

examined and the full amount thereof by it paid into the state treasury.

Sec. 4. **Assistance in conducting an appraisal.**—That Section eight (8), Chapter 386 of the Laws of 1911 be amended so as to read as follows:

Sec. 8. The commissioner of insurance may, when he shall deem it necessary, appoint any experienced and competent professional insurance actuary to personally make or conduct or assist in making or conducting an examination of any insurance company admitted, or applying for admission, to do business in this state, on condition that he, the commissioner of insurance, shall have previously filed with the secretary of state during the last immediately preceding month of January or July, as the case may be, or within thirty days from the passage of this act, a written declaration designating such person, by name and address, as a consulting actuary of the Minnesota department of insurance. And in such case, the commissioner of insurance shall fix a reasonable compensation for such examiner on a per diem basis for the actual time employed in making or conducting or assisting to make or conduct such examination, and which, including expenses of any necessary appraisal or clerical assistance, shall be charged to the company so examined. And the compensation for such examiner, appraisal or clerical assistance, together with the amount of his necessary expenses actually incurred in connection with such examination, shall, upon proper vouchers therefor, be paid to him by the state on condition that same shall have previously been charged to such company and by it paid into the state treasury.

The Commissioner of Insurance, when he shall deem it necessary, may appoint any competent person to make an appraisal of any or all of the assets of any such company, at a compensation of not exceeding ten dollars (\$10.00) per day and necessary expenses incurred in connection therewith, which compensation and expenses shall be paid to the department of insurance by such company and by it accounted for and turned into the treasury of the State of Minnesota; and which compensation and expenses shall be repaid by the state treasurer to any person so appointed upon proper vouchers of the same on condition that such fees and expenses shall have previously been charged to such company and the full amount thereof by it paid into the state treasury.

Approved April 21, 1915.

CHAPTER 209—S. F. No. 418.

An Act amending the title and Sections 12, 13, 14, 17, 18, 21, 22, 23, 24A, 25, 30, 31A, and 34 of Chapter 467, G. L. 1913, "An Act prescribing the liability of an employer to make com-

compensation by way of damages for injuries due to accident received by an employe arising out of and in the course of employment, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder in certain cases," and adding thereto Sections 8A, 12A and 20A.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Amendment to title of original act.**—The title of Chapter 467, G. L. 1913, is hereby amended to read as follows:

An Act prescribing the liability of an employer to make compensation by way of damages for injuries due to accident received by an employe arising out of and in the course of employment, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, *and prescribing penalties for the violation thereof.*

Sec. 2. Section 12 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 12. **Either party may terminate agreement.**—Either party may terminate his acceptance, or his election not to accept of the provisions of Part 2 by thirty (30) days' written notice to the other, *such notice to be given as provided in Section 11.* A duplicate of such notice with proof of service attached thereto shall be filed with the labor commissioner and the time shall not begin to run until the notice is so filed.

Sec. 3. A new section, to be known as Section 12A, is hereby added to Chapter 467, G. L. 1913, to follow Section 12, to read as follows:

Sec. 12A. **Minors.**—*Minors who are permitted to work by the laws of this state shall, for the purposes of Part 2 of this act, have the same power to contract, make election of remedy, make settlements, and receive compensation as adult employes; subject, however, to the power of the court, in its discretion at any time to require the appointment of a guardian to make such settlement and to receive moneys thereunder or under an award.*

Sec. 4. Section 13 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 13. **Schedule of compensation allowed under act.**—Following is the schedule of compensation; (a) For injury producing temporary total disability, fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of *eleven dollars (\$11.00)* per week and a minimum of *six and one-half dollars (\$6.50)* per week; provided, that if at the time of injury the employe receives wages of less than *six and one-half dollars (\$6.50)* per week, then he shall receive the full amount

of such wages per week. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks. Payments to be made at the intervals when the wage was payable, as nearly as may be.

(b) In all cases of temporary partial disability the compensation shall be fifty per cent of the difference between the wage of the workman at the time of the injury, and the wage he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, not however beyond three hundred weeks, payment to be made at the intervals when the wage was payable as nearly as may be and subject to the same maximum as stated in *clause* (a).

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

For the loss of a thumb, fifty per centum of daily wages during sixty (60) weeks.

For the loss of a first finger, commonly called index finger, fifty per centum of daily wages during thirty-five (35) weeks.

For the loss of a second finger, fifty per centum of daily wages during thirty (30) weeks.

For the loss of a third finger, fifty per centum of daily wages during twenty (20) weeks.

For the loss of a fourth finger, commonly called little finger, fifty per centum of daily wages during fifteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered equal to the loss of one-half of such thumb, or finger, and compensation shall be *paid at the prescribed rate during one-half the time* specified above for such thumb or finger.

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb; provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, fifty per centum of daily wages during thirty (30) weeks.

For the loss of one of the toes other than a great toe, fifty per centum of daily wages during ten (10) weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be *paid at the prescribed rate during one-half the time* specified above for such toe.

The loss of more than one phalange shall be considered as the loss of the entire toe.

For the loss of a hand, fifty per centum of daily wages during one hundred and fifty (150) weeks.

For the loss of an arm, fifty per centum of daily wages during two hundred (200) weeks.

For the loss of a foot, fifty per centum of daily wages during one hundred and twenty-five (125) weeks.

For the loss of a leg, fifty per centum of daily wages during one hundred and seventy-five (175) weeks.

For the loss of an eye, fifty per centum of daily wages during one hundred (100) weeks.

For the complete and permanent loss of hearing in both ears, fifty per centum of daily wages during one hundred and fifty-six (156) weeks.

For the loss of an eye and a leg, fifty per centum of daily wages during three hundred and fifty (350) weeks.

For the loss of an eye and an arm, fifty per centum of daily wages during three hundred and fifty (350) weeks.

For the loss of an eye and a hand, fifty per centum of daily wages during three hundred and twenty-five (325) weeks.

For the loss of an eye and a foot, fifty per centum of daily wages during three hundred (300) weeks.

For the loss of two arms other than at the shoulder, fifty per centum of daily wages during four hundred (400) weeks.

For the loss of two hands, fifty per centum of daily wages during four hundred (400) weeks.

For the loss of two legs, fifty per centum of daily wages during four hundred (400) weeks.

For the loss of two feet fifty per centum of daily wages during four hundred (400) weeks.

For the loss of one arm and the other hand, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one hand and one foot, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one leg and the other foot, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one leg and one hand, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one arm and one foot, fifty per centum of the daily wages during four hundred (400) weeks.

For the loss of one arm and one leg, fifty per centum of the daily wages during four hundred (400) weeks.

Where an employe sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation only for the injury which produces the longest period of disability; but this section shall not affect liability for the concurrent loss of more than one member, for which members compensations are provided in the specific schedule and in subsection (c) below.

In all cases of permanent partial disability, it shall be considered that the permanent loss of the use of a member shall

be equivalent to and draw the same compensation as the loss of that member; but the compensation in and by said schedule provided, shall be in lieu of all other compensation in such cases.

In cases of permanent partial disability due to injury to a member, resulting in less than total loss of such member not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss of the respective member, which the extent of injury to the member bears to its total loss.

All compensations provided in clause (c) of this section for loss of members, or loss of use of members are subject to the same limitations as to maximum and minimum as are stated in clause (a).

In all other cases of permanent partial disability not above enumerated the compensation shall be fifty per centum of the difference between the wage of the workman at the time of the injury and the wage he is able to earn in his partially disabled condition, subject to a maximum of eleven (\$11.00) dollars per week. Compensation shall continue during disability, not however beyond three hundred (300) weeks.

(d) For permanent total disability as defined in subsection (e), below, fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of eleven (\$11.00) dollars per week and a minimum compensation of six and one-half (\$6.50) dollars per week; provided, that if at the time of injury the employe was receiving wages of less than six and one-half (\$6.50) dollars per week then he shall receive the full amount of his wages per week. This compensation shall be paid during such permanent total disability, not exceeding five hundred and fifty (550) weeks; but in all such cases drawing more compensation than six and one-half (\$6.50) dollars per week, the payments after the first four hundred (400) weeks, shall be reduced to six and one-half (\$6.50) dollars per week for the remainder of the five hundred and fifty (550) weeks, while the permanent total disability continues; payment to be made at the intervals when the wage was payable as nearly as may be. The total amount of compensation payable under this subsection shall not exceed five thousand (\$5,000.00) dollars in any case. Provided, however, that in case an employe who is permanently and totally disabled, becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in subsections (1), (2) and (3) of Section 14, (whose dependency shall be determined as if the employe were deceased); in which case the compensation provided for in this subsection shall be paid for the benefit of said persons so dependent, during de-

pendency, in the manner ordered by the court, while the employe is an inmate of such institution.

(e) The total and permanent loss of the sight of both eyes, or the loss of both arms at the shoulder, or complete and permanent paralysis, or total and permanent loss of mental faculties shall constitute permanent total disability.

(e) 1. For permanent total disability, other than as defined in subsection (e) fifty per centum of the wages received at the time of injury subject to a maximum compensation of eleven (\$11.00) dollars per week and a minimum compensation of six and one-half (\$6.50) dollars per week; provided that if at the time of injury the employe was receiving wages of less than six and one-half (\$6.50) dollars per week, then he shall receive the full amount of his wages per week. This compensation shall be paid during the period of such permanent total disability not exceeding four hundred weeks; payments to be made at the intervals when the wage was payable as nearly as may be.

(f) In case a workman sustains an injury due to accident arising out of and in the course of his employment, and during the period of disability caused thereby, death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death.

Sec. 5. Section 14 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 14. **Who are dependents and allowance to each.**—(1) *Wife and children conclusively presumed wholly dependent—when, for the purposes of this act, the following described persons shall be conclusively presumed to be wholly dependent: (a) wife, unless it be shown that she was voluntarily living apart from her husband at the time of his injury or death, (b) minor children under the age of sixteen years.*

(2) *Prima facie presumption as to certain children—Children between sixteen and eighteen years of age, or those over eighteen, if physically or mentally incapacitated from earning, shall, prima facie, be considered dependent.*

(3) *Actual dependents, Wife, child, husband, mother, father, grandmother, grandfather, sister, brother, mother-in-law and father-in-law who were wholly supported by the deceased workman at the time of his death and for a reasonable period of time immediately prior thereto shall be considered his actual dependents, and payment of compensation shall be made to them in the order named.*

(3A) *Partial dependents. Any member of a class named in subdivision (3), who regularly derived part of his support from the wages of the deceased workman at the time of his death and for a reasonable period of time immediately prior thereto shall be*

considered his partial dependent, and payment of compensation shall be made to such dependents in the order named.

(4) *In death cases, compensation payable to dependents shall be computed on the following basis and shall be paid to the persons entitled thereto, without administration.*

(5) *If the deceased employe leave a widow and no dependent child, there shall be paid to the widow, thirty-five per centum of the monthly wages of deceased.*

(6) *If the deceased employe leave a widow and one dependent child, there shall be paid to the widow for the benefit of herself and such child forty-five per centum of the monthly wages of deceased.*

(7) *If the deceased employe leave a widow and either two or three dependent children, there shall be paid to the widow for the benefit of herself and such children, fifty-five per centum of the monthly wages of deceased.*

(8) *If the deceased employe leave a widow and four or more dependent children, there shall be paid to the widow for the benefit of herself and such children, sixty per centum of the monthly wages of the deceased.*

(8A) *In all cases where compensation is payable to a widow for the benefit of herself and dependent child or children, the court shall have power to determine in its discretion what portion of the compensation shall be applied for the benefit of any such child or children and may order the same paid to a guardian.*

(9) *In case of re-marriage of a widow without children, she shall receive a lump sum settlement equal to one-half of the amount of the compensation remaining unpaid. This sum shall be paid to her within sixty (60) days after written notice to the employer of such re-marriage. In case of re-marriage of a widow who has dependent children, the unpaid balance of compensation which would otherwise become due to her, shall be paid to such children.*

(10) *If the deceased employe leave a dependent orphan, there shall be paid forty per centum of the monthly wages of deceased, with ten per centum additional for each additional orphan with a maximum of sixty per centum of such wages.*

(11) *If the deceased employe leave a dependent husband and no dependent child, there shall be paid to the husband twenty-five per centum of the monthly wages of deceased.*

(12) *If the deceased employe leave no widow or child or husband entitled to any payment hereunder, but should leave a parent or parents, either or both of whom are wholly dependent on the deceased, there shall be paid, if only one parent, thirty per centum of the monthly wages of the deceased, and if both parents, forty per centum of the monthly wages of the deceased to such parent or parents.*

(13) *If the deceased leave no widow or dependent child or husband or parent entitled to any payment hereunder, but leaves a grandparent, brother, sister, mother-in-law or father-in-law wholly dependent on him for support, there shall be paid to such dependent, if but one, twenty-five per centum of the monthly wages of the deceased, or if more than one, thirty per centum of the monthly wages of the deceased, divided between or among them share and share alike.*

(14) *If compensation is being paid under Part 2 of this act to any dependent, such compensation shall cease upon the death or marriage of such dependent, unless otherwise provided herein.*

(15) **Partial dependents.**—*Partial dependents shall be entitled to receive only that proportion of the benefits provided for actual dependents which the average amount of the wages regularly contributed by the deceased to such partial dependent at, and for a reasonable time immediately prior to the injury, bore to the total income of the dependent during the same time.*

(16) *In all cases where death results to an employe caused by accident arising out of and in the course of employment, the employer shall pay in addition to the medical and hospital expenses provided for in Section 18, the expense of last sickness and burial, not exceeding in amount one hundred (\$100.00) dollars, except, in cases where an insurer of the deceased or a benefit association is liable therefor, or for a part thereof; in which case the employer shall not be required to pay any part of such expense, for which such insurer or a benefit association is liable unless such non-payment by the employer would diminish the benefits received by the dependents of the deceased from any such insurer or benefit association. In case any dispute arises as to the reasonable value of the services rendered in connection with the last sickness and burial, the same shall be approved by the court before payment, after such reasonable notice to interested parties as the court shall require. If the deceased leave no dependents no compensation shall be payable except as provided by this subsection.*

(17) **Death compensation.**—*The compensation payable in case of death to persons wholly dependent shall be subject to a maximum compensation of eleven (\$11.00) dollars per week and a minimum of six and one-half (\$6.50) dollars per week; provided that if at the time of injury the employe receives wages of less than six and one-half (\$6.50) dollars per week, then the compensation shall be the full amount of such wages per week. The compensation payable to partial dependents shall be subject to a maximum of eleven (\$11.00) dollars per week and a minimum of six and one-half (\$6.50) dollars per week; provided that if the income loss of the said partial dependents by such death is less*

than six and one-half (\$6.50) dollars per week, then the dependents shall receive the full amount of their income loss. This compensation shall be paid during dependency, not exceeding three hundred (300) weeks, payments to be made at the intervals when the wage was payable as nearly as may be.

(18) In computing and paying compensation to orphans or other children, in all cases, only those under eighteen years of age, or those over eighteen years of age who are physically or mentally incapacitated from earning, shall be included; the former to receive compensation only during the time they are under eighteen, the latter only for the time they are so incapacitated, within the period of three hundred (300) weeks.

(19) Actual dependents shall be entitled to take compensation in the order named in subsection (3) above, until fifty per centum of the monthly wages of the deceased during the time specified in subsection (17) shall have been exhausted; but the total compensation to be paid to all actual dependents of a deceased employe, shall not exceed in the aggregate eleven (\$11.00) dollars per week.

Sec. 6. Section 17 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 17. **Waiting period.**—In cases of temporary total or temporary partial disability no compensation shall be allowed for the first two weeks after injury received, except as provided by Section 18, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in Section 19.

Sec. 7. Section 18 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 18. **Medical, surgical and hospital service.**—Such medical and surgical treatment, medicine, medical and surgical supplies, crutches and apparatus as may be reasonably required at the time of the injury and thereafter during the disability, but not exceeding ninety (90) days, to cure and relieve from the effects of the injury, the same to be provided by the employer and in case of his inability or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employe in providing the same; provided, however, that the total liability under this section shall not exceed the sum of one hundred (\$100.00) dollars in value; except that the court, may upon necessity being shown therefor at any time within one hundred (100) days after the date of the injury, require the employer to furnish such additional medical, surgical and hospital treatment and supplies during said period of ninety (90) days, as may be reasonable, which together with any such sums or relief theretofore furnished, shall not exceed in all two hundred dollars (\$200.00) in value.

The pecuniary liability of the employer for the medical, surgical, and hospital service herein required and the liability of the employe for any amount in excess thereof shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured persons, and in all cases of dispute as to the value of the medical or hospital service rendered an injured employe, either party may require that the same, before payment, shall be approved by the court, after such reasonable notice to interested parties as the court shall require.

Sec. 8. A new section, to be known as Section 20A is hereby added to Chapter 467, G. L. 1913, to follow Section 20, to read as follows:

Sec. 20A. **Limitation.**—*The time within which the following acts shall be performed under Part 2 of this act shall be limited to the following periods respectively:*

(1) *Actions or proceedings by an injured employe to determine or recover compensation; one (1) year after the occurrence of the injury.*

(2) *Actions or proceedings by dependents to determine or recover compensation; one year after the date of notice in writing given by the employer to the Department of Labor of the state, stating his willingness to pay compensation when it is shown that the death is one for which compensation is payable. In case the deceased was a native of a foreign country, and leaves no known dependent or dependents within the United States, it shall be the duty of the department of labor to give written notice of said death to the consul or other representative of said foreign country forthwith.*

(3) *Proceedings to obtain judgment in case of default of employer for thirty (30) days to pay any compensation due under any settlement or determination; one (1) year after such default.*

(4) *In case of physical or mental incapacity, other than minority, of the injured person or his dependents to perform or cause to be performed any act required within the time in this section specified, the period of limitation in any such case shall be extended for one year from the date when such incapacity ceases.*

Sec. 9. Section 21 of Chapter 467, G. L. 1913, is hereby amended by the addition of a new subsection, to be known as Subsection (5), and to read as follows:

(5) *Any physician whose services are furnished or paid for by the employer who treats, or who makes or is present at any examination, of an injured employe, may be required to testify as to any knowledge acquired by him in the course of such*

treatment or examination, relative to the injury or the disability resulting therefrom.

Sec. 10. Subsection (1) of Section 22 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 22. **Settlement and payment of compensation.**—(1) The interested parties shall have the right to settle all matters of compensation between themselves. But all settlements shall be substantially in accordance with the provisions of Sections 13 and 14 of this act, and shall be approved by a judge of the district court. When so approved such settlements shall be filed with the clerk of the district court and in case of default by the employer in the payment of any compensation determined or agreed upon and the continuation of such default for the period of thirty (30) days after payment is due and payable, the employe may upon five (5) days' notice in writing to the employer of his intention to apply to the court for judgment, cause judgment to be entered on such settlement or determination for all compensation due and payable and unpaid; and such judgment shall have the same force and effect, and may be satisfied as other judgments of the same court. *There shall be but one fee, of twenty-five cents (25c) charged by said clerk for services in each case under this subsection and said fee shall cover all services performed by him.*

Sec. 11. Section 23 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 23. **In case of alien dependents.**—*In case of a deceased employe, for whose injury or death compensation is payable, leaves surviving him an alien dependent or dependents residing outside of the United States, the said judge shall direct payment of all compensation due to the deceased or to his dependents to be made to the duly accredited consular officer of the country of which the beneficiaries are citizens, if such consular officer reside within the State of Minnesota, or if not, to his designated representative residing within the state, and such consular officer or his representative shall be the sole representative of such deceased employe and of such dependents to settle all claims for compensation and to receive for distribution to the persons entitled thereto, all compensation arising hereunder. The distribution of said funds to be made only on order of the district court. Such consular officer or his representative shall furnish, if required by the district court, a good and sufficient bond, satisfactory to the court, conditioned upon the proper application of the moneys received by him. Before such bond is discharged, such consular officer or representative shall file with the court, a verified account of the items of his receipts and disbursements of such compensation.*

Such consular officer or his representative shall before receiving the first payment of such compensation, and at reasonable times thereafter upon request of the employer, furnish to the employer a sworn statement containing a list of the dependents with the name, age, residence, extent of dependency, and relationship to the deceased of each dependent.

Sec. 12. Section 24A of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 24A. **Commissioner to assist in adjusting differences.**—*The commissioner of labor, and the officers and employes of the department of labor and industries upon demand of an employer, or an employe or his dependent shall advise such party or parties of his or their rights under this act and shall assist so far as possible in adjusting differences between the employe or his dependent and the employer under Part 2 hereof, and are hereby empowered to appear in person before the court in any proceeding under Part 2 of this act as the representative or adviser of any such party; and in any such case such party shall not be required to be also represented by an attorney at law. The commissioner of labor shall observe in detail the operation of the act throughout the state and shall make report thereof to each session of the legislature, together with such suggestions and recommendations as to changes as he may deem necessary or advisable for the improvement thereof.*

Sec. 13. Section 25 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 25. **Payment in lump sum.**—*The amounts of compensation payable periodically hereunder, either by agreement of the parties, so approved by the court, or by decision of the court, may be commuted to one or more lump sum payments, except compensation due for death or permanent total disability, or for permanent partial disability resulting from total loss of hearing or from the loss of an arm or a hand or a foot or a leg or an eye or of more than one such member. These may be commuted only with the consent of the district court.*

In making such commutations the lump sum payments shall, in the aggregate, amount to a sum equal to the present value of all future installments of compensation calculated on a six per cent basis.

Sec. 14. Section 30 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 30. **Procedure in case of dispute.**—*Procedure in case of dispute shall be as follows: Either party may present a verified complaint to said judge setting forth the names and residences of the parties and the facts relating to employment at the time of injury, the injury in its extent and character, the amount of wages being received at the time of injury, the knowledge of the*

employer or notice of the occurrence of said injury, and such other facts as may be necessary and proper for the information of the said judge, and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto.

Upon the presentation of such complaint, it shall be filed with the clerk of the district court of the proper county, and the judge shall fix by order a time and place for the hearing thereof, not less than three (3) weeks after the date of the filing of said complaint. A copy of said complaint and order shall be served as summons in a civil action upon the adverse party within four (4) days after filing the complaint. Within seven (7) days after the service of such complaint, the adverse party *may* file and *serve a verified* answer to said complaint, which shall admit or deny the substantial averments of the complaints, and shall state the contention of the defendant with reference to the matter in dispute as disclosed by the complaint. *Within five (5) days after the service of the answer the complainant may file and serve a verified reply admitting or denying the matters set forth in the answer.*

At the time fixed for hearing, or any adjournment thereof the said judge shall hear such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. This determination shall be filed in writing with the clerk of the said court, and judgment shall be entered thereon in the same manner as in causes tried in the said district court and shall contain a statement of facts as determined by said judge. Subsequent proceedings thereon shall only be for the recovery of moneys thereby determined to be due, provided that nothing herein contained shall be construed as limiting the jurisdiction of the supreme court to review questions of law by certiorari. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as are allowed, taxed and collected for like services and proceedings in civil cases, *provided, that if it shall appear that the employer, prior to the commencement of the action, made to the person or persons entitled thereto a written offer of compensation in specific terms, which terms were in accordance with the provisions of this act, then no costs shall be awarded or taxed against such employer. Whenever any decision or order is made and filed by the judge upon any matter arising under Part 2 of this act, the clerk of the court shall forthwith make and forward to the commissioner of labor a certified copy of said decision or order with any memorandum of the judge and of any judgment entered. No fee or other charge shall be collected therefor.*

Sec. 15. Section 31A of Chapter 467, G. L. 1913, is hereby amended to read as follows:

Sec. 31A. Employer given right to insure risks—Conditions.—Any employer who is responsible for compensation as provided under Part 2 of this act may insure the risk in any manner then authorized by law. But those writing such insurance shall in every case be subject to the conditions in this section hereinafter named.

If the risk of the employer is carried by any insurer doing business for profit, or by any insurance association or corporation formed of employers, or of employers and workmen, to insure the risks under Part 2 of this act, operating by the mutual assessment or other plan or otherwise, then insofar as policies are issued on such risks they shall provide for compensation for injuries or death according to the full benefits of Part 2 of this act. *But nothing herein contained shall prevent an employer from insuring only a particular class or classes of employes or of risks.*

Such policies shall contain a clause to the effect that as between the workman and the insurer, that notice to and knowledge by the employer of the occurrence of the injury shall be deemed notice and knowledge on the part of the insurer; that jurisdiction of the employer for arbitration or other purposes shall be jurisdiction of the insurer, and that the insurer will in all things be bound by and subject to the awards rendered against such employer upon the risks so insured.

Such policies must provide that the workman shall have an equitable lien upon any amount which shall become owing on account of such policy to the employer from the insurer and in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the workman or dependents, the said insurer will pay the same direct to said workmen or dependents, thereby discharging all obligations under the policy to the employer and all of the obligations of the employer and insurer to the workman; but such policies shall contain no provisions relieving the insurance company from payment when the employer becomes insolvent or discharged in bankruptcy or otherwise, during the period the policy is in force, if the compensation remains owing.

The insurer must be one authorized by law to conduct such business in the state of Minnesota, and authority is hereby granted to all insurance companies writing such insurance to include in their policies in addition to the requirements now provided by law the additional requirements, terms and conditions in this section provided.

No agreement by an employe to pay to an employer any portion of the cost of insuring his risk under this act shall be valid. But it shall be lawful for the employer and the workman to agree to carry the risks covered by Part 2 of this act in conjunction

with other and greater risks and providing other and greater benefits such as additional compensation, accident, sickness or old age insurance or benefits, and the fact that such plan involves a contribution by the workman shall not prevent its validity if such plan has been approved in writing by the commissioner of labor. Any employer who shall make any charge or deduction prohibited by this section shall be guilty of a misdemeanor.

If the employer shall insure to his employes the payment of the compensations provided by Part 2 of this act, in a corporation or association authorized to do business in the state of Minnesota and approved by the insurance commissioner of the state of Minnesota, and if the employer shall post a notice or notices in a conspicuous place or in conspicuous places about his place of employment, stating that he is so insured and stating by whom insured, and if the employer shall further file copy of such notice with the labor commissioner of the state of Minnesota, then, and in such case, any suits or actions brought by an injured employe or his dependents shall be brought directly against the insurer, and the employer or insured shall be released from any further liability.

Provided that in case of insolvency or bankruptcy of such insurance company the employer shall not be released from liability under the provisions of this act.

The return of any execution upon any judgment of an employe against any such insurance company unsatisfied in whole or in part, shall be conclusive evidence of the insolvency of such insurance company and in case of the adjudication of bankruptcy or insolvency of any such insurance company by any court of competent jurisdiction, proceedings may be brought by the employe against the employer in the first instance or against such employer and insurance company jointly or severally or in any pending proceeding against any insurance company, the employer may be joined at any time after such adjudication.

Sec. 16. Subsection (b) of Section 34 of Chapter 467, G. L. 1913, is hereby amended to read as follows:

(b) "Child" or "children" shall include posthumous children and all other children entitled by law to inherit as children of the deceased, also stepchildren who were members of the family, of the deceased at the time of his injury and dependent upon him for support.

Sec. 17. Subsection (g) of Section 34 of Chap. 467 G. L. 1913 is hereby amended to read as follows:

(g) The terms "employe" and "workman" are used interchangeably and have the same meaning throughout this act, and shall be construed to mean:

(1) Every person in the service of a county, city, town, village or school district therein, under any appointment or con-

tract of hire, express or implied, oral or written; but shall not include any official or any county, city, town, village or school district therein, who shall have been elected or appointed for a regular term of office, or to complete the unexpired portion of any regular term.

(2) Every person, not excluded by Section 8, in the service of another under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of the state.

Sec. 18. This act shall take effect on and after the first day of July, A. D. 1915.

Approved April 21, 1915.

CHAPTER 210—S. F. No. 598.

An Act to provide for the regulation of warehousemen in cities of the first class other than grain and cold storage warehousemen.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Railroad and warehouse commission given general supervision.**—That the Railroad and Warehouse Commission shall have general supervision of all warehousemen doing business in cities of the first class in this state, as warehousemen are defined in this Act, and shall keep itself informed as to the manner and method in which their business is conducted. It shall examine such business and keep itself informed as to its general condition, capitalization, rates and other charges, its rules and regulations, and the manner in which the plants, equipments, and other property, owned, leased, controlled or operated, are constructed, managed, conducted and operated, not only with reference to the adequacy, security and accommodation afforded to the public by their service, but also in respect to the compliance with the provisions of this Act or with the orders of the commission.

Sec. 2. **Construction of various terms.**—(a) The word "Commission" when used in this act, shall mean the Minnesota State Railroad and Warehouse Commission.

(b) The term "Commissioner" when used in this Act, means one of the members of the commission.

(c) The term "Warehouseman" when used in this Act, means and includes every corporation, company, association, joint stock company or association, firm, partnership or individual, their trustees, assignees or receivers appointed by any court whatsoever, controlling, operating or managing in any city of the first class in this state, directly or indirectly, any building or structure or any part thereof, or any buildings or structures, or any other property whatsoever and using the