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The Heritage of the Colorado Bar

By CHARLES S. THOMAS

An address delivered to Denver Bar Association at a meeting in his honor in 1925. Senator Thomas was born in 1849 and came to Denver after graduating from University of Michigan Law School in 1871. He practiced law at Denver, 1871-9, at Leadville 1879-85 during the days of the silver kings, at Denver again from 1885 until his death. He was governor of Colorado 1899-1901 and U. S. Senator from Colorado 1913-21 during World War I.

My first contact with Denver was at early dawn on the 15th day of December, 1871. I came unheralded, as one of a dozen passengers on the old Kansas Pacific "Unlimited" of that somewhat remote period. Its schedule time from Kansas City was 36 hours. Among the arrivals were Mr. Channing Sweet, then of Colorado Springs, and Mrs. Wm. E. Beck, widow of the former chief justice, both of whom are still among the living (1925). The passenger station then occupied the present site of the Union Pacific freight house. It was a small two-story brick building, the company offices being on the second floor. The first was occupied by the waiting and baggage rooms, with a combined space of possibly 35 by 25. Nearby was a small hillock, known as Vinegar Hill, tenanted, as I afterwards learned, by an Irish woman locally known as "Vinegar Hill Mary," who specialized as a witness for the people in such criminal prosecutions as the limited enterprise of a small community afforded.

I took passage in a yellow omnibus of formidable proportions, drawn by six horses. Having exactly seventy-one dollars in my pocket, I carefully avoided the palatial American Hotel, corner Blake and G Sts., and took shelter with Luke McCarthy in West Denver. After breakfast I sought the law office of Gen. B. M. Hughes, to whom I had a letter of introduction. I reached it before he did. He was well to do, kept fashionable hours, and seldom appeared at his office before eight o'clock. When he arrived I stood at attention and presented my letter. He read it, scowled, looked at me and said, "Another lawyer, eh? Some of my damn fool friends East seem to have nothing to do except give youngsters letters to me. I can't bother with you now. Come in at one o'clock. If I'm not here see my partner. He looks like Napoleon and keeps an owl on his desk." His partner was the late Col. Robert S. Morrison, of blessed memory. I was so buoyed up by this reception that I went back to my room and tried to estimate how much farther west my funds would carry me. But I was young, and blessed with an appetite, so was on hand for dinner. There I struck up an acquaintance with a man named Kavanaugh, whom I was afterwards to know very intimately. I inquired of him the sort of man Gen. Hughes was supposed to be. "Big hearted, crank, cusses lots of people, and loves them all," was the quick reply. I then

told him my experience. "You go back at one," he said, "and don't keep him waiting." I did so, and received a welcome both genial and generous.

The general told me much regarding the practice, the members of the bar, the mining and livestock resources of the territory, and the opportunities which beckoned to young men of industry and character. He ended by inviting me to dinner on the following Sunday, and to make use of his office and his library until I had secured employment. He gave me notes of introduction to his brethren of the bar, and placed me under a lasting obligation of gratitude and affection. Although he was then well along in years, he remained at the bar until 1885, when he shifted his burdens upon the shoulders of his vigorous and gifted young partner, the late Hon. Charles J. Hughes, Jr., then a somewhat recent acquisition to the Colorado bar, but well in the beginning of his superb professional career.

During the next two or three days I made the acquaintance of nearly every lawyer in the city. The bar was relatively as large then as now, and ranked quite as high. Among them I recall Alfred Sayre, John Q. Charles, J. Bright Smith, H. R. Hunt, G. W. Miller, Edmond L. Smith, Amos Steck, Mitchell Benedict, Judge H. P. H. Bromwell, Samuel H. Elbert, B. B. Stiles, C. W. Wright, Vincent D. Markham, Samuel E. Browne, L. B. France, Hiram P. Bennet, Henry A. Clough, Orris Blake, William C. Kinsley, N. Harrison, H. E. Luthe, E. B. Sleeth, John W. Horner, M. A. Rogers, D. B. Graham, L. K. Smith, Robt. S. Morrison, E. L. Johnson, E. B. Powers, T. G. Putnam, Hiram G. Bond, J. W. Webster, and David M. Crater.

Denver at that time had a population of about 8,000 people. The business part of town was below Lawrence Street, which was a residence street, tenanted by such men as D. H. Moffat and H. H. McCormick. The law offices were for the most part on Market, then called Holladay, and Larimer Streets. Blake was the wholesale and hotel district. The old Overland Stage road had been christened Welton Street, and Henry C. Brown had but recently donated a site for a capitol, supposed to be out somewhere near Littleton. Two years after, the board of county commissioners bought a square for court house purposes, now occupied by the County Building (15-16 and Court Pl.). It was so far out then as to justify the suspicion that the board was given a handsome rake off for making the deal; a suspicion angrily voiced by the press and the owners of competing sites nearer town. North Denver was owned by ranchmen. Some of the ground was platted, but the most of it was either cultivated or unoccupied. Possibly half a dozen houses could be counted between Broadway, then nothing but a country road, and Cheesman Park, then the city cemetery. Stage lines operated between Denver, Central, Georgetown and Fairplay. Erie was Boulder's nearest railway point, and Boulder had no telegraph connections. Golden was almost what it is today. It had no brewery then, and it is equally unfortunate now (1925). Pueblo was a hamlet of probably 500 people, with rail connection at Colorado Springs, then almost wholly a town on paper. Evans was the county seat of Weld,

and Weld was considerably larger than the State of Massachusetts. The principal products of the territory were babies and toll roads in relatively equal proportions. The toll roads have become less than memories. Fortunately, the baby product was not peculiar to that day and generation.

Although Denver was the largest, it was not then the most important center of population. This was the proud position of Central City, the pivot of the mining industry, and the county seat of Gilpin County. The "Kingdom of Gilpin" was the fountain of politics, finance and authority. Its bar, though smaller in numbers, was concededly the best and the most opulent in the far west. The Tellers, Hugh Butler, the Rockwells, the Reeds, and Judge Gorsline were the king pins of the profession. I was to meet these formidable gentlemen later, an ordeal more or less perturbing in prospective.

Having a license to practice from the Supreme Court of Michigan, I was admitted as a matter of course. I might well have taken an examination, however, for I knew more law than I have ever known since. My certificate of admission was signed by Judge E. T. Wells and James B. Belford, on the day of December, 1871, and on December 29th my tin shingle partly obstructed the entrance to the stairway on the corner of Larimer and F. streets, as Fifteenth was then called. It looked very attractive to me, but somehow the public did not seem to regard it as an obstruction or as an obstacle, or in fact to regard it at all. If they did, they never apprised me of it. This neglect was not at all palatable. Indeed, I actually resented it with every recurring rent day.

Some years afterward I was forcibly reminded of this period of isolation, when at a luncheon a lawyer then living in Denver, whom I will call Jones because that wasn't his name, said to John Herrick that he sometimes felt a repulsion to all human kind and then he wanted to be entirely alone. Herrick instantly replied: "George, when you feel that way, I presume you go to your office."

Early in January the district court convened, Judge E. T. Wells upon the bench. Those were the days of common law pleading and practice. Arguments or demurrers and motions were of themselves a legal education, and I spent most of my time in court listening to them. When sustained they were apt to prove serious, for amendments were not particularly favored. Our Code of Practice was adopted by the First General Assembly over the bitter opposition of every "old time" lawyer in the states except Hughes and Belford. By that time the tenderfeet were, however, in a large majority, and they carried the day. Judge George G. Symes, who led the fight for the code, armed himself with all the quaint and amusing terminology of the old system, and made them quite effective in a campaign of ridicule. He bombarded the committees with writs of *coram nobis*, *de ventre inspiciendo*, *feri facias*, *ne exeat*, and used the traverse with an *absque hoc*, the rebutter and surebutter, and the inquiries *de lunatics inquirendo* and *voir dire* when other ammunition failed him. No lay committee could stand that sort of discussion very long.

The Supreme Court met in April. It consisted of the three district judges sitting in *banc*. I then met the third judge and chief justice *ex officio*, Judge Moses Hallett, of the third district, a position which he held through all the vicissitudes of political fortune until it expired with the admission of the territory into the Union. Hallett was, when on the bench, the august personification of dignity. Belford was his antithesis. Hallett sat upright in his chair, seldom moving to right or left. Belford sat on the small of his back, with his feet upon the bench almost under Hallett's nose, the latter powerless to rebuke or to command. Belford addressed lawyers from the bench by their first names. Hallett looked upon such conduct as *lese majesty*. This amusing and embarrassing juxtaposition of opposites served to take Justice Wells largely from the picture.

But Wells was the most industrious jurist I ever knew. He knew the pleadings in every case by heart, heard argument from the side against which his judgment learned, and from the other side only when his primary convictions were shaken by the former. He predated the court stenographer and the typewriter. Hence he made his own notes of the testimony in all jury trials, and these became the basis for bills of exceptions which were correspondingly concise, carefully prepared and summarized instead of containing as they now do all the evidence, including side remarks of counsel, references to the weather and the biographies of the jurymen, all at 20 cents per folio prepaid.

Wells always held court when the time between terms permitted until his docket was disposed of. Cases were tried, dismissed or continued only upon showing under oath. His sessions when the trial docket was on began at 8:30 A.M. and ended at 10 o'clock P.M. He was a martinet, but he did things. Three such judges in the City and County of Denver could today easily transact the business of all its courts. The county offices, including that of the U. S. marshal, and the court rooms until 1880 occupied the second floor of the Hughes Block, corner Lawrence and F. Streets. Frank Pettepier's bar, commonly known as Lincoln's Inn, was just across the alley, with an alley entrance. It is difficult to say which bar was most in evidence.

Perhaps the most genial and best beloved lawyer in those days was Gen. Sam E. Browne, a patriarchal figure in black Prince Albert coat, high hat, smooth shaven upper lip and long white beard. The old gentleman was geniality personified. His moral obliquities were obvious, his disregard of professional proprieties was notorious, but his personality was irresistible. He was Mulberry Sellers and Colonel Carter in real life. The first time I called upon him he convinced me that he kept his office for years upon the conviction that I would sooner or later appear to share it with him. He ordered me to come right in and go to work the next morning at any salary I cared to name, use the front office, and adorn his sign and his letterheads with my name in flaring capitals. He gave me a figure for his annual income that even now would seem extravagant. Of course I accepted and com-

municated my good fortune to Pettepier, with whom I had already established personal and commercial relations. That gentleman punctured my balloon by telling me that such was Browne's greetings to all fledglings, showed me an unpaid bar bill gravely imperilled by the Statute of Limitations, and told me to forget it. I did.

Under the prevailing practice all summons were returnable on the first day of the ensuing term if served more than ten days from that date, and to the next term beyond if not so served. The docket was called for defaults on the second day of the term. Browne always made a list of the cases where no appearances had been entered and then entered his own on default day. This would be followed by letters to the parties interested, informing them that his friendly interference had alone shielded them from judgments in the sums sued for plus costs. These bore occasional fruit, but more frequently involved him in situations which would have embarrassed a man of less assurance.

He once did this for Hatch & Davidson, a firm of pawnbrokers, who thanked him for his forethought, telling him their own counsel were out of town but had arranged against a default. However, they so appreciated his good intentions that they asked for his bill for the service, saying they would take pleasure in paying it. Brown promptly sent his bill for \$500. On recovering their presence of mind, they consulted their attorney, Judge Markham, as to their liability. The judge called on Browne, who promptly settled by the cancellation of his pawn ticket for \$12.50 and the return of his watch. His love of humor was an obsession. He would risk losing a case rather than dispense with a joke or the recital of a yarn, whatever its bearing. But his humor was seldom unentertaining, and was never malicious. Mr. John Q. Charles was a wholly different type of individual. He was sour visaged, irascible, unsocial and quick tempered. Between him and Brown there could be nothing but antagonism. Browne delighted in arousing all Charles' ill nature whenever possible, and Charles, with no weapons of defense save abuse, was easily goaded beyond endurance. Hence trials of cases between these gentlemen were field days for other members of the bar. On one occasion, however, Charles gave Brown a temporary knockout blow. In closing a case to the jury after Browne had sneeringly and frequently alluded to him as "Me Brother Charles," the latter repudiated all relationship, professional or otherwise, and with little regard to grammar, said, "This here general ain't no more of a general than I am. He calls himself a general because he first came here as general agent for Lydia Pinkham's Compound." Even Wells joined in the tumult of laughter which this deft rejoinder aroused.

The poor old general's closing years were sombre and unhappy ones. His practice, never substantial, disappeared, and he became a borrower, his appeal being to old friends to advance him a docket fee for filing an important record in the Supreme Court for a client temporarily out of town. It was soon worn threadbare, and then—the usual tragedy. He was *sui generis*, in a class of his own, with no survivors.

Another eccentric but singularly lovable man was Judge Amos Steck, who swore when other men prayed, sang revival songs when playing billiards, who never forgot a fact or a face, whose integrity was his obsession, and who feared no man. He associated indiscriminately with all sorts of people when on the bench and at the bar, without impairing his good name or incurring the reproaches of the good or the bad. He was for many years judge of the Probate and County court. His administration of justice was punctuated with striking incidents which collectively would fill a volume, of which I shall relate but one.

In 1875 Mr. E. P. Jacobson brought suit in the Probate Court upon a promissory note. His declaration recited that the defendant on January 5th, 1873 had made, executed and delivered to the plaintiff the note in suit. Mr. L. B. France, for the defendant, demurred to the complaint because the letters "A. D." were not inserted in the date alleged, insisting that without them the figures 1873 were meaningless. Jacobson very properly criticized the demurrer as arrant nonsense, but unfortunately referred somewhat cavalierly to the fact that A.D. earmarked the Christian Era, whose Lord was the Christ. He said the Lord whose advent heralded the modern calendar was not his Lord; the Savior of Judge France, but not his own. This nettled Judge Steck, who pronounced judgment as follows: "Mr. Jacobson, France's Jesus Christ is my Jesus Christ, so by Jesus Christ I'll sustain the demurrer."

I have heretofore said, and I repeat, that the best lawyer I ever knew from the standpoint of equipment for general practice embracing every feature of applied jurisprudence, was Major Edmond L. Smith. Thomas Patterson excelled him as a trial lawyer, and Senator Teller in the field of mining law, but Smith excelled them all as a great outstanding common law lawyer. And this was the more remarkable in that he began life as an officer of the regular army and that his habits were not consistent with the severe demands placed upon the student by the needs of legal investigation and study. He selected his work, limiting it to his estimates of his own capacity, and drunk or sober, was always ready and prepared. He was at all times the gentleman; never personal, caustic nor boisterous, seldom yielding to emotion, never dramatic, always earnest, luminous in expression and simple in speech. He was an admirable linguist, avoided society, although extremely social within the sphere of his activities. Had he cast his lot in some great center of population, his name would undoubtedly have been enrolled among the eminent lawyers of his time.

I wish I could, without unduly prolonging this address, picture to you the character and virtues of Judge Markham, the best equity lawyer of the territory, and the most generous of men; Judge George W. Miller, so ungainly and so homely as to be handsome; the stately and dignified Gov. Elbert; Col. R. S. Morrison, as quaint as he was capable; Orris Blake, whom I loved because he was taller and skinnier than I was; and old Ham Hunt, the perfect type of a lawyer frontiersman; Mitchell Benedict, big framed,

big hearted, red headed, and jovial always, whose laugh was spontaneous, easily provoked and easily heard for a quarter of a mile. All these deserve far more than the meagre mention I can make of them. And there were the Tellers, Hugh Butler, Thomas Macon, Cal Thatcher and Gorsline, all giants in those days; and Belford, the "Redheaded Rooster of the Rockies," graceful of speech, too impulsive to be judicial and too fond of politics to take root in the profession, obsessed with the notion that he was created for the bench and not for the forum.

I cannot close these personal references without speaking more fully of Edward O. Wolcott. He came to the bar in 1870, and was for six years in Georgetown as the junior partner of the firm of Pope & Wolcott. He was strikingly handsome, and of the most engaging personality. He therefore easily acquired business, but his partner was left to transact it. Those who knew him later in life will be surprised to learn that Wolcott was at the bar for seven years before he could develop a personal confidence sufficient to enable him to address either court or jury. The amazing defect in his equipment for the work of the profession prompted his brother and Prof. N. P. Hill to secure for him the Republican nomination for district attorney in 1876. His Democratic competitor was Judge Platt Rogers, whom he defeated by a bare majority. He was thus confronted with the alternative of trying his cases or retiring from the bar, for his friends took good care that his brethren would not assist him. His first indictment was tried at Boulder early in January, 1877. He presented it to the jury and was astonished by a verdict of guilty. He told me shortly afterwards that he never knew nor ever would know what he said to the jury, not a man of whom he could see, but he must have said something, for he was conscious of making a protracted noise. His success in the first effort, however, proved a useful stimulant. His second was less embarrassing, and to use his own words of a year later, he was entirely sure of himself and would not hesitate if necessary to address the Great White Throne. He became, as most of you will remember, one of the most graceful and accomplished speakers of his time, one of the spokesmen of his party in the Senate, and easily the outstanding figure among those who have represented the commonwealth in the two houses of Congress.

Two unique and valuable qualities characterized Senator Wolcott as a lawyer. Although impatient of details, he could sit in at the trial of a case and as it developed he would grasp its salient features and present them as forcibly to the jury as though he had studied all its intricacies with meticulous care from its origin. And he was the only man I ever knew who could practice law by proxy. He possessed the faculty of drawing to himself and holding the services of assistants, of men of first class ability, and of inspiring his clientage with the same confidence in them that they reposed in him. And he rewarded these subordinates in the course of time by giving them the full fellowship of partners.

The term "trust" as now used to designate large industrial and financial combinations, was unknown fifty years ago. If it had been, the firm of Sayre and Wright, afterwards enlarged to Sayre, Wright & Butler, would have been the trust lawyers of the territory. Its clients were the First National Bank, the Chaffee interests, the Kansas Pacific and Denver Pacific Railroads, the gas company, water company and the City Railway Company. I was absorbed by the firm from May, 1872, to February, 1873, when I formed a partnership with a dapper young fellow from Indiana, named Thomas M. Patterson, which continued for a period of sixteen years, a considerable part of which I spent at Leadville, in charge of a branch office transacting about 75 per cent of the firm's business.

Mr. Butler's migration from Central City proved infectious. Within three years afterwards, every prominent lawyer of that city had removed to Denver, and with their departure Ichabod was written upon the record of the glories of the "Kingdom of Gilpin." Senator Hills and Smelter followed suit in 1879. Nothing remained but a few unexhausted mines and four or five thousand of our best citizenry.

In 1874 President Grant summarily displaced all Colorado officials except Moses Hallett. Wells and Belford fell under the axe, and were succeeded by Judges A. W. Stone and A. W. Brazee. It was a great sensation for a small western territory, which attributed the president's action to the results of a game of poker between himself and Delegate Chaffee. The Senate had not then been transformed into a "Board of Inquisition," hence the facts were never fully disclosed, but the bar resented the change of judges, and took pains to let its opinions be known. Wells was shortly afterwards elevated to the supreme bench of the state, only to resign within a year because of his meagre salary.

The bar increased rapidly after my arrival, though hardly because of it. And with the uncovering of the carbonate ores of Leadville in the summer of 1877 it grew like Jonah's gourd. In the beginning of 1880 the bar of Lake County numbered about 150, with vigorous offshoots in neighboring counties, practically all of them hoping to make a stake and move to Denver. Indeed 1879 may be said to mark the dividing line between the old frontier conditions and the modernizing of a civilization soon to be overwhelmed by more effective means of communication and an ever swelling tide of home-seekers. And communications were primitive indeed during the seventies. There were no railroads west of Alamosa, Canon City or South Park. The telephone, developed in 1876, was a toy available to a few localities east of the Mississippi, and the telegraph had not penetrated very far beyond the rail heads.

Riding the circuit was not a pastime, but a stern necessity. Some of the county seats were very remote, and nearly all the outlying hotels were more popular with bedbugs and body lice than with travelers, while the tables

supplied a fare which made them forget all their other troubles. Towns like Silverton, Ouray and Telluride, to quote from Judge Hallett, could be invaded only by mounting the hurricane deck of a mule. Yet some lawyers, of whom Judge Miller was a type, were generally on hand when the terms began. Most of my work in this line was in the mining counties forming the old Fourth District, larger than Ohio and reaching from Lake County southward to New Mexico and westward to Utah. This was Bowen's district, and Bowen was a picturesque judge. In Costilla County the clerk was the well known Billy Meyer, who died last year. The population was 90 per cent Mexican, and the translator was the most important official. On one occasion a jury was being impanelled in a petty criminal case, during which Bowen was immersed in a newspaper of fairly recent date. When both sides announced that they would take the jury, Bowen, without looking up, said, "Billy, swear them roosters."

I was present at Lake City in May, 1877, when court convened in the new court house. The entire town had assembled in the court room for the occasion. The sheriff was Henry Finley. The judge was not prompt in arriving. He finally appeared, however, and edging his way through the crowd, managed with some difficulty to reach the bench. Taking his seat, he looked over the room for a moment, then removed his cigar from his mouth, blew a long volume of smoke into the air, and said to the sheriff, "Turn her loose, Fin."

In 1878 I went with him to Parrot City, the LaPlata County seat. Durango was not then in existence. On the day of our arrival, a sheep, minus the head, appeared on the dining table in a huge dish filled with melted grease. We were there for a week, with the sheep present at every meal. Efforts were occasionally made to eat parts of it, but our stomachs were unequal to it. At the end of the last meal Judge Brown told the landlord court would adjourn that afternoon. "But before adjournment," he said, "I intend to discharge that damned sheep of yours on his own recognizance."

His honor had a gruesome experience at Fairplay in 1880. A man named Hoover had committed an atrocious murder shortly before and was duly indicted. He plead guilty by advice of his counsel, whereupon the court, under the statutes then prevailing, had no discretion but to sentence the prisoner for life. This mortally offended the community, which believed the plea of the defendant was due to connivance with the court and district attorney. The next morning when Judge Bowen went to the court house he confronted the corpse of Hoover suspended over the entrance from an upper window. On entering the court room his eyes fell upon a noosed rope thrown across the bench and another on the bar table, marked, "For the district attorney." These officials returned to the hotel, secured a rig and drove ten miles over to Red Hill, where they took the train for Denver. Neither of them ever revisited Park County. Bowen went to the Senate three years afterwards, although I do not know that any logical sequence of cause and effect connected these two events.

But I must stop, or you will very naturally accuse me of indulging the garrulity of old age. And in very truth I might continue this rambling discussion indefinitely, for while I try to deceive myself at times with the delusion that because I have outlived my own generation I belong to the next, I know that it is not so. For my spirit is that of the older time and my memory dwells instinctively among the scenes and the events of vanished yesterdays. Their associations are the warp and the woof of my existence, and I would not have it otherwise. Need I add that if I could have chosen the period for my span of life, I could not have cast it better. It has covered the most active and by far the most creative epoch in the progress of the race. Save the telegraph and the steam engine, it has witnessed the birth of every great mechanical invention, the development of electricity, chemistry, of geology, and of nearly every fixed science from relatively primitive stages to establish systems, the eradication of pestilences, the discovery of the causes and the control of disease, the obliteration of the frontier and the establishment of means of swift communication with every part of the habitable globe.

In subduing the interior of the continent and constructing this great commonwealth in its very heart, the pioneer bar of our territory played its part and played it well. They were the rugged pioneers of the profession, the leaders of their time. Largely because of this, we are a great people. Whitelaw Reid once said the lawyer struggled twelve centuries with the sword with a persistence which enabled him to wrest the sword from his grasp. Because of it the civil power has since been supreme. It is the province of the lawyer to speak for and to lead his generation. It is also his duty. Communities are safe and progressive when he performs it. They become lax and retrogressive when he neglects it. It is his noblest mission. The old territorial bar was at all times mindful of it. The traditions they established are part of your heritage. May their successors ever invoke and be guided by the inspiration of their example.

Admitted to a Higher Court

ALFRED KIMBALL BARNES, well known Denver attorney, died after a short illness. He was a division clerk in the district court at the time of his death. He was attorney for several years for the Mid-West Refining Co. After its dissolution in 1931 he entered private practice in Denver. He moved to Denver in 1910. He was born in Ponca, Nebr., and graduated from Nebraska University in 1902. He was a member of Phi Beta Kappa, Delta Tau Delta, El Jebel Shrine and the Law Club. He was a past president of the Presidents Round Table and a charter member of the Denver Exchange Club. He was 66 at the time of his death.

JOSEPH H. ROSS, Denver, died December 9 after a long illness. He was born in Nebraska in 1877. He graduated from Iowa University, and practiced

law in Audubon, Iowa, from 1898 to 1919, at which time he came to Denver. He has practiced in Denver since 1919. He was a member of the Shrine.

An Unnecessary Expense in Annual Supplements

By ROYAL C. RUBRIGHT
Of the Denver Bar

Some time ago I inserted the 1946 pocket supplements to 1935 Colorado Statutes Annotated.

I still do not believe my eyes.

I found that new pages were added as follows:

	Pages in 1945	Pages in 1946
Volume I	12	13
Volume II	327	328
Volume III	372	372
Volume IV	470	470
Volume V	111	111

The incredible fact slowly dawns on my thought that for a charge of \$12.75 every law office in the state of Colorado has purchased two pages of annotations.

The records in our office indicate that our set was received during the month of February, 1947. Perhaps there is some overwhelming necessity that dictated the issuance of these annotations at this time. However, the legislature was even then in session and I suspect that law book publishers are aware that statutes then being passed should be inserted in such statutory supplements.

In theory, the pocket parts should reach the lawyers promptly after the legislature has adjourned and, in theory, they should be issued much sooner than the official session laws, as published by the state of Colorado. In practice, the pocket parts are issued long after the official session laws are printed and it will not be until 1948 that we receive the pocket parts that contain the 1947 statutes.

I still do not believe that lawyers are gullible enough to purchase this kind of service, but the facts speak for themselves and it is obviously a situation that demands some sort of action from the bar association for our own protection. I am sure that if any client of ours had received so little value for his money that we, as lawyers, would be advising him that someone had taken improper advantage of him.

It seems to me that speed is the essence of the lawyer's problem and that the pocket parts should be issued very promptly after adjournment of the legislature. If the supplements were issued promptly they would be worth the