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Announcements

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NATIONAL ORATORICAL CONTEST AND THE STATE ESSAY CONTEST

Numerous high schools throughout the state and most of the counties in the state participated in the contests on the constitution held in the various high schools of the state under the supervision of the American Citizenship Committee of the Association.

The final contest was held at Brookville, Indiana, on the evening of April 24, 1929. Preceding the contest the Franklin County Bar Association gave a dinner and reception to the visiting attorneys. A dozen different counties were represented. After the dinner the attorneys went in a body to the contest and sat together.

The arrangements of the meeting were made by Judge Roscoe C. O'Byrne assisted by the local Bar Association.

The six contestants who won in the Consolidated District or Zone Contests were introduced by the Chairman of the meeting, Mr. Isaac Carter, of Indianapolis. Their names and schools are as follows:

Richard E. Bixby, Andrews High School; Lewis Krenke, Bedford High School; Allan Parr, Lebanon High School; Tom Millikan, New Castle High School; William Cragen, Martinsville High School; Paul Somers, Fort Wayne North Side High School.

The judges, Judge Clarence R. Martin, Indiana Supreme Court, Merl Wall, Deputy Attorney-General, and August J. Reisal, Superintendent of Brookville Schools, retired at the conclusion of the contest and shortly thereafter returned with their decision in favor of Tom Millikan of the New Castle High

School for first prize. The subject of his oration was the "Origin of the Constitution."

The winner of the Essay Contest announced at this meeting was Mr. Thomas H. Daly of the Catholic Central High School of Hammond, Indiana. The judges on the Essay Contest were: President Robert J. Aley, Butler University, Honorable John P. Edmison, Indianapolis Star, Honorable Charles Martindale, Indiana State Bar Association.

All prizes this year were larger than in any previous years. The prizes were as follows:

| | |
|--|----------|
| To the winner of first place in the Oratorical Contest was awarded the title of "State Champion," a gold medal, and cash award of_____ | \$400.00 |
| To the winner of second place_____ | 150.00 |
| To the winner of third place_____ | 125.00 |
| To the winner of fourth place_____ | 75.00 |
| To the winner of fifth place_____ | 50.00 |
| To the winner of sixth place_____ | 25.00 |

| | |
|---|----------|
| To the winner of first place in the Essay Contest was awarded the title of "State Champion," a gold medal, and cash award of_____ | \$300.00 |
| To the winner of second place_____ | 150.00 |
| To the winner of third place_____ | 125.00 |
| To the winner of fourth place_____ | 75.00 |
| To the winner of fifth place_____ | 50.00 |
| To the winner of sixth place_____ | 25.00 |

| | |
|-------------------|-----------|
| Grand Total _____ | \$1550.00 |
|-------------------|-----------|

The awarding of the cash prizes and medals was made possible through the generosity of Mr. Frank C. Ball, of Muncie, Indiana.

The bestowal of the medals will take place at a later date, since they are to be suitably engraved with the name of the champion.

The Brookville High School Orchestra furnished music for the occasion and interesting remarks were made by Chairman Carter, State Superintendent Roy P. Wischart, and Attorney-General of State of Indiana, James M. Ogden.

COMMUNICATIONS

“AN ASPECT OF JUDICATURE”

Editor, Indiana Law Journal:

When we come to consider the constitutional provisions concerning the province of the jury and, also, the duty of the Supreme Court to give a statement in writing of each question arising in the record, etc., we are brought to deal with history rather than with current politicians.

Such publications as now are made of state reports by the larger houses, whether in course of appellate action or as selected cases, are helpful in the larger senses (1) of giving us a broader aspect of the law and (2) of keeping us in touch with the affairs of our brothers in other states. In this latter aspect it seems that the publishing houses are rendering a patriotic service. Thus, they instruct the whole people and they make us homogeneous rather than sectional. We are greater in unity and accord if we understand one another than we should be if left to deal with one another darkly and with suspicion.

In my service on the Council of the National Conference of the bar associations of America, it is not improper for me to say, I was unafraid to place Indiana lawyers on some of the great committees which functioned in behalf of all the members of the bar of America. I am pleased to give my testimonial, though it is not necessary, to the work of these Indiana men. They were Charles H. Moons, on Education, and Charles A. Dryer, on Moral Qualifications. We all can be proud of what these two Indiana lawyers did. Both now are gone.

For the selection of these Indiana lawyers for membership in their great committees, I do not have to tell you that I had to meet the challenge that our Constitution limited the educational and the moral standards of our bar to a point where the standard was said to be almost negligible. But I knew the history of those terms of the Constitution and I knew that in those states from which criticism came the Cartesian philosophy controlled the introduction of evidence and confined its standards to the sensual impression; that witnesses could relate what they had seen, heard, tasted, touched and smelled; that these sensual impressions were conveyed with language to twelve men, representing various walks of life, who in their own contacts

with life had acquired standards for the determination of what they had seen, heard, tasted, touched, and smelled. It was out of these sensible contacts with life that truth was ascertained according to those standards which are common to men and which men understand. Truth has its own province in the affairs of men and it ought never to be veiled, nor covered with any form of mystery if it is to be employed as the basis of distributive justice. But while our people were thus advised as to truth in fact, they did not know so much about the law. Therefore, the people asked for instructions from the appellate judiciary. If the courts should state their opinions in writing there would be a record and it would be stable. The permanence of such a record would restrain the courts to deliberation in their opinions and judgments and this would be a caution to the courts to proceed with wisdom, prudence, order and moderation. I do not know what higher attributes can attend the safeguards of liberty than wisdom, prudence, order and moderation in distributive justice. And then these opinions of the courts, thus obtained and recorded, were to be published as "reports." Reports to whom? Why, to the people, of the advancement of learning—which is an element of wisdom—in their own judicature. Can there be a more sublime conception than that!

It is to be remembered that the founders of our states and nation were without judicature. Their courts were tribunals of arbitration and award and not of judicature. Our judges in the beginning took an oath to perform their duties honestly and without reward; fearlessly and without favor. But they did not have to pay any attention to the law, for really we had no law, as we now know what law is. Our forefathers came here either under contract or as refugees. They who came under contract were colonists who had been granted a charter. That Charter meant what the mother country cared to have it mean. This condition was one of the causes of the revolution. Burke in his address on "Conciliation" reminded the Parliament that some of our colonists got along even without government.

Following the revocation of the Edict of Nantes, which edict had granted religious toleration, it is said that 65,000 Protestant families were expelled from France and their estates confiscated under edicts of Louis XIV, who, with his minister of finance, Colbert, was laying by stocks of wealth for the approaching war with Spain. Those French Protestants included many

people of culture and they represented in a large measure the old aristocracy of France. They were derisively termed the Huguenots. They settled in America largely south of the James River. But some of them went farther north. Of those who went farther north the Faneuil family, through its son Peter, furnished the hall in Philadelphia where the Declaration of Independence was adopted. Another of those who went farther north was the Jay family, which, through its son John, furnished a contribution, with Madison and Hamilton, to the Federalist, and who was a signer of the treaty of Paris which assured our Independence, and who was the first Chief Justice of the Supreme Court of the United States. Among those who remained south of the James River were the Marions, the Monroes, and the Laurenses.

But, it is not alone what these men did in America for the cause of liberty, and to assure that the administration of distributive justice never should get over the head of the people and beyond their understanding. Back in France the seed of liberty fell upon fertile soil. In its growth it developed, among others, Rene DesCartes, whose religious attachments were various. It cannot be said that Rene DesCartes adopted and advocated the standard of sensual impression because he had no other. If Rene DesCartes was not the greatest mathematician the world ever has known he certainly was one of its most successful. It was he who worked out the amalgamation of Algebra and Geometry and gave us the latter much as we have it today, a far departure from Euclid. Rene DesCartes knew logic; he could reason; there was no servitude to necessity in his case when his philosophical works advocated the sensual impression as the basis of distributive justice. And so the states of America, and the government of the United States, hold no margin over Indiana when it comes to standards of administration of distributive justice. We all are followers of Rene DesCartes,—we all are Cartesian.

When our fathers wrote the Constitution, they looked again to the old world—to England with her common law and to France with her philosophy of empiricism. Montesquieu had then brought out his "Spirit of the Law," a pronounced gesture of which was that guaranty of liberty to be found in the division of the powers of government among three departments the legislative, the judiciary, and the executive. These divisions of powers were novel to us. We transferred our judiciary from

one of arbitration to one of law. Our judges were sworn to uphold the Constitution and the laws made under it. It was our good fortune that there came soon to us Daniel Webster. In his Dartmouth College case and elsewhere he taught us the lesson of distributive justice according to the due process of law. And that was judicature!

Our own Supreme Court of Indiana for many years addressed itself to judicature. It used the word "Judicature" in its name until the 160th Indiana. In 161 Indiana the word "Judicature" disappears from the title of the court in its printed reports. I do not know what it means.

WILLIAM VELPEAU ROOKER