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# PROCEEDINGS

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## PROCEEDINGS OF THE ANNUAL MEETING

The annual meeting of The Indiana State Bar Association celebrating the Fiftieth Anniversary of its founding convened at eleven o'clock, September 6, 1946 in the Law Building, University of Notre Dame, Notre Dame, Indiana. President Chase Harding, presiding.

Father Cavanaugh, President of the University of Notre Dame delivered the address of welcome from that institution.

The address of welcome on behalf of the St. Joseph County Bar Association was delivered by its president, Mr. Arthur May.

The response to these addresses was delivered by the Honorable David A. Meyers.

President Harding then called for the reports of the Association's committees.

MR. HARDING: . . .The next thing on the program is the report of the Secretary and Treasurer:

MR. BATCHELOR: . . . Mr. President, Ladies and Gentlemen:

### TREASURER'S REPORT

Thomas C. Batchelor, Secretary-Treasurer

The Treasurer was charged on June 30, 1945, with the sum of . \$ 2,604.31

#### RECEIPTS:

Dues .....	\$8,607.00	
Advertising, Law Journal .....	950.00	
Sale of Law Journals .....	580.64	10,137.64
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		\$12,741.95

#### EXPENSES:

Indiana Law Journal .....	3,046.95	
Expense of Meetings .....	898.53	
Secretary-Treasurer .....	2,181.23	
Stationery .....	116.94	
Postage .....	180.00	
Committees .....	66.79	
Special Printing .....	217.74	
Board of Managers .....	81.56	
Oratorical Contest .....	100.00	
Letter Shop .....	140.00	
Long Distance .....	84.52	
Miscellaneous .....	102.66	7,216.92
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Leaving a balance on hand as of June 30, 1946 ..... \$ 5,525.03

## MEMBERSHIP COMMITTEE

Charles A. Lowe, chairman

Shortly after the last annual meeting, my good friend Frank C. Olive suggested, and I think it was mentioned at the February meeting, that we obtain an eligible list from the Circuit Court Judges, and following that plan shortly after we became active in this work, we sent letters to practically every Circuit Court Judge in the State of Indiana. I wish to commend the Circuit Court Judges to whom we addressed communications. We received excellent cooperation and several went to a great deal of trouble to furnish an eligible list. We immediately sent letters to all of those lawyers inviting them to become united with us. We received a great many replies, and many came from men in service to whom letters had been addressed and they had been forwarded overseas. We received many applications, and some of the fellows are here this morning.

## MEMBERSHIP REPORT

Total Members as of Sept. 2, 1946 .....	1780
Deaths during past year .....	27
Resignations during past year .....	8
Dropped during past year .....	11
New members during past year .....	144
* * * * *	
Increase in membership for year .....	98

Much credit goes to Mr. Olive for his suggestion. A large part goes to the Judges and the other members of the membership committee, who so excellently cooperated in the performance of this work.

At this point President Harding presented the Presidents Annual address.<sup>1</sup>

## AFTERNOON SESSION

The meeting convened at two p.m., President Harding presiding.

PRESIDENT HARDING: . . . This portion of the program now comes under the jurisdiction of the Young Lawyers Section. I wish I had the time to tell you how helpful the

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1. For the text of the address, see *supra* p. 1.

young group have been. I want to introduce at this time John Early, who is now President of the Young Lawyers Section.

Mr. Early then introduced Governor Gates who spoke on "The Responsibility of the Bar for the Improvement of Traffic Courts."

MR. EARLY: This is the Fiftieth Anniversary Meeting of the Indiana State Bar Association and we wish to pay particular tribute to those who made these meetings and this Association possible. It was the young lawyers of fifty years ago that formed this Association. It is with pleasure that we have some of them here with us to-day and these young lawyers are going to tell us something about the establishment of this Association. I wish at this time to call upon one of them, Judge Charles Remy of Indianapolis.

#### "AFTER FIFTY YEARS"

Charles Remy

This being the fiftieth anniversary of the Association, and in response to a request of President Harding, I have prepared a brief statement of the proceedings of that initial meeting.

It was in the spring of 1896, when certain well known lawyers of the Indianapolis Bar, having conceived the idea of an Indiana State Bar Association, caused the Marion County Bar to issue a call for a meeting of Indiana Lawyers to be held at the Hall of the House of Representatives at the State House at 11:00 o'clock, Tuesday, June 23, 1896; notices of the meeting having been sent to lawyers in all parts of the State. The writer of this sketch was, at the time, practicing law at Columbus, Bartholomew County, and in response to the notice was in attendance throughout the session.

The meeting was called to order by Samuel O. Pickens, who, at the time, was President of the Marion County Bar Association, and, on motion of Charles L. Jewett, a well known lawyer of New Albany, Judge John H. Baker, of the U. S. District Court of Indiana, was elected chairman, and, on motion of W. P. Fishback of Indianapolis, John T. Beasley of Terre Haute Bar was elected Secretary. At this point, John R. Wilson, a distinguished lawyer of Indianapolis

arose stating that, having anticipated that the meeting would result in the organization of a State Bar Association, he had prepared, in legal form, a draft of Articles of Association; that, in fact, he had prepared the same in duplicate, one to be filed with the Secretary of State and the other with the Secretary of the Association to be elected. Mr. Wilson then read the draft he had prepared, which, with slight modification, was adopted. The introductory paragraph of the Articles so prepared was as follows:

"The undersigned lawyers of the State of Indiana each residing at the place set opposite his name, desiring to form a State Bar Association, do execute, in duplicate, the following articles of association, under and pursuant to the laws of the State of Indiana concerning voluntary association."

It was then agreed, that all Indiana Lawyers present who desired to become members of the State Bar Association should sign each of the two copies, it being suggested, that members of the Supreme and Appellate Courts first sign. Thereupon, one-hundred and fourteen did sign and charter. The names, with residence address of each, in the order in which the signatures were attached, are as follows:

Leander J. Monks, Winchester  
Timothy E. Howard, South Bend  
Leonard J. Hackney, Shelbyville  
James H. Jordan, Martinsville  
John H. Baker, Goshen  
Enoch G. Hogate, Danville  
Theo. P. Davis, Noblesville  
Geo. L. Reinhard, Indianapolis  
John W. Kern, Indianapolis  
Lewis C. Walker, Indianapolis  
Samuel O. Pickens, Indianapolis  
W. L. Penfield, Auburn  
H. M. Logsdon, Evansville  
Jacob D. Early, Terre Haute  
R. B. Beauchamp, Tipton  
Frank E. Gavin, Greensberg  
George E. Ross, Logansport  
Orlando J. Lotz, Muncie  
Robert W. McBride, Indianapolis  
Allen Zollars, Ft. Wayne  
Robert Lowery, Ft. Wayne  
J. G. Ibach, Hammond  
G. V. Menzies, Mt. Vernon  
Alex Gilchrist, Evansville  
Phillip W. Frey, Evansville

John W. Spencer, Evansville  
Frank B. Burke, Indianapolis  
Charles A. Korbly, Indianapolis  
Charles E. Barrett, Indianapolis  
M. F. Stannard, Jeffersonville  
Charles B. Stuart, LaFayette  
Hiram Teter, Indianapolis  
William H. Dye, Indianapolis  
E. K. Strong, Columbia City  
David A. Myers, Greensburg  
Flavius J. Van Vorhis, Indianapolis  
Edwin Taylor, Evansville  
J. G. Winfrey, Evansville  
J. L. Clark, Danville  
G. W. Brill, Danville  
Rufus Magee, Logansport  
I. H. Fowler, Spencer  
James W. Sansberry, Anderson  
William S. Diven, Anderson  
Frank P. Foster, Anderson  
Jesse H. Blair, Indianapolis  
Will E. Colerick, Ft. Wayne  
M. J. Clancy, Elwood  
George H. Voigt, Jeffersonville  
James W. Morrison, Frankfort  
Wm. A. Hough, Greenfield  
John V. Hadley, Danville  
Levi P. Harlan, Indianapolis  
W. N. Harding, Indianapolis  
Oliver Bogue, Wabash  
Jay A. Hindman, Hartford City  
T. E. Ellison, Ft. Wayne  
Frank A. Comparet, Kentland  
Sydney B. Davis, Terre Haute  
John S. Bays, Sullivan  
Frank A. Kelley, Terre Haute  
Adam A. Beecher, Terre Haute  
Joseph H. Shea, Scottsburg  
John R. Brill, Evansville  
James L. Mitchell, Indianapolis  
Theodore J. Loudon, Bloomington  
Duane H. Bowles, Indianapolis  
E. P. Richardson, Petersburg  
V. H. Lockwood, Indianapolis  
Charles C. Spencer, Monticello  
Truman F. Palmer, Monticello  
Walpole G. Colerick, Ft. Wayne  
Charles A. Dryer, Indianapolis  
Ralph Applewhite, Seymour  
Terrence B. Cunningham, Kentland  
John S. Duncan, Indianapolis

Addison C. Harris, Indianapolis  
Willard New, Vernon  
Quincy A. Myers, Logansport  
Otis L. Ballou, LaGrange  
Charles E. Shively, Richmond  
Samuel Parker, Plymouth  
William A. Pickens, Indianapolis  
A. C. Ayres, Indianapolis  
K. M. Hord, Shelbyville  
Noble C. Butler, Indianapolis  
Lafayette Perkins, Indianapolis  
John R. Wilson, Indianapolis  
Silas A. Hays, Greencastle  
John T. Beasley, Terre Haute  
William C. Smith, Delphi  
Albert Rabb, Indianapolis  
W. L. Taylor, Indianapolis  
Charles L. Jewett, New Albany  
Chas. F. Remy, Columbus  
William Cummings, Kentland  
William Darroch, Kentland  
Samuel Ashby, Indianapolis  
Frank McCray, Indianapolis  
J. H. Loudon, Bloomington  
Charles W. Moores, Indianapolis  
Smiley N. Chambers, Indianapolis  
William P. Fishback, Indianapolis  
Wm. P. Kappes, Indianapolis  
Eph. Marsh, Greenfield  
Dan W. Sims, Covington  
John C. Nelson, Logansport  
Ed. K. Adams, Shelbyville  
Charles Martindale, Indianapolis  
Benj. Harrison, Indianapolis

It is to be noted, that the first signature is that of Leander J. Monks, who, at the time, was Chief Justice of the Supreme Court, and the last to sign was Gen. Benjamin Harrison.

The signatures were acknowledged before Robert F. Davidson, a Notary Public from the office of Samuel O. Pickens.

Before preparing this paper, I called at the office of the Secretary of State, and found on file, and well preserved, one of the original copies of the Articles of Association, and that the file mark showed that it had been filed on the day following its adoption.

In this connection, it may be stated, that at the first

annual meeting of the Association, which was also held in the Hall of the House of Representatives, June 23, 1897, the committee on membership reported, that the following named attorneys, to-wit: Ferdinand Winter, Nathan Morris, N. O. Ross, John K. Thompson, Robert Colt, John A. Finch, W. S. Shirley, J. W. Headington, Frank M. Powers, Frank S. Roby and John G. Williams, had been present and participated in the meeting when the Association was organized, but inadvertently had failed to sign the Articles of Association; and, on recommendation of the committee, the Association voted that they should be recognized as charter members.

When the Articles of Association had been signed, the officers provided for by the Charter were elected.

The officers elected were:

President, Benjamin Harrison  
Vice-President, John G. Williams  
Secretary, John R. Wilson  
Treasurer, Noble C. Butler

Members of the Executive Committee:

W. G. Colerick, Ft. Wayne  
Charles L. Jewett, New Albany  
Samuel O. Pickens, Indianapolis  
John K. Thompson, Lawrenceburg

Following the election of officers, it was suggested, that the Association should elect delegates to the American Bar Association. Whereupon, G. V. Menzies of Mt. Vernon, and Judge Allen Zollars of Ft. Wayne, were elected as such delegates, and R. B. Beauchamp of Tipton, and Charles B. Stuart of Lafayette, were elected as alternates.

The meeting then adjourned.

Including the eleven, made so by the action of the Association at the annual meeting of 1897, there were one-hundred and twenty-five Charter members; of these, there are but five now living, and in good standing. They are: Judge David A. Myers of Greensburg, William A. Hough of Greenfield, Theodore J. Louden of Bloomington, Samuel Parker of South Bend and the writer, all of whom are here today. The records do not show that we took any part in the organization meeting of June 23, 1896, except to sign the Charter, and our memories recall nothing more, except that, on all motions, we voted with the prevailing side.

We count it no small honor to have been in that assem-

bly, with some of those great Indiana lawyers of that day who had conceived and brought about the organization of the State Bar Association of Indiana, and to have voted for General Harrison as the first President.

We who survive have attended nearly all meetings of the Association through the years. Two of our number, Mr. Hough and Mr. Parker, served as President. Others have served on the Board of Governors and Standing committees, and have been more or less active in the work of the Association. Not only do we deem it an honor to have voted for General Harrison, but to have supported the many distinguished lawyers who have served as President. We doubt if the Bar Association of any state, during the last fifty years, has elected a list of Presidents comparable to those who have served the Association of Indiana. In nearly every annual meeting of our Association, it is our view, that the President's address was the high point of the program; and if those addresses were assembled and printed in book form, the volume would be a valuable addition to any private or public library of the State.

For many years, immediately following the organization, the annual meetings were held the last week in June, or early in July, which was not a bad plan. With many attorneys, the June term of Court is the end of the lawyer's year. During that term of Court many lawyers crowd in and close up all business possible, and July 1st is like the last day of school. Besides, that time is before the hot days of summer, and before lawyers have gone for their respective vacations.

Most annual meetings in the early years were held at Indianapolis; but, wisely, many meetings were held outside the Capital. We recall delightful sessions of the annual meeting at West Baden, Bloomington, French Lick, Purdue, Lake Winona, Lake Wawasee, South Bend, Gary, Michigan City, Ft. Wayne and elsewhere; nor have we forgotten the entertainment furnished by host cities, not only to members, but to their wives as well.

It would unduly extend this paper, to review the work accomplished by the State Bar Association during its first fifty years. It is sufficient to say, in this connection, that very much was accomplished.

It does not take a prophet to foresee, that much more will be accomplished by the Indiana State Bar Association



during the fifty years just beginning; for there will be much more to be done. With a national debt of nearly \$300,000,000,000, with the unsettled condition of business and society, due to the war, including increase in crime reported by J. Edgar Hoover of the F.B.I., and juvenile delinquency, which is everywhere apparent, there will be much more to be done. I do not mean that Court business will increase. There may be less litigation and less business in Court; but the responsibility of the legal profession does not end with work on behalf of clients. It is a well known fact, that since the declaration of independence, much of the leadership in government, national, state and local, and leadership other than in government, has been furnished by our profession. This was not accidental; and lawyers, like other citizens who should or could be leaders in building a better America, must face the facts, and in doing so, it would be well to heed the suggestion made by President Cavanaugh in his address of welcome this morning, when he stated what he believed to be the cause of lower moral standards.

In a government of the people, such as we have in the United States, the surest foundation for the civilization, is justice. Liberty and freedom are not enough; not even the "four freedoms." Nor do I mean mere justice between litigants; but justice everywhere; in government, in business, in commerce, and in all social relations. Justice is akin to righteousness, and, even, yet, righteousness exalts a nation. Lawyers know the way of justice.

A Bar Association is not merely for legal education. We have in America today the best Law Schools, as schools of legal learning, the work has ever known. One of them is right here at Notre Dame. The primary purpose of a Bar Association is the promotion of justice; and, in so doing, to uphold the honor and to increase the prestige and influence of the legal profession. A Bar Association is, or should be, more or less, a conference of practicing lawyers, which could, in a measure, point the way, or maybe I should say, point a way, for our great Law Schools. The Indiana State Bar Association should, to a greater degree than ever, be a source of inspiration to higher ideals; not only for the lawyer, but for citizenship.

Perhaps, the greatest need in America today, is wise leadership—leaders who have character and courage; not

leaders of cliques, groups or minorities, not even of political parties; leaders who can speak to, or write for, all American patriots. Such leaders could, and would, help to build a better and more controlling public opinion.

The next fifty years may be the most critical period of our history. Lawyers will know their responsibility and do their part, which can best be done by acting together through the Bar Association.

If future historians record, that America prevailed over Russian communion; the record will finally show that it was not accomplished by guns or atom bombs, but because we built and maintained a better civilization.

In conclusion, and on behalf of the five who survive, I express the hope, that very many here today may be living, when, in 1996, the Indiana State Bar Association shall observe its 100th Anniversary; and that so much will have been accomplished during its second fifty years, that the officers, at that time, may decide to give all of the two day session to celebrate, because of its record of things done.

MR. HARDING: It is customary on the program also that we should have a brief report from the two Higher Courts. Chief Justice Starr will report on the Supreme Court. Judge Starr.

JUDGE STARR:

The report is brief and is confined principally to a few statistics which have been prepared by the Clerk of our Court and the Secretary. The report dates from July 1st, 1945, to July 1st, 1946.

New cases filed in that time	
during that year in our Court.....	106
Petitions for re-hearing filed .....	26
Petitions for transfer filed .....	41
Cases disposed, with opinions .....	76
Cases disposed, without opinions .....	15
Petitions for re-hearing denied .....	23
Petitions for transfer granted .....	10
Petitions for transfer denied .....	28
Oral argument heard .....	58
Attorneys admitted .....	47
Transfers .....	12
Change of Venue where Supreme	
Court selected Judge .....	522

A total of 19 cases are now in the office and in the Judges office. There are 5 set for argument, and I think 4 others have been set since this report. There are 4 cases with no request for argument and 4 cases already argued that are now awaiting opinions.

That is about all there is to this report, except that we have been doing a little study on the rules. Some of the members of our Court feel that the rules are not perfect, and I know that is the way the Bar feels about it. There may be some rules that should be changed and there may be need for some new ones. However, I personally feel, and I think the Court feels, that when it comes to changing the rules we should go pretty slow.

There has been some suggestion that our rules for writing briefs could be changed. I do hope your committee on procedure will give that some thought.

I don't know whether the report showed last year or not that this Court appointed a Public Defender. It is new and it is an experiment. As you recall, no doubt, the idea is to take care of those without money who are now in the penitentiary. We are at all times flooded with petitions and original actions, especially from Michigan City, and a Public Defender was appointed to help out somewhat and to take care of actions that might be started in the trial Court. We are not ready to say it has been a full success. Any suggestion the Association has along this line would be appreciated by all the members of the Court.

**PRESIDENT HARDING:** We will have the report of Chief Judge Hamilton of the Appellate Court.

**JUDGE HAMILTON:** President Harding, Members of the State Bar Association, Ladies and Gentleman: I am not going to make a formal report as to the work done by the Appellate Court during the past year, except to state to you that at the present time, or at least at the time the Court recessed, the Court's docket was clear of all cases which had been briefed.

Covering the period from October 1st, 1945 to July 1st, 1946 there were 91 new cases filed and fully briefed in the Appellate Court. During that period of time the Court handed down 103 opinions. In other words, it had decided practically all cases which had been briefed during that period

of time, with some hanging over from the previous month, and at the present time or about August 25th, there were 32 cases which had been briefed since July 1st, and will be ready for distribution as soon as the Court re-convenes this month. That means that all of those cases will be disposed of without any delay and as fast as the attorneys brief their cases they will be disposed of during the coming year. There might have been a time in the past where a person could appeal a case and feel that he could gain some delay. That day is past. As soon as a case is briefed it is distributed or if oral argument is requested, it is set down for oral argument at an early date and it is disposed of as expeditiously as possible.

#### AUDITING COMMITTEE

George F. Stevens, Chairman

Your Committee has examined the books and records of the Treasurer and finds them correct and reports that as of June 30, 1946 there was a balance in the treasury of \$5,625.03. This represents an increase of \$3,020.72 over the amount shown in the report for the preceding year.

PRESIDENT HARDING: I have been asked to make the following announcement: Transcripts of the Lawyer-Veteran Institute held in Indianapolis from April 1st to 6th, have been mailed to all of those who attended the institute, also to those who requested them. There are surplus copies and they will be held three weeks and will be furnished lawyer-veterans upon request. At the end of three weeks they will be furnished free to persons requesting them. If any veteran, who attended the institute has not received a copy please write the Law School.

At this point Mr. Tappan Gregory addressed the Association on "The Nurenberg Trial."

#### SATURDAY MORNING SEPTEMBER 9, 1946

The meeting convened at ten o'clock, President Harding presiding.

PRESIDENT HARDING: We will first have report of the Committee on Jurisprudence and Law Reform.

**COMMITTEE ON JURISPRUDENCE AND LAW REFORM**

John B. Randolph, chairman

A statute should be enacted providing for some method of determining heirship. It has been suggested that:

(a) At the time letters are issued, that the time be fixed for taking the proof, and that in the publication of notice of appointment, notice also be given as to such date, or

(b) that, at the time the final account is approved, such proof should be taken and should be referred to in the publication of notice to the heirs of the final account.

A uniform set of rules should be adopted by the State Bar Association for the examination of abstracts; that the examination of abstracts could thus be made uniform throughout the state and perhaps save a lot of difficulty in the clearing of title; that some method of waiver could be effected as to the misspelling of names or hiatus which happened more than forty years ago, and in many cases this would save a suit to quiet title, which is expensive for the people selling real estate, and also encumbers abstracts considerably.

A suggestion that it would be simple to have all notices require the same number of days and the same publication; that as it is, the different types of notices required and the different length of time they have to run and the different required publication makes the whole thing confusing.<sup>1</sup>

**COMMITTEE ON LEGAL EDUCATION**

George W. Douglas, Chairman

The Committee on Legal Education has no recommendations or suggestions to report at this time.

**COMMITTEE ON AMERICAN CITIZENSHIP**

James M. Barrett, Jr., Chairman

During the recent war years, millions of the young men and women of this country have had the opportunity to make critical comparison of American citizenship with citizenship in other countries. Many of them have lived for months in foreign lands and some of them have brought back to this Country as their wives the women of the countries in which they lived. To many, these comparisons only fortified their

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1. For a comparative table showing the present diversity, see, "Statutory Notice in Indiana," 17 Ind. L. J. 237 (1942).

previous conviction that American citizenship was one of the most precious possessions which any one could have. To some others, the appeal of ideologies foreign to our own was persuasive and they returned to their homes with increasing doubts that the American way was best.

Our own experience with subversive activities at home, both prior to and during the war, demonstrated that in a few cases the privilege of American citizenship was used as a cloak to help destroy the blessings conferred by that citizenship.

But even in war time and in the case of some who merited no consideration, the civil rights of American citizens were maintained and attempts to encroach upon those rights were vigorously attacked.

Your Committee approves the maintenance of all safeguards surrounding American citizenship but it also believes that in recent years too much stress has been put upon the privileges and benefits of citizenship and too little emphasis has been laid upon the attendant responsibilities.

One of the basic faults of our system of government as it actually operates is the indifference of the average citizen to the problems of government and his unwillingness to take any part in its affairs.

No segment of the American people is better fortified by training and experience than the members of the Bar to assist in the solution of the difficult and complex problems which confront the government today. Members of our Association should make greater use of that experience and training, not as lawyers, not as members of one political party or another, but as the natural leaders of the community and state in which they live.

Your Committee urges that each local Bar Association and each member of the Association strive diligently to awaken the American people to the necessity of more active participation by the average intelligent citizen in the affairs of his government.

#### COMMITTEE ON ADMINISTRATIVE LAW

Henry Hansley, Chairman

This report is a factual presentation of the nature and purpose of the "administrative procedure act" recently enacted by Congress which, in the opinion of your committee,

marks an important milestone in the development of democratic processes designed to protect the individual from oppressive action, and particularly from oppressive action by his own government. It is our understanding that the principal purpose and function of this committee was to cooperate with the American Bar Association in procuring the passing of equitable legislation formulating general rules of procedure for administrative boards and bureaus providing means for judicial review of the judicial or quasi-judicial decisions of administrative agencies. We are pleased to report that such legislation was recently enacted by the 79th Congress and approved by the President on June 11, 1946. The act in general will become effective next Wednesday, September 11th, although certain specific provisions of the act will not become effective until three months later, and the effective date of other specific provisions therein is delayed until June 11, 1947.

The act passed by Congress represents ten years of extensive and intensive work on the part of special committees, individual lawyers, scholars, bar associations, and public officials.

In regard to the bill itself, the House Judiciary Committee reports state: "The bill is an outline of minimum essential rights and procedures. Agencies may fill in details, so long as they publish them. It affords private parties a means of knowing what their rights are and how they may protect them, while administrators are given a simple frame work upon which to base such operations as are subject to the provisions of the bill." (House Report No. 1980, May 3, 1946).

In a published analysis of this act, the Bureau of National Affairs has this to say: "The substantive provisions of the Act may be summarized under five headings:

1. It provides that agencies must issue as rules certain specified information as to their organization and procedure, and also make available other materials of administrative law (Sec. 3).
2. It states the essentials of the several forms of administrative proceedings (Secs. 4, 5, and 6) and the limitations on administrative powers (Sec. 9).
3. It provides in more detail the requirements for

administrative hearings and decisions in cases in which statutes require such hearings (Secs. 7 and 8).

4. It sets forth a simplified statement of judicial review designed to afford a remedy for every legal wrong (Sec. 10).

5. It establishes a system of semi-independent trial examiners under the civil service system to preside at agency hearings (Sec. 11)."

We call particular attention to the fact that the Act not only requires certain procedural information to be published as rules, but it specifically provides that "every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule." (Sec. 4d). Provision is made in certain instances for the removal of a hearing officer who should be disqualified on account of personal bias or other cause, and provisions are included which tend to make agency examiners independent—in the correct sense of the word, that is—in the exercise of their functions.

We close this report with the recommendation that this committee be discharged, unless some impelling reason is advanced for its continuance.

#### COMMITTEE ON JUDICIAL SELECTION AND TENURE

Carl A. Huebner, chairman

Your committee considers its main assignment to be a study of possible ways to improve the method in Indiana of the selection of judges in our Trial and Appellate Courts, to the end, that: (1) our good judges will remain in office, (2) our best lawyers will more often seek judicial offices, and (3) that our judges will have even a greater amount of independence from politics and political leaders.

It seems agreed by all lawyers and judges who have given any serious thought to the problem, that some improvement can and should be made to give judges more independence from political parties and leaders and that some changes should be made to induce abler men to seek judicial offices, as well as to protect able judges from being turned out because of the misfortunes of their political party.

In the past decade efforts have been extended in several directions, from time to time, by this committee, by the Bar



generally and by the Indiana Judicial Council, which have been completely checkmated by the Legislature.

Your committee believes however that it remains the duty of the Bar to continue its efforts to better the provisions for selecting judges and to give them more independence, and it has therefore studied the problem, both from the viewpoint of what might be most desirable, as well as from the viewpoint of the rejection of certain ideas in the past.

At a committee meeting held at the Claypool Hotel on January 26th, 1946, at which four members of the committee were present, it was unanimously concluded to recommend certain changes which the committee believes will go a long way toward improving the provisions of our law for the selection of judges.

One of the main objections to the present provisions for the election of judges is that candidates are subjected to a considerable measure of obligation to political leaders in the primary and conventions, and after their selection in one of those ways, they must stand or fall with their party without regard to their personal calibre or fitness for the judicial post sought. The cases of able and experienced sitting judges being defeated because of the misfortunes of their party are numerous and known to all members of the Bar. In counties where the parties see-saw into power, at almost every election, because of the near equal division of the voters, there is unfortunately a tendency to discourage able lawyers from seeking judicial offices because of the uncertainty of any extended holding of the office and because of the admitted difficulty of re-establishing a law practice after four or six years. Also, in large counties where voting machines are used, the party lever is used without discernment by the voters, often removing from office highly qualified judges. To attempt to correct this evil, your committee believes the election laws should be changed to provide that judges, other than city judges and justices of peace, should be selected at general elections by a separate paper ballot, or if placed upon voting machines, that the selection of judicial candidates shall be independent and separate in such a way that a voter pulling a party lever will not vote for the judicial candidates of that party, but the voter will be required to select the candidate for judicial offices by voting for them separately and individually. Thus, your committee

believes that by this expedient, voters who have no particular knowledge of the candidates for judicial offices, or who are not particularly interested in voting for the candidates for judicial offices will not vote, and those voters who are interested in said offices will not select the candidate by party labels alone, but will do so upon the basis of the individual candidate's reputation, character and fitness. This suggested change will not modify in any way the present procedure for the selection of judicial candidates by the parties in their primaries or conventions. Your committee believes however, it would go a long way toward correcting the many, much talked of evils of the present method of selection of judicial candidates. This committee therefore, recommends that the Bar Association, through such committee as the Board of Governors may direct, prepare a Bill to amend the election laws to provide for a separate selection of judicial candidates at elections as herein set forth, and that such Bill be presented for consideration at the session of the Legislature of the State.

Another part of this problem concerns the possibility of fixing a minimum qualification for candidates for judicial offices. In Indiana, at the present time, there are no minimum qualifications for candidates for our Trial and Appellate Courts, except that the candidate be a resident and twenty-one years of age. It seems unthinkable that anyone without experience and training as a lawyer could seek a judicial office when we realize how much skill, training, learning and experience are really required to make a good judge. We permit only trained persons to give legal advice or to try litigations in our courts, but we apparently would permit anyone to decide that litigation. The arguments for a minimum of qualifications are endless. To say that only a lawyer could be elected can well be labeled "wishful thinking" because in our large counties voters vote in blocks, and it is entirely conceivable that a druggist, news boy, newspaper publisher, church leader or union official could be popular enough to be elected as a judge. Your committee believes that all candidates for judicial offices, except possibly justices of peace, should be lawyers admitted to the Bar. Your committee also believes that age and experience are necessary qualifications for a good judge, and it therefore, recommends that judicial candidates for our Trial and Appellate Courts should have

a minimum of ten (10) years of practice as lawyers before seeking a judicial post. Your committee therefore, recommends that the Bar Association, through such committee as directed by its Board of Governors, prepare a Bill for submission to the next session of the Legislature providing that all candidates for judicial offices, except justices of peace, shall have the minimum qualifications of admission to practice law in this state, and that all candidates for judicial offices, except city judges and justices of poace, be required to have been admitted for more than ten years at the time of their declaration of candidacy.

Another phase of the problem is the lack of uniformity and the smallness of salaries of judges. Judicial salaries are so low that in many instances judges do not earn enough to support themselves and their families in the station of life to which they belong, or to properly educate their children. Many efforts have been undertaken to correct this problem in recent years with no success. Your committee believes that the Bar Association should endeavor to increase the salaries of judges by at least fifty per cent of the present salaries so our judges can adequately support themselves and their families upon a standard befitting their office in this modern day of a much increased cost of living. The correction of this evil is not only fair to the sitting judges, but it will also tend to encourage better lawyers to seek judicial posts, as many of our able lawyers cannot afford to give up their law practice for the present salaries of our judicial offices.

Such of our judges who receive more than the minimum of \$4200.00 per annum do so out of the funds of their county governments. However, counties seem disinclined to assume any greater share of the cost of increasing judicial salaries. While the salary paid by the state should be substantially increased, we also believe that county governments would share in increasing salaries to their judges if the Legislature would provide for a system of pre-payment of court costs similar to the Federal system or the system of many of the states. The adoption of some such system would undoubtedly increase the income of counties from fees and would make the judicial system nearly self supporting, if not entirely so.

We therefore, recommend that our Bar Association, in

conjunction with the Judges' Association, join together in urging the Legislature to substantially increase the salaries of all judicial offices in Indiana at the next session of the Legislature.

In connection with the needed improvement of the financial rewards to judicial officers, your committee believes that the Bar should also join with the Judges' Association, in seeking to establish in Indiana, a much needed Pension for judges who have served a given length of time. Your committee therefore, recommends that the Bar Association, in conjunction with the Judges' Association, join together in preparing a Bill to create pensions for judges of our county and state courts, comparable to the pension provision of the Federal Government for its judges.

MR. HARDING: Mr. Huebner's report is probably going to require considerable time. If the Association wants to consider it and vote on it, I wonder if you think it advisable that it be referred to the Board of Governors with power to act.

MR. HUEBNER: Yes, I move that we do that. If this group will delegate the power to the Board of Governors and I so move.

. . . The motion was put to vote, and was carried . . .

#### COMMITTEE ON AMENDMENTS TO BANKRUPTCY ACT

Alfred P. Draper, chairman

There is not very much to report except that the referee bill, putting referees on a salary basis has been enacted and the Administrative Office at Washington is making a survey with the view of seeing how many are needed.

Section 75 A.B.C. pertaining to Farm law expired and by Act of Congress it has been re-enacted to remain in force for another year. In the meantime the National Bankruptcy Conference and other groups are working to revamp the Farmer Debtor Act.

#### COMMITTEE ON WAR WORK

Robert A. Adams, chairman

As Chairman of the War Work Committee I submit the following report of the activities of the Committee

supplementing the report to the Board of Managers of March 24, 1945, which covered the period from October 15, 1944, (approximately the date when I assumed the Chairmanship), to March 15, 1945. In that report, it was stated that there had been received during the five months 240 inquiries requesting some form of advice.

For the year beginning March 15, 1945, and ending March 15, 1946, the number of cases submitted for consideration was somewhat reduced, totaling only 418 as compared with an adjusted figure of 580 for the year preceding. Since March 15th, 1946, the number of inquiries has very greatly diminished so that as compared with the situation at the height of the activity of the Committee there are now but few cases received.

Since March 15, 1946 to August 1, 1946, a period of 4½ months, there have been 26 requests for legal assistance. However, it is worthy of mention that the matters which have now arisen have required considerably more attention.

The type of the inquiries now being received has likewise somewhat changed. In the report of last year, it was pointed out that slightly over 75% of all matters submitted dealt with domestic relations, in almost every instance involving divorce. For the full year, March 15, 1945, to March 15, 1946, 63% of the cases submitted dealt with divorce and from March 15, to the end of the time covered by this report, August 15, the percentage is 57.6%.

The reduced number of divorce cases may be explained at least in part by the fact that the Army is composed, for the most part, of the very young men, few of whom probably are married. The older men, many of whom are married, even if still in service are now in a position to handle their problems directly with their own counsel.

In the same manner as reported in 1945, the requests for assistance covering matters other than domestic relationship have gone through the whole range of the law—personal injury suits, contract questions, adoption of children and proxy marriages, decedent's estates, wills, taxes and an increasing number of eviction actions.

It had been anticipated that there might be expectation on the part of discharged veterans that the War Work Committee throughout the state would continue to function as a source of local free service, but there have been so few

inquiries from discharged veterans brought to the attention of the Chairman as to make that feature of the activity of the Committee almost negligible. It appears, therefore, that upon demobilization and return to a man's home he has fallen into the usual pattern of his life and has felt no necessity of assistance from such an organization as was established in the War Work Committee. The value of the Committee lay in the availability of legal guidance at a time when the men and women in service had no means of looking after their own affairs and were in great need of adequate advice, for which, if any charge was made, they could be sure that it would be proper.

The Committee was established to take care of situations arising during the time of war, and even in the absence of a technical peace, the war-time need for the Committee is largely gone. Naturally the continued existence of the Committee depends in considerable part on the position taken by the American Bar Association. So far as occasion yet arises from time to time for typical war time legal assistance, and as long as there are many men in foreign service there will be some need. It is to be expected that inquiries will come from legal assistance officers or the interested parties themselves direct to the Chairman of the State Committee. Even in view of the very few cases that may be expected, there would seem to be some occasion to continue the Committee as an active institution, and I therefore recommend that the War Work Committee be continued. It is to be hoped that the present members of each county will be available to assist in matters needing their help.

The activity of the War Work Committee through the period of the entire war has been to the high credit of the Indiana Bar. Both Mr. Cadick and I have found most complete cooperation through the state. There have been but few cases of delay in handling matters transmitted to local counsel, and perhaps local circumstances have been responsible for such delays. There have been no cases of criticism of charges made by anyone to whom business has been referred by members of the War Work Committee. There have been numerous expressions of appreciation both on the part of the men for whom services were rendered, from legal assistance officers, and from the heads of the Legal Assistance Branches of the Army and Navy. It has been a privilege

to have had the opportunity to serve the Bar Association of Indiana in a work so decidedly worthwhile and which has done so much for military personnel by relief from worry in the confidence that their interests were being watched by capable lawyers. As the Chairman of the Committee, I extend my grateful thanks to every representative of each district and county for their cooperation and assistance.

#### COMMITTEE ON DISARMAMENT AND READMISSION

Roland Obenchain, Chairman

No new matter has been referred to or considered by this Committee since the making of the last report.<sup>1</sup> The individual referred to in the last paragraph of that report was adjudged insane and is now confined in the village for the criminally insane at Michigan City.

In view of this situation it seemed unnecessary to consider the institution of disciplinary proceedings against him.

MR. WILDE: . . . Mr. President. Ted Locke was here and had to leave and asked me to present the report of the Chairman of the Insurance Section.

#### SECTION ON INSURANCE LAW

Clarence T. Merrell, Chairman

As previously reported and as shown by the records of the Association, the Section on Insurance Law of the Indiana State Bar Association was organized at the annual meeting of September, 1944, at which time by-laws were adopted and officers were elected. There has been one meeting of the Insurance Section since that time, which was held in connection with the midwinter meeting of the Indiana State Bar Association at the Claypool Hotel on January 26, 1946, with approximately 125 lawyers attending that meeting. On recommendation of the Council it was determined that inasmuch as officers had not been elected in 1945 because of the fact that due to the war no regular meeting of the Association that year was held, that the present officers should hold office until the regular meeting of the Section to be held in connection with the annual meeting of the State Bar Association of 1946.

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1. See 20 Ind. L. J. 339 (1945).

At the meeting on January 26, 1946, the program consisted of a discussion of three phases of life insurance, as follows:

Eber M. Spence, a representative of the Provident Mutual Life Insurance Company, discussed taxation and life insurance; John M. Zuber, Trust Officer, of the American National Bank at Indianapolis, discussed trusts and life insurance; and J. Russell Townsend, Jr., a representative of the Equitable Life Insurance Company of Iowa, discussed beneficiary designations and assignments. Pursuant to arrangements, the Hon. Claris Adams, President of The Ohio State Life Insurance Company and also President of the American Life Convention, spoke at the luncheon of the whole association on life insurance and its present day problems.

MR. WILDE: . . . A written report has been filed. The only thing requiring any action is the committee's recommendation that it be discontinued, that its work is finished and it has no longer any function.

#### WAR READJUSTMENT COMMITTEE

Carle Wilde, Chairman

This Committee was appointed pursuant to a resolution adopted by the Indiana State Bar Association at its Mid-winter meeting on January 13, 1945. Its purpose, broadly stated, was to do everything possible in behalf of returning lawyer-veterans: in respect to aiding those who had already been in the practice prior to their induction into the armed services, to re-establish themselves; and in respect to aiding those who had not yet entered the practice before their induction, in getting established after their return.

The work performed by the Committee is not susceptible of being statistically stated. Many of the services performed by its members and by its representatives were necessarily of an indefinite and intangible nature, especially the giving of advice to many returning lawyer-veterans.

The work of the Committee can properly be classified into four categories, as follows:

(1) Affording an opportunity for consultation to returning lawyer-veterans and advising them as to the best course for them to follow.



(2) Attempting to locate openings in law offices and to find places where conditions were particularly favorable for the establishment of new offices for returning veterans.

(3) Assisting in promoting and carrying-out plans for refresher courses.

(4) Studying the situation in regard to on-the-job training and advising veterans on this subject.

The activities of the Committee, in each of these four classifications may be briefly stated as follows:

(1) It was felt that the Committee was neither large enough nor sufficiently distributed in a geographical sense, to permit ready access on the part of returning veterans for consultation and advice. Accordingly, the Committee, by authority of the Board of Managers of the Association, appointed representatives throughout the state. At least one was appointed in every county and, in counties where there were cities of considerable size several representatives were selected. The total number of representatives so appointed was 117, excluding Marion County, where members of the War Activities Committee of the Indianapolis Bar Association and of the Veterans Committee of the Lawyers Association of Indianapolis were relied upon for assistance. The Association's Chairman prepared and sent to each of the representatives a letter notifying him of his appointment and outlining the objectives of the Committee. A list of the representatives was published in the Indiana Law Journal.

The Committee's Secretary, Mr. Walter B. Keaton, established the practice of observing from the newspapers the return of all lawyer-veterans and of writing to each of them on behalf of the Committee offering aid and suggesting the representatives of the Committee in the veteran's county whom he could contact. A very large number of veterans receiving these letters, consulted with the Committee Chairman, who acted as a clearing agent, in an endeavor to find openings for them and to advise them in respect to favorable locations.

(2) With the cooperation of the Indiana Law Journal, a questionnaire was sent to all members of the Association, such questionnaire being attached to the front cover of the October, 1945, issue of the Journal. The questionnaire was designed to obtain information as to openings for returning lawyer-veterans. While a considerable number of the mem-

bers of the Association filled in this questionnaire and sent it to the Chairman of the Committee, the result was, in the main, disappointing. However, by means of the information thus obtained, a number of the returning lawyer-veterans were placed or given opportunity for placement.

(3) During the week beginning April 1, 1946, the Indiana University Law School, in cooperation with The Indiana State Bar Association, the Indianapolis Bar Association and the Lawyers Association of Indianapolis, conducted a Lawyer-Veteran Refresher Institute. In furtherance of this project, the Committee sent to all of its representatives, throughout the state, a letter describing the courses to be given and giving other pertinent information in respect thereto, in which letter the representatives of the Committee were asked to call the Refresher Institute to the attention of all lawyer-veterans of their acquaintance and to see that the Clerk of each court in the representative's city was fully informed of the matter. The Chairman of the Committee also acted as one of the lecturers in the Institute. The Institute was apparently very successful as it elicited favorable comment from those for whom it was held.

(4) During the early part of 1946, the Committee received numerous inquiries from young attorneys concerning "on-the-job" training for lawyer-veterans, particularly for those who had been admitted to practice in Indiana but had not engaged in practice prior to entering the service for only a very brief time. A thorough study of the situation was made and the lawyer-veterans who had made inquiry were given the results of such study. The veterans who had applied for information were also given the name and address of the appropriate official with whom to communicate.

The members of the Committee are of the opinion that the work assigned to it has been completed and that its continued existence is no longer justified. It may be advisable to appoint a committee to cooperate with interested returned veterans and with the appropriate authority in respect to "on-the-job" training but there appears to be no longer any necessity for a committee having the broad scope which the the activities of the present committee encompassed.

COMMITTEE ON ILLEGAL PRACTICE OF LAW AND  
GRIEVANCES

Richard P. Tinkham, Chairman

Since the last report of this committee in June of 1945, some twenty-three claims against various attorneys have been filed and processed. Each claim has received the attention of the committee and the more serious charges were personally investigated by its members. It will be of satisfaction to the members of the Bar to know that the great majority of charges were found to be without merit. There have been no complaints of illegal practice of the law lodged with the committee.

The charge most frequently made is that certain attorneys are not proceeding as promptly as they should with litigation. There were nine complaints of this character. In aggravated cases the committee has intervened and satisfactory understandings between the client and attorney have been reached. In other cases, the committee has refused to intervene on the ground that the matter involved was solely within the discretion of the attorney.

The balance of the complaints involved charges of fraud in obtaining a mortgage, incompetent handling of criminal cases, retention of client's funds and exorbitant fees. The few cases that were found to have merit were adjusted satisfactorily. The balance were found to have no basis in fact and the complainants were so informed.

An additional activity undertaken by your committee was to attempt to secure the deletion of the words "or by other qualified representative," from Section 6 (a) of the proposed Federal Administrative Procedure Act which was recently passed. The language as originally proposed would have entitled any layman to appear before a Federal Administrative Bureau. The activities of the various Bar Associations did result in the addition of language which somewhat qualified the blanket authorization originally proposed. The Bill as passed would permit the agency to determine the qualifications of the representative if he is not a lawyer.

In our report of last June your committee made certain recommendations upon which no action has been taken. We suggested, first, that the membership of the committee be increased in order to provide representatives in each of the counties which contain larger cities, in order to facilitate

the personal investigation of complaints which frequently are necessary. Second, the committee asked that it be provided with the means to institute disciplinary action against attorneys whenever such was deemed necessary.

Under the present system, if the committee deems disciplinary action against an attorney would be required it must make its recommendation to the Attorney General, under Rule 3-22 of the Supreme Court. In the only instance in the past year in which such action was recommended, the Attorney General suggested an arbitration of the complaint. As far as the committee knows no further steps were taken. If the committee were possessed of power to institute disciplinary action itself, we believe its work could be more effective. At the present time, many of our requests for information from attorneys against whom complaints are made, are ignored.

It is, therefore, the recommendation of the committee to the in-coming administration that:

1. The membership of the committee be increased by having one representative in each of the following counties: Marion, St. Joseph, Allen, Lake, Vanderburg, Vigo, Tippecanoe, Clark and Delaware.

2. The committee be provided with stationery which, we believe, would make its written requests for information more effective.

3. The Association sponsor an amendment to Supreme Court Rule 3-22, which would empower the Grievance Committee (whether as such, or as an independent commission) to bring original actions in the Supreme Court to discipline, suspend or disbar attorneys.

It is with sorrow that we report the death of Ben Rees of LaPorte on June 19, 1946. Mr. Rees was a member of this committee from October, 1944, to the date of his death.

#### SECTION ON PROPERTY AND TAXATION

Frank C. Olive, Chairman

This section was organized under the direction of Ex-President Carl Gray. As a Section it is peculiar in that there are no dues and all members of the Association may consider themselves as members of the Section.

Its functions have been to formulate programs, procure noted speakers, and to bring before the Association for

discussion matters that seem to be of the greatest current interest, and constructive value.

Great interest has been manifested by the members not only in local and federal tax matters, but also in the growing cumbersomeness of abstracts of title.

Committees have been working diligently on preparation of a proposed act affecting statutes of limitation, entitled "An Act Concerning the Determination of Adverse Claims to Real Property," copies of which have been distributed at this meeting, together with copies of a proposed Property Act Title Statute.

This work has been done by some of our ablest lawyers under the direction of Dean Bernard C. Gavit as chairman. An enormous amount of study and research work has been necessary, and these gentlemen deserve our sincere appreciation. It is hoped that these proposals will have received careful study by the time of our mid-winter meeting so that the Association may be able to act on them in time to submit such matters to the next session of the Legislature.

#### MEMORANDA OF FRANK C. OLIVE

The proposed bill for an act concerning the determination of adverse claims to real property relates chiefly to actions to quiet title.

The other relates to limitations of the time for commencing civil actions. A great deal of interest has been manifested by the members of the Association in regard to abstracts of title and these drafts are the result of a vast amount of research work.

I think it is very important that these be published in the Journal as quickly as possible and that local Bar Associations be urged to appoint committees from their own membership to study them with the hope that the Bar Association at its mid-winter meeting may be able to recommend them for passage in the coming session of the Legislature.

Dean Bernard C. Gavit is chairman of the committee handling these matters and committees appointed by local Bar Associations should correspond with him regarding any suggestions which they may have that will tend to improve these drafts.

At this point President Harding called for new business. Whereupon, Mr. Sharpnack presented a resolution that The

Indiana State Bar Association, "approves The Jennings Bill, H. R. 6345, now pending in the Congress of the United States; that it respectfully suggests that it be amended to fix jurisdiction in the district in Federal Courts and the county in State Courts, of the residence of the plaintiff in interest at the time the cause of action arose; and that it urges the support of said Bill when so amended by the United States Senators and Representatives from Indiana."

The resolution was put to a vote and unanimously adopted and the Secretary was instructed to forward copies of the resolution "to the Honorable John Jennings, Jr., Huntsville, Tennessee, the author of said bill, and to the United States Senators and Representatives from Indiana."

**PRESIDENT HARDING:** It has been suggested that there should be more effective cooperation between our Association, the Bankers Association and the Medical Association, particularly in the matter of the enactment of legislation. I think it would be wise if this Association would at least authorize the Board of Managers to appoint a committee to cooperate with other organizations of the State. That is more a matter agreed upon as a desirable policy and will not go into the enactment of any particular legislation. Does any one want to make a suggestion?

A motion was made that the Board of Managers be authorized by the Association to appoint such a committee.

The motion was put to vote, and was carried.

#### NOMINATING COMMITTEE

Carl Wilde, chairman

The Nominating Committee's report has been communicated to the members of the Association in accordance with its Articles.

The nominations are as follows:

FOR PRESIDENT	Charles A. Lowe, Lawrenceburg
FOR VICE-PRESIDENT	Verne G. Cawley, Elkhart

#### FOR MEMBERSHIP ON THE BOARD OF MANAGERS

(2 year term)

Third District	J. Fred Bingham, Mishawaka
Fifth District	Russell P. Harker, Frankfort
Sixth District	Howard C. McFaddin, Rockville

Seventh District  
Eighth District  
Ninth District

Judge Frank M. Martin, Spencer  
Phelps Darby, Evansville  
Paul V. Wycoff, Batesville

**FOR MEMBERS OF THE HOUSE OF DELEGATES OF  
THE AMERICAN BAR ASSOCIATION**

Charles A. Lowe, Lawrenceburg  
Verne G. Cawley, Elkhart

This report has been furnished the members at least forty-five days before the date of this meeting. No other nominations have been received by the Secretary during the intervening period, therefore, Mr. President, as Chairman of the Nominating Committee I move that the Secretary be authorized to cast a ballot for the election of the nominees as selected by the Nominating Committee and that they be declared elected unanimously.

It was voted, on motion duly seconded that the Secretary be instructed to cast the vote of the Association for those named in the report. The ballot was cast, and they were declared elected.

**MR. HARDING:** In conclusion I want to thank you and congratulate all of you in attending this meeting, and for your good health. I want again to express the appreciation of the Association as well as the officers of the fine reception of Notre Dame University and the Bar of St. Joseph County.

**ADJOURNMENT**

**YOUNG LAWYERS' SECTION**

*Awards of Merit*

Each year, the Junior Bar Conference of the American Bar Association presents Awards of Merit to the outstanding State group and the outstanding Local group of Junior Bar age, based upon the activities of the various affiliated State and Local Junior Bar Groups.

At the twelfth annual meeting of the Junior Bar Conference of the American Bar Association, held on December 16-19, 1945 in Cincinnati, Ohio, in conjunction with and as a part of the Annual Meeting of the American Bar Association, the Committee on the Awards of Merit of the Junior

Bar Conference announced the Award of Merit for general excellence in Bar Association activities for State groups to the Young Lawyers' Section of the Indiana State Bar Association. The Award of Merit for general excellence in Bar Association activities to Local groups went to the Junior Bar Section of the District of Columbia Bar Association and the Award of Merit for general excellence in war work, a special award, to the Younger Members' Committee of the Chicago Bar Association.

The Certificate of Award was presented to the Young Lawyers' Section at the Annual Meeting of the Association held at Notre Dame, September 6th and 7th. Hon. Tappan Gregory, Chairman of the House of Delegates of the American Bar Association, presented the Award on behalf of Lyman M. Tondel, Jr., Chairman of the Junior Bar Conference, who was unable to attend. The Award was received by Walter B. Keaton of Rushville, who is Chairman of the Young Lawyers' Section for the year 1944-1945, which was the year for which the Award was made. Other officers of the Young Lawyers' Section at that time were John E. Early of Evansville, Vice Chairman, and John W. Houghton of Indianapolis, Secretary.

The Association congratulates the Young Lawyers' Section upon their achievement.

#### PROCEEDINGS

The annual meeting of the Young Lawyers' Section of The Indiana State Bar Association was held at the Law School building at Notre Dame University at 9:30 a.m., Central Daylight Savings Time, Saturday, September 7, 1946. Present at the meeting were the following officers of the Young Lawyers' Section: John E. Early, Chairman, Bruce H. Johnson, Indianapolis, Vice-Chairman, Benjamin Saks, Gary, Executive Council, First District, Robert E. Jones, Indianapolis, Executive Council, Third District, William M. Bloom, Columbia City, Executive Council, Fourth District, Arthur L. Hart, Vincennes, Executive Council, Seventh District, Walter B. Keaton, Rushville, Member at Large. The following officers were absent: John W. Houghton, Indianapolis, Secretary, A. Glen Armstrong, Lafayette, Executive Council, Second District, John R. Browne, Jr., Marion, Executive Council, Fifth District, Rexall A. Boyd, Greencastle, Executive Council, Sixth District, John R. Ax, Huntingburg, Executive Council, Eighth District, Thomas C. Bigley, Co-



lumbus, Executive Council, Ninth District, Robert M. Brown, Newcastle, Executive Council, Tenth District, Claude M. Warren, Indianapolis, Executive Council, Eleventh District.

The Chairman announced that in pursuance of the by-laws of the Young Lawyers' Section of The Indiana State Bar Association, the officers and the members of the Executive Council for the ensuing year should be elected. The report of the Nominating Committee, which had been appointed at the regular mid-winter meeting, was filed. The following nominations were made by the Nominating Committee:

For Chairman	.....	<i>Bruce H. Johnson, Indianapolis</i>
For Vice-Chairman		<i>Thomas C. Bigley, Columbus</i>
For Secretary	.....	<i>A. Glen Armstrong, Lafayette</i>

The Chairman then pointed out that the by-laws provided that nominations may be made from the floor and asked for further nominations and no further nominations being made for any of said offices, the above mentioned individuals were unanimously elected.

The Chairman then stated that in accordance with the provisions of the by-laws the terms of office of the Executive Council representing the odd numbered Congressional Districts, the 1st, 3rd, 5th, 7th, 9th and 11th Districts would expire at the close of this meeting and that the term of office of the member representing the 8th Congressional District would expire by virtue of the fact that said member had failed, without reasonable excuse, to attend two consecutive meetings of the Council.

The members of the Section present proceeded to fill the vacancies stated above on the Executive Council by caucus, in accordance with the by-laws of this Section and as a result thereof the following members were elected to serve as members of the Executive Council of the Young Lawyers' Section of the Indiana State Bar Association for the terms set out opposite their names:

Russell H. Nehring, 691 Broadway Gary, Indiana	1st Congressional District	2 years
Maurice N. Frank 410 Lafayette Bldg. South Bend, Indiana	3rd Congressional District	2 years

Arthur A. Osborn Marion, Indiana	5th Congressional District	2 years
Arthur L. Hart Vincennes, Indiana	7th Congressional District	2 years
Edward L. Waddle 802 Main Street Petersburg, Indiana	8th Congressional District	1 year
William Henderson Columbus, Indiana	9th Congressional District	2 years
Evelyn Pitschke Holliday Building Indianapolis, Indiana	11th Congressional District	2 years

The Chairman then stated that A. Glen Armstrong, Lafayette, Executive Council, 2nd Congressional District, William M. Bloom, Columbia City, Executive Council, 4th Congressional District, Rexall A. Boyd, Greencastle, Executive Council, 6th Congressional District and Robert M. Brown, Newcastle, Executive Council, 10th Congressional District, continue during the ensuing year and that John E. Early, Evansville, Indiana will serve during the ensuing year as Member at Large.

Thereupon there being no further business and upon motion duly made and seconded, the meeting was unanimously adjourned.