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The North Dakota Association and Bar Briefs

North Dakota Law Review Associate Editors

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THE NORTH DAKOTA ASSOCIATION AND BAR BRIEFS

With the publication of this issue a new secretary of the Association makes his first attempt as editor of BAR BRIEFS. It is interesting and to some extent astonishing to read correspondence from Bar organizations and publications of other states and from widely separated parts of the country. The conclusion seems justified that BAR BRIEFS has, since its first issue, become quite widely known and, judging from comments received, that it has met with considerable appreciation among members of the profession. The former secretary and editor modestly refrained from making this known, but since he has now retired it seems only fair to give him and the Association credit for the accomplishment, and to inform the members of the recognition accorded this publication, representing as it does, not the editor or the officers, but the entire membership of the Association. But however excellent the standard heretofore set and maintained, there is always room for improvement, and it is suggested that such improvement might, and perhaps must, come as the result of suggestions offered and articles furnished by the members of the Bar of this State.

NORTH DAKOTA DECISIONS

State ex rel Sathre vs. Robert Byrne, et al.: An action to enjoin the State Board of Canvassers from canvassing and determining the election of Governor, and to enjoin the Secretary of State from issuing a certificate of election to the candidate found by such board to have received the highest number of votes. HELD: That such action will not lie; that it is the duty of the canvassing board to determine the result of a general election, and the duty of the Secretary of State to issue a certificate of election accordingly. HELD, FURTHER: That upon the issuance of such certificate the person to whom the same is issued under such circumstances is clothed with title to the office, and is entitled to the possession and to exercise the functions of such office until the certificate is set aside in appropriate proceedings.

State vs. Duffy: A defendant, charged with a felony, who appears in the district court of the county to which the place of trial has been changed on the demand of the state and files an application with the district court of that county for the subpoenaing of witnesses on his behalf for the trial of the case in that county, the witnesses to be paid at the expense of the state, and also at the same time demands a change of venue to another county on the ground of the prejudice of the people, has submitted to the jurisdiction of the district court of the county to which the place of trial was changed on the demand of the state, and cannot be heard thereafter to say that this change of venue obtained by the state was improvidently granted.

State vs. Kambitz et al.: Poor relief was furnished to minor children at a time when the father of such children was a resident of the county. HELD: The subsequent removal of the father from such county, leaving the children therein, does not render the county to which the father removes liable for the support of the children from the time of the removal; and the absence of the father from the original county is not to be considered a voluntary absence during the time relief is furnished, nor for one year thereafter.

Posey vs. Krogh: HELD: Where a daughter over twenty-one years of age is living in the home of her father as a member of his family,