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## Recent Trial Court Decisions

Denver Bar Association Record

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## *Recent Trial Court Decisions*

*(Editor's Note.*—It is intended in each issue of the Record to note interesting current decisions of all local Trial Courts, including the United States District Court, State District Courts, the County Court, and the Justice Courts. The co-operation of the members of the Bar is solicited in making this department a success. Any attorney having knowledge of such a decision is requested to phone or mail the title of the case to Victor Arthur Miller, who will digest the decision for this department. The names of the Courts having no material for the current month will be omitted, due to lack of space.)

### DENVER DISTRICT COURT

#### DIVISION 5

JUDGE CHARLES C. SACKMAN

*Urban A. Rouse, by Margaret Rouse, his next friend, v. Vivian Margery Stewart, also known as Vivian Margery Rouse.*

*Facts:* Action for annulment of a marriage performed between the Plaintiff and Defendant in California in 1925, at which time defendant was sixteen years of age and plaintiff twenty. These minors obtained a marriage license by misrepresenting their ages as twenty-one and eighteen respectively, both being present at the time license was obtained; thereafter a marriage ceremony was properly performed and they were duly and legally united in marriage. They lived and co-habitated together for some three months, with the knowledge and consent of, or at least with no active objection from, their parents on either side. Thereafter they separated, plaintiff coming to Colorado, and in 1925 commenced this action in annulment, claiming the marriage to be null and

void under California laws and asking this Court to annul the same.

*Held:* Complaint dismissed at the costs of the Petitioner.

*Reason:* Under civil code of California, such marriages without the consent of parents or guardians, may be annulled. No finding however that such a marriage under California laws is null and void ab initio. In Colorado no such statute, making such marriages void and such a marriage is valid. The only provisions applying to this situation being those included in Sections 5547 to 5565 C. L. '21 and more especially Section 5557, providing no marriage ceremony shall be performed between males under twenty-one and females under eighteen, except with the consent of parents or guardians, and providing a penalty therefor, but nowhere declaring such marriages void. At Common Law minors were permitted to contract a marriage at fourteen and twelve years old respectively and this rule applies in Colorado. Upholding of the moral standards and the sanctity of the marriage contract are also considered in refusing this annulment. Such a marriage as this one may be annulled in California on the ground of age alone, but this is only so because of the provision in their Civil Code and statutes. We have no such statute in this state. Just as a marriage in Colorado may be dissolved by divorce proceedings on six or seven grounds, while in New York the same marriage in Colorado could only be dissolved on the ground of infidelity; so a marriage in California, annulable there by reason of a special provision of their Civil Code, cannot be annulled in Colorado, where no such ground is written into our statutes and where the Common Law prevails, which would not warrant such an annulment.

*Just an Encore*

Colonel: "Rastus, I understand that you are the father of twins. What have you named them?"

"Well, suh, the fust Ah named Adagio Allegro, an' Ah'm gonna name the second one Encore."

"I know you're musical, Rastus, but why call the second one Encore?"

"Well, Colonel, suh, y'see he wasn't on the program at all."

*Almost*

In London they were discussing advertising "Great stuff, these electric signs on Broadway," said the Yankee. "They've got one advertisement, runs a whole block, 250,000 electric bulbs."

"How many?" cried the astonished Londoner.

"Two hundred and fifty thousand," answered the Yankee.

The Londoner observed, "But I say, old chap, isn't that a bit conspicuous?"—The Kan-Sun.

*End of the Line*

The Reverend Mister Slensby was walking down a slippery hill. His feet flew from under him and on the way down he collided with a woman, and she slid down on top of him.

At the bottom of the hill, he said: "I beg your pardon, Madam, but you'll have to get off here. This is as far as I go."—Selected.

*Something to Eat, Anyhow*

His wife had gone to visit her mother, and had telephoned that she would not be returning until the morning.

When she got back she said to her husband, "You managed to find something to eat last night, didn't you, dear?"

"Oh, yes," he replied, cheerily. "I had the steak that was in the pantry and fried it with some onions I found in the cellar."

"Onions!" she gasped. "Darling, you've eaten my bulbs!"—Selected.

*Historic Revelation*

President Gerard S. Nollen, of the Bankers Life Company of Des Moines, and Mrs. Nollen were assigned to the suite of the Hotel Sinton formerly occupied by Queen Marie and President Warren G. Harding during the recent Bankers Life regional school of instruction held in Cincinnati.—*Philadelphia insurance paper.*

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# RECORD

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## *Annual Banquet*

*February 22, 1928*

The annual banquet of this Association will be held Wednesday evening, February 22, 1928, at the University Club, at 7 P. M.

The Hon. Silas H. Strawn, President of the American Bar Association, will speak.

Dress will be formal.

The price of tickets and other details will be given in a later notice.

The Committee is making a special effort to have an entertaining program with special amusement features, and a large attendance is desired.

Mr. Gould, Secretary of this Association, will have charge of the distribution of the tickets. The office buildings will be canvassed, and the services of about twenty younger members of the Association are desired in this connection. Anyone willing to assist in the sale of these tickets is requested to communicate with Mr. Gould, 517 Symes Bldg., Main 5715.

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