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England's 1927 Message/Economic Surplus Distribution

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and we must agree with "a few influential members of the Senate" that the United States and not the World Court would, under the quoted phraseology, be the judge of the existence of the interest.

The mere fact that, under a given state of facts, such an interpretation might prove to be unreasonable, as giving the U. S. power to prevent an advisory opinion upon a question affecting two other nations directly and immediately—but apparently affecting the U. S. only potentially—would not justify changing the plain meaning of the words used. It appears to us that this "reasonable legal interpretation" suggested by The Foundation spells modification in the name of clarification.

ENGLAND'S 1927 MESSAGE

Lord Chief Justice Hewart of England, upon the occasion of his visit and welcome to the American Bar Association meeting last month, made a speech, a very good speech. We "lift" from it two short passages. They are pertinent and potent:

"The word democracy is now on everybody's lips, but perhaps you are often, as I am, inclined to wonder what meaning is intended by the good people who employ it. You might think sometimes, from the context in which the word appears, that it meant a patent medicine or a fancy religion or some misty idealism belonging to wonderland. It means, of course, nothing of the kind. Lawyers, at any rate, will not be disposed to contradict the statement that democracy is simply the name of a particular form of government; that is to say, that form of government under which the sovereign political power in a state is distributed among all the citizens of the state."

"Has there not been during recent years, and is there not now, a marked and increasing development of bureaucratic pretensions, the essence and the aims of which are to withdraw more and more matters and topics from the jurisdiction of the courts and to set them apart for purely official determination? . . . In England, at any rate, nobody who has eyes to see can fail to discern this mischievous purpose, which exhibits itself in at least three ways. One is by statute to provide in express terms that the decision of certain questions belongs to this or that government department, that the departmental decision is to be final and binding upon all parties, and that that decision is not to be questioned in a court of law by proceedings in mandamus, certiorari, case stated, or otherwise. Another way is to confer upon government department power to make rules and regulations which, when they are made, are to have the force of a statute. And yet a third way is by statute to empower a government department to make orders for the removal of difficulties, as it is pleasantly called, and actually for that purpose even to modify the provisions of the statute itself."

ECONOMIC SURPLUS DISTRIBUTION

Dean Pound's address at the annual meeting is worth re-reading, and possibly, some pondering. While he may have repeated some things that he said in other years, as intimated by some who heard the Dean, he brought his material and his statements right up to date. We

recall, for example, that he pointed out "how fundamental common-law ideas are subject to corrosion and destruction", referring, in that connection, to compensation awards made, as he said, "not on the principle of causation but of distribution of the economic surplus"; and then followed this with the rather frank statement, "when we come to study current adjudication we may perceive the same corroding process."

There is, we believe, a fair foundation for asking ourselves, right here in North Dakota, if the principle referred to by Dean Pound is not being invoked? It is certainly being pressed by some as an argument, and should it establish itself through current adjudication, administrative officials would be bound to follow, no matter how many "fundamental common-law ideas" might be "corroded" or "destroyed" thereby.

It might not be amiss to suggest that the "huge sum" in the Workmen's Compensation Fund of North Dakota is considerably tied up in such liabilities as: awards entered but payable in future, premiums received but not earned, injuries already sustained but unreported as claims, reserves provided by statute, reserves to handle possible catastrophes, etc. At any rate, the amount that might be distributed regardless of the "principle of causation" is not to be found in the Fund.

UNIFORM STATE LAWS

The main recommendation of Chairman Paul Campbell of the Committee on Uniform State Laws should be given thorough consideration this coming year. That recommendation is the one suggesting legislative authority for the appointment of a Commissioner on Uniform State Laws, with provision for expenses.

It is, undoubtedly, quite well understood that the criticism that have been leveled at the uniform acts which have been proposed for enactment by our own Legislature have centered, very largely, around the theme of conflict, lack of co-ordination and failure to fit into our own system. It should also be quite apparent that the basis of these criticisms may, in large measure, be eliminated.

If this were not a continuing work it might be justifiable to require the necessary sacrifice of talent, time and "tin" on the part of an individual or a group to complete the task. As it is a continuing work, however, the sacrifice should not be expected or requested.

It is hoped, therefore, that the complete report of this committee will be studied in order that Association opinion may be crystallized to the point of formulating and offering a proper plan to make the work of this committee the effective part of North Dakota's program demanded by its importance.

In the meantime, also, the viewpoint expressed in the statement of Judge Bronson at the annual meeting, namely, to take the broad stand of furthering the work of the Commissioners on Uniform State Laws, regardless of the action of our Legislature concerning it, should not be disregarded.