



1930

No. 13,973

Richard E. Wenzel

Follow this and additional works at: <https://commons.und.edu/ndlr>

Recommended Citation

Wenzel, Richard E. (1930) "No. 13,973," *North Dakota Law Review*. Vol. 7 : No. 12 , Article 1.
Available at: <https://commons.und.edu/ndlr/vol7/iss12/1>

This Note is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

BAR BRIEFS

PUBLISHED MONTHLY AT BISMARCK

—By—

STATE BAR ASSOCIATION OF NORTH DAKOTA

Richard E. Wenzel, Editor

Entered as Second Class Matter Jan. 15, 1925, at the Postoffice at Bismarck,
North Dakota, Under the Act of August 24, 1912

VOL. 7

NOVEMBER, 1931

NO. 12

No. 13,973

Twelve-year-old Hubert Nicolls was convicted of slaying a deputy sheriff in Washington, and sentenced to life imprisonment. Former Judge Mackintosh, a member of the Wickersham committee, is quoted as stating that capital punishment should have been invoked.

Well, the editor's position is known. He has frequently expressed himself in favor of the return of capital punishment for North Dakota, and given proper characterization to the "sob-sister" methods employed in behalf of those drawn within the police net.

Here, however, we must draw the line. We can't get our thoughts to line up with the expression that this twelve-year old boy, or any twelve-year old boy, "is essentially worthless, and the world would be better off without him".

In fact, it is our humble opinion that it is such infrequent "horrible examples" that furnish inspiration to laymen, causing jurors to go astray in justifiable prosecutions, making legislators wary of endorsing the ultimate penalty for legitimate cases, and giving impressiveness to "sob-sister" methods in instances where only cool and even-handed justice, without mercy, should prevail.

There are many cases when being "hard-boiled" is the only reasonable course to pursue. There are many more in which the arm of the law is too flexible, and the backbone needs better fixation. But we can't find it in our heart to say that a penitentiary is the proper place for a twelve-year old boy. We may be wrong, as we usually are; but "them's our sentiments".