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Montana Bar Association Activities

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THE JUSTIN MILLER PRIZE

The Justin Miller prize for 1950, a \$100 United States Savings Bond, has been awarded to Dean F. Ratzman for his note entitled "Relief in Equity Against Probate of a Will Procured by Fraud" which appeared in the 1950 issue of the Montana Law Review. This award is made annually for the note which is adjudged best of those appearing in the Review.

MONTANA BAR ASSOCIATION ACTIVITIES

Billings was the situs of the Sixty-Second Annual Meeting of the Montana Bar Association on August 24, 25, and 26, 1950. The meeting was well attended and a gratifying success. Committees were appointed and the following men were chosen for the Executive Committee: James T. Finlen of Butte, Chair-

man; John C. Hauck of Helena, Secretary; and E. A. Blenkner of Columbus, W. E. Keely of Deer Lodge, Joseph J. McCaffery Jr. of Butte, Theodore F. McFadden of Dillon, and Honorable R. S. McHugh of Anaconda, administrative personnel.

The Honorable Cody Fowler, President of the American Bar Association, will appear as a guest speaker at the 1951 meeting to be held in Butte on June 28, 29, and 30, 1951.

VALIDITY OF DEED GIVEN UNDER COMPELSION OF "FOREIGN" COURT

A court of equity of one jurisdiction cannot directly affect by its decree title to land situated in another state. A court foreign to the situs of land is said to have "... no inherent power, by the mere force of its decree, to annul a deed or to establish a title."¹ However, it is well settled that jurisdiction exists in a court of equity to give a decree directing a defendant over whom it has personal jurisdiction to execute a conveyance of land situated elsewhere, and that such a decree may be enforced, as against the person of the defendant, by contempt proceedings.²

Courts of the situs have consistently recognized such defendant-executed deeds as valid.³ Inevitably, however, astute counsel will someday persuade a situs court to refuse recognition to one of these conveyances,⁴ and the situs' decision will be appealed to the Supreme Court of the United States. There are

¹Hart v. Sansom (1894) 110 U.S. 151, 155. This particular quotation has been repeated in many cases.

²Penn v. Baltimore (1750) 1 Ves. Sr. 444, 2 White and T. Lead. Cas. in Eq. 923; Montgomery v. U.S. (1888) 36 F. 4; Cleveland v. Burrill (1857) 25 Barb. 532; Hart v. Sansom (1894) 110 U.S. 151, 155; Watkins v. Holman 16 Pet. 25 (U.S. 1842); Corbett v. Nutt 10 Wall. 464 (U.S. 1868); Carpenter v. Strange (1891) 141 U.S. 87; Tardy v. Morgan (1844) 3 McLean 358, Fed. Cas. No. 13 752; Burnley v. Stevenson (1873) 24 Ohio St. 474, 15 Am. Rep. 621; Davis v. Headley (1871) 22 N. J. Eq. 115.

³Bullock v. Bullock (1894) 52 N. J. Eq. 561, 30 A. 676, 46 Am. St. Rep. 528, 27 L.R.A. 213; Mitchell v. Bunch (1831) 2 Paige 606, 22 Am. Dec. 669; Baschal v. Acklin (1863) 27 Tex. 174; Burnley v. Stevenson (1873) 24 Ohio St. 474, 15 Am. Rep. 621; Steele v. Bryant (1909) 132 Ky. 569, 116 S. W. 765; Deschenes v. Tallman (1928) 248 N.Y. 33, 161 N.E. 321; Bailey v. Tully (1943) 242 Wis. 226, 7 N.W. (2d) 837, 145 A.L.R. 578.

⁴An Iowa case very nearly raises this issue: Gilliland v. Inabnit (1894), 92 Iowa 46, 60 N.W. 211. However, there the original grantor never did contest the conveyance. After his death some of his heirs sought unsuccessfully to have the grant set aside. Cf. Goodrich's interpretation of this case: GOODRICH, CONFLICT OF LAWS (3d. Ed. 1949) 219, n. 205.