



1927

Bar Board Appointment/In The Foreground/Annual Proceedings

North Dakota Law Review

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York case, *Mausert vs. Albany Builders' Supply Co.*, 229 N. Y. Supp. 652, to-wit: Claimant was the mother of and partly dependent upon the deceased workman, who was killed while driving his employer's team over a smooth pavement. At 11:30 in the morning, while the horses were proceeding at a walk, the deceased was observed leaning forward on the seat. A man ran to support him, but before he could be reached he fell off the wagon, two wheels passing over the body and crushing the chest. He died the same day. The man who went to his aid noticed that his face was white, but got no odor of liquor from his breath. An official of the employer company testified that he saw deceased about 9:30 that morning, and that he looked as though he had been drinking. It was held, citing *Daly vs. Trucking Co.*, 223 N. Y. Supp. 861: That intoxication was not established; that the cause of the fall was entirely unexplained; that he accidentally fell from the seat of the wagon; that the injury occurred in the course of the employment; that there was no proof that it arose out of the employment; and that the burden of proof was upon claimant to establish that the employment itself gave rise to the accident resulting in injury. (May, 1928.)

DISCIPLINARY POWERS

The Board of Governors of the California State Bar Association (incorporated like North Dakota) has disciplinary powers, and reports indicate that it is not hesitating to use them for the benefit of the profession. At its August meeting, says the San Francisco Recorder, action was taken upon sixty-seven matters of discipline. In three cases disbarments were ordered, fifty were dismissed, twelve referred to local committees for further action, one resulted in suspension, and another brought an order to show cause why the reproof of the local committee should not be increased to suspension or disbarment. As elsewhere, the majority of complaints were nothing more nor less than disputes over fees. Provision was made by the Board for the appointment of arbitration and conciliation committees to dispose of such cases.

DONATIONS REQUESTED

Requests to supply American legal publications to the Middle Temple Library, London, England, come at frequent intervals, the latest being one from Clarence M. Lewis, of 43 Cedar Street, New York, stating that the Library would appreciate gifts of the various State Reports, including the 49 volumes of North Dakota Reports.

On receipt of the request from Mr. Lewis, the Editor checked the volumes in his bookcases, and found that he had two copies of Volume 41 of these Reports. One of these is, therefore, going forward to Mr. Lewis for shipment to London. It is possible that others may find duplications on their shelves, and would be glad to present one of the duplicates to this library, use of which is courteously and liberally extended to all American lawyers.

BAR BOARD APPOINTMENT

The Executive Committee has decided to provide for the recommendation of three names to the Supreme Court, from which list, under the law, the Court will appoint a successor to C. L. Young, whose term expires next January, in the following manner: A ballot will be prepared, containing six names, the names to be selected by the Executive Committee, acting as a nominating committee. This ballot will also contain a blank space for writing in a name, and will be mailed to all members of the Association. As much time as possible will be given for the return of the ballots. The three names receiving the largest number of votes will be submitted to the Court as the recommendation of the Bar.

IN THE FOREGROUND

Whether the lawyers of North Dakota know it or not, the question of the adoption of legislation providing for compulsory insurance against motor vehicle accidents is going to require an answer in the near future. Proposals may be made at the coming session of the Legislature. It would seem the part of wisdom, therefore, for attorneys to begin making some investigations with respect to the validity, practicability, and effects of various types of legislation that are likely to be proposed. The time to make studies is before bills become laws. Once a proposal finds its way to the printed pages of our law books amendment becomes extremely difficult. Help in the work of making bills right, and we won't need to worry so much about the laws.

ANNUAL PROCEEDINGS

The next issue of Bar Briefs (December) will contain the annual proceedings of the Association. This issue is being printed on the same size paper as the other issues of Bar Briefs, thus enabling those who desire to bind the twelve monthly issues to do so. We shall again have a fair-sized, presentable book, which will be mailed by the 15th of December, in ample time for committees to go over the various discussions, preparatory to the presentation of legislative proposals.

BUREAU REVERSES ITSELF

For nearly two years since the passage of Chapter 286 of the Session Laws of 1927, the majority of the commissioners on the Workmen's Compensation Bureau have held that this amendment does not permit payment for ankylosis (stiffness) of joints resulting from an injury. In other words, they construed the term "loss" to mean "loss by severance only." Up to July 1st of this year the division on the Bureau was four to one. Since Mr. Siljan succeeded Mr. Livdahl, however, he has supported the position taken by Commissioner Wenzel. This naturally resulted in renewed discussions, and within the last