



1928

Review of North Dakota Decisions

North Dakota Law Review

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REVIEW OF NORTH DAKOTA DECISIONS

Black vs. Smith: Contest over will of Wm. C., aged 78, mentally and physically failing, worried over own and wife's health, otherwise eccentric. Testator's wife died an hour or so before making of the will, which disposed of all property, evidently including the wife's. There was no evidence that the fact of the wife's death was brought to the attention of the testator. The will's contents contradicted previous conversations between C. and his wife concerning disposition of the property. The will left the greater part, nearly all, to the niece of Mrs. C. The niece had never been on intimate terms with testator and his wife, and came on the scene shortly before the will was made and pursuant to information volunteered by a neighbor. HELD: That the general verdict of the jury, to-wit: "Exhibit 1 is not the last will and testament of Wm. C., deceased," must be reversed and new trial granted. The whole decision should be read. Aside from its length (26 typewritten pages) it is difficult of summarization as its argument does not appear to lead to the final result. It acknowledges the rule of presumption of sanity and testamentary capacity, admits that a verdict for either party would be supported by the evidence, but suggests that the issues with respect to (1) capacity and (2) fraud and undue influence were confused, and that the reading of the pleadings to the jury was prejudicial.

State ex rel Governor vs. First National Bank: Mandamus to compel statement of daily deposits and contribution to Guaranty Fund under Chapter 200, S. L. 1923, by defendant bank. Defendant, originally a state bank, took advantage of Guaranty Fund Act, and paid assessments from 1917 to 1923, when it was converted into a national bank and refused to make further payments to the Fund. HELD: Authority or consent of Guaranty Fund Commission was not necessary to enable defendant to organize as a national bank under Sec. 5154 U. S. Revised Statutes. Secs. 13 and 29 of the N. D. Guaranty Fund Act do not fix a continuing liability upon the converted bank as to outstanding liabilities of the Fund at time of conversion.

 BAR NOTES

The Cass County Bar Association held a very interesting meeting on the 6th of this month, at which time the following topics supplied the reason for the pro and con oratory of the members present: 1. What is the best method for a young lawyer in studying the Constitution of the United States? 2. Ought the Bar to assist the state and federal officers in the enforcement of the Volstead Act and the Jones Act, under the 18th Amendment. 3. Name the most important civil case decided by the Supreme Court of this state; state the principles and procedure decided; has the case ever been modified or reversed? The program was in charge of the President of the Cass County Association, Mr. M. A. Hildreth of Fargo.

 1929 LEGISLATION

The Secretary of State has compiled and distributed a pamphlet listing the bills passed by the 1929 Session. If you have not received your copy write to Robert Byrne, Secretary of State. Should you require the complete text of any of the laws, in advance of the publication of the regular or popular editions, kindly advise the Secretary of the Association.