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1929

## Committee Reports

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## Committee Reports

### Authors

John Burke, C H. Starke, P W. Lanier, John Knauf, O B. Herigstad, John O. Hanchett, R E. Wenzel, J O. Lyngstad, F S. Carr, F T. Cuthbert, A L. Netcher, Tracy R. Bangs, Clyde Duffy, S. D. Adams, Aloys Wartner, Roger W. Cooley, Fred J. Traynor, Wm Lemke, Emanuel Sgutt, N J. Bothne, A M. Kvello, and Robert Norheim

## COMMITTEE REPORTS

### AMERICAN LAW INSTITUTE

The American Law Institute held its annual meeting at the Mayflower Hotel in Washington, D. C., in May this year. It was called to order by its president, Mr. Wickersham, and it has been so long since he was Attorney General of the United States, that I expected to see in him an old man whose days of usefulness were nearly over; but I was agreeably surprised to see in him, one of the most vigorous and active members of the convention. He delivered a very inspiring address on what had been done in the matter of a restatement of the law, what was being done in the present, and what the institute was expected to do in the future. He paid a beautiful tribute to Elihu Root who had just delivered a very brilliant address in the "World Court" at Geneva, Switzerland, at the age of eighty-four years, which excited the admiration of the world. He then introduced Chief Justice Taft, who is so big and so filled with good humor and kindness, that it seems to overflow, envelope, and put everyone within the sound of his voice in good humor. He took exceptions in a humorous way, to what President Wickersham had said about age, as irrelevant. He said that some members of the Supreme Court were getting along in years, but they did their work day by day, and day after day, without bragging about it, and in fact a man had to be seventy in these days before he reached the age of respectability. Incidentally he referred to present day laxness in the enforcement of law, and the necessity for law observance, but in the main it was an address of kindly greeting, and hearty welcome.

The subjects considered in the restatement of the law were,

*Contracts*, under the supervision of Professor Williston, author of "Williston on Contracts," and Professor of law in the Harvard Law School. Advisors, Professor Corbin, Yale Law School, Professor Ferson, University of Cincinnati Law School, Professor McGoxney, University of California School of Jurisprudence, Professor Page, University of Wisconsin Law School, Professor Thompson, Cornell University Law School, and Professor McCurdy, Harvard Law School.

*The Law of Property*, under the supervision of Professor Bigelow, Chicago, and Professor Powell, Columbia University of Law. Advisors, Professor Aigler, University of Michigan Law School, Professor Bogert, University of Chicago Law School, Professor Clark, Yale University of Law, Professor Fraser, University of Minnesota Law School, Professor Rundell, University of Wisconsin Law School, H. U. Simms, Birmingham, Ala., Professor Warren, Harvard Law School, and Charles C. White of Cleveland, Ohio.

*The Code of Criminal Procedure*, under the supervision of Professor William E. Mikell, University of Pennsylvania Law School, and Professor Edwin R. Keedy, University of Pennsylvania Law School, Professor Miller, Northwestern Univer-

sity Law School, Judge Nott, Court of General Sessions, N. Y., Joseph F. O'Connell, Boston, Harry Olson, Municipal Court of Chicago, Professor Perkins, State University of Iowa College of Law, T. N. Pfeiffer, N. Y., F. E. Thompson; Chicago, Professor Waits, University of Michigan Law School and Professor Williams, Washington Law School.

*Torts*, under the supervision of Professor Bohlen, University of Pennsylvania Law School, and Professor Thurston, Yale University Law School, with six other experts as advisors.

*Agency*, under the supervision of Professor Seavey of Harvard. Notes on property by Professor Bigelow and Professor Powell.

*Judgments, Administration of Estates and Procedure*, by Professor Beak, Harvard Law School, assisted by nine experts.

*The Law of Business Association*, by William Draper Lewis, secretary of the law institute, assisted by twelve other experts.

The restatement of each subject was printed in pamphlet form, and each member or delegate present was furnished copies. The author, or reporter, as he is called, was present and read his restatement, section by section, and after reading a section there was a pause for suggestions, corrections, or amendment, which were frequently offered and accepted by the author, who apparently desired the opinion and the advice of the members, and gladly accepted amendments which improved the text. It was stated that some courts had cited the restatement in decisions which was very helpful and encouraging to the men who were doing this stupendous work.

C. V. Monett, well known to many of you, when he practiced law with Judge Young at Bathgate, who later practiced at Langdon, and still later at Cando, and who is now Dean of the Law School at Oklahoma City, Oklahoma, was present, suave, polite, and polished as ever, if not more so. He spoke kindly of his old friends in North Dakota and wished to be remembered to them.

It was a great gathering of law teachers, law givers and law interpreters, and the work when completed and adopted, if it is adopted, will unify the law and be of inestimable value to the Bench and Bar.

Respectfully submitted,  
JOHN BURKE.

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## AUTOMOBILE INSURANCE

### *Majority Report*

Your committee on automobile regulations and insurance reports as follows: That they have made a study of the laws relating to automobile transportation as applied to the State of North Dakota and other states; that they have been impressed with the fact that automobile accidents are continually increasing and that safety regulations are in a rather chaotic condition in this state.

Considerable discussion has a long time past been had upon the

proposition of compulsory automobile liability insurance, and your committee is of the opinion that no one should be permitted to operate upon the public highways a dangerous instrumentality, such as an automobile, without being financially able to respond in damages to persons who are injured thereby.

They have also had in mind the idea that some sort of measure which would effectively interest the owner of motor vehicles in avoiding accidents should if possible be coupled with a law providing for his financial responsibility. They have considered the Massachusetts compulsory motor vehicle liability law and also the plan known as the Pennsylvania plan and the Connecticut plan, and also the recommendations of the A.A.A. They have concluded from their study of the various plans submitted that with the exception of the Massachusetts law none of the plans offer anything in the way of making the owners of motor vehicles financially able to respond in damage for injuries. That in effect they begin to operate only after the accident has occurred. They are rather preventative measures designed to remove from the road reckless and incompetent drivers than to enable them to respond in damages.

We have, after mature consideration, concluded that the idea of the Massachusetts compulsory motor vehicle law might well be combined with the Pennsylvania plan in an effective law which would not only make the owner of the motor vehicle able to respond in damages for injury caused but would interest him in doing his utmost to prevent injury or damage to others by making him a co-insurer with the insurance company. We recommend that this association go on record in favor of the passage by the legislature of this state of a motor vehicle liability and safety law providing that no motor vehicle shall be registered or transferred in the state of North Dakota until the owner or operator thereof shall have filed in the office of the registrar of motor vehicles a certificate from an insurance or surety company showing that he has a liability policy or contract in a form to be filed with and approved by the commissioner of insurance which shall be co-terminous with the license and which liability policy shall contain the following provisions:

To pay any final judgment against the insured for any injury to person or property or damage for causing death of any person by reason for any act of the insured, his agent, employee, or driver in the use or operation of the motor vehicle covered, upon the highways of this state. That such insurance shall be in the sum of \$5,000 for one person and \$10,000 for more than one.

That in lieu of the filing of such liability policy or insurance the applicant may deposit cash or security with the registrar to the amount of at least \$5,000 conditioned as provided in said insurance policy.

That the law should also provide that no surety or insurance company doing an automobile liability insurance in the state of North Dakota shall refuse to issue a liability policy of insurance to any person or cancel the same for any person to whom it is already issued except upon good cause shown and that there shall be an appeal from such refusal or cancellation to the commissioner

of insurance who, after hearing, may either affirm the action of the liability company or require the issuance of the policy.

That the Commissioner of Insurance should have supervisory authority over the terms and rates to be charged by the surety and insurance companies doing a liability insurance in this state and should have the power to bar from doing business within this state any surety or insurance company refusing to conform to the requirements of this law or the orders of the commissioner made pursuant thereto.

That the owner of the motor vehicle so licensed shall be liable to the surety or insurance company to the extent of the first \$50.00 damage and 10 per cent upon all sums in addition thereto which shall be recovered against the surety company because of any injury or damage done by the motor vehicle insured for which the said surety company was responsible and required to respond in damages, and that said surety company may recover from the insured such sum, and upon an execution issued on a judgment therefor none but absolute exemptions shall be allowed. That while a judgment shall be outstanding unsatisfied for such proportioned liability, the license theretofore issued upon said motor vehicle shall stand revoked and no further license shall issue.

That where a surety company shall be required to respond in damages for injury caused by a drunk or reckless driver violating the law the surety company shall have an action over for the full amount of damage which they shall be required to pay, and upon any execution issued upon a judgment therefor, no exemptions except absolute exemptions shall be allowed, and while a judgment is outstanding unsatisfied therefor the license of such motor vehicle shall stand revoked and no further license shall be issued. That the insurance commissioner shall have a right upon complaint of any person after hearing to classify any person who shall be convicted of drunk or reckless driving or who shall have had an unfavorable accident experience or who shall be physically disqualified for operating a motor vehicle as extra hazardous risks for a premium higher than the standard rate or refuse to issue a license to him. The act should also provide that any person who operates a motor vehicle without having first obtained a liability insurance provided shall be liable as an insurer to any person suffering damage, and that upon an execution issued for such damage only absolute exemptions shall be allowed. This should be an addition to a fine and imprisonment for such violation.

Your committee further recommends that in their opinion, a law should be passed prohibiting the driving of automobiles by all persons under the age of sixteen years.

Your committee further recommends that in their opinion, the present maximum penalty for reckless driving of ninety days in jail or a fine of not more than \$500.00 or both is inadequate, and recommends that the penalty be increased to a maximum penalty of five years in jail and a fine of \$5,000.00. This is to apply particularly to occasions when the driver of the automobile drives into other persons and injures them.

C. H. STARKE, Chairman.

## COMPULSORY INSURANCE

*Minority Report*

In considering compulsory insurance, what is the real trouble for which a remedy is sought? Is it reckless driving? If so, will compulsory insurance help the situation? Is it that persons who have perfectly good and enforceable claims at law cannot collect because of the financial irresponsibilities of persons causing them? If so, will the protection afforded the public under compulsory insurance, justify itself under all the facts?

I believe few hold to the opinion that such insurance, appreciably, will operate to diminish reckless driving, because where every one is insured there will be a tendency toward taking a chance and letting the insurance take care of the damages. On the other hand, there are many who feel that compulsory insurance will operate so as to give to the public a protection to which they are entitled and which at the present time they do not have. This being true, the sentiment in the land today for such insurance is prompted by lack of protection rather than by reckless driving.

Up to the present time, attempts at legislation in the several States, touching on the question of compulsory liability insurance for automobiles, generally speaking, fall under two heads:

First, That requiring automobile owners to furnish security for their civil liability on account of personal injuries caused by motor vehicles as a prerequisite to obtaining license from the State; the security to be in the form of bond; or a liability insurance policy obtained from a private company; or a similar policy to be written by a State fund created for that purpose; or by the deposit of securities in a stipulated amount with some State department.

Second, That substituting for the personal injury suit growing out of automobile accidents, a State compensation fund to be created by compelling all automobile owners to contribute a premium to a State fund as a condition of being permitted to operate, and to compensate for death and injuries from that fund in a similar manner to the present Workmen's Compensation Act; the theory being that the transportation industry rightfully should bear this burden.

There are few, if any, drivers of automobiles who at one time or another could not be convicted of reckless driving. Reckless driving, by every practical means, must be brought to a minimum. For the habitually reckless driver or the drunken driver, criminal prosecutions, with severe penalties, may be the remedy. But for the man, who with his family, on Sunday afternoon, approaches an intersection of streets or highways, at a reasonable and lawful rate of speed and who while talking to a member of his party, takes his eye momentarily off the road and drives across such intersection in front of a rapidly moving car that has the right of way, coming into the intersection on the other street, criminal prosecution is not the remedy. Assuming that in this case, due to this man's negligence, there is a permanent injury, and that the negligent driver is arrested and fined for violating traffic regulations, have we really and truly accomplished any substantial good? No. If this man is an habitually reckless driver, the punishment is insufficient to do any

good. If he is not, his regret and remorse on account of the injury itself will do more good than anything else to keep his eyes on the road in the future. But let's go further. Suppose this man is one whose earnings are just sufficient to keep his family going and who has no estate and carries no insurance. Then we have a sad situation, indeed. An action is brought for damages. A recovery is had for several thousands of dollars. The judgment cannot be collected, except in driblets; the injured party get no relief, and the defendant is placed in a position where he is one jump, perhaps, ahead of the sheriff for the rest of his life.

To my way of thinking, it is plain that compulsory insurance will not, appreciably, diminish reckless driving. This being true, compulsory insurance must justify itself in the protection afforded the public. This brings us to an examination of the arguments for and against this legislative innovation—for that is what it is.

We will start with a significant fact, namely: All reliable insurance companies and organizations, as far as I am able to judge, are unequivocally opposed to compulsory insurance in the full meaning of the term. In this opposition we have the united thought of those who should be in a position to best judge the question, unless certain selfish interest can be found that would make them so biased and prejudiced that their testimony should be received with suspicion.

At first blush, it seems to the manifest interest of insurance companies to have compulsory insurance, because it means that their business would be, overnight, increased in volume, in this line, five-fold, because statistics show that only 20 per cent of automobile users carry liability insurance. Certainly, if such insurance means more money for insurance companies, and still they are opposed to it, we have the insurance companies as witnesses testifying against their own interests, and such witnesses' testimony must be given 100 per cent as to sincerity. But let's go a little further and see if we can find that which might change the scene somewhat, so that, in the last analysis of the question, compulsory insurance, instead of making more business for insurance companies might take away some of that which they already have. It has already been developed in Massachusetts and other States, that there is a decided conflict between the old line companies and State authorities over both the question of premiums and the companies' right to cancel policies; as a result, the idea of State insurance is being given serious consideration. This is a development against which all old line companies are fighting. Therefore, it might be that the reason why the old line insurance companies are opposing compulsory insurance is because they fear it will result in State insurance in the various States in which compulsory insurance is put into effect, and this will mean the withdrawal from the old line companies of liability insurance. So, we find that the old line companies may have a selfish interest, after all, in opposing compulsory insurance. With this as a possibility, and we might say, a probability, it makes it necessary for every argument used by the insurance companies to be carefully scrutinized and weighed and compared with the arguments in favor of compulsory insurance.

Following are some figures which are based largely on what is known as the Hoover Conference, dealing with figures for the



year 1923. According to the report of the Committee on Statistics of this Conference, there were in the United States, in 1923, approximately 15,000,000 registered automobiles, and about 600,000 fatal or more or less serious personal injuries due to automobile traffic; it was estimated that of the 33 1/3 per cent of those injured, who were entitled to recover, about 30 per cent failed to recover—this figure is not obtained from any accurate source and the estimates range from 10 per cent to 50 per cent, and the 30 per cent estimate is the one that was adopted. So, taking 600,000 as the number injured, and 200,000 (33 1/3) as the number entitled to recover damages, then 30 per cent of the 200,000 or 60,000, would be the number benefitted by compulsory insurance.

It was estimated that all injuries, growing out of automobile traffic, were caused by 100,000 motorists, so that 14,900,000 other motorists must be penalized for the benefit of 60,000 members of the public; it is further claimed that of this 100,000 reckless motorists, a very large per cent are incompetents and habitually reckless, and can be identified and barred from the roads by adequate police measures for accident prevention.

It is claimed by the insurance companies that compulsory insurance will result in a higher ratio of claims and law suits to accidents than is the case under present conditions. This, obviously, is true, but it seems to me is a very poor argument against compulsory insurance, since it brings out the fact that probably some one who under present conditions might be entitled to recover and would not, would under the changed conditions recover. This is a good argument, to put up to the board of directors of an insurance company that is looking forward to the adjustment of claims on as small a basis as possible, but is not an argument that should appeal to the fair-minded members of the public who desire to see just claims paid in full.

Just how far the foregoing statistics are correct, none of us can say. It is reasonable to presume that these figures are reasonably correct. If they are, and being based as they are upon 1923, they would be proportionately applicable to conditions as they are today. But continuing to use the figures of 1923 under this viewpoint, let's weigh the arguments of the insurance companies under their own figures. We find them insisting that 15,000,000 automobile owners should not be penalized by compulsory insurance in order to protect 60,000 injured members of the public. Economically, we must be impressed by this claim; it is economically sound. However, liability insurance not only protects the public but it also protects the motorist, and can be the means of preventing a situation such as has been outlined hereinbefore—the accident at the crossing—it becomes an equalizer of troubles, and prevents too much burden falling upon any one or two victims of an automobile accident, and protects alike, both wrongdoer and injured. Looked upon from this angle we find protection given to quite a larger number, and in answering the question, "Is it economically sound?" we have a different premise to consider, than that advanced by the insurance companies, and a question which, if answered, "Yes" is violative of the fundamentals of our government.

Compulsory insurance is a law of compulsion—it takes away from the individual the right to say as to whether or not he wants

insurance; it takes away from the insurance companies the right to select their risks; the right to fix their premiums; the right to prescribe the conditions of their contracts and the right of adjustment; with all these deprivations it says to the public, whether you like it or not, you pay, each and every one of you; we know the abolishment of the selective risk feature of all old line companies, and the administration of compulsory insurance through political organizations, has doubled your premiums, but that is okay, because there are 60,000 members of the public who must be taken care of, and although it will take about \$2,000,000,000 extra to do it, it must be done. It strikes me that this is just about the attitude of compulsory insurance.

By compulsory insurance the cost of such liability insurance to the public will be increased. Under present laws certain provisions in the policy when violated, render the insurance inoperative as between the company and the insured; but under compulsory insurance this would not be true, because no matter what the driver did in violation of the insurance companies' requirements and demands, the public would have its right of action against the company. In other words, the wrongful act of the insured would be no bar to the action of a member of the public for a recovery under the policy. Of course, the result of this change would inevitably mean, increased premiums. The fact is that two years' experience under compulsory insurance in Massachusetts almost doubled the premiums.

In the United States the average cost of liability insurance per car is \$30.00. Under this figure the cost to the motorist in 1926—more now—would have been \$600,000,000—if property damage had been covered, about 50 per cent more—\$300,000,000—a total of \$900,000,000; under compulsory insurance, cost of administration would have undoubtedly been increased, and we might safely put the cost of this insurance at \$1,000,000,000.

An average of 20 per cent of motorists carry liability insurance—it ranges from practically nothing in sparsely settled country districts to 35 and 40 per cent in congested centers, such as New York and Chicago.

In the agricultural sections, strictly speaking, there is less need of relief on account of automobile traffic than in any other sections of the country, and in the event of the enactment of compulsory insurance laws in North Dakota, the burden of carrying this insurance is going to fall heaviest upon the farmer who is the least responsible for automobile accidents, because, our population consists mostly of farmers and the accidents in North Dakota are traceable in a large percentage to drivers from the urban sections. Such insurance in North Dakota, therefore, would place the burden of paying for this protection, on account of the negligent driver, upon that class which is the least guilty of negligence.

Summarizing, should 15,000,000 motorists be compelled to buy liability insurance at practically twice the price of present premiums to protect 60,000 victims of automobile accidents, caused by the negligence of 100,000 negligent drivers?

Assuming for the sake of argument, that the foregoing figures have basis in fact:

First—To do such would be economically unsound.

Second—It would be unAmerican in principle—in that it would force lawful, careful citizens to buy insurance and pay for the wrongs of the lawless and negligent.

Third—It would, inevitably, lead to paternalistic control.

Fourth—It would not diminish reckless driving, but would rather tend to increase it.

As stated in the outset, I believe that the sentiment in the land today for such insurance is prompted by lack of protection rather than by reckless driving. I will go further and say, that I do not believe that a proper understanding of this question on the part of the public will admit of a continuation of this sentiment in favor of compulsory insurance.

Any remedy for the protection of the public that fails to have in view the diminishment of reckless driving is unsound. Therefore, it is my humble opinion that our main objective should be to rid the road as far as possible of criminally negligent drivers and incompetents, and create and maintain a system of uniform traffic regulations and enforce observance of same.

I am in sympathy with the expression of the Chamber of Commerce of America, which is as follows:

Compulsory automobile insurance imposes a liability without fault. It requires the motorists to establish in advance, and at his own costs, financial responsibility to pay a judgment that may never be rendered upon an accident that may never happen. It is discriminatory against motorists as a class, since it imposes upon them the burden of establishing this artificial financial responsibility for the benefit of the world at large. Hence it is a dangerous extension of the police-powers of the State. It interferes with the private right of contract now existing between insurance companies and their automobile policy holders. By it the State assumes autocratic control of the motorist and of his insurance carrier; hence it is semi-socialistic and paternalistic.

I am driven to the conclusion that no one State, by legislation, can ever bring about the consummation of the correct objective in this matter, because automobile traffic is an interstate problem; yea, more than that, it is national and even international. This fact gives rise to the necessity of one or two methods of control, legislatively speaking. Either we must have federal control of this matter, or else we must have uniform State laws that will so interlap as to give effectiveness to the laws of the several States.

I am unalterably opposed to federal control. In fact, I am opposed to federal control over anything that may be controlled by the several States, and, therefore, I am in sympathy with the idea of uniform State laws.

In this connection I desire to quote an excerpt from letter of

Honorable Thomas B. Donaldson, former insurance commissioner of Pennsylvania, written on November 18th, 1924, to the Honorable Clarence J. Buckman, senator from Pennsylvania, in which he said:

The issue is not a state-line issue. It is patently national and international—embracing the United States, Mexico and Canada. Therefore, any attempt by the legislature of one State to solve a stupendous international problem is mainly a waste of time or prime factor in delay. Any one State seeking legislation of itself would produce something markedly lopsided. This is truly one of the great questions before us and we need a correct answer. And the remedy must be uniform for all States and the two contiguous countries.

Mr. Donaldson suggests the calling of national and international representatives to sit in a congress upon this question, having in view the drafting of uniform laws governing automobile traffic. I am of the opinion that this problem is big enough and sufficiently difficult of solution to justify the calling of such a congress, and I feel sure that until we have worked out a system of uniform laws we will not have attained unto that point of efficiency and effectiveness, legislatively speaking, that is necessary to bring about the best results obtainable.

So, it is my idea, that pending the working out of such a system of uniform laws, the next best movement that the several States can possibly make, is to enact laws that will as quickly and effectively as possible deprive reckless, criminally negligent and incompetent drivers of the right to operate automobiles. And it is my opinion that the North Dakota Bar Association should work to this end rather than sponsor any legislation having in view the idea of compulsory liability insurance.

As a member of the special committee on Automobile Safety Regulations and Insurance, I do not concur in the report submitted and filed by the committee. While some parts of this report are in harmony with my views, others are not, and with the major recommendation of the committee I am at complete variance.

That a situation exists on our highways and streets due to automobile traffic, that is entitled to serious consideration and action on the part of this Association, no one can deny; that this condition is going to grow worse as the traffic becomes more congested by use of more automobiles, cannot be disputed. However, to say that this condition calls for legislation, making liability insurance compulsory, to my way of thinking, is a great mistake. Any legislation that has to do with so many people and so much money must be tested under the rules of sound economics. In other words, it must be economically sound. For the reasons above stated I do not believe that such legislation is economically sound and I am, therefore, opposed to it.

The recommendations of the Committee to the effect that the present maximum penalty for reckless driving, of ninety days in jail or a fine of not more than \$500.00, or both, is inadequate, and that the penalty be increased to a maximum of five years in jail and a fine of \$5000.00, to my way of thinking, should be disregarded.

It is my opinion that the present penalty for reckless driving, if anything, is too severe to admit of enforcement. However, I do think that there should be some legislation making a much more severe penalty for driving an automobile while intoxicated, but I think that this should be met by a special statute.

I believe that there should be legislation providing that where one has been convicted of reckless driving two or three times, that the State would have a right to revoke his license and bar him from the road, under severe penalty, if he violated the order of the State to keep off the road, unless such driver was able to make a bond in the sum of \$10,000.00 to guarantee the payment of any damages that he might cause, and even in the event that he was able to make such bond and wanted to do so, that it would still be optional with the State as to whether or not he would be licensed. I believe that by such legislation, in the course of a few years, many of the dangerous drivers could be barred from the road and that many dangerous drivers would, by virtue of this law, become more careful, and that the sum total result would be greater safety on the highways or streets.

In disagreeing with the Committee's report, I know that I am disagreeing with much profound thought both in North Dakota and in other States, and I give expression to my personal views with due regard and respect for the opinion of the opposition.

Respectfully submitted,

P. W. LANIER.

BAR BOARD

Fiscal Year July 1, 1928 to July 1, 1929.

Balance in fund June 30, 1928, as per records of State	
Auditor .....	\$ 7,136.21
Collections between June 30, 1928 and June 30, 1929.....	6,390.00
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Total .....	\$13,526.21
Expenditures .....	9,324.52
	<hr/>
Balance, June 30, 1929 .....	\$ 4,201.69

*Distribution of Expenditures*

State Bar Association, under the statute.....	\$ 2,765.00
Secretary, Salary and Expenses.....	333.36
Per Diems and Expenses, Members of Bar Board.....	1,245.87
Attorneys Fees and Expenses, Disbarment Cases.....	3,965.48
Postage .....	80.32
Supplies .....	37.81
Printing .....	232.33
Clerk Hire .....	225.00
Miscellaneous .....	108.36
Judicial Council .....	330.99
	<hr/>
Total .....	\$ 9,324.52

During the past year two general examinations for admission to the Bar have been conducted by the Board. Twenty-four applicants were examined, all of whom were admitted to practice.

During the same period the Board has made an independent investigation as to the qualifications of seven attorneys seeking admission by virtue of their admission in a foreign jurisdiction. Reports recommending the admission of five of said applicants have been made to the Supreme Court.

Complaints concerning seven members of the Bar, referred to the Bar Board in the regular manner have been investigated. Numerous informal complaints have also been handled.

A disbarment proceeding was commenced against one attorney during the period covered by this report and a judgment of disbarment entered. Orders of disbarment were entered in two disbarment cases previously pending and an indefinite order of suspension entered against one member of the Bar. Upon recommendation of the Bar Board a reprimand was administered to one other attorney by the Supreme Court.

Respectfully submitted,

JOHN KNAUF, President.

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### CITIZENSHIP-AMERICANIZATION

This report is incomplete for the reason that the reports of the judges of the essay contest have not all been received.

The work this year has been confined, very largely, to the essay contest, the plan of which was somewhat different from that of last year. This time the State was divided into three districts, a vice-chairman having charge in each congressional district. The subject for the essay contest was: "Why Every Citizen Should Vote."

Reports that have been received indicate that a very successful contest resulted in each of these districts, more than six hundred students participating. In preparing the rules for this contest, we inadvertently omitted to designate a final date by which the essays were to be submitted to the judges. As a result, there was some confusion in one of the districts, and an unfortunate delay in the selection of the winners prior to the annual meeting of the Association.

Splendid work was done by each of the chairmen designated for the districts, and President John H. Lewis also gave freely of his time and made some valuable suggestions.

It is our judgment that the work accomplished was exceedingly worthwhile, hence, we recommend that the essay contests be continued with the same budget allowance as for this past year

O. B. HERIGSTAD, Chairman.

## COMPARATIVE LAW

Your Committee on Comparative Law begs leave to submit the following report:

This committee is so widely scattered that meetings of the entire committee could not be held and the Chairman will have to be largely responsible for such report.

The Comparative Law section of the Bar Association of North Dakota was created by action of the Executive Committee in 1924 and was later adopted by the Association. Its purpose is defined as follows:

The Comparative Law Section shall consider the matter of laws of this State as compared with the laws of other States, foreign or domestic, and make reports when and where our laws may be improved.

The Chairman of this committee finds only two reports from this section made to this Association; the report submitted by L. R. Nostdal, Chairman, at the Grand Forks meeting in 1927; and the report of Judge A. G. Burr, Chairman, submitted at Minot in 1928. It is apparent that the work of this committee might be very extensive and a very voluminous and valuable report prepared and submitted. The committee, however, having no research bureau at its command and no funds to spend for research work, and, for the most part, the committee members themselves having no access to the session laws enacted every two years by the Legislative Assemblies of the 48 States of the Union, it becomes a very difficult task for such committee to do justice to the work intended to be done or make any adequate report on the important new legislation enacted in the different States. Judge Burr, while he was Chairman of the committee a year ago, made a brave and noble attempt and submitted a very creditable report to the meeting at Minot last fall. With the characteristic candor of that jurist, however, he frankly admitted that he had not read all of the statutes of the State of Florida enacted in the year 1925 which comprised three volumes, one of 653 pages of general laws, one of 5089 pages of special laws and one of 2289 pages for the extraordinary session. It is apparent, however, that he made quite a thorough study of the new laws passed in the States of Massachusetts, Ohio, Wisconsin, Oregon and North Carolina upon the subjects of Banks, Criminal Procedure and Practice, Labor, Motor Vehicles and other important subjects and made a very comprehensive report.

As none of the 1929 session laws from the different States arrived at the State Law Library at Bismarck until the middle of July of this year and as our committee reside at various small towns throughout the State with very little, if any, opportunity to examine same, it is apparent that we are not in a position to make any extensive report as to the new legislation enacted in any great number of States during the last sessions of the Legislative Assemblies.

However, your Chairman, by the aid and assistance of Mr. E. J. Taylor, State Law Librarian, has been able to see and examine briefly the new laws passed upon the subject of Banks and Banking in some of the Northwestern States—Iowa, Montana, Idaho, Ore-

gon, Utah and Kansas—in an attempt to see what new legislation had been recently enacted in the Northwest upon this important subject.

The business of banking, as most of the members of the Bar know, has been a strenuous business throughout the Northwest during the past seven or eight years, and the safeguarding of the money of the people deposited in the banks of the State is a matter of prime importance, to all of our people at all times and I was interested to see what the Legislatures of some of our States had been doing in an attempt to try to help the situation.

One of the first things I noticed was the law passed by the Kansas Legislature at its last session absolutely and unconditionally repealing the Guarantee Fund Law enacted in that State some years ago. As I now recall, Oklahoma and Kansas were the two pioneers in this bank guarantee fund legislation for which great hopes and expectations were held by many people, but which, like everything else not founded upon true and sound economic laws, has, when put to the practical test, proven only a delusion and a snare and has wholly failed to accomplish the purpose for which it was intended. This law was repealed in Oklahoma several years ago and has now been repealed in Kansas and we think it is repealed in North Dakota although we will have to wait until we get the verdict of the people of the State on the subject at the referendum election.

All members of the Bar are not members of the Legislative Assembly but they are all citizens and voters and most of them have considerable influence in the community in which they live. If I were to make any recommendation at all in this report, it would be that all of the members of the Bar of this State, regardless of political affiliations, take an active part in this referendum election in an effort to sustain the repeal enacted at the last session of our Legislature.

I found that our sister State of Iowa at its last legislative session passed extensive amendments to its banking laws revising practically the entire banking law of that State. Some of the most important of these amendments relate to the building up of a surplus fund until same amounts to at least 50 per cent of the capital, and allowing no dividends whatever to be paid until a surplus fund of at least 20 per cent has been created, limiting loans to officers and directors of the bank, requiring credit statements from all borrowers, and providing that anyone making a false statement for the purpose of procuring a loan from a bank is guilty of a misdemeanor, and, most important of all, I think, a law making it a felony for anyone to maliciously circulate false reports concerning the financial condition and solvency of any bank or trust company which might tend to discredit such bank or trust company and cause a general withdrawal of deposits from same.

I was impressed with the importance of this provision of the Iowa banking law and suggest that it is a matter which should be seriously considered by the next Legislative Assembly of this State.

In going through the new laws enacted in Idaho, Oregon and Utah upon the subject of Banking I noticed a provision in the laws



of each State authorizing the pledging of securities of a certain character by the banks of those States to secure deposits of public funds. In view of the decision of the Supreme Court of our own State in the case of *Divide County vs. Baird, et al.*, 212 N. W. 236 and of the decision of Judge Miller in the United States District Court in this State in one important case tried at Devils Lake and one at Fargo within the past two years holding that it is not within the implied or incidental powers either of a state or national bank to pledge any part of its assets to secure public deposits, I could not help but notice these provisions of the new statutes on the subject of Banking in the States mentioned.

Possibly they were passed for the purpose of relieving the directors from the burden that usually falls upon them to become sureties upon all bank depository bonds. I do not know what the sentiment may be in those States with reference to bank directors. It may be, however, that the Legislative Assemblies were not influenced by any particular regard for the bank directors but that conditions in those States had become about the same as they are in this State, that the duties and obligations of a bank director have become so onerous and burdensome that it has become very difficult to find anyone who is willing to act on the board of directors of a bank.

On the other hand, it may be that it was an attempt to safeguard the public funds rather than out of consideration of bank directors that the Legislative Assemblies of those States have expressly authorized banks in which public deposits are made to pledge securities of a certain class as collateral security for such deposits with the thought and feeling that in most cases the interests of the public would be better safeguarded with such security than by personal bonds executed by directors and stockholders of the bank.

Being a bank director myself, I refrain from expressing any opinion as to the wisdom of such legislation.

This is the extent to which your committee has had time or opportunity to investigate recent legislation.

Respectfully submitted,

JOHN O. HANCHETT, Chairman.

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#### EXECUTIVE COMMITTEE AND SECRETARY-TREASURER

Combining the reports of the Executive Committee and the Secretary Treasurer, the attention of the members of the Association is directed to such matters as have not appeared in due course in the monthly issues of Bar Briefs.

One of the more important matters receiving consideration was the proposal of the Secretary to take a stand on the question of whether or not the Association should become active in the public advocacy of candidates for judicial positions. While there was some division of opinion as to a particular plan or a particular method, the consensus of opinion seemed to be that the Association might, at some time in the future, assume its full responsibility in

that regard, but that, for the present, the issue should not be raised by the Association; and, in the event anything was said in Bar Briefs on the subject, it should be made clear that it was the expression of the individual submitting the item. The November, 1928, issue of Bar Briefs carried the only article on this subject, which was marked as the individual expression of the Editor. To that article there was no response.

It might be well to point out right here that a number of letters have been received by the Secretary, in which the inquiry was made as to why so few expressions of members of the Association appeared in Bar Briefs, and to state in reply thereto, that all articles which have been submitted have appeared in print. Attention has been directed to the subject by the Secretary at frequent intervals, and the matter is stressed at this time in the hope that those who have expressed themselves to the extent of making inquiry will be the first to accept the opportunity of making contributions. It is not the desire of the officers, or of the Executive Committee, to make Bar Briefs other than the organ of the Bar Association membership, and to allow all of the available space to those who feel disposed to write. The officers of local associations are specially invited and urged to make use of the monthly issues. The very fact, however, that we have, as yet, been unable to get more than a fifty per cent response to our repeated requests for the publication of the committee reports in the issue immediately preceding the annual meetings, leads to the conclusion that the members of the North Dakota Bar Association are in the throes of an incorrigible modesty, or may even be accused of having an inferiority complex. As we have said on a number of occasions: "Send in your material; why hesitate?"

The subject of advertising in the issues of Bar Briefs has been to the fore again, also. This subject has been under consideration for several years, and thus far the disadvantages which would result from the change of policy appear to outweigh the advantages. The Secretary has, however, undertaken to accommodate those who desire to sell, purchase or exchange books, by running an item under the heading "Book Notes," handling the correspondence that may be elicited by reason thereof. Thus far the postal department has not objected to this subterfuge method of handling this advertising, and it will be construed as coming within the terms of our postal permit until objection is raised.

The past year has been one of retrenchment in some respects, due to the fact that past budget increases were not met by an anticipated increase in revenues, in fact our revenues have decreased rather than increased. This was a rather unexpected development, and, it is hoped, will not continue.

The year's financial statement follows:

#### FINANCIAL STATEMENT

##### *Receipts*

Balance on hand September, 1928, last report.....	\$1,148.13
Received from Bar Board, balance 1928 licenses.....	50.00
Received from sale of banquet tickets.....	174.00

Received from Bar Board .....	2,810.00
Total .....	<u>\$4,182.13</u>

*Expenditures*

	Budget	Expended
1928 Proceedings .....	\$ 550.00	\$ 474.20
Printing and Postage .....	150.00	146.11
1928 Executive Committee, balance.....		127.24
1929 Executive Committee .....	250.00	171.34
Citizenship Committee .....	150.00	58.05
Citizenship Committee, Prizes .....	200.00	
President .....	200.00	23.45
Secretary-Treasurer .....	600.00	600.00
1929 Annual Meeting .....	600.00	17.40
Bar Briefs .....	425.00	376.25
Legislative Committee .....	100.00	28.50
Law Review .....	200.00	100.00
1928 Meeting (Budget \$600) .....		606.08
1928 Banquet .....		150.00
	<u>\$3,425.00</u>	<u>\$3,085.62</u>

Estimated Expenditures to January 1, 1930:

Annual Meeting .....	\$ 600.00
Secretary-Treasurer .....	200.00
Bar Briefs .....	99.00
Prizes, Citizenship Committee .....	200.00
Executive Committee .....	100.00
Citizenship Committee .....	75.00
Law Review (?) .....	100.00

Total Expenditures and Estimates .....	<u>\$1,374.00</u>
Balance on Hand .....	<u>\$1,096.51</u>

*Expenditures (Detail)*

Voucher

No.		Amount
168	R. E. Wenzel, annual meeting, executive committee.	\$ 35.70
169	Ewing Cockrell, annual meeting.....	72.72
170	All Saints Guild, banquet .....	150.00
171	R. E. Wenzel, July traveling .....	18.50
172	Wesley A. Sturgis, annual meeting.....	224.14
173	R. E. Wenzel, September .....	50.00
174	Oliver Lundquist, box rent .....	1.50
175	F. T. Cuthbert, executive committee, annual meeting	9.60
176	N. J. Bothne, annual meeting, executive committee....	19.00
177	A. M. Kvello, annual meeting, executive committee	43.14
178	F. F. Faville, annual meeting .....	93.77
179	Aubrey Lawrence, annual meeting, executive committee .....	35.50
180	Mrs. R. D. Halvorson, annual meeting, registration....	10.00
181	Leland-Parker, hotel bill, speakers .....	10.35
182	Robert Malone, annual meeting .....	6.00
183	King Piano Co., annual meeting .....	10.00
184	A. Petrucci, annual meeting .....	3.00
185	O. B. Herigstad, citizenship committee .....	6.50

186	Horace Bagley, executive committee .....	3.00
187	R. E. Wenzel, executive committee .....	25.80
188	Alice Angus, special stenographic, proceedings.....	5.00
189	P. W. Lanier, executive committee .....	20.20
190	Horace Bagley, executive committee .....	8.00
191	G. M. McKenna, executive committee .....	38.20
192	Thos. G. Johnson, executive committee.....	27.00
193	Myra M. Hurd, sten. report proceedings.....	95.60
194	Benno Drug, annual meeting, banquet.....	15.30
195	Tribune, September Bar Briefs.....	11.50
196	R. E. Wenzel, October .....	50.00
197	Oliver Lundquist, 600 envelopes .....	13.16
198	John H. Lewis, stenog. etc. ....	11.00
199	R. E. Wenzel, miscellaneous .....	6.80
200	John H. Lewis, stenog. etc., traveling .....	49.35
201	Helen Pravda, annual meeting, traveling.....	2.00
202	Oliver Lundquist, postage .....	8.72
203	Oliver Lundquist, box rent, envelopes .....	3.70
204	Workmen's Compensation Pub. Bureau, pamphlets..	4.80
205	Ward County Independent, printing, annual meeting	27.50
206	Bismarck Tribune, Bar Briefs .....	56.00
207	Bismarck Tribune, Bar Briefs .....	33.00
208	Theo. Kaldor, executive committee .....	31.74
209	R. E. Wenzel, miscellaneous .....	5.67
210	R. E. Wenzel, November and December.....	100.00
211	John H. Lewis, traveling .....	17.40
212	Oliver Lundquist, advance postage .....	5.00
213	John H. Lewis, December-January expense.....	12.81
214	R. E. Wenzel, miscellaneous .....	2.45
215	Quick Print, envelopes and letterheads.....	24.12
216	Bismarck Tribune, annual proceedings number.....	474.20
217	Dakota State Journal, citizenship committee .....	51.55
218	Business Service Co., address plates .....	.60
219	R. E. Wenzel, January .....	50.00
220	R. E. Wenzel, February .....	50.00
221	R. E. Wenzel, miscellaneous .....	3.15
222	State Bonding Department, bond .....	5.00
223	F. J. Traynor, legislative committee.....	28.50
224	J. H. Lewis, stenog. etc. ....	5.90
225	Bismarck Tribune, February Briefs .....	35.00
226	Bismarck Tribune, January Briefs .....	35.00
227	Bismarck Tribune, March Briefs .....	33.00
228	R. E. Wenzel, March .....	50.00
229	R. E. Wenzel, miscellaneous .....	4.31
230	J. H. Lewis, stenog. etc. ....	7.04
231	R. E. Wenzel, April .....	50.00
232	Dakota Law Review, one-half sub. ....	100.00
233	R. E. Wenzel, miscellaneous .....	1.85
234	L. H. Bratton, printing vouchers.....	6.75
235	Bismarck Tribune, April Briefs .....	33.00
236	J. H. Lewis, April expense .....	7.83
237	R. E. Wenzel, May .....	50.00
238	Quick Print, envelopes Bar Briefs .....	36.00
239	R. E. Wenzel, miscellaneous .....	2.40
240	Bismarck Tribune, May Briefs .....	33.00
241	J. H. Lewis, May expense .....	6.78

242	J. H. Lewis, May expense .....	3.60
243	R. E. Wenzel, June .....	50.00
244	R. E. Wenzel, miscellaneous.....	5.98
245	J. H. Lewis, stenographer, etc. ....	26.60
246	R. E. Wenzel, July .....	50.00
247	R. E. Wenzel, miscellaneous .....	2.65
248	Bismarck Tribune, June Briefs .....	33.00
249	Wolverine Art Shops, badges 1929 meeting .....	12.90
250	R. E. Wenzel, August .....	50.00
251	Bismarck Tribune, August Briefs .....	33.00
252	Bismarck Tribune, July Briefs .....	34.75
253	Quick Print, additional reports committees.....	6.00
254	J. H. Lewis .....	99.54
255	Times-Record .....	4.50
Total .....		<u>\$3,085.62</u>

R. E. WENZEL, Secretary.

This is to certify, that there was paid over to R. E. Wenzel, as Secretary-Treasurer of the State Bar Association, between the 1st day of September, 1928, and the 1st day of September, 1929, out of the State Bar Board license fund the exact sum of Two Thousand Eight Hundred Sixty Dollars (\$2,860.00).

JOHN STEEN, State Auditor.

By J. O. Lyngstad, Deputy.

This is to certify that the balance on deposit in the Bank of North Dakota to the credit of the State Bar Association at the close of business on August 31st, 1929, is the sum of One Thousand Two Hundred and 55/100 Dollars (\$1,200.55).

THE BANK OF NORTH DAKOTA.

By F. S. Carr.

### FEE SCHEDULE

My report will necessarily be brief.

I have received perhaps a half a dozen inquiries during the year from attorneys who were in doubt about some item of the schedule.

I have endeavored to ascertain, as much as possible, whether the schedule was being used and its standards maintained by the Bar generally. From information obtained I believe that it is. Here and there I find complaints by attorneys that it is being violated. The worst offenders that have come to my notice are in the Bar of the City of Grand Forks. I am sorry to say that the complaints that have come to me have been against some of the leading attorneys of that city. This is regrettable, inasmuch as the schedule is certainly low enough for attorneys to make a living wage.

To my mind, the schedule of fees involves more than an economic proposition. An ethical principle is involved, as lawyers who charge less than the stipulated amount are not only unfair to themselves and their families, but are decidedly unfair to the profession. The conduct, for instance, of lawyers who have large general prac-

tices, in cutting the fees on foreclosures of mortgages is, to my mind indefensible, from an ethical standpoint alone. It certainly is not "doing unto others as one would be done by."

I desire to call attention to one other phase that has come to my notice, and that is that attorneys are permitting large corporations to dictate the amount of their fees. I cannot think of anything more disgusting or humiliating than to think that a learned profession, that is supposed to be a profession of dignity and honor, will sink so low as to permit the laity to dictate what fees they should charge for their services. I think that ours is the only one that has gone to this depth of humiliation.

I believe that if we had active district bar associations, such as the Lake Region Bar has been since its inception, that much could be done in overcoming the conditions of which I speak; the getting together of the Bar of several counties, where there is a close acquaintanceship and a close professional affiliation. Where frank and free discussion can be had it strongly tends to remove the unfair conduct on the part of lawyers who apparently do not realize the enormity of the offense which they are committing.

F. T. CUTHBERT, Chairman.

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### INTERNAL AFFAIRS

The Committee on Internal Affairs has had a somewhat active year, with 30 complaints filed to date, 11 of which have been fully settled, while our files have been closed upon 13 others, either for lack of cause for complaint or because, in a few instances, we were unable to effect an amicable adjustment, in which cases we have suggested a reference to the State Bar Board. The remaining six are still pending.

We are pleased to report, that with very few exceptions, there was no indication of moral turpitude on the part of the attorneys involved. We regret to say, however, that in many cases there was apparent gross carelessness in answering correspondence and making returns and reports. A few attorneys have failed to reply to clients' letters and in some cases we have written several letters before obtaining the courtesy of a reply. In four instances we did not obtain replies and have recommended that complainants prefer formal charges with the State Bar Board. A few complaints were sent in in an effort to enlist the Committee as a collection agency and in those cases we have returned the items requesting them to make adjustment direct.

Our experience, in common with preceding committees, has demonstrated that the absence of authority to reprimand or otherwise chastise delinquents has often placed us in an embarrassing position and has forced us to the conclusion that the Committee should either be clothed with power to enforce its suggestions or entirely abandoned. We are further of opinion, that if the present plan of procedure be followed, the Committee should not be required to attend to the detail necessary in each case.

We therefore make the following recommendations, viz.:

1. That the Committee on Internal Affairs be dispensed with, and that matters formerly referred to it be handled by the Secretary of the Association, or,

2. That if the Committee be retained, the Secretary of the Association be made the Executive Secretary of the Committee, and as such attend the detail and routine work, thereby disposing of the majority of claims, which simply require an application of patience and tact, without reference to the Committee as a whole, only referring to it unusual or important cases.

We have suggested that the Secretary of the Association be enlisted in this work, not only because of the time and effort involved (we have written more than 200 letters this year) but primarily for the reason that his residence at Bismarck places him in closer contact with the State Bar Board and Supreme Court, and in cases requiring drastic action, the preliminary work done by him would be available without delay to the Bar Board, and would also avoid considerable duplication of effort which is now the case.

A. L. NETCHER, Chairman.

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## INTERNAL AFFAIRS

### *Report of Special Committee*

Your committee to which the recommendations of the standing Committee on Internal Affairs was referred, beg leave to report as follows: We recommend that the report of the Committee on Internal Affairs be accepted and filed, and that the recommendations of the committee be adopted to the following extent: That complaints be referred to the Secretary of the Association for preliminary investigation, and that where he is unable to secure a satisfactory explanation or adjustment the complaint and file be referred to the committee for such further action as may be deemed advisable.

TRACY R. BANGS,  
CLYDE DUFFY,  
S. D. ADAMS,  
Committee.

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## JURISPRUDENCE AND LAW REFORM

There no doubt is need from time to time of reforms in the jurisprudence of our state and in the nation. Yet we find that there have been but few changes in our fundamental law in the past 140 years; then it should follow that there is need of but few changes in our jurisprudence. However the Courts and the lawyers learn through experience, that from time to time there is need of some reforms to meet the fast changing mode and manner of living.

The committee therefore would suggest that in order to meet this problem in our state that inasmuch as we have had no compilation of laws since 1913, excepting the Supplement, that steps should be

taken to secure a real Code Commission and secure the enactment of a Revised Code for our state, and incorporate therein the need of laws adapted to present day business.

In our state agriculture will always be the big factor and therefore the need of laws to secure a proper marketing system for the products of the farm is one of the needs, and laws, rules and regulations must be passed to care for these needs, so that our farmers may take full advantage of any assistance that may be granted to them by the Federal Farm Board, it is for the Bench and Bar to assist in making these laws for the benefit of our greatest industry.

Transportation upon land and in the air has brought forth many changes, and we search our code in vain for a real guide for laws, rules and regulations governing transportation by automobile, truck and airplane, although the last session of the Legislature made an effort to pass laws yet it seems that more could be done in that direction to make uniform laws governing such modes of transportation. We now have a uniform license law governing automobiles and trucks, but we have an inadequate law of the road governing the driving and speed regulation, also there seems to be no regulation as to farm wagons, horses and cattle being on the highway at any time during the day and night without regard to lights or the use of the highway, which has many times endangered the life of driver of an automobile or truck. Some kind of a reflector should be placed upon horse-drawn vehicles so that if they are on the highway at night they will be visible to the driver of an automobile.

Our school laws are in a hopeless confusion. They should be codified and clarified in a manner so that the director of the common school in the outlying country schools can study those laws and understand them.

Likewise our tax laws have been amended and re-enacted until it is almost impossible for the ordinary person to know anything about the system of taxation in our state. These laws should be all codified and simplified.

The Baumes Law and the Jones Law, so called, have had the boards for some time, but we also have another problem which has become a dead letter and that is the sentencing of persons convicted of misdemeanors at hard labor. That really does not mean anything in most counties in the state, for the counties are not provided with jails wherein they can put the prisoner at work and thus the sentence at "hard labor" is meaningless. Some scheme should be worked out to make a sentence mean just what it says: "hard labor."

We have heard a great deal about the delay in litigation. We believe that delays could be eliminated if there were more terms of court, especially in court cases. There are only a few counties in the state where there are more than two terms of court during the year. This means that six months will ordinarily elapse before the case can be brought on for trial, while if there were more terms of court the cases could be disposed of at an earlier date and thus the business disposed of. Can it be said that there is considerable delay in the trial and disposal of persons charged with criminal offenses?



We do not think so, yet there are perhaps those that may differ with the committee, and that with good grounds.

The prohibition question and the Volstead Act have been debated before the people more or less during the last ten years without any definite plan by anyone for a real change for the better. Many crimes are charged to the Volstead Law, many even seem to think that more liquor is now consumed than before the Volstead Act. That we believe is a debatable question, but the law is not satisfactory. It is both a moral as well as a legal question. There seems to be but one thing that most of us are agreed upon: that the saloon is a relic of the ancient ages, and no substitute has been found. Is there among the legal profession a Moses that will find a solution to this problem? If there is, he will do a great and lasting good to mankind. The committee is unable to solve this great problem. We do know that it needs solving.

There are many other questions that have been up. Many of them have been proposed by other committees and their reports are found in our proceedings. In years gone by, may the 1929 meeting of our Association find solution to the great problems that come before us, so that in the coming years our jurisprudence will show true reforms for the betterment of our profession and the happiness of mankind.

Respectfully submitted,

ALOYS WARTNER, Chairman.

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### LEGAL EDUCATION AND ADMISSION TO THE BAR

On November 15, 1928, I received a letter from Fred J. Traynor, chairman of the Legislative Committee, advising me that there would be a meeting of that committee at Jamestown, on November 25, 1928. I was unable to attend that meeting. Subsequently Mr. Traynor suggested that a sub-committee of the Legislative Committee consisting of W. A. McIntyre of Grand Forks and H. C. DePuy of Grafton cooperate with me as chairman of the Committee on Legal Education in preparing a bill for submission to the Legislature, providing for a change in requirements for admission to the Bar pursuant to the resolutions adopted at the 1927 and 1928 meetings of this Association.

Mr. McIntyre and I had several conferences on the subject though we were unable to secure the presence of Mr. DePuy at either of these conferences. As a result of our conferences a bill was drafted amending section 790 of the Compiled Laws of 1913 by inserting a proviso therein to the effect that no person shall be admitted to practice as attorney or counsellor in this State who has not in addition to the requirements already prescribed, had at least two years' study in an accredited college, normal school or university. Copy of this bill was sent to Mr. Fred J. Traynor, chairman of the Committee on Legislation, on January 4, 1929.

Though requested by Mr. Traynor to be in Bismarck if possible to assist in the introduction of this bill it was impossible for me to be there and moreover I conceived that the matter of introduction of bills and engineering the passage through the Legislature was

within the jurisdiction of the Legislative Committee rather than the Committee on Legal Education. So far as I am advised, however, no attempt was made to introduce a bill.

It would seem that there is some question as to which committee should assume the duty of introducing the bill. I would suggest that this matter is definitely acted upon by the Association in order that the matter of prescribing additional requirements may certainly be presented to the Legislature at its next session.

ROGER W. COOLEY, Chairman.

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### LEGISLATIVE COMMITTEE

The Legislative Committee, appointed by the President for the year 1928-1929, consisted of the following persons:

Fred J. Traynor, Chairman,	Devils Lake.
Charles Starke,	Dickinson.
L. R. Baird,	Bismarck.
Alfred Zuger,	Bismarck.
T. L. Brouillard,	Ellendale.
H. C. DePuy,	Grafton.
John Knauf,	Jamestown.
W. H. Stutsman,	Mandan.
H. F. Horner,	Fargo.
W. A. McIntyre,	Grand Forks.

The first meeting of the committee called by the chairman was held at the office of John Knauf at Jamestown, on Sunday, November 25th, 1928. There were present at that meeting members Knauf, Lewis, Starke and Traynor.

At this Jamestown meeting recommendations made by the Association at its last annual meeting were discussed, and the advisability of legislation was considered upon the following topics:

1. Increase in salaries of District and Supreme Court Judges. Mr. Knauf was designated to prepare and have special charge of the introduction of such bill. He was instructed to cooperate with the Committee on Terms and Salaries of Judges, of which William Lemke of Fargo was chairman. Mr. Knauf also designated as assistants upon this matter C. L. Young, Bismarck; Usher L. Burdick, Fargo; E. R. Sinkler, Minot; E. B. Goss, Minot; A. W. Cupler, Fargo; W. A. McIntyre, Grand Forks; F. J. Traynor, Devils Lake; Horace Bagley, Towner.

2. Increase in tenure of office of judges of the District and Supreme Court. Messrs. Horner and Brouillard of this committee were designated to confer with Mr. Lemke as chairman of the Committee on Tenure of Office and Salaries of Judges regarding the legislation upon this topic.

3. Transfer of excess funds of State Bar Board to State Bar Association. Mr. Knauf volunteered to draw the bill for such legislation, to be assisted by C. L. Young and H. F. O'Hare of Bismarck.

4. Repeal of statute denying right of trial judge to direct verdict. Mr. Lewis was designated to prepare such bill.

5. Pre-legal education-admission to Bar. The chairman was directed to refer this matter to Roger Cooley of Grand Forks for recommendations from his committee, of which he was chairman and which had special charge of this subject.

6. Other recommendations by the Association. It was the view of the committee that it was unwise to attempt too much and that the Legislative Committee would do well to confine itself to the matters above mentioned, forgetting for the time being at least the other recommendations made by the Association.

7. Compulsory auto insurance and licenses. This subject was not within the recommendations of the Association but was deemed by the committee of considerable importance and Messrs. Lewis and Starke were designated to make a study of legislation of this nature so that the committee might be of assistance to the Legislature regarding any such proposed legislation that might be introduced at the coming session.

8. Legislation to give the State Bar Association disciplinary powers over its members. The Legislative Committee, being unwilling to make definite recommendations, requested President Lewis to appoint a committee to make a study of such proposition. Mr. Lewis appointed F. T. Cuthbert, Devils Lake; A. W. Cupler, Fargo, and S. D. Adams, Lisbon.

Before adjourning the Chair was directed to call another meeting of the committee at Bismarck in the early part of the Legislative Session. Accordingly, the Chair called a meeting of the committee at the office of Alfred Zuger at Bismarck on Sunday, January 13, 1929.

At the Bismarck meeting there were present: Zuger, Baird, Lewis, Stutsman, Horner, Traynor. After considerable discussion of the matters above set forth, the committee decided to limit the activities of the committee looking towards legislation to the two items of increase in salaries of judges and increase in tenure of office of judges. H. F. Horner and W. H. Stutsman were designated to prepare and have introduced the bill regarding tenure of office of judges. The matter of salaries of judges was left under the direction of Mr. Knauf.

On the following day, to-wit, Monday, January 14, 1929, after the Legislative Session a meeting was held at the capitol building, called by your chairman, at which were present those members of the House and Senate who are members of the Bar in North Dakota. These members approved of the recommendations of the committee confining the activities of the Legislative Committee as above set forth, and assured the committee of their cooperation looking towards legislation increasing the salaries of judges and also the tenure of office of judges.

The mental attitude of the Legislature was quite adverse to any increase in salaries, with the result that the bill for the increase of salaries of judges of the Supreme Court and District Court failed of passage.

On the subject of tenure of judges concurrent resolutions were introduced for proposed constitutional amendments to increase the terms of District Judges to six years and Supreme Court Judges to ten years. These concurrent resolutions passed both houses and will be found as Chapters 97 and 98, pages 114 and 115 of the Popular Edition of the Session Laws of 1929. Such proposed constitutional amendments will be submitted to the people for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota as amended.

Messrs. Stutsman and Zuger, being in close proximity to the legislative mill, were designated by your chairman to keep track of the legislation and report the same to the chairman.

On April 24, 1929, Mr. Zuger reported to your chairman as follows:

"The committee used its best efforts to secure an increase of pay for the Supreme and District Court judges. It was found, however, that the sentiment in the Legislature was so adverse that nothing could be immediately accomplished. The committee sponsored constitutional amendments increasing the terms of judges of the Supreme and District Courts. These were adopted in the House Bills 165 and 167. Conditions did not seem auspicious for securing much legislation sponsored by lawyers, and the committee kept its hands off except as to the judges bills."

On April 13, 1929, Mr. Stutsman reported as follows:

"House Bills Nos. 165 (terms of District Judges) and 167 (terms of Supreme Judges) were not prepared by me but I found them held up in committee, or rather, withdrawn by the member introducing them, by reason of objections to the form. I rewrote each of these bills at least twice to meet other objections, and after conference with Mr. Twichell and Judge Birdzell got them in shape to satisfy all parties and they were passed, I understand, without change.

"I think these resolutions are of great importance to the Bar and judges and if proper effort is put behind them by the members and their friends the amendments to the Constitution increasing these terms of office will be adopted, but the fight is only half won and we should put up a vigorous and concerted fight all along the line."

FRED J. TRAYNOR, Chairman.

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## POWERS, TERMS, SALARIES OF JUDGES

Your Committee on Powers, Terms and Salaries of Judges reports as follows:

### POWERS

1. We find that our Constitution and laws gives the courts ample power to meet every emergency—but we also find that our courts are not inclined on all occasions to make good use of this

power and find a growing practice on the part of our courts to decline to review the judicial acts of political boards and commissions, with the excuse that the courts have no jurisdiction. This was not the intention of the framers of our Constitution nor of our lawmakers, and we respectfully request that the courts again assume the full judicial power of the State, given to them by the Constitution, and that they review the acts of our various political boards and commissions whenever they exercise judicial functions. We suggest to the courts that justice and judicial decisions cannot be entrusted exclusively to political boards and commissions, the members of which are generally animated by political ambitions and desires, rather than judicial reasoning.

2. We also suggest to the District Courts that hereafter they follow the spirit of the law, which prevents them from directing a verdict, and that they discontinue the practice of defeating that law by dismissing the action after a jury has been called and evidence submitted. It was the intention of the Legislature when they passed that law that after a jury was called and the evidence submitted that the case should be submitted to the jury on the issues framed and that in case the jury found a verdict contrary to law or without evidence or on erroneous issues, that then the court could set aside the verdict and enter judgment notwithstanding the verdict. If this practice were followed by the District Courts all ends of justice would be met and in case the District Court was in error the Supreme Court could reinstate the verdict and thus avoid the necessity of a second trial.

The time has come to further cut the high cost of justice caused by repeated trials of the same issues.

3. We also find that it has become the general practice of the District Courts to sign the findings of facts and conclusions of law as prepared by counsel of the party who prevails in the action—this is bad practice and leads to many erroneous findings of facts and conclusions of law and we respectfully request that the District Courts do not sign the findings of facts and conclusions of law until a copy of the proposed findings of facts and conclusions of law is served upon the opposing party and he be given three days' notice in which to file objections and corrections with the court. This will be fairer to the court and promote the ends of justice.

4. We also suggest that in case of contempt proceedings another judge be called in and issues framed and submitted to a jury. We do not feel that any person should be judge in his own case, especially when he feels that he has been looked upon with contempt, or contempt of his court is charged.

#### TERMS

1. We believe that the time has arrived when the terms of office for judges should be lengthened. We are all agreed that that should be done which will give us the best and most capable men for judges. We are also inclined to believe that the practice of judges in office or candidates for judicial positions to make combinations for re-election or election should be discouraged. A judicial candidate should stand upon his own feet and upon his own merits or demerits. Under the practice of combinations as now some-

times practiced some attorneys of ability or large practice hesitate to take the risk of becoming candidates for such positions. It is our conclusion that men in office have sufficient advantage over any other aspirant because of the prestige that the office gives without making combinations. The office of judge was expressly made non-political and non-partisan for the purpose of getting away from political intrigue and political combinations, therefore we submit that this practice be discontinued in the future.

2. We find that at times persons poorly qualified become judicial candidates. We suggest, therefore, that some other qualification besides the mere admission to the Bar be required of an attorney before he can become a candidate for District or Supreme Court Judge.

#### SALARIES

We feel that the salaries for judges of the Supreme and District Courts should be increased as follows:

1. For the Chief Justice, \$7500.00; for the Associate Justices, \$7,000.00, and for District Court Judges, \$6,000.00 per annum and we also recommend an increase of the salary of the Attorney General from \$3600.00 to \$5000.00 per annum.

2. Your committee feels that if this recommendation is followed the best lawyers of the State could afford to become candidates for judicial positions, and thus we can maintain the highest judicial standard and it will not be necessary for the courts to go into private enterprises or be interested by them.

Respectfully submitted,

WM. LEMKE, Chairman.

### POWERS, TERMS AND SALARIES OF JUDGES

#### *Report as Amended and Adopted*

#### POWERS

1. That the Bar Association disapproves of giving to any board or bureau heretofore or hereafter created by legislative or constitutional enactment the right to render final decisions or judgments on matters submitted to them involving substantial rights as to person or property, and favor the enactment of such legislation as may be necessary to permit of a review of all such decisions or opinions by proper courts of our State.

2. We find that it has been the general practice of the District Courts to sign findings of fact and conclusions of law as prepared by counsel of the party prevailing in the action; and we respectfully suggest that the District Courts do not sign findings of fact and conclusions of law until a copy of the proposed findings and conclusions is served upon the opposing party, and he be given three days' notice in which to file objections and corrections with the Court, believing that this will be fair to the Court and promote the ends of justice.

3. We also suggest that in cases of constructive contempt proceedings another judge be called in and issues framed and submitted to a jury.

#### TERMS

We believe that the time has arrived when the terms of office for judges should be lengthened. We are agreed that that should be done which will give us the best and most capable men for judges.

#### SALARIES

We feel that the salaries for judges of the Supreme and District Courts should be increased as follows:

For the Supreme Court Justices, \$8,000, and for District Court Judges, \$6,000, per annum; and we also recommend an increase of the salary of the Attorney General from \$3,600 to \$5,000 per annum.

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### PUBLIC INFORMATION AND COOPERATION WITH THE PRESS

Your Committee on Public Information and Cooperation With the Press beg leave to report as follows:

The title of this committee reveals a function too important and broad-spread to be performed by a small group of men. It is impossible for a single committee or a few lawyers to oversee all or even a small part of the information issued to the public concerning legal matters or to attempt to cooperate with the entire press of this State. To do this effectively it would be necessary to complete and maintain an organization throughout the entire State almost as large as the Bar Association itself, and its members could spend all of their time at this work. A somewhat similar scheme has been suggested by the past reports of this committee and there is no doubt but that the results would be beneficial even though the means of obtaining them might prove impractical.

The legal profession needs no defenders, but it does need today a better understanding in the public mind. To bring this about should be the aim and duty of every member of the Bar and this committee desires to recommend that each member of the Association help carry out the purpose of this committee by a consideration and application of the following principles:

1. Aid in the dissemination through the newspaper and periodical press of accurate information concerning the laws most nearly affecting the daily life of the citizen, of law reforms and of new laws.
2. Discourage and oppose in the newspaper and periodical press, sensational, exaggerated, misleading or inaccurate accounts of trials, crimes, court proceedings, or items subjecting the law, the judiciary or the legal profession, or the principles upon which our Constitution and laws are founded, to ridicule, contempt or reproach.
3. Promote respect for the Constitution and laws of the United States and of the several States of the Union, by inducing on the

part of the public generally a clearer understanding of the purposes, reason and philosophy of their provisions.

4. Report to the attention of this committee immediately all newspaper articles appearing in the press of the State which contain inaccuracies or violate the principles stated above.

EMANUEL SGUTT, Chairman.

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## PUBLIC UTILITIES

The members of this committee are located in widely separated parts of the State, so a meeting of the committee for the purpose of discussing this subject and drafting a report could not very well be held. This report, therefore, is simply the expression of the chairman's individual ideas. But it is sincerely hoped that at our next annual Bar meeting in Valley City all the members of this committee will be present to express their views concerning this subject.

Few new laws affecting public utilities were enacted by our last Legislature. An amendment to Chapter 235 of the 1927 Session Laws was made. It provides that a public utility need not secure a certificate of public convenience and necessity in order to exercise rights under an ordinance afterwards granted, where such utility has not suspended operation of its plant and where such franchise merely replaces or renews an expiring or expired franchise.

An amendment was also made to Chapter 197 of the Session Laws of 1927 in regard to submitting to the voters the question of the purchase, erection, enlargement, improvement or extension of electric light and power plants by municipalities. This amendment provides that if the cost of any enlargement, improvement, or extension of such plant will be paid out of the earnings of the plant and such cost does not exceed five thousand dollars, it shall be unnecessary to submit the proposition of so doing to the voters of the municipality. The new law also provides that if the cost of such plant or improvement or extension thereof is to be paid out of the earnings, then such cost shall not become a general obligation of the municipality, but a special obligation payable solely and exclusively out of the earnings derived from the operation of such plant or system.

A law was also enacted by our last legislature empowering the boards of trustees of villages to enter into contracts with persons, associations or corporations to furnish electric energy or gas to the village, for all village purposes, and to the inhabitants of such village. Such contracts cannot be entered into for a longer term than ten years, and are also subject to the regulatory powers of the railroad commissioners with reference to rates.

Upon the report concerning this subject at our last annual Bar meeting in Minot considerable discussion was had in regard to the question of control of public utilities. Some seemed to be of the opinion that the power of such control should be placed exclusively either with the railroad commissioners or with the local authorities, and that our law as it now stands is defective. But is there, in fact,



any divided power or authority in regard to the control of public utilities?

The Constitution of our State provides that a public utility may not be constructed or operated within a municipality in this State without the "consent of the local authorities having the control of the street or highway proposed to be occupied for such purposes." The so-called Public Utilities Act confers upon the board of railroad commissioners the power to regulate utility service and rates. But our Supreme Court has lately held that the local authorities, on granting a franchise to a public utility, may impose certain conditions thereto which, when accepted by the utility, become a valid contract not subject to interference by the railroad commissioners. For instance, if a franchise be granted by a municipality to an electric light company upon condition that it shall furnish to the municipality electric current for street lighting at a fixed rate, the board of railroad commissioners have no power to regulate or interfere with the rates so fixed by the contract in the franchise.

But we are not so much concerned with who has the power and control over public utilities as we are concerned with the question of rates. Utility rates, directly or indirectly, affect the pocketbook of almost every person in the State.

What effect on utility rates will the decision in the celebrated O'Fallon case have? This case, lately decided by the Supreme Court of the United States, is perhaps one of the most far-reaching lawsuits in history. The case, while small and directly involving only a nine-mile railroad, is really a billion dollar lawsuit. The question involved and decided wasn't a matter of railroad rates, but a matter of valuation of railroad property. The Interstate Commerce Commission fixed the maximum value of the O'Fallon railroad at \$987,874. The railroad claimed a valuation of \$1,350,000. The Commission, in fixing the valuation of the road, figured the cost of reproduction as of 1914, plus subsequent investments, with proper deductions for depreciation. The railroad, on the other hand, claimed that the valuation should be based on the present prices and cost of replacement. In other words, the Commission adhered to the so-called "prudent investment" theory of valuation; while the railroad contended for a valuation based upon the reproduction cost principle. The lower court refused to interfere with the findings of the Commission; but the Supreme Court reversed the case and held that the Commission, in ascertaining the value of the railroad property, had not given proper consideration to the present cost of construction or reproduction.

While rates were not directly involved in the O'Fallon case, yet that decision becomes a precedent not only for railroad valuation but for railroad rates. What effect will that decision have on public utility valuation and taxation? Will it become a material factor in determining utility rates? When we consider the fact that nearly \$25,000,000,000 are now invested in public utilities of the United States, the importance of the O'Fallon decision becomes at once apparent.

There is another important question in this connection that might profitably be discussed by the attorneys of the Association, and that is the matter of taxation of public utilities. But the subject of

taxation is a very complicated and difficult problem. It requires months of study and solution. So we shall not in this report even express our views in regard to it.

In conclusion, this committee, so far as the chairman is individually concerned, has no recommendations to make to the Bar Association.

N. J. BOTHNE, Chairman.

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## RESOLUTIONS

*Be It Resolved*, That the State Bar Association of North Dakota, being sincerely and deeply appreciative of the fine courtesy and hospitality which has been extended to this Association and its guests and ladies by the good people of this Gem City of the Sheyenne, through its Mayor, Hon. Fred Frederickson, through its Civic and Commerce Association by Attorney L. T. Sproul, through the Barnes County Bar Association by Hon. A. P. Paulson, and through its citizens generally, does hereby express that appreciation and make public acknowledgement thereof;

Further, That the Association hereby makes public declaration of the recognition of the debt owing to President John H. Lewis and the other members of the Executive Committee and all subcommittees of the Association for their and each of their contributions to the success of this annual meeting, and especially commends them for the diligent and untiring efforts in planning and presenting the program, which has been a means of enjoyment and an inspiration to better citizenship and more worthy accomplishment in our profession;

Further, That the Association hereby express to Hon. G. A. Youngquist, Attorney-General of the State of Minnesota, its thanks for and appreciation of his singularly constructive, forceful, straightforward address on Crime Prevention and Law Enforcement;

Further, That the Association hereby voice its approval of the plan which brought program recognition to some of the attorneys of the State of North Dakota, and commends each of them for the excellence of their individual contributions; and

Finally, That the Association, individually and collectively, pledge itself to a higher degree of personal and group responsibility, recognizing that the observance and enforcement of law—both by precept and example—must be and remain the particular and peculiar province of the Bar if a more general atmosphere of respect for law is ever to be created or properly fostered.

A. M. KVELLO, Chairman.

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## UNIFORM STATE LAWS

Your Committee on Uniform State Laws beg leave to report as follows: The chairman was away from the State during last December and January and part of February of this year, and was not in

position to personally make such efforts as perhaps should have been made to secure legislation proposed by your committee of last year. The matter of creating by legislative action a commission on uniform State laws, carrying an appropriation of \$1000.00, was considered by members of the committee, with the President of this Association and Hon. C. L. Young, one of the commissioners on uniform State laws, and the chairman of this committee made a trip for a conference on the matter, but in view of the pressure of other matters as well as the stringent economic situation existing it was deemed advisable to not press the proposed legislation at the last session of the Legislature.

Your committee makes no recommendation at this time as to particular acts to be considered, and the chairman of this committee submits that perhaps the most valuable information and suggestion along this line can be furnished by our commissioners on uniform State laws, who are in close touch and working with the American Bar Association on the matter. There will be another session of this Association before the next Legislative Assembly convenes, and with the aid of our commissioners and with sufficient interest manifested by this Association, particular acts can be considered at the next annual meeting. There will always be a question as to which are proper subjects for uniform State laws, and which are not. As to commercial law there is a trend of opinion in favor of such laws. As to other subjects the variation of local conditions must always be considered.

Your committee, however, recommends that the commissioners on uniform State laws of this State, whether they are appointed under legislative enactment as has been recommended by this Association and which recommendation awaits action, or appointed by the Governor as is now the case, be *ex officio* members of the Uniform State Laws Committee, and that the chairman of such commissioners be the chairman of the committee of this Association.

ROBERT NORHEIM, Chairman.

We here present President John H. Lewis' farewell effort:

"ON THE RECOMMENDATIONS"

(With Apologies)

The Board wants courts to exercise  
The power of review,  
Suggesting each at present shies  
From what it ought to do.

Its heritage it now denies;  
Its puissance it abjures,  
And lets the petty Board-ers rise  
To heights the State endures.

Yet on the other hand, they say  
The Court usurps a power  
And from the jury takes away  
Its most important hour.

The evidence is in their hands,  
The issues all defined;  
And then the Court the case remands  
Where it should act resigned.

Comes Conmy now with prayerful clause  
And begs an introduction  
To Judges who dismiss the cause  
Just prior to instruction.

The Court must neutral stride the fence,  
Nor punish its offenders;  
Contempt which merits swift suspense  
Calls for outside suspenders.

No "combination" underwear  
For judges—it's "verboden";  
The partyless unbiased air  
Must meet the call to votin'.

A higher standard must be set  
For judges, than admission  
To local Bars; they must beget,  
Like Hoover, skill at fishin'.

The salaries—the Lord be praised,  
The Board is right for certain,  
It recommends they all be raised,  
Quick, Lewis, lad, the curtain.

L'ENVOI

When Bagley said he longed to sit  
With publicans and sinners,  
Did he mean to accomplish it  
At one of these Bar dinners?

THE AMERICAN BAR ASSOCIATION  
1929-1930

OFFICERS

President, Henry Upson Sims, First National Bank Bldg., Birmingham, Ala.  
Secretary, W. P. McCracken, Jr., 209 S. LaSalle St., Chicago, Ill.  
Assistant Secretary, Richard Bentley, 209 S. LaSalle St., Chicago, Ill.  
Executive Secretary, Olive G. Ricker, 209 S. LaSalle St., Chicago, Ill.  
Treasurer, John H. Voorhees, Bailey-Glidden Bldg., Sioux Falls, S. Dak.

EXECUTIVE COMMITTEE

H. U. Sims, Birmingham, Ala.	Chas. A. Boston, New York, N. Y.
J. H. Voorhees, Sioux Falls, S. D.	P. M. Pogue, Cincinnati, Ohio
W. P. McCracken, Chicago, Ill.	R. A. Van Orsdel, Omaha, Neb.
G. E. Newlin, Los Angeles, Cal.	Thos. W. Davis, Wilmington, N. C.
Earle W. Evans, Wichita, Kan.	Bruce W. Sanborn, St. Paul, Minn.
E. B. Tolman, Chicago, Ill.	Guy A. Thompson, St. Louis, Mo.
Wm. B. Greenough, Providence, R. I.	Clarence E. Martin, Martinsburg, W. Va.
Orie L. Phillips, Albuquerque, N. M.	

NORTH DAKOTA REPRESENTATIVES

Member General Council, Fred J. Traynor, Devils Lake  
State Vice President, C. L. Young, Bismarck  
Members of the Local Council, John O. Hanchett, Valley City; J. P. Cain, Dickinson; L. J. Palda, Jr., Minot; W. A. McIntyre, Grand Forks

THE NORTH DAKOTA BAR ASSOCIATION  
1929-1930

OFFICERS

President, Horace Bagley, Towner, (Died Oct. 18, 1929)  
Vice-President, A. M. Kvello, Lisbon  
Secretary-Treasurer, R. E. Wenzel, Bismarck

EXECUTIVE COMMITTEE

President and Vice President	3rd Dist., Chas. Coventry, Linton
Secretary-Treasurer	4th Dist., P. W. Lanier, Jamestown
1st Dist., R. W. Cooley, University	5th Dist., L. J. Palda, Minot
2nd Dist., E. E. Fletcher, Langdon	6th Dist., C. H. Starke, Dickinson

STANDING COMMITTEES

American Law Institute  
R. M. Cooley, Chairman, University  
Geo. M. McKenna, Napoleon O. H. Thormodsgard, University



**Public Utilities**

L. J. Palda, Jr., Chairman, Minot  
 E. G. Baird, University F. B. Lambert, Minot

**Salaries, Terms, Powers of Judges**

William Lemke, Chairman, Fargo  
 P. W. Vieselmann, 1st District, N. J. Bothne, 4th District, New  
 University Rockford  
 Torger Sinness, 2nd District, Wm. Owens, 5th District, Williston  
 Devils Lake John Moses, 6th District, Hazen  
 D. R. Jones, 3rd District, Wahpeton

**Uniform State Law**

Assignment to be made later

**Citizenship and Americanization**

Alovs Wartner, Chairman, Harvey

Adams County:	Griggs County:
M. E. Remmen, Hettinger	Oscar J. Thompson, Cooperstown
Barnes County:	Hettinger County:
Fred J. Frederickson, Valley City	V. H. Crane, Mott
Benson County:	Kidder County:
J. E. McCarthy, Minnewaukan	R. L. Phelps, Steele
Billings County:	La Moure County:
W. J. Ray, Medora	E. F. Coyne, LaMoure
Bottineau County:	Logan County:
J. J. Weeks, Bottineau	Arthur B. Atkins, Napoleon
Bowman County:	McHenry County:
M. S. Byrne, Bowman	Nels G. Johnson, Towner
Burke County:	McIntosh County:
H. A. Hanson, Bowbells	Max A. Wishek, Ashley
Burleigh County:	McKenzie County:
J. A. Hyland, Bismarck	Robert Norheim, Alexander
Cass County:	McLean County:
J. F. X. Conmy, Fargo	Gustof A. Lindell, Washburn
Cavalier County:	Mercer County:
John Joseph Nilles, Langdon	John Moses, Hazen
Dickey County:	Morton County:
F. J. Graham, Ellendale	C. F. Kelsch, Mandan
Divide County:	Mountrail County:
Geo. P. Homnes, Crosby	Lewis J. Mann, Van Hook
Dunn County:	Nelson County:
Thos. G. Johnson, Killdeer	E. C. Boostrom, Lakota
Eddy County:	Oliver County:
N. J. Bothne, New Rockford	Burton S. Wilcox, Center
Emmons County:	Pembina County:
H. C. Lynn, Linton, N. D.	Harold P. Thomson, Cavalier
Foster County:	Pierce County:
C. W. Burnham, Carrington	Harold B. Nelson, Rugby
Golden Valley County:	Ramsey County:
John Keohane, Beach	Torger Sinness, Devils Lake
Grand Forks County:	Ransom County:
Henry G. Owens, Grand Forks	T. A. Francis, Enderlin
Grant County:	Renville County:
C. Liebert Crum, Carson	Geo. I. Rodsater, Mohall

Richland County: Clifford Schneller, Wahpeton	Steele County: C. S. Shippy, Hope
Rolette County: D. J. McLennan, Rolla	Stutsman County: Chas. S. Buck, Jr., Jamestown
Sargent County: A. Leslie, Forman	Towner County: Chas. Houska, Cando
Sheridan County: Peter A. Winter, McClusky	Traill County: Chas. H. Shafer, Hillsboro
Sioux County: A. McG Beede, Fort Yates	Walsh County: W. T. DePuy, Grafton
Slope County: C. P. Brownlee, Amidon	Ward County: R. A. Nestos, Minot
Starke County: J. P. Cain, Dickinson	Williams County: Art J. Gronna, Williston

## PAST EXECUTIVE COMMITTEES

## 1920 - 1921

Chas. A. Pollock, Pres., Fargo	S. D. Adams, Lisbon
Tracy R. Bangs, Vice Pres., Grand Forks	Geo. P. Homnes, Crosby
John E. Greene, Sec., Minot	L. R. Nostdal, Rugby
John S. Frame, Fargo	W. G. Owens, Williston
	T. D. Casey, Dickinson

## 1921 - 1922

Tracy R. Bangs, Pres., Grand Forks	W. E. Purcell, Wahpeton
C. J. Fisk, Vice Pres., Minot	C. L. Young, Bismarck
R. E. Wenzel, Sec., Grand Forks	F. F. Wyckoff, Stanley
E. T. Conmy, Fargo	W. F. Burnett, Dickinson
L. R. Nostdal, Rugby	

## 1922 - 1923

C. J. Fisk, Pres., Minot	A. G. Porter, Edgeley
L. R. Nostdal, Vice Pres., Rugby	C. L. Young, Bismarck
R. E. Wenzel, Sec., Grand Forks	John H. Lewis, Minot
T. R. Bangs, Grand Forks	Thos. H. Pugh, Dickinson
F. T. Cuthbert, Devils Lake	

## 1923 - 1924

L. R. Nostdal, Pres., Rugby	John Knauf, Jamestown
A. W. Cupler, Vice Pres., Fargo	W. A. McIntyre, Grand Forks
R. E. Wenzel, Sec., Bismarck	G. S. Woledge, Minot
A. E. Wheeler, Devils Lake	T. F. Murtha, Dickinson
A. M. Kvello, Lisbon	

## 1924 - 1925

A. W. Cupler, Pres., Fargo	John Knauf, Jamestown
C. L. Young, Vice Pres., Bismarck	G. S. Woledge, Minot
R. E. Wenzel, Sec., Bismarck	T. F. Murtha, Dickinson
W. A. McIntyre, Grand Forks	A. E. Wheeler, Devils Lake
A. M. Kvello, Lisbon	

## 1925 - 1926

C. L. Young, Pres., Bismarck	Horace Bagley, Towner
W. A. McIntyre, Vice Pres., Grand Forks	W. H. Hutchinson, LaMoure
R. E. Wenzel, Sec., Bismarck	John Knauf, Jamestown
V. R. Lovell, Fargo	G. S. Woledge, Minot
	T. F. Murtha, Dickinson



1926 - 1927

W. A. McIntrye, Pres., Grand Forks	W. H. Hutchinson, LaMoure
Aubrey Lawrence, Vice Pres., Fargo	Aloys Wartner, Harvey
R. E. Wenzel, Sec., Bismarck	O. B. Herigstad, Minot
V. R. Lovell, Fargo	W. H. Stutsman, Mandan
Horace Bagley, Towner	

1927 - 1928

Aubrey Lawrence, Pres., Fargo	N. J. Bothne, New Rockford
John H. Lewis, Vice Pres., Minot	Theo. Kaldor, Hillsboro
R. E. Wenzel, Sec., Bismarck	A. M. Kvello, Lisbon
F. T. Cuthbert, Devils Lake	G. S. Woledge, Minot
J. P. Cain, Dickinson	

1928 - 1929

John H. Lewis, Pres., Minot	Geo. M. McKenna, Napoleon
Horace Bagley, Vice Pres., Towner	P. W. Lanier, Jamestown
R. E. Wenzel, Sec., Bismarck	Thos. G. Johnson, Killdeer
Aubrey Lawrence, Fargo	G. S. Woledge, Minot
F. T. Cuthbert, Devils Lake	

LOCAL BAR ASSOCIATIONS

Burke County: President, \_\_\_\_\_, Secretary, H. A. Hanscn, Bowbells;

Burleigh County: President, J. A. Hyland, Bismarck; Secretary, Thos. J. Burke, Bismarck;

Cass County: President, J. D. Pierce, Fargo; Secretary F. J. Van Osdel, Fargo.

Cavalier County; President, Geo. M. Price, Langdon; Secretary, Thos. J. Clifford, Langdon.

Grand Forks County: President, Tracy R. Bangs, Grand Forks; Secretary, T. A. Toner, Grand Forks.

Lake Region District: President, Fred T. Cuthbert, Devils Lake; Secretary, M. V. Traynor, Devils Lake.

Stutsman County: President, S. E. Ellsworth, Jamestown; Secretary, James A. Murphy, Jamestown;

Third District: President, A. M. Kvello, Lisbon; Secretary, C. G. Mead, Lisbon;

Traill County: President, C. E. Leslie, Hillsboro; Secretary, G. McLain Johnson, Hillsboro;

Ward County: President, James Johnson, Minot; Secretary V. E. Stenerson, Minot;

Williams County: President, Frank E. Fisk, Williston; Secretary, John Murphy, Williston.

ATTORNEYS REGISTERED FOR ANNUAL MEETING

Adams, S. D., Lisbon	Anderson, John, Minneapolis
Aylmer, A. W., Jamestown	Bagley, Horace, Towner
Bangert, Chas. G., Enderlin	Bangs, Philip R., Grand Forks
Bangs, Tracy R., Grand Forks	Birdzell, L. E., Bismarck
Bothne, N. J., New Rockford	Buechler, M. A., La Moure
Burke, John, Bismarck	Burnett, W. F., Fargo
Burr, A. G., Bismarck	Buttz, C. W., Devils Lake

- Cain, J. P., Dickinson  
 Christianson, A. M., Bismarck  
 Combs, Lee, Valley City  
 Cooley, Roger W., Grand Forks  
 Coyne, E. F., La Moure  
 Cuthbert, F. T., Devils Lake  
 Doerr, August, Napoleon  
 Downey, R. J., Devils Lake  
 Ego, Chas. S., Lisbon  
 Englert, M. J., Valley City  
 Frederickson, F. J., Valley City  
 Hanchett, John O., Valley City  
 Hellstrom, F. O., Bismarck  
 Hutchinson, Wm. H., La Moure  
 Jansonius, Fred, Bismarck  
 Johnson, James, Minot  
 Johnston, J. L., Fessenden  
 King, Harold, Park River  
 Knauf, John, Jamestown  
 Kuhfeld, A. M., Beach  
 Lambert, F. B., Minot  
 Larson, E. G., Valley City  
 Lemke, Wm., Fargo  
 Lindland, Theo. S., Valley City  
 Manly, James A., New Rockford  
 Mattson, Edgar P., New Rockford  
 McIntyre, W. A., Grand Forks  
 McKenna, Geo. M., Napoleon  
 Morris, James, Bismarck  
 Murphy, James A., Jamestown  
 Newton, J. H., Bismarck  
 Nuessle, W. L., Bismarck  
 Palda, L. J. Jr., Minot  
 Pierce, T. D., Fargo  
 Pollock, Chas. M., Fargo  
 Pugh, Thomas H., Dickinson  
 Sad, John, Valley City  
 Shaw, B. W., Mandan  
 Shippy, C. S., Hope  
 Starke, C. H., Dickinson  
 Stutsman, W. H., Mandan  
 Temple, Frank I., Fargo  
 Thompson, M. G., Lisbon  
 Traynor, Fred J., Devils Lake  
 Vogel, Chas. J., Fargo  
 Wartner, Aloys, Harvey  
 Wehe, L. J., Bismarck  
 Weston, Eli A., Fargo  
 Wishek, Max A., Ashley  
 Zuber, A. V., Fessenden  
 Carr, John W., Jamestown  
 Cole, A. T., Fargo  
 Conmy, E. T., Fargo  
 Coventry, Chas., Linton  
 Craven, C. B., Carrington  
 DePuy, Wm. T., Grafton  
 Donovan, E. J., Langdon  
 Duffy, Clyde, Devils Lake  
 Ellsworth, S. E., Jamestown  
 Fletcher, E. E., Langdon  
 Greffenius, A. F., Valley City  
 Harris, Fred E., Grand Forks  
 Hendrickson, J. E., Fargo  
 Hyland, J. A., Bismarck  
 Johnson, G. McLain, Hillsboro  
 Johnson, Thos. G., Killdeer  
 Keohane, John, Beach  
 Knauf, A. L., Jamestown  
 Kneeland, Fred G., Jamestown  
 Kvello, A. M., Lisbon  
 Lanier, P. W., Jamestown  
 Lauder, Max W., Wahpeton  
 Lewis, John H., Minot  
 Loram, Andrew J., Fargo  
 Mattson, W. E., Fessenden  
 McFarland, R. G., Jamestown  
 McKee, J. A., Oakes  
 McLennan, D. J., Rolla  
 Murphy, Francis, Fargo  
 Netcher, Arthur J., Fessenden  
 Norton, P. D., Minot  
 Olsberg, H. A., Valley City  
 Paulson, A. P., Valley City  
 Ployhar, Roy A., Valley City  
 Price, Geo. M., Langdon  
 Rudolph, E. C., Tioga  
 Shafer, Chas. H., Mayville  
 Sherman, R. H., La Moure  
 Sproul, L. T., Valley City  
 Stockstad, C. O., Forman  
 Tangen, Peter C., Forman  
 Tenneson, Norman, Fargo  
 Thormodsgard, O. H., Grand Forks  
 Vieselman, P. W., Grand Forks  
 Waldron, C. A., Minot  
 Wattam, C. C., Fargo  
 Wenzel, R. E., Bismarck  
 Wishek, Homer, Ashley  
 Young, C. L., Bismarck  
 Zuger, Alfred, Bismarck

## VISITING LADIES REGISTERED

- Bangert, Elizabeth W., Enderlin  
 Cain, Mrs. J. P., Dickinson  
 Donovan, Mrs. E. J., Langdon  
 Buttz, Mrs. C. W., Devils Lake  
 Craven, Mrs. C. B., Carrington  
 Ego, Mrs. Chas. S., Lisbon

Fletcher, Mrs. E. E., Langdon  
Knauf, Winifred, Jamestown  
Lanier, Mrs. P. W., Jamestown  
McIntyre, Mrs. W. A., Grand  
Forks  
McKenna, Mrs. Geo. M., Na-  
poleon  
Starke, Mrs. C. H., Dickinson  
Wartner, Lillian M., Harvey  
Weston, Mrs. Eli A., Fargo

Hutchinson, Mrs. W. H., LaMoure.  
Knauf, Mrs. A. L., Jamestown  
Lewis, Miss Esther, Minot  
McKenna, Marcella Grace, Na-  
poleon.  
Price, Mrs. Geo. M., Langdon  
Shaw, Mrs. B. W., Mandan  
Temple, Mrs. Frank I., Fargo  
Wenzel, Mrs. R. E., Bismarck

