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Our Supreme Court Holds

North Dakota State Bar Association

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LAW BOOKS FOR SALE

Mrs. H. A. Hanson of Bowbells has for sale Northwestern Reports Vols. 1 to 276; North Dakota Reports Vols. 1 to 40; Corpus Juris Vols. 1 to 32; L.R.A. Vols. 1 to 70. Also other law books, and some office furniture.

Mrs. F. B. Lambert of Minot has for sale Northwestern Reports Vols. 1 to 207-228-230; Federal Reports 1 to 170; U. S. Reports—Law Edition, Vols. 1 to 72; Century Digest Complete; Massachusetts Reports Vols. 1 to 156; Minnesota Reports 1 to 25; Wisconsin Vols. 1 to 45; American Reports Vols. 1 to 50; American Decisions Vols. 1 to 38; Pacific Reports Vols. 1 to 101, and others.

Interested parties please write to them direct.

 OUR SUPREME COURT HOLDS

In *John Bergsbrand, Resp., vs. North Dakota Workmen's Compensation Bureau, Appit.*

That an appeal to the district court from an order of the Workmen's Compensation Bureau disallowing compensation must be taken within thirty days after notice of such action. Section 396a17, 1925 Supplement to the 1913 Compiled Laws of North Dakota.

That where a claim for compensation is denied without investigation by the Compensation Bureau on the ground that it appears on the face of the claim that the claimant was an elective official and so not an employee within the meaning of section 2 of the Workmen's Compensation Act (section 396a2, 1925 Supplement) and no appeal is taken, but thereafter and within one year from the time of the injury a second claim is filed on account of the same injury but predicated on an insurable employment and the bureau receives such claim, considers it anew, and makes an investigation thereof, and then denies the claim, its action in so doing is a final action from which an appeal therefrom may be taken within thirty days from notice thereof.

That a night watchman employed by a village is an employee within the meaning of that term as defined by section 2 of the Workmen's Compensation Act (section 396a2, 1925 Supplement.)

That the record is examined, and it is held, for reasons stated in the opinion, that the claimant was employed as night watchman at the time he received the injury on account of which he claims compensation.

That the fact that an employer in his reports to the compensation bureau mistakenly reports an employee as an elective official, when in fact he is otherwise employed, does not defeat the employee's right to compensation for injuries received in the course of his employment where the employer reports the compensation paid to him and pays a premium to the bureau predicated on such reported compensation.

That where a claim for compensation is made to the Compensation Bureau and the same is considered and acted upon by the bureau, the bureau has a continuing jurisdiction with respect to the same; and where an award is made, whether originally by the bureau or by the court on appeal from the bureau's decision denying an award, the bureau may modify such award as changing conditions warrant and require.

(Syllabus by the Court)

Appeal from the District Court of Nelson County, Honorable Daniel B. Holt, Judge. From a judgment awarding compensation on appeal from a decision of the Compensation Bureau, the bureau appeals.

MODIFIED AND AFFIRMED.

Opinion of the Court by Nuessle, Ch. J.