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Our Supreme Court Holds

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OUR SUPREME COURT HOLDS

In State of North Dakota, Pltf. and Respt., vs. Frank Myers, an alleged delinquent child of Mrs. Eva Myers, and Eva Myers, Defts. and Respts.

That where it is demanded, an appellant is entitled to a trial de novo upon an appeal from juvenile court.

That a child who habitually associates with dissolute, vicious or immoral persons is a delinquent child and the juvenile court has jurisdiction to make an order with respect to his custody.

That an order with respect to the custody of a child must be made solely upon considerations of his welfare and the good of the state.

That the good of the state requires that a child be removed from a community only when his delinquency is such that he has become a danger to society either because of his conduct or his influence on others.

That the evidence is considered and it is held that the welfare of the child and the good of the state do not require that the defendant delinquent in this case be committed to the State Training School. Appeal from the District Court of Cass County, Holt, J. REVERSED AND REMANDED. Opinion of the Court by Burke, J., Burr, J., specially concurring.

In Helmar R. Hanson and Agnes E. Hanson, Pltfs. and Appls., vs. L. C. Hulett, Nellie L. Hulett, Defts. and Respts.

That an instrument purporting to be a deed to real estate, to be effective as a conveyance of title, must designate a grantee, otherwise no title passes.

That where the grantors in a deed accepted the consideration therefor and entered into the relationship of landlord and tenant with the grantee with respect to the property described in the deed and paid rent for thirty-seven months, requested repairs to be made on the premises and permitted repairs and improvements to be made by the grantee with their knowledge and consent, the grantors are estopped from challenging the validity of the deed upon the ground that it was executed with the name of the grantee in blank which was later filled in under parol authority.

Appeal from the District Court of Morton County, Hon. Harvey J Miller, Judge. AFFIRMED. Opinion of the Court by Morris, J.

In State of North Dakota, Pltf. and Respt., vs. Ernye Becker, Deft. and Applt.

That the record in the instant case, wherein the defendant was tried on an information charging rape in the first degree by force and violence and was found guilty of assault with intent to commit rape, is examined, and it is HELD, for reasons stated in the opinion, that the evidence is sufficient to sustain the verdict as returned.

That under an information charging the defendant with the crime of rape in the first degree by force and violence, a verdict of guilty of the included offense of assault with intent to commit rape may be returned.

Appeal from the District Court of Grant County, Broderick, J. From an order denying his motion for a new trial and from a judgment of conviction of assault with intent to commit rape, the defendant appeals.

ORDER AND JUDGMENT AFFIRMED.

Opinion of the Court by Nuessle, J.