

# Montana Law Review

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## Montana Bar Association Activities

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## Note and Comment

### THE JUSTIN MILLER PRIZE

The Justin Miller prize, a \$100 United States Savings Bond, is awarded annually to the student author of the note adjudged best of those appearing in the Review. The 1951 prize went to Gene A. Picotte for his note entitled, "Validity of Deed Given Under Compulsion of 'Foreign' Court," which appeared in the 1951 issue of the Montana Law Review.

### MONTANA BAR ASSOCIATION ACTIVITIES

The Sixty-third Annual Meeting of the Montana Bar Association was held in Butte, June 28-30, 1951, terminating a successful year for the administration of James T. Finlen, President, John C. Hauck, Secretary-Treasurer, and the Executive Committee composed of E. A. Blenkner, W. E. Keeley, Joseph J.

McCaffery, Jr., Theodore T. McFadden and R. E. McHugh. The sessions were well attended and the hospitality of the City of Butte was much enjoyed.

Action was taken by the convention to increase the annual dues of members of the Association to provide each member with a subscription to the Montana Law Review.

An outstanding attraction of the convention was the presence of Cody Fowler, President of the American Bar Association, able lawyer and forthright speaker. At the banquet held June 30, 1951, Mr. Fowler concluded his address by asserting it was lawyers who first pointed out to the colonists the wrongs they were suffering at the hands of the ministers of the king. "Lawyers it was who petitioned to have these wrongs righted and who, when this action was of no avail, wrote the Declaration of Independence in 1776." And Mr. Fowler said: "Lawyers it was who, some 11 years later, wrote that inspired document, the Constitution of the United States, under which the government of our nation has grown and prospered until now it is recognized as the greatest nation on earth and the hope of liberty loving people throughout the world."

The Montana Bar Association President Ernest A. Peterson attended the Conference of Bar Presidents and the 74th Annual Meeting of the American Bar Association at New York City last September.

At a meeting held in the Waldorf-Astoria Hotel called by William J. Jameson and attended by President-elect Barkdull and Past President Gallagher of the American Bar Association, Julius J. Wuerthner, James T. Finlen, the Presidents of the Idaho and Montana Bar Associations, and members of the bar of other western states, tentative plans were drafted for a Regional Meeting of the American Bar Association to be held in Yellowstone Park in June, 1952.

Plans are progressing nicely under the Chairmanship of William J. Jameson, Regional Director, who has announced that the Regional Meeting will be held at the Canyon Hotel, Yellowstone Park, June 17th to 20th. Leaders of the American Bar will be scheduled to speak. Work shops or institutes will be held in four subjects:

1. Taxation
2. Trial Tactics
3. Legal Draftsmanship
4. Oil and Gas Law.

The Montana and Utah Bar Associations will be having their

Annual Meetings at the Canyon in Yellowstone during the period of the Regional Meeting. The Montana Bar expects to dispose of most of its association business on Tuesday, June 17th.

Committees are being activated in publicity, transportation, reception, registration, entertainment and Junior Bar Conference matters. In the January issue of the American Bar Association Journal the Regional Meetings at Louisville and Yellowstone have been publicized and it is stated that the meetings will sparkle with timely and useful institutes and entertainment for the lawyers and their ladies; and that Judge Harold R. Medina, Chairman of the Section of Judicial Administration, has assured both Regional Directors that there will be a fine program on minimum standards of judicial administration. Each morning will feature a world affairs program.

All law students and all lawyers, regardless of membership in the American Bar Association, are urged to attend the Regional Meeting. There will be a registration fee of \$5.00 for members of the bar, and \$1.00 for law students.

The Regional Meeting will have exclusive occupancy of Canyon Hotel and Canyon Lodge. Any overflow will be accommodated at Lake. Full information regarding rates and accommodations can be obtained from Mr. Jameson.

Other officers chosen at the last Montana Bar Association meeting are: Howard J. Luxan, Secretary; James T. Finlen, James H. Morrow, Jr., Fred L. Gibson, George J. Hutton, and Julius J. Wuerthner, Executive Committee.

### **MONTANA MUNICIPALITIES: LOCAL SELF GOVERNMENT**

The doctrine that municipal corporations<sup>1</sup> have a right to govern their strictly municipal affairs has had a long and controversial history in the United States, stemming from Judge Cooley's opinion in the famed Michigan case of *People v. Hurl-*

<sup>1</sup>Public corporations consist of true municipal corporations and *quasi* municipal corporations. *Quasi* municipal corporations have some of the attributes of municipal corporations but lack some of the more important municipal characteristics, such as a concentration of population in a small area and the power to pass local legislation, and are formed almost exclusively with a view to the local administration of state policy. Counties, school districts, drainage districts, etc., fall within the term of *quasi* municipal corporations. Local self government, if it applies at all, applies only to true municipal corporations. State *ex rel.* Lambert v. Coad, 23 Mont. 131, 57 P. 1092 (1899); Independent Publishing Company v. County of Lewis & Clark, 30 Mont. 83, 75 P. 860 (1904); Yellowstone County v. First Trust & Savings Bank,