

Counsel Can't Collect Fees in Divorce Suit as Couple Dropped It

Special to The Tribune.

Helena, Oct. 10.—Interpreting section 3677 of the Montana statutes as relating to the authority of the courts to require a husband, as defendant or plaintiff in a divorce action, to provide money to enable his wife to prosecute or defend the action, as being merely an incident to an action for divorce and that it ceases to be operative when the action has been determined, the supreme court has sustained the district court of Yellowstone county in sustaining the general demurrer of defendants in the cast of O. K. Grimstad and Rookwood Brown against Clara E. and John A. Johnson.

This grew out of a divorce action instituted by Clara E. Johnson against John A. Johnson, Oct. 1, 1918, in which Grimstad and Brown appeared as counsel for the plaintiff. Before the case could come to issue the parties were reconciled and Mrs. Johnson directed her attorneys to dismiss the action.

Subsequently Grimstad and Brown brought an action against both Johnson and his wife to recover \$300 in attorney fees, which amount Mrs. Johnson in her action asked the court to allow them. The defendant, John A. Johnson, filed a general demurrer, which was sustained by the district court.

Payment Fees in Dropped Divorce Case

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