

January 1959

Book Review: The Law Goes West

Mitchel B. Johns

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Mitchel B. Johns, Book Review: The Law Goes West, 36 Dicta 187 (1959).

This Book Review is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

BOOK REVIEW

THE LAW GOES WEST. By Forbes Parkhill. Denver: Sage Books. 1956. Pp. 176. \$2.50.

The men and women who laid the historical blocks that gave rise to the foundation of the West were God-fearing people who came west in the search for gold. Out of the diggings a few of them saw their dreams materialize; the majority settled down to a way of life evidently liked. A few returned to the East.

Contrary to popular belief, these early settlers were not unruly and undisciplined individuals as they have been histrionically portrayed. They were gregarious, and they loved government. They loved it so much that in 1859, without the consent of Congress, they established a territory known as Jefferson. Pursuant to the authority vested in themselves, they chose their executive and judicial officers. "Miners' courts," "people's courts," appellate courts, and a Territorial Supreme Court were established. Non-recognition by Congress did not deter them from establishing rules of conduct that fitted their environment. Laws were passed, and trials were held. Jail sentences were unknown for there were no jails. The punishment was more effective: flogging, banishment, or death.

Forbes Parkhill has assembled the only known compilation of early case filings in Colorado. His work was, of necessity, painstaking and tedious, for he was forced to scrutinize records of the three territorial districts without the benefit of indexes or docket books and had to pore over volumes of other civil and criminal cases, many written in longhand, and some almost illegible.

The Law Goes West is a reaffirmation of the principle that wherever men gather, regardless of time, they litigate. The frontiersmen filed legal actions and litigated in the same manner as their successors of today, and for the same reasons. This book, however, is not a mere recordation of the claims for relief filed by the founders of the West. It is a colorful history of the West as it developed through the doors of the courtroom. That courtroom might have been a mud-roofed, dirt-floored shack with the judge seated on a sheepskin-covered soap box. The court might have been the peripatetic jurist with his cortege of lawyers, litigants, interpreters and hangers-on traveling the circuit of the territory. The subject of litigation might have been a libel entitled *The United States of America v. Ninety-Three Oxen and Other Property*, or it might have been murder, or one of the Civil War treason cases which were tried in Colorado. Whoever the participants, and whatever the subject matter, the history of the West was evolving. And from the earliest times, justice was an integral part of its growth.

The Law Goes West is especially appropriate in this centennial year. In this reviewer's opinion, this book will be a credit to any library—whether that of a lawyer or a non-lawyer. It is interesting, enlightening, and a recognition of the rich lore of our courts.

Mitchel B. Johns
Judge of Denver Superior Court

**SECOND ANNUAL
FACT FINDING SEMINAR**

TO BE HELD

APRIL 24 - 25, 1959

at

University of Denver College of Law

Highlights of Seminar are:

- Evaluation of financial data, role of accountant, banker.
- Evaluation of hospital and dental records — Use of records in court.
- Factors in evaluation and extent of physical injury to person.
- Deterioration and damage to human and animal foodstuffs.
- Geological problems of ground waters and presentation of data in court.
- Evaluation and presentation of aeronautical data in aviation cases.
- Problems affecting injury to the heart.
- Use of charts, diagrams and motion pictures in trial of cases.
- The use of expert witnesses, trial and medical briefs in negligence cases.

MAKE RESERVATIONS EARLY!

Fee for attendance entire three days is \$35.00 which includes three buffet luncheons and mimeograph materials. Single day fee is \$12.50 per day, which includes one buffet luncheon.

Mail reservations to:

**UNIVERSITY OF DENVER
COLLEGE OF LAW**

1445 Cleveland Place
Denver 2, Colorado