North Dakota Law Review

Volume 2 | Number 8 Article 5

1925

Changing Our Constitution

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WORKMEN'S COMPENSATION DECISIONS

Burden of proving that death was due to electric shock and not to natural causes is upon claimant.—Hardisty vs. Woodward Iron Co., 107 S. 837. (Ala. March, 1926.)

Employee is not in course of his employment (he was fixing own automobile on premises) though he may be in general area of it.—Board of Education vs. Industrial Commission, 151 N. E. 499 (Ill. April, 1926).

Compensation is recoverable to extent and in proportion to which pre-existing disease is accelerated or aggravated by injury, but evidence held to be insufficient to sustain proof.—West Side Coal Co. vs. Ind. Com., 151 N. E. 593 (Ill. April, 1926).

That a cold, contracted by exposure of employee while fighting fire on employer's premises, made him more susceptible to pneumonia is not sufficient to justify compensation since the accident must be the proximate cause of death or of disease which causes death.—Newkirk vs. Mining Co., (Colo. April, 1926).

A timber man who hoisted a car to the top of a gravity road and ran it down the plane to the mine hoist, without authority and without being employed by the mine foreman for that work, as required under the mining laws, is guilty of a misdemeanor, and his widow can not recover compensation for death caused as a result of such unlawful act.—Pokis vs. Buck Run Coal Co., 132 Atl. 795 (Penn. March, 1926).

Provision of statute to effect that alien parents shall not be entitled to compensation for injury to child held not in conflict with treaty guaranteeing to citizens of each country right of recovery on account of negligence. Benefits under Compensation Law are matters of "agreement and statutory consequences of agreement" and cannot be carried further than statute and contract go.—Liberto vs. Royer, 46 U. S. 373 (April, 1926, Penn.)

CHANGING OUR CONSTITUTION

Dr. Walter Simons, Chief Justice of the Supreme Court of Germany, referring to the charge, frequently made, that the U. S. Supreme Court is reactionary and unsocial and that its power should, therefore, be curtailed, recently had this to say: "It would be deeply deplorable, in the interests of the healthy progress of the United States, if this movement were crowned with success. If you take the balance wheel out of the machine, the running of the machine will soon become irregular and its

inner mechanism will gradually go to pieces. If this social movement, which is not a victorious one in the entire world, is also successful in the United States, the resistance on the part of the Supreme Court could be broken by a change of the Constitution—a change for which the Fathers of the Constitution have already provided. But the road thereto is more difficult and unapproachable than the one provided by the Constitution of Weimar (German). However, it will not be difficult for a largely preponderant movement of the people to take that road. It seems to me a proof of the deep, statesmanlike, political wisdom of the Convention of Philadelphia that, while they laid the way open for a step of this kind, they made it hard to take, for thus they avoided delivering the Constitution of the United States to the ever-changing majorities of public opinion and of its representatives in Congress. . . If the German people, in the difficult years to come, prove themselves capable of a similar capacity of adaptation and a similar tenacity in retaining their conditions of life, as shown by the American people in similarly difficult conditions, Germany can be saved from its present political, economic and social condition of danger."

STANDARDS OF ADMISSION TO PRACTICE LAW

Indiana is credited with being the State having the lowest educational requirements for admission. Its Constitutional provision reads: "Every person of good moral character, being a voter, shall be entitled to practice law in all courts of justice." Considerable controversy has now arisen among Indiana attorneys as to the necessity of changing the Constitutional provision, in view of the finding of a Jury that a person not fitted by training to practice law (Axton case) is not of good moral character. To an outsider it would appear that change by amendment is preferable to change by interpretation.

NEWS NOTES

A new rule promulgated in New Jersey prohibits the taking of more than four examinations by one person for admission to the Bar.

A bill recently introduced in Congress provides for the incorporation in the District of Columbia of the American Bar Association.

The regular July examinations for admission to the bar were held at Bismarck July 6th and 9th inclusive, a class of eighteen writing for admission.

Judge Alton B. Parker, long prominent at the New York Bar, former Chief Judge of the Court of Appeals, democratic candidate for president in 1904, and president of the American Bar Association in 1906-1907, died in June, 1926.

The lawyers of Roumania recently struck for a period of two weeks to protest against a distasteful stamp act. The lawyers of St. Ermant, France, at one time refused to appear in a certain court because they had