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Indiana Bar

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INDIANA BAR

A Message from the President

Your president has been too busy working with the Association's Legislative Committee in an endeavor to enact the three bills sponsored by the Association to write the customary message. At this time (March 8th) the Judicial Council Bill has been passed and signed, and it is possible, but not probable, that the other two bills may yet be enacted.

At a later time you will be told in detail of the splendid cooperation the Association has had from both lawyers and laymen; the expected and customary opposition to the Association's program also was in evidence.

Sincerely,

WILMER T. FOX, President.

A Message from the Secretary

The Indiana State Bar Association concludes its 1935 legislative activities heartened by the fact that it secured the passage of the Judicial Council Bill and with the conviction that a better understanding with the lawyer members of the General Assembly has resulted from such activities.

Although the usual opposition to the Association's program was present at this session it was a source of great satisfaction to find a number of staunch and vigorous supporters who fought for the enactment of all three measures in the face of repeated discouragements. In a number of instances this support came from lawyers who were not members of the Association, but who felt that the program was wholly meritorious.

It is desired here simply to thank those lawyer members of the General Assembly who fought our battles both on the floor and in committees with particular credit going to Representatives Stanley S. Gilbert, Joseph A. Andrew, Allen C. Lomont, C. Nelson Bohannon and Martin J. Downey in the House of Representatives and Senators Hubert E. Wickens, William Fitzgerald, Frederick F. Eichhorn and Jesse E. Wade in the Senate.

THOMAS C. BATCHELOR, Secretary.

Admission to the Bar

By its recent decision in *In re Todd*,¹ the Indiana Supreme Court has removed beyond question constitutional restrictions against higher qualifications for admission to the bar. By this decision, the Constitution of Indiana is amended to remove the "guarantee" that any person with a good moral character may be admitted to the practice of law. This decision represents an important advance in the long struggle of the Indiana State Bar Association to raise the standards of the Indiana Bar. The way is now open to the Supreme Court to establish educational qualifications for admission to the practice which will be in line with those of other States of the Union.

The highly favorable reaction of the American Bar in general is indicated by the telegrams received by the Secretary of the State Bar Association from outstanding lawyers, jurists, and educators from all parts of the Nation. It

¹ 193 N. E. 865 (1935).

must be understood, however, that the struggle for a high level of public service on the part of the legal profession of this state is not yet terminated. Obstacles to advancement have been removed. The advancement is yet to be made. Unceasing effort by the Indiana State Bar Association is still necessary before the profession can take that pride in its achievements which is the reward of public service of the highest order.

Indiana Historical Society

The Indiana Historical Society extends an invitation to membership for members of the Indiana State Bar Association. The Society was organized in 1830 and enjoys a Legislative Charter, or Act of Incorporation, approved January 10, 1831. While there were subsequent periods of quiescence, for the last fifty years it has had a record of uninterrupted activity.

In the reorganization of 1886, as it was called, William H. English was elected president; William Watson Woollen, first vice-president; General John Coburn, second vice-president; Judge Daniel Wait Howe, third vice-president; Jacob P. Dunn, recording secretary; and W. DeM. Hooper, treasurer. Others who participated in the reorganization were John R. Wilson, Addison C. Harris, John H. Holliday, John C. Shoemaker, William R. Holloway, Elijah Halford, John A. Finch, George C. Hitt and Byron K. Elliott. Earlier presidents included Benjamin Parke, Samuel Merrill, Isaac Blackford, John Law, and Charles H. Test. Since William H. English's time, William Watson Woollen, Daniel Wait Howe, Charles W. Moores, James A. Woodburn, Evans Woollen, and Eli Lilly (the present incumbent) have served as president.

The Historical Society is a voluntary association supported entirely by its annual membership dues of \$2.00, gifts and endowment. The late Delavan Smith, proprietor of the Indianapolis News, bequeathed to it his library which included a large historical library of his father, William Henry Smith of Lake Forest, together with a substantial fund for its maintenance. The William Henry Smith Memorial Library, as it has been named, specializes in rare and valuable historical books and manuscripts. It is housed in one of the finest rooms of the new State Library and Historical Building at Senate Avenue and Ohio Street.

The Publications of the Society are now running in the eleventh volume. Its latest publication, this January, is an illustrated pamphlet by Lee Burns on "Early Architects and Builders of Indiana." Members of the Society also receive the monthly Indiana History Bulletin, published by the Historical Bureau of the state, and the quarterly Indiana Magazine of History, published by Indiana University. It cooperates with the Historical Bureau which now has on the press a reprint of Laws of Indiana Territory, 1809 to 1816, with an introduction by Judge Louis B. Ewband, chairman of the committee of the Society upon legal history.

Members of the Bar Association may join the Historical Society by sending their names and addresses with annual dues of \$2.00 for 1935 to the secretary, Christopher B. Coleman, 408 State Library and Historical Building.

Legal Directory

Frank C. Olive announces the formation of a partnership for the general practice of law under the firm name of Olive, McCurdy and Gueutal, 520 Chamber of Commerce Building, Indianapolis.

Ben C. Rees, formerly of Smith, Rees & Smith, and Alfred J. Link, formerly judge of the LaPorte Circuit Court, announce the formation of the partnership of Rees and Link for the general practice of law with offices in the Masonic Temple Building, LaPorte, Indiana.

A. S. Hymans, who has been practicing law at 548 Broadway, has joined the firm of Sheehan and Lyddick as a junior partner. Located in the Gary State Bank Building, the firm will continue by the same name.

Lloyd C. Bryer has moved into his new law office in the Crump-Lucas Building at Fourth and Washington Streets, Columbus, Indiana. He took over the office formerly occupied by the law firm of Spaugh & Spaugh.

Judge Barton S. Aikman has formed a partnership for the general practice of law. Offices will be maintained in the Aikman Building on the north side of the square in Newport, Indiana.

Louis Powell is a member of the new law firm of Carlton, Whitaker and Powell, with offices located in Suite 408 of the Hammond Building, Hammond, Indiana.

Bar Associations

The Elkhart County Bar Association held its regular annual business meeting at the Hotel Elkhart, Elkhart, Indiana, Friday, February 1, 1935. Following the dinner, the following men were elected as officers of the association for the year 1935: president, Warren Berkey of Goshen; vice-president, Glen R. Sawyer of Elkhart; secretary, George L. Pepple of Goshen; treasurer, Claude A. Lee of Elkhart.

The following have been elected to office in the Gibson County Bar Association: C. O. Baltzell, president; Hovey C. Kirk, vice-president; Douglas H. McDonald, secretary; and Gerald E. Hall, treasurer.

At a meeting of the Owen Bar Association held at the home of Attorney James R. Miller, Spencer, new officers were selected as follows: James R. Miller, president; J. E. Harrison, vice-president; W. E. Treadway, secretary; and Claude Hoskins, treasurer.

The Wabash County Bar Association has elected Frank W. Plummer as president to succeed Frank O. Switzer. H. N. Hipskind is secretary, and Joe Melvin is treasurer.

New officers of the Indianapolis Lawyers Association are: Donald F. LaFuze, president; Edwin Berryhill, vice-president; Charles W. Holder, secretary; and Harry L. Gause, treasurer. Oscar Hagemier, Paul Summers and Sherwood Blue have been elected Directors.

Albert T. Frantz has been elected secretary-treasurer of the St. Joseph County Bar Association. He succeeds the late D. D. Nemeth.

Officers of the Daviess County Bar Association for the coming year are: Arthur Rogers, president; E. T. Laughlin, vice-president; Fred Dobbyn, secretary; and Homer Beasley, treasurer.

The first of the monthly dinner parties by members of the Wabash County Bar Association was held at the Indiana Hotel, Wabash, Tuesday night, February 5, 1935. Judge Ralph Smith of Indianapolis was the chief speaker. Members of the Huntington County and Miami County Bar Associations were guests.

The Dearborn County Bar Association held a dinner at the Country Club for its members and guests on Wednesday evening, January 9. The speaker of the occasion was Judge Roscoe C. O'Byrne of Brookville.

The members of the Madison County Bar Association were guests of L. E. Damron, manager of the Anderson Hotel, Anderson, at a 6 o'clock dinner Thursday evening, February 7. The dinner was planned by Mr.

Damron as an expression of good will for members of the legal profession.

The Marshall County Bar Association gave a testimonial dinner at the Grand Hotel, Saturday evening, February 2, 1935, honoring Frank E. Martindale, attorney, on account of his being appointed general counsel of the State Highway Commission.

Charles P. Taft II, Cincinnati, addressed the Indianapolis Bar Association Wednesday night, February 6, at the Columbia Club, Indianapolis.

Obituaries

Robert S. Hunter, 60, prominent New Castle attorney, died at the Henry County Hospital, Thursday, January 31, 1935.

Julian C. Ralston, 39, attorney, died Sunday, January 20, 1935, at his home in Indianapolis.

Interesting Circuit Court Decisions

St. Joseph Superior Court, No. 2, J. Elmer Peak, Judge.

The following decision made in the case of Suabedissen-Wittner Dairy Inc., plaintiff, vs. State of Indiana, Department of the Treasury, defendant, Cause § 45567, on January 22, 1935, may be of interest to readers of the Indiana Law Journal:

Plaintiff contends that its entire gross income derived from the sale of pasteurized milk either at retail or wholesale is taxable at the rate of one-fourth of one per cent; that the plaintiff pasteurizes and bottles milk before distributing it and that said pasteurization amounts to "preparing for sale" of its product designated in Subdivision A, Section 3, of the Gross Income Tax Law, Chapter 50, Acts of 1933.

Remarks: The Court found that pasteurization of milk before distribution is not such "preparation for sale" as would bring the sale of said milk within the provisions of said Subdivision A of Section 3 and that the plaintiff be required to pay at the rate of one per cent on its milk products sold at retail and be permitted to pay one-fourth of one per cent only on its income derived from wholesale sales.

Declaratory judgment entered pursuant to this finding.
