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Supreme Court Decisions

Dicta Editorial Board

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Supreme Court Decisions

DIVORCE—SUPPORT MONEY SPENT FOR MINOR CHILD BY MOTHER AFTER DESERTION BY HUSBAND BUT BEFORE DIVORCE SUIT FILED—*Gourley vs. Gourley*—No. 14050—Decided November 15, 1937—District Court of Denver—Hon. George F. Dunklee, Judge—Affirmed.

FACT: Plaintiff filed suit for divorce, custody of minor child, court costs, counsel fees, permanent alimony and maintenance for herself and child, title to certain real estate described in the complaint, and a \$4,000 judgment on account of money expended by her to support the minor child for a period of eight years next preceding the filing of her complaint, during which time the husband had deserted the family. The trial court awarded plaintiff all but future alimony and the \$4,000 judgment.

HELD: 1. In proceeding, in a divorce case, to enter an order upon the husband for the support of a minor child, the court looks only to the future. EN BANC.

Opinion by Mr. Justice Hilliard. Mr. Justice Young and Mr. Justice Holland dissent.

PROCESS—APPEAL AND ERROR—*Reuss, etc. vs. Rawleigh Company*—No. 14068—Decided November 15, 1937—District Court of Denver—Hon. James C. Starkweather, Judge—On rehearing. Judgment reversed.

HELD: 1. Where it clearly appears that the summons was unsigned, no summons was served for it had no validity and its service gave no jurisdiction.

2. Where the objection is jurisdictional, the court may elect to ignore defective abstract and assignment, if such they be, and look to the whole record. EN BANC.

Opinion by Mr. Chief Justice Burke.

CORPORATIONS—STOCKHOLDERS—ACCOUNTING—SALARIES OF OFFICERS—*Langlois, et al. vs. Merchant Investment Co., et al.*—No. 14060—Decided November 15, 1937—District Court of Denver—Hon. Frank McDonough, Sr., Judge—Affirmed.

HELD: 1. Where the minutes of the corporation show that all directors (who constituted all of the stockholders) were present at a meeting which elected officers of a corporation and fixed their salaries, as allowed by the by-laws, and where they show that no officer voted for the approval of his or her salary, and where it appears that there were no creditors, and no allegation of fraud or collusion, the action of the officers in voting salaries to themselves was not illegal.

2. Since those present at the meeting would have been estopped to deny the illegality of that which they themselves formally adopted,

their successors in interest, who received stock from such prior officers are in no better position.

3. Where it appears that the secretary of a \$50,000 corporation, "practically managed the place ever since it was started," the court will not say that \$1,500 a year salary was unreasonably high. EN BANC.

Opinion by Mr. Justice Bakke. Mr. Justice Holland dissents.

MISSING LAW BOOKS

Judge Johnson reports that Vols. 11, 51 and 53, Colorado Reports, are missing from Division 6, and he asks that all attorneys check their office and return these volumes when located.

CHANGES IN ADDRESSES

Miss Crosby, secretary to James A. Woods, states that from time to time an attorney will call her office and complain fretfully that Dicta is being sent to his former address. This young lady has enough on her hands, between Jim Woods and keeping Dicta records, without being required to go into a trance once a month for the purpose of finding out if an attorney has changed his office. So hereafter send in to the secretary's office a notice of change in your address and it will be recorded promptly.

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