



1934

Executive Committee

North Dakota Law Review Associate Editors

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EXECUTIVE COMMITTEE

The Executive Committee was called in session by President Foster October 25, pursuant to notice, and transacted its business with the following members in attendance: President C. L. Foster, Vice President M. A. Hildreth, and District Presidents John A. Layne, John A. Stormon and M. L. McBride. District Presidents D. S. Ritchie, A. G. Porter and H. H. Cooper were absent.

The resignation of Secretary Wenzel was accepted, effective November 30, 1934. The Committee, by motion duly made and carried, also expressed appreciation of the "many years of faithful service" rendered, regret for the necessity which compelled him to tender his resignation and hope that he would return to North Dakota, "and again take the position."

B. F. Tillotson, of Bismarck, was then selected to take over the office of Secretary-Treasurer, effective December 1, 1934.

The invitation of Grand Forks was accepted, and that city designated as the place of meeting in 1935, with instructions to the President and Secretary to fix the date, after consultation with the Grand Forks County Bar Association.

The budget for the year was approved as follows:

Bar Briefs	\$ 325.00
Bar Briefs, Dec. 1934	425.00
Executive Committee	250.00
President	200.00
Postage and Printing	150.00
Secretary-Treasurer-Editor	720.00
1935 Annual Meeting including reporter fee	600.00
Bar Board referendum	75.00
Citizenship Committee	75.00
Miscellaneous	100.00
Press and Public Information	50.00

\$2,970.00

Ballots for the Bar Board referendum were ordered prepared for mail vote, nominations for the unexpired term of W. A. McIntyre being as follows:

J. P. Cain, Dickinson
 Horace C. Young, Fargo
 Aloys Wartner, Sr., Harvey
 Fred J. Traynor, Devils Lake
 C. D. Aaker, Minot
 John Knauf, Jamestown

For the term of C. L. Young, expiring January, 1935, the following were endorsed as nominees:

C. L. Young, Bismarck
 T. D. Pierce, Fargo
 N. J. Bothne, New Rockford
 H. C. DePuy, Grafton
 W. H. Adams, Bottineau
 M. S. Byrne, Bowman

Approval of President Foster's committee appointments was voted, with the following designation of chairmen:

American Law Institute: W. H. Hutchinson, LaMoure;

Americanism and Citizenship: Thos. J. Burke, Bismarck;
 Comparative Law: Herbert G. Nilles, Fargo;
 Constitution and By-Laws: L. J. Wehe, Bismarck;
 Criminal Law and Enforcement: Harold D. Shaft, Grand Forks;
 Ethics and Internal Affairs: C. L. Young, Bismarck;
 Fee Schedule: F. J. Traynor, Devils Lake;
 Jurisprudence and Law Reform: James Morris, Jamestown;
 Legal Education and Admission: Olaf H. Thormodsgard, Grand
 Forks;
 Legislation: J. P. Cain, Dickinson;
 Local Organizations: H. G. Fuller, Fargo;
 Memorials: Hiram A. Libby, Grand Forks;
 Modification of Jury System: G. Grimson, Rugby;
 Press and Public Information: M. W. Duffy, Cooperstown;
 Public Utilities: E. B. Cox, Bismarck;
 Selection of Judges: John F. Sullivan, Mandan;
 Unauthorized Practice: John A. Layne, Fessenden;
 Uniform Laws: C. J. Murphy, Grand Forks.

Upon motion, duly carried, Miss Cathernie M. Coleman, formerly of Dickinson, now of Helena, Montana, was declared an honorary member of the North Dakota Bar Association, and the Secretary was instructed to notify Miss Coleman of the action taken.

Secretary Wenzel's proposal for a more effective bar organization for North Dakota, informally submitted to the Executive Committee early in October was, upon motion, referred to the Committee on Local Organization.

NORTH DAKOTA DECISIONS

Olson vs. Ottertail: An action for damages resulted in a verdict in favor of the plaintiff. At the close of plaintiff's case, and again at the close of the entire case, defendant made a motion for a directed verdict. Two days after verdict stay of proceedings, except entry of judgment, was entered, to permit making of motion for judgment notwithstanding the verdict. Judgment was entered for plaintiff, and, four days later, defendant gave notice of motion for judgment notwithstanding. No motion to set aside plaintiff's judgment was made, nor was the motion *non obstante* coupled with a motion for new trial. Defendant's motion was granted. Plaintiff appealed, and then, more than six months after entry of plaintiff's judgment, defendant entered judgment. HELD: Construing *Sec. 7643, Laws 1913*, that a motion for judgment notwithstanding the verdict could be coupled with a motion for new trial, and such motion, in the alternative, was available either before or after entry of judgment (by plaintiff). The construction placed on the statute in *Stratton vs. Rosenquist, 37 N. D. 116*, evidently inspired the further amendment by *Chap. 133, Laws 1921*, which was again amended by *Chap. 335, Laws 1923*, and there is nothing in the statutes that contemplates a motion for judgment notwithstanding the verdict, standing alone, to be made after judgment. The rule which requires a motion *non obstante* to be presented before entry of judgment still obtains in this state. *Sec. 7643, 1925 Supp. Laws 1913*, provides a remedy for vacating a verdict, after judgment entered thereon, by motion *non obstante*, only when coupled with a motion for a new trial. The only express authority for setting aside a verdict is by motion for