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## News Items

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H. Lewis of Minot, in his address on the English system, for instance, is that this represents a change in our system and should be recognized as such, if adopted.

As a matter of actual fact, is it a change of our system? Are not ninety per cent of the verdicts of juries, whether in civil or criminal cases, the result of compromise, rather than the result of strict consideration of evidence?

We have in mind a recent term of a District Court during which three successive cases came to our attention, two criminal and one civil, in none of which the jury arrived at a determination that was in accord with the evidence. One in particular, resulting in a criminal conviction for a lesser charge than that brought, was quite clearly not in accord with the actual facts presented—yet the expressions of disinterested bystanders, and the private acknowledgment of the Court itself, was to the effect that the verdict represented substantial justice.

Let us suppose now that in this particular case evidence was admitted or excluded that might have had a bearing upon the judgment of the jury. Should such a case be sent back for a new trial just for that reason? If we accept as actual fact the theory that, under our system, the jury is the body to determine every issue of fact, and does so determine it upon all of the evidence presented, without resort to compromise or consideration for what is termed "substantial justice," the answer should, undoubtedly, be yes. But, if we acknowledge and accept what we know to be the actual facts underlying all—or the great percentage—of jury verdicts, then why not recognize the theory for what it is, a myth, and govern our appellate pronouncements accordingly, namely, by paying very slight attention to errors in the admission or exclusion of evidence?

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### NEWS ITEMS

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Dean Pound's discussion of "The Crisis in American Law" in the current Harper's is causing wide comment in the press.

A constitutional amendment adopted by the state of New York at the last election permits the reduction of state departments from more than one hundred sixty to not more than twenty. Another amendment adopted at the same time is calculated to make the judicial machinery more efficient.

The committee on Jurisprudence and Law Reform of the American Bar Association is urging bills before Congress providing for declaratory judgments and for simplifying procedure on appeals in the federal courts, and is opposing the Carroway bill calculated to limit the powers of federal judges upon the trial of jury cases.

The comprehensive survey recently undertaken by the Missouri Association for Criminal Justice contemplates thorough scientific research as a basis for reform. Its results will be awaited with interest.

It is expected from pledges made by senators and representatives that congress will pass the measure giving the supreme court power to make rules on the law side as well as the equity side of federal courts.

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It appears that the movement for more rigid requirements for admission to the bar is rapidly gaining favor in states in which only two or three years ago it had scant support among the members of the profession.

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Our state association now has a committee on Cooperation with the Press whose function it will be to enlist the interest and service of the press in improving the administration of justice and to assure the dissemination of accurate information regarding judicial matters.

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The first report of the judicial council of Massachusetts was filed recently.

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A primer for jurors has been prepared by Judge William B. Carswell of the New York Supreme Court. The practice of giving formal instructions to jurors regarding their powers and duties as officers of the court should become general.

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Thos. W. Shelton, one of the organizers of the Judicial Section of the American Bar Association, is preparing a book on the practical operation of the English Courts. He was granted special favors by the English Bar to enable him to make a personal study of the procedure there.

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The Governor of Minnesota has ordered an investigation of the entire machinery of law enforcement of that state and has appointed a group of twenty-five prominent citizens to conduct the inquiry. The action was prompted by the general crime situation and calls for suggestions as to changes in law and court rules and the machinery of justice to secure more adequate results.

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The United States Chamber of Commerce has distributed a pamphlet which in a few pages sets out clearly the substance and meaning of the Locarno Treaties.

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The mid-winter examinations for admission to the bar will open on January 12th, at Bismarck. There are fourteen applicants for admission.

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The bar examiners of Vermont at their last examination used a research test in connection with the subject of common law pleading, with a view to judging the ability of applicants in using the authorities, each applicant having access to a library.