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The Constitution Speaks

North Dakota Law Review Associate Editors

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THE CONSTITUTION SPEAKS

"The State of North Dakota is an inseparable part of the American union, and the Constitution of the United States is the supreme law of the land."—North Dakota Constitution, Article 1, Section 3.

"The military shall be subordinate to the civil power."—North Dakota Constitution, Article 1, Section 12.

"No law . . . impairing the obligations of contracts shall ever be passed."—North Dakota Constitution, Article 1, Section 16.

"Everything in this article is excepted out of the general powers of government and shall forever remain inviolate."—North Dakota Constitution, Article 1, Section 24.

"Any governor of this state who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the legislative assembly shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislative assembly, or who threatens any member that he, the said governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member, shall be punished in the manner now, or that may hereafter, be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this state."—North Dakota Constitution, Article 3, Section 81.

NORTH DAKOTA DECISIONS

Holden vs. Walker: One W., owning considerable property, entered into an arrangement with his daughter and one M., under which the daughter was to care for W. the remainder of his life, and M. was to manage the business (giving up his own business, which netted about \$7500 a year), cancel a note of \$3000 given by W. to M., under a power of attorney "to collect moneys due, compromise claims, handle all property as if it belonged to M., conduct suits and pay debts." All real estate was deeded to the daughter. All property was to be divided equally between the daughter and M., "as payment to M. for what he had advanced, what he lost in sacrificing his business and for services, and to the daughter for what she had advanced, for taking care of her father, and for love and affection." Plaintiff recovered judgment against W. in California, brought suit on such judgment in North Dakota, attaching real estate transferred to the daughter. **HELD**: A grossly inadequate debt and love and affection are not sufficient to support a transfer of all property which renders the debtor insolvent, and is a constructive fraud upon other creditors. In such case a creditor may attach the interest of the debtor, though the title is in another, and bring an action to determine adverse claims to the property. Moneys advanced for interest on prior liens, taxes, etc., for the protection of the estate are superior to the lien of the attaching creditor, and the same is true of the indebtedness actually owing.