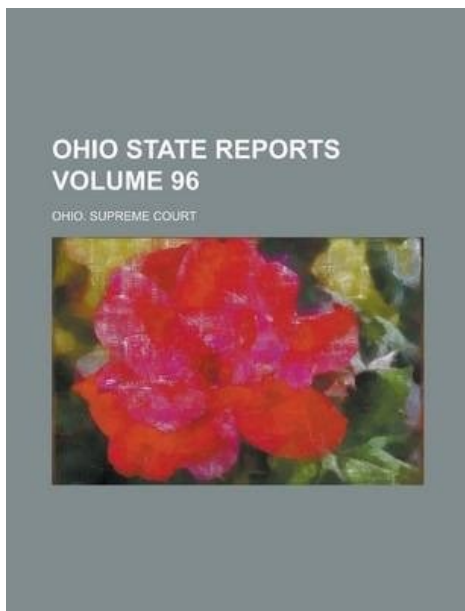


Ohio State Reports Volume 96

U S Government, Ohio Supreme Court



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1918 edition. Excerpt: ...the material language involved here, then I admit that there had been such judicial construction and the constitution-makers had in mind that construction for some purpose or other. I call for the reading of the syllabus of that case. It discloses the fact that the only question passed upon in that case was the constitutionality of the Dissenting Opinion, per WANAMAKER, J. Workmen s Compensation Act of 1911 as a whole, upon the various challenged grounds. The entire syllabus of that case reads: The act entitled An act to create a state insurance fund for the benefit of injured, and the dependents of killed employes, etc., 102 O. L., 524, is a valid exercise of legislative power not repugnant to the federal or state constitutions, or to any limitation contained in either. Certainly nothing here even attempts to construe the language in question. The various grounds upon which it was claimed the old act in question was unconstitutional did not include either generally or specifically the language involved in the case at bar, and upon that question I call for a reading of the opinion as well as an examination of the briefs. It is hard to prove a negative, or the absence of something. But the only language in the opinion even remotely relating to the provision of the Constitution of 1912, and Sections 15 and 16 of the Industrial Commission Act, consists of these words: Therefore the only right of action which this statute removes from the employe is the right to sue for mere negligence (which is not wilful or statutory) of his employer, and it is within common knowledge that this has become in actual practice a most unsubstantial thing. This language is somewhat hazy....

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