



1936

Annual Meeting

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We all want to better ourselves and by united action will do so. You know, that you cannot help your state association without also helping yourself. It is the true biblical saying of "casting bread upon the waters."

You all do plenty of fighting in court. Then why not forget it when you leave the court room, and proceed as a unit to make every community respect the legal profession.

There may at some time appear a black sheep in our fold. The remedy is not in shouting his color to the public. The cure is either in reform by a heart to heart talk, or banishment from the Bar through the proper channels. Throwing stones never built up a structure, an organization or profession.

I most earnestly solicit your cooperation in carrying out any of the suggestions on this page and assure you that your recommendations will at all times receive prompt and careful consideration.

L. J. PALDA, JR.

ANNUAL MEETING

The Seventeenth Annual Meeting of the State Bar Association as re-organized under the Bar Association Act of 1921, was held in Valley City, North Dakota, on July 16th and 17th, 1937. The Convention was well attended, and much interest was manifested. The meetings were held in the Court Rooms of the beautiful Barnes County Court House.

The meeting was called to order at 10:00 A. M.

President C. J. Murphy of Grand Forks, N. D., presided.

The President's Address, by Hon. C. J. Murphy, and that of Hon. A. M. Christianson, Chief Justice of our Supreme Court were the features of the morning session, both of which were highly interesting and instructive, and were followed with close attention by their hearers, and many comments of appreciation were made at their close.

President Murphy's address was upon *The Lawyer*, and was a strong justification for the profession.

Judge Christianson address was upon *The History of our State Constitution and the contrast of power under it with constitutions of our sister state, Minnesota* was shown strikingly in favor of our constitution.

At the afternoon session outstanding addresses were delivered by Joseph M. Powers of Fargo upon the Junior Bar Conference; and by Hon. Charles D. Hamel of Washington upon *Federal Taxation*, and in the evening Hon. L. B. Nichols of the Department of Justice, Washington addressed a meeting of the bar to which the public were invited upon *Criminal Law Enforcement*. These addresses were enthusiastically received, and furnished much for sober thought and consideration by the profession.

On Saturday the 17th, Dr. J. Frederick Weltzin, President of the Valley City State Teachers College addressed the bar on World Education, and very ably presented the history, and present condition of the different systems developed under the principal nations.

The other speaker of the day was the Hon. R. B. Graham, K. C. of Winnipeg, Manitoba, Canada, whose address was upon the Historical Independence of the Judiciary, and was not only interesting and instructive, but brought home how bunglesome and drawnout our procedure in criminal cases was as compared with the Canadian System.

During the convention luncheons were held by the Junior Bar, and the Law Alumni of the University of N. D., the later culminated in the organization of the Law Alumni of the U. of N. D., with the following prominent lawyers as officers,—Harrison A. Bronson, President; George Shafer, Vice-president; John Moses, Secretary-Treasurer.

In the business sessions the report of the executive committee on the referendum vote taken in the association on the President's Supreme Court proposals in which the results were 347 against and 79 for was approved, and ordered published in the annual number.

The Association amongst other things expressed itself in favor of—That in District Court, all issues of fact in an action for the recovery of money only, where the amount involved is Two Hundred dollars or less shall be tried by the Court, and neither party shall be entitled to a jury trial therein.

That a constitutional amendment be prepared and submitted for that purpose.

That no further grants of power be given administrative officers or boards to render final decisions involving substantial individual and property rights, without providing for judicial review; and warning the profession against tendencies to invest such officers and boards with this authority.

That the incoming administration proceed with the vigorous prosecution of persons engaged in the unauthorized practice of law.

That the retiring president be a member of the executive committee for the following year.

That the incoming president be the delegate of the association to the American Bar Association meeting this year.

That the Junior Bar continue within this association and not separately for another year.

That the executive committee take steps to take an active part in legislation at the next meeting of the state legislature to recodify our statutes.

That the present method of publishing the Bar Briefs be continued, and disapproved a proposed amendment to the bylaws changing it.

That this association in co-operation with the District Courts of this state issue a pamphlet in regard to jurors and juror duty for distribution over the state to prospective jurors, boards and officers.

And elected the following officers.—L. J. Palda, Jr., Minot, President; Aloys Wartner, Harvey, Vice-president; M. L. McBride, Dickinson, Secretary-Treasurer.

OUR SUPREME COURT HOLDS

In *H. O. Pearce, vs. North Dakota Workmen's Compensation Bureau, from Burleigh County.*

That, Section 396a17 of the Supplement, as amended by Chapter 286 of the Session Laws of 1935, provides that the Workmen's Compensation Bureau "shall have full power and authority to hear and determine all questions within its jurisdiction and its decisions thereon shall be final. Provided, however, in case the final action of such Bureau denies the right of the claimant to participate at all in the Workmen's Compensation Fund * * *" upon any ground going to the basis of the claimant's right, the claimant may appeal to the district court and is entitled to a trial in the ordinary way. The refusal of the Workmen's Compensation Bureau to permit a claimant to participate in the fund on the ground that his claim was not filed in time is a denial of the "right of the claimant to participate at all" in the fund based upon a ground going to the basis of the claimant's right and, therefore, is subject to review on appeal.

That, Section 396a15 of the Supplement provides:

"All original claims for compensation for disability or death shall be made within sixty days after the injury or death. For any reasonable cause shown the bureau may allow original claims for compensation for disability or death to be made at any time within one year."

That the case of an original meritorious claim filed within sixty days after the injury was received, the claimant is entitled to participate in the fund. Where such claim is not filed until after the expiration of sixty days, but within one year from the date thereof, the claimant must show to the bureau reasonable grounds for permitting him to file his claim. In such case the bureau in its discretion, determines in the first instance whether the claim may be filed and the claimant be permitted to participate in the fund. The exercise of such discretion is not an arbitrary power, nor is the decision of the bureau therein conclusive, but may be reviewed on appeal.

That where the appellant appeals upon the findings as made by the district court but asserts wrong conclusions have been drawn and therefore the court has entered the wrong judgment, he may not on such appeal, have a review of the testimony in order to determine the accuracy of any of the findings.