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Edward W. Allen

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BENCH AND BAR

A department devoted to the activities of the members of the Bench and Bar, and other allied groups. Communications are requested from officers and committee members of all agencies engaged in, or connected with, the administration of justice. Local bar associations are invited to report their activities through this department. Please address all communications intended for this department to LESLIE J. AYER, ASSOCIATE EDITOR, WASHINGTON LAW REVIEW, UNIVERSITY OF WASHINGTON, SEATTLE, WASHINGTON.

FOREWORD

To the Members of the Washington State Bar Association:

This year marks an innovation—the adoption of the Washington Law Review as the official organ of the Association. The record of the annual meeting, reports, speeches and proceedings have been cut to the bone, but what remains and is herewith published is well worth reading and studying by every lawyer.

Under our arrangement with the Review management this number will be mailed to every member. It is hoped that eventually the Association may be able to have all issues of the Review sent to every member, but at present it will be necessary for members to subscribe in order to receive any but this official number.

Every issue of the Review will, however, carry Association news and it is hoped that the members will subscribe for it and thereby get the benefit of such news as well as of the valuable up-to-date legal articles specially selected to be useful to Washington lawyers which the Review will carry.

The Association this year also hopes to make the dream of a paid executive secretary, full or part-time, but continuously looking after the interests of the profession, a reality. To do this requires an increase in membership.

The Association necessarily works largely through committees. The officers are going to follow up the committees in an endeavor to induce them to preface and present their reports to the trustees *before* the annual meeting so that the members may be advised in advance of the meeting what matters of interest will be considered. It is optimistically hoped that each member placed on a committee will cheerfully cooperate in this regard.

Your Association has a twofold function—to look after the interests of lawyers as such, and also to lend its aid to the public at large, particularly in those fields where lawyers by reason of their special education, training and experience are especially fitted to render public service.

EDWARD W. ALLEN, *President.*

W G. HEINLY, *Secretary.*

PROCEEDINGS OF 40TH ANNUAL CONVENTION OF
WASHINGTON STATE BAR ASSOCIATION AT
OLYMPIA, WASHINGTON, AUGUST
15 AND 16, 1929

OPENING SESSION

Thursday, August 15, 1929, 10:00 A. M.—Elks Temple

The Convention was called to order by President Ben H. Kizer.

An Address of Welcome was delivered by John S. Lynch, President of Thurston-Mason County Bar Association.

Charles W. Hall of Vancouver, Washington, delivered the Response to Address of Welcome.

The Report of the Secretary was read by the Hon. W. J. Millard. On motion it was approved and accepted.

Mr. Kizer then called Mr. Langhorne to the chair and delivered the President's Address. (See p. 172 of this issue.)

Mr. Kizer resumed the Chair and introduced Hon. Gurney E. Newlin, President of the American Bar Association, who delivered his address, "The American Bar Association," in which he outlined in a most lucid and effective way the work and achievements of the association and each of its sections and committees.

AFTERNOON SESSION

The Report of the Committee on Judicial Council was read by Judge Charles H. Paul. (See p. 202 of this issue.)

It was moved, seconded and carried that the report be accepted and a copy thereof transmitted to each member of the Judicial Council.

The Hon. George Donworth then delivered his address, "Federal Income Taxation on Community Income in Washington." (See p. 145 of this issue.)

The Report of the Committee on Uniform State Laws was read by E. L. Casey of Walla Walla. The report recommended the continuation of the committee to cooperate with the members from this state on the Conference of Commissioners on Uniform State Laws in presenting uniform laws adopted by the Conference to the legislature early in the session with a view to securing more adoptions by the legislature of this state. The report was adopted.

Dean Alfred J. Schweppe of the University of Washington Law School, spoke on "Methods of Relief for the Supreme Court." (For this paper, see 3 Washington Law Review 1.)

A general discussion followed during which Mr. M. M. Litchman moved that the Convention place itself on record as favoring the Supreme Court at once appointing Court Commissioners to assist in the preparation of opinions. Motion failed for lack of a second. Mr. Charles W. Johnson moved that the Convention recommend an increase in the number of Supreme Court judges and their division into three departments. Judge Paul moved as a substitute motion that the matter of relief to the Supreme Court be taken up by a special committee to be appointed by the president which will, before the next legislature convenes, meet with the Judicial Council or such other bodies as they may desire in order to get the opinion of the bar with reference to the question of relief, and that a preliminary report of such committee be made at the next annual convention of the State Bar Association, such report to be made within the next three months and laid before the different county bar associations. Mr. Allen moved that the motion be amended to provide that such committee make a draft of the legislation necessary to carry out its recommendation. Motion amended as suggested by Mr. Allen and carried.

Mr. Guy E. Kelly then made an oral report of the Legislative Committee, in which he stated that legislation affecting judgments of Federal Courts was recommended by the committee and passed by the last Legislature.

Friday, August 16, 1929, 10:00 A. M.

The Honorable Denis Murphy, Judge of the Supreme Court of British Columbia, was escorted to the rostrum by Judge Beals, and delivered his address, "The British Commonwealth, the United States and World Peace." (See p. 182 of this issue.)

The Convention accorded Judge Murphy an ovation.

Judge Walter B. Beals of the Supreme Court of the State of Washington, spoke on "Something New." He devoted his talk to a most interesting description of ancient law books and legal manuscripts, all of which he exhibited during and after his address.

Judge Chadwick presented the report of the Nominating Committee, as follows:

"The Nominating Committee of the Washington State Bar Association submits the following report:

President, Edw. W. Allen of Seattle.

Secretary, W. G. Heinly of Tacoma.

We recommend that the incoming president appoint the delegates to the American Bar Association.

STEPHEN J. CHADWICK, Chairman,
MAURICE W. LANGHORNE,
GEORGE H. RUMMENS."

AFTERNOON SESSION

R. J. Venables of Spokane delivered his address, "Legal Structure of the Federal Farm Bank."

Bertil E. Johnson of Tacoma made a short talk on the work of the Prosecuting Attorneys' Association.

Mr. John B. Van Dyke of Seattle read the Report of the Obituary Committee. (See p. 203 of this issue.)

Judge Paul presented the following resolution, which was unanimously adopted:

"Be it resolved by the Washington State Bar Association:

"That we heartily favor the employment of an executive secretary and the adoption of the Washington Law Review as the official organ of this Association.

"Be it further resolved that we recommend to the incoming president and board of trustees that they at once make a detailed study of the expense involved in such employment and publication, and that the president and board of trustees be clothed with full power and authority to engage such an executive secretary for the Association, and to arrange for the use and publication of the Washington Law Review as the official organ of the Association."

Mr. Dix H. Rowland presented the following resolution, which was unanimously adopted:

"RESOLVED, that we request the council of Federal Judges to enact a rule so that attorneys disbarred in the state court may also be disbarred promptly in the Federal Court."

Upon motion of Mr. Joe McCarthy, unanimously carried, Section 1 of Article VIII of the Constitution was amended to read as follows:

"Sec. 1. The dues of regular members of the Association and the funds for the Association shall be provided as follows: Immediately following each annual meeting the Board of Trustees shall determine upon a budget deemed by them reasonably sufficient to meet the expenses of the Association for the ensuing year. They shall thereupon apportion same to the respective counties of the state in proportion to the population of such counties as determined by the last federal census, or otherwise as may be determined by the board of trustees, and shall request the payment of such apportionment, etc."

Mr. Kizer explained that he had been advised by Mr. McCarthy that the proposed amendment to Article IV was unnecessary and that he was willing to let same die. It died.

Mr. G. Wright Arnold read the report of the Committee on Patents. This report recommended the creation by Congress of a single Court of Patent Appeals to eliminate the possibility of conflict now arising out of the existence of ten federal circuits.

It was moved and carried that the State Bar Association go on record as being in favor of a single Court of Patent Appeals.

Mr. Pope of the U. S. Veterans' Bureau presented a resolution containing a schedule of attorney's fees in veteran guardianship proceedings, which on motion was laid upon the table.

A resolution presented by Mr. McCarthy thanking the bar and people of Olympia for their courtesy was unanimously adopted.

The report of the Nominating Committee was unanimously adopted, and the Secretary instructed to cast the unanimous ballot of the Convention for Edward W. Allen for president and W. G. Heinly for secretary.

Judge Chadwick moved that the matter of the next meeting place of the Association be left to the board of trustees and the incoming officers. Carried.

Mr. E. L. Casey extended an eloquent invitation to the Association to hold its next session in Walla Walla, which invitation was ably seconded by Mr. Everett Smith.

The newly elected officers were escorted to the rostrum and made short talks.

Judge Chadwick moved that the Association by a rising vote express its thanks and appreciation to Judge Millard for all that he has done for the Association and for the bar of this state during his service as secretary. Motion carried unanimously.

Whereupon the Convention adjourned.

The annual banquet of the Association was held Tuesday evening at the Olympian Hotel and presided over by the Hon. Charles Ethelbert Claypool.

At the meeting of the Washington Law School Alumni Association, held the evening of August 15, the following officers were elected: President, Ray Dumett; Vice-President, Rex Roudebush, Secretary-Treasurer, Walter H. Hodge. Addresses were delivered by Judge John F. Main, Mr. Ben H. Kizer, Dean A. J. Schweppe and other members of the State Bar Association.

REPORT OF COMMITTEE ON JUDICIAL COUNCIL

The committee recommended that legislation be enacted, making it the duty of the Superior Courts to furnish periodically to the Council full information concerning the status of judicial business in the respective counties, upon the request of the Chairman of the Judicial Council.

The committee expressed its approval of "the work of the Judicial Council to date. Without this agency, which has not yet received the full support of the bar to which it is entitled, it is very doubtful if it would have been possible to make the progress which admittedly has been made with regard to certain rules of our procedure. The Council has been functioning for not very much more than three years and in that time there has been more progress made in improving rules of procedure than was made for many years prior to its organization.

Without implying adverse criticism of the work of the Council to date, we can say that there are some changes in its organization and method of work, which experience during this pioneering stage has shown need to be made in order to have it function to capacity. In the first place it is apparent that meetings of the Council have not been held as regularly or frequently as would seem to be advisable. If our information is correct there have been some gaps of more than six months between meetings and then somewhat hurried and feverish activity in order to prepare reports or take action. If the meetings were increased in number and more widely distributed, matters in which the Council is interested could be taken up more thoroughly and more satisfactorily. Single subjects might be taken up and disposed of and the action properly placed before the Bar, and the Council could move on to consideration of other matters."

The committee further expressed the opinion "that better organization can be secured only by having as executive secretary of the Council, a man who is in a position to devote the requisite time to constructing and carrying out organization plans. He should be a man of more standing and ability than that of a clerical assistant and should be someone who is in touch, not only with our local problems, but with reform of our judicial procedure throughout the Nation."

In closing the report the committee said "that after three years of work the Judicial Council has become a recognized part of the judicial machinery in this state. What is true of Washington is true of an increasing number of other states. With the grant of the rule-making power to the Supreme Court the lawyers and judges of this state no longer have any excuse so far as the rules of procedure are concerned."

Recognizing this, the committee felt "that much can be done toward placing the responsibility for weaknesses in our judicial system where it belongs (and it belongs on the people themselves in many instances), nevertheless, it is the duty of the State Bar Association by actively cooperating with and encouraging the Judicial Council to see that full information concerning these weaknesses, together with suggested remedies, is so conveyed that action will be taken by the Supreme Court, by the legislature or by the people themselves where needed, all to the end of reaching the best that can be expected from a human institution."

Respectfully submitted,

CHARLES H. PAUL, Chairman.
C. W. HODGDON,
WARREN W. TOLMAN,
B. H. KIZER,
WARD HUNT.

REPORT OF COMMITTEE ON "SCHOOL INSTRUCTION IN CIVICS"

To the Bar Association of the State of Washington:

We have found from a survey of the matter in the State of Washington that three obstacles exist to obstruct proper instruction on the Constitution in the high schools.

The first is that while the study of the Constitution is properly enough made a part of the study of American History, the study of American History is not usually, if ever, compulsory and, thus, while the subject is offered, a student may go through high school without actually learning anything about the Constitution.

The second is that the histories usually treat the study of the Constitution from a purely historical standpoint, relating the events that have been connected with the adoption and amendment of the Constitution, but without giving to the student any proper comprehension of the relation of these events and changes to the science of government. For instance, history would, of course, chronicle the passage of the Eighteenth Amendment. But it would not be likely to discuss that amendment with relation to the centralization of the government or its effect on the Federal Courts.

The third is the lack of teachers adequately prepared to teach the subject. And this brings us to the recommendation which your committee wishes to make to remedy conditions as far as may be possible. In making this recommendation we are merely adapting to the state the purport of the report to the American Bar Association, which is that the Bar itself must supply the teachers in the study of the Constitution. This is fitting because no class of people are so capable of so doing and no class should be more interested in the subject.

We believe that the local bar association in each city and town should arrange with the high schools for a series of lectures on the Constitution extending over the winter, given during school hours, but not often enough to become burdensome or to interfere with the school otherwise. These should be given in the smaller high schools so as to be heard by the entire school, but in the larger schools they might be confined to the

Seniors or to the Juniors and Seniors. We believe that the state committee should collect and make available material for these lectures and if possible furnish a set of lectures that might either be used or adapted to local use. The Life of John Marshall itself would furnish much very interesting assistance. We further believe the best talent in each local bar would be willing to serve in "fulfilling that obligation that we took to support the Constitution of the United States."

Respectfully submitted,

MARY H. ALVORD, Chairman,
REBA HURN,
REAH M. WHITEHEAD,
CORDELIA THIEL,
BLANCH F. MILLER,
BERTHA M. SNELL.

REPORT OF OBITUARY COMMITTEE OF STATE BAR ASSOCIATION

To the President and Members of the State Bar Association of Washington:

Your committee respectfully submits this, its annual report. In accordance with custom, it is intended to include in the report all the members of the state bar who have died within the two years preceding this report, whether or not they were members of this association. If any are omitted, the omission is unintentional, and is due to inability of the committee to learn of the demise of such members, if any, whose name or names may not be in the report.

During the period to which the report relates, the mortality list is large, and among them are men of distinguished ability and sterling worth.

In our endeavor to ascertain the facts, much in the way of eulogy has been acquired relating to some of our deceased members. Eulogy may not add to or take away from the record made by the departed while living, hence the report attempts to record briefly the simple facts.

Respectfully submitted,

JOHN B. VAN DYKE, Chairman,
CHARLES H. PAUL.

Name	Place	Date of Birth	Date of Death
John Slaughter Jurey	Seattle	Sept. 23, 1861	April 28, 1928
Thomas Milburn Reed	Juneau		April 30, 1928
Charles E. Shepard	Seattle	1845	1928
Thomas H. Bain	Seattle	1853	Feb. 23, 1928
Albert Burwell Force	Seattle	1845	Sept., 1928
Susan C. Hohman	Seattle		April 15, 1928
W D. Peters	Seattle		Jan. 3, 1928
Harry S. Worthman	Seattle	1866	Aug. 7, 1928
James M. Palmer	Seattle		June 30, 1929
Charles C. Curtis	Seattle		Dec. 21, 1928
Charles Riddle	Seattle		April 2, 1928
Chauncy Luther Baxter	Seattle	May 24, 1865	Sept. 14, 1927
Samuel A. Bostwick	Everett	Feb. 22, 1869	Dec. 2, 1928
E. C. Dailey	Everett	July 9, 1863	Nov. 16, 1928
J. Eugene Horan	Everett	July 3, 1868	Sept. 8, 1928
Ben Sheeks	Aberdeen	March 25, 1842	April 9, 1929
James A. Hutcheson	Montesano	May 4, 1857	May 5, 1929
Jas. Patterson De Mattos	Bellingham		Jan. 13, 1929
Wilbra Coleman	Mt. Vernon	1866	1929
Samuel S. Langland	Seattle		Feb. 2, 1928
John T. Casey	Seattle	Feb. 10, 1869	Jan. 25, 1929
Thomas J. Casey	Seattle	1878	Jan. 26, 1929
John M. Cannon	Spokane	April, 1869	July 15, 1928
Thomas Melvern Vance	Olympia	Sept. 6, 1862	Feb. 14, 1928
Preston M. Troy	Olympia	Jan. 22, 1867	May 21, 1929
George S. Lee	Okanogan	1877	Oct. 28, 1927

Fred Miller	Spokane	1868	Oct. 10, 1928
Charles R. Hill	Colfax	1871	July 8, 1928
William H. Fouts	Dayton	July 11, 1869	Jan. 30, 1929
Robert S. Holt	Tacoma	1855	July 21, 1928
Edward Hofstede	Tacoma	Nov. 19, 1869	Nov., 1928
John Leo	Tacoma	1846	March 7, 1929
Harry Blackburn	Tacoma	1864	May 19, 1929
R. F. Laffoon	Tacoma	1854	June 28, 1929
John W. Brooks	Walla Walla	1870	Dec. 9, 1928
Nelson B. Brooks	Goldendale		June 13, 1928
Max Hardman	Seattle	1883	July 24, 1929
Albion Merrill Wendell	Seattle		April 5, 1929
G. A. C. Rochester	Seattle	June 28, 1855	1929
William Henry Bolen	Seattle	Feb. 27, 1881	Jan. 23, 1929
Lewis F. Chester	Seattle	April 5, 1864	Feb. 24, 1929
Hugh R. Fullerton	Seattle	April 9, 1880	June 6, 1929
Joseph Montgomery Glasgow	Seattle	July 22, 1861	March 9, 1929
Carroll B. Graves	Seattle	Nov. 9, 1861	May 12, 1929
Hiram Elwood Hadley	Seattle	Jan. 16, 1854	Jan. 13, 1929
Cicero R. Hawkins	Seattle	Oct. 6, 1860	May 28, 1929
Joseph M. Hawthorne	Seattle	Aug. 15, 1859	April 2, 1929
Willis B. Herr	Seattle	Aug. 24, 1863	June 4, 1929
Falcon Joslin	Seattle	Sept. 27, 1866	Jan. 12, 1929
Daniel Kelleher	Seattle	Feb. 5, 1864	Feb. 20, 1929
George W. Korte	Seattle	May 9, 1869	April 15, 1929
Milo J. Loveless	Seattle	April 24, 1868	April 16, 1929
Clarence L. Reames	Seattle	April 17, 1879	May 27, 1928
Joel W. Russell	Seattle	Dec. 10, 1858	May 27, 1929
George Lucien Spirk	Seattle	March 15, 1884	Oct. 6, 1928
Frank Warren	Seattle	Feb. 6, 1875	June 9, 1929
Charles H. Winders	Seattle	July 9, 1877	Jan. 17, 1929
George Thomas Reid	Seattle	1871	Nov. 30, 1927
Abraham Lincoln Miller	Vancouver	March 29, 1863	Nov. 15, 1927
Louis P. Shackelford	Tacoma	June 3, 1875	
Ernst Hoppe	Tacoma	March 22, 1856	Jan. 30, 1927

