



1942

What War Means to the Bar

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BOOKS FOR SALE

The United States Attorney for the District of North Dakota has for sale the "Federal Digest" complete with all supplements including the 1940 supplement. These are being offered for sale upon sealed bids, and any person interested may secure the necessary form upon which to submit a bid for this Digest System by applying to P. W. Lanier, United States Attorney, Fargo, North Dakota. It will be necessary that applications for bids be made immediately as all bids submitted will be opened at the Office of the United States Attorney at Fargo, North Dakota, at nine o'clock A. M., on the 16th day of March, 1942.

Joseph P. Stevens
Assistant United States Attorney.

PRACTICE FOR SALE

Leading practitioner in county seat town wants to sell practice, library and lease to office. Write—Secretary.

WHAT WAR MEANS TO THE BAR

There is no group of men and women in America cherishing a deeper love of country or more sincere devotion to its institutions than the members of the legal profession.

In impressive numbers they have gone to the colors already, many at the sacrifice of an established clientele, all at the sacrifice of priceless time in the years when a clientele is built. It has been estimated that half of the lawyers in the United States have participated in the work of the draft. Thousands more have served their country in other capacities. This is in the tradition of the profession.

The declaration of war will, of course, mean a sharp increase in the number of lawyers engaged in some activity pertinent to the prosecution of the war.

It must never be forgotten, however, that there is a home front where the Bar can render an unspectacular but vitally important service to its country. So vital, indeed, is this service that failure to undertake and perform it may mean the blood, sweat and tears of our people will be found in the end to have been spent in vain.

The service referred to is that of preserving against the shocks and dislocations inevitable in time of war all the essential elements and materials of our democracy and not only guarding our institutions while men are fighting for them but perfecting them for the peacetime use of a victorious America.

This means that the Bar must pursue with redoubled energy the program already undertaken, for in the accomplishment of that program, embracing as it does such projects as modernizing

and simplifying the administration of justice and regulating administrative procedure, lies at once the assurance of safety for our institutions during the emergency and their conversion into more stately mansions when the period of stress is ended.

Never in its history was the Bar so well organized to accomplish such a task. Never was the nation's need for such work so great. May the leaders of our Bar sense the opportunity and rally the profession to the discharge of this signal patriotic service!—American Law and Lawyers, Dec. 13, 1941.

OUR SUPREME COURT HOLDS

In *R. N. Campbell, Pltf. and Respt., vs. Towner County, North Dakota, Deft. and Applt.*

That under section 186 of the Constitution of the State of North Dakota all public moneys belonging to the State must be paid to the State Treasurer and cannot be disbursed except pursuant to legislative appropriation and on warrant drawn upon the Treasurer.

That uncollected taxes due the State are public moneys subject to the same requirements with respect to their receipt and disbursement as money already paid into the Treasury.

That the legislature cannot substitute some other method of receiving and disbursing money belonging to the state for that prescribed by section 186 of the constitution.

That an appropriation in the sense that the word is used in the constitution, is the setting apart from the public revenue of a definite sum of money for the specified object in such a manner that the officials of the government are authorized to use the amount so set apart and no more for that object. *State vs. Holmes*, 19 N. D. 286, 123 N. W. 884.

That chapter 252, Session Laws 1937, as amended by chapter 245, Session Laws 1939, is considered, and it is HELD, for reasons stated in the opinion, that it contravenes the provisions of section 186 of the Constitution with respect to the receiving and disbursing of public moneys belonging to the State.

Appeal from the district court of Towner County, Hon. G. Grimson, Judge. Action to recover money claimed as a bounty for the planting of trees. From a judgment for the plaintiff, defendant appeals. REVERSED. Opinion of the Court by Nuessle, J.

In *New York Life Insurance Company, Pltf. and Applt., vs. Margaret C. V. Hansen, Deft. and Respt.*

That where a life insurance company seeks to cancel a policy on the ground that the reinstatement thereof was obtained by means of misrepresentation, the burden of proof is upon the plaintiff to establish that such misrepresentation was made with actual intent to deceive, or that it increased the risk of loss.