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## Recent Trial Court Decisions

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## *Recent Trial Court Decisions*

(Editors' Note.—It is intended in each issue of the Record to print decisions of all the local Trial Courts decided within the preceding thirty days upon novel questions of law or upon points as to which there is no Colorado Supreme Court decision. 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 the Secretary of this Association, who will digest the decision for this department.)

There were few decisions on novel questions during the past month. The names of the Courts having no material for the current month will be omitted, due to lack of space.

### DIVISION III. JUDGE BUTLER.

#### **Condemnation. Qualification of Commissioner. "Freeholder."**

Prior to his appointment commissioner R received a deed to real property. It was acknowledged after his appointment, but was never recorded. Held that he was a "freeholder" and qualified as such under section 9080 of the Compiled Laws.

City and County of Denver v. Potter et al., No. 86801.

#### **Condemnation. Extending Time to File Objections**

Section 9086 of Compiled Laws provides that the court shall "fix a time for the consideration of" the commissioners' report. Section 9087 provides that an owner "may appear at or before the time fixed by the court \* \* \*, but not after said time, and file his written objection to said report." The time fixed by the court was January 18, at 10 o'clock a. m. At time fixed objectors were in court to make oral objections. At 11 o'clock they filed written objections. Petitioner moved to strike objections as having been filed too late. Objectors filed affidavits showing cause for delay. Held, that the court has power to extend time upon good cause shown, and the motion to strike was denied.

Id.

#### **Pleading. Answer.**

In an answer the first defense consisted of denials and affirmative allegations. Paragraph 1 of the second defense, in disregard of the rule announced in *Fulton Co. v. Farmers Co.*, 76 Col. 472, incorporated wholesale all the denials and allegations of the first defense. The subsequent paragraphs consisted of an affirmative, but insufficient defense. On general demurrer to the second defense, the court, of its own motion, struck out paragraph 1, and thereupon sustained the demurrer.

Parsons v. Equitable Life Assurance Soc. of U. S. No. 91263.

### AMERICAN LAW INSTITUTE

The Denver Bar Association's committee on American Law Institute has ordered a small supply of the Restatements of the law so far produced by the Institute. They are as follows:

Contracts, Restatement No. 1.

Torts, Restatement No. 1.

Conflict of Laws, Restatement No. 1.

Upon receipt these can be purchased by members of our Association at cost, which is 90 cents per set, containing one copy of each of the above Restatements. Send your orders to Secretary Gould.

Four additional Restatements are expected to be issued this month, one each on additional parts of Contracts, Torts and Conflict of Laws, and one on the first part of Agency. Our committee will secure copies as soon as possible.

It is hoped that a large number of Denver lawyers will be sufficiently interested in this epochal work of the American Law Institute to insure a wide distribution of these Restatements. As soon as distribution has been accomplished, comments upon the Restatements will be solicited and conferences arranged for discussion.

STEPHEN R. CURTIS,  
Chairman.

### LEGAL RESEARCH CLUB

A law study club for practicing lawyers, under the name of the Westminster Law Study Club, has been organized recently in Denver.

The purpose of the Club is to hold meetings every Friday evening at 8 o'clock, at which time the late decisions of the various Supreme Courts bearing on novel points will be read and discussed; and to conduct a class for legal research somewhat along the lines of other legal research clubs in some of the large cities of the East.

It is planned to have speakers address the Club from time to time, who are experts in specialized branches of the law. It is hoped that this Club will be a nucleus around which may grow a legal research organization which will be of great benefit to the community and the legal profession. All lawyers are welcome to attend. There will be no dues. Anyone who is interested can get full particulars from Axel Johnson of the Westminster Law School at 311 Empire Building.

### HIGHER SALARIES FOR JUDGES HELD VITAL TO JUSTICE

Charles E. Hughes and John W. Davis Warn of Possible Corruption in Delay

Washington, Jan. 20.—Decadence and possible corruption face the federal courts because of the low salaries paid to judges, Charles E. Hughes and John W. Davis have just told the House Judiciary Committee.

Testifying on a bill proposing material increase to federal jurists in all courts, the former presidential candidates indorsed the measure as necessary to keep in office the high type of man essential to maintain the dignity of the law.

"I don't care that ——" said Mr. Hughes, snapping his fingers at the committee, "for all your Fourth of July orations about the love for America—the way to show that love is to pay a living wage to American judges."

He said that the salaries of the Supreme Court, of which he formerly was a member, were "disgraceful."

Mr. Davis quoted John Marshall as describing an "ignorant, corrupt

and dependent" judiciary as the worst affliction on any people. He said no man who is inadequately paid can be independent in thought.—Christian Science Monitor.

### JUDGES' SALARIES

We are in receipt of the following article from Wilbur F. Denious, which was clipped by him from the New York Times and, in order that we may not forget that the attempt to secure adequate pay for our judges has not yet been forsaken, we print it herewith:

ALBANY, Jan. 18.—Conferences at the outset of the legislative session between Republican leaders and members of the Supreme Court Judiciary bore fruit tonight in the introduction of a bill in the Senate by the majority leader, Mr. Knight, designed to increase to \$17,500 a year salaries of Supreme Court Justices throughout the State.

In the First and Second districts, comprising New York City, where the Justices now receive \$17,500, the bill seeks to provide that the members of the Judiciary shall continue to receive an additional emolument from the city of \$7,500, making their total salary \$25,000.

Supreme Court Justices of the Third District, assigned by the Governor to hold special sessions, would, under the terms of the Knight measure, receive additional compensation of \$20 a day for expenses during the special term, while Justices assigned to the Appellate Division would receive an additional \$2,000 a year, with \$2,500 additional for the Presiding Justice.

### ALL MADE CLEAR

"Your honor, I was not intoxicated."

"But this officer says you were trying to climb a lamp-post."

"I was, your honor. A couple of cerise crocodiles had been following me around all day, and I don't mind telling you that they were getting on my nerves."—Arkansas Utility News.

Not Such a "Far Cry" After All. A label on the back of volume 3 of Morrison's Colorado Statutes is as follows: "Elections—Lunatics."