

MOTION DAYS, 1951

KANSAS JUDICIAL COUNCIL BULLETIN

DECEMBER, 1950

PART 4—TWENTY-FOURTH ANNUAL REPORT



GEORGE LAVERNE LIGHT
1886-1950

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FOREWORD

On the cover of this BULLETIN appears the portrait of the late G. L. Light, president of the Bar Association of the state of Kansas. We had hoped to publish an article by Judge Light in this issue of the BULLETIN, but its completion was prevented by his last illness. We print in this issue a brief memorial to Judge Light, one of the great Kansas lawyers of our time.

Judge Light was succeeded as president of the state bar association by the Hon. Elmer E. Euwer of Goodland. We hope to have an article by Mr. Euwer in a future issue of the BULLETIN.

We are glad to welcome a new contributor to this BULLETIN, William B. McElhenny of the Topeka Bar, whose article on "Negligent Homicide" appears in this issue. Mr. McElhenny is now assistant county attorney of Shawnee county, having previously served as law clerk in the office of Judge Walter A. Huxman of the United States Court of Appeals. Mr. McElhenny is thirty years of age, a graduate of the University of Kansas School of Business and School of Law, and is a veteran of four years service in World War II. He was admitted to the bar in 1948.

This issue also includes a list of motion days in the district courts for the year 1951, as furnished by the judges of the various districts.

We call attention to the index of the BULLETINS from October, 1945, to December, 1950, which is printed in this issue. We can supply extra copies of any of these BULLETINS, except April, 1946, which is out of print, to any persons who desire to bind them in one volume.

Correction of Error in April 1950 Bulletin. In the April 1950 issue of the JUDICIAL COUNCIL BULLETIN, in the forms assembled under the title "The Doe and Roe Estates" there is an error in the first paragraph of Form (140) on page 81. The clause which now reads: "that more than one year has expired since the first publication of her notice of appointment" should read:

" . . . that more than one year has expired since the date of the death of decedent and more than nine months have expired since the first publication of the notice of appointment of said executor"—*Randal C. Harvey.*



At the recent election Mr. Lloyd M. Kagey of Wichita was elected to the short term in Position No. 5 on the Supreme Court, now held by Justice Wertz by appointment. The term of Justice Kagey commenced on December 4, 1950, and will end upon the commencement of the regular term in January, 1951.

Justices William J. Wertz, Walter G. Thiele and Robert T. Price were elected to the six-year regular terms on the Supreme Court, commencing in January, 1951.

A former member of the Supreme Court, Edward F. Arn, was elected to the office of Governor.

IN MEMORIAM

GEORGE LaVERNE LIGHT

President of the Bar Association of the State of Kansas

Last month the Bar of the state suffered a great loss in the death of George LaVerne Light, president of the Bar Association of the state of Kansas, and former judge of the thirty-ninth judicial district.

Judge Light was born March 17, 1886, on a farm near Bowling Green, Ohio. In 1890 his family moved to Kansas and in 1907 he became a resident of Seward county, where he has lived since that time. He was educated in the elementary schools of Kingman and Barber counties and the Kansas State Normal School at Emporia. Before entering the practice of law, he taught school in Barber county from 1905 to 1906, and in Seward county from 1909 to 1912.

After serving as clerk of the district court of Seward county for two terms, Judge Light was admitted to the Bar in January, 1916, served two terms as county attorney of Seward county from 1917 to 1921 and was appointed by Governor Paulen as the first judge of the newly created thirty-ninth judicial district in 1925, was elected to the same position in 1926, and voluntarily retired to private practice in 1931.

Judge Light has been recognized as one of the ablest and most aggressive lawyers of Southwestern Kansas for many years, and has been a member of the executive council of the State Bar Association since 1941. In 1949 he became president-elect of the Association and took office as president last May. Notwithstanding his ill health, he has laid the foundation for a successful administration of this office and it is regrettable that he was unable to complete his term.

Judge Light is survived by his wife, Mrs. Mae Light of Liberal, his son, Auburn Light, of Liberal, and his daughters Veva Light (Mrs. George) Ramskill, of Burlingame, and Mrs. June E. Lank of Baton Rouge, La. Auburn Light and Mrs. Ramskill are practicing lawyers of the Kansas bar.

NEGLIGENT HOMICIDE

By WILLIAM B. McELHENNY

When an individual enters the office of the county attorney and asks for a criminal complaint, the county attorney must, among other things, determine whether or not the facts of the case disclose a possible violation of the criminal laws of the state of Kansas and also the sufficiency of the evidence to support a conviction. In many cases this determination is not without its difficulties. In one type of case in particular, that of negligent homicide by automobile, this problem is becoming more important and complex. An example may serve to illustrate more clearly.

Suppose "A," a duly licensed driver of an automobile, is driving down Kansas Avenue in Topeka on a clear day at a reasonable and proper speed of, let us say, ten miles per hour. As we all have done, he glances at a clock on the front of a near-by business building and as he does so a small child steps into the path of his car and is run over before the driver can bring the car to a stop. Assume further that the child dies soon thereafter as a result of the injuries received.

The question I wish to propound is whether or not, under the above circumstances, the county attorney's office should recommend the signing of a criminal complaint against the driver, "A." In such a situation bereaved parents, other relations, or friends of the deceased react, of course, in many different ways. Some are vindictive, demanding punishment for the wrongdoer. Others refuse under any circumstances to consider signing such a complaint. Still others do not know what to do and ask the county attorney. What should he tell them? What in fact should he tell all such survivors, no matter what their attitudes?

At the outset, the only statute which might be applicable to the above set of facts is 8-529, G. S. 1947 Supplement, which states in part, as follows:

"When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle in negligent disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide"

The section also contains the penalty to be assessed upon conviction, the same being imprisonment for not to exceed one year, a fine of from \$100 to \$500, or both such imprisonment and fine. In addition the section calls for revocation of the guilty person's driver's license.

Do the above facts, assuming they can be established in court, indicate the propriety of charging the driver under the negligent homicide statute and the likelihood of obtaining a conviction? The facts disclose a driver guilty of ordinary negligence, the deceased guilty of no negligence. We pass, for present consideration, the matter of civil liability in such a case and raise the question of possible criminal responsibility under the above statute.

Probably the first point to consider is the type of negligence of which the defendant must be guilty in order to fall within this statute. You will recall that the statute says "the driver of any vehicle in negligent disregard of the safety of others." Does this mean ordinary negligence, recklessness, or wanton or willful conduct? Certainly it cannot mean the latter, for if willful conduct

were included in this state, the law would be a mere duplication of murder statutes already in force with the exception of the penalty. That it does not mean punishable or culpable negligence under the common law is so for the same reason. Manslaughter in the fourth degree in this state provides punishment for

"Every other killing of a human being, by the act, procurement or culpable negligence of another, which would be manslaughter at the common law." (Sec. 21-420, G. S. Kansas, 1935.)

Our supreme court said in *State v. Custer*, 129 Kan. 379, that culpable negligence which would have been common-law manslaughter imparted wickedness and a greater degree of negligence. Thus the court said:

"We are familiar in civil cases with the kind of conduct which will authorize punitive damages and will prevent interposition of the defense of contributory negligence. It is supposed to involve fault, just as guilt of crime subjecting the offender to punishment was supposed to involve a certain 'wickedness.' It is regarded as displaying greater culpability than negligence."

So again the negligent homicide statute must mean something less than fourth-degree manslaughter, since our supreme court has at least twice declared the former to be a lesser included offense of the latter. See *State v. Gloyd*, 148 Kan. 706; *State v. Phelps*, 151 Kan. 199.

Further, the negligent homicide statute does not include just "reckless" conduct on the part of the driver. When the section was enacted by the 1937 session of the Legislature it contained the phrase "reckless disregard of the safety of others." The following year, in special session, the legislature amended the phrase to its present form, that is, "negligent disregard of the safety of others." That the two words do not have the same meaning is patent. *State v. Custer*, supra. "Reckless" means "heedless of probable consequences." It requires a state of mind, while negligence, as such, does not.

The foregoing would seem to indicate that, having eliminated willful, culpably negligent and reckless conduct, the statute must provide punishment for ordinary negligent acts which result in death. While this is not the usual practice in the field of criminal law, it is not without historical basis.

The grandfather of all negligent homicide statutes in this country is the Michigan law which was enacted in 1921. This statute, Comp. Laws of Mich. (1929), secs. 16743-16745, creating the separate offense of negligent homicide committed in the operation of any vehicle, provided:

"Every person who, by the operation of any vehicle at an immoderate rate of speed or in a careless, reckless, or negligent manner, but not wilfully or wantonly, shall cause the death of another, shall be guilty of the crime of negligent homicide . . ."

The Michigan court has since held, in *People v. Campbell*, 237 Mich. 424, 212 N. W. 97, that this statute was intended to apply only to cases where the negligence is of a lesser degree than gross negligence, that is, ordinary negligence.

In California, where a statute similar to the Kansas negligent homicide statute is in effect, the supreme court there also has held that ordinary negligence is sufficient to support a conviction under that statute. *People v. Warner*, 80 P. 2d 737. The court reasons that it was the purpose of the legislature to create a crime different from that provided for in the definition of manslaughter.

Since the standard of care in the case of manslaughter is gross negligence, the court concludes that the legislature intended that ordinary negligence should be sufficient under the negligent homicide statute. *People v. Pociask*, 96 P. 2d 788.

The Kansas court has not passed directly upon the question of the degree or grade of negligence required to support a conviction under this statute. It is the opinion of the writer, however, that our court would reason as did the California court and uphold a conviction wherein the defendant was shown guilty of only ordinary negligence. For in Kansas, as in California, the legislature, by passing the negligent homicide statute, meant surely to create a crime different from that provided for in the definition of manslaughter in the fourth degree.

If "A" in our example is guilty of ordinary negligence which was the proximate cause of the small child's death it would seem that technically the county attorney's office should advise the signing of a negligent homicide complaint.

Other factors must be considered, however, before a final decision can be reached. In order to illustrate the problem more clearly, let us change the case in one respect. Let us suppose that instead of a small child we have a mature man or woman, "B," who carelessly walks across Kansas Avenue in the middle of the block without looking in either direction and walks directly into the path of "A's" on-coming car. The question is now whether or not "B's" contributory negligence should be considered in determining the possibility of prosecution of "A" and the probability of obtaining a conviction.

It has long been the rule that contributory negligence is not available as a defense or an excuse in a criminal prosecution: that it cannot in any degree purge an act which otherwise constitutes a public offense of its criminal character. Accordingly the contributory negligence of a person killed by the criminal negligence of another does not relieve the latter from criminal responsibility. Furthermore, it is ordinarily no defense that the victim of the crime was also guilty of wrongdoing in the particular transaction out of which the offense arose, since crime is punished because of the offense against society. 22 C. J. S. Crim. Law, Sec. 52. In *State v. Phelps*, 153 K. 337, the court approved an instruction to the jury which stated that contributory negligence did not constitute a defense to manslaughter in the fourth degree or negligent homicide.

Are we then to believe that the contributory negligence of "B" can be given no consideration in determining "A's" guilt? Are we to suppose that "A" could escape civil liability under the same set of facts which might convict him of criminal responsibility?

The answer is that the matter of contributory negligence is not completely taken out of the case. A jury is permitted to consider the contributory negligence of the deceased in determining whether or not the negligence of the defendant driver was the proximate cause of the injury and resulting death. *State v. Phelps*, supra, *State v. Gloyd*, supra. See *State v. Bowser*, 124 Kan. 556. As stated in *State v. Custer*, supra:

"The circumstances that Wood (the deceased) was guilty of contributory negligence in getting under the rear of Cohenour's car, standing at night on the traveled part of the highway without a red light, was a circumstance to be considered in determining whether death was or was not caused by the unlawful driving; but the circumstance did not of itself relieve defendant of liability."

Therefore, while contributory negligence is not a defense in itself, as it is in civil actions based upon negligence, it must be considered in anticipating the result of a criminal prosecution for negligent homicide.

Other factors which must be considered before the initiation of prosecutions under the negligent homicide statute include the following. It must be remembered that the state has the burden of proving its case, not by a preponderance of the evidence, but beyond a reasonable doubt. This obviously necessitates building a stronger case on behalf of the state than in the ordinary civil action.

Also, in the criminal action the state is asking punishment, not compensation in damages from the defendant. Juries are quite naturally slower to mete out punishment than they are to compensate the injured. In the criminal case the sympathies of the jury are more likely to be with the accused and not with the family and loved ones of the deceased. These sympathies can be the turning point in such a criminal action. You will recall that the driver in a negligent homicide case can be accused of crime for the doing of a careless and negligent act which, no doubt, has been duplicated many times by the members of his jury. The only difference is that the juror did not happen to kill another human being as a result of his negligent act. A jury is reluctant to brand a defendant as a criminal under such circumstances.

It would therefore seem that before the county attorney's office advised the signing of a negligent homicide complaint it should appear that the state can present a strong case of negligence on the part of the driver, although this negligence need be only ordinary negligence which would be the basis for civil liability. If there is any indication of negligence on the part of the deceased which may have contributed to his death, the conduct of the driver should be examined even more closely, keeping in mind at all times the attitude of juries in this type of criminal case and the burden resting upon the state to prove its case beyond a reasonable doubt.

This interpretation of the negligent homicide statute may seem unnecessarily harsh, and an unwarranted extension of the field of criminal responsibility. On the other hand, the evil to be corrected, that is the increasing number of deaths due to automobile accidents, may well justify the broadening of criminal liability to cover such ordinary acts of negligence. In the last analysis, it will be the juries in such cases who will decide the fate of the driver, and of the law under which he was charged.

RECOMMENDATIONS TO THE 1951 LEGISLATURE

Since the adjournment of the 1949 legislature, the Judicial Council has considered many suggestions for enactment or amendment of statutes to improve the administration of justice. Many of these proposals have been the subject of extensive research by members of the Council and others, and some are still under consideration. At a meeting of the Council on December 9, 1950, certain specific recommendations were adopted by the Council and will be submitted for the consideration of the 1951 legislature, as follows:

1. Amendment to adoption statute, section 59-2278, G. S. Supp. to abolish the interlocutory order and provide for the issuance of final order upon the first hearing; subject to the right of the court to vacate such order upon its own motion or upon application of any interested party within six months.

2. Amendment to section 59-1413, G. S. Supp. to add the words "or personal property," to clarify the right of an executor to sell personal property without court order when so authorized by will.

3. Amendment of section 59-508, G. S. Supp. (as amended by Chapter 310, Session Laws of 1949), to clarify statute on descent of real estate where the decedent leaves no spouse, children, issue, or parents.

4. A new section to be known as 59-2249a, to authorize the court to reopen administration proceedings where additional assets are discovered or the administration is otherwise incomplete. While this right is generally supposed to exist, it is deemed advisable to have a specific statute on the subject.

5. Amendment to sections 59-603 and 59-2233, G. S. Supp. to provide that if a spouse fails to elect whether to take under the will or under the law, such spouse shall be deemed to take under the will (instead of under the law, as the statute now provides).

6. Amendment of section 59-2402a, G. S. Supp. concerning transfer of probate proceedings to the district court, to change the types of proceedings which are transferable.

7. Amendment to section 59-2205, G. S. Supp. to provide for the representation of unborn or unascertained beneficiaries by guardian *ad litem* or otherwise in probate proceedings.

8. Amendment of section 60-1511, G. S. Supp. to authorize the court to provide, in an award of alimony payable in installments, that future payments shall be terminated upon the death or remarriage of the wife.

9. A curative statute for ancient defects in real estate titles, substantially as recommended by the Legislative Council in 1949, and printed in the July, 1948, issue of the JUDICIAL COUNCIL BULLETIN on page 24.

10. Statute for the appointment of parole officers for the district courts, as printed in the December, 1949, issue of the JUDICIAL COUNCIL BULLETIN on page 117.

11. Statute creating new form of action for the possession of real property, as printed in the July, 1950, issue of the JUDICIAL COUNCIL BULLETIN on page 124.

12. An amendment to G. S. 67-506 concerning the termination of farm tenancies from year to year, so as to make the date of termination depend upon the previous tenure, oral or written, instead of the arbitrary termination on March 1 regardless of the use of the land or the type of crops.

(Please see notes on page 184)

County	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Allen.....	Iola.....	Spencer A. Gard.....	Ina F. West.....	37	9 22	5 19	5 19	9 23	1 21	4 18	3 17	2 22	5 19	3 17
Anderson.....	Carnett.....	Hugh Means.....	Mrs. Nell Riley.....	4	5	2	5	6	3	11	14	8	1	13
Atchison.....	Atchison.....	Lawrence F. Day.....	Hal Waisner.....	2	6 13 20 27	3 10 17 24	3 10 17 24	7 14 21 28	5 12 19 26	2 9 16 23 30	8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22 29
Barber.....	Medicine Lodge...	Clark A. Wallace.....	Edith Myers.....	24	4	12	9	23	11	7	7	22	8	6
Barton.....	Great Bend.....	Roy J. McMullen.....	Geneva Steincamp.....	20	4	1	6	5	3	5	6	4	5	6
Bourbon..... (See Note 3)	Fort Scott.....	Harry W. Fisher.....	Amy Armstrong.....	6	1 5 12 19 26	2 9 16 23	2 9 16 23	6 13 20 27	4 11 18 25	1 8 15 22 29	7 14 21 28	5 12 19 26	2 9 16 23 30	7 14 21 28
Brown.....	Hiawatha.....	John L. Gernon.....	Mrs. Edna Boicourt.....	22	16	20	20	17	22	5	18	16	20	18
Butler..... Div. No. 1..... Div. No. 2.....	El Dorado.....	Carl Ackerman W. N. Calkins	Harry R. Martin.....	13	10	7	5	3	2	11	5	3	12	11
Chase.....	Cottonwood Falls..	Jay Sullivan.....	Mrs. Mildred Speer.....	5	26	23	30	27	25	29	28	26	30	28
Chautauqua..... Div. No. 1..... Div. No. 2.....	Sedan.....	Carl Ackerman W. N. Calkins	Edith K. Ross.....	13	18	8	8	2	4	8	4	11	9	3
Cherokee..... Columbus Div..... Galena Div..... See Note 4	Columbus.....	Jerome Harmon.....	Mrs. Julia Wantiez.....	11	2 4	6 8	6 8	3 5	1 3	5 7	4 6	2 4	6 15	4 6

MOTION DAYS IN DISTRICT COURTS—1951—CONTINUED

(Please see notes on page 184)

COUNTY	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Cheyenne	St. Francis	Robert W. Hemphill	Charles N. Roberts	17	20	17	9	2	23	2	15	4	3	3
Clark	Ashland	Karl Miller	Hope Grimes	31	4a	8a	8a	5a	3a	7a	6a	4a	8a	6a
Clay	Clay Center	Lewis L. McLaughlin	Hazel K. Chestnut	21	4	7	5	4	9	4	6	3	5	5
Cloud	Concordia	W. D. Vance	Hazel Champlin	12	2	7	7	2	8	6	2½	16	20	18
Coffey	Burlington	Jay Sullivan	Ruth H. Johnson	5	29	26	26	30	23	25	24	29	26	31
Comanche	Coldwater	Karl Miller	Mrs. Mabel Chamness	31	3d	7d	7d	4d	2d	6d	5d	3d	7d	5d
Cowley	Winfield	Albert Faulconer	Sallie K. Smith	19	5 19	2 16	2 16	6 20	4 18	1 15	7 21	5 19	2 16	7 21
Crawford	Girard	Perry Owsley	Mrs. Grace Webb	38										
Girard Div.	Girard			8	8	5	5	2	7	4	3	1	12	3
Pittsburg Div.	Pittsburg			15	15	19	19	16	7	11	17	15	19	17
Decatur	Oberlin	Robert W. Hemphill	Mrs. Alice J. Vernon	17	18	15	7	10	14	6	13	2	1	12
Dickinson (See Note 9)	Ablene	James P. Coleman	Seth Barter, Jr.	8	8	8	7	4	21	6	10	3	6	5
Doniphan	Troy	John L. Gernon	Virgil W. Begesse	22	17	21	21	18	23	6	19	17	21	19
Douglas	Lawrence	Hugh Means	Mrs. Mary Ellen Simmons	4	6	5	3	7	7	23	15	5	5	15
Edwards	Kinsley	Lorin T. Peters	John Stoner	33	3e	12e 6e	6e	3e	7e 2e	5e	5e	22e 2e	6e	4e
Elk	Howard		Frank A. Force	13	2	1	13	6	7	5	17	2	1	6
Div. No. 1		Carl Ackerman												
Div. No. 2		W. N. Calkins												
Ellis	Hays	C. A. Spencer	J. T. Stroemel	23	8	5	12	11	21	11	12	15	12	12

MOTION DAYS IN DISTRICT COURTS—1951—CONTINUED

(Please see notes on page 184)

COUNTY	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Ellsworth.....	Ellsworth.....	A. R. Buzick.....	J. M. Wilson.....	30	22	13	7	23	17	1	1	8	5	8
Finney.....	Garden City.....	Ray H. Calihan.....	G. Mae Purdy.....	32	8	3a	3a	5a	14	6a	24	3a	3a	6a
Ford.....	Dodge City.....	Karl Miller.....	Ella J. Riley.....	31	5a 12 9 19 26	2a 9 16 23	2a 9 16 30	6a 13 20 27	4a 11 18 25	8a 15 22 29	7a 14 21 28	5a 19 26	2a 9 23 30	7a 21
Franklin.....	Ottawa.....	Hugh Means.....	Christina Woke.....	4	1	1	2	2	4	22	10	4	2	14
Geary.....	Junction City.....	James P. Coleman.....	C. W. Marston.....	8	9	6	5	3	9	4	11	9	12	4
Gove.....	Gove.....	C. A. Spencer.....	Mrs. Louise Brown.....	23	10	15	19	9	4	18	10	22	19	10
Graham.....	Hill City.....	W. K. Skinner.....	Cora A. Roberts.....	34	3	5	14	10	14	2	17	10	13	4
Grant.....	Ulysses.....	L. L. Morgan.....	Mrs. Juanitta Barber.....	39	3d	7d	6a	9a	9d	6d	14a	3d	7d	5a
Gray.....	Cimarron.....	Karl Miller.....	Tressie Johnson.....	31	2d	6d	6d	3d	1d	5d	4d	2d	6d	4d
Greeley.....	Tribune.....	Ray H. Calihan.....	Laura M. Holmes.....	32	3a	12	1a	2a	1a	1a	17a	15	1a	3a
Greenwood.....	Eureka.....	Carl Ackerman.....	Alma Long.....	13	15	9	6	5	14	7	6	8	8	19
Div. No. 1.....	W. N. Calkins.....													
Div. No. 2.....														
Hamilton.....	Syracuse.....	Ray H. Calihan.....	Amelia J. Minor.....	32	5a	26	1d	2d	3a	5a	19a	22	1d	3d
Harper.....	Anthony.....	Clark A. Wallace.....	Helen Pearl.....	24	8	8	8	9	10	18	6	8	7	5
Harvey.....	Newton.....	George L. Allison.....	Mrs. Mabel A. McMullen..	9	25	12	22	26	14	21	20	25	12	20
					.....	.....	.....	.....	24	.....	.....	.....	29	.....

MOTION DAYS IN DISTRICT COURTS—1951—CONTINUED

(Please see notes on page 184)

COUNTY	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Haskell.....	Sublette.....	L. L. Morgan.....	Mrs. Evelyn Yount.....	39	3a	7a	12a	4a	9a	6a	17a	3a	7a	12a
Hodgeman.....	Jetmore.....	Lorin T. Peters.....	Fred S. Haun.....	33	3d	26d 6d	6d	3d	21d 2d	5d	5d	21	12d 6d	4d
Jackson.....	Holton.....	Robert H. Kaul.....	Chelcia Shelby.....	36	8	7	7	4	7	6	5	1	7	5
Jefferson.....	Oskaloosa.....	Robert H. Kaul.....	Nona Crosby.....	36	12	9	5	6	11	4	7	5	5	7
Jewell.....	Mankato.....	Donald J. Magaw.....	Bernice Howard.....	15	11	8	5	19	10	4	20	18	12	5
Johnson.....	Olathe.....	John L. Kirkpatrick.....	Mrs. Gertrude S. Hedberg.....	10	2	12	5	2	7	11	4	15	12	3
Kearny.....	Lakin.....	Ray H. Calhoun.....	Bertha Adams.....	32	5d	1d	12	4a	3d	5d	19d	1d	12	5a
Kingman.....	Kingman.....	Clark A. Wallace.....	Mrs. Nell H. Walter.....	24	6	10	26	7	12	4	24	5	9	10
Kiowa.....	Greensburg.....	Karl Miller.....	James L. Estlack.....	31	3a	7a	7a	4a	2a	6a	5a	3a	7a	5a
Labette.....	Oswego.....	Hal Hylar.....	Quincy B. Greer.....	16	26	23	23	27	11	29	21	26	30	21
Oswego Div. Parsons Div.	.....	.....	.....	.....	15	19	19	23	21	18	17	15	19	17
Lane.....	Dighton.....	Ray H. Calhoun.....	Mrs. Eva Cramer.....	32	4a	2a	26	3a	2a	4a	18a	2a	26	4a
Leavenworth.....	Leavenworth.....	Joseph J. Dawes.....	Dorothy Harrison.....	1	5	2	2	6	4	1	7	5	2	7
Lincoln.....	Lincoln.....	A. R. Buzick.....	E. D. Harlow.....	30	6	19	1	5	14	7	6	5	12	17
Linn.....	Mound City.....	Harry W. Fisher.....	Will H. Bayless.....	6	11 25	8 22	8 22	2	10 24	7 21	13 27	11 25	8 22	3 20
See Note 3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Logan.....	Russell Springs.....	C. A. Spencer.....	Ada F. Rogge.....	23	11	16	9	2	5	14	3	6	15	3
Lyon.....	Emporia.....	Jay Sullivan.....	Mrs. Roe G. Collins.....	5	31	28	28	25	30	27	26	31	28	26

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(Please see notes on page 184)

COUNTY	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Marion.....	Marion.....	James P. Coleman.....	Virgil M. Wiebe.....	8	11	5	8	6	7	8	13	1	7	6
Marshall.....	Marysville.....	Lewis L. McLaughlin.....	W. J. Koppes.....	21	5	5	9	6	7	8	7	1	9	7
McPherson.....	McPherson.....	George L. Allison.....	Donald S. Clark.....	9	8 26	23	23	2	25	22	21	1	23	21
Meade.....	Meade.....	Karl Miller.....	Ethel Copenhaver.....	31	4d	8d	8d	5d	3d	7d	6d	4d	8d	6d
Miami..... See Note 3	Paola.....	Harry W. Fisher.....	Ethel J. Hunt.....	6	2 16 30	5 13 27	13 27	10 24	8 22	4 19	4 18	1 16 30	13 27	4 18
Mitchell.....	Beloit.....	Donald J. Magaw.....	Ida B. Jamison.....	15	8	9	8	16	11	7	24	19	15	6
Montgomery..... Independence Div. Coffeeville Div.	Independence.....	Warren B. Grant.....	M. D. Smith.....	14	6 5	3 2	3 2	7 6	5 4	2 1	1 7	6 5	3 2	1 7
Morris.....	Council Grove.....	James P. Coleman.....	Mrs. Inez Featherston.....	8	12	9	9	2	11	18	14	4	8	3
Morton.....	Richfield.....	L. L. Morgan.....	Irene Kuder.....	39	5d	12a	7a	3a	8d	5d	4a	2d	6d	11a
Nemaha.....	Seneca.....	John L. Gernon.....	Ruth Shaffer.....	22	15	19	19	16	21	4	17	15	19	17
Neosho.....	Erie.....	B. M. Dunham.....	Merle Estes.....	7	10	14	14	11	9	13	12	10	14	12
Ness.....	Ness City.....	Lorin T. Peters.....	Gladys K. Bondurant.....	33	4e	7e	12e 7e	4e	3e	6e	10e 6e	3e	9e	10e 5e
Norton..... See Note 5	Norton.....	Robert W. Hemphill.....	Arthur V. Poage.....	17	2 8 17	14	10	16	18	7	3 12	1	5	15
Osage.....	Lyndon.....	A. K. Stavely.....	Edith Lindsay.....	35	5	2	13	6	4	12	7	5	13	7
Osborne.....	Osborne.....	Donald J. Magaw.....	Elma McCall.....	15	12	5	9	20	14	8	21	15	16	7

MOTION DAYS IN DISTRICT COURTS—1951—CONTINUED
(Please see notes on page 184)

County	County seat	Judge	Clark	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Ottawa.....	Minneapolis.....	A. R. Buzick.....	A. H. Finley.....	30	8	6	2	9	11	6	7	22	26	18
Pawnee.....	Larned.....	Lorin T. Peters.....	Rose Wood.....	33	22b 2b	5d	5d	9d 2d	1d	4d	4d	8d 1d	5d	3d
Phillips.....	Phillipsburg.....	Robert W. Hemphill.....	Gene Britt.....	17	16	5 13	6	13	7	5	11 17	5	6	11
Pottawatomie.....	Westmoreland.....	Robert H. Kaul.....	Lloyd W. Hope.....	36	11	8	8	3	10	7	4	4	8	4
Pratt.....	Pratt.....	Clark A. Wallace.....	Verna J. Barber.....	24	5	9	12	6	14	8	10	4	12	7
Rawlins.....	Atwood.....	Robert W. Hemphill.....	Mrs. Louise Portschy.....	17	19	16	8 19	11	21	1	14	3	2 12	13
Reno.....	Hutchinson.....	Franklin B. Hettinger.....	G. R. Williams.....	40	5 12 16 26	2 9 16 23	2 6 13 23	6 13 20 27	4 11 18 23	1 15 22	7 8 14 21	5 12 19 26	2 9 16 23	7 14 21 28
Republic.....	Belleville.....	W. D. Vance.....	Warren A. Scott.....	12	3	5	6	4	7	5	26	15	21	19
Rice.....	Lyons.....	Roy J. McMullen.....	Laura Saint.....	20	2	7	1	3	2	7	4	3	1	4
Riley (See Note 10).....	Manhattan.....	Lewis L. McLaughlin.....	Joseph F. Musil.....	21	2	9	7	2	11	6	4	5	7	3
Rooks.....	Stockton.....	W. K. Skinner.....	George F. Crane.....	34	8	12	13	9	7	1	3	11	12	3
Rush.....	La Crosse.....	Lorin T. Peters.....	Esta Manahan.....	33	8e 2e	5e	26e 5e	2e	1e	4e	24e 4e	1e	5e	3e
Russell.....	Russell.....	C. A. Spencer.....	George W. Brandt.....	23	2	13	13	12	7	12	13	1	13	13
Saline.....	Salina.....	A. R. Buzick.....	Robert H. Lively.....	30	2	7	12	6	10	5	10	6	3	3
Scott.....	Scott City.....	Ray H. Calihan.....	Nellie Scheuerman.....	32	4d	2d	2d	9	2d	4d	18d	2d	2d	10

MOTION DAYS IN DISTRICT COURTS—1951—CONTINUED

(Please see notes on page 184.)

County	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Sedwick Div. No. 1 Div. No. 2 Div. No. 3 Div. No. 4 See Note 2.	Wichita	Ross McCormick. Howard C. Kline. Clair E. Robb. George Austin Brown.	L. D. Leland.	18	4-18 5-19 8-22 11-25 12-26	1-15 2-16 8-22 9-23	1-15 2-16 8-22 9-23	5-19 6-13 12-26 6-20	3-17 4-18 10-24 11-25	7-14 1-15 7-21 8-22	6-13 7-14 8-22 7-21	4-18 5-19 6-20 12-26	1-15 2-16 8-22 9-23	6-13 7-14 8-22 7-21
Seward	Liberal.	L. L. Morgan.	Mrs. Mary Lindley.	39	8a	17a	17a	16a	19a	16a	15a	8a	17a	15a
Shawnee Div. No. 1 Div. No. 2 Div. No. 3 See Note 8.	Topeka	Beryl R. Johnson. Paul H. Heinz. Dean McElhenny.	Mrs. Lucille M. Carter. . . .	3	19 5 26 12	9 16 30 2	2 23 30 16	13 20 6 27	4 25 11 18	15 1 22 8 29	7 28 14 21 14	19 5 26 12 2	9 30 16 23 28	21 7 14 28
Sheridan	Horie.	W. K. Skinner.	Marjorie Morgan.	34	4	26	15	11	21	4	10	1	14	5
Sherman	Goodland.	W. K. Skinner.	Sylvia Riley.	34	6	14	16	2	10	11	12	8	19	7
Smith	Smith Center.	Donald J. Magaw.	Mrs. Lucille Figg.	15	10	7	26	18	9	18	19	17	14	3
Stafford	St. John.	Roy J. McMullen.	Mrs. Wanda Tucker.	20	3	6	7	4	1	6	5	2	7	5
Stanton	Johnson.	L. L. Morgan.	Marjorie Harmon.	39	5a	26a	6d	3d	8a	5a	10a	2a	6a	11d
Stevens	Hugoton.	L. L. Morgan.	John F. Fulkerson.	39	22a	20a	26a	5a	10a	14a	14d	22a	8a	13a
Sumner	Wellington.	Wendell Ready.	Laura McCormick.	25	2	6	6	3	1	5	11	2	6	4
Thomas	Colby.	W. K. Skinner.	Mrs. Winifred G. Van Horn	34	5	13	19	12	28	5	11	9	5	6
Trego	Wakeney.	C. A. Spencer.	Mrs. Albert H. Acre.	23	9	12	5	10	28	4	11	8	5	11
Wabaunsee	Alma.	A. K. Stavely.	Mrs. Eva Dorman.	35	2	6	6	3	1	5	4	2	6	4
Wallace	Sharon Springs.	C. A. Spencer.	Ida Ward.	23	12	17	23	16	29	15	17	23	16	17

MOTION DAYS IN DISTRICT COURTS—1951—CONCLUDED

(Please see notes below)

County	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Washington.....	Washington.....	W. D. Vance.....	Mrs. Alta Hennon.....	12	4	6	5	3	9	4	25	17	19	17
Wichita.....	Leoti.....	Ray H. Calihan.....	Daisy Dickey.....	32	3d	1a	2a	23	1d	1d	17d	1a	2a	17
Wilson.....	Fredonia.....	B. M. Dunham.....	A. G. Green.....	7	2	1	1	3	3	7	4	4	1	6
Woodson.....	Yates Center.....	Spencer A. Card.....	Mrs. Maudie Beckett.....	37	16	6	6	10	8	5	17	9	6	11
					30	20	20	24	22	19	25	23	20	.....
Wyandotte.....	Kansas City.....	E. L. Fischer.....	Richard D. Shannon.....	29	6	3	3	7	5	2	1	6	3	1
Div. No. 1.....		Willard M. Benton.....		13	13	10	10	14	12	9	8	13	10	8
Div. No. 2.....		Harvey I. E. Benson.....		20	20	17	17	21	19	16	15	20	17	15
Div. No. 3.....		William H. McHale.....		27	27	24	24	28	26	23	22	27	24	22
Div. No. 4.....				.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

See Notes 6 and 7.

e-9:00 a. m. a-10:00 a. m. c-1:30 p. m. d-2:00 p. m. b-1:00 p. m.

Note 1.—Italicized dates indicate the first day of regular term of court.

Note 2.—Sedgewick county—Regular motion days shall run through July and August and will be heard by the preliminary judge for all divisions during these months:

Division No. 1.—July 5 and 19 and August 2 and 16.

Division No. 2.—July 6 and 20 and August 3 and 17.

Note 3.—Regular motion days shall run through July and August as follows:

Bourbon—July 6-13-20-27; August 3-10-17-24-31.

Linn—July 9-19; August 9-23.

Miami—July 3-17-31; August 7-21.

Note 4.—Cherokee county motion days shall run through July and August—Columbus Division July 3 and August 7; Galena Division, July 5 and August 9.

Note 5.—In Norton county, August 27th is motion day.

Note 6.—Wyandotte county has a regular motion day in four divisions, 1, 2, 3 and 4:

Division No. 1.—Judge E. L. Fischer: July 7.

Division No. 2.—Judge Willard M. Benton: July 7.

Note 7.—Wyandotte county—The division having law and equity cases has a motion day on Thursday of each week of term, in addition to above mentioned motion days.

Note 8.—In Shawnee county the schedule continues through July and August as follows:

Division No. 1.—July 6 and 27; August 17.

Division No. 2.—July 13; August 3 and 24.

Division No. 3.—July 20; August 10 and 31.

Note 9.—Opening day at Abilene postponed one week on account of legal holiday on regular opening day.

Note 10.—Opening day in Riley county delayed one day on account of Labor day.

Division No. 3.—July 12 and 26 and August 9 and 23.

Division No. 4.—July 13 and 27 and August 10 and 24.

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(October, 1945, to December, 1950)

EXPLANATION. The KANSAS JUDICIAL COUNCIL BULLETIN is now published quarterly, in April, July, October and December of each year, each BULLETIN being a part of the annual report to the governor which is provided by statute (G. S. Supp. 20-2204). During the years 1927 to 1931, inclusive, the Judicial Council published its annual report in one volume, and the first BULLETIN was printed in April, 1932, as Part One of the Sixth Annual Report. Since that date, four BULLETINS have ordinarily been published each year, although there were some exceptions in the earlier years when funds were not available.

Three prior indexes to the JUDICIAL COUNCIL BULLETIN have been published in previous issues, as follows:

The first index covered the eleven years from 1927 to July 1, 1938, and was prepared by Charles L. Hunt, one of the original members of the Judicial Council. This index was printed in the July, 1938, BULLETIN, commencing on page 105.

The second index covers the BULLETINS from October, 1938, to July, 1941, and was printed in the July, 1941, BULLETIN, commencing on page 119.

The third index covers the BULLETINS from October, 1941, to July, 1945, inclusive, and was published in the July, 1945, BULLETIN, commencing on page 50.

The following index covers the twenty-two BULLETINS published during the period from October, 1945, to December, 1950.

In this index, as in the others, the various BULLETINS are designated by the month and year of publication, together with the page reference for each item.

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