

**EMPLOYERS' LIABILITY, WORKMEN'S
COMPENSATION AND LIABILITY INSURANCE;
THE DISTINCTION BETWEEN THE LIABILITY TO
PAY COMPENSATION AND THE LIABILITY FOR
DAMAGES FOR INJURIES WHICH ARE NOT
WITHIN THE COMPENSATION ACT OF NEW
YORK STATE**

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Employers' liability, workmen's compensation and liability insurance; the distinction between the liability to pay compensation and the liability for damages for injuries which are not within the Compensation Act of New York State by Jeremiah F. Connor

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JEREMIAH F. CONNOR

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AND
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THE DISTINCTION BETWEEN THE
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THE LIABILITY FOR DAMAGES FOR IN-
JURIES WHICH ARE NOT WITHIN THE
COMPENSATION ACT OF NEW YORK STATE

STATE COMPENSATION INSURANCE COMPARED
WITH LIABILITY INSURANCE BY STOCK
COMPANIES AND MUTUAL ASSOCIATIONS

The Workmen's Compensation Law, Annotated

By

Jeremiah F. Connor

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Commission and the State Industrial Com-
mission of the State of New York

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INTRODUCTION.

The Workmen's Compensation Law of the State of New York (Chapter 67 of the Consolidated Laws, as enacted by Chapter 816 of the Laws of 1913 and re-enacted by Chapter 41 of the Laws of 1914, with amendments) made a radical change in relation to the liability of employers for damages because of accidental injuries. The result has led to much confusion between injuries which are compensatable and injuries which may be made the basis of damage suits.

Part I of this work is intended to relieve this confusion. The compensation act is explained and cases of dual liability and optional remedies, as well as cases which are not covered in any manner by the compensation law, are classified and supplemented by such annotations of authorities as are available.

Part II is devoted to the subject of compensation and liability insurance. Here again confusion exists more particularly in relation to state insurance covering the payment of compensation. Nothing has been attempted in this connection except to show the nature of this and other forms of insurance, to explain the so-called immunity claimed on behalf of State Fund insurance, and to point out that the State Insurance Fund is created for the purpose of insuring employers against the payment of compensation, and under its contract or insurance policy, only insures against compensation liability.

Part III contains the workmen's compensation law as amended, including the amendments made by the Legislature of 1916. It is annotated with all decisions of the Courts under the New York act and with decisions of the Workmen's Compensation Commission and its successor, the State Industrial Commission. The appendix contains the Employers' Liability Act of New York State, the elective compensation law, and the provisions of the State constitution affecting the liability of

the employers and the rights of employees, together with the Federal Employers' Liability Act.

The author was chief counsel for the State Workmen's Compensation Commission of the State of New York from the time the compensation law became effective, July 1, 1914, until this Commission was superseded by the State Industrial Commission, June 1, 1915, and was chief counsel for the State Industrial Commission until January 1, 1916. During this period of time, the author had complete charge of all legal matters relating to the compensation law and feels that he has had a part in the growth and development of the judicial decisions under which the Act has been interpreted. It has been the aim of the author to make this volume useful in the practical application of compensation legislation to the liability of employers and the rights of employees both in relation to compensation and to injuries which are not covered by the compensation act, and to explain in a practical manner the distinction between the different forms of insurance under which employers may give security for the payment of compensation and relieve themselves from further liability in cases which are not the subject of compensation.

The distinctions between the different forms of Employers' Liability are based to a large extent upon the law in New York State. They apply to the subject generally, however, and especially to those states having compensation statutes similar to the New York Act.

The part devoted to state insurance applies to all states where the State Insurance Fund is created to operate in competition with other forms of insurance except insofar as the wording of the statutes may be different. The annotations to the compensation law cover a wide field. The cases passed upon by the Courts include those in which no opinions were written. Many of the decisions by the Commission are unreported, but all will be found useful in the determination of claims not only in New York State but also under compensation statutes generally.

May 1, 1916.

JEREMIAH F. CONNOR, Oneida, N. Y.

ABBREVIATIONS.

NOTE—The abbreviations used in this work refer to the following reports, viz.:

APP. DIV.—NEW YORK SUPREME COURT, APPELLATE DIVISION.

ATL. REP.—ATLANTIC REPORTER.

B. W. C. C.—BUTTERWORTH'S WORKMEN'S COMPENSATION CASES (ENGLISH).

FED. REP.—FEDERAL REPORTER.

MASS.—MASACHUSETTS REPORTS.

N. E.—NORTHEASTERN REPORTER.

N. C. C. A.—NEGLIGENCE AND COMPENSATION CASES, ANNOTATED.

N. Y.—NEW YORK REPORTS.

N. Y. ST. DEP. REP.—NEW YORK STATE DEPARTMENTAL REPORTS.

N. Y. SUPP.—NEW YORK SUPPLEMENT.

PAC. REP.—PACIFIC REPORTER.

U. S.—UNITED STATES SUPREME COURT REPORTS.

W. C. C.—WORKMEN'S COMPENSATION CASES (ENGLISH).

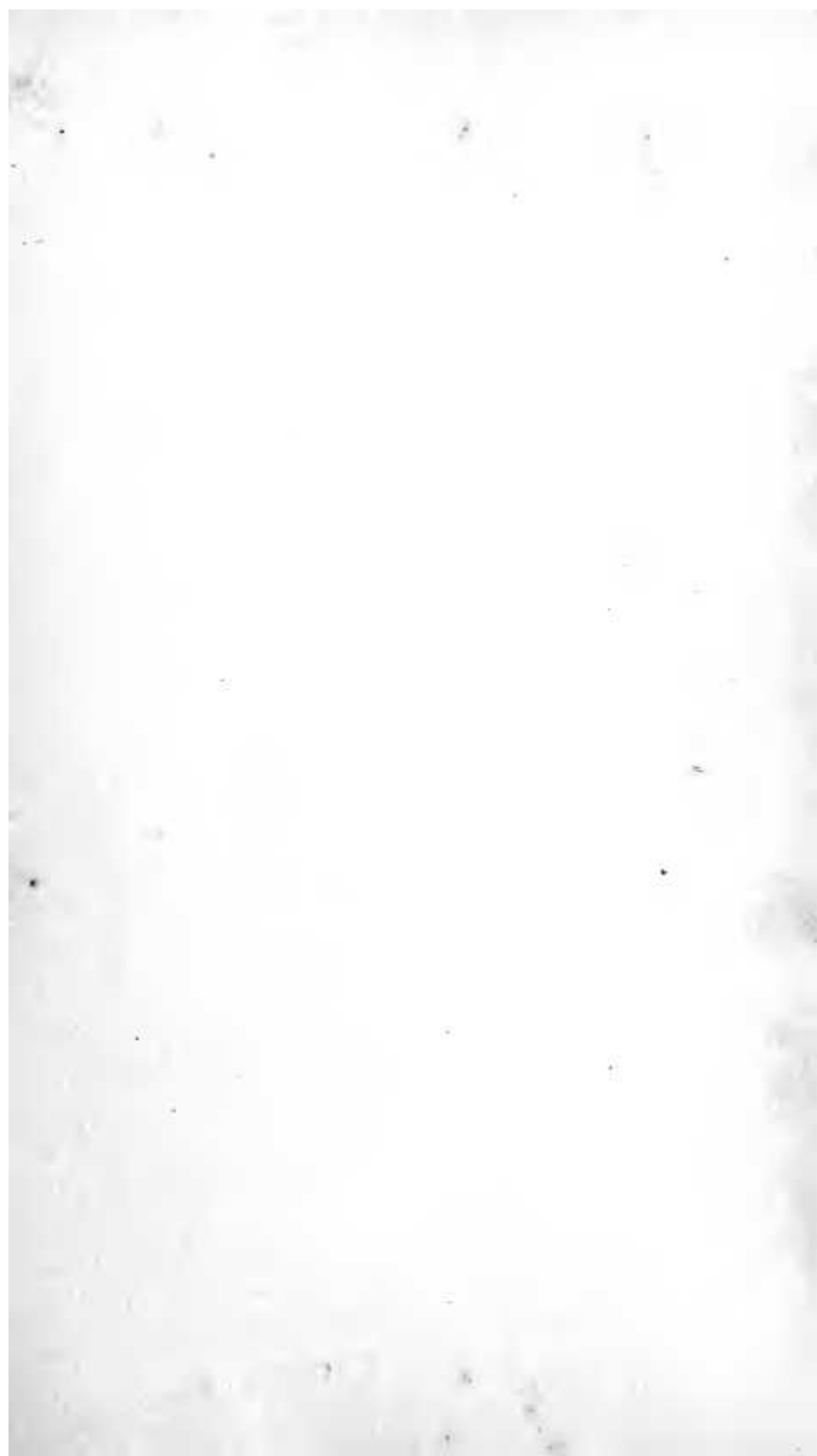


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