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# Supreme Court Decisions

Dicta Editorial Board

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*School Districts; Consolidation. No. 14710. Decided February 13, 1940 —Watts et al. v. School District etc. District Court, El Paso County. Hon. John E. Little, Judge. Reversed. In Department.*

HELD: 1. Where it is desired to consolidate two school districts, a petition, addressed to the school directors requesting the submission of the question to the electors, must be signed by one-fifth of the qualified directors of each of the districts to be affected.

2. Where a proper petition is filed, the question of consolidation must be submitted to an electors' meeting within thirty days thereafter, and such prior notices of the meeting as may be required by law must be posted in time to permit the meeting to be held before the expiration of thirty days after the petition is filed.

Opinion by Mr. Justice Knous. Mr. Chief Justice Hilliard and Mr. Justice Bock concur.

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*Joint Tenancy; Personal Property; Statutes; Assignment of Stock Certificates in Blank; Transfer Agent. No. 14693. Decided January 1, 1940. Eisenhardt, etc. v. Lowell, etc. County Court, Denver. Hon. C. Edgar Kettering, Judge. Affirmed. En Banc.*

HELD: 1. The statutes (Chap. 186, S. L. 1937; Chap. 87, S. L. 1939) can, in no event, have application to a situation where the alleged survivorship already had occurred at the time of the passage of the acts.

2. Notwithstanding the presumption against joint estates, it is well settled in Colorado that independently of statutory authorization, joint tenancies, with incident of survivorship, may obtain as to personal property.

3. The words "as joint tenants with right of survivorship and not as tenants in common" amply proclaims a joint tenancy and upon their face, the certificates of stock must be considered as accomplishing that result.

4. It is not necessary that both of the joint tenants know of the existence of the joint tenancy arrangement.

5. It is immaterial that the blanks in the assignment were left blank when the owner of the certificates affixed his signature to the assignment, as a result of which new certificates were issued to him and

his wife in joint tenancy. Nor is it material that the transfer agent neither saw him sign nor had personal direction from him as to the identity of the transferees or the tenure by which they were to hold.

6. Where there is no evidence of fraud, undue influence or mental deficiency, the unequivocal declarations of the new certificates (in joint tenancy) are taken as prima facie disclosing the apparent intention of original owner to create a joint estate.

7. The contention of the creditor of the estate of decedent that the alleged joint tenure must fail because there was no delivery to the wife of the new certificates, which after their issuance and until the husband's death, appear to have remained in his possession, is not to be adopted.

8. Although the personalty originally belonged to the decedent, and there is no claim of a valuable consideration for the creation of the joint estate, the right of the survivor to the property is established if there was a clear intent to create a condition embracing the essential elements of a joint estate, and this is so although there was no actual delivery to the survivor until after the death of donor.

Opinion by Mr. Justice Knous.

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*Disbarment. No. 14097. Decided February 5, 1940—People ex rel. Attorney General v. Laska. Original Proceedings in Disbarment. Respondent disbarred. En Banc.*

HELD: 1. Where an attorney was indicted, tried and convicted, under a federal criminal statute; and where the conviction is sustained by the U. S. Circuit Court of Appeals, and the Supreme Court of the U. S. denies certiorari; and where it is found by the state court that he had been accorded a fair trial in the federal court, and that his guilt had been there fairly and legally established, it is no defense to disbarment proceedings that the state has no statute forbidding the acts on which he was convicted in the federal court.

2. "In a proceeding of this kind the ultimate question is whether the attorney charged has shown himself an unfit person to longer be entrusted with the privileges and prerogatives of his profession and to further serve as an officer of the court."

3. "Where conviction and sentence occur in another jurisdiction, for the violation of a statute thereof, the rule that all presumptions favor the judgment still holds."

4. "He who asserts a miscarriage of justice has the burden of establishing it."

Opinion by Mr. Justice Burke. Mr. Chief Justice Hilliard dissents.

*Estates; Claims; Appeal. No. 14622. Decided February 5, 1940—In re Estate of Huling. Huling v. Feddersen, etc. District Court, Denver. Hon. Joseph J. Walsh, Judge. Affirmed. In Department.*

HELD: 1. An administrator has the right of appeal to the district court from a judgment of the county court allowing a claim against the estate of the decedent which he represents.

2. Such right is not limited to cases where the estate is insolvent.

3. It is only where the administrator has no interests to protect in his representative capacity that he may not appeal.

Opinion by Mr. Justice Knous. Mr. Justice Bouck and Mr. Justice Young concur.

## New Map Company to Furnish Title Abstract Plats

Announcement is made of the organization of The Abstract Map Co., under the management of Herbert W. Prouty, for the purpose of furnishing plats for abstracts of title in Denver, Adams, Arapahoe and Jefferson counties.

A complete land record system has been set up in the offices of the company and the plats will show the following:

1. The entire legal history of the property from time of issuance of government patent, including all vacations, condemnations, etc., of streets and alleys.

2. Data in picture form concerning the property, including the size of lots, streets and alleys and location in the block.

The cost is nominal, from $1.53 and up, amounting practically to the cost of an entry on the abstract.

The plats will be extremely helpful to attorneys and title examiners and can be ordered by telephoning KEystone 7650.



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