

## MACLAY HOYNE HANDS WALLOP TO JUDGE BRENTANO

Theodore Brentano, superior court judge, gets a straight and stiff handling by State Att'y Hoyne in the brief filed in the supreme court on the Chicago Surface Lines case.

Brentano on March 18 kicked out of court a decision by Judge Goodwin against the Chicago Surface Lines. And Brentano then entered another decision, completely reversing Judge Goodwin and giving John J. Herrick, attorney for the surface lines, Busby, Blair and Insull, exactly what those capitalists were asking for.

Hoyne's brief in appeal says this trick of corporation lawyers juggling around with a case from one court to another until the corporations get what they want, if upheld, spells defeat for any state's attorney tackling corporations and makes the law of the state say: "The public be damned." The brief says:

"This method of procedure would permit any powerful corporate interest to trifle with the courts, to set at defiance the acts of the state official whose duty it is to correct such corporate usurpations and would make legally effective the famous dictum of Mr. Vanderbilt in regard to 'the public be damned.'"

How the street railway capitalists were beaten in one courtroom of the county building and then took their hats and walked into another courtroom and got what they wanted is told in detail.

On Jan. 16, after hearing all sides, Judge Clarence N. Goodwin decided Hoyne should have right to file an information and get a hearing on whether the street railway unification ordinance is valid and whether seven men sitting as directors of the Chicago Surface Lines shall run all the street cars in Chicago without responsibility as a corporation. Goodwin said:

"Contention is seriously made by the state's attorney that the various street railway companies have ceased

to act and have placed their properties in the hands of an irresponsible board, which is exercising substantially corporate functions. Now that presents a question which ought to be settled. As long as the state's attorney makes that contention it should be decided. I think the proper way would be to permit the quo warranto to be filed."

Judge Foell on Jan. 19 served notice on Hoyne that the case would be heard again. On Feb. 24 Judge Foell reassigned the case to Judge Brentano and on Feb. 25 Judge Brentano assigned the case for hearing by himself. Says the brief:

"On March 11 the case came on for hearing and on March 18 Judge Brentano, by his final order, set aside the order previously entered by Judge Goodwin granting leave to file, striking the information and petition from the file and dismissing the proceedings."

"When Judge Goodwin, the motion judge of superior court, entered his order of Jan 16 his order so directing information to be filed was not subject to review by Judge Brentano and Judge Brentano committed error in setting aside the order entered by Judge Goodwin and in dismissing the proceedings."

The point is hammered home by Hoyne that Judge Brentano is not sitting in a higher court than Judge Goodwin. They are associate judges. There were no new features or reasons about the case by which Brentano explained his knockout of Goodwin's order. To quote:

"If this practice is to be sanctioned no progress whatever can be made in like proceedings. One judge of a court directs proceedings to be instituted—another judge vacates the order. In such a proceeding there is no determination of rights; no passing upon the questions at issue, none of the matters involved become adjudicated—the people are merely prevented from making an inquiry to determine whether or not the actions