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Review of North Dakota Decisions

North Dakota Law Review

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WHO?

Justice Holmes has resigned. Time beckoned and the most youthful mind on the Supreme Court of the United States must needs obey.

In his early professional life he had expounded the Constitution to students; as it closes, the whole nation is listening. Into his opinions have been poured the poetry of his soul, the inspiration of his spirit, the profoundness of his mind. Through them all runs a simple, statesmanlike conception of the structure of our government. His was never the function of passing upon the wisdom of legislative experiments. This he has been content to subject to such gradual tests as the slow progress of time might fashion.

The Constitution is not merely a legal document, it is a vehicle by which people govern themselves. It is now serving a nation whose manners and means of living were undreamed of when it was adopted; it should be preserved to serve a nation whose manners and means of living are now undreamed of. In construing and applying it, courts must see through the written words to the people who stand behind it and sense the invisible generations crowding up behind them. Changing aspirations and convictions must continue to find expression through it. Rigidity is death to it and against rigidity Holmes has struggled,—at times alone. "Some play must be allowed to the joints if the machine is to work."

For many years he has carried the light, but now it is falling from his hands. Who will catch it?—*Chicago Bar Ass'n. Record.*

REVIEW OF NORTH DAKOTA DECISIONS

Rusch vs. Trust Co.: Proceedings were instituted, under Declaratory Judgment Act (Sec. 7712a1 and fol.), which provides for review. HELD: There can be no direct review by the Supreme Court, either on writ of error or otherwise. Appeal must first be taken to the District Court. The remedy of appeal to the District Court (Sec. 8599, 1913) is exclusive in probate matters.

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Enderlin vs. Pontiac Twp.: This case relates to jurisdiction in poor relief cases, and determines what constitutes residence. The facts were stipulated. Summarized, they show: that the family of one M. resided in Ransom County more than twenty years; then moved to another Township in said County in 1929, remaining there about six months; then moved to Richland County, remaining there about three months; then moved to Cass County, remaining there about five months; then moved back to Ransom County, remaining there about five months; then moved to Cass County, remaining there about five months; then moved to Ransom County (City of Enderlin), remaining there about a month; then moved to Cass County, remaining about four months; then moved back to Ransom County (City of Enderlin) remaining there four or five days when, by order of Justice of the Peace, the family was conveyed back to Cass County. Poor relief had been granted the family at the time of the last prior residence in Ransom County. HELD: It may be assumed that the members of the family were deemed public charges, hence, the question of residence is impor-

tant. (Sections 14 and 2501, C. L. 1913 construed). The term residence as defined in Section 14 has a meaning quite different from that term in the poor relief law. If, for purposes of poor relief, a residence has not been established for one whole year, a sufficient residence is presumed in the County in which "he longest resided within such year." Any person who has resided continuously in the State for one year is entitled to poor relief somewhere. The family did not voluntarily absent itself for more than one year from Ransom County. Its longest term of residence during the year involved was in Colburn Township. Hence, such family is entitled to poor relief from such Township.

OUR GOVERNMENT

The National Advisory Council on Radio Education, in cooperation with the American Political Science Association, is sponsoring a series of broadcasts designed to bring the average citizen in much closer touch with his government. Assurance is given that the program is not to be "highbrow" or partisan, and more effective participation in government should result.

The opening program April 5th presented Hon. Thomas H. Reed, Chairman of the Committee on Civic Education by Radio, and the title of his address was "The Citizen and His Government." Presentation is over the National Broadcasting Company's network, Tuesday evenings, eight o'clock eastern standard time, and will include the following:

April 12: "The Significance of the Coming National Elections" by William Bennett Munro, California Institute of Technology;

April 19: "The Significance of Our State and Local Elections" by William Bennett Munro;

April 26: "Primaries and the Machinery of Their Operation" by Charles E. Merriam, University of Chicago;

May 3: "The Party and the Issues" by Arthur Krock, New York Times, and Julian Mason, New York Evening Post;

May 10: "The Campaign and Economic Planning" by Stuart Chase, Economist;

May 17: "Issues of Foreign Policy" by Charles A. Beard, Historian;

May 24: "Issues of Domestic Policy" by Charles A. Beard;

May 31: "Why We Have Political Parties" by Arthur N. Holcombe, Harvard University;

June 7: "Existing Party Alignment" by Edward M. Sait, Pomona College;

June 14: "The Party Convention—Its History, Organization and Work" by Edward M. Sait;

June 21: "Results of the Republican National Convention" by William Hard, Publicist;

June 28: "The Place of Minor Parties in the American Scene and Their Relation to the Present Situation" by John Dewey, Columbia University;

July 5: "Results of the Democratic National Convention" by William Hard.