General Headquarters
July 3, 1935

Mr. E. M. Voorhees,
Vice-President.

Re: Occupational Disease Legislation - Illinois

Mr. Heth advises me that the Illinois Legislature adjourned last Friday sine die and that no legislation whatsoever (either that sponsored by labor or that sponsored by the manufacturers) was passed at the Session. The Bill which we favored was not even reported out of Committee or voted upon. That sponsored by labor was reported out but was defeated.

This means that until the next Session of the Legislature anyone suffering from an alleged occupational disease must rely on his common law rights except that there is some small chance that dust diseases may be held to come within the purview of Section 2 of the old Illinois Occupational Diseases Act, which section has not as yet been declared unconstitutional. To bring dust diseases under this section, the Court would have to hold that the dusts were "poisonous". I am inclined to believe that any such holding will not be forthcoming and I am also inclined to believe that this Section 2 may also very likely be held unconstitutional for the same reasons that prompted a similar holding in the case of Section 1.

If the dust diseases were held to come under Section 2, the determination of the existence of the disease and of the extent of the disability and other questions would be determined by the Industrial Commission and not by the Courts.

VANDIVER BROWN
Legal Department

VB:T

CC: Messrs. W. R. Seigle
S. A. Williams