



1927

Executive Committee Action

North Dakota Law Review

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Recommended Citation

North Dakota Law Review (1927) "Executive Committee Action," *North Dakota Law Review*. Vol. 4 : No. 5 , Article 6.

Available at: <https://commons.und.edu/ndlr/vol4/iss5/6>

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tion for order vacating judgment and for judgment notwithstanding the verdict or for a new trial. Motion was denied and defendant took no appeal, but later an appeal was taken to Supreme Court, no specifications of error being served with notice of appeal. HELD: Affirmed. On an appeal for judgment entered on a verdict of a jury where no specifications of error are served with the notice of appeal, only errors appearing on the judgment roll will be considered. No motion having been made for a directed verdict by the defendant at the close of the trial and no appeal taken from the order denying his motion for a new trial, Supreme Court will not review the sufficiency of the evidence to sustain the verdict.

Holvick vs. Black, et al: Owner of real estate gave a mortgage to State Bank to secure payment of two notes. Bank sold notes to plaintiff and executed assignment of mortgage, which was not recorded. Owner of land later sold it under an agreement to deed it free of all encumbrances and authorized the vendee, defendant in this action, to pay the amount due to the bank. Defendant vendee paid the amount to the bank through a third party who was not the holder of the mortgage or of the notes and had neither in his possession for collection. The money was deposited in the bank and remained there until it closed. The State Bank as mortgagee of record executed satisfaction of the mortgage and recorded it but plaintiff as assignee of mortgage knew nothing about it. Later Defendant Federal Land Bank made a loan to the new owner of real estate in reliance on the record which showed release of said mortgage. Plaintiff sued to foreclose his mortgage and the issues involve question of priority of plaintiff's claim over subsequent deeds and mortgage. HELD: Defendant Federal Land Bank's claim is superior to claim of plaintiff because plaintiff as owner of unrecorded assignment of the mortgage did not have his assignment recorded and defendant bank relied on the record. Plaintiff's claim is superior to rights of remaining defendants because vendee who pays on real estate to a third party without receiving notes evidencing the debt does so at his peril, and a release of mortgage executed by mortgagee of record is not good against claim of holder of said mortgage under a prior assignment from mortgagee, even though assignment is not on record.

EXECUTIVE COMMITTEE ACTION

The first meeting of the Executive Committee was called for the 9th of October at Minot by President Lewis. The following were present: President Lewis, Vice President Bagley, Secretary Wenzel, Geo. M. McKenna, Thos. G. Johnson, P. W. Lanier and G. S. Wool-edge. Aubrey Lawrence and F. T. Cuthbert were unavoidably absent.

Committee appointments for the year were considered and approved. The Secretary's proposal to advocate, through Bar Briefs, the adoption of some plan of action by the Bar of the State looking to the presentation of groups of names for judicial timber, was informally considered, and passed without action.

On account of the slightly more unfavorable financial situation, the Secretary was instructed to omit from the published proceedings this year the Constitution and By-Laws and the two Codes of Ethics.

Valley City was chosen as the place for holding the 1929 meeting, and the tentative dates fixed for the first week in September. It was

also voted to recommend to future Executive Committees the adoption of a plan whereby the annual meetings will be alternated each year between the main line of the Great Northern and the main line of the Northern Pacific.

The following budget was approved:

Publication of Proceedings	\$ 550.00
Printing and Postage	150.00
Executive Committee	250.00
Citizenship Committee	150.00
Citizenship Committee, Prize Money	200.00
President	200.00
Secretary-Treasurer	600.00
1929 Annual Meeting	600.00
Bar Briefs	425.00
Legislative Committee	100.00
Dakota Law Review	200.00
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	\$3,425.00

1928-1929 COMMITTEE CHAIRMEN

American Law Institute—Chairman, George M. McKenna, Napoleon; Vice Chairman, R. C. Morton, Carrington.

Comparative Law—Chairman, J. O. Hanchett, Valley City; Vice Chairman, A. M. Kvello, Lisbon.

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Fee Schedule—Chairman, F. T. Cuthbert, Devils Lake; Vice Chairman, Emil Scow, Bowman.

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