

# The BROAD AX

HEW TO THE LINE; LET THE CHIPS FALL WHERE THEY MAY

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No. 20

## Many Candidates in the Various Wards Throughout the City Have Entered the Race for Aldermen, to Be Voted for at the Primaries, Tuesday, February 26th

**HOT ALDERMANIC FIGHT STAGED IN THE SECOND WARD BETWEEN MAJOR ROBERT R. JACKSON AND FORMER ALDERMAN OSCAR DE PRIEST. BOTH CANDIDATES ARE WELL PLEASED WITH THE REGISTRATION ON WEDNESDAY.**

**WILLIAM F. MULVIHILL, GUY GUERNSEY, CHARLES CLARE AND ALDERMAN JOHN M. KIMBALL HAVE STACKED UP A STIFF FOUR-CORNERED FIGHT IN THE SEVENTH WARD WHICH WILL BE A BATTLE ROYAL BETWEEN MESSRS. GUERNSEY AND MULVIHILL.**

**WILLIAM J. H. SCHULTZ AND EDWARD TODD ARE GOING TO THE REPUBLICAN MAT TOGETHER IN THE FOURTEENTH WARD, AND AS MR. TODD MADE A SPLENDID SHOWING AT THE PRIMARIES ONE YEAR AGO HE LOOKS LIKE AN EASY WINNER ON TUESDAY, FEBRUARY 26th.**

**THROUGH THE INFLUENCE OF HON. JOSEPH F. HAAS, THE TWENTY-EIGHTH WARD REPUBLICAN ORGANIZATION HAS INDORSED HON. CHARLES S. DENEEN FOR UNITED STATES SENATOR.**

The aldermanic fight is on in full force in the various wards throughout the city and so far the following Republicans and Democrats have entered the race or contest:

**Republicans.**

Ward 1, Walker E. Whitley; Ward 2, Oscar De Priest, Robert R. Jackson; Ward 3, Felix A. Norden; Ward 4, John F. Brueck; Ward 5, John P. Norton; Ward 6, Willis O. Nance; Ward 7, John N. Kimball, William F. Mulvihill, Guy Guernsey, Charles Clare; Ward 8, Oscar B. Hillstrom; Ward 9, William P. Holden; Ward 10, William F. Krause; Ward 11, William J. H. Schultz, Edward Todd; Ward 12, John J. Gorman; Ward 13, Louis Solitake; Ward 14, Joseph Bacher; Ward 15, Earl J. Walker, William F. Peters, Harry Crane, P. Sheridan Stevens, George J. Glover; Ward 16, Walter P. Steffen; Ward 17, Frank J. Link, Robert H. Stinson, George H. Waite; Ward 18, George Prater, William H. Wesbey; Ward 19, Adolph A. C. Mayer; Ward 20, Richard Farrell, Ralph G. Hunter; Ward 21, Otto H. Teschner, Michael G. Walsh; Ward 22, Robert R. Pogram, Charles A. Kholle; Ward 23, John H. Lyle; Ward 24, George F. Lohman, J. Walter Nielsen, Albert O. Anderson; Ward 25, Harry R. Jackson.

**Democrats.**

Ward 1, John J. Coughlin; Ward 2, Cyrus S. Schwartz; Ward 3, John A. Richert, William J. Mooney, Joseph Mandzinski; Ward 4, Robert J. Mulcaby, Frank Delec, Frank A. Mulholland; Ward 5, Martin S. Furman; Ward 6, Henry M. Shaw, Sheldon W. Govier; Ward 7, James McNichols, Frank J. Varrick; Ward 8, Herman Krumnick, John M. Wilkin, Martin J. McNally, C. F. Pettkoske; Ward 9, Joseph I. Novak; Ward 10, John G. Horne, Maurice J. Joy; Ward 11, Joseph Higgins Smith; Ward 12, Walter J. Orlikowski, John A. Piotrowski; Ward 13, Stanley S. Walkowiak; Ward 14, Martin Walsh, Maurice F. Kavanagh; Ward 15, James B. Bowler; Ward 16, Matt Franz; Ward 17, William Reardon, P. Sheridan Stevens; Ward 18, John H. Bauler, Frank J. Seif, Jr.; Ward 19, John Haderlein; Ward 20, John M. McGowan; Ward 21, Max Adamowski; Ward 22, Thomas F. Byrne, Martin R. Gorman, Henry Kelling; Ward 23, William E. O'Toole, Michael J. O'Connor; Ward 24, Terrence F. Moran, Henry P. Bergen; Ward 25, E. J. Tobin; Ward 26, Christian Role, Frank M. Padden; Ward 27,

John Tomna; Ward 28, Thomas J. Lynch.

\*Sitting aldermen seeking renominations.

The greatest fight all along the line in that respect is being pulled off in the Second Ward between Maj. Robert R. Jackson and former Alderman Oscar DePriest. There will not be one white candidate running in that ward, either Republican or Democrat, and it will be a muddy or a very bitter fight solely between two Colored men, and what they are saying about each other in the way of mean things is simply manners and the indications are that they will continue to do so right up to the close of the primaries. The name of Mr. DePriest comes first on the primary ballot and his friends figure that that is worth one thousand extra votes to him, and the followers of Major Jackson figure that that amounts to nothing, that the ever-smiling major is bound to win any way. Both of them claim that they came out ahead in the registration on Wednesday, and they are well pleased with the result of their labor on that day.

For the first time in many years there will be a red hot fight in the 7th Ward between the following four Republican candidates, William F. Mulvihill, Guy Guernsey, Charles Clare and Alderman John N. Kimball, and the majority of the voters in the ward will act wisely by selecting either Mr. Mulvihill or Mr. Guernsey, for either one of them would make a first class alderman.

From the present indications Edward Todd will win out at the primaries over William J. H. Schultz in the 14th Ward. Mr. Todd is a true blue Republican and as he made a splendid race one year ago for alderman at the primaries he is entitled to win out Tuesday, February 26.

Hon. Joseph F. Haas, the popular and painstaking recorder of Cook County, who is one of the big wheel horses of the Republican party of Illinois, this week induced the Republican organization of the 28th Ward to fall in line for Hon. Charles S. Deneen for United States Senator.

**NEGRO DOORKEEPER IN RHODE ISLAND LEGISLATURE.**

Mr. William H. Jackson, an assistant doorkeeper at the General Assembly, is one duty as usual at the State House. He hails from Newport, R. I., as does Mr. George Seaforth, the only Colored man employed in the House of Representatives.

**ATTORNEY HARRIS B. GAINES LOCKS HORNS WITH LAWYER CHESTER W. DE ARMOND.**

January 28.

Chester W. De Armond, Esq.,  
3518 S. State Street,  
Chicago, Ill.

Dear Sir: A few days ago Mr. Julius F. Taylor, editor of The Broad Ax, turned over to me a letter received by him from you, stating that certain answers in reference to marriage and naturalization, appearing in the edition of The Broad Ax of January 19, 1918, were erroneous.

While I do not think the criticisms timely or ethical, yet I am pleased to know that they were made for the purpose of benefitting the public as well as The Broad Ax. For this reason I wish to state briefly the facts and law upon which I based my opinion.

The Supreme Court of this state has not rendered a decision in a case similar to the one in reference to marriage since the present statute on marriages has been in force. There has been but few such decisions in other states and such as there are were influenced by statutory laws that differ from our statute. These cases seem to agree that marriages of minors can be annulled if brought in a reasonable time after marriage. 22 L. R. A., 1202; 121 L. R. A., 847.

Like all other classes of cases where the law is somewhat unsettled, the opinions of the judges on the bench and lawyers of the bar are not in harmony. So it is no wonder that you and I differ in this matter.

The case you referred to in your decision is the case of Lyndon vs. Lyndon, decided in 1873, just forty-five years ago. I have had occasion to refer to this case on a previous occasion and am very familiar with the facts therein.

I am quite sure you have not read this case, but you have depended upon notes that are sometimes made by law clerks who have little or no legal training and cannot be depended upon. Therefore, I will make a brief statement of the case:

Thomas Lyndon was married to an infant girl without the consent of her parents. Her father filed a bill in equity to annul the marriage. The lower court refused to annul this marriage and it was carried to the Supreme Court. The Supreme Court reversed the lower court and said a decree annulling the marriage should be entered. The question of dodging marriage liability was not decided upon nor even mentioned in this case. So you see you cited a case to uphold your opinion when there was no foundation for doing so.

Furthermore, the statute in force at the time the case of Lyndon vs. Lyndon was decided was enacted in 1841—seventy-three years ago. Since that time the marriage statute has been amended five times—1881, 1887, 1889, 1905 and 1907.

The legislature must have had some reason and purpose for amending this law; therefore, we must consider the important changes made that might have some bearing upon voidable marriages.

The act of 1845 did not make it imperative for the parent to make an affidavit for those who misrepresented their age in order to secure a marriage license.

The statute in force today makes it imperative for the parents to make affidavit of the minor's age before a license is granted and provides for a penalty for obtaining a license by fraudulent statements.

Therefore, I contend that because the law is imperative as to parents' consent and that a penalty is prescribed for securing a license by misrepresentation of age, the question of voidability of marriages contrary to law is a legal question and not a question of the intention of the parties.

Contracts entered into in violation of law, where there is a penalty attached for the violation, are absolutely void. Miller vs. Ammon, 145 U. S. 421. Dreman vs. Douglass, 122 Ill. 523. Fyett vs. Fyett, 111 Ill. 280. Powell vs. Powell, 18 Kan. 373. McDeed vs. McDeed, 67 Ill. 545. Arnet vs. Wright, 18 Okla. 337.

The law is now well settled that no act forbidden by statute is binding. Armstrong vs. Taylor, 11 Wheat. 258. Lewis vs. Madley, 36 Ill. 433. Cla. Ins. Co. vs. Rosenthal, 55 Ill. 85.

When the legislature prohibits an act or declares it shall be unlawful to perform it, every rule of interpretation must say that the legislature intended to interpose its power to prevent the act, and as one of the means of prevention that the court shall hold it void. To hold otherwise would be to give the parent the same rights in enforcing prohibited acts as the good citizen who respects and conforms to the law.

Cincinnati Ins. Co. vs. Rosenthal, 55 Ill. 85.

Law vs. People, 87 Ill. 385.

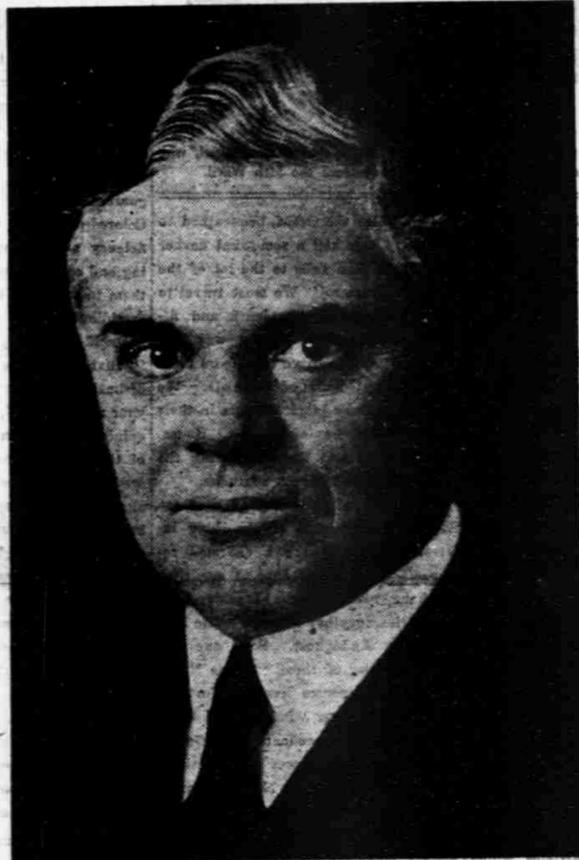
A few weeks ago I had occasion to be interested in a case tried before Judge Fitch of the Superior Court where the facts were identical with the question mentioned in The Broad Ax.

Judge Fitch held that when the complainant proved that he was under legal age and the consent of his parents was not given, the case dissolved itself into a legal question, and the intention of the complainant had nothing to do with it. A decree was granted annulling the marriage.

I have no doubt the decision of Judge Fitch influenced me somewhat in forming my opinion in the above mentioned case, as well as the authorities I have cited.

It is very unfortunate that a very important clause in the question pertaining to naturalization was omitted, making the question a little misleading. You made it very convenient to supply the omission with the opposite meaning, when as a lawyer you should have given every construction that would be in harmony with the opinion. I do not pretend to give a detailed opinion in answering questions, nor an opinion that will fit every statement of facts. In fact, I make it a point to condense both the question and answer as much as possible.

The questions and answers are not written as a statement submitted to court where it will be subject to attack



HON. CHARLES S. DENEEN

Well known throughout the State of Illinois, and the nation for that matter, who has been indorsed by the Twenty-eighth Ward Republican organization for United States Senator.

by opposing counsel, but a brief answer for the layman.

The sentence in reference to the father's naturalization should have read to-wit: "My father was naturalized when I was 21 years of age." (Although the party in question stated that he had been brought to this country by his father when an infant.) It was with the fact of the delayed naturalization of the father in mind that I formed my opinion. With this clause inserted I am quite sure you will agree with me that the naturalization of the father did not make the son a citizen, and that it is necessary for him to be naturalized before he can become a citizen.

I thank you for your effort to assist The Broad Ax in its effort to serve the public and will welcome any suggestion you may make for the improvement of the Legal Helps column.

Respectfully yours,  
Harris B. Gaines.

**MRS. E. B. TURNER WITHDRAWS FROM THE BOND OF MISS JOSEPHINE POLK.**

Last week Mrs. E. B. Turner, editor and owner of the Chicago Idea, withdrew from the bond of Miss Josephine Polk, who has been indicted by the grand jury for killing the late Dr. James N. Harris.

Miss Polk, pending her trial, is at liberty on \$15,000 bonds. Dr. Mercer signing her bond instead of Mrs. Turner. It is reported that Attorney William L. Martin and Hon. Clarence B. Darrow will defend her when her case is called for trial in the criminal court.