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VICTORIA GOVERNMENT GAZETTE.

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No. 95]

THURSDAY, MAY 23.

[1946

DETERMINATION OF THE INDUSTRIAL APPEALS COURT.

IN THE INDUSTRIAL APPEALS
COURT.

IN THE MATTER of the *Factories and Shops Act 1928-1941*
and

IN THE MATTER of the Determination made by the Hospital and
Benevolent Asylum Attendants Board on the 28th November, 1945
and

IN THE MATTER of a Determination made by the Court on the
5th February 1946
and

IN THE MATTER of an Application to review the said
determination of the Court.

Before the Industrial Appeals Court (Judge Stretton, K. H. Boykett, Esq. and J. V. Stout, Esq.)

Friday the 3rd day of May 1946.

UPON APPLICATION made to the Court on the 18th day of April 1946 on behalf of the representatives of the employees for leave to review certain matters cognate with the matters determined by the Court in its abovementioned determination and UPON READING the affidavit of George Ferdinand Schellenberger sworn the 17th day of April 1946 and UPON HEARING Mr. P. J. Sheehan for the applicants and Mr. F. P. Derham for the respondents to the application THIS COURT DID ORDER AND DIRECT a re-hearing of such matters before the Court and having heard such matters DOTH ORDER that the abovementioned determination of the Court be amended in manner following namely:-

By adding to clause 6 (A) of the determination of the Wages Board as amended by the Court by its abovementioned determination the following paragraph:-

"(iii) The daily hours of work shall be continuous except for the meal interval or intervals which shall not exceed a total of one hour in any one shift."

No. 95.—4828/46.

AND THIS COURT DOTH FURTHER ORDER that either the applicants or respondents shall be at liberty to apply as they may be advised

AND THAT the said determination be reprinted in the following terms:—

1. That on and after the 3rd May, 1946, the following Determination shall be operative in respect of the lowest prices or rates which may be paid to any person or persons or classes of persons (not including professional employees and not including nurses subject to the Hospital Nurses Board) employed in or about—

- (a) a hospital, benevolent asylum, or convalescent home doing any kind of work connected with the carrying on of a hospital, benevolent asylum, or convalescent home;
- (b) a sanatorium for the treatment of persons suffering from any form of tuberculosis;
- (c) a hospital or home for the treatment of the mentally afflicted doing any kind of work connected with the carrying on of such hospital or home.

APPRENTICES OR IMPROVERS.

2. (i) (Other than female apprentices to Hospital Cooking employed in connexion with institutions approved by the Wages Board).

WAGES PER WEEK (See Footnote). *					
			Employed at Clerical Work.		All Other Classes of Work.
					Females.
			Males.	Females.	
					Employed in the Metropolitan District; Cities of Ballarat, Bendigo, Geelong, Mildura or Warrnambool; the Towns of Hamilton, Horsham, Sale or Warragul; the Borough of Wangaratta, or Mooroopna Riding of Shire of Rodney.
					Employed in any other part of Victoria.
			s. d.	s. d.	s. d.
Under 16 years of age	..	..	31 0	27 6	44 0
16 years of age	..	..	36 0	32 6	49 0
17 "	..	..	41 0	37 6	55 6
18 "	..	..	46 0	42 6	62 6
19 "	..	..	61 0	49 6	70 6
20 "	..	..	81 0	57 6	83 0

(ii) Apprentices bound to the trade of hospital cooking subject to the conditions prescribed hereunder:—

- (a) Only a female between the ages of 16 years and 18 years (both inclusive) at the time of signing indentures and who has already completed the first year of an approved course with a school of Domestic Economy is eligible for binding as an apprentice under this scheme. During the course of her apprenticeship she shall be required to do only such work as is consistent with the course undertaken at the school.
- (b) During the currency of the indentures the apprentice shall attend evening classes at the said school in order to complete the prescribed course of training.
- (c) For the purposes of this clause "prescribed course" shall be a course of training decided by the Principal of the Training School concerned, subject to approval by the Wages Board. Upon such approval being given by the Wages Board the Chairman shall approve of same on sufficient copies to enable each member of the Board and the Principal of each Training School to be supplied with one.

(d) Until further order schools approved by the Wages Board for the purpose of this scheme of apprenticeship shall be:—

- (i) The Emily McPherson College of Domestic Economy, Melbourne, and
- (ii) The Gordon Institute of Technology, Geelong.

(e) The wages of apprentices shall be:—

	Per Week	*(See Footnote).
First year ..	£ s. d.	
Second year ..	1 16 9	
Third year ..	2 8 0	
	3 6 0	

(f) On completion on her term of apprenticeship an employee shall be entitled irrespective of her age to be paid not less than the appropriate wage for adult employees for the class of work done.

(g) A form of indenture has been prescribed by the Board.

* The minimum wage where the employer boards and lodges the employee shall in the case of an adult male employee be 18s. per week less, and in the case of an adult female employee or an apprentice or improver 16s. per week less than the rate fixed.

Female employees (other than casuals, clerks, stenographers, typists, telephone attendants, registered X-ray technicians or laboratory assistants) for whom the employer does not make available board and lodging shall receive, in addition to the wages herein prescribed, an allowance of 14/- per week: Provided that such persons employed for less than the full working week shall be paid a proportionate amount of the allowance specified.

The foregoing allowance shall not be deemed to be part of the weekly wage.

A war loading of 2s. 6d. has been included in all rates for apprentices and improvers as shown above. Such war loading is not adjustable and shall not be taken into account when computing the penal rate payable for overtime or for work done on a public holiday mentioned in clause 13.

(iii) PROPORTION (IN ANY PLACE).

APPRENTICES.	IMPROVERS.
MALES.	MALES.
One male apprentice to every three or fraction of three male workers receiving not less than 113s. per week.	One male improver to every eight or fraction of eight male workers receiving not less than 113s. per week.
FEMALES.	FEMALES.
One female apprentice to every three or fraction of three female workers receiving not less than 63s. per week.	One female improver to every six or fraction of six female workers receiving not less than 63s. per week.

NOTE.—The Board has determined that as from the 1st December, 1941, no further persons shall be bound as apprentices to the trade, other than those provided for in sub-clause (ii) hereof.

WAGES.

OTHER EMPLOYEES.

(a) Employed in the Metropolitan District; the Cities of Ballarat, Bendigo, Geelong, Mildura, or Warrnambool; the Towns of Hamilton, Horsham, Sale, or Warragul; the Borough of Wangaratta; or the Mooropna Riding of Shire of Rodney.

<i>Males.</i>		<i>Females.</i>	
WAGES.* (See footnote).		WAGES.* (See footnote).	
	Per Week s. d.		Per Week s. d.
Clerks	118 6	Clerks	72 6
Cooks—First	125 6	Cook; where there is only one employed ..	77 6
Other cooks	118 6	Cooks in charge of—	
Person in charge of instrument room and/or sharpening and adjusting instruments	140 0	One to three kitchen employees	77 6
Dresser, head, where five or more dressers are employed ..	142 0	Four to seven kitchen employees	85 0
Dressers doing venereal diseases work	138 0	Eight or more kitchen employees	95 0
Other dressers and/or steriliser room attendant—		Second cooks	75 0
1st year's experience as such	116 0	Other cooks	72 6
2nd year's experience as such	121 0	Head housemaids	67 6
Thereafter	126 0	Housekeepers	82 6
Foreman in charge of—		Head laundresses in charge of—	
One to nine employees	118 6	One to three persons	75 0
Ten or more employees	126 0	Four or more persons	80 0
Assistant foreman	116 0	Second laundresses	70 0
Gardeners in charge of one or more gardeners or where there is only one employed	115 6	Laundresses where only one employed ..	70 0
Other gardeners	113 0	Other laundresses—	
Incinerator attendants	113 0	1st year's experience as such	63 6
Kitchenmen or scullerymen	113 0	2nd year's experience as such	64 0
Laboratory assistants	121 6	Thereafter	65 0
Laundrymen	116 0	Sorters	70 0
Mortuary-men employed solely on post-mortem work ..	131 0	Washing machine hands	78 0
Other mortuary-men	116 0	Storekeeper in charge of one or more store hands or where there is only one employed	72 6
And 10s. extra for each post-mortem		Storekeeper's assistants—	
Motor or motor ambulance drivers or assistants	120 6	1st year's experience as such	63 0
Operating theatre attendants	116 0	2nd year's experience as such	64 0
Casualty porters engaged on preparations and theatre work	116 0	Thereafter	65 0
Dispensary porters	116 0	Stenographers and typists—	
Relieving porters	115 6	1st year's experience as such	72 6
X-ray porters	113 0	2nd year's experience as such	75 0
Night porters who in the course of their duties patrol the hospital	116 6	Thereafter	77 6
Other night porters	113 0	Telephone attendants	80 0
Recording attendants	118 6	Waitresses—	
Splint makers	126 0	1st year's experience as such	63 0
Splint makers' assistants	116 0	2nd year's experience as such	64 0
Storemen in charge of one or more storemen or where there is only one employed	118 6	Thereafter	65 0
Other storemen	113 0	Wardsmen—	
Telephone attendants	116 0	1st year's experience as such	63 0
Ward cleaners handling sputum mugs	126 0	2nd year's experience as such	64 0
Other ward cleaners	113 0	Thereafter	65 0
X-ray attendants	121 0	Registered X-ray technicians—	
X-ray technicians—		1st year's experience as such	92 6
1st year's experience as such	113 6	2nd year's experience as such	97 6
2nd year's experience as such	123 6	Thereafter	102 6
Thereafter	138 6	Laboratory assistants	78 0
Male attendant employed wholly or partly attending to the comforts and needs of sick, aged, or infirm persons	118 0	Female attendant employed wholly or partly attending to the comforts and needs of sick, aged, or infirm persons—	
All others	113 0	(i) In charge of a ward	75 0
		(ii) Other than in charge of a ward—	
		1st year's experience	68 0
		2nd year's experience	69 0
		Thereafter	70 0
		Seamstresses who cut out and fit garments	77 0
		Other seamstresses—	
		1st year's experience as such	65 0
		2nd year's experience as such	66 0
		Thereafter	67 0
		All others—	
		1st year's experience as such	63 0
		2nd year's experience as such	64 0
		Thereafter	65 0

* The minimum wage where the employer boards and lodges the employee shall in the case of an adult male employee be 18s. per week less, and in the case of an adult female employee or an apprentice or improver 16s. per week less than the rate fixed.

Female employees (other than casuals, clerks, stenographers, typists, telephone attendants, registered X-ray technicians or laboratory assistants) for whom the employer does not make available board and lodging shall receive, in addition to the wages herein prescribed, an allowance of 14/- per week: Provided that such persons employed for less than the full working week shall be paid a proportionate amount of the allowance specified.

The foregoing allowance shall not be deemed to be part of the weekly wage.

(b) Employed in any other part of Victoria.

<i>Males.</i>		<i>Females.</i>	
WAGES.* (See footnote).		WAGES.* (See footnote).	
	Per Week. s. d.		Per Week. s. d.
Male attendant employed wholly or partly attending to the comforts and needs of sick, aged, or infirm persons	118 0	Clerks	88 0
All others	113 0	Cooks—	
		First—or where there is only one employed ..	77 6
		Second	72 6
		Head laundress; or where there is only one employed	70 0
		Other laundresses	65 0
		Stenographers and typistes	73 0
		Telephone attendants	68 0
		Female attendant employed wholly or partly attending to the comforts and needs of sick, aged, or infirm persons—	
		(i) In charge of a ward	75 0
		(ii) Other than in charge of a ward—	
		1st year's experience	68 0
		2nd year's experience	69 0
		Thereafter	70 0
		All others—	
		1st year's experience	63 0
		2nd year's experience	64 0
		3rd year's experience	65 0

* The minimum wage where the employer boards and lodges the employee shall in the case of an adult male employee be 18s. per week less, and in the case of an adult female employee or an apprentice or improver 16s. per week less than the rate fixed.

Female employees (other than casuals, clerks, stenographers, typistes, telephone attendants, registered X-ray technicians or laboratory assistants) for whom the employer does not make available board and lodging shall receive, in addition to the wages herein prescribed, an allowance of 14/- per week: Provided that such persons employed for less than the full working week shall be paid a proportionate amount of the allowance specified.

The foregoing allowance shall not be deemed to be part of the weekly wage.

A war loading of 5s. has been included in each wage rate shown in sub-clauses (a) and (b) of this clause. Such war loading is not adjustable and shall not be taken into account when computing the penal rate payable for overtime or for work done on a public holiday mentioned in clause 13.

SPECIAL ALLOWANCE.

4. Female employees required to feed into or discharge from a laundry washing machine shall receive an allowance of 10/- per week, for each week or part thereof in addition to the rates prescribed.

MEAL INTERVAL.

5. A meal interval of not less than 30 minutes shall be allowed each employee during each shift. Such meal interval shall not be counted as time worked.

TIME OFF.

6. All employees shall receive a period of not less than 26 hours off duty in each week provided that the employee shall not be required to work more than eight consecutive days without such period off duty.

HOURS.

6. (A) (i) Subject as hereinafter provided the maximum ordinary working hours shall not exceed 88 per fortnight provided that not more than 48 hours may be worked in any week without payment for overtime.

(ii) If labour is difficult to obtain then the employer concerned may require his employees to work not more than 48 hours in any one week at ordinary rates of pay.

(iii) The daily hours of work shall be continuous except for the meal interval or intervals which shall not exceed a total of one hour in any one shift.

OVERTIME.

7. The following overtime rates shall be paid for all work done:—

(a) Within a spread of 12 hours from the time of commencing work on any day—

(i) In excess of the rostered hours for a day's work } Time and a half.

(ii) In excess of the number of hours fixed as a fortnight's work } Double time.

(b) Outside a spread of 12 hours from the time of commencing work on any day

Overtime worked shall be paid for, and an employee shall not be allowed or required to take time off in lieu thereof.

A FULL WEEK'S WAGES TO BE PAID.

8. Any employee (other than a casual worker) willing to work who works for less than the full working week, shall be entitled to the payment of a full week's wage.

CASUAL LABOUR.

9. A casual employee, i.e., a person who is employed for not more than 18 hours per week, shall be paid per hour an amount equal to $1\frac{1}{6}$ of the weekly rate prescribed by this Determination for the work performed divided by 44.

RISK RATE.

10. Persons (other than dressers doing venereal diseases work for whom provision is already made in clauses 2 or 3) shall in addition to the rates prescribed in clauses 2 or 3 be paid allowances as follows whilst:—

(a) Employed in infectious diseases wards or wards wherein less than 25 per cent. of the patients are suffering from venereal diseases, cancer, tuberculosis, typhoid, or meningitis } 6d. per day.

(b) Employed in infectious diseases wards or wards wherein 25 per cent. or more of the patients are suffering from venereal diseases, cancer, tuberculosis, typhoid, or meningitis }

(c) Handling or dressing patients suffering from venereal diseases, cancer, tuberculosis, typhoid or meningitis or patients qualified for admission to infectious diseases hospitals or wards }

(d) Handling clothes, bedding or linen, rubbish bins or refuse not previously disinfected and used in connexion with any patient, hospital or ward referred to in sub-clauses (a), (b), and (c) of this clause }

(e) Handling the bodies of deceased patients who at the time of their death were suffering from any infectious disease or any of the diseases referred to in sub-clause (a) of this clause }

(f) Engaged in experiments of an infectious nature or handling microscopic slides of an infectious nature or slides used in connexion with any of the complaints referred to in sub-clause (a) of this clause }

6d. per day.

2d. per hour with a minimum of 6d. per day.

NAUSEOUS WORK.

11. All male employees not provided for in clause 10 who handle linen of a nauseous nature, other than linen bagged or packed in containers, shall be paid at the rate of 5s. per week in addition to the rates prescribed in clauses 2 or 3.

ANNUAL LEAVE.

12. Any employee who has been in the service of an employer for a period of not less than twelve months shall be granted by such employer two week's leave (of seven days each) in each year on full pay, without any deduction for board and lodging.

Such payment shall be made to the employee before the commencement of the annual leave period concerned. Provided that any employee who leaves or is dismissed for any reason (other than misconduct) after six months' continuous service in any qualifying twelve monthly period, shall in lieu of annual leave, receive a pro rata payment, based on the amount payable for the leave prescribed herein for a full twelve months' continuous service, and the period actually served.

PUBLIC HOLIDAYS.

13. Employees shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, the first Tuesday in November (within a radius of 20 miles of the General Post Office, Melbourne), Christmas Day, and Boxing Day, but if any other day be by Act of Parliament or Proclamation substituted for any of these holidays employees shall be entitled to the days so substituted.

Provided that if an employee works on any of such holidays or such holiday occurs on his or her rostered day off or during his or her period of annual leave he or she shall be given—

(a) within four weeks following the date on which such holiday occurred—

- (1) one extra day's pay, or
- (2) equal time off in lieu thereof, or

(b) one day shall be added to his or her annual leave.

SICK LEAVE.

14. (a) In the event of an employee becoming sick and certified as such by the Medical Superintendent or by a Medical Practitioner approved by the institution or in an institution where there is no Medical Superintendent by a qualified Medical Practitioner approved by the institution, he or she shall be entitled to sick leave on full pay as follows:—

- (i) During the first year of service in an institution—one day for each month of service.
- (ii) During the second, third, and fourth years of service in an institution—fourteen days in each year.
- (iii) Thereafter—twenty-one days in each year.

Sick leave shall be in addition to the annual leave provided in clause 12.

Provided that an employee may be absent through sickness for one day without furnishing evidence of such sickness as provided in sub-clause (a) hereof on not more than three occasions in any one year of service.

(b) If the full period of sick leave as prescribed in sub-clause (a) hereof is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding sixty-three days, which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay.

For the purposes of this sub-clause, service prior to the 28th June, 1943, shall be disregarded.

(c) Notwithstanding any other provision in this clause an employee who contracts an infectious disease in the course of his or her duties and same having been certified to by the Medical Superintendent or by a Medical Practitioner approved by the institution shall receive full pay during the necessary period off duty up to but not exceeding a period of three months.

EMPLOYEES ENGAGED ON NIGHT DUTY.

15. For any period of not less than 3 hours worked by females between the hours of 8 p.m. and 8 a.m. and by males between the hours of 6 p.m. and 8 a.m. an amount of 6d. for each such period shall be paid in addition to the rates prescribed in clauses 2 or 3 of this Determination.

EARLY MORNING DUTY.

16. Employees (other than employees referred to in clause 15) who commence duty on any day between the hours of 5 a.m. and 6.30 a.m. shall be paid an amount of 5d. for each of such days in addition to the rates prescribed in clauses 2 or 3 of this Determination.

TIME BOOK.

17. Every employer shall provide and cause to be kept a time book or other record in which each employee shall daily enter his or her starting and finishing times.

Such time book or other record shall be available for inspection to the General Secretary of The Hospital, Dispensary, and Asylum Employees' and Allied Government Officers' Federation.

ROSTER.

18. A weekly roster setting out employees' weekly and daily working hours, times of commencing duty, meal intervals, time off duty and time of ending duty shall be kept posted or affixed in some conspicuous part of the premises in which persons subject to this determination are employed where it may be readily seen by such employees and the Secretary of the Hospital, Dispensary and Asylum Employees and Allied Government Officers' Federation of Australia, No. 1 Victorian Branch.

DRESSING ROOMS, ETC.

19. Dressing rooms, rest rooms, bathrooms or shower rooms, and lunch rooms, shall be provided for non-resident employees and suitable healthy accommodation for resident employees.

REST INTERVAL.

20. At a time suitable to the employer two rest intervals of ten minutes each shall be given to all employees during each day or rostered shift, and shall be counted as time worked.

UNIFORMS, ETC.

21. Uniforms, overalls, caps, and aprons, shall be provided and laundered free of cost for employees required to wear same.

RUBBER GLOVES, ETC.

22. Rubber gloves and all necessary safety appliances shall be provided free of cost for the use of employees and an adequate supply of same shall be maintained.

TERMINATION OF EMPLOYMENT.

23. Except where the conduct of an employee justifies instant dismissal, seven days' notice of termination of employment shall be given by either employer or employee, or one week's wages paid or forfeited as the case may be in lieu of such notice.

UNION INTERVIEWS.

24. During working hours employees of any establishment subject to this Determination may, with the consent of the person in charge of such establishment (which consent shall not be unreasonably withheld) be interviewed by the Secretary or Organizer of the Hospital, Dispensary, and Asylum Employees and Allied Government Officers' Federation of Australia, No. 1 Victorian Branch, or have their Union contributions collected by the steward of the said organization.

DEFINITION.

25. For the purpose of this Determination "experience" referred to in clause 3 means experience at such work in any hospital or institution subject to this Determination.

NOTE.—Section 174 of the Factories and Shops Acts provides: Where any person is employed to perform two or more classes of work to which a rate fixed by a Wages Board is applicable then such person shall be paid in respect of the time occupied in each class of work at the rate fixed by the Board for such work.

PERIODICAL ADJUSTMENT OF WAGES.

26. The wages rates set out in clauses 2 and 3 are based upon the following basic wage rates and pursuant to the provisions of Section 21 of the *Factories and Shops Act* 1934, the Board has determined that such rates shall be automatically increased or decreased by the same amount, and at the same time as such basic wage rates in accordance with the table prescribed in Clause (27) herein.

Basic Wage.

Place.	Needs Basic Wage (Adjustable).	Loading (Constant).	Total Basic Wage.	Index Number Set Assigned.
	Per week. £ s. d.	Per week. £ s. d.	Per week. £ s. d.	
Throughout the State	4 12 0	Adult Males. 0 6 0	4 18 0	Melbourne

ADJUSTMENT OF WAGE RATES.

27. (a) Until the beginning of the first pay period to commence in August, 1946, the wages rates hereinbefore prescribed shall be paid.

(b) During each future period of or near a quarter beginning with the first pay period to commence in an August, a November, a February, or a May, the amounts of the said rates shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's 'All Items' retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician:—

- (1) Adjustment is to be based upon the equating of index number 1,000 with a needs basic wage of 81s., the amount assessed upon that number of the Commonwealth Statistician's declared needs basic wage per week for an adult male.
- (2) The index number for Melbourne is to be applied.
- (3) The index number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.
- (4) The amount of addition or deduction assigned in the following table (or in any extension thereof) to the index number division comprising such number is to be ascertained.
- (5) That the assigned amount shall for work done during such period of or near a quarter be added to or deducted from the originally prescribed amounts of the rates in accordance with that table.
- (6) The division called "original" in the following table is that for the amount of the needs basic wage upon which the rates are to be deemed to have been originally prescribed:—

TABLE.

Original Index Number Division 1056-1067. (£4 6s.)

Index Number Divisions.				Amounts of Additions or Deductions per Week.		
For Additions.		For Deductions.		Adult Male Employees.	Adult Female Employees and Male Junior Employees.	Female Junior Employees.
				s. d.	s. d.	s. d.
1056-1067	.. .. .	1056-1067	.. .. .	0 0	0 0	0 0
1068-1080	.. .. .	1044-1065	.. .. .	1 0	0 6	0 3
1081-1092	.. .. .	1031-1043	.. .. .	2 0	1 0	0 6
1093-1104	.. .. .	1019-1030	.. .. .	3 0	1 6	0 9
1105-1117	.. .. .	1007-1018	.. .. .	4 0	2 0	1 0
1118-1129	.. .. .	994-1006	.. .. .	5 0	2 6	1 3
1130-1141	.. .. .	982-993	.. .. .	6 0	3 0	1 6
1142-1154	.. .. .	970-981	.. .. .	7 0	3 6	1 9
1155-1166	.. .. .	957-969	.. .. .	8 0	4 0	2 0
1167-1179	.. .. .	945-956	.. .. .	9 0	4 6	2 3
1180-1191	.. .. .	933-944	.. .. .	10 0	5 0	2 6
1192-1203	.. .. .	920-932	.. .. .	11 0	5 6	2 9
1204-1216	.. .. .	908-919	.. .. .	12 0	6 0	3 0
1217-1228	.. .. .	896-907	.. .. .	13 0	6 6	3 3
1229-1240	.. .. .	883-895	.. .. .	14 0	7 0	3 6

Any extension of this table must be of the same construction as the table.

By the Court,

REX L. CECIL,

Registrar.