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The Annual Meeting

(A LONG-HAND REPORT BY JOSEPH C. SAMPSON)

A crowded house, a snappy program, and an atmosphere of good-nature and good-fellowship, all contributed to make the annual meeting, held at the Chamber of Commerce on the evening of April twenty-fifth, one of the most successful on record, 140 members attending.

Committees Report

President Marsh first called upon the chairmen of the various standing committees for reports of their activities during the year. These reports were given with military precision and brevity and, as will be seen, with a sprinkling of humor which made them more interesting and, consequently, less formal and monotonous than is usual.

Gould on Grievances

Secretary Gould, reporting for the Grievance Committee, explained that Mr. Frank Gove, the chairman of that committee, was then in California and had left word for the meeting that the committee was very busy and had several cases then pending one or two of which probably would go to the State Supreme Court. The committee, Mr. Gould explained, was a very efficient one.

Upham on Professional Ethics

Speaking for the Committee on Professional Ethics, Mr. Upham said that the activities of the committee in the previous year had been so productive of results that no offenses had been committed during the present committee's incumbency and, consequently, there had been nothing to do and, so, nothing to report.

White on Bar Organization

Judge S. Harrison White, reporting for the Committee on Bar Or-

ganization, said that this committee was properly called a "standing committee," for it had stood continuously from its coming into being. He would assume all blame, he said, as he had really forgotten all about the committee until the previous Saturday, since which time two meetings had been held. The committee was unanimous in its opinion and had reached no conclusions. Judge White explained that two states of the union had self-governing bars—California and Alabama—the law in California having been passed in March 1927. There, he said, all members of the bar were compelled to belong to the association and to pay dues. We, here, ought to give very careful study to the subject, he thought, before venturing to adopt any such scheme. President Marsh added to Judge White's report by saying that New York state had resolved against the plan.

Steele on Meetings

Bob Steele, reporting for the Meetings Committee, said he assumed that "the Bible is true" but it was not always easy to get good speakers, notwithstanding this fact. On one occasion, he said, the committee had been obliged to resort to the procedure known as the "retreat to the Walls." Then, too, he explained, there was more to the job than merely providing speakers, for favorable surroundings had to be arranged and congenial people seated at table together—Miss Lathrop and Judge Lindsey, for example. It was his observation that the best speakers were to be found in our own state, and he recommended a board of commissioners to interview in advance speakers from outside the

state to determine the suitability of their proposed remarks. President Marsh congratulated the meetings committee and then called upon Mr. Harry C. Davis of the Library Committee.

Davis on Libraries

Mr. Davis reported \$322.48 cash on hand in the library fund and \$1160.00 placed in the fund during the year. The salary of the librarian, Mrs. Bangs, was \$35.00 per month, in addition to which, he said, she was paid \$40.00 per month as deputy clerk of the district court, and a small compensation for handling the lawyers' telephone exchange. On March thirty-first there had been \$360.00 left in the library fund. Mr. Davis then read a list of titles of new books acquired by and donated to the association library during the past year and suggested that when the new court house was built the city should buy the library and maintain it out of the surplus funds held in trust for litigants by the district court, which were never called for. It was in reality a city library, he said, and the bar association should not be required to keep it up.

Moore on Membership

Allen Moore, reporting for the Membership Committee, said that fifty-two new members had been taken in during the past year, which was four more than were enlisted during the previous year. The committees on Legislation, Legislation for Women and Children, Legal Aid, and the Administration of Criminal Justice were not represented at the meeting and so made no reports.

Brooks on Banquets

A. S. Brooks, for the Banquet Committee, thanked the membership for its assistance in making a success of the banquet, which, he said, had exceeded in point of attendance any

other annual banquet ever given by the association.

McLean on Legal Education

Secretary Gould, for the Legal Education Committee, read a letter from Hugh McLean in which he explained the new rule of the supreme court requiring two years of college work as a prerequisite to professional studies in preparation for admission to the bar.

Lathrop on Judicial Selection

Miss Lathrop, reporting for the Committee on Judicial Selection, stated sententiously, "Our committee met with the Judiciary Committee; we selected; the governor approved."

Henry on Judiciary

Mr. Henry, reporting for the Judiciary Committee, explained that he merely confirmed what Miss Lathrop had said; that the principal work of the committee had been the selection of Judge McDonough.

Kavanaugh on Cooperation

Mr. Kavanaugh, reporting for the Committee on Cooperation of the Press and the Bar, said that the Bar had received good cooperation from the Press in the news columns but opposition in the editorial columns. He suggested that next year's committee disillusion the editorial writers.

Hersey on Citizenship

Judge Hersey said he had been selected as chairman of the American Citizenship Committee probably because it was the association's youngest committee. During the past year, he said, the committee had commenced a survey of the teaching of the constitution in the schools of the city and the state, which survey was not yet completed. The committee would read all text books on the subject used in the schools. Two years ago the state legislature had

passed a uniform bill providing for the teaching of the constitution. In the agricultural college they had found that only ladies could be instructed in the constitution under the curriculum in that institution. Work in the Denver schools was admirably done, he said. When the survey was completed his committee would report in full on the matter. When Judge Hersey had concluded, a report was asked for from the Supreme Court Library Committee but no member of that committee was present and so President Marsh asked for a report from the Judicial Salaries Committee.

Several on Salaries of Judges

Elmer Brock, reporting for the Judicial Salaries Committee, said that Mr. Henry McAllister had asked him to report to the Bar and to the judges that the constitutional amendment providing for adjustment of judicial salaries had failed of passage. George Steele, chairman of the Judicial Salaries Committee of the state bar association said that he thought Mr. Brock's report very complete because he doubted if the McAllister committee even knew that the amendment was on the ballot at the Fall election. The Colorado Bar Association, he said, felt highly gratified over the result because, while the amendment had previously failed of adoption by 63,000 votes, it had lost this time by only 4,000 votes. He had seen to it, he said, that his committee would continue to function and they had had the legislature pass a resolution so that the amendment would be submitted again at the next election. The psychology of the situation, he said, had changed completely and every lawyer in the state would work for the amendment in 1928. In Denver, in 1924, he said the amendment had been defeated by 11,000 votes but in

1926 it had carried the city by 14,000 votes. The best assistance given him last time, he said, was by twenty-five young graduates of the Westminster Law School. The newspapers, he said, would give no support to the committee whatever, charging double the usual advertising rates for its advertisements. He hoped, next year, he said, to have the privilege of addressing this association on the subject and the amendment next time could not fail of success if every lawyer would but do his part.

Herrington for the Board of Editors

Cass M. Herrington, reporting for the Board of Editors, merely thanked the members of the association for their cooperation in making the Record a success and said that the publication spoke for itself.

Pierce on Police Court Publicity

Mr. Charles H. Pierce, speaking for the Police Court Publicity Committee, said that the police court project was the child of the association and that the parent should support the child. The police court amendment was No. 4 on the ballot in the city election and the committee was confronted by the same situation outlined by George Steele. He thought we would get no publicity except what we paid for and he called for volunteers to help put the amendment over. He thought the amendment would carry, he said, if every member of the association would put his shoulder to the wheel and he wanted every member of the association who was a member of a luncheon club to report to his club on the subject.

Curtis on Law Institute

Stephen Curtis, speaking for the Law Institute Committee, said his committee had become active a year ago but it was only in the last few

weeks that the restatements of the American Law Institute had been published. He thought the Law Institute movement well worth the effort and asked the cooperation of the association in making it successful.

Ornauer on Mississippi Flood Relief

Mr. Gustave Ornauer, chairman of the Mississippi Flood Relief Committee and also Chairman of the American Red Cross for Denver, reported a telegram received from President Coolidge stating that \$5,000,000 must be had immediately for the relief of the flood sufferers. He appealed to the Denver Bar to do its share in raising Denver's quota.

New Officers Elected

President Marsh announced that the next business of the meeting was the election of officers for the ensuing year and read the list of officers named by the nominating committee. These were: Robert L. Stearns, for president; Luke J. Kavanaugh, for first vice president; Joseph C. Sampson, for second vice president; and Stephen R. Curtis and Charles H. Haines, for trustees. Rumours of dark horse tickets, to be entered by petition, failed to materialize and the election, accordingly, proved to be a mere matter of form. The newly elected officers were called upon for speeches, which, fortunately for the headliners on the program, were brief.

Stearns Stands Up

President-elect Robert L. Stearns said that he regarded his election as the greatest compliment that could be paid to a Denver lawyer. It carried with it an implication of professional merit and accomplishment and so, he declared modestly, it was an enigma to him that he should have been chosen. However, he as-

sumed that it was by way of recognition of the younger lawyers who had grown up in Denver. He had no long-winded speech to let off and, as the representative of flaming youth, he didn't want to make any promises but would assure the membership of his untiring efforts in behalf of the association and in return expected their loyal support.

Kavanaugh Grateful

Mr. Kavanaugh said that he was deeply appreciative of the honor of his election to the office of first vice-president and thanked the association for the compliment. He had made so many speeches during the past year that he felt it unnecessary to make another now. He did, however, want to thank the membership for their help in translating his police court committee's report into a charter amendment for submission to the voters at the approaching city election and hoped that all would get behind this amendment and put it over.

A Sample of Sampson

Mr. Sampson thought the office of second vice-president resembled, as closely as anything else, a sort of extra spare tire or an auxiliary vacuum tank on an automobile. If the president blew up or went flat and if, in addition, the first vice-president ran out of gas, then as a last resort the second vice-president might be called upon. But, in the nature of things, these misfortunes could never happen, so that the prospect of his ever being called upon to function was about as remote as that of the third assistant secretary of agriculture's succeeding to the office of president of the United States. However, to be well-balanced, every association needed one or two vices and in this instance he thought the Denver Bar had made a discriminating choice. He appreciat-

ed the compliment paid him highly and would continue to serve the association as best he could.

Haines Is Heard From

Charles H. Haines confessed that he hadn't the slightest idea of the duties of his new office of Trustee except that he supposed that in this capacity he would be charged with the legal title to the property of the organization. He did, however, appreciate the honor and the compliment.

Curtis Is Courteous

Mr. Stephen R. Curtis, newly elected Trustee, said that he appreciated the honor because the position to which he had been elected carried with it no responsibility and he, therefore, accepted with pleasure.

Fireworks Started

With the preliminary business of the meeting concluded, at ten minutes of nine President Marsh introduced Mr. Leroy McWhinney to speak on the subject of the "Inheritance Tax Law," saying the last definition of taxation he had seen was "the method of giving a man thunder for the crime of being a success."

McWhinney on Inheritance Taxes

The inheritance tax bill, Mr. McWhinney said, was the longest and the driest that had been considered by the recent session of the legislature, and the movement behind it had grown out of a desire on the part of the association to cooperate with public officials in clarifying and reforming the inheritance tax code. Under the new tax law, he said, the presumption that a gift made within one year of the time of death was made in contemplation of death was now rebuttable; the time had been increased to two years and even then the presumption was rebuttable.

Originally Simple

The Inheritance Tax idea, he said, starting with a very simple plan, had grown into a cumbersome machine which was both objectionable and burdensome. While the new code was by no means perfect, it did eliminate a majority of the principal evils of the old one and followed the general principles laid down by the national tax body. It eliminates the tax on property which the beneficiary didn't receive. Many would have preferred an estate tax, he said, but it was necessary to make many compromises and it was obvious that those working on the measure had to concentrate on general principles rather than on rates alone.

The Work of Many Minds

The new code, he said, was the work of many minds and he paid a fine tribute to those who had helped in framing it; the members of the Bar in the legislature; the City Club of Denver; and others interested. The Denver Chamber of Commerce, he declared, was probably solely responsible for creating the organization and paying the expenses of the work, and the Chamber of Commerce Committee had been composed chiefly of members of our association. Despite all this local effort, however, Mr. McWhinney said that the achievement would have been impossible had it not been for the work of the national association during the past two years.

What the Act Provides

The new statute, Mr. McWhinney said, was a combination of the so-called Model Act and the old Colorado statute. Section 4 was one of the new features and gave credit for the federal estate tax. The Model Act was followed in about half of the new statute but practically all of the administrative provisions of the

old law had been retained. Sections 1 and 6 of the new act, relating to definitions, procedure, and enforcement, are identical with the provisions of the old act. In Sections 2, 3 and 5, the subject matter is like that of the Model Act.

In Re Rates

Mr. McWhinney then compared the rates under the old and the new acts, illustrating his explanation with large and exceptionally well-prepared charts. Generally the curves of the old and new rates corresponded closely, paralleling each other, but the "humps" in the old rate curves were straightened out in the new, making the new rates uniformly progressive and eliminating the inequalities. Mr. McWhinney explained that the unsatisfactory feature of the old statute was that the rate was figured on a retroactive basis and this was corrected in the new act. The figures in the new act appeared to be lower but in reality they were not, it having been necessary to guarantee to the legislature that revenues would not be adversely affected by the new statute. Concluding, Mr. McWhinney declared that the new code was a substantial improvement over the old.

A Quiat Chat

Following Mr. McWhinney's very interesting address, President Marsh introduced Senator Quiat, a member of the recent legislature, who talked on the new Real Property Act. He was at a loss, he said, to explain why he and Senator Toll should be asked to appear. Sitting next to Ben Hilliard, he had learned that the Twenty-Sixth General Assembly had lived much longer than its allotted time and they couldn't talk against their legislature.

Disclaims Authorship

He was not the author of the act,

he explained, but did start the ball rolling. A number of title lawyers had got their heads together to correct the defects in the existing laws and to render titles merchantable. After they had completed their work Mr. James H. Pershing had gone over it carefully and corrected it.

Acknowledgments Simplified

The first section of the new act, he said, simplified acknowledgments to deeds and made them almost like those on chattel mortgages; but this, he thought, would have no effect on the use of the present forms.

Note This Notaries

The second section enlarges the power of Notaries Public, so that under it any notary anywhere might take an acknowledgment.

Grantees and Heirs

The sixth section is designed to clear up old deeds in which the grantees were referred to as heirs, and after a deed has been of record for twenty years, the statement becomes prima facie evidence of its truth.

Exceptions in Deeds

Section 7 in effect says that exceptions mentioned in a deed as to incumbrances do not constitute notice of their existence.

Unrecorded Deeds Invalid

Section 8 makes all deeds invalid unless recorded or unless the parties affected by them have actual notice.

Contracts and Options

Under Section 10 of the act, all contracts and options cease to be effective after one year following the time specified for their performance and then no longer constitute notice to purchasers.

Trust Deed Merely Lien

Under Section 12 of the act, a trust

deed now becomes merely a lien against the property.

Husbands and Wives

Section 13 makes it unnecessary in taking the acknowledgment on a deed to examine the wife separate and apart from her husband.

Release Discharges Lien

Under Section 14 of the act, a release of a mortgage operates now merely as a discharge of the lien securing the indebtedness.

What "One to Four" Means

Section 15 makes the words "inclusive" and "both inclusive" of less importance than formerly and under it "Lots 1 to 4" now means "Lots numbered one (1), two (2), three (3), and four (4)," unless the contrary is clearly intended.

About Mortgages

The second part of the act, Senator Quiat said, dealt with mortgages. Formerly there was no limitation outlawing a trust deed but under the new statute all such liens are outlawed seven years after the principal indebtedness falls due, unless extended in the same manner as chattel mortgages.

Limitations

The third part of the act, he explained, has to do with limitations. The period for acquiring title by adverse possession is cut down from twenty to eighteen years, with two years added for the protection of minors and others under disability.

Other Sections

Other sections of the act, Senator Quiat said, make abstracts admissible in evidence; provide that after a period of seven years a decree cannot be questioned regardless of service or of anything else; and provide for the liberal construction of laws relating to titles.

A Tale From Toll

President Marsh introduced the next speaker, Senator Henry W. Toll, in glowing terms, referring to him as a legislator of national importance, and explaining that his subject would be "Other New Legislation," and saying that, as one of his neighbors, he knew him to be an expert gardener.

Toll Talks

As a lawyer, Senator Toll said, he was a good spring gardener. Referring to Senator Quiat's explanation of the new Real Property Law, he said that, since no amendments to this bill had been made in the legislature, it should be a perfect piece of legislation. After the flood of oratory of the evening and out of respect for the flood relief committee, he declared, he would refer only to the more entertaining and inspiring measures passed by the recent legislature.

Bills That Do Not Pass

Fifty per cent of the work of the legislature, Senator Toll declared, was concentrated upon bills that never passed and ninety per cent of the work of a good legislator consists in discouraging ill-considered legislation.

The Most Important Bill

The evils of legislators, he said, lived after them and the most important single piece of work done by the last legislature was in his opinion the increase of \$25.00 a month granted the supreme court bailiffs. He suggested increasing their pay to \$25,000 and providing for their making an equitable distribution of this salary among the supreme court judges.

Other Achievements

The last legislature, among other accomplishments, he said, had: pro-

hibited lawyers from going into other business; increased the amount of capital required to go into the banking business; cut down the commissions of the building and loan associations; made it more difficult to go into the motor vehicle business so as to eliminate the so-called "gyp busses"; imposed new restrictions in the election laws requiring registration of party affiliation and requiring a vote of 20% of the delegates to a party convention to place a candidate's name on the ballot as well as requiring 2% of all the voters in each congressional district to place the name of a candidate for a state office on the ballot by petition; provided for a legislative reference office in the attorney general's office and when this official has nothing else to do requiring him to study the compiled laws with a view to repealing unnecessary laws and condensing others.

Still Other Bills

A bill had been passed simplifying reports of legislative committees and thereby saving the state at least \$10,000.00 in every legislative session. (Senator Toll failed to mention that he himself was the author of this measure.) The Old Age Pension Law, he said, was purely an enabling act for the counties which would probably not avail themselves of its provisions. Under another bill, passed by this legislature, Senator Toll said, public officials' salaries can now be garnished. On deeds of trust, securing installment notes, under still another bill, you may have a foreclosure on each delinquent installment, ad lib. Illustrating this bill, he told of a hunter's description of a fox hunt in which he had described the hunted fox as "at every bound emitting a whelp," and said that the public trustee might

now emit a trust deed on every occasion.

A Prose Poem

In conclusion, emulating Tyson Dines and other great orators of our local Bar, he said he would read a prose poem, House Bill Number Twenty-Six, known as the "Chicken Bill of Sale Law," which had been signed by the governor and carried the emergency clause. This measure, with Senator Toll's comments, was side-splitting and kept the audience in gales of laughter.

"Marsh On"

President Marsh, when Senator Toll had concluded, said that all would now agree with him in saying that the last speaker was a man of wide accomplishment. He ventured the opinion that any member who had come to the meeting feeling not fully qualified to practice would be well qualified when the evening was over. The next speaker, he said, was a distinguished statesman who would address us on the subject of "Requiem," which Mr. Marsh understood to be "a mass sung for the deceased." He would remind the speaker, however, that he was talking to live ones, and thought that perhaps he might be referring to the proposed new trial for Socrates, which Judge Cunningham had opposed because, as he explained it, the witnesses were now so widely scattered and any man who in these days couldn't stand a good drink of hemlock wouldn't live twenty-four hours.

Hilarity from Hilliard

"We have come to a solemn time," commenced ex-Congressman Benjamin C. Hilliard, with the merriest of merry twinkles in his laughing eyes and an otherwise gloomy countenance. At this "incongress" beginning, there were howls of laughter.

He was a hold-out, he declared, and had refused to join the team until his demands had been met; Babe Ruth had nothing on him. He had talked terms when invited to speak and the notice of the meeting did not disclose all he had received by any means. He had told the president, he said, that he might name his subject but had added, "don't understand that you can change my speech." He would emulate the late W. J. Bryan, he declared, who had a different speech for each occasion.

"Always Did Like That Speech"

Years ago, he said, when he went about the state preaching democracy, he had a man with him who always bragged about his speech. On Arbor Day he had spoken at Glenwood Springs and the audience hung on his words. Going home, his faithful friend had had no comment to make on the speech and, finally being unable to stand the strain of his silence any longer, he had asked him point blank what he thought of. "Why, Ben," his friend had replied, "I always did like that speech." In this instance, he said, he had had this speech set to music and had rehearsed it before President Marsh and the meetings committee. They were spell-bound by it but thought it would discourage the quartet if he gave it in that form.

Surprised By Toll

He was surprised, he said, by the last speaker, because it seemed after all that the legislature didn't fail to pass any bills. He recalled the Snyder case, where a man and a woman had killed another man. It was a horrible thing but no one knew anything about it until the accused gave out the details, and, queried Mr. Hilliard, why not pass a bill allowing the legislators to have the benefit of advice of counsel before they speak?

Strong For Trust Companies

He was strong for the trust companies, he declared, because they advertised for him. When he drew wills, he said, (which he confessed was not as often as he had time for drawing them), he always named the trust companies executors because they would exact a fee for him that he would never in the world have the nerve to charge. And he also liked the Title Guaranty Companies because they were so disinterested in legislation; they never sent their attorneys to the legislature, only when they could.

On Common-Law Marriage and Other Things

The bill abolishing common-law marriage, he said, failed to pass the house and, he queried, why make certain when uncertainty is forbidden? And why did lawyers pass bills merely to clarify matters? The courts would never understand them anyway and simply had the last guess. The governor had many bills in hand. Last year they had found a man who, under a Republican administration, had been unable to pay his taxes and he was elected overwhelmingly. The governor, he said, owned practically all the land there was and the legislature had passed a bill putting out tenant farmers who didn't pay their rent, but the governor vetoed the bill.

Anent Promises

Senators went to the legislature, he said, full of promise and it was that promise which got them there. But why should we worry? As Senator Toll had gone on and on and on, he thought of a story he had heard. (Was the District Attorney present, he inquired, fearfully.) Oscar Wilde once went to France for a meeting with the intelligentsia. A French writer had complained to him of the

unfair criticisms directed against his great productions and said that his critics had now resorted to silence. "What would you do?" the writer asked Wilde. "I'd join them," he replied. He hesitated, Mr. Hilliard said, to introduce Wilde so often to this audience. George Bernard Shaw wrote as finely then as now, and Wilde had said of him that he was too young to have enemies but that all his friends had ceased to like him.

Irrelevancies

Now having discussed the bills, he said, he would talk of other things. We lived in an age when men were striving to bring about better conditions. He went a couple of times to Washington and he wanted us to know that; he had beaten Will Vaile for Congress once but there came a time when Will beat him by 20,000 votes. Still, he had been reducing Will's lead and last time he had only been beaten by 9,000 votes; it showed his psychology was working. Vaile might break his leg—a thousand things might happen. When he went to Congress, he said, he had never seen Speaker Cannon and had never been east of Chicago. He had planned to take the 10:30 train to Washington and rode in a Pullman for the first time at the expense of the government. He went back to the smoker to see who was there. He saw there a man with a fringe of whiskers and a hat costing at least \$1.50, holding a cigar in his teeth at a forty-five degree angle. Half a dozen younger men were paying homage to this man and he soon knew that he was Uncle Joe Cannon. He introduced himself to the great man and next morning in the dining car Speaker Cannon, sitting in the opposite corner, invited him to join him. Cannon paid the bill. In Washington, Mr. Hilliard had voted

for Champ Clark and it was not long before a bill came up to vote an additional \$50,000 to build the Lincoln memorial. The house debate allowed half the time to the Democratic committee chairman and half to Mr. Cannon. The Georgia man raised cain with Colorado marble and said that it cracked from top to bottom. At this, Mr. Hilliard wanted to speak and Uncle Joe Cannon yielded to him to make a two-minute speech. He wouldn't tell what he said on that occasion.

Friendly Philosophy

We were only struggling along in this world, after all, Mr. Hilliard declared; no matter how we voted, sometimes by ourselves and sometimes with the majority. As he studied men, he saw that men were constantly striving to better conditions. The men in Washington were friends despite their political differences. We should be a bit charitable in judging legislators, and remember that Congress has been filtered from 100,000,000 people. We always think that other men than our own are the big men but if we but paused a moment we would realize that our own are the best, and our own friend is the best in the world. "My hair has grown gray under your very eyes," he said; "I have seen many ushered into a new world and I have loved them all." He knew the world would grow better through the contact of men, and man was the only creature that stood erect and had dominion over others. "We have no duty but to serve mankind," said Mr. Hilliard in conclusion, with his most genial smile, "and that is the most dignified thing in all creation."

It seems to us that the various factions in China ought to be able to iron out their difficulties.—*Life*.