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Recent Trial Court Decisions

Denver Bar Association Record

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(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 IV

HON. HENRY BRAY, JUDGE

Facts: Garnishment—Motion to quash Writ and Answer of Garnishee. Garnishee was wife of judgment debtor.

Held: Writ quashed.

Reasoning: The statutory privilege of a man by way of immunity against testimony on the part of his wife against him without his consent applies to answers under oath in garnishment proceedings. Accordingly, the wife of a judgment debtor may not be garnished without his consent.

International Trust Co. v. Heald,
89859.

An Opening

Denver Bar Association,
Denver, Colo.

Gentlemen:

Oak Creek, a town of approximately 1300 people, mining camps and farming district surrounding town, offers a very good opening for a young attorney to be active in all law matters in a district of this kind. You can refer this to some attorney whom you know is looking for such an opening who bears a good reputation, is reli-

able, dependable and one who could come recommended, for which we will thank you.

Yours respectfully,

MERCHANTS CREDIT BUREAU OF
OAK CREEK.

Committee for Digesting of Decisions of Supreme Court of Colorado

The President of the Association has appointed the following committee for the purpose of analyzing and digesting the decisions of the Supreme Court of the State of Colorado for publication in *The Record*:

C. Clyde Barker, Chairman
Smith Henry,
Harold B. Wagner.

It is the intention of the association that the decisions will be digested only after the period for filing a petition for rehearing has elapsed, or after any such petition if filed has been disposed of.

Laughter

"No man who has once heartily laughed can be altogether irreclaimably bad. How much lies in laughter; the cipher-key, wherewith we decipher the whole man! Some men wear an everlasting barren simper; in the smile of others lies a cold glitter of ice; the fewest are able to laugh, what can be called laughing, but only sniff and titter and snigger from the throat outwards; or at best, produce some whiffing, husky cachinnation, as if they were laughing through wool; of none such comes good. The man who cannot laugh, is not only fit for treason, stratagem and spoils, but his whole life is already a treason and a stratagem."
—*Thos. Carlyle.*

Surprised the Witness

Mr. Mason possessed to a marked degree the instinct for the weak point. He was once cross-examining a witness who had previously testified to having heard Mr. Mason's client make a certain statement, and it was upon the establishment of that statement that the adversary's case was based. Mr. Mason led the witness around to this statement, and again it was repeated verbatim. Then, without warning, he walked to the stand, and pointing straight at the witness, said, in his high impassioned voice: "Let's see that paper you have in your waistcoat pocket".

Taken completely by surprise, the witness mechanically took the paper from the pocket indicated and handed it to Mr. Mason. The lawyer slowly read the exact words of the witness in regard to the statement, and called attention to the fact that they were in the hand writing of the lawyer on the other side. "Mr. Mason, how under the sun did you know that paper was there?" asked a brother lawyer. "Well", replied Mr. Mason, "I thought he gave that part of his testimony more as if he'd heard it, and I noticed every time he repeated it he put his hand to his waistcoat pocket, and then let it fall again when he got through".—*Jeremiah Mason 1768-1848 N. H.*

Childhood's Laughter

"Strike with hand of fire, weird musician, thy harp, strung with Apollo's golden hair; fill the vast cathedral aisles with symphonies sweet and dim, deft toucher of the organ keys; blow, bugler, blow, until thy silver notes do touch the skies, with moonlit waves, and charm the lover's wandering on the vine-clad hills; but know your sweetest strains are discords all compared with childhood's happy laugh, the laughter that fills the eyes with

light and every heart with joy; oh, rippling river of life, thou art the blessed boundary line between the beasts and man, and every wayward wave of thine doth drown some fiend of care; oh, laughter, divine daughter of joy, make dimples enough in the cheeks of the world to catch and hold and glorify all the tears of grief."—*R. G. Ingersoll.*

The State of Delaware

"And, Mr. President, this is the State (Kansas) that has been assailed in the chamber by a man who represents in part—in part, Mr. President—a State which has two counties when the tide is up and three when the tide is down."—*John J. Ingalls in reply to Senator Salisbury, of Delaware, who had attacked Kansas, in the U. S. Senate.*

Not Guilty of Larceny

"Prisoner, a few minutes ago you said you were a thief. Now the jury say you are a liar. Consequently you are discharged."—Judge Henry Hawkins, (Baron Brampton) of England, to a prisoner, who had pleaded 'guilty' to larceny, and then withdrew his plea, and was tried and found 'not guilty'.—*Judge John B. Gibson (1780-1853).*

How to Make a Great Lawyer

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A Good Client

MEMBERS of the Bar acting as attorneys for estates in cases where a bank is executor or administrator find a financial institution to be a good client.

The bank's officers are experienced, understand the business in hand, are always available and appreciate the importance of legal service. Matters of accounting, collections, and other business details of which counsel are glad to be relieved are attended to by the bank. The combination of a good lawyer and an experienced trust department produces the best possible administration.

At each of the undersigned banks it is an established policy that the attorney who draws the will designating the bank in a fiduciary capacity shall be chosen as attorney for the estate.

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