

January 1938

Dictaphun

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Dictaphun, 15 Dicta 226 (1938).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Dictaphun

A surgeon testifying said: "On examining the prosecutor, I found him suffering from a severe contusion of the integuments under the left orbit, with a great extravasation of blood, and ecchymosis in the surrounding cellular tissue, which was in a tumified state; and there was also considerable abrasion of the cuticle."

"You mean, I suppose," said the Court, "that the man had a black eye?"

"Yes."

"Then why not say so at once?"

TERESA, THE INDEPENDENT CONTRACTOR

(A dissenting opinion arising out of an effort to bring chain stores within the law providing for contributions to unemployment insurance.)

By Hon. Walter T. Scherer, Assistant Attorney General, Colorado.

"For many years the chief occupations of the people of this State have been in agriculture and in lumbering. It had hardly occurred to anyone throughout these long years, and until lately, that the cotton picker who furnished his own sack, and was paid so much per thousand pounds, was anything than an employee, and likewise as to a log hauler who furnished his own truck and was paid so much per thousand feet. In the case of *Harper v. Wilson*, 163 Miss. 199, 140 So. 693, the point was raised that in such a case a cotton picker named Teresa was an independent contractor. In response to that contention, after citing a wealth of authority, the attorneys for appellees made an additional scintillating protest, which we believe we might here appropriately quote: 'King Solomon with all his wisdom has been discredited for certainly here is something new under the sun, Negro cotton pickers independent contractors; Shades of Uncle Remus, Bre'er Rabbit and the Tar Baby! The songs and laughter, beloved of the poet and author, floating over the domain of the army worm and the empire of the boll weevil are no longer the songs of the tenants and the laughter of the servants, but the melodious voices of independent contractors. So perishes a glamorous and beautiful tradition; and so passes incomparable legends. When, in our youth, we sat upon the knees of Uncle Remus and Old Reliable, entranced by their folk lore tales, we were listening to independent contractors. So fade this world's illusions!

“The song of the old black mammy: “I got wings, you got wings, all God’s chillun got wings,” has passed into oblivion, for the voice of Teresa rises with a new libretto to an ancient score: “I got a sack, you got a sack, all independent contractors got sacks.”

“ ‘So it is here, all independent contractors got trucks.’ ”

McDonald vs. Hall-Nolly Lumber Co., 165 Miss. 143, CW-r 147 So. 315.

Our esteemed contemporary, LEGAL CHATTER, printed as an “oddy” an Idaho law which requires a permit from the sheriff before one could purchase a chicken after dark.

Colorado’s legislature in 1937 passed an Act forbidding a licensed dealer in poultry to receive live or dressed poultry between the hours of 9 p. m. and 4 a. m. except with permission of the Director of Markets. In addition each licensed dealer must keep a record of purchases showing:

- 1—Date of transaction.
- 2—Number and breed or description of *dressed*, as well as live poultry.
- 3—Name and address of seller.
- 4—License number of truck or vehicle making the delivery.
- 5—Any tattoo markings, brands, leg bands, wing crop or other distinguishing marks.

Some job for a dealer who handles thousands of fowls daily!

FRACTIONAL VERDICTS IN CIVIL CASES

Fractional verdicts in civil cases are now acceptable in New York. In two successive sessions the legislature approved the needed constitutional amendment; later the people approved; and recently the assembly produced the statute. Slowly and with much travail we correct the crude methods of remote generations. Leading jurists have ridiculed the psychological fallacy of unanimity in verdicts when the parties and the lawyers have not been able to agree or compromise. Beyond this is the ease with which a single interested juror may balk justice. It seems strange, but the legislature has not prescribed any minimum time for deliberation, but this may be done by court rules, it is reported. One juror who can stand out over four hours should receive the ministrations of a psychiatrist even though the judge grants a new trial.

It is related that a long-winded counselor was arguing a technical case before one of the judges of the superior court. He had drifted along in such a desultory way that it was hard to keep track of what he was trying to present. The judge had just vented a very suggestive yawn. "I sincerely trust that I am not unduly trespassing on the time of this court," said the lawyer with a suspicion of sarcasm in his voice. "There is some difference," the judge quietly observed, "between trespassing on time and encroaching on eternity."

An applicant was taking an examination before the court for admission to the bar. During the course of the examination the court rather pummeled the applicant with questions from Blackstone and Kent and other legal lights of antiquity. "I didn't study anything about those fellows," complained the applicant. "What did you study?" asked one of the judges. "I studied the statutes of the State," he replied. "I studied them hard. Ask me a question about them and I will show you. That is where I got my legal knowledge." "My young friend," said the austere judge, "you had better be careful, for some day the legislature might meet and repeal everything you know!"

TO BETTER SERVE YOU—We have moved to new and larger offices
Complete Insurance Service at

THE ROCKY MOUNTAIN AGENCY

708-10 Railway Exchange

CHerry 6521

V. J. Pobrislo

C. Don Salter

E. P. Morley

THE COLUMBIAN NATIONAL LIFE INSURANCE CO.

BOSTON, MASS.

A New England Institution

Midland Liquor & Wine Co.

Free Delivery Service

Catering to the discriminating tastes of the Legal
Profession at prices in keeping with quality

"Wines and Liquors from All Over the Globe"

412 Seventeenth Street

CHerry 3047

Dicta Advertisers Merit Your Patronage