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Notes

APPLICATION OF WORKMEN'S COMPENSATION ACT TO MARITIME INJURIES—In *Baisley Iron Works et al v. Span*, 50 *Supreme Court Reporter* 306, the Supreme Court of the United States held that an employe who was injured while painting a vessel which was tied to a pier in the Delaware River, at Philadelphia, was not entitled to recover under the Workmen's Compensation Act of Pennsylvania. (Act of June 2, 1915, P. L. 736, as amended by Act of June 26, 1919, P. L. 642; Pa. St. 1920, sec. 21916 et seq.)

The employe had been awarded compensation by the Compensation Board and this award had been affirmed by the Common Pleas Court, by the Superior Court and by the Supreme Court (295 Pa. 18, 144 A. 753).

The court reversed and remanded the case, on the ground that the work being done by the employe had a direct relation to navigation and commerce and that therefore the rights and liabilities of both the employer and employe in respect to the latter's injuries were fixed by the rules of the maritime law and any cause arising out of them was within the admiralty jurisdiction. Justice Stone dissented on the ground that the contract of employment had no relation to navigation and was nonmaritime. Justices Holmes and Brandies concurred in the dissent.

W. H. Hitchler

ENJOINING SUIT OUTSIDE OF STATE—In an article in the September number of the Pennsylvania Bar Association Quarterly, by Abraham Marcu and Herbert Goodrich entitled "Enjoining Suit Outside of State", in discussing the question whether such a suit will be enjoined because it is inconvenient for the defendant to make his defence at the place where the action is instituted, it is stated "the question has been passed upon once directly by the Supreme Court", and *Pennsylvania Coal Co. v. Hurney*, 252 Pa. 564 (1916) is cited. The authors of the article have evidently overlooked *Delaware, Lackawanna and Western R. R. v. Ashelman*, 300 Pa. 291 (1930), in which the question is directly passed upon and discussed at some length.

W. H. Hitchler