



1938

## Our Responsibility

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tent; it is so powerful that it will remove the cause of unrest and give to the people the justice they deserve—it is Americanism.

Yes, not in a theory of another day and of another country can we find complete relief in this our time of need; but we can turn confidently to Americanism, and in it find the salvation of the nation. How is Americanism made up? From socialism it takes its fine regard for the rights of the minority, the weak, the inefficient. It takes also from socialism its theory that society, as such, deserves the first consideration of its members; its formula that we owe to our neighbors duties the like of which we consider that they owe us—honesty, kindness, love. These things we take from socialism, for they are abiding principles of social happiness and man is a social creature.

From individualism we take the bold initiative that is not bound by tradition, but is continually reaching out to labor into new fields of endeavor. We take, too, the desire to better the condition of the individual, for from such desire springs material and intellectual advancement. We take also, but under control of the state, its system of rewards and punishments attending the success or failure of personal effort. From monarchism we take the prompt and strict enforcement of law, the effective ownership of public utilities. This composite—this blending of the best from all theories of government is Americanism, and when the people awake to the full threat of the danger that confronts them, to the full force of the strength that lies within them, we shall see them triumphant through Americanism.—The Speakers Library.

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### OUR RESPONSIBILITY

Someone has said that it takes three things to make a great oration: a great occasion, a great man, and a great speech. We do not lack the first of these, the great occasion. Our pride forbids us to think that we lack great men. But we lack the third, great speeches. We lack them because they apparently have gone out of style. We lack them because we scorn them, because we give the measure of our worship to another god. And so in our speaking we find ourselves with plenty of combustibles but no spark, plenty of information but no inspiration, light aplenty but no heat, statistics but no soul.

Whistler was once asked why he painted in the near darkness of late evening. He answered that at twilight one could see the figure and the folds of the garment; but as the shadows deepened, the folds disappeared and the garment remained; and as they grew still deeper, the garment disappeared and the figure remained; and as darkness came on, the figure disappeared and the face remained and finally even the face disappeared, and the soul of the sitter remained; and nothing could change that.

Years do to speeches what darkness does to the sitter. They obscure the inconsequential, the trivial, the transitory, until the soul of oratory stands out in the little that is left. Let us go to that little, let us observe it carefully, let us analyze it to discover

the sources of its greatness and let us pay it the sincerest flattery—imitation.

We have an obligation placed upon us—the obligation of restoring oratory to its rightful place among the fine arts.

And in carrying out that obligation let us turn to a rich past for guidance and inspiration. Then may future generations say of us as we say of those who preceded us:

“Lives of great men all remind us  
We can make our lives sublime;  
And departing leave behind us,  
Footprints in the sands of time.”

—The Speakers Library.

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### OUR SUPREME COURT HOLDS:

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#### IN THE MATTER OF THE PETITION OF CLIFFORD CHAMBERS FOR A WRIT OF HABEAS CORPUS

That the enactment of a statute which extinguishes any sentence of imprisonment that has been imposed by reason of a repealed criminal statute as an exercise of the pardoning power by the legislature.

That the exclusive power to grant commutations and pardons after conviction for all offenses except treason and cases of impeachment is vested by section 76 of the Constitution of North Dakota as amended by Article 3 of Amendments to the Constitution in the Governor in conjunction with the Board of Pardons.

That the enactment of a statute which had the effect of extinguishing petitioner's prison sentence almost two years after the sentence was pronounced against him upon a verdict of guilty in the trial court, was, in so far as petitioner's case is concerned, an exercise by the legislature of the power to pardon “after conviction”, notwithstanding the fact that petitioner's appeal from the judgment of conviction may have been pending at the time such statute was enacted and approved.

That House Bill 259, enacted by the Twenty-sixth Legislative Assembly of North Dakota, in so far as it has the effect of extinguishing the prison sentences of persons against whom judgment of conviction had been had in the trial court prior to the effective date of such act is in conflict with section 76 of the Constitution of North Dakota as amended by Article 3 of Amendments to the Constitution and to that extent is invalid.

(Sybbabus by the Court)

Original petition for writ of habeas corpus. **WRIT DENIED.**  
Opinion of the Court by Burke, J. Christianson, J., disqualified.

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In **Elmer F. C. Tank, Pltf. and Applt., vs. Gladys Tank, Deft. and Respt.**

That the evidence is examined and it is held; the allegations of desertion and extreme cruelty stated in the complaint as grounds for divorce are not sustained by the evidence.

That under the express provisions of Section 4401, Compiled Laws of N. D., 1913, the Court may, in an action for divorce, provide for the maintenance of a wife and her children, though a judgment of divorce is denied.

That where in an action for divorce, an injunction is decreed, enjoining the husband from selling or encumbering his property, there being no prayer for such relief in the pleadings and no evidence in the record tending to establish the need for such relief, the injunction will be set aside.