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## The September Meeting

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gentleman obstructs or embarrasses the machinery of justice; no gentleman does any of the unfair things of which the law and lawyers are so frequently accused in newspaper editorials.

The fact that in rare instances some renegade practitioner is guilty of conduct unbecoming an officer of the court and a gentleman affords no excuse for the newspapers treating the whole profession as if it were made up of shysters.

But, unjust as these press criticisms may be in the great majority of instances, they are not wholly without foundation and the Record, therefore, believes that the Association can perform no more useful service than to constantly impress upon each of us the importance and necessity of meticulously maintaining, at all times, in all places, and in every particular, the high standards and good manners of "Gentlemen of the Bar."

## *The September Meeting*

Here and there, it may be, a sleepy lawyer can be found but certain it is that no one who listened in on the luncheon meeting, held at the Chamber of Commerce on September thirteenth, can gainsay the fact that the Bar of Denver is alive to its duties and responsibilities and active, individually and collectively, in promoting the welfare of the community and the state.

### *Music with our Meals.*

Tasteful music by Mrs. Writer, violinist, and Mrs. Reynolds, pianist, enlivened the occasion and, as a subtle tribute to the retiring president, Judge Butler, their first number was "Farewell to Thee," which plaintive melody was played most effectively by these two talented musicians.

### *Mr. Doud is Introduced.*

The first speaker to be introduced by Mr. James A. Marsh, who presided at the meeting, was Mr. A. L. Doud, called upon because of the celebration of his golden wedding anniversary. Mr. Marsh referred to him as "the youngest member of the Denver Bar who had ever had a golden wedding" and compared him to Chauncey Depew who, when asked who he would rather be if he were not himself, blithely replied that he would rather be Mrs. Depew's second husband.

### *The Bridegroom Responds.*

Mr. Doud, responding, said that he was embarrassed by the reception but that he attributed it to youth and inexperience and would let it go at that. "For forty years and more," he said, "I have been fighting you fellows and when I came to Denver even Judge Platt Rogers was a mere youngster." He had passed fifty years of wedded life and was inviting the world to his golden wedding party. He thought the world might not wholly attend, however, and, fearing that his friends might not turn out in respectable numbers, he had decided to invite his enemies, so the Denver Bar was invited to Trinity Temple the evening of September fourteenth upon condition that no one would be permitted to bring a present.

### *An Official Felicitator is Appointed.*

Mr. Marsh said he thought it a proper thing to appoint someone to deliver the felicitations of the Association to Mr. and Mrs. Doud at their golden wedding party and accordingly named Mr. Hickman Walker to act in that capacity.

### *Judge Butler is Introduced.*

Introducing the speaker of the day, Hon. Charles C. Butler, Mr. Marsh declared that if modern civ-

ilization were ever lost it would be lost in a crowd, and that to enjoy the benefits of mass civilization without suffering its disadvantages, was our object. Everything good, however, was the result of individual effort. No government ever wrote a book, invented a machine or discovered a country, and whatever the Denver Bar might accomplish must be the result of individual initiative. It was with these thoughts in mind that the officers of the Association believed it appropriate to discuss at this meeting the activities of the Association and there was no one better qualified to do this than our respected and well-beloved retiring president, the Honorable Charles C. Butler whose remarkable initiative and able administration of the affairs of the Association had, during the past year, brought it to the fore among the Bar Associations of the nation.

Judge Butler then spoke as follows:

*Judge Butler Responds.*

Mr. President and Members of the Association:

*Looking Backward.*

Since its organization 35 years ago the association has been steadily increasing its membership and broadening the field of its activities. The past year has been no exception. The special evening meetings afforded us an opportunity to meet men of national reputation—Hon. Chester I. Long, then president of the American Bar Association, and Hon. Charles S. Whitman, now its president, and to enjoy their inspiring addresses. The annual banquet, a departure from the formal affairs of recent years, was an occasion of mirth and merriment and kindly jest. Our regular monthly luncheon meetings served not only to promote good-fellowship, but also to instruct,

and at the annual meeting we enjoyed the outstanding address of Dr. Norlin, president of the University of Colorado. Time will not permit me to speak in detail of the various addresses delivered during the year. They were interesting, instructive and entertaining. The members of the meetings and banquet committees are entitled to credit and thanks for their untiring efforts.

*The American Bar Meeting.*

The outstanding event of the year, of course, was the meeting of the American Bar Association. This association, the Colorado Bar Association, the Denver Law Club, and other local bar organizations throughout the state, by their united efforts, procured the meeting to be held in Denver, and, under the able leadership of Mr. James Grafton Rogers, general chairman, entertained the visitors in a manner never excelled in the history of the American Bar Association. It is impossible to overestimate the efficient service rendered by President Rogers and the committees acting under his direction. The program was carried out with military precision. The meeting was an inspiration.

*In Re "Record"*

During the year the Record has been enlarged and its usefulness increased. Arrangements were made whereby, up to 16 pages, it is printed without cost to the association. The Record has great possibilities. There is no reason why, in course of time, the Record may not become the leading law periodical of the west. Dean Pound wrote to the secretary, asking for the complete set and requested that future numbers be sent to the Harvard Law school.

*Suggestions for Contributions.*

There is plenty of talent among the Denver lawyers. They should consider it an honor to be asked to

contribute articles, and they should respond, not grudgingly, but cheerfully and promptly. No doubt notable lawyers throughout the United States, if invited to do so, would send in their contributions. I suggest that an effort along this line be made. The deans and professors of the various law schools may be appealed to with excellent results.

#### *Re Recruits.*

In recent years it has been the custom to invite the newly admitted members of the bar to lunch with us as our guests. This should be continued. Admission to the bar is an important event—an honor—and that fact should be impressed upon the minds of those admitted. It is well for us to celebrate with fitting ceremony their admission to the profession.

#### *Limited Memberships Suggested.*

It would be well, I think, to make some provision whereby those who have been admitted a year or less may be given a limited membership in the association,—say without the right to vote—for \$2 dues—and those who have been admitted over one year, but not exceeding two years, for \$4 dues. Any time they desire full membership an application should be made and passed upon as at present.

#### *Aiding Legal Aid.*

This association initiated a movement resulting in the organization of the Legal Aid Society. A few months ago we succeeded in securing its admission into the Community Chest. The society is doing splendid work, considering the financial handicap under which it has labored. Such a society is needed in every large city. Its admission into the Community Chest does not relieve us of the moral obligation to give it assistance. We should increase our subscription to the Chest

by such amount as we would contribute to the society if it were not a member. At its organization it was expected that one-third of the necessary contributions would come from the members of the Denver Bar Association and two-thirds from other sources. There is a deficit that it is hoped will be made good. The society deserves, and no doubt will receive, the assistance of our members.

#### *Criminal Justice.*

Early in 1925 the association approved five legislative bills drawn by the committee on the Administration of Criminal Justice. The bills were introduced; two of them became laws, and three did not. The bills are described in the Record for February, 1925, and their fate, in the May number. I suggest that it would be well for the present committee to make an effort to secure the passage by the incoming legislature of the three bills that failed to become laws in 1925. In view of the fact that we now have a Legal Aid Society to look after civil cases, it may be well to have the Public Defender bill so worded as to provide assistance in only criminal cases. This may make it more acceptable to the legislature.

#### *Police Court Committee.*

Our special committee on Police Court has under consideration a matter of the utmost importance. To many persons the Police Court stands for the administration of justice in this country. The only contact they have with government is had in that court. Their opinion of the administration of justice in this country is formed entirely from their experience in that court. It is as important that law should be administered justly in the police court as in our other courts. The importance of a case, in its broadest, truest,

sense, should not, cannot, be measured alone by the amount of money involved. That is a false standard that we have too frequently used as our only standard. The law cannot be administered justly when the number of judges is so grossly inadequate that only a few moments can be given to the trial of each case. Those who are taken before the police judge in endless procession are human beings, made in the image of their Creator, and unless we awaken to the danger of the present situation and remedy it, we cannot justly complain when we discover that bolshevism stalks abroad in the land. We await with great interest the report of the committee.

#### *Professional Ethics.*

The committee on Professional Ethics has been functioning in a satisfactory manner. It is to be hoped that the committee will continue to publish in the Record the questions submitted to it and its answers thereto. They are interesting and helpful.

#### *Membership.*

The membership committee has worked hard, with excellent results; so also has the memorial committee.

A number of the committees have not reported as yet, so no statement can be made as to the extent of their activities.

#### *Impress the Press.*

Upon appointing the committee on the relation of the press to judicial procedure, I wrote to the president of the Denver Press Club, suggesting the appointment of a similar committee by that club, and joint meetings of the two committees to discuss matters of common interest. No response was received. The matter is of such importance that I suggest a renewal of the effort.

#### *Results and the Future.*

On the whole, the past year has been a satisfactory one. But we must not rest content. Much remains to be done to strengthen and improve the association and increase its usefulness. The new officers are fully alive to the possibilities and are determined to spare no pains to make the association more than ever a source of helpfulness and inspiration to its members and an instrument of useful service to the community. Let us all do our share to help them to bring about that result.

#### *Steele Cuts into Judicial Salaries Subject.*

When Judge Butler had concluded amid hearty applause, Mr. Marsh introduced Mr. George P. Steele, Chairman of the Colorado Bar Association's Committee on Judicial Salaries. Mr. Steele said that if one had a hobby he was apt to attach too much importance to it; that his hobby was to try to help the judiciary of Colorado in the matter of obtaining adequate compensation; and that this subject, like the weather, was one discussed by everybody without ever having anything done about it. Everyone, he declared agreed that it was a shame and a disgrace that Colorado's judicial pay was second lowest in the entire country. He had canvassed the situation outside of Denver, addressing meetings all over the state and he wanted us to know that lawyers in other Colorado cities were busy on the problem. It was his hope that we would do here what the other lawyers outside of Denver were doing and he urged that some member of the Association should appear at every luncheon club meeting in the city to explain the proposed amendment concerning judicial salaries. Colorado was fortieth

on the list of states, he said, in respect to judicial salaries and there were only two states paying judges less than we do and in these states there was additional compensation provided for by way of traveling expense reimbursements and similar perquisites. The average judicial pay in the economical Northeastern states was fifty per cent higher than in Colorado and this applied also to the Southern states. People needed little urging, he thought, to get behind the measure individually and we ought to make it our business to tell the laymen what we knew about it and to urge them to get behind the proposed amendment and see to it that it was enacted into law.

*A Good Marsh Joke.*

Mr. Marsh said that Mr. Steele had the right system; that we should make a noise about it, as noise was one of our leading infant industries. He then asked the members present to offer their views on the various activities of the Association.

*Rotruck Proposes Politics.*

Mr. Rotruck was the first to respond to this invitation. Mr. Rotruck proposed that we play a little practical politics; that we organize the political districts of the city by committees and canvass the voters. If we did that, he thought, we could put the amendment over by a 50,000 majority.

*Kavanaugh Hits the Press.*

Mr. Kavanaugh (L. J.) was the next volunteer. He referred to the specious argument advanced by a certain Denver newspaper against the proposed amendment and suggested that the Committee on the Relations between the Press and the Bar attempt to convert that newspaper to the right view of the matter. He then referred to the frequent editorials appearing in the daily papers on the shortcomings of the

lawyer and the law and of their demoralizing influence and said that it would be a simple matter to correct this attitude and to correct the impression that all lawyers are shysters. The Police Court Committee, he said, had made a careful study of its subject and had assembled a large amount of data from all over the country on systems and methods prevailing elsewhere in cities of similar size. As soon as the member of the committee to whom the task of looking up the law on how best to proceed in providing for the necessary changes had reported, he said the committee itself would be ready to report.

*Munz Munches the Banks.*

Mr. Munz was the next speaker. He thought we were not doing justice to ourselves in our activities; that we should be working more along the lines of helpfulness to the profession; that the banks were doing most of the legal business in Denver and that the profession should take steps to see to it that the banks kept their place and stopped practicing law. He called attention to the over-burdened condition of the county court and said that the bill presented to the last legislature and fostered by Judge Starkweather, to correct the situation, had gone by the board through lack of interest on the part of the profession. We ought, he declared, to have a law enacted, like that of New York, restricting the banks from intruding on the practice of the law and also a law to relieve the county court of its present burden. We ought also to have a better understanding with the judges of the courts, he thought, and through that understanding arrive at a more efficient manner of systematizing the business of the courts, particularly as to the time of convening and the

kind of business to be transacted on particular days so that lawyers would not waste so much time waiting a turn that never came.

*Morris Gives an Opinion.*

Mr. Ernest Morris was the next speaker. He would answer Mr. Kavanaugh's challenge, he said. The man who was to have advised the Police Court Committee on the law involved in its problem was a former attorney general of the state. He had referred the matter to a state official who in turn had referred it to Mr. Morris. Mr. Morris said he had thereupon made an investigation of the law and the feasibility of creating a new kind of municipal court and had concluded that it could not be done without changing the state constitution. The Supreme Court, he said, had construed the Twentieth Amendment as applying only to purely local and municipal affairs; in *People vs. Rush* Justices of the Peace were held to be county officers and, therefore, their jurisdiction could be defined by the charter of the city, but in *Dixon vs. the People* the court had stated that county judges were state officers and so their duties could not be defined by the city charter. If a new court were established by the city, he thought it would mean endless confusion. He referred to Judge Olson's address on the Chicago municipal courts and to the coordination of the courts there and thought we should review the whole matter and have a constitutional amendment with the idea of properly coordinating all of our courts by which the system of justice could be conformed to the needs of a large population.

*Vogl Volunteers Some Sound Advice.*

Mr. Albert Vogl was the next speaker. He said that a year or two ago the Association had appointed a committee to obtain volunteers to

explain the various propositions presented to the people by way of constitutional amendments and initiated measures and he thought that we should all volunteer our services in this capacity at the coming election. Mr. Vogl also thought it a mistake for judges to be elected at the same time as other officials because of their involvement in politics and that we should take advantage of the constitutional provision permitting the election of judges at other times and see to it that a law is enacted to this end.

*Trout Says More County Judges.*

Mr. Trout was the next speaker. He thought we should have a municipal court and remarked that here the city and county were coterminous. The most practicable scheme, he thought, was to increase the number of county judges.

*Green for Small Claims Court.*

Mr. Green then referred to the possibility of a Small Claims Court and said he had in mind presenting a bill to the legislature for this purpose.

*Garwood Cites the Record.*

Mr. Omar Garwood proposed that all suggestions as to bar activities be sent in to the editor of the Record.

*Judge Richmond Closes.*

Judge Richmond, the last speaker, said there was a matter of considerable importance to him which should receive the attention of the Bar. The Rules of the Supreme Court were, he said, in many particulars ambiguous and illustrated this by reference to Rule 57 governing applications for writs of prohibition, which declared that only matters of public juris or matters of grave importance would justify the issuance of the writ. If any lawyer could define publici juris or say what constituted a matter of grave im-

portance, he would like to have him do so, he declared. The rules should be remedied, Judge Richmond thought. Apropos of judicial salaries, Judge Richmond said that he had investigated the matter himself

and advocated increases in these salaries but that the most effective argument advanced against the proposed amendment was that no other state allowed pensions to retired judges. —J. C. S.

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## *The Torrens Law*

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By B. M. WEBSTER, Esq.  
*of the Denver Bar*

Few systems have been reformed from within. Precedent is a powerful factor. The old system of registration of title papers and examination therefrom is cumbersome. The examination and reexamination of titles in a populous and growing community, with property rapidly changing hands, is a wasteful expenditure of energy.

Robert Torrens, commissioner of customs in Australia, saw this. He was familiar with the registration of ships, and the certificate of title provided under the Shipping Acts, showing the ownership thereof, undivided interests therein, and all liens and claims thereon. Upon becoming a register of deeds, he devised the system of land registration under judicial decree which bears his name, and which is the basis of practically all registration of title legislation since that date.

The first Act was passed in South Australia, in 1858. With the favorable introduction of the law under the personal supervision of Torrens, it gained rapidly in popularity and soon came into very general use.

Our own law was passed in 1903. The measure was introduced by Senator Taylor, who for many years past has been an able representative of this state in Congress. Similar laws have been passed in many of the states. The law has been favorably received and generally used only in the states of Massachusetts and Min-

nesota, and in Cook County, in the State of Illinois.

As originally devised, the law was not intended to provide a way to perfect defective titles. It was a plan to simplify the buying and selling of land by means of a certificate of title, which would show ownership and all interests therein, and against the same, without an examination of title. Under such a system, one should be able to transfer title to land almost as readily as shares of stock, by the transfer of a stock certificate. Our present automobile registration law is framed upon somewhat the same basis.

Such a departure from the time worn procedure to which we are all accustomed can only be accomplished by study on the part of the legal profession and the education of laymen. The general and favorable acceptance of such a law can only come as a result of intelligent explanation of its benefits through lawyers and officials who are favorable to it, or as a necessity to relieve intolerable conditions which have arisen under the old system,—or, possibly, as a result of compulsory legislation.

It is my understanding that, after the great fire in Chicago, there was but one set of abstract books remaining, and that the exactions of the company owning them were so onerous that the registration law was adopted