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Dictaphun

Dicta Editorial Board

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O TAMMANY! O MORES!

Andrew W. Gillette, Esq., relays to the editors a clipping from the pious *New York Times* of March 10, current annum. It relates to the trial of one James Farley, late Sheriff. Whether the *Times* or the judge or both are accountable for the spelling, the law we must assume is the judge's. We quote: "Farley's defense was that he believed he was entitled to the interest money he received (on deposits of litigants' funds in his hands) . . . and that he had been so advised by his chief counsel . . . Judge Freschi expressed the belief (in the course of an opinion turning Brother Farley loose on a directed verdict) that this advice was not in accordance with the law." Said Judge Freschi: "The gist of the offense is the presence of a specific criminal intent on the part of the defendant. Intent is largely a matter of one's mind and volition. It is predicated on knowledge of the facts. . . . Intent is the ingredient of the crime of grand larceny. Every appropriation of money is not a theft, and, yet, every theft involves a misappropriation of ananimus furandi. Where the act is susceptible of two constructions—one innocent, one guilty—the law makes it imperative that the hypothesis shall be accepted which establishes innocence. The conduct of the defendant here has been consistent with innocence. . . ."

IN OTHER WORDS, DON'T CHANGE TOBOGGANS IN THE MIDDLE OF THE SLIDE

Rep. Hoover (Rep.) of Michigan has a few words to say which are faithfully reproduced by the *Congressional Record*:

"The stove league never wins any pennants. The Democratic street-corner brand of statesmanship never solves any problems. For 70 years the Democratic party has done nothing but denounce the policies of the Republican party. It has become a Democratic tradition. It has passed from generation to generation. The son has plied the trade of the father. It has become habitual. It is in the blood. You cannot change it. You cannot expect a wrecking crew to do the work of an engineering corps."

LAST MONTH'S (OR ANY MONTH'S) WORST PUN

Lee Taylor Casey, on purpose to make it worse, parades the following in his column of April 16 last:

"In reality, the dog breeder usurps the functions of Providence. . . . Instead of permitting mutual attraction or propinquity to be the mediums of propagating the race, he makes the choice dogmatically. . . ."

THE WORM TURNS

A. L. Vogl, Esq., our Public Utilities Commission reporter, 'phoned this jewel in to one of our rewrite men. It occurred before the Commission aforesaid on April 12:

Commissioner: We will now adjourn until 2:20 P. M.

Witness: Mr. Commissioner, I would like to catch the 3:20 train for Kansas City.

Commissioner: I don't know whether counsel can conclude his cross-examination in that time.

Witness: Mr. Commissioner, I'll waive further cross-examination.

WE WISH FORD HAD NEVER BEEN BORN—
YOU WILL IN A MINUTE

Albert J. Gould, Jr., Esq. (President Gould to you), unearths some ghastly judicial witicisms in *Bank v. Pulliam*, 239 Pac. 595:

Ruth, C: ". . . The legislature has seen fit to legislate upon the question of exemption of automobiles (including Ford cars by necessary implication), and by an act of the legislature it is specifically provided that 'automobiles and other motor vehicles shall not be exempt from attachment, execution and other forced sale.' It is not contended that a Ford car is a 'tool,' and we have never heard it called a 'tool,' although we confess to having heard it called everything else within the range of the English language, and several foreign languages. If exemptions could ever have been claimed for it under section 6595, and prior to the act of 1913, it would have to fall within the term 'apparatus,' and all lexicographers define apparatus as 'an outfit of tools, utensils or instruments adopted to the accomplishment of any branch of work, or for the performance of an experiment, or operation; a set of such appliances; a group or set of organs concerned in the performance of a single function.' While a Ford car may emit as great a volume of sound as a steam piano or circus calliope, we are not prepared to say it is a set of organs, and therefore not within the protection of the statute. . . ."

SLEEP, LITTLE MORTGAGE: BE AT PEACE

Allen Moore, Esq., fastened his eye on a harsh ruling of the Supreme Court of Illinois, to be found in *Palmer v. Forbes*, 23 Ill. 301, 311, as follows:

"Caton, C. J.: Railroad mortgages, like all other contracts, must be enforced according to the intention of the parties to them, and conformable to the law under which they were issued. We cannot make or *mollify* these any more than any other contracts, or the law by which they shall be governed and enforced."

IN LAW, IT IS FRAUDULENT TO THE MORAL*

Robert E. More, Esq., apparently reads the Harvard Law Review; at least, in any event, or in the last analysis, he calls our attention to 45 H. L. R. 131, where it is pointed out that "a debtor is guilty of making a fraudulent preference if he makes a payment of a mere moral obligation."

*Syllabus by Mr. More.

THIS SOUNDS FAMILIAR

From *Lange v. Dammier*, 119 Ind. 567: "Having given the question some considerable consideration as we find it in the record, and without intimating any opinion as to the result of our investigation, we have thought it not improper to say what we have said."

A NEVADA JURIST WAXETH ELOQUENT

Sonorous, but somewhat immodest, expression of Brosnan, J., as reported in *Rhodes v. O'Farrell*, 2 Nev. 60:

"If the state will disrobe herself of sovereignty and enter the forensic arena with her subject", etc.

ANOTHER CRIMINAL BEATS THE RAP

"A rule of law fit only to try the guilty is no better than lynch law."—*State v. Powell*, 266 Mo. 109.

PLEADING AFTER OUR OWN HEART

"A bad answer is good enough for a bad complaint."—*Baxter v. McDonnell*, 154 N. Y. 432.

NOTICE!

At a meeting of the Judges of the District Court held April 12th, a Resolution was passed,

"That there be no jury in the Civil Divisions of the District Court in the month of June, 1932, and that there be only one jury in September, same to be called for the third Tuesday."

It is expected that the September Jury will be called in the new Court House.

F. D. STACKHOUSE,
Clerk, District Court.