



1936

## District and County Bar Association Notes

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basis for the physician's opinion as to the nature of the malady and the cause of death. Such opinion of the expert may be based partially upon such history of the case as related by the patient, provided the history is detailed to the jury so that the jury may know the entire basis upon which the expert found his opinion.

That in a prosecution for homicide the State is required to prove beyond a reasonable doubt that the defendant caused the death, and where it is claimed by that State that the death was the result of a blow administered by the defendant the State may prove this by testimony which excludes every other reasonable hypotheses as to the cause of death, the same as any other fact may be proved.

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In *The Federal Land Bank of St. Paul, a body corporate, vs. Carl J. Johnson, as County Treasurer, LaMoure County, North Dakota, and the State of North Dakota, doing business as Hail Insurance Department.*

That Courts will not determine constitutional questions abstractly or in a hypothetical case; nor will they anticipate a question of constitutional law in advance of the necessity of deciding it. It is only where rights, in themselves appropriate subjects of judicial cognizance, are being, or about to be, affected prejudicially by the application or enforcement of a statute, that its validity may be called in question by a suitor, and determined by an exercise of the judicial power. (*State ex rel Kaufman v. Davis, et al, 59 N. D. 191, 225 N. W. 105*).

That under the laws of North Dakota (Chapter 137, Laws 1933) general land taxes may be paid without payment of hail indemnity taxes.

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#### DISTRICT AND COUNTY BAR ASSOCIATION NOTES

It is expected that the Grand Forks, and Cass County Bar Associations will resume monthly and weekly luncheons this month.

The Adams County Bar Association met in sorrowful session this past week, and passed resolutions extolling Brother Fred M. Jackson, and extending sympathy to his family. A copy has been received by our association.

The annual meeting of the Sixth District Bar Association planned to be held at Hettinger this month probably won't be held until the forepart of October.

The annual meeting of the Stark County Bar Association will be held at Dickinson sometime in the month of October. This association includes as members attorneys from Billings and Golden Valley Counties.

District and County Bar Associations please take notice that the receipt of notes on your activities will be printed in this column; and will be absolute proof that you are still alive.