



1942

## Books for Sale

Beatrice A. McMichael

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## BOOKS FOR SALE

The Clerk of the United States District Court for the District of North Dakota has for sale the "Federal Digest" complete with all supplements including the 1940 supplement. These are being offered for sale upon sealed bids, and any person interested may secure the necessary form upon which to submit a bid for this Digest System by applying to Beatrice A. McMichael, Clerk, United States District Court, Fargo, North Dakota. It will be necessary that applications for bids be made immediately as all bids submitted will be opened at the Office of the Clerk of the United States District Court at Fargo, North Dakota, at nine o'clock A. M. on the 26th day of April, 1942.

Beatrice A. McMichael, Clerk  
United States District Court.

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## LIBEL AND SLANDER — ABSOLUTE PRIVILEGE

Defendant, as former employer of plaintiff, was required by statute and by rules and regulations of the North Dakota Workmen's Compensation Bureau to fill out in triplicate a furnished form, stating the reasons for plaintiff's separation from his employ, copies of which were to be delivered to the plaintiff and the Bureau, and the defendant to retain a copy. Plaintiff contends that when defendant placed thereon an "X" opposite the words "Misconduct connected with work," and added thereto the words "Falsification of Audit Report," and submitted it to the Bureau, it was a libel. Held, that this being a communication required by statute, it was absolutely privileged. *Stafney v. Standard Oil Co., et al.*, 299 N. W. 582 (N. D., 1941).

Then general rule has been that communications made in pursuance of a duty, public or private, legal or moral, are only qualifiedly privileged. 36 C. J. pp. 1241 and 1244; *Townshend, Slander and Libel* (4th Ed., 1890), p. 300; *Odgers, Libel and Slander* (5th Ed., 1881), p. 249; *Newell, Libel and Slander* (4th Ed., 1924), p. 416; *Robertson, Criminal Law, Sec. 592*; *Cooley, Torts* (3rd Ed., Vol. 1, 1932), Sec. 158. This rule dates at least from 1855. *Harrison v. Bush*, 5 El. & Bl. 349, 119 Eng. Rep. at 512, 32 Eng. Law & Eq. 173, 1 Jur. (N. S.) 846, 25 L. J. Q. B. 25, 3 W. R. 474, 85 E. C. L. 344.

It has also been the rule that courts have steadily refused to enlarge the limits of the class of occasions which are absolutely privileged. 36 C. J. p. 1240. These classifications are generally stated as communications made in the course of judicial, legislative, or executive or administrative proceedings. 36 C. J. p. 1241. By statute, North Dakota has substituted for executive or administrative proceedings, communications made ". . . or in any other proceeding authorized by law." Sec. 4354 (2), Comp. Laws 1913. The court points out that the North Dakota statute omits the word "official," which is usually found in this type of statute,