



1930

## The Bannon Case

North Dakota Law Review

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### Recommended Citation

North Dakota Law Review (1930) "The Bannon Case," *North Dakota Law Review*: Vol. 7: No. 8, Article 5.  
Available at: <https://commons.und.edu/ndlr/vol7/iss8/5>

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selves in order to make their power potent. Against such a system the American Bar should make a protest as long as the system remains as powerful as it appears to be today. Unfortunately, in this particular instance, it seems that the situation could have been handled so as to have made a more decisive issue. After notifying Senator Schall to submit the names it would seem as if in fairness a better reason should have been given for the rejection of the names submitted by him." (Note: Minnesota Bar referendum on Michel—1,561 ballots sent out; 1,341 ballots returned; Duluth, Minneapolis, St. Paul vote for Michel 186, against 614; country vote for Michel 107, against 362; total vote for 293, against 976.)

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### THE BANNON CASE

The Havens disappeared from McKenzie County a little over a year ago. The Bannons, father and son, took over the farm. Haven property was sold. The father traveled to Oregon. He was located there with Haven money upon him. Meanwhile, but after many months, the son, Charles, was suspected. He was arrested. He confessed. A gruesome, horrifying sight was then unearthed. Charles pleaded guilty. The father was returned. A lynching followed. Faced with death, the boy exonerated his father, as he had previously done in his confession. The father was charged with first degree murder. Recollections were taxed to reconstruct specifics—days, dates, doings. The trial came. It was in another county. The father, a witness in his own defense, was subjected to cross-examination. A jury of twelve found him guilty, and he was sentenced to life imprisonment. That ends the Bannon case.

But does it? Will there not always be a feeling, even among the twelve who made the decision, that hysteria played some part in whatever happened after official and unofficial society awoke from its ten months' sleep? Will there not always be a feeling of doubt concerning the one important question involved in the charge of first degree murder against James Bannon? Are they, will they ever be, really satisfied that proof of possible guilty knowledge, probable embezzlement, and recollection-test impeachment evidence, convinced as well as convicted?

We don't pretend to know. This much, however, seems clear. Society erred in illegally fastening a hangman's noose about the son. It may have erred in placing the murder brand upon the father. And so the Bannon case is not ended. It can not end, for many people, so long as this indictment stands: Society is charged with the crime of illegal execution, illegal execution that sealed forever the lips of Charles, and buried for all time the last hope of getting all of the truth concerning James. Is revenge, after all, ever sweet?

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### REVIEW OF NORTH DAKOTA DECISIONS

*Dahl vs. Winter-Truesdell*: Plaintiff delivered certain grains to the defendant, receiving storage tickets therefor. The storage tickets were lost by plaintiff. Upon statement that he desired to sell the grain the plaintiff was requested to provide a bond, which was furnished.