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ACTS
of
UNITED STATES and PENNSYLVANIA
PHILADELPHIA
ORDINANCES and RESOLUTIONS

PERTAINING TO THOSE IN THE

Military and Naval Service
*Sup. 18
D. of D.*
OF THE
United States



Exchange Duplicate, L. C.

Compliments of
Joint Special Committee on Sustenance and Relief
Philadelphia City Councils

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ACTS
of
UNITED STATES *and* PENNSYLVANIA
PHILADELPHIA
ORDINANCES *and* RESOLUTIONS

IN REFERENCE TO

War Risk Insurance
Allotments and Family Allowances
Reinstatement to Positions Temporarily Vacated
Leave of Absence to City and County
Employees
Appointment and Payment of Substitute Employees

OF THOSE IN THE

Military and Naval Service of the
United States

City of Philadelphia
1918

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AN ACT

To amend an Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September second, nineteen hundred and fourteen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September second, nineteen hundred and fourteen, as amended, is hereby amended to read as follows:

"ARTICLE I.

"SECTION 1. That there is established in the Treasury Department a Bureau to be known as the Bureau of War Risk Insurance, the director of which shall receive a salary at the rate of \$5,000 per annum.

"That there be in such bureau a Division of Marine and Seamen's Insurance and a Division of Military and Naval Insurance in charge of a commissioner of Marine and Seamen's Insurance and a commissioner of Military and Naval Insurance, respectively, each of whom shall receive a salary of \$4,000 per annum."

SECT. 2. That such Act of September second, nineteen hundred and fourteen, as amended, is hereby amended by adding new sections, as follow:

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“SECT. 12. That sections two to seven, inclusive, and section nine, shall be construed to refer only to the Division of Marine and Seamen’s Insurance.

“SECT. 13. That the director, subject to the general direction of the Secretary of the Treasury, shall administer, execute, and enforce the provisions of this Act, and for that purpose have full power and authority to make rules and regulations, not inconsistent with the provisions of this Act, necessary or appropriate to carry out its purposes, and shall decide all questions arising under the Act, except as otherwise provided in sections five and four hundred and five. Wherever under any provision or provisions of the Act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director, subject to the general direction of the Secretary of the Treasury. The director shall adopt reasonable and proper rules to govern the procedure of the divisions, to regulate the matter of the compensation, if any, but in no case to exceed ten per centum, to be paid to claim agents and attorneys for services in connection with any of the matters provided for in articles two, three, and four, and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of allowance, allotment, compensation, or insurance provided for in this Act, the forms of application of those claiming to be entitled to such benefits, the method of making investigations and medical examinations, and the manner and form of adjudications and awards.

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"SECT. 14. That the bureau and its divisions shall have such deputies, assistants, actuaries, clerks, and other employees as may be from time to time provided by Congress. The bureau shall, by arrangement with the Secretary of War and the Secretary of the Navy, respectively, make use of the services of surgeons in the Army and Navy. The Secretary of the Treasury is authorized to establish an advisory board consisting of three members skilled in the practice of insurance against death or disability for the purpose of assisting the Division of Military and Naval Insurance in fixing premium rates and in the adjustment of claims for losses under the contracts of insurance provided for in article four and in adjusting claims for compensation under article three; compensation for the persons so appointed to be determined by the Secretary of the Treasury, but not to exceed \$20 a day each while actually employed.

"SECT. 15. That for the purposes of this Act, the director, commissioners, and deputy commissioners shall have power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths and to examine witnesses upon any matter within the jurisdiction of the bureau. The director may obtain such information and such reports from officials and employees of the departments of the Government of the United States and of the States as may be agreed upon by the heads of the respective departments. In case of disobedience to a subpoena, the bureau may invoke the aid of any district court of the United States in requiring the attendance and testimony.

of witnesses and the production of documentary evidence, and such court, within the jurisdiction of which the inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or other person, issue an order requiring such corporation or other person to appear before the bureau, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any person so required to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

“SECT. 16. That the director shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the bureau.

“SECT. 17. That for the purpose of carrying out the provisions of this Act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$100,000, for the payment of all expenses incident to the work authorized under this Act, including salaries of the director and commissioners and of such deputies, assistants, accountants, experts, clerks, and other employees in the District of Columbia or elsewhere, as the Secretary of the Treasury may deem necessary, traveling expenses, rent and equipment of offices, typewriters and exchange of same, purchase of law books and books of reference, printing and binding to be done at the Government Printing Office, and all other necessary expenses. With the exception of the director, the commissioners, and such special experts as the Secretary of the Treasury may from time to time find necessary for the conduct of the work

of the bureau, all employees of the bureau shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law. Such fees, allowances, and salaries shall be the same as are paid for similar services in other departments of the Government.

“SECT. 18. That there is hereby appropriated from any money in the Treasury not otherwise appropriated, the sum of \$141,000,000, to be known as the military and naval family allowance appropriation, for the payment of the family allowances provided by Article II. Payments out of this appropriation shall be made upon and in accordance with awards by the Commissioner of the Division of Military and Naval Insurance.

“SECT. 19. That there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$12,150,000, to be known as the military and naval compensation appropriation, for the payment of the compensation, funeral expenses, services, and supplies provided by Article III. Payments out of this appropriation shall be made upon and in accordance with awards by the director.

“SECT. 20. That there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$23,000,000, to be known as the military and naval insurance appropriation. All premiums that may be collected for the insurance provided by the provisions of Article IV shall be deposited and covered into the Treasury to the credit of this appropriation.

“Such sum, including all premium payments, is hereby made available for the payment of the liabilities of the

United States incurred under contracts of insurance made under the provisions of Article IV. Payments from this appropriation shall be made upon and in accordance with awards by the director.

“SECT. 21. That there shall be set aside as a separate fund in the Treasury, to be known as the military and naval pay deposit fund, all sums held out of pay as provided by section two hundred and three of this Act. Such fund, including all additions, is hereby made available for the payment of the sums so held and deposited, with interest, as provided in section two hundred and three, and the amount necessary to pay interest is hereby appropriated.

“SECT. 22. That for the purpose of this amendatory Act the marriage of the claimant to the person on account of whom the claim is made shall be shown—

“(1) By a duly verified copy of a public or church record; or

“(2) By the affidavit of the clergyman or magistrate who officiated; or

“(3) By the testimony of two or more eyewitnesses to the ceremony; or

“(4) By a duly verified copy of the church record of baptism of the children; or

“(5) By the testimony of two or more witnesses who know that the parties lived together as husband and wife, and were recognized as such, and who shall state how long, within their knowledge, such relation continued: *Provided*, That marriages, except such as are mentioned in section forty-seven hundred and five of the Revised Stat-

utes, shall be proven in compensation or insurance cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to compensation or insurance accrued; and the open and notorious illicit cohabitation of a widow who is a claimant shall operate to terminate her right to compensation or insurance from the commencement of such cohabitation: *Provided further*, That for the purpose of the administration of Article II of this Act marriage shall be conclusively presumed, in the absence of proof, that there is a legal spouse living, if the man and woman have lived together in the openly acknowledged relation of husband and wife during the two years immediately preceding the date of the declaration of war, or the date of enlistment or of entrance into or employment in active service in the military or naval forces of the United States if subsequent to such declaration."

In Articles II, III, and IV of this Act unless the context otherwise requires—

"(1) The term 'child' includes—

"(a) A legitimate child.

"(b) A child legally adopted more than six months before the enactment of this amendatory Act or before enlistment or entrance into or employment in active service in the military or naval forces of the United States, whichever of these dates is the later.

"(c) A stepchild, if a member of the man's household.

"(d) An illegitimate child, but, as to the father, only, if acknowledged by instrument in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support, and if such child, if born after

December thirty-first, nineteen hundred and seventeen, shall have been born in the United States, or in its insular possessions.

“(2) The term ‘grandchild’ means a child as above defined of a child as above defined.

“(3) Except as used in section four hundred and one and in section four hundred and two the terms ‘child’ and ‘grandchild’ are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if insane, idiotic, or otherwise permanently helpless.

“(4) The term ‘parent’ includes a father, mother, grandfather, grandmother, stepfather, and stepmother, either of the person in the service or of the spouse.

“(5) The terms ‘brother’ and ‘sister’ include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

“(6) The term ‘commissioned officer’ includes a warrant officer, but includes only an officer in active service in the military or naval forces of the United States.

“(7) The terms ‘man’ and ‘enlisted man’ mean a person, whether male or female, and whether enlisted, enrolled, or drafted into active service in the military or naval forces of the United States, and include noncommissioned and petty officers, and members of training camps authorized by law.

“(8) The term ‘enlistment’ includes voluntary enlistment, draft, and enrollment in active service in the military or naval forces of the United States.

“(9) The term ‘commissioner’ means the Commissioner of Military and Naval Insurance.

“(10) The term ‘injury’ includes disease.

“(11) The term ‘pay’ means the pay for service in the United States according to grade and length of service, excluding all allowances.

“(12) The term ‘military or naval forces’ means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy.

“SECT. 23. That when, by the terms of this amendatory Act, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, such payment shall be made to the person who is constituted guardian or curator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant.

“SECT. 24. That the Bureau of War Risk Insurance so far as practicable, shall upon request furnish information to and act for persons in the military or naval service, with respect to any contracts of insurance whether with the Government or otherwise, as may be prescribed by regulations. Said bureau may upon request procure from and keep a record of the amount and kind of insurance held by every commissioned and appointive officer and of every enlisted man in the military or naval service of the United States, including the name and principal place of business of the company, society, or organization in which such insurance is held, the date of the policy, amount of premium, name and relationship of the beneficiary, and such other

data as may be deemed of service in protecting the interests of the insured and beneficiaries.

“SECT. 25. That whoever in any claim for family allowance, compensation, or insurance, or in any document required by this Act or by regulation made under this Act, makes any statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.

“SECT. 26. That if any person entitled to payment of family allowance or compensation under this Act, whose right to such payment under this Act ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.”

ARTICLE II.

ALLOTMENTS AND FAMILY ALLOWANCES.

SECT. 200. That the provisions of this article shall apply to all enlisted men in the military or naval forces of the United States.

SECT. 201. That allotment of pay shall, subject to the conditions, limitations, and exceptions hereinafter specified, be compulsory as to wife, a former wife divorced who has not remarried and to whom alimony has been decreed, and a child, and voluntary as to any other person; but on the written consent of the wife or former wife divorced, supported by evidence satisfactory to the bureau of her ability to support herself and the children in her custody, the allotment for her and for such children may be waived;

and on the enlisted man's application or otherwise for good cause shown, exemption from the allotment may be granted upon such conditions as may be prescribed by regulations.

The monthly compulsory allotment shall be in an amount equal to the family allowance hereinafter specified except that it shall not be more than one-half the pay, or less than \$15; but for a wife living separate and apart under court order or written agreement or for a former wife divorced, it shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.

If there be an allotment for a wife or child, a former wife divorced and who has not remarried shall be entitled to a compulsory allotment only out of the difference, if any, between the allotment for the wife or child or both and one-half of the pay.

SECT. 202. That the enlisted man may allot any proportion or proportions or any fixed amount or amounts of his monthly pay or of the proportion thereof remaining after the compulsory allotment, for such purposes and for the benefit of such person or persons as he may direct, subject, however, to such conditions and limitations as may be prescribed under regulations to be made by the Secretary of War and the Secretary of the Navy, respectively.

SECT. 203. That in case one-half of an enlisted man's monthly pay is not allotted, regulations to be made by the Secretary of War and the Secretary of the Navy, respect-

ively, may require, under such circumstances and conditions as may be prescribed in such regulations, that any proportion of such one-half pay as is not allotted shall be deposited to his credit, to be held during such period of his service as may be prescribed. Such deposits shall bear interest at the rate of four per centum per annum, with semiannual rests and, when payable, shall be paid principal and interest to the enlisted man, if living, otherwise to any beneficiary or beneficiaries he may have designated, or if there be no such beneficiary, then to the person or persons who would under the laws of the State of his residence be entitled to his personal property in case of intestacy.

SECT. 204. That a family allowance of not exceeding \$50 per month shall be granted and paid by the United States upon written application to the bureau by such enlisted man or by or on behalf of any prospective beneficiary, in accordance with and subject to the conditions, limitations, and exceptions hereinafter specified.

The family allowance shall be paid from the time of enlistment to death in or one month after discharge from the service, but not for more than one month after the termination of the present war emergency. No family allowance shall be made for any period preceding November first, nineteen hundred and seventeen. The payment shall be subject to such regulations as may be prescribed relative to cases of desertion and imprisonment and of missing men.

Subject to the conditions, limitations, and exceptions hereinabove and hereinafter specified, the family allowance payable per month shall be as follows:

Class A. In the case of a man, to his wife (including a former wife divorced) and to his child or children :

- (a) If there be a wife but no child, \$15.
- (b) If there be a wife and one child, \$25.
- (c) If there be a wife and two children, \$32.50, with \$5 per month additional for each additional child.
- (d) If there be no wife, but one child, \$5.
- (e) If there be no wife, but two children, \$12.50 .
- (f) If there be no wife, but three children, \$20.
- (g) If there be no wife, but four children, \$30, with \$5 per month additional for each additional child.

Class B. In the case of a man or woman, to a grandchild, a parent, brother, or sister :

- (a) If there be one parent, \$10.
- (b) If there be two parents, \$20.
- (c) For each grandchild, brother, sister, and additional parent, \$5.

In the case of a woman, to a child or children :

- (d) If there be one child, \$5.
- (e) If there be two children, \$12.50.
- (f) If there be three children, \$20.
- (g) If there be four children, \$30, with \$5 per month additional for each additional child.

SECT. 205. That family allowances for members of Class A shall be paid only if and while a compulsory allotment is made to a member or members of such class. The monthly family allowance to a former wife divorced shall be payable only out of the difference, if any, between the monthly family allowance to the other members of Class A and the sum of \$50, and only then if alimony shall have been decreed to her. For a wife living separate and apart

under court order or written agreement or to a former wife divorced the monthly allowance, together with the allotment, if any, shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.

SECT. 206. That family allowances to members of Class B shall be granted only if and while the member is dependent in whole or in part on the enlisted man, and then only if and while the enlisted man makes a monthly allotment of his pay for such member of members equal to the amount of the monthly family allowance as hereinabove specified, except that—

(a) The maximum monthly allotment so required to be made to members of Class B shall be one-half of his pay.

(b) If he is making no allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be \$15 per month.

(c) If he is making the compulsory allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be one-seventh of his pay, but not less than \$5 per month.

On the enlisted man's application, or otherwise for good cause shown, exemption from this additional allotment under Class B as a condition to the allowance may be granted, upon such conditions as may be prescribed by regulations.

SECT. 207. That the amount of the family allowance to members of Class B shall be subject to each of the following limitations:

(a) If an allowance is paid to one or more beneficiaries of Class A, the total allowance to be paid to the beneficiaries of Class B shall not exceed the difference between the allowance paid to the beneficiaries of Class A and the sum of \$50.

(b) The total monthly allowance to beneficiaries of Class B added to the enlisted man's monthly allotment to them shall not exceed the average sum habitually contributed by him to their support monthly during the period of dependency but not exceeding a year immediately preceding his enlistment or the enactment of this amendatory Act.

SECT. 208. That as between the members of Class A and as between the members of Class B, the amount of the allotment and family allowance shall be apportioned as may be prescribed by regulations.

SECT. 209. The War and Navy Departments, respectively, shall pay over to the Treasury Department monthly the entire amount of such allotments for distribution to the beneficiaries, and the allotments and family allowances shall be paid by the bureau to or for the beneficiaries.

SECT. 210. That upon receipt of any application for family allowance the commissioner shall make all proper investigations and shall make an award, on the basis of which award the amount of the allotments to be made by the man shall be certified to the War Department or Navy Department, as may be proper. Whenever the commissioner shall have reason to believe that an allowance has been improperly made or that the conditions have changed, he shall investigate or reinvestigate and may modify the

award. The amount of each monthly allotment and allowance shall be determined according to the conditions then existing.

ARTICLE III.

COMPENSATION FOR DEATH OR DISABILITY.

SECT. 300. That for death or disability resulting from personal injury suffered or disease contracted in the line of duty, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct.

SECT. 301. That if death results from injury—

If the deceased leaves a widow or child, or if he leaves a widowed mother dependent upon him for support, the monthly compensation shall be the following amounts:

- (a) For a widow alone, \$25.
- (b) For a widow and one child, \$35.
- (c) For a widow and two children, \$47.50, with \$5 for each additional child up to two.
- (d) If there be no widow, then for one child, \$20.
- (e) For two children, \$30.
- (f) For three children, \$40, with \$5 for each additional child up to two.
- (g) For a widowed mother, \$20. The amount payable under this subdivision shall not be greater than a sum which, when added to the total amount payable to the widow and children, does not exceed \$75. This compen-

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sation shall be payable for the death of but one child, and no compensation for the death of a child shall be payable if such widowed mother is in receipt of compensation under the provisions of this article for the death of her husband. Such compensation shall be payable whether her widowhood arises before or after the death of the person and whenever her condition is such that if the person were living the widowed mother would have been dependent upon him for support.

If the death occur before discharge or resignation from service, the United States shall pay for burial expenses and the return of body to his home a sum not to exceed \$100, as may be fixed by regulations.

The payment of compensation to a widow or widowed mother shall continue until her death or remarriage.

The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be incapable, because of insanity, idiocy, or being otherwise permanently helpless, then during such incapacity.

Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

As between the widow and the children not in her custody, and as between children, the amount of the compensation shall be apportioned as may be prescribed by regulations. The word "widow" as used in this section shall

~~not include one who~~ shall have married the deceased later than ten years after the time of injury.

SECT. 302. That if disability results from the injury—

(1) If and while the disability is total, the monthly compensation shall be the following amounts:

- (a) If he has neither wife nor child living, \$30.
- (b) If he has a wife but no child living, \$45.
- (c) If he has a wife and one child living, \$55.
- (d) If he has a wife and two children living, \$65.
- (e) If he has a wife and three or more children living, \$75.
- (f) If he has no wife but one child living, \$40 with \$10 for each additional child up to two.

(g) If he has a widowed mother dependent on him for support, then, in addition to the above amounts, \$10.

To an injured person who is totally disabled and in addition so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding \$20 per month, as the director may deem reasonable: *Provided, however,* That for the loss of both feet or both hands or both eyes, or for becoming totally blind or helpless and permanently bedridden from causes occurring in the line of duty in the service of the United States, the rate of compensation shall be \$100 per month: *Provided further,* That no allowance shall be made for nurse or attendant.

(2) If and while the disability is partial, the monthly compensation shall be a percentage of the compensation that would be payable for his total disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a

reduction in earning capacity rated at less than ten per centum.

A schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries of a permanent nature shall be adopted and applied by the bureau. Ratings may be as high as one hundred per centum. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of a permanent injury. The bureau shall from time to time readjust this schedule of ratings in accordance with actual experience.

(3) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services and with such supplies, including artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary: *Provided*, That nothing in this Act shall be construed to affect the necessary military control over any member of the military or naval establishments before he shall have been discharged from the military or naval service.

(4) The amount of each monthly payment shall be determined according to the family conditions then existing.

SECT. 303. That every person applying for or in receipt of compensation for disability under the provisions of this article shall, as frequently and at such times and places as may be reasonably required, submit himself to examina-

tion by a medical officer of the United States or by a duly qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also loss of wages incurred in order to submit to such examination. If he refuses to submit himself for, or in any way obstructs, any examination, his right to claim compensation under this article shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and no compensation shall be payable for the intervening period.

Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for.

SECT. 304. That in cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided. Should such course prevent the injured person from following a substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service. Such enlistment shall entitle the person to full pay as during the last month of his

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active service, and his family to family allowances and allotment as hereinbefore provided, in lieu of all other compensation for the time being.

In case of his willful failure properly to follow such course or so to enlist, payment of compensation shall be suspended until such willful failure ceases and no compensation shall be payable for the intervening period.

SECT. 305. That upon its own motion or upon application the bureau may at any time review an award, and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, may award compensation.

SECT. 306. That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except that where, after a medical examination made pursuant to regulations, at the time of discharge or resignation from the service, or within such reasonable time thereafter, not exceeding one year, as may be allowed by regulations, a certificate has been obtained from the director to the effect that the injured person at the time of his discharge or resignation was suffering from injury likely to result in death or disability, compensation shall be payable for death or disability, whenever occurring, proximately resulting from such injury.

SECT. 307. That compensation shall not be payable for death in the course of the service until the death be officially recorded in the department under which he may be serving. No compensation shall be payable for a period during which the man has been reported "missing" and a

family allowance has been paid for him under the provisions of Article II.

SECT. 308. That no compensation shall be payable for death inflicted as a lawful punishment for a crime or military offense except when inflicted by the enemy. A dismissal or dishonorable or bad conduct discharge from the service shall bar and terminate all right to any compensation under the provisions of this article.

SECT. 309. That no compensation shall be payable unless a claim therefor be filed, in case of disability, within five years after discharge or resignation from the service, or, in case of death during the service, within five years after such death is officially recorded in the department under which he may be serving: *Provided, however,* That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

The time herein provided may be extended by the director not to exceed one year for good cause shown. If at the time that any right accrues to any person under the provisions of this article, such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases.

SECT. 310. That no compensation shall be payable for any period more than two years prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than one year prior to the date of claim therefor.

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SECT. 311. That compensation under this article shall not be assignable, and shall be exempt from attachment and execution and from all taxation.

SECT. 312. That compensation under this article shall not be paid while the person is in receipt of service or retirement pay. The laws providing for gratuities or payments in the event of death in the service and existing pension laws shall not be applicable after the enactment of this amendment to persons now in or hereafter entering the military or naval service, or to their widows, children, or their dependents, except in so far as rights under any such law shall have heretofore accrued.

Compensation because of disability or death of members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) shall be in lieu of any compensation for such disability or death under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September seventh, nineteen hundred and sixteen.

SECT. 313. That if an injury or death for which compensation is payable under this amendatory Act is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation by the United States, shall require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person. The cause of action so

assigned to the United States may be prosecuted or compromised by the director and any money realized thereon shall be placed to the credit of the compensation fund.

SECT. 314. That from and after the passage of this Act the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, the War with Spain, or the Philippine Insurrection, now on the pension roll or hereafter to be placed on the pension roll, and entitled to receive a less rate than hereinafter provided, shall be \$25 per month; and nothing herein shall be construed to affect the additional allowance provided by existing pension laws on account of a helpless child or child under sixteen years of age: *Provided, however,* That this Act shall not be so construed as to reduce any pension under any Act, public or private: *And provided further,* That the provisions of this section shall be administered, executed, and enforced by the Commissioner of Pensions.

ARTICLE IV.

INSURANCE.

SECT. 400. That in order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department greater protection for themselves and their dependents than is provided in Article III, the United States, upon application to the bureau and without medical examination, shall grant insurance against the death or total permanent disability of any such person in any multiple of \$500, and not less than \$1,000 or

more than \$10,000, upon the payment of the premiums as hereinafter provided.

SECT. 401. That such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation, except that those persons who are in the active war service at the time of the publication of the terms and conditions of such contract of insurance may apply at any time within one hundred and twenty days thereafter and while in such service. Any person in the active service on or after the sixth day of April, nineteen hundred and seventeen, who, while in such service and before the expiration of one hundred and twenty days from and after such publication, becomes or has become totally and permanently disabled or dies, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of \$25 each. If he shall die either before he shall have received any of such monthly installments or before he shall have received two hundred and forty of such monthly installments, then \$25 per month shall be paid to his wife from the time of his death and during her widowhood, or to his child, or widowed mother if and while they survive him: *Provided, however,* That not more than two hundred and forty of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid; and in that event the amount of the monthly installments shall be apportioned between them as may be provided by regulations.

SECT. 402. That the director, subject to the general direction of the Secretary of the Treasury, shall promptly determine upon and publish the full and exact terms and conditions of such contract of insurance. The insurance shall not be assignable, and shall not be subject to the claims of creditors of the insured or of the beneficiary. It shall be payable only to a spouse, child, grandchild, parent, brother or sister, and also during total and permanent disability to the injured person, or to any or all of them. The insurance shall be payable in two hundred and forty equal monthly installments. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries, but only within the classes herein provided. If no beneficiary within the permitted class be designated by the insured, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, the insur-

ance shall be payable to such person or persons, within the permitted class of beneficiaries as would under the laws of the State of the residence of the insured, be entitled to his personal property in case of intestacy. If no such person survive the insured, then there shall be paid to the estate of the insured an amount equal to the reserve value, if any, of the insurance at the time of his death, calculated on the basis of the American Experience Table of Mortality and three and one-half per centum interest in full of all obligations under the contract of insurance.

SECT. 403. That the United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum.

SECT. 404. That during the period of war and thereafter until converted the insurance shall be term insurance for successive terms of one year each. Not later than five years after the date of the termination of the war as declared by proclamation of the President of the United States, the term insurance shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty payment life, endowment maturing at age sixty-two and into other usual forms of insurance and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more

than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

SECT. 405. That in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder, an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides. The court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed ten per centum of the amount recovered, to be paid by the claimant on behalf of whom such proceedings are instituted to his attorney; and it shall be unlawful for the attorney or for any other person acting as claim agent or otherwise to ask for, contract for, or receive any other compensation because of such action. No other compensation or fee shall be charged or received by any person except such as may be authorized by the commissioner in regulations to be promulgated by him. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

AN ACT

Providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in civil service, or by any department, bureau, commission, or office thereof, or by any town, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employment by reason of enlistment, enrollment, or draft in the military or naval services of the United States or any branch or unit thereof, in time of war or contemplated war, prohibiting the removal from their offices or employment of such officers and employees during the period of their service in the Army or Navy, directing that one-half of their salaries or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents, authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively, and providing for the compensation of such substitutes.

SECTION 1. *Be it enacted, &c.,* That whenever any appointive officer or employee regularly employed by the Commonwealth of Pennsylvania in its Civil Service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district within the Commonwealth, shall in time of war or contemplated war enlist, enroll, or be drafted in the Military of

Naval service of the United States, or any branch or unit thereof, he shall not be deemed or held to have thereby resigned from or abandoned the said office or employment, nor shall he be removable therefrom during the period of his service, but the duties of the said office or employment shall, if there is no other person authorized by law to perform the powers and duties of such officer or employee during said period, be performed by a substitute, who shall be appointed by the same authority who appointed such officer or employee, if such authority shall deem the employment of such substitute necessary. Such substitute shall receive so much of the salary or wages attached to said office or employment as shall not be paid to the dependent or dependents of said officer or employee, as hereinafter provided, and such substitute may receive such further compensation, from appropriations made for that purpose or otherwise, as may be required, when added to the amount received under the provisions of this Act, to constitute a reasonable compensation for his services, in the opinion of the authority appointing him.

SECT. 2. Any said officer or employee so enlisting, enrolling or drafted, and having a dependent or dependents as aforesaid, may, at the time of his enlistment, enrollment, or draft, or immediately thereafter file with the head or chief of the department, bureau, commission or office in which he is employed, a statement in writing executed under oath, setting forth the fact and date of his enlistment, enrollment, or draft, his intention to retain the said office or employment and to resume the duties thereof after the expiration of his service in the Military or Naval service, or any branch or unit thereof, and the

names and addresses of his wife, children, and dependent parent or parents, if any such he have, and requesting and directing that one-half of the salary or wages of the said office or employment, not exceeding two thousand (2,000) dollars per annum, shall be paid during his service in the Military or Naval service or any branch or unit thereof as follows: If he have a wife to his wife, for her use and that of his children; if he have children and no wife, then to such person as he may designate for the use and benefit of his children. If he have a dependent parent or parents, then he shall direct such sum as he has heretofore been accustomed to contribute to their support to be paid to them, and the amount payable to his wife or children if any he have, shall be proportionately decreased. If he have no wife or children, he may direct the entire one-half of his said salary or wages, not exceeding two thousand (2,000) dollars per annum, to be paid to his dependent parent or parents, if any such he have; all sums so directed to be paid shall be paid to the persons designated in the same proportional installments, as nearly as may be, as the salary or wages of such person were theretofore paid to him. With such statement he shall also file powers of attorney, authorizing the proper dependent to receive their proportion of said salary or wages as aforesaid.

SECT. 3. The statement required to be filed by section two of this Act shall be *prima facie* evidence of the dependency of any person named as a dependent in said statement; but the head of any department, bureau, commission, or office may, in case of doubt, satisfy himself as to the facts of such dependency, and if the person so nominated as a dependent was not, in fact, dependent upon the

officer or employee enlisting, enrolling, or drafted in the Military or Naval service or any branch or unit thereof at the time of his enlistment, enrollment, or draft, shall refuse to make any payment to such person on account of the salary or wages of such officer or employee. Such head of a department, bureau, commission, or office shall also satisfy himself before making payments to dependents under the provisions of this Act that the officer or employee was alive during the period for which any payment is made. No payment shall be made under the provisions of this Act to any officer or employee enlisting, enrolling, or drafted, as aforesaid, and so much of the salary or wages of such officer or employee as is not paid, under the provisions of this Act, to his dependents and his substitute shall be recovered back into the funds from which said salary or wages is paid.

Approved the seventh day of June A. D., 1917.

MARTIN G. BRUMBAUGH.

To meet in Joint Convention for the purpose of receiving Hon. Thomas B. Smith, Mayor of Philadelphia, and granting permission to his Honor, the Mayor, to address the Joint Convention upon the subject of the care and sustenance of those who are engaged in Military and Naval service of the United States, and for the provision of the families of Philadelphians in the Military and Naval service.

Resolved, by the Select and Common Councils of the City of Philadelphia, That Select Council meet with Common Council, in Common Council Chamber, this day (Thursday, June 22, 1916), at three (3) o'clock, P. M., in Joint Convention, for the purpose of receiving Hon. Thomas B. Smith, Mayor of Philadelphia, and granting permission to his Honor, the Mayor, to address the Joint Convention upon the subject of the care and sustenance of those who are engaged in Military and Naval service of the United States, and for the provision of the families of Philadelphians in the Military and Naval service.

Hon. Thomas B. Smith, Mayor of Philadelphia, made the following address at the Joint Convention:

Mr. President and members of Select and Common Councils in Joint Convention assembled:

"Philadelphia is leading to-day, as she has always led, in the matter of preparedness in time of war. I recall very distinctly that during the Spanish-American war these Councils appointed a Joint Special Committee of

the Select and Common Councils of the City of Philadelphia to make arrangements for the care and sustenance of those in the military and naval service of the United States. I have had prepared, and will have introduced to your Honorable Bodies this afternoon, a resolution calling for the appointment of practically the same kind of a Committee and with the same powers. I am going to ask the members of both Chambers to support this resolution unanimously, in order that the world at large may recognize the fact that Philadelphia is a leader in all matters of this kind and not a follower."

RESOLUTION

Appointing a Joint Special Committee of twenty members (ten from each Chamber), to arrange for the provision of the families of Philadelphians in the Military and Naval service, for the care, sustenance and entertainment of those in the Military and Naval service who may be permanently or temporarily quartered in Philadelphia, for the transportation of the injured or sick, and for the burial of any who may die while in service.

WHEREAS, The President of the United States, as Commander-in-Chief of the Army and Navy, has directed the mobilization of the Military and Naval forces of the various States to be prepared for any emergency that may arise along the Mexican border; and

WHEREAS, In answer to this command the Philadelphia members of the Military and Naval forces are about to leave the City for the mobilization point for Pennsylvanians; and

WHEREAS, These Councils believe that proper provision should be made for the families of those who are members of the Military and Naval organizations; and

WHEREAS, Military and Naval forces from various States, as well the members of the Regular Army and Navy, in going to points designated by the proper authorities, will pass through Philadelphia; and

WHEREAS, Proper arrangements should be made for the care, sustenance and entertainment of those who may be permanently or temporarily quartered in this City, as well the transportation of the injured or sick, and for the burial of any who may die while in the service; therefore be it

Resolved, By the Select and Common Councils of the City of Philadelphia, That a Joint Special Committee of twenty members (ten from each Chamber) be appointed by the respective Presidents to arrange for the provision of the families of Philadelphians in the Military and Naval service, for the care, sustenance and entertainment of those in the Military and Naval service who may be permanently or temporarily quartered in Philadelphia, for the transportation of the injured or sick, and for the burial of any who may die while in service.

Extending the duties, powers and jurisdiction of the Joint Special Committee for the Care, Sustenance and Relief of those in the Military and Naval service of the United States, appointed under resolution adopted in Joint Convention, June 22, 1916.

WHEREAS, The Joint Special Committee on the Care, Sustenance and Relief of those in the Military and Naval Service of the United States, appointed under resolution entitled "Resolution appointing a Joint Special Committee of twenty members (ten from each Chamber), to arrange for the provision of the families of Philadelphians in the Military and Naval service, for the care, sustenance and entertainment of those in the Military and Naval service who may be permanently or temporarily quartered in Philadelphia, for the transportation of the injured or sick, and for the burial of any who may die while in service," have completed their work in connection with the service on the Mexican border; and

WHEREAS, The President of the United States has directed the immediate mobilization of the First and Third Regiments Pennsylvania Infantry, and the recruiting of the Navy to its full war strength, as well calling an extra session of Congress for April 2, 1917, to meet any exigencies which may arise with any nation antagonistic to the principles of American rights and liberties; and

WHEREAS, Philadelphia has always answered the call of duty in defense of our country and furnished more than the quota expected, and these Councils believe that proper provision should be made for the families of loyal

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and patriotic citizens who enter the Military and Naval service of the United States; therefore, be it

Resolved, By the Select and Common Councils of the City of Philadelphia, That the duties, powers and jurisdiction of the Joint Special Committee on the Care, Sustenance and Relief of those in the Military and Naval Service, appointed under resolution adopted in joint convention June 22, 1916, be, and the same are hereby, extended so as to provide for the families of those in the Military and Naval service and to meet any other emergency that may arise in the future which the committee may be called upon to consider in connection with the terms of the original resolution under which they were appointed.

Resolved, That all expenses incident to the care, sustenance, relief and entertainment of those in the Military and Naval service shall be paid for out of any items now existing in the appropriations to the Clerks of Councils for the care, sustenance and relief of families of those who served during the Mexican uprising, or from any future appropriations that may be made to the Clerks of Councils for continuing the work of this Joint Special Committee.

Authorizing the drawing and countersigning of warrants in payment of salaries of certain employees now in the service of the United States Government, and directing the presentation of this resolution to the Mayor for his approval or disapproval.

WHEREAS, By ordinance approved June 30, 1916, leave of absence, with pay, was granted to the City or County employees paid from the City Treasury while absent in the service of the United States Government; therefore,

Resolved, By the Select and Common Councils of the City of Philadelphia, That the heads of Departments, Bureaus and County officers are hereby authorized to draw, and the City Controller to countersign, warrants against the annual appropriations for the payment of salaries or wages of men on leave of absence who are in the service of the National Guard of Pennsylvania or the United States Government.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

AN ORDINANCE

Granting leave of absence to City, County and other employees paid on warrant from the City Treasury while on Military service in the National Guard of Pennsylvania; providing for the appointment and payment of temporary appointees to fill such vacancies.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That leave of absence with pay shall be granted to any employee paid by warrant of the City and County of Philadelphia who makes application therefor for the purpose of Military service in the National Guard of Pennsylvania.

SECT. 2. That the vacancy created by the absence of any employee on such Military service shall exist only until such time as said employee shall return from said Military service. Such vacancy may be filled by temporary appointment thereto, and such temporary employee shall be paid at the same rate of compensation as was paid to the employee to whose position he was temporarily appointed.

AN ORDINANCE

To amend an ordinance approved June 30, 1916, entitled "An Ordinance granting leave of absence to City, County and other employees paid on warrant from the City Treasury while on military service in the National Guard of Pennsylvania or in the service of the United States Government; providing for the appointment and payment of temporary appointees to fill such vacancies."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That Section 1 of the ordinance approved June 30, 1916, entitled "An Ordinance granting leave of absence to City, County and other employees paid on warrant from the City Treasury while on Military service in the National Guard of Pennsylvania or in the service of the United States Government; providing for the appointment and payment of temporary appointees to fill such vacancies," be, and the same is hereby amended by inserting after the word "Philadelphia," on the fourth line thereof, the words "who has been employed at least three months continuously and," so that the section as amended shall read:

"SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That leave of absence with pay shall be granted to any employee paid by warrant of the City or County of Philadelphia, who has been employed at least three months continuously and who makes application therefor for the purpose of Military service in the National Guard of Pennsylvania or in the service of the United States Government."

RESOLUTION

To appoint a Joint Special Committee for the Care, Sustenance and Entertainment of those in the Military and Naval Service who may be permanently or temporarily quartered in Philadelphia; provide for transportation, care of the injured or sick, and for burials of any who may die in the service; to arrange for the provision of families or dependents thereof and providing for the payment of expenses incident thereto.

WHEREAS, During the Mexican uprising and from the beginning of the present conflict with an enemy country, a Joint Special Committee of Councils was in vogue for the provision of the families of Philadelphians in the service of the United States, and for the sustenance, relief and entertainment of our soldiers; and

WHEREAS, A very large percentage of husbands, fathers, brothers and young men of our City have answered the call during the gigantic conflict at present raging; therefore, be it

Resolved, By the Select and Common Councils of the City of Philadelphia, That a Joint Special Committee of twenty (ten members from each Chamber) be appointed by the respective Presidents, for the care, sustenance and entertainment of those in the Military and Naval service who may be permanently or temporarily quartered in Philadelphia; provide for transportation, care of the injured or sick, and for burial of any who may die in the service; to arrange for the provision of families or dependents thereof and to meet any other emergency that

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