FILE NAME: Hampshire (HAMP)

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Circuit Court as distinguished from said monthly terms, and shall stand for trial in the regular way.

SEC. 3. *Be it further enacted,* That the jurisdiction of said Circuit Court at said monthly terms herein provided for shall be limited to the trial of non-jury cases, cases appealed from Justice of the Peace Courts, divorce cases and other cases involving domestic relations, equity cases coming within the jurisdiction of the Circuit Courts under the general law, and to the hearing and disposition of all issues and questions arising on demurrers, dilatory pleas, motions, and applications to amend pleadings in any civil case pending in said Court.

SEC. 4. *Be it further enacted,* That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, sentences or phrases are held to be unconstitutional or void, the remainder shall remain in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted and passed even if such unconstitutional or void matter had not been included herein.

SEC. 5. *Be it further enacted,* That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 5, 1947.

W. B. LEWALLEN,
Speaker of the House of Representatives.

GEORGE O. BENTON,
Speaker of the Senate.

Approved: March 11, 1947.

JIM McCORD,
Governor.

CHAPTER NO. 139

SENATE BILL No. 417

(By Hagan)

A BILL to be entitled: "An Act to amend Section 6852, 6854, 6858, 6874, 6877, 6878, 6879, 6880, 6881, 6883, 6884 and 6890 of the Code of Tennessee," said Sections being parts of the Workmen's Compensation Law of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 6852 of the Code of Tennessee be amended by striking therefrom subsection (d) and inserting in lieu thereof new subsection (d) as follows:

"(d) Injury and personal injury shall mean any injury by accident arising out of and in the course of employment and shall include certain occupational diseases arising out of and in the course of employment which cause either disablement or death of the employee resulting from the hereinafter named occupational diseases. The fol-

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lowing diseases only shall be deemed to be occupational diseases within he meaning of this Act:

1. Lead poisoning
2. Metal fume fever
3. Silicosis
4. Benzol poisoning
5. Dermatitis
6. Miner's diseases, including only cellulitis, bursitis, nystagmus, ankylostomiasis, tenosynovitis.
7. Anthrax
8. Asbestosis
9. Chronic manganese poisoning."

"As used in this law, the term 'occupational disease' means one of the scheduled diseases arising out of and in the course of employment, as above set out. A disease shall be deemed to arise out of the employment only if there is apparent to the rational mind, upon consideration of all the circumstances, (1) a direct casual connection between the conditions under which work is performed and the occupational disease, (2) it can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment, (3) it can be fairly traced to the employment as a proximate cause, (4) it does not come from a hazard to which workmen would have been equally exposed out-

side of the employment, (5) it is incidental to the character of the business and not independent of the relation of employer and employee, and (6) it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a natural consequence, though it need not have been foreseen or expected before its contraction.

"An occupational disease which an employee has on the effective date of this amendatory Act shall not be covered hereunder. An employee has an occupaional disease within the meaning of this law if the disease or condition has developed to such an extent that it can be diagnosed as an occupational disease. In every suit for compensation benefits, the burden shall be on the employee to prove that he did not have, as of the effective date of this amendatory Act, the occupational disease for which he is seeking compensation.

"When the employer and employee are subject to the provisions of the Workmen's Compensation Act, the partial or total incapacity for work or the death of an employee resulting from an occoccupational disease as herein listed and defined shall be treated as the happening of an injury by accident or death by accident, and the employee, or in case of his death his dependents, shall be entitled to compensaion as provided in this Act. An employee who has an occupational disease that is covered by this law shall be entitled to the same hospital, medical and miscellaneous benefits as an employee who has a compensable injury by accident and in the event of death the same funeral benefit shall be paid as in the case of death from a compensable accident.

"When an employee has an occupational disease that is covered by this law as amended, the employer in whose employment he was last injuriously exposed to the hazards of the disease, and the employer's insurance carrier, if any, at the time of the exposure, shall alone be liable therefor, without right to contribution from any prior employer or insurance carrier.

"Within thirty (30) days after the first distinct manifestation of an occupational disease the employee, or some one in his behalf, shall give written notice thereof to the employer in the same manner as is provided in the case of a compensable accidental injury.

"The right to compensation for occupational disease shall be forever barred unless suit therefor is commenced within one year after the beginning of incapacity for work resulting from an occupational disease, and if death results from the occupational disease, unless a suit therefor be commenced within one year thereafter; provided, however, that if upon the date of the death of the employee the employee's claim has become barred, the claim of his dependents shall likewise be barred, and in such case the claim shall be barred whether or not the employer gives the notice required by subsection (2) of Section 6884.

"When an employee or prospective employee though not incapacitated for work, is found to be affected by or susceptible to a specific occupational disease, he may, subject to the approval of the Workmen's Compensation Division of the Departmen of Labor of Tennessee, be permitted to waive in writing compensation for any aggrava-

tion of his condition that may result from his working or continuing to work in the same or similar occupation for the same employer or for another employer. All provisions of the Act in respect to accidents shall be applicable to the coverage provided herein for occupational diseases, except as otherwise provided herein."

SEC. 2. *Be it further enacted,* That Section 6854 of the Code of Tennessee be amended by striking therefrom the words "Division of Factory Inspection" and inserting in lieu thereof the words "Division of Workmen's Compensation".

SEC. 3. *Be it further enacted,* That Section 6858 of the Code of Tennessee be amended by adding at the end of said Section 6858 the following:

"Provided that where the amount of compensation due a person under 18 years of age does not exceed the sum of Two Hundred Fifty ($250.00) Dollars, the court may, in its discretion, direct the amount of compensation due the minor be paid as provided by Section 10070 of the 1932 Code of Tennessee."

SEC. 4. *Be it further enacted,* That Section 6874 of the Code of Tennessee be amended by changing the period at the end thereof to a semi-colon and inserting the following:

"Provided that if within said one-year period voluntary payments of compensation are paid to the injured person or his dependents, an action to recover any unpaid portion of the compensation, payable under this Act, may be instituted