

Denver Law Review

Volume 14 | Issue 9

Article 3

July 2021

Dictaphun

Dicta Editorial Board

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

Recommended Citation

Dictaphun, 14 Dicta 238 (1936-1937).

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

It looks as though Dexter Blount and Harry Silverstein have been looking at the books, because Dexter says that in *Cheney vs. Bierkamp*, 58 Colo. 320, he finds that "Amendments are largely in the *description* of the Court."

Harry contributes the following:

My attention was recently directed to the case of *Equitable Life v. Hemenover*, decided March 29, 1937, 67 Pacific (2d) 80, at page 82, wherein the opinion was rendered by Mr. Chief Justice Burke, concurred in by Hilliard and Bakke. At the end of the decision the court takes occasion to severely criticize the use of "and/or" and winds up its diatribe with the following:

"We wish simply to suggest the uselessness and absurdity of 'and/or' and express the hope that this is its last appearance in this tribunal."

It just happened that almost the next case I happened to look at in connection with the interpretation of rules of the court was the case of *Kolkman v. People*, 89 Colorado, 8, at page 21, which was a decision en banc rendered by Mr. Justice Alter, in which Judges Butler and Hilliard dissented. Mr. Justice Burke at that time was a member of the court but he did not dissent. In that opinion, at page 21, occurs the following language:

"The word 'rules' as the same is used and intended in our Rule 14 (b), is synonymous with practice, procedure, custom, method *and/or* system."

In the dissenting opinion we do not notice any criticism directed to the "and/or" vogue.

Then Guy Brewster and Hayes Hindry tell us that in *Ludlow et ux vs. Ludlow*, Supreme Court of Colorado, 65 Pac. (2d) at 502, the court opines:

"There is testimony in this case as to declarations and statements purported to have been made by Myron B. Ludlow, now deceased, which are not admissible in this case for any purposes except to show his state of mind, if any, * * *."

Midland Liquor & Wine Company



Free Delivery Service

"Wines and Liquors from All
Over the Globe"

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

412 Seventeenth St.

CHerry 3047

Dicta Advertisers Merit Your Patronage



Always plenty of hot water
with our **AUTOMATIC GAS**
Water Heater



Public Service Company of Colorado

TRUST BANKING

for

Corporations and Individuals



Services to Corporations

Trustee under Corporate Mortgages . . .
Depository for Protective Committees . . .
Transfer Agent and Registrar for Corporate
Stock . . . Miscellaneous Fiscal Agencies.

1 1 1

Services to Individuals and Families

Executor and Administrator of Estates . . .
Trustee under Wills . . . Trustee of Living
Trusts and Life Insurance Trusts . . . Safe-
keeping of Securities.

1 1 1

Escrows

1 1 1

**BUSINESS SERVICE FOR BUSINESS MEN
AND WOMEN AND THEIR COUNSEL.**

1 1 1

**THE AMERICAN NATIONAL BANK
THE DENVER NATIONAL BANK
THE COLORADO NATIONAL BANK
THE INTERNATIONAL TRUST COMPANY
THE UNITED STATES NATIONAL BANK**

Members of Federal Deposit Insurance Corporation

Own Your Home—Buy Now

CONSULT

PARAMOUNT REALTY CO.

LOANS—RENTALS—INSURANCE

718 Colorado Bldg., MAin 6533
DENVER, COLORADO

Catharine M. Prince

NOTARY PUBLIC
SHORTHAND REPORTER

Court Reporting, Conventions,
Depositions and Meetings

410 E. & C. Bldg. TAbor 3040
DENVER, COLORADO

Watson Memorial Company

We Specialize in Estates

Opposite Fairmount Cemetery
Markers, Complete, \$25 and Up
Phone YOrk 8170

7245 E. Alameda Ave. P. O. Box 193

HARRY G. WATT

728 Symes Bldg. KE. 6856

Certified Shorthand Reporting
Notary Public

Court and Convention Reporting
Depositions—References—Meetings

RESIDENCE PHONE FRANKLIN 5761

Official Testing Station No. 46

THE BRAKE SHOP

1988-90 Broadway Denver
TAbor 9840

BRAKE SPECIALISTS
FREE BRAKE TEST
YOU MUST HAVE GOOD BRAKES

Your Inquiries Invited
on All

OIL AND MINING STOCKS

Oscar F. Kraft & Co.

United States National Bank
Building
KEystone 7254

Patents Obtained in U. S. and Foreign Countries
Trade Marks Registered and Copyrights Secured

TAbor 5046

HOMER G. SWEET

Registered Patent Attorney
PATENTS and PATENT CAUSES

WILLIAM B. KING

Successors to A. J. O'BRIEN
601-610 Interstate Trust Building

Counsel
Denver, Colo.

F. H. PROUTY

Industrial Appraisal Co.

W. L. PROUTY

Appraisals for Bond Issues, Mergers, Refinancing, Insurance, Taxation, Condemnation,
Real Estate Sales and Purchase, Industrial Properties, Etc.
Tenth Floor Exchange Bldg. Telephone KEystone 2635

Dicta Advertisers Merit Your Patronage

Investments for Estates and Trust Funds

The J. K. Mullen Investment Co.

1717 STOUT STREET. Telephone MAin 6221

*Appraisals, statistical information and private wire
quotations on all listed and unlisted securities*

Specialists in Municipal and Government Bonds

JULY CLEARANCE

of all

Summer Goods

Everything Reduced

Straw Hats 1-3 off

GROSSMAN'S

204 16th St.

Opposite Majestic Building

AN
OFFICE BUILDING
OF
DISTINCTION

SYMES BUILDING

Class "A" Fireproof

EXCELLING IN . . .

ELEVATORS - SERVICE
LAW LIBRARY

Sixteenth Street at Champa

Night Law School

WESTMINSTER LAW SCHOOL
311 Empire Bldg., 16th & Glenarm Pl.
Duly accredited by the Supreme Court
of Colorado. Classes begin Sept. 7th,
1937. College course in connection. A
liberal arts course to prepare students
for the Law School.

Address Hamlet J. Barry, Dean, 904
Equitable Bldg., Tabor 8070. Associate
Dean: Clifford W. Mills, 525 Kittredge
Bldg., MAin 0461. Registrar: John E.
Nelson, 311 Empire Bldg., KEystone 7551.

SALIMANS E & C GRILL

THE FINEST EATING PLACE
IN DENVER

Your Favorite Cocktail
Served Here

1644 Curtis St. E. & C. Bldg.
Denver

Dicta Advertisers Merit Your Patronage

Mr. F. W. Sanborn, Clerk of the District Court, has sent in the following copy of a will, with the suggestion that the readers of this publication might be interested in working out the shares of the respective legatees. The proportions of the shares were worked out by Mr. Sanborn and the solution is on file in his office.

WILL

I, William Schlauderaff of Glencoe in the County of McLeod and State of Minnesota, do publish and declare this to be my Last Will and Testament, and revoke all prior wills by me made.

First, I order and direct that my executor, hereinafter named, pay all my just debts and funeral expenses as soon after my decease as conveniently may be.

Second, I give, devise and bequeath to my sister, Susan Scharf, to my brother, Charles F. Schlauderaff, and to my brother, Ferdinand Schlauderaff, an equal share in my estate.

Third, I give, devise and bequeath to Albert Liebisch an interest in my estate equal to two-thirds of the amount bequeathed to each of my brothers and sister.

Fourth, I give, devise and bequeath to my nephew, George Wagner, son of my sister, Pauline Wagner, two-thirds of the amount bequeathed to each of my brothers and sister.

Fifth, To each of the following named children of my sister, Mrs. Mary Meyer, to-wit: Charles Meyer, Fred Meyer, Adolph Meyer, August Meyer and Mrs. Dora Dahlke, and the niece formerly known as Minnie Meyer but now married, an interest in my estate equal to one-fifth of the amount bequeathed to each of my brothers and sister.

Sixth, It is my wish and will that as soon after my death as can be done with the object in mind to obtain the best sale price and the most out of the estate possible, I order that all of the mortgages held by me at my death, and all other property, be converted into cash, and as the same is converted into cash, after making provisions for the payment of my just debts and funeral expenses and costs of administration, that the cash be paid out to my legatees and devisees in the proportions hereinabove set out.

JUDICIAL SALARIES INCREASED

After several years of hard work the Denver Bar Association, through its Committee on Judicial Salaries, has succeeded in securing the passage by the last legislature of an increase in the salaries of the judiciary.

A Justice of the Supreme Court will now receive \$6,500 annually and the Judges of the Denver District Courts will receive \$5,000 annually. The Judge of the Denver County Court will receive \$7,000 annually, effective after the expiration of the present term. Increases were granted in the other judicial districts.

While the increases were not as large as the bill requested, and are not adequate in proportion to the services rendered, the action of the legislature is a step in the right direction.