



1927

## American Law Institute

North Dakota Law Review

[How does access to this work benefit you? Let us know!](#)

Follow this and additional works at: <https://commons.und.edu/ndlr>

---

### Recommended Citation

North Dakota Law Review (1927) "American Law Institute," *North Dakota Law Review*. Vol. 4: No. 1, Article 4.

Available at: <https://commons.und.edu/ndlr/vol4/iss1/4>

This Note is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact [und.common@library.und.edu](mailto:und.common@library.und.edu).

the subject matter of a gift, and instructs him to give it to his daughters, there is sufficient manifestation of intention to make a gift *causa mortis*, and delivery is complete.

---

#### WORKMEN'S COMPENSATION DECISIONS

An employee, engaged in blasting, was injured while using a fuse extending out of the hole only two inches, which was contrary to statute. Compensation was denied on the theory that the injury was self-inflicted, or through wilful misconduct. In construing the term "wilful" as applied to compensation cases of that character, the Supreme Court of Virginia said: "The term imports something more than mere exercise of the will in doing the act; that is, a wrongful intention, or an intention to do an act that he knows, or ought to know, is wrongful, or forbidden by law. It involves the idea of premeditation and determination to do the act, though known to be forbidden. An employee who is injured in the course of employment is not barred from recovery by the fact that, at the time of the accident, he was engaged in doing an act forbidden and penalized by a general statute of the state, unless the employer can show that he had knowledge of the statute, or that reasonable steps had been taken to bring notice of it to him."—*King v. Empire Collicries Co.*, 139 S. E. 478.

---

#### AMERICAN LAW INSTITUTE

Hon. Geo. M. McKenna was delegated to represent North Dakota at the recent meeting of the American Law Institute, and he makes the following comprehensive report:

An exceedingly interesting meeting of delegates and guests interested in the work of the American Law Institute was held in Chicago, October 27, 28 and 29, 1927.

The meetings were presided over by Hon. George W. Wickersham, President of the Institute work, and Dr. William Draper Lewis, Director.

Invitations had been sent out to the various State Bar Associations, members of the Federal Judiciary of the Sixth, Seventh and Eighth Circuits, members of the highest courts, and other Judges in the Northwestern and Central States. The response was very gratifying. The State Bar Association or Supreme Courts of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania and Wisconsin were represented.

The object of the meeting was two-fold: First, to analyze and discuss critically the tentative drafts of the re-statements on Conflict of Laws, numbers 1, 2 and 3; Contracts, numbers 1, 2 and 3; and Torts, numbers 1 and 2; secondly, to discuss ways and means by which these tentative drafts might be placed in the hands of the practicing Bar of the country as a whole.

The writer had the honor of being the sole representative of the State of North Dakota present at the meeting. In his opinion, the meeting was more successful and more advantageous than the larger meetings which are held annually at Washington, D. C., for the reason that the group was smaller and the delegates apparently felt more free to voice their criticisms, to ask questions, and to enter into the various discussions.

The reporters in charge of the four topics mentioned were present, to-wit: Prof. Samuel H. Williston of Harvard, on Contracts, Prof. Francis H. Bohlen of Pennsylvania, on Torts, Prof. Joseph H. Beale of Harvard, on Conflict of Laws, and Prof. Floyd H. Meecham of Chicago, on Agency. Many valuable suggestions were noted by the reporters.

By far the most important matter discussed was what is known as the Michigan Plan for distribution of re-statements.

Prof. Goodrich, of the Michigan Law School, explained that the State Bar Association authorized him and his assistants to annotate re-statement No. 1 of Conflict of Laws, covering the question of Domicile. Accordingly, the decisions of the Supreme Court of Michigan were digested. Then the Constitution and statutes of the State were examined to ascertain wherein the re-statement differed with the Constitution, statutes and decisions of the State of Michigan. Prof. Goodrich's report was that differences were found in only one or two minor matters.

The Michigan annotations, statutes and cases were placed under each paragraph of the re-statement affected. The American Law Institute cooperated by permitting the Bar Association to use the type and press of the Institute. When completed, the re-statements, with these annotations, were mailed to every lawyer in the State, free of expense.

It was the opinion of the officers and those present at the Chicago meeting that it would be very desirable if other states would follow Michigan's example, by taking up one of the subjects upon which tentative drafts have been prepared, having such re-statement annotated, and then sent out to practicing lawyers at the expense of the State Bar Association. Prof. Goodrich reported that the total expense to the Michigan Association was about \$250.00.

If the assistance of the Law School and a committee appointed by the Bar Association could be obtained in this State, it would be possible, and not difficult, to secure the publication of an annotated edition of one of the re-statements and place this in the hands of every practicing lawyer in North Dakota.

The American Law Institute is also very anxious that the judges of the states should, wherever possible, cite the re-statements as authority in their decisions. The view was expressed that the differences, when finally analyzed, between the re-statements and the court decisions of the various states would not be found to be very serious, and that by proper action on the part of the courts these differences could be ultimately ironed out.

From the interest taken by the Bar generally, and the judges, in the work of the American Law Institute, we may make bold to hope that the re-statements will have a very salutary effect upon unifying the laws and decisions of our forty-eight states and those of the Federal Courts.

The delegates were requested to urge the members of their respective Bar Associations to purchase the copies of the re-statements and the commentaries which have already been issued, and to make practical use of them, to the end that the Bar may become familiar with the work, may find it helpful and instructive, and that they may share in this important plan of simplifying and clarifying the fundamental principles of the common law.