



1936

## The 1936 Annual Meeting

North Dakota State Bar Association

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### Recommended Citation

North Dakota State Bar Association (1936) "The 1936 Annual Meeting," *North Dakota Law Review*. Vol. 12 : No. 2 , Article 2.

Available at: <https://commons.und.edu/ndlr/vol12/iss2/2>

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field as in the courts, and Lee, at Appomattox, surrendered not so much to Grant as to the great principles which Marshall had laid down which, today, say to all the world that the United States is a nation and has the power by law to control the industrial world, to feed the hungry, and preserve the blessings of liberty and promote general welfare for the people of this great country.

A great statesman said when he passed away, "He, Marshall, was supremely fitted for high judicial station." He was born to be Chief Justice.

The Supreme Court of the United States has before it great questions to decide. Let every good American believe that that Court will hew to the line, let the chips fall where they may.

M. A. HILDRETH,  
President North Dakota Bar Association.

### THE 1936 ANNUAL MEETING

The next annual meeting of this Association will be held at Fargo on August 17th and 18th, 1936, according to a decision of the Executive Committee. Hon. William L. Ransom, President of the American Bar Association, has been invited to deliver an address at this meeting, and President Hildreth is assured that if it is possible to make the arrangement, the invitation will be accepted. Undoubtedly an unusually large number of lawyers, both from this state and from adjoining states, will avail themselves of the opportunity to hear and to welcome a great lawyer and speaker. The meeting has been arranged for an earlier date than formerly in order that it may take place before the meeting of the American Bar Association at Boston beginning on August 24th, 1936.

### THE AAA DECISION

As we go to press the decision of the United States Supreme Court in the matter of the validity of the Agricultural Adjustment Act is before us. The great lawyers and statesmen of the country are conjecturing as to its effects and consequences insofar as the New Deal is concerned. Far be it from us to voice an opinion until wiser heads proclaim.

The gist of the main opinion seems to be contained in the following excerpts:

"The act invades the reserved rights of the states. It is a statutory plan to regulate and control agricultural production. A matter beyond the powers delegated to the federal government."

"'Congress is not empowered to tax for those purposes which are within the exclusive province of the states.' *Gibbons v. Ogden*, 9 Wheat. 1199."

"But appropriations and expenditures under contracts for proper governmental purposes cannot justify contracts which are not within federal power, and contracts for the reduction of acreage and the control of production are outside the range of that power."

"\* \* \* As an examination of the acts of Congress will disclose, a large number of statutes appropriating or involving the expenditure of moneys for non-federal purposes have been enacted and carried into effect.' As the opinion points out, such expenditures have not been challenged because no remedy was open for testing their constitutionality in the courts."

The only comment that Bar Briefs will make is that, in view of the pecuniary and personal interest of the majority of the residents of

this State, the next move of the government looking to the payment of 1935 wheat and hog allotments will be awaited with suspense. In view of the paragraph last above quoted it would appear that Congress is confronted with the problem of permitting the farmers' contracts to remain unpaid by the government, or of devising some act appropriating moneys for non-federal purposes which cannot be challenged because of lack of remedy in the courts. In other words, Congress, to attain that end, must do an unconstitutional act with which it is beyond the powers of the courts to interfere.

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TO THE BAR OF THE STATE OF NORTH DAKOTA:

The Executive Committee voted to offer a prize of \$100.00 for the best paper to be prepared by any applicant on the following subject:

"CONSTITUTIONAL LIMITATIONS ON SOCIAL LEGISLATION."

The following rules must be complied with by all applicants:

No. 1. The applicant must have been a member of the State Bar Association for at least five years, of good standing, and not over the age of 30 years.

No. 2. Each paper shall not exceed 5,000 words.

No. 3. At the bottom of each sheet the number of words shall be stated.

No. 4. All papers shall be submitted to the President of the Association on or before the 1st day of July, 1936.

No. 5. The prepared paper must be on a good grade of bond typewriting paper.

No. 6. The license fee of the applicant must have been paid, or the application will not be considered.

No. 7. The name of the successful person, upon the report of the judges, will be announced on the first day of the meeting of the State Bar Association.

No. 8. The applicant shall certify that he was admitted to the Bar on such and such a date, and if a graduate of a law school or university, so state, giving the name of the school or university, dates, etc.

No. 9. No teacher in any public school, university or other institution of learning, and no officer of the State Bar Association shall be eligible for this competition.

No. 10. The Executive Committee at a meeting to be held prior to the 17th and 18th of August, 1936, will select the judges, and if possible persons living outside the state of North Dakota shall be selected.

No. 11. Each applicant shall give an odd number to his paper, which number shall be placed in a separate sealed postpaid envelope and mailed to the President of the State Bar Association, the seal of which said envelope shall not be broken until after the report of the judges.

No. 12. Each applicant shall certify the names of all reference books or pamphlets consulted by him in the preparation of his paper, and shall certify that he had no outside help whatsoever in the preparation of his paper.

No. 13. After the decision of the judges, the successful competitor shall read his paper to the convention and deliver it to the Secretary of the State Bar Association for publication.

EXECUTIVE COMMITTEE.