

January 1931

Dictaphun

Dicta Editorial Board

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Recommended Citation

Dictaphun, 9 Dicta 26 (1931).

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DICTAPHUN

UNDER POSITIVELY NEW MANAGEMENT

The Editors are happy to announce that Dictaphun is under positively new management. The positively new management, the Editors are confident, will give complete satisfaction to the Bar (and our two cash subscribers as well), and will be again swept into office when the next election is held. The late management, it will be recalled, made every effort to retain its sinecure but was driven from its high place by the embattled lawyers who, it is reported, turned out to the extent of nearly 15 for the annual election.

In the twelve numbers of DICTA which have contained this department the present Editors observe that considerable space was devoted to discussion of the Supreme Court. Naturally, this gave a great deal of dissatisfaction to the district judges, with scattering moans from the neglected county judiciary. The positively new management will endeavor to correct this manifest injustice. It is not fair to the *nisi prius* courts, simply because their decisions are not embalmed in immortal print at \$3.50 per volume, to give the judges of the highest court prizes for the use of split infinitives. Nor does any right inhere in awarding only to the members of the ultimate court gifts for the most dissenting opinions. The judges of the trial courts are as much entitled to be rewarded for disagreeing with their own former opinions as are those who sit in review. Fair play for trial judges will be the watchword of the new administration. Contests suitable to them will be announced from time to time, and awards made by a committee composed of members at large of the Colorado Bar Association.

In fact the former editions of Dictaphun were devoted so exclusively to discussion of the Supreme Court that one is irresistibly required to reprint the classic remarks of the San Francisco Chinaman: "Chinese law, first class; man killee man, China, head off; no ketchee him, somebody head off, mebbe cousin head off. English law, second class; him ketchee man, mebbe allee same head off. Melican law, no good; too dam muchee Slupleme Court."

SEVENTY-FIVE CENTS

Bissell, P. J.: "This is probably the most extraordinary instance of the exercise of that American birthright, the privilege of litigation with one's adversary, that the courts of Colorado have ever known. It involves six bits" *Mitchell v. McNeal*, 4 Colo. App. 37.

AND TWO BITS MAKES A DOLLAR

The touching and to-be-regretted days of corporation baiting gave zest to a case in a justice's court in Oklahoma Territory. The complaint alleges that the Rock Island Railroad Company is a "corporation engaged in carrying

passengers and property for hire, being a public carrier, and just now especially engaged in shaping the public business and politics of the territory to the end that it may continue in the future, as it has in the past, to exact unreasonable, unlawful and exorbitant charges therefor, through the instrumentality of human hedgehogs and porcupines, ward heelers and free pass toters. That at Texola, on September 16, 1906, the plaintiff entered one of its third-class freight wagons, commonly called in this country, where the citizenship has become accustomed to such accommodations, a passenger train, for the purposes of riding to Oklahoma City," and "was there encountered by one whose name he understands to be R. McMaster, train auditor, said McMaster being employed to collect fares upon the theory that the conductor of said train is not more honorable than the general policy of the defendant, which, if he is not, God bless our home. That upon demand plaintiff paid to said collector and spy, commonly called 'train auditor,' the sum of five dollars and fifteen cents, which is twenty-five cents more than was due for such passage . . . Wherefore, plaintiff prays judgment for said sum of two bits or twenty-five cents, with lawful interest thereon from and after September 22, 1906, and costs of suit, and for such measure of justice as may be hoped obtainable under a political arrangement of which the defendant and other railroads have such admirable control, he shall ever pray."

MAYBE HE WAS ONLY A DEMOCRAT

He was a stranger, looking for a certain lawyer. Meeting an old darky he asked him if he knew where Mr. Doe lived, and was told that a man of that name resided down the road. "Is this Mr. Doe a lawyer?" said the stranger. "He ain't no lawyer that I ever heard tell of," answered the negro. "You're sure?" The old negro wrapped himself in thought. Then a gleam of remembrance lighted his eye. "Now I thinks of it, boss," he said, "'pears like I do recollect he ran for lawyer one time."

SUBSTITUTE FOR THE SHORT AND UGLY WORD

Rollins, Surrogate, *In re Darling's Will*, 6 N. Y. Supp. 194: "This testimony is certainly important if true. I do not deem it important."

WHAT JUDGES USED TO SAY

"The court takes judicial notice of the fact that champagne, as ordinarily served from an ice chest or in coolers, is liable to lose its labels before the bottle is shown to the customer." Townsend, Circuit Judge, in *Von Mumm v. Wittemann*, 85 Fed. 966.

AND THIS

"Champagne is a beverage singularly grateful to the taste." Hunt, J., in *De Bary v. Arthur*, 93 U. S. 423.

AND WHAT THEY SAY NOW