WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935

ENROLLED

HOUSE BILL No. 160

(By Mr. Committee on Finance)

PASSED March 9th, 1935

In Effect from Passage
AN ACT to amend and reenact sections three, four, five, six, eight, nine, ten, thirteen, fourteen, fifteen, sixteen and eighteen, article four, and to add to said article a new section designated nine-(a); and to amend and reenact section one, article five, and to add to said article new sections to be known as sections two, three, four, five and six, all of chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, relating to workmen's compensation law and the administration thereof.

Be it enacted by the Legislature of West Virginia:

That sections three, four, five, six, eight, nine, ten, thirteen, fourteen, fifteen, sixteen and eighteen, article four, be amended and
reenacted, and that a new section designated section nine-(a) be added thereto; that section one, article five, be amended and re-enacted, and new sections to be known as sections two, three, four, five and six, be added thereto, all of chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, to read as follows:

ARTICLE IV.

Sec. 3. The commissioner shall disburse and pay from the fund for such personal injuries to such employees as may be entitled thereto hereunder as follows:

(a) Such sums for medicine, medical, surgical, dental, hospital treatment, crutches, artificial limbs and such other and additional approved mechanical appliances as may be reasonably required, not however, in any case to exceed the sum of eight hundred dollars.

(b) Payment for such medicine, medical, surgical, dental, hospital treatment, crutches, artificial limbs and such other and additional approved mechanical appliances authorized under subdivision (a) hereof may be made to the injured employee, or to the person or persons who have furnished such
3 [Enrolled H. B. No. 160

13 service, or who have advanced payment for same, as the com-
14 missioner may deem proper.
15 (c) When an employee is entitled, under contract connected
16 with his employment or by reason of a hospital subscription
17 list, to medical, surgical, dental, or hospital treatment, for in-
18 juries sustained in the course of, resulting from, or arising out
19 of his employment compensable under the provisions of this
20 chapter, shall be paid for from the compensation fund, as
21 therein provided.

Sec. 4. In case the personal injury causes death, and dis-
2 ability is total and continuous from the date of such injury
3 to date of death, reasonable funeral expenses, not to exceed
4 one hundred and fifty dollars, shall be paid from the fund, pay-
5 ment to be made to the persons who have furnished the service
6 and supplies, or to the persons who have advanced payment for
7 same, as the commissioner may deem proper, in addition to such
8 award as may be made to the employee’s dependents.

Sec. 5. If the period of disability does not last longer than
2 one week from the day the employee leaves work as the result
3 of the injury, no award shall be allowed, except the disburse-
4 ments provided for in the two next preceding sections, but if
5 the period of disability last longer than twenty-one days from
6 the day the employee leaves work as a result of the injury, an
7 award shall be allowed for the first week of such disability.

Sec. 6. Where compensation is due an employee under the
2 provisions of this chapter, such compensation shall be provided
3 in the following schedule:
4 (a) If the injury causes temporary total disability, the
5 employee shall receive during the continuance thereof sixty-
6 six and two-thirds per cent of his average weekly earnings, not
7 to exceed a maximum of sixteen dollars per week nor to be
8 less than a minimum of eight dollars per week;
9 (b) Subdivision (a) shall be limited as follows: Aggre-
10 gate award for a single injury causing temporary disability
11 shall be for a period not exceeding fifty-two weeks: Provided,
12 That in case an injured employee, by reason of having an
13 ununited fracture or having undergone a surgical operation
14 to correct a vicious union following a fracture, or for the
15 repair of an ununited fracture, or having suffered an injury
16 to the spine or pelvic bones which is of a temporary nature,
17 or for any ankylose joint, is disabled for a longer period than
18 fifty-two weeks, the period during which compensation shall
be paid may be, but shall not exceed, seventy-eight weeks;

c) If the injury causes permanent disability, the percent-
age of disability to total disability shall be determined and
the award computed and allowed as follows:

For a two per cent disability, sixty-six and two-thirds per
cent of the average weekly earnings for a period of eight
weeks,

For a five per cent disability, sixty-six and two-thirds per
27 cent of the average weekly earnings for a period of twenty
28 weeks,

For a ten per cent disability, sixty-six and two-thirds per
30 cent of the average weekly earnings for a period of forty weeks.

For a fifteen per cent disability, sixty-six and two-thirds
32 per cent of the average weekly earnings for a period of sixty
33 weeks,

For a twenty per cent disability, sixty-six and two-thirds
35 per cent of the average weekly earnings for a period of eighty
36 weeks,

For a thirty per cent disability, sixty-six and two-thirds
38 per cent of the average weekly earnings for a period of one
hundred and twenty weeks,

40 For a forty per cent disability, sixty-six and two-thirds per
41 cent of the average weekly earnings for a period of one
42 hundred and sixty weeks,

43 For a fifty per cent disability, sixty-six and two-thirds per
44 cent of the average weekly earnings for a period of two
45 hundred weeks,

46 For a sixty per cent disability, sixty-six and two-thirds per
47 cent of the average weekly earnings for a period of two
48 hundred and forty weeks,

49 For a seventy per cent disability, sixty-six and two-thirds
50 per cent of the average weekly earnings for a period of two
51 hundred and eighty weeks,

52 For an eighty per cent disability, sixty-six and two-thirds
53 per cent of the average weekly earnings for a period of three
54 hundred and twenty weeks,

55 For an eighty-five per cent disability, sixty-six and two-
56 thirds per cent of the average weekly earnings for a period of
57 three hundred and forty weeks,

58 For a disability from eighty-five to one hundred per cent,
sixty-six and two-thirds per cent of the average weekly earnings during the remainder of life,

Awards for permanent disability of from two per cent to eighty-five per cent shall be computed on the basis of four weeks' compensation for each per cent of disability determined;

(d) If the injury results in the total loss by severance of any of the members named in this subdivision, the percentage of disability shall be determined in accordance with the following table, and award made as provided in subdivision (c) of this section:

- The loss of a great toe shall be considered a ten per cent disability,
- The loss of a great toe (one phalange) shall be considered a five per cent disability,
- The loss of other toes shall be considered a four per cent disability,
- The loss of other toes (one phalange) shall be considered a two per cent disability,
- The loss of all toes shall be considered a twenty-five per cent disability,
The loss of forepart of foot shall be considered a thirty per cent disability,
The loss of foot shall be considered a thirty-five per cent disability,
The loss of leg shall be considered a forty-five per cent disability,
The loss of thigh shall be considered a fifty per cent disability,
The loss of thigh at hip joint shall be considered a sixty per cent disability,
The loss of little or fourth finger (one phalange) shall be considered a three per cent disability,
The loss of little or fourth finger shall be considered a five per cent disability,
The loss of ring or third finger (one phalange) shall be considered a three per cent disability,
The loss of ring or third finger shall be considered a five per cent disability,
The loss of middle or second finger (one phalange) shall be considered a three per cent disability,
The loss of middle or second finger shall be considered a seven per cent disability,
The loss of index or first finger (one phalange) shall be considered a six per cent disability,
The loss of index or first finger shall be considered a ten per cent disability,
The loss of thumb (one phalange) shall be considered a twelve per cent disability,
The loss of thumb shall be considered a twenty per cent disability,
The loss of thumb and index finger shall be considered a thirty-two per cent disability,
The loss of index and middle finger shall be considered a twenty per cent disability,
The loss of middle and ring finger shall be considered a fifteen per cent disability,
The loss of ring and little finger shall be considered a ten per cent disability,
The loss of thumb, index and middle finger shall be considered a forty per cent disability,
The loss of index, middle and ring finger shall be considered a thirty per cent disability,

The loss of middle, ring and little finger shall be considered a twenty per cent disability,

The loss of four fingers shall be considered a thirty-two per cent disability,

The loss of hand shall be considered a fifty per cent disability,

The loss of forearm shall be considered a fifty-five per cent disability,

The loss of an arm shall be considered a sixty per cent disability;

(e) The total loss of one eye, or the total and irrecoverable loss of the sight thereof shall be considered a thirty-three per cent disability, and the injured employee shall be entitled to compensation for a period of one hundred and thirty-two weeks,

For the partial loss of vision in one, or both eyes, the percentage of disability shall be determined by the commissioner, using as a basis the total loss of one eye;

(f) The award for permanent disabilities intermediate to
150 those fixed by the foregoing schedule and permanent dis-
151 ability of from two per cent to eighty-five per cent shall be in
152 the same proportion and shall be computed and allowed by
153 the commissioner;
154 (g) The percentage of all permanent disabilities other than
155 those enumerated in subdivisions (c), (d), (e), and (f) of
156 this section shall be determined by the commissioner, using as
157 a basis the loss of an arm at or above the elbow, and award
158 made in accordance with the schedule in subdivision (e);
159 (h) Compensation payable under any subdivision of this
160 section shall be limited as follows: Not to exceed a maximum
161 of sixteen dollars per week, nor to be less than a minimum of
162 eight dollars per week;
163 (i) Where an injury results in temporary total disability
164 for which compensation is awarded under subdivision (a) of
165 this section, and such injury is later determined permanent
166 partial disability under subdivision (c), the amount of com-
167 pensation so paid shall be considered as payment of the com-
168 pensation payable for such injury in accordance with the
169 schedule in subdivision (e). Compensation under this section
170 shall be payable only to the injured employee, and the right
thereto shall not vest in his or her estate; except that such compensation as may have accrued to the date of his or her death shall be paid to the dependents of such injured employee, if there be such dependents at the time of death;

(j) The following permanent disabilities shall be conclusively presumed to be total in character:

- Loss of both eyes or the sight thereof,
- Loss of both hands or the use thereof,
- Loss of both feet or the use thereof,
- Loss of one hand and one foot,
- Any injury resulting in total disability.

In all other cases permanent disability shall be determined by the commissioner in accordance with the facts in the case, and award made in accordance with the schedule in subdivision (c): Provided, that the claimant shall have the right of appeal from the decision of the commissioner as provided by article five of this chapter.

Sec. 8. The commissioner shall have authority, after due notice to the employer and claimant whenever in his opinion it shall be necessary, to order a claimant to appear for examination before a medical examiner selected by the commissioner.
Sec. 9. In cases where an employee has sustained a permanent disability and such fact has been determined by the commissioner, and the employee can be physically and vocationally rehabilitated and returned to remunerative employment by vocational training, by the use of crutches, artificial limbs, and/or other approved mechanical appliances, or by medicines, medical, surgical, dental or hospital treatment, the commissioner shall forthwith, after due notice to the employer, expend such an amount as may be necessary for the aforesaid purposes, not, however, in any case, to exceed the sum of eight hundred dollars. No payment, however, shall be made for such purposes as provided by this section unless authorized by the commissioner prior to the rendering of such treatment.

Sec. 9-(a). Where an employee in the course of his employment has suffered the loss, or loss of use of a hand, arm, foot, leg or eye, and in the event of subsequent accidental injury received in the course of his employment while employed by the same employer, resulting in total permanent disability, the commissioner in estimating the total costs of such permanent total disability shall allow the subscriber credit on his account for the partial permanent disability already received, and where an
9 employee in the course of his employment has suffered the loss, or loss of use of a hand, arm, foot, leg or eye, and in the event of subsequent accidental injury received in the course of his employment while employed by another employer, resulting in total permanent disability, the costs of such total permanent disability shall be paid by the commissioner out of any funds in his hands and at his disposal, after charging to such subscriber an amount equal to the partial permanent disability theretofore received.

Sec. 10. In case the personal injury causes death within the period of six years and the disability is continuous from date of such injury until date of death, the benefits shall be in the amounts, and to the persons, as follows:

(a) If there be no dependents, the disbursements shall be limited to the expense provided for in sections three and four of this article;

(b) If the deceased employee be under the age of twenty-one years and unmarried and leave a wholly dependent father or mother, the father, or if there be no father, the mother shall be entitled to a payment of sixty-six and two-thirds per cent of the average weekly wages of the deceased employee, not to ex-
ceed a maximum of seven dollars per week, to continue for such period of six years after the date of death as the commissioner in the case may determine: Provided, however, That in case the deceased employee be under the age of sixteen years at such time of death, payment shall continue until such employee would have been twenty-one years of age: Provided, however, That payment of compensation awarded under this subdivision to a dependent father shall be continued and paid to his surviving widow, mother of the deceased employee, to continue as per original award to father. Compensation in either case shall cease upon the death of the dependent;

(c) If the deceased employee be under the age of twenty-one and unmarried and leave a partially dependent father or mother, the father, or if there be no father, the mother shall be entitled to a payment of sixty-six and two-thirds per cent of the average weekly wages, not to exceed a maximum of seven dollars per week, to continue until such employee would have been twenty-one years of age;

(d) If the deceased employee leaves a dependent widow or invalid widower, the payment shall be thirty dollars per month until death or remarriage of such widow or widower, and in ad-
30-d. Dition five dollars per month for each child under sixteen years of age, to be paid until such child reaches such age, or, if an invalid child, to continue as long as such child remains an invalid:

Provided, That if such widow or invalid widower shall remarry within two years from the date of the death of such employee, such widow or widower shall be paid at the time of remarriage twenty per cent of the amount that would be due for the period remaining between the date of such remarriage and the end of ten years from the date of death of said employee, and such widow or widower shall be advised in writing by the commissioner of his or her rights under this proviso at the time of making the original award: Provided, further, That if upon investigation and hearing, as provided in article five of this chapter, it shall be ascertained that said widow or widower is living with a man or woman, as the case may be, as man and wife and not married, or the widow living a life of prostitution, the commissioner may stop the payment of the benefits herein provided to said widow or widower.

If the deceased employee be a widow or widower and leave a child or children under the age of sixteen years, the payment
shall be ten dollars per month to each child until he or she reaches the age of sixteen years.

In all awards of compensation to children, the award shall be until they reach the age of sixteen years or their death prior thereto;

(e) If the deceased employee be an adult and there be no dependent widow, or widower, or child under sixteen years of age, but there are wholly dependent persons at the time of death, the payment shall be fifty per cent of the average monthly support actually received from the employee during the preceding twelve months, to continue for the remainder of the period between the date of death and six years after the date of injury, and shall not amount to more than a maximum of twenty dollars per month;

(f) If the deceased employee be an adult and there be no dependent widow, widower or child under sixteen years of age, or wholly dependent person, but there are partly dependent persons at the time of death, the payment shall be fifty per cent of the average monthly support actually received from the employee during the preceding twelve months, and to continue for such portion of the period of six years after the date...
Enrolled H. B. No. 160]

70 of death as the commissioner in the case may determine, and
71 not to amount to more than a maximum of twenty dollars per
72 month.
73 Compensation under subdivisions (e) and (f) hereof shall
74 cease upon the death of the dependent, and the rights thereto
75 shall not vest in his or her estate;
76 (g) Dependent, as used in this chapter, shall mean a widow,
77 invalid widower, child under sixteen years of age, invalid child,
78 or a posthumous child, who, at the time of the injury causing
79 death, is dependent in whole or part for his or her support upon
80 the earnings of the employee; also, the following persons who
81 are and continue to be residents of the United States or its
82 territorial possessions: step child under sixteen years of age;
83 child under sixteen years of age legally adopted prior to the in-
84 jury causing death; father, mother, grandfather or grand-
85 mother, who, at the time of the injury causing death, is depend-
86 ent in whole or in part for his or her support upon the earn-
87 ings of the employee; an invalid brother or sister wholly de-
88 pendent for his or her support upon the earnings of the em-
89 ployee at the time of the injury causing death.

Sec. 13. Notwithstanding anything herein contained, no sum
shall be paid to a widow or widower who shall have abandoned the employee before the injury causing death, but nothing herein contained shall be construed to preclude a widow or widower from receiving compensation in accordance with section ten of this article, if such widow or widower has been abandoned within a period of two years by said employee for any reason except such reason as would have entitled the deceased employee to an annulment, a divorce from the bonds of matrimony or a divorce from bed and board as provided in article two, chapter forty-eight of this code.

Sec. 14. The average weekly wage earnings of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits. The time of injury within the meaning of this section shall be sixty days, six months, or twelve months immediately preceding the date of the injury, whichever is most favorable to the injured employee.

Sec. 15. To entitle any employee or dependent of a deceased employee to compensation under this chapter, the application therefor must be made on a form or forms prescribed by the commissioner and filed in the office of the commissioner within six months from and after the date of injury or death,
6 as the case may be, and all proofs of dependency in fatal cases
7 must be filed with the commissioner within nine months from
8 and after the date of death: Provided, That in case an em-
9 ployer fails to report an injury within six months from and
10 after the date such injury is received, the commissioner shall
11 accept the application for compensation filed by the employee
12 after the expiration of six months but within twelve months
13 from the date of such injury: Provided, further, That if such
14 employee shows by competent evidence that the employer had
15 knowledge of such injury and failed to file a report thereof,
16 then such employee shall have an additional year within which
17 to file his application for compensation, and the commissioner
18 shall receive such application so filed by such employee, and
19 award compensation to an employee who would have been so
20 entitled had the injury been reported and application filed
21 within the prescribed period of six months. Nonresident aliens
22 may be officially represented by the consular officers of the
23 country of which such aliens may be citizens or subjects, but no
24 compensation shall be paid to any nonresident aliens in fatal
25 cases through the consular officers of the country of which such
26 aliens may be citizens or subjects until such consular officer or
27 a representative of such consular officer is appointed personal
28 representative of the deceased party by proper authority in the
29 county in which the deceased resided, or in which, the seat of
30 government is located. Nothing herein contained shall be con-
31 strued as giving such consular officer the right to make appli-
32 cation for compensation in behalf of nonresident aliens.

Sec. 16. The power and jurisdiction of the commissioner
2 over each case shall be continuing, and he may from time to
3 time, after due notice to the employer, make such modifications
4 or changes with respect to former findings or orders as may be
5 justified: Provided, That no further award may be made in
6 fatal cases except within two years after the death of the em-
7 ployee, or, in cases of non-fatal injuries, except within three
8 years after payments for temporary disability shall have ceased
9 and within one year after the commisioner shall have made
10 the last payment in any permanent disability case.

11 In any case where an injured employee under this section
12 shall make application in writing for a further adjustment of
13 his claim, the commissioner shall finally pass upon and de-
14 termine the merits of such claim within ninety days after the
15 filing thereof, and after such final determination the claimant
shall have the right of an appeal as provided by article five of this chapter.

Sec. 18. Except by this section provided compensation shall be paid only to such employees or their dependents, and shall be exempt from all claims of creditors and from any attachment, execution, or assignment other than compensation to counsel for legal services under a bona fide contract between such counsel and the claimant not exceeding twenty-five percent of the total amount of the award in favor of the claimant. Payments may be made in such periodical installments as may seem best to the commissioner in each case, not exceeding one month apart. In all cases where compensation is awarded or increased, the amount thereof shall be calculated and paid from the date of disability. The counsel representing the claimant under lawful contract may file with the commissioner a copy thereof and it shall be the duty of the commissioner to protect such attorney in the collection of the amount provided for therein from any award made by the commissioner in favor of the claimant, if the amount agreed be not in conflict with the provisions of this chapter.
ARTICLE V.

Section 1. The commissioner shall have full power and authority to hear and determine all questions within his jurisdiction, but upon the making or refusing to make any award, or upon the making or refusing to make any modification or change with respect to former findings or orders, as provided by section sixteen, article four, of this chapter, the commissioner shall give notice in writing to the employer, employee, claimant, or dependent, as the case may be, of his action, which action shall state the time allowed for an appeal to the board and such action shall be final unless the employer, employee, claimant, or dependent shall, within thirty days after receipt of such notice, object in writing to such finding. Upon receipt of such objection of the employer, employee, claimant, or dependent, the commissioner shall, within thirty days from the receipt of any objection to his action or finding as aforesaid, set a time and place for the hearing of evidence. Any such hearing may be by the commissioner or by his duly authorized representative at the county seat of the county wherein the employer resides, or at any other place which may be agreed upon by the interested parties, having due regard for the convenience of witnesses. Both the employer and claimant shall be notified of such hearing at
least ten days in advance. The evidence taken at such hearing shall be transcribed and become a part of the record of the proceedings, together with other records thereof in the commissioner's office. After such hearing the commissioner, within sixty days, shall render his decision affirming, reversing or modifying his former action, which shall be final: Provided, however, That the claimant or the employer may, within ninety days after notice of the final action of the commissioner, apply to the board herein created for a review of such decision.

Sec. 2. There is hereby created a board to be known as the "Workmen's Compensation Appeal Board", which shall be referred to in this article as the "board", to be composed of three members, none of whom shall be a contributor of the compensation fund or in any way connected with a contributor thereto and none of whom shall be a beneficiary of the compensation fund or in any way connected with a beneficiary thereof. Two members of such board shall be of opposite politics to the third, and all three shall be citizens of this state who have resided therein for a period of at least five years. All members of said board shall be appointed by the governor for a term of six years, except that the persons first appointed under this act
shall be appointed to serve, one for two, one for four and one for six years. The governor is hereby vested with power to re-
move any member of the board according to section four, article four, chapter six, of this code. The members of such board shall be paid for their services a compensation of twenty dol-
ars per day for each day they are in session, which shall be the total compensation, including any and all expenses, of such member or members. The governor shall designate one of the members of said board as chairman thereof, and said board shall meet at the capital or at such other places throughout the state as it may determine in regular sessions to be fixed by the board. No more than six sessions shall be held during any one year and no session shall continue more than twenty consecu-
tive calendar days. All clerical services required by the board shall be paid by the compensation commissioner from any funds at his disposal.

Sec. 3. Any employer, employee, claimant, or dependent who shall feel aggrieved at any action of the commissioner under this chapter shall have the right to appeal to the board cre-
ated in section two of this article for a review of such action. The aggrieved party shall file a written notice of appeal with
the compensation commissioner, directed to said board, within a period of ninety days from the date of the action complained of, and the commissioner shall notify the other party immediately upon the filing of said notice of appeal. The commissioner shall also notify the members of said board and shall make up a transcript of the record of the proceedings before him, and the board shall review the action of the commissioner complained of within thirty days after the filing of such petition or at the next meeting of said board after the expiration of thirty days therefrom. At any such hearing the board shall consider the record before it as furnished by the commissioner and upon motion of either party or upon its own motion said board may remand said cause to the commissioner for the taking of such new, additional or further evidence as in the opinion of the board may be necessary to arrive at a fair and just decision; and thereupon the board shall sustain the finding of the commissioner or enter such order or make such award as the commissioner should have made and shall thereupon certify the same to the commissioner, who shall proceed in accordance therewith. All evidence taken before the board shall be transcribed and become a part of the record in the case, and
27 either party before the board may be represented by counsel.

28 All appeals from the action of the commissioner shall be de-

cided by said board within sixty days after the date of the

30 filing thereof.

Sec. 4. From any decision of the board an appeal may be

2 prosecuted by either party to the supreme court of appeals.

3 After any hearing before the board the applicant desiring to ap-

teeal to the supreme court of appeals shall file a petition before

5 said court against the board and other party (claimant or em-

6 ployer, as the case may be), within a period of ninety days,

7 and the board and other party shall be notified of the foregoing

8 by the clerk of said court of the filing of such petition and re-

9 view. And the board shall, within ten days after receipt of

10 such notice, file with the clerk of said court the record of the

11 proceedings had before it, including a transcript of the evi-

12 dence. The court, or any judge thereof, may thereupon decide

13 whether a review shall be granted or not, and if such review

14 be granted to a nonresident of this state he shall execute and

15 file before the clerk of said court, before such proceedings for

16 review becomes effective, a bond with security to be approved

17 by said clerk conditioned to pay all costs which may be
awarded against him on such review. If a review be granted, the board and the opposing party (claimant or employer), or their attorneys, shall be notified of the fact by mail, by the clerk of said court. If a review be granted as aforesaid, the case shall be heard by said court in the same manner as other cases before it, save and except that neither the record nor briefs need be printed and that every such review granted prior to thirty days before the beginning of any term shall be placed upon the docket for such term. The attorney general, without extra compensation, shall represent the board on such review. The supreme court on such review shall determine the matter and certify its decision to the board and the commissioner. The cost of such proceedings, including a reasonable attorney’s fee, not exceeding one hundred dollars, to the claimant’s attorney, shall be fixed by the court and taxed against the employer if the latter be unsuccessful, and if the claimant be unsuccessful, such costs, not including attorney’s fees, shall be taxed against the commissioner, payable out of any funds available in his hands, or shall be taxed against the claimant, in the discretion of the court.

Sec. 5. In the event that an attorney shall appear for any
2 claimant in any proceedings had before the commissioner, the
3 board, or the supreme court of appeals, such attorney may file
4 with the commissioner a copy of his contract of employment
5 with such claimant, and it shall be the duty of the commis-
6 sioner to protect such attorney in the collection of his fees
7 from any award made by the commissioner, the board or the
8 supreme court of appeals under rules and regulations to be fixed
9 by said commissioner, having due regard to the rights of both
10 claimant and attorney.

Sec. 6. The provisions of this article shall also apply to all
2 cases arising under section nine, article two, of this chapter.

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 15th day of March,
1935.

[Signature]
SECRETARY OF STATE
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton L. Howard
Chairman Senate Committee

Arnold M. Vickers
Chairman House Committee

Originated in the House

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within this the

day of 1935.

Governor

Filed in the office of the Secretary of State of West Virginia

Wm. S. O'Brien, Secretary of State