

July 2021

## Denver, Air Center of the World

Stedham Acker

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

---

### Recommended Citation

Stedham Acker, Denver, Air Center of the World, 23 Dicta 82 (1946).

This Article 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](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

tional area occupied by the levees and not needed for the canal, the Comptroller General stating:<sup>36</sup>

The Act of August 30, 1890, does not specify for what purposes the ditches and canals to be constructed by the United States are to be used. The history of the act, however, clearly indicates that it had reference to ditches or canals to convey water for the reclamation of arid lands by irrigation. To the extent therefore that the proposed project is for irrigation purposes alone the title to right of way is already vested in the United States and no payment may be made for the lands required therefor \* \* \* for the additional area required for flood control purposes payment may be made at a reasonable price not in excess of the appraised value of the land involved.<sup>37</sup>

## **Denver, Air Center of the World**

BY STEADHAM ACKER

Following is a summary of remarks made by Mr. Acker, aviation consultant for Denver, at the March 4, 1946, meeting of the Denver Bar Association:

Aviation is transportation. It is past the stage where it is a thrill. It is a business, in its infancy and rapidly developing. It is the newest form of transportation, which means new markets and new thinking. It has romance, which makes it more interesting as a business.

The atomic bomb will make people in large cities think of decentralization and decentralization will make more transportation.

Air transportation will connect Denver with all the rest of the world. In a few months Denver will be less than sixty hours by air from every major city in the world.

How will air transportation help the lawyer? It will help the lawyer generally as it adds to the development of the city. The prosperity of a city depends upon its transportation. No transportation means no communication, which means no business. Air transportation will help the community in proportion to its use. Denver depends more than any other city on air transportation. It has obstacles of terrain which it is overcoming and it has a future of greatness in air transportation. If Denver becomes prosperous, its citizens will become prosperous and the lawyer will participate in the city's prosperity. Therefore, the lawyer will encourage air transportation so as to add to the general prosperity of the city.

<sup>36</sup>17 Comp. Gen. 1039. "Real Estate—Rights of Way—Rio Grande Canalization Project."

<sup>37</sup>All decisions, administrative rulings and articles extant to September, 1944, are cited herein.

The difficulties of air transportation are being overcome. Air transportation is more than one hundred times as safe now as it was at the conclusion of World War I. Eventually air transportation will be the safest and cheapest mode of transportation, and when it is safest and cheapest, it will be purchased.

The auto has developed much business for the lawyer, such as damage suits, insurance business, etc. Likewise, the air lines will develop business for the lawyers. They too will have contracts, damage suits, insurance business, and many other types of legal business requiring representation by lawyers. Air lines might take lawyers into executive positions. Terrell Drinkwater, a Denver lawyer, is now vice-president of one of the major air lines in the United States.

Airplanes to a great extent create their own business. Some people make a quick trip by plane when had they had to rely upon slower methods of transportation they could never make the trip. The airplane increases rather than cuts into the business of other carriers. It creates business because it saves time and the more time it saves the more time there is for business and thus the more business.

The World Fair of Aviation is scheduled to be held in July in Omaha, in connection with the National Aeronautics Association's first post-war convention. Many foreign nations have been invited to exhibit their latest equipment.

In response to a question as to what increased facilities Denver needs, Mr. Acker stated that there was a need for expansion of the Denver Municipal Airport and plans for an enlarged administration building have been completed. There is also need for more private flyer facilities. There will never be any necessity of increasing the size of the air field because the planes of the future will require less space for landings and take-offs. This will be due in part to the reverse pitch propeller and rocket assistance. Of course, the plans of the Denver airport will have to fit in with the national plans and needs. The time will come when every city will have a downtown air terminal. Denver will need several private fields adjacent to the residential sections, but these should not be so located as to cut down residential expansion. Denver needs a field for model planes and gliders.

In answer to a question regarding the prospects of Denver in national and international traffic, Mr. Acker stated that Denver would get none of the East-West transcontinental traffic. However, Denver is on the great circle route known as the Sunshine International Route from South America through Texas, Denver, Canada, Alaska, Russia and to China and Japan. This is a more feasible route to the Orient than going through California, as it reduces the distance 400 miles. Denver has been declared an air gateway by the Civil Aeronautics Board. Travel to

the Orient through the southwestern part of the United States would go through Denver.

Mr. Acker also was asked how air transportation would affect freight transportation and he replied that mass production of the airplane and mass consumption of air transportation will reduce costs. The time will come when heavy freight can be shipped by air economically. The greatest possibilities are in the shipment of tropical fruit from South America. It can be shipped in here and consumed within a few hours, thereby reducing costs of packing and loss of spoilage.

## Recent Judicial Modification of Habitual Criminal Act

BY WILLIAM E. DOYLE\*

A few weeks ago the Colorado Supreme Court had occasion to reverse a case in which the defendant had been charged and convicted of violating the habitual criminal statute. Although the act has been changed<sup>1</sup> since the conviction of the defendant in that case, it is believed that the decision is of sufficient interest to warrant brief comment in view of the substantial similarity between the old law and the new one and in view of some of the other implications of this recent Supreme Court pronouncement. The decision referred to is *O'Day v. People*, No. 15638, Public Ledger, Jan. 19, 1946.

The information charged the defendant, William O'Day, with the offense of aggravated robbery. The second and third counts of the information charged prior convictions under the burglary statutes of California and Missouri. Upon being arraigned, the defendant admitted that he was the identical person who had been convicted of burglary in California and Missouri. Such an admission is equivalent to a plea of guilty under the habitual criminal statute.<sup>2</sup> The remaining issue, i. e., whether the defendant was guilty of the immediate offense, was submitted to a jury. The verdict of the jury was guilty of the offense of aggravated robbery. Pursuant to this verdict and the previous pleas of guilty, the trial court sentenced the defendant to life imprisonment.

A cursory examination of the history of the habitual criminal statute indicates that cases which have been filed under this act have not

\*Of the Denver bar.

<sup>1</sup>Chapter 114, Session Laws of Colo., 1945.

<sup>2</sup>Section 554, Chapter 48, 1935 C. S. A. provides in part as follows:

"Whereupon the court in which such last conviction was had shall cause the said person, \* \* \* to be brought before it and shall inform him of the allegations contained in such information and of his rights to be tried as to the truth thereof according to law, and shall require such offender to say whether he is the same person as charged in such information or not. If he says he is not the same person or remains silent, the court shall enter a plea of not guilty."