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ADMISSIBILITY OF CONFESSIONS

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EDITOR'S NOTE: This article is a portion of a paper presented by Mr. Moore before the District Attorneys' Association at the Fifty-first Annual Convention of the Colorado Bar Association in Colorado Springs on October 13, 1949.

In Underhill's *Criminal Evidence* we find this pertinent introduction to the chapter on Confessions:

> Confession defined and distinguished from admission.—There is a vast amount of law on the subject of confessions of crime. This is due to the fact that police and prosecuting authorities invariably ask one accused of a crime if he did it. There is nothing inherently wrong in such a practice, as a voluntary confession saves everyone time and trouble, and the taxpayers' money. Quite frequently the accused, fresh from his crime, in a spirit of remorse, recklessness or boastfulness, tells all about it. Later, when his mind has cooled, he may repudiate his confession. Unfortunately, such issues are not easily determined, as police officials have been known to use the 'third degree' method of getting confessions, though the practice is not, and never was, as prevalent as the public was led to believe. Be that as it may, it is true the public today, and jurors, do not regard a confession obtained by police authorities in their line of duty as highly as they would one made to disinterested parties.[1]

Also, in considering confessions the courts face the problems of what is a confession and what is the difference between a confession and an admission. A confession is an acknowledgment of guilt of the crime charged or of the facts which constitute the crime. I shall not attempt to go into the ramifications of admissions, nor, shall I attempt to discuss any of the many phases of confessions other than the voluntary character of confessions.

The general principles involved are quite clear; if voluntary, a confession is admissible, if involuntary, the admission of a confession in a state court violates the due process clause of the Four-

[1] Ch. 22, §265 (4th ed. 1935).

teenth Amendment of the United States Constitution, the due process clause [2] of the State Constitution and perhaps other provisions thereof.

Generally, a confession is involuntary if induced by promise and hope of reward or benefit, or by judicial pressure, violence, threat or fear, or made when the defendant is mentally incapacitated. No general rule can be formulated on the admission of confessions to cover all cases. A new phase of the matter is now becoming important. This is the effect of long interrogations between the time of arrest and the time of the arraignment.

The Supreme Court of Colorado has considered the question of whether or not confessions of defendants were free and voluntary and therefore properly admitted in evidence. In the case of *Osborn v. People,*[3] the Court said:

> Whether or not a confession was voluntary is primarily a question for the trial court. Its admissibility is largely within the discretion of that court; and on review its ruling thereon will not be disturbed unless there has been a clear abuse of discretion, *Mitchell v. People,* 75 Colo. 346, 232 P. 685, 40 A.L.R. 566.

Each case must be decided under the particular facts involved. In *Reagan v. People,*[4] the Court said:

> In all cases where the question is material the inquiry must be, was the statement voluntary? For the purpose of ascertaining this fact no inflexible rule can be promulgated. It must be determined from the facts and circumstances relating to how the confession was made or obtained.

As a general principle continuous interrogation following arrest will not in itself, invalidate a confession.[5] It appears that the Colorado Supreme Court has on many occasions considered the admissibility of a confession, but in no case has it yet held a confession inadmissible merely because obtained by long interrogation following arrest.

In *Cahill v. People,*[6] the Supreme Court held that a confession was not rendered invalid although the defendant contended that he was interrogated daily and accused of various crimes, that he was not given permission to see a lawyer until ten days after arrest, nor any friends for fourteen days. Our court has held that when there is a doubt concerning the voluntary nature of the confession the issue should be left to the jury.[7] The ruling of the trial court

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[2] Colo. Const. Art. II, §25.

[3] 83 Colo. 4, 39, 262 Pac. 892, 905 (1927).

[4] 49 Colo. 316, 318, 112 Pac. 785, 786 (1911); see also Buschy v. People, 73 Colo. 472, 216 Pac. 519 (1923); Bruner v. People, 113 Colo. 194, 156 P. 2d 111 (1945); Cahill v. People, 111 Colo. 29, 137 P. 2d 673 (1943).

[5] 20 Am. Jur. P. 433. (The reason for and merit of this rule are discussed in 2 Wigmore, Evidence (2d ed. 1923) P. 196 ff.).

[6] Note 4, supra.

[7] Martz v. People, 114 Colo. 278, 162 P. 2d 408 (1945); Roper v. People, 116 Colo. 493, 179 P. 2d 232 (1947).

and the findings of the jury are accorded great weight. Such findings will not be set aside except upon a clear showing to the contrary.

THE SCHNEIDER APPEAL IN THIS CONNECTION

A case which has recently attracted widespread attention is that of *Schneider v. People*,[8] decided November 8, 1948. Schneider was charged with the murder of Ford, the operator of a filling station on Brighton Boulevard in Denver, under shocking circumstance. Schneider was arrested in Pikeville, Kentucky, on October 17, 1947, and on October 22, 1947, made a full and complete confession to an agent of the F.B.I. and local officers. Upon his return to Denver, on October 25, 1947, he repeated the confession in the presence of Denver officers. All of the officers testified that Schneider's confession was free and voluntary. The confession was admitted in evidence over objections for several reasons. Schneider was convicted of murder in the first degree and sentenced to death. The judgment was affirmed by the Supreme Court and it was ordered that it be executed during the week commencing December 12, 1948.

The decision was based on the assumption that Schneider's confession was free and voluntary so far as the record was concerned, and then proceeded on the question of whether or not the entire confession was properly submitted, including admissions of other crimes, or whether only the part directly pertaining to the Ford murder was properly admitted. As to that, the question was determined adversely to defendant's contention. A petition for rehearing was denied.

Thereafter, followed a series of dramatic events in the true Hollywood tradition. Schneider was represented by J. Corder Smith, appointed by the Court to defend him. Schneider's execution was set for the night of December 17, 1948. Smith, through a newspaper account, learned that on December 13, the United States Supreme Court had decided in *Upshaw v. U.S.*[9] that where "petitioner was illegally detained for at least thirty hours for the very purpose of securing these challenged confessions * * *", it is a violation of law, and confessions thus obtained are inadmissible, the ruling being based on Rule 5 (a) of the Federal Rules of Criminal Procedure.

Smith rushed to Denver from Fort Morgan, and searched frantically for a copy of the *Upshaw* case. I was then acting Director of the Legislature Reference Office. Smith had been told that the office might have the decision in the *United States Law Week*, the only available copy in the Capitol. I recall his rushing in and asking for the decision. We found it at once, whereupon Smith hurried to the Governor's office, presented the *Upshaw* decision to

[8] 118 Colo. 543, 199 P. 2d 873 (1948).
[9] 335 U. S. 410 (1948).

the Governor and the Governor granted the reprieve until the week of January 9, 1949.

On January 11, 1949, he moved the Colorado Supreme Court for a further stay of execution, which was granted and Smith was permitted to file a petition for rehearing. On January 12, 1949, the Court granted a stay of execution until April 10, 1949. On April 11, 1949 the court denied a motion by Smith that execution be stayed indefinitely, and set the date for the week beginning June 12, 1949, in order that Schneider might seek a review in the Supreme Court of the United States. Permission to petition for a Writ of Certiorari was thereafter granted so the *Schneider* case is now pending there on that petition.[10] In the meanwhile the U. S. Supreme Court has decided three important confession cases, as will be discussed hereinafter.

Still another important case in which the issue concerns the voluntary or involuntary nature of the confession admitted in evidence is that of *Downey v. People,* now pending decision in the Colorado Supreme Court. The defendant's wife died on July 18, 1947, near the Rampart Range road near Colorado Springs, under suspicious circumstances. Downey, the defendant, was taken first to a hospital and a day later to the County Jail. Beginning on the morning of July 20, and continuing intermittently until and including July 24, the defendant was questioned and finally confessed that he had killed his wife. On October 11, 1947, the jury returned a verdict of guilty of murder in the first degree and fixed the penalty at life imprisonment. The briefs of counsel in this case afford an excellent treatment of the conflicting views as to the admissibility of confessions. During this interchange of briefs, and noted in the reply brief of the plaintiff in error, three pertinent cases on that point were decided by the United States on June 27, 1949, which ably set forth the status of the problem and may well be decisive of the *Schneider* [11] and *Downey* cases, although each such case, of course, must be determined upon its own peculiar facts.

The Watts Case in the U. S. Supreme Court

In the case of *Watts v. Indiana,*[12] decided June 27, 1949, Watts was arrested Wednesday, November 12, 1947, and charged with murder for which he was later tried and convicted. He was held without being arraigned, until the following Tuesday, November 18, when he confessed. At no time was he advised of his right to remain silent, nor did he have the advice of family, friends or counsel during his confinement. He was not promptly arraigned as the Indiana law requires.

[10] Cert. denied, Oct. 24, 1949, 70 Sup. Ct. 96, after this paper was presented, and Schneider has since been executed.
[11] See Note 10, supra.
[12] 69 Sup. Ct. 1347 (1949).

During this confinement he was held in the county jail, the first two days in solitary confinement in a cell known as the "hole", where there was no place on which to sit or sleep except on the floor. Throughout the six days confinement, Watts was questioned each day except Sunday, for long periods by relays of small groups of officers, until he finally confessed about three o'clock in the morning after seven hours of interrogation.

The opinion by Mr. Justice Frankfurter is highly quotable and the temptation is to quote it at length, but this I shall refrain from doing; I do quote, however, pertinent parts as follows:

> Although the Constitution puts protection against crime predominately in the keeping of the States, the Fourteenth Amendment severely restricted the States in their administration of criminal justice. Thus, while the State courts have the responsibility for securing the rudimentary requirements of a civilized order, in discharging that responsibility there hangs over them the reviewing power of this Court. Power of such delicacy and import must, of course, be exercised with the greatest forbearance. When, however, appeal is made to it, there is no escape. And so this Court once again must meet the uncongenial duty of testing the validity of a conviction by a State court for a State crime by what is to be found in the Due Process Clause of the Fourteenth Amendment. * * *
>
> On review here of State convictions, all those matters which are usually termed issues of fact are for conclusive determination by the State courts and are not open for reconsideration by this Court. Observance of this restriction in our review of State courts calls for the utmost scruple. But 'issue of fact' is a coat of many colors. It does not cover a conclusion drawn from uncontroverted happenings, when that conclusion incorporates standards of conduct or criteria for judgment which in themselves are decisive of constitutional rights. Such standards and criteria, measured against the requirements drawn from constitutional provisions, and their proper applications, are issues for this Court's adjudication. *Hooven & Allison Co. v. Evatt,* 324 U.S. 652, 659, and cases cited. Especially in cases arising under the Due Process Clause is it important to distinguish between isssues of fact that are here foreclosed and issues which, though cast in the form of determinations of fact, are the very issues to review which this Court sits. See *Norris v. Alabama,* 204 U.S. 587, 589-90; *Marsh v. Alabama,* 336 U.S. 501, 510.
>
> In the application of so embracing a constitutional concept as 'due process,' it would be idle to except at all times unanimity of views. Nevertheless, in all the cases that have come here during the last decade from the courts of the var-

> ious States in which it was claimed that the admission of coerced confessions vitiated convictions for murder, there has been complete agreement that any conflict in testimony as to what actually led to a contested confession is not this Court's concern. Such conflict comes here authoritatively resolved by the State's adjudication. Therefore only those elements of the events and circumstances in which a confession was involved that are unquestioned in the State's version of what happened are relevant to the constitutional issue here. But if force has been applied, this Court does not leave to local determination whether or not the confession was voluntary. *There is torture of mind as well as body; the will is as much affected by fear as by force. And there comes a point where this Court should not be ignorant as judges of what we know as men.* * * *.[13]

The Court thereupon reviews the facts as given above and points out that until the statement was secured, Watts was a prisoner in the exclusive control of the prosecuting authorities, although the law of Indiana required a prompt preliminary examination. The Court then said:

> Disregard of rudimentary needs of life-opportunities for sleep and a decent allowance of food—are also relevant, not as aggravating elements of petitioner's treatment, but as part of the total situation out of which his confessions came and which stamped their character.
>
> A confession by which life becomes forfeit must be the expression of free choice. A statement to be voluntary of course need not be volunteered. But if it is the product of sustained pressure by the police it does not issue from a free choice. When a suspect speaks because he is overborne, it is immaterial whether he has been subjected to a physical or a mental ordeal. Eventual yielding to questioning under such circumstances is plainly the product of the suction process of interrogation and therefore the reverse of voluntary. We would have to shut our minds to the plain significance of what here transpired to deny that this was a calculated endeavor to secure a confession through the pressure of unrelenting interrogation. The very relentlessness of such interrogation implies that it is better for the prisoner to answer than to persist in the refusal of disclosure which is his constitutional right. To turn the detention of an accused into a process of wrenching from him evidence which could not be extorted in open court with all its safeguards, is so grave an abuse of the power of arrest as to offend the procedural standards of due process.[14]

[13] Id., at 1348, 9 (Italics mine).
[14] Id. at 1349, 50.

Thereafter the Court stated that this is so because it violates the underlying principles in our enforcement of the criminal law; that ours is the accusatorial as opposed to the inquisitorial system and has been characteristic of the Anglo-American criminal justice since it freed itself from practices borrowed by the Star Chamber from the Continent. To quote again:

> Under our system society carries the burden of proving its charge against the accused not out of his own mouth. It must establish its case, not by interrogation of the accused even under judicial safeguards, but by evidence independently secured through skillful investigation. "The law will not suffer a prisoner to be made the deluded instrument of his own conviction." 2 Hawkins, Pleas of the Crown, c. 46, sec. 34 (8th ed., 1824). The requirement of specific charges, their proof beyond a reasonable doubt, the protection of the accused from confessions extorted through whatever form of police pressures, the right to a prompt hearing before a magistrate, the right to assistance of counsel, to be supplied by government when circumstances make it necessary, the duty to advise an accused of his constitutional rights—these are all characteristics of the accusatorial system and manifestations of its demands. Protracted, systematic and uncontrolled subjection of an accused to interrogation by the police for the purpose of eliciting disclosures or confessions is subversive of the accusatorial system. It is the inquisitorial system without its safeguards. For while under that system the accused is subjected to judicial interrogation, he is protected by the disinterestedness of the judge in the presence of counsel. * * *
>
> In holding that the Due Process Clause bars police procedure which violates the basic notions of our accusatorial mode of prosecuting crime and vitiates a conviction based on the fruits of such procedure, we apply the Due Process Clause to its historic function of assuring appropriate procedure before liberty is curtailed or life is taken. We are deeply mindful of the anguishing problems which the incidence of crime presents to the States. But the history of the criminal law proves overwhelmingly that brutal methods of law enforcement are essentially self-defeating, whatever may be their effect in a particular case. * * * Law triumphs when the natural impulses aroused by a shocking crime yield to the safeguards which our civilization has evolved for an administration of criminal justice at once rational and effective.[15]

The decision of the Indiana Supreme Court was reversed.

[15] Id. at 1350.

Mr. Justice Douglas concurring, places emphasis upon the unlawful detention between the time of arrest and the time of arraignment or preliminary examination saying:

> Detention without arraignment is a time-honored method for keeping an accused under the exclusive control of the police. They can then operate at their leisure. The accused is wholly at their mercy. He is without the aid of counsel or friends; and he is denied the protection of the magistrate. We should unequivocally condemn the procedure and stand ready to outlaw, as we did in *Malinski v. New York,* 324 U.S. 401, and *Haley v. Ohio,* 332 U.S. 596, any confession obtained during the period of the unlawful detention. The procedure breeds coerced confessions. It is the root of the evil. It is the procedure without which the inquisition could not flourish in the country.[16]

The Turner and Harris Cases Decided the Same Day

In *Turner v. Pennsylvania,*[17] decided June 27, 1949, the Pennsylvania Supreme Court was reversed, after affirming the conviction of Turner by the trial court which had admitted an involuntary confession, obtained after five days of questioning between the time of arrest and arraignment, without the aid of family, friends, or counsel. He was not informed of his constitutional rights at the beginning of his detention. Upon the authority of the *Watts* case, *supra,* Mr. Justice Frankfurter reversed the judgment and remanded the case. Mr. Justice Douglas again concurring specially stated that the case was but another illustration of the use of illegal detentions to exact confessions.

The third case decided June 27, 1949 was *Harris v. South Carolina.*[18] After reviewing the facts which indicated that Harris was arrested and interrogated from Friday through Wednesday, when he finally broke, and that threats, deceptions and perhaps force were used, Mr. Justice Frankfurther held in part as follows:

> The systematic persistence of interrogation, the length of the periods of questioning, the failure to advise the petitioner of his rights, the absence of friends or disinterested persons, and the character of the defendant constitute a complex of circumstances which invokes the same considerations which compelled our decisions in Watts v. State of Indiana, . . . and Turner v. Commonwealth of Pennsylvania, . . . The judgment is accordingly reversed.[19]

[16] Id. at 1351.
[17] 69 Sup. Ct. 1352 (1949).
[18] 69 Sup. Ct. 1354 (1949).
[19] Id. at 1356.

Mr. Justice Douglas in his concurring opinion said: "This is another illustration of the use by police of the custody of an accused to wring a confession from him. The confession so obtained from literate and illiterate alike should stand condemned." [20]

In a valuable note to the *Watts* case, *supra,* the Court said:

> The validity of a conviction because an allegedly coerced confession was used has been called into question in the following cases:
>
> (A) Confession was found to be procured under circumstances violative of the Due Process Clause in Haley v. Ohio, 332 U.S. 596; Malinski v. New York, 324 U.S. 401; Ashcraft v. Tennessee, 322 U.S. 143; Ward v. Texas, 316 U.S. 547; Lonax v. Texas, 313 U.S. 544; Vernon v. Alabama, 313 U.S. 547; White v. Texas, 310 U.S. 530; Canty v. Alabama, 309 U.S. 629; White v. Texas, 309 U.S. 631; Chambers v. Florida, 309 U.S. 227; Brown v. Mississippi, 297 U.S. 278; and see Ashcraft v. Tennessee, 327 U.S. 274.
>
> (B) Confession was found to have been procured under circumstances not violative of the Due Process Clause in Lyons v. Oklahoma, 322 U.S. 596, and Lisenba v. California, 314 U.S. 219.[21]

Mr. Justice Jackson concurring in the result in the *Watts* case, but dissenting in the *Turner* and *Harris* cases pointed out that these three cases present essentially the same problem but that its recurrence suggests that it has roots in some condition fundamental and general to our criminal system. He expressed the opinion that the seriousness of the Court's judgment in setting aside all three convictions is that no one suggests that any course held promise of solution of these murders other than to take the suspect into custody for questioning; that the alternative was to close the books on the crime and forget it, with the suspect at large and that this is a grave choice for a society in which two-thirds of the murders already are closed out as insoluble.

He then states that one of the Douglas concurring opinions goes to the very limit and seems to declare for outlawing any confession, however freely given, if obtained during a period of custody between arrest and arraignment—which, in practice means all of them, and that others would strike down these confessions because of conditions which they say make them "involuntary". He feels that the Court should not pit its judgment against that of the trial judge and jury, or overrule state appellate courts. The fact that the suspects neither had nor were advised of their right to get counsel presents a real dilemma in a free society, a real peril to individual freedom, yet to bring in a lawyer means a real peril to solution of the crime because, under our adversary system

[20] Id. at 1357.
[21] 69 Sup. Ct. 1348, 9 (note 3).

he deems that his sole duty is to protect his client—guilty or innocent—and that he owes no duty to help society solve its crime problem. His first advice to his client will be for him to make no statement to the police under any circumstances.

Yet if the state may arrest on suspicion and interrogate without counsel, the constitutional guaranty of right to counsel is largely of no avail. Justice Jackson then says:

> I suppose the view one takes will turn on what one thinks should be the right of an accused person against the State. Is it his right to have the judgment on the facts? Or is it his right to have a judgment based on only such evidence as he cannot conceal from the authorities, who cannot compel him to testify in court and also cannot question him before? Our system comes close to the latter by any interpretation, for the defendant is shielded by such safeguards as no system of law except the Anglo-American concedes to him.
>
> Of course, no confession that has been obtained by any form of physical violence to the person is reliable and hence no conviction should rest upon one obtained in that manner. Such treatment not only breaks the will to conceal or lie, but may even break the will to stand by the truth. Nor is it questioned that the same result can sometimes be achieved by threats, promises, or inducements, which torture the mind but put no scar on the body. If the opinion of Mr. Justice Frankfurter in the Watts case were based solely on the State's admissions as to the treatment of Watts, I should not disagree. But if ultimate quest in a criminal trial is the truth and if the circumstances indicate no violence or threats of it, should society be deprived of the suspect's help in solving a crime merely because he was confined and questioned when uncounseled? [22]

Rule as to Admission of Confessions Still in Flux

Following this he points out that once a confession is obtained it supplies ways of verifying its trustworthiness and in the three cases there was no doubt that the admissions of guilt were genuine and truthful, that it is rare that a confession, if repudiated on the trial, standing alone will convict unless there is external proof of its verity, adding:

> In all such cases, along with other conditions criticized, the continuity and duration of the questioning is invoked and it is called an "inquiry," "inquest" or "inquisition," depending mainly on the emotional state of the writer. But

[22] 69 Sup. Ct. at 1358.

> as in some of the cases here, if interrogation is permissible at all, there are sound reasons for prolonging it—which the opinions here ignore. The suspect at first perhaps makes an effort to exculpate himself by alibis or other statements. These are verified, found false, and he is then confronted with his falsehood. Sometimes (though such cases do not reach us) verification proves them true or credible and the suspect is released. Sometimes, as here, more than one crime is involved. The duration of an interrogation may well depend on the temperament, shrewdness and cunning of the accused and the competence of the examiner. But assuming a right to examine at all, the right must include what is made reasonably necessary by the facts of the particular case.[23]

Mr. Justice Jackson believes that, if the right of interrogation be admitted, we must leave it to trial judges and juries and state appellate courts to decide individual cases, unless they show some want of proper standards of decision. He concludes his opinion as follows:

> * * * I find nothing to indicate that any of the courts below in these cases did not have a correct understanding of the Fourteenth Amendment, unless this Court thinks it means absolute prohibition of interrogation while in custody before arraignment.
>
> I suppose no one would doubt that our Constitution and Bill of Rights, grounded in revolt against the arbitrary measures of George III and in the philosophy of the French Revolution, represent the maximum restrictions upon the power of organized society over the individual that are compatible with the maintenance of organized society itself. They were so intended and should be so interpreted. It cannot be denied that, even if construed as these provisions traditionally have been, they contain an aggregate of restrictions which seriously limit the power of society to solve such crimes as confront us in these cases. Those restrictions we should not for that reason cast aside, but that is good reason for indulging in no unnecessary expansion of them.
>
> I doubt very much if they require us to hold that the State may not take into custody and question one suspected reasonably of an unwitnessed murder. If it does, the people of this country must discipline themselves to seeing their police stand by helplessly while those suspected of murder prowl about unmolested. Is it a necessary price to pay for the fairness which we know as "due process of law"? And if not a necessary one, should it be demanded by this Court?

[23] Id. at 1358, 9.

> I do not know the ultimate answer to these questions; but for the present, I should not increase the handicap on society.[24]

It should be noted that Mr. Justice Murphy and Rutledge, now deceased, joined in Mr. Justice Frankfurter's opinions, that Mr. Justice Douglas concurred separately, that Mr. Justice Black concurred on the authority of *Chambers v. Florida*[25] and *Ashcroft v. Tennessee*,[26] while Mr. Justice Jackson concurred in the result in the *Watts* case and dissented in the other two cases, and the Chief Justice, Mr. Justice Reed and Mr. Justice Burton believed that the judgments should be affirmed in all three cases. This division would seem to indicate that the admission of confessions is still in a state of flux. It will be interesting to learn whether or not the Court will grant certiorari in the *Schneider case*[27]—if so, the decision may give an indication of the new trend as to the problem.

As to the situation in Colorado it behooves all peace officers to examine the statutes carefully and adhere to them both as to their letter and their spirit.

ANNUAL MEETING OF 13TH DISTRICT BAR ASSOCIATION

At their annual meeting in Brush on December 17, the members of the Thirteenth Judicial District Bar Association selected the following new officers: George E. Hendricks of Julesburg, president; Joseph A. Davis of Sterling, vice-president; and Charles Sandhouse of Sterling, secretary-treasurer. Wm. B. Paynter will continue for another year as representative on the Board of Governors of the state association.

Glenn Thompson of Yuma and Richard B. Paynter of Ft. Morgan, retiring president and secretary, presided. In the afternoon session, Berton T. Gobble, former Inheritance Tax Commissioner now practicing in Brush, discussed some of the pitfalls in reporting inheritance taxes, and Edward G. Knowles, president-elect of the Colorado Bar Association, reported on the recent discussions concerning abolition of the Rules of Civil Procedure. The association voted that individual members should submit their opinions by letter to the Supreme Court as to the relative merits of the Rules v. the Code. Chief Justice Benjamin C. Hilliard of the Supreme Court of Colorado was the principal speaker at the evening banquet.

THE BOOK TRADER'S CORNER

John A. Carruthers of Colorado Springs is in the market for Volumes 80, 81 and 82 of the Colorado reports.

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[24] Id. at 1359.
[25] 309 U. S. 227 (1940).
[26] 322 U. S. 143 (1944).
[27] See note 10, supra.