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BENCH AND BAR

Law School News

The fifty-eighth school year began on September 24, 1956. The first semester's enrollment by classes was as follows: First year—54 students; Second year—29 students; and Third year—32 students.

Mr. Theron W. Atwood resigned as Professor of Law on July 10, 1956. He taught the courses in Torts, Equity and Business Associations for eleven years. During those years, he won the personal and professional respect of the University faculty and students. The law faculty and law students regret his resignation. He found it advisable to move to Santa Fe, New Mexico and establish his residence and to teach in the St. Michael's College. In his place, Kenneth M. Moran was given a one-year appointment to teach Torts and Business Associations. Mr. Moran was on the Student Editorial Staff of the NORTH DAKOTA LAW REVIEW for two years. He was granted the Juris-Doctor degree on June 4, 1955. In June, 1955, Mr. Moran was recommended to the Attorney General of the State of North Dakota by the Law Faculty for the one year, non-political appointment as Special Assistant Attorney General. He served in that capacity from August 1, 1955 to September 15, 1956.

Women's Auxiliary

The Women's Auxiliary of the State Bar Association of North Dakota was organized on August 6, 1954. The first elected officers were: Mrs. Harold W. Bangert, Fargo, President; Mrs. Arley Bjella, Williston, First Vice President; Mrs. August Doerr, Napoleon, Second Vice President; and Mrs. Paul Benson, Grand Forks, Secretary-Treasurer. On August 5, 1955, the Women's Auxiliary made an award of a \$200 Scholarship to Kenneth R. Erie (Yri) who had the highest law average in the 1954-55 first-year class.

The officers of the Women's Auxiliary for 1955-56 were as follows: Mrs. Arley Bjella, Williston, President; Mrs. August Doerr, Napoleon, First Vice President; Mrs. John Hjellum, Jamestown, Second Vice President; Mrs. Harold Hager, Grand Forks, Secretary; and Mrs. Roland Heringer, Rugby, Treasurer.

On August 10, 1956, the Women's Auxiliary approved an award of a \$150 Scholarship to John M. Nilles of Fargo and a \$150 Scholarship to Gerald W. Vandewalle of Noonan, North Dakota. These two law students had the highest averages in their first-year class for 1955-56.

The present Women's Auxiliary officers are: Mrs. August Doerr, Napoleon, President; Mrs. Duane Nedrud, Minot, Secretary; Mrs. Roland Heringer, Rugby, Treasurer; Mrs. John Hjellum, Jamestown, First Vice President; and Mrs. Mack Traynor, Devils Lake, Second Vice President.

Florence B. Yonaka Loan Fund

By virtue of a resolution passed by the University of North Dakota Law Alumni Association in Williston in 1955, President O. B. Burtness appointed a Special Committee for the purpose of collecting funds for the "Florence B. Yonaka Loan Fund." Dean J. Winkjer, Esq. of Williston was appointed General Chairman of this committee. His associates were: Paul G. Agneberg (L '32) of Cando; Reuben J. Blodau (L '32) of Mott; Dudley W. Butts (L '49) of Jamestown; Edward C. Gillig (L '47) of Grand Forks; Mildred B. Johnson (L '39) of Wahpeton; James E. Leahy (L '49) of Fargo; Richard H. McGee (L '49) of Minot; Norbert J. Muggli (L '42) of Dickinson; Roy A. Ployhar (L '25) of Valley City and Alvin C. Strutz (L '30) of Bismarck.

Under the efficient leadership of Chairman D. J. Winkjer, funds were collected from law alumni members. At the Minot meeting of the Law Alumni, President O. B. Burtness called on Chairman Winkjer, who presented a personal gift to Mrs. F. B. Yonaka. He also reported the amount which he had collected for the "Florence B. Yonaka Loan Fund." At the time of presentation, Dean O. H. Thormodsgard expressed his appreciation of Mrs. Yonaka in the following words:

"Florence B. Yonaka was born in Waupaca, Wisconsin. She graduated from the State Normal School in Wausau, Wisconsin. She taught in public schools in Wisconsin for three years and in North Dakota for three years. She served as Deputy County Superintendent of Schools in Mott, North Dakota for one one year. She enrolled in the Minneapolis Business School for one year. Mrs. Yonaka then worked for one year in a national bank in Jackson, Minnesota.

"On September 20, 1920, she accepted a position as Librarian in the University of North Dakota School of Law. She served as Librarian under Dean Hugh E. Willis from 1920-22; one year under Chairman Lawrence Vold; four years under Dean O. P. Cockerill — 1923-27; under Dean Roger W. Cooley from 1927 to November 1931 and with Dean Thormodsgard from 1931 to the present time.

"Florence B. Yonaka is efficient and dependable. She has always been loyal to the members of the Law Faculty. She is friendly and helpful towards all law students. During these 36 years, she has worked for the welfare of the law students. She is a librarian at heart and by actions. Her high conception of the function of a university law library has won her the admiration of the Faculty of the University of North Dakota and that of university law librarians throughout the United States.

"The Law Faculty is grateful that the North Dakota Law Alumni Association has collected a Loan Fund which will have a perpetual existence. Over the years it will be of real aid and help to needful and worthy law students. This 'Florence B. Yonaka Loan Fund' will encourage many future law students to do quality work. As alumni, we are proud of her trustworthy services to the School of Law — the Law School which we all love and take personal and

professional pride in having attended as students or served as teachers."

President O. B. Burtness and John T. Traynor, Secretary executed a Deed of Gift and delivered the same to the Business Office of the University. The "Florence B. Yonaka Loan Fund" has at present the sum of \$1,025. It is to be used for the benefit of worthy and needy law students.

Degree for John C. West

For the 1956 Summer Commencement, Dean O. H. Thormodsgard presented and read a Citation which recommended to President George W. Starcher that the honorary degree of Doctor of Humanities (L.H.D.) be conferred on John C. West, who had successfully served as President of the University for twenty-one years. The Citation is as follows:

"Reared in the State of Minnesota, the son of Kentucky parents, this leader in primary and secondary education and in university administration received the Bachelor of Arts degree from Fargo College in 1915; the Master of Science degree in 1926; and the Doctor of Education degree in 1930 from the University of North Dakota. John Chester West taught in the rural schools of Minnesota from 1904-1907. He was superintendent of village schools in North Dakota and Minnesota from 1907-1918. He served as superintendent of the city school at Sauk Center from 1918-20; Bemidji from 1920-29; and in Grand Forks from 1929-33.

"He was selected as Visiting Professor of Education at the University of North Dakota during the Summer Sessions from 1928-1932. On July 1, 1933, he began his career as President of the University of North Dakota and served in that capacity for 21 years, that is, until June 30, 1954. Mr. West carried over into his University career the basic and fundamental principles of successful administration which he had practiced as a public school superintendent.

"In accepting the challenge of heading a languishing institution due to the depression, he, with vision and tireless energy, secured unity and harmony within and among the University Faculty and was successful in encouraging the Governing Board of the Institutions of Higher Learning to approve larger budgets for salaries, equipment and buildings. The North Dakota Legislative Assembly took a renewed interest in education and appropriated larger bi-ennium funds to this university which were available for the construction of needed buildings and for the increase of teacher's salaries. Mr. West, who had worked with the people residing in rural areas, villages and in cities for thirty years, understood the public, school district officers, city school boards and members of the legislative assemblies.

"Mr. West has an appreciation of the merits of the individual, whether he be a student, teacher, worker or employer. He emphasized the principle of democracy in education, that is, that each

child is entitled to receive that kind of an education which he is able to understand, comprehend and appreciate.

"For his sterling character, his able administration, his constructive citizenship, and for his fair, impartial and friendly services to the faculty and the students of the University of North Dakota for 21 years, I, on behalf of the University Council, recommend that the degree of Doctor of Humanities, honoris causa, be conferred upon John Chester West."

O. H. THORMODSGARD, Dean.

Memorials

CARLTON B. BACH

Carlton B. Bach, a former member of the North Dakota Bar, died on September 14, 1955 at Minneapolis, Minnesota. Mr. Bach was born on July 29, 1878 in Fergus Falls, Minnesota, and was graduated from the University of North Dakota School of Law. He later practiced in Minot, North Dakota, in partnership with the late Judge John H. Lewis.

Mr. Bach had lived in Minneapolis for many years. Mr. Bach was actively associated with the Knights of Pythias fraternal order and had served as Supreme Chancellor of the order for Minnesota, North Dakota, South Dakota, Montana, and the Provinces of Saskatchewan and Manitoba in Canada. He became General Agent for the American United Life Insurance Company of Indianapolis, formerly the Knights of Pythias Insurance Company, and had continued in the insurance field, but because of his health he had been less active in recent years.

Mr. Bach was 77 years of age when he died. Burial was made beside the grave of his wife at Sunset Memorial Park in Minneapolis.

Survivors are two sons, Kenneth and Clayton, both of Minneapolis and there are three grandchildren.

ADRIAN E. BUTTZ

Adrian E. Buttz, a member of the North Dakota Bar since about 1902 died in a hospital at Rugby, North Dakota, on December 10, 1955.

Adrian E. Buttz was born November 13, 1878 at Charleston, South Carolina, the son of Mr. and Mrs. David Buttz.

David Buttz and his brother John R. Buttz, father of the late Judge C. W. Buttz of Devils Lake, North Dakota, settled in Ransom County Dakota territory in 1883 and founded the town of Buttzville, seven miles from Lisbon.

Buttzville, North Dakota, was the second Buttzville in the United States to be named after the family, the first was Buttzville, New Jersey.

Adrian E. Buttz was five years old when his father and mother came to Dakota Territory and settled at Buttzville. He was reared there. He and the late Judge C. W. Buttz completed their high school education at Fargo, then enrolled in the University of Minnesota, where Adrian Buttz was graduated from the Law School in 1902. He came to Minnewaukan, North Dakota, about that time and for a brief period was associated with the late C. W. Buttz in the practice of law. A short time later he established his own law practice at Leeds, North Dakota, where he remained for the rest of his life.

His chief business interest at Leeds, aside from his law practice, was farming and he accumulated large land holdings in that area. He took a keen interest in various activities for the improvement of agriculture in that locality and continued active until about a year before his death.

Adrian E. Buttz left surviving his a daughter, Mrs. Marjorie Mathis, of Visalia, California, a son, Robert A. Buttz, Attorney at Law, Minot, North Dakota, and their mother, Mrs. Elsie S. Buttz. He also left one sister, Mrs. Beatrice Berridge of Tuscon, Arizona, and William Buttz of Aberdeen, South Dakota, a brother of the late C. W. Buttz.

RUSSELL D. CHASE

Russell D. Chase, a member of the North Dakota Bar since 1910 died January 18, 1956 at Jamestown, North Dakota.

Mr. Chase was born April 14, 1888 at Carrington, North Dakota, then Dakota Territory, and came to Jamestown, North Dakota, 1890 with his parents, Mr. and Mrs. Edward M. Chase. He was graduated from high school there and from the University of North Dakota School of Law in 1910, the same year he was admitted to the North Dakota Bar, and entered the practice of law at Jamestown, North Dakota. He was first associated with George W. Thorpe in the practice of law. He later became a member of the firm of Chase & Buck, and still later with Chase & Dames before becoming a partner in the firm of Chase, Fredericks & Fredericks.

Mr. Chase was known throughout the State as a popular speaker and master of ceremonies. Mr. Chase was a member of the County, State and National Bar Associations, Sigma Chi and Phi Delta Phi fraternities, Masonic, Elks, and Eagles Lodges, Loyal Order of Moose and York Rite Masonic Bodies.

Mr. Chase was married to Elsa Ackerman of Lincoln, Nebraska, February 6, 1916. Mr. Chase then was on the faculty of Jamestown College. There were no children.

Mr. Chase is survived by his wife, Elsa H. Chase, who resides at 625 N. E. 5th St., Jamestown, North Dakota.

Burial was made at Jamestown, North Dakota.

VAN HERBERT CRANE

Van Herbert Crane, a member of the North Dakota Bar, died on October 17, 1955, at the Five Counties Hospital at Lemmon, South Dakota, at the age of 79 years.

Van Herbert Crane was born April 16, 1876 at Exira, Iowa. He came to North Dakota in the early 1900's and served as a Court Reporter in the southeastern part of the State. In 1904 he was admitted to the Bar of the State of North Dakota and moved to Mott, North Dakota in 1910, where he practiced law until his retirement about two years ago. He served as State's Attorney of Hettinger County for several terms.

Mr. Crane was a charter member and past master of the Mott Masonic Lodge No. 96 AF&AM, and a member of El Zagal Temple of the Shrine at Fargo. He was a veteran of the Spanish American War.

Mr. Crane was preceded in death by his wife, Georgina Kilbourne Crane, in 1936. He is survived by three children, Dorothy L. Hunt of Yamhill, Oregon; Bruce H. Crane of Napa, California, and Charles E. Crane, a practicing attorney at Mott, North Dakota.

Funeral services were held October 20, at the Masonic Temple and military honors were accorded by the Taylor-Skartvedt American Legion Post of Mott. Interment was made in the Sunny Slope Cemetery.

PERCY CREWE

Percy Crewe, who first became a member of the North Dakota Bar in 1904, died in Washington, D. C., on August 8, 1955.

Percy Crewe was born on December 8, 1879 at Hoboken, New Jersey and came to Dakota Territory with his parents in 1881, where they lived in Traill County where his father was employed at Buxton. Shortly thereafter his father died and the family moved to Devils Lake, North Dakota, where Percy Crewe was graduated from high school. He then attended the University of North Dakota and was graduated from the law school in 1904.

For a short time thereafter Percy Crewe was law clerk at the Fort Totten Indian Reservation located near Devils Lake, North Dakota. Then he moved to Williston, North Dakota, and practiced law for several years. When Renville County was organized he was appointed by Governor John Burke as the first probate judge of Renville County, and later was elected its State's Attorney.

Percy Crewe moved to Washington, D. C., in 1922 when he was appointed attorney in the office of the General Counsel of the Bureau of Internal Revenue. He served in this post until his retirement in 1951. The family home of Percy Crewe for some years has been near Falls Church, Virginia. Mrs. Crewe was formerly Margaret Granger, and predeceased her husband by about one year. They are survived by a daughter, Mrs. Barbara Hellwig.

CARROLL E. DAY

Carroll E. Day, a member of the North Dakota Bar since 1932, died on March 3, 1956.

Carroll Ernest Day was born in Edgerton, Minnesota, on December 26, 1906, and moved as a child to Slope County, North Dakota, where his father homesteaded near Amidon. He attended Ellendale Normal School in 1926 and received his law degree from the University of North Dakota in 1932. He was married to Miss Fern O. Slater of Heaton, North Dakota, in 1929. To this union three children were born.

Carroll E. Day practiced law in Grand Forks since his admission to the bar in 1932. He was a member of the North Dakota Senate for nine sessions of the North Dakota Legislature and was active in North Dakota politics. He was a member of the Board of Trustees of Wesley College, vice president of the Implement Dealers Insurance Company. Was interested and active in a Grand Forks radio station and had numerous real estate activities.

He was a member of the Federated Church. Belonged to the Grand Forks Elks Club, the Lions Club, Phi Alpha Delta law fraternity, Delta Sigma Phi, and the Order of the Coif.

Mr. Day is survived by his widow, two children, Carroll Nichols Day, age 20, Dawn Anita Day, age 13, all of whom live at 203 Park Avenue, Grand Forks, North Dakota, and is also survived by his father and step-mother, Mr. and Mrs. E. C. Day, both of Grand Forks. A son, Kingsley Slater Day, age 16, lost his life in the crash of an airplane which his father, Carroll Day, was piloting and in which he also lost his life.

Interment was made at Memorial Park Cemetery, Grand Forks.

JUDGE B. A. DICKINSON

Judge B. A. Dickinson, a member of the North Dakota Bar since 1906, died in a Minot hospital on December 20, 1955.

Judge B. A. Dickinson was born at Lakeland, Minnesota, on September 3, 1877, where he attended school and later taught school for five years. In 1899 he came to Velva, North Dakota, and filed on a homestead. While proving up his claim he attended the University of Minnesota Law School and graduated with a Bachelor of Laws Degree in 1906, and passed the North Dakota Bar examination the same year.

In 1906 Judge Dickinson became interested in the purchase of property at the newly platted townsite of Ryder and he played an important role in the development of southern Ward County and nearby territory. He established the first building on the Ryder townsite and drew up the incorporation papers for the Village. He served as Ryder's first assessor and as Secretary of the Ryder Commercial Club worked for the opening of the Fort Berthold Reservation to settlers.

In 1924 Judge Dickinson moved to Minot where he and H. E. Johnson formed a law partnership. In 1928 Mr. Dickinson was elected to serve one term as State's Attorney of Ward County. In 1948 he was elected as County Judge of Ward County, which post he held at his death.

Judge Dickinson was active in local and state functions. He served as a member of the State Legislature in 1915. He was President of the Board of Education of Ryder's Special School District, a member of the Ward County Ration Board during World War II, serving for a time as chairman of that Board, and was director of the Ward County Red Cross from the beginning of World War I to the end of World War II. He served on the judicial council and was a member of the Ward County Tuberculosis Board. He was a member of the Minot Chamber of Commerce, the Minot Dinner Club, YMCA, the National Aeronautic Association, the Minot Consistory of Scottish Rite Bodies, the Elks Lodge, and Star in the West Masonic Lodge.

He was a member of the First Presbyterian Church.

Judge Dickinson married Laura R. Rosenquist at Ladysmith, Wisconsin, on May 1, 1907. They have two sons, Richard of Lanze Creek, Wyoming, and Robert of Minot, and a daughter, Mrs. S. D. (Barbara) Kivley of Minot.

Funeral services were held at the First Presbyterian Church in Minot, with interment in Sunset Memorial Gardens.

EDWARD O. HARALDSON

Edward O. Haraldson, a member of the North Dakota Bar since 1903, died on November 18, 1955, at his home in Lansford, North Dakota.

Mr. Haraldson was born near Northwood, Iowa, on March 10, 1878 and as a boy moved to Northwood, North Dakota, where he attended school. He later entered the University of North Dakota law school and graduated therefrom in 1903 with a law degree and moved to Lansford, North Dakota, where he commenced the practice of law July, 1903, and continued until 1945, when he retired.

Mr. Haraldson was an early day settler in the Lansford area, and married Cleophus Jane Dignun in October, 1909. She predeceased her husband in August of 1954.

Mr. and Mrs. Haraldson are survived by a son, Edward, Jr., who lives at Lansford and a daughter, Mrs. W. D. Smart, of Falls Church, Virginia. There are eight grandchildren.

Mr. Haraldson was a representative in the North Dakota State Legislature in 1916. He served as mayor of the City of Lansford in the early days and also upon the city council and was city attorney for a number of years. He was a member of the masonic lodge, member of the Lutheran Church. He was active in local and state politics during his earlier days.

Interment was made at Lansford.

EARL REED

Earl Reed, a member of the North Dakota Bar Association, died July 20, 1956, at Jamestown, North Dakota.

Earl Reed was born at Albion, New York, and attended teacher's college at Brockport, New York, coming to North Dakota in

1902 to work on a ranch. He later moved to Jamestown and became Stutsman County Register of Deeds and Deputy Sheriff. He was admitted to the bar in 1935 but never engaged in the active practice of law. At the time of his death he was Clerk of Stutsman county fourth judicial district, which position he had held for 34 years.

He was an active member of the Elks Lodge. He was a member of the Grace Episcopal Church, and a member of the Masonic Lodge.

He married Ruby Nashold at Jamestown, North Dakota, in 1904, and she died in August of 1941, and in 1947 he married Frances Rosenstock of Jamestown at Glendale, California.

He leaves surviving him his widow and two children, Harold Reed and Mrs. Arthur T. Bailey of Southgate, California; a sister, Mrs. Nellie Nickerson of Deland, Florida, and five grandchildren.

Funeral services were held at the Eddy Funeral chapel and interment was at the Highland Home Cemetery.

HUGO P. REMINGTON

Hugo P. Remington, a member of the North Dakota Bar since about 1909 died at Los Angeles, California, on January 12, 1956.

Hugo P. Remington was born at Fort Collins, Colorado, on June 29, 1884. He received his law degree at the University of Colorado and came to North Dakota in 1909.

He settled at Ashley, North Dakota, returning to Boulder, Colorado to marry Margaret Sutton there, December 25, 1909. They resided at Ashley until 1919 when they moved to Lisbon, North Dakota.

Judge Remington practiced law at Lisbon, North Dakota until February, 1949, when he was named Ransom County Judge and remained in the office until August 1, 1955, when he resigned.

Mrs. Remington preceded Judge Remington in death, she having died March 21, 1954.

Judge Remington long was a member of the North Dakota Republican Central Committee and was a delegate to the 1952 National Republican Convention. He was past president of the Third District Bar Association, past president of the Izaak Walton League, past Noble Grand of the Odd Fellows Lodge, and past Governor of the Loyal Order of Moose.

ELLIS G. SNOWFIELD

Ellis G. Snowfield, a member of the North Dakota Bar since July of 1937, died September 14, 1955.

Mr. Snowfield was born April 8, 1904 at Hannah, North Dakota, where his parents were prominent pioneer settlers. He attended school in Byron Township and high school at Langdon, North Dakota. He later attended the NDAC at Fargo and the UND at Grand Forks, before he studied law at the University of Minnesota and the Minneapolis School of Law.

He came to Langdon, North Dakota, in the spring of 1937 to be associated in the practice of law with his brother, J. M. Snowfield, who was State's Attorney of Cavalier County. Ellis became assistant State's Attorney and the two of them continued in their respective positions until January of 1949 when they retired from public office and were associated in the private practice of law as a partnership until his death.

Mr. Snowfield served in the United States Army for three years, most of the time with a military police unit in Omaha, Nebraska. He was a member of the Masonic Lodge, Member of the Langdon Scottish Rite bodies, member of Kem Temple of the Shrine, in all of which he was active.

Ellis is survived by a sister and three brothers, Mrs. F. M. Einarson of Mountain, North Dakota; J. M. Snowfield of Langdon, North Dakota; Fred S. Snowfield, Attorney at Law at Cavalier, North Dakota, and Thorarin Snowfield of Cavalier, North Dakota.

Interment was at the Mountain Cemetery, Mountain, North Dakota.

KARL HENRY STOUTD

Karl Henry Stoutd, a former Minot, North Dakota, lawyer died at Van Nuys, California, on March 18, 1956.

Karl Henry Stoutd, 64 years of age, was born in Hastings, Minnesota, April 7, 1892. He came to Minot at the age of sixteen, graduating from High School there three years later. He was graduated from the University of North Dakota law school and went into law practice at Minot. He later joined with the McGee law firm. He entered World War I in 1917. He served in France and returned in 1919. He then took a short course in insurance at Carnegie Institute and then worked for Northwestern Life Insurance Company at Fargo.

He married Grace Hutchinson, formerly of Minot, in Fargo during the early 1920's. Mr. Stoutd and his wife then moved to San Fernando Valley, California, near Van Nuys. He became associated with real estate firms at Van Nuys and at the time of his death had his own business there.

He is survived by his wife and three daughters, Mrs. Frank Corsuch, San Fernando, California; Mrs. Claude Gossett, Blythe, California; Mrs. Edwin Souby, Van Nuys, California, and his sister, Mrs. Henry M. Gay, Bozeman, Montana.

Interment was in Van Nuys.

EDWIN JAMES TAYLOR

Edwin James Taylor, a member of the North Dakota Bar, and Supreme Court Reporter and Librarian of the State Law Library, died on February 8, 1956.

Mr. Taylor was born at Waddington, New York, on October 22, 1896. He was educated in the public schools of his native town and at St. Lawrence University, Canton, New York, from which he was

graduated June 11, 1890, and which in June 1955 conferred on him the Honorary Degree of Doctor of Civil Law.

In July 1890 he moved to Grand Forks County, North Dakota, where he first taught country school and later the village school at Emerado. In 1892 he was elected Superintendent of Schools for Grand Forks County, which office he held for three successive terms. In 1903 he accepted an appointment as deputy state superintendent of public instruction, which position he held for eight years. Thereafter in 1910 he was elected State Superintendent of Public Instruction and reelected in 1912 and 1914.

In 1918 and 1919 he was employed in United States army hospitals as an educational expert, connected with the Walter Reed Hospital in Washington, D. C., and the United States hospitals at Carlisle, Pennsylvania, and Staten Island, New York.

In March 1923 he was appointed Supreme Court Reporter and Librarian of the State Law Library, which position he retained until his resignation was accepted by the Court on December 31, 1955. In such position he edited and published the opinions of the Supreme Court to be found beginning with volume 49 of the supreme court reports and through volume 79 thereof. Mr. Taylor will be remembered by all of the attorneys of North Dakota as being efficient, alert, helpful and courteous. He acquired a very wide acquaintance and lasting friendships.

Mr. Taylor leaves surviving him his widow and two sons.

OTTO THRESS

Otto Thress, a member of the North Dakota Bar, died April 22, 1956, at his home at Dickinson, North Dakota. Mr. Thress was born in Bad Kreznauch, Germany on March 19, 1878, and arrived in this country in 1897. He has been a resident of the State of North Dakota since 1904. He homesteaded near New England, North Dakota, and later moved into New England where he studied law under Judge Harvey Miller. In 1916 he moved to Dickinson, North Dakota, where he opened a law office in partnership with Judge Thomas H. Pugh, and he has practiced law there since that time.

For the past ten years Otto Thress has served as Police Magistrate of the City of Dickinson. He was a member of the Masonic Lodge at Dickinson and the El Zagel Shrine at Fargo.

Survivors are three daughters, Mrs. Mildred Ungerecht of Detroit Lakes, Minnesota; Mrs. Frances Wettleson of Portland, Oregon; and Mrs. Laurena Gress of Tacoma, Washington, and four sons, George of Dickinson; Arthur of Richland, Washington; Otto Jr., of Glendale, California, and Arnold of Kirkland, Washington. He also leave surviving him 15 grandchildren and 8 great grandchildren. His wife preceded him in death in 1935.

T. H. H. THORESEN

T. H. H. Thoresen, a member of the North Dakota Bar since 1916 died in a Bismarck hospital April 16, 1956.

Mr. Thoresen was born in Horten, Norway, December 9, 1885. He came with his parents to Willmar, Minnesota, in 1888. He studied at St. Olaf College in Minnesota and in 1910 filed on a homestead in Dunn County, North Dakota. He taught school there and then entered the University of North Dakota in 1911 and was graduated from the University of North Dakota law school in 1916. Mr. Thoresen went back to Dunn County where he first practiced law for four years and served as Dunn County State's Attorney. He then became State Tax Commissioner, after which he moved to Grand Forks where he engaged in the private practice of law.

Mr. Thoresen was active in politics and was one of the early members of the Nonpartisan League. In 1930 he was Republican State Chairman. He made three races for the Governorship in 1928, 1930 and 1938 but lost the nomination. In 1936 he was elected Lt. Governor and served one term. In 1940 he was elected mayor of the City of Grand Forks and served one term. In 1952 he was appointed to the post which he held upon death, that of Assistant Attorney General for the State of North Dakota.

Mr. Thoresen was prominent in fraternal and church circles in Grand Forks. He was a member of the masonic orders and of Varden Lodge of the Sons of Norway, of which he served as President in 1948. He was an active member of the United Lutheran Church and served on the Church Council for a number of years. He was chairman of the Grand Forks County Chapter of Crippled Childrens Associations at Jamestown.

Surviving are Mrs. Thoresen, former Elizabeth D. Earl, whom he married in 1952, and six daughters and a son by an earlier marriage. The daughters are Mrs. O. H. Selland (Cynthia), Mrs. P. W. Hogan (Theresa), Mrs. Balton H. Bray (Aurelia), Mrs. Richard A. Beyer (Valborg), Mrs. Emmerson L. Sollom (Thordis), and Mrs. Glen A. Sturdevant (Shirley), and one son, Rev. Hans Vigen Thoresen, who was formerly a missionary to South America, now engaged in the ministry.

Interment was made at Grand Forks.

T. A. TONER

T. A. Toner, a member of the North Dakota Bar since 1899 died in a Grand Forks hospital on April 17, 1956.

T. A. Toner was born in Portage su Fort, Quebec, Canada, on July 30, 1880. He moved to Barry, Minnesota at the age of 9 with his parents. He was educated in the public schools there and after his high school graduation entered Notre Dame University at South Bend, Indiana, and was graduated with a Bachelor of Laws degree in 1898.

For a year he was with a law firm in Minneapolis and then he

moved to Rugby, North Dakota, where he was associated for eight years with Albert E. Coger until he moved to Grand Forks, where he associated with Mr. Murphy in the practice of law. This association continued until 1949 when Mr. Murphy retired from active practice.

T. A. Toner was married to Miss Viola Mary Davidson of Fisher, Minnesota, in June 1920.

Mr. Toner was 75 years of age when he died and illness had kept him from active work in his profession for about two and one-half years.

Mr. Toner is survived by his widow, who resides at 118 Belmont Road, where the couple had lived for many years. He is also survived by a brother, P. E. Toner of St. Paul, a sister, Mary Ann Toner of Mt. Angel, Oregon, four half sisters and one half brother.

Interment was made at Calvary Cemetery, Grand Forks.

DISTRICT COURT DIGEST

TRIAL — NEW TRIAL ON THE ISSUE OF DAMAGES ONLY

Deschane v. McDonald, District Court of the First Judicial District, Grand Forks County, North Dakota, O. B. Burtness, Judge.

This was an action for bodily injuries sustained by the plaintiff, when the automobile in which he was riding as a passenger collided with one being driven by the defendant. The jury returned a verdict in favor of the plaintiff in the amount of \$1,508.92, upon which judgment was entered. The plaintiff moved to set aside the verdict of the jury and the judgment entered thereon and for a new trial upon the issue of damages alone, or in the alternative for a new trial on all the issues of the case.

The facts were that the plaintiff had suffered a compound fracture of the right femur, a fracture of the right radius of the wrist, a fracture of the phalanx in the right little finger, a fracture of the neck of the fifth metacarpal bone in the left hand and some lacerations. There was obviously some permanent injury. The evidence also showed that plaintiff had been placed in a complete body cast for two months and was hospitalized for a long time. Plaintiff had hospital and medical bills totaling \$1,423.92 and incurred other special damages including \$40 for clothing, \$5 for a cane, and \$40 to replace broken eyeglasses. Plaintiff also testified to a loss of earnings, and \$75 expense paid for extra help at his residence during his hospitalization. The court felt that liability of the defendant was unquestioned and that undoubtedly the plaintiff had been free from contributory negligence. From the verdict of the jury, the court concluded that it had awarded the plaintiff all of his hospital and medical expense, plus \$85 for the cane, eyeglasses and clothing, but that it had awarded nothing for loss of earnings nor for pain and suffering.