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District Court Digests

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DISTRICT COURT DIGESTS

The *North Dakota Law Review* regularly presents digests of significant district court decisions in the hope they will prove of value to the members of the Bar.

MUNICIPAL CORPORATIONS—LIABILITY FOR MEDICAL CARE FURNISHED PRISONER

Devine v. City of Minot, District Court of Ward County, Eugene A. Burdick, Judge. Docket No. Civil 27709, Fifth Judicial District.

This was a civil action brought by three doctors and the Trinity Hospital Association, a corporation, against the City of Minot and against Ward County, North Dakota. In March, 1951, police officers of the City of Minot detected a burglar inside a grocery store within the city. Attempting to arrest the burglar, one of the officers shot and wounded him mortally. As the burglar lay wounded, one of the officers reported to police headquarters and requested that an ambulance be dispatched to the scene. He also requested that Trinity Hospital be notified of the impending arrival of the injured man and that a doctor be called to the hospital to treat him.

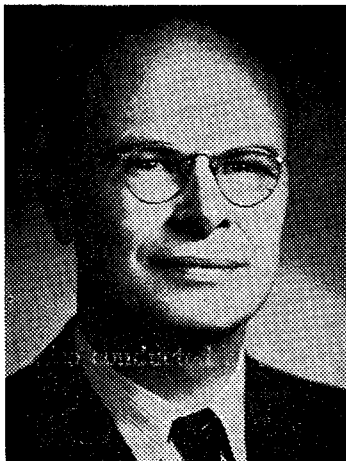
The injured man was taken to Trinity Hospital and treated there until his death five days later. The reasonable value of the hospitalization, treatment and medications administered to him was \$463.57. The three doctors involved in this action rendered services of the value of \$410. The three doctors and the hospital sued Ward County and the City of Minot to recover these sums.

Judge Burdick ruled that Ward County could not be held liable for the expenses involved, since there was nothing in the stipulated facts to indicate that the Sheriff of Ward County had ever taken custody of the prisoner or participated in his arrest. He cited the case of *City of Pasadena v. Los Angeles County*, 258 P.2d 28, as authority for this holding. In his opinion he stated that the police officers could not be considered agents or deputies of the sheriff, and added that, "Unless the sheriff is actually called into service by the police officer and participates in reducing the suspect to subjugation, the sheriff cannot be said to be a participant, actually or constructively." Consequently the action was dismissed as to Ward County.

As to the City of Minot, Judge Burdick ruled that liability for the reasonable value of medical services rendered the prisoner could be imposed on a theory of quantum meruit. While the assist-

ance rendered by the plaintiffs was not sufficient to preserve the prisoner's life, they undoubtedly prolonged it and were therefore necessary. "To hold that the police officers had no authority to obligate the City of Minot for the hospital care and the medical services rendered by the respective plaintiffs would be to hold that the police officers are without authority to obligate the city for the payment of food, simple sanitary needs or emergency first aid administered to a prisoner while in custody. This . . . would lead to absurd results."

In the interest of research, Judge Burdick directed counsel to the following citations: 44 A.L.R. 1280, 1285; 110 A.L.R. 144, 153; 154 A.L.R. 351, 356 and 25 L.R.S. (N.S.) 180.



George S. Register, one of North Dakota's newly-appointed United States District Judges, is already something of an institution in Burleigh County, where he served as state's attorney for 24 continuous years.

Judge Register, a native North Dakotan, received his elementary and high school education in Bismarck. After remaining out of school for two years, he entered Jamestown College, from which he graduated with an A.B. degree in 1923. He then entered the University of Michigan Law School, graduating in 1926 with a Juris Doctor degree.

After being admitted to the North Dakota Bar in January, 1927, Judge Register worked in the office of his father, George M. Register, until his appointment in 1928, as special assistant attorney general in the office of the late George Shafer. The following year he took over the duties of Burleigh County State's Attorney, a position which he held until 1953. During this time, Judge Register compiled an enviable record of only five jury acquittals out of the 1,262 cases which were handled by his office.

In 1953, when Judge Register retired from the office of state's attorney, he and Mr. Alfred Thompson, who had been assistant state's attorney since 1951, formed a law partnership in Bismarck.

Judge Register is a member of the McCabe Methodist Church and has served for many years on its Board of Trustees. In 1948, he was honored with appointment as North Dakota lay delegate to the General Conference of the Methodist Church. He is past

president of the 4th District Bar Association, a 32nd degree Mason, and a member of the Order of the Shrine. In 1952, the honorary degree of LL.D. was bestowed upon him by Wesley College of Grand Forks, North Dakota.

Judge Register married the former Grace Cummins of Casselton, North Dakota, in 1934. They have two children, Joanne, 16, and George R., 11.

His life has consisted of frequent service to his community and to his State. His record, his character, his ability, and his high standing among his fellow men herald success in the career of Judge George S. Register.



Ronald N. Davies, former executive director of the State Bar Association of North Dakota who was recently appointed to the federal district court bench in North Dakota, has had a distinguished professional career.

Judge Davies received his elementary education in Crookston, Minnesota, his high school education in Grand Forks, and his college education at the University of North Dakota. He received the A.B. degree in June, 1927. He was a law student at the University of North Dakota School of Law for two years, 1926-27 and 1927-28. He then accepted a position in Washington, D. C., and completed his legal education at Georgetown University Law School. He was admitted to the Bar of North Dakota in July, 1930. Elected judge of the municipal court in Grand Forks, he

served two terms from 1932 to 1940. In 1940 the law firm of Peterson & Davies was established. In 1942 Judge Davies entered the armed forces as a first lieutenant and was discharged in 1946 as a lieutenant colonel.

In 1947 Judge Davies was selected by the Executive Committee of the State Bar Association as the association's executive director. In that capacity he served with distinction until his resignation August 4, 1955. In September, 1948, he was appointed a lecturer in legal ethics at the School of Law of the University of North Dakota.

Members of the law faculty and the law students appreciated his teaching ability, his interest in legal education and his loyalty to his Alma Mater. As the Executive Director of the State Bar Association of North Dakota, he promoted the publication of the *North Dakota Law Review*. The Faculty and the students prepared the materials for the law review and the Bar Association published and distributed the law reviews to the lawyers and judges of the State of North Dakota.

The *North Dakota Law Review* is a joint enterprise of the Bar Association and the School of Law. Due to Mr. Davies' friendly cooperation and understanding, the relation of the Law School with the bar and bench has been a success. The Law Faculty and the law students regret that Mr. Davies found it necessary to resign as Executive Director and as a law lecturer. We are pleased that he was appointed Judge in the Federal District Court of North Dakota.

Annual Convention
of the
State Bar Association
of
North Dakota
Grand Forks, North Dakota
August 4-5-6, 1955

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