



1943

## Our Supreme Court Holds

North Dakota State Bar Association

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

---

### Recommended Citation

North Dakota State Bar Association (1943) "Our Supreme Court Holds," *North Dakota Law Review*: Vol. 20 : No. 10 , Article 4.

Available at: <https://commons.und.edu/ndlr/vol20/iss10/4>

This Note is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact [und.common@library.und.edu](mailto:und.common@library.und.edu).

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.