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Off the Docket

Wm. G. Owens

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President O. B. Herigstad received the awards, and then called upon the Chairman of the Committee on National Defense, Hon. O. B. Burtness, who in responding to the awards stressed that the help given was made possible only by the whole-hearted cooperation with his committee of the Legal Assistance members from every county in the State.

No report of the meeting would be complete without reference to the clarion call of the President O. B. Herigstad to the attorneys to assume the leadership in the affairs of the nation, and particularly in the war effort, and the duties involved in the return and rehabilitation of the returning servicemen.

Toastmaster J. S. Taylor, and the Hon. George F. Shafer, and Hon. P. B. Garberg as the principal speakers at the banquet served both wit and reason for the enjoyment of the members, and their ladies.

Officers elected to serve during the coming year are, William G. Owens, Williston, President, Roy A. Ployhar, Valley City, Vice-President and M. L. McBride, Dickinson, Secretary-Treasurer-Editor.

OFF THE DOCKET

(By Your President)

The attorneys should know that the OPA has stepped into our State Courts and revised our laws relating to sale of personal property by administrators, executors and guardians in liquidating estates, also have stepped on the Sheriffs and other officers conducting judicial sales of personality. We used to, and in accordance with State statutes, advertise the sales "to the highest bidders for cash." Now you add "according to the ceiling." The Administrator must get not less than 90 per cent of the appraisal, and the best price for the estates. Be careful of your appraisements. The OPA "will get you if you don't watch out."

You fellows who worked up an alibi to excuse your absence from that Minot meeting missed a lot. The Minot lawyers did a good job, put on a fine party and the program, managed by the Association officers was one of the best ever. Don't ever miss again.

"Bud" Taylor was busy around the Association sessions trying to retain a lawyer to sue Time for damages, because it stated he made out income tax reports for a fee of \$3.00. Geo. McGee thought Bud did pretty well if he earned that much.

John Layne of Fessenden wants to have meetings of the lawyers. He said so right out in meeting when the Burtness resolution came up. John made an impression.

Past President Wartner of Harvey, got out of his overalls just as soon after the rain as he could and beat it for the convention, arriving in time to greet the new Executive Committee. He missed the session, but showed the old spirit. Good for Wartner!

Did anyone hear what Francis Murphy did to Charley Pollock from Fargo, when he lugged him off to that meeting at Bismarck? Oh well, Charley is getting wise in years

Get some of your local district news to the Briefs. The Editor will appreciate your help and the other districts will be glad to read about you. The new administration hopes to make plenty of family gossip on at least one page of the Brief. The officers want you to know who the other fellow is, so if he is worth anything for service you will send business you have in his territory to him. Let's have,—part at least—of your law news.

Did you fellows who attended the convention recognize the young lady who recorded the proceedings as a fellow member of our bar? Well she is. Ella Van Berkorn is a lawyer in good standing, a member of the American Bar Association, and tops in the Business and Professional Women's Club. Might we hear from the women of the Bar? Ella, Alice, Selma, Mildred, Clara, Helen, Cytella, Bessie, Marion Jane, Catherine E. If there are more of the girls who have paid their fee let us know for Pete Garberg wants to organize an auxiliary. He hasn't forgotten that speech that Marion Jane made two or three years ago.

The news service at Minot gave our convention most excellent and detailed attention giving state-wide publicity to our State Bar Association proceedings. The officers and members of our Association express our thanks and appreciation to the Daily News staff for that very fine attention.

OUR SUPREME COURT HOLDS

In *T. A. Swiggum, Pltff. and Aptl. vs. Valley Investment Company, a corporation, Deft. and Respt., and B. O. Sorbo, Garnishee.*

T. A. Swiggum, Pltff. and Aptl. vs. Valley Investment Company, a corporation, Northwestern Trust Company, a corporation, and Fred L. Goodman Deft. and Res. and B. C. Sorbo, Garnishee.

That an order made under the provisions of sec. 7586, Comp Laws N. D.; 1913 fixing the amount of an undertaking given to obtain the discharge of a garnishee, at a sum less than double the amount demanded in the complaint modified a provisional remedy and is appealable under the provisions of paragraph 3, sec. 7841, Comp. Laws N. D. 1913.

That under sec. 7586, Comp. Laws N. D. 1913 the court is empowered upon application of the defendant at any time after the complaint is filed and before judgment, to direct the giving of an undertaking for the discharge of the garnishee in a sum less than double the amount demanded by the complaint.

That an application under the provisions of sec. 7586, Comp. Laws, N. D. 1913 for an order directing the giving of an undertaking for a sum less than double the amount demanded in the complaint is primarily addressed to the sound judicial discretion of the trial court.

That it is error for the court in a garnishment proceeding to direct the giving of one undertaking for the release of the garnishee in more than one garnishment action.

Appeal from the District Court; Grand Forks County, Swenson, Judge. REVERSED. Opinion of the Court by Morris, C. J.