



1936

Useless, Obsolete and Duplicated Laws

Charles G. Bangert

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Bangert, Charles G. (1936) "Useless, Obsolete and Duplicated Laws," *North Dakota Law Review*. Vol. 13 : No. 2 , Article 5.

Available at: <https://commons.und.edu/ndlr/vol13/iss2/5>

This Note is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

Mr. Seiler was Secretary of our Association when he practiced law at Jamestown.

WHAT DO YOU THINK ABOUT THIS?

The Chairman of Realtor Section of the Ohio State Bar Association on the Unauthorized Practice of Law held October 24th, 1936, at the Deshler-Wallick Hotel in Columbus, submits the following as forceful evidence of the fallacy in the theory that there is no harm in permitting simple instruments to be drawn by experienced laymen:

"Elements of Practicing Law in Drawing a Simple Deed"

"1. Determining the class or form of deed; whether it should be a quit claim or warranty deed.

"2. If a warranty deed, determining whether it should be a general warranty deed or one of limited warranties.

"3. Preparation of description of the property that contains elements required by law of a *valid* description, or checking a description which is submitted to determine whether same contains all the elements required by law of a valid description.

"4. Determining whether existing mortgages and/or taxes and assessments, and/or other liens or encumbrances shall be assumed by the grantee, and if so, the preparation of an assumption agreement that complies with legal requirements.

"5. Determining who are the proper and necessary parties to sign the deed.

"6. Seeing that the signature, execution and acknowledgement are made in the manner prescribed by law.

"7. If any of the grantors sign in another state, determining whether the signature, execution and acknowledgement are made in conformity with legal requirements.

"8. If the grantor is a corporation, determining that the officers or persons who signed in behalf of the corporation have the legal authority to sign."

An Appeal to All of the Members of the North Dakota Bar Association.

USELESS, OBSOLETE AND DUPLICATED LAWS

I am wondering whether it is presuming too much to "hope" that arrangements will be made for a recodification or revision of our Code at the next Legislative Session. If that is to be accomplished, the members of this Association can render a very valuable service to the Association and to the State by suggesting present statutes which, because of being useless, obsolete or duplications of other statutes, ought to be repealed.

A few days ago I had the courage to suggest to our President that he appoint a committee of Association members for the sole purpose of pointing out statutes coming within the above description. He made immediate reply by saying "you have been appointed chairman of such a committee, select the balance of the members."

I am therefore taking the liberty of naming every member of the Association, be he judge, lawyer, or what-have-you, on that committee, and I am asking that every member send me a list of not less than two statutes which ought to be repealed. Make it as many more as you wish, but don't fail to point out at least two. Do it now. The Association and the State need your help.

CHARLES G. BANGERT, Enderlin.

ANOTHER MEMBER OF OUR CONSTITUTIONAL CONVENTION SUCCUMBS

Great Falls, Dec. 6.—Richard D. Bennett, 85, a member of the constitutional convention for North Dakota in 1889, died here Sunday after an illness of one year.

Mr. Bennett went from his birthplace in Ontario to Grand Forks, N. D., in 1878, serving there as city clerk and later as probate court judge. He came to Montana in 1891, locating first at Neihart. He moved to Great Falls in 1893 and practiced law here until his retirement in 1928.

The Canvassing Committee on our Bar Board Referendum found that 483 of our members voted as follows:

Charles J. Murphy	343
Fred J. Traynor	296
Horace C. Young	221
E. T. Conmy	192
R. H. Bosard	150
H. B. Nelson	136
Scattering	19

We acknowledge receipt of A B C Reporter No. 1, Vol. 1, published quarterly by the International Association of Industrial Accident Boards and Commissions at Washington, D. C., R. E. Wenzel, Editor, so our old editor is now exercising his talents in his chosen field.

We have a report of the Annual Meeting of the National Conference on Uniform Laws by Hon. Harrison A. Bronson, Chairman of Committee on Public Information, which we are unable to publish until next month on account of lack of space.