



1934

## North Dakota Decisions

North Dakota Law Review Associate Editors

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may be reduced by the order of the court under the statute in case of a change in circumstances, and the operation of the statute itself could not validly outlast the emergency or be so extended as virtually to destroy the contracts.

It may not be amiss to emphasize three points in addition: 1. Proper and appropriate legislation, within the terms of the Constitution; 2. Fair, equitable, legal administration by the courts of the land; 3. Fair and equitable consideration of the interests of the creditor.

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#### NORTH DAKOTA DECISIONS

*Halvorson vs. Haugen*: Defendants contested the validity of plaintiff's tax deed. Chapter 288, Laws of 1931, provides, "Whenever in any action at law or equity the validity of any tax deed is questioned, upon pleadings or otherwise, the action shall not proceed until the party assailing such deed shall, within such time as the court shall deem reasonable, deposit in court for the benefit of the party claiming thereunder an amount equal to the sum paid by said party to the county for the purchase of the property covered by the tax deed, together with costs and disbursements of the action then incurred by the party claiming under such deed." At the opening of the fall term of the district court the plaintiff gave notice that he would demand such deposit. On Nov. 19, 1932, the trial court entered its order, pursuant to such notice, fixing the date on or before which such deposit was to be made at Dec. 20, 1932, and specifying the amount at \$900 principal and \$34.50 costs. On Dec. 21, 1932, the plaintiff and the defendant appeared by counsel, and a hearing was had. The defendant's proof tended to show that the property was the family home, and was worth about \$3,000. The trial court entered an order extending the time for making the deposit to Jan. 21, 1933, and granted terms of \$50 for making the extension. The deposit was not made, and on Jan. 26, 1933, the trial court made its order striking the defendant's answer, took proof, and entered judgment. HELD: That the procedure provided by the statute is a harsh one, formerly unknown in this jurisdiction; that the claim that the remedy provided by the statute to compel the deposit would be ineffective is a matter for legislative and not judicial consideration; that, having prescribed both the rule of action and the method of enforcing it, neither the rule nor the method may be extended by judicial interpretation.

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#### THE BAR HAS A VOICE—USE IT

Under the above heading, President Anderson of the Los Angeles Bar Association makes some rather pointed statements concerning the appropriateness and the necessity of more news-giving to the public by the various associations. "Its voice," he says, "would not be as one crying in the wilderness, but could and should be as the voice of truth shouting from the housetops. It can reach every nook and cranny in the land. All that is necessary is the will to speak."

The particular mouthpiece of the Bar of this State should be the Committee on Press and Public Information. In co-operation with the President of the Association it should, we believe, give to the public, through the various newspapers and the Associated Press the annual story of the work of the Association, as exemplified by its district and general meetings. Explanatory, informational stories, issued monthly to the press, would be welcomed, we are convinced.