



1927

## Another Pioneer Passes/Power To Tax-Power Destroy/Our Contact With The American Bar Association/Apparently Contra North Dakota

North Dakota Law Review

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## 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.

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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."

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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.

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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.

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