

The Topeka State Journal.

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IT MUST STOP.

The Tremendous System of Fee Grabbing in Our Courts.

The System Has Grown to Be an Enormous Evil.

STILL GROWING WORSE

Hundreds of Thousands of Dollars Taken from the People

By a Completely Managed System of Fee-grabbing.

NOT ONLY IN SHAWNEE

But in Every Other County in Kansas.

Lawyers to Hold a Big Mass Meeting

And Organize a Crusade Against the Evil.

The lawyers of Topeka will shortly call a meeting to protest against and seek to remedy that growing and already abnormally big young industry—fee-grabbing. It is their aim to have the justices of the peace, the clerk of the district court, sheriff and probate judge put on a salary instead of a fee basis. They want a bill passed by the legislature which will give these officers a stated salary, and providing for a reduction in fees, after which all fees collected shall be turned into the county treasurer for purposes of general revenue.

A Topeka lawyer said to a JOURNAL reporter today: "You have no idea of the enormity of fees that are collected every year in Shawnee county in the name of law. There is no telling how much the district clerk and the sheriff collect every year, but if the clerk's fees in civil cases are as big, relatively, as they are in criminal cases, he gets \$30,000 a year in fees. The sheriff's office is conceded to be worth at least \$10,000 a year after all expenses are paid. Even the justice courts have caught the popular idea, and their charges are just about five times as large as they were six or eight years ago. The records prove this.

"As a rule the lawyers are reluctant to ensure the justice courts for fear they will be worsted in future dealings they may have there. But the justice courts are to me to be that the justice courts are nothing less than fee-making institutions for the benefit of the justice and constable. They take suits, both civil and criminal, that have neither importance nor merit at the start, and before they drop the case there are big costs for somebody to pay.

"The lawyers are in a position to know more about this fee business than any one else, except the officers themselves, for as a general thing the settlements of costs are made through us. The bar realizes that fees are getting entirely out of proportion and it ought to be stopped in various not only to ourselves but to litigants. The making of bills for fees has come to be recognized as an art, and the clerks can charge for little items one never dreamed of, and charge like fury for those he has dreamed of. I know it to be the purpose of the lawyers soon to call a meeting to discuss a bill to district clerk, sheriff, probate judge and justices of the peace on a stated salary and turn the fees into the public treasury. I got all this information confidentially and I don't want you to use my name.

Judge Z. T. Hazen, of the district court, was seen by a JOURNAL reporter today. He said: "I hope to see all the county officers put on a salary basis. I am wholly opposed to the fee system. I have heard that the lawyers were intending to call a meeting in the interest of an anti-fee bill, but I do not know anything definite concerning it. Such a meeting will have my entire sympathy and approval."

The Justice Courts.

County auditor W. E. Fayaz has some figures which will be an eye-opener to people unacquainted with the operation of the fee system. The three justice courts of Topeka for a single month during the respective terms of County Attorneys Charles Curtis, R. B. Welch and H. C. Safford, cost the state, that is the county, in criminal business alone this much:

	Safford	Welch	Curtis
County	\$20,250	\$23,500	\$18,125
City	10,000	12,000	9,000
Wineola	8,000	9,500	7,500
Justices	15,000	17,000	13,000
Totals	\$53,250	\$62,000	\$47,625

Another tabulation showing the fees in justice court criminal cases paid by the state (Shawnee county) during the last six months as compared with other administrations shows:

Safford	\$3,973
Welch	2,310
Curtis	1,885

To fully understand this table it should be borne in mind that the county does not pay all the costs in criminal cases, and also that criminal business is only a fraction of what is received from both civil and criminal business. Just how much the justices of the peace make out of their jobs is a subject only for estimate. Nobody but the justices know and they won't tell. If the lawyers are to be believed however they are operating, not "justice shops" but "fee factories." Cases are brought which are possessed of no merit which by frequent continuances, studied examinations of the fee laws and the aid of a good imagination for fees rendered, big "costs" can be made to accrue which somebody must pay, and they are paid. It appears from reliable

sources that the justices of the peace one in particular, have a "better time," than any member of the Kansas supreme court.

The litigants in justice courts as a rule are not persons of wealth. The justice is called upon to dispense justice to the people who can ill afford to pay fees bigger than the amount in controversy for the purpose of getting a hearing.

There is less complaint regarding the fees charged in the higher county courts, but there is no doubt that the legislature could make vast improvements in the manner in which they are conducted.

For the last quarter the fees in criminal cases charged by District Clerk S. M. Gardenture were \$1,236.90, which the county auditor by careful editing cut down to \$1,044.90. The court records show that six civil suits are brought to one criminal case, and estimating the cost in each case to be the same this would make a cost of both in one quarter to be \$8,658, or \$34,656 a year. In fairness it should be said that a large portion of this is never collected and another large portion goes to the paying office help, for the office is self-supporting except in the item of supplies. But even after these items are subtracted there is more left than any official is justly entitled to as other officials are paid.

In charging fees, too, the sheriff is not far behind the district clerk in the size of the voucher asked. Like the clerk the sheriff's criminal business is only a drop in the bucket. For the last quarter the sheriff was paid \$1,085.90 for taking care of prisoners. Considerable of this is represented as actual outlay. Then for services of jurors in criminal cases there was an additional \$599.05. The sheriff was allowed \$196 for services in the probate court. Besides these fees it should be remembered that he is paid \$1.50 every day the district court is in session for his real or imaginary presence in court, and another \$1.50 for like services at the circuit court. All this is for criminal business alone. In the district court as in the justice courts, the fees in civil cases are paid by one of the two parties to the suit and the county auditor has nothing to do with them.

It appears to be the plan of the lawyers to pay the sheriff, district clerk and probate judge a stated salary and after reducing the fees to an amount in keeping with the actual expense of court machinery, pay the fees into the county treasury. This would be an immense saving to the tax payers, and the taxes could be reduced.

There is probably no better disposition of the function now occupied by justices of the peace in cities of the first class than the "Danish plan" which has been in force in the city of Duluth, Minn., for nearly four years. This plan is a "municipal court" created by an act of the legislature which performs the functions now attended to by the justice courts and the police court. The court has power to issue full processes, both civil and criminal, and has the authority to try all misdemeanors and attend to civil cases where the amount involved does not exceed \$500. The court has no jurisdiction in divorce and actions involving title to land and actions against estates.

The court consists of a judge, elective, who is paid \$3,000 a year, and a clerk who is paid \$1,000 a year. The act also provides for a court stenographer. The police court of the city is compelled to serve all warrants, subpoenas and civil instruments, and the fees are fixed and abolished. This plan is something of an innovation in municipal affairs, and not only lawyers but people in other callings who know anything about city and county government, concede it to be an excellent system, so far above the present system in merit as to be incomparable. The success of the system is shown by the fact that in one year it cost \$9,564, while its receipts were \$18,497.

ED SNOW RESIGNS.

Immediately Reappointed so that He Can Hold the State Printership.

Edwin H. Snow is more than a de facto state printer today. He is official state printer made so by the appointment by Governor Leavelle.

The executive council late yesterday afternoon approved State Printer Snow's new bond for \$30,000, and then its announcement was first made that Mr. Snow had resigned as state printer last Wednesday, December 12, and had been immediately reappointed by Governor Leavelle.

Saturday he filed a new bond and yesterday afternoon the executive council held a special meeting to approve it. Mr. Snow's bondsmen are H. F. Sheldon, C. T. Sears and E. W. Hume of Franklin county and C. B. Hamilton and W. J. Conigan of Topeka.

The resignation and reappointment of State Printer Snow is a part of his scheme to hold on to his office for two years more on the ground that the coming legislature cannot elect his successor.

NOT FOR LELAND.

Seaton Thinks the Election of Leland for Senator Would Be a Bad Thing.

John Seaton, who was the most wanted man in the last legislature and who is likely to occupy the same position this winter, says he is not for Cy Leland for United States senator, because he does not believe it would be for the best interests of the Republican party.

To a STATE JOURNAL reporter Mr. Seaton said: "I would like to see 'Cy' get something good, for personally I like him; but I don't believe it would be a good thing for the party to elect him senator. The story that all of the members in the First District are for Leland is slightly overdrawn; Atchison is in that district, I believe."

Mr. Seaton refuses to say whom he is for.

PAYS \$600,000.

Treasurer Edward Wilder Sending that the Vouchers Today.

Treasurer Edward Wilder of the Santa Fe is today sending out vouchers to the various county treasurers of Kansas for the payment of the taxes due the state from the coal company. The amount being distributed in that manner today is about \$600,000.

All of the employees of the company were paid their November wages in full last Saturday.

DEBATE BEGINS.

The House Considers the Carlisle Currency Bill.

Mr. Springer Opens the Discussion in Its Favor.

WOULD LIMIT DEBATE.

Mr. Walker Protests Against Such Undue Haste Now.

Jerry Simpson is On Hand With an Objection.

WASHINGTON, Dec. 18.—Notwithstanding that the debate on the currency bill was scheduled to begin in the house today less than 100 members were present when Speaker Crisp dropped the gavel. The attendance in the public galleries was very light. The committee on rules had prepared a special order under which the house should operate, but had decided in view of Democratic opposition to the measure not to offer it at present but to allow Mr. Springer to call up the bill by virtue of its privilege.

Immediately after the call of committee for reports therefore, the chairman of the banking and currency committee moved that the house go into committee of the whole for the consideration of the measure. His motion prevailed without division, and Mr. Richardson (Dem., Tenn.) took the chair.

Mr. Walker (Rep., Mass.) in charge of the opposition to the measure, gave notice that at the proper time he would offer a substitute.

Mr. Springer, before entering upon his arguments, attempted to effect an arrangement by unanimous consent for setting the limit of debate. He asked that general debate should be considered closed on Saturday next, when the holiday recess would be taken.

Mr. Walker protested against any arrangements at this time. He said he felt convinced that no member would discuss this measure in other than a serious vein. The subject was too grave. It could not be trifled with. When Mr. Springer's requests were referred, Mr. Simpson, (Pop., Kan.) promptly objected.

The attempts to reach an arrangement having failed, Mr. Springer took the floor and made the opening speech in favor of the currency bill. Mr. Springer declared that the committee had given the subject the most careful consideration. It had carefully examined the recommendations of the president and the secretary of the treasury had called before it some of the ablest financiers in the country, and the result had been a strong conviction in the pending measure as a measure of financial reform.

He did not pretend to say that the bill represented the views of individual members of the committee. It was a compromise, and as such harmonized with the views of all.

Mr. Springer (N. Y.) interrupted Mr. Springer to ask him how he reconciled the second and fifth sections of the bill.

The second provided that the note holders should have a first lien on the assets of the bank issuing them, then they gave the association of banks contributing to the safety fund a first lien on the assets.

Mr. Springer replied that the proposed act gave the bill holders the first lien on the assets, the banking association a first lien on the "remaining" assets.

"But the word 'remaining' is not in the fifth section," he said.

"It is the effect of the law," remarked Mr. Springer.

"It is not law," retorted Mr. Sikes. "You must vote it through first."

Mr. Springer finally admitted that the word "remaining" should have been incorporated into the fifth section, but said this was one of the slight defects of the bill that could be readily corrected.

In case of panic if half the banks in this proposed system" inquired Mr. Mahone (Rep., Pa.) "should fail, would the other half be assessed to redeem the failed bank notes?"

"That is, the solvent banks would be bankrupted to aid the insolvent?"

"There would be no such result," replied Mr. Springer. "If all the banks should fail under this system the note-holders would be secure."

In answer to Mr. Sikes by Mr. Simpson, (Pop., Kan.) Mr. Springer said that as far as the retirement of the legal tenders was concerned, for every dollar deposited in the treasury by the banks \$2 in circulating notes would be issued.

IN THE SENATE.
The Appropriation for Public Printing is Passed.
WASHINGTON, Dec. 18.—One of the first acts of the senate today was to pass an appropriation of \$100,000 for public printing, Chairman Cockerell of the appropriations committee saying that it was absolutely necessary, for the public printing would come to a stop this evening.

Bland has a Plan.
WASHINGTON, Dec. 18.—Representative Bland of Missouri, will move to strike out all after the enacting clause in the Carlisle currency bill now before the house of representatives, and substitute a measure he has prepared for a currency system based on coin and coin notes. Mr. Bland's plan does not interfere with the existing national bank system, but instead of allowing banks to issue notes as the Carlisle plan proposes, Mr. Bland proposes that the government issue the notes calling for gold and silver coin and the government is to coin both metals.

Five Persons Killed.
WEST BAY CITY, Mich., Dec. 18.—By the explosion of the boiler in Russell Bros' planing mill and box factory this morning five persons were killed and several others were injured and one is missing.

THAT ELEVEN THOUSAND.

S. H. Snider Turns It Over Today to the State Treasurer.

Superintendent Snider, of the state insurance department, today deposited with the state treasurer something over \$11,000, the balance on hand of the reciprocal tax money received from the New York fire insurance companies in the settlement of the fight between the companies and the state insurance department a few weeks ago.

When the money was first received, \$12,000 in all, Superintendent Snider deposited it in one of the local banks. He then paid \$1,000 to Judge W. C. Webb as attorney fees for assisting in the collection of the money.

He has now received an opinion from the attorney general to the effect that the money should be turned over to the state treasurer under a provision of the statutes discovered by Superintendent Snider a few days ago, which provides that all public money received from any source shall be turned over to the state treasurer on or before the fifteenth of every month.

In depositing the money in the bank, Superintendent Snider was acting under the law which provides that the money shall go to the paid fire department of the state, and he was holding it until the legislature would make some provision for its payment to the proper parties.

WANTS \$5,000 DAMAGES.

A Van Laeys of North Topeka Sues R. Holt-house for Malicious Slander.

Alphons Van Laeys of North Topeka brought suit against Bernard Holt-house today for \$5,000 damages for malicious slander. Holt-house is a resident of Nebraska, said to be a millionaire, but is also said to be a fugitive from justice in Europe. Van Laeys charges that in a North Topeka barber shop Holt-house said "Young Van Laeys stole my watch," and has on numerous other occasions accused him of being guilty of larceny. The suit is also an attachment, and a writ in garnishment was issued for the \$5,000, which Holt-house is said to have on deposit in the Bank of Topeka. This writ was served today.

DR. MC CASEY TO REMOVE.

He Will Go to Concordia Where He Will Practice Medicine.

The suit brought by Mrs. Dr. Kneiberg, the assistant superintendent of the state insane asylum against Dr. Mc Casey for assault and battery, was dismissed this morning before Justice Bolmar of Potwin. The various other suits against Dr. Mc Casey in the district and circuit courts will all be dismissed and the doctor will be free to depart in peace.

He will return to his home in Concordia and resume the practice of medicine. He is said to be an able physician, but the position of superintendent of the insane asylum is one that requires more generalship than Dr. Mc Casey was able to bring into play.

PILCHER WON'T RESIGN.

He Says He Will Stay at the Imbecile Asylum Until July.

Dr. Pilcher, superintendent of the imbecile asylum at Winfield, who is in Topeka today, said that he does not intend to resign his position with the Republican administration takes charge, but will hold on till July 1, 1895, when his term expires.

ON A DEMURRER.

The Cholera Fund Case is Back in the District Court.

The cholera fund case which involves Dr. Dykes' right to grab the \$5,000 cholera fund, was again before Judge Hazen in the district court yesterday afternoon. K. W. Dawes, the attorney general-elect, who is defending, tried to convince the court that the case should be thrown out of court on a demurrer on the ground that the court has no jurisdiction to try it. Mr. Dawes contended that there was no more appeal from a matter left to the discretion of the secretary of the board of health, than there was from the authority of the president to call out troops in time of danger.

Mr. Dawes is an attorney for the defense simply because one of the defendants is an old friend and family physician, Dr. Stewart, and charges the state no fee whatever.

Lawyer J. G. Waters replied to Mr. Dawes' argument. Judge Hazen took the matter under advisement.

A MILLION TAKEN OUT.

More Gold is Withdrawn From the Sub-treasury Today.

WASHINGTON, Dec. 18.—A telegram from the sub-treasury at New York to the treasury department announces that up to 2:25 \$1,000,000 in gold had been withdrawn.

Girls Escaped En Disabling.
TRENT HUTCHE, Ind., Dec. 18.—Fire was discovered in Costes College for Women last night. Little damage was done, but there was great excitement among the young lady pupils, who rushed out of the dormitory building in their night robes.

Bernard Kelly Better.
Dr. S. E. Stewart says this afternoon that his patient, Rev. Bernard Kelly, is improving and is doing as well as could be expected. He is out of danger but is not able to have any company or do any talking.

LOCAL MENTION.

John Gerdon was fined \$10 in police court this morning for keeping a vicious dog.

Lil Tack was fined \$25 in police court this morning and will appeal her case. She is out on bond.

Wm. Berry, who was caught at shoplifting in a North Topeka store yesterday afternoon, pleaded guilty in police court this morning and was fined \$15. He is in jail.

Daniel McKernan, who died at Baring, Mo., a couple of days ago, was buried at the Topeka cemetery this afternoon. McKernan was a stone mason, and was 53 years old. He lived at 720 Hancock street. The Knights and Ladies of Security had charge of the services.

STRAIGHT AHEAD.

The Two Japanese Armies Have Been United.

They Are Marching Direct on Tien Tsin.

NUMBER 72,000 MEN.

Niu Chwang and Several Other Cities Captured.

Shanghai Officials Remove Their Families for Safety.

NEW YORK, Dec. 18.—A dispatch to a morning paper from Shanghai, dated Dec. 17, says:

The first and second Japanese armies are marching direct on Tien Tsin. They are now north of Niu Chwang, which place has been captured. Several other cities have also been taken, all without any serious fighting. The force of the two armies combined amounts to about 72,000 men.

The Shanghai officials of the native city have removed their wives and families to the foreign settlement for safety, in anticipation of an outbreak which is feared in consequence of the imposition of the war tax.

STEVENSON MISSED.

Genuine Regret Felt Among Literary Men at His Death.

NEW YORK, Dec. 18.—The news of the death of Robert Louis Stevenson has caused genuine regret among literary men in this city. Many of them had known him personally, and all or most of them agree in assigning him a high place among contemporary writers in letters.

Richard Watson Gilder said: "I knew him and have spent delightful hours with him in this city, but others know him more intimately. He was one of the very few living great masters of literary expression and he had an imagination of unusual range. His style was so poignant and admirable that there is no telling how long it will last."

William Dean Howells: "My first acquaintance with Stevenson began some years ago. When I was editor of Atlantic Monthly he sent some poems which I liked, and accepted on the spot. I have always admired Stevenson's verses and his essays I have read with great pleasure. His studies are not my idea, as perhaps you know, of what fiction should be, but of course I recognize that he was one of the greatest writers of the day.

Some years ago when I was going past New York on all sides, Stevenson came out and spoke a good word for me. I appreciated it the more sincerely, knowing how many worlds apart we were. It was characteristic of the man."

Edmund Clarence Stedman said: "Some of Stevenson's works seem to be written in pure English, that is, they are in modern English, I met him in England one time, 1879 I believe, and was charmed with him. We had a part of an afternoon together. Stevenson was a true poet as well as a story writer, within the limits he adopted. Only a few weeks ago I had a letter from him written at the Sunon, telling me that he should ask Sidney Colvin to send me the proof sheets for a recent volume in verse."

STARTED OUT SAKED.

But Now Paul Jones is in London With \$3,500 to His Credit.

LONDON, Dec. 18.—Paul Jones, the eccentric young man who last February wandered that he could start naked from Boston to go around the world and could accomplish the feat and return with \$9,000 in London. He was entertained last night by the Connecticut club. He made a speech in which he said he had nearly accomplished his purpose and had \$3,500 of the required \$9,000. Said he: "The newspapers wrote me up and I soon found that I could make money. I was hired by proprietors of various kinds of business to work for them. Some paid me \$25 a day for three days. I have got as much as \$200 for a week. I traveled over a great part of the United States. I exhibited my paper suit everywhere. I rode on bicycles and was paid for it by the manufacturers."

Jones received 5 pounds and 16 shillings as the result of his speech.

MUST QUIT DRINKING.

A Big Bank Follows the Example of the Chicago & Alton.

NEW YORK, Dec. 18.—In consequence of the recent defalcations by bank employees a demand extending to the private lives of those in the service of the Bank of the Republic has been instituted.

All the employees were summoned before the vice president and offered the alternative of promising never to enter a liquor saloon again or resigning, the latter being made a condition if they were watched to ascertain whether their promises were kept. The alternative of promising was unanimously embraced with much smothered indignation.

Didn't Know It was Loaded.

A boy employed in Allen's plumbing shop at 518 Kansas avenue accidentally discharged a musket in the front portion of the building. The load tore a hole through the frame portion of the door and knocked the glass out. Although many people were passing at the time nobody was hurt, or if they were they didn't say anything about it. The discharge attracted a large crowd.

Changes on the R. C. P. & G.

KANSAS CITY, Dec. 18.—Official announcement is made of changes in the management of the Kansas City, Pittsburg & Gulf railroad, whereby Mr. Martin, the president of the road, takes charge of the operating department and Vice President Gentry resumes his duties as chief engineer in charge of construction.

RECEIVERS LEAVE TODAY.

After Looking Through Treasurer Wilder's Books They Are Well Pleased.

The three receivers of the Santa Fe, Mr. Aldace F. Walker, Mr. J. J. McCook and Mr. J. G. Wilson, who have been holding a meeting at the general office building in Topeka, left for Chicago this afternoon.

Receivers Walker and Wilson left on a special train, in Mr. Walker's private car, at 1 o'clock this afternoon for Chicago, and Mr. McCook went on the regular train, which left Topeka at 2:30 p. m.

During their stay in Topeka the receivers who arrived from Galveston Sunday night, were entertained by General Manager J. J. Frey and Receiver Wilson. Last night the entire party was at Mr. Wilson's home to dinner.

While here the receivers went carefully through the books of the treasurer's office, and they found everything in Mr. Wilder's department in good shape. This morning they made a hurried inspection of the shops, and both Mr. Walker and Mr. McCook expressed themselves as being well pleased with what they saw.

To a STATE JOURNAL reporter Receiver Walker said: "This is my first trip over the system and to Topeka. The physical condition of the road is good, much better than I anticipated and the financial condition is all right. From the books I have examined in the treasurer's office I am satisfied that everything is working to the best advantage possible, and our finances will soon be in much better shape."

Mr. Walker says the recent application to the federal court for authority to terminate existing contracts between the Santa Fe and the Atlantic & Pacific was misunderstood by the general public. He explained that the roads are separate and distinct and that the same men are receivers of the A. & P. just as they are of the Santa Fe and the traffic agreement between the two roads will be maintained as heretofore. The only thing the receivers wish to change is the existing contract by which the Santa Fe and "Frisco" agree to make good the losses of the A. & P. This agreement the receivers are unable to meet and they want it cancelled.

DEBS TO GO TO JAIL.

He and His Companions Will Not Fight the Penalty.

CHICAGO, Dec. 18.—Eugene V. Debs, president of the A. R. U. and his colleagues, have decided to take the penalty imposed by Judge Woods without appealing. They will go to the Cook county jail next Monday.

The officials reached this decision today without the advice of their attorneys and their decision is positive. Debs says an appeal would be probably of no avail. The worry and expense were also considerations.

TWO RUNAWAYS.

Kansas Avenue Was the Scene of Two Narrow Escapes Today.

There were two runaways on Kansas avenue this morning. At the corner of Eighth street Vesper's broad wagon, drawn by two spirited horses, dived dangerously across the street and would have run into Hindman's store had there not been a telephone pole in the way. The tongue of the wagon struck the pole squarely and the horses on both sides were thrown by the collision. Guy Morgan, the driver was sent sprawling to the ground, but was unhurt. The tongue of the wagon pierced the iron strips that protected the post and left a big dent nearly two inches deep.

Between Fourth and Fifth streets a carriage drawn by one horse left the street and dashed fully a half a block on the sidewalk. At Riggo's fruit and nut store were smashed and the colored boy who was driving was thrown out and hurt slightly.

MC NAMARA'S LECTURES.

Bishop McNamara has consented to deliver another course of lectures in Topeka, commencing in Hamilton hall, Thursday night, in accordance with the request of his audience last evening.

"Three I" Railroad Opens.

SOUTH BEND, Ind., Dec. 18.—The Indiana, Illinois & Iowa, known as the "Three I" railroad, running from Streator, Ill., to South Bend, opened for passenger business this morning. The road forms a belt around Chicago connecting with twenty important roads. It has just been extended here, but has for a long time past done a heavy freight transfer business between the great trunk lines.

"Jack the Huggler" Sentenced.

WINDSOR, Ontario, Dec. 18.—After terrorizing the women of Windsor for nearly six months, so that none of them dared venture on the street at night without an escort, William Marshall, the "Jack the Huggler," was sentenced to the penitentiary for three years.

Lawyers Want a Big Share.