BAR BRIEFS

PUBLISHED MONTHLY AT BISMARCK
—By—
STATE BAR ASSOCIATION
OF NORTH DAKOTA

Entered as Second Class Matter Jan. 15, 1925, at the Postoffice at Bismarck, North Dakota, Under the Act of August 24, 1912

VOL. II. MAY, 1926 No. 6

A JUDICIAL COUNCIL

Chief Justice Christianson has called a conference of the supreme and district court judges of the state to be held at Bismarck, May 19th and 20th, 1926. This is intended to serve for the time being as a judicial council. There can be no doubt that there will be great advantage in having a permanent official body organized to make a continuous study of the organization, rules, methods and practices of the courts of the state, the work accomplished and the results produced, to investigate the means adopted for the improvement of judicial administration in other states and countries, to devise such changes in procedure as appear suited to our needs and as may be given effect without legislative action, and to recommend to the legislative assembly such remedial legislation as is believed necessary to assure the more efficient administration of justice. The value of a permanent council is manifest from the early results produced by the Federal Judicial Council, or more accurately, the Conference of Senior Circuit Judges, and the comprehensive report of the Massachusetts Council. Temporarily, however, the conference of judges can, and no doubt will, function beneficially. The interchange of ideas alone should be helpful in making for greater uniformity in practice of the trial courts and in settling uncertainty as to government rules. After conference, the supreme court, in the exercise of its constitutional and statutory supervisory powers, possibly can effect helpful changes by the promulgation of new rules. And where new legislation is deemed advisable the recommendations of the entire judiciary of the state will carry great weight with the legislative assembly. The conference welcomes suggestions by members of the bar of possible improvements in procedure. The profession should seize upon this invitation as an opportunity to contribute something to judicial progress.

DECISIONS OF NORTH DAKOTA SUPREME COURT

Larson v. Jacobson. The defendant undertook to foreclose a mortgage on plaintiff's land by advertisement. Plaintiff applied for an order enjoining the sale and directing all further proceedings to be had in the district court on the ground that he had a counter-claim and partial defense to the collection of the mortgage debt and that the defendant had failed to give the usual statutory notice of intention to foreclose. The order having been granted the defendant conceded the counter-claim set up in the application and thereupon the order was vacated. HELD: That failure to give notice of intention to foreclose a real estate mortgage does not constitute a legal counter-claim or valid defense against the collection of the whole or any part of the amount claimed to be due on the mortgage sought to be foreclosed within the meaning of Section 8074, Compiled Laws of 1913, and that the counter-claims having been conceded by the mortgagee the order vacating will not be disturbed. (Opinion filed April 24th, 1926.)

Great Northern Railway Company v. Ward County. An action was brought to recover taxes paid by plaintiff to defendant for 1921 under protest on the ground that the same were excessive under Chapter 122, Laws of 1921. On the county's behalf it is contended that the state special road levy for that year must be excepted from limitations prescribed by the act, the same as sinking funds and county tuition funds, and that excepting these the taxes paid were not excessive. HELD: that road taxes fall within the limitation prescribed by the act in question and not within the exception of "special levies for local improvements" as this clause is used in the act, and that when the intent of the legislature is not clear in a statute because of ambiguity in terms used, the history of these terms may be traced in other and previous legislation and the words construed ordinarily according to the sense in which they are or have been used in like statutes. (Opinion filed April 24th, 1926.)

Washburn Lignite Coal Company v. Murphy. The defendant board of administration called for bids for the lignite coal required to supply various state institutions. Plaintiff and the corporation defendants submitted bids. The bids in each case furnished certain information relative to the quality of the coal. Certain contracts were awarded to plaintiff and others to some of the defendants. Plaintiff brought this suit as a bidder and taxpayer to restrain the execution and carrying out of the contracts made with the defendant corporations on the ground that the contracts were not awarded upon the lowest responsible bid. Construing Section 1828, as amended by Chapter 78, Session Laws of 1915, IT IS HELD: That it is the duty of the board of administration to award contracts to the lowest responsible bidder; that as a bidder plaintiff is entitled to no relief merely because the method of determining the lowest bid was not the method prescribed by statute; and that it appearing that the board exercised its honest judgment and accepted the bids of the

lowest bidders, plaintiff as a taxpayer suffered no damage and is not entitled to injunctional relief pendente lite, though the board in awarding the contract did not follow the method prescribed by the statute. (Opinion filed May 1st, 1926.)

State v. Hagen. Convicted of receiving deposits in an insolvent bank, the defendant took an appeal to the supreme court, and after the statutory time for taking an appeal had expired, moved in the district court for a new trial on the ground that the stenographer's notes of the testimony taken by the official reporter at the trial had been stolen after they were partially transcribed. HELD: That the grounds for new trial specified in Section 10917, Compiled Laws of 1913, are exclusive, and that a new trial cannot be granted for such loss. (Opinion filed May 3rd, 1926.)

Ramsey County National Bank v. Kelly. Certain checks drawn on another bank were presented for deposit and collection to a state bank about fifteen minutes before it permanently closed its doors as an insolvent bank. The checks were accepted and negotiated to one having actual knowledge of the circumstances under which the checks were delivered to and received by the insolvent bank. In an action brought on the checks in which the foregoing facts are set up, IT IS HELD: That the insolvent bank under the circumstances committed a fraud upon the customer who may rescind the transaction and reclaim the checks from the bank; that the person to whom the checks were negotiated under the facts alleged, received no better title thereto than the insolvent bank had; and that they are subject to the same defenses in a suit brought thereon by such person as would have been available in an action brought thereon by the insolvent bank. (Opinion filed May 1st, 1926.)

Bank of North Dakota v. Johnson, County Auditor. The question before the court as stipulated by the parties is as follows: May the mortgagee in a mortgage executed after the enactment of the hail insurance law, Chapter 160, Session Laws of 1919, and prior to June 1st, in a given year, redeem from a tax certificate issued to a private individual upon a sale held after the execution of such mortgage by paying all taxes included in such tax certificate save and except the so-called hail indemnity tax provided for in Section 7 of the act, and thereupon must the county auditor execute a certificate of redemption from such tax certificate and tax sale. Held: A lien created under the hail indemnity tax law is created by an implied contract between the state and the owner of the land and becomes fixed and certain only after the 15th day of June, in the event that there was no withdrawal, as provided in the law, and the mortgage in question therefore took priority over the lien of the hail indemnity tax and redemption without paying such hail indemnity tax is permissible. (Opinion filed April 22nd, 1926.) (Petition for rehearing pending.)

Thompson Yards Inc. v. Kingsley et al. The officers of a school district entered into a contract with defendant to erect a school house for the district, but failed to take the bond required by Section 6832, Compiled Laws of 1913. Plaintiff furnished materials for which the contractor failed to pay. It accepted his note extending the time of payment without the consent of the officers of the school district. HELD: That failure of the officers of the district to take the bond required imposes upon them a liability on behalf of the contractor for a school house in favor of the material man similar to a mechanic's lien for the improvement of private property, that an extension of the time of payment did not release the liability which the statutes impose upon public officers in the absence of a contractor's bond, and that one who stands in the relation of a guarantor or surety upon an obligation required by statute to stand as security until certain claims are fully paid, is not released by a transaction between the principal debtor and creditor which does not result in the release of the debtor or the payment of the claim. (Opinion filed April 22nd, 1926.)

U. S. SUPREME COURT DECISIONS

The importance of the question involved in the Washington Quarantine Case, impells us to eliminate other cases this month and use all of the space in presenting it. In 1921 the State of Washington enacted a law which authorized its Department of Agriculture to establish and maintain necessary quarantine regulations to keep out of the State plant diseases and insect pests. Acting under the provisions of this law, certain carriers were enjoined from bringing certain specified produce and products into the state of Washington.

Prior to the passage of the Washington State Law, Congress (in 1917) had enacted a statute authorizing the Secretary of Agriculture to quarantine any State in order to prevent the spread of plant disease or insect infestation. At the time of the Washington injunctional proceedings, the Federal Department had failed to act.

The Supreme Court of Washington affirmed the decree making the injunction permanent, but the Federal Supreme Court reversed the decision. In the majority opinion, the following appears:

"It is impossible to read the statute (Federal) and consider its scope without attributing to Congress the intention to take over to the Agricultural Department of the Federal Government the care of the horticulture and agriculture of the states, so far as these may be affected injuriously by the transportation in foreign and interstate commerce of anything which by reason of its character can convey disease to and injure trees, plants or crops. All the sections look to a complete provision for quarantine against importation into the country and quarantine as between the states under the direction and supervision of the Secretary of Agriculture.

"It is suggested that the states may act in the absence of any action by the Secretary of Agriculture; that it is left to him to allow the states

to quarantine, and that if he does not act there is no invalidity in the state action. Such construction as that can not be given to the federal statute. The obligation to act without respect to the states is put directly upon the Secretary of Agriculture whenever quarantine, in his judgment, is necessary. When he does not act, it must be presumed that it is not necessary. With the federal law in force, state action is illegal and unwarranted."

Two of the justices dissented (McReynolds and Sutherland), and expressed themselves, in part, as follows:

"We cannot think that Congress intended the Act should deprive the States of power to protect themselves against threatened disaster like the one disclosed by this record. It is a serious thing to paralyze the efforts of a State to protect her people against impending calamity and leave them to the slow charity of a far-off and perhaps supine federal bureau. No such purpose should be attributed to Congress unless indicated beyond reasonable doubt."—Oregon-Washington R. R. Co. vs. State of Wash., 46 Sup. Ct. Rep. 279.

WORKMEN'S COMPENSATION DECISIONS

To prove that service was being rendered in course of employment at time of injury, received while travelling to work, mission for the employer must be the major factor in the journey or movement. The incidental carrying of tools to and from home by employee using his own car, although customary on part of employee, does not bring injury, while so travelling, within the course of employment.—Eby vs. Accident Commission, 242 Pac. 901. (California, Dec. 1925.)

Injured employee cannot have benefits of compensation, unless he submits to medical treatment or operation that may reasonably be regarded as offering benefit, if not entire relief, and it is the duty of the Commission to determine whether refusal is reasonable or not.—Edison Co. vs. Accident Commission, 243 Pac. 455. (California, Dec. 1925.)

It is incumbent on claimant to prove by direct and positive evidence, or by evidence from which inference can be fairly and reasonably drawn, that accidental injury arose in the course of employment. Liability cannot be based on a choice between two views equally compatible with evidence, but must be based on facts established by evidence, and, where cause of death is equally consistent with an accident and with no accident, compensation will be denied.—Madison Coal Corp. vs. Industrial Commission, (Illinois, Fed. 1926, No. 16763).

Where a board of education hires an independent contractor to put a flag pole on the school grounds, an injury to the assistant janitor of the school building sustained while he was voluntarily helping the contractor is not an injury in the course of employment.—Ross vs. School District, 207 N. W. 446. (South Dakota, Feb. 1926.)

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.

HORROR OF HORRORS

The State of New York has about 23,000 lawyers. About 4,200 belong to its State Bar Association. In voicing its disapproval of the effort to incorporate the Bar of that state (The Gibbs Bill now before the N. Y. Legislature) the Association of the Bar of the City of New York says: "The effect of compulsorily incorporating into a state organization every practicing lawyer would be to force about 19,000 lawyers into the state organization, and obviously transfer to this mass—heterogeneous as we know it to be—the power to control the future of the state organization and the power to speak officially as the representative of the entire Bar of the State of New York." And again, "There is to be no control of or restraint upon this majority. No matter what they may see fit to declare officially as the views or sentiments of the profession upon any question, the minority are to be deemed bound. No effective protest will be available. . . It is neither proper nor prudent to turn over the power officially to speak for the Bar of this State or of this Judicial District to an organization which would be so constituted so controlled and so untried."

It was decidedly interesting to read the foregoing and then to note this sentence in the same pamphlet: "It is a remarkable and surprising feature of the propaganda in support of compulsory bar incorporation that some of its advocates appear to be seeking to discredit their own profession."

LOCAL BAR ASSOCIATIONS

Chairman F. T. Cuthbert (Devils Lake) has the following to say concerning better local organization of the Bar:

"The importance of district Bar Associations is conceded by all. The medical profession has been utilizing its district meetings to great advantage for many years. Our profession should do likewise. As Chairman of the Committee on Organization of the Local Bar Associations, I appeal to the members of the various counties to take up and get in touch with the member of the committee closest to them. The members of the Committee are:

F. T. Cuthbert, Devils Lake;
A. P. Guy, Oakes;
R. F. Gallagher, Mandan;
John C. Pollock, Fargo;
Theo. B. Torkelson, Bowman
R. C. Morton, Carrington;
A. L. Knauf, Jamestown;
John J. Coyle, Minot;
John J. Murphy, Williston;
H. B. Spiller, Cavalier."

A JUDGE'S VIEW

District Judge Horace D. Dickinson of Minneapolis, in his instructions to the grand jury in which he made the statement that the grand jury is an unnecessary expense to the taxpayers of the nation, made the following comments:

"I do not advocate entire abolition of the grand jury system. There should be some power retained whereby a grand jury could be called in times of necessity, such as a crisis, or to investigate public conduct of public officials. But in general justice could be speeded up by allowing the county attorney's office to handle indictments just as it now does informations.

"The general prevalence of crime today is not due to any crime wave. It is due to the failure of society to punish crime. No other adequate, practical workable deterrent ever has or can be devised. The trouble is that today when the criminal falls, we provide a bed of roses to receive that fall, so to speak. Prison life is made more attractive than outside life, which naturally takes away much of the punishment.

"Today we find too many laws, and too much irreverence of them. Then, too, there are too many delays in administration of justice. Our system is a great sieve with innumerable holes for criminals to slip through. Delays, compromises, bargains, in administration of laws all operate against swift and sure punishment. Swiftness, severity, and surety in dealing out punishments is what this country needs today. We must carry the fear of God and man into the hearts of potential criminals, as well as those already criminals.

"The indeterminate sentence, parole of prisoners, and the pardon system is excellent for rehabilitation of offenders who are not real criminals. The system should be retained to apply to those who may have erred through folly, or through haste, or through other reasons at some time in their lives, whereas they would not offend habitually. But the system most emphatically should not be allowed to apply to the real criminal. Parole and pardon should be denied to the gunman and the gangster—potential murderers."

NOTES:

Professor Chas. Kellogg Burdick has been elected dean of Cornell Law School.

It is now proposed that there be adopted a uniform Inter-American negotiable instruments law.

The International Law Association will hold its biennial in Vienna from August 5th to 11th, 1926.

Governor Richardson of California has appointed a commission for the reform of criminal procedure under an act of the last legislature.

The Republic of Argentina has appropriated the sum of $15,000.00 to defray expenses incident to a conference of bar associations to consider uniform civil procedure and judiciary acts.

Even from far off Bagdad comes the word that the bar of Iraq has virtually complete control over the legal profession. No person can practice law in any court unless he is a member of the bar association and holds a license to practice granted by it.

The bar associations of Texas, Arkansas and Louisiana have just held a combined meeting at Texarkana. Among the speakers were Hon. Albert J. Beveridge, Senator Thos. J. Walsh and Hon. Chester I. Long, president of the American Bar Association.

In the thirty-nine state legislatures in session in 1925, 40,986 bills were introduced and 13,018 were enacted into law. 3,186 bills were introduced in New York, while in Minnesota there were 2,797 bills. North Carolina enacted 1,183 new statutes out of 1,773 bills.

Professor Thos. E. Atkinson, formerly a member of the faculty of the Law School of the University of North Dakota, is now a teaching fellow and graduate student in the Yale school of law and during the coming year will be a member of the faculty of the University of Kansas School of Law.

The Supreme Court of North Carolina, in a decision handed down in February of this year, (In re Farmer, 191 N. C. 211—121 S. E. 661) held that the applicants did not possess the necessary upright character to entitle them to receive law licenses, although they had successfully passed the written examination.

Under the leadership of Lord Birkenhead a new conveyancing act has been enacted by the English Parliament. While Lord Chancellor, Lord Birkenhead discovered that while the law regarding landed property which has been growing up since the Domesday Book was compiled in the eleventh century, it had become cumbrous and out of date. The new act codifies and greatly simplifies the law.

There has been considerable discussion about the approaching socialization of the medical profession, but what shall one say as to what the future holds for the legal profession in the light of the statement by Chief Justice Taft: "I think that we shall have to come, and ought to come, to the creation in every criminal court of the office of public defender, and that he should be paid out of the treasury of the county or state. I think, too, that there should be a department in every large city, and probably in the state, which shall be sufficiently equipped to offer legal advice and legal services in suits and defenses in all civil cases, but especially in small claims courts, in courts of domestic relations, and in other forums of the plain people."

REMEDIES FOR THE LAW'S DELAYS

Following we present a brief outline of the recent address of Attorney General Shafer before the Cass County Bar Association:

The Constitution of North Dakota assures to every person accused of crime the right to a speedy and public trial," and to every person who suffers a civil injury, a remedy by due process of law, "without sale, denial, or delay." Under our system of administering justice in this State, defendants in criminal cases, are always given a public trial, but

seldom a speedy trial; while in civil controversies remedies by due process of law are provided, and justice is generally administered without sale or denial. It is, however, often administered after much delay, and justice too long delayed, amounts to a denial of justice. Thus, delay in both criminal and civil cases, is the most conspicuous defect in our system of jurisprudence in North Dakota. It is, at once, the bane of the lawyers, the despair of parties involved in litigation, and the cause of widespread dissatisfaction with the law, lawyers and the Courts.

No doubt, much of the delay in getting lawsuits tried and the rights of persons involved in litigation determined, is due to the perversity of human nature; and is, therefore, incurable by any means known to the genius of man; but I believe that much of it is due to a defective and cumbersome system of procedure, and that a good deal of needless delay could be eliminated, if our procedural methods were revised and improved with the view of speeding up the wheels of justice. We are still employing the ox-cart pace of discharging legal business in a day of high speeds in all other fields of human endeavor.

How can we readjust our judicial machinery to meet the needs of the times and the guaranties of the Constitution, and still not impair its efficacy as an instrumentality of criminal and civil justice?

Let us inquire where, along the course of a lawsuit, criminal or civil, do the principal delays occur, and why:

There are three important periods of delay that may occur in the history of any lawsuit.

First. Delays occurring between the commencement of a lawsuit and the actual trial in District Court, because of

(a) Infrequent terms of court.
(b) Conjested court calendars.
(c) Failure of courts to require causes to be brought to trial, or otherwise disposed of.

Second. Delays occurring after trial and before the completion of steps to review the judgment on motion for new trial, and on appeal, resulting from

(a) Delay in securing transcripts of testimony where that record is required;
(b) Time allowed by statute in which to take and complete appeals; and,
(c) Lack of proper statute compelling Appellant to assume burden of completing appeal within the statutory time.

Third. Delay occurring after cause is submitted on appeal and before final decision in the Supreme Court.

To remedy these defects, I would suggest:

First: **To speed up trial of cases:**

1st: All county courts should be given jurisdiction to try all civil cases involving $1000.00 or less; and criminal cases of less degree than felonies. County judges to have same qualifications as a District Judge—a term of four years, and an adequate salary.

2nd: Jury trials in civil cases in both District and County Courts should be limited to cases in which same are requested in writing by one of the parties and upon payment of a jury fee; and jury trials should be entirely abolished in all civil cases involving small amounts. Size of juries in county court at least might also be reduced to six jurors in civil cases.

3rd: Eliminate appeals from justice court to district court in petty cases.

4th: Vest in District Court the power to transfer court cases pending in outlying counties to county of Judges chambers for trial under proper conditions.

Second: **To speed up completing appeals:**

1st: Limit time for taking appeals in civil and criminal cases to sixty days and require all appeals to be completed in six months, except in unusual cases where time may be extended by the Supreme Court, upon application of Appellant showing sufficient cause, and upon notice to the Respondent.

2nd: Where appeals are based on a transcript of testimony, require Court reporter to provide the record as soon as possible.

Third: **To speed up disposition of appeals by Supreme Court:**

1st: Eliminate appeals to the Supreme Court in all civil cases involving small amounts, except in cases where the trial court certifies that an important question of law is involved, which the public interests require should be settled.

2nd: Amend the Constitutional provision requiring the Supreme Court to file a written opinion covering "every point raised in the record," and allow per curiam opinions in cases where the legal issues involved have been previously settled by the decisions of the Supreme Court.

AND CAESAR HAD HIS BRUTUS

"The unfolding buds of Romance touches the heart of youth, and thrills the pulse with Love's Old Sweet Song, as hand in hand they trip gaily along the corridors of Life, while the tuneful Lyre of Youth is touched into living chords, singing a symphony in the souls of Love and Beauty."—From the first (May) number of The Bumble Bee.

EXECUTIVE COMMITTEE

C. L. Young, President, Bismarck.
W. A. McIntyre, Vice-President, Grand Forks.
R. E. Wenzel, Secretary, Bismarck.
First District, V. R. Lovell, Fargo.
Second District, Horace Bagley, Towner.
Third District, Wm. H. Hutchinson, LaMoure.
Fourth District, John Knauf, Jamestown.
Fifth District, G. S. Wooledge, Minot.
Sixth District, T. F. Murtha, Dickinson.