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Memorial Services for Hon. Charles F. Amidon

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(Continued from page one)

cedure which at the present time are being given a great deal of study by the Committee of the American Bar Association.

I feel that pre-trial procedure is worthy of careful consideration by all members of the Bar of the state, and that if rules along the lines of those adopted by Detroit, Boston and Los Angeles were carefully examined and either in whole or in part adopted in this State, it would save a vast amount of time and work. Not only would this be accomplished, but the unfavorable comment on delayed litigation and unjustified squabbling in a court before a jury would be obviated.

These rules can be so simple as to be purely an informal examination into the litigation.

I trust the members of the Bar Association of this State will give this matter careful consideration, and if such pre-trial procedure is proposed, that they will be prepared to discuss the same.

L. J. PALDA, JR., President.

March 3, 1938.

MEMORIAL SERVICES FOR HON. CHARLES F. AMIDON

All members of the State Bar Association, including Supreme Court and District Judges, are invited and urged to attend memorial services in honor of the late Judge Charles F. Amidon to be held at the Court Rooms in the Federal Building at Fargo at two o'clock p.m., on the 3rd day of April, 1938, in the announcement received from Hon. Melvin A. Hildreth, Chairman of the Committee for the Memorial Services.

SOUTH DAKOTA CODE REVISION

(Continued from last issue)

The spirit in which this work is being carried forward, is reflected in the Council's suggestion to all the Bar of the state, to send their ideas thereon, to the Secretary of the Council.

From correspondence with the Chief Reviser and Secretary of the Judicial Council of South Dakota, it appears that they are well satisfied with their law; that from their experience, thus far, it is well adapted to the purpose for which it is enacted. They have been operating under it since April 7th, and have completed more than half of their work. They feel that the Statute furnishes ample authority and latitude for the administrative side of the Revision project, so that they can secure the best arrangement and contracts available for working on the editorial work, and also for working out the mechanical work of printing, binding and distributing the Code. On the editorial side, it gives the customary authority necessary for a proper revision, but in addition makes a very substantial change in the actual reforming of the law, vesting as it does, in the Supreme Court, the power to promulgate the rules of practice and procedure for all the courts

of record and quasi-judicial and administrative bodies and, not the least of its advantages, is the retaining by the State of copyright control and the sales of the Code. They also call attention to the fact that under this Statute, there is afforded a three way check on the practical work of revision, inasmuch, for instance, the various sub-committees of the Judicial Council have been entrusted with the duty of separating the substantive and adjective law as noted herein. Their reports are submitted with their notes and reasons to the Code Commission, who from their notes and study either approve or make other amendments and draft, which in turn goes to the Supreme Court, who with their study and notes, settle upon the final form. This results in the Supreme Court taking a very active interest in the actual editorial work of the revision.

The Code Commission has recently sent out a report of a final plan adopted at a conference of all participants in the revision covering the plan of printing, binding and arrangement of the code which states that the code will be divided into three volumes, one of which will contain the introductory and explanatory material, constitution, rules of practice and procedure promulgated by the Supreme Court for all Courts, and quasi-judicial and administrative bodies, another volume will contain all of the statute law of the state, and the other volume will contain annotations of all the Supreme Court decisions under the same section numbers as appear in the volume containing the statutes, or rules of practice and procedure. The volumes containing the rules and statutes will be printed with a single column to the page. The page will be the same size as the S. D. 1919 code, but the type column will be narrower, so as to leave a margin $1\frac{1}{2}$ inches wide at the outside, sufficiently wide to make annotations. The paper will be an extra good grade of rag content book paper adapted to pen and ink writing so that annotations may be made with pen and ink. The type face will be slightly smaller than the present type face, but will be a type face known as the "legibility face", and designed especially for easy reading, instead of ornamentation or size. When used on the dull finished non-glare paper proposed for the code, it will be more easily read than the National Reporter volumes, and according to their information, and best judgment will be as easily read as their present code.

Each of the three volumes will be a different color, of heavy fabricoid binding, with the idea of enabling the user of the code to select any one of his three volumes by sight from different parts of his office without having to read the labels on them.

The volume containing the rules will have its own individual index, and the volume containing the statutes will have a topical index in front, and general catchword index in the back. The volume containing annotations will need no index. There will be a pocket supplement in the back of the annotation volume, so that pamphlets or advance sheets of the South Dakota Supreme Court decisions may be inserted for the purpose of keeping the volume up to date.

The volume of the statutes, instead of being arranged into political and civil procedure, criminal and probate codes, and subdivided into titles, parts, chapters, articles, and sections, as it now is, will be divided into about one hundred general titles numbered from one in sequence to the end, and placed in the code alphabetically, and these chapters will be divided into chapters, articles, and sections. This arrangement will be similar to the arrangement of the new United States Code Annotated, and to many of the revised codes of the different states as revised in recent years. With a proper frontal index of the alphabetical titles and a general catchword index of the subject matter, it should enable the user of the code to find applicable statutes more easily and quicker than under the present arrangement of the statutes.

While there are logical arguments for and against this plan the S. D. Revision Commission feels satisfied after an extended investigation that the advantages will heavily outweigh the disadvantages, and that all users of the code will find a distinct improvement over the present arrangement, and fully equal to any recent code revision in the country.

No definite announcement is yet made as to the sale price of the Code but in the event of no price change during the year think it probable that the subscription price will be between Eighteen and Twenty-five dollars, however this with the understanding that the dealer's profit is eliminated.

The Commission has advanced a tentative plan whereby the State Bar Association will take advance subscriptions from members at a prepublication price which will be much cheaper than the later sale price, providing that seven hundred sets can be sold to members. This would insure a sales price within the range specified and possibly less.

AS ALWAYS

The possibilities of the law for both good and evil were never better stated than by Sir Walter Scott, himself a lawyer, in his *Antiquary*: "In a profession where unbounded trust is necessarily imposed, there is nothing surprising that fools should neglect it in their stupidity, and tricksters abuse it in their knavery. But it is more to the honor of these, and I will vouch for many, who unite integrity with skill and attention, and work honorably upright where there are so many pitfalls, and stumbling blocks for those of a different character. To such men their fellow citizens may safely intrust the care of protecting their patrimonial rights, and their country of the more sacred charge of her laws and privileges."

Philip R. Davis in January Chicago Bar Record.