

This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1916 Excerpt: ... Constitutionality; construction. Â§ 1. WORKMENS COMPENSATION LAW. (L. 1913, ch. 816; re-enacted L. 1914, ch. 41.) Â§ 1. Short title. Constitutionality.--The Workmens Compensation Law (L. 1914, ch. 41) is not violative of the Fourteenth Amendment of the Constitution of the United States for taking property without due process of law, and under the amendment to the State Constitution, adopted November 4, 1913, and now section 19 of article 1 of such Constitution, it is a valid enactment within the police power of the state for the promotion of the general welfare. It protects both employer and employee, the former from wasteful suits and extravagant verdicts, the latter from the expense, uncertainties and delays of litigation in all cases and from the certainty of defeat if unable to establish a case of actionable negligence; it creates a fund for the payment of the compensation allowed for disability or death from accidental injuries sustained by employees engaged in certain enumerated hazardous employments, and distributes the burden thereof equitably over the business and industries affected. The fact that the statute deprives an employee, injured by negligence imputable to the employer, of a further right of action against his employer does not render the act unconstitutional. The act does not deal with intentional wrongs but only with accidental injuries for which a new remedy is substituted in place of the common-law right of action. The legislature has the power, in the promotion of the public welfare, to require both employer and employee to yield something toward the establishment of a principle and plan of compensation for their mutual protection and advantage, and it is certainly competent for the legislature to provide, by the creation o...

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