

January 1931

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Recommended Citation

Roger H. Wolcott, Dicta's Forerunner, 8 Dicta 14 (1931).

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DICTA'S FORERUNNER

*By Roger H. Wolcott**

IF Dicta is unique among law reviews it comes by it honestly, as successor to The Denver Bar Association Record. The first number of Dicta was dated November, 1928, and was entitled Volume VI, Number 1, in recognition of the fact that The Denver Bar Association Record had been published for five years, the date of Volume I, Number 1 (which appeared in November) being December, 1923.

There are doubtless many complete files of Dicta extant, but there are few publications in the legal field whose files have become more rare than those of The Denver Bar Association Record. One reason perhaps is that Volume I, Number 1 and several other opening numbers consisted largely of notices of coming meetings of The Denver Bar Association, reports of recent meetings, and copies of the treasurer's report and of committee reports. Some of these were of ephemeral concern, and the recipient of the Record might well have failed to realize the future very human and unusual little monthly into which it was to develop.

Credit for founding and establishing The Denver Bar Association Record goes to Jacob V. Schaetzle, who at the time and for some years was Secretary-Treasurer of the Denver Bar Association. The interest eventually aroused by the publication of such a bulletin at monthly intervals did much to make possible the present day effective organization and activity of the Association, which has become a model among bar associations.

It is only three years since the Record (at the urging of Henry W. Toll) burst its chrysalis to become Dicta, but in view of the fact that so few, if any, of the law offices in Denver now have complete files of the Record, it may be of interest to speak of its make-up and thereafter to record here at least a partial list of the articles which appeared in the Record's pages, many of which were models of brevity and succinctness. The publication was frankly for the purpose of printing notices and items for the advancement or entertainment of the

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Association, and there was space in each issue for only a limited amount of legal comment. The Record made no effort to cover the field of a law review and did not pretend to fulfil the functions of a review. It was just the kind of informal local publication that every member of the Association would stop to peruse, even when it was received along with a sizeable delivery of business mail.

The first four numbers consisted of four pages each, and then the bulletin was expanded to eight pages. Volume II Number 2, in February, 1925 was 19 pages, and from that time on the eight-page publication frequently appeared with additional pages. In months when there was no occasion for the larger size the publication went back to eight pages.

In June, 1925, with Volume II, Number 6, Mr. Schaezel resigned as Secretary-Treasurer and was succeeded by Albert J. Gould, Jr. The 13 numbers of Volume I appear to be entirely the work of the Secretary-Treasurer, but in Volume II, Number 3, dated March, 1925 appear the names of the earliest Editorial Committee, made up of Joseph E. Cook, Richard H. Hart, and Peter H. Holme. In April, 1926, with Volume III, Number 4, the Record began appearing in 16 pages, with a blue cover instead of the former white cover. The familiar blue cover continued until the Record gave place to Dicta two years and a half later. The pages of the Record were six by nine inches at all times, and contained two columns, as compared with Dicta's seven by ten page and single column. The type in the Record was smaller than in Dicta.

Volume I, Number 1 of the Record announced on its cover the luncheon meeting of December 3, 1923, with Henry McAllister, Jr., as speaker, on the subject of "Federal Receiverships". The inside pages contained reports of the Treasurer, the Membership Committee, the Committee on Women and Children, the Judiciary Committee, the Memorial Committee and the Library Committee.

Number 2 reported the "J. Ham Lewis meeting" of December 24, 1923, and among other articles contained one on "System in a Law Office" and one on "Revision of Supreme Court Rules", both anonymous.

Number 3 announced plans for the forthcoming bar pri-

maries of April 7, 1924 and contained a signed article on "Workmen's Compensation Law" by W. F. Mowry.

Subsequent numbers continued along similar lines, nearly every number expressing a hope on the Secretary's part that members would hasten to pay their dues. One such item contained the promise that the ensuing number of the Record would contain a complete list of "members in good standing", but the threat was not carried out. A list of members was finally published two years later, in August, 1926, apparently without ulterior motive.

Among articles appearing in Volume I were "Lawyers' Fees" by Luke J. Kavanaugh, "America's Challenge to the Legal Profession" by Omar E. Garwood, "Lawyers' Fees" by S. S. Large and "Can Lawyers be Honest?" by George Q. Richmond (happily answered by him in the affirmative).

Among articles in Volume II (calendar year 1925) were "The Present English System of Pleading" by John H. Denison, "Assignment of Trial Cases" by Hudson Moore, "A Curiosity of Litigation" by Edward Ring, "Law as Administered in England" by Henry H. Clark, "Thomas Jefferson,—the Lawyer", by Albert G. Craig, "The First Hundred Years" by Bryan L. Whitehead, "The Law-Abiding Lincoln" by Charles A. Murray, "American Law Institute" by Wilbur F. Denious, "Minimum Fees" by L. B. Johnson, and a poem, "The Final Judgment", by Rees D. Rees.

In Volume III (1926) we find "Edward O. Wolcott,—Wit" by Edward Ring, "The Government as Guardian", by James A. Marsh, "Quickening the Memory" by Henry A. Dubbs, "A Municipal Court for Denver?" by George A. Trout, "John Knowles" by Edward Ring, "The Enforceability of Criminal Statutes" by Joseph C. Sampson, "Protected by Statute" by L. F. Twitchell, "Not Guilty", by Robert E. More, "A Romance from the Year Books" by John H. Denison, "A Forgotten Celebrity" by Charles S. Thomas (referring to Thomas M. Bowen), "The Young Lawyer's Problems" by Horace N. Hawkins, "The Torrens Law" by B. M. Webster, "Tax Sales and Tax Titles in Colorado" by John F. Mail, "Verbal Leases" by Jesse H. Sherman, "Real Estate Title Insurance" by Golding Fairfield, "The Making of an Abstract" by Mrs. Minnie H. Oakes, "Title Insurance Problems" by

Herbert Becker (of Chicago), "The Business Man and the Law" by Charles C. Butler, "A Purposeful Tale" by L. F. Twitchell, "Building and Loan Associations" by Luke J. Kavanaugh, "The Federal Estate Tax Lien" by George T. Evans and "Reflections on the General Property Tax" by Victor A. Miller.

Volume IV (1927) contains the following: "Inheritance Taxes,—The Present Situation in Colorado", by Leroy McWhinney, "Revaluation of Property in Denver for Purposes of Assessment" by Clem W. Collins, Assessor, "Loose Business" by Carle Whitehead, "Reason is the Soul of Law" by Robert E. More, "Comments on Supreme Court Practice" by John T. Adams, "The District Court" by Charles C. Sackmann, "Mr. Jarndyce in the Twentieth Century" by Wayne C. Williams, "An 18th Century Graft" by James H. Teller, "In the Legislative Green Room" by Henry W. Toll, "A Discourse on Pleading" by John H. Denison, "Recent Statutes" by Henry McAllister, Jr., "Re: Colorado River Waters and the Santa Fe Compact" by Fred S. Caldwell, "The Posthumous Song of a Calf" (poem) by Harold W. Perry, "The Constitution and Dynamic Sociology" by Victor A. Miller, "Municipal Bonds" by Myles P. Tallmadge, "General Sherman" by W. J. McPherson, "Redeeming the Bar" by Jacob J. Lieberman (of Los Angeles), "Some Legal Aspects of the Colorado Coal Strike" by Edward Miller.

The fifth and final volume (January to October, 1928) contains "Attachments in California" by Jacob J. Lieberman, "Canadian Justice" by J. P. O'Connell, "Why Our Government and Our Constitution?" by Carle Whitehead, "What's Wrong with the Law" by Bethuel M. Webster, Jr., "Corporate Mortgages and Reorganization Under Foreclosure" by W. M. Bond, and "Statutes of Limitations in California" by Jacob J. Lieberman.

This list makes no mention of addresses delivered before the Association by its members and by others, and reprinted in whole or in part in the Record, including addresses by Roscoe Pound, R. E. L. Saner, Silas Strawn, and Nicholas Murray Butler. Each number of the Record sparkled with news items and with jokes arising locally or clipped from

contemporaries, and of a proper length to fill the interstices between longer articles. A news item of the August, 1924, number was to the effect that the Colorado Supreme Court had cleared its docket, in June, 1925, it was announced that attorneys in Denver numbered 889, while members of the Association totalled 639, a great increase in membership within a few years' time, in September, 1925, the founding of "The Jealous Mistress" was noted, to be the official organ of the Colorado Bar Association, and in December, 1925, an account was given of the address by R. Hickman Walker on "The Follies of 1925", which, with the date moved up a couple of notches each time, has become an eagerly awaited biennial event in the Association. In January, 1926, began the department entitled "Recent Trial Court Decisions", which was continued through the remaining issues of the Record. The Editorial Committee at the time of the final number of Volume V was Cass M. Herrington, Chairman, Victor A. Miller, Sidney Moritz, Jr., and Rodney J. Bardwell, Jr. To show that the Record had not changed too greatly from its earlier numbers, an issue as late as May, 1927, opened with an eloquent ultimatum addressed by Albert J. Gould, Secretary-Treasurer, to members who had become delinquent in payment of dues.

In view of the fact that Dicta has devoted itself each month to the tasks in hand and has not previously paused to comment at any length upon its genealogy, it may be permissible to include now in its pages this record of ancestral activity and accomplishment. Credit is due and the story should be preserved, even if it be only in outline form.