



1945

## The School of Law

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lems concerning the bar. To counteract false propaganda, we must use propaganda stressing the truth and the obvious. We must publicize the necessity of the lawyer in our daily life. We must herald the activities of the lawyer for the benefit of the public. We must challenge false and misleading statements relating to the bar. We must check and prevent derogatory activities against the bar in the press and on the screen, on the radio and on the stage. We should cease jesting in a ridiculing fashion about lawyers and the legal profession. We must never forget that to gain the respect of others, we should first respect ourselves. Finally, we must zealously protect our profession against unfair competition by those who are not licensed to practice law.

To maintain our self-respect, we must not cease our efforts. The bar has always fought valiantly for the rights of others. It should be courageous and fearless in its own defense. We should not be too proud to fight for our own profession. Let us always remember the sage admonition of Justice Holmes:—"Every calling is great when greatly pursued."

We are practically assured that President Willis Smith of the American Bar Association will be present at our annual meeting. I expect to receive a communication from him shortly and will then be able to definitely determine the dates of our next annual meeting.

Sincerely yours,  
ROY A. PLOYHAR  
President.

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### THE SCHOOL OF LAW

During the first semester of the school year 1945-1946, there were twenty-six students enrolled in the School of Law. Of these four were women. With the beginning of the second semester fifty students enrolled. The Veterans are returning. There will be at least seventy students by next fall.

Primarily for the benefit of the War Veterans, courses in law will be taught during the Summer Session. Non-veteran students are invited to attend. The following courses will be taught: Contracts, Damages, Federal Jurisdiction and Procedure, Legal History and Labor Law. Beginning as well as advanced students may enroll.

On June 9, four law students were granted the law degree. They were Arnold Havig of Grand Forks, Walter H. Lorshbough of Fargo, Warren A. Tripp of Marmouth and Paul R. Vaaler of Grand Forks.

Based on their scholastic records, Walter H. Lorshbough and Paul R. Vaaler were elected to the North Dakota Chapter of the Order of the Coif. Attorney O. B. Herigstad of Minot was selected as the Honorary elect for the year 1946. Francis Murphy of Fargo was the Honorary elect for the year 1945. The annual dinner

meeting of The Order of the Coif was held in the evening on April 25, 1946.

The Honors Day Convocation was held in the University Armory on April 25, 1946 at 10 a. m. The Honors Day Committee of the University selected Mr. Francis Murphy as the speaker. The subject of his address was "counsel for the Defense." His address aroused keen interest among the students in Government, History, the Social Sciences and in Law. The purpose of the Honors Day Convocation is to give recognition to the students in the several colleges and schools who have distinguished themselves in their respective fields of learning and who attained a high grade of scholarship.

During the War, with few law students, the law faculty consisted of three full-time law teachers and three part-time law teachers. With the termination of the War and due to increased enrollment, there will be on the law staff for 1946-1947 four full-time teachers and four part-time law teachers. The part time law teachers will be Attorneys Philip R. Bangs, Carroll El. Day, Arthur W. Stokes and C. F. Peterson. The full-time teachers will be Professor Theron W. Atwood, Professor Keith W. Blinn, Professor Ross C. Tisdale and Dean O. H. Thormodsgard.

The Council of The Section of Legal Education and Admission to the Bar of The American Bar Association and The Association of American Law Schools have passed resolutions that all approved law schools and member schools by the fall term of 1946 should fully comply with the standards of The American Bar Association and The Association of American Law Schools. The Emergency Resolutions will be no longer effective after that date. Plans are now being made to inspect all approved law schools and member schools within the near future. It may be reported that the University of North Dakota School of Law has complied with these standards as to (a) faculty staff, (b) library facilities, (c) library staff, (d) entrance requirements, that is, two years of acceptable college work is required of all law students, and (e) curriculum. The University and the School of Law has since 1909 complied with the standards of The Association of American Law Schools and that of The American Bar Association. The School of Law looks forward to the time when this inspection will be held by a joint committee of The American Bar Association and The Association of American Law Schools. Even though there has been a compliance with the standards, improvements in legal education may be made by the appointment of five full-time law teachers instead of four. Likewise if the annual appropriations were increased, improvements could be made as to library facilities.

The law faculty and the students invite the judges and lawyers of the state of North Dakota to visit the law school, the classes, the faculty and the law library. Bruce Inn of Phi Delta Phi has continued to exist even during the War. There are now twenty-one active members in Bruce Inn. The Corliss Chapter of Phi Alpha Delta which has remained dormant for years will be revived.

By the school year of 1946-1947 Corliss Chapter should have a membership of eighteen to twenty law students.

With the increase in number of law students, the state of North Dakota is under a responsibility to provide means whereby these young men and women may secure meritorious professional training in law in an approved law school. Members of the North Dakota Bar Association should aid the Board of Higher Education to secure the required funds so that the University of North Dakota may continue to serve the people of this state.

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### OUR SUPREME COURT HOLDS

In Adrian Egbert, Ray L. Lake, A. F. Hills, C. A. Berg, E. C. Leonard, and Archie Lake, on behalf of themselves and all other taxpayers of the City of Dunseith, State of North Dakota, Pls. and Appls, vs. The City of Dunseith, Glen D. Shelver, as Mayor, William Evans, Frank McAtee, A. F. Lilleby and John Awalt, as members of the City Council of the City of Dunseith, State of North Dakota, Defs and Resps.

That the constitution of the state of North Dakota is its paramount law. It is a self-imposed restraint upon the peoples of the state in the exercise of their governmental sovereign power either by themselves through the initiative or by their agency, the legislature.

That the constitution is not immutable and may be repealed or amended in the manner prescribed by its own provisions.

That though repeals by implication are not favored the provisions of a constitution may be impliedly repealed or abrogated by the adoption of changes in other portions which render such provisions obnoxious or ineffective.

That a constitution, like other laws, is subject to construction by the courts, but it is a cardinal rule of construction that a constitution must be so construed as to give effect to the intention of the people who adopted it.

That generally speaking principles of construction applicable to statutes are also applicable to constitutions.

That one rule applied in the construction of statutes is that where one statute adopts the particular provisions of another by a specific and descriptive reference to the statute or provision adopted, the effect is the same as though the statute or provision adopted had been incorporated bodily into the adopting statute. Such adoption takes the statute as it existed at the time of adoption and does not include subsequent additions or modifications of the statute so taken, unless it does so by express intent or necessary implication.

That article 20 of the constitution of North Dakota prohibited every form of traffic in intoxicating liquor in the state. In 1918, section 185 of the constitution was amended to provide "The state, any county or city . . . may engage in any industry, enterprise or business not prohibited by Article 20 . . ." Subsequently Article 20 was repealed. Held, for reasons stated in the opinion, that the repeal of Article 20 did not affect section 185 as amended and the negation of the liquor traffic in section 185 continued in effect as though there had been no repeal.

(Syllabus by the Court)

Appeal from the District Court of Rolette County, Hon. C. W. Buttz, Judge. Proceeding for injunctive relief. From a judgement for the defendants, plaintiffs appeal.

REVERSED.

Opinion of the Court by Nuessle, J.