



1939

## Pictures Wanted

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



Part of the [Law Commons](#)

---

### Recommended Citation

(1939) "Pictures Wanted," *North Dakota Law Review*. Vol. 16 : No. 6 , Article 5.

Available at: <https://commons.und.edu/ndlr/vol16/iss6/5>

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).

## PICTURES WANTED

Anyone having any information where to obtain the pictures of W. H. Standish, who served as Attorney General in 1893-94, and of C. N. Frick, who was Attorney General from 1903-1906, are asked to contact Alvin C. Strutz, State Attorney General, Bismarck, N. D. Mr. Strutz is attempting to locate pictures of all of the former State Attorneys General.

## OUR SUPREME COURT HOLDS

In State of North Dakota, Respt. vs Thorwald Mostad. Applt.

That motion to set aside amended information for want of preliminary examination was properly denied where complaint and amended information charged the same crime and contained the same allegations of particular acts of the defendant.

That defendant is not entitled as a matter of right to a preliminary examination before trial of a criminal action in County Court. Section 8964 Compiled Laws of North Dakota 1913, Chapter 121 Laws of North Dakota 1925.

That error, if any, in permitting testimony of witness given at preliminary examination, to be read in evidence at trial was not prejudicial, where all of the material facts testified to by the witness were admitted by the defendant.

That additional instruction, given by trial court at jury's request, is examined and held not error.

That sufficiency of evidence to sustain the verdict may not be reviewed upon appeal from judgment where there was no motion for an advised verdict or, after verdict, for a new trial.

Appeal from the County Court of Ward County, Hon. Jos. J. Funke, Judge.

**AFFIRMED.**

Opinion of the Court by Burke, J.

In L. R. Baird, as Receiver for the Farmers & Merchants Bank of New England, North Dakota, a corporation, Respt. vs Sax Auto Company, a corporation. Applt.

That where an action is commenced to foreclose a mortgage on property described as Lots 10 and 11 of Block 1, etc., and the property is properly described in the pleadings, in the order for judgment, in the judgment, and in the special execution ordering the sale of the said premises, the fact that through some inadvertance the property is described in the notice of sale as Lots 11 and 12, and the report of sale describes the property as Lots 11 and 12, and the order of confirmation of the sale is made with reference to the same description, the defect does not constitute a jurisdictional one; though an irregularity on the part of the officer authorized to make the sale.

That where the district court confirms such sale as Lots 11 and 12 instead of Lots 10 and 11, the effect is to constitute a valid sale of Lot 11 in the absence of any motion or proceeding of any character to set aside the sale made before the year of redemption has expired.

That where the holder of the certificate of sale received a sheriff's deed to Lot 11 upon the expiration of the period of redemption, and commenced an action for the recovery of the value of the use and occupation of said Lot 11, the one in the continuous possession of Lot 11 must account for the value of said use and occupation of Lot 11 from the time of this expiration.

That in such an action, the measure of damages is not necessarily the sum which the occupant of the premises may have theretofore paid as rent, but is the value of the use and occupation of the premises owned by the plaintiff.

That where the record shows that Lot 11 is part of a parcel of land des-