



1934

Believe It or Not

North Dakota Law Review Associate Editors

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Recommended Citation

North Dakota Law Review Associate Editors (1934) "Believe It or Not," *North Dakota Law Review*. Vol. 10 : No. 6 , Article 5.

Available at: <https://commons.und.edu/ndlr/vol10/iss6/5>

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amounting to \$400. The original note was retained by the Bank, marked "collateral." The new note was given in 1929. Defendant invoked the statute of limitations. HELD: Payment by one of two or more joint makers does not of itself suspend the running of the statute of limitations. This was an agreement between the payee and the makers, and between the makers, that the note could be renewed without notice to the other maker. There was no agreement that extraneous parties (administrators) could extend the time of payment or renew. An accommodation maker is a co-maker, liable as principal, and mere extensions of time of payment do not release him. The extension of time, however, does not carry the note past the period of the statute of limitations. Defendant not having signed any extension agreement, or renewed the note, directly or through his co-maker, the defense of the statute of limitations is good.

"STOP, LOOK AND LISTEN" MODIFIED

Pokora vs. Wabash Ry. Co., 54 *Sup. Ct. Rep.* 580 (U. S.), apparently, is a modification of the "stop, look and listen" doctrine as related to accidents at railroad crossings. Proceeding over a street grade crossing, where defendant had four tracks, plaintiff looked and listened for approaching trains, but did not get out of his truck cab. His view being obstructed by a string of box cars, he did not see an approaching train. Justice Cardozo, writing the opinion, said: "It was his (plaintiff's) duty to look along the track from his seat, if looking would avail to warn him of the danger. This does not mean, however, that if vision was cut off by obstacles, there was negligence in going on, any more than there would have been in trusting to his ears if vision had been cut off by the darkness of the night. . . A jury, but not the court, might say that with faculties thus limited he should have found some other means of assuring himself of safety before venturing to cross. . . In default of the guide of customary conduct, what is suitable may not wisely or fairly be subjected to tests or regulations that are fitting for the common-place or normal. In default of the guide of customary conduct, what is suitable for the traveler caught in a mesh where the ordinary safeguards fail him is for the judgment of a jury. . . The opinion in *Goodman's case* (*B. & O. vs. Goodman*, 275 U. S. 66), has been a source of confusion in the federal courts to the extent that it imposes a standard for application by the judge, and has had only wavering support in the courts of the state. We limit it accordingly."

BELIEVE IT OR NOT

In this, our fourth year of Depression, America's inventory discloses 76,000,000 life insurance policies and savings accounts, totaling \$92,000,000,000, one-third of the railway mileage of the world, 73% of the automobiles, 58% of the telephones, 32% of the coal produced, 62% of the petroleum pumped, 35% of the copper mined, 34% of the pig iron and 37% of the steel produced, 52% of the world's corn and 62% of its cotton, more public schools per population, more institutions of higher learning, more libraries, more hospitals, more free clinics, more asylums, more institutions for the defective, more newspapers, more periodicals, more books, more and better music, more theatres, more movies, more radios, more electric appliances, more homes, more things to make life livable than any other corner of the globe, and yet more heated minds to make us lose faith in ourselves and our institu-

tions than the men, who constituted the Constitutional Convention and made all this possible, dreamed of or visualized. Wake up, America!

PRICE FIXING

The price fixing idea is neither new nor novel. Virginia fixed prices back in 1735 (History of Orange County). The County Court, that year, set the following: rum, the gallon, eight shillings; brandy, eight shillings; punch the quart, with brown sugar one shilling, with white sugar one and three pence; French brandy, sixteen shillings; and the order concluded: "that several keepers in this county sell and retail liquors at the above rates and that they presume not to sell at any other rates, and that if any person do not pay immediately, that he pay for the same at the fall in tobacco at ten shillings the hundred weight."

The recent conviction of the small shopkeeper who pressed trousers for twenty-five cents instead of the NRA thirty-five brings the foregoing to mind, and reminds us that prices went up until the period of the Revolution, when the people paid "fixed" prices of \$3.50 for a "small drink," and men were convicted for "not raising corn according to law."

THE NEW DEAL FAILS

Col. Theodore Roosevelt says the New Deal fails in the following particulars: 1. It is not liberal and it is not new; 2. It is reactionary and un-American; 3. It predicates for the future an autocrat instead of a President; 4. It prevents criticism of the government; 5. It controls public opinion; 6. It denies freedom of the press; 7. It refuses a hearing and a day in court; 8. It is usurping legislative functions; 9. It has increased bureaucracy; 10. It is penalizing instead of rewarding individual initiative and industry; 11. It makes the individual exist for the State; 12. It jeopardizes the very future of the Nation.

TAKEN EARLY

"Death has prematurely taken Jalmar O. Muus (Phi Beta Kappa, Order of Coif) from our midst, and terminated a short, energetic career characterized by brilliance and ambition. . . His sole ambition was to be an excellent teacher in law and government. Mr. Muus threw all his enthusiasm and scholarship into his chosen work. He was loved and respected by his colleagues and students. The University of North Dakota has lost an esteemed teacher and a loyal alumnus."—*N. D. Student.*

ACCENT ON FEARLESSNESS

A country may be greater than its rulers, greater than its law makers, but it is not greater than its courts of law, for "by these shall all men know" what a nation is, because only by the wisdom, the honor, the integrity and the FEARLESSNESS of its courts, including the bench, the bar, and all others who serve the courts in any way, can the character of a nation be preserved and social justice be made a reality.—*William L. Burdick.*

WE SAW IT IN THE FUNNY COLUMN

A lawyer is a man who knows very little about a great deal and keeps on knowing less and less about more until, finally, he knows practically nothing about everything. A judge is a man who knows a great deal about a very little and goes on knowing more and more about less until, finally, he knows practically everything about nothing.