

January, 1943

Directory Issue



The First Court House in Cuyahoga County—1812

The Cleveland Bar Association Journal

This Month's Cover

The First Court House, 1812

By Harry E. Back, Jr.

The picture of the First Court House on the cover of this issue of the Journal initiates a series of pictures covering the different Court Houses for this county. The group will include the subsequent Court Houses and will be concluded by several pictures of the present building, which embraces many outstanding architectural features not fully appreciated by members of the bar.

Original Painting

The picture on the cover of this issue is from an original painting owned by F. S. Barnum and was made available through the courtesy of the Cleveland Plain Dealer. The First Court House stood on the northwest corner of Public Square on a site now occupied by and adjacent to the Cleveland Illuminating Company building. The structure was started in 1812, completed in 1813 and served as the Court House until 1830 when it was razed.

In 1812, the county commissioners

entered into a contract with one Levi Johnson, the master builder of that day, for the building of a combined Court House and Jail. The building was two stories high with a jail and a living room for a sheriff on the ground floor and a court room above. One old description of the building has the following to say: "At the west end, lower story, was the jail, with debtors' and criminals' grated windows in front; east end, upper story, the court room. At the landing of the inside staircase a fire-place, sizzling green oak wood, feebly struggled to warm the institution."

Served Social Purpose

In this building after 1813, "justice, according to the high Cuyahoga standard, was administered for some fifteen years." The court room also became a scene of many social gatherings and to it the annual town meetings for elections and other purposes were transferred from the residences of citizens in which they generally had been held.

The Executive Committee, by unanimous vote, has included candidates for the Supreme Court of Ohio in its annual judicial referendums. This action was taken on the suggestion of Chief Justice Carl V. Weygandt of the Supreme Court. The Executive Committee ordered that the Resolution outlining the duties of the Committee on Judicial Candidates and Campaigns be amended so as to give full effect to the action taken with respect to the Supreme Court candidates.

M. S. Farmer, Chairman of the Committee on Public Relations and William R. VanAken, a member of the Committee on Public Relations submitted to the Executive Committee a recommendation that an award be made annually by the Cleveland Bar Association to the public servant who shows the most courtesy in the performance of his duties as a public servant. The Committee was thanked for the service performed on this subject and laid the matter on the table for the time being.

A letter from A. J. Sanders suggesting that in view of the unusual traffic problem the work day of law offices and Courts should begin at 10:00 a. m. and end at 6:00 p. m. was ordered received and filed with the understanding that it would be considered further in the future if the occasion arises for such action.

LAST MONTH'S COVER

The cover of the Christmas issue of the Journal which set forth a quotation from a speech made by Prime Minister Winston Churchill, has caused considerable favorable comment. The quotation is from an address made by Mr. Churchill in the United States the day before Christmas, 1941, on the occasion of the lighting of the Washington, D. C. community Christmas tree. The entire speech of which this quotation is a part, and other recent speeches of the Prime Minister, have been collected and published in book form under the title of "Unrelenting Struggle."

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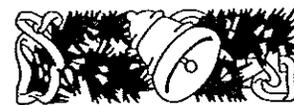
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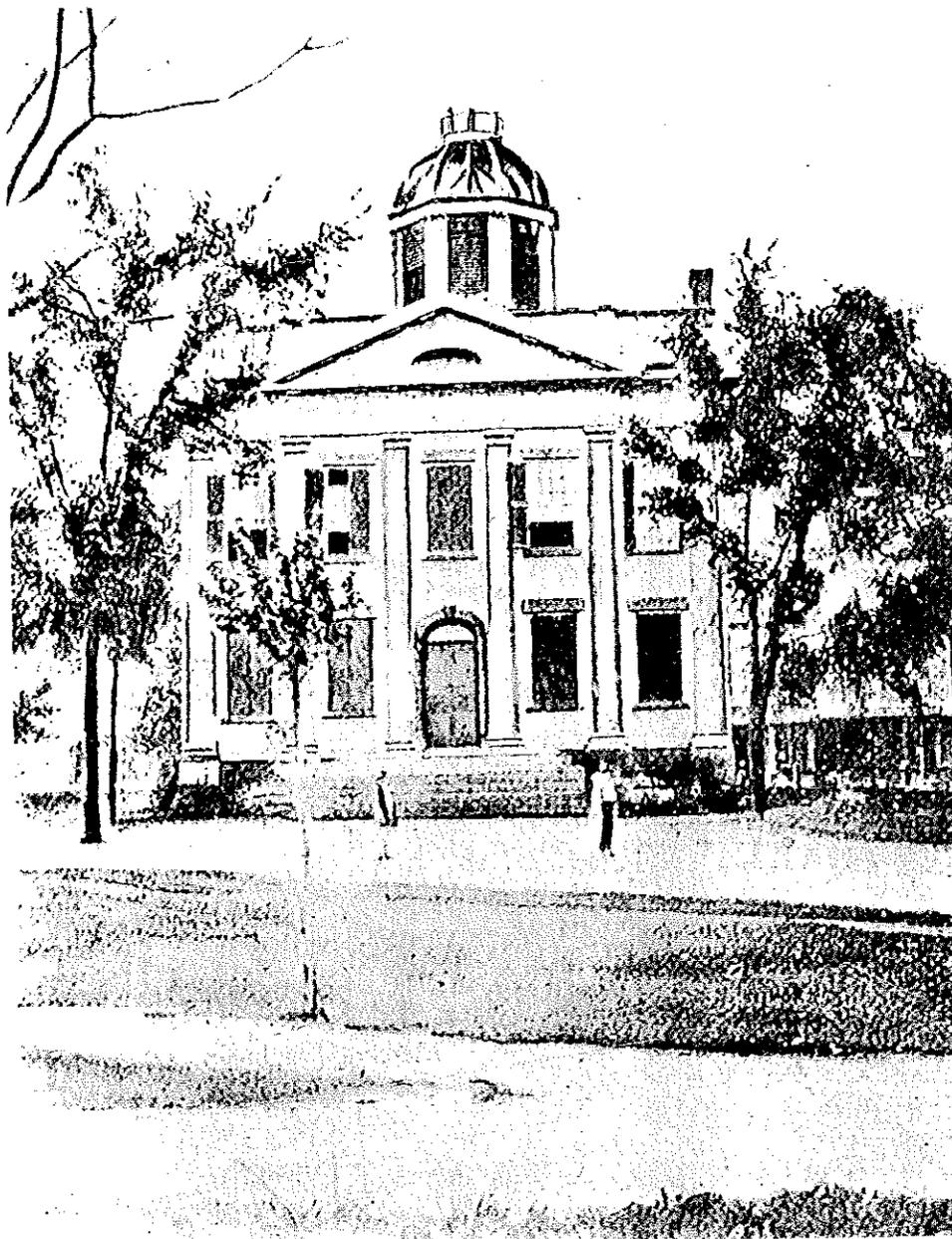
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February, 1943



The Second Court House in Cuyahoga County—1828

The Cleveland Bar Association Journal

This Month's Cover

The Second Court House, 1828

By Harry E. Back, Jr.

In 1826, the residents of Cuyahoga County generally agreed that the old Court House and Jail in the northwest section of the Public Square had been outgrown. When the matter of building a new one was brought up for discussion, the dormant ambition of Newburgh to have the County Court House located there, was aroused and her claim was strenuously pushed. There were three County commissioners by whom the question had to be decided. One of them was removed by death and it was found that the other two were equally divided—one favoring Newburgh and the other, Cleveland. An election was held in 1826 to fill the vacancy. It was one of the closest and most exciting that had been held in the County. All other issues were relegated to the background in comparison with the question as to the location of the Court House. Dr.

David Long, the Cleveland nominee, was elected by a small majority and Cleveland's last struggle with Newburgh was won.

Location Selected

It was decided to locate the new Court House on the southwest section of the Public Square. Plans were adopted and work was begun in 1826. The building was finished in 1828 and court was held therein on the 28th day of October of that year.

As described by one old source: "It was two stories high, of brick, surmounted by a wooden dome, faced the lake, and was entered by a half dozen steps, front and rear. The lower story was divided into offices for use of the County officials, while the upper floor was used for court purposes. Two or three years later, a substantial stone jail was erected in the rear of the court house and

(Continued on Page 74)

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T. G. Klinger Editor

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LIQUIDATION SALES NOT EXEMPT FROM WPB REGULATIONS

By William J. Dawley
Deputy Regional Attorney
for WPB

Active priority orders and regulations of the War Production Board are the legally constituted law of the land. As such, they offer exceptions to their restrictions only as provided within the terms of the regulations themselves.

TREND: Unfortunately, there has been a considerable tendency by persons concerned to regard procedures involving liquidation of assets as outside the pale of WPB regulations. The tendency has in some instances impeded the successful prosecution of the war by diverting critical machinery and materials into less or non-essential uses. Actions of this type not only impede the war effort but are subject to penalties provided by law.

DIVERSION DANGEROUS: In all probability only a small portion of materials sold at judicial sales, comes under the regulations of the War Production Board. This, however, is no excuse for the diversion of machinery and material represented by that portion. Every piece of critical machinery, every pound of vital material, must be brought to bear against the enemy. Consequently, WPB regulations designed to achieve that end must and will be enforced. The impression that sales made by auctioneers, receivers and trustees in bankruptcy are exempt from WPB restrictions on the sale, transfer or delivery of materials, products, or equipment, is completely erroneous. It behooves all persons involved in such transactions to ascertain beyond doubt that they are made in compliance with existing rules and regulations of the War Production Board.

IGNORANCE NO EXCUSE: During recent months a growing amount of machinery and materials inventoried in bankrupt estates have been sold without regard to applicable War Production Board regulations. Many of the transactions have been made in ignorance of, rather than disregard for, the regulations. The situation has become so serious, however, that ignorance will no longer provide immunity. The exigencies of war necessitate the prosecution of violations.

RECOMMENDED PROCEDURE: In order to avert compliance action in such cases, persons involved should submit lists of the materials, machinery and products to be offered for sale, to the compliance division of the War Production Board. WPB requirements against certain items can thus be determined beforehand and the sale conducted in accordance with governing regulations.

Lt. Bruce B. Krost Weds

Many friends of Lieut. Bruce B. Krost, a member of this Association, with offices at 1340 Union Commerce Bldg., whose address is Naval Mine Warfare School, Yorktown, Virginia, will be interested in the following announcement which was received by the Journal of the Cleveland Bar Association:

Mr. and Mrs. Frederic MacGregor Burditt announce the marriage of their daughter, Eleanor Carver, to Lieutenant Bruce Bingham Krost, United States Naval Reserve, on Thursday, the third day of December, nineteen hundred and forty-two, at Cambridge, Massachusetts.

Judge's Secretary Joins Horwitz, Kiefer and Harmel

Julius B. Amber has resigned his position as Secretary to the Honorable R. H. Williams, Judge of the Supreme Court of Ohio effective December 31, 1942, to enter the private practice of law and to be associated with the firm of Horwitz, Kiefer & Harmel.

Mr. Amber was Secretary to Judge Williams for a period of eight years. He graduated from Adelbert College with an A. B. degree in 1931 and the law school of Western Reserve University in 1934. He was admitted to the Bar in that year.

While attending law school Mr. Amber participated actively in the Cleveland Bar Association's judicial campaigns. In 1932, under the Chairmanship of the late A. V. Cannon, and on the call of Mr. Samuel Horwitz, a member of Mr. Cannon's committee, he was given charge of the hiring and organizing of a thousand university students to act as precinct workers on election day. These workers distributed judicial campaign cards in front of voting booths. He carried on this work also in 1933 and 1934 during which years Municipal Judge Perry Frey was the judicial campaign manager.

John J. Fuerst, who formerly practiced law with offices in the Union Commerce Building, and is well known to our Bar, is now a Captain in the Military Intelligence at Richmond, Virginia.

Cover

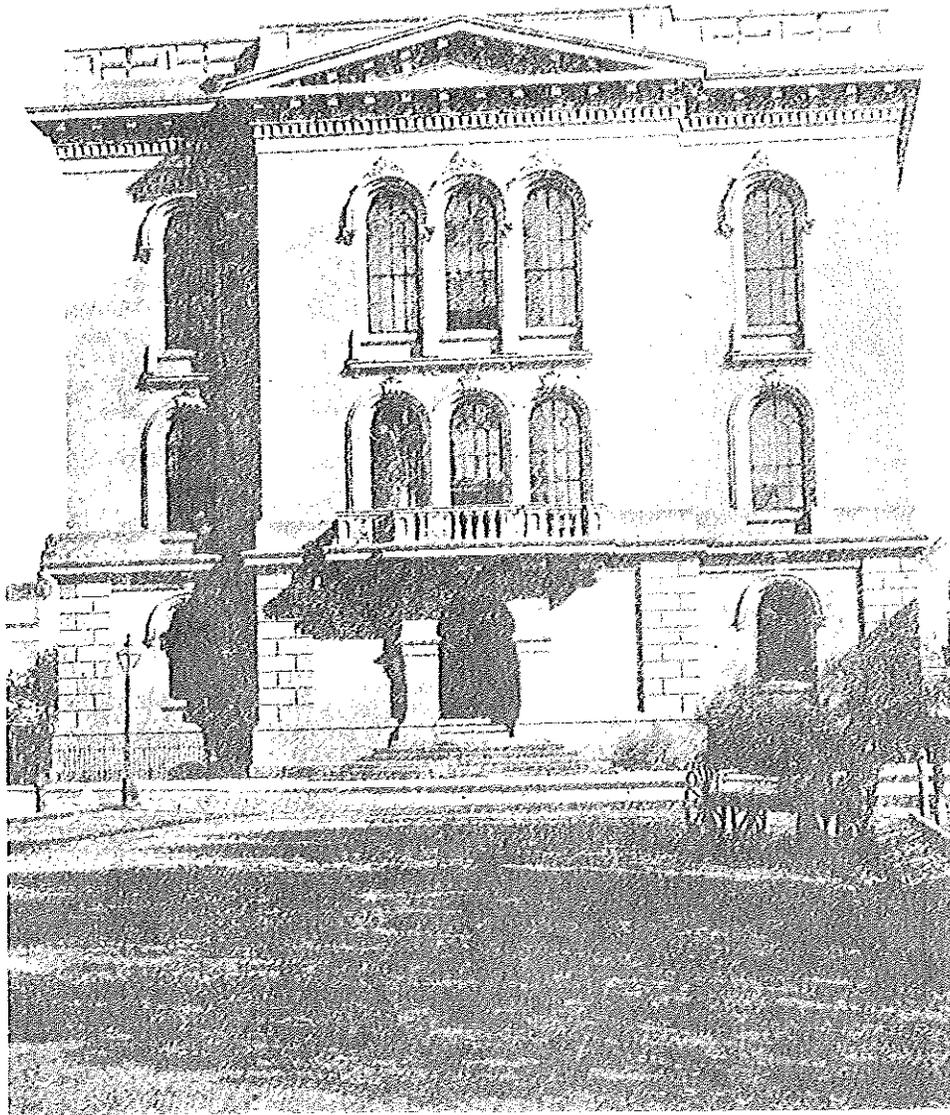
(Continued from Page 69)

across the street—a structure that, from its sombre appearance, was usually called 'the blue jug.'

"On An Eminence"

In the first directory of Cleveland issued in 1837, the Court House was described as situated on an eminence in the Public Square with its front ornamented with "pilasters of the Dorick order supporting a Dorick entablature; the whole is crowned with an Ionic belfry and dome." In this building the public judicial and administrative business of the County was carried on for nearly thirty years.

March, 1943



The Third Court House In Cuyahoga County—1858

The Cleveland Bar Association Journal

This Month's Cover

The Third Court House, 1858

By Harry E. Back, Jr.

With the rapid growth of Cleveland augmented by the annexation of Ohio City, came a corresponding growth of Cuyahoga County and an increase of its executive, administrative and legal business. The court house built in 1828 was inadequate for the necessities of the new era and it was decided to build a new structure on a new site. One of the earlier histories of Cleveland states that about this time, the city council "instructed the city clerk to notify the county commissioners to remove the old court house from the public square as soon as possible. It had been abandoned as a place for holding courts, and none of its former official tenants remained within its walls but the county recorder. The new court-house on the north side of the square was not yet constructed, and the ancient Baptist church on the corner of Seneca and Champlain streets had been fitted

up and was used for court purposes. The commissioners took umbrage at the civil and courteous notification, and were not very diplomatic in their answer when they reminded the council that they had better confine their labors to their own legitimate business."

Contract Let

Land on the north side of Rockwell Street, just across the narrow street at the northwest corner of the Public Square was secured, and a contract was let (November 10, 1857) for a three-story stone building thereon at a cost of \$152,500. Although there were several bids lower, the contract was awarded to Messrs. Smith and Pannell. It is said by those who ought to know, that they cleared over fifty thousand dollars on the contract.

Description of Building

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FRIDAY EVENING
APRIL 9
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Roman, Castagna, Baum, Tibbett,
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hundred fifty-two feet, and three stories high. The cellar or basement was a rough affair, evidently not intended for any purpose except to store fuel and rubbish. On the first or ground floor on the right of the hallway, which traversed the entire depth of the building, were the offices of the Auditor and Probate Court. On the left, or west side, of the hallway were the offices of the Recorder and Treasurer.

On the second floor, just above the Auditor's offices, was the office of the Clerk of the Court, while the room across the upper hall, and immediately above the Recorder's office, was intended for the use of the Sheriff. In the rear of these two offices were two court rooms. On the third floor, above the Clerk's office, were two jury rooms; across the hall was the room occupied by the Board of School Examiners. The whole of the space in the rear was devoted to criminal court purposes. This was the situation until the year 1875, when the "new court house" was built, when all criminal business was removed to the new building.

Kornhauser Becomes Executive Vice-President At National Tool Company

Samuel J. Kornhauser, well-known Cleveland attorney and member of the Public Library Board, has assumed the duties of executive vice-president of The National Tool Company, 11200 Madison Avenue.

He has long been associated with this company which manufactures metal cutting tools, now widely used in the production of warships, airplanes, tanks, guns and other implements of war.

In 1916, Mr. Kornhauser reorganized the company, and since that time has served as legal counsel, a director and associate in the management.

A. J. Brandt, president since 1937, has been called upon to devote the larger part of his time to the war aircraft industry in various plants throughout the country, but continues to give to National Tool his services in engineering and production.

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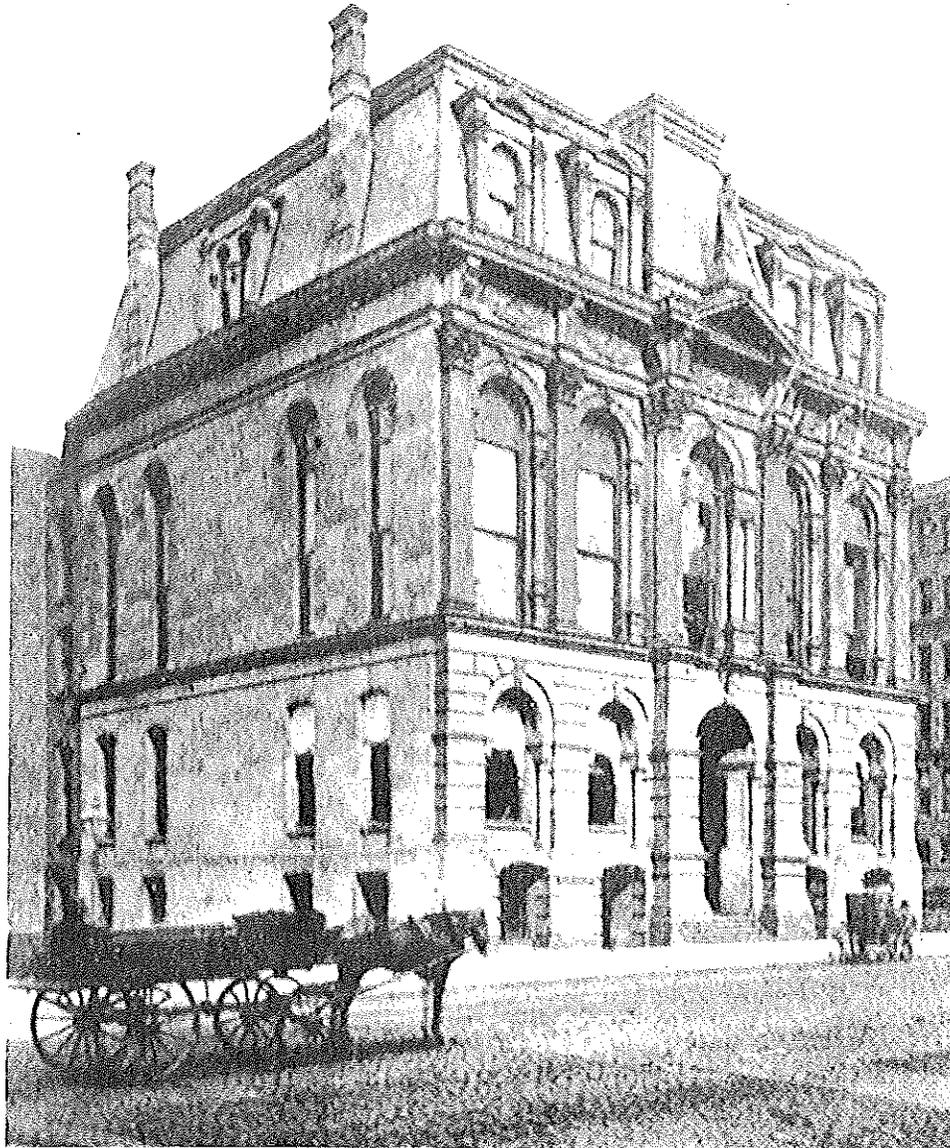
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April, 1943



The Seneca Street Court House – 1875

The Cleveland Bar Association Journal

This Month's Cover

The Seneca Street Court House, 1875

By Harry E. Back, Jr.

After the third court house was built in 1858, the rapid growth of the County and the increased number of cases litigated soon caused this court to be inadequate for the business which was transacted. It was decided, therefore, to build an addition to the third court house on Seneca Street (now West Third Street) which would take care of the criminal cases and also the Probate Court.

Land Purchased

In 1875, the County Commissioners purchased the ground fronting on Seneca Street and extending back to the line of the third court house for the erection of a new court building and County jail. An architect by the name of Walter Blythe drew the plans for the new building and John C. McMahon and Alexander Scott were the principal contractors. The cost of the land together with the building amounted to nearly \$250,000.

The new addition was nearly square, being about 70 feet on either side. The basement story was about one-half above ground and was occupied by the Board of Equalization, County surveyor and other County officers. The first floor was devoted entirely to the Probate Court rooms and offices with the exception of one room in the northwest corner, which was occupied by the County's Prosecuting Attorney and his assistants. On the second floor was located the Criminal Court room which was approximately 40x60 feet in size and 35 feet in height. Around the court room were several rooms, including the jury room and waiting rooms for witnesses and attorneys.

Gloomy Staircase

The second floor was reached by a broad iron staircase reported to be "dark as night" leading upward from the rear of the lower hallway. One author describes the ascension of this staircase as follows:

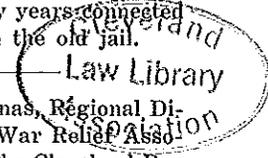
"A cold chill creeps up one's back and an atmosphere at once suggestive of murder and burglary and outrage is felt, as the passage is being made up the gloomy, dark and winding stairs. As the criminal is not brought in this way, but is conveyed back and forth through a back passageway to and from the jail, immediately in the rear, the dismal hallway has no ter-

rors for him, and there is no known reason why the commissioners should wish to unduly impress the spectators with a sense of their own weakness and the solemnity and majesty of the law and its servants."

Seven of the nine men who were hanged in Cleveland for murder before the Ohio Penitentiary took over the business of the State's executions were convicted in this court house. Some of these men walked to their doom over the famous "bridge of

sighs" that for many years connected the court house with the old jail.

Mr. James C. Mylonas, Regional Director of the Greek War Relief Association, member of The Cleveland Bar Association, and formerly Chairman of the Committee on Americanism of this Organization, was Chairman of a meeting arranged for Greek boys who were ready to enter the military forces.



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<p>FAUST TUESDAY APRIL 6 Jepson, Browning, Kullman, John Charles Thomas, Cordon, Enge'man. Ballet. BEECHAM.</p>	<p>DANCE OF THE HOURS from La Gioconda, by Entire Ballet</p>
<p>LA TRAVIATA WEDNESDAY, APRIL 7 Albanese, Votipka, Olheim, Melton, Tibbett, DePaolis. Ballet. SODERO.</p>	<p>AIDA FRIDAY EVENING APRIL 9 Roman, Castagna, Faum, Tibbett, Cordon, Gurney. Ballet. PELLETIER.</p>
<p>CARMEN THURSDAY, APRIL 8 Swarouth, Albanese, Olheim, Jobin, Warren, Cehanovsky. Ballet. BEECHAM.</p>	<p>THE BARBER OF SEVILLE SATURDAY MATINEE, APRIL 10 Sayao, Petina, Martini, Brownlee, Baccaloni, Pinza, Harrell. ST. LEGER.</p>
	<p>IL TROVATORE SATURDAY EVE., APRIL 10 Bampton, Castagna, Stellman, Martinelli, Warren, Moscona Oliviero. SODERO.</p>

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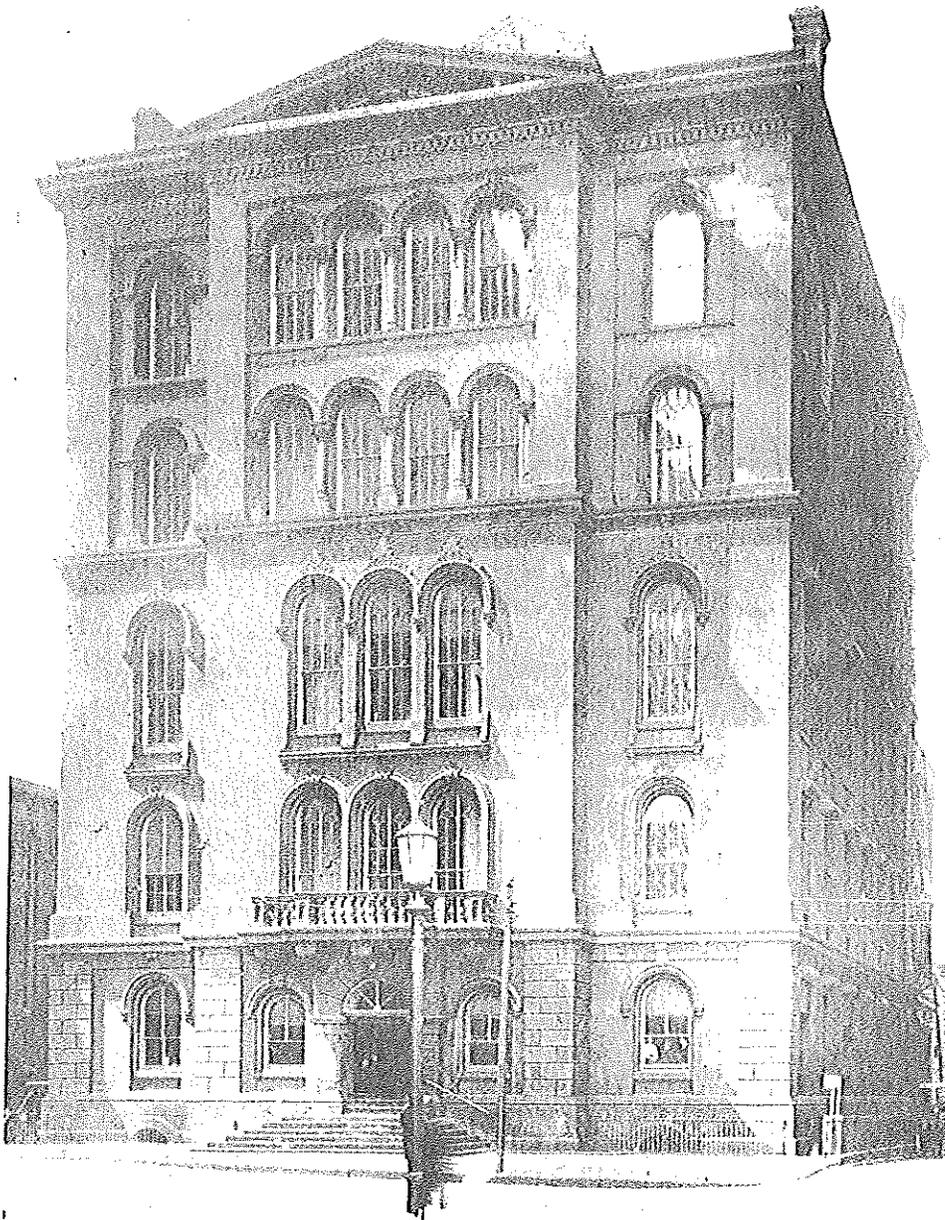
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May, 1943



The Third Court House With Addition — 1884

The Cleveland Bar Association Journal

*This Month's Cover***The Third Court House With Addition, 1884***By Harry E. Back, Jr.*

In 1884 steps were taken to increase still further the facilities of the "old Court House." The business of the departments had so expanded that more room was necessary for them all, so on April 17th the Board of Commissioners passed a resolution to add two more stories to the height of the building. Plans were ordered and on May 21st they were approved. The work was begun immediately and was completed in the fall of 1885.

The only ground extension to the original building was a tower addition in the rear which was used on each floor for closet and washroom purposes. The additions of 1884 cost, in round figures, \$100,000. The business of the county was transacted in this and the adjoining buildings until the present Court House was erected in 1911. From that date until 1931, however, when the new Criminal Court House was built, the building was used to hold all of the County's criminal trials and in 1935 it was razed.

Interesting Anecdote

An interesting story about the "old Court House" was brought to the attention of the editorial committee by both Judge Bradley Hull and Attorney Charles K. Arter. This anecdote

is substantially as follows: When the old Court House was erected in 1858, it was originally designed to be "the last word" in memorial architecture of the Civil War period. Its architect was a man named J. J. Husband. The architect's name was chiseled on the corner stone at the time it was laid, but it was not there when the building was razed because Husband made an indiscreet remark that nearly caused him to be lynched.

He was a Southern sympathizer at the time of the Civil War, a well-known "copperhead," and one of the few in Cleveland who believed in the Confederate cause. When President Lincoln was assassinated, the city was profoundly stirred and grieved. A stranger chanced to remark to the "copperhead" that it was "frightful news." Husband replied, "Oh, I don't know, it served him right to be shot."

The news of his comment spread rapidly and before long a mob was pursuing the architect. He finally fled to the building which he had designed and persuaded the sheriff to keep him there in safety. Having been thwarted, the mob gouged Husband's name from the corner stone. Later he sneaked out of town when sentiment had cooled off a little.

Professional Ethics Committee Renders Opinion On Campaign Card Circulation

The Committee on Professional Ethics of the Cleveland Bar Association has formulated an opinion dealing with the circulation of campaign cards by members of the Bar. The opinion follows:

"It is the opinion of the Committee on Professional Ethics that it is improper for an Attorney-at-Law, who aspires to public office, to distribute political cards containing his name and address, and/or telephone number, together with the phrase "Attorney-at-Law," "Counselor-at-Law," "Lawyer," or any other description indicating that he is a member of the legal profession.

"It is not intended by this opinion to prohibit a candidate for public

office from including in his biographical sketch the fact that he is an Attorney, or how long he has practiced. However, the inclusion of his office address and/or telephone number serves no purpose of informing the public of the candidate's qualifications for the office."

The opinion was drafted by Everett E. Loeb and was approved by the Professional Ethics Committee made up of the following members of the Bar: Depew C. Freer, Chairman, Carl A. Hope, Gerald Johnson, Lawrence E. Hackenberg, Chester Lindsay, Robert W. Wheeler, Francis X. Feighan, Milton T. Daus, Edward T. Butler, Jr., Henry L. Haner, Robert C. Spencer, and Everett E. Loeb.

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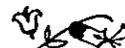
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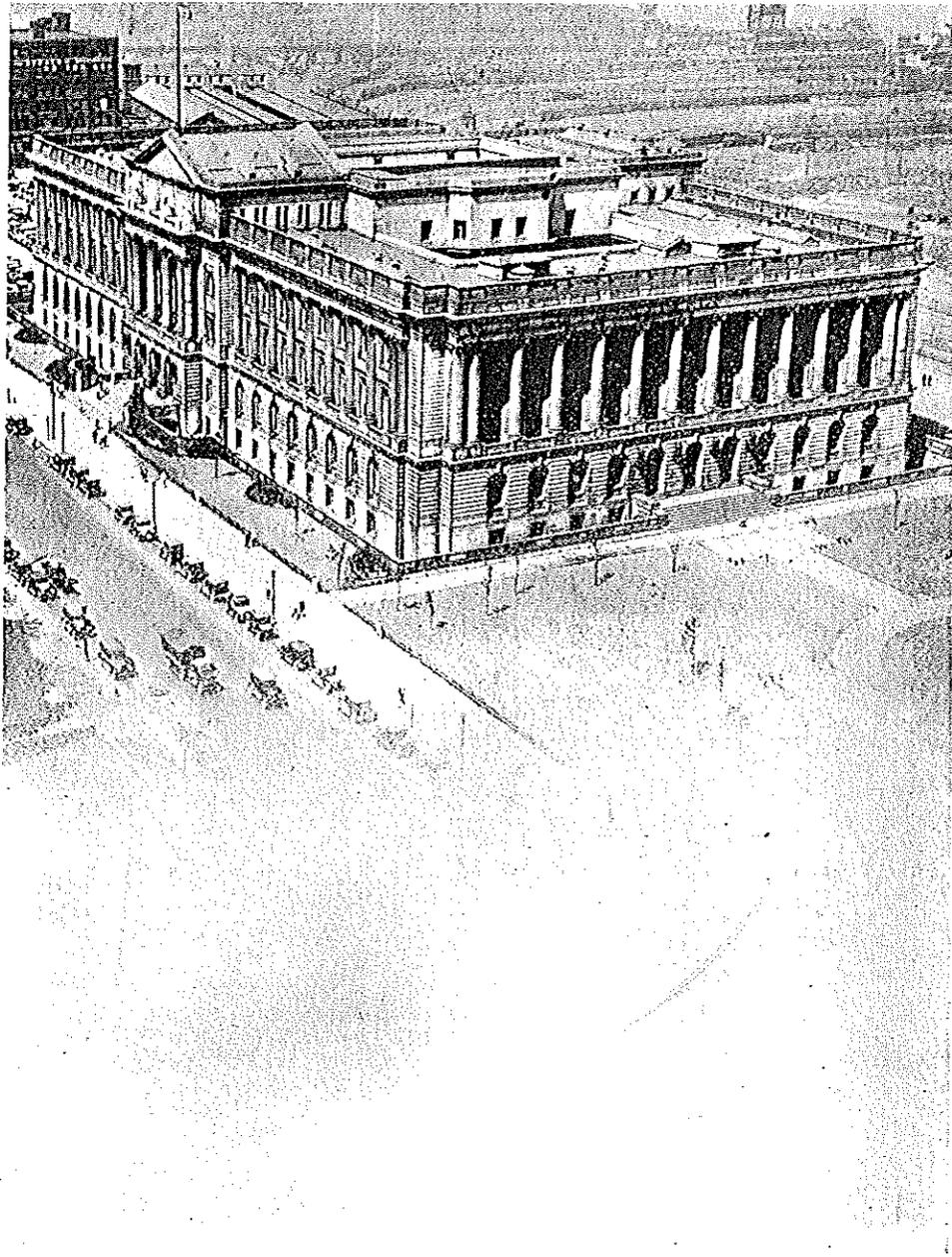
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The New Court House—1912

The Cleveland Bar Association Journal

*This Month's Cover***The New Court House, 1912***By Myrtle I. Lucas*

January 1, 1912, was a gala day for Cleveland! The New Court House was opened for the first time and overawed citizens were permitted to enter through the great bronze doors, climb the marble stairs and crane their necks in the rotunda to peer at the stained glass above.

The ground work for this superb building was laid when the Common Pleas judges of Cuyahoga County appointed a Building Commission of seven members. In turn, the Building Commission selected Lehman and Schmidt as the architects for the building and Charles N. Schweinfurth as the architect for the interior, such as fixtures, paintings, etc.

The site alone cost the county \$1,000,000 and the complete cost of the building was approximately \$5,000,000. When it was built it was heralded as one of the finest granite structures of French Renaissance style. The interior the building is

Louis XVI adaptation of Roman architecture with Ionic columns.

* * *

The Editorial Committee sincerely regrets the loss of one of its most industrious members, Harry E. Back, Jr., who has been writing the current articles regarding the Cuyahoga County Court Buildings.

Mr. Back has returned to Connecticut, the place of his birth, to resume the practice of law with his father. He was accompanied by his wife and small son and will establish his residence there.

Harry Back received his B. A. degree from Yale in 1928. He worked for a short time and then went back to Yale for his LL.B. degree. He was admitted to the Connecticut bar in 1936 and to the bar of Ohio in 1937.

Since February, 1938, he has been with the firm of Bushnell, Burgess and Fulton. His specialty was writing briefs.

DIRECTORY ISSUE

The July issue of the Cleveland Bar Association Journal which will appear on or about July 1st, 1943, will contain a complete roster of members of this Association including those in the armed forces of the Government.

The mailing address of each member and telephone number will be published also.

The editor of the magazine requests all members of the Association who have changed their office addresses or their telephone numbers in the last six months to send the new addresses and telephone numbers to the Cleveland Bar Association office, Allerton Hotel.

The July issue containing this Roster will be widely distributed outside the Bar and we want to make the Roster as accurate as possible.

The Association has received from Lt. Paul A. Miller of the Air Corps, and a member of this Association, the magazine entitled "Goodfellow Field Army, Army Air Force Basic Flying School."

HAPPY NEW FATHER

Year—1943.
Month—May.
Day—Thursday, 13th.
Time—6:45 A. M.
Place—Mt. Sinai Hospital.
Patient—Lois L. Mintz.
Trouble—BABY BOY, 6½ lbs.
Condition—Both well.
Doctor—Abrams.
Nurse—Suzan.
Boss—Carl A. Mintz.
Grandfather—JAKE MINTZ.

Announce New Firm

Marc J. Grossman, Cleveland attorney who recently was commissioned a major in the army, announced the formation of a new law firm of Grossman, Carter, Hamilton & Rosenman to succeed the firm of Grossman & Grossman.

Grossman will retain his interest in the new law firm while he is in the army. The offices will be in the N. B. C. Building.

Members of the firm are Grossman, Kenneth D. Carter, Perry E. Hamilton and I. V. Rosenman.

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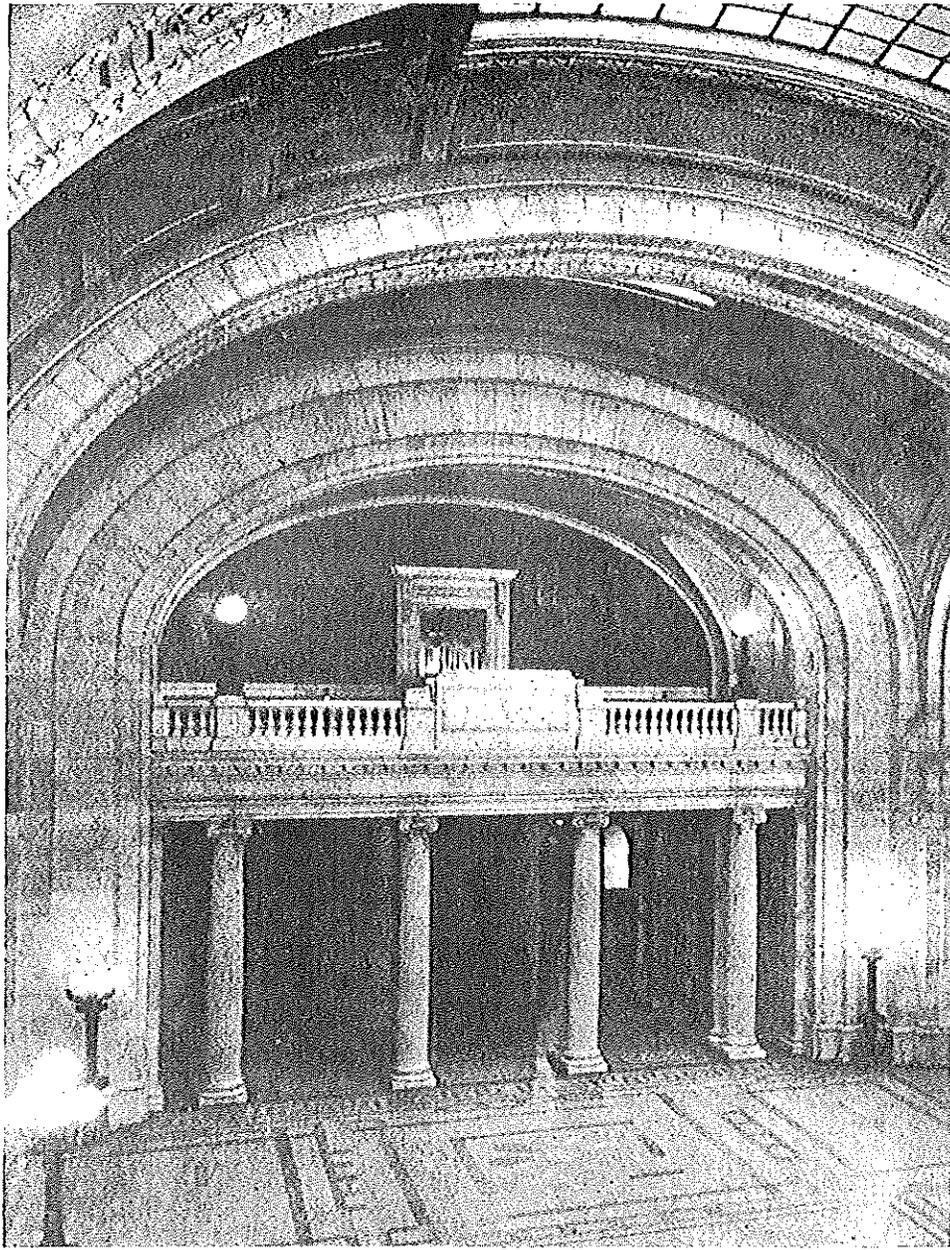
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August, 1943



The Foyer of the New Court House

The Cleveland Bar Association Journal

This Month's Cover

The Foyer of the New Court House

By Myrtle I. Lucas

The picture on the cover of this month's Journal is the foyer of the New Court House as one sees it entering through the main entrance on the south of the building. This grand central hall is very impressive with its marble columns and ornate arches. High above it is the vaulted roof of English stained glass.

Today, the lovely Ionic columns portrayed in the picture are practically obscured by series of booths, on the windows of which is inscribed prosaically "Pay taxes here".

Patriotism vs. Art

The plaque over the middle arch, the wording of which is obscure in the picture, reads as follows:

"AND THE RULE OF THE LAW IS PREFERRABLE TO THAT OF ANY INDIVIDUAL."

(Aristotle)

The center of this inscription, however, is now blocked from view by an oval picture of George Washington flanked on either side by droopy American flags.

Plaque Over Entrance

On the south side of this foyer are three arches identical to those in the picture and a corresponding plaque over the middle arch reads

"NULLUS LIBER HOMO ALIQUO MODO DESTRUATUR—NISI PER LEGALS JUDICIUM PARIUM SUORUM AUT PER

LEGEM TERRAE."

(Magna Charta)

How many lawyers and judges of Cleveland have ever noticed that plaque? If they have looked at it, how many could interpret it? To end your suspense—the translation is as follows:

"NO FREEMAN SHALL IN ANY MANNER BE MADE TO SUFFER CORPORAL HURT EXCEPT BY LEGAL JUDGMENT OF HIS PEERS OR BY THE LAW OF THE LAND."

Jury Wheel

Another interesting feature in the foyer, not shown in the picture, is the great jury wheel surrounded by an ornate railing. This wheel was presented to the Chief Justice and the Judges of the Court of Common Pleas on May 1, 1931 by the Citizens Jury Commission, an organization of eighteen leading citizens' groups, founded by The Cleveland Bar Association in 1929.

Did you ever stop to read the inscriptions around the two sides of the wheel? On the one side is

"THE GREAT OBJECT OF THE LAW IS TO OBTAIN A JUST VERDICT BY THE JURY."

and on the other side—

"IT IS A PRIVILEGE OF EVERY CITIZEN TO HELP ADMINISTER THE LAW."

Domestic Relations Bureau Reports

E. Dana Brooks, Director of the Domestic Relations Bureau, in a report to the Common Pleas Court of Cuyahoga County for the Year 1942, states that out of a total of 411 Motions and Official Complaints filed, 2406 or 54.5 per cent were adjusted by the Department, and in 54 or 8% reports were made to the Court. The Department thus settled or investigated 62.5% of these Motions and Complaints.

Out of a total of 12,718 Motions, Complaints and other matters handled by the Department in divorce and alimony cases (Official Matters), 424 or 34.9% were adjusted by the Department, and in 6547 or 51.4% reports were made to the Court. The Department thus settled or investi-

gated 86.3% of these matters.

Volume Heavy

Out of a grand total of 15,273 Complaints, Motions and other matters filed or referred to the Department, 6979 or 45.7% were adjusted by the Department without any hearing or referred to the Presiding Judge, and in 6547 or 42.9% of the cases reports were made to the Court, a total of 88.6%. The balance of 11.4% includes pending matters, Motions and Complaints wherein the parties failed to appear or service could not be obtained upon them, and Motions in which the investigation and report was waived or was unnecessary because of previous reports, or because the Motion related to a matter of pleading.

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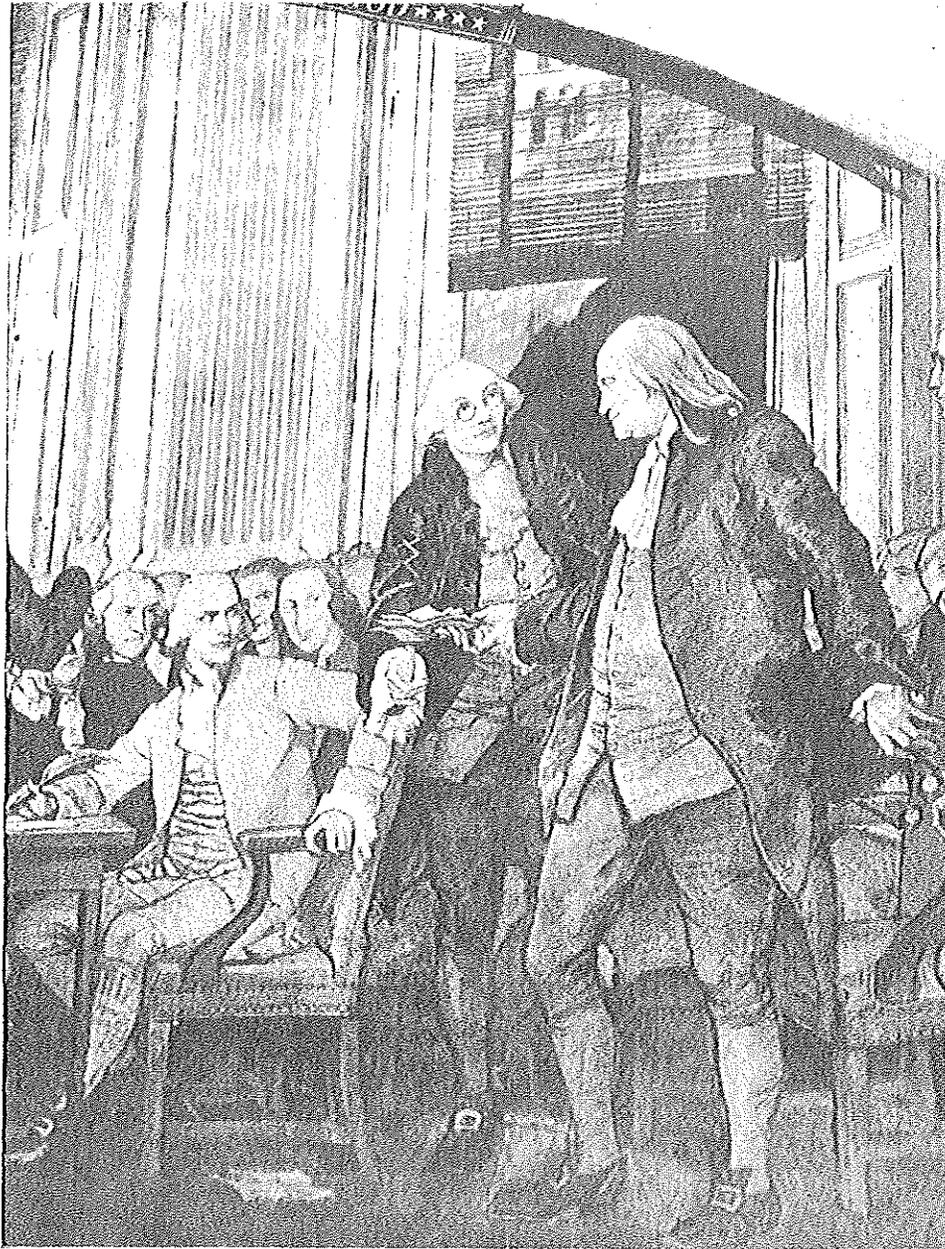
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IMPORTANT—See Inside Back Cover

September, 1943



The Constitutional Convention

The Cleveland Bar Association Journal

This Month's Cover

The Constitutional Convention

By Myrtle I. Lucas

The cover picture is that of the mural painting at the entrance of the Probate Court on the second floor of the New Court House. This was painted by Miss Violet Oakley of Philadelphia, Pennsylvania.

The time represented in the mural is September 17, 1787, just before the signing of the Constitution. Before the formal opening of the convention, George Washington uttered these few words of noble eloquence:

"Let us raise a standard to which the wise and honest can repair. The event is in the Hand of God."

John Fiske said these words braced up the convention to a high resolve.

In the mural you see Benjamin Franklin who has risen with a writ-

ten speech in his hand. His voice was not sufficiently strong to deliver it and he is handing it to James Wilson to read.

It was not possible within the limits of this panel to represent all of the delegates to the Constitution Convention, but the whole Convention is symbolized in the composition of the representatives from the twelve states present. Rhode Island alone of the original "Thirteen" refused to participate. Each one represented was a signer of the Constitution with the exception of Edmond Randolph. He is, however, placed in the picture on one side, as the delegate who presented what was known as "The Virginia Plan"—the plan of the large states.

Notary Public Committee Makes Proposals

The Executive Committee of The Cleveland Bar Association at a meeting held recently received a report from Mr. Clinton DeWitt, Chairman of the Committee on Notary Public. In this report Mr. DeWitt's Committee proposed the following:

(a) that The Cleveland Bar Association loan the Committee \$150.00 to make up a deficit;

(b) that the Executive Committee authorize the Committee to request the Judges of the Court of Common Pleas to adopt a Rule of Court directing that laymen applying for Notary Public Commissions should be subject to pay a charge of \$3.50 in order to pay expenses of the Notary Public Committee;

(c) that the Attorney examiners by Rule of Court be paid a fee of \$7.50 for conducting each examination of lay applicants;

(d) that the Secretary of the Examining Committee be paid not to exceed \$50.00 a week for his services.

On consideration of the recommendation, the following Resolution was adopted unanimously by the Executive Committee:

"BE IT RESOLVED by the Executive Committee of The Cleveland Bar Association that the Com-

mittee on Notary Public be authorized, on behalf of the Executive Committee, to present to the Judges of the Court of Common Pleas for their consideration and action, the following recommendations:

"a. that by Rule of Court the Judges establish a charge to be paid by laymen who are applicants for Notary Public Commissions in Cuyahoga County;

"b. that Attorney examiners of lay applicants be paid a reasonable fee for each examination;

"c. that a Secretary be employed by the Judges at a reasonable salary to take charge, under the direction of the Judges, of the administrative work under Section 120 of the General Code, which section provides for the examination of applicants for Notary Public Commissions and the granting of the same."

INDEX ISSUE

In this number, which is the last in Volume 14, appears a complete Index by Author and Subject Matter to all Articles and Addresses published in the Journal, Volume 14, covering the period October, 1942 to September, 1943, inclusive.

A cumulative Index to Volumes 8 to 13, inclusive (October, 1936 to September, 1942), appears in Volume 13, number 12, September, 1942.

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October, 1943

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Gregory I: Ecclesiastical Law

The Cleveland Bar Association Journal

This Month's Cover

Gregory I: Ecclesiastical Law

By Myrtle I. Lucas

On the north side of the New Court House, above the cornices, are four statutes representing the four sources of law. The first statute is that of Moses who laid down the rules of moral law. The second is Justinian who set forth a civil code. The third is Alfred the Great who clarified the rules of Common Law and the fourth is Gregory I who promulgated the Ecclesiastical Law. The picture of the statue of Gregory I appears on the cover of the Journal.

Gregory I, also known as St. Gregory the Great, was born in Rome about the year 540 of an ancient senatorial family. His father was an official charged with the administration of the secular business of one of the ecclesiastical Regions. He was perhaps the Regionary Deacon's official representative and legal advisor.

From his father, Gregory inherited his administrative capacity, his legal acumen, his unswerving love of justice, and an inexorable severity toward hardened offenders which caused him to be feared even by those who loved him best. Gregory's father destined his son for the bar and the boy naturally focused his studies on Roman and Canon law.

Prefect of Rome

About the Year 573, Gregory, who had attracted public attention because of his prudence, capacity for action and administration, was made Prefect of the City of Rome. As Urban Prefect he was the head of the Senate and could punish those who insulted it. He had supreme civil and criminal jurisdiction not only within the city but also within a radius of a hundred miles of the Capitol.

However, at that time the Lombards were clamoring outside the city gates and pauperism and disease were rife within, and the life of the young Prefect of the City was not an enviable one. It gave him a thorough

distaste for public office and convinced him a political career was not for him.

Gregory As Monk and Deacon

After long consideration, he determined to abandon all public life and become a monk. Gregory then spent three years in the Monastery of St. Andrews in prayer and fasting and asceticism obtained a strong hold upon his mind. However, he was withdrawn from his hiding place by Pope Benedict the First who had observed Gregory when he was Prefect and knew of his popularity with the people, and his legal skill. Sorely against Gregory's will, yet obedient to Benedict's command, Gregory quitted his beloved monastery and was ordained "Seventh Deacon of the Roman Church."

In the Spring of 579 Gregory was made the Papal envoy and was sent forth in the company with a special embassy to Constantinople where he remained for several years. Sometime after his return to Rome in 586 Gregory was elected Abbot of St. Andrew's Monastery.

Elected Pope

In the Year 590 the Roman See had been vacant for more than six months and ratification of Gregory's election came from the Emperor at Constantinople. Gregory was panic stricken at the news and attempted to flee and conceal himself but he was seized and carried off to the Basilica of St. Peter and there consecrated to the Pontifical office and given as Pope to the City.

It is said that Gregory the Great is one of the most notable figures in ecclesiastical history. He exercised in many respects a momentous influence on the doctrine, the organization and the discipline of the Catholic Church.

Tax Institute Held

A total of 553 members of the Bar attended the Tax Institute which was held by the Association in the Ballroom of Hotel Allerton, August 30th and 31st under the auspices of the special income tax committee made up of Raymond T. Jackson, Chairman,

Leonard H. Davis, Eugene H. Freedheim, Depew C. Freer, Harry F. Pattie, and Elbridge D. Phelps.

The receipts from tuition totaled \$792.00. The expenses amounted to \$149.35, leaving a balance of \$642.65 which is held by Treasurer Herman H. David for the credit of the Committee to be expended by it in promoting the work of the Institute.

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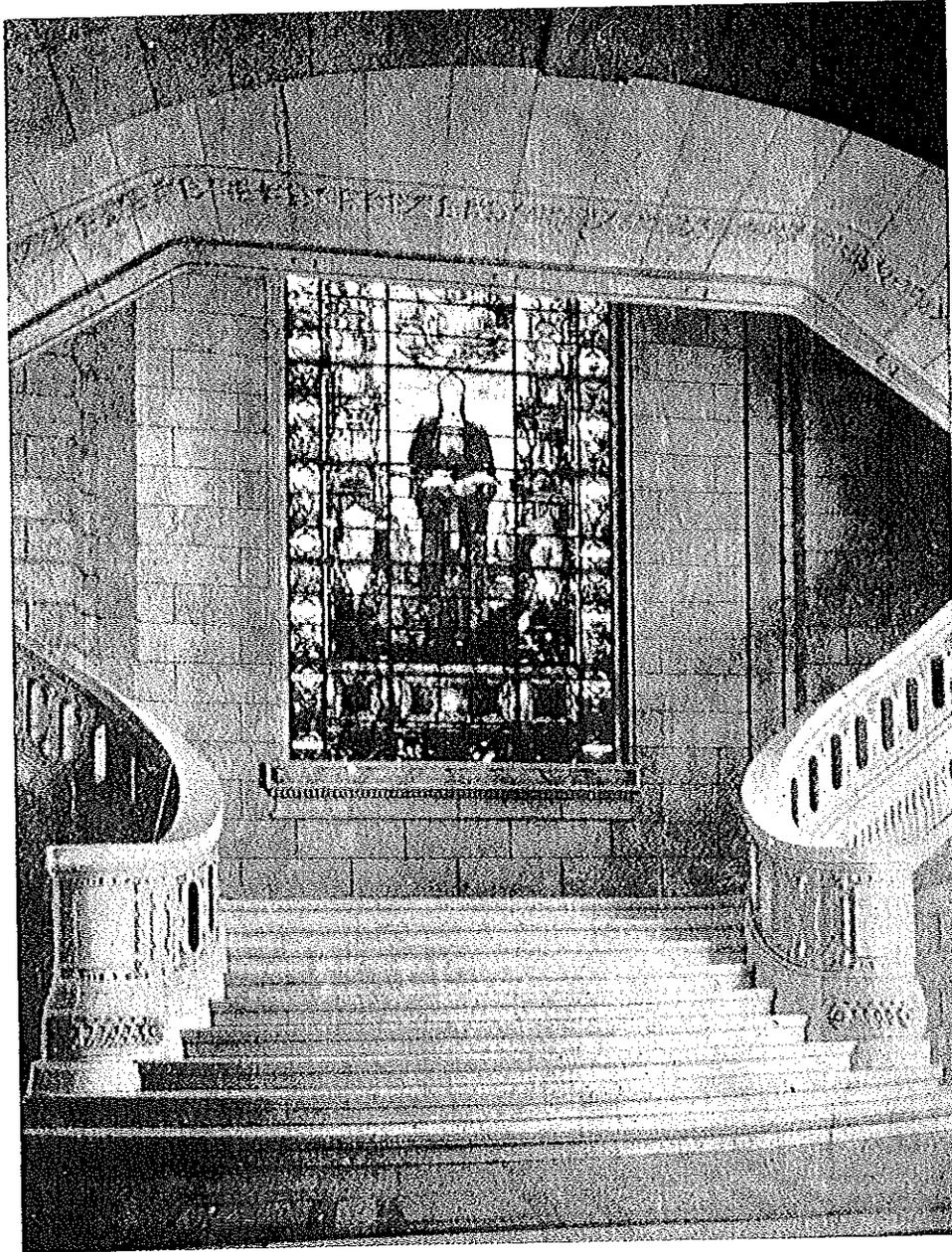
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November, 1943



Main Stairway of the Court House

The Cleveland Bar Association Journal

This Month's Cover

Main Stairway of the Court House

By Myrtle I. Lucas

The cover picture this month shows the magnificent marble stairway which affords a double approach to the second floor. The ornate glass windows above the first landing of the stairs was designed by Mr. C. F. Schweinfurth of Cleveland, Ohio, and Mr. Frederick Wilson of New York.

The central figure holding an open book in her hands portrays the artist's conception of Justice. It is recorded that they purposely left the usual bandage from her eyes to show that the New Court House Justice is not blind. Why they omitted the traditional scales and sword is their own secret. Moreover, no one of authority seems to know just what book they have substituted.

Mythological Justice

The Greek "Justice" or "Themis" was the wife of Zeus, the chief god of the Greeks, while the Romans worshipped her as the wife of Jupiter, the chief god of the Roman State. The Romans portrayed her as a goddess of justice who sat beside Jupiter on his throne. She is said to be very beloved of the father of gods and men and bore him the hours, the goddesses who regulated the seasons, and the Fates.

Harold, following the Greek traditions made Themis the wife of Zeus by whom she became the mother of

a brood of well-bred abstractions—Legality, Justice, Peace, as well as the Hours and the Fates. Homer spoke of Themis as a mythological personification of "custom" or "unwritten law". Modern writers sometimes conceive Themis as a personification of law and justice—an idea much more abstract and advanced than the original sense of "traditional custom."

Scales And Sword

The origin of the scales and sword of Themis or Justice dates back to the time when Pluto received his share of the world the supervision of the Infernal Regions. Near Pluto's throne were seated the three judges of Hades—Minos, Rhadamanthus, and Aeacus, whose duty it was to question all newly arrived souls to sort out the confused mass of good and bad thoughts and actions and place them in the scales of Themis, the blindfolded, impartial goddess of justice. Themis also bore a trenchant sword to indicate that her decrees would be mercilessly enforced.

If the good outweighed the evil, the spirit was led to the Elysian Fields; but if, on the contrary, the evil prevailed, the spirit was condemned to suffer in the fires of Tartarus.

Sept. Report on Common Pleas Court

The civil cases pending September 7, 1943, in the Common Pleas Court totaled 5015. The number in the inactive list was 735, leaving a total of active cases of 4280.

The divorce cases pending totaled 2869.

There were 46 criminal cases pending.

In the May Term, there were 1532 civil cases and 2401 divorce cases filed.

There were 1165 civil cases disposed of in the May Term, a loss of 369 on the docket.

The divorce cases disposed of amounted to 1601, a loss of 800 on the docket.

In the pre-trial room 351 cases were assigned; 79 were settled; 52 were held or returned to the Assignment Room for further proceedings;

in 58 stipulations were entered into in open court; in 26 juries were waived; in 14 juries of 12 were demanded; in 80 juries of 12 were agreed on; and in one a jury of six. Thirteen cases were tried by the court.

Form New Firm

Edward J. Schweid, Clarence K. Snyder, Paul H. Torbet and Roger A. Zucker announce the establishment of law offices at 1220 Guardian Bldg., under the name of Schweid, Snyder, Torbet and Zucker, and will have associated with them Leon S. Kahn, Gabriel Leeb and Edwin E. Morgan.

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December, 1943

Holiday Issue



Moses, The Spiritual Lawgiver

The Cleveland Bar Association Journal

*This Month's Cover***Moses, The Spiritual Lawgiver***By Myrtle I. Lucas*

The statue of Moses on the north side of the New Court House, is this month's cover picture.

Moses was born of Hebrew parents while they were in captivity in Egypt. Fearful of the edict of the Pharaoh which ordered all male Hebrew children to be destroyed, the mother of Moses, after keeping him hidden for three months, placed him in an ark of bulrushes and laid it at the river's bank.

The story of how the Pharaoh's daughter found Moses and adopted him as her own is well known. She had the best teachers of the land train the boy in all the wisdom of the Egyptians, Greeks, Assyrians and Chaldaeans and he thus acquired great intelligence.

The Bible records one day Moses saw an Egyptian smiting a Hebrew. Thereupon Moses slew the Egyptian and invoked the great displeasure of the Pharaoh. Moses then fled to the land of Midian. There he married and had a son.

One day while Moses was tending the sheep of his father-in-law, he came to the foot of Mount Sinai (Horeb) where he was attracted by a burning bush. He then heard the voice of the Lord and received the divine revelation that he was to be-

come the liberator of the Israelites from Egyptian bondage.

Because of the miracle wrought at the Red Sea, the Hebrews recognized Moses as a man of God, to whom they now committed the task of caring for their physical well-being as well as their spiritual guidance.

Moses led them first to Sinai where the law was revealed. They there accepted a form of government which may be called Theocracy—a government recognizing the immediate sovereignty of God. Moses' exalted experience in Horeb gave them in the Ten Commandments the fundamental truths upon which their subsequent laws were founded. Thus the greatest of all moral codes came into being.

The authorship of the Pentateuch was long attributed to Moses. But recent discoveries have definitely disproved this theory.

This now wise detracts from the high accomplishments of the great Lawgiver, but rather emphasizes the

efforts of the priest writers to utilize his name to the utmost to strengthen the adherence of the people to the Mosaic Code.

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