New Features of Law Journal

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NEW FEATURES OF LAW JOURNAL

There appear in this issue two new features of the Law Journal which it is thought may prove of interest to the members of the Association, namely, a list of the Presidents of the Bar Associations of Indiana and a list of Judges and other court officers in Indiana. The information from which these lists were compiled was furnished largely by the clerks of the circuit courts of the various counties of the State. Certain lawyers of the State supplemented this information from the clerks. We desire to express our appreciation to these clerks and lawyers for their cooperation in furnishing this information. The information is believed to be complete and accurate. If, however, any errors have been made, we shall appreciate information which will enable us to correct such error.

Editor.

RECENT CASE NOTES

REPEAL OF THE TEACHERS' ACT AS IMPAIRMENT OF THE OBLIGATION OF CONTRACT.—By this action it is sought to mandate appellee, a township trustee, to continue relatrix in the employ of the township as a school teacher. Relatrix had become a permanent teacher under the Teachers' Tenure Act of 1927, which provides that a person who has served under contract as a teacher in any school corporation for five or more successive years, and shall thereafter enter into a contract for further service, shall become a permanent teacher of such school corporation. The act was amended in 1933 and made to apply to city and town school corporations only. Thus, the former act was repealed in so far as township schools are concerned. Held, there is no vested right in a permanent teacher's contract; therefore, the repeal of the Teachers' Tenure Act, in so far as it affects townships and township schools, removes the so-called tenure rights of teachers acquired prior to its repeal.¹

This case presents an interesting problem as to whether or not a permanent tenure teacher has a contract right which the Federal² and the State³ Constitutions protect from impairment by subsequent legislation. Naturally, the first question that arises is this: Does the teacher have a valid contract with the State? The law seems to be pretty well settled that the relation between the State and a teacher in the public schools is that of employer and employee, created by contract.⁴ It is not a public office⁵ and therefore is not subject

¹ State, ex rel. Anderson v. Brand (Ind. 1937), 5 N. E. (2d) 531, dissenting opinion by Judge Treanor, 5 N. E. (2d) 913.
² Constitution of the United States, Art. 1, Sec. 10, "No State shall . pass any . . law impairing the obligation of contracts "
³ Constitution of Indiana, Art. 1, Sec. 24, "No ex post facto law, or law impairing the obligation of contracts, shall ever be passed."