

12. Where a claim for compensation is established against an employer under the provisions of this Act, and such employer is protected wholly or partially against such liability by insurance, the workman found entitled to compensation may, by serving a notice of his claim upon the insurance company, create a lien or charge against such insurance money to the extent of the liability of the insurance company to the employer, but not exceeding the amount of the compensation awarded, and may recover against the insurance company as for a debt to that amount, subject always to any defences which may exist as between the insurance company and the employer.

#### RESTRICTIONS ON APPLICATION OF ACT

13. Notwithstanding anything hereinbefore contained, this Act shall not apply to domestic servants; nor shall it apply to the employment of agriculture, nor to any work or machinery used on or about a farm or homestead for farm purposes or for the purposes of improving such farm or homestead, and for greater certainty, but so as not to restrict in any degree the generality of the foregoing words of this section, this Act shall not apply to any of the following employments on a farm:

(a) Threshing, cleaning, crushing, grinding or other wise treating grain, or sawing wood, posts, lumber or other wooden material, or otherwise treating the same, or the pressing of hay, by any kind of machinery or motive power, and whether such machinery or motive power be portable or stationary, and whether the same be owned and operated by the farmer or farmers for whose purpose the same is being used, or by any other farmer or other person for gain, profit or reward;

(b) The construction, repair, or demolition of any farm building, windmill, derrick or other structure.

14. The schedules to this Act form part thereof and shall have the same force and effects as if hereinbefore embodied.

15. This Act shall come into force on the first day of January, 1911, but shall not apply in any case where the accident happened before the coming into force hereof.

#### SCHEDULES.

Unless the context otherwise requires—

(a) The words "Court" or "County Court" when used in these schedules shall mean the County Court of the division in which all the parties concerned reside, or, if they reside in different divisions, then of the division in which the accident occurred, or any Judge of such County Court;

(b) "Rules of Court" shall mean rules of court made and promulgated as provided by "The County Courts Act."

#### FIRST SCHEDULE.

1. The amount of compensation under this Act and the rules with regard to the same shall be:

(a) Where death results from the injury—

(1) If the workman leaves any dependents residing within the Province wholly dependent upon his earnings for the necessities of life, a sum not exceeding the sum of fifteen hundred dollars; provided that the amount of any weekly payments made under this Act, and any lump sum paid in redemption thereof, shall be deducted from such sum;

(2) If the workman does not leave any such dependents, but leaves any dependents in part dependent upon his earnings residing within the Province, such sum, not exceeding in any case the sum of fifteen hundred dollars, as may be agreed upon, or, in default of agreement, may be determined by arbitration under this Act to be reasonable and proportionate to the injury to the said dependents; and

(3) Such compensation to dependents shall be limited to those dependents who were resident within the Province at the time of the accident, and the removal of any dependent from the Province before payment in full of any compensation awarded under the provisions of this Act shall disentitle such dependent to further payments on account of such compensation;

(4) If the workman leaves no dependents entitled to compensation, the reasonable expenses of his medical attendances and burial, not exceeding one hundred dollars;

(5) Where death results from the injury and compensation is awarded to dependents, the money shall be paid into court, to be paid out in such sums and at such times as the court may direct.

(b) Where total or partial incapacity for work results from the injury,

(1) A weekly payment during the incapacity, not exceeding fifty per cent. of the diminution which the accident shall have caused to the wage earning capacity of the workman, to be measured by his average weekly earnings during the previous twelve months, if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer;

(2) Provided that, where the injured workman is not a journeyman working at his own trade, he shall only be entitled to twenty-five per cent. of such diminution for the first month of his employment with the employer against whom he claims compensation, and to forty per cent. of such diminution for the second month, and thereafter fifty per cent. as hereinbefore provided;

(3) Provided further that in no case shall compensation be payable in respect of the first two weeks following the injury, nor shall the total compensation payable in respect to total or partial incapacity exceed the sum of fifteen hundred dollars, nor shall the weekly payment exceed ten dollars to an adult workman or six dollars to an apprentice.