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Here and There

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We—I mean by we the lawyers—need the efforts of an united Bar. The officers, nor executive committee just wont be able to do the job alone. Please get your dictionary, and go to work arranging words into sentences that you believe are good suggestions — use words not found in the dictionary if you have them. Lawyers are being driven into so called fox holes, but I am mighty proud of those few who are out on the fighting line sending messages containing fighting words to Senator McCarren encouraging passage of S. B. 7 “A Bill to improve the administration of justice by prescribing fair administrative procedure” —the Bill permitting us fellows to represent clients before Commissions, Boards and Bureaus. Write to your senator and congressman about it, send a copy of your letter to Atty. H. E. Fuller, chairman of our North Dakota committee. There is a whole lot more you fellows can do for yourselves should you take a notion. However, the McCarren Bill is now pending before the United States senate—it needs your support.

Again—what about getting together for a session of your district organization? Glad to hear from you!

Sincerely,

WM. G. OWENS

President SBA—of N. Dak.

(The copy for the March number of Bar Briefs was in the hands of the printer when President Owens passed away. He took a great interest in this publication and gave unstintingly of his time on each number.)

HERE AND THERE

By Wm. G. Owens

A learned discussion by Alexander MacDonald of the Los Angeles Bar of the subject “The Lawyer and the War Agencies—a Challenge” appears in the December number of the American Bar Association Journal in which treatise the author challenges the profession to explain the fundamentals of our constitutional government to our citizens in order to prepare them to express an intelligent and considered viewpoint on the question of the necessity or desirability for the retention of administrative agencies when peace comes.

The story goes that Police Magistrate Carl B. Davis of Minot is a contributor of yarns to “Cases and Comments”, one of which reads:

A letter received sometime ago from a doctor, a creditor of a bankrupt, read:

“Thank you very kindly for your Notice of First Meeting of Creditors, in the matter of Mr. ——. In spite of the fact that

it was through no fault of mine that Mr. — was forced to take this means of paying his honest debts, I shall not appear at this meeting to contest his LEGAL rights in this matter.”

“This Notice is suitable for framing, and I shall be pleased to hang same near my bedside because it gives me the MORAL right to enjoy a nice yawn, a stretch, and a few more hours of peaceful slumber should Mr. — ever arouse me again in the wee small hours—unless, of course, I smell the odor of greenbacks instead of liquor.”

Another one reported to come from the police court down that way is about an alleged “shiner” who was discharged after a hearing by the magistrate. When all had left the court room excepting the magistrate and the accused, the magistrate, pointing to the still then in the room, “Mr., truly now, is that yours?” and received the answer “hell no, my still is three miles from here.” That would be outside of the Minot city limits.

Excerpts from a letter of Capt. Lynn Grimson coming from somewhere in Europe addressed to his father, Judge Grimson of Rugby, gives us a glimpse into the workings of a Military Government Court to which Capt. Grimson is sometimes assigned to duty in the war zone to prosecute cases in that court. He writes in part:

“Had a very interesting day yesterday in the law business, again a Military Government General Court trial. The Court rules are interesting—based somewhat on the European Court systems. The witness stands—the dignity of the Court is upheld at all times. The Court can examine the accused at the time of arraignment—and the accused if he makes a statement at all is not sworn. Hearsay evidence is allowed, with the weight to be accorded it a matter for the Court. The dossier—an investigation record, is given to the Court before trial as an outline of the case, but is not to be considered as evidence. It is all very interesting. And it was nice to be in on the trial. I think it was the first General Military Government Court.”

Excerpts from others of our lawyers would be interesting and acceptable for the columns of “Bar Briefs.”

A number of our members have responded to the recent suggestion of one of our Senators that we file a list of names of North Dakota lawyers with the President thus making available immediate reference for appointment to the judiciary of our Circuit Court. It occurred to only a few of us that a judge from North Dakota was not a member of that Court.

“Let’s Face the Issue,” is a radio forum under the auspices of the American Bar Association every Sunday afternoon 3:00 to 3:30 p. m. MWT — 4:00 to 4:30 p. m. CWT. over Mutual Broadcasting System. This is a lawyers’ program so we should inter-

est our clients in listening in on the program! Over Mutual, then drop a card to your station or to American Bar expressing appreciation for the new kind of radio service.

Well! Are we going to enjoy one of those annual get-together meetings of our Association? If so who wants us to gather in their town? Handicapped! Yes we know, but isn't that a lawyer's business to figure out ways and means for overcoming handicaps? About time we began figuring!

The Honorable Geo. D. Farnam of the American Bar, former Assistant Attorney General of the United States and a writer of prominence has just published a booklet entitled "Some Men of the Law," a collection of selected studies of famous modern day lawyers, which may be obtained from the author or "The American Law Book Company." The author complimented the members of the North Dakota Bar by addressing an autographed number of his printed writings to the president of our Association.

Some of the judges of the County Courts are evidencing a study of the New Code of 1943 as it relates to probate practice and procedure and sending the results of such research to other County Judges. Such interest in the law will be helpful to the lawyers of our state who have work to do in County Courts. An instance or two which every lawyer should know are the forms of letters (Code 30-0707-08-09) and the added provision relating to manner of proving a will (30-0604). Surely helpful work on the part of those judges which we are pleased to print in "Bar Briefs."

MORE OPA

Past President Charley Murphy has again helped us in finding some new decisions of the Court relating to Supplements Order 10 OPA, effective August 19, 1944, effective on sales of personal property by executors, administrators, guardians and other state officials, to which prior reference was made in Bar Briefs. The only decisions on the question so far located are

Bowles vs. Rugg 57 Fed. Supp. 116; Bowles vs. Texas
etc. 146 Fed.)2nd) CCA 5th Circuit 155;
Soundview vs. Taylor 150 Pac. (2nd) 839

In the first two cases it was held that an injunction would not be granted against state officials. In the Rugg case proceedings had been started in the state court to determine whether or not the ceiling price were applicable and the Federal Court held that such proceedings should not be interfered with. In the 146 Fed. case an official was attempting to sell seized and condemned liquor pursuant to court order, according to state statute. In the Taylor case the Supreme Court of the State of Washington held that the Federal Court had no jurisdiction to prohibit the State