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Death of James A. Murphy

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unjust has grown out of the great fact that judges are just human beings. Jefferson said that judges are as honest as other people and no more so. A great writer, Lord Campbell, once said, "The discretion of a judge is the law of tyrants. It is always unknown; it is different in different men. It is casual and depends upon constitution, temper and passion. In the best it is oftentimes caprice. In the worst it is every vice, folly and passion to which human nature is possible. A judge must not only be learned in the law, but he must respect the law."

When courts strike down and disagree on what the law is, people lose respect for the law. When judges can not agree they create in the mind of the public a feeling of uncertainty. Majority rule prevails in our appellate courts, but oftentimes the minority approaches the standard of the common people. Therefore we have a struggle for the law. Each interest wants the law on its side, and as that struggle continues so will people doubt the administration of justice.

Injustice by courts weakens and destroys confidence in man made law. It is difficult therefore for the judge to measure out even handed justice. When legal rights are violated, the law itself is violated. When the personnel of a court strikes down law and by a majority vote says that the law is wrong, and the minority says that the law is right, the common man looks at the decision and finds comfort if his view is in line with the majority. But the man who believes in the minority not only believes that the majority was wrong, but that the minority was greatly in the right.

Therefore courts themselves divide their opinions in parts, and the people who love to turn to the courts for the administration of pure, unadulterated justice, are hungry not only for justice but are also hungry for men on the bench who have a conscience for the law and a feeling for mankind.

M. A. HILDRETH,

President.

DEATH OF JAMES A. MURPHY

WHEREAS Judge James A. Murphy, after a prolonged illness, passed away on January 14th, A. D. 1936, in view of the influence of his character, life and work upon the Stutsman County Bar Association, the Professional Association of the County in which he has made his residence for a period of more than forty years, we, the members of the Bar Association of Stutsman County in meeting assembled, have adopted and directed to be published the following Resolutions:

RESOLVED, That Judge Murphy was the Dean of the Stutsman County Bar Association. He came to the City of Jamestown in the year 1894 and has resided here continuously since that time. During that period he has been for many years a Justice of the Peace for Stutsman County and later Judge of the County Court with increased jurisdiction for a period of more than seven years. In all of the offices which he held, his service was most satisfactory, both to the Bar and to the People. He was at all times courteous and prompt in the discharge of duty, effectual in his service and prompt in his performance of all duties, official or personal that devolved upon him. As a member of this Bar Association, he acted for a number of years most effectually as Secretary, and finally withdrew from that office only on account of declining health.

AND BE IT FURTHER RESOLVED that the influence, work and character of Judge Murphy in his strict, impartial and effectual dis-

charge of his duties, whether as County official or Attorney at Law, has reflected honour upon our profession and as an appreciation of this fact, we express our sorrow and regret over his removal from our midst, and recommend his course in professional and official life to those who come after him as Members of the Bar of North Dakota and of our Association; that a copy hereof be sent to the President and Secretary of the Bar Association of North Dakota, and to the Chairman of its Committee on Memorials.

January 15, 1936.

S. E. ELLSWORTH,
CYTELLA PETERSON,
JOHN KNAUF, Committee.

AMERICAN BAR ASSOCIATION NOTES

By WILLIAM L. RANSOM, President
American Bar Association

Steady progress is being made in perfecting a suitable and practicable plan for an improved and truly representative National Organization of the Bar. The significant phases that have lately developed are:

(1) The widespread interest manifested by the great number of friendly and very helpful suggestions and criticisms received from State and local Bar Association Committees, and from individual lawyers in all parts of the country;

(2) The hearty and usually unanimous endorsement which the plan has received from such State Bar Associations as have so far been in position to act; only one State has disapproved and that, I believe, through misunderstanding of the preliminary draft;

(3) The open-minded and informed discussion of practically every phase of the plan, during three days in Chicago from January 13th to 15th, with the result that the plan justified itself as sound, when all factors were considered;

(4) The revision of the plan to take into account many of the suggestions received; and the approval of the revised form by the General Council, without a dissenting vote; and

(5) The widespread expressions of interest and determination to attend the annual convention of the American Bar Association in Boston, where the plan will come to a vote on August 24th.

The revised form of the plan has literally been made by American lawyers. No document emanating from the American Bar Association was ever so carefully read and critically studied by as many lawyers. The more the plan is studied, the more practicable and attractive it is seen to be. Many who came to Chicago with an inclination to criticize or oppose were convinced of the reasonableness of the provisions which they challenged.

The present Constitution and By-Laws of the A. B. A. could stand no such scrutiny as the proposed revision has received. If anyone doubts that, let him read the present Constitution and By-Laws. Everywhere the view is expressed that the proposed revision is a great improvement, in text and substance, over what we now have. If the proposed organization offers a substantial improvement over that now in effect, it should be adopted.

The revised form is to be further studied and checked, and is of course open to further clarification and improvement. In essential plan and outlines, however, I believe that the form now prepared and approved is substantially that which will be offered for adoption at the Boston convention.