

December 2019

Report on the 1954 Annual Meeting of National Conference of Commissioners on Uniform State Laws

wyoming State Bar

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Recommended Citation

wyoming State Bar, *Report on the 1954 Annual Meeting of National Conference of Commissioners on Uniform State Laws*, 9 WYO. L.J. 48 (1954)

Available at: <https://scholarship.law.uwyo.edu/wlj/vol9/iss1/10>

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By:

JOSEPH GARST
 General Chairman.

REPORT ON THE 1954 ANNUAL MEETING OF NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

The 1954 Annual Meeting of the National Conference of Commissioners on Uniform State Laws was held at the Conrad Hilton Hotel in Chicago, Illinois, during the week of August 9. The State of Wyoming was represented at that meeting by Alfred M. Pence of Laramie and H. Glenn Kinsley of Sheridan. The Conference was attended by 108 Commissioners from 46 Jurisdictions.

The Conference considered Section by Section the drafts of nine Uniform or Model Acts and approved five Uniform Acts and one Model Act.

The approved Uniform Acts are:

1. Uniform Aircraft Financial Responsibility Act.
2. Uniform Civil Liability for Support Act.
3. Uniform Disposition of Unclaimed Property Act.
4. Uniform Preservation of Private Business Records Act.
5. Uniform Supervision of Trustees for Charitable Purposes Act.

The approved Model Act is:

1. Model Post-Mortem Examinations Act.

The Uniform Commercial Code in its final draft was approved by the American Law Institute and the National Conference of Commissioners on Uniform State Laws in 1952.

This Code represents the sum total of an immense amount of time and thought of a great many people well informed in both business and legal sides of the fields covered by the Code. The Code has been under study and preparation since 1940. When the American Law Institute sought contributions necessary to finance the work, a prospectus was gotten out which contained the following:

“The American Law Institute and the National Conference of Commissioners on Uniform State Laws have undertaken jointly to restudy the entire field of American Commercial Law, and to formulate the comprehensive commercial code with appropriate annotations and commentaries.

They plan to include provisions which will cover a commercial transaction from start to finish, no matter how complicated, or how simple it may be. Sale, bill of lading, draft, trust receipt or warehouse receipt, payment by check or other form of paper, the passage of check, draft, or other paper through various banks for collection, and other cognant matters will be covered by this one Act or Code.”

Two Foundations, including the Falk Foundation, and 96 banks, industries and law firms contributed in excess of \$360,000.00 to finance the Code's preparation.

A tremendous amount of work has gone into the preparation of this Code. The Editorial Board was composed of Judge Herbert F. Goodrich of the Third Circuit Court of Appeals and Director of American Law Institute as Chairman; Professor Karl N. Llewellyn, formerly of Columbia University, now of the University of Chicago Law School; Carl F. Pryor, a practicing lawyer of Burlington, Iowa; and Harrison Tweed, a practicing lawyer of New York City.

The Editorial Board selected Mr. Llewellyn as chief draftsman of the Code. Draftsmen especially qualified for the work were selected for various

articles and all draftsmen had groups of advisors who were selected because they knew the respective fields in which the draftsmen were working.

When a draftsman had a draft ready to submit, it was presented to his advisors who met with him and went over the draft line by line.

Drafts were revised and re-revised until they were ready to be presented to the appropriate sections of the National Conference and to the Council of the American Law Institute. Both these groups included lawyers and judges from every section of the United States.

For a number of years, the National Conference and the National Law Institute met in joint session, both in the spring and in the fall, and considered sections of the Code line by line and paragraph by paragraph.

Each line and word was gone over thoroughly by the National Conference of Commissioners on Uniform State Laws and by the Institute. The text was submitted to a very large committee of the Section on Corporation, Banking and Business Law of the American Bar Association of which Mr. Walter D. Malcolm, a very able lawyer of Boston, Mass., was Chairman.

The Code was submitted to various business groups which would be most affected by its provisions. They made suggestions which were accepted by the Editorial Board, which had been enlarged from five to fifteen members.

The Code is now being studied by appropriate committees and groups in the various States. It has already been adopted in Pennsylvania, which is the third State in the Union in population and in banking deposits and in retail sales.

The Uniform Commercial Code would supercede the following Uniform Acts:

1. Uniform Sales Act.
2. Uniform Negotiable Instruments Law.
3. Uniform Bills of Lading Act.
4. Uniform Warehouse Receipts Act.
5. Uniform Stock Transfer Act.
6. Uniform Conditional Sales Act.
7. Uniform Trust Receipts Act.
8. Uniform Written Obligations Act.
9. Uniform Fiduciaries Act.

We do not have all of these Uniform Acts in Wyoming, but we do have the following:

1. Uniform Sales Act.
2. Uniform Negotiable Instruments Law.
3. Uniform Bills of Lading Act.
4. Uniform Warehouse Receipts Act.
5. Uniform Stock Transfer Act.
6. Uniform Trust Receipts Act.

The Code is divided into nine articles. Article I deals with the construction, application and subject matter of the Act, including definitions and principles of interpretation. Article II deals with sales. Article III with commercial paper, Article IV with bank deposits and collections, Article V with documentary letters of credit, Article VI with bulk sales called "bulk transfers." Article VII deals with warehouse receipts, bills of lading and other documents of title. Article VIII deals with investment securities, Article IX deals with secured transactions, contract rights and chattel paper and Article X relates to effective date and repealer.

H. Glenn Kinsley
Alfred M. Pence

REPORT OF THE NECROLOGY COMMITTEE

Since our last meeting, the death of twelve members of the Wyoming State Bar have been reported and, as always, they will be missed most by those who knew them best and worked with them, but the lack of their presence as members of our Bar will be a loss to all. Of this group some have given a lifetime of service, while others were taken in the prime of life with their service before them and yet had carved their place in the community in which they lived, in the State of Wyoming and the Wyoming State Bar. The sum total of their existence has been a benefit to mankind.

THOMAS OWEN MILLIGAN

Thomas Owen Milligan was born in Cheyenne, Wyoming, November 19, 1906, and received his preliminary and secondary schooling in Cheyenne, and in Pittsburgh, Pennsylvania, and later attended the University of Wyoming, being graduated there in law, in 1930.

He practiced law in Cheyenne twelve years prior to World War II, serving as a Municipal Police Judge from 1934 until 1940. In 1938 he was married to Miss Lillian Lauten.

He entered the army June, 1942, as a Private, attended Officer's Training School in Battle Creek, Michigan, and served as a Captain in World War II in the European Theatre with the 1222 M. P. (Aviation) Co., 9th Air Corps. After his return to Cheyenne, he was engaged as an Adjudicator for the Veterans Administration, until an attack of grand mal seizure, due to a war injury in Germany. He had been hospitalized in eight hospitals in the United States prior to his sudden death, September 16, 1952.

He was buried with military honors September 19, 1952, at Beth El Cemetery.