



1924

## Addition to Code of Ethics

North Dakota Law Review

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Where the railroad named in the bill of lading as the terminal carrier employs another carrier to switch the car to consignee's warehouse, it does not cease to be the terminal carrier and is liable.—*Missouri Pacific vs. Reynolds-Davis Co.*, Sup. Ct. Rep. 45, 516.

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The first Cummins amendment is to be read so as to make negligence an element in suits for loss caused by delay in transit, and to prohibit carriers from requiring notice or filing of claim as a condition precedent to recovery.—*Barrett vs. Van Pelt*, Sup. Ct. Rep. 45, 437.

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The administrator of an employee of a common carrier killed in a foreign country through the negligence of the carrier has no right of action under the Federal Employers' Liability Act, although both the employee and his administrator are U. S. citizens.—*New York Central vs. Chisholm*, Sup. Ct. Rep. 45, 402.

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In intra-state shipments as to which tariffs established by the I. C. C. apply, provisions of the second Cummins amendment with regard to limitations of the carrier's liability for damage in transit apply although they are in conflict with provisions of the state statute.—*Lancaster vs. McCarthy*, Sup. Ct. Rep. 45, 342.

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A description of a place to be searched is sufficient if the officer with the warrant can, with reasonable effort, ascertain and identify the place intended. A building used as a garage can not be given the character of a dwelling house so as not to be subject to search by permitting an employee to sleep and cook in one of the rooms.—*Steele vs. U. S.*, Sup. Ct. Rep. 45, 414.

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The issuance of a permit authorizing the possession of intoxicating liquors for non-beverage purposes does not protect the holder from search for and seizure of such liquors held for beverage purposes. The apparent readiness of members of the family to sell intoxicating liquors from the suspected premises under circumstances leading to the inference that these premises are the source of supply constitutes probable cause for the issuance of a search warrant.—*Dumbra vs. U. S.*, Sup. Ct. Rep. 45, 546.

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#### ADDITION TO CODE OF ETHICS

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The following addition to the Code of Legal Ethics was adopted at the annual meeting just held at Fargo, and is numbered "Section XXIII (a)":

"Untrue Verification of Pleadings—Before verifying pleadings on information and belief, attorneys should carefully inquire and investigate so as to conscientiously satisfy themselves that they have before them

sufficient facts to enable them to truthfully verify the cause of action or defense that they represent in the true spirit of the law that permits their so doing. The practice of verifying pleadings upon information and belief merely for the purpose of delay, when the truth of allegations sworn to has not been carefully ascertained, is unprofessional and a violation of the duties of an attorney as provided by law."

#### NORTH DAKOTA REPRESENTATIVES OF THE AMERICAN BAR ASSOCIATION

The representatives from North Dakota at the American Bar Association this year selected the following officers:

General Council—Lee Combs, Valley City.

Vice-President—Aubrey Lawrence, Fargo.

Local Council—Benton Baker, Bismarck; John Knauf, Jamestown; W. A. McIntyre, Grand Forks; John Keohane, Beach.

#### GOVERNMENT RESTRAINED

In closing his masterful address on the above subject at the annual meeting of the Association Judge Stone of Minnesota said:

"Please do not misunderstand my position. It is not one of opposition to constitutional amendment, as such. Insofar as our constitutions, in addition to expressing indisputable fundamental law, set up the machinery of government and specify details of operation, they should of course be amended whenever experience offers something better. But insofar as they restrain government in the interest of the individual and, in our case, limit federal control in the interest of that of state and community, it is obvious, and should always be remembered, that they are no more susceptible of repeal or substantial amendment than the Ten Commandments or the Sermon on the Mount.

"And THERE is the open door of opportunity for the American Bar. There is so much we can do in our daily walk and conversation to bring home to our fellow citizens the spirit and purpose of American constitutionalism. There is so much we can do to bring back American representative government, government by the whole people through true, carefully selected and courageous representatives, rather than by a temporary majority or aggressive and organized minority through mere messengers, with rubber stamp minds, who register by their votes political expediency rather than political wisdom. There is much we can do to explain the purpose and operation of our constitutional guarantees and the manner of their enforcement—all in the interest of the citizen and operating in HIS favor and against HIS government. You will find some, moved by evil and seditious intent, preaching that our government was designed to deprive citizens of liberty through centralized power, particularly that of wealth, when the plain fact is that the primary design of our constitutions is to prevent the possession by government, whether tem-