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The 64th Annual Meeting of the American Bar Association

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BAR BRIEFS

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—BY—

STATE BAR ASSOCIATION OF NORTH DAKOTA

M. L. McBride, Editor

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THE 64th ANNUAL MEETING OF THE AMERICAN BAR ASSOCIATION

Your President attended the 64th annual meeting of the American Bar Association as a state delegate from North Dakota.

The meeting occurred from Sept. 29th to Oct. 3, 1941, inclusive, in Indianapolis, Ind. There were about two thousand lawyers in attendance. This was somewhat less than what was expected, and is less than the registered attendance at some previous meetings.

Everett E. Palmer, of our Executive Committee, and A. R. Bergeson of Fargo also attended this meeting.

It was a notable meeting, with particular consideration given to various programs involving our National Defense. Walter P. Armstrong, a distinguished lawyer of Memphis, Tenn., was elected President of the Association for the ensuing year, with Harry Knight of Pennsylvania elected as Secretary and John H. Voorhees of South Dakota re-elected as Treasurer.

Your President also attended the 51st annual Conference of Commissioners on Uniform State Laws, with forty-three states represented, including North Dakota, in attendance. Jacob M. Lashly, President of the Association, gave an inspiring address before the Conference concerning its work and its importance. He characterized the Conference as one of the very finest drafting bodies in the world, and paid high tribute to the fine work that was being done in the field of

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Aeronautics and the aid being extended in the drafting of the new Aeronautical code covering the field of Aeronautical law.

There were also some very fine section meetings held, including the Junior Bar Conference and the section meeting on taxation which was well attended.

It is fairly well understood that the next meeting of the American Bar Association will occur very likely in the City of Detroit, Michigan. It is some years ago, in 1925 I believe, since the American Bar Association held a meeting there.

In the program of entertainment afforded visiting lawyers was a visit to the home of James Whitcomb Riley, the Hoosier Bard, author of "The Old Swimmin' Hole" and other poems.

HARRISON A. BRONSON, President.

LIMITATIONS OF ACTIONS WAIVER BY CORPORATIONS

A corporation can speak only through its officers and agents, and their declarations made in the course of their employment, and relating to the immediate transaction in which they are engaged, are always competent against the corporation. So thus it would be reasonable to say that if a corporation can waive the statute of limitation it would have to do so through its officers.

Where the directors of a corporation representing its entire stock and ownership, on recovering money by litigation, turned it over to the president to pay bills, without specifying any particular bill, and he paid the claim which was barred by the statute of limitations, it was held that the corporation cannot recover the payment of this claim in an action of money had and received. The president of a corporation may be expressly authorized, or may have authority by virtue of his being entrusted generally with the management of the business, to pay claims, and by such authority he may pay claims that are barred by the statute of limitations. And in an action for money had and received the corporation will not be successful.

Whether a corporate officer or agent is acting within the apparent scope of his authority is a question of fact, and is a question to be decided by the jury on all the evidence in the particular instance. However, the question of authority need not be submitted to the jury where the undisputed evidence shows that the officer or agent had general and special authority to do the acts in question. Whether an implied authority arises from certain facts is a question of law which should not be submitted to the jury, but to the court. Ordinarily, authority of corporation's agents to waive the statute of limitations will not be proved. Thus the authority of an officer or agent of a corporation to waive the statute of limitations rests on the principal of implied or express agency. A president of a corporation by mere virtue of his office has no authority to waive the statute of limitations, or to