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Dictaphun

Dicta Editorial Board

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THE NRA FOREVER

The Editor of *The Colorado Graphic*, with whom we exchange back scratching, feels that we have removed the joie de vivre from life by our reference (10 DICTA 303) to the toothache from which she suffers. We fought the war in Hoboken and hence our French is limited. It seems, however, in the Editor's case, that lack of joie de vivre results in ennui, boredom and being jaded. The same things result from Republican administrations. Be a Democrat and have joie de vivre!

What we started out to say was that the new makeup of *The Graphic* is a wow. Under the fourteen point heading "MOANING AT THE BAR" is the slogan "We Do Our Part." Lots of lawyers will sign that code.

WHO'S LOONEY NOW?

Floyd F. Miles, Esq., of the Denver bar, extracts humor from a quotation of a part of a Colorado decision. Who are we to say that Mr. Miles is wrong? In fact he is right, it is funny. Here 'tis:

"This action was brought by the defendant in error against plaintiff in error. The parties are hereafter referred to as plaintiff and defendant as they appeared in the trial court. . . . Defendant, while insane, committed suicide."—*London Co. v. Officer*, 78 Colo. 441, 443.

STORY APROPOS OF THE NEW DEAL

Judge Hallett was in company with Caldwell Yeaman. The judge had that day decided an important case against Mr. Yeaman's client.

Judge Hallett: You say this stuff has just come from Kentucky? Why do you call it scire facias?

Yeaman: Because it will revive your judgment.

THIS IS A LONG STORY AND A GOOD STORY AND IT FILLS UP SPACE!

The late Joel F. Vaile, father of the late Congressman William N. Vaile, and one-time partner of the late Senators Wolcott and Waterman, was district attorney at Kokomo, Indiana, before he went west to grow up with the country. He never forgot the searching cross-examination to which he subjected a witness on a prosecution for murder. The murder had been committed on the night of March 31, in the late seventies. The evidence pointed almost indubitably to the young man on trial, but was entirely circumstantial, and was weakened by the defense of a strong alibi. It was claimed by the defense that on

the night of the homicide the accused was at the home of his mother, about sixty miles from the scene of the killing, and also as far distant from a railroad. Two disinterested witnesses swore that they had seen the accused at his mother's farm during the latter part of March, but would not say positively that it was as late as the 31st. The mother, of course, testified that her son spent the night of the 31st on her farm, and was turned over to the state for cross-examination.

District Attorney Vaile: How long did your son remain at your place after March 31st?

Witness: About three days.

D. A.: How long was he there before the 31st?

W.: About three days.

D. A.: How long was he away from your place before that?

W.: I can't remember exactly—about a month.

D. A.: How long was he with you on that visit?

W.: I don't remember—a few days.

D. A.: Then he was not regular in his visits to the farm?

W.: Not very.

D. A.: How often this year has he been with you for a week's time?

W.: Once in January; perhaps again in February.

D. A.: What time in January did he spend that week with you?

W.: I am sorry; I can't remember.

D. A.: What time in February was he with you? A week?

W.: I am not sure.

D. A.: But you are sure the 31st day of March was in the middle of a visit?

W.: Yes.

D. A.: Can you tell me any other specific date when your son was with you?

W.: He was with me Christmas a year ago.

D. A.: Can you remember any other date?

W.: I cannot.

D. A.: But you are sure about his being with you on March 31st?

W.: Sure.

D. A.: Is there any event or circumstance which makes that date stand out clearly in your memory?

W.: Yes.

D. A.: What is it?

W.: There was a terrific storm that night in the country about my place and many trees were blown down. We heard crash after crash. One tree fell in the yard. Next morning my son arose before I did, and called to me that Old Goose Neck had crashed to the ground. Old Goose Neck was the large limb of a tree in the front yard, in which the children played from childhood. It was named Old Goose Neck because of its shape. I ran to the window, and my son called out: "April Fool!"