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Senatorial Powers/Full Faith And Credit/Annual Meeting Features

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SENATORIAL POWERS

Resolution 195 empowered U. S. Senate Committee appointed to investigate the Pennsylvania Senatorial election, "to require by subpoena or otherwise the attendance of witnesses, the production of books, papers and documents, and to do such other acts as may be necessary in the matter of said investigations."

Suit was brought by the Committee against certain Pennsylvania election officials who refused to deliver boxes and ballots used in the election. Jurisdiction was asserted under Sec. 24 of the U. S. Judicial Code, which confers jurisdiction of "all suits of a civil nature, at common law or in equity, brought by the U. S., or by any officer thereof authorized by law to sue."

The decision of the U. S. Supreme Court (opinion by Justice Butler) was that, in view of the broad powers of the Senate to investigate, it cannot be assumed that the resolution creating the Reed committee and directing the investigation of the Pennsylvania senatorial election and the Vare-Wilson controversy, authorized them to sue.

FULL FAITH AND CREDIT

One D., a resident of Washington, recovered judgment against McD., also a resident of Washington, amount $12,500. D. assigned the judgment to R. The Washington statute provides that after six years from date of a judgment it shall cease to be a charge against the debtor. More than six years expired. Then R., finding McD. a temporary resident of Oregon, brought suit upon the judgment there. A demurrer was interposed, which was overruled. McD. then failed to answer, and judgment was entered. Later R. brought suit upon this Oregon judgment against McD. in the State of Washington. The Supreme Court of Washington held in favor of McD., but the U. S. Supreme Court reversed the decision, holding R. entitled to recover under the "full faith and credit" clause of the Constitution, notwithstanding the fact that the Oregon Court, in all probability, would not have entered its judgment if McD. had answered setting up the Washington statute. The decision is important and interesting, but supplies controversial material for lawyers. See *Roche vs. McDonald, 275 U. S.* 449.

ANNUAL MEETING FEATURES

Hon. Gurney E. Newlin of Los Angeles, newly elected President of the American Bar Association, and characterized by President Lawrence as "a great lawyer and a wonderful man" will give one of the principal addresses at our annual meeting, September 5 and 6. It will probably be Mr. Newlin's first public address as President of the American Bar Association.

It is hoped that Vice President Dawes will be the second speaker of national prominence to bring inspiration to those who attend this meeting. At the time of going to press with this issue definite assurances could not be given, but our hope is a sincere hope, and the amiable and ingratiating qualities of our President bespeak fulfillment of the hope.

Not content with these two headliners, President Lawrence has also obtained a favorable response from Judge Faville of the Iowa Supreme Court for an address on Law Reform, a subject that has brought Judge Faville wide and favorable recognition.

ANOTHER PIONEER PASSES

In the passing of Hon. Chas. A. Pollock of Fargo the State Bar Association again finds itself unable to give adequate expression to the feelings of its individual members. Courageous, generous, loyal, strong in character and capacity, Judge Pollock was representative of the type of lawyer and judge to whom men in all walks of life like to point with pride of possession. Even the most indirect association with him did not fail to bring forth the comment, "There is a fine man." As usual, the good opinion of his fellows may not have come to his attention always, but it was a fixed fact throughout the many years that he labored in North Dakota. The Bench, the Bar, the community in which he lived, the entire State loved and respected him. All now mourn, but in the spirit of those who feel and know that a life well spent and nobly lived merited every good opinion.

POWER TO TAX—POWER TO DESTROY

The following from the pen of Justice Holmes of the U. S. Supreme Court (see *New York ex rel Hatch vs. Reardon,* 204 *U. S.* 152, *and Panhandle Oil Co. vs. Mississippi,* 72 *L. ed.* 517) is a considerable variation from the statement so frequently quoted and originally taught to most of us:

"But this court, which so often has defeated the attempt to tax in certain ways, can defeat an attempt to discriminate or otherwise go too far without wholly abolishing the power to tax. The power to tax is not the power to destroy while this court sits. The power to fix rates is the power to destroy, if unlimited, but this court, while it endeavors to prevent confiscation, does not prevent the fixing of rates. A tax is not an unconstitutional regulation in every case where an absolute prohibition of sales would be one."

OUR CONTACT WITH THE AMERICAN BAR ASSOCIATION

The annual meeting of the American Bar Association at Seattle in July placed the following North Dakota attorneys on the roster of officials:

Member of General Council, Aubrey Lawrence, Fargo.

State Vice President, L. J. Palda, Minot.

Members of the Local Council, C. L. Young, Bismarck; H. A. Bronson, Grand Forks; F. T. Lembke, Hettinger, and John Hanchett, Valley City.

APPARENTLY CONTRA NORTH DAKOTA

Trumbull Cliffs Furnace Co. vs. Schackovsky, 161 *N. E.* 238 (*Ohio*), reported in The Compensation Review for July, 1928, appears to take a contra view of the rights of an injured employee receiving compensation to sue a negligent third party from that taken by our Court in *Tandsetter vs. Oscarson,* reported in the February issue of Bar Briefs.

YOU'RE AWAY

FROM THE WORLD

IF YOU'RE AWAY

FROM MINOT

SEPTEMBER

5 AND 6