



1942

Attorneys Wanted

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ATTORNEYS WANTED

The Board of Legal Examiners of the Civil Service Commission, headed by Solicitor General, Charles Fahy, has announced an examination for the establishment of its first register of eligibles for appointment to the first 4 grades of the Federal legal service. The written portion of the examination will be given April 11th, 1942. Applications to take the examination must be filed with the Civil Service Commission in Washington not later than March 3rd, 1942. Forms may be obtained from any of the Commission's offices.

EXEMPTION OF LIFE INSURANCE MONEY FROM
CREDITORS IN NORTH DAKOTA

1. INSURANCE: EXEMPTIONS BY STATUTE

From a study of the life insurance law of North Dakota it is evident that our legislature from time to time has passed insurance laws for the benefit of the poor within its borders. Our Supreme Court has construed those statutes liberally in order to give full effect to this legislative policy.¹

The North Dakota statutes on life insurance benefit payments are Compiled Laws of North Dakota 1913, sec. 8719² as amended by North Dakota. Laws 1927, c. 225, and N. D. Laws 1929, c. 149.³

11. PROBLEMS ARISING UNDER BENEFIT PAYMENTS

A. When Made Payable To The Insured Himself.

The Legislature in the 1929 Laws, *supra*, by the use of the words "deceased" and "insured" has filled in the "loophole," so-to-speak, which was found to appear in section 8719 by the case of *Cohen vs. Gordon Ferguson*, 56 N. D. 545, 218 N. W. 209 (1928). Our Supreme Court has construed the 1929 Laws, *supra*,

¹The policy of construction by our court is clearly expressed in the case of *Jorgensen vs. DeViney*, 57 N. D. 63, at 73, 222 N. W. 464 (1928). "The great object of statutory construction is to ascertain and give effect to the intention of the lawmakers as expressed in the law."

²N. D. Compiled Laws 1913, sec. 8719. "The avails of a life insurance policy or of a contract payable by any mutual aid or benevolent society, when made payable to the personal representative of a deceased, his heirs or estate upon the death of a member of such society or of such insured shall not be subject to the debts of the decedent except by special contract, but shall be inventoried and distributed to the heirs or the heirs at law of such decedent. . ."

³N. D. Laws 1929, c. 149. "The avails of a life insurance policy or of a contract payable by any mutual aid or benevolent society, when made payable to the deceased, the personal representatives of the deceased, his heirs or estate. . ." The Chapter is concluded as follows: "This statute is intended to apply only to life insurance policies and beneficiary certificates that by their terms are made payable to the insured, to the personal representatives of the insured, or to his heirs or estate."