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## Public Defenders

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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.

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#### 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.

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#### PUBLIC DEFENDERS

By FRANK L. GRANT of the Denver Bar

**I**N 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

office of "defenders of cities" under the reign of the Emperor Majorian. The emperor, commenting on the corruption of municipal corporations in his day, says that "so low are they (municipal corporations) now reduced by the injustice of magistrates and the venality of collectors that many of their members renouncing their dignity and their country have taken refuge in distant and obscure exile. \* \* \*" And he "therefore *revives* the useful office of the 'defenders of cities.'" The word "revives" would indicate that there had been such public defenders long before and the office had evidently fallen into disuse and then revived during Majorian's time (425-430 A. D.).

It is possible that in the use of the words "defenders of cities" they carry the same meaning or are synonymous with our present city or prosecuting attorney, but thus far I have been unable to find any reference to such an office other than in Gibbon.

Another interesting legal procedure Gibbon refers to (and found in Chapter 38 of the same volume) concerns the customs of the Goths under the reign of Clovis (460-5 A. D.). "In every religion the deity has been invoked to confirm the truth or to punish the falsehood of human testimony but this powerful instrument was misapplied and abused by the simplicity of the German legislators. The party accused might justify his innocence by producing before the tribunal a number of friendly witnesses who solemnly declared their belief or assurance that he was not guilty. According to the weight of the charge this legal number of compurgators was multiplied; 72 voices were required to absolve an incendiary or assassin, and when the chastity of a queen of France was suspected, 300 gallant nobles swore, without hesitation, that the infant prince had been actually begotten by her deceased husband."