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Dictaphun

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DICTAPHUN

The Old West Is Dead

Any lingering doubts you may have had that the spirit of the old West is gone forever will be smothered by an Act of the Thirty-fifth General Assembly, lately so happily adjourned. We find on page 38 of Holland's Session Laws an amendment to the charter of the once roaring, robust and rambunctious mining camp of Central City. It provides the pay-off for the splendid services rendered and to be rendered by the Mayor and Aldermen in these words:

"The Mayor and Aldermen shall each receive his water rent, not to exceed \$2.50 per month, for respective services."

The municipal officers of Central, at the time when we were a boy, wouldn't have used water for any purpose, and if they had, two dollars and a half's worth would scarcely have been one day's chasers.

What About This, Shakespeare?

Charles Edgar Kettering, County Judge and benefactor of mankind, or at least of one man, has now made it two by granting a petition for change of name, chronicled (at the legal rate for such advertising) in *The Rocky Mountain Herald*. The good, grey judge has fixed it up so that he who was formerly known as Yit On Nip is now hailed as Norman Yit On Nip.

Poetry About Our Family

We were over in the office of the Clerk of the United States District Court the other day, inquiring whether our debts justify the expense of bankruptcy, and received this gem from Deputy Clerk H. A. McIntyre. It is from the column of the justly-celebrated Franklin P. Adams:

"* * * Appropos of nothing, Mr. Hilliard's law firm before his elevation to the bench, was Hilliard, Lilyard & Finnicum, a fact which is offered free to F. P. A." Which caused F. P. A. to come forth thusly:

"Hilliard, Lilyard & Finnicum
 Are not in the 'Mikado',
 But attorney chiefs who file their briefs
 In Denver, Colorado.
 They practice not in Camelot,
 In Truro, Troy or Tinicum,
 But they work and loll in Denver, Col.,
 Do Hilliard, Lilyard, Finnicum."

We Took a Go At It Too

Literally hundreds of local counsel have called our attention to this ad, which ran for several days in *The Daily Journal*:

"HONEST ATTORNEY WANTED—
Fee No Consideration."

Several applicants flunked for a reason which will readily occur, while many more were rejected because they wanted to know which side they were to be honest on. The smart boys, however, stayed away from it. They read the second line and didn't apply at all.

We'd Probably Lose Them Anyway, So Here Goes

We were poised to take a shot at that bar association program whereon several justices of the Supreme Court gave with three topics, entitled, "How Not to Write a Brief," "How Not to Make an Oral Argument," and "How Not to Prepare an Abstract," when Dick Peete beat us to the draw in *The Herald*. Dick, of course, inquired when the learned justices were going to study the problem of "How Not to Write an Opinion." We thought of it first, but Dick, publishing weekly, got ahead of us. So all we can say is: "How Not to Decide Our Four Pending Cases Against Us."

You May Well Ask

Brother Swancara, risking the price of a penny postcard, inquires thereon:

"Since a lawyer must obey his oath to support the Constitution or be disbarred, must he support the Constitution as he reads it, if he ever does, or as construed by the judges at the time of the taking of the oath, or by the last judicial exposition?"

If it's all the same to you, Brother Swancara, we would prefer to be disbarred on other grounds.

It Happened at the West Side Court

Sambo's large and expressive eyes, set evenly in his round and very dark face, plainly showed worry. He was in sad trouble. He was out of jail only long enough, and in stern charge of the sheriff, to appear before Judge Luxford. Life looked pretty dark. The judge looked at Sambo, and with judicial calm said,

"Your case is set for the 7th of March."

With resignation Sambo nodded his assent. And then as a final warning, and still with judicial calm, the judge said,

"And you be sure to be here!"

Sambo's eyes brightened; the world was not all harsh; the sun shone again! His wide and ready smile came into play, and again he nodded his assent—he expected to keep the tryst!

Upon Information and Belief*When Does a Law Become Effective?*

DICTA sometimes contains erroneous statements. This is due primarily to the fact that it is the policy of DICTA to allow those submitting material to it a free expression of their own opinions, DICTA, assuming no responsibility for the viewpoints expressed in the articles contained therein.

The editors of DICTA feel that they must call attention to an apparent inaccuracy in an article written and submitted by one Hubert D. Henry, published in the April issue. Mr. Henry's article states that S. B. 76 of the 35th General Assembly became effective March 6, 1945. We believe Mr. Henry to be in error. Under a decision of the Colorado Supreme Court entitled *In re Interrogatories of the Governor*, 66 Colo. 319, it appears that acts of the general assembly which do not have the safety clause, but which do have the emergency clause, become effective ninety days after the adjournment of the general assembly. S. B. 76 does not have an emergency clause, and under this decision does not become effective March 6, 1945, but becomes effective July 5, 1945—ninety days after the adjournment of the 35th General Assembly.

Inasmuch as DICTA contains no legal notices, it is a matter of no personal interest to us whether the increase in the rates for legal advertising provided for in S. B. 76 becomes effective March 6, 1945, or July 5, 1945, but it might be of considerable interest to the members of the bar who must supervise the payment of bills for such legal notices for their clients.

West Virginia Bar Integrates

According to an article in the April, 1945, issue of the American Judicature Society Journal, the West Virginia State Bar has been integrated by an act of the legislature. West Virginia thus becomes the 25th state to have an integrated bar, only eight of which states are east of the Mississippi River; and it becomes the third state having integrated its bar since the United States entered the war. This climaxed a fifteen-year campaign for integration in West Virginia. In 1938 the West Virginia Bar Association, by a mail vote, favored integration by a vote of 269 to 60, two-thirds of the members voting. From that time on integration became an objective of the association, which culminated in the passage of the 1945 act.

What Is the Answer to This?

EDITOR:

A week before Frank Rice went to his spiritual reward I received a communication from him, a copy of which is enclosed. In this communication, he propounded an inquiry which I am unable to answer, and I thought it might be interesting enough for some of your departments in DICTA.

Very truly yours,

IVOR O. WINGREN,

Assistant United States Attorney

The Letter

To His Grace and Sinning Holiness

The Very Most Right Reverend

Cardinal Ivor O. Wingren, D.D., Ph.D., LL.D.

PASTORAL PRIVILEGED COMMUNICATION BULL

Question: When does psychic knowledge of a felony against the government of the United States become knowledge or preponderance of criminal evidence?

“The Sherlock Holmes Scientific Psychic Deceive Church, Inc.”, of which I am the founder, president, and supreme spiritual head, is in a dilemma. This dilemma is of sufficient import to seriously ask your spiritual consideration be volunteered. Why? Because psychical phenomena, real or imagined, truly does exist around these parts.

As one having had experience as to mundane investigations of criminals, I truly believe that it may be helpful to the mundane institution you represent. I have some psychical and or metaphysical evidence which in your clerical capacity would be of no use; but, if you will answer my question above, I will give you an opportunity to execute the magical art of, let us say, turning wine into water; which, in my personal opinion, would be a senseless thing to do. I assure you that it is possible to turn psychical and or metaphysical crimes into mundane crimes or extracting evidence to the extent the physical and metaphysical becomes mundane cause for indictment.

This is not a request for a contribution.

(Signed) Rice * †

Admitted to a Higher Court

Wayne A. Bannister, 32 year old member of the Denver Bar died March 24, 1945 in Italy. In civilian life an active member of the Denver and Colorado Bar Association, and associated with his father in the practice of law, Wayne was, at the time of his death a major in the United States Army, and had had a very interesting army career. In November 1942, he landed in North Africa with the invasion forces as an officer in the field artillery. Transferred to the intelligence division, he was villa officer during the Casablanca conference. He was then sent to the judge advocate's office in Sicily. He then went to Algiers where he was liaison officer between French and English-speaking officers. After that he was assigned to Allied headquarters in Italy. An outstanding work was his drawing up of briefs on the Yalta conference for distribution to the embassies of the Allied nations. He was a graduate of Stanford University and Harvard Law School.

Arthur R. Morrison, distinguished member of the Denver bar, died March 24, 1945. Best known for his participation in many civil service cases and his great knowledge of mining law, he was one of Colorado's foremost criminal and trial lawyers, and always a dangerous opponent in any trial.

Vacation Schedule of Denver District Courts

The following judges will hear cases during the periods indicated:

Civil Divisions

June 25 through July 7, Judge Robert W. Steele;
 July 9 through July 21, Judge Henry S. Lindsley;
 July 23 through August 4, Judge Charles C. Sackmann;
 August 6 through August 18, Judge William A. Black;
 August 20 through September 1, Judge Joseph J. Walsh.

Criminal Divisions

June 11 through July 21, Judge Joseph E. Cook;
 July 23 through September 1, Judge George A. Luxford.

Denver Bar Association Elects Officers

At its annual election meeting, May 7, 1945, the Denver Bar Association elected the following officers and trustees, who will take office July 1, 1945:

President.....	Ralph L. Carr
First Vice-President.....	Horace F. Phelps
Second Vice-President.....	Barbara Lee Gordon
Trustees (3 years).....	} Caldwell Martin W. Clayton Carpenter

Nominations were made by the nominating committee consisting of Henry W. Toll, Chairman, and Malcolm Lindsey, Floyd F. Miles, Harold Taft King, and Irving Hale, Jr.

Important Message from Colorado Bar Association President

To All Members of the Colorado Bar Association:

For several years past it has been necessary to solicit sustaining memberships in order to meet the expenses of the Association. Because of added expense due to the absence of over 300 of our members in the armed services whose dues have been suspended and to added expense for the war work of the Association, it has been found necessary to again solicit these memberships. I have personally written to a number of our members who have subscribed to take memberships in the past and have been very gratified by their generous response. It is impossible to personally write to everyone who I think would be sympathetic to this appeal and I am, therefore, addressing this open letter to our members with the hope that it may thus be brought to the attention of more of our members who feel inclined to assist.

Sustaining memberships are \$25.00 for the year and should be paid to Vernon Ketring, Treasurer, Midland Savings Building, Denver.

Sincerely yours, BENJAMIN E. SWEET,
President, the Colorado Bar Association.

What Title Standards Operate Here?

The following deed is furnished us by Harry E. Mast, of Ordway, who explains that "a pair of bars" is a gate and that a "branch" is a small stream. Mr. Mast suggests that a stranger might experience a little difficulty in locating this land without making a few inquiries of the natives.

THE DEED

THIS DEED OF CONVEYANCE made and entered into this February 5th 1945, by and between _____ and _____, his wife, of _____ County, Kentucky, and _____, widow, of _____, Colorado, parties of the first part, and _____ of _____ County, Kentucky, party of the first part.

WITNESSETH:

That for and in consideration of the sum of _____ Dollars, cash in hand paid, receipt all of which is hereby now acknowledged, the parties of the first part have this day bargained and sold and do hereby now convey to the party of the second part, his heirs and assigns the following described tracts of land in three boundaries, but in fact making up one farm as follows:

TRACT NO. 1. A certain tract of land located in Fleming County, Kentucky and bounded and described as follows, to-wit:

Beginning at a point on a stone fence present corner to Conway's land; thence up N. 1 3/4 E. 18 1/2 poles to a point opposite a pair of bars; thence W. 1. E. 52 poles; then N 1/2 E. 91 2/10

poles to a corner to Summitt S. $73\frac{3}{4}$ E. $113\frac{6}{10}$ poles; thence S. 63 E. $43\frac{3}{10}$ poles; thence N. $39\frac{1}{2}$ W. $18\frac{3}{10}$ poles; thence S. $\frac{1}{2}$ W. 48 poles; thence S. 1 W. 54 poles to a stake in Crain's line opposite a small black ash; thence still in Crain's line S. $2\frac{1}{2}$ W. $62\frac{8}{10}$ poles to a marked post of post rail fence not to include $\frac{1}{2}$ acre of land more or less recently sold to A. J. Havens of Fleming Co., Ky. by A. L. Havens and J. M. Newman; thence S. 73 W. $102\frac{3}{4}$ poles to a stone beyond and through the forks of a willow; thence up the branch and road N. $52\frac{1}{2}$ W. $12\frac{2}{3}$ poles to a stone about $1\frac{1}{4}$ poles from foot of hill; thence N. $4\frac{3}{4}$ W. $16\frac{8}{10}$ poles to a stone; thence N. $44\frac{1}{4}$ E. 23 poles to a stone; thence N. $23\frac{3}{4}$ E. 26 poles to the beginning. Containing One hundred and Eighty-six acres, more or less.

IT BEING the same lands conveyed to _____ by _____, November 10th 1908, D. B. 72 Page 309 Fleming County Clerk's Office. The One-half interest of _____ being willed to his wife, _____, and probated April 19th 1944, and of record in Will Book "Q" Page 206, Fleming County Records.

TRACT NO. 2. A certain tract or parcel of land lying and being in the County of Fleming and State of Kentucky and bounded and described as follows, to-wit:

BEGINNING at a stake in B. H. Rice's line a corner to T. R. & Sallie Ratliff's share; thence with Rices line N $4\frac{1}{4}$ E 21.31 chains N 1 E 6.28 chains to an ash corner to Crain; thence with their line N $86\frac{1}{2}$ W 6 chains to a red oak corner to same; N $88\frac{1}{4}$ W 4.75 chains to a set stone corner to same; N 3 E 1.53 chains to a white oak corner to same; thence down the branch to the line of same N 86 W 2.92 chains N $44\frac{3}{4}$ W 2 chains N $40\frac{3}{4}$ W 6.08 chains S $1\frac{1}{2}$ E 9.83 chains S 7 W 7.07 chains to an ash corner to Havens Ratliff; S 6 W 5.27 chains to a mulberry thence down the hollow with Havens' line S 69 W 4.50 chains S 65 W 10.20 chains to a walnut on bank of hollow S 59 W 3.55 chains to a fence post; thence S $12\frac{1}{4}$ E 1.52 chains to Havens Ratliff's corner; thence with same S $80\frac{1}{4}$ E 15 chains to a fence post a corner to Havens', T. R. and Sallie Ratliff's share; thence with R. T. and Sallie's share; S $80\frac{3}{4}$ E 20.18 to the beginning, containing 64.98 acres.

IT BEING the same land conveyed to _____, by _____ et als, by deed dated March 15th 1926, of record in D. B. 89, Page 375. The interest of _____ in this conveyance having passed to his wife, _____ under his will probated April 19, 1943, and of record in Will Book "Q" Page 206, Fleming County Records.

TRACT NO. 3. A certain tract of land lying in Fleming County, Kentucky and bounded as follows, to-wit:

BEGINNING at a stone corner to tract formerly sold to Ratliff; thence up the long branch N 59 1/2 W 19 poles to a stone corner to Call & Browne N 10 1/2 3.08 poles from an oak tree at the bars; thence up the branch N 55 1/2 W 50.08 to stone corner to Walton & Newman; thence N 65 1/2 E 21.73 to stone corner to same; thence N 77 3/4 E 111 poles to a post in fence of a tract formerly sold to Ratliff & Corner to Walton & Newman; thence N 6.25 W 26 poles to stone corner to Ratliff; thence straight to a mulberry tree; thence down the branch with a wire fence to the beginning, containing 31 acres more or less.

IT BEING the same land conveyed to _____ by _____ and wife, March 15th 1926, D. B. 89, Page 254. The interest of _____ having passed to his wife under his will Probated April 19th 1943, and of record in Will Book "Q" Page 206.

TO HAVE AND TO HOLD the above described real estate unto the party of the second part, his heirs and assigns forever, with Covenants of General Warranty.

IN TESTIMONY of which the parties of the first part have hereunto subscribed their names the date first above written.

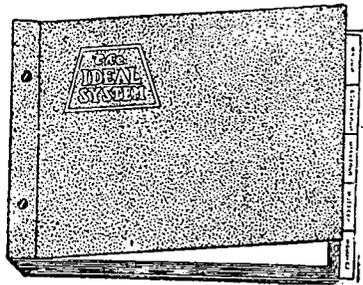


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*Beachhead
Telephone
Exchange*

In a smash at a Pacific island bastion, Marine Signal Corps units under fire establish telephone service that in peacetime would serve whole cities.



For example, in the conquest of Saipan, telephone equipment set up equals that serving Hartford, Conn., a city of 190,000 people.

The average battleship standing offshore to provide fire cover for the assault troops uses as many telephones as a city of 10,000.

Facts such as these give some idea of the part electronic and war communications equipment is playing in the assault against Japan.

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