

# Kansas Judicial Council Bulletin

DECEMBER, 1969

PART 4—FORTY-THIRD ANNUAL REPORT

## COURT DAYS 1970



ADDITIONAL ARTICLES OF PROPOSED  
NEW CODE OF CRIMINAL PROCEDURE

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### Foreword

This issue of the BULLETIN contains a list of court days for 1970 in the various district courts of the state of Kansas.

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This issue of the BULLETIN also contains a few articles of the new Code of Criminal Procedure which have not heretofore been published in the October, 1969, issue of the BULLETIN. These relate to *in rem* proceedings, costs in criminal cases, proceedings to determine paternity, and areas in which no changes are recommended. (See Kansas Code of Criminal Procedure Foreword, page 11 of the October, 1969, issue.)

# Kansas Code of Criminal Procedure

(Articles XVIII through XXIV)

The first seventeen articles of the Judicial Council's recommended Kansas Code of Criminal Procedure were published in the October, 1969, issue of the *Kansas Judicial Council Bulletin*. The balance of the recommendation follows. These proposals, with appropriate repeals of existing statutes, will constitute the basis for proposed legislation to be introduced in the 1970 session of the Kansas Legislature.

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## Article XVIII. *Costs in Criminal Cases*

22-1801. *Liability for Costs.* (1) When the defendant in a criminal case is acquitted or the case is dismissed the costs incurred on the part of both the prosecution and defense shall be taxed against the county in which the prosecution was instituted. If the defendant is convicted the costs incurred by both the prosecution and the defense shall be taxed against the defendant. If the defendant is unable to pay the costs taxed against him, they shall be paid by the county. In all cases jury fees shall be paid by the county.

(2) When a defendant has been convicted and costs have been taxed against him, the payment of such costs by the county shall not relieve the defendant of his liability for payment. The costs taxed against the defendant shall be and remain a judgment against him which may be enforced as judgments for payment of money in civil cases.

(3) Whenever the costs are paid by the county in a case in which the defendant was a person who had been committed to a penal institution of this state and had not been finally discharged or released from such penal institution, the state department of penal institutions shall reimburse the county from funds made available by the legislature for that purpose. The county shall not be reimbursed for the cost of employing a special prosecutor.

*Section Superseded.* 62-1901.

### COMMENT

This section should be read with K. S. A. 28-150, 28-151 and 28-172 which relate to the same subject matter.

22-1802. *When Costs Taxed to Complaining Witness.* If it appears to the court that the prosecution was instituted without probable cause and from malicious motives, the court may require the complaining witness or other person instituting the prosecution to appear and answer concerning his motives for instituting the prosecution. If, upon hearing, the court determines that the prosecution was instituted without probable cause and from malicious motives all costs in the case shall be taxed against the complaining witness or other person initiating the prosecution.

*Sections Superseded.* 62-1902, 62-1903.

22-1803. *Taxation of Costs.* At the conclusion of each criminal case the court shall tax the costs against the party responsible for

payment and shall deliver to such responsible party a complete statement of the costs, specifying each item of service and the fee assessed for such service. When the costs are ordered paid by the county, the statement of costs shall be filed in the office of the county clerk and shall be allowed by the board of county commissioners and paid as other claims against the county. When the claim has been allowed by the board of county commissioners, payment shall be made to the clerk of the district court who shall distribute such funds to the persons entitled to receive them.

*Section Superseded.* 62-1909, 62-1910.

22-1804. *Disposition of Fines and Penalties.* All money received from fines, penalties and forfeitures shall be paid into the treasury of the county where they are imposed, for the use and benefit of the public schools of the county.

*Section Superseded.* 62-1908.

#### COMMENT

As an alternative to the above recommendations, consideration should be given to omitting reference to costs from the rules of criminal procedure and relocating the above sections in Chapter 28, which relates to Fees and Salaries. A review of several recently enacted codes indicates that they do not usually contain provisions relating to costs.

It is recommended that K. S. A. 62-1904, 62-1905, 62-1907, 62-1911 and 62-1912 be repealed and their substance omitted from the proposal.

#### Article XIX. *Abatement of Common Nuisances*

22-1901. *Scope.* The following unlawful activities and the use of real and personal property in maintaining and carrying on such activities are hereby declared to be common nuisances:

- (a) Commercial gambling;
- (b) Dealing in gambling devices;
- (c) Possession of gambling devices;
- (d) Promoting obscenity;
- (e) Promoting prostitution;
- (f) Habitually promoting prostitution.

Any real property used as a place where any such activities is carried on or permitted to be carried on and any effects, equipment, paraphernalia or other personal property designed for and used on such premises in connection with such unlawful activities are subject to injunction and abatement as in this article provided.

22-1902. *Procedure.* (1) Unless otherwise provided by law, proceedings under this article shall be governed by the provisions



of the Kansas code of civil procedure relating to the abatement of common nuisances.

(2) Proceedings under this article shall be instituted only in the name of the state of Kansas upon the recommendation of the attorney general, the county attorney to enjoin a nuisance within his county or the city attorney to enjoin a nuisance within his city.

(3) The petition shall describe any real estate alleged to be used or to have been used as a place where such common nuisance is or was maintained or permitted and shall identify the owner or person in charge of such real estate. It shall describe any effects, equipment, paraphernalia or other personal property designed for and used in such unlawful activity. It shall pray for the particular relief sought with respect to such property.

(4) The petition for injunction may include or be accompanied by an application for an order for the seizure of the effects, equipment, paraphernalia or other personal property described in the petition. If the court finds that there is probable cause to believe that the things described are or have been used for any of the unlawful purposes set forth in section 22-1901, it may order the sheriff or other law enforcement officer to seize such things and to hold them in his custody pending further order of the court. An order for seizure shall particularly describe the things to be seized.

(5) An order for seizure of materials alleged to be obscene shall not issue until after a hearing at which evidence in support of the application for such order has been heard. At least three days notice of such hearing shall be given to the owner or person in possession of such material. Pending such hearing, the court may make an order prohibiting the owner or person in possession from removing such material from the jurisdiction of the court.

(6) No bond or other security shall be required for any restraining order, order for seizure or injunction issued under this article in an action brought by the attorney general, county attorney or city attorney.

(7) The provisions of this article shall not limit nor otherwise affect proceedings under section 60-908 of the Kansas code of civil procedure, but shall be supplemental and in addition to, and not in lieu of, the remedy provided by that section.

22-1903. *Proceedings in Rem.* The real or personal property against which the order of abatement is sought may be named as a party defendant in a proceeding under this article. In such case,

summons shall be served on the owner or person in possession of such property. Any person claiming an interest in the property shall, upon application be permitted to intervene as a party defendant.

22-1904. *Judgment.* (1) Upon final judgment that any real property is being or has been used as a place where any of the unlawful activities set forth in section 22-1901 are carried on or permitted to be carried on, the court may order that any house, building, room or other structure located on such real estate be closed and padlocked for a period of not less than three months nor more than two years, subject to modification in the manner provided by section 60-910 of the Kansas code of civil procedure. The court may, as part of the judgment, require that the owner, lessee, tenant or occupant enter into a bond to the state of Kansas, in such amount and with security as the court may require, conditioned that he will not within a period of two years use or permit such real estate to be used in violation of law. If any condition of such bond shall be violated, the whole amount may be recovered as a penalty.

(2) Upon final judgment that any effects, equipment, paraphernalia or other personal property are designed for and have been used in carrying on any of the unlawful activities set forth in section 22-1901, the court may order that such effects, equipment, paraphernalia and other personal property be publicly destroyed by the sheriff or other law enforcement officer of the county.

(3) Upon final judgment for the state the court shall adjudge that the defendant pay all costs, including a reasonable fee, to be fixed by the court, to be paid to the prosecuting attorney. Such costs shall be a lien upon any real property against which an order of abatement is obtained.

#### COMMENT

Present statutory proceedings for abatement of nuisances resulting from criminal violations include the following: K. S. A. 21-918 through 21-921 (gambling places); K. S. A. 21-925 through 21-929 (gambling devices); K. S. A. 21-941 (houses of prostitution); K. S. A. 21-1509 (slot machines); K. S. A. 21-1102c (obscene materials). The proposal seeks to encompass all of these proceedings in a single action for abatement of common nuisance, following, in so far as possible, the procedure provided in the code of civil procedure (see K. S. A. Ch. 60, Art. 9 and particularly 60-908).

Proceedings to abate liquor nuisances are governed by the Alcoholic Beverage Control Act.

Because seizure of obscene materials may involve sensitive constitutional problems, a special procedure calling for notice and hearing before seizure is provided.

*Sections Superseded.* 21-918, 21-919, 21-920, 21-921, 21-925, 21-926, 21-927, 21-928, 21-929, 21-941, 21-1102c, 21-1509.

#### Article XX. *Execution of Death Sentences*

The Judicial Council recommends that K. S. A. Ch. 62, Art. 24, be transferred without amendment to Ch. 22, Art. XX and renumbered accordingly.

#### Article XXI. *Uniform Act for Out-of-State Parolee Supervision*

The Judicial Council recommends that K. S. A. Ch. 62, Art. 27 be transferred without amendment to Ch. 22, Art. XXI and renumbered accordingly.

#### Article XXII. *Uniform Act to Secure Attendance of Witness from Without State*

The Judicial Council recommends that K. S. A. Ch. 62, Art. 28 be transferred without amendment to Ch. 22, Art. XXII and renumbered accordingly.

#### Article XXIII. *Uniform Mandatory Disposition of Detainers Act*

The Judicial Council recommends that K. S. A. Ch. 62, Art. 29 be transferred without amendment to Ch. 22, Art. XXIII and be renumbered accordingly.

#### Article XXIV. *General*

22-2401. *Amendment by the Supreme Court.* The supreme court shall have power to supplement or amend the provisions of this Chapter insofar as they pertain to forms of process, writs, pleadings, motions and practice and procedure in the supreme court, district courts and other judicial tribunals to which they are applicable. Such supplements and amendments shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury, oral examination of witnesses, and the right of appeal. Such supplements and amendments shall take effect upon their being filed with the clerk of the supreme court and published in the supreme court reports.

#### COMMENT

This proposal is similar to K. S. A. 60-2607 which relates to the power of the supreme court to supplement and amend the rules of civil procedure.

*Section Superseded.* 62-2601.

22-2402. *Effect on Pending Actions.* (1) The trial of any prosecution commenced prior to the effective date of this chapter,

and proceedings incidental thereto, shall be governed by this chapter unless the defendant elects to be proceeded against under the law in force at the time the prosecution was commenced. Such election shall be made by the defendant in open court or in writing at or prior to the time of arraignment.

(2) Appeals commenced prior to the effective date of this chapter shall be governed by the provisions of this chapter from and after its effective date.

#### COMMENT

It may be anticipated that problems will be encountered in the process of transition to this code. Generally, substantive rights that have accrued are not affected by amendments to the laws, while procedural amendments may be made applicable to pending proceedings. The proposed section permits the defendant against whom proceedings have been begun to elect whether he will be tried under the former law or these rules. Appeals are to be processed under this chapter.

*Proceedings to Determine Paternity*

K. S. A. Ch. 62, Art. 23, relates to illegitimate children and provides for processing of bastardy cases. The proceedings are quasi-criminal in nature although the relief sought is compensation for the support and maintenance of the child. The Judicial Council has determined that the proceeding to determine paternity and fix responsibility for support is not criminal in character and ought not to be continued as part of the code of criminal procedure. Instead, it suggests a civil proceeding to determine the paternity of children of unmarried mothers to be located elsewhere in the statutes, possibly in Chapter 38, which relates to Infants. It is further recommended that present K. S. A. Ch. 62, Art. 23 be repealed in its entirety.

The proposed bill which follows is intended to implement the council's suggestion. While the action is to be brought in the name of the state of Kansas, on the relation of the complaining witness, it is civil in nature and, except as otherwise provided, is governed by the code of civil procedure. The proposal does not apply to or affect the child's non-statutory right to sue for support (see *Myers v. Anderson*, 145 Kan. 775).

## Bill No. \_\_\_\_\_

AN ACT relating to children of unmarried mothers; providing a procedure to determine paternity and fix responsibility for the support of such children; and repealing K. S. A 62-2301 to 62-2321, inclusive.

Section 1. Upon the sworn complaint of any unmarried woman who is pregnant or the mother of a child a civil action to determine paternity may be brought in the district court against the person who is claimed by the woman to be the father of the child. The action shall be in the name of the state of Kansas, on the relation of the complaining witness. The proceedings shall be governed by the code of civil procedure, unless otherwise provided in this article.

Section 2. An action to determine paternity may be brought in the county in which the complaining witness is an actual resident at the time of filing the petition or where the defendant resides or may be served.

Section 3. If the complaining witness is not represented by counsel, the county attorney of the county in which the action is brought shall represent the plaintiff in an action to determine paternity. In cases where the complaining witness is represented by counsel, such counsel may appear on behalf of the plaintiff. The court may, in its discretion, allow a reasonable sum to the attorney for the plaintiff as compensation for his services, which sum shall be part of the judgment against the defendant.

Section 4. No action to determine paternity shall be instituted more than one year after the birth of the child whose paternity is in issue.

Section 5. An action to determine paternity shall be tried to the court or to a jury, as the court may determine.

Section 6. At any time before final judgment the mother of the child, upon showing that provision has been made for the support and education of the child, may move for dismissal of an action to determine paternity. The court shall dismiss the action only upon finding that the provisions made for the support and education of the child are satisfactory and that the interest of the child will not be prejudiced by dismissal. A dismissal on this ground shall be a bar to a subsequent action for the same cause and purpose.

Section 7. Upon adjudging that the defendant is the father of the child whose paternity is in issue, the court shall make an

appropriate order requiring the defendant to provide for the support and education of the child and the payment of the mother's necessary medical expenses incident to the birth of the child. The judgment shall specify the terms of payment and may require the defendant to provide a bond with sureties to secure such payment. If the defendant fails or refuses to make the payment or to supply the bond required by the judgment he may be adjudged in contempt of court and punished accordingly. The court may at any time during the minority of the child modify or change any such order of support as the interest of the child may require.

Section 8. The death of a child born out of wedlock shall not be a cause of abatement or bar to an action to establish paternity. The death of such child after judgment but while the responsibility for support continues shall be ground for modification of the judgment.

Section 9. The death of the mother shall not abate an action to establish paternity, if the child is living, but a record shall be made of the fact of the mother's death and the name of the child shall be substituted in the action for that of the mother. A guardian shall be appointed for the purpose of prosecuting the suit on behalf of the child, who shall not be liable for costs.

Section 10. In the case of the death of the alleged father of the child, the right of action shall survive and may be prosecuted against the personal representatives of the deceased person.

Section 11. K. S. A. 62-2301 to 62-2321, inclusive, are hereby repealed.

Section 12. This act shall take effect and be in force from and after its publication in the statute book.

## COURT DAYS IN DISTRICT COURTS—1970

(Please see notes on page 186)

COUNTIES	County Seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Allen (see note 4). Div. No. 1. Div. No. 2. Div. No. 3.	Iola.....	Floyd H. Coffman Robert F. Stadler Alex Hotchkiss	Jeanne Smith.....	4	15c	16c	16c	20c	12c	15c	8c	13c	16c	7c
Anderson (see note 4). Div. No. 1. Div. No. 2. Div. No. 3.	Garnett.....	Floyd H. Coffman Robert F. Stadler Alex Hotchkiss	Roberta Bowman.....	4	9c	6c	6c	3c	1c	5c	4c	2c	6c	4c
Atchison (see note 2). Div. No. 1. Div. No. 2.	Atchison.....	Kenneth Harmon James W. Lowry	Mary Lou Underwood.....	1	8	5	5	2	7	4	3	1	5	3
Barber..... Div. No. 1. Div. No. 2. Div. No. 3.	Medicine Lodge.....	Doyle E. White Charles H. Stewart John A. Potucek	Donna Garten.....	19	6	9	10	7	11	9	10	12	9	2
Barton..... Div. No. 1. Div. No. 2.	Great Bend.....	Frederick Woleslagal Herbert Rohleder	Geneva Steincamp.....	20	7c	4c	3c	1c	6c	2c	2c	7c	2c	2c
Bourbon (see note 5). Div. No. 1.	Fort Scott.....	Charles M. Warren.....	Betty O'Dell.....	6	5	4	4	8	11	3	14	7	4	9
Brown.....	Hiawatha.....	Chester C. Ingels.....	Edna Bolcourt.....	22	20	17	17	21	19	2	22	20	17	22
Butler..... Div. No. 1. Div. No. 2.	El Dorado.....	George S. Reynolds Page W. Benson	Virginia Elmore.....	13	5	9	2	6	4	8	14	5	9	14
Chase.....	Cottonwood Falls	Jay Sullivan.....	Myrtle Austin.....	5	26	23	30	27	25	29	28	26	30	28
Chautauqua..... Div. No. 1. Div. No. 2.	Sedan.....	George S. Reynolds Page W. Benson	Grace Sears.....	13	5	2	9	6	11	1	8	19	2	7



COURT DAYS IN DISTRICT COURTS—1970—CONTINUED  
(Please see notes on page 186)

Courts	County Seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Cherokee Div. No. 1 Div. No. 2 Div. No. 3 Div. No. 4	Columbus Columbus Div. Galena Div.	Don Musser William P. Meek Hal Hyler George W. Donaldson	Nina Coldiron	11	7 21	3 4	3 4	7 7	5 6	2 3	1 2	6 14	3 18	1 2
Cheyenne Div. No. 1 Div. No. 2	St. Francis	William B. Ryan Donald J. Magaw	Dorothy Finley	17	5c	3c	23c	7c	5c	1c	4c	7c	9c	14c
Clark	Ashland	Ernest M. Vieux	Hope Grimes	16	8c	5c 16c	5c	9c	7c	4c	3c 28c	8c	5c	3c
Clay (see note 11) Div. No. 1 Div. No. 2	Clay Center	Lewis L. McLaughlin Joseph W. Menzie	Lucille Murrison	21	7 12	4 9	2 2	2 7	5 12	1 1	3 9	6 13	2 2	1 8
Cloud	Concordia	Marvin O. Brummett	Marguerite Larson	12	5a	5a	4h	8h	6h	3h	1a	7h	4h	7h
Coffey (see note 4) Div. No. 1 Div. No. 2 Div. No. 3	Burlington	Floyd H. Coffman Robert F. Stadler Alex Hotchkiss	Mayree E. White	4	6c	5c	5c	7c	14c	4c	1c	1c	5c	3c
Comanche	Coldwater	Ernest M. Vieux	Ellen M. Erwin	16	7c	4c	4c	8c	6c 18c	3c	2c	7c	4c	7c
Cowley Div. No. 1 Div. No. 2 Div. No. 3	Winfield	Doyle E. White Charles H. Stewart John A. Potueck	Barbara Gilland	19	2 12	6	6 9	3 9	1	1 5	4	2 5	6	4
Crawford (see note 9) Div. No. 1 Div. No. 2 Div. No. 3 Div. No. 4	Girard Girard Div. Pittsburg Div.	Don Musser William P. Meek Hal Hyler George W. Donaldson	Janice Caruthers	11	9 5	6 2	6 2	10 6	8 4	5 1	4 14	2 5	6 2	4 7

## COURT DAYS IN DISTRICT COURTS—1970—CONTINUED

(Please see notes on page 186)

COUNTIES	County Seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Decatur Div. No. 1 Div. No. 2	Oberlin	William J. Ryan Donald J. Magaw	Alice J. Vernon	17	7c	9c	24c	9c	7c	9c	8c	5c	6c	10c
Dickinson (see note 7) Div. No. 1 Div. No. 2	Ablene	Walter E. Hembrow Albert P. Fletcher, Jr.	Seth Barter, Jr.	8	5c	3c	3c	7c	7c	2c	14c	6c	10c	8c
Doniphan	Troy	Chester C. Ingels	Alice F. Crane	22	21	18	18	22	20	3	23	21	18	23
Douglas (see note 6)	Lawrence	Frank R. Gray	Lucille E. Allison	7	9	2	6	3	4	5	11	2	2	4
Edwards	Kinsley	Maurice A. Wildgen	Cecil Matthews	24	6a	2b	3a	7a	11b 17b	2a	9a	6a 26b	3a	8a
Elk Div. No. 1 Div. No. 2	Howard	George S. Reynolds Page W. Benson	Gertrude Loyd	13	12	9	10	13	4	1	21	5	9	4
Ellis	Hays	Benedict P. Cruise	W. J. Billinger	23	12a 25a	2a	9a 30a	12a 27a	4a	8a 29a	14a 28a	5a	9a 36a	7a 28a
Ellsworth Div. No. 1 Div. No. 2	Ellsworth	Frederick Wolskel Herbert Rohleder	F. A. Vaneek	20	27c	24c	24c	28c	26c	23c	22c	27c	24c	22c
Finney (see note 12)	Garden City	Bert J. Vance	Rose Murray	25	12c	17c	3c	16c	11c	20c	21c	23c	20c	22c
Ford	Dodge City	Ernest M. Vieux	Genevieve Fredelake	16	9c 19c	6c	6c	10c 20c	8c	5c	4c	9c	6c	4c
Franklin (see note 4) Div. No. 1 Div. No. 2 Div. No. 3	Ottawa	Floyd H. Coffman Robert F. Stadler Alex Hotchkiss	Christina Woke	4	12c	12c	13c	13c	8c	12c	14c	9c	13c	11c

COURT DAYS IN DISTRICT COURTS—1970—CONTINUED  
(Please see notes on page 186)

COUNTIES	County Seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Geary (see note 7) Div. No. 1 Div. No. 2	Junction City	Walter E. Hembrow Albert B. Fletcher, Jr.	Edward C. Verbeke	8	6c	4c	2c	8c	5c	1c	15c	7c	9c	9c
Gove	Gove	Benedict P. Cruise	Mabel Fagan	23	14a	17a	16a	15a	19a	15a	16a	20a	16a	9a
Graham	Hill City	C. E. Birney	Margaret A. Hildebrand	15	5	2	2	13	11	1	21	12	9	2
Grant	Ulysses	L. L. Morgan	Edna M. Walker	26	5h	2h	2c	15c	4h	1h	1c	1h	2h	7c
Gray	Cimarron	Ernest M. Vieux	Grace Cunningham	16	6c	3c	3c	6c	5c	2c	1c	6c	3c	1c
Greeley (see note 12)	Tribune	Bert J. Vance	Margaret L. Pile	25	5e	10c	2e	13e	25e	22e	28e	12e	9e	27e
Greenwood Div. No. 1 Div. No. 2	Eureka	George S. Reynolds Page W. Benson	Alma K. Long	13	19	16	16	20	18	15	14	12	16	7
Hamilton (see note 12)	Syracuse	Bert J. Vance	Ruth Noggle	25	5f	16f	2f	13f	25f	22f	28f	12f	9f	21f
Harper Div. No. 1 Div. No. 2 Div. No. 3	Anthony	Doyle E. White Charles H. Stewart John A. Potuck	Florence M. Stone	19	5	2	9	6	4	8	9	13	2	1
Harvey (see note 8)	Newton	Sam H. Sturm	Joe Fox	9	8b 22b	9b 26b	5b 19b	9b 23b	17b 21b	11b 25b	10b 24b	8b 22b	9b 19b	3b 17b
Haskell	Sublette	L. L. Morgan	Mildred Duver	26	5c	2c	9c	6c	4c	1c	27c	1c	2c	1c
Hodgeman	Jetmore	Maurice A. Wildgen	Agnes C. Gleason	24	6g	3g 23b	3g	7g	25b	2g	9g	6g	9b	8g
Jackson	Holton	John W. Brooks	Florence Clements	2	12	4	4	8	4	3	16	5	4	9

## COURT DAYS IN DISTRICT COURTS—1970—CONTINUED

(Please see notes on page 186)

COUNTIES	County Seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Jefferson.....	Oskaloosa.....	John W. Brookens.....	Marian Steffey.....	2	16	6	2	10	8	1	18	9	2	11
Jewell.....	Mankato.....	Marvin O. Brummett.....	Carol E. Ross.....	12	7a	3h	3a	6a	7a	2h	9a	12a	3a	8a
Johnson.....	Olathe.....	Herbert W. Walton Harold L. Hammond Raymond H. Carr Harold R. Riggs Phillip L. Woodworth	Pat Holland.....	10	5	2	2	6	4	1	8	5	2	7
Kearny (see note 12).....	Lakin.....	Bert J. Vance.....	Elizabeth Williams.....	25	5h	16h	9c	13h	25h	22h	28h	12h	9h	21h
Kingman.....	Kingman.....	Doyle E. White Charles H. Stewart John A. Potucek	Janis Mellrath.....	19	26	11	12	27	13	11	23	14	12	4
Kiowa.....	Greensburg.....	Ernest M. Vieux.....	Billie M. Huckriede.....	16	7h	4h	4h	8h	4c	3h	2h	7h 12c	4h	2h
Labette.....	Oswego.....	Don Musser.....	Mary C. Morris.....	11	2	3	6	14	1	5	4	6	6	11
Div. No. 1.....	Oswego Div.....	William P. Meek.....	Hal Hylar.....	9	13	20	13	17	8	12	11	16	13	18
Div. No. 2.....	Parsons Div.....	George W. Donaldson.....	George W. Donaldson.....	23	20	16	20	24	15	26	25	23	20	18
Div. No. 3.....				5	16	3	3	20	5	8	14	19	3	14
Div. No. 4.....						16	16		18				16	
Lane.....	Dighton.....	Maurice A. Wildgen.....	Eva Cramer.....	24	7g	4g	16b	8g	6g	3g	8g	7g	16b	9g
Leavenworth (see note 2).....	Leavenworth.....	Kenneth Harmon James W. Lowry	Mary Kate Gausz.....	1	9	6	6	3	8	5	4	2	6	4
Div. No. 1.....														
Div. No. 2.....														
Lincoln.....	Lincoln.....	Marvin O. Brummett.....	Jennie Panzer.....	12	6a	2a	5a	7a	5a	3a	8a	6a	16a	9a

## COURT DAYS IN DISTRICT COURTS—1970—CONTINUED

(Please see notes on page 186)

COUNTIES	COUNTY SEAT	JUDGE	CLERK	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Linn (see note 5).....	Mound City.....	Charles M. Warren.....	Ferne Pearly.....	6	8	5	5	6	7	4	3	1	5	7
Logan.....	Oakley.....	Benedict P. Cruise.....	H. Belle Selley.....	23	5a	18a	10a	6a	20a	9a	8a	21a	10a	10a
Lyon.....	Emporia.....	Jay Sullivan.....	Alice M. Long.....	5	28	25	25	29	27	24	30	28	25	30
Marion Div. No. 1..... Div. No. 2.....	Marion.....	Walter E. Hembrow Albert B. Fletcher, Jr.	Geraldine Seibel.....	8	7c	2c	4c	9c	4c	3c	16c	5c	12c	10c
Marshall (see note 11).. Div. No. 1..... Div. No. 2.....	Marysville.....	Lewis L. McLaughlin.. Joseph W. Menzie.....	Wilma Jean Blaser.....	21	5 5	6 4	4 3	6 6	1 11	3 4	8 8	2 12	4 3	3 7
McPherson (see note 8).. Div. No. 1..... Div. No. 2.....	McPherson.....	Sam H. Sturn.....	Alma Bretches.....	9	49b 23b	6b 27b	6b 20b	6b 24b	8b 22b	12b 26b	11b 25b	5b 23b	6b 20b	4b 18b
Meade.....	Meade.....	Ernest M. Vieux.....	Edyth Cooper.....	16	6h	3h	3h 16c	7h	5h	2h	1h	6h 26c	3h	1h
Miami (see note 5).....	Paola.....	Charles M. Warren.....	Zora Winkler.....	6	6	2	3	7	5	1	8	5	3	1
Mitchell.....	Beloit.....	Marvin O. Brummett.....	Neva Wagner.....	12	6h	3a	2a	7h	5h	4a	8h	6h	2a	9h
Montgomery..... Independence Div..... Coffeyville Div.....	Independence.....	David H. Scott.....	Bessie Scofield.....	14	8 2	5 6	5 6	2 3	7 1	4 5	3 4	1 2	5 6	3 4
Morris (see note 7).. Div. No. 1..... Div. No. 2.....	Council Grove.....	Walter E. Hembrow Albert B. Fletcher, Jr.	Nellie McMichael.....	8	8c	5c	5c	6c	6c	5c	17c	8c	13c	7c
Morton.....	Elkhart.....	L. L. Morgan.....	Verda Mae Allen.....	26	6h	9c	3h	7c	5h	2h	8c	2h	3h	2h
Nemaha.....	Seneca.....	Chester C. Ingels.....	Ruth Shaffer.....	22	19	16	16	20	18	1	21	19	16	21

## COURT DAYS IN DISTRICT COURTS—1970—CONTINUED

(Please see notes on page 186)

COUNTIES	County Seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Neosho. Div. No. 1. Div. No. 2. Div. No. 3. Div. No. 4.	Erie. Erie Div. Chanute Div.	Don Musser. William P. Meek Hal Hyler. George W. Donaldson	Virginia Embry.	11	8	4	10	8	6	3	2	14	4	2
Ness.	Ness City.	Maurice A. Wildgen.	Opal Burtlett.	24	7a	4a	9b	8a	6a	3a	8a 14b	7a	4a	14b
Norton. Div. No. 1. Div. No. 2.	Norton.	William B. Ryan. Donald J. Magaw	Elsie Brault.	17	8c	4c	16c	10c	8c	10c	9c	19c	12c	17c
Osage (see note 4). Div. No. 1. Div. No. 2. Div. No. 3.	Lyndon.	Floyd H. Coffman Robert F. Stadler Alex Hotchkiss	Margaret Knight.	4	7c	4c	3c	1c	13c	2c	2c	7c	3c	2c
Osborne. Div. No. 1. Div. No. 2.	Osborne.	William B. Ryan Donald J. Magaw	Irene Laffoon.	17	13c	11c	26c	27c	4c	15c	2c	13c	3c	7c
Ottawa. Div. No. 1. Div. No. 2.	Minneapolis.	Morris V. Hoobler L. A. McNalley	Esther Plunkett.	28	12	2	9	13	11	8	14	13	10	14
Pawnee.	Larned.	Maurice A. Wildgen.	Eulah Almquist.	24	5g 26b	2g	2g	6g 13b	4g	1g	10g	13b	2g	7g
Phillips. Div. No. 1. Div. No. 2.	Phillipsburg.	William B. Ryan Donald J. Magaw	Evelyn M. Parker.	17	9c	5c		6c	11c	11c	10c	9c	2c	18c
Pottawatomie.	Westmoreland.	John W. Brookens.	Deane L. Arnold.	2	15	5	5	6	7	4	14	8	5	7

## COURT DAYS IN DISTRICT COURTS—1970—CONTINUED

(Please see notes on page 186)

COUNTIES	County Seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Pratt..... Div. No. 1..... Div. No. 2..... Div. No. 3.....	Pratt.....	Doyle E. White Charles H. Stewart John A. Potuack	Mabel Axline.....	19	19	10	11	20	12	10	11	19	10	3
Rawlins..... Div. No. 1..... Div. No. 2.....	Atwood.....	William B. Ryan Donald J. Magaw	Bessie Peterson.....	17	6c	2c	23h	8c	6c	8c	14c	8c	10c	15c
Reno (see note 13)..... Div. No. 1..... Div. No. 2.....	Hutchinson.....	William A. Gossage James H. Rexroad	George Walter.....	27	2 9 16 23 30	6 13 20 27	6 13 20 27	3 10 17 24	1 15 22 29	5 12 19 26	4 11 18 25	2 9 16 23 30	6 13 20 27	4 11 18
Republic.....	Belleville.....	Marvin O. Brummett.....	Earl J. Baldridge.....	12	7h	4h	3h	9a	4a	2a	9h	5a	3h	8h
Rice..... Div. No. 1..... Div. No. 2.....	Lyons.....	Frederick Woleslagel Herbert Rohleder	Laura Saint.....	20	6c	2c	2c	7c	4c	1c	1c	5c	3c	7c
Riley (see note 11)..... Div. No. 1..... Div. No. 2.....	Manhattan.....	Lewis L. McLaughlin Joseph W. Menzie	Joseph F. Musil.....	21	9 13	2 2	6 5	3 9	4 4	5 2	4 10	5 5	6 4	4 10
Rooks.....	Stockton.....	C. E. Birney.....	Irma Renner.....	15	12	3	4	7	4	2	8	8	3	1
Rush.....	LaCrosse.....	Maurice A. Wildgen.....	Clara Humburg.....	24	5a 12b	2a	2a 23b	6a	4a	1a	10a 28b	5a	2a	7a
Russell..... Div. No. 1..... Div. No. 2.....	Russell.....	Frederick Woleslagel Herbert Rohleder	Gladys Kling.....	20	26c	25c	23c	27c	25c	22c	28c	26c	23c	21c
Salina..... Div. No. 1..... Div. No. 2.....	Salina.....	Morris V. Hoobler L. A. McNalley	Betty J. Just.....	23	5	3	5	2	4	1	3	5	3	3





COURT DAYS IN DISTRICT COURTS—1970—CONCLUDED  
(Please see notes on page 186)

COUNTIES	County Seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Sumner Div. No. 1..... Div. No. 2..... Div. No. 3.....	Wellington.....	Doyle E. White. Charles H. Stewart John A. Potucek	Mary E. Carter.....	19	13	3	3	7	12	2	15	6	3	1
Thomas.....	Colby.....	C. E. Birney.....	Thelma Livingston.....	15	7	6	16	9	25	9	10	7	2	7
Trego.....	WaKeeney.....	Benedict P. Cruise.....	Virginia Webb.....	23	13a	16a	2a	14a	18a	1a	15a	19a	2a	8a
Wabaunsee.....	Alma.....	John W. Brookens.....	Mary E. Tolbert.....	2	13	2	3	7	18	2	15	19	3	8
Wallace.....	Sharon Springs.....	Benedict P. Cruise.....	Evelyn A. Warren.....	23	19a	18f	10f	20a	20f	9f	21a	21f	10f	10f
Washington.....	Washington.....	Marvin O. Brummett.....	Lois Acree.....	12	8a	4a	4a	8a	6a	1a	21a	7a	4a	7a
Wichita (see note 12).....	Leoti.....	Bert J. Vance.....	Margie Ames.....	25	5e	16e	2e	19e	25e	22e	28e	12e	9e	14e
Wilson.....	Fredonia.....	Don Musser William P. Meek Hal Hyler George W. Donaldson	Leslie V. York.....	11	6	5	12	7	7	4	1	15	5	3
Woodson (see note 4).....	Yates Center.....	Floyd H. Coffman Robert F. Stadler Alex Hotchkiss	Arlene Brooks.....	4	20c	17c	17c	21c	19c	16c	22c	20c	17c	8c
Wyandotte (see note 14).....	Kansas City.....	O. Q. Clafin, III. William J. Burns Harry G. Miller, Jr. Joe H. Swinehart Leo J. Moroney	Richard D. Shannon.....	29	30	.....	6	10	15	19	.....	2	6	11
Div. No. 1.....	.....	.....	.....	2	2	6	13	17	22	26	4	9	13	18
Div. No. 2.....	.....	.....	.....	9	9	13	20	24	29	.....	11	16	20	.....
Div. No. 3.....	.....	.....	.....	16	16	20	27	.....	1	5	18	23	27	.....
Div. No. 4.....	.....	.....	.....	23	23	27	.....	3	8	12	25	30	.....	4

Italicized dates indicate the first day of the regular term of court—  
a. 9:00 a. m.; b. 9:30 a. m.; c. 10:00 a. m.; d. 10:30 a. m.; e. 11:00 a. m.;  
f. 1:00 p. m.; g. 1:30 p. m.; h. 2:00 p. m.

NOTE 1. See Rule No. 113 of the Supreme Court, relating to District Courts.

NOTE 2. In Atchison County, July 2 and August 6 are court days. In Leavenworth County, July 3 and August 7 are court days.

NOTE 3. In Shawnee County the schedule continues through July and August, as follows:

Div. No. 1, July 10 and August 7.  
Div. No. 2, July 17 and August 14.  
Div. No. 3, July 24 and August 21.  
Div. No. 4, July 3 and 31, and August 28.

NOTE 4. In Allen County, July 7 and August 4, at 2:00 p. m., are court days. In Anderson County, July 3 and August 7, at 10:00 a. m., are court days. In Coffey County, July 2 and August 6, at 10:00 a. m., are court days. In Franklin County, July 3 and August 7, at 2:00 p. m., are court days. In Franklin County, July 3 and August 7, at 2:00 p. m., are court days. In Osage County, July 1 and August 5, at 10:00 a. m., are court days. In Woodson County, July 7 and August 4, at 10:00 a. m., are court days.

NOTE 5. In Bourbon County, July 8 is court day. In Linn County, July 13 is opening day of court term. In Miami County, July 7 is court day. Court convenes at 10:00 a. m. for trials to the court, and at 9:00 a. m. for jury trials.

NOTE 6. In Douglas County all court days open at 9:30 a. m.; and July 3 and August 7 are court days, opening at 9:30 a. m. On days on which a term of court opens, the civil docket will be called beginning at 9:30 a. m. and the criminal docket will be called beginning at 2:00 p. m.

NOTE 7. In Dickinson County there is no jury at the May term of court; and in Geary and Morris Counties, there is no jury at June terms, except on special order.

NOTE 8. In Harvey County there are court days July 9 and 23, and August 6. In McPherson County court days are July 10 and 24, and August 7. Court begins at 9:30 a. m. on these days.

NOTE 9. In Crawford County, July 3 is court day in the Girard Division, and July 6 is court day in the Pittsburg Division.

NOTE 10. In Sedgewick County, all pre-trial motions in civil cases other than divorce are heard by the Administrative Judge on Friday morning at 9:30 a. m., of the week following the filing of the motion.

All domestic motions are heard at 9:30 in the respective division, as follows:

Div. No. 1, First Thursday of each month.  
Div. No. 2, None.  
Div. No. 3, First Friday of each month.  
Div. No. 4, Second Thursday of each month.  
Div. No. 5, Second Friday of each month.  
Div. No. 6, Third Thursday of each month.  
Div. No. 7, Third Friday of each month.

All post-trial motions and motions in criminal matters are heard at 2:00 p. m., on the day of the respective divisions' domestic motions.

NOTE 11. In Marshall County, opening day of the September term of court delayed one day a/c Labor Day. In addition to the regular days of court in Division No. 1, in Riley County, time permitting, special days of court will be held on the third Friday of the month. Also, special days of court in Division No. 1 and No. 2 will be scheduled in Clay, Marshall and Riley Counties as the need arises.

NOTE 12. In Finney, Scott and Wichita Counties, central time is shown. In Greeley, Hamilton and Kearny Counties, mountain time is shown.

NOTE 13. In Reno County, July 3, 10, 17, 24 and 31, and August 7, 14, 21 and 28, are court days.

NOTE 14. In Wyandotte County, pre-trial and post-trial motions in divorce cases are heard every Friday in the division to which the case is assigned, except that any motion requiring presentation of oral evidence will be specially set by the judge. All other motions are heard in the division to which the case is assigned on the dates indicated above. All motions in criminal cases are heard by the judge in charge of the criminal court by arrangement with him. The criminal court rotates among the various divisions. No regular motion days are designated during the months of July and August, however, each judge will hear his motions at such times as will be fixed by him. All pre-trial motions in divorce cases and emergency matters will be heard each Friday by the judge on duty during these months. All attorneys of record are notified of settings by the assignment clerk.

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