



1945

## Our Supreme Court Holds

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**Friday Morning, September 13th**

**Municipal Auditorium**

- 9:30 Sectional Meeting. Actions to Quiet Title.  
Manfred R. Ohnstad, Chairman  
Fulton Burnett, Discussion Leader
- 10:45 Sectional Meeting. Summary Administration of Small Estates and Heirship Proceedings.  
L. H. Oehlert, Chairman  
Eugene A. Burdick, Discussion Leader
- 11:30 Sectional Meeting. The Ownership, Taxation and Transfer of United States Savings Bonds.  
Arthur W. Stokes, Chairman  
Adrian O. McLellan, Discussion Leader
- 12:30 Group Luncheons.

**Friday Afternoon**

**Municipal Auditorium**

- 1:30 Committee Reports.  
3:00 Election of officers  
Unfinished Business  
Adjournment

**LADIES' PROGRAM**

**Thursday, September 12th**

- 2:30 Tea
- 6:00 Municipal Auditorium—President's Reception.
- 6:30 Municipal Auditorium—Banquet, Entertainment.

**Friday, Septemebr 13th**

- 1:30 Bridge Luncheon—Country Club.

**GOLF**

The Valley City Country Club is open to all registrants, both men and women, at all times during the convention. No charge.

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**OUR SUPREME COURT HOLDS**

In A. T. Schmidt Pl. and App., vs North Dakota Workmen's Compensation Bureau and its commissioners, Def. and Resps.

That when the workmen's compensation bureau determines that an applicant is entitled to share in the compensation fund, it has continuing jurisdiction of that applicant and, upon a proper showing, may increase or decrease the compensation allowed.

That this provision of the Uniform Practice Act set forth in section 28-3215 that: "Any party to any proceeding heard by an administrative agency,

except in cases where the decision of the administrative agency is declared final by any other statute, may appeal from such decision" does not authorize an appeal from a decision of the workmen's compensation bureau refusing compensation for an alleged factor of the injury, on the theory that such decision is not final owing to the continuing jurisdiction.

That when the workmen's compensation bureau determines an applicant is entitled to share in the compensation fund, any decision which it makes as to the amount of compensation if any to be allowed for any of the different factors in the injury is declared by statute (section 65-0503 of the Revised Code) to be final.

Appeal from an order of the district court of Burleigh County, dismissing an appeal. Hon. Fred Jansonius, Judge. **AFFIRMED.** Opinion of the Court by Burr, J.

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In Florence Myers, Pl. and Resp., vs. Hagert Construction Company, a corporation, and Butler Construction Company, a corporation, Defs., Hagert Construction Company, a corporation, Def. and App.

That statement of employee, that he failed to signal he was going to stop, made within a minute or two after a collision between the truck he was driving and the car in which plaintiff was riding, at the scene of the accident and while still under its influence, was admissible in evidence in an action against his employer as a part of the res gestae.

That testimony of a witness that a truck which he was following "stopped very suddenly" was not incompetent.

That in an action for personal injuries, the admission in evidence of a photograph of the damaged car in which plaintiff had been riding was proper where the photograph was relevant to illustrate the manner in which the accident, in which plaintiff was injured, occurred.

That trial courts are vested with broad judicial discretion in the allowance of amendments to pleadings and an appellate court will not interfere with the action of the trial court in such matters except in cases of a clear abuse of discretion.

That the allowance of an amendment to a complaint, during the trial of an action, permitting plaintiff to allege injuries not originally plead, was not an abuse of discretion where it appeared that plaintiff has been examined by defendant's doctor and there was no claim of surprise or motion for a continuance.

That where an injury is alleged, a recovery may be had for the natural and probable consequences thereof, although such consequences are not set up in detail.

That where plaintiff alleged that her injuries consisted of "broken bones which were set and reset" it was not error to receive evidence of a dislocation of the wrist and traumatic arthritis which were directly attributable to the alleged fractures.

That statement made by counsel for the plaintiff in his argument to the jury, in which he referred to the defendant as a "bloodless corporation" was not prejudicial error where the trial court instructed the jury not to consider the remark in arriving at their verdict.

That it was not error for the trial court to refuse to give a requested instruction which was not properly applicable to the evidence in the case.

That it was not error for the trial court to refuse to give a requested instruction where the charge given fully and fairly covered the issues referred to in the proposed instruction. Appeal from the District Court of Grand Forks County, Swenson, J. **AFFIRMED.** Opinion of the court by Burke, J.