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## Dictaphun

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# Dictaphun

## WE REAP THE REWARD OF BASE INGRATITUDE

For some months we sang the praises of the peerless *Colorado Graphic* and were requited with some very-fine-back-scratching-indeed by the editor of said sheet. In December last (11 DICTA 52) we conferred orchids (not from Jack Clow of the Blossom Shop\*) upon *The Rocky Mountain Herald*, but the editor thereof maintained at least a stony silence. We presume the answer is, "A scallion to us."

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## WE ARE SHORTER THAN ATLAS TACK

Wm. H. Robinson, Jr. (of Secrest and Robinson\*), writes as follows:

"Subject to your approval and consent, may I suggest that the following gem, culled from the expressions of our emotionless judiciary, be included in Dictaphun at some date when you happen to be somewhat short of material?

"'We have been moved by the appellant's impassioned appeal in behalf of the "millions of milkless mothered babies" calling, in a paraphrase of the eloquent P. Henry for milk or death; and we confess to a great admiration and respect for the Juno-eyed, gentle, old milk cow of clover-scented breath and sleek satin coat; but in the absence of reversible error at the trial, we must close our hearts against sympathy and affirm the judgment.' Trimble, J., in *Tucker v. Carter*, 211 So. (WHRJr means S. W.) 138."

In other words, as our own Supreme Court (*Walker v. Bedford*, 26 P. (2d) 1051) refused to waive so much as a word of the constitution, the Missouri court refused to waive the rights of the milkman.

For further research in connection with the cow in law, Mr. Robinson is directed to VIII DICTA (4) 23, VIII DICTA (5) 22, and VIII DICTA (6) 21, where, as long ago as 1931, we discussed the subject in considerable detail, and not without humor. For example, in

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the last citation we quoted from *Marsh v. Koons*, 78 Ohio St. 68, 69. Unlike the Missouri court that, *supra*, spoke of Juno-eyed, gentle, old milk cows, the Ohio court "took judicial notice that one can never tell what an old cow will do." Apparently the Ohio jurists had met bovines whose breaths were redolent of something besides clover.

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### THIS ONE ITEM COMPLETES OUR LABOR

Thomas Keely,\* of the Denver Bar, to whom much thanks, informs us of *Stenson v. State*, 159 S. E. (Ga.) 777. But let the Court speak:

"Broyles, C. J. The words 'or otherwise dispose of,' in the first section of the act of December 13, 1871, entitled 'an act to make penal the selling of personal property which has been mortgaged as a security for the payment of a debt,' etc., must be construed to mean a disposition of the property in the nature of a sale and not in any other manner. *Conley v. State*, 85 Ga. 348; *Scott v. State*, 6 Ga. App. 332.

"In the instant case, the evidence showed that the mortgaged property, a sow, had been disposed of by being killed and eaten by the mortgagor, the accused. Under the above stated ruling, such a disposition of the property was not covered by the language, 'or otherwise disposed of' in the statute, and the defendant's conviction was unauthorized. The contrary ruling of this court in *Linder v. State*, 17 Ga. App. 520, must give way to the decision of the Supreme Court in the *Conley* case, and to the older adjudication of this court in the *Scott* case, *supra*.

"Judgment reversed.

"Luke, J., concurs.

"Bloodworth, J., absent on account of illness."

We take pleasure in announcing that the rumor is unfounded that the illness of Bloodworth, J., was occasioned by helping the mortgagor eat that sow.

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### EXCEPT FOR THIS

That there *Rocky Mountain Herald* for December 2, 1933, is filled with ferocious puns, e. g., "Al Smith places the 'baloney dollar' in the list of 'wurst' money," and "Al Smith is the 'Big Bad Wolf' of the Democratic party. Well, 'Pigs is Pigs.'"

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