



1940

Bar Briefs

North Dakota State Bar Association

M. L. McBride

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

North Dakota State Bar Association and McBride, M. L. (1940) "Bar Briefs," *North Dakota Law Review*. Vol. 17 : No. 9 , Article 1.

Available at: <https://commons.und.edu/ndlr/vol17/iss9/1>

This Comment is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

BAR BRIEFS

PUBLISHED MONTHLY AT DICKINSON

—BY—

STATE BAR ASSOCIATION OF NORTH DAKOTA

M. L. McBride, Editor

Entered as Second Class Matter, Dec. 9, 1936, at the Postoffice at
Dickinson, North Dakota, Under the Act of August 24, 1912.

VOL. 17.

AUGUST, 1941.

NO. 9.

ATTENDANCE URGED FOR ANNUAL MEETING

The Executive Committee and officers of the North Dakota State Bar Association urge every lawyer who can possibly spare the time to attend the annual meeting of the State Bar Association at Bismarck, N. D., on September 18th and 19th.

Good things are in store for those in attendance at the meeting. The Legal Clinic or Institute inaugurated at our last meeting will be at the forefront. Six subjects will be under discussion for which see program on inside pages.

The Red Book containing briefs on the subject will again be distributed free of charge to members present. The discussion leaders invite advance questions so send them in. These clinics will give you the last word on each subject. Let every member come and bring himself up to date.

"No system of law can remain static. It must grow and mould and adjust itself to the needs of the time, in order to meet the responsibilities with which it is charged. It is a proper function of lawyers to be in the forefront of such advances, and it is the duty of every member of the legal profession to equip himself properly to become a part of these great public movements."

SECRETARY.

THE ANNUAL MEETING PROGRAM

The program proposed for the Annual Meeting at Bismarck on September 18th and 19th has been arranged, and omitting social and entertainment features, it is given below, but is subject to such change as may become necessary.

General Information

Registration: Evening of September 17th — Lobby of Grand Pacific Hotel; September 18th and 19th — Third Floor of Court House Building. Ladies will register at the same desks. Be sure to obtain badges and banquet tickets when registering.

General Assemblies: Courtroom of Burleigh County Court House.
Sectional Assemblies: In other rooms in the Court House.

All proceedings and events will commence at exactly the time scheduled.

THURSDAY, SEPTEMBER 18

- 9:30 A. M. General Assembly
 Call to Order by the President
 Invocation Rev. Chester A. Hamblin
 Address of Welcome..... Mayor Neil Churchill
 Response H. A. Bronson, Vice President
 Memorial Service and Presentation of Memorial
 Resolutions of the Committee on Memorials
 Hon. A. G. Burr, Chairman
 President's Address..... Herbert G. Nilles
 Report on Progress of Code Revision.... Albert M. Kuhfeld
 Committee Reports:
 Jurisprudence and Law Reform
 Hon. W. H. Hutchinson
 Legal Education and Admission to the Bar
 Dean Olaf H. Thormodsgaard
 Legislative Committee Geo. F. Shafer
 American Law Institute Charles J. Vogel
 State Bar Board Geo. F. Shafer
 Uniform Laws H. A. Bronson
 Unauthorized Practice Geo. F. Shafer
 Secretary-Treasurer M. L. McBride
 Executive Committee M. L. McBride, Secretary
 Special Resolutions Committee Hon. W. L. Nuessle
- 12:00 Noon
 Complimentary Luncheon at The Service Club of the
 Grand Pacific Hotel
- 1:45 P. M. General Assembly
 Presentation of Distinguished Guests
 Address: History of the North Dakota Supreme
 Court Hon. E. J. Taylor
 Supreme Court Reporter
 Report of Committee on Legal Institutes
 Chairman Geo. A. Soule

- 2:45 P. M. SECTIONAL ASSEMBLIES
 Procedure in the North Dakota Supreme Court
 Chairman Miss Marion Leslie
 Leader Honorable A. G. Burr
 Chief Justice of North Dakota Supreme Court
 Workmen's Compensation Bureau Procedure
 Chairman Milton K. Higgins
 Leader Lynn G. Grimson
 Problems of the Employer Under the Federal
 Wage and Hour Act
 Chairman Norman G. Tenneson
 Leader Donald M. Murtha
 North Dakota Corporation Farming Act
 Chairman Chas. M. Pollock
 Leader John J. Nilles
- 5:30 P. M. President's Reception
- 6:00 P. M. Annual Dinner..... Main Dining Room of
 Patterson Hotel

FRIDAY, SEPTEMBER 19

- 9:30 A. M. General Assembly
 Invocation Father Robert A. Feehan
 Announcements
- 10:00 A. M. SECTIONAL ASSEMBLIES
 Frazier-Lemke Act as Affected by Recent Supreme
 Court Decisions
 Chairman Mack V. Traynor
 Leader John F. Lord
 Code Revision: Problems and Present Status
 Chairman C. H. Starke
 Leader A. M. Kuhfeld
 Important Statutory Changes Made by 1941 Session Laws
 Chairman R. G. Beede
 Leaders..... A. R. Bergesen and William R. Pearce
- 12:00 Noon Alumni Luncheons
 University of North Dakota Law Alumni
 Minnesota Law Alumni
 Michigan Law Alumni
 Past Presidents, Supreme, District and County Court
 Judges, State Bar Board and Pioneer Lawyers
 At place to be designated and announced
- 2:00 P. M. General Assembly
 Unfinished Reports
 Unfinished Business
 Awarding of Prizes by Committee on Prizes
 Chairman
 A number of law book companies have presented
 some valuable publications which will be award-
 ed to those of our membership who are in actual
 attendance at this session.
 Election of Officers
 Report of Committee on Resolutions
 Adjournment.

OUR SUPREME COURT HOLDS

In E. H. Gilbertson, Adm., et al., Pltf. and Applt., vs. Bessie M. Volden, et al, Defts. and Respts.,

That where a motion is made for a judgment in favor of the defendant on the pleadings which consist of a complaint and a demurrer thereto upon the ground that the complaint does not state facts sufficient to constitute a cause of action, the motion presents the same questions as are raised by the demurrer.

That when the sufficiency of the complaint is challenged by demurrer all of the inferential and presumptive intendments are in favor of the pleading and its allegations must be liberally construed with a view of substantial justice between the parties.

That in an action to set aside conveyances alleged to be fraudulent, allegations to the effect that the grantor was insolvent or rendered himself insolvent by the execution and delivery of the conveyances is necessary and vital to the statement of a cause of action.

That the complaint in this action is examined and is held to contain sufficient allegations of insolvency.

That the defense of the statute of limitations cannot be raised by demurrer in an equity case even though the fact that the statutory period has elapsed is apparent on the face of the complaint.

That a defense of laches that rests strictly upon the proposition that the plaintiff has slept upon his rights without excuse, is the equitable equivalent of the legal statute of limitations and is not a ground for demurrer.

Appeal from the District Court of Steele County, Hon. Daniel B. Holt, Judge. REVERSED. Opinion of the Court by Morris, J.

In John Moses, et al., Pltfs. and Respts., vs. Berta E. Baker, et al., Defts. and Applt.

That the Board of University and School Lands is a constitutional board, charged with the duty of directing the investment of the moneys of the Permanent School Fund and vested with discretion in the performance of that duty.

That the Board of University and School Lands may purchase securities for investment at a premium if, in the exercise of its discretion, it is deemed proper to do so.

That where the Board of University and School Lands purchases securities for investment of moneys in the Permanent School Fund at a premium and interest accrued to the date of the purchase, the amount of the interest accrued is a part of the purchase price and the payment therefor must be made out of the Permanent Fund.

Appeal from the District Court of Burleigh County, Jansonius, J. Proceeding in mandamus. From a judgment awarding the writ, defendants appeal. MODIFIED AND AFFIRMED. Opinion of the Court by Nuessle, J.

In Ada E. Rollie, Pltf. and Applt., vs. A. W. Bethke, Deft. and Respt.

That conveyance, made with the intent to hinder or delay existing creditors, is not void as to a subsequent creditor who at the time of extending credit had actual knowledge both of the conveyance and of the circumstances under which it was given. Appeal from the District Court of McHenry County, Hon. G. Grimson, Judge. REVERSED. Opinion of the Court by Burke, J.