Cutter	11½	11½	69	6.00	11½	69
365	16	Canner	8	10½	64	8.50	14½	69
[1] 366	71	Cutter	4	11½	67	5.00	11½	69
[1] 367	35	....do	16½	9	51½	4.60	11½	69
[1] 368	13	Canner	7½	10½	64	7.00	11½	69
[1] 369	18	Cutter	23	10	51	15.00	12	69
[1] 370	22	Tally clerk	15	10	52	3.50	12	69
[1] 371	26	Canner	23½	10	51	10.65	12	69
[1] 372	66	Cutter	15	10	65	4.00	12	69
[1] 373	66	Canner	18½	10½	63½	7.50	11½	69
[1] 374	50	Cutter	20½	10	53	9.00	12	69
[1] 375	68	....do	16	11½	66	5.20	11½	69
[1] 376	45	....do	23	10	58	10.00	11	69
[1] 377	46	Assistant forewoman	23½	10	51	11.50	12	69
[1] 378	25	Cutter	13	10	58	11.50	11	69
379	19	....do	16	10½	60½	6.00	14	69
[1] 380	18	Canner	23½	10	51	10.50	12	69
[1] 381	36	Cutter	19½	10½	60	5.57	12½	69
[1] 382	35	....do	24	10½	65	11.00	11½	69
[1] 383	65	....do	23½	10	58⅓	4.80	11	69
[1] 384	45	....do	8	10	54	12.50	12	69
[1] 385	49	Canner	12	10	61½	9.00	12	69
[1] 386	17	Cutter	23	9½	52	5.50	11½	69
387	16	Canner and cutter	17½	10½	55	5.50	12½	69
[1] 388	14	Cutter	20½	10	53	[2]	12	69
[1] 389	17	....do	20½	10	53	[2]	12	69
[1] 390	18	Canner	23½	10	51	13.00	12	69
[1] 391	18	Cutter	20½	10	54	12.80	12	69
[1] 392	20	Canner	23½	10	51	12.76	12	69
[1] 393	20	....do	23½	10	51	13.00	12	69
[1] 394	20	....do	13	10	64	7.20	13	69
[1] 395	24	Cutter	24½	9	51	10.50	12	69
[1] 396	49	....do	20½	10	53	[4] 6.80	12	69
[1] 397	14	....do	4	10	52	2.50	12	69
[1] 398	35	Sorter	11½	10	64	12.00	12	69
399	15	Cutter	7	10	62	5.00	14	69
400	13	....do	8	10½	66	5.00	14½	69
[1] 401	14	....do	5	11½	67	2.00	11½	69
[1] 402	18	Stamper	6	11½	60	9.20	11½	69
403	19	Canner	8	9	47	5.00	13½	68½
404	22	Cutter	6	10	50	5.50	13½	68½
405	30	....do	6	10	50	5.00	13½	68½
406	28	....do	2	10	50	6.00	14	68
407	26	....do	28	10	40	7.80	13	68
[1] 408	31	....do	18½	10½	63	11.00	10½	68
409	50	....do	29	10½	55	4.50	13½	68
410	29	....do	13	10½	60	4.50	13½	68
[1] 411	34	....do	19½	11	63½	7.50	12½	67½
[1] 412	26	....do	19½	11	65½	11.50	11½	67½
[1] 413	42	....do	8	9½	62½	6.00	14	67½
[1] 414	35	....do	10	10½	63	6.50	12	67½
415	17	....do	8½	10½	55	4.50	13	67½
416	40	....do	13	10½	60	4.50	13	67½
[1] 417	46	....do	20	11¼	65	8.75	11½	67½
418	50	....do	31	10	55	7.60	13½	67½
[1] 419	50	....do	20⅔	12	45	6.50	14½	67½
420	19	Laborer	33	10	57	6.25	12½	67
421	35	Section head	14	11½	60	8.50	14½	67
422	50	Cutter	29½	10½	55	6.00	12½	67
423	14	....do	8	10½	64	4.50	12½	67
424	17	Canner	34	9	59	7.37	12½	67
425	16	....do	34	9	42½	4.25	12½	67
426	38	Cutter	16	10½	64	9.50	11½	67
[1] 427	54	....do	4	8	62½	4.50	12	67
[1] 428	14	....do	5	10	64	4.50	13½	67
429	18	....do	31	10	50	8.60	13	67
[1] 430	34	Canner	21	9½	60	15.00	11	66½

[1] Employed in country cannery. [2] Not reported. [3] Helper. [4] Including earnings of 1 helper.

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CANNERIES—9 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
431	53	Cutter	22	10½	58½	[1] $6.00	13½	66½
432	37	....do	25	10½	60	7.00	12½	66½
433	45	Canner	2	10	50	4.50	12	66
434	45	Cutter	31	10	60	9.00	11	66
435	42	Canner	6	10	60	7.50	12	66
436	27	Cutter	17½	10	56	7.00	12	66
[2] 437	34	....do	10	11	62	5.80	11	66
[2] 438	19	....do	19½	10½	63	11.00	11½	66
[2] 439	22	....do	12	10½	63	12.50	11	66
[2] 440	34	....do	19½	11	63	6.50	11	66
[2] 441	20	....do	5	10½	59	6.10	12	65½
442	25	....do	8	10	54	4.00	13	65½
[2] 443	14	Canner	8	10	63	7.50	12½	65
444	33	Cutter	11½	9½	62½	7.00	12½	65
445	28	Labeler	17	10	61	7.63	15	65
[2] 446	45	Cutter	14½	10½	63½	7.00	11½	65
447	42	....do	9	10½	62⅝	5.00	12½	65
448	45	....do	8	10½	58	4.00	12½	65
449	65	....do	15½	10½	54½	5.00	10½	65
450	35	Labeler	10⅝	10	55	7.00	12	64
451	36	Cutter	20	10½	58	6.00	13	64
452	58	....do	26	10½	30	3.50	11½	64
453	55	....do	9½	8	51	5.00	11	64
454	45	....do	11½	9½	56½	7.50	11	64
[2] 455	36	Canner	3	10	60	12.00	12	64
[2] 456	24	....do	19½	10½	64	8.50	11½	64
457	17	Cutter	8	10	56	5.50	14	64
[2] 458	15	Canner	4	10½	63	6.00	11	63½
[2] 459	30	Cutter	16	10½	62½	6.00	11	63½
[2] 460	39	....do	8	10½	63	7.50	11	63½
[2] 461	36	Canner	2	10½	62	13.50	10½	63
462	17	Cutter	11	10½	50	7.00	10½	63
[2] 463	46	....do	19½	9½	50	7.00	10½	63
[2] 464	18	....do	19½	10½	60	9.75	10½	63
[2] 465	20	....do	14½	10½	60	11.00	10½	63
[2] 466	19	....do	10	10½	60	14.00	10½	63
[2] 467	18	....do	11	10½	60	6.50	10½	63
[2] 468	18	....do	19½	10½	60	6.25	10½	63
[2] 469	18	....do	19½	10½	60	7.75	10½	63
[2] 470	18	....do	19½	10	58	6.00	10½	63
471	17	....do	6	9	54	7.00	11	63
472	50	....do	29	10½	50	5.00	10½	63
[2] 473	42	....do	19½	10½	59	6.50	10½	63
[2] 474	19	....do	10⅝	10½	60	6.00	10½	63
[2] 475	21	Canner	10	10½	60	11.00	10½	63
[2] 476	24	Cutter	19½	10½	60	5.00	10½	63
[2] 477	30	....do	5	10½	63	15.00	10½	63
478	45	....do	4	10½	60	5.50	10½	63
[2] 479	31	....do	19½	10½	61	7.24	10½	63
[2] 480	45	....do	19½	9½	59	7.80	10½	63
[2] 481	13	....do	5	10½	57½	2.50	10½	63
482	47	....do	19	10½	56	11.00	10½	63
[2] 483	19	....do	19½	9	55½	12.00	11	63
484	36	....do	7	10	50	6.00	10½	62
[2] 485	45	....do	9	9½	60⅝	7.60	10½	62
[2] 486	44	....do	3	11	53	6.00	11	62
[2] 487	16	....do	5	10	59½	7.50	11	62
[2] 488	42	....do	5	10	59½	7.50	11	62
[2] 489	15	Canner	14	9½	50	8.50	9½	62
[2] 490	18	....do	19½	9½	53½	13.50	12	61½
491	47	....do	9	10½	30	5.00	13	60
[2] 492	16	Stemmer	4	10	50	3.00	10	60
493	28	Canner	19	10½	58	8.00	10½	60
[2] 494	33	Cutter	3	10	51½	5.75	10	60
[2] 495	32	Canner	3	10	59	([3])	10	60
496	28	....do	4	10½	54	5.00	13	60
[2] 497	49	Cutter and peeler	10	10	59	3.00	10	60
498	19	Canner	4	10	40	6.00	11	60

[1] Including earnings of 1 helper. [2] Employed in country cannery. [3] Not reported.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, OAKLAND, BERKELEY, SAN JOSE, CAL., AND NEAR-BY TOWNS—Continued.

CANNERIES—9 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
[1] 499	52	Cutter	5	10	57	$5.00	10	60
[1] 500	28	....do	5	10	60	6.75	10	60
[1] 501	33	....do	5	10	58½	4.00	10	60
[1] 502	16	Canner	20½	10	10	2.00	12	60
[1] 503	18	Cutter	18½	10	53	4.60	10	60
504	16	Canner	4	9	56	7.00	13	60
505	16	....do	20½	10½	56	6.00	13	60
506	59	Cutter	8½	10½	50	6.00	13	60
[1] 507	50	....do	20½	10	57	6.75	10	60
508	27	....do	13½	10	56	9.00	10	60
509	46	....do	13	9	36	6.00	10	60
510	50	....do	15	9	44	4.00	12	60
511	17	Labeler	8	10	60	7.00	10	60
512	17	....do	4	10	60	7.50	10	60
[1] 513	14	Cutter	2	10	59	2.50	10	59
[1] 514	19	....do	8	9½	43	4.00	10	58½
[1] 515	44	....do	9	9½	57½	4.50	10	58
516	16	....do	7	8	41	3.00	13	58
[1] 517	46	....do	20½	9½	55½	5.50	9½	57
[1] 518	33	....do	9½	9½	30	[2] 9.00	9½	57
[1] 519	12	....do	9½	9½	30	([3])	9½	57
[1] 520	20	Canner	7½	9½	54	8.50	9½	57
[1] 521	17	Cutter	19½	9½	55	5.50	9½	57
522	13	....do	9	8	45½	6.00	13	57
[1] 523	50	....do	8	9½	54	5.00	9½	57
[1] 524	34	Labeler	20	9½	56	15.00	9½	57
[1] 525	47	Cutter	19½	9½	55	9.00	9½	57
[1] 526	18	Canner	5	9½	54	5.50	9½	57
527	32	Cutter	8½	9	36	5.00	11½	56
528	28	Canner	22	9	42½	3.50	10	56
529	35	Cutter	15	7½	43½	5.75	12½	55
530	60	Canner	21	10	36	[2] 7.00	14	54½
531	27	....do	21	10	36	7.00	14	54½
[1] 532	34	Cutter	19½	9	53	5.75	9	54
533	15	....do	8½	8	40	6.00	12	54
[1] 534	15	....do	3	9½	54	3.00	9½	54
[1] 535	37	....do	19½	8½	50	6.70	10	54
[1] 536	73	....do	2	9	51	1.90	9	54
[1] 537	33	....do	12½	9	50	5.75	9	54
538	13	....do	5	8	44	5.00	12½	52½
539	16	....do	5	8	46	6.00	13	52
540	40	....do	24	8½	48	[2] 5.00	8½	51
[1] 541	34	....do	1	9	51	4.00	9	51
[1] 542	38	....do	2	8½	48	8.00	8½	51
[1] 543	13	....do	3½	8½	50	([3])	8½	51
[1] 544	18	....do	3	9½	44	3.50	10½	50½
545	16	....do	7½	8	46	6.00	13	50
[1] 546	34	....do	17	8	49	5.50	8½	50
547	15	....do	8	8	40	6.00	10	50
[1] 548	22	Canner	23½	8	47	7.00	10	49
549	13	Cutter	4	8	30	2.00	8	48
550	14	....do	8	8	40	5.00	8	48
551	14	....do	13	8	40	4.00	8	48
552	14	....do	9½	8	30	([3])	8	48
553	18	....do	21	8	40	5.50	8	48
554	40	Peeler and cutter	4	8	48	6.00	8	48
555	24	Cutter	15½	7½	43	2.40	8½	48
556	74	....do	23	8	40	2.50	8	48
557	13	Canner	8½	8	40	3.50	8	48
558	15	....do	10	8	40	9.00	8	48
559	16	Cutter	6	8	40	([3])	8	48
[1] 560	16	....do	4	8	40	4.00	8	48
561	14	....do	9½	8	36	3.00	8	48
562	15	....do	2	8	40	([3])	8	48
563	14	....do	12	8	40	3.00	8	48
[1] 564	28	....do	4	8	48	3.00	8½	48
565	14	Canner	9½	8	40	4.00	8	48
566	16	Sorter	4	8	40	3.00	8	48
567	16	Canner	28	8	40	9.00	13½	48
[1] 568	13	Cutter	7½	8	40	3.50	8	48

[1] Employed in country cannery. [2] Including earnings of 1 helper. [3] Helper.

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TABLE IV.—HOURS OF LABOR, EARNINGS, AND DURATION OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, OAKLAND, BERKELEY, SAN JOSE, CAL., AND NEAR-BY TOWNS—Concluded.

CANNERIES—9 establishments—Concluded.

Number	Age.	Occupation.	Weeks employed.	Usual hours per day.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
							Per day.	Per week.
569	15	Cutter	8½	8	40	(1)	8	48
570	30	....do	4	7½	45½	$5.30	8	47
571	28	Canner	13	9	36	5.00	9	45
[2] 572	51	Cutter	19	10½	42	3.50	11½	44½
573	32	Canner	3½	12½	40½	1.50	12½	43½
[2] 574	16	Cutter	7½	8½	42½	3.75	8½	42½
575	40	....do	20	10	30	4.00	10½	42
[2] 576	50	....do	15	6½	36½	3.00	7	40½
577	15	....do	4	7	30½	1.50	11½	38
578	22	....do	4	7	30½	1.50	11½	38
579	22	....do	4	7	30½	1.50	11½	38
580	28	....do	5½	7	30½	2.25	11½	38
581	24	Canner	4	11½	30½	1.75	11½	38
582	22	Cutter	5	7½	30½	2.25	11½	38
[2] 583	60	Stemmer	3	7½	32	.75	8	34
[2] 584	12	Cutter	16	2	20½	(1)	10½	20½
585	14	Canner	9	10½	66½	7.50	14½	(3)
586	19	Cutter	12	10	60½	8.00	14½	(3)
587	17	....do	6	10	60	6.40	13	(3)
588	33	....do	17	10	60	8.50	13	(3)
589	57	....do	25	10	60	6.00	13	(3)
590	48	....do	27	10	59	10.00	13½	(3)
591	51	....do	8	10	59	7.00	13½	(3)
592	22	Section head	27	10	58½	10.00	13½	(3)
593	60	Cutter	25	10	57	8.00	14	(3)
594	16	Canner	33	10	57	7.50	14	(3)
595	17	....do	30	10	57	7.20	14	(3)
596	14	....do	7½	10	56½	3.75	13½	(3)
597	14	....do	7½	10	56½	4.00	13½	(3)
598	20	Cutter	5	8½	54½	6.00	11½	(3)
599	14	....do	9	10	53	2.70	12½	(3)
600	35	....do	17	10	53	7.75	12½	(3)
601	33	....do	3	9½	52½	3.30	9½	(3)
602	15	....do	10½	7½	49½	4.20	14½	(3)
603	67	Canner	21½	8	49½	6.00	14½	(3)
604	16	Cutter	6	7½	48½	7.00	13½	(3)

[1] Helper. [2] Employed in country cannery. [3] Not reported.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO AND OAKLAND, CAL.

CANDY, BISCUITS, ETC.—10 establishments.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
1	39	Packer	48	9½	57½	$6.00	7	82⅔	$10.00	13½	90
2	38	Sampler	50	9	53½	8.45	7	68½	9.50	12	84
3	22	Fancy packer	50	9	53½	7.50	7	60½	8.50	12	84
4	16	General worker	52	9½	57	6.50	7	(1)	7.50	13½	81
5	20	Sealer of boxes	52	9½	57	6.00	2	81	9.00	13½	81
6	33	Section head	[2] 44	9½	57	6.50	2	81	9.00	13½	81
7	22	Shipping clerk	52	9	53	8.00	3	79½	14.65	12½	79½
8	22	General worker	46	9	53	5.30	3	76½	9.50	12½	79½
9	24	....do	46	9	53	8.00	3	79½	15.75	12½	79½
10	24	Wrapper	52	9	53½	10.50	8	70⅔	15.00	12	77½
11	18	Tag sticker	52	9	53½	7.50	8	70⅔	10.50	12	77½
12	18	Wrapper	52	9	53½	10.00	8	70⅔	15.00	12	77½
13	16	....do	51	9	53½	10.50	4	70	16.00	12	77½
14	17	Label sticker	51	9	53½	7.50	8	70	10.25	12	77½
15	18	Wrapper	51	9	53½	10.50	8	70	15.00	12	77½
16	21	....do	51	9	53½	10.50	8	70	15.00	12	77½
17	33	Packer	[2] 36	9½	57	6.00	4	75½	7.00	12½	75½
18	21	Dipper	52	8½	52½	9.00	2	74⅔	(1)	13½	74⅔
19	18	....do	52	8½	52½	8.00	2	74⅔	10.00	13½	74⅔
20	21	....do	52	8½	52½	9.00	2	74⅔	10.00	13½	74⅔
21	26	Table worker	51	8½	52½	7.00	3	71⅓	8.65	13½	74⅔
22	20	Wrapper	52	9	54	7.40	1	74	10.75	13	74
23	22	Dipper	52	8½	52½	9.60	4	71	13.00	12½	73½
24	16	Stock girl	52	8½	52½	5.70	3	70 7/10	8.50	12½	73½
25	19	Dipper	[2] 49	8½	52½	8.60	4	71	12.00	12½	73½
26	20	Stock girl	52	8½	52½	6.70	3	73⅓	10.00	12½	73½
27	21	Dipper	52	8½	52½	9.60	4	71	13.00	12½	73½
28	19	....do	52	8½	52½	7.30	4	71	10.20	12½	73½
29	20	Wrapper	52	8½	52½	8.00	4	70 7/10	10.25	12½	73½
30	24	Dipper	52	8½	52½	13.50	3	73⅓	20.00	12½	73½
31	20	....do	52	8½	52½	8.60	4	72½	12.00	12½	73½
32	18	Packer	52	8½	52½	7.00	2	73⅓	8.65	12½	73½
33	20	Dipper	52	8½	52½	7.00	2	73⅓	8.65	13½	73½
34	20	....do	52	8½	52½	7.90	4	71⅓	10.00	12½	73½
35	17	....do	[2] 36	8½	52½	6.00	4	70 7/10	7.00	12½	73½
36	(1)	Wrapper	41	9½	57	6.00	1	73	8.00	13½	73
37	24	Forewoman	51	9	53½	14.00	12	65½	18.00	12	71½
38	18	Dipper	51	9	53½	6.66	12	64	8.50	12	71½
39	18	Packer	51	9	53½	5.50	4	64	7.00	12	71½
40	19	Sticker	51	9	53½	7.50	8	65⅞	10.25	12	71½
41	18	Wrapper	50	9	53½	10.30	5	67 7/10	11.50	12	71½
42	16	Packer	51	9	53	6.00	6	66½	9.00	12	71
43	19	Table worker	47	8½	52½	7.00	(1)	(1)	8.14	[3] 13½	70½
44	18	Packer	40	8½	52½	6.00	2	65½	7.00	13½	70½
45	24	Dipper	52	8½	52½	9.65	3	69½	13.00	12½	69½
46	26	....do	52	8½	52½	10.00	3	69½	13.00	12½	69½
47	41	....do	52	8½	52½	9.60	4	67	13.00	12½	69½
48	19	....do	52	8½	52½	7.70	4	67	10.50	12½	69½
49	18	Packer	52	8½	52½	6.70	4	67	9.00	12½	69½
50	20	General worker	[4] 39	8½	52½	5.89	4	69¼	9.00	12½	69½
51	19	Dipper	[4] 50	8½	52½	6.70	4	62 7/10	9.00	12½	69½
52	21	Forewoman	52	8½	52½	13.15	4	69	16.00	12½	69½
53	20	Packer	52	8½	52½	8.50	3	69¼	11.00	12½	69½
54	23	Dipper	52	8½	52½	8.65	4	67	12.00	11½	69½
55	21	....do	52	8½	52½	8.00	4	67	11.50	12½	69½
56	30	Packer	52	8½	52½	6.70	3	66 4/10	8.50	12½	69½
57	18	....do	37	9½	57	6.50	7	69	9.00	13½	69
58	21	Dipper	52	9	54	9.50	7	62⅔	10.50	12	69
59	20	....do	52	9½	57	8.00	7	69	9.98	13½	69
60	16	....do	52	9½	57	9.00	7	69	10.50	13½	69
61	17	....do	[2] 40	9½	57	7.00	4	69	9.00	13½	69
62	16	Dipper, machine	51	9	53½	5.00	12	64½	6.20	12	68½
63	18	Dipper	51	9	53½	10.00	12	64½	12.50	12	68½
64	17	....do	51	9	53½	8.00	12	64½	10.00	12	68½
65	17	....do	51	9	53	6.00	7	(1)	7.50	12	68½

[1] Not reported.
[2] Time lost due to illness.
[3] First employment.
[4] Time lost due to voluntary vacation.

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CANDY, BISCUITS, ETC.—10 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
66	38	Dipper	[1] 49	9	53½	$8.00	12	64½	$10.00	12	68½
67	27	....do	51	9	53½	7.90	12	64½	10.00	12	68½
68	40	....do	51	9	53½	9.00	12	64½	11.50	12	68½
69	16	....do	51	9	53½	8.00	12	62½	10.00	12	68½
70	18	Wrapper	51	9	53½	9.00	4	65½	11.00	12	68½
71	16	Dipper	[2] 38	9	53½	5.00	12	62½	6.70	12	68½
72	30	....do	52	9	53	10.50	4	68	14.50	12	68
73	19	Packer	52	9	53	10.30	25	60⅜	12.25	12	68
74	46	Forewoman	52	9	53	15.00	30	60⅜	17.50	12	68
75	26	Packer	52	9	53	10.30	25	60⅜	12.25	12	68
76	33	....do	52	9	53	8.85	25	60⅜	10.50	12	68
77	35	....do	52	9	53	10.30	30	60⅜	12.25	12	68
78	20	....do	52	9	53	10.30	25	60⅜	12.25	12	68
79	24	....do	52	9	53	10.30	25	60⅜	12.25	12	68
80	22	....do	52	9	53	10.30	25	60⅜	12.25	12	68
81	27	Forewoman	52	9	53	10.00	25	60⅜	15.00	12	68
82	32	Packer	52	9	53	10.30	25	60⅜	12.25	12	68
83	20	....do	52	9	53	10.30	25	60⅜	12.25	12	68
84	18	Dipper	51	9	53	6.00	7	[3]	8.00	12	68
85	30	Packer	52	9	53	8.85	25	60⅜	10.50	12	68
86	24	Dipper	51	9	53	8.00	12	64	9.00	12	68
87	20	Packer	52	9	53	10.30	25	60⅜	12.25	12	68
88	19	Table worker	51	8½	52½	8.00	3	64⅓	11.00	11½	67½
89	16	Sorter	[2] 21	9	53	4.00	2½	66½	6.00	13½	66½
90	16	Packer	[2] 28	9½	57	5.50	4	66	6.90	12½	66
91	21	Dipper	44	9½	57	11.00	4	66	14.00	12½	66
92	28	....do	[2] 34	9½	57	9.50	3	66	11.00	12½	66
93	19	....do	52	8½	52½	8.00	2	66	10.00	13½	66
94	16	....do	52	9½	57	8.00	4	66	8.50	12½	66
95	18	General worker	51	8½	52½	11.00	2	66	15.50	12½	66
96	20	Packer	52	8½	52½	8.00	2	66	10.00	12½	66
97	20	Dipper	52	9	54	8.80	4	66	11.25	13	66
98	33	Tray girl	52	9	54	5.90	4	66	7.50	13	66
99	27	Dipper	[1] 50	9	54	8.80	4	66	11.25	13	66
100	18	Fancy packer	52	9	54	5.90	1	66	7.50	13	66
101	24	....do	52	9	54	7.40	4	66	9.50	13	66
102	30	Hard-candy maker	52	9	54	8.80	4	66	11.25	13	66
103	34	Forewoman	52	9	54	11.75	4	66	15.00	13	66
104	25	Dipper	52	9	54	8.80	4	66	11.25	13	66
105	26	....do	52	9	54	8.80	4	66	11.25	13	66
106	23	....do	52	9	54	8.80	4	66	11.25	13	66
107	23	Forewoman	52	9	54	14.75	4	66	18.75	13	66
108	26	Dipper	52	9	54	8.80	4	66	11.25	13	66
109	18	Helper	52	9	54	5.90	2	66	7.50	13	66
110	18	Wrapper	52	9	54	5.90	3	66	7.50	13	66
111	21	Table worker	50	8½	52½	7.00	3	66	8.65	13½	66
112	20	Packer	52	9	53	10.20	30	56⅔	12.00	12	65
113	20	....do	52	9	53	10.20	30	56⅔	12.00	12	65
114	16	Packer and stacker	52	9	53	6.60	20	56 9/10	7.50	12	65
115	21	....do	52	9	53	6.60	20	56 9/10	7.50	12	65
116	35	....do	52	9	53	6.60	20	56 9/10	7.50	12	65
117	30	Packer	52	9	53	6.60	20	57 8/10	7.70	12	65
118	18	Packer and stacker	52	9	53	6.60	20	56 9/10	7.50	12	65
119	17	Packer	52	9	53	7.50	20	56 9/10	8.00	12	65
120	16	....do	52	9	53	6.60	20	56 9/10	7.50	12	65
121	16	....do	52	9	53	7.50	27	56 9/10	8.25	12	65
122	32	....do	52	9	53	6.60	27	56 9/10	7.00	12	65
123	24	....do	52	9	53	7.50	27	56 9/10	8.75	12	65
124	21	Forewoman	52	9	53	10.20	20	56 9/10	12.00	12	65
125	19	Labeler	52	9	53	7.75	20	56 9/10	8.50	12	65
126	19	....do	52	9	53	8.00	20	56 9/10	8.50	12	65
127	19	Packer and stacker	52	9	53	6.60	20	56 9/10	7.50	12	65
128	18	Packer	52	9	53	10.20	30	56⅔	12.00	12	65
129	17	....do	52	9	53	6.60	20	56 9/10	7.50	12	65
130	21	Weigher	26	9	53	10.50	20	57½	11.75	12	65
131	26	Packer	[1] 49	9	53	6.00	20	56⅔	6.50	12	65
132	24	....do	52	9	53	10.20	30	56⅔	12.00	12	65

[1] Time lost due to illness. [2] First employment. [3] Not reported.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO AND OAKLAND, CAL.—Continued.

CANDY, BISCUITS, ETC.—10 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
133	17	Wrapper	50	9	54	$5.50	12	63	$6.85	12	63
134	17	.....do	49	9	54	5.00	12	63	6.35	12	63
135	23	Packer	45	9	54	8.90	4	63	12.00	12	63
136	20	Wrapper	52	9	52	7.00	12	63	8.75	12	63
137	16	.....do	34	9	54	5.00	12	63	6.35	12	63
138	16	Packer	45	9	54	4.00	2	62½	5.00	12	62½
139	26	Forewoman	50	9	53½	10.00	8	62½	11.75	12	62½
140	17	Packer	50	9	53½	8.50	6	62½	12.25	12	62½
141	17	Dipper	50	9	53½	7.30	8	62½	8.75	12	62½
142	17	.....do	50	9	53½	8.50	8	62½	9.50	12	62½
143	17	.....do	50	9	53½	10.60	8	62½	10.00	12	62½
144	19	.....do	52	9	53½	10.25	8	62½	12.00	12	62½
145	19	.....do	50	9	53½	10.50	8	62½	11.75	12	62½
146	17	.....do	50	9	53½	9.00	8	62½	10.00	12	62½
147	25	Forewoman	50	9	53½	9.00	7	62½	10.50	12	62½
148	26	Wrapper	50	9	53½	10.75	7	62½	7.00	12	62½
149	18	.....do	50	9	53½	5.80	7	62½	7.75	12	62½
150	18	Wrapper and packer	50	9	53½	9.20	2	62½	11.50	12	62½
151	17	.....do	50	9	53½	8.00	6	62½	11.00	12	62½
152	27	Wrapper	50	9	53½	5.00	7	62½	6.00	12	62½
153	19	.....do	50	9	53½	6.00	7	62½	8.00	12	62½
154	18	Dipper	50	9	53½	9.00	8	62½	10.75	12	62½
155	30	.....do	50	9	53½	7.75	8	62½	10.70	12	62½
156	24	Packer	43	9	53½	10.50	2	62½	11.00	12	62½
157	17	Icer	51	9	53½	7.50	6	61	9.40	12	62½
158	19	Fancy packer	51	9	53½	6.00	12	62½	7.50	12	62½
159	24	Forewoman	51	9	53½	11.00	12	62½	13.50	12	62½
160	25	Labeler	51	9	53½	7.00	12	62½	8.50	12	62½
161	25	Packer	51	9	53½	5.50	12	62½	6.50	12	62½
162	47	.....do	47	9	53½	5.50	4	62½	6.50	12	62½
163	17	Wrapper	51	9	53½	6.00	4	62½	7.50	12	62½
164	19	.....do	52	9	53½	6.00	3	62½	6.70	12	62½
165	19	Section head	51	9	53½	5.50	12	62½	7.00	12	62½
166	16	Wrapper	51	9	53½	5.00	12	62½	6.00	12	62½
167	15	Dipper	51	9	53½	4.66	12	62½	5.60	12	62½
168	47	Wrapper	51	9	53½	6.00	12	62½	7.50	12	62½
169	17	.....do	51	9	53½	5.00	12	62½	6.25	12	62½
170	16	Dipper	39	9	53½	5.00	12	62½	6.50	12	62½
171	16	.....do	51	9	53½	4.66	12	62½	5.00	12	62½
172	18	Filler	51	9	53½	5.00	12	62½	5.50	12	62½
173	19	Carton maker	52	9	53½	13.50	12	62½	25.00	12	62½
174	21	.....do	51	9	53½	13.50	12	62½	20.00	12	62½
175	19	Packer	50	9	53½	10.50	12	62½	11.40	12	62½
176	18	.....do	50	9	53½	10.50	6	62½	11.40	12	62½
177	18	Carton maker	51	9	53½	9.50	8	62½	17.00	12	62½
178	29	Forewoman	29	9	53½	15.00	9	62½	18.00	12	62½
179	16	Sorter	51	9	53½	7.50	8	62½	8.75	12	62½
180	18	Icer	51	9	53½	7.50	4	62½	8.15	12	62½
181	19	Wrapper	[1] 40	9	54	7.30	2	62	8.75	13	62½
182	18	.....do	52	9	54	5.90	1	62	7.00	13	62
183	14	Dipper	48	9	53	4.50	17	62	5.25	12	62
184	19	Wrapper	[2] 26	9	53	7.50	2	62	9.00	12	62
185	19	Packer	49	9	53	9.50	17	62	9.50	12	62
186	25	Weigher	48	9	53	10.50	3	62	12.25	12	62
187	21	Forewoman	[2] 48	9	53	12.00	5	62	15.00	12	62
188	19	Packer	52	9	53	7.50	2	62	8.75	12	62
189	34	.....do	50	9	53	6.00	12	62	7.50	12	62
190	17	.....do	[3] 36	9	53	5.50	4	62	6.80	12	62
191	18	.....do	[4] 48	9	53	4.50	6	62	6.00	12	62
192	23	Dipper	51	9	53	8.50	1	62	12.00	12	62
193	16	Packer	[1] 51	9	53	5.00	6	62	8.15	12	62
194	19	.....do	51	9	53	5.75	3	62	6.85	12	62
195	14	Dipper	[5] 45	9	53	5.00	2	62	6.85	12	62
196	18	.....do	51	9	53	12.00	6	62	16.50	12	62
197	18	Wrapper	51	9	53	5.50	6	62	6.80	12	62

[1] Time lost due to illness.
[2] Time lost due to voluntary vacation.
[3] Laid off 13 weeks; rest of time lost due to voluntary vacation.
[4] Time lost due to illness, 3 weeks; laid off, 1 week.
[5] Laid off 1 week; rest of time lost due to illness.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO AND OAKLAND, CAL.—Continued.

CANDY, BISCUITS, ETC.—10 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
198	20	Dipper	51	9	53	$12.00	6	62	$16.50	12	62
199	19	Packer	51	9	53	6.50	6	62	8.00	12	62
200	16	Wrapper	51	9	53	4.50	6	62	5.75	12	62
201	17	Wrapper and packer	50	9	53	6.00	6	62	7.50	12	62
202	22	Helper	[1] 39	9	53	5.00	6	62	5.50	12	62
203	24	Sample packer	[1] 44	9	53	11.50	6	62	12.00	12	62
204	15	Packer	51	9	53	4.50	6	62	6.40	12	62
205	25	.....do	50	9	53	7.50	1	62	8.15	12	62
206	16	.....do	[2] 26	8½	53	5.00	1	60½	6.00	12½	60½
207	30	Dipper	52	8½	52½	9.00	4	60½	12.00	12½	60½
208	18	.....do	52	8½	52	9.00	4	60½	11.00	12½	60½
209	22	.....do	52	9	54	10.15	6	60	13.30	12	60
210	26	Icer	51	9	53½	7.50	6	59½	8.75	12	59½
211	16	.....do	[3] 40	9	53½	7.50	3	59½	8.75	12	59½
212	35	Forewoman	[4] 24	9	53½	10.50	1	59½	12.50	12	59½
213	25	Icer	52	9	53½	7.50	10	59½	8.75	12	59½
214	27	Packer	51	9	53½	12.00	6	59½	15.00	12	59½
215	35	.....do	51	9	53½	10.50	6	59½	13.00	12	59½
216	17	Icer	51	9	53½	7.50	6	59½	8.75	12	59½
217	17	General worker	[3] 40	9	53½	7.50	8	59½	8.15	12	59½
218	19	Icer	51	9	53½	7.50	2	59½	8.75	12	59½
219	20	.....do	51	9	53½	7.50	2	59½	8.75	12	59½
220	18	Dipper	[5] 32	9	53½	7.50	7	59½	8.75	12	59½
221	15	Icer	[6] 21	9	53½	6.00	1	59½	7.50	12	59½
222	17	Packer	51	9	53½	7.50	2	59	8.45	12	59
223	19	Icer	52	9	53	7.50	4	59	8.75	12	59
224	18	.....do	52	9	53	7.50	5	59	8.75	12	59
225	25	Forewoman	52	9	53	12.00	3	59	14.00	12	59
226	21	Wrapper	50	9	53	9.00	4	59	10.00	12	59
227	17	.....do	48	9	53	7.50	4	59	8.75	12	59
228	18	Packer	48	9	53	7.50	5	59	8.15	12	59
229	21	Packer and stacker	50	9	53	8.15	2	59	9.75	12	59
230	20	Packer	[6] 31½	9	53	7.20	3	59	8.75	12	59
231	23	.....do	52	9	53	9.00	3	59	10.25	12	59
232	21	Wrapper and packer	[1] 44	9	53	5.00	6	59	5.80	12	59
233	28	Stacker	50	9	53	7.50	4	59	8.75	12	59
234	19	Packer	52	9	53	7.50	3	59	8.00	12	59
235	19	Icer	52	9	53	7.50	4	59	9.40	12	59
236	43	Packer	51	9	53	10.50	8	59	13.00	12	59
237	20	Icer	52	9	53	6.50	5	59	6.50	12	59
238	16	.....do	52	9	53	4.90	5	59	5.75	12	59
239	16	Dipper	52	9	53	7.20	5	59	8.75	12	59
240	17	Icer	52	9	53	7.20	5	59	8.75	12	59
241	32	.....do	52	9	53	7.20	5	59	8.75	12	59
242	44	.....do	52	9	53	7.20	5	59	8.75	12	59
243	21	.....do	52	9	53	7.20	5	59	8.75	12	59
244	17	.....do	52	9	53	4.90	5	59	5.75	12	59
245	19	.....do	49	9	53	7.50	4	59	8.75	12	59
246	28	Forewoman	[7] 50	9	54	11.75	1	58	13.00	13	58
247	21	Fancy packer	[7] 18	9	54	5.95	1	57	6.50	12	57
248	17	Labeler	[7] 32	9	53½	7.50	3	56½	8.00	12	56½
249	21	Packer	[8] 32	9	53	5.00	1	56	5.40	12	56
250	17	Wrapper	51	9	53	7.50	3	56	8.10	12	56
251	22	Packer	51	9	53	8.95	4	56	9.75	12	56
252	21	Packer and stacker	51	9	53	10.30	2	56	12.00	12	56
253	23	Packer	52	9	53	10.50	2	56	11.25	12	56
254	23	Wrapper and packer	50	9	53	8.79	2	56	9.75	12	56
255	24	Assorted packer	52	9	53	6.00	20	56	6.50	12	56
256	18	Liner of boxes	52	9	53	5.80	2	56	6.50	12	56
257	20	Carton maker	52	9	53	8.50	2	56	9.00	12	56

[1] Time lost due to voluntary vacation.
[2] First employment; time lost, due to illness, 3 months.
[3] Worked elsewhere during rest of year.
[4] First employment in this industry; had worked elsewhere.
[5] Time lost due to illness, 2 weeks; 18 weeks employed elsewhere.
[6] First employment.
[7] Time lost due to illness.
[8] Time lost due to voluntary vacation, 2 weeks; rest of time employed elsewhere.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO AND OAKLAND, CAL.—Continued.

CANDY, BISCUITS, ETC.—10 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
258	38	Liner of boxes	52	9	53	$5.80	3	56	$6.50	12	56
259	18	Snap packer	52	9	53	7.50	2	56	8.00	12	56
260	25	Packer and stacker	52	9	53	4.80	2	56	6.00	12	56
261	19	....do	50	9	53	8.70	1	54	8.70	10½	54
262	38	Wrapper	52	9	53	7.50	2	53½	7.75	9½	53½
263	22	Dipper	52	9	53	9.50					
264	19	Roller runner	43	9	49	5.50	3	52	5.95	12	52
265	18	General worker	50	9	49	6.50	2	52	8.00	12	52
266	39	Wrapper	[1] 21	9½	57	5.00					
267	17	Dipper	[1] 6	9½	57	([2])					
268	17	....do	[1] 24	9½	57	([2])					
269	17	Sealer of boxes	[1] 8	9½	57	4.50					
270	14	....do	[1] 6	9½	57	5.00					
271	14	Wrapper	[1] 8	9½	57	4.50					
272	16	Sealer of boxes	[1] 8	9½	57	5.00					
273	23	Dipper	[1] 12	9½	57	8.00					
274	37	....do	52	9½	57	10.00					
275	15	Sealer of boxes	[1] 8	9½	57	4.50					
276	19	Packer	[1] 20	9½	57	5.00					
277	21	Wrapper	[1] 8	9½	57	5.00					
278	17	General worker	[1] 30	9½	57	5.00					
279	47	Dipper	52	9	54	8.80					
280	19	Tray girl	52	9	54	5.90					
281	28	Wrapper	52	9	54	5.50					
282	17	Dipper	50	9	53½	6.00					
283	21	....do	50	9	53½	7.00					
284	15	....do	[3] 20	9	53½	4.50					
285	16	Wrapper	[1] 16	9	53½	5.00					
286	17	....do	[1] 20	9	53½	4.50					
287	18	Cake dipper	[1] 32	9	53½	3.50					
288	22	Stacker	52	9	53½	7.50					
289	19	Icer	[1] 26	9	53	5.00					
290	20	....do	52	9	53	7.50					
291	([2])	Wrapper	52	9	53	10.45					
292	25	Packer	50	9	53	8.75					
293	17	Icer	51	9	53	8.25					
294	18	....do	52	9	53	6.75					
295	19	Packer	51	9	53	9.00					
296	32	....do	52	9	53	7.50					
297	19	Stacker	51	9	53	7.50					
298	18	Packer and weigher	50	9	53	8.70					
299	18	Stacker	50	9	53	7.25					
300	16	Packer	[1] 38	9	53	4.80					
301	18	Dipper	52	9	53	5.80					
302	19	Carton maker	52	9	53	10.30					
303	16	....do	52	9	53	5.80					
304	27	....do	52	9	53	7.20					
305	16	....do	52	9	53	5.80					
306	43	Closer of boxes	[4] 48	9	53	5.80					
307	23	Packer	[5] 32	9	53	6.00					
308	27	....do	52	9	53	10.00					
309	18	Stacker	52	9	53	₹.50					
310	15	Wrapper	[1] 24	9	53	3.40					
311	20	Packer	[1] 20	9	53	7.50					
312	16	Carton maker	52	9	53	12.00					
313	15	Packer	[1] 22	9	53	4.50					
314	16	Wrapper	[1] 12	9	53	4.50					
315	22	Packer	52	9	53	10.00					
316	21	Dipper	52	9	53	6.60					
317	22	Wrapper and packer	51	9	53	7.00					
318	15	Cleaner, cans	[1] 12	9	53	4.00					
319	18	Packer	[1] 12	9	53	5.00					

[1] First employment.
[2] Not reported.
[3] First employment in this industry.
[4] Time lost due to illness.
[5] Time lost due to voluntary vacation.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO AND OAKLAND, CAL.—Concluded.

CANDY, BISCUITS, ETC.—10 establishments—Concluded.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of weeks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
320	29	Cleaner, cans	52	9	53	$9.00	.....	.....	.....	.....	.....
321	19	Packer	52	9	53	7.50	.....	.....	.....	.....	.....
322	32	Dipper	51	9	53	12.00	.....	.....	.....	.....	.....
323	18	.....do	51	9	53	9.00	.....	.....	.....	.....	.....
324	14	Errand girl	[1] 16	8½	52½	5.00	.....	.....	.....	.....	.....
325	17	Packer	[1] 8	8½	52½	5.00	.....	.....	.....	.....	.....
326	17	Wrapper	52	8½	52½	4.90	.....	.....	.....	.....	.....
327	16	Tyer	[1] 19	8½	52½	5.00	.....	.....	.....	.....	.....
328	17	Wrapper	52	8½	52½	4.90	.....	.....	.....	.....	.....
329	18	Packer	[1] 22	8½	52½	5.00	.....	.....	.....	.....	.....
330	17	Wrapper	[1] 12	8½	52½	5.00	.....	.....	.....	.....	.....
331	16	Packer	52	9	52	5.00	.....	.....	.....	.....	.....
332	18	Wrapper	52	9	49	8.50	.....	.....	.....	.....	.....
333	20	.....do	52	9	49	7.00	.....	.....	.....	.....	.....
334	21	General worker	[1] 12½	9	49	6.50	.....	.....	.....	.....	.....
335	48	Wrapper	52	9	49	6.50	.....	.....	.....	.....	.....
336	18	General worker	52	9	49	5.45	.....	.....	.....	.....	.....
337	17	Box maker	[1] 36½	9	49	5.00	.....	.....	.....	.....	.....
338	17	Roller runner	52	9	49	6.00	.....	.....	.....	.....	.....
339	31	Packer	[1] 16	9	49	5.00	.....	.....	.....	.....	.....
340	16	General worker	[1] 15	9	49	5.00	.....	.....	.....	.....	.....
341	17	.....do	52	9	49	5.50	.....	.....	.....	.....	.....
342	16	.....do	[1] 24	9	49	5.00	.....	.....	.....	.....	.....
343	25	Packer	52	9	49	9.00	.....	.....	.....	.....	.....
344	18	General worker	[1] 23	9	49	5.00	.....	.....	.....	.....	.....
345	32	Wrapper	[1] 20	9	49	6.50	.....	.....	.....	.....	.....
346	21	General worker	[1] 12	9	49	4.00	.....	.....	.....	.....	.....
347	16	.....do	52	9	49	6.00	.....	.....	.....	.....	.....

[1] First employment.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.

CIGARS AND CIGARETTES—2 establishments.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
1	28	Bander	52	8	47	$11.80	1	51	$13.00	9	51
2	27	Stripper	52	8	47	6.40	1	48	6.60	9	48
3	30	....do	52	8	47	7.40	1	48	7.60	9	48
4	36	....do	52	8	47	7.30	1	48	7.60	9	48
5	36	....do	52	8	47	7.40	1	48	7.60	9	48
6	40	....do	[1] 20	9	54	5.50	.....	.....	.....	.....	.....
7	56	....do	[1] 12	9	54	5.50	.....	.....	.....	.....	.....
8	30	....do	[1] 22	9	54	5.50	.....	.....	.....	.....	.....
9	16	Stamper	[2] 8	9	54	4.80	.....	.....	.....	.....	.....
10	21	Wrapper	52	9	54	7.20	.....	.....	.....	.....	.....
11	19	Stamper	52	9	54	7.20	.....	.....	.....	.....	.....
12	20	Wrapper	52	9	54	7.85	.....	.....	.....	.....	.....
13	22	Packer	52	9	54	7.70	.....	.....	.....	.....	.....
14	21	Cigar maker	52	9	54	9.50	.....	.....	.....	.....	.....
15	18	Packer	52	9	54	7.20	.....	.....	.....	.....	.....
16	25	Stripper	52	8	47	6.40	.....	.....	.....	.....	.....
17	29	....do	52	8	47	6.40	.....	.....	.....	.....	.....
18	23	Bander	[2] 48	8	47	11.85	.....	.....	.....	.....	.....
19	15	Stripper	52	8	47	5.90	.....	.....	.....	.....	.....
20	16	....do	52	8	47	5.80	.....	.....	.....	.....	.....
21	15	....do	[2] 12	8	47	4.50	.....	.....	.....	.....	.....
22	17	Labeler	[1] 20	8	47	5.90	.....	.....	.....	.....	.....
23	21	Stripper	52	8	47	5.90	.....	.....	.....	.....	.....
24	30	....do	52	8	47	5.90	.....	.....	.....	.....	.....
25	16	....do	[2] 12	8	47	6.00	.....	.....	.....	.....	.....
26	16	....do	52	8	47	5.95	.....	.....	.....	.....	.....
27	40	....do	52	8	47	5.90	.....	.....	.....	.....	.....
28	14	Stripper and spreader	[2] 16	8	47	5.00	.....	.....	.....	.....	.....
29	30	Stripper	52	8	47	4.90	.....	.....	.....	.....	.....
30	27	....do	52	8	47	6.40	.....	.....	.....	.....	.....
31	39	....do	52	8	47	6.40	.....	.....	.....	.....	.....
32	16	....do	52	8	47	6.40	.....	.....	.....	.....	.....
33	19	....do	[3] 49	8	47	6.80	.....	.....	.....	.....	.....
34	36	....do	52	8	47	6.80	.....	.....	.....	.....	.....
35	20	....do	52	8	47	6.40	.....	.....	.....	.....	.....
36	40	....do	52	8	47	6.40	.....	.....	.....	.....	.....
37	50	....do	52	8	47	4.90	.....	.....	.....	.....	.....
38	28	....do	52	8	47	5.90	.....	.....	.....	.....	.....
39	33	....do	52	8	47	4.90	.....	.....	.....	.....	.....
40	19	....do	[4] 38	8	47	6.40	.....	.....	.....	.....	.....
41	48	....do	[3] 50	8	47	5.50	.....	.....	.....	.....	.....
42	17	....do	[2] 34	8	47	4.95	.....	.....	.....	.....	.....
43	25	....do	52	8	47	6.40	.....	.....	.....	.....	.....
44	38	....do	52	8	47	6.40	.....	.....	.....	.....	.....
45	50	....do	52	8	47	6.40	.....	.....	.....	.....	.....
46	18	Bander	52	8	47	10.80	.....	.....	.....	.....	.....
47	39	Labeler	[2] 12	8	47	6.00	.....	.....	.....	.....	.....
48	18	Bander	52	8	47	11.80	.....	.....	.....	.....	.....
49	19	....do	52	8	47	9.80	.....	.....	.....	.....	.....
50	16	....do	52	8	47	10.80	.....	.....	.....	.....	.....
51	24	Stripper	52	8	47	9.80	.....	.....	.....	.....	.....
52	16	....do	[2] 22	8	47	6.30	.....	.....	.....	.....	.....
53	16	....do	52	8	47	6.80	.....	.....	.....	.....	.....
54	26	....do	52	8	47	8.30	.....	.....	.....	.....	.....
55	40	....do	52	8	47	5.80	.....	.....	.....	.....	.....
56	17	....do	52	8	47	6.80	.....	.....	.....	.....	.....
57	29	....do	52	8	47	6.45	.....	.....	.....	.....	.....
58	30	....do	52	8	47	5.80	.....	.....	.....	.....	.....
59	35	....do	52	8	47	6.40	.....	.....	.....	.....	.....
60	16	....do	[2] 25	8	47	6.45	.....	.....	.....	.....	.....
61	40	....do	52	9	[5] 45	5.50	.....	.....	.....	.....	.....

[1] Employed elsewhere rest of time.
[2] First employment.
[3] Time lost due to voluntary vacation.
[4] Laid off 10 weeks; voluntary vacation of 4 weeks.
[5] Voluntary lay-off of 1 day each week.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Continued.

PAPER BOXES—7 establishments.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
1	21	Strapper	52	9	53	$6.00	12	69½	$9.00	13	75
2	18	Glue worker, machine	52	9	53	5.00	12	65½	6.00	12	71
3	43	Glue worker, hand	52	9	53	11.50	12	67	15.00	12	71
4	18	Turner-in	52	9	53	8.00	12	66	11.00	13	71
5	19	Machine lacer	[1] 50	9	53	8.00	12	65½	10.00	12	71
6	21	General worker	52	9	53	9.00	12	63½	12.30	12	71
7	18	Glue worker, machine	52	9	53	5.00	12	65½	7.00	12	71
8	16	Machine operator, cover	52	9	53	8.00	12	65½	10.50	12	71
9	19	Table worker	52	9	53	8.00	12	62½	12.00	12	68
10	18	Feeder, automatic machine	52	9	50	5.80	4	68	8.00	12	68
11	18	Catcher	49	9	50	4.70	4	68	7.00	12	68
12	21	Machine operator, cover	52	9	53	6.00	12	62½	8.50	12	68
13	17	Stripper and gluer	49	9	50	4.80	12	68	7.50	12	68
14	22	Table worker	[2] 32	9	53	8.50	12	62½	11.25	12	68
15	22	Gold-leaf worker	52	9	53	5.00	12	65½	7.50	12	68
16	24	General worker	52	9	53	10.00	12	63	13.00	12	68
17	25	Glue worker, hand	52	9	53	10.00	12	65	14.00	12	68
18	17	Feeder, automatic machine	52	9	50	4.90	4	68	7.00	12	68
19	20	Strapper	52	9	53	8.30	8	67	11.00	10	67
20	17	Stayer and strapper	49	9	53	5.40	8	67	6.80	10	67
21	25	Box maker	52	9	53	9.20	8	67	12.60	10	67
22	35	....do	52	9	53	9.20	8	67	12.60	10	67
23	30	....do	52	9	53	7.30	8	62½	10.00	10	67
24	21	Corner stayer	52	9	53	9.00	12	62½	12.00	13	67
25	22	Strapper	52	9	53	8.30	8	67	11.00	10	67
26	22	Box maker	[3] 50	9	53	9.20	8	67	12.60	11	67
27	17	General worker	52	9	53	6.10	8	67	8.00	10	67
28	19	Strapper	52	9	53½	8.75	6	63	9.00	12	65½
29	18	Coverer	50	9	53½	6.85	6	63	9.25	12	65½
30	16	Stayer	51	9	53½	4.95	6	63	6.00	12	65½
31	36	Glue worker, hand	52	9	53	8.00	12	62½	12.50	12	65
32	22	Strapper, machine	52	9	53	10.00	12	60½	14.00	12	65
33	25	Glue worker, hand	[4] 45	9	53	10.50	12	60	12.00	12	65
34	[5]	Top labeler	52	9	53	9.00	2	63	9.75	11	63
35	19	Strapper	52	9	53	7.50	4	63	8.75	11	63
36	17	Turner-in	[2] 24	9	53	4.50	4	63	5.00	11	63
37	16	....do	29	9	53½	3.50	6	62½	4.00	12	62½
38	18	Wire operator	[6] 21	9½	53½	6.35	1	62½	6.00	12½	62½
39	15	Glue worker, machine	52	9	53½	3.95	12	62½	5.20	12	62½
40	22	Tier	52	8½	50½	9.00	14	59½	11.00	11½	62½
41	35	Cleaner	52	8½	50½	6.90	14	59½	8.50	11½	62½
42	21	Machine operator	52	8½	50½	6.40	14	59½	8.00	11½	62½
43	19	Strapper	52	8½	52	7.00	14	59½	9.35	11½	62½
44	21	....do	52	8½	50½	7.80	14	59½	10.50	11½	62½
45	18	Box maker	51	9	53½	6.30	12	62½	7.50	12	62½
46	18	Box maker, small	52	9	53½	4.90	6	62½	5.50	12	62½
47	16	Strapper	52	9	53½	4.75	6	62½	5.80	12	62½
48	19	....do	52	9	53½	7.40	12	62½	9.00	12	62½
49	18	....do	51	9	53½	7.00	12	62½	8.00	12	62½
50	17	....do	[2] 25	9	53½	4.10	5	62½	5.00	12	62½
51	32	Coverer	51	9	53½	8.80	12	62½	12.00	12	62½
52	19	Strapper	52	8½	50½	5.90	14	59½	9.00	11½	62½
53	16	Errand girl	52	8½	50½	3.90	14	59½	5.00	11½	62½
54	16	Paper coverer	40	8½	50½	5.00	14	59½	6.00	11½	62½
55	25	Candy box maker	[3] 48	8½	50½	10.00	14	59½	13.00	10	62½
56	17	Helper	[1] 50	8½	51½	5.40	14	59½	6.50	10	62½
57	16	Errand girl	52	8½	50½	6.40	14	59½	7.00	10	62½
58	25	Forewoman	52	9	53½	15.80	12	62½	21.00	12	62½
59	16	Lacer	51	9	53½	7.30	12	62½	9.00	12	62½
60	19	Glue worker, hand	52	8½	50½	7.80	14	59½	10.00	11½	62½
61	17	Lacer	51	9	53½	7.30	12	62½	9.00	12	62½
62	16	Strapper	50	9	53½	5.40	12	62½	6.50	12	62½

[1] Time lost due to illness.
[2] First employment.
[3] Time lost due to voluntary vacation.
[4] Laid off three weeks; rest of time lost due to voluntary vacation.
[5] Not reported.
[6] First employment in this industry.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Continued.

PAPER BOXES—7 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
63	15	Box closer	52	9	53½	$4.75	12	62½	$6.00	12	62½
64	17	Strapper	50	9	53½	5.80	12	62½	6.90	12	62½
65	17	Gummer	52	9	53½	5.25	6	62½	6.00	12	62½
66	25	Candy-box maker	[1] 39	8½	50½	7.90	12	59 1/10	9.20	11½	62½
67	15	Strapper	52	8½	50½	6.50	14	59⅛	7.50	11½	62½
68	23	General worker	52	8½	50½	6.80	5	62½	10.00	11½	62½
69	24	General worker and box maker, hand	52	8½	50½	10.30	14	59⅛	13.00	11½	62½
70	17	Helper	52	8½	50½	5.80	14	59⅛	7.00	11½	62½
71	20	Paper coverer	[2] 40	8½	50½	7.50	14	59⅛	8.00	11½	62½
72	30	Candy-box maker	52	8½	50½	10.00	14	59⅛	12.00	11½	62½
73	17	Box gluer	52	8½	50½	7.00	14	59⅛	9.00	11½	62½
74	23	Indexer of packing boxes	52	8½	50½	4.95	14	59⅛	6.75	11½	62½
75	15	Strapper	52	9	53½	5.80	12	62½	6.50	12	62½
76	36	Tier	52	8½	50½	5.90	14	59 1/10	7.00	11½	62½
77	18	Turner-in	52	9	53½	4.00	6	62½	4.50	12	62½
78	17	Coverer	50	9	53½	8.75	12	62½	10.50	12	62½
79	17	....do	52	9	53½	8.75	12	62½	12.00	12	62½
80	16	Turner-in	52	9	53½	3.95	6	62½	4.30	12	62½
81	19	Strapper	[1] 26	9	53½	5.90	2	62½	7.00	12	62½
82	19	....do	52	8½	50½	8.00	14	59⅛	10.00	11½	62½
83	20	General worker	[1] 47	8½	50½	7.80	14	59⅛	10.00	11½	62½
84	30	Glue worker, hand	52	8½	50½	9.80	14	59 1/10	11.00	11½	62½
85	18	Strapper	52	8½	50½	5.90	14	59⅛	7.00	11½	62½
86	21	Candy-box maker	52	8½	50½	10.00	14	59⅛	12.00	11½	62½
87	18	Strapper	52	8½	50½	8.50	14	59⅛	10.50	11½	62½
88	16	Top labeler	52	8½	50½	5.40	14	59⅛	6.05	11½	62½
89	17	Machine lacer	52	8½	50½	5.40	14	59⅛	7.00	11½	62½
90	18	Stayer	52	8½	50½	6.90	14	59⅛	8.50	11½	62½
91	14	General worker	52	8½	50½	4.45	14	59⅛	5.40	11½	62½
92	30	Expert box maker	52	9	53½	11.80	12	62½	15.00	12	62½
93	20	Coverer	52	9	53½	5.80	12	62½	7.90	12	62½
94	[3]	Feeder	52	9	50	7.80	4	62	9.75	12	62
95	17	Box maker	52	9	53	7.30	8	62	8.75	9	62
96	17	....do	52	9	53	9.00	4	62	15.00	12	62
97	38	Table worker	[4] 49	9	53	7.00	12	62	10.00	12	62
98	20	Glue worker, machine	52	9	53	9.00	12	62	12.00	12	62
99	20	Table worker	52	9	53	7.50	3	62	8.50	12	62
100	22	Stock girl and timekeeper	52	8½	50½	11.80	14	57⅜	14.00	11½	61½
101	23	Stock girl	52	8½	50½	11.80	14	58 1/10	14.00	11½	61
102	24	Stripper	52	8½	50½	7.30	2	59½	7.50	11½	59½
103	17	....do	[1] 46	8½	50½	4.40	2	59½	4.80	11½	59½
104	18	Glue worker, hand	52	8½	50½	6.00	1	59½	6.50	11½	59½
105	18	....do	52	8½	50½	6.50	1	59½	7.00	11½	59½
106	33	Stripper	52	8½	50½	5.30	2	59½	5.75	11½	59½
107	29	Lacer	[2] 39	9	53	9.00	12	59	12.00	12	59
108	19	Feeder	52	9	50	7.90	1	57½	8.00	10½	57½
109	30	Stripper	50	8	48	8.00	3	54	9.33⅓	11	54
110	18	Labeler	[5] 17	9	53½	4.40	.....	.....	.....	.....	.....
111	17	Top labeler	[5] 28	9	53½	4.60	.....	.....	.....	.....	.....
112	15	Turner-in	[5] 16	9	53½	5.40	.....	.....	.....	.....	.....
113	24	Stayer	16	9	53½	6.95	.....	.....	.....	.....	.....
114	21	Glue worker, machine	52	9	53½	9.00	.....	.....	.....	.....	.....
115	16	Table worker	[5] 24	8½	53½	4.00	.....	.....	.....	.....	.....
116	18	Strapper	[5] 8	9	53	4.50	.....	.....	.....	.....	.....
117	17	General worker	52	9	53	7.30	.....	.....	.....	.....	.....
118	48	Gold-leaf worker	52	9	53	6.50	.....	.....	.....	.....	.....
119	18	Strapper	52	9	53	7.50	.....	.....	.....	.....	.....
120	23	Table worker	[2] 16	9	53	8.00	.....	.....	.....	.....	.....
121	18	Assorter	[5] 16	9	53	5.00	.....	.....	.....	.....	.....
122	15	Turner-in	[2] 24	9	53	4.00	.....	.....	.....	.....	.....
123	16	General worker	[5] 8	9	53	4.50	.....	.....	.....	.....	.....
124	16	....do	[5] 26	9	53	5.00	.....	.....	.....	.....	.....
125	18	Paster	[6] 44	8	48	6.50	3	51	8.00	9	51
126	19	Folder	52	8½	50½	5.20	.....	.....	.....	.....	.....

[1] Time lost due to illness.
[2] First employment in this industry.
[3] Not reported.
[4] Time lost due to voluntary vacation.
[5] First employment.
[6] Laid off 6 weeks; rest of time lost due to illness.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Continued.

PAPER BOXES—7 establishments—Concluded.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
127	19	Taper	[1] 26	8½	50½	$5.80					
128	25	Liner	52	8½	50½	8.50					
129	14	Folder	[1] 50	8½	50½	4.60					
130	16	Glue worker, hand	52	8½	50½	6.50					
131	20	Strapper	[2] 26	8½	50½	7.25					
132	17	Stitcher	52	8½	50½	6.05					
133	29	General worker	52	8½	50½	7.30					
134	33	Helper	[3] 8	8½	50½	7.50					
135	19	Glue worker, machine	52	8½	50½	6.90					
136	16	General worker	[3] 8	8½	50½	4.50					
137	20	Forewoman	52	8½	50½	9.80					
138	20	Stripper	[2] 26	8½	50½	4.90					
139	17	Stitcher	52	8½	50½	5.40					
140	15	Helper	[4] 17	8½	50½	4.45					
141	16	Tier	50	9	50	4.70					
142	17	Assorter	52	9	50	4.55					
143	26	Corrugated-box maker	52	9	50	5.80					
144	17	.....do	52	9	50	4.90					
145	35	Assorter	[1] 49	9	50	5.80					
146	20	Corrugated-box maker	52	9	50	8.30					
147	20	Feeder	[3] 17	8	48	9.00					
148	17	Tier	[5] 12	8	48	4.95					
149	18	Box maker	[3] 28	8	48	4.50					
150	18	Tier	[4] 20	8	48	4.50					
151	[7]	Forewoman	[1] 48	8	48	11.00					
152	18	Glue worker, machine	[6] 40	8	48	5.00					
153	20	Stripper	[3] 8	8	48	5.00					
154	19	Paster and box maker	[3] 25	8	48	5.00					
155	19	Box maker	[4] 12	8	48	4.25					

SHIRTS, OVERALLS, ETC.—6 establishments.

1	19	Feller	[1] 50	9⅓	54⅔	$8.00	2	65½	$10.00	12½	66⅔
2	37	Box pleater	[1] 48	9⅓	54⅔	14.00	4	63⅔	16.00	12½	63⅔
3	21	Hemmer	52	9	53½	15.00	8	63½	15.00	12½	63½
4	28	Inspector	52	9⅓	54⅔	11.90	3	62⅔	14.00	17⅓	62⅔
5	19	Assistant forewoman	52	9	53½	6.90	4	62½	7.50	12	62½
6	25	Machine operator, yokes	52	8½	51	14.45	12	60	15.50	11½	60
7	[7]	Feller	52	9	53½	11.80	1	59½	13.50	12	59½
8	28	Machine operator, buttonhole	52	9	53½	11.80	5	59½	14.00	12	59½
9	25	.....do	52	9	53½	9.80	4	59½	12.50	12	59½
10	35	Machine operator, button	52	9	53½	9.00	2	59½	11.50	12	59½
11	39	Front maker	52	9	53	10.80	6	59	14.00	12	59
12	20	Machine operator, button	52	9	53	11.80	1	59	13.25	12	59
13	27	Knitter	[2] 50	9	49½	10.50	6	58½	11.50	12	58½
14	16	Rewinder	[3] 14	9	49½	5.20	6	58½	6.00	12	58½
15	19	.....do	52	9	49½	8.80	17	58½	10.00	12	58½
16	28	Forewoman	[2] 51	9	49½	19.75	17	58½	22.00	12	58½
17	19	Machine operator, button	[1] 50	8¼	48	12.00	16	57	15.00	11¼	57½
18	29	Examiner	[2] 48	8¼	48	9.00	16	57	11.00	11¼	57
19	19	.....do	52	8¼	48	9.75	16	57	11.50	11¼	57
20	[7]	.....do	52	8¼	48	6.50	10	57	7.00	11¼	57
21	28	Presser	52	8¼	48	12.00	12	57	15.00	11¼	57
22	33	.....do	52	8¼	48	9.50	12	57	11.30	11¼	57

[1] Time lost due to illness.
[2] Time lost due to voluntary vacation.
[3] First employment.
[4] First employment in this industry.
[5] Only employment during period of investigation.
[6] Laid off 9 weeks; rest of time lost due to voluntary vacation.
[7] Not reported.
[8] Had had other employment.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Continued.

SHIRTS, OVERALLS, ETC.—6 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.			Maximum hours.	
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Per day.	Per week.
23	39	Presser	[1] 50	8¼	48	$12.00	12	57	$15.00	11¼	57
24	32	....do	52	8¼	48	14.00	12	57	18.00	11¼	57
25	40	Marker	[2] 42	8¼	48	5.00	3	57	7.00	11¼	57
26	25	Forewoman	52	8¼	48	12.00	16	57	15.00	11¼	57
27	15	Machine operator, button..	[3] 24	8¼	48	6.00	16	57	8.50	11¼	57
28	16	Tacker	[2] 46	8¼	48	8.50	2	57	9.00	11¼	57
29	24	Examiner	52	8¼	48	8.50	16	57	9.75	11¼	57
30	24	....do	52	8¼	48	9.75	16	57	11.50	11¼	57
31	19	Machine operator, button-hole	52	8¼	48	11.00	14	57	12.50	11¼	57
32	21	....do	[1] 50	8¼	48	14.00	16	57	19.00	11¼	57
33	21	....do	52	8¼	48	12.50	16	57	15.00	11¼	57
34	[4]	Presser	52	8¼	48	10.00	14	55½	12.00	11¼	57
35	20	Marker	[1] 50	8¼	48	9.00	16	57	11.00	11¼	57
36	21	Examiner	52	8¼	48	9.75	14	57	11.55	11¼	57
37	23	....do	52	8¼	48	9.75	14	57	11.55	11¼	57
38	46	....do	52	8¼	48	9.00	16	57	11.55	11¼	57
39	24	Machine operator, button-hole	[1] 50	8¼	48	11.00	16	57	15.00	11¼	57
40	23	....do	52	8¼	48	12.00	4	57	14.00	11¼	57
41	41	Marker	[1] 50	8¼	48	12.00	16	57	14.00	11¼	57
42	27	Machine operator, sleeves..	50	8½	51	13.40	8	57	16.00	11½	57
43	23	Machine operator, button..	[1] 51	8	48	8.50	1	57	10.50	11	57
44	18	....do	52	8	47½	8.80	4	56½	10.50	11	56½
45	26	Machine operator, button-hole	[1] 51	8	47	8.80	4	56	12.00	11	56
46	26	Sleeve maker	52	8	47	7.50	1	56	10.00	11	56
47	21	Joiner	52	8	47	7.80	1	56	8.50	11	56
48	24	Machine operator, button-hole	52	8½	50	11.80	8	56	14.00	11½	56
49	17	Knitter	[5] 48	9	49½	6.00	6	55½	6.50	12	55½
50	26	Forewoman	52	9	49½	12.00	12	55½	13.00	12	55½
51	18	Winder	[2] 44	9	49½	7.80	4	55½	8.00	12	55½
52	23	....do	[1] 51	9	49½	8.80	12	55½	9.50	12	55½
53	22	Machine operator, button..	52	7½	43½	8.50	1	55½	11.50	10½	55½
54	27	Forewoman	52	9	49½	20.00	3	55½	21.00	12	55½
55	18	Stamper	52	8¾	51⅔	8.50	1	54⅔	9.00	11⅔	54⅔
56	22	Folder	52	8¼	48	5.50	1	54	7.00	11¼	54
57	21	Machine operator, button..	52	8¼	48	8.50	1	54	11.00	11¼	54
58	19	Folder	52	8¼	48	7.50	1	54	10.00	11¼	54
59	21	Packer	52	8¼	48	10.50	16	52½	11.55	11¼	54
60	18	Knitter	[6] 48	9	49½	7.30	8	52½	7.30	12	52½
61	28	Presser	[7] 29	8¼	48	6.00	12	51	7.00	11¼	51
62	40	Coat maker	52	9⅓	54⅔	13.40	.....	.....	.....	.....	.....
63	32	Machine operator, overalls.	52	9⅓	54⅔	10.40	.....	.....	.....	.....	.....
64	21	....do	52	9⅓	54⅔	8.90	.....	.....	.....	.....	.....
65	50	....do	52	9⅓	54⅔	8.90	.....	.....	.....	.....	.....
66	21	....do	52	9⅓	54⅔	8.80	.....	.....	.....	.....	.....
67	25	....do	[1] 40	9⅓	54⅔	6.00	.....	.....	.....	.....	.....
68	40	....do	52	9⅓	54⅔	11.80	.....	.....	.....	.....	.....
69	41	....do	52	9⅓	54⅔	11.80	.....	.....	.....	.....	.....
70	30	Coat facer	52	9⅓	54⅔	10.40	.....	.....	.....	.....	.....
71	27	Finisher	52	9⅓	54⅔	10.40	.....	.....	.....	.....	.....
72	40	Front maker	52	9⅓	54⅔	7.80	.....	.....	.....	.....	.....
73	34	Back maker	[3] 16	9⅓	54⅔	8.80	.....	.....	.....	.....	.....
74	40	Machine operator, overalls.	52	9⅓	54⅔	5.90	.....	.....	.....	.....	.....
75	33	....do	52	9⅓	54⅔	13.00	.....	.....	.....	.....	.....
76	24	....do	52	9⅓	54⅔	9.90	.....	.....	.....	.....	.....
77	32	....do	52	9⅓	54⅔	8.90	.....	.....	.....	.....	.....
78	16	Stamper	[3] 30	9⅓	54⅔	6.40	.....	.....	.....	.....	.....
79	32	Pants maker	52	9⅓	54⅔	8.80	.....	.....	.....	.....	.....
80	39	Cuff maker	[3] 20	9⅓	54⅔	5.00	.....	.....	.....	.....	.....
81	22	Machine operator, overalls.	52	9⅓	54⅔	8.80	.....	.....	.....	.....	.....

[1] Time lost due to voluntary vacation.
[2] Time lost due to illness.
[3] First employment.
[4] Not reported.
[5] Had had other employment.
[6] Time lost due to illness and to voluntary vacation.
[7] First employment in this industry.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Continued.

SHIRTS, OVERALLS, ETC.—6 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
82	28	Machine operator, overalls.	52	9½	54½	$8.80	.....	.....	.....	.....	.....
83	26	.....do.....	[1] 50	9½	54½	8.80	.....	.....	.....	.....	.....
84	[2]	.....do.....	52	9½	54½	5.90	.....	.....	.....	.....	.....
85	24	.....do.....	52	9½	54½	8.80	.....	.....	.....	.....	.....
86	21	.....do.....	52	9½	54½	8.80	.....	.....	.....	.....	.....
87	23	.....do.....	52	9½	54½	8.80	.....	.....	.....	.....	.....
88	36	.....do.....	52	9½	54½	6.70	.....	.....	.....	.....	.....
89	24	.....do.....	52	9½	54½	5.70	.....	.....	.....	.....	.....
90	26	.....do.....	[1] 51	9½	54½	7.40	.....	.....	.....	.....	.....
91	28	Forewoman.....	52	9½	54½	14.95	.....	.....	.....	.....	.....
92	34	Machine operator, overalls.	52	9½	54½	5.90	.....	.....	.....	.....	.....
93	30	Pants maker.....	[1] 44	9½	54½	8.80	.....	.....	.....	.....	.....
94	48	Repairer.....	52	9½	54½	7.40	.....	.....	.....	.....	.....
95	37	Front maker.....	52	9½	54½	11.50	.....	.....	.....	.....	.....
96	18	Sleeve maker.....	[1] 42	9½	54½	5.80	.....	.....	.....	.....	.....
97	20	.....do.....	52	9½	54½	8.80	.....	.....	.....	.....	.....
98	18	Cuff maker.....	[1] 50	9½	54½	7.50	.....	.....	.....	.....	.....
99	36	Sleeve maker.....	[3] 21	9½	54½	3.00	.....	.....	.....	.....	.....
100	33	Pants maker.....	52	9½	54½	7.40	.....	.....	.....	.....	.....
101	48	.....do.....	52	9½	54½	6.50	.....	.....	.....	.....	.....
102	33	.....do.....	52	9½	54½	8.90	.....	.....	.....	.....	.....
103	43	.....do.....	[1] 40	9½	54½	8.90	.....	.....	.....	.....	.....
104	25	.....do.....	[4] 25	9½	54½	7.40	.....	.....	.....	.....	.....
105	30	Forewoman.....	52	9½	54½	14.95	.....	.....	.....	.....	.....
106	31	Examiner.....	52	9½	54½	10.95	.....	.....	.....	.....	.....
107	19	Machine operator.....	[3] 12	9½	54½	8.00	.....	.....	.....	.....	.....
108	23	Instructor.....	52	9½	54½	10.45	.....	.....	.....	.....	.....
109	35	Machine operator.....	52	9½	54½	11.80	.....	.....	.....	.....	.....
110	72	Seamstress.....	52	9½	54½	7.45	.....	.....	.....	.....	.....
111	37	Machine operator, special..	[1] 49	9½	54½	12.00	.....	.....	.....	.....	.....
112	[2]	Finisher.....	52	9½	54½	5.90	.....	.....	.....	.....	.....
113	60	Machine operator.....	[1] 51	9½	54½	11.80	.....	.....	.....	.....	.....
114	35	Machine operator, buttonhole.....	52	9½	54½	8.80	.....	.....	.....	.....	.....
115	20	Riveter.....	[1] 49	9½	54½	7.40	.....	.....	.....	.....	.....
116	18	.....do.....	[1] 49	9½	54½	7.40	.....	.....	.....	.....	.....
117	18	.....do.....	49	9½	54½	7.40	.....	.....	.....	.....	.....
118	34	Machine operator, button..	52	9½	54½	15.00	.....	.....	.....	.....	.....
119	30	General worker.....	50	9½	54½	8.80	.....	.....	.....	.....	.....
120	52	Machine operator, overalls.	52	9½	54½	6.90	.....	.....	.....	.....	.....
121	20	.....do.....	52	9½	54½	8.00	.....	.....	.....	.....	.....
122	39	Machine operator.....	52	9½	54½	7.40	.....	.....	.....	.....	.....
123	32	Assistant forewoman.....	52	9½	54½	10.45	.....	.....	.....	.....	.....
124	19	Marker.....	[5] 8	9	54	5.90	.....	.....	.....	.....	.....
125	30	Joiner.....	52	9	53½	5.40	.....	.....	.....	.....	.....
126	[2]	Feller.....	52	9	53½	8.50	.....	.....	.....	.....	.....
127	25	Machine operator, cuffs....	52	9	53½	11.80	.....	.....	.....	.....	.....
128	18	Machine operator, buttonhole.....	52	9	53½	7.00	.....	.....	.....	.....	.....
129	54	Machine operator, cuffs....	52	9	53½	13.80	.....	.....	.....	.....	.....
130	48	Shirt maker.....	52	9	53½	9.00	.....	.....	.....	.....	.....
131	23	Front maker.....	52	9	53½	9.50	.....	.....	.....	.....	.....
132	30	Machine operator, buttonhole.....	52	9	53	9.80	.....	.....	.....	.....	.....
133	*35*	*Overall front maker*.....	52	9	53	7.40	.....	.....	.....	.....	.....
134	23	Machine operator, overalls.	[1] 50	9	53	5.90	.....	.....	.....	.....	.....
135	40	Finisher.....	[3] 22	9	53	7.40	.....	.....	.....	.....	.....
136	31	Machine operator, overalls.	[1] 40	9	53	10.40	.....	.....	.....	.....	.....
137	22	Finisher.....	52	9	53	9.50	.....	.....	.....	.....	.....
138	23	Machine operator, overalls.	52	9	53	5.90	.....	.....	.....	.....	.....
139	20	.....do.....	[1] 30	9	53	11.80	.....	.....	.....	.....	.....
140	35	.....do.....	[1] 48	9	53	5.80	.....	.....	.....	.....	.....
141	35	.....do.....	52	9	53	5.90	.....	.....	.....	.....	.....
142	48	.....do.....	52	9	53	7.90	.....	.....	.....	.....	.....

[1] Time lost due to voluntary vacation.
[2] Not reported.
[3] First employment.
[4] Time lost due to illness.
[5] Had had other employment.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Continued.

SHIRTS, OVERALLS, ETC.—6 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
143	27	Machine operator, overalls.	[1] 40	9	53	$8.90	.....	.....	.....	.....	.....
144	28	.....do.....	52	9	53	7.45	.....	.....	.....	.....	.....
145	50	.....do.....	52	9	53	5.90	.....	.....	.....	.....	.....
146	26	.....do.....	[1] 44	9	53	7.40	.....	.....	.....	.....	.....
147	28	.....do.....	[1] 35	9	53	10.30	.....	.....	.....	.....	.....
148	40	.....do.....	52	9	53	5.90	.....	.....	.....	.....	.....
149	27	.....do.....	[1] 48	9	53	8.80	.....	.....	.....	.....	.....
150	16	Pants maker.....	52	9	53	7.40	.....	.....	.....	.....	.....
151	18	Back maker.....	[1] 50	9	53	10.00	.....	.....	.....	.....	.....
152	38	Machine operator, overalls.	[1] 51	9	53	7.40	.....	.....	.....	.....	.....
153	34	.....do.....	[1] 44	9	53	8.80	.....	.....	.....	.....	.....
154	20	.....do.....	52	9	53	8.80	.....	.....	.....	.....	.....
155	23	.....do.....	52	9	53	7.40	.....	.....	.....	.....	.....
156	40	Presser.....	52	9	53	7.95	.....	.....	.....	.....	.....
157	34	Machine operator, overalls.	52	9	53	7.90	.....	.....	.....	.....	.....
158	40	.....do.....	52	9	53	7.40	.....	.....	.....	.....	.....
159	51	.....do.....	52	9	53	5.90	.....	.....	.....	.....	.....
160	34	.....do.....	52	9	53	7.50	.....	.....	.....	.....	.....
161	19	Seamstress.....	52	9	53	7.40	.....	.....	.....	.....	.....
162	23	Machine operator, overalls.	[2] 12	9	53	5.80	.....	.....	.....	.....	.....
163	38	.....do.....	52	9	53	5.90	.....	.....	.....	.....	.....
164	28	.....do.....	52	9	53	8.00	.....	.....	.....	.....	.....
165	22	.....do.....	[1] 50	9	53	5.80	.....	.....	.....	.....	.....
166	44	.....do.....	52	9	53	7.40	.....	.....	.....	.....	.....
167	20	.....do.....	52	9	53	5.90	.....	.....	.....	.....	.....
168	[3]	Repairer.....	52	9	53	8.45	.....	.....	.....	.....	.....
169	43	Collar maker.....	[4] 49	8⅝	51⅜	5.00	.....	.....	.....	.....	.....
170	56	Shirt maker.....	25	8½	51	7.40	.....	.....	.....	.....	.....
171	59	Finisher.....	52	8½	51	5.40	.....	.....	.....	.....	.....
172	30	Forewoman.....	[1] 50	8½	51	13.90	.....	.....	.....	.....	.....
173	[3]	Machine operator, neckbands.....	52	8½	51	8.00	.....	.....	.....	.....	.....
174	40	Joiner.....	[5] 34	8½	51	10.80	.....	.....	.....	.....	.....
175	35	Machine operator, sleeves..	[6] 25	8½	51	10.50	.....	.....	.....	.....	.....
176	15	Buttoner.....	[2] 16	8½	50½	3.45	.....	.....	.....	.....	.....
177	46	Sleever.....	52	8½	50½	4.00	.....	.....	.....	.....	.....
178	40	Machine operator, neckbands.....	48	8½	50½	14.80	.....	.....	.....	.....	.....
179	51	Cuff maker.....	[6] 16	8½	50½	3.00	.....	.....	.....	.....	.....
180	23	Front maker.....	[2] 12	8½	50	4.00	.....	.....	.....	.....	.....
181	17	Stamper.....	[2] 25	8½	50	5.90	.....	.....	.....	.....	.....
182	22	.....do.....	52	8½	49½	11.80	.....	.....	.....	.....	.....
183	18	Pinners.....	[6] 26	9	49½	5.80	.....	.....	.....	.....	.....
184	47	Finisher.....	[7] 48	9	49½	4.30	.....	.....	.....	.....	.....
185	[3]	Braider.....	50	9	49½	10.75	.....	.....	.....	.....	.....
186	54	Trimmer.....	[1] 50	9	49½	8.80	.....	.....	.....	.....	.....
187	21	.....do.....	[4] 50	9	49½	14.75	.....	.....	.....	.....	.....
188	45	Alterer.....	[2] 30	9	49½	7.30	.....	.....	.....	.....	.....
189	21	Winder.....	[6] 17	9	49½	4.50	.....	.....	.....	.....	.....
190	17	.....do.....	[6] 17	9	49½	5.50	.....	.....	.....	.....	.....
191	21	Cutter.....	52	9	49½	8.75	.....	.....	.....	.....	.....
192	16	Winder.....	[5] 17	9	49½	5.10	.....	.....	.....	.....	.....
193	17	Knitter.....	52	9	49½	6.30	.....	.....	.....	.....	.....
194	21	Picker.....	[6] 26	9	49½	6.25	.....	.....	.....	.....	.....
195	19	Marker and tagger.....	[4] 48	9	49½	5.80	.....	.....	.....	.....	.....
196	16	Helper.....	[2] 48	9	49½	3.60	.....	.....	.....	.....	.....
197	17	Raveler.....	[4] 51	9	49½	5.80	.....	.....	.....	.....	.....
198	26	Cutter.....	[1] 50	9	49½	9.80	.....	.....	.....	.....	.....
199	30	Finisher.....	[1] 50	9	49½	9.30	.....	.....	.....	.....	.....

[1] Time lost due to voluntary vacation.
[2] First employment.
[3] Not reported.
[4] Time lost due to illness.
[5] Additional employment in another establishment, same industry, not reported.
[6] Had had other employment.
[7] Time lost due to illness and to voluntary vacation.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Continued.

SHIRTS, OVERALLS, ETC.—6 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
200	19	Seamer	[1] 19	9	49½	$8.00	.....	.....	.....	.....	.....
201	27	Chief examiner	52	9	49½	14.00	.....	.....	.....	.....	.....
202	20	Finisher	[2] 50	9	49½	7.80	.....	.....	.....	.....	.....
203	19	Machine operator, button	[3] 51	9	49½	11.00	.....	.....	.....	.....	.....
204	28	Finisher	52	9	49½	9.75	.....	.....	.....	.....	.....
205	50	Forewoman	52	9	49½	14.50	.....	.....	.....	.....	.....
206	50	Cutter	[3] 50	9	49½	9.75	.....	.....	.....	.....	.....
207	30	Finisher	52	9	49½	10.75	.....	.....	.....	.....	.....
208	16	Cutter	[4] 17	9	49½	5.00	.....	.....	.....	.....	.....
209	([5])	Finisher	49	9	49½	12.50	.....	.....	.....	.....	.....
210	22	.....do	52	9	49½	15.75	.....	.....	.....	.....	.....
211	38	Binder and trimmer	52	9	49½	10.80	.....	.....	.....	.....	.....
212	41	Finisher	52	9	49½	8.80	.....	.....	.....	.....	.....
213	52	.....do	52	9	49½	11.00	.....	.....	.....	.....	.....
214	26	Feller	[3] 50	8½	48½	9.00	.....	.....	.....	.....	.....
215	17	.....do	52	8½	48	5.00	.....	.....	.....	.....	.....
216	26	Front maker	[1] 25	8½	48	5.00	.....	.....	.....	.....	.....
217	18	Machine operator, collars	[1] 25	8¼	48	5.00	.....	.....	.....	.....	.....
218	23	Machine operator	52	8¼	48	9.50	.....	.....	.....	.....	.....
219	46	.....do	52	8¼	48	12.00	.....	.....	.....	.....	.....
220	58	Back-pocket maker	[6] 51	8¼	48	5.40	.....	.....	.....	.....	.....
221	40	Finisher, pants	[3] 26	8¼	48	7.50	.....	.....	.....	.....	.....
222	26	.....do	[3] 50	8¼	48	8.75	.....	.....	.....	.....	.....
223	30	Machine operator, collars	[1] 25	8	48	11.80	.....	.....	.....	.....	.....
224	([5])	Machine operator, sleeves	52	8	48	8.00	.....	.....	.....	.....	.....
225	28	Side seamer, pants	52	8¼	48	9.75	.....	.....	.....	.....	.....
226	40	Machine operator, tacker	50	8¼	48	11.30	.....	.....	.....	.....	.....
227	22	Checker	[6] 51	8¼	48	9.75	.....	.....	.....	.....	.....
228	45	Collar maker	52	8¼	48	9.75	.....	.....	.....	.....	.....
229	28	Inspector	52	8¼	48	14.50	.....	.....	.....	.....	.....
230	17	Machine operator, button	52	8¼	48	9.75	.....	.....	.....	.....	.....
231	23	Front maker	[4] 12	8¼	48	8.00	.....	.....	.....	.....	.....
232	17	Yoker	52	8¼	48	5.75	.....	.....	.....	.....	.....
233	30	Coat maker	[6] 51	8¼	48	5.75	.....	.....	.....	.....	.....
234	25	Machine operator, collars	[6] 30	8¼	48	7.25	.....	.....	.....	.....	.....
235	18	Front maker	[6] 50	8¼	48	9.75	.....	.....	.....	.....	.....
236	28	.....do	52	8¼	48	8.75	.....	.....	.....	.....	.....
237	17	Collar sewer	52	8¼	48	8.75	.....	.....	.....	.....	.....
238	25	Collar maker	[3] 50	8¼	48	8.80	.....	.....	.....	.....	.....
239	18	Checker	52	8¼	48	8.75	.....	.....	.....	.....	.....
240	17	.....do	52	8¼	48	6.85	.....	.....	.....	.....	.....
241	34	Collar and shirt maker	[6] 51	8¼	48	8.80	.....	.....	.....	.....	.....
242	22	Box pleater	52	8¼	48	6.75	.....	.....	.....	.....	.....
243	63	Tacker	52	8¼	48	3.50	.....	.....	.....	.....	.....
244	60	.....do	52	8¼	48	3.00	.....	.....	.....	.....	.....
245	52	Presser	[6] 25	8¼	48	7.00	.....	.....	.....	.....	.....
246	41	.....do	52	8¼	48	7.50	.....	.....	.....	.....	.....
247	45	Sleeves	52	8¼	48	4.25	.....	.....	.....	.....	.....
248	24	Presser	52	8¼	48	14.00	.....	.....	.....	.....	.....
249	18	Cuff presser	52	8¼	48	12.00	.....	.....	.....	.....	.....
250	([5])	Machine operator	[3] 40	8¼	48	9.50	.....	.....	.....	.....	.....
251	30	.....do	[7] 42	8¼	48	12.00	.....	.....	.....	.....	.....
252	29	Forewoman	52	8¼	48	20.00	.....	.....	.....	.....	.....
253	([5])	Machine operator, joiner	52	8¼	48	12.00	.....	.....	.....	.....	.....
254	26	Machine operator, sleeves	[1] 31	8¼	48	12.00	.....	.....	.....	.....	.....
255	19	Machine operator, side seams	52	8¼	48	12.00	.....	.....	.....	.....	.....

[1] First employment.
[2] Time lost due to illness and to voluntary vacation.
[3] Time lost due to voluntary vacation.
[4] Had had other employment.
[5] Not reported.
[6] Time lost due to illness.
[7] Laid off 8 weeks; rest of time lost due to voluntary vacation.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Continued.

SHIRTS, OVERALLS, ETC.—6 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
256	25	Machine operator, sleeves..	[1] 39	8½	48	$9.00	.....	.....	.....	.....	.....
257	21	Machine operator, pockets.	52	8½	48	11.00	.....	.....	.....	.....	.....
258	32	Machine operator, button..	52	8½	48	8.50	.....	.....	.....	.....	.....
259	21	.....do.....	52	8½	48	8.00	.....	.....	.....	.....	.....
260	60	Tacker.....	52	8½	48	3.00	.....	.....	.....	.....	.....
261	39	Machine operator, collars..	52	8½	48	12.00	.....	.....	.....	.....	.....
262	25	Machine operator.....	[2] 44	8½	48	17.00	.....	.....	.....	.....	.....
263	34	Machine operator, collars..	52	8½	48	6.50	.....	.....	.....	.....	.....
264	21	Machine operator.....	52	8½	48	14.00	.....	.....	.....	.....	.....
265	38	.....do.....	52	8½	48	10.00	.....	.....	.....	.....	.....
266	33	.....do.....	52	8½	48	10.00	.....	.....	.....	.....	.....
267	35	Machine operator, fronts...	52	8½	48	8.00	.....	.....	.....	.....	.....
268	26	Machine operator, pleats...	52	8½	48	10.50	.....	.....	.....	.....	.....
269	29	Machine operator, seams...	52	8½	48	11.00	.....	.....	.....	.....	.....
270	20	.....do.....	52	8½	48	10.50	.....	.....	.....	.....	.....
271	35	.....do.....	[3] 46	8½	48	12.00	.....	.....	.....	.....	.....
272	32	Machine operator, cuffs....	[4] 26	8½	48	8.50	.....	.....	.....	.....	.....
273	26	Machine operator, pockets.	[2] 51	8½	48	12.00	.....	.....	.....	.....	.....
274	21	Machine operator, neckbands.....	52	8½	48	20.00	.....	.....	.....	.....	.....
275	23	Machine operator, sleeves..	[2] 48	8½	48	12.00	.....	.....	.....	.....	.....
276	19	Machine operator, hemmer.	[1] 39	8½	48	6.50	.....	.....	.....	.....	.....
277	45	Body ironer.....	52	8½	48	8.80	.....	.....	.....	.....	.....
278	23	Machine operator, bosoms..	52	8½	48	11.80	.....	.....	.....	.....	.....
279	34	Folder and presser.....	52	8½	48	12.50	.....	.....	.....	.....	.....
280	60	Button sewer, hand	52	8½	48	2.50	.....	.....	.....	.....	.....
281	22	Packer.....	[2] 50	8½	48	9.00	.....	.....	.....	.....	.....
282	28	Presser and folder.....	52	8½	48	10.00	.....	.....	.....	.....	.....
283	25	Presser.....	[1] 8	8½	48	7.00	.....	.....	.....	.....	.....
284	18	.....do.....	[1] 20	8½	48	5.00	.....	.....	.....	.....	.....
285	18	.....do.....	[1] 25	8½	48	7.50	.....	.....	.....	.....	.....
286	19	Machine operator, collars...	52	8¼	48	11.75	.....	.....	.....	.....	.....
287	45	Machine operator, buttonhole.....	52	8½	48	10.15	.....	.....	.....	.....	.....
288	20	.....do.....	[3] 50	8¼	48	11.75	.....	.....	.....	.....	.....
289	19	Machine operator, side seams.....	[5] 46	8½	48	8.00	.....	.....	.....	.....	.....
290	25	.....do.....	[2] 44	8½	48	15.00	.....	.....	.....	.....	.....
291	30	Machine operator, joiner...	[6] 40	8¼	48	11.00	.....	.....	.....	.....	.....
292	40	Machine operator, front seams.....	52	8½	48	12.00	.....	.....	.....	.....	.....
293	40	Machine operator, joiner...	52	8¼	48	8.00	.....	.....	.....	.....	.....
294	24	Machine operator, collar bands.....	[3] 48	8½	48	9.00	.....	.....	.....	.....	.....
295	27	Machine operator, cuffs....	52	8½	48	8.50	.....	.....	.....	.....	.....
296	23	Machine operator, inseams.	[2] 39	8½	48	10.00	.....	.....	.....	.....	.....
297	21	Machine operator, joiner...	52	8¼	48	11.00	.....	.....	.....	.....	.....
298	25	Machine operator, side seams.....	[2] 51	8½	48	12.00	.....	.....	.....	.....	.....
299	30	Machine operator, joiner...	52	8½	48	15.00	.....	.....	.....	.....	.....
300	35	Machine operator, fronts...	52	8½	48	12.00	.....	.....	.....	.....	.....
301	35	Machine operator, pants...	52	8½	48	12.00	.....	.....	.....	.....	.....
302	40	Machine operator, hems...	[1] 32	8¼	48	6.00	.....	.....	.....	.....	.....
303	21	Machine operator, neckbands.....	52	8½	48	11.00	.....	.....	.....	.....	.....
304	25	Machine operator, seams...	52	8½	48	9.50	.....	.....	.....	.....	.....
305	22	Machine operator, hems....	[4] 22	8½	48	10.50	.....	.....	.....	.....	.....
306	17	Machine operator, button..	[3] 49	8½	48	7.30	.....	.....	.....	.....	.....
307	16	.....do.....	[1] 35	8¼	48	4.20	.....	.....	.....	.....	.....

[1] First employment.
[2] Time lost due to voluntary vacation.
[3] Time lost due to illness.
[4] Had had other employment.
[5] Laid off 2 weeks; rest of time lost due to voluntary vacation.
[6] Laid off 3½ weeks; rest of time lost due to illness.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Continued.

SHIRTS, OVERALLS, ETC.—6 establishments—Continued.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
308	19	Barrer	[1] 21	8½	48	$5.40					
309	18	Shirt buttoner	[1] 18	8½	48	4.60					
310	19	Joiner	[2] 8	8½	48	9.00					
311	18	Machine operator, fronts	[1] 17	8½	48	7.50					
312	41	do	52	8½	48	6.75					
313	16	Suspender maker	[3] 39	8½	48	9.75					
314	16	Bib maker	[4] 44	8½	48	9.50					
315	18	Suspender maker	52	8½	48	8.00					
316	18	Bib maker	52	8½	48	9.00					
317	24	Bib hemmer	52	8½	48	11.75					
318	19	Sleeves	52	8½	48	10.25					
319	28	Front maker	52	8½	48	9.75					
320	18	do	[5] 50	8½	48	8.80					
321	24	do	[5] 50	8½	48	9.50					
322	35	do	[4] 50	8½	48	8.50					
323	20	do	50	8½	48	10.00					
324	19	do	[6] 44	8½	48	10.60					
325	20	do	[4] 46	8½	48	10.50					
326	28	Back maker	[4] 42	8½	48	12.00					
327	18	Machine operator, inseams	52	8½	48	12.30					
328	17	Machine operator, fronts	[1] 24	8½	48	5.50					
329	18	do	[5] 44	8½	48	10.00					
330	35	do	[4] 51	8½	48	9.75					
331	19	Machine operator, cuffs	[1] 25	8½	48	6.00					
332	38	Coat maker	[4] 35	8½	48	13.00					
333	28	Machine operator, fronts	[4] 44	8½	48	11.00					
334	29	Coat maker	48	8½	48	8.75					
335	35	do	[5] 50	8½	48	11.75					
336	44	Machine operator, cuffs	[3] 34	8½	48	8.50					
337	19	Machine operator, fronts	52	8½	48	8.50					
338	42	Machine operator	52	8½	48	9.00					
339	31	Pants maker	[4] 48	8½	48	9.50					
340	35	Machine operator	[5] 44	8½	48	8.00					
341	27	Folder	49	8½	48	7.00					
342	29	Machine operator, joiner	52	8½	48	8.50					
343	18	Suspender maker	52	8½	48	8.00					
344	25	Box pleater	52	8½	48	14.80					
345	60	Collar maker	52	8½	48	5.00					
346	18	do	52	8½	48	10.00					
347	61	Joiner	52	8½	48	6.00					
348	24	Collar maker	52	8½	48	10.00					
349	26	Sleever	52	8½	48	12.00					
350	34	Collar maker	52	8½	48	10.00					
351	16	Neckband ironer	40	8½	48	7.90					
352	40	Starcher	52	8½	48	9.80					
353	21	Packer	52	8½	48	8.80					
354	60	Button sewer	52	8½	48	3.00					
355	49	Machine operator, collars	[5] 25	8	47½	13.40					
356	55	Machine operator, neckbands	52	8	47½	8.90					
357	41	Collar maker	52	8	47½	7.00					
358	22	Front maker	[1] 10	8	47	7.50					
359	54	Machine operator, overalls	[5] 30	8	47	5.90					
360	46	do	[5] 36	8	47	7.40					
361	54	do	[5] 36	8	47	3.00					
362	72	do	[5] 30	8	47	5.90					
363	57	do	[4] 44	8	47	4.00					
364	28	Machine operator, backs	[5] 37	8	47	7.40					
365	32	Machine operator, overalls	[7] 8	8	47	7.40					
366	39	do	[5] 44	8	47	5.00					
367	40	do	[5] 48	8	47	5.00					

[1] First employment.
[2] First employment since marriage.
[3] Had had other employment.
[4] Time lost due to illness.
[5] Time lost due to voluntary vacation.
[6] Time lost due to illness and to voluntary vacation.
[7] First employment during year covered.

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TABLE IV.—HOURS OF LABOR AND EARNINGS DURING NORMAL AND BUSY SEASONS AND NUMBER OF WEEKS OF EMPLOYMENT OF INDIVIDUAL WOMEN IN SELECTED INDUSTRIES—SAN FRANCISCO, CAL.—Concluded.

SHIRTS, OVERALLS, ETC.—6 establishments—Concluded.

Number.	Age.	Occupation.	Weeks employed.	Normal season.			Busy season.				
				Usual hours per day.	Average hours worked per week.	Average earnings per week.	Number of w'ks.	Average hours worked per week.	Average earnings per week.	Maximum hours.	
										Per day.	Per week.
368	18	Machine operator, special..	52	8	47	$10.25	.....	.....	.....	.....	.....
369	21	Joiner.....	[1] 50	8	47	7.40	.....	.....	.....	.....	.....
370	32	Pants maker.....	52	8	47	11.50	.....	.....	.....	.....	.....
371	17	Front maker.....	[1] 44	8	47	7.90	.....	.....	.....	.....	.....
372	19	.....do.....	52	8	47	5.90	.....	.....	.....	.....	.....
373	25	Cuff maker.....	[2] 8	8	47	4.50	.....	.....	.....	.....	.....
374	34	Coat hand	52	8	47	8.50	.....	.....	.....	.....	.....
375	27	Machine operator, overalls.	52	8	47	10.80	.....	.....	.....	.....	.....
376	23	Tacker.....	52	8	47	7.40	.....	.....	.....	.....	.....
377	20	Hemmer.....	52	8	47	8.00	.....	.....	.....	.....	.....
378	[3]	.....do.....	50	8½	46½	14.50	.....	.....	.....	.....	.....
379	34	Collar maker.....	26	8½	46½	9.60	.....	.....	.....	.....	.....
380	35	Collar and neckband maker	52	8½	46½	6.37	.....	.....	.....	.....	.....
381	23	Presser.....	26	8½	46½	12.87	.....	.....	.....	.....	.....
382	17	Button sewer.....	[2] 44	8½	46½	9.75	.....	.....	.....	.....	.....
383	34	Placket maker.....	[1] 51	8½	46½	9.80	.....	.....	.....	.....	.....
384	23	Shirt maker.....	52	8½	46½	8.30	.....	.....	.....	.....	.....
385	45	Presser, boxer, and finisher.	52	8½	46½	12.75	.....	.....	.....	.....	.....
386	36	Alteration hand.....	[1] 51	8½	46½	8.80	.....	.....	.....	.....	.....
387	25	Buttonhole maker	[1] 50	8½	46½	11.75	.....	.....	.....	.....	.....
388	24	Shirt maker.....	[1] 50	8½	46½	10.75	.....	.....	.....	.....	.....
389	40	Forewoman.....	52	8½	46½	14.75	.....	.....	.....	.....	.....
390	31	Custom worker.....	33	8½	46½	8.00	.....	.....	.....	.....	.....
391	33	Machine operator, collars..	[4] 25	8	44½	5.00	.....	.....	.....	.....	.....
392	35	Buttonhole maker	[1] 50	7½	44½	11.00	.....	.....	.....	.....	.....
393	35	Collar maker.....	52	8	44	9.75	.....	.....	.....	.....	.....
394	43	Bander.....	[5] 44	8	44	12.50	.....	.....	.....	.....	.....
395	16	Riveter.....	52	7½	43	5.90	.....	.....	.....	.....	.....
396	17	.....do.....	52	7½	43	5.80	.....	.....	.....	.....	.....
397	17	Sleever.....	[2] 13	8½	39½	3.50	.....	.....	.....	.....	.....
398	16	Machine operator.....	52	8½	39½	6.00	.....	.....	.....	.....	.....
399	17	Feller.....	[6] 13	7	39	6.00	.....	.....	.....	.....	.....
400	39	Machine operator, overalls.	[1] 49	6	35½	4.90	.....	.....	.....	.....	.....
401	23	Machine operator, collars..	[3] 50	6	33½	7.30	.....	.....	.....	.....	.....
402	60	Machine operator, overalls.	[1] 40	5½	33	3.50	.....	.....	.....	.....	.....

[1] Time lost due to voluntary vacation.
[2] First employment.
[3] Not reported.
[4] First employment in this industry.
[5] Time lost due to illness.
[6] Had had other employment.

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EMPLOYMENT OF CHILDREN IN MARYLAND INDUSTRIES.

BY MARIE L. OBENAUER AND MARY CONYNGTON.

INTRODUCTION.

When the inquiry into hours and earnings of women in selected industries in Maryland, the report on which is presented in the early pages of this Bulletin, was begun there was no thought of including children; it was to be simply an investigation of certain conditions affecting women. But as the facts gathered were studied it became evident that the work of children was so closely connected with the work of the women that it could hardly be ignored. Children were working side by side with their elders, sometimes as helpers, sometimes as independent workers, performing the same operations, keeping the same hours, subject to the same physical and moral influences from their environment; in brief, undergoing in every respect the women's experiences. To discuss the employment of the women and to omit the children altogether would give such an incomplete and misleading picture of the industries studied that, in the light of the data gathered, such a course seemed impossible.

But since the investigation had been carried on with a view to the study of women only, the information on other points was naturally imperfect and unsatisfactory. The children had been included only in so far as their employment affected the earnings or the work of women. Consequently the present article is based on facts gathered almost incidentally in the course of an inquiry undertaken for another purpose. Its incompleteness is fully realized, but in spite of obvious omissions it is believed that the facts here presented are sufficiently striking and significant to justify the insertion of this article.

CHILDREN IN THE CANNERIES.

A few words of explanation may be required as to the reasons for giving so much more space to children in the canneries than in the other industries investigated. In the first place, the latter have been studied and reported upon a number of times by a number of different agencies, so that conditions in them are better known than those of the canneries. Secondly, conditions in the other industries are more standardized than in the canning business. As a result of this, fewer young children are employed, their hours do not fluctuate

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so violently, and their work is already to some extent regulated and supervised, so that these industries do not so much need consideration. And, finally, the fact that the canneries are practically exempt from all age restrictions upon child labor from the beginning of June to the middle of October renders the industry peculiarly worthy of study as an illustration of the results of nonregulation.

Taking up, then, the canning industry, the investigation shows three groups of children affected by it—the children in the canneries at work, the children in the canneries not at work, and the children left in the country camps while their elders are at work in the canneries. It is with the first of these groups that this study is principally concerned, but a few words may be given to the others.

NONWORKING CHILDREN IN THE CANNERIES.

Children too small to work and babies are frequently brought into the canneries because their mothers have no place to leave them outside. Again and again the individual slips used to secure the data contain such items as "Woman has one helper, 9 years old; has three other children with her in the plant, one 5 years, another 2½ years, and the third 18 months old." "Girl 4 years old and boy of 2 stay in plant with mother." "Has 8-year-old helper; also has with her two younger children, one aged 3 years, the other 6 months."

As a cannery is not designed for day-nursery purposes, these children naturally fare badly. A reference to the descriptions of the preparing sheds and rooms given on pages 360, 361, 368 of this Bulletin will show how utterly unsuited they are for the accommodation of young children. The babies are laid down wherever space can be found for them, while those a little older play about as best they can. "A great many children too small to work were playing about the room, and babies were asleep on overturned boxes." "About 20 children stood about on the wet, sloppy floor; some napped on boxes or on the floor, but the majority wandered aimlessly about the dirty, unattractive yard, so as to remain within the mother's sight." "Tomato baskets were piled so close to the skinning tables that there was no dry space left for the little children to be placed. Some were in boxes, others were in baby buggies in the corners, others toddled about on the floor, which was very wet and sloppy."

It seems reasonable to suppose that this custom of bringing children into the plants may be in part responsible for the very early age at which some of them begin working as helpers. They are there anyhow, so why shouldn't they make themselves useful, is an argument which would inevitably appeal to the mother, who as a pieceworker—and all the women in the preparing department are pieceworkers—sees a cash value in the assistance of even the smallest child.

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NONWORKING CHILDREN IN CANNERY CAMPS.

Yet, notwithstanding the drawbacks to the presence of these children in the canneries, unquestionably, in some of the country neighborhoods, they are safer there than in the places available outside. Nineteen of the thirty-three country canneries visited brought workers from Baltimore and provided sleeping quarters for them. In about one-third of these cases the sleeping quarters were so located that children left in them were in sight of their mothers in the preparing sheds and could play about in perfect safety. In the remainder the camps were so situated that children left in them were more or less dangerously isolated. Sometimes the workers would arrange among themselves to leave an older child at the camp in charge of the younger ones, but sometimes these older children were themselves so young as to need guardians. In one case where the camp was out of sight of the cannery the investigators found four little girls, their ages ranging from 5 to 10 years, playing about with no older person in charge. The door of an unused sleeping shack stood open, and on the floor within, a man lay asleep. No other instance was found quite so suggestive of danger as this, but it was not uncommon to find small children in camps out of sight and hearing of their elders. These were in country districts where the investigators, adult women, were warned that it was unsafe for them to walk outside the village alone.

CHILDREN WORKING IN THE CANNERIES.

NUMBER OF CHILDREN AT WORK.

Turning now to the third class, it is a striking fact that as soon as any inquiry is made about children employed in canneries the seeker for information is assured in nine cases out of ten that there are no such children. "We never employ children; we let women bring their children in with them because they've no place to leave them and wouldn't come themselves if we didn't." "We don't hire children; the parents bring them in sometimes to help, but we've nothing to do with that." "We don't want children; they're only an annoyance to us, but if we tried to keep them out we couldn't get workers." These and similar statements are the usual responses to interrogations on this subject. Only occasionally is an employer encountered who admits hiring children.

But if the question concerns children working in the canneries, a very different response is inevitable. The helper system, described in the preceding article (pp. 353, 354), accounts for the presence of large numbers of children who, though not employed by the proprietors, are working quite as zealously as the older members of their families who are employed. As there is no pay roll or other record of these children, their number can only be estimated. The investigation dealt with those parts of the work carried on by the women, i. e., preparing, packing, and labeling, wholly omitting those parts carried on by men and boys. Children were not observed working at packing

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or labeling. In the work of preparing, they were numerously engaged. Considering as children all those 14 years of age or under, the agents who visited the canneries felt that a conservative estimate would place their number at one-fourth that of the women. The individual slips filled out in the canneries show that in getting the records of 586 adults (counting as adults those 15 years of age or over) the agents secured information concerning 189 children working with them either as helpers or as independent employees. This would indicate that the children were nearly one-third as numerous as the women.

The number and proportion of children at work differs widely from cannery to cannery, depending considerably on the attitude of the owner. "I've got about as many children as women here," said one owner, disregarding the usual distinction between employing the children and merely permitting them to work, and fully accepting the responsibility for all within his plant. In another case the proprietor stated that he made a special effort to secure workers who either had no children or would agree not to bring them into the plant, and his cannery showed a noticeably smaller number than usual of children working. Speaking generally, however, the above estimate would represent the average proportion of children in the 42 establishments visited.

CHARACTER OF CHILDREN'S WORK.

In general, the canners, while admitting that numbers of children are working as helpers in their plants, assert that they do not take their work seriously. "They work when they feel like it and when they get tired they stop, or go out and play," was a very common statement. But notwithstanding the frequency with which this assertion was offered, there seemed abundant reason for believing that the child helpers, with occasional exceptions, remained in the cannery as long and worked as steadily as their elders. The grounds for such a belief may be thus summarized:

1. The scale of wages for pieceworkers—and the helpers were found wholly among the pieceworkers—demands the steady work of the child as well as the adult to secure a wage approximating that of the time workers. This point is discussed at some length in the preceding article (pp. 358 and 365), so it need only be mentioned here.

2. The work places are arranged to provide for the children as fully as for the adults. In the canneries with modern equipment, where conveyors bring the fruits or vegetables to a long table in which each worker has her sink-like depression to work over, the child helpers had their assigned places as uniformily as the adults. Where such conveniences were lacking and the workers were crowded together, with the material piled on a long bench in front of them, again

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the children had their stations, with boxes in some cases arranged so as to bring them up to the level of the table or bench. During a drive, space around a cannery table is quite too valuable to be wasted on workers who do not stick to their jobs. In some cases the workers were so crowded that the agents had difficulty in getting sufficiently near them to fill out the tabulation slips. Under such conditions, it seems hardly reasonable to believe that a manager would give up one-fourth, more or less, of his space to children who worked only when and as long as they felt inclined.

3. The children, with a very few exceptions, maintained that they came as early and stayed as late as their elders, and that they did not stop to play. There may be some question as to the weight which should be given such a statement coming from a child perhaps too young to be reliable; but when a hundred or more, questioned independently, agree, their testimony deserves at least consideration.

4. The observations of the agents making the investigation all went to show that the children worked steadily. The agents were in the canneries at all times of day, sometimes for half a day at a stretch, but they never happened to see a helper leave his work and start off to play. This is, of course, purely negative testimony, but the fact that the helpers, when seen, were always working hard and steadily is not without significance. They did sometimes see a child lagging at its work, in which case it would be sharply called to order by the older person it was helping.

5. The time at which the children begin work is entirely inconsistent with any theory of their mingling work and play in the casual fashion ascribed to them. If they are working only to amuse themselves it is incredible that they should be going into the cannery at 5 or 4 o'clock, and even earlier in the morning. Yet the children and the mothers agreed that the children came to work with the other employees. To test this statement, agents stationed themselves near the entrances of several canneries on the morning of September 20, 1911, to see whether any children went in early. The first comers were two boys, obviously under 12, their ages estimated at 8 and 10 years, respectively, who went into a cannery at 3.45 a. m. Between that hour and 5 a. m. 115 children were seen entering, their apparent ages ranging from 5 to 15 years. Approximately two-thirds were plainly under 12. Some of these children may have been taken in for lack of any place to leave them, just as were the babies in arms who were carried in. But this explanation would not apply to the children of 7 or 8, or older, who were seen hurrying along entirely by themselves. The children were not followed into the factories and watched to see whether they worked all day long; it is conceivable that they went in, worked a few hours, and then came out again. But since work was

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going on until the evening, common sense suggests that if these children had intended to spend only a few hours working, they would have taken those hours at a more convenient time, and not have cut short their morning sleep for the sake of being in the cannery before 5 o'clock.

6. Finally, from time to time, employers themselves would make unguarded admissions concerning the amount of work done by children and their value in the canneries. "I get a commission on all the help I bring in," explained one row boss, "50 cents a head for grown-ups, and 25 cents for children." Another employer, explaining that long hours didn't hurt the cannery women, said that they would resent any limitation of time because "they are greedy and want to make all they can, and they make the children work along with them." In another case, "Mr. ——— stated that he had about as many children as adults, 'and the children know how to work, too.' He pointed out one small boy who, he said, husked 20 baskets of corn a day. The child later said the same thing, and gave his age as 10 years. Mr. ——— used this instance to show what he was doing to train children in industry." Few of the owners were as frank as this one, but indications were not lacking that they shared his appreciation of children as workers.

It will be seen that there is no absolute and definite proof that the children work as long hours as the adults. In the absence of pay-roll data, such proof could be secured only by going into the plants and watching the children from the time they come in until they leave, which was not done. Nevertheless, the cumulative force of the above indications is sufficient to warrant a belief in the children's statements that they "work right along with" their elders, and whenever such a statement was made the hours of the helper have been counted in the following tables the same as those of the worker whom she was aiding.

NUMBER, AGE, AND SEX OF CHILDREN STUDIED.

In the course of the investigation information was gathered concerning 189 workers 14 years old or younger. Of these, 53 were independent workers[1] drawing their own earnings, 37 were helpers for whom individual tabulation slips had been made out, and the remainder were helpers who had been noted on the slip of the worker whom they helped. This latter fact explains the failure to give the sex in some instances; occasionally a slip simply contained the statement that there were so many helpers of such ages. If the helper's work differed in hours or length of season or any other detail from

[1] In this chapter "independent worker" denotes a child drawing her own pay, whether or not she had a helper.

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that of the helped, the fact was noted, so that sex is the only matter in which there are serious omissions.

The following table shows the number, age, and sex, as far as reported, of these children:

AGE, SEX, AND NUMBER OF CHILDREN IN CANNERIES.

[The investigation was carried on in the late summer and fall of 1911, but the period for which information was gathered was the year preceding May, 1911. To get the age during the period of investigation, one year was subtracted from the age given in August or September, 1911.]

Age.	Boys.	Girls.	Sex not reported.	Total.	Age.	Boys.	Girls.	Sex not reported.	Total.
5 years	1	2	1	4	11 years	2	19	11	32
6 years	1	.....	2	3	12 years	2	20	6	28
7 years	2	2	6	10	13 years	4	17	5	26
8 years	4	6	8	18	14 years	2	26	3	31
9 years	5	6	6	17					
10 years	1	13	6	20	Total	24	111	54	189

The extremely low ages of a few children shown in this table, while striking, are of less real significance than the low-age level of the whole group. In the very nature of things the utilization of children of 5 must be exceptional.[1] But the age composition of this group shows that it is anything but exceptional for children to be working at ages which, though not so extreme, are much below those usually considered safe or right. Maryland fixes the legal age for beginning work at 12, which may be taken as an indication that it is considered harmful to the interests of the community as a whole to let children younger than this enter industry. Yet less than half of these children (85, or 45 per cent) have reached this age, and nearly one-third (72, or 32.8 per cent) are not over 10. Owing to the helper system and the period of exemption, there is no violation of law necessarily involved in these facts, but the physical effect upon the children can not be thus evaded or set aside.

[1] That children as young as this are not only at work, but sometimes actually employed, was, however, shown by the pay roll of one establishment visited, which contained among the time workers the names of 4 boys ranging from 5 to 11 years old. On being questioned about these ages, the employer declared they were given correctly.

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HOURS OF LABOR PER DAY.

The following table shows the usual and the maximum daily hours of work for these children:

USUAL DAILY HOURS AND MAXIMUM DAILY HOURS WORKED BY CHILDREN EMPLOYED IN CANNERIES, BY AGES.

USUAL HOURS.

Age.	Children who worked—						
	Under 8 hours.	8 hours and under 9 hours.	9 hours and under 10 hours.	10 hours and under 11 hours.	11 hours and under 12 hours.	12 hours and over.	Total.
5 years				1	3		4
6 years			2	1			3
7 years		1		6	2		[1] 9
8 years		2	4	5	6		[1] 17
9 years		1	4	7	4	1	17
10 years			1	13	6		20
11 years			3	18	10		[1] 31
12 years	1		1	23	3		28
13 years			4	11	10		[1] 25
14 years			3	18	9		[1] 30
Total	1	4	22	103	53	1	[2] 184

MAXIMUM HOURS.

Age.	Children who worked—							
	9 hours and under 10 hours.	10 hours and under 11 hours.	11 hours and under 12 hours.	12 hours and under 13 hours.	13 hours and under 14 hours.	14 hours and under 15 hours.	15 hours and over.	Total.
5 years		1	3					4
6 years		1				1	1	3
7 years		4	3		1	1		[3] 9
8 years	1	1	9	3	2	1		[3] 17
9 years	1	7	5	2	1	1		17
10 years		4	6	4	5	1		20
11 years	2	6	13	2	5	1	2	[3] 31
12 years		10	6	4	7	1		28
13 years	1	5	7	6	4	1	1	[3] 25
14 years		9	7	3	5	2	3	[4] 29
Total	5	48	59	24	30	10	[5] 7	[6] 183

[1] Not including 1 child, usual daily hours not reported.
[2] Not including 5 children, usual daily hours not reported.
[3] Not including 1 child, maximum daily hours not reported.
[4] Not including 2 children, maxiumm daily hours not reported.
[5] One child, aged 6, had maximum daily hours of between 16 and 17, and 2 children, aged, respectively 11 and 13, of between 17 and 18.
[6] Not including 6 children, maximum daily hours not reported.

In considering these hours the exceeding irregularity of the work must be borne in mind. The usual day does not mean the day which the worker might normally expect, but only the length of the day which occurred more frequently than any other. Some idea of the fluctuations in the daily hours is gained by comparing the usual with the maximum daily hours. Twenty-seven (14.8 per cent) of

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the children for whom these hours are reported have a usual day of less than 10 hours, but only 5 (2.7 per cent) are not called upon to work 10 hours or over on occasion. Only 1 child has a usual day of 12 hours, but nearly two-fifths of the group (71, or 38.6 per cent) give 12 hours or more as a maximum day. The length of the child's working day depends partly upon the amount of work to be done and partly upon its parents' attitude. From those having the less striking maximum hours, the agents occasionally received the half-apologetic explanation of the comparatively early hours at which their long days ended: "Mother won't let me work after 6 o'clock," or 8, or 9, as the case might be. These were exceptions, however; in general, the children expected to be on duty as long as their elders were. Sometimes their hours were even longer than the adults. A mother, for instance, might sometimes stay out for a few hours to do the family washing, or to care for a sick child, or for some other reason, but, in such cases, the helpers would go steadily on with their work.

HOURS OF LABOR PER WEEK.

The weekly hours show even more plainly than the daily hours the irregular and fluctuating character of the work. The table following shows the average number of working hours per week for each child, the average being taken for its whole working season, and the maximum number of hours worked during the rush weeks:

AVERAGE WEEKLY HOURS AND MAXIMUM WEEKLY HOURS WORKED BY CHILDREN IN CANNERIES, BY AGES.

AVERAGE HOURS.

Age.	Children who worked—						Total.
	30 hours and under 40 hours.	40 hours and under 48 hours.	48 hours and under 54 hours.	54 hours and under 60 hours.	60 hours and under 66 hours.	66 hours and under 72 hours.	
5 years	.....	.....	1	2	1	.....	4
6 years	.....	1	1	1	.....	.....	3
7 years	2	.....	4	3	.....	.....	[1] 9
8 years	4	1	5	4	3	.....	[1] 17
9 years	4	3	3	7	.....	.....	17
10 years	3	1	10	5	1	.....	20
11 years	3	5	11	6	5	1	[1] 31
12 years	3	11	7	5	2	.....	28
13 years	5	4	8	4	3	1	[1] 25
14 years	5	4	6	9	6	.....	[1] 30
Total	29	30	56	46	21	2	[2] 184

[1] Not including 1 child, average weekly hours not reported.
[2] Not including 5 children, average weekly hours not reported.

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AVERAGE WEEKLY HOURS AND MAXIMUM WEEKLY HOURS WORKED BY CHILDREN IN CANNERIES, BY AGES—Concluded.

MAXIMUM HOURS.

Age.	Children who worked—								Total.
	40 hours and under 48 hours.	48 hours and under 54 hours.	54 hours and under 60 hours.	60 hours and under 66 hours.	66 hours and under 72 hours.	72 hours and under 78 hours.	78 hours and under 84 hours.	84 hours to 90 hours.	
5 years	.....	.....	.....	1	3	.....	.....	.....	4
6 years	.....	.....	.....	2	.....	.....	.....	1	3
7 years	.....	.....	.....	5	4	.....	.....	.....	[1] 9
8 years	.....	.....	2	2	12	.....	.....	1	[1] 17
9 years	1	1	1	7	4	.....	3	.....	17
10 years	1	1	1	4	11	1	1	.....	20
11 years	.....	.....	2	13	12	1	3	.....	[1] 31
12 years	1	2	.....	14	9	1	.....	1	28
13 years	1	.....	2	5	10	2	5	.....	[1] 25
14 years	.....	.....	1	11	11	1	6	.....	[1] 30
Total	4	4	9	64	76	6	18	3	[2] 184

[1] Not including 1 child, maximum weekly hours not reported.
[2] Not including 5 children, maximum weekly hours not reported.

It will be noticed that the average weekly hours would not, for adults, be considered long. Of those for whom these hours were reported only 23 (12.5 per cent) worked 60 hours or over, while 59 (32.1 per cent) worked under 48 hours. But the maximum hours shown in the second part of the table indicate that this relatively moderate average was consistent with weeks of excessive overtime.

Only 17 of these children (9.2 per cent) worked less than 60 hours during their long weeks, while 56 per cent (103 children) worked an average of 11 or more hours daily throughout these weeks. Comment on these hours, as on the maximum daily hours, seems superfluous. For adults, they would be excessive; for children, they need no characterization.

LENGTH OF WORKING SEASON.

The statement is frequently made that the long hours are relatively unimportant because the working season is so brief. "They only work two or three weeks anyhow; it's not long enough to hurt them," was a frequent statement.

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The following table shows, by ages, the length of the working period for each child:

LENGTH OF WORKING SEASON FOR CHILDREN IN CANNERIES, BY AGES.

Age.	Children who worked—									Total.
	Under 4 weeks.	4 weeks and under 8 weeks.	8 weeks and under 12 weeks.	12 weeks and under 16 weeks.	16 weeks and under 20 weeks.	20 weeks and under 24 weeks.	24 weeks and under 28 weeks.	28 weeks and under 32 weeks.	32 weeks and over.	
5 years	.....	2	2	.....	.....	.....	.....	.....	.....	4
6 years	.....	2	.....	.....	.....	.....	1	.....	.....	3
7 years	.....	3	5	1	.....	1	.....	.....	.....	10
8 years	2	5	7	2	.....	1	.....	1	.....	18
9 years	1	6	7	1	.....	.....	.....	1	1	17
10 years	1	10	8	.....	.....	.....	1	.....	.....	20
11 years	2	10	14	.....	.....	3	.....	2	1	32
12 years	.....	11	8	1	2	2	2	1	1	28
13 years	1	7	13	.....	.....	2	1	1	1	26
14 years	.....	11	10	5	3	.....	.....	1	1	31
Total	7	67	74	10	5	9	5	7	5	189

It appears that 7 of these children (3.7 per cent) worked for less than a month, and nearly two-fifths (74, or 39.2 per cent) worked under two months. In other words, three-fifths (115, or 60.8 per cent) worked for periods varying from two to over eight months.

EFFECT OF WORK ON SCHOOL ATTENDANCE.

A question as to the effect of such working periods upon school attendance naturally suggests itself. The length of the school term differs from place to place, often being longer in city than in country regions. Many of these children, however, even when working in the country, came from Baltimore. Also, even for a country district, an eight months' session is not unusual, so it is probably a very safe assumption that if a child is at work before the beginning of June or after the end of September his school attendance suffers. Only 24 of these children had begun work in the canneries before the first of June, but a considerable number worked beyond the end of September.

The table following shows, by ages, when their working seasons ended.

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END OF WORKING SEASON FOR CHILDREN IN CANNERIES, BY AGES.

Age.	Children at work in each period.					Total.
	Season ended before Sept. 1.	Season ended during—				
		September.	October.	November.	December.	
5 years			4			4
6 years		2		1		3
7 years		2	7	1		10
8 years		3	13	1	1	18
9 years	1	2	11	1	2	17
10 years		3	17			20
11 years	1	2	24	2	2	[1] 31
12 years	2	5	16	3	1	[1] 27
13 years		1	21		2	[2] 24
14 years	1	1	21	7		[1] 30
Total	5	21	134	16	7	[3] 184

[1] Not including 1 child for whom this fact was not ascertained.
[2] Not including 2 children for whom this fact was not ascertained.
[3] Not including 5 children for whom this fact was not ascertained.

According to the Maryland law, school attendance is compulsory only until 12, so the older children need not have been at school had they not been in the canneries. It will be noticed, however, that the proportion of the younger children working after September is large. Of the 103 children under 12, for whom the date of ending work is reported, 87 (84.5 per cent) worked until some time in October or later. The Maryland child-labor laws and school-attendance laws conflict on this point, so it is difficult to say whether or not the absence of these children from school up to October 15 can be considered a violation of law. There is no question, however, that their school work must suffer through this absence.

WORK DONE BY CHILDREN.

What were these children doing in the canneries? In the departments investigated, no children were found working about machinery, in the usual acceptation of that term. Some used small mechanical apple-parers, but the majority did not make even this approach to becoming machine operators. According to the season, they sorted spinach or hulled berries or picked over cherries, or peeled peaches, pears, and apples, skinned tomatoes, husked corn, and, in short, shared in whatever work of preparation was to be done, meanwhile running whatever errands their elders might demand, and, where mechanical conveyors or men were not employed, bringing fresh supplies and carrying away to the packers the fruit or vegetables when prepared. Husking corn demands considerable muscular effort, but most of the work of the preparers is in itself rather light. Bringing supplies and carrying the filled buckets or baskets to the packing department is the heaviest work assigned the children. At the time of the investigation tomatoes and corn were both in full season. The buckets in which the skinned tomatoes were carried back held 40 pounds, while the baskets or crates for the husked corn held from 50 to 60. These are heavy loads for young children,

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especially when they and their parents are stationed at the end of the preparing shed farthest from the packing department. Sometimes children, too small to carry their loads, were seen dragging them over the floor, and sometimes two would join forces to accomplish the task. In this respect the children generally fare worse in the city than in the country canneries, because the greater difficulty of securing help in the country tends to induce the owners to install improved machinery, including the mechanical conveyors, which relieve the helpers of their heaviest task.

The conditions, as to comfort and healthfulness, under which the children work, are precisely the same as in the case of the adults. As they are fully discussed in the preceding article, they need only be referred to here. See pp. 360–362, 368.)

LEGALITY OF EMPLOYMENT.

An inquiry into the legality of the work of these children reveals very few cases which can without hesitation be pronounced violations of law. This results from two causes: The helper system and the "exempted period." The section of the Maryland law forbidding the employment of children under 12 in various occupations ends with the words, "except in the counties, from June 1 to October 15, in every year." This exemption releases the country canneries from all legal restraints upon the age of children employed during four months and a half. The law itself makes no mention of city canneries, but the officials charged with its enforcement have decided that since a city cannery may be situated within a block or two of one in a county, differing from the latter only in being within the city line, to apply the law to one and not to the other would be unfair discrimination. Consequently, all canneries, no matter where situated, are held to be exempt from the age provisions of the child-labor law from the beginning of June to the middle of October. Where there is no law there can be no violation of law, so during the greater part of the season it would be an impossibility for any children to be illegally employed in the canneries.

The table giving the end of the working season, however, shows a number of children working later than October 15. In general, these were either over 12, in which case their employment was perfectly legal, or else they were helpers, in which case they were not "employed" at all, and their presence in the plant was held to be not in violation of the law. Only two clear cases of illegality were found. One independent worker of 11 was employed from August 26 to October 29, her employment during the last two weeks of this period being unlawful; and another independent worker, also 11 years old, worked from April 6 to December 5, being illegally employed for 7½ weeks before the exempted period began, and for 7 weeks after it ended.[1]

[1] Of the 53 independent workers, 37 were 12 years of age or over, and so might legally work the whole year round; 14, who were under 12, worked only during the exempted period.

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As the investigation was not primarily concerned with children, the facts as to residence were not obtained which would have made it possible to say how far the school-attendance law was violated by the retention of the helpers under 12 in the canneries after the close of the exempted period. Nineteen children under 12, the 2 independent workers just referred to and 17 others, were so retained. For the 19 under 12 years of age the ages and the time at which their work ended were as follows:

Number of children.	Age.	Date of ending work.	Number of children.	Age.	Date of ending work.
1.....	6	Nov. 9.	2.....	10	Oct. 20, Oct. 31.
1.....	7	Nov. 2.	7.....	11	Oct. 20, Oct. 29, Oct. 31, Nov. 2, Nov. 15, Dec. 5, Dec. 5.
4.....	8	Oct. 31, Oct. 31, Nov. 9, Dec. 10.			
4.....	9	Oct. 21, Nov. 15, Dec. 6, Dec. 10.			

Twelve of these same children had begun work in the canneries earlier than June 1.

Concerning long hours the legal situation is clearer. The Maryland law contains a provision forbidding the employment of children under 16 more than 10 hours a day. As far as the canneries are concerned, this law appears to be a dead letter. Of the whole group of children studied, there were but five who had not had a maximum day of over 10 hours, while 157 had had usual days exceeding this limit. The fact that some of the children were helpers would not affect the legal aspect of this situation, since the law carefully states that a child is neither to be employed or permitted or suffered to work more than 10 hours a day. Consequently, every case of maximum or usual daily hours in excess of 10 means a violation of the terms of the law.

CHILDREN IN INDUSTRIES OTHER THAN CANNING.

COMPARISON WITH CANNING INDUSTRY.

Turning from the canneries to the other industries included in this study, a marked difference is observable in regard to the employment of children and their hours of work. The helper system disappears and with it the exceedingly young workers found in the canneries. Work is steadier and hours more regular. Days of 14, 15, and 16 hours are not found among the children, but the average weekly hours are high. Children do not go to work at 5 or 6 in the morning, but in the rush season they keep on for one, two, or three hours after the usual closing time. Their work is carried on under the usual factory conditions. The three points of interest touched upon in this investigation are the extent to which young workers are employed, their hours of labor, and the extent to which the child-labor law is disregarded in their employment.

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NUMBER AND AGES OF CHILDREN EMPLOYED.

On the first point it is difficult to speak definitely. In industries more or less seasonal, like those studied, the number employed fluctuates considerably, and at the time this investigation was made—September—the busy season had not yet begun. "If you had come a couple of months later you'd have found 50 per cent more girls and women here," said the manager of one confectionery establishment. To a large extent the extra force taken on in the rush season is composed of young workers, so that the number found in the dull season would not be fully representative of the number employed. One manufacturer was asked, "How can you get in enough extra help for your busy season, since the places aren't permanent?" "Oh, there's no trouble about that," he replied, "the girls we've got already bring in their younger sisters, or their friends' younger sisters, as many as we need." Also, in taking the facts about the individual workers, the Bureau's agents were not looking for children; they were investigating the hours and wages of women, and, as far as they exercised any discrimination, it was to choose the older workers, so that again the number of young workers shown would probably be unduly small. The following table shows by industries the whole number of workers questioned, the ages of those under 16, and the number and proportion under 16 and under 14:

NUMBER, AGE, AND PER CENT OF WORKERS UNDER 16 YEARS OF AGE IN SELECTED INDUSTRIES, SEPTEMBER, 1911.

[The ages as here shown are as given by the workers themselves; no verification obtained.]

Age.	Workers in each industry.				Total.
	Candy, biscuits, etc.	Paper boxes.	Shirts, overalls, etc.	Straw hats.	
Under 12 years	1				1
12 years	23	4	3	2	32
13 years	40	12	8	1	61
14 years	41	22	20	6	89
15 years	30	17	8	3	58
Total	135	55	39	12	241
Total number of workers investigated	265	153	190	129	737
Percentage workers under 16 form of whole number taken	50.9	35.9	20.5	9.3	32.7
Percentage workers under 14 form of whole number taken	24.2	10.4	6.7	2.3	12.7

It will be seen that the candy and biscuit and paper-box factories show a considerably larger proportion of young workers than the other two. There is a marked difference in this matter between establishments. The following table, giving the number and proportion of girls under 16 in each establishment, both as stated by the manager and as found among the individual workers questioned, shows the range of variation. The proportion of those under 14 is also given; it will be noticed that the variation for these is greater than for those under 16.

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NUMBER AND PER CENT OF WORKERS UNDER 16 YEARS OF AGE IN INDIVIDUAL ESTABLISHMENTS.

Industry and establishment number.	Girls under 16 years of age.				Girls under 14 years of age: Girls' statement.	
	Managers' statement.		Girls' statement.			
	Number.	Per cent of female workers.	Number.	Per cent of female workers.	Number.	Per cent of female workers.
Candy, biscuits, etc.:						
No. 1	25	14.3	57	69.5	32	39.0
No. 2	69	40.8	36	40.4	10	11.2
No. 3	100	66.6	24	37.5	10	15.6
No. 4	8	21.0	18	60.0	12	40.0
Paper boxes:						
No. 1	12	26.6	10	37.0	5	18.5
No. 2	32	35.5	23	47.0	7	14.3
No. 3	30	33.3	15	35.7	3	7.1
No. 4	30	75.0	7	20.0	1	2.9

The situation as shown by these two tables seems to warrant estimating the proportion of workers under 16 as varying from one-fifth to well over one-half of the total female employees in candy and biscuit factories and from one-fifth to not far from one-half in paper-box factories. In the other two industries the proportion of young workers is so much smaller that the figures need no particular discussion.

A striking fact brought out by the above table is the ignorance of the manufacturers themselves as to the number of young workers in their employ. Practically all these children claimed to be 12 or older; their employment was perfectly legal, and there was no reason for misrepresenting their number, yet the estimates given by the managers were widely out of the way, erring almost as much in the way of over statement as of under statement.

The above tables show workers actually found in the various factories in September, 1911, from whom information was obtained. A considerable number of these, however, had not been employed in these places during the period covered by this investigation—the year ending April 30, 1911. Information as to hours, etc., was gathered only with relation to this period, so that, in considering conditions of work, it is necessary to discard those persons not working in their present places earlier than May, 1911.

Before discussing the hours and other data concerning these children, it is necessary to say a word as to the age grouping. The age was given for September, 1911, but the period covered by the investigation ended April 30, 1911. The great majority of the children studied (69.3 per cent) had been working for from six months to one year within the investigation period—that is, from 11 to 17 months before they were interviewed. Accordingly it seemed reasonable to secure their ages by subtracting one year from the age given in September. In four cases, however, in which a child gave its age as 12, and in one case in which it was 13, it was learned definitely that this was its age at the time it began work, and in these cases no subtraction

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was made. Making these modifications, the number and ages of the children 14 years of age or younger are shown in the following table:

NUMBER AND AGES OF CHILDREN IN SPECIFIED INDUSTRIES PRIOR TO MAY, 1911.

Age.	Candy, biscuits, etc.	Paper boxes.	Shirts, overalls, etc.	Straw hats.	Total.
Under 12 years	2	1	.....	1	4
12 years	19	4	4	.....	27
13 years	24	13	15	5	57
14 years	28	14	8	2	52
Total	73	32	27	8	140

Here, just as in the tables for those at work in September, 1911, the candy and biscuit and paper-box factories show more young workers than the other two industries. The proportion of workers 14 or under is for candy and biscuits, 40.3 per cent: for paper-boxes, 26.4 per cent; for shirts, overalls, etc., 16.1 per cent; for straw hats, 6.5 per cent; and for the whole group, 24.3 per cent.

DURATION OF EMPLOYMENT.

The importance of hours of labor depends to some extent upon the length of the working period. For the most part the children here studied worked continuously; the length of their working period prior to May, 1911, was as follows:

LENGTH OF WORKING PERIOD PRIOR TO MAY, 1911.

Industry and age.	Children working periods of—					Total.
	Under 8 weeks.	8 weeks and under 16 weeks.	16 weeks and under 24 weeks.	24 weeks and under 36 weeks.	36 to 52 weeks, inclusive.	
Candy, biscuits, etc.:						
Under 12 years	.....	1	.....	.....	1	2
12 years	5	3	5	2	4	19
13 years	3	3	1	9	8	24
14 years	.....	.....	2	3	23	28
Total	8	7	8	14	36	73
Paper boxes:						
Under 12 years	.....	.....	.....	1	.....	1
12 years	1	1	.....	.....	2	4
13 years	1	1	3	2	6	13
14 years	3	1	1	3	6	14
Total	5	3	4	6	14	32
Shirts, overalls, etc.:						
12 years	1	1	.....	1	1	4
13 years	1	.....	1	2	11	15
14 years	.....	.....	.....	2	6	8
Total	2	1	1	5	18	27
Straw hats:						
Under 12 years	.....	.....	1	.....	.....	1
12 years	.....	.....	.....	.....	.....	.....
13 years	.....	1	.....	4	.....	5
14 years	.....	1	1	.....	.....	2
Total	.....	2	2	4	.....	8
Grand total	15	13	15	29	68	140

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Less than one-third (30.7 per cent) of these children had been employed under six months in these establishments, and nearly one-half had been there from nine months to a year. As all of them had been at work during the five months between the beginning of May and the time when this investigation was made, it is apparent that they stick to their jobs very steadily, getting the full effect of whatever conditions prevail in their respective industries.

NORMAL HOURS OF LABOR.

The following table shows the average number of hours worked per week during the normal season: [1]

NUMBER OF CHILDREN WORKING DURING NORMAL SEASON, AVERAGE WEEKLY HOURS, BY INDUSTRIES AND AGE.

Industry and age.	Children working—				Total.
	Under 48 hours.	48 hours and under 54 hours.	54 hours and under 60 hours.	60 hours.	
Candy, biscuits, etc.:					
Under 12 years	.....	.....	1	1	2
12 years	1	5	7	6	19
13 years	.....	7	5	12	24
14 years	.....	13	14	1	28
Total	1	25	27	20	73
Paper boxes:					
Under 12 years	.....	.....	1	.....	1
12 years	.....	.....	3	1	4
13 years	.....	.....	13	.....	13
14 years	.....	.....	13	1	14
Total	.....	.....	30	2	32
Shirts, overalls, etc.:					
12 years	.....	1	3	.....	4
13 years	.....	3	12	.....	15
14 years	.....	2	6	.....	8
Total	.....	6	21	.....	27
Straw hats:					
Under 12 years	.....	.....	1	.....	1
12 years	.....	.....	.....	.....	.....
13 years	.....	.....	5	.....	5
14 years	.....	.....	2	.....	2
Total	.....	.....	8	.....	8
Grand total	1	31	86	22	140

These figures represent the average of the actual hours worked. They are to a certain extent misleading, because, owing to the short hours of the slack season, a low weekly average is compatible with fairly long daily hours. Thus, the 12-year-old worker in the candy, biscuits, etc., industry, whose average weekly hours are reported as under 48, had worked 8 weeks in the dull season. The daily hours were 9½, but she worked only 4 days a week, thus making a weekly average of but 38 hours.

[1] The "normal season" includes all the year except the period of overtime work.

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The usual daily hours varied considerably. In the candy, biscuits, etc., industry in one establishment the usual day was 9 hours, in one 9½, and in the others 10. In the paper-box establishments visited the usual daily hours were 10; in shirts, overalls, etc., from 9½ to 10; and in straw-hat making, from 9 to 9½. Usually for a period varying from 9 to 13 weeks in the summer there would be a short day once a week, most commonly of 5 hours. In some cases no work was done on Saturday through the summer, and in others some reduction of hours was made on Saturday throughout the year. In spite of such reductions, the above table shows that over one-fourth (27.4 per cent) of the children 14 and under employed in making candy, biscuits, etc., averaged 10 hours a day for 6 days a week throughout the season of normal work. The other industries show nothing like this proportion of young workers with continuous 10-hour days, but less than one-fourth of the whole group (32, or 22.8 per cent) averaged under 9 hours a day continuously.

OVERTIME WORK.

The question of overtime involves two factors: the length of the period through which it lasts, and the number of hours overtime per week or per day. Overtime is not uncommon among these younger workers. Of the 140 aged 14 or under, 52, or 37.1 per cent, had worked during the rush period more than 60 hours a week. The number working overtime, their ages, and the length in weeks of the overtime period are shown by industries in the following table:

LENGTH OF OVERTIME PERIOD, IN WEEKS, OF CHILDREN IN SPECIFIED INDUSTRIES, BY AGE OF WORKERS.

Industry and age.	Children working overtime—						Total.
	1 week and under 6 weeks.	6 weeks and under 12 weeks.	13 weeks.	14 weeks.	15 weeks.	16 weeks.	
Candy, biscuits, etc.:							
Under 12 years	.....	.....	.....	.....	1	.....	1
12 years	2	.....	.....	.....	3	1	6
13 years	4	3	.....	.....	3	1	11
14 years	10	4	.....	.....	7	3	24
Total	16	7	.....	.....	14	5	42
Paper boxes:							
12 years	.....	.....	.....	.....	.....	.....	.....
13 years	.....	3	.....	.....	.....	.....	3
14 years	.....	3	1	1	.....	.....	5
Total	.....	6	1	1	.....	.....	8
Straw hats:							
12 years	.....	.....	.....	.....	.....	.....	.....
13 years	2	.....	.....	.....	.....	.....	2
14 years	.....	.....	.....	.....	.....	.....	.....
Total	2	.....	.....	.....	.....	.....	2
Grand total	18	13	1	1	14	5	52

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It will be noticed that the overtime period is rather apt to be long. In candy, biscuits, etc., a trifle under two-fifths of the children (38.1 per cent) have a rush period of less than 6 weeks, for 16.6 per cent it lies between 6 and 12 weeks, and for 45.2 per cent it is 15 weeks or over. Among the paper-box workers only 1 child had an overtime period of less than 8 weeks, but none were found working overtime more than 14 weeks. The average number of hours worked per week during the overtime period is shown in the following table:

AVERAGE WEEKLY HOURS DURING PERIOD OF OVERTIME WORK OF CHILDREN IN SPECIFIED INDUSTRIES, BY AGE OF WORKERS.

Industry and age.	Children working weekly average of—			Total.
	61 hours and under 66 hours.	66 hours and under 70 hours.	70 hours and under 72 hours.	
Candy, biscuits, etc.:				
Under 12 years	.....	.....	1	1
12 years	1	5	.....	6
13 years	6	2	3	[1]11
14 years	14	8	2	24
Total	21	15	6	42
Paper boxes:				
13 years	.....	3	.....	3
14 years	.....	5	.....	5
Total	.....	8	.....	8
Straw hats:				
13 years	2	.....	.....	2

[1] One other child of 13 had worked overtime, i. e., over her usual hours, but as the whole number of hours worked in her overtime week was under 60 she is omitted from this table.

While the above table shows the average weekly hours during the overtime periods, the daily hours can not be deduced from it. It is customary during the rush season to crowd the extra work into a given number of days, often 2 or 3. Sometimes, however, there will be overtime 5 days a week, with an extra amount on 1, 2, or 3 days. This often causes much longer days than are indicated by the weekly average. Thus, the one child of 11 who worked overtime in the candy, biscuits, etc., industry was employed in an establishment where the regular day was 10 hours. For 13 weeks of her overtime she worked 10 hours a day 3 days a week, and 13 hours on the other 3; for 2 additional weeks at the height of the rush she worked 10 hours 1 day, and 13¼ on the other 5. Consequently, her average of 70 hours a week throughout her rush season meant 41 days of 10 hours, 39 days of 13 hours, and 10 days of 13¼ hours. Five other cases were found of 13¼-hour days occurring five times a week; in two cases the period during which they

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occurred was 3 weeks long; in one case, 4; and in two, 5 weeks long. Three of the children concerned were 13 and two 14 years old.

ILLEGAL EMPLOYMENT OF CHILDREN.

Overtime work was responsible for most of the illegalities noted. Three cases were found in which children had been at work below the legal age, 12 years. In one of these cases a child giving her age in September, 1911, as 12 had been working for 34 weeks before May 1, another such child had been working 51 weeks before May 1, and in the third instance a child who said she was 12 years old in March, 1911, had been at work 12 weeks before the close of the investigation period. A fourth child, who, in September, gave her age as 12 had been working for 21 weeks before May 1; the presumption is strong that she began work illegally early, but since the date of her birthday was not ascertained, no definite statement can be made.

Concerning illegally long hours the last table shows the situation clearly. According to the Maryland law, no child under 16 may work over 10 hours a day in any factory or manufacturing business in any part of the State, or in any mercantile business in Baltimore. It is manifestly impossible for a child to average over 60 hours a week without working more than 10 hours on at least one day, so that the average hours there shown necessarily involve illegal overwork.

The individual tabulations show that 31 of these children worked on occasion days of 12 hours (or 12 and a fraction), and 21 worked days of 13 or 13 and a fraction hours. One child, it will be remembered, was omitted from the overtime table, not having reached an average of over 60 hours. Nevertheless, in her 1 week of overtime she worked 2 days of 12¾ hours each.

The attitude of the different establishments toward these illegally long hours was not uniform. The managers or proprietors, when giving the length of the overtime period and the usual overtime hours, usually put in the explanation: "Of course, you understand that this applies only to those over 16; it's against the law to work children under 16 more than 10 hours a day." When the workers were questioned it became evident that in some establishments there was a real attempt to obey the law; a few children might be found who had worked more than 10 hours a day, but these cases were not numerous and might easily be accounted for as oversights or inadvertences. In other places it was apparent that little, if any, attention was paid to the matter and that violations of the law were numerous.

In one factory a curious attempt was made to represent the long hours as legal. The manager had made the usual statement about not employing children under 16 more than 10 hours a day and the workers were being asked the customary questions. A forewoman who kept rather close to one of the agents gathering the information seemed

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disturbed as one child after another gave hours for beginning and ending work and time taken for meals, which showed days of 12 hours or more. At last she interposed:

"These girls come at the same time as the others in the rush season, but they don't begin work till 9 o'clock."

"What do they do in the interval?" asked the agent.

"Oh, anything," replied the forewoman, vaguely.

"Do you mean they sit idle for two hours every morning?"

"Oh, no," said the forewoman, "they sweep, or scrub, or do anything like that we have for them to do, but they don't begin their regular work till 9."

As the wages of the children concerned, who were pieceworkers, showed a marked increase during the overtime period, there seems considerable reason for doubting this explanation. Even if it were true, it is difficult to see how the law forbidding more than 10 hours' work is obeyed by keeping a child at one occupation for an hour or so and at another for 10. In this particular establishment, however, the hour of beginning work, according to the manager's statement, is 7.30 a. m., while during the overtime period these girls were in the factory 12¾ hours a day from two to five times a week. If, therefore, they did not begin their "regular work" until 9 o'clock, and if their employment at other work counted as no employment at all according to the intent of the law, they were still working at their trade for 11⅛ hours on each of these long days, and must be considered as presenting cases of illegal employment.

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ATTITUDE OF MASSACHUSETTS MANUFACTURERS TOWARD THE HEALTH OF THEIR EMPLOYEES.

BY WM. C. HANSON, M. D.

INTRODUCTION.

In the latter part of 1908 a movement was inaugurated among the manufacturers of Worcester County, Mass., to help pay for the care of those persons in their employ who are afflicted with tuberculosis, and a considerable number of employers signed statements indicating in one form or another their approval of the movement. As an organized effort for the reduction of tuberculosis and for the betterment of health conditions among the employees, this movement seems sufficiently important to make it worth while to ascertain what it really is, to what extent manufacturers have joined it, what has been accomplished by it, what the manufacturers who joined it think of it, and what other Massachusetts manufacturers have to say about it. Furthermore, it seems desirable to consider how far it has been the policy of representative firms in different parts of the State to help financially to any extent an employee taken ill with any disease while in their employ.

First of all, it seems proper to call attention briefly to what the State of Massachusetts is doing for the health and welfare of persons employed in industrial establishments, and to the general relations which exist between employer and employee. The State inspectors of health, under the supervision of the State board of health—a supervision which is based upon broad general principles—have, among other duties, charge of the health inspection of industrial establishments. Consequently, they have had opportunity to observe the attitude of manufacturers to their employees and to the laws of the Commonwealth which safeguard the health of the employees. From the data thus collected, manufacturers may be classified in two general groups. There are, on the one hand, those who concern themselves but little with the health and welfare of their employees, men who regard all protective legislation as unnecessary interference on the part of the State with private enterprise. To this class belong, in the main, the smaller industrial establishments which need considerable looking after in order that they may be kept in reasonably good sanitary condition. Many owners, or men in charge of such establishments, comply with the laws unwillingly, if,

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indeed, they do not oppose their enforcement. Only such changes are introduced in the buildings as are absolutely necessary, and no attempt is made to see that the changes bring the most fruitful results. In this class of establishments one finds an atmosphere of distrust between employer and employee. The prevailing idea is that their interests are divergent. The employer regards any outlay of expense to improve conditions under which his employees work as an unjust burden placed upon him by the State. The employee, on the other hand, regards any attempt to change conditions with considerable suspicion. Fortunately, however, this class of industrial establishments is rapidly diminishing in number and such a state of affairs as mentioned is fast disappearing.

The second class of manufacturers represents principally the larger industrial establishments. These owners of the larger, and the more progressive owners of the smaller establishments, recognize the fact that their interests are identical with those of their employees, from a purely economic standpoint. These employers recognize that money invested for the maintenance of sanitary and healthful conditions in their establishments is a profitable investment. They also recognize that aside from all humanitarian motives the expense of maintaining good sanitary conditions increases the efficiency of their employees. In this class of establishments one finds a readiness and willingness on the part of the employers to comply with the laws of the Commonwealth. Indeed, suggestions from the State inspectors of health as to how to improve conditions are often sought for. Compliance with the laws is not carried out in a perfunctory manner. On the contrary, care is taken that all improvements are utilized in such a way as to secure the best working conditions possible. In short, the manufacturers realize that good working conditions result in obtaining better, more intelligent, and steadier employees. They realize, further, that absences on account of sickness are diminished and a higher grade of efficiency is secured.

STATEMENTS OF MANUFACTURERS RESPECTING SANITARY CONDITIONS AND FINANCIAL AID TO EMPLOYEES.

"We have shops in which the sanitary conditions are a source of pride to us. They are clean, well kept, well lighted, and the help are safeguarded against any unhealthy influence. We do not allow any spitting on the floors. * * * The efficiency of our employees depends upon their good health and we recognize the fact."

"While we render no financial aid to those ill, we do try to keep the condition under which our men work as good as we can, and we keep a special oversight of our young apprentices, realizing that upon them we shall later depend for our skilled work. Our doctor examines apprentice boys before the company makes out their first

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papers, and during the time of their apprenticeship they are under the constant supervision of their instructor, who notifies their parents whenever any of them appear to be ill or below physical par."

"Make the conditions in the mills right and the mill conditions will not make employees sick and in need of aid."

"We intend to keep on bettering mill conditions and have just installed a humidifying apparatus at a cost of about $20,000."

As to the policy of firms in regard to helping financially, to any extent, an employee taken ill while in their employ with any disease, opinions of representative manufacturers throughout the State are as follows:

"We have helped employees who have been ill by contributing to a subscription taken up among the employees. This was done for one man ill with typhoid fever and enabled him to pay hospital bills and to keep his family from want for a period of eight weeks. A similar subscription was taken for a man suffering from kidney disease * * *."

"Formerly we occasionally helped out an employee who was sick, but a few years ago two benefit societies were organized among the help. The only part we play now is to take the monthly assessments from the pay envelope at the request of the officers of the societies. Sometimes, in the spring of the year, when a good many are out with colds and extra assessments would have to be made, the company assist enough to fill a deficit or to prevent another assessment, but the company has no voice in their management."

"There is no fixed plan or system. Have been accustomed to give assistance in deserving cases, each case being considered individually. In one case a hospital bill was paid and in another rent was given, etc. * * * No discrimination is made in reference to tuberculosis."

"We do nothing financially for those who may become ill from any cause, our care being strictly limited to accidents."

"The firm has not helped in case of illness, tubercular or otherwise, but we have often helped financially in cases of accidents in our shops, even though we carry liability insurance. It not uncommonly happens that an injured man draws his pay while away from his work."

"While we have no settled policy in the matter, this company has helped financially, and probably will continue to do so, its employees who become ill while in their employ, although such cases are selected cases, so to speak; that is to say, it is not done in all cases. We have now on our pay roll a girl ill with tuberculosis,

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whose expenses are paid by us. I mean that we allow her full wages. She is not in a sanitorium, however, and pays her own bills. She has not worked for some weeks."

"We pension old and faithful employees. * * * One employee has been drawing full pay for the last five years. In case of accident we assume the entire expense of the case and sometimes pay full wages besides, although this does not mean that we assume liability for the accidents. We are willing to help our employees, and that applies as much to tuberculosis as to anything else."

"The company has no special plan for assisting employees who are ill. A workman who had been employed for less than two years would probably receive no assistance. An older workman would be looked up and such assistance as necessary rendered. Each case is regarded as a personal matter, and the fact that aid is given is not advertised."

Thus a large number of firms, while not having a settled policy in the matter of aiding their employees in case of illness, frequently do so. It is the general opinion of manufacturers, however, that cases of illness among their employees, if dealt with at all, should be dealt with individually, the amount of aid depending on the length and quality of service rendered by the individual. Often old employees who have given faithful service for many years, though the amount of work they do does not warrant it, still receive full pay. Another way in which manufacturers aid their employees is by assisting them to organize and maintain mutual-benefit associations and by contributing generously to the funds of such organizations.

SPECIAL HEALTH AND WELFARE WORK.

But besides the attitude taken by manufacturers, who believe that it would be poor policy to assume any financial obligation in case of the illness of an employee, steps have been taken by many manufacturers on their own initiative to promote the health and welfare of their employees. There are various directions in which this activity is manifested; for instance, in the maintenance of attendants or of trained nurses and in the employment of a physician who is either on the premises all the time or who makes periodic visits and is called whenever needed. Nor is the interest of the manufacturer in every instance confined to the factory. Some companies have trained nurses who not only supervise the employees at their work, but visit their homes and do a great deal of educational work. A considerable number of firms are now contemplating the employment of trained nurses for similar work. One company, employing from two to three thousand men, women, and children, obtained information

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during the year ending April, 1910—with the assistance of two trained nurses and a physician—concerning the health of 2,296 employees, of which number 1,011 were males and 1,285 were females. Two hundred and forty-four cases of illness were of a surgical nature. Ten employees were found to be ill with tuberculosis and were provided for at the State sanatorium at Rutland. With one exception their condition appears to be favorable for recovery. Two have already returned to work, and some of the others have left the sanatorium with the disease arrested. When an employee returns from Rutland he is under observation; his home is visited and such help is given as is practicable in order that he may hold the gain made at the sanatorium. The nurses and physician also discovered a number of boys and girls who appeared to be in danger of respiratory disease, such as influenza or tuberculosis, and in each instance instructions in hygiene were given and the health of the children followed up until normal health was restored and efficient work accomplished. Such special attention is given to employees under 18 years of age. While generally these young persons are found to be in good physical condition, the teeth and the tonsils in many cases are found to need attention. The ventilation of the workrooms is studied, and, whenever necessary, changes are made which in some instances have given rise to a marked improvement in the output of the pieceworkers and in the energy and effort of the time workers.

Another striking example of the attitude taken by a manufacturing company toward sickness among its operatives is the following: The company maintains an accident and retiring room in charge of a trained nurse, who, in addition to giving first aid, attends to minor medical cases and visits sick operatives in their homes to insure proper medical attention and care. During the year 1910 more than 1,600 such visits were made. In rendering financial aid to operatives in the past it has been the custom to consider cases individually. Sometimes the wages are paid, sometimes hospital bills, in some cases both. The company maintains four free beds at the local hospital. In regard to tuberculosis, the nurse has devoted special attention to investigating the prevalence of this disease during the past two years. In 1910 about 30 cases were cared for, and at the present time 5 are under treatment. In some instances the company pays the bills or part of them, but all patients, through the nurse, are given proper care. It has been customary to turn the chronic cases over to the State or to the local tuberculosis society or to find suitable homes for them in the country. There is a mutual-benefit association with voluntary membership, costing an employee 25 cents per month. Although it is managed by the operatives, the company frequently contributes to its success. This company neither advertises nor conceals the fact that operatives may receive financial aid from the firm in case of sickness and does not object to having it known.

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THE TUBERCULOSIS CAMPAIGN.

Owing to the recent educational campaign relative to tuberculosis many of the Massachusetts manufacturers have been led to take some action to prevent the further spread of the disease. The first firm in the State to take up the work, in a manner following educational campaign lines introduced outside of industrial establishments, was a small shoe company in Oxford. In 1906 this company became actively interested in the question of the prevalence of tuberculosis among its employees. In the spring of 1906 the company distributed a circular among its employees which told in simple language the contagious nature of the disease, the manner of its spread, and the steps that must be taken in order to avoid infection. The circular urged all employees who had a cough to be examined by a physician and to send their sputum for examination to the State board of health. It ended with the following statement: "The firm hopes that it will be notified of any case of consumption occurring among the employees or their families. If anyone now in the employ of ——— Co. has the disease or contracts it and secures admission this year to the State sanatorium at Rutland, the firm will agree to pay his or her board there for three months." A similar circular has been distributed among the employees of this company each succeeding year, although only one case of tuberculosis among the employees has been brought to light. The employee in question was a girl who worked in the office. She was provided for in the country, where she is living at the present time apparently cured of the disease. The company feels that while the expression in 1906 of its willingness to assume the responsibility of caring for its tubercular employees for a period of three months has resulted in helping only one employee, the educative effect of the campaign among its operatives has been beneficial.

THE WORCESTER TUBERCULOSIS MOVEMENT.

With this precedent the State inspector of health of the Worcester district, in the latter part of 1908, secured written statements from several firms to the effect that in case any employee was found ill with tuberculosis the firm would pay the expenses of said employee for a period of three months or longer in the State sanatorium at Rutland or in some other sanatorium. The first statement was secured November 14. It reads as follows:

"Referring to my conversation with you a few days since, I desire to say that should any of the employees of the ——— Co. be so unfortunate as to contract tuberculosis, our company will pay their expenses at the Rutland sanatorium for a period of three months or longer if necessary."

Since that time other firms, at the solicitation of the inspector, made similar statements in writing, so that up to April, 1911, signed

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letters representing 34 industrial establishments in Worcester County had been received at the office of the State board of health from the inspector of health in the Worcester district. These letters vary somewhat, as follows:

"Referring to our conversation of this morning in reference to tuberculosis, would say we are pleased to confirm what we told you verbally, that we will be responsible for the expenses of any of our employees afflicted with this disease (tuberculosis) for a period of three months, or possibly longer, at Rutland."

"Referring to my conversation with you yesterday, I beg to say that it has been the habit of the ——— Co. to pay the expenses of its employees who need assistance at various hospitals where they may have been treated for physical disabilities. It is my recollection that we have already done this at the Rutland sanatorium and we shall be ready to do so in the future as the occasion may arise."

"We are glad to contribute our assistance and influence in promoting the good work that is being done for those afflicted with tuberculosis. We understand the expense of treatment for each patient (at the Rutland sanatorium) is at the rate of $4 per week, and we will pay this amount for at least three months for anyone who is found to have the disease while in our employ. We desire to express our appreciation of the efforts being made to wipe out this dreaded disease. We hope this effort may be an enlightening influence that will teach people to better understand their personal responsibility for their own health."

"Referring to conversation with you this day, I desire to say that should any of our old employees be so unfortunate as to contract tuberculosis, we will pay their expenses at the Rutland sanatorium for a period of three months."

"Should you find upon examination that any of our old employees require treatment for tuberculosis, we will be responsible for their expenses of $4 per week at Rutland or other similar place for a period of three months."

"Confirming our conversation of a short time since, would say that this company takes pleasure in saying that for the present we would pay the board of any of our employees who should be unfortunate enough to contract tuberculosis, at Rutland sanatorium, or a similar institution, for 12 weeks at the rate of $4 weekly, provided said employee has been in our employ six months."

"Agreeable to our conversation with you in reference to the matter of paying for a three months' treatment in the State sanitorium for any employee of ours who has contracted tuberculosis, I wish to say that if upon examination of any regular employee of this corporation

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who has been in our employ for one year or longer, we shall be glad to pay for a three months' treatment in the Rutland sanatorium or any other sanatorium which would be a benefit to this employee."

"We certainly will fall in line, and should you, upon examination as required by law,[1] find among our regular employees anyone who has contracted tuberculosis, the disease being in its first stages, we will care for his or her expense at the Rutland sanatorium for a period of three months."

It will be seen from the above statements that the manufacturers who have identified themselves with the so-called "tuberculosis movement" have put themselves on record as showing a willingness to assist to a certain extent persons who have become ill with tuberculosis while in their employ. Of the 34 manufacturers who have thus gone on record, 24 have limited the time for which they are to pay the patient's expenses to 3 months; 4 to 3 months or over; 1 to 4 months; whereas 5 did not specify the length of time. Fourteen of the manufacturers specified that the patients should go to the State sanatorium at Rutland, while 20 specified the Rutland or any other sanatorium. One manufacturer limited the offer to those employees who had worked for the firm for 6 months; 5 manufacturers to those who had worked for the firm for 1 year or over; 6 to those who contracted the disease while in their employ; 3 to "old employees"; whereas 9 manufacturers made no qualification. The 34 firms who have given out the written statements may be classified according to the number of persons employed in each establishment as follows:

Number of firms.	Number of employees in each establishment.	Number of firms.	Number of employees in each establishment.
2	25–50	2	600–700
4	50–100	2	700–800
10	100–200	2	900–1,000
8	200–300	1	Over 1,000
3	300–400		

The largest number of persons employed in any one of the 34 establishments was 1,300, the smallest number 32. The total number of employees in all the establishments is about 10,000; the total number of minors about 1,000. The sanitary conditions of these establishments have been found to vary considerably. In some the conditions were excellent, in others only reasonably good, whereas in 3 establishments marked improvements have been made since the signing of the agreement. The results of the sanatoria treatment up to date, so far as submitted to the office of the State board of

[1] The State law provides for making inquiry concerning the health of minors in factories. It does not include adults.

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health, are as follows: Eleven firms have aided employees found ill with tuberculosis, either by paying their board in the State sanatorium at Rutland or in some other sanatorium, in private homes, or by rendering financial aid in the employee's own home. Twenty-seven employees in all have been aided as follows:

1 employee in each of 4 establishments.
2 employees in each of 5 establishments.
4 employees in 1 establishment.
9 employees in another establishment.

The length of time during which aid was given varied from 6 weeks to 6 months, while 1 case was cared for for 8 months, and 1 for 10 months. Of the persons treated, 3 were reported "cured," 8 "condition improved," 1 "condition not improved," 7 "died," and 5 "moved away." Three persons are still under treatment.

It can not, of course, be questioned that the attitude on the part of those manufacturers who have heralded the agreement as a powerful weapon in the fight against tuberculosis is highly desirable. In the first place the movement itself is of great educational value, inasmuch as it calls to the attention of both employer and employees the existence and prevalence of tuberculosis in factories. The greatest value of such a movement, however, should be that an offer on the part of the manufacturer would lead to the discovery of cases of the disease which would otherwise remain untreated. In this way incipient cases of the disease would be discovered and placed under treatment and more advanced cases segregated. These two procedures are the most powerful weapons in the fight against the spread of the disease. Now let us see how much was actually accomplished in the particular instances mentioned. It has already been shown that considerable good has been done by the aid rendered to the 27 persons found ill with tuberculosis, but this number of persons was found in 11 of the 34 establishments. No records have been submitted to the office of the State board of health concerning employees found with tuberculosis in the remaining 23 establishments. The question arises, therefore, what, more than the mere signing of the letter, has been done in the other 23 establishments?

WORCESTER TUBERCULOSIS MOVEMENT FROM POINT OF VIEW OF MANUFACTURERS WHO ALLIED THEMSELVES TO IT.

Interviews with a number of the manufacturers who signed the so-called agreement were of interest. On the whole, it was found that the manufacturers did not consider their letter to the State inspector of health to be literally an "agreement." As stated by an employer of several hundred persons, they "simply put themselves on record as showing a willingness to assist to a reasonable extent any worthy employee who has been with them for some time and

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becomes ill with tuberculosis while in their employ." Seven of the employers interviewed stated that the letter did not bind them to help any of their employees and that they should judge each case on its merits. One employer of more than 900 persons stated that he considered his letter as binding only in the sense that he was willing to consider the advisability of paying the expense at the Rutland sanatorium or similar institution of any employee found to have tuberculosis. He did not consider that he was obliged to pay any part of the expense of any person who happened to be in his employ who was found to show some sign or symptom of the disease. He said that if his attention was called to the fact that a person who had been in his employ 10 or 15 years now had tuberculosis and that if the said employee had proved himself worthy of help, he would be perfectly willing to assist him by paying toward his expenses while under treatment. He thought that the State inspector of health had taken a good step in interesting the manufacturers along this line, but that his work had "limited itself to this point." Another manufacturer, whose letter stated that he would pay the expense of treatment for three months for any person in his employ who might be unfortunate enough to contract tuberculosis, said when consulted, that he did not offer to pay any portion of the expenses of an employee found ill but merely offered to pay for the physical examination. He ended his letter with the following statement: "We believe that you are doing a good work, which should have the cooperation of all manufacturers and business men in general."

It can be seen from the above interviews that many of the manufacturers who wrote letters did not consider them as binding contracts. In other words, it was not the intention of the most of the manufacturers to deal indiscriminately with their employees. Now, then, the helping of a deserving unfortunate employee discovered ill with tuberculosis, while praiseworthy, is not going to be a great factor in the eradication of tuberculosis. What is of more importance to the community is the discovery of persons with incipient signs or symptoms of the disease. With this end in view all the manufacturers who signed the so-called "agreement" were asked whether they would be willing to post notices in their factories urging the employees to be examined for the purpose of detecting early indications of the disease. Of the 34 firms only 6 expressed a willingness to post such notices. The other 28 refused to do so. In fact, 7 of the 34 firms said that they did not want it known among their employees that they had committed themselves to pay any part of the expenses of an employee found ill with the disease.

In order to determine the attitude of manufacturers throughout the State to this Worcester movement a great number of them were interviewed, nearly all of whom opposed the adoption of such a

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policy. This opposition and failure to indorse the movement was not confined to any one class of manufacturers. Indeed, it was met with in some of the best establishments in the State, where a great deal of money is spent annually for welfare work. Manufacturers looked at the situation from different viewpoints, stating their arguments against such a policy as follows:

WORCESTER TUBERCULOSIS MOVEMENT FROM POINT OF VIEW OF MANUFACTURERS OUTSIDE OF WORCESTER COUNTY.

"Class legislation is pernicious. I think the Worcester movement unfortunate in that it favors class legislation and puts a premium on illness, particularly if that illness should be tuberculosis, to the exclusion of other dangerous diseases."

"It is neither wise nor proper to lead persons who work in factories to expect that they will be cared for if afflicted with tuberculosis or any similar disease."

"To bind employers to an agreement to assume the care and pay for the treatment of employees at sanatoria is to break down the morale and independence of the individual and to encourage in its wake pauperizing expectancy with its direful results."

"It seems to me that an enabling act of the legislature would be necessary before the corporations could contribute to the relief of sufferers from tuberculosis or any other disease such as appears to be done by Worcester manufacturing concerns."

"I fail to see how we could do much along humanitarian lines without the consent of the stockholders, much as the management might desire to do it. Our mills are run by stockholders, by a board of directors with a president, treasurer, and superintendent" * * *.

"Do you know of other business interests engaged in such movements? Are the railroads, express companies, butchers and bakers sending their employees afflicted with tuberculosis to sanatoria and paying their bills? Pay the employees what is due them; make the mills sanitary. We can not feed, clothe, nurse, and doctor the employees. It is not business. I am not in favor of such a thing."

"I am opposed to the Worcester idea as tending to an assumption that corporations are liable for such illness as tuberculosis or other dangerous diseases."

"Welfare work or special action by a wealthy manufacturer, for special reasons, is taken up and urged by interested persons as the standard for all, which in many instances works a considerable hardship." (The manufacturer pointed out that while he was not opposed to welfare work or tuberculosis work, in numerous instances it has not seemed to accomplish all that was anticipated.)

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"Better housing, better the mill conditions. Pay good wages and the employees would be able to pay their own way in everything * * *. The State may find this problem of helping its people, caring for and treating them, a very large one indeed."

"Our mills are better than ever they were. The tenements, on the other hand, are but little improved. Some of our employees come and go weekly. They seldom spend 50 hours a week in any one mill. What do they do and where are they the other 118 hours in the week? The tenement landlord has them more hours in the week than we do. I don't see why any of our mills should pay for the care and treatment of diseased persons simply because they are on our pay rolls."

The arguments thus advanced against the Worcester policy may be summarized as follows: The employer should pay his employees the best possible wages and provide for them the best sanitary conditions, both of which factors would result in mutual advantage. If an employee who has rendered faithful service for many years is unfortunate enough to be taken ill, most manufacturers recognize a moral responsibility and are ready to render assistance. A great number of manufacturers also assume responsibility in aiding employees who are accidently injured at their work, but they can not see why they should be held responsible for a disease which is perhaps contracted outside of the factory. Why should not the landlord of tenements, in which disease is often contracted, be held responsible? Why should not he be required to pay for his tenants who are taken ill with tuberculosis? Corporations are not adapted for such work which, at best, is to be regarded as a charitable undertaking, and many employers feel that they want to do their charity work in their own way. One manufacturer, employing about 1,500 operatives, who has done a great deal for his employees, when asked his opinion of the plans adopted by the Worcester manufacturers said: "We do not believe in charity because we think it fosters improvidence and that when a corporation undertakes this sort of work it is getting upon dangerous ground. As a business proposition and one that pays well, we see that our operatives work under the most favorable conditions we are able to provide. For the same reason we provide a trained nurse and an accident and retiring room for our operatives. She dresses minor wounds and attends to the lesser complaints of the operatives, especially of those under age and women * * *. She visits the homes of our tubercular former operatives and gives instruction to the patient and family * * *. In regard to the tuberculosis problem, I think the plan asking the manufacturer to send all his tubercular operatives to Rutland is utterly impracticable. For one thing, it fosters the paternal attitude which is an unwise stand

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to take. We consider the cases as individuals, and since we began the work a little over a year ago we paid the expenses of about 15 operatives for as long as it was necessary for them to remain there. So far we have not been imposed upon by the people seeking our employ for this reason, and before paying expenses we consider the length of service, character of the work, etc. We do it because we want to do our share in helping the State with this problem. We intend to continue this policy and do not intend to conceal or advertise it."

To sum up, an agreement on the part of a manufacturer to help tubercular employees can be of value from a standpoint of the general campaign against tuberculosis, provided it leads to the discovery of new cases. In order to detect new cases the employer must be willing to post notices to call attention to the disease and to urge physical examinations. In most of the Worcester factories no examination of the employees was made following the so-called agreement. Not even notices were posted to urge the employees to be examined in order to detect any early signs of tuberculosis. Moreover, many of the manufacturers in Worcester County do not consider that their letters bind them to any contract, stating emphatically that it is not their intention to render aid to any of their employees, but that they will consider individual cases. This principle is, as we have seen, no different from that of a great number of Massachusetts manufacturers who provide the best practicable working conditions for their employees.

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THE WORKMEN'S INSURANCE CODE OF JULY 19, 1911, OF GERMANY.

TRANSLATED BY HENRY J. HARRIS, PH. D.

INTRODUCTION.

The Twenty-Fourth Annual Report of the Commissioner of Labor, entitled "Workmen's Insurance and Compensation Systems in Europe," contained a section devoted to the workmen's insurance system of Germany. In this section was given an account of the official plan for the revision and extension of the workmen's insurance system, but at the time the volume was published the German Parliament had not acted on the Government's plan. As finally adopted by the legislative body, a number of changes were made, which makes it necessary to outline briefly the general features of the new codification of all the workmen's insurance laws.

For those who may wish to make a comparison of the new code with the former laws it may be stated that a translation of the law of June 30, 1900, relating to the accident insurance of persons employed in manufacturing and similar industries, was given on pages 2509 to 2552 of Volume II of the report just mentioned, while a translation of the invalidity insurance law of 1899 will be found on pages 966 to 1002 of Bulletin No. 91 of the Bureau of Labor.

The law of July 19, 1911, is a codification of all the legislation relating to the several branches of workmen's insurance in the German Empire. Previous to the date of this act the sickness insurance, the accident insurance, and the invalidity insurance were each regulated by a separate law or series of laws. At the time when the compulsory insurance system was introduced into Germany the plan of having the three branches of insurance adopted simultaneously was considered, but was declared by Bismarck to be a task of such magnitude that no other plan was feasible except to introduce the various branches of insurance one after the other. Furthermore, it was found necessary to introduce the insurance laws for the different industries, one after the other, so that while the first accident insurance law was enacted in 1884 it required five additional laws to cover all the industries which were intended to be included in this branch of the workmen's insurance system. A somewhat similar procedure was followed in the case of the sickness insurance and the invalidity and old-age insurance. All of the insurance laws were revised and to some extent codified between the years 1899 and 1903, but it was not until 1910 that a single law covering all phases of workmen's insurance was drafted by the German Government. The codification

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of 1911 therefore represents the experience of a quarter of a century in a system of compulsory insurance covering practically the whole industrial population of the German Empire.

GENERAL FEATURES.

The new workmen's insurance code has retained the former general scheme of organization; although frequently advocated, there has been no attempt to consolidate the organizations conducting the sickness, accident, and invalidity insurance. Separate administrative bodies conduct these three branches of insurance, while the new branch, the insurance for widows and orphans, or as the law terms it, "the survivors' insurance," is carried on by the invalidity insurance organizations. A new feature which the code introduces is the system of government offices to supervise the insurance organizations. The first of these new institutions is designated in the following translation as "local insurance office" (*Versicherungsamt*) and covers a district of small area, usually of one or a few communes or parishes. Above the local insurance office is the so-called "superior insurance office" (*Oberversicherungsamt*), which supervises operations in insurance matters and whose most important function is the work formerly performed by the arbitration courts for workmen's insurance which were abolished by the new law. The central administrative body is the imperial insurance office (*Reichsversicherungsamt*), except in the case of Bavaria, the Kingdom of Saxony, Wurtemberg, and Baden, where State insurance offices (*Landesversicherungsamt*) take the place of the imperial insurance office for insurance organizations located entirely within the boundaries of these States. In all of these Government offices the plan of having representatives of the employers and of the insured persons participate to a large degree in the administration of the insurance has been retained.

SICKNESS INSURANCE.

The workmen's insurance code provides for six types of sickness insurance funds: Local sick funds, rural sick funds, establishment sick funds, guild sick funds, miner's sick funds, and substitute sick funds. The former communal or parish sickness insurance has been abolished. The local insurance funds provide the insurance for the greater number of insured persons, and in particular for persons not included in any of the other groups mentioned above; these funds are practically a continuation of the former local insurance funds and are also intended to provide for persons formerly included in the communal sickness insurance. The rural sick funds are a new institution and are not necessarily confined to rural districts, but may also exist for cities; these funds provide for the sickness insurance of household servants, persons engaged in home working industries, casual laborers, farm laborers, etc. This is the only new

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type of insurance fund provided for the sickness insurance. The other types of funds are practically the same as those instituted by former sickness insurance laws; the so-called substitute funds are merely the mutual-aid funds which are recognized under the preceding laws and which are allowed to continue, though under more careful supervision and with certain restrictions as to size, etc. The tendency in the new law has been to encourage sick funds of larger size, as experience had shown that funds with a smaller number of members did not possess a sufficiently extensive actuarial basis.

The groups of persons brought under the compulsory sickness insurance for the first time are the following: Household servants, clerks and apprentices in pharmacies, members of orchestras and theatrical companies, teachers and tutors, persons engaged in home-working industries, ship's crews of German sea-going vessels and the crews of vessels engaged in inland navigation. Voluntary insurance is permitted under more liberal conditions than heretofore.

During the discussion of the provisions of the code an attempt was made to change the proportion of contributions paid by the employer and by the insured persons. As finally enacted, the existing plan of having employers pay one-third and the insured persons two-thirds of the contributions has been retained; in the case of members of guild sick funds, however, the contributions may be levied in the proportion of one-half upon each party.

The benefits of the sickness insurance are practically unchanged in the new law and consist of medical care, a sick wage, hospital care, and care in the home, together with an allowance for the family in the case of hospital treatment; in addition, a pecuniary sick benefit is paid in maternity cases for a period of eight weeks. The funeral benefit consists of 20 times the amount of the wage of the insured person used as a basis for computing dues and benefits. Under the law, the sick funds are allowed to vary these benefits in a number of ways, and likewise the funds may extend the amount and duration of the benefits in certain cases.

ACCIDENT INSURANCE.

The organization of the accident insurance is practically unchanged under the new code. The functions of the former subsidiary insurance institutes (*Versicherungs-Anstalten*) have been slightly increased, and in the future they will be designated as "branch institutes" (*Zweig-Anstalten*). Their special function is to provide insurance for petty business undertakers of all kinds, and more especially in the building trades, livery and hauling, inland navigation, and marine navigation. These branch institutes are subsidiary organizations of the accident association for these industries and are administered either directly or indirectly by the governing bodies of the accident

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associations, though the branch institutes as heretofore have a legal and formal separate existence.

The classes of persons insured are still composed of workmen and administrative or operating officials; the latter, however, only in so far as their annual earnings do not exceed 5,000 marks ($1,190), this amount having previously been 3,000 marks ($714).

The new industry branches included in the insurance are certain groups of breweries, pharmacies, tanneries, bath establishments, fishing in inland waters, fish culture, ice cutting, and establishments conducted as a business for the keeping of livery stables for draft animals, riding animals, and breeding animals, and the keeping of conveyances and riding animals.

The accident insurance for agriculture and forestry and for marine navigation is practically unchanged.

The system of collecting assessments each year to cover the expenditures for the preceding year, modified by a reserve the interest of which is intended to reduce the annual assessments, has not been changed. As heretofore, the branch institutes, however, annually collect premiums sufficient to cover the capitalized value of the pension granted instead of using the assessment system. Annual salaries in excess of 1,800 marks ($428) have only one-third of the excess counted. In agriculture a different basis of assessment may be used, namely, the so-called "labor-need," though the land tax, the area cultivated, or some other basis may also be used. No change has been made in the system of risk tariffs for industrial establishments.

The definition of industrial accident has gradually been made more exact during the 25 years' experience under the various laws. The code does not include industrial or occupational diseases as accidents, but authorizes the federal council to include such diseases under accident insurance. The definition of an industrial accident as now prescribed specifies that it must be a sudden event occurring at a specific time, and having a causal connection with the operation of the establishment.

The benefits of the accident insurance have not been changed by the new code.

INVALIDITY AND SURVIVORS' INSURANCE.

The invalidity insurance is conducted by territorial organizations, these organizations being directed by committees, etc., consisting one-half of employers and one-half of insured persons. The governments, either State or local, appoint the officials who conduct the current affairs of these organizations. For a few industries, such as transportation, mining, etc., "special institutes" are allowed to conduct the insurance of persons engaged in these industries.

The new feature of the insurance code is that relating to survivors' insurance, or, as it is popularly called, widows' and orphans' insurance.

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This branch of insurance is to be conducted by the territorial organizations which administer the invalidity insurance.

The new groups of persons included under the invalidity insurance are clerks and apprentices in pharmacies and members of orchestras and theater companies. By the decrees of the federal council the invalidity insurance has already been extended to persons engaged in home-working trades, to persons engaged in tobacco industries, and to a large proportion of persons engaged in textile industries. An effort has been made in the code to make the group of persons covered by the invalidity insurance identical with that covered by the sickness insurance. The provisions as to voluntary insurance and as to the continuation of insurance in the case of a person who ceases to be employed in an industry requiring compulsory insurance have been made more liberal. An important innovation is that designated as "voluntary supplementary insurance," according to which the amount of the invalidity pension (but not of the other benefits) can be increased by payments of sums of 1 mark (23.8 cents) at any time and in any amount. Persons who have made such payments receive a supplementary pension equal to an annual sum consisting of 2 pfennigs (0.48 cents) for each mark so paid, multiplied by the number of years between the year of payment and the date of invalidity.

On account of the new features of the invalidity insurance, an increase in dues was necessary; the increase in the lower wage classes was one-fifth or less, while in the three upper wage classes, namely, those persons earning 550 marks ($130.90) or over, the increase in contributions is about one-third. As before, the contributions are paid one-half by the employers and one-half by the insured person, while the Empire annually grants a subsidy of 50 marks ($11.90) to each pension.

The former method of payments of contributions through stamps pasted on receipt cards has been retained; in the case of persons engaged for periods of time such as by a quarter or by the year, the stamps may be affixed at such intervals of time. Under certain circumstances the insured person himself may affix the stamps and require the employer to repay one-half of the contribution. All cards must be renewed at the local office of the insurance institute at least once in two years. The new code restricts the possibility of making effective a claim to a new valid pension which has once lapsed; in particular, the conditions are more strict for persons who have passed their fortieth year of life, and especially difficult for those who have passed their sixtieth year.

Benefits are paid on the occurrence of "invalidity"; that is, a disability caused by sickness or physical defect which prevents the insured person from earning one-third of the amount which a normal

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person of similar training and status in life is able to earn. In this case the previous occupation and the person's aptitude for another occupation are taken into account in ascertaining his right to a pension.

Under the code, the invalidity pension consists of an annual subsidy from the Empire, a basic amount fixed by the number of contributions paid and a subsidy of one-tenth of the pension for each child of the pensioner under 15 years of age, with a maximum of five-tenths.

An old-age pension is paid after the completion of the seventieth year of life without regard to the physical condition of the claimant, and has not been changed as to its amount or as to the age limit.

The new widow's pension is a benefit paid to the invalid widow of an insured person, so long as she remains unmarried, and consists of an imperial subsidy of 50 marks ($11.90) annually, plus three-tenths of the invalidity pension of the deceased. The orphan's pension is paid to the orphans of the insured person under 15 years of age and consists of an annual subsidy from the Imperial Government equal to 25 marks ($5.95) and three-twentieths of the invalidity pension of the deceased for one orphan, and one-fortieth of this pension for each additional orphan. The orphan's pension, however, may not exceed the amount of the invalidity pension of the deceased, and the total sum of the orphan's and widow's pensions may not be more than one and one-half times the pension of the deceased.

A new benefit, designated as "widow money," is paid to such persons on the death of the insured person and is equal to the amount of one year's pension of the widow, plus 50 marks ($11.90) imperial subsidy.

Another new benefit is the orphan's benefit, paid when the orphan completes his fifteenth year of life, and is equal to eight times the monthly amount of the orphan's pension, plus 16⅔ marks ($3.97) imperial subsidy.

The date when all of the provisions of the new code are to be put into force is to be announced in the Reichs-Gesetzblatt. The issues of this gazette up to November 1, 1911, have not contained any orders on this subject.[1]

[1] The periodical Soziale Praxis of Oct. 19, 1911, contained the following statement:

"The postponement of the date when the workmen's insurance code goes into force to Jan. 1, 1913, is announced by the Zentralblatt der Reichsversicherung.

"The difficulties which developed in drawing up the administrative regulations for carrying into effect the imperial insurance code, both on the part of the imperial and of the State officials, made this postponement necessary. In particular, the merging of the existing rules with the new regulations has required more time than was anticipated, and likewise the work necessary in connection with the new application of the insurance status to casual laborers and to the home-working industries showed that the earlier date was impossible, though heretofore the date of July 1, 1912, has been assumed to be the one which would be adopted.

"On the other hand, attention should be called to the fact that the regulations for the introduction of the insurance code, as stated in the introductory law to the code, came into force immediately upon their publication, namely, on Aug. 1, 1911, and that the provisions relating to the invalidity and survivors' insurance (Book Four) come into force on Jan. 1, 1912, without fail. The only question, therefore, is in regard to the regulations concerning the sickness insurance and the accident insurance. According to other reports, a definite date for putting these two parts of the insurance code into force has not yet been determined."

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THE WORKMEN'S INSURANCE CODE.[1]

BOOK ONE—GENERAL PROVISIONS.

SECTION ONE—SCOPE OF THE IMPERIAL INSURANCE.

ARTICLE 1.

Included in the imperial insurance (*Reichsversicherung*) are—
The sickness insurance (*Krankenversicherung*);
The accident insurance (*Unfallversicherung*);
The invalidity and survivors' insurance (*Invaliden- und Hinterbliebenenversicherung*).

ARTICLE 2.

Of the special provisions—
Articles 165 to 536 apply to the sickness insurance;
Artices 537 to 1225 apply to the accident insurance, of which articles 537 to 914 apply to the industrial (*gewerbliche*), articles 915 to 1045 to the agricultural (*landwirtschaftliche*), and articles 1046 to 1225 to the navigation accident insurance (*See-Unfallversicherung*);
Articles 1226 to 1500 apply to the invalidity and suvivors' insurance.

SECTION TWO—CARRIERS OF THE IMPERIAL INSURANCE.

I. DESIGNATION.

ARTICLE 3.

PARAGRAPH 1. The following are the carriers (*Träger*) of the imperial insurance unless this law provides otherwise:
For the sickness insurance, the sick funds (*Krankenkassen*);
For the accident insurance, the employers' mutual trade associations (*Berufsgenossenschaften*);[2]
For the invalidity and survivors' insurance, the insurance institutes (*Versicherungsanstalten*).
PAR. 2. The provisions of articles 4 to 34 apply to these insurance carriers.

II. LEGAL COMPETENCE.

ARTICLE 4.

The carriers of insurance may sue and be sued.

III. ADMINISTRATIVE BODIES.

ARTICLE 5.

PARAGRAPH 1. Each carrier of insurance has a directorate. The latter represents it in and out of court. It has the status of a legal representative.
PAR. 2. Restrictions on the scope of this representation, not specified in the law, may be specified by the constitution, and have effect against third parties. The constitution may do this only in so far as this law permits.
PAR. 3. The constitution may specify, that also individual members of the directorate of the insurance carriers may represent them.

ARTICLE 6.

PARAGRAPH 1. The directorate must notify its supervisory authority within one week of the result of each election and of each change in its composition.
PAR. 2. In so far as the directorate needs credentials, a certificate of the supervisory officials as regards its composition and the extent of its power of representation suffices.

[1] Reichsversicherungsordnung. (Number 3921.) Vom 19. Juli 1911. Reichs-Gesetzblatt, Aug. 1, 1911, pp. 509 ff.
[2] In the following translation the Berufsgenossenschaften have been designated as "accident associations."

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ARTICLE 7.

In urgent matters the directorate may take a vote by correspondence.

ARTICLE 8.

PARAGRAPH 1. If decisions of the administrative bodies of the insurance carrier are contrary to the law or the constitution, the president of the directorate shall appeal from them to the supervisory authority.

PAR. 2. The appeal effects a stay.

ARTICLE 9.

In the administrative bodies their president has the right to vote, and if there is a tie he gives the casting vote.

ARTICLE 10.

The required number of substitutes for the members shall be elected.

ARTICLE 11.

The sessions are not public.

IV. HONORARY OFFICES.

ARTICLE 12.

PARAGRAPH 1. Only Germans who have attained their majority are eligible to the administrative bodies of the insurance carriers.

PAR. 2. The following are not eligible:

1. Persons who in consequence of criminal sentence have lost the right to hold public office, or who are being prosecuted at the time for a crime or misdemeanor which may cause the loss of this right, in case full proceedings have been begun against them;
2. Persons who are limited in the disposition of their property as the result of a court decree.

ARTICLE 13.

PARAGRAPH 1. Whoever regularly employs at least one person subject to insurance, and this person is insured with the insurance carrier, is eligible as a representative of the undertakers (*Unternehmer*)[1] or of other employers.

PAR. 2. Managers of establishments having a power of attorney have the same status as undertakers or other employers; business managers, and establishment officials of participating employers (art. 332, par. 2), have the same status as employers in the election to administrative bodies of sick funds; the legal representatives of members of an accident association have the same status as undertakers in the elections to the administrative bodies of accident associations.

PAR. 3. Members of a public authority with supervisory powers over a carrier of insurance are not eligible.

ARTICLE 14.

PARAGRAPH 1. Only persons insured in the insurance carrier are eligible as representatives of the insured persons.

PAR. 2. In the sickness, invalidity, and survivors' insurance, the insured persons will be accredited to the employers in the composition of the administrative bodies, if they employ regularly more than two persons subject to insurance. In the accident insurance insured members of the accident associations are accredited to the undertakers if they employ regularly at least one person subject to insurance.

ARTICLE 15.

PARAGRAPH 1. The representatives of the undertakers and of other employers and of the insured persons are elected according to the principles of proportional representation.

[1] The undertaker of an establishment is the one for whose account the establishment is conducted. See sec. 633.

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PAR. 2. If the voting is restricted to nomination lists, the constitution determines the time limit for their submission; the election is secret, without affecting the nomination lists.

ARTICLE 16.

PARAGRAPH 1. The term of office is four years.

PAR. 2. After the expiration of this term, the elected persons remain in office until their successors take office.

PAR. 3. Whoever ceases to hold office may be reelected.

ARTICLE 17.

PARAGRAPH 1. Whoever is eligible as an undertaker or other employer may refuse election only under the following conditions:

1. If he has completed his sixtieth year of age.
2. If he has more than four legal children under age; those of his children adopted by another will not be included herewith.
3. If he is prevented by sickness or infirmity from administering the office as required by the regulations.
4. If he has more than one guardianship or trusteeship. The guardianship or trusteeship of children of the same parents counts only as one such; two coguardianships are equal to one guardianship; one honorary office of the imperial insurance is equal to one coguardianship.
5. If he employs servants only.

PAR. 2. After a minimum tenure of office of two years, reelection for the next term may be declined.

PAR. 3. The constitution may also specify other reasons for declining.

ARTICLE 18.

An undertaker or other employer declining an election without permissible cause may be punished by the president of the directorate by a fine up to 500 marks [$119].

ARTICLE 19.

The president may fine a member of the directorate who fails to perform his duties not to exceed 50 marks [$11.90], and on repetition with a fine not to exceed 300 marks [$71.40]; if, however, the matter relates to a sick fund, then only up to 100 marks [$23.80]. He must remit the fine if a sufficient excuse is established afterwards.

ARTICLE 20.

The decision of a supervisory authority in appeals on cases referred to in articles 18 and 19 is final.

ARTICLE 21.

PARAGRAPH 1. The persons elected administer their offices without compensation as an honorary office.

PAR. 2. The insurance carrier refunds them their cash expenditures and allows to the representatives of the insured persons reimbursement for earnings lost or in its place a lump sum for loss of time. The constitution may also allow such a lump sum to the representatives of undertakers or other employers.

PAR. 3. The determination of the lump sums requires confirmation by the authority which approves the constitution.

PAR. 4. The honorary members of the directorate shall not at the same time be salaried officials of the insurance carrier.

ARTICLE 22.

The representatives of the insured persons must notify their employer of each call to a meeting of the administrative bodies. If this is done within the required time, their absence from work does not give to the employer a sufficient reason to discontinue the relation of employer without observance of the regular period of notice of dismissal.

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ARTICLE 23.

PARAGRAPH 1. The members of administrative bodies are liable for faithful business administration to the carriers of insurance in the same manner as guardians to their wards. The insurance carrier may relinquish claims on account of such liability only with the approval of the supervisory authority. The latter may enforce the liability in the place of and at the expense of the carrier.

PAR. 2. A member who intentionally injures the insurance carrier shall be punished with confinement in jail. In addition the penalty can also include the loss of civic rights. If the member has committed an act to procure for himself or some other person a pecuniary advantage, in addition to the prison sentence a fine not to exceed 3,000 marks [$714] may be imposed.

PAR. 3. During a discussion of those questions which affect the personal interests of a member or his relatives the member must abstain from taking part in the discussion and voting, and during the discussion must leave the room where the discussion takes place.

ARTICLE 24.

PARAGRAPH 1. If facts become known concerning an elected person which prove his ineligibility or his untrustworthiness for the conduct of business, he shall by resolution be removed from office, either by the directorate, or, in the case of a sick fund, by the supervisory authority.

PAR. 2. Before the passing of such a resolution he shall be given an opportunity to make a statement.

PAR. 3. An appeal against the resolution is permissible to the Imperial Insurance Office (decision senate) (*Beschlusssenat*), or, if the case relates to a sick fund, to the superior insurance office (decision chamber) (*Beschlusskammer*).

PAR. 4. An elected person will be relieved of his office on his own application by resolution of the directorate if during his term of office one of the grounds of refusal specified in article 17, paragraph 1, numbers 2 to 5, becomes effective.

V. ASSETS.

ARTICLE 25.

PARAGRAPH 1. The means of insurance carriers shall be used only for legally prescribed and permissible purposes.

PAR. 2. Revenues and expenditures shall be accounted for separately and the assets kept safe separately.

PAR. 3. The insurance carriers shall engage only in such business as is assigned to them by the law.

ARTICLE 26.

PARAGRAPH 1. The assets shall be invested at interest like trust funds (arts. 1807 and 1808 of the Civil Code) in so far as this law does not permit other investments.

PAR. 2. The assets may also be invested in securities in which the laws of the States permit the investment of trust funds, and also in such mortgages, payable to the holder, of German joint-stock mortgage banks, on which the imperial bank (*Reichsbank*) makes loans in Class I.

ARTICLE 27.

PARAGRAPH 1. The highest administrative authority may also approve the investment of the assets in loans of communes or unions of communes in so far as this is not already permissible according to article 26, paragraph 1.

PAR. 2. The authority may limit the investment in certain classes of interest-bearing securities to a specified amount.

PAR. 3. If the district of the insurance carrier embraces territories or parts of territories of several federal States, the approval of their highest administrative authority is required for such investments.

PAR. 4. The highest administrative authority may permit, with the right of withdrawing this permission, that temporarily available assets may be invested in another manner.

ARTICLE 28.

PARAGRAPH 1. Arrears shall be collected in the same manner as communal taxes. The staying effect of objections to the obligation of payment is regulated according to the State laws.

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PAR. 2. The constitution of the insurance carrier may determine, as far as not already prescribed by the State laws, that the procedure of collection be preceded by a procedure of warning, and that a fee may be collected for such procedure of warning. This fee is collected in the same manner as arrears. The determination of its amount requires the approval of the supervisory authority.

PAR. 3. Arrears have preference of other claims according to article 61, number 1, of the bankruptcy law (*Konkursordnung*).

ARTICLE 29.

PARAGRAPH 1. The claim to arrears lapses, as far as they have not been fraudulently withheld, in two years after the expiration of the calendar year when they are due.

PAR. 2. The claim for refund of contributions lapses in six months after the expiration of the calendar year of their payment, with reservation as to article 1446, paragraph 2, and articles 1462 and 1464.

PAR. 3. The claim for benefit payments from the insurance carrier lapses in four years after they are due, in so far as this law does not prescribe otherwise.

VI. SUPERVISION.

ARTICLE 30.

The right of supervision of the supervisory authority consists in seeing that the law and constitution are observed.

ARTICLE 31.

PARAGRAPH 1. The supervisory authority may examine at any time the business and accounting management of the insurance carrier.

PAR. 2. The members of its administrative bodies, its district agents (*Vertrauensmänner*), officials, and employees must produce, on demand, to the supervisory authority or its representatives all books, bills, vouchers, and records, and also documents, securities, and assets in their custody, and give all information demanded in the execution of the right of supervision.

PAR. 3. The supervisory authority may require the persons specified in paragraph 2, under reservation of article 985, paragraph 2, to observe the law and the constitution, by fines not to exceed 1,000 marks [$238].

ARTICLE 32.

The supervisory authority may demand that the administrative bodies be called into session; and if such demand is not complied with, may themselves call meetings and take charge of the proceedings.

ARTICLE 33.

The supervisory authority decides, without derogation of the rights of third parties and as far as the law does not prescribe otherwise, in disputes as to the rights and obligations of the administrative bodies, as to the interpretation of the constitution and as to the validity of elections.

ARTICLE 34.

PARAGRAPH 1. Subject to the supervision are also convalescent homes, medical institutions, and sanatoria (*Genesungsheime, Heil- und Pflegeanstalten*) created and maintained by the insurance carrier.

PAR. 2. The supervisory authority may in its inspections call to its assistance representatives of employers and of the insured persons.

SECTION THREE.—INSURANCE AUTHORITIES.

I. GENERAL PROVISIONS.

ARTICLE 35.

PARAGRAPH 1. The public authorities of the imperial insurance are—

The local insurance offices (*Versicherungsämter*) (arts. 36 to 60);

The superior insurance offices (*Oberversicherungsämter*) (arts. 61 to 82);

The Imperial Insurance Office (*Reichsversicherungsamt*) and the State insurance offices (*Landsversicherungsämter*) (arts. 83 to 109).

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PAR. 2. As far as this law does not regulate the business management and the procedure of the insurance authorities, it shall be done, with reservation of article 109, paragraph 1, by imperial decree with the approval of the Federal Council.

II. LOCAL INSURANCE OFFICES.

1. Establishment.

ARTICLE 36.

PARAGRAPH 1. In each inferior administrative authority there shall be established a section for workmen's insurance (local insurance office). The highest administrative authority may specify that there shall be established for the districts of several inferior administrative authorities a joint local insurance office.

PAR. 2. The State governments of several federal States may agree to establish for their territories or parts thereof a joint local insurance office in an inferior administrative authority.

ARTICLE 37.

PARAGRAPH 1. The local insurance offices take cognizance of the business of the imperial insurance according to the provisions of this law, and impart information in affairs pertaining to the imperial insurance.

PAR. 2. They may support the insurance carriers in the latters' affairs according to the provisions of this law.

PAR. 3. The State government may assign to the local insurance offices other duties pertaining to miners' insurance.

ARTICLE 38.

In federal States in which the composition of the State authorities does not permit of the establishment of local insurance offices at the inferior administrative authorities and where there exists only a superior insurance office, the local insurance offices can also be established as independent authorities. The highest administrative authority shall specify the details herewith.

2. Composition.

ARTICLE 39.

PARAGRAPH 1. The director of the inferior administrative authority is the president of the local insurance office. One or more permanent substitutes of the president are to be appointed. Any person qualified by education and experience in workmen's insurance affairs may be appointed a substitute.

PAR. 2. The appointment requires the approval of the superior insurance office, in so far as the permanent substitutes are not appointed according to State law in the same manner as the higher administrative officials.

PAR. 3. If the local insurance office is created in a communal authority, the substitutes are appointed by the president of the union of communes whose district contains that of the local insurance office. Where the State law prescribes a confirmation for the election of higher communal officials, it is also applicable to the appointment of substitutes for the president of the local insurance office.

ARTICLE 40.

PARAGRAPH 1. In the cases specified by the law there shall be called in representatives of the insurance (*Versicherungsvertreter*) as associates (*Beisitzer*) of the local insurance office.

PAR. 2. They shall be selected one-half from the employers and one-half from the insured persons.

ARTICLE 41.

PARAGRAPH 1. Their total number must be at least 12; with the approval of the superior insurance office, the number may be augmented by the local insurance office, or by the former after a hearing of the local insurance office.

PAR. 2. A representative of the insurance shall not also be a salaried official of the local insurance office, or a representative of the insurance at another local insurance office, or an associate in a superior insurance office, or a nonpermanent member of the imperial or of a State insurance office.

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ARTICLE 42.

PARAGRAPH 1. Representatives of the insurance are elected by the members of the directorates of those sick funds which have at least 50 members in the district of the local insurance office.

PAR. 2. The members of the directorates of the three groups of funds mentioned herewith participate in the election in so far as they have at least 50 members in the district of the local insurance office; of the substitute funds, and funds located outside of the local insurance office, moreover only if they notify in due time the person in charge of the election of their participation and prove the number of their members in this district; these three groups of funds are—

1. The miners' sick funds;
2. The substitute sick funds;
3. The seamen's funds, and other associations of seamen for the preservation of their rights, approved by the authorities.

PAR. 3. In place of the representatives of the insured persons in the directorate, the votes shall be cast by—

In the case of the miners' sick funds, the elders of the miners' sick funds competent for the district of the local insurance office;

In the case of the substitute funds which have local administrative offices, the business managers of the local administrations competent for the district of the local insurance office.

ARTICLE 43.

The number of votes of a fund depends on its number of members in the district of the local insurance office, and shall be determined by the latter before each election. The number of votes shall be evenly divided among the members of the directorates and among the persons entitled to vote in their place according to article 42, paragraph 3.

ARTICLE 44.

PARAGRAPH 1. In the directorates of the funds the members who are employers take part only in the election of representatives of the employers, the members who are insured persons in the election of representatives of the insured persons.

PAR. 2. Directorates which contain no employers, participate only in the election of the representatives of the insured persons.

PAR. 3. In the case of funds of the kind designated in article 42, paragraph 2, which have no representatives of the insured persons in the directorate, the voting is done by other workmen's representatives who are in the fund.

PAR. 4. Whatever relates to the directorates is also applicable to the persons entitled to vote in their place according to article 42, paragraph 3.

ARTICLE 45.

PARAGRAPH 1. The voting is done by written ballot and on the principle of proportional representation. The highest administrative authority decrees the election regulations.

PAR. 2. The president of the local insurance office shall conduct the election.

PAR. 3. Election disputes are decided finally by the superior insurance office.

ARTICLE 46.

PARAGRAPH 1. For the representatives of the insurance, substitutes are specified in the same manner according to need.

PAR. 2. Substitutes replace representatives of the insurance who leave before the expiration of their terms.

ARTICLE 47.

PARAGRAPH 1. Only men who reside or have the seat of their establishment or are employed in the district of the local insurance office, and who are not ineligible according to article 12, are eligible.

PAR. 2. Only insured persons, their employers, and the latters' managers of establishments with power of attorney are eligible. Insured persons are accredited to the employers, if they regularly employ more than two persons subject to insurance.

PAR. 3. In the case of local insurance offices on the seacoast, navigators of practical experience who are not shipowners, or managers of ship-owning establishments (shipping agents, arts. 492 to 499 of the Commercial Code), or who do not hold a power of attorney, may also be elected as representatives of the insured persons.

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ARTICLE 48.

At least one-half of the representatives of the insurance must be participants in the accident insurance.

ARTICLE 49.

PARAGRAPH 1. At least one-third of the representatives of the insurance shall reside or be employed at the seat of the local insurance office itself, or not more than 10 kilometers [6.21 miles] distant from it.

PAR. 2. The principal branches of industry, especially agriculture, and the different parts of the district shall be considered in the election.

PAR. 3. The highest administrative authority may decree special or exceptional provisions herewith.

ARTICLE 50.

PARAGRAPH 1. Articles 16, 17, and 22 are correspondingly applicable; but the local insurance office determines the admissibility of other reasons for declining.

PAR. 2. As long and in so far as no election takes place, or the persons elected refuse to perform their duties, the president of the local insurance office appoints representatives from the number of eligible persons.

ARTICLE 51.

PARAGRAPH 1. Whoever declines the election or appointment without a permissible reason, may be punished by the president of the local insurance office with a fine not to exceed 50 marks [$11.90].

PAR. 2. The local insurance office may release a representative from his office if a sufficient reason exists.

PAR. 3. On appeal the superior insurance office (decision chamber) decides finally.

ARTICLE 52.

PARAGRAPH 1. If facts become known concerning a representative of the insurance which prove his ineligibility or which show that he is guilty of malfeasance of his office, he may be removed from his office by the president.

PAR. 2. On appeal the superior insurance office (decision chamber) decides finally.

ARTICLE 53.

PARAGRAPH 1. The president of the local insurance office obligates the representatives of the insurance to the faithful discharge of their duties.

PAR. 2. The president may punish a representative who fails to perform his duties with a fine not to exceed 30 marks [$7.14] and on repetition not to exceed 100 marks [$23.80]. He must remit the fine if afterwards a sufficient excuse is established.

PAR. 3. On appeal the Imperial Insurance Office (decision chamber) decides finally.

ARTICLE 54.

PARAGRAPH 1. The representatives administer their office without compensation as an honorary office.

PAR. 2. The local insurance office shall reimburse them for their cash expenditures.

PAR. 3. In addition it shall grant to the representatives of the insured persons reimbursement for lost earnings, or in place thereof a lump sum for their loss of time. It may also allow such a lump sum to the representatives of the employers. The lump sums require the approval of the superior insurance office (decision chamber).

ARTICLE 55.

The local insurance office may assign specified official duties to the representatives as its district agents.

3. Committees.

ARTICLE 56.

PARAGRAPH 1. Each local insurance office creates one or more judgment committees for matters which this law assigns to the judgment procedure (*Spruchverfahren*).

PAR. 2. The judgment committee (*Spruchausschuss*) consists of the president of the local insurance office and of one representative for the employers and one for the insured persons.

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ARTICLE 57.

PARAGRAPH 1. Each local insurance office creates a decision committee (*Beschlussausschuss*) for matters which this law assigns to the decision procedure (*Beschlussverfahren*).

PAR. 2. The decision committee consists of the president of the local insurance office and of two representatives of the insurance. Of these, the representatives of the employers and of the insured persons each elect one from among themselves, together with at least one substitute; the elections of the two parties shall be separate, shall be by simple majority of votes, and the term of office shall be four years.

ARTICLE 58.

The highest administrative authority can specify how far the local insurance office may call in for the decision procedure technical government and communal officials of its district as advisors (*Beiräte*) with consultative vote.

4. Costs.

ARTICLE 59.

PARAGRAPH 1. The federal State defrays all costs of the local insurance office. If the local insurance office is created in a communal authority, they are defrayed by the union of communes whose district embraces that of the local insurance office. The highest administrative authority determines the division of costs, if there is a joint local insurance office created for the districts of several inferior administrative authorities.

PAR. 2. With the exception of the allowances of the insurance representatives, the insurance carriers have to defray the cash expenditures originating from judicial matters (arts. 1591 to 1674) so far as the cash expenditures are not to be defrayed according to paragraph 3.

PAR. 3. Fines, according to article 51, paragraph 1, article 53, paragraph 2, article 1577, paragraph 1, article 1617, paragraph 1, article 1626, paragraph 1, article 1652, paragraph 3, and article 1664, paragraph 1, as well as specially imposed costs of procedure (art. 1802) and contributions according to article 60, accrue to the treasury of the federal State or of the union of communes (par. 1).

ARTICLE 60.

PARAGRAPH 1. In case of the assignment of duties connected with the miners' insurance, to a local insurance office according to article 37, paragraph 3, the miners' associations or miners' funds affected must pay an appropriate contribution toward the costs of the local insurance office.

PAR. 2. The superior insurance office determines the contributions; an appeal against the determination to the highest administrative authority is permissible.

III. SUPERIOR INSURANCE OFFICES.

1. Establishment.

ARTICLE 61.

PARAGRAPH 1. According to the provisions of this law, the superior insurance offices take cognizance of the business of the imperial insurance as higher judicial, decision, and supervisory authorities.

PAR. 2. The State government may assign to them also other duties connected with the miners' insurance.

ARTICLE 62.

PARAGRAPH 1. The superior insurance office is as a rule established for the district of a higher administrative authority.

PAR. 2. The highest administrative authority may delimit the district differently.

PAR. 3. The State governments of several federal States may establish for their territories or parts thereof a joint superior insurance office.

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ARTICLE 63.

PARAGRAPH 1. The highest administrative authority may also establish superior insurance offices for—

1. The administration of establishments and service establishments of the Empire or of the federal States which have their own establishment sick funds;
2. Groups of establishments, for whose employees special institutes (*Sonderanstalten*) provide the invalidity and survivors' insurance;
3. Groups of establishments belonging to miners' associations or miners' sick funds.

PAR. 2. For these special superior insurance offices article 62, paragraph 1, and articles 72, 73, and 80 are not applicable. In other respects the provisions relating to superior insurance offices are applicable to them as far as articles 70, 75, and 81 do not prescribe otherwise.

PAR. 3. The highest administrative authority specifies their competence.

ARTICLE 64.

The highest administrative authority may attach the superior insurance offices to superior imperial or State authorities, or may establish them as independent State authorities.

ARTICLE 65.

PARAGRAPH 1. The highest administrative authority specifies the seat of the superior insurance office.

PAR. 2. For a joint superior insurance office the approval of the State governments affected is required.

ARTICLE 66.

The highest administrative authority communicates to the Imperial Insurance Office for publication the seat and district of all superior insurance offices of their territory within one month from their establishment or change.

ARTICLE 67.

If a superior insurance office is attached to a superior imperial or State authority, the director of the latter is at the same time the president of both. A director of the superior insurance office is appointed as his permanent substitute.

2. Composition.

ARTICLE 68.

The superior insurance office is composed of members and of associates.

ARTICLE 69.

PARAGRAPH 1. The superior insurance office shall appoint, at the same time, in addition to the director at least one member as his substitute.

PAR. 2. At least one substitute shall be appointed for each member.

PAR. 3. The members shall be appointed to the principal position or for the term of the principal position from the number of public officials, the director either for life or according to State law, without recall.

ARTICLE 70.

The highest administrative authorities may specify that other official duties shall be assigned to the director, and that the other members, as well as in the case of special superior insurance offices the director, exercise their office as a subsidiary occupation.

ARTICLE 71.

PARAGRAPH 1. The associates shall be elected one-half from the employers and one-half from the insured persons.

PAR. 2. The number of associates is 40; it may be increased or decreased by the highest administrative authority.

PAR. 3. An associate may not at the same time be a nonpermanent member of the Imperial Insurance Office or of a State insurance office.

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ARTICLE 72.

PARAGRAPH 1. The industrial accident associations, the navigation accident association, and the executive authorities specify for each superior insurance office an accident association or executive authority to represent their right to vote (art. 73, par. 1). If there is no agreement, the Imperial Insurance Office shall specify the particulars.

PAR. 2. The names of these representative associations and representative executive authorities are to be communicated to the Imperial Insurance Office and to be published by it.

ARTICLE 73.

PARAGRAPH 1. The associates from the employers shall be elected one-half by the employer members in the committee of the competent insurance institute and one-half by the directorates of the competent agricultural associations and of the representative accident association; if representative executive authorities have been specified, they shall vote in place of the directorate of the representative association. The Imperial Insurance Office decrees the election regulations.

PAR. 2. The associates from the insured persons are elected by the representatives of the insured persons of the local insurance offices of the district of the superior insurance office according to the principle of proportional representation. The number of votes of the representatives of the insured persons is determined by the superior insurance office according to the number of sick-fund members of the district of their local insurance office (art. 43). The highest administrative authority decrees the election regulations.

ARTICLE 74.

PARAGRAPH 1. The voting is done by written ballot. The director of the superior insurance office conducts the election.

PAR. 2. Election disputes are decided finally by the superior insurance office (decision chamber).

ARTICLE 75.

PARAGRAPH 1. The employer associates for a special superior insurance office are elected by the employer members of the directorate either of the establishment sick fund, or of the special institute, or of the miners' associations or miners' funds; if there are no representatives of the employers in a directorate, the voting is done by the representatives of employers who belong to another administrative body.

PAR. 2. The associates from the insured persons are elected according to the principles of proportional representation by the committee members of insured persons, either of the establishment sick fund or the special institute, or by the elders of the miners' fund; as far as miners' associations or miners' funds are admitted as special institutes or belong to a special institute, the voting is also done by the elders of the miners' funds; if a special institute has no committee, the voting is done by the representatives of the insured who belong to another administrative body.

PAR. 3. The highest administrative authority specifies the particulars.

ARTICLE 76.

Articles 46 to 48, article 49, paragraphs 2 and 3, and articles 50 to 54 are correspondingly applicable for the election, rights, and duties of associates and their substitutes. Appeals (art. 51, par. 3, art. 52, par. 2, and art. 53, par. 3) are to be directed to the highest administrative authority; fines (art. 51, par. 1, and art. 53, par. 2) may be imposed not to exceed 300 marks [$71.40].

3. Chambers (Kammern).

ARTICLE 77.

PARAGRAPH 1. Each superior insurance office creates one or more judgment chambers (*Spruchkammern*) for matters assigned by this law to judgment procedure (*Spruchverfahren*).

PAR. 2. The judgment chamber is composed of a member of the superior office, as president, and of two associates of the employers and of two of the insured persons.

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ARTICLE 78.

PARAGRAPH 1. Each superior insurance office creates one or more decision chambers (*Beschlusskammern*) for matters which this law assigns to the decision procedure (*Beschlussverfahren*).

PAR. 2. The decision chamber is composed of the president of the superior insurance office, of a second member, and of two associates. Of these, the associates of the employers and of the insured persons elect one each, and also at least one substitute each, from their midst, and the election shall be according to a simple majority of votes, for a term of four years.

PAR. 3. In case of a tie, the president casts the deciding vote.

4. Supervision—Costs.

ARTICLE 79.

PARAGRAPH 1. The highest administrative authority exercises the supervision over the superior insurance office.

PAR. 2. They assign to it the necessary employees and provide its business rooms.

PAR. 3. The bureau, clerical, and subordinate employees have the rights and duties of imperial or State officials, except when employed as substitutes, or temporarily, or in preparatory work, the State government determines the particulars herewith.

PAR. 4. The president obligates them to the conscientious discharge of their official duties, so far as they are not already obligated by an oath of office.

ARTICLE 80.

PARAGRAPH 1. The federal State defrays all costs of the superior insurance office.

PAR. 2. The insurance carriers have to pay a lump sum for each case under adjudication in which they are concerned; if in a case costs are to be defrayed according to paragraph 4, the lump sum is correspondingly reduced.

PAR. 3. The lump sums shall be determined by the Federal Council uniformly for the Empire for each branch of the workmen's insurance, and shall be revised every four years. They shall cover half of the costs of the superior insurance offices without the allowances of members and their substitutes and without the fees (art. 1803).

PAR. 4. The fees according to article 1803, the fines according to articles 76 and 1679, as well as the specially imposed costs of procedure (art. 1802), and the contributions according to article 82, accrue to the treasury of the federal State.

ARTICLE 81.

PARAGRAPH 1. All costs of special superior insurance offices created for establishments of the Empire or of a State are to be defrayed by the administrations of the establishments. The receipts (art. 80, par. 4) accrue to the latter.

PAR. 2. All costs of the other special superior insurance offices are to be refunded after deduction of the receipts (art. 80, par. 4) by the insurance carriers participating to the federal State.

ARTICLE 82.

If, according to article 61, paragraph 2, matters of the miners' insurance are assigned to a superior insurance office, then the miners' associations (*Knappschaftsvereine*) and miners' funds (*Knappschaftskassen*) affected have to make appropriate contributions to its costs. The highest administrative authority determines the contributions.

IV. IMPERIAL INSURANCE OFFICE—STATE INSURANCE OFFICES.

1. Jurisdiction—Seat.

ARTICLE 83.

PARAGRAPH 1. The Imperial Insurance Office, according to the provisions of this law, takes cognizance of the affairs of the imperial insurance as the highest authority on judicial, decision, and supervisory matters.

PAR. 2. It has its seat in Berlin.

ARTICLE 84.

Its decisions are final as far as the law does not provide otherwise.

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2. Composition.

ARTICLE 85.

The Imperial Insurance Office is composed of permanent and nonpermanent members.

ARTICLE 86.

PARAGRAPH 1. The Emperor appoints the president and the other permanent members for life on proposal of the Federal Council.

PAR. 2. From the permanent members the Emperor appoints the directors and the presidents of senates.

PAR. 3. The imperial chancellor appoints the other members.

ARTICLE 87.

PARAGRAPH 1. The Imperial Insurance Office has 32 nonpermanent members. The Federal Council elects 8 of these, of which at least 6 must be from its membership; 12 are elected as representatives of the employers and 12 as representatives of the insured persons.

PAR. 2. According to need, substitutes shall be elected for the employers and the insured persons in the same manner. If members retire before the expiration of their term of office, the substitutes take their place in the order in which they were elected.

ARTICLE 88.

PARAGRAPH 1. The employers and the insured persons are elected separately by written ballot under the direction of the Imperial Insurance Office, the insured persons according to the principles of proportional representation, the employers according to a simple majority of votes, in which a tie shall be decided by lot.

PAR. 2. The proportion of votes of each electing body is determined by the Federal Council according to the number of their insured persons. It may specify the manner of electing by districts.

PAR. 3. The Imperial Insurance Office publishes the result of the election.

ARTICLE 89.

Of the 12 employers, 6 are elected by the employer members belonging to the committees of insurance institutes and of the corresponding representations of the special institutes, as follows:

Four from the field of the industrial accident insurance;
Two from that of the agricultural accident insurance.

ARTICLE 90.

The other 6 employers shall be elected by the directorates of the accident associations and by the executive authorities, and, furthermore, from the field of each of them, as follows:

Four from the industrial associations and executive authorities, one of whom shall be from the navigation accident association;
Two from the agricultural accident associations and executive authorities.

ARTICLE 91.

The 12 insured persons shall be elected by the insured persons who are associates of the superior insurance offices, as follows:

Eight from the field of the industrial and navigation accident insurance, of whom one shall be from the field of the navigation accident insurance;
Four from the field of the agricultural accident insurance.

ARTICLE 92.

Only men are eligible who are not excluded according to article 12.

ARTICLE 93.

PARAGRAPH 1. The following are eligible as employers: The members of accident associations who are entitled to vote, their legal representatives, the managers of their establishments with power of attorney, and the officials of establishments for which an executive authority has been appointed.

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PAR. 2. Moreover, there are eligible, according to article 89, employers who are members of the committee of an insurance institute or of the corresponding representation of a special institute.

ARTICLE 94.

Eligible as insured persons are persons insured against accident according to this law; furthermore, insured persons who are members of the committee of an insurance institute, even if they are not insured against accident; and for the field of the navigation accident insurance, navigators of practical experience who are not shipowners, managers of shipowning establishments, or authorized representatives thereof.

ARTICLE 95.

Article 49, paragraph 2, and articles 50 to 52, article 53, paragraphs 2 and 3, are correspondingly applicable; but the Imperial Insurance Office (decision senate), however, is competent for punishment (art. 51, par. 1, and art. 53, par. 2) and removal from office (art. 52). Fines (art. 51, par. 1, and art. 53, par. 2) may be imposed not to exceed 500 marks ($119).

ARTICLE 96.

PARAGRAPH 1. The nonpermanent members receive a yearly allowance for their participation in the work and sessions of the Imperial Insurance Office, and, in so far as they reside outside of Berlin, refund of traveling expenses coming and returning, according to the rates in force for advisory councilors (*Vortragende Rate*) of the highest imperial authorities.

PAR. 2. Substitutes receive the same refund of traveling expenses and a per diem allowance of 18 marks ($4.28).

ARTICLE 97.

The imperial chancellor obligates the nonpermanent members elected by the Federal Council, the president of the Imperial Insurance Office obligates the other members and their substitutes, before they enter on their duties, to the faithful discharge of their duties.

3. Senates.

ARTICLE 98.

PARAGRAPH 1. The Imperial Insurance Office forms judgment senates (*Spruchsenate*) for matters which this law assigns to judgment procedure.

PAR. 2. The judgment senate is composed of a president, a nonpermanent member elected by the Federal Council, a permanent member, two officials of the judiciary called in for this purpose, an employer, and an insured person. A permanent member may take the place of the member elected by the Federal Council.

ARTICLE 99.

PARAGRAPH 1. The president, a director, or a president of the senate presides in the judgment senate. The imperial chancellor may intrust another permanent member with the chairmanship.

PAR. 2. The imperial chancellor summons the officials of the judiciary to the judgment senate.

ARTICLE 100.

PARAGRAPH 1. The Imperial Insurance Office creates decision senates (*Beschlusssenate*) for matters which this law assigns to the decision procedure.

PAR. 2. The decision senate consists of the president, or of one director, or of a senate president as presiding officer, and of the following: A nonpermanent member elected by the Federal Council, a permanent member, an employer, and an insured person. A permanent member may take the place of the member elected by the Federal Council.

ARTICLE 101.

PARAGRAPH 1. The Imperial Insurance Office creates the great senate (*Grossen Senat*) for the duties which this law assigns to that body.

PAR. 2. With reservation of enlargement according to article 1718, paragraph 2, the great senate consists of the president or his representative, two members elected by the Federal Council, two permanent members, two officials of the judiciary, two employers, and two insured persons.

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ARTICLE 102.

PARAGRAPH 1. If all the members of the Imperial Insurance Office elected by the Federal Council are prevented from serving, permanent members shall be called in to take their place.

PAR. 2. The other members of the great senate and at least two substitutes for each shall be designated in advance for one fiscal year according to detailed provision of imperial decree (art. 35, par. 2). Of these there shall be designated two permanent members and two officials of the judiciary and their substitutes for each of the following subjects:

Sickness insurance;
Accident insurance;
Invalidity, and survivors' insurance.

4. Accounting bureau—Costs.

ARTICLE 103.

PARAGRAPH 1. An accounting bureau (*Rechnungstelle*) is to be established in the Imperial Insurance Office.

PAR. 2. It executes the work assigned to it by this law. It supports the Imperial Insurance Office in its accounting and technical insurance work. The Imperial Insurance Office specifies the nature of the information to be furnished to it for this purpose by the insurance carriers.

ARTICLE 104.

PARAGRAPH 1. The Empire bears the costs of the Imperial Insurance Office, inclusive of the costs of procedure.

PAR. 2. The fines according to articles 95 and 1698, paragraph 1, article 1701, paragraph 1, as also the specifically imposed costs of procedure (art. 1802), accrue to the imperial treasury.

5. State insurance offices.

ARTICLE 105.

PARAGRAPH 1. A State insurance office which was established before this law, for the territory of a federal State, may remain in existence as long as there are under its jurisdiction at least four superior insurance offices.

PAR. 2. As far as this law so prescribes, the State insurance office takes the place of the Imperial Insurance Office for this territory.

PAR. 3. The costs of the State insurance office are borne by the federal State.

ARTICLE 106.

PARAGRAPH 1. The State insurance office consists of permanent and nonpermanent members.

PAR. 2. The State government appoints the permanent members. They are to be appointed either for life or according to the State law, without recall as far as their appointment is for the actual office.

PAR. 3. At least eight representatives of the employers and eight representatives of the insured persons shall be elected under the direction of the State insurance office, by written ballot, as nonpermanent members. One-half of them shall come from the agricultural and the other half from the industrial accident insurance.

ARTICLE 107.

PARAGRAPH 1. Article 87, paragraph 2, and articles 88 to 97, are correspondingly applicable for the election, rights, and duties of the members, in so far as article 106, paragraph 3, or the following pages do not provide otherwise.

PAR. 2. The highest administrative authority takes the place of the Federal Council and of the imperial chancellor.

PAR. 3. The employers are elected by—

1. The employer members in the committees of the insurance institutes and in the corresponding representative bodies of special institutes, created for or embracing the territory of the federal State.
2. The directorates of the accident associations and the executive authorities embracing establishments with their seat in the territory of the federal State. Where this territory is identical with the district of one or more sections, the section directorates elect in place of the association directorates.

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PAR. 4. The insured persons are elected by the insured persons who are associates of those superior insurance offices which are created for or embrace the territory of the federal State.

PAR. 5. The State government determines the proportion of votes according to the number of insured persons.

ARTICLE 108.

PARAGRAPH 1. The removal of a nonpermanent member is decided upon by the State insurance office.

PAR. 2. Articles 98 to 100, and 104, paragraph 2, are correspondingly applicable for the State insurance office; the highest administrative authority takes the place of the Federal Council and of the imperial chancellor; the treasury of the federal State takes the place of the imperial treasury.

ARTICLE 109.

PARAGRAPH 1. As far as this law does not regulate the business management and the procedure of the State insurance office, it is done by the State government.

PAR. 2. The State government specifies the allowances to nonpermanent members.

SECTION FOUR.—OTHER GENERAL PROVISIONS.

I. AUTHORITIES.

ARTICLE 110.

The highest administrative authority may transfer to other authorities some of the duties and rights assigned to them by this law.

ARTICLE 111.

PARAGRAPH 1. The highest administrative authority specifies—

1. Which State authority and which authorities and representative bodies of unions of communes and of communes are competent for the duties which this law assigns to the superior and inferior administrative authorities, to the local police authorities, to the communal authorities, to the unions of communes, and to the communes, as well as their authorities and representatives.
2. Which unions are to be considered as unions of communes; a single commune is only then considered a union of communes in the meaning of the law if so specified by the highest administrative authority.
3. Whether and which local business of the imperial insurance shall be transacted by communal authorities in place of the local insurance offices.

PAR. 2. The specifications shall be published in the Reichsanzeiger.

ARTICLE 112.

If at least half the members of the administrative bodies are composed of representatives of the insurance elected by secret ballot, the highest administrative authority may assign duties of the local insurance office to administrative bodies of—

Miners' associations or of miners' funds.

Establishment sick funds for establishment administrations and service establishments of the Empire and of the federal States.

Special institutes of the Empire and federal States.

Judicial duties may not be transferred.

ARTICLE 113.

PARAGRAPH 1. If an insurance authority, an insurance carrier, or an establishment embraces territories of several federal States, the State government or the highest administrative authority of the federal State of its seat, takes cognizance of the powers which this law assigns to the State government or to the highest administrative authority as far as is not otherwise prescribed.

PAR. 2. If the State governments or the highest administrative authorities do not agree, where this law prescribes their cooperation, the Federal Council decides between the State governments, and the imperial chancellor between the administrative authorities. The same is applicable if they do not agree as to their competency, or in case of paragraph 1, as to the seat.

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PAR. 3. The imperial chancellor exercises the rights of the highest administrative authority for the establishments of the Empire and for their special insurance authorities and for insurance carriers.

ARTICLE 114.

The provisions of this law are also applicable for the independent manors and marches (*ausmärkische Bezirke*). The lord of the manor or the march authorities (*Gemarkungsberechtigte*) exercise there the rights and duties in place of the communes.

II. LEGAL ASSISTANCE.

ARTICLE 115.

PARAGRAPH 1. The public authorities are required to comply with all requests pertaining to the execution of this law coming to them from insurance and other public authorities and from administrative bodies of the insurance carriers, especially to execute all decisions which may be carried out.

PAR. 2. Supervisory transactions as described in article 347, paragraph 4, article 404, paragraph 3, and articles 888, 1465, and 1470, may be demanded only under the conditions named therein.

ARTICLE 116.

The administrative bodies of the insurance carriers have to give this legal assistance to each other as well as to the authorities and poor-law unions.

ARTICLE 117.

Per diem allowances, traveling expenses, fees for witnesses and experts, and all other cash expenditures arising out of legal assistance, must be paid by the insurance carriers as their own administrative costs.

III. BENEFITS.

ARTICLE 118.

Benefits granted according to this law or to supplementary State laws, and relief given in their place through the transfer of the claims, are not public charities.

ARTICLE 119.

PARAGRAPH 1. The claims of the persons entitled thereto may, with reservation of article 1325, only be legally transferred, assigned, or attached—

1. To cover an advance on his claims received by the person entitled to benefits either from the employer or from an administrative body of the insurance carrier or one of its members, before the allowance of the benefits.
2. To cover claims designated in article 850, paragraph 4, of the Code of Civil Procedure (*Zivilprozessordnung*).
3. To cover claims from communes, poor-law unions, and the employers and funds representing them, entitled to reimbursement according to article 1531; transfer, assignment, and attachment are only permissible up to the amount of legal claims for reimbursement.
4. To cover arrears of contributions which have been overdue not longer than three months.

PAR. 2. As an exceptional measure, the person entitled thereto may also transfer the claim in other cases, wholly or partly, to other persons, with the approval of the local insurance office.

ARTICLE 120.

PARAGRAPH 1. To inebriates not under guardianship, benefits in kind may be granted wholly or partly. This must be done on demand of a poor-law union affected or of the communal authority of the place of residence of the inebriate. In the case of inebriates under guardianship, the granting of the benefits in kind is only permissible with the approval of the guardian. On his demand it must be done.

PAR. 2. The commune where the claimant resides grants the benefits in kind. The claim to cash benefits is transferred to the commune up to the value of the payments in kind received. Benefits in kind may also be granted by placing him in a sanatorium for inebriates or with approval of the commune, through the intervention of an institution for inebriates.

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PAR. 3. A balance of cash benefits is to be assigned to the husband or wife of the person entitled to compensation, his children or his parents, or, in case he has none, to the commune to be used for him.

ARTICLE 121.

PARAGRAPH 1. The local insurance office (decision committee) decrees the order after a hearing of the communal authority and of the person entitled to benefits and communicates it in writing to them and to the insurance carrier. It decides in disputes between the communal authority and the person entitled to benefits.

PAR. 2. On appeal the superior insurance office decides finally.

PAR. 3. When the case relates to cash benefits of the accident or of the invalidity and survivors' insurance the insurance carrier notifies the Post Office Department if the claim to cash benefits has been finally transferred to the commune.

IV. MEDICAL TREATMENT.

ARTICLE 122.

PARAGRAPH 1. The medical treatment in the meaning of this law shall be given by registered physicians, and for dental diseases by registered dental surgeons (*approbierte Zahnärzte*) (art. 29 of the Industrial Code). It includes assistance of other persons as barber surgeons, midwives, medical helpers, medical attendants, nurses, masseurs, etc., as also dental assistants (*Zahntechniker*), but only in the case of an order by the physician (or dental surgeon) or in urgent cases, if no registered physician (or dental surgeon) is available.

PAR. 2. The highest administrative authority may specify how far otherwise assistants may give independent treatment within the limits of their powers as authorized by the State.

ARTICLE 123.

In the case of dental diseases, but excluding diseases of the mouth or gums, treatment may be given with the approval of the insured person by dental assistants in addition to dental surgeons. The highest administrative authority specifies how far dental assistants may give otherwise independent treatment in case of such dental diseases. This authority may specify how far this may also be done by medical helpers and medical attendants. It specifies further who is to be considered a dental assistant in the meaning of this law.

V. TIME LIMITS.

ARTICLE 124.

PARAGRAPH 1. If the beginning of a time limit is determined by an event or point of time, the time limit begins with the day following the event or the point of time.

PAR. 2. If a time limit is extended, the new time limit begins with the expiration of the old one.

ARTICLE 125.

PARAGRAPH 1. A time limit determined by days ends with the expiration of its last day, a time limit determined by weeks or months with the expiration of that day of the last week or the last month which corresponds according to name or number to the day on which the event or the point of time falls.

PAR. 2. In case the corresponding day is missing in the last month, the time limit ends with the month.

ARTICLE 126.

In case it is not necessary for a period of months or years to be continuous, then the month will be reckoned as having 30 days and the year as having 365 days.

ARTICLE 127.

PARAGRAPH 1. In case the day set for the statement of intention or for a payment or for the expiration of a time limit falls on a Sunday or a general holiday recognized by the State in the place of declaration or of payment, then the succeeding working day takes its place.

PAR. 2. This provision is not applicable for the duration of benefits to which an insurance carrier is bound.

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ARTICLE 128.

PARAGRAPH 1. So far as this law does not provide otherwise, legal measures are to be inaugurated within one month after delivery of the contested decision.

PAR. 2. For seamen sojourning outside of Europe this time limit is determined by the office which decreed the contested decision; it must be at least three months from the date of delivery.

ARTICLE 129.

PARAGRAPH 1. So far as this law does not provide otherwise, legal measures shall be inaugurated at the office which has to make the decision.

PAR. 2. The time limit is considered as observed when the legal measures have been received in time by another German authority or by an administrative body of the insurance carrier, or in case of the navigation accident insurance also by a German marine office (*Seemannsamt*) in a foreign country.

PAR. 3. The legal documents are to be delivered immediately to the competent authority.

ARTICLE 130.

Legal measures effect a stay only in cases where the law so provides.

ARTICLE 131.

PARAGRAPH 1. In case an interested person has been kept by natural events or by other unavoidable accidents from observing the legal time limit of procedure, he shall on application be granted reinstatement to his previous status.

PAR. 2. On application reinstatement will also be granted if the document received too late has been mailed at least three days before the expiration of the time limit.

ARTICLE 132.

PARAGRAPH 1. In the case of article 131, paragraph 1, application for reinstatement must be made within a period, the duration of which shall be determined by the duration of the period lapsed. The period begins with the day on which the preventing cause was removed.

PAR. 2. In cases of article 131, paragraph 2, application for reinstatement shall be made within one month. The period begins with the day on which the interested party learns that he has not observed the time limit.

PAR. 3. No application for reinstatement may be made after the expiration of two years from the end of the time limit.

ARTICLE 133.

PARAGRAPH 1. The application for reinstatement shall—

1. State the facts forming the basis for the reinstatement;
2. Indicate the means to make these facts evident;
3. Make good the lapsed transaction if it has not already been done.

PAR. 2. The application is made to the authority where the time limit has lapsed; article 129, paragraphs 2 and 3, are correspondingly applicable. The decision rests with the authority which decides upon the action which has later been made good.

ARTICLE 134.

PARAGRAPH 1. The procedure concerning the application shall be combined with that concerning the action made good later, but the application may first of all be discussed and decided alone.

PAR. 2. For the decision concerning the admissibility of the application and its contesting, the same provisions are applicable as for the action made good later.

VI. NOTIFICATIONS.

ARTICLE 135.

PARAGRAPH 1. Notifications which start a time limit may be made by registered letter.

PAR. 2. The postal receipt justifies after two years from its making out, the assumption that delivery has been made within the regular time limit after the mailing.

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ARTICLE 136.

PARAGRAPH 1. Persons not living in Germany must upon demand designate a person authorized to receive notifications.

PAR. 2. If the abode is unknown and a person authorized to receive notifications has not been designated within the time limit set, then an announcement in the business rooms of the authority or of the proper office may take the place of the notification: the time limit must not be less than one month.

VII. FEES AND STAMP TAXES.

ARTICLE 137.

All proceedings and documents necessary to the insurance carriers and insurance authorities to establish and transact the legal relations between the insurance carriers on the one hand and the employers or insured persons or their survivors on the other, are exempt from fees and stamp taxes, as far as this law does not provide otherwise.

ARTICLE 138.

The same is applicable for proceedings out of court and documents of this kind, and for such nonofficial powers of attorney and official certificates which, according to this law, become necessary for identification and authentication.

VIII. PROHIBITIONS AND PENALTIES.

ARTICLE 139.

PARAGRAPH 1. Employers and their employees, as well as insurance carriers, are prohibited from restricting insured persons in the acceptance or discharge of an honorary office of the imperial insurance, or from injuring them on account of the acceptance or manner of discharge of such an honorary office. The employers and their employees are further prohibited from preventing either wholly or partly, either through agreements or working regulations, the application of the provisions of this law to the injury of the insured persons.

PAR. 2. Agreements conflicting herewith are void.

ARTICLE 140.

Employers or their employees infringing article 139, paragraph 1, shall be punished by fines not to exceed 300 marks [$71.40] or by imprisonment as far as they are not liable to more severe penalty in accordance with other legal provisions.

ARTICLE 141.

PARAGRAPH 1. The persons named below, if they disclose without authority what they have learned while performing their official duty about diseases or other invalidity of insured persons, or the causes thereof, shall be punished by fines not to exceed 1,500 marks [$357] or by imprisonment for not more than three months; prosecution shall be instituted only on application of the insured person or of the supervisory authority; these persons are—

A member of an administrative body or an employee of an insurance carrier;

A member or an employee of an insurance authority;

A representative or associate in an insurance authority.

PAR. 2. Other persons for whom this law provides a benefit from an insurance carrier are considered as insured persons.

ARTICLE 142.

PARAGRAPH 1. The following persons, if they disclose business or trade secrets which they have learned while performing their official duties, shall be punished with fines not to exceed 1,500 marks [$357], or with confinement in jail:

Persons designated in article 141, paragraph 1;

Special experts according to article 880;

Members of committees for the decision of appeals made under article 1000, paragraph 2, and of protests made under article 1023, paragraph 1.

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PAR. 2. If this is done to injure the undertaker, or to procure for themselves or other persons pecuniary advantages, they shall be punished by imprisonment. In addition to the prison sentence they may be punished with the loss of their civic rights and fines not to exceed 3,000 marks [$714].

PAR. 3. Prosecution in the case mentioned in paragraph 1 shall be instituted only on application of the undertaker.

ARTICLE 143.

The persons designated in article 142, paragraph 1, shall be punished with imprisonment if they make use of business or trade secrets to the disadvantage of the undertaker or to procure for themselves or other persons a pecuniary advantage. In addition to imprisonment they may be sentenced to the loss of their civic rights and fined not to exceed 3,000 marks [$714].

ARTICLE 144.

In cases mentioned in article 142, paragraph 2, or article 143, if there are mitigating circumstances, the punishment shall be a fine not to exceed 3,000 marks [$714].

ARTICLE 145.

In the case of officials subject to the rules of service of a State or communal authority, the provisions applicable for them take the place of articles 141 to 144.

ARTICLE 146.

PARAGRAPH 1. With reservation of article 59, paragraph 3, article 80, paragraph 4, article 104, paragraph 2, article 108, paragraph 2, and articles 914, 1045, and 1224, fines accrue to the treasury of the insurance carrier; those imposed by a court only then when this law so provides.

PAR. 2. Fines, except such as are imposed by a court, shall be collected in the same manner as arrears.

ARTICLE 147.

Contraventions of this law for which the courts are not competent, expire by limitation in three months, if not punishable with a fine of more than 300 marks [$71.40], otherwise in one year. The period of limitation begins with the day on which the act was committed. It is interrupted by any action directed against the violator by the bodies competent to impose a penalty. With the interruption begins a new period of limitation; it ends at the latest with the expiration of 10 years from the day on which the contravention took place.

ARTICLE 148.

Punishments imposed finally and not decreed by the courts expire by limitation in two years. The period of limitation begins with the day on which the decision became final. It is interrupted by any action directed to the execution of the punishment by the bodies charged with the execution. With the interruption begins a new period of limitation; it ends at the latest with the expiration of four years from the day on which the decision became final.

IX. LOCAL WAGE RATE.

ARTICLE 149.

PARAGRAPH 1. As the local wage rate that rate shall be used which is the daily wage customarily paid in the locality to ordinary day laborers.

PAR. 2. The superior insurance office determines and publishes the local wage rate. The directorates of the insurance institutes affected shall be previously given a hearing; the local insurance office shall express an opinion after having given a hearing to the communal authorities and to the directorates of the sick funds affected.

ARTICLE 150.

PARAGRAPH 1. The local wage rate shall be determined separately for men and for women, for insured persons under 16 years, for those between 16 and 21 years, and for those over 21 years.

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PAR. 2. The insured persons under 16 years (juveniles) may be classified as young persons of 14 years and over and children of less than 14 years; apprentices are considered as young persons.

PAR. 3. In other respects the local wage rate as determined uniformly according to the average for the whole district of each local insurance office. Exceptions are permissible when there are considerable differences in the amount of wages in different localities or between city and country.

ARTICLE 151.

PARAGRAPH 1. The local wages are determined at the same time for the whole Empire, at first until December 31, 1914, afterwards always for four years. Changes in the interim shall only be in force until the next general determination.

PAR. 2. All changes shall come into use only two months after their publication.

ARTICLE 152.

Before the beginning of each four-year term the imperial chancellor shall publish in the Zentralblatt für das Deutsche Reich a list of all determinations in force, and also at least annually a list of changes made in the meantime.

X. PLACE OF EMPLOYMENT.

ARTICLE 153.

PARAGRAPH 1. The place of employment is the place in which the employment actually takes place.

PAR. 2. For insured persons who are employed at a definite work place (establishment, place of service), this shall be considered also as the place of employment, while they are performing elsewhere pieces of work of short duration for the employer.

PAR. 3. The same is applicable to insured persons who are employed at various times from a definite place of work on single pieces of work in districts of various local or rural sick funds.

PAR. 4. It is further applicable to insured persons who are only employed on single pieces of work outside of the definite work place, if both the latter and their place of employment are situated in the district of the same local insurance office.

ARTICLE 154.

For employed persons for whom no definite work place is provided, the seat of the establishment is considered as the place of employment.

ARTICLE 155.

For insured persons who have been engaged by the administration of an establishment for a varied employment to be carried on in different communes, that commune where the immediate management of the work has its seat is to be considered as the place of employment. After a hearing of the interested administrations and communes or unions of communes the superior insurance office can specify otherwise in this regard.

ARTICLE 156.

For insured persons employed at an agricultural occupation, changeable in various communes, the seat of the establishment (arts. 963 and 964) is considered as the place of occupation.

XI. LEGISLATION OF FOREIGN COUNTRIES.

ARTICLE 157.

PARAGRAPH 1. So far as other countries have put into operation a system of relief corresponding to the imperial insurance, the imperial chancellor, with the approval of the Federal Council and with due regard to reciprocity, may make agreements as to what extent the relief shall be regulated according to the imperial insurance or the relief provisions of the other country for establishments overlapping from the territory of one country into that of another, as well as for insured persons temporarily occupied in the territory of the other country.

PAR. 2. Likewise if there is a reciprocal consideration, the insurance of citizens of a foreign country may be regulated otherwise than according to the provisions of this

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law, and the operation of the relief of the one country be facilitated in the territory of the other. In these agreements the obligation of the employers to pay contributions according to this law must not be reduced or done away with. The Reichstag must be notified of these agreements.

PAR. 3. These provisions are correspondingly applicable in the case ef a relief which takes the place of the imperial insurance.

ARTICLE 158.

With the approval of the Federal Council, the imperial chancellor can decree that a right to reimbursement may be exercised against subjects of a foreign State or their legal successors.

XII. GENERAL DEFINITIONS.

1. Employments subject to insurance.

ARTICLE 159.

With reservation of the provisions of articles 551, 928, and 1062, the employment of husband or wife by the other does not establish any insurance obligation.

2. Earnings.

ARTICLE 160.

PARAGRAPH 1. In the meaning of this law, earnings consist not only of salaries of wages, but also of participation in profits, receipts in kind, or other receipts which the insured person receives from the employer or a third party in place of salary or wages or in addition to them, even if it is only a matter of custom.

PAR. 2. The value of receipts in kind shall be reckoned according to local prices, which are to be determined by the local insurance office.

3. Agriculture.

ARTICLE 161.

In so far as there are no different provisions, the provisions of this law relating to agricultural establishments, agricultural employers, agricultural undertakers, and agricultural employees, are also applicable to forestry establishments, forestry employers, forestry undertakers, and forestry employees.

4. Persons engaged in home-working industries.

ARTICLE 162.

PARAGRAPH 1. In the meaning of this law, those independent workmen who manufacture or prepare industrial products in their own workrooms on the order and for the account of others are considered as persons engaged in home-working industries.

PAR. 2. They are also considered as such if they themselves procure the raw or auxiliary materials, as well as for the time during which they work temporarily for their own account.

5. German seagoing vessels.

ARTICLE 163.

Every vessel sailing under the German flag, and used exclusively or preferably (*vorzugsweise*) for maritime navigation, is considered as a German seagoing vessel. Merely because natives of protectorates display the flag of the Empire (art. 10 of the protectorate law, Reichs-Gesetzblatt, 1900, p. 812), the ship does not become a German seagoing vessel in the meaning of this law.

6. Fiscal year.

ARTICLE 164.

The fiscal year shall be the calendar year.

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BOOK TWO—SICKNESS INSURANCE.

SECTION ONE—SCOPE OF THE INSURANCE.

I. COMPULSORY INSURANCE.

ARTICLE 165.

PARAGRAPH 1. The following are insured against sickness:

1. Workmen, helpers, journeymen, apprentices, and servants.
2. Establishment officials, foremen, and other employees in similar higher positions, if such employment is for all of them their principal occupation.
3. Clerks and apprentices in commercial establishments, and clerks and apprentices in pharmacies.
4. Members of the stage and of orchestras, without regard to the artistic value of their services.
5. Teachers and tutors.
6. Persons engaged in home-working industries.
7. The crews of German seagoing vessels, provided that they are subject neither to articles 59 to 62 of the Navigation Code (Reichs-Gesetzblatt, 1902, p. 175, and 1904, p. 167), nor to articles 553 to 553b of the Commercial Code; also the crews of vessels engaged in inland navigation.

PAR. 2. The prerequisite of insurance for all persons designated in paragraph 1, under Nos. 1 to 5 and No. 7, with the exception of all classes of apprentices, is that they shall be employed for compensation (art. 160), and that for those designated under Nos. 2 to 5 as well as for masters of vessels, that their regular annual earnings in the form of compensation do not exceed 2,500 marks [$595].

ARTICLE 166.

The special provisions of articles 416 to 494 are applicable to the insurance of persons employed in agriculture, as servants, of persons employed temporarily or in itinerant trades, of persons engaged in home industries and their home-working employees, as well as of all classes of apprentices employed without compensation.

ARTICLE 167.

If when this law comes into force, other groups of employees are subject to insurance in a Federal State according to State laws, then the State government may decree that in case of sickness they are insured according to this law, and may determine the particulars thereof.

ARTICLE 168.

The Federal Council determines how far temporary services are exempt from the insurance.

ARTICLE 169.

PARAGRAPH 1. Exempt from the insurance are persons employed in the establishments or in the service of the Empire, of a Federal State, of a union of communes, of a commune, or of an insurance carrier, if there has been guaranteed to them from their employers a claim at least equal to the sick benefits in the amount and duration of the regular benefits of sick funds (art. 179), or for the same period, to salary, retirement pension, part pay or similar receipts equal to one and a half times the amount of the pecuniary sick benefits (art. 182).

PAR. 2. The same is applicable to teachers and tutors of public schools and institutions.

ARTICLE 170.

PARAGRAPH 1. On application of the employer, persons employed in the establishments or in the service of other public unions or public corporations shall be exempted by the highest administrative authorities from the insurance obligation if they have been guaranteed one of the claims designated in article 169 from their employer, or if they are only being trained for their profession.

PAR. 2. The same is applicable for officials and employees of the court, domanial, cameralistic, forest, and similar administrations of the State sovereigns, of the ducal regency of Brunswick, and of the administration of the entailed estates of the princes of Hohenzollern.

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ARTICLE 171.

On application of the employer, the highest administrative authority may also specify how far persons employed in establishments or in the service of nonpublic corporations, or as teachers and tutors of nonpublic schools or institutions are exempt from the insurance, if there has been guaranteed to them from their employer one of the claims designated in article 169, or if they are being trained solely for their occupation.

ARTICLE 172.

The following are exempt from the insurance:

1. Officials of the Empire, of the federal States, of the unions of communes, of the communes, and of the insurance carriers, and teachers and tutors in public schools or institutions, as long as they are being trained solely for their occupation;
2. Military persons who carry on during their service, or during their training for a civil employment, one of the occupations designated in article 165, to whom article 169 is to be applied;
3. Persons who are employed in teaching for compensation during their scientific training for their future occupation;
4. Members of ecclesiastical societies, deaconesses, sisters of schools and similar persons, if because of religious or ethical motives they are employed in nursing, education, or other activities of public benefit and do not receive as compensation more than free maintenance.

ARTICLE 173.

Upon his application, a person able to work permanently only to a small extent shall be exempted from the insurance obligation so long as the poor-law union which is liable for relief at the time agrees thereto.

ARTICLE 174.

On application of the employer, the following shall be exempted from the insurance obligation:

1. Apprentices of every kind, so long as they are employed in the establishment of their parents;
2. Persons temporarily employed during unemployment in workmen's colonies or similar benevolent institutions.

ARTICLE 175.

PARAGRAPH 1. The directorate of the fund decides on the application for exemption (arts. 173, 174). The exemption becomes effective from the time of the receipt of the application.

PAR. 2. If the application is refused, the local insurance office on appeal decides finally.

II. VOLUNTARY INSURANCE.

ARTICLE 176.

PARAGRAPH 1. The following persons may join the insurance voluntarily if their total yearly income does not exceed 2,500 marks [$595]:

1. Employees exempt from insurance of the kind designated in article 165, paragraph 1;
2. Members of the family of the employer, engaged in his establishment, without any specific employment relation and without compensation;
3. Industrial and other undertakers of establishments, who regularly employ either no one or at the most two persons subject to insurance.

Par. 2. The Federal Council specifies how far, under similar assumption, persons exempted from insurance according to article 168 may join the insurance voluntarily.

PAR. 3. The constitution of the sick fund may make the right to join dependent on a certain age limit and on the presentation of a health certificate from a physician. The establishment of an age limit requires the approval of the superior insurance office.

ARTICLE 177

If when this law becomes effective there are other groups in a federal State which according to State law have the right to join the insurance voluntarily, then this right shall be regulated according to detailed specifications issued by the highest administrative authority.

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ARTICLE 178.

The right to voluntary insurance ceases in every case where the regular total yearly income exceeds 4,000 marks [$952].

SECTION TWO—BENEFITS OF THE INSURANCE.

I. GENERAL PROVISIONS AS TO BENEFITS.

ARTICLE 179.

PARAGRAPH 1. The benefits provided by the insurance consist of the benefits of the sick funds (art. 225) in the form of sickness benefits, maternity benefits, and funeral benefits, as prescribed in this book.

Par. 2. These benefits are considered as the regular benefits of the sick funds, and also even when the constitution makes use of the provisions of articles 188 and 192.

PAR. 3. The additional benefits specified by the constitution are also objects of the insurance; they may be granted only so far as this book provides.

ARTICLE 180.

PARAGRAPH 1. The cash benefits of the fund shall be computed according to a basic wage. As such basic wage the constitution shall specify the average daily compensation of those classes of insured persons for whom the fund has been established, but not to exceed 5 marks [$1.19] per working day.

PAR. 2. The constitution may also determine the average daily compensation according to the various rates of wages of the insured persons by classes up to 6 marks [$1.43].

PAR. 3. The determination requires the approval of the superior insurance office (decision chamber).

PAR. 4. In place of the average daily compensation the constitution may specify as the basic wage the actual earnings of the individually insured persons up to 6 marks [$1.43] per working day.

PAR. 5. For persons who voluntarily join the insurance, for whom no basic wage can be ascertained according to the above, the constitution shall specify the same.

ARTICLE 181.

PARAGRAPH 1. In the case of rural sick funds the constitution may specify the local wage rate as the basic wage.

PAR. 2. But for establishment officials, foremen, and other persons in similar higher positions, and also for artisans, the basic wage shall be determined according to article 180. In districts without general local sick funds the same is applicable to the insured persons who according to the nature of their employment should belong to such a fund.

PAR. 3. In districts without a rural sick fund the constitution of the general local sick fund may specify the local wage rate as the basic wage for the insured persons who according to the nature of their employment should belong to a rural sick fund; in this connection paragraph 2, sentence 1, is correspondingly applicable. The superior insurance office can order the insertion of such a provision.

PAR. 4. In the case of insured persons whose basic wage in accordance with the above is specified otherwise than as the regular basic wage of the sick fund, the fund must keep a separate account for their contributions and benefits in so far as the highest administrative authority does not provide otherwise.

II. SICKNESS BENEFITS.

ARTICLE 182.

As sickness benefits (*Krankenhilfe*) shall be granted the following:

1. Sickness care (*Krankenpflege*) from the beginning of the sickness on; it includes medical attendance, and supply of medicines, eyeglasses, trusses, and other minor therapeutic appliances;
2. Pecuniary sick benefit (*Krankengeld*) in the amount of half the basic wage for each working day, if the sickness incapacitates the insured person for work; it is granted beginning with the fourth day of sickness, but if the disability begins later, then from the day of its beginning.

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ARTICLE 183.

PARAGRAPH 1. The sick benefits terminate at the latest with the expiration of the twenty-sixth week from the beginning of the sickness, but if the pecuniary benefit has been received beginning with a later date, then from this later date. If there was a period during the receipt of pecuniary benefit in which only medical care was granted, then for not more than 13 weeks this period shall not be included for the duration of the receipt of pecuniary benefit.

PAR. 2. If the pecuniary benefit has to be paid after the twenty-sixth week from the beginning of the sickness, then with its receipt the claim to medical care terminates.

ARTICLE 184.

PARAGRAPH 1. In place of medical care, the sick fund may grant treatment and maintenance in a hospital (hospital treatment—*Krankenhauspflege*). This requires the consent of the patient if he has a household of his own, or if he is a member of the household of his family.

PAR. 2. In the case of a minor over 16 years of age, his consent is sufficient

PAR. 3. His consent is not required if—

1. The nature of the sickness demands a treatment or care which is not possible in the family of the patient;
2. The sickness is infectious;
3. The patient has repeatedly acted contrary to the sickness regulations (art. 347) or to the orders of the attending physician;
4. His condition or his conduct make continuous observation necessary.

PAR. 4. In the cases mentioned in paragraph 3, Nos. 1, 2, and 4, the sick funds shall, if possible, grant hospital treatment.

PAR. 5. Whenever several suitable hospitals are available which are willing to undertake the hospital treatment on the same conditions, the sick fund shall, under reservation of article 371, leave the choice to the beneficiary.

ARTICLE 185.

PARAGRAPH 1. With the consent of the insured person, the sick fund may grant care and attendance by nurses, nursing sisters, or other attendants, particularly in the cases where the admission of the patient to a hospital seems necessary, but can not be effected, or when there is an important reason for leaving the patient in his household or with his family.

PAR. 2. For this purpose the constitution may permit a deduction up to one-fourth of the pecuniary benefit.

ARTICLE 186.

Whenever hospital care has been granted to an insured person who has supported dependents either wholly or principally from his earnings, there shall in addition be paid to the dependents house money (*Hausgeld*) equal to one-half of the amount of the pecuniary sick benefit. The house money may be paid directly to the dependents.

ARTICLE 187.

The constitution may—

1. Extend the duration of the sick benefits up to one year;
2. Grant care for convalescents up to the duration of one year after the expiration of the sick benefits;
3. Permit the granting of such appliances to prevent disfigurement or deformity, which after the completion of the medical treatment become necessary in order to restore or maintain the ability to work.

ARTICLE 188.

If insured persons have already received the pecuniary sick benefit or the benefits substituted therefor for 26 weeks successively or collectively within 12 months, either on the basis of the imperial insurance or from a miners' sick fund or a substitute fund, then the constitution may limit the sick benefits to the regular benefits and to a total duration of 13 weeks in a new case which occurs during the next 12 months. This is only applicable where the sick benefits are demanded on account of the same cause of sickness which has not been removed.

ARTICLE 189.

PARAGRAPH 1. Where an insured person draws a pecuniary sick benefit at the same time from another insurance, the sick fund has to reduce its benefit to such an extent

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that the total pecuniary sick benefit of the member does not exceed the average amount of his daily earnings.

PAR. 2. The constitution may refrain from making the reduction either as to all of it or part of it.

ARTICLE 190.

When they make claim to the pecuniary sick benefit or its equivalent, the constitution may require the members to communicate to the directorate the amount of the benefits which they are receiving at the same time from another sickness insurance. The question as to which sickness insurance provides the benefits is not permissible.

ARTICLE 191.

PARAGRAPH 1. The constitution may increase the pecuniary sick benefit up to three-fourths of the basic wage and grant it generally for Sundays and holidays.

PAR. 2. The constitution may grant the pecuniary sick benefit from the first day of the disability in cases of sickness either lasting longer than one week, or resulting in death, or caused by industrial accidents, or with approval of the superior insurance office, also in other cases of sickness.

ARTICLE 192.

The constitution may refuse the pecuniary sick benefit to members either wholly or partly if—

1. They have injured the sick fund by an act punishable by loss of civic rights, for the duration of one year after the act;
2. The sickness has been caused intentionally or by culpable participation in brawls or disorderly conduct, for the duration of such sickness.

ARTICLE 193.

PARAGRAPH 1. With the approval of the superior insurance office, the constitution may establish a maximum amount for minor therapeutic appliances, and also specify that the fund may grant an additional allowance up to this amount for major therapeutic appliances.

PAR. 2. It may grant for the care of patients still other means besides minor therapeutic appliances, particularly special diet for sickness.

PAR. 3. In the case of insured persons who voluntarily remain members of a sick fund (art. 313) the constitution may grant them in the place of the sick care an amount equal to at least one-half of the pecuniary sick benefit, if they are not residing in the district of the sick fund or of the local insurance office.

ARTICLE 194.

The constitution may—

1. Increase the house money up to the amount of the legal pecuniary sick benefit;
2. Grant to insured persons, for whom no house money is to be paid, a pecuniary sick benefit up to one-half of its legal amount in addition to hospital treatment.

III. MATERNITY BENEFITS.

ARTICLE 195.

PARAGRAPH 1. Women lying-in who in the preceding year before their confinement have been insured against sickness at least six months on the basis of the imperial insurance or in a miners' sick fund shall receive a maternity benefit in the amount of the pecuniary sick benefit for eight weeks, six of which must fall in the period after confinement.

PAR. 2. In the case of members of rural sick funds who are not subject to the Industrial Code the constitution must specify that the duration of the receipt of maternity benefits shall be at least four weeks, but not more than eight weeks.

PAR. 3. The pecuniary sick benefit shall not be granted in addition to the maternity benefit. The weeks after the confinement must be consecutive.

ARTICLE 196.

PARAGRAPH 1. With the consent of the women lying-in, the sick fund may—

1. Grant in place of the maternity benefit, medical treatment and maintenance in a lying-in home;

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2. Grant treatment and attendance by home nurses and deduct for it not more than one-half of the maternity benefit.

PAR. 2. Article 186 is correspondingly applicable in the case of number 1.

ARTICLE 197.

If a woman lying-in has been insured during the last year in several sick funds, miners' sick funds, or substitute funds, then on demand the amount of the maternity benefit shall be repaid by the other funds to the sick fund liable for the benefits, according to articles 195 and 196, in proportion to the duration of her membership.

ARTICLE 198.

The constitution may grant either to married women subject to insurance or to all females subject to insurance under the requisites mentioned in article 195, paragraph 1, the services of a midwife and the services of an obstetrician if such become necessary at the confinement.

ARTICLE 199.

In the case of pregnant women who have belonged at least six months to the sick fund, the constitution may—

1. Grant them a pregnancy benefit in the amount of the pecuniary sick benefit for a total duration of not more than six weeks, if they become incapacitated for work on account of their pregnancy;
2. Include in the duration of this benefit the time of the granting of a maternity benefit before confinement;
3. Grant the services of a midwife and medical treatment if such become necessary for ailments incidental to pregnancy.

ARTICLE 200.

The constitution may grant to women lying-in of the class designated in article 195, paragraph 1, a nursing benefit up to the amount of one-half of the pecuniary sick benefit and up to the expiration of the twelfth week after the confinement, so long as they themselves nurse their newborn children.

IV. FUNERAL BENEFITS.

ARTICLE 201.

As a funeral benefit, there shall be paid at the death of an insured person twenty times the amount of the basic wage.

ARTICLE 202.

If, while a member of a sick fund, a sick person dies from the same sickness within one year after the expiration of the sick benefits, the funeral benefit shall be paid: *Provided*, That he has been incapacitated for work up to his death.

ARTICLE 203.

From the funeral benefit are first defrayed the costs of burial, and they shall be paid to the person who has taken care of the burial. In case there is a surplus, then in the following order—the husband or wife, the children, the father, the mother, and the brothers and sisters are successively entitled to receive it, provided that they were living in the same household with the deceased at the time of his death. In the absence of such persons the surplus reverts to the sick fund.

ARTICLE 204.

The constitution may increase the funeral benefit up to forty times the amount of the basic wage; it may also establish the minimum amount at 50 marks [$11.90].

V. BENEFITS TO THE FAMILY.

ARTICLE 205.

The constitution may grant—

1. Sickness care to members not subject to insurance, of the family of an insured person.

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2. A maternity benefit to the wife not subject to insurance, of an insured person.
3. A funeral benefit on the death of a wife or husband or a child of an insured person. It may be fixed for the wife or husband at not more than two-thirds, for a child at not more than one-half of the funeral benefit of a member, and is to be reduced by the amount of any funeral benefit for which the deceased himself was insured according to law.

VI. GENERAL PROVISIONS.

ARTICLE 206.

For persons subject to the insurance the claim to the regular benefits begins with their membership (arts. 306 to 308).

ARTICLE 207.

The constitution may specify that the claim of persons entitled to insurance who have voluntarily joined the sick fund shall begin only after a waiting term of not more than 6 weeks.

ARTICLE 208.

It may specify that the claim to additional benefits of the fund shall begin only after a waiting term of not more than 6 months after their admittance. Such a provision shall not be applicable to members who, during the last 12 months have already had for at least 6 months a claim to the additional benefits of a sick fund or a miners' sick fund.

ARTICLE 209.

PARAGRAPH 1. By separation from membership this waiting term can be interrupted for the duration of not more than 26 weeks.

PAR. 2. For members who leave in order to perform their compulsory service in the army or navy the above duration is increased by this period of service.

ARTICLE 210.

With the exception of funeral benefits, the cash benefits shall be paid at the expiration of each week.

ARTICLE 211.

In cases where the insurance has already begun the benefits may be increased but not reduced by amendments to the constitution; changes in the basic wage shall have no influence.

ARTICLE 212.

PARAGRAPH 1. If an insured person who is receiving cash benefits goes over to another fund, the latter takes over the further payment of benefits according to its constitution. The period during which benefits have already been received shall be included in counting the duration of the benefits.

PAR. 2. The insured person shall receive additional benefits only if he has already acquired a claim to additional benefits in his former sick fund.

ARTICLE 213.

If a sick fund has accepted the contributions for a person for 3 months without interruption and without objection, after application has been made in due form and not intentionally incorrect, and if it develops, after an insurance case occurs, that the person was not subject to insurance and was not entitled to insurance, then the sick fund must nevertheless grant him the benefits prescribed by the constitution.

ARTICLE 214.

PARAGRAPH 1. Insured persons who leave the fund on account of lack of employment (*Erwerbslosigkeit*) and who in the preceding 12 months have been insured either not less than 26 weeks or for 6 weeks immediately previous to leaving the fund, shall retain their claim to the regular benefits of the sick fund: *Provided*, That the case of insurance occurs during unemployment and within 3 weeks after leaving the fund. On application the sick fund must certify to the beneficiary his claim for these benefits.

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PAR. 2. A funeral benefit shall also be granted even after the expiration of the 3 weeks if the sick benefits have been paid up to the time of death.

PAR. 3. If the unemployed person remains in a foreign country and if the constitution does not provide otherwise the claim shall cease.

ARTICLE 215.

PARAGRAPH 1. If the Federal Council specifies that persons not subject to insurance according to article 168 may join the insurance voluntarily, it may restrict the regular benefits either to medical care and to hospital treatment without house money, or to their substitutes (art. 185) without pecuniary sick benefit.

PAR. 2. For those persons who join the insurance voluntarily the constitution, with the approval of the superior insurance office, may restrict the sick-fund benefits either to the same extent or restrict them to the pecuniary sick benefit.

PAR. 3. For such insured persons the contributions shall be correspondingly reduced.

ARTICLE 216.

PARAGRAPH 1. Sick benefits shall be suspended—

1. As long as the beneficiary is serving a prison term or is in jail pending trial or has been placed in a workhouse or reformatory; if the insured person has become incapacitated for work through sickness, and if he has supported wholly or partly his dependents by his earnings, then they shall be granted house money (art. 186).
2. For beneficiaries who, after the case of insurance has occurred, without approval of the directorate of the sick fund voluntarily go to a foreign country, for the length of their abode there without this consent; the Federal Council may suspend the stopping of the claim for certain border territories.
3. For foreign beneficiaries so long as they are expelled from the territory of the Empire on account of condemnation in a penal procedure. The same applies to foreign beneficiaries who have been expelled from the territory of a federal State because of condemnation in a penal procedure, so long as they do not stay in another federal State.

PAR. 2. If the beneficiary has dependents in Germany to whom the constitution allows family benefits then these benefits shall be granted.

ARTICLE 217.

PARAGRAPH 1. When, after a case of insurance has occurred, an insured person relinquishes his abode in Germany, without a suspension of sick benefits, the sick fund may settle with him by the payment of a lump sum. This must correspond to the value of the cash benefits to which he would be entitled in Germany according to the probable duration of the sickness; in such case three-eighths of the basic wage shall be reckoned for medical care.

PAR. 2. In case of a dispute in regard to the settlement, the opinion of the physician agreed upon by the affected parties, otherwise of the official physician, is decisive.

ARTICLE 218.

Articles 216 and 217 are correspondingly applicable to maternity benefits, as also in the case of article 205, Nos. 1 and 2, for the family members entitled to benefits.

ARTICLE 219.

PARAGRAPH 1. Sick persons who reside outside of the district of their sick fund receive, on demand of their sick fund, the benefits to which they are entitled from the general local sick fund of their place of residence. If a special local sick fund or a rural sick fund for insured persons of their kind is in operation there, it must grant the benefits.

PAR. 2. The same is applicable to family members entitled to benefits, as also to unemployed persons who have left the insurance (art. 214).

ARTICLE 220.

The same is applicable to an insured person who falls ill during a temporary sojourn outside of the district of his sick fund, as long as he can not return to his place of

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residence on account of his condition. An application from his fund is not necessary, but within one week after the case of insurance occurred the sick fund which grants the benefits must notify the sick fund of the insured person, and as far as possible must carry out the latter's wishes as regards the nature of the relief.

ARTICLE 221.

If an insured person falls ill in a foreign country he receives from the employer the benefits to which he is entitled from his sick fund as long as his condition does not permit of his returning to Germany. The employer must notify the sick fund within one week of the occurrence of the case of insurance, and must carry out as far as possible its wishes as regards the nature of the relief. The sick fund may itself take over the relief.

ARTICLE 222.

In the cases of articles 219 to 221 the sick fund of the insured person must refund the costs to the other sick fund or to the employer. In such case three-eighths of the basic wage shall be considered as reimbursement for the cost of the sick care.

ARTICLE 223.

PARAGRAPH 1. Claims to sick benefits lapse within two years after the day of their origin.

PAR. 2. Deductions from the claims of the persons entitled to benefits may only be made for—

Reimbursement claims for amounts which the beneficiary has received in cases of article 1542, or from the imperial accident insurance, but which must be refunded to the sick fund.
Contributions overdue.
Advances paid.
Sick-fund benefits paid in error.
Costs of procedure which the beneficiary has to refund.
Fines imposed by the director of the sick fund.

PAR. 3. Only half the amount of pecuniary benefits may be deducted on account of claims.

ARTICLE 224.

The local insurance office decides, by judgment procedure, in disputes between sick funds in regard to—

1. Claims for refund according to articles 197 and 222.
2. Refund of benefits granted in error.

SECTION THREE—CARRIERS OF THE INSURANCE.

I. KINDS OF SICK FUNDS.

ARTICLE 225.

PARAGRAPH 1. Sick funds, according to this law, are—

The local sick funds (*Ortskrankenkassen*).
The rural sick funds (*Landkrankenkassen*).
The establishment sick funds (*Betriebskrankenkassen*).
The guild sick funds (*Innungskrankenkassen*).

PAR. 2. Members of miners' sick funds established under the provisions of State laws may not join these sick funds.

II. GENERAL LOCAL SICK FUNDS AND RURAL SICK FUNDS.

ARTICLE 226.

PARAGRAPH 1. Local sick funds shall be established for local districts (general local sick funds) (*Allgemeine Ortskrankenkassen*); rural sick funds shall also be created for similar areas.

PAR. 2. The local and rural sick funds shall, as a rule, be established within the district of a local insurance office.

PAR. 3. The highest administrative authorities may decree and permit exceptions.

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ARTICLE 227.

The State legislation may specify for the territory or for parts of the territory of the federal State that no rural sick funds may be established in addition to the general local sick funds.

ARTICLE 228.

No rural sick fund shall be established, in addition to the general local sick fund; where the rural sick fund would not have at least 250 compulsory members.

ARTICLE 229.

The establishment of a rural sick fund, in addition to a general local sick fund, may, with the approval of the superior insurance office, be done away with, where the local insurance office (decision chamber) deems it unnecessary after a hearing of the employers and persons subject to insurance affected.

ARTICLE 230.

The establishment of a general local sick fund, in addition to a rural sick fund, may, with the approval of the highest administrative authority, be done away with, where the local sick fund would not have at least 250 compulsory members.

ARTICLE 231.

PARAGRAPH 1. General local sick funds and rural sick funds shall be established by decision of the union of communes.

PAR. 2. Where it is permissible for the district of a local insurance office to create one as well as several general local or several rural sick funds, the unions of communes affected must come to an agreement thereon. If they can not agree, the superior insurance office decides and decrees the establishment of the funds.

ARTICLE 232.

Where a general local or a rural sick fund is not established in proper time, the superior insurance office decrees its establishment.

ARTICLE 233.

PARAGRAPH 1. The communes and unions of communes affected have the right to appeal to the highest administrative authority against the decree of the superior insurance office.

PAR. 2. If the final decree is not carried out within the time limit, the superior insurance office establishes the sick fund or authorizes the local insurance office to do so.

ARTICLE 234.

Persons subject to insurance who do not belong to a miners' sick fund or to a special local or establishment or guild sick fund shall be members of the general local or rural sick fund of their class of occupation and of their place of employment.

ARTICLE 235.

PARAGRAPH 1. Members of the rural sick funds are—

Persons employed in agriculture.

Servants.

Persons employed in itinerant trades.

Persons engaged in home-working industries and their home-working employees.

PAR. 2. Persons employed in horticulture, in cemetery establishments, in the care of parks and gardens, are, with reservation of article 236, paragraph 1, and article 237, paragraph 1, members of rural sick funds only if they are employed in parts of agricultural establishments.

ARTICLE 236.

PARAGRAPH 1. The Federal Council may assign to the rural sick funds still other groups of insured persons who were not legally subject to insurance before this law came into force.

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PAR. 2. For its territory or for parts thereof, the highest administrative authority may assign to the general local sick funds individual groups of persons required to be insured in the rural sick funds.

ARTICLE 237.

PARAGRAPH 1. If a district has no general local sick fund, the persons subject to insurance in local sick funds belong to the rural sick fund.

PAR. 2. If a district has no rural sick fund, the persons required to insure in the rural sick fund belong in the general local sick fund.

ARTICLE 238.

Persons entitled to insurance who desire to insure themselves voluntarily and who do not, according to articles 243, 244, 245, paragraph 4, and article 250, paragraph 2, become members of a special local or establishment or guild sick fund may, according to the class of their employment, join either the general local or the rural sick fund of their place of employment.

III. SPECIAL LOCAL SICK FUNDS.

ARTICLE 239.

PARAGRAPH 1. Where at the coming in force of this law there is in existence a local sick fund for one or for several branches of industry or kinds of establishments or for insured persons of one sex only, such fund shall be authorized as a special local sick fund, in addition to the general local sick fund, as long as it complies with the requirements of articles 240 to 242.

PAR. 2. It may retain the benefits allowed to be granted up to the present time, even though they are not of the same kind and are higher than those permitted by article 179, provided that such fund covers its expenses without exceeding the maximum legal contributions.

ARTICLE 240.

A special local sick fund shall be authorized only if—

1. It has at least 250 members (art. 241).
2. Its continuance does not endanger the existence or solvency of the general local, and the rural sick fund of the district (art. 242).
3. The benefits prescribed by its constitution are at least equal in value to those of the standard local sick fund, or are made equal within six months (art. 259 to 263).
4. Its solvency is permanently assured.
5. It does not extend beyond the district of the local insurance office.

ARTICLE 241.

The minimum number of members shall be reckoned according to the average for the last three years, or if the sick fund has been in existence a shorter period, according to the average for this period.

ARTICLE 242.

PARAGRAPH 1. The general local sick fund or the rural sick fund are especially considered as endangered if after the authorization of the special local sick fund the membership of the former funds would not reach at least 250.

PAR. 2. Until the membership of the general local sick fund or of the rural sick fund has reached this number, the sick funds with the smallest membership shall first be excluded.

ARTICLE 243.

To the special local sick fund belong those groups of persons subject to insurance for which the sick fund exists according to its constitution; persons belonging to these groups and entitled to insure themselves voluntarily may join this fund. The constitution may not enlarge the scope of the membership.

ARTICLE 244.

PARAGRAPH. 1. If a special local sick fund is in existence for the industry branches and kinds of establishments in which the majority of the persons subject to insurance

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of an establishment is employed, all persons subject to insurance employed in the establishment shall belong to it, and likewise the persons entitled to insure themselves voluntarily can also join it; otherwise all of them shall belong to the general local sick fund.

PAR. 2. This does not affect membership in a special local sick fund operated for members of one sex only.

IV. ESTABLISHMENT SICK FUNDS AND GUILD SICK FUNDS.

ARTICLE 245.

PARAGRAPH 1. An employer may create an establishment sick fund for each establishment in which he employs permanently at least 150 persons subject to insurance and for each agricultural establishment or inland navigation establishment in which he employs permanently at least 50 persons subject to insurance. He may also create a common establishment sick fund for several establishments in which he employs permanently at least 150 persons altogether or in agricultural or inland navigation establishments at least 50 persons altogether who are subject to insurance. The persons affected who are subject to the insurance are first to be given a hearing.

PAR. 2. So far as an employer belongs with his establishment to a guild, which has a guild sick fund, he may not create an establishment sick fund for the employees subject to insurance who must belong to the guild sick fund.

PAR. 3. All persons employed in the establishment who are subject to insurance belong to the establishment sick fund. Article 181 is applicable where one of the establishments is an agricultural establishment.

PAR. 4. Persons entitled to insure themselves voluntarily, who are employed in the establishment, may join the sick fund as members.

ARTICLE 246.

Administrations of the Empire and of the federal States have the same right (art. 245, par. 1) for their service establishments. Article 245, paragraphs 3 and 4, are applicable to the employees in these establishments.

ARTICLE 247.

In establishments which on account of their nature annually reduce their force regularly or shut down temporarily (seasonal industries), the minimum number (art. 245, par. 1) must be on hand for at least two months.

ARTICLE 248.

An establishment sick fund may only be created if—

1. It does not endanger the existence or solvency of existing general local sick funds or rural sick funds (art. 242); in this connection a sick fund is not considered as endangered if it still has more than 1,000 members after the creation of the establishment sick fund;
2. The benefits provided by its constitution are at least equal in value to those of the standard sick fund;
3. Its solvency is permanently assured.

ARTICLE 249.

PARAGRAPH 1. Where a building owner employs temporarily a larger number of workmen in a temporary construction establishment he has to create an establishment sick fund on decree of the superior insurance office.

PAR. 2. With the approval of the superior insurance office the building owner may transfer this obligation to one or more employers, who have wholly or partly undertaken the construction on their own account, provided that sufficient surety is given.

PAR. 3. The provisions concerning a minimum membership as well as article 245, paragraph 2, article 248, are here not applicable; the superior insurance office determines the extent of the benefits.

PAR. 4. If the decree is not carried out within the term specified, the superior insurance office itself establishes the fund or charges the local insurance office with its establishment.

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ARTICLE 250.

PARAGRAPH 1. A guild may create a guild sick fund for the establishments of the members who belong to the guild.

PAR. 2. The persons subject to insurance employed in the establishment belong to this sick fund, so far as they are not subject to insurance in rural sick funds according to articles 235 and 236. Persons employed in the establishments and entitled to insure themselves voluntarily can also join it.

PAR. 3. Employees of an establishment, with which an employer has voluntarily joined a compulsory guild or for which an establishment sick fund has been created according to article 249, do not belong to the guild sick fund.

PAR. 4. Where a member of a guild removes his industrial establishment outside of the district of the sick fund, the membership of his employees subject to insurance in the guild sick fund ceases to exist.

ARTICLE 251.

PARAGRAPH 1. A guild sick fund may only be established if—

1. It does not endanger the existence or solvency of existing general local sick funds and rural sick funds (art. 242); in this connection a sick fund is not considered as endangered if it still has more than 1,000 members after the creation of the guild fund;
2. The benefits provided by its constitution are at least equal in value to those of the standard local sick fund;
3. Its solvency is permanently assured.

PAR. 2. The committee of journeymen, the communal authority of the locality where the guild has its seat, the chamber of handwork, as well as the supervisory authority of the guild, shall be given a hearing previous to the establishment of the fund.

ARTICLE 252.

PARAGRAPH 1. The application for the approval of an establishment or guild sick fund shall be directed to the local insurance office.

PAR. 2. The local insurance office shall offer to the rural sick funds and general local sick funds affected an opportunity to give their opinion and shall submit the application with an expression of its opinion to the superior insurance office.

ARTICLE 253.

PARAGRAPH 1. Establishment sick funds which have not been decreed according to article 249, as well as guild sick funds, may only be established with the approval of the superior insurance office.

PAR. 2. The superior insurance office (decision chamber) may only refuse the approval for establishment sick funds, with reservation of article 273, paragraph 1, No. 2, if the sick fund does not have the prescribed membership or if it does not meet the requirements of article 248.

ARTICLE 254.

The following are entitled to an appeal to the highest administrative authorities against the decision of the superior insurance office:

The employer or the guild if the approval is refused.

Each rural sick fund or general local sick fund affected, if the approval is granted.

The employer, if the creation of a sick fund has been decreed according to article 249.

ARTICLE 255.

PARAGRAPH 1. An establishment sick fund which existed before the coming into force of this law shall only be authorized if—

1. It has at least one hundred members, or in the case of sick funds for agricultural or inland navigation establishments at least fifty members (arts. 241 and 247):
2. The benefits provided by its constitution are at least equivalent to those of the standard sick fund or are made so within six months:
3. Its solvency is permanently assured.

PAR. 2. Where a common establishment sick fund existed for establishments of several employers it may be authorized under the same conditions.

PAR. 3. These requirements are not applicable to establishment sick funds which are authorized for establishments of the Empire or federal States.

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ARTICLE 256.

PARAGRAPH 1. A guild sick fund which existed before the coming into force of this law shall be authorized, if it complies with the requirements of article 255, paragraph 1, Nos. 2 and 3.

PAR. 2. Where a common guild sick fund existed for several guilds it may be authorized under the same conditions.

ARTICLE 257.

An authorized establishment sick fund, or guild sick fund, may retain other and higher benefits permissible up to the present time than those permitted by article 179, if the fund covers its expenses without exceeding the maximum legal contributions.

V. CONTROVERSIES.

ARTICLE 258.

PARAGRAPH 1. In disputes arising between sick funds, as to which of them the establishments or parts of establishments belong, the local insurance office (decision committee) decides. On appeal the superior insurance office decides finally.

PAR. 2. The same is applicable if the sick funds affected refuse to anyone the right of membership in the sick funds.

PAR. 3. Where the decision assigns establishments or parts of establishments to another sick fund, it shall also determine when the new insurance status comes in force.

PAR. 4. Final decisions concerning the right of membership in sick funds are binding for all authorities and courts.

VI. BENEFITS OF EQUAL VALUE.

ARTICLE 259.

PARAGRAPH 1. The competent local insurance office (decision committee) decides whether sick fund benefits are of equal value with other benefits.

PAR. 2. Estimates of the total value of the benefits shall be made in this connection with due consideration of the special kind of membership of the individual sick funds.

PAR. 3. The Federal Council may determine particulars in this connection.

ARTICLE 260.

Benefits of the standard sick fund which have not been in force a full year shall not be considered; nor shall additional benefits be considered which are only possible at the expense of the reserve, or by an increase of the contributions to more than 4½ per cent of the basic wage.

ARTICLE 261.

PARAGRAPH 1. The general local sick fund of the district shall be the standard sick fund.

PAR. 2. In the case of a sick fund whose district embraces those of several general local sick funds, the general local sick fund of its seat shall be the standard sick fund. A sick fund also grants benefits of equal value if it has special groups of members and maintains for each group benefits whose value is equal to those of the competent general local sick fund.

PAR. 3. In the case of agricultural establishment sick funds the rural sick fund, or where none has been established, the general local sick fund shall be the standard sick fund.

ARTICLE 262.

PARAGRAPH 1. Whether the benefits are of equal value shall be determined every four years if facts are submitted which make it evident that the former determination is no longer correct.

PAR. 2. In the case of a newly established sick fund the local insurance office can take as a basis the benefits last determined of the standard sick fund.

ARTICLE 263.

PARAGRAPH 1. The local insurance office communicates its decision to the sick funds affected, and as far as it concerns the creation of an establishment or of a guild sick fund, also to the rural sick funds and general local sick funds affected.

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PAR. 2. The sick funds have the right of appeal to the superior insurance office. This decides finally. In special cases it may request the opinion of the accounting bureau of the Imperial Insurance Office before making a decision.

VII. COMBINATION, SEPARATION, DISSOLUTION, AND CLOSING.

1. Local and rural sick funds.

ARTICLE 264.

PARAGRAPH 1. A rural sick fund established for the whole district of the local insurance office shall be combined with the general local sick fund of the district if its membership falls below 250 and does so not merely temporarily.

PAR. 2. This may be done when the local insurance office (decision committee) after a hearing of the employers and persons subject to insurance affected deems its continuance unnecessary.

PAR. 3. A general local sick fund established for the whole district of the local insurance office shall be combined with the rural sick fund of the district if its membership falls below 250 and does so not merely temporarily.

ARTICLE 265.

PARAGRAPH 1. If for the district of a local insurance office there have been established according to article 231, paragraph 2, several general local sick funds, they may be combined on decision of its committees and with the approval of the communes and unions affected.

PAR. 2. In the same manner several rural sick funds established according to article 231, paragraph 2 may be combined.

ARTICLE 266.

A general local or a rural sick fund shall be closed if it becomes evident that it should not have been established.

ARTICLE 267.

A general local or a rural sick fund, created for parts of the district of a local insurance office, shall be closed if—

1. Its membership falls below 250 and does so not merely temporarily and no combination according to article 265 is effected.
2. Its contributions, although they have amounted to 6 per cent of the basic wage (arts. 389 and 390), inclusive of other revenues, are not sufficient to cover the regular benefits, and in case of a local sick fund if the employer and the insured persons can not agree on an increase of the contributions, or in case of a rural sick fund if the union of communes does not furnish the requisite funds.

ARTICLE 268.

Where the district of a special local sick fund does not overlap that of the general local sick fund, the committees of both sick funds may decide to make the consolidation.

ARTICLE 269.

PARAGRAPH 1. A special local sick fund may be dissolved on the decision of its committee.

PAR. 2. It shall be closed if—

1. It does not comply with the requirements of articles 240 to 242.
2. It becomes unable to pay its benefits according to article 267, No. 2.
3. It becomes evident that it should not have been authorized.

2. Establishment and guild sick funds.

ARTICLE 270.

Several establishment sick funds for establishments of the same employer may on decision of their committees be combined into one fund.

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ARTICLE 271.

In the case of a change in the organization of a public administration which has created establishment sick funds for its establishments or services the superior insurance office, or if several superior insurance offices are affected, the highest administrative authorities, on application and after a hearing of the administrative bodies of the sick funds, shall fix the districts of the sick funds in a different manner.

ARTICLE 272.

An establishment sick fund may be dissolved on application of the employer and with the approval of the sick fund committee.

ARTICLE 273.

PARAGRAPH 1. An establishment sick fund shall be closed if—

1. The establishment for which it was created ceases to exist.
2. The employer does not provide for orderly handling of the funds and the accounts; the creation of a new establishment sick fund can be refused to him.
3. It becomes evident that it should not have been established or authorized.

PAR 2. If in the case of No. 2 above, an establishment sick fund created by decree (art. 249) is concerned, the local insurance office may engage at the expense of the employer a representative for the management of the business of the fund.

ARTICLE 274.

An establishment sick fund not established by decree (art. 249) shall be closed if—

1. Its membership falls below the minimum number and this decrease is not merely temporary (art. 245, par. 1, and art. 255, par. 1, No. 1).
2. The employer with the establishment becomes a member of a voluntary guild or a compulsory member of a compulsory guild which has a guild sick fund.
3. Its benefits are not equivalent to those of the standard sick fund and can not be made so within six months.
4. Its solvency is no longer permanently assured.

ARTICLE 275.

An establishment sick fund created by decree according to article 249 may be closed by the superior insurance office.

ARTICLE 276.

Guild sick funds shall be combined whenever their guilds are combined.

ARTICLE 277.

PARAGRAPH 1. If a compulsory guild is created, and in consequence a guild is closed, the rights and obligations which it had relative to its guild sick fund shall be transferred to the compulsory guild.

PAR. 2. The fund shall be closed if the compulsory guild includes another district or other industry branches.

ARTICLE 278.

A guild sick fund may be dissolved on decision of the guild meeting after a hearing of the journeymen's committee and with the approval of the sick fund committee.

ARTICLE 279.

A guild sick fund shall be closed if—

1. The guild which established it goes into liquidation or is closed, with reservation of article 277, paragraph 1.
2. Its benefits are not equivalent to those of the standard local sick fund and can not be made so within six months.
3. Its solvency is no longer permanently assured.
4. Orderly handling of cash funds and accounts is not provided.
5. It becomes evident that it should not have been established or authorized.

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3. Procedure.

ARTICLE 280.

The superior insurance office (decision chamber) in whose district the sick funds have their seat decides on the consolidation, dissolution, and closure of sick funds as well as on the question of separating from such funds. Where the seats of the sick funds affected are located in districts of different superior insurance offices, the highest administrative authority determines the competent superior insurance office.

ARTICLE 281.

The application for consolidation, separation, or dissolution is to be directed to that local insurance office which is competent for the sick funds affected. If their seats are located in districts of different local insurance offices, the superior insurance office determines the competent local insurance office.

ARTICLE 282.

PARAGRAPH 1. Any sick fund affected may make this application; in the case of local or rural sick funds, the competent union of communes can also do so; in the case of establishment sick funds the employer may also do so, and in the case of guild sick funds, the guild likewise.

PAR. 2. If this is not done in due time in cases of article 264, paragraph 1, or of article 276, the local insurance office makes the application on its own initiative.

PAR. 3. If a sick fund must be closed, the local insurance office starts the procedure on its own initiative. In the case of establishment sick funds created by decree it has the right to do so (art. 249).

ARTICLE 283.

PARAGRAPH 1. The local insurance office gives the parties affected an opportunity to express themselves concerning the application. Those sick funds, to which transferred members would have to belong in the future, are considered as affected, as well as the persons designated in article 282, paragraph 1.

PAR. 2. The local insurance office presents the application with the expressions of opinion and the amended constitution to the superior insurance office and expresses thereby its own opinion, so far as it has not itself caused the change.

ARTICLE 284.

PARAGRAPH 1. The superior insurance office specifies in its decision the date on which the amendment comes in force. There must be a minimum interval of four months between the decision and the date specified; in the case of closure of sick funds this term may be shorter in urgent cases.

PAR. 2. The parties affected have the right of appeal against the decision to the highest administrative authority.

ARTICLE 285.

PARAGRAPH 1. In the case of the consolidation of sick funds mutual agreement must be made between the sick funds affected according to articles 286 to 297.

PAR. 2. The highest administrative authority may determine particulars concerning the mutual agreement.

ARTICLE 286.

PARAGRAPH 1. The mutual agreement shall precede the decision of the superior insurance office.

PAR. 2. To bring about the mutual agreement the representatives of the sick funds affected meet on invitation of the local insurance office under the direction of its representative.

PAR. 3. If an agreement is effected thereby, it shall require the consent of the sick-fund committees affected as well as the approval of the local insurance office. The decision committee may decline to grant the approval for important reasons.

ARTICLE 287.

If no agreement is effected, or if one of the participating committees does not consent, or the features objectionable to the local insurance office are not removed, the local insurance office (decision committee) takes charge of the arrangements.

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ARTICLE 288.

PARAGRAPH 1. The sick fund which receives the other assumes the rights and obligations of the other sick fund, so far as articles 289 to 296 do not provide otherwise.

PAR. 2. Article 326 is applicable where amendments to the constitution become necessary.

ARTICLE 289.

The members of the admitted sick fund who are subject to insurance become members of the admitting sick fund. Members who are entitled to insure themselves voluntarily have the right to membership in the admitting sick fund. The members transferred thereby continue their insurance status without interruption.

ARTICLE 290.

PARAGRAPH 1. The admitting sick fund must take over the officials and employees of the admitted sick fund under the same or equivalent conditions.

PAR. 2. The officials and employees of the fund must accept with the admitting sick fund similar positions corresponding to their ability. They must also content themselves with another employment in the service of the sick fund which is not obviously unsuited to their abilities. They become subject to the service rules of the admitting sick fund; their total income shall not be reduced.

ARTICLE 291.

PARAGRAPH 1. The directorate of the sick fund which is to be admitted shall communicate without delay the decision of the superior insurance office (art. 284, par. 1) to the physicians and dentists to which the sick fund stands in contract relations. Within 14 days thereafter the physician or dentist may declare to the admitting sick fund his readiness to render service for it under the conditions which he had already agreed upon with the admitted sick fund, or under the terms which the admitting sick fund makes with its own physicians and dentists. If the admitting sick fund does not accept the offer without delay it must compensate the physician or dentist. If the physician or dentist has not declared his willingness within 14 days, the contract relation may be revoked by either party, beginning from this point of time, by observing three months' period of notice, but not sooner than the date of admission. Contractual rights to give notice at an earlier point of time are hereby not affected.

PAR. 2. This shall be correspondingly applicable for contract relations of the sick funds with owners and administrators of pharmacies, all classes of medical institutions, and with the persons enumerated in article 122, as also with dealers.

ARTICLE 292.

The representatives of the sick funds affected and the local insurance office may determine that an admitted sick fund shall for a maximum period of four years be represented in the directorate of the admitting sick fund by a specified number of insured persons and employers.

ARTICLE 293.

The fund which is to be admitted shall ascertain by a balance sheet (arts. 39, 40, and 261 of the Commercial Code) its net assets, and for each transferred member assign therefrom to the admitting sick fund an amount equivalent to the amount of net assets falling to each member of the admitting sick fund.

ARTICLE 294.

PARAGRAPH 1. If there are still any free assets they are to be turned over to the admitting sick fund.

PAR. 2. If this amount is large enough the committee of the sick fund which is to be admitted may form thereof a special fund for the members which are to be transferred, from which they shall receive an increase in the funeral benefit. The increase must not exceed the amount of the funeral benefit according to articles 204 and 205, No. 3.

PAR. 3. The directorate of the admitting sick fund shall administer this special fund in accordance with the manner specified. If the last insured person transferred has left, the balance shall go in the reserve fund of the sick fund.

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PAR. 4. If the admitting sick fund grants considerably higher benefits, the sick fund which is to be admitted has to turn over to it in advance an amount which according to a proper estimate will equalize the difference.

ARTICLE 295.

If it can be shown that the employer or the guild have made voluntary gifts to an establishment fund or guild sick fund which is to be admitted, they may transfer a corresponding part of the free assets to the benefit of a special sick fund or a special endowment (art. 294, par. 3) for the members who are transferred.

ARTICLE 296.

PARAGRAPH 1. Where a sick fund which is to be admitted does not possess the full per capita amounts (art. 293) or any net assets, it shall turn over only the assets on hand.

PAR. 2. If the balance sheet of an establishment fund or guild sick fund which is to be admitted shows a deficit the employer or the guild liable for these amounts must cover the deficit.

PAR. 3. If such a deficit becomes evident in a local or rural sick fund which is to be admitted, then the admitting sick fund may for one year increase the contributions for the insured persons admitted, by a special assessment up to the maximum legal amount (art. 389).

ARTICLE 297.

PARAGRAPH 1. The parties affected have the right of appeal to the superior insurance office (decision chamber) against the mutual arrangements approved or caused by the local insurance office. The decision of the superior insurance office is final.

PAR. 2. So far as the appealed decision relates to financial affairs, the superior insurance office may ask the accounting bureau of the Imperial Insurance Office to express its opinion.

ARTICLE 298.

PARAGRAPH 1. Mutual arrangements between the sick funds affected also take place if—

1. The districts of the sick funds are changed by a different delimitation of the administration districts;
2. In a district where up to the present time no general local or no rural sick fund existed, a sick fund of this kind is established;
3. A new sick fund of the same kind is separated from a general local or a rural sick fund;
4. Persons belonging to the same industry branch or the same kind of establishment after a majority decision make application to be separated from an authorized special local sick fund;
5. One of several establishments of an employer for which there exists a common establishment sick fund changes ownership and one of the employers affected applies for a separation;
6. An employer with his establishments separates from an authorized common establishment sick fund;
7. A part of the members separate from a guild sick fund because the membership class of the guild is to be delimitated in a different manner or a compulsory guild is to be established;
8. A guild makes application to separate from an authorized common guild sick fund.

PAR. 2. For the mutual agreement articles 286 to 297 are correspondingly applicable.

PAR. 3. In the case of unimportant changes and of article 271, a mutual agreement may with the consent of the sick funds affected be done away with; article 288, paragraph 2, and article 289 are then also correspondingly applicable.

ARTICLE 299.

In the case of dissolution and closing of sick funds, their relations to others shall be regulated according to articles 300 to 305.

ARTICLE 300.

PARAGRAPH 1. In so far as members of a sick fund which has been dissolved or closed are present, the local insurance office after a hearing of their sick fund direc-

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torate, assigns them to the appropriate sick funds. The members entitled to insurance have the right of membership in the corresponding sick fund. The members transferred thereby continue their insurance status without interruption. Article 288, paragraph 2, is in such case correspondingly applicable.

PAR. 2. The superior insurance office (decision chamber) decides finally on appeals relating to the assignment.

ARTICLE 301.

PARAGRAPH 1. The directorate of the dissolved or closed sick fund shall wind up the affairs of the sick fund. Until the affairs are wound up the sick fund is considered as in continuance as far as the purpose of the liquidation so requires.

PAR. 2. The directorate gives public notice of the dissolution or closing. The payment of creditors who fail to present their claims within three months from the notice may be refused; the notice shall call attention to this fact. Known creditors shall under the same reference be specially requested to present their claims. These provisions are not applicable to claims connected with the insurance.

ARTICLE 302.

PARAGRAPH 1. The directorate of the sick fund which is being dissolved or closed shall without delay notify the employees, physicians, and dentists with whom the sick fund has contract relations of the decision of the superior insurance office (art. 284, par. 1). The contract relation terminates within three months after the notification, but at the earliest with the date of dissolution or closing. The notice shall call attention to this fact. Contractual rights to give notice at an earlier point of time are hereby not affected.

PAR. 2. This is correspondingly applicable to contract relations of the sick funds with pharmacy owners and pharmacy administrators, medical institutions of all classes, and with persons enumerated in article 122.

ARTICLE 303.

PARAGRAPH 1. If there are still any free assets after liquidation of the affairs, then the local insurance office, with consideration of the transfer of members, shall assign these assets to the sick funds.

PAR. 2. Article 295 is hereby correspondingly applicable in the case of establishment and guild sick funds.

PAR. 3. The superior insurance office (decision chamber) decides finally on appeals concerning the assignment.

ARTICLE 304.

Article 296, paragraph 2, is correspondingly applicable in the case of establishment funds and guild sick funds if the assets are not sufficient to pay off the creditors.

ARTICLE 305.

PARAGRAPH 1. Where the assets of a dissolved or closed local or rural sick fund are not sufficient to pay the claims of the officials, the union of communes shall make up the deficit; the official must accept a position offered him by the union. This provision is correspondingly applicable to the guild in the case of a guild sick fund.

PAR. 2. Article 290 is here correspondingly applicable.

SECTION FOUR.—CONSTITUTION.

I. MEMBERSHIP.

1. Beginning and termination.

ARTICLE 306.

The membership of persons subject to insurance begins with the date of their entrance in the employment subject to insurance.

ARTICLE 307.

The membership in the case of a newly created establishment sick fund begins for all persons subject to insurance employed in the establishment, with the date on which the sick fund comes into existence.

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ARTICLE 308.

The above is applicable, with reservation of article 250, paragraph 3, to employees subject to insurance in establishments, with which guild members belong to a guild, in the case of the creation of a guild sick fund or the later admission of the employer to the guild.

ARTICLE 309.

PARAGRAPH 1. To which sick fund an insured person shall belong, who has at the same time several employment relations subject to insurance, shall be decided by his principal employment.

PAR. 2. In case of doubt, the employment relation into which he has first entered shall be decisive.

PAR. 3. The Federal Council may specify the particulars in such a case.

ARTICLE 310.

PARAGRAPH 1. The membership of persons entitled to insurance shall begin with the date of their admission to the sick fund. The admission is effected by written or oral application to the directorate or to the office of registration (art. 319).

PAR. 2. A sickness already existing at the time of admission does not entitle to benefits for this sickness. If the constitution makes the right of admission dependent on the presentation of a medical health certificate (art. 176, par. 3), the same must accompany the application.

PAR. 3. Persons entitled to insure themselves voluntarily, who apply for admission, may be subjected to a medical examination by the sick fund. It may refuse the applications of sick persons and such persons for whom the necessary medical health certificates according to paragraph 2 do not suffice, this refusal to take effect beginning with the application.

ARTICLE 311.

Persons unable to work retain their membership as long as the sick fund has to grant them benefits.

ARTICLE 312.

The membership ceases as soon as the insured person becomes a member of another sick fund or of a miners' sick fund.

ARTICLE 313.

PARAGRAPH 1. If a member who was insured on the basis of the imperial insurance or in a miners' sick fund at least 26 weeks in the preceding 12 months, or for at least 6 weeks immediately previous thereto, leaves the employment subject to insurance, he may retain his membership in his class or grade of wages as long as he resides regularly in Germany and does not cease to be a member according to article 312. He may have himself transferred to a lower class or grade of wages.

PAR. 2. Whoever desires to retain his membership must notify the sick fund within three weeks after leaving, or in the case of article 311 after the termination of the benefits. If a member becomes ill in the second or third of these weeks, then with reservation of article 214 he has a claim to benefits only if he has given notice during the first week. The full payment, within the same time limit, of the contributions provided in the constitution is equivalent to the notification. With the approval of the superior insurance office the constitution may specify longer time limits.

ARTICLE 314.

PARAGRAPH 1. The membership of persons entitled to insure themselves voluntarily ceases if they have failed twice in succession to pay the contributions on the date when due, and if at least four weeks have elapsed since the first of these dates. The constitution may extend this time limit to the next following day of payment.

PAR. 2. If the directorate learns on good authority that the regular total annual income of a member entitled to insure himself voluntarily, exceeds 4,000 marks [$952], it shall at once inform this member that his membership has ceased. The membership ceases with the delivery of the notification.

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ARTICLE 315.

If, after application in due form, a sick fund has accepted the contributions from a person subject to insurance, for three months in succession and without objection, it must recognize him as a member as long as there is no change in his employment status, at least until the date on which the directorate of the sick fund, in writing, refers him or his employer to another sick fund.

ARTICLE 316.

In case the other sick fund contests his right to belong to it, the old sick fund must, with reservation of a later refund, continue to accept provisionally the contributions and to grant the benefits up to the time of the decision.

2. Registration.

ARTICLE 317.

PARAGRAPH 1. Within three days from the beginning and termination of the employment the employers must register each person employed by them who is subject to membership in a local, rural, or guild sick fund at the place determined by the constitution or according to article 319. Changes in the employment status having influence on the insurance obligation shall also be registered within three days.

PAR. 2. The registration may be omitted if the work is interrupted for a shorter period than one week and if the payment of contributions is kept up. The constitution may extend the time limit for registration beyond the third day and up to the last working day of the calendar week.

PAR. 3. The sick fund may make an agreement with the administrations of Imperial or State establishments as to other methods of registration.

PAR. 4. The highest administrative authority may issue regulations regarding the form and contents of the registration notice.

ARTICLE 318.

PARAGRAPH 1. The application must also contain the statements required by the constitution for the computation of contributions.

PAR. 2. Changes in these relations are to be reported within the time limit of registration.

PAR. 3. In the case of a change in wages the grade of wages does not change until the next payment of the contribution, unless the constitution provides otherwise.

ARTICLE 319.

PARAGRAPH 1. The local insurance office may establish in its district joint registration offices for all or for several local, rural, and guild sick funds, or with the approval of the communal supervisory authority turn over the business of these funds to the local authorities.

PAR. 2. The costs shall be divided among the different sick funds in proportion to their annual revenues from contributions, unless the superior insurance office specifies a different basis.

II. CONSTITUTION.

ARTICLE 320.

PARAGRAPH 1. Before coming into existence, each sick fund shall draw up a constitution.

PAR. 2. It shall be drawn up in the case of—

Local and rural sick funds, by the union of communes after a hearing of the employers and insured persons interested;

Establishment sick funds, by the employer or his representative after a hearing of the employees;

Guild sick funds, by the general meeting of the guild with the participation of the journeymen's committee according to article 95 of the Industrial Code (*Gewerbeordnung*).

PAR. 3. If a fund is not established within the time limit finally decreed (art. 233, par. 2, and art. 249, par. 4), the local insurance office shall draw up a constitution for it.

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ARTICLE 321.

The constitution must indicate the district of the sick fund and the class of its members and specify the following:

1. Name and seat of the sick fund;
2. Nature and extent of benefits;
3. Amount of contributions and time of payment;
4. Composition, rights, and duties of the directorate;
5. Composition and convocation of the committee and the method of forming its decisions, as also its representation in dealings with third parties in case of article 346, paragraph 1;
6. Drawing up of the preliminary budget;
7. Drawing up and acceptance of the annual accounts;
8. Amount of allowances according to article 21, paragraphs 2 and 3;
9. Method of issuing public notices;
10. Amendment of the constitution.

ARTICLE 322.

In the case of the local, rural, and guild sick funds the constitution must indicate the places for registration.

ARTICLE 323.

The constitution may not specify anything which contravenes the legal regulations or does not come within the purpose of the fund.

ARTICLE 324.

PARAGRAPH 1. The constitution, as well as the amendments thereto, requires the approval of the superior insurance office. When it gives its approval to the constitution, the superior insurance office shall at the same time specify when the sick fund comes into existence.

PAR. 2. The approval may be refused only by the decision chamber, and then only in case the constitution does not comply with the legal provisions.

PAR. 3. Where the law demands the approval for individual regulations of the constitution by the superior insurance office, the approval may be refused by the decision chamber only. The decision is final.

PAR. 4. The reasons for the refusal shall be stated.

ARTICLE 325.

Each member shall receive free a printed copy of the constitution and the amendments thereto; also, on application, each employer who employs members of the sick fund shall receive a copy.

ARTICLE 326.

PARAGRAPH 1. If it subsequently develops that a constitution according to article 324, paragraph 2, should not have been approved, the superior insurance office (decision chamber) shall decree the necessary amendment.

PAR. 2. If within one month the committee does not decide upon the amendment ordered by a final decree, the superior insurance office (decision chamber) shall issue the same with legal force.

PAR. 3. The same applies to amendments of the constitution ordered by a final decree, which are required by the provisions of this law.

III. ADMINISTRATIVE BODIES OF THE FUNDS.

1. Organization of local and rural sick funds.

ARTICLE 327.

The directorate and committee transact the affairs of the funds. The members of the committee may not belong to the directorate; if such are elected in the directorate, they must leave the committee.

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ARTICLE 328.

PARAGRAPH 1. The members of the directorate elect from their own number the president of the directorate.

PAR. 2. Whoever receives the majority of votes, either from the group of employers or from that of the insured persons, is elected.

ARTICLE 329.

PARAGRAPH 1. When this majority can not be obtained the election is adjourned to another day.

PAR. 2. If also in the second session no election is effected, the directorate notifies the local insurance office. The latter appoints a representative who administers the rights and duties of the president at the expense of the sick fund until a valid election is effected. On appeal the superior insurance office decides finally. An employer may only then be appointed as representative if the majority of the group of employees does not object and an employee only if the majority of the group of employers does not object.

PAR. 3. A person employing only servants or nonpermanent workmen is not considered an employer in the meaning of paragraph 2.

ARTICLE 330.

The members of the directorate of the local sick fund elect from their number in a joint election one or more substitutes for the president.

ARTICLE 331.

PARAGRAPH 1. The representatives of the union of communes elect the president and the other members of the directorate of the rural sick fund, among which must be one or more substitutes for the president. One-third of these members must belong to the employers affected (art. 332, par. 2), and two-thirds to persons insured in the sick fund.

PAR. 2. The highest administrative authority may specify that the president and the other members of the directorate shall be elected in the same manner as the representatives in the committee according to article 336, paragraph 2.

ARTICLE 332.

PARAGRAPH 1. One-third of the committee consists of representatives of the employers affected and two-thirds of representatives of the insured persons. It has a maximum number of 90 representatives.

PAR. 2. An employer is considered as affected if he has to pay contributions to the sick fund for his employees subject to insurance, and if he is not to be counted among the insured persons according to article 14, paragraph 2.

ARTICLE 333.

PARAGRAPH 1. In the case of a local sick fund the employers affected who are of age and the insured persons who are of age elect their representatives from their own number, and this must be done in separate elections, under the direction of the directorate.

PAR. 2. The first election after the establishment of the sick fund takes place under the direction of a representative of the local insurance office; later elections only where no directorate exists.

PAR. 3. The voting power of the individual employers shall be proportioned according to the number of their employees subject to insurance; the constitution may graduate it and provide a maximum number of votes. Provisions relating to graduation and maximum voting power require the approval of the superior insurance office.

ARTICLE 334.

PARAGRAPH 1. The interval between the notice of an election (art. 333) and the election itself must amount to at least one month. The constitution may fix a longer minimum interval.

PAR. 2. The constitution may specify that the election shall take place according to districts or occupation groups.

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ARTICLE 335.

The representatives of the employers and of the insured persons in the committee elect from their group in separate elections, the members of the directorate as follows: The employers elect one-third, the insured persons two-thirds.

ARTICLE 336.

PARAGRAPH 1. In the case of a rural sick fund the representatives of the union of communes elect representatives from the number of the employers affected and from the number of the insured persons in the fund.

PAR. 2. In such districts of local insurance offices in which only urban and rural communes exist, but not independent manor districts, marks, or march districts (*selbständige Gutsbezirke, Gemarkungen oder ausmärkische Bezirke*), the State government may transfer the right to vote to the representatives of the individual communes and can specify the particulars thereto.

PAR. 3. It may be decreed for the territory or parts of territories of the federal State by a State law that the directorate and committee shall be elected in the same manner as in the case of the local sick fund.

ARTICLE 337.

Employers who are in arrears with the payment of contributions may be excluded by the constitution from eligibility and from the right to vote.

2. Composition of establishment and guild sick funds.

ARTICLE 338.

PARAGRAPH 1. Article 327 is correspondingly applicable to establishment sick funds.

PAR. 2. The directorate and the committee consist of the employer or his representative and of the representatives of the insured persons; the committee has a maximum number of 50 representatives of the insured persons.

PAR. 3. The employer or his representative is the president; he has one-half of the number of votes granted by the constitution to the insured persons.

ARTICLE 339.

The insured persons who are of age elect from their own number under the direction of the directorate their representatives in the committee of the establishment sick fund. Article 333, paragraph 2, and article 334, paragraph 1, are here applicable. These representatives elect from the insured persons their representatives in the directorate.

ARTICLE 340.

A person who voluntarily continues his membership in an establishment sick fund is neither eligible nor has he the right to vote.

ARTICLE 341.

PARAGRAPH 1. Articles 327, 332, 333, 334, paragraph 1, 335, and 337 are also applicable to guild sick funds. The guild appoints the president and his substitutes from the members of the directorate.

PAR. 2. If according to the constitution (art. 381, par. 2) the employers are required to pay one-half and the insured persons the other half of the contributions, then each of them is entitled to half of the representatives in the committee, and the representatives elected by the employers elect one half of the members of the directorate, and those elected by the insured persons the other half.

3. Duties.

ARTICLE 342.

The directorate administers the fund so far as the law does not provide otherwise.

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ARTICLE 343.

PARAGRAPH 1. The directorate is required, on demand, to give to the industrial supervisory officials information relating to the number and class of cases of sickness.

PAR. 2. The highest administrative authorities may specify the particulars herewith.

ARTICLE 344.

The directorate must permit representatives of the carriers of the accident and of the invalidity and survivors' insurance to inspect in the office of the sick fund during business hours the books and lists for the purpose of ascertaining the number, time of employment, and amount of wages of their insured persons.

ARTICLE 345.

PARAGRAPH 1. The committee decides on all matters which the law, constitution, or service regulations do not assign to the directorate.

PAR. 2. To the committee is reserved—

1. The determination of the preliminary budget.
2. The acceptance of the annual balance sheet.
3. The representation of the sick fund against the members of the directorate;
4. The decision on agreements and contracts with other sick funds;
5. The decision on the establishment of places of registration and of payment;
6. The amendment of the constitution;
7. The dissolution of the sick fund or the voluntary affiliation of it with other sick funds.

PAR. 3. Decisions according to numbers 6 and 7 need a majority both of the employers and the insured persons. In the case of amendments to the constitution a joint vote is sufficient, if such are decreed according to article 326, or if they relate to benefits or contributions, and do not run counter to article 388 or 389.

ARTICLE 346.

PARAGRAPH 1. In the case of the acquisition, sale, or mortgaging of real estate, the sick fund shall be represented by the directorate and the committee.

PAR. 2. The approval of the committee is necessary for—

1. The service regulations for the employees which have been formulated or changed by the directorate (art. 355);
2. Decisions of the directorate relating to the establishment of hospitals and convalescent homes.

ARTICLE 347.

PARAGRAPH 1. The committee regulates through sickness regulations the registration and control of sick persons as well as their conduct.

PAR. 2. These regulations require the approval of the local insurance office. If the approval is refused, the superior insurance office (decision chamber) decides finally on appeal.

PAR. 3. If notwithstanding a requisition of the local insurance office a sick fund does not submit within the time limit any sickness regulations, the superior insurance office (decision chamber) shall draw up such regulations and they shall be of legal effect. The same is applicable to amendments or additions which have been ordered by decree.

PAR. 4. With the approval of the fund and under agreement regarding the costs, the local insurance office may assist the sick fund in the control of sick persons. The decision committee decides concerning this matter. If the fund declines such aid, the superior insurance office decides finally on appeal.

ARTICLE 348.

The committee specifies the method of remittance of contributions and of payment of benefits for members who do not reside in the district of the sick fund, and how the control of sick persons is to be regulated where such members are concerned.

IV. EMPLOYEES AND OFFICIALS OF THE FUND.

ARTICLE 349.

PARAGRAPH 1. The positions of officials and those employees to whom the service regulations (art. 351) are applicable, and which are paid from the means of the sick funds, shall be filled in the case of sick funds by concurring decisions of both groups in the directorate.

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PAR. 2. If the groups can not agree, the decision is postponed to a later day. Should then no agreement be effected, the appointment may be decided on if more than two-thirds of those present vote for it; such a decision requires the confirmation of the local insurance office. It may only be refused on the basis of such facts which permit the conclusion that the person proposed lacks the necessary responsibility, especially for an impartial discharge of his official duties, or the ability requisite for the position.

PAR. 3. In case of a refusal of the confirmation, the superior insurance office (decision chamber) decides finally on appeal of the directorate.

ARTICLE 350.

When no decision relating to an appointment is effected, or the confirmation is finally refused, the local insurance office appoints temporarily at the expense of the sick fund the persons necessary for the discharge of the duties of the position. If the appointees have administered the affairs during one year, the local insurance office may, with the approval of the superior insurance office, appoint them permanently to the position, unless a valid decision relating to an appointment has meanwhile been effected.

ARTICLE 351.

PARAGRAPH 1. Service regulations must be formulated for the salaried employees of the sick funds who, according to State law, are not State or communal officials, or whose rights or duties are based on article 359.

PAR. 2. To employees who are employed only on probation, for temporary service, as a preparatory service, or who administer the office only incidentally without compensation, the service regulations are only applicable in so far as they expressly so provide.

ARTICLE 352.

The service regulations regulate the legal and the general service relations of the employees, especially the proof of their technical qualifications, their number, the class of appointment, the giving of notice or the discharge, and the determination of penalties. Technical qualifications must also be proved in some other manner than by the completion of a prescribed educational course.

ARTICLE 353.

PARAGRAPH 1. The service regulations must contain a scale of salaries. They shall regulate the following:

1. How long in case of involuntary disability the payment of the salary shall continue;
2. For what periods seniority increases of salary shall be granted;
3. Under what conditions a pension and survivors' relief shall be granted.

PAR. 2. They shall regulate also the requirements for promotion.

ARTICLE 354.

PARAGRAPH 1. Persons subject to the service regulations are appointed by written contract.

PAR. 2. The giving of notice of dismissal or the discharge of such employees shall, with reservation of paragraph 6, only be done on the concurring decision of the employers and insured persons in the directorate, or, in case such a decision is not effected, on decision of the majority of the directorate, with the approval of the presiding officer of the local insurance office; after 10 years of employment it may only take place for important reasons.

PAR. 3. Agreements relating to the right of the sick fund to give notice of dismissal must not place the employee in a worse position than he would be in the absence of an agreement according to the civil law.

PAR. 4. The giving of notice of dismissal or the discharge must not be forbidden in cases in which there are important reasons.

PAR. 5. Fines shall only be prescribed for not more than one month's salary.

PAR. 6. Employees who abuse their official position or their official affairs for the purpose of religious or political activity shall be reprimanded by the president of the directorate, and in the case of repetition, after they have been given an opportunity for a hearing, shall be discharged immediately; the discharge requires the approval

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of the president of the local insurance office. Religious or political activity outside of official affairs and the exercise of the right of association shall not be prevented in so far as they do not conflict with the laws, and in themselves shall not be considered as reasons for giving notice of dismissal or for discharge.

ARTICLE 355.

PARAGRAPH 1. Before formulating the service regulations the directorate shall grant a hearing to the employees who are of age.

PAR. 2. In the directorate and also in the committee employers and insured persons decide separately on the service regulations.

PAR. 3. The service regulations require the approval of the superior insurance office. The directorate must designate to the superior insurance office those provisions of the service regulations on which the two groups in the directorate or committee have not agreed and must give a statement of the relative vote. The superior insurance office decides on these provisions; in other respects it only may refuse the approval of the service regulations, if there is an important reason, especially if the number or the salaries of the employees are in striking disproportion to their duties.

PAR. 4. If the approval is refused, the highest administrative authority decides on appeal.

PAR. 5. The same is applicable to changes in the service regulations.

ARTICLE 356.

If, notwithstanding a requisition, a sick fund does not submit within the specified time limit any service regulations, the superior insurance office shall draw up the same and they shall have legal effect. The same is applicable to amendments or additions ordered by a decree.

ARTICLE 357.

PARAGRAPH 1. Decisions of the directorate or of the committee running counter to the service regulations shall be challenged by the president of the directorate through an appeal to the supervisory authority; the appeal effects a stay.

PAR. 2. If the directorate or its president does not make use of the right of giving notice of dismissal or of discharge against an employee, notwithstanding that there is a serious reason therefor, the local insurance office may require them to do so. On appeal of the directorate, the superior insurance office (decision chamber) decides finally on the decree.

PAR. 3. A provision of the employment contract running counter to the service regulations is invalid.

ARTICLE 358.

PARAGRAPH 1. The local insurance office (decision committee) decides in disputes relating to the service matters of employees subject to the service regulations. On appeal the superior insurance office decides finally. The imperial decrees (art. 35, par. 2) regulate the particulars concerning the procedure of discharge of an employee on account of contravention of the service regulations or in the case of article 354, paragraph 6, in accordance with the provisions of the imperial law for officials concerning the writ of accusation, admission of counsel for the defendant, hearing of the defendant, oral procedure, and passing upon the evidence.

PAR. 2. The following special provisions are applicable to pecuniary claims.

PAR. 3. The decision of the superior insurance office must precede the suit. Suit may only be brought within one month after the delivery of the decision of the superior insurance office; the time limit is a peremptory time limit in the meaning of article 223, paragraph 3, of the Code of Civil Procedure.

PAR. 4. Appeal to the regular courts is excluded where the determination of fines is concerned. The regular courts must accept the decisions of the insurance authorities on the question whether the period of dismissal having been observed, a notice of dismissal may be given for an important reason (art. 354, par. 2).

PAR. 5. Execution of the valid decisions of the insurance authorities takes place according to book eight of the Code of Civil Procedure.

ARTICLE 359.

PARAGRAPH 1. The directorate of a local, a rural, or a guild sick fund may, with the approval of the superior insurance office, employ officials for life or according to the State laws without recall or with the right to pension.

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PAR. 2. In the case of local, rural, or guild sick funds with over 10,000 insured persons the superior insurance office may, after a hearing of the sick fund, decree that at least the business directors shall be employed in this manner.

PAR. 3. The directorate may appeal against such a decree to the highest administrative authority.

PAR. 4. The State government may assign to officials appointed in this manner the rights and duties of State or communal officials.

PAR. 5. Article 357, paragraph 2, is applicable to the officials of the funds.

PAR. 6. No provision shall be made granting preference in the filling of vacancies to persons in possession of a certificate entitling the holder to a civil-service position (soldiers entitled to civil employment).

ARTICLE 360.

Where, according to the State laws, the officials of communes and other public corporations, who are not appointed for life or without recall, are obliged to join a pension fund under State control or a similar institution, the State government may extend the provisions in force for this purpose to the corporations and their employees to the local, rural, and guild sick funds and their employees.

ARTICLE 361.

Article 23, paragraph 1, is correspondingly applicable to managing officials or employees.

ARTICLE 362.

PARAGRAPH 1. In the case of establishment sick funds the employer appoints at his expense and on his own responsibility the persons necessary to conduct the affairs. Article 24 is correspondingly applicable to these persons.

PAR. 2. Employees of establishment sick funds, who abuse their official position or their official affairs for the purpose of religious or political activity, shall be reprimanded by the president of the directorate, and in case of a repetition shall be immediately discharged, after having been given an opportunity for a hearing; article 357, paragraph 2, is then correspondingly applicable.

V. ADMINISTRATION OF RESOURCES

ARTICLE 363.

PARAGRAPH 1. The resources of the sick fund shall only be used for the benefits provided by the constitution, for the accumulation of the reserve, for the administration expenses, and for the general purposes of the prevention of sickness.

PAR. 2. On the authorization of the highest administrative authorities it is permissible to use the resources of the sick fund for the attending of meetings which shall serve the legal purposes of sickness insurance.

ARTICLE 364.

PARAGRAPH 1. The sick fund shall accumulate a reserve equal to the minimum amount of one year's expenses computed according to the average of the last three years and shall maintain it at this amount. For this purpose it shall use the parts of contributions paid by employers for members of substitute sick funds (art. 517, par. 2), and at least one-twentieth of the annual amount of the other contributions of the fund.

PAR. 2. In the case of establishment sick funds created by decree, the constitution, with the approval of the superior insurance office, may make other provisions.

ARTICLE 365.

Securities of the sick fund which are not merely an investment of operating resources which are temporarily available, shall be kept in the custody of the union of communes, unless the local insurance office provides otherwise.

ARTICLE 366.

The Federal Council shall specify the method and form of accounting.

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ARTICLE 367.

PARAGRAPH 1. The sick fund must submit to the local insurance office a balance sheet and also statements relating to—

1. Members.
2. Cases of sickness, cases calling for other benefits, and deaths.
3. Contributions received.
4. Benefits granted.
5. Kind and amount of reimbursement for medical treatment.
6. Number of physicians, specialists, dental surgeons, dental assistants, owners and administrators of pharmacies, and other such persons selling medicines, who give their services to the sick fund.

PAR. 2. The Federal Council shall specify the model forms and the time limits for transmitting them; it may extend the contents of the reports. The reports and balance sheets shall be compiled uniformly at least every four years for the Empire.

VI. RELATION TO PHYSICIANS, DENTISTS, HOSPITALS, AND PHARMACIES.

ARTICLE 368.

The relations between sick funds and physicians shall be regulated by written contract; the sick fund may, with the exception of urgent cases, decline to make payments to other physicians.

ARTICLE 369.

In so far as it would not seriously add to the expenses of the sick fund, its members shall be given the right to choose from at least two physicians. The insured person has free choice among the physicians appointed by the sick fund if he assumes himself the additional costs. But the constitution may specify, however, that the person under treatment may not change the physician during the same case of insurance or during the fiscal year without the approval of the directorate.

ARTICLE 370.

PARAGRAPH 1. If the providing of medical care by a sick fund is seriously endangered by the fact that the sick fund can not make contracts on reasonable conditions with a sufficient number of physicians, or because the physicians do not observe the contract, the superior insurance office (decision chamber) may authorize the sick fund on its application and subject to revocation to grant in place of the care of patients and other necessary medical treatment a pecuniary benefit up to two-thirds of the average amount of their legal pecuniary sick benefit.

PAR. 2. The superior insurance office (decision chamber) may at the same time specify—

1. How the condition of the person who shall receive the benefits may be proved by other means than by medical certificates.
2. That the sick fund may discontinue or withhold the benefits until sufficient proof is submitted.
3. That the obligation of the sick fund to pay benefits ceases if sufficient proof is not submitted within one year after the claim becomes due.
4. That the sick fund may direct those to whom it has to grant medical treatment to go to a hospital, even if the conditions of article 184, paragraph 3, do not exist.

PAR. 3. The sick-fund directorate has the right of appeal to the highest administrative authority against the decision of the superior insurance office (pars. 1 and 2).

ARTICLE 371.

PARAGRAPH 1. The constitution may authorize the directorate to grant hospital treatment only in certain hospitals, and where the sick fund must grant hospital treatment, to decline to make payments to other hospitals, with the exception of urgent cases.

PAR. 2. Hospitals intended exclusively for charitable or general welfare purposes or established by public unions or corporations, and ready to give hospital treatment on the same conditions as the hospitals designated in paragraph 1, may only be excluded for an important reason and with the approval of the superior insurance office.

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ARTICLE 372.

PARAGRAPH 1. If the medical treatment or hospital care of a sick fund does not satisfy the legal demands of the sick persons, the superior insurance office may, with reservation of article 370, decree at any time that these benefits shall be granted by other physicians or hospitals; the fund shall first be given a hearing.

PAR. 2. This decree shall only apply so long as its purpose requires, and must have the approval of the superior insurance office if it is to be in force for more than one year.

ARTICLE 373.

PARAGRAPH 1. If the decree is not carried out within the time limit specified, the superior insurance office may itself take the necessary measures at the expense of the sick fund. Contracts already made by the sick fund with physicians and hospitals are not affected.

PAR. 2. The fund may appeal against these decrees and measures within one week to the highest administrative authority.

ARTICLE 374.

Articles 368, 372, and 373 are correspondingly applicable in regard to the relations between hospitals and dentists.

ARTICLE 375.

PARAGRAPH 1. Within the territory of the sick fund, or with the approval of the local insurance office outside of it, the constitution may authorize the directorate to make preferential contracts with individual owners or administrators of pharmacies for the furnishing of medicines, or in the case of medicines which are for sale in the open market, also with other persons selling them. All owners and administrators of pharmacies in the territory of the sick fund may join in such agreements. The directorate may then, with the exception of urgent cases and with reservation of article 376, paragraph 3, decline to make payments for medicines furnished by other parties.

PAR. 2. Articles 372 and 373 are correspondingly applicable, if the supply of medicines granted by a sick fund does not satisfy the legal demands of the sick persons.

ARTICLE 376.

PARAGRAPH 1. The pharmacies shall grant to sick funds a discount on medicines from the tariff prices for medicines. The highest administrative authority determines its rate; it may make it dependent for the individual pharmacies on a specified minimum consumption by the sick fund.

PAR. 2. The superior administrative authority determines, with due consideration of local conditions and of the usual retail prices, the maximum prices of such common medicines which may be obtained (in the retail trade) without physicians' prescriptions. These maximum prices must not exceed the amount based on paragraph 1. The highest administrative authority may decree the particulars in this connection.

PAR. 3. If the beneficiaries procure the medicines designated in paragraph 2 from a pharmacy at a price not exceeding the specified price, the superior administrative authority may decree that the sick fund shall not decline payment for the reason that it has agreed on lower prices with persons who are not owners or administrators of pharmacies.

SECTION FIVE—SUPERVISION.

ARTICLE 377.

PARAGRAPH 1. With reservation of articles 372 to 375 the local insurance office exercises the supervision over the sick funds. It extends also to the observation of the service and sickness regulations.

PAR. 2. If the appeal against a decree of the local insurance office is based on the fact that the decree has no legal foundation and injures a right of the appellant or imposes on him an unwarranted liability, the superior insurance office (decision chamber) shall decide thereon.

PAR. 3. In the case of establishment sick funds for imperial or State establishments, the highest administrative authority may transfer to other authorities the duties of the local insurance office which do not come under the competence of the judgment committee.

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ARTICLE 378.

As a representative of the sick fund, the local insurance office itself or through an authorized agent may bring forward claims of an establishment sick fund against the employer resulting from his administration of the resources and keeping of the accounts.

ARTICLE 379.

PARAGRAPH 1. So long as the persons entitled to vote refuse to elect the administrative bodies of the sick fund, the local insurance office (decision committee) shall appoint the members or the substitutes.

PAR. 2. So long as the directorate, or its president, or the committee, refuse to perform the duties they are charged with, the local insurance office shall execute them itself, or through an authorized agent, at the expense of the sick fund.

SECTION SIX—RAISING OF THE FUNDS.

1. CONTRIBUTIONS.

ARTICLE 380.

The means for the sickness insurance shall be collected from the employers and the insured persons.

ARTICLE 381.

PARAGRAPH 1. The persons subject to insurance must pay two-thirds, their employers one-third of the contributions.

PAR. 2. In the case of guild sick funds the constitution may specify that the employers must pay one-half and the persons subject to insurance the other half of the contributions. Where this is specified by an amendment to the constitution, the decision requires a majority of the representatives of the employers as also those of the insured persons.

PAR. 3. Persons entitled to insure themselves voluntarily must pay the whole of the contributions.

ARTICLE 382.

The constitution may permit insured persons who temporarily draw lower wages to remain insured in their old higher class of wages, if they themselves undertake to pay the additional amount of the contributions or if the employer consents to such higher rating.

ARTICLE 383.

PARAGRAPH 1. In case of disability no contributions are to be paid for the duration of the sickness.

PAR. 2. The same is applicable during the receipt of the maternity and pregnancy benefits.

ARTICLE 384.

PARAGRAPH 1. The constitution may graduate the rates of the contribution according to the branches of industry and classes of employment of the insured persons, and provide for a higher proportion of the part paid by the employer in the case of individual establishments in so far as the risk of sickness is considerably higher.

PAR. 2. Sick funds with family benefits may collect from the insured persons with dependent families an additional contribution, which shall be specified by the constitution in a general manner. Articles 381, 382, and 385 to 403 are not applicable hereto.

PAR. 3. Where the constitution does not as a general rule allow sick benefits for Sundays and holidays, it may correspondingly raise the contributions for members for whom Sundays and holidays are working days.

PAR. 4. Provisions of this kind require the approval of the superior insurance office.

PAR. 5. If the directorate decrees higher contributions for an establishment, the employer has the right of appeal to the local insurance office. In the legal procedure the superior insurance office decides finally.

ARTICLE 385.

PARAGRAPH 1. The contributions shall be fixed in a percentage of the basic wage in such a manner that, inclusive of the other revenues, they shall be sufficient for the permissible expenses of the sick fund.

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PAR. 2. The sick fund shall not collect contributions for other purposes.

PAR. 3. Where doubts arise whether the constitution or its amendment fixes the contributions according to paragraph 1, the superior insurance office shall have the contributions examined by experts before approving them. If they are not sufficient, the approval shall depend on an increase of the contributions or in a reduction of the benefits to a rate not lower than the regular benefits.

ARTICLE 386.

At the establishment of the sick fund the contributions may be fixed at more than 4½ per cent of the basic wage only if it is necessary in order to provide the regular benefits.

ARTICLE 387.

If the receipts of the sick fund do not cover its expenses, inclusive of the amounts for the reserve, benefits shall be reduced to a rate not lower than the regular benefits or the contributions shall be increased, by an amendment to the constitution.

ARTICLE 388.

The contributions may be increased to more than 4½ per cent of the basic wage only for the purpose of providing the regular benefits, or on concurring decision of employers and insured persons in the committee.

ARTICLE 389.

PARAGRAPH 1. If in the case of a local sick fund contributions as high as 6 per cent of the basic wage do not cover the regular benefits, then the contributions may be further increased only on a concurring decision of the employers and of the insured persons in the committee.

PAR. 2. Otherwise the superior insurance office shall order, with reservation of article 268, the consolidation of the fund with other local sick funds. If this should not be possible, or if notwithstanding the consolidation the contributions are not sufficient to provide the regular benefits, the union of communes must pay from its own resources the necessary assistance. As long as this is done it may place the office of president of the sick fund in the hands of a representative.

ARTICLE 390.

If in the case of a rural, an establishment, or a guild sick fund contributions to the amount of 6 per cent of the basic wage do not cover the regular benefits, the union of communes, with reservation of article 265, paragraph 2, in the case of rural sick funds, or the employer in the case of establishment sick funds, and the guild in case of guild sick funds, must provide the necessary assistance from its own resources. As long as this is done, in the case of a rural sick fund the union of communes can place the office of president of the sick fund in the hands of a representative.

ARTICLE 391.

PARAGRAPH 1. If to maintain or restore its solvency, a sick fund must quickly increase its revenues or reduce its expenses, the local insurance office (decision committee) may temporarily provide, until new regulations as provided by the constitution are made, that as far as necessary the contributions may be increased and the benefits reduced to not lower than the regular benefits; current benefits remain undisturbed.

PAR. 2. On appeal the superior insurance office decides finally.

ARTICLE 392.

If the revenues of a sick fund exceed the expenses and the reserve has reached double the amount of its legal minimum, the contributions shall be reduced or the benefits shall be increased by means of an amendment to the constitution.

II. PAYMENT OF THE CONTRIBUTIONS.

ARTICLE 393.

The employers must pay the contributions for their employees subject to insurance on the days fixed by the constitution. The days for payment may at the most be one month apart. On the same days the persons entitled to insure themselves voluntarily must pay their contributions.

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ARTICLE 394.

PARAGRAPH 1. At the time of the payment of wages, the persons subject to insurance must permit their share of the contribution to be deducted from the cash wages. Only in this manner may the employers reimburse themselves for the shares of the contribution.

PAR. 2. The highest administrative authority may specify in what manner the share of the contributions of persons subject to insurance is to be refunded from their remuneration, if the same consists only of payments in kind or is paid by third parties.

ARTICLE 395.

PARAGRAPH 1. The deductions for the share of contributions are to be divided evenly among the wage periods in which they fall. The partial amounts may without imposing an additional burden on the insured persons be rounded off to amounts of even 10 pfennigs [2.38 cents].

PAR. 2. If deductions were not made for a wage period, they may be deducted only at the wage payment of the next wage period, if the contributions are not paid at a later time without any fault on the part of the employer.

PAR. 3. In the case of servants payments on account are not considered as wage payments.

ARTICLE 396.

PARAGRAPH 1. If the insured person is at the same time in several employment relations subject to insurance, the employers are collectively liable for the contributions.

PAR. 2. On application of one of the employers the local insurance office shall apportion the contributions.

ARTICLE 397.

PARAGRAPH 1. The contributions must be paid continuously until notice of leaving has been given according to the regulations.

PAR. 2. If the insured person leaves an employment between two pay days, and if due notice of his leaving has been given, the contributions paid in advance shall be refunded in proportion to the time.

PAR. 3. In case of establishment sick funds the contributions must be paid continuously until the termination of membership.

PAR. 4. The constitution can specify that contributions shall always be collected and refunded for full weeks.

ARTICLE 398.

PARAGRAPH 1. On application of a local, a rural, or a guild sick fund, as also on application of members of the administrative bodies of an establishment sick fund, the local insurance office (decision committee) may decree, with the right of revocation, that employers who are in arrears with the payment of contributions, and who in a process of execution have shown themselves to be bankrupt, shall pay their own share of the contributions only. The persons subject to insurance employed by them shall then themselves pay their share of the contributions on pay days.

PAR. 2. Against this decree the employer may appeal to the superior insurance office (decision chamber). It decides finally.

ARTICLE 399.

The decree must designate the employer to whom it is applicable, together with his name, residence, and place of business. He shall be notified of it in writing, as also the police authorities of his place of residence and of his place of business, if it be elsewhere. If the employer changes his residence or his place of business, the police authorities shall notify the competent authorities of his new place of residence or place of business.

ARTICLE 400.

The employer shall notify the persons subject to insurance employed by him of the decree by placarding it permanently in the work places, and at each wage payment call their attention to the fact that they themselves must pay their share of the contributions.

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ARTICLE 401.

The local insurance office (decision committee) revokes the decree as soon as it has proof by the certificate of the sick fund directorate that all arrears and overdue obligations of the employer to the sick fund have been discharged.

ARTICLE 402.

So long as the decree concerning employers who in a process of execution have been shown to be bankrupt has not been issued, they must make the deduction from the wages and must pay the amount, at the latest within three days, to the sick fund entitled thereto.

ARTICLE 403.

The constitution of a local, a rural, or a guild sick fund may specify under what conditions the sick fund must demand advances from the employers.

ARTICLE 404.

PARAGRAPH 1. On application of the sick funds affected the local insurance office (decision committee) may specify that the joint places of registration shall also be pay offices to accept contributions and pay benefits.

PAR. 2. With the approval of their supervisory authorities, it may transfer to the local authorities the business of the pay offices.

PAR. 3. The local insurance office may, with their consent and with an agreement as to the costs, assist the sick funds in the collection of the contributions.

PAR. 4. The communal supervisory authority may appoint, after a hearing of the sick fund, the officials conducting the business as officials to make compulsory collections.

ARTICLE 405.

PARAGRAPH 1. If a dispute arises between the employer and his employees relating to the computation and apportionment of their share of the contributions, the local insurance office (decision committee) decides finally.

PAR. 2. If a dispute arises between an employer, or an insured person, or a person insured up to the present, or a person to be insured, and a sick fund relating to the insurance status or the liability to make, pay, or refund contributions, then the local insurance office (decision committee) shall decide and on appeal the superior insurance office shall decide finally.

PAR. 3. Final decisions as to the insurance status are binding for all authorities and courts. If the membership of an insured person has been definitely declined by all sick funds affected because they hold that he should belong to another of them, the sick fund to which he properly belongs shall be determined on application by the local insurance office (decision committee) or the superior insurance office (decision chamber) having jurisdiction of the funds, or in the absence of such by the highest administrative authority, without being bound by previous decisions.

SECTION SEVEN.—FEDERATIONS OF FUNDS—SECTIONS.

ARTICLE 406.

PARAGRAPH 1. On concurring decision of their committees, sick funds may combine in a federation of funds, if the seat is in the district of the same local insurance office.

PAR. 2. With the approval of the superior insurance office (decision chamber), or, if it is refused, with the approval of the highest administrative authority, a federation of funds may embrace districts or parts of districts of several local insurance offices. The superior insurance office specifies finally which local insurance office shall exercise supervision

ARTICLE 407.

The federation of funds may do the following in common for the affiliated funds:

1. Appoint employees and officials;
2. Prepare or conclude contracts with physicians, dental surgeons, dental assistants, owners and administrators of pharmacies, or other dealers in medicines, with hospitals, as also for the furnishing of therapeutic appliances and other necessities for the care of patients;

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3. Supervise the patients according to uniform principles;
4. Establish and conduct medical institutions and convalescent homes;
5. Defray the expenses for benefits up to one-half, or within this limit defray the expenses for specified kinds of sickness or cases of sickness up to the whole amount.

ARTICLE 408.

PARAGRAPH 1. A constitution for the federation of funds shall be formulated by a concurring decision of the interested committees of the sick funds. It requires the approval of the superior insurance office. Article 324, paragraphs 2 and 4, is applicable to the refusal of the approval.

PAR. 2. Articles 4 to 34 are here correspondingly applicable.

ARTICLE 409.

The constitution must specify the following:

1. Name and seat of the federation and of the affiliated funds;
2. Object of the federation;
3. Composition, election, rights, and duties of the directorate, and of the elected committee, if there be such;
4. Determination of the preliminary budget and acceptance of the annual balance sheet;
5. Assessment of the contributions for covering the expenses of the federation, as also the assessing and accounting of the subsidy, if such be necessary;
6. Amendment of the constitution.

ARTICLE 410.

The provisions applicable to sick funds contained in articles 368 to 376 are also correspondingly applicable to federations of funds.

ARTICLE 411.

PARAGRAPH 1. At the end of the fiscal year each sick fund may withdraw from the federation if it has submitted to the directorate a notice of withdrawal at least six months in advance.

PAR. 2. The committees of the funds affected may dissolve the federation by concurring decision.

PAR. 3. The fund which has withdrawn is collectively liable for the obligations of the federation existing at the time of its withdrawal. Claims against the fund on account of these liabilities lapse in two years after the withdrawal, so far as the claim against the federation is not subject to a shorter limitation; if the claim against the federation matures only after the withdrawal, the period of limitation begins with the date when it becomes due.

ARTICLE 412.

PARAGRAPH 1. At the withdrawal of a fund or at the dissolution of the federation, each withdrawing fund receives a share of the net assets (art. 293), which corresponds for the last fiscal year to the proportion of its contributions to the total contributions to the federation. In the case of a deficit, each withdrawing fund shall contribute in the same proportion.

PAR. 2. Other arrangements may be made by the constitution or by mutual agreement.

ARTICLE 413.

PARAGRAPH 1. The local insurance office has the supervision of the federation. Articles 377 to 379 are here correspondingly applicable.

PAR. 2. Articles 349 to 361 are correspondingly applicable to the employees of the federation; also articles 363 and 365 to the administration of the resources. The Federal Council may specify how far articles 366 and 367 are applicable.

PAR. 3. The local insurance office (decision committee) decides in case of a dispute between the federation and the different funds in regard to federation relations.

ARTICLE 414.

For combinations of funds of other kinds, to promote the general objects of sickness relief, the resources of the funds shall only be used with the approval of both groups in the directorate. With the approval of the highest administrative authority, such combinations of funds may also undertake some of the special duties designated in article 407.

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ARTICLE 415.

With the approval of the superior insurance office, sick funds may establish sections for specified groups of their members or for specified districts and assign to them a part, but at the most two-thirds of the revenues and benefits. Particulars relating to organization, administration, duties, and competence, shall be specified in the constitution.

SECTION EIGHT.—SPECIAL OCCUPATIONS.

I. GENERAL PROVISION.

ARTICLE 416.

The provisions of this book are applicable together with the special provisions of—
Articles 417 to 434, to persons employed in agriculture;
Articles 435 to 440, to servants;
Articles 441 to 458, to persons employed temporarily;
Articles 459 to 465, to persons employed in itinerant trades;
Articles 466 to 493, to persons engaged in home industries and to their home-working employees;
Article 494, to apprentices.

II. AGRICULTURE.

ARTICLE 417.

The following persons are considered as employed in agriculture:
1. If they are employed in agricultural subsidiary establishments (Arts. 918 to 921).
2. If they are employed in agricultural establishments which are subsidiary establishments of an industrial establishment, and according to article 540 are not insured in an industrial accident association (*Berufsgenossenschaft*), by the constitution of the same.

ARTICLE 418.

PARAGRAPH 1. Whoever in case of sickness has a legal claim for relief against his employer which is equivalent to the benefits of the competent sick fund shall on application of the employer be exempted from the insurance obligation.

PAR. 2. The prerequisite is that—
1. The employer defrays the entire relief from his own resources;
2. His solvency is assured;
3. That he makes application for all of his agricultural employees in so far as they are obligated by contract for at least two weeks' regular work.

PAR. 3. Article 175 is hereby applicable with the provision that the superior insurance office in place of the local insurance office decides finally.

ARTICLE 419.

PARAGRAPH 1. The exemption is in force only for the duration of the labor contract. It ceases earlier if the employer registers all his exempt employees at the sick fund, or if the local insurance office itself, or on application of an exempt employee, determines that the employer is insolvent. The sick fund is not liable for benefits in cases of insurance which have already occurred when the exemption expires or which occur in the case of article 214 in the first three weeks after this lapse; this does not affect the claim of the person exempted against his employer.

PAR. 2. Article 313 is applicable to the persons exempted, but shall be construed as if these persons had been members of the sick fund up to the expiration of the exemption; articles 195 to 200, and 224, are here also correspondingly applicable.

ARTICLE 420

PARAGRAPH 1. On application of the employer the contributions to the fund shall be correspondingly reduced for the duration of the labor contract, and the claim of the insured persons to a pecuniary benefit shall cease, if it is shown that at least—
1. The labor contract has been concluded for one year;
2. The insured persons are in receipt—
   Either for the whole year, of payments in kind equivalent to 300 times the daily pecuniary benefit provided by the constitution,
   Or for each working day, of a payment equivalent to this pecuniary benefit;
3. That they have a legal right to these benefits for the duration of the labor contract.

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PAR. 2. If the insured person is sick and incapacitated for work beyond the duration of the labor contract, then his claim to a pecuniary benefit shall again come into force. The employer must refund to the sick fund the pecuniary benefit. Article 28 is correspondingly applicable.

PAR. 3. The contributions shall be reduced by the constitution with the approval of the superior insurance office, according to the relation of the pecuniary benefit to the value of the other benefits of the fund.

ARTICLE 421.

With the approval of the superior insurance office, the constitution may reduce the pecuniary benefit for insured persons who according to their labor contract are entitled in cases of sickness to benefits of less amount than those designated in article 420, paragraph 1, number 2; the contributions shall be correspondingly reduced.

ARTICLE 422.

PARAGRAPH 1. So far as the employer does not grant the relief (arts. 418 and 419), the sick fund shall on application of the person exempted grant the benefits provided by the constitution; if the employer does not furnish the benefits required by the contract (arts. 420 and 421), the fund must pay a pecuniary benefit to the sick member on application.

PAR. 2. The employer must reimburse the sick fund for what it has paid. Article 28 is correspondingly applicable.

PAR. 3. In disputes over the claim to reimbursement (par. 2, and art. 420, par. 2), the local insurance office decides in judgment procedure.

ARTICLE 423.

PARAGRAPH 1. With the approval of the superior insurance office, the constitution of a rural sick fund may specify that insured persons, who on the basis of the imperial insurance have been granted a permanent yearly pension amounting to 300 times the daily pecuniary benefit provided by the constitution, shall receive no pecuniary benefit.

PAR. 2. The contributions of these members shall be correspondingly reduced (art. 420, par. 3).

PAR. 3. With the approval of the superior insurance office, the constitution may specify a lower basic wage than the local wages for employees who are partially and permanently disabled.

ARTICLE 424.

With the approval of the superior insurance office, and as a general measure or for specified groups of insured persons, the constitution of a rural sick fund may reduce the pecuniary benefit to one-fourth of the local wages for the period from October 1 to March 31, or for a part of this period; it must reduce the contributions for the same period correspondingly or increase the pecuniary benefit within the limits permitted for the remainder of the period. The same is correspondingly applicable to house money.

ARTICLE 425.

The provisions of articles 420 to 423 applicable to the pecuniary benefit are also applicable to the other cash benefits of the fund with the exception of the funeral benefit.

ARTICLE 426.

For the territory of the federal State or for parts of it the highest administrative authority may permit the rural sick funds to introduce extended sick treatment for sick persons incapacitated for work.

ARTICLE 427.

The constitution may contain such provisions only if in the district of the rural sick fund—

1. The productive capacity of the agricultural employees or their employers would be impaired otherwise;
2. The presence of a sufficient number of hospitals and similar medical institutions assures the execution of the extended sick treatment.

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ARTICLE 428.

Such provision requires the approval of the superior insurance office; in districts in which agricultural employees are already insured according to the general provisions of this book or according to the sickness insurance law the approval required is that of the highest administrative authority.

ARTICLE 429.

Extended sick treatment consists of medical treatment and maintenance in a hospital or a similar medical institution in the place of the care of patients and of the pecuniary benefit. This extended benefit is considered as a regular benefit.

ARTICLE 430.

PARAGRAPH 1. A disabled sick person need not be removed to a medical institution if, according to a medical opinion, it would not promote his cure.

PAR. 2. If through no fault of his own the disabled sick person is not taken to a medical institution, then the rural sick fund must grant the legal sick relief. The constitution may specify that under the conditions mentioned in articles 420 and 421 the pecuniary benefit shall not be paid entirely or partly, but shall be credited to the contributions of the insured persons which will become due at the next time of payment.

ARTICLE 431.

As long as the sick person declines hospital treatment in a case where such treatment requires his own consent, according to article 184, he has only a claim to medical treatment and to half the pecuniary benefit if he has up to the present supported his relatives either wholly or principally with his earnings, unless the constitution provides otherwise.

ARTICLE 432.

PARAGRAPH 1. The constitution shall specify in the case of extended sick treatment whether and in what amount house money is to be granted in addition to the hospital treatment.

PAR. 2. Where the constitution prescribes extended sick treatment it may at the same time fix a maximum funeral benefit of 30 marks [$7.14].

PAR. 3. The constitution may confine the granting of extended sick treatment to cases of insurance occurring during unemployment and within three weeks after membership has ceased.

PAR. 4. It shall correspondingly reduce the contributions for the insured persons who in case of sickness are entitled only to the extended sick treatment.

ARTICLE 433.

If the constitution of a rural sick fund contains specifications according to articles 423 to 432, the constitutions of agricultural establishment sick funds which have their seat in the district of the rural sick fund may specify the same regulations.

ARTICLE 434.

Articles 503 and 517 to 520 are not applicable to agricultural employees with exception of the gardeners and of industrial workmen temporarily employed in agriculture; the Federal Council shall specify what employments shall be considered as temporary.

III. SERVANTS.

ARTICLE 435.

Articles 418, 419, 422, and 426 to 434 are also applicable to the insurance of servants; however, the introduction of the extended sick treatment is not restricted by the conditions mentioned in article 427, paragraph 1, and the superior insurance office is always the competent office for the approval. On application of the employer or of the insured person, removal to a medical institution shall not occur if, according to a medical opinion, it is not necessary.

ARTICLE 436.

The employer may deduct the pecuniary benefit from the wages which he must continue to pay to the servant during the sickness.

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ARTICLE 437.

Even where the constitution does not provide for extended sick treatment, the sick fund must grant it on application of the employer or of the servant, to a servant residing in the household, if the sickness is contagious; or if because of the nature of the sickness he can not be treated or taken care of in the household or this can be done only with considerable inconvenience to the employer.

ARTICLE 438.

PARAGRAPH 1. In a dispute between the employer and the sick fund in regard to this kind of obligation (art. 437) the local insurance office decides finally.

PAR. 2. On its application the local insurance office may exempt the sick fund from the extended sick treatment in cases where without fault on the part of the sick fund such treatment can not be provided.

ARTICLE 439.

If servants are also employed in the establishment or in another business undertaking of the employer, such employment, so far as it is not by itself exempt from insurance according to article 168, shall be determinative for their insurance and for the claims against the employer which they have in cases of sickness according to the law or constitution.

ARTICLE 440.

PARAGRAPH 1. The State government may specify that servants are exempt from insurance according to this law if, at its publication, relief provision in case of sickness has been provided for them by State law.

PAR. 2. In extent and duration this relief must be at least equivalent to the regular benefits of the sick funds, or must be made equivalent within six months after the coming into force of this law.

PAR. 3. The contributions collected for a servant in this connection must not be higher than the shares of contribution that he would have to pay according to this law.

IV. TEMPORARY EMPLOYMENT.

ARTICLE 441.

The employment is defined as temporary if by its nature it is usually restricted to less than one week, or if it is restricted by the labor contract in advance.

ARTICLE 442.

PARAGRAPH 1. Persons employed temporarily who are not exempt from insurance according to article 168 shall be insured in the general local sick fund, or if they are principally employed in agriculture in the rural sick fund of their place of residence.

PAR. 2. The sick fund must keep an alphabetical membership list of such persons and must keep it up to date.

PAR. 3. The membership in the sick fund begins with the registration in this list.

ARTICLE 443.

As soon as a sick fund is informed that a temporarily employed person of its district does not belong to a sick fund, although subject to insurance, it must itself register such employee.

ARTICLE 444.

PARAGRAPH 1. Persons subject to insurance must report themselves for registration.

PAR. 2. The local insurance office, the communal and the police authorities, the place of issue of receipt cards (art. 1419), as well as the administrative bodies and the employees of the insurance carriers, must notify the proper sick fund of every person subject to insurance who is temporarily employed and who is not already a member of a sick fund.

PAR. 3. The highest administrative authority may regulate the particulars concerning this duty.

ARTICLE 445.

The sick fund may summon persons employed temporarily to decide upon their insurance obligation and compel them by a fine of not more than 10 marks [$2.38] to comply with the summons.

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ARTICLE 446.

The person registered continues to be a member also during the time in which he is not temporarily employed for compensation.

ARTICLE 447.

PARAGRAPH 1. The insured person shall on his resignation be taken off the list if he produces proof that he has become a member of another fund, or that he has given up the temporary employment and has done so not merely temporarily.

PAR. 2. He shall also be taken off the list if the sick fund establishes these facts in any other manner, or if it learns that the insured person has died or has moved to the district of another sick fund.

PAR. 3. A person who has been taken off the list may continue to be a member according to article 313. The constitution shall specify the particulars concerning contributions and benefits.

ARTICLE 448.

PARAGRAPH 1. If the insured person again resigns from the other sick fund (art. 447), or again takes up the temporary employment, he shall immediately apply again for registration in the list.

PAR. 2. The sick fund shall supervise the insurance status of such persons.

ARTICLE 449.

PARAGRAPH 1. If the insured person has been registered by an employer at his sick fund according to article 317, then this fact is to be noted on the list.

PAR. 2. Membership based on this registration continues the earlier membership without interruption.

PAR. 3. After notice of leaving has been given through the employer, the notation on the list shall be canceled.

ARTICLE 450.

PARAGRAPH 1. The contributions and the benefits shall be established by the constitution in each case according to the local wage rates; in such case it may increase by supplementary charges the rates of local wages for individual groups of persons temporarily employed. The approval of the superior insurance office is required for the rates so established.

PAR. 2. Paragraphs 2 and 3, of article 423, may be applied.

PAR. 3. The sick fund shall enter these contributions and benefits in separate accounts.

PAR. 4. The persons employed temporarily must themselves pay their share of the contribution (art. 381, par. 1).

PAR. 5. They have a claim to additional benefits of their sick fund provided by the constitution only in so far as the constitution so specifies.

ARTICLE 451.

PARAGRAPH 1. The constitution may specify that persons employed temporarily shall have a claim to sick-fund benefits only after a waiting term of not more than 6 weeks.

PAR. 2. If an earlier membership existed not longer than 26 weeks previous, then its duration shall be included in the waiting term.

ARTICLE 452.

PARAGRAPH 1. If a person employed temporarily before his sickness, has not paid his share of the contributions for more than 8 weeks during the last 26 weeks, he shall receive only medical treatment; the funeral benefit may not exceed 30 marks [$7.14].

PAR. 2. The same is applicable to an insured person who has been a member less than 26 weeks, if he has not paid his share of the contributions for more than one-fourth of the duration of the insurance.

ARTICLE 453.

At the end of each quarter the union of communes must pay to the sick fund the total amount of the shares of the contributions of the employers, for which an account is submitted.

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ARTICLE 454.

PARAGRAPH 1. The union of communes may assess this amount in such a manner that it is paid either by all the inhabitants of the sick-fund district, or separately by the local sick funds and the rural sick funds of the district according to the number of inhabitants affected.

PAR. 2. Inhabitants who are accustomed to employ persons temporarily either in large numbers, or for long periods of time, shall be assessed at a higher rate in such cases.

ARTICLE 455.

PARAGRAPH 1. With the approval of the union of communes and of the superior insurance office, the constitution may specify that persons temporarily employed shall not pay any share of the contributions.

PAR. 2. In such a case the sick fund shall grant them only the benefits described in article 452, paragraph 1.

ARTICLE 456.

PARAGRAPH 1. The State government may specify how far an approval is necessary for decisions of the union of communes made according to articles 454 and 455.

PAR. 2. It may specify the legal procedure permissible against the assessment (art. 454).

ARTICLE 457.

In their capacity as employers of temporary employees, as well as persons temporarily employed who do not pay any contributions according to article 455, they are neither entitled to hold office in the sick fund nor entitled to vote.

ARTICLE 458.

PARAGRAPH 1. For the federal State or for parts of it, the State government may regulate the registration and payment of contributions for persons temporarily employed in other ways.

PAR. 2. The State government may also decree that persons temporarily employed shall be insured according to the general provisions of this book, though if they are employed in agriculture, then according to the provisions specially applicable thereto, if the State government itself or a statute of the union of communes or the constitution of the sick fund, takes care that the insurance, especially the registration, shall be administered properly and that the contributions shall be correctly paid.

V. ITINERANT TRADES.

ARTICLE 459.

PARAGRAPH 1. The employer, who must have an itinerant trade license, must register the persons employed in his itinerant establishment, if he intends to take them with him from place to place; he must, however, register only their number and have this number made members in the rural sick fund of the place where he applied for the license from the police authority.

PAR. 2. Employees in excess of the number registered and for whom he has requested a permit only after the receipt of the license according to article 62 of the Industrial Code must be registered through the intervention of the authority competent for this permit.

ARTICLE 460.

PARAGRAPH 1. At the registration the employer must pay in advance the contributions either for the period up to the expiration of the itinerant trade license, or for a shorter period, with the permission of the directorate of the fund.

PAR. 2. If the license or the permit (art. 459, par. 2) is revoked or the establishment shuts down otherwise, then the directorate on application shall refund the excessive contributions; the directorate shall also make a refund for the full calendar weeks, for which it can be shown that the employer did not take the persons with him.

ARTICLE 461.

PARAGRAPH 1. In the case of article 459, paragraph 1, the sick fund shall certify according to the model form determined by the federal council, the contributions

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which have been received or postponed, together with a statement of the basic wage and of the weekly contribution. This certificate is to be submitted to the police authorities when application is made for the itinerant trade license.

PAR. 2. In the case of article 459, paragraph 2, the contribution shall be paid to the authority there designated, and shall be transmitted by them to the competent rural sick fund.

PAR. 3. The itinerant trade license may be granted only if the certificate is produced, the permit only if the contributions have been paid.

Par. 4. The basic wage and the weekly contributions shall be stated on the itinerant trade license.

ARTICLE 462.

PARAGRAPH 1. The insured person shall receive the regular benefits of the sick funds. Article 382 is not applicable to them. The constitution may specify that the insured person on his own application shall also have a claim to the additional benefits of the sick fund as long as the persons to whom they are to be granted remain in the district of the sick fund.

PAR. 2. If the sick fund grants more to its other members, it may correspondingly reduce the contributions of persons employed in itinerant trades.

ARTICLE 463.

PARAGRAPH 1. For the periods which are not more than one month back the employer may deduct from the wages of the insured persons two-thirds of the contributions paid by him for them.

PAR. 2. The local insurance office of the place where they are staying decides in a dispute as to the deductions.

ARTICLE 464.

A person who carries on an itinerant trade for another (art. 60d, par. 2, of the Industrial Code) shall have the rights and duties of the employer according to articles 459 to 463.

ARTICLE 465.

PARAGRAPH 1. The Federal Council may specify the particulars for the execution of articles 459 to 464.

PAR. 2. It may specify how far persons who are employed by an employer without itinerant trade license in his itinerant trade establishment (art. 59 of the Industrial Code) and whom he takes with him from place to place, are subject to insurance, and it may regulate their insurance otherwise than as stated in articles 459 to 464.

VI. HOME-WORKING INDUSTRIES.

ARTICLE 466.

PARAGRAPH 1. Persons engaged in home-working industries, who are not exempt from insurance according to article 168, shall, so far as the law does not otherwise prescribe or permit, be insured in the rural sick fund in whose district they have their own working place, without regard to the seat of the establishment of the person who gives them the order.

PAR. 2. Their home-working employees shall be insured in the same fund.

ARTICLE 467.

The Federal Council may specify under what conditions persons engaged in home-working industries, to whom a yearly total minimum income of 2,500 marks [$595] is assured, may on their application, be exempted from insurance as regards their own person.

ARTICLE 468.

PARAGRAPH 1. Article 442, paragraphs 2 and 3, and articles 443 to 449, are correspondingly applicable to persons engaged in home-working industries and their home-working employees (persons engaged in home-working industries subject to insurance).

PAR. 2. Without prejudice to these provisions, persons engaged in home-working industries who regularly employ, apart from the members of the family in the household, at least two persons subject to insurance as home workers, shall register themselves and all employees in the sick fund for the purpose of entry in the list according to articles 317 to 319, and shall withdraw the names in the same manner.

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ARTICLE 469.

The resources for the sickness insurance shall be raised partly by subsidies from those persons on whose order and for whose account the work is done on the home-work system (subsidies of the persons giving the order), partly from the persons engaged in home-working industries themselves and partly from their home-working employees (contributions).

ARTICLE 470.

PARAGRAPH 1. The subsidies of the persons giving the order shall be based only on the wages which they pay to the persons engaged in home-working industries for the delivered work; no attention shall be paid to the facts as to whether the individual person engaged in home-working industries belongs to a sick fund, to which sick fund he belongs, or what contributions he pays for himself and his employees in the fund.

PAR. 2. The value of raw materials and supplies which the person engaged in a home-working industry has furnished, may be left out of consideration in computing the wages.

ARTICLE 471.

The subsidies of the persons giving the order shall be computed uniformly for all industry branches and for the territory of the Empire in such a manner that in any one year their total amount shall cover half of the total cost which would accrue to the rural sick funds if they should grant the regular benefits with the local wages as the basic wage, and if all persons engaged in home-working industries subject to insurance should belong to them.

ARTICLE 472.

PARAGRAPH 1. The subsidies of the persons giving the order are fixed up to December 31, 1914, at 2 per cent of the wages paid.

PAR. 2. Thereafter the Federal Council shall determine them for four-year terms after a hearing of the accounting bureau of the Imperial Insurance Office; for the first 10 years after the coming in force of this law the Federal Council is not restricted to these periods.

ARTICLE 473.

PARAGRAPH 1. During the first week of each month, the person giving the order must transmit to the rural sick fund of the seat of his establishment a list of the persons engaged in home-working industries employed during the past month.

PAR. 2. Where no rural sick fund exists for the seat of the establishment of the person giving the order, the list is to be transmitted to the general local sick fund.

ARTICLE 474.

PARAGRAPH 1. In the list there shall be stated the name and the seat of the establishment of the person engaged in home-working industries as well as the amount of the earnings.

PAR. 2. If the value of the raw and other materials furnished by the person engaged in home-working industries have been included, then the quantity and value of these materials shall also be given as well as the amount actually paid after deduction of their value.

ARTICLE 475.

PARAGRAPH 1. On application of the person engaged in home-working industries, the local insurance office competent for his residence determines finally as to the value of the raw and other materials.

PAR. 2. For industries in which home work is customary in the district, the local insurance office shall itself determine the average value of raw and other materials and verify such valuations from time to time. On appeal the superior insurance office decides finally. On application, the local insurance office communicates the average value to the person engaged in home-working industries, the person who gives the order, and to his sick fund (art. 473).

ARTICLE 476.

This fund must communicate the list of persons engaged in home-working industries not insured with itself, to the fund in which they are designated as members. In case of doubt the list shall be communicated to the proper fund by the local insurance office to which the working place of the person engaged in home-working industries belongs.

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ARTICLE 477.

PARAGRAPH 1. When transmitting the lists, the person who orders the work shall pay the subsidies due. The computed amounts are to be rounded off to even pfennigs.

PAR. 2. Until the time of the mutual balancing of accounts (art. 492, par. 2) the fund must keep in custody the subsidies paid to it for the account of other funds.

ARTICLE 478.

PARAGRAPH 1. The fund to which the person engaged in home-working industries belongs, must credit him with the subsidies paid for him according to the lists.

PAR. 2. If subsidies have been paid by the persons giving the order for noninsured persons, or if for other reasons the subsidies can not be credited to an insured person, the fund must use them to cover any deficits which arise out of the insurance of persons subject to insurance in home-working industries.

PAR. 3. If the result of the last three fiscal years shows that a considerable surplus is available, it must be used for the purpose of reducing the contributions or of increasing the benefits for persons subject to insurance in home-working industries.

ARTICLE 479.

PARAGRAPH 1. The provisions relating to disputes over contributions (art. 405) are correspondingly applicable to disputes over subsidies.

PAR. 2. The persons giving the order have the status of employers for the purposes of articles 137 to 140.

ARTICLE 480.

PARAGRAPH 1. The constitution shall determine specifically the contributions which persons engaged in home-working industries must pay for themselves and for their home-working employees, as well as the sick benefits for these persons.

PAR. 2. The local wages serve as the basic wage.

ARTICLE 481.

PARAGRAPH 1. The contributions are to be computed in such a manner that, together with the subsidies of the persons who give the order, they shall cover the cost which accrues to the fund from the insurance of its members engaged in home-working industries.

PAR. 2. As long as the amount of the subsidies can not be approximately determined, the contributions of the members engaged in home-working industries are to be computed in such a manner that they shall cover one-half of the cost which would accrue to the sick fund by granting the regular benefits to these members.

PAR. 3. The general provisions relating to contributions are correspondingly applicable to the contributions which the person engaged in home-working industries has to pay for himself and his home-working employees.

ARTICLE 482.

PARAGRAPH 1. The sick benefits shall consist of a pecuniary benefit in addition to medical treatment.

PAR. 2. The amount of the pecuniary benefit is based on the amount of the subsidies of persons giving orders which have been credited to the person engaged in home-working industries. Unless the constitution specifies otherwise, the pecuniary benefit in such case stands in the same relation to the legal pecuniary benefit as the amount of the subsidies credited during the last fiscal year to the person engaged in home-working industries stands to that of all the contributions, which the person engaged in home-working industries has paid during this period; higher benefits than those prescribed by the constitution shall not be granted.

PAR. 3. If the insurance has been in force only a short time then the contributions of this period only shall serve as basis.

ARTICLE 483.

With the approval of the superior insurance office the constitution may specify how far the pecuniary benefit shall be reduced or withheld, if the person engaged in home-working industries is in arrears with his contributions.

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ARTICLE 484.

PARAGRAPH 1. Whatever is applicable to the pecuniary benefit is also applicable to the other cash benefits of the fund, but with the exception of the funeral benefit.

PAR. 2. With the approval of the superior insurance office the constitution may graduate the funeral benefit according to article 482, paragraphs 2 and 3.

ARTICLE 485.

PARAGRAPH 1. On his application the fund shall permit the person engaged in home-working industries to pay double the amount of the contributions. The constitution may specify the particulars, such as when he may make the application and withdraw it. The share of the contributions of his home-working employees is not changed in such cases.

PAR. 2. In this case the subsidies paid in for him shall be paid over or credited to the person engaged in home-working industries. He and his employees subject to insurance are entitled to the full benefits which the constitution prescribes for insured persons engaged in home-working industries.

PAR. 3. The subsidies shall also be paid over or credited to persons engaged in home-working industries who are insured on account of other employment subject to insurance.

ARTICLE 486.

PARAGRAPH 1. If persons engaged in home-working industries are permanently employed only by the same person giving the order, with their consent he may also pay their contributions.

PAR. 2. He may then collect the contributions from the person engaged in home-working industries in the same manner as an employer collects the share of contributions from insured persons. The payment of the earnings is in such a case considered as the same as the payment of wages.

ARTICLE 487.

Articles 426 to 432 are here correspondingly applicable.

ARTICLE 488.

PARAGRAPH 1. If when this law comes into force the insurance of persons engaged in home-working industries is already regulated by statutory provisions for a given district or an industry, then the highest administrative authority may on application of the communes or of the union of communes affected permit the statutory provisions to remain in force.

PAR. 2. The approval is conditional upon the fact that the person giving the order and the person engaged in home-working industries have their establishment seat in the district of the local insurance office, or in the larger district determined by the highest administrative authority according to local requirements, and that the benefits granted to persons engaged in home-working industries are at least equivalent to those granted by this law.

PAR. 3. Amendments to the statutory provisions require the approval of the highest administrative authority.

PAR. 4. Subsidies received from other persons giving orders to one engaged in home-working industries shall be paid or credited to him.

ARTICLE 489.

PARAGRAPH 1. The union of communes may by statute exempt the person subject to insurance engaged in home-working industries from the obligation of contribution and assume itself the costs, in so far as they are not covered by the subsidies of the persons giving the order; article 485, paragraphs 1 and 2, is then applicable.

PAR. 2. In such a case it may be specified that the fund shall grant to these persons subject to insurance only the benefits designated in article 452.

PAR. 3. The statute must have the approval of the superior insurance office (decision chamber), and the provisions of paragraph 2 must have the approval of the highest administrative authority.

ARTICLE 490.

PARAGRAPH 1. The State government may decree that in districts in which the persons engaged in home-working industries are unable to pay contributions, the union of communes shall assume the costs designated in article 489, paragraph 1.

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PAR. 2. The insured persons engaged in home-working industries shall then receive only the benefits specified in article 452; article 485, paragraphs 1 and 2, is not applicable.

ARTICLE 491.

PARAGRAPH 1. Where persons engaged in home-working industries are employed by intermediaries, such as persons who give the work out, factors, or subcontractors (*Zwischenmeister*) on the order of a third party, then the latter is considered as the person who gives them the order.

PAR. 2. The Federal Council may transfer to the intermediaries either all or part of the duties of the person who gives the order; the person who gives the order must refund to them the subsidies already paid.

ARTICLE 492.

PARAGRAPH 1. The Federal Council shall specify the manner in which the provisions relating to the insurance of persons engaged in home-working industries shall be executed.

PAR. 2. It shall especially regulate the manner in which the sick funds shall account for the subsidies among each other. It may order the participation of the accounting bureau of the Imperial Insurance Office in the accounting. It shall draw up the model forms for the lists and shall specify the bases which must be submitted for the reexamination of the subsidies.

ARTICLE 493.

The Federal Council may specify the manner in which German persons who give orders to foreign persons engaged in home-working industries may be drawn on for contributions for the sickness insurance of persons engaged in home-working industries which they would have to pay if they employed Germans, and how these payments are to be used. It may punish contraventions of these provisions with a fine of not more than 300 marks [$71.40].

VII. APPRENTICES.

ARTICLE 494.

PARAGRAPH 1. No pecuniary benefit shall be granted to any class of apprentices who are employed without compensation.

PAR. 2. The contributions shall be correspondingly reduced.

SECTION NINE.—MINERS' SICK FUNDS.

ARTICLE 495.

PARAGRAPH 1. In their constitutions the miners' sick funds must grant to their members at least the regular benefits of the local sick funds.

PAR. 2. With the approval of the supervisory authority, they may pay the pecuniary benefit otherwise than weekly, but in no longer intervals than semimonthly.

ARTICLE 496.

Miners' sick funds may collect an entrance fee from members who can prove that they have already belonged to another sick fund, only if more than 26 weeks have elapsed between the resignation and admission.

ARTICLE 497.

An application for exemption from compulsory insurance according to article 173 shall require the consent of the majority of votes both from the group of employers in the directorate and from the group of the insured persons.

ARTICLE 498.

PARAGRAPH 1. Articles 206 and 383 are applicable to the members.

PAR. 2. If the constitution specifies a waiting term for the claim to additional benefits, then members who leave for the purpose of performing their term of service in the Army or Navy may interrupt this waiting term for the duration of the service period, as well as for a maximum of 26 weeks additional. No new entrance fee shall be collected from them in this case.

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ARTICLE 499.

PARAGRAPH 1. The provisions of articles 119, 223, paragraphs 2 and 3, relating to transfer, assignment, attachment, and charging up of insurance claims, are applicable to all benefits which the miners' associations or sick funds must pay according to this law or to the State laws.

PAR. 2. The highest administrative authority shall specify which authority is competent for the approval according to article 119, paragraph 2.

ARTICLE 500.

PARAGRAPH 1. Articles 211 to 214, 219 to 222, 224, 313, and 314 are here correspondingly applicable.

PAR. 2. If the place of residence of a sick person belongs to the territory of a miners' sick fund, the latter must grant the preliminary relief, urgent cases excepted.

ARTICLE 501.

PARAGRAPH 1. The representatives of the insured persons in the general meeting (miners' elders) in the directorate of the miners' sick funds, miners' associations, and miners' funds, must be elected by secret ballot. Election according to the principles of proportionate representation is permissible.

PAR. 2. Invalid miners may be elected to the general meeting and to the directorate of a miners' sick fund, even if they pay contributions to the sick fund as voluntary members.

ARTICLE 502.

PARAGRAPH 1. Articles 368 to 376 are here applicable.

PAR. 2. In other cases, so far as this law does not provide otherwise, the provisions of State laws relating to miners' associations and miners' funds remain unaffected.

SECTION TEN.—SUBSTITUTE FUNDS.

I. AUTHORIZATION.

ARTICLE 503.

PARAGRAPH 1. Mutual insurance associations to which a certificate as a registered aid fund according to article 75a of the sickness insurance law has been granted before April 1, 1909, shall on their application be admitted as substitute funds for the district and class of their members subject to insurance: *Provided*, That they have a permanent membership of more than 1,000 members, and that their constitution meets the requirements of articles 504 to 513.

PAR. 2. On application of such an insurance association the highest administrative authority of its seat may reduce the minimum membership to 250.

ARTICLE 504.

PARAGRAPH 1. The admission of persons subject to insurance may be made dependent on participation in other societies or associations only if the constitution at the time of the establishment of the association contained such a provision applicable to all the members.

PAR. 2. In other respects members shall not be obliged to perform acts or to refrain from actions which do not affect the object of the association.

ARTICLE 505.

PARAGRAPH 1. Persons subject to insurance who belong to the class of persons for whom according to its constitution the association was established shall, with reservation of article 504, paragraph 1, not be denied admission; in particular, admission shall not be made dependent on their age or state of health.

PAR. 2. The association may, however, subject those who apply for admission to a medical examination, and refuse the admission of persons who are sick at the time.

PAR. 3. The association may reject persons subject to insurance who apply for admission if they are in debt to the substitute fund for contributions from a former membership or if they have a claim to benefits from some other insurance which are at least equal to the benefits of their sick fund.

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ARTICLE 506.

PARAGRAPH 1. If not later than January 1, 1911, the association has graduated the contributions of persons subject to insurance, according to their age at the time of admission, then it may retain these grades and change them with the approval of its supervisory authority. But the highest grade must not exceed the lowest by more than was the case on the date specified, and at the most by one-half. The association may increase the contributions of persons subject to insurance according to their state of health at the time of admission, but such increase shall not be greater than one-fourth of the regular rate.

PAR. 2. The association shall not graduate its benefits according to the age or state of health of those who join.

ARTICLE 507.

PARAGRAPH 1. The person subject to insurance shall be granted benefits at least equal to the regular benefits of the sick funds according to the basic wage which is the standard in his sick fund. The association may restrict persons subject to insurance to the lowest class of membership which meets these requirements.

PAR. 2. Benefits for persons subject to insurance may be reduced only to the same extent as in the case of the sick funds. The association must draw up sickness regulations (art. 347, par. 1) for them; the regulations must have the approval of the local insurance office competent for its seat.

PAR. 3. The association may increase the pecuniary benefit by one-fourth of the basic wage (par. 1) to persons subject to insurance who do not make use of the right of article 517, paragraph 1.

ARTICLE 508.

The association may grant to its members and their dependents without restriction as to duration or amount all the benefits which sick funds of their kind are permitted to grant by article 179. The benefits to survivors of deceased members shall not exceed ten times the weekly benefit to which the deceased person was entitled.

ARTICLE 509.

PARAGRAPH 1. The resources of the association may be used only for the benefits provided by the constitution, for the accumulation of the reserve, for the costs of administration, and for the general purpose of the prevention of sickness.

PAR. 2. It is also permissible to use them for the attendance at meetings which shall serve the legal purposes of the sickness insurance and of the substitute funds.

PAR. 3. The association shall not collect contributions for other purposes from the persons subject to insurance.

PAR. 4. It may only undertake matters which the law relating to registered aid funds (Reichs-Gesetzblatt 1876, p. 125, and 1884, p. 54) permit, or which this book [book two] permits.

ARTICLE 510.

Only members who are of age and in possession of their civic rights may belong to the directorate or supervisory council.

ARTICLE 511.

After their admission the association may not exclude members or treat them less favorably in regard to contributions or benefits because they have passed a certain age limit or because their state of health has undergone a change.

ARTICLE 512.

Members who have belonged to it for two years shall not be excluded because they have resigned from a society or association, or are excluded therefrom. If it excludes a member before the expiration of two years for such a reason, it shall refund him not less than the entrance fee, if he has paid such.

ARTICLE 513.

The association may permit the resignation of persons subject to insurance only at the close of the calendar quarter, regardless of the fact that they may have changed their employment in the meantime.

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ARTICLE 514.

PARAGRAPH 1. The superior administrative authority of its seat shall decide on the application of an association for authorization to act as a substitute fund. The Imperial Insurance Office shall decide in case its district extends beyond the borders of the federal State.

PAR. 2. If the application is approved, the association receives a certificate to that effect and it shall add to its name the words "substitute fund."

PAR. 3. The authorization may be refused only if the association does not meet the requirements of the provisions of articles 503 to 513. The reasons for refusal shall be stated.

ARTICLE 515.

PARAGRAPH 1. The certification of the superior administrative authority must be published by the newspaper designated for its official announcements and the certification of the Imperial Insurance Office by the Reichsanzeiger.

PAR. 2. As proof of authorization a printed copy of the constitution of the association may be used and it shall contain the certification, in addition to the year of publication, number, and page number, of the newspaper.

ARTICLE 516.

PARAGRAPH 1. If an authorized association does not meet, or no longer meets the conditions of authorization, and in spite of the request of its supervisory authority does not remedy this defect within the specified time limit which must be not less than six weeks, then the certification shall be revoked.

PAR. 2. It shall also be revoked if the association increases the group of persons subject to insurance who may belong to the association.

PAR. 3. The reasons for revocation shall be communicated. It shall be published in the same manner as the certification.

II. RELATION TO SICK FUNDS.

ARTICLE 517.

PARAGRAPH 1. In the case of persons subject to insurance who are members of a substitute fund, their rights and duties as members of that sick fund to which they belong shall be suspended if they apply therefor; they shall have no claim to benefits of the sick fund and shall neither hold office nor vote.

PAR. 2. Their employers have to pay only their own share of the contribution to the sick fund; the share of the insured person is not paid.

ARTICLE 518.

PARAGRAPH 1. If the class from which the association recruits its members is composed principally of insured persons of the class specified in article 165, paragraph 1, Nos. 3 to 5, or of office employees, brick makers, or other insured persons, in whose occupations a frequent change of employment from one place to another is customary, the Imperial Insurance Office may, on application of this substitute fund, decree, with the right to revoke the decree, that the sick funds shall transmit to the substitute fund four-fifths of the shares of contributions paid to them according to article 517, paragraph 2, by the employers for its members.

PAR. 2. The Federal Council may specify the particulars herewith as well as in regard to the publication of the decree.

ARTICLE 519.

PARAGRAPH 1. If a person subject to insurance intends to make use of the right of article 517, paragraph 1, he shall make application to the directorate at the time of admission to the sick fund, or at the latest on the second pay day; he shall communicate to it the name and seat of the substitute fund and prove that he belongs to it.

PAR. 2. On application of a substitute fund the federal council may confer on it the right to make applications in place of the persons subject to insurance.

PAR. 3. The sick fund shall give information to the employers of the person subject to insurance, only in regard to the question whether his rights and duties are suspended but not as to which substitute fund he belongs.

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ARTICLE 520.

PARAGRAPH 1. If the application has not been made at the proper time on admission to the sick fund, then it may be made not earlier than at the beginning of the next calendar quarter; it must be made to the directorate at least one month in advance; the admission to the substitute fund must also be proved to the directorate.

PAR. 2. The same is applicable to members of the sick fund who join only after admission to a substitute fund.

ARTICLE 521.

PARAGRAPH 1. The substitute fund shall send a notice of the withdrawal of a member subject to insurance who has made use of the right of article 517, paragraph 1, to the directorate of its sick fund or to the common place of registration established for it, not later than at the close of the calendar quarter; it shall also send a notice within a month at the latest of the exclusion of such a member or of his transfer to a class of membership entitled to lower benefits than those specified in article 507, paragraph 1.

PAR. 2. If the sick fund or the place of registration is unknown to the substitute fund, the notification shall be directed to the local insurance office in whose district the member was employed at the last payment of the contribution. This employment and the place where he is staying at that time shall be indicated. The local insurance office shall transmit the notification to the directorate of the proper sick funds.

ARTICLE 522.

PARAGRAPH 1. The constitution of the substitute fund shall specify which of its administrative bodies or employees shall make the notifications and the applications which have been transferred to the fund according to article 519, paragraph 2.

ARTICLE 523.

If, in the case of a member of a substitute fund, the pecuniary benefit to which he would be entitled in his sick fund is increased so that the pecuniary benefit of the substitute fund for his membership class would no longer meet the requirements of article 507, paragraph 1, then his rights and duties according to article 517, paragraph 1, shall be suspended until the close of the calendar quarter, but for not less than two weeks.

ARTICLE 524.

The obligations of insurance carriers according to article 116, and of sick-fund directorates according to article 344, are also applicable to substitute funds.

ARTICLE 525.

The local insurance office shall decide by judgment procedure in disputes between substitute funds and sick funds over the refund of benefits granted illegally (art. 224, No. 2).

SECTION ELEVEN.—FINAL PROVISIONS AND PENAL PROVISIONS.

I. FINAL PROVISIONS

ARTICLE 526.

PARAGRAPH 1. A union of communes, in the meaning of this book, is a union whose district forms the district of the fund or embraces it as the next larger union.

PAR. 2. The highest administrative authority may specify in which cases the commune is competent in place of the union of communes: *Provided*, That the district of the fund does not extend beyond that of the commune.

PAR. 3. Where no union of communes exists, the State government shall specify which is competent.

ARTICLE 527.

PARAGRAPH 1. If a local, or rural sick fund has been created for several communes (independent manor districts, or marks, or march districts),[1] which together do not

[1] Selbständige Gutsbezirke oder Gemarkungen, ausmärkische Bezirke.

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form a union of communes, they shall be combined according to particular provision of the State government into a union for special purposes (*Zweckverband*).

PAR. 2. The provisions of this book as to unions of communes are also applicable to such unions for special purposes.

ARTICLE 528.

If the district of a fund extends beyond the district of a local insurance office, then the local insurance office of its seat shall be competent for it.

II. PENAL PROVISIONS.

ARTICLE 529.

PARAGRAPH 1. If an insured person violates the sickness regulations or the order of the attending physician, or neglects the notification incumbent on him according to article 190, then the directorate of the fund may impose upon him fines of not more than three times the amount of the daily pecuniary benefit for each case of contravention.

PAR. 2. The directorate of a miner's sick fund, and of a substitute fund, has the same authority as regards a member subject to insurance who violates the sickness regulation or the order of the attending physician.

PAR. 3. On appeal the local insurance office decides finally.

ARTICLE 530.

PARAGRAPH 1. Whoever in violation of his obligation does not register persons subject to insurance (arts. 317, 319, and 468, par. 2), or does not submit the lists of employees engaged in home industries (art. 473), may be fined not to exceed 300 marks [$71.40], if he acts intentionally, and not to exceed 100 marks [$23.80] if he acts negligently.

PAR. 2. Whoever violates in other ways the provisions relating to the registration of persons liable to insurance or to the submission of lists or persons engaged in home industries (arts. 317 to 319, art. 468, par. 2, and arts. 473 and 474) may be fined not to exceed 20 marks [$4.76].

PAR. 3. Whoever in violation of his obligation neglects to submit applications as required by article 519, paragraph 2, and article 522, or to make reports as required by article 521, may be fined not to exceed 20 marks [$4.76].

PAR. 4. The local insurance office shall assess these fines. On appeal the superior insurance office decides finally.

ARTICLE 531.

PARAGRAPH 1. The fund shall recover contributions which are in arrears independently of the fine.

PAR. 2. It may also require the persons fined to pay from one to five times the contributions which are in arrears. The amount shall be collected in the same manner as communal taxes. This is not applicable to persons engaged in home-working industries who violate article 468, paragraph 2.

PAR. 3. Article 396 is here correspondingly applicable.

ARTICLE 532.

PARAGRAPH 1. Employers and persons giving the order (art. 486) shall be punished with a fine of not more than 300 marks [$71.40], or be punished with arrest, unless a severer penalty is provided by other legal provisions if they intentionally do any of the following:

1. Deduct from the employees' earnings larger shares of contributions than this law permits, or make deductions in the case mentioned in article 398;
2. Violate the provisions of article 402.

PAR. 2. The same penalty shall be imposed on employers who act in contravention of the provisions of article 400.

ARTICLE 533.

PARAGRAPH 1. Employers and persons giving the order (art. 486) shall be punished with confinement in jail if they intentionally keep back from the fund entitled thereto the shares of contributions which they have deducted from their employees or have received from them.

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PAR. 2. They may in addition be fined not more than 3,000 marks [$714] and be sentenced to the loss of their civic rights.

PAR. 3. If there are mitigating circumstances, then a fine only may be imposed.

ARTICLE 534.

PARAGRAPH 1. The employer may transfer the obligations which this law imposes on him to establishment managers, persons charged with supervision, or other employees of his establishment.

PAR. 2. If such representatives act in contravention of this law, the penalty shall be imposed on them. In addition, the employer is also liable to punishment, if—

1. The contravention took place with his knowledge;
2. He has not observed the necessary care in the selection and supervision of his representatives; in this case only a pecuniary fine may be imposed on the employer.

PAR. 3. One to five times the contributions which are in arrears (art. 531, par. 2) may also be assessed on the representative and collected from him. Besides the representative the employer is also liable for this amount if he has been fined according to paragraph 2.

ARTICLE 535.

The penal provisions of article 23, paragraph 2, are applicable to managing officials and employees of the funds and of the federations of funds; they are applicable to the employers in the case of establishment funds and to the persons appointed according to article 362, paragraph 1, if they intentionally commit acts which injure the fund.

ARTICLE 536.

The same penal provisions (arts. 529 to 535) are applicable—

1. To the members of the directorate, if a stock company, a mutual insurance association, a registered cooperative society, a guild, or other legal person is the employer;
2. To the business manager if a society with limited liability is the employer;
3. To all partners personally liable, as far as they are not excluded from the representation, if any other business corporation is the employer;
4. To the legal representatives of insolvent and partially insolvent employers, as well as to the liquidators of a business corporation, a mutual insurance association, a registered cooperative society, a guild, or other legal person.

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BOOK THREE.—ACCIDENT INSURANCE.

PART ONE.

INDUSTRIAL ACCIDENT INSURANCE.

SECTION ONE.—SCOPE OF THE INSURANCE.

ARTICLE 537.

PARAGRAPH 1. Subject to the insurance are—

1. Mines, salt works, ore-treating works, quarries, pits (open digging);
2. Factories, shipyards, metallurgical and metal working plants, pharmacies, and if they are conducted as a business, breweries and tanneries;
3. Yards for the preparation of building materials, establishments executing work in building, decorating, stone cutting, locksmithing, blacksmithing, or plumbing (*Brunnenarbeit*); furthermore stone-breaking establishments as well as building work done by other than regular building establishments;
4. The chimney-sweeping, window-cleaning, butchering trades, and the operation of bathing establishments;
5. The entire establishment of the railroad and the postal and telegraph administrations as well as the establishments of the naval and military administrations;
6. Inland navigation, rafting, flat-boating and ferries, the hauling of ships (towing), inland fishing, fish culture, the operation of ponds and the cutting of ice, if done as a business or administered by the Empire, a State, a commune, a union of communes or other public body, dredging, as well as the keeping of vessels on inland waters;
7. Establishments engaged in hauling, express, livery, the hiring of riding animals and keeping of stables if carried on as a business, the keeping of vehicles other than water conveyances if driven by mechanical or animal power, as well as the keeping of riding animals;
8. Elevator, storage, and cellarage establishments if conducted as a business;
9. The trades of goods packer, goods loader, agent, sorter, weigher, measurer, inspector, stower;
10. Establishments for the transportation of persons or goods, and timber-felling establishments, if they are connected with a commercial undertaking which extends beyond the scope of a small-scale establishment;
11. Under the same assumption (number 10 preceding), establishments for the treatment and handling of goods.

PAR. 2. The Imperial Insurance Office decides which commercial undertakings (numbers 10 and 11) are not subject to the accident insurance on the ground that they are small-scale establishments.

ARTICLE 538.

Those establishments are considered as factories in the meaning of article 537, number 2, which—

1. Work up or work over articles as a business and for this purpose employ regularly at least 10 workmen;
2. Manufacture or work up as a business, explosives or explosive materials or produce or distribute electrical power;
3. Make use of steam boilers or of machinery moved by mechanical or animal power, provided that such use is not merely temporary;
4. Are placed in the category of factories by the Imperial Insurance Office.

ARTICLE 539.

Other establishments are also subject to the insurance if they are important parts or subsidiary establishments of the establishments described in articles 537 and 538.

ARTICLE 540.

Article 539 is not applicable—

1. To agricultural establishments which are subsidiary establishments.

The constitution (art. 675) may also place subsidiary establishments of this kind under the industrial accident insurance if the persons employed

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in them are principally persons from the main establishment. When such a provision comes into force, the subsidiary establishment is withdrawn from insurance in the agricultural accident association. The provision may only be canceled at the end of a fiscal year. Before a provision of the constitution on the membership of an agricultural subsidiary establishment is approved, the agricultural accident associations affected must be heard. If the accident associations do not come to an agreement, the Federal Council decides the matter upon application. The agreement of the agricultural accident association must in any case be secured, if the provision has not yet been in force more than three years;

2. To marine navigation establishments, and other establishments falling under articles 1046 and 1049, which are important parts of the establishments described in articles 537 and 538 and extend beyond the local traffic or are subsidiary establishments.

ARTICLE 541.

Articles 916, and 918 to 921, regulate what establishments and activities of the kind described in articles 537 and 538 as parts or subsidiary establishments of an agricultural establishment are to enter the agricultural instead of the industrial accident insurance.

ARTICLE 542.

PARAGRAPH 1. If, of several establishments which an undertaker has in the territory of the same superior insurance office, some are of the kind that belong to the industrial and some to the agricultural accident insurance, and if they do not already belong to the same accident association according to the preceding regulations, then, upon application of the employer, they are to be assigned to one accident association if altogether not more than 10 persons subject to the insurance are regularly employed in the establishments.

PAR. 2. The application is to be made to the superior insurance office, which, after a hearing of the accident associations affected, decides upon the assignment.

PAR. 3. The employer and the accident associations affected may appeal from the decision of the superior insurance office.

PAR. 4. Up to the time that the decision comes into force, the employer may withdraw the application.

PAR. 5. The assignment may be revoked only at the close of a fiscal year and as long as the grounds mentioned in paragraph 1 apply, only upon the application of the employer. If the assignment has not yet been in force for three years since the rendering of the final decision, then the revocation shall also require the consent of the accident associations affected.

ARTICLE 543.

PARAGRAPH 1. The Federal Council may exempt from the insurance establishments having no particular accident risk.

PAR. 2. The Imperial Insurance Office prepares the decision of the Federal Council; in this connection the decision senate must render an opinion.

ARTICLE 544.

PARAGRAPH 1. The following are insured against accident in establishments or activities which are subject to the insurance according to articles 537 to 542 (industrial accidents): *Provided,* That these two groups are employed in these establishments or activities:

1. Workmen, helpers, journeymen, apprentices;
2. Establishment officials whose annual earnings do not exceed 5,000 marks [$1,190] of income.

PAR. 2. Acts which have been forbidden do not exclude the assumption of an industrial accident.

ARTICLE 545.

Foremen and technical officials are also to be considered as establishment officials.

ARTICLE 546.

The insurance covers household and similar service to which insured persons, who

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are principally employed in an establishment or in insured activities, are assigned by the undertaker or his representative.

ARTICLE 547.

By decision of the Federal Council the accident insurance can be extended to specified occupational diseases in industries. The Federal Council is authorized to issue special regulations for the administration thereof.

ARTICLE 548.

The constitution may extend the compulsory insurance—

1. To undertakers of establishments whose annual earnings do not exceed 3,000 marks [$714], or who regularly employ for compensation either no one or at the most two persons subject to insurance;
2. To persons engaged in home-working industries (art. 162) without regard to the number of persons subject to insurance employed, who are the undertakers of an establishment described in articles 537 and 538;
3. To establishment officials whose annual earnings exceed 5,000 marks [$1,190] of compensation.

ARTICLE 549.

PARAGRAPH 1. The directorate of the accident association may declare exempt from the insurance those undertakers who, according to the constitution, are subject to the compulsory insurance (art. 548, number 1) but are exposed to no special accident risk. The directorate shall revoke the exemption whenever the reasons therefor no longer exist.

PAR. 2. On appeal, the superior insurance office decides finally.

ARTICLE 550.

PARAGRAPH 1. Undertakers (art. 633) as well as pilots on inland waters, who conduct their business for their own account, may insure themselves against the results of industrial accidents if they do not have annual earnings of more than 3,000 marks [$714], or if they regularly employ for compensation either no one, or at the most two persons subject to insurance.

PAR. 2. The constitution may also admit them to self-insurance, if they have annual earnings of more than 3,000 marks [$714], or regularly employ for compensation at least three persons subject to insurance.

ARTICLE 551.

The provisions of article 548, Nos. 1 and 2, and of article 550, on the insurance of employers, apply also to their wives or husbands engaged in the establishment.

ARTICLE 552.

The constitution may provide under what conditions accidents of the kind described in articles 544 and 546 may be insured against:

1. By the undertaker of the establishment, on behalf of persons who are employed in the establishment, but are not insured according to articles 544, 545, and 548, No. 3;
2. By the undertaker of the establishment, or the directorate of the accident association, on behalf of persons who are not employed in the establishment but who visit the working place of the establishment or move about therein;
3. By the directorate of the accident association, the members of their official bodies, and their employees.

ARTICLE 553.

The constitution may provide that the voluntary insurance shall be out of force if the contribution has not been paid in spite of warning, and that a new application shall remain of no effect until the arrears of contributions have been paid.

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ARTICLE 554.

PARAGRAPH 1. Exempt from the insurance are—

1. Army and Navy officers and surgeons to whom the officers' pension law (Reichs-Gesetzblatt, 1906, p. 565) is applicable;
2. Military persons of the lower classes to whom the noncommissioned officers' and privates' (*Mannschaft*) provision law (Reichs-Gesetzblatt, 1906, p. 593) is applicable;
3. The other persons describe by article 1 of the accident relief law for officials, etc., of June 18, 1901 (Reichs-Gesetzblatt, p. 211);
4. Officials who have been appointed at a fixed salary and with a claim to retirement pension in the establishments of the administration of a federal State, of a union of communes, or of a commune;
5. Other officials of a federal State, of a union of communes, or of a commune if relief for them has been provided according to articles 14 of the above-mentioned accident relief law.

PAR. 2. Building operations outside of a building establishment conducted as a business, as well as the keeping of riding animals or conveyances not conducted as a business (art. 537, Nos. 6 and 7), are considered as establishments in the meaning of the accident relief law.

SECTION TWO.—BENEFITS OF THE INSURANCE.

ARTICLE 555.

The object of the insurance is the compensation specified in the following provisions for the damage arising from bodily injury or death.

ARTICLE 556.

The injured person and his survivors have no claim if they have purposely brought about the accident.

ARTICLE 557.

PARAGRAPH 1. If the injured person has brought the accident upon himself by the performance of an act which according to a verdict of the court is a crime or an intentional misdemeanor, then the compensation for damages may be wholly or partly denied.

PAR. 2. Contravention of mining regulations shall not be considered a misdemeanor in the meaning of the preceding paragraph.

PAR. 3. The pension may be either wholly or partly paid to the injured person's dependents living in the Empire, if in case of his death they would have a claim to a pension. German protectorates are to be included in the Empire in the meaning of this provision.

PAR. 4. The compensation may also be denied if no verdict of a court has been rendered because of the death or the absence or of any other reason connected with the person of the injured party.

ARTICLE 558.

In case of an injury, there is to be granted from the beginning of the fourteenth week after the accident—

1. Medical treatment; it includes physician's services and the providing of medicines, other therapeutical appliances as well as the aids which are requisite to assure the success of the treatment or to alleviate the results of the injury (crutches, supporting apparatus, and the like);
2. A pension during the continuance of the disablement.

ARTICLE 559.

The amount of the pension is as follows, as long as the injured person as a result of the accident is—

1. Totally disabled, two-thirds of the annual earnings computed according to articles 563 to 570 (full pension);
2. Partially disabled, that part of the full pension which corresponds to the proportion of the loss of earning power (partial pension).

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ARTICLE 560.

As long as the injured person is, as a result of the accident, so helpless that he can not exist without the services and care of others, the pension is to be correspondingly increased, though not to more than the full amount of his annual earnings.

ARTICLE 561.

PARAGRAPH 1. If the injured person at the time of the accident was already permanently and totally disabled, then only medical treatment (art. 558, No. 1) is to be granted.

PAR. 2. As long as in consequence of the accident he is so helpless that he can not exist without the services and care of others, a pension not greater than one-half of the full pension is to be granted.

ARTICLE 562.

As long as the injured person as a result of the accident is unemployed through no fault of his own, the accident association may for a time raise the partial pension to not more than a full pension.

ARTICLE 563.

PARAGRAPH 1. The pension shall be computed according to the compensation which the injured person had drawn during the last year in the establishment (annual earnings).

PAR. 2. In so far as the annual earnings exceed 1,800 marks [$428.40], the excess shall be reckoned at only one-third.

ARTICLE 564.

PARAGRAPH 1. If the injured person had been employed in the establishment a full year before the accident, the annual earnings shall be considered as 300 times the average earnings for a full working day, subject to the provisions of article 569.

PAR. 2. If it is shown that it was customary to operate for a greater or a smaller number of working days, then the multiplication shall be made with this number instead of 300.

ARTICLE 565.

If the injured person had not yet been employed in the establishment a full year before the accident, then the annual earnings shall be computed in such a manner that the number of days on which the injured person was employed in the establishment shall be multiplied by the average earnings for a full working day; for the rest of the customary number of working days of operation of the year there shall be added the average earnings which, during this time, insured persons of the same kind and earning capacity in the establishment or in a neighboring establishment have secured for a full working day.

ARTICLE 566.

If the computation according to article 565 can not be carried out, then the annual earnings shall be computed by multiplying the customary number of working days of operation in the year with the compensation which the injured person during the employment in the establishment received on an average for a full working day.

ARTICLE 567.

If the customary number of working days of operation in the year is so small that those employed in the establishment regularly perform work elsewhere for compensation in addition, then in the cases specified in articles 565 and 566, the number of working days necessary to make up the 300 shall be added to the amount computed according to articles 565 or 566, using the local wages for adults over 21 years of age which at the time of the accident have been determined for the place of employment of the injured person (arts. 149 to 152).

ARTICLE 568.

If the injured person had been employed by the hour, then the average earnings for the full working day may not be placed higher than the average earnings for a workman of the same kind who has been employed during the whole working day.

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ARTICLE 569.

Articles 564 to 568 are to be correspondingly applied if the annual earnings are composed of amounts specified for not less than weekly periods.

ARTICLE 570.

If the annual earnings do not equal 300 times the local wages for adults over 21 years (art. 567), then 300 times this wage shall be considered as the annual earnings.

ARTICLE 571.

In the case of persons who, previous to the accident, were already partially and permanently disabled, that part of the local wages shall be used as a basis which corresponds to the proportion of earning capacity before the accident.

ARTICLE 572.

Articles 563 to 571 apply correspondingly to injured persons who were employed in an insured activity without belonging to an insured establishment.

ARTICLE 573.

PARAGRAPH 1. If the insured person is insured against sickness on the basis of the imperial insurance or in a miners' sick fund, he shall be granted at least the regular sick-fund benefits of medical treatment and pecuniary benefit according to article 179. However, the pecuniary benefit from the beginning of the fifth week after the accident until the expiration of the thirteenth week shall amount to at least two-thirds of the basic wage. This may not be refused, even in the case mentioned in article 192, unless the injured person has brought the accident on himself during the commission of a crime or during an intentional misdemeanor (art. 557, pars. 1 and 2). The corresponding rule applies to the house money.

PAR. 2. If an insured person receives at the same time pecuniary sick benefits from another insurance, then the reduction of the pecuniary benefit described in paragraph 1 shall be made according to article 189.

PAR. 3. For members of substitute funds the basic wage of their sick fund, while for members of miners' sick funds the basic wage as specified in article 180, shall be determinative.

PAR. 4. If the person insured against sickness becomes ill as the result of an accident while in a foreign country, then the provisions of articles 221 and 222 are applicable in a corresponding manner.

ARTICLE 574.

Those persons are to be considered as insured against sickness in the meaning of article 573 who:

1. Are exempt from the insurance according to articles 418 and 435, in so far as the sick fund has to make provision for them (art. 422);
2. On account of lack of employment have separated from the sick fund, but still have a claim on the fund (art. 214).

ARTICLE 575.

If in the case of persons subject to the agricultural sickness insurance the pecuniary sick benefit or the house money is not to be paid, or to be paid only in part because according to articles 420, 421, and 425 there are contractual benefits to be paid by the employer, or because according to article 423 the person is in receipt of a pension on the basis of the imperial insurance, then the value of such benefits is to be included in the sick relief specified in article 573 in so far as they are payable during the same time.

ARTICLE 576.

PARAGRAPH 1. Whatever must be granted by the sick funds, the miners' sick funds, or the substitute funds according to articles 573 and 575, in addition to the minimum benefits which must otherwise be provided according to the law or the constitution, must be repaid by the accident association, or in other cases by the undertaker (art. 633), whenever a compensation must be paid to the injured person beyond the thirteenth week. The constitution of the accident association can specify that the latter in all cases must reimburse the additional benefits.

PAR. 2. The same holds true in a corresponding manner if the injured person who is insured against sickness has no claim to sick benefits.

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ARTICLE 577.

PARAGRAPH 1. If an injured person belongs to the group of insured persons according to articles 544 and 545, but is not insured against sickness on the basis of the imperial insurance or in a miners' fund, then the undertaker, under reservation of paragraphs 2 and 3, must grant him the sick benefits during the first 13 weeks. For the amount of the benefits and for their reimbursement articles 573 to 576 are applicable. With the consent of the injured person the undertaker can also grant care and maintenance according to article 185, paragraph 1, and for this deduct not more than one-fourth of the pecuniary sick benefit. As the basic wage for this purpose, the local wage for the place of employment (arts. 149 to 152) shall be used. These provisions shall apply in the case of establishment officials only if their annual earnings do not exceed 2,500 marks [$595].

PAR. 2. In the cases mentioned in articles 169, 418, and 435, the employer has to provide the injured person for the first 13 weeks with the benefits specified in paragraph 1. In such case that basic wage shall be used which is determinative for the sick fund. In these benefits those mentioned in articles 169, 418, and 435 shall be included. Anything in excess of this must be repaid to the employer by the accident association or by the undertaker (art. 576). The same holds true in the case mentioned in articles 170 and 171 if the claims arising out of article 169 are provided to the persons mentioned in those articles.

PAR. 3. If a domestic servant is exempt from the insurance because of other relief specified in article 440, paragraph 1, then the provisions of paragraph 2, sentences 1 to 4, apply to him in a corresponding manner, though the carrier providing the other relief takes the place of the employer. The carrier providing the other relief must claim reimbursement for the additional benefits from the undertaker if the accident association is not obliged to make the repayment.

ARTICLE 578.

The details for the carrying out of articles 573 to 577 are to be specified by the Imperial Insurance Office.

ARTICLE 579.

PARAGRAPH 1. The accident association may take over either wholly or in part the benefits to be paid by the undertaker. The latter must reimburse the association to the extent to which the injured person could claim sick benefits from him and in so far as the association itself would not be obliged to make repayment. In such case the reimbursement for sick care shall be three-eighths of the basic wage according to which the pecuniary sick benefit of the beneficiary is to be computed.

PAR. 2. This shall be correspondingly applicable if, in the cases mentioned in article 577, paragraphs 2 and 3, the employer or the carrier of other relief takes the place of the undertaker.

ARTICLE 580.

PARAGRAPH 1. If in the case of injured persons to whom articles 573 to 577 do not apply it is to be feared that they must later be provided with accident compensation, the accident association may inaugurate a course of treatment, even before the end of the thirteenth week after the accident, for the purpose of removing or alleviating the results of the injury.

PAR. 2. The accident association can place the injured person in a medical institution; in such case article 597, paragraphs 2 to 4, is applicable.

PAR. 3. With the consent of the injured person the association can grant care and maintenance as specified in article 185, paragraph 1.

PAR. 4. The injured person may claim from the accident association an appropriate recompense for the earnings he loses on account of the course of treatment.

ARTICLE 581.

PARAGRAPH 1. Within the first 13 weeks after the accident, the accident association may also have a medical examination made of the injured person even if it does not grant a course of treatment, and can also call for information concerning the treatment and the condition of the injured person from the sick fund, the miners' sick fund, the substitute fund, the physician in charge, or in the cases mentioned in article 577, from the undertaker.

PAR. 2. On application of the accident association, the local insurance office may compel the undertaker to provide this information within a specified time on penalty of fines not exceeding 100 marks [$23.80].

PAR. 3. Appeals from the determination of the fines shall be decided finally by the superior insurance office.

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ARTICLE 582.

PARAGRAPH 1. If the pecuniary sick benefit ceases before the expiration of the 13 weeks, but the disability continues after the payment ceases, then the pension must be granted from the day on which the pecuniary sick benefit ceases.

PAR. 2. The constitution may also permit the payment of the pension even if after the payment of the pecuniary sick benefit ceases, a loss of earning power remains, but will apparently end before the expiration of the 13 weeks.

ARTICLE 583.

PARAGRAPH 1. If the sick fund, miners' sick fund or substitute fund has improperly stopped the payment of its benefits before the expiration of the 13 weeks, then the claim of the injured person to the pecuniary sick benefit up to the amount of the pension (art. 582) is transferred to the accident association.

PAR. 2. The same rule is applicable in the case of the benefits paid by the undertaker (art. 577).

ARTICLE 584.

If the accident association, during the time it was required according to article 558 to furnish compensation, has not provided benefits for the injured person, and if during this time, the sick fund, the miners' sick fund, or the substitute fund has granted pecuniary sick benefits or care and maintenance in a hospital according to articles 182, 184, and 185, then the injured person shall be considered as having been totally disabled during this time.

ARTICLE 585.

Controversies concerning claims for reimbursement arising out of articles 573 to 577, and article 579, shall be decided by judgment procedure (*Spruchverfahren*).

ARTICLE 586.

PARAGRAPH 1. In fatal cases there must in addition be granted—

1. As a funeral benefit, the fifteenth part of the annual earnings; however, this must not be less than 50 marks [$11.90]; article 203 is applicable in a corresponding manner;
2. A pension to the survivors from the date of the death; it consists of a fraction of the annual earnings according to the provisions of articles 588 to 595.

PAR. 2. The annual earnings shall be computed in the same manner as in the case of bodily injury; however, article 571 does not apply in this connection.

ARTICLE 587.

If because of an earlier accident this rate of annual earnings is smaller than that received by him previously, then the earlier pension is to be included in the annual earnings; in such case, however, that amount may not be exceeded which as annual earnings was used as the basis of the earlier pension.

ARTICLE 588.

If the deceased leaves a widow or children, the pension shall amount to one-fifth of the annual earnings—

For the widow up to the time of her death or remarriage;

For each child up to the completed fifteenth year of age; for an illegitimate child, however, only in so far as the deceased has provided him with maintenance according to legal obligation.

ARTICLE 589.

If the widow remarries, she receives three-fifths of the annual earnings as a settlement.

ARTICLE 590.

PARAGRAPH 1. The widow has no claim if the marriage has taken place only after the accident.

PAR. 2. The accident association may, however, under special circumstances, even then grant a widow's pension.

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ARTICLE 591.

PARAGRAPH 1. The provisions concerning pensions of children shall apply also for children of a female person who is not a married woman.

PAR. 2. The same holds true for children of a married woman born before marriage, or for her children of an earlier marriage, if they do not have the legal status of lawful children of the surviving husband.

ARTICLE 592.

PARAGRAPH 1. In case a married woman is killed, who on account of the disability of the husband had supported her family either wholly or in part out of her own earnings, for the duration of the need there is to be granted a pension equal to one-fifth of the annual earnings—

To the widower up to the time of his death or remarriage;

To each child up to the completed fifteenth year of age.

PAR. 2. The widower has no claim if the marriage has taken place after the accident.

PAR. 3. If the husband of the deceased person, without legal grounds therefor has absented himself from the household and has not fulfilled his obligations of maintenance toward the children, then the accident association may grant the pension to the latter.

ARTICLE 593.

PARAGRAPH 1. If the deceased has left relatives in the ascending line whom he has supported to an important degree out of his earnings, then for the duration of the need a pension is to be granted to them, which together shall be one-fifth of the annual earnings.

PAR. 2. If there are relatives of different degree in the ascending line, then the pension shall be approved for the parents in preference to the grandparents.

ARTICLE 594.

If the deceased leaves orphan grandchildren whom he has wholly or partly supported out of his earnings, then for the duration of the need there shall be granted to them, up to the completed fifteenth year of each, a pension equal altogether to one-fifth of the annual earnings.

ARTICLE 595.

PARAGRAPH 1. The pensions of the survivors may not together exceed three-fifths of the annual earnings; in the contrary case they shall be decreased, and in the following manner: In the case of consorts or children in the same degree; relatives of the ascending line have a claim only in so far as consorts or children, and grandchildren only in so far as those named first do not exhaust the highest amount named.

PAR. 2. In case one survivor ceases to have a right to a pension, the pensions of the others are to be increased to the highest permissible amount.

ARTICLE 596.

PARAGRAPH 1. The survivors of a foreigner, if such survivors at the time of the accident do not customarily reside in Germany, have no claim to a pension.

PAR. 2. The Federal Council can exclude from this provision foreign border territories or subjects of such foreign States the legislation of which provides a corresponding relief for the survivors of Germans killed by an industrial accident.

PAR. 3. German protectorates are considered as German territory in the meaning of paragraph 1.

ARTICLE 597.

PARAGRAPH 1. In place of the benefits prescribed in article 558 the accident association may grant free medical treatment and maintenance in a medical institution (medical-institution care).

PAR. 2. If the injured person has a household of his own, or is a member of the household of his family, then his consent thereto is necessary.

PAR. 3. In the case of a minor over 16 years of age his consent is sufficient.

PAR. 4. The consent is not necessary if—

1. The nature of the injury requires treatment or care which is not possible in the family of the injured person;
2. The sickness is infectious;

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3. The injured person has repeatedly acted contrary to the directions of the attending physician;
4. The condition or conduct of the injured person make continuous observation necessary.

PAR. 5. In the cases mentioned in paragraph 4, numbers 1, 2, and 4, the accident association shall, if possible, provide treatment in a medical institution.

ARTICLE 598.

If the accident association provides treatment in a medical institution after the first 13 weeks, or on account of the cessation of the pecuniary sick benefit before that time, then a pension must be granted to the relatives of the injured person in so far as it would be granted in case of his death (relative's pension). This claim is also possessed by the wife whose marriage with the injured person has taken place after the accident.

ARTICLE 599.

With the consent of the injured person the accident association may grant care and attendance by sick nurses, nursing sisters, or other nurses (house care—*Hauspflege*), especially when the placing of the injured person in a medical institution is indicated, but may not be carried out, or an important reason exists for leaving the injured person in his household or in his family.

ARTICLE 600.

PARAGRAPH 1. If the accident association assumes the payment of the benefits of the undertaker according to article 579, then in place of the sick care and of the pecuniary sick benefit, it may provide hospital care and house money according to articles 184, 186, and 577, paragraph 1; with the consent of the injured person the accident association may also grant care according to article 185, paragraph 1, but in such case shall deduct not more than one-fourth of the pecuniary sick benefit.

PAR. 2. The undertaker must reimburse the accident association to the extent to which the injured person could claim sick benefits from him and in so far as the association itself would not be obliged to make repayment. In such case the reimbursement for the sick care shall be three-eighths of the basic wage according to which the pecuniary sick benefit of the beneficiary is to be computed.

PAR. 3. The same holds true in a corresponding way if in the cases mentioned in article 577, paragraphs 2 and 3, the employer or the carrier of other relief takes the place of the undertaker.

ARTICLE 601.

Controversies concerning claims for reimbursement arising out of article 600 shall be decided in judgment procedure (*Spruchverfahren*).

ARTICLE 602.

The accident association may by its constitution grant special relief to the injured person who is placed in a medical institution (*Heilanstalt*) and to his dependents either by general rules or according to the need of the parties.

ARTICLE 603.

The accident association may at any time inaugurate a new course of treatment if it may be expected that such would increase the earning capacity of the accident pensioner.

ARTICLE 604.

In addition to the injured person, the sick fund, the miners' sick fund, or the substitute fund to which he belongs, may apply for the resumption of the medical treatment.

ARTICLE 605.

PARAGRAPH 1. If the sick funds, the miners' sick funds, the substitute funds, or the carriers of the accident insurance have placed an injured person in an institution possessing adequate arrangements for treatment, then the injured person during the course of treatment may not be placed in another institution without his consent.

PAR. 2. The local insurance office of the place where he is staying may grant the consent instead.

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ARTICLE 606.

If the injured person has not complied with a regulation which affects the medical treatment without any legal or other appropriate reasons therefor, and if his earning capacity will thereby be unfavorably influenced, then his compensation may be disallowed for the time being, either wholly or partly, after this result has been pointed out to him.

ARTICLE 607.

PARAGRAPH 1. On application the directorate of the accident association may grant to the person receiving pension maintenance in a home for invalids (*Invalidenhaus*), an orphan asylum (*Waisenhaus*), or a similar institution, in place of the pension.

PAR. 2. Such institutions are considered as hospitals, homes, and sanatoria, in the meaning of article 11, paragraph 2, and of article 23, paragraph 2, of the law on relief residence (Reichs-Gesetzblatt, 1908, p. 381).

PAR. 3. So placing the receiver of a pension obligates him to a release of his pension for a period of three months, and if he does not protest within one month before the expiration of this period, to a further period of three months.

ARTICLE 608.

If an important change takes place in the conditions which were of importance in the determination of the compensation, then a new determination may be made.

ARTICLE 609.

During the first two years after the accident a new determination on account of a change in the condition of the injured person may be undertaken or demanded at any time. If, however, within this time limit a permanent pension has been legally determined, or if this time limit has expired, then a new determination may be undertaken or demanded only in periods of at least one year. These periods are not affected by the inauguration of a new course of treatment. The periods may be shortened by mutual agreement.

ARTICLE 610.

The decision, or the final decision, which decreases or withdraws the pension will become effective with the expiration of the month following its announcement.

ARTICLE 611.

The increasing or regranting of the pension may be claimed only for the time after the registry of the claim therefor.

ARTICLE 612.

PARAGRAPH 1. The cost of the medical treatment and funeral benefits are to be paid within one week after their determination, while pensions are to be paid in monthly amounts in advance. If the pension amounts to 60 marks [$14.28] or less, then it is to be paid in quarterly amounts in advance: *Provided*, That it is not probable that it will cease to be paid before the expiration of the quarter.

PAR. 2. With the consent of the person entitled to the pension the accident association may pay the same at longer intervals of time.

PAR. 3. The pension shall be rounded off in amounts of full 5 pfennigs [1.2 cents] for the month or the quarter.

ARTICLE 613.

PARAGRAPH 1. The pension shall be paid for the rest of the month in which the death occurred, in which the remarriage occurred, and in which the pension was suspended. In cases where in addition to the part of the month on account of the pension of the injured person there is also a pension of the survivors, then the latter shall have a claim to the higher amount.

PAR. 2. If the pension is to be paid for a longer period of time, the accident association may pay the pension for this period also.

ARTICLE 614.

If the person entitled to compensation has not received it at the time of his death, then the wife or husband, the children, the father, the mother, the brothers and sisters are entitled to it in order: *Provided*, That they have lived with the person entitled to the pension at the time of his death in the same household.

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ARTICLE 615.

PARAGRAPH 1. The pension shall be suspended—

1. As long as the beneficiary is serving a prison term of more than one month or has been placed in a workhouse or reformatory.

If he has dependents in Germany who in case of his death would have a claim to a pension, then the pension up to the amount of his claim shall be turned over to them.

2. So long as a person who is a German subject remains in a foreign country and neglects:

To inform the accident association of his whereabouts;

As an injured person, on the demand of the accident association, to present himself from time to time to the competent consul or other German authorities designated by him.

The Imperial Insurance Office shall specify the particulars in regard to communicating and presentation.

If the person entitled to pension proves that he has neglected to make the prescribed communication and presentation without any fault of his own, then the right to the pension shall be resumed again.

3. As long as the foreign beneficiary voluntarily resides in a foreign country;

4. As long as a foreign beneficiary is expelled from the territory of the Empire on account of a condemnation in a criminal process. The same applies to a foreign beneficiary who has been expelled from the territory of one of the federal States on account of a condemnation in a penal procedure, so long as he does not stay in another federal State.

PAR. 2. In the cases mentioned in numbers 3 and 4, the Federal Council may suspend the cessation of a pension for foreign border territories, or for the subjects of such foreign States whose legislation guarantees a corresponding relief to Germans and their survivors.

PAR. 3. If the expulsion of a foreigner entitled to a pension (par. 1, No. 4) is not directed by a condemnation, or on account of a condemnation in a penal procedure, then paragraph 1, No. 2, shall be applicable.

PAR. 4. German protectorates shall be regarded as German territory in the meaning of these provisions.

ARTICLE 616.

If the pension of an injured person amounts to one-fifth of a full pension or less, then the accident association, with his approval and after a hearing by the local insurance office, may settle upon him a capital sum corresponding to the value of his annual pension.

ARTICLE 617.

PARAGRAPH 1. A foreigner entitled to a pension who gives up his customary abode in Germany, or who resides customarily in a foreign country, can with his consent receive a settlement from the accident association equal to three times the amount of his annual pension, and without his consent may be paid a capital sum corresponding to the value of his annual pension.

PAR. 2. The Federal Council may nullify this provision for foreign border territories.

ARTICLE 618.

In cases of settlement with a corresponding capital sum (arts. 616 and 617), the Federal Council shall regulate the computation of the value of the capital sums.

ARTICLE 619.

If on a new investigation the accident association becomes convinced that the benefits were incorrectly disallowed, either wholly or partly, or have been withdrawn or suspended incorrectly, it may determine these anew.

ARTICLE 620.

The accident association does not need to demand the return of the compensation which it had to pay before a legal decision came into force.

ARTICLE 621.

With the exception of the cases mentioned in article 119, claims for compensation may be transferred, assigned, and pledged with legal effect, also on account of demands

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of the sick funds, miners' associations, miners' funds, substitute funds, and insurance institutions which are entitled to reimbursement according to articles 1501, 1522, and 1528. The transfer, assignment, and execution is only permissible to the amount of the legal claims for reimbursement.

ARTICLE 622.

Claims may be reduced only by the following:
Arrears of contributions;
Advances made out of the assets of the accident association;
Compensation which was paid incorrectly;
Costs of procedure which are to be returned;
Fines which have been imposed by the directorate of the accident association;
Claims for reimbursement of the accident association according to articles 903 and 904.

SECTION THREE.—CARRIERS OF THE INSURANCE.

I. THE ACCIDENT ASSOCIATIONS AND OTHER CARRIERS OF THE INSURANCE.

ARTICLE 623.

As carriers of the insurance, the accident associations comprise the undertakers of the insured establishments (art. 633, par. 1).

ARTICLE 624.

The Empire or the federal State is the carrier of the insurance if the establishment is conducted for its account in the two cases mentioned below, which also include building work and activities in connection with the keeping of riding animals or conveyances not managed as a business (art. 537, Nos. 6 and 7). These two cases are—

1. In the case of the administration of the postal service, the telegraph service, the navy, and the army;
2. In the case of the railways.

ARTICLE 625.

PARAGRAPH 1. The Empire or the federal State is the carrier of the insurance if the establishment is conducted for its account in the case of establishments for dredging, inland navigation, rafting, flatboating, and ferrying, unless the establishments, according to article 2, paragraph 2, of the law of May 28, 1885 (Reichs-Gesetzblatt, p. 159), belong to the accident associations created for them.

PAR. 2. The later entrance of such establishments into an accident association, or the rewithdrawal, or the reentrance, in case the accident association does not agree thereto, is permissible only with the approval of the Federal Council, and in the absence of other agreement only at the close of a fiscal year.

PAR. 3. In case of rewithdrawal the Empire or the federal State must from then on satisfy the claims for compensation which exist against the accident association on account of accidents in the establishment which has withdrawn, and in this connection an appropriate portion of the reserve and of other assets of the accident association must be turned over to the Empire or to the federal State. The latter are then required to assume the payment of an appropriate part of the interest and refunding payments for the floating debt (art. 779).

PAR. 4. The accident association and the Empire or the federal State may by mutual agreement act in variance of the provisions of paragraph 3; in such cases the decision of the general meeting of the accident association is required.

PAR. 5. If controversies arise in regard to distributing the assets between the accident association and the Empire or the federal State, they may settle the question by an arbitration decision; otherwise it shall be decided by the Imperial Insurance Office (decision senate).

ARTICLE 626.

In so far as the Empire, a federal State, a public union or other corporation, has the sole right through law or treaty to engage in inland navigation on a waterway or a part thereof (towing and the like), these establishments belong to the accident association created for them.

ARTICLE 627.

PARAGRAPH 1. The Empire or the federal State is the carrier of the insurance for operations other than the building work and activities in connection with the keeping of riding animals or conveyances not conducted as a business according to article 624

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(art. 537, Nos. 6 and 7): *Provided*, That these other building operations or activities are conducted for its account. This does not apply, whenever the Empire or the federal State through a declaration of the imperial chancellor or of the highest administrative officials enter into the accident association, which is the proper one for building-trades operations or for the undertakers of establishments engaged in hauling, or in inland navigation, as a business. The declaration of entrance shall also specify the date on which the entrance becomes effective.

PAR. 2. The rewithdrawal and the reentrance is permissible if the accident association does not agree thereto, only with the approval of the Federal Council, and in the absence of other agreement only at the close of a fiscal year.

PAR. 3. In the case of a rewithdrawal, article 625, paragraphs 3 to 5, is applicable in a corresponding manner.

ARTICLE 628.

PARAGRAPH 1. A commune, a union of communes, or another public corporation is the carrier of the insurance for such building work and activities in connection with the keeping of riding animals or other conveyances not conducted as a business (art. 537, Nos. 6 and 7) which it conducts as an employer in establishments other than railways: *Provided*, That the highest administrative authorities, on application, have declared the corporation able to assume the burden. Otherwise such a corporation shall be insured together with the designated operations and activities according to article 629.

PAR. 2. The highest administrative authorities may unite several communes, unions of communes, or other public corporations into a federation for the common carrying out of the insurance and declare the latter to be capable of carrying the burden.

PAR. 3. A commune, a union of communes, or another public corporation, may through a declaration of its directorate enter into the competent accident association (art. 627, par. 1). The declaration of entrance shall also specify the date on which the entrance becomes effective.

PAR. 4. If such a corporation is declared to be unable to carry the burden, then its rewithdrawal from the accident association and its reentrance, in the absence of other agreement, is permissible only at the close of a fiscal year. If it is declared capable of carrying the burden, then article 627, paragraph 2, is applicable for its rewithdrawal from the accident association and its reentrance; for its rewithdrawal article 625, paragraphs 3 to 5, is also correspondingly applicable.

ARTICLE 629.

PARAGRAPH 1. Building work which other undertakers do not carry out as a business shall be insured at the expense of the undertakers, or of the communes, or of the unions, through special institutions (branch institutes) which shall be attached to the accident associations of the building trades employers (arts. 783 to 835). The accident association is the carrier of the branch institute.

PAR. 2. In the same way branch institutes (arts. 836 to 842) shall be attached to the accident associations of the undertakers of establishments engaged in hauling and inland navigation as a business for the insurance of activities connected with the keeping of riding animals or other conveyances not conducted as a business (art. 537, Nos. 6 and 7). The Federal Council can attach the branch institutes or parts of them to other accident associations. In place of the branch institutes or parts of them, the Federal Council may create mutual insurance associations as independent insurance carriers, and in such case regulates their organization. In case the Federal Council herewith alters the status of branch institutes or of mutual insurance associations it shall regulate the transfer of the burden of accidents and of the assets.

II. COMPOSITION OF THE ACCIDENT ASSOCIATIONS.

ARTICLE 630.

PARAGRAPH 1. The accident associations shall be created according to geographical districts; they include all establishments of the branch of industry for which they were created. In the case of accident associations for railways or the establishments designated in article 537, Nos. 6 and 7, this provision may be departed from.

PAR. 2. The Federal Council may approve the uniting of the undertakers of establishments which belong to miners' associations, or to miners' funds, into miners' accident associations.

PAR. 3. Those accident associations which have been created in accordance with earlier accident insurance laws retain their former status under reservation of the changes permitted according to articles 635 to 648.

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ARTICLE 631.

PARAGRAPH 1. If the establishment includes important parts of industries of different kinds, it is to be assigned to that accident association to which the principal establishment belongs. The same holds true under reservation of article 540, of subsidiary establishments, and of such insured activities which are portions of the establishment.

PAR. 2. Establishments and operations in inland navigation and rafting are included in the insurance of the principal establishment only if they do not extend beyond local traffic.

PAR. 3. Activities which according to their nature belong to the insurance of a branch institute or a mutual insurance association are to be insured in the accident association to which the undertakers engaged in activities of the same kind belong when the latter are more important than the other activities.

ARTICLE 632.

The provisions of article 542 are applicable in a corresponding manner for several establishments of the same undertaker all of which are subject to the industrial accident insurance and do not otherwise come under article 631, paragraph 1. This does not hold true for establishments engaged in inland navigation and rafting.

ARTICLE 633.

PARAGRAPH 1. The undertaker of an establishment is the one for whose account the establishment is conducted.

PAR. 2. In other cases the undertaker is—

1. In the case of building work which is not carried out by a building establishment conducted as a business, the one for whose account it is conducted;
2. In the case of the activities connected with the keeping of riding animals or conveyances not conducted as a business (art. 537, Nos. 6 and 7), whoever keeps the riding animal or conveyance.

ARTICLE 634.

PARAGRAPH 1. An accident association has in those cases to compensate accidents in insured activities in an establishment which is conducted for the account of an undertaker not belonging to it, if an undertaker belonging to it has given the order and has to make payment therefor.

PAR. 2. This applies in a corresponding way for the branch institutes.

III. CHANGES IN THE STATUS OF THE ACCIDENT ASSOCIATIONS

ARTICLE 635.

Changes in the status of the accident associations are permissible with the beginning of a fiscal year, according to articles 636 to 648.

ARTICLE 636.

Several accident associations may unite themselves by a concurrent resolution of the general meetings of the accident associations. The resolution must have the approval of the Federal Council.

ARTICLE 637.

PARAGRAPH 1. The general meetings of the accident associations affected can resolve that individual branches of industry or geographically limited parts of an accident association shall be transferred to another association. The resolution must receive the approval of the Federal Council.

PAR. 2. The approval can be withheld if the withdrawal would endanger the solvency of one of the accident associations affected.

ARTICLE 638.

If application is made on the basis of a resolution of the accident associations to have several accident associations united, or separate branches of industry or geographically limited parts, separated from the accident association and added to another, then if an accident association affected protests, the Federal Council shall decide the matter upon appeal.

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ARTICLE 639.

The general meeting of the accident association decides in the first place upon an application to create a special accident association for separate branches of industry, or geographcally limited parts. The Federal Council decides finally.

ARTICLE 640.

The Imperial Insurance Office prepares the decision of the Federal Council; in such cases the decision senate must express an opinion.

ARTICLE 641.

The Federal Council may withhold its approval to the creation of a new acciden association if—

1. The number of establishments or of the necessary persons would be too small to guarantee its permanent solvency;
2. The acceptance of establishments in the accident associations is refused, which for the same reasons (No. 1) are not in a position to form a solvent accident association of their own and can not properly be assigned to another accident association.

ARTICLE 642.

If several accident associations combine to form a new accident association, then all their rights and duties are transferred to the latter as soon as the change becomes effective.

ARTICLE 643.

If parts of an accident association are separated to form another or to be joined to another, then the other accident association from that time on must satisfy the claims for compensation which had grown up against the old accident association on account of accidents in the establishments which have been separated. The same is also applicable if agricultural subsidiary establishments are transferred to an industrial accident association according to the constitution (art. 540, No. 1).

ARTICLE 644.

Accident associations upon which are placed the obligation of compensation have a claim to a corresponding part of the reserve and of the other assets of the accident association released from these obligations. They are required to assume the payment of a corresponding part of the interest and of the amounts necessary for the refunding of the floating debt (art. 779).

ARTICLE 645.

The general meetings of the accident associations affected may act in variance with the provisions of articles 642 to 644 through concurrent resolution.

ARTICLE 646.

If a dispute arises during the negotiations in regard to the division of the assets between the accident associations affected, they may settle the matter by an arbitration decision; otherwise the Imperial Insurance Office (decision senate) shall decide.

ARTICLE 647.

PARAGRAPH 1. If an accident association becomes unable to fulfill its legal obligations, the Federal Council may dissolve the same if the Imperial Insurance Office (decision senate) makes application therefor.

PAR. 2. The branches of industry of a dissolved accident association shall be apportioned to other accident associations. The latter are to be heard in advance.

PAR. 3. On the dissolution of an accident association its rights and duties are assumed by the Empire.

ARTICLE 648.

If an accident association which is subject to the supervision of a State insurance office (art. 723) is dissolved as insolvent, then its rights and obligations are to be assumed by the federal State.

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SECTION FOUR—ORGANIZATION OF THE ACCIDENT ASSOCIATIONS.

I. MEMBERSHIP AND THE RIGHT TO VOTE.

ARTICLE 649.

Each undertaker is a member of an accident association whose establishment belongs to the branches of industry covered by it and in whose territory the establishment has its seat. The Empire, the federal States, communes, unions of communes, and other public corporations are members in so far as articles 624 to 628 do not prescribe otherwise.

ARTICLE 650.

Membership begins with the opening of an establishment or with the placing of it under the insurance obligation; for the Empire and the federal States, for communes, unions of communes, and other public corporations, the beginning of the membership is regulated according to articles 625 to 628.

ARTICLE 651.

PARAGRAPH 1. In each establishment the undertaker must make known through a placard—

1. To which accident association and section the establishment belongs;
2. Where the place of business of the directorate of the accident association and of the section is located.

PAR. 2. If an agricultural establishment is placed under the industrial accident insurance according to article 540, number 1, and article 542, the placard must call attention thereto.

ARTICLE 652.

If members or their legal representatives do not possess civic rights, they shall not have the right to vote.

II. REGISTRATION OF THE ESTABLISHMENTS.

ARTICLE 653.

PARAGRAPH 1. Whoever with an establishment becomes a member of an accident association, must within one week report to the local insurance office in whose district the establishment has its seat the following:

1. The kind of the establishment and the object of the establishment;
2. The number of insured persons;
3. The accident association to which the establishment belongs;
4. If the establishment is first opened after the law comes into force, the date of opening and if the establishment becomes subject to the insurance only after the law enters into force, the day when insurance obligation begins.

PAR. 2. The report is to be sent in duplicate; the receipt thereof will be acknowledged.

PAR. 3. If an establishment has already been reported and when a change in the person only of the undertaker of the establishment has occurred, then a repetition of the report according to paragraph 1 is not required.

ARTICLE 654.

The local insurance office assigns each establishment in its territory concerning which a report has been received, within one week by sending one of the reports to the directorate of the accident association designated therein.

ARTICLE 655.

If in the opinion of the local insurance office the establishment belongs to an accident association other than that designated, it shall notify the directorate of the latter accident association as well as the undertaker and shall transmit the reports to the directorate of the other accident association.

ARTICLE 656.

PARAGRAPH 1. If the report is not sent in or is incomplete, the local insurance office can require the undertaker to give the information within a specified time under penalty of a fine up to 100 marks [$23.80].

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PAR. 2. On appeal against the determination of the fine the superior insurance office decides finally.

PAR. 3. The local insurance office assigns the establishment within one week after the expiration of the specified time limit by furnishing the information itself (art. 653, par. 1).

III. REGISTER OF ESTABLISHMENTS.

ARTICLE 657

The directorates of the accident associations must keep registers of establishments on the basis of the reports sent to them by the Imperial Insurance Office and of the later assignments (arts. 654 and 656).

ARTICLE 658.

The members shall be listed in the register of establishments after it has been ascertained that they have joined the proper association.

ARTICLE 659.

PARAGRAPH 1. Membership certificates shall be sent to the members listed in the register of establishments, by the directorate of the accident association. If the accident association is divided into sections, the membership certificate must designate the section to which the undertaker belongs.

PAR. 2. If acceptance in the register is declined, a decision with the grounds therefore must be transmitted to the head of the establishment through the intervention of the local insurance office.

ARTICLE 660.

Within one month after the delivery of the membership certificate or of the decision declining membership, appeal against the acceptance or the disallowance must be made by the undertaker to the superior insurance office. The appeal is to be transmitted to the local insurance office. If in proceedings on the appeal it is shown that although the establishment is subject to the accident insurance it still does not belong to any of the existing accident associations, then the matter is to be laid before the Imperial Insurance Office. The latter shall assign the establishment to that accident association to which according to its nature it is most nearly allied.

ARTICLE 661.

If the undertaker does not make an appeal against a decision declining membership within the proper time, the local insurance office may lay the matter before the Imperial Insurance Office; upon application of the accident association such action must be taken.

ARTICLE 662.

If in the case mentioned in article 655 the directorate of the accident association designated in the notification accepts the membership of the undertaker, then the directorate of this association shall notify the directorate of the other accident association. The latter can within one month after the receipt of the communication make an appeal.

ARTICLE 663.

Extracts from the register of establishments are to be communicated to the directorates of the sections in regard to the undertakers belonging thereto.

IV. CHANGES IN THE UNDERTAKERS—CHANGES IN THE ESTABLISHMENT AND IN ITS MEMBERSHIP IN THE ACCIDENT ASSOCIATION.

ARTICLE 664.

Within the time specified in the constitution the undertaker must report changes in the person for whose account the establishment is conducted to the directorate of the accident association for entry in the registry of establishments. He remains liable for the contributions up to the end of the fiscal year during which the change is reported without, however, releasing his successor from the liability.

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ARTICLE 665.

The undertaker must report changes in his establishment which are of importance for his membership in the accident association to the directorate within the time specified in the constitution.

ARTICLE 666.

If upon application of the undertaker or if on its own accord the directorate believes it necessary to refer the establishment to another accident association, then it shall refer the establishment to the latter and communicate this fact to the association and through the local insurance office to the undertaker with a statement of the reasons therefor.

ARTICLE 667.

PARAGRAPH 1. The head of the establishment and the directorate of the other accident association may make protest against the assignment to the directorate which has so assigned the establishment; the last-named directorate shall lay the protest before the superior insurance office.

PAR. 2. If protest is not made within the proper time, then the establishment shall be reinscribed in the register and another membership certificate shall be made out or the undertaker.

ARTICLE 668.

If an accident association demands the assignment of an establishment and the undertaker or the accident association to which the establishment has hitherto belonged objects to the transfer, then the directorate of this accident association shall lay the matter before the superior insurance office for decision.

ARTICLE 669.

If the undertaker makes claim for the change in the registry of his establishment, then in case of objection on part of both accident associations he may make application for a decision to the superior insurance office.

ARTICLE 670.

The provisions of articles 666 and 667 for the assignment of an establishment apply correspondingly in regard to its release from membership.

ARTICLE 671.

PARAGRAPH 1. If the application for the transfer or release of membership has been granted, then the change in the membership in the accident association shall become effective on the date on which the application has first been received by one of the directorates of the accident associations affected. If the establishment has been transferred or released from membership by the action of the officials, then that date shall be used on which the transfer or the release from membership has been communicated to the undertaker.

PAR. 2. The directorates affected and the undertaker may agree upon another date.

ARTICLE 672.

If the transfer or release from membership is delayed to an important extent because the legal or constitutional provisions have not been observed, then upon application the superior insurance office may decide that the change in the membership of the accident association shall become effective on a date earlier than that specified in article 671, paragraph 1, however, not earlier than the beginning of the fiscal year during which the claim for contributions has not yet lapsed.

ARTICLE 673.

PARAGRAPH 1. If single establishments or subsidiary establishments go from one accident association to another, then article 643 applies in regard to the transfer of the accident burden.

PAR. 2. The accident association taking over an establishment has a claim to a corresponding part of the reserve of the accident association released. This part is to be computed according to an average rate which the Imperial Insurance Office shall

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determine every five years, separately for industrial and agricultural associations, according to the amount of the reserves of all the accident associations.

PAR. 3. Articles 645 and 646 are to be applied here.

ARTICLE 674.

PARAGRAPH 1. The obligation to make reports in case of changes in an establishment which affect the apportionment in the risk tariff (art. 711) and further procedure are to be regulated in the constitution.

PAR. 2. If the committee or the directorate of the accident association has to draw up and change the risk tariff (art. 707), then the general meeting of the accident association may also transfer to this body the regulation of the obligation to give notice in case of these changes in the establishment.

PAR. 3. The undertaker may appeal against the decision which the accident association issues upon the notification of the changes or in acting on its own initiative.

V. CONSTITUTION.

ARTICLE 675.

The accident associations regulate their internal administration and their order of business through a constitution which the general meeting of the accident association decides upon.

ARTICLE 676.

PARAGRAPH 1. The preliminary directorate elected by the general meeting for the purpose of establishing the organization shall conduct the general meeting and manage the business of the accident association until the directorate elected on the basis of a valid constitution shall take over the business.

PAR. 2. The preliminary directorate shall consist of a chairman, a secretary, and at least three associates.

ARTICLE 677.

The constitution must specify—

1. The name, the seat, and the district of the accident association;
2. The composition, rights, and duties of the directorate;
3. The form of the declarations of the decisions of the directorate as well as its signature on behalf of the accident association, the manner of making decisions in the directorate, and its representation as to third parties;
4. The calling of the general meeting of the accident association and its method of arriving at a decision;
5. The right to vote of the members and the examination of their credentials;
6. The rates for loss of earnings and for traveling expenses which are to be granted to the representatives of the insured persons (art. 21);
7. The representation of the accident association as against the directorate;
8. The procedure to be followed by the administrative bodies of the accident association in rating establishments in classes of the risk tariff;
9. The procedure in cases of changes in the establishment and of a change in the person of the undertaker;
10. The consequences of shutting down an establishment or of a change in the person of the undertaker, especially as to the guaranteeing of his contributions, if he shuts down the establishment;
11. The drawing up, examining, and acceptance of the annual balance sheet;
12. The administrative action relating to the issuance of the regulations containing provisions for accident prevention and for the supervision of the establishments;
13. The procedure in case of the reporting and release from membership of insured undertakers, of pilots and of other persons insured according to article 548, number 3, and article 552, as well as concerning the amount and ascertainment of the annual earnings of undertakers and of pilots;
14. The method of publishing notices;
15. The provisions as to the amendment of the constitution.

ARTICLE 678.

The constitution may specify—

1. That the general meeting of the accident association shall be composed of delegates;
2. That the accident association shall be divided into local sections;
3. That special district agents shall be appointed as local officials of the accident association.

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ARTICLE 679.

PARAGRAPH 1. If the constitution specifies the above, it must at the same time specify—

The election of the delegates;
The seat and the district of the sections;
The composition and calling of the general meetings of the sections and the manner of forming decisions;
The composition, rights, and duties of the directorates of the sections, the election, the districts, and the rights and duties of the special officials and their substitutes.

PAR. 2. The general meeting of the accident association may delegate the delimitation of the districts, and the election of the district agents and their substitutes, to the directorate of the accident association or of the section and may delegate the election of the directorates of the sections to the general meetings of the sections.

ARTICLE 680.

The constitution may empower the directorate of the accident association to impose fines up to 25 marks [$5.95] upon undertakers and persons holding equal positions according to article 912 who act contrary to their duties as stated in the constitution.

ARTICLE 681.

The constitution requires the approval of the Imperial Insurance Office. If the approval is to be denied, then the decision senate shall decide the matter; the reasons for the disapproval are to be stated. If the approval is not given, then on appeal the Federal Council shall decide.

ARTICLE 682.

If the approval has been finally denied, then within a time specified by the Imperial Insurance Office the general meeting of the accident association shall decide upon a new constitution. If no decision is made or if the new constitution is also finally disapproved, then the Imperial Insurance Office shall issue the constitution and direct that the necessary steps for its execution shall be taken at the expense of the accident association.

ARTICLE 683.

The constitution may be amended only with the approval of the Imperial Insurance Office. If such approval is to be denied, then the decision senate shall decide; the reasons for the disapproval are to be stated. If the approval is denied, then upon appeal the Federal Council shall decide the matter.

ARTICLE 684.

PARAGRAPH 1. If the constitution has been approved, then the directorate of the accident association shall publish the name and seat of the accident association and the districts of the sections in the Reichsanzeiger.

PAR. 2. The same rule is applicable in the case of amendments.

VI. ADMINISTRATIVE BODIES OF THE ACCIDENT ASSOCIATION.

ARTICLE 685.

The board of directors shall administer the accident association in so far as the law or the constitution do not provide otherwise.

ARTICLE 686.

The following matters remain within the power of the general meeting of the accident association:

1. The election of the members of the directorate;
2. The amendment of the constitution;
3. The examination and acceptance of the annual balance sheet, if the general meeting of the accident association has not appointed a special committee for this purpose;
4. The specification of the amount of the lump sums for loss of time and the rates for travel expenses for the members of the official bodies of the accident association.

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ARTICLE 687.

PARAGRAPH 1. Subject to the reservations of articles 13 and 14, whoever belongs to an accident association as a member, or holds a place equal to a member (art. 13, par. 2), may be elected to the directorate or as a district agent of the accident association, or as a delegate in the general meeting of the accident association (art. 678, No. 1).

PAR. 2. Those members of a guild, or of the supervisory council of a stock company, of a copartnership with shares (*Kommanditgesellschaft auf Aktien,*) or of a company with limited liability belonging to an accident association, are eligible as members of the directorate who have been at least for five years the undertaker or the duly authorized manager of an establishment belonging to an accident association.

PAR. 3. If branches of industry of various kinds or various kinds of establishments (such as large, medium, and small establishments) are combined in one accident association, then they shall as far as possible be represented in the directorate. The constitution shall specify the particulars.

PAR. 4. The constitution of an accident association may provide that the delegates of the insured persons may belong to its directorate, or if the accident association is divided into sections, to the directorates of the sections, and that they shall have the right to vote. The mining accident association may provide in its constitution that the delegates of the insured persons must be elders of a miners' fund. Their election shall be made through the delegates elected according to article 858; article 859 is applicable in regard to their eligibility.

ARTICLE 688.

The members of the accident associations may have themselves represented in the general meeting of the accident association through other members possessing the right to vote or through a duly authorized manager of their establishment.

ARTICLE 689.

As long as and in so far as the election of the legally authorized official bodies of the accident association does not take place, or the legally authorized official bodies refuse to perform their duties, the Imperial Insurance Office shall either itself or through agents conduct the business at the cost of the accident association.

VII. EMPLOYEES OF ASSOCIATIONS.

ARTICLE 690.

PARAGRAPH 1. The general meeting of the accident association shall regulate in appropriate manner the general conditions of appointment and the legal status of the employees of the accident association through service regulations.

PAR. 2. Employees who are employed only on probation, for temporary services, for preparation, or only in a subsidiary manner without compensation, are only subject to the service regulations in so far as the latter provide.

ARTICLE 691.

The principles stated in articles 692 to 699 shall control in the matter of the service regulations.

ARTICLE 692.

Appointments are to be made through written contracts.

ARTICLE 693.

PARAGRAPH 1. The right of the accident association to give notice of dismissal may not place the employee less favorably than he would be in the absence of an agreement under the civil law.

PAR. 2. An employee entitled to notice before dismissal may be discharged without such notice if an important reason exists therefor. In the case of employees who may be dismissed with notice who have been employed longer than 10 years, the notice of dismissal may be given only for an important reason. In the latter case it shall also be considered as an important reason if the employee, because of a change in the status of the accident association or in its business administration, can be spared, not merely temporarily; in such cases the employees with the shorter service term of that employee class in which the change is necessary shall first be given notice of dismissal.

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ARTICLE 694.

An appointment for life is permissible in so far as the service regulations provide therefor. The latter must then also regulate the conditions for life appointments as well as the legal status of such employees.

ARTICLE 695.

The service regulations must specify the salaries which are to be paid as a minimum for the separate classes of the employees, with the exception of those specified in article 690, paragraph 2, as well as the basis for an increase in salary. The regulations shall at the same time specify how long the salary shall continue to be paid if the employee, without any fault of his own, is prevented from rendering services.

ARTICLE 696.

Employees who abuse their positions in the service or their official business for the purpose of religious or political activity shall be reprimanded by the directorate, after an opportunity has been given to defend themselves, and in case of repetition shall be dismissed; their dismissal shall require the approval of the Imperial Insurance Office. Religious or political activity outside of their official activities, and the exercise of the right of association in so far as it does not conflict with the laws, shall not be prevented and shall not be considered as a reason either for notice of dismissal or for discharge.

ARTICLE 697.

If the service regulations grant a right to retirement pension or to benefits for survivors, then the regulations shall specify the conditions for the granting thereof.

ARTICLE 698.

PARAGRAPH 1. Appointments may be intrusted only to the business directors for the persons designated in article 690, paragraph 2. The chairman of the directorate must then within a time specified in the service regulations, but of not more than six months, determine as to further employment according to article 690, paragraph 2. For such persons he shall also specify the conditions both of notice of dismissal and of discharge.

PAR. 2. In addition the directorate shall decide in regard to the appointment, the notice of dismissal and discharge, as well as upon the apportionment to one of the classes of employees, the increase in salary, and the granting and disallowance of retirement pension and benefits for survivors.

ARTICLE 699.

The service regulations shall specify the authorities competent for the imposition of penalties and the legal remedies against them. Fines may not be imposed for amounts higher than the service income of one month.

ARTICLE 700.

PARAGRAPH 1. Before formulating the service regulations the directorate shall give the adult employees a hearing.

PAR. 2. The service regulations require the approval of the Imperial Insurance Office.

PAR. 3. If this approval is not given and if within the specified time other service regulations are not drawn up or are not approved, then the Imperial Insurance Office shall issue the service regulations.

PAR. 4. The same holds true for amendments.

ARTICLE 701.

PARAGRAPH 1. Decisions of the directorate of the accident association or of the general meeting of the accident association which conflict with the service regulations must be challenged by the chairman of the directorate in the form of an appeal to the Imperial Insurance Office; the appeal acts as a stay.

PAR. 2. If a provision of the contract of appointment conflicts with the service regulations it shall be void.

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ARTICLE 702.

No provision shall be made granting preference in the filling of vacancies to persons in possession of a certificate entitling the holder to a civil-service position (soldiers entitled to civil employment).

ARTICLE 703.

PARAGRAPH 1. The directorate may on their own responsibility transfer specified duties to salaried business managers.

PAR. 2. The Imperial Insurance Office shall specify the details in such cases.

ARTICLE 704.

The salaries of the employees shall be determined by the directorate in detail in the budget.

ARTICLE 705.

PARAGRAPH 1. In controversies connected with the conditions of service of employees who are subject to the service regulations, the Imperial Insurance Office (decision senate) shall decide upon appeal if the matter relates to notice of dismissal, discharge, fines of more than 20 marks [$4.76], or pecuniary claims.

PAR. 2. Pecuniary claims are subject to the following special provisions:

PAR. 3. Appeal to law is permissible. Suit may only be brought within one month after the decision of the Imperial Insurance Office has been made; the time limit is a peremptory time limit in the meaning of article 223, paragraph 3, of the Code of Civil Procedure;

PAR. 4. The regular courts shall be required to follow the decisions of the Imperial Insurance Office on the question whether, the period of notice of dismissal having been observed, a notice of dismissal may be given for an important reason (art. 693, par. 2, sentences 2 and 3);

PAR. 5. In questions concerning the determination of fines, an appeal to the regular courts is not permissible;

PAR. 6. On the basis of valid decisions of the insurance authorities, executions shall be made according to book 8 of the Code of Civil Procedure.

VIII. FORMATION OF THE RISK CLASSES.

ARTICLE 706.

The general meeting of the accident association must form risk classes according to the degree of risk of accident for the establishments belonging to the accident association in the form of a risk tariff and grade the amount of the contributions thereon.

ARTICLE 707.

The general meeting may authorize a committee or the directorate to draw up and amend the risk tariff.

ARTICLE 708.

PARAGRAPH 1. The risk tariff must be reexamined after not more than two fiscal years at first, and thereafter at least for every five-year period with respect to the accidents which have occurred.

PAR. 2. If the amendment of the tariff is not intrusted to the directorate, the latter must place before the competent official bodies of the accident association the result of the reexamination, together with a list of the accidents entitled to compensation arranged according to branches of industry. These officials must decide whether the risk tariff is to be retained or is to be amended.

ARTICLE 709.

The risk tariff and every amendment thereto shall require the approval of the Imperial Insurance Office, to which the list of accidents shall be submitted in the case mentioned in article 708.

ARTICLE 710.

If the competent official bodies of the accident association do not draw up the risk tariff within the time specified to them or if the tariff is not approved, then the Imperial Insurance Office itself shall draw up the tariff after a hearing of the official bodies of the accident association.

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ARTICLE 711.

PARAGRAPH 1. The accident association assigns the establishments in the risk classes for the duration of the tariff according to provisions of the constitution.

PAR. 2. After the classification of the establishments the accident association may reclassify an establishment for the period of the tariff, if the statements of the undertaker were incorrect or if a change has taken place in the establishment.

PAR. 3. The undertaker has the right of appeal against the classification.

ARTICLE 712.

PARAGRAPH 1. The general meeting of the accident association may
mentary charges or grant rebates for the coming tariff period or a part t
of establishments in accordance with the accidents which have occurred in their establishments.

PAR. 2. The employer has the right of appeal against the determination of supplementary charges.

IX. DIVISION AND JOINT CARRYING OF THE BURDEN.

ARTICLE 713.

PARAGRAPH 1. The constitution may provide that the sections shall bear the compensation for accidents which occurred in their districts up to three-fourths, and in the case of the mining accident association a proportion in excess thereof.

PAR. 2. The amounts which thereby become a burden to the sections are to be assessed upon their members according to the risk class and the amount of their contribution.

ARTICLE 714.

PARAGRAPH 1. Accident associations may make an agreement to carry in common either the whole or a part of the burden of compensation.

PAR. 2. In such case it must be specified how the common burden is to be distributed upon the accident associations affected.

ARTICLE 715.

The agreement shall require the consent of the general meetings of the accident associations affected and the approval of the Imperial Insurance Office. It may become effective only with the beginning of a fiscal year.

ARTICLE 716.

PARAGRAPH 1. The general meeting of the accident association shall decide how the share of the accident association in the common burden shall be distributed upon the individual members.

PAR. 2. If not otherwise provided, it shall be assessed in the same manner as the amounts paid for compensation which the accident association according to this law is required to pay.

X. ADMINISTRATION OF THE ASSETS.

ARTICLE 717.

The Imperial Insurance Office may publish regulations in regard to the safe-keeping of the securities.

ARTICLE 718.

PARAGRAPH 1. The accident association must invest not less than one-fourth of its assets in bonds of the Empire or of the federal States.

PAR. 2. The association may invest not more than one-half of its assets in a manner otherwise than prescribed in articles 26 and 27. For this purpose it shall obtain the approval of the Imperial Insurance Office.

PAR. 3. If an accident association desires to invest more than one-fourth of their assets according to paragraph 2 it must in addition have for this purpose the approval of the Federal Council, or if the association is subject to the State insurance office, it must have the approval of the highest administrative authorties of the federal State.

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ARTICLE 719.

PARAGRAPH 1. Such an investment (art. 718, pars. 2 and 3) is permissible only in securities; in other ways only for administrative purposes, only for the avoidance of loss of assets, or for undertakings which—

1. Are for the benefit either exclusively or principally of the persons subject to the insurance;
2. Or in so far as they promote the personal credit of the members of the accident association in the way of cooperation.

PAR. 2. The Imperial Insurance Office shall specify the particulars for the cases mentioned in paragraph 1, No. 2.

ARTICLE 720.

PARAGRAPH 1. Approval is required for—

The purchase of pieces of ground valued at more than 5,000 marks [$1,190];
The erection of buildings valued at more than 10,000 marks [$2,380];
The purchase of necessary articles of furniture the total value of which is more than 5,000 marks [$1,190].

PAR. 2. The approval is not needed for the purchase of pieces of ground on which the accident association has made loans in the case of compulsory sale.

ARTICLE 721.

The accident associations must make reports to the Imperial Insurance Office according to the regulations of the latter, in regard to their business and finances. The Imperial Insurance Office shall each year draw up a report concerning the total financial operations of the preceding fiscal year. This report is to be laid before the Reichstag.

SECTION FIVE—SUPERVISION.

ARTICLE 722.

The Imperial Insurance Office shall exercise supervision of the accident associations.

ARTICLE 723.

If a State insurance office is created for a federal State, it shall exercise supervision of the accident associations which do not extend beyond its territory.

ARTICLE 724.

For these accident associations, the State insurance office shall take the place of the Imperial Insurance Office in matters concerning—

Controversies concerning the apportioning of several establishments to one accident association according to articles 542 and 632;
Controversies between an accident association and a public corporation in case of negotiations in regard to the distribution of assets mentioned in article 625, paragraph 5, and the corresponding provisions of article 627, paragraph 3, and of article 628, paragraph 4;
Changes in the status of accident associations (arts. 635 to 648);
Acceptance in the register of establishments (arts. 660 and 661);
Changes in the membership of an establishment in the accident association in the case mentioned in article 673, paragraphs 1 and 3;
Approval and drawing up of the constitution (arts. 681 to 683);
Taking over the business of the accident association (art. 689);
Service regulations for the employees of the accident association (arts. 690 to 702), as well as controversies arising out of their service relations (art. 705);
Risk tariffs (arts. 706 to 712);
Joint carrying of the burden of compensation (art. 715);
Administration of the assets of the accident associations in the cases mentioned in articles 717 to 720, but excluding article 719, paragraph 2;
The collection of contributions and premiums (art. 736, pars. 2 and 3), as well as as the building up of the reserve (arts. 741 to 747);
Guarantees of one having building work done (art. 773);
Covering of the claims of the Postoffice Department (arts. 781 and 782);
Branch institutes and insurance associations (arts. 783 to 842) but excluding the cases mentioned in articles 799 and 839;
Additional institutions of the accident associations (arts. 845 to 847);
Accident prevention and supervision (arts. 848 to 891), but excluding the cases mentioned in article 883;
Reporting the names of the administrative officials (art. 893).

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ARTICLE 725.

PARAGRAPH 1. If the matter concerns the cases mentioned herewith, the Imperial Insurance Office decides whether an accident association which is subject to another State insurance office or to the Imperial Insurance Office, is affected. The State insurance office then forwards the documents to the Imperial Insurance Office. These cases are the following:

Controversies relating to the assignment of several establishments to one accident association according to articles 542 and 632;
Changes in the status of the accident associations in the cases mentioned in articles 640 and 646;
Acceptance in the register of establishments (arts. 660 and 661);
Changes in the membership of an establishment in the accident association in the case mentioned in article 673, paragraphs 1 and 3;
Joint carrying of the burden of compensation (art. 715).

PAR. 2. If the matter relates to common additional institutions of several accident associations (art. 847), then the Imperial Insurance Office remains the competent authority for these additional institutions provided that all of the accident associations affected are not subject to the same State insurance office.

SECTION SIX.—PAYMENT OF THE COMPENSATION—RAISING THE FUNDS.

I. PAYMENTS THROUGH THE POST OFFICE DEPARTMENT.

ARTICLE 726.

PARAGRAPH 1. The accident association shall pay the compensation upon notification of the directorate of the accident association through the Post Office Department, and furthermore through that post office in whose district the beneficiary resides.

PAR. 2. The payee shall be notified of the paying office by the directorate.

PAR. 3. If the payee removes his residence, he may make application either to the directorate or to the post office of his old place of residence to have the payments changed to his new place of residence.

ARTICLE 727.

Every person who is entitled to keep a public seal is authorized to give out and to attest the requisite certificates in such payments.

ARTICLE 728.

The highest postal authorities may collect from each accident association an advance sum. According to the choice of the accident association it shall be transmitted either quarterly or monthly to the office designated by the Post Office Department, and may not be greater than that amount which the accident association will probably have to pay in the current fiscal year.

ARTICLE 729.

The Imperial Insurance Office may specify in what manner payments are to be made to payees who customarily reside in a foreign country.

ARTICLE 730.

The mining accident association may specify through its constitution that miners' associations or miners' funds shall pay the compensation instead of the Post Office Department.

II. RAISING THE FUNDS.

ARTICLE 731.

PARAGRAPH 1. The accident associations must collect the means for their expenditures in the form of members' contributions, which shall cover the needs of the preceding fiscal year.

PAR. 2. In the case of the engineering and excavating association (*Tiefbau-Berufsgenossenschaft*) the contributions must, in addition to other expenditures, cover the capitalized value of the pensions which have become a liability of the accident association in the preceding fiscal year. The principles for the obtaining of the capitalized values are to be determined by the Imperial Insurance Office.

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PAR. 3. In the case of the branch institutes for building work fixed premiums as well as contributions are to be collected from the communes and other unions, and in the case of branch institutes and insurance associations for the keeping of riding animals or conveyances fixed premiums are to be collected (arts. 783 to 842).

ARTICLE 732.

PARAGRAPH 1. The members' contributions are to be assessed, first, according to the earnings received by the insured persons in the establishments, though the local wage rate for adults over 21 years of age must be the minimum, and, second, according to the risk tariff.

PAR. 2. If the earnings received during the contribution period exceed an annual amount of 1,800 marks [$428.40], then only one-third of the excess shall be included in the computation.

ARTICLE 733.

The constitution may provide that in the assessment of the contributions the earnings actually received shall be used in the computation.

ARTICLE 734.

In the case of establishments which regularly employ not more than five insured persons, the constitution may provide that with the consent of the undertaker a lump sum shall be paid instead of the computed individual earnings, or that uniform contributions shall be paid according to a standard specified by it; the constitution shall also specify the principles to be used in these cases.

ARTICLE 735.

The constitution may provide that in the case of a person giving orders to a home worker, he shall pay the contributions of those employed in home work by the home worker, and if the latter himself is insured according to the constitution, the person giving orders shall also pay for him.

ARTICLE 736.

PARAGRAPH 1. Contributions may not be collected from members nor shall funds from the property of the accident association be employed for purposes other than—

For covering the cost of the compensation and the cost of administration;
For the accumulation of a reserve (arts. 741 to 748);
For the payment of the advances to the post office (art. 728) and for the refunding and interest of the floating debt (art. 779);
For rewards in the case of rescuing injured persons;
For accident prevention;
For securing employment for persons injured by accident;
For the establishment of medical or convalescent institutions;
For the establishment of institutions of the kind specified in article 607.

PAR. 2. If according to article 720 the approval of the Imperial Insurance Office is required for the purposes therein designated, such approval is also required for the collection of contributions for such purposes.

PAR. 3. These provisions are correspondingly applicable to insurance associations (*Versicherungsgenossenschaften*).

ARTICLE 737.

PARAGRAPH 1. Newly created accident associations may collect in advance from its members for the first year the funds which are necessary to defray the cost of administration and to pay the post-office advance.

PAR. 2. If the constitution does not provide otherwise, these contributions shall be based on the number of persons subject to the insurance who are employed in the establishments of the members.

ARTICLE 738.

PARAGRAPH 1. The constitution may provide that the members shall pay advances on the contributions (art. 731).

PAR. 2. The constitution may provide that the directorate shall be entitled to collect advances from—

(a) Establishments which apparently will exist only temporarily;
(b) Individual members who have been repeatedly in arrears in the payment of the contributions.

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PAR. 3. The advances shall be collected from the individual members according to the amount of those contributions which were assessed upon them for the preceding fiscal year or were paid according to article 734.

PAR. 4. The advances of new members are to be based on the amount which they would have had to pay as members, according to the scope of their establishment, for the cost of the preceding fiscal year.

PAR. 5. The constitution or the general meeting of the accident association shall specify the date of payment; two weeks thereafter the advance must have been paid to the directorate.

ARTICLE 739.

If the highest postal officials make use of their right to collect advances (art. 728)' the constitution may provide that the requisite funds, in so far as they are not available out of the assessment for the preceding fiscal year (art. 749), are to be collected from the members of the current fiscal year through contributions (art. 731).

ARTICLE 740.

PARAGRAPH 1. The directorate may collect from the undertakers of establishments whose seat is located in a foreign country, contributions of double amount and require them to give security if they carry on in Germany an establishment subject to the insurance for a time only.

PAR. 2. This provision is correspondingly applicable to branch institutes and insurance associations for the keeping of riding animals or conveyances.

ARTICLE 741.

The accident associations must accumulate reserves.

ARTICLE 742.

PARAGRAPH 1. The reserve shall be formed by means of supplementary charges reckoned on the amounts paid out as compensation.

PAR. 2. There shall be collected—

In the first assessment, 300 per cent;
In the second, 200 per cent;
In the third, 150 per cent;
In the fourth, 100 per cent;
In the fifth, 80 per cent;
In the sixth, 60 per cent;
In the seventh to the eleventh each time 10 per cent less.

PAR. 3. The interest shall also be turned into the reserve.

ARTICLE 743.

PARAGRAPH 1. After the first 11 years, or if this period had already expired at the time of the coming into force of the industrial accident insurance law (Reichs-Gesetzblatt, 1900, p. 585) then from the year 1901 on, the supplementary charge shall be so measured that in the following 21 years the capital of the reserve shall be equal to three times the compensation which is to be paid in the year of the last supplementary charge.

PAR. 2. If an accident association in the 21 years would have to collect unreasonably high supplementary charges, then the Imperial Insurance Office can extend the period not more than 10 years.

PAR. 3. The Imperial Insurance Office specifies the amount of the supplementary charge which the accident association has to collect.

ARTICLE 744.

PARAGRAPH 1. The interest on the reserve received in the intermediate period (art. 743) may be used to cover the current expenditures. After the expiration of this period those amounts are to be taken from the interest which are necessary to prevent the further increase in the assessments which according to experience would be charged on the average on each 100 marks [$23.80] of earnings. The remainder of the interest is to be added to the reserve until the reserve is equal to one-half of the capital necessary to cover the compensation liabilities at the period in question.

PAR. 2. In special cases the Imperial Insurance Office may specify which part of the interest shall be used for the reduction of the assessments and which part for the addition to the reserve.

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PAR. 3. The Imperial Insurance Office shall also specify the manner in which the capitalized value of the liabilities for compensation is to be obtained.

ARTICLE 745.

The securities in which the reserve is invested are to be reported at their purchase price in determining the assets.

ARTICLE 746.

With the approval of the Imperial Insurance Office an accident association in case of need can draw on the capital of the reserve and also draw on the interest thereof before the expiration of the first 11 years. The reserve is then to be restored according to regulations of the Imperial Insurance Office.

ARTICLE 747.

The general meeting of the accident association may upon application of the directorate decide to make additional supplementary charges for the reserve at any time. Such decisions require the approval of the Imperial Insurance Office.

ARTICLE 748.

PARAGRAPH 1. Articles 742 to 747 are not applicable to the engineering and excavating association. The existing reserve, however, shall be maintained at its present amount; the interest thereon can be used to cover the liabilities of the accident association.

PAR. 2. With the approval of the Imperial Insurance Office the accident association may in case of need draw on the capital of the reserve. It shall then be restored according to provisions of the Imperial Insurance Office.

III. PROCEDURE IN ASSESSMENTS AND COLLECTIONS.

ARTICLE 749.

PARAGRAPH 1. The directorates of the accident associations must assess upon the members the payments which the highest postal authorities prove to have been made (art. 777), together with the other expenditures, according to the standard of apportionment already determined upon. In such case the provisions concerning the division and joint carrying of the cost (arts. 713 to 716) are to be considered and the advances already collected to be deducted.

PAR. 2. Article 764 applies to the engineering and excavating association; article 731, paragraph 3, article 763, and articles 799 to 842 are applicable to the branch institutes; article 731, paragraph 3, and article 842, paragraph 2, are applicable to the insurance associations.

ARTICLE 750.

PARAGRAPH 1. For the purpose of the assessment and the collection of the contributions each member, unless lump sums are used or uniform contributions are to be paid (art. 734) must transmit his wage list within six weeks after the close of the fiscal year to the directorate of the accident association.

PAR. 2. This wage list must contain—

1. The insured persons employed in the establishment during the preceding fiscal year and the earnings received by them;
2. If the wages actually earned are not used as a standard, a computation of the earnings which are to be used in the assessment of the contribution;
3. The risk class in which the establishment is rated.

PAR. 3. The constitution may specify that in place of the individual insured persons and the earnings received by them, the wage list shall contain the number of the insured persons and the total amount of earnings for the whole fiscal year or for shorter periods (summary wage list).

ARTICLE 751.

The constitution may provide—

That the wage list shall be transmitted either quarterly or semiannually;

That current wage lists (wage books) shall be kept from which this information can be taken;

That the wage lists (wage books) shall be preserved for three years.

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ARTICLE 752.

In the case of members who do not transmit the wage lists punctually or whose lists are incomplete, the accident association shall itself either prepare the list or complete the same.

ARTICLE 753.

On the basis of the wage lists, the lump-sum payments and the uniform contributions, the directorate of the accident association shall prepare a total list of insured persons who have been employed by the members during the preceding fiscal year, and a statement of the earnings that can be included in the computation which the insured persons have received. On this basis it shall compute the contribution which falls to each member in order to cover the total expenditure.

ARTICLE 754.

PARAGRAPH 1. To each member shall be sent an extract from the assessment roll which shall be drawn up for the distribution of the annual expenditures of the accident association, together with the demand, that within two weeks he shall pay the contribution determined upon, from which shall have been deducted the advances paid, in order to avoid compulsory collection and in the case of voluntary insurance in order to avoid exclusion (art. 553), if the constitution permits this step.

PAR. 2. The extract must contain statements which will permit the person required to make a payment to verify the computation of the contribution.

ARTICLE 755.

PARAGRAPH 1. After the transmission of the extract, the accident association can then determine the contribution otherwise only if—

The classification of the establishment in the risk classes is changed at a later time;

A change in the establishment occurring in the course of the fiscal year becomes known afterwards;

The wage list proves inaccurate.

PAR. 2. If in such cases or on account of failure to report an establishment the accident association has lost contributions, then the undertaker shall at a later time pay the amount lacking, provided that the claim has not lapsed.

ARTICLE 756.

In the case of a new or subsequent determination of the contribution the procedure is the same as in the case of the first determination.

ARTICLE 757.

PARAGRAPH 1. Within two weeks the members may make protest against the determination of their contributions to the directorate, but remain obliged to make provisional payment.

PAR. 2. They are not required to make provisional payment if the earnings are already contained in the wage list for another accident association and the contributions which are based on these earnings have been paid to this accident association.

ARTICLE 758.

PARAGRAPH 1. If the directorate does not comply with the protest or does not comply to the extent applied for, then an appeal against its decision is permissible only subject to article 759.

PAR. 2. Appeals shall be based only upon—

Mistakes in computation;

Inadequate consideration of the rebates (art. 712);

Incorrect rates of earnings;

Inaccurate rating in a risk class.

PAR. 3. Protests on account of the last two reasons are not permissible if the directorate has itself drawn up the wage list or completed the same on account of the delay of the undertaker.

ARTICLE 759.

If claims are based on the reasons stated in article 757, paragraph 2, and the accident association declines to recognize them as well founded, it must place the

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matter before the superior insurance office. The latter shall decide to which accident association the earnings are to be reported and suspends a divergent determination of the contributions even if such determination has already become effective. An appeal against the decision of the superior insurance office effects a stay.

ARTICLE 760.

PARAGRAPH 1. If the contribution is reduced upon the appealing of a claim or upon protest, then the amount lost is to be included in the assessment for the succeeding fiscal year.

PAR. 2. Excessive payments are to be returned or to be deducted from the contribution for the succeeding fiscal year.

ARTICLE 761.

If it develops later that a contribution paid without a protest has been collected either wholly or partly without right, then the provisions of articles 757 to 760 are correspondingly applicable.

ARTICLE 762.

Uncollectible contributions shall be charged to the whole membership. They shall be covered for the time being out of the available funds of the accident association, or if necessary, out of the reserve, and shall be considered in the assessment of the succeeding fiscal year.

ARTICLE 763.

In the case of accident associations to which a branch institute is attached the directorate of the accident association determines which part of the payments called for by the highest postal authorities is to be paid by the accident association and which part is to be paid by the branch institute.

ARTICLE 764.

PARAGRAPH 1. The engineering and excavating association shall pay that part which falls upon the accident association itself from its available funds.

PAR. 2. At the same time it must compute according to article 731, paragraph 2, the capitalized value of the burdens which have arisen for the association in the preceding fiscal year and collect the same from its members, together with the other expenditures according to the standard of apportionment already determined upon. In such case the provisions concerning the division and joint carrying of burdens, articles 713 to 716, are to be considered and the advances already collected to be deducted.

PAR. 3. In other matters articles 750 to 763 are applicable.

ARTICLE 765.

Paragraph 1. If the undertaker of a building operation conducted as a business is in arrears with the payment of contributions and the execution procedure shows that he is bankrupt, then the local insurance office on application of the directorate of the accident association may order, with the right to revoke the same, that the person for whose account the building is done as well as subcontractors are in so far liable for the contributions during one year after their final determination, as they have arisen after the issuance of the order. For such cases the constitution may specify the particulars in regard to the keeping of wage lists to determine the amount of wages for which the person on whose account the building is being done or the subcontractor is liable.

PAR. 2. The liability of subcontractors takes precedence of that of the person for whose account the building work is done.

ARTICLE 766.

PARAGRAPH 1. An order of this kind must clearly designate the undertaker to whom it applies, giving his name, residence, and business establishment. The order shall be communicated not only to him but also to the police authorities, both of his residence and of the seat of his establishment if the latter is in a separate place.

PAR. 2. If the employer changes his residence or the seat of his establishment then the police officials shall notify the authorities who are competent for the new place of residence or seat of the establishment.

PAR. 3. The police authorities must, on request, give the parties affected information concerning the order.

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ARTICLE 767.

PARAGRAPH 1. The undertaker must without delay give notice in writing concerning the order to the person on whose account the work is done. If he takes over a contract for building work then he must give notice thereof in advance. Subcontractors must without delay give information concerning the notice to the person giving the order.

PAR. 2. Whoever acts contrary to these provisions shall be punished with confinement in jail up to one year; in addition a fine up to 3,000 marks [$714] may be imposed. If he has acted negligently he shall be punished with a fine up to 100 marks [$23.80]. The penalty is only imposed if the person giving the order suffers damage as a result of the contravention.

ARTICLE 768.

The local insurance office shall suspend the order whenever it has been proved to it through certificate of the directorate that the undertaker is no longer in the debt of the accident association.

ARTICLE 769.

The superior insurance office decides finally upon appeal against—
Decrees of the local insurance office;
Refusals to issue such decrees;
Decisions of the local insurance office on the cancellation of the decree.

ARTICLE 770.

In controversies between the accident association and the person on whose account the building work is done or the subcontractors in regard to the liability in such cases (art. 765) the superior insurance office (decision chamber) shall decide; appeal to the regular courts is not permitted.

ARTICLE 771.

Articles 765 to 770 are correspondingly applicable for establishments conducted as a business engaged in hauling, inland navigation, and inland fishing. In such cases the proprietor of the apparatus used in the business takes the place of the person on whose account the building work is done and of the person giving the order. In case there are several proprietors they are liable as collective debtors.

ARTICLE 772.

PARAGRAPH 1. The highest administrative authorities of the federal State may specify that before the beginning of the building work the persons on whose account the work is done shall furnish guaranties to the building accident association for the payment of the contributions or the premiums.

PAR. 2. They shall also specify at the same time the communes and the building operations to which this provision is applicable.

PAR. 3. For such building operations the building permit shall be issued only if the accident association certifies that the guaranty has been provided.

ARTICLE 773.

The accident association shall determine the kind and the amount of the guaranty; the amount is to be proportioned according to the probable wage payments for the insured building workers. The Imperial Insurance Office shall issue general regulations.

ARTICLE 774.

The person for whose account the building work is done may apply for the return of the guaranties from the accident association whenever the building work is carried out by building contractors for whom he is not liable (art. 765).

ARTICLE 775.

The highest administrative authorities may withdraw their regulations (art. 772).

ARTICLE 776.

In controversies between the accident associations and persons for whom building work is done in the cases mentioned in articles 772 to 775, the superior insurance office shall decide; appeal to the regular courts is not permissible.

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IV. TRANSFERRING AMOUNTS TO THE POST OFFICE DEPARTMENT.

ARTICLE 777.

PARAGRAPH 1. Within eight weeks after the end of each fiscal year the highest postal authorities shall report to the directorates of the accident associations the payments made on their account and shall designate the post offices to which these amounts are to be refunded.

PAR. 2. After acknowledgment by the directorates of the accident associations of the amounts demanded, the highest postal authorities shall notify the accounting bureau of the Imperial Insurance Office of the amounts which have been paid in the preceding fiscal year for each accident association.

PAR. 3. The accounting bureau balances the actual amounts which are to be refunded to the Post Office Department.

ARTICLE 778.

If an accident association does not have to pay an advance to the Post Office Department, then the directorate of the accident association shall transmit the amounts which it has to pay to the Post Office Department within three months after the receipt of the demand to the offices designated therein.

ARTICLE 779.

Payments for compensation which the Post Office Department made in the year 1909 for an accident association are to be treated as the floating debt of the latter, and must have 3½ per cent interest paid thereon, and are to be refunded at the rate of 3½ per cent, together with the interest saved. The Empire shall defray two-fifths of these amounts of interest and refunding, while the accident associations have to transmit three-fifths to the Post Office Department in July of each year, together with the partial amounts of the postal advance then due.

ARTICLE 780.

PARAGRAPH 1. The size of the postal advance and the amount to be paid according to article 779 shall be determined for each accident association by the accounting bureau of the Imperial Insurance Office, and a statement thereof shall be communicated to the accident associations and to the highest postal authorities.

PAR. 2. For the computation of the postal advance the highest postal authorities communicate to the accounting bureau the amount of the payments in the preceding fiscal year which have been authorized by the directorates of the accident associations. Until the amount of the new postal advance has been determined the partial amounts shall continue to be paid in the same amounts as heretofore. These amounts shall be deducted when the new advance has been determined upon.

ARTICLE 781.

If the claims of the Post Office Department are not paid punctually by the accident associations, then the Imperial Insurance Office, upon application of the Post Office Department, shall institute proceedings for compulsory collection.

ARTICLE 782.

In order to cover the claims of the Post Office Department the Imperial Insurance Office shall first make use of the available assets in the treasury of the accident association. In so far as these assets are not sufficient, proceedings for compulsory collection against the members of the accident association shall be instituted and continued until the arrears are covered.

SECTION SEVEN—BRANCH INSTITUTES.

I. BRANCH INSTITUTES FOR THE BUILDING TRADES.

1. Establishment, scope, and organization.

ARTICLE 783.

PARAGRAPH 1. Those persons shall be insured in the branch institutes attached to an accident association of persons carrying on building work, who are employed in such work by the undertaker carrying on building work otherwise than as a business in the district of the accident association (art. 633, par. 2, No. 1).

PAR. 2. The same shall be applicable in the case of self-insured undertakers engaged in such building work.

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ARTICLE 784.

The branch institutes may not undertake other kinds of insurance.

ARTICLE 785.

In addition to the building work for which they have been established, the branch institutes of the building trades accident associations may have transferred to them building work on railways, canals, roads, streams, dikes, and other building operations in their district if an undertaker engaged in building work not conducted as a business (art. 633, par. 2, No. 1) executes such work and if not more than six working days are actually covered by each separate piece of work.

ARTICLE 786.

The administrative bodies of the accident association shall administer the branch institute if the constitution of the latter does not provide otherwise (art. 794).

ARTICLE 787.

PARAGRAPH 1. The income and expenditures of the branch institute are to be accounted for separately, and the assets are also to be kept separately.

PAR. 2. A special reserve must be accumulated for the branch institute. It may not be used for the purposes of the accident association.

ARTICLE 788.

PARAGRAPH 1. The rest of the property which is intended for the branch institute may be used for the accident association only with the approval of the Imperial Insurance Office.

PAR. 2. The approval for this purpose may only be granted if the part of the property which remains in the branch institute will probably be sufficient to cover permanently the liabilities already outstanding against the branch institute.

ARTICLE 789.

In so far as it is necessary the accident association must advance out of its own reserve the funds for the business operation of the branch institute.

ARTICLE 790.

PARAGRAPH 1. The branch institute must collect for the costs of administration such sums as are actually required for its separate administration.

PAR. 2. With the approval of the Imperial Insurance Office, a lump sum may in addition be imposed on it as its share of the joint costs of administration.

ARTICLE 791.

The branch institute must share in the advance which the accident association has to make to the Post Office Department (art. 728) according to the proportion of the compensation payments which the Post Office Department in the preceding fiscal year has paid out for the accident association and for the branch institute.

ARTICLE 792.

PARAGRAPH 1. The general meeting of the accident association must establish for the branch institute a constitution of its own.

PAR. 2. In the discussions on this subject a representative of the Imperial Insurance Office must be present and, upon his demand, must be heard at any time.

ARTICLE 793.

The constitution of the branch institute must contain provisions concerning—

1. The obligation to give notice on the part of the undertakers designated in article 633, paragraph 2, No. 1, who wish to insure themselves, as well as the amount and the computation of the annual earnings of these undertakers;
2. Delimitation of the rights of the directorate and of the general meeting of the accident association in the administration of the branch institute;
3. Accumulation of the reserve;
4. Drawing up, examining, and accepting of the annual balance sheet;
5. Publication of the annual accounts;
6. Amending the constitution of the branch institute.

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ARTICLE 794.

PARAGRAPH 1. The constitution of the branch institute may specify that it shall be administered through separate administrative bodies.

PAR. 2. In such case it shall also specify the seat of these administrative bodies, their composition, their districts, and the scope of their rights.

ARTICLE 795.

The general meeting of the accident association may transfer to the directorate of the accident association the delimitation of the districts of the separate administrative bodies and the election of their members.

ARTICLE 796.

The constitution of the branch institute and its amendments require the approval of the Imperial Insurance Office. If the approval shall be refused, the decision senate shall decide the matter; the reasons for the refusal are to be communicated. If the approval has been refused, then on appeal the Federal Council shall decide.

ARTICLE 797.

The directorate of the accident association must publish the districts and the composition of the separate administrative bodies in the Reichsanzeiger.

ARTICLE 798.

The following building operations shall be insured in a branch institute:

1. Those operations in which the separate operations actually consume more than six working days (longer building work) to be insured at the expense of the undertaker (art. 633, par. 2, No. 1), with the use of fixed premiums according to the premium tariff (arts. 799 to 824);
2. Those operations in which the separate operations consume not more than six working days (short building work), to be insured at the expense of the communes or of the unions designated in articles 828 to 830 whose district is covered by the accident association; the payments therefor shall be made in the form of contributions which shall annually be assessed upon these communes or unions according to the expenditure of the preceding fiscal year.

2. Insurance at the expense of the undertakers—Premiums.

ARTICLE 799.

PARAGRAPH 1. For each month and not later than three days after the expiration thereof the undertakers of longer building operations must submit a report to the officials designated by the highest administrative authorities in whose district the building work is carried out concerning the following:

1. The number of working days on which operations were conducted;
2. The payments made to the insured persons therefor.

PAR. 2. The Imperial Insurance Office shall prescribe the form of this report.

ARTICLE 800.

PARAGRAPH 1. If this report is not sent in or is incomplete, the authorities shall make it out or complete it according to their own knowledge of the conditions.

PAR. 2. For this purpose they may require those subject to this provision to give the information within a specified time under penalty of a fine up to 100 marks [$23.80].

ARTICLE 801.

PARAGRAPH 1. The authorities must transmit the reports within two weeks after the expiration of the quarter of the calendar year through the channels of the local insurance office to the directorate of the accident association or to the administrative body of the accident association designated by the latter.

PAR. 2. In this connection the authorities (art. 799) must certify that nothing is known to them concerning the execution of other building work in their district concerning which reports should be made.

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ARTICLE 802.

The tariff of premiums must show what unit rate must be paid in premiums for each one-half mark [11.9 cents] of computable wages or fraction thereof.

ARTICLE 803.

If the accident association graduates the contributions in the risk tariff according to the class of building work, then the same proportion must also be used for the unit rates of the premiums.

ARTICLE 804.

PARAGRAPH 1. The Imperial Insurance Office determines in advance the tariff of premiums at least every five years for each accident association after hearing the directorate thereof.

PAR. 2. The following factors shall be used as the basis for this purpose:

The capitalized value of the benefits which a branch will probably have to pay on account of accidents in connection with longer building operations, based on an annual average;

The supplementary charges for the creation of the reserve;

A lump sum for the costs of administration of the branch institute which are to be computed according to the annual average of the preceding tariff period after deducting the share for shorter building operations (art. 832). The Imperial Insurance Office shall specify the details in this connection.

PAR. 3. In this connection the interest on the reserve shall be deducted, provided that according to the constitution of the branch institute the interest does not accrue to the institute itself.

ARTICLE 805.

The Imperial Insurance Office shall publish the tariff of premiums in the Reichsanzeiger and in the papers which are designated for official announcements of the highest or superior administrative authorities in whose district the tariff shall be in force.

ARTICLE 806.

The tariff shall come into force not earlier than two weeks after its publication.

ARTICLE 807.

After each quarter of the calendar year the directorate of the accident association shall compute on the basis of the tariff of premiums and the reports, the premiums to be paid by each undertaker and shall draw up the assessment roll.

ARTICLE 808.

If the earnings of the insured persons per day of building work are lower than the local wage rate specified for adults in the place of employment, then the premiums shall be computed according to the latter.

ARTICLE 809.

Extracts from the assessment roll are to be forwarded to the communes with the request that they shall collect the premiums from the undertakers in their district and within one month transmit the same to the competent administrative body of the accident association after deduction of the postal fee.

ARTICLE 810.

PARAGRAPH 1. The accident association must grant a fee to the communes for the collection of the premiums, and the amount of this fee shall be determined by the highest administrative authorities acting in agreement with the Imperial Insurance Office.

PAR. 2. No fee shall be granted for a commune's own building operations.

ARTICLE 811.

For those premiums which the communes can not prove are actually lost or are impossible of collection by compulsory execution, the communes are liable and must forward them in advance.

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ARTICLE 812.

PARAGRAPH 1. The extract from the assessment roll must contain statements which will enable the person required to pay the premiums to verify the computation thereof.

PAR. 2. If it is afterward shown that the report of earnings was incorrect then the same regulations shall be applicable for the premiums as in the case of contributions due the accident association (arts. 756 and 757).

ARTICLE 813.

PARAGRAPH 1. The communal authority shall make the extract available for inspection by persons affected, for two weeks, and shall make known the beginning of the period in the manner customary in the locality.

PAR. 2. They may also forward the extract to the persons affected instead of leaving it open for inspection.

ARTICLE 814.

The persons required to make payments may make protest against the computation of the premiums to the directorate of the accident association or to the other competent administrative body (art. 794) within two weeks after the expiration of the period stated in article 813, paragraph 1, or after the delivery thereof; the person required to make payment, however, is obliged to pay the same for the time being. In such cases article 757, paragraph 2, and article 759, are correspondingly applicable.

ARTICLE 815.

PARAGRAPH 1. Subject to article 814, sentence 2, the protest may only be based upon the following:

Mistakes in computation.

Incorrect statement of wages.

Incorrect use of the tariff of premiums.

The assertion that no obligation for the payment of premiums exists.

PAR. 2. The protest may not be based upon incorrect statement of earnings if the authority has itself drawn up the same or completed it because of the failure of the person obligated to make such report.

ARTICLE 816.

Against the decision issued by the superior insurance office upon appeal, further appeal is permissible only if the appellant shows that he is not obligated to make payments of premiums.

ARTICLE 817.

If it later develops that an amount paid without protest was collected either wholly or in part incorrectly, then articles 814 to 816 shall be correspondingly applicable.

ARTICLE 818.

Premiums which may not be collected are, in case of need, to be covered out of the reserve of the branch institute and are to be considered in determining the next tariff of premiums.

ARTICLE 819.

PARAGRAPH 1. The owner of a building is liable for a period of one year for the premiums and other payments of bankrupt undertakers after the obligation has been finally determined.

PAR. 2. The liability of the subcontractors takes precedence of that of the building owner.

ARTICLE 820.

In case the building owner has given security to the accident association according to official regulations of the State authorities (art. 772), then the association is also liable for the premiums and other payments which the building owner must pay according to article 798, number 1, as an undertaker, or must pay according to article 819 on account of bankrupt undertakers.

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ARTICLE 821.

If controversies arise between the accident association (branch institute) and building owners or subcontractors in regard to the liability, then the superior insurance office (decision chamber) shall decide; appeal to the regular courts is not permissible.

ARTICLE 822.

The accident association may not demand on behalf of the branch institute any payments from the undertakers except premiums, fines, and costs, which are to be collected in accordance with this law.

ARTICLE 823.

PARAGRAPH 1. If communes, unions of communes, public corporations, and other building owners regularly carry out building operations without making use of other undertakers, then upon their application a lump sum based on the average annual number of working days can be determined upon in place of the earnings according to which premiums are to be computed.

PAR. 2. At the same time the date when the premiums are to be paid must be determined.

PAR. 3. In such cases the provisions concerning monthly reports (arts. 799 to 801) and the quarterly computation and the collection of the premiums (arts. 807 to 811) are not applicable.

ARTICLE 824.

Whenever the share of the branch institute in the amounts which are to be paid to the Post Office Department arise from accident caused by longer building operations, the funds for the replacement thereof shall be taken from the available cash in premiums.

3. *Insurance at the cost of communes.*

ARTICLE 825.

PARAGRAPH 1. The funds for covering amounts paid for compensation and costs of administration which accrued to a branch institute on account of accidents in short building operations shall be raised by annual assessment upon the communes in proportion to the population in the districts included in the accident association.

PAR. 2. If the branch institute has participated in the advance of the accident association to the Post Office Department, then on this account an advance may be assessed upon the communes equal in amount to the contributions of the preceding fiscal year.

PAR. 3. Beginning with the fiscal year which follows the last census, the number of inhabitants officially determined by it shall be used as a basis.

ARTICLE 826.

An extract from the assessment roll is to be forwarded to the communes with a request for the payment of the amount determined upon within two weeks under penalty of compulsory collection.

ARTICLE 827.

PARAGRAPH 1. The extract must contain statements which will enable those obligated to make the payment to verify the computation.

PAR. 2. Protests and appeals are subject to the same provisions as in the case of the accident association (art. 757, par. 1, arts. 758, 760, and 761); however, protests are permissible only if they are based upon mistakes in computation or upon errors in the statement of the population.

ARTICLE 828.

PARAGRAPH 1. The highest administrative authority may decree that unions of communes may take the place of the communes or in specified districts several communes may jointly assume the costs which accrue to them on account of the accident insurance with the branch institute.

PAR. 2. This authority shall specify at the same time how such unions shall be represented and administered and shall specify the principles upon which the joint cost is to be apportioned to the individual communes.

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ARTICLE 829.

The highest administrative authority may in addition provide that administrative districts shall take the place of the communes in the assessment and in such case how the amount assessed shall be apportioned to the individual communes.

ARTICLE 830.

PARAGRAPH 1. In so far as the highest administrative authority has not issued such regulations the communes may unite themselves on their own initiative for taking over the costs which accrue to them on account of accidents in short building operations.

PAR. 2. They shall at the same time specify how the union is to be represented and administered. The union must have the approval of the highest administrative authority.

ARTICLE 831.

The decrees and the agreements of these unions (arts. 828 to 830) are to be communicated to the accident associations affected and to the Imperial Insurance Office.

ARTICLE 832.

The amount of the costs of administration which are to be assessed upon the communes and the unions shall be determined in a corresponding manner as in the case of insurance at the cost of the undertaker (art. 804).

ARTICLE 833.

Within the individual communes or unions of communes the costs arising out of the insurance of short building operations shall be collected in the same way as communal taxes.

ARTICLE 834.

PARAGRAPH 1. The State laws or legal enactments of the individual communes or of a union of communes can specify another standard of apportionment and especially specify that the owners of land or buildings shall bear the cost.

PAR. 2. Legal provisions of this kind shall require the approval of the superior administrative authority.

ARTICLE 835.

The communes or other unions have no claim to the reserve of the branch institute on account of the costs which accrue to them through the insurance of short building operations.

II. BRANCH INSTITUTES FOR THE KEEPING OF RIDING ANIMALS AND CONVEYANCES.

ARTICLE 836.

PARAGRAPH 1. Those persons shall be insured in the branch institute which is attached to an accident association of undertakers of establishments engaged in hauling or inland navigation as a business who are employed in the district of the accident association in establishments for the keeping of riding animals or conveyances not conducted as a business (art. 537, Nos. 6 and 7).

PAR. 2. The same rule applies in the case of self-insured undertakers in such activities.

PAR. 3. In the case of conveyances on water these activities shall be insured in the branch institute of the accident associations for inland navigation; in other cases in the branch institute of the accident association for hauling establishments conducted as a business: *Provided*, That the Federal Council does not enact other provisions in accordance with article 629, paragraph 2.

ARTICLE 837.

PARAGRAPH 1. The general meeting of the accident association may provide that instead of one several branch institutes may be created for individual areas of their district.

PAR. 2. Such provisions shall require the approval of the Imperial Insurance Office; they are to be published in the Reichsanzeiger.

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ARTICLE 838.

In the branch institutes insurance at the cost of the undertakers (art. 633, par. 2, No. 2) shall be for premiums according to a tariff of premiums.

ARTICLE 839.

PARAGRAPH 1. The undertakers must make a report for each quarter of a calendar year and not later than three days after the expiration thereof to the authority in whose district the activities are carried on, and who shall be specified by the highest administrative authority, concerning the following subjects:

1. The working days on which operations were conducted;
2. The payments made to the insured persons therefor.

PAR. 2. The Imperial Insurance Office shall prescribe the form for the report.

PAR. 3. Persons neglecting to make such reports shall be proceeded against as in the case of the branch institutes for building work (art. 800).

ARTICLE 840.

PARAGRAPH 1. The authority shall, within two weeks after the expiration of the quarter of the calendar year transmit these reports through the channels of the local insurance office to the directorate of the accident association or the administrative body of the accident association designated by the latter.

PAR. 2. In connection therewith the authority (art. 839) shall certify that nothing further has become known to them concerning the keeping of riding animals or vehicles (art. 537, numbers 6 and 7) not conducted as a business, in their district.

ARTICLE 841.

The tariff of premiums must show what unit rate of premiums must be paid for each one-half mark [11.9 cents] or fraction thereof of computable earnings.

ARTICLE 842.

PARAGRAPH 1. In other matters the provisions for branch institutes for building work (arts. 784, 786 to 797, 803 to 818, and 822 to 824) shall be applicable for these branch institutes.

PAR. 2. If an insurance association takes the place of a branch institute then articles 647, 648, and 736 shall be applicable to it, and the provisions for branch institutes contained in articles 803 to 818, 822 to 824, 836, paragraphs 1 and 2, and articles 838 to 841, shall be correspondingly applicable. The insurance association must also accumulate a reserve.

SECTION EIGHT.—ADDITIONAL INSTITUTIONS.

ARTICLE 843.

The accident associations may create institutions for—

1. Insurance against liability for undertakers (art. 633) and persons of like status.
2. Funds providing subsidies to pensions and funds for retirement pensions for establishment officials, members of the accident association, insured persons, officials of the accident associations, and the relatives of these persons.
3. The procuring of employment for persons injured by accident.

ARTICLE 844.

PARAGRAPH 1. The accident association shall be the carrier of these institutions.

PAR. 2. Participation in these institutions is voluntary.

ARTICLE 845.

Decisions of the general meeting of the accident association:

Concerning institutions of the kind designated in article 843, Nos. 1 and 2, and the by-laws thereof, must have the approval of the Federal Council.

Institutions of the kind designated in article 843, No. 3, must have the approval of the Imperial Insurance Office.

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ARTICLE 846.

The supervision of these institutions shall be administered by the Imperial Insurance Office.

ARTICLE 847.

PARAGRAPH 1. Accident associations may unite to form such institutions in common.

PAR. 2. The agreement of union may only become effective at the beginning of a fiscal year.

PAR. 3. For the approval of such unions article 845 shall be correspondingly applicable.

SECTION NINE.—ACCIDENT PREVENTION—SUPERVISION.

I. REGULATIONS FOR ACCIDENT PREVENTION.

ARTICLE 848.

PARAGRAPH 1. The accident associations are obliged to issue the necessary regulations concerning—

1. The arrangements and orders which the members are required to provide for the prevention of accidents in their establishments.
2. The rules of conduct which the insured persons must observe for the prevention of accidents in the establishments.

PAR. 2. Regulations for the prevention of accidents may also be issued for individual districts, branches of industry, and kinds of establishments.

PAR. 3. In these regulations it must be specified in what manner they are to be made known to the insured persons.

PAR. 4. If workmen are employed in an establishment who are not familiar with the German language then the regulations for the prevention of accidents and the decrees of the mining inspection which replace them are to be made in another language: *Provided*, That together 25 persons speak such language.

ARTICLE 849.

If establishments belong to an accident association and these establishments because of their nature should have been apportioned to another accident association (arts. 540, 542, 631, and 632), then regulations for the prevention of accidents shall be issued for these establishments which correspond to the regulations of those accident associations to which the establishments because of their nature should have belonged.

ARTICLE 850.

An appropriate period of time is to be allowed to the members in order to institute the arrangements prescribed for the prevention of accidents.

ARTICLE 851.

Violations by the members of these regulations may be punished with fines up to 1,000 marks [$238], by the insured persons with fines up to 6 marks [$1.43].

ARTICLE 852.

A draft of the regulations is to be transmitted to the Imperial Insurance Office. If the accident association is divided into sections, the directorates of the sections affected must in advance render an opinion upon the draft.

ARTICLE 853.

PARAGRAPH 1. In the preparation and final decision upon these regulations the directorate of the accident association must call in representatives of the insured persons who shall have the full right to vote thereon and shall have the same number of votes as the members of the directorate participating.

PAR. 2. The same shall be correspondingly applicable for opinions in regard to protective regulations issued on the basis of article 120e, paragraph 2, of the Industrial Code.

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ARTICLE 854.

The directorate of the accident association must invite the Imperial Insurance Office to the sessions in which the draft of the regulations is to be prepared and decided upon.

ARTICLE 855.

In case regulations for the prevention of accidents or protective regulations on the basis of 120e, paragraph 2, of the Industrial Code are applicable for individual sections only, then the directorates of these sections shall call in the insured persons for the purpose of securing their opinion. In such cases article 853, paragraph 1, shall be correspondingly applicable.

ARTICLE 856.

The draft of the regulations is to be communicated to the representatives of the insured persons at the same time that the invitation is sent for the meeting in which the regulations are to be discussed, or considered, or decided upon.

ARTICLE 857.

Once each year the directorate, which shall call in at the same time representatives of the insured persons (art. 853, par. 1) shall take cognizance of the reports of the technical supervisory officials and shall suggest measures which seem required for the improvement of the regulations for the prevention of accidents. In such cases article 854 is applicable.

ARTICLE 858.

PARAGRAPH 1. Representatives of the insured persons shall be elected from the associates of the superior insurance office in whose district the accident association or the section has members. Those associates of the superior insurance office only are entitled to election, however, who are competent to act as representatives of the insured persons and do not belong within the scope of the agricultural accident insurance or the navigation accident insurance.

PAR. 2. The mining accident association may in its constitution provide that the representatives of the insured persons must be elders of the miners. If this provision is enacted the representatives of the insured persons shall be elected from the elders of the miners' associations and miners' funds affected.

ARTICLE 859.

As representatives of the insured persons only those are eligible who are themselves insured according to this law against accident and are employed in an establishment which belongs to an accident association. In other respects article 12 is applicable.

ARTICLE 860.

PARAGRAPH 1. The Imperial Insurance Office shall issue the election rules.

PAR. 2. A representative of this office shall conduct the election.

ARTICLE 861.

For each representative of the insured persons a first and a second alternate must be elected. The alternate shall take his place if he is prevented from performing his duties and replace him for the remainder of his term of office if he leaves before this time, in the order according to which the election results.

ARTICLE 862.

The Imperial Insurance Office shall decide controversies concerning the validity of the election.

ARTICLE 863.

The chairman of the directorate shall determine the allowance (art. 21) for the representatives of the insured persons.

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ARTICLE 864.

PARAGRAPH 1. The regulations for the prevention of accidents must have the approval of the Imperial Insurance Office; the decision senate shall decide thereon.

PAR. 2. The minutes of the proceedings of the directorates must accompany the application for the approval. The minutes must show how the representatives of the insured persons have voted; they must further contain an opinion of the directorates of the sections affected.

ARTICLE 865.

PARAGRAPH 1. An opportunity must be given to the highest administrative authorities affected to express an opinion before the approval is granted.

PAR. 2. Regulations for the prevention of accidents applying to establishments which are subject to the mining inspection may be approved only if the highest administrative authority acquiesces.

ARTICLE 866.

Even if the regulations for the prevention of accidents or parts thereof do not apply solely to individual sections, the Imperial Insurance Office may order that the directorates of the sections shall call in the representatives of the insured persons to secure their opinion before granting its approval.

ARTICLE 867.

If the general meeting of the accident association amends the decisions which the directorate and the representatives of the insured persons have made, then the Imperial Insurance Office shall specify whether the directorate, together with the representatives of the insured persons, shall again discuss and decide upon this matter.

ARTICLE 868.

If the Imperial Insurance Office makes its approval dependent on the amendment of the regulations, then it shall also specify whether the representatives of the insured persons shall be called in for discussion and for final decision.

ARTICLE 869.

The directorate of the accident association must communicate the regulations to the superior administrative authorities whose districts are affected.

ARTICLE 870.

The directorate of the accident association is authorized to determine the fines imposed upon members of the accident association, and the local insurance office (decision committee) for those imposed upon insured persons. The superior insurance office (decision chamber) shall decide upon appeal against the imposition of fines by the directorate of the accident association.

ARTICLE 871.

Those decrees which the State officials have issued for specified branches of industry or kinds of establishments for the prevention of accidents, must, in advance, be communicated to the directorates of the accident associations or of the sections for their opinions, provided that there is no risk in the delay. In such cases the representatives of the insured persons are to be called in in the same manner as in the discussion of the regulations for the prevention of accidents.

ARTICLE 872.

The police authorities must communicate to the accident association affected those orders which they enact for the prevention of accidents according to article 120d, paragraph 1, of the Industrial Code.

ARTICLE 873.

Whenever the matter concerns the issuance of regulations for the prevention of accidents which at the same time are intended to assure the safe operation of railways, then articles 852 to 856, 866 to 868, 871, and 872 are not applicable.

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II. SUPERVISION.

ARTICLE 874.

The accident associations must provide for the execution or the regulations for the prevention of accidents.

ARTICLE 875.

The accident associations are authorized, and upon demand of the Imperial Insurance Office, are obligated to appoint technical supervisory officials in sufficient number to supervise the carrying out of the regulations for the prevention of accidents and to take cognizance of the arrangements of the establishments in so far as this is of importance in regard to membership in the accident association or for the classification in the risk classes. For such officials those persons may also be appointed who have formerly belonged to the insured establishments as workmen.

ARTICLE 876.

In order to verify the wage reports which have been handed in, the accident associations may inspect, through their accounting officials, those books and lists from which the number of workmen and officials employed and the amount of the wages earned are computed.

ARTICLE 877.

The business of the technical official and of the accounting official may, with the approval of the Imperial Insurance Office, be united in one person.

ARTICLE 878.

The undertakers are obligated to permit the technical supervisory officials of their accident association to enter the place of their business during business hours and are obligated to lay before the accounting officials the books and lists (art. 876) in such place.

ARTICLE 879.

PARAGRAPH 1. The Imperial Insurance Office may force the undertakers to comply with their duties arising out of article 878 upon the application of any person participating in the supervision, by the imposition of fines up to 300 marks [$71.40].

PAR. 2. The superior insurance office decides finally upon appeal.

ARTICLE 880.

The undertaker may demand special experts instead of the technical supervisory officials if he fears, on account of the latter's inspection, some damage to his trade secrets or other injury to his business activities.

ARTICLE 881.

PARAGRAPH 1. In such cases the undertaker must, as soon as possible, designate to the directorate of the accident association several persons who are competent and ready to inspect the establishment at his expense and to give the accident association the necessary information.

PAR. 2. The Imperial Insurance Office shall decide, upon request, if the parties can not agree in the matter.

ARTICLE 882.

The local insurance office of the place of residence shall put under oath the members of the administrative bodies of the accident associations, the technical supervisory and accounting officials, as well as the special experts, to keep secret all matters which become known to them through the supervision of the establishments or through the examination of the books or lists, as well as not to make an unauthorized use of business and trade secrets.

ARTICLE 883.

PARAGRAPH 1. The directorate of the accidents association must report the name and residence of the technical supervisory and accounting officials to the superior administrative authorities affected.

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PAR. 2. The directorate must make reports to the Imperial Insurance Office concerning the activities of the technical supervisory officials and, upon request, to the State supervisory officials (art. 139b of the Industrial Code).

ARTICLE 884.

PARAGRAPH 1. If the supervisory official of the accident association has received information concerning orders which the State officials have issued for the prevention of accidents, then he may not give orders in conflict therewith.

PAR. 2. If, however, he believes a conflicting order necessary or considers an order of the State officials inconsistent with a regulation for the prevention of accidents, he shall report thereon to the directorate of the accident association. The latter may then call upon the superior officers of the State officials.

ARTICLE 885.

PARAGRAPH 1. If the State supervisory official considers orders of the accident association as conflicting or inconsistent with the regulations for the prevention of accidents, then the official shall communicate the fact to the directorate of the accident association.

PAR. 2. If the directorate considers the protest unfounded, it may call upon the superior officers of the State officials.

ARTICLE 886.

The directorate of the accident association must transmit to the Imperial Insurance Office information concerning all proceedings which concern differences of opinion between the two sets of supervisory official.

ARTICLE 887.

If on account of the negligence of an undertaker the accident association incurs cash expenditures on account of the supervision of his establishment or on account of the examination of his books and lists then the directorate may charge these costs to the undertaker and in addition impose upon him fines up to 100 marks [$23.80]. The costs shall also be collected in the same manner as communal taxes.

ARTICLE 888.

With the consent of the association and under an agreement as to the costs the local insurance office may assist the accident association in regard to the supervision of those receiving pensions. In this matter the decision committee shall decide. If the committee declines then on appeal the superior insurance office shall decide finally.

ARTICLE 889.

The undertakers are required to permit the permanent members of the Imperial Insurance Office authorized by the Imperial Insurance Office to enter their places of work during the hours of operation, in order to determine the administration and effect of the regulations for the prevention of accidents which have been issued (art. 848). The Imperial Insurance Office may enforce the compliance of this obligation through fines up to 300 marks [$71.40].

III. SPECIAL PROVISIONS FOR BUILDING OPERATIONS AND FOR THE KEEPING OF RIDING ANIMALS AND CONVEYANCES.

ARTICLE 890.

PARAGRAPH 1. Regulations for the prevention of accidents are also to be issued for activities in connection with building operations not carried on as a business and for the keeping of riding animals and conveyances not carried on as a business (art. 537, Nos. 6 and 7).

PAR. 2. That accident association is competent in whose branch institute the persons employed in such activities are insured. If they are insured in an insurance association, then the latter is competent.

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ARTICLE 891.

PARAGRAPH 1. Subject to the following provisions, articles 848 to 889 shall be applicable also for these activities.

PAR. 2. In case of violations of the regulations for the prevention of accidents, fines up to 100 marks [$23.80] may be imposed on the undertakers of short building operations.

PAR. 3. In an insurance association, the representatives of the insured persons are elected from the associates of the superior insurance office over whose districts the accident association or section extends; in this case article 858, paragraph 1, sentence 2, shall be applicable.

SECTION TEN.—ESTABLISHMENTS AND ACTIVITIES FOR THE ACCOUNT OF PUBLIC BODIES.

ARTICLE 892.

PARAGRAPH 1. If the Empire or a federal State is a carrier of the insurance, then it shall take the place of the accident association and assume the rights and duties of the administrative bodies of the accident association through administrative authorities. For the military administration, the latter shall be specified by the highest military administrative authority of the division of the army, for the other administrations of the Empire, the imperial chancellor, and for the State administration, the highest administrative authority.

PAR. 2. The same rule shall be applicable for communes, unions of communes, and other public bodies which are carriers of the insurance. The highest administrative authority shall specify the officials for the execution hereof.

ARTICLE 893.

PARAGRAPH 1. The Imperial Insurance Office shall be informed concerning the administrative authorities.

PAR. 2. The administrative authorities already authorized shall continue to act.

ARTICLE 894.

If the Empire, the federal State, the commune, the union of communes, or another public corporation, is a carrier of the insurance, then the following articles are not applicable:

The provisions relating to changes in the status of the accident association (arts. 635 to 648);
The provisions in regard to the constitution of the accident association contained in articles 649 to 720;
The regulations concerning supervision (arts. 722 to 725);
The provisions concerning the collection of funds as well as concerning the procedure in regard to assessments and collections (arts. 731 to 776);
The provisions in regard to transferring amounts to the Post Office Department in articles 781 and 782;
The provisions concerning branch institutes (arts. 783 to 842);
The provisions in regard to additional institutions (arts. 843 to 847);
The provisions in regard to accident prevention and supervision in articles 848 to 887, and 889 to 891;
The penal provisions in articles 908 to 910, 912 and 913.

ARTICLE 895.

Whoever designates the administrative authorities shall also issue the administrative regulations in order to execute the provisions of this section.

ARTICLE 896.

The administrative provisions may extend the insurance obligation to establishment officials with annual earnings of more than 5,000 marks [$1,190], in so far as the latter are not exempt from insurance according to article 554.

ARTICLE 897.

PARAGRAPH 1. If the administrative authority in order to prevent accidents wants to issue regulations with penal provisions covering insured persons, then not less than three representatives of the insured persons shall be called in for discussion and advice.

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PAR. 2. A representative of the authority shall conduct the discussion; he may not be the immediate official superior of the representatives just mentioned.

PAR. 3. In so far as the matter concerns the issuing of regulations which are intended to assure the safe operation of railways, the above is not applicable.

SECTION ELEVEN.—LIABILITY OF UNDERTAKERS AND THEIR REPRESENTATIVES.

I. LIABILITY TO INJURED PERSONS AND SURVIVORS.

ARTICLE 898.

The undertaker (art. 633) is liable to injured persons and their survivors (art. 588 to 594) even if they have no claim to a pension, according to other legal provisions for the compensation of injuries which an accident of the kind designated in articles 544 and 546 has caused, only if it has been determined by the penal decision that he has purposely caused the accident. The liability of the undertaker is then limited to the amount by which such compensation exceeds that of the accident insurance.

ARTICLE 899.

The same rule is applicable in the case of compensation claims of injured persons and their survivors against the authorized agents or representatives of the establishment and against the overseers of the establishment and of the workmen.

ARTICLE 900.

The claim may also be made valid if on account of the death, absence, or of a cause other than that which rests in the person of the one obligated, no penal decision has been delivered.

ARTICLE 901.

PARAGRAPH 1. If the regular court must decide in regard to such claims, then the court is bound by the decision which has been delivered in a procedure according to this law, as to the following points:

Whether an accident which entitles to compensation has occurred;

To what extent and by what carrier of the insurance, the compensation is to be granted.

PAR. 2. The regular court shall suspend its procedure until the decision in the procedure according to this law has been rendered. This, however, does not apply to arrests and acts for the time being.

ARTICLE 902.

Instead of the person entitled to the compensation, the undertakers or persons of like status according to article 899, from whom the injured person or his survivors demand compensation for injuries, may apply for the determination of the compensation according to this law, and may also make use of legal remedies. The lapse of time limits which, without their fault, have expired, shall not act against them; this shall not apply for time limits of procedure in so far as the undertaker or person of like status according to article 899 shall himself conduct the procedure.

II. LIABILITY TO ACCIDENT ASSOCIATIONS, SICK FUNDS, ETC.

ARTICLE 903.

PARAGRAPH 1. If it is determined by a penal decision that the undertaker or person of like status according to article 899 has caused the accident either purposely or negligently through failure to observe such care to which they are especially obligated on account of their office, occupation, or industry, then they are liable for everything which the communes, poor law unions, sick funds, miners' associations, miners' funds, substitute funds, and funeral or other relief funds have had to expend because of the accident according to the law or constitution. Instead of the pension the capitalized value thereof may be demanded.

PAR. 2. They are also liable—

If it has been determined by the penal decision that in the direction or execution of a building operation they have acted contrary to the generally recognized rules in building work;

If the accident has been caused through such violations.

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PAR. 3. The provisions of article 900 in regard to liability without determination by penal decision are also applicable for these claims.

PAR. 4. Undertakers and persons of equal status according to article 899 are liable to the accident association for its expenditures, even if there has been no determination by penal decision.

ARTICLE 904.

PARAGRAPH 1. For accidents caused by the persons named below, the following bodies are liable as undertakers, if the persons so named have performed duties belonging to them; the bodies liable and the persons for whom liability attaches are—

1. A stock company, mutual insurance association, a registered cooperative society, a guild, or other legal person, for a member of the directorate;
2. A company with limited liability, for a business director;
3. Any other business corporation, for a partner who is authorized to conduct the business;
4. In the case of the liquidation of a business corporation, a mutual insurance association, a registered cooperative society, a guild, or other legal person, for one of the liquidators.

PAR. 2. This provision is correspondingly applicable for the Empire, federal States, communes, unions of communes, as well as other corporations, foundations, and institutions created by public law.

ARTICLE 905.

PARAGRAPH 1. If the accident has been brought about negligently through failure to observe that care, to which the undertaker and persons of equal status (art. 899) because of their office, occupation, or industry are especially obligated, then the general meeting of the accident association may refrain from making a claim for the accident association.

PAR. 2. The constitution may transfer this right to the directorate.

ARTICLE 906.

PARAGRAPH 1. If the directorate desires to make a claim for reimbursement it shall communicate in writing its decision to the person liable to make reimbursement. The latter may then appeal within one month to the general meeting of the accident association.

PAR. 2. If the person to make reimbursement appeals within this time to the general meeting of the accident association, suit may be instituted only after the decision of the latter, and in other cases only after the expiration of one month with a notification.

ARTICLE 907.

PARAGRAPH 1. Such claims lapse in 18 months after the day on which the penal decision has become effective. In those cases in which no penal decision is required they lapse within one year after the legal and effective determination of the obligation to compensation on the part of the accident association, but at the latest within 5 years after the accident. If the general meeting of the accident association is appealed to, such action shall act as a stay to the expiration. A new period of expiration may only then begin, if the general meeting of the accident association has made a decision or if the appeal has been decided otherwise.

PAR. 2. The provisions of article 901, paragraph 1, in regard to the regular courts being bound to follow the decision, are also applicable for these claims.

SECTION TWELVE.—PENAL PROVISIONS.

ARTICLE 908.

Under a proviso that the undertaker was aware of the inaccuracy of the statements or must have known under the circumstances, the directorate of the accident association may impose fines upon employers up to 500 marks [$119]—

1. If on the basis of the law or of the constitution they have transmitted reports for the computation of contributions or premiums or for the classification in risk classes which contained actually incorrect statements;
2. If in the report of the establishment (art. 653) a later date is stated as the time of the opening of the establishment or of the beginning of the insurance obligation than that date on which the establishment was opened or became subject to the insurance.

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ARTICLE 909.

The directorate of the accident association may in addition impose fines not to exceed 300 marks [$71.40] on the undertakers if they do not comply in due time with the obligation—

1. To report the establishment and changes in the establishment, as also to post placards in the establishment;
2. To keep and preserve wage lists (wage books);
3. To transmit wage reports and the reports for the computation of premiums;
4. To comply with the provisions of the constitution in regard to the shutting down of an establishment and to a change of the undertaker.

ARTICLE 910.

PARAGRAPH 1. The superior insurance office (decision chamber) shall decide finally upon appeals against the determination of fines by the directorate of the accident associations.

PAR. 2. The decision chamber shall decide, though not finally, in the cases mentioned in articles 870 and 887 as well as of article 891 in connection with these provisions.

ARTICLE 911.

Undertakers or their employees who purposely deduct contributions or premiums, either wholly or partly, from earnings or deliberately bring about the same, shall be punished with fines up to 300 marks [$71.40] or with imprisonment, if a severer penalty has not been incurred according to other legal provisions.

ARTICLE 912.

Whenever on the basis of this law the undertaker is liable to penalties the following persons shall be considered as having the same status:

1. The members of the directorate, if a stock company, mutual insurance association, registered cooperative society, guild, or other legal person is an undertaker;
2. The business manager, if an association with limited liability is an undertaker;
3. All copartners personally liable, provided that they are not excluded from representation, if another form of business corporation is the undertaker;
4. The legal representatives of undertakers not legally competent to transact business, or partially so, as well as liquidators of a business corporation, a mutual insurance association, a registered cooperative society, a guild, or any other legal person.

ARTICLE 913.

PARAGRAPH 1. The undertaker may transfer the duties laid upon him on the basis of this law to business managers; in so far as the matter does not relate to arrangements founded on regulations for the prevention of accidents, he may also transfer the duties to a supervisory staff or other officials of his establishment.

PAR. 2. If such representatives act in violation of those regulations which impose a penalty upon the undertaker, then the penalty shall apply to them. In addition to them the employer may be penalized in the following cases:

1. If the violation has taken place with his knowledge;
2. If in the selection or supervision of his representatives he has not observed the required care in the transaction; in these cases no other penalty than a fine may be imposed upon the undertaker.

PAR. 3. If the fines which have been imposed by the directorate of the accident association can not be collected from the representatives, then the employer is liable in their place. His liability is to be specified in fixing the penalty.

ARTICLE 914.

In the case of insured persons, the fines imposed upon them shall be paid into the sick fund if the person penalized belongs at the time of the violation to a sick fund; otherwise, it shall be paid into the general local sick fund of his place of employment, and where such fund does not exist, then into the rural sick fund. The same shall also apply to fines which administrative authorities impose upon insured persons (art. 897).

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PART TWO.

AGRICULTURAL ACCIDENT INSURANCE.

SECTION ONE.—SCOPE OF THE INSURANCE.

ARTICLE 915.

PARAGRAPH 1. Agricultural establishments (art. 161) are subject to the accident insurance.

PAR. 2. The Imperial Insurance Office may specify what branches of industry are considered as agricultural establishments.

ARTICLE 916.

PARAGRAPH 1. If the agricultural undertaker carries on work on his own land or on the land of others for his own agricultural establishment without transferring this work to another undertaker, then the following shall be considered as parts of the agricultural establishment:

Current repairs to buildings which are used in agricultural operations;

The cultivation of the ground and other building work for the establishment, especially the making or maintenance of roads, dams, canals, and watercourses for this purpose.

PAR. 2. If because of public and lawful obligation, the agricultural undertaker carries on work for the communes for the making or maintenance of buildings, roads, dams, canals, and watercourses, as an undertaker, and these obligations rest upon him as an agriculturalist, then they are to be considered as part of his agricultural establishment.

ARTICLE 917.

PARAGRAPH 1. In the meaning of article 915, paragraph 1, gardening and the care of parks and gardens as well as cemetery establishments shall be considered as agricultural establishments in so far as they are not subject to industrial accident insurance.

PAR. 2. Small home gardens, and ornamental gardens which are not worked regularly, and to a considerable extent with a special labor force and whose products are consumed principally by the household are not considered as agricultural establishments.

ARTICLE 918.

The insurance is applicable also to undertakings which the agricultural undertaker carries on in addition to his farm but in economic dependence thereon (agricultural subsidiary establishments). In this class belong especially those establishments which either wholly or principally are intended for the following purposes:

1. To prepare or work up products of the farm of the undertaker;
2. To supply the needs of his farm;
3. To procure or to work up the products of the earth from his land.

ARTICLE 919.

Article 918 is not applicable to—

1. Mines, salt works, concentrating works, shipyards, metallurgical and metal-working plants, yards for the preparation of building materials as well as to establishments which manufacture or work up as a business either explosives or explosive articles;
2. Establishments which the Imperial Insurance Office has declared to have the status of factories—
   Because of their considerable scope;
   Because of their special equipment with machinery;
   Because of the number of their industrial workmen.

ARTICLE 920.

Establishments or activities in inland navigation and rafting are only included in the insurance of the principal agricultural establishments if they do not extend beyond the scope of local traffic.

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ARTICLE 921.

Those activities which because of their nature are subject to the industrial accident insurance in a branch institute or an insurance association shall be insured in that agricultural accident association to which the undertaker having the activities of the same kind belongs: *Provided*, That these other activities are of greater extent than the former.

ARTICLE 922.

Article 542 is applicable to the assignment of agricultural and industrial establishments of the same undertaker to the accident association.

ARTICLE 923.

PARAGRAPH 1. In establishments which according to articles 915 to 922 are subject to the insurance, the following persons shall be insured against accidents (industrial accidents): *Provided*, That they are employed in these establishments:

1. Workmen;
2. Establishment officials whose annual earnings as compensation do not exceed 5,000 marks [$1,190].

PARAGRAPH 2. Helpers, journeymen, and apprentices are considered as workmen.

PAR. 3. In distinction from the usual agricultural workmen, that person shall be considered as an artisan who requires special technical skill for his position. This applies to foresters, gardeners, gardeners' helpers, millers, brickmakers, wheelwrights, blacksmiths, carpenters, distillers, engineers, firemen, as well as to helpers and journeymen who have gone through a period of technical training and education. The persons made subject to the agricultural accident insurance according to article 922 shall also be considered as artisans. The constitution shall determine who in addition to these shall be considered as artisans.

PAR. 4. Acts contrary to regulations do not exclude the assumption of a trade accident.

ARTICLE 924.

The insurance shall include household and other service which the insured persons while principally employed in the establishment or in the insured activities (arts. 920 and 921) are called on to perform by the undertaker or his authorized agent.

ARTICLE 925.

The constitution may extend this obligation to the following:

1. Undertakers whose annual earnings do not exceed 3,000 marks [$714] or who regularly employ for compensation either no one or at most two persons subject to the insurance;
2. Establishment officials whose annual earnings as compensation exceed 5,000 marks [$1,190].

ARTICLE 926.

The constitution may extend the insurance of undertakers who are principally employed in agriculture to such household activities as are connected with agriculture.

ARTICLE 927.

PARAGRAPH 1. Undertakers may insure themselves against the consequences of trade accidents if they do not have more than 3,000 marks [$714] of annual earnings or if they regularly employ for compensation either no one or at most two persons subject to the insurance. In this case, article 926 is also applicable.

PAR. 2. The constitution may admit them also to self-insurance if they have more than 3,000 marks [$714] of annual earnings or if they regularly employ for compensation at least three persons subject to the insurance.

ARTICLE 928.

The provisions of articles 925 to 927 in regard to the insurance of undertakers are also applicable to their consorts employed in the establishments.

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ARTICLE 929.

The following articles from the industrial accident insurance are correspondingly applicable:

1. Article 552 for the insurance of other employees in the establishment and of strangers in the establishment.
2. Article 553 in regard to the consequences of nonpunctual payment of contributions in the case of voluntary insurance.
3. Article 554 for the insurance of military persons and of officials.

SECTION TWO.—BENEFITS OF THE INSURANCE.

ARTICLE 930.

Articles 555 to 562 from the industrial accident insurance are correspondingly applicable concerning the object of the insurance.

ARTICLE 931.

PARAGRAPH 1. In the computation of the pensions for establishment officials and artisans, articles 563 to 566 and 568 are applicable in regard to the annual earnings.

PAR. 2. In addition articles 932 to 935 and 941 are applicable in this connection.

ARTICLE 932.

If the customary number of working-days in the year is so small that those employed in the establishment regularly perform work elsewhere for compensation, then in the cases mentioned in articles 565 and 566, for the number of days short of 300 working-days the local wage rate which at the time of the accident has been determined upon (arts. 149 to 152) for the place of employment of the injured person shall be added to the amount computed according to articles 565 or 566.

ARTICLE 933.

Articles 564 to 566, 568, and 932 are to be correspondingly applied if the annual earnings are composed of specified amounts for at least weekly periods.

ARTICLE 934.

If the annual earnings of the establishment officials or artisans do not amount to 300 times the local wage rate (art. 932), then the annual earnings shall be assumed to be 300 times the latter.

ARTICLE 935.

In the case of injured young persons the pension, which shall be computed according to the local wage, shall be fixed in that age class in which the injured person belonged at the time of the accident, and is to be correspondingly increased as he reaches the higher age class.

ARTICLE 936.

PARAGRAPH 1. In the case of workmen who are not included in articles 931 to 935, the compensation shall be fixed according to the annual earnings which the agricultural workmen at the time of the accident received on an average through agriculture and other gainful activities in the place of employment.

PAR. 2. The average annual earnings shall be determined by the superior insurance office after a hearing of the local insurance offices; the earnings shall be determined separately for men and women, for injured persons under 16 years of age, for those from 16 to 21 years of age, and for those who are over 21 years of age. Injured persons under 16 years of age (young persons) may, according to article 150, paragraph 2, be still further separated into youths and children. The separation may also be made for agriculture and for forestry.

PAR. 3. Before rendering its opinion, the local insurance office shall give a hearing to representatives of the injured persons engaged principally in agriculture.

ARTICLE 937.

In the case of injured young persons, the compensation shall be fixed in the first place according to the average annual earnings for that age class in which the accident was sustained, and is to be correspondingly increased as the injured persons reach the higher age class.

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ARTICLE 938.

The pensions for undertakers, as well as for other persons employed in the establishment and strangers in the establishment (art. 929, No. 1), shall be based on the average annual earnings for agricultural workmen (art. 936) which at the time of the accident had been determined for the seat of the establishment. The constitution may provide otherwise.

ARTICLE 939.

In so far as the annual earnings exceed 1,800 marks [$428.40] the excess shall in every case be computed at only one-third.

ARTICLE 940.

If the accident occurs to a person already permanently partially disabled whose compensation is to be computed according to the average annual earnings (art. 936), then of the latter only that part shall be used as a basis which corresponds to the percentage of the earning capacity before the accident.

ARTICLE 941.

For those persons already permanently partially disabled, the local wage shall be considered as only that fraction of the local wage which corresponds to the degree of the earning capacity before the accident.

ARTICLE 942.

PARAGRAPH 1. The commune must grant sick benefits according to article 182 to an injured workman during the first 13 weeks after the accident. In the place of the sick benefits, the commune may grant hospital treatment and house money according to articles 184 and 186. With the consent of the injured person it may also grant care according to article 185, paragraph 1, and deduct therefor not more than one-fourth of the pecuniary sick benefit. The local wage of the place of employment (par. 2) shall be used as a basic wage.

PAR. 2. The commune upon whom the obligation rests is that of the place of employment (arts. 153 to 156); the seat of the establishment, however, is not to be considered as the place of employment if the injured person was employed in a forestry establishment which extended over the districts of several communes.

ARTICLE 943.

PARAGRAPH 1. The commune is not compelled to grant sick benefits according to article 942 in the following cases:

1. In so far as the injured person has a claim for similar relief on the basis of the sickness insurance or other legal provisions:
2. If he is exempt from insurance on account of benefits which are of value equal to those of the sickness insurance;
3. So long as he remains in a foreign country.

PAR. 2. If the parties obligated in the first place do not provide the sick benefits to the injured person then the commune shall take over the same. The expenditures of the commune on this account must be reimbursed by those upon whom the obligation rests.

PAR. 3. In such cases reimbursement for sick care, and also for treatment in the hospital, shall be three-eighths of the basic wage according to which the pecuniary sick benefit of the person entitled thereto is computed, and for maintenance in the hospital one-half of the basic wage. If no other basic wage is specified, then the local wage of the place of employment shall be used (art. 942, par. 2).

ARTICLE 944.

PARAGRAPH 1. Upon demand of the commune, the sick benefits must be taken over by the rural sick fund, and in the absence of such, by the general local sick fund for the place of residence or of abode,.

PAR. 2. The commune must reimburse the expenditures thereof. In such cases article 943, paragraph 3, is applicable if a higher expenditure is not proved.

ARTICLE 945.

PARAGRAPH 1. The accident association may itself take over the course of treatment (art. 942).

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PAR. 2. The commune, or subject to articles 1513 and 1516, the parties otherwise obligated (art. 943, par. 1, Nos. 1 and 2) must reimburse the accident association in so far as the injured person could claim benefits from them. In such cases article 943, paragraph 3, is applicable.

ARTICLE 946.

PARAGRAPH 1. If, in the case of injured persons who are not insured against sickness, either on the basis of the imperial insurance or in a miners' sick fund and also have no claim for sick benefits according to article 942, it is to be feared that an accident compensation will have to be granted, then the accident association may, even before the expiration of the first 13 weeks after the accident, inaugurate a course of treatment in order to remove the consequences of the accident or to alleviate the same.

PAR. 2. The association may place the injured person in a medical institution. In such cases article 597, paragraphs 2 to 4, are applicable.

PAR. 3. With his consent the association may grant an injured person a course of treatment according to article 185, paragraph 1.

PAR. 4. The injured person may demand from the accident association proper reimbursement for the earnings which he lost on account of the course of treatment.

ARTICLE 947.

The accident association may determine the consequences of the accident within the first 13 weeks, even without granting the injured person a course of treatment; article 581, paragraph 1, is here correspondingly applicable.

ARTICLE 948.

Articles 582, 583, paragraph 1, and 584 are applicable in the case of granting accident compensation before the expiration of the 13 weeks for the two cases mentioned herewith, and in such cases article 583, paragraph 1, is also applicable for the benefits of the commune (art. 942); these are—

In the case of the transfer of the claim for pecuniary sick benefit;

In the case of the accident association being bound by the attitude taken by the carrier of the sickness insurance.

ARTICLE 949.

PARAGRAPH 1. If the matter does not concern a claim for reimbursement, the local insurance office decides finally in controversies between the commune and the sick fund on account of the taking over of the sick benefits (art. 944).

PAR. 2. Controversies concerning claims for reimbursement arising out of articles 943 to 945 shall be decided by judgment procedure.

ARTICLE 950.

PARAGRAPH 1. Articles 586 to 596 of the industrial accident insurance are applicable as regards compensation for damages in fatal cases.

PAR. 2. However, the annual earnings shall be fixed according to the provisions which are applicable in agricultural accident insurance in the case of physical injury but with the exception of articles 940 and 941. Article 587 is applicable only if the compensation is not computed according to the average annual earnings already determined (art. 936).

ARTICLE 951.

The accident association may grant treatment in a medical institution in place of medical treatment and compensation (art. 930 in connection with art. 558). In such cases articles 597, paragraphs 2 to 5, and 598 are applicable.

ARTICLE 952.

In addition the provisions of the industrial accident insurance are applicable in regard to the following:

House care (*Hauspflege*) (art. 599);

Special relief in case of placing in a medical institution (*Heilanstalt*) (art. 602);

Inauguration of a new course of medical treatment (arts. 603 and 604);

Change of the medical institution (art. 605);

Injury to the injured person due to improper conduct in violation of orders relating to the course of treatment (art. 606);

Placing of the pensioner in a home for invalids (*Invalidenhaus*) or similar institution (art. 607).

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ARTICLE 953.

PARAGRAPH 1. With the approval of the higher administrative authority, the communes or unions of communes, may by legal enactment specify that pensions up to two-thirds of their amount shall not be paid in cash, but in kind. This applies only to pensioners who reside in the district: *Provided*, That these persons or those supporting them receive no wages as agricultural workers, but according to local custom are paid either wholly or partly in kind: *And provided*, That a mutual agreement is reached concerning the payment in kind instead of the pensions.

PAR. 2. The value of the commodities shall be determined by the higher administrative authority according to the average prices.

ARTICLE 954.

PARAGRAPH 1. The payments in kind shall be granted by the commune of the place of residence. The claim to the compensation shall be transferred to the commune to the extent of the value of the payments in kind.

PAR. 2. The local insurance office (decision committee) shall decide controversies between the commune and the beneficiary. The superior insurance office decides finally upon appeal.

PAR. 3. If the claim to the pension has been transferred to the commune finally then the accident association shall notify the post office department.

ARTICLE 955.

In addition, the provisions of industrial accident insurance are applicable concerning the following:

The new determination of the pension on account of changes in conditions (arts 608 to 611);
The maturity of benefits and duration of receipt of pension (arts. 612 and 613);
The right to benefits after the death of the beneficiary (art. 614);
The suspension of compensation (art. 615);
Settlements in the form of capital sums (arts. 616 to 618);
The relinquishment of a claim for reimbursement and legal rights (arts. 619 and 620);
The transferring, assigning, execution of the claims, and deductions from the claims (arts. 621 and 622).

SECTION THREE.—CARRIERS OF THE INSURANCE.

I. ACCIDENT ASSOCIATIONS AND OTHER CARRIERS OF THE INSURANCE.

ARTICLE 956.

PARAGRAPH 1. The accident associations as carriers of the insurance shall include the undertakers of the insured establishments.

PAR. 2. The accident association shall be formed according to territorial districts. They shall include all establishments of the branches of industry in the district for which they have been created.

PAR. 3. Those accident associations which have been created according to article 18 of the law of May 5, 1886 (Reichs-Gesetzblatt, p. 132) concerning accident and sickness insurance of persons employed in agricultural and forestry establishments shall retain their present status subject to the changes permissible according to article 960.

ARTICLE 957.

PARAGRAPH 1. The Empire or a Federal State is a carrier of the insurance if the establishment is conducted for its account, unless the establishments according to article 109 of the law mentioned in article 956 belong to the accident associations created for them.

PAR. 2. Article 625, paragraphs 2 to 5, of the industrial accident insurance is applicable for the subsequent entry into the accident association, rewithdrawal, and reentrance therein.

ARTICLE 958.

The undertaker of an establishment is the person for whose account the establishment is conducted.

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ARTICLE 959.

For establishments which comprise parts, or subsidiary establishments of various branches of industry, article 631, paragraph 1, of the industrial accident insurance applies correspondingly—

For the apportionment of several establishments of the same undertaker to one accident association, article 632 of the industrial accident insurance is applicable;

For the compensation of accidents in establishments of third parties, article 634 of the industrial accident insurance is applicable.

II. CHANGES IN THE STATUS OF THE ACCIDENT ASSOCIATION.

ARTICLE 960.

PARAGRAPH 1. For changes in the status of the accident associations, articles 635 to 646 of the industrial accident insurance are applicable.

PAR. 2. If the Federal Council gives its approval, the constitution for the new accident association shall be decided upon according to articles 20, 21, and 24, paragraph 3, of the law of May 5, 1886 (Reichs-Gesetzblatt, p. 132).

ARTICLE 961.

The same provisions as in the case of the industrial accident insurance (arts. 647 and 648) apply in case of the dissolution of the accident associations.

SECTION FOUR.—ORGANIZATION.

I. MEMBERSHIP AND RIGHT TO VOTE.

ARTICLE 962.

Every undertaker is a member of the accident association if his establishment belongs to the branches of industry covered by it, and the establishment has its seat in the district of the association.

ARTICLE 963.

PARAGRAPH 1. All the pieces of ground of an undertaker, all the agricultural operations of which are served by common farm buildings, shall be considered as a single establishment.

PAR. 2. If the agricultural establishment extends over the districts of several communes, then it shall have its seat in that commune where the common farm buildings or the buildings serving its principal purpose are located. The undertaker may make an agreement with the communes concerning a different seat for the establishment.

ARTICLE 964.

PARAGRAPH 1. Several pieces of ground of a forestry establishment, belonging to one undertaker which are subject to the same immediate business management (forestry district), shall be considered as a single establishment.

PAR. 2. Pieces of ground of forestry establishments of several undertakers shall be considered as separate establishments even if together they are subject to the same business management.

PAR. 3. If a forestry establishment extends over a district of several communes, then its seat shall be considered to be in the locality where the largest part of the forestry area is located. The undertaker may agree with the communes in regard to a different seat for the establishment.

ARTICLE 965.

The membership begins with the opening of the establishment or with the beginning of its insurance obligation; the beginning of the membership of the Empire and the federal States is regulated according to article 957.

ARTICLE 966.

If the members or their legal representatives do not possess civic rights, they shall have no right to vote.

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II. REGISTRATION OF THE ESTABLISHMENTS.

ARTICLE 967.

PARAGRAPH 1. Each newly opened establishment must be reported by the communal authority to the directorate of the accident association through the channels of the local insurance office.

PAR. 2. The directorate shall examine whether the establishment belongs to the accident association.

PAR. 3. If the directorate refuses the membership application, it shall communicate the fact to the local insurance office, and the latter may appeal for a decision of the Imperial Insurance Office; upon application of the accident association such step must be taken.

III. CHANGES IN THE UNDERTAKERS—CHANGES IN THE ESTABLISHMENT AND IN ITS MEMBERSHIP IN THE ACCIDENT ASSOCIATION.

ARTICLE 968.

The undertaker must report to the directorate of the accident association each change in the person for whose account the establishment is conducted within the period specified in the constitution. The undertaker remains liable for the contributions up to the end of the fiscal year in which the change was reported without thereby releasing his successor from liability.

ARTICLE 969.

Articles 665 to 673 of the industrial accident insurance are correspondingly applicable in regard to the undertaker's duty of reporting changes in the establishment which are of importance for his membership in the accident association; the same articles apply in regard to the transfer and dissolution of the establishment as well as to the transfer of the burden of accidents and of a part of the reserves.

ARTICLE 970.

PARAGRAPH 1. The obligation to report changes in the establishment which are of importance in connection with the assessment and the procedure in this connection, are to be regulated in the constitution.

PAR. 2. Articles 999 and 1000 are correspondingly applicable in opposing the decision which the accident association has issued on the basis of changes reported or which it has issued of its own accord.

IV. CONSTITUTION.

ARTICLE 971.

The accident associations shall regulate their internal administration and order of business by a constitution which shall be decided upon at the general meeting of the accident association.

ARTICLE 972.

The constitution must specify—

1. The name, the seat, and the district of the accident association;
2. The composition, rights, and duties of the directorate;
3. The form of the declaration of the decisions of the directorate, as well as its signature on behalf of the accident association; the manner of making decisions in the directorate and its representation as to third parties;
4. The creation of the committee of the accident association to decide upon protests (arts. 1000 and 1023);
5. The composition and calling of the general meeting of the accident association and its method of arriving at decisions;
6. The right to vote of members and the examination of their credentials;
7. Representation of the accident association as against the directorate;
8. The rates for loss of earnings and for traveling expenses which are to be granted to the representatives of the insured persons (art. 21);
9. The standard for the assessment of the contributions and providing that the latter are not assessed like taxes, the procedure in valuation and classification.

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10. The procedure in case of the opening of new establishments, changes in establishments and changes in the person of the undertaker.
11. The consequences of shutting down the establishment or of a change in the person of the undertaker, especially as to the guaranteeing of his contributions, if he shuts down the establishment;
12. The drawing up, examining, and accepting the annual balance sheet.
13. The administrative action relating to the issuance of the regulations containing provisions for the prevention of accidents and for the supervision of the establishments.
14. The procedure in reporting for membership and separation from membership of the insured undertakers, and other persons insured according to article 925, No. 2, and article 929, No. 1, as well as the amount and ascertainment of the annual earnings of the undertaker;
15. The method of publishing notices;
16. The provisions as to the amendment of the constitution;
17. Who shall be considered as artisans.

ARTICLE 973.

The provisions of the industrial accident insurance are applicable in regard to the following subjects:

Divisions into sections and appointment of district agents (arts. 678, Nos. 2 and 3, and art. 679);

Power of the directorate of the accident association to impose penalties (art. 680);

Drawing up the constitution (arts. 681 to 683).

ARTICLE 974.

PARAGRAPH 1. If the constitution has been approved, the directorate of the accident association must publish the name and seat of the accident association and the districts of the sections in the Reichsanzeiger or, if the district of the accident association does not extend beyond the territory of a federal State, in the official gazette of the highest administrative authority.

PAR. 2. The same rule applies in the case of changes.

V. ADMINISTRATIVE BODIES OF THE ACCIDENT ASSOCIATION.

ARTICLE 975.

PARAGRAPH 1. Articles 685 to 687 and 689 of the industrial accident insurance are applicable as regards the administrative bodies of the accident association.

PAR. 2. The Imperial Insurance Office is, however, not authorized, in the place of the accident association, to issue regulations for the prevention of accidents nor to appoint technical supervisory officials.

ARTICLE 976.

PARAGRAPH 1. The general meeting of the accident association is composed of representatives of the members.

PAR. 2. The general meeting must be called into session at least once a year.

ARTICLE 977.

PARAGRAPH 1. For a specified time the general meeting may transfer the auditing and acceptance of the annual balance sheet and the business of the directorate either wholly or partly to autonomous bodies. In such cases the agreement of the latter and approval of the highest administrative authority is necessary.

PAR. 2. The rights and duties of the administrative bodies of the accident association shall then be transferred to the autonomous bodies.

VI. EMPLOYEES OF THE ASSOCIATIONS.

ARTICLE 978.

The provisions of the industrial accident insurance (arts. 690 to 705) are applicable as regards employees of the accident association who are not State or communal officials and, in the case of the transfer of business, to salaried business managers.

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VII. FORMATION OF THE RISK CLASSES.

ARTICLE 979.

Articles 706 to 710 and 712 of the industrial accident insurance shall be applicable as regards the formation of risk classes (arts. 990 to 1004 and 1008). Accident associations whose establishments show but little difference in regard to the risk of accident may decide not to make use of risk classes. Such decision shall require the approval of the Imperial Insurance Office. It may be withdrawn if a list of accidents for the separate branches of the industry discloses important differences.

VIII. DIVISION AND JOINT CARRYING OF THE BURDEN.

ARTICLE 980.

PARAGRAPH 1. The constitution may provide that the sections shall defray the compensation up to three-fourths for accidents which occur in their districts.

PAR. 2. The amounts which thereby become a burden upon the sections shall be assessed upon their members according to the amount of their contributions.

ARTICLE 981.

If the assessments are computed on the basis of the land tax, and thereby the sections are burdened with more than double the amount which is actually expended for them in the form of compensations and costs of administration, then the general meeting of the accident association may decide to apportion the excess upon all the sections according to the land tax.

ARTICLE 982.

The provisions of the industrial accident insurance (arts. 714 to 716) are applicable for the joint carrying of the burden.

IX. ADMINISTRATION OF THE ASSETS.

ARTICLE 983.

The Imperial Insurance Office may issue regulations regarding the safe-keeping of securities in so far as the State officials or autonomous bodies do not conduct the business.

ARTICLE 984.

The provisions of the industrial accident insurance (arts. 718 to 721) are applicable in regard to the following:

The investment of the assets;

The reports on the business and accounting operations.

SECTION FIVE.—SUPERVISION.

ARTICLE 985.

PARAGRAPH 1. Articles 722 and 723 of the industrial accident insurance are applicable with regard to the supervision of the accident associations.

PAR. 2. This supervision does not extend to the survice conditions of State authorities or autonomous bodies which administer accident associations.

ARTICLE 986.

For accident associations subject to the supervision of the State insurance office, the latter takes the place of the Imperial Insurance Office in regard to the following matters:

Controversies in regard to the assignment of several establishments to one accident association, according to articles 922 and 959 in connection with article 632;

Controversies between the accident association and the Empire or a federal State in regard to the distribution of the assets in the cases mentioned in article 957 in connection with article 625, paragraph 5;

Changes in the status of the accident associations (arts. 960 and 961);

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Membership of the establishment in the accident association and changes in the membership (arts. 967 and 969 in connection with art. 673, pars. 1 and 3);
Approval and drawing up of the constitution (art. 973);
Taking over the business of the accident association (art. 975);
Service regulations for the employees of the accident association as well as controversies regarding service conditions (art. 978);
Risk tariffs (art. 979);
Joint carrying of the cost of compensation (art. 982);
Administration of the assets of the accident association in the cases mentioned in articles 983 and 984 in combination with articles 718, 719, paragraph 1, and 720;
Collecting the contributions (arts. 1011 in connection with art. 736, pars. 2 and 3) as well as the accumulation the reserve (art. 1013);
Covering the claims of the post office department (art. 1028 in connection with arts. 781 and 782);
Additional institutions of the accident association (art. 1029);
Accident prevention and supervision in the cases mentioned in articles 1030 in connection with articles 848 to 889 and 890, paragraph 1, but excluding the cases mentioned in article 883;
Reporting of the administrative authorities (art. 1033 in connection with art. 893).

ARTICLE 987.

PARAGRAPH 1. If the matter concerns the cases mentioned below, then the Imperial Insurance Office shall decide, if an accident association which is subordinated to another State insurance office or to the Imperial Insurance Office, is affected. The State insurance office shall then transmit the documents to the Imperial Insurance Office. These cases are the following:
Controversies in regard to the assignment of several establishments to one accident association according to articles 922 and 959 in connection with article 632;
Changes in the status of the accident association in the cases mentioned in article 960;
Membership of the establishment in the accident association and changes in the membership (arts. 967 and 969 in connection with art. 673, pars. 1 and 3);
Joint carrying of the cost of compensation (art. 982).
PAR. 2. If the matter concerns any additional common institutions of several accident associations (art. 1029), then the Imperial Insurance Office shall remain competent for these additional institutions if all of the accident associations participating are not subordinated to the same State insurance office.

SECTION SIX.—PAYMENT OF THE COMPENSATION—RAISING OF THE FUNDS.

I. PAYMENTS THROUGH THE POST OFFICE DEPARTMENT.

ARTICLE 988.

The provisions of the industrial accident insurance (arts. 726 to 729) are applicable in regard to the payments through the Post Office Department.

II. RAISING OF THE FUNDS.

1. General provisions.

ARTICLE 989.

The accident associations must raise the funds to cover their expenditures by means of membership contributions which shall cover the expenditures of the preceding fiscal year.

2. Standard of the labor need and of the risk classes.

ARTICLE 990.

The contributions shall be assessed according to the following:
The estimated average need for human labor (labor need) and its value in accordance with this law.
The earnings of the establishment officials and artisans as well as the annual earnings of undertakers in so far as the services of such insured persons are not already included in the estimate.
The extent of the risk of accident (risk classes).

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ARTICLE 991.

PARAGRAPH 1. For each undertaker the annual average number of working days shall be estimated which are required to operate his establishment; in this connection, the number of workmen in the establishment and the duration of their employment shall be considered.

PAR. 2. The constitution may provide that household and other service shall be reckoned separately in this connection.

ARTICLE 992.

PARAGRAPH 1. In making the estimates, the list of undertakers, which was drawn up on the creation of the accident association (art. 34 of the law of May 5, 1886, Reichs-Gesetzblatt, p. 132) or drawn up at a later time, is to be used as a basis.

PAR. 2. Changes in the establishment are to be considered.

ARTICLE 993.

PARAGRAPH 1. Permanently employed workmen are to be reckoned as having 300 working days, while females employees are to be computed on the basis of the proportion of their earnings to the average annual earnings of males.

PAR. 2. The services of establishment officials, artisans, and undertakers and their relatives not insured, are not to be included in the estimate.

PAR. 3. The constitution may make other provisions.

ARTICLE 994.

In the case of establishments in which at the most five insured persons are employed regularly on full time, the constitution may specify uniform contributions according to a standard which it shall determine.

ARTICLE 995.

The administrative bodies of the accident association shall arrange for the estimates and shall classify the establishments in risk classes. The constitution must specify the details in this connection.

ARTICLE 996.

PARAGRAPH 1. The communal authority may compel the undertakers to give information concerning the conditions which are decisive for the estimates of the labor need by the imposition of fines up to 100 marks [$23.80].

PAR. 2. If the employer does not supply the information in due time or completely, then the communal authority shall correct the list according to their own knowledge.

ARTICLE 997.

Within two weeks the undertakers must furnish to the administrative bodies of the accident association upon demand such further information concerning conditions in their establishment and of their workmen as is required for the estimate and classification.

ARTICLE 998.

PARAGRAPH 1. The accident association shall communicate to the communal authorities lists containing the following:

The establishments belonging to it in the commune;

The important principles and the result of the estimate and classification.

PAR. 2. The communal authority must hold these lists open for inspection of persons affected for two weeks, and shall make known the beginning of the period in the manner customary in the locality.

ARTICLE 999.

Within one month after the inspection period the undertakers may make protest to the administrative bodies of the accident association which have made the estimate or classification on the following points:

Because their establishment has been included in the list or has not been included;

Because the labor need has been estimated or the establishment has been classified, or against the manner thereof.

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ARTICLE 1000.

PARAGRAPH 1. The administrative bodies of the accident association shall communicate the decision in writing to the undertaker in regard to his protest.

PAR. 2. The undertaker may further protest to the committee of the accident association (art. 972, number 4) and may make an appeal against the decision of the latter to the superior insurance office.

ARTICLE 1001.

In making the first estimate and classification, the members of the committee of the accident association may not participate.

ARTICLE 1002.

Within the period in which the risk tariff is to be verified the classification and estimate are also to be verified (art. 979 in connection with art. 708).

ARTICLE 1003.

Even before the regular reexamination the accident association may again estimate the labor need of an establishment or reclassify the establishment if it develops that the reports of the undertaker were incorrect.

ARTICLE 1004.

For the new estimates and new classifications, articles 990 to 1001 are correspondingly applicable.

3. Standard of the tax rate.

ARTICLE 1005.

PARAGRAPH 1. If the State legislation does not exclude the relatives of the undertaker from the insurance and the standard of the labor need and the risk classes is unsuitable, then the constitution may provide that the contributions of the members of the accident association may be collected through supplementary charges to the direct State or communal taxes.

PAR. 2. For the adoption of such a provision a majority of at least two-thirds in the general meeting of the accident association is required. The constitution must in such a case also specify the manner in which those members are to be charged for the cost of the accident association who do not have to pay the taxes used as a basis, either for their whole establishment or a part thereof.

ARTICLE 1006.

The constitution may specify the uniform minimum contributions which shall not be greater than 1 mark [23.8 cents] annually, or, if the undertakers themselves are insured, or are included in the insurance (arts. 925 to 928), not more than 2 marks [47.6 cents] annually.

ARTICLE 1007.

PARAGRAPH 1. Special supplementary charges shall be collected together with the contributions on account of establishment officials and artisans. The constitution shall specify the details in this connection. It must also regulate notification of employment and threaten violations with penalties.

PAR. 2. The same applies in the case of undertakers if, for the computation of their pensions, an amount higher than the average annual earnings of agricultural workmen is used as a basis.

ARTICLE 1008.

PARAGRAPH 1. Contributions are to be graded according to the accident risk in the case of establishments mentioned in article 917, agricultural subsidiary establishments and other establishments which, according to their nature, should be subject to the industrial accident insurance and, in addition, the activities of the kind mentioned in article 921.

PAR. 2. The constitution shall regulate the prerequisites in this connection as well as the amount of these contributions and the procedure.

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ARTICLE 1009.

PARAGRAPH 1. If the constitution specifies a land tax as the standard, then the constitution may impose the payment of the supplementary charges upon those persons who by law are subject to the land tax for the parcels of ground of establishments belonging to the association or would be subject to it if the parcels of ground had not been exempt from the tax.

PAR. 2. If, accordingly, a person other than the undertaker pays the contribution, then the latter must refund the payment.

PAR. 3. In controversies concerning such repayments the local insurance office shall decide in whose district the establishment subject to the insurance has its seat. Upon appeal the superior insurance office decides finally.

4. Other standards.

ARTICLE 1010.

PARAGRAPH 1. If the prerequisites mentioned in article 1005, paragraph 1, are present the constitution may provide for another suitable standard for the collection of the contributions, such, for instance, as the following:

The kind of cultivation;

Area in connection with the land tax;

Net return which the ground as such, together with the buildings and outfit belonging thereto and serving the same purpose according to its previous economic use under the customary system of farming, may be made to yield continuously on an average;

The productive value which is obtained by multiplying the above return by 25.

PAR. 2. Articles 996 to 1009 are here correspondingly applicable. The constitution shall specify the details.

5. General provisions.

ARTICLE 1011.

The provisions of the industrial accident insurance are applicable as to the following:

As to the purpose for which contributions may be collected and the funds may be applied (art. 736);

As to advances upon contributions as well as to advance payment of contributions (arts. 737 to 739).

ARTICLE 1012.

PARAGRAPH 1. Undertakers of small establishments with slight accident risk, which employ for compensation persons subject to the insurance only exceptionally, may be either wholly or partly exempt from contributions by the constitution which shall at the same time specify the procedure for the ascertaining of such undertakers.

PAR. 2. With the approval of the highest administrative authority, the general meeting of the accident association may also enact the above.

PAR. 3. In controversies between the accident association and the undertaker in regard to exemption from the insurance, the superior insurance office shall decide finally.

ARTICLE 1013.

PARAGRAPH 1. The accident associations must accumulate a reserve.

PAR. 2. Until the reserve equals twice the amount of the annual expenditures each year, 2 per cent shall be added to the current assessment. The constitution may provide for a higher amount.

PAR. 3. Articles 745 to 747 of the industrial accident insurance apply correspondingly as regards the reserve.

III. PROCEDURE IN ASSESSMENTS AND COLLECTIONS.

ARTICLE 1014.

Article 749, paragraph 1, of the industrial accident insurance applies correspondingly to the assessment of the expenditures upon members.

ARTICLE 1015.

When the assessment of the contributions is based on the tax, the tax for that period shall be used as a basis, for which the contributions are assessed.

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ARTICLE 1016.

PARAGRAPH 1. When the assessment of the contribution is made according to the labor need and risk classes, each member who has in the preceding year employed establishment officials or artisans, must transmit a report to the directorate within six weeks after the expiration of the fiscal year, stating the amount actually received by each of them during this time or how much is to be included on his account.

PAR. 2. The constitution may permit a summary wage list as described in article 750, paragraph 3.

PAR. 3. The directorates of the accident association or of the sections shall themselves draw up or complete the wage list for members who do not transmit the same in due time or completely.

ARTICLE 1017.

PARAGRAPH 1. In the computation of the contributions, the following shall be used:

For an establishment official and artisan, that compensation which he is actually receiving in the establishment or which is to be reckoned for him;

For one working day of a workman, the three hundredth part of the average annual earnings as determined for adult males over 21 years of age at the seat of the establishment.

For the undertaker, the same annual earnings if the constitution does not provide otherwise.

PAR. 2. In so far as the average annual earnings exceed 1,800 marks [$428.40], the excess shall be computed at only one-third.

ARTICLE 1018.

If in making the estimates the services of establishment officials and artisans are included, according to the constitution (art. 993, par. 3), then only that amount of the earnings of these insured persons shall be included which is in excess of the average annual earnings of the workman.

ARTICLE 1019.

In the cases mentioned in articles 994 and 1006 with consideration of the uniform contributions, the directorate of the accident association shall compute the contributions which are apportioned to each undertaker for the purpose of covering the total annual expenditure, and shall draw up an assessment roll.

ARTICLE 1020.

PARAGRAPH 1. Extracts from the assessment roll are to be transmitted to each communal authority for the members belonging to its district with the request to collect the contributions after deduction of the collected advances and to send the whole sum within four weeks to the directorate of the accident association.

PAR. 2. The accident association shall on this account pay a compensation, the amount of which shall be determined by the highest administrative authority.

ARTICLE 1021.

PARAGRAPH 1. The extract from the assessment roll must contain statements which will permit the person obligated to make the payments to verify the computation of the contribution.

PAR. 2. The communal authority shall make the extract available to the parties affected for inspection for a period of two weeks, and shall make known the beginning of this period in the manner customary in the locality. Instead of leaving the extract open for inspection, it may be transmitted to the parties affected.

PAR. 3. If the constitution provides that voluntary insurance shall be discontinued if contributions have not been paid in due time, and if it provides that a new application for membership shall be without effect until arrears of contributions have been paid (art. 929, number 2), then attention shall be called thereto either in the extract or in the communication.

ARTICLE 1022.

Articles 755 and 756 of the industrial accident insurance are applicable in regard to a new determination of the contribution after the extract from the assessment roll has been communicated. A new determination is also permissible if on account of incorrect statements of the undertaker, the labor need at a later time has had to be newly estimated (art. 1003).

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ARTICLE 1023.

PARAGRAPH 1. Within two weeks after the expiration of the period or after communication has been made (art. 1021, par. 2) the undertaker may make protest to the directorate of the accident association against the computation of the contribution; but he remains obligated to make a provisional payment. In such cases article 757, paragraph 2, shall be applicable.

PAR. 2. The classification and the estimate may, however, not be contested. Further procedure shall be regulated by article 1000. In such cases article 759 shall be correspondingly applicable in regard to the appeal.

ARTICLE 1024.

If after the protest, appeal, or complaint, the contribution is reduced, then article 760 is applicable concerning the covering of difference and the balancing of the excess payment.

ARTICLE 1025.

If it later develops that a contribution paid without protest was either wholly or partly collected without right, then articles 1023 and 1024 shall be correspondingly applicable.

ARTICLE 1026.

If the commune can not prove that the contribution was not actually collected or that compulsory collection was without result, than it shall be liable for the contributions and must forward them at the same time.

ARTICLE 1027.

Article 762 is correspondingly applicable in regard to the raising of contributions which can not be collected. Such contributions are to be reimbursed to the commune which has already forwarded them.

IV. TRANSFERRING AMOUNTS TO THE POST OFFICE DEPARTMENT.

ARTICLE 1028.

The provisions of the industrial accident insurance are applicable as regards the transmission of the amounts to the Post Office Department (arts. 777 to 782).

SECTION SEVEN.—ADDITIONAL INSTITUTIONS.

ARTICLE 1029.

The provisions of the industrial accident insurance (arts. 843 to 847) are applicable as regards additional institutions of the accident association.

SECTION EIGHT.—ACCIDENT PREVENTION—SUPERVISION.

ARTICLE 1030.

PARAGRAPH 1. Articles 848 to 857, 859 to 889, 890, paragraph 1, and 891, paragraph 2, of the industrial accident insurance are correspondingly applicable as regards prevention of accidents and supervision.

PAR. 2. The representatives of the insured persons shall be elected by the insurance representatives of those local insurance offices whose district is covered by the accident association or the section. However, only such insurance representatives of the local insurance offices are eligible as have been selected as representatives of the insured persons and who belong within the sphere of the agricultural insurance.

ARTICLE 1031.

PARAGRAPH 1. If State authorities or autonomous bodies administer the accident associations, they shall summon for discussion and for decision as to regulations for the prevention of accidents a like number of employers and representatives of the insured persons.

PAR. 2. The representatives of the employers shall be selected by lot, drawn by the chairman from the number of the employers' associates engaged in agriculture who are

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attached to the superior insurance offices of the district of the accident association, and the selection shall be made in a session of the autonomous bodies or of the authority.

PAR. 3. For these representatives articles 861 and 863 shall be correspondingly applicable; for them and their substitutes, the provisions of articles 16 to 21 and 24 shall also be applicable as far as concerns representatives of the employers.

ARTICLE 1032.

Undertakers are required to permit the members of the administrative bodies of the accident association who have been designated for this purpose by their accident association to enter their places of work during working hours. Article 879 is here correspondingly applicable.

SECTION NINE.—ESTABLISHMENTS OF THE EMPIRE AND OF THE STATES.

ARTICLE 1033.

PARAGRAPH 1. If the Empire or a federal State is a carrier of the insurance, then articles 892, 893, and 895 to 897 of the industrial accident insurance shall be applicable.

PAR. 2. In this case, the following provisions of the agricultural accident insurance shall not apply:

The provisions in regard to changes in the status of the accident associations (arts. 960 and 961);

The provisions concerning the constitution contained in articles 962 to 983 and 984 in connection with articles 718 to 720;

The provisions in regard to supervision (arts. 985 to 987);

The provisions relating to raising funds as well as concerning the procedure of assessment and collection (arts. 989 to 1027);

Article 1028 in connection with articles 781 and 782 of the provisions in regard to transmitting amounts to the Post Office Department;

The provisions in regard to additional institutions (art. 1029);

Article 1030 in connection with articles 848 to 887, 889, 890, paragraph 1, and 891, paragraph 2, as well as articles 1031 and 1032 of the provisions in regard to accident prevention and inspection.

Articles 1043, 1044, and 1045 in connection with articles 910, 912, and 913 of the penal provisions.

PAR. 3. In place of the constitution, the administrative regulations shall specify who shall be considered as artisans.

SECTION TEN.—REGULATION BY STATE LEGISLATION.

ARTICLE 1034.

The State legislation may specify how far and under what conditions the two steps named below may be taken. Additional provisions of the constitution as regards the first case below are thereby not excluded. These two cases are—

1. How far and under what conditions undertakers, including consorts, may be insured;
2. How far and under what conditions other relatives of the undertaker shall be exempt from insurance.

ARTICLE 1035.

PARAGRAPH 1. The State legislation may also either wholly or partly exempt undertakers from the payment of contributions on account of the slight risk of accident or the small scope of the establishment, and shall specify the procedure for the ascertaining of such undertakers.

PAR. 2. In controversies between the accident association and the undertaker in regard to such exemption, the superior insurance office shall decide finally.

ARTICLE 1036.

The State legislation may also prescribe higher reserves (art. 1013).

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ARTICLE 1037.

The State legislation may regulate the following five subjects at variance with the provisions of this law specified below. The following are these five subjects:

The delimitation of the accident associations;
The constitution and administration of associations;
The procedure in case of change in the establishment;
The standard for the assessment of contributions;
The procedure in assessment and collection.

The provisions which may be departed from are the following:

Articles 5 to 7 in regard to administrative bodies;
Articles 12, 13, 14, paragraph 2, sentence 2, articles 17 to 21, 23, and 24 in regard to honorary offices;
Articles 28, paragraphs 1 and 2, and article 29, paragraphs 1 and 2, in regard to assets;
Article 967 in regard to reporting of establishments;
Articles 968, 969, in connection with articles 665, 666, 667, paragraph 2, and articles 669 to 672 as well as article 970 in regard to change of the undertaker, to reporting changes in the establishment and in regard to additional procedure;
Articles 971 to 974 in regard to the constitution.
Article 975, paragraph 1, in connection with articles 685, 686, Nos. 3 and 4, and 687 to 689, and also article 976, paragraph 1, and article 977, paragraph 1, in regard to the administrative bodies of the accident association.
Article 978 in regard to employees of the accident association.
Article 979 in regard to the formation of risk classes.
Articles 980 to 982 in regard to dividing and the joint carrying of the cost.
Articles 990 to 1010 in regard to raising the funds.
Articles 1014 to 1027 in regard to the procedure in assessment and collection.

In addition the State legislation may change various provisions of this law and enact the following:

Designate the administrative bodies which shall administer the accident association and take cognizance of the rights and duties which this law imposes upon directorates.
Transfer the investigation of the circumstances of the accident to the local insurance office.

ARTICLE 1038.

If the State legislation contains provisions based upon the authorization of article 1037, it shall also specify the following:

1. The representation of the accident association in the investigation of accidents (art. 1562).
2. The administrative body with which the claim for compensation shall be filed (arts. 1546, 1548, 1584, and 1585) and which shall determine the compensation and issue the decision or final decision thereon (arts. 1568, 1569, 1583, and 1606).
3. The administration of the assets (art. 25, par. 2, arts. 26, 27, 983 and 984 in connection with arts. 718 to 720).
4. The persons, excepting the technical supervisory officials and the special experts (art. 1030 in connection with arts. 875, 880, 881), who are subject to the penal provisions concerning the violation of trade secrets (arts. 142 to 144).

ARTICLE 1039.

If by any State legislation use is made of the right to delimit accident associations, then in the case of changes in the status of the accident associations the highest administrative authority shall take the place of the Federal Council if the establishments affected all have their seat in the federal State.

ARTICLE 1040.

PARAGRAPH 1. If an accident association created under the State law is to be dissolved on account of insolvency, and its establishments apportioned to other accident associations whose establishments all have their seats in the federal State, then the highest administrative authority of that State shall be competent as regards dissolution and apportionment.

PAR. 2. Upon dissolution of the accident association its rights and duties are assumed by the federal State.

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ARTICLE 1041.

PARAGRAPH 1. If a federal State has joined its territory, either wholly or partly, to the accident association of a second State with the consent thereof, and the latter has made use of the right granted in article 1037, then for this accident association the provisions of the State laws of the designated second State shall be applicable.

PAR. 2. If the State included has also made use of its rights under article 1037, then the provisions of the federal State in which the accident association has its seat shall be applicable. The two State governments shall agree on the seat of the association.

PAR. 3. If the Federal Council dissolves an accident association of this kind as being insolvent, then the rights and duties of the association shall be transferred to the Federal States affected according to the proportion of the contributions which were paid in the last fiscal year.

PAR. 4. If the federal States affected can not agree on these matters, the Federal Council shall decide the matter upon appeal.

SECTION ELEVEN.—LIABILITY OF UNDERTAKERS AND THEIR REPRESENTATIVES.

ARTICLE 1042.

PARAGRAPH 1. The provisions of the industrial accident insurance (arts. 898 to 907) are applicable as regards the liability of undertakers and their representatives.

PAR. 2. Claims for reimbursement for damages suffered through accident, which the insured person has according to law for the first 13 weeks after the accident, are retained if the injured person does not have a claim to the benefits of sickness insurance from a sick fund, a miners' sick fund, or a substitute fund, or is exempt from insurance because of being entitled to benefits of equal value.

SECTION TWELVE.—PENAL PROVISIONS.

ARTICLE 1043.

PARAGRAPH 1. The directorate of the accident association may impose upon undertakers fines up to 500 marks [$119] if the four classes of reports specified below contain statements of facts which the undertakers knew to be incorrect or under the circumstances must have been aware of the fact. These are the following:

1. Lists of salaries or wages which must be handed in according to article 1016 for the purpose of the assessment of the contribution;
2. Explanations which must be transmitted to the competent officials of the accident association for the purpose of apportioning the establishment to the risk classes;
3. Reports which they have furnished according to article 996 for estimating the labor need or according to article 997 in regard to conditions of their establishment and their labor force;
4. Reports or notices which they have furnished according to article 968 concerning the change of the undertaker or according to articles 969 and 970 concerning changes in the establishment.

PAR. 2. Paragraph 1 is correspondingly applicable as regards reports, explanations, and information which undertakers must give for the apportionment of the contributions under the standard specified in article 1010.

ARTICLE 1044.

The directorate of an accident association may in addition impose fines up to 300 marks [$71.40] upon undertakers if they do not in due time comply with the following obligations:

1. Transmit the statements designated in article 1043, paragraph 1, numbers 1, 3, and 4 and paragraph 2;
2. Comply with the provisions of the constitution in regard to the shutting down of establishments and changes of undertakers.

ARTICLE 1045.

The following provisions of the industrial accident insurance are correspondingly applicable:

Article 910 concerning the protest against the determination of fines by the directorates of the accident association;

Article 911 concerning the deduction of the contributions from the earnings;

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Article 912 in regard to the punishment of persons of equal status with undertakers;
Article 913 concerning penalties in the case of transfer of the obligations of undertakers;
Article 914 concerning the funds to which the fines accrue.

PART THREE.

NAVIGATION ACCIDENT ASSOCIATION.

SECTION ONE.—SCOPE OF THE INSURANCE.

ARTICLE 1046.

The following persons are insured against accident:
1. If they are employed upon seagoing vessels as masters, seamen, engineers, stewards, or belonging to the ship's crew in another capacity (seamen); masters are included, however, only if they are employed for a compensation;
2. If they are employed upon German seagoing vessels in inland harbors or upon inland canals or streams without belonging to the ship's crew, provided they are not otherwise insured against accident upon the basis of the imperial insurance;
3. If they are employed in inland establishments conducting floating docks and similar operations as well as in German establishments for pilot service, for the rescue or salvage of men or commodities in case of shipwreck, for the watching, lighting, or maintenance of waters for the service of marine traffic.

ARTICLE 1047.

A sea voyage (art. 163) includes the following:
1. A voyage upon the sea outside of the limits specified in article 1 of the administrative provisions of November 10, 1899, in connection with article 25 of the flag law of June 22, 1899;
2. Voyages upon bays, inclosed bays (*Haffen*), and shoals of the sea.

ARTICLE 1048.

Voyages upon other waters which are connected with the sea are not considered as sea voyages, even if made by seagoing vessels.

ARTICLE 1049.

The crews of vessels which are used for fishing of the kind described in article 1048, within the limits determined by the Federal Council, are also insured against accident.

ARTICLE 1050.

If it is doubtful whether establishments are subject to the navigation accident insurance, then the Imperial Insurance Office shall decide thereon after a hearing of the directorate of the accident association.

ARTICLE 1051.

The navigation accident insurance is not applicable to establishments engaged in marine navigation and other establishments included in articles 1046 and 1049 which, because they are important parts of another establishment, are subject to the industrial accident insurance (art. 540, No. 2).

ARTICLE 1052.

PARAGRAPH 1. The insurance applies to accidents during operations, inclusive of accidents which occur during these operations and which are caused by natural events (industrial accidents).

PAR. 2. Acts contrary to regulations do not exclude the assumption of a trade accident.

ARTICLE 1053.

The insurance is in force for the time from the beginning to the end of the service relation, including transportation from land to vessel and from vessel to land.

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ARTICLE 1054.

The insurance also covers the following:

1. Accidents during operations to persons insured according to articles 1046 and 1049 sustained upon a vessel subject to the navigation accident insurance upon which they are employed, but to whose crew they do not belong.
2. Accidents to German seamen during free return transportation, or transportation upon German seagoing vessels which is granted to them in accordance with the Commercial Code or Navigation Code (Reichsgesetzblatt, 1902, p. 175), or according to the law relating to the obligation of vessels in the merchant marine as to returning seamen to home ports (Reichsgesetzblatt, 1902, p. 212).

ARTICLE 1055.

In the case of change of flag, the service relation is regarded as ended on that date on which the insured person may ask for his discharge. The change of flag is to be communicated to the insured persons. The communication must be entered in the ship's log by the captain, and the insured persons must attest the entry.

ARTICLE 1056.

Excluded from insurance are accidents sustained by the insured person in the following cases:

1. While he is not on board contrary to orders;
2. While he is on land on leave for his private affairs.

ARTICLE 1057.

The insurance also includes the following:

1. Household and other service to which the insured persons who are principally engaged in the establishment have been assigned by the undertaker or by his representatives.
2. Service rendered by insured persons in connection with the rescue or salvage of men or goods.

ARTICLE 1058.

The undertakers of industrial establishments are also insured in the following cases:

1. In sea navigation, if the seagoing vessel has not more than 50 cubic meters [65.40 cubic yards] total capacity, and has neither the appurtenances of larger seagoing vessels nor is arranged to be driven by steam or other machine power.
2. Fishing on the high seas with vessels which the Federal Council has not already, in accordance with article 1, paragraph 5, of the law of July 13, 1887 (Reichs-Gesetzblatt, p. 329) placed under the accident association as being steamers engaged in deep-sea fishing or as being herring luggers.
3. Fishing of the kind designated in article 1049.

PAR. 2. The insurance obligation of the undertaker exists only if he belongs to the crew of the vessel, and in the establishment there is regularly employed for compensation either no one or at the most two persons subject to the insurance.

ARTICLE 1059.

The constitution may also extend the insurance obligation to shipowners who belong to the crew of the vessel, and when in the establishment there is regularly employed for compensation either no one or at the most two persons subject to the insurance.

ARTICLE 1060.

The proprietor of a seagoing vessel is the shipowner (*Reeder*), or if a shipowning firm (*Reederei*) exists, then the firm itself (art. 489 of the Commercial Code).

ARTICLE 1061.

Such undertakers of insured establishments which are not already insured according to these provisions, and pilots who carry on their business on their own account, can insure themselves against the consequences of industrial accidents.

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ARTICLE 1062.

The provisions of articles 1058, 1059, and 1061 in regard to the insurance of the undertaker are also applicable for consorts employed in the establishment.

ARTICLE 1063.

The insurance covers the annual earnings up to 5,000 marks [$1,190], inclusive The constitution may extend the insurance beyond this sum.

ARTICLE 1064.

The following articles of the industrial accident insurance are correspondingly applicable:

1. Article 552 for the insurance of other employees in the establishment and strangers in the establishment.
2. Article 553 for the consequences of failure to make prompt payment of contributions in the case of voluntary insurance.
3. Article 554 for the insurance of persons in military service and of officials.

SECTION TWO.—BENEFITS OF THE INSURANCE.

ARTICLE 1065.

PARAGRAPH 1. Articles 555 to 562 of the industrial accident insurance are correspondingly applicable as regards the benefits of the insurance; contraventions of article 93, paragraphs 2 and 3 and of articles 95 to 97 of the Navigation Code are not considered as misdemeanors in the meaning of article 557, paragraph 1.

PAR. 2. In so far as there is a legal obligation of the shipowner to provide sick relief, then the obligation to provide compensation by the accident association shall begin when the obligation of the shipowner ends.

ARTICLE 1066.

In computing the pension of insured persons who belong to the accident association (art. 1118) the annual earnings are to be determined according to articles 1067 to 1079, 1081 and 1082.

ARTICLE 1067.

With the exception of persons employed in establishments engaged in towing and lighterage, the average rate of monthly cash wages (*Heuer*) at the time of the accident granted on the mustering in or registering, multiplied by 11, shall be considered as the annual earnings of persons who belong to the crew of seagoing vessels; to this amount shall be added two-fifths of the average cash value of the board provided for able-bodied seamen on seagoing vessels.

ARTICLE 1068.

PARAGRAPH 1. The average monthly rate shall be determined by the imperial chancellor after a hearing of the highest administrative authority on a uniform basis for the whole German coast, and it shall be fixed according to the wage rates which able-bodied seamen on German vessels have received during the last three calendar years in which the German naval forces have not been mobilized.

PAR. 2. For those classes of the ship's crew who in addition to the wage or salary have a regular supplementary income, the average money value of such income shall also be included in fixing the average rate above referred to.

ARTICLE 1069.

The average rate shall be established separately for able-bodied seamen, steersmen, engineers, and other ship's officers, and for masters. It may also be graded further according to the type of the vessels or according to classes of the ship's crew.

ARTICLE 1070.

In the case of persons of the ship's crew for whom no special average has been determined, three-fourths of the rate determined for able-bodied seamen shall be used.

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ARTICLE 1071.

The determination of the average rates shall be reexamined at least every five years.

ARTICLE 1072.

After the expiration of the seventeenth year of life, the pension is to be increased to the average rate for ordinary seamen, and after the expiration of the nineteenth year of life to the rate for able-bodied seamen: *Provided*, That it had been computed according to a lower average rate.

ARTICLE 1073.

In so far as the annual earnings exceed 1,800 marks [$428.40] the excess shall be computed at only one-third.

ARTICLE 1074.

PARAGRAPH 1. Articles 563 to 566 and 568 of the industrial accident insurance are applicable as concerns the annual earnings of the other persons insured according to article 1046 who belong to the accident association.

PAR. 2. In this connection, articles 1075 to 1078 and 1082 are also applicable.

ARTICLE 1075.

If the customary number of working days of operation in the year is so small that those employed in the establishment regularly perform work elsewhere for compensation in addition, then in the cases specified in articles 565 and 566 the number of working days necessary to make up the 300 shall be added to the amount computed according to article 565 or 566, using the local wages which at the time of the accident have been determined for the place of employment of the insured person (arts. 149 to 152).

ARTICLE 1076.

Articles 1074 and 1075 are correspondingly applicable if the annual earnings are composed of the amounts specified at not less than weekly rates.

ARTICLE 1077.

If the annual earnings as computed according to articles 1074 to 1076 do not equal 300 times the local wage rate (art. 1075), then 300 times the local wage rate shall be considered as the annual earnings.

ARTICLE 1078.

The pension for injured young persons, which shall be computed according to the local wage rate, shall be fixed at first according to the age class in which they were when the accident occurred, and is to be correspondingly increased for them as they go into the higher wage class.

ARTICLE 1079.

The constitution must contain provisions in regard to obtaining the annual earnings of undertakers and of pilots as well as other persons employed in the establishment, and strangers in the establishment who belong to the accident association (art. 1064, No. 1). In so far as the annual earnings exceed 1,800 marks [$428.40], the excess shall here also be computed at only one-third.

ARTICLE 1080.

In computing the pension of insured persons who belong to a branch institute (art. 1120) the annual earnings shall be taken as equal to 300 times the local wage rate which was established at the time of the accident for the seat of the establishment. In the case of young persons the pensions shall be increased as specified in article 1078.

ARTICLE 1081.

If the accident occurs to a person already permanently partially disabled whose pension is based on the average monthly rate as above determined (art. 1068), then only that part shall be used as a basis which corresponds to the degree of earning power previous to the accident.

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ARTICLE 1082.

The local wage rate for persons already permanently partially disabled shall be considered as only that part thereof which corresponds to the degree of earning power previous to the accident.

ARTICLE 1083.

If the injured person is insured against sickness on the basis of the imperial insurance or in a miners' sick fund, then articles 573 to 576 and 578 of the industrial accident insurance shall be correspondingly applied for relief during the first 13 weeks after the accident. In such cases contravention of article 93, paragraphs 2 and 3, and articles 95 to 97 of the Navigation Code are not to be considered as misdemeanors in the meaning of article 557, paragraph 1.

ARTICLE 1084.

If the persons insured under articles 1046 and 1049 are not insured on the basis of the imperial insurance or in a miners' sick fund and also have no legal claim against the shipowner for sick relief during the first 13 weeks after the accident, then the undertaker must grant relief during this time. This does not apply in the case of insured persons whose annual earnings exceed 2,500 marks [$595].

ARTICLE 1085.

PARAGRAPH 1. The amount of relief to be provided by the undertaker shall be based on the following:

1. In the case of seamen according to articles 553 and 553a of the Commercial Code and articles 59 to 61 of the Navigation Code.
2. In other cases according to article 577, paragraph 1, and article 578 of the industrial accident insurance.

PAR. 2. Article 576 is correspondingly applicable as regards a claim for reimbursement of the undertaker against the accident association.

PAR. 3. The employer or carrier of the other relief under article 577, paragraphs 2 and 3, shall take the place of the undertaker.

ARTICLE 1086.

PARAGRAPH 1. The accident association can assume either wholly or partly the benefits to be paid by the undertaker.

PAR. 2. In the case of seamen the undertaker must reimburse the expenses of the accident association. In such case reimbursement for the cost of medical treatment (art. 553 of the Commercial Code and art. 59 of the Navigation Code) shall be one-half of the amount which would have to be expended for institutional care at the seat of the competent section.

PAR. 3. In the case of persons other than seamen article 579, paragraph 1, sentences 2 and 3, shall be applicable to the reimbursement.

PAR. 4. This provision shall be correspondingly applicable if in the cases mentioned in article 1085, paragraph 3, in connection with article 577, paragraphs 2 and 3, the employer or carrier of the other relief takes the place of the undertaker.

ARTICLE 1087.

PARAGRAPH 1. In the case of injured persons who belong to a branch institute relief for the first 13 weeks after the accident shall not be based according to articles 1083 to 1086.

PAR. 2. In the case of such injured persons the commune in whose district the establishment has its seat must grant sick benefits according to article 182. In the place of sick benefits it may grant hospital care and house money according to articles 184 and 186; with the consent of the injured person it may also grant care according to article 185, paragraph 1, and deduct up to one-fourth of the pecuniary sick benefits therefor. The local wage rate of the seat of the establishment shall be used as basic wage.

ARTICLE 1088.

PARAGRAPH 1. The commune is not required to provide sick benefits according to article 1087 in the following cases:

1. In so far as the injured person has a claim for similar relief on the basis of the sickness insurance or other legal provisions.
2. If he is exempt from insurance on the basis of benefits which are of equal value with the sickness insurance.
3. As long as he remains in a foreign country.

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PAR. 2. If those first obliged to do so do not provide the injured person with the sick benefits, then the commune shall assume such provision. The expenditures for this purpose must be repaid to the commune by those obliged to make such provision.

PAR. 3. In such cases the compensation for the sick care as well as in the case of treatment in a hospital shall be equal to three-eighths of the basic wage according to which the pecuniary sick benefits of the beneficiary are computed, and in the case of maintenance in a hospital one-half of the basic rate. If no other basic wage is specified, then the local wage rate of the seat of the establishment shall be used.

ARTICLE 1089.

PARAGRAPH 1. Upon demand of the commune the general local sick fund, or, in the absence of such, the rural sick fund of the place of residence or abode, shall take upon itself the providing of the sick benefit.

PAR. 2. Expenditures on this account shall be reimbursed by the commune. In such cases if a higher expenditure is not shown, article 1088, paragraph 3, shall be applicable.

ARTICLE 1090.

PARAGRAPH 1. The branch institute may take upon itself the provision of medical treatment (art. 1087).

PAR. 2. The commune, or under the reservation of articles 1513 and 1516 those otherwise obliged to do so (art. 1088, par. 1, Nos. 1 and 2), shall reimburse the branch institute in so far as the injured person had a claim upon them for benefits. In such cases article 1088, paragraph 3, is applicable.

ARTICLE 1091.

PARAGRAPH 1. The relief of the injured person may be transferred by the branch institute to the commune, which is obliged to provide sick benefits for the first 13 weeks, or to the sick fund (art. 1089) until the end of the course of treatment.

PAR. 2. The branch institute must reimburse the commune or the sick fund for the expenditure on this account. In such cases article 1088, paragraph 3, shall be applicable unless a higher expenditure is shown.

ARTICLE 1092.

PARAGRAPH 1. If, in the case of persons who are not insured against sickness on the basis of the imperial insurance or with a miners' sick fund, and also do not have a claim for sick relief according to article 1087, it is to be feared that an accident compensation will have to be provided for, the accident association may inaugurate a course of treatment even before the expiration of the first 13 weeks after the accident in order to remove the consequences of the accident or to alleviate the same.

PAR. 2. The association may place the insured person in a medical institution. In such cases article 597, paragraphs 2 to 4, is applicable.

PAR. 3. The association, with his consent, may grant the injured person care according to article 185, paragraph 1.

PAR. 4. The injured person may demand from the accident association a proper reimbursement for the earnings which he has lost on account of the course of treatment.

ARTICLE 1093.

Even without granting the injured person a course of treatment, the accident association may investigate the consequences of the accident within the first 13 weeks. Article 581, paragraph 1, is here correspondingly applicable.

ARTICLE 1094.

Articles 582 and 583, paragraph 1, and article 584 are applicable in regard to—

The granting of the accident pension before the expiration of the 13 weeks.

The transfer of the claim for pecuniary sick benefit before the expiration of the 13 weeks.

The liability of the accident association for the attitude of the carrier of the sickness insurance before the expiration of the 13 weeks.

In such cases article 583, paragraph 1, is also applicable for the payments of the commune (art. 1087).

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ARTICLE 1095.

In fatal cases, the following must in addition be granted:
1. A funeral benefit according to articles 1096 and 1097.
2. A pension to the survivors beginning with the date of death.

ARTICLE 1096.

PARAGRAPH 1. The funeral benefit shall be granted in the following cases:
1. If the shipowner does not have to bear the cost of burial according to article 554 of the Commercial Code or article 64 of the Navigation Code (*Seemannsordnung*);
2. If the deceased was buried on land.

PAR. 2. Article 203 is here correspondingly applicable.

ARTICLE 1097.

PARAGRAPH 1. The funeral benefit shall consist of the following amount:
1. When paid by the accident association,
   a. For seamen, two-thirds of the monthly average rate (arts. 1067 to 1073);
   b. For other persons, the fifteenth part of the annual earnings. This amount shall be computed in the same manner as in the case of bodily injury; however, in such cases, article 1082 does not apply;
2. When paid by the branch institute, 20 times the local wage rate according to article 1080.

PAR. 2. In all cases, however, the funeral benefit shall be at least 50 marks [$11.90].

ARTICLE 1098.

PARAGRAPH 1. The pension to the survivors shall consist of a fraction of the annual earnings (arts. 1067 to 1073, 1097 par. 1, No. 1b and art. 1080).

PAR 2. In other cases, articles 588 to 596 of the industrial accident insurance are applicable in this respect; in such cases remaining on board a German ship, shall be considered the same as an abode in Germany.

ARTICLE 1099.

PARAGRAPH 1. If the insured person has gone to sea on a vessel, then his survivors also have a claim to the pension if the vessel has sunk or according to articles 682 and 683 of the Commercial Code is regarded as missing, and during one full year after its sinking or after the last news of the vessel, no trustworthy information concerning the existence of the person missing has been received.

PAR. 2. The local insurance office may demand a solemn assurance from the survivors that they have received no other information regarding the existence of the missing person than that declared.

ARTICLE 1100.

PARAGRAPH 1. In such cases, the pension shall begin on the day of the sinking of the vessel, or if it is missing, one-half a month after the date up to which the latest news of the vessel reaches (art. 53 of the Navigation Code).

PAR. 2. The claim to further receipt of the pension shall cease if it is proved that the person believed to be dead is still alive.

ARTICLE 1101.

PARAGRAPH 1. If on account of a previous accident, the annual earnings (art. 1097, par. 1, No. 1b and art. 1080) are smaller than the wages received before the earlier accident, then the previous pension is to be added to the annual earnings; in such cases, however, that amount may not be exceeded which, as annual earnings, was used as the basis for the previous pension.

PAR. 2. This shall not apply if the pension was computed according to the monthly average as determined above (art. 1068).

ARTICLE 1102.

PARAGRAPH 1. The accident association may grant treatment in a medical institution in place of sick treatment and pension (art. 1065 in connection with art. 558). In such cases, article 597, paragraphs 2 to 5, and article 598 are applicable.

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PAR. 2. With the consent of the injured person, the accident association may grant free medical treatment and maintenance on board a vessel instead of treatment in a medical institution.

ARTICLE 1103.

Article 599 is applicable in regard to home care.

ARTICLE 1104.

PARAGRAPH 1. If the accident association, according to article 1086, assumes the benefits of the undertaker, then in place of the relief designated in articles 1084 and 1085, it may grant care and maintenance in a hospital as well as grant house money according to articles 186 and 577, paragraph 1, in the cases mentioned in article 1085, paragraph 1, No. 2. In this connection, article 1102, paragraph 2, shall be correspondingly applicable.

PAR. 2. In the case of seamen, the undertaker must reimburse that amount for treatment and care which would have to be expended for treatment in a medical institution at the seat of the competent section.

PAR. 3. For persons other than seamen, the reimbursement mentioned in article 579, paragraph 1, sentences 2 and 3, is to be used.

PAR. 4. This provision is to be correspondingly applicable when in the cases mentioned in articles 1085, paragraph 3, in connection with article 577, paragraphs 2 and 3, the employer or carrier of the other relief takes the place of the undertaker.

PAR. 5. With the consent of the insured person, the accident association may grant care according to article 185, paragraph 1, and deduct up to one-fourth of the pecuniary sick benefit therefor.

ARTICLE 1105.

Article 602 is applicable for special relief, when the injured person is placed in a medical institution.

ARTICLE 1106.

PARAGRAPH 1. The accident association may transfer the fulfillment of its duties toward the injured person and his relatives, to the undertaker who had or still has the duty of providing relief for the first weeks after the accident, and these duties may be transferred to the end of the medical treatment to any extent which the association deems advisable. This does not apply if the establishment is insured in the branch institute.

PAR. 2. The association must reimburse the undertaker for expenses arising herefrom. As reimbursement, there must be granted, computed on the basis of the year for the benefits which correspond to the sick care (art. 558, No. 1), three-eighths of the annual earnings (arts. 1067 to 1073, 1097, par 1, No. 1b) and in addition in the case of care in a medical institution or treatment or maintenance on board a vessel, there must be granted one-half of the annual earnings for maintenance, if a higher expenditure is not shown to have been made.

ARTICLE 1107.

PARAGRAPH 1. If controversies arise in a foreign country in regard to free medical treatment and maintenance in a hospital or on board a vessel, then that consular office (*Seemannsamt*) which shall be first appealed to, shall render the provisional ruling. Each party must follow the order of the consular office (*Seemannsamt*) until the decision of the competent office is rendered.

PAR. 2. Exemption from fees and stamp taxes (arts. 137 and 138) is here also applicable.

ARTICLE 1108.

PARAGRAPH 1. The marine office (*Seemannsamt*) shall decide in controversies concerning claims of seamen based on articles 1083 to 1086, 1092, and 1104 as well as from article 1106: *Provided*, That this controversy must not be settled by the determination procedure of the accident insurance. The marine office (*Seemannsamt*) shall also decide controversies concerning claims of seamen to pecuniary sick benefits which, according to article 1094, have been transferred to the accident association.

PAR. 2. If the matter concerns the granting of relief, the marine office which is first appealed to shall be competent, if the matter concerns reimbursement, the marine office of the home port.

PAR. 3. Exemption from fees and stamp taxes is here also applicable.

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ARTICLE 1109.

PARAGRAPH 1. The decision of the marine office (*Seemannsamt*) shall have the same status as the judgment of the local insurance office; the appeal does not effect a stay if the matter concerns the granting of relief.

PAR. 2. In the second instance that superior insurance office is competent in whose district the vessel has its home port or if there is no German home port, then the district in which the establishment has its seat.

PAR. 3. In regard to the point as to whether a review is permissible, the claims designated in article 1108, paragraph 1, shall be considered as claims for benefits of sickness insurance.

ARTICLE 1110.

PARAGRAPH 1. In controversies between the undertaker and the accident association in regard to transferring their benefits (art. 1106), the local insurance office shall decide finally if the matter does not concern a claim for reimbursement.

PAR. 2. Controversies in regard to claims for reimbursement arising out of articles 1083 to 1086, 1104, and 1106 shall be decided in judgment procedure.

ARTICLE 1111.

PARAGRAPH 1. In controversies between a commune and a sick fund in regard to assuming sickness benefits (art. 1089) as well as in controversies between the branch institute and the commune or sick fund in regard to the transfer of the relief (art. 1091) the local insurance office shall decide finally if the matter does not concern a claim for reimbursement.

PAR. 2. Controversies in regard to reimbursement arising out of articles 1088 to 1091 shall be decided in judgment procedure.

ARTICLE 1112.

Articles 603 and 604 of the industrial accident insurance and article 1106 shall be applicable in regard to a new course of treatment.

ARTICLE 1113.

Article 605 is applicable concerning changing the medical institution. However, in the case of seamen in foreign hospitals, the consular office (*Seemannsamt*) in whose district this hospital is located, replaces the consent of the seamen.

ARTICLE 1114.

The provisions of the industrial accident insurance are applicable concerning the following:

Harm to the injured person because of improper conduct in violation of the rules relating to the medical treatment (art. 606);

Placing the pensioner in a home for invalids or similar institution (art. 607).

ARTICLE 1115.

In addition the provisions of the industrial accident insurance are applicable in regard to the following:

A new determination of the pension on account of a change in conditions (arts. 608 to 611);

The maturity of the pension and duration of the receipt of the pension (arts. 612 and 613);

The right to receive the benefits after the death of the person entitled thereto (art. 614);

The suspension of the pension in the case of penalty involving the loss of liberty or confinement in a workhouse or reformatory (art. 615, par. 1, No. 1, and par. 4).

ARTICLE 1116.

PARAGRAPH 1. The right to receive the pension shall be suspended as long as the beneficiary—

1. Does service on a foreign war vessel;
2. Without having been mustered in on a German vessel, voluntarily and regularly abides in a foreign country and neglects to do the following:

Notify the accident association of his abode;

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As an injured person presents himself at a marine office from time to time upon demand of the accident association.

The Imperial Insurance Office shall specify the details in regard to notifying the association and presenting himself.

If the beneficiary proves that without any fault of his own he has failed to make the prescribed report and presentation, then to that extent his right to a pension shall be revived.

3. As a foreigner, has been expelled from the Empire, because of condemnation in a penal procedure. The same applies in the case of a foreigner entitled to benefits who because of condemnation in a penal procedure has been expelled from the territory of a federal State so long as he does not stay in another federal State.

The Federal Council can suspend the cessation of pensions for foreign border territories, or for subjects of such foreign States whose legislation grants corresponding relief for Germans and their survivors.

PAR. 2. If the expulsion of a foreigner entitled to benefits (par. 1, No. 3) has not been ordered on the basis of condemnation or because of condemnation in a penal procedure, then in his case paragraph 1, No. 2, shall apply.

PAR. 3. In the meaning of these provisions German protectorates shall be considered as part of the Empire.

ARTICLE 1117.

The provisions of the industrial accident insurance are also applicable concerning the following:

Settlements in the form of capital sums (arts. 616 to 618);

Relinquishment of a claim for reimbursement and of legal rights (arts. 619 and 620);

Transferring, assigning, execution of the claims, and deductions from the claims (arts. 621 and 622).

SECTION THREE.—CARRIERS OF THE INSURANCE.

ARTICLE 1118.

The accident association as a carrier of the insurance includes the undertakers of insured establishments which are not insured in the branch institute (art. 1120).

ARTICLE 1119.

PARAGRAPH 1. The Empire or a federal State is the carrier of the insurance if the establishment is conducted for its account. This shall not apply whenever the Empire or the federal State, through a declaration of the imperial chancellor or highest administrative authority, enters the accident association. The declaration of entrance shall also specify the date on which such entrance shall become effective.

PAR. 2. Article 627, paragraph 2, shall be applicable as regards withdrawal from the accident association and reentrance into the same; article 625, paragraphs 3 to 5, of the industrial accident insurance shall also be applicable as regards withdrawal.

ARTICLE 1120.

The three kinds of establishments designated below shall be insured in a special branch institute which shall be attached to the accident association. The accident association shall be the carrier of the branch institute. The three groups of establishments are the following:

1. Establishments engaged in navigation on the high seas with vessels of the kind designated in article 1058, paragraph 1, No. 1 (small-scale establishments engaged in navigation);
2. Establishments engaged in fishing on the high seas with vessels which the Imperial Council has not already placed under the accident insurance as being either steamers engaged in deep-sea fishing or herring luggers (art. 1058, par. 1, No. 2);
3. Establishments engaged in fishing with vessels of the kind described in article 1049.

ARTICLE 1121.

The undertaker shall be considered as that person for whose account the establishment is conducted; in the case of navigation establishments this shall be the shipowner.

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ARTICLE 1122.

PARAGRAPH 1. The following provisions of the industrial accident insurance shall be applicable:

Article 630, paragraph 3, concerning the maintenance of the status of the accident association;

Article 634 concerning the compensation of accidents in establishments of other parties;

Article 647, paragraphs 1 and 3, concerning the dissolution of the accident association.

PAR. 2. The official bodies of the dissolved accident association shall wind up the affairs under supervision of the Imperial Insurance Office.

SECTION FOUR.—ORGANIZATION.

I. MEMBERSHIP AND RIGHT TO VOTE—REPRESENTATIVES.

ARTICLE 1123.

Every undertaker of an establishment insured in it shall be a member of the accident association.

ARTICLE 1124.

Membership begins with the opening of the establishment and with the beginning of the insurance obligation; for the Empire and the federal States the beginning of the membership shall be regulated according to article 1119.

ARTICLE 1125.

On each vessel and in every other establishment the undertaker must make known through a placard the following:

To what section the vessel or the establishment belongs;

The location of the business office of the directorate of the accident association and of the directorate of the section.

ARTICLE 1126.

If members or their local representatives do not possess their civic rights, they shall have no right to vote.

ARTICLE 1127.

The constitution must specify the number of votes of shipowners according to the number of persons estimated according to article 1148.

ARTICLE 1128.

PARAGRAPH 1. If the shipowner does not have his place of residence in the home port of the vessel, then he must appoint a representative of the vessel in the home port.

PAR. 2. The name of the representative and changes in the person of the same are to be communicated to the accident association. The shipowner's right to vote and right to be elected shall be suspended until this has been done. So long as this is the case, he shall not be invited to the general meetings of the associations, and in matters of the association's affairs the administrative bodies or the authorities thereof shall be considered as having delivered to him any document by posting it publicly for one week in their business rooms. If his name is not known, they may replace his name in the placard by the name of the vessel. The constitution may further restrict the shipowner in the execution of his rights of membership.

ARTICLE 1129.

PARAGRAPH 1. The representative shall in legal and other matters represent the shipowner in his capacity as member of the association before the association. A limitation in the scope of the power of the representative as against the accident association shall be without effect.

PAR. 2. Communications to the representative concerning matters of the accident association shall have immediate effect for and against the shipowner.

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ARTICLE 1130.

PARAGRAPH 1. Joint owners of ships must designate a joint representative even if all of them have their place of residence in the home port. Article 1128 is here applicable.

PAR. 2. The manager of the shipowning firm appointed by the joint owners of the ship shall be considered as the representative before the accident association so long as no such representative has been appointed.

ARTICLE 1131.

Articles 1128 to 1130 shall not apply to the branch institute.

II. REGISTRATION OF ESTABLISHMENTS.

ARTICLE 1132.

The authorities in charge of the shipping registry and ship's measurements must without delay send notice of the measurements and registry of new vessels to the directorate of the accident association, and the undertakers must send notice concerning the opening of other establishments to the local insurance office of the seat of the establishment.

III. REGISTER OF ESTABLISHMENTS.

ARTICLE 1133.

PARAGRAPH 1. The directorate of the accident association must keep a register of the establishments on the basis of the—

Register of ships in the German merchant marine as given in the latest edition of the handbook of the German merchant marine;

List of the undertakers which is sent to it by the Imperial Insurance Office under the provisions of article 22 of the law of July 13, 1887 (Reichs-Gesetzblatt, p. 329);

Notices concerning the opening of new establishments, (art. 1132).

PAR. 2. No register of establishments shall be kept for the branch institute.

ARTICLE 1134.

Articles 658, 659, 660, sentences 1 and 2, articles 661 and 663 of the industrial accident insurance are applicable as regards registry of establishments.

IV. CHANGES IN THE CONDITIONS OF THE ESTABLISHMENT.

ARTICLE 1135.

The authorities in charge of the ship's registry shall indicate to the directorate of the accident association all changes and cancellations in the ship's register.

ARTICLE 1136.

For the vessels insured under article 1046, which are not entered in the ship's registry, the ship owners and managers of shipping firms and the representatives must report to the directorate of the accident association within the time specified by the constitution the following matters:

Loss of the vessel (art. 1174);

Changes in the home port, name, class, and capacity of the ship;

Changes in the person and in the citizenship of the shipowners or joint owners.

ARTICLE 1137.

PARAGRAPH 1. If these reports to the directorate are not made, or the reports to the authorities in charge of the register are not made (art. 14 of the flag law, Reichs-Gesetzblatt, 1899, p. 319) then the owner or joint owner whose name is registered in the register of the establishments is liable for the contributions which are to be assessed upon the members. This liability shall further include the fiscal year in which the report is made.

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PAR. 2. The new owner is not released from liability on that account.

ARTICLE 1138.

The undertakers of floating docks and of pilotage establishments and other establishments designated in article 1046, number 3, must report to the directorate of the accident association every change in the person for whose account the establishment is conducted and all changes in the establishment which are of importance for its membership in the accident association. The report is to be made within the time limit which according to the constitution is specified for reports under article 1136. If the report is not made, then the undertaker shall suffer the same loss of rights as the shipowners in article 1137.

ARTICLE 1139.

If on the basis of the information from the reports received, or if on their own initiative the directorate of the accident association believes it necessary that the establishment shall be transferred to another accident association or because it is shut down shall be cancelled from the list, then articles 661 to 673 of the industrial accident insurance are correspondingly applicable both for the transfer and for cancellation as well as for transfer of the cost of the accidents and of a share of the reserve.

ARTICLE 1140.

PARAGRAPH 1. The obligation of giving notice in case of changes in the establishment which for the estimates are of importance (art. 1148) and the further procedure, shall be regulated by the constitution.

PAR. 2. The undertaker has the right of appeal against the decision which the accident association has issued on the basis of reports of changes or of its own initiative.

ARTICLE 1141.

If the accident association has a risk tariff, then the requirement to give notice shall apply in cases of changes in the establishment which affect the classification of establishments in the risk classes, while article 674 shall apply for the further procedure.

V. CONSTITUTION.

ARTICLE 1142.

The accident association shall regulate its internal administration and order of business by a constitution, which the general meeting of the accident association shall decide upon.

ARTICLE 1143.

The constitution must specify—

1. The name and the seat of the accident association;
2. The composition, rights, and duties of the directorate;
3. The form of the declarations of the decisions of the directorate as well as its signature on behalf of the accident association, the manner of making decisions in the directorate, and its representation as to third parties;
4. The calling of the general meeting of the accident association and its method of arriving at a decision;
5. The right to vote of the members and the examination of their credentials;
6. The representation of the accident association as against the directorate;
7. The rates for loss of earnings and for traveling expenses which are to be granted to the representatives of the insured persons (art. 21);
8. Procedure of the administrative bodies of the accident association in classifying the vessels;
9. Procedure in cases of changes in the establishment and of a change in the person of the head of the establishment;
10. The consequences of shutting down an establishment or of a change in the person of the undertaker, especially as to the guaranteeing of his contributions if he shuts down the establishment;
11. The drawing up, examining, and acceptance of the annual balance sheet;
12. The administrative action relative to the issuance of the regulations containing provisions for accident prevention and for the supervision of the establishments;

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13. Procedure in case of the reporting and release from membership of undertakers, of pilots, and of other persons insured according to article 1064, number 1, who belong to the accident association, as well as concerning the amount and ascertainment of the annual earnings of undertakers and of pilots;
14. The method of publishing notices;
15. The provisions as to the amendment of the constitution.

ARTICLE 1144.

The following provisions of the industrial accident insurance shall apply for the:
Composition of the general meeting of the accident association of representatives, division of the accident association into sections and appointment of district agents (arts. 678 and 679);
Authority of the directorate of the accident association to impose penalties (art. 680);
Drawing up of the constitution (arts. 681 to 683).

ARTICLE 1145.

The directorate of the accident association must make an announcement in the Reichsanzeiger, if the constitution, with the approval of the Imperial Insurance Office, has been changed in regard to—
1. The name or seat of the accident association;
2. The districts of the sections.

VI. ADMINISTRATIVE BODIES OF THE ACCIDENT ASSOCIATION.

ARTICLE 1146.

PARAGRAPH 1. The provisions of the industrial accident insurance (arts. 685 to 689) shall be applicable as regards the administrative bodies of the accident association.
PAR. 2. Managers of shipowning firms are also eligible to the administrative bodies of the accident associations.

VII. EMPLOYEES OF THE ASSOCIATION.

ARTICLE 1147.

The provisions of the industrial accident insurance (arts. 690 to 705) shall be applicable as regards employees of the accident association and as regards the transferring of business to salaried business managers.

VIII. MAKING THE ESTIMATES—RISK TARIFF AND SPECIAL COSTS.

ARTICLE 1148.

PARAGRAPH 1. For each seagoing vessel, there shall be estimated the average number of seamen who are necessary to form the crew.
PAR. 2. An estimate shall be made according to classes (arts. 1067 to 1071) on the basis of the following:
The handbook of the German merchant marine;
The registers of undertakers which according to the provisions of articles 21 and 22 of the law of July 13, 1887 (Reichs-Gesetzblatt, p. 329) have been drawn up on the creation of the accident association;
Changes in the conditions of the establishment.
PAR. 3. The above shall not apply in the case of the branch institute.

ARTICLE 1149.

The constitution shall specify that risk classes shall be formed. In such cases articles 706 to 709 of the industrial accident insurance shall be applicable. The constitution must in such cases also contain provisions in regard to the procedure in the apportionment to the risk classes.

ARTICLE 1150.

The directorate of the accident association shall make estimates concerning the vessels and shall apportion the establishments to the risk classes as specified in the constitution.

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ARTICLE 1151.

The members must upon demand within two weeks furnish such information to the administrative bodies of the accident association as is necessary to make estimates and apportionment. This shall also apply to the managers of shipowning firms, to the firms' representatives, and to the masters of the vessel.

ARTICLE 1152.

In the periods within which the risk tariff is to be reexamined, the estimates and apportionment are to be regularly verified.

ARTICLE 1153.

PARAGRAPH 1. Each member must be notified of his apportionment to the risk classes and each shipowner must be informed of the estimates of his navigation establishments.

PAR. 2. Even before the regular reexamination, the accident association may make a new estimate of the ship's crew and make a new apportionment of the establishment if it develops that the statements of the undertaker were incorrect or if a change has taken place in the establishment.

PAR. 3. The undertaker shall have an appeal against the estimate and apportionment.

ARTICLE 1154.

PARAGRAPH 1. On the basis of accidents which have taken place on their vessels, the general meeting of the accident association, upon application of the directorate, may either impose supplementary assessments on the undertakers or grant them a rebate for the coming tariff period or for a part of the same.

PAR. 2. The undertaker shall have the right to appeal against the determination of supplementary assessments.

ARTICLE 1155.

PARAGRAPH 1. The constitution may provide that higher contributions shall be paid for voyages with especially dangerous cargoes or in especially dangerous waters or seasons.

PAR. 2. The general meeting of the accident association shall specify the basis for such action and make regulations concerning the reporting and determination of the decisive facts.

PAR. 3. The general meeting may also transfer this matter to a committee or to the directorate.

PAR. 4. Such provisions shall require the approval of the Imperial Insurance Office. For the reexamination, articles 708 and 709 of the industrial accident insurance shall be correspondingly applicable.

ARTICLE 1156.

PARAGRAPH 1. For the single voyages (art. 1155) the administrative bodies of the accident association may increase the contributions in proportion to such voyages as have been made in each fiscal year. The details on this point shall be specified in the constitution.

PAR. 2. Article 1151 shall apply as regards the obligation to supply information.

PAR. 3. The imposition of such contributions may be contested in the same way as in the case of a protest against the determination of the contributions (arts. 1178 to 1182).

IX. ADMINISTRATION OF THE ASSETS.

ARTICLE 1157.

The provisions of the industrial accident insurance shall be applicable as regards the administration of the assets (arts. 717 to 721).

SECTION FIVE.—SUPERVISION.

ARTICLE 1158.

The Imperial Insurance Office shall conduct the supervision of the accident association.

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SECTION SIX.—PAYMENT OF THE COMPENSATION—RAISING OF THE FUNDS.

I. PAYMENTS THROUGH THE POST OFFICE DEPARTMENT.

ARTICLE 1159.

PARAGRAPH 1. The compensation shall be paid by the accident association upon the authorization of its directorate through German post offices and as a rule through those post offices in whose districts is the home port of the ship upon which the accident has occurred.

PAR. 2. The directorate shall notify the payee as to the office of payment.

PAR. 3. He may apply to the directorate or at the office of payment so designated to have the payments made at the post office of his place of residence.

ARTICLE 1160.

The following articles of the industrial accident insurance are to be applied in the following cases:

Article 727 in regard to the necessary certificates for payments;

Article 728 as regards the collection of advance payments through the Post Office Department.

ARTICLE 1161.

The Imperial Insurance Office may specify the manner in which the payees are to be paid who customarily abide in a foreign country.

II. RAISING OF THE FUNDS.

ARTICLE 1162.

The means for the covering of its expenditures and for the costs of the administration of the branch institute (art. 1192) shall be raised by the accident association by means of members' contributions, which shall be sufficient for the needs of the preceding fiscal year.

ARTICLE 1163.

PARAGRAPH 1. At the branch institute the unions of communes and the undertakers belonging to the institute must pay fixed contributions, specified in advance (arts. 1195 to 1197).

PAR. 2. These contributions must cover the capitalized value of pensions which the institute will probably have to carry and in addition cover the other expenditures which the branch institute has made.

ARTICLE 1164.

PARAGRAPH 1. The provisions of the industrial accident insurance shall be applicable in the following cases:

In regard to the purposes for which the contributions may be raised and the means may be expended (arts. 736);

In regard to advances upon contributions as well as contributions paid in advance (arts. 738 and 739);

In regard to the accumulation of a reserve (arts. 741 to 747).

PAR. 2. These provisions, with the exception of article 736, shall not apply to the branch institute.

III. PROCEDURE IN ASSESSMENTS AND COLLECTIONS.

ARTICLE 1165.

PARAGRAPH 1. The directorate of the accident association shall determine which part of the payments shown to have been made by the highest postal authorities shall be charged to the accident association and which part to the branch institute.

PAR. 2. Articles 1166 to 1184 shall be applicable as regards the assessment and collection of the contributions of members.

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ARTICLE 1166.

PARAGRAPH 1. Within six weeks after the expiration of the fiscal year each member of the accident association shall transmit a wage list to the directorate of the accident association.

PAR. 2. This list must contain the following:

1. For each sea-going vessel the insured persons employed during the preceding fiscal year on the vessel, but not belonging to the crew (art. 1046, No. 2);
2. For establishments operating floating docks, pilotage establishments, and other establishments designated in article 1046, No. 3, the insured persons employed in the establishment during the preceding fiscal year;

in addition, for all these persons the wage list must show the following:

The compensation earned by these persons;

If the compensation actually received by these persons is not decisive, then a computation of the earnings which is to be used in the assessment and contributions.

PAR. 3. The constitution may permit a summary wage list in accordance with article 750, paragraph 3.

ARTICLE 1167.

The provisions of the industrial accident insurance (art. 751) shall be applicable in regard to the following:

Earlier transmittal of the wage list;

The keeping and preserving of the wage list.

ARTICLE 1168.

The accident association itself may draw up or complete the wage list in the case of members who do not transmit the same promptly or completely.

ARTICLE 1169.

The contributions of the members shall be assessed according to their apportionment to the risk classes, and in the second place according to the following:

1. In case of seagoing vessels according to the amounts obtained from [1] the sum of the average wage payments (arts. 1067 to 1070) for the estimated number of men in the crew and [2] from the wage list; supplementary charges, rebates, or increases of contributions (arts. 1154 and 1155) are to be considered in this connection.
2. In the case of other establishments according to the wage list.

ARTICLE 1170.

If during the period of contribution the annual amount of the wage payments exceeds 1,800 marks [$428.40], then of the excess only one-third shall be included in the computation. If it exceeds 5,000 marks [$1,190], then the excess shall be included in the computation only so far as the constitution has extended the insurance to a higher amount of the annual earnings.

ARTICLE 1171.

PARAGRAPH 1. In the case of vessels which are proved to have been out of commission without interruption for a period longer than 14 days, the contribution is to be proportionately reduced for that period of inactivity which exceeds 14 days.

PAR. 2. It shall be reduced for that fiscal year in which the vessel was out of commission. If the period of inactivity extends over into the following fiscal year, then the reduction as far as necessary shall be postponed until then.

ARTICLE 1172.

PARAGRAPH 1. The contributions shall be reduced only if the shipowner, manager of the shipowning firm, or representative shall within six weeks after the expiration of the fiscal year prove to the directorate of the accident association an interrupted period of inactivity, in the form of a certificate which has been duly attested.

PAR. 2. If the vessel returns to the home port only after the expiration of the fiscal year, then proof can be brought even within six weeks following the return; the contribution, however, must for the time being be paid in full.

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ARTICLE 1173.

PARAGRAPH 1. In the case of vessels which in the course of the fiscal year have been lost or are missing (arts. 862 and 863 of the Commercial Code), the directorate of the accident association on its own initiative shall reduce the contributions as soon as the facts which are decisive on the question have been made known to it.

PAR. 2. The reduction shall begin with the date of the loss, or one-half a month after the date up to which the latest news in regard to the vessel reaches.

PAR. 3. If in the case of the loss of the vessel German seamen are transported homeward free of charge upon a German seagoing vessel or are brought back on the vessel (art. 1054, No. 2), then the contribution shall not be reduced for this period.

PAR. 4. If the contribution had already been paid, then it shall be returned in the proper proportion.

ARTICLE 1174.

A vessel shall be considered as lost also in the cases when it has sunk, has been condemned as of insufficient value for repair, and on that account has been publicly sold without delay, also when it has been robbed, captured, or detained and declared a valid prize.

ARTICLE 1175.

The directorate of the accident association shall compute the contribution to be apportioned to each member for the covering of the total expenditure.

ARTICLE 1176.

The provisions of the industrial accident insurance (art. 754) are applicable as regards extracts from the assessment roll, its communication, and the request for payment; if a manager of the shipowning firm, or representative, has been appointed, then these are to receive notices.

ARTICLE 1177.

Articles 755 and 756 are correspondingly applicable as regards a new determination of the contribution after the extract has been transmitted. The new determination is also permissible when at a later time, because of incorrect statements of the undertaker, the ship's crew has again been estimated (art. 1153) or facts become known on account of which certain voyages are to be specially assessed (art. 1155).

ARTICLE 1178.

PARAGRAPH 1. A protest against the determination of the contributions may be made by a representative or manager of the shipping establishment, and if such has not been appointed, by a member. Articles 757, 758, paragraph 1, and article 759 of the industrial accident association are correspondingly applicable.

PAR. 2. The apportionment and the making of the estimate (arts. 1150 and 1152) may not be contested in this manner.

ARTICLE 1179.

PARAGRAPH 1. Appeals against the decision of the directorate may only be based upon the following:

Mistakes in the computation;

Incorrect rating of the estimate of the crew necessary for the vessel;

Incorrect rating in any other class of the risk tariff than that to which the establishment belongs;

Insufficient consideration of the rebates (art. 1154);

Incorrect determination of the duration of employment and of the annual earnings of the insured persons who are employed in establishments other than those engaged in navigation;

Insufficient deductions on account of the inactivity of the vessel.

PAR. 2. An appeal on account of the two last-mentioned reasons is not permissible if the directorate has itself drawn up or completed the wage list or has not reduced the contributions because of the negligence of the persons required to do so.

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ARTICLE 1180.

PARAGRAPH 1. If individual voyages have been specially assessed (art. 1155), then an appeal may be based on the claim that the actual prerequisites for a higher contribution do not exist.

PAR. 2. This shall not apply if the person required to do so has neglected to file the required reports.

ARTICLE 1181.

If, upon protest or appeal, the contribution has been reduced, then article 760 shall be applicable as regards the covering of the deficit and the balancing of the excess payment. The same article shall also apply if the loss of the vessel has only been determined at a later time.

ARTICLE 1182.

If it later develops that a contribution paid without protest was collected either wholly or partly without right, then articles 1178 to 1181 shall be correspondingly applicable.

ARTICLE 1183.

The shipowner is liable not only with the ship and the freight, but also personally for the contributions, for the advance upon contributions, and for amounts deposited as guaranties (art. 1143, No. 10). Joint owners are liable in proportion to their shares in the ship.

ARTICLE 1184.

PARAGRAPH 1. Article 762 is applicable in regard to the covering of contributions which can not be collected.

PAR. 2. The accident association may transfer to the manager of the shipping firm or representative thereof the compulsory collection of amounts which are a charge upon a shipping firm or upon a joint owner.

IV. TRANSFERRING AMOUNTS TO THE POST OFFICE DEPARTMENT.

ARTICLE 1185.

The provisions of the industrial accident insurance are applicable as regards the transferring of amounts to the post office (arts. 777 to 782).

SECTION SEVEN.—BRANCH INSTITUTE FOR SMALL-SCALE ESTABLISHMENTS ENGAGED IN NAVIGATION AND IN DEEP-SEA FISHING AND COAST FISHING.

ARTICLE 1186.

Those persons are insured in the branch institute who are engaged in establishments engaged in navigation and fishing as described in article 1120.

ARTICLE 1187.

The following are also insured in the branch institute:

1. Undertakers subject to the insurance according to article 1058 who conduct navigation and fishing establishments as a business.
2. Those undertakers who are in charge of establishments engaged in navigation and fishing of the kind described in article 1120, who have insured themselves.

ARTICLE 1188.

The branch institute may not undertake other kinds of insurance.

ARTICLE 1189.

The administrative bodies of the accident association administer the branch institute unless the constitution of the latter provides otherwise (art. 1194).

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ARTICLE 1190.

PARAGRAPH 1. The income and expenditures of the branch institute are to be accounted for separately, and its assets are to be kept separately.

PAR. 2. As far as is necessary, the accident association must advance the means for conducting the business of the branch institute from the reserve of the association.

ARTICLE 1191.

The assets which are specified as belonging to the branch institute may not be used for the purposes of the accident association.

ARTICLE 1192.

The accident association shall bear the cost of administration of the branch institute.

ARTICLE 1193.

Article 791 shall be applicable in regard to the participation of the branch institute in the advance payments to the post office.

ARTICLE 1194.

The general meeting of the accident association must draw up a separate constitution for the branch institute. Article 792, paragraph 2, article 793, Nos. 1, 2, 4, and 6, articles 794 and 796 of the industrial accident insurance are correspondingly applicable as regards this constitution. Article 793, No. 1, is to be correspondingly applied to undertakers subject to the insurance.

ARTICLE 1195.

PARAGRAPH 1. At least once in every five years the Imperial Insurance Office shall specify the contributions in advance.

PAR. 2. These contributions are to be paid by those unions of communes of the coast States which include coast districts, and shall be apportioned to the communes according to the number of insured persons who are engaged in their districts. The highest administrative authority shall specify the details in this connection.

PAR. 3. The Federal Council may order that in the apportionment of the contribution, the duration of the employment and variations in the customary daily wages of the locality, are to be considered.

ARTICLE 1196.

PARAGRAPH 1. The individual union of communes shall raise one-half of the contributions in the same manner as its other expenditures.

PAR. 2. The other one-half of the contributions shall be collected from the undertakers affected through the intervention of the union or of the communes. The union of communes shall specify the details in this connection.

PAR. 3. The union of communes or the communes are responsible for contributions which are not collectible, and with the approval of their supervisory authorities they may defray either wholly or partly the cost from their own funds.

PAR. 4. They may specify that the undertakers shall report to their directorate every change in the person for whose account the establishment is conducted. If the report is not made, then the employer shall be responsible according to article 1137.

ARTICLE 1197.

The undertaker shall have the right to appeal to the superior insurance office against being called on for contributions.

SECTION EIGHT.—ADDITIONAL INSTITUTIONS.

ARTICLE 1198.

The provisions of the industrial accident insurance shall apply to additional institutions of the accident association (arts. 843 to 847).

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SECTION NINE.—ACCIDENT PREVENTION—SUPERVISION.

I. REGULATIONS FOR THE PREVENTION OF ACCIDENTS.

ARTICLE 1199.

PARAGRAPH 1. The accident association is required to issue the requisite regulations concerning the following:

1. For the undertakers concerning the arrangements and rules for the prevention of accidents as well as concerning the equipment of vessels;
2. Concerning the rules of conduct which insured persons must observe for the prevention of accidents in establishments.

PAR. 2. The regulations for the prevention of accidents are also to be issued for individual districts and for specified classes of vessels or establishments.

ARTICLE 1200.

An appropriate period of time must be given to the undertakers to provide the prescribed arrangements for the prevention of accidents.

ARTICLE 1201.

Contraventions on the part of undertakers against the regulations may be punished by fines up to 1,000 marks [$238], those of the insured person up to 6 marks [$1.43]. The insured person is not to be punished if he has violated regulations in carrying out the orders of his superior.

ARTICLE 1202.

In addition to the shipowner, the accident association may also declare the ship's master to be responsible for the execution of the regulations issued as above. For each neglected act, fines up to 300 marks [$71.40] can be imposed upon him.

ARTICLE 1203.

Articles 852 to 856 of the industrial accident insurance are applicable as concerns the decisions regarding the regulations and the preparation, while article 857 shall apply as regards the attitude to the reports of the technical supervisory officer.

ARTICLE 1204.

The representatives of the insured persons shall be selected by lot from a number of associates competent for navigation in the superior insurance office, and the lot shall be drawn by the chairman of the directorate in one of its sessions.

ARTICLE 1205.

PARAGRAPH 1. The following articles of the industrial accident insurance shall be correspondingly applicable in the following cases:

Article 859 as regards the election of representatives of the insured persons;
Article 861 as regards the election of substitutes for the representatives of the insured persons;
Article 863 as regards the allowances for representatives of insured persons;
Articles 864 to 868 as regards the approval of the regulations and the procedure in preparation thereof.

PAR. 2. The provisions of articles 16, 19 to 22, and 24 as regards elected representatives of insured persons shall also be correspondingly applicable to these representatives of the insured persons and their substitutes.

ARTICLE 1206.

The directorate of the accident association shall communicate the approved regulations to the higher administrative authorities and all marine offices affected, and shall publicly placard the regulations in the business offices of the latter and in the seamen's homes.

ARTICLE 1207.

The directorate of the accident association shall be competent for determining the fines imposed on the undertakers.

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ARTICLE 1208.

PARAGRAPH 1. That marine office (*Seemannsamt*) shall determine the fines imposed on the masters of vessels which has first recognized the neglect (art. 1202) and shall enter the same in the ship's log. These fines are to be collected immediately.

PAR. 2. Against the imposition of such fines, the master of the vessel, the ship's owner, manager of the shipping firm or representative shall have the right to appeal to the supervisory authority of the marine office (*Seemannsamt*) within one month after the end of the voyage.

PAR. 3. The same or another marine office (*Seemannsamt*) may again impose a fine if in the meantime the order has not been obeyed, unless it can be shown that it was impossible of execution.

PAR. 4. The local insurance office shall be competent as regards the imposition of fines on the insured persons (art. 1199, par. 1, No. 2).

II. SUPERVISION.

ARTICLE 1209.

Articles 874 and 875 of the industrial accident insurance are applicable as regards the execution of the regulations for the prevention of accidents.

ARTICLE 1210.

PARAGRAPH 1. In order to verify the reports transmitted according to law or constitution, the accident association can, through accounting officials, inspect the ship's log, muster rolls, certificates, bill of tonnage, and other ship's papers and lists from which may be ascertained the number of insured persons as well as the extent and duration of the completed voyages.

PAR. 2. The local insurance office may also undertake such examination.

ARTICLE 1211.

With the approval of the Imperial Insurance Office, the business of the technical upervisory official and the accounting official may be combined in one person.

ARTICLE 1212.

In their business office, the authorities are under obligation to place open for inspection of the accounting officials of the accident association all transactions and documents which relate to conditions of the vessel and the crew thereof.

ARTICLE 1213.

PARAGRAPH 1. The ship's owners, managers of the shipping concern, and representatives as well as masters of vessels must permit the technical supervisory officials to enter their vessels and inspect the same and must open for inspection on the spot the ship's papers and lists for the inspection of the accounting officials.

PAR. 2. In the same manner, the other undertakers must permit the inspection of their establishments and present their lists for inspection.

ARTICLE 1214.

PARAGRAPH 1. The marine office (*Seemannsamt*) may investigate vessels for the purpose of ascertaining whether the regulations for the prevention of accidents have been complied with.

PAR. 2. The obligations arising out of articles 1212 and 1213 are also applicable to the marine office. The marine office must be permitted to enter fines imposed by it in the ship's log.

ARTICLE 1215.

Upon the application of the technical supervisory officials or of the accounting officials, the marine office (*Seemannsamt*) can impose upon persons, obliged to do so according to articles 1210, 1213, and 1214, fines up to 300 marks [$71.40] to force them to perform their duties.

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ARTICLE 1216.

PARAGRAPH 1. The provisions of the industrial accident insurance are applicable as regards the following:

Taking of the oath (art. 882);

Communicating the name and residence of the technical supervisory officials as well as the activities of the latter (art. 883).

PAR. 2. However, the higher administrative authorities or the authorities or officials designated by them shall take the place of the State supervisory official in regard to the communication.

ARTICLE 1217.

PARAGRAPH 1. The provisions of the industrial accident insurance are applicable in regard to—

Damages to the undertakers in the case of neglecting to comply with the obligation as regards supervision (art. 887);

Supervision through the local insurance office and the Imperial Insurance Office (arts. 888 and 889).

PAR. 2. The accident association is also authorized in case of inspection of unclassified vessels to collect from the owners of the latter those costs which have arisen through the determination of the condition of the hull of the vessel and the machinery equipment and which were an increase as compared with the cost of inspecting classified vessels. Costs of this kind shall likewise be collected in the same manner as communal taxes.

SECTION TEN.—ESTABLISHMENTS OF THE EMPIRE AND OF THE STATES.

ARTICLE 1218.

PARAGRAPH 1. Articles 892, 893, 895, and 887 are correspondingly applicable whenever the Empire or a federal State shall take the place of the accident association.

PAR. 2. In such a case, the following provisions of the navigation accident insurance shall not apply:

The provisions concerning dissolution of the accident association (art. 1122 in connection with art. 647, pars. 1 and 3);

The provisions in regard to the constitution contained in articles 1123 to 1156 and article 1157 in connection with articles 717 to 720;

The provisions concerning supervision (art. 1158);

The provisions in regard to raising of funds as well as the procedure in the assessment and collection (arts. 1162 to 1184);

The provisions concerning transferring of amounts to the post office contained in article 1185 in connection with articles 781 and 782;

The provisions in regard to the branch institute (arts. 1186 to 1197);

The provisions relating to additional institutions (art. 1198);

The provisions relating to the prevention of accidents and supervision contained in articles 1199 to 1216 and article 1217, paragraph 1, in connection with articles 887 and 889 as well as article 1217, paragraph 2;

The penal provisions contained in articles 1220 to 1223 and 1224 in connection with article 910.

SECTION ELEVEN.—LIABILITY OF UNDERTAKERS AND THEIR REPRESENTATIVES.

ARTICLE 1219.

PARAGRAPH 1. The provisions of the industrial accident insurance (arts. 898 to 907) are applicable as regards the liability of undertakers and their employees.

PAR. 2. In such cases joint owners, pilots and persons of the ship's crew shall have the same status (art. 899).

PAR. 3. This provision shall apply in the case of collision of several vessels which are subject to the navigation accident insurance, to the shipowners of all vessels affected thereby, and to all persons having an equal status with the shipowners.

PAR. 4. Claims for compensation for damages sustained through accident, which a person insured in the branch institute has in the case of bodily injury according to law for the first 13 weeks, shall be retained, provided that the injured person does not have a claim to the benefits of the sickness insurance against a sick fund, miners' sick fund or substitute fund, or if the injured person is exempt from the insurance on account of being entitled to benefits of equal value.

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PAR. 5. However, the obligation to provide relief which rests upon the shipowner on the basis of articles 553 to 553*b* of the Commercial Code and articles 59 to 62 of the Navigation Code are not affected hereby.

SECTION TWELVE.—PENAL PROVISIONS.

ARTICLE 1220.

The accident association may impose fines up to 500 marks [$119] upon undertakers, joint owners, managers of shipping firms, representatives and masters of vessels if in the three cases mentioned herewith the reports actually contained statements whose incorrectness these persons either knew or under the circumstances must have known; these cases are the following:

1. Reports of the kind not designated in article 1581 which they have transmitted in compliance with the law or constitution;
2. An information which is demanded of them according to the law or constitution;
3. Explanations which must be transmitted to the competent official bodies of of the accident association for the purpose of assignment to risk classes.

ARTICLE 1221.

The directorate of the accident association may in addition impose a fine up to 300 marks [$71.40] upon persons designated in article 1220 if they do not promptly comply with their duties as specified in the law or in the constitution as regards the—

1. Appointment of representatives or communication of their names or change of them to the directorate of the accident association;
2. Reporting of changes in the establishment;
3. Transmission of reports;
4. Furnishing of information;
5. Complying with the provisions of the constitution in regard to the shutting down of establishments.

ARTICLE 1222.

In so far as on the basis of this law undertakers or joint owners are liable to penalties the following persons shall be considered as having the same status:

1. All members of the directorate wherever a stock company, mutual insurance association, registered cooperative society, guild, or other legal person is the undertaker or joint owner;
2. The business managers, if an association with limited liability is the undertaker or joint owner;
3. All copartners personally liable provided that they are not excluded from representation if another form of business corporation is the undertaker or joint owner;
4. The legal representative of undertakers not legally competent to transact business, or partially so, as well as liquidators of a business corporation, a mutual insurance association, a registered cooperative society, a guild, or any other legal person.

ARTICLE 1223.

The employer is liable for the fines which according to article 1183 have been imposed upon him or the ship's master upon the basis of articles 1220 to 1222.

ARTICLE 1224.

The following provisions of the industrial accident insurance shall be correspondingly applicable:

Article 910 in regard to appeals against the determination of fines;

Article 911 in regard to deducting the contributions from the earnings and in such cases shall also be applicable to joint owners, masters of vessels and their employees;

Article 914 in regard to the funds to which the fines shall accrue, however, in place of the sick fund of the place of employment, that sick fund shall receive the sum in whose district the establishment has its seat.

ARTICLE 1225.

The provisions against limiting the insured persons in their rights contained in this law (art. 139) shall also apply to joint owners, master of vessels and their employees and likewise the penal provisions as regards contravention (art. 140).

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BOOK FOUR—INVALIDITY AND SURVIVORS' INSURANCE.

SECTION ONE.—SCOPE OF THE INSURANCE.

I. COMPULSORY INSURANCE.

ARTICLE 1226.

PARAGRAPH 1. Beginning with the completed sixteenth year of age, the following persons are insured in case of invalidity and old age and in addition in favor of their survivors as specified herewith:

1. Workmen, helpers, journeymen, apprentices, and servants.
2. Establishment officials, foremen, and other employees in similar higher positions if such employment is for all of them their principal occupation.
3. Clerks and apprentices in commercial establishments, clerks and apprentices in pharmacies.
4. Members of the stage and of orchestras without regard to artistic value of their services.
5. Teachers and tutors.
6. The crews of German seagoing vessels and the crews of vessels engaged in inland navigation.

PAR. 2. The prerequisite of insurance for all of these persons is that they shall be employed for compensation (art. 160), and for those designated under Nos. 2 to 5, as well as for masters of vessels that their regular annual earnings in the form of compensation shall not exceed 2,000 marks [$476].

ARTICLE 1227.

An employment in which the compensation consists only of free board and lodging is exempt from insurance.

ARTICLE 1228.

Those Germans are also insured who are employed in an official representative office of the Empire or of a federal State in a foreign country or employed by the directors or members thereof.

ARTICLE 1229.

The Federal Council may either generally or for single districts extend the insurance obligation for specified branches of the industry to the following:

1. Persons carrying on business or other undertakers of establishments who regularly employ in their establishments either no one or at the most one person subject to the insurance.
2. Persons engaged in home-working industries (art. 162) without regard to the number of their home-working employees.

ARTICLE 1230.

The Federal Council may specify in how far persons conducting a business (or persons giving the order, art. 469) are required to fulfill the obligations of an employer for the following:

1. Persons engaged in home work upon their order and for their account, as well as home-working employees of such persons;
2. Persons employed in home work upon their order by intermediate persons, distributors, factors, and zwischenmeisters.

ARTICLE 1231.

The Federal Council may specify how far Germans in the service of foreign States and such persons who are not subject to German jurisdiction are required to fulfill the obligation of employers.

ARTICLE 1232.

The Federal Council shall specify in how far temporary services shall remain exempt from the insurance.

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ARTICLE 1233.

PARAGRAPH 1. The Federal Council may specify that foreigners shall be exempt from insurance whose sojourn in Germany has been permitted by the authorities for only a specified time.

PAR. 2. In such cases, the employer shall pay according to the orders of the Imperial Insurance Office such an amount to the insurance institute as they would otherwise have to pay from their own means.

ARTICLE 1234.

PARAGRAPH 1. Exempt from the insurance are employees in the establishments or in the service of the Empire, of a federal State, of a union of communes, and of a commune or of an insurance carrier, if there has been guaranteed to them a claim to retirement pension equal to the minimum amount of the invalidity pension according to the rates of the first wage class as well as to widows' pension according to rates of the same wage class and likewise to orphan's pensions.

PAR. 2. The same shall apply to teachers and tutors in the public schools or institutions.

ARTICLE 1235.

The following are exempt from the insurance:

1. Officials of the Empire, of the federal States, of the unions of communes, of the communes, of the insurance carriers, and teachers and tutors in the public schools or institutions, as long as they are being trained solely for their occupation;
2. Military persons who carry on during their service or during their training for a civil employment, one of the occupations designated in article 1226, to which article 1234 is to be applied;
3. Persons who are employed in teaching for a compensation, during the scientific training for their future occupation.

ARTICLE 1236.

Whoever is receiving an invalidity or survivors' pension according to imperial law or is an invalid shall be exempt from insurance (arts. 1255 to 1258).

ARTICLE 1237.

Upon application the following persons shall be exempt from the insurance obligation, if they have been guaranteed retirement pensions, part pay, or similar receipts equal in amount to the minimum invalidity pensions according to the rates of the first wage class and in such connection have been guaranteed a claim to survivors' relief (art. 1234). These persons are—

Whoever has been guaranteed these benefits by the Empire, a federal State, a union of communes, a commune, or an insurance carrier;

Whoever has been guaranteed these benefits on the basis of earlier employment as teacher or tutor in a public school or institution.

ARTICLE 1238.

Upon their application, there shall be exempt from the insurance obligation, those persons subject to the insurance who have been employed during or after the time of their college training as preparation for their future occupation, or have been employed in a position which forms a transitory step to an employment both exempt from insurance and corresponding to an employment requiring a college training.

ARTICLE 1239.

PARAGRAPH 1. Upon his application there shall be exempt from insurance obligation whoever in the course of a calendar year undertakes work for wages only in specified seasons of the year for not more than 12 weeks or all together for not more than 50 days, but in other respects procures independently his maintenance or is employed without compensation. The exemption is permissible only as long as, according to article 1279, 100 computable weekly contributions have not been paid.

PAR. 2. The Federal Council may determine particulars hereto.

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ARTICLE 1240.

PARAGRAPH 1. The local insurance office (decision committee) competent for the place of residence of the person making the application shall decide thereon. If the applicant has no residence in Germany, then the local insurance office of the place of his permanent abode shall decide. On appeal, the superior insurance office shall decide finally.

PAR. 2. Exemption shall be effective from the date of receipt of the application.

ARTICLE 1241.

PARAGRAPH 1. The local insurance office (decision committee) shall revoke the exemption as soon as the prerequisites required thereby are no longer present; upon appeal the superior insurance office shall decide finally.

PAR. 2. The insurance obligation shall again enter into force upon the relinquishment of the exemption and upon its final revocation.

ARTICLE 1242.

Upon the application of the employer, the Federal Council shall specify in how far articles 1234 and 1235, No. 1, articles 1237, 1240 and 1241 shall be applicable to the following:

1. Persons employed in establishments or in the service of other public unions or corporations or as teacher and tutor in nonpublic schools and institutions, if the claims designated in article 1234 have been guaranteed to them or if they are only being trained for their occupation;
2. Persons to whom on the basis of earlier employment in such unions or corporations, schools or institutions, have been guaranteed retirement pensions, part pay, or similar benefits equal to the minimum amount of the invalidity pension according to the rates of the first wage class, and in addition thereto have been guaranteed a claim to survivors' relief (art. 1234);
3. Officials and employees of the court, domanial, cameralistic, forestry, and similar administrations of the State sovereigns, as well as of the ducal regency of Brunswick and the administration of the entailed estates of the princes of Hohenzollern.

II. VOLUNTARY INSURANCE.

ARTICLE 1243.

PARAGRAPH 1. Up to their completed fortieth year of age the following persons are entitled to join the insurance voluntarily (self-insurance):

1. The persons designated in article 1226 under Nos. 2 to 5 and masters of vessels, if their regular annual earnings are more than 2,000 marks [$476] but do not exceed 3,000 marks [$714];
2. Persons carrying on a business and other undertakers of establishments who employ regularly in their establishments either no one or at the most two persons subject to the insurance, as also persons engaged in home work;
3. Persons who are exempt from the insurance according to articles 1227 and 1232.

PAR. 2. When they cease to comply with the conditions which are the basis for self-insurance, those entitled to self-insurance may continue the same or renew it at a later time according to article 1283.

ARTICLE 1244.

Whoever ceases to have the status of a person subject to the insurance may voluntarily continue the insurance or renew it at a later time according to article 1283 (continuation of insurance).

III. WAGE CLASSES.

ARTICLE 1245.

The following classes are created for insured persons on the basis of the amount of the annual earnings:

Class I, up to 350 marks [$83.30];
Class II, over 350 marks [$83.30] and up to 550 marks [$130.90];
Class III, over 550 marks [$130.90] and up to 850 marks [$202.30];
Class IV, over 850 marks [$202.30] and up to 1,150 marks [$273.70];
Class V, over 1,150 marks [$273.70].

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ARTICLE 1246.

PARAGRAPH 1. Unless the following provisions specify otherwise, an average amount instead of the actual annual earnings shall be decisive as regards the apportionment to the wage classes.

PAR. 2. The annual earnings shall be considered as the following:

1. For members of a sick fund or of a miner's sick fund, 300 times the basic wage (arts. 180, 181).
2. For seamen insured on the basis of article 1046, number 1, in so far as the imperial chancellor has determined for them an average amount (arts. 1067 to 1071), the amount so determined.
3. Otherwise 300 times the amount of the local wage rate in so far as the superior insurance office has not specified it otherwise for single branches of industry.

PAR. 3. Agricultural establishment officials belong to the third class and teachers and tutors to the fourth class in so far as the former do not show annual earnings in excess of 850 marks [$202.30] and the latter in excess of 1,150 marks [$273.70].

ARTICLE 1247.

If a fixed cash compensation has been agreed upon in advance for periods of weeks, months, quarters, or years and this exceeds the average amount, then the cash compensation is to be used.

ARTICLE 1248.

Insurance in a higher wage class is permitted, but the employer is only then required to pay the higher contribution if he has made an agreement with the insured person to this effect.

ARTICLE 1249.

The insurance institute shall publish the wage classes and the contributions for the individual localities of its district and for each group of insured persons.

SECTION TWO.—BENEFITS OF THE INSURANCE.

I. GENERAL PROVISIONS.

ARTICLE 1250.

The benefits of the insurance consist of invalidity pensions or old-age pensions, as well as pensions, widows' money, and orphans' settlements for the survivors.

ARTICLE 1251.

Invalidity or old-age pensions shall be received by whoever proves the existence of invalidity or of the age specified in the law as well as proof of the waiting term and has kept his claim in force.

ARTICLE 1252.

Relief for survivors shall be granted if the deceased at the time of his death had fulfilled the waiting term for invalidity pensions and had kept the claim alive; widow's money and orphan's settlements shall be granted only if the widow in addition at the time when these benefits became due has herself fulfilled the waiting term for invalidity pensions and has kept the claim alive.

ARTICLE 1253.

Computed from the receipt of the application therefor, no arrears of pension shall be paid for more than one year of the period preceding the application, unless the person entitled has been hindered through conditions which were beyond his control from making the application at the proper time. In such case, the application shall be made within three months after the preventing cause has been removed.

ARTICLE 1254.

PARAGRAPH 1. Whoever purposely makes himself an invalid shall lose the claim to a pension.

PAR. 2. If the insured person or the widow has incurred the invalidity while committing an act which according to the verdict of a court is a crime, or intentional

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misdemeanor, then the pension may be denied either wholly or in part. Contraventions of mining regulations or of article 93, paragraphs 2 and 3, and articles 95 to 97, of the Navigation Code, shall not be considered as misdemeanors in the meaning of the preceding sentence. Invalidity pensions or widows' pensions may be either wholly or partly transferred to relatives living in Germany if the insured person or the widow have previously either wholly or partly supported them from their earnings. In the meaning of this paragraph, German protectorates shall be considered as parts of the Empire.

PAR. 3. The pension may also be denied if no verdict of a court has been rendered because of the death, absence, or any other cause connected with the person of the applicant.

II. INVALIDITY PENSIONS.

ARTICLE 1255.

PARAGRAPH 1. Without regard to age, an insured person shall receive an invalidity pension if, as the result of sickness or other infirmity, he has become a permanent invalid.

PAR. 2. That person shall be considered an invalid who is no longer in a condition to earn, through work which corresponds to his powers and abilities, and which with a proper consideration of his education and his previous occupation he may be expected to perform, one-third of that amount which persons physically and mentally sound of the same kind and with similar education are accustomed to earn through labor in the same region.

PAR. 3. Invalidity pensions shall also be received by insured persons who are not permanent invalids, but who have been such during 26 weeks without interruption or have been invalids after the cessation of the pecuniary sick benefit; the compensation shall be paid for the further duration of the invalidity (sickness pensions).

ARTICLE 1256.

The invalidity pension shall commence on the day on which the invalidity begins, but without affecting articles 1253 and 1255, paragraph 3. If the beginning of the invalidity can not be determined, this date shall be considered as the one on which the application for a pension was received by the local insurance office.

III. OLD-AGE PENSIONS.

ARTICLE 1257.

Old-age pensions shall be received by the insured person beginning with the completed seventieth year of life even if he is not an invalid.

IV. BENEFITS OF SURVIVORS.

ARTICLE 1258.

PARAGRAPH 1. The widow's pension shall be received by a permanently invalided widow after the death of her insured husband.

PAR. 2. That widow shall be considered an invalid who is no longer in a condition to earn, through work which corresponds to her powers and abilities, and which with a proper consideration of her education and her previous social status she may be expected to perform, one-third of that amount which physically and mentally sound women of the same kind and with similar education are accustomed to earn through labor in the same region.

PAR. 3. Invalidity pensions shall also be received by widows who are not permanent invalids, but who have been such during 26 weeks without interruption, or have been invalids after the cessation of the pecuniary sick benefit; the compensation shall be paid for the further duration of the invalidity (widows' sickness pensions).

ARTICLE 1259.

Orphans' pensions shall be received after the death of the insured father by his legitimate children under 15 years of age, and after the death of a female insured person by her fatherless children under 15 years of age. Illegitimate children shall also be considered as fatherless.

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ARTICLE 1260.

PARAGRAPH 1. After the death of the insured wife of a disabled husband, who during her life has supported her family either wholly or principally out of her earnings, the legitimate children under 15 years of age shall receive orphans' pensions and the husband a widower's pension as long as the indigence lasts.

PAR. 2. In regard to orphans' pensions, this provision shall be applicable even if at the time of the death of the insured person the marriage had been dissolved.

ARTICLE 1261.

PARAGRAPH 1. After the death of the insured wife, whose husband without legal grounds has remained away from the common household and has not complied with his duties of support as a father, the legitimate children under 15 years of age shall receive orphans' pensions as long as they are indigent.

PAR. 2. This provision shall also apply if at the time of the death of the insured, the marriage had been dissolved and the husband has failed to fulfill his duty of support as a father.

ARTICLE 1262.

If the insured person leaves orphan grandchildren under 15 years of age whose support, either wholly or partially, he had defrayed, then they shall receive orphan's pensions as long as they are indigent.

ARTICLE 1263.

The pensions of the survivors begin with the date of death of the one furnishing the support. If the widow on this date was not yet an invalid, then the beginning of the pension shall be determined by article 1256 or article 1258, paragraph 3.

ARTICLE 1264.

The widow's money shall become due at the death of the husband and orphan's settlements at the completion of the fifteenth year of the lives of the children.

ARTICLE 1265.

PARAGRAPH 1. The legal benefits shall also be granted in cases when the insured person is missing. He shall be considered as missing if during one year no trustworthy news has been received concerning him and the circumstances make his death seem probable.

PAR. 2. The local insurance office may demand from the survivors a solemn declaration that they have received no news concerning the existence of the missing person other than that which they have reported.

ARTICLE 1266.

The date of the death of the missing person shall be fixed by the insurance institute according to its own discretion. Article 1100, paragraph 1, shall be applicable as regards persons who have disappeared while at sea.

ARTICLE 1267.

Survivors shall have no claim to the benefits if they have intentionally brought about the death of the insured person.

ARTICLE 1268.

PARAGRAPH 1. The claim of the survivors of a foreigner, if they at the time of his death did not customarily live in Germany, shall be limited to one-half of the benefits without the imperial subsidy.

PAR. 2. The Federal Council may suspend this limitation for foreign border territories or for subjects of such foreign States whose legislation guarantees corresponding relief.

PAR. 3. In the meaning of paragraph 1, German protectorates shall be considered as parts of the Empire.

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V. MEDICAL TREATMENT.

ARTICLE 1269.

In order to prevent impending invalidity of an insured person or of a widow resulting from sickness, the insurance institute may inaugurate a course of medical treatment.

ARTICLE 1270.

PARAGRAPH 1. The insurance institute may in particular place the insured person in a hospital or in an institution for convalescents.

PAR. 2. If the sick person is married and lives together with his family or has a household of his own, or is a member of the household of his family, then his consent thereto shall be required.

PAR. 3. In the case of a minor person, his consent shall be sufficient.

ARTICLE 1271.

The relatives of the sick person whose support he has either wholly or principally defrayed out of his earnings shall, during the course of treatment (art. 1270) receive house money even in cases where he has no claim against the sick fund, the miners' sick fund, or the substitute fund. It shall amount to one-fourth of the local wage for an adult day laborer. If, however, up to the assumption of the matter by the insurance institute, the sick person was subject to the sickness insurance, the house money shall be based on the provisions of the sickness insurance for that time also for which the obligation of the sick fund no longer exists. An invalidity pension or widow's pension may be either wholly or partly refused for the duration of the course of treatment. The house money shall not be paid, for the time and to the extent that wages or salary are paid, on the basis of a legal claim.

ARTICLE 1272.

If the sick person without legal or other reasonable ground declines to receive the medical treatment (art. 1269) and if the invalidity could probably have been prevented through the medical treatment, then the pension may, for the time being, be refused either wholly or partly if the sick person has been notified of this consequence.

ARTICLE 1273.

In regard to controversies which have not been settled on the determination of the pension, the superior insurance office shall decide finally upon the appeal.

ARTICLE 1274.

With the approval of the supervisory authority, the insurance institute may expend its funds to promote or to carry out general measures for the prevention of premature invalidity among insured persons or improve the health conditions of the population subject to the insurance. Approval may also be granted for the expenditure of lump sums.

VI. PAYMENTS IN KIND INSTEAD OF PENSIONS.

ARTICLE 1275.

PARAGRAPH 1. With the approval of the higher administrative authority, the communes or unions of communes may by legal enactment specify that pensions up to two-thirds of their amount shall not be paid in cash but in kind. This shall apply only to pensioners who reside in the district: *Provided*, That these or those supporting them receive no wages as agricultural workers, but according to local custom are paid either wholly or partly in kind, and provided a mutual agreement is reached concerning the payment in kind instead of a pension.

PAR. 2. In the case of orphans' pensions, the consent of the guardian shall be required in addition. The latter must secure the approval of the orphans' court.

PAR. 3. The value of the commodities shall be determined by the higher administrative authority according to the average prices.

ARTICLE 1276.

PARAGRAPH 1. Payments in kind shall be granted by the commune of the place of residence. The claim to the pension shall be transferred to the commune to the extent of the value of the payments in kind.

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PAR. 2. The local insurance office (decision committee) shall decide controversies between the commune and the beneficiary. The superior insurance office shall decide finally upon appeal.

PAR. 3. If the claim to the pension has been transferred to the commune finally, then the insurance institute shall notify the Post Office Department.

ARTICLE 1277.

PARAGRAPH 1. The constitution of the insurance institute may authorize the directorate to place the pensioner, upon his application, in a home for invalids or orphans' home or in a similar institution and use the pension either wholly or partly for this purpose.

PAR. 2. Invalid homes and similar institutions shall be considered as hospitals, asylums, and medical institutions in the meaning of article 11, paragraph 2, and article 23, paragraph 2, of the law relating to the place of residence as regards the claim for support (Reichs-Gesetzblatt, 1908, p. 381).

PAR. 3. Placing the pensioner in such an institution operates as relinquishment of the pension for one-quarter of a year, and if he does not object to the same within one month before the expiration of this time, each time for an additional quarter of a year.

VII. WAITING TERM.

ARTICLE 1278.

The duration of waiting term shall be—

1. In the case of invalidity pensions, if on the basis of the insurance obligation at least 100 contributions have been paid for the insured, 200 and in other cases 500 contributory weeks.
2. In the case of old age-pensions, 1,200 contributory weeks.

ARTICLE 1279.

PARAGRAPH 1. The contributions for voluntary insurance shall be included in the waiting term for invalidity pensions only if at least 100 contributions on the basis of the insurance obligation or of self-insurance have been paid.

PAR. 2. This shall not apply to the contributions which the insured person has voluntarily paid in the first four years after his branch of industry has become subject to the insurance.

VIII. EXPIRATION OF THE CLAIM.

ARTICLE 1280.

The claim shall cease if, during two years after the date of issue designated on the receipt card (art. 1416), less than 20 weekly contributions have been paid on the basis of the insurance obligation or of the continuation of the insurance.

ARTICLE 1281.

In the meaning of article 1280, the following periods are to be counted as weekly contributions:

1. Periods of military service, and of sickness (arts. 1393 and 1394).
2. The periods of employment not subject to the insurance during which the claimant or the deceased has received an invalidity or old-age pension from a sick fund or special institute of the kind designated in articles 1321, 1360, and 1375, or has received an accident pension equal to at least one-fifth of the full pension.

ARTICLE 1282.

In the case of self-insurance and its continuation, there must have been paid for the maintenance of the claim at least 40 contributions during the period designated in article 1280. This shall not apply if on the basis of the insurance obligation more than 60 contributions have been paid.

ARTICLE 1283.

PARAGRAPH 1. The claim shall again become effective if the insured person again takes up an employment subject to the insurance or if he renews the insurance status through voluntary payment of contributions and accordingly has completed a waiting term of 200 contributory weeks.

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PAR. 2. If the insured person by again taking up the employment subject to the insurance, or by renewing the insurance status through voluntary payment of contributions, has completed the sixtieth year of life, then the claim shall only become effective if before the time when the claim expires he has made use of at least 1,000 contributory stamps.

PAR. 3. If the insured person has completed the fortieth year of life, then the claim shall become effective through voluntary payment of contributions, only if before the expiration of the claim he has used 500 contributory stamps, and accordingly has completed a waiting term of 500 contributory weeks.

IX. COMPUTATION OF INSURANCE BENEFITS.

ARTICLE 1284.

PARAGRAPH 1. The insurance benefits consist of a fixed imperial subsidy and of a share from the insurance institute.

PAR. 2. If the full pension amounts are not paid, then the shares of the Empire and of the insurance carrier shall be correspondingly reduced.

ARTICLE 1285.

The imperial subsidy shall consist of 50 marks [$11.90] annually for each invalidity pension, old-age pension, widow's pension, widower's pension, and 25 marks [$5.95] for each orphan's pension, single payments of 50 marks [$11.90] for each widow's money, and 16⅔ marks [$3.97] for each orphan's settlement.

ARTICLE 1286.

The share of the insurance institute shall be based on the contributions and on the periods of military service and sickness which are considered as contributory weeks.

ARTICLE 1287.

In the case of invalidity pensions the insurance institute pays a basic amount and the supplementary increases; in the case of survivors' pensions, of widows' money and of orphans' settlements, it pays a part of the basic amount and of the supplementary increases, and in the case of old-age pensions a fixed annual amount.

ARTICLE 1288.

PARAGRAPH 1. The basic amount of the invalidity pension shall always be computed upon 500 contributory weeks. If less than this number are proved, then the number lacking shall be added from wage class I; if there are more than this number, then the contributions in excess which have been paid in the lower wage classes shall not be considered.

PAR. 2. For each contributory week there shall be credited the following:

	Pfennigs.	
In wage class I	12	[$0.029]
In wage class II	14	[.033]
In wage class III	16	[.038]
In wage class IV	18	[.043]
In wage class V	20	[.048]

ARTICLE 1289.

The supplementary increase of the invalidity pension shall for each contributory week amount to the following:

	Pfennigs.	
In wage class I	3	[$0.007]
In wage class II	6	[.014]
In wage class III	8	[.019]
In wage class IV	10	[.024]
In wage class V	12	[.029]

ARTICLE 1290.

For each contributory week, one contribution only shall be considered. If a larger number of contributory weeks has been affixed and the stamps in excess can not be determined, then the contributions of the lowest wage classes are to be stricken out until only the highest amount permissible remains.

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ARTICLE 1291.

If the beneficiary of the invalidity pension has children under 15 years of age, then the invalidity pension shall be increased for each child by one-tenth, but not to exceed one and one-half times the amount of the invalidity pension.

ARTICLE 1292.

In the two cases stated herewith the share of the insurance institute equals the specified part of the basic amount and of the supplementary increases of the invalidity pension which the one providing the support at the time of his death had received or in the case of invalidity would have received. These cases are the following:

In the case of widows' pensions and widowers' pensions, three-tenths of the basic amount and of the increases;

In the case of orphans' pensions, for one orphan three-twentieths, for each additional orphan one-fortieth, of the basic amount and of the increases.

ARTICLE 1293.

PARAGRAPH 1. The share of the insurance institute in old-age pensions amounts to the following:

	Marks.
In wage class I	60 [$14.28]
In wage class II	90 [21.42]
In wage class III	120 [28.56]
In wage class IV	150 [35.70]
In wage class V	180 [42.84]

PAR. 2. For contributions of different wage classes the corresponding average shall be granted. If more than 1,200 contributory weeks are proved, then the contributions in excess which have been made in the lowest wage class shall not be considered.

ARTICLE 1294.

PARAGRAPH 1. The pensions of the survivors may not together amount to more than one and one-half times the invalidity pension which the deceased at the time of death was receiving or in the case of invalidity would have received.

PAR. 2. Orphans' pensions alone may not together amount to more than this invalidity pension.

PAR. 3. If the pensions together add to a higher amount, then they shall be reduced in proportion to their size.

PAR. 4. Grandchildren have a claim only in so far as the highest amount allowable does not accrue to the children.

ARTICLE 1295.

Whenever one survivor ceases to receive a pension the pensions of the others are raised to the highest amount allowable.

ARTICLE 1296.

The widow's money shall be equal to 12 times the monthly amount of the widow's pension, and the orphan's settlement 8 times the monthly amount received as orphan's pension.

ARTICLE 1297.

The pension shall be paid in monthly installments in advance and rounded upward to full sums of 5 pfennigs [1.19 cents].

X. CESSATION OF THE BENEFITS.

ARTICLE 1298.

The widow's pension and the widower's pension shall cease in the case of remarriage.

ARTICLE 1299.

The orphan's pension shall cease as soon as the orphan has completed the fifteenth year of life.

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ARTICLE 1300.

The claim to widow's money expires if the claim has not been filed within one year after the death of the husband.

ARTICLE 1301.

PARAGRAPH 1. For the month of death and the month during which the payment ceases the pension shall be paid in full, subject to articles 1295 and 1318.

PAR. 2. In cases where there is a part of a month, including in addition to the pension of the insured person that of the survivors, then they shall claim the higher amount.

ARTICLE 1302.

If at the death of the beneficiary the pension due has not been collected, then those entitled to receive the same are eligible in the order named: The husband or wife, the children, the father, the mother, the brothers and sisters, provided that at the time of his death they were living with the beneficiary in a common household.

ARTICLE 1303.

PARAGRAPH 1. If an insured person or a person entitled to receive a widow's pension and widower's pension, or widow's money, dies after he has filed his claim, then the following in the order named are entitled to continue the procedure and to receive the amounts due up to the date of death, namely, the husband or wife, the children, the father, the mother, the brothers and sisters, provided that at the time of his death they were living with the one entitled thereto in a common household.

PAR. 2. If the orphan entitled to an orphan's settlement dies before its payment, then the local insurance office at its own discretion shall specify to whom it is to be paid.

XI. WITHDRAWAL OF THE PENSION.

ARTICLE 1304.

If the beneficiary of an invalidity pension or widow's pension because of an important change in his condition is no longer an invalid in the meaning of articles 1255 and 1258, then the insurance institute shall withdraw the pension.

ARTICLE 1305.

If it is to be expected that a course of medical treatment would restore the earning capacity of the beneficiary of an invalidity pension, widow's pension, or widower's pension, then the insurance institute may inaugurate such treatment. In such cases articles 1270, 1271, and 1273 are correspondingly applicable. The relatives of the beneficiaries of widow's pensions or of widower's pensions shall receive no house money.

ARTICLE 1306.

If the pensioner without legal or other reasonable ground therefor declines to receive the course of medical treatment, and thereby hinders the removal of invalidity, or if he declines without reason to submit to a subsequent investigation or observation carried on in a hospital, then the pension may for the time be withdrawn either wholly or partly: *Provided*, That he has been notified of this consequence.

ARTICLE 1307.

Widowers' pensions and orphans' pensions which have been granted according to articles 1260 to 1262 shall be withdrawn by the insurance institute as soon as the indigence of the recipient has ceased.

ARTICLE 1308.

The decision which withdraws the pension shall become effective on the expiration of the month following its communication.

ARTICLE 1309.

If the invalidity pension or widow's pension has been granted anew or has been granted in the place of a sickness pension, or if an old-age pension is granted, then the

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time of the previous receipt of the pension by the insured person shall be included in the computation in the same manner as is done for a proved period of sickness (art. 1394, par. 2). During the time of the previous receipt of the pension the claim shall not expire.

ARTICLE 1310.

If it is proved that the insured person who was considered to have disappeared is still alive, then further payments of the pension shall be suspended. The insurance institute does not need to demand the return of the pension paid without right.

XII. SUSPENSION OF THE PENSION—CAPITAL SUM SETTLEMENTS.

ARTICLE 1311.

PARAGRAPH 1. The pension shall be suspended if it is received at the same time as an accident pension granted under the imperial laws herewith and if the two together exceed—

1. In the case of invalidity pensions and old-age pensions, seven and one-half times the basic amount of the invalidity pension;
2. In the case of widow's pensions and widower's pensions three and one-half times, in the case of orphans' pensions three times, the basic amount of the invalidity pensions which the one providing the support at the time of his death was receiving or in the case of invalidity would have received.

ARTICLE 1312.

PARAGRAPH 1. The pension shall be suspended as long as the beneficiary serves a prison term of more than one month or is placed in a workhouse or in a reformatory.

PAR. 2. If he has relatives in Germany whom he is supporting either wholly or principally from his earnings, then the invalidity pension or old-age pension shall be transferred to them.

ARTICLE 1313.

The pension shall be suspended—

1. As long as the person entitled thereto customarily remains in a foreign country of his own free will.
2. As long as a foreign beneficiary is expelled from the territory of the Empire on the basis of condemnation in a penal procedure. The same applies to a foreign beneficiary who has been expelled from the territory of a federal State because of condemnation in a penal procedure, as long as he does not stay in another federal State.

ARTICLE 1314.

The Federal Council can suspend the stopping of a pension for foreign border territories or for such foreign States whose legislation guarantees a corresponding relief to Germans or their survivors.

ARTICLE 1315.

In the meaning of articles 1312 and 1313 German protectorates shall be considered as parts of German territory.

ARTICLE 1316.

In the case mentioned in article 1313, No. 1, a foreign beneficiary is to receive in settlement an amount equal to three times, or if the matter relates to an orphan's pension an amount equal to one and one-half times, the amount of his annual pension.

ARTICLE 1317.

With their consent, the same settlements may be granted to those foreigners who—

1. Except in the cases mentioned in articles 1313, No. 2, have left the territory of the Empire on the basis of a decree issued by a German authority.
2. Are entitled to the receipt of the pension on the basis of a decree issued by the Federal Council according to article 1314.

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ARTICLE 1318.

If the prerequisites complied with entitle anyone to several pensions on the basis of the invalidity and survivors' insurance, then the smaller pensions shall be suspended beginning with the date of the combined right.

XIII. SPECIAL POWERS OF THE INSURANCE INSTITUTES.

ARTICLE 1319.

If, on new investigation, the insurance institute becomes convinced that pensions have been improperly denied, withdrawn, suspended, or have been determined at too small an amount, then the institute can make a new determination.

ARTICLE 1320.

The insurance institute need not demand the return of the pension sums which it has had to pay under the law before a decision of legal force has been made.

XIV. RELATION TO OTHER CLAIMS.

ARTICLE 1321.

PARAGRAPH 1. Factory funds, seamen's funds, and similar funds can reduce the invalidity, old age, and survivors' relief which they give their members insured under the imperial laws by not more than the value of the imperial benefits of this kind. They must then correspondingly reduce all contributions, or if the employers agree thereto at least those of the members of the fund. The same applies to miners' associations or miners' funds as regards invalidity and old age relief.

PAR. 2. Benefits provided under the rules of the constitution which the fund had granted before the decision of the competent authorities or before January 1, 1891, may not be reduced.

PAR. 3. The requisite orders for this purpose are to be introduced by the funds through amendments to the constitution; these must be approved by the competent authority. The authorities can themselves validly inaugurate amendments if the fund declines the application of the employers affected or of a majority of the members.

PAR. 4. The contributions need not be reduced if the savings made in the payment of these benefits are either necessary in order to cover the outstanding benefits of the fund, or are used according to the constitution and with the approval of the supervisory authority for the purpose of the welfare institutions for establishment officials, workmen, or their survivors.

PAR. 5. In the case of paragraph 3, sentence 2, the Federal Council shall specify the procedure before the imperial supervisory office for private insurance.

ARTICLE 1322.

PARAGRAPH 1. The benefits which miners' associations or miners' funds grant to the survivors of their members insured according to the imperial law shall be reduced by one-half of the value of the benefits of the same kind given under imperial law. The benefits including the amounts received according to the imperial law must exceed by not less than the amount of the imperial subsidy the benefits granted according to the constitution without the deduction. Corresponding to the reduction of the benefits all of the contributions must be reduced, or if the employers agree thereto at least the contributions of the members. In controversies regarding the extent of the reduction of the contributions the supervisory authority shall decide.

PAR. 2. The constitution may specify that the benefits and correspondingly the contributions may be reduced by a smaller amount or shall not be reduced at all.

PAR. 3. Benefits under the constitution which have been granted before the decision of the competent authorities or before this provision enters into force may not be reduced.

ARTICLE 1323.

Article 1281, No. 2, and articles 1321 and 1322 shall also be applicable to such funds required to provide invalidity, old age, and survivors' relief for which membership is compulsory under local laws.

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ARTICLE 1324.

Pension claims may only be reduced by deducting from them the following:
Claims for reimbursement on account of accident pension and compensation paid in so far as the insurance institute has a claim thereon according to article 1522, paragraph 3, and article 1542;
Arrears of contributions;
Advances paid out;
Pension amounts paid without right;
Reimbursement of costs of procedure;
Fines imposed by the insurance institutes.

ARTICLE 1325.

Subject to the conditions of article 119, paragraph 2, widows' money and orphans' settlements may not be transferred, executed, pledged, or reduced.

SECTION THREE.—CARRIERS OF THE INSURANCE.

A. INSURANCE INSTITUTES.

I. EXTERNAL FEATURES.

1. Establishment.

ARTICLE 1326.

PARAGRAPH 1. Insurance institutes shall be established for the territory of the federal State for the unions of communes or other parts of territory in accordance with the provisions of the State governments.

PAR. 2. For several federal States or parts of their territory as well as for their unions of communes a common insurance institute may be established.

PAR. 3. Insurance institutes which have been established under the law of June 22, 1899, shall retain their present status subject to the changes permissible under articles 1332 to 1337.

ARTICLE 1327.

The establishment of the insurance institute shall require the approval of the Federal Council. If the council refuses this approval, then after a hearing of the State governments affected, it can itself order the establishment of the institute.

ARTICLE 1328.

The State government shall specify the seat of insurance institute. If the insurance institute extends over several federal States, then the State governments affected shall specify the seat.

2. Local competence.

ARTICLE 1329.

The insurance institute shall include all persons employed in its district (arts. 153 to 156) who do not comply with their insurance obligation in the special institutes. If persons are employed in an establishment whose seat is located in the district of another insurance institute, then with the approval of the insurance institute affected they may also be insured in the institute of the seat of the establishment. The members of an establishment sick fund must, upon application of the employer, be insured at the seat of the establishment.

ARTICLE 1330.

If an establishment which has its seat in Germany employs temporarily persons in a foreign country, these persons must be insured in the insurance institute of the seat of the establishment.

ARTICLE 1331.

Subject to other provisions of the Federal Council, the place of employment of foreign vessels engaged in inland navigation shall be considered to be in the seat of that insurance institute in whose district the vessel first enters when crossing the boundary.

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3. Changes in the districts.

ARTICLE 1332.

PARAGRAPH 1. The districts of the insurance institute may be changed if the committee (art. 1351) or a federal State affected applies therefor and the Federal Council approves. Before making the decision, the committees and State governments affected shall be heard. In the case of insurance institutes for the districts of unions of communes, their representatives may also apply for changes and must otherwise be heard before changes are made.

PAR. 2. With the approval of the Reichstag insurance institutes may be combined, divided, or dissolved.

ARTICLE 1333.

The district of the insurance institute changes automatically whenever the district of the administration is changed.

ARTICLE 1334.

If local districts separate themselves from an insurance institute, then the latter shall retain their assets and the existing obligations.

ARTICLE 1335.

If an insurance institute is dissolved, then the State governments affected may transfer to the institutes receiving the same, the assets with all the rights and duties, or it may approve the assumption of the same by another institute. Otherwise the assets shall be transferred to the unions of communes or federal States affected, and in the case of common institutes shall be divided pro rata.

ARTICLE 1336.

If in the case of the dissolution of a common insurance institute the unions of communes or the federal States can not agree as to the shares of the assets to be turned over to them, then the Federal Council shall decide herein or in case only unions of communes of one federal State are affected, the highest administrative authority.

ARTICLE 1337.

In controversies between the insurance institutes in regard to the distribution of assets, the decision senate of the Imperial Insurance Office or of the State insurance office (art. 1382) shall decide, in the absence of an agreement to secure a decision from an arbitration court.

II. INTERNAL FEATURES.

1. Constitution.

ARTICLE 1338.

The committee shall decide upon the constitution. It must give the seat and district of the insurance institute and must specify the following:

1. Name of the insurance institute;
2. Number of representatives of the employers and of the insured persons in the directorate;
3. Subjects concerning which the cooperation of the representatives of the employers and insured persons in the directorate is required in discussion and in decisions;
4. Number of members, summoning, rights and duties of committees, appointment of its chairman, manner of making decisions, as well as representation as to third parties in the case of article 1354, paragraph 1, sentence 1;
5. Form of the declaration of the decisions of the directorate as well as its signature on behalf of the insurance institute, manner of making decisions of the directorate, and its representation as to third parties;
6. Representation of the institute as against the directorate;
7. Size of allowances according to article 21, paragraphs 2 and 3;
8. Drawing up preliminary estimates;
9. Drawing up and accepting the annual balance sheet in so far as the higher administrative authorities do not provide therefor;
10. Publication of the accounts;
11. Method of publishing notices;
12. Provisions as to the amendment of the constitution.

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ARTICLE 1339.

The constitution must have the approval of the Imperial Insurance Office or of the State insurance office (art. 1382). If the approval is to be refused, then the decision senate shall decide thereon. The reasons for the refusal are to be stated. If the approval is refused, then the Federal Council shall decide upon appeal.

ARTICLE 1340.

If the refusal is finally refused, then within the time specified by the Imperial Insurance Office or the State insurance office the committee must decide upon a new constitution. If they reach no decision or if the new constitution is likewise not approved finally, then the Imperial Insurance Office or the State insurance office shall issue a constitution and decree the necessary steps for its execution at the cost of the institute.

ARTICLE 1341.

The constitution may be amended only with the approval of the Imperial Insurance Office or the State insurance office. If the approval is to be refused, then the decision senate shall decide thereon. The reasons for refusal are to be stated. If the approval is refused, the Federal Council shall decide upon appeal.

2. Directorate.

ARTICLE 1342.

The directorate shall administer the institute in so far as the law or constitution do not provide otherwise.

ARTICLE 1343.

The directorate shall have the powers of a public authority. One or more officials of the union of communes or of the federal State for which the insurance institute has been created shall conduct its business.

ARTICLE 1344.

PARAGRAPH 1. The unions of communes or highest administrative authority shall, according to the provisions of the State law, appoint the official members of the directorate and shall designate one of them as chairman.

PAR. 2. If the insurance institute extends over several unions of communes, then the highest administrative authority or the unions of communes designated by the latter shall take this action.

PAR. 3. If the insurance institute extends over several federal States, then the highest administrative authorities affected shall decide in regard to the appointment of the official members of the directorate.

ARTICLE 1345.

Article 33 shall not apply as regards the service relations of the official members of the directorate (art. 1344).

ARTICLE 1346.

PARAGRAPH 1. As nonofficial members, there shall belong to the directorate representatives of the employers and of the insured persons in equal numbers. They must reside in the district of the insurance institute.

PAR. 2. If the number of official members is greater than the number of nonofficial members, then in making the decisions that number of official members shall separate themselves as will arrange that the nonofficial members are in a majority. The constitution shall regulate the details hereto.

ARTICLE 1347.

The constitution can provide that still other salaried or unsalaried members shall belong to the directorate. The committee shall specify the conditions of appointment of the salaried members. Article 1346, paragraph 2, is here correspondingly applicable.

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ARTICLE 1348.

In so far as the office, accounting and subordinate officials employed by the institute who are not substitutes are not State or communal officials according to State law, then the State government shall confer upon them the rights and duties of State or communal officials.

ARTICLE 1349.

The insurance institute shall provide for the salary, etc., of the officials and subordinates as well as their survivors.

ARTICLE 1350.

The directorate shall publish in the Reichsanzeiger and in the official gazette of the highest administrative authority the name, seat, and district of the insurance institute as well as the name of the chairman and, in addition, the changes therein.

3. Committee.

ARTICLE 1351.

PARAGRAPH 1. Each insurance institute shall have a committee. It shall consist of one-half each of representatives of employers and of the insured persons and shall comprise at least 10 members.

PAR. 2. The latter shall be elected by the insurance representatives in the local insurance offices of the district of the insurance institute, and the representatives of the employers and of the insured persons shall be elected in separate elections.

PAR. 3. The representatives must reside in the district of the insurance institute.

ARTICLE 1352.

PARAGRAPH 1. The highest administrative authority shall issue election regulations and shall conduct the election through an authorized representative. If the insurance institute extends over several federal States, the highest authorities affected shall specify which of them shall conduct the same.

PAR. 2. For each representative at least two substitutes shall be elected. They shall take his place if he is unable to fulfill his duties, and, if he leaves the institute, they shall fill the office for the rest of the term in the order of their election.

PAR. 3. In controversies over elections, that authority shall decide which is to issue election regulations.

ARTICLE 1353.

The following matters are reserved to the committee:

1. Election of the nonofficial members of the directorate;
2. The determination of the preliminary estimates;
3. The acceptance of the annual balance sheet;
4. The amendment of the constitution.

ARTICLE 1354.

PARAGRAPH 1. In purchasing, selling, or mortgaging pieces of ground valued at more than 1,000 marks [$238], the institute shall be represented by the directorate and by the committee. In so far as matters relate to the purchase at compulsory sales of pieces of ground on which the insurance institute has made loans, the directorate alone shall be authorized to act as representative.

PAR. 2. The directorate must obtain the consent of the committee to form reinsurance federations.

ARTICLE 1355.

The preliminary estimates must be placed before the supervisory authority at least two weeks before the committee decides thereon. It must correct the estimate if it violates the law or constitution or endangers the solvency of the insurance institute as regards the legal obligation resting upon it. If the committee does not consider the objections, then the chairman of the directorate must appeal to the supervisory authority (art. 8). He is required to take this action if the supervisory authority demands the same. The decision senate decides thereon.

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4. Administration of the assets.

ARTICLE 1356.

PARAGRAPH 1. The insurance institute must invest at least one-fourth of its assets in bonds of the Empire or of the federal States.

PAR. 2. The institute may invest not more than one-half of its assets otherwise than as specified in articles 26 and 27. For this purpose it shall secure the approval of the Imperial Insurance Office or of the State insurance office (art. 1382).

PAR. 3. If an insurance institute desires to invest more than one-quarter of its assets according to paragraph 2, it shall also secure thereto the approval of the communal union or of the highest administrative authority. If the district of the insurance institute extends over several States, then the approval of their highest administrative authorities is required.

PAR. 4. Such investment (pars. 2 and 3) is permissible only in securities and in other ways only for purposes of administration, to avoid the loss of assets or for undertakings which exclusively or principally accrue to the welfare of those subject to the insurance.

ARTICLE 1357.

Approval (art. 1356, pars. 2 and 3) is required in the following cases:

For the purchase of pieces of ground valued at more than 5,000 marks [$1,190];

For the erection of buildings valued at more than 10,000 marks [$2,380];

For the purchase of necessary articles of furniture, the total value of which is more than 5,000 marks [$1,190].

PAR. 2. Approval is not necessary for the purchase of pieces of ground in the cases mentioned in article 1354, paragraph 1, sentence 2.

ARTICLE 1358.

PARAGRAPH 1. The Imperial Insurance Office shall regulate the method and form of the accounting.

PAR. 2. The insurance institutes must make reports to the Imperial Insurance Office in regard to their business and finances according to the order of the latter. The Imperial Insurance Office shall each year draw up a report concerning the total financial operations of the preceding fiscal year and must lay the same before the Reichstag.

5. General provisions.

ARTICLE 1359.

PARAGRAPH 1. If the directorate or the committee has not been formed or if they refuse to carry on their business, then the chairman of the directorate himself or through authorized agents shall conduct the business at the cost of the insurance institute.

PAR. 2. In so far as the election of representatives does not take place or if they decline to perform their duties, the chairman of the local insurance office shall appoint them from among the eligible persons.

B. SPECIAL INSTITUTES.

1. General provisions.

ARTICLE 1360.

PARAGRAPH 1. Upon application of the competent authority, the Federal Council shall specify which institutes of the Empire, of a federal State, or of a union of communes, shall be admitted as special institutes and the date thereof.

PAR. 2. Upon application the Federal Council may also admit other special institutes.

PAR. 3. The special institutes must comply with the conditions specified in articles 1361 to 1366.

ARTICLE 1361.

The benefits of the special institutes must be of at least equal value with the legal benefits of the insurance institute.

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ARTICLE 1362.

The contributions of the insured persons for the benefits of the imperial law may only exceed one-half of the legal amount (art. 1392) if it is necessary through the special manner of computation of the special institute in variance with article 1389. They may also not be higher than the contributions of the employers.

ARTICLE 1363.

In the administration of the special institutes insured persons must participate by representatives who have been designated in a secret election. Their number must be not less than that corresponding to the ratio of the contributions of the insured persons to those of the employers.

ARTICLE 1364.

In computing the waiting term and the pension for a claim according to the imperial law the period of contributions during membership in other special institutes and insurance institutes must be included.

ARTICLE 1365.

The procedure as regards the claims to invalidity, old age, and survivors' benefits, corresponding to the benefits of the imperial law, must be regulated according to the provisions of this law.

ARTICLE 1366.

If the special institute collects special or increased contributions for the benefits of the imperial law, then they may add these to their other benefits only in so far as they add to each pension of the imperial law at least the amount of the imperial subsidy.

ARTICLE 1367.

Membership in a special fund institution (*besondere Kasseneinrichtung*) admitted to insurance (arts. 8, 10, and 11 of the invalidity insurance law), or in a special institute, shall be considered as equal to insurance in an insurance institute.

ARTICLE 1368.

The special institutes receive the imperial subsidy to their benefits according to the imperial law.

ARTICLE 1369.

For the pension of a person insured in a special institute, that wage class for each week of membership after January 1, 1891, shall be used to which they would have belonged on the basis of their actual wages had they belonged to an insurance institute. If they were at the same time members of a sick fund or a miner's fund, then the wage class shall be arranged according to article 1246, paragraph 2, No. 1 or 3, and article 1247.

ARTICLE 1370.

If the special institute does not collect the contributions by means of stamps, then for persons leaving, it must certify the duration of their participation and their wage class as well as the duration of the periods of military service and sickness (arts. 1393 and 1394). The Federal Council may specify the form and contents of the certificate.

ARTICLE 1371.

Persons entitled to insurance in establishments for which a special institute exists may insure themselves only in the latter voluntarily, and in the case of leaving the employment can continue the insurance only in the special institute (art. 1243). Persons subject to insurance engaged in such establishments may, if they leave their employment without becoming subject to the insurance elsewhere, extend their insurance only in the special institute (art. 1244).

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ARTICLE 1372.

In the case of a special institute, the following provisions are correspondingly applicable:

I. Provisions of Book One concerning—
1. The accounting bureau (art. 103);
2. Legal remedies (arts. 115 to 117);
3. Transferring, assigning, and execution of claims (arts. 119).
4. Time limits (arts. 124 to 134);
5. Fees and stamp taxes (arts. 137 and 138);

II. Provisions of Book Four concerning—
6. Medical treatment (arts. 1296 to 1274);
7. Withdrawal of the invalidity, widows' and widowers' pensions (arts. 1304 to 1309);
8. Suspension of the pension and settlement in form of a capital sum (arts. 1311 to 1318);
9. New determination and demand for the return of the pension sums (arts. 1319 and 1320);
10. The relations of the claims of persons insured under the imperial law to the claims of miners' associations or miners' funds, factory funds, seamen's funds, and similar funds (arts. 1321 and 1322);
11. Deductions from claims (arts. 1324 and 1325) and transferring, execution, and assigning of widows' money and orphans' settlements (art. 1325);
12. Changes in the districts (arts. 1322 to 1337);
13. Obligation regarding the investment of at least one-fourth of the assets in the bonds of the Empire or of the federal States, and the reporting of accounting operations to the Imperial Insurance Office (art. 1356, par. 1, and art. 1358, par. 2);
14. Payments through the Post Office Department (arts. 1383 to 1386) in so far as the special institutes do not make payments directly;
15. The general cost and the special cost (arts. 1395 to 1399) and reinsurance federations (art. 1401);
16. Distributions and payments of the insurance benefits and the transferring of the sums to the post office (arts. 1403 to 1410);
17. Payment of the contributions for a previous period (arts. 1442 to 1444);
18. The decision in controversies in the case mentioned in article 1460;
19. The voluntary additional insurance (arts. 1472 to 1483).

III. The provisions of Book Five concerning—
20. The relations of the carriers of the sickness and of the accident insurance to the carriers of the invalidity and survivors' insurance (arts. 1518 to 1526);
21. The relations to other parties liable to pay benefits in so far as they are regulated in articles 1527, 1531, 1536 to 1543.

ARTICLE 1373.

The Empire or the union of communes affected is liable for the benefits if the special institute serves their establishments; otherwise the federal State of the seat of the establishment is liable. If several federal States participate, then they are liable in shares according to the number of insured persons who at the close of the last fiscal year were employed in the establishments. In like manner, the liability is regulated as concerning the distribution of assets (arts. 1334 to 1336).

ARTICLE 1374.

PARAGRAPH 1. For the determination of the amount which the special institute shall turn over to the general assets, the contributions shall be decisive (art. 1392). The benefits of the special institute shall be distributed only in so far as they correspond to the provisions of the imperial law.

PAR. 2. The imperial subsidy shall at the close of each fiscal year be paid over to the special institutes which make their payments themselves without the intervention of the post office.

2. Special institute of the navigation accident association.

ARTICLE 1375.

Upon the decision of the Federal Council, the navigation accident association may create on its own liability a special institute corresponding to the provisions of the imperial law. It must include the persons who are employed in the establishments

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of the association or in single kinds of these establishments and also the undertakers who at the same time are subject to the accident insurance and invalidity, and survivor's insurance. Both groups are insured in the special institute by authority of the law.

ARTICLE 1376.

If the insured persons are called on for contributions, then they are to participate in the administration in the same manner as employers.

ARTICLE 1377.

The employers' share in the contributions may on the average be not less than one-half of the legal contributions (art. 1392). The contributions of the insured persons may not be higher than those of the employers.

ARTICLE 1378.

PARAGRAPH 1. If the contributions of the insured persons are graded, then the pensions for the survivors are to be correspondingly graded.

PAR. 2. The waiting term may not be longer than that of the imperial law.

ARTICLE 1379.

The special institute of the navigation accident association shall have in other respects the same status as other special institutes. Articles 1355 to 1358 shall apply to it without restriction. It shall be subject to the supervision of the Imperial Insurance Office.

ARTICLE 1380.

PARAGRAPH 1. The creation of the special institute, its constitution, and the amendment thereof shall require the approval of the Federal Council. It shall make the decision after having heard the nonpermanent members of the Imperial Insurance Office, elected for the scope of the navigation insurance as representatives of the employers and the insured persons.

PAR. 2. The Federal Council shall specify the date on which the institution shall come into operation.

SECTION FOUR.—SUPERVISION.

ARTICLE 1381.

The Imperial Insurance Office shall conduct the supervision of the insurance institutes.

ARTICLE 1382.

If a State insurance office has been created for a federal State, then it shall conduct the supervision of the insurance institutes which do not extend beyond its territory.

SECTION FIVE.—PAYMENT OF THE BENEFITS—RAISING OF THE FUNDS.

I. PAYMENT THROUGH THE POST OFFICE DEPARTMENT.

ARTICLE 1383.

PARAGRAPH 1. The institute shall make payments upon notification of the directorate through the Post Office Department and furthermore as a rule through that post office in whose district the payee resides. The payee shall be notified of the paying office by the directorate.

PAR. 2. If the payee removes his residence, he may make application to the directorate or to the post office of his old place of residence to have the payments changed to his new place of residence.

ARTICLE 1384.

Every person who is entitled to keep a public seal is authorized to give out and attest the requisite certificates in such payments.

ARTICLE 1385.

The highest postal authorities may collect from each insurance institute an advance sum. According to the choice of the insurance institute, it shall be transmitted either quarterly or monthly to the offices designated by the Post Office Department and may not be greater than that amount which the insurance institute will probably have to pay in the current fiscal year.

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ARTICLE 1386.

The Imperial Insurance Office can specify in what manner payments are to be made to the payees who customarily reside in a foreign country.

II. RAISING OF THE FUNDS.

1. General provisions.

ARTICLE 1387.

PARAGRAPH 1. The Empire, the employers, and the insured persons shall provide the means for the insurance.

PAR. 2. The Empire shall pay subsidies for the pensions, widow's money, and orphan's settlements (art. 1285) actually paid in each year; the employers and the insured persons shall pay for each week of employment subject to insurance (contributory week) current contributions in equal parts (arts. 1432, 1439, 1458).

PAR. 3. The contributory week begins with Monday.

2. Size of the contributions.

ARTICLE 1388.

The weekly contributions shall be determined uniformly in advance by the Federal Council at the first for the period up to December 31, 1920, and then afterwards according to the result of the examination (art. 1391) for a further period of 10 years. Changes shall require the approval of the Reichstag.

ARTICLE 1389.

For the determination of the size of the contributions, the annual average contribution shall be computed for the total number of insured persons. It shall be computed in such a manner that the value of all future contributions together with the assets shall cover that amount which is required according to the actuarial computation with the interest and compound interest to defray all future expenditures of the insurance institutes.

ARTICLE 1390.

PARAGRAPH 1. The average contributions shall be graded according to the wage classes, otherwise, however, shall be fixed exactly the same in weekly partial amounts for the insured persons of the same wage class.

PAR. 2. The grades shall be arranged according to that burden which results from the assumption that each wage class has a corresponding insurance status in the total number of insured persons and has the same risk, and that for these groups, the pensions, widow's money, and orphan's settlements will occur in the expected amount in the wage classes.

ARTICLE 1391.

PARAGRAPH 1. The accounting bureau of the Imperial Insurance Office shall investigate in advance whether the contribution will be sufficient.

PAR. 2. Deficits or surpluses must be equalized through new contributions.

ARTICLE 1392.

Until further action the following shall be collected as weekly contributions:

	Pfennigs.	
In wage class I	16	[$0.038]
In wage class II	24	[.057]
In wage class III	32	[.076]
In wage class IV	40	[.095]
In wage class V	48	[.114]

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3. Periods of military service and of sickness.

ARTICLE 1393.

PARAGRAPH 1. Without any requirement that the contributions shall be paid, the following shall be added as contributory weeks of Wage Class II in which the insured person—

1. Has been called into service in compliance with his military duty in times of peace, of mobilization, or of war;
2. Has voluntarily rendered military service in times of mobilization or of war;
3. Has been prevented from following his occupation because of an illness which rendered him incapable of work for the time being; the sickness must be certified.

PAR. 2. These weeks, however, shall only be included in the computation for those persons who were regularly employed in an occupation before that time and were not merely temporarily subject to the insurance.

ARTICLE 1394.

PARAGRAPH 1. The sickness shall not be included which the insured person has intentionally brought upon himself or has incurred by an action determined as a crime by the verdict of a criminal court or by culpable participation in brawls or disorderly conduct.

PAR. 2. If the sickness continues without interruption for more than one year, its further duration shall not be included.

PAR. 3. The period of convalesence shall be regarded the same as the sickness. The same shall apply for a period of eight weeks in case of inability to work caused by pregnancy or by regular childbirth without complications.

4. General cost—Special cost.

ARTICLE 1395.

The insurance institutes shall independently administer their income and other assets (general assets and special assets). They shall cover therefrom the general cost which all carriers of the invalidity and survivors insurance must jointly defray, and the special costs which fall upon the individual institutes.

ARTICLE 1396.

PARAGRAPH 1. The general cost consists of the following:

The basic amounts of the invalidity pensions and the subsidies for children's pensions (art. 1291);

The shares of the insurance institutes in the old-age pensions, widows' pensions and widowers' pensions, orphans' pensions, widows' money and orphans' settlements.

The increases of the pensions resulting from the weeks of military service and weeks of sickness;

The cost of rounding off the pensions upwards.

PAR. 2. All other obligations form, subject to the reservations of article 1478, a special cost of the insurance institute.

ARTICLE 1397.

For covering the general cost, each insurance institute shall, beginning with January 1, 1912, set aside in its accounts 50 per cent of the contributions as general assets. The institution shall credit the interest to the general assets as set aside in the books. The Federal Council shall specify the rate of interest on a uniform basis for the same periods of time as for contributions.

ARTICLE 1398.

PARAGRAPH 1. If the examination shows (art. 1391) that the general assets are not sufficient to cover the general cost, or are not necessary thereto, then the Federal Council shall specify for the coming period what shall be the share of the contributions which is to be set aside on the books for the balancing of the deficits or surpluses for the general assets.

PAR. 2. If the Federal Council increases this share, then the approval of the Reichstag is required.

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ARTICLE 1399.

The existing assets of the insurance institute on hand at the time of the examination may be drawn on to cover the general cost only in so far as they have been set aside on the books for the general cost.

ARTICLE 1400.

PARAGRAPH 1. By joint agreement of the directorate and of the committee, the surplus of the special assets over the legal benefits may be applied for the economic welfare of the pensioners and the insured persons as well as for their relatives.

PAR. 2. The consent of the Federal Council is necessary in such cases. It may revoke the consent, if according to the advice of the accounting bureau, the special assets no longer show a sufficiently high surplus.

5. Reinsurance federations.

ARTICLE 1401.

Several insurance institutes may unite in order to carry either wholly or partly the burdens of the invalidity and survivors' insurance in common.

6. Liability for the obligations of the institute.

ARTICLE 1402.

In so far as the assets of the institute are not sufficient to cover its liabilities the union of communes for which the insurance institute has been created is liable to the creditors. If the union of communes is without assets or if the insurance institute has been created for a federal State or parts of it, then the latter shall be liable. If the institute includes several federal States or unions of communes, then these shall be liable according to the number of their population at the time of the last census.

7. Distribution and refunding of the insurance benefits—Transferring amounts to the Post Office Department.

ARTICLE 1403.

PARAGRAPH 1. The accounting bureau of the Imperial Insurance Office shall apportion pensions, widows' money, and orphans' settlements upon the Empire, upon the general assets, and upon the special assets.

PAR. 2. The increase rates of the invalidity pensions shall be at the cost of the institute to which contributions on this account have been paid. If the institute has determined benefits, parts of which are a cost on the special assets of other institutes, then the latter shall repay to it the amounts in the form of their capitalized value at the close of the fiscal year.

ARTICLE 1404.

The accounting bureau shall ascertain for each year and for each insurance institute the capitalized value of the pensions still current which it has certified for payment and the shares thereof which are a cost upon the Empire, upon the general assets and the special assets. The Federal Council shall regulate the computation of the capitalized value.

ARTICLE 1405.

Within eight weeks after the expiration of each fiscal year, the highest postal authorities shall communicate to the accounting bureau the amounts which have been paid in the past fiscal year upon authorization of the insurance institutes. According to the standard specified in article 1404, the pension advances shall be distributed upon the Empire, upon the general assets and upon the special assets. The accounting office shall further compute the share of the Empire, and of the general assets in connection with the widows' money and the orphans' settlements. The insurance institutes shall participate in the sum which is a charge on the general assets, each institute in proportion to the share of the total cost specified for its assets.

ARTICLE 1406.

PARAGRAPH 1. The accounting bureau shall notify the insurance institutes of the amounts which they have to repay from the share of their assets intended for the

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general cost and from their special assets. In such case, the accounting bureau shall balance the payments from the post-office advances (art. 1385) with the actual payments and shall deduct the capitalized value which according to article 1403 the individual institutes must repay to each other.

PAR. 2. The figures used as a basis for making the computations shall be stated. An appeal to the Imperial Insurance Office is permissible against the apportionment of the account.

PAR. 3. The size of the amounts which are a cost to the Empire is to be reported to the imperial chancellor.

ARTICLE 1407.

The accounting bureau shall notify the highest postal authorities what amounts must be repaid by the Empire and by the individual insurance institutes.

ARTICLE 1408.

Within two weeks after the receipt of the notification, the insurance institute must pay the amount to the Post Office Department from the means on hand. If such are not on hand, then the union of communes or the federal States shall advance the same, in case of joint insurance institutes, in proportion to the number of inhabitants at the last census.

ARTICLE 1409.

The amount of the advances to the post office (art. 1385) shall be determined for each insurance institute after the receipt of the communication from the highest postal authority (art. 1405) by the accounting bureau for the current fiscal year, and the insurance institutes and the highest postal authorities shall be notified thereof. Up to that time, the partial amounts of the advances to the post office shall be paid further, for the time being, in the amount of the preceding year. They shall be balanced after determination of the new advance to the post office.

ARTICLE 1410.

If the claims of the Post Office Department are not promptly covered by the insurance institutes, then upon application of the Post Office Department the Imperial Insurance Office or the State insurance office (art. 1382) shall institute compulsory collection proceedings.

SECTION SIX.—PROCEDURE AS TO CONTRIBUTIONS.

I. STAMPS.

ARTICLE 1411.

PARAGRAPH 1. For the purpose of collecting the contributions, each insurance institute shall issue stamps containing the designation of the wage class and of the money value.

PAR. 2. The Imperial Insurance Office shall specify the distinguishing marks of the stamps as well as the periods of time for which they shall be issued.

PAR. 3. It may restrict the period of validity of the issued stamps. Within two years after the expiration of the period of validity, stamps which have become invalid may be exchanged at the sales offices.

ARTICLE 1412.

The stamps of each insurance institute shall be sold at the post offices of their district and at the special sales offices of the insurance institutes, at their face value.

II. RECEIPT CARDS.

ARTICLE 1413.

The contributions shall be paid by affixing the stamps on the receipt card of the insured person.

ARTICLE 1414.

The insured person shall have the receipt card made out for him and must produce it punctually for the affixing and cancellation of the stamps. The local police authorities may require him to do this under penalty of a fine up to 10 marks [$2.38]. If he has no receipt card or if he refuses to produce it, then the employer may procure the card and deduct the cost thereof at the next wage payment.

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ARTICLE 1415.

The insured person may at his own cost at any time demand a new card in return for the old.

ARTICLE 1416.

PARAGRAPH 1. The receipt card shall contain the year and day of its issue and the contents of the provisions contained in articles 1424, 1425, and 1495. The Federal Council shall specify the other matters.

PAR. 2. The Federal Council may prescribe special cards for self-insurance and for its continuation (art. 1243), and may impose penalties for the unauthorized use of other cards.

ARTICLE 1417.

The cost of the cards shall be borne by the insurance institute of the district of issue if it is not procured for the account of the insured person (arts. 1414 and 1415).

ARTICLE 1418.

Each card shall contain space for at least 25 weekly stamps. The cards shall be numbered successively for each insured person. The first card shall have at its head the name of the insurance institute in whose district the insured person is employed at the time of its issue, and each following card the name of the preceding (the original institute). If the name of the institute on a card issued later differs from that on the first card, then the name on the first card shall prevail.

ARTICLE 1419.

PARAGRAPH 1. The highest administrative authorities shall specify, subject to the reservation of article 1456, the offices which shall make out the cards and exchange the same (office of issue).

PAR. 2. The imperial chancellor shall specify the office of issue in the German protectorates.

PAR. 3. The office of issue shall compute when a card is returned, according to the stamps affixed, the contributory weeks for the individual wage classes. At the same time there must be given the duration of the military service proved and of the sickness certified, which have occurred during the time of the validity of the card. The office of issue shall certify to the owner of the card the totals.

PAR. 4. The cost for the forms of the certificates concerning the computation shall be borne by the insurance institute of the district of issue.

PAR. 5. The imperial chancellor shall specify who shall bear the cost for the receipt cards and for the forms of the certificates in the German protectorates.

ARTICLE 1420.

The cards must within two years after their date of issue be handed in for exchange. If this is not done, then in case of controversy the insured person must prove that the claim has been kept alive.

ARTICLE 1421.

PARAGRAPH 1. Receipt cards which have been lost, made unserviceable, or destroyed shall be replaced by new cards.

PAR. 2. Contributions which can be proved to have been made shall be transferred in certified form; the insurance institute affected shall be heard in advance if the card which has become unserviceable is not produced, and in each case shall be notified later.

ARTICLE 1422.

The insured person may appeal to the local insurance office against the contents of the certification (art. 1419, par. 3) and against the transfer or the refusal thereof (art. 1421, par. 2). The insurance institutes may also protest against the transfer (art. 1421, par. 2). The local insurance office shall decide finally.

ARTICLE 1423.

PARAGRAPH 1. The cards which have been handed in shall be transmitted to the insurance institute of the district. After verifying and correcting the entries on the outer side the institute shall forward them to the original institute (art. 1418).

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PAR. 2. The original institute may transfer the contents of all cards of the same insured persons to a collective card and preserve the latter instead of the single cards.

PAR. 3. The Federal Council shall specify the details herewith. It shall also specify when and in what respects receipt cards are to be destroyed.

ARTICLE 1424.

The cards may contain only the statements prescribed by law and may carry no special marks; above all the card may not contain anything in regard to the conduct or services of the holder. Cards which violate this provision must be retained by each authority receiving them and must be replaced by new cards. The contributions proved shall be transferred in certified form. The insurance institutes affected shall be notified hereof.

ARTICLE 1425.

PARAGRAPH 1. No one may retain a receipt card against the will of the owner. This shall not apply for the competent offices if they retain cards for the purpose of exchange, of correction, of computation, of transfer, of supervision of the contributions, or in a collection procedure.

PAR. 2. Whoever retains cards in violation of this provision is responsible to the owner for the damages arising therefrom. The local police authority shall collect the card and turn it over to the owner entitled thereto.

III. PAYMENT OF CONTRIBUTIONS THROUGH THE EMPLOYER—PROOF OF MILITARY SERVICE AND OF SICKNESS.

ARTICLE 1426.

PARAGRAPH 1. The employer who has employed the insured person through the contributory week shall pay the contribution for himself and for the insured person.

PAR. 2. If several employers employ the insured person during the week, then the first of them shall pay the whole amount. If neither he nor the insured person himself has paid the contribution (art. 1439), then the next employer must pay the contribution, but can demand reimbursement from the first employer. If the insured person is employed in occupations subject to insurance at the same time by several employers, then they shall all be liable as joint debtors.

ARTICLE 1427.

PARAGRAPH 1. If the actual time of work can not be determined, then the contribution is to be paid for the time which is approximately requisite for the work. In case of controversy, upon application of one party the local insurance office shall decide finally.

PAR. 2. The insurance institute may, with the approval of the Imperial Insurance Office or of the State insurance office (art. 1382), issue special regulations for the computation.

ARTICLE 1428.

PARAGRAPH 1. The employer shall pay the contributions at the time of the wage payment by affixing for the duration of the employment, stamps according to the wage class of the insured person on the receipt card. The cards shall be issued by the insurance institute of the place of employment.

PAR. 2. The employer must procure the cards at his own expense.

PAR. 3. If a payment of wages does not take place, the stamps are to be affixed at the latest when the employment ceases.

ARTICLE 1429.

In the case of insured persons who by contract are obliged to work for the employer for at least a quarter of a year, the employer may affix the stamps at another time, at the latest in the last week of each quarter. In every case the stamps are to be affixed at the end of the employment.

ARTICLE 1430.

The insurance institute may permit the employers to affix the stamps at another time.

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ARTICLE 1431.

The stamps must be canceled. As the date of cancellation, the last day of that period shall be given to which the stamp applies. The Federal Council shall specify the details in this connection, and shall impose penalties for contraventions.

ARTICLE 1432.

PARAGRAPH 1. The persons subject to the insurance must at the time of payment of wages permit the deduction from their cash wages of one-half of the contributions, and whoever is insured at a higher amount than the wage class specified in the law, without having agreed with the employer as to the insurance in a higher wage class, must also permit the deduction of the excess amount. Only in this way may the employers reimburse themselves for the share of the contribution of the insured persons.

PAR. 2. The deductions are to be distributed evenly upon the wage periods.

ARTICLE 1433.

If deductions are not made at the time of a wage payment, then they may be made only at the time of the next payment, unless the employer through no fault of his own at a later time pays valid contributions (art. 1442).

ARTICLE 1434.

Payments on account shall not be considered as wage payments in the meaning of articles 1428, 1432, and 1433. In every case, however, the stamps are to be affixed in the last week of each quarter.

ARTICLE 1435.

PARAGRAPH 1. If they pay the contributions in stamps, the employers against whom an order of the local insurance office, according to article 398, has been issued may make wage deductions only for the period for which they have already paid arrears of contributions and can prove the same.

PAR. 2. Where a collection procedure is in existence, the order under article 398 shall also be applicable for the contributions of the invalidity and survivors' insurance. The insured persons must in such cases themselves pay their share of the contribution on the pay days.

ARTICLE 1436.

The Federal Council shall regulate the collection of the contributions for persons subject to insurance according to articles 1228 and 1229.

ARTICLE 1437.

The highest administrative authorities may specify how the share of the contribution of persons subject to insurance shall be deducted from their pay if the latter consists only of payments in kind or is to be paid by third persons.

ARTICLE 1438.

PARAGRAPH 1. Military service which has been rendered shall be proved by the military papers.

PAR. 2. Weeks of sickness shall be proved by certificates. After the expiration of the sick benefits or of the relief during the convalescence the directorate of the sick fund, of the substitute fund, of the mutual insurance association, or of the aid society created according to provisions of State law shall make out the certificate. Otherwise the directorate of the commune shall perform this act. The local insurance office may require the directorate of the fund or of the mutual insurance association to fulfill this obligation under penalty of fines up to 100 marks [$23.80].

PAR. 3. For persons employed in Imperial and State establishments the service authority in charge may make out the certificates. In such cases the sick fund is to be released by the local insurance office from the duty of filling out the certificates.

IV. PAYMENT OF THE CONTRIBUTIONS BY THE INSURED PERSONS.

ARTICLE 1439.

PARAGRAPH 1. The insured person himself may also pay the full contributions. The employer must reimburse him for one-half thereof, and this shall be one-half of the legal contribution, unless an agreement has been made as to insurance in a higher wage class.

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PAR. 2. A claim shall exist only if the stamps have been canceled according to regulations. The claim must be raised not later than at the time of the second wage payment following, unless the insured person through no fault of his own has paid effective contributions at a later time.

ARTICLE 1440.

PARAGRAPH 1. Subject to the provisions of article 1371, persons voluntarily insured shall make use of the stamps of the insurance institute in whose district they are employed or in which they remain if unemployed. The choice of the wage class shall be made by themselves.

PAR. 2. They may continue the insurance while in a foreign country, and in such cases make use of the stamps of any insurance institute which they prefer.

PAR. 3. Stamps of an insurance institute may not be used for the extension of the insurance in a special institute (art. 1371).

ARTICLE 1441.

Whoever insures himself voluntarily during an employment for compensation but not paid in cash, or in case of a temporary employment (arts. 1227 and 1232), shall have a claim to the share of the contribution of the employer. The latter may decline to refund more than he is legally required (arts. 1245 to 1247).

V. CONTRIBUTIONS NOT VALID.

ARTICLE 1442.

PARAGRAPH 1. Compulsory contributions are not valid if they are paid after the expiration of two years, but in case the payment of contributions has not been made without the fault of the insured person, then after the expiration of four years after the date when they are due.

PAR. 2. A fault of the insured person shall not exist if the employer has retained the receipt card and has not exchanged it in compliance with the regulations at the proper time.

ARTICLE 1443.

Voluntary contributions and contributions in excess of the legal wage class may not be paid for a previous period for more than one year, nor may they be paid after the beginning of permanent or of temporary invalidity, or for the continuation of the invalidity.

ARTICLE 1444.

PARAGRAPH 1. If the contributions are later on paid within a suitable time, then they shall have the same status as the payment of contributions in the meaning of articles 1442 and 1443, in the following cases:

1. When a warning has been given to an employer by the competent office;
2. When the employer or the insured person has declared to such an office that he is ready to pay arrears.

PAR. 2. There shall not be included in the periods specified in articles 1442 and 1443 those periods of time in which a controversy regarding contributions (arts. 1459 to 1461), or a procedure relating to a claim, to an invalidity pension, old-age pension, widow's pension, or widower's pension, is in question.

PAR. 3. These facts (pars. 1 and 2) shall also interrupt the lapsing of arrears of contributions (art. 29).

ARTICLE 1445.

PARAGRAPH 1. If the stamps on a receipt card properly made out and handed in for exchange at the proper time have been employed according to regulations, then it shall be assumed that an insurance status existed during the contributory weeks covered thereby. This shall not apply if the stamps have been affixed later than one month after the date on which the contributions are due or for the calendar year have been affixed in a larger number than the year contains contributory weeks.

PAR. 2. The insured person may demand from the insurance institute the determination of the validity of the stamps which have been used. If the insurance institute acknowledges the insurance obligation or the right to insurance, then the claim for a pension may not be disallowed on the ground that the stamps have been used without right.

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PAR. 3. After the expiration of 10 years after the computation of the receipt cards, the legal validity of the stamps certified in the computation may no longer be contested, unless the insured person or his representatives, or a person required to provide relief for him, has brought about the use of the stamps with a fraudulent intent.

VI. CONTRIBUTIONS PAID IN ERROR.

ARTICLE 1446.

PARAGRAPH 1. Contributions which have been paid under a mistaken assumption that an insurance obligation exists, and the return of which has not been demanded, shall be considered as paid for self-insurance or continuation of insurance if a right thereto existed at the time of payment.

PAR. 2. Within 10 years after their payment, the insured person may demand the return of the contributions, if a valid pension has not already been granted to him and if the use of the stamps has not been made with fraudulent intent.

PAR. 3. The employer may no longer demand the return of the contributions if the value of his share has been returned to him by the insured person or if two years have elapsed since the payment.

VII. COLLECTING THE CONTRIBUTIONS.

ARTICLE 1447.

PARAGRAPH 1. The highest administrative authority may, after a hearing of the insurance institute, order that the sick funds, miners' associations, or miners' funds, or other offices designated by it or local collecting offices of the insurance institute, shall collect the contributions of all or of separate groups of persons subject to the insurance for the account of the institute. The authority may in such cases regulate the duty of the insured person to report himself.

PAR. 2. With the approval of the highest administrative authority, the insurance institute may through its constitution itself order this procedure; in addition a commune or a union of communes, with the approval of the higher administrative authority, may after a hearing of the institute order this to be done through a local regulation.

ARTICLE 1448.

If local collecting offices are to be instituted, then the institute must create them at their own cost and in the places specified by the higher administrative authority.

ARTICLE 1449.

The insurance institute must grant a collection fee to the offices of collection; in case the parties affected can not agree, the fee shall be fixed by the highest administrative authority.

ARTICLE 1450.

With the approval of the sick fund the highest administrative authority can also permit the collection of the contributions for the sick fund by the local collecting offices. The fund shall assume a part of the cost. The details in this connection shall be specified by the highest administrative authority after a hearing of the insurance institutes and sick funds affected.

ARTICLE 1451.

The highest administrative authority shall regulate the powers of the insurance institute as against the offices of collection not created by itself.

ARTICLE 1452.

In case of voluntary insurance the collection of the contributions may not be prescribed.

ARTICLE 1453.

PARAGRAPH 1. The highest administrative authority may regulate the details as to the procedure in collecting, using, and accounting of the contributions.

PAR. 2. As a rule the contributions shall be collected at the same time with those of the sick funds on the date when they are due. In the case of insured persons from

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whom the sick fund collects no contributions, the office of collection shall specify the date. Stamps shall be affixed on the receipt card for the contributions collected. Article 1414 is here correspondingly applicable.

ARTICLE 1454.

PARAGRAPH 1. Even in cases where the procedure of collection has been specified, the highest administrative authority or the directorate of the insurance office may permit individual employers themselves to pay the contributions by the use of stamps, according to articles 1426 to 1430. These authorizations are to be communicated to the office of collection.

PAR. 2. Authorities of the Empire, of the States, and of the communes may also exclude themselves from the collection procedure. This shall be communicated to the insurance institute and the office of collection.

ARTICLE 1455.

PARAGRAPH 1. The highest administrative authority may order the following:

1. That sick funds, miners' associations, miners' funds, or local collection offices of insurance institutes shall make out and exchange the receipt cards;
2. That temporary employees (art. 441) shall pay their half of the contribution directly, while the other half shall be paid by the union of communes or the commune, and that the employer shall repay the same; also the corresponding application of articles 453 and following may be ordered.

PAR. 2. For this purpose the insurance institute shall grant a special allowance to the offices designated, and the highest administrative authority shall fix the amount thereof.

ARTICLE 1456.

PARAGRAPH 1. The procedure of collection may be prescribed for the members of a sick fund by its constitution, for the members of the sick fund of an imperial or a State establishment by the competent service authorities, and the making out and exchange of receipt cards may be transferred to the fund.

PAR. 2. Article 1449 is here not applicable.

ARTICLE 1457.

PARAGRAPH 1. As long as a person is insured in the district of an office of collection, he may deposit his receipt card therein.

PAR. 2. The highest administrative authority, in agreement with the insurance institute, may require the deposit. The local insurance office may require the insured persons to follow this course under penalty of fine up to 10 marks [$2.38].

VIII. ROUNDING OFF THE AMOUNTS.

ARTICLE 1458.

If the reckoning between the employer and insured persons results in a fraction of a pfennig, then the share of the contribution of the employer shall be rounded off to the full pfennig upward and that of the insured person to the full pfennig downward.

IX. CONTROVERSIES AS TO CONTRIBUTIONS.

ARTICLE 1459.

PARAGRAPH 1. In controversies in regard to the payment of contributions, if such controversy is not first raised at the determination of a pension, the local insurance office shall decide, and upon appeal the superior insurance office shall decide finally. These authorities must follow the principles of the officially published decisions of the Imperial Insurance Office.

PAR. 2. If the matter relates to the interpretation of legal provisions of fundamental importance which have not yet been passed upon, then the superior insurance office shall transmit the matter, together with a statement of the reasons for its own views to the Imperial Insurance Office: *Provided*, That the appellant has applied therefor within the period of appeal. Other persons affected may also make this appeal within one week after they have been given an opportunity to express their opinions. In these cases the Imperial Insurance Office shall decide instead of the superior insurance office.

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ARTICLE 1460.

If the controversy relates to the question as to which of several insurance institutes is to receive the contributions for specified persons, then upon application the Imperial Insurance Office or the State insurance office shall decide (art. 1382).

ARTICLE 1461.

All other controversies between employers and workmen in regard to computation and accounting, payment, and reimbursement of contributions (art. 1426, par. 2, arts. 1432 to 1435, 1437, 1439, and 1441) shall be decided finally by the local insurance office.

ARTICLE 1462.

PARAGRAPH 1. If the controversy has been finally decided, then the local insurance office shall take care that contributions not collected in sufficient amounts shall be covered through stamps at a later time. If too many stamps have been collected and the return of them can still be demanded (art. 1446), the local insurance office shall, upon application, secure their return from the insurance institute and repay them to the parties affected. The stamps shall be destroyed and the computation corrected.

PAR. 2. Stamps which are destroyed because they originated from an insurance institute which was not competent must be replaced by those of the competent institute. Their amount shall be demanded from the institute of issue and paid over to the parties affected.

ARTICLE 1463.

Instead of destroying the stamps, the local insurance office may call in the receipt card and have the valid contributions transferred to a newly made out card.

ARTICLE 1464.

If the obligation or the right of insurance is finally denied, then, upon their application, the parties affected shall have returned to them the contributions not yet lapsed. Article 1446 shall not be affected hereby.

X. SUPERVISION.

ARTICLE 1465.

The insurance institute shall supervise the punctual and complete payment of the contributions. The local insurance office may in this connection assist the insurance institute with its agreement and with an understanding as to the costs.

ARTICLE 1466.

PARAGRAPH 1. The employer must give to the local insurance office and to the directorate of the institute itself, as well as to the authorized agents of both, information in regard to the number of employees, their earnings, and duration of their employment. The employers must produce the books and lists from which these facts can be ascertained, during the time of operation and in their place of business. The insured persons also must give information in regard to the place and duration of their employment, as well as of their earnings.

PAR. 2. Both groups are obliged to hand over to the designated officials and agents, upon demand, their receipt cards and certificates (art. 1419, par. 3) for verification and correction, and a receipt must be given therefor.

PAR. 3. The local insurance office may compel the employers and the insured persons to comply with their duties (pars. 1 and 2), under fines up to 150 marks [$35.70]

ARTICLE 1467.

With the approval of the Imperial Insurance Office, or of the State insurance office (art. 1382), the insurance institute may issue supervisory regulations. These authorities may order the issuance of such regulations, and if such order is not complied with, issue the order themselves. The directorate of the institute may require employers and insured persons to comply punctually with such regulations, under fines up to 150 marks [$35.70].

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ARTICLE 1468.

PARAGRAPH 1. If cash expenditures occur on account of the supervision, then they may be imposed upon the employer if he has caused them through neglect of duty. Upon appeal, the superior insurance office shall decide finally.

PAR. 2. Such costs shall be collected in the same manner as communal taxes.

ARTICLE 1469.

After agreement with the parties interested, or at the close of a procedure in settlement of a controversy, the receipt cards shall be corrected by the supervisory authorities, by the duly authorized agents, or by the offices of collection.

ARTICLE 1470.

With their consent and with an agreement as to the costs, the local insurance office may assist the insurance institutes in regard to the supervision of pensioners. The decision committee shall make the decision in this connection. If the committee declines, then, on appeal, the superior insurance office shall decide finally.

XI. SPECIAL PROVISIONS.

ARTICLE 1471.

The Federal Council may replace the provisions of this section in regard to the crews of foreign ships in inland waters by other provisions.

SECTION SEVEN.—VOLUNTARY ADDITIONAL INSURANCE.

ARTICLE 1472.

PARAGRAPH 1. Every person subject to the insurance and every person entitled to insurance may at any time and in any number affix supplementary stamps of any insurance institute on their receipt cards. They shall thereby obtain a claim for a supplementary pension in case of invalidity.

PAR. 2. The value of the supplementary stamp shall be 1 mark [23.8 cents].

PAR. 3. The claims procured on the basis of supplementary stamps may not lapse.

ARTICLE 1473.

PARAGRAPH 1. For every supplementary stamp which the insured person affixes he shall receive as an annual supplementary pension as many times 2 pfennigs [0.48 cents] as at the time of the beginning of the invalidity, years have expired since the use of the supplementary stamp.

PAR. 2. The years shall be counted from the calendar year in which the receipt card has been counted up to the year in which the invalidity began. The value of the supplementary stamps which are not included thereby shall be reimbursed to the insured person or to his survivors (art. 1302).

ARTICLE 1474.

PARAGRAPH 1. The supplementary pension shall be paid as long as the invalidity continues (art. 1255). The decision which withdraws the pension shall become effective at the expiration of the month following the communication thereof.

PAR. 2. Article 1254 shall also apply to supplementary pensions.

ARTICLE 1475.

The supplementary pension shall always be paid in full sums monthly in advance, each time rounded off upward in sums of 5 pfennigs [1.19 cents], and shall be paid either together with the invalidity pension or separately.

ARTICLE 1476.

PARAGRAPH 1. If the supplementary pension does not amount to more than 60 marks [$14.28] annually, then upon application a single lump sum payment equal to its capitalized value shall be paid.

PAR. 2. If the beneficiaries give up their residence in Germany, then they may be paid off with the capitalized value of the supplementary pension.

PAR. 3. The computation of the capitalized value shall be regulated by the Federal Council.

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ARTICLE 1477.

Articles 1383 to 1386 shall be applicable as regards the payment of the supplementary pensions and of the single lump-sum settlements.

ARTICLE 1478.

PARAGRAPH 1. The receipts from the supplementary stamps shall be added to the general assets. The expenditures for supplementary pensions form a part of the general cost.

PAR. 2. The general assets shall bear the liability for the obligations arising out of supplementary insurance.

ARTICLE 1479.

In order to ascertain the obligations which arise out of the supplementary insurance, the insurance institute shall draw up special summaries from the incoming receipt cards, and these summaries shall show the number and the kind of supplementary stamps used and shall serve as the basis for the accounting bureau.

ARTICLE 1480.

Every 10 years (art. 1388) the accounting bureau of the Imperial Insurance Office shall ascertain how high the rate of the pension may be (art. 1473, par. 1). The Federal Council shall determine it accordingly for every 10 years.

ARTICLE 1481.

The benefits for a supplementary pension shall be distributed and paid in the same manner as other benefits (arts. 1403 to 1410).

ARTICLE 1482.

PARAGRAPH 1. Each insurance office shall issue supplementary stamps.

PAR. 2. The Imperial Insurance Office shall specify the distinguishing marks of the stamps. It may also restrict the duration of their validity. The Federal Council shall specify the details in regard to their cancellation.

ARTICLE 1483.

The regulations which apply for the determination of invalidity and survivors' pensions shall apply in a corresponding manner in the procedure for the determination of supplementary pensions.

SECTION EIGHT.—FINAL PROVISIONS AND PENAL PROVISIONS.

I. SICK FUNDS.

ARTICLE 1484.

The provisions of this book as regards sick funds (art. 225) shall also be applicable to miners' sick funds.

II. SPECIAL PROVISIONS FOR SEAMEN.

ARTICLE 1485.

Seamen (art. 1046, par. 1) are to be insured in that insurance institute in whose district is located the home port of the vessel.

ARTICLE 1486.

PARAGRAPH 1. The shipowners may pay the contributions for seamen according to the size of the crew of the single vessels as estimated for the accident insurance. The insurance institute shall specify the details in this connection.

PAR. 2. The Federal Council may order a different procedure for the payment of contributions than that provided in this book.

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III. PENAL PROVISIONS.

ARTICLE 1487.

If employers make entries in the reports or statements which they have to make under the provisions of this law or the regulations of the insurance institute, whose incorrectness they knew or under the circumstances must have known, or if they fail to make either wholly or in part the prescribed entries, then the directorate of the institute may impose upon them fines up to 500 marks [$119].

ARTICLE 1488.

PARAGRAPH 1. If the employers neglect to use in due time the correct stamps for their employees subject to the insurance or to transmit the contributions, then the directorate of the institute may impose upon them fines up to 300 marks [$71.40]. Independently of the fine and the collection of the arrears, the directorate may require from persons so penalized the additional payment of 100 up to 200 per cent of these arrears. The amount shall be collected in the same manner as communal taxes.

PAR. 2. The same shall apply if employers who have in their service foreign-insured persons do not comply with their duties as specified in article 1233.

PAR. 3. If the employer contests his obligation to pay contributions, then it shall be decided according to article 1459.

ARTICLE 1489.

Whoever, contrary to his obligations, does not give notice of the employment of persons subject to the insurance (art. 1447), may be punished by the local insurance office with fines up to 300 marks [$71.40] in case the action has been intentional, and in case the action has been one of negligence with fines up to 100 marks [$23.80].

ARTICLE 1490.

The following persons shall be punished with fines up to 300 marks [$71.40], or with arrest, provided that under other legal provisions more severe penalties are not imposed:

1. Employers who purposely deduct from the wages of their employees higher contributions than this law permits;
2. Employers who purposely act contrary to the provisions of article 1435, paragraph 1;
3. Employers who make deductions from wages in the case mentioned in article 1435, paragraph 2, if the local insurance office has issued an order as described in article 398;
4. Employees who purposely deduct more than this law permits;
5. Persons who contrary to law withhold a receipt card from one entitled thereto.

ARTICLE 1491.

Insured persons shall be punished with fines up to 300 marks [$71.40], or with arrest, unless severer penalties are provided according to other legal provisions, if they intentionally demand from employers on account of self-paid contributions more than is permissible, or demand the full share of the contribution from several employers for the same week, or do not use the amount collected for the payment of the contributions, or collect shares of contributions, when they did not pay the full contributions.

ARTICLE 1492.

PARAGRAPH 1. Employers shall be punished with confinement in jail if they intentionally do not use for the insurance, shares of contributions which they have deducted from the wages of their employees or which they have received from the latter.

PAR. 2. In addition, penalties up to 3,000 marks [$714] and the loss of civic rights can also be imposed.

PAR. 3. If mitigating circumstances are present then the fine alone may be imposed.

ARTICLE 1493.

The same penal provisions are applicable in the following cases:

1. To the members of the directorate if the employer is a stock company, a mutual insurance association, a registered cooperative society, a guild, or other legal person.
2. To the business directors, if the employer is an association with limited liability.
3. If another type of business corporation is the employer, to all partners personally liable in so far as they are not excluded from the representation.

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4. To the legal representatives of employers not legally competent to transact business or partially so, as well as to the liquidators of a business corporation, a mutual insurance association, a registered cooperative society, a guild, or any other legal person.

ARTICLE 1494.

PARAGRAPH 1. The employer may transfer the duties imposed upon him by this law or by the constitution to the directors of establishments, the supervisory personnel, or other employees of his establishment.

PAR. 2. If such representatives act contrary to those provisions which impose penalties upon the employer, the penalty shall be imposed upon them. In addition to them, the employer is liable to a penalty if—

1. The contravention has occurred with his knowledge.
2. He has not observed the care required customarily in the selection and supervision of his representatives. In this case no other penalty than the fine may be imposed upon the employer.

PAR. 3. The payment of the additional 100 to 200 per cent of the arrears of contributions (art. 1488) can also be imposed upon the representative. In addition to him, the employer shall be liable for this amount if he is punished under the provisions of paragraph 2 above.

ARTICLE 1495.

PARAGRAPH 1. Whoever places upon a receipt card either forbidden entries or special marks may be punished by the local insurance office with fines up to 20 marks [$4.76].

PAR. 2. The same penalty may be imposed upon the person who falsely fills out the blank spaces (*Vordruck*) on the receipt card or whoever fraudulently alters the words or figures entered in filling out the blank spaces or who knowingly uses such a card.

PAR. 3. Whoever makes entries, marks, or falsifications, with the intention of making known the holder to employers, shall be punished with fines up to 2,000 marks [$476], or with confinement in jail up to six months. In case of mitigating circumstances arrest may be imposed instead of confinement in jail.

PAR. 4. A prosecution for forgery of documents (arts. 267 and 268, of the Imperial Penal Code) shall only be inaugurated against persons who have made false entries with the purpose of providing for themselves or for others a pecuniary benefit, or with the purpose of causing damage to others.

ARTICLE 1496.

Penalties of imprisonment for not less than three months and in addition loss of civic rights shall be imposed upon the one who makes counterfeit stamps or alters stamps with the purpose of using them as genuine, or whoever with the same purpose provides himself with counterfeit stamps, or uses or offers for sale or brings them into use.

ARTICLE 1497.

The same penalty (art. 1496) shall be imposed upon whoever makes use of stamps which have already been used, or procures the same for use again, or offers them for sale, or brings them into use. In case of mitigating circumstances a fine up to 300 marks [$71.40] or arrest may be imposed.

ARTICLE 1498.

In the cases mentioned in articles 1496 and 1497 steps must be taken for the seizing of the stamps, even if they do not belong to the person condemned. The same must also occur if no specified person can be prosecuted or condemned.

ARTICLE 1499.

PARAGRAPH 1. Whoever manufactures without the written authority of an insurance institute or of another authority the stamp, seals, cuts, plates, or other forms which can be used in the manufacture of stamps, or impressions of such forms, or hands the same over to persons other than the insurance institute or the authorities, shall be punished with a fine up to 150 marks [$35.70] or with arrest.

PAR. 2. In addition to the fine or arrest, the seizing of the stamps, seals, cuts, plates, or other forms may be ordered, even if they do not belong to the person condemned.

ARTICLE 1500.

On appeal against the penalties imposed by the directorates of the institutes and the local insurance offices the superior insurance office (decision chamber) shall decide finally.

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BOOK FIVE.—RELATIONS OF THE INSURANCE CARRIERS TO EACH OTHER AND TO OTHER BODIES.

SECTION ONE.—RELATIONS OF THE INSURANCE CARRIERS TO EACH OTHER.

I. SICKNESS INSURANCE AND ACCIDENT INSURANCE.

ARTICLE 1501.

PARAGRAPH 1. The obligation of the sick funds (art. 225) to benefits shall not be affected because a carrier of the imperial accident insurance is obligated to compensate damages.

PAR. 2. If according to its obligations under the law or constitution a sick fund grants benefits on account of an accident for a period during which the beneficiary because of the accident had also a claim for accident compensation or still has such claim, then the fund may claim the accident compensation as reimbursement, though for not more than the amount of this claim for compensation, and only within the limits specified in articles 1502 to 1507.

PAR. 3. The sick fund may claim reimbursement from the funeral benefit and accident pension only in so far as this is expressly authorized.

ARTICLE 1502.

Funeral benefits which the sick fund must pay to a beneficiary under article 203, are to be reimbursed from the funeral benefits which the carrier of the accident insurance has to pay such person.

ARTICLE 1503.

PARAGRAPH 1. For sick care three-eighths of that basic wage are to be reimbursed on which the pecuniary sick benefit of the beneficiary is based.

PAR. 2. In case of care in a hospital, the same rule shall be followed as for sick care. For maintenance in a hospital one-half of the basic wage shall be used; for this amount reimbursement may be claimed only from the accident pension.

ARTICLE 1504.

In the case of special apparatus, etc., which is to be granted in accordance with article 187, number 3, reimbursement is to be made up to the amount of the expenditure.

ARTICLE 1505.

For benefits other than funeral benefits, sick care, apparatus, etc. (arts. 1502 to 1504), reimbursement may be claimed only from the accident pension.

ARTICLE 1506.

PARAGRAPH 1. In so far as reimbursement for benefits of the sick funds may be claimed out of the accident pension, the claim shall be valid only up to one-half of the amount of the pension which is paid during the time for which the claims to sick benefits and pension coincide.

PAR. 2. If during this time complete maintenance in an institution has been granted to the sick person, and according to the provisions of this book reimbursement is to be made out of the accident pension, then for the duration of such maintenance a claim is valid up to the full amount of the pension. This shall be correspondingly applicable if the carrier of the accident insurance has granted complete maintenance in an institution to a sick person (art. 607).

PAR. 3. In order to determine the extent of the care in a medical institution which the carrier of the accident insurance has granted, on which a claim for reimbursement of the sick fund for its benefits is valid, maintenance in a medical institution shall be computed as equal in value to the full pension.

ARTICLE 1507.

For the satisfaction of claims for reimbursement by the sick fund, pension amounts in arrears and such amounts for the period of entire maintenance in an institution (art. 1506, par. 2, sentence 1), may be drawn on, up to their full amount, other pension amounts only up to one-half of their amount.

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ARTICLE 1508.

PARAGRAPH 1. A claim for reimbursement (arts. 1501 to 1507) is excluded, if it has not been filed at the latest within three months after the end of the benefit payments with the carrier of the accident insurance.

PAR. 2. If, without any fault on its part, the sick fund has secured knowledge of the fact only after the expiration of this time, that the prerequisites for a claim for reimbursement are present, then it may still file the claim within one week after the day on which it secured this information.

ARTICLE 1509.

The sick fund may enforce the determination of the accident compensation and also make use of legal means. The expiration of time limits which has occurred without any fault on its part shall not act against it; this, however, shall not apply for procedure time limits in so far as the sick fund itself enforces the procedure.

ARTICLE 1510.

If a carrier of the accident insurance in accordance with its duty provides compensation for a period during which the beneficiary may also make claim for benefits from the sick fund either according to law or according to constitution, then the fund can deduct from its benefits for this time the accident compensation, in so far as the fund in the case mentioned in article 1501 has a claim for reimbursement on account of these benefits from the accident compensation.

ARTICLE 1511.

The constitution of the sick fund may provide that during a sickness which is the result of an accident entitled to compensation, for the time during which the accident pension or care in a medical institution is provided, a pecuniary sick benefit shall only be provided in so far as it exceeds the amount of the accident pension. In such case maintenance in a medical institution shall be computed as equal in value to the full pension.

ARTICLE 1512.

PARAGRAPH 1. The sick fund must report within three days to the carrier of the accident insurance every case of sickness which an accident entitled to compensation has brought about, as long as there is sufficient ground for the belief that the loss of earning power due to the accident will extend beyond the thirteenth week; if the patient after the expiration of three weeks after the accident has not yet recovered, then the report must be made not later than the end of the fourth week.

PAR. 2. The employee of the sick fund who conducts its business is required to make a report, if the directorate does not authorize another person to do so. The report to an accident association which is divided into sections, shall be made to the directorate of the section.

PAR. 3. The local insurance office can impose fines up to 20 marks [$4.76] on account of failure to make a report. On appeal the superior insurance office shall decide finally.

ARTICLE 1513.

PARAGRAPH 1. In case of sickness caused by an accident, the carrier of the accident insurance may take over the course of medical treatment. For the duration of the treatment or up to the end of the thirteenth week after the accident the insurance carrier must grant to the patient the same benefits which the sick fund would have to provide under the law or the constitution. In the place of sick care and pecuniary benefit, the accident insurance carrier may provide hospital care and house money, according to articles 184 to 186; with the approval of the patient it may also grant care as provided in article 185.

PAR. 2. The sick fund must reimburse the carrier of the accident insurance to the extent to which the patient could claim sick relief from it under the law or under the constitution and in so far as the carrier of the accident insurance was not itself required to make reimbursement. As compensation for the sick care, three-eighths of the basic wage shall be used, according to which the pecuniary sick benefit of the beneficiary was determined.

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ARTICLE 1514.

PARAGRAPH 1. The carrier of the accident insurance may transfer to the last sick fund of the injured person the fulfillment of its duties to the injured person and his relatives even beyond the thirteenth week after the accident until the conclusion of the medical treatment to such an extent as it shall deem proper.

PAR. 2. The accident insurance carrier shall reimburse the costs arising therefrom. As reimbursement for medical treatment (art. 558, No. 1), and for care in a medical institution, the amounts specified in article 1503 shall be used unless a higher expenditure is proved. In the navigation accident insurance, article 1106, paragraph 2, shall be used for this reimbursement.

PAR. 3. Article 1510 shall be applicable as regards the benefits provided by the sick fund itself.

ARTICLE 1515.

PARAGRAPH 1. In controversies between a fund and the carrier of the accident insurance arising out of the transfer of its benefits (art. 1514), the local insurance office shall decide finally, if the matter does not concern a claim for reimbursement.

PAR. 2. Controversies regarding claims for reimbursement arising out of articles 1501, 1513, and 1514 shall be decided in judgment procedure.

ARTICLE 1516.

PARAGRAPH 1. Articles 1512 to 1515 shall also apply for miners' sick funds and substitute funds. For the substitute funds, the requirement to give notice shall be regulated in the constitution.

PAR. 2. For members of miners' sick funds, the basic wage specified according to article 180 shall be applicable, while for members of substitute funds the basic wage of their sick fund shall be used.

ARTICLE 1517.

The highest administrative authority may order that persons injured by accidents who are members of sick funds, miners' sick funds, or substitute funds, which are in a position to place the injured persons in institutes with adequate medical equipment, may be placed in another medical institution before the expiration of 13 weeks after the accident only if the directorates of the funds or of the federation of funds approve it.

II. SICKNESS INSURANCE AND INVALIDITY AND SURVIVORS' INSURANCE.

ARTICLE 1518.

PARAGRAPH 1. If an insurance institute inaugurates a course of treatment, then for the duration thereof it shall grant to the patient the same benefits that his sick fund (art. 225) would have to provide under the law or the constitution. If the insurance institute places the patient in a hospital or institution for convalescents, then it can either wholly or partly refuse to pay him the invalidity or widow's pension for the duration of such course of medical treatment.

PAR. 2. The sick fund must reimburse the insurance institute in so far as the patient could claim pecuniary sick benefits from the fund according to the law or the constitution.

ARTICLE 1519.

PARAGRAPH 1. The insurance institute which inaugurates a course of treatment may transfer the care of the patient to his last sick fund to such an extent as it deems proper.

PAR. 2. If thereby the fund has imposed upon it expenditures in excess of the extent of its legal or constitutional benefits, then the insurance institute must reimburse the costs in excess thereof.

PAR. 3. The institute must also reimburse the fund for its expenditures during the time for which the fund is no longer required to pay benefits. In such cases reimbursement for sick care and for hospital care shall be the amounts designated in article 1503 if higher expenditure is not proved.

ARTICLE 1520.

PARAGRAPH 1. In controversies between a fund and an insurance institute arising out of a transfer of the relief (art. 1519), the local insurance office shall decide finally, if the matter does not concern a claim for reimbursement.

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PAR. 2. Controversies relating to claims for reimbursement arising out of articles 1518 and 1519 shall be decided in judgment procedure.

ARTICLE 1521.

Articles 1518 to 1520 shall also apply to miners' sick funds and substitute funds. The basic wage shall be specified according to article 1516, paragraph 2.

III. ACCIDENT INSURANCE AND INVALIDITY AND SURVIVORS' INSURANCE.

ARTICLE 1522.

PARAGRAPH 1. The application to determine a pension for invalidity or to survivors may not be refused for the reason that the invalidity or the death was the result of an accident requiring compensation. The pension is to be paid in full until the accident pension is granted. If the latter is granted, then there shall be paid only the amount in excess of the invalidity of survivors' pension.

PAR. 2. The same rule shall apply in the case of treatment in a medical institution which the carrier of the accident insurance grants. In such case maintenance in a medical institution shall be counted as equal to the full pension.

PAR. 3. If the pension is paid for the time for which the beneficiary has a claim to an accident pension, then the insurance institute may claim as reimbursement the accident pension in so far as the pension which it has granted is not higher. For the extent of the claim for reimbursement and for the extent to which the accident pension may be drawn upon, articles 1506 and 1507 shall be correspondingly applicable.

ARTICLE 1523.

The insurance institute may enforce the determination of the accident pension and do so even if, in case of the receipt of the accident pension, the invalidity, old age, or survivors' pension has either wholly or partly ceased. Article 1509 is correspondingly applicable.

ARTICLE 1524.

PARAGRAPH 1. If on account of a case of sickness which is the result of an accident entitled to compensation, the insurance institute provides a course of medical treatment which prevents the beginning of invalidity or removes the invalidity, then the carrier of the accident insurance is required to provide reimbursement to the insurance institute for the costs of the course of treatment even if the carrier is thereby released from a burden. Article 1503 shall be correspondingly applicable for the extent of the reimbursement. If no basic wage has been specified, then the actual expenditure is to be replaced. The insurance institute may not demand reimbursement for a course of treatment during the first 13 weeks after the accident.

PAR. 2. If the insurance institute has provided the course of treatment, then in connection with the compensation claim of the beneficiary this shall be regarded as equal to a corresponding course of treatment provided by the carrier of the accident insurance. The carrier of the accident insurance shall be exempted from its obligation of providing pensions to the relatives of the beneficiary in so far as the insurance institute has paid house money for these persons. If the insurance institute has paid an invalidity or survivors' pension for the period of the course of treatment, then article 1522 shall be in so far applicable.

ARTICLE 1525.

If, on account of a case of sickness which is the result of an accident entitled to compensation, the insurance institute has granted a course of treatment which, although it has not prevented the beginning of invalidity or removed the same, has nevertheless released the carrier of the accident insurance from a burden, then article 1524 shall be correspondingly applicable.

ARTICLE 1526.

Controversies in regard to claims for reimbursement (art. 1522, par. 3; art. 1524, par. 1; and art. 1525) shall be decided in judgment procedure.

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SECTION TWO—RELATIONS OF THE INSURANCE CARRIERS TO OTHER BODIES.

ARTICLE 1527.

The legal obligations of communes and poor-law unions relating to the relief of needy persons and other obligations based on law, constitution, contract, or testamentary provision (*letztwilliger Verfügung*) relating to the relief of persons insured according to this law and their survivors shall not be affected by the present law.

ARTICLE 1528.

If a miners' association, a miners' fund, or a substitute fund, pays benefits as required because of an accident for a time during which the beneficiary had or still has a claim to the imperial accident compensation because of the accident, then the miners' association or the fund may make claim to the accident compensation as reimbursement under corresponding use of article 1501, paragraphs 2 and 3, and of articles 1502 to 1507, and 1516, paragraph 2.

ARTICLE 1529.

If the carrier of the accident insurance as required makes compensation for the time during which the beneficiary may also claim the benefits of a miners' association, a miners' fund, or a substitute fund, then these funds may deduct the accident compensation from their benefits in so far as they may claim reimbursement in the case of article 1528.

ARTICLE 1530.

Article 1511 shall be correspondingly applicable to miners' sick funds and substitute funds.

ARTICLE 1531.

If the commune or poor-law union, in accordance with its legal obligation, gives relief to a needy person for the time during which he had or still has a claim according to this law, then the commune or the poor-law union may claim reimbursement according to articles 1532 to 1537, but, however, up to only one-half of the amount of this claim.

ARTICLE 1532.

A commune or a poor-law union may claim reimbursement from the benefits of the sick fund (art. 225) only if it has granted relief on account of a sickness upon which the claim of the person relieved against the fund is based.

ARTICLE 1533.

The following shall be reimbursed:

1. Costs of burial which have been provided at the death of the insured person from the funeral benefit;
2. Relief in case of sickness of the insured person which corresponds to sick care and also in case of treatment in a hospital, according to article 1503, from the benefits corresponding thereto of the sick fund;
3. Other relief from the corresponding benefits of the sick fund. In this case one-half of the basic wage shall be used for the maintenance of the person supported in a hospital. Articles 1506 and 1507 shall be correspondingly applicable as regards the amount of the claim for reimbursement and the extent to which deductions may be made from the pecuniary sick benefit and similar benefits provided in current payments.

ARTICLE 1534.

The communes or the poor-law unions may only claim reimbursement from the benefits of the accident insurance if the relief has been granted because of the results of an accident.

ARTICLE 1535.

The following shall be reimbursed:

1. Burial costs which have been paid from the funeral benefit;
2. Relief which corresponds to the sick care which is a duty of the carrier of the accident insurance, and also treatment in a hospital, shall be reimbursed according to the actual expenditure from the corresponding benefits of the carrier;

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3. Other relief shall be reimbursed from the accident pension. Articles 1506 and 1507 shall be applicable as regards the extent of the claim for reimbursement and the extent to which deductions may be made from the pension.

ARTICLE 1536.

For reimbursement from the benefits of the invalidity and survivors' insurance, claims may be made only against pensions. Articles 1506 and 1507 shall be correspondingly applicable as regards the extent of the claim for reimbursement and extent to which deductions may be made.

ARTICLE 1537.

A commune or poor-law union may also claim reimbursement if the needy person who had a claim to an invalidity pension or old-age pension or survivors' pension dies without having made application for the pension.

ARTICLE 1538.

PARAGRAPH 1. The funds or communes and poor-law unions (arts. 1528 and 1531) entitled to reimbursement may also enforce the determination of the benefits under the imperial insurance. Article 1509 is here correspondingly applicable.

PAR. 2. The same shall apply to miners' associations and funds which reduce their benefits under the provisions of articles 1321 to 1323.

ARTICLE 1539.

The claim to reimbursement (arts. 1528 and 1531 to 1537) is excluded if it is not made effective against the carrier of the imperial insurance within six months after the cessation of the relief.

ARTICLE 1540.

Controversies relating to claims for reimbursement arising out of articles 1528 and 1531 to 1537 shall be decided in judgment procedure.

ARTICLE 1541.

The provisions of this section as regards communes and poor-law unions shall also be applicable as regards undertakers of establishments and funds which instead of such bodies grant relief to needy persons according to legal obligation.

ARTICLE 1542.

PARAGRAPH 1. In so far as under this law insured persons or their survivors may claim reimbursement for damage under other legal provisions, and such damage has occurred to them on account of sickness, accident, invalidity, or through the death of the one providing support, then such claim shall be transferred to the carriers of the insurance in so far as the carriers have to grant benefits under this law to those entitled to compensation. This, however, shall apply to those insured against accident and their survivors only in so far as it does not relate to a claim against the undertaker or those of equal status as specified in article 899.

PAR. 2. Article 1503 shall be correspondingly applicable in regard to the reimbursement for sick care and hospital care as well as for medical treatment and care in a medical institution.

ARTICLE 1543.

PARAGRAPH 1. If a regular court has to pass on such claims (art. 1542), then it shall be required to follow the decision which has been issued in a procedure according to this law, as to whether and to what extent the insurance carrier is obligated.

PAR. 2. Article 901, paragraph 2, shall be correspondingly applicable as regards the suspension of the procedure before a regular court.

ARTICLE 1544.

Articles 1531 to 1533 and 1539 to 1542 shall also be applicable to miners' sick funds and substitute funds. Basic wages shall be specified according to article 1516, paragraph 2.

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BOOK SIX.—PROCEDURE.

A. DETERMINATION OF BENEFITS.

SECTION ONE.—DETERMINATION BY THE INSURANCE CARRIER.

I. INAUGURATION OF THE PROCEDURE.

ARTICLE 1545.

PARAGRAPH 1. The benefits from the imperial insurance shall be determined as follows:

1. In the field of the accident insurance, on the initiative of the officials;
2. In other cases, on application.

PAR. 2. The determination shall be by expedited procedure.

ARTICLE 1546.

PARAGRAPH 1. If the accident compensation has not been determined on the initiative of the officials, the claim shall be filed with the insurance carrier at the latest within two years after the accident, otherwise the claim will not be considered.

PAR. 2. For the survivors of an insured person who has sailed on a ship which went down or is not accounted for, the time limit shall be reckoned from the date on which according to article 1099 the claim to a survivor's pension has come in existence.

ARTICLE 1547.

PARAGRAPH 1. After the expiration of the time limit the claim may still be made effective if—

1. A new result of the accident, which justifies a claim to compensation, has only later become perceptible, or if a result which occurred during the time limit has become perceptible to a considerably greater extent only after the expiration of the time limit, even though it is a gradual and regular development of the ailment;
2. If the beneficiary has been prevented from presenting the claim by circumstances beyond his control.

PAR. 2. In these cases the claim shall be presented within three months after the new result of the accident or the considerable change for the worse has become perceptible, or the hindrance to making the claim has been removed.

ARTICLE 1548.

PARAGRAPH 1. If the injured person dies as a result of the accident, the claim to compensation of the survivors, if it has not been determined on the initiative of the officials, shall be presented to the insurance carrier at the latest within two years after the death of the insured person, otherwise the claim will not be considered.

PAR. 2. After the expiration of the time limit the claim may still be brought forward if the prerequisites mentioned in article 1547, paragraph 1, No. 1, are present and the claim has been presented within three months after the removal of the hindrance.

ARTICLE 1549.

PARAGRAPH 1. The time limits (arts. 1546 to 1548) shall also be considered as observed if the claim has been presented in proper time to a carrier of the accident insurance which is not competent or to a local insurance office.

PAR. 2. The filing of the claim shall be reported to the competent authorities without delay; the party affected shall be notified thereof.

ARTICLE 1550.

If cases in which voluntary benefits of the insurance carrier would seem called for come to the notice of the local insurance office, the latter shall bring them to the knowledge of the insurance carrier.

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II. SICKNESS INSURANCE.

ARTICLE 1551.

PARAGRAPH 1. Applications for benefits of the sickness insurance shall be submitted to the sick fund or to the party otherwise liable.

PAR. 2. As benefits of the sickness insurance are also considered—

The benefits of sick funds, miners' sick funds, and substitute funds, according to articles 573 and 1083;

The benefits of undertakers, employers, and carriers of the other relief according to articles 577, 1084, and 1085;

The benefits of the communes and of the sick funds, according to articles 942 to 944, article 1087, paragraph 2, article 1088, paragraph 2, and article 1089;

The benefits of the carriers of the accident insurance in case of medical treatment in the instances specified in articles 580, 946, and 1092;

The benefits paid by the sick funds, miners' sick funds, substitute funds, communes, and the undertaker to the carriers of the accident insurance, according to articles 583, 948, and 1094;

The benefits of the sick funds, miners' sick funds, and substitute funds, on the transfer of the relief by carriers of the invalidity and survivors' insurance, according to articles 1519 and 1521, in so far as it does not concern invalidity or survivors' pensions;

The benefits of the undertakers, of communes, and sick funds, if the navigation accident association has according to article 1106, or the branch institute has according to article 1091, transferred to them the relief for the first 13 weeks.

PAR. 3. Further are considered as benefits of the sickness insurance the benefits of the carriers of the accident insurance and of the carriers of the invalidity and survivors' insurance if they assume in the cases of articles 579, 600, 945, 1086, 1090, 1104, 1513, 1516, 1518, and 1521 the benefits from the parties liable specified in paragraph 2.

PAR. 4. This is applicable to the previously designated cases of articles 1083 to 1086, 1092, 1094, 1104, and 1106, only in so far as article 1770 does not provide otherwise for seamen.

III. ACCIDENT INSURANCE.

1. Reports of accidents.

ARTICLE 1552.

PARAGRAPH 1. The undertaker of an establishment shall report each accident in his establishment if a person employed in the establishment is killed as a result of the accident or is injured in such a manner that he dies or becomes wholly or partially disabled for more than three days.

PAR. 2. The accident shall be reported within three days after it has come to the notice of the undertaker of the establishment.

ARTICLE 1553.

PARAGRAPH 1. The report shall be made either in writing or orally both to the local police authority of the place of the accident and to the office of the insurance carrier specified in the constitution.

PAR. 2. If the accident occurs while on a journey, it may also be reported to the German local police authority in whose district the injured person first resides after the accident.

PAR. 3. If the accident occurs in a foreign country and there is no authority which is competent in Germany according to paragraph 2, it shall be reported to the local police authority of the seat of the establishment in Germany.

ARTICLE 1554.

The manager of the establishment or part of the establishment in which the accident occurred may make the reports in the place of the undertaker of the establishment. He is obliged to do so if the undertaker is absent or prevented from so doing.

ARTICLE 1555.

The Imperial Insurance Office shall specify the forms for accident reports.

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ARTICLE 1556.

PARAGRAPH 1. If the accident has not been reported or was reported at too late a date, the directorate of the accident association may fine the person obliged to make the report not more than 300 marks [$71.40].

PAR. 2. The same also is applicable in the case of article 913, paragraph 1, and the corresponding provisions for agricultural accident insurance (art. 1045). Article 913, paragraphs 2 and 3, articles 1045 and 1223, are here correspondingly applicable.

PAR. 3. On appeal the superior insurance office (decision chamber) decides finally.

ARTICLE 1557.

The directorates of establishments administered by the Empire or a federal State shall make the report to their superior authority in the service according to the latter's detailed instructions.

ARTICLE 1558.

The provisions relating to the reporting of accidents are correspondingly applicable to accidents in the case of an insured activity which does not belong to an insured establishment.

2. Investigation of accidents.

ARTICLE 1559.

PARAGRAPH 1. If an insured person has been killed, or injured in such a manner that presumably he will have to be compensated according to this law, the local police authorities of the place of the accident shall as soon as possible investigate the accident.

PAR. 2. The local police authority shall also investigate the accident if a party liable to pay benefits according to this law makes application therefor.

PAR. 3. The beneficiary may make application to the local insurance office for an investigation of the accident. The latter may request the local police authority to comply with the request.

ARTICLE 1560.

PARAGRAPH 1. Accidents occurring on a journey or in a foreign country shall be investigated by the local police authority to which they have been reported.

PAR. 2. On application of a person affected the superior administrative authority may, according to article 1562, transfer the investigation to another local police authority.

ARTICLE 1561.

In the case of establishments administered by the Empire or a federal State, the superior service authority shall specify who shall investigate the accident.

ARTICLE 1562.

The following parties may take part in the investigation or be represented in it:

The injured person or his survivors;
The carrier of the accident and the sickness insurance;
The undertaker of the establishment;
The local insurance office;
The State industrial inspectors, in the case of accidents in establishments subject to industrial inspection (art. 139b of the Industrial Code).

ARTICLE 1563.

PARAGRAPH 1. These parties affected shall be notified in due time of the date of the investigation.

PAR. 2. If the accident association is divided into sections, or if it has appointed district agents (*Vertrauensmänner*), the directorate of the section or the district agent shall be notified.

PAR. 3. Other persons who may be affected shall be called in to the investigation.

PAR. 4. The injured person or his survivors may also call in to the proceedings as assistants, adult relatives or other suitable persons who do not appear before the authorities as a business.

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ARTICLE 1564.

PARAGRAPH 1. The local police authority shall determine the state of affairs. They may make any kind of inquiry with the exception of examination under oath.

PAR. 2. On application of the insurance carrier or of the beneficiary, experts shall be called in; the costs shall be paid by the applicant.

PAR. 3. If the service rooms of an authority or a vessel of the imperial navy is to be inspected, permission must be requested of the competent service authorities or of the officer in command.

ARTICLE 1565.

The investigation shall especially ascertain—
The cause, time, place, circumstances, and nature of the accident;
The name of the person killed or injured, as well as the date and place of his birth;
The nature of the injury;
The whereabouts of the injured person;
The survivors of the person killed, and the relatives of the injured person, who could claim compensation according to this law;
The amount of the benefits and pensions which the injured person is receiving from the imperial insurance.

ARTICLE 1566.

The Imperial Insurance Office may decree particular provisions regarding the written record of the investigation proceedings.

ARTICLE 1567.

PARAGRAPH 1. As soon as the investigation is terminated the local police authority shall transmit a record of the proceedings to the insurance carrier.

PAR. 2. The parties affected may demand permission to inspect the record of the proceedings and a copy of it.

PAR. 3. Copying fees may be collected for the copy.

3. Decisions of insurance carriers.

A. GENERAL PROVISIONS.

ARTICLE 1568.

The benefits of the accident insurance shall be determined—
1. By the directorate of the section, if the accident association is divided into sections: *Provided*, That the matters to be settled deal with—
   a. the medical treatment (art. 558, par. 1), or house care (art. 599),
   b. the pension for the duration of a presumably temporary disability,
   c. the treatment in a medical institution,
   d. the pension for relatives,
   e. the funeral benefit;
2. In all other cases by the directorate of the association.

ARTICLE 1569.

The constitution of the accident association may transfer the determination—
1. In the cases of article 1568, No. 1—
   To the directorate of the association,
   To a committee of the directorate of the association or section,
   To special commissions,
   To local representatives (district agents);
2. In the cases of article 1568, No. 2—
   To the directorate of the section,
   To a committee of the directorate of the association or section,
   To special commissions.

ARTICLE 1570.

The administrative provisions shall designate the authorities which determine the benefits, if another carrier of the accident insurance takes the place of the accident association.

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ARTICLE 1571.

PARAGRAPH 1. If the insurance carrier deems the matter not sufficiently clear, it shall, with reservation of article 1572, make further investigations.

PAR. 2. Where witnesses or experts in the course of legal aid are to be examined under oath the local insurance office shall be requested to do so. If the production of evidence before the local insurance office encounters considerable difficulties, especially on account of the great distance of the residence of witnesses from the seat of the local insurance office, or if there is risk in delay, the lowest court (*Amtsgericht*) may also be requested to act.

PAR. 3. The insurance carrier may apply for the sworn examination of a witness or expert, only if it deems it necessary to have them sworn in so as to obtain a true deposition.

PAR. 4. If the application for a production of evidence has been refused by the lowest court (*Amtsgericht*) the superior State court (*Oberlandesgericht*) decides finally.

ARTICLE 1572.

PARAGRAPH 1. On application of the insurance carrier the president of the local insurance office must examine the whole matter and express an opinion thereon. He shall decide at his own discretion what investigations are necessary.

PAR. 2. Articles 1637 to 1639 are correspondingly applicable to the competence of the local insurance office.

ARTICLE 1573.

The parties affected shall be given an opportunity to participate in the examination of witnesses or experts.

ARTICLE 1574.

PARAGRAPH 1. The provisions of the Code of Civil Procedure (*Zivilprozessordnung*) relating to the obligation to appear as witness or expert, to submit to examination, and the taking of an oath, are correspondingly applicable to the procedure before the judge applied to. The deposition shall not be refused because this law establishes the obligation of secrecy.

PAR. 2. The judge applied to decides if the deposition or the taking of the oath may be refused. An appeal against this decision to the next higher court is permissible within one week according to the provisions of the Code of Civil Procedure.

ARTICLE 1575.

The provisions of article 1574 are also applicable to the procedure before the local insurance office in so far as articles 1576 to 1579 do not prescribe otherwise.

ARTICLE 1576.

If application has been made to the local insurance office for the examination of witnesses or experts, the same decides whether the deposition or the taking of the oath may be refused. Against its decision an appeal is permissible within one week to the superior insurance office. The superior insurance office (decision chamber) decides finally.

ARTICLE 1577.

PARAGRAPH 1. Witnesses or experts may be fined not to exceed 300 marks [$71.40], only if—

They do not put in an appearance;

They refuse their deposition or the taking of the oath without giving a reason, or after the reason given has been declared legally irrelevant.

PAR. 2. The local insurance office imposes the fine. Article 1576, sentences 2 and 3, is applicable to the appeal.

ARTICLE 1578.

PARAGRAPH 1. Military persons belonging to the active service in the army or navy or to one of the colonial forces, shall on application be summoned as witnesses or experts by the military authority.

PAR. 2. If they refuse to give testimony or to take the oath, the military court shall impose the fine on application.

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ARTICLE 1579.

PARAGRAPH 1. The witnesses and experts shall receive fees as in examinations before the ordinary court in civil legal disputes.

PAR. 2. On appeal against the determination of the fees, the superior insurance office decides finally.

ARTICLE 1580.

PARAGRAPH 1. If the undertaker refuses to permit the insurance carrier to make an inspection, the local insurance office decides whether and in what manner the inspection shall take place.

PAR. 2. The local insurance office may itself make the inspection and use thereby the assistance of the local police authority, or apply for it to the local police authority.

PAR. 3. The appeal effects a stay.

PAR. 4. Article 1564, paragraph 3, is applicable to the inspection in the service rooms of an authority or in a vessel of the imperial navy.

PAR. 5. The highest administrative authority shall specify how far paragraphs 1 to 3 are applicable to establishments subject to mine inspection.

ARTICLE 1581.

PARAGRAPH 1. The undertaker shall on demand report within one week to the association the earnings which serve as basis in the computation of the compensation. He shall for this purpose make current entries in regard to the earnings paid to the individual insured persons. The constitution determines particulars hereto.

PAR. 2. If the undertaker does not report the earnings, he may be fined not to exceed 300 marks [$71.40]. If the report contains statements the incorrectness of which the undertaker has known, or must have known under the circumstances, he may be fined not to exceed 500 marks [$119].

PAR. 3. The directorate of the association imposes the fine. On appeal the superior insurance office decides finally.

PAR. 4. These provisions are also applicable to persons designated in articles 912, 913, paragraph 1, and article 1220, and in the corresponding provisions for the agricultural and navigation accident insurance (arts. 1045 and 1222). Article 913, paragraphs 2 and 3, 1045, and 1223, are correspondingly applicable.

ARTICLE 1582.

PARAGRAPH 1. If on the basis of a medical opinion, the compensation is refused or only a partial pension is granted, the attending physician shall first be heard, unless he has already submitted an adequate opinion.

PAR. 2. If the attending physician has a contract relation to the insurance carrier, which is not merely a temporary relation, another physician shall, on application, be called in.

B. DECISION.

ARTICLE 1583.

PARAGRAPH 1. The office competent for the determination (arts. 1568 to 1570) shall communicate a written decision if—

1. A compensation is to be granted or refused;
2. A pension on account of change of conditions (arts. 608, 955, and 1115) is to be determined anew;
3. The matters to be settled deal with—
   medical treatment (art. 558, number 1), or house care (art. 599),
   treatment in a medical institution or pension for relatives,
   determination of the benefits after the termination of hospital treatment,
   funeral benefit,
   discontinuance of an accident pension on account of suspension of the pension,
   settlement with a beneficiary in the form of a capital sum.

PAR. 2. In the decision which fixes a settlement in the form of a capital sum, the attention of the beneficiary must be called to the fact that after the settlement he has no longer any claim to a pension, even if the consequences of the accident should become aggravated.

ARTICLE 1584.

If the injured person on account of a change of conditions claims an increase in a pension or the regranting of a pension, he must submit his claim to the insurance car-

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rier or to the local insurance office. The local insurance office shall without delay transmit it to the insurance carrier, and notify the latter of the date of the receipt of the claim.

ARTICLE 1585.

PARAGRAPH 1. If the pension of an injured person can not yet be fixed as a permanent pension, as regards its amount, the insurance carrier is authorized, during the first two years after the accident, to determine provisionally a compensation and to change the same in accordance with a change of conditions. In the decision it shall be stated that the matter concerns only a provisional pension. The superior insurance office and the Imperial Insurance Office (or the State insurance office) have within the same time limit the right to determine a provisional compensation, in so far as they award a compensation after the insurance carrier has refused the compensation. If the injured person on account of a change in condition claims an increase in a provisional pension, article 1584 shall be applicable.

PAR. 2. The permanent pension shall be determined at the latest on the expiration of two years after the accident. This determination does not assume a change of conditions; likewise the previous determination of the fundamental facts for the computation of the pension is not binding for it.

ARTICLE 1586.

If, after the expiration of three months, the insurance carrier can not yet communicate a decision, it shall by an ordinary letter inform the beneficiary of the reasons. The time limit shall begin with the date on which the insurance carrier has officially learned of the accident, or in the case the death occurs later, of the death. In the case of the survivors of an insured person who has sailed on a vessel which went down or is not accounted for, the time limit shall be reckoned from the date on which according to article 1099 the claim to a pension has arisen.

ARTICLE 1587.

PARAGRAPH 1. If, at the beginning of the liability to compensation, the amount of the compensation can not yet be decided on, the insurance carrier shall grant an advance on the compensation and notify the beneficiary by an ordinary letter of this fact.

PAR. 2. In the case of injured persons who, after the expiration of the 13 weeks after the accident, must continue to receive medical treatment, to heal the injuries, at least that compensation shall be determined, which is to be granted until the termination of the medical treatment.

ARTICLE 1588.

If compensation has been granted, the communication of the decision shall show its amount and the method of computation. In the case of compensation to injured persons, what degree of disability has been assumed shall be specifically stated.

ARTICLE 1589.

The grounds for the decision shall be stated and it shall be signed. The signature of the president is sufficient.

ARTICLE 1590.

The decision must contain the statement that it shall come into force unless the beneficiary appeals in due time; the decision shall state the time limit for the appeal and refer to the rights mentioned in articles 1592, 1595, and 1596.

C. PROTEST.

ARTICLE 1591.

PARAGRAPH 1. A protest may be made against the decision. The protest shall be submitted in writing to the insurance carrier within one month after the receipt of the decision. Article 129, paragraphs 2 and 3, is here correspondingly applicable.

PAR. 2. Article 128, paragraph 2, is correspondingly applicable in the case of seamen sojourning outside of Europe.

PAR. 3. Minors who have completed their sixteenth year of age may make a protest on their own accord.

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ARTICLE 1592.

PARAGRAPH 1. The submission in due time of the protest establishes the right of the beneficiary to a personal hearing. The office which is competent for the issuing of the decision determines whether the beneficiary shall be examined before it or before the local insurance office. Articles 1637 to 1639 are correspondingly applicable to the competence of the local insurance office. As long as the beneficiary has not been examined before the competent office, he may demand that he shall be examined before the local insurance office, in the district of which he is living or employed at the time of the examination. If the beneficiary is examined before the administrative body of the association, he shall be recompensed for his cash expenditures and his loss of time. On appeal against the determination of the costs the superior insurance office decides finally.

PAR. 2. The preliminary proceedings shall be submitted to the office which must examine the beneficiary.

ARTICLE 1593.

PARAGRAPH 1. The beneficiary who has submitted the protest shall be summoned.

PAR. 2. If he does not put in an appearance at the time fixed without giving adequate reasons for his absence, the records of the proceedings shall be returned immediately to the office competent for the decision, together with a statement concerning the same.

ARTICLE 1594.

If the person summoned puts in an appearance, his depositions shall be recorded in writing. In such case the office which is competent for the examination must secure statements of the facts necessary for the determination and of the evidence which are as accurate and as complete as the circumstances permit.

ARTICLE 1595.

PARAGRAPH 1. If a physician, whom the insured person of his own choice has selected for his treatment, has not already been heard by the insurance carrier, the local insurance office shall, on application of the insured person to be made at the time of his examination, consult the opinion of a physician who has not been heard until then, if according to the judgment of the local insurance office his opinion may be of importance for the decision.

PAR. 2. If the physician requested by the local insurance office to give his opinion declines to do so, the local insurance office decides whether and from which other physician such an opinion shall be secured.

ARTICLE 1596.

PARAGRAPH 1. In any case on demand of the insured person, if he pays the costs in advance, a physician designated by him must be heard as expert. If these costs can not be determined in advance, the local insurance office may request a lump sum as security for them.

PAR. 2. If, on a final determination made on the basis of the new opinion, a pension has been granted which was refused in the decision, or the partial pension determined in the decision has been increased, the costs shall be refunded to the beneficiary as far as is appropriate. In case of dispute regarding the refund the superior insurance office on appeal decides finally.

ARTICLE 1597.

The local insurance office decides how far the existing medical opinions shall be communicated to the new expert (arts. 1595 and 1596); on demand he shall be allowed to inspect the other preliminary proceedings.

ARTICLE 1598.

If the examination takes place before the local insurance office, it may also express its opinion regarding the matter. It may, for this purpose, make investigations as far as the evidence is at hand or easily acquired and no considerable expenses are caused.

ARTICLE 1599.

The proceedings relating to the protest, together with the preliminary proceedings, shall be transmitted to the officials competent for the determination without delay.

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D. SPECIAL PROVISIONS FOR THE PROTEST AGAINST CHANGES IN PERMANENT PENSIONS.

ARTICLE 1600.

If a permanent pension must be determined anew (arts. 608, 955, and 1115), on account of a change of conditions, then articles 1591 to 1599 are applicable, in so far as articles 1601 to 1605 do not provide otherwise.

ARTICLE 1601.

The examination of the beneficiary takes place before the local insurance office. The preliminary proceedings shall be submitted to the local insurance office.

ARTICLE 1602.

After the termination of the investigation, the matter shall be discussed in oral proceedings before the local insurance office with the participation of a representative of the employers and of a representative of the insured persons. The proceedings are not public.

ARTICLE 1603.

The president of the local insurance office determines the order in which the representatives shall be called into the proceedings. The superior insurance office may decree general provisions in this connection.

ARTICLE 1604.

PARAGRAPH 1. The examination of the beneficiary (art. 1594) and the investigations (art. 1598, sentence 2) may be combined with the oral proceedings if such action seems advisable.

PAR. 2. The association may have a district agent (arts. 678, No. 3, arts. 973 and 1144) or a member of another administrative body act as its representative; the beneficiary may also call into the proceedings as assistants either adult relatives or other proper persons. The representatives of the association and the assistants of the beneficiary must not consist of persons who appear before the authorities as a business.

ARTICLE 1605.

PARAGRAPH 1. The local insurance office shall submit an opinion regarding the matter. The opinion shall discuss everything which according to the judgment of the local insurance office is of importance for the decision of the insurance carrier.

PAR. 2. If the opinion is not based on the concurrence of the president of the local insurance office and the insurance representatives, the dissenting opinions shall be recorded.

E. FINAL DECISION.

ARTICLE 1606.

PARAGRAPH 1. After the receipt of the proceedings on the protest, or after being informed of the nonappearance of the beneficiary at the time set for the proceedings, the office competent for the determination according to articles 1568 to 1570 shall collect the proof which may still be necessary and then issue its final decision.

PAR. 2. If the protest has been submitted too late, it shall be refused as inadmissible by the office designated in paragraph 1 by a final decision.

ARTICLE 1607.

PARAGRAPH 1. Articles 1588 and 1589 are applicable to the final decision.

PAR. 2. The beneficiary shall on application be given a copy of the opinion of the local insurance office free of charge. On application he shall also be given copies of the records of the examination of witnesses and experts and also of the medical opinions; the costs shall be paid by the applicant in advance. All copies shall be furnished only in so far as this seems permissible with proper consideration of the beneficiaries. On appeal the superior insurance office decides finally.

PAR. 3. The final decision must contain the statement that it becomes valid unless the beneficiary submits the appeal to the superior insurance office within one month after the receipt of the decision.

PAR. 4. Article 128, paragraph 2, is correspondingly applicable to seamen sojourning outside of Europe.

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F. OTHER PROVISIONS.

ARTICLE 1608.

PARAGRAPH 1. If an insurance carrier, before the former decision relating to the amount of the compensation has become valid, makes a new decision, by which the pension on account of a change of condition has been determined anew, the protest and the legal steps against the former decision are also considered as a protest and as legal steps against the new decision.

PAR. 2. A copy of the new decision shall be transmitted to the office with which the older dispute is pending. This office can take up the procedure on the new decision, and on the decision of the older matter decide what compensation is to be granted for the period after the issuing of the new decision.

ARTICLE 1609.

In so far as the highest administrative authority has made use of the powers mentioned in article 112, the administrative bodies there specified shall take the place of the local insurance office as regards the latter's duties in the procedure of protest.

ARTICLE 1610.

If an accident compensation for such injured persons or their survivors who reside in a foreign country is to be granted, refused, or on account of change of conditions determined anew, a final decision can be given at once without any previous decision or protest.

ARTICLE 1611.

The Imperial Insurance Office may specify the particulars in regard to the certification of decisions relating to the fixing of compensation as well as in regard to the signing and making out of decisions and final decisions.

ARTICLE 1612.

The local insurance office notifies the insurance carrier if it learns that—

An assumption of the medical treatment by the insurance carrier before the expiration of the waiting term, or a transfer of the medical treatment by the insurance carrier to the sick fund after the expiration of the waiting term is called for;

An accident pension shall be determined anew or withdrawn on account of a change in condition;

A pension shall be suspended.

IV. INVALIDITY AND SURVIVORS' INSURANCE.

1. Submission of claims.

ARTICLE 1613.

Applications for benefits of the invalidity and survivors' insurance shall be directed to the local insurance office; documents used as evidence shall be inclosed.

ARTICLE 1614.

Articles 1637 to 1640 are applicable to the competency of the local insurance office.

ARTICLE 1615.

PARAGRAPH 1. If payment of a widow's pension is claimed, the amount of which has been determined, then the local insurance office of the place in which the widow at the time of the application for payment resides or is employed is the competent office; articles 1639 and 1640 are here correspondingly applicable.

PAR. 2. If the prerequisite for the receipt of an orphan's settlement is only complied with after the death of the insured person, the competence is regulated by the place of residence of the orphans.

ARTICLE 1616.

The highest administrative authority may decree that the claims may also be submitted to other authorities with the effect of articles 1256 and 1263. These authorities shall transmit the claims to the competent local insurance office without delay.

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2. Preparation of the case by the local insurance office.

ARTICLE 1617.

PARAGRAPH 1. The president of the local insurance office ascertains according to his own judgment what is necessary for the elucidation of the facts; article 1652 is here correspondingly applicable.

PAR. 2. The inquiries shall cover all questions which are of importance for the decision of the insurance carrier, especially the following:

The insurance obligation or to the right to insure voluntarily;

The invalidity and the date of its beginning;

The age of the orphans;

The indigence, where a widow's pension or, in the cases of articles 1260 to 1262, an orphan's pension is concerned.

PAR. 3. On application of the beneficiary the opinion of a physician named by him shall be asked if the opinion, in the judgment of the local insurance office, may be of importance for the decision; the beneficiary shall pay the costs in advance. Otherwise articles 1595, paragraph 2, 1596, and 1597 are correspondingly applicable.

ARTICLE 1618.

After the termination of the inquiries by the president the matter shall, in so far as article 1624 does not provide otherwise, be discussed before the local insurance office in oral proceedings, with the attendance of a representative of the employers and a representative of the insured persons.

ARTICLE 1619.

The provisions of articles 1652 and 1655 are correspondingly applicable to the preparation of the oral proceedings. In particular, the president can order before the oral proceedings, the examination of the applicant and the expression of an opinion as to his health by a physician, and also require the personal appearance of the applicant at the oral proceedings.

ARTICLE 1620.

Article 1603 is correspondingly applicable to the order in which the insurance representatives shall be called into the proceedings.

ARTICLE 1621.

Articles 1641 to 1649 are correspondingly applicable in regard to the disqualification and the refusal to serve both of the president of the local insurance office and of the insurance representatives.

ARTICLE 1622.

PARAGRAPH 1. The oral proceedings are not public.

PAR. 2. Otherwise articles 1662 to 1665, 1667, 1669, and 1672 are correspondingly applicable to the oral proceedings, but article 1654 shall not be applicable.

ARTICLE 1623.

PARAGRAPH 1. The local insurance office shall submit an expression of opinion in the matter; the expression of opinion shall include everything which, according to the judgment of the local insurance office, is of importance for the decision of the insurance carrier.

PAR. 2. If on account of a crime or intentional misdemeanor (art. 1254) or other violation (arts. 1272 and 1306) the claim may be wholly or partially disallowed or withdrawn, then an opinion shall also be expressed as to the point regarding the extent to which use shall be made of this right.

PAR. 3. Where the opinion is not based on the concurrence of the president of the local insurance office and the insurance representatives the dissenting opinions, together with a statement of the reasons, shall be recorded.

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ARTICLE 1624.

PARAGRAPH 1. An oral proceeding does not take place if the matters to be settled deal with—

Old age pensions;
Orphans' pensions;
Widows' money (*Witwengeld*) and orphans' settlement (*Waisenaussteuer*);
Settlement in the form of a capital sum (arts. 1316, 1317, and 1476);
Cases in which the insurance carrier and the beneficiary are in accord.

PAR. 2. The imperial decree (art. 35, par. 2) may specify other cases in which no oral proceedings take place.

PAR. 3. If an oral proceeding does not take place, then the president of the local insurance office shall submit the expression of opinion.

ARTICLE 1625.

The president of the local insurance office transmits the proceedings and the opinion to the insurance carrier (art. 1630).

ARTICLE 1626.

PARAGRAPH 1. Articles 1617 to 1625 are correspondingly applicable if an invalidity, survivors', or supplementary pension is to be withdrawn or if a pension is to be discontinued.

PAR. 2. Articles 1637 to 1640 are correspondingly applicable to the competence of the local insurance office.

PAR. 3. An oral proceeding does not take place if the matter to be dealt with concerns the suspension of a pension (arts. 1311 to 1315, and 1318).

ARTICLE 1627.

The highest administrative authority can specify the procedure for the preparation of the matter and the expression of an opinion by the local insurance office, in so far as it is not regulated by imperial decree (art. 35, par. 2).

ARTICLE 1628.

PARAGRAPH 1. Articles 1617 to 1627 are correspondingly applicable if the preparation and expression of an opinion on the matter is transferred to administrative bodies of miners' associations, miners' funds, or special institutes for establishments of the Empire or of the federal States.

PAR. 2. Article 1571, paragraphs 2 to 4, and articles 1573 to 1579 are correspondingly applicable if witnesses or experts are to be examined under oath.

ARTICLE 1629.

The local insurance office shall notify the insurance carrier if it learns that—

An insured person or a widow can be protected from invalidity by a course of treatment;
The beneficiary of an invalidity, widows', widowers', or supplementary pension can have his earning power restored by a course of treatment;
The invalidity, widows', widowers', or supplementary pension should be withdrawn;
A pension should be suspended.

3. Decision of the insurance carriers.

ARTICLE 1630.

PARAGRAPH 1. The benefits of the invalidity and survivors' insurance shall be determined by the directorate of the insurance institute.

PAR. 2. The insurance institute for the district of the local insurance office through which the claim is to be filed is the competent one.

ARTICLE 1631.

PARAGRAPH 1. A written decision shall be communicated if the claim filed has been recognized or disallowed. It shall contain the reasons therefor and be signed. The signature of the president is sufficient. Article 1611 is applicable to the certification of decisions relating to the determination of benefits and the making out of the decisions.

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PAR. 2. If the claim is disallowed the beneficiary shall, on application, receive a copy of the opinion of the local insurance office free of charge. He shall, on application, also receive copies of the records of the examination of witnesses and experts and also of the medical opinions; the costs shall be paid by the applicant in advance. All copies shall be furnished only in so far as this is permissible with due consideration of the beneficiary. On appeal the superior insurance office decides finally.

PAR. 3. If a pension is granted, the decision shall state its amount, the time of its beginning, and the method of its computation.

PAR. 4. The decision must contain the statement that it becomes valid unless the beneficiary, within one month after the receipt of the decision, files an appeal with the superior insurance office. Article 128, paragraph 2, is applicable to seamen sojourning outside of Europe.

ARTICLE 1632.

If the insurance carrier is not willing to comply with the opinion expressed by the president of the local insurance office regarding the granting of a pension, then the matter shall be returned to the local insurance office for discussion and expression of opinion (art. 1623) if the matter to be settled deals with the insurance obligation, the right to insure voluntarily, or the invalidity.

ARTICLE 1633.

Articles 1630 to 1632 are correspondingly applicable if a pension is to be withdrawn or stopped.

ARTICLE 1634.

PARAGRAPH 1. On application of the local insurance office the insurance carrier may charge to a party affected by the decision any costs which he has caused by malice, obstruction, or deceit.

PAR. 2. These costs shall accrue to the treasury of the insurance carrier.

4. Renewal of applications.

ARTICLE 1635.

PARAGRAPH 1. If an application for an invalidity pension or for the payment of the widows' pension has been definitely refused, because permanent invalidity could not be proved, or if an invalidity or widows' pension has been withdrawn with legal effect, because the invalidity existed no longer, then the application may only be repeated one year after the delivery of the decision, and sooner only if it is authentically certified that in the meantime circumstances have arisen which furnish proof of the invalidity.

PAR. 2. If the certification is not produced, then the local insurance office shall refuse the application as being repeated prematurely. The decision is not contestable.

SECTION TWO.—DETERMINATION BY JUDGMENT PROCEDURE.

I. PROCEDURE BEFORE THE LOCAL INSURANCE OFFICE.

1. Competence of the local insurance office.

ARTICLE 1636.

In disputes as to the benefits of the sickness insurance the local insurance office (judgment committee), with reservation of article 1661, on application decides in the first instance.

ARTICLE 1637.

That local insurance office is the competent one in whose district at the time of the application the insured person is residing or is employed.

ARTICLE 1638.

PARAGRAPH 1. If the insured person has no place of residence or employment in Germany, or if he is dead, or his whereabouts are unknown, his last place of residence or employment in Germany shall be decisive.

PAR. 2. If there is no such place, then the seat of the establishment shall be decisive in which the insured person is employed or was last employed.

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ARTICLE 1639.

If, according to articles 1637 and 1638, several local insurance offices are competent, preference shall be given to the one which was first approached.

ARTICLE 1640.

PARAGRAPH 1. If the local insurance office believes that another office is competent, it shall transmit the matter to the latter.

PAR. 2. If the latter office also believes it is not competent, then the decision rests with the president of that superior insurance office to which both offices are subordinate; or if there is no such office, with the Imperial Insurance Office (or the State insurance office).

PAR. 3. The decision is final and binding for the lower instances.

2. Disqualification and rejection of members of the judgment committee.

ARTICLE 1641.

The following are disqualified from participation in the judgment committee:

1. Whoever is himself one of the parties to the matter;
2. Whoever is liable for reimbursement to one of the parties;
3. Whoever is or has been married to one of the parties;
4. Whoever is related in direct line or related by marriage, or related in collateral line in the second or third degree, or related by marriage in the third degree to one of the parties;
5. Whoever was summoned in the matter as an authorized agent or assistant of one of the parties, or is entitled to act as his legal representative, or has been so entitled;
6. Whoever has been examined in the matter as a witness or expert;
7. Whoever has participated in the decision as to the benefit as a member of an administrative body of the insurance carrier.

ARTICLE 1642.

If the president of the local insurance office is at the same time president of an administrative body of the insurance carrier, then he shall also be excluded from participation in the judgment committee in such matters of this insurance carrier in which he was not active formerly.

ARTICLE 1643.

PARAGRAPH 1. Members of the judgment committee may be rejected for reasons which justify their disqualification as well as on account of prejudice. The rejection on account of prejudice is justified if facts are submitted which may warrant distrust as to the member's impartiality.

PAR. 2. No member may be rejected as prejudiced if the party knew the reason of disqualification before, but brings it forward only after the party has entered into a proceeding before the judgment committee.

ARTICLE 1644.

The president of the local insurance office shall not be excluded from participation in the judgment committee because he was officially active in the matter in the preliminary proceedings; he shall also not be rejected as prejudiced for this reason.

ARTICLE 1645.

PARAGRAPH 1. The grounds for the rejection must be reasonable.

PAR. 2. If the party, after having entered into a proceeding, declines to accept a member of the judgment committee as being prejudiced, he must show that the grounds for the rejection have arisen only at a later time or have only later been ascertained by him.

ARTICLE 1646.

If the acceptance of a representative of the insurance is declined, the president decides. If the acceptance of the president is declined, the superior insurance office decides finally. No decision is necessary if the person whose acceptance was declined considers the application for rejection as justified.

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ARTICLE 1647.

PARAGRAPH 1. The decision which considers the application as justified is final.
PAR. 2. The decision of the president which rejects the application may not be contested by itself alone, but only together with the decision on the main matter.

ARTICLE 1648.

Article 1646 is also applicable if a member of the judgment committee himself announces a fact which could justify the declination to accept him, or if doubts arise on the question whether he is disqualified by a legal reason.

ARTICLE 1649.

If after the disqualification of members or declination to accept members an insurance authority becomes incapable of making a decision, then the next higher judgment authority shall determine which other authority of equal rank shall decide the matter.

3. Procedure up to the oral proceedings.

ARTICLE 1650.

PARAGRAPH 1. The application described in article 1636 shall be made at the competent local insurance office (arts. 1637 to 1640).
PAR. 2. Article 129, paragraphs 2 and 3, is correspondingly applicable to the application at other authorities.
PAR. 3. Minors who have completed the sixteenth year of their age can make for themselves application independently and prosecute it independently.

ARTICLE 1651.

The application for a decision of the local insurance office effects a stay, if the matter in question deals with a settlement in the form of a capital sum (arts. 217 and 218). The settlement can only be confirmed or annulled by judgment procedure.

ARTICLE 1652.

PARAGRAPH 1. The president prepares the matter and may collect evidence before the oral proceedings begin.
PAR. 2. According to his own judgment he can make personal inspections, examine witnesses and experts, also under oath procure opinions from physicians and all kinds of official information, and may also call in other insurance carriers.
PAR. 3. Witnesses and experts shall only be sworn in if the president deems this necessary in order to obtain a true deposition. Article 1571, paragraphs 2 to 4; articles 1573, 1574, paragraph 1; articles 1575, 1577 to 1579, and 1580, paragraphs 2 to 5, are here correspondingly applicable; the president decides whether the deposition or taking of the oath may be refused. Within one week an appeal to the superior insurance office against his decision is permissible. The superior insurance office (decision chamber) decides finally.

ARTICLE 1653.

PARAGRAPH 1. The contents and on demand a copy of the proceedings concerning the evidence shall be communicated to the parties affected.
PAR. 2. The president decides in how far medical certificates and opinions shall be communicated. The judgment committee may make the communication later on.

ARTICLE 1654.

PARAGRAPH 1. If the claim depends on a status of family or hereditary rights, the president may direct the parties affected to have the status determined by the regular courts.
PAR. 2. At the same time he specifies up to which date the suit must be filed; on application the time limit may be extended.

ARTICLE 1655.

PARAGRAPH 1. The president specifies the time of the proceedings and notifies the parties thereof.
PAR. 2. The president may summon witnesses and experts to the oral proceedings and give other orders, especially as to the personal appearance of the applicant.

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ARTICLE 1656.

Article 1603 is correspondingly applicable to the order in which the insurance representatives shall be called in to the proceedings.

ARTICLE 1657.

The president may give a preliminary decision in all matters without oral proceedings.

ARTICLE 1658.

PARAGRAPH 1. Against the preliminary decision, that legal remedy may be interposed which would be admissible against the decision, or application may be made within the same time limit for oral proceedings. The preliminary decision shall call attention thereto with a statement of the time limit.

PAR. 2. Minors, who have completed their sixteenth year of age, can make application for oral proceedings independently.

PAR. 3. If the application for oral proceedings was made too late, it shall be refused as inadmissible.

ARTICLE 1659.

PARAGRAPH 1. If use has been made of both legal remedies, then the oral proceedings shall take place.

PAR. 2. In regard to the legal remedies and the resumption of the proceedings, the preliminary decision is considered equal to a decision if no application has been made for oral proceedings.

4. Oral proceedings.

ARTICLE 1660.

PARAGRAPH 1. The proceedings before the judgment committee shall be conducted orally and publicly.

PAR. 2. Publicity may be forbidden for reasons of public welfare and morality; the decision shall be made public.

ARTICLE 1661.

In public oral proceedings on benefits of the sickness insurance the president alone decides if the matters to be settled deal with—

1. Solely the computation of the determination of the duration and amount of the sick benefit;
2. The granting of hospital care in the place of the sick benefit;
3. The funeral benefit;
4. Benefits the total amount of which is less than 50 marks [$11.90.]

ARTICLE 1662.

The applicant may either appear himself or may have himself represented; the insurance carrier may also have itself represented. The parties and the representatives of the parties who appear shall be given a hearing.

ARTICLE 1663.

PARAGRAPH 1. The local insurance office may exclude authorized representatives and assistants who make a business of appearing before authorities.

PAR. 2. This is not applicable to lawyers and such persons who are permitted to appear before courts (art. 157 of the Civil Code), nor to such persons who are admitted as legal representatives before local and superior insurance offices and do so as a business.

PAR. 3. The superior insurance office decides on the admission, the highest administrative authority on appeal.

PAR. 4. The admission may be refused only if an important reason exists; it may not be refused for reasons based on the religious or political activity of the applicant.

ARTICLE 1664.

PARAGRAPH 1. The provisions of the law on the constitution of the courts (*Gerichtsverfassungsgesetz*) relating to the maintenance of order in the session (arts. 176 to 182, and 184) are correspondingly applicable.

PAR. 2. The superior insurance office decides finally on appeals against penalties for acts of disorder.

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ARTICLE 1665.

PARAGRAPH 1. If the judgment committee does not deem the matter sufficiently elucidated, it shall decide on the necessary proof. The president may be charged with the execution of the decision.

PAR. 2. Articles 1652, paragraphs 2 and 3, and 1653, shall be correspondingly applicable for the production of evidence; and article 1654 for the subsequent order to have a legal status determined by the ordinary law procedure.

ARTICLE 1666.

The dispute is considered as settled if the parties come to an agreement as to the disputed claim and costs which may have arisen.

ARTICLE 1667.

PARAGRAPH 1. The judgment committee decides according to a majority of votes.

PAR. 2. If no majority can be obtained in the voting on the amount of benefits, then the votes cast for the larger amount shall be added to those cast for the next smaller one until a majority results.

ARTICLE 1668.

PARAGRAPH 1. If the judgment committee holds that the claim is established, it shall at the same time determine the amount and the time when the benefit begins.

PAR. 2. If, as an exception, the claim has been allowed because of the reasons stated, then a provisional benefit shall be decreed and its amount determined. The determination of the provisional benefit is final; the provisional payments shall be charged against the claim.

ARTICLE 1669.

PARAGRAPH 1. If by order of the president the applicant has appeared at the oral proceedings, then, on demand, he shall be reimbursed for his cash expenditures and loss of time; they may be refunded if he has appeared without any order and the judgment committee deems the appearance necessary.

PAR. 2. On appeal against the decree which determines or disallows the compensation, the superior insurance office decides finally.

PAR. 3. If the applicant has appeared without an order, the reimbursement is considered as disallowed unless the judgment committee explicitly decides that the appearance was necessary. No appeal takes place in this case.

ARTICLE 1670.

PARAGRAPH 1. At the proceedings shall be examined on the initiative of the officials whether and to what extent the party who lost the case shall refund the costs of his opponent.

PAR. 2. The amount of these costs shall be determined in the decision.

PAR. 3. On application of the party they shall be collected through the instrumentality of the local insurance office in like manner as communal taxes.

ARTICLE 1671.

PARAGRAPH 1. The decision of the judgment committee shall be made public even if publicity in the proceedings was forbidden.

PAR. 2. It shall contain the reason, be signed by the president, copies made out, and delivered to the parties.

ARTICLE 1672.

A written record shall be made of the oral proceedings.

ARTICLE 1673.

PARAGRAPH 1. Errors in writing or in the computation and similar evident mistakes which exist in the decision shall always on application or on the initiative of the officials be corrected.

PAR. 2. The president shall decide without oral proceedings whether corrections shall be made.

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PAR. 3. If he makes a correction, the authorization shall be noted on the original of the decision and on the copies. The party affected may appeal against the decree to the superior insurance office; the superior insurance office decides finally.
PAR. 4. The decree which refuses a correction may not be contested.

ARTICLE 1674.

PARAGRAPH 1. If the decision has wholly or partly omitted a principal or secondary claim submitted by a party, or the matter of costs, on application it shall be supplemented later.
PAR. 2. Such application may be decided without oral proceedings, if the matters to be settled deal with a secondary claim or a matter of costs.
PAR. 3. The supplementary decision shall be noted on the original of the decision and the copies.

II. PROCEDURE BEFORE THE SUPERIOR INSURANCE OFFICE.

ARTICLE 1675.

Against final decisions of the carriers of the accident insurance, also against decisions of carriers of the invalidity and survivors' insurance, and likewise against judgments of the local insurance office, the legal remedy of the appeal to the superior insurance office (judgment chamber) is permissible.

ARTICLE 1676.

On the appeal in matters of the sickness insurance, the superior insurance office decides for the district of that local insurance office which has issued the contested decision or the president of which has issued the contested preliminary decision.

ARTICLE 1677.

PARAGRAPH 1. On the appeal in matters of the accident insurance that superior insurance office decides in whose district the insured person at the time of the filing of the appeal was residing or was employed. Articles 1638 to 1640 are here correspondingly applicable.
PAR. 2. In matters of the navigation accident insurance the home port of the vessel, or the seat of the establishment in which the accident occurred, regulates the competence of the superior insurance office. If the home port is not situated in the district of a superior insurance office, the appeal shall be filed at the superior insurance office which is competent for the seat of the navigation accident association.

ARTICLE 1678.

PARAGRAPH 1. On the appeal in matters of the invalidity and survivors' insurance, the superior insurance office for the district of that local insurance office, decides which according to articles 1617 to 1627, has participated in the preparation of the matter.
PAR. 2. If the preparation and expression of an opinion on the matter has been transferred to administrative bodies of miners' associations, miners' funds, or to special institutes for establishments of the Empire or of federal States, then that superior insurance office is the competent one in the district of which the seat of these administrative bodies is located.

ARTICLE 1679.

PARAGRAPH 1. The provisions for the judicial procedure before the local insurance office are correspondingly applicable to the procedure in the case of appeals, in so far as articles 1680 to 1693 do not provide otherwise.
PAR. 2. Article 1581 is correspondingly applicable to the obligation of reporting the earnings.

ARTICLE 1680.

In matters of sickness insurance the appeal shall be filed with the local insurance office. The local insurance office shall, not later than two weeks afterward, submit it, together with the preliminary proceedings, to the superior insurance office.

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ARTICLE 1681.

If the insured person or his survivors make application to hear the opinion of a specified physician, the superior insurance office, if it desires to grant the application, may make the hearing dependent on the condition that the applicant shall advance the costs and finally defray them unless the superior insurance office decides otherwise.

ARTICLE 1682.

The appeal effects a stay if the matter to be settled deals with—

The resumption of the course of treatment according to articles 603, 604, 952, and 1112;

The settlement in the form of a capital sum (arts. 616, 617, 955, 1117, 1316, 1317, and 1476).

ARTICLE 1683.

PARAGRAPH 1. If a final decision of the insurance carrier, which on account of a change in conditions reduces or withdraws an accident compensation, has been contested, then the president on application may decree that the execution of the decision shall be wholly or partly suspended in the meantime.

PAR. 2. The decree may at any time be revoked. It may not be contested by itself alone, but only together with the decision in the principal matter.

ARTICLE 1684.

PARAGRAPH 1. The associates shall be called in to the proceedings of the judgment chamber in an order of succession determined in advance. The highest administrative authority determines the particulars. Associates who have been elected to the decision chamber shall not be called in to the proceedings of the judgment chamber as frequently as others.

PAR. 2. If for special reasons the president desires to depart from the order of succession, he shall state these reasons in the documents.

ARTICLE 1685.

PARAGRAPH 1. In matters of the accident insurance as far as possible those associates shall be summoned who are persons belonging to such establishments which in technical and economic features closely resemble the establishment in which the accident occurred, regardless of the regular order.

PAR. 2. This must be done where the matter to be settled deals with accidents in agriculture or mining establishments, in so far as persons belonging to such establishments are available as associates at the superior insurance office. Exceptions are permissible for special reasons which shall be stated in the documents.

ARTICLE 1686.

PARAGRAPH 1. The superior insurance office (decision chamber) shall elect for four-year terms at the end of the last year the physicians whom it shall summon as experts, according to need; they shall be elected from its district and, as a rule, after a hearing of the competent medical association. Such physicians, who stand in contract relations to carriers of the accident insurance, or whose services are regularly used by them for the expression of opinions, shall not be summoned as experts in matters of the accident insurance. The same is correspondingly applicable to the invalidity and survivors' insurance. At least half their number shall reside at the seat of the superior insurance office.

PAR. 2. The names of the persons elected shall be published.

PAR. 3. The experts shall, before they express their opinion, be permitted to inspect the documents.

PAR. 4. The highest administrative authority shall regulate the execution of this provision.

ARTICLE 1687.

Carriers of the accident insurance not affected by the dispute may by a judgment be required to pay compensation, if they have been summoned to the proceedings.

ARTICLE 1688.

If an accident pension is reduced, the superior insurance office shall determine finally the extent to which each later pension payment shall be reduced to balance the excess already paid.

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ARTICLE 1689.

A decision or final decision which determines a settlement by a capital sum, according to articles 616, 617, 955, 1117, 1316, 1317, and 1476, can only be confirmed or abrogated in a judgment procedure.

ARTICLE 1690.

PARAGRAPH 1. If the judgment chamber has abrogated the contested decision or final decision on the contested judgment on account of an essential defect in the procedure, it may reassign the matter to the lower authority or to the insurance carrier.

PAR. 2. In connection herewith it may decree the granting of a provisional benefit.

ARTICLE 1691.

The provisions of article 1661 relating to the decision by the president alone are not applicable to the procedure in appeals.

ARTICLE 1692.

PARAGRAPH 1. If it has been determined that the judgment may not be contested by a review or final appeal (arts. 1695, 1696, and 1700), then the president of the judgment chamber shall, with a reference to the legal provisions, state at the close of the judgment that no further legal remedy is permissible against it.

PAR. 2. If a preliminary decision has been issued (art. 1679 in connection with art. 1657), then it shall be stated that only an application for oral proceedings before the judgment chamber is permissible; the time limit for it is to be designated.

ARTICLE 1693.

PARAGRAPH 1. If, in a case in which a review or final appeal is forbidden (arts. 1695, 1696, and 1700), the superior insurance office desires to dissent from a fundamental decision of the Imperial Insurance Office, officially published, or if the matter to be settled in such a case deals with an interpretation of legal provisions of fundamental importance which has not yet been determined, it shall transmit the matter with a justification of its legal interpretation to the Imperial Insurance Office.

PAR. 2. If the superior insurance office desires to dissent in such a case from an officially published decision of the State insurance office to which it is subordinate, it shall then transmit the matter to the State office.

PAR. 3. If the superior insurance office desires to dissent in the same matter from a fundamental decision of the Imperial Insurance Office and of a State insurance office officially published, then the Imperial Insurance Office is competent for the decision.

PAR. 4. The Imperial Insurance Office (or the State insurance office) decides in these cases in place of the superior insurance office. The parties affected shall be notified that the matter has been so referred.

III. PROCEDURE BEFORE THE IMPERIAL INSURANCE OFFICE (OR THE STATE INSURANCE OFFICE).

1. Sickness, and invalidity and survivors' insurance.

ARTICLE 1694.

Against the judgments of the judgment chambers a review is permissible in matters of the sickness insurance, as also of the invalidity and survivors' insurance.

ARTICLE 1695.

In the case of claims to benefits of the sickness insurance, the review is excluded if the matter to be settled deals with—

1. The amount of the pecuniary sick benefit, the house money, or the funeral benefit;
2. Cases for relief in which the sick person was not disabled or was disabled less than eight weeks;
3. Maternity benefits;
4. Family benefits;
5. Settlement by capital sums;
6. Costs of procedure.

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ARTICLE 1696.

In the case of claims to benefits of the invalidity and survivors' insurance, the review is excluded if the matter to be settled deals with—

1. The amount, beginning, and termination of the pension;
2. Settlement in the form of a capital sum;
3. Widows' money;
4. Orphans' settlements;
5. Costs of procedure.

ARTICLE 1697.

The review may only be based on the fact that—

1. The contested judgment is based on the nonemployment or incorrect employment of the existing law or on an offense against the clear content of the acts.
2. The procedure had essential defects.

ARTICLE 1698.

PARAGRAPH 1. The provisions for the judgment procedure before the local insurance office are applicable to the procedure of review in so far as articles 1707 to 1721 do not provide otherwise.

PAR. 2. The provisions of articles 1656 to 1659 and 1661 are not applicable.

2. Accident insurance.

ARTICLE 1699.

Against the judgments of the judgment chambers a final appeal is permissible in matters relating to the accident insurance.

ARTICLE 1700.

A final appeal is not permitted if the matter to be settled deals with—

1. The medical treatment (art. 558, No. 1) or house care (art. 599);
2. The pension for a disability which at the time of that decision of the court from which the final appeal is taken has been passed over without contest or passed over after a legal determination has been made;
3. Parts of pensions which are to be granted for restricted periods which have already expired;
4. Treatment in a medical institution;
5. Pensions to relatives;
6. Funeral benefits;
7. Provisional pensions (art. 1585, par. 1);
8. Redetermination of a permanent pension on account of change of condition;
9. Settlement in the form of a capital sum;
10. Costs of procedure.

ARTICLE 1701.

PARAGRAPH 1. The provisions relating to the judgment procedure before the local insurance office, as well as articles 1679, paragraph 2, 1681, and 1682, are correspondingly applicable to the procedure of final appeal in so far as articles 1702 to 1721 do not provide otherwise.

PAR. 2. Articles 1656 to 1659 are here not applicable.

ARTICLE 1702.

The employers and insured persons elected from the corresponding field of the accident insurance shall be called in to the proceedings.

ARTICLE 1703.

A carrier of the accident insurance which is not affected by the dispute may be summoned to the final appeal procedure. It can be required by a judgment to pay compensation even if a claim against it has already been disallowed with legal effect.

ARTICLE 1704.

PARAGRAPH 1. If a senate of the Imperial Insurance Office has denied the obligation of an insurance carrier to provide compensation, because another insurance

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carrier is liable, then the claim against the other insurance carrier may not be disallowed because the insurance carrier which was exempted in the former procedure is liable to compensation.

PAR. 2. If in a previous procedure a State insurance office denied the obligation to compensation, and if another State insurance office intends to disallow the claim because it believes that the insurance carrier exempted in the previous procedure is liable to compensation, then the matter shall be transmitted to the Imperial Insurance Office for a decision.

ARTICLE 1705.

PARAGRAPH 1. If the obligation to compensation of an insurance carrier has been determined finally, then on application the Imperial Insurance Office (judgment senate) may discontinue a procedure which, on account of the same accident, is pending against another insurance carrier.

PAR. 2. The State insurance office shall take the place of the Imperial Insurance Office if the districts of the insurance carriers affected do not extend beyond the territory of the federal State.

ARTICLE 1706.

PARAGRAPH 1. If claims to compensation against several insurance carriers on account of the same accident have been allowed finally, then the Imperial Insurance Office (judgment senate) shall abrogate the determination which has been incorrectly made. The payments made shall be refunded from the compensation. In case of dispute the claim for reimbursement shall be decided by judgment procedure.

PAR. 2. In place of the Imperial Insurance Office the State insurance office shall decide if the districts of the insurance carriers affected do not extend beyond the territory of the federal State.

3. General provisions.

ARTICLE 1707.

If an otherwise permissible remedy at law of a party refers also to claims for which the remedy at law is not permitted, then a decision on the case shall be made only if the requirements of the applications which are permissible have been met either wholly or partly.

ARTICLE 1708.

PARAGRAPH 1. The Imperial Insurance Office decides as to the remedy at law.

PAR. 2. In the place of the Imperial Insurance Office the State insurance office shall decide if the district of the insurance carrier affected does not extend beyond the territory of the federal State. But in so far as an insurance carrier is affected for which the Imperial Insurance Office or another State insurance office is competent, the Imperial Insurance Office shall decide.

PAR. 3. The decisions shall be made by the judgment senate.

ARTICLE 1709.

PARAGRAPH 1. The remedy at law shall be stated in writing, and it shall state the reasons therefor.

PAR. 2. The senate may also alter the judgment contested for reasons other than those stated in the remedy at law.

ARTICLE 1710.

With the exception of the cases mentioned in article 1682, the remedies at law effect a stay if they are submitted by the insurance carrier in relation to amounts which must be paid subsequently for the period previous to the issuing of the contested judgment.

ARTICLE 1711.

If the contested judgment has been designated incorrectly as a final one (art. 1692), the remedy at law shall be permissible; it shall be submitted within one year after its delivery.

ARTICLE 1712.

If a member of the judgment senate has been disqualified for a reason which justifies his exclusion, or because prejudice is apprehended, then the judgment senate shall decide on the application for disqualification. The person disqualified shall not participate in the decision. In the case of a tie vote the application shall be considered as disallowed.

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ARTICLE 1713.

PARAGRAPH 1. If the president of the senate is of the same opinion as the reporter that the remedy at law is not permissible, or has been submitted at too late a date, he may disallow it without oral proceedings. If the remedy at law has been disallowed as belated, the applicant may within one week after delivery of the decree appeal to the judgment senate; the decree must refer to it.

PAR. 2. Otherwise the decision must be made in a public session after an oral proceeding.

ARTICLE 1714.

The Imperial Insurance Office (or the State insurance office) shall decide in regard to the admission of persons to act as legal representatives before the senates as a business (art. 1663, par. 3). Article 1663, paragraph 4, is here correspondingly applicable.

ARTICLE 1715.

PARAGRAPH 1. If the judgment contested is abrogated then the senate may either itself decide on the matter, or return it for decision to one of the lower authorities, or to the insurance carrier. In such case it may order the granting of a provisional benefit.

PAR. 2. The office to which the matter is transferred is restricted to the legal grounds of appeal on which the abrogation of the contested judgment is based.

ARTICLE 1716.

PARAGRAPH 1. The Imperial Insurance Office and the State insurance office shall publish those of their decisions which are of fundamental importance.

PAR. 2. For the Imperial Insurance Office the imperial chancellor shall specify the manner of publication; the highest administrative authority shall do so for the State insurance office.

PAR. 3. These shall also specify the previous publications to which articles 1693, 1717, and 1718 shall be applicable.

ARTICLE 1717.

PARAGRAPH 1. If in a fundamental legal question a senate of the Imperial Insurance Office desires to dissent from the decision of another senate, it shall refer the matter with the reasons for its legal interpretation to the great senate (art. 101). The same is applicable if a senate desires to dissent from the decision of the great senate itself.

PAR. 2. The referring senate shall designate one of its members who, in the decision of the matter, shall as an associate in the great senate, take the place of another member of the same group of this senate. The imperial decree (art. 35, par. 2) shall specify the regular order in which the other members of the great senate shall participate in the decisions.

ARTICLE 1718.

PARAGRAPH 1. Article 1717, paragraph 1, shall be correspondingly applicable, if a judgment senate of a State insurance office desires to dissent in a fundamental legal question from an officially published decision of the Imperial Insurance Office.

PAR. 2. The referring senate of the State insurance office shall send one of its members to the proceedings of the great senate; he shall become an associate in the great senate. Moreover, a member of another State insurance office who, according to a detailed regulation of the State government, shall be designated in advance for a fiscal year, shall be added as a member of this senate. The imperial decree (art. 35, par. 2) shall specify which State insurance office shall delegate the second member. If only one State insurance office exists, it shall send two members.

ARTICLE 1719.

The State government shall specify the procedure to be followed if a senate of a State insurance office desires to dissent from the decision of another senate of the same State insurance office.

ARTICLE 1720.

PARAGRAPH 1. The decisions of the senates shall be signed by the president, the one reporting and another member of the senate.

PAR. 2. If the president or the one reporting is unable to serve, another member of the senate shall sign for him.

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ARTICLE 1721.

The decree which rectifies a decision (art. 1673) shall be issued by the president and by those members of the senate who have signed the judgment; the decree can not be contested.

IV. REOPENING OF THE PROCEDURE.

1. Grounds for contesting.

ARTICLE 1722.

PARAGRAPH 1. A procedure concluded by a valid decision may be reopened if—

1. The judgment authority was not constituted according to regulations;
2. A person has participated in the decision, who on legal grounds is not permitted to participate unless this hindrance has been successfully brought forward either by a disqualification or remedies at law;
3. A person has participated in the decision although he has been disqualified as being prejudiced, and the disqualification was declared as well founded;
4. A party was not represented in the procedure as required by the provisions of the law, in so far as he has not expressly or tacitly approved the conduct of the dispute.

PAR. 2. In the cases mentioned in numbers 1 and 3 the reopening is not permissible if the ground for contesting could have been made valid by a remedy at law.

ARTICLE 1723.

The reopening is also permissible if—

1. A document, on which the decision is based, has been fraudulently made out or was forged;
2. In swearing to testimony or expression of opinion, on which the decision is based, the witness or expert has either purposely or negligently violated the obligation imposed by the oath;
3. The representative of the party, or the opponent or his representative, has obtained the decision by an action punishable with a public penalty;
4. A person has participated in the decision who at the proceedings has violated his official obligations toward the party, in so far as such violation is punishable by a public penalty;
5. A criminal judgment on which the decision is based has been abrogated by another judgment which has become valid;
6. A party subsequently finds or becomes able to use a document which would have brought about a decision more favorable to him.

ARTICLE 1724.

The reopening is only permissible in the cases of article 1723, numbers 1 to 4, if—

1. A valid criminal sentence has been rendered on account of the penal act;
2. A judicial criminal procedure could not be instituted or concluded for reasons other than absence of proof.

ARTICLE 1725.

In all of the cases of article 1723 the reopening is permissible only if the party, without any fault of his own, could not make valid the ground for contesting in the previous proceeding, especially by the use of a remedy at law.

ARTICLE 1726.

Together with the application for a reopening, the grounds for contesting which relate to an older decision of the same or of the lower authorities may be made valid if the contested decision is based on the older one.

2. Competence.

ARTICLE 1727.

PARAGRAPH 1. The judgment office whose decision has been contested shall decide on the application.

PAR. 2. If several decisions have been contested which were issued by judgment offices of different rank, the decision shall rest with the judgment office of higher rank.

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The superior insurance office shall decide in the place of the Imperial Insurance Office (or the State insurance office) if a judgment has been contested which was issued in a reviewing procedure on the basis of article 1723, Nos. 1, 2, 5, or 6.

3. Course of the procedure.

ARTICLE 1728.

PARAGRAPH 1. The application must be filed within one month.

PAR. 2. The time limit begins with the date on which the party learns the ground of contesting, but not before the decision becomes effective. After the expiration of five years, beginning with the date of validity, the application is no longer permissible.

PAR. 3. The provisions of paragraph 2 shall not be applicable if the application is made for a reopening on account of inadequate representation. The time limit begins then from the date on which the judgment was delivered to the party or, if he was not able to conduct the litigation himself, to his legal representative.

ARTICLE 1729.

The reopening may also be started on the initiative of the officials.

ARTICLE 1730.

The provision of article 129, paragraphs 2 and 3, relating to the observance of the time limit, is also correspondingly applicable to the time limits of exclusion mentioned in article 1728.

ARTICLE 1731.

PARAGRAPH 1. If the application is belated or is not permissible, the president of the judgment office can disallow it without oral proceedings by a decree which states the reasons therefor. The president of the judgment senate may do so only if he concurs therein with the one reporting.

PAR. 2. The applicant may appeal within one week after the delivery of the decision to the competent authority. The decree must refer to this fact.

ARTICLE 1732.

PARAGRAPH 1. If the application has been made in due time and is permissible, the principal matter shall be tried anew in so far as the grounds for contesting relate to it.

PAR. 2. Those provisions are applicable to the new procedure which are valid for the authority to which the new procedure has been referred.

ARTICLE 1733.

Remedies at law shall be permissible in so far as they are stated—if they are stated—against the decisions of the authorities which have to deal with the reopening.

4. Final provisions.

ARTICLE 1734.

With the approval of the Federal Council the reopening may by imperial decree be regulated in some other manner than that given in the preceding provisions.

SECTION THREE.—SPECIAL KINDS OF PROCEDURE.

I. CONTROVERSIES OF SEVERAL INSURANCE CARRIERS IN REGARD TO THE OBLIGATION TO FURNISH COMPENSATION.

ARTICLE 1735.

If an accident insurance carrier is of the opinion that although an accident requiring compensation exists, the compensation should not be granted by it, but by another insurance carrier, then it shall grant the beneficiary a provisional relief, communicate the proceedings to the other insurance carrier, and request it to acknowledge its obligation to furnish compensation.

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ARTICLE 1736.

PARAGRAPH 1. If the other insurance carrier declines to admit its obligation to furnish compensation or does not make a declaration within six weeks, the matter shall be referred to the Imperial Insurance Office. The latter shall decide by judicial procedure which insurance carrier is liable to compensation.

PAR. 2. Where a State insurance office exists it shall decide if the district of the insurance carriers affected does not extend beyond the territory of the federal State. But in so far as an insurance carrier is participating, for which the Imperial Insurance Office or another State insurance office is competent, then the decision shall be made by the Imperial Insurance Office.

PAR. 3. Articles 1701, 1702, 1708, paragraph 2, 1712, 1714, and 1716 to 1721 are here correspondingly applicable. The decision shall be delivered to the insurance carriers affected and to the beneficiary.

ARTICLE 1737.

The Imperial Insurance Office (or the State insurance office) may summon to the procedure other insurance carriers according to article 1736. They can be ordered to pay a compensation, even if the claim against them has already been disallowed with legal effect. Article 1704 is here applicable.

ARTICLE 1738.

If the other insurance carrier (art. 1735) acknowledges its obligation to furnish compensation, or if it has been declared liable to compensation by the Imperial Insurance Office, it shall refund all expenditures to the insurance carrier which has provided the provisional relief. Controversies over claims for reimbursement shall be decided by judgment procedure.

II. PROCEDURE OF DISTRIBUTION.

ARTICLE 1739.

If the employment in which an accident occurred was carried on for several establishments or activities which are insured with different insurance carriers, then the insurance carriers affected may distribute the burden of compensation among themselves.

ARTICLE 1740.

PARAGRAPH 1. If they can not agree, the Imperial Insurance Office (judgment senate) may on application of one of them distribute the burden of compensation according to its own discretion.

PAR. 2. Where a State insurance office exists it has the right to do so, if the district of the insurance carriers affected does not extend beyond the territory of the federal State. In so far as an insurance carrier participates, for which the Imperial Insurance Office or the State insurance office is competent, the authority is vested in the Imperial Insurance Office.

PAR. 3. Articles 1701, 1702, 1712, 1714, and 1716 to 1721 are correspondingly applicable.

ARTICLE 1741.

An accident insurance carrier not affected by the dispute may be required to contribute a part of the contribution, even though the claim against it has already been disallowed with legal effect.

ARTICLE 1742.

All insurance carriers who are affected by the cost shall be called in to the procedure dealing with the amount of the compensation.

III. DETERMINATION OF THE VALIDITY OF A CLAIM TO A WIDOW'S PENSION.

ARTICLE 1743.

If a widow, before she is an invalid, makes a claim on the basis of the survivor's insurance, the amount of her widow's pension shall on her application be determined and the widow shall be informed of her right to make application for payment after the invalidity occurs (decision on the validity of a claim).

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IV. CONTESTING THE FINAL DECISIONS OF THE INSURANCE CARRIER.

ARTICLE 1744.

PARAGRAPH 1. Against a valid decision or a final decision of an insurance carrier a new examination can be applied for or undertaken if one of the conditions mentioned in article 1723, Nos. 1 to 3, 5 or 6, are present.

PAR. 2. Articles 1724 to 1734 are here correspondingly applicable.

SECTION FOUR.—SPECIAL PROVISIONS FOR THE NAVIGATION ACCIDENT INSURANCE.

I. GENERAL PROVISIONS.

ARTICLE 1745.

The provisions relating to the determination of the benefits are also applicable to the navigation accident insurance in so far as articles 1746 to 1770 do not prescribe otherwise.

II. REPORTING OF ACCIDENTS.

ARTICLE 1746.

PARAGRAPH 1. An accident, sustained by a person employed on a seagoing vessel during the voyage, and which has the consequences designated in article 1552, paragraph 1, shall be recorded in the journal (ship's journal, log book) and be briefly described there or in an appendix.

PAR. 2. If no journal is kept, then the master of the vessel shall make a special written report of such accident.

ARTICLE 1747.

PARAGRAPH 1. The master of the vessel shall deliver a copy of each entry of this kind, attested by him, to that marine office (*Seemannsamt*) where it may first be done. In place of it he may also submit the ship's journal or the written record to the marine office (*Seemannsamt*) for the purpose of making of a copy.

PAR. 2. The marine office (*Seemannsamt*) shall return the ship's journal or the written record within 24 hours.

ARTICLE 1748.

If the accident occurs in Germany before or after the voyage, the master of the vessel shall not later than the third day after he has learned of it report it to the marine office (*Seemannsamt*), or if there is none in the place, to the local police authority, as well as to the administrative body of the association specified in the constitution.

ARTICLE 1749.

The marine office (*Seemannsamt*) or the local police authority shall transmit the copies and reports to the marine office of the home port.

ARTICLE 1750.

PARAGRAPH 1. In the case of small scale establishments engaged in marine navigation, as well as of sea and coast fishing (arts. 1186 and 1187), the accident report shall be directed to the local police authority in Germany in whose district the accident has occurred or where the injured person first remains after the accident.

PAR. 2. Special records of accidents on board are not to be kept.

ARTICLE 1751.

The Imperial Insurance Office shall draw up the model form for the description of accidents and for the records.

ARTICLE 1752.

Articles 1552 to 1558 shall otherwise be applicable to the reporting of accidents.

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III. INVESTIGATION OF ACCIDENTS.

ARTICLE 1753.

PARAGRAPH 1. The accident shall be investigated by a marine office (*Seemannsamt*) or by the German local police authorities with corresponding application of articles 1559, 1563, paragraph 4, and 1564 to 1567.

PAR. 2. Articles 1754 to 1766 take the place of articles 1560 to 1562, and 1563, paragraphs 1 to 3.

ARTICLE 1754.

PARAGRAPH 1. If the accident must be investigated in a foreign country, the master of the vessel shall before that German consular office (*Konsulat*) before which it can first be done, with the assistance of two ship's officers or other trustworthy persons, make a solemn declaration of the facts, which are to be established according to article 1565.

PAR. 2. For the purpose of determining the matter, the marine office (*Seemannsamt*) may also obtain the solemn declaration of other persons and secure other proofs.

ARTICLE 1755.

PARAGRAPH 1. If the accident is to be investigated in Germany, the master of the vessel shall apply for it at a marine office (*Seemannsamt*), or where none exists in the place, at a German local police authority.

PAR. 2. The authority invoked shall conduct the investigation.

ARTICLE 1756.

Accidents in German establishments conducting floating docks and other establishments designated in article 1046, No. 3, shall be investigated by the local police authority to which the accident was reported.

ARTICLE 1757.

On application of the parties affected the higher administrative authority may transfer the investigation to another marine office (*Seemannsamt*) or to other local police authorities.

ARTICLE 1758.

In the establishments administered by the Empire or a federal State, the investigation shall be conducted by the service authorities to which they are subordinated. It may be transferred to other authorities.

ARTICLE 1759.

Article 42 of the Navigation Code is correspondingly applicable to the obligation of the ship's crew to cooperate in the case of declarations or proceedings for the purpose of the investigation of accidents.

ARTICLE 1760.

PARAGRAPH 1. Articles 1562 and 1563, paragraphs 1 to 3, are as far as practicable applicable to the calling in of the parties affected to the investigation.

PAR. 2. Experts shall be called in on application of the undertaker of an establishment and of the master of the vessel; the costs shall be paid by the insurance carrier.

ARTICLE 1761.

PARAGRAPH 1. A special declaration (*Verklarung*) (art. 552 of the Commercial Code), in compliance with the requirements of articles 1565 and 1760, shall take the place of the solemn declaration and of the investigation of the accident.

PAR. 2. The exemption from fees and stamp taxes (art. 137) is also applicable to the special declaration (*Verklarung*) (par. 1), which is made before German authorities, and to the investigation of the accident at the marine office (*Seemannsamt*).

ARTICLE 1762.

The authority shall transmit to the directorate of the accident association a certified copy of the investigation proceedings or of the special declaration.

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ARTICLE 1763.

For the accidents having the consequences specified in article 1559, paragraph 1, the provisions of the law relating to the investigation of marine accidents are applicable as to the obligation—

1. Of the courts, port authorities, coast authorities, marine offices (*Seemannsämter*) officials in charge of the ship registers, to report without delay marine accidents which have come to their knowledge (art. 14, ibid.);
2. Of the German marine offices in foreign countries to undertake the investigations which can not be deferred and the collection of evidence in marine accidents which have come to their knowledge (art. 15, ibid.).

ARTICLE 1764.

PARAGRAPH 1. The accident reports (art. 1763) shall be forwarded to the directorate of the association.

PAR. 2. In addition, the obligation to report marine accidents to a marine office (*Seemannsamt*) continues to exist.

ARTICLE 1765.

If, within six months after the cognizance of the accident, the marine office (*Seemannsamt*) of the home port has not received any news relating to the investigation, it shall itself institute the investigation.

ARTICLE 1766.

PARAGRAPH 1. In the case of small scale establishments engaged in marine navigation, as well as of the sea and coast fishing establishments (arts. 1186 and 1187), the local police authorities to which the accident has been reported shall investigate it.

PAR. 2. On application of the parties affected, the higher administrative authorities may transfer the investigation to other police authorities.

IV. PENAL PROVISIONS.

ARTICLE 1767.

PARAGRAPH 1. The directorate of the association may impose fines of not more than 300 marks [$71.40] upon any person who violates the provisions relating to—

The entry in the journal (ship's journal) or other record of the accident;
The communication of the entry;
The making of solemn declarations;
The inauguration of the investigation.

PAR. 2. The ship owner is liable, according to article 1183, for the fines imposed on him or on the master of the vessel.

PAR. 3. On appeal the superior insurance office decides finally.

V. COMPETENCE OF THE ADMINISTRATIVE BODIES FOR DETERMINATIONS.

ARTICLE 1768.

If, according to article 1568, the directorate of the section must determine the accident compensation, then that section in the district of which the home port of the vessel is situated, or the establishment has its seat, is competent.

ARTICLE 1769.

In all of the cases mentioned in article 1568 the constitution of the navigation accident association may transfer the determination as follows:

To another administrative body of the association;
To a committee of the directorate of the association or of the section;
To special commissions;
To local representatives (district agents).

VI. CONTROVERSIES.

ARTICLE 1770.

PARAGRAPH 1. Articles 1108 and 1109 shall be applicable to controversies relating to claims of seamen arising out of the provisions of articles 1083 to 1086, 1092, 1104, and 1106.

PAR. 2. The same is applicable to claims of seamen which, according to article 1094, have been transferred to the insurance carrier.

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B. OTHER JUDGMENT MATTERS.

I. GENERAL PROVISIONS.

ARTICLE 1771.

For controversies which must be settled not by determination procedure, but according to the specific provisions of this law by judgment procedure, articles 1636 to 1734 are correspondingly applicable in so far as articles 1772 to 1779 do not prescribe otherwise.

II. COMPETENCE.

ARTICLE 1772.

The local insurance office (judgment committee) decides disputes of the kind designated in article 1771.

ARTICLE 1773.

The local insurance office which must decide the dispute over the principal claim is also competent for all claims relating to reimbursement, refunding, and other claims arising out of the principal claim.

ARTICLE 1774.

PARAGRAPH 1. If the principal claim shall not be decided by a local insurance office, or if the claim for reimbursement has originated out of the obligation of a commune, a poor-law union, an undertaker of an establishment, or a fund for the relief of indigent persons (arts. 1531, 1541), then that local insurance office is competent in whose district the insured person resides or is employed.

PAR. 2. If the insured person has no place of residence or employment in Germany, or if he has died or is not accounted for, then article 1638 shall be applicable.

ARTICLE 1775.

A dispute between a sick fund which is subordinated to a local insurance office on the one hand and a miners' sick fund or substitute fund on the other shall be decided by the local insurance office.

III. OTHER PROVISIONS.

ARTICLE 1776.

Only the remedy at law, but not the application for oral proceedings, is permissible against preliminary decisions.

ARTICLE 1777.

Only the review shall be permissible against judgments of the judgment chambers.

ARTICLE 1778.

PARAGRAPH 1. The review is not permissible in the case of reimbursement and refunding claims if the matter to be settled deals with temporary benefits.

PAR. 2. It is, however, permissible for reimbursement and refunding claims which are regulated in book 5 of this law.

ARTICLE 1779.

The appeal and the review effect a stay if the matter to be settled deals with claims for reimbursement.

C. DECISION PROCEDURE.

SECTION ONE.—GENERAL PROVISIONS.

ARTICLE 1780.

The decisions of the insurance authorities are arrived at by decision procedure, in so far as this law does not prescribe the judgment procedure.

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ARTICLE 1781.

PARAGRAPH 1. The law determines which decision matters shall be determined by the decision committee, decision chamber, or decision senate. Decision matters which, according to the law, shall be decided by the decision committee shall, in so far as appeal to decision procedure is permissible, be decided by the decision chamber and decision senate. This shall be correspondingly applicable to decision matters which, according to the law, shall be decided by the decision chamber as authority of first instance.

PAR. 2. The president of the decision chamber may also refer to it other decision matters if the matters to be settled deal with questions of fundamental importance; he must do so, if in case of differences of opinion a member, who participated in the preparation of the matter, makes application therefor. This shall be correspondingly applicable to the decision senate.

PAR. 3. Members of the Imperial Insurance Office (or the State insurance office), who are charged with the preparation of the matter, may be called into the decisions of the decision senate according to the detailed specifications of the decrees relating to the procedure (art. 35, par. 2, and art. 109, par. 1).

PAR. 4. In other respects these decrees shall specify who shall settle decision matters.

ARTICLE 1782.

The employers and insured persons elected from the corresponding field of the accident insurance shall be called into the proceedings of the decision senates in matters of the accident insurance.

ARTICLE 1783.

PARAGRAPH 1. In matters of the sickness insurance, the local insurance office or the superior insurance office, in the district of which the fund affected has its seat, is locally competent as the authority of first instance of the decision procedure, in so far as this law does not provide otherwise.

PAR. 2. If several funds are affected, which have their seat in the district of several local insurance offices, then the local insurance office of that fund to which the insured person belongs is competent. If he does not belong to any of them, or the matter to be settled deals with a dispute according to article 258, then the superior insurance office shall decide which local insurance office is competent. If the funds have their seats in the districts of different superior insurance offices, then the highest administrative authority shall determine the competent local insurance office or superior insurance office.

ARTICLE 1784.

In matters of the accident insurance the local insurance office or superior insurance office in whose district is located the seat of the establishment or where the insured activity is exercised, is locally competent as the authority of first instance of the decision procedure, in so far as this law does not provide otherwise.

ARTICLE 1785.

PARAGRAPH 1. In matters of the invalidity and survivors' insurance, the local insurance office or the superior insurance office in the district of which the employment which gives occasion for the decision took place, and in the case of voluntary insurance the local insurance office or the superior insurance office in whose district the insured person resides is locally competent as the authority of first instance of the decision procedure, in so far as this law does not provide otherwise.

PAR. 2. For claims of the survivors the local insurance office or superior insurance office is also competent, in whose district the survivors reside.

ARTICLE 1786.

PARAGRAPH 1. If an office believes itself not to be competent, but that another office is the competent one, then it shall transfer the matter to the latter.

PAR. 2. If this office also does not believe itself to be competent, then article 1640, paragraphs 2 and 3, shall be applicable.

ARTICLE 1787.

In the case of a dispute between a sick fund and a miners' sick fund or a substitute fund, article 1775 shall be applicable.

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ARTICLE 1788.

In so far as the highest administrative authorities have transferred decision rights to the administrative bodies specified in article 112, the decisions of these administrative bodies, as far as the legal remedies in the decision procedure are concerned, are equivalent to the decisions of the local insurance office.

ARTICLE 1789.

The same provisions as for the judgment procedure shall also be applicable to the disqualification and nonacceptance of persons, the elucidation of the state of affairs, as well as the securing of evidence.

ARTICLE 1790.

PARAGRAPH 1. The proceedings of the decision procedure are not public. With reservation of article 78, paragraph 3, article 1667 shall be correspondingly applicable to the voting of decision authorities for the decision chamber.

PAR. 2. The decision shall be delivered to the parties affected.

SECTION TWO.—APPEALS.

ARTICLE 1791.

An appeal against the decisions of the insurance carriers is permissible in so far as this law does not provide otherwise. The appeal shall be directed—

In matters of the sickness, and invalidity and survivors' insurance, to the local insurance office;

In matters of the accident insurance, to the superior insurance office.

ARTICLE 1792.

Against the decisions of the local insurance office as the authority of first instance the appeal to the superior insurance office is permissible, in so far as this law does not provide otherwise.

ARTICLE 1793.

Against the decisions of the superior insurance office as the authority of first instance the appeal to the Imperial Insurance Office (or the State insurance office, art. 1800) is permissible, in so far as this law does not provide otherwise.

ARTICLE 1794.

The authority which has to decide on the appeal may postpone the execution of the decision.

ARTICLE 1795.

If the appeal is permissible and has been filed in due time the parties affected shall be given a hearing.

ARTICLE 1796.

If the appeal is well founded, the authorities competent for the decision may either decide in the matter themselves or refer it back to an authority of lower instance or to the insurance carrier whose decision has been contested. Article 1715, paragraph 2, shall in such case be correspondingly applicable.

SECTION THREE.—FURTHER APPEALS.

ARTICLE 1797.

PARAGRAPH 1. In so far as this law does not provide otherwise, there is permissible against the decision issued on appeal by—

The local insurance office, the further appeal to the superior insurance office;

The superior insurance office, the further appeal to the Imperial Insurance Office (or the State insurance office).

PAR. 2. The same provisions shall be applicable to the procedure as to the appeal.

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ARTICLE 1798.

The decisions issued on further appeal by the superior insurance office are final.

ARTICLE 1799.

If the superior insurance office desires to dissent in a case, in which it must decide finally, from an officially published and fundamental decision of the Imperial Insurance Office (or the State insurance office), or the matter to be settled in such a case deals with an interpretation of legal provisions of fundamental importance which have not yet been determined, then article 1693 shall regulate the procedure.

ARTICLE 1800.

PARAGRAPH 1. Where a State insurance office exists, it shall decide on decision matters, if the district of the insurance carrier affected does not extend beyond the territory of the federal State. Otherwise the decision shall be made by the Imperial Insurance Office.

PAR. 2. In so far as an insurance carrier is affected, for which according to paragraph 1 the Imperial Insurance Office or another State insurance office is competent, the decision shall be made by the Imperial Insurance Office.

ARTICLE 1801.

The provision of article 1716 relating to the publication of fundamental decisions shall also be applicable to decision matters.

D. COSTS AND FEES.

I. COSTS OF THE PROCEDURE.

ARTICLE 1802.

If a party affected has willfully or through obstructive measures or deception caused expenditures in the procedure, the insurance authority can charge the same to him, either wholly or partly.

ARTICLE 1803.

PARAGRAPH 1. In judgment matters of the sickness insurance the superior insurance office shall impose a fee upon the defeated party. It shall be fixed in proportion to the value of the thing in dispute, but shall not exceed 20 marks [$4.76] and shall be determined in the decision.

PAR. 2. The imperial decree relating to the procedure (art. 35, par. 2) shall determine the particulars hereto.

PAR. 3. The highest administrative authority shall regulate the collection of the fee.

II. FEES OF LAWYERS.

ARTICLE 1804.

PARAGRAPH 1. The compensation for the professional services of lawyers in the procedure before insurance authorities shall be determined according to a schedule of fees.

PAR. 2. The schedule of fees shall be issued by imperial decree with the approval of the Federal Council and for the procedure before the State insurance office by the State government.

ARTICLE 1805.

An agreement as to higher amounts than those provided by the schedule of fees is void.

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INTRODUCTORY LAW FOR THE WORKMEN'S INSURANCE CODE.[1]

SECTION A.

I. GENERAL PROVISIONS.

ARTICLE 1.

As far as the measures for its administration are concerned, the Imperial Insurance Code shall come into force at once.

ARTICLE 2.

PARAGRAPH 1. The provisions of its fourth book and the other provisions of the Imperial Insurance Code necessary for their operation, come into force on January 1, 1912.

PAR. 2. On this date article 15 of the customs-tariff law of December 25, 1902 (Reichs-Gesetzblatt, p. 303), shall be repealed. The sums accumulated and the interest (survivors' insurance fund, law of Apr. 8, 1907, Reichs-Gesetzblatt, p. 89) shall be used for the subsidies of the Empire for the survivors' insurance (arts. 1284 and 1285 of the Imperial Insurance Code).

ARTICLE 3.

The administration of the survivors' insurance fund shall be transferred to the imperial chancellor (Imperial Treasury Department) under the supervision of the imperial public debt commission. The law of June 1, 1909, on the administration of the imperial invalidity fund and the survivors' fund (Reichs-Gesetzblatt, p. 469), is repealed from October 1, 1911, as far as it relates to the survivors' fund.

ARTICLE 4.

PARAGRAPH 1. The dates on which the other provisions of the imperial insurance law will come in force shall be determined by imperial decree with the approval of the Federal Council.

PAR. 2. For the period up to December 31, 1914, the Federal Council may specify according to need, as to the term of office of the present representatives of the undertakers or other employers, as well as of the insured persons, in insurance authorities, lower administrative authorities, and insurance carriers. This is also applicable to nonpermanent members of the Imperial Insurance Office. For the nonpermanent members of the State insurance offices the highest administrative authority is competent in this regard.

ARTICLE 5.

On these dates (art. 2, and art. 4, par. 1), as far as this law does not provide otherwise, the Imperial Insurance Code takes the place of the corresponding provisions—

Of the sickness insurance law of June 15, 1883 (Reichs-Gesetzblatt, p. 73), in the form of April 10, 1892 (Reichs-Gesetzblatt, p. 379), and of the laws of June 30, 1900 (Reichs-Gesetzblatt, p. 332), and of May 25, 1903 (Reichs-Gesetzblatt, p. 233);

Of the law concerning the accident and sickness insurance of persons employed in agricultural and forestry establishments, of May 5, 1886 (Reichs-Gesetzblatt, p. 132), B. sickness insurance;

Of the law concerning the amendment of the accident insurance laws of June 30, 1900 (Reichs-Gesetzblatt, p. 573);

Of the industrial accident insurance law of June 30, 1900, in the form of the publication of July 5, 1900 (Reichs-Gesetzblatt, p. 585);

Of the accident insurance law for agriculture and forestry of June 30, 1900, in the form of the publication of July 5, 1900 (Reichs-Gesetzblatt, p. 641);

Of the accident insurance law for the building trades of June 30, 1900, in the form of the publication of July 5, 1900 (Reichs-Gesetzblatt, p. 698);

Of the navigation accident insurance law of June 30, 1900, in the form of the publication of July 5, 1900 (Reichs-Gesetzblatt, p. 716);

Of the invalidity insurance law in the form of the publication of July 19, 1899 (Reichs-Gesetzblatt, p. 463).

[1] Einführungsgesetz zur Reichsversicherungsordnung. (Nr. 3922.) Vom 19. Juli 1911. Reichs-Gesetzblatt Aug. 1, 1911, pp. 839 ff.

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ARTICLE 6.

PARAGRAPH 1. With reservation of paragraph 2 and of articles 85 to 99, the provisions of the Imperial Insurance Code relating to time limits are also in force for the time limits whose duration began before the dates specified in articles 2 and 4 but were not completed on these dates.

PAR. 2. The time limit shall be specified according to the old law, if it would be longer according to that than according to the Imperial Insurance Code.

PAR. 3. The beginning of the time limits shall be specified according to the old law.

II. INSURANCE AUTHORITIES.

ARTICLE 7.

PARAGRAPH 1. In so far as the provisions of the Imperial Insurance Code come into force, before the local insurance offices and superior insurance offices are established, then the duties assigned to them by those provisions or this law shall be assumed as follows:

In the case of judgment matters, the lower administrative authority shall take the place of the local insurance offices, and the arbitration courts that of the superior insurance offices;

In other respects, by the authorities specified by the highest administrative authority.

PAR. 2. The provisions contained in the following articles for local insurance offices and superior insurance offices are also applicable to these authorities.

ARTICLE 8.

PARAGRAPH 1. In place of the insurance representatives, the local insurance office shall call in the representatives of the employers and of the insured persons at the lower administrative authority or at the local pension office (*Rentenstelle*) (arts. 61, 81, and 82 of the invalidity insurance law).

PAR 2. As far as the district of an existing authority (art. 7) is not covered by that of the corresponding insurance authorities, the highest administrative authority shall determine particulars concerning the calling in of representatives or associates. The same is applicable where these duties are transferred to authorities other than the arbitration courts for workmen's insurance.

ARTICLE 9.

PARAGRAPH 1. On application of sick funds affected the local insurance office may decree that special representatives of the employers and insured persons shall be elected in equal number for its decisions relating to the forming and changing of the external and internal constitution of the sick funds. The election is governed according to articles 61 to 63 of the invalidity insurance law. However, the local insurance office can determine the number of the representatives according to need; in this case only the local, establishment, building, and guild sick funds, and the sickness insurance of the communes, are entitled to vote.

PAR. 2. The union of communes (arts. 526 and 527 of the Imperial Insurance Code) shall appoint one or more representatives to look after the rights of the groups which the Imperial Insurance Office has newly admitted to the sickness insurance.

PAR. 3. The highest administrative authority may specify the particulars herewith.

ARTICLE 10.

Competent employees who on account of the reorganization are no longer needed in the service of the insurance carriers shall, as far as possible, be given consideration in the appointment of new employees.

ARTICLE 11.

PARAGRAPH 1. The superior insurance office shall assume the rights and duties of the arbitration court for workmen's insurance. The documents are to be transferred to the superior insurance office. The State shall pay a proper compensation for the furniture in so far as it is not its property. In case of dispute, an arbitration court shall decide, according to articles 1025 et sequentia of the Code of Civil Procedure.

PAR. 2. The highest administrative authority may specify the particulars.

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ARTICLE 12.

If the highest administrative authority so orders, the insurance association shall until April 1, 1912, permit the superior insurance office to retain those officials whom it has placed at the disposition of the arbitration court for workmen's insurance.

ARTICLE 13.

If a State insurance office is discontinued, the imperial chancellor, with the approval of the competent highest administrative authority, shall regulate the transfer of its powers to the Imperial Insurance Office.

III. SICKNESS INSURANCE.

ARTICLE 14.

PARAGRAPH 1. The imperial decree (art. 4) shall specify the date up to which all communal sickness insurance shall be closed. Articles 282 to 284 and 300 to 305 of the Imperial Insurance Code are correspondingly applicable to the closing. Assets shall be treated in the same manner as property of the communal sickness insurance. Article 294, paragraphs 1, 2, and 3, sentence 1, are here correspondingly applicable, but the additional funeral benefit shall be paid to all insured persons who are employed in a commune with such a special fund.

PAR. 2. Advances which have been paid according to article 9 of the sickness insurance law shall be refunded as far as any assets remain after the liquidation of the affairs (art. 303 of the Imperial Insurance Code).

ARTICLE 15.

PARAGRAPH 1. If a district for which, according to the Imperial Insurance Code, a local sick fund would have to be established already has a common local sick fund (art. 16, par. 4, and art. 43, of the sickness insurance law), whose membership includes all persons subject to insurance in the local fund according to the sickness insurance law, it may be developed into a general local sick fund for it.

PAR. 2. If the membership of a common local sick fund already embraces a large part of the persons subject to insurance in the local fund of the district according to the sickness insurance law, then this fund, with the approval of the superior insurance office, may be developed into a general local sick fund.

PAR. 3. Membership in such funds shall in such case be extended to all insured persons whom the Imperial Insurance Code assigns to the local sick funds.

ARTICLE 16.

If within the first three years after the Imperial Insurance Code comes into force the assets of a newly established local or rural sick fund are not sufficient to cover the expenditures which become due, then the union of communes must provide the necessary advances. The highest administrative authority may specify the particulars and determine the date up to which the advances shall be refunded.

ARTICLE 17.

The imperial decree (art. 4) shall specify the date up to which existing local sick funds for single or for several branches of industry or kinds of establishments or for members of one sex only, as well as existing establishment sick funds and guild sick funds, may submit to their local insurance office the application for authorization.

ARTICLE 18.

PARAGRAPH 1. A local sick fund may submit this application only if its general meeting has decided for it by a majority vote.

PAR. 2. In the case of an establishment sick fund the employer may submit the application after a hearing of the insured persons; in the case of a guild sick fund the guild may do so after a hearing of the journeymen's committee.

ARTICLE 19.

Simultaneously with the application for authorization, or, in case this is not possible, later on within a time limit determined by the local insurance office, a draft of the

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constitution of the fund complying with the requirements of the provisions of the Imperial Insurance Code must be submitted.

ARTICLE 20.

The local insurance office (decision committee) shall investigate whether the conditions have been complied with under which the fund may be authorized, and shall transmit the application with the constitution and an opinion to the superior insurance office for decision. The parties affected have the right of appeal to the highest administrative authority within one month against the decision.

ARTICLE 21.

If, within six months after the date determined according to article 17, the constitution of a sick fund has not been made to correspond with the provisions of the Imperial Insurance Code, or if the application for admission has not been made in due time, the fund must be closed.

ARTICLE 22.

The superior insurance office shall specify whether a building sick fund shall continue as an establishment sick fund according to article 249 of the Imperial Insurance Code. It determines the amount of its benefits. If the constitution is not changed within the time limit specified, then it shall be changed on the initiative of the officials with legal validity.

ARTICLE 23.

On the authorization of a guild sick fund its property shall become part of its assets.

ARTICLE 24.

A person who has been a voluntary member of a guild sick fund until the present time is entitled to continue his membership.

ARTICLE 25.

PARAGRAPH 1. The imperial decree (art. 4) shall specify the date on the expiration of which the certificates issued to registered aid funds according to article 75a of the sickness insurance law become void.

PAR. 2. The application for authorization as substitute fund (art. 503 of the Imperial Insurance Code) may be granted only if the registered aid fund has submitted the application six months before this date.

ARTICLE 26.

On application and upon proof of the need therefor the Federal Council may also permit a mutual insurance association to be authorized as a substitute sick fund according to articles 503 et sequentia of the Imperial Insurance Code, if the association has been given a certificate as a registered aid fund according to article 75a of the sickness insurance law and such certificate is dated after April 1, 1909.

ARTICLE 27.

PARAGRAPH 1. The registered aid funds shall be considered as mutual insurance associations in the meaning of article 26 of this law, of articles 503 et sequentia, and of article 1438 of the Imperial Insurance Code until a law for the annulment of the law relating to registered aid funds (Reichs-Gesetzblatt, 1876, p. 125, and 1884, p. 54) comes into force.

PAR. 2. Until such a law comes into force, the following changes shall be made in the case of the aid funds and their members designated in article 503, paragraph 1, of the Imperial Insurance Code:

Article 504 of the Imperial Insurance Code shall replace article 6, paragraph 2, of the aid funds law (*Hilfskassengesetz*);

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Article 508 of the Imperial Insurance Code shall replace article 12 of the aid funds law;
Article 509, paragraphs 1 to 3, of the Imperial Insurance Code shall replace article 13 of the aid funds law;
Article 511 of the Imperial Insurance Code shall replace article 15, sentence 3, of the aid funds law;
Article 512 of the Imperial Insurance Code shall replace article 15, sentences 4 and 5, of the aid funds law.

ARTICLE 28.

Registered aid funds which are not authorized as substitute funds shall in cases calling for relief, and which are in course of settlement after the date determined in article 25, paragraph 1, shall continue to grant the benefits to their members subject to insurance for the period provided by the constitution. Article 212 of the Imperial Insurance Code shall be correspondingly applicable to the sick fund of the insured person only after the expiration of this period. Controversies shall be decided by procedure of determination according to the Imperial Insurance Code.

ARTICLE 29.

PARAGRAPH 1. If when the Imperial Insurance Code comes into force insured persons subject to insurance in rural sick funds are members of a local or an establishment (or a building) sick fund, they may—

1. Remain members of their fund if it continues to exist;
2. Become members of the local sick fund which accepts the members of their branch of industry or in the absence of such a fund and if their former fund is dissolved, become members of the general local sick fund.
3. Again become members of the local sick fund, if on account of a change in employment they have become members for a period of not more than 26 weeks in another local sick fund, in a rural sick fund, in an establishment sick fund, or in a guild sick fund in the district of the same local insurance office.

PAR. 2. If they have made use of this right (No. 3), they may at the close of a fiscal year go over to the rural sick fund, if they have notified the directorate of their withdrawal at least three months in advance.

ARTICLE 30.

In cases of insurance for which at the time this law comes into force the obligation of the sick fund to grant benefits still continues according to the old law, the provisions of the Imperial Insurance Code are applicable beginning with this date in so far as they are more favorable to the beneficiary.

ARTICLE 31.

Statutory provisions which according to article 51, paragraph 2, of the sickness insurance law exempt the employer from the payment of a contribution at his own expense may remain in force for not more than five years after the date determined according to article 4.

ARTICLE 32.

For employees of a fund which in consequence of the reorganization has been dissolved or closed, the period of expiration of the contract relation is extended to 12 months regardless of article 302, paragraph 1, of the Imperial Insurance Code. Competent employees who in consequence of the reorganization are no longer needed in the service of a sick fund shall as far as possible be given consideration by the insurance carriers in the appointment of new employees.

ARTICLE 33.

PARAGRAPH 1. On the approval or the drawing up of the service regulations, the superior insurance office shall specify in what manner and within what time the service regulations must be made known to all employees of the fund. At the time of the notification the attention of the employees shall be called to the provisions of articles 34 to 37 and 39.

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PAR. 2. The service regulations shall come into force on the expiration of one month after the date specified by the superior insurance office according to paragraph 1.

ARTICLE 34.

PARAGRAPH 1. With reservation of article 351, paragraph 2, of the Imperial Insurance Code, employees already in the service of sick funds before the promulgation of the service regulations are also subject to them in so far as according to State laws, they are not State or communal officials or exercise the rights and obligations of such officials according to article 359 of the Imperial Insurance Code.

PAR. 2. To these employees, all the provisions which the Imperial Insurance Code prescribes for employees subject according to it to the service regulations are also applicable. The contractual provisions which are permissible according to the Imperial Insurance Code and which relate to giving notice of dismissal or to discharge, if they have been agreed on with these employees before July 1, 1909, shall remain in force in so far as they do not run counter to articles 35 to 39.

PAR. 3. Employees of funds who give notice that they intend to resign before the service regulations come into force shall not be subject to them. If an employee gives such notice, then the service relation terminates on the expiration of six months, or if according to the contract, he may give notice of resignation at an earlier date than on such date.

ARTICLE 35.

PARAGRAPH 1. If the payments to an employee who, according to article 34 is subject to the service regulations, exceed the rates of the schedule of salaries, these payments shall be continued if they have been agreed on in this amount before January 1, 1908, or agreed on according to a schedule of salaries formulated before that date, or if the service regulations specify such a rate.

PAR. 2. Otherwise the local insurance office (decision committee) may on application of the directorate of the fund permit the payments to be continued. The application may be submitted only within one month after the service regulations come into force.

PAR. 3. The approval shall be refused if the payments are in striking disproportion to the rates of the schedule of salaries. Otherwise the approval may be refused in so far as the value of the payments exceeds that of the payments according to the schedule of salaries by more than one-fourth or has been agreed on only after July 1, 1910.

PAR. 4. If the approval is refused, the directorate of the fund has the right to appeal to the superior insurance office (decision chamber). It shall decide finally.

PAR. 5. Whatever applies to the payments to an employee shall also be applicable to his rights to retirement pension, waiting-money (*wartegeld*), or similar payments, as well as to the provision for his survivors.

ARTICLE 36.

If the higher payments according to article 35 can not be paid further, and if the employee is unwilling to continue the contract relation under the conditions of the new schedule of salaries after the date on which he could soonest be given notice to leave or be discharged, then the directorate shall at the earliest possible date make use of its right to give notice of dismissal or of discharge. Article 357, paragraph 2, of the Imperial Insurance Code is correspondingly applicable.

ARTICLE 37.

PARAGRAPH 1. Within two years after the service regulations come into force the local insurance office (decision committee) may decree that an employee subject to its orders according to article 34, whose technical knowledge and efficiency are evidently not sufficient for his position, shall be assigned to another position in the service of the fund which corresponds to his technical knowledge and efficiency. This is subject to the proviso that the employee has not been employed by the fund more than five years in his present or a similar position. No conclusion regarding the lack of technical knowledge shall be based on the fact that the employee has not gone through a specified course of education.

PAR. 2. At the same time the local insurance office may specify that the employee shall continue to receive his higher payments, in so far as they are not conspicuously out of proportion to the rates which the salary schedule provides for the position newly assigned.

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PAR. 3. The directorate and the employee shall be given a hearing before the decree is issued; it shall be delivered to both of them. On appeal the superior insurance office (decision chamber) shall decide, and on further appeal the Imperial Insurance Office (decision senate). The time limit for the appeal and for the further appeal is one month for each of them.

PAR. 4. Within one month after the transmission of the final decree the employee shall declare to the directorate whether he is willing to accept the position. If he is unwilling, then the directorate shall give him notice of dismissal with a time limit of six months. If it can terminate the contract relation at an earlier date, it shall as soon as possible make use of its right of giving notice of dismissal or of discharge. Article 357, paragraph 2, of the Imperial Insurance Code is correspondingly applicable.

ARTICLE 38.

PARAGRAPH 1. Articles 349, 350, 354, paragraphs 2 to 6 and 358 of the Imperial Insurance Code shall at once come in force for all employees who in the future shall be subject to the service regulations. So long as the local insurance offices and the superior insurance offices have not been established, the courts of arbitration for workmen's insurance shall take the place of the local insurance office and the Imperial Insurance Office (or the State insurance office) that of the superior insurance office.

PAR. 2. The provisions of the Imperial Insurance Code relating to the judgment procedure are correspondingly applicable to the procedure and time limits. The imperial chancellor may specify the particulars in this connection.

ARTICLE 39.

Legal actions which have been taken after January 1, 1908, shall be ineffective, in so far as they frustrate or materially impede the execution of articles 34 to 38. The same is applicable to contractual provisions made before the service regulations come into force which withdraw from the regular courts disputes relating to pecuniary affairs between the sick fund and the employees on account of or originating in the giving of notice of dismissal or discharge.

ARTICLE 40.

If an employee during the period between May 30, 1911, and the coming into force of this law has been given notice of dismissal or received his discharge, the directorate shall, if he makes application within 14 days after the coming in force of this law, determine anew as to the giving of notice of dismissal or discharge; the earlier notice of dismissal or discharge becomes ineffective unless it is finally confirmed.

ARTICLE 41.

Contract relations existing at the time when the Imperial Insurance Code comes into force between sick funds and hospitals shall terminate not later than two years after this date, in so far as they run counter to the application of article 184, paragraph 5 or of article 371, paragraph 2 of the Imperial Insurance Code.

ARTICLE 42.

PARAGRAPH 1. Provisions of State laws which oblige the employer to make provision for the medical treatment and care of the sick domestic servants shall be abrogated.

PAR. 2. Provisions of the State laws which relate to the continuation of the payment of wages or of similar payments in times of sickness remain unaffected but with reservation of article 436 of the Imperial Insurance Code.

IV. ACCIDENT INSURANCE.

ARTICLE 43.

PARAGRAPH 1. For branches of industry which the Imperial Insurance Code subjects to the accident insurance for the first time, the Federal Council shall specify to what extent new accident associations shall be established or how far the branches shall be assigned to existing accident associations.

PAR. 2. A hearing shall be given in advance to the representatives of the industry branches affected as well as to the associations affected.

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ARTICLE 44.

Until the date of the membership assignment to the system of mutual trade associations of branches of industry, which have just been subjected to the accident insurance, the Federal Council, after a hearing of the directorates of the associations affected, may separate branches of industry from existing accident associations and assign them to another accident association, or establish for them a special accident association, even if the conditions do not exist under which the status of aecident associations can be changed either according to the Imperial Insurance Code or to the old law.

ARTICLE 45.

PARAGRAPH 1. If a new accident association is established, a general meeting shall be called which decides on the constitution. The meeting shall consist of delegates from chambers of commerce, chambers of handwork, chambers of industry, or similar economic bodies representative of the branches of industry affected.

PAR. 2. The highest administrative authority shall designate the bodies which may send delegates, and shall specify for each body the number of delegates according to its economic importance.

PAR. 3. If the district of an accident association extends beyond the territory of a federal State, the imperial chancellor after consultation with the highest administrative authority shall specify the bodies and the number of their delegates.

ARTICLE 46.

The Imperial Insurance Office shall convene the general meeting and direct the proceedings until a provisional directorate has been elected.

ARTICLE 47.

In the case of newly established accident associations, the first term of office of the representatives of the insured persons shall terminate on the same date on which the term of office of these representatives terminates in the case of the existing accident associations.

ARTICLE 48.

PARAGRAPH 1. The Imperial Insurance Office (or the State insurance office) shall specify the date up to which the accident associations shall decide on the changes in their constitutions according to the Imperial Insurance Code. This date shall be specified in such a manner that the constitutions may come in force at the time when the provisions of the Imperial Insurance Code relating to the accident insurance come in force.

PAR. 2. If the accident association does not comply with the decree in proper time, then the Imperial Insurance Office (or the State insurance office) shall change the constitution in accordance with its right of supervision.

ARTICLE 49.

Every undertaker of an establishment which the Imperial Insurance Code has for the first time subjected to the accident insurance shall, within a time limit to be determined and published by the Imperial Insurance Office, register the establishment at the local insurance office in whose district the establishment has its seat. The product and the class of the establishment and the average number of persons employed who are subject to insurance shall be stated.

ARTICLE 50.

PARAGRAPH 1. If the registration has not been made or is incomplete, the local insurance office shall itself give the data or supplement them according to its own knowledge of the conditions. By means of fines of not more than 100 marks [$23.80] it may compel the undertakers to give information within a set time limit.

PAR. 2. On appeal against the determination of the fine the superior insurance office decides finally.

ARTICLE 51.

PARAGRAPH 1. The local insurance office shall make up a list of the establishments designated in article 49 of its district which indicates by branches of industry the prod-

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uct and the class of the establishments, as well as the number of employed persons who are subject to insurance.

PAR. 2. The list shall be submitted to the superior insurance office and if necessary be corrected by it.

ARTICLE 52.

The superior insurance office shall transmit the lists of these establishments subject to insurance located in its district to the Imperial Insurance Office; the latter shall refer the establishments to the competent directorates of associations.

ARTICLE 53.

Articles 49 to 52 are not applicable if the Empire, a federal State, a union of communes, a commune, or another public corporation is the insurance carrier.

ARTICLE 54.

So long as the accident associations have not invested one-fourth of their assets in bonds of the Empire or of the federal States (art. 718, par. 1, arts. 984, and 1157, of the Imperial Insurance Code) they must invest annually at least one-third of the increase of their assets in such bonds.

ARTICLE 55.

PARAGRAPH 1. Article 1, section 6, of the law relating to changes in the financial administration of July 15, 1909 (Reichs-Gesetzblatt, p. 743), shall be abrogated.

PAR. 2. With the approval of the imperial chancellor and within the first year after the coming into force of the third book of the Imperial Insurance Code the carriers of the accident insurance may pay to the Post Office Department in one amount the amounts still outstanding for the interest and refunding of the floating debt (arts. 779, 1028, and 1185, of the Imperial Insurance Code). An interest rate of 3½ per cent shall serve as basis in the computation of this sum.

PAR. 3. In the case of accident associations the general meeting of the association shall decide on the matter.

ARTICLE 56.

If undertakers of establishments or of activities which for the first time have been subjected to accident insurance by the Imperial Insurance Code, and before the coming into force of book three of the Imperial Insurance Code, have already concluded insurance contracts with insurance enterprises against accidents of the kind described in the Imperial Insurance Code, then the association on their application shall assume the rights and obligations arising out of these contracts. The application must be submitted to the directorate within six months after the date designated. The transfer is effective from the date on which the accident insurance comes into force for the establishment or the activity.

ARTICLE 57.

The same is applicable if insurance enterprises before the coming into force of book three of the Imperial Insurance Code have concluded such contracts with insured persons employed in establishments or activities which for the first time have been subjected to accident insurance by the Imperial Insurance Code.

ARTICLE 58.

PARAGRAPH 1. Articles 56 and 57 are not applicable if the contracts have been concluded after the publication of the decree designated in article 4 and within the last three months before the coming into force of the third book of the Imperial Insurance Code.

PAR. 2. This provision shall not be applicable if within the time designated the contract has been tacitly extended.

ARTICLE 59.

The expenditures incurred by the association from the taking over of insurance contracts shall be covered by assessments on the members, and in so far as the activity is insured on the premium basis in a branch institute this shall be considered at the next determination of the premiums.

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ARTICLE 60.

PARAGRAPH 1. With reservation of articles 85, 87 to 93, and 96 to 99, the provisions of the Imperial Insurance Code shall, if they are more favorable to the beneficiaries, be applied to the first determination of claims for compensation resulting from accidents which have happened before the third book of the Imperial Insurance Code comes into force. This is only applicable if the beneficiary already had a claim to compensation according to the old law, and if on that date no legal decision on the matter has been made.

PAR. 2. Paragraph 1 is only applicable to claims of compensation resulting in the case of a death, if the death of the injured person has also occurred before the third book of the Imperial Insurance Code comes into force.

ARTICLE 61.

In so far as a pension already determined has been suspended according to the old law, but not according to the new one, the provisions of the Imperial Insurance Code relating to the suspension of pensions are applicable to it beginning with the date when these provisions come into force; in such cases a new decision shall be announced.

ARTICLE 62.

PARAGRAPH 1. The provisions relating to settlements to aliens by the payment of a capital sum corresponding to the value of their annuity, shall also be applicable to pensions which have been determined before these provisions come into force.

PAR. 2. If such a settlement is determined within the first three years after these provisions come into force, then the association may draw the means for it from the reserve. The reserve shall later be replaced according to decree of the Imperial Insurance Office (or the State insurance office).

ARTICLE 63.

During the year 1913 the Federal Council shall lay before the Reichstag the legal provisions relating to reserves for a new decision.

V. INVALIDITY AND SURVIVORS' INSURANCE.

ARTICLE 64.

PARAGRAPH 1. If insured persons become invalids within the first five years after the insurance obligation for their branch of industry has come into force, then the duration of such earlier employment, for which the insurance obligation has been introduced in the meantime, shall be included in the computation of the waiting term for the invalidity pension (art. 1278, No. 1, of the Imperial Insurance Code).

PAR. 2. It shall be included in the computation only in so far as the employment occurs within the last five years before the beginning of the invalidity, and only for such insured persons who, after the insurance obligation for their branch of industry comes into force as can prove the payment of at least 40 computable contributory weeks on the basis of the insurance obligation.

PAR. 3. Whether voluntary and compulsory contributions which have been legally used before the insurance obligation came into force shall be included in the computation, shall not be affected in this case.

ARTICLE 65.

PARAGRAPH 1. Insured persons who, when the insurance obligation for their branch of industry comes into force, have completed their fortieth year of life, shall be credited in the computation of the waiting term for the old-age pension with 40 weeks for each full year of their age in excess of 40 years, and a proportionate number of weeks up to 40 for the part of such a year in excess.

PAR. 2. The insured persons must prove that during the three years immediately preceding the coming into force of the insurance, that they have been engaged in an employment as an occupation, even though with interruptions, which was already subject to insurance or has become such in the meantime. Whoever can prove a minimum of 200 computable contributory weeks on the basis of this insurance obligation for the first five years after the coming in force of the insurance obligation, is exempt from this proof.

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ARTICLE 66.

PARAGRAPH 1. In the cases mentioned in articles 64 and 65, a period of military service or sickness computable according to article 30, paragraphs 2 to 6 of the invalidity insurance law, or according to articles 1393 and 1394 of the Imperial Insurance Code, as well as the period of the former receipt of an invalidity pension (art. 47, par. 4 of the invalidity insurance law, and art. 1309 of the Imperial Insurance Code) is equivalent to a labor or service status for the period before the insurance obligation comes into force.

PAR. 2. The same is applicable for a maximum of four months during one calendar year to periods of—

1. Temporary interruption of a permanent labor or service status with a specified employer;
2. Such temporary interruptions which recur periodically (seasonal labor) in the case of an employment which is a regular occupation;
3. An employment undertaken for the purpose of gain in spinning, knitting, or similar light home work which is customary for weak or aged persons.

ARTICLE 67.

PARAGRAPH 1. If less than 400 contributory weeks have been proved at the granting of an old-age pension according to article 65, then contributions of that wage class which corresponds to the average annual earnings of the insured person during the three years specified in article 65, paragraph 2, sentence 1, shall be applied for the missing weeks; these shall be not lower than the contributions of the first wage class.

PAR. 2. If more than 400 contributory weeks have been proved, then the procedure shall be according to article 1293 of the Imperial Insurance Code.

ARTICLE 68.

In the computation of the waiting term for the claim to survivors' pensions (arts. 1252 and 1278, No. 1, of the Imperial Insurance Code) the contributions paid according to the invalidity insurance law shall also be included up to December 31, 1930. After this date only contributions paid for the period after January 1, 1912, shall be included in the computation of the waiting term.

ARTICLE 69.

In rating the survivors' benefits (arts. 1292 and 1296 of the Imperial Insurance Code) in order to compute the basic amount of the invalidity pension, the number of weeks short of 500 contributory weeks for the time after January 1, 1912, shall be made up from the highest contributions paid according to the invalidity insurance law. If the number of these contributions is not sufficient, Wage Class I shall be applied to the missing ones. Only contributions paid for the period after January 1, 1912, shall be included in the computation of the supplementary rates of increase.

ARTICLE 70.

To the extent that the invalidity insurance shall be extended to new branches of industry after January 1, 1912, article 64 shall be applied in the computation of the waiting term for claims of the survivors' insurance.

ARTICLE 71.

PARAGRAPH 1. Survivors of such insured persons who died before January 1, 1912, shall have no claim to the benefits provided by book four of the Imperial Insurance Code.

PAR. 2. The same is applicable to the survivors of such insured persons who, on the date named and in the meaning of article 5, paragraph 4, of the invalidity insurance law, were permanently disabled, and later died without having recovered their earning capacity in the meantime.

PAR. 3. Article 1291 of the Imperial Insurance Code is only applicable to persons in receipt of an invalidity pension whose permanent invalidity occurred after December 31, 1911, or whose pension begins after this date according to article 1255, paragraph 3, of the Imperial Insurance Code.

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ARTICLE 72.

PARAGRAPH 1. Stamps of old denominations (art. 130 of the invalidity insurance law) shall no longer be used for the time after January 1, 1912.

PAR. 2. Within two years after the expiration of their validity, stamps no longer valid may be exchanged for valid stamps of the same money value at the places designated for their sale.

ARTICLE 73.

PARAGRAPH 1. After January 1, 1912, those persons who were exempt according to article 5, paragraphs 1 and 2, of the invalidity insurance law, again become subject to insurance, unless the conditions of article 1234 of the Imperial Insurance Code are applicable in their cases.

PAR. 2. The same is applicable for persons exempt according to article 6, paragraph 1, and article 7, of the invalidity insurance law, so long as they are not again exempted from the insurance obligation according to the Imperial Insurance Code.

ARTICLE 74.

If, before January 1, 1912, or within one year after this date, an insured person whose claim has lapsed again takes up an employment subject to insurance, or renews the insurance status by the payment of voluntary contributions, then the provisions of article 46, paragraph 4, of the invalidity insurance law shall continue to be applicable in regard to making the claim valid again, so long as the claim does not lapse a second time.

ARTICLE 75.

PARAGRAPH 1. Article 43 of the invalidity insurance law remains applicable to those persons who before January 1, 1912, have become permanently disabled by accident in the meaning of article 5, paragraph 4, of the invalidity insurance law.

PAR. 2. Article 44 of the invalidity insurance law remains applicable to the refund of contributions of those persons who have died before January 1, 1912. Article 1522, paragraph 1, sentences 1 and 2, of the Imperial Insurance Code, shall be correspondingly applicable if the death on which the claim to the refund of contributions is based has been caused by an accident which is to be compensated according to the accident insurance laws. The insurance institute may demand reimbursement from the accident pension; articles 1507, 1523, and 1526 of the Imperial Insurance Code are in such case correspondingly applicable.

ARTICLE 76.

Contributions shall be refunded after January 1, 1912, according to article 42 of the invalidity insurance law, only if the application has been submitted before the publication of the Imperial Insurance Code.

ARTICLE 77.

For cases in which after January 1, 1912, contributions have still to be paid, article 128, paragraph 6, of the invalidity insurance law continues to be applicable.

ARTICLE 78.

Article 75, paragraph 2, sentences 2 and 3, and article 77, shall be correspondingly applicable to special institutes.

ARTICLE 79.

Claims to invalidity or old-age pensions for which on January 1, 1912, the determination procedure is still pending, are subject, with reservation of article 71, paragraph 3, and of articles 85, and 94 to 99, to the provisions of the Imperial Insurance Code, if these are more favorable to the beneficiaries. In so far as the Imperial Insurance Code is applicable, its nonapplication shall be considered a reason for revision (art. 1697 of the Imperial Insurance Code), even if the arbitration court could not yet apply it.

ARTICLE 80.

Article 61 is correspondingly applicable to invalidity and old-age pensions.

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ARTICLE 81.

PARAGRAPH 1. The supervisory authority shall specify the date up to which the insurance institutes and the authorized special invalidity institutes (special institutes) must decide on the amendment of their constitutions according to the Imperial Insurance Code. This date is to be specified in such a manner that the constitutions may come in force on January 1, 1912.

PAR. 2. If an insurance carrier does not comply with the decree in due time, then the supervisory authority shall amend the constitution.

ARTICLE 82.

Article 54 is correspondingly applicable to the insurance institutes.

ARTICLE 83.

PARAGRAPH 1. Up to March 31, 1912, special invalidity institutes authorized according to the laws of June 22, 1889, and July 13, 1899, shall be regarded by the Federal Council as special institutes according to articles 1360 to 1380 of the Imperial Insurance Code without a new authorization. When the survivors' insurance comes into force, they must grant survivors' pensions according to the Imperial Insurance Code.

PAR. 2. The validity of the contributions paid after survivors' insurance comes into force and up to March 31, 1912, may not be contested because their amount was afterwards proved to be insufficient.

ARTICLE 84.

During the year 1915 the Federal Council shall present to the Reichstag the legal provisions relating to old-age pensions for a new decision.

VI. PROCEDURE.

ARTICLE 85.

If a procedure is already pending on the date on which the provisions of book 6 of the Imperial Insurance Code come into force then it shall be terminated according to the provisions in force up to the present time, unless articles 86 to 99 provide otherwise.

ARTICLE 86.

If, on the date specified in article 85, a procedure which is to be discharged according to article 58 (or according to art. 65, par. 3, art. 72, pars. 2 and 4, and art. 73, par. 1) of the sickness insurance law, is still pending before the supervisory authority of a communal sickness insurance or of a sick fund, then the matter is to be transferred to the local insurance office, if it has not yet been decided; the provisions of the Imperial Insurance Code are applicable to the further procedure.

ARTICLE 87.

The provision of article 86 is also applicable to the following cases in which—

1. The decision has been transferred to another authority in place of the supervisory authority (art. 58, par. 1, sentence 2, and art. 84, par. 3, of the sickness insurance law);
2. On the date specified in article 85 a procedure is pending before the supervisory authority according to—

Article 136, paragraph 6, of the law of May 5, 1886, relating to the accident and sickness insurance of persons employed in agricultural and forestry establishments;

Article 26, paragraph 2, and article 27, of the industrial accident insurance law;

Article 29, article 31, paragraph 2, and article 32, of the accident insurance law for agriculture and forestry;

Articles 9 and 11 of the building accident insurance law;

Article 30, paragraph 2, articles 31 and 156, of the navigation accident insurance law;

Article 23, paragraph 2, of the invalidity insurance law.

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ARTICLE 88.

PARAGRAPH 1. The provisions of the Imperial Insurance Code are applicable to the determination for the first time of benefits of the accident insurance, if on the date specified in article 85 the preliminary decision has not yet been given (art. 70, par. 1, of the industrial accident insurance law, art. 76, par. 1, of the accident insurance law for agriculture and forestry, art. 37, par. 1, of the building accident insurance law, and art. 75, par. 1, of the navigation accident insurance law).

PAR. 2. The same is applicable to the new determination of benefits of the accident insurance in the form of treatment in a medical institution.

ARTICLE 89.

The old provisions are applicable to the new determination of benefits of the accident insurance after a change of condition, if before the date specified in article 85—

The beneficiary has been notified of the reasons on account of which the pension is to be reduced or withdrawn; or

The claim for an increase or for a second grant of the pension has been submitted; or

The application for a decision has been submitted to the arbitration court.

ARTICLE 90.

PARAGRAPH 1. The provisions of the Imperial Insurance Code shall be applied if the insurance carrier has on the date specified in article 85 not yet received a notification, in cases in which—

Benefits of the accident insurance shall cease, because the right to the receipt of the pension has been suspended; or

An accident pension shall be replaced by the payment of a lump sum.

PAR. 2. The same is applicable to cases in which the accident insurance carrier is willing to grant treatment in a medical institution.

ARTICLE 91.

PARAGRAPH 1. The procedure for the determination as to which carrier of the accident insurance shall be required to pay compensation (art. 73, par. 2, of the industrial accident insurance law, art. 79, par. 2, of the accident insurance law for agriculture and forestry, and art. 78, par. 2, of the navigation accident insurance law), shall be regulated according to the Imperial Insurance Code, if the application for the decision of the Imperial Insurance Office (or the State insurance office) has been submitted after the date specified in article 85.

PAR. 2. The same rule shall be applicable in regard to the distribution of the cost of compensation among several carriers of the accident insurance (art. 85 of the industrial accident insurance law, art. 91 of the accident insurance law for agriculture and forestry, art. 37, par. 1, of the building accident insurance law, and art. 89 of the navigation accident insurance law).

ARTICLE 92.

Article 1608, paragraph 2, sentence 2 of the Imperial Insurance Code shall not be applicable, if the new procedure is regulated according to the Imperial Insurance Code; however, the earlier procedure is regulated according to the old provisions.

ARTICLE 93.

The provision of article 43, paragraph 2, of the accident insurance law for agriculture and forestry shall remain in force so long as disputes relating to agriculture and forestry are still to be settled by administrative procedure according to the old provisions after the date specified in article 85.

ARTICLE 94.

PARAGRAPH 1. If on the date specified in article 85 the lower administrative authority or the local pension office (*Rentenstelle*) has, in matters of the invalidity insurance, not yet given an opinion on an application for the granting, withdrawal, or suspension of benefits, then the matter shall be transferred to the local insurance office; the further procedure shall be regulated according to the Imperial Insurance Code.

PAR. 2. The same rule is applicable in cases of article 112, paragraph 3, of the invalidity insurance law, if the oral proceeding is to be taken up later.

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ARTICLE 95.

The procedure in the case of the refund of contributions (art. 42 to 44 of the invalidity insurance law) shall be regulated according to the provisions in force up to the present time; but, beginning with the date specified in article 85, the local insurance office shall take the place of the lower administrative authority or of the local pension office (*Rentenstelle*) or of the authority designated by the highest administrative authority (art. 128, par. 1 of the invalidity insurance law).

ARTICLE 96.

Against decisions which have become valid before the date specified in article 85, or have been handed down in a procedure according to the old provisions and have become valid after that date, the resumption of the procedure shall take place according to the Imperial Insurance Code.

ARTICLE 97.

For the settlement of matters pending to which the old provisions are to be applied, the superior insurance offices after their establishment shall take the place of the arbitration courts, and the newly formed senates of the Imperial Insurance Office (or State insurance office) that of the old senates.

ARTICLE 98.

The highest administrative authority shall specify on which date the superior insurance office shall select for the first time according to article 1686 of the Imperial Insurance Code from its district the physicians whom it wishes to call in as experts according to need. Up to this time, the physicians already elected shall also be called in as experts for those matters which are to be decided according to the Imperial Insurance Code.

ARTICLE 99.

Within the first five years after the date specified in article 85, the superior insurance office shall also transmit the case according to articles 1693 and 1799 of the Imperial Insurance Code to the Imperial Insurance Office (or State insurance office) for decision if it desires to dissent in matters of the sickness insurance from a decision of the Imperial Supreme Court (*Reichsgericht*) or of the highest administrative court of the federal State in which it has its seat.

VII. FINAL PROVISION.

ARTICLE 100.

The Federal Council may decree still other transitory regulations. The regulations shall be published in the Reichs-Gesetzblatt and be presented to the Reichstag at its next session for its information.

SECTION B.

ARTICLE 101.

PARAGRAPH 1. On the date specified in article 4, the following shall be abrogated: Number 5 of article 4, paragraph 1, of the law on industrial courts (Reichs-Gesetzblatt, 1901, p. 353) and number 5 of article 5, of the law relating to commercial courts (Reichs-Gesetzblatt, 1904, p. 266).

PAR. 2. Disputes which have become pending before this date shall be settled by the authorities which have been competent up to the present time.

ARTICLE 102.

On the date specified in article 4, article 90 of the Industrial Code shall be abrogated.

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ARTICLE 103.

On the date specified in article 4, the following articles of the Industrial Code shall take the forms specified below:

Article 62, paragraph 2.
Articles 81a, 81b, and article 95, paragraph 4.
Article 98, paragraph 3.
Articles 100l, 100m, and 100n, paragraph 1.

Article 62, Paragraph 2.

The permission shall be refused in so far as one of the conditions designated in article 57 is applicable to them, or if the sick-fund contributions required by the Imperial Insurance Code have not been paid for them or no respite has been granted for the payment; in addition, it may only be refused, in so far as one of the conditions designated in articles 57a and 57b is present. The permission shall be revoked according to the provisions of article 58 by one of the authorities competent for the granting of it.

Article 81a.

The purpose of the guilds shall be—

1. The cultivation of a spirit of mutual regard as well as the maintenance and development of professional ethics among the members of the guild.
2. The promotion of cordial relations between masters and journeymen (helpers) as well as provision for journeymen's lodging houses and employment bureaus.
3. The detailed regulation of the apprenticeship system and the provision for the technical, industrial, and ethical education of the apprentices, with reservation of articles 103e and 126 to 132a.
4. The settlement of disputes of the kind specified in article 4 of the law on industrial courts (Reichs-Gesetzblatt, 1901, p. 353) between members of the guild and their apprentices.

Article 81b.

PARAGRAPH 1. The guilds are authorized to extend their activities to other common industrial interests of the members of the guild. In addition to the establishment of guild sick funds, they are specially authorized—

1. To take measures for the promotion of the industrial, technical, and ethical education of the masters, journeymen (helpers), and apprentices, especially to assist, establish, and direct schools as well as to issue provisions for the utilization and attendance of the schools established by them.
2. To hold examinations for masters and journeymen, and to issue certificates based on the examinations.
3. To establish funds for the relief of their members and their relatives, their journeymen (helpers) and workmen in case of sickness, death, disablement, or other need.
4. To establish arbitration courts, which, in the place of the otherwise competent authorities, are to settle disputes of the kind designated in article 4 of the law on industrial courts between the members of the guild and their journeymen (helpers) and laborers.
5. To establish mutual enterprises for the promotion of the business of the members of the guild.

PAR. 2. The establishment and the legal status of sick funds shall be regulated according to the Imperial Insurance Code.

Article 95, Paragraph 4.

The execution of decisions of the guild meeting on matters specified in paragraph 2 must have the approval of the journeymen's committee. If the approval is refused, then the supervisory authority may supplement the same. The participation of the journeymen's committee in the affairs of the guild sick funds shall be regulated according to the Imperial Insurance Code.

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Article 98, Paragraph 3.

If other relief funds have been combined with the guild as guild sick funds, then the superior administrative authority may, after the dissolution or closing of the guild, grant them corporation rights; in this case the funds retain their assets.

Article 100l.

If other funds for the relief of sickness have been united as guild sick funds with a guild which has been closed on account of the establishment of a compulsory guild, then articles 98 and 98a shall be applicable. With the approval of the representation of the relief fund, the compulsory guild may take this fund over with all its rights and obligations, in so far as statutory provisions or provisions of the State law do not forbid such action. In the latter case the existing members of this fund are entitled to belong to it even if they do not belong to the compulsory guild.

Article 100m.

If members withdraw from a guild because of the establishment of a compulsory guild from an existing guild, with which another relief fund was united as a guild sick fund (art. 100b, par. 5,) then they may continue to belong to this fund.

Article 100n, Paragraph 1.

Members of guilds shall not be obliged, against their will, to participate in other relief funds as guild sick funds.

ARTICLE 104.

In so far as laws and other legal rules refer to provisions which the Imperial Insurance Code or which this law takes over, amends, or abrogates, the corresponding provisions of the Imperial Insurance Code or of this law shall take the place thereof.

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OPINIONS OF THE ATTORNEY GENERAL ON QUESTIONS AFFECTING LABOR.

[It is one of the duties of the Attorney General of the United States to furnish opinions advising the President and the heads of the executive departments in relation to their official duties when such advice is requested. Opinions on questions affecting labor will be noted from time to time under the above head.]

COMPENSATION FOR INJURIES TO EMPLOYEES—ACCIDENTS—DISEASE CONTRACTED IN THE COURSE OF EMPLOYMENT—CONSTRUCTION OF STATUTE—*Advance sheets 28 Op., page 254 (April 25, 1910).*—The present question discussed by the Attorney General was raised in connection with the scope of the Federal compensation act of May 30, 1908 (35 Stat. 556). John Sheeran, an employee within the benefits of the act, contracted a severe cold in the course of his employment which resulted in pneumonia and asked for compensation under the act. The Secretary of Commerce and Labor thereupon submitted the inquiry as to whether the word "injury" as used in the act is broad enough to include a case such as the above. The answer was in the negative, as appears from the following extracts from the opinion of the Attorney General:

The act of May 30, 1908 (35 Stat. 556), is entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment." The applicable provisions of the act are set forth in the opinion rendered you on May 17, 1909 (27 Op. 346) [Bulletin No. 86, p. 295], and therefore need not be repeated here.

There is nothing either in the language of the act or its legislative history which justifies the view that the statute was intended to cover disease contracted in the course of employment, although directly attributable to the conditions thereof. On the contrary, it appears that the statute was intended to apply to injuries of an accidental nature resulting from employment in hazardous occupations—not to the effects of disease. Thus, the report of the Judiciary Committee of the House accompanying this bill states (House Rep. No. 1669, 60th Cong., 1st sess.):

"The purpose of this bill is to compensate Government employees engaged in hazardous occupations. Such employment is practically confined to arsenals, navy yards, manufacturing establishments (such as armories, clothing depots, shipyards, proving grounds, powder factories, etc.), to construction of river and harbor work, and to work upon the Isthmian Canal. The bill provides that the wages of such an employee who is injured in the course of such employment, without contributory negligence or misconduct, shall be continued for one year unless he is sooner able to resume work."

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In the opinion of May 17, 1909, above cited, it was held that a plate printer in the Bureau of Engraving and Printing, whose wrist was sprained in the course of his employment, which hurt was complicated by rupture of the synovial sac surrounding the ligaments leading from the back part of the forearm to the fingers, had "suffered an injury" within the meaning of the act of May 30, 1908.

In considering the scope of the statute, attention was called to the fact that the first two sections thereof used the word "injury," while the word "accident" did not occur until the third section; and it was said (27 Op. 350):

"In other words, the statute quite consistently provides for the cases of injuries in the course of the employment and accidents resulting in death or otherwise. The word 'injury' is employed comprehensively to embrace all the cases of incapacity to continue the work of employment unless the injury is due to the negligence or misconduct of the employee injured—and including all cases where as a result of the employee's occupation he, without any negligence or misconduct, becomes unable to carry on his work, and this condition continues for more than 15 days. The word 'accident' is employed to denote the happening of some unusual event, producing death or injury which results in incapacity for work, lasting more than 15 days. That is to say, within the language of the statute an employee may be injured in the course of his employment without having suffered a definite accident."

That opinion, however, was not intended to create the impression that the statute in question covered diseases contracted in the course of employment. The language of the opinion is, perhaps, broader than it should be, in the light of the committee report on the bill above quoted, which indicates that only injuries of an accidental nature were in mind. As, however, the statute is remedial, it should be generously construed, and so construed it might well be held to include injuries of the character there referred to, although, strictly speaking, no definite accident had occurred which gave rise to the injury. The word "injury," however, as used in the statute, is in no sense suggestive of disease, nor has it ordinarily any such signification.

EIGHT-HOUR LAW—FEDERAL STATUTE—CONSTRUCTION OF NAVAL VESSELS—*Advance sheets 28 Op., page 358 (July 8, 1910)*.—The naval appropriation act of June 24, 1910 (36 Stat. 628), directs that certain vessels be built under contracts requiring the application of the provisions of the act of August 1, 1892 (27 Stat. 340), known as the eight-hour law. The question was submitted by the Secretary of the Navy as to how far this requirement extends, i. e., as to the work of subcontractors and the furnishing of materials, machinery, etc., for use in the construction of the vessels. In answer to this inquiry, the Attorney General wrote an opinion which is in part as follows:

As, under the provision in question, the contract for the construction of the vessels referred to must contain a provision requiring said vessels to be built in accordance with the provision of the act

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of August 1, 1892, we must necessarily look to the interpretation which has been given that act to determine the scope of the present provision.

In an opinion rendered August 24, 1892 (20 Op. 454), Attorney General Miller held that the act of August 1, 1892, did not apply to a contract for supplying post-office lock boxes, lock drawers, locks, pulls, plates, etc., to be delivered by the contractors at the freight depot at the point of destination and placed in position in the building by the Government.

A like construction has been placed upon the following statute of the State of New York (Laws of N. Y. 1906, chap. 506, sec. 3, p. 1395), which is similar to that under consideration:

"* * * Each contract to which the State or a municipal corporation is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life or property. * * *"

In Bohnen *v.* Metz (126 N. Y. App. Div. 807) a contract had been made with the city of New York for the erection of a municipal building, the contractor agreeing that he would comply with the provisions of the above statute. In the course of construction, doors, windows, and other woodwork required for the building were manufactured for the purpose at the request of the contractor by a manufacturer in the city, who employed his workmen and mechanics for more than eight hours a day and paid them less than the prevailing rate of wages, which was also inhibited by the statute. In holding that the contractor had not violated the law, the court said (p. 810):

"Assuming that the present law is free from the vices of the former law pointed out in People ex rel. Cossey *v.* Grout (179 N. Y. 417), and People *v.* Orange County Road Const. Co. (175 id. 84) and kindred cases, it can not be held that the legislature intended to include labor employed in the production of raw material necessary for municipal buildings and works. Presumptively, the legislature enacts labor laws to benefit and aid labor. If the law be held to embrace purchased manufactured material and to work a forfeiture of the contract and all payments earned if in its manufacture and preparation for use the eight-hour law is not observed and the prevailing rate of wages of the locality is not paid, its presumed beneficent object will be defeated, for no municipal work will be done because no contractor will be foolhardy enough to enter into any contract liable to be annulled in such a manner. Labor laws, like any other law which the legislature sees fit to enact, should be upheld by the courts where no constitutional violation exists, but no absurd interpretation which defeats their object should be permitted.

In Ellis *v.* United States (206 U. S. 246) the Supreme Court sustained the constitutionality of the act of August 1, 1892, but held that persons employed on bridges and scows, in dredging a channel in a harbor, "were not laborers or mechanics and were not employed upon any of the public works of the United States within the meaning of the act" (p. 260).

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In the light of these authorities, I think it clear that the provision in the naval appropriation act must be construed to apply simply to work done upon the vessel itself at the place where it is built, and not as applying to the manufacture of machinery or other material elsewhere which is to enter into the construction of the vessel. This would limit the provision to work upon the vessel at the shipyard, as seems to have been contemplated by Representative Fitzgerald. So construed, the provision would not apply to "the construction of the machinery of said vessel as an entity," as provided in the proposed clause drafted by your department, assuming that such machinery would be constructed separate and apart from the vessel, but it would apply to the installation of such machinery in the vessel. The restrictions of the eight-hour law could no more be held to apply to the construction of the machinery as an entity, separate and apart from the vessel, than to the construction of any other thing separate and apart therefrom which is subsequently to be incorporated into the vessel—as, for instance, a dynamo or wireless-telegraph plant. Either the law applies to the manufacture of everything that is to form a part of the vessel or it applies only to work done upon the vessel at its situs. The great inconvenience, if not impossibility, of enforcing the law under the former view is manifest. If intended to regulate the hours of service of laborers and mechanics employed in the manufacture of everything which enters into the construction of a vessel, the law would reach out in innumerable directions and interfere with the working of every factory or shop which was furnishing material for the vessel. On the other hand, by construing the law to apply only to work done upon the vessel at its situs, its enforcement becomes a simple matter. While the argument ab inconvenienti is not very persuasive, still it is a rule of statutory construction that mischievous and absurd results should be avoided; and when, as here, we find that the statute to be applied has already received a construction which avoids such results, all doubt on the subject is removed.

I suggest, therefore, that you simply incorporate into the contract the provision required by the statute, and direct the bidder's attention to this opinion for the purpose of advising him as to your understanding of the scope of that provision.

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DECISIONS OF COURTS AFFECTING LABOR.

[Except in cases of special interest, the decisions here presented are restricted to those rendered by the Federal courts and the higher courts of the States and Territories. Only material portions of such decisions are reproduced, introductory and explanatory matter being given in the words of the editor.]

DECISIONS UNDER STATUTE LAW.

BLACKLISTING—STATEMENT OF CAUSE OF DISCHARGE—CONSTRUCTION OF STATUTE—*St. Louis Southwestern Railway Co. of Texas, v. Hixon, Supreme Court of Texas, May 10, 1911, 137 Southwestern Reporter, page 343.*—S. J. Hixon was discharged from the employment of the company named above and requested a statement of cause. This demand was based on the provisions of chapter 67 of the Acts of 1907, which require that when a discharged employee makes a written demand for a statement in writing of the cause of his discharge the employer must furnish a true statement of the same. Hixon had refused to act as brakeman on a train on which the air brakes were so out of order that the air could not be applied. The hand brakes were also old and defective so as to be unsafe for use. He did not dispute that he refused to work on the train at that time, not because he did not want to work or did not want to obey orders, but because he did not think that it was safe. The statement of the cause of his discharge as furnished by the company was simply that he was "discharged on account of insubordination." In consequence of this statement he had been unable to retain positions which he secured with other companies since they would discharge him as soon as they would hear from the company with which he was formerly employed that he had been discharged for insubordination. On this ground he sued for damages, claiming that the statement was not a full and fair statement of the cause of his discharge, and on this suit had secured a judgment which was affirmed by the court of civil appeals (126 S. W. 338; Bulletin No. 88, p. 871). The company thereupon took an appeal to the supreme court of the State and secured a reversal of the judgment on the ground that the law had in fact been sufficiently complied with by the company and that no further statement could properly be demanded from it. The opinion of the court was delivered by Judge Ramsey, who after having stated the facts spoke in part as follows:

By the term "a true statement" of the cause of his discharge is meant the employer shall give, fairly, honestly, and in good faith

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the ground or cause for the discharge. In other words, that the statement shall evidence correctly and truly the cause upon which the master acted. It was meant that he should not be permitted to discharge for one reason, and, when called on to give a statement thereof, assign a different reason. It would indeed be a strange rule to place upon the employer the burden of giving, on demand, a statement leading to the discharge of his employee, under a heavy penalty for refusal so to do, and, when the true reason had been assigned inducing such discharge, to hold the employer liable in heavy damages, because his understanding of what constituted insubordination was incorrect, or because a court might conclude that a refusal to obey an order was not, because of the labor required not being safe in the particular instance, an act of insubordination.

It seems from the testimony of Hixon that his objection to the service letter furnished him consisted largely in the fact that same did not state in detail the facts out of which the charge or claim of insubordination arose. We think this was not, under the law, required to be done.

It is not a case where one falsely publishes of another a charge which is untrue or injurious. The statement was made to the employee alone, and thus made, under penalty for refusal, in response to a written demand. In such case, where there is no claim of willful bad faith, or fraudulent and covinous purpose to deliberately state an untrue reason for the discharge, but where the reason given was, from the standpoint of the railway company, wholly true, we can not consent to a judgment against such employer, acting in good faith.

From what has been said, it results that the judgment of the district court and of the court of civil appeals should be reversed, and judgment here rendered for plaintiff in error, and it is so ordered.

BOYCOTT—ANTITRUST LAW—DAMAGES FOR VIOLATIONS—LIABILITY OF MEMBERS OF LABOR ORGANIZATIONS—*Lawlor et al. v. Loewe et al., United States Circuit Court of Appeals, Second Circuit, May 8, 1911, 187 Federal Reporter, page 522.*—D. E. Loewe was a manufacturer of hats in the State of Connecticut and had sued Lawlor and others, members and representatives of a labor union, to recover damages under the antitrust law of the United States for interference with interstate commerce. A verdict in the plaintiff's favor was practically directed by the circuit court of the district of Connecticut, who left to the jury only the matter of the amount of damages suffered by Loewe on account of the interference with his business. The defendants appealed from this judgment, chiefly on the ground that the action of the court was improper in taking from the jury the duty of determining the liability of the various defendants for the acts of its officers and agents who engaged in the violation of the antitrust act. This procedure by the circuit court was held by the court of appeals to be error, and the judgment was reversed with

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orders for a new trial. The grounds of this finding appear in the opinion of Judge Lacombe, who delivered the opinion of the court of appeals, using the following language:

The complaint is printed in full, and the cause of action thoroughly discussed in Loewe *v.* Lawlor, 208 U. S. 274, 28 Sup. Ct. 301 [Bulletin No. 75, p. 622], where the demurrer to the complaint was disposed of. Reference to that opinion sufficiently indicates the issues involved on the trial. The decision also has fixed the law of this case. It is needless to inquire whether boycotts generally, or this particular variety of boycott, are or are not unlawful at common law, or under the statutes of some particular State. If it be shown that individuals have combined together to induce a manufacturer engaged in interstate commerce to conduct his business as they wish, and, upon his refusal, further combine not only to prevent him from manufacturing articles intended for interstate commerce, but also to prevent his vendees in other States from reselling the articles which they had imported from the State of manufacture or from further negotiating for the purchase and intertransportation of such articles, the combiners intending thereby to destroy or obstruct an existing interstate traffic, such combination of individuals must be held to have essentially obstructed the free flow of commerce between the States. A combination to effect such an obstruction is a violation of the antitrust act (act July 2, 1890, c. 647, 26 Stat. 209 [U. S. Comp. St. 1901, p. 3200]); and when such obstruction is shown to have brought about an injury to a person's business, recovery may be had, although the impelling motive of the combination was an effort to better the condition of the combiners, which except for the antitrust act might be proper and lawful.

Of the facts, conceded by demurrer, which were relied upon in the former decision, the following are fully proved by competent evidence in the record now before us: Plaintiffs were manufacturers of hats in Danbury, Conn., and had an interstate trade with customers in different States, which was very much the larger percentage of their business. The combination of individuals known as the United Hatters of North America, numbering several thousand members, were combined with other labor unions into another association known as the American Federation of Labor, numbering more than a million members, scattered all over the United States. The United Hatters undertook to unionize the different factories in which their members worked. In some instances the owners thereof at first refused to unionize their factories. Thereupon the United Hatters declared a union war against them and missionaries purporting to represent the combination visited customers of such recalcitrant owners in different States, and told them that unless they ceased to handle such goods, the affiliated unions would refrain from patronizing them. As a result thereof some of those who had at first refused yielded and unionized their factories. Plaintiffs were interviewed by some officers and members of a hatters' union, and after some discussion as to the advantages and disadvantages of unionizing their factory refused to do so. Thereupon a strike was called which took all union men out of plaintiff's factory. Subsequently missionaries representing themselves as coming on behalf of the United Hatters visited customers of plaintiffs in other States. To

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some of these customers they stated that unless they would cancel any orders they had given for plaintiff's goods, and would agree to discontinue buying from plaintiffs in the future, their (the customers') "factories would be tied up and the men called out." To others they stated that if they continued business with plaintiffs they (the missionaries) would "call on their own customers and endeavor to prevent their using their goods;" i. e., the goods offered for sale by the person interviewed. To others they stated that unless they ceased to deal in plaintiff's goods they "would be boycotted," or "would be put on the unfair list." Some of the customers of plaintiffs who were thus interviewed ceased to make further purchases of Loewe hats because of statements made to them at these interviews.

The first assignment of error, which challenges attention on this appeal and which is discussed at the outset of defendants' brief, is the action of the trial judge in taking the case from the jury and himself deciding every question except the amount of damages. Defendants contend that in so doing "the trial court assumed the function of a jury in passing upon the credibility of witnesses and weighing conflicting testimony." We think this assignment of error is well taken for these reasons: The defendants are all members of a voluntary association or trade union of journeymen hatters, known as the United Hatters of North America, including more than 9,000 journeymen hatters residing in different States of the United States or in Canada. Defendants are members of various local unions of this association in the State of Connecticut, and each of them has paid dues continuously to his local union for some years prior to September, 1903, the date this suit was commenced. These dues were both local and national—a certain percentage of the member's wages for each purpose. Both had to be paid; as the secretary of the Danbury local expressed it, "we wouldn't accept one if he didn't pay the other." This money has been, in part at least, disbursed in paying the various officers of the local and of the general unions and in paying the various agents or missionaries who have been engaged in carrying out the objects of the association, which included the extension of the union, the increasing of a demand for goods bearing the union label and the so-called unionizing of factories. These objects of course could be promoted by methods entirely lawful and proper, or by methods which were unlawful and improper, or which were of such a character as to constitute a combination in restraint of interstate trade within the meaning of the antitrust act. In 1896 the United Hatters of North America affiliated with the American Federation of Labor, its officers on its behalf pledging its members individually and collectively to be governed by the constitution, rules, and usages of the Federation. Since then delegates to the conventions of the Federation have been elected by a referendum vote of the United Hatters pursuant to the Hatters' constitution, and also a delegate from the Connecticut State Federation with which all the local unions to which defendants belong were affiliated. Many of the defendants and of other members of the United Hatters have supported the activities of the United Hatters and contributed to the support of the American Federation of Labor.

It has been argued here that the mere fact that any individual defendant was a member of and contributed money to the treasury of the United Hatters' Association made him the principal of any

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and all agents who might be employed by its officers in carrying out the objects of the association, and responsible as principal if such agents used illegal methods or caused illegal methods to be used in undertaking to carry out those objects. We can not assent to this proposition. The clause of the constitution of the United Hatters which provides that certain of its officers "shall use all the means in their power to bring such shops (i. e. nonunion shops) into the trade" does not necessarily imply that these officers shall use other than lawful means to accomplish such object. Surely the fact that an individual joins an association having such a clause in its constitution can not be taken as expressing assent by him to the perpetration of arson or murder. Something more must be shown, as, for instance, that with the knowledge of the members unlawful means had been so frequently used with the express or tacit approval of the association, that its agents were warranted in assuming that they might use such unlawful means in the future, that the association and its individual members would approve or tolerate such use whenever the end sought to be obtained might be best obtained thereby.

Plaintiffs, however, did not rest their case on this bald proposition of membership and payment of dues. There is a mass of testimony in the case covering a history of the activities of the United Hatters and of the American Federation and of their various officers, agents, and missionaries for a series of years, tending to show what methods had been employed, what the various organizations thought of such methods, and what it might be expected by any man of the most ordinary intelligence would be done whenever officers and missionaries undertook to unionize any particular factory. Literature, published by the associations and laid before their members in issues sufficient to enable everyone to familiarize himself with what was going on, was put in evidence. On the other hand, most of the defendants—175 of them—testified, either on the stand or under stipulation between counsel, that they had never held office in any local or national union and were never delegates to any convention; that they had no information of any trouble in the Loewe factory until after the men were called; that they were not regular readers of the Hatters' Journal, and did not remember reading anything therein about the factories that were unionized before the Loewe campaign opened; that they had no knowledge of the methods which were employed to constrain manufacturers to unionize their shops. With this evidence in there was a conflict of testimony as to a vital issue in the case. The other testimony was of such a character and there was such a mass of it—minutes, resolutions, reports, proclamations, printed discussions, etc.—that the jury might have discredited defendants' protestations of ignorance, but, since they had made such protestations under oath, they were entitled to have the question of their credibility determined, not by the court, but by the jury.

Some of the defendants were officers of local unions; some of them did not testify, but in the various chains of proof which were relied upon to establish the relation of principal and agent between local unions in Connecticut and individuals, not members of these local unions, who announced themselves as missionaries of union hatters in distant States, there are some links which are proved not directly but as inferences from established facts. Different inferences were at least possible, and in a case of this sort, where conspiracy to do an

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unlawful act is charged, it should be left to the jury to say which inference shall be drawn. Moreover, it was for the jury to determine from the entire body of proof what was the intent of the individuals who made up the combination or what they must have known were the necessary and inevitable consequences of their acts.

Since there is to be a new trial it is desirable that the opinion of this court should be expressed on two questions as to the admissibility of evidence, which will probably arise again. The court admitted evidence of the payment of their dues to the unions by defendants, after complaint was served. This was not competent as showing ratification, and, as we understand their brief, plaintiffs do not so contend. It was offered as "tending to show that the acts (of the missionaries) were authorized at the time they were performed previous to the suit," upon the theory that otherwise the disclosures made to an individual defendant by his reading of the complaint would have brought forth protest and disapproval on his part. We think it should have been excluded.

A salesman of plaintiffs testified that he called at various times on several different customers, giving their names. In some instances he was allowed to state that the customer told him that at some prior time he had been interviewed by some labor representative who told him that unless he ceased to handle plaintiffs' goods he would get into trouble with the union. This was hearsay, the narrative of a past transaction given by an outside party, not under oath. It was not competent to prove that threats had been made by some one purporting to represent defendants. Its admission is sought to be sustained upon the authority of cases, which hold that it is proper to show as part of the res gestæ what reason was given by a person as an excuse for discontinuing some former practice. This exception to the general rule should not be extended as far as it was in some of the instances testified to.

The judgment is reversed.

PETITION FOR REHEARING.

While we fully appreciate the inconvenience which will result from proceeding with a new trial of the cause before the rulings of this court as to the law of the case shall have been reviewed by the Supreme Court, we are not disposed to reverse those rulings and decide this appeal contrary to our convictions in order to facilitate the presentation of the questions arising upon the appeal to the court of last resort. Nor does there seem to be any way to accomplish a like result by ordering a reargument and undertaking to certify specific questions; the record is too voluminous and the questions would be too numerous, and upon those questions we are not divided in opinion.

There is nothing in the petition to induce a change in the opinion already expressed by this court; all that there is in the petition may be found in the original argument. Counsel seems to have misapprehended what is said in the opinion about knowledge by defendants of the acts done. It has not been decided that it is essential for plaintiffs to prove that any defendant had knowledge of all or any of the specific acts done in the campaign against D. Loewe & Co. On the contrary, it is expressly pointed out that the language of the

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constitution of the association might be supplemented by proof that, in carrying out its objects, "unlawful means had been so frequently used with the express or tacit approval of the association that its agents were warranted in assuming that they might use such unlawful means in the future, that the association and its individual members would approve or tolerate such use whenever the end sought to be obtained might be best obtained thereby." And in the very next paragraph reference is made to literature of the association and of the federation—minutes, resolutions, reports, proclamations, printed discussions, etc.—from which the jury might draw conclusions as to what any man of ordinary intelligence would expect might be done by these bodies or by their agents whenever occasion for action might arise.

Counsel is also mistaken in assuming that the court "overlooked the significant fact that the American Federation of Labor had a constitution providing for boycotting." We did not overlook this fact, nor the further fact that the federation did not as a body declare any boycott against plaintiffs' firm. Since we did not indicate that there was error in admitting proof of the constitution of the federation, or of its action in conventions, or in committee or of its published literature, or of what it or its local branches did in connection with Berg, Roelofs or Loewe, or any one else, it might fairly be assumed that we considered that all these were proper matters for the consideration of the jury. We did intend to hold, however, and this petition has not modified our opinion, that plaintiffs can not make out a case entitling them to the direction of a verdict in their favor by showing (1) that A. B. was a paying member of the United Hatters' Association; (2) that the Hatters' Association was affiliated with the American Federation of Labor and governed by its constitution, rules, and usages; (3) that the constitution of the federation contains the following: "It shall be the duty of executive council to secure the unification of all labor organizations so far as to assist each other in any justifiable boycott and with voluntary financial help in the event of a strike or lockout, when duly approved by the executive council." A boycott directed solely against the transfer of goods from a manufactory to purchasers or consignees within the same State might be a "justifiable boycott" so far as the antitrust act is concerned, and this action can be maintained only for a violation of that statute; (4) that on several occasions a person representing himself to be a missionary of the Hatters' Association called on dealers in other States who were importing Loewe's hats from Connecticut, and told them that unless they ceased doing so the missionary would call on their customers and endeavor to prevent their using their goods. What conclusion, touching each defendant, should be drawn from these facts in connection with the rest of the proof is a question for the jury to pass upon.

It may be well, however, that we should indicate for the guidance of the circuit court in the new trial that, as we understand the decision of the Supreme Court in this case, there may be a distinction drawn between (*a*) a combination to cause a strike in a manufactory located in a particular State, where the immediate object is the unionizing of that factory, although a part of its product, if manufactured, would have become the subject of interstate trade, and (*b*) a combination directly to restrain and put a stop to the importation by a person in

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one State of goods produced at a manufactory in another State, although the ultimate result sought to be obtained by such restraint might be merely the changing of conditions in that particular manufactory.

It is suggested in the petition for rehearing that "the question of entering judgment against part of the defendants was not considered in the opinion." It was not discussed in the opinion because it did not appear in the record or in plaintiffs' brief that it was contended that there should be any differentiation between the different defendants—all sued for a joint conspiracy. On the contrary, the whole argument was directed to the proposition that all were responsible for all the acts complained of. Nor is there even now any offer made to submit to a dismissal as to all except the very few who as plaintiffs express it "took active part in the conspiracy."

The petition for rehearing is denied.

COMPENSATION OF WORKMEN FOR INJURIES—COOPERATIVE INSURANCE SYSTEM—POLICE POWERS—CLASSIFICATION OF INDUSTRIES—EQUAL PROTECTION OF THE LAW—CONSTITUTIONALITY OF STATUTE—*Northwestern Improvement Co. v. Cunningham, Supreme Court of Montana, November —, 1911, No. 2998, October Term, 1911. (Copy of opinion furnished by clerk.)*—This case is an appeal from the decision of the district court for Lewis and Clark County, and involves the constitutionality of chapter 67 of the laws of Montana of 1909. The act in question provided for an insurance fund for the benefit of "all workmen, laborers, and employees employed in and around any coal mines or in and around any coal washeries in which coal is treated, except office employees, superintendents and general managers," in case of accidents occuring in the course of their employment. The fund is a cooperative one, contributions thereto being made by employers on the basis of the product of their mines, and by employees on the basis of their gross earnings. Fixed sums were to be paid injured persons in case of disability, or to their surviving dependents in case the injury resulted in death. The administration of the law was committed to the auditor of the State, the act being in large measure automatic in its operation. While obligatory upon the employer and his workmen to make the payments prescribed by the law, injured workmen or their dependents might ignore the provisions of this law and sue for damages under either statute or common law. The act is given in full at pages 658–661 of Bulletin No. 85.

The right of the auditor to collect from the company named, a corporation engaged in mining coal in the State of Montana, the assessments provided for by the act was challenged by that company and it refused to pay the sums due, whereupon the auditor brought action in the court below on an agreed statement of facts. The sole question involved was the constitutionality of the act. The act was sustained by the district court, whereupon the Northwestern Improvement Co.

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appealed. This appeal resulted in the reversal of the judgment of the lower court, the law being declared unconstitutional on the ground that, in permitting employees to waive their rights under the insurance act and sue an employer who had made the required contributions to the insurance fund, there was not given to the employer that equal protection of the law which is his constitutional right.

An extended opinion was delivered by Judge Smith, speaking for the court, in which the principles involved in the law were discussed, and the proposed system sustained as valid as a method of providing for the relief of injured workmen by means of a State insurance fund. The various points involved in the contention of the appellant company were discussed by the court, though not in the strict order in which they were presented by the appellant. In his opinion Judge Smith set forth the law in full, the grounds on which the action was brought by the State auditor in the lower court, and the contentions of the appellant company. Except for the omission of this preliminary matter, the opinion of the court is reproduced in full.

Having made the statement above indicated, Judge Smith said:

We shall not endeavor to consider the points raised in the foregoing order, because it will be noted that many of them comprehend, incidentally, questions of law involved in others.

At the outset it may be stated that the act, viewed as a whole, presents certain fundamental propositions, novel in this jurisdiction, which, although they have lately been the subject of serious consideration by courts and students of present-day conditions, involving, as they do, grave questions of constitutional law as well as of economics, are yet so comparatively new in conception that their supposed basic principles have not been recognized as sound by some tribunals and law writers, and may be said not to have been accepted in their entirety by any court. It will not suffice to say that because the theory or design of the lawmaking power, as evidenced by the act, is one which is not only new in principle, but revolutionary of certain preconceived and deeply rooted notions of lawyers, therefore the act is unconstitutional. Nevertheless it is the duty of courts to jealously guard the constitutional rights of the citizen.

It is matter of common knowledge among lawyers and laymen alike, that our present system of compensation for injury or death of an employee, caused by the actual or imputed negligence of his employer, has given rise to conditions which seem to demand an abrogation of that system. This demand is so widespread and insistent that we shall do well to inquire into the reasons therefor.

In this State the affirmative defenses of contributory negligence, and assumption of risk, including in the latter the negligence of a fellow servant, are still generally available to the employer. The result is that in many cases the maimed employee, and, in case of his death, his dependents are obliged to bear the whole burden of misfortune. He or they may suffer the humiliation of becoming public charges, with the consequent additional expense to the taxpayer. The injury or death may have been the result of inevitable accident in the course of the employment, in which event the workman is the

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sole victim. Whatever may be the reason therefor, actions for damages for personal injury and death, have increased enormously in number in the past few years. It is notorious that but a small proportion of the moneys forced from the employer in these cases finds its way into the pockets of the plaintiff. The remainder is frittered away in payment of counsel fees, witness fees, court costs, and other necessary expenses of litigation. The records of this court disclose that our best and most highminded lawyers have, as was their duty, advocated the cause of the plaintiff in many of these cases; nevertheless, the fact remains that the solicitor of personal injury cases is a hateful reality and much unnecessary and ill-advised litigation results from his activities. These cases are prolific of perjury and subornation of false swearing. They also add a great weight to the burden of the taxpayer. Some plaintiffs have lost meritorious causes, and many defendants, especially public-service corporations, have been mulcted in heavy damages in actions where the great preponderance of the evidence was in their favor. Jurors in some communities are, unconsciously perhaps, prejudiced against corporations, as such. In practical application our present system does not afford the equal protection of the laws to certain defendants. It is impossible not to recognize the fact that the defendant's ability to pay is often used as a basis for calculating the compensation due the plaintiff. Personal injury cases breed class hatred, as between capital and labor, in its most virulent form.

1. Can this statute be upheld as a proper exercise of the police power of the State? We shall first concern ourselves with the police power generally as applied to the act. It is contended on the part of the appellant that the measure is not designed to prevent the evils growing out of and incident to the present system of actions for fault, because it does not abolish such actions. We shall discuss this question later, but here it may be suggested that if the act has a reasonable tendency to accomplish the desired result, it ought to be upheld, so far as that point is concerned.

We think it can not be doubted that many employees and dependents of employees who actually have a good cause of action under the common law and statutory procedure now in force will voluntarily resort to the provisions of the act to save the expense and delay necessarily incident to litigation in the courts. Be that as it may, the members of the legislature by whom the act was passed were evidently of opinion that such a result would or might ensue, and as the question was one essentially for their determination, the courts ought not to declare otherwise unless they are able to say that it has no such tendency.

Let us first disabuse our minds of the notion that a claim for indemnity under this act is either a suit, an action, or a cause of action. It is neither. The act, as distinctly indicated by its title, provides for a State accident insurance and total permanent disability fund for coal miners. By its terms a method of compensation is provided for injury or death of a coal miner, regardless of the manner in which the injury was inflicted or the death caused. It ignores, and was intended to ignore, any question of fault on the part of either employer or employee. It provides an insurance for persons who have no cause of action at law, and extends its benefits also to those who have a cause of action, if they so elect. But we may, for

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the moment, disregard the latter consideration and treat the act as simply providing indemnity for those who could not successfully prosecute an action in the courts. So regarded it is essentially extra-judicial in character.

The police power of the State is not to be rigidly defined, or confined to set cases. Mr. Alfred Russell, in his work Police Powers of the State, pages 25 and 26, says: "What the police power is, and what its extent and limitations are, can only be ascertained by the gradual processes of judicial inclusion and exclusion as the cases presented for decision require." Prof. Ernst Freund says: "From the mass of decisions, in which the nature of the power has been discussed, and its application either conceded or denied, it is possible to evolve at least two main attributes or characteristics which differentiate the police power; it aims directly to secure and promote the public welfare, and it does so by restraint and compulsion." (Freund Police Power, sec. 3, p. 3.) Mr. Justice Holmes, speaking for the Supreme Court of the United States in Noble State Bank *v.* Haskell (219 U. S. 104), said: "If we have a case within the reasonable exercise of the police power no more need be said. In a general way the police power extends to all the great public needs. It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and predominant opinion to be greatly and immediately necessary to the public welfare."

For the purposes of this case let us turn from its humanitarian features and suppose, for the moment, that the sole object of the act is to prevent persons injured in coal mines and their dependents from becoming public charges. Viewed in this light, the private benefits to be derived from the law may be disregarded and its primary object held to be one of public concern solely. Moreover, it can not be doubted, we think, that the general welfare of the State and its standing among its sister States, as well as among persons generally, necessarily including those who have money to invest and those who seek new homes and new locations, depend in a great measure upon its industries and the class and welfare of its wageworkers. Any measure which tends to minimize indigency of necessity raises the general standard of the people; any statute which has a tendency to reduce the present enormous expense of operating our courts would seem to be, presumptively, a proper exercise of the police power The Supreme Court of Washington, in The State of Washington ex rel. Davis-Smith Co. *v.* Clausen, State Auditor (117 Pac. 1101), while construing and sustaining a compulsory workman's compensation law, said: "The inquiry should be: Is there no reasonable ground to believe that the public safety, health and general welfare is promoted thereby? It is unnecessary to discuss the origin, nature, or extent of the police power. It is sufficient to say that, by means of it, the legislature exercises a supervision over matters affecting the common weal and enforces the observance by each individual member of society of duties which he owes to others and the community at large. The possession and enjoyment of all rights are subject to this power. Under it the State 'may prescribe regulations promoting the health, peace, morals, education and good order of the people, and legislate so as to increase the industries of the State, develop its resources, and add to its welfare and prosperity.' In fine, when

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reduced to its ultimate and final analysis, the police power is the power to govern." The court then cited many cases in which statutes creating liability without fault have been upheld. If we are correct in our conclusions, however, these cases have no great pertinency to this branch of the inquiry. They all relate to the protection of private rights. The statute of Washington in terms abolishes all civil actions and civil causes of action for personal injuries incurred in certain extra-hazardous employments, and the jurisdiction of the courts therein, except as in the act provided. And in so far as the case just cited holds that the act was a proper exercise of the police power, it is a direct authority in this case and, we think reaches a correct conclusion.

Mr. Robert J. Cary, of Chicago, in his brief on the Power of Congress in Respect of Industrial Insurance, at page 51 says: "The body of law involved in the law of torts and employers' liability statutes pertains entirely to the redress of private wrongs. In such instance liability results in the payment of damages to the employee intended to be commensurate with, and to reimburse him for, the injury suffered. Such law has for its sole object and end the regulating of private rights, * * *. The obligations, on the other hand, of industrial insurance and workmen's compensation, accrue from contingencies not dependent upon or within the control of the parties, and thus have no relation whatever to the conduct of the parties; hence these obligations are not based upon wrongs. It follows, then, that they must pertain to the subject of Government regulations, and are in the nature of economic provisions taking the form of indirect taxation levied to regulate occupations, for on what other basis would the Government be justified in writing into the labor contract, against the will of the parties, an insurance policy? Were this not so, industrial insurance or workmen's compensation would be, from the standpoint of both the employee and the employer, without basis of justice or equity, for the theory of such laws is that compensation is not to be commensurate with injury, but is to be based upon wages, thus substituting for the former obligations based upon tort, which offered damages commensurate with injury, a purely arbitrary sum. Such a scheme can have no relation to the adjustment of private wrongs. If it be justifiable, it must be on the sociological theory of the right of the State to levy a tax for the purpose of protecting, from an economic standpoint, the community as a whole."

The Supreme Court of the United States, in the case of Lawton *v.* Steele (152 U. S. 133), used this language: "The extent and limits of what is known as the police power have been a fruitful source of discussion in the appellate courts of nearly every State in the Union. It is universally conceded to include everything essential to the public safety, health and morals, and to justify the destruction or abatement, by summary proceedings, of whatever may be regarded as a public nuisance. Under this power it has been held that the State may order the destruction of a house falling to decay or otherwise endangering the lives of passers-by; the demolition of such as are in the path of a conflagration; the slaughter of diseased cattle; the destruction of decayed or unwholesome food; the prohibition of wooden buildings in cities; the regulation of railways and other means of public conveyance, and of interments in burial grounds; the restriction of objectionable trades to certain localities; the

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compulsory vaccination of children; the confinement of the insane or those affected with contagious diseases; the restraint of vagrants, beggars, and habitual drunkards; the suppression of obscene publications and houses of ill fame; and the prohibition of gambling houses and places where intoxicating liquors are sold. Beyond this, however, the State may interfere wherever the public interests demand it, and in this particular, a large discretion is necessarily vested in the legislature to determine, not only what the interests of the public require, but what measures are necessary for the protection of such interests." And again, in Holden *v.* Hardy (169 U. S. 366), the court said: "This court has not failed to recognize the fact that the law is, to a certain extent, a progressive science; that in some of the States methods of procedure, which at the time the Constitution was adopted were deemed essential to the protection and safety of the people or to the liberty of the citizen, have been found to be no longer necessary; that restrictions which had formerly been laid upon the conduct of individuals, or of classes of individuals, had proved detrimental to their interests; while, upon the other hand, certain classes of persons, particularly those engaged in dangerous or unhealthful employments, have been found to be in need of additional protection. * * * While the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuations, and the Constitution of the United States, which is necessarily and to a large extent inflexible and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them conform to the wishes of the citizens as they may deem best for the public welfare, without bringing them into conflict with the supreme law of the land."

In our judgment, the general scheme of this act is well within the police powers of the State. If the people, represented by their legislature, are of opinion that the public interests demand that industrial insurance ought to be substituted, in whole or in part, for actions for wrongs, this court certainly can not say that they are in error.

2. But it is contended that the act is an example of class legislation, and several reasons are urged in support of this contention. The first is, that it singles out one particularly hazardous employment and subjects it to burdens not placed upon other extra-hazardous employments within the State.

The legislature has declared, in effect, that coal mining is a dangerous and extra-hazardous business, and we think it is generally known to be so. The Court of Appeals of New York, in Ives *v.* South Buffalo Railway Co. (95 [94] N. R. 431), disposed of this question, correctly we think, as follows: "The appellant contends that the classification in this statute of a limited number of employments as dangerous is fanciful or arbitrary, and is, therefore, repugnant to that part of the fourteenth amendment to the Federal Constitution which guarantees to all our citizens the equal protection of the laws. Classification for purposes of taxation, or of regulation under the police power, is a legislative function, with which the courts have no right to interfere, unless it is so clearly arbitrary or unreasonable as to invade some constitutional right. A State may classify persons and objects for the purpose of legislation, provided the classification is based on proper and justifiable distinctions and

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for a purpose within the legislative power. There can be no doubt, we think, that all of the occupations enumerated in the statute are more or less inherently dangerous to a degree which justifies such regulation as is properly within the scope of the police power. * * * The mandate of the Federal Constitution is complied with if all who are in a particular class are treated alike, and that, we think, is the effect of this classification." (See also Orient Insurance Co. *v.* Daggs, 172 U. S. 557; Magoun *v.* Illinois T. & S. Bank, 170 U. S. 283.)

In the case of Quong Wing *v.* Kirkendall (39 Mont. 64), this court said: "The legislature is presumed to have exercised a reasonable discretion in making the classification, and the courts ought not to interfere with the action of this coordinate branch of the Government, until the party upon whom rests the burden of proof clearly shows that he is denied the equal protection of the laws. Every intendment is in favor of the validity of the legislative action. In other words, the classification is presumed to be reasonable."

The fact that coal mining is alone selected from numerous other dangerous employments is not at all significant. Legislation of this nature is in its infancy, and if it be found adequate to correct the evils growing out of the present system, it may gradually be extended to apply to all extra-hazardous employments. So long as all persons operating coal mines are treated alike, no one of them has cause of complaint. The same may be said of coal miners. (See Soon Hing *v.* Crowley, 113 U. S. 703, and Missouri Pac. Ry. Co. *v.* Mackey, 127 U. S. 205.)

3. Before proceeding to discuss the other questions involved, it may be well to fix the status of the parties to whom the act applies, to wit: Operators of and employees in coal mines, as indicated by the act itself. We hold to the following propositions:

(1) That the right to exercise police authority as such over the operator arises, in part at least, from the fact that he is engaged in an extra-hazardous business which may, by reason of the liability of his employees to injury therein, resulting in death or partial or permament disability, cause them to become public charges, thus lowering the standard of citizenship and increasing the general burden of taxation; and from the further fact that our present system of common-law and statutory actions greatly increases the expense of maintaining our courts, causes a vast economic waste, and tends to create breaches and dissensions between employer and employee which would otherwise not exist. (St. Louis Con. Coal Co. *v.* Illinois, 185 U. S. 203.) The latter consideration is one pertaining to the peace, order and morals of the community, which are universally recognized as subject to control and regulation by the State. (State *v.* Penny, 42 Mont. 118.)

(2) The exercise of the police power is properly and necessarily supplemented by the taxing power of the Commonwealth, in order to carry the general plan into practical effect. Or perhaps it is more accurate to say that the power to tax for the purposes of the act is necessarily included in the police power. It will readily be seen that unless the power to impose taxes upon the extra-hazardous industry can be invoked to create an insurance fund, the act is nugatory.

Beyond doubt, there can be no lawful tax which is not laid for a public purpose. What is a public purpose? Having determined

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that the general design of the act may be upheld as a proper exercise of the police power—that is, as being a scheme which may result to the public welfare—we are justified, perhaps, in accepting as a corollary the conclusion that the tax imposed is for a public purpose. Again, if the act abolished actions and causes of action for personal injuries and death, the tax might be justified on the theory that the State had given a quid pro quo to the employer. But such is not the situation with which we have to deal. As a matter of fact, the tax is imposed for the purpose of creating a fund to indemnify certain individuals and classes of individuals, and actions at law are not abolished. It is imposed on an extra-hazardous employment for the presumed reason that such employment is pregnant with possibility of injury to the employee. The business of coal mining is not unlawful or immoral; on the contrary, it is lawful and necessary. But it is extremely dangerous and therefore subject to regulation. The tax can not be likened to a special assessment for local improvements, for the reason that such an assessment is primarily a lien upon the property benefited and also because the supposed justification for such assessment rests in the idea that the owner receives a direct, substantial return for such tax, in the enhanced value of his property. In our judgment, the better reasoning leads to the conclusion that this impost is an employment tax upon the occupations of operating and working coal mines. It is not at all necessary to justify the imposition of such a tax, that the business itself should particularly require police supervision, although, as we have seen, extra-hazardous enterprises may demand restraint and regulation. Such a tax may be imposed either for regulation or revenue, or for both. Property and occupation are alike legitimate objects of taxation. (See sec. 1, Art. XII, of the State constitution.)

The Supreme Court of Wisconsin, in Brodhead *v.* City of Milwaukee (19 Wis. 658), held that a tax imposed for the payment of bounties to volunteers who might enlist in the service of the United States during the Civil War was for a public purpose. Mr. Chief Justice Dixon said: "The objects for which money is raised by taxation must be public, and such as conserve the common interest and well-being of the community required to contribute. To justify the court in arresting the proceedings and declaring the tax void, the absence of all possible public interest in the purposes for which the funds are raised must be clear and palpable—so clear and palpable as to be perceptible to every mind at the first blush. In addition to these, I understand that it is not denied that claims founded in equity and justice in the largest sense of those terms, or in gratitude or charity, will support a tax. Such is the language of the authorities. I think the consideration of gratitude alone to the soldier for his services * * * will sustain a tax for bounty money to be paid him or his family. * * * It is a matter which ultimately concerns the public welfare, and that nation will live longest in fact, as well as in history, and be most prosperous, whose people are most sure and prompt in the reasonable and proper acknowledgment of such obligations."

The Supreme Court of Connecticut, speaking to the same subject, in Booth *v.* Town of Woodbury (32 Conn. 118), said: "In the first place, if it be conceded that it is not competent for the legislative power to make a gift of the common property, or of a sum of money to be

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raised by taxation, where no possible public benefit, direct or indirect, can be derived therefrom, such exercise of the legislative power must be of an extraordinary character to justify the interference of the judiciary; and this is not that case. Second, if there be the least possibility that making the gift will be promotive in any degree of the public welfare, it becomes a question of policy and not of natural justice, and the determination of the legislature is conclusive. Such gifts to unfortunate classes of society, as the indigent blind, the deaf and dumb, or insane, or grants to particular colleges or schools, or grants of pensions, swords, or other mementos for past services, involving the general good indirectly and in slight degree, are frequently made and never questioned."

Judge Cooley in his Constitutional Limitations, seventh edition, page 692, says this: "Not only are certain expenditures absolutely essential to the continued existence of the Government and the performance of its ordinary functions, but as a matter of policy it may sometimes be proper and wise to assume other burdens which rest entirely on considerations of honor, gratitude, or charity. There will, therefore, be necessary expenditures, and expenditures which rest upon considerations of policy only, and, in regard to the one as much as to the other, the decision of that department to which alone questions of State policy are addressed must be accepted as conclusive."

No one has ever thought to question the power of the legislature to erect memorials to certain distinguished citizens of Montana who have passed away. The erection of those memorials was actuated entirely by sentiment, but who shall deny that their contemplation has a tendency to raise, or at least to maintain, our general standard of citizenship?

The fact that the act operates to the direct benefit of the injured employee or his dependents does not of itself characterize the measure as one for private purposes only. We think the considerations to which we have heretofore adverted demonstrate that the provisions of the act disclose the fact that its enactment may have been so far a matter of public concern, involving the general good and welfare, that the legislature in carrying forward the policy of the State, directed by a clearly defined dominant public opinion, was warranted in declaring, by implication, that the purpose for which the tax is imposed is a public one. This being so, the courts have no power to declare otherwise.

4. Is the right to trial by jury denied? Article 7 of the amendments to the Constitution of the United States does not guarantee a trial by jury in a civil action in a State court. (Walker *v.* Sauvinet, 92 U. S. 90.) Section 23 of Article III of the State constitution provides that the right of trial by jury shall be secured to all and remain inviolate. This provision has been construed by this court as applying only to those cases wherein a right of trial by jury existed at the date of the adoption of the constitution. (Montana Ore Pur. Co. *v.* Boston & Mont. Con. C. & S. Min. Co., 27 Mont. 288.) Section 23 of Article III of the constitution, supra, refers in terms to "civil cases" and "criminal cases." We shall not concern ourselves with the origin and growth of actions for fault. Suffice it to say that they were known to the common law and are popularly referred to as common-law actions. It was a rule of the common law, speaking

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generally, that for the death of one person caused by the wrongful act of another, there was not any remedy by civil action. Because of the harshness of this rule the English Parliament in 1846 enacted a statute known as "Lord Campbell's Act," and this act is the model after which a like statute has been enacted in nearly every American State, including Montana. (See Dillon *v.* Great Northern Ry. Co., 38 Mont. 485.) The legislature of 1903 passed an act rendering railroad companies liable for injuries to employees caused by the negligence of certain other employees (see Laws of 1903, p. 157), and the legislature of 1905 further enlarged the common-law liability of persons or corporations operating railroads. (See sec. 5152, Rev. Codes.) Many other instances might be cited from our own statutes. There can be no doubt of the power of the legislature to abolish these provisions by repealing the statutes. Indeed, all of our actions for wrongs may be regarded as in some degree statutory. The Court of Appeals of New York, in the Ives case, supra, held that the legislature had power to abolish the fellow-servant rule and the law of contributory negligence as applied to injuries to servants, and also to a limited extent to regulate the application of the doctrine of assumed risk. The legislature may alter or repeal the common law. (Berthelf *v.* O'Reilly, 74 N. Y. 509.) Many rules of the common law are abolished by our code, and section 8060, Revised Codes, expressly declares that in this State there is no common law in any case where the law is declared by the code or the statute. We find nothing in the constitution to indicate that it is incumbent upon the legislature to preserve the present system of actions for negligence so as to cover future happenings. (And see Martin *v.* P. & L. R. R. Co., 203 U. S. 214; A. T. & S. F. Ry. Co. *v.* Sowers, 213 U. S. 55; Sawyer *v.* E. P. & N. E. Ry. Co., 108 S. W. 718.)

The right of trial by jury which is secured and protected by the constitution, refers to the trial of cases, actions, or suits at law (see Koppikus *v.* Capitol Commissioners, 16 Cal. 249), and has no reference to claims against an indemnity fund, such as are provided for by this act, or demands by the State auditor for occupation taxes. There is not anything in the constitution guaranteeing a right of trial by jury in case of demand for a license or occupation tax. The adjustment of claims under the act is an administrative function and not a judicial proceeding, and it is only in certain cases falling under the latter designation that trial by jury is guaranteed by the constitution. "Due process of law" does not necessarily require a jury trial. (Montana Co. *v.* St. Louis Min. Co., 152 U. S. 160.)

5. This brings us to the question: Does the system and machinery provided in the act constitute due process of law?

The phrase "due process of law" does not necessarily mean by a judicial proceeding. In the case of Den *v.* Hoboken Land & Improvement Co. (18 How. 272), the Supreme Court of the United States decided that a sale of land by a marshal of the United States on a distress warrant was due process of law. That case contains a very interesting and instructive discussion of the subject. But we need go no further than to inquire whether the collection of an occupation tax in the summary manner provided by the act affords due process of law. This question is set at rest, as to taxes generally, by the case of Kelly *v.* City of Pittsburgh (104 U. S. 78), wherein the court said: "Taxes have not, as a general rule, in this country since its inde-

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pendence, nor in England before that time, been collected by regular judicial proceedings. The necessities of government, the nature of the duty to be performed, and the customary usages of the people have established a different procedure, which, in regard to that matter, is, and always has been, due process of law." (See also Palmer *v.* McMahon, 133 U. S. 660.)

The case of McMillen *v.* Anderson (95 U. S., 37), was an action to enjoin the collection of a license tax. The court, in affirming a judgment of the Supreme Court of Louisiana dissolving a preliminary injunction, said: "The mode of assessing taxes in the States by the Federal Government, and by all governments, is necessarily summary, that it may be speedy and effectual. By summary is not meant arbitrary, or unequal, or illegal. It must, under our Constitution, be lawfully done. * * * It seems to be supposed that it is essential to the validity of this tax that the party charged should have been present, or had an opportunity to be present, in some tribunal when he was assessed. But this is not, and never has been, considered necessary to the validity of a tax." The opinion then proceeds to show that under the laws of the State of Louisiana the person assessed has a remedy by application to the courts if he be wrongfully taxed. Our statute, section 2741, Revised Codes, by necessary implication provides a remedy by injunction in cases where the tax demanded is illegal or not authorized by law, and section 2742, Revised Codes, providing for payment of "taxes, licenses, and other demands for public revenue" under protest, the amount to be later recovered in an action at law, is, we think, applicable to unauthorized demands by the State auditor. In the case of Chauvin *v.* Valiten (8 Mont. 459), this court, speaking through Chief Justice McConnell, delivered a very exhaustive opinion concerning "due process of law." The views therein expressed accord with those of other courts on the subject and seem determinative of the question we are considering. (See also McMillan *v.* City of Butte, 30 Mont. 220.)

6. The contention that the provision for payment to an injured employee of his compensation in a lump sum defeats the purpose of the act, viewed as a police regulation, is untenable. It may be that in some instances the employee will dissipate and waste the money so paid, and will thereby render himself indigent, but there is not any presumption that he will do so, and in many instances, we think, such will not be the case. Many employees will undoubtedly conserve the amount received and use the same for future maintenance and support. We are aware that there is considerable criticism of proposed legislation containing provisions similar to the one we have in mind, but the matter is not for judicial decision. The expediency of the measure in this regard was for legislative determination exclusively.

7. Again, it is argued the act does not differentiate between a careful and a careless employer. We think this argument is fully answered by the decision of the Supreme Court of the United States in Noble State Bank *v.* Haskell, supra. Moreover, that case is authority for several of the conclusions reached in this case.

8. But, it is said, the act lodges judicial power in the State auditor. What has heretofore been said applies in large measure to this contention. Indeed, many of the questions involved in the case are so

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interwoven that it is difficult to determine where one ends and another begins. Let it be noted, however, that the act is almost, if not completely, automatic in practical working. The amounts to be paid by the operator, based as they are upon the tonnage of coal mined and shipped, or sold locally, or mined and ready for shipment or sale, are easy of computation, as is also the amount to be deducted from the wages of the workmen, to wit, 1 per cent thereof. The sum to be paid in case of death is fixed and certain, as are also the person or persons to whom it shall be paid. In case of injury the amount of compensation is also fixed, dependent upon the character and extent of the injury. The auditor has power to formulate rules and regulations not inconsistent with the provisions of the act. In case of death of a workman he may require satisfactory evidence of such death, and all applications for monthly payments under the act must be accompanied by a certificate from the county physician and be attested before a notary public. We think these provisions insure, prima facie, protection to the fund in the hands of the auditor. It is also provided that if any person, company, or corporation who is a contributor to the fund shall believe that an improper or fraudulent claim has been made thereon, the secretary of the State board of health must investigate the matter, and his determination shall be conclusive. It may be, considering the novel character of this legislation, that the auditor will encounter some slight obstacles in performing his duties. The difficulties which he may thus meet, however, will relate more to the details of administration than to any fundamental defect in the act itself, and, we have no doubt, may be to a great extent minimized by the promulgation of reasonable rules and regulations for the conduct of his office, as well as for the guidance of contributors to and claimants against the fund. After all, such considerations are preeminently for the legislative branch of the Government to deal with. Possibly, time and experience will demonstrate that amendments to or changes in the act will be advisable; but, as was well said by the Supreme Court of Washington in the Clausen case, supra: "The courts can not do otherwise than put it to the test of practice." If we are correct in our former conclusions that the act affords due process of law and the right of trial by jury has not been violated, then it seems clear that any controversy which may arise concerning the mere administrative duty of collecting and distributing the fund may be decided in such summary manner as the State shall prescribe. To again quote from Mr. Cary's able brief (p. 134): "The Government may prescribe summary methods of adjudication through its administrative officers whose decisions shall be conclusive, or it may provide, as was suggested in Den *v.* Hoboken Land & Improvement Co., that the controversy shall take a judicial form and be determined by such remedial procedure as the Government shall create for this purpose." Regarded as an act to provide a fund for the benefit of certain employees and their dependents who would otherwise be remediless, we have no doubt that it is within the power of the legislative assembly to entrust the administration of the fund to such official as it may see fit. The fact that one who has a cause of action at common law may elect to take under the act, and the suggestion that as to him the auditor may be called upon to exercise judicial power, has no persuasive force when we consider that such election is altogether voluntary and he may

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resort to the courts if he so desires. If the tax provided for in the act can legally be exacted from the employer, and, as is the case, the acceptance of its benefits by the claimant ipso facto operates to release the employer from liability, it is difficult to see how the latter has any further concern in the matter of distribution of the fund, than to be assured, as the act provides he may be, that it is not paid out on improper or fraudulent claims. If the summary method of administration provided may not be resorted to, then one of the paramount reasons for this class of legislation must be entirely eliminated from consideration. It seems to us that the opinion of the Supreme Court of the United States in Den *v.* Hoboken Land & Improvement Co., supra, effectually disposes of this question, as well as of some others which we have considered. As this opinion is already too long, however, we shall content ourselves with a single quotation therefrom: "Though, generally, both public and private wrongs are redressed through judicial action, there are more summary extrajudicial remedies for both."

9. Contention No. 5, supra, has been reserved for final consideration for the reason that, while the question raised thereby is by no means so fundamental in character as many of those already disposed of, it is nevertheless decisive of the case. It is therein contended that in reserving to the employee his right to an action at law, the act denies to the mine operator the equal protection of the laws. We have decided that the fact that actions at law are not abolished by the act is not, of itself, a sufficient reason for declaring the statute unconstitutional. We do not believe "that for the purpose of determining the validity of the tax it is necessary to find an immediate specific benefit to the individual taxed," as is maintained by some writers on the subject. We think we have already shown that if the act can be justified at all it must be upon a much broader principle than that above indicated. The duty to make payments as provided in section 2 is absolute and unconditional. It can be enforced by appropriate action. But after full compliance with the terms of the act, the employer is not exonerated from liability. He may still be sued and compelled to pay damages in a proper case. No provision is made for reimbursement in whole or in part. The injured employees of one operator may all resort to the indemnity fund, while those of another may elect to appeal to the courts. The result is that the employer against whom an action is successfully prosecuted, is compelled to pay twice. He has fully paid his assessments under the act and is also obliged to pay damages. This fact is so palpable as to be needless of discussion. The act in this regard is not only inequitable and unjust, but clearly illegal and void as not affording to such employer the equal protection of the laws. The Legislature of the State of Washington guarded against this contingency by abolishing all actions for negligence. (Ch. 74, Session Laws, Washington, 1911.) The General Assembly of Maryland, in an act somewhat similar to ours (see Laws of Maryland, 1910, ch. 153) provided: "If any suit or action be brought against any operator for or in respect of any injury or disability received by an employee while in the discharge of his duty or for death resulting therefrom * * * and said operator shall appear and defend such suit or action and a judgment shall be rendered against him, he shall, after satisfying said judgment * * * be entitled thereafter to deduct from the

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payments required to be made by him * * * a sum equal to the amount of said judgment and costs."

The manner in which the equal protection of the laws shall be afforded to the operator is, of course, for the legislative body to determine; but some method must assuredly be provided to protect him from double payments. The act in its present form, is, in this regard, so repugnant to all ideas of equity and equality that it must, we think, appeal to every right-thinking person, on the most cursory examination, as unjust. It was to guard against such legislation as this, as we apprehend, that the framers of all American constitutions guaranteed to the citizen the equal protection of the laws.

The judgment is reversed and the cause is remanded with directions to enter a judgment for the defendant.

COMPENSATION OF WORKMEN FOR INJURIES—ELECTIVE COMPENSATION SYSTEM—ABROGATION OF EMPLOYERS' DEFENSES—POLICE POWER—CONSTITUTIONALITY OF STATUTE—*Borgnis et al. v. The Falk Company, Supreme Court of Wisconsin, November 14, 1911, No. 164, August Term, 1911. (Copy of opinion furnished by Industrial Commission of Wisconsin).*—An act of the Legislature of Wisconsin, chapter 50 of the acts of 1911, provided for the establishment of a system of compensation for injuries in lieu of the former provision of employers' liability enforceable by suit at law. The acceptance of the provisions of the compensation law was made elective on the part of both employer and employee; but certain defenses of the employer were abolished, and if an employer elects to accept the law, election by the employee is presumed in the absence of written notice. Suits for damages are not permitted after an election to receive compensation under the act. The defendant company above named had in its employment certain workmen, among them one Borgnis, a superintendent of one of its departments, and one Schumacher, an apprentice under a contract having about three years yet to run. Action was brought in the court below to enjoin the company from electing to accept the provisions of the law, the plaintiffs contending that such election would interfere with their existing contracts, thus working irreparable injury for which they had no adequate remedy at law. On the pleadings made judgment was rendered enjoining the defendants from electing to become subject to the act during the continuance of the plaintiffs' contracts, whereupon the defendant company appealed.

On the hearing before the supreme court the question of the effect and constitutionality of the law were gone into, the court assuming that the importance of an enactment so vitally changing the method of dealing with industrial accidents was entitled to full consideration, and that a decision of its constitutionality would decide the question as to whether or not it could have any such effect as the plaintiffs

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contended. The law was upheld as constitutional; but it was held that it did not affect the existing contracts of employment, since the employee's option to accept or reject continued, and could be exercised after his employer's choice to accept the law.

The opinion of the court was delivered by Chief Justice Winslow and is reproduced with practicable completeness. By way of introduction Judge Winslow said:

We are not certainly advised as to the exact ground on which the decision below was reached, but we assume that it was on the theory that the law in question was a valid law; that it was retrospective in its effect, and that if the defendant elected to become subject to the act the plaintiffs would be compelled to breach their existing contracts or submit to the terms of the act, and thus lose valuable rights; and hence that equity might and should restrain their employer from electing to come under the law until their existing contracts had expired.

It seems to be true that this action might very well be disposed of without considering the question of the validity of the act in question. Ordinarily under such circumstances that course would be the proper one to pursue, for the question of the constitutionality of a statute passed by the legislature is not one to be lightly taken up, and generally such a question will not be decided unless it be necessary to decide it in order to dispose of the case. There are circumstances here present, however, which seem to call very loudly for immediate consideration of the question of the validity of the act in question, if under any view of the case it can be considered as involved. The legislature, in response to a public sentiment which can not be mistaken, has passed a law which attempts to solve certain very pressing problems which have arisen out of the changed industrial conditions of our time. It has endeavored by this law to provide a way by which employer and employed may, if they so choose, escape entirely from that very troublesome and economically absurd luxury known as personal-injury litigation, and resort to a system by which every employee not guilty of willful misconduct may receive at once a reasonable recompense for injuries accidentally received in his employment under certain fixed rules, without a lawsuit and without friction.

A considerable number of employers have accepted the terms of the act, but unquestionably many are waiting until the question of the constitutionality of the act be authoritatively settled by this court. Nor is this attitude either blameworthy or surprising. If an employer elects to accept the act and proceeds to pay out the sums which it requires for a year or more, and then the act should be declared unconstitutional, it might well be that he would have paid out considerable sums which under the former system he would not be required to pay at all, because he was not negligent, and that he would also be subject to suits to recover additional sums by those who, without contributory negligence, had suffered injury and had received compensation under the law. The situation is unquestionably one of much doubt and uncertainty among the great industries of the State, and it must remain such until this court has spoken. Many employers of labor who have not accepted the law have taken

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that course not because they have chosen definitely to decline the terms of the law, but because they do not know whether they will be protected if they accept and act under it. Such a condition of uncertainty ought not to be allowed to exist if it can be removed. This court can not properly decide questions which are not legitimately involved in bona fide lawsuits, but it may properly decide all questions which are so involved, even though it be not absolutely essential to the result that all should be decided. The validity of the statute in question is a matter which may be legitimately considered in the decision of this case. If the statute be unconstitutional and void, then it is certain that the plaintiffs have no cause of action because an election to accept the terms of a void statute could harm no one. Impressed with this view of our duty under the circumstances, we advanced the present case upon the calendar, and invited argument upon the main question as to the constitutionality of the statute, not only from the attorney general on behalf of the State, but from any attorney interested in the question. In pursuance of this invitation the attorney general and the industrial commission filed briefs, and oral argument was made by the deputy attorney general. The case has been fully presented, therefore, both by brief and argument, and we are now to consider whether there be any solid foundation for the attack made upon the law. In undertaking this task it will be necessary first to set forth in some detail its fundamental provisions.

A portion of the law was then cited verbatim and other portions summarized. (For the law in full, see Bulletin No. 92, pp. 144–151.) At the conclusion of this statement Judge Winslow said:

The act is quite long, as the complicated and delicate subject with which it deals manifestly requires, but its general purport and effect so far as this case is concerned may be briefly summarized.

It creates an administrative board to carry its provisions into effect; it divides all private employers of labor into two classes, (1) those who elect to come under the law, and (2) those who do not so elect; it takes away the defenses of assumption of risk, and negligence of a coemployee from the second class (except that where there are less than four coemployees the latter defense is not disturbed), but leaves both defenses intact to the first class; it prescribes the manner in which an employer may elect to come under its terms, and how an employee may make his election and when silence on the part of the employee will be considered an election, but it does not in terms compel either employer or employee to submit to its provisions; it then provides a comprehensive scheme by which, after both parties have so elected, any substantial injury, whether the result be fatal or not, received by the employee in the course of or incidental to his employment (except those caused by willful misconduct) shall be compensated for by the employer according to certain definite rules, which rules are to be administered by the administrative board aforesaid by means of simple procedure definitely laid down, which gives to both parties fair notice and hearing, and results in findings and an award which may be filed in the circuit court and become a judgment. It further provides that the findings of fact shall be conclusive and the award subject to review only by

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action in the circuit court of Dane County, in which it can be set aside only (1) if the commission acted without or in excess of its powers, (2) if the award was procured by fraud, or (3) if the award is not supported by the findings of fact; it then provides that the judgment thus rendered shall be subject to appeal to the supreme court.

For all the essential purposes of this discussion it may truly be said that this is the law which is before us, and the question is simply whether there is any vital part of it which the legislature may not enact because the constitution forbids it.

It is matter of common knowledge that this law forms the legislative response to an emphatic, if not a peremptory, public demand. It was admitted by lawyers as well as laymen that the personal-injury action brought by the employee against his employer to recover damages for injuries sustained by reason of the negligence of the employer had wholly failed to meet or remedy a great economic and social problem which modern industrialism has forced upon us, namely, the problem of who shall make pecuniary recompense for the toll of suffering and death which that industrialism levies and must continue to levy upon the civilized world. This problem is distinctly a modern problem. In the days of manual labor, the small shop with few employees and the stage coach there was no such problem, or if there was it was almost negligible. Accidents there were in those days and distressing ones, but they were relatively few, and the employee who exercised any reasonable degree of care was comparatively secure from injury. There was no army of injured and dying with constantly swelling ranks marching with halting step and dimming eyes to the great hereafter. This is what we have with us now, thanks to the wonderful material progress of our age, and this is what we shall have with us for many a day to come. Legislate as we may in the line of stringent requirements for safety devices or the abolition of employers' common-law defenses, the army of the injured will still increase, the price of our manufacturing greatness will still have to be paid in human blood and tears. To speak of the common-law personal-injury action as a remedy for this problem is to jest with serious subjects, to give a stone to one who asks for bread. The terrible economic waste, the overwhelming temptation to the commission of perjury, and the relatively small proportion of the sums recovered which comes to the injured parties in such actions, condemn them as wholly inadequate to meet the difficulty.

In approaching the consideration of the present law we must bear in mind the well-established principle that it must be sustained unless it be clear beyond reasonable question that it violates some constitutional limitation or prohibition.

That governments founded on written constitutions which are made difficult of amendment or change lose much in flexibility and adaptability to changed conditions there can be no doubt. Indeed that may be said to be one purpose of the written constitution. Doubtless they gain enough in stability and freedom from mere whimsical and sudden changes to more than make up for the loss in flexibility, but the loss still remains, whether for good or ill. A constitution is a very human document, and must embody with greater or less fidelity the spirit of the time of its adoption. It will be framed to

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meet the problems and difficulties which face the men who make it, and it will generally crystallize with more or less fidelity the political, social, and economic propositions which are considered irrefutable, if not actually inspired by the philosophers and legislators of the time; but the difficulty is that, while the constitution is fixed or very hard to change, the conditions and problems surrounding the people, as well as their ideals, are constantly changing. The political or philosophical aphorism of one generation is doubted by the next, and entirely discarded by the third; the race moves forward constantly, and no Canute can stay its progress.

Constitutional commands and prohibitions, either distinctly laid down in express words or necessarily implied from general words, must be obeyed, and implicitly obeyed, so long as they remain unamended or unrepealed. Any other course on the part of either legislator or judge constitutes violation of his oath of office; but when there is no such express command or prohibition, but only general language, or a general policy drawn from the four corners of the instrument, what shall be said about this? By what standards is this general language or general policy to be interpreted and applied to present-day people and conditions?

When an eighteenth-century constitution forms the charter of liberty of a twentieth century government must its general provisions be construed and interpreted by an eighteenth-century mind surrounded by eighteenth-century conditions and ideals? Clearly not. This were to command the race to halt in its progress, to stretch the state upon a veritable bed of Procrustes.

Where there is no express command or prohibition, but only general language or policy to be considered, the conditions prevailing at the time of its adoption must have their due weight, but the changed social, economic and governmental conditions and ideals of the time, as well as the problems which the changes have produced, must also logically enter into the consideration, and become influential factors in the settlement of problems of construction and interpretation.

These general propositions are here laid down not because they are considered either new or in serious controversy, but because they are believed to be peculiarly applicable to a case like the present, where a law which is framed to meet new economic conditions and difficulties resulting therefrom is attacked principally because it is believed to offend against constitutional guaranties or prohibitions couched in general terms, or supposed general policies drawn from the whole body of the instrument.

Passing to the consideration of the contentions made in the present case, we note in limine that this is not a compulsory law; no employer is compelled to pay damages to an employee without having had his day in court; it is true that the argument is made that the law is practically coercive, but that argument is not regarded by us as sound, and will be taken up and treated later in this opinion. We are therefore relieved from all consideration of the question whether a compulsory compensation act offends against those clauses of the State and Federal constitutions which guarantee all citizens against the deprivation of property without due process of law. This would be a question of greater difficulty than those which are presented in the present case. It was decided in the affirmative by the Court of

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Appeals of New York (Ives *v.* S. B. Ry. Co., 201 N. Y. 271), and in the negative by the Supreme Court of Washington (State ex rel. Clausen, Sept. 27, 1911, 117 Pac. 1101), and we express no opinion upon it.

The contention which naturally seems to come first in order is the objection that the whole first section abolishing the defenses of assumption of risk and negligence of a fellow servant is void, because, as it is said, public policy does not require their abrogation in any but the hazardous trades, it being admitted that in these last-named trades these defenses may properly be abolished.

The term "public policy" is frequently used very vaguely, and evidently is so used here. It is, however, quite a definite thing. Public policy on a given subject is determined either by the constitution itself or by statutes passed within constitutional limitations. In the absence of such constitutional or statutory determination only may the decisions of the courts determine it. (Hartford Ins. Co. *v.* C., M. & St. P. Ry. Co., 70 Fed. 201; s. c. 175 U. S. 91.) This court has said, "We know of no ground upon which a constitutional legislative enactment can be rightly spoken of as contrary to public policy" (Julien *v.* Model B., L. & I. Assn., 116 Wis. 79), and the remark is certainly correct. When acting within constitutional limitations, the legislature settles and declares the public policy of a State, and not the court. True, where the legislature has not spoken on a subject and the courts in the course of their duty have declared the principle of common law applicable thereto, public policy may be truly said to be thus created, but any public policy thus created by the courts may be at any time reversed or changed by the legislature, provided it act within constitutional lines. The people, acting directly by means of a referendum, or through their representatives in constitutional conventions or legislative bodies, are the makers of public policy, and it is only when the people have failed to speak in these methods that the courts can be said to have power to make public policy by decision. A constitutional statute can not be contrary to public policy—it is public policy.

The contention that a statute is unconstitutional because it is against public policy amounts to nothing more than a contention that it is unconstitutional, hence we address ourselves directly to that question and thereby gain something in clearness of thought.

The two defenses which the legislature has thus attempted to take away are not intrenched behind any express constitutional provision, nor were they originally created by legislative action. They were both evolved by the courts. At a time when industries of all kinds were comparatively simple and free from danger, when employees of a common master were few in number and generally acquainted with each other, and when a personal-injury action was a rarity, it was thought not to be unreasonable that an employee should assume those simple risks which were plainly before him, and should not be heard to complain if he were injured by the careless act of a fellow workman by whose side he had continued to work when he must have well known the nature and habits of the man. The precedent once made was generally followed, until it became buttressed by a multitude of decisions in practically all of the jurisdictions whose jurisprudence is founded upon the English common law. But, as has been pointed out earlier in this opinion, the conditions surrounding

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employer and employed have vastly changed during the last half century, and now the legislature, having become convinced that new conditions call for a change in rules of liability, have declared that such a change shall be made. They have changed the rule established by the courts because they deem another rule better fitted to deal with the problems of the time, or, in other words, because they deem it best to establish a changed public policy.

It is frankly admitted by appellant that it is within the legislative power to make this change with regard to the hazardous trades, but not with regard to what are called the nonhazardous trades. But why not? There are, of course, some occupations which are exceptionally hazardous, and it may well be that it would be within legislative discretion to classify these very hazardous occupations and remove the defenses as to them, while retaining them as to others less hazardous. Indeed that very thing has been done and has been approved by the courts in this and many other States, especially in the case of railroads and to some extent with other industries. (M. I. Co. *v.* Kline, 199 U. S. 593; Stats. Wis., sec. 1816, as amended by ch. 254, Laws 1907; Kiley *v.* C., M. & St. P. Ry. Co., 142 Wis. 154; Stats. Wis., secs. 1636j–1636jj, ch. 303, Laws 1905.)

But because there is room for classification it does not follow that legislation without classification is unconstitutional. There are hazards in all occupations, indeed they follow every man from the cradle to the grave. What constitutional requirement, either express or implied, clothes these court-made defenses with exceptional sancity as to the less hazardous industries, and warns off from them the sacrilegious hand of the legislature? We are referred to none, and we know of none. It is admitted in the Ives case supra that both the fellow-servant defense and the contributory-negligence defense being of judicial origin may be changed or abolished by the legislature. See also the opinion of the justices of the Massachusetts Supreme Court on the personal injuries act of 1911. We see absolutely no ground for the contention that these defenses may be lawfully abrogated as to the more hazardous industries, but must be forever held sacred as to the less hazardous industries; there may be a less persuasive reason for the change in the case of the latter class of industries, but this does not deprive the legislature of the power to make it.

But it is said that there is no proper classification here, and hence that the law is fatally discriminating in its character. The two defenses are preserved intact to employers who elect to come under the law and taken away from those who do not so elect. The rules governing classification are familiar and are in brief as follows: It must be based on substantial distinctions which make real differences, it must be germane to the purposes of the law, it must not be limited to existing conditions only, and must apply equally to each number of the class. It seems to us that this classification fully meets these requirements; certainly there will be very real differences between the situation of the employer who elects to come under the law and the employer who does not. If the consenting employer only employs workmen who also elect to come under the law he can never be mulcted in heavy damages and will know whenever an employee is injured practically just what must be paid for the injury;

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surely this is a different situation from the situation of the man who is liable to be brought into court by an injured employee at any time and obliged to defend common-law actions upon heavy claims unliquidated in their character, the outcome of which actions none can foretell. On the other hand, if, as seems quite likely, the greater part of the consenting employer's workmen consent but some do not and these latter are still retained in the employment, the same considerations will apply with somewhat less force. On the one hand there is a class of consenting employers employing wholly or largely consenting workmen, and having definite and fixed obligations to their workmen in case of injury; on the other hand is a class of non-consenting employers who have no such fixed obligations in case of injury to their workmen, but choose to meet every such workman in court and fight out the question of liability. There seems a very robust difference between these two classes. But after all there is another distinction which seems perhaps more satisfactory; the consenting employer has done his share, and it must be considered a considerable share, in rendering successful the legislative attempt to meet and solve a difficult social and economic problem. Even if it be true (which, as before stated, is not decided) that he may not be compelled under our constitutions, State and National, to assist in the solution of this problem, still does not his voluntary act in giving that assistance constitute a substantial distinction, making a real difference of situation between him and the employer who refuses his aid, a difference which justifies a difference in treatment?

It seems to us that this question must be answered in the affirmative, and if it be so answered there can be no doubt as to the legitimacy of the classification, for the reason that it is quite apparent that the other conditions of valid classification are fully satisfied; there can be no doubt that the classification is germane to the purpose of the law, and it is not limited in its application to existing conditions only, and applies equally to each member of the class.

The minor classification by which the fellow-servant defense is preserved to all employers employing less than four employees in a common employment is also attacked as having no proper legal basis, but it seems to us that the grounds of classification here are more persuasive even than in the case just discussed. The man who is employed with one or two other men in a given employment in all reasonable probability knows their characteristics well and will probably be with them a great part of the time. He will have ample opportunity to form a just judgment as to the risk of injury from their negligence which he will run if he works with them and will be enabled to shape his own conduct accordingly, but the man who is one of a large number of men, many of whom he never sees and some of these latter having duties to perform in distant places upon the due performance of which his own safety depends, has no opportunity to acquire any accurate knowledge of the characteristics of many of his fellow workmen and can not intelligently decide what risk he runs at the hands of such distant and unknown employees. The difference in situation is not merely fanciful—it is real. In one case the employee knows or has the means of knowing what to expect from his colaborers, in the other case he has neither the knowledge nor the means of knowledge. Of course there will be cases on the border line where the difference in situation will be very

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slight or perhaps entirely nonexistent; there will probably be no practical difference between the situation of the man who is one of four or five employees in a given employment and the situation of the man who is one of three, but this does not militate against the legitimacy of the classification; this is a necessary defect in all cases of classification based upon numbers. The question is not whether there may be some on one side of the line whose situation is practically the same as that of some on the other side, but whether there "is a distinction between the classes as classes, whether there are characteristics which, in a greater degree, persist through the one class than in the other which justify legal discrimination between them." (State *v.* Evans, 130 Wis. 381.)

Passing from these questions of classification, we meet the objection that the law, while in its words presenting to employer and employee a free choice as to whether he will accept its terms or not, is in fact coercive, so that neither employer nor employee can be said to act voluntarily in accepting it.

As to the employer, the argument is that the abolition of the two defenses is a club which forces him to accept; and as to the employee, the argument is that if his employer accepts the law the employee will feel compelled to accept also through fear of discharge if he do not accept.

Both of these arguments are based upon conjecture. Laws can not be set aside upon mere speculation or conjecture. The court must be able to say with certainty that an unlawful result will follow. We do not see how any such thing can be said here. No one can say with certainty what results will follow in the practical workings of the law. It may well be that many manufacturers, especially those employing small numbers of employees and in the less dangerous trades, will deliberately conclude that it will be better business policy to exercise greater care in guarding their employees from possible danger and greater discrimination in the employment of careful men, and reject the law entirely, running the risk of being able to prevent all or nearly all accidents; it seems extremely probable that the great bulk of workmen, especially of the unskilled classes, will be glad to come under the act and thus secure a certain compensation in case of injury, in place of that very uncertain and expensive thing, namely, the final result of a lawsuit; but whether this be so or not, it may be considered as reasonably certain that very many will elect to come under the act voluntarily and freely, and that those who do not will probably come from the ranks of skilled labor, who will deem the rates of compensation under the law as entirely inadequate, or will be careful workmen in the less dangerous trades who will see no gain in bartering their common-law rights for the restricted remedies furnished by the statute. It can not be said with any certainty that such men will be discharged for their failure to voluntarily come under the law. The probability would seem rather to be that they would be of a class which the employer would wish to keep in his employ, notwithstanding their attitude toward the law. These matters are, however, purely speculative and conjectural; none can say what the practical operation of the law will be. It is enough for our present purpose that no one can say with certainty that it will operate to coerce either employer or employee. We thus reach the conclusion that there are no valid constitutional objections to the

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first section of the law in question, and this conclusion obviates the necessity of any consideration of the provisions of sections 2394–32, which aim to preserve the balance of the law intact in case the whole or some part of section 1 should be considered invalid. We may say in passing that we know of no good reason why the legislature may not declare its intention that one part or section of a law is not a compensation for and that it may be separated from the balance of the act for the very purpose of saving such balance from being invalidated in case the first-named part or section be held unconstitutional. We think it would take a very extreme case of palpable absurdity or falsity in such a provision to justify any court in declaring such a declaration of legislative intent ineffective, if indeed a court could make such a declaration at all.

The next important contention is that the law is unconstitutional because it vests judicial power in a body which is not a court and is not composed of men elected by the people, in violation of those clauses of the State constitution which vest the judicial power in certain courts and provide for the election of judges by the people, as well as in violation of the constitutional guaranties of due process of law. It was suggested at the argument that the industrial commission might perhaps be held to be a court of conciliation, as authorized to be created by section 16 of Article VII of the State constitution, but we do not find it necessary to consider or decide this contention. We do not consider the industrial commission a court, nor do we construe the act as vesting in the commission judicial powers within the meaning of the constitution. It is an administrative body or arm of the Government which in the course of its administration of a law is empowered to ascertain some questions of fact and apply the existing law thereto, and in so doing acts quasi judicially, but it is not thereby vested with judicial power in the constitutional sense.

There are many such administrative bodies or commissions, and with the increasing complexity of modern government they seem likely to increase rather than diminish. Examples may be easily thought of—town boards, boards of health, boards of review, boards of equalization, railroad rate commissions, and public utility commissions all come within this class. They perform very important duties in our scheme of government, but they are not legislatures or courts. The legislative branch of the government by statute determines the rights, duties and liabilities of persons and corporations under certain conditions of fact, and varying as the facts and conditions change. Manifestly the legislature can not remain in session and pass a new act upon every change of conditions, but it may and does commit to an administrative board the duty of ascertaining when the facts exist which call into activity certain provisions of the law, and when conditions have changed so as to call into activity other provisions. The law is made by the legislature, the facts upon which its operation is dependent are ascertained by the administrative board. While acting within the scope of its duty, or its jurisdiction, as it is sometimes called, such a board may lawfully be endowed with very broad powers, and its conclusions may be given great dignity and force, so that courts may not reverse them unless the proof be clear and satisfactory that they are wrong. (M., St. P. & S. S. M. R. Co. *v.* R. R. Com., 136 Wis. 146.) Not only this, but many such boards are created whose decisions of fact honestly made within

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their jurisdiction are not subject to review in any proceeding. (State ex rel. *v.* Chittenden, 112 Wis. 569; State ex rel. *v.* Wharton, 117 Wis. 558; State ex rel. Cook *v.* Houser, 122 Wis. 534–561; State ex rel. *v.* Trustees, 138 Wis. 133.) It is important to notice the limitation contained in the last sentence; the decision of such a board may be made conclusive when the board is acting within its jurisdiction, not otherwise. Hence the question of its jurisdiction is one always open to the courts for review; it can not itself conclusively settle that question and thus endow itself with power. If no appeal from its conclusions be provided, the question whether it has acted within or exceeded its jurisdiction is always open to the examination and decision of the proper court by writ of certiorari. The instances where the question of jurisdiction of such bodies has been examined and decided in certiorari actions are so numerous that it seems unnecessary to cite them. In such cases it is considered that clear violations of law in reaching the result reached by the board, such as acting without evidence when evidence is required, or making a decision contrary to all the evidence, constitute jurisdictional error and will justify reversal of the board's action, as well as the failure to take the proper steps to acquire jurisdiction at the beginning of the proceeding. (State ex rel. Augusta *v.* Losby, 115 Wis. 57.)

Thus, in the case before us, the jurisdiction of the industrial commission to entertain any claim for compensation under the act rests upon two facts which must exist, viz: (1) That both employer and employee have elected to come under the act, and (2) that the injury was received in service growing out of or incidental to the employment as the result of accident and not of willful misconduct.

The industrial commission must, of course, decide these questions in any case where they are raised, but it can not decide them conclusively, for they are jurisdictional questions on which its right to act at all depends. They must be open to review in some court of competent jurisdiction, otherwise the parties would be denied due process of law. The tribunal only has authority over those who have voluntarily elected to give it authority, and if it can decide finally that a man has given consent when he has not, it assumes the functions of a court. If the act before us took away from the courts the power to consider these jurisdictional questions, either expressly or by necessary implication, the contention that judicial power had been vested in the commission, contrary to the command of the constitution, would be of greater force, but we think that the act does not do this, or attempt to do it. True, it says that the findings of fact made by the commission shall, in the absence of fraud be conclusive, but it provides for an action in the circuit court of Dane County, in which the board's award may be set aside upon either of three grounds, viz: (1) That the board acted without or in excess of its powers; (2) that the award was procured by fraud, and (3) that the findings of fact do not support the award.

We regard the expression "without or in excess of its powers" as substantially the equivalent, or at least as inclusive of the expression "without or in excess of its jurisdiction," as those words are used in certiorari actions to review the decisions of administrative officers and bodies. We know of no other construction that can be logically given to them, and it seems to us that they were designedly and advisedly inserted by the framers of the bill to meet the very objec-

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tion which is now made. With this construction, it is certain that the constitutional powers of the courts have not been invaded, and that no man without his consent can be brought under the law or is deprived of his right to "due process of law" thereby.

There are some further objections which will be more briefly considered. It is said that even if it be held that the act is not coercive, still when employer and employee consent to come under the law they in effect wholly stipulate away their rights to resort to the courts, and that such agreements are void, citing Fox *v.* M. F. A. Assn. (96 Wis. 390). The case cited, however, recognizes the companion principle that agreements to arbitrate special matters, such, for instance, as the amount of the loss under an insurance policy (or, as in the present case, the extent of an injury or disability, and the like), which do not go to the whole groundwork of the controversy, are universally sustained. As we have seen, these special matters are the only matters which the board may conclusively decide under this law; if there be a controversy as to fundamental rights, namely, whether the parties have consented, or as to whether the injuries resulted from willful misconduct, these issues are still open to the court upon the appeal.

In considering the question as to how far consent may go in matters of this kind, a case not cited in the briefs or mentioned in the oral argument should, we think, be referred to here, viz: The case of Van Slyke *v.* Insurance Co. (39 Wis. 390). In this case it appeared that the legislature had passed a law providing that in case of the filing of an affidavit of prejudice against a circuit judge the parties might, if they chose, stipulate that a member of the bar should act as judge and try the case with all the powers of the regularly elected judge of the court. Acting on this law, the parties in the case agreed that Mr. John J. Cole should try the case, and he did so, rendered judgment for the plaintiff, and the defendant appealed. The court held (Chief Justice Ryan writing the opinion) that the constitution having vested all the judicial power of the State in the courts and provided for the election of judges for such courts, the legislature could confer no judicial power on other officers or persons, nor authorize the parties to an action to do so, hence there was no trial before a court, and no judgment. The question as to whether the defeated party might not be prevented from raising any objection by his voluntary waiver was not considered or mentioned, but in any event the case has no bearing here, and is only mentioned in order to show that it has not been overlooked. It only decides that neither the legislature nor private parties can make a judge out of a private citizen and endow him with the power to hold a court contrary to the direct command to the constitution. As the commission in the present case is not a court, but simply an administrative board, the doctrine laid down in the case cited has no application.

Again, it is said that the act compels municipalities to levy taxes for other than public purposes, since all workmen injured in the employ of the public are to be compensated, and thus taxpayers will be deprived of their property without due process of law. We have not been quite able to appreciate the force of this point, and we find no argument upon it in the brief. We shall only say that the manner in which the State or the public shall treat its workmen is peculiarly a matter for the legislature to determine. No one is compelled

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to work for the public and, if he does, he takes his situation on the terms which the public gives. We know of no reason why the public, acting by its lawmaking power, may not provide that its employees shall have as part of their compensation certain indemnities in case of accidental injury in the public service. When a law does so provide, the raising of the funds to discharge those indemnities becomes plainly a proper public purpose.

Objection is made to those clauses of section 2394—16 which provide for the giving of notice of claim by mail, and allow testimony to be taken without notice to either party, and the claim is made that this is not "due process of law." Were the commission a court these objections would probably deserve serious consideration, especially the latter one. But, as we have seen, the commission is an administrative board merely. It is common knowledge that such boards are frequently given power to investigate and determine facts without notice to the parties of each successive step in the proceedings. The proceedings before such boards are not expected to be as formal and cumbrous as the proceedings of courts; indeed the greater flexibility which such bodies must possess if they are to discharge their duties seems to demand greater freedom of action. If notice, either actual or constructive, of the commencement of the proceedings before such a body be required to be given to the parties interested and they be given full and free opportunity to be heard and present evidence, it is generally held sufficient, even though notice of intermediate steps in the proceeding be not required or given. (Schintgen *v.* La Crosse, 117 Wis. 158.) In case of a board like the present, which only acts on the rights of parties who have consented that it may so act, the reason of the rule is far stronger.

Some contention is made in the brief that minors can not be treated in the same manner as adults, and that the provision of the law which declares that a minor who is legally entitled to work shall have the same power of contracting for service as an adult is objectionable, because it allows the employer to decide whether the law shall treat his minor employees as adults. The objection seems to us fanciful and elusive. There is no claim that the legislature may not endow minors with the right to make contracts otherwise lawful, and, if this be so, it seems to us to be the end of the discussion. After the minor is so endowed he becomes for the purposes of the act an adult, or at least on the same plane. No adult employee of a private employer can elect to come under the act unless his employer has first elected to do so. So the employer has the power to decide whether any of his employees, infant or adult, shall have the privileges of the act if they continue to work for him. This is practically all there is of the matter, and we see no substantial distinction between the effect of the law upon the adult and its effect upon the minor.

The foregoing considerations are believed to fully meet and dispose of all the objections made to the law which could reasonably be claimed to be fatal to the entire law if sustained. There are many objections made to single sections or clauses of the law which we do not find it necessary or advisable to treat at this time. Even should some or all of them be sustained, it is our judgment that the sections or clauses so questioned could not be said to be so far com-

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pensations for or inducements to the balance of the law that the entire law must fall. In our judgment it is better to reserve these questions for consideration when an actual case arises which calls for the decision of the court upon them. It is well-nigh impossible for the human mind to call up and contemplate in advance all the considerations which ought to be considered in passing upon the validity of the various incidental clauses of a new and complicated law. The concrete case and its actual circumstances and effects are apt to throw much light upon the question and suggest considerations wholly unthought of when viewing the matter abstractly in advance of any actual experience.

Among these contentions which we now pass without decision, perhaps the most important is the contention that so *much* of section 2394—16 as provides that the board or any member thereof, or any examiner appointed thereby, shall have power to issue subpœnas, obedience to which shall be enforced by contempt proceedings in the circuit court. This seems to present a serious question worthy of careful examination, and we intimate no opinion upon it now.

Other minor contentions, which we do not consider it necessary or advisable to pass upon now, are to the effect that the clauses are void which empower the commission (1) to declare and enforce penalties against the employer for failure to perform certain orders of the board made pending hearing (sec. 2394—17), (2) to set aside or modify contracts of settlement previously made by the parties (sec. 2394—15), and (3) to regulate the amount of contingent attorney's fees and permit one claimant to make a contract which it may refuse to allow another to make (sec. 2394—22).

Before closing we shall briefly refer to another question which was not much discussed on the argument, namely, the question whether the law applies or was intended to apply to persons who, like the plaintiffs, are employed under contracts of service made prior to the passage of the law, and which do not expire until some definite date in the future, and if so, whether the law can apply to them without impairing the obligations of their contracts, and thus violating the constitution. As to the first branch of this question, we think that the language of the act leaves no doubt as to the intention of the legislature. The entire act by express terms was to become effective September 1, 1911; its provisions are broad and without express exception. Read according to their grammatical meaning, they include all employers and employees who occupy those relations at the time the law becomes effective. If there was an intention to exclude any from its terms, that intention has been carefully concealed. We conclude that it was intended to include all employers and employees, whatever the term of service. The question whether the act as so construed affects an existing contract of service expiring at some distant period in the future is easily answered in the negative, as it seems to us. Certainly the law does not affect the service to be rendered, or the wages to be paid in any way; neither the obligation of the workman to faithfully do his work nor the obligation of the employer to faithfully pay the stipulated wage nor the remedy in case of breach by either party is in any way affected. What then is affected? Plainly no provision of the contract; but if the employer elects to come under the law,

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the employee must choose whether he will come under it or not, and if he does not wish to come under it he may run the risk of being discharged, or if he wishes to retain his employment he may feel compelled to elect to come under the law, and thus lose his right to bring an action at law in case of a personal injury sustained in the employment. But all this does not in any way affect the contract of employment; that remains absolutely unimpaired in all its terms. The right to bring an action in the future in case of a possible tort not yet committed is no part of the contract of employment. That right arises out of the relation of employer and employee and is subject to change by the lawmaking power at any time. The employer does not contract that it shall remain intact. There is no vested right in a mere remedy for a hypothetical wrong. At most the law can not be said to do more than change the remedy for a tort which is yet to happen, and may never happen. The legislature may change the remedies for torts yet to be committed at any time, and such changes can not be said to make any change in mere contracts of service existing between the parties. This seems very patent. The legislature has at many times within the last two decades passed laws very materially changing the liabilities of employers to employees for injuries resulting from the negligent acts of the employer, e. g., the laws requiring the protection of machinery, abolishing assumption of risk in such cases, abolishing the coemployee rule as to railway companies, and changing the rules as to contributory negligence. In no case has the claim ever been made that these laws in any way affected or impaired existing contracts of service for terms expiring in the future; although many cases must doubtless have occurred where those laws were applied to parties who were under such contracts.

We have now discussed all of the contentions made against the law which we deem entitled to detailed treatment, and we find no serious difficulty in sustaining its fundamental and essential provisions. As said in the beginning of this opinion, this law forms the answer of the legislature to a very widespread demand; it is a legislative attempt to reach within constitutional lines some fair solution of a serious problem which other nations, not restricted by written constitutional inhibitions, have solved or partially solved years ago. Doubtless the law will need and will receive changes and amendments as time shall test its provisions and demonstrate its weak points. It would be unreasonable to expect that a law covering so important a subject along lines not before attempted should be perfect, or very near perfect, upon its first enactment. If experience shall demonstrate that it is practicable and workable and operates either wholly or in great measure to put an end to that great mass of personal-injury litigation between employer and employee, with its tremendous waste of money and its unsatisfactory results, which now burdens the courts, the long and painstaking labors of those legislators and citizens who collaborated in framing it will be fittingly rewarded by a result so greatly to be desired. That result will mean a distinct improvement in our social and economic conditions.

The effect of our conclusions upon the result in the present case is yet to be considered. The complaint was sustained and the injunction granted on the ground apparently, that the law being valid the

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plaintiffs would be greatly injured if their employer elected to become bound by it, because they would be obliged either to break their existing contracts or lose their common-law remedies for their employer's torts. Granting all that plaintiffs claim as to the necessary results of their employer's election, it is very certain that no irreparable injury results to them. If their employer breaks his contract of employment because they decline to accept the new law, they have adequate legal remedies for the recovery of damages; if, on the other hand, they elect to come under the law themselves, they lose no vested or contract right, and are not damaged in the eyes of the law by the change in their remedies for future torts. In either event there is no cause of action in equity and no ground for an injunction; the complaint should have been dismissed on the pleadings.

COMPENSATION OF WORKMEN FOR INJURIES—STATE INSURANCE SYSTEM—LIABILITY WITHOUT FAULT—DUE PROCESS OF LAW—*State v. Clausen, Supreme Court of Washington, September 27, 1911, 117 Pacific Reporter, page 1101.*—This case involves the constitutionality of the workmen's compulsory compensation law of Washington, chapter 74, Acts of 1911. (For the law in full see Bulletin No. 92, pages 132–144.) The case was before the Supreme Court on the refusal of the State auditor to issue a warrant on the State treasurer for the payment of furniture purchased by the industrial insurance department for its office. The contention of the auditor was that the law creating the department was not constitutional, and that he had therefore no power to expend moneys of the State in its behalf. This contention the Supreme Court rejected, and after a discussion of the various points of objection raised to the law sustained it in all points. Owing to the importance of the decision, it is given in full, together with the concurring opinion of Judge Chadwick, expressing his views as to the finality of the decision under the circumstances.

Having made a statement of the conditions under which the case was before the court, and after presenting a summary of the law, Judge Fullerton, speaking for the court said:

The foregoing summary makes clear the theory and purpose of the act. It is founded on the basic principle that certain defined industries, called in the act extra hazardous, should be made to bear the financial losses sustained by the workmen engaged therein through personal injuries, and its purpose is to furnish a remedy that will reach every injury sustained by a workman engaged in any of such industries, and make a sure and certain award therefor, bearing a just proportion to the loss sustained, regardless of the manner in which the injury was received. With the economic questions thus suggested, the auditor's learned counsel object only to the wisdom of the scheme formulated. They concede that the evil is one calling for a remedy, and direct their arguments solely against this particular act. In our discussion we shall confine ourselves to the questions thus suggested, noticing the economic questions only incidentally.

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The act is challenged as unconstitutional on four distinct grounds: (1) That it violates section 3, of article 1, of the State constitution, and the fourteenth amendment to the Constitution of the United States, which provide that no person shall be deprived of life, liberty, or property without due process of law; (2) that it violates section 12, of article 1, of the State constitution, which provides that no law shall be passed granting to any citizen, class of citizens, or corporations, other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations; and the fourteenth amendment to the Constitution of the United States, which provides for the equal protection of the laws; (3) that it violates sections 1 and 2, of article 7, of the State constitution, which provide that property shall be taxed according to its value in money and that all taxation shall be equal and uniform; and (4) that it violates section 21, of article 1, of the State constitution which provides that the right of trial by jury shall remain inviolate. But while we shall discuss the questions suggested under the several divisions as here set out, it is obvious that no very logical segregation of the argument can be thus made, as many of the reasons advanced for or against the act under one particular division are equally applicable to one or more of the others. Any different arrangement, however, seems to be at the sacrifice of clearness, and we pass therefore directly to the first objection stated.

It is with regret that we are unable to set forth at length counsel's argument on this branch of the case, as any abbreviation of it is at the expense of its cogency and force. To do so, however, would unduly lengthen this opinion. The argument is based on two fundamental ideas: The one, that the act creates a liability without fault; and the other, that it takes the property of one employer to pay the obligations of another. It must be conceded that these contentions have a basis in fact, and that they, on first impression, constitute a persuasive argument against the validity of the act. Since there is exacted from every employer of labor engaged in one or more of the industries termed hazardous a certain fixed sum based upon his pay roll, which is to be used to compensate employees working in such hazardous employments who receive personal injuries, regardless of the question whether the injury was because of the fault of the employer or of the negligence of the employee, it can be said that some part of the sum so collected will be paid out on injuries in which the employer is without fault; and, furthermore, since every such employer is liable to make the payments whether or not any of his own workmen are injured, and since an employer is liable under the common law for an injury to his own workmen only, it can also be said that by this act one employer is held liable for the obligations of another.

But these conditions do not furnish an absolute test of the validity of the act. In the statute books of the several States are many statutes held constitutional by the courts where liability is created without fault, and where the property of one person is taken to pay the obligations of another, and this where no compensation is made to the person who is thus made liable or whose property is thus taken, other than perhaps the bestowal upon him of some privilege. The test of the validity of such a law is not found in the inquiry, Does it do the objectionable things? but is found rather in the inquiry,

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Is there no reasonable ground to believe that the public safety, health or general welfare is promoted thereby? The legislature can not, of course, without violating this clause of the Constitution, declare a particular industry, commonly engaged in by the people, to be unlawful which, under all circumstances, must necessarily be harmless and innocent; but it can regulate and control and prohibit any industry, however innocent it may have been in its inception, whenever it becomes a menace to the employees engaged in it, the people surrounding it, or to any considerable number of the people at large, no matter from whatsoever cause the menace may arise. This it does under the police power: "the power inherent in every sovereignty * * * the power to govern men and things."

It is unnecessary to discuss the origin, nature or extent of this power. It is sufficient to say that, by means of it, the legislature exercises a supervision over matters affecting the common weal and enforces the observance by each individual member of society of duties which he owes to others and the community at large. The possession and enjoyment of all rights are subject to this power. Under it the State may "prescribe regulations promoting the health, peace, morals, education and good order of the people, and to legislate so as to increase the industries of the State, develop its resources, and add to its welfare and prosperity." In fine, when reduced to its ultimate and final analysis, the police power is the power to govern. It is not meant here to be asserted that this power is above the Constitution, or that everything done in the name of the police power is lawfully done. It is meant only to be asscrted that a law which interferes with personal and property rights is valid only when it tends reasonably to correct some existing evil or promote some interest of the State, and is not in violation of any direct and positive mandate of the Constitution. The clause of the Constitution now under consideration was intended to prevent the arbitrary exercise of power, or undue, unjust, and capricious interference with personal rights; not to prevent those reasonable regulations that all must submit to as a condition of remaining a member of society. In other words, the test of a police regulation, when measured by this clause of the Constitution, is reasonableness, as contradistinguished from arbitrary or capricious action.

The authorities, as we view them, abundantly support the foregoing principles. Of statutes upheld by the court which can be said to create liability without fault and take the property of one person to pay the obligations of another, the most conspicuous examples are, perhaps, sections 4585 and 4803 of the Revised Statutes of the United States, which provide:

"SEC. 4585. There shall be assessed and collected by the collector of customs at the ports of the United States, from the master or owner of every vessel of the United States arriving from a foreign port, or of every registered vessel employed in the coasting trade, and before such vessel shall be admitted to entry, the sum of forty cents per month for each and every seaman who shall have been employed on such vessel since she was last entered at any port of the United States; such sum such master or owner may collect and retain from the wages of such seamen."

"SEC. 4803. The several collectors of the customs shall respectively deposit, without abatement or reduction, the sums collected by them under the provisions of law imposing a tax upon seamen for

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hospital purposes, with the nearest depositary of public moneys, and shall make returns of the same, with proper vouchers, monthly, to the Secretary of the Treasury, upon forms to be furnished by him. All such moneys shall be placed to the credit of 'the fund for the relief of sick and disabled seamen;' of which fund separate accounts shall be kept in the Treasury. Such fund is appropriated for the expenses of the Marine-Hospital Service, and shall be employed, under the direction of the Secretary of the Treasury, for the care and relief of sick and disabled seamen employed in registered, enrolled, and licensed vessels of the United States."

This statute clearly does everything that is charged against the statute at bar. It creates liability without fault, since it obligates the master or owner of every vessel of the United States to pay into a given fund, controlled by the Government, a fixed sum for the benefit of sick and disabled seamen, regardless of the fact whether or not the vessel of the master or owner making the payment has any sick or disabled seamen who take advantage of the fund; and it takes the property of one to pay the obligations of another, since the fund is disbursed in the cure of sick and disabled American seamen generally, regardless of the fact whether or not the expense of their cure exceeds the sum paid in by the master or owner of the vessel from which they came. Whatever may be said as to the foundation of the liability of the master or the owner of a vessel, or the vessel itself, to answer for the expenses of the cure of sick and disabled seamen while in service on the ship, the foundation of this liability is purely statutory; and, if the objection that is made to the present statute were sufficient to condemn it, the statute is in violation of the fifth amendment to the Constitution of the United States. The statute had its inception in the act of Congress of July 16, 1798 (1 Stats. at Large, 606), and was on the statute books for nearly 100 years, during which time it was continuously enforced. It is true our attention has been called to no case where the statute was directly attacked; but there are numerous cases in which it has been specifically mentioned and given force, and it would seem that, if it were thought inimical to the Constitution, it would not have escaped the attention of the astute counsel whose client's interests were adversely affected by it. (Buckley *v.* Brown, Fed. Case, No. 2092; Reed *v.* Canfield, Fed. Case, No. 11641; Peterson *v.* The Chandos, 4 Fed. 645; Holt *v.* Cummings, 102 Pa. St. 212, 48 Am. Rep. 199. See, also, 3 Opinions of Attorneys General (U. S.) 683; 13 Opinions of Attorneys General (U. S.) 330.)

Statutes making railroad corporations absolutely liable, without regard to negligence, for injuries to property caused by fires escaping from their locomotive engines, are clearly statutes creating liability without fault, yet these statutes have been upheld by all the courts of the States in which they have been enacted, as well as by the Supreme Court of the United States. (Chapman *v.* Atlantic & St. Lawrence R. Co., 37 Me. 92; Sherman *v.* Maine Cent. R. Co., 86 Me. 422, 30 Atl. 69; Hooksett *v.* Concord R., 38 N. H. 242; Smith *v.* Boston & Maine R., 63 N. H. 25; Lyman *v.* Boston & Worcester R. Corp., 4 Cush. 288; Pierce *v.* Worcester & Nashua R. Co., 105 Mass. 199; Rodemacher *v.* Milwaukee & St. P. R. Co., 41 Iowa 297, 20 Am. Rep. 592; Mathews *v.* St. Louis & San Francisco R. Co., 121 Mo. 298, 24 S. W. 591, 25 L. R. A. 161; Emerson *v.* Gardiner, 8 Kans. 452; Jensen *v.* South Dakota Cent.

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R. Co., 25 S. Dak. 506, 127 N. W. 650; St. Louis & San Francisco R. Co. *v.* Mathews, 165 U. S. 1; Atchison, T. & S. F. R. Co. *v.* Matthews, 174 U. S. 96.)

Other statutes are those providing that any landlord who knowingly leases his premises for saloon purposes shall be liable for losses resulting from intoxication caused by the sale of liquor by his lessee. Such a statute was formerly in force in this State, and was given effect by this court. (Delfel *v.* Hanson, 2 Wash. 194, 26 Pac. 220; Burkman *v.* Jamieson, 25 Wash. 606, 66 Pac. 48.) And in Bertholf *v.* O'Reilly, 74 N. Y. 509, 30 Am. Rep. 323, the constitutionality of a like statute was maintained in an opinion by Judge Andrews, renowned for his ability and learning. In the course of his opinion the learned judge noted the fact that the liability of the landlord could not be sustained on the theory that such liability was a condition of a privilege granted by the statute, but rested the decision on the principle that the State, under its police power, could impose upon the landlord liability for the acts of his tenants. In the course of the opinion this language was used:

"And the act of 1873 is not invalid because it creates a right of action and imposes a liability not known to the common law. There is not such limit to legislative power. The legislature may alter or repeal the common law. It may create new offenses, enlarge the scope of civil remedies, and fasten responsibility for injuries upon persons against whom the common law gives no remedy. We do not mean that the legislature may impose upon one man liability for an injury suffered by another, with which he had no connection. But it may change the rule of the common law, which looks only to the proximate cause of the mischief, in attaching legal responsibility, and allow a recovery to be had against those whose acts contributed, although remotely, to produce it. * * *

"The liability imposed upon the landlord for the acts of the tenant is not a new principle in legislation. His liability only arises when he has consented that the premises may be used as a place for the sale of liquors. He selects the tenant, and he may, without violating any constitutional provision, be made responsible for the tenant's acts, connected with the use of the leased property."

Statutes imposing a liability upon fire insurance agents, based upon the amount of the insurance effected by them, for the benefit of a fund to care for and cure sick and injured firemen, have been upheld in the States of New York and Illinois. (Fire Department *v.* Noble, 3 E. D. Smith (N. Y.), 440; Fire Department *v.* Wright, 3 E. D. Smith (N. Y.), 453; Exempt Fireman's Fund *v.* Roome, 29 Hun 391, 394; Firemen's Benevolent Ass'n *v.* Lounsbury, 21 Ill., 511, 74 Am. Dec. 115.) Clearly these are statutes creating liability without fault. A similar statute relating to agents of foreign fire insurance companies was upheld in Wisconsin. (Fire Department *v.* Helfenstein, 16 Wis. 136.)

The statute of Nebraska makes a railroad company liable in damages for injuries sustained by a passenger regardless of the question of negligence on the part of the company, except where the injury is caused by the passenger's criminal negligence, or by his violation of some express rule of the company, actually brought to his attention. This statute was upheld against a challenge on the ground that it vio-

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lated the due process of law clauses of the State and Federal constitutions, by the State court, in Chicago, R. I. etc. R. Co. *v.* Zernecke, 59 Nebr. 689, 82 N. W. 26, 55 L. R. A. 610, and by the Supreme Court of the United States in Chicago, R. I. etc. R. Co. *v.* Zernecke, 183 U. S. 582. The Supreme Court of the United States, vindicating the statute against the attack made upon it, used the following language:

"In Omaha & R. V. R. Co. *v.* Chollette, 33 Nebr. 143, the words of the statute exempting railroad companies from liability, 'where the injury done arose from the criminal negligence of the persons injured,' were defined to mean 'gross negligence,' 'such negligence as would amount to a flagrant and reckless disregard' by the passenger of his own safety, and amount to a willful indifference to the injury liable to follow.' This definition was approved in subsequent cases. It was also approved in the case at bar, and the plaintiff in error, it was in effect declared, was precluded from any defense but that of negligence as defined, or that the injury resulted from the violation of some rule of the company by the passenger brought to his actual notice, and the company, as we have said, was not permitted to introduce evidence that the derailment of its train was caused by the felonious act of a third person. The statute, thus interpreted and enforced, it is asserted, impairs the constitutional rights of plaintiff in error. The specific contention is that the company is deprived of its defense, and not only declared guilty of negligence and wrongdoing without a hearing, but, adjudged to suffer without wrongdoing, indeed even for the crimes of others, which the company could not have foreseen or have prevented.

"Thus described, the statute seems objectionable. Regarded as extending the rule of liability for injury to persons which the common law makes for the loss of or injury to things, the statute seems defensible. And it was upon this ground that the supreme court of the State defended and vindicated the statute. The court said:

"'The legislation is justifiable under the police power of the State, so it has been held. It was enacted to make railroad companies insurers of the safe transportation of their passengers as they were of baggage and freight; and no good reason is suggested why a railroad company should be released from liability for injuries received by a passenger while being transported over its line, while the corporation must respond for any damages to his baggage or freight.'

"Our jurisprudence affords examples of legal liability without fault, and the deprivation of property without fault being attributable to its owner. The law of deodands was such an example. The personification of the ship in admiralty law is another. Other examples are afforded in the liability of the husband for the torts of the wife—the liability of a master for the acts of his servants.

"In Missouri Railway Co. *v.* Mackey, 127 U. S. 205, a statute of Kansas abrogating the common law rule exempting a master from liability to a servant for the negligence of a fellow-servant, was sustained against the contention that such statute violated the fourteenth amendment of the Constitution of the United States. And in Minneapolis, etc., Railway Co. *v.* Herrick, 127 U. S. 210, a statute of Iowa which extended liability for the 'willful wrongs, whether of commission or omission,' of the 'agents, engineers or

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other employees' of railroad companies, was vindicated against the double attack of being an unjust discrimination against railroad corporations and the deprivation of property without due process of law."

The latest illustration of such a statute is found in the Oklahoma depositors guaranty law, which authorizes the assessment and collection of a certain per centum on the daily average deposit of each and every bank organized under the laws of the State as a fund to pay the losses caused depositors by failing and insolvent banks. This act was challenged in the State court on the ground that it violated the fourteenth amendment to the Constitution of the United States, and the due process of law clause of the State constitution; but was upheld by the State court, and on writ of error to the Supreme Court of the United States, the judgment of the State court was affirmed. (Noble State Bank *v.* Haskell, 22 Okl. 48, 97 Pac. 590; Noble State Bank *v.* Haskell, 219 U. S. 104.) Answering the objection that the act takes private property for a private use, and creates a liability without fault, the Supreme Court of the United States said:

"The substance of the plaintiff's argument is that the assessment takes private property for private use without compensation. And while we should assume that the plaintiff would retain a reversionary interest in its contribution to the fund so as to be entitled to a return of what remained of it if the purpose were given up (see Receiver of Danby Bank *v.* State Treasurer, 39 Vt. 92, 98), still there is no denying that by this law a portion of its property might be taken without return to pay debts of a failing rival in business. Nevertheless, notwithstanding the logical form of the objection, there are more powerful considerations on the other side. In the first place it is established by a series of cases that an ulterior public advantage may justify a comparatively insignificant taking of private property for what, in its immediate purpose, is a private use. (Clark *v.* Nash, 198 U. S. 361; Strickley *v.* Highland Boy Mining Co., 200 U. S. 527, 361; Offield *v.* New York, New Haven & Hartford R. R. Co., 203 U. S. 372; Bacon *v.* Walker, 204 U. S. 311, 315.) And in the next, it would seem that there may be other cases besides the every day one of taxation, in which the share of each party in the benefit of a scheme of mutual protection is sufficient compensation for the correlative burden that it is compelled to assume. (See Ohio Oil Co. *v.* Indiana, 177 U. S. 190.) At least, if we have a case within the reasonable exercise of the police power as above explained, no more need be said."

Illustrations of the nature and all-pervading extent of the police power are shown somewhat in the cases already cited. Other illustrations abound almost without number in the decisions of the State and Federal courts. It will be sufficient for our purposes, however, to call attention to a few of those which most clearly, as we believe, illustrate the doctrine. In Lawton *v.* Steele, 152 U. S. 133, the court used this language:

"The extent and limits of what is known as the police power have been a fruitful subject of discussion in the appellate courts of nearly every State in the Union. It is universally conceded to include everything essential to the public safety, health, and morals, and to justify the destruction or abatement, by summary proceedings, of whatever may be regarded as a public nuisance. Under this

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power it has been held that the State may order the destruction of a house falling to decay or otherwise endangering the lives of passers-by; the demolition of such as are in the path of a conflagration; the slaughter of diseased cattle; the destruction of decayed or unwholesome food; the prohibition of wooden buildings in cities; the regulation of railways and other means of public conveyance, and of interments in burial grounds; the restriction of objectionable trades to certain localities; the compulsory vaccination of children; the confinement of the insane or those afflicted with contagious diseases; the restraint of vagrants, beggars, and habitual drunkards; the suppression of obscene publications and houses of ill fame; and the prohibition of gambling houses and places where intoxicating liquors are sold. Beyond this, however, the State may interfere wherever the public interests demand it, and in this particular a large discretion is necessarily vested in the legislature to determine, not only what the interests of the public require, but what measures are necessary for the protection of such interests."

Again, in Holden *v.* Hardy, 169 U. S. 366, it was said:

"An examination of both these classes of cases under the fourteenth amendment will demonstrate that, in passing upon the validity of State legislation under that amendment, this court has not failed to recognize the fact that the law is, to a certain extent, a progressive science; that in some of the States methods of procedure, which at the time the constitution was adopted were deemed essential to the protection and safety of the people, or to the liberty of the citizen, have been found to be no longer necessary; that restrictions which had formerly been laid upon the conduct of individuals, or of classes of individuals, had proved detrimental to their interests; while, upon the other hand, certain other classes of persons, particularly those engaged in dangerous or unhealthful employments, have been found to be in need of additional protection. Even before the adoption of the constitution, much had been done toward mitigating the severity of the common law, particularly in the administration of its criminal branch. The number of capital crimes, in this country at least, had been largely decreased. Trial by ordeal and by battle had never existed here, and had fallen into disuse in England. The earlier practice of the common law, which denied the benefit of witnesses to a person accused of felony, had been abolished by statute, though so far as it deprived him of the assistance of counsel and compulsory process for the attendance of his witnesses, it had not been changed in England. But to the credit of her American colonies, let it be said that so oppressive a doctrine had never obtained a foothold there.

"The present century has originated legal reforms of no less importance. The whole fabric of special pleading, once thought to be necessary to the elimination of the real issue between the parties, has crumbled to pieces. The ancient tenures of real estate have been largely swept away, and land is now transferred almost as easily and cheaply as personal property. Married women have been emancipated from the control of their husbands and placed upon a practical equality with them with respect to the acquisition, possession and transmission of property. Imprisonment for debt has been abolished. Exemptions from execution have been largely added to, and

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in most of the States homesteads are rendered incapable of seizure and sale upon forced process. Witnesses are no longer incompetent by reason of interest, even though they be parties to the litigation. Indictments have been simplified, and an indictment for the most serious of crimes is now the simplest of all. In several of the States grand juries, formerly the only safeguard against a malicious prosecution, have been largely abolished, and in others the rule of unanimity, so far as applied to civil cases, has given way to verdicts rendered by a three-fourths majority. This case does not call for an expression of opinion as to wisdom of these changes, or their validity under the fourteenth amendment, although the substitution of prosecution by information in lieu of indictment was recognized as valid in Hurtado *v.* California, 110 U. S. 516. They are mentioned only for the purpose of calling attention to the probability that other changes of no less importance may be made in the future, and that while the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuation, and that the Constitution of the United States, which is necessarily and to a large extent inflexible and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them conform to the wishes of the citizens as they may deem best for the public welfare without bringing them into conflict with the supreme law of the land."

So, in Noble State Bank *v.* Haskell, supra, Mr. Justice Holmes said:

"It may be said in a general way that the police power extends to all the great public needs. (Canfield *v.* United States, 167 U. S. 518.) It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare. Among matters of that sort probably few would doubt that both usage and preponderant opinion give their sanction to enforcing the primary conditions of successful commerce. One of those conditions at the present time is the possibility of payment by checks drawn against bank deposits, to such an extent do checks replace currency in daily business. If then the legislature of the State thinks that the public welfare requires the measure under consideration, analogy and principle are in favor of the power to enact it. Even the primary object of the required assessment is not a private benefit as it was in the cases above cited of a ditch for irrigation or a railway to a mine, but it is to make the currency of checks secure, and by the same stroke to make safe the almost compulsory resort of depositors to banks as the only available means for keeping money on hand. The priority of claim given to depositors is incidental to the same object and is justified in the same way. The power to restrict liberty by fixing a minimum of capital required of those who would engage in banking is not denied. The power to restrict investments to securities regarded as relatively safe seems equally plain. It has been held, we do not doubt rightly, that inspections may be required and the cost thrown on the bank. (See Charlotte, Columbia & Augusta R. R. Co. *v.* Gibbes, 142 U. S. 386.) The power to compel, beforehand, cooperation, and thus, it is believed, to make a failure unlikely and a general panic almost impossible, must be recognized, if government is to do its proper work, unless we can say that the means have no reasonable relation to the end. (Gundling *v.* Chicago,

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177 U. S. 183, 188.) So far is that from being the case that the device is a familiar one. It was adopted by some States the better part of a century ago, and seems never to have been questioned until now. (Receiver of Danby Bank *v.* State Treasurer, 39 Vt. 92; People *v.* Walker, 17 N. Y. 502.) Recent cases going not less far are Lemieux *v.* Young, 211 U. S. 489, 496; Kidd, Dater and Price Co. *v.* Musselman Grocer Co., 217 U. S. 461.

"It is asked whether the State could require all corporations or all grocers to help to guarantee each other's solvency, and where we are going to draw the line. But the last is a futile question, and we will answer the others when they arise. With regard to the police power, as elsewhere in the law, lines are pricked out by the gradual approach and contact of decisions on the opposing sides. (Hudson County Water Co. *v.* McCarter, 209 U. S. 349, 355.) It will serve as a datum on this side, that in our opinion the statute before us is well within the State's constitutional power, while the use of the public credit on a large scale to help individuals in business has been held to be beyond the line. (Loan Association *v.* Topeka, 20 Wall. 655; Lowell *v.* Boston, 111 Mass. 454.)"

It is argued, however, that the statutes above referred to can be supported on principles not applicable to the statute before us. First, it is said that the statutes creating absolute liability on railroad companies for losses caused by fires from their locomotive engines are in themselves but a return to the common law as it originally existed. But this does not meet the objection. At the time the common law became a rule of action for the American States, the doctrine that negligence or fault of some kind was a necessary element of liability was as firmly embedded in it as was any other of its tenets, and to create liability regardless of negligence is now as fundamental a change in the common law as it would be had the rule always remained as it now is. Again, it is said that the right to use the agencies of fire and steam in the movement of trains is derived from legislation by the State, and the State can, for that reason, prescribe such limitations upon, and annex such conditions to, its use as it may deem fit and necessary to protect from injury those who come in contact with it. But the premise here assumed is not strictly accurate. The use of fire and steam to propel trains is not in itself unlawful. On the contrary, it is as much a natural right as is the right to propel them by any other means or to engage in any other lawful enterprise. Hence, the power to regulate and interfere with the right must come from some source other than the inherent unlawfulness of the act itself. It is not meant to be said, of course, that the State, when it grants a charter to a railroad company empowering it to construct and operate a railroad within its boundaries, may not annex to the charter such conditions as it pleases. But that is not the question here. The question is, whence comes the power to impose these additional burdens upon a railroad corporation by legislative fiat after it has received its charter and has constructed and is operating its road thereunder. Unless the constitution or the act granting the charter itself expressly reserves such right, the legislature can not materially change the charters of railroad companies after it has once granted them. The power to annex additional conditions thereto must therefore be found in some other

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power than the one here alluded to. Then, again, it is said with reference to these and the bank guaranty statutes, that the corporations named therein are affected with a public interest, and that this fact renders them subject to regulations that they would not otherwise be subject to. But again, we say that the legislature, because of this public interest, may be warranted in imposing such a condition as a precedent right to engage in the business of railroading or banking, but it furnishes no reason for imposing additional conditions after the business has been entered upon with the consent of the State. The property of such institutions is private property, and its ownership is as secure and free from arbitrary exactions as is the property invested in enterprises of a more private nature. Of the statutes making the landlord liable for damages caused by the sale of intoxicating liquors by his tenant, it is said that the traffic is unlawful in itself; that "whisky is an outlaw," and hence the legislature, if it permits its sale at all, may prescribe the terms upon which sales shall be made. But here again the assumption is not in accord with the fact. The sale of liquor was not unlawful at common law. On the contrary it has been said by as high an authority as the Supreme Court of the United States that the State could no more exclude "its importation and sale in original packages without the consent of Congress than it could exclude the sugar of Louisiana, the cotton of South Carolina, the wines of California, the hops of Washington, the tobacco of Maryland and Connecticut, or the products natural or manufactured of any State." (Lyng *v.* Michigan, 135 U. S. 161.) It refused to classify intoxicating liquors with rags or other goods infected with disease, or with cattle or meat or other provisions which from their condition are unfit for human use or consumption; as it was conceded that the State could prohibit the importation and use of these in any form, with or without the consent of Congress. It seems to us, therefore, that it can not be successfully controverted that all of these statutes rest upon the same basic principle on which the statute at bar rests; that is to say, they have their foundation in the police power of the State.

Nor is it sufficient to exclude the industries mentioned in the act before us from the operation of these principles to say that they are lawful callings, not subject to absolute prohibition. As we have said in another place, lawful trades and businesses, although private in their nature, are subject to the police power, and may be controlled and regulated under it whenever the welfare of the State requires it. This is well illustrated by the laws of our own State. For example, the statute requiring employers of labor to pay their employees in lawful money; the statute requiring employers of female help in stores or offices to provide each of them with a chair or stool on which to rest when their duties permit; the statute prohibiting the employment of females in any mechanical or mercantile establishment, laundry, hotel or restaurant, for more than 10 hours in any one day; the statute limiting the number of hours an employee will be permitted in any one day to work underground in a coal mine; the statute requiring machinery in factories, mills and workshop, the openings of all hoistways, hatchways, elevators and well holes, to be guarded; the statute appointing a commissioner of labor, and empowering him to inspect mills and factories and charge the cost thereof to the mill or factory inspected, are all statutes regulating lawful trades or

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businesses not affected with public interests; yet each and all of them have been upheld and enforced in a long line of cases by this court. (State *v.* Buchanan, 29 Wash. 602, 70 Pac. 52, 92 Am. St. 930, 59 L. R. A. 342; Kirkham *v.* Wheeler-Osgood Co., 39 Wash. 415, 81 Pac. 869; Shortall *v.* Puget Sound Bridge & Dredging Co., 45 Wash. 290, 88 Pac. 212; Hall *v.* West & Slade Mill Co., 39 Wash. 447, 81 Pac. 915; Whelan *v.* Washington Lumber Co., 41 Wash. 153, 83 Pac. 98, 111 Am. St. 1006.)

The Supreme Court of the United States in Sentell *v.* New Orleans, etc., R. Co., 166 U. S. 698, speaking of the power of the State to interfere with private property, used this language:

"That a State, in a bona fide exercise of its police power, may interfere with private property, and even order its destruction, is as well settled as any legislative power can be, which has for its objects the welfare and comfort of the citizen. For instance, meats, fruits and vegetables do not cease to become private property by their decay; but it is clearly within the power of the State to order their destruction in times of epidemic, or whenever they are so exposed as to be deleterious to the public health. There is also property in rags and clothing; but that does not stand in the way of their destruction in case they become infected and dangerous to the public health. No property is more sacred than one's home, and yet a house may be pulled down or blown up by the public authorities, if necessary to avert or stay a general conflagration, and that, too, without recourse against such authorities for the trespass."

The power to regulate, therefore, applies alike to all employments. The test of the power is found in the effect the pursuit of the calling has upon the public weal, rather than in the inherent nature of the calling itself.

In Allgeyer *v.* Louisiana, 165 U. S. 578, the court, referring to the fourteenth amendment to the Constitution of the United States, said:

"The liberty mentioned in that amendment means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary and essential to his carrying out to a successful conclusion the purposes above mentioned."

It is thought the act at bar interferes with certain of the personal rights here defined, particularly with the right of contract, and is for that reason violative of this provision of the Constitution. But it is recognized in the case cited, and in many others, that these rights are not absolute. On the contrary, it has been many times said that there is no absolute right to do as one wills, pursue any calling one desires, or contract as one chooses; that the term liberty means absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community. The principle was thus stated in Frisbie *v.* United States, 157 U. S. 160:

"A second objection, insisted upon now as it was by demurrer to the indictment, is that the act under which the indictment was found

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is unconstitutional, because interfering with the price of labor and the freedom of contract. This objection also is untenable. While it may be conceded that, generally speaking, among the inalienable rights of the citizen is that of the liberty of contract, yet such liberty is not absolute and universal. It is within the undoubted power of government to restrain some individuals from all contracts, as well as all individuals from some contracts. It may deny to all the right to contract for the purchase or sale of lottery tickets; to the minor the right to assume any obligations, except for the necessaries of existence; to the common carrier the power to make any contract releasing himself from negligence, and, indeed, may restrain all engaged in any employment from any contract in the course of that employment which is against public policy. The possession of this power by government in no manner conflicts with the proposition that, generally speaking, every citizen has a right freely to contract for the price of his labor, services, or property."

Again, in the case of Holden *v.* Hardy, 169 U. S. 366, the court, holding constitutional the statute of the State of Utah fixing the number of hours a workingman should be permitted to work continuously in underground mines, used this language:

"This right of contract, however, is itself subject to certain limitations which the state may lawfully impose in the exercise of its police powers. While this power is inherent in all governments, it has doubtless been greatly expanded in its application during the past century, owing to an enormous increase in the number of occupations which are dangerous, or so far detrimental to the health of employees as to demand special precautions for their well-being and protection, or the safety of adjacent property. While this court has held, notably in the cases Davidson *v.* New Orleans, 96 U. S. 97, and Yick Wo *v.* Hopkins, 118 U. S. 356, that the police power can not be put forward as an excuse for oppressive and unjust legislation, it may be lawfully resorted to for the purpose of preserving the public health, safety or morals, or the abatement of public nuisances, and a large discretion 'is necessarily vested in the legislature to determine not only what the interests of the public require, but what measures are necessary for the protection of such interests.' "

So, in State *v.* Buchanan, supra, this court, holding constitutional the act limiting the number of hours women could be required to work in one day in mechanical and mercantile establishments, said:

"Law is, or ought to be, a progressive science. While the principles of justice are immutable, changing conditions of society and the evolution of employment make a change in the application of principles absolutely necessary to an intelligent administration of government. In the early history of the law, when employments were few and simple, the relative conditions of the citizen and the state were different, and many employments and uses which were then considered inalienable rights have since, from the very necessity of changed conditions, been subjected to legislative control, restriction, and restraint. This all flows from the old announcement made by Blackstone that when man enters into society, as a compensation for the protection which society gives to him, he must yield up some of his natural rights, and, as the responsibilities of the government increase, and a greater degree of protection is afforded to the citizen, the recompense is the yielding of more individual rights. Trans-

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portation companies are now controlled and restricted, where a few years ago they claimed the right to transact their business exactly as it suited their private interests. The practice of medicine is restricted and controlled; laws against quackery and empiricism are enforced without question. The sale of liquor, which formerly was a legitimate business, and which the citizen had a right to enter into, as he did any other business, without any restrictions, has now become subject to the control of the state, or to actual prohibition at the will of the state. The changing conditions of society have made an imperative call upon the state for the exercise of these additional powers, and the welfare of society demands that the state should assume these powers, and it is the duty of the court to sustain them whenever it is found that they are based upon the idea of the promotion and protection of society."

If, therefore, the act in controversy has a reasonable relation to the protection of the public health, morals, safety or welfare, it is not to be set aside because it may incidentally deprive some person of his property without fault or take the property of one person to pay the obligations of another. To be fatally defective in these respects, the regulation must be so utterly unreasonable and so extravagant in nature and purpose as to capriciously interfere with and destroy private rights.

That the statute here in question has the attribute of reasonableness, rather than that of capriciousness, seems incontrovertible. The evil it seeks to remedy is one that calls loudly for action. Accidents to workmen engaged in the industries enumerated in it are all but inevitable. It seems that no matter how carefully laws for the prevention of accident in such industries may be framed, or how rigidly they may be enforced, there is an element of human equation that enters into the problem which can not be eliminated and which invariably causes personal injuries and consequent financial losses to workmen engaged therein. Heretofore these losses have been borne by the injured workmen themselves, by their dependents, or by the State at large. It was the belief of the legislature that they should be borne by the industries causing them, or, perhaps more accurately, by the consumers of the products of such industries. That the principle thus sought to be put into effect is economically, sociologically, and morally sound, we think must be conceded. It is so treated by the learned counsel who have filed briefs in support of the auditor's contentions; it is so conceded by all modern statesmen, jurists, and economic writers who have voiced their opinion on the subject; and the principle has been enacted into law by nearly all of the civilized countries of Europe, by Australia, by New Zealand, by the Transvaal, by the principal Provinces of the Dominion of Canada, and in a partial form at least by one or more of South American Republics. Indeed, so universal is the sentiment that to assert to the contrary is to turn the face against the enlightened opinion of mankind. The common law does not purport to afford a remedy for the condition here found to exist. It affords relief to an injured workman in only a limited number of cases; cases where the injury is the result of fault on the part of the employer and there is want of fault on the part of the workman. For the greater number of injuries traceable to the dangers incident to industry, no remedy at all is afforded. The act, therefore, having in its support these

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economic and moral considerations, is not unconstitutional for the reasons suggested upon this branch of the argument.

Passing to the second objection, it is well settled that neither the clause of the State constitution prohibiting class legislation, nor the clause of the fourteenth amendment to the Constitution of the United States relating to the equal protection of the laws, takes from the State the power to classify in the adoption of police regulations. The limitations imposed admit of a wide discretion in this respect, and avoid only what is done without any reasonable basis; that is, such regulations as are in their nature arbitrary. The learned counsel for the auditor recognize this distinction, and consequently do not attack the act because it is confined to extra hazardous occupations as its field of regulation, but complain because its benefits are not confined to workmen injured while engaged in such occupations. It is claimed that the act allows workmen employed in such industries the benefit of the act when injured outside of the line of their duties, or when engaged in the business of the concern in a capacity not affected by the peculiar hazards of the business. We have quoted enough of the statute to show that it is somewhat obscure in these respects, but we are not inclined to think the point fatal to the act, even though we concede counsel's interpretation of it to be the correct one. In section 27, the legislature has made it clear that it did not intend the provisions relating to those who are entitled to partake of its benefits to be so far an integral part of the act that it could not be eliminated in part without destroying the act in its entirety. It is there expressly provided that the adjudication of invalidity of any part of the act shall not affect the validity of the act as a whole or any other part thereof. This means that the legislature intended the act to be enforced as far as it may be, even though it might not be valid in its entirety. It was competent for the legislature so to provide. Anything it could have eliminated itself and left an operative act, can be eliminated by the courts without destroying the entire act, if it is the will of the legislature that the remaining parts of the act shall stand after such elimination. So here, if it be true that the legislature has gone too far in this direction, and has attempted to include within its benefits certain employees who can not be included without including employees generally, these can be omitted in the administration of the act without the necessity of nullifying the entire act. But whether any such workmen are so improperly included, we shall not here determine. The question can best be met when it arises during the course of the act's administration.

Again, it is said that the act violates the provisions relating to class legislation because it diverts the contributions exacted from the numerous industries to the relief of a particular class of injured and disabled workmen, instead of applying it to the relief of injured workmen generally or applying it to the use of the State at large. But to divert the money collected in this manner to a special use is one of the prerogatives of legislation. The right of the State to regulate any form of industry arises from the fact that its pursuit affects injuriously the health, safety, morals, or welfare of the persons engaged in it, or is inimical in some form to some portion of the individuals of the community. It is not necessary that it always affect injuriously the public at large. On the contrary, it may be regulated if it affects

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injuriously those engaged in it, or those brought in direct contact with it, even though its pursuit may benefit generally the people of the State at large. Nor is there any particular form which the regulation must take. The conduct of the business may be prohibited entirely in a particular place or in a particular manner; its pursuit may be restricted to certain hours of the day; it may be permitted to be conducted only in case protective devices are used; or it may be permitted in certain forms and a sum of money exacted from the individuals carrying it on for the purpose of recompensing those who suffer losses because thereof.

So in this instance, if the legislature believed that to permit the pursuit of the industries named after the present manner of conducting them was generally for the public good in spite of the losses the method of pursuit entailed, there is no reason why it should not confine its regulations to compelling the owners and conductors of such industries to create a fund out of which the losses caused thereby should be made good. That legislation in this form is not class legislation, nor a denial to owners of property of the equal protection of the laws, is well sustained by authority.

In Jensen *v.* South Dakota Cent. R. Co., supra, the court, discussing the question, used this language:

"The exercise of the police power in this class of cases is based upon the ground that, where persons are engaged in a calling or business attended with danger to other persons and their property, then the legislature may step in and impose conditions upon the exercise of such calling or business for the general good and welfare of society, and may prescribe the terms on which such dangerous calling or business will be permitted to be carried on by persons in charge thereof, whether such persons happen to be private individuals or railway corporations. The fact that such legislative exercise of the police power applies alike to all persons and all corporations engaging in such dangerous calling or business relieves it from the charge and contention that there is a denial of equal protection under the law by reason of such enactments."

In Firemen's Benevolent Ass'n *v.* Lounsbury, supra, the court had under consideration a statute of the State of Illinois which created a corporation called the Firemen's Benevolent Association, and required every insurance agent in the city of Chicago to pay to the association a fixed percentage upon the amount of fire insurance premiums collected by him per year from fire insurance effected upon property in the city, to be used solely for the relief of distressed, sick, injured, or disabled firemen and their immediate families. Answering the objection that the act was void as class legislation, the court said:

"There is nothing to be found in the constitution which can be held to inhibit the legislature from imposing burthens, or raising money from citizens of the State, which is not for the direct benefit of the State, and is never designed to belong to the State. To deprive the legislature of this power, would to a great extent destroy it usefulness—while it would to a certain extent, deprive it of the power of abuse, it would destroy its power to regulate by law a thousand things, which the public good requires should be regulated by law. * * * Let us once hold that the legislature could not compel any citizen to submit to a burthen, except for the benefit of the State aggregate, or for some subdivision of it, as a county, city or town, or to pay any

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money except it shall go into the State or some subordinate public treasury, and we should soon find ourselves on the brink of anarchy itself—we should tie up the hands of the legislature it is true, so that they might not do some evils which they have hitherto had the power of doing; but we should also let loose upon society ten thousand evils, which in every well-regulated community it has always been the duty of the legislature to suppress. It is in the exercise of this indispensable power, that ferries, toll bridges and the like are licensed or chartered. The legislature, finding it necessary to afford especial encouragement to private enterprise to erect a bridge or a ferry, has ever exercised the power of imposing a burthen on some, for the benefit of others. Who ever doubted the right of the legislature to charter a bridge and to require all persons crossing the stream within certain limits, to pay the tolls, whether they cross on the bridge or not? It is the exercise of the same power, which fixes the fees of officers for the performance of certain services. It is the power which the legislature possesses, of imposing burthens upon certain members of the community who are supposed to be benefited, by the efforts or acts of certain other members of the community, as a reward or compensation for such acts. * * * It would fill a volume to enumerate all the familiar instances of the exercise of this power—a power which must be exercised constantly in every civilized community, or the well being of that community must vitally suffer."

In State *v.* Cassidy, 22 Minn. 312, 21 Am. Rep. 765, the court sustained an act which required the vendors of intoxicating liquors to pay a fixed sum per annum into the State treasury, in addition to the usual license fee, as a fund to be disbursed by a State commission in the creation and operation of a State asylum for the care and cure of inebriates. The court in its opinion points out that the act is an exercise of police power, saying:

"It regards the traffic as one tending to produce intemperance, and as likely, by reason thereof, to entail upon the State the expense and burthen of providing for a class of persons rendered incapable of self-support, the evil influence of whose presence and example upon society is necessarily injurious to the public welfare and prosperity, and, therefore, calls for such legislative interposition as will operate as a restraint upon the business, and protect the community from the mischiefs, evils and pecuniary burthens flowing from its prosecution. * * * That these provisions unmistakably partake of the nature of police regulations, and are strictly of that character, there can be no doubt, nor can it be denied that their expediency or necessity is solely a legislative, and not a judicial, question. * * *

"Regarding the law as a precautionary measure, intended to operate as a wholesome restraint upon the traffic, and as a protection to society against its consequent evils, the exacted fee is not unreasonable in amount, and the purpose to which it is devoted is strictly pertinent and appropriate. It could not be questioned but that a reasonable sum imposed in the way of an indemnity to the State against the expense of maintaining a police force to supervise the conduct of those engaged in the business, and to guard against the disorders and infractions of law occasioned by its prosecution, would be a legitimate exercise of the police power, and not open to the objection that it was a tax for the purpose of revenue, and, therefore, unconstitutional. Reclaiming the inebriate, restoring him to society,

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prepared again to discharge the duties of citizenship, equally promotes the public welfare, and tends to the accomplishment of like beneficial results, and it is difficult to see wherein the imposition of a reasonable license fee would be any the less a proper exercise of this power in the one case than in the other. The purpose to which the license fund created by the act is designated is more consonant to the idea of regulating the traffic and preventing its evils than is the case under the general license law, which devotes the fees received to common-school purposes, and we are not aware that any objection has ever been urged against that law on that account."

A statute of Kentucky imposed upon all dogs a tax at a fixed sum per capita, to be paid by their owners, for the creation of a fund to be disbursed to sheep growers whose sheep should be injured or destroyed by the ravages of dogs. In McGlone *v.* Womack, 129 Ky. 274, 111 S. W. 688, 17 L. R. A. (N. S.) 855, this statute was challenged by a number of owners of dogs on the ground that it violated the State constitution. Answering the objection that it was class legislation, the court said:

"Nor do we think the act is inimical to that portion of section 3 of the bill of rights which provides: '* * * And no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services. * * *' As we view it, the statute does not confer any special privilege on the owner of sheep. It merely protects these owners from the destruction of their property by dogs. It is the duty of the State to protect every citizen in his life, liberty, and property; and it certainly is within the competency of the legislature to exercise the police power of the State to protect all property against the ravages of destructive animals. The question as to how this is to be done and what property is to be so protected is a matter of legislative discretion. Undoubtedly the sheep industry is a most important one to the whole State. All of our citizens are interested in an industry which supplies the market with wholesome meat, provides means of obtaining warm and comfortable clothing, and at the same time furnishes labor to the otherwise unemployed. It is only necessary to allude to this phase of the question. The importance of the industry as a whole is most obvious. It is equally obvious that sheep are peculiarly liable to the ravages of dogs. They have neither the fleetness to escape nor the courage to defend themselves from attack, and their silent suffering enables the dog to prey upon them without any danger that the owner will be warned of the destruction of his property by the outcry of the dying animal. * * * The fact that sheep are generally killed at night when it is impossible to ascertain the owner of the dog committing the ravage makes it necessary, if protection is to be had through this channel at all, that each owner of a dog should be required to contribute a small amount to a common fund dedicated to the remuneration of owners of sheep killed by unknown dogs. As said before, this is simply requiring the owners of dogs to make good the ravages of dangerous animals kept by them; and no citizen has just cause of complaint, if he keeps animals destructive to the property of others, that he is required to make good the damages done by them. The statute in truth, is but an enforcement of the maxim, 'sic utere tuo ut allenum non laedas,' and, as such, its constitutionality is beyond successful question."

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(See, also, Leavitt *v.* City of Morris, 105 Minn. 170, 117 N. W. 393, 17 L. R. A. (N. S.) 984; Mitchell *v.* Williams, 27 Ind. 62; Van Horn *v.* People, 46 Mich. 183, 9 N. W. 246, 41 Am. Rep. 159; Cole *v.* Hall, 103 Ill. 30; Longyear *v.* Buck, 83 Mich. 236, 47 N. W. 234, 10 L. R. A. 43; Holst *v.* Roe, 39 Ohio St. 340, 48 Am. Rep. 459; State *v.* Frame, 39 Ohio St. 399.)

The foregoing cases, while defending the statute here in question against the charge of class legislation, are interesting from another aspect also. They furnish examples of constitutional statutes creating liability without fault. To effect insurance as an agent, to sell intoxicating liquors where not forbidden by the State, or to own and keep dogs, is not of itself unlawful; and it would seem that any reason which would justify the levying of a tax on persons pursuing these occupations as business callings, or owning and keeping the species of property mentioned, would justify the levy sought to be made by the act before us.

The third principal objection to the constitutionality of the act is that it violates the provisions of the constitution designed to secure equal and uniform taxation of property for public purposes. As the charge laid on the persons engaged in the industries named in the act is a pecuniary burden imposed by public authority, it partakes of the nature of a tax, and in the language of a distinguished judge discussing a similar question, "for many purposes might be so spoken of without harm." But it is manifest that it is not a tax in the sense the word is used in the sections of the constitution to which reference is here made. No accession to the public revenue, general or local, is authorized or aimed at. The purpose of the exaction is entirely different. It is to be used, not to meet the current expenses of government, but to recompense employees of the industries on whom the burden is imposed for injuries received by them while engaged in the pursuit of their employment. It is the consideration which the owners of the industries pay for the privilege of carrying them on. It is, therefore, in the nature of a license tax, and can be justified on the principle of law that justifies the imposition and collection of license taxes generally. In this State, such taxes may be imposed, either as a regulation or for the purposes of revenue, the only limitation upon the power being that such taxes when imposed on useful trades and industries shall not be unreasonable, and if a class of trades or industries is selected from the whole, and the tax imposed upon the class selected alone rather than upon the whole, that there be some reasonable ground for making the distinction. (Walla Walla *v.* Ferdon, 21 Wash. 308, 57 Pac. 796; Fleetwood *v.* Read, 21 Wash. 547, 58 Pac. 665, 47 L. R. A. 205; Stull *v.* DeMattos, 23 Wash. 71, 62 Pac. 451, 51 L. R. A. 892; Seattle *v.* Barto, 31 Wash. 141, 71 Pac. 735; In re Garfinkle, 37 Wash. 650, 80 Pac. 188; Oilure Mfg. Co. *v.* Pidduck-Ross Co., 38 Wash. 137, 80 Pac. 276; McKnight *v.* Hodge, 55 Wash. 289, 104 Pac. 504.)

The general rule governing the right to impose such license taxes is well stated by Judge Brewer in City of Newton *v.* Atchison, 31 Kan. 151, 1 Pac. 288, 47 Am. Rep. 486, in the following language:

"Before noticing some specific objections which are made to this particular tax, we think it proper to state certain general propositions which underlie this matter of a license tax.

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"First. In the absence of any inhibition, express or implied, in the constitution, the legislature has power, either directly to levy and collect license taxes on any business or occupation, or to delegate like authority to a municipal corporation. This seems to be the concurrent voice of all the authorities. In 1 Dillon on Municipal Corporations, 3d ed., sec. 357, note, the author says: 'Unless specially restrained by the constitution, the legislature may provide for the taxing of any occupation or trade, and may confer this power upon municipal corporations.' In Burroughs on Taxation, page 148, is this language: 'Where the constitution is silent on the subject, the right of the State to exact from its citizens a tax regulated by the avocations they pursue, can not be questioned.' In Savings Society *v.* Coite, 6 Wall. 606, the Supreme Court of the United States thus states the law: 'Nothing can be more certain in legal decision than that the privileges and franchises of a private corporation, and all trades and avocations by which the citizens acquire a livelihood, may be taxed by a State for the support of the State government.' (Hamilton Co. *v.* Massachusetts, 6 Wall. 638; Cooley on Taxation, 384 to 392, 410.) On page 384 the author observes, 'The same is true of occupations; government may tax one, or it may tax all. There is no restriction upon its power in this regard unless one is expressly imposed by the constitution.'

"In State Tax on Foreign-held Bonds, 15 Wall. 300, Field, J., among other things, speaking of the power of taxation, says:

" 'It may touch property in every shape, in its natural condition, in its manufactured form and in its various transmutations. And the amount of taxation may be determined by the value of the property, or its use, or its capacity, or its productiveness. It may touch business in the almost infinite forms in which it is conducted; in professions, in commerce, in manufactures, and in transportation. Unless restrained by the constitution, the power as the mode, form and extent of taxation is unlimited.'

"(See also the authorities collected in Fretwell *v.* City of Troy, 18 Kas. 274.) Nor does this rest alone upon a mere matter of authority. Full legislative power is, save as specially restricted by the constitution, vested in the legislature. Taxation is a legislative power. Full discretion and control therefore in reference to it are vested in the legislature, save when specially restricted. There is no inherent vice in the taxation of avocations. On the contrary, business is as legitimate an object of the taxing power as property. Oftentimes a tax on the former results in a more even and exact justice than one on the latter. Indeed, the taxing power is not limited to either property or avocation. It may, as was in fact done during the late war and the years immediately succeeding, be cast upon incomes, or placed upon deeds and other instruments. We know there is quite a prejudice against occupation taxes. It is thought to be really double taxation. Judge Dillon well says that 'such taxes are apt to be inequitable, and the principle not free from danger of great abuse.' Yet, wisely imposed, they will go far toward equalizing public burdens. A lawyer and a merchant may, out of their respective avocations, obtain the same income. Each receives the same protection and enjoys the same benefits of society and government. Yet the one having tangible property pays taxes; the other, whose property is all in legal learning

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and skill, wholly intangible, pays nothing. A wisely-adjusted occupation tax equalizes these inequalities. But after all, these are questions of policy, and for legislative consideration. It is enough for the courts that both occupation and property are legitimate objects of taxation; that they are essentially dissimilar; that constitutional provisions regulating the taxation of one do not control that of the other; and that there are no constitutional inhibitions on the taxation of business, either by the legislature directly, or by the municipal corporations thereto empowered by the legislature.

"Second. There is no inhibition, expressed or implied, in our constitution, on the power of the legislature to levy and collect license taxes, or to delegate like power to municipal corporations. It is not pretended that there is any express inhibition. It has been contended that section 1, article 11, creates an implied inhibition, and this because it reads that 'the legislature shall provide for a uniform and equal rate of assessment and taxation.' But that section obviously refers to property, and not to license taxes."

In Fleetwood *v.* Read, supra, this court, discussing the question whether taxation of this sort was prohibited by the constitution, said:

"It is insisted, also that the ordinance is void because it imposes a burden upon a portion, and not the whole, of a class of merchants. We do not think this contention is tenable. The ordinance does apply to all merchants who see fit to engage in the business of buying tickets of that kind, and the constitutional provision (art. 1, sec. 12) that no law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations, can not be invoked against this ordinance. The adjudicated cases in this respect are so numerous that it is scarcely worth while to mention them here."

"The ordinance can not be held void on account of excessive burden imposed. It is not so oppressive that it will in any way interfere with the rights of merchants. However wrong the policy may be which prompted the enactment of this ordinance, or however doubtful the propriety of passing such an ordinance, those are questions which are submitted by the legislature to the discretion of the council, and upon them it is not our province to comment. We think, without further investigation, that there is no doubt that the ordinance is warranted by legislative authority.

"Some question was raised by the court at the time of the argument of this case in relation to the ordinance being in conflict with secs. 1, 2 and 9 of art. 7 of the State constitution, which provide for uniformity in taxation. Counsel for the respondent was requested by the court to furnish it with a brief on that subject, which he did, and upon an examination of the cases cited and of other cases, we have become convinced that the question raised by the court was not a question pertinent in this case; that, under the great weight of authority, a tax on occupation, business, etc., is not, in legal contemplation, a tax on property, which falls within the inhibition imposed by the usual constitutional provisions in relation to uniformity of taxation; and, in consideration of the fact that the State constitution is a limitation upon the actions and powers of the legis-

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lature instead of a grant of power, that the power of the legislature to tax trades, professions and occupations is, in the absence of constitutional restriction, a matter within its absolute control and resting entirely in sound legislative discretion."

The sums exacted from the several industries named we think may be treated as partaking both of the nature of a license for revenue and regulation; as such, however, we find nothing in the principle inimical to either the State or Federal constitutions.

The fourth principal reason for which the act is thought to be unconstitutional is that it interferes with the right of trial by jury. It is said that the legislature can not fix a Procrustean rule for the admeasurement of damages arising from injuries received by one in the employment of another, as the employer and the employee alike have the right to submit to a jury both the question of the right to recover for any such injury, and the question of the amount that may be recovered therefor. But we can not think the rule absolute. It may be that the legislature can not fix the amount of recovery, or provide for an absolute recovery, in all cases where one person is injured by another, regardless of the relation of the parties, or the question whether the injury is or is not the result of negligence; but it does not follow that it may not so provide where the injury happens in that class of employments subject to legislative regulation and control. If it be, as we have attempted to show, a proper regulation of hazardous industries to compel those engaged therein as owners or operators to pay a fixed sum into a fund to be used for the purpose of compensating the employees thereof for injuries received by them, it is difficult to understand why it is not also proper regulation to require the employees of such industries to accept a given sum for any injury that they may receive while so engaged. The same power that authorizes the State to regulate the participation of the one in the particular industry would seem to authorize it to regulate the participation of the other therein. Theoretically, of course, the employer and employee, on entering into a contract by which the one engages the services of the other, stand on the same plane; but in practice, as it is well known, this ideal condition very seldom exists. Greed and sagacity on the one side, and necessity and incapacity on the other, sometime lead to contracts that create conditions little short of peonage; and our own reports abound with instances where men have been induced to work in situations so dangerous to life and limb that the wonder is not that some of them were injured, but rather, that any of them escaped injury. Indeed, it is a common thing for an employer, in defense of an action of damages brought by his employee for injury received in such a situation, to urge that the dangers of the place were so obvious and apparent that the employee was guilty of contributory negligence for working therein. These conditions, we think, authorize the interference of the legislature. The grounds upon which the employer may be held to contribute to a fund for the relief of all injuries sustained by his employees whatever the cause, we have already stated. The obligation of the employee to accept the conditions of the statute can rest on like grounds: namely, the welfare of the State. The relation being one of contract between employer and employee, the State may make it a condition of the contract that the employee shall accept a fixed sum for

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any injury he may receive while engaged in the employment, whether the injury be the result of the inherent dangers of the employment or the result of some fault of his employer.

There is, of course, no direct authority supporting the contention that the right of trial by jury may be thus taken away. There are, however, cases maintaining principles more or less analogous to the principle thus involved. Of these State *v.* Buchanan, and Holden *v.* Hardy, supra, are illustrative. In these cases it is held that the legislature may limit the number of hours a workman shall be permitted to labor in certain classes of employments, on the principle that to do so is to protect the health of the individual workman and thus contribute to the public welfare. If it be within the rule of the police powers of the State to interfere with the workman's personal freedom in this regard, it would seem to be no greater stretch of power to go one step farther and provide that if he be injured while so laboring, he shall receive a sure award in a limited sum as compensation for his injury, and in lieu thereof shall forego his common law action in damages therefor.

The common-law system of making awards for personal injuries has no such inherent merit as to make a change undesirable. While courts have often said that the question of the amount of compensation to be awarded for a personal injury is one peculiarly within the province of the jury to determine, the remark has been induced rather because no better method for solving the problem is afforded by that system than because of the belief that no better method could be devised. No one knows better than judges of courts of nisi prius and of review that the common-law method of making such awards, even in those instances to which it is applicable, proves in practice most unsatisfactory. All judges have been witnesses to extravagant awards made for most trivial injuries, and trivial awards made for injuries ruinous in their nature; and perhaps no verdicts of juries are interfered with so often by the courts as verdicts making awards in such cases. There is no standard of measurement that the court can submit to the jury by which they can determine the amount of the award. The test of reasonableness means but little to the ordinary juror. Unused as he is generally to witnessing the results of injuries, he is inclined to measure his verdict by the amount of disorder he observes, rather than by the actual amount of disablement the injury has caused. Nor is he aided in this respect by the testimony of medical experts. Conflicting as such testimony usually is, it tends rather to confuse than to enlighten him. Perhaps the whole difficulty lies in the fact that the question is too much one of opinion, and not enough of fact. It must be remembered, also, that the remedy afforded by the common law, as we have elsewhere remarked, can be applied only in a limited number of cases of injury; cases where the injury is the result of negligence on the part of the employer, not contributed to by the employee. For the greater number of injuries the common law affords no remedy at all. For this unscientific system, it is proposed to substitute a system which will make an award in all cases of injury, regardless of the cause or manner of its infliction; limited in amount, it is true, but commensurate in some degree to the disability suffered. The desirability of this substitution is unquestioned, and we believe that the legislature had the power to make it without violating any principle of the fundamental law.

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The objection may be answered also in another way. The constitution does not undertake to define what shall constitute a cause of action, nor to prohibit the legislature from so doing. The right of trial by jury accorded by the constitution, as applicable to civil cases, is incident only to causes of action recognized by law. The act here in question takes away the cause of action, on the one hand, and the ground of defense, on the other; and merges both in a statutory indemnity, fixed and certain. If the power to do away with a cause of action in any case exists at all, in the exercise of the police power of the State, then the right of trial by jury is thereafter no longer involved in such cases. The right of jury trial being incidental to the right of action, to destroy the one is to leave the other nothing upon which to operate.

The auditor also complains of the scheme adopted by the legislature for correcting the evil they have found to exist. It is said that the scheme is unduly cumbersome; that its administration will prove unnecessarily costly and burdensome to those whose interests are affected by it, and will lead to public and private abuses and consequent evils more dangerous to the State than the evil that it is sought to correct. But the courts are slow to inquire into the mere wisdom of a statute. This question is so preeminently one for the law-making branch of the Government that the courts will interfere only where there can be no two opinions as to the mischievous and evil tendencies of the act. The act in question here was framed by a commission composed of men eminent for their ability, who gave to the work extended consideration. It was selected by the legislature from among a number of proposed acts having a similar purpose submitted for their examination; and this, too, after its evil tendencies had been fully pointed out by the representatives of the different interests to be affected by it. In the light of these facts, the court can not do otherwise than put it to the test of practice. Moreover, the question becomes one of less importance when it is remembered that the sessions of the legislature are sufficiently close together to enable that body to correct any evil influence the enforcement of the act may have before it becomes unduly harmful.

In the foregoing discussion we have not referred to the decision of the Court of Appeals of the State of New York in the case of Ives *v.* South Buffalo R. Co., 201 N. Y. 271, 94 N, E. 431 [Bulletin No. 92, p. 251], which holds the workingmen's compensation act of that State to be in conflict with the due process of law clause of the State constitution, and the fourteenth amendment to the Constitution of the United States. The case has, however, been the subject of extended consideration in the briefs of counsel, and it is urged upon us by counsel for the auditor as conclusive of the questions at bar. The act the court there had in review is dissimilar in many respects to the act before us, and is perhaps less easily defended on economic grounds. The principle embodied in the statutes is, however, the same; and it must be conceded that the case is direct authority against the position we have here taken. We shall offer no criticism of the opinion. We will only say that, notwithstanding the decision comes from the highest court of the first State of the Union, and is supported by a most persuasive argument, we have not been able to yield our consent to the views there taken.

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We conclude, therefore, that the act in question violates no provision of either the State or Federal constitutions, and that the auditor should give it effect. Let the writ issue.

Dunbar, C. J., Crow, Morris, Ellis, Mount, Parker, and Gose, J J., concur.

Chadwick, J. (concurring)—This proceeding is prosecuted by the relator, a simple contract creditor of the State. There is no party in interest before us whose interest it is to challenge the act of the legislature. This is a moot case, pure and simple, and the right of the relator to recover is in no way affected by the constitutional questions raised by the parties and discussed by the court. The legislature having created the industrial insurance commission, its power to organize can not be questioned by any one who is not affected by the terms of the law, and such expenses as it may incur are proper charges against the State and may be collected without reference to the power of the commission to levy a tribute upon certain kinds of business, or to make disbursement of the funds under the provisions of the act.

Without questioning or discussing the conclusions of the court upon the first three propositions advanced, with all of which I agree, the fourth proposition should not now be decided for the very palpable reason that our decision is binding upon no one, not even upon the court. No one will contend that it is of any concern to a furniture dealer who is seeking to collect his account whether an injured workman is to be deprived of the right to submit his cause to a jury of his peers. The principle is too important to be mooted by the court, for some day a real party in interest will be before us—either an employer who feels aggrieved at the operation of the law, or a workman who has received injuries which the accepted schedules will not compensate; and we will be put to the duty of deciding the case without reference to our present decision, so that the Federal questions involved may pass for final hearing to the Supreme Court of the United States.

The right to recover damages for personal injuries suffered in consequence of the negligence of another was an admitted right at common law, so that the question whether the seventh amendment to the Constitution of the United States, which preserves the right of trial by jury in all cases maintainable at common law which are begun in the courts of the United States, would not compel a Federal court to ignore our statute, and the consequent question, whether a party assessed could be compelled to contribute to the indemnity fund unless he is to be protected from all suits of like character, becomes most material, and it is to be hoped that we will have an early opportunity to meet these issues in a proper case.

That the people of the State of Washington can take away a right of action, or abolish the right of trial by jury, I have no doubt, but whether the legislature can do so without the warrant of the whole people expressed by way of amendment or repeal of sections 3 and 21 of article 1 of the State constitution, is a grave question which is not discussed in the opinion of the court. The right of trial by jury has ever been regarded as the very sinew of liberty. It was the cardinal principle of the great charter, and "It is worthy of note that all that is extant of the legislation of the Plymouth Colony for the first five years, consists of the single regulation 'that all criminal facts, and also all manner of trespasses and debts between man and man, shall be tried by the verdict of twelve honest men, to be impaneled by

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authority, in form of a jury upon their oath.' (1 Palfrey's New England, 340." Cooley's Const. Limitations (6th ed.), p. 389, n.)

The right is asserted in every State constitution. Sec. 21, supra, provides that "the right of trial by jury shall remain inviolate." No distinction is made between civil and criminal cases; indeed the additional text would indicate that no distinction was intended. This guarantee has been held by this court to apply to all civil law actions maintainable at common law. (State ex rel. Mullen *v.* Doherty, 16 Wash. 382, 47 Pac. 958, 58 Am. St. 39.) I am a firm believer in trial by jury and am of equal faith that the will of the people as declared in their written constitution is binding upon legislatures as well as courts, until the people by like adoption express a contrary will. We should not decide otherwise except at the suit of a proper party.

The present law seems to be greatly to the advantage of the employer for whom an easy method of discharging an obligation to his injured employee is provided, but whether the legislature can take from the workingman his right to have the amount of his compensation fixed by an authority less than the very people, who have said "the right of trial by jury shall remain inviolate," is for future hearing.

I have not advanced these observations in the way of objections, for the result of the court's opinion is a consummation for which I have devoutly hoped; but to indicate merely that our decision upon the fourth proposition—the right of trial by jury—is not settled by this decision and should not be so regarded, and further, in the event that it be finally held that a jury trial can not be dispensed with, under our present constitution, that the objection may be easily overcome without doing violence to the purpose or principle of the act, and without amendment to the constitution, by providing that, in the event of a dispute as to the amount of compensation, a jury shall be called to try that issue and that its verdict shall be conclusive.

Upon the fourth proposition, therefore, I reserve my opinion until such time as its expression will have the force of law.

There being no question that the relator has a right to recover the amount due on its account, it follows that the writ should issue.

EMPLOYERS' LIABILITY—FEDERAL STATUTE—EFFECT OF JUDGMENT UNDER STATE STATUTE—*Troxell v. Delaware, Lackawanna & Western Railroad Co., United States Circuit Court, Eastern District of Pennsylvania, March 2, 1911, 185 Federal Reporter, page 540.*—Lizzie M. Troxell sued as administratrix to recover from the above named company damages for the death of her husband. Mr. Troxell had been an employee of the company, and for his death as a consequence of its alleged negligence she had previously sued in her own behalf and on behalf of her two minor children under a statute of the State of Pennsylvania. In that case (180 Fed. 871) judgment had been in the company's favor and the plaintiff then sought to recover as administratrix under the Federal statute, act of April 22, 1908, 35 Stat. 65. The company pleaded that the case had been decided in the previous trial, and the plaintiff moved to strike out this plea of res

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judicata, which motion was overruled. This position was taken by the court on the grounds that appear in the following quotation from the opinion of Judge Holland, who speaking for the court used in part the following language:

The present action is instituted by her [Mrs. Troxell] as administratrix under the Federal employers' liability act of 1908, which requires the action to be conducted by the personal representative but for the sole benefit of the widow and minor children. Lizzie M. Troxell as administratrix in the present case represents the same identical parties that she represented in the former suit, and the fact that in the former suit she represented these same parties in her individual capacity and now represents them in her capacity as an administratrix is not sufficient to establish a difference of identity of parties to the suit.

It is true that, in order that a party may be bound by a former judgment, it is not only necessary that he should have been a party to both actions, but he must appear in both in the same character or capacity. A suit or defense in his individual capacity in one action is not binding in another, if he appears in the latter in a representative character, such as guardian or next friend, because he then in fact represents different parties; but where, as in this case, Lizzie M. Troxell represented the same parties in her individual capacity, under the Pennsylvania act, that she now presents in this suit in her capacity as administratrix, under the Federal act, there is an identity of parties in both suits. (23 Cyc. 1243, 1244.)

There is, however, a new and different cause of action set forth in the case at bar, arising under the Federal employers' liability act of 1908, from that stated in the same plaintiff's statement of claim in the prior suit. The averments in the statement of claim filed in the prior suit referring to interstate commerce, etc., were regarded as surplusage, and the case was considered upon the facts properly pleaded, under the Pennsylvania act. In the case at bar, the statement is an exact copy of the statement in the former suit; but the averments which bring the present case within the requirements of the Federal statute, and which were regarded as surplusage in the former suit, are material here and make a new and different cause of action. (Allen *v.* Tuscarora Valley Railroad Co., 229 Pa. 97, 78 Atl. 34.) It is, however, very evident from the statement in the present case that the material questions of fact supporting this new cause of action, which will necessarily be litigated in the present suit by the same parties who appeared in the former suit, are the same as those which were involved and passed upon in the former suit, and which have been determined against the plaintiff, so that, the facts relied upon in this new cause of action by the plaintiff having been decided against her, the plea of res judicata is a bar to this suit.

EMPLOYERS' LIABILITY—MINE REGULATIONS—STATUTES—BREACH OF DUTY BY EMPLOYER—NEGLIGENCE OF OTHER EMPLOYEES—*Princeton Coal Mining Co. v. Lawrence, Supreme Court of Indiana, June 7, 1911, 95 Northeastern Reporter, page 423.*—Solomon Lawrence was engaged in the mine of the company named above as a shot firer

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and met his death on the 8th day of January, 1908, on account of an explosion of coal dust which had been allowed to accumulate in the ways and the working places of the mine. A statute of 1905 required roadways and entries to be sprinkled if they were so dry that the way became charged with dust. An act of 1907 requires mines or any part thereof to be sprinkled in the discretion and at the order of the inspector of mines. This act repeals all conflicting acts but is cumulative of other laws on the subject of coal mining. It was contended by the company that the act of 1905 in respect of the mandatory sprinkling was repealed by the provision of the act of 1907 making sprinkling a duty only after orders of inspector. This contention the court refused and held that the company had been negligent in failing to keep sprinkled the dry and dusty roadways and entries of the mines.

There were other questions as to the relation of statutes, which are of interest only within the State. A more general proposition was discussed in considering the status of Lawrence as a shot firer employed by the miners and not directly by the defendant company. It was contended that from this fact he was not a servant of the company, and for injuries to him the company would not be liable. On this point Judge Myers speaking for the court said:

It is alleged that the miners were mining by the ton, and that appellee's decedent was employed by the miners, with the knowledge and consent of appellant, and that the latter indirectly paid a part of his wages. A statute enacted in 1907 (acts 1907, p. 349; Burns 1908, sec. 8610) provides: "That at any coal mine in the State where the miners therein so elect, persons may be employed to act as shot firers and their wages shall be paid by the miners working therein. * * * " It will be noted that it is not provided in the act that the miners shall have the right to select the shot firers, but, if they elect to have shot firers, those so electing are to pay the firers' wages. It is alleged in the complaint that the duties of miners, "Among other duties performed by them, was to drill into the solid coal in said mine and to charge said drill holes with blasting powder and to tamp said charges of powder; that the firing of said charges of powder was performed by shot firers employed and paid by said miners with the full knowledge and consent of the defendant, which paid to said miners a quarter of a cent per ton for coal mined from said mine in addition to the compensation paid said miners for coal mined by them, to be applied on the compensation of said shot firers for their services." Fairly construed, this means that appellant consented to and approved the selection made by the miners; but, in any event, these shot firers were not mere licensees, and it is not necessary that we should determine whether they were servants of appellant or not. They were in the mine pursuant to the express provisions of a statute; it was more than an invitation to be there; they were there engaged in and about the operator's business, not their own business, except as their business was that of assisting in mining coal, in carrying out a distinct part of the business of the operator, with its knowledge and consent, and we see no difference between the duty owing to them, in regard to sprinkling the mine, than as to the miners proper. The

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law was enacted for the benefit of all persons whose work or duty requires them to be in the mines and about the business of the operator in coal mining, whether the strict relation of master and servant existed between appellant and appellee's decedent or not.

Other points raised by the company on its appeal were as to the contributory negligence of the injured workman; also that of other workmen in the mine. On these points Judge Myers said:

But it is urged that appellee's decedent was guilty of contributory negligence in firing a second time, a shot which had blown out the day before owing to the drilling being past the chance. It is found that he knew of the abortive shot of the day previous, but it is not found that he knew why the shot blew out, or that it was drilled past the chance as he had not placed the powder or tamped it in either case, or the reason for shots blowing out, or that it is unusual, but it is found that the injury was from the dust explosion. It is not made to appear that appellee's decedent knew of the open kegs of powder, or of their presence in the mine, or the manner in which the drilling or tamping had been done, so as to bring him within the rule of assumption of risk from a known or obvious danger presented in the course of his work or duty, so as to make him guilty of contributory negligence, as against appellant's statutory duty in failing to sprinkle as the proximate cause of the death.

The fact that the negligence of another miner, or other miners, concurred with the negligence of appellant in producing the injury, will not exonerate appellant if its negligence in failing to sprinkle was the proximate cause of the injury, and the jury have so found.

EMPLOYERS' LIABILITY—MINE REGULATIONS—VIOLATION OF STATUTE AS TO SAFETY APPLIANCES—ASSUMPTION OF RISK—*Maki v. Union Pacific Coal Co., United States Circuit Court of Appeals, Eighth Circuit, May 18, 1911, 187 Federal Reporter, page 389.*—Jacob Maki sued the company named to recover damages for the death of a workman in its mine caused by his being caught between unguarded cogwheels. The employee was an oiler in the mine and his duties led him to pass the wheels in question about once an hour. On November 18, 1902, the machinery stopped and the employee was found dead between the wheels.

A statute of the State of Wyoming, Revised Statutes, 1899, sections 2573, 2582, requires that all machinery about mines shall be properly fenced off, and that for any injury resulting from a violation of the statute or from a willful failure to comply with these provisions a right of action for damages shall lie. The cogwheels in which the oiler was caught were not guarded and had not been for a long time. In the Circuit Court of the United States for the District of Colorado judgment had been rendered in favor of the company and a verdict directed by the court on the ground, as it seems, that the risk and danger involved in passing and working about these

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unguarded wheels were obvious and were assumed by the deceased workman. This ruling was objected to by Maki's counsel on three grounds: First, that the risk could not be assumed since the statute gives a right of action for injuries resulting from willful failure to guard the machinery; second, that the failure to guard the machinery was negligence per se and that the risk of the employer's negligence is never assumed by the employee; and third, that the facts failed to show that the risk was obvious and the danger appreciated. The circuit court of appeals rejected each of these contentions and sustained the judgment of the lower court.

Judge Sanborn, who delivered the opinion of the court, having stated the facts, said:

It is a general rule of law that a servant, by entering or continuing in the employment of a master without complaint, assumes the risks and dangers of the employment which he knows and appreciates. But counsel for the plaintiff contend that the statutory declaration that a cause of action shall accrue for the willful failure to erect required guards about machinery abrogates this defense. A cause of action accrues, however, for an injury caused by a failure to comply with a statute requiring such safeguards, although there is no express provision in the statute that such an action shall accrue, and this court has repeatedly held that such statutes fail to extirpate this defense. (St. Louis Cordage Co. *v.* Miller, 61 C. C. A. 477, 491, 126 Fed. 495, 509 [Bulletin No. 52, p. 680]; Denver & Rio Grande R. R. Co. *v.* Norgate, 72 C. C. A. 365, 377, 141 Fed. 247, 259 [etc.].) So far as the creation of the cause of action and the abrogation of the defense of assumption of risk is concerned, the legal effect of the Wyoming statute is in our opinion the same as that of the statutes considered in the cases which have just been cited. None of them expressly abolishes this defense, and, although there are authorities to the contrary, the better rule, the stronger reasons and the weight of authority are that, notwithstanding such statutes, this defense is still available to the master. The reasons for this conclusion and the authorities which sustain it have been so often and so exhaustively reviewed by this court, notably in St. Louis Cordage Co. *v.* Miller and Denver & Rio Grande R. R. Co. *v.* Norgate, supra, that it is useless to repeat them here.

Moreover, the Wyoming statute, and especially that part of section 17 which declares that the cause of action shall accrue for the failure to comply with its requirements, was imported into the State of Wyoming from the State of Pennsylvania. It appears in section 24 of the act providing for the health and safety of persons employed in coal mines approved March 3, 1870 (Laws Pa. 1870, p. 3), in section 11 of an amendment and reenactment of that law approved April 18, 1877 (Sess. Laws Pa. 1877, p. 62), and in section 17 of an amendment and reenactment of that law approved June 30, 1885 (Sess. Laws Pa. 1885, p. 217). Section 17 of the Wyoming statute, with the exception of the proviso, which is not material here, is copied word for word from section 17 of the Pennsylvania act of 1885, with the exceptions that "chapter" is substituted for "act," "the administrator of the estate" for "the widow and lineal heirs of the person," and the

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words "they shall have" are omitted before the word "sustained" at the close of the section, where it reads "for like recovery of damages for the injury they shall have sustained." The Pennsylvania act provided that "all machinery in and about the mines * * * shall be properly fenced off" and that for "any willful failure to comply with its provisions * * * a right of action shall accrue," and the Supreme Court of Pennsylvania twice held before this statute was adopted by the State of Wyoming that it did not abolish the defense of contributory negligence, or that of the negligence of a fellow servant. (Honor *v.* Albrighton, 93 Pa. 475, 478; McDonald *v.* Rockhill Iron & Coal Co., 135 Pa. 1, 19, 19 Atl. 797.) This statute, after it had been thus construed, was adopted by the State of Wyoming in 1891, and as the Supreme Court of Pennsylvania had then held that the defenses of contributory negligence and the negligence of a fellow servant had not been abolished thereby, it was clear that its opinion was that it did not abrogate the defense of assumption of risk; and the adoption of a statute of another State is presumed to be the adoption of the construction thereof which had been theretofore placed upon it by the judicial tribunal whose duty it was to interpret it. The conclusion, therefore, is that the defense of the assumption of the risk by the plaintiff was not taken away by the Wyoming statute under which this action was brought.

The second contention of the plaintiff's counsel is that the defendant's failure to fence off the machinery was negligence in itself, that a servant does not assume the risk of his master's negligence, and that, therefore, the plaintiff was entitled to a verdict. The answer is that, while it is true that the servant does not assume the risk of his master's negligence, the effect of which is neither known to him nor readily observable, nor to be apprehended, yet he does, by continuing in the employment without complaint, assume the risk of the effect of such negligence which is known to him, or is obvious or plainly observable, and the danger of which is appreciated by him, or is clearly apparent, just as completely as he assumes the ordinary risks of his occupation. [Cases cited.] The absence of any fence about the revolving cogwheels, and the risk and danger of injury by them, were so plainly observable by the decedent, who had been oiling them and passing them on the plank by their side about once an hour, that he could not have failed to have seen and known them.

Finally, attention is called to the rule that a recovery may sometimes be had where the risk is obvious, but the danger is not fully appreciated by the party injured; and counsel argue that the question whether or not the decedent appreciated the danger should have been submitted to the jury. But the decedent was a man presumably possessing the ordinary faculties of an adult who has a sound mind and body. It is true that he was a Finlander; but the statement of his counsel contained no intimation that he could not see these engaging wheels, or could not understand or know that they would crush a human being drawn between them, that a person upon the revolving horizontal wheel might be caught between them, and that the clothes of one caught between the engaging cogs would draw him between the wheels; and in the absence of any claim or declaration that he had not the ordinary intelligence, ability, and prudence of men in like situations, he must be presumed to have been a Finlander of ordinary prudence and intelligence. And one can not be

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heard to say that he did not know or appreciate a danger, whose knowledge and appreciation were so unavoidable that a person of his prudence and intelligence could not have failed to perceive and appreciate it. Under the settled rules of law to which reference has been made, the plaintiff was not entitled to recover any damages of the defendant in this case, and there was no error in the court's instruction to the jury to that effect.

EMPLOYERS' LIABILITY—RAILROADS—AUTOMATIC COUPLERS—REPAIR—*Delk v. St. Louis & San Francisco Railroad Co., Supreme Court of the United States, May 15, 1911, 31 Supreme Court Reporter, page 617.*—This was a suit by one Delk, an employee of the company named, to recover damages for an injury received by him while attempting to couple cars used in interstate commerce. A defective car had been set aside for repairs and so marked, but in the meantime Delk was ordered to couple it so as to get out other cars that were on the same track. An act of Congress (27 Stat. 531) requiring the installation and maintenance of automatic couplers was the basis of the suit, which was in Delk's favor in the Circuit Court of the United States for the Western District of Tennessee, but was reversed on appeal to the circuit court of appeals (158 Fed. 931, 86 C. C. A. 95; Bulletin No. 77, p. 378). The ground on which the judgment was reversed was that the statute required only a reasonable degree of diligence, proportionate to the danger of their use, in keeping the appliances in repair, and that the company had fulfilled its duty in this regard. A new trial was therefore directed, but afterwards the case was brought before the Supreme Court on a writ of certiorari. This court reversed the judgment of the court of appeals and affirmed that of the circuit court, on grounds that appear in the following quotation from the opinion of the court, which was delivered by Mr. Justice Harlan:

> The construction of the statute, adopted by a majority of the circuit court of appeals, to the effect that the act did not impose upon the carrier an absolute duty to provide and keep proper couplers at all times and under all circumstances, but was bound only to the extent of its best endeavor to meet the requirements of the statute, has been rejected by this court in Chicago, B. & Q. R. Co. *v.* United States, just decided, [p. 612, 31 Sup. Ct. Rep.; see page 860, below] and on the authority of that case, we hold that the circuit court of appeals erred in the particular mentioned.
>
> For the reason stated, the judgment of the circuit court of appeals must be reversed; but as we do not perceive that any error of law was committed in the circuit court, to the prejudice of the carrier, the judgment of the latter court must be affirmed.

EMPLOYERS' LIABILITY—RAILROADS—SAFETY APPLIANCE ACT—RIGHTS UNDER FEDERAL STATUTE—CONTRIBUTORY NEGLIGENCE—*Schlemmer v. Buffalo, Rochester & Pittsburgh Railway Co., Supreme*

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Court of the United States, May 15, 1911, 31 Supreme Court Reporter, page 561.—This case involved the question of the rights of a plaintiff to recover for the death of her husband, an employee of the company named above, as affected by the Federal statute requiring the installation of automatic couplers and other safety appliances. The facts appear in the opinion of the court, which was delivered by Mr. Justice Day, and is for the most part as follows:

This action was brought in a Pennsylvania court to recover for wrongfully causing the death of Adam M. Schlemmer, plaintiff's intestate, as a result of injuries received while in the employ of the railroad company. The case has been once before in this court, and is reported in 205 U. S. 1, 27 Sup. Ct. Rep. 407. [Bulletin No. 71, p. 385.] The injury was received while Schlemmer, an employee of the defendant railroad company, was endeavoring to couple a shovel car to the caboose of one of the railroad trains of the defendant company.

Before the case first came here, the Supreme Court of Pennsylvania had held that the plaintiff could not recover damages because of the contributory negligence of the deceased. (207 Pa. 198, 56 Atl. 417.) This court reversed the Supreme Court of Pennsylvania, and remanded the case for further proceedings in conformity with the opinion of this court.

For a proper understanding of the case a brief statement of the facts will be necessary. The shovel car was not equipped with an automatic coupler, as required by the act of March 2, 1893, chap. 196, sec. 2, 27 Stat. L. 531, U. S. Comp. Stat. 1901, p. 3174, and that fact was the basis of the action for damages. The shovel car had an iron drawbar, weighing somewhere about 80 pounds, protruding beyond the end of the shovel car. The end of this drawbar had a small opening, or eye, into which an iron pin was to be fitted when the coupling was made; this was to be effected by placing the end of the drawbar into the slot of the automatic coupler with which the caboose was equipped. Owing to the difference in the height, the end of the shovel car would pass over the automatic coupler on the caboose in case of an unsuccessful attempt to make the coupling, and the end of the shovel car would come in contact with the end of the caboose.

Plaintiff's intestate was an experienced brakeman, having been in the service 15 or 16 years. At the time when he undertook to couple the train with the shovel car to the end of the caboose, he went under the end of the shovel car, and attempted to raise the iron drawbar so as to cause it to fit into the slot of the automatic coupler on the caboose. While so doing, his head was caught between the ends of the shovel car and the caboose, and he was almost instantly killed. This happened between 8 and 9 o'clock on an evening in the month of August, and while dusk had gathered, it was not very dark, and the testimony tends to show that the situation was plainly observable.

When this case was first before the Supreme Court of Pennsylvania, that court expressed doubt as to whether the act of Congress applied in actions of negligence in the courts of Pennsylvania, and the judgment on the nonsuit in the court below was sustained because of the contributory negligence of the deceased.

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This court held that the shovel car was in course of transportation between points of different States, and therefore was being used in interstate commerce; that the shovel car was a car within contemplation of section 2 of the act of Congress; that section 8 of that act had deprived the company of the defense of assumed risk on the part of an employee; that the ruling in the Pennsylvania court upon contributory negligence was so dependent upon an erroneous construction of the statute that it could not stand. (205 U. S. 1, 27 Sup. Ct. Rep. 407.) As the alleged right to recover was under a Federal statute, alleged to have been improperly construed against the plaintiff in error, the case presented a claim of Federal right, a denial of which was reviewable here, and the case for the reason stated, was reversed by this court, and sent back for further proceedings in conformity with the opinion of this court.

We find no occasion to depart from the former decision, and will proceed to examine the record as now presented, which, in material respects, differs from the one previously before the court. It is first objected by the plaintiff in error that the Supreme Court of Pennsylvania remanded the case to the lower court for trial contrary to the mandate sent down upon the reversal by this court. The Supreme Court of Pennsylvania remitted the case, after receipt of the mandate from this court, to the lower court, to be retried "on the settled principles of contributory negligence, as heretofore declared in the decisions of this court,"—Supreme Court of Pennsylvania. The counsel for plaintiff in error moved the Supreme Court of Pennsylvania to amend its judgment and remittitur so as to conform with the mandate of this court, which motion was overruled.

We are of opinion that the order and remittitur of the Supreme Court of Pennsylvania, in compliance with the mandate of this court, should have required the further proceedings to conform to the opinion of this court, as its mandate required, and as was within the authority of this court, the matter involved being a right of Federal creation within the ultimate protection of this court.

If an examination of the record indicated that, by reason of this mandate, the subsequent proceedings in the State court had operated to deprive the plaintiff in error of the benefit of a trial under the Federal statute properly construed, we should be constrained to reverse the case. But an examination of the records discloses that the trial judge regarded the decision of this court as settling the right of the plaintiff in error to rely upon the Federal statute in question, and as conclusive of the fact that the shovel car was being employed in interstate commerce at the time of the injury, and was a car within the meaning of the act, and that assumption of risk was no defense to the action. So, it does not appear that the form of mandate sent down by the Supreme Court of Pennsylvania, after the case was reversed here, worked to the prejudice of the plaintiff in error.

The trial court submitted the case to the jury upon the issues joined under the Federal statute, including the question whether the plaintiff's intestate, at the time of the injury, had been guilty of contributory negligence. Under these instructions the jury found a verdict for the plaintiff.

The court then granted a rule to show cause why judgment should not be rendered non obstante veredicto, which motion was granted,

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and an opinion delivered, in which the judge held that the testimony did not warrant the conclusion that, in making the coupling, the risk was so obvious that an ordinarily careful and prudent brakemen would not have undertaken it; and therefore, under the statute, assumption of risk was no defense, but reached the conclusion that the deceased was guilty of contributory negligence in failing to exercise care according to the circumstances in making the coupling in the way he attempted to make it, and in not adopting a safer way, which was pointed out to him at the time.

Upon the second appeal, the Supreme Court of Pennsylvania affirmed the judgment of the trial court, saying:

"Per curiam: It is the settled law of Pennsylvania that any negligence of a party injured, which contributed to his injury, bars his recovery of damages without regard to the negligence, either greater or less than his own, of the other party. The present is a clear case of contributory negligence within this rule. The evidence is indisputable that the unfortunate decedent not only attempted to make the coupling in a dangerous way when his attention was directly called to a safer way, but also did it with reckless disregard of his personal safety by raising his head, though twice expressly cautioned at the time as to the danger of so doing." (222 Pa. 470, 71 Atl. 1053.)

The case is now here upon a petition in error to reverse this judgment of affirmance. The statute at the time of the injury complained of took away assumption of risk on the part of the employee as a defense to an action for injuries received in the course of the employment. The defense of contributory negligence was not dealt with by the statute.

When the case was here before, we did not find it necessary to pass upon the question whether contributory negligence on the part of an injured employee would be a defense to an action under the law as it then stood, for, upon the record as then presented, the court was of opinion that to sustain the defense of contributory negligence would amount to a denial to the plaintiff of all benefit of the statute which made the assumption of risk no longer a defense.

While, as was said in the case when here before, assumption of risk sometimes shades into negligence as commonly understood, there is, nevertheless, a practical and clear distinction between the two. In the absence of statute taking away the defense, or such obvious dangers that no ordinarily prudent person would incur them, an employee is held to assume the risk of the ordinary dangers of the occupation into which he is about to enter, and also those risks and dangers which are known, or are so plainly observable that the employee may be presumed to know of them, and if he continues in the master's employ without objection, he takes upon himself the risk of injury from such defects. (Choctaw, O. & G. R. Co. *v.* McDade, 191 U. S. 64, 24 Sup. Ct. Rep. 24, and former cases in this court therein cited.)

Contributory negligence, on the other hand, is the omission of the employee to use those precautions for his own safety which ordinary prudence requires. (See, in this connection, Narramore *v.* Cleveland, C. C. & St. L. R. Co., 37 C. C. A. 499, 96 Fed. 298 [Bulletin No. 26, p. 202].)

In the present case, the statute of Congress expressly provides that the employee shall not be deemed to have assumed the risk of injury

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if such is occasioned by his continuing in the employ of the carrier after the unlawful use of the car or train in the failure to provide automatic couplers has been brought to his knowledge. Therefore, when Schlemmer saw that the shovel car was not equipped with an automatic coupler, he would not, from that knowledge alone, take upon himself the risk of injury without liability from his employer.

But there is nothing in the statute absolving the employee from the duty of using ordinary care to protect himself from injury in the use of the car with the appliances actually furnished. In other words, notwithstanding the company failed to comply with the statute, the employee was not, for that reason, absolved from the duty of using ordinary care for his own protection under the circumstances as they existed. This has been the holding of the courts in construing statutes enacted to promote the safety of employees. (Krause *v.* Morgan, 53 Ohio St. 26, 40 N. E. 886; Holum *v.* Chicago, M. & St. P. R. Co., 80 Wis. 299, 50 N. W. 99; Grand *v.* Michigan C. R. Co., 83 Mich. 564, 47 N. W. 837; Taylor *v.* Carew Mfg. Co., 143 Mass. 470, 10 N. E. 308.) And such was the holding of the court of appeals of the eighth circuit, where the statute now under consideration was before the court. (Denver & R. G. R. Co. *v.* Arrighi, 63 C. C. A. 649, 129 Fed. 347 [Bulletin No. 56, p. 299].)

In the absence of legislation at the time of the injury complained of, taking away the defense of contributory negligence, it continued to exist, and the Federal question presented upon this record is: Was the ruling of the State court in denying the right of recovery upon the ground of contributory negligence, in view of the circumstances shown, such as to deprive the plaintiff in error of the benefit of the statute which made assumption of risk a defense no longer available to the employer? To answer this question we shall have to look to the testimony adduced at the trial, all of which is contained in the record before us.

In view of this record we can not say that the court, in denying a recovery to the plaintiff, upon the ground of contributory negligence of the deceased, denied to her any rights secured by the Federal statute. Entirely apart from the question of assumption of risk, which, under the law, could not be a defense to the plaintiff's action, as the law then stood, there remained the defense of contributory negligence.

After an examination of the record as now presented, containing testimony not adduced at the former trial, we are constrained to the conclusion that there was ample ground for saying, as both the trial court and the Supreme Court of the State of Pennsylvania did, that the decedent met his death because of his unfortunate attempt to make the coupling in a dangerous way, when a safer way was at the time called to his attention. Furthermore, he was injured in spite of repeated cautions, made at the time, as to the great danger of being injured if he raised his head in attempting to make the coupling in the manner which he did.

As we have said, the Federal question in the record, and the only one which gives us jurisdiction, is: Did the trial and judgment deprive the plaintiff in error of rights secured by the Federal statute? The views which we have expressed require that the question be answered in the negative.

The judgment of the Supreme Court of Pennsylvania is affirmed.

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EMPLOYMENT OF CHILDREN—AGE LIMIT—VIOLATION OF STATUTE BY EMPLOYER—MISREPRESENTATION OF AGE—CONSTITUTIONALITY OF STATUTE—*Beauchamp v. Sturges & Burn Manufacturing Co., Supreme Court of Illinois, April 19, 1911, 95 Northeastern Reporter, page 204.*—Arthur Beauchamp, an infant, sued by his next friend in the superior court of Cook County to recover damages for an injury received by him while in the employment of the company named. He was at the time of his injury within 7 days of being 16 years of age and had been employed by the company at that time about two weeks. He was engaged in tending a stamping machine, an occupation that was prohibited by an act of 1903 (p. 187, Acts of 1903) for children under 16 years of age. It was alleged that the boy misrepresented his age, claiming that he was past 17. Three principal contentions were made by the company: First, that the act in question, while prohibiting the employment of children under 16 years of age in such work, did not give them a right of action for personal injuries; second, that the misrepresentation of age by Beauchamp estopped him from suing under the statute; and third, that the statute was itself unconstitutional.

Judge Hand, who delivered the opinion of the court, took up these points in order, rejecting each of the contentions of the company, and affirming the judgment of the court below in Beauchamp's favor. The opinion of the court is in part as follows:

The first contention of the appellant is that the employment of the appellee in violation of the statute, and his injury, did not give to the appellee a cause of action against appellant, as the statute does not in express terms provide that a child who is employed in violation of the statute, and while so employed is injured, shall have a right of action against his employer for the recovery of damages for such injury. We do not agree with this contention. The precise question here presented for decision was before this court in Strafford *v.* Republic Iron Co., 238 Ill. 371, 87 N. E. 358, and was in that case decided adversely to the contention of the appellant. That was an action to recover for a personal injury by a boy 13 years, 11 months, and 8 days old, who was injured in feeding angle irons into a straightening machine, in violation of the statute which prohibits the employment of a child in a hazardous business under the age of 14 years. The court, in deciding that case said: "The fact that the statute under consideration does not in express terms provide a liability in damages for its violation, as is done by certain statutes relating to mines and miners, can make no difference under the construction given the statute in American Car Co. *v.* Armentraut, 214 Ill. 509, [73 N. E. 766. Bulletin No. 59, p. 335.] The statute was enacted for the protection of the health and safety of children, and a liability for damages resulting from its violation is created whether it is expressly so declared in the statute or not." This decision accords with logic and reason and is supported by what we believe to be the weight of authority, and we do not feel justified in receding from the holding announced therein.

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It is next contended that the appellee is estopped from maintaining this action because, it is said, he represented to the appellant at the time he was employed that he was over 17 years of age.

If the appellee did misrepresent his age at the time he was employed, we are of the opinion he was not estopped from maintaining this action by reason of such representation. The law is that, if the appellant employed the appellee in violation of the statute, it is liable if he was injured while in such employment. The case of American Car Co. *v.* Armentraut, supra, was an action on the case to recover damages by a boy who had been employed in violation of the statute prohibiting the employment of a child under 14 years of age and who was injured while in such employment. Evidence was offered tending to show that at the time the boy was employed he stated he was 16 years of age. The evidence so offered was excluded, and thereafter the defendant asked an instruction to the effect that if the boy falsely represented, at the time of his employment, that he was 16 years of age, and that he obtained his employment by reason of such false statement, there could be no recovery. The instruction was refused, and it was held that the fact that the child falsely represented himself to be over 14 years of age did not preclude him from maintaining an action to recover for an injury sustained while he was engaged in such employment or furnish a defense to his employer against such action, and that the evidence was properly excluded and the instruction was properly refused. That case is directly in point and controls this case, and it is not necessary to cite other cases to show that a child under the prohibited age can not, by a false statement as to his age, make his employment in violation of the statute lawful and authorize the employer to do that which the statute in express terms says he shall not do. To so hold would be to hold a child by his false statement could, in effect, repeal the statute.

It is finally contended that section 11 of the statute is unconstitutional. It is conceded by the appellant that the legislature, under the police power, has the right to pass legislation which will prohibit the employment of children of tender years in hazardous occupations, but it is said that a boy 16 years of age should be held to have arrived at the age of discretion, and that a statute which prohibits his employment in such occupations is an unlawful interference with his right of contract, and is unconstitutional. The argument of the appellant is therefore that the statute is unconstitutional because it is unreasonable to prohibit a boy of 16 years of age from engaging in any class of employment, but it is not contended it is unconstitutional by reason of the lack of power in the legislature to legislate upon the subject—in other words, while the statute as applied to a boy 14 years of age might be constitutional, as applied to a boy 16 years of age it is unconstitutional. The question is therefore reduced to the proposition that the statute is an unreasonable exercise of the police power, and not a usurpation of that power. While it might be conceded that in a very flagrant case (which question we do not decide) the courts could hold a statute unconstitutional on the ground that it was an unreasonable exercise of the police power, still here it is only claimed that the age limit is fixed too high at which children may be lawfully employed in hazardous employments. Before the courts would assume to interfere and hold a statute unconstitutional, the

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age limit would necessarily have to be fixed so high as to show, clearly, and beyond all question, that the age at which it was fixed was unlawful. We do not think the statute in question is unconstitutional as an unreasonable exercise of the police power.

EMPLOYMENT OF LABOR—DECEPTION—NOTICE OF STRIKES OR LOCKOUTS—CONSTITUTIONALITY OF STATUTE—*Josma v. Western Steel Car & Foundry Co., Supreme Court of Illinois, April 19, 1911, 94 Northeastern Reporter, page 945.*—This was an action by Joe Josma to recover damages from the company named because of alleged deception in a contract for his employment. The company is a manufacturer of cars in Cook County, Ill., and secured Josma, a resident of Muskegon, Mich., through an agent employed for that purpose. There was at the time of the making of the contract a lockout in the company's works, and Josma was employed to take the place of one of the locked-out employees. No reference was made by the agent to the labor trouble, nor was there any inquiry by Josma as to the conditions in this respect. A law of the State of Illinois, act of April 24, 1899, Hurd's Statutes, 1909, page 1088, makes it unlawful for any employer to bring workmen from another place in the State, or from another State, under misrepresentations or false pretenses concerning the kind and character of the work, the compensation, the sanitary or other conditions of employment, or as to the existence of any labor dispute. Failure to give notice of a labor dispute is declared to be misrepresentation. A penalty is provided for violation of this law, and any person affected or injured by such violation is given the right of action for damages, together with an attorney's fee.

There was no question as to the facts in the case, Josma having accepted employment and made the journey to Chicago, at which point he learned of the lockout and found it inadvisable to enter upon the work contracted for. The company was in no way at fault except in so far as the statute referred to made the action of its agent in contracting with Josma without notice of the lockout an offense. The lower court gave Josma damages in the amount of the expenses of his trip and the loss of his time, together with an attorney's fee. From this judgment the company appealed, maintaining that the act in question was unconstitutional. This contention was sustained by the supreme court of the State in an opinion which was delivered by Judge Dunn.

Having stated the facts Judge Dunn said:

Under the constitution of this State no person can be deprived of life, liberty, or property without due process of law, and these terms, "life," "liberty" and "property," embrace every personal, political and civil right which any person within the State may possess,

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including the right to labor, to make and terminate contracts and to acquire property. (Gillespie *v.* People, 188 Ill. 176, 58 N. E. 1007.) By no authority can any person be deprived of any of these rights or restricted in their exercise except by due process of law, by a statute general in its operation and affecting in the same way all persons similarly situated.

By the general law of contracts a misrepresentation by a party to a contract of a material fact knowingly made, with the intention of deceiving, and which does deceive, the other party, is a fraud which may avoid the contract entered into on the faith of it or may give a cause of action for damages. It does not, however, ordinarily subject the party making it to a criminal liability. Such a misrepresentation could at common law be no more than a mere private cheat, which was a civil injury only, for which an action to recover damages would lie, but which was not an indictable offense. (12 Ency. of Law, (2d ed.) 797.)

Where money, personal property, or a signature is obtained by false pretenses, a criminal prosecution will lie under our statute, but a parol executory contract is not within its terms. The law has not denounced the misrepresentation of a fact in ordinary business dealings as a crime. So contracts for the sale of personal property or of real estate, for the erection of buildings, for the hire of personal property or the leasing of real estate, for the loan of money, for insurance, for the employment of attorneys, physicians, agents, or workmen, may be avoided for fraudulent misrepresentation by which they were procured, but the misrepresentations will not constitute a criminal offense or sustain an action for anything more than the damages suffered. The act in question leaves all these contracts unaffected by its provisions except in the single case of the employment of workmen, and even in that case its effect is limited to workmen who may change from one place to another in this State or be brought into this State.

Truth and fair dealing should be observed in all business transactions, but the law should treat all men alike. It should not impose upon one class of men a liability for attorney's fees in a civil suit and a criminal liability for deceit in obtaining a contract, while leaving all other men subject only to the civil liability imposed upon them by the common law under like circumstances.

This statute imposes upon the employers of workmen coming from another place to their place of employment a different measure of liability, both civil and criminal, for their wrongful acts from that imposed upon other persons. It is therefore invalid unless circumstances exist making its enactment essential to the public health, morals, safety, or welfare. [Cases cited.]

The legislature may in the exercise of the police power classify persons if the classification is based upon some reasonable distinction having reference to the object of the legislation, but there can be no discrimination in legislation unless there is an actual difference of condition. The class to whom this act applies is workmen changing from one place to another. The representations aimed at are those which concern the kind and character of the work, of the compensation, the sanitary and other conditions of the employment and the existence of a strike or other labor trouble. These conditions or some of them are as important to the stenographers in an office, the clerks in a store

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or a bank, the teachers in a school, or any of the professional or semi-professional people who are employed by others, as to the workmen mentioned in the act. They are as important to the workman who does not leave his home for employment as to him who does. If persons entering into contracts of employment may be placed upon a different footing from persons entering into other contracts in the manner provided in this act, it can be only an act sufficiently comprehensive to include all persons subject to the evil aimed at—the deception of employees as to the terms, character, and conditions of their employment. A strike might exist among the telegraphers of a city, but the employer would not violate this statute if he employed other telegraphers without notifying them of the strike. A tailor shop might be insanitary, but the employer would not violate this statute so long as he employed only resident tailors. A statute can not be sustained which applies to some cases and does not apply to other cases not essentially different in kind. This statute is an arbitrary enactment, not operating equally on all persons under like conditions but special in its operation, and it is therefore violative of constitutional rights.

The judgment of the circuit court will be reversed.

EXEMPTION OF WAGES—GARNISHMENT—JUDGMENT OF COURT OF ANOTHER STATE—*Becker v. Illinois Central Railroad Co., Supreme Court of Illinois, April 19, 1911, 95 Northeastern Reporter, page 42.*—G. H. Becker was an employee of the company named in the State of Illinois, his wages being exempt from garnishment under section 14 of chapter 62 of Hurd's Revised Statutes, 1908. Certain residents of Chicago, claiming that Becker was indebted to them in the amount of $32, assigned their account to one Miller, a resident of Kansas City, Mo. Action was begun by Miller before a justice of the peace in Kansas City, and a writ of garnishment was served on the company. Shortly thereafter Becker demanded his wages, which were refused on the ground that a garnishment proceeding had been begun in Missouri on account of the debt owed by him. Becker then delivered an affidavit to his employers, in accordance with the provisions of the garnishment act of the State of Illinois, declaring his wages exempt, whereupon, under the statute, the wages became due and payable to the employee notwithstanding the service of any writ of garnishment upon the employer. The company ignored this demand. Becker then sued and secured a judgment against the company for the amount of the wages due, including an attorney's fee of $5. In the meantime the company had answered in the action in Kansas City, admitting their indebtedness to Becker, but stated that the amount was exempt under the laws of Illinois, and that under the laws of the State of Missouri no writ would avail until after judgment against the debtor. Judgment was afterwards rendered in favor of Miller in the justice's court in Missouri, which judgment the company paid, and

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appealed from the judgment of the justice of the peace in the State of Illinois to the circuit court of Marion County. The defense offered by the company was that there had been proceedings and a judgment in the State of Missouri, but the court refused to accept this as a valid defense and rendered judgment in Becker's favor for the same amount as had been awarded him in the justice's court. Appeal was then taken to the appellate court and, on certificate, to the Supreme Court of Illinois. This court took the view that the courts of the two States had concurrent jurisdiction and that suits might proceed in both States until a judgment is rendered in one, the mere fact of contemporary suits not preventing the prosecution of action in either State. When, however, judgment was reached in one State and payment made thereunder after a full disclosure of the pendency of the other suit and without collusion, recovery in the other State would be barred. The conclusion reached by the Supreme Court on this point is set forth in the following portion of the opinion of the court, which was delivered by Judge Cartwright:

In any case, the courts will see that the debtor who is without fault is not compelled to pay his debt twice; but that is the only right he has. The pendency of the garnishment proceeding in Missouri was no bar to the suit of appellee [Becker] in this State; but in the case of an ordinary debt a compulsory payment of the judgment first rendered would protect appellant [the railroad company] against another judgment for the same debt. When judgment was rendered against the appellant in this State for wages exempt from garnishment, payment of the judgment would have been a good defense to the further prosecution of the suit in Missouri. The appeal to the circuit court was a voluntary act of the appellant, with the effect of letting in a foreign judgment which had been rendered against the appellant in Missouri and paid before the trial in the circuit court. Such a voluntary act in a case where the appellant had no defense to the claim could not, without injustice, be permitted to affect the rights of the appellee. By the service of the garnishee summons in Missouri Miller acquired a contingent or inchoate lien upon the debt, and appellant could not thereafter make a voluntary payment to the appellee; but the right which Miller acquired was dependent upon subsequently obtaining judgment, and that was not accomplished until a judgment had been recovered in this State, where the debt was free from any right or claim that he had. The law of this State for the protection of the wage-earner who has a family and resides with the same exempts his wages from garnishment to a certain amount, and it is the duty of the State to enforce within its own borders the laws made for the benefit of its citizens. We give full faith and credit to the judgment of the justice of the peace of Missouri; but the payment of it will not suffice to protect the appellant from the payment of the judgment of our own court. Before that judgment was rendered the judgment for the same debt was rendered in this State, and the status of the debt as exempt from garnishment had been fixed.

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HOURS OF LABOR ON PUBLIC WORKS—EIGHT-HOUR DAY—PENALTIES—CONSTITUTIONALITY OF PROPOSED LAW—*In re Opinion of Justices of Supreme Judicial Court of Massachusetts, May 16, 1911, 94 Northeastern Reporter, page 1044.*—The senate of Massachusetts submitted to the supreme judicial court of the State questions as to the constitutionality of a proposed law limiting to eight per day the hours of labor of laborers, workmen, and mechanics employed by the State or any subdivision thereof or by any contractor upon any of the public works of the State or of any county, city, or town. The law also proposed a rule of evidence, making the fact that a person worked more than eight hours in any one day prima facie evidence of the violation of the statute. In its reply the court upheld the right of the State to legislate by way of limitation of the hours of labor on public works but rejected the proposition as to the rule of evidence, as appears from the following quotation from the opinion:

The question before us relates only to employment upon public works by the Commonwealth, the counties, and such cities and towns as have accepted the provisions of two earlier acts. These are divisions of government, established in the public interest. The legislature is supreme in the control of these instrumentalities of government, subject only to the provisions of the constitution. It may direct, by proper enactment, the method in which any one of these divisions of government shall conduct its public business. It may enlarge or limit the kinds of contracts that either of these divisions may make. It may compel the conduct of the public business in a way that does not promote the prosperity of individuals. Even though it may be considered an interference with individual rights and a detriment to the best interests of the community, which depend largely upon the success of individuals, it may determine that in the construction of their public works the several divisions of government shall make no contracts except of particular kinds. It may determine that in such construction no work shall be done except by persons who are willing to submit to contractual limitations which it could not impose upon men generally in their dealings with one another in their private affairs. A person desiring to perform or furnish labor upon a public work must submit to such terms as the proprietor may impose as a condition of his employment. The legislature representing and controlling these several divisions of government stands in the place of a proprietor. Because the business to be done is that of one of these divisions of government, persons can engage in doing it only in accordance with the requirements of the controlling authority.

We answer this branch of the question in the affirmative, not because we think that such regulations in regard to the hours of labor for men in common employment would be wise or constitutional, but because it is in the power of the proprietor of a business to prescribe the methods under which it shall be conducted. This conclusion is supported by Atkin *v.* Kansas, 191 U. S. 207, 24 Sup. Ct. 124, 48 L. Ed. 148.

As to the provision in the fifth section of the proposed act, that working more than eight hours in any one day shall be prima facie evidence of the violation of the statute, there is difficulty. There are

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many statutes in which the legislature has enacted that the existence of a fact which ordinarily created a strong probability of the commission of an offense shall be prima facie evidence of guilt, and such statutes have been held constitutional. The provision of this section of the proposed act differs from those referred to in these decisions and is not within the principles on which the cited cases rest. Under this act, "in cases where a Saturday half holiday is given," employees may work more than eight hours on other days of the week. Such cases will be common, and, in all of them, work for a longer time than eight hours on any other day will not indicate a probability of violation of the law. To provide that such a fact shall constitute prima facie evidence that warrants a finding of guilty beyond a reasonable doubt, would be contrary to fundamental principles of criminal law. (See opinions in Commonwealth *v.* Williams, 6 Gray, 1.)

We are of opinion that the legislature has no constitutional authority to punish any citizen merely upon evidence of the existence of a fact, which, in ordinary cases, has no tendency to establish guilt.

For this reason we answer the question in the negative.

HOURS OF LABOR ON PUBLIC WORKS—EIGHT-HOUR DAY—CONTINUITY OF LABOR—CONSTRUCTION OF STATUTE—*State v. City of Ottawa, Supreme Court of Kansas, February 11, 1911, 113 Pacific Reporter, page 391.*—A statute of Kansas limits to eight per day the hours constituting a day's work for laborers, workmen, mechanics, or other persons employed by or on behalf of the State or of any subdivision thereof. The city of Ottawa, running its municipal pumping and lighting station continuously, employed but two shifts of workmen, who were on duty 12 hours each per day. The fuel used, except during three months in the winter, was natural gas, and the amount of manual service rendered did not exceed four or five hours daily, but it was performed at very irregular intervals and required the constant presence of the two engineers and their two firemen. The district court of Franklin County held that there was violation of the law in the employment described only when coal was used as a fuel, but that during the nine months when natural gas was used there was none. From this judgment the State appealed, and secured a reversal on the ground set forth in the official syllabus of the opinion of the court, as follows:

Section 1, chapter 114, laws 1891 (sec. 4643, Gen. St. 1909), providing that eight hours shall constitute a day's work for all laborers, workmen, mechanics, or other persons employed on behalf of any city of the State, applies to the engineers and firemen who operate the water and electric-light plant of the city of Ottawa.

RAILROADS—HOURS OF LABOR—FEDERAL STATUTE—CONSTITUTIONALITY—POWERS OF INTERSTATE COMMERCE COMMISSION—*Baltimore & Ohio Railroad Co. v. Interstate Commerce Commission, Supreme*

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Court of the United States, May 29, 1911, 31 Supreme Court Reporter, page 621.—The Interstate Commerce Commission is charged by statute with the enforcement of the act limiting the hours of labor of employees on railroads in the District of Columbia, any Territory, or engaged in interstate commerce. (Act of Mar. 4, 1907, 34 Stat. 1415.) To this end it had issued an order directing monthly reports from companies subject to the provisions of the law as to the hours of service of employees to whom the act applies. The company named above sought to enjoin the enforcement of this order and to procure its annulment by court, and from an adverse ruling by the Circuit Court of the United States for the District of Maryland it appealed. Questions of the constitutionality of the law and of the power of the Interstate Commerce Commission were raised, all of which were decided adversely to the contentions of the company, and the position of the lower court was affirmed.

The first point as to constitutionality was based on the effect of the statute on intrastate commerce. Mr. Justice Hughes, who delivered the opinion of the court, pointed out that it was restricted by its terms not only to carriers subject to Federal control, but also to employees engaged in operations subject to such control, avoiding the difficulties found in the employers' liability act of June 11, 1906, 34 Stat. 232. (See Howard *v.* Ill. Central R. R. Co., 207 U. S. 463, 28 Sup. Ct. 141, Bulletin No. 74, p. 216.) Continuing, Mr. Justice Hughes said:

But the argument, undoubtedly, involves the consideration that the interstate and intrastate operations of interstate carriers are so interwoven that it is utterly impracticable for them to divide their employees in such manner that the duties of those who are engaged in connection with interstate commerce shall be confined to that commerce exclusively. And thus, many employees who have to do with the movement of trains in interstate transportation are, by virtue of practical necessity, also employed in intrastate transportation.

This consideration, however, lends no support to the contention that the statute is invalid. For there can not be denied to Congress the effective exercise of its constitutional authority. By virtue of its power to regulate interstate and foreign commerce, Congress may enact laws for the safeguarding of the persons and property that are transported in that commerce, and of those who are employed in transporting them. The fundamental question here is whether a restriction upon the hours of labor of employees who are connected with the movement of trains in interstate transportation is comprehended within this sphere of authorized legislation. This question admits of but one answer. The length of hours of service has direct relation to the efficiency of the human agencies upon which protection to life and property necessarily depends. This has been repeatedly emphasized in official reports of the Interstate Commerce Commission, and is a matter so plain as to require no elaboration. In its power suitably to provide for the safety of employees and travelers, Congress was not limited to the enactment of laws relating to mechanical appliances, but it was also competent to consider, and to endeavor to

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reduce, the dangers incident to the strain of excessive hours of duty on the part of engineers, conductors, train dispatchers, telegraphers, and other persons embraced within the class defined by the act. And in imposing restriction having reasonable relation to this end there is no interference with liberty of contract as guaranteed by the Constitution. (Chicago, B. & Q. R. Co. *v.* McGuire, 219 U. S. 549, 31 Sup. Ct. Rep. 259 [Bulletin No. 93, p. 644].)

If, then, it be assumed, as it must be, that, in the furtherance of its purpose, Congress can limit the hours of labor of employees engaged in interstate transportation, it follows that this power can not be defeated either by prolonging the period of service through other requirements of the carriers, or by the commanding of duties relating to interstate and intrastate operations.

The next objection was that the provision in the second section of the law making exceptions in cases of emergency rendered the law invalid because of uncertainty. As to this Mr. Justice Hughes said:

But this argument in substance denies to the legislature the power to use a generic description, and, if pressed to its logical conclusion, would practically nullify the legislative authority by making it essential that legislation should define, without the use of generic terms, all the specific instances to be brought within it. In a legal sense there is no uncertainty. Congress, by an appropriate description of an exceptional class, has established a standard with respect to which cases that arise must be adjudged.

Nor does the contention gather strength from the broad scope of the proviso in section 3, for if the latter, in limiting the effect of the entire act, could be said to include everything that may be embraced within the term "emergency," as used in section 2, this would be merely a duplication which would not invalidate the act.

As to the power of the Interstate Commerce Commission, it appeared that an act of Congress (act of June 18, 1910, 36 Stat. 556), authorized the commission to require reports, either periodical or special, concerning any matters as to which it is required by any law to keep itself informed, or which it is required to enforce. Inasmuch as the enforcement of the order had been suspended pending this decision of the Supreme Court, and this statute had in the meantime been enacted, the question of the power of the commission at the date of the original order (Mar. 3, 1908) became moot only, and was not further considered. It was said, however:

To enable the commission properly to perform its duty to enforce the law, it is necessary that it should have full information as to the hours of service exacted of the employees who are subject to the provisions of the statute, and the requirements to which we have referred are appropriate for that purpose, and are comprehended within the power of the commission.

The final point considered was the contention of the company that the order sought to compel disclosures of violations of law in contravention of the fourth and fifth amendments of the Constitution of the United States, the first prohibiting unreasonable search and

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seizure, and the second forbidding one to be made a witness against himself. As to the first it was said that there was in the order "not the faintest semblance of an unreasonable search and seizure," so that the fourth amendment had no application. As to the second it was said:

Nor can the corporation plead a privilege against self-crimination under the fifth amendment. [Cases cited.] With respect to its officers, it would be sufficient to say that the privilege guaranteed to them by this amendment is a personal one, which can not be asserted on their behalf by the corporation. But the transactions to which the required reports relate are corporate transactions, subject to the regulating power of Congress. And, with regard to the keeping of suitable records of corporate administration, and the making of reports of corporate action, where these are ordered by the commission under the authority of Congress, the officers of the corporation, by virtue of the assumption of their duties as such, are bound by the corporate obligation, and can not claim a personal privilege in hostility to the requirement. (Wilson *v.* United States, 31 Sup. Ct. 538.)

The decree of the circuit court is affirmed.

RAILROADS—SAFETY APPLIANCE LAW—STANDARD OF CARE—*Chicago, Burlington & Quincy Railway Co. v. United States, Supreme Court of the United States, May 15, 1911, 31 Supreme Court Reporter, page 612.*—The company named had been found guilty of failure to comply with the Federal safety appliance laws (27 Stat. 531, 29 Stat. 85, and 32 Stat. 943), requiring the installation of power brakes and automatic couplers on cars used in interstate commerce. The question involved the duty of inspection and maintenance, the lower courts having held the duty of maintenance to be absolute and not discharged by the exercise of reasonable or ordinary care, citing St. Louis, etc., R. R. Co. *v.* Taylor, 210 U. S. 281, 28 Sup. Ct. 616. (See Bulletin No. 78, p. 578.) Penalties were therefore assessed (170 Fed. 556, 95 C. C. A. 642), whereupon the company appealed, maintaining that the decision in the Taylor case did not have the effect attributed to it by the courts. The Supreme Court thereupon entered into a full review of the points involved and particularly of its own conclusions in the Taylor case, sustaining the judgment of the lower courts, and applying the rule therein laid down in damage cases to cases involving the recovery of penalties for the violation of the statutes in question.

The conclusions reached are set forth in the following portion of the opinion of the court, which was delivered by Mr. Justice Harlan:

It can not then be doubted that this court in the Taylor case considered the scope and effect of the safety appliance act of Congress as directly involved in the questions raised in that case, and it expressly decided that the provision in the second section relating to automatic couplers imposed an absolute duty on each corporation

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in every case to provide the required couplers on cars used in interstate traffic. It also decided that nonperformance of that duty could not be evaded or excused by proof that the corporation had used ordinary care in the selection of proper couplers or reasonable diligence in using them and ascertaining their condition from time to time.

In view of these facts, we are unwilling to regard the question as to the meaning and scope of the safety appliance act, so far as it relates to automatic couplers on trains moving interstate traffic, as open to further discussion here. If the court was wrong in the Taylor case, the way is open for such an amendment of the statute as Congress may, in its discretion, deem proper. This court ought not now disturb what has been so widely accepted and acted upon by the courts as having been decided in that case. A contrary course would cause infinite uncertainty, if not mischief, in the administration of the law in the Federal courts. To avoid misapprehension, it is appropriate to say that we are not to be understood as questioning the soundness of the interpretation heretofore placed by this court upon the safety appliance act. We only mean to say that until Congress, by an amendment of the statute, changes the rule announced in the Taylor case, this court will adhere to and apply that rule.

The Taylor case was a strictly civil proceeding, being an action by an individual to recover damages for a personal injury alleged to have been caused by the negligence of a corporation; whereas, the present action is to recover a penalty. This difference, it is suggested, will justify a reexamination, upon principle, of the rule announced in the Taylor case. In effect, the contention is that the present action for a penalty is a criminal prosecution, and that the defendant can not be held guilty of a crime when it had no thought or purpose to commit a crime, and endeavored with due diligence to obey the act of Congress. This contention is unsound, because the present action is a civil one. It is settled law that "a certain sum, or a sum which can readily be reduced to a certainty, prescribed in a statute as a penalty for the violation of law, may be recovered by civil action, even if it may also be recovered in a proceeding which is technically criminal." It was so decided, upon full consideration, in Hepner *v.* United States, 213 U. S. 103, 29 Sup. Ct. Rep. 474. In that case it was also held that it was competent for the trial court, even though the action was for a penalty, to direct a verdict for the Government, the court saying that it was "fundamental in the conduct of civil actions, that the court may withdraw a case from the jury, and direct a verdict according to the law, if the evidence is uncontradicted and raises only a question of law." So, in Oceanic Steam Nav. Co. *v.* Stranahan, 214 U. S. 320, 29 Sup. Ct. Rep. 671: "The contention that because the exaction which the statute authorizes the Secretary of Commerce and Labor to impose is a penalty, therefore its enforcement is necessarily governed by the rules controlling in the prosecution of criminal offenses, is clearly without merit, and is not open to discussion." If the statute upon which the present action is based had expressly or by implication declared that the penalty prescribed may only be recovered by a criminal proceeding, that direction must have been followed. The power of the legislature to declare an offense, and to exclude the elements of knowledge and due diligence from any inquiry as to its commission, can not, we think, be questioned. [Cases cited.]

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SUITS FOR WAGES—ATTORNEYS' FEES—BREACH OF CONTRACT—CONSTITUTIONALITY OF STATUTE—*Macbeth-Evans Glass Co. v. Van Blarican, Supreme Court of Indiana, June 9, 1911, 95 Northeastern Reporter, page 313.*—Melvin Van Blarican was employed by the company above named to work in its factory in the manufacture of glassware under a contract for five years' service. After serving for a time Van Blarican voluntarily quit the employment of the company and brought this action to recover a balance of wages due. The company claimed that the quitting was without cause and that the plaintiff thereby forfeited 5 per cent of his wages under the contract. In the circuit court of Grant County judgment was in Van Blarican's favor, and he was also awarded the sum of $25 for his attorney's fees under a statute of the State of Indiana. The company contended that this was improper, holding that the statute in question was unconstitutional. The supreme court affirmed the judgment of the court below as appears from the following quotations of the opinion which was delivered by Judge Morris:

Appellee was the only witness who testified about the termination of the service. He said he quit work in March, 1907, because he could no longer make a living working on the scale of wages provided in the contract by reason of the bad glass—"stiff glass"—furnished him by the company on which to work; that, by reason of the bad quality of material furnished him, he was compelled to lose so much time he could not make a living. This evidence was not disputed. It sustains the finding of the circuit court that appellee was justified in quitting the employment.

Appellant contends that the court was not justified in making any allowance for plaintiff's attorney's fees because the statute above mentioned violates section 23 of article 1 of the constitution of Indiana. The contrary was held by this court in Macbeth-Evans Glass Company *v.* Amama, 95 N. E. 228, decided by this court at the present term.

SUITS FOR WAGES—ATTORNEYS' FEES—CONTRACT—CONSTITUTIONALITY OF STATUTE—*Macbeth-Evans Glass Co. v. Amama, Supreme Court of Indiana, June 2, 1911, 95 Northeastern Reporter, page 228.*—Louis Amama sued the company named to recover a claimed balance due on wages and $35 attorney's fee. From a judgment in favor of the plaintiff in the circuit court of Grant County the company appealed, and since the case involved the question of the constitutionality of a statute, the case was transferred to the supreme court, in which the law in the case was held to be constitutional and the decision of the lower court affirmed. The facts appear in the opinion, which was delivered by Judge Morris and is as follows:

Appellee sued the appellant on account for the performance of labor. The complaint alleged that defendant was a corporation engaged in manufacturing and selling glassware, and was indebted to plaintiff for work and labor performed for defendant by plaintiff

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as a glassworker, in the sum of $85.85, which was due and unpaid; that demand therefor was made on November 2, 1907, and refused. The complaint was filed November 19, 1907. It is further alleged in the complaint that plaintiff was compelled to employ an attorney to prosecute this action and the value of his services was $35, for which plaintiff also prays judgment. The defendant filed an answer, in which it alleged that plaintiff and defendant executed a written contract, filed as an exhibit to the answer, by the terms of which, it is alleged, plaintiff agreed to work for defendant for a term of five years for certain wages, and it was provided therein that the company should retain in its hands 5 per cent of the wages earned as a guaranty for the faithful performance of the contract, and for any breach of the same by plaintiff the money so retained should be paid to the company as liquidated damages for the breach. The defendant further alleges that plaintiff commenced work under the provisions of the contract in October, 1906, and afterwards, without the consent of the company, quit defendant's service, and has since refused to work for the company; that the account sued on is for the sum retained by the defendant under the terms of the contract; that plaintiff had broken the same, as above set out, by voluntarily quitting defendant's service, and was not entitled to recover. The exhibit is dated October 10, 1906, and recites that defendant is a Pennsylvania corporation, having its principal office in the city of Pittsburgh, Pa. The instrument contains the following provisions: "The workman [plaintiff] does hereby agree to enter the employ of the company on terms mentioned below, as paste mold gatherer, at Marion, Ind., and to perform his duties in a faithful and workmanlike manner, and, in consideration thereof, the company, provided, the workman is competent, does hereby agree to employ and keep the workman in its employ for a period of five years, while the factory of the company is in operation, on the following terms: [Here follows a schedule of wages and the provision for retaining 5 per cent of the workman's wages, the substance of which is given above.]" The instrument concludes with the following clause: "This agreement not to be effective until accepted by the company, and if accepted, notice shall be given to the workman within five days after this date." Appellant in its answer alleges that within five days from the date of the contract written notice was given plaintiff of its acceptance by defendant.

Appellee contends that the contract did not bind appellee to work for appellant for a period of five years, or any definite period; while appellant maintains that, when appellee voluntarily quit its service within the five-year period, he forfeited any right to the 5 per cent of wages retained. It is not necessary for the court to decide this matter, because there was no evidence that appellant within five days from the date of the contract or afterward in any manner gave any notice to plaintiff of its acceptance of the contract, nor was there any evidence that the contract was accepted by appellant. The undisputed evidence shows that, after signing the written instrument, appellee worked for three days as paste mold gatherer, and was then set to work at "blowing," which the evidence shows is a different trade, and did not afterwards work as paste mold gatherer. There is no evidence which would warrant the court in considering the written instrument as applicable to the facts.

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At the trial it is admitted by the parties that plaintiff earned during his employment with defendant $990.45, and had been paid only $907.35. The judgment was for this amount and the additional sum of $25 allowed for plaintiff's attorney's fees. This allowance of attorney's fees was made pursuant to Burns' Ann. St. 1908, secs. 7996, 7999; acts 1787, p. 13.

[1] Appellant contends that the statute providing for the allowance of attorney's fees does not apply because of the written contract, and, further, that the statute is invalid because it violates clause 23 of article 1 of the constitution of Indiana. The first contention has already been disposed of in this opinion.

[2] In Seelyville Coal, etc., Co. *v.* McGlosson (1906) 166 Ind. 561, 77 N. E. 1044, 117 Am. St. Rep. 396, it was held that this statute was not in violation of the above provision of our constitution. We adhere to that decision.

There is no error in the record. Judgment affirmed.

DECISIONS UNDER COMMON LAW.

ACCIDENT INSURANCE—OCCUPATIONS—*Cook v. Modern Brotherhood of America, Supreme Court of Minnesota, May 12, 1911, 131 Northwestern Reporter, page 334.*—Helen M. Cook sued the society named, a mutual benefit insurance organization, to recover the amount of her husband's death certificate claimed on account of his death. A by-law of the brotherhood prohibited membership to railway freight brakemen, freight conductors, etc., and provided also that a person should be considered as engaged in those occupations when the duties incident to his employment required him to perform any of the duties belonging or pertaining to such prohibited occupations. Cook was employed as a brakeman in the service of the Commodore Mining Co. The company was engaged in mining only, but used in its operations a system of railway tracks of standard gauge aggregating some 3 miles in length, and it was Cook's duty to act as brakeman on trains hauling dirt stripped from the ore. The questions involved turned solely on the nature of the employment in view of the prohibitions as to occupations contained in the by-laws of the brotherhood. In construing the by-laws the rule followed by the court was that if there should be any fair doubt as to the meaning of the certificate it must be construed most strongly against the company, since the language used was selected by it for its own benefit. It was held that the mining company did not operate a freight railway, although it was a railroad within the meaning of section 2042 of the Revised Laws, abolishing the fellow-servant rule as to railroad corporations. Under the language of the certificate, however, which relates to freight brakemen and freight conductors, it was held that the by-laws were not applicable to an employment such as Cook's as brakeman in a mine, so that his widow was entitled to recover on his certificate of insurance.

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CONTRACTS OF EMPLOYMENT—BREACH—WORK AND LABOR—PAYMENTS—*Elliott et al. v. Wilson, Superior Court of Delaware, April 12, 1911, 80 Atlantic Reporter, page 35.*—The plaintiff Elliott sued Wilson to recover the value of services rendered under a contract for the making of concrete building blocks for the erection of a building. After the work had progressed for a time a dispute arose as to the interpretation of certain portions of the contract, and the work was broken off. Wilson claimed that the work done had been fully paid for, while it was Elliott's contention that he was entitled to further pay for work and labor and for the use of a machine used in the making of the blocks. The decision of the court is not given, the report containing only the judge's charge to the jury, a portion of which is here reproduced as expressing the common-law rules applicable to cases of contracts for employment and to cases in which the contract is broken.

Having stated the facts in the case, Judge Boyce charged the jury in part as follows:

As a general principle, where there has been a special agreement, the parties must resort to their remedies upon and seek their redress under it, and can not proceed upon the common counts; but when the contract of service has been entirely performed and executed under such a contract, and the wages only remain to be paid for it, the common indebitatus assumpsit count for work and labor may be maintained for the recovery of the money.

So, too, where either party has partially performed the special agreement pursuant to the terms of it, but has been prevented from completing or perfecting it, by the default or misconduct of the other party, the party so interrupted and prevented from completing it may recover on the common counts and in quantum meruit, for his partial services up to the time when he was stopped, whatever they were reasonably worth. (McGartland *v.* Steward & Clark, 2 Houst. 277; Hurlock *v.* Murphy & Copperthwaite, 2 Houst. 551.)

The contract between the parties, in evidence, can be of no assistance to you in coming to a determination upon the issue of fact in this case, under the pleadings and evidence. The plaintiff's demand is based upon the value of the work and labor to the defendant, alleged to have been performed by them and their workmen, from the time the work on the building was commenced to the time they ceased to work thereon, as well as upon the value of the use of the machine to the defendant, alleged to have been retained and used by him in making the necessary additional blocks for the completion of the building after the plaintiffs had ceased to work thereon.

The vital questions for your determination, to be ascertained by you from the evidence, are: (1) What were the services rendered by the plaintiffs, and the use of the machine by the defendant, reasonably worth to the defendant? (2) Has the defendant fully paid the plaintiffs for the services rendered and for the use of the machine?

Your verdict should be either for the plaintiffs for such sum as you find to be due them, not in excess of the amount claimed, or for the defendant, according as the evidence preponderates.

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CONTRACTS OF EMPLOYMENT—DISCHARGE—SUFFICIENT GROUNDS—CONFLICTING INTERESTS—*Meyers v. Roger J. Sullivan Co., Supreme Court of Michigan, June 2, 1911, 131 Northwestern Reporter, page 521.*—Alfred Meyers had been employed under a contract for a term of years by the company above named to act as its manager and buyer, his compensation to be a fixed sum per annum and a percentage of the net profits of the business. Before the expiration of the term of the contract, Meyers was discharged on the ground that he had broken the contract by becoming interested in a competitive business. He thereupon sued to recover a balance claimed to be due him under the contract, including a percentage of the profits. He had been paid the amount of his salary up to the date of his discharge, but had received nothing as profits for a period of more than four months. It appeared from the evidence that Meyers had made arrangements to enter a competitive business at the expiration of the term of his contract, that a corporation had been organized of which he was an officer, and that arrangements had been made for the building of a store for the carrying on of the new business. Meyers had, however, continued to give his faithful attention to his employer's business during business hours and his services had been satisfactory, the employer's business having increased about one-third in volume during the term of his contract. In the court below judgment had been in favor of the company, holding that Meyers was entitled to recover nothing. On appeal this judgment was reversed and a new trial granted on grounds that appear in the following extracts from the opinion of the court, which was delivered by Judge McAlvay:

We think that the mere planning by an employee during his contract of employment to engage after the expiration thereof in a competing business does not justify his discharge as a matter of law. (Nichol *v.* Martyn, 2 Espinasse R. 731; Biest *v.* Shoe Co., 97 Mo. App. 137, 70 S. W. 1081; Hermann *v.* Littlefield, 109 Cal. 430, 42 Pac. 443; Shoemaker *v.* Acker, 116 Cal. 239, 48 Pac. 62.) The cases cited may be claimed not to be exactly in point. We think that in principle they are applicable. Nichol *v.* Martyn, supra, where a salesman during the term of his employment planned to engage in a like business, although an old case, does not appear to have been questioned, and upon the facts appears to be quite similar to the instant case. The complaint made by defendant is that by connecting himself with this corporation plaintiff put himself in an attitude of hostility towards defendant, and that of itself was sufficient cause for discharge. The facts are that the concern had not as yet entered into business, and did not propose to until the expiration of plaintiff's term of hiring. It amounted on the part of plaintiff to a mere planning for employment. One is entitled to seek other employment before he is on the street. The contrary would be a monstrous doctrine. A servant may not, while engaged in the service of his master, "injure his trade, or undermine his business; but every one has a right if he can to better his situation in the world, and if he does

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it by means not contrary to law, though the master may be eventually injured, it is damnum absque injuria." (Nichol *v.* Martyn, supra.)

It is claimed that the case of Dieringer *v.* Meyer, 42 Wis. 311, 24 Am. Rep. 415, is squarely against the plaintiff. In that case there was an active interest in a competing business already established. All the cases agree to such doctrine, but no case holds that a mere planning to engage in a competing business not yet in operation is prohibited by a contract such as the one in this case. The plaintiff's case as made is accepted as true. The court was in error in directing a verdict. The case should have been submitted to the jury.

The case must also be reversed upon another ground. There was no dispute but that the contract of percentage for the current year's profits up to the date of discharge had not been complied with. Plaintiff was in any event entitled to recover such percentage.

The judgment of the circuit court is reversed, and a new trial granted.

EMPLOYERS' LIABILITY—INJURY FROM TAINTED FOOD SUPPLIED BY THE EMPLOYER—EVIDENCE—*Bark v. Dixson et al., Supreme Court of Minnesota, July 7, 1911, 131 Northwestern Reporter, page 1078.*—Augusta Bark was employed as a chambermaid in a hotel operated by the defendant and others, receiving her board as a part of her compensation. Action was brought in the municipal court of Minneapolis to recover damages for an illness caused, as alleged, by eating tainted meat furnished by her employers. A verdict was rendered in the plaintiff's favor, and the defendants requested a judgment in their favor notwithstanding the verdict, or a new trial, and from an order denying this motion they appealed. The supreme court sustained the action of the court below as appears from its opinion, which was delivered by Judge Bunn. Having stated the facts, Judge Bunn said:

It is stated by defendants, and correctly, we think, that it was necessary for plaintiff to prove by fair preponderance of the evidence that the meat was tainted, and that plaintiff's illness was the result of eating it. Defendants, however, contend that there was no evidence to sustain a finding in plaintiff's favor on either of these questions. It seems to be the opinion of counsel for defendants that, because there was no chemical analysis of the meat or of the waste, there was no proper evidence of its tainted or poisonous condition. But it does not take an entomologist or bacteriologist to discover that a beefsteak is rotten and unfit for food. The evidence of plaintiff and of other witnesses who tasted the meat to the effect that it was bad was competent, and with the admission of one of defendants that six of his servants were ill that night, together with the symptoms that developed, clearly made a prima facie case. We think the evidence abundantly justified the verdict.

Defendant claims that plaintiff was guilty of contributory negligence because, after she took one mouthful of the meat, and "it

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didn't taste good, kind of rotten," she took another. This may have been bad taste, but it can hardly be called negligence; nor is there any evidence to show that the last mouthful was the cause of her illness. We find no error in the rulings on the admission of evidence.

Complaint is made of an instruction that if the jury was satisfied by a fair preponderance of the evidence that the meat was tainted, and that plaintiff's illness was caused by eating it, the burden of proof was on defendants to prove that they used ordinary care in the selection and production of the food. This instruction was correct, and certainly fully as favorable to defendants as they were entitled to.

It does not seem important whether the action was based on negligence or on contract and breach of an implied warranty. The evidence is sufficient to justify the verdict on either theory.

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