



1949

## President's Page

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## BENCH AND BAR

## PRESIDENT'S PAGE

**S**INCE our October letter, your Executive Committee has held two meetings, one in Fargo on November 19, 1948, and the second at Bismarck on January 29, 1949. Several of us also made extra trips to Bismarck during the legislative session. The following is a brief summary of some of our accomplishments and plans for the future:

1. House Bill 108 would have repealed Chapter 228 of the 1947 Session Laws. This is the statute that gives us a portion of District and County Court filing fees. House Bill 108 was indefinitely postponed by the Senate on February 25, 1949. This insures sufficient income to enable us to carry out the programs we have instituted and are considering "for legal research and education, and supervision and improvement of the Judicial System of the State of North Dakota." It also imposes a great responsibility upon our association not only to continue the plans previously approved and reported to you, but also to formulate new and worthwhile programs to carry out the purposes of our fee statute. We also have a great opportunity to serve our State by the wise use of these moneys in working out improvements in our statutory law, probate and judicial procedures that will not only save time and delay, but also save litigants far in excess of the amounts paid from these filing fees.

2. We paid the per diem and expense of Marion Jane Leslie so that she might remain in Bismarck and assist the Legislative Research Committee in drafting of Bills for submission to our 1949 Legislature. Miss Leslie did an outstanding job. Several members of the Legislature personally contacted us and thanked us for her excellent work. We are now conferring with the new Legislative Research Committee so that we may assist the Committee in the publication of the 1949 Session Laws and Cumulative Supplement.

3. We also arranged to secure copies of the emergency acts as soon as they were signed by the Governor. Those of general importance have been mimeographed and distributed to all our members, and to many state and county officials.

4. We recommended to the Supreme Court the names of several of our members for appointment to the State Bar Board. The Supreme Court then appointed Charles L. Foster, of Bismarck, to fill the vacancy caused by the death of George E. Shafer, and Charles Shafer, of Hillsboro, to take the place of C. J. Murphy, who declined reappointment. The new Bar Board held its first meeting in Fargo on March 9, 10, and 11, 1949 and, after three days of examination, admitted twelve applicants to the North Dakota Bar. The Cass County Bar Association held a luncheon for the Bar Board and the applicants on Wednesday, March 9, 1949. I was present, and invited the new lawyers to attend our 1949 annual meeting in Fargo on August 11, 12, and 13, 1949. They all accepted the invitation.

5. We held a one-day tax course in Fargo on November 20, 1948. The speakers were provided by the Committee on Continuing Legal Education of the American Bar Association. They were authorities on taxation. Sixty-six of our members were present, and all agreed it was an exceedingly worthwhile meeting, and asked us to arrange for similar meetings in the future.

6. Our American Citizenship Committee has sent material to all high schools in North Dakota, explaining the awards we desire to make this spring to one student in each school whom the school certifies has the best understanding of the Constitution of the United States. The Committee plans on asking lawyers throughout the state to call on these schools and personally present these awards. More information will soon be sent you. We hope you will each act when called upon, and take advantage not only of presenting the award, but also of explaining the importance of our Constitution.

7. The Tooz action is still pending in the Supreme Court.

8. Our Annual Meeting will be held in Fargo on August 11, 12, and 13, 1949. The Cass County Bar Association has appointed a General Committee, and they are making plans for a good meeting. The Sectional Meeting Committee will shortly circularize all members of our Association and thereby give each of them a chance to express his ideas as to the subjects to be discussed during the 1949 Sectional Meetings. Be sure to promptly respond to that request so that the Committee will be able to select the subjects having the

greatest State-wide interest. Several other Committees are active and will have reports of great importance to submit to the meeting. Be sure, therefore, to mark these dates on your office calendar — August 11, 12, and 13, 1949 — and arrange to be in Fargo on those days.

Sincerely,

GEORGE A. SOULE  
President

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#### MEN OF THE YEAR

Dean Winkjer, Williston attorney, was selected for the 1948 award as "Man of the Year" by a state committee headed by Senator J. B. Bridston.

Dean is assistant states attorney of Williams County and president of the Williston junior chamber of commerce; he was earlier nominated as Williston Man of the Year by a committee of that city.

In addition to Winkjer's work as president of the Williston junior chamber he was an assistant scout master, a leader in young peoples work for the Lutheran Church, was general chairman of the 1948 fall festival in Williston and has been very active in community efforts the past several years.

Graduating from the University of North Dakota in 1947, he has been practicing law in Williston ever since. He is the son of Mr. and Mrs. Jonathan Winkjer of Wild Rose, North Dakota.

Adrian McLellan, a lawyer of Fargo, and also an official of the Merchants Bank and Trust Company of that city was named Fargo's Young Man of the Year for 1948. Mr. McLellan has been very active in community and fraternal affairs.

Another practicing attorney to win the award from his city as Young Man of the Year is Douglas Heen of Devils Lake. Mr. Heen is an officer of the Junior chamber and likewise took a very active part in community and church activities in Devils Lake.

## SCOTT CAMERON

Born May 27th, 1883 on a Pembina county farm where he attended common school, and the Bathgate high school; then the University of North Dakota law school, and received his law degree from the state law school in 1908. On the farm, in school, in the University, and then in the practice of law, first at Linton, and later at Bismarck; he becoming one of the State's greatest practicing lawyers. A client's wise counsellor, always fair toward opposing attorneys, faithful in his legal arguments in the various courts, always a patriot in the cause of America and the fundamentals on which our government is founded, and ever ready to support the same with his rich, clear oratory. Mr. Cameron came to an early death on November 16th, 1948, at Minneapolis. We extend to his widow and four children the sympathy of the North Dakota Bar Association, and to his son Neil who has succeeded him in practice, our best wishes for success in his place.

Very Sincerely,

E. T. CONMY, Chairman

L. R. NOSTDAL

JOHN KNAUF

Members of Committee

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HERBERT C. DEPUY

Mr. DePuy, long-time attorney of Grafton, North Dakota, departed this life February 22, 1949.

Mr. DePuy was born in New Brunswick, New Jersey. After his graduation from high school he purchased a weekly newspaper, which he operated for a year. In 1890 he was graduated from law school.

He worked with his grandfather, William Harrison DePuy, in New York, assisting in the revision of the Encyclopedia Britannica, and in 1892 came with his father, William R. DePuy, an attorney, to Minto.

He practiced law with his father in Minto for a time and served that city as mayor for two terms before being elected Walsh County States Attorney. He came to Grafton in 1906.

In 1943 he was appointed District Judge by Governor John

Moses to fill the unexpired term of Judge W. J. Kneeshaw who died, and served in that capacity until 1947.

Prominent in the Democratic Party, Mr. DePuy served seven terms as Walsh County States Attorney, from 1906 to 1920, and in 1932 was a candidate for North Dakota governor. He served on the state bar board, having been appointed by the late Governor L. J. Frazier, on the state welfare board and held several other public positions.

Herb DePuy developed an extensive law practice and was recognized by the profession as an extremely able and conscientious practitioner and judge. He was a credit to his profession. As a citizen, he was forthright and fearless in the assertion of his views and the rights of his fellow citizens and actively participated in helping solve the problems of his community and his state.

In the passing of Herb DePuy, the State has lost a conscientious and hard-working citizen and the legal profession has lost an able lawyer and judge.

E. T. CONMY, Chairman  
 JOHN KNAUF  
 L. R. NOSTDAL  
 Committee on Memorials

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#### OLIVER S. SEM

Passed away at 81, on November 29th, 1948, at Milnor, Sargent County, North Dakota.

Born in Norway at time when the caste system was still somewhat in force, and because he was looked down on by those of wealth, he felt embittered. Mr. Sem was an early day home teacher in his county. Studied law in the office of Thorp and Lockerby at Milnor, was admitted to the North Dakota Bar. Owing to hardships he and his family suffered during his youth, he became very saving, and as he grew in age, accumulated a good fortune. Sem's will names 24 individuals and institutions to share equal parts.

The four institutions are the North Dakota Children's home and the Florence Crittenton home, both in Fargo; the Salvation Army of North Dakota, headquartering in Fargo, and the Crippled Children's School at Jamestown.

Twenty nieces and nephews are named, including Albert Sem of Hawley, Minn. The others live in Seattle, Montana and Norway. For as closely as Mr. Sem watched his pennies and the methods he would take to save, he had charity in his heart.

Mr. Sem did a general practice of law first at his homestead, then marrying to Corrine Woldy, who died several years ago, and moving his office and practice from the homestead to Milnor, where he never charged large fees, but nevertheless, accumulated a fortune of approximately \$200,000.00. His fortune was generously distributed among his nephews and nieces, and most liberally to the Crippled Children's School and Home at Jamestown, and to several other charitable institutions.

Owing to a fire which partially destroyed his home, which was also his office, he perished. Mr. Sem was born in Norway in 1867, came to Iowa, when a very young man, moved to Dakota Territory in 1889. None will say his life of saving has been in vain.

Respectfully submitted,

E. T. CONMY, Chairman  
L. R. NOSTDAL  
JOHN KNAUF  
Members of Committee

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FLETCHER FELIX WYCKOFF

Fletcher Felix Wyckoff, long-time attorney of Mountrail County, North Dakota, departed this life October 14, 1948, at Stanley, North Dakota.

Mr. Wyckoff was born near Cincinnati, Ohio, January 19, 1883. He received his preliminary education in rural and high schools and entered the law department of the University of Iowa at Iowa City, Iowa in 1902. He graduated there with a degree of L. L. B. in June of 1905. In 1911 he married Thecla Laqua at Wheaton, Minnesota. He began the practice of law at Plaza, North Dakota in 1906. He continued until 1912, and then moved to Stanley, North Dakota and continued to practice there until the time of his death.

In recent years he and Q. R. Schulte were in partnership at Stanley, North Dakota.

Mr. Wyckoff was elected States Attorney of Mountrail County and served six two-year terms. In politics he was a Republican.

Shortly after commencing the practice of law at Plaza, North Dakota, he developed an extensive practice and was generally accredited as one of the best trial lawyers in the fifth judicial district. He was honorable in all of his dealings and the lawyers with whom he practiced were, at all times, satisfied to take Mr. Wyckoff's word in lieu of a written stipulation. He never broke his word. He was thoroughly honest. As a citizen, he was fearless in assertion of his rights and the rights of his fellowmen and his voice was often heard on public questions, always in support of ideals of popular government. As a friend, he was loyal to the end and large-hearted and kind, and in his passing, the legal profession lost an able lawyer and the State of North Dakota, an upright citizen.

E. T. CONMY, Chairman

L. R. NOSTDAL

JOHN KNAUF

Members of Committee

#### NOTICE OF BOOKS FOR SALE

Mr. M. L. McBride, our former Secretary, who is retiring after many years of practice at Dickinson, advises us that he has the following books for sale:

U. S. Code Annotated

Corpus Juris Secundum to date

Pacific, 136 Volumes with California and Colorado Reports complete to Volume I of the Pacific and various other works.

Anyone desiring to purchase any of these books may write direct to Mr. McBride at Dickinson, North Dakota.

#### NOTICE

President Soule calls the attention of the members of the State Bar Association to the fact that the annual meeting of the Association will be held at Fargo on August 11, 12, and 13, 1949.