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## Upon Information and Belief

Dicta Editorial Board

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# DICTA

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The importance to the war effort of an understanding by the American people of the "blessings of liberty and justice which are safeguarded by the federal Constitution" was stressed on September 14 by George Maurice Morris, of Washington, D. C., president of the American Bar Association. In a Constitution Day message to presidents of state and local bar associations throughout the United States, Mr. Morris said:

"Nothing is more important to a unified war effort than a thorough understanding and appreciation of the blessings of liberty and justice which are safeguarded by our federal Constitution. The American Bar Association has embarked upon a program which will develop public discussions and studies of our history and institutions, our American way of life, and what we fight to preserve and make secure for all time. We look to you and to your members to join with us in extending and intensifying the work which you and we are carrying forward in this field, to the end that an effective national integrated program may be created."

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### Mesa County Bar Adopts Real Estate Title Standards

On May 1 of this year the Mesa County Bar Association adopted the Real Estate Title Standards as prepared by the Denver Bar Association, except Standard No. 14, pertaining to the recording of inheritance tax receipts. In Mesa County, according to E. B. Underhill, secretary of the association, title examinations are usually limited to the abstracts and do not extend to the records. Because of this, the association adopted a substitute Standard No. 14, requiring that all inheritance tax receipts be recorded.

Until the summer months began, the association has been holding semi-monthly dinner meetings at one of the hotels. These will be resumed in the fall. While 100 per cent paid-up membership of the active practitioners in the county has not yet been attained Secretary Underhill reports that they are nearing that goal.

## Can Oaths be Sworn to Before the Attorney of the Party Making Them ?

"Every so often," writes Rudolph Johnson of Boulder, "I run up against the opinion of some technical title examiners who search for reasons to refuse to pass title, instead of trying to approve title, and who criticise me for acting as a notary public, as well as attorney for my clients." The case of *Anderson v. Sloan*,<sup>1</sup> is cited with the claim that the Supreme Court of Colorado has spoken and has said that a lawyer can not act as a notary for his clients. Sometimes the title is turned down and a quiet title suit advised.

In *Anderson v. Sloan* the court gave voice to the following dictum: "Several of the affidavits used on the hearing of the motions in the district court were sworn to before the attorney of the party making them. This practice is wrong, and the court should have rejected them." The lawyer censured was Alfred Sayre, named in the printed decision as attorney for plaintiff in error.

Mr. Johnson states that some 25 years ago he purchased the first six volumes of the Colorado Reports, and, says he, "Looking up this case recently after learning from a client of mine that I had again been criticised by another lawyer for acting as notary on a deed, I found this note written with pencil: 'I was not an attorney in this case, and not amenable to the reprimand given by the court in the opinion. Sam'l E. Brown was for plaintiff in error, and I had nothing to do with the case. Alfred Sayre.'"

Mr. Johnson wonders whether a client who has taken an oath before his lawyer, who is also acting as the notary public, can be successfully prosecuted for perjury if he has sworn to a falsehood, since under this rule the oath is worthless.

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### Books For Sale

A Federal Equity Suit (Simkins) Third Edition; Gilberts Collier on Bankruptcy (1927); volumes 1 (the original, not the 1941 replacement volume) 2, 3, 4 and 5, 1935 Colorado Statutes Annotated together with the 1939 cumulative supplements to each of the above volumes; and the Session Laws of Colorado for 1937 and 1939.

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<sup>1</sup> Colo. 33 (1867).