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## Notes

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### **New Officers of Denver Bar Association**

The following new officers of the Denver Bar Association were elected for terms beginning July 1, 1947 at the annual meeting held on May 5, 1947:

Horace F. (Jack) Phelps, First Natl. Bank Bldg.....	<i>President</i>
Sydney H. Grossman, Security Life Bldg.....	<i>First Vice-President</i>
Foster Cline, E. & C. Bldg.....	<i>Second Vice-President</i>
M. B. Holt, Jr., Colorado Natl. Bank Bldg.....	<i>Trustee</i>
Stanley R. Johnson, E. & C. Bldg.....	<i>Trustee</i>

The nominating committee consisted of: Ernest B. Fowler, Percy S. Morris, Archibald A. Lee, Ernest L. Rhoads and R. Hickman Walker.

### **New Members of Denver Bar Association**

The following persons were admitted to membership in the Denver Bar Association at the April 7, 1947, meeting:

Charles F. Cory	John S. Poyen
Peter J. Little	Robert C. Nihan
John H. Winchell	

The following persons were admitted to membership in the Denver Bar Association at the May 5, 1947, meeting:

Jack L. Graham	Justin D. Hannen
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## **Some Facts Concerning District, County, and Justice Courts in Colorado**

By ALBERT E. SHERLOCK, Denver Chairman of the Justice Courts Committee, and STANLEY H. JOHNSON, Executive Secretary of the Judiciary Committee of the Colorado Bar Association.

Complete data is being compiled by the Judiciary Committee, with the help of the district and county chairmen, upon the district, county, and justice courts in Colorado. Although the extensive questionnaires have not all been returned, some interesting facts concerning these courts are here presented.

### **District Courts**

The following tabulation, based upon the 1940 census, shows, as of that date, the counties contained within each judicial district, the number of judges for each district, the population for each county, and for each district, and the number of people in each county being served by each district judge.

DISTRICT COURTS BY POPULATION  
1940 Census

Dist.	County	No. of Judges	Population		Per Judge
			County	District	
2nd	Denver .....	7	*328,647	328,647	46,947
8th	Boulder .....	2	37,483	138,567	69,283
	Jackson .....		1,798		
	Larimer .....		35,539		
	Weld .....		63,747		
10th	Crowley .....	2	5,398	97,839	48,919
	Otero .....		23,571		
	Pueblo .....		68,870		
4th	Cheyenne .....	2	*** 2,964	85,802	42,901
	Douglas .....		3,496		
	Elbert .....		5,460		
	El Paso .....		54,025		
	Kit Carson .....		7,512		
	Lincoln .....		5,882		
	Teller .....		6,463		
1st	Adams .....	2	22,481	84,530	42,265
	Arapahoe .....		* 25,915		
	Clear Creek .....		3,784		
	Gilpin .....		1,625		
	Jefferson .....		30,745		
7th	Delta .....	2	16,470	77,973	38,986
	Gunnison .....		6,192		
	Hinsdale .....		349		
	Mesa .....		33,791		
	Montrose .....		15,418		
	Ouray .....		2,089		
	San Miguel .....		3,664		
13th	Logan .....	2	18,370	66,264	33,132
	Morgan .....		17,214		
	Phillips .....		4,948		
	Sedgwick .....		5,294		
	Washington .....		8,336		
	Yuma .....		12,102		
12th	Alamosa .....	1	10,484	49,217	49,217
	Conejos .....		11,648		
	Costilla .....		7,533		
	Mineral .....		975		
	Rio Grande .....		12,404		
Saguache .....	6,173				

\* Population of Westwood added to Denver, subtracted from Arapahoe.

\*\*\* House Bill 469, now pending, transfers Cheyenne County from the 4th to the 15th District.

Dist.	County	No. of Judges	Population		
			County	District	Per Judge
3rd	Huerfano .....	**2	16,088	48,457	22,228
	Las Animas .....		32,369		
11th	Chaffee .....	1	8,109	33,393	33,393
	Custer .....		2,270		
	Fremont .....		19,742		
	Park .....		3,272		
6th	Archuleta .....	1	3,806	33,160	33,160
	Dolores .....		1,958		
	La Plata .....		15,494		
	Montezuma .....		10,463		
	San Juan .....		1,439		
15th	Baca .....	1	6,207	30,957	30,957
	Bent .....		9,653		
	Kiowa .....		2,793		
	Prowers .....		12,304		
14th	Grand .....	1	3,587	19,198	19,198
	Moffat .....		5,086		
	Routt .....		10,525		
9th	Garfield .....	1	10,560	15,339	15,339
	Pitkin .....		1,836		
	Rio Blanco .....		2,943		
5th	Eagle .....	1	5,361	13,998	13,998
	Lake .....		6,883		
	Summit .....		1,754		

\*\* Statute now provides for only one judge as soon as vacancy occurs.

The table indicates that the average population served by each judge is in round figures 36,000. There are therefore four districts, the Third, Fifth, Ninth, and Fourteenth, so far below this average that it might be thought any two of them could be served by a single judge. On the other hand the Eighth District, comprising Boulder, Jackson, Larimer, and Weld counties, is so far above the average as to indicate some need for relief.

However, there are factors other than population bearing upon the need for district judges. They are in a sense circuit judges, and the area they are required to serve and the actual number of trials are perhaps of greater importance. From a standpoint of area, also, the Eighth District would appear to need an additional judge.

On the other hand, area does not bear upon the question in Denver. It has been said that each of the district judges in Denver tries annually ten times as many cases as some of the judges in sparsely settled districts. The

state's metropolis attracts most of the criminal element. According to the Denver Probation Department two-thirds of the crime committed in the state takes place in Denver and two-thirds of the inmates of the penitentiary have been committed from the Denver District Court. Furthermore, most civil cases in the nature of mandamus by or against state officials, declaratory judgments, workmen's compensation, appeal from decisions of Public Utilities Commission and the like are tried there. Nevertheless, during the more normal period before the war, it cannot be said that the district judges in Denver were overtaxed or the dockets overcrowded. This would indicate that the average of 36,000 population per judge could easily be increased, providing the elements of serving an extensive area, or having a judge available for matters of course at a number of county seats, did not interfere.

These are some of the questions which the committee hopes can be answered when all the returns are in. In order to obtain a sound conclusion, the Denver committee for this court must analyze the facts obtained with care. For example, together with the number of trials by a court in a given county, the number of trial days consumed must also be considered, and also the fluctuations in the number of trials and trial days over the ten year period.

Returns are in for the district courts in a number of counties. Among them are Weld and Moffat. A comparison of these two counties is interesting. Weld is one of the counties in the Eighth District. It has a total population of 138,567, served by two judges. Moffat is one of three counties in the Fourteenth District, having a population of 19,198, served by one judge. Weld's population is 63,747, Moffat's 5,086. In 1946 there were 177 cases tried by the district judges in Weld, consuming 209 days; in 1938, 163 trials consuming 302 days. In Moffat in 1946, there were 76 trials requiring 45 days and in 1938, 55 trials requiring 47 days. Hence, although the ratio of population in Moffat to Weld is only 8%, the ratio of trial days utilized was 15% in the year 1938, or nearly double the time consumed per capita in Weld County.

Although the translation of the statistics by the committee will be difficult, they will surely show more clearly than any evidence previously available the judicial needs of our state. Once these facts are established, they may be kept current by a judicial council or similar body receiving annual reports from the clerks of court, as is now done in Michigan.

### County Courts

The following tabulation shows the classification of the various counties, the salaries paid the judges and clerks of the county courts, and the county population as of 1940.

#### SALARIES COUNTY JUDGES AND COUNTY COURT CLERKS 1945 Statute

Classes of Counties			
County	Salaries Co. Judge	Salaries Clk. Co. Ct.	1940 Population
CLASS I.			
Denver .....	\$7,000.00	\$4,200.00	*328,647
CLASS II			
GROUP A			
El Paso .....	\$5,000.00	\$2,500.00	54,025
Pueblo .....	5,000.00	2,500.00	68,870
Weid .....	5,000.00	2,500.00	63,747
GROUP B			
Arapahoe .....	\$3,600.00	\$2,400.00	*25,915
Boulder .....	3,600.00	2,400.00	37,483
Jefferson .....	3,600.00	2,400.00	30,745
Larimer .....	3,600.00	2,400.00	35,539
Las Animas .....	3,600.00	2,400.00	32,369
Mesa .....	3,600.00	2,400.00	33,791
CLASS III			
GROUP A			
Adams .....	\$3,000.00	\$1,800.00	22,481
Fremont .....	3,000.00	1,800.00	19,742
Logan .....	3,000.00	1,800.00	18,370
Morgan .....	3,000.00	1,800.00	17,214
Otero .....	3,000.00	1,800.00	23,571
GROUP B			
Alamosa .....	\$2,400.00	\$1,700.00	10,484
Conejos .....	2,400.00	1,700.00	11,648
Delta .....	2,400.00	1,700.00	16,470
Garfield .....	2,400.00	1,700.00	10,560
Huerfano .....	2,400.00	1,700.00	16,088
La Plata .....	2,400.00	1,700.00	15,494
Montrose .....	2,400.00	1,700.00	15,418
Prowers .....	2,400.00	1,700.00	12,304
Rio Grande .....	2,400.00	1,700.00	12,404
Routt .....	2,400.00	1,700.00	10,525
Yuma .....	2,400.00	1,700.00	12,102

\* Population of Westwood added to Denver, subtracted from Jefferson.

Classes of Counties			
County	Salaries Co. Judge	Salaries Clk. Co. Ct.	1940 Population
<b>GROUP A</b>		<b>CLASS IV</b>	
Baca .....	\$2,100.00	\$1,700.00	6,207
Bent .....	2,100.00	1,700.00	9,653
Chaffee .....	2,100.00	1,700.00	8,109
Costilla .....	2,100.00	1,700.00	7,533
Gunnison .....	2,100.00	1,700.00	6,192
Kit Carson .....	2,100.00	1,700.00	7,512
Lake .....	2,100.00	1,700.00	6,883
Montezuma .....	2,100.00	1,700.00	10,463
Teller .....	2,100.00	1,700.00	6,463
Washington .....	2,100.00	1,700.00	8,336
<b>GROUP B</b>			
Crowley .....	\$1,900.00	\$1,500.00	5,398
Eagle .....	1,900.00	1,500.00	5,361
Elbert .....	1,900.00	1,500.00	5,460
Lincoln .....	1,900.00	1,500.00	5,882
Moffat .....	1,900.00	1,500.00	5,086
Phillips .....	1,900.00	1,500.00	4,948
Saguache .....	1,900.00	1,500.00	6,173
Sedgwick .....	1,900.00	1,500.00	5,294
<b>GROUP A</b>		<b>CLASS V</b>	
Archuleta .....	\$1,800.00	\$1,200.00	3,806
Cheyenne*** .....	1,800.00	1,200.00	2,964
Clear Creek .....	1,800.00	1,200.00	3,784
Custer .....	1,800.00	1,200.00	2,270
Douglas .....	1,800.00	1,200.00	3,496
Grand .....	1,800.00	1,200.00	3,587
Kiowa .....	1,800.00	1,200.00	2,793
Ouray .....	1,800.00	1,200.00	2,089
Park .....	1,800.00	1,200.00	3,272
Rio Blanco** .....	1,800.00	1,200.00	2,943
San Miguel .....	1,800.00	1,200.00	3,664
<b>GROUP A</b>		<b>CLASS VI</b>	
Dolores .....	\$1,500.00	\$1,000.00	1,958
Gilpin .....	1,500.00	1,000.00	1,625
Jackson .....	1,500.00	1,000.00	1,798
Pitkin .....	1,500.00	1,000.00	1,836
San Juan .....	1,500.00	1,000.00	1,439
Summit .....	1,500.00	1,000.00	1,754
<b>GROUP B</b>			
Mineral .....	\$ 600.00	\$ 400.00	975
<b>GROUP C</b>			
Hinsdale .....	\$ 400.00	\$ 400.00	349

\*\* By House Bill No. 159 which has become law, Rio Blanco County has been moved from Class V to Class IV, Group A.

\*\*\* House Bill No. 469, now pending, transfers Cheyenne County from the 4th to the 15th district.

The county judges of the following counties are lawyers: Denver, El Paso, Pueblo, Weld, Arapahoe, Boulder, Jefferson, Larimer, Las Animas, Mesa, Adams, Logan, Morgan, Otero, Conejoh, Delta, Garfield, La Plata, Rio Grande, Bent, Lincoln, Pitkin.

Omitting Denver, the average population served by the county judge is 12,800, or about one-third the number served by each district judge. Denver is not comparable because, although only one judge presides there, others are continually called in for the trial of cases, claims, and the hearing of motions and other matters. Only 18 of the 62 remaining county courts try more than the average number of cases.

The returns from the county court questionnaires will show how many days supply judges were necessary in Pueblo, Weld, and El Paso, the top three after Denver in population, and in Group B of Class II, where the population exceeds 30,000. They will also show other matters of importance, such as the number of cases tried originally in the county court and again *de novo* in the district court.

It has been stated to the committee in letters received from the bar that the county courts cannot be combined with the district courts, if such a change should appear desirable, because the county judge is always available, and a district judge would not be unless one were provided for each county. It has also been said that the county court tries as many cases as the district court in the county. Returns from Moffat show that the county court tried 66 cases in 1946 as compared with 76 cases in the district court, and in 1938, 35 cases in the county court, compared with 47 in the district court. The returns for Weld County Court are not in.

In Hinsdale where the population was 349 there were five trials before the county court in 1942, consuming one trial day, and none in 1938, 1940, 1944, and 1946. On the basis of the present statute the judge would have been paid a salary of \$400 for each of these five years, or \$2,000, so that for his services alone these hearings would have cost the county \$400 each. During the same years the county court in Boulder, where the population was 37,483, tried at least 1,526 cases, treating each estate as one case. The judge received \$3,600 for each of these years, a total for the five years of \$18,000, or about \$12 a case for his services. Incidentally, he served outside the county 45 days during the three years 1942, 1944, and 1946 (no prior record) and was paid a statutory allowance of \$12 a day, comparable to his pay per trial at home.

La Plata County has a population of 15,494, close to the average for the state. It tried 1,235 cases in the five years, together with hearings exceeding that number. Its judge received a salary of \$2,400 or \$12,000 for the five years, or a cost for the judge's services alone of about \$10 a case. His rate of pay was less than \$7 a day.

It is worthy of note that there were no jury trials in the La Plata County



Court in those five years and only five jury trials in the five years in the Boulder County Court. Apparently, there must be considerable confidence in the integrity and judiciousness of the county judges in those counties.

The statistics on these courts, when complete, will develop a great many other matters of interest to the bar and public too numerous to mention here.

### Justice Courts

No other courts in this country have received the attention that has been focused upon the justice of the peace courts in the past few years. It is time, indeed, that some analysis was made of them and corrective measures taken, for no other court dispenses justice to so many people. It is important that what is dispensed should be justice, and not something else, which may impress the average citizen with the unfairness and incompetence of our judicial system.

There can be no question that the system, devised for use in frontier days or in early years when transportation was slow, has serious faults. This is easily demonstrated by the action being taken in other states, selected at random, and by the comments of our own bar.

In Missouri such courts have been abolished and magistrates under supervision of superior courts substituted, according to population requirements. In Iowa the legislature passed a resolution that they should be abolished. The judicial councils in Ohio and Michigan have recommended their abolition or control with carefully planned substitute courts, and the California legislature has requested the council there to make a thorough investigation and report on the inferior court system.

The plea of convenience is made for them, but the counter argument is that it is better to have a lawyer paid by salary at all times available at the county seat, than a village mechanic, like the justice in Hinsdale County, who repairs cars and tries cases only during the summer season, and moves on to better climes for eight months of the year. A justice of this kind in the language of one commentator is likely, when you need him, to be hoeing his brother's potato patch ten miles away, or vacationing in New Orleans.

Some of the comments received from our bar are enlightening. Under our laws and constitution the county commissioners are to determine the number of justice precincts, but for every one established there must be two justices and two constables. They are to have such jurisdiction as the legislature bestows upon them, not exceeding \$300 in civil cases.

One county chairman reports: prior to 1933 there were several precincts, but no justice who was elected ever qualified except in three towns. The commissioners then reduced the precincts to two with the hope that the requisite number would qualify, but although justices were elected in 1936, 1940, 1942, and 1946, in No. 1 none of them qualified. Even in No. 2, where there had always been two justices, last year, though two were elected, only

one qualified and later resigned. The office should be abolished and matters handled by the county judge at the county seat.

In another county there are only two justices, both in one town. The justices elected in the other precincts all failed to qualify. In a third county, five precincts were reduced some years ago to two. There is only one justice in each, and one of those is about to go on old age pension and resign. It is impossible to get candidates. In still another county there are two justices in each of two precincts, one each in two others, and none who will qualify in the other seven. In another some of the precincts have had none for over twenty years. The chairman gives these reasons: there is no necessity for them in these modern days; no one wants the job because it pays little and is a nuisance; when a justice is elected, he fails to qualify. Often the income is not enough to induce the justice to pay \$10 for his bond.

Another reports there is only one justice in the county; the commissioners do not bother to fill the vacancies or cannot get anyone to act. Another states the court in one substantial town is operated on a very loose basis. The justice fails to report his fees to the county; very little justice is dealt out; the justice's principal occupation is that of bill collector; the chairman knows of only one occasion when a lawyer has appeared in that court.

Following are the statistics on the business in one justice court, showing a substantial increase, particularly in traffic cases, where the defendant is always guilty.

### COUNTY "X"

Chart #1

Year	Age of J. P.	Civil Cases Tried	Jdmt. for Pltf.	Jdmt. for Def.	Dis-missed	Costs Col-lected	Fees Col-lected
1943 .....	70	6	5	0	1	\$ 30.25	\$22.30
1944 .....	71	8	6	0	2	39.55	33.45
1945 .....	72	9	3	0	6	53.95	31.60
1946 .....	73	27*	7	0	17	120.50	84.50

\* one change of venue, one no service, one continued

Year	Criminal Cases Tried	Of Which Motor Vehicle There Were	Cases Actually Tried	Jdmt. for State	Jdmt. for Def.	Dis-missed	Costs Collected	Fines Collected
1943 ....	13	7	13	10	0	3	\$ 90.00	\$ 225.00
1944 ....	52	35	47	39	0	8	176.18	765.00
1945 ....	54	42	54	52	0	2	265.82	1370.00
1946 ....	121	56	100**	93	0	5	540.14	2680.00

\*\* one change of venue, one withdrawn

Following are the statistics concerning the number of justices and police magistrates in the various counties:

JUSTICES OF THE PEACE BY COUNTY POPULATION  
1940 Census

Name	Population	No. Justices	Occupation
Counties over 300,000 Population			
Denver .....	*322,647	2	Lawyers
Counties over 60,000 Population			
Pueblo .....	68,870	2	1 old age pensioner, 1 grocer
Weld .....	63,747	20	1 lumberman, 1 rancher, 1 hatcheryman 1 agriculturalist, 1 miner
Counties over 50,000 Population			
El Paso .....	54,025	6	1 lawyer, 2 laborers
Counties over 30,000 Population			
Arapahoe .....	* 25,915	8	2 are police magistrates, 2 retired, 1 housewife, 1 stockman
Boulder .....	37,483	22	1 housewife, 1 meat cutter, 1 farmer
Larimer .....	35,539	6	1 retired, 1 hardware man
Las Animas .....	32,369	44	1 farmer
Mesa .....	33,791	2	
Counties over 20,000 Population			
Adams .....	22,481	9	1 grocer, 1 farmer, 1 printer
Jefferson .....	30,745	8	1 clerk, 1 mechanic
Otero .....	23,571	8	1 painter, 1 news stand, 1 real estate, 1 teacher, 1 stenographer, 1 lawyer, 1 license examiner
Counties over 10,000 Population			
Alamosa .....	10,484	1	
Conejos .....	11,648	7	
Delta .....	16,470	5	1 farmer, 1 editor, 1 none
Fremont .....	19,742	3	1 real estate
Garfield .....	10,560	5	1 towerman for railroad
Huerfano .....	16,088	3	
La Plata .....	15,494	2	1 farm manager
Logan .....	18,370	2	
Montezuma .....	10,463	6	1 collector, 1 real estate
Montrose .....	15,418	3	
Morgan .....	17,214	4	1 police magistrate
Prowers .....	12,304	5	1 weighmaster
Rio Grande .....	12,404	3	1 bookkeeper, 1 ass't postmaster
Routt .....	10,525	4	3 are police magistrates
Yuma .....	12,104	3	1 insurance

\* Population of Westwood added to Denver, subtracted from Arapahoe. Only 4 of 81 justices who responded to questionnaire are qualified as attorneys.

Name	Population	No. Justices	Occupation
Counties over 5,000 Population			
Baca .....	6,207	2	
Bent .....	9,653	2	1 carpenter; 1 to resign for old age pension
Chaffee .....	8,109	4	1 grocer, 1 miner
Costilla .....	7,533	7	1 miner, 1 insurance
Crowley .....	5,398	2	1 filling station operator
Eagle .....	5,361	6	1 clerk
Elbert .....	5,460	5	1 farmer
Gunnison .....	6,192	2	1 miser, 1 real estate and insurance
Kit Carson .....	7,512	2	
Lake .....	6,883	2	1 bill collector
Lincoln .....	5,882	4	
Moffat .....	5,086	2	1 barber, 1 painter
Saguache .....	6,173	3	
Sedgwick .....	5,294	1	
Teller .....	6,463	3	1 miner, 1 clerical
Washington .....	8,336	1	
Counties over 4,000 Population			
Phillips .....	4,948	4	1 teacher and farmer
Counties over 3,000 Population			
Archuleta .....	3,806	2	1 town clerk, 1 old age pensioner
Clear Creek .....	3,784	1	
Douglas .....	3,496	4	
Grand .....	3,587	4	1 merchant
Park .....	3,272	1	1 pool room operator
San Miguel .....	3,664	3	
Counties over 2,000 Population			
Cheyenne .....	2,964	2	
Custer .....	2,270	1	
Kiowa .....	2,793	4	
Ouray .....	2,089	2	1 druggist
Rio Blanco .....	2,943	3	
Counties over 1,000 Population			
Dolores .....	1,958	4	1 real estate and insurance
Gilpin .....	1,625	4	1 carpenter, 1 hotel operator
Jackson .....	1,798	1	1 abstractor and clerk dist. court
Pitkin .....	1,836	1	
San Juan .....	1,439	2	
Summit .....	1,754	0	
Counties under 1,000 Population			
Hinsdale .....	349	1	(May 1 to Oct. 1) Mechanic
Mineral .....	975	1	1 enforcement officer

COLORADO POLICE MAGISTRATES (P. M.)  
(33 Counties)

County	Judicial District	No. P. M.	Location	Vocation
Alamosa .....	12	1	Alamosa	Freight clerk
Arapahoe .....	1	4	Littleton	None
			Englewood	JP
			Aurora	Unknown
			Deer Trail	Unknown
Archuleta .....	6	1	Pagosa Springs	Laborer-farm and saw mills
Baca .....	15	3	Springfield	1 is co. judge; 1 is JP and engaged
			Walsh	in real estate and insurance; 1
			Pritchett	farms and sells farm machinery
Bent .....	15	1	Las Animas	City clerk
Chaffee .....	11	2	Salida	JP and former farmer
			Buena Vista	Notary public, real estate
Clear Creek ....	1	3	Idaho Springs	JP, operates filling station
			Georgetown	Mayor, abstract business
			Central City	Clerk district court
Conejos .....	12	4	Antonito	Editor
			Manassa	Farmer
			Romeo	Carpenter
			La Jara	Barber
Costilla .....	12	none		
Dolores .....	6	2	Dove Creek	Unknown
			Rico	Unknown
Elbert .....	4	none		
El Paso .....	4	2	Colorado Springs	Lawyer
			Manitou Springs	Town clerk
Fremont .....	11	3		2 are JPs (1 also in insurance and
				real estate); 1 retired
Gunnison .....	7	2	Gunnison	Real estate and insurance
			Crested Butte	Coal miner
Huerfano .....	3	1	Walsenburg	JP (former barber)
Kit Carson .....	4	5	Burlington	Retired (former state repr.)
			Stratton	Retired
			Vona	Filling station operator
			Seibert	Unknown
			Flagler	Real estate broker
Lake .....	5	1	Leadville	Bookkeeper and bill collector
Larimer .....	8	4	Fort Collins	Retired
			Loveland	JP
			Estes Park	Town Clerk
			Berthoud	JP
Las Animas ....	3	1	Trinidad	Former railroad man
Moffat .....	14	1	Craig	JP—painter and decorator
Montrose .....	7	1	Montrose	Lawyer
Morgan .....	13	2	Fort Morgan	Retired sugar company employee
			Brush	Real estate and insurance
Otero .....	10	2	Rocky Ford	JP—real estate and insurance
			La Junta	Ex-barber, ex-farmer

County	Judicial District	No. P. M.	Location	Vocation
Park .....	11	none		
Phillips .....	13	2	Holyoke Haxtun	Unknown Unknown
Prowers .....	15	2	Lamar  Holly	JP—former farmer and old age pensioner Retired
Pueblo .....	10	1	Pueblo	Lawyer
San Miguel ....	7	2	Telluride Norwood	Undertaker and furniture store Unknown
Sedgwick .....	13	1	Julesburg	JP, and operator of service station
Summit .....	5	1	Breckenridge	Old age pensioner, prospector
Teller .....	4	2	Victor Cripple Creek	City clerk and JP City clerk
Weld .....	8	*5	Greeley Eaton Ault Windsor Fort Lupton	Lawyer JP and real estate and insurance JP and real estate and insurance JP and real estate and insurance JP, employee of sugar company
Yuma .....	13	2	Wray	1 retired, 1 insurance business

\* Due to telephone strike, unable to determine if there are more police magistrates in county.

## Is Residence of the Plaintiff, in Colorado, Necessary to Support a Divorce Action Based on Cruelty Within the State, If Defendant Is a Resident of Colorado?

By EDWIN M. SEARS\*

Attorneys are in doubt regarding the answer to the title question. The Colorado Supreme Court has not spoken on it. It is the purpose of this paper to prove that the answer should be in the negative.

### I

It seems necessary, first, to allay the apprehension that under the construction of the Colorado divorce statutes, as here proposed, Colorado divorces could be granted, if the cruelty complained of occurred in this state, though none of the parties be here domiciled. If section 6 of the statute were so construed, then, it might be said, no residence requirement at all exists as to either party, and Colorado could become the Mecca of divorce seekers—a result clearly abhorred by our courts (*Sedgwick vs. Sedgwick*, 50 Colo. 164, 169).

But such would not be the effect of the above proposition. Our statute clearly, though by implication, requires the residence in the state of one party

\*Of the Denver bar.