

COUNTY BAR IN ANNUAL FEAST

Hundred Members and Guests Dine and Hear Program at the New Harper.

PROGRAM UNUSUALLY GOOD

Hon. Samuel Alschuler Suggests Court Approval Before Laws Become Effective.

Members of the Rock Island County Bar association and their guests, numbering in all over 100, had the unusual pleasure of listening last evening to a learned discussion by men of high rank in an honored profession, of methods and practice in the administration of law and justice. The occasion was the annual banquet of the bar association held at the banquet hall of the New Harper.

Hon. Samuel Alschuler of Aurora, former democratic nominee for governor, mildly criticised judicial procedure for failing to obey a section of the state constitution which seems to require courts to take the initiative in pointing out constitutional defects in acts of the legislature. This provision, he asserted, is a dead letter and as a result an act is often not found unconstitutional till after it has been in effect for years and has correspondingly influenced human action one way or another. Mr. Alschuler suggested as a way out of the difficulty that courts be required to pass upon the constitutionality of an act immediately after its passage and before it goes into effect, thereby relieving themselves of much unnecessary labor and the public of damage and suspense.

Justice George A. Cooke of Aledo, member of the state supreme court, described the methods followed by that body and explained that its members perform their duty to the best of their ability and under a system that is a vast improvement upon methods in vogue a few years ago.

Was Principal Speaker. Mr. Alschuler had prepared a set speech, he being the principal orator of the evening. Speaker E. D. Shurtliff of the lower house of the legislature was unable to be present because of the necessity of being at Springfield when the sessions of the house were resumed this morning, and he sent his regrets. Justice Cooke was not on the original program and spoke extemporaneously, but delivered an address that was highly instructive. W. R. Moore of Moline, president of the Rock Island County Bar association, was toastmaster, performing the functions in a graceful and happy manner.

Rev. R. S. Haney of Moline delivered an invocation before the banquet. The program following was opened with a response to the toast "Circumstantial Evidence," by W. J. Graham of Aledo. Mr. Graham asserted that while acting as prosecuting attorney of Mercer county he had marveled often upon the difficulty of convicting on circumstantial evidence. He used to think something wrong with juries, they were so loth to find a defendant guilty upon this alone. Later, however, he has come to see why it is that men hesitate to find their fellows guilty of crime when there still exists a reasonable doubt. The speaker took a rap at legislatures for their carelessness in passing laws for lawyers and courts to puzzle over and made complimentary allusion to a certain wielder of the big stick.

Subject, "Unconstitutional Reflections." Mr. Alschuler was the next speaker, his subject being "Some Unconstitutional Reflections," and he said, in part:

"Our manner and practice of dealing with questions of statutory transgressions of the constitution give rise to much embarrassment and many resulting hardships. Statutes are passed by the legislature, dealing with the most serious of human affairs—life, liberty, domestic relations, reputation, property—and for a time, perhaps for many years, the citizens conform to the legislation. Trials are had, men are condemned or acquitted, liberty is withheld or restored, property rights are settled and adjusted, when, lo! and behold, someone assumes to discover that the legislature in some respect transgressed the constitution, and in a given case, involving the particular matter there at stake, the court declares the statute to be unconstitutional, and straightway there is consternation abroad in the land. Courts are ousted of jurisdiction, rights are unsettled, liberty and even life may be found to have been unlawfully restrained or taken, or other disastrous consequences ensue. And what we have seen in the past may be but an earnest of more serious disturbances yet to come.

Doubt Created. A recent pronouncement by our own supreme court holding unconstitutional a statute passed 11 years ago in respect to the parole of prisoners, to which statute our penal system has conformed itself during all these years has thrown things into much confusion, and has made lawyers, judges and officials doubtful of the constitutionality of many other statutes, upon which depend in large measure the proper administration of justice and the orderly conduct of our social system.

"If, in some manner the unconstitutionality of the statute could have been discovered and authoritatively pronounced immediately after its enactment, the resulting public embar-

PROMINENT MEN IN PROGRAM AT BAR BANQUET



HON. SAMUEL ALSCHULER, Who Delivered Learned Address on "Unconstitutional Reflections."



JUSTICE GEORGE A. COOKE, Who Spoke of the Methods of the Illinois Supreme Court.



HON. WILLIAM JACKSON, For 50 Years Practitioner at Bar, Who Talked on Witnesses.



W. R. MOORE, President Rock Island County Bar Association.

SECOND BIDS ALSO TOO HIGH

Difficulty in Getting Proposals for Postoffice Within Available Appropriation.

\$71,000 FOR IMPROVEMENT

Prospect that Department Will Have to Make a Third Trial for the Work.

The second set of bids which was received at Washington by Superintendent Architect J. Knox Taylor for the erection of the proposed extension to the postoffice building in Rock Island have been opened. The appropriation received by the local office was \$80,000, \$5,000 of which was expended for additional ground. At least \$4,000 more will go to the architect and superintendent, leaving but \$71,000 for the building proper. The bids which were just opened were all too high. The lowest one called for an outlay of \$74,000. No definite action has been taken by the authorities at Washington.

First Bids Also High. The first bids were also high and so new ones were called for. It is probable that further bids will be solicited. Three firms sent in bids. They are: Harmon Bros., Williams, Pa., \$74,000; John Volk & Co., Rock Island, \$78,031, and Paul Riesen's Sons, Milwaukee, \$79,000.

Mendations as to such defects and legislation, and the opposite extreme of recommending such original and general legislation as the judges might deem wise to have enacted, there is a very broad 'twilight zone' comprising a vast field of legislation as to which it would be difficult, if not impossible, to determine whether within the purview of the constitutional provision.

"Which is more conducive to the general good, that the judges keep to themselves their knowledge of defects until such time as the question may be raised in a law suit before them, which may or may not ever occur, or that they promptly report the defect, with suggestions for remedying the same?"

"The evils attendant upon the upsetting of important statutes which have for years been accepted as the law, is too well recognized to require more than mere suggestion to be well understood, and it seems axiomatic that the public good requires the earliest possible ascertainment and settlement of questions concerning the constitutionality of statutes. The certainty of the law approximates quite nearly in importance its quality.

Would Be Mere Opinion.

"It is true, as pointed out in the answers of the judges, that any communication to the governor pursuant to the constitutional provision is not a judicial determination of the court, but is an expression of opinion of the individuals who are the judges of the court, and may not affect the statute further than that the legislature might thereafter see fit to cure the indicated defect.

"But this is about the same force which attaches to a decision of the question as it arises in a particular case. A determination of the constitutionality of the statute as reached in that case does not modify or repeal the statute. It becomes inoperative only because it may be reasonably concluded that it is not enforceable in any case. Any other means whereby the courts will not enforce the statute would be equally effective.

"There should exist some instrumentality whereby it may be promptly and authoritatively ascertained and determined in the first instance whether or not a statute violates the constitution.

Would Amend Constitution.

"Clearly the present constitutional provision is not effective to that end, and I believe the constitution should in that respect be amended; that a tribunal should be constituted, or existing tribunal invested, with power and duty to pass upon the constitutionality of all statutes before they become effective. Such tribunal would preferably be the supreme court,

which under the recent statute concerning appeals and writs of error will soon find itself relieved of much of the labor with which it has hitherto been overburdened.

"I would not make of our supreme judicial branch a moot court or a question box, requiring it to answer inquiries as to the validity of all sorts of legislation that may be proposed or contemplated or suggested; but where the question of validity is all stand in the way of a statutory enactment, and its full force and effect as a part of the law of the land, to which all must yield obedience, I submit that such question ought to be definitely and authoritatively determined before the enactment is accorded the authority and force of law."

Nestor of Bar Heard.

Hon. William Jackson, introduced by the toastmaster as the "Nestor of the Rock Island county bar," came next. His subject was "Examination of Witnesses." He acknowledged the fact that next August it will have been 50 years since he began the practice of law in this county, and then proceeded to give his hearers the benefit of some of the wisdom that has come to him in his long experience. He showed that there is a natural tendency of lawyers to divide into two general classes, those who appear in court and those who do not. The young lawyer usually begins as a trial lawyer and the supreme test is his first case in court. It is a great help to have a sympathetic judge on the bench for such an ordeal, he said. It is more important still that the young lawyer know his case. As to rules for the examination of witnesses where are really none. Men differ so that what would be an effective method in one case would fail in another. A lawyer must be a judge of human nature, particularly if he is examining a woman. Circumstances must show where to follow and what pitfalls to avoid. The only rule to follow is that which grows with the case.

Hon. James H. Andrews of Kewanee was called upon to discuss "Lawyers as Lawmakers," he having been a member of the legislature before taking up the practice of law. He discussed the reasons why the public prefers men who are not lawyers to make their laws for them, and this notwithstanding that knowledge of law is absolutely necessary to give a legislator an insight into the true significance of many of the matters upon which he is called to vote. The reason, Mr. Andrews said, that lawyers are in ill favor as lawmakers, is that they too often in their private practice become attached to private interests and when they attempt to serve in law-making bodies they are inclined to heed the voice of the special interest instead of that of the public. Law-making, after all, the speaker concluded, is a matter of conscience, rather than of ability.

Critics Not Always Informed.

Justice Cooke was called upon informally and began a reference to the supreme court by saying he realized that that body is often criticised and with more or less reason, but adding that often the critics do not fully understand what they are talking about. He therefore proposed to make a few points clear so that in future his hearers could criticise more intelligently. The volume of business done by the supreme court is big, amounting to about 600 cases annually. In spite of the charge often made that the court is slow, he said he found when he took his seat at the October term last year that opinions had been written in all but 11 of the cases pending and these would have been prepared without doubt, had it not been for the death of Justice Guy C. Scott. Later, it is true, cases accumulate, but the long summer vacation, as a rule, sees the docket cleared, at least to the extent of preparing the opinions that must be passed upon by the court as a whole before accepted as final.

Methods Changed for Better.

Recently methods in vogue in the court have been changed and the members think they have the best existing order of things. The speaker then took up the daily routine of work while court is in session, showing how arguments are heard, questions raised, discussed and assignments finally made to write opinions. These assignments are given in rotation so that there is no favoritism. In passing upon opinions when they are presented it is the rule for the junior member to vote first, thereby freeing him from the influence of older members.

A member is given the records, beliefs and arguments in all cases assigned to him, while the other

DESERTED FAMILY

George Fisher of Galesburg Comes to This City With Young Girl.

THOUGHT HE WAS SINGLE

Affinity Crushed at Revelation Made When Paramour Was Arrested by Local Police.

George Fisher of Galesburg was arrested here last night and today he was taken back to his home to answer to a charge of abandonment. The man has been married for many years and is the father of six children. He became infatuated with a young girl whom he deceived into thinking he was a single man. The young girl trusted him and together they came to Rock Island where they had lived together for several days. Fisher made the girl think he intended to marry her.

Galesburg Police Trace Him.

The Galesburg police notified the local force to arrest Fisher if he could be found and as soon as he was in custody an officer was sent down to take him back. The name of the girl who was with him was not made public by the police as she comes from a good family in Galesburg. She was crushed when she learned that her affinity was a married man and was willing to return to her home.

Will Prosecute Deserter.

Fisher will be prosecuted by his wife on the charge of abandonment and it is likely that a more serious charge will be preferred against him by the family of his "affinity."

members have copies. When the opinion is prepared it is sent to the state printer, who prepares seven copies, and they are mailed at once to the other members. Thus all are given every facility to study all the cases before the court in advance of their being decided. The justice said in his own cases he had found often that the other members were as fully informed as he upon cases that had been assigned to him and to which he had devoted much study.

Not One-Man Court.

The supreme court, the speaker said, has been criticised as a one-man court and its decisions as one-man decisions. This, he declared, is far from true. He had found that all members conscientiously informed themselves upon every question that they are called upon to decide. The ideal method, of course, would be to decide all cases in conference, but owing to their number this is impossible. But three or four cases could be disposed of in a day by this method. This would leave only from 40 to 60 days a year for the writing of half or more as many opinions. What the supreme court needs, Justice Cooke contended, is more time that it may give more careful consideration to the matter before it. To this end he thought the present system is working admirably, and he argued for the retention of the new certiorari act, which he considers a distinct advance in the same direction.

Davenport Mayor Last.

The last speaker was Mayor G. W. Scott of Davenport, whose subject was "Good Fellowship Between the Iowa and Illinois Bars." He was introduced as the "mayor of spotless town," and in opening reminded his hearers that the last car had already left for Davenport. "And you know what that means," he dolefully added. Mayor Scott declared he believed that the common law practice of Illinois develops broader and more brilliant men than the code system in Iowa does. He cited examples in which Rock Island county attorneys had come to Davenport and won hard cases in support of his statement. He concluded by saying he knew Rock Islanders go to bed before Davenporters do and that he would not therefore longer keep his hearers from their repose, especially in view

of the fact that it was up to him to walk home.

The menu which was served in a most creditable manner was as follows:

Lynnhaven Bays
Celery Olives Almonds
Green Sea Turtle, Aux Quenelles
Filet of Black Bass a la Harper
Potato Duchesse Sweetbreads Larded
Jardiniere
Punch Benedictine
Spring Chicken a la Maryland
New Potatoes Brussels Sprouts
Combination Salad
Bisque Glace Cake Roquefort Cheese
Demi-Tasse
Cigars

Seated at the table of honor were: W. R. Moore, Judge George A. Cooke, Aledo; Hon. Samuel Alschuler, Chicago; Judge Emory C. Graves, Geneseo; Judge F. D. Ramsay, Morrison; Mayor George W. Scott, Davenport; Hon. William Jackson, Judge W. H. Gest, Judge R. W. Olmsted and W. J. Graham of Aledo; the others present being Rev. R. S. Haney, Hon. James H. Andrews, Kewanee; Hon. E. W. Hurst, F. W. Reimers, O. F. Anderson, Morris Gelmar, L. M. Magill, C. J. Zaiser, Wilton Parsons, John H. Hauberg, E. R. Maloney, H. F. Vierich, G. O. Dietz, Walter G. Baker, George Wenger, J. R. Brooks, Henry Waterman, Geneseo, C. E. Dietz, L. C. Blanding, H. P. Simpson, W. A. Rosenfield, William A. Meese, C. P. Skinner, M. J. McEniry, C. J. Searle, J. B. Oakleaf, Robert Wagner, B. D. Connelly, Otto Huber, George W. Gamble, H. N. Williams, J. D. Metzgar, J. L. Oakleaf, M. S. McJurg, P. R. Ingelson, O. L. Bruner, H. A. Weld, Harry E. Brown, Geneseo; G. A. Shalberg, T. H. Dolly, S. J. Collins, Marion E. Sweeney, Edward W. Schoede, Frank L. North, P. J. Stack, Chicago; F. H. Kelly, A. B. Johnson, Philip H. Wells, John K. Scott, George P. Stauduhar, Jacob Rachman, S. Mosensfelder, James W. Maueker, Ambrose P. McGulrik, Davenport; M. V. Gannon, Davenport; Adair Pleasant, J. T. Kenworthy, C. B. Marshall, O. A. Norling, Phil Miller, W. V. Kittleson, James F. Murphy, J. T. Marrow, J. P. Witter, Andrew Olson, W. E. Christensen, Frank Gustafson, L. C. Cleveland, Oscar B. Carlstrom, Cambridge; Joseph L. Haas, M. D. Rosenfield, E. E. Buffum, L. R. Blackman, Benjamin F. Schriver, Roy A. Sears, S. W. Searle, F. A. Smith, C. L. Walker, George H. Davis, Thomas J. Welch, Kewanee; H. W. Andrews, Robert E. Morse, Kewanee; Dudley Marshall, Devore M. Simonson, James M. Johnston, Benjamin S. Bell, Mart R. Carlson, Kewanee; D. H. Snook, Davenport; N. A. Larson, Fred C. Entrikin, Edward Kittleson, Dr. J. A. Mannon, Sherrard; Hon. William McEniry, G. W. McCaskrin, S. R. Kenworthy, John Looney, Dr. Joseph De Silva.

TWO CHOP SUEY HOUSES CLOSED

Mayor McCaskrin Orders the Places on Eighteenth Street to Shut Their Doors.

WERE HARBORING WOMEN

Brawls and Fights in Joints Were of Frequent Occurrence and Complaints Were Many.

Two chop suey places located over saloons on Eighteenth street between First and Second avenues were ordered closed last evening by Mayor George W. McCaskrin. The mayor called upon the proprietors of the two places and warned them that their places would no longer be tolerated and that they would have to close up at once and remain closed. The mayor stated today that it was not necessary for him to explain to the proprietors why it was that he issued this order as they knew full well. He thought that the best interests of the morals of the city demanded the closing of the two places.

Had Harbored Women.

Both the cafes enjoyed a rather besmirched reputation as a result of the kind of patronage on which they subsisted. Women were harbored there and brawls and fights in which intoxicated women took a part were not infrequent occurrences. There has been considerable complaint made against the two places and the mayor finally decided that they had existed long enough.

COLORADO BANDIT TAKEN TO CLINTON

Meyers, Confessed Rock Island Hold-up Man, in Charge of Officers.

R. L. Meyers, the young-colored man who was arrested Saturday in Davenport and sentenced to jail for 30 days, was taken to Clinton this morning by two officials of the Burlington road. Meyers confessed to the police of Davenport Saturday when put through the third degree that he was the man wanted by the authorities in Rock Island for two holdups at saloons and for numerous other holdups, including the one at the Burlington station in Clinton.

PERSONAL POINTS.

H. A. Weld is in Galesburg today on business.

C. F. Gaetjer will leave tomorrow for Chicago.

Charles McHugh arrived from Chicago this afternoon.

County Clerk and Mrs. H. B. Hubbard have returned from Chicago.

S. M. Smith and son of Grand Island, Neb., departed this morning for California after a visit with relatives here.

NIGHT TELEGRAPH OFFICE?

Western Union Will Also Cut Night Rates to New York.

The Western Union Telegraph company announces that a cut in the night rates to New York is to be made. This will probably mean the opening of a night office in Rock Island.

Will Open Millinery Store.

Miss Donovan of Dixon has made arrangements to open a first class millinery store at 1610 Second avenue, to be known as the D. & E. Millinery store. The opening will be some day next week, the date to be announced later.

Democrats, Attention.

A meeting of the democratic city-township committee will be held at Turner hall Friday, March 4, at 7:30 p. m. for the purpose of discussing the spring campaign. Democrats in general are invited.

BERT CORKEN, Chairman.

Licensed to Wed.

Arthur De Backer, East Moline; Miss Tema Houtekier, East Moline.

An Awful Eruption.

of a volcano excites brief interest, and your interest in skin eruptions will be as short, if you use Bucklen's Arnica Salve, their quickest cure. Even the worst boils, ulcers, or fever sores are soon healed by it. Best for burns, cuts, bruises, sore lips, chapped hands, chilblains and piles. It gives instant relief. 25 cents at all druggists.

"The Store That Does Things" YOUNG & McCOMBS PASTRY.

Haven't you often wished that you might buy a cake or pie and know that it was made from real lard or butter, rich milk and strictly fresh eggs—come and see, that's all.

Buy some display on first floor or just telephone your order and we'll deliver it anything in any quality. Try one of our apple pies and notice the difference.

To be continued tomorrow. Keep your eye on this space.