

KANSAS JUDICIAL COUNCIL BULLETIN

JULY, 1946

PART 2, TWENTIETH ANNUAL REPORT



TABLE OF CONTENTS

	PAGE
FOREWORD	77
A STUDY OF THE LAWS RELATING TO HOMICIDE.....	79
By <i>William L. Rees</i>	
THE NEW FEDERAL RULES OF CRIMINAL PROCEDURE.....	91
By <i>Edward Rooney</i>	
KANSAS LAWYERS WHO HAVE DIED IN MILITARY SERVICE.....	95
Cobean, Raymond L.....	95
McGugin, Harold	95
Robinson, Clarence J.....	96
KANSAS LAWYERS IN MILITARY SERVICE.....	97
Revised Alphabetical List.....	97
Revised List by Counties.....	105

FOREWORD

A reference to the statute creating the Judicial Council will disclose that its members serve without pay. The last session of the legislature recognized that the members of the Judicial Council could not spend any great amount of time in research work, and accordingly an appropriation of two thousand dollars per year for research was made. In connection with problems suggested to it, the Judicial Council has made efforts to procure the services of lawyers who could devote some of their spare time to research work, but it has experienced difficulty in finding anyone to do such work, with the exceptions hereafter noted.

More than five years ago the Council determined that an extensive study should be made of our statutes relating to homicide, for the purpose of simplifying our code, if possible, by elimination of some of the various degrees of murder and manslaughter, and simplifying the definitions of the same. It was recognized that this would require extensive research and comparison with the laws of other states. This was delayed during the war because of the absence of such a large percentage of our bar in the service and the fact that those who remained in practice had little time for research work.

Early this year we were fortunate in persuading Mr. William L. Rees of the Topeka bar, recently returned from service, to undertake this task. Mr. Rees has been a practicing lawyer at Topeka since 1939, and served in the Navy from January, 1942, to December, 1945. Mr. Rees proved eminently well qualified to make this study, as will appear from the article which we publish herewith, in which he makes a careful analysis of the existing laws and proposes new sections to replace them. We invite correspondence from our readers upon these proposals, to assist the Council in making its recommendations to the Legislature.

Acting under Congressional authority new federal rules of criminal procedure have been promulgated by the United States Supreme Court and became effective March 21, 1946. The Judicial Council requested Mr. Edward Rooney of Topeka, a lawyer of great experience in the field covered, to prepare a review of the rules for publication in this issue of the BULLETIN, and that review is printed herein. Suggestions have been made to the Judicial Council that our code of criminal procedure should be revised, or possibly replaced with rules to be promulgated by the Supreme Court. The Judicial Council would appreciate your views as to the necessity for revision, or the advisability of promulgated rules.

From time to time the Judicial Council has collected and printed information concerning attorneys at law of Kansas who are or have been in the military service, with biographies of those who have died in such service or as result thereof. A list complete as of June 1, 1946, is printed herein. An

intensive effort has been made to show the status of each person named by writing to judges, clerks of the various district courts and many members of the bar. If you observe any errors the Judicial Council will appreciate hearing from you for we desire to make a final and complete report at some date in the future.

The last issue of the BULLETIN attracted the attention of many members of the bar, as well as of many laymen, our correspondence indicating great interest in the article by our secretary, Randal C. Harvey, dealing with the supposed cases of John Doe and Richard Roe in the Probate Court of "Apache County." We have had many requests for copies of this issue. All of which leads to the comment that we have a considerable number of requests for copies of all previously published issues of the BULLETIN. Some issues are exhausted and out of print for distribution but of other issues we have copies on hand and, if you desire particular issues, please write us and they will be furnished without cost.

SUGGESTED REVISIONS IN THE LAWS OF KANSAS RELATING TO HOMICIDE

By WILLIAM L. REES

The statutes to be considered are those relating to murder, manslaughter, excusable and justifiable homicide, and such others as are necessarily involved. The general reference is G. S. 1935, chapter 21, article 4.

The intent of this discussion is to exclude as far as possible any consideration of the punishments for all the various offenses, and further, to limit the suggestions to changes which primarily clarify and simplify the existing code without effecting basic changes in the policy of the criminal law of this state. Major changes in social attitudes toward these crimes and their punishment are beyond the scope of the report and this article. However, it should be admitted that this plan has not been carried out to the letter and some alterations of a fairly substantial nature have been suggested where it seems the benefits to be gained justify more than minimum changes.

PART ONE

MURDER

Murder in Kansas is denounced in two statutory sections, namely, G. S. 1935, 21-401 and 21-402, which are as follows:

SEC. 21-401: "*Murder in the first degree.* Every murder which shall be committed by means of poison or by lying in wait, or by any kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration or an attempt to perpetrate any arson, rape, robbery, burglary, or other felony, shall be deemed murder in the first degree."

SEC. 21-402: "*Murder in the second degree.* Every murder which shall be committed purposely and maliciously, but without deliberation and premeditation, shall be deemed murder in the second degree."

The Kansas statutes contain no definition of murder, but only specify, in effect, that a murder committed under certain conditions is murder in the first or the second degree, respectively. For a definition of the word "murder" the courts have found it necessary to look to the common law. (See *State v. Young*, 55 Kan. 349.)

Legislation of this sort, which instead of creating law by enactment of expressed principles attempts to do the same thing by incorporating by reference a segment of the common law into statutory law, is not new nor unique to Kansas, nor to these murder statutes. However, it does not seem to be a wholly enlightened method of dealing with the problem of defining crime. On this point is a statement, by the late Justice Burch, in *State v. Custer*, 129 Kan. 381, at page 384:

"The reference method of legislation was condemned by the New York commission appointed pursuant to a statute of 1857 to prepare a political code, a civil code, and a penal code. In the report of the commission (David Dudley Field, chairman), in April, 1864, it was said it was essential to usefulness of the penal code that its definitions should not be dependent on recourse to the common law to render them intelligible."

Probably no codification that could be devised would eliminate all necessity for an understanding of criminal rules at common law because common-law principles are so much a part of our social structure, but this does not seem to preclude a restatement and modification of such principles to suit present-day modes of thought and to eliminate uncertainty as to the elements of a crime. That this can be done is demonstrated by the fact that approximately thirty of the forty-eight states have done so in their murder statutes, presumably with satisfactory results. The statutes of these states take many different forms, but all are complete on the subject and appear to not require recourse to the common law to give effect to the definition of the crime.

The foregoing is believed to state a valid criticism of indirect methods of legislation. Further complicating matters, in addition, it has been determined in construction of sections 21-401, 21-402, G. S. 1935, that while the legislature imported common-law murder into our crimes act, not all common-law murder was included in the reference, but only common-law murder under certain conditions.

Thus, at common law, murder was generally stated to be:

"Where a person of sound memory and discretion unlawfully kills any reasonable creature in being and in the peace of the State, with malice prepense or aforethought (*i.e.*, with unlawful intent before the killing to take life), either express or implied." (*Craft v. State*, 3 Kan. 450.)

And it has been held that, at common-law, murder might be found although no actual design or purpose to kill were shown. (*State v. Rumble*, 81 Kan. 16.) But G. S. 1935, 21-402, which is of a residual nature includes as second-degree murder only all other murders than first-degree murder, as defined in G. S. 1935, 21-401, which are committed "purposely." (*State v. Young*, 55 Kan. 349.) This limitation has been overlooked in some of the pronouncements of the court as noted by the two foregoing cases. All in all then, an understanding of these two statutes is not as simple as it should be.

It follows then, to suggest what might be done to remedy matters and as proposals toward this end, the following are offered for consideration. Murder might be redefined in this manner:

MURDER: Murder is the unlawful killing of a human being by a person of sound mind, with malice aforethought and intent to kill. Such malice and intent may be express or implied.

DEGREES: Murder shall be divided into two degrees: First-degree murder is that committed by means of poison or lying in wait, or any other kind of deliberate and premeditated murder, or which may be committed in the perpetration of or an attempt to perpetrate any felony. Second-degree murder is any murder not included within the definition of first-degree murder.

By this definition the meaning of the terms employed would be freed from a binding connection with common-law technicalities and precedents, and would allow the use of the terms in their contemporary, generally accepted sense.

PART TWO

MANSLAUGHTER

The laws of Kansas relating to manslaughter are G. S. 1935, 21-407 to 21-423, inclusive, and G. S. 1943 Supp. 8-529.

21-407. "*Manslaughter in the first degree.* The killing of a human being without a design to effect death, by the act, procurement or culpable negligence of another, while such other is engaged in the perpetration or attempt to perpetrate any crime or misdemeanor, not amounting to a felony, in cases when such killing would be murder at the common law, shall be deemed manslaughter in the first degree."

21-408. "*Same; assisting in self-murder.* Every person deliberately assisting another in the commission of self-murder shall be deemed guilty of manslaughter in the first degree."

21-409. "*Same; killing unborn quick child.* The willful killing of any unborn quick child, by an injury to the mother of such child, which would be murder if it resulted in the death of such mother, shall be deemed manslaughter in the first degree."

21-410. "*Manslaughter in second degree.* Every person who shall administer to any woman pregnant with a quick child any medicine, drug, or substance whatsoever, or shall use or employ any instrument or other means with intent thereby to destroy such child, unless the same shall have been necessary to preserve the life of such mother, or shall have been advised by a physician to be necessary for that purpose, if the death of such child or mother thereof ensue from the means employed, shall be guilty of manslaughter in the second degree."

21-411. "*Same; killing in heat of passion.* The killing of a human being without a design to effect death, in the heat of passion, but in a cruel and unusual manner, unless it be committed under such circumstances as to constitute excusable or justifiable homicide, shall be deemed manslaughter in the second degree."

21-412. "*Same; killing after resisting attempt to commit felony.* Every person who shall unnecessarily kill another, either while resisting an attempt by such other person to commit any felony, or do any other unlawful act, after such attempt shall have failed, shall be deemed guilty of manslaughter in the second degree."

21-413. "*Manslaughter in third degree.* The killing of another in the heat of passion, without design to effect death, by a dangerous weapon, in any case except wherein the killing of another was justifiable or excusable, shall be deemed manslaughter in the third degree."

21-414. "*Same; involuntary manslaughter.* The involuntary killing of a human being, by the act, procurement or culpable negligence of another, whilst such other person is engaged in the commission of a trespass, or other injury to private rights or property, or engaged in any attempt to commit such injury, shall be deemed manslaughter in the third degree."

21-415. "*Same; owner of vicious animal.* If the owner of a mischievous animal, knowing its propensities, unlawfully suffer it to go at large, or shall keep it without ordinary care, and such animal, while so at large and not confined, kills any human being who shall have taken the precautions which the circumstances may permit to avoid such animal, such owner shall be deemed guilty of manslaughter in the third degree."

21-416, 21-417. (Repealed, 1937.)

21-418. "*Same; physician acting while intoxicated.* If any physician, while in a state of intoxication, shall, without design to effect death, administer any potion, drug or medicine, or do any other act to another person, which shall produce the death of such other, he shall be deemed guilty of manslaughter in the third degree."

21-419. "*Manslaughter in the fourth degree.* The involuntary killing of another by a weapon, or by means neither cruel nor unusual, in the heat of passion, in any cases other than justifiable homicide, shall be deemed manslaughter in the fourth degree."

21-420. "*Same; what other killings deemed manslaughter.* Every other killing of a human being, by the act, procurement or culpable negligence of another, which would be manslaughter at the common law, and which is not excusable or justifiable, or is not declared in this article to be manslaughter in some other degree, shall be deemed manslaughter in the fourth degree."

21-421, 21-422, 21-423 prescribe punishment for these offenses.

Although obviously not a manslaughter section, the following bears a close relation to the manslaughter sections as will be shown herein and is therefore set out:

21-437. "*Procuring abortion or miscarriage; penalty.* Every physician or other person who shall willfully administer to any pregnant woman any medicine, drug, or substance whatsoever, or shall use or employ any instrument or means whatsoever with intent thereby to procure abortion or the miscarriage of any such woman, unless the same shall have been necessary to preserve the life of such woman, or shall have been advised by a physician to be necessary for that purpose, shall upon conviction be adjudged guilty of a misdemeanor, and punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment."

Another section closely in question because it is a homicide, although not manslaughter, is the following:

G. S. 1943 Supp. 8-529. "*Negligent homicide; penalties.* (a) 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. (b) Any person convicted of negligent homicide shall be punished by imprisonment for not more than one year or by fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment. (c) The commissioner shall revoke the operator's or chauffer's license of any person convicted of negligent homicide."

The common-law definition of manslaughter is:

"Manslaughter is the unlawful killing of a human being, without malice, express or implied." (Warren on *Hom.*, Vol. 1, p. 409.)

The contrast between this statement and the bulky provisions of our statutes on the same subject is so great that comment seems unnecessary. It would be superficial, however, to accept the common-law definition as a model merely because of its apparent simplicity.

We have four degrees of manslaughter declared in twelve different statutory sections, not including penalty provisions and at least two other sections, G. S. 1935, 21-437 and G. S. 1943 Supp. 8-529, enter the picture as virtually elements of the definition, making in all fourteen sections, few of them remarkable for brevity. All the other states except Wisconsin seem to handle the problem with no more than two distinct degrees or categories of manslaughter, and approximately twenty of the states regard it as one offense, without separation into degrees. More than half of the states complete their definition of the crime with no more than two auxiliary sections to the one or two sections containing the principal statement of the one or two grades of the offense recognized. In contrast we begin with four degrees

and utilize eight auxiliary sections to amplify them. The manslaughter sections of the statutes of other states vary greatly, but nearly all of them deal with manslaughter in very much simpler fashion than our statutes do. Several examples will be given of the concise manner in which the definition of manslaughter is elsewhere made:

California: "*Manslaughter Defined: Voluntary and Involuntary Manslaughter.* Manslaughter is the unlawful killing of a human being, without malice. It is of two kinds: (1) Voluntary: Upon a sudden quarrel or heat of passion; (2) Involuntary: In the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection."

Indiana: "*Manslaughter.* Whoever unlawfully kills any human being without malice, express or implied, either voluntarily, upon a sudden heat or involuntarily, but in the commission of some unlawful act, is guilty of manslaughter, and, on conviction shall be imprisoned in the state prison not less than two years nor more than twenty-one years."

Tennessee: "*Manslaughter.* Manslaughter is the unlawful killing of another without malice, either express or implied, which may be either voluntary upon a sudden heat, or involuntary, but in the commission of some unlawful act."

Utah: "*Manslaughter Defined:* Manslaughter is the unlawful killing of a human being without malice. It is of two kinds: (1) Voluntary, upon a sudden quarrel or heat of passion; (2) involuntary, in the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection."

United States Code: "*Manslaughter; voluntary; involuntary.* Manslaughter is the unlawful killing of a human being without malice. It is of two kinds: Voluntary—upon a sudden quarrel or heat of passion; involuntary—in the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection."

These statutes are simpler than the general average of the statutes of all the states, but there are still numerous others of comparable simplicity.

It has already been noticed that we are nearly alone in dividing manslaughter into four different degrees. If there is any practical reason for such dissection, except to vary the punishment to match the crime, it is not apparent. Punishments for the various degrees are as follows:

First degree: Imprisonment 5 to 21 years.

Second degree: Imprisonment 3 to 5 years.

Third degree: Imprisonment 6 months to 3 years.

Fourth degree: Imprisonment 6 months to 2 years.

While there obviously is a distinction between the penalties attached to each degree, as an abstract proposition that between the third and fourth degrees seems rather picayune. More pertinent, though, than the reality of these distinctions is the objective question of their basic soundness and necessity. It is asked whether all persons are satisfied that an arbitrary graduation should be made between various acts of manslaughter and the penalties imposed upon their commission when it is recalled that, properly speaking, all manslaughters are killings in which there is no malice. More specifically, when a man has been killed by another man in the heat of passion, is there some compelling necessity that a determination be made whether

the killing was done in an "unusual manner," or by a "dangerous weapon" as opposed to a "weapon," and the punishment modified according to this determination? It seems that under this system the slayer in practice finds himself punished according to the implements which by chance meet his hand and eye when the heat of passion overcomes his reason.

Or considering other aspects, is it necessary or does it guarantee satisfactory results to legislate in advance that an act of an intoxicated physician which shall produce death is more reprehensible than all other killings which may result from culpable negligence or omission? The former is made third-degree and the latter fourth-degree manslaughter.

No doubt some manslaughters are more shocking to public morals and sensibilities than others, but it does not seem that the few criteria seized upon by the statutes will insure their proper classification in all cases. If a classification is to be made, all the circumstances of each case ought to be considered, but such factors can hardly be fully anticipated and certainly ought not to be catalogued in the statutes.

This partitioning of manslaughter into many divisions, by hard and fast lines, has produced confusing and anomalous results which of themselves constitute a strong criticism of the plan and speak for a revision along less complicated lines. For example, in *State v. Harris*, 90 Kan. 807, and reaffirmed in *State v. Keester*, 121 Kan. 167, the court was obliged to hold that where the death of a mother results unintentionally from an effort to procure an abortion upon a vitalized embryo, or fetus before it has quickened, the crime is first-degree manslaughter, notwithstanding the same act would only be manslaughter in the second degree although performed at a later date, after the fetus had quickened and reached a much more advanced stage of development. This resulted from a construction of G. S. 1935, 21-407, and a determination that the death of the mother in the former case would have been murder at the common law; thus the act becomes manslaughter in the first degree as being a killing, without design to effect death (of the mother), done in perpetration of a misdemeanor (abortion on a vitalized embryo, G. S. 1935, 21-437), and one which at common law would have been murder. But the act in the latter case is only second-degree manslaughter because expressly made so by G. S. 1935, 21-410.

The court did not overlook the injustice of this decision but felt unable to avoid the obviously unplanned result. No legislative change has yet been made correcting this bizarre situation.

Along another line, the criterion dividing cases between the third and fourth degrees of manslaughter, in one respect, lies in the nature of the weapon employed and whether it is a "dangerous weapon." Our court in *State v. Abrams*, 115 Kan. 520, held that a pistol used to shoot a man is a "dangerous weapon" as a matter of law, but in the earlier case of *State v. Jackett*, 85 Kan. 427, a shotgun used for the same purpose was regarded only as a "weapon." There may be authority by which the cases are reconcilable but the confusing nature of the present code seems well demonstrated regardless of the explanation.

It requires a reading of the case of *State v. Knoll*, 72 Kan. 237, to fully appreciate the difficulty created by the concept "cruel and unusual manner" distinguishing second-degree manslaughter under G. S. 1935, 21-411, from lesser degrees. There it is held that the fatal beating given a small crippled

invalid by a large, burly man in vigorous health, in a drunken brawl involving a protracted struggle, breaking of the invalid's leg in a somewhat gruesome manner, did not come within the definition of second-degree manslaughter because, while perhaps cruelly done, still was not effected in an "unusual manner." Admitting the case to be soundly reasoned, under the conditions imposed, the effect of the case seems to be to present a very strong argument against requiring such hairsplitting determinations.

Attention is directed to the employment again in these sections of reference to common-law definitions, as such, to state an offense created by statute. G. S. 1935, 21-407, includes in its definition of first-degree manslaughter a requirement that the act be such as would have been murder at common law without defining such murder. A reading of *State v. Harris*, 90 Kan. 807, which construes that statute is illustrative of the difficulty at times encountered in ascertaining just what acts the common law regarded as murder.

Similarly, G. S. 1935, 21-420, brings into our code as fourth-degree manslaughter the entire residuum of common-law manslaughter not previously made manslaughter in our code, nor declared excusable or justifiable homicide. Enough has previously been said in derogation of this method of defining offenses.

A purely technical criticism is now offered: That our present manslaughter provisions include the destruction of an unborn child, whereas, in general legal understanding, such a child is not regarded as a separate being until it is born alive and therefore not properly the subject of homicide in any level. For the purpose of consistency in terms, it is suggested that such provisions be removed from the manslaughter definitions and an appropriate offense of "feticide" be established. In such a section the present distinction between destruction of a quick child, made first- or second-degree manslaughter by G. S. 1935, 21-409 and 21-410, respectively, and the destruction of an unquickened fetus, made a misdemeanor by G. S. 1935, 21-437, could be retained in whatever proportions are desired. The comment is offered, however, that it is generally considered that such a differentiation between an unquickened and a quickened fetus is based on no sound physiological factors but rather on the archaic notion that life began only at the time of so-called "quickening," or first perceptible motion. (See *State v. Harris*, 90 Kan. 807; Bouvier, etc.) It might well, therefore, be deleted in a revision and all abortions regarded alike, either as felonies or lesser offenses.

In addition to homicides caused by negligence, and made manslaughter by various sections of the present code, an offense of negligent homicide, of a misdemeanor grade, has been created by G. S. 1943 Supp. 8-529, applicable to killings caused by the negligent operation of motor vehicles. Regardless of the grade of the offense, it purports to be and is a homicidal offense, and for mere consistency ought to be placed in the criminal code, with other homicides. Although not a degree of manslaughter, it has been held to be a lesser offense included within an appropriate charge of manslaughter, and in a proper case the court must instruct thereunder. (*State v. Gloyd*, 148 Kan. 706.)

In any trial on a charge of murder or manslaughter the trial court must fully instruct the jury on every lesser degree or offense of which the accused conceivably could be convicted under any view of the evidence. This in it-

self demands that the statutes defining the various offenses be as clear and simple as possible.

The following is proposed as a redefinition of manslaughter and related killings inferior to murder:

Manslaughter Defined. Manslaughter is the unlawful killing of a human being, without malice. It is of two kinds:

1. Voluntary, upon a sudden quarrel or in the heat of passion, or by assisting another in commission of self-murder.
2. Involuntary, in consequence of the violation of a law designed to protect human life or body; or of any culpably negligent, reckless act or omission.

Misdemeanors. Homicide by negligent operation of vehicle. All other provisions of this article notwithstanding, 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. Any person convicted of such negligent homicide shall be punished, etc.

Feticide. It shall be unlawful for any person to cause the destruction of any vitalized embryo, fetus, or quick child, by any intentional violence or injury to the mother thereof; or by procuring an abortion upon said mother by means of drugs, medicines, or other substances, or by use of any instruments or other means, or to attempt any such abortion, unless such acts shall have been advised by a doctor of medicine to be necessary to preserve the life of said mother: *Provided*, That if the child, fetus, or embryo so destroyed shall have quickened the offense shall be a felony and any person guilty thereof punished by, etc.: *Provided*, That if the child, fetus, or embryo shall not have quickened the offense shall be a misdemeanor and any person guilty thereof shall be punished by, etc.*: *Provided*, That any attempt to commit such acts shall be a misdemeanor and punished by, etc.

It is submitted that these provisions compare most favorably with the present laws set out in the beginning of this section in conciseness, simplicity and flexibility and fairness. It is also believed that despite their great difference in appearance and technique, no very substantial change in the underlying policy of this state toward such offenses need result from a revision to these or similar definitions.

PART THREE

EXCUSABLE AND JUSTIFIABLE HOMICIDES

The statutes to be considered under this heading are G. S. 1935, 21-404, 21-405 and 21-406, and are now set forth:

21-404. "*Justifiable Homicide.* Homicide shall be deemed justifiable when committed by any person in either of the following cases: *First*, in resisting any attempt to murder such person, or to commit any felony upon him or her, or in any dwelling house in which such person shall be; or *second*, when committed in the lawful defense of such person, or of his or her husband or wife, parent, child, master, mistress, apprentice, or servant, when there shall be a reasonable cause to apprehend a design to commit a felony, or to do some great personal injury, and there shall be immediate danger of such design being accomplished; or, *third*, when necessarily committed in attempting, by lawful ways and means, to apprehend any person for a felony committed, or in lawfully suppressing any riot or insurrection, or in lawfully keeping or preserving peace."

* See comment above that distinction between destruction of quickened and unquickened fetus might be abolished.

21-405. "*Excusable Homicide.* Homicide shall be deemed excusable when committed by accident or misfortune, in either of the following cases: *First*, in lawfully correcting a child, apprentice, servant, or in doing any other lawful act by lawful means, with the usual and ordinary caution, and without unlawful intent; or, *second*, in the heat of passion, upon any sudden or sufficient provocation, or upon sudden combat, without any undue advantage being taken, and without any dangerous weapon being used, and not done in a cruel and unusual manner."

21-406. "*Verdict where homicide justifiable or excusable at common law.* Whenever it shall appear to any jury, upon the trial of any person indicted for murder or manslaughter, that the alleged homicide was committed under circumstances or in a case where, by any statute or the common law, such homicide was justifiable or excusable, the jury shall return a general verdict of not guilty."

The first two sections on their face appear to completely define the subject matter therein dealt with, but referring to the last section, it is discovered that the common law again is a defining factor. Sec. 21-406, G. S. 1935, brings into the definition of excusable and justifiable homicides under Kansas statutes, all the forgivable homicides known to the common law not otherwise described in G. S. 1935, 21-404 and 21-405. (*State v. Mounkes*, 88 Kan. 193.)

The full meaning at common law of the terms excusable and justifiable homicide, particularly justifiable homicide, is not contained in any concise definition or rule, but is expressed only by stating the various conditions and circumstances under which justification is held to exist. A statement of all such situations is beyond the space limitations of this article, and, reference is made to Warren on Homicide, Vol. I, Chapter 7, Sections 142-166; or Wharton on Homicide, 3d Ed., for a full discussion of the scope of these terms.

It will be observed that these texts deal with the two nonculpable homicides more or less as a unity. On this point in Wharton on Homicide, 3d Ed., p. 10, sec. 9, it is stated:

"*Distinction between excusable and justifiable homicide now disregarded in practice.* The distinction, in result, between justifiable and excusable homicide is now practically exploded. In former times, in the latter case, as the law presumed that the slayer was not wholly free from blame, he was punished, at least by forfeiture of goods. But in this country such a rule is not known ever to have been recognized; it having been the uniform practice here, as it now is in England, where the grade does not reach manslaughter, for the jury, under the direction of the court, to acquit."

And in Georgia, their code provides in part as follows:

SEC. 26-1011: "There being no rational distinction between excusable and justifiable homicide, it shall no longer exist; . . ."

Therefore, in Kansas it might well be found advisable to combine the terms and rid the law of this bit of artificiality. The name given to these exculpatory provisions apparently makes little difference anyway as our present section G. S. 1935, 21-404, is a misnomer, according to the common law and general usage, insofar as it includes killings in self-defense, for at common law, and generally, where the distinction is made, killings in self-defense are considered excusable rather than justifiable.

But the main point is: We make no distinction in treatment of a case upon a finding of either excusable or justifiable killing; therefore, why preserve the distinction in name?

With the exception hereafter noticed, it is believed that the following proposed redefinition of excusable and justifiable homicide states the law as expressed in sections 21-404, 405, 406, G. S. 1935, specifically and by construction.

Homicide shall be justifiable (or nonculpable, noncriminal, excusable, etc., as desired) in any of the following cases:

1. When committed by any person necessarily resisting any attempt to commit a felony upon such person.
2. When committed by any person necessarily resisting any attempt to commit any felony in any dwelling house in which such person may lawfully be, or any attack, assault, or invasion of such dwelling house when such person shall have reasonable apprehension that the purpose of such attack shall be to commit such felony, or to inflict serious injury upon an inmate thereof.
3. When committed by any person necessarily in the defense of such person, or any person, against an impending attempt to take the life of, commit any felony upon, or do great personal injury to the person defended, or when such person shall have reasonable apprehension that the purpose of any attack shall be to take the life of, commit any felony upon, or do great personal injury to the person defended.
4. When necessarily committed by any person in the execution of public justice within the scope of duty, in any lawful attempt to apprehend a felon, or suppress an affray, riot, or insurrection, or keep or preserve the peace.
5. By accident, misfortune or misadventure in doing any lawful act by lawful means, without negligence or harmful intent.
6. By accident or misfortune, in the heat of passion, upon sudden combat, without any undue advantage being taken.*

PART FOUR

SUGGESTED HOMICIDE CODE

As a final recapitulation, the suggested revisions in our statutes dealing with homicides (and the closely related feticides) are brought together here as they might appear in an enacted code. There is added a general definition of all homicides, followed by the proposed redrafts of the law as they were set out in the preceding parts.

HOMICIDE: *Homicide Defined.* Homicide is the destruction of the life of one human being by the act, agency, procurement or culpable omission of another. Death must ensue therefrom within a year and a day.

Classification. Homicides are divided as follows: (1) Murder; (2) manslaughter; (3) misdemeanors; (4) justifiable or nonculpable homicides.

MURDER. Murder is the unlawful killing of a human being by a person of sound mind, with malice aforethought and intent to kill. Such malice and intent may be express or implied.

* This paragraph is not a true combination of the present statutory meaning with the common law or general meaning, such as attempted in the preceding paragraphs. Several considerations arise: In the first place, the wording in the statute, § 21-405, G. S. 1935, "sufficient provocation" is rejected as paradoxical, there being no "provocation" at common law sufficient to excuse or justify a homicide (Wharton, *Hom.*, 3d Ed., p. 265), and no such provocation defined in our statutes. In addition, for the reasons given in discussion of similar terms under manslaughter, and to coincide with the suggestions there offered, the concepts of "dangerous weapon" and "cruel and unusual manner" are arbitrarily deleted in these suggestions, being in the opinion of the writer impractical and a misguided criterion. The limitation, "without any undue advantage," probably is subject to much the same objections but is left to supply the basis for considerable discretionary power, if that is desired.

Degrees. Murder shall be divided into two degrees. First-degree murder is that committed by means of poison or lying in wait, or any other kind of deliberate and premeditated murder, or which may be committed in the perpetration of or an attempt to perpetrate any felony. Second-degree murder is any murder not included within the definition of first degree murder.

MANSLAUGHTER. *Manslaughter Defined.* Manslaughter is the unlawful killing of a human being, without malice. It is of two kinds:

1. Voluntary: Upon a sudden quarrel or in the heat of passion, or by assisting another in commission of self-murder.

2. Involuntary: In consequence of the violation of a law designed to protect human life or body; or of any culpably negligent or reckless act or omission.

MISDEMEANORS: *Homicide by negligent operation of vehicle.* All other provisions of this article notwithstanding, 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. Any person convicted of such negligent homicide shall be punished, etc.

JUSTIFIABLE HOMICIDES: Homicide shall be justifiable in any of the following cases:

1. When committed by any person necessarily resisting any attempt to commit any felony upon such person.

2. When committed by any person necessarily resisting any attempt to commit any felony in any dwelling house in which such person may lawfully be, or any attack, assault, or invasion of such dwelling house when such person shall have reasonable apprehension that the purpose of such attack shall be to commit such felony, or to inflict serious injury upon an inmate thereof.

3. When committed by any person necessarily in the defense of such person, or any other person, against an impending attempt to take the life of, commit any felony upon, or do great personal injury to the person defended, or when such person shall have reasonable apprehension that the purpose of any attack shall be to take the life of, commit any felony upon, or do great personal injury to the person defended.

4. When necessarily committed by any person in the execution of public justice within the scope of duty, in any lawful attempt to apprehend a felon, or suppress an affray, riot or insurrection, or keep or preserve the peace.

5. By accident, misfortune, or misadventure in doing any lawful act by lawful means without negligence or harmful intent.

6. By accident or misfortune, in the heat of passion, upon sudden combat, without any undue advantage being taken.

FETICIDE: It shall be unlawful for any person to cause the destruction of any vitalized embryo, fetus, or quick child, by any intentional violence or injury to the mother thereof; or by procuring an abortion upon said mother by means of drugs, medicines, or other substances, or by use of any instruments or other means, or to attempt any such abortion, unless such acts shall have been advised by a doctor of medicine to be necessary to preserve the life of said mother: *Provided*, That if the child, fetus, or embryo so destroyed shall have quickened the offense shall be a felony and any person guilty thereof punished by, etc.: *Provided*, That if the child, fetus, or embryo shall not have quickened the offense shall be a misdemeanor and any person guilty thereof shall be punished by, etc.*: *Provided*, That any attempt to commit such acts shall be a misdemeanor and punished by, etc.

The foregoing proposed draft of supplanting statutory law may be compared with our present statutes, namely, G. S. 1935, 21-401 to 21-420, inclusive, less punishment provisions, and 21-437. It is firmly believed that for

* See Manslaughter (Part Two) for alternate proposal.

logicalness of method, readability, clarity, conciseness, the balance is greatly in favor of such a revision. It remains of course to verify that no misconception or inadvertance is included that would in application force results not anticipated nor desired or greatly at variance with the general policy of the state, as reflected in existing statutes.

If revision in the law of homicides is undertaken the desirability of completely revising the balance of chapter 21, article 4, G. S. 1935, *i. e.*, the other Crimes Against Persons, particularly the various types of assault, should also be considered. On the surface some modification in these remaining sections seems advisable, but time did not permit a complete study of the matters involved.

THE NEW FEDERAL RULES FOR CRIMINAL PROCEDURE

By EDWARD ROONEY

The new federal rules of criminal procedure became effective March 21, 1946, and cover the procedure for the district courts of the United States, governing proceedings in all criminal cases prior to and including verdict, whether guilty or not guilty, or pleas of guilty. These rules were promulgated by virtue of the power conferred upon the Supreme Court by the congress. Until the adoption of these rules, federal criminal procedure was complex, with ancient doctrines, usages and customs which were bewildering to the practitioner who was compelled to indulge in various pleas in bar, pleas in abatement, motions to quash, motions to make more definite and certain, motions to dismiss, demurrers, etc. Until now this procedure over the Union was a strange mixture of federal laws, state laws, common laws and the rules and decisions of courts, both state and federal. In some instances procedure varied from court to court and it frequently became difficult for an attorney of one state to try a case correctly in the federal court of another.

A careful perusal of these rules leads the practitioner to believe that they will expedite criminal trials from the moment of arrest through to final verdict or appeal without working undue hardship on either the defendant or the government and in my judgment will shorten the time involved in a criminal prosecution.

Probably the best way to discuss these rules with the members of the bar is to take a hypothetical case from its beginning to its conclusion. Let us assume that John Lawless is arrested in Denver for a felony committed in Topeka. A simple complaint is drawn stating the essential facts involved in the offense. It is made upon oath before a commissioner or other proper officer. If the attorney for the government believes a warrant is not necessary, a summons instead may issue commanding the defendant to appear before a commissioner at a stated time and place. When the defendant appears before the commissioner he shall inform the defendant of the charge against him, his right to counsel and a preliminary examination, and that he is not required to make a statement or if he does it may be used against him.

The defendant shall have reasonable time and opportunity to consult counsel and give bail. The warrant or summons may be served at any place within the jurisdiction of the United States and an officer is not required to have the warrant in his possession at the time of the arrest but upon request shall show the warrant to the defendant as soon as possible. The service of the summons, if it issue instead of a warrant, is substantially the same as in civil actions under the federal procedure when the defendant is taken before the commissioner.

The rules require the prisoner to be brought before the magistrate without unnecessary delay (Rule 5), where he is given a preliminary examination without being called upon to plead. Defendant may cross-examine witnesses and introduce evidence on his own behalf and the usual rule as to probable cause prevails. At the concluding of the proceedings before the commissioner

he shall transmit the same to the Clerk of the District Court together with all papers in the proceedings and any bail taken by him.

The commissioner under rule 5 has no power to accept a plea and all pleas are excluded for the simple reason that a plea of guilty at this stage could serve no function other than the waiver of the preliminary examination and such a plea has been held inadmissible in evidence at the trial if the defendant was not represented by counsel when the plea was entered. (*Wood v. U. S.*, 128 F.2d 265.)

Under rule 5 the commissioner must tell the defendant of his rights and be given the opportunity to consult counsel. However, the defendant has no right under rule 5 to have counsel assigned to represent him as an indigent prisoner. Under rule 44, however, the court is required to assign counsel to an indigent defendant unless the defendant waives the same.

We now have the prisoner ready to be indicted by the grand jury. An offense (rule 7) which may be punished by death must be by indictment. An offense which may be punished by imprisonment for a term exceeding one year or at hard labor shall be prosecuted by indictment or if indictment be waived, by information. An indictment may be filed without leave of the court. It will be observed that the fifth amendment forbids the prosecution of the defendant for a capital or otherwise infamous crime, except by indictment of a grand jury, which means any offense punishable by a term of over one year is an infamous crime, and therefore must be by indictment by the grand jury, unless the defendant waives and consents to a proceeding by information. The waiver of indictment by the defendant must be in open court after he has been advised of the nature of the charge and his right which includes the appointment of counsel in case of poverty.

Probably the most important to practitioner is the proceedings after indictment or information is filed. Whichever the instrument is, it must be plain, concise and definite, stating the essential facts constituting the offense and signed by the attorney for the government. It needs no formal commencement or conclusion, or any other matter not necessary to a concise statement of the essential facts. The allegations made in one count may be incorporated by reference in another count. The instrument must state for each count the official citation of the statute, rule, regulation, or provision of the law that the defendant is charged with violating. An error in this citation is not ground for reversal unless the defendant was misled to his prejudice and any additional matter may be stricken on motion of the defendant as surplusage (rule 7d). The court may permit the information to be amended at any time before the verdict, if no additional offense is charged, and the substantial rights of the defendant are not prejudiced. This is substantially the rule in Kansas.

However, the rule permitting the information or indictment to be in short, concise language is not detrimental to the defendant because the rules permit a motion for a bill of particulars to be filed within ten days after arraignment or other time before or after arraignment as may be prescribed by rule or order and the bill of particulars may be amended at any time subject to such conditions as justice requires. The right to strike surplusage from the indictment is limited to the defendant and no indictment can be amended (*Ex Parte Bain*, 121 U. S. 1) unless upon motion of the defendant who would thereby waive his right to object to the amendment.

The rule concerning the joinder of offenses is virtually the same as that in Kansas. Two or more may be charged in separate counts whether felonies or misdemeanors or both, when they are of the same or similar character or based upon the same act or transaction or a part of a common plan or scheme (rule 8). Multiple defendants may be charged together if it be alleged that they participated in the same transaction or series of acts constituting the offense. These defendants may be charged in one or more counts together or separately and it is not required that all defendants be charged in each count. This last is rather new, although it was approved in some circuits (7th).

Rule 9 provides that upon the request of the attorney for the government, the court shall issue a warrant for each defendant in the information if it be supported by oath or the indictment. If the attorney for the government requests, the clerk shall issue a summons instead of a warrant and may issue more than one warrant or summons and the marshal shall serve it. If a defendant fails to appear in response to the summons, a warrant shall issue. In form, the summons is the same as the warrant excepting it shall summon the defendant to appear before the court at a stated time and place. The only thing new about the arraignment of the defendant is that he must be given a copy of the information or indictment before he is called upon to plead (rule 10). When the defendant pleads he may plead not guilty, guilty, or with the consent of the court, *nolo contendere*. The court may refuse to accept his plea of guilty and shall not accept it until he has determined that it is made voluntarily and that the defendant understands the nature of the charge. If the defendant refuses to plead or the court refuse to accept a plea of guilty or if a corporation fail to appear, the court shall enter a plea of "not guilty."

The only pleadings and motions permitted (rule 12) are pleas of guilty, not guilty, *nolo contendere*. All other pleas, demurrers, and motions to quash are abolished and all motions and objections raised before trial under present procedure must now be raised only by motion to dismiss or to grant appropriate relief as provided in these rules and any defense or objection which is capable of determination without the trial of the general issue may be raised before trial by motion. However, it is provided that lack of jurisdiction or the failure of the information or indictment to charge an offense shall be noted by the court at any time during the pendency of the proceedings and these motions must be made before a plea is entered. The court must decide them before trial unless it orders that they be deferred for determination at the trial of the general issue. The court, however, may grant a severance of defendants if either the government or the defendant is prejudiced by the joinder. The law permitting defendants to take depositions is virtually the same as it was, with the usual limitation restricting the taking of depositions "in order to prevent failure of justice."

The law has been very much liberalized, giving the defendant the right, upon motion, to have his case transferred to another district or division when the court is satisfied that there is prejudice against him. This was difficult to obtain before this change. The rule provides for a change of venue only on defendant's motion and does not extend the same right to the government since the defendant has a constitutional right to a trial in the district

where the offense was committed. The request should be made before arraignment but the court has the power to relax the rule.

The defendant's right to a jury trial is guaranteed by the constitution and the trial may be to the court (other than capital offenses) if the defendant waives a jury in writing and the court approves and the government consents and less than twelve men may try the case upon stipulation in writing. If the case is tried without a jury, the court shall make a general finding and upon request, make special findings. This changes the existing law and is a very important change in favor of the defense and gives the defendant in a criminal case, the same protection that a defendant now has in a civil case.

If the offense is a capital offense, each side has twenty preëemptory challenges and in the ordinary felony case, the challenge is six and ten. The court may use as many as four additional jurors as alternates. The law of evidence applicable in the trial of federal criminal cases is the common law as has been interpreted by the courts of the United States in the light of reason and experience. This change contemplates a uniform body of rules of evidence in criminal trials while the rule for civil cases partially conforms to state law with the usual divergence between the various districts. This uniform rule of evidence is consistent because all crimes are statutory and the defendant should be tried the same no matter in what jurisdiction.

After the introduction of evidence rule 29 abolishes motions for directed verdict and a motion for judgment of acquittal takes the place of all other motions heretofore used to accomplish the same end. If the motion is denied and the case submitted to the jury, it may be renewed within five days after the jury is discharged and may include an alternate motion for a new trial. If the court directs, each side may file written request for instructions and furnish a copy to the adverse party. A valuable change for the benefit of counsel on each side is the court's duty to inform counsel of its proposed action upon the requests prior to their arguments to the jury but he still instructs after argument and objection to the instructions must be made before the jury retires. The judge has the power to reduce a sentence within sixty days after the sentence or receipt of a mandate of affirmance. These are the principal rules that interest the practitioner except perhaps the rules for appeal which are not within the scope of this discussion. There are other matters such as bail for the defendant and his witnesses that must be left to another discussion.

KANSAS LAWYERS WHO HAVE DIED IN MILITARY SERVICE

RAYMOND L. COBEAN

Lieutenant Raymond L. Cobean was killed by Jap snipers on Okinawa, June 14, 1945.

He was born at Wellington, Kan., in 1913. After his graduation from the Wellington high school, he attended Washburn college where he received his degree from the law school. He practiced law at Pratt, Kan., and served there as county attorney. Later he was associated with the State Farm Insurance Company in the legal department with offices in Topeka, Kan.

Lieutenant Cobean enlisted in the Army March 26, 1942, and entered engineer's O. C. S. at Fort Belvoir, Va., in July, 1942. On graduation, he was sent to March Field, Cal., and in December, 1942, was transferred to the Military Intelligence with offices in San Francisco. He received the rank of first lieutenant in August, 1943, and was then sent to Fort Sam Houston, Texas, to join the 310th Counter Intelligence Corps. On September 1, 1944, he was sent to the Hawaiian Islands. He went to Okinawa with the invasion forces in April, 1945, and was C. I. C. officer in charge of northern half of the island. Lieutenant Cobean was posthumously awarded the Purple Heart and the Bronze Star medal for materially aiding in the winning of the Okinawa campaign.

He is survived by his wife, Dorothy, and one son, David Garfield, who reside in Oakland, Cal.

HAROLD MCGUGIN

Lieutenant Colonel Harold McGugin of Coffeyville died at the Army-Navy General Hospital at Hot Springs, Ark., on March 7, 1946.

He was the son of William and Caroline McGugin, and was born November 22, 1893, in Liberty, Kan. He received his early education in Liberty, and after attending the Washburn law school from 1912 to 1914, he took graduate study at the Inns of Court, London, Eng.

Colonel McGugin practiced law in Coffeyville since 1914; served in World War I with the U. S. Army in France from February, 1917, to July, 1919; was a member of the Kansas House of Representatives in 1927; also a member of the 72nd and 73rd Congresses from 1931 to 1935.

He served in World War II from January 17, 1942, until the date of his death, in the Adjutant General's Department, the U. S. Army Air Forces, and as a Senior Civil Affairs Officer in France from "D" Day until the liberation was completed.

He is survived by his wife, the former Nell Bird, of Coffeyville.

CLARENCE J. ROBINSON

First Lieutenant Clarence J. Robinson of Newton, was declared dead on January 26, 1946, after having been missing in action for twenty-nine months. He was pilot of a B-24, and the accident occurred near Hankow, China. Lieutenant Robinson entered military service in September, 1941, and attended Adjutant General's School, Victorville Air Base, Cal., and also received further training at Roswell, N. M., Santa Ana, Cal., and Tucson, Ariz., prior to receiving his overseas assignment in June, 1943, with the Fourteenth Air Force.

Born October 29, 1915, at Newton, Kan., Lieutenant Robinson received his early education in the Newton schools and later attended the University of Kansas, where he received his law degree in June, 1941. He passed the Kansas bar examination in June of 1941, and was later employed by the state income tax department at Topeka.

He is survived by his wife, Neva Lou, of Newton; his parents, Mr. and Mrs. C. H. Robinson, of La Junta, Colo.; and a sister, Mrs. Clarence Heckroot, of Kansas City, Mo.

REVISED ALPHABETICAL LIST OF KANSAS LAWYERS IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES

NOTE.—Those indicated as being honorably discharged include also those who have been relieved from active duty and returned to civilian life.

- *Waldo Aikins, Ozawkie
- §Harry J. Akers, Coffeyville
- *Bernard W. Alden, Kansas City
- *John R. Alden, Hutchinson
- *Edwin L. Alkire, Wichita
- *Greever Allen, Tonganoxie
- Milton Allen, Lawrence
- *Richard F. Allen, Topeka
- *George L. Allred, Emporia
- *Vincent C. Allred, Leavenworth
- *Roger P. Almond, Wichita
- *Alfred J. Anderson, Iola
- *Brainard L. Anderson, Topeka
(formerly of Kinsley)
- *Elmer Anderson, Clay Center
- John Chris Anderson, Tescott
- *Russ B. Anderson, McPherson
- *Hugh Gordon Angwin, Pittsburg
- *Frederick G. Apt, Iola
- *Harold Arthur Arnold, Chapman
- *Edward F. Arn, Wichita
- Edward Tennis Arnsberger, Larned
- *V. Earl Artley, Russell Springs
- Allan F. Asher, Lawrence
- *Leon L. Askren, Atchison
- *Paul L. Aylward, Ellsworth

- *Everett L. Baker, Lyons
(now in California)
- *Guy W. Baker, Ozawkie
- *William A. Baker, Kansas City
- *Joe F. Balch, Chanute
- *Frank L. Barbee, Salina
- *Richard A. Barber, Lawrence
- *Charles Robinson Barr, Topeka
- Brewster Bartlett, Mission
- *Charles A. Bauer, Jr., Fredonia
(now at Long Beach, Calif.)
- §Kenneth R. Baxter, Marysville
- *E. Keith Beard, Meade

- *Marion Beatty, Topeka
- *George F. Beezley, Girard
- *Oscar F. Belin, Wichita
- *Raymond Belt, Coffeyville
- *Mark L. Bennett, Topeka
- *E. A. Benson, Jr., Kansas City
- *George S. Benson, Jr., El Dorado
- *John I. Berglund, Jr., Clay Center
- Harry P. Betzer, Topeka
- Charles Eugene Beven, Muscotah
- *Walter I. Biddle, Leavenworth
- *C. E. Birney, Hill City
- *L. Perry Bishop, Paola
- *A. C. Blakeley, Wichita
- *Everett B. Blakeley, Fort Scott
(now at Chicago, Ill.)
- *Lloyd Cecil Bloomer, Osborne
- *Francis F. Blundon, Marysville
(formerly of Salina)
- *Benjamin A. Boeh, Atchison
- *Harlan E. Bond, Wichita
- Cornelius H. Boone, Leavenworth
- William S. Bowers, Ottawa
- *Charles A. Bowman, Kansas City
- Robert L. Boyce, Kansas City
- *Robert G. Braden, Wichita
- *Charles W. Bradshaw, Topeka
- *Buford E. Braly, Kansas City
- *John K. Brandon, McPherson
- *Charles W. Brenneisen, Jr., Kan. City
- *John W. Breyfogle, Jr., Olathe
- *Raymond Briman, Topeka
- *John Wilbur Brookens, Westmoreland
- F. Quenton Brown, Topeka
- Joseph Hayden Brown, Wichita
- *Lelus B. Brown, Newton
- *Norman Brown, Wichita
- *Washington H. Brown, Kansas City
- *Wesley E. Brown, Hutchinson

* Honorably discharged.
 § Killed in action.

- *Richard H. Browne, Wichita
(formerly of Burdett)
- *Hugh E. Brownfield, Kansas City
- *Mack Bryant, Wichita
- *William Buckles, Burlington
John E. Buehler, Atchison
Francis Buellesfeld, Wichita
- *William J. Burns, Independence
Robert H. Burtis, Garden City
- §§Curtis Andrew Burton, Topeka
- *Mitchell H. Bushey, Iola
- *Henry L. Butler, Wichita
- *Thomas J. Butler, Jr., Herington
- *William F. Butters, Topeka
- *Philip Buzick, Topeka

- *W. N. Calkins, El Dorado
- *Max A. Campbell, Grinnell
- *W. D. P. Carey, Hutchinson
- *Geoffrey E. Carlisle, Garnett
- *Wallace Carpenter, Independence
- *Clay C. Carper, Eureka
- *Raymond H. Carr, Kansas City
- *David W. Carson, Kansas City
- *Knowlton E. Carson, Kansas City
Clare C. Casey, Topeka
Charles M. Cassel, Pittsburg
- *W. Luke Chapin, Medicine Lodge
(formerly of Wichita)
Harold H. Chase, Salina
- *Lawrence E. Christenson, Winfield
- *Bert E. Church, Wellington
- *O. Q. Claffin, III, Edwardsville
Charles C. Clark, Topeka
- *C. L. Clark, Salina
- *Francis M. Clark, Topeka
- *Richard Clausing, Wichita
- *Arthur L. Claussen, Topeka
- *Roy W. Cliborn, Junction City
(formerly of Marysville)
- §Raymond L. Cobean, Pratt
- *Harry T. Coffman, Lyndon
James E. Collingwood, Topeka
- *J. D. Conderman, Iola
- *O. J. Connell, Jr., El Dorado
- *Fred L. Conner, Great Bend
- *Eugene Coombs, Wichita
Robert K. Corkhill, Topeka
- *Dale H. Corley, Garden City

- *Wayne Coulson, Wichita
- *Clyde P. Cowgill, Topeka
George Crane, Topeka
Claude S. Cravens, Jr., Topeka
- *Martin C. Crown, Kansas City
- *Glenn T. Crossan, Independence
John David Crouch, Everest
- *Rex Lawrence Culley, Topeka
(formerly of Mullinville)
- *Lawrence Cunningham, Kansas City
- *William E. Cunningham,
Arkansas City
- *Leaford F. Cushenbery, Oberlin
(formerly of Medicine Lodge)

- *Frank E. Daily, Jr., Coldwater
- *Henry D. Dangerfield, Topeka
Charles LeRoy Davis, Jr., Topeka
- *Charles W. Davis, Jr., Topeka
- *Hal C. Davis, Topeka
Russell E. Davis, Topeka
- *Thomas Homer Davis, Leavenworth
- *Worden A. Davis, Garnett
(now at Imperial, Cal.)
- *John K. Dear, Kansas City
Charles Lowman Decker, Oskaloosa
- *George Edward Denning, Elkhart
- *Harry S. Deutch, Kansas City
- *Max L. Dice, Johnson
- *Jacob A. Dickinson, Topeka
- *F. H. Dillenback, Troy
- *C. B. Dodge, Jr., Salina
- *Harold E. Doherty, Topeka
- *George W. Donaldson, Chanute
- *Paul J. Donaldson, Wichita
Richard C. Donnelly, Wichita
Adin Montgomery Downer,
Dodge City
- *Arthur H. Drebing, Topeka
- *Grey Dresie, Wichita
- *James E. Driscoll, Russell
- *Richard Michael Driscoll, Russell

- *John Eberhardt, Wichita
- *Frank F. Eckdall, Emporia
- *William S. Eddy, Marysville
- *J. Raymond Eggleston,
Medicine Lodge
Hubert Else, Topeka

* Honorably discharged.

§ Killed in action.

§§ Died in service.

- Perry A. Ennis, Topeka
 *Frank P. Eresch, Topeka
 *W. Jay Esco, Wichita
 *Louis H. Eversole, Topeka
 *Clem William Fairchild, Lawrence
 *John M. Farley, Hutchinson
 *Harold Ralph Fatzer, Topeka
 (formerly of Kinsley)
 *Alva L. Fenn, Hutchinson
 *Robert E. Ferguson, Marysville
 *Robert M. Finley, Hiawatha
 *David H. Fisher, Topeka
 *Charles H. Fleming, Scott City
 *Clark M. Fleming, Erie
 *Theodore M. Flick, Kingman
 (now at Phoenix, Ariz.)
 *Clayton S. Flood, Hays
 *Richard A. Floyd, Tribune
 *John Fontron, Jr., Hutchinson
 *Frank T. Forbes, Burlington
 (formerly of Eureka)
 *Harold G. Forbes, Eureka
 *Leighton A. Possey, Mound City
 §John C. Foulks, Atchison
 Sidney L. Foulston, Wichita
 *Erle W. Francis, Topeka
 *John C. Frank, Wichita
 *Perle C. Frazee, Syracuse
 *Richard R. Funk, Topeka
 Jo E. Gaitskill, Girard
 *Wendell B. Garlinghouse, Topeka
 *Virgil Garrett, Wichita
 (formerly of Burlington)
 *Henry Morris Garvin, St. John
 *Philip Gault, Topeka
 *Alfred Watson Geiger, Newton
 *John H. Gerety, Wichita
 *Harold Gibson, Lyons
 *Ralph E. Gilchrist, Wichita
 *Robert J. Gilliland, Hutchinson
 *R. Douglas Gleason, Mound City
 *Harold W. Goodwin, Wichita
 (formerly of Wellington)
 *William Gough, Jr., Chanute
 Champ A. Graham, Wellsville
 *Frank R. Gray, Lawrence
 William A. Gray, Topeka
 *John Shelley Graybill, Topeka
 *Karl K. Grotheer, Pittsburg
 *Arthur P. Hagen, Great Bend
 *Martin S. Hall, Harper
 *Max D. Hall, Anthony
 *Neil Hambleton, DeSoto
 *Max L. Hamilton, Wichita
 (formerly of Beloit)
 *Tudor W. Hampton, Great Bend
 *Delmas Haney, Hays
 *Hovey Hanna, Jr., Lawrence
 *Justin D. Hannen, Burlington
 (now in Denver, Colo.)
 *Ford E. Harbaugh, Wellington
 *Harold H. Harding, Kansas City
 *David Jerome Harman, Columbus
 Innis D. Harris, Wichita
 *Andrew Stone Hartnett, Salina
 (formerly of St. John)
 †Paul L. Harvey, Topeka
 *Harley Haskin, Olathe
 *Lew Hasty, Wichita
 L. E. Haughey, Jr., Concordia
 *Harold M. Hauser, Marion
 *Doral H. Hawks, Topeka
 *C. E. Heilman, El Dorado
 *Charles Heizer, Osage City
 *Robert E. Hendrickson, Moline
 *Charles E. Henshall, Osborne
 *Harold S. Herd, Coldwater
 *Bernard A. Herken, Leavenworth
 *John A. Herlocker, Winfield
 *Donald Hickman, Arkansas City
 *Donald Higby, Kansas City
 *Everett S. Higgins, Wichita
 *Morris D. Hildreth, Coffeyville
 *Clyde Hill, Yates Center
 Delmas C. Hill, Wamego
 *Herbert Hobble, Jr., Liberal
 (formerly of Medicine Lodge)
 *Kenneth L. Hodge, McPherson
 *Murray H. Hodges, Olathe
 *Arthur Hodgson, Lyons
 Elmer Hoge, Overland Park
 *Clarence Holeman, Wichita
 (formerly of Mullinville)
 *Robert M. Holford, Hutchinson
 *Elmer W. Holm, Topeka

* Honorably discharged.

§ Killed in action.

† Died after having been honorably discharged.

- *Edwin J. Holman, Leavenworth
 *Wendell Scott Holmes, Hutchinson
 *Enos E. Hook, Wichita
 *Charles L. Hoover, Junction City
 *Charles W. Hoover, Olathe
 (now in Denver, Colo.)
 *James R. Hoover, Olathe
 *Carl H. Houseworth, Harveyville
 *Wilfred Clark Howerton, Garnett
 *Earl R. Hubbard, Herington
 (now at K. U. law school)
 James C. Hubbard, Jr., Horton
 *Maurice R. Hubbard, Olathe
 §James A. Hudelson, Jr., Ottawa
 *Robert H. Hudkins, Emporia
 *Douglas G. Hudson, Jr., Fort Scott
 *Howard Hudson, Fort Scott
 *Harold Hughes, Manhattan
 *Donald S. Hults, Lawrence
 John H. Hunt, Topeka
 *J. Richards Hunter, Hutchinson
 *William S. Hyatt, Jr., Kansas City
 *H. N. Hyland, Washington
 *Hal C. Hyler, Parsons
- *Fred C. Ice, Newton
 Howard M. Immell, Topeka
 *Chester C. Ingels, Hiawatha
 *Freeman B. Irby, Topeka
 *Harold Irwin, Wichita
 *Robert R. Irwin, Topeka
- *Balfour S. Jeffrey, Topeka
 *Robert Lee Jessee, Centralia
 Roy H. Johnson, Topeka
 *Glenn Jones, Parsons
 *Maxwell L. Jones, Goodland
 *Richard Owen Jones, Wichita
 *Robert R. Jones, Topeka
 *Robert Y. Jones, Hutchinson
 (formerly of Lyons)
 *Orin C. Jordan, Beloit
 *Harold Jorgensen, Mount Hope
 *J. Paul Jorgenson, Wichita
 *Francis Joyce, Kansas City
- *William C. Kandt, Great Bend
 *William C. Karnazes, Kansas City
 John F. Kaster, Topeka
- *Robert Homer Kaul, Wamego
 George L. Keller, Pratt
 *Basil W. Kelsey, Ottawa
 *W. W. Kennedy, Pittsburg
 *William Roy Kirby, Coffeyville
 *Floyd L. Kirkman, Russell
 William B. Kirkpatrick, Topeka
 *Walter G. Klamm, Kansas City
 *Howard C. Kline, Wichita
 *Gerald E. Kolterman, Wamego
 *Gale E. Krouse, Onaga
 (now in Nebraska)
 Jay Kyle, Topeka
- Reginald LaBunker, Topeka
 *Paul A. Lackie, McPherson
 *Rex A. Lafferty, Fredonia
 *Paul A. Lamb, Caney
 Maurice Lampl, Wichita
 *Daniel O. Lardner, Fort Scott
 *George R. Lehmberg, McPherson
 *Cyrus Leland, Meade
 (formerly of Troy)
 *Wilbur G. Leonard, Council Grove
 *James S. Lester, Oskaloosa
 *Phil H. Lewis, Topeka
 *Jake L. Liberman, Caney
 *Frank W. Liebert, Coffeyville
 *Auburn G. Light, Liberal
 *Sol Lindenbaum, El Dorado
 J. C. Linge, Topeka
 *C. C. Linley, Cimarron
 *Donald C. Little, Kansas City
 Herbert L. Lodge, Olathe
 *Lyle Loomis, Topeka
 *Frantz G. Loriaux, Augusta
 *Wayne Daniel Loughridge, Garnett
 *Charles W. Lowder, Kansas City
 *J. W. Lowry, Atchison
 *Leon W. Lundblade, Topeka
 (formerly of Beloit)
 *W. R. Lutz, Smith Center
 *Thomas C. Lysaught, Kansas City
- *Donald J. Magaw, Osborne
 *Mason Mahin, Topeka
 (formerly of Smith Center)
 *Clarence Malone, Topeka
 *Ernest J. Malone, Hays

* Honorably discharged.
 § Killed in action.

- *Fred A. Mann, Wichita
(formerly of Topeka)
- *Ben Marshall, Jr., Lincoln
- *Don E. Martin, Kansas City
- *Ward D. Martin, Topeka
- *Morris E. Matuschka, Pittsburg
- *Dale W. Maxwell, Columbus
- *Howard B. Maxwell, Ulysses
- *Stuart T. McAlister, Parsons
(now in Washington, D. C.)
- *Patrick Bevan McAnany,
Kansas City
- *John C. McCall, Chanute
- *Forest V. McCalley, Syracuse
(formerly of Wichita)
- *Charles McCamish, Kansas City
- James A. McClain, Sabetha
- *Ora D. McClellan, Neodesha
- *Charles F. McClintock, Wichita
- *Raymond D. McCombs, Ness City
- Charles Frederick McCoy, Topeka
- John Edward McCullough, Topeka
- *James Martin McDermott, Winfield
- *Joseph H. McDowell, Kansas City
- *V. M. McElroy, Greensburg
- *Frank H. McFarland, Topeka
- §§Harold McGugin, Coffeyville
- *Thomas McGuire, Medicine Lodge
- *Dean McIntyre, Abilene
- *R. W. McKinley, Neodesha
- *Dave McKee, Wichita
Clark H. McPherson, Topeka
- *Willis H. McQueary, Osawatomie
- *Laurence McVey, Independence
- *Lee R. Meador, Wichita
- *Frank H. Meek, Clay Center
- *Samuel Mellinger, Emporia
- *Charles H. Menghini, Pittsburg
- *Joseph W. Menzie, Manhattan
- *Richard A. Mermis, Hays
- *Robert Merrick, Topeka
Aldeverd Metcalf, Oberlin
- *Arthur Martin Millard, Wichita
- *A. M. Millard, Wichita
- *Conrad Miller, Kansas City
- *Harry E. Miller, Hiawatha
- *Harry G. Miller, Jr., Kansas City
- *John C. Miller, Chetopa
(formerly of Coffeyville)
- *Lloyd S. Miller, Kansas City
- *Robert G. Miller, Pratt
- *Robert Haskins Miller, Lawrence
- §Wilton D. Miller, Belleville
- *W. C. Millikin, Salina
- *Evert Mills, McPherson
- *Leo W. Mills, Yates Center
- *William M. Mills, Jr., Topeka
- *Stanley C. Miner, Ness City
- *Donald I. Mitchell, Wichita
R. Lee Montre, Topeka
- *C. A. Morgan, Newton
- *Woodrow B. Morris, Kingman
(now at San Francisco, Cal.)
- *John H. Morse, Mound City
- *Robert B. Morton, Wichita
- *Kenneth B. Moses, Lawrence
- *Kenneth V. Moses, Manhattan
- *Gale Moss, El Dorado
- *William G. Muir, Harper
Ralph Mullin, Olathe
- *Richard F. Mullins, Wichita
- *John H. Murray, Leavenworth
- *Tudor M. Nellor, Kansas City
Rex Allen Neubauer, Topeka
- *Bert E. Newland, Ottawa
(now at Las Cruces, N. M.)
- *Charles Marshall Newman, Jr.,
Axtell
- *Robert I. Nicholson, Paola
- *Joe Nickell, Topeka
- *Melvin O. Nuss, Great Bend
- *John F. O'Brien, Independence
Keefe O'Keefe, Leavenworth
- *Ralph W. Oman, Topeka
- *Robert E. O'Neil, Axtell
- *Robert Kenneth Osborn, Stockton
John J. O'Shaughnessy, Wichita
- *Perry L. Owsley, Pittsburg
- *Robert B. Oyler, Lawrence
- *Joseph Scott Payne, Kansas City
- *Olin K. Petefish, Lawrence
- *Bernard Peterson, Newton

* Honorably discharged.
§ Killed in action.
§§ Died in service.

- Robert A. Peterson, Topeka
 *Donald D. Phillips, Colby
 *Willard L. Phillips, Kansas City
 *William F. Pielsticker, Wichita
 *Joseph L. Pierce, Pittsburg
 *Harry L. Porter, Columbus
 *James W. Porter, Topeka
 *James L. Postma, Lawrence
 *Edward H. Powers, Kansas City
 *David Prager, Topeka
 (formerly of Fort Scott)
 *Harlow Preston, Topeka
 *Robert T. Price, Topeka
 Leland J. Propp, Hutchinson
 *Richard M. Pugh, Wamego
 (formerly of Enterprise)
 *G. K. Purves, Jr., Wichita
 *James W. Putnam, Emporia

 *Hugh Patrick Quinn, Wichita
 (formerly of Salina)

 *Ralph R. Rader, Howard
 *George E. Ramskill, Burlingame
 *Hugh Albert Randall, Lawrence
 *Charles C. Rankin, Lawrence
 *Charles E. Rauh, Hutchinson
 *William W. Redmond, Marysville
 *William L. Rees, Topeka
 *Max W. Regier, Newton
 *William D. Reilly, Leavenworth
 *Oscar Renn, Arkansas City
 *Glendon Earl Rewerts, Leoti
 James H. Rexroad, Hutchinson
 *George S. Reynolds, Eureka
 H. Newlin Reynolds, Hutchinson
 *J. R. Rhoades, McPherson
 *John J. Rhodes, Council Grove
 (now in Arizona)
 *Claude Rice, Kansas City
 Frank G. Richard, Jr., Topeka
 *Lawrence J. Richardson, Topeka
 Leland W. Richardson, Topeka
 Lewis Richardson, Topeka
 *C. Eugene Ricketts, Paola
 (now at Kansas City, Mo.)
 *James V. Riddell, Wichita
 *Wilford R. Riegle, Emporia
 *Kurt Riesen, Wichita
- *Oliver D. Rinehart, Paola
 Robert B. Ritchie, Wichita
 *Jeff A. Robertson, Kansas City
 Frank W. Robieson, Winfield
 §Clarence J. Robinson, Newton
 *G. I. Robinson, Jr., Ellinwood
 *Max Dale Robinson, Topeka
 (formerly of Emporia)
 *Kenneth P. Rockhill, Eureka
 *Ralph A. Rodgers, Sylvan Grove
 *Roy L. Rogers, Wichita
 *Shirley N. Rogers, Meade
 ¶Victor J. Rogers, Wichita
 *D. V. Romine, Abilene
 *Charles A. Rooney, Topeka
 *Edward Rooney, Jr., Topeka
 Fred Rooney, Topeka
 *Karl W. Root, Atchison
 V. J. Rosecrans, Winfield
 *Harry W. Royer, Fort Scott
 John Eric Royston, Kansas City
 *John M. Rugh, Abilene
 *Kenneth D. Rupp, Moundridge
 *L. H. Ruppenthal, McPherson
 **Lucien B. Rutherford, Leavenworth
 *Wayne W. Ryan, Clay Center

 *Donald G. Sands, Holton
 *Jack Savage, Winfield
 Keene Saxon, Topeka
 *Robert A. Schermerhorn,
 Junction City
 *Paul Schmidt, Wichita
 *Lew Schmucker, Emporia
 (now in San Diego, Cal.)
 *Charles S. Schneider, Kansas City
 *Alfred G. Schroeder, Newton
 *Edward C. Schroeter, Concordia
 *Ray S. Schulz, Great Bend
 *David H. Scott, Lawrence
 Elisha Scott, Jr., Topeka
 *Hugh C. Scott, Kansas City
 *James M. Scott, Kansas City
 Olin B. Scott, Winfield
 *William E. Scott, Kansas City
 *Jay W. Scovel, Independence
 *Keith George Sebelius, Alma
 *John Seitz, Kansas City

* Honorably discharged.

** Retired.

§ Killed in action.

¶ Died in veterans hospital.

- *William M. Shaffer, Frankfort
- *John E. Shamberg, Hutchinson
Dale E. Shannon, Powhattan
Douglas Sharp, Kansas City
- *Willis A. Shattuck, Ashland
(formerly of Cimarron)
- *Richard W. Shaw, Hiawatha
- *Warren W. Shaw, Topeka
- *Karl V. Shawver, Jr., Paola
- *J. R. Sheedy, Fredonia
- *Harold Dean Shrader, Holton
- *Garner E. Shriver, Wichita
- *J. Logan Shuss, Parsons
- *Lawrence Martin Sigmund,
Netawaka
- *Clem H. Silvers, El Dorado
- *Thomas Clyde Singer, Lawrence
- *Herbert H. Sizemore, Newton
- *Arthur W. Skaer, Wichita
- *Ernest B. Skinner, Junction City
- *Allen R. Sleeper, Jr., Alden
(formerly of Iola)
- *Eldon R. Sloan, Topeka
- *Carl T. Smith, Wichita
- *George Rockwell Smith, Pratt
- *Gerald Francis Smith, Manhattan
- *Harrison Smith, Atchison
- *Herman W. Smith, Jr., Parsons
- *James E. Smith, Topeka
- *J. Wentworth Smith, Kansas City
- *Wint Smith, Topeka
(formerly of Salina)
- *James N. Snyder, Leavenworth
- *Claude Sowers, Wichita
- *Arthur L. Sparks, Hutchinson
- *Derald M. Sparks, St. Marys
- *Kenneth G. Speir, Newton
- *Corwin C. Spencer, Oakley
- *James E. Sperling, Stafford
(now in Albuquerque, N. M.)
Harris Squire, Topeka
Maurice Stack, Topeka
- *George Stallwitz, Wichita
- *Lee Stanford, Concordia
- *Arthur J. Stanley, Jr., Kansas City
- *Myron S. Steere, Ottawa
(formerly of Pratt)
Walt A. Steiger, Topeka
- *Gerhold Stein, Garnett
- *Frank B. Steinkirchner, Wichita
- §Paul C. Steinrauf, Topeka
- *Paul W. Stephens, Neodesha
- *Russell L. Stephens, Kansas City
Edward Stevens, Topeka
- *J. Claire Stevens, Hutchinson
- *Charles H. Stewart, Kingman
- *Donald W. Stewart, Independence
- *J. Rodney Stone, Newton
- *John Frederick Stoskopf, Jr.,
Hoisington
- *Charles D. Stough, Lawrence
- *Russell L. Strobel, Larned
- *Vernon A. Stroberg, Newton
- *Walter G. Stumbo, Topeka
- *Wallace C. Sullivan, Phillipsburg
- *J. Milton Sullivant, Paola
- *Richard A. Swallow, Oskaloosa
- *Earl B. Swamer, Kansas City
Leo A. Swoboda, Kansas City
- *James H. Taggart, Wellington
- *Robert Y. Taliaferro, Jr., El Dorado
- *Victor H. Tegarden, Liberal
- *James S. Terrill, Syracuse
- *Edgar K. Thiel, Colby
- *George Thomas, Kansas City
- *Leonard O. Thomas, Kansas City
- *Frank W. Thompson, Iola
Wilbert F. Thompson, Topeka
- *W. K. Thompson, Topeka
- *William P. Thompson, McPherson
William P. Timmerman, Kansas City
- *William Tinker, Wichita
- *Prentice A. Townsend, Atchison
- *B. F. Tracy, Emporia
(now at New York, N. Y.)
William Eugene Treadway, Topeka
- *Arthur N. Turner, Newton
(formerly of Topeka)
- *Bertram Joseph Vance, Garden City
- *Thomas M. Van Cleave, Jr.,
Kansas City
- *C. Leaman Vancura, Wichita
(formerly of Ellsworth)
- *Theo. F. Varner, Independence
- *William Lee Vaughan, Kansas City

* Honorably discharged.
§ Killed in action.

- *William H. Vernon, Jr., Hutchinson
- *Ernest M. Vieux, Meade
(formerly of Greensburg)
- *Fred R. Vieux, Augusta
- *Lloyd H. Vieux, Atwood
- *Darrel Hedges Vinette, Howard
- *Cyrus Wade, Jr., Independence
- *Kenneth Wagner, Topeka
(formerly of Wakeeney)
- *William H. Wagner, Jr., Wakeeney
- *Edward Wahl, Lyons
- *Harry Waite, Dodge City
- *D. Arthur Walker, Arkansas City
John E. Walker, Wichita
John M. Wall, Sedan
- *James W. Wallace, Mound City
Charles W. Ward, Peabody
- *Guy E. Ward, Belleville
(now in California)
William R. Ward, Wichita
- *Steve Ware, Wichita
- *George Leroy Warner, Wichita
- *Charles Warren, Fort Scott
- *Fred F. Wasinger, Hays
- *D. E. Watson, Salina
- *Harold A. Wayman, Coffeyville
- *Jack F. Wayman, Pittsburg
(now in Washington, D. C.)
- *Richard G. Weaver, Concordia
- *Edward Webber, Topeka
(formerly of Oskaloosa)
Orlin A. Weede, Kansas City, Mo.
- *John C. Weeks, Topeka
- *Abraham Weinlood, Hutchinson
- S. M. Weinstein, Kansas City
- *Richard C. Wells, Manhattan
- *Walton K. Weltmer, Hiawatha
- *William J. Wertz, Wichita
- *Orin M. Wheat, Medicine Lodge
- *Arthur B. White, Clay Center
- *Paul H. White, Wichita
- *Paul L. Wilbert, Pittsburg
- *Ernest Edward Wiles, Macksville
(now in Honolulu)
- *Harry G. Wiles, St. John
- *Kenneth Wilke, Topeka
- *L. A. Willett, Beloit
- *Charles F. Williams, Kansas City
- *James A. Williams, Dodge City
- *John M. Williams, Topeka
Tyrus R. Williams, Columbus
- *Blake A. Williamson, Kansas City
E. Victor Wilson, Hutchinson
- *J. Herb Wilson, Topeka
(formerly of Salina)
- *Jerome K. Wilson, Kinsley
- *Paul E. Wilson, Lyndon
(formerly of Ashland)
- *Arno Windscheffel, Smith Center
- *George O. Wise, Newton
- *Frederick Woleslagel, Lyons
- *W. R. Womer, Manhattan
- *Earle N. Wright, Arkansas City
- *Ernest A. Yarnevich, Kansas City
- *William Harold Young, Salina
- *Milton Zacharias, Wichita
- *Carl E. Zeigler, Coffeyville
- *Eugene P. Zuspahn, Goodland

* Honorably discharged.

REVISED LIST OF KANSAS LAWYERS IN THE MILITARY OR
NAVAL SERVICE OF THE UNITED STATES

(By COUNTIES)

NOTE.—Those indicated as being honorably discharged include also those who have been relieved from active duty and returned to civilian life.

ALLEN COUNTY

- *Alfred J. Anderson, Iola
- *Frederick G. Apt, Iola
- *Mitchell H. Bushey, Iola
- *J. D. Conderman, Iola
- *Allen R. Sleeper, Jr., Iola
(now at Alden)
- *Frank W. Thompson, Iola

ANDERSON COUNTY

- *Geoffrey E. Carlisle, Garnett
- *Worden A. Davis, Garnett
(now at Imperial, Cal.)
- *Wilfred Clark Howerton, Garnett
- *Wayne Daniel Loughridge, Garnett
- *Gerhold Stein, Garnett

ATCHISON COUNTY

- *Leon L. Askren, Atchison
Charles Eugene Beven, Muscotah
- *Benjamin A. Boeh, Atchison
John E. Buehler, Atchison
- §John C. Foulks, Atchison
- *J. W. Lowry, Atchison
- *Karl W. Root, Atchison
- *Harrison Smith, Atchison
- *Prentice A. Townsend, Atchison

BARBER COUNTY

- *W. Luke Chapin, Medicine Lodge
(formerly of Wichita)
- *Leaford F. Cushenbery,
Medicine Lodge
(now at Oberlin)
- *J. Raymond Eggleston,
Medicine Lodge
- *Herbert Hobbie, Jr., Medicine Lodge
(now at Liberal)
- *Thomas McGuire, Medicine Lodge
- *Orin M. Wheat, Medicine Lodge

BARTON COUNTY

- *Fred L. Conner, Great Bend
- *Arthur P. Hagen, Great Bend
- *Tudor W. Hampton, Great Bend
- *William C. Kandt, Great Bend
- *Melvin O. Nuss, Great Bend
- *G. I. Robinson, Jr., Ellinwood
- *Ray S. Schulz, Great Bend
- *John Frederick Stoskopf, Jr.,
Hoisington

BOURBON COUNTY

- *Everett B. Blakeley, Fort Scott
(now at Chicago, Ill.)
- *Douglas G. Hudson, Jr., Fort Scott
- *Howard Hudson, Fort Scott
- *Daniel O. Lardner, Fort Scott
- *David Prager, Fort Scott
(now at Topeka)
- *Harry W. Royer, Fort Scott
- *Charles Warren, Fort Scott

BROWN COUNTY

- John David Crouch, Everest
- *Robert M. Finley, Hiawatha
James C. Hubbard, Jr., Horton
- *Chester C. Ingels, Hiawatha
- *Harry E. Miller, Hiawatha
Dale E. Shannon, Powhattan
- *Richard W. Shaw, Hiawatha
- *Walton K. Weltmer, Hiawatha

BUTLER COUNTY

- *George S. Benson, Jr., El Dorado
- *W. N. Calkins, El Dorado
- *O. J. Connell, Jr., El Dorado
- *C. E. Heilman, El Dorado
- *Sol Lindenbaum, El Dorado
- *Frantz G. Loriaux, Augusta
- *Gale Moss, El Dorado

* Honorably discharged.
§ Killed in action.

- *Clem H. Silvers, El Dorado
- *Robert Y. Taliaferro, Jr., El Dorado
- *Fred R. Vieux, Augusta

CHAUTAQUA COUNTY

John M. Wall, Sedan

CHEROKEE COUNTY

- *David Jerome Harman, Columbus
- *Dale W. Maxwell, Columbus
- *Harry L. Porter, Columbus
- Tyrus R. Williams, Columbus

CLARK COUNTY

- *Willis A. Shattuck, Ashland
(formerly of Cimmaron)
- *Paul E. Wilson, Ashland
(now at Lyndon)

CLAY COUNTY

- *Elmer Anderson, Clay Center
- *John I. Berglund, Jr., Clay Center
- *Frank H. Meek, Clay Center
- *Wayne W. Ryan, Clay Center
- *Arthur B. White, Clay Center

CLOUD COUNTY

- L. E. Haughey, Jr., Concordia
- *Edward C. Schroeter, Concordia
- *Lee Stanford, Concordia
- *Richard G. Weaver, Concordia

COFFEY COUNTY

- *William A. Buckles, Burlington
- *Frank T. Forbes, Burlington
(formerly of Eureka)
- *Virgil Garrett, Burlington
(now at Wichita)
- *Justin D. Hannen, Burlington
(now in Denver, Colo.)

COMANCHE COUNTY

- *Frank E. Daily, Jr., Coldwater
- *Harold S. Herd, Coldwater

COWLEY COUNTY

- *Lawrence E. Christenson, Winfield
- *William E. Cunningham, Arkansas
City
- *John A. Herlocker, Winfield
- *Donald Hickman, Arkansas City

- *James Martin McDermott, Winfield
- *Oscar Renn, Arkansas City
- Frank W. Robieson, Winfield
- V. J. Rosecrans, Winfield
- *Jack Savage, Winfield
- Olin B. Scott, Winfield
- *D. Arthur Walker, Arkansas City
- *Earle N. Wright, Arkansas City

CRAWFORD COUNTY

- *Hugh Gordon Angwin, Pittsburg
- *George F. Beezley, Girard
- Charles M. Cassel, Pittsburg
- Jo E. Gaitskill, Girard
- *Karl K. Grotheer, Pittsburg
- *W. W. Kennedy, Pittsburg
- *Morris E. Matuschka, Pittsburg
- *Charles Menghini, Pittsburg
- *Perry L. Owsley, Pittsburg
- *Joseph L. Pierce, Pittsburg
- *Jack F. Wayman, Pittsburg
(now in Washington, D. C.)
- *Paul L. Wilbert, Pittsburg

DECATUR COUNTY

- *Leaford F. Cushenbery, Oberlin
(formerly of Medicine Lodge)
- Aldeverd Metcalf, Oberlin

DICKINSON COUNTY

- *Harold Arthur Arnold, Chapman
- *Thomas J. Butler, Jr., Herington
- *Earl R. Hubbard, Herington
(now at K. U. Law School)
- *Dean McIntyre, Abilene
- *Richard M. Pugh, Enterprise
(now at Wamego)
- *D. V. Romine, Abilene
- *John M. Rugh, Abilene

DONIPHAN COUNTY

- *F. H. Dillenback, Troy
- *Cyrus Leland, Troy
(now at Meade)

DOUGLAS COUNTY

- Milton Allen, Lawrence
- *Alan F. Asher, Lawrence
- *Richard A. Barber, Lawrence
- *Clem William Fairchild, Lawrence

- *Frank R. Gray, Lawrence
- *Hovey Hanna, Jr., Lawrence
- *Donald S. Hulst, Lawrence
- *Robert Haskins Miller, Lawrence
- *Kenneth B. Moses, Lawrence
- *Robert B. Oyler, Lawrence
- *Olin K. Petefish, Lawrence
- *James L. Postma, Lawrence
- *Hugh Albert Randall, Lawrence
- *Charles C. Rankin, Lawrence
- *David H. Scott, Lawrence
- *Thomas Clyde Singer, Lawrence
- *Charles D. Stough, Lawrence

EDWARDS COUNTY

- *Brainard L. Anderson, Kinsley
(now at Topeka)
- *Harold Ralph Fatzer, Kinsley
(now at Topeka)
- *Jerome K. Wilson, Kinsley

ELK COUNTY

- *Robert E. Hendrickson, Moline
- *Ralph R. Rader, Howard
- *Darrell Hedges Vinette, Howard

ELLIS COUNTY

- *Clayton S. Flood, Hays
- *Delmas Haney, Hays
- *Ernest J. Malone, Hays
- *Richard A. Mermis, Hays
- *Fred F. Wasinger, Hays

ELLSWORTH COUNTY

- *Paul L. Aylward, Ellsworth
- *C. Leaman Vancura, Ellsworth
(now at Wichita)

FINNEY COUNTY

- Robert H. Burtis, Garden City
- *Dale H. Corley, Garden City
- *Bertram Joseph Vance, Garden City

FORD COUNTY

- Adin Montgomery Downer, Dodge
City
- *Harry Waite, Dodge City
- *James A. Williams, Dodge City

FRANKLIN COUNTY

- William S. Bowers, Ottawa
- Champ A. Graham, Wellsville
- §James A. Hudelson, Jr., Ottawa
- *Basil W. Kelsey, Ottawa
- *Bert E. Newland, Ottawa
(now at Las Cruces, N. M.)
- Myron S. Steere, Ottawa
(formerly of Pratt)

GEARY COUNTY

- *Roy W. Cliborn, Junction City
(formerly of Marysville)
- *Charles L. Hoover, Junction City
- *Robert A. Schermerhorn,
Junction City
- *Ernest B. Skinner, Junction City

GOVE COUNTY

- *Max A. Campbell, Grinnell

GRAHAM COUNTY

- *C. E. Birney, Hill City

GRANT COUNTY

- *Howard B. Maxwell, Ulysses

GRAY COUNTY

- *C. C. Linley, Cimarron
- *Willis A. Shattuck, Cimarron
(now at Ashland)

GREELEY COUNTY

- *Richard A. Floyd, Tribune

GREENWOOD COUNTY

- *Clay C. Carper, Eureka
- *Frank T. Forbes, Eureka
(now at Burlington)
- *Harold G. Forbes, Eureka
- *George S. Reynolds, Eureka
- *Kenneth P. Rockhill, Eureka

HAMILTON COUNTY

- *Perle C. Frazee, Syracuse
- *Forest V. McCalley, Syracuse
(formerly of Wichita)
- *James S. Terrill, Syracuse

* Honorably discharged.
§ Killed in action.

HARPER COUNTY

- *Martin S. Hall, Harper
- *Max D. Hall, Anthony
- *William G. Muir, Harper

HARVEY COUNTY

- *Lelus B. Brown, Newton
- *Alfred Watson Geiger, Newton
- *Fred C. Ice, Newton
- *C. A. Morgan, Newton
- *Bernard Peterson, Newton
- *Max W. Regier, Newton
- §Clarence J. Robinson, Newton
- *Alfred G. Schroeder, Newton
- *Herbert H. Sizemore, Newton
- *Kenneth G. Speir, Newton
- *J. Rodney Stone, Newton
- *Vernon A. Stroberg, Newton
- *Arthur N. Turner, Newton
(formerly of Topeka)
- *George O. Wise, Newton

JACKSON COUNTY

- *Donald G. Sands, Holton
- *Harold Dean Schrader, Holton
- *Lawrence Martin Sigmund,
Netawaka

JEFFERSON COUNTY

- *Waldo Aikins, Ozawkie
- *Guy W. Baker, Ozawkie
Charles Lowman Decker, Oskaloosa
- *James S. Lester, Oskaloosa
- *Richard A. Swallow, Oskaloosa
- *Edward Webber, Oskaloosa
(now at Topeka)

JOHNSON COUNTY

- Brewster Bartlett, Mission
- *John W. Breyfogle, Jr., Olathe
- *Neil Hambleton, De Soto
- *Harley Haskin, Olathe
- *Murray H. Hodges, Olathe
- Elmer Hoge, Overland Park
- *Charles W. Hoover, Olathe
(now in Denver, Colo.)
- *James R. Hoover, Olathe
- *Maurice R. Hubbard, Olathe
- Herbert L. Lodge, Olathe
- Ralph Mullin, Olathe
- Orlin A. Weede, Kansas City, Mo.

KINGMAN COUNTY

- *Theodore M. Flick, Kingman
(now at Phoenix, Ariz.)
- *Woodrow B. Morris, Kingman
(now at San Francisco, Cal.)
- *Charles H. Stewart, Kingman

KIOWA COUNTY

- *Rex Lawrence Culley, Mullinville
(now at Topeka)
- *Clarence Holeman, Mullinville
(now at Wichita)
- *V. M. McElroy, Greensburg
- *Ernest M. Vieux, Greensburg
(now at Meade)

LABETTE COUNTY

- *Hal C. Hyler, Parsons
- *Glenn Jones, Parsons
- *Stuart T. McAlister, Parsons
(now in Washington, D. C.)
- *John C. Miller, Chetopa
(formerly of Coffeyville)
- *J. Logan Shuss, Parsons
- *Herman W. Smith, Jr., Parsons

LEAVENWORTH COUNTY

- *Greever Allen, Tonganoxie
- *Vincent C. Allred, Leavenworth
- *Walter I. Biddle, Leavenworth
Cornelius H. Boone, Leavenworth
- *Thomas Homer Davis, Leavenworth
- *Bernard A. Herken, Leavenworth
- *Edwin J. Holman, Leavenworth
- *John H. Murray, Leavenworth
Keefe O'Keefe, Leavenworth
- *William D. Reilly, Leavenworth
- **Lucien B. Rutherford, Leavenworth
- *James N. Snyder, Leavenworth

LINCOLN COUNTY

- *Ben Marshall, Jr., Lincoln
- *Ralph A. Rodgers, Sylvan Grove

LINN COUNTY

- *Leighton A. Fossey, Mound City
- *R. Douglas Gleason, Mound City
- *John H. Morse, Mound City
- *James W. Wallace, Mound City

* Honorably discharged.

§ Killed in action.

** Retired.

LOGAN COUNTY

- *V. Earl Artley, Russell Springs
- *Corwin C. Spencer, Oakley

LYON COUNTY

- *George L. Allred, Emporia
- *Frank F. Eckdall, Emporia
- *Robert H. Hudkins, Emporia
- *Samuel Mellinger, Emporia
- *James W. Putnam, Emporia
- *Wilford R. Riegle, Emporia
- *Max Dale Robinson, Emporia
(now at Topeka)
- *Lew Schmucker, Emporia
(now at San Diego, Cal.)
- *B. F. Tracy, Emporia
(now at New York, N. Y.)

MARION COUNTY

- *Harold M. Hauser, Marion
- Charles W. Ward, Peabody

MARSHALL COUNTY

- §Kenneth R. Baxter, Marysville
- *Francis F. Blundon, Marysville
(formerly of Salina)
- *Roy W. Cliborn, Marysville
(now at Junction City)
- *William S. Eddy, Marysville
- *Robert E. Ferguson, Marysville
- *Charles Marshall Newman, Jr.,
Axtell
- *Robert E. O'Neil, Axtell
- *William W. Redmond, Marysville
- *William M. Shaffer, Frankfort

MCPHERSON COUNTY

- *Russ B. Anderson, McPherson
- *John K. Brandon, McPherson
- *Kenneth L. Hodge, McPherson
- *Paul A. Lackie, McPherson
- *George R. Lehmberg, McPherson
- *Evert Mills, McPherson
- *J. R. Rhoades, McPherson
- *Kenneth D. Rupp, Moundridge
- *L. H. Ruppenthal, McPherson
- *William P. Thompson, McPherson

MEADE COUNTY

- *E. Keith Beard, Meade
- *Cyrus Leland, Meade
(formerly of Troy)
- *Shirley N. Rogers, Meade
- *Ernest M. Vieux, Meade
(formerly of Greensburg)

MIAMI COUNTY

- *L. Perry Bishop, Paola
- *Willis H. McQueary, Osawatomie
- *Robert I. Nicholson, Paola
- *C. Eugene Ricketts, Paola
(now at Kansas City, Mo.)
- *Oliver D. Rinehart, Paola
- *Karl V. Shawver, Jr., Paola
- *J. Milton Sullivant, Paola

MITCHELL COUNTY

- *Max L. Hamilton, Beloit
(now at Wichita)
- *Orin C. Jordan, Beloit
- *Leon W. Lundblade, Beloit
(now at Topeka)
- *L. A. Willett, Beloit

MONTGOMERY COUNTY

- §Harry J. Akers, Coffeyville
- *Raymond Belt, Coffeyville
- *William J. Burns, Independence
- *Wallace Carpenter, Independence
- *Glenn T. Crossan, Independence
- *Morris D. Hildreth, Coffeyville
- *William Roy Kirby, Coffeyville
- *Paul A. Lamb, Caney
- *Jake L. Liberman, Caney
- *Frank W. Liebert, Coffeyville
- §§Harold McGugin, Coffeyville
- *Laurence McVey, Independence
- *John C. Miller, Coffeyville
(now at Chetopa)
- *John F. O'Brien, Independence
- *Jay W. Scovel, Independence
- *Donald W. Stewart, Independence
- *Theo F. Varner, Independence
- *Cyrus Wade, Jr., Independence
- *Harold A. Wayman, Coffeyville
- *Carl E. Ziegler, Coffeyville

* Honorably discharged.
 § Killed in action.
 §§ Died in service.

MORRIS COUNTY

- *Wilbur G. Leonard, Council Grove
- *John J. Rhodes, Council Grove
(now in Arizona)

MORTON COUNTY

- *George Edward Denning, Elkhart

NEMAHA COUNTY

- *Robert Lee Jessee, Centralia
- James A. McClain, Sabetha

NEOSHO COUNTY

- *Joe F. Balch, Chanute
- *George W. Donaldson, Chanute
- *Clark M. Fleming, Erie
- *William Gough, Jr., Chanute
- *John C. McCall, Chanute

NESS COUNTY

- *Raymond D. McCombs, Ness City
- *Stanley C. Miner, Ness City

NORTON COUNTY

- *Keith George Sebelius, Alma

OSAGE COUNTY

- *Harry T. Coffman, Lyndon
- *Charles Heizer, Osage City
- *George E. Ramskill, Burlingame
- *Paul E. Wilson, Lyndon
(formerly of Ashland)

OSBORNE COUNTY

- *Lloyd Cecil Bloomer, Osborne
- *Charles E. Henshall, Osborne
- *Donald J. Magaw, Osborne

OTTAWA COUNTY

- John Chris Anderson, Tescott

PAWNEE COUNTY

- Edward Tennis Arnsberger, Larned
- *Richard H. Browne, Burdett
(now at Wichita)
- *Russell L. Strobel, Larned

PHILLIPS COUNTY

- *Wallace C. Sullivan, Phillipsburg

POTTAWATOMIE COUNTY

- *John Wilbur Brookens, Westmoreland
- Delmas C. Hill, Wamego
- *Robert Homer Kaul, Wamego
- *Gerald E. Kolterman, Wamego
- *Gale E. Krouse, Onaga
(now in Nebraska)
- *Richard M. Pugh, Wamego
(formerly of Enterprise)
- *Derald M. Sparks, St. Marys

PRATT COUNTY

- §Raymond L. Cobean, Pratt
- George L. Keller, Pratt
- *Robert G. Miller, Pratt
- *George Rockwell Smith, Pratt
- *Myron S. Steere, Pratt
(now at Ottawa)

RAWLINS COUNTY

- *Lloyd H. Vieux, Atwood

RENO COUNTY

- *John R. Alden, Hutchinson
- *Wesley E. Brown, Hutchinson
- *W. D. P. Carey, Hutchinson
- *John N. Farley, Hutchinson
- *Alva L. Fenn, Hutchinson
- *John Fontron, Jr., Hutchinson
- *Robert J. Gilliland, Hutchinson
- *Robert M. Holford, Hutchinson
- *Wendell Scott Holmes, Hutchinson
- *J. Richards Hunter, Hutchinson
- *Robert Y. Jones, Hutchinson
(formerly of Lyons)
- Leland J. Propp, Hutchinson
- *Charles E. Rauh, Hutchinson
- James H. Rexroad, Hutchinson
- H. Newlin Reynolds, Hutchinson
- *John E. Shamberg, Hutchinson
- *Arthur L. Sparks, Hutchinson
- *J. Claire Stevens, Hutchinson
- *William H. Vernon, Jr., Hutchinson
- *Abraham Weinlood, Hutchinson
- E. Victor Wilson, Hutchinson

* Honorably discharged.
§ Killed in action.

REPUBLIC COUNTY

§Wilton D. Miller, Belleville
*Guy E. Ward, Belleville
(now in California)

RICE COUNTY

*Everett L. Baker, Lyons
(now in California)
*Harold Gibson, Lyons
*Arthur Hodgson, Lyons
*Robert Y. Jones, Lyons
(now at Hutchinson)
*Allen R. Sleeper, Jr., Alden
(formerly of Iola)
*Edward Wahl, Lyons
*Frederick Woelzel, Lyons

RILEY COUNTY

*Harold Hughes, Manhattan
*Joseph W. Menzie, Manhattan
*Kenneth V. Moses, Manhattan
*Gerald Francis Smith, Manhattan
*Richard C. Wells, Manhattan
*W. R. Womer, Manhattan

ROOKS COUNTY

*Robert Kenneth Osborn, Stockton

RUSSELL COUNTY

*James E. Driscoll, Russell
*Richard Michael Driscoll, Russell
*Floyd L. Kirkman, Russell

SALINE COUNTY

*Frank L. Barbee, Salina
*Francis F. Blundon, Salina
(now at Marysville)
Harold H. Chase, Salina
*C. L. Clark, Salina
*C. B. Dodge, Jr., Salina
*Andrew Stone Hartnett, Salina
(formerly of St. John)
*W. C. Milliken, Salina
*Hugh Patrick Quinn, Salina
(now at Wichita)
*Wint Smith, Salina
(now at Topeka)
*D. E. Watson, Salina
*J. Herb Wilson, Salina
(now at Topeka)
*William Harold Young, Salina

SCOTT COUNTY

*Charles H. Fleming, Scott City

SEDGWICK COUNTY

*Edwin L. Alkire, Wichita
*Roger P. Almond, Wichita
*Edward F. Arn, Wichita
Oscar F. Belin, Wichita
*A. C. Blakeley, Wichita
*Harlin E. Bond, Wichita
*Robert G. Braden, Wichita
Joseph Hayden Brown, Wichita
*Norman L. Brown, Wichita
*Richard H. Browne, Wichita
(formerly of Burdett)
*Mack Bryant, Wichita
Francis Buellesfeld, Wichita
*Henry L. Butler, Wichita
*W. Luke Chapin, Wichita
(now at Medicine Lodge)
*Richard Clausing, Wichita
*Eugene Coombs, Wichita
*Wayne Coulson, Wichita
*Paul J. Donaldson, Wichita
Richard C. Donnelly, Wichita
*Grey Dresie, Wichita
*John Eberhardt, Wichita
*W. Jay Esco, Wichita
Sidney L. Foulston, Wichita
*John C. Frank, Wichita
*Virgil Garrett, Wichita
(formerly of Burlington)
*John H. Gerety, Wichita
*Ralph E. Gilchrist, Wichita
*Harold W. Goodwin, Wichita
(formerly of Wellington)
*Max L. Hamilton, Wichita
(formerly of Beloit)
Innis D. Harris, Wichita
*Lew Hasty, Wichita
*Everett S. Higgins, Wichita
*Clarence Holeman, Wichita
(formerly of Mullinville)
*Enos E. Hook, Wichita
*Harold Irwin, Wichita
*Richard Owen Jones, Wichita
*Harold Jorgensen, Mount Hope
*J. Paul Jorgenson, Wichita
*Howard C. Kline, Wichita

* Honorably discharged.
§ Killed in action.

Maurice Lampl, Wichita

- *Fred A. Mann, Wichita
(formerly of Topeka)
- *Forest V. McCalley, Wichita
(now at Syracuse)
- *Dave McKee, Wichita
- *Charles F. McClintock, Wichita
- *Lee R. Meador, Wichita
- *Arthur Martin Millard, Wichita
- *Donald I. Mitchell, Wichita
- *Robert B. Morton, Wichita
- *Richard F. Mullins, Wichita
- John J. O'Shaughnessy, Wichita
- *William F. Pielsticker, Wichita
- *G. K. Purves, Jr., Wichita
- *Hugh Patrick Quinn, Wichita
(formerly of Salina)
- *James V. Riddell, Wichita
- *Kurt Riesen, Wichita
Robert B. Ritchie, Wichita
- *Roy L. Rogers, Wichita
- ¶Victor J. Rogers, Wichita
- *Paul Schmidt, Wichita
- *Garner E. Shriver, Wichita
- *Arthur W. Skaer, Wichita
- *Carl T. Smith, Wichita
- *Claude Sowers, Wichita
- *George Stallwitz, Wichita
- *Frank Steinkirchner, Wichita
Fred Taylor, Wichita
- *William Tinker, Wichita
- *C. Leamon Vancura, Wichita
(formerly of Ellsworth)
John E. Walker, Wichita
William R. Ward, Wichita
- *Steve Ware, Wichita
- *George Leroy Warner, Jr., Wichita
- *William J. Wertz, Wichita
- *Paul H. White, Wichita
- *Milton Zacharias, Wichita

SEWARD COUNTY

- *Herbert Hobble, Jr., Liberal
(formerly of Medicine Lodge)
- *Auburn G. Light, Liberal
- *Victor H. Tegarden, Liberal

SHAWNEE COUNTY

- *Richard F. Allen, Topeka
- *Brainard L. Anderson, Topeka
(formerly of Kinsley)
- *Charles Robinson Barr, Topeka
- *Marion Beatty, Topeka
- *Mark L. Bennett, Topeka
Harry P. Betzer, Topeka
- *Charles W. Bradshaw, Topeka
- *Raymond Briman, Topeka
F. Quenton Brown, Topeka
- §§Curtis Andrew Burton, Topeka
- *William F. Butters, Topeka
- *Philip Buzick, Topeka
Clare C. Casey, Topeka
Charles C. Clark, Topeka
- *Francis M. Clark, Topeka
- *Arthur L. Claussen, Topeka
James E. Collingwood, Topeka
Robert K. Corkhill, Topeka
- *Clyde P. Cowgill, Topeka
George Crane, Topeka
Claude S. Cravens, Jr., Topeka
- *Rex Lawrence Culley, Topeka
(formerly of Mullinville)
- *Henry D. Dangerfield, Topeka
Charles Leroy Davis, Jr., Topeka
- *Charles W. Davis, Jr., Topeka
- *Hal C. Davis, Topeka
Russell E. Davis, Topeka
- *Jacob A. Dickinson, Topeka
- *Harold E. Doherty, Topeka
- *Arthur H. Drebing, Topeka
- *Hubert Else, Topeka
Perry A. Ennis, Topeka
- *Frank P. Eresch, Topeka
- *Louis H. Eversole, Topeka
- *Harold Ralph Fatzer, Topeka
(formerly of Kinsley)
- *David H. Fisher, Topeka
- *Erle W. Francis, Topeka
- *Richard R. Funk, Topeka
- *Wendell B. Garlinghouse, Topeka
- *Philip Gault, Topeka
William A. Gray, Topeka

* Honorably discharged.

§ Killed in action.

§§ Died in service.

¶ Died in veterans hospital.

- *John Shelley Graybill, Topeka
- †Paul L. Harvey, Topeka
- *Doral H. Hawks, Topeka
- *Elmer W. Holm, Topeka
John H. Hunt, Topeka
Howard M. Immell, Topeka
- *Freeman B. Irby, Topeka
- *Robert R. Irwin, Topeka
- *Balfour S. Jeffrey, Topeka
Roy H. Johnson, Topeka
- *Robert R. Jones, Topeka
John F. Kaster, Topeka
William B. Kirkpatrick, Topeka
Jay Kyle, Topeka
Reginald LaBunker, Topeka
- *Phil H. Lewis, Topeka
J. C. Linge, Topeka
- *Lyle Loomis, Topeka
- *Leon W. Lundblade, Topeka
(formerly of Beloit)
- *Mason Mahin, Topeka
(formerly of Smith Center)
- *Clarence Malone, Topeka
- *Fred A. Mann, Topeka
(now at Wichita)
- *Ward D. Martin, Topeka
Charles Frederick McCoy, Topeka
John Edward McCullough, Topeka
- *Frank H. McFarland, Topeka
Clark H. McPherson, Topeka
- *Robert Merrick, Topeka
- *William M. Mills, Jr., Topeka
R. Lee Montre, Topeka
Rex Allen Neubauer, Topeka
- *Joe Nickell, Topeka
- *Ralph W. Oman, Topeka
Robert A. Peterson
- *James W. Porter, Topeka
- *David Prager, Topeka
(formerly of Fort Scott)
- *Harlow Preston, Topeka
- *Robert T. Price, Topeka
- *William L. Rees, Topeka
Frank G. Richard, Jr., Topeka
- *Lawrence J. Richardson, Topeka
Leland W. Richardson, Topeka
Lewis Richardson, Topeka

- *Max Dale Robinson, Topeka
(formerly of Emporia)
- *Charles A. Rooney, Topeka
- *Edward Rooney, Jr., Topeka
Fred Rooney, Topeka
Keene Saxon, Topeka
Elisha Scott, Jr., Topeka
- *Warren W. Shaw, Topeka
- *Eldon R. Sloan, Topeka
- *James E. Smith, Topeka
- *Wint Smith, Topeka
(formerly of Salina)
Harris Squire, Topeka
Maurice Stack, Topeka
Walt A. Steiger, Topeka
- §Paul C. Steinrauf, Topeka
Edward Stevens, Topeka
- *Walter G. Stumbo, Topeka
Wilbert F. Thompson, Topeka
- *W. K. Thompson, Topeka
William Eugene Treadway, Topeka
- *Arthur N. Turner, Topeka
(now at Newton)
- *Kenneth Wagner, Topeka
(formerly of Wakeeney)
- *Edward Webber, Topeka
(formerly of Oskaloosa)
- *John C. Weeks, Topeka
- *Kenneth Wilke, Topeka
- *John M. Williams, Topeka
- *J. Herb Wilson, Topeka
(formerly of Salina)

SHERMAN COUNTY

- *Maxwell L. Jones, Goodland
- *Eugene P. Zuspahn, Goodland

SMITH COUNTY

- *W. R. Lutz, Smith Center
- *Mason Mahin, Smith Center
(now at Topeka)
- *Arno Windscheffel, Smith Center

STAFFORD COUNTY

- *Henry Morris Garvin, St. John
- *Andrew Stone Hartnett, Stafford
(now at Salina)

* Honorably discharged.

§ Killed in action.

† Died after having been honorably discharged.

- *James E. Sperling, Stafford
(now in Albuquerque, N. M.)
- *Ernest Edward Wiles, Macksville
(now in Honolulu)
- *Harry G. Wiles, St. John

STANTON COUNTY

- *Max L. Dice, Johnson

SUMNER COUNTY

- *Bert E. Church, Wellington
- *Harold W. Goodwin, Wellington
(now at Wichita)
- *Ford E. Harbaugh, Wellington
- *James H. Taggart, Wellington

THOMAS COUNTY

- *Donald D. Phillips, Colby
- *Edgar K. Thiel, Colby

TREGO COUNTY

- *Kenneth Wagner, Wakeeney
(now at Topeka)
- *William H. Wagner, Jr., Wakeeney

WABAUNSEE COUNTY

- *Carl H. Houseworth, Harveyville

WASHINGTON COUNTY

- *H. N. Hyland, Washington

WICHITA COUNTY

- *Glendon Earl Rewerts, Leoti

WILSON COUNTY

- *Charles A. Bauer, Jr., Fredonia
(now in Long Beach, Cal.)
- *Rex A. Lafferty, Fredonia
- *Ora D. McClellan, Neodesha
- *R. W. McKinley, Neodesha
- *J. R. Sheedy, Fredonia
- *Paul W. Stephens, Neodesha

WOODSON COUNTY

- *Clyde Hill, Yates Center
- *Leo W. Mills, Yates Center

WYANDOTTE COUNTY

- *Bernhard W. Alden, Kansas City
- *William A. Baker, Kansas City

- *E. A. Benson, Jr., Kansas City
- *Charles A. Bowman, Kansas City
- Robert L. Boyce, Kansas City
- *Buford E. Braly, Kansas City
- *Charles W. Brenneisen, Jr.,
Kansas City
- *Washington H. Brown, Kansas City
- *Hugh E. Brownfield, Kansas City
- *Raymond H. Carr, Kansas City
- *David W. Carson, Kansas City
- *Knowlton E. Carson, Kansas City
- *O. Q. Clafin, III, Edwardsville
- *Martin C. Crawn, Kansas City
- *Lawrence Cunningham, Kansas City
- *John K. Dear, Kansas City
- *Harry S. Deutch, Kansas City
- *Harold H. Harding, Kansas City
- *Donald Higby, Kansas City
- *William S. Hyatt, Jr., Kansas City
- *Francis Joyce, Kansas City
- *William C. Karnazes, Kansas City
- *Walter G. Klamm, Kansas City
- *Donald C. Little, Kansas City
- *Charles W. Lowder, Kansas City
- *Thomas C. Lysaught, Kansas City
- *Don E. Martin, Kansas City
- *Patrick Bevan McAnany,
Kansas City
- *Charles McCamish, Kansas City
- *Joseph H. McDowell, Kansas City
- *Conrad Miller, Kansas City
- *Harry G. Miller, Jr., Kansas City
- *Lloyd S. Miller, Kansas City
- *Tudor M. Nellor, Kansas City
- *Joseph Scott Payne, Kansas City
- *Willard L. Phillips, Kansas City
- *Edward H. Powers, Kansas City
- *Claude Rice, Kansas City
- *Jeff A. Robertson, Kansas City
- John Eric Royston, Kansas City
- *Charles S. Schnider, Kansas City
- *Hugh C. Scott, Kansas City
- *James M. Scott, Kansas City
- *William E. Scott, Kansas City
- *John Seitz, Kansas City
- Douglas Sharp, Kansas City

- | | |
|--------------------------------------|--|
| *J. Wentworth Smith, Kansas City | *Thomas M. Van Cleave, Jr.,
Kansas City |
| *Arthur J. Stanley, Jr., Kansas City | |
| *Russell L. Stephens, Kansas City | *William Lee Vaughn, Jr.,
Kansas City |
| *Earl B. Swarner, Kansas City | S. M. Weinstein, Kansas City |
| Leo A. Swoboda, Kansas City | *Charles F. Williams, Kansas City |
| *George Thomas, Kansas City | *Blake A. Williamson, Kansas City |
| *Leonard O. Thomas, Kansas City | *Ernest A. Yarnevich, Kansas City |
| William P. Timmerman, Kansas City | |

* Honorably discharged.

MEMBERS OF THE JUDICIAL COUNCIL

WALTER G. THIELE, <i>Chairman</i> . (1941-)	Topeka
Justice of the Supreme Court.	
RANDAL C. HARVEY, <i>Secretary</i> . (1941-)	Topeka
EDGAR C. BENNETT. (1938-)	Marysville
Judge Twenty-first Judicial District.	
GEORGE TEMPLAR. (1939-1941, 1943-)	Arkansas City
SAMUEL E. BARTLETT. (1941-)	Wichita
JAMES E. TAYLOR. (1941-)	Sharon Springs
C. A. SPENCER. (1944-)	Oakley
Judge Twenty-third Judicial District.	
JOHN A. ETLING. (1945-)	Kinsley
Chairman Senate Judiciary Committee.	
CHARLES VANCE. (1945-)	Liberal
Chairman House Judiciary Committee.	

FORMER MEMBERS OF THE JUDICIAL COUNCIL

W. W. HARVEY. (<i>Chairman</i> , 1927-1941)	Ashland
J. C. RUPPENTHAL. (<i>Secretary</i> , 1927-1941)	Russell
EDWARD L. FISCHER. (1927-1943)	Kansas City
ROBERT C. FOULSTON. (1927-1943)	Wichita
CHARLES L. HUNT. (1927-1941)	Concordia
CHESTER STEVENS. (1927-1941)	Independence
JOHN W. DAVIS. (1927-1933)	Greensburg
C. W. BURCH. (1927-1931)	Salina
ARTHUR C. SCATES. (1927-1929)	Dodge City
WALTER PLEASANT. (1929-1931)	Ottawa
ROSCOE H. WILSON. (1931-1933)	Jetmore
GEORGE AUSTIN BROWN. (1931-1933)	Wichita
RAY H. BEALS. (1933-1938)	St. John
HAL E. HARLAN. (1933-1935)	Manhattan
SCHUYLER C. BLOSS. (1933-1935)	Winfield
E. H. REES. (1935-1937)	Emporia
O. P. MAY. (1935-1937)	Atchison
KIRKE W. DALE. (1937-1941)	Arkansas City
HARRY W. FISCHER. (1937-1939)	Fort Scott
PAUL R. WUNSCH. (1941-1943)	Kingman
WALTER F. JONES. (1941-1945)	Hutchinson
GROVER PIERPONT. (1943-1944)	Wichita
I. M. PLATT. (1943-1945)	Junction City

Sec. 562, P. L. & R.

U. S. POSTAGE

PAID

Topeka, Kansas

Permit No. 421.

PRINTED BY
FERD VOILAND, JR., STATE PRINTER
TOPEKA, KANSAS

1946

21-4218

