



1934

## Declaratory Judgments

North Dakota Law Review Associate Editors

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## DECLARATORY JUDGMENTS

From time to time we have printed in Bar Briefs lists of cases decided under Declaratory Judgment statutes, in order to disclose to the practicing lawyers the variety of decisions rendered. In the fourth report of the Judicial Council of Michigan (May 1934) we find a comprehensive digest of American cases showing the types of controversies in which decisions have been recorded. The 120 pages of citations and summaries should be of material aid to any one seeking to make use of such statute in this State, hence, it is being filed for reference in the Supreme Court Library. The annotations are under the following subjects:

1. Declarations regarding the constitutionality of State statutes;
2. Declarations relating to the construction or operation of statutes or constitutional provisions;
3. Declarations regarding the validity of tax assessments and the operation of tax statutes;
4. Declarations regarding the existence, scope and effect of rights, powers, obligations and liabilities of public corporations, officers and agencies;
5. Declarations regarding the validity of municipal bonds, the use of the proceeds thereof, and the rights of bond holders;
6. Declarations regarding the nature, acquisition, loss and transfer of rights in land, and the construction of instruments creating, restricting, reserving or conveying such rights;
7. Declarations regarding the validity, meaning and effect of leases, their assignment, renewal, extension, expiration, forfeiture and abandonment, and the rights of parties thereto;
8. Declarations as to the construction and operations of wills and deeds of trust;
9. Declarations regarding the existence, validity, construction and effect of contracts;
10. Declarations regarding miscellaneous rights, including those arising out of articles of incorporation, by-laws, status, fraudulent transactions, miscellaneous instruments, etc.
11. Cases in which declaratory judgments were held to be unavailable.

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 NORTH DAKOTA DECISIONS

*State ex rel Olson vs. Langer*: Quo Warranto under Sec. 87 of Constitution. Defendant, duly elected, qualified and acting Governor of the State, was convicted of a felony under Federal Statutes. He appealed, supersedeas was granted, and bail furnished. The Attorney General refused to proceed, at the request of O., and he proceeded in his own behalf. HELD: Construing various constitutional provisions, the term "disability" includes lack of legal qualifications as well as lack of mental and physical qualifications; inquiry into such question of disability is a judicial question; it is for the Court to determine whether