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Revision Assured

Aloys Wartner Sr.

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BAR BRIEFS

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M. L. McBride, Editor

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REVISION ASSURED

The code revision bill, same being S. B. 88, as you most likely all know, is now law, having been signed by Governor Moses. However, owing to the fact that it did not receive a two thirds vote in the House of Representatives, the emergency clause putting the same into immediate effect is not operative, and nothing further can be done to set up the machinery of revision until after July 1st, 1939.

While most members of the assembly favored a revision, many, especially in the house, thought it could wait until the money could be spared easier, and that therefore we should get along with the present jumble until better times—which have been just around the corner for quite a considerable time—arrived.

Your committee has been told that same story for over ten years, and in the meantime the need has increased until it seemed it was no longer a valid reason. Other needs not near as pressing were recognized at each session, and provided for.

Some changes were made in the bill as proposed by the last Annual Meeting at Devils Lake, and as introduced, and passed, these went mainly to limitation on the Supreme Courts participation, and the promulgation of the rules of practice and procedure.

However, all of the other main features of the original bill are preserved. The Supreme Court appoints a Code Revision Commission consisting of not more than three persons, learned in the law, and residents of the state of North Dakota, who make the revision. The work will include providing rules of practice and procedure for quasi-judicial proceedings before administrative offices, and departments of the state government, as well as those of our regular courts, and without attempting on this page to discuss the various other provisions of the law, allow me to say that in my opinion it is a good act.

Let us all do everything we can to assist the code commission in their work so that by January 1st, 1941, they will be ready to report an up to date simple, effective, complete and short code to the 1941 Legislature of this state for passage.

ALOYS WARTNER, SR., President.