

January 1933

## Dictaphun

Dicta Editorial Board

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# Dictaphun

## ANNOUNCEMENT AND ADVERTISEMENT

The Editor is pleased to state (announcement) that a new source of aged Colorado legal humor, or humor of a legal aspect, has been unearthed. This humor is laid at the door, as compiler and not author we hope, of Richard Peete (advertisement). In case the other material for this department already in the hands of the printer or lost some place in the desk of the Editor-in-Chief shall be insufficient to fill the two meagre pages afforded us, selected samples of said humor will be printed in this issue; otherwise, from time to time as long as the vein holds out. Thank you very much, Mr. Peete (advertisement).

## MORTUARY MIRTH; OR, DEAD HUMOR

G. Dexter Blount, Esq., is of opinion that what appears below is funny. He—and we—are indifferent as to your opinion.

"On September 24, 1922, the plaintiff was living with her deceased husband at 3008 Canal Street."

—*Kelenic vs. Berndt*, 185 Wis. 240.

## GOOD OLD JEFFERSON COUNTY

George H. Lerg (Judge Lerg to you) shortly before mounting the bench—January 5, 1933, to be exact, and we are always that—advises us as follows (do not fail to observe the cautious way in which the buck for accuracy is passed to the genial and kindly clerk of the Jefferson District Court):

"Dear Ben (that's us):

The following may interest you for your *humorous* page in Dicta (Italics ours). It was given to me by Charles Pike a few days ago:

"Mr. Charles Pike, Clerk of the District Court in Jefferson County, Colorado, informs me that as soon as the gusty, cyclonic divorce case of Wind vs. Wind had subsided, a new fistic combat of Schwatt vs. Schwatt had been filed, to be refereed by Samuel W. Johnson, Judge of the District Court."

"These are actual cases filed, so I am told, and Mr. Pike can verify them by reference to his docket record."

## HARK TO THE SONG OF BOURQUIN, J.

Josiah G. Holland, Esq., delves into the mysteries of constitutional law and emerges, breathless, with this in his teeth:

"Bourquin, District Judge: This case is somewhat unique in that, believe it or not, plaintiff resists defendant's order to raise its rates. But if madness, seems is method in it, the object, cut-throat competition to a finish anticipated of a rival so lost to ethics as to poach upon plaintiff's preserves and underbid it, its attitude that in a restricted field

wherein both cannot survive, if it must perish it will die fighting rather than by slow starvation; and that it has an inalienable right of self-preservation to lay on until the other first cries hold, enough, and flees the field whether or not damned . . .”

—*Utilities Co. vs. Public Service Commission*,  
Public Utilities Reports, 1931 E, 2.

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### CONTRIBUTIONS PER DENISON, J.

#### I.

Scene: An examination in pleading.

Question: What is a negative pregnant?

Answer: A negative pregnant is an allegation asserting affirmatively or stating something in a negative way by affirming something else, or vice versa.

Our view: What's wrong with that answer, Judge?

#### II.

Accompanying this contribution, which was received by an officer of the Denver Bar Association and sent to us, was this note:

“Clark (that's us too):

“Judge Denison sent this in. Not being able to tell whether it is humorous or serious, or if serious, what it means; I think it belongs to Dictaphun.”

We will let you pass on the problem. Here they is:

“Lord Haldane, in *Kreglinger vs. New Patagonia Company, Ltd.*, House of Lords, 1913:

“ . . . when a previous case has not laid down any new principle but has merely decided that a particular set of facts illustrates an existing rule, there are few more fertile sources of fallacy than to search in it for what is simply resemblance in circumstances, and to erect a previous decision into a governing precedent merely on this account. . . .”

“The above is a proposition that lawyers and courts too often forget or ignore.”

Our view: That the serious thing about the contribution is that the contributor is exactly right in believing that the facts surrounding an accident at Sixteenth and Welton Streets do not necessarily constitute the law of negligence at that intersection.

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### CONVEYANCING, KANSAS STYLE

Henry A. Kugeler, Esq., who, may Heaven preserve him from this folly, studies to be a lawyer, showed to us an agreement to convey certain land in Shawnee County, Kansas. It appears to be a trade and one of the parties solemnly covenants:

“The property of the said party of the first part shall be free of all encumbrances, subject to a first mortgage of five thousand (\$5,000) dollars 5% interest, due in 1936, also a mechanic lean in the sum of \$200 on new barn, on said farm also accrude interest, also present tenant.”