



1925

Judicial Salaries

North Dakota Law Review

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Recommended Citation

North Dakota Law Review (1925) "Judicial Salaries," *North Dakota Law Review*. Vol. 2 : No. 6 , Article 5.
Available at: <https://commons.und.edu/ndlr/vol2/iss6/5>

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Where a city had no contract relation with a volunteer fire company, organized pursuant to a city ordinance, and no control over services, employment or discharge of the firemen, there was no relation of master and servant, or employer and employee between the firemen and the city as contemplated by the Workmen's Compensation Act. Whether one person is employed by another depends on whether alleged employer possesses power to control the other in respect to his services, and power to discharge him for disobedience, or misconduct, and, under the Workmen's Compensation Act, whether some consideration is paid to the employee; "employee" indicating a person hired to work for wages as employer may direct.—*Bingham City vs. Industrial Commission*, 243 Pac. 113. (Utah, Feb. 1926.)

JUDICIAL SALARIES

In the past few years considerable attention has been given to the matter of judicial salaries. Within a decade thirty-three legislative increases have been made in such salaries. It is practically assured that the proposed increase will be made in the compensation of federal judges.

In New York there is now pending a measure to increase the salaries of supreme court justices in New York City to \$25,000.00 a year and to those in other parts of the state to \$17,500.00. Under this measure the salaries of judges of the court of appeals, the court of last resort, will be increased from \$10,500.00 to \$22,500.00 for the chief justice, and from \$10,000.00 to \$22,000.00 for the six associate justices, while the expense allowance of each will be increased from \$700.00 a year to \$3,000.00.

When the subject is considered from the point of view of per capita cost, it is singular indeed that there should be opposition at all to reasonable increases in the salaries when the importance of judicial services is considered. The total amount spent for the salaries of judges of the United States Supreme Court, the Circuit Courts of Appeals, the District Courts, the Courts of the District of Columbia, and the Court of Claims, per year, is \$1,535,991.91, or a per capita expenditure determined on the basis of a population of 105,000,000 of 1.459c. Each of us contributed to the judicial salaries of the federal courts less than the cost of a postage stamp.

According to a further computation the forty-eight states in the year 1924 expended for the salaries of judges of their supreme courts \$3,527,729.00, or a per capita cost of 3.351c. In the same year they expended for the salaries of the judges of all their trial courts \$15,237,026.00, or a per capita cost of 14.474c.

Bringing such a computation home to the state of North Dakota, the salaries of the supreme court judges aggregate \$27,500.00 per year, or a per capita cost on the basis of a population of 641,192, as shown by the 1925 census, of a trifle over four cents. The salaries of our trial judges amount to \$60,000.00 a year, and on the same basis the per capita

amount expended by us for this purpose is a trifle over nine cents. Certainly a fifty per cent increase of these salaries would not be burdensome.

SHALL WE DO SOMETHING THIS YEAR?

An incident was brought to our notice recently which recalls certain utterances of the 1924 annual meeting and reiterates the necessity for the adoption of SOME method that will tend towards the more accurate measuring and adjusting of the sentences of the law in criminal cases.

The alleged incident is this: Two men, serving time in a penal institution for offenses of the same character, varying in degree yet within the limits of the same punishment provisions, are deprived of their liberty for differing periods. The one whose conflict with the law was represented by a single operation received a sentence nearly three times that of the one whose operations continued over some period of time and aggregated many times that of the former.

Reporting on the Judicial Council plan at the 1924 meeting of the North Dakota Bar Association, Judge Burr said this: "When two criminals meet in the penitentiary and compare notes they find, frequently, that one has twice as severe a sentence as the other for acts which do not differ essentially. The State can not afford to have even the criminal feel there is injustice in the administration of justice."

The person who called our attention to this specific illustration of the general statement made by Judge Burr also brought out some further incidentals that have more or less to do with the general situation as it relates to the imposition of punishment. He said that he had occasion to talk personally with one of the men referred to, and claimed to have overheard a remark made by the other later. The former, he stated, expressed the desired to "run straight" in the future, but evidenced a feeling, also that if the two sentences represented society's estimate of justice it might be just as well for him to plan a little more carefully next time (so far as the matter of getting caught was concerned) and thus probably be able to make up for the difference. The other, noting a newspaper article relating to the expenditure of millions for improvements by his former employer, is alleged to have remarked, "Gee, it's too bad I'm not on the job now; I could clean up a million on that."

Of course, several questions might be urged for consideration on the basis of the incident and the general situation here represented; but, we submit, that one of the important questions is: What can and should the North Dakota Bar Association suggest and DO to assist in improving the METHOD of administering justice?

Chief Justice Christianson is already actively at work on the problem, and the conference of judges called by him for this month will, doubtless, give serious consideration to the plan proposed to the Bar Association during the past two years by Judge Burr.