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BAR BULLETIN

OFFICIAL PUBLICATION OF THE MISSOURI BAR ASSOCIATION

Editor.....LEE MONTGOMERY

Officers of Association

President.....J. P. McBAINE, Columbia
First Vice-President.....CLARENCE A. BARNES, Mexico
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MEETING OF THE MISSOURI BAR ASSOCIATION

The Missouri Bar Association met in Kansas City, October 1st and 2nd, for its forty-fourth annual meeting. There was an invocation by the Rt. Rev. Thomas F. Lillis, Bishop of Kansas City, and addresses of welcome by Hon. Albert I. Beach, Mayor of Kansas City, and John G. Madden, of the Kansas City Bar Association. There was next a response by Elton L. Marshall, of Chillicothe. The annual address was then delivered by John T. Barker. The address of the President was interesting and instructive. These addresses were followed by the committee reports of the standing committees of the Association. Friday afternoon, there was an address by Hon. Edwin L. Katzenback, Attorney-General of New Jersey. Mr. Katzenbach's address was enthusiastically received. His theme was that many of the most important matters in the Constitution of the United States have their origin in English common law principles. He pointed out specific instances and urged the necessity of an historical interpretation of the Constitution of the United States as opposed to a textual interpretation.

Hon. J. M. Lashly, of the St. Louis Bar, read an interesting paper on Legal Ethics, strongly condemning unprofessional practices by members of the legal profession and making an eloquent plea for higher standards and against commercialism in the legal profession.

There was a dinner at 6:30 p. m., Friday, October 1st, at Hotel President given by the members of the Kansas City Bar Association to the Missouri Bar Association. Short speeches were made. Senator James A. Reed made a brief speech. He received enthusiastic applause when he entered the room, as did Attorney-General John G. Sargent, who arrived from Washington during the evening.

Saturday morning, there was an address by Hon. P. D. Decker, of Joplin, former member of congress from Missouri. Mr. Decker's address chiefly dealt with the division of power under the Constitution of the United States and contained a strong argument that the separation of powers be maintained, and that there be no encroachment by one branch of the government upon the jurisdiction of the others. His address was followed by the address of Hon. John G. Sargent, Attorney General of the United States. General Sargent's address was a vigorous plea for law enforcement. He argued earnestly and effectively for

obedience to the Constitution, particularly the Eighteenth Amendment, and the Acts of Congress passed to enforce that amendment. He approached the subject from the standpoint of good morals and argued that it is the duty of every good citizen to obey the law whether he believed in the law or not; that as long as the Constitution remains, it should be obeyed by every good citizen.

Saturday afternoon, the Association listened to an address by Hon. Herbert S. Hadley, Chancellor of Washington University, and Chairman of the Executive Committee of the Missouri Association for Criminal Justice. He discussed numerous proposed changes in the criminal law of Missouri. He pointed out distressing conditions, so far as crime goes, in Missouri, and other states of the Union, and urged that our procedure is inadequate and antiquated; that it was adopted when conditions were totally different, and that society today requires substantial changes in criminal procedure to meet new conditions. There was also an interesting report by former State Senator David M. Proctor on Criminal Law. Senator Proctor was Chairman of a special committee of the Missouri Bar Association which had cooperated with the Missouri Association for Criminal Justice. This committee made several specific recommendations for changes in the criminal law. The whole subject of crimes and criminal conditions was then open for discussion by the membership.

The annual dinner was held at 6:30 Saturday evening at the Muehlebach Hotel. There were about four hundred in attendance. The principal addresses were made by Hon. Paul P. Prosser, of the Denver Bar, formerly of the Missouri Bar, and Hon. Arthur M. Hyde, of Trenton, former Governor of Missouri. Mr. Prosser's address was an argument for an independent judiciary and he condemned the recall of judges and judicial decisions. Governor Hyde's address chiefly dealt with crime conditions, and, he, too, urged that the legal profession of Missouri correct defects in the criminal law and the criminal procedure; that technicalities be abolished, and that the administration of justice be reformed to meet new conditions.

The association adopted two notable resolutions. They passed a resolution to create a committee of fifteen to cooperate with the legislature in the revision of the statutes of Missouri in 1929. Missouri revises her statutes every ten years and the next revision year is 1929. The Association also authorized its committee on legal Education and Admission to the Bar to present to the next legislature a bill conferring upon the Supreme Court of Missouri, power to make rules and regulations relating to the admission to the Bar. Under the present law, the legislature has prescribed the requirements.

The Association determined that proposed changes in criminal law and procedure should be left to the Missouri Association for Criminal Justice to present to the next Legislature.

The following officers were elected for the coming year:

President	J. P. McBaine, Columbia
First Vice-President	Clarence A. Barnes, Mexico
Second Vice-President	David E. Impey, Houston
Third Vice-President	Lee B. Ewing, Nevada
Secretary	James A. Potter, Jefferson City
Treasurer	James E. King, St. Louis

COUNCIL

- | | |
|---|-------------------------------------|
| 1. William E. Stewart, Edina | 20. J. P. Swaim, Mountain View |
| 2. Walter C. Goodson, Macon | 21. Clyde Williams, Hillsboro |
| 3. L. M. Hyde, Princeton | 22. Charles H. Liles, Dexter |
| 4. O. B. Hudson, Grant City | 23. E. A. Barbour, Springfield |
| 5. Pross T. Cross, Lathrop | 24. Leo H. Johnson, Neosho |
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| 12. Fred Lamb, Salisbury | 31. J. W. Cook, Crane |
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Groves | 32. H. L. Stolte, Hermann |
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| 18. George C. Murrell, Hartville | 37. Chas. L. Moore, Memphis |
| 19. David E. Impey, Houston | 38. R. F. Baynes, New Madrid |

EXECUTIVE COMMITTEE

Xenophon P. Willfley, St. Louis	John T. Barker, Kansas City
Charles L. Henson, Mt. Vernon	The President and Treasurer, Ex Of- ficio.

Pursuant to the Constitution and By-Laws of the Association, the President appointed committees for the coming year as they appear in this issue of the bulletin.

L. M.

If the subject has not otherwise come to the attention of the Missouri Bar, those who represent estates owning stock in New York Corporations, or other property having its *situs* in New York, may be interested to know that serious question has been raised concerning the validity of Article 10a of the New York Inheritance or Transfer Tax law. That law went into effect July 1st, 1925, and purports to fix a flat rate of taxation for estates of non-residents owning property taxable in New York. The rate so provided for is different from that imposed upon residents' estates. Such law, it has been contended, contravenes Art. 4, sec. 2 of the federal Constitution, and a test case is pending in the New York Courts. Since Article 10a, above mentioned, contains no saving clause, its invalidity, if established, will entitle estates of non-residents, dying after July 1st, 1925 and before the enactment of new legislation, to a refund of the entire amount, which has been or hereafter may be paid. Payments of taxes, therefore, under Article 10a should be made with a view of recovery.

J. C. B.

COMMITTEES OF THE MISSOURI BAR ASSOCIATION, 1926

COMMITTEE ON AMENDMENTS, JUDICIARY AND PROCEDURE: Henry D. Ashley, Rialto Bldg., Kansas City (Chairman); Ross E. Feaster, 108 W. Benton, Windsor; Fred Lamb, Salisbury; Willis H. Meredith, Duncan Bldg., Poplar Bluff; Luther E. Smith, Pierce Bldg., St. Louis.

COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR: F. C. Donnell, Boatmen's Bank Bldg., St. Louis (Chairman); J. S. Boyer, Corby-Forssee Bldg., St. Joseph; Ray B. Lucas, Benton; John F. Rhodes, Fidelity Trust Bldg., Kansas City; Guy A. Thompson, Liberty Central Trust Bldg., St. Louis.

COMMITTEE ON BAR ASSOCIATIONS: Roy D. Williams, Boonville (Chairman); Dewitt C. Chastain, Butler; George Robb Ellison, Maryville; Chas. Liles, First National Bank Bldg., Dexter; Dulany Mahan, Hannibal.

COMMITTEE ON LEGAL PUBLICATIONS: Lee Montgomery, Sedalia (Chairman); E. G. Curtis, 918 Security Bldg., St. Louis; George H. English, Gloyd Bldg., Kansas City, J. A. Walden, Moberly.

COMMITTEE ON GRIEVANCES AND LEGAL ETHICS: R. B. Oliver, Jr., Cape Girardeau (Chairman); Jesse W. Barrett, 506 Olive St., St. Louis; John S. Farrington, Springfield; E. L. Marshall, Chillicothe; L. N. Wylder, Scarritt Bldg., Kansas City.

COMMITTEE ON UNIFORM STATE LAWS: W. H. H. Piatt, 715 Commerce Bldg., Kansas City (Chairman); R. E. Culver, St. Joseph; A. T. Dumm, Jefferson City; W. F. Frank, Jefferson City; J. H. Zumbalen, Washington University, St. Louis.

COMMITTEE ON LEGAL BIOGRAPHY: E. J. White, Railway Exchange Bldg., St. Louis (Chairman); Murat Boyle, Grand Avenue Temple, Kansas City; Walter C. Goodson, Macon; J. H. Hull, Platte City; J. A. Potter, Jefferson City.

COMMITTEE ON ILLEGAL PRACTICE: Earnest A. Green, Boatmen's Bank Bldg., St. Louis (Chairman); R. B. Caldwell, Kansas City; W. W. Fry, 1010 S. Olive St., Mexico; L. M. Hyde, Princeton; Duval Smith, Courthouse, St. Joseph.

COMMITTEE ON JUDICIAL CANDIDATES: Fred L. Williams, 1907 Boatmen's Bank Bldg., St. Louis (Chairman); Mercer Arnold, Joplin; H. A. Collier, Columbia; L. B. Ewing, Nevada; Henry N. Ess, 1104 Grand Avenue Temple, Kansas City; George C. Willson, Boatmen's Bank Bldg., St. Louis; John I. Williamson, Scarritt Building, Kansas City; G. L. Zwick, Corby Building, St. Joseph.

COMMITTEE ON STATUTORY REVISIONS: E. A. Krauthoff, 1322 Commerce Bldg., Kansas City (Chairman); E. L. Alford, Perry; C. A. Barnes, Mexico; C. W. German, Kansas City; J. Hugo Grimm, St. Louis; N. T. Gentry, Jefferson City; David H. Harris, Fulton; F. G. Harris, Columbia; David W. Hill, St. Louis; D. S. Lamm, Sedalia; H. M. Langworthy, Kansas City; George H. Moore, St. Louis; F. M. McDavid, Springfield; F. W. McAlester, Kansas City; H. J. Westhues, Jefferson City.

