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We Also Hope

James M. Beck

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WE ALSO HOPE

The Constitution is not a self-executing instrument and its perpetuity depends not only upon the abstract acquiescence of the people in it, but in a militant purpose to defend it. Of this militant purpose there is at the moment no evidence whatever. Neither in Congress nor out of Congress is there any disposition, as there was when the Constitution was framed, to defend its principles.

The generation which founded the Republic and formulated its noble Constitution were more concerned with abstract rights than with concrete economic advantages. They fought a war of seven years to vindicate the abstract principle that a distant Parliament could not impose upon them, even for the defense of the Empire of which they were then a part, a petty stamp-tax. The soldiers of Washington endured the agonies of Valley Forge in defense of that principle.

The present generation of Americans are such invincible pragmatists that they are only concerned with the immediate advantages of a given policy and not with the questions of fundamental and permanent importance. They follow gladly any policy that promises an immediate advantage. . . . In the grave matter of political rights and duties, the Americans of this generation seem to me not unlike those children of Hamelin. Let a dulcet flute sound the notes of renewed prosperity and all classes follow as little children, unconscious of the fact that in seeking temporary advantage, they are destroying the fundamental principles of the noblest government that has yet been devised by the wit of man.

All we can do is to hope and pray that there will some day come a rebirth of the old spirit of ordered liberty, for unless it comes, not only will the Constitution perish in everything except in form, but the Union itself may not survive the destruction of its fundamental law—*Hon. James M. Beck.*

NORTH DAKOTA DECISIONS

Byrne et als vs. State Treasurer: Action was brought to enjoin the transfer of \$500,000 out of the Hail Insurance Fund to the Real Estate Bond Interest Payment Fund under Chapter 64 of the 1933 Laws, said Chapter 64 providing that the amount be "paid back to the Permanent Hail Surplus Fund on or before Jan. 1, 1939, with interest at the rate of 2% out of any funds available in said bond interest payment fund." Cases cited are:

Davis vs. McLean, 52 N. D. 857
Walcott vs. People, 17 Mich. 68
Goer vs. Taylor, 51 N. D. 792
State vs. Kleetzzen, 8 N. D. 286
Re Opinion of Judges, 240 N. W. 600
Opinion of Judges, 210 N. W. 186
White Eagle Co. vs. Gunderson, 205 N. W. 614
Cooley on Taxation, Section 1818
Kansas City vs. Stewart, 136 Pac. 241
National Bank vs. Barber, 24 Kans. 382
Lambert vs. Trustees, 152 S. W. 802
Griffin vs. Tacoma, 95 Pac. 1107
Gates vs. Sweitzer, 179 N. E. 840
People vs. Auditor, 30 Ill. 434