



1957

## State Bar Association of North Dakota 1957 Annual Meeting

North Dakota State Bar Association

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## BENCH AND BAR

STATE BAR ASSOCIATION OF NORTH DAKOTA  
 1957 ANNUAL MEETING  
 Bismarck, North Dakota  
 June 27, 28 and 29, 1957

## Tentative Program

### Wednesday, June 26, 1957

Registration—Patterson Hotel—4:00 to 10:00 o'clock P.M.  
 Registration Fee: \$6.00 all Attorneys  
 \$2.00 Guest Ladies

### Thursday, June 27, 1957

8:30 A.M. Registration—Convention Hall  
 9:30 A.M. Call to Order—President Floyd B. Sperry  
 10:00 A.M. Business session; committee reports; and announcements  
 12:15 P.M. Complimentary Luncheon—Host Lawyers  
 1:30—  
 5:00 P.M. Rules of Civil Procedure—Panel discussion on New Rules  
 3:30 P.M. Coffee Break  
 5:30—  
 7:30 P.M. Informal Get-Together

### Friday, June 28, 1957

9:30—  
 11:30 A.M. Rules of Civil Procedure—Panel discussion continued  
 11:30 A.M. Business: Election of Officers; Reports  
 12:15 P.M. North Dakota Alumni Luncheon  
 Minnesota and other Alumni Luncheon  
 1:30—  
 3:30 P.M. Business: Committee Reports; Presentation of 50-Year Certificates  
 3:00 P.M. Coffee Break  
 3:15—  
 5:15 P.M. Sectional Meetings:  
 1. Pre-Trial Procedure  
 2. Legal Status of Automobile Occupants  
 3. New Business Corporation Law  
 4. How to Unscramble Joint Tenancy Interest and Preparing A Marital Deduction Will

- 5. Practical Office Management Problems
- 6. Cancellation of Chattel Mortgage Contracts, Repossession and Chattel Mortgage Foreclosure
- 6:30 P.M. Convention Banquet—Address by Honorable John Ben Shepperd, former Attorney General of Texas
- 9:00—
- 12:00 P.M. Informal Social Hour

**Saturday, June 29, 1957**

- 8:00 A.M. Breakfast Meetings
- 9:00—
- 10:30 A.M. Sectional Meetings:
  1. Pre-Trial Procedure
  2. Legal Status of Automobile Occupants
  3. New Business Corporation Law
  4. How to Unscramble Joint Tenancy Interest and Preparing A Marital Deduction Will
  5. Practical Office Management Problems
  6. Cancellation of Chattel Mortgage Contracts, Repossession and Chattel Mortgage Foreclosures
- 10:30 A.M. Coffee Break
- 10:45—
- 12:00 Noon Business: Committee Reports; Final Business; Presentation of New Officers
- 12:00 Noon Adjournment.

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## ANNOUNCEMENT

### PROPOSED TAX LEGISLATION AND THE WORK OF THE AMERICAN BAR ASSOCIATION SECTION ON TAXATION

Studies are under way in Congress in preparation of tax bills which may have consequences far beyond any legislative changes made in recent years. Representative Mills of the House Ways & Means Committee has called for a complete re-examination of our Federal tax structure, including depletion allowances, the treatment of co-operatives and exempt organizations, income splitting between husbands and wives, and capital gains taxes. Clearly, these matters are of vital concern to all lawyers.

The Section of Taxation of the American Bar Association is actively seeking to correct inequities in the Internal Revenue Code and to build a better revenue structure. It will review the new legislative proposals with these objectives in mind. The Chairman of the Section has already appeared at the hearings conducted by

the Ways & Means Subcommittee on Internal Revenue Taxation, and presented thirty recommendations for changes in the Internal Revenue Code, but this presentation represents only the beginning of the Section's effort.

In this important work, the Section of Taxation needs the help of all lawyers. It earnestly solicits comments, criticisms, and ideas about both inequities in the present Code and Congressional proposals for legislative change. Please send your views to Donald C. Alexander, Chairman, Committee on Cooperation with State and Local Groups, 603 Dixie Terminal Building, Cincinnati 2, Ohio.

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### DISTRICT COURT DIGEST

INSURANCE — CONSTRUCTION OF AIR TRAVEL RIDER IN ACCIDENT POLICY. — *Day v. Aetna Life Insurance Co.*, District Court of the First Judicial District. Grand Forks County, North Dakota, O. B. Burtness, Judge.

Plaintiff, beneficiary of an accident insurance policy, brought this action to recover on the contract of insurance which provided for a death benefit of \$1000.00 in the event of the accidental death of the insured. The insured was killed by accidental causes while piloting a private plane. The policy had attached to it an "Air Travel Rider" which provided for the accidental death benefits if the insured was killed while riding as a fare-paying passenger in an airplane operated by a licensed pilot over regular routes, but no coverage was provided for death "while acting as a pilot".

The court overruled the defendant's demurrer on two grounds: (1) that the contract as to death benefits was actually a policy of life insurance, and (2) that under North Dakota statutes, the policy was incontestable after a period of two years except for non-payment of premium or violation of any military service exclusions.

The court relied in part upon *Logan v. Fidelity & Casualty Co. of New York*, a Missouri decision reported at 47 S.W. 948. The decision was quoted as follows: "When a policy covers loss of life from external, violent and accidental means alone, why is it not insurance on life? Such a provision incorporated in a general life policy admittedly would be insurance on life. Then, why less insurance on life because not coupled with provisions covering loss of life from usual or natural as well?" This reasoning has been followed in several later Missouri decisions and has been adopted by a number of other jurisdictions. *Wahl v. Interstate Business*, (Iowa)