

2. For the purposes of the provisions of this schedule relating to "average weekly earnings" of a workman, the following rules shall be observed:—

(1) Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated; provided that, where, by reason of the shortness of the time during which the workman has been in the employment of his employer, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district;

(2) Where the workman has entered into concurrent contracts of service with two or more employers, under which he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident;

(3) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause;

(4) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed by him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings.

3. In fixing the amount of the weekly payment regard shall be had to any payment, allowance or benefit which the workman may receive from the employer during the period of his incapacity, and, in the case of partial incapacity, the weekly payment shall in no case exceed fifty per cent. of the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or able to earn in some suitable employment or business after the accident.

4. Where a workman has given notice of an accident he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, and if he refuses to submit to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any proceeding under this Act in relation to compensation, shall be suspended until such examination has taken place.

5. The money payable in case of death shall, unless otherwise ordered as hereinafter provided, be paid into court, and any sum so paid into court shall, subject to rules of court and the provisions of this schedule, be invested, applied or otherwise dealt with by the court in such manner as the court, in its discretion, thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the clerk of the court shall be sufficient discharge in respect of the amount paid in; provided that, if so agreed, the payment in case of death shall, if the workman leaves no dependents, be made to his legal personal representative, or, if he has no such representative, to the persons to whom the expenses of medical attendance and burial are due.

6. Rules of court may provide for the transfer of money paid into court under this Act from one court to another court in the Province.

7. Where a weekly payment is payable under this Act to a person under any legal disability, the court may, on application being made in accordance with rules of court, order that the weekly payment be paid during the disability into court, and the provisions of this schedule with respect to sums required by this schedule to be paid into court shall apply to sums paid into court in pursuance of any such order.

8. Any question as to who is a dependent shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this schedule, shall be settled by the court, and the amount payable to each dependent shall be settled by arbitration under this Act, or, if not so settled before payment into court under this schedule, by the court; where there are both total and partial dependents nothing in this schedule shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependents.

9. Where, on application being made in accordance with rules of court, it appears to the court that, on account of neglect of children on the part of the widow, or on account of the variation of the circumstances of the various dependents, or for any other sufficient cause, an order of the court or an award as to the apportionment amongst the several dependents of any sum paid as compensation, or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the court may make such order for the variation of the former order or the award, as in the circumstances of the case the court may think just.

10. Any sum which under this schedule is ordered to be invested may be invested in whole or in part in securities or investments approved by the court in the name of the court and only to be paid out on order.

11. Any workman receiving weekly payments under this Act shall, if so required by the employer from time to time, but not oftener than once every three months except by order of a judge, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer; if the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

12. A workman shall not be required to submit himself for examination by a medical practitioner under paragraph 4 or paragraph 11 of this schedule otherwise than in accordance with the rules of court, or at more frequent intervals than may be prescribed by those rules. Where a workman has so submitted himself for examination by a medical practitioner or by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition, or fitness for employment, the court, on application, may, on payment by the applicant of such fee, not exceeding ten dollars, as may be prescribed, refer the matter to a medical referee appointed by the Lieutenant-Governor-in-Council. The medical referee to whom the matter is so referred shall, in accordance with rules of court, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified. Where no agreement can be come to between the employer and the workman, as to whether or to what extent the incapacity of the workman is