

employee in the course of his employment except such as should be caused by the wilful misconduct of the victim himself. This sole exception is all that remains in Germany of the law of negligence; it is the vermiform appendix in German industrial insurance. Even Providence is no longer a last resort for the employer (9).

The German law compels all employers to form associations in the various industrial branches, to manage these associations under close Government supervision and to assess the members for the amounts needed to administer the funds and pay the compensation. Medical and surgical treatment for 91 days and benefit payments from beginning of fourth to ninety-first day are provided by sick-benefit funds, to which employers contribute one-third and employees two-thirds; from beginning of twenty-ninth to ninety-first day payments are increased by one-third at expense of employer in whose establishment accident occurred; after ninety-first day, and in case of death from injuries, expense is borne by employers' associations supported by contributions of employers. The amount of compensation and the terms of settlement are carefully fixed (10).

In the United States the present century, roughly speaking, has been marked by investigation and legislation along the line of compensation rather than liability laws.

The first legislation providing for stated benefits without suit or proof of negligence took the form of a co-operative insurance law of Maryland in 1902. It affected only a few occupations and was declared unconstitutional on the ground that it took away the right of jury trial and conferred upon an executive officer functions that were at least quasi-judicial. In 1905 the United States Philippine Commission passed an enactment authorizing the continuance of wages for a period not exceeding 90 days during disability for employees of the insular Government injured in the line of duty.

In 1908 the United States Congress passed a law "granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of employment."

Between the years 1908 and 1913, a total of twenty-eight jurisdictions (including States, the Federal Government and Porto Rico) appointed commissions to investigate the subject and

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(9) It has since been provided that the award may be refused or reduced if the workman was injured while committing an illegal act.

(10) See summary of Act in Bull. Bur. Lab. Stat. U. S. No. 126.