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Workmen's Compensation Decisions

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that though a city may be liable in damages for injuries occasioned by an unsafe physical condition of its streets, it is not liable for an unsafe condition resulting from failure to enforce police regulations governing traffic thereon, and that where personal injuries are caused by the negligent act of a policeman while driving an automobile belonging to the city, and while engaged in the performance of a governmental duty, such automobile being driven in violation of the law of the road and traffic regulations, the city is not liable though reasonable necessity existed for such violations and though the city may have acquiesced in unnecessary uses of its automobiles by officers and employees therein and reckless driving thereof. (Opinion filed July 27, 1926.)

U. S. SUPREME COURT DECISIONS

The Minnesota Laws of 1921 and 1923, treating ore lands as a distinct class of property and imposing upon them a tax that was not extended to other sorts of land or interests in land, held not to deprive the owners of the equal protection of the laws.—Iron Mines vs. Lord, 45 Sup. Ct. Rep. 627.

An insurance company can not be excluded from the right to do business in the State because it pays fees to non-residents for obtaining policies covering risks within the State, and a State Statute so limiting its right to do business violates the fourteenth amendment and is void.—Fidelity Co. vs. Tafoya, 46 Sup. Ct. Rep. 331.

The fifth and fourteenth amendments to the Constitution are not directed against the action of individuals, but are limitations upon the powers of the State or General Governments; and the thirteenth amendment does not protect the individual rights of negroes except in the matter of slavery. Therefore, a covenant, running with the land, providing that the land affected shall never be sold or leased to negroes, raises no constitutional questions. Corrigan vs Buckley, 46 Sup. Ct. Rep. 521.

It is a denial of due process of law for a State to require of a private carrier (particularly truck and motor bus), as a condition precedent to the continued use of the public highways, that it be subject to the duties and burdens of a common carrier. "We are not to be understood" said the Court, however, "as challenging the power of the State, whenever it shall appear that a carrier, posing as a private carrier, is in substance and reality a common carrier, to so declare and regulate the operation accordingly."—Frost Trucking Co. vs. R. R. Commission, 46 Sup. Ct. Rep. 682.

WORKMEN'S COMPENSATION DECISIONS

A county policeman, elected or appointed, is a public officer and not an employee within the meaning of that term under the compensation law. —Goss vs. Gordon County, 133 S. E. 68 (Ga. 1926).

An injury received from an assault of co-employee during a dispute which originated over a difference of opinion regarding the manner of doing work is an injury in the course of employment.—Fey vs. Bobrink, 151 N. E. 705 (Ind. 1926).

The reviewing court can annul the conclusions of the Accident Commission on a question of fact only where there is no evidence to support the finding; where there is a conflict the Commission is the final arbiter. —Coombs vs. Industrial Commission, 245 Pac. 445 (Cal. 1926).

Death of workman on destruction of the building on which he was working by a storm was result of injury in the course of employment but not compensable for the reason that it did not arise "out of the employment" as provided in the law.—Gale vs. Krug Park, 208 N. W. 739 (Neb. 1926).

The fact that an employee was afflicted with tuberculosis as a result of an injury does not put the expense of the cure thereof on the insurer under the provision that requires medical attention beyond the two weeks limit in "unusual cases".—Moore's case, 152 N. E. 66 (Mass. 1926).

An employee's wife, who is voluntarily living apart from her husband, and is not dependent on him for support, cannot recover under the compensation act for the death of her husband through an injury in the course of employment.—Waughn vs. Industrial Commission, 245 Pac. 712 (Cal. 1926).

A city marshal, regularly on duty from 8:30 a. m. to 11 p. m., and subject to call at all hours of day or night, who is injured by accidental discharge of gun he was required to carry, while cleaning such gun at his residence, held to have been injured in course of employment.—Beaver City vs. Industrial Commission, 245 Pac. 378 (Utah 1926).

There must be a causal connection between an injury and the employment, and where death is caused from burns when a burlap bag, worn by a workman to protect his clothing from oil, catches fire while he is in the toilet smoking contrary to orders against such smoking during working hours, the injury and death are not compensable.—Tiralongo vs. Stanley, 133 Atl. 98 (Conn. 1926).

An injured person, who is totally incapacitated, and who is being allowed all necessary curative hospital and medical care as well as compensation for the total disability, is not entitled to further allowance for the cost of means of temporary comfort that could not improve her condition, even though such means (as alcohol rubs) are recommended by the attending physician.—Quinn vs. Poli, 133 Atl. 98 (Conn. 1926).

Widow of deceased employee has no rights higher than those of deceased, and where superintendent shoots the employee, on employer's premises during working hours in self defense, when the deceased quit his job and threatened the superintendent with a butcher knife because he would not immediately pay his wages, this was not an injury in the course of employment. The deceased had abandoned his status as an employee and become a criminal.—Curran vs. Vang, 133 Atl. 261 (Penn. 1926).

NEWS NOTES

The supplement to the Compiled Laws are now ready for distribution.

The Chicago Bar Association annually contributes $15,000 for the work of the Legal Aid Bureau, the amount being raised through voluntary contributions of attorneys.

The Chicago Bar Association, with a total membership of 4,000, reports the casting of 2,433 ballots in the referendum on candidates seeking judicial positions. These Bar Primaries are undertaken in advance of the election, the citizens of that city evidently recognizing the fact that they may well look to the Bar for guidance in the selection of their Judges.

Revision of the rules for admission to the Bar by the Supreme Court of Wisconsin practically follow the requirements of the American Bar Association standard.

The National Women Lawyers' Association meets in New York City September 1st.

Four out of nine Canadian provinces require five years of training (college and technical law) and four others require six years before admission to the Bar.

The following persons were admitted to the bar at the regular July bar examinations held at Bismarck: Geo. V. Coffey, Wm. Thomas DePuy, Edmund Dubs, Arthur J. Gronna, Peter Conrad Hanson, William Jacobsen, Nels G. Johnson, Wm. H. Keefe, William Maurice Kiley, Gordon William LeBree, Lewis J. Mann, Walter Mohn, Frances Mable Ottum, Robert W. Palda, Chas. H. Shafer, Edward O. Slinde, and Lloyd Childs Tinness.

Only two members of the North Dakota bar attended the meeting of the American Bar Association at Denver.