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Book Review: The Law Goes West

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BOOK REVIEW

THE LAW GOES WEST. By Forbes Parkhill. Denver: Sage Books. 1956. Pp. 176. \$2.50.

The men and women who laid the historical blocks that gave rise to the foundation of the West were God-fearing people who came west in the search for gold. Out of the diggings a few of them saw their dreams materialize; the majority settled down to a way of life evidently liked. A few returned to the East.

Contrary to popular belief, these early settlers were not unruly and undisciplined individuals as they have been histrionically portrayed. They were gregarious, and they loved government. They loved it so much that in 1859, without the consent of Congress, they established a territory known as Jefferson. Pursuant to the authority vested in themselves, they chose their executive and judicial officers. "Miners' courts," "people's courts," appellate courts, and a Territorial Supreme Court were established. Non-recognition by Congress did not deter them from establishing rules of conduct that fitted their environment. Laws were passed, and trials were held. Jail sentences were unknown for there were no jails. The punishment was more effective: flogging, banishment, or death.

Forbes Parkhill has assembled the only known compilation of early case filings in Colorado. His work was, of necessity, painstaking and tedious, for he was forced to scrutinize records of the three territorial districts without the benefit of indexes or docket books and had to pore over volumes of other civil and criminal cases, many written in longhand, and some almost illegible.

The Law Goes West is a reaffirmation of the principle that wherever men gather, regardless of time, they litigate. The frontiersmen filed legal actions and litigated in the same manner as their successors of today, and for the same reasons. This book, however, is not a mere recordation of the claims for relief filed by the founders of the West. It is a colorful history of the West as it developed through the doors of the courtroom. That courtroom might have been a mud-roofed, dirt-floored shack with the judge seated on a sheepskin-covered soap box. The court might have been the peripatetic jurist with his cortege of lawyers, litigants, interpreters and hangers-on traveling the circuit of the territory. The subject of litigation might have been a libel entitled *The United States of America v. Ninety-Three Oxen and Other Property*, or it might have been murder, or one of the Civil War treason cases which were tried in Colorado. Whoever the participants, and whatever the subject matter, the history of the West was evolving. And from the earliest times, justice was an integral part of its growth.

The Law Goes West is especially appropriate in this centennial year. In this reviewer's opinion, this book will be a credit to any library—whether that of a lawyer or a non-lawyer. It is interesting, enlightening, and a recognition of the rich lore of our courts.

Mitchel B. Johns
Judge of Denver Superior Court

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