

1937

District Bar Association Meetings

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DISTRICT BAR ASSOCIATION MEETINGS

On May 20th, 1938, the Sixth Judicial District Bar Association met in annual session at Hettinger, N. D. A fine meeting was had, details of which will be reported later, but one matter was discussed resulting in a resolution which should be interesting to the members in considering the report of the Committee on Jurisprudence and Law Reform submitted at the 1937 Annual Meeting which appears on pages ten to thirteen of the Annual Meeting Number—December, 1937. This resolution is as follows:

RESOLUTION

WHEREAS the report of the Committee on Jurisprudence and Law Reform of the State Bar Association of this state at its annual meeting in the year 1937 proposed that the present system of selecting juries be changed, that justice courts be abolished, that sessions of the State Legislature be held only once in six years, and that our statutes be revised; now be it

RESOLVED, that the Sixth Judicial Bar Association of the State of North Dakota be placed on record as opposed to any changes in the law governing the selection of trial juries in the state; and be it further

RESOLVED, that the proposal for the abolition of all justice courts in the state and the substitution of a court consisting of the county judge and three triers of fact in each county of the state be disapproved by this association; and be it further

RESOLVED, that Subdivision (d) of Section VI of the report of that committee as published in the proceedings of the State Bar Association be and the same is hereby approved with the proviso that it apply only to regular sessions of the legislature; and be it further

RESOLVED, that it is the sense of this Association that the North Dakota Statutes need to be revised; and that each member of this Association ought to exert himself to obtain such a revision by bringing his influence to bear on members of the State Legislature and the candidates for the same.

(The subdivision referred to reads as follows: "That a constitutional amendment be adopted preventing the Legislative Assembly from meeting oftener than once in every six years".)

Dated at Hettinger, North Dakota, this 20th day of May, 1938.

THEO. B. TORKELOSON,
President.

Attest:
E. C. THOMAS,
Temporary Secretary.

On June 4th, 1938, the Third Judicial District Bar Association held a meeting at Ashley, N. D., and amongst other things passed two motions concerning code revision which are of such importance in connection with this subject that it is brought to your attention for the purpose of securing your interest in giving the subject consideration that at the forthcoming Annual Meeting definite conclusions may be reached, and suitable action taken to forward the revision at the next meeting of the legislature.

These motions are as follows:

FIRST MOTION

It was moved by Kvello, that we recommend to the Executive Committee of the State Bar Association, that, prior to the State meeting at Devils Lake, it appoint a Committee to prepare a Bill for Revision of the Laws of the State of North Dakota, along the general lines of the Bill lately passed by the South Dakota Legislature; that this Bill provide that the Committee on Revision shall be appointed by the Supreme Court and that the Supreme Court shall have complete supervision of said committee until the completion of its work.

(Motion seconded by Remington and carried).

SECOND MOTION

It was moved by Kvello that the committee to be appointed either by the Executive Committee or the State Bar Association prepare the Bill in complete detail and submit it to the lawyers of the State not later than November 1st, 1938, and thereafter to make arrangements to have the same introduced into the Legislature on the first day for the receipt of Bills.

(Motion seconded by Judge McKenna and carried).

OUR SUPREME COURT HOLDS

State of North Dakota, Resp't., vs. Ross Johnson, App't.,

That when appellant complains of portions of the charge he must file exceptions thereto in the office of the Clerk of the District Court within the time required by statute, if he desires a review thereof and unless exceptions are so filed he cannot be heard upon appeal. *State v. Shoars*, 59 N. D. 67, 228 N. W. 413, followed:

That the record is examined and it is held; the evidence is sufficient to sustain the conviction of the defendant.

Appeal from the District Court of Stutsman County, Hon. Fred Jansonius, Judge. Affirmed.

Northern States Power Company, a Minnesota Corporation, Appl't, vs. The Board of Railroad Commissioners of the State of North Dakota, et al, Resp.

That under the provisions of Chapter 192 of the Session Laws of 1919, being Sections 4609c1 to 4609c56 of the supplement, inclusive, no appeal from an order of the board of railroad commissioners can be taken directly to this court.

That where the statute does not confer upon this court jurisdiction to entertain an appeal direct from an order of the board of railroad commissioners the consent of litigants cannot confer such jurisdiction.

That whether, in view of the provisions of Section 86 of the constitution, which provides "the supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, * * *" the legislature of this state may provide for direct appeal to this court from an order of the board of railroad commissioners is not determined. APPEAL FROM the decision and order of the state board of railroad commissioners. APPEAL DISMISSED.