



1944

## Our Supreme Court Holds

North Dakota State Bar Association

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Agriculture was re-established on an equality basis.

Finance and business released from many burdensome, if not corrupt practices.

On the whole, the Nation has been revitalized—has been made aware of its theretofore latent power for good, and our ability to provide decent livelihood and prosperity for its citizens.

This is not a Eulogy. These are showered upon him in plenty, but simply a plain statement, trying to impress upon all of us, that the common man and woman for over twelve years, had a government, and a President, solicitous of their welfare, with human rights always to the fore.

He lived to see Victory of this War assured; to know that the foundation for a World Order for Peace, were well embedded in the minds and hearts of all our people, and of the World. We will not fail in this!

Only when the United Nations War is concluded and a World Order established, will we see him in his full stature, as a Statesman.

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### OUR SUPREME COURT HOLDS

In *The State of North Dakota, Pltf. and Respt., vs. Elmer W. Cowdrey, Deft. and Applt.*

That whether the sentence of a person convicted of crime shall be suspended is a question wholly within the discretion of the judge who pronounces sentence, and his determination of such question is not subject to review.

That a judge who has suspended sentence has wide discretionary powers in determining whether the suspension shall be revoked on account of the bad behavior of the defendant.

Appeal from the District Court of Barnes County, North Dakota, Hon. M. J. Englert, Judge.

From an order suspending a sentence on a conviction for a misdemeanor the Defendant appeals.

**AFFIRMED.**

Percurian Opinion.

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In *Myrtle A. Hoffman, Plt. and Applt., vs. The Heirs of William C. Hoffman, also known as W. C. Hoffman, deceased, et al., Defts. and Respts.*

That the District Court has the original jurisdiction of actions to determine title to real property.

That an heir of a decedent may bring an action to determine adverse claims and quiet title to the real estate of the decedent even while the estate is in the process of administration, so long as he does not interfere with the administrator's possession of the property for the purpose of administration.

That such an action does not interfere with or encroach upon the exclusive original jurisdiction of the county court in probate and testamentary matters.

Appeal from the judgment of the District Court of Billings County, Hon. Harvey J. Miller, Judge.

**REVERSED.**

Opinion of the Court by Burr, J.