Report of the Committee on Uniform State Laws

Minn. L. Rev. Editorial Board

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Section 6. All present laws relating to pleading, practice, and procedure, excepting those applying to the probate courts, shall be effective as rules of court until modified or superseded by subsequent court rule, and upon the adoption of any rule pursuant to this act such laws, in so far as they are in conflict therewith, shall thereafter be of no further force and effect.

Section 7. All rules promulgated hereunder shall be published in the appendix to the official reports of the supreme court and shall be bound therewith. The reviser of statutes shall index and the commissioner of administration shall print, publish, and distribute copies thereof to the bench and bar and all others required by law. Such rules shall be effective at a time fixed by the court.

Section 8. This act shall not abridge the right of the legislature to enact, modify, or repeal any statute or modify or repeal any rule of the supreme court adopted pursuant thereto.

REPORT OF THE COMMITTEE ON UNIFORM STATE LAWS

TO THE MINNESOTA STATE BAR ASSOCIATION

RECOMMENDATION

Your Committee recommends:

That the Minnesota Legislature at its next session should adopt the Uniform Fiduciaries Act.

REPORT

1943 MEETING OF THE NATIONAL CONFERENCE

Before discussing the Uniform Act recommended for passage in Minnesota, we wish to tell of the work of the National Conference of Commissioners on Uniform State Laws during the past year.

The Conference through its Committee on Emergency War Measures has for several years been cooperating with other organizations, especially with the Council of State Governments, in framing uniform or model emergency war acts for adoption by the states. The work of drafting such measures has fallen largely on the Committee of the Conference, because of the long experience of the Conference in drafting acts for passage by the states generally; but the acts so drafted have not been recommended as Uniform Acts by the Conference to be part of its general list of Uniform Acts, because of their temporary nature.

The chief work of the National Conference at its meeting in August, 1943, in Chicago, was on the Uniform Revised Sales Act. The Conference has under way the preparation of a Uniform Commercial Code, which involves going over and revising the present Uniform Commercial Acts, adding to them, and also preparing Acts on certain commercial subjects not now covered. This plan will take a considerable period of years for its completion. The first part of the commercial law to be taken up was the law of sales, and this involved revising the Uniform Sales Act. This was completed, after four years work, at the 1943 meeting. There has not been much change of the substance of the law of the original Sales Act, but there has been considerable restatement and rewording of the law in the interest of clarity, and in particular there has been a great increase in the matters covered, so that the Revised Sales Act covers about double the field of the original act. More than thirty sections of the revised act have no counterpart in the original act, which has 79 sections as against 135 sections in the
new act. Experience has shown that the original act was incomplete. In considerable part, this present incompleteness is due to the extensive developments in business and changes in the ways of doing business since the original act was put out at the meeting at St. Paul in 1906. The next subject in the Commercial Code to be taken up by the National Conference will be negotiable instruments and banking.

The National Conference has been working with the American Law Institute in preparing the Revised Sales Act, and the Act still has to come before the Institute for its final approval. There may be changes which will send it back again to the Conference, so it would be premature to present it to the State Bar Association for its approval at this time. However, once the act is finally out it should be given prompt attention, since this is an important field of commercial law where Minnesota should keep abreast of the developments in other states.

The Conference in 1943 continued its consideration of the Administrative procedure Act, which we outlined in our report last year. It was decided to call it a model act rather than a uniform act, since it is not a matter where uniformity between the states is required. The act was adopted in Wisconsin in 1943, chapter 375, (Wisconsin Statutes, 1943, chapter 227) where it had general approval including that of the state administrative agencies. Since few, if any, other states have been able to pass a general act on this important but difficult subject, the adoption of the Model Act in Wisconsin in especially noteworthy. The Minnesota Bar Association through its committee has framed three acts on this subject, which have the same general objectives as the Model Act, but differ considerably in method.

The Conference in 1943, after continued review by its committee of the acts it had put out in the past, made a number of important changes in the status and classification of certain existing uniform acts including the following.

The Vehicle Code put out in 1926, which includes the Act Regulating Traffic on Highways passed in twenty-six states including Minnesota (1927), was withdrawn and the question was raised for further consideration whether the Conference should interest itself further in this subject. Conditions have materially changes as to highway safety and automobiles since 1926, and the act in its original form is no longer suitable. It has been revised in Minnesota. Other agencies, including the Bureau of Good Roads of the United States Department of Agriculture, have now interested themselves in the subject and promulgated codes.

The four uniform acts relating to Air and Aeronautics, being Aeronautics Act (1922), Air Licensing Act (1930) Aeronautical Regulatory Act (1935), and Airports Act (1935), were withdrawn pending the preparation of a Uniform Aeronautical Code. Conditions have changed materially as to the air and air traffic, and the acts need revision. Minnesota passed the first mentioned of these acts in 1929, and included it with some changes in the Aeronautics Code enacted in this state in 1943 (chapter 653).

The Uniform Composite Reports as Evidence Act and Uniform Expert Testimony Act were reclassified as Model Acts, being subjects where uniformity was not required.

The Uniform Conditional Sales Act and Uniform Chattel Mortgage Act were withdrawn pending preparation of the Uniform Commercial Code above referred to, because it was felt the acts needed some revision in the light of developments since they were framed. These subjects are to be included in the commercial code, where the acts will appear in a revised form. However, if it is desired in Minnesota to revise or rewrite the law on conditional sales and chattel mortgages before the parts of the new commercial code relating thereto are completed, there are many features of the uniform acts on those subjects which could well be considered for inclusion in such a revision of the state law.

The National Conference in 1943 put out two new Uniform Acts, one on Interstate Compromise of Death Taxes, the other on Interstate Arbitration of Death Taxes. They are both short acts and relate to the situation
where each of two or more states claims that a decedent was domiciled therein and seeks to levy inheritance taxes on his estate on such claim. The acts provide for the settling of such a controversy between states; the one act authorizes the tax commission to make an agreement of compromise with the other states, the other act authorizes the tax commission to submit the controversy to arbitration and provides procedure.

The Conference in 1943 made progress on a number of other acts in course of preparation, including the Uniform Ancillary Administration of Estates Act and Uniform Powers of Foreign Representatives Act, which should be finally approved in the near future.

UNIFORM ACT RECOMMENDED FOR ADOPTION

We shall refer briefly to the Uniform Fiduciaries Act which is specially recommended for adoption by the Minnesota Legislature this coming year. This Act was approved by the National Conference in 1922; it has been discussed in the 1923, 1928, 1930, 1932, 1938, 1940 and 1942 reports of this Committee, and has been repeatedly recommended by this Association for passage by the Legislature, the last time for 1943. The Act relates to the dealings of third persons with fiduciaries and does not affect the obligations of fiduciaries to their beneficiaries. Its purpose is to establish definite rules as to what constitutes constructive notice of breach of fiduciary obligations, in place of the present uncertainty, thus operating as an important aid to the safe and prompt doing of business with fiduciaries. It has been introduced in several sessions of the Legislature and reported out favorably by the Judiciary Committees of House and Senate. At the last session in 1943, it was introduced as a Judiciary Committee bill in the House, passed the House and was approved by the Judiciary Committee of the Senate but was not reached on General Orders in the jam at the close of the session. The Act has been passed in sixteen states as follows: Colorado, District of Columbia, Idaho, Illinois, Indiana, Louisiana, Maryland, Nevada, New Jersey, New Mexico, North Carolina, Pennsylvania, Rhode Island, Utah, Wisconsin, and Wyoming; also in part in New York. Its principles are approved in Rodgers v. Bankers National Bank, 179 Minn. 197.

The Uniform Vital Statistics Act put out by the Conference in 1942 will probably be introduced in the 1945 legislature and may be passed. We understand that it is regarded with some favor by the State Board of Health. It is briefly described in our 1943 report. It was prepared on the initiative of the United States Bureau of Census, as an aid to more adequate and uniform vital statistics in the states. In many states records of this character are inadequate. Passage of this Act by the states generally would tend to head off the movement in Congress for legislation for the federal government to regulate or take over vital statistics in order to provide adequate records. The Act requires certificates of birth, death, etc., to be prepared by certain persons, and specifies that the forms of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the United States Bureau of the Census subject to approval of and modification by the state board. Thus makes for uniformity of vital statistics throughout the United States. The Act provides for filing a delayed certificate of birth, where none was filed at the time of birth, as does the present Minnesota law (Minn. Statutes, 1941, 144.17). It also provides that a person may bring a court proceeding to establish his birth, that the court order establishing the birth shall be recorded with vital statistics and shall be admissible as evidence, the same as a regular birth certificate. However, the delayed certificate, filed without court order, only has such probative value as the body before which it is offered as evidence, determines to give it. The Act also provides for registration of foundlings, records of adoption, marriage and divorce, limitations on disclosure of illegitimacy, permits for burial, and other matters relating to vital statistics.

William L. Prosser of Minneapolis has been appointed as a Commissioner on Uniform State Laws for Minnesota to take the place of Richard