

PROCEEDINGS AT THE MEETING
of the
INDIANAPOLIS BAR ASSOCIATION
in memory of
ALBERT BARNES ANDERSON

Monday, May 2, 1938

FILED
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ALBERT C. SOGEMEIER, Clerk

COMMITTEE:

Louis B. Ewbank, Chairman,
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Indianapolis, Indiana.

Monday, May 2, 1938.

The Indianapolis Bar Association met pursuant to call in the United States District Court for the Southern District of Indiana at Indianapolis, Indiana, on Monday, May 2, 1938, at two o'clock in the afternoon.

MR. THOMAS D. STEVENSON, President, in calling the meeting to order, said:

The good that came from Judge Anderson's many years in judicial office was, of course, much more than something enjoyed within the relatively narrow limits of the community in which he lived, and in which most of his work was done.

The effect of Judge Anderson's service can fairly be said to have extended from the District through the State, and the Circuit, to the nation as a whole. His decisions and his reputation as a fearless, honest and impartial administrator of the laws, are well known and will be long remembered wherever the authority of the courts of the United States extends. Nevertheless, I think it can also be said that Judge Anderson was def-

initely and fairly identified with the state in which he lived, in which most of his service was rendered, and in which he rests.

It seems entirely fitting, therefore, that whatever of honor can be accorded his memory on such an occasion as this, should be offered under the auspices of the Bar of the State of Indiana. To that end, may I present Mr. Loudon L. Bomberger, of Hammond, Indiana, President of the Indiana State Bar Association, who will speak to you on behalf of the lawyers of the State, and preside through the remainder of our proceedings. Mr. Bomberger.

MR. BOMBERGER:

Mr. Chairman, Members of the courts, and of the Bar:

Again we are reminded that time passes, and so do men. The great majority go out with scarcely a ripple in the affairs of those who remain. Some draw passing comment from their immediate community; others reach beyond it; but only at infrequent intervals does a whole profession pause in its activities to contemplate

the career and honor the memory of one of its members. We are doing that in Indianapolis today. Indeed, it has been done by groups in every court center ever since the sad tidings were spread among us. The spirit of this meeting goes far beyond this city, and is not limited by the boundaries of our State, for the man whose life has inspired this occasion was no mean citizen.

For well beyond thirty years we have known him as a Judge. We like to pronounce that title with deliberation, for it is fraught with significance. "Justice", said Webster in his eulogy on the life of Mr. Justice Story, "is the chief business of mankind upon the earth." Thomas Carlyle, rugged cynic, declared that there is nothing else can endure.

If we agree, then, with these authorities, we are assembled to consider the life and career of one who was engaged in mankind's chief business. That alone would command our attention and respect.

Perhaps most of you recall with me the experience infrequently permitted to the average child and youth, of being in the presence, or even in sight of a

Judge. We stood in awe of him; he was a mortal apart. We felt that he was possessed of a power that to us was strange, bewildering and mystical. I have not entirely escaped that reaction. But I trust you also share with me the consciousness that as our professional careers lengthened, and our contacts with judges increased, that feeling of awe gradually shaded into one of sympathy, accompanied always by respect.

The experiences of a judge, I imagine, carry him into periods of deep loneliness, which one not charged with the responsibilities of the bench cannot understand. Very often, as I well remember, one of my dearest friends, whose career as a Judge, both on the Circuit and on the Supreme Court of Indiana was a distinguished one, reminded me, when I was prone to display youthful impatience with the courts, that the Judge, after all, treads the wine press alone.

Judges must have frequent escapes to their own Gethsemane, where, in the solitude which is said to be the mother of wisdom, they may pursue, unhampered and unperturbed, their search for that light whose effulgence

is indispensable to the administration of justice. They withdraw there, not to find escape from responsibility, but to gather wisdom to discharge it.

And are judges not often hard pressed to reconcile opposing arguments, to appraise authorities and precedents in their true value, to distinguish principles, to detect the spurious, to discern and deal sternly with the disingenuous, to temper justice with mercy when appropriate? These perplexities are augmented by besieging lawyers, zealous for a cause, and can be minimized only by an intelligent Bar, whose members present their cases fairly, discriminate in their discussions and their briefs, and thus aid rather than impede the courts. Judges are entitled to at least this consideration. Forthright lawyers do not consciously withhold it.

But the difficulties of judges do not end there. Their position, and the fearless discharge of their duties may be a definite menace. It has been well said of Judge Anderson that he was fearless, that he was unmindful of critics. Upon one occasion, in anticipation of criticism

of his action in a case of wide notoriety, he is said to have observed, with a suggestion of what I have referred to as a feeling of loneliness, "They may criticise me, but they may also take consolation in the fact that they have no responsibility in the matter."

Whenever necessary, his conduct showed such complete forgetfulness of his own welfare, of his personal safety, as to remind us of an incident related by Dante. Beatrice, you will recall, was guiding him through the Inferno, with terror, anguish and agony on every side. In answer to his inquiry as to her ability thus to move calmly and serenely among such horrors and dangers, she said,

"Those things alone are to be feared
Whence evil may proceed;
None else, for none are terrible beside."

We may deliberately say that he of revered memory moved thus unperturbed throughout his career. He feared nothing, and hated only evil, even the appearance thereof.

The press has carried columns concerning his life and service, and particularly stressing some of the

colorful events of his varied experiences. Quotations from judges and lawyers have been freely and appropriately made. None of them have seemed to be extravagant, and nothing that will be said by those who follow me will be mere fulsome flattery.

I believe that if the lawyers who have appeared before Judge Anderson will indulge in retrospect they will agree with me that we were always successful in his court. Occasionally his pronouncement was sweet music in my ears; but when my opponent obtained the decision I was still successful, in that I heard from the Bench a better portrayal of the futility of my cause and the error of my position than I had recognized before.

So I affirm that it was excellent training, for which I am grateful, to appear in his court. It called for one's best, and what lawyer should be willing to give less? It developed and disciplined us, and who that aspires would escape discipline? If I should attempt to state in a word the basis of my deep gratitude to him, it would be that he never permitted me to let down. I am confident that all lawyers who practiced in his court,

and who intelligently and thoroughly prepared their cases, presented them courageously and fairly, will join in expressing high admiration for an illustrious jurist, and a deep sense of personal loss at his passing from among us.

His complete domination of a situation was due, I believe, to his immense reserve power. He seemed never to exhaust his fund of knowledge nor reasons for his decisions. Lesser men readily scrape the floors of their mental storehouses, but he definitely gave the impression that much more could be brought forth, if needed to sustain his position. It is a rare but fascinating quality. We see occasional flashes of it in the pulpit, now and then in the writings that endure, seldom in the realm of pure oratory. It is supremely satisfying, of course, to win a legal battle, but the great consolation of defeat is the pronouncement by the Court of the reasons impelling it. This Judge Anderson could do with surpassing appropriateness.

Very frequently when before him I was compelled to work my way up a stony path, amidst peals of judicial

thunder and dazzling flashes of intellectual lightning; but ever have I said what the Bar always thinks of a good Judge. It is best expressed in the words of Job. When his comforters urged him to rebel because he was apparently getting the worst of life, he replied, with that surpassing expression of confidence -

"Tho He slay me, yet will I trust in Him."

The next order of business is the presentation of the memorial which has been prepared, I am informed, by a Committee of which Judge Louis B. Ewbank is the Chairman, and I take pleasure in recognizing Judge Ewbank.

JUDGE EWBANK:

Mr. Chairman, Members of the Bar Association,
Ladies and Gentlemen:

Hon. Albert Barnes Anderson was born February 10, 1857, on a farm in Boone County, Indiana, some fifteen miles from Indianapolis, near the town of Zionsville. He was graduated from Wabash College with the degree of A.B. in 1879, and two years later was admitted to the Bar at Crawfordsville, where he practiced from 1881 until December

18, 1902, when he was appointed Judge of the United States District Court for the District of Indiana. His parents were Philander Anderson and Emma (Duzan) Anderson. He was married November 14, 1882 to Miss Rose Campbell of Crawfordsville, a daughter of one of the professors at Wabash College.

In 1886 he became Prosecuting Attorney of Montgomery County, Indiana, and continued in office four years.

In 1885 he had formed a partnership with Benjamin Crane, and the firm continued as Crane & Anderson until he was appointed as Judge of the District Court. In the practice of the law he was aggressive and forceful, and his law firm acquired a wide reputation.

He was made Master of Arts the year following his graduation from Wabash College, and the degree of L.L.D. was conferred upon him in 1907.

He was appointed United States District Judge by President Theodore Roosevelt, and continued in that office more than twenty-two years, when he was commissioned by President Calvin Coolidge as one of the Judges of the Circuit Court of Appeals at Chicago on January 14, 1925. The age at which a Federal Judge may voluntarily retire

is seventy, and Judge Anderson then lacked more than two years of having reached that age. He continued in active service at Chicago four years, and retired in June, 1929. Since that time he and Mrs. Anderson have spent much of their winters at Winter Park, Florida, and their summers chiefly at their summer home at Burt Lake, in Michigan, usually stopping at Indianapolis for a month or more in passing from one to the other.

He became seriously ill at Winter Park, and was brought to St. Vincent's Hospital in Indianapolis on April 10, where he died last Wednesday, April 27, 1938.

During his term as Prosecuting Attorney from 1886 to 1890, he was concerned in the prosecution of a number of celebrated criminal cases, but during the remainder of his service at the bar he engaged chiefly in civil practice.

In his career of twenty-one years as a practicing lawyer, Judge Anderson became known throughout the State as one of outstanding ability, and in the twenty-seven years that he served as a Federal Judge, he gained a high reputation as an able and conscientious

jurist.

As Judge of the District Court, Judge Anderson had jurisdiction of criminal as well as civil cases, and presided at trials in many famous prosecutions, but he also decided celebrated cases of other kinds.

Among the noted criminal cases in which he presided as Judge was the prosecution of thirty-eight members of the International Iron Workers Union, which followed the dynamiting of the Los Angeles Times Building, in which a score of persons were killed, and of many other structures throughout the country in which the steel work had been erected by non-union workmen.

The Union had quarters at that time in Indianapolis, and a quantity of dynamite was found in a downtown building some of them had occupied, which gave a clue that was vigorously followed. This case was on trial from October 1 to December 26, 1911, during which time five hundred and ninety-nine witnesses were examined. Thirty members of the International Association of Bridge, Structural and Iron Workers were convicted of conspiracy and violation of the Federal law prohibiting interstate transportation of explosives.

It is interesting to know that the dynamiting of new steel frames for buildings entirely ceased following these convictions, although they had been occurring to the number of several each week for a long time before the arrests were made.

During the prohibition era Judge Anderson earned a reputation for giving prompt trials to persons accused of liquor law violations, and severely criticized city and county officials for laxity in enforcing the dry law, charges having been made against many public officials, including members of the different city governments. Those accused were tried in his court and a number of convictions resulted.

Having been appointed as District Judge by President Theodore Roosevelt, he gave offense to the President by refusing to send to the District of Columbia for trial on the charge of having published a libel in their newspaper, the publishers of the Indianapolis News, who had been all the time in Indianapolis, from whence copies of the paper had been sent out by mail to many places, including the District of Columbia. Attorneys representing

the Government insisted that the article criticizing acts charged to have been done in promoting a revolution in Panama, complained of as a libel on some of the Federal officers, had been published in Washington, in the District of Columbia, because copies of the newspapers were sent to the headquarters of its Washington correspondent, and were there exposed for sale or reading, and also because subscribers in Washington had received copies through the mail. But Judge Anderson's decision that whatever offense was committed, if any, had been committed at Indianapolis, in the District of Indiana, where the offending newspaper was printed and was deposited in the mail addressed to many parts of the country, and that therefore no court outside of Indiana could have original jurisdiction of a prosecution of such offense, and that the publishers could not be carried five hundred miles away for trial in another jurisdiction, was generally felt to be sound; and while it gave offense to President Theodore Roosevelt, the principle which it declared has been universally approved and followed by the courts in the thirty years since then.

A marked characteristic of Judge Anderson was his

quick and clear understanding of the essential questions involved when any matter was brought before him. His searching mind penetrated at once any fog of confusing details surrounding a problem. Lawyers in argument were both assisted and required to bring their discussion promptly to the ultimate and vital points of the case. He insisted that every matter should be faced frankly and fearlessly, with the utmost candor; and though kindly and generous in his attitude toward those he believed were trying to present their questions fairly and honestly, he had little patience with any who sought to reach their ends by indirection, or by evading essential problems of vital interest that demanded consideration.

These and like elements of his character as a jurist, including his stern integrity and earnestness of purpose, early in his career as Judge of the District Court brought him fame and high standing throughout the country, which continued to expand during his service on the bench, and will yet increase with the lapse of time.

How many friends we loved are gone!
Death ever from us takes the best;
O, Death, be careful of the rest,
We cannot spare another one.

Louis B. Ewbank
James W. Roe
Samuel O. Pickens

Floyd W. Burns
Robert Baker
Marlin M. Hugg
Dudman E. Matson

Joseph J. Davis
Howard S. Young
Frank C. Bailey

Memorial Committee.

JUDGE EWBANK:

Mr. Chairman, I move that these resolutions be adopted, that a copy be furnished to this court for spreading

upon the minutes, that a copy be sent to the Circuit Court of Appeals, and that a copy be sent to the family of Judge Anderson.

MR. SAMUEL D. MILLER:

I second the motion.

MR. BOMBERGER:

It has been moved and seconded that the resolutions as read be adopted. Before putting the motion we would like to hear from those present who desire to pay tribute to the memory of Judge Anderson. I have the honor to call upon and recognize the District Judge of this District, the Hon. Robert C. Baltzell.

JUDGE BALTZELL:

The death of Judge Anderson was a distinct loss to the judiciary, to the bar, and to the citizens of our community in general. He was a distinguished jurist, and an able lawyer, as well as a splendid American citizen.

My early acquaintance with Judge Anderson did not begin, as did that of many of you who are present today, with actual litigation in his court. Living some distance from Indianapolis, and being engaged in the general practice,

I seldom had occasion to be in Federal court. My first contact with him began during the World War - approximately twenty years ago - when some young men were brought before him charged with draft evasion. At that time I had charge of the execution of the draft in Indiana, and therefore was afforded an opportunity to observe, first-hand, the manner in which he disposed of those cases, as well as the manner in which he conducted his court. I was impressed with the dignity with which he presided, and with his efforts to learn the truth in order that justice might be done. A few years later there was a riot in the southern part of the State, and it became my duty to preside in the State Court over the trial in the criminal prosecution of the offenders. Several civil cases growing out of the commission of this offense were filed in the Federal court, and were tried before Judge Anderson. In the course of one of the trials in Evansville the Town Marshal was testifying. The riot took place in a small town of some six or seven hundred population, but on that Friday night in June, beside the residents, there were seven or eight hundred strange people in that little town. The Marshal testified that he was on the street, but that he saw nothing unusual.

In answer to a question directed to him by the Judge, the Marshal stated that he received a salary of fifteen dollars per month. Judge Anderson observed that he thought he was overpaid. I cite this simply as an example of the manner in which the Judge impressed upon the witness the fact that he did not have much respect for his ability as an officer, nor attach much weight to his testimony.

Later, a citizen of our county was drawn as a member of the Federal petit jury. He brought his summons to me, and said that it would work quite a hardship upon him to leave his home during the winter months. As I was coming to Indianapolis within a few days, I suggested to him that I would talk with the Judge personally about his being excused. I explained his situation to Judge Anderson in his chambers, and he told me to go back to Gibson County and handle the matter the same as though the juror was called to serve in my own court, and that if I felt that he should be excused, to excuse him. In that manner he placed the responsibility squarely upon me. I accepted it, and advised my friend that I believed he should serve, and I so wrote the Judge.

The duties and responsibilities of a Judge are such that he must have confidence in the members of the Bar, and when he delegates a responsibility to a person in whom he has confidence, he knows that person will not fail him - and no one knew that better than did Judge Anderson.

When I succeeded Judge Anderson as Judge of the District Court, I felt very keenly the great responsibility resting upon me. He had the respect and confidence of the Bar, and of the citizens generally. The court over which I was called upon to preside had attained its high standing because of the great respect which the people had for the judges who had theretofore presided over it, and the confidence which they had in their honesty, integrity and ability. No one desired me to succeed more, and no one rendered me more valuable assistance in my early days upon this bench than did Judge Anderson. His long experience as Judge of the District Court rendered his advice and suggestions invaluable.

I had an opportunity to observe the Judge, over a period of more than four years, as a member of the United States Circuit Court of Appeals, and was honored upon several

occasions, with an invitation to sit as a member of that court during that time. One could not always determine the position he would take in the conference room by the questions propounded or the observations made by him during the course of the oral argument. It would seem that he enjoyed more the oral argument than the final disposition of the case, because it recalled more forcefully his experiences over the twenty-three years that he spent upon the district bench, which, in my opinion, were perhaps the happiest days of his life.

His opinions were never lengthy, but he came directly to the point, and disposed of all questions with as few words as possible.

During the quarter of a century and more that Judge Anderson presided over the District Court, or was a member of the Circuit Court of Appeals, his influence for law and order was felt throughout the entire State of Indiana, and far beyond its boundaries, and that influence is felt yet today and will continue to be felt for a long time to come. He believed that it was the duty of a court to protect the liberties and property rights of all people alike. He believed that the people should respect the court, and have confidence

in it, and so believing, he exerted his best efforts to conduct his court in such a manner as to merit that respect and confidence. In those efforts he was successful.

It can truthfully be said of Judge Anderson that he had a profound respect for the law, that he believed in a rigid enforcement of the law, and that he believed in strict obedience of the law. These attributes, together with his keen intellect and sterling character, made of him the great jurist and citizen which he was.

MR. BOMBERGER:

The Chair will recognize as the second speaker Mr. Frederick E. Matson, of Indianapolis.

MR. MATSON:

Mr. President:

I regret exceedingly that the unavoidable and unexpected absence of a member of the Circuit Court of Appeals, and a member of the State Supreme Court, has brought me so suddenly to the position of speaker here today, and that the immediacy of the notice has given no opportunity to prepare anything in the way of remarks, so that whatever

I may say will be entirely extemporaneous.

It has been my privilege to be a member of this bar during the service upon this bench of three men - Judge John H. Baker, Judge Albert B. Anderson, and now, Judge Robert C. Baltzell; also during the service upon the Seventh Circuit Court of Appeals bench of these men from Indiana - Judge Gresham, Judge Woods, Judge Francis E. Baker, Judge Anderson, and now, Judge Sparks and Judge Treanor. I think the mere mention of these names explains why it is that the Federal bench in Indiana, and the Judges from Indiana, have attained the high eminence they have in public esteem throughout the nation. With all respect to the men who have sat upon the District and Circuit Court of Appeals benches in other circuits - I believe it can be said that none have attained higher eminence or given greater credit to their respective communities than these men of ours have given and are now giving. The men I have named welcomed Judge Anderson into a great group, and Judge Anderson, in turn, did not lessen the distinction which that group has given to the judiciary of the land.

I should like to remember in detail if I could, and recite a few incidents in Judge Anderson's career, but I have not had time to refresh my recollection very much in that respect. I do recall that I had the opportunity of participating in the first labor case that appeared before Judge Anderson, within less than a year, I think, after he began to sit upon this bench. There was a strike in Elwood in a large glass factory, and violence was being indulged in, and though the strike was by a relatively few employees of the Company, it was closing down the works.

I brought suit for injunction. The injunction was granted. Peace ensued for a few weeks, and then violence began again. I brought before Judge Anderson, on citation for contempt, some thirty persons. This, of course, was a difficult thing for a new Judge, feeling his responsibility in the delicacy of such a situation, but, true to his character, he dealt with it fearlessly and fairly. My recollection is that he found some eighteen or twenty men guilty of contempt. The men whom he felt to have been led into doing the things they should not have done he dealt with very generously, and gave them only a

the manner in which he dealt with us. I think that one could appear before Judge Anderson with a complete feeling of assurance that as soon as the questions were definitely and clearly presented to him, and as soon as he came to understand the problems involved, his clear and strong mind would reach directly and almost certainly to the correct result. And as the Bar came gradually to understand that, we grew to admire him and love him, and respect him deeply and sincerely.

I had no practice before him in any criminal matters, but I know from reading at the time, and from observation, that he was a man who believed that the processes of the law should be scrupulously followed. He had little feeling of generosity for men against whom indictments were returned unless and until the evidence proved of record that they were entitled to consideration. His leniency came after conviction, rather than before. He did not believe in, and would not tolerate any soft dealings or compromise arrangements with men suspected of illegal practices while they were being considered by the Grand Jury.

I remember one other instance which possibly I

should mention as illustrative of his character, and his consistent and unfaltering demand that every lawyer that appeared before him to practice should come into court with clean hands, and in observance of all the ethics of the profession.

There was a matter we had here a few years ago that required attention while he was away on his summer vacation. A Judge from the Western District of Illinois was sent here by the Circuit Court of Appeals to sit in the case on a motion for a temporary order. The parties who wanted to present that motion had very unwisely employed as their counsel for the phase of the matter that was before this Judge only temporarily, the Referee in Bankruptcy in the home district of that Judge. Their motion was sustained, and the desired order was granted. Those of us who were concerned in the matter felt that this was wrong, but nothing was done until the final hearing on the matter. This time Judge Anderson sat, and again this attorney, who was Referee in Bankruptcy under the other Judge, appeared to represent the movers. The first thing that happened - I was not in court myself but my associates told me - the first thing that happened was

that Judge Anderson asked who was representing the parties first to be heard. This gentleman stood and said he was. Judge Anderson asked him who he was. He told him. The Judge asked him if he had any official position, and he said he was Referee in Bankruptcy in the District of the Judge who had entered the order. Judge Anderson said to him, "Do you think you have any right to appear here, or that you had any right to appear here before, being an officer of the very court of the Judge before whom you appeared when the order was entered?" The result of it was, Judge Anderson instantly discharged him from employment in the case, and commanded him to leave the court room.

There are many men in this room who could recite instances of Judge Anderson's attitude upon the bench in illustration of his high conception of the manner in which the business of his court should be conducted. I can go no further now. I think that all of us who have lived during his regime - in fact, during the entire regime that I spoke of, and that is still unfinished - have reason to be proud of the fact that we had the privilege of appearing before a man of Judge Anderson's type. There

is no question that his name and his memory will go down in this District and in this Circuit as one of the great men who have sat upon the bench.

MR. BOMBERGER:

It appears that we have some communications, and before calling upon the last speaker assigned to talk upon the resolutions, I will recognize Mr. Samuel D. Miller.

MR. MILLER:

Mr. Chairman, Ladies and Gentlemen of the Bar:

It was the intention of those who had the arrangement of this meeting, and the responsibility for it, of course, to have a representative here from the Circuit Court of Appeals at Chicago. It was also their desire and effort that a member of the Supreme Court of Indiana should be here to speak as representative of the bench of the State, and also that Judge Slick of the Northern District should be here. Unfortunately, we have not been successful. I have a letter in my hand from Judge Evan A. Evans, Chief Judge of the Circuit Court of Appeals, and if you will bear with me I will read it,

because it is self-explanatory.

"Dear friend Miller:

After your telephone call yesterday I saw the Judges of our court, and find the situation most unfortunate. Judge Alschuler and Judge Sparks, and perhaps Judge Treanor will be at the funeral tomorrow. Judge Alschuler is not particularly healthy, and has not been for several years. He ought not to go, but he is insistent.

Unfortunately, I went to the hospital a few weeks ago and I have my head quite embarrassingly bandaged up, and I have not been fully released from the hospital. While I am doing some work, it is not at my office, and I am not sitting on the court these days. I am told that I should not go to Indianapolis, and I have reluctantly decided not to do so.

We are more than embarrassed because none of us can be present Monday afternoon. I feel quite strongly that I should be the one who should attend that meeting. On May 16 this year, I will have completed twenty-two years of service. My first day's service was with Judge Anderson and Judge Geiger as my colleagues. I recall that case so distinctly. It was a fraud action where one side

had little or no excuse for being in court, and, in fact, an ordinary citizen wondered how he was at large. He had fleeced innocent investors out of a million dollars, and the fraud was brazen and vicious. I well remember the terrible tongue-lashing Judge Anderson gave the party, and his attorney was not spared. I had never heard such caustic observations, but on the other hand, every word of it was justified, and more fit words could not have been found. From that date to the end of my relations with Judge Anderson, we grew more intimate. I was privileged to take trips with him, and enjoyed a family intimacy which added to the official association.

It is doubly regretful that I cannot attend next Monday, but it is unavoidable, and my associates are all so engaged in their work and have cases set, that none of them can get away.

I wish you would please give this information to the Bar Association, as well as to Judge Baltzell, and I assure you I greatly appreciate the courtesy you show me, and the trouble you went to in notifying me of the date, etc.

Sincerely,

(Signed) Evan A. Evans. "

Of course, it is a matter of great regret to us that Judge Evans is not here, or that some representative of the court is not here. I should say, and I believe you all know, that Judge Alschuler was at the funeral, as was Judge Geiger of Wisconsin. Judge Kenesaw M. Landis, although not now on the bench, but at one time a colleague of Judge Anderson, was there, and numerous others.

Unfortunately, Judge Slick is confined to his home by illness, and so is prevented from being here today. An effort was made, and we thought arrangements had been completed whereby one of the judges of the Indiana Supreme Court would be here, as I said before, to speak for the bench of the State, but only today - this morning - the President of the local Bar Association was notified that by reason of some official action before the court today, neither he nor any of the other judges of the court could be here.

Before I sit down, having had long personal acquaintance with Judge Anderson, it may not be improper for me simply to say a word or two. I admired him greatly, which is no credit to me, though it would have been

a discredit to me if I had not admired him greatly.

Two phases of Judge Anderson occur to me, and I may illustrate them by two instances that came to my mind as Mr. Matson faltered. I am a graduate of Hamilton College, in central New York - a small college, but one of the best - very much of the nature of Wabash College - indeed, they have many things in common; and quite some years ago it so happened that I was President of the Western Alumni Association of Hamilton College, which had its annual get-together or banquet, or whatever you might call it, in Chicago. I went to see Judge Anderson and wanted to get him to make a speech at that meeting, and I had a nice talk with him. He said, "I can't do it." I said, "Why not?", and he said, "Sam, I'll tell you. If I make a speech, I want to say something, and just as sure as I make a speech at that dinner, and talk about something I want to talk about, probably the next week there will be some men in this court with some litigation that will touch upon the matters that I might talk about, and they might consider that I had pre-judged the case."

He had a very high sense of responsibility as to keeping his mind pure in a case. His mind, when you

went into his court, was like a white sheet of paper, and while I have seen him talk to men in a very vigorous and sometimes harsh way, and while I have, myself, on frequent occasions been the subject of some such treatment, I knew, and everybody who came to know him knew that there was no personality in it at all - that he was aiming at one thing, and that was to reach a just conclusion in the matter before him.

He had the most amazing gift of wiping cobwebs out of the way, as Mr. Matson has otherwise expressed it, and laying the kernel out in his hand and saying, "Gentlemen, that is what I want to hear about - don't bother me about this stuff and that stuff; there it is, right there - now talk to me about that."

Another thing comes to me as to his utter repulsion against anything unfair. I was reminded of it by Mr. Matson's talk with reference to the strike in Elwood. This involved a strike case, too. It came from Washington, Indiana - a railroad strike. Injunctions were issued - violations - citations for contempt - and the citations for contempt were on trial in this court room.

One of the men who was cited for contempt was on the witness stand, and after counsel had finished his examination, Judge Anderson took him. He leaned over the bench in that way that those who practice here are familiar with, and he said, "You hit this man, didn't you?" The witness said "Yes, sir." "And he was tied to a post with wire when you hit him, isn't that true?" He said, "Yes, sir." Judge Anderson leaned back in his chair for a moment, and then he said, "What did you hit him for?" "Well, he called me a name." "Well, what did he call you?" The witness hesitated. "Oh", said Judge Anderson, "don't mind us. (the court room was more crowded than it is today). "Don't mind us. We all understand English here. What did he call you?" And the man uttered an oath with a foul epithet attached to it, and said, "That is what he called me." Judge Anderson leaned over the bench and said, "Pretty near right, wasn't he?"

Now, a memorial meeting might not be the place to indulge in humorous reference, but that showed his fairness - his determination to do everything fairly, and to see that everybody who came under his supervision or control did things fairly. An unfair thought could not

pass through his mind.

So, Mr. Chairman, and Gentlemen of the Bar, all I can say to my old friend - and he was my friend - is, "Hail and Farewell".

MR. BOMBERGER:

The communication from Judge Evans, as well as the remarks of Mr. Miller, will be spread upon the record of the proceedings of this meeting, and I shall now call upon an old friend and neighbor of Judge Anderson, my friend, Chase Harding, of Crawfordsville.

MR. HARDING:

Mr. Chairman:

I wish I dared speak with the affection that I feel for Judge Anderson. A memorial occasion to me is not one of sorrow, but should be in a happier vein. Mr. Miller's suggestion of humorous reference is entirely fitting, I would say. I think it was Plutarch who reminded us of the origin and practice of memorials in connection with the deceased - that it is not for the good of the departed, but that the living may recount and take to themselves the virtues of the one who has

lived well; and Plutarch proceeds to tell us that virtue is the one quality desired by all men - the one quality that never provokes envy, and which all men desire to possess, not that they may hold it to themselves, but that they may pass it on to others.

I know that I am expected to speak as one who knew Judge Anderson in his earlier years and before he came upon the bench here, because most of you knew him better, at least in his service on the bench, than did I.

Judge Anderson and his wonderful partner, Benjamin Crane - both of them the finest, most lovable men that ever lived - were my fathers in the law. All that I have attained in the practice I owe to them. I spent three years and better in their office - three years while Judge Anderson was yet in the practice in Crawfordsville. Our friendship, of course, continued always.

You will be interested in knowing, as gauging this man, more of his ancestry. He was well born - born of the great middle class. His father was of Scotch

Presbyterian blood - a rigid type. His mother was of French descent, with the gentle, volatile sense of humor that comes with the Latin race - a perfect foil for her more severe husband. His father was a rigid disciplinarian. Judge Anderson's sense of discipline has been mentioned here. In that connection, I recall he showed me one time a letter he had received from a ladies' club out at Clark's Hill, or Thorntown, about the time the Judge had achieved a certain publicity as a great figure of worthiness on the bench. This club wrote to him that they were having a meeting, and they knew such a man as he must have had a wonderful mother, and this was a mother's club and they very much wished he would come out and address their club, and tell them about his mother. He wrote very briefly, courteously thanking them for the invitation, but stating that since he had assumed the bench he had refused to make any public addresses, and would have to decline; and then he added a postscript (they had asked that he give them advice as to how to raise their sons) - "as to any advice about rearing your sons, I would suggest that you do not neglect the woodshed treatment."

Judge Anderson never forgot that discipline. It was always tempered by the influence of his mother, but he realized, I think, the thing that is mentioned in the story of Hannibal, whose father, when the lad was nine years old, said of him, "He will make a great General, for he, of all my soldiers, best knows how to obey."

Mr. Miller mentioned Hamilton College and Wabash College. You know, it is a strange thing to me, and a sort of a hobby with me, that this same breed cross that produced Judge Anderson produced Alexander Hamilton, and there was much in the thought trends and the mental characteristics, and the courage in the carrying forth persistently, that was similar in these two men. You will recall that Talleyrand, when he visited this country, was so impressed with the mental gifts of Hamilton that he said of him that he may not possess the power of Divination without reason. Dr. Tuttle, of Wabash College, in whose course Anderson trained, said of him, long before he was a noted man, that of all the students he had pass through his regime, Anderson could see through

a problem and out the other side quicker and more clearly than any student he had ever known.

And that was true of him. What you have said about him getting at the kernel of the thing was true. He possessed a marvelous quality of thought, and no man was able to better express in clear language, stripped of all verbiage, the thing he wanted to say.

It was worth everything to see Anderson in the practice, and that is what I shall carry to you - his sheer ability. No man ever had a higher sense of the ethics, of the duty, and of the trust of his profession. This sense of discipline went with it. They used to say of him there that when an accused who had been indicted, or who had been convicted, would get his friends to come to him to get leniency he would say, "The law says I shall prosecute you"; and when one would come to him to get him to throw off his meager fee as a prosecutor, he would say, "The law says I shall charge \$5.00;" and he did.

He made his reputation in the famous Pettit case, which you probably all know. He was a young man then. Counsel on the other side were a group of the

most prominent Lafayette attorneys. Anderson was always a commoner. He never forgot the common touch. They tried that case for weeks, and the closing thing in it was Anderson's speech. He spoke a whole day. The court room was crowded - they were perched on the window sills and everything else. They brought their lunches and stayed through the noon hour. Howard O'Neil, one of the citizens of the county, and an admirer of Anderson, tells the story that down at the hotel the night before, after counsel for the defense had finished, the leading counsel, a very austere and proud gentleman, hearing much in regard to Anderson's address the next day, said, "Who is this man Anderson that everybody talks about being such a wonder?" And, said Howard, "I'll tell you he got a ---- of an introduction to him the next day."

I never saw a man work so hard in the trial of a law suit. He had a wonderful sense of humor. You saw that in his presiding on the bench here, and he used it frequently and effectively. He was a cross-examiner, I think, without a peer. He had such a clear eye that witnesses would say he looked right through them. They could

tell he knew everything they knew; and when he came to the argument, this same talent for expressing himself was a marvelous thing. I have seen him work time and again until the perspiration ran down to his heels, almost. He never gave up.

He came to Greenfield to try a case in which John C. New was a litigant, and when Anderson had finished his argument he had to leave, and he stopped at a drug store or cigar store to get a cigar, and some native over there who had heard him - a stranger to Anderson - stepped up to him. He said, "Well, brother, you sure are a stem winder and a stem setter."

That was Anderson. Various other things might be said of him. He was frequently an austere man on the bench - I think that was the feeling the bar had for him - almost a harsh man, but his austerity and his harshness were solely in an effort to get what he knew was strict and complete justice. If he was harsh, he was harsh against those who were trying to put something over on the Court, and he never stood for that.

He was intensely honest, and he was one of those rare persons - that is, he was intellectually

honest. He never had an excuse - he didn't need to. Anderson was never cheap. He played the game squarely, and to the full.

Anderson was well married. He was well associated. His surroundings were of the best. I sometimes think God Almighty picks people out for a certain work, and I believe He did with Anderson.

You have mentioned here his great renown, and that he richly earned, far more, perhaps, than the bar realized. Judge Anderson was a national character. I dare say that if there was a vote in the mass of the people, as well as in the bar, for at least two decades Anderson would be rated the outstanding jurist in America. I have run across people from California, Maine, and various other states who, learning I was from Indiana - perfect strangers, knowing nothing of my connection with him - would say, "You know, we think out in our country that Judge Anderson ought to be President." And I think there was much of Judge Anderson's work that involved such crucial questions that his decisions really got into the domain of statesmanship.

We cannot appraise how much we owe to a faithful public servant of his type. As has been said here by the Chairman, justice is all there is. What he has done to keep staunch the profession, and the law, and the welfare of the people, cannot be evaluated. It is said he was harsh - he was severe - but I wonder if the greatest humanitarianism is not, after all, the rigid discharge of duty? I wonder. I wonder if the man who puts the facts squarely before you is not fairer to you and to society than the one who falsely intrigues you and leads you, and then lets you die in your deceit? I wonder.

Anderson was never misled by a sense of favor, or a sense of friendship, or even a sense of relationship. I think he was of the type of a certain Brutus, who condemned to death his own sons because they were wrong; and Anderson would have done that. I remember a question we had when a young man from Crawfordsville, of fine family - and a better friend Anderson never had, and a more ardent political worker in his chosen party - was an embezzler in the Post Office. He brought a large portion of the town

to Judge Anderson to beg leniency for him, and among those who pled for him was Benjamin Crane, Anderson's partner and brother-in-law. Mr. Crane got as far as saying "Mr. So and So, I know, had a fine mother", when Anderson said, "Wait a minute - there has never been a criminal before my court yet who did not have a fine mother". That ended Crane's speech, practically. Of course, the man was convicted. Anderson said, "Am I sent over here to favor my friends, or am I to enforce the law?" And after that Crane never wanted to come over here because Anderson would say, "You come from a place where you know better - you are trained to know better - don't come over here with that." And we admired him for it. Never has there been a judge or official or public servant who did his plain duty fearlessly but who has been admired by all mankind.

I fear I have taken too much of your time. I could tell you many things illustrating the loveliness of this man's character, because in his home and among his friends, and among those who knew him he was gentle, he was kindly as God ever gave it to a man to be.

MR. BOMBERGER:

The question is now upon the adoption of the resolution. All in favor of adopting the resolution as read will please stand.

The motion is carried, and the meeting is adjourned.

A D J O R N M E N T