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## Boots and Boosts from the Press

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## BOOTS AND BOOSTS FROM THE PRESS

Interesting always to the lawyers are the views of the layman, and no class of business or professional men are more freely talked and written about than the lawyers. As a possible aid to our own committee on Public Information and Co-operation with the Press, and a possible inducement to individual members of the Association to keep this committee and the Editor advised of public expressions, particularly newspaper expressions, we "lift" short excerpts from recent utterances of the Press:

"The Bar complains in the summer but does little, if anything, during the rest of the year to correct conditions in the courts."

"Certainly there is something wrong about a judicial system that will permit so many costly trials and so much delay. It is unthinkable that our forefathers, in their attempts to safeguard the constitutional rights of individuals, would have wished to throw so many wrenches into the wheels of justice."

"All over the country are lawyers regularly engaged in the legal protection of men who make a profession of crime. Yet, these lawyers are received in the best of circles. They belong to the bar association. They move in the best society. They are members of what are supposed to be respectable clubs and societies. They are public enemies. They ought to be treated as such."

"The members of the bar association are in a better position to know about the qualifications of a candidate for judicial office than the public. It is equally true that the Bar has interests to serve that makes the position of judge one of the greatest importance to them. In cities where the bar association's opinion is sought as to the qualifications of judicial candidates, mistakes in selection have been few and far between."

"Seemingly there is a new period ahead in which the relation of government to business will be more important than ever before. Under such circumstances the lawyers who are affiliated with business firms and associations will be able not only to guide their own clients but to develop a concerted attitude in the business community and probably to show the general public how its interests can best be reconciled with those of business."

"Lawyers are mere ants riding on cedar logs floating down the political river. The historic ethics of their profession has little to do with their conduct. In the main, they are agents, not principals, and in the main they are employed because their clients are satisfied. The mistake is made in the case of lawyers engaged in municipal corporation work that it is assumed that taxpayers, instead of their political bosses, are their real employers."

"There have been entirely too many half-baked lawyers foisted upon society, thanks to hurry-up law schools. Any measures which will tend to dam the flood will be useful. It is not the competent and thoroughly trained lawyer who raises his voice against simplification of procedure, cutting red tape and making easier the path of Justice. The blocking of these great causes comes for the most part from the lawyers who feed upon technicalities at the expense of Justice."

"Lawyers are not guilty of all the sins charged against them. If a defendant refuses to plead guilty on advice of counsel, and it frequently happens, it is the duty of the lawyer to set up an able and fair defense for him. That may sometimes be embarrassing to the lawyer, but it is never unethical unless unethical methods for freeing the defendant are resorted to. It is easy for jurists and laymen to moralize with and instruct the men at the Bar, but how many of these critics would be above accepting a fat fee for keeping a guilty man out of prison?"

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### NORTH DAKOTA DECISIONS

*Carlson vs. Elevator Co.*: Plaintiff harvested and threshed flax for one H. in 1929, using a combine. The flax was delivered to an elevator. Plaintiff claimed under a thresher's lien, his lien statement showing that he threshed about 90 acres on certain land, at an agreed price of \$2.50 per acre. No mention is made in the lien of the number of bushels. HELD: There are four important requirements for a valid thresher's lien: 1. Amount of grain threshed; 2. Price agreed upon or reasonable price; 3. Name of person for whom threshed; 4. Description of the land. The 1929 amendment of the law merely safeguarded threshing by means of combines. It does not alter these requirements. "It is not allowable to interpret what has no need of interpretation," quoting 2 *Lewis Sutherland Stat. Const., 2nd ed., Sec. 367*, and *McKay vs. Fair Haven, 54 Atl. 923*.

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*Emmons County vs. Kleppe et als*: In 1923 K. Bank presented bids as a depository of county funds. The bids were accepted. Nine months later the Bank was required to and did furnish two bonds in sum of \$10,000 each, without time limit. These were approved by the State's Attorney and the Chairman of the County Board. Deposits were later made. On April 20, 1928, the sum deposited on C. D. amounted to more than \$11,000.00, and checking accounts varied. In December, 1926, all but one of the defendants, with an additional signer, executed a \$10,000.00 bond, which was accepted. There is no indication that this was a substitute bond. The Bank closed in December, 1928. Proof of claim was presented for the C. D. and \$6,632.55 checking account, with interest. About \$1,700.00 was paid by the Receiver. Checks drawn against the Bank were not paid for lack of funds. HELD: Chapter 227, Laws of 1927, did not operate to change the terms of the original bond, and the bond of 1926 was an additional bond, not a substitute. Presentation of the C. D. for payment was unnecessary, where default is shown by failure to pay any part of the deposit. Undesignated subsequent payments were properly applied to accounts "earliest in date of maturity," hence, the allocation of the amount due, as between the two bonds, (companion cases), was correct.

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### THIRD DISTRICT MEETING

The Third Judicial District was the first to have a meeting following the annual meeting of the State Association this year. It was held at Lisbon last month, and a very profitable and enjoyable session was enjoyed.