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Digest of Attorney General Opinions

North Dakota Law Review

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[2 Moore's Federal Practice § 10.03, p. 2005 (2d ed. 1958)]. "The new rules have not only eliminated technical forms but as I have sometimes said permit even sloppy pleadings."

DIGEST OF ATTORNEY GENERAL OPINIONS

COUNTIES — MEMORIAL FUNDS

January 5, 1959

Section 11-3201 of the 1957 Supplement to the North Dakota Revised Code provides, in the words of the title, "County Commissioners Authorized To Erect A Memorial Or Memorials Or Other Suitable Recognition; To Make Levy." Under the wording of the statute, funds accumulated "... may not be used for scholarships as a proper memorial under the provisions of chapter 11-32." This reasoning was inferred from the use of the following words in the statute: "Such memorial, or memorials, or other suitable recognition shall be *erected* . . . and when *erected* shall be properly maintained." (Emphasis added). The word "erect" implies something physical, such as a building or monument, and a scholarship would not fit within this classification.

MOTOR VEHICLES — LOCATION OF USED CAR LOTS

January 20, 1959

Section 39-04595 of the 1957 Supplement to the North Dakota Revised Code states that "[a] registered dealer . . . may establish open used car lots as may be necessary in the conduct of his business in an area not further removed than three miles from the city limits of the town in which he operates a licensed place of business."

"A used car lot is a lot where second hand automobiles are purchased, displayed, exchanged and sold." (124 A.2d 48). Under this reasoning a salesman having several used cars for sale in his yard 60 miles from the place of his employer's business, the salesman not falling within the definition of a "dealer" as stated in Section 39-0459, is in violation of the statute. The dealer must, in the words of the opinion, "confine its used car lots within three miles of the city limits in which it operates."

PUBLIC BUILDINGS — USE OF INMATE LABOR IN REPAIRING

January 19, 1959

Section 48-0202 of the 1957 Supplement to the North Dakota Revised Code provides that alterations, repairs and construction

of buildings belonging to the State and its political subdivisions amounting to more than \$3000. must be made upon competitive bids. Section 54-2345 permits use of inmate labor for certain projects, but "[t]he attempt to use such inmate labor shall not permit a substantial departure from the requirements of chapter 2 of the title Public Buildings."

The opinion states that ". . . in view of the provisions of section 48-0202 . . . it is necessary to let the contracts for such projects [exceeding \$3000. in value] on competitive bidding, but there would be no legal objection to providing for utilization of inmate labor in such contracts, under the present statutes."

ACCESSIONS TO THE SUPREME COURT LIBRARY*

Anderson, Ronald A., *Wharton's Criminal Law and Procedures* (1957).

Davis, Kenneth Culp, *Administrative Law Treatise* (1958).

Herrick, Phillip F., *Underhill's Criminal Evidence* (1956).

Klorfein, Harold, *Estates in Expectancy* (1958).

Myers, Raymond M., *The Law of Pooling and Unitization* (1957).

Prosser, William L., *Handbook of the Law of Torts* (1955).

Wright, Charles Allen, *Wright's Minnesota Rules* (1954).

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