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Fiat Justitia Ruat Coelum

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This little drama of frontier law proves that the principle preserved in the maxim lies deeper than language, and guides men wholly ignorant of its origin. I had the story many years ago from the lips of one of the actors. Its recital furnished my only reason for doubting his veracity and I knew him well. Curiosity impelled me to investigate. I found records confirming the principal facts, hence gave him the benefit of the doubt as to details. Depending now upon a time-dimmed memory I may miss the minutiae but, disguising names because some of the participants still live, I sketch the plot.

About 9:00 p. m. on a cold November night, in a little Colorado cow town, since grown to a city, two young lawyers, Tom McNeary and George Sampson, with four others of their ilk, sat in Sampson's office playing poker. Whiskey and glasses were at hand and a jack-pot had just been opened. Suddenly the door swung inward and, propelled by a gust of wind and accompanied by flying snowflakes, Billy Russell, a ranchman, blew in. As he thawed his thumbs by the roaring fire of a sheet iron stove he cursed his luck. He had started to town to sell half a dozen chickens and buy sugar and tobacco. His wagon had broken down and delayed him an hour. Now meat-market and grocery were closed and he was half frozen. The boys invited him to aid the external fire by internal applications and make free with their tobacco. They found force unnecessary to induce his acceptance. As he rapidly thawed, his keen eye swept the game. Observing his interest, they offered him a hand. Seven players now wooed Fortuna and sacrificed intermittently to Bacchus. Chickens, sugar and shivering team were forgotten. By 1:00 a. m. the largest stack of chips rose majestically before the recent victim of misfortune. Someone suggested food and McNeary and Sampson were commissioned in the commissary. With the optimism of John Barleycorn they roused the landlord of the town's only caravansary and ordered a chicken dinner for six. "No chickens," retorted mine host. The captains of the commissary went into a huddle. Eventually they evolved a scheme. They offered to furnish two fowls for the repast and pay the score with four others, and the deal was closed. They repaired to Russell's wagon, lifted his coop and retired with the loot. When the meal was ready they returned to the office, found the dealer in fowls still on velvet and summoned the squad to refreshments. These consumed, they returned to their devotions and piously tended the altars until dawn was breaking. Meanwhile misfortune had overtaken Russell. His stack had melted to a few whites and his I.O.U.'s had become the medium of exchange. McNeary secretly signaled Sampson and the two silently withdrew. They agreed that the trick played upon the ranch-

man, funny in his prosperity, had now taken on a touch of tragedy. Sampson recalled that back of his office, and adjoining the enclosure in which the butcher kept domestic fowls awaiting slaughter, the widow Schmidt had a pen of chickens. A raid was promptly made thereon and the empty coop of the unfortunate ranchman refilled. Morning was now come and the breakfast hour at hand. Russell fed his team and himself, sold the butcher the contents of his coop, bought his supplies and returned to his lonely ranch and impatient frau, who sat like Tam O'Shanter's sulking dame—

"Gathering her brows like gathering storm,
Nursing her wrath to keep it warm."

But he was soon torn from the bosom of his family by the long arm of the law. Mrs. Schmidt had discovered her chickens in the butcher's pen and made the welkin ring with her denunciation of the outrage. The butcher hastily disclosed the source of his questioned title. Russell's arrest was prompt and his trial came on apace. Meanwhile, at the instigation of the conspirators, the butcher slaughtered his purchase. Russell's counsel and the deputy district attorney stipulated that the issue should be presented in the J. P. court to a jury of three. It was further agreed that the constable should summon seven good men and true and from this list each side would strike two. "And so it was ordered and so it was done." Russell and his wife swore that the chickens he brought to town and sold to the butcher were hatched in his own hennery. The butcher testified to the purchase and identified the property. Mrs. Schmidt and two loyal neighbors deposed that the fowls found in the butcher's pen belonged to her. The entire adult male population of the town, reinforced by a few boys and twice as many dogs, listened spell-bound to the arguments of the advocates. The jurors retired at 4:00 p. m., smoked and swapped stories until supper time, ate at the expense of the vicinage, and returned Russell not guilty. He was duly thankful to his peers. He had raised chickens, sold them and spent the proceeds. The verdict cleared his character. The butcher was equally elated. He had paid good money to an honest ranchman for his poultry. The verdict confirmed his bargain. But what of the widow? That her fowls were in fact found in the butcher's pen no one doubted. Such a blot must be wiped from the community's escutcheon. A caucus was called, attended by court, counsel, constable, jurors and bystanders. It was resolved that the lady of the scales and sword saw too little and her bandage must be lifted. Mrs. Schmidt's loss was accordingly inventoried and a collection taken which made her whole. Thereupon the citizens dispersed to their respective domiciles and peace once more reigned in the little cow town. All due to the fact that McNeary was the deputy district attorney and Sampson counsel for the defense, and

the constable, and the three jurors so carefully selected for their ignorance and impartiality, were the remaining gamblers, to whom the conscientious officer, when he summoned them for duty, had, by consent of counsel, confidentially communicated the source of supply of their midnight meal.

Frontier life had to be splashed with the romance of the Gaul and spiced with the wit of the Celt to make it livable, but it was always dominated by the Anglo-Saxon's sense of justice.

H. P. B.

Repeal and Revision of Obsolete Laws

The Colorado Bar Association has an excellent opportunity to do something toward the repeal and revision of obsolete laws. Last summer, at a meeting of the general interim committee of the Thirty-fourth General Assembly, which some claim to be the most active interim committee ever appointed by a Colorado legislature, Governor Vivian suggested the necessity of repealing obsolete laws. It appears that many statutes carried in the 1935 Colorado Statutes Annotated are obsolete, of no effect, or have apparently been superseded without being specifically repealed. He reported that the legislature of another state has repealed numerous obsolete statutory provisions, and recommended that the Colorado Bar Association be requested to take up this work in this state.

It would be a task too great for the association to undertake at this time to read the statutes section by section, to find obsolete sections, and recommend their repeal. However, every lawyer will, from time to time, in his study of the statutes, come across sections which are not in effect or which are unclear. If every lawyer would, upon discovering such a section, drop a note to the chairman of the legislation committee, giving the section number and stating what seems to be wrong, the committee could accumulate a large number of suggestions for action by the legislature, and this task would not be unduly great for anyone.

E. Tyndall Snyder, of Greeley, is chairman of the legislation committee, and if every member of the bar discovering sections of our statutes which need to be repealed or revised will advise Mr. Snyder, the association can be of material help to the legislature in clearing off our statute books many unnecessary sections.