



1928

## Review of North Dakota Decisions

A E. Angus

Follow this and additional works at: <https://commons.und.edu/ndlr>

---

### Recommended Citation

Angus, A E. (1928) "Review of North Dakota Decisions," *North Dakota Law Review*. Vol. 5 : No. 3 , Article 3.  
Available at: <https://commons.und.edu/ndlr/vol5/iss3/3>

This Decision is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact [und.common@library.und.edu](mailto:und.common@library.und.edu).

## REVIEW OF NORTH DAKOTA DECISIONS

A. E. ANGUS

*Miller vs. Kraft.* Action for damages for injury in an automobile accident. Defendant's son drove his father's car without the defendant's knowledge or consent and ran into the plaintiff, injuring him. Plaintiff sought recovery under "family car" doctrine. Verdict for plaintiff and appeal. HELD: Reversed and new trial ordered on the ground that the evidence introduced at the trial did not clear up the question of negligence of both parties. Dicta of Court states that head of a family is not liable for car driven by a member of the family except on an agency basis. Where such member was expressly denied the use of the car, the father cannot be held on agency basis.

---

*Clooten vs. Wang.* Action to determine adverse claims. Owner of land mortgaged it in 1917 to Driscoll Bank, which mortgage was recorded. Assignment was made by the Bank to defendant and the assignment recorded. A second mortgage to the same Bank was recorded, foreclosure and sale made to the Bank. No redemption was made, and the Bank became entitled to sheriff's deed in 1925, but it was never issued. Meanwhile, in 1921, the land was struck off at tax sale to Burleigh County. The county auditor prepared a certificate of sale which was complete in all respects except that it was not signed by the county auditor. Land was sold by the county to plaintiff, who commenced this action. The defendant prayed that his mortgage be declared a lien on the land subject to a lien for taxes, which he offered to pay. Question is on the validity of the unsigned certificate of tax sale. HELD: Certificate of tax sale not signed by the county auditor is a nullity, but the sale is not thereby invalidated. Plaintiff who secures a tax deed from the county also secures the interest of the county in the tax lien, but does not secure any other title or interest in the land. Defendant, by paying amount of the tax due, may extinguish the tax lien.

---

## RULES OF COURT

As a result of investigations into contingent fee scandals, solicitation, running, touting, group settlements, expert testimony evils, and other ambulance-chasing devices and practices, in cities like New York, Philadelphia and Milwaukee, bar associations are making headway in the house-cleaning that was all too evidently necessary.

Among the more constructive results of the disclosures made by investigating committees, the following rules of court are entitled to particular notice:

1. No attorney shall, directly or indirectly, pay or give, or sanction the payment or gift for his benefit of, any money or thing of value, in consideration or in recognition of services in connection with the employment of such attorney in any claim for the recovery of damages for injury to persons or property.

2. No attorney shall handle any claim for personal injuries save for the party legally entitled to damages therefor or for another member of the bar, and no attorney shall, directly or indirectly, divide his fee with or pay any part thereof to any person not a member of the bar, or