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was entered into with F-M Company for a building, generating plant and distributing system. Payment was to be made in 58 monthly installments, title to remain in the company, with right to repossess, and rates for service were agreed upon for the interim. Payments were to be made out of net profits. Another election was held to provide $16,000 through bond issue for the building and distributing system. Action was favorable. The day after the bond issue carried the injunction papers were served. HELD: Plaintiff's right to bring the action must be upheld. He need show no other interest than the damage which might be suffered as a taxpayer. The mere fact that he was dilatory in bringing the action does not estop him Section 3599, sub. 75; Section 183 of Constitution; Chapter 197, S. L. 1927 are construed; and State vs. Board of University and School Lands, 12 N. D. 280; and Wilder vs. Murphy, 56 N. D. 436 are distinguished. "Obligations payable out of special assessments are not considered public debts within the meaning of the term debt as used in the Constitutional prohibitions. . . . While there is some dissent, nevertheless the great weight of authority is to the effect that a municipality does not create an indebtedness within the purview of prohibitions against incurring indebtedness by purchasing property to be paid for wholly out of the income therefrom with no general liability." The mere fact that the city owns the building and the distributing system, which must be paid for out of tax revenues of the city, and which will be used in earning revenue, does not alter the situation, as this property is not pledged; nor do the statutory budgeting provisions have application. The election called for the purpose of determining whether the city should "purchase or erect and operate and maintain" a light plant did not raise a dual question.

JUDGE VS. JURY

Our little publication has teemed recently with proposal after proposal to enlarge the part that the judge plays and cut down the part that the jury plays in the trial of lawsuits.

It seems to me that the people who seek reform along these lines are barking up the wrong tree. The evils of which they complain are, in the first place, greatly exaggerated, and in the second place, not attributable to the use of the jury system, but rather to a maladministration in the selection of jurymen.

In many instances jurymen are made such, that is, their names are placed on the list, because they are likely to call for poor relief, or because their personal property taxes have not been paid.

The need is not for a change in the law regarding the picking of jurymen, but for a scrupulous following of the laws we have. Judge Lynch, of LaMoure, has well expressed it in saying that if the law concerning the picking of jurymen is honestly followed, it is well designed to make a jury panel constitute a veritable cross-section of the public of the county.

Last year there was placed before the Legislature, and afterwards submitted to the Bar as a recommendation, a proposal to enable the judge to say to the litigants, "I have picked you a jury, go ahead and try the case." Many lawyers immediately seize upon and loudly endorse such a proposition, forgetting that they are, in so doing, throwing away a large part of the dignity and one of the important prerogatives of their own profession.

Neither of the judges in the Third District favored that suggestion. If a jury is properly selected, beginning with the township board, there

is a remote likelihood of any issue arising which cannot be properly placed before the jury without a comment upon the evidence by the Court.

The greatest asset which courts have at present is the confidence of the public. That is based upon the confidence of the public in the judgment of a representative number of their fellow citizens. Agitators for more judge and less jury are unwittingly seeking to destroy that asset. They are very likely to drive the settlement of disputes out of the courts, and hence out of the hands of the legal profession, and into some privately constructed tribunal.

I submit that the so-called reform is not in fact such at all, but is a step backward. Courts are a part of the government. The decision of disputed questions of fact is a governmental function. It took years to secure to the average man the right to have that function performed by a body of men which he, as litigant, might help to choose. A step towards the abrogation or diminishing of the function of the jury is but a step, and a long one, towards the abolition of the jury system. Knowing that the way is dangerous, it is better not to take even the first step upon that way.

The foregoing comes to us from Mr. Hugo P. Remington, of Lisbon, and the Editor respectfully refers the writer, and every reader, to the May, June and July, 1929, issues of Bar Briefs. In those issues were summarized the very analytical, sane and unbiased statement of Professor Wigmore on "Merits and Demerits of the Jury System."

BAR BOARD

During recent months the state bar board has been called upon to investigate an unusual number of complaints for professional misconduct. At its January meeting the board, in conformity with an order of the supreme court, reprimanded a practicing attorney for failure to perform services which he had contracted to perform for a client and was required to restore to his client a portion of the fees collected in advance. Charges of misconduct on the part of another prominent attorney were recommended for dismissal on the ground that the evidence did not sustain them. A formal complaint of the solicitation of professional business also has been under consideration. The decision of the supreme court upon the report submitted is awaited. In a number of states a vigorous campaign against this evil is under way and as a result many are being disbarred for engaging in it. Several disbarment proceedings have been recommended and two of them are under way.

At the January meeting six candidates for admission were examined and three of them were admitted to practice. The board adopted a resolution recommending for the consideration of the supreme court a rule that after 1931 all candidates for admission whose legal training has been had exclusively in law schools, be required to serve at least a six months' probationary period in a law office of this state before they shall be given permission to take the examination. It was held by the board in a specific case that a course in a correspondence law school without actual study in an office does not constitute sufficient preliminary qualification to authorize an examination. A South Dakota attorney was denied admission to practice on motion because his record did not indicate conformity to the ethical standards of the profession.

Thorough investigation is made concerning the fitness of each applicant for admission either on examination or on motion. It is most important for the future of the profession that any members of the bar