



1944

Attorney Veterans Return

North Dakota State Bar Association

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tion, as a part of its joint action with the Canadian Bar Association, approved and urged a new and constructive proposal, which has been acclaimed by members of the Committee of Jurists as offering the means for a great advance in the cause of international adjudication. Final decision as to such a broadening of obligatory jurisdiction may be reserved for the Conference.

9. That the Association shall continue to urge vigorously, before the San Francisco Conference, the basic principles which the House of Delegates declared on September 12, as well as the many specific proposals approved on April 4 and 5, and that the Association shall take further action on particular matters as may be appropriate from time to time during the San Francisco Conference.

(Extracts from May, 1945 Number American Bar Association Journal)

ATTORNEY VETERANS RETURN

Joseph M. Powers of the Cass County Bar and a member of the firm of Fuller & Powers, Fargo, N. D., has been discharged and has returned home to re-enter practice.

M. C. Fredericks, Jr., of Jamestown, N. D., has been discharged and was recently appointed Veterans Service Commissioner for Stutsman County, his home county.

THE NEW CRIMINAL RULES—ANOTHER TRIUMPH OF THE DEMOCRATIC PROCESS

There has been laid before the Congress a new set of rules of criminal procedure for the federal district courts. These rules are a triumph of the democratic process in that they represent the thought and labor of the legal profession as a whole. Judicial procedure is essentially a lawyer's field. Laymen are conscious of basic rights, essential equities, and the fundamental requirements of the legal system, but they defer to the legal profession for guidance in matters of procedure. Inevitably, therefore, the drafting of a comprehensive system of criminal procedure became a professional undertaking.

This task might have been confided to a special court composed of trial and appellate judges or to a committee of the Bar or to executive law officers or to some other qualified group. In the nature of things the final responsibility had to be placed somewhere. By common consent the choice fell upon the Supreme Court of the United States, not only as the highest legal authority in the land but also because it possessed the prestige which enabled it to secure and oversee the participation of every section of the legal profession.

The official initiative was, of course, taken by the Congress. After the enactment of the necessary enabling legislation the Supreme Court proceeded through the appointment of a commit-

tee of judges, lawyers, government officers, and teachers of law. but even that committee was, in effect, a conduit through which judges, prosecutors, attorneys, government officials and others interested in the functioning of criminal justice, throughout the length and breadth of the land, could present their problems and make known their needs. No thoughtful proposal failed of a hearing. As the final product had to be reasonably acceptable to all concerned, every worthy suggestion was fully considered and every essential right carefully protected.

We have, therefore, a code of criminal procedure imposed neither by legislature nor by court—but originating from every informed source, scrutinized and passed upon by the committee, accepted by the Supreme Court, and finally submitted to the Congress. It is an admirable example of the democratic process within the legal profession.

(Extract from May, 1945 Number American Bar Association Journal)
By Homer Cummings

CONTINUANCE OF WORLD COURT RECOMMENDED

The Committee of Jurists representing the United Nations, in session in Washington during the week of April 9, voted to recommend to the San Francisco Conference that the principal tribunal of the judicial branch of the general international Organization should be a continuation, with an extension of the jurisdiction, of the present Permanent Court of International Justice as well as of the existing Statute of the Court with necessary modifications.

This is a primary goal toward which the Canadian and American Bar Associations have jointly striven for many months. Many details of the Joint Statement of the two Bar Associations have been approved for drafting and submission in the Statute. Variances seem likely on a few points, but the main objectives prevail.

We earnestly hope and pray that this basic recommendation will be adopted as a part of the Charter of the Golden Gate.

(From May, 1945 Number American Bar Association Journal)

OUR SUPREME COURT HOLDS

In *Northern Pacific Railway Company, a corporation, Applt., vs. S. S. McDonald, et al.*, as members of the Public Service Commission of the State of North Dakota, John O. Hanson, Midnite Express, Inc., a corporation, Earl Fox and B. E. Persinger, Respts.

That under the provisions of Sections 49-1807 and 49-1810 the Public Service Commission may grant a special common motor carrier permit authorizing the holder to serve the inhabitants of territory described in the permit by transporting for them goods of the character specified in the permit in less-than-truckload lots, to places outside of the territory, or to bring for them such goods from places outside of the territory.

That the questions of public convenience and necessity, and of inadequacy of existing transportation facilities, are primarily within the jur-