

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939

ENROLLED

Com. Sub. for

HOUSE BILL No. *157*

(Originating in the Committee on the Judiciary)

(By Mr.)

PASSED *March 11,* 1939

In Effect *from* Passage

ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 157

(Originating in the Committee on the Judiciary)

[Passed March 11, 1939; in effect from passage.]

AN ACT to amend and reenact sections one, four, five, ten and eleven, article one, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, sections one and five (including certain misdemeanors and penalties for violations of said section five as hereby amended and reenacted), article two of said chapter of said code, sections one, six, nine-b, ten, fifteen, fifteen-a, sixteen and eighteen, article four of said chapter of said code, and to add (following present section nineteen) a new section to article four of said chapter of said code, to be known as section twenty, and to amend and reenact sections one, two, three and five, article five of said chapter of said code, and to add (following section one) four

new sections to article five of said chapter of said code, to be known, respectively, as sections one-a, one-b, one-c and one-d, all relating to workmen's compensation and the administration of the workmen's compensation law.

Be it enacted by the Legislature of West Virginia:

That sections one, four, five, ten and eleven, article one, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted; that sections one and five (including certain misdemeanors and penalties for violations of said section five as hereby amended and reenacted), article two of said chapter of said code, be amended and reenacted; that sections one, six, nine-b, ten, fifteen, fifteen-a, sixteen and eighteen, article four of said chapter of said code, be amended and reenacted; that a new section be added (following present section nineteen) to article four of said chapter of said code, to be known as section twenty; that sections one, two, three and five, article five of said chapter of said code, be amended and reenacted; and that (following section one) four new sections be added to article five of said chapter of said code, to be known, respectively, as sections one-a, one-b, one-c and one-d, the foregoing, respectively, to read as follows:

Article 1.

Section 1. There shall be a state compensation commis-
2 sioner who shall be a citizen of this state entitled to vote and
3 shall be appointed by the governor by and with the advice
4 and consent of the senate. The compensation commissioner in
5 office on the date this code takes effect shall, unless sooner re-
6 moved, continue to serve until his term expires and his suc-
7 cessor has been appointed and has qualified. On or before the
8 first day of June, nineteen hundred thirty-five, and on or
9 before the first day of June of each sixth year thereafter, the
10 governor shall appoint a compensation commissioner to serve
11 for a term of six years commencing on said first day of June.
12 An appointment may be made to fill a vacancy or otherwise
13 when the senate is not in session, but shall be acted upon at
14 the next session thereof. The person so appointed shall take
15 the oath or affirmation prescribed by section five of article
16 four of the Constitution, and such oath shall be certified by
17 the person who administers the same and shall be filed in the
18 office of the secretary of state. He shall give bond in the pen-
19 alty of twenty-five thousand dollars conditioned for the faith-
20 ful performance of the duties of his office, which bond shall be

21 approved by the attorney general as to form, and by the gov-
22 ernor as to sufficiency. The surety of such bond may be a
23 bonding or surety company, in which case the premiums shall
24 be paid out of the appropriation made for the administration
25 of this chapter. The commissioner shall hold no position of
26 trust or profit, or engage in any occupation or business, inter-
27 fering or inconsistent with his duties as such commissioner.
28 The commissioner shall receive an annual salary of six thou-
29 sand dollars, payable in the same manner as the salaries of
30 other state officers are paid and charged to the appropriations
31 which shall be made from time to time hereafter by the state
32 for the administration of this chapter. The commissioner shall
33 have an official seal for the authentication of his orders and
34 proceedings, upon which seal shall be engraved the words,
35 "West Virginia Compensation Commissioner", and such
36 other design as the commissioner may prescribe. The courts
37 in this state shall take judicial notice of the seal of the com-
38 missioner, and in all cases copies of orders, proceedings or
39 records in the offices of the West Virginia compensation com-
40 missioner, certified by the secretary of the commissioner under
41 his seal, shall be equal to the original in evidence.

42 The attorney general shall perform all legal services re-
 43 quired by the commissioner under the provisions of this chap-
 44 ter: *Provided, however,* That in any case in which an appli-
 45 cation for review is prosecuted by the commissioner from any
 46 final decision of the workmen's compensation appeal board to
 47 the supreme court of appeals, as provided by section four,
 48 article five of this chapter, the commissioner may designate a
 49 regular employee of his office, qualified to practice before the
 50 said court, to represent him upon the said appeal, and in no
 51 case shall the person so appearing for the commissioner be-
 52 fore the court receive remuneration therefor other than his
 53 regular salary.

Sec. 4. The offices of the commissioner shall be open for the
 2 transaction of business between the hours of nine o'clock a. m.,
 3 and five o'clock p. m., of each and every day excepting Satur-
 4 days after twelve o'clock noon, Sundays and legal holidays,
 5 and be in charge of his secretary or some other competent
 6 person. All proceedings of the commissioner shall be shown
 7 on his record of proceedings, which shall be a public record
 8 and shall contain a record of each case considered and the
 9 award with respect thereto and of all salaries allowed to any

10 employee of the commissioner or to any other person for
11 services.

Sec. 5. The commissioner shall keep and maintain his office
2 at the seat of government, and shall provide a suitable room
3 or rooms, necessary office furniture, supplies, books, periodicals,
4 maps and other equipment. After due notice, showing the
5 time and place, the commissioner may hold hearings any-
6 where within the state, or elsewhere by agreement of claimant
7 and employer, with the approval of the commissioner.

Sec. 10. Each officer who serves such subpoenas shall re-
2 ceive the same fee as a sheriff, and each witness who appears
3 in obedience to a subpoena before the commissioner, or an in-
4 spector, or an examiner, shall receive for his attendance the
5 fees and mileage provided for witnesses in civil cases in the
6 circuit court, which shall be audited and paid out of the
7 workmen's compensation fund in the same manner as other
8 expenses are audited and paid, if such witness was subpoenaed
9 without the request of either claimant or employer at the in-
10 stance of the commissioner or an inspector or an examiner.
11 The witness fees and mileage of any witnesses subpoenaed by,

12 or at the instance of, either claimant or employer shall be paid
13 by the party who subpoenas such witness.

Sec. 11. In an investigation, the commissioner may cause
2 depositions of witnesses residing within or without the state
3 to be taken in the manner prescribed by law for like deposi-
4 tions as provided for transcripts in the circuit court, but such
5 depositions shall be upon reasonable notice to claimant and
6 employer or their respective attorneys. The commissioner
7 shall also have discretion to accept and consider depositions
8 taken outside the state by either the claimant or employer,
9 provided due and reasonable notice of the taking of such de-
10 positions was given to the other party, claimant or employer,
11 as the case may be, or their respective attorneys, *provided*
12 *however*, The commissioner, upon due notice both to the em-
13 ployer and claimant, shall have authority to refuse to permit
14 the taking of such depositions or to reject such depositions
15 after the taking thereof, if in his opinion they were taken at
16 such place or under such circumstances as imposed an undue
17 burden or hardship upon the opposite party, and the commis-
18 sioner's discretion to accept, refuse to approve, or reject such

19 depositions shall be binding in the absence of abuse of such
20 discretion.

Article 2.

Section 1. The State of West Virginia and all govern-
2 mental agencies or departments created by it are hereby re-
3 quired to subscribe to, and pay premiums into the workmen's
4 compensation fund for the protection of their employees, and
5 shall be subject to all requirements of this act, and all rules
6 and regulations prescribed by the commissioner with ref-
7 erence to rates, classifications and premium payments.

8 All persons, firms, associations and corporations regu-
9 larly employing other persons for the purpose of carry-
10 ing on any form of industry or business in this state,
11 are employers within the meaning of this chapter and
12 subject to its provisions. All persons in the service of
13 employers as herein defined, and employed by them for
14 the purpose of carrying on the industry, business or
15 work in which they are engaged, including persons reg-
16 ularly employed in the state whose duties necessitate tem-
17 porary employment by the same employer without the
18 state of a temporary or transitory nature, and check-

19 weighmen employed according to law, and all members
 20 of rescue teams assisting in mine accidents with the consent
 21 of the owner who, in such case, shall be deemed the employer,
 22 or at the direction of the chief of the department of mines,
 23 are employees within the meaning of this chapter and subject
 24 to its provisions: *Provided*, That the chapter shall not apply
 25 to employers of employees in domestic or agricultural service,
 26 persons prohibited by law from being employed, nor to
 27 employees of any employer while employed without the state,
 28 except in case of temporary employment without the state,
 29 as hereinbefore defined; nor shall a member of a firm of em-
 30 ployers, or any officer of an association or of a corporation
 31 employer, including managers, or any elective or appointive
 32 official of the state, whose term of office is definitely fixed by
 33 law, be deemed an employee within the meaning of this
 34 chapter.

35 The premium and actual expenses in connection with gov-
 36 ernmental agencies and departments of the state of West
 37 Virginia, shall be paid out of the state treasury from appro-
 38 priations made for such agencies and departments, in the
 39 same manner as other disbursements are made by such agen-

40 cies and departments, and such premiums of state agencies
41 and departments shall be paid into the fund in the same man-
42 ner as herein provided for other employers subject to this
43 chapter.

44 Any employer whose employment in this state is to be for
45 a definite or limited period, which could not be considered
46 "regularly employing" within the meaning of this section,
47 may elect to pay into the workmen's compensation fund the
48 premiums herein provided for, and at the time of making
49 application to the commissioner such employer shall furnish a
50 statement under oath showing the probable length of time
51 the employment will continue in this state, the character of
52 the work, an estimate of the monthly payroll, and any other
53 information which may be required by the commissioner. At
54 the time of making application such employer shall deposit
55 with the state compensation commissioner to the credit of the
56 workmen's compensation fund the amount required by section
57 five of this article, which amount shall be returned to such
58 employer, if his application be rejected by the commissioner.
59 Upon notice to such employer of the acceptance of his appli-
60 cation by the commissioner, he shall be an employer within

61 the meaning of this chapter and subject to all of its
62 provisions.

63 Any foreign corporation employer electing to comply with
64 the provisions of this chapter and to receive the benefits here-
65 under, shall, at the time of making application to the com-
66 missioner, in addition to other requirements of this chapter,
67 furnish such commissioner with a certificate from the secre-
68 tary of state showing that it has complied with all the require-
69 ments necessary to enable it legally to do business in this
70 state, and no application of such foreign corporation em-
71 ployer shall be accepted by the commissioner until such cer-
72 tificate is filed.

73 For the purpose of this chapter, a mine shall be adjudged
74 within this state when the main opening, drift, shaft or slope
75 is located wholly within this state.

76 Any employee within the meaning of this chapter whose
77 employment necessitates his temporary absence from this state
78 in connection with such employment, and such absence is di-
79 rectly incidental to carrying on an industry in this state, who
80 shall have received injury during such absence in the course
81 of and resulting from his employment, shall not be denied

82 the right to participate in the workmen's compensation fund.

Sec. 5. For the purpose of creating a workmen's compensation fund each employer subject to this chapter shall pay the premiums of liability based upon and being such a percentage of the payroll of such employer as may have been determined by the commissioner and be then in effect. The premiums shall be paid monthly, on or before the twentieth of each month, for the preceding month, and shall be the prescribed percentage of the total earnings of all employees within the meaning of this chapter, for such preceding month. The minimum premium to be paid by any employer for any month shall be fifty cents. The premiums and deposits provided for in this chapter shall be paid by the employers to the state compensation commissioner, who shall issue receipts for all sums so received, mailing the original to the person, firm or corporation paying the same, transmitting a copy thereof to the state treasurer and state auditor, and retaining a copy for his own records. All sums received by the state compensation commissioner as herein provided shall be deposited in the state treasury to the credit

21 of the workmen's compensation fund in the manner now
22 prescribed by law for depositing money in the state
23 treasury. Each employer shall make a payroll report
24 to the commissioner on or before the twentieth of each
25 month for the preceding month, and such report
26 shall be on the form or forms prescribed by the
27 commissioner, and furnish all information required by
28 him.

29 Failure to pay premiums as herein provided or to make the
30 monthly payroll reports required by the commissioner shall
31 deprive the employer so delinquent of the benefits and pro-
32 tection afforded by this chapter, and shall automatically ter-
33 minate the election of such employer to pay into the work-
34 men's compensation fund as herein provided, and such em-
35 ployer shall be liable to his employees as provided in section
36 eight of this article; and the commissioner shall not be re-
37 quired to notify the delinquent employer of such termination,
38 but he shall notify the employees of such employer by written
39 notice posted as hereinafter provided for in this section. The
40 termination of election of such delinquent employer shall date
41 from twelve o'clock p. m., of the last day of the month in

42 which he fails to pay the premiums or make payroll reports,
43 as above provided, for the preceding month.

44 The employer so delinquent may be reinstated upon appli-
45 cation under such terms as are prescribed by this chapter and
46 by the commissioner hereunder, after the payment into the
47 workmen's compensation fund of all unpaid premiums, pen-
48 alties and charges. Such reinstatement shall be in effect from
49 and after the date that the new application is accepted by the
50 commissioner: *Provided, however,* That such delinquent em-
51 ployer shall be entitled to the benefits and protection of this
52 chapter until twelve o'clock p. m., of the last day of the month
53 immediately succeeding the month in which his election is
54 terminated, and his employees shall be entitled to compensa-
55 tion for injuries received during such period, but not there-
56 after unless such delinquent employer becomes reinstated as
57 herein provided.

58 Any employer hereafter electing to avail himself of the
59 benefits of this chapter shall at the time of making application
60 to the commissioner deposit in the workmen's compensation
61 fund an amount estimated to be equal to the amount of the
62 premiums which shall be paid by him for the next succeeding

63 two months. Any employer whose deposit is less than the
64 amount of his premiums for the last two months shall, upon
65 written request from the commissioner mailed to his address
66 as carried upon the books of the commissioner, by twelve
67 o'clock p. m. of the twentieth of the month in which request is
68 mailed, pay to the commissioner a sum sufficient to make his
69 deposit at least equal to the amount of his premiums for the
70 last two preceding months, and failure of any employer to
71 comply with such written request within the time specified
72 shall deprive him of the benefits and protection afforded by
73 this chapter, and shall automatically terminate his election to
74 pay into the workmen's compensation fund as herein provided,
75 and such employer shall be liable to his employees as provided
76 in section eight of this article; and the commissioner shall not
77 be required to notify the delinquent employer of such termina-
78 tion, but he shall notify the employees of such employer by
79 written notice posted as hereafter provided for in this section.
80 The termination of election of such employer shall date from
81 twelve o'clock p. m. of the last day of the month in which he
82 is notified by the commissioner that his deposit is not equal
83 to the sum of his premium for the last two preceding months.

84 Such employer may be reinstated upon application under such
85 terms as are prescribed by this chapter and the rules of the
86 commissioner. The deposit hereinbefore described shall be
87 credited to the employer's account on the books of the commis-
88 sioner and used to pay premiums and any other sums due the
89 fund when such employer becomes delinquent in the payment
90 of the same.

91 Upon withdrawal from the fund or termination of election
92 of any employer, he shall be refunded the balance due him of
93 his deposit, after deducting all amounts owed by him to the
94 workmen's compensation fund, and the commissioner shall
95 notify the employees of such employer of said termination in
96 such manner as he may deem best and sufficient.

97 Notices to employees in this section provided for shall be
98 given by posting written notice that the employer is de-
99 linquent under the compensation law of West Virginia, and
100 that neither the employer nor the employees of such employer
101 are protected by said law as to any accidents happening after
102 the date specified in said notice. Such notice shall be in the
103 form prescribed by the commissioner and shall be posted in a
104 conspicuous place at the chief works of the employer, as the

105 same appear in records of the commissioner. If the said chief
 106 works of the employer cannot be found or identified, then said
 107 notice shall be posted at the front door of the court house of the
 108 county in which said chief works are located, according to the
 109 records in the commissioner's office. Any person who shall,
 110 prior to the reinstatement of the said employer, as hereinbefore
 111 provided for, or prior to sixty days after the posting of said
 112 notice, whichever shall first occur, remove, deface or render
 113 illegible the said notice, shall be guilty of a misdemeanor,
 114 and upon conviction thereof shall be fined not to exceed five
 115 hundred dollars, and the said notice shall state this provision
 116 upon its face. The commissioner may require any sheriff,
 117 deputy sheriff, constable, or other official of the State of West
 118 Virginia, who may be authorized to serve civil process, to post
 119 such notice and to make return thereof of the fact of such post-
 120 ing to the commissioner, and any failure of such officer to
 121 post any notice within ten days after he shall have received
 122 the same from the commissioner, without just cause or excuse,
 123 shall constitute a wilful failure or refusal to perform a duty
 124 required of him by law within the meaning of section 28, article
 125 5, chapter 61 of the Official Code of West Virginia. Any per-

126 son actually injured by reason of such failure shall have an
127 action against said official, and upon any official bond he may
128 have given, for such damages as such person may actually have
129 incurred, but not to exceed, in the case of any surety upon
130 said bond, the amount of the penalty of said bond. Any official
131 posting said notice as herein required shall be entitled to the
132 same fee as is now or may hereafter be provided for the service
133 of process in suits instituted in courts of record in the State
134 of West Virginia, which fee shall be paid by the commissioner
135 out of any funds at his disposal, but shall be charged by him
136 against the account of the employer to whose delinquency such
137 notice relates.

Article 4.

Sec. 1. Subject to the provisions and limitations elsewhere
2 in this chapter set forth, the commissioner shall disburse
3 the workmen's compensation fund to the employees of such
4 employers as are not delinquent in the payment of premiums
5 for the month in which the injury occurs, and who have other-
6 wise complied fully with the provisions of this chapter, and
7 which employees shall have received personal injuries in the
8 course of and resulting from their employment in this state, or

9 in temporary employment without the state, as defined and
 10 limited by section 1, article 2 of this chapter, or to the depen-
 11 dents, if any, of such employees in case death has ensued, ac-
 12 cording to the provisions hereinafter made; and also for the
 13 expenses of the administration of this chapter, as provided in
 14 section two, article one of this chapter.

Sec. 6. Where compensation is due an employee under
 2 the provisions of this chapter, such compensation shall be
 3 provided 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,
 7 not to exceed a maximum of sixteen dollars per week nor to
 8 be 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 un-
 13 united fracture or having undergone a surgical operation to
 14 correct a vicious union following a fracture, or for the repair of
 15 an ununited fracture, or having suffered an injury to the spine

16 or pelvic bones which is of a temporary nature, or for any
17 ankylose joint, is disabled for a longer period than fifty-two
18 weeks, the period during which compensation shall be paid may
19 be, but shall not exceed, seventy-eight weeks;

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

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

26 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.

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

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

35 For a twenty per cent disability, sixty-six and two-thirds

36 per cent of the average weekly earnings for a period of eighty
37 weeks.

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

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

44 For a fifty per cent disability, sixty-six and two-thirds per
45 cent of the average weekly earnings for a period of two hun-
46 dred weeks.

47 For a sixty per cent disability, sixty-six and two-thirds per
48 cent of the average weekly earnings for a period of two hun-
49 dred and forty weeks.

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

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

56 For an eighty-five per cent disability, sixty-six and two-

57 thirds per cent of the average weekly earnings for a period of
58 three hundred and forty weeks.

59 For a disability from eighty-five to one hundred per cent,
60 sixty-six and two thirds per cent of the average weekly earn-
61 ings during the remainder of life.

62 Awards for permanent disability of from two per cent to
63 eighty-five per cent shall be computed on the basis of four
64 weeks' compensation for each per cent of disability deter-
65 mined;

66 (d) If the injury results in the total loss by severance of
67 any of the members named in this subdivision, the percentage
68 of disability shall be determined in accordance with the fol-
69 lowing table, and award made as provided in subdivision (c)
70 of this section :

71 The loss of a great toe shall be considered a ten per cent
72 disability,

73 The loss of a great toe (one phalange) shall be considered
74 a five per cent disability,

75 The loss of other toes shall be considered a four per cent
76 disability,

77 The loss of other toes (one phalange) shall be considered
78 a two per cent disability,

79 The loss of all toes shall be considered a twenty-five per
80 cent disability,

81 The loss of fore part of foot shall be considered a thirty per
82 cent disability,

83 The loss of foot shall be considered a thirty-five per cent
84 disability,

85 The loss of leg shall be considered a forty-five per cent
86 disability,

87 The loss of thigh shall be considered a fifty per cent disa-
88 bility,

89 The loss of thigh at hip joint shall be considered a sixty per
90 cent disability,

91 The loss of little or fourth finger (one phalange) shall be
92 considered a three per cent disability,

93 The loss of little or fourth finger shall be considered a five
94 per cent disability,

95 The loss of ring or third finger (one phalange) shall be con-
96 sidered a three per cent disability,

97 The loss of ring or third finger shall be considered a five per
98 cent disability,

99 The loss of middle or second finger (one phalange) shall be
100 considered a three per cent disability,

101 The loss of middle or second finger shall be considered a
102 seven per cent disability,

103 The loss of index or first finger (one phalange) shall be
104 considered a six per cent disability,

105 The loss of index or first finger shall be considered a ten
106 per cent disability,

107 The loss of thumb (one phalange) shall be considered a
108 twelve per cent disability,

109 The loss of thumb shall be considered a twenty per cent
110 disability,

111 The loss of thumb and index finger shall be considered a
112 thirty-two per cent disability,

113 The loss of index and middle finger shall be considered a
114 twenty per cent disability,

115 The loss of middle and ring finger shall be considered a fif-
116 teen per cent disability,

117 The loss of ring and little finger shall be considered a ten
118 per cent disability,

119 The loss of thumb, index and middle finger shall be con-
120 sidered a forty per cent disability,

121 The loss of index, middle and ring finger shall be consid-
122 ered a thirty per cent disability,

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

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

127 The loss of hand shall be considered a fifty per cent disa-
128 bility,

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

131 The loss of an arm shall be considered a sixty per cent disa-
132 bility;

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

137 For the partial loss of vision in one, or both eyes, the per-

138 centage of disability shall be determined by the commissioner,
139 using as a basis the total loss of one eye;

140 Should a claimant to whom has been made a permanent par-
141 tial award of less than eighty-five per cent for one of the
142 specific disabilities as set forth in subdivision (d) and subdivi-
143 sion (e) hereof die from sickness or non-compensable injury,
144 the unpaid balance of such award shall be paid to claimant's
145 dependents as defined in this chapter, if any; such payment
146 to be in the same installments that would have been paid to
147 claimant if living: *Provided, however,* That no payment shall
148 be made to any widow of such claimant after her remarriage
149 but this liability shall not accrue to the estate of such claimant
150 and shall not be subject to any debts of, or charges against,
151 said estate.

152 (f) The award for permanent disabilities intermediate to
153 those fixed by the foregoing schedule and permanent disability
154 of from two per cent to eighty-five per cent shall be in the
155 same proportion and shall be computed and allowed by the
156 commissioners;

157 (g) The percentage of all permanent disabilities other than
158 those enumerated in subdivisions (c), (d), (e), and (f) of

159 this section shall be determined by the commissioner, using as
160 a basis the loss of an arm at or above the elbow, and award
161 made in accordance with the schedule in subdivision (c);

162 (h) Compensation payable under any subdivision of this
163 section shall be limited as follows: Not to exceed a maximum
164 of sixteen dollars per week, nor to be less than a minimum of
165 eight dollars per week;

166 (i) Where an injury results in temporary total disability
167 for which compensation is awarded under subdivision (a) of
168 this section, and such injury is later determined permanent
169 partial disability under subdivision (c), the amount of com-
170 pensation so paid shall be considered as payment of the com-
171 pensation payable for such injury in accordance with the
172 schedule in subdivision (c). Compensation under this section
173 shall be payable only to the injured employee, and the right
174 thereto shall not vest in his or her estate; except that such
175 compensation as may have accrued to the date of his or her
176 death shall be paid to the dependents of such injured em-
177 ployee, if there be such dependents at the time of death;

178 (j) The following permanent disabilities shall be conclu-
179 sively presumed to be total in character:

180 Loss of both eyes or the sight thereof,

181 Loss of both hands or the use thereof,

182 Loss of both feet or the use thereof,

183 Loss of one hand and one foot,

184 Any injury resulting in total disability.

185 In all other cases permanent disability shall be determined
186 by the commissioner in accordance with the facts in the case,
187 and award made in accordance with the schedule in sub-
188 division (c) ; *Provided*, That the claimant shall have the right
189 of appeal from the decision of the commissioner as provided
190 by article five of this chapter.

Sec. 9. (b) Where an employee has a definitely ascertainable
2 physical impairment originating as hereafter set forth in this
3 section, such impairment, and the effect thereof, in case of
4 injury as hereinafter set forth and any aggravation thereof on
5 account of such injury, may be waived by said employee, not-
6 withstanding any other provisions of this chapter, but such
7 waiver shall be in the manner hereinafter provided. If said
8 physical impairment shall be so waived, then in the event that
9 such employee shall thereafter receive an injury in the course
10 of and resulting from his employment, such physical impair-

11 ment, and the effects thereof, and any aggravation thereof,
12 shall not be taken into consideration in fixing the
13 amount of compensation allowed by reason of such
14 injury, and such compensation shall be awarded only in
15 the amount that would have been allowable had such employee
16 not had such pre-existing physical impairment. A waiver, in
17 order to be valid under this section, shall meet the following
18 requirements: (1) It shall be in writing, signed prior to
19 injury by the employee, and either acknowledged before an
20 officer duly qualified to administer oaths in this state, or be
21 witnessed by two persons, neither of whom shall be the em-
22 ployer, or any officer or director of employer; (2) it shall be
23 accompanied by a certificate of a duly licensed physician of
24 this state or of another state, not connected with the employer,
25 which certificate shall contain a statement that such physician
26 has examined the said employee, has found such impairment to
27 exist, that such impairment is definitely ascertainable, and a
28 statement of the character and nature of such impairment.
29 This section shall only apply to definitely ascertainable
30 physical impairments, either
31 (a) Originating, either before or after October 1, 1913,

32 otherwise than from an injury received in the course of and
33 resulting from employment, or

34 (b) Originating, prior to October 1, 1913, from an injury
35 in the course of and resulting from employment, or

36 (c) Originating after October 1, 1913, from an injury in
37 the course of and resulting from employment by an employer,
38 who at the time of said injury had not elected to comply with,
39 or was not in good standing under, the Workmen's Compensa-
40 tion Law of West Virginia, or

41 (d) Originating in any injury of whatsoever origin when-
42 ever received, occurring without the State of West Virginia,
43 except injuries received after October 1, 1913, in the employ-
44 of a subscriber in good standing under the Compensation
45 Fund of West Virginia in the course of and resulting from
46 temporary employment without the state as defined and lim-
47 ited by Section 1, Article 2 of this Chapter.

48 If any employee, or person seeking employment, who, as a
49 part of the written waiver hereinbefore provided for, or by sep-
50 arate writing signed by him, filed with the employer, or pros-
51 pective employer, shall make a statement of fact as to the origin
of any physical impairment, such employee, or prospective

52 employee, shall be bound by said statements, and shall be
53 estopped from denying the truth of the facts stated therein.

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

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

8 (b) If the deceased employee be under the age of twenty-
9 one years and unmarried and leave a wholly dependent father
10 or mother, the father, or if there be no father, the mother shall
11 be paid fifty per cent of the average monthly support actually
12 received from the employee during the preceding twelve
13 months to continue for six years after the death of the de-
14 ceased, and shall not amount to more than a maximum of
15 twenty dollars per month. *Provided, however,* That payment
16 of compensation awarded under this subdivision to a depen-
17 dent father shall be continued and paid to his surviving widow,
18 mother of the deceased employee, to continue as per original

19 award to father. Compensation in either case shall cease upon
20 the death of the dependent;

21 (c) If the deceased employee be under the age of twenty-
22 one and unmarried and leave a partially dependent father or
23 mother, the father, or if there be no father, the mother shall
24 be paid fifty per cent of the average monthly support actually
25 received from the employee during the preceding twelve
26 months, to continue for such portion of the period of six
27 years after the date of death as the commissioner may deter-
28 mine, and not to amount to more than a maximum of twenty
29 dollars per month: *Provided, however,* That payment of com-
30 pensation awarded under this subdivision to a dependent
31 father shall be continued and paid to his surviving widow,
32 mother of the deceased employee, to continue as per original
33 award to father. Compensation in either case shall cease upon
34 the death of the dependent;

35 (d) If the deceased employee leaves a dependent widow
36 or invalid widower, the payment shall be thirty dollars per
37 month until death or remarriage of such widow or widower,
38 and in addition five dollars per month for each child under
39 sixteen years of age, to be paid until such child reaches such

40 age, or, if an invalid child, to continue as long as such child
41 remains an invalid. *Provided*, That if such widow or invalid
42 widower shall remarry within two years from the date of the
43 death of such employee, such widow or widower shall be paid
44 at the time of remarriage twenty per cent of the amount that
45 would be due for the period remaining between the date of
46 such remarriage and the end of ten years from the date of
47 death of said employee, and such widow or widower shall be
48 advised in writing by the commissioner of his or her rights
49 under this proviso at the time of making the original award:
50 *Provided further*, That if upon investigation and hearing, as
51 provided in article five of this chapter, it shall be ascertained
52 that said widow or widower is living with a man or woman,
53 as the case may be, as man and wife and not married, or the
54 widow living a life of prostitution, the commissioner may stop
55 the payment of the benefits herein provided to said widow or
56 widower.

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

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

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

73 (f) If the deceased employee be an adult and there be no
74 dependent widow, widower or child under sixteen years of age,
75 or wholly dependent person, but there are partly dependent
76 persons at the time of death, the payment shall be fifty per cent
77 of the average monthly support actually received from the em-
78 ployee during the preceding twelve months, and to continue
79 for such portion of the period of six years after the date of
80 death as the commissioner in the case may determine, and not

81 to amount to more than a maximum of twenty dollars per
82 month.

83 Compensation under subdivisions (e) and (f) hereof shall
84 cease upon the death of the dependent, and the rights thereto
85 shall not vest in his or her estate;

86 (g) Dependent, as used in this chapter, shall mean a
87 widow, invalid widower, child under sixteen years of age, in-
88 valid child, or a posthumous child, who, at the time of the in-
89 jury causing death, is dependent in whole or part for his or
90 her support upon the earnings of the employee; also the follow-
91 ing persons who are and continue to be residents of the United
92 States or its territorial possessions: step child, under six-
93 teen years of age; child under sixteen years of age legally
94 adopted prior to the injury causing death; father, mother,
95 grandfather or grandmother, who, at the time of the injury
96 causing death, is dependent in whole or in part for his or her
97 support upon the earnings of the employee; an invalid brother
98 or sister wholly dependent for his or her support upon the
99 earnings of the employee at the time of the injury causing
100 death.

101 Sec. 15. To entitle any employee or dependent of a deceased

2 employee to compensation under this chapter, the application
3 therefor must be made on a form or forms prescribed by the
4 commissioner and filed in the office of the commissioner within
5 six months from and after the date of injury or death, as
6 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 death: *Provided*, That in case an employer
9 fails to report an injury within six months from and after
10 the date such injury is received, the commissioner shall accept
11 the application for compensation filed by the employee after
12 the expiration of six months but within twelve months from
13 the date of such injury: *Provided, further*, That if such em-
14 ployee 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 com-
18 missioner shall receive such application so filed by such em-
19 ployee, and award compensation to an employee who would
20 have been so entitled had the injury been reported and appli-
21 cation filed within the prescribed period of six months. Non-
22 resident aliens who may be entitled to benefits under prior

23 law with respect to accidents occurring prior to the effective
24 date of this act may be officially represented by the consular
25 officers of the country of which such aliens may be citizens
26 or subjects, but no compensation shall be paid to such non-
27 resident aliens in fatal cases through the consular officers of
28 the country of which such aliens may be citizens or subjects
29 until such consular officer or a representative of such con-
30 sular officer is appointed personal representative of the de-
31 ceased party by proper authority in the county in which the
32 deceased resided, or in which the seat of government is lo-
33 cated. Nothing herein contained shall be construed as giving
34 such consular officer the right to make application for com-
35 pensation in behalf of non-resident aliens.

Sec. 15 (a) Notwithstanding any other provisions of this
2 chapter, no benefits under any of the provisions of this chapter
3 and no commutation of periodical benefits under the pro-
4 visions of section seventeen of this article shall be made to non-
5 resident alien beneficiaries on account of any accident occur-
6 ring after the effective date of this act. Non-resident alien
7 beneficiaries within the meaning hereof shall mean persons
8 not citizens of the United States residing outside of the terri-

9 torial limits of the United States at the time of the injury with
10 respect of which benefits would otherwise have been payable
11 to them in the absence of such non-resident alienage. In case
12 of non-resident alien beneficiaries entitled under prior law to
13 benefits on account of accidents occurring prior to the effective date of this act, the commissioner in his discretion may
14 make, and such beneficiary shall be required to accept, commutation of such benefits into a lump sum settlement and
15 payment, at the rate of one-half of like benefits to resident
16 beneficiaries.

17 Sec. 16. The power and jurisdiction of the commissioner
18 over each case shall be continuing, and he may from time to
19 time, after due notice to the employer, make such modifications
20 or changes with respect to former findings or orders as may be
21 justified: *Provided*, That no further award may be made in
22 fatal cases arising after March 7, 1929, except within two
23 years after the death of the employee, or, in cases of non-
24 fatal injuries on and after March 7, 1929, except within three
25 years after payments for temporary disability shall have
26 ceased and within one year after the commissioner shall have
27 made the last payment in any permanent disability case, and,

12 *Provided, further*, that no further award may be made in either
13 fatal or non-fatal cases arising on account of injuries occurring
14 prior to March 7, 1929, unless written application for such
15 award, signed personally by claimant, or, in case of claimant's
16 infancy or physical or mental incapacity, by his or her guar-
17 dian, next friend, or committee, be filed with the commissioner
18 on or before September 15, 1939. In any case in which an in-
19 jured employee shall make application for a further adjust-
20 ment of his claim, if such application be in writing and filed
21 within the applicable time limit as prescribed by the next
22 preceding paragraph, the commissioner shall pass upon and
23 determine the merits of such application within thirty days
24 after the filing thereof.

Sec. 18. Except by this section provided compensation shall
2 be paid only to such employees or their dependents, and shall
3 be exempt from all claims of creditors and from any attach-
4 ment, execution, or assignment other than compensation to
5 counsel for legal services, under the provisions of, and sub-
6 ject to the limitations contained in, Section 5, Article 5 of
7 this chapter. Payments may be made in such periodical in-
8 stallments as may seem best to the commissioner in each case,

9 not exceeding one month apart. In all cases where compensa-
10 tion is awarded or increased, the amount thereof shall be cal-
11 culated and paid from the date of disability.

Sec. 20. The commissioner shall have authority, after due
2 notice to the employer and claimant, whenever he shall deem it
3 necessary, to order an autopsy, and may designate a duly
4 licensed physician to make such post-mortem examination or
5 examinations as may be necessary to determine the cause of a
6 deceased employee's death, and the said physician shall file
7 with the commissioner a written report of his said findings;
8 the claimant and the employer respectively, shall have the
9 right to select a physician of his or its own choosing and at his
10 or its own expense, to participate in the post-mortem examina-
11 tion, and the respective physicians selected by the claimant
12 and the employer shall have the right to concur in any report
13 made by the physician selected by the commissioner, or each
14 may file with the commissioner a separate report.

Article 5:

Sec. 1. The commissioner shall have full power and au-
2 thority to hear and determine all questions within his juris-
3 diction, but upon the making or refusing to make any award,

4 or upon the making of any modification or change with respect
5 to former findings or orders, as provided by section sixteen,
6 article four of this chapter, the commissioner shall give notice,
7 in writing, to the employer, employee, claimant, or dependent,
8 as the case may be, of his action, which notice shall state the
9 time allowed for filing an objection to such finding, and such
10 action of the commissioner shall be final unless the employer,
11 employee, claimant or dependent shall, within thirty days
12 after the receipt of such notice, object, in writing, to such
13 finding. Upon receipt of such objection the commissioner
14 shall, within thirty days from receipt thereof, set a time and
15 place for the hearing of evidence. Any such hearing may be
16 conducted by the commissioner or his duly authorized repre-
17 sentative at the county seat of the county wherein the injury
18 occurred, or at any other place which may be agreed upon by
19 the interested parties, and in the event the interested parties
20 cannot agree, and it appears in the opinion of the commis-
21 sioner that the ends of justice require the taking of evidence
22 elsewhere, then at such place as the commissioner may direct,
23 having due regard for the convenience of witnesses. Both the
24 employer and claimant shall be notified of such hearing at

25 least ten days in advance, and the hearing shall be held within
26 sixty days after the filing of objection to the commissioner's
27 finding as hereinabove provided, unless such hearing be post-
28 poned by agreement of the parties or by the commissioner for
29 good cause. The evidence taken at such hearing shall be
30 transcribed and become part of the record of the proceedings,
31 together with the other records thereof in the commissioner's
32 office. At any time within sixty days after hearing, if the
33 commissioner is of the opinion that the facts have not been ade-
34 quately developed at such hearing, he may order supplemental
35 hearing upon due notice to the parties. After final hearing
36 the commissioner shall, within sixty days, render his decision
37 affirming, reversing or modifying his former action, which
38 shall be final: *Provided, however,* That the claimant or the
39 employer may apply to the appeal board herein created for a
40 review of such decision; but no appeal or review shall lie un-
41 less application therefor be made within thirty days of receipt
42 of notice of the commissioner's final action, or in any event
43 within sixty days of the date of such final action, regardless
44 of notice.

Sec. 1 (a). In any case wherein an injured employee

2 makes application in writing for a further adjustment of his
3 claim under the provisions of section sixteen, article four, of
4 this chapter, and such application discloses cause for a fur-
5 ther adjustment thereof, the commissioner shall, after due
6 notice to the employer, make such modifications or changes
7 with respect to former findings or orders in such claim as
8 may be justified, and any party dissatisfied with any such
9 modification or change so made by the commissioner, shall,
10 upon proper and timely objection, be entitled to a hearing, as
11 provided in section one of this article.

Sec. 1 (b). If, however, in any case in which application
2 for further adjustment of a claim is filed under the next pre-
3 ceding section, it shall appear to the commissioner that such
4 application fails to disclose a progression or aggravation in
5 the claimant's condition, or some other fact or facts which
6 were not theretofore considered by the commissioner in his
7 former findings, and which would entitle such claimant to
8 greater benefits than he has already received, the commis-
9 sioner shall, within sixty days from the receipt of such appli-
10 cation, notify the claimant and the employer that such appli-
11 cation fails to establish a prima facie cause for reopening the

12 claim. Such notice shall be in writing and shall state the time
13 allowed for appeal to the appeal board from such decision
14 of the commissioner. The claimant may, within thirty days
15 after receipt of such notice, apply to the appeal board for a
16 review of such decision.

Sec. 1 (c). In any case wherein an employer makes ap-
2 plication in writing for a modification of any award pre-
3 viously made to an employee of said employer, and such ap-
4 plication discloses cause for a further adjustment thereof, the
5 commissioner shall, after due notice to the employee, make
6 such modifications or changes with respect to former findings
7 or orders in such form as may be justified, and any party dis-
8 satisfied with any such modification or change so made by
9 the commissioner, shall upon proper and timely objection, be
10 entitled to a hearing as provided in section one of this article.

Sec. 1 (d). If in any such case it shall appear to the com-
2 missioner that such application fails to disclose some fact or
3 facts which were not theretofore considered by the commis-
4 sioner in his former findings, and which would entitle such
5 employer to any modification of said previous award, the com-
6 missioner shall, within sixty days from the receipt of such

7 application, notify the claimant and employer that such ap-
8 plication fails to establish a just cause for modification of
9 said award. Such notice shall be in writing and shall state
10 the time allowed for appeal to the appeal board from such
11 decision of the commissioner. The employer may, within
12 thirty days after receipt of said notice, apply to the appeal
13 board for a review of such decision.

Sec. 2. There is hereby created a board to be known as the
2 "Workmen's Compensation Appeal Board", which shall be
3 referred to in this article as the "board", to be composed of
4 three members, none of whom shall be a contributor to the
5 compensation fund or in any way connected with a con-
6 tributor thereto and none of whom shall be a beneficiary of the
6-a compensation fund or in any way connected with a beneficiary
7 thereof. Two members of such board shall be of opposite
8 politics to the third, and all three shall be citizens of this
9 state who have resided therein for a period of at least five
10 years. All members of said board shall be appointed by the
11 Governor for a term of six years. The Governor is hereby
12 vested with power to remove any member of the board ac-
13 cording to section four, article four, chapter six, of this Code.

14 They shall receive an annual salary of two thousand, four
15 hundred dollars each, payable in monthly installments, which
16 shall be the total compensation, including any and all ex-
17 penses, of such member or members. The Governor shall des-
18 ignate one of the members of said board as chairman thereof,
19 and said board shall meet at the Capitol or at such other
20 places throughout the state as it may deem proper, at regular
21 sessions commencing on the first Tuesday in February, April,
22 June, August, October, and December and continuing as long
23 as may be necessary for the proper and expeditious transac-
24 tion of the business before it. All clerical services required
25 by the board shall be paid for by the compensation commis-
26 sioner from any funds at his disposal. The board shall, from
27 time to time, compile and promulgate such rules of practice
28 and procedure as to it shall appear proper for the prompt
29 and efficient discharge of its business and such rules shall be
30 submitted to the supreme court of appeals for approval, and
31 if approved by said court shall have the same force and effect
32 as the approved rules of procedure of circuit courts.

Sec. 3. Any employer, employee, claimant, or dependent,
2 who shall feel aggrieved at any final action of the commis-

3 sioner taken after a hearing held in accordance with the pro-
4 visions of section one of this article, and any claimant or em-
5 ployer who shall feel aggrieved at any action of the commis-
6 sioner in refusing to reopen a claim under the provisions of
7 sections one (b) and one (d) of this article, shall have the
8 right to appeal to the board created in section two of this
9 article for a review of such action. The aggrieved party shall
10 file a written notice of appeal with the compensation com-
11 missioner, directed to said board, within thirty days after
12 receipt of notice of the action complained of, or in any event,
13 regardless of notice, within sixty days after the date of the
14 action complained of, and the commissioner shall notify the
15 other party immediately upon the filing of said notice of
16 appeal. The commissioner shall forthwith make up a tran-
17 script of the proceedings before him and certify and transmit
18 the same to the board. In such certificate, he shall incor-
19 porate a brief recital of the proceedings therein had and re-
20 cite each order entered and the date thereof. The board shall
21 review the action of the commissioner complained of at its
22 next meeting after the filing of notice of appeal, provided said
23 notice of appeal shall have been filed thirty days before said

24 meeting of the board, unless such review be postponed by
25 agreement of parties or by the board for good cause. The
26 board shall set a time and place for the hearing of arguments
27 on each claim and shall notify the interested parties thereof,
28 and briefs may be filed by the interested parties in accord-
29 ance with the rules of procedure prescribed by the board.
30 And thereupon, after a review of the case, the board shall
31 sustain the finding of the commissioner or enter such order
32 or make such award as the commissioner should have made
33 and shall thereupon certify the same to the commissioner,
34 who shall proceed in accordance therewith. Or, instead of
35 affirming or reversing the commissioner as aforesaid, the
36 board may, upon motion of either party or upon its own mo-
37 tion, remand said cause to the commissioner for the taking
38 of such new, additional or further evidence as in the opinion
39 of the board may be necessary for a full and complete de-
40 velopment of the facts of the case. In the event the board
41 shall remand the cause to the commissioner for the taking of
42 further evidence therein, the commissioner shall proceed to
43 take such new, additional or further evidence in accordance
44 with any instructions given by the board, and shall take the

45 same within thirty days after receipt of the order remanding
 46 the case, giving to the interested parties at least ten days'
 47 notice of such supplemental hearing, unless the taking of evi-
 48 dence shall be postponed by agreement of parties, or by the
 49 commissioner for good cause. After the completion of such
 50 supplemental hearing the commissioner shall, within sixty
 51 days, render his decision affirming, reversing or modifying
 52 his former action, which decision shall be appealable to, and
 53 proceeded with by the appeal board in like manner as in the
 54 first instance. The board may remand any cause as often as
 55 in its opinion is necessary for a full development and just
 56 decision of the case. The board may take evidence or con-
 57 sider ex parte statements furnished in support of any motion
 58 to remand the cause to the commissioner. All evidence taken
 59 by or filed with the board shall become a part of the record.
 60 All appeals from the action of the commissioner shall be de-
 61 cided by said board at the same session at which they are
 62 heard, unless good cause for delay thereof be shown and en-
 63 tered of record. In all proceedings before the board, either
 64 party may be represented by counsel.

Section 5. If any claimant shall employ an attorney to

2 represent him in a contested claim for compensation while such
3 claim is pending before the commissioner, the appeal board, or
4 the supreme court of appeals, and such attorney shall file with
5 the commissioner an attested copy of his contract of employ-
6 ment with such claimant, it shall be the duty of the commis-
7 sioner to protect such attorney in the collection of his fees to
8 the extent hereinafter provided; and if said contract of em-
9 ployment shall not violate the following schedule of fees, the
10 commissioner shall make payment of such fee directly to such
11 attorney out of any award or awards made to the claimant.
12 If the claim is finally determined while pending before the
13 commissioner and no appeal is filed therein with the appeal
14 board the attorney fee shall not exceed two hundred dollars;
15 if the claim is finally determined while pending before the
16 appeal board, the attorney fee shall not exceed three hundred
17 fifty dollars; and if the claim is finally determined by the
18 supreme court of appeals, or if an appeal is allowed by said
19 court, then the attorney fee shall not exceed six hundred
20 dollars: *Provided, however,* that if any claimant shall employ
21 an attorney to represent him in an uncontested claim for com-
22 pensation while such claim is pending before the commissioner,

23 the attorney shall be required to furnish an itemized state-
 24 ment of the services rendered to the claimant, and the com-
 25 missioner shall have authority to fix the fee of the said at-
 26 torney, the maximum amount of which shall not exceed the
 27 sum of twenty-five dollars. In no event shall the commis-
 28 sioner pay aggregate attorney fees of more than six hundred
 29 dollars in any one claim, nor shall the commissioner pay ag-
 30 gregate attorney fees of more than twenty-five per cent of
 31 the total award of any claim.

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 17th day of March,
 1939.

Wm S. O'Brien
 SECRETARY OF STATE

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. O. Wiseman

Chairman Senate Committee

Dee H. Hasker

Chairman House Committee

Originated in the.....

House of Delegates

Takes effect.....

from

..... passage.

Chandler

Clerk of the Senate

No. Hall

Clerk of the House of Delegates

Wm. McKim

President of the Senate

James Kay Thomas

Speaker House of Delegates

I certify that the foregoing bill has been presented to the Governor for his approval, and not having been returned by him to the House of Delegates within the time prescribed by the constitution of the State, has become a law without his approval.

The within this the.....

day of....., 1939.

to read.....



Governor.

STATE OF MARYLAND