
1943

Budget Adopted by the Executive Committee For the Fiscal Year from July 1, 1943 to July 1, 1944

North Dakota State Bar Association

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MEETING OF THE EXECUTIVE COMMITTEE

Meeting of the Executive Committee was called by President O. B. Herigstad for March 17, 1944, to be held at Bismarck and was held at such time and place in one of the retiring rooms of the Supreme Court.

Meeting was called to order by President O. B. Herigstad, and the following members of the Executive Committee were present: President O. B. Herigstad, Vice-President Wm. G. Owen, J. M. Hanley, C. M. Pollock, Geo. M. Register and Sec'y M. L. McBride.

Minutes of the last two meetings were read and approved.

It was decided that in view of the proceedings in Federal Court against persons alleged to be violating the Federal law in reference to Frazier-Lemke bankruptcies that our action be discontinued and settlement be made with attorneys up to date, subject to approval of the State Bar Board.

It was decided that we hold an annual meeting this year on August 24th and 25th in Minot, N. D. In view of the war conditions it will only be for a day and a half, with subjects for round table discussion with leaders held before the meeting as a whole.

Some of the subjects which were discussed for the program were The Legal Aspects of Socialized Medicine and kindred subjects, the Soldiers and Sailors Act, Frazier-Lemke Bankruptcy Act and Pre-Trial Procedure.

Budget for 1943-44 was adopted.

**BUDGET ADOPTED BY THE EXECUTIVE COMMITTEE
FOR THE FISCAL YEAR FROM
JULY 1, 1943, TO JULY 1, 1944.**

BUDGET FOR 1943-44

Bar Briefs Annual Number.....	\$ 325.00
Bar Briefs Monthly Number.....	280.00
Executive Committee Meetings	175.00
President's Expense	200.00
Printing and Postage	150.00
Annual Meeting	200.00
Ethics and Internal Affairs	50.00
Miscellaneous	200.00
Sec'y-Treas.-Editor	900.00
Bar Board Referendum	40.00
Publishing Emergency Session Laws	50.00
	\$2,570.00

BUDGET FOR 1941-42

Bar Briefs Annual Number.....	\$ 325.00
Bar Briefs Monthly Number	325.00
Executive Committee Meetings	225.00
President's Expense	200.00
Printing and Postage	150.00
Annual Meeting	200.00
Ethics and Internal Affairs	150.00
Miscellaneous	500.00
Sec'y-Treas.-Editor	1,500.00
Bar Board Referendum	
	\$3,575.00
Licenses paid in 1941 were 514, at \$6.50....	Amounting to \$3,331.00
Licenses paid in 1942 were 470, at \$6.50....	Amounting to 3,055.00
Licenses paid in 1943 were 413, at \$6.50....	Amounting to 2,684.50
Estimate for 1944 — 375 at \$6.50.....	Amounting to 2,437.75

OUR SUPREME COURT HOLDS

In Northern States Power Company, Pltf. and Respt., vs. Public Service Commission, et al., Defts. and Appls.

That Public Service Commission may, upon notice to the public utility affected and after affording the utility an opportunity to be heard, amend its order fixing rates of return and depreciation allowable to such utility.

That a notice to a utility stating that a hearing would be held and that evidence would be taken relative to the question of rates and to the operation, property and condition of the property of the utility was sufficient to authorize the Public Service Commission to consider an amendment to a prior order fixing rates of return and depreciation for the utility.

That Public Service Commission must base its decisions upon evidence disclosed at a hearing and incorporated in the record.

That amendment of the Public Service Commission's order directing that the rate of return allowable to a utility, originally fixed at 6 percent of fair value, be reduced to 5.5 percent of fair value must be set aside where it appeared the Commission's finding rested upon evidence which was not in the record.

That amendment of the Public Service Commission's order directing that the rate of depreciation allowable to a utility originally fixed at 4 percent be reduced to 3.5 percent must be set aside where there is no evidence in the record which would justify such a reduction.

That a court has exclusive jurisdiction over moneys deposited in court pursuant to its order.

That the legislature of this state has adopted the fair value formula as set forth in *Smyth v. Ames* (169 U. S. 466, 42 L. ed. 819, 18 S. Ct. 418) and as modified by subsequent decisions of the Supreme Court of the United States as the formula for determining rat bases for public utilities.

That the weight to be given to historical cost, reproduction cost and other classes of evidence in a consideration of the value of a utility's property is to be determined in the light of the facts of the case.