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Dictaphun

Dicta Editorial Board

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IT'S HARD WORK, MATES

Frank L. Shaw, Esq., of the bar (so-called) of Monte Vista, an ardent admirer of Dictaphun, in a recent communication refers to the writer as a "columnist self-styled." The soft impeachment is neither here nor there. We are a columnist, and for the same reason that any one who assumes to conduct a column is a columnist. That is, we steal a paragraph from this source, lift a citation from that, and depend altogether on the work of other hands. Take correspondents for example. The Shaw aforesaid burdens the mail and now these pages with the following, for which we have cleverly coined a head line, the only actual work we do:

BLAME SHAW FOR THIS ONE

"As to the other objection—that the language is absolutely incorrect—if incorrectness from a legal standpoint is intended, the objection may be disposed of by citing Wigmore on Evidence, 1150 et seq. If philological incorrectness is referred to, the objection is more tenable; for while 'autoptic' is a good word, with pride of ancestry, though perhaps without hope of posterity, the word 'proference' is a glossological illegitimate, a neological love-child, of which a great law writer confesses himself to be the father (see Wigmore, *op. cit.*). Despite all of this, we cannot brand the statement as reversible error. This court is rather liberal in allowing the judges on the trial bench the privilege of big words. . . . We (have) refused to reverse a judgment because a judge of a city court used the word 'obvious' in his charge of the jury."—*Morse v. State,* 10 Ga. Ap. 61.

BLAME PLUNKETT FOR THIS ONE

E. J. Plunkett, Esq., Assistant Attorney General of this sovereignty, while pursuing (we assume) the duties of his office, lighted upon that which follows, and caused it to be transcribed and delivered to the Editor-in-Chief. The last-named wrapped it in cellophane and sent it to us. Here it is:

"Plainly the insertion of the numerals 1475 and 2280 and the character XCIII is a bull."—*McLendon v. Columbia,* 5 A. L. R. 995.

BLAME ROBINSON FOR THIS ONE

J. E. Robinson, Esq., of the Denver Bar who, as does General Plunkett, thinks the Editor-in-Chief has something to do with this magazine, sent the quotation below from *Starr v. People,* 28 Colo. 184, to that dignitary. We use it, fearful of the consequences:

"(The plaintiffs in error) were convicted of the offense of offering a bride of $500 to one A. G. Wharton." Which leads the Editor-in-Chief's correspondent to inquire, "When has it been a criminal offense to offer or accept a bride worth $500?"

BLAME HEALD FOR THIS ONE

E. Clifford Heald, Esq., also of the Denver bar, accuses us in a direct communication of having overlooked a decision of a California District Court of Appeals, reported as *Hawthorne v. Gunn,* 11 Pac. (2d) 411. What we should like to know is the answer to the last sentence of the excerpt.

"Conceding that under some circumstances the voluntary action of a young lady in sitting upon the lap of a young man might establish a prima facie case of contributory negligence, it cannot be held, as a matter of law, that this result obtained here. . . . Whether or not a reasonable person would assume such a position depends upon many conditions of time, place, and circumstance.

BLAME HOLLAND FOR THIS ONE

Fred Y. Holland, Esq., likewise of the Denver bar, presents an Irish opinion of some American innovations which, avers Mr. Holland, is to be found in 65 *Irish Law Times* 107, as follows:

"We hear of two epoch-making discoveries in America that may some day be introduced here to affect the administration of justice. One is a serum which, being administered to the patient, causes him to speak truth only. The other is a new scientific 'breath-smeller' which registers any degree of intoxication merely by catching some of the drinker's breath, and is so sensitive that it detects alcohol even when its distinctive odour is unnoticeable. Clearly these discoveries, if they can be applied in practice, will revolutionize the administration of law. Perjury, 'the results of bad observation,' 'things witnesses honestly think they saw' will disappear from our courts. Instead of being assailed by a deadly fire of cross-examination a suspect witness will have some serum injected so that he may, powerless to prevent it, pronounce a devastating recantation. Policemen apprehending 'drunks' will renounce the time-honored tests of walking a chalked line and saying "British Constitution.' Instead they will tender evidence of the result of the application of the 'breath-smeller.' We wonder, however, under what authority people must submit to scientific treatment."

THE MINERS CHOOSE NO LAWYERS

Joseph H. Murray, Esq., of the Denver Bar, has furnished the following excerpt from the laws of Trail Creek Mining District, Clear Creek County. They are of record, so he avers, in the office of the Clerk of that great quasi-municipal corporation. To wit:

"Resolved, that no Lawyer, Attorney, Councellor, or Pettifoger shall be allowed to plead in any case or before any Jury or Judge in this District."

"Adopted June 5th, 1861."