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Dicta Observes

Dicta Editorial Board

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DICTA

Vol. XI

AUGUST, 1934

No. 10

Dicta Observes

Within the past few months our Supreme Court has disposed of cases at such a rate of speed that Dicta is far behind in printing the decisions. We will, therefore, devote this issue mainly to catching up with the Supreme Court, if possible.

COLLECTION METHODS

Our attention has been directed to a printed form entitled "Statement of Account," sent out by Periodical Publishers' Service Bureau, Inc., 416 Tabor Building, Denver, which contains the following on the back:

"Dear Subscriber:

"If it is your intention to ignore this matter further, we suggest you consult your Attorney and ask him to read to you Section 215-216 on the Penal Code of Section 1581 of the Revised Statutes of the United States. This may cost you a few dollars but it will be money well spent.

"It is not our intention to mislead you—we have felt that your failure to pay us has been due perhaps to carelessness, or to the fact that you do not realize the distinction between Delinquency and 'Fraud.'

"Remember, these Magazines are sent to you by U. S. Mail and Publishers' contracts are fulfilled when books or magazines are turned over to the Common Carrier.

"We trust you will see the wisdom of making voluntary settlement of your account instead of waiting to be forced to do so.

"Very truly yours,

E/CS

PERIODICAL PUBLISHERS' SERVICE
BUREAU, INC."

The U. S. Code Annotated, Title 18, shows that section 215 thereof provides a penalty for whoever devises any scheme for artifice to defraud, etc., or who shall use, supply or furnish counterfeit money, etc. Section 216 provides that after having devised a scheme to defraud by the use of, or by furnishing counterfeit money, green goods, or spurious articles, etc., any person who uses the postoffice as means of receiving mail or other articles under an assumed name or any fictitious, false or assumed title or address shall be punished, etc.

We are advised that none of these conditions appear in the case in which the statement was rendered.

We might suggest to the so-called "bureau" that before mailing further notices such as above, they consult their attorney as to the wisdom and propriety of such collection method.

CORRECTION

Pring v. Udall, et al. Accord and satisfaction is *not* sustained * * * Page 250, par. 4. The word "not" was omitted from the citation in the July issue of Dicta; thank you, Mr. Vogle.

PUBLIC DEFENDERS

By FRANK L. GRANT of the Denver Bar

IN a recent newspaper article concerning Samuel Untermyer, the eminent New York lawyer, it was said that he drew the first bill creating the office of "Public Defender."

At the time that office was first created in this country it seemed quite a novel experiment and several cities, particularly Los Angeles, adopted the idea as though it were something new in legal procedure. However, in Gibbon's "Roman Empire," volume 2, chapter 26, he refers to the *revival* of the