

PLEAS IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF COLORADO

SITTING AT DENVER

BE IT REMEMBERED, that heretofore, and on, to-wit, the sixth day of May, A. D. 1913, the same being one of the regular juridical days of the May term, A. D. 1913, of said court;

PRESENT: The Honorable Robert E. Lewis, District Judge, the following proceeding was had and entered of record IN THE MATTER of Honorable Moses Hallett, Deceased, to-wit:

~~IN THE MATTER of~~
~~Honorable Moses Hallett,~~
~~Deceased~~

At this day comes Wilbur F. Stone, Esquire, Robert S. Morrison, Esquire, Alfred C. Phelps, Esquire, George Q. Richmond, Esquire, and Thomas M. Patterson, Esquire, heretofore appointed a committee of the bar to present to the court resolutions upon the death of Honorable Moses Hallett, sometime Judge of this court, and present to the court now here certain resolutions.

And thereupon, the court was addressed by Wilbur F. Stone, Esquire, George Q. Richmond, Esquire, Robert S. Morrison, Esquire, Alfred C. Phelps, Esquire, and Thomas M. Patterson, Esquire, members of said committee, and by Edwin W. Hurlbut, Esquire, a member of the court of appeals of the state of Colorado,

and by Ernest Morris, Esquire, a member of the bar of this court.

And thereupon, it is ordered by the court that the resolutions presented by the committee of the bar be spread upon the records of the court and that a certified copy thereof be presented to Mr. Lucius Felt Hallett. And the said resolutions are in the words and figures as follows, to-wit:

To the Honorable Robert E. Lewis, Judge of the United States District Court of Colorado:

Your committee, appointed to present an appropriate tribute of appreciation and respect to the memory of Honorable Moses Hallett so recently deceased, beg leave to submit the following as a memorial, to the character and life-work of Judge Hallett, on behalf of the Bench, the Bar, the Pioneers and citizens of Colorado.

And, to the end that there may be permanent record of some biographical data concerning this eminent citizen and jurist we connect herewith a brief memoranda preliminary to the memorial tribute proper.

Moses Hallett was born in eighteen hundred and thirty-four at Galena, Illinois, of New England parentage. He was reared on his father's farm, and after the usual common school tuition received an academic education. He studied law in Chicago and was admitted to the bar of that city. After about two years of legal practice there he came to the Rocky Mountains in the spring of Eighteen Hundred and Sixty, crossing the plains with the great throngs that were lured by the gold discoveries of the region then known only as Pike's Peak. He went up into

the "Gregory diggin's" near Central City, where he mined a gulch claim with indifferent success for about a year, and then returned to Denver and began the practice of law.

He was elected and served as a member of the Legislative Council of the territory of Colorado in the session of 1864-5, which was held at Golden, the then capitol of the territory. He formed a law partnership with Alfred Sayre, and served some time as city attorney of Denver. In the practice of law young Hallett rapidly attracted the attention and gained the respect of the older members of the bar, by reason of his ability and studious habits. At their instance and by their united efforts he was in 1866 appointed by President Andrew Johnson to the office of Chief Justice of Colorado.

The new Chief Justice was assigned to the Third Judicial District, including all of the territory south of "The Divide" which extended from New Mexico on the south and from Kansas on the east to the territory of Utah on the west. He made his headquarters at Pueblo, where he built a home and office and made that city his official residence. Judge Hallett retained the office of Chief Justice until Colorado became a State in the Union in 1876, when he was appointed by President U. S. Grant Judge of the United States District Court of Colorado, and thereafter he resided in Denver until his death.

By the terms of the will of his intimate friend, George W. Clayton, of Denver, Judge Hallett became executor of the will and administrator of the Clayton estate, valued at over one million dollars.

The will devised nearly all the estate to the city of Denver for the founding and maintenance of a college and residential training school for orphan boys, (the testator leaving no children of his own) and for which Judge Hallett was made one of the Trustees for life, and was charged with

the erection of the college buildings. This college, after several years of assiduous labor by Judge Hallett, was opened but a short time ago, and is now the home of about forty young boys, who are cared for and educated as the testator directed.

In 1906, at the end of forty years of able, useful and honorable judicial service, the last thirty years of which was as Judge of the United States Court for the district of Colorado, Judge Hallett resigned his position to devote the remainder of his life to the management and conservation of the Clayton estate and to the interests of this orphan's college. He was succeeded on the bench of the United States Court by the Honorable Robert H. Lewis, the present Judge.

For many years past Judge Hallett was an honorary lecturer--Professor in the Law department of the Colorado State University, and which some years ago conferred upon him the well deserved honorarium degree of Doctor of Laws.

In the matter of church affiliation Judge Hallett was originally a Presbyterian and aided in establishing the first church of that denomination in Denver, but later in life he attached himself to the Protestant Episcopal Church and was confirmed by the late Bishop Spaulding as a member of the congregation of St. John's Cathedral, and in that edifice his funeral services were held.

Judge Hallett was nearly fifty years of age when he was united in marriage to Miss Katherine Felt of his old home at Galena, Illinois. Two children were born--a son and a daughter; the latter died in infancy, and the son, Lucius Felt Hallett--now married to a daughter of Dr. O. J. Pfeiffer, of Denver--is the sole survivor of the immediate family,--the Judge's wife having died about twelve years ago.

The Judge was one of the founders and a Trustee of St. Luke's (Episcopal) Hospital, and after the death of his wife erect-

ed a costly building adjoining the Hospital as a Home for the Hospital nurses; a memorial to his deceased wife, and known as "The Katherine Hallett Home for Nurses."

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The passing away from earthly life of the late Moses Hallett is a notable epoch in the judicial history of Colorado. It is the sequel to that other epoch of a few years ago when he voluntarily resigned a life position as Judge of this honorable court, and retired to private life, after forty years of continuous judicial service.

His rise, after barely eight years practice as a lawyer, to the exalted position of Chief Justice of the Supreme Court of the then Territory of Colorado, his appointment to the federal bench by the great soldier statesman President U. S. Grant on the insistence of the older, experienced and brilliant members of the bar, was quite out of the ordinary, if it was not phenomenal in the experience of the profession. He was at the time too modest to have pushed his own ambition for a judicial career--if he in fact entertained it. But his career as a Judge fulfilled the promises which his ability at the bar fairly prophesied.

As a lawyer he never displayed the gift of oratory nor did he make the pretense of possessing it. In truth, he was rather halting in speech and ungraceful in manner. The secret of his success was his industry, a careful preparation of his cases, and the ability to dissect and analyze both the testimony and the law of the cases he had prepared. He was not considered a jury trial lawyer, and where the winning of his cases depended upon the ability to make the wrong appear the right he was a failure. He was almost invariably successful in the higher court; with the law on his side he was considered invincible.

As a Judge he was given to insist upon the strict rules of pleading, because as he has declared, not to observe them indicated either a poor or a slovenly lawyer, and the interests of

clients required that such weaknesses should be corrected. This was under the procedure at common law, but when the code system became the rule of the state he freely construed all questions of pleading in the liberal spirit demanded by the code.

The district to which he was assigned for trials at nisi embraced nearly one half of the territory of Colorado, and to hold his court he travelled thousands of miles on horseback and by stage, and in his courts commencing with his very first terms he enforced the strictest order, and established a courtesy and decorum on the part of the bar unexcelled in any court in the nation.

He always bore himself with a dignity which enforced order, politeness and general respect. Outside of court Judge Hallett was one of the most genial and companionable of men. While humorous at times, his nature was such as to forbid any of the familiarity which according to the old proverb was calculated to breed contempt.

A truthful history of the territorial and state government of Colorado from its beginning could not be written without especial reference to the judicial work of Judge Hallett and its influence on the past, present and future of our commonwealth.

During the forty years of his wise and just administration of the law it can be truthfully said he made more sound and good bench-law than any other jurist who has graced the bench of Colorado.

His studious industry, his retiring and self-contained nature, his dignity of bearing and tenacity of opinion gave to his personality and his court a force and influence which made an indelible stamp on the legal profession and the judiciary of the period.

New legal questions never before arising for judicial determination in the United States sprang up here, concerning water rights and usages in irrigation, mining and public domain. Judge Hallett was the first to declare the inapplicability of the ancient common law doctrine of riparian rights to the waters of non-navigable streams, and to announce the rule of water rights to be based upon prior appropriation by one seeking the use of water for necessary or beneficial purposes; and also that a settler for the irrigation of land even though held under a mere possession title, had a right, not only to divert water from the streams for irrigation, but to convey it by ditches or flumes constructed through the lands of another without the owners consent. This doctrine was thereafter incorporated into the constitution of this State, and has been followed as the prevailing law in most, if not all, of the states of the arid and semi-arid West.

Much other law applicable alone to this peculiar region of country was first announced by Judge Hallett in the many early cases tried before him.

He compiled the first two volumes of the Colorado Supreme Court reports, which comprise all the important decisions of the territorial courts down to the admission of Colorado to Statehood.

A man of uprightness and integrity in all the walks of life, Judge Moses Hallett will be remembered as an exemplar of character, usefulness and moral purpose; a pillar in the government and social edifice of the State, and by whose death both the State and nation sustained a serious loss.

His end, although sudden, was painless and peaceful. He was at his office attending to the business of the Clayton estate the day before he died. He retired for sleep at his usual hour, and when visited in the morning to call him, as was the

custom, he was found asleep. It was the long, last sleep of Moses Hallett, the great jurist and the just and honest Judge-- the spirit had departed to the unknown realm whence it came.

I am directed by your committee to offer the following resolution:

RESOLVED, That this just and simple tribute to Judge Moses Hallett be spread upon the records of this honorable court; and that a certified copy thereof be presented to Mr. Lucius Felt Hallett, the son and only surviving member of the family of the deceased.

T. H. PATTERSON
WILBUR F. STONE
E. T. WELLS
ALFRED C. PHELPS
R. S. MORRISON
G. Q. RICHMOND

UNITED STATES OF AMERICA
District of Colorado

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I, CHARLES W. BISHOP, clerk of the district court of the United States for the district of Colorado, do hereby certify the above and foregoing to be a true, perfect, and complete transcript and copy of an order of court, heretofore had and entered of record in said court IN THE MATTER of Honorable Moses Hallett, Deceased, as fully and completely as the same still remains of record in my office at Denver.

IN TESTIMONY to the above, I do hereunto sign my name and affix the seal of said court at the City and County of Denver in said district, this seventh day of May, A. D. 1913.