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Announcements

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The Mid-Winter Meeting

Claypool Hotel, Indianapolis, December 15, 1934

FORENOON SESSION—10:00 O'CLOCK

Assembly Hall—Claypool Hotel

Registration at 9:00 o'clock.

Meeting called to order at 10:00 o'clock.

Report of Entertainment Committee-----Frank C. Dailey
Review of the 1934 Session of the American Bar Association...Eli F. Seebirt
Report of Grievance Committee-----George L. Denny
Report of Jurisprudence and Law Reform Committee-----George O. Dix
Report of Legislative Committee-----Joseph G. Wood
Report of Illegal Practice of Law Committee-----Howard S. Young
Report of Membership Committee-----Fred C. Gause

AFTERNOON SESSION—1:45 O'CLOCK

Assembly Hall—Claypool Hotel

Report on Revision of Statutes-----Wade H. Free
Report of Legal Education Committee-----Thomas F. Konop
Report of Criminal Jurisprudence Committee-----Philip Lutz, Jr.
A Summary of the Work and Recommendations of the Committee on
the Administration of Justice of the Indiana State Committee on
Governmental Economy-----Bernard C. Gavit

EVENING SESSION—6:30 O'CLOCK

Riley Room—Claypool Hotel

Mid-Winter Banquet.

Introduction of Guests.

“The Human Element in the Administration of Justice”-----
Hon. Charles M. Hay, City Counselor for the City of St. Louis
“Investigation and Detection of Crime From the Prosecutor’s View-
point”-----Hon. George E. Q. Johnson, Former U. S. District Attorney
and U. S. District Judge of the Northern District of Illinois

Charles M. Hay

Hon. Charles M. Hay, who will address the mid-winter meeting of the Indiana State Bar Association on “The Human Element in the Administration of Justice,” was the nominee of his party for United States Senator from Missouri in 1928, is at present City Counselor for the City of St. Louis, and

is widely known as a trial lawyer. As an after-dinner speaker he is equally gifted. The following editorial tribute from the October 19, 1934, issue of the St. Louis County Leader will give the members of the Association some idea of the treat that is in store for them:

"In the course of a long and varied newspaper career it has been my pleasure and pain to hear a lot of speeches by some of the best and worst speakers in the land. I have heard Bryan at the banquet board and on political platform. Also Joe Dolliver, the Iowa senator, and a man who would have been his party nominee for president if he had lived. Then there were Taft and Teddy Roosevelt and Woodrow Wilson and Champ Clark and a flock of governors.

"In the east I listened to the polyglot language of Al Smith and the classic diction of Nicholas Murray Butler. To my mind Irvin Cobb is about the most delightful speaker of them all. O yes, and there is Henry Allen, the Kansas ex-governor, who is a master among after-dinner speakers.

"And yet, with this list of orators and their eloquence still fresh in my mind, I honestly believe that Charlie Hay, St. Louis city counselor, is the peer of any one of them. Anyway I would go as far to hear him talk as any one of these notables I have named.

"Hay has everything a master orator ought to have—speed, curves, change of pace and control. He has the voice. He has studied and mastered the art of elocution. He mixes humor with earnestness in just the right proportions. He laces his logic with earnestness in such fashion as to make his point clear and strong.

"And mind you, this man Hay uses just enough word painting and sonorous eloquence of expression to make his picture beautiful and appealing. Not too much. He is also a student, and whether he talks on politics or history or philosophy, he always holds one in the hollow of his hand."

George E. Q. Johnson

Hon. George E. Q. Johnson, who will address the mid-winter meeting of the Indiana State Bar Association on the "Investigation and Detection of Crime From the Prosecutor's Viewpoint," served as United States District Attorney for the Northern District of Illinois for six years and on his resignation from that office was appointed United States District Judge for the same district, from which office he retired in 1933 to re-enter the practice of law.

While United States Attorney, Judge Johnson prosecuted the gangster criminals in Chicago as well as a number of corrupt officials, securing convictions of Al Capone and his partners Terry Druggan, Frankie Lake, Frankie Pope and many other less notorious members of their gangs. These convictions were sustained by the United States Supreme Court and resulted in breaking up these gangs. Judge Johnson was the first United States Attorney to make use of the Income Tax Law to reach criminals and corrupt public officials, who up to that time had seemed immune.

Judge Johnson has a reputation as an eloquent and brilliant orator hardly second to his notable achievements as a lawyer, and his address on the timely subject of detection of crime promises to be not only instructive but extremely entertaining.

Judge Johnson is at present a member of the Board of Managers of the Chicago Bar Association and he served on the Committee of the Illinois State Bar Association that studied and revised the Criminal Code of Illinois.

It is significant that his hobbies of History and Political Science are related to his profession, for the hobbies of prominent men often are far removed from their vocations.

Interesting Circuit and Superior Court Decisions

St. Joseph Superior Court, J. Elmer Peak, Judge.

The following decision made in the case of *Simon v. Hinchcliff and Earl* may be of interest to readers of the *Indiana Law Journal*:

An action was brought against the defendants to recover damages for the death of the plaintiff's decedent, alleged to have resulted from an automobile accident, in which the car in which the decedent was riding as a guest collided with a tractor and trailer owned and operated by the defendants. Service was obtained under Section 15 of Chapter 179 of the Acts of 1931, which provides that the operation by a non-resident or his agent of a motor vehicle upon the highways of Indiana constitute an appointment by such non-resident of the Secretary of State as an attorney for the service of process in actions growing out of any accident or collision. The constitutionality of this statute was attacked on the ground that its provisions are not covered by the title of the act, which is as follows: "An act concerning the financial responsibility of owners and operators of motor vehicles for damages caused by the operation of motor vehicles on public highways." The court held that the act was constitutional and that its provisions are sufficiently indicated in the title.¹

Huntington Circuit Court, Sumner Kenner, Judge.

The following ruling made in the case of *State of Indiana v. Zack Sweazy*, on October 15, 1934, may be of interest to readers of the *Indiana Law Journal*:

In a murder case where there was some evidence of self-defense, *held* not error to allow state to show reputation of deceased for quietude on rebuttal following *Bowlus v. State*, 130 Ind. 277, and *Fields v. State*, 134 Ind. 46. Also *held* that where charge is first degree murder alone, defendant cannot be found guilty of second degree murder or manslaughter under Section 5, Chapter 54, Acts 1929, following *Witt v. State (Sup.)*, 185 N. E. 645.

Huntington Circuit Court, Sumner Kenner, Judge.

The following ruling made in the case of *Moore v. Hilyard*, on October 28, 1934, may be of interest to readers of the *Indiana Law Journal*:

Case for negligence against taxicab company, allegations of negligence being that driver failed to assist passenger to alight and failed to turn on light in rear of car.

Demurrer sustained on ground that as a rule there is no duty devolving on operator to assist passenger in alighting following *Hudnut v. Indiana DeLuxe Cab Co.*, 182 N. E. 711.

¹ The problem presented by Judge Peak's opinion is elaborately discussed and analyzed in the leading article in this issue of the *Journal*: *The Drafting of Statute Titles*, by Professor Carl H. Manson.

Huntington Circuit Court, Sumner Kenner, Judge.

The following ruling made in the case of State ex rel Department of Financial Institutions v. Ben F. Bilitier, on October 26, 1934, may be of interest to readers of the Indiana Law Journal:

On suit brought by department of Financial Institutions to collect stockholders' liability on bank stock, defendant answered that bank owed him and had collected large sums which should be set off.

Demurrer to answer sustained on authority of Gentry v. Alexander, President of Bank of Gosport, 16 Ind. 471, holding no set off allowed.

Legal Directory

Charles L. Tindall and his son, Charles, have formed a law partnership and will be known as Tindall & Tindall, Greenfield, Indiana.

Judge W. C. Overton has moved his office which has been in the Armstrong-Landon block for a number of years, to his home, 503 West Walnut Street, Kokomo, Indiana.

The law firm of Funkhouser & Funkhouser, Evansville, Indiana, has taken in two partners. The partners are now Albert and Arthur Funkhouser, the original ones, and Ben J. Biederwolf and John D. Rawlings, the new partners.

Edwin B. Long has opened a law office over Cavins Drug Store, Bloomfield, Indiana.

Ex-Judge Hurd J. Hurst and Attorney James L. Miller have formed the new law firm of Hurst & Miller, Peru, Indiana. Their office is located at the head of the Broadway stairs in the Cole block in the same building where both have had separate offices for some time.

Schuyler C. Dwyer, Lowell, announces that he has re-opened his law office adjoining his dwelling at his residence.

Attorney Francis A. Moore has moved his residence and office from 422 Pine to the old Cushman House at 419 Spring Street, Michigan City.

Obituaries

J. H. Brubaker, prominent Warsaw attorney, died at the home of a son, Maurice, in Fort Wayne, Tuesday, October 16. He was 81 years old.

George H. Gifford, 85, eldest member of the Tipton County Bar Association, died at his home in Tipton, Tuesday, October 23. Mr. Gifford was a former state senator.

Harlan B. McCoy, 50, former city judge, dropped dead in the Furniture Building, Evansville, Tuesday, October 19, 1934.

Emmett Orlando King, 59, Huntington attorney, died suddenly of heart attack at a hotel in Greencastle, Saturday, October 20, 1934.

Ely E. Perry, 57, Fort Wayne attorney, died at his home in Fort Wayne, Tuesday, October 16, 1934. Mr. Perry was a former member of the Board of School Trustees of Fort Wayne.

W. A. Dutch, a native of Thorntown, former Lebanon attorney, died Thursday, October 11, 1934, at his home in West Palm Beach, Florida.

Leo H. Fisher, 66, Huntingburg attorney and former Pike and Dubois Counties prosecutor, died at his home Saturday, October 27, 1934.