



1924

Off The Record

North Dakota Law Review

[How does access to this work benefit you? Let us know!](#)

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

Recommended Citation

North Dakota Law Review (1924) "Off The Record," *North Dakota Law Review*. Vol. 1: No. 9, Article 10.
Available at: <https://commons.und.edu/ndlr/vol1/iss9/10>

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.

tended and applied to the Territory of Dakota; that by virtue thereof it was the settled law of the territory that in both civil and criminal cases the trial jury should consist of twelve men with the indispensable requirement of unanimity in the verdict; that Section Seven of the State Constitution, providing that the right of trial by jury shall be secured to all and remain inviolate, preserves the historical jury of twelve persons with all its essential incidents, including the unanimous concurrence of the twelve jurors in the verdict, and that Chapter 333 of the Laws of 1923, purporting to dispense with a unanimous verdict, is void.

Baird, as Receiver, v. National Surety Company of New York.

This is an action against the principal and surety on the official bond of the president and cashier of a bank to recover on account of alleged defalcations of these officers. It was referred by stipulation to a referee, who made findings of fact and conclusions of law. **HELD:** That such action is an action at law and not triable de novo; that the defendants may prove by a preponderance that the bank had assets other than those shown by its books; that books and records purporting on their face to be the books and records of a bank, and which upon the closing of the bank were found in the possession of the president and cashier by a deputy state examiner, who also identified them as books and records examined by him while the bank was open and transacting business, are admissible in evidence against the president and cashier in an action upon their bonds and against their surety; that where the president and cashier of a bank unlawfully acting and conniving together caused the insolvency of the bank, each is liable for the full amount of the loss; and that the court may in its discrimination permit a competent witness who has examined the books with reference to the points sought to be established to testify as to the result of his examination, or to present schedules verified by his testimony where the facts sought to be proved are of such character and the books are so voluminous that the examination of each item would be laborious.

OFF THE RECORD

You will observe reference to this topic at several places in the program for the annual meeting. Just what "Off the Record" means no one outside the membership of the Fargo Bar in charge of the program knows. All the information that it has been possible to draw from the committee is that it will prove an entertainingly interesting diversion from the grinding routine of business. The ingenuity of some rather clever men has developed this into a worth while feature, and instead of getting your minds off the very important and vital business of the annual meeting, we are assured that it will prove a decided stimulant to the mental wear and tear usually occasioned by too much serious consideration. In other words, the "Off the Record" item will put "pep" and "punch" into the sessions.

WHAT WOULD THIS MEAN TO AMERICA?

Agents of the Baldwin government of Great Britain are now in the United States, making an intensive study of the food supply, with particular reference to the benefits that might result from mass purchases