

# Denver Law Review

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Volume 2 | Issue 8

Article 6

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1925

## Vol. 2, no. 8: Full Issue

Denver Bar Association Record

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### Recommended Citation

2 Denv. B. Ass'n Rec. (1925).

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THE DENVER BAR ASSOCIATION

# R E C O R D

P U B L I S H E D M O N T H L Y

VOL. II

DENVER, SEPTEMBER, 1925

No. 8

## NEXT REGULAR MEETING

**September 14, 1925**

The first regular meeting of the Denver Bar Association under the administration of Judge Charles C. Butler will take place September 14, 1925, at 12:15 o'clock p. m., at the Chamber of Commerce Building.

Mark this on your calendar at this time and be there promptly at 12:15.

Delegates to the meeting of the American Bar Association on September 3, at Detroit, Michigan, will address us on matters of interest to every member of this Association.

The Justices of the Supreme Court and sixty-five newly admitted lawyers, who will have been sworn in by the Supreme Court at 11 o'clock a. m. on that morning will attend as our guests.

**Remember the Date—Be There.**

## The Denver Bar Association Record

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Second Vice-President  
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### Published by

The Denver Bar Association and devoted  
to the interests of that  
Association.

Office, 502 Symes Bldg., Denver, Colo.

Vol. II Denver, July, 1925 No. 7

### MINIMUM FEES

The Bar Association of the City of New Orleans has sent to most of the Bar Associations throughout the country a form letter requesting information as to the activities, if any, of the respective Associations in securing the adoption of legislation or by-laws respecting minimum fees among practitioners at the Bar.

We understand that a number of the smaller Associations throughout this State have unwritten rules concerning minimum fees and that these rules are generally observed by the members of the respective Associations. There is nothing of this sort in force in this city and in this day of price-cutting, such as examining abstracts of title for \$5 per. etc., this question of the adoption and the enforcement of rules or by-laws or legislation concerning minimum fees is one of interest to all attorneys. Many interesting points are involved in the consideration of the legality of

such efforts and the method of enforcement of such a system.

Would such a system, whether adopted by by-laws or by legislation, be legal in this State? Would it be ethical? Should we attempt it? How could it be enforced? WHAT DO YOU SAY?

The editors of the Record will be very glad to receive letters concerning the above subject of Minimum Fees or other topics of interest to the Association from members of this Association and will print in this Record such letters as may seem suitable.

### USE THE RECORD

The columns of this publication are for the use of the members of this Association. If the Record is to fulfill its function and justify its existence and repay us for the expenses of publishing and distributing the same, it must reflect the true spirit of this Association and advocate and assist in the dissemination of the principles and objects for which this Association exists. It can do this only through the co-operation of the members of this Association.

If you believe the membership certificates which are delivered to each member, who has paid his dues for the current year, are unnecessary—if you have ideas other than those now in force regarding the publication of this paper, the conduct of our meetings, the number of meetings held, the participation by this Association in political activities, the amount of our dues, or any other subject pertinent to lawyers or to the legal profession, address a letter to the Record containing your views with reference to any of these matters. Suitable letters signed by members of this Association will be printed in this publication and a discussion invited concerning the matters contained therein.

Let us make this publication a sort of liaison between the members of this Association. Then its existence will be justified and it will accomplish the good for which it was intended.

Daniel Webster said, "Lawyers work hard, live well and die poor."

## The Jealous Mistress

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Two or three months ago we received in the mail a brown colored envelope, across the left corner of which was typewritten the words, "The Jealous Mistress." Thinking this was a new form of advertising, we were about to throw the same into the common receptacle for such matter, but curiosity led us to look within. We then encountered for the first time the monthly publication of the Colorado Bar Association. In subsequent issues, we have noticed a considerable controversy waging as to who first designated the law as a "Jealous Mistress," and in the last issue we discovered that they have now decided to give the credit to our old friend, Blackstone. It seems that a layman by the name of Herbert Quick, who has a habit of writing for the Saturday Evening Post, has been the possessor of this valuable information and has at last released the same. We refer the editor and those in quest of the author of this appellation to Mr. Quick's article in the current Saturday Evening Post, the material part of which reads as follows:

"One of the really scholarly and profound lawyers then practicing in Mason City was Mr. John Cliggitt, who had been the partner of Capt. George R. Miller in his lifetime. Captain Miller was the father of my good friends, Tom B. and Reverdy J. Miller, and I suppose they spoke a good word for me to Mr. Cliggitt, as did my dear friend, Duncan Rule, then clerk of the courts, who had studied under Mr. Cliggitt and was merely awaiting the expiration of his term of office to assume a partnership in the firm of Cliggitt & Rule. So when I went to Mr. Cliggitt to ask the favor of a place in his office and the benefit of his guidance in my studies, I found him ready to receive me.

"He was a remarkable man. When I went into his office for my first interview he was sitting at a desk half covered with books, in a hard, straightbacked chair, with its legs

drawn forward so that it stood on its two hind feet. This was his characteristic attitude when studying. He had a theory, as I discovered, that a man engaged in legal investigation should not be too comfortable in his chair. He was what we used to call a textbook lawyer; that is, he placed great value on commentaries and legal principles as against reports of actual decisions. Therefore, he had the best textbook library in that part of the state.

"There are two points of view," said he, looking me over seriously with his large brown eyes, 'as to the best course of study for a man trying to learn the law. One is the old-fashioned system of studying the commentaries on the law written by the great legal lights of the profession, and mastering its basic principles. The other is to emphasize the cases which have been decided by men who as a rule don't average as great legal lights, but happen to sit on the benches of our courts of last resort. Some of our law schools are adopting the case-law course of study. I do not believe in it. Therefore I think you had better begin, as I did, with Blackstone. After you have gone through that, we'll see.'

"John Cliggitt took his law mighty seriously. I must have been a source of some annoyance to him, for my tendency was to make a joke of everything. He had his sense of humor; but when I looked over the titles of his textbooks and laughed at such titles as 'Ram on Facts' and 'Rorer on Railroads,' he did not respond. Who was I to make a jest of such things?

"Captain Miller, his former partner, had been for a long time an invalid, and had brought into the office a great easy chair. One day Mr. Cliggitt came in and found me comfortably ensconced in this chair, reading Blackstone. He gently suggested that such sybaritism was antagonistic to the stern pursuit of the basic principles of the law.

"The law,' he said, 'is a jealous mistress.' \* \* \* \*"

Thus endeth the quest.

## Oral Arguments

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Chief Justice George W. Allen of our Supreme Court, on June 13, 1925, delivered an address before The Larimer County Bar Association at a dinner tendered the judges of our Supreme Court. Into his remarks he injected the following bit of judicial humor:

"Of course you are familiar with our rule limiting oral arguments to a half an hour on a side. It used to be one hour. The change has not given the lawyers any trouble, and on the other hand has helped to expedite the business of the court. While this rule may deprive a lawyer of the pleasure of speaking for a full hour, it has a compensating quality in that it saves him the pain of listening to his opponent for an hour.

"Sometimes it may occur that when the attorney for plaintiff in error has finished his argument, the court may be satisfied that he is wrong and that it would be a waste of time and energy for opposing counsel to make an argument. The court may then suggest to the coun-

sel on the opposite side: 'We don't care to hear from you, sir.' Lawyers, of course, understand what it means. Such circumstances occurred at one time when the great and far famed Matt Carpenter of Wisconsin was engaged in a case in the United States Supreme Court. When at the close of the very ably and comprehensive argument, such as he was in the habit of presenting, and the opposing counsel was rising from his place to answer it, the Chief Justice remarked: 'We don't care to hear from you, sir.' It happened that this opposing counsel was so deaf that he did not understand the remark of the Chief Justice. As was his habit, he placed his hand to his ear, as if asking for a repetition of the remark. Thereupon, the generous, yet facetious Carpenter, in a very kindly way of helping his opponent along, said to him in a confidential manner, but sufficiently audible that the court did hear: 'The court says they would rather give you the case than hear you talk.'"

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## Edward L. Shannon

In the death of Edward L. Shannon the Bar of this city lost one of its most esteemed members. Mr. Shannon passed away August 26, after a lingering illness of six or seven weeks.

Mr. Shannon was graduated from the Ohio Wesleyan University and moved to Denver in 1891. He studied law in the offices of George C. Manly and the late William L. Moore and was admitted to the Bar on February 6, 1893. He has practiced law in Denver continuously since that time. He gave considerable of his time to church and educational ac-

tivities and was a member of the Denver and the Colorado State Bar Associations.

In the loss of Mr. Shannon the Bar of this city and this Association have lost one who ever adhered to the highest principles in the practice of his profession and was known among his fellows as an ethical practitioner.

The members of the Association extend their sympathy to the members of his family in the loss of one of whom we say, "He fought a good fight."

**THE LEGAL AID SOCIETY**

At a meeting of the new Executive Committee held shortly prior to July 1 of this year and called by Judge Butler, the matter of financing the Legal Aid Society was discussed.

A committee appointed at that time decided to appeal by letter to the members of this Association for financial support for this organization in view of the great work this Society has been accomplishing through Mr. Harry C. Green, its Secretary and General Attorney.

A considerable sum was realized as a result of the letters sent to the members of this Association appealing for aid, although the full quota of \$1,000 was not reached. Due acknowledgment should be made of the fact that Judge Ira C. Rothgerber and Mr. Halsted L. Ritter personally advanced the sum of \$300 to defray the expenses of the Society until funds might be raised by virtue of the above-mentioned campaign among members of this Association.

The work of the Society continues to increase each month with the result that many who before were forced by the expenses of litigation to forego the collection and adjustment of bona fide claims are now able to realize on the same through the efforts of this Society.

This is a worthy cause and should receive the full support of every member of this Association.

**FIRST REGULAR MEETING**

The first regular meeting of this Association since the summer vacation will be held at the time and place mentioned on the cover of this issue of the Record, and will be devoted to reports on the meeting of the American Bar Association by Mr. Elmer L. Brock and other delegates.

The matters to be discussed at this meeting will be of special interest to every practicing attorney.

Luncheon will be served promptly at 12:15 and every effort will be made to conclude the meeting at 1:30.

Let us pay a tribute to our new President by having a large attendance at this meeting.

**FORGET IT**

If you see a tall fellow ahead of the crowd,  
A leader of men marching fearless and proud,  
And you know of a story, whose mere telling aloud  
Would cause his proud head to be bowed,  
It's a pretty good plan to forget it.

If you know of a skeleton hidden away  
In a closet, and guarded and kept from the day,  
In the dark, and whose showing, whose sudden display  
Would cause grief and sorrow and life-long dismay,  
It's a pretty good plan to forget it.

If you know of a thing that will darken the joy,  
Of a man or woman, a girl or a boy,  
That will wipe out the smile or the least annoy  
A fellow or cause any gladness to cloy,  
It's a pretty good plan to forget it.  
—Anon.

**PLEASE "DUE" IT NOW**

To date, out of six hundred fifty-three members of this Association, only two hundred thirty-one have paid their dues in the sum of \$6, which were payable July 1, 1925.

We are well aware that many of the attorneys have been on their vacations during the months of July and August, but we are also desirous of saving the extra expense involved in sending duplicate statements to those who have not yet paid. The purchasing power of your dues is diminished each time that a second statement is necessary and in view of the fact that the dues of the Association are at this time barely sufficient to supply the needs of the Association, those of you who have not yet sent in your dues are urgently requested to do so.

This is not a dun; this is merely a reminder. Co-operate with the Treasurer. Write that check before this reminder fades into the past.

## The Young Lawyer

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At this time of the year when newly admitted members of the Bar are casting about for the proper location in which to embark upon the practice of their profession, a few words of advice from an older member of the Bar would seem to be in order. The following quotations are taken from "Letters to a Young Lawyer," by Arthur M. Harris, who wrote these letters to his son during the course of his studies at the law school. By reading between the lines, it may be seen that these letters were written by one who had a keen perception of the higher and better traditions upon which the practice of our profession is found. In part, he wrote as follows:

"Lawmaking in this Republic seems to have gravitated into the hands of the law expositors; consequently every young Blackstone thinks he will have the Presidential chair under his wing if he can but get admitted to the Bar. He is doomed to have an interesting time finding out what the relation of law and politics is. He frequently winds up as a member of some Good Government League at two dollars per annum and a semi-annual lunch. That is all right. Every citizen should help the cause of good government. But what a curious fact it is that the total membership of such bodies is almost entirely composed of young lawyers! Why this feverish thirst for reform that burns unquenchably in the young lawyer's bosom? Truly, a visitor from Mars would think the followers of the legal profession were the only patriots in the country; but the wise old practitioner allows the upper lid of his left eye to drop slyly and coyly down upon the under lid. He knows;

for, like the measles, he has had it, too. Those members of reform bodies who are not lawyers are young doctors, so, if there is any credit due for super-patriotism, we must include our learned brothers of the scalpel and lancet."

\* \* \* \* \*

"Out of your class of fifty chaps, you will probably not have one born lawyer. You will have several men like yourself—raised as it were in the law atmosphere and with a good bias towards the law, and all of such men will be successful lawyers. But that peculiar genius for the law, the clear, penetrating insight into underlying principles, the readiness and ability to expound what the clear mind sees—that nature is found but seldom; and when it does exist, it usually makes the man more of a law student than a practitioner. This was the rare and infrequent type to which Blackstone belonged. I often think with great interest of the young Blackstone hard at work in his chambers in Temple Court, while upstairs lovable Goldsmith and his boon companions could be heard with wit and laughter passing the evening—and the flowing bowl. Goldsmith upstairs and Blackstone downstairs; neither probably having much to say to the other, but both, in their own ways, perpetuating their names and forever adorning the noble field of English letters."

\* \* \* \* \*

"Frankly, I would not exchange my particular lot in this life with any man. I have my own well-ordered office and my own well-ordered business. Such an office to me is a haven of rest; not the rest of slothfulness, but the quiet peace of the regular day with its regular duties. There is a charm more subtle than I can



express to you even in the inanimate furnishings of the office; in the neat rows of well-selected law books, with the uniform buff and red bindings on the outside of them and a measure of truth on the inside; in the well-worn desk at which your grandfather fifty years ago wrote his memorable speech in defense of Plinlimmon, unjustly accused of the murder of Mrs. Simmons; in the chairs polished with the arms of generations of clients as they recounted a hundred stories of wrong and injustice; even in the carpet, long faded into a gray and tasselled dotage, trodden by men who have achieved undying fame in a score of different lines of effort.

"In my position a man becomes in course of time a little court of justice in himself. Many and many a dispute have I settled without the trouble or expense of going to court. Most of the old settlers, as you know, refer their disputes to me, and my opinion is accepted by them as unquestioningly as if it were a mandate of the Supreme Court of the United States. This is well, and as it should be. The true lawyer is a pacifier, not a provoker. His efforts are more than commercial, higher and nobler than merely mercenary. On his integrity and good sense depend the well-being, not only of individuals in their petty differences, but also of the community as a whole, which prospers when time is saved by a peaceable settlement of disputes, and money goes into the land, instead of into the county treasury for costs, or into the pockets of ravenous lawyers for fees."

\* \* \* \* \*

"If you are in love, get married as soon as you can get enough to pay for the license. Don't try to carry on a strenuous love affair and build up a law practice at the same time. It would kill Hercules."

#### RECORD EDITORS ILL

Joseph E. Cook and Joseph C. Samson, who are the active members of the Editorial Committee and who edit this publication, are both confined in the hospital, having been sent there shortly before the time for the preparation of this issue. For this reason this issue of the Record has been hastily assembled by the Secretary.

#### AMERICAN BAR ASSOCIATION

The annual meeting of the American Bar Association was held at Detroit, Michigan, on September 3 last past. Among those attending from this city are the following: Mary Lathrop, Elmer L. Brock, Wilbur F. Denious, Stanley T. Wallbank, Arthur Ponsford, and several others.

Mr. Brock is a member of the Committee on Uniform State Laws, under appointment by Governor Clarence J. Morley.

#### DO YOU NEED HELP?

The annual influx of newly admitted lawyers is now commencing and the Secretary has on file the applications of a number of lawyers who desire a location in this city. He also has the applications of a number of law students who desire to work in a law office while pursuing their studies.

If you need help, do not fail to make use of this service, as all communications are treated as confidential.

#### SIXTY-FIVE NEW LAWYERS

At a ceremony to be held at 11 o'clock a. m. on September 14, 1925, in the Courtroom of the Supreme Court at the State Capitol Building, two women and sixty-three men, who have successfully passed the regular Bar examinations, will take the oath and be admitted to the Bar of this State.

After the ceremony, the newly admitted lawyers and Chief Justice Allen and Justices Burke, Dennison, Whitford, Campbell, Sheafor and Adams will be the guests of our Association at the meeting following.

#### CHICAGO BAR NOTES

(From Chicago Bar Record)

The following resolution was presented and upon a vote was defeated:

Resolved, That it is the sense of the members of The Chicago Bar Association in annual meeting assembled, that two complete candidate tickets should be nominated hereafter, to be voted upon at annual elections.

## The Mountain Voice Is Calling

I am settin' here in Denver  
And I'm lookin' at the hills,  
And the lazy, hazy glimmer  
Fills my heart with longin' thrills;  
For the Mount'in Voice is callin'  
Shuttin' out all other sound,  
And it tells me trout's a bitin'  
And egzactly where they're found.  
Then I smell the camp fire burnin'  
Sweetest perfume man can know,  
So I'll say good-bye to bizness  
For I sure—must—go.

As I wander up the trail  
What a welcome comes to me,  
The Quakin' Aspen clap their hands  
The crick jest sings with glee.  
The Mount'in Voice is whisperin'  
Thru the Angel painted flowers,  
That are noddin' and a smilin'  
Round this cozy Nook of ours.  
Every step the pack grows lighter,  
Bizness strife is plum forgot;  
And life could be no brighter  
When I burn the old pine knot.

Now the sun-kissed peaks of snow  
With the purple clouds above,  
Bathes the Nook in shadowy glow  
Where the Grouse and Mother Dove  
'R' callin' home their trustin' brood  
To the shelter of the wood.  
Thru the croonin' brook and breeze  
Mount'in Voice sings lullaby;  
Mother Nature sure is good,  
There ain't no richer man than I,  
I'm at peace with all the earth,  
And—the knot glows on the hearth.

—C. A. Swift.