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The Fifty-Seventh Annual Conference - 1947

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THE FIFTY-SEVENTH ANNUAL CONFERENCE—1947

The fifty-seventh Annual Conference on Uniform State Laws was held in Cleveland, Ohio, September 15 to 20 inclusive. President W. E. Stanley of Wichita, Kansas, in his excellent address emphasized that in fifty-seven years the Conference had produced ninety Uniform Acts. Of these the Conference now only lists fifty-three of them as current, that is, those that are approved for printing and are submitted to the legislatures for adoption.

As lawyers, we should take note that the Conference is composed of judges, practicing lawyers, and teachers of law from the forty-eight states, the District of Columbia, Alaska, Hawaii, and Puerto Rico. There are 138 regular Commissioners and approximately twenty life members, that is, those who have served as Commissioners for twenty years and were elected to life membership in the Conference pursuant to the Constitution of the Conference.

The Conference has been successful in securing qualified persons to prepare drafts of proposed uniform laws and model acts. The Conference has also made considerable progress in getting the states to agree on uniform laws in order to end conflicts which affect the properties of every person residing in the United States. Some states have adopted as many as forty-nine uniform or model acts. North Dakota has enacted twenty-eight. In a large measure, the responsibility of securing more of the uniform acts enacted by this state rests upon the lawyers of this state. Special responsibilities fall upon the Commissioners on Uniform Sales Laws, the officers of the North Dakota Bar Association and the Legislative Committee of the Bar Association.

When a Uniform Act is adopted that does not mean that it will remain forever in our code. No law is static, neither is a Uniform Act. The Conference is now at work revising and redrafting several of the earlier uniform laws. The commercial law subjects which have been sponsored by the Conference are as follows: Negotiable Instruments (1896); Warehouse Receipts (1906); Sales (1906); Bills of Lading (1909); Stock Transfer (1909); and Trusts Receipts (1933). It is evident to all that the above acts do not cover the entire commercial field. Furthermore, there is a lack of integration between the several acts. Likewise, since their promulgation, new business practices have developed. Because of these changes in business practices, the New York Merchant Association prepared and recommended to Congress for adoption a new Sales Act to govern interstate commerce. This proposal prompted the National Conference on Uniform State Laws to plan a revision of all the Uniform Acts dealing with commercial subjects. A Commercial Code has been proposed. The New York Merchant Association then withdrew its special act. The proposed Commercial Code will include Sales, Commercial Paper, Bank Collections, Investment Instruments, Bills of Lading and Warehouse Receipts, Chattel Security, and Commercial Agency. Work on these separate chapters is going forward simultaneously. The major portion of the Conference week was devoted to the consideration of the material section by section with criticism and suggestions. It is the plan of the Conference to have the work completed in its entirety on the Commercial Code by January 1, 1950.

Stated meetings were held on the proposed Uniform Ancillary Administration of Estates Act, Uniform Probate of Foreign Wills Act,

Uniform Reciprocal Judgment Act, and the Uniform Divorce Recognition Act.

At the Saturday morning session of the Conference, on September 20th, two proposed Uniform Acts were approved. However, at the present time, both of these acts are not in such a status that they are being promulgated by the Conference. One of these two acts was the Uniform Ancillary Administration of Estates Act. The Conference does not promulgate Uniform Acts until they have been approved by the American Bar Association through its House of Delegates. When this act came before the House of Delegates of the American Bar Association during the week of September 22, it was referred to the American Bar Association's Section of Real Property, Trusts, and Probate Law for the recommendation of that Section for final approval. Until this act has been approved by the House of Delegates, it will not be promulgated by the Conference.

A second act, known as the Uniform Divorce Recognition Act, was approved by the Conference at that morning session. The resolution for adoption provided that the act should be submitted to the American Bar Association at such time as seemed appropriate to the Executive Committee of the Conference. It was felt advisable by the members present to withhold reference of the Uniform Divorce Recognition Act until there was an opportunity to examine any further expression of opinion concerning the subject matter by the Supreme Court in pending cases. When the opinions are available in the two cases which raise the issue of validity of interstate divorces of *Sherrer v Sherrer* and *Coe v Coe* (16 L.W. 3119), the Executive Committee will make a further study of the draft which the Conference approved in the light of the new opinions. Although the 1947 Conference did approve two proposed Uniform Acts, neither of them at present are ready for promulgation.

Although the Conference is an instrumentality engaged in preparing Uniform Acts, it is in fact an agency of the several states and territories, an agency of every state legislature and of the lawyers of the United States. The National Conference on Uniform State Laws invites the interests and co-operation of all lawyers of this state.

O. H. THORMODSGARD, Commissioner