

January 1928

Christening

Dicta Editorial Board

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Christening

CHRISTENING

THE announcement that The Record was about to appear in new plumage, and that it was considering the adoption of a new name, elicited many suggestions—facetious and otherwise.

Among the more frivolous suggestions were these:

Bar Railings	The Bar Cry
The Legal Cafeteria	The Jurisprude
Fee Simple	The Air Loom
Denbar	The Straddlevarious
The Bar Fly	Sunset and Evening Star
Tomechromes	The Inns (and Outs) of Court

Among the names which were more seriously suggested were:

The Annotator	The Vox Bar
The Bar Vane	The Brief Bag
Portia	Brief Case Secrets
The Legal Compass	Certiorarities
The Periscope	The Fellowship
The Denver Nautilus	Pandects
The Denver Legal Ledger	Bar Relief
The Denver Bar Association Journal	Writ of Errors
The Colorado Legal Monthly	The Affidavit
Sky Line Justice	The Subpoena
The Denver Law Journal	The Supersedeas
The Denver Bar Association Report	Denver Legal Flights
Denver Legal Light	The Mittimus

And also the following suggestions were made:

The Law Torch	The Bill of Discovery
Annotated Notations	The Tortfeasor
Denver Bar-o-gram	The Sheriff
The Forum	The Bill of Particulars
Denver Legal Journal	The Easement
Denver Bar News	The Attachment Bond
In Testimony Whereof	The Appeal
Denver Bar Notes	Admissions Against Interest
Quid Pro Quo	Comes Now

Not to mention the following:

Legal Miscellany	Legalight
Denver Law	The Appearance
The Denver Bar	The Bailiwick
The Denver Jealous Mistress	The Warrant

The Denver Lawyer
 The Transcript
 The Writ
 The Arraignment
 The Domboc
 Legal Lore

Trial and Error
 The Hue and Cry
 The Deposition
 Rehearings
 The New Era

The fact should be mentioned that not all of the suggestions were in English. Witness:

Amicus Curiae
 Nisi Prius
 The Jurat
 Lex Domicilii
 Lis Pendens
 Ipse Dixit
 Casus Fortuitus
 (i.e. The Inevitable Accident)
 Res Ipsa Loquitur

Camera Stellata
 (i.e. The Star Chamber)
 The Fi. Fa.
 The Lex Scripta
 Quoad Hoc
 Tabula Justitiae
 Stare Decisis
 The Sci. Fa.

The Editorial Board considered each name which was suggested. Perhaps those which received the most serious consideration were:

The Bar-ometer
 The Barrister
 The Brief Case
 The Caveat
 Caveat Emptor
 Dicta
 Exhibit A
 The Judgment

Legal Tender
 Lex
 The Mirror
 Obiter Dicta
 The Scroll
 Service by Publication
 Torch and Scales
 The Torch

From all of the names which were suggested, the Editorial Board finally certified four to the Executive Committee:

The Caveat
 Legal Tender

Obiter Dicta
 Dicta

From these four the Executive Committee selected:

DICTA

A great deal of consideration was given to the matter by the Editorial Board, and it was carefully weighed by the Executive Committee before the decision was reached to change from the old name and to adopt the new one.

Dicta was not among the formal suggestions. Like Topsy, it just grew. During the deliberations of the Editorial

Board, *Obiter Dicta* was casually suggested, and this was shortened to *Dicta* by common consent.

This name may not be perfect, but a careful examination of the entire list submitted will doubtless satisfy the critics—if any—that the selection might have been worse.

In any event, this name has certain merits:

1. It is distinctive.
2. It is brief.
3. It looks well in print.
4. It is distinctive.
5. It is apt.
6. It can be pronounced—by everyone.
7. It is slightly amusing—to attorneys.
8. It is distinctive.

CHOATE'S PROVING A NEGATIVE

“A vessel insured was prohibited from going north of the Okhotsh Sea. Within a year, the duration of the policy, she was burned north of the sea proper, but south of some of the sea's gulfs. Defendant set up no loss within the policy. On the way to the court house Choate said to his associates, as they were for plaintiff: ‘Why should we prove we were not north of that sea; why not let them prove we were?’ The mate was put on to prove the burning within the year and state the loss. No cross-examination followed and the plaintiff rested. The defendant was dumbfounded; had no witnesses ready; expected plaintiff would consume two days in proving he was within the terms of the policy. The case lasted an hour and Choate won.”—*Reed's Conduct of Litigation*, 150.

INVENTION

“It took 4,000 years of Pagan and 15 centuries of Christian civilization to produce a two-pronged fork, and another century to bring it into use.”—*Thos. B. Reed*.