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President's Page

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Bench and Bar

PRESIDENT'S PAGE

The Annual Convention of the State Bar Association of North Dakota will be held in Bismarck on August 23rd, 24th and 25th. All Committees are working diligently to make the Convention a success and from what I know now of the program, I am sure that it will be well worth your while to attend.

The Committee on Legal Service to the Armed Forces, consisting of Judge O. B. Burtness of Grand Forks, Chairman, and Roy Holland of LaMoure and Orrin B. Lovell of Bismarck, Members, report an increasing number of requests for service. This Committee is a clearing house for requests for legal service from members of all of the Armed Forces, and we must see that such requests are given the best possible service. This Committee refers requests to an attorney in the locality from which the service man comes. Keeping in mind that we have an obligation to the men in the service and that we must accept the responsibility for helping them, I earnestly urge each of you to give willingly of your time and service if you receive any such requests from this Committee.

At the Meeting of the House of Delegates of the American Bar Association in Chicago, on February 26th and 27th, there were in attendance from North Dakota H. G. Nilles, as State Delegate, R. N. Davies, as Executive Director, and myself as a Delegate. We attended all sessions of the House and heard many worthwhile reports, some of which will be of general interest to all of the lawyers in North Dakota. It is my intention to have our Executive Director make a brief report on this Meeting at our Annual Convention. In that report he will present to you the action taken by the House of Delegates with reference to the disbarment of lawyers who are proved to be Communists, the requirement that lawyers take an anti-Communist oath, the proper functions of the lawyer and the certified public accountant with respect to preparing Federal Income Tax Returns, and other matters that may be of general interest to the lawyers in North Dakota.

PHILIP R. BANGS,
President

NOTICES OF BOOKS FOR SALE

The following books and book cases are offered for sale, F.O.B., Fessenden, North Dakota, by Mr. A. L. Netcher. Any offer should be made to Mr. A. L. Netcher, Box 528, Fargo, North Dakota.

Viking sectional book cases, glass doors, mahogany finish:

2 sections, 34 in. by 11 in.

30 sections, 34 in. by 13 in.

8 sections, tops.

2 sections, bases.

N.W. Reports, Vols. 1-249 inc.

N.W. Digest, Vols. 1-20 inc.

N.D. Rev. Code (1899).

N.D. Rev. Code (1905).

Comp. Laws N.D. (1913), 2 Vols.

Supp., 1913

Ruling Case Law, Vols. 1-28 inc.

Ruling Case Law Supp., Vols. 29-35 inc.

Callaghan's Dakota Digest, 5 Vols.

Jones, Legal Forms.

Church, Forms of Business.

Tiffany, Form Book.

Winslow, Forms, 3 Vols.

Michie, Banks & Banking, 3 Vols.

Warvell, Abstracts.

Burdick, Real Property.

Norton, Bills & Notes.

History of English Law, 2 Vols.

Great Jurists of the World.

Session Laws, N.D. 1879, 1881-83-89-1890-91-93-95-97-1901-03-05-07-09-1911-13-15-17-19-Spl. 1919-1921-23-25-27-29-1931-33-35-37-1941.

MARTIN C. FREDRICKS, SR.

Martin Cornelius Fredricks, who passed away at Jamestown on November 19, 1950, was a member of the Bar of North Dakota for over fifty years. Mr. Fredricks was born August 1, 1871, at Pekin, Illinois, of Dutch and German lineage. When he was but eight months old his parents moved to Grundy County, Iowa, There he grew up and attended the country schools for a limited period, his education largely being the result of home study. Mr. Fredricks worked on Iowa farms until 1896 when he came to North Dakota, locating at Wahpeton and entering upon the study of law in the office of his brother. He was admitted to the North Dakota Bar, after examination, on March 29, 1898, and remained at Wahpeton in partnership with his brother until 1904. At that time he removed to Kansas and was admitted to the Bar of that State. He practiced his profession at Wichita for nine years. In 1913 he returned to North Dakota, locating at Jamestown, where, with the exception of a short time spent at Fargo in later life, he spent the remainder of his days. During a portion of his Jamestown residence he was engaged in the operation of a hotel, at the same time carrying on his law practice.

Mr. Fredricks was very active in the practice of his profession and was the trier of many cases in both the trial and appellate courts during his years of practice. He was an intense and aggressive advocate and a trial lawyer of the old school. Mr. Fredricks was also a keen student of politics and economics, and took an active interest and part in various political campaigns.

In 1900 Mr. Fredricks was married to Miss Mary McAuliffe, of Graceville, Minnesota. She preceded him in death. Three children were born to the union; Robert E. Fredricks and Martin C. Fredricks, Jr., both practicing attorneys at Jamestown, and Esther May (Mrs. Mark Buchanan), who also resides at Jamestown, as well as a number of grandchildren.

Committee on Memorials,

J. H. NEWTON

E. T. CONMY,

RAY FRIEDERICH,

E. J. McILRAITH, *Chairman.*

O. B. HERIGSTAD

Another of our prominent attorneys of this state has passed away. O. B. Herigstad of Minot, a Past President of the State Bar Association and a prominent civic leader in northwestern North Dakota, died March 2, 1951. He apparently had been in good health and the evening of his death had gone to the Minot Curling Rink to enjoy his favorite sport. He returned home about 9:30 p.m., complained of a pain in his chest, and died almost immediately.

Mr. Herigstad, 66 years of age, graduated from the University of North Dakota in 1908 with a B.A. degree and in 1909 with his LL.B. His scholarly record while at the University won him election to Phi Beta Kappa. He represented the University two years on its debating team and won prizes as an orator and debater. He was a member of Phi Delta Theta social fraternity at the University and to Delta Sigma Rho, the debating fraternity.

Shortly after graduation, he moved to Minot and entered law practice with the late J. J. Coyle. In 1912 he became assistant State's Attorney to Coyle and later served in the same capacity under R. A. Nestos. When Mr. Nestos resigned in 1916 to run for U.S. Senator, Mr. Herigstad finished the term and was elected to the office in his own right during an eight year period. During his incumbency as a state prosecutor he undertook the trial of fifteen murder cases, each of which ended in conviction.

He later became a partner in the law firm of Nestos, Carrol and Herigstad.

He was regarded as well informed on the law of oil leases and the oil development business and for some years was an officer and director of the Dakota-Montana Oil Co., organized with North Dakota capital to engage in oil production in Montana. The company has been successful.

For twenty-five years he served as a member of the Park Board of the City of Minot and aided in the growth of a beautiful park system.

For years he was active in the Minot Kiwanis Club and served as one of its early Presidents and later as Lieutenant-Governor of the North Dakota district.

Professionally, Mr. Herigstad was an honorary member of the Order of Coif, honorary law fraternity at the University of North Dakota, a past president of the Northwest Bar Association, and had several of his law briefs published in the American Law Reports.

Omon B. Herigstad was born in Griggs County, near Cooperstown on January 7th, 1885 of pioneer Norwegian parents. The family home was on the banks of the Sheyenne River. As a boy he took part in the life of a rural county, attending both parochial and public schools in the locality.

He is succeeded in his office by his son, Roger, who but recently passed the bar, and his son-in-law, Kenneth G. Pringle. The son will carry on the tradition of the Herigstad family in the legal field.

O. B. Herigstad was well known and respected by all who knew him.

He was a quiet, conscientious, capable lawyer, and carried on the everyday work of being a lawyer and a good citizen without sham, show or pretense.

The Bar of North Dakota has lost a very capable, able and honest attorney. His life will continue to be an inspiration to those who knew him.

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RAY FRIEDERICH,

E. J. McILRAITH, *Chairman.*

ARTHUR L. KNAUF

Arthur L. Knauf, prominent member of the Stutsman County Bar, died at Jamestown on December 15, 1950, as the result of an automobile accident occurring two days previously.

Arthur Knauf was born in Waterloo Township, Jackson County, Michigan, on the 12th day of March, 1876. At the age of seven he came to the Territory of Dakota with a brother who homesteaded near Cleveland, North Dakota. He attended the country schools in that vicinity and the Jamestown schools, later going to Duluth, Minnesota, where he graduated from high school. At the outbreak of the Spanish-American War he enlisted in Company H, Minnesota Volunteers, being stationed at Augusta, Georgia. After his discharge he returned to North Dakota and for a time studied law in the office of his brother, John Knauf, at Jamestown. Later he entered the law school of the University of Minnesota, graduating from that school in 1903. He was admitted to the Bar of the State of North Dakota on September 16, 1903. Thereafter he practiced law with his brother, John, at Jamestown until the year 1905 when he opened an office at Williston. He practiced law at Williston until 1910 when he returned to Jamestown to enter into a partnership with his brother, a partnership which continued until his death. While at Williston he met and married on September 5, 1907, Miss Ruby Lougheed. She survives him. The Arthur Knauf's had no children of their own, but they cared for, educated and made a home for numerous minor relatives during their lifetime.

While at Williston Arthur L. Knauf fought to a successful conclusion one of the most celebrated will contests of the State—Hedderich v. Hedderich, 18 N.D. 488. The case established many principles of law and practice still cited by the courts of this and other states. Also while at Williston he was the prime mover in the organization of Company E of the North Dakota National Guard and served as its first Captain.

In May, 1917, Arthur Knauf enrolled in the first officers' training camp at Fort Snelling, Minnesota. He was commissioned into active service as a Captain in August, 1917. He

served at Camp Dodge, Iowa, Camp Merritt, New Jersey, Camp Upton, New York, and in France. He was overseas from August, 1918, to May, 1919, being discharged at Camp Dodge with the rank of Captain.

Arthur Knauf was a member of the American and N.D. Bar Associations, Jamestown Lodge B.P.O.E. and various Masonic groups. He was also a member of the American Legion and Veterans of Foreign Wars. He was a vigorous and forceful trial attorney and a trustworthy counsellor. Unassuming and unpretentious, he performed many acts of charity and kindness unknown to the general public. He was always ready and willing to donate his time and means for the betterment and welfare of his community, State and Nation. In his passing the State has lost a fine and honorable citizen, and the legal profession an able and courageous minister of justice.

Besides the widow, Mr. Knauf is survived by his brother, John Knauf, Jamestown, three sisters, Dr. Mary McCoy and Mrs. John Poyier, Duluth, Minnesota, and Dr. T. K. Abt, Chicago, Illinois, besides numerous nieces and nephews.

Funeral services, held at the Presbyterian Church in Jamestown on December 20, 1950, with the Jamestown Elks Lodge in charge, were attended by many prominent members of the Bench and Bar. Burial was at Highland Home Cemetery with military rites.

Committee on Memorials:

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WILLIAM H. STUTSMAN

William H. Stutsman, one of the pioneers of the North Dakota Bar, passed away on December 23, 1950, while enroute to Mandan from Bozeman, Montana, where he had attended the wedding of his son. He was born at Keokuk, Iowa, on March 6, 1866, his parents being Dr. Samuel H. and Elizabeth (Moon-

ey) Stutsman, both natives of the State of Indiana. W. H. Stutsman attended the public schools at Burlington, Iowa, and the academic and law department of the University of Iowa from which he graduated in 1889. He practiced for a time at Burlington and in 1898 removed to St. Paul, Minnesota, and entered the employment of the West Publishing Company on the editorial staff. This position he occupied in 1902 when he removed to Mandan, North Dakota, where he spent the remainder of his life, dividing his time between the practice of law and occupancy of public office.

Mr. Stutsman was elected a member of the Board of Railroad Commissioners (now Public Service Commission) and served with distinction from 1909 to 1917 as a member of that body. In 1920 he was again elected to the Railroad Commission and served until January, 1923. In 1929 he was appointed by Governor George F. Shafer as a member of the Workmen's Compensation Bureau and served on the Bureau until 1933. Mr. Stutsman, by reason of his legal training, was an especially valuable man in the public offices he occupied and his ability in that regard was outstanding while he was a member of the Board of Railroad Commissioners. Always interested in politics Mr. Stutsman took an active part in the formation of the Independent Voters Association and the successors to that organization. He had the distinction of being North Dakota's oldest Elk and was Trustee of the Mandan Lodge of Elks for twenty years.

In September, 1891, in Iowa City, Mr. Stutsman was united in marriage to Miss Ada Sharpless. Three children were born to them, two of whom, besides the widow, survive. They are William of Bozeman, Montana, and Charlotte, (Mrs. Clair Conklin) of Seattle, Wash. One grandson, William Stutsman III, also survives. One daughter, Jean, (Mrs. William J. Payne) preceded Mr. Stutsman in death.

Mr. Stutsman was an active member of the Presbyterian Church, and funeral services were held in that Church at Mandan with burial at Union Cemetery.

Committee on Memorials:

J. H. NEWTON,
E. T. CONMY,
RAY FRIEDERICH,
E. J. McILRAITH, *Chairman.*

