

THIS SIDE OF CARD IS FOR ADDRESS



JOINT INSURANCE COMMITTEE,
C/O NEW YORK TOW BOAT EXCHANGE, INC.,
11 MOORE STREET,
NEW YORK CITY.

Do you favor the enactment of the Federal Workmen's Compensation Law submitted by the Joint Insurance Committee?

IN FAVOR

OPPOSED

(Signed)

(Company)

(Address)

.....

(Date)

"FEDERAL MARITIME WORKMEN'S COMPENSATION LAW."

TO THE VESSEL OWNERS OF THE UNITED STATES:

You will be interested in knowing that the Joint Insurance Committee, representing the **National Board of Steam Navigation, New York Tow Boat Exchange, New York Boat Owners' Association, Vessel Owners' and Captains' Association of Philadelphia, North Western Tow Boat Owners' Association, and Independent Vessel Owners Not Represented by the Foregoing Maritime Trade Associations**, has been constantly at work in carrying out the mandates of the vessel owners in framing a measure to be introduced in Congress to secure the payment of compensation arising out of accident resulting in injury or death of maritime employees in the course of their employment, and repealing such of the Common Law and Admiralty Law as may be in conflict with such a measure.

In view of the decisions of the Supreme Court of the United States, holding that maritime employees are not amenable to the Compensation Law of any state, and that the matter is governed by the general Maritime Law, it is not surprising that there is a growing interest in this matter.

In November, 1923, a ballot was sent to several hundred vessel owners in the United States, requesting them to vote or register their opinion in this matter. The result of this ballot was practically unanimous in favor of the enactment of a Federal Workmen's Compensation Law.

It is important that every vessel owner in the United States give due consideration to the Federal Maritime Workmen's Compensation Law proposed on the following pages. Such statements of opinion as may assist in the final draft of the Bill, before it is introduced in the Congress of the United States, should be submitted by **March 1st, 1925**. Vessel owners are especially requested to let us have the legal opinions of their attorneys.

In lieu of a statement or legal opinion, each vessel owner is urged to answer the following question on inclosed postal and mail to the

JOINT INSURANCE COMMITTEE

PROPOSED

THE FEDERAL MARITIME WORKMEN'S COMPENSATION LAW

In relation to assuring compensation for injuries or death of maritime employees in the course of their employment and repealing the common law and admiralty law, insofar as they conflict with this statute.

The people of the United States of America; represented in Senate and House of Representatives, do enact as follows:

Section 1. Short title. This act shall be known as the "Federal Maritime Workmen's Compensation Law."

Section 2. Definitions.

Sub. 1.—"Maritime employment" means any employment aboard a vessel, boat or floating structure within the navigable waters of the United States.

Sub. 2.—"Commissioner" means any United States Shipping Commissioner, Deputy Commissioner, referee or United States Commissioner appointed by a judge of any United States District Court.

Sub. 3.—"Employer," except when otherwise expressly stated, means a person, partnership, association, vessel, corporation, and the legal representatives of a deceased employer, or the receiver or trustee of a person, vessel, partnership, association or corporation, employing workmen in maritime employments.

Sub. 4.—(a). "Employee" means a seaman, officer, member of crew of a vessel or any person engaged in a maritime employment enumerated in Section 2 or who is in the service of an employer upon the vessel or structure.

(b). "Seaman" means any person regularly employed aboard a ship, vessel, boat or floating structure and includes the Master and Officers, licensed and unlicensed.

Sub. 5.—"Employment" includes employment only in a maritime trade, business or occupation carried on by the employer for pecuniary gain, or in connection therewith, except where the employer and his employees have by their joint election elected to become subject to the provisions of this chapter.

Sub. 6.—"Compensation" means the money allowance payable to an employee or to his dependents as provided for in this chapter, and includes funeral benefits provided therein.

Sub. 7.—"Injury" and "personal injury" means only accidental injuries arising out of and in the course of employment and such disease or infection as may naturally and unavoidably result therefrom.

Sub. 8.—"Death" when mentioned as a basis for the right to compensation means only death resulting from such injury.

Sub. 9.—"Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, including in the case of seamen fifty cents per day for board and fifty cents per day lodging, where either or both is provided.

Sub. 10.—"Child" shall include a posthumous child, a child legally adopted prior to the injury of the employee; and a step-child.

Sub. 11.—"Insurance carrier" shall include stock corporations or mutual associations with which employers have insured, and self-insurers.

Sub. 12.—“Medical Attention.” When medical attention is furnished to a seaman by the U. S. Marine Hospital, the employer is under no further liability to furnish same.

Section 3. Application. 1. Compensation shall be payable for injuries or death incurred by employees engaged in maritime employment, who are injured aboard any vessel or floating structure of the United States within the navigable waters of the United States or on vessels of the United States wherever located, or seamen or officers injured in connection with the operation of such vessel or structure.

Section 4. Liability for compensation. Every employer subject to this chapter shall in accordance with this chapter secure compensation to his employees and pay or provide compensation for their disability or death from injury arising out of and in the course of the employment, without regard to fault as a cause of the injury, except that there shall be no liability for compensation under this chapter when the injury has been solely occasioned by intoxication of the injured employee while on duty or by willful intention of the injured employee to bring about the injury or death of himself or another.

Section 5. Alternative remedy. The liability of an employer prescribed by the last preceding section shall be exclusive and in place of any other liability whatsoever, to such employee, his personal representatives, husband, parents, dependents or next of kin, or anyone otherwise entitled to recover damages, at common law, admiralty law or otherwise on account of such injury or death, except that if an employer fails to pay or secure the payment of compensation for his injured employees and their dependents, an injured employee, or his legal representative in case death results from the injury, may, at his option, elect to claim compensation under this chapter, or to maintain an action in the courts for damages on account of such injury; and in such an action, it shall not be necessary to plead or prove freedom from contributory negligence nor may the defendant plead as a defense that the injury was caused by negligence of a fellow servant nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

Section 6. Compensation not allowed for ten days. No compensation shall be allowed for the first ten days of disability, except the benefits provided for in section seven of this chapter, provided, however, that in case the injury results in disability of more than 30 days the compensation shall be allowed from the date of the disability.

Section 7. “Treatment and care of injured employees.” The employer shall promptly provide for an injured employee such medical, surgical or other attendance or treatment, nurse and hospital service, medicine, crutches and apparatus for such period as the nature of the injury or the process of recovery may require. If the employer fails to provide the same, after request by the injured employee such injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer, master, officers, superintendent or foreman having knowledge of such injury shall have neglected to provide the same; nor shall any claim for medical or surgical treatment be valid and enforceable as against such employer, unless within twenty days following the first treatment, the physician giving such treatment furnishes to the employer a report of such injury and treatment, on a form prescribed by the commissioner. All fees and other charges for such treatment and services shall be subject to regulation by the commissioner and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living.

Medical, surgical, hospital and other treatment when furnished by the U. S. Marine Hospital service shall exempt the employer from any further liability to furnish the same.

Section 8. Monthly or weekly wages basis of compensation. Except as otherwise provided in this chapter, the average weekly, or monthly, wages of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation or death benefits.

Section 9. The following is a schedule of compensation:

(a) For injury producing temporary disability, sixty-six and two-thirds per centum of the wages received at the time of the injury. This compensation shall be paid during the period of such disability, not, however, in excess of one hundred and seventy-five weeks.

(b) For disability total in character and permanent in quality, sixty-six and two-thirds per centum of the wages received at the time of injury. This compensation shall not be in excess of two hundred and fifty weeks.

(c) For disability partial in character, but permanent in quality, the compensation shall be based upon the extent of such disability. In cases included in the following schedule, the compensation shall be sixty-six and two thirds per centum of the wages for the number of weeks named in the following schedule, to wit:

(d) For the loss of the first finger (index finger) or the great toe, thirty-five weeks.

(e) For the loss of a second finger, or thumb, twenty weeks.

(f) For the loss of a third, fourth finger (little finger) or any toe, other than a great toe, fifteen weeks.

(g) The loss of the first phalange or any part thereof of any finger or toe shall be considered to be equal to the loss of one-half of such finger or toe, and the compensation shall be for one-half of the period of time above specified.

(h) The loss of the first phalange and any portion of the second shall be considered as the loss of the entire finger or toe, providing, however, that in no case shall the amount received for more than one finger or toe exceed the amount provided in this schedule for the loss of a hand.

(i) For the loss of a hand, one hundred and fifty weeks.

(j) For the loss of an arm, two hundred weeks.

(k) For the loss of a foot, one hundred and twenty-five weeks.

(l) For the loss of a leg, one hundred and seventy-five weeks.

(m) For the loss of an eye, one hundred weeks.

(n) For the total loss of hearing in one ear, forty weeks. For the total loss of hearing in both ears by one accident, one hundred and fifty weeks.

(o) The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof as a result of any one accident, shall constitute total and permanent disability, to be compensated according to the provisions of clause (b).

(p) In all lesser or other cases involving permanent loss, or where the usefulness of a member, or any physical function is permanently impaired, the compensation shall be sixty-six and two-thirds per centum of the wages, and the duration of compensation shall bear such relation to the specific periods of time stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule. Should the employer and employee be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, either party may appeal to the United States Commissioner for a settlement of the controversy.

(q) Hernia. Compensation for hernia shall be payable only where there is real traumatic hernia resulting from the application of force directly to the abdominal wall, either puncturing or tearing the wall. All other cases will be considered as either congenital or of slow development and shall not be compensable. If the employee refuses to permit of an operation, in case of a hernia resulting from an injury, the employer shall pay the reasonable costs of the truss or other appliance found necessary, and also pay compensation for ten weeks, following which the obligation shall cease and terminate. However, if the employee shall elect to undergo an operation, by a physician selected by the employer, or the U. S. Marine Hospital, the employer shall meet all the expense incident to such operation and recovery, if any, not in excess of one hundred and fifty dollars, together with compensation during the periods of disability prior to and following the operation, but not in excess of ten weeks. If the employee refuses the services of the physician selected by the employer of the U. S. Marine Hospital, preferring one of his own selection, the employer shall be relieved of obligations concerning medical expense due to the operation and recovery, but shall pay compensation only. If death results from the hernia or operation, the provisions of section ten shall apply.

(r) All weekly or monthly compensation payments specified herein (Sub. a and r) are all subject to the limitations as to maximum payment of twenty dollars per week and a minimum of ten dollars per week.

Section 10. In case of death, by injury, compensation shall be computed, but not distributed, on the following basis:

- (a) For one dependent, thirty-five per centum of wages.
- (b) For two dependents, forty per centum of wages.
- (c) For three dependents, forty-five per centum of wages.
- (d) For four dependents, fifty per centum of wages.
- (e) For five dependents, fifty-five per centum of wages.
- (f) For six or more dependents, sixty per centum of wages.

(g) The term "Dependents" shall apply to and include any and all of the following who are dependent, upon the deceased at the time of accident or death, namely: husband, wife, parents, stepparents, grandparents, children, stepchildren, grandchildren, child in esse, posthumous child, brothers, sisters, half-brothers, half-sisters. Legally adopted children shall, in every particular, be considered as natural children; provided, however, that dependency shall be conclusively presumed as to the decedent's widow and natural children under sixteen years of age. Every provision of this act applying to one class shall be equally applicable to the other. Should any dependent of a deceased employee die during the period covered by such weekly payments, or should the widow of a deceased employee remarry during such period, the right of such dependent or of such widow to compensation under this section shall cease. It is further provided, that the foregoing schedule applies only to persons wholly dependent, and that in the case of persons only partially dependent, except in the case of the widow and children, the compensation shall be such proportion of the scheduled percentage as the amounts actually contributed to them by the deceased for their support, constituted of his total wages and the provision as to a ten dollar minimum shall not apply to such compensation. In determining the number of dependents, where the deceased employee was a minor, the number of persons dependent upon said deceased employee shall be determined in the same way as if said deceased employee were an adult, notwithstanding any rule of law as to the person entitled to a minor's wages.

(h) Compensation shall be computed upon the foregoing basis. Distribution shall be made among dependents, if more than one, according to the order of the United States Commissioner who shall, when applied to for

that purpose, determine, upon the facts being presented to him, the proportion to be paid to or on behalf of each dependent according to the relative dependency. Payment on behalf of infants shall be made to the surviving parent, if any, or to the statutory or testamentary guardian.

(i) If death results from accident, whether there be dependents or not, expenses of last sickness in accordance with the provisions for medical and hospital service as set forth in paragraph seven of this act. Also the cost of burial, not to exceed one hundred dollars.

(j) In computing compensation to dependents named in this paragraph, except in the case of husband, wife, parents and stepparents, only those under sixteen, or over forty years of age, shall be included, and then only for that period in which they are under sixteen or over forty; provided, however, that payments to such physically or mentally deficient persons as are, for such reason, dependent, shall be made during the full term of compensation payment.

(k) The compensation in case of death shall be subject to a maximum compensation of twenty dollars per week and a minimum of ten dollars per week, provided, that if at the time of the injury, the employee receives wages of less than ten dollars per week, then the compensation shall be for the full amount of such wages per week. This compensation shall be paid during two hundred weeks; provided, that if at the expiration of two hundred weeks there shall be one or more dependents under sixteen years of age, compensation shall be continued for each dependent, until they reach sixteen years of age, at the schedule provided under clauses (a), (b), (c), (d) and (f) of paragraph ten.

(l) Seamen: Death, by sinking of ship, etc.

(a) Where death is caused by the loss or sinking of a ship, the employer's liability for the death of each seaman is limited to fifty weeks, except in such cases where the employer would not be entitled to limit his liability, when the maximum liability of the employer shall be as provided in Section 10, Subs. (a) to (k).

(b) In cases of drowning of seamen from barges, boats or vessels, the employer's liability is limited to fifty weeks, except as aforesaid.

Section 11. Non-resident Alien Dependents. Compensation payable under this chapter to non-resident alien dependents for death shall in no case exceed one-half of the benefits provided herein.

Section 12. Compensation for all classes of injuries shall run consecutively, and not concurrently, except as follows: First, medical and hospital services and medicines. After the waiting period, compensation during temporary disability. If total period of disability extends beyond thirty days, compensation to cover waiting period. Following both, either or none of the above, compensation consecutively for each permanent injury. Following any or all or none of the above, if death results from the accident, expenses of last sickness and burial. Following which compensation to dependents, if any. In no case shall the total number of weekly payments be more than two hundred and fifty weeks.

Section 13. After an injury, the employee, if so requested by his employer, must submit himself for examination at some reasonable time and place and as often as may be reasonably requested, to a physician or physicians. If the employee requests, he shall be entitled to have a physician or physicians of his own selection present to participate in such examination. The refusal of the employee to submit to such examination shall deprive him of the right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect of the period of suspension.

Section 14. In case of a dispute over or failure to agree upon a claim for compensation between employer and employee, or the dependents of the employee, either party may submit the claim, both as to the questions of fact, the nature and effect of the injuries, and the amount of compensation therefor according to the schedule herein provided, to the United States Shipping Commissioner.

Section 15. In case of death compensation payments may be made directly to dependents of full age and on behalf of infants to the surviving parent, if any, or to the statutory or testamentary guardian of any such infant; or to the administrator or executor of the decedent, or to such person as would be appointed administrator of the estate of the decedent.

Section 16. No agreement between the parties for a sum other than that which may be determined to be due by the commissioner, or the judge of the U. S. District Court upon appeal shall operate as a bar to the determination of a controversy upon its merits, or to the award of a different sum, if it shall be determined by the said commissioner, or judge that the amount agreed upon is less or more than the injured employee or his dependents are properly entitled to receive.

Section 17. Compensation, how payable. The compensation herein provided for shall be paid periodically and promptly in like manner as wages, and as it accrues, and directly to the person entitled thereto without waiting for an award, except in those cases in which the right to compensation is controverted by the employer. The first payment of compensation shall become due on the seventeenth day of disability, on which date or within four days thereafter all compensation then due shall be paid, and the compensation payable bi-weekly thereafter. If the employer has made advance payments of compensation, he shall be entitled to be reimbursed out of an unpaid installment or installments of compensation due. An injured employee, or in case of death his dependents or personal representative, shall give receipts for payment of compensation to the employer paying the same and such employer shall produce the same for inspection whenever required.

Section 18.

(a) At any time after the entry of the award, a sum equal to all future installments of compensation may (where death or the nature of the injury renders the amount of future payments certain) by leave of court, be paid by the employer to any savings bank, trust company or life insurance company in good standing and authorized to do business in the District and having an office in the district in which the award was entered, and such sum, together with all interest thereon, shall thereafter be held in trust for the employee or the dependents of the employee, who shall have no further recourse against the employer. The payment of such sum by the employer, evidenced by the receipt of the trustee noted upon the docket of the clerk of the court, shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee in the same amounts and at the same times as are herein required of the employer until said fund and interest shall be exhausted. In the appointment of the trustee, preference shall be given, in the discretion of the court, to the choice of the employee or the dependents of the deceased employee. The expense of administration of such trust shall be fixed by the court and paid by the employer.

(b) The compensation hereby provided may be commuted by said Commissioner or a judge of a District Court at its present value, when discounted at five per centum simple interest, upon application of either party, with due notice to the other, if it appears that such commutation will be for the best interest of the employee or the dependents of the deceased employee, or that it will avoid undue expense or undue hardship to either party, or that such employee or dependent has removed or is about to remove from the United States, or that the employer has sold or otherwise disposed of the greater part of his business or assets.

(c) Unless so approved, no compensation payments shall be commuted.

(d) In determining whether the commutation asked for will be for the best interest of the employee or the dependents of the deceased employee, or that it will avoid undue expense or undue hardship to either party, the judge of any District Court or commissioner will constantly bear in mind that it is the intention of this act that compensation payments are in lieu of wages, and are to be received by the injured employee or his dependents in the same manner in which wages are ordinarily paid. Therefore, commutation is a departure from the normal method of payment, and is to be allowed only when it clearly appears that some unusual circumstances warrant such a departure. Commutation shall not be allowed for the purpose of enabling the injured employee, or the dependents of a deceased employee to satisfy a debt, or to make payment to physicians, lawyers, or other persons.

Section 19. Determination of claims for compensation. At any time after the expiration of the first ten days of disability on the part of an injured employee, or at any time after his death, a claim for compensation may be presented to the employer or to the commissioner. The commissioner shall have full power and authority to determine all questions in relation to the payment of claims presented to him for compensation under the provisions of this chapter. The commissioner shall make or cause to be made such investigation as he deems necessary, and upon application of either party, shall order a hearing, and within thirty days after a claim for compensation is submitted under this section or such hearing closed, shall make or deny an award, determining such claim for compensation, and file the same in the office of the U. S. District Court for the district in which he is located. Immediately after such filing, the commissioner shall send to the parties a copy of the decision. Upon a hearing pursuant to this section either party may present evidence and be represented by counsel. The decision of the commissioner shall be final as to all question of fact, and except as provided in section twenty-one, as to all questions of law.

Section 20. Appeals. An award or decision of the commissioner shall be final and conclusive upon all questions within his jurisdiction, between the parties, unless reversed or modified on appeal therefrom as hereinafter provided. Within thirty days after notice of the filing of the award or the decision of the commissioner has been sent to the parties an appeal may be taken to the United States District Court for the district in which either party resides, or where the proceeding is pending, from such award or decision by any party in interest. Such appeals and the questions so certified shall be heard in a summary manner as upon a motion, and shall have precedence over all other civil cases in such court. Neither the commissioner, nor the claimant shall be required to file a bond upon an appeal to the District Court. Appeals from the District Court shall be subject to the law and practice applicable to appeals in civil actions but shall be entitled to preference over all other civil cases. Upon final determination of such an appeal, the clerk of the United States District Court shall enter an order in accordance therewith as in case of a judgment.

Section 21. Costs and fees. If the commissioner or the court before which any proceedings for compensation or concerning an award of compensation have been brought, under this chapter, determine that such proceedings have not been so brought upon reasonable ground, it shall assess the whole cost of the proceedings upon the party who has so brought them. Claims of attorneys, proctors and counselors-at-law for legal services in connection with any claim arising under this chapter, and claims for services or treatment rendered or supplies furnished pursuant to section seven of this chapter, shall not be enforceable unless the amount and claim is approved by the United States Commissioner or the United States District Court. If so approved, such claim or claims shall become a lien upon the compensation awarded, and shall be paid therefrom only in the manner fixed. Any other person, firm or corporation who shall exact or receive a fee or gratuity for any services, rendered on behalf of a claimant except in an amount determined by the commissioner, shall be guilty

of a misdemeanor. Any person, firm or corporation who shall solicit the business of appearing before the commissioner on behalf of a claimant, or who shall make it a business to solicit employment for a lawyer in connection with any claim for compensation under this chapter shall be guilty of a misdemeanor.

Section 22. Enforcement of payment in default. In case of default by the employer in the payment of any compensation due under an award for the period of thirty days after payment is due and payable, any party in interest may file with the District Court for the District in which the employer has his principal place of business or the ship is located, a certified copy of a decision of the commissioner awarding compensation, or ending, diminishing or increasing compensation previously awarded from which no appeal has been taken with the time allowed therefor, and thereupon judgment must be entered in the District Court by the clerk in conformity therewith immediately upon the filing of such decision. Such judgment shall be entered in the same manner, have the same effect and be subject to the same proceedings as though rendered in a suit duly heard and determined by the District Court, except that no appeal may be taken therefrom. The court shall vacate or modify such judgment to conform to any later award or decision of the commissioner upon presentation of a certified copy of such award or decision. The award may be so compromised by the commissioner as in his discretion may best serve the interest of the persons entitled to receive the compensation or benefits. Neither the commissioner nor any party in interest shall be required to pay any fee to any public officer for filing or recording any paper or instrument executed in pursuance of this section. If the employer or his insurance carrier shall fail to make payments of compensation within thirty days after making claim for injury to employer, or after injury of employer has knowledge thereof (in case of ocean vessels thirty days after the ending of a voyage), except in case of submission to United States Commission within that period of a dispute or an appeal, there shall be imposed a penalty equal to twenty per centum of the unpaid compensation which shall accrue to the benefit of the injured workman or his dependents and shall be paid to him or them.

Section 23. Limitation of right to compensation. The right to claim compensation under this chapter shall be barred unless within one year after the accident, or if death results therefrom, within one year after such death, a claim for compensation shall be filed with the commissioner or employer, but the employer and insurance carrier shall be deemed to have waived the bar of the statute unless the objection to the failure to file the claim within one year is raised on the hearing on such claim.

Section 24. Subrogation to remedies of employees. If an employee entitled to compensation under this chapter be injured or killed by the negligence or wrong of another not in the same employ, such injured employee, or in case of death, his dependents, shall, before any suit or any award under this chapter, elect whether to take compensation under this chapter or to pursue his remedy against such other. Such election shall be evidenced in such manner as the commissioner may by regulation prescribe. If such injured employee, or in case of death, his dependents, elect to take compensation under this chapter, the awarding of compensation shall operate as an assignment of the cause of action against such other, to the person, association, corporation, or insurance carrier liable for the payment of such compensation, and if he elect to proceed against such other person, association, corporation, or insurance carrier, as the case may be, shall contribute only the deficiency, if any, between the amount of the recovery against such other person actually collected, and the compensation provided or estimated by this chapter for such case. A compromise of any such cause of action by the employee or his dependents at an amount less than the compensation provided for by this chapter shall be made only with the written approval of the person, association, corporation, or insurance carrier liable to pay the same. Wherever an employee is killed by the negligence or wrong of another not in the same employ and the dependents of such employee entitled to compensation under this chapter are minors, such election to take compensation and the assignment of the cause of action against such other and such notice of election to pursue a remedy against such other shall be made by such

minor, or shall be made on behalf of such minor by a parent of such minor, or by his or her duly appointed guardian, as the board may determine in each case.

Section 25. Within ninety days after the occurrence of an accidental injury, and in the case of seamen not later than thirty days from the end of the voyage on which injury occurs, no compensation shall be allowed, unless the employer, master or officer shall have actual knowledge of the occurrence of the injury, or unless the employee, or some one on his behalf, or some of the dependents, or some one on their behalf, give notice to the employer, or the knowledge obtained within ninety days, and if the employee, or other beneficiary, shall show that his failure to give prior notice was due to his mistake, inadvertence, ignorance of fact or law, or inability, or to the fraud, misrepresentation or deceit of another person, or to any other reasonable cause or excuse, then compensation may be allowed, unless, and then to the extent only that the employer shall show that he was prejudiced by failure to receive such notice.

The notice referred to may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action, or by sending it through the mail to the employer at the last known residence or business place thereof within the State, and shall be substantially in the following form:

To (name of employer):

You are hereby notified that a personal injury was received by (name of employee injured) who was in your employ at (place) while engaged as (nature of employment) on or about the () day of () nineteen hundred and (), and that compensation will be claimed therefor. Signed

()

but no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employee, by name, received an injury in the course of his employment on or about a specified time, at or near a certain place. Notice served at the office of, or on the person who was the employee's immediate superior, shall be a compliance with this act.

Section 26. Agreement for contribution by employee void. No agreement by an employee to pay any portion of the premium paid by his employer to contribute to a benefit fund or department maintained by such employer or to the cost of mutual insurance or other insurance, maintained for or carried for the purpose of providing compensation as herein required, shall be valid, and any employer who makes a deduction for such purpose from the wages or salary of any employee entitled to the benefits of this chapter shall be guilty of a misdemeanor.

Section 27. Waiver agreements void. No agreement by an employee to waive his right to compensation under this chapter shall be valid.

Section 28. Assignments; exemptions. Compensation or benefits due under this chapter shall not be assigned, released or commuted except as provided by this chapter, and shall be exempt from all claims of creditors and from levy, execution and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived. Compensation and benefits shall be paid only to employees or their dependents.

Section 29. Preferences. Compensation payable hereunder shall have the first preference or lien against the vessel assets of the carrier or employer without limit of amount and shall rank above all other claims including taxes due the United States of America.

Section 30. The medical services supplied by the United States Marine Hospital shall be recognized and where a seaman is given a ticket to enter such hospital that shall constitute the furnishing of medical attendance by the employer.

Section 31. In case of injury of a seaman at sea where the degree of the injury makes it advisable for the ship to put into the nearest port, where medical attention is available the master or officers of the vessel must, where practical put into such a port with said seaman. Failure so to do, to the prejudice of the seaman shall render the ship liable for double the compensation herein provided for.

Section 32. Seamen shall be entitled to be returned to the home port of the vessel as under the existing law with full wages until the end of the voyage of the vessel.

Section 33. Appointment of Commissioners. The District Court of the United States in each district shall appoint such Commissioner or Commissioners as may be necessary to herein determine all matters arising under the within act and shall provide for the payment of the fees of said commissioners. The commissioner shall be allowed for his fee the sum of Twenty-five dollars for each case heard and determined before him which shall be assessed against the employer and paid as part of the compensation provided for herein.