CHAPTER 9-10
OBLIGATIONS IMPOSED BY LAW

9-10-01. Injury to the property or person of another.

Every person is bound without contract to abstain from injuring the person or property of another or infringing upon any of that person's rights.

9-10-02. Deceit - Definition.

A deceit within the meaning of section 9-10-03 is:

1. The suggestion as a fact of that which is not true by one who does not believe it to be true;
2. The assertion as a fact of that which is not true by one who has no reasonable ground for believing it to be true;
3. The suppression of a fact by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want of communication of that fact; or
4. A promise made without any intention of performing.

9-10-03. Damages for deceit.

One who willfully deceives another with intent to induce that person to alter that person's position to that person's injury or risk is liable for any damage which that person thereby suffers.

9-10-04. Intent to defraud - Presumption.

One who practices a deceit with intent to defraud the public or a particular class of persons is deemed to have intended to defraud every individual in that class who actually is misled by the deceit.

9-10-05. Restoration of property taken without consent - Exceptions.

One who obtains a thing without the consent of its owner, or by a consent afterwards rescinded, or by an unlawful exaction which the owner at the time could not refuse with prudence, shall restore it without demand to the person from whom it was obtained except in the following cases:

1. When the person has acquired a title thereto superior to that of the person from whom the property was taken;
2. When the transaction is corrupt and unlawful on both sides; or
3. When a thing is obtained by mutual mistake, and in such case the party obtaining the thing is not bound to return it until that person has notice of the mistake.

9-10-06. Willful acts and negligence - Liability.

A person is responsible not only for the result of the person's willful acts but also for an injury occasioned to another by the person's want of ordinary care or skill in the management of the person's property or self. The extent of the liability in such cases is defined by sections 32-03-01 through 32-03-18.

9-10-07. Comparative negligence.

Repealed by S.L. 1987, ch. 404, § 13, as amended by S.L. 1993, ch. 324, § 1.