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Our Supreme Court Holds

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By the school year of 1946-1947 Corliss Chapter should have a membership of eighteen to twenty law students.

With the increase in number of law students, the state of North Dakota is under a responsibility to provide means whereby these young men and women may secure meritorious professional training in law in an approved law school. Members of the North Dakota Bar Association should aid the Board of Higher Education to secure the required funds so that the University of North Dakota may continue to serve the people of this state.

OUR SUPREME COURT HOLDS

In Adrian Egbert, Ray L. Lake, A. F. Hills, C. A. Berg, E. C. Leonard, and Archie Lake, on behalf of themselves and all other taxpayers of the City of Dunseith, State of North Dakota, Pls. and Appls, vs. The City of Dunseith, Glen D. Shelver, as Mayor, William Evans, Frank McAtee, A. F. Lilleby and John Awalt, as members of the City Council of the City of Dunseith, State of North Dakota, Defs and Resps.

That the constitution of the state of North Dakota is its paramount law. It is a self-imposed restraint upon the peoples of the state in the exercise of their governmental sovereign power either by themselves through the initiative or by their agency, the legislature.

That the constitution is not immutable and may be repealed or amended in the manner prescribed by its own provisions.

That though repeals by implication are not favored the provisions of a constitution may be impliedly repealed or abrogated by the adoption of changes in other portions which render such provisions obnoxious or ineffective.

That a constitution, like other laws, is subject to construction by the courts, but it is a cardinal rule of construction that a constitution must be so construed as to give effect to the intention of the people who adopted it.

That generally speaking principles of construction applicable to statutes are also applicable to constitutions.

That one rule applied in the construction of statutes is that where one statute adopts the particular provisions of another by a specific and descriptive reference to the statute or provision adopted, the effect is the same as though the statute or provision adopted had been incorporated bodily into the adopting statute. Such adoption takes the statute as it existed at the time of adoption and does not include subsequent additions or modifications of the statute so taken, unless it does so by express intent or necessary implication.

That article 20 of the constitution of North Dakota prohibited every form of traffic in intoxicating liquor in the state. In 1918, section 185 of the constitution was amended to provide "The state, any county or city . . . may engage in any industry, enterprise or business not prohibited by Article 20 . . ." Subsequently Article 20 was repealed. Held, for reasons stated in the opinion, that the repeal of Article 20 did not affect section 185 as amended and the negation of the liquor traffic in section 185 continued in effect as though there had been no repeal.

(Syllabus by the Court)

Appeal from the District Court of Rolette County, Hon. C. W. Buttz, Judge. Proceeding for injunctive relief. From a judgement for the defendants, plaintiffs appeal.

REVERSED.

Opinion of the Court by Nuessle, J.