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## Workmen's Compensation

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whether plaintiff can maintain this action after having elected to proceed under the Compensation Act. HELD: The remedy under the Workmen's Compensation Act is exclusive, and election to proceed under the Act precludes employee from maintaining action at law. Under Section 11 of the Act the employee may file application with the bureau for an award to be determined by the bureau but to be paid by the employer who has failed to pay premiums to the compensation fund, which award constitutes a claim for liquidated damages, recoverable in an action by the state for the benefit of the person entitled to it.

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*Hart vs. Casterton*: C and McK were officers of a Bank in Iowa, and also directors of a bank in Golden Valley County, North Dakota. One Casterton, in his lifetime, purchased from the Iowa bank, through the N. D. bank, a mortgage on real estate in said county. The Iowa bank also owned a mortgage on some other real estate in the county, which was assigned (without consideration) to C, who foreclosed. The property was bid in the name of McK and sheriff's deed was issued to him, although real ownership remained in the Iowa bank. The sheriff's deed was recorded. McK then executed a mortgage to C, who paid nothing for it. The mortgage bought by Casterton becoming past due, he suggested exchange for another mortgage, and the bank turned over the McK mortgage for the one originally purchased, but the McK mortgage had not been recorded. Subsequently, and in order to obtain county and similar deposits for the N. D. bank, C and McK signed as sureties on bonds, attaching statements to the bonds showing ownership of real estate in the county. The real estate involved herein was the only real estate showing in the name of McK, and investigation by the county disclosed clear title. In January, 1924, both the banks became insolvent; in February, 1924, the McK mortgage was recorded; and in June, 1924, McK was adjudged a bankrupt (debts of about \$100,000 and assets of about \$6,000). The county proved its claim against the estate of the bankrupt (deducting dividends received from the bank through the receivership), and the trustees of the bankrupt's estate brought this suit to set aside the McK mortgage as fraudulent and void. The defendants are executors of the Casterton estate and had paid taxes on the McK land. HELD: Neither the original purchase by Casterton, nor the trade for the McK mortgage, was fraudulent or void, but the instrument having been kept off the record to maintain McK's credit, and the county having acted to its detriment on the strength of such record, the trustee has a valid lien for the amount of the claim of the county, subject only to taxes paid by the defendants.

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#### WORKMEN'S COMPENSATION

A workman died from cerebral hemorrhage while at work. The only possible "overexertion" in connection with his work consisted in walking "pretty fast" and carrying a 21-pound iron key for a distance of 250 to 300 yards. Whatever immediate effect was produced by such possibly unusual physical exertion was of no material consequence, as is manifested by the fact that shortly thereafter he appeared to be "all right". Evidence also disclosed that the decedent, who was usually reliable, had made a number of mistakes prior to carrying the iron key, indicating that the blood vessel had already been ruptured. It was held that the dependents were not entitled to compensation, death

being caused solely from disease although occurring during employment.—*Singlaub vs. Industrial Accident Commission*, 262 Pac. 411. (Cal.).

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### UNIFORM STATE LAWS

Chairman Paul Campbell, of the Committee on Uniform State Laws, presents the following from the address of Hon. Geo. B. Young, President of the National Conference of Commissioners on Uniform State Laws:

"The Bar must be educated to see the need for uniform state laws. Today many lawyers of standing and with a large local practice see no advantage in uniform laws and they prefer the law that they know to one they do not know. Seeing no advantage in the change they oppose the change and do not favor the proposed uniform law. Very frequently they have not read it and know little or nothing about it and therefore oppose it. More publicity of the educational kind is needed.

"The movement for uniform state laws should succeed. It is the only way apparent to provide the uniform law that the people demand other than through the Federal Congress. It is the most efficient way to preserve the powers of the states and keep the activities of Congress within constitutional limits. The preservation of our present scheme of constitutional government is dependent upon the active, efficient and effective discharge by the states of their constitutional duties as to local self-government. Changing conditions make many matters that formerly were purely local now of concern to citizens of many states. Enlarged means of communication and constantly extending fields of business bring citizens of our various states into closer social and business relations than were the citizens of different parts of one of our states a hundred years ago. This demands that the laws governing these relations be the same over a much greater territory but the subjects of such laws are still in state jurisdiction and not in federal jurisdiction. The Federal Government is now overburdened with government detail almost to the breaking point. This demand for uniform laws governing various relations must be met by uniform state laws or it will of necessity be supplied by Congress. We are the established agency for furnishing the states the means and showing them the manner to supply the demand. If we fulfill our mission we shall accomplish a great good for the country. Can we and will we do it? We can if we will."

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### INDUSTRIAL PEACE

The American Bar Association Committee on Commerce, working through its sub-committee on Federal Legislation, has just recently completed the taking of testimony by specialists in labor controversies and industrial relations, and now presents the following declaration of policy:

"To promote good will between those investing capital, those participating in management and those who render service in industry, and to facilitate the moving of commerce without wasteful interruption of industry, it is hereby declared to be the policy of the United States in the field of interstate and/or foreign commerce (and in so far as it may lawfully do so in the field of intrastate commerce) to promote the peaceful adjustment and prevention of industrial controversy by encouraging the making and maintenance inviolate by responsible or-