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Injuries suffered by stevedore, while loading ship in navigable waters, not compensable under Workmen's Compensation Law of State, the matter being wholly within admiralty jurisdiction.—Jordan vs. Leyland & Co., 7 Fed. Rep. 386, (La.).

Where a third party is liable for an injury sustained by a workman, he must elect whether he desires to take under the act or to seek his remedy against the third party. If he elects to take under the act, the state alone can sue for the benefit of the accident fund.—Holmes vs. Jennings & Sons, 7 Fed. Rep. 231, (Ore.).

The findings of the Industrial Accident Commission on conflicting evidence is final and conclusive on Supreme Court.—Standard Varnish Works vs. Accident Commission, 239 Pac. 1067, (Cal.). To same effect is Pierce vs. Barker, 205 N. W. 496, (Wis.).

The findings of the Industrial Accident Commission are subject to review only insofar as they have been made without any evidence whatever in support thereof.—Stacey Bros. vs. Accident Commission, 239 Pac. 1072, (Cal.).

A lineman, while in the employ of his original master and as a member of a lineman's crew, was directed to dismantle a derrick erected by the master at the request of a contractor, and who was at all times during the course of the work under the direction and control of the original master, through its foreman, is not an employe of the contractor, but of the original master.—Stacey Bros. vs. Accident Commission, 239 Pac. 1072, (Cal.).

The burden of proving that the disability claimed is due to an injury sustained in the course of employment and not to something else is upon the claimant.—Simpson Construction Co. vs. Industrial Commission, 240 Pac. 58, (Cal.). To same effect is Curtis-Warner vs. Gorman, 130 Atl. 538, (N. J.).

A contractor who holds a contract to deliver U. S. mail along a star route, and who hires employes to deliver the mail, is subject to the State Workmen's Compensation Act, notwithstanding the employe, while delivering such mail, is engaged in a public function. .. .. Generally an employe who is injured while on his way to or from work is not entitled to compensation, in the absence of special circumstances bringing the accident within the scope of the employment.—Comstock vs. Bivens, 239 Pac. 869, (Colo.).

The provision of the Compensation Act granting a 50% increase of the award made in claims against employers who have failed to comply

with the Act is not unconstitutional as in violation of the article forbidding excessive fines, nor is it class legislation.—Flick vs. Industrial Commission, 239 Pac. 1022, (Colo.). (Note—this is contra to the decision of the North Dakota Court in a similar case.)

In a claim for death of employe it was found that a path over tracks was used as an approach to the plant; that the employer had never objected to such use; and it was, therefore, held that the use of such path represented a risk annexed by the conduct of the parties as an incident to the employment, and the injury was in the course of employment.—Corvi vs. Stiles & Reynolds, 130 Atl. 674, (Conn.).

Services of a wife in nursing an injured workman, who was removed from hospital to his home because surgeon believed recovery would thereby be hastened, are held to be reasonably expected without compensation from affectionate wife who is physically able to render such services.—Galway vs. Steel Erecting Co., 130 Atl. 705, (Conn.).

Where the question of dependency arises in death claims, the existence of such dependency as of the time of the accident must be proved. —Maryland Casualty Co. vs. Campbell, 129 S. E. 447, (Ga.).

A mine examiner, who left the place where his duties required him to go, and went to a motor shed, where he was not supposed to go, and undertook to operate dangerous machinery, which the rules and instructions of the employer forbade him to use or attempt to operate, voluntarily went outside the reasonable sphere of his employment and put himself beyond the protection of the Compensation Act.—Lumaghi Coal Co. vs. Industrial Commission, 149 N. E. 11, (Ill.).

A night watchman, whose place of duty was on premises of employer, cannot fairly be said to have been injured in the course of employment where injury occurred on street after he had left the premises to go two blocks away for lunch.—Dreyfus vs. Meade, 129 S. E. 336, (Va.).

A LEGAL MYTH

We accept as a fact that, under our system of legal procedure, the jury is the final judge of all facts in criminal cases. Whenever, therefore, an appellate tribunal has brought before it problems of the admission or exclusion of testimony that might have had a bearing upon the result attained by the jury, cases are sent back for a new trial in order that another jury may determine the case upon the basis of the proof that was actually admissible in evidence. We have had a number of such cases in this state as well as elsewhere.

There are those who call such errors "technical errors," and advocate the determination of such cases by the appellate court upon the basis of the general result achieved by the jury, regardless of these technical errors. The reply of others, voiced at the annual meeting by Mr. John