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## Dictaphun

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# Dictaphun

## SENSE OF POWER DECREASES MODESTY AND PROMOTES TEMERITY

The masthead, and whata masthead, of DICTA discloses that the newly-elected president has made Roy O. Samson Editor-in-Chief, and placed quondam-editor Louis A. Hellerstein in the position of Adviser. Lou apparently only outranks the Historian, for it will be observed that Trial Court Decisions (if any) and Dictaphun (naturally) are his superiors. A close student of the subject will also note that Wm. H. Robinson, Jr., Associate Editor, and connected, prior to his discharge, with our contemporary, *The Rocky Mountain Law Review*, is considered better than the Adviser, while on the other hand, Sydney H. Grossman, hitherto, and during the time the Adviser was Editor-in-Chief, thought to be single-handed the best business manager ever employed without compensation, is now aided by the Portia section in the obtaining of beer ads and other stimuli of the new deal.

However! Dictaphun for July, 1933—10 DICTA 267—is found upon these pages of that volume: 267, 268, and 282. Interspersed amidst our sparkling jest and merry turn we find an article by Charles J. Kelly, Esq., entitled "Bar Picnic" and an opinion of the Supreme Court. While we would be the last to deny that an opinion of the Supreme Court lacks humor and first to insist that Mr. Kelly is not Irish for nothing, we desire to impress upon the Editor-in-Chief that we are conducting a column. The broken column is fitting in the cemetery, but when we write a column it is a whole column. We would have said a whole column or nothing, but that would be too good an opening.

Hence! The Editor-in-Chief, his Associate, his Adviser, and all to whom these presents come, including the current printer of DICTA (we change from time to time for the usual reason), will please take notice that it gravels Dictaphun like hell to have our carefully sustained climaxes, which bound from quip to quip, distributed throughout the pages. We realize that it sustains the reader interest to do so, but we are in this game for art's sake alone.

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### BAD? IT MUST BE TERRIBLE!

"A complaint is bad where it is such that the wisdom of Solomon accentuated by the legal lore of Coke and Mansfield could not devise a judgment which it would support." *Wilson v. Thompson* (Idaho 186), 43 Pac. Rep. 557, per Huston, J.

WHAT MAKES YOU THINK JUDGE STARKWEATHER IS NOT CAREFREE THE OTHER FIFTY WEEKS?

Major John B. Goodman, Jr., on July 11, sought to enlist the services of Hon. H. E. Munson, of Sterling, to sit in the Denver District Court. Judge Munson replied on July 13 as follows:

"Yours of the 11th duly received. I will be with you on the 24th of this month and until the 5th of August. Tell Judge Starkweather to be perfectly carefree so far as his two weeks of the district court of your county is concerned.

"Now as to your doing anything up there that would make things more pleasant, comfortable, convenient or attractive, will say that I am not very much accustomed to conveniences, and could not think of anything that I would rather do than hold court up there during July and August. I am something like one of the parishioners in a colored peoples' church. They were dedicating this colored man's church, and the parson arose and said: 'This certainly am a fine edifice. I don't know of anything that could be added that would make things more pleasant or convenient unless, perhaps, it was the placing of a cuspidor down there at the end of the hall,' when one of the parishioners arose and said: 'Parson, Mr. Jones, a faithful worker in this church, has never held any office yet, and I move you that he be made that cuspidor.'

"So, sitting in that beautiful new courthouse, with MacArthur for bailiff and Harry Watt for reporter, I could not think of a thing to add to the ensemble unless, perhaps, it would be to make Harry Osborne the cuspidor."

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HIS HONOR GOES TO PRESS

Squire Henry A. Lindsley presides in Justice Court No. 1, the one nearest Colfax. He sits, these torrid afternoons, in one of the beautiful, substantial and unventilated judge's chairs bought at great expense with unclaimed funds of litigants. On several occasions the Squire said that the chair was reminiscent of those supplied murderers condemned to electrocution. The hot seat, y'know. Well, sir, the other day the Squire decided that if he would supplement the leathern bottom of that chair with a newspaper it would enable him more nearly to keep his mind on the cases before him. So he installed the newspaper and held court for some hours.

It had, of course, been a hot afternoon. The Squire had been wearing his white linen suit. When he arose and left the bench it was wrinkled except in one spot.\* And on that spot, from that newspaper, only backwards of course, was a quotation about justice. Well, sir, you just ought to hear the Squire tell it.

\*B. C. Our purist wants to know: "Who's your little bench-wrinkler?"

## FROM OHIO

In the Ohio State Bar Report this year there appeared a condensation of Frances Wayne's interview with Mary Lathrop, pioneer woman lawyer of the Denver Bar.

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## FROM OKLAHOMA

The secretary of the Oklahoma State Bar is an extremely inquisitive individual, if the Oklahoma State Bar Journal of July correctly printed his request for information. Says the Journal: "The secretary of the State Bar is desirous of obtaining information concerning the following lawyers." Here follows a long list of missing lawyers, part of which list is captioned with the heading, "Deceased Attorneys."

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The following excerpt from the July issue of the Bar Bulletin of the city of Boston makes us wonder whether or not our voluminous House Bill in the last legislature, defining the practice of law and providing a penalty for unauthorized practice, might have been subject to the same comment from our governor:

## "MUCH OBLIGED, GOVERNOR!

"House Bill 1423, entitled, 'An Act Relative to the Unauthorized Practice of Law and Prohibiting Certain Acts and Practices,' having the approval of both Senate and House, was submitted, in due course, to His Excellency, the Governor.

"In his message returning the bill with recommendations that it be amended in certain specified particulars, His Excellency, with delicate irony, comments as follows:

"I assume that the purpose of this legislation is to keep the practice of law as a profession, to eliminate corporations as practitioners, and to protect against the competition of lay advisers. If that is its purpose, the Act as passed appears to be somewhat wide of the mark, and by inference to legalize corporate and individual participation beyond the present understanding of legitimate practice of the law.'

"A reading of the bill as passed suggests that however wide of the mark the bill may be, His Excellency's comments are not.

"Apparently the bar, having striven mightily through many years for the passage of an act eliminating corporations as practitioners and laymen as legal advisers, has produced a set of words extending corporate and lay legal activities beyond even present practice. The Bulletin believes that it can, without question, assure His Excellency that his inference that such was not the intention of the proponents is entirely justified.

"How beautifully true are the words of the poet who sang so sweetly of the region paved with good intentions."

OUR HAPPY LEGISLATORS

Mr. J. E. Robinson of the Denver Bar calls our attention to Section 3 of House Bill No. 224, entitled, In Relation to Poultry Eggs, approved by the governor on May 2, 1933, and now in force, and the following provision thereof:

"Every dealer selling direct to the consumer, and every person engaged in buying and selling eggs at wholesale, before offering for sale in Colorado such eggs shall first be candled and a certificate made thereof showing the date and name of the candler and the serial number thereof  
\* \* \*"

Mr. Robinson appropriately queries: "Who is to candle the dealer, and why?"

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WHERE WAS DICTAPHUN WHEN THIS HAPPENED?

Emory L. O'Connell of the Denver Bar refers to the July issue of DICTA, page 274, and the digest of a Supreme Court decision in the case of Raceland Bank, etc. vs. Pueblo Savings & Trust Company, where our reporter states: "A car of 42,000 pounds (potatoes) was shipped which upon arrival at Pueblo were decomposed and destroyed by the city health department."

Emory rises to remark that the shipper might have a good cause of action against the Pueblo health department.

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RECORDS WANTED

The Indiana University School of Law, in order to complete its file of publications of the Denver Bar Association, has requested us to supply the following:

Denver Bar Association Record, volumes 1 to 5, inclusive; Dicta, Vol. 6, Nos. 7, 8, 10; Vol. 7, Nos. 1, 2, 3, 7.

If any member has these volumes and has no particular use for them, we will be glad to receive them for the Indiana University School of Law.

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DENTAL NOTE

The Editor of *The Colorado Graphic* has a toothache. We hope our material never turns in on us!

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To follow foolish precedents, and wink with both our eyes, is easier than to think.—*Cowper*.