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Extinction of the Lawyers

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Valley Fair as guests of the Cass County Bar Association. Dinner will be served promptly at six and will be over in time to arrive at the Fairgrounds at eight o'clock. A special section has been reserved and as the Fair has an exceptionally fine show scheduled a very enjoyable evening is anticipated.

On Friday morning the assembly opens at nine-thirty. Committee reports will be followed at ten o'clock by the second division of Sectional Assemblies at which the following subjects will be up for discussion: "The Foreclosure of a Real Estate Mortgage in North Dakota" with Chas. M. Pollock chairman and A. M. Kvello discussion leader; "Problems in Criminal Law" with Nels S. Johnson chairman and Milton K. Higgins discussion leader; "Problems Regarding the Examination of Abstracts" with Lester T. Sproul chairman and Harry A. Bronson discussion leader.

At noon various group luncheons will take place. The meeting will reconvene at one-thirty to hear committee reports, take care of unfinished business and elect officers for the coming year. Attendance prizes consisting of ten valuable law books, \$150.00 worth to be exact, which have been contributed by the law book companies, will be awarded at that time to those present at the assembly.

If you haven't sent in your card indicating whether or not you will be at the meeting and requesting hotel reservations, if you desire them, please do so at once. Mail it to Clair F. Brickner, 104½ Broadway, Fargo, N. D. Mr. Brickner is chairman of the Committee on Registrations and Accommodations.

If, during the course of the meeting, you should find your car tagged for overtime parking, turn the tag in at the registration desk and leave it up to the committee to make your peace with the Police Department.

A delightful program is being arranged for the ladies and you can assure your wife that she will have a good time and had better come along. There will be various entertainment projects not included in the formal program to add to your own enjoyment so don't miss the annual meeting.

EXTINCTION OF THE LAWYERS

In the Bar Briefs of July in one of the articles, it mentions that one attorney in a recent speech, stated that the lawyers soon would be extinct by a process of slow starvation. The statement is very striking in our day.

If our country should go the way of dictatorship, just how will the legal profession fare? Would it be a chance of the profession in existence or would it be entirely disrupted by dictatorship? Other countries which have gone the way of dictatorship seem to have more or less abolished the legal profession.

The process of slow starvation of the lawyers is laid to the function of our economic system. To remedy the ill function of

the same, the government goes into business in order to compete with the large corporations, this makes things no better. Meanwhile, the lawyer from the common walks of life, is still finding plenty to do but the people he deals with are more or less relief clients.

In a dictatorship country, the economic and the political systems combine into one function, will it be the extinction of the legal profession by law or will it be by process of slow starvation?

Contributed by
H. MORRIS BORSTAD,
Tioga, N. Dak.

OUR SUPREME COURT HOLDS

In State of North Dakota, Pltf. and Respt., vs. Fred Tayler, Deft. and Applt.

That every person who willfully seizes or confines another with intent to cause him, without authority of law, to be detained against his will is guilty of kidnapping under the provisions of subdivision 1, section 9514 of the Compiled Laws of this state.

That the terms, "kidnap" and "kidnapping" imply the taking and detaining of another, and this is sufficiently shown if there be an asportation of the victim, without any authority of law, and with the intent of detaining such person against his will.

That where an information charges kidnapping, it is sufficient to state the crime in the terms and the language of the statute. It is not necessary to state therein the purpose of the defendant. Neither is it necessary to allege actual violence; nor that the defendant had an intent to injure the victim; nor any intent other than the intention of doing the acts that are denounced by the statute.

That upon an arraignment on an information, the defendant may interpose the plea of once in jeopardy; and, if he desires to enter such plea, he must plead substantially that he has been once in jeopardy for the offense charged in this information, and at the same time, specify the time and place and the court in which such jeopardy occurred.

That to sustain a plea of former jeopardy for the offense charged in the information under which he is arraigned, it is necessary that the former information, under which the defendant claims to have been placed in jeopardy, show the same offense as the offense named in the information under which he is arraigned; and not merely that it grew out of the same transaction. The offenses charged and the acts on which the informations are based must be one and the same, and the legal character of the crimes charged must be the same.

That a plea of jeopardy is not in itself a denial of any of the allegations of the information, but sets up affirmative matter, and the burden of introducing evidence thereon is upon the defendant. If no evidence is presented on the trial in support of the plea, the court need not submit the plea to the jury.

That where the trial court is given by statute the discretion of imposing a penalty within limitations fixed by the statute, and the trial court, in passing sentence, exercises such discretion within the limitations fixed by statute, this court has no power to review the discretion of the court in fixing the term of imprisonment.

Appeal from the District Court of Williams County, Hon. A. J. Gronna, Judge. AFFIRMED. Opinion of the Court by Burr, J.