PROCEEDINGS

OF THE

Illinois State Bar Association

THIRTIETH ANNUAL MEETING,

CHICAGO, JULY 12 AND 13, 1906.

EDITED BY

John F. Voigt, Jr.

SECRETARY

SPRINGFIELD:
ILLINOIS STATE REGISTER BOOK PUBLISHING HOUSE
1906.

GEORGE T. PAGE,
President.

For the sake of promptness in printing, it has been deemed advisable to print this report in two parts, of independent paging, Part I containing the preliminary matter and the proceedings of the annual meeting, and Part II containing the full report of the special addresses and the longer reports of committees.

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CONSTITUTION

OF THE

ILLINOIS STATE BAR ASSOCIATION.

FIRST ADOPTED JANUARY 4, 1877; REVISED AND ADOPTED JANUARY 24, 1895.

I.

NAME.

This Association shall be known as the Illinois State Bar Association.

II.

OBJECT.

The Association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal legal education, and to cultivate and cherish a spirit of brotherhood among the members thereof.

III.

MEMBERSHIP.

All persons, members of the Illinois State Bar Association in good standing on January 24, 1895, are declared members of this Association.

Any member of the legal profession in good standing, residing or practicing in this State, may be admitted to active membership; and distinguished members of the profession not in active practice at the bar, may be enrolled as honorary members.

IV.

OFFICERS.

There shall be elected at the annual meeting the following general officers, who shall respectively hold their offices for one year and until their successors are elected: A President, who shall, however, be ineligible to re-election for the term succeeding his term of service; three Vice-Presidents and a Secretary-Treasurer.

V.

COMMITTEES.

At the annual meeting the following standing committees shall, unless otherwise directed, be appointed by the President-elect:

1. Executive Committee of five members, which shall have general management of the affairs of the Association, and prescribe its By-Laws.

2. Judicial Administration, of five members, which shall take note of all proposed changes of the administration of the law, and recommend such as may, in its opinion, be entitled to the favorable consideration and endorsement of the Association; and, further, shall observe the workings of the judicial system of the State; shall collect information with reference thereto, and recommend such action as it may deem advisable.

3. Law Reform, of nine members—three to hold three years, three for two years and three for one year; and at each annual meeting three members shall be appointed in the place of those retiring, who shall serve for three years. It shall be the duty of this committee to consider and report to the Association such amendments of the law as, in its opinion, should be adopted; also to scrutinize proposed changes of the law, and recommend such as should receive the approval of the Association.

4. Legal Education, of five members.

5. Grievances, of five members.

6. Admissions, of five members.

7. Legal History and Biography.

8. A Necrologist.

Other standing committees may be created at an annual meeting; and no matter falling within the jurisdiction of a standing committee shall be referred to a select committee, unless upon vote of the Association.

VI.

ADMISSION FEE—ANNUAL DUES.

Applicants for membership shall, at the time of making application, pay an admission fee, which shall include the annual dues for the first year and the annual dues of all active members shall be payable on demand. Both the admission fee and the annual dues shall be prescribed by the By-Laws and a failure to pay dues shall be a good cause for expulsion.

VII.

VACANCIES.

Vacancies will be created by the death, removal from the State or inexcusable neglect of duty, of the incumbent. In the case of President, Vice-President and Secretary-Treasurer, such vacancy shall be filled by the Executive Committee, but only a Vice-President shall be appointed to the office of President. In the case of Chairman of a committee, such vacancy shall be filled by the President; and in the case of committeemen, by the Chairman of the committee.

VIII.

MEETINGS.

An annual meeting of the Association shall be held at a time and place to be fixed by the Executive Committee, which, however, may be adjourned, by vote of the members present, to another specified time and place. Provision for such annual meeting, and the character of its exercises, shall be made and prescribed, and timely notice thereof given by the Executive Committee. Special meetings may be called by the Executive Committee and the business there transacted shall be only such as is designated in the notice therefor.

IX.

WITHDRAWALS AND EXPULSIONS.

Members may withdraw from the Association in the manner and upon the conditions prescribed by the By-Laws, and members may be expelled for misconduct in their relations to brother members, to the Association, or in their profession, as may be prescribed by the By-Laws.

X.

AMENDMENTS.

This Constitution may be amended by a two-thirds vote of the members present at an annual meeting.

BY-LAWS.

REVISED AND ADOPTED JANUARY 24, 1895.

I.

QUORUM.

The Association shall convene at the place and hour indicated in the notice therefor. The presence of twenty-five members shall constitute a quorum.

II.

ORDER OF BUSINESS.

1. Reading Minutes of Preceding Meeting.
2. Report of Committee on Admissions.
3. Annual Address by the President.
4. Election of Officers for Ensuing Year.
5. Reports of Standing Committees.
   (*a*). Executive Committee.
   (*b*). Judicial Administration.
   (*c*). Law Reform.
   (*d*). Legal Education.
   (*e*). Grievances.
   (*f*). Legal History and Biography.
   (*g*). Necrologist.
6. Reports of Special Committees.
7. Special Addresses.
8. Miscellaneous Business.

III.

PRESIDENT AND VICE-PRESIDENT.

The President shall assume the general duties of his office on the adjournment of the annual meeting at which he is elected but during the session at which he is elected he shall announce all committees for the succeeding year, the appointment of which shall not have been otherwise provided for.

He shall, when present, preside at all meetings of the Association, and deliver the President's Annual Address, embodying therein such reference to recent changes in the law of this State, its present state

and administration, with his recommendations in respect thereto, as shall seem best calculated to conserve the general weal.

He shall be a member and Chairman of the Executive Committee. In his absence, or in case of vacancy in the office of President, the duties of President shall be discharged by the Vice-President selected by the Executive Committee.

IV.

SECRETARY-TREASURER.

The Secretary-Treasurer shall keep a record of the proceedings of the Association and the Executive Committee; be the keeper of the records and archives of the Association; superintend the publication and distribution of the publications of the Association, as directed by the Executive Committee; demand, receive and receipt for all moneys coming to the Association, and safely keep and disburse the same under the direction of the Executive Committee; be a member and Secretary of the Executive Committee, and discharge such other duties as may be imposed upon him. Of the moneys coming to his hands he shall retain $200 per annum as his salary.*

V.

COMMITTEES.

Chairmen shall call a meeting of their respective committees immediately after they have been announced, and at such other times as may be required for the prompt and thorough consideration of the matters falling within their jurisdictions respectively, or may have been referred to them respectively. Committee reports shall be in writing, signed by the Chairman; but such reports shall show what members thereof concur therein.

The proceedings of the Executive Committee, and the Committees on Admissions and Grievances, shall be conducted with closed doors, and only the result of their deliberations be made public.

VI.

NEW MEMBERS.

(Revised and Adopted in This Form at July Meeting, 1897.)

Applications for membership may be made at any time to the Secretary-Treasurer. They shall be in writing and show the place of residence, (with office number and street in cities), of the applicant, and bear the endorsement and recommendation of a member, and also be accompanied with an admission fee of $5.00.

* Amount changed to $300 at annual meeting 1904.

On the first day of each annual meeting a list of all such applicants shall be posted in a conspicuous position in the place in which said session is held and no report of said committee shall be presented to the Association until the second day of such session. The adoption by the Association of a favorable report of the committee and the payment of the admission fee shall constitute the applicant a member, but no annual dues shall be required for the first year of membership.

VII.

HONORARY MEMBERS.

The Justices of the Supreme Court of this State, in commission; past Justices of the same Court, not in practice; Justices of the United States Court, resident or assigned in this State; and the ex-Presidents of the Association, shall be enrolled as honorary members; and distinguished members of the profession may, by vote of the Association, be enrolled as honorary members; and all honorary members (not also active members) shall be entitled to all the privileges of membership, save voting at the election of officers.

VIII.

ANNUAL DUES.

The annual dues of members—not enrolled as honorary—shall be $3, payable to the Secretary-Treasurer on demand.

Members, who, after notice mailed to their last reported address, neglect or refuse the Secretary-Treasurer's demands or drafts therefor, may be expelled by vote of the Association.

IX.

WITHDRAWAL.

Withdrawal from membership may be effected by application to the Secretary-Treasurer, and the payment of all unpaid dues, including those of the current year.

X.

CHARGES AND COMPLAINTS.

Charges and complaints affecting the professional conduct of any person practicing as a lawyer in this State, when executed in duplicate, signed and verified by the complainant, may be filed with the Secretary-Treasurer and when so filed, one copy thereof shall be by such officer mailed to the accused, and a reasonable time given to answer the same; and on the coming in of the answer, also executed in duplicate and verified by the accused, one copy thereof shall in like manner be sent to the complainant. And thereupon the Secretary-Treasurer

shall fix a reasonable time, of which reasonable written notice shall be given both parties, in which the evidence in support and denial of the matters in issue shall be filed with him. And upon the coming in of the evidence, the complaint, answer and evidence shall be referred to the Committee on Grievances, the Chairman of which shall fix a time (of which both parties shall have written notice) when and where the Committee will consider the matter, and at which time and place both parties may appear and be heard. But the committee may refuse to consider any evidence not in writing, duly verified.

The proceedings of the committee shall be with closed doors. If the committee shall determine to quash or dismiss the complaint, announcement of that fact may be made; but, if otherwise, the committee's determination shall remain unannounced, until duly reported to the Association, along with the pleadings and evidence in the case.

The report of the committee shall be considered by the Association, and such action taken thereon as the nature of the case may require.

XI.

REPRESENTATIVES.

The President, during vacation, may appoint one or more members to represent the Association, and promote its interests, on any occasion deemed expedient by him; and over his official hand, attested by the Secretary-Treasurer, duly accredit him or them as such representative.

XII.

PUBLICATION.

The Constitution and By-Laws, together with the roll of active, honorary and deceased members, shall be included in the publication of the proceedings of the Association.

XIII.

DISBARMENT.

(Adopted July Meeting, 1900.)

When it shall officially appear that a member of the Association has been disbarred, he shall thereupon cease to be a member, and the Secretary shall drop his name from the roll of members.

XIV.

LIMITATION AS TO SPEAKING.

(Adopted by Executive Committee Aug. 21, 1900. As to authority of Executive Committee to prescribe By-Laws, see Constitution, Art. 5, Sec. 1.)

No member shall speak more than five minutes except in the delivery of an address upon the regular program.

No member shall speak more than once on any matter, question or motion except by unanimous consent.

ILLINOIS STATE BAR ASSOCIATION.

OFFICERS AND COMMITTEES.

It was formerly customary to here print the list of officers and committees for the ensuing year, but it seems more proper that the retiring officers and committees should be inserted, as this book is, directly or indirectly, the result of their efforts. The officers and committees for the year 1906-7 will be listed at the end of Part II.

OFFICERS FOR 1905-1906.

PRESIDENT.

GEORGE T. PAGE.....Peoria

VICE PRESIDENTS.

HARRISON MUSGRAVE.....Chicago

E. P. WILLIAMS.....Galesburg

ROBERT MCMURDY.....Chicago

SECRETARY AND TREASURER.

JAMES H. MATHENY.....Springfield

STANDING COMMITTEES FOR 1905-1906.

EXECUTIVE:

George T. Page, Masonic Temple, Peoria.
Stephen S. Gregory, Title & Trust Building, Chicago.
John Barton Payne, First National Bank Building, Chicago.
Harry M. Waggoner, Lewistown.
James H. Matheny, Springfield.

ADMISSIONS:

William M. Pindell, Title & Trust Building, Chicago.
Edgar L. Masters, Ashland Block, Chicago.
Pleas T. Chapman, Vienna.
Joseph E. Dyas, Paris.
J. C. Murphy, Aurora.

LAW REFORM:

William B. Wright, Effingham.
Frank J. Loesch, Ashland Block, Chicago.
Percy V. Castle, Chamber of Commerce, Chicago (To fill vacancy.)
William T. Church, Aledo.
William D. Fullerton, Ottawa.
John B. Brown, Monmouth.
William R. Curran, Pekin.
George D. Burroughs, Edwardsville.
Frank H. Scott, The Temple, Chicago.

COMMITTEES—1905-1906.

GRIEVANCES:

M. J. Daugherty, Galesburg.
Henry R. Baldwin, 99 Washington Street, Chicago.
N. W. Hacker, Fisher Building, Chicago.
W. S. Phillips, Ridgeway.
Elmer E. Rogers, Unity Building, Chicago.

LEGAL EDUCATION:

Oliver A. Harker, Carbondale.
Sigmund Zeisler, First National Bank Building, Chicago.
Ephraim Banning, Marquette Building, Chicago.
George E. Dawson, First National Bank Building, Chicago.
Stuart Brown, Springfield.

JUDICIAL ADMINISTRATION:

Sain Welty, Bloomington.
Arthur J. Eddy, The Temple, Chicago.
Norman P. Willard, Title & Trust Building, Chicago.
William A. Vincent, The Rookery, Chicago.
Dan R. Sheen, Peoria.

LEGAL HISTORY AND BIOGRAPHY:

Otto Gresham, The Tacoma, Chicago.
Charles H. Hamill, 160 Washington Street, Chicago.
H. R. Nortrup, Havana.
James R. Mann, Ashland Block, Chicago.
Fred H. Hand, Cambridge.

NECROLOGIST:

James B. Bradwell, 87 Clark Street, Chicago.

DELEGATES TO THE AMERICAN BAR ASSOCIATION:

George R. Peck, Railway Exchange Building, Chicago.
Edgar A. Bancroft, The Temple, Chicago.
Henry T. Rainey, Carrollton.

SPECIAL COMMITTEES FOR 1905-1906.

UNIFORM LAWS AND NEGOTIABLE INSTRUMENTS LAW:

John C. Richberg, Rector Building, Chicago.
Benson Wood, Effingham.
Alfred Orendorff, Springfield.
William Eliot Furness, First National Bank Building, Chicago.

EX-PRESIDENTS OF THE ASSOCIATION.

Anthony Thornton* .....1877, 1878, 1879.... ....Shelbyville
David McCulloch .....1880.... ....Peoria
Orville H. Browning*.....1881..... ....Quincy
Elijah B. Sherman, vice Browning, deceased, 1881..... ....Chicago
Charles C. Bonney*.....1882..... ....Chicago
William L. Gross.....1883..... ....Springfield
David Davis*.... .....1884..... ....Bloomington
Benjamin S. Edwards*.....1885.... ....Springfield
Melville W. Fuller.....1886.....Washington, D. C.
E. B. Green .....1887..... .....Mt. Carmel
Thomas Dent .....1888..... ....Chicago
Ethelbert Callahan .....1889.... .....Robinson
James B. Bradwell.....1890.... .....Chicago
James M. Riggs.....1891.... ... .Winchester
Lyman Trumbull* .....1892.... ....Chicago
Samuel P. Wheeler .....1893..... .. ..Springfield
Elliott Anthony* .....1894.... ....Chicago
Oliver A. Harker .....1895..... ....Carbondale
John H. Hamline*.....1896-7.. .. ..Chicago
Alfred Orendorff .....1897-8..... ....Springfield
Harvey B. Hurd*.....1898-9.... ....Chicago
Benson Wood ....1899-0.. .. ..Effingham
Jesse Holdom .....1900-1.. ....Chicago
John S. Stevens.....1901-2.... .. ..Peoria
Murray F. Tuley*.....1902-3..... ....Chicago
Charles L. Capen.....1903-4.. ....Bloomington
Stephen S. Gregory.....1904-5.... ....Chicago
George T. Page.....1905-6..... ....Peoria

HONORARY MEMBERS.

JUSTICES OF THE SUPREME COURT.

In Commission.

Guy C. Scott, Chief Justice.....Aledo
James H. Cartwright†.....Oregon
John P. Hand .....Cambridge
Jacob W. Wilkin†.....Danville
William M. Farmer†.....Vandalia
Alonzo K. Vickers†.....Vienna
Orrin N. Carter†.....Chicago

EX-JUSTICES OF THE SUPREME COURT.

Period in Commission.

Simeon P. Shope, 1885-1894.....Chicago
Alfred M. Craig, 1873-1900.....Galesburg
Joseph N. Carter, 1894-1903.....Quincy
Benjamin D. Magruder 1885-1906.....Chicago
Carroll C. Boggs 1897-1906.....Fairfield

*Deceased.
†Active members of the Association.

HONORARY MEMBERS.

JUDGES OF THE UNITED STATES COURTS.

FOR THE SEVENTH CIRCUIT.

William R. Day, Circuit Justice.....Washington, D. C.
Peter S. Grosscup, Circuit Judge.....Chicago, Ill.
Francis E. Baker, Circuit Judge.....Indianapolis, Ind.
Christian C. Kohlsaat, Circuit Judge.....Chicago, Ill.
William H. Seaman, Circuit Judge.....Sheboygan, Wis.
J. Otis Humphrey, District Judge.....Springfield, Ill.
Albert B. Anderson, District Judge.....Indianapolis, Ind.
Solomon H. Bethea, District Judge.....Chicago, Ill.
Kenesaw M. Landis, District Judge.....Chicago, Ill.
Francis M. Wright, District Judge.....Danville, Ill.
Joseph V. Quarles, District Judge.....Milwaukee, Wis.
Arthur L. Sanborn, District Judge.....Madison, Wis.

JUSTICES OF THE APPELLATE COURTS.

FIRST DISTRICT—CHICAGO.

Edward O. Brown.....Chicago
Francis Adams.....Chicago
Jesse Holdom.....Chicago

FIRST DISTRICT—CHICAGO—BRANCH COURT.

Henry V. Freeman.....Chicago
Frederick A. Smith.....Chicago
Frank Baker.....Chicago

SECOND DISTRICT—OTTAWA.

Dorrance Dibell.....Joliet
Henry W. Willis.....Geneva
George W. Thompson.....Galesburg

THIRD DISTRICT—SPRINGFIELD.

Leslie D. Puterbaugh.....Peoria
James S. Baume.....Galena
Frank D. Ramsey.....Morrison

FOURTH DISTRICT—MT. VERNON.

James A. Creighton.....Springfield
Colostin D. Myers.....Bloomington
Harry Higbee.....Pittsfield

Mrs. Ada H. Kepley, Effingham.
Mrs. Bessie Bradwell Helmer, Chicago.
Henry Wade Rogers, New Haven, Conn.
John B. Cassoday, Madison, Wisconsin.
William L. Gross†, Springfield.
Joseph E. Gary, Chicago.
Emlin McClain, Des Moines, Iowa.
Edwin T. Merrick, New Orleans, La.
Alton B. Parker, New York.
John B. Winslow, Madison, Wis.
James Hagerman, St. Louis.

†Active members of the Association.

ROLL OF MEMBERS.

Abbey, Charles P.	1899	Title and Trust Building	Chicago
Abbott, William T.	1893	181 LaSalle Street	Chicago
Adams, William A.	1906	59 Clark Street	Chicago
Addington, Keene H.	1903	Title and Trust Building	Chicago
Adkinson, Elmer W.	1891	160 Washington Street	Chicago
Akin, Edward C.	1897	Barber Building	Joliet
Alden, W. T.	1905	Ashland Block	Chicago
Aldrich, Charles H.	1888	Home Insurance Building	Chicago
Allen, Charles L.	1898	Portland Block	Chicago
Alling, Charles, Jr.	1906	Title & Trust Building	Chicago
Alschuler, Benjamin P.	1905		Aurora
Alschuler, Samuel	1898	Tribune Building	Chicago
Ames, Truman E.	1893	Judge Circuit Court	Shelbyville
Anderson, A. Logan	1900	Foley Building	Lincoln
Andrews, James DeWitt	1897	10 Wall Street	New York
Andrews, Sidney F.	1902	1 Park Row	Chicago
Anthony, Charles E.	1895	115 Dearborn Street	Chicago
Anthony, George D.	1895	115 Dearborn Street	Chicago
Armstrong, M. N.	1904	Gedney Block	Ottawa
Arnd, Charles	1890	Borden Block	Chicago
Arney, John J.	1896		Martinsville
Ashcraft, E. M.	1886	The Temple	Chicago
Atwood, Harry F.	1901	1946 Morgan Avenue	Morgan Park
Austrian, Alfred S.	1896	Rector Building	Chicago
Bacon, Henry M.	1891	First National Bank Building	Chicago
Bailey, O. J.	1879	Dime Savings Building	Peoria
Bainum, Noah C.	1902		Carmi
Baker, John W.	1904	Ashland Block	Chicago
Baldwin, Henry R.	1897	99 Washington Street	Chicago
Baldwin, Jesse A.	1886	99 Washington Street	Chicago
Baldwin, Robert R.	1897	107 Dearborn Street	Chicago
Ball, A. C.	1903		Pontiac
Ball, Farlin H.	1904	Borden Block	Chicago
Ball, Farlin Q.	1891	Judge Appellate Court	Chicago
Bancroft, Edgar A.	1891	The Temple	Chicago
Bangs, Fred A.	1898	National Life Building	Chicago
Banning, Ephraim	1887	Marquette Building	Chicago
Banning, Thomas A.	1892	Marquette Building	Chicago
Barbee, William S.	1905	159 LaSalle Street	Chicago
Barbour, James J.	1898	New York Life Building	Chicago

ROLL OF MEMBERS.

Barker, Burt Brown.....1905..Title and Trust Building.....Chicago
Barnes, R. Magoon.....1896..... ....Lacon
Barnes, V. V.....1896..... .....Zion City
Barnett, Otto R.....1898..Monadnock Building .....Chicago
Barrett, E. E.....1895..Manhattan Building .....Chicago
Barnhart, Marvin E.....1906..Atwood Building .....Chicago
Barrett, Oliver R.....1906..Unity Building .....Chicago
Barry, Gerald G.....1901..Title and Trust Building.....Chicago
Bartelme, Mary M.....1896..Ashland Block .....Chicago
Bartlett, Charles Carroll.....1903..Title and Trust Building.....Chicago
Bartley, Charles E.....1905..Unity Building .....Chicago
Barton, George P.....1892..Monadnock Building .....Chicago
Bassett, I. N.....1877..... ....Aledo
Bastrup, Louis .....1897..Reaper Block .....Chicago
Batten, John H.....1901..145 LaSalle Street.....Chicago
Baume, James S.....1897..... ....Galena
Beach, Clif E.....1901..... ....Paxton
Beach, Elmer E.....1901..Ashland Block .....Chicago
Beach, Myron H.....1892..The Rookery .....Chicago
Beach, Raymond W.....1898..Ashland Block .....Chicago
Beale, William G.....1897..The Temple..... .....Chicago
Beam, Henry D.....1896..115 Dearborn Street.....Chicago
Beaver, W. H.....1886..... ....Lawton, Oklahoma
Becker, Benjamin V.....1903..Chamber of Commerce.....Chicago
Benjamin, R. M.....1904..Unity Building .....Bloomington
Bennett, J. L.....1901..Ashland Block .....Chicago
Berry, Orville F.....1883..... ....Carthage
Bestel, Lucius W.....1905..Albert Dickinson Co.....Chicago
Bethea, S. H.....1903..Judge U. S. District Court.....Chicago
Beyer, Harold L.....1905..Ashland Block..... .....Chicago
Bigelow, Hiram.... .....1879..... ....Galva
Billings, Charles L.....1904..Title and Trust Building.....Chicago
Bingham, F. A.....1896..Ashland Block .....Chicago
Bingham, Joseph Walter....1905..Fisher Building .....Chicago
Binswanger, Augustus.. ....1898..Fort Dearborn Building.....Chicago
Black, John C.....1879..Monadnock Building .....Chicago
Blair, Frank W.....1903..State's Attorney's Office.....Chicago
Blanchard, Charles .....1877..Moloney Building .....Ottawa
Blanchard, Sidney R.....1904..Court House .....Ottawa
Blatchford, Charles H.....1904..Tribune Building .....Chicago
Blinn, E. D.....1878..... .....Lincoln
Bliss, E. R.....1897..Ashland Block .....Chicago
Bloomingston, John A.....1904..Security Building .....Chicago
Boggs, Franklin H.....1896..... ....Urbana
Bolen, John L.....1904..140 Dearborn Street.....Chicago
Booth, Fenton W.....1902..Judge Court of Claims..Washington, D. C.
Borders, M. W.....1902..234 LaSalle Street.....Chicago
Bosworth, John F.....1904..... .....El Paso
Boughan, Andrew B.....1903..184 LaSalle Street.....Chicago
Boulware, J. R.....1905..Arcade Building .....Peoria
Boyden, William C.....1896..Portland Block .....Chicago
Brace, William .....1896..Home Insurance Building.....Chicago

ROLL OF MEMBERS.

Bradley, John H.....1896..... ....Shelbyville
Bradley, L. M.....1896..... .....Mound City
Bradley, Ralph R.....1896..The Rookery .....Chicago
Bradwell, James B.....1877..87 Clark Street.....Chicago
Bradwell, Thomas .....1890..128 Clark Street.....Chicago
Branson, N. W.....1879..... ....Petersburg
Brothers, David M.....1904..259 N. Clark Street.....Chicago
Brown, Edward O.....1891..First National Bank Building....Chicago
Brown, Frederick A.....1900..Tacoma Building .....Chicago
Brown, James E.....1896..Stock Exchange Building .....Chicago
Brown, J. B.....1896..... ....Monmouth
Brown, John A.....1906..79 Clark Street.....Chicago
Brown, John J.....1886..... ....Vandalia
Brown, Paul..... .....1896..First National Bank Building....Chicago
Brown, Robert J.....1903..... ....Edwardsville
Brown, Stuart..... .....1884..309 South Sixth Street.....Springfield
Brown, Taylor E.....1897..Marquette Building .....Chicago
Brown, William..... .....1879..... ....Jacksonville
Browne, Lee O'Neil.....1904..705 LaSalle Street .....Ottawa
Browning, Granville W.....1904..Hartford Building .....Chicago
Buck, Charles M.....1904..Hanna Building .....Bloomington
Buell, Charles C.....1906..Tribune Building .....Chicago
Bulkley, Almon W.....1892..Home Insurance Building.....Chicago
Bull, Follett W.....1904..184 LaSalle Street.....Chicago
Bundy, William F.....1906..212 E. Broadway.....Centralia
Burchard, John C.....1904..Ashland Block .....Chicago
Burgett, J. M. H.....1898..National Life Building.....Chicago
Burley, Clarence A.....1892..Hartford Building .....Chicago
Burnett, O. H.....1902..... ....Marion
Burnham, Hugh L.....1896..Hartford Building .....Chicago
Burroughs, B. R.....1881..... ....Edwardsville
Burroughs, George D.....1903..108 Hillsboro Avenue.....Edwardsville
Burry, William .....1905..184 LaSalle Street.....Chicago
Burton, Charles H.....1901..... ....Edwardsville
Butler, Rush C.....1898..Monadnock Block .....Chicago
Byam, John W.....1903..Ashland Block .....Chicago
Caldwell, Andrew S.....1897..... ....Carbondale
Calhoun, W. J.....1886..The Rookery .....Chicago
Callahan, Ethelbert.... .....1877..... ....Robinson
Callan, J. P.....1906..Mercantile Block .....Aurora
Cameron, John M.....1896..The Rookery .....Chicago
Capen, Charles L.....1879..Greischeim Building .....Bloomington
Carnahan, Frank G.....1901..New Chamber of Commerce.....
.....Minneapolis, Minn.
Carter, Orrin N.....1896..Justice Supreme Court.....Chicago
Cartwright, James H.....1894..... ....Oregon
Case, Charles Center, Jr.....1905..92 LaSalle Street.....Chicago
Case, Munson T.....1897..Merchants Building .....Chicago
Case, Theodore G.....1897..81 Clark Street.....Chicago
Casey, John D.....1903..Assistant Probate Judge.....Chicago
Cass, George W.....1892..Portland Block .....Chicago
Cassoday, Eldon J.....1903..Monadnock Building .....Chicago

ROLL OF MEMBERS.

Castle, Percy V.....1898..Chamber of Commerce.....Chicago
Caswell, C. L., Jr.....1903..First National Bank Building....Chicago
Caverly, John R.....1903..128 S. Clark Street.....Chicago
Caylor, Worth E.....1897..Title & Trust Building.....Chicago
Cella, Angelo S.....1896..35 Wall Street.....New York, N. Y.
Chace, Henry T., Jr.....1904..Ashland Block .....Chicago
Chancellor, Justus .....1894..Masonic Temple .....Chicago
Chandler, William B.....1897..... .....Spanaway, Washington
Chapman, Clarence B.....1897..National City Bank Building.....Ottawa
Chapman, Pleas T.....1893..... ....Vienna
Chase, B. F.....1885..Security Building .....Chicago
Cheadle, Charles B.....1906..... ....Joliet
Chezem, Andrew L.....1903..... ....Mattoon
Chiperfield, Burnett M.....1898..... ....Canton
Chiperfield, C. E.....1902..... ....Canton
Christophers, Henry R.....1905..163 Randolph Street.....Chicago
Church, William E.....1899..Title and Trust Building.....Chicago
Church, William T.....1905..... ....Aledo
Chytraus, Axel..... .....1898..Judge Superior Court.....Chicago
Cleland, McKenzie.. .....1902..Stock Exchange Building.....Chicago
Clendenin, James W.....1905..... ....Monmouth
Cleveland, Chester E.....1896..Chamber of Commerce.....Chicago
Coburn, Lewis L.....1887..Monadnock Building .....Chicago
Coburn, John J.....1906..Merchants Building .....Chicago
Coffeen, M. Lester.....1895..Home Insurance Building.....Chicago
Colby, Francis T.....1898..1041½ Valencia St..San Francisco, Calif.
Collins, Lorin C.....1879..Title and Trust Building.....Chicago
Condon, James G.....1905..Ashland Block .....Chicago
Conkling, Clinton L.....1902..205 South Fifth Street.....Springfield
Connolly, James A.....1878..225 South Sixth Street.....Springfield
Cook, H. G.....1904..Armory Block .....Ottawa
Cooke, George A.....1905..... ....Aledo
Cooper, William Fenimore....1897..Merchants' Building .....Chicago
Courtney, James C.....1893..... ....Metropolis
Craig, Bryan Y.....1904..Stock Exchange Building.....Chicago
Cratty, Josiah .....1900..Fort Dearborn Building.....Chicago
Cratty, Thomas .....1878..Fort Dearborn Building.....Chicago
Crea, Hugh.... .....1881..... ....Decatur
Creighton, James A.....1877..Judge Circuit Court.....Springfield
Crisler, A. E.....1901.....Chester
Cullom, Shelby M.....1878..Leland Hotel .....Springfield
Culver, Alvin H.....1902..New York Life Building.....Chicago
Curran, William R.....1897..... ....Pekin
Currier, Albert Dean.....1905..205 LaSalle Street.....Chicago
Custer, Jacob R.....1896..The Rookery .....Chicago
Cutting, Charles S.....1896..Judge Probate Court.....Chicago
Dacy, Albert E.....1903..2751 Sheridan Road .....Chicago
Danforth, Herman W.....1905..Y. M. C. A. Building.....Peoria
Darrow, Clarence S.....1896..Ashland Block .....Chicago
Daugherty, M. J.....1896..110 Main Street.....Galesburg
David, Joseph B.....1897..Metropolitan Block .....Chicago
Davis, Brode B.....1904..The Temple..... .....Chicago

ROLL OF MEMBERS.

Davison, B. M.....1902.....Marshall
Dawson, George E.....1891..First National Bank Building.....Chicago
Defrees, Joseph H.....1891..Home Insurance Building.....Chicago
Deneen, Charles S.....1897..State Capitol .....Springfield
Dent, Louis L.....1904..The Rookery .....Chicago
Dent, Thomas.....1879..Portland Block .....Chicago
Dibell, Dorrance .....1892..Judge Circuit Court.....Joliet
Dickinson, Henry F.....1906..Title & Trust Building.....Chicago
Dickinson, J. M.....1900..1 Park Row.....Chicago
Dillon, William .....1903..Ashland Block .....Chicago
Dixon, William Warren.....1905..The Rookery .....Chicago
Dolph, Fred A.....1904..Mercantile Building .....Aurora
Dolson, Charles N.....1898.....Arcola
Donahoe, John T.....1898..Barber Building .....Joliet
Donnelly, Charles H.....1898.....Woodstock
Donovan, T. F.....1906..Young Building .....Joliet
Douglass, George L.....1899..The Temple .....Chicago
Dow, Lorenzo E.....1902..160 Washington Street.....Chicago
Doyle, Leo J.....1905..The Rookery .....Chicago
Doyle, William A.....1903..First National Bank Building.....Chicago
Drennan, James L.....1902.....Taylorville
Drennan, John G.....1882..Law Dept., Illinois Central Ry..Chicago
Duffy, Frederick .....1901..Title and Trust Building.....Chicago
Duncan, W. W.....1899..Judge Circuit Court.....Marion
Duncombe, Herbert S.....1903..Chamber of Commerce.....Chicago
Dunn, F. K.....1895.....Charleston
Dunne, Edward F.....1904. City Hall .....Chicago
Dupuy, George Alexander....1904..Judge Superior Court.....Chicago
Dwight, Samuel L.....1877.....Centralia
Dyas, Joseph E.....1901.....Paris
Early, Albert D.....1892.....Rockford
Early, William P.....1896.....Edwardsville
Eastman, Albert N.....1897..The Temple.....Chicago
Eastman, Sidney Corning....1892..Monadnock Building .....Chicago
Eberhardt, Max .....1903..Cor. Madison & Union Streets....Chicago
Eckhart, Percy B.....1904..First National Bank Building.....Chicago
Eddy, Arthur J.....1897..The Temple.....Chicago
Ellwood, William N.....1906..129 North Jefferson Ave.....Peoria
Elsdon, James G.....1901..92 LaSalle Street.....Chicago
Elting, Victor .....1899..The Rookery .....Chicago
Emmons, Law E.....1884.....Quincy
Emrich, Myer S.....1898..Ashland Block .....Chicago
Ennis, Alfred .....1888..The Rookery .....Chicago
Epler, Carl E.....1902..239 North Fifth Street.....Quincy
Erb, J.....1898..Ashland Block .....Chicago
Errant, Joseph W.....1888..Ashland Block .....Chicago
Esher, Edward B.....1897..Oxford Building .....Chicago
Evans, Lynden .....1896..107 Dearborn Street.....Chicago
Evans, Winslow .....1894..Woolner Building .....Peoria
Everett, Edward W.....1905..First National Bank Building....Chicago
Ewing, W. G.....1882..2932 Indiana Avenue.....Chicago
Farmer, William M.....1881.....Vandalia

Farwell, John C.....1899..Title and Trust Building.....Chicago
Felsenthal, Eli B.....1899. Title & Trust Building.....Chicago
Ferguson, Elbert C.....1892..Title and Trust Building.....Chicago
FitzHenry, Louis .....1900..... ....Bloomington
Fletcher. William Meade....1896..West End Trust Building....Philadelphia
Floan, John P.....1905..The Rookery .....Chicago
Fogle, John L.....1906..Title & Trust Building.....Chicago
Foley, Stephen A.....1896..... ....Lincoln
Follansbee, George A.....1898..Home Insurance Building.....Chicago
Follansbee, Mitchell D.....1900..Home Insurance Building.....Chicago
Folsom, William R.....1904..Title and Trust Building.....Chicago
Forrest, William S.....1897..Ashland Block .....Chicago
Foster, Stephen A.....1896..Home Insurance Building.....Chicago
Foster, William H.....1892..1997 Sheridan Road.....Chicago
Frazer, Emory D.....1906..The Temple .....Chicago
Freeman, Henry V.....1891..5760 Woodlawn Avenue.....Chicago
Frost, Arthur H.....1896..... ....Rockford
Frost, E. Allen.....1902..Marquette Building .....Chicago
Fry, George C.....1898..New York Life Building.....Chicago
Fulkerson, Monroe .....1896..Title & Trust Building.....Chicago
Fuller, Charles E.....1892..... ....Belvidere
Fuller, Henry C.....1894..City Hall .....Peoria
Fuller, Melville W.....1879.....Washington, D. C.
Fullerton, William D.....1897..609 LaSalle Street.....Ottawa
Furness, William Eliot.....1898..First National Bank Building.....Chicago
Gale, George Candee.....1901..... ....Galesburg
Gallagher, M. F.....1900..Monadnock Building .....Chicago
Gann, David B.....1899..181 LaSalle Street.....Chicago
Gansbergen, Frederick H.....1902..Chamber of Commerce.....Chicago
Gardner, Henry A.....1898..First National Bank Building.....Chicago
Garnett, Eugene H.....1903..Tribune Building .....Chicago
Gary, Elbert H.....1892..Empire Building.....New York
Gascoigne. James B.....1903..First National Bank Building.....Chicago
Gash, A. D.....1904..84 LaSalle Street.....Chicago
Gates, Albert R.....1899..Title and Trust Building.....Chicago
Geer, Ira J.....1906..Ashland Block .....Chicago
Gemmill, William N.....1903..Atwood Building .....Chicago
Gere, George W.....1888..... .....Champaign
Gibbons, John .....1886..Judge Circuit Court.....Chicago
Gilbert, J. Thornton.....1896..Ashland Block .....Chicago
Gillespie, George B.....1896..State Capitol .....Springfield
Golden, Thomas J.....1882..... ....Marshall
Goodwin, Clarence N.....1905..Tribune Building .....Chicago
Goodwin, John S.....1898..The Temple .....Chicago
Graham, James M.....1896..216 South Fifth Street.....Springfield
Graham, William J.....1904..... ....Aledo
Granger, Alexis L.....1904..... .....Kankakee
Grant, Frederick M.....1898..Churchill House Block .....Canton
Graves, Dwight W.....1898..Portland Block .....Chicago
Graves, Emery C.....1902..... ....Geneseo
Graves, Frank P.....1903..First National Bank Building.. ..Chicago
Gray, Edward E.....1896..Home Insurance Building.....Chicago

ROLL OF MEMBERS.

Green, Alvah S.	1899		Galesburg
Green, E. B.	1879		Mt. Carmel
Green, Henry I.	1904		Urbana
Greenfield, Charles W.	1896	New York Life Building	Chicago
Gregory, S. S.	1895	Title and Trust Building	Chicago
Gresham, Otto	1898	Title & Trust Building	Chicago
Gridley, Martin M.	1892	New York Life Building	Chicago
Grier, R. J.	1899	National Bank Building	Monmouth
Griffen, Alonzo M.	1905	Ashland Block	Chicago
Griffin, Joseph A.	1896	The Rookery	Chicago
Griggs, Clarence	1891	601 LaSalle Street	Ottawa
Gross, Alfred H.	1898	184 LaSalle Street	Chicago
Gross, William L.	1877	Farmers' Nat. Bank Building	Springfield
Hacker, N. W.	1892	Fisher Building	Chicago
Hagan, Henry M.	1903	Marquette Building	Chicago
Hall, Ross C.	1903	Tribune Building	Chicago
Hamill, Charles H.	1898	160 Washington Street	Chicago
Hamill, James M.	1887	West Block	Belleville
Hamilton, Isaac Miller	1892	Marquette Building	Chicago
Hamlin, H. J.	1877		Shelbyville
Hand, Fred H.	1901		Cambridge
Haney, Elbridge	1879	First National Bank Building	Chicago
Harding, Charles F.	1898	205 LaSalle Street	Chicago
Harker, Oliver A.	1891		Carbondale
Harlan, John Maynard	1898	Marquette Building	Chicago
Harmon, Charles S.	1896	First National Bank Building	Chicago
Harpham, Edwin L.	1898	Ashland Block	Chicago
Harris, Charles S.	1896		Galesburg
Harrold, James P.	1903	Fort Dearborn Building	Chicago
Hatch, Azel F.	1891	Title and Trust Building	Chicago
Hauze, William R.	1896	160 Washington Street	Chicago
Havard, Charles Henry	1902	Title and Trust Building	Chicago
Haven, Dwight C.	1896	Judge County Court	Joliet
Hay, Logan	1898	309 South Sixth Street	Springfield
Haynie, William Duff	1905	The Rookery	Chicago
Healy, John J.	1898	County Building	Chicago
Hebard, Frederic S.	1892	Rector Building	Chicago
Heckman, Wallace	1891	Merchants' Building	Chicago
Helmer, Frank A.	1890	Atwood Building	Chicago
Henning, Robert	1904		Fairbury
Herbert, John M.	1891		Murphysboro
Herrick, John J.	1892	Portland Block	Chicago
Hess, George W.	1898	Metropolitan Block	Chicago
Hibben, James	1902	Journal Building	Chicago
Hicks, James	1903		Monticello
Higbee, Harry	1879		Pittsfield
High, Shirley T.	1903	Portland Block	Chicago
Hill, John W.	1905	Monadnock Block	Chicago
Hill, Lysander	1896	Monadnock Building	Chicago
Hills, George P.	1904	131 West Main Street	Ottawa
Hirschl, Andrew J.	1896	Rector Building	Chicago
Hirtzel, Cora B.	1898	Law Institute, 134 Monroe St.	Chicago

ROLL OF MEMBERS.

Hoff, Alonzo	1896	Farmers' Nat. Bank Building	Springfield
Hogan, John E.	1905	First National Bank Building	Taylorville
Holdom, Jesse	1891	Judge Appellate Court	Chicago
Holmes, Delavan A.	1904	159 LaSalle Street	Chicago
Holmes, Thomas J.	1898	Portland Block	Chicago
Hood, John D.	1896	175 Dearborn Street	Chicago
Horner, Henry Clay	1898		Chester
Horton, Oliver H.	1887	Judge Circuit Court	Chicago
Howe, Samuel J.	1904	Hartford Building	Chicago
Howell, C. V.	1898	Ashland Block	Chicago
Howett, William A.	1897	Attorney Illinois Central Ry.	Chicago
Hoyne, Thomas M.	1896	108 LaSalle Street	Chicago
Hubbard, S. A.	1901	Stern's Building	Quincy
Huff, Thomas D.	1904	59 Dearborn Street	Chicago
Hughes, Thomas W.	1906	309 E. Springfield Avenue	Champaign
Hull, Horace	1896	Court House	Ottawa
Humburg, A. P.	1902	1 Park Row	Chicago
Humphrey, Wirt E.	1903	Ashland Block	Chicago
Hunter, William R.	1897		Kankakee
Huss, Matthew J.	1906	59 Dearborn Street	Chicago
Huszagh, Rudolph D.	1904	112 Clark Street	Chicago
Hutchinson, J. B.	1903	Tribune Building	Chicago
Hyde, James W.	1902	New York Life Building	Chicago
Iles, Robert S.	1899	Rector Building	Chicago
Irwin, William F.	1894	Y. M. C. A. Building	Peoria
Jack, William	1888	Y. M. C. A. Building	Peoria
Jackson, Samuel W.	1896	172 Washington Street	Chicago
Jamieson, Stillman B.	1902	Ashland Block	Chicago
Janiszeski, Frank H.	1906	172 Washington Street	Chicago
Jenkins, George R.	1898	107 Dearborn Street	Chicago
Jenks, A. B.	1898	79 South Clark Street	Chicago
Jett, Thomas M.	1897		Hillsboro
Johnson, Frank Asbury	1899	Association Building	Chicago
Johnson, William H.	1896	Title and Trust Building	Chicago
Johnston, Frank, Jr.	1904	City Hall	Chicago
Jones, Alfred H.	1906		Robinson
Jones, Charles J.	1903	218 LaSalle Street	Chicago
Jones, Clarence A.	1905	Judge Probate Court	Springfield
Jones, Frank H.	1884	Am. Trust & Sav. Bank Bldg.	Chicago
Jones, N. M.	1892	Tacoma Building	Chicago
Jones, W. Clyde	1904	Title and Trust Building	Chicago
Karcher, George H.	1901	First National Bank Building	Chicago
Keeley, William E.	1903	Unity Building	Chicago
Keithley, Arthur	1900	Y. M. C. A. Building	Peoria
Kenna, E. D.	1896	Great Northern Building	Chicago
Keough, W. C. H.	1903	Oxford Building	Chicago
Kerr, Samuel	1904	189 LaSalle Street	Chicago
Kinsall, D. M.	1899		Shawneetown
Kirby, Edward P.	1879		Jacksonville
Kirkland, Lloyd G.	1903	112 Dearborn Street	Chicago
Klein, John P.	1902	Ashland Block	Chicago
Kline, Julius R.	1905	Ashland Block	Chicago

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Knapp, Kemper K.....1896..The Rookery .....Chicago
Knecht, Samuel E.....1906..142 Washington Street.....Chicago
Knight, Clarence A.....1896..Title and Trust Building.....Chicago
Koepke, Charles A.....1903..103 Randolph Street.....Chicago
Kramer, Edward C.....1905.....East St. Louis
Kraus, Adolph .....1892..Tribune Building .....Chicago
Kremer, Charles E.....1898..Fort Dearborn Building .....Chicago
Kretzinger, George W.....1892..Monadnock Building .....Chicago
Kurz, Adolph .....1896..Rector Building .....Chicago
Landon, Benson .....1904..Ashland Block .....Chicago
Lansden, John M.....1882.....Cairo
Lardin, Albert T.....1900..Judge Probate Court .....Ottawa
Lasker, Isidore .....1905..79 Dearborn Street .....Chicago
Latham, Carl R.....1905..Ashland Block .....Chicago
Lawson, William C.....1901..Court House .....Chicago
Lawrence, George A.....1896.....Galesburg
Leake, Joseph B.....1898..Reaper Block .....Chicago
Leaming, Jeremiah .....1896..Ashland Block .....Chicago
Lee, Blewett .....1896..1700 Prairie Avenue.....Chicago
Lee, Edward T.....1905..107 Dearborn Street .....Chicago
Lee, John H. S.....1901..First National Bank Building.....Chicago
Leffingwell, Frank P.....1897..135 Adams Street.....Chicago
Leman, Henry W.....1883..Title and Trust Building.....Chicago
Levinson, Isaac J.....1900..Woolner Building .....Peoria
Lewis, J. Hamilton.....1906..City Hall .....Chicago
Lillard, John T.....1883..Creischeim Building .....Bloomington
Lindley, Cicero J.....1889.....Greenville
Lindley, Frank .....1897..Main and Hazel Streets.....Danville
Loesch, Frank J.....1895..The Temple .....Chicago
Long, Jesse R.....1906..Chamber of Commerce.....Chicago
Lord, Frank E.....1892..The Temple .....Chicago
Lovett, Robert H.....1894.....Peoria
Lowden, Frank O.....1896..The Temple .....Chicago
Lunsford, Todd .....1903..Borden Block .....Chicago
Lynde, Samuel A.....1896..215 Jackson Boulevard.....Chicago
McChesney, Nathan William.1906..Title & Trust Building.....Chicago
Mack, Julian W.....1893..Judge Circuit Court.....Chicago
Magee, Henry W.....1897..Fisher Building .....Chicago
Magoon, Jay H.....1902.....Lacon
Magruder, Benjamin D.....1906..112 Clark Street.....Chicago
Mann, James R.....1897..Ashland Block .....Chicago
Mann, Joseph B.....1878.....Danville
Manierre, George W.....1906..Reaper Block .....Chicago
Manning, William J.....1898..Rector Building .....Chicago
Manny, Walter I.....1901.....Mt. Sterling
Mansfield, Charles F.....1902.....Mansfield
Mansfield, Henry .....1902..Woolner Building .....Peoria
Maple, Joseph W.....1894..Woolner Building .....Peoria
Markley, William S.....1903.....Missouri
Marsh, Edwin F.....1904..First National Bank Building.....Chicago
Marston, Thomas B.....1896..Tacoma Building .....Chicago
Martin, A. W.....1903..Tacoma Building .....Chicago

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Martin, James H.....1903..... ....Murphysboro
Martyn, Chauncey W.....1897..84 Washington Street.....Chicago
Marx, Frederick Z.....1904..Title and Trust Building.....Chicago
Mason, Charles T.....1892..Title and Trust Building.....Chicago
Mason, George A.....1903..Title and Trust Building.....Chicago
Masters, Edgar L.....1896..Ashland Block .....Chicago
Masters, Hardin W.....1891..... ....Springfield
Matheny, James H.....1878..First National Bank Building..Springfield
Mather, Robert .....1896..71 Broadway.....New York City
Mathias, Lee D.....1901..Home Insurance Building.....Chicago
Matz, Rudolph .....1903..Portland Block .....Chicago
Mayer, Isaac H.....1896..Rector Building .....Chicago
Mayer, Levy ....1896..Rector Building .....Chicago
Mayo, Henry .....1879..Post Office .....Ottawa
McBride, J. C.....1893..... ....Taylorville
McClelland, Thomas S.....1891..Metropolitan Block .....Chicago
McConaughy, F. A.....1878..First National Bank Building...Belleville
McCordic, Alfred E.....1898..The Rookery .....Chicago
McCrory, Charles B.....1905..Court House .....Quincy
McCrory, S. L.....1901..... ....Carthage
McCulloch, Catherine W.....1891..Merchants' Loan & Trust Bldg...Chicago
McCulloch, David .....1877..103 N. Jefferson Ave.....Peoria
McCulloch, Frank H.....1891..Merchants' Loan & Trust Bldg...Chicago
McDougall, Duncan .....1901..National City Bank Building.....Ottawa
McEwen, Willard M.....1902..Judge Superior Court.....Chicago
McGoorty, John P.....1899..Reaper Block .....Chicago
McIlvaine, Alan .....1901..Title and Trust Building.....Chicago
McIntyre, George V.....1896..Unity Building .....Chicago
McMahon, Edmond .....1904..First National Bank Building.....Chicago
McMath, James C.....1903..7 Monroe Street.....Chicago
McMurdy, Robert .....1889..Title and Trust Building.....Chicago
McNulty, George F.....1897..Cahokia Building.....East St. Louis
McShane, James C.....1896..New York Life Building.....Chicago
McSurely, William H.....1897..Hartford Building .....Chicago
McWilliams, Paul .....1905..Judge City Court.....Litchfield
Meagher, James F.....1899..First National Bank Building....Chicago
Meanor, Anson E.....1896..Opera House Building.....Chicago
Mecartney, Harry S.....1897..145 LaSalle Street.....Chicago
Meek, Marcellus W.....1906..Stock Exchange Building.....Chicago
Mehan, T. N.....1888..... .....Mason City
Merrick, George P.....1896..Title and Trust Building.....Chicago
Meyer, Abraham .....1899..Rector Building .....Chicago
Meyer, Carl .....1893..Rector Building .....Chicago
Meyerstein, Mark .....1897..... ....Whitehall
Milchrist, Thomas E.....1883..Hartford Building .....Chicago
Millar, Robert Wyness.....1906..Title & Trust Building.....Chicago
Miller, Amos..... .....1885..... ....Hillsboro
Miller, Amos C.....1904..Reaper Block .....Chicago
Miller, Arthur F.....1902..... ....Clinton
Miller, George W.....1897..Ashland Block .....Chicago
Miller, H. H. C.....1891..Marquette Building .....Chicago
Miller, Jay D.....1897..7 Randolph Street.....Chicago

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Miller, John S.....1886..Monadnock Building .....Chicago
Mills, Luther Laflin.....1904..New York Life Building.....Chicago
Mitchell, Charles H.....1906..City Hall .....Chicago
Montgomery, J. A.....1901..... ....Decatur
Montgomery, John R.....1896..181 LaSalle Street.....Chicago
Moore, Charles T.....1901..... ....Nashville
Moore, N. G.....1896..Marquette Building .....Chicago
Moore, Stephen R.....1877..... ....Kankakee
More, Clair E.....1905..Home Insurance Building.....Chicago
Morrill, Donald L.....1898..Title and Trust Building.....Chicago
Morris, Henry C.....1905..Title and Trust Building.....Chicago
Morris, Joseph O.....1902..The Rookery .....Chicago
Morse, Charles F.....1896..Marquette Building .....Chicago
Moses, Joseph W.....1898..The Temple .....Chicago
Moss, William R.....1906..First National Bank Building....Chicago
Mulligan, George F.....1904..Ashland Block .....Chicago
Munger, Edwin A.....1904..Portland Block .....Chicago
Munroe, Charles A.....1904..The Rookery .....Chicago
Murphy, John C.....1898..... ....Aurora
Murray, George W.....1891..Judge County Court.....Springfield
Musgrave, Harrison .....1896..First National Bank Building.....Chicago
Myers, C. D.....1901..Judge Circuit Court.....Bloomington
Neal, Henry A.....1878..Johnston Block .....Charleston
Newberger, William S.....1902..Ashland Block .....Chicago
Newcomb, George Eddy.....1897..771 West Madison Street.....Chicago
Newey, Frederick J.....1905..Unity Building .....Chicago
Newman, Jacob .....1897..Chamber of Commerce.....Chicago
Newton, Charles E. M.....1903..253 Lake Street.....Chicago
Niblack, William C.....1902..Title and Trust Building.....Chicago
Niehaus, John M.....1894..Court House .....Peoria
Noonan, Edward T.....1899..175 Dearborn Street.....Chicago
Northcott, W. A.....1889..Farmers National Bank Bldg..Springfield
Northrup, Elliott J.....1905..... ....Urbana
Norton, A. C.....1904..... ....Pontiac
Nortrup, H. R.....1879..... ....Havana
O'Brien, Quin .....1901..Unity Building .....Chicago
O'Bryan, Edward .....1905..New York Life Building.....Chicago
O'Connor, J. James.....1906..Title & Trust Building.....Chicago
O'Donnell, James L.....1901..Yound's Building .....Joliet
O'Donnell, Joseph A.....1891..Metropolitan Block .....Chicago
O'Donnell, Thomas V.....1904..Livingston Building .....Bloomington
Offield, C. K.....1877..Monadnock Building .....Chicago
Ogden, Howard N.....1897..160 Washington Street.....Chicago
O'Hair, Frank T.....1906..... ....Paris
O'Harra, Apollos W.....1906..... ....Carthage
O'Keeffe, P. J.....1903..Ashland Block .....Chicago
Olin, Benjamin .....1892..Clement Building .....Joliet
Olsen, Harry .....1897..First National Bank Building.....Chicago
Olsen, Olaf E.....1906..59 Dearborn St., room 503.....Chicago
Orendorff, Alfred .....1877..Myers Building .....Springfield
Osborn, Charles M.....1896..Marquette Building .....Chicago
Osborne, Henry S.....1904..Ashland Block .....Chicago

Otis, Ephraim A.	1877	First National Bank Building	Chicago
Owens, John E.	1903	Ashland Block	Chicago
Paddock, George L.	1904	5451 Cornell Avenue	Chicago
Paden, Joseph E.	1896	National Life Building	Chicago
Page, George T.	1894	Masonic Temple	Peoria
Palmer, Robertson	1906	205 LaSalle Street	Chicago
Pam, Max	1897	The Rookery	Chicago
Parker, Francis W.	1896	Marquette Building	Chicago
Parker, Lewis W.	1903	Marquette Building	Chicago
Parkinson, Robert H.	1896	Marquette Building	Chicago
Patterson, John C.	1898	Security Building	Chicago
Patton, James W.	1878	514 East Adams Street	Springfield
Patton, William L.	1902	514 East Adams Street	Springfield
Payne, John Barton	1890	First National Bank Building	Chicago
Peabody, Augustus S.	1903	First National Bank Building	Chicago
Peaks, George H.	1903	181 LaSalle Street	Chicago
Pearson, Haynie R.	1897	172 Washington Street	Chicago
Pease, Arthur B.	1896	Chamber of Commerce	Chicago
Peck, George R.	1897	Railway Exchange Building	Chicago
Peek, Burton F.	1904	Title and Trust Building	Chicago
Pell, William J.	1900		Murray Co., Minn.
Pendarvis, Robert E.	1905	Borden Block	Chicago
Peterson, James A.	1891	Chamber of Commerce	Chicago
Pettibone, Robert F.	1904	Ashland Block	Chicago
Pflaum, A. J.	1903	153 LaSalle Street	Chicago
Philbrick, Solon	1896		Champaign
Phillips, A. L.	1903		Gibson City
Phillips, Isaac N.	1895	Corn Belt Building	Bloomington
Phillips, W. S.	1896		Ridgeway
Pickett, Charles C.	1901		Champaign
Pierson, Louis J.	1892	Chamber of Commerce	Chicago
Piotrowski, N. L.	1905	Ashland Block	Chicago
Pinckney, Merritt W.	1904	Judge Circuit Court	Chicago
Pindell, William M.	1902	Title & Trust Building	Chicago
Pingrey, Darius H.	1894	Eddy Building	Bloomington
Ploeg, Herman Vander	1904	84 LaSalle Street	Chicago
Pomeroy, Frederick A.	1902	Ashland Block	Chicago
Poppenhusen, Conrad H.	1898	Title and Trust Building	Chicago
Post, Philip S.	1896		Galesburg
Potter, Frank H. T.	1904	Reaper Block	Chicago
Potts, William A.	1901		Pekin
Pratt, G. E. M.	1906	1003 Schiller Building	Chicago
Prentice, E. Parmalee	1896	35 Wall Street	New York
Prentice, H. B.	1881	Stock Exchange Building	Chicago
Prentiss, William	1892	Ashland Block	Chicago
Prescott, William	1905	Title and Trust Building	Chicago
Price, Henry W.	1903	Ft. Dearborn Building	Chicago
Priest, James O.	1895		Jacksonville
Pringle, Frederick W.	1906	135 Adams Street	Chicago
Pringle, William J.	1906	624 The Temple	Chicago
Prouty, Henry W.	1897	95 Clark Street	Chicago
Provine, Walter M.	1905		Taylorville

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Provine, W. M.....1879..... ....Taylorville
Prussing, Eugene E.....1885..The Rookery .....Chicago
Purcell, William A.....1892..American Express Building.....Chicago
Puterbaugh, Leslie D.....1898..Judge Circuit Court.....Peoria
Rae, Robert.....1897..47th Street and Kenwood Ave....Chicago
Raftree, M. L.....1896..Roanoke Building .....Chicago
Rahn, J. M.....1901..Zerwekh Building .....Pekin
Rainey, Henry T.....1901..... ....Carrollton
Rayburn, Calvin .....1885..Hanna Building .....Bloomington
Raymond, C. W.....1891.....Muskogee, Indian Territory
Raymond, James H.....1884..Monadnock Building .....Chicago
Rector, Edward .....1902..Monadnock Building .....Chicago
Redfield, Robert .....1906..Stock Exchange Building.....Chicago
Reed, Frank F.....1892..Rector Building .....Chicago
Reid, Frank R.....1906..57 S. Broadway.....Aurora
Rice, Cyrus W.....1904..Ashland Block ....Chicago
Richardson, J. A.....1904..Title and Trust Building.....Chicago
Richberg, Donald R.....1905..Rector Building .....Chicago
Richberg, John C.....1887..Rector Building .....Chicago
Richolson, Benjamin F.....1898..First National Bank Building....Chicago
Rider, George C.....1897..... ....Pekin
Riggs, James M.....1877..... ....Winchester
Riley, Harrison B.....1904..Title and Trust Building.....Chicago
Rinaker, John I.....1878..Rinaker Building .....Carlinville
Ritchie, William .....1898..84 LaSalle Street.....Chicago
Ritsher, Edward C.....1903..181 LaSalle Street.....Chicago
Ritter, Henry A.....1896..Home Insurance Building.....Chicago
Roberts, Ellen Gertrude.....1902..Unity Building .....Chicago
Roberts, Jesse E.....1898..First National Bank Building.....Chicago
Roedel, Carl..... .....1887..... ....Shawneetown
Rogers, Edward S.....1896..Rector Building .....Chicago
Rogers, Elmer E.....1900..Unity Building .....Chicago
Rogers, George Mills.....1896..Title and Trust Building.....Chicago
Rogers, Robert M.....1898..Trinity Building.....New York City
care Charles G. Gates & Co.
Rogers, Rowland T.....1906..919 Monadnock Building.....Chicago
Rooney, John J.....1902..Monadnock Building .....Chicago
Rooney, Thomas E.....1903..Tribune Building.... .....Chicago
Rosenthal, James .....1896..Rector Building .....Chicago
Rosenthal, Lessing .....1892..Ft. Dearborn Building.....Chicago
Ross, David .....1896..32 Broadway.....New York City
Rothman, William .....1903..119 Monroe Street .....Chicago
Rothschild, Jacob .....1904..92 LaSalle Street.....Chicago
Ryan, Andrew J.....1897..Title and Trust Building.....Chicago
Safford, Henry B.....1906..... ....Monmouth
Safford, William H.....1906..115 Dearborn Street.....Chicago
Salisbury, F. L.....1896..123 LaSalle Street.....Chicago
Salzenstein, Albert .....1901..125 South Fifth Street.....Springfield
Sanders, George A.....1879..First National Bank Building..Springfield
Sawyer, Ward B.....1906..First National Bank Building....Chicago
Scanlan, Kickham .....1896..Ashland Block ....Chicago
Schaefer, Martin W.....1898..... ....Belleville

Schaffner, Arthur B.....1900..Chamber of Commerce.....Chicago
Schmitt, Frank P.....1904..95 Clark Street.....Chicago
Schoenmann, Charles S.....1905..Tribune Building .....Chicago
Scholfield, W. B.....1902..... ....Marshall
Schuyler, Daniel J.....1897..New York Life Building.....Chicago
Scott, Frank H.....1892..The Temple .....Chicago
Searcy, James B.....1890..... ....Carlinville
Sears, Nathaniel C.....1896..Merchants' Loan and Trust Bldg..Chicago
Sedgwick, James H.....1894..Grimes Building .....Peoria
Seymour, E. M.....1902..62 N. Clark Street.....Chicago
Shannon, Angus Roy.....1906..703 Reaper Block.....Chicago
Shaffner, B. M.....1897..Ashland Block ....Chicago
Shaw, Ralph M.....1905..First National Bank Building....Chicago
Shaw, Warwick A.... .....1903..112 Clark Street.....Chicago
Sheean, James M.....1897..The Rookery .....Chicago
Sheen, Dan R.....1894..Y. M. C. A. Building.....Peoria
Shelley, Lafayette .....1906..... ....Decatur
Shepard, Stuart G.....1898..Hartford Building .....Chicago
Sheridan, Thomas F.....1898..Marquette Building .....Chicago
Sheridan, William A.....1902..160 Washington Street.....Chicago
Sheriff, Andrew R.....1901..The Rookery .....Chicago
Sherman, Bernis W.....1896..First National Bank Building....Chicago
Sherman, Elijah B.....1877..Monadnock Building .....Chicago
Sherman, Roger .....1904..Title and Trust Building.....Chicago
Shirley, Robert B.....1898..... ....Carlinville
Shortall, John G.....1898..Title & Trust Building.....Chicago
Shortall, John L.....1898..Title & Trust Building.....Chicago
Shumway, George .....1905..Mail Building .....Galesburg
Shutt, William E.....1880..216 South Fifth Street.....Springfield
Sidley, William P.....1903..The Tacoma .....Chicago
Silber, Frederick D.....1906..425 The Temple.....Chicago
Silsbee, Fred B.....1899..... ....Oregon
Sims, Edwin W.....1903..Bureau of Corporations..Washington, D. C.
Simmons, Rufus S.....1903..Title and Trust Building.....Chicago
Slater, Robert J.....1905..The Rookery .....Chicago
Smalley, Edmund H.....1900..1477 Kimbell Avenue .....Chicago
Smejkal, Edward J.....1903..Reaper Block .....Chicago
Smith, Abner .....1903..Circuit Court .....Chicago
Smith, Pliny B.....1903..204 Dearborn Street.....Chicago
Smulski, John F.....1898..City Law Department.....Chicago
Snow, David B.....1901..Armory Block .....Ottawa
Snow, William C.....1905..Title and Trust Building.....Chicago
Sprogle, Howard O.....1903..81 Clark Street.....Chicago
Stanton, M. J.....1904..108 LaSalle Street.....Chicago
Starr, Judson .....1894..Y. M. C. A. Building.....Peoria
Starr, Merritt .....1885..Monadnock Building .....Chicago
Steele, Percival .....1898..159 LaSalle Street.....Chicago
Steere, George S.....1896..The Rookery .....Chicago
Stein, Philip .....1898..Judge Appellate Court.....Chicago
Stern, Henry L.....1900..First National Bank Building.....Chicago
Stern, Julius .....1898..205 LaSalle Street.....Chicago
Stevens, George M.....1885..Stock Exchange Building.....Chicago

Stevens, John S.....1888..Y. M. C. A. Building.....Peoria
Strawn, Lester H.....1898..701 LaSalle Street .....Ottawa
Strawn, Silas H.....1903..First National Bank Building.....Chicago
Streuber, Joseph P.....1902..State & Trust Bank Building....Highland
Sullivan, Alexander .....1897..Atwood Building .....Chicago
Summers, Albert T.....1904..... .. ..Decatur
Sutherland, Thomas J.....1895..Office Corporation Counsel.....Chicago
Swift, Edward C.....1904..Moloney Building .....Ottawa
Taylor, Bernard H.....1901..... ....Canton
Taylor, Clayton R.....1905..First National Bank Building.....Chicago
Taylor, George H.....1903..Royal Insurance Building.....Chicago
Taylor, Howard S.....1894..Ashland Block .....Chicago
Taylor, James M.....1878..... ....Taylorville
Taylor, Leslie J.....1906..Union Block .....Taylorville
Taylor, Thomas, Jr.....1896..First National Bank Building.....Chicago
Temple, Charles .....1903..... ....Hardin
Tenney, Horace K.....1895..205 LaSalle Street.....Chicago
Thackaberry, Milton L.....1904..Stock Exchange Building.....Chicago
Thoman, Leroy D.....1894..Marquette Building .....Chicago
Thomas, Morris St. Palais...1898..Portland Block .....Chicago
Thompson, E. F.....1903..184 Dearborn Street.....Chicago
Thompson, George W.....1896..... ....Galesburg
Thompson, William .....1898..Title and Trust Building.....Chicago
Thornton, Charles S.....1894..Masonic Temple .....Chicago
Tolman, Edgar B.....1892..Stock Exchange Building.....Chicago
Torrison, Oscar M.....1902..Bryan Block .....Chicago
Towle, H. S.....1887..Monadnock Building .....Chicago
Travous, Charles N.....1896..Legal Dept., Wabash Ry..St. Louis, Mo.
Trimble, Cairo A.....1901..... ....Princeton
Tripp, Dwight K.....1897..Hotel Imperial.....New York City
Trogdon, A. Y.....1904..... ....Paris
Trude, F. H.....1896..79 Clark Street.....Chicago
Trumbull, Donald S.....1904..Adams Express Building.....Chicago
Tuthill, Richard S.....1901..Judge Circuit Court.....Chicago
Ullman, Frederic .....1885..Fisher Building .....Chicago
Underwood, George W.....1892..108 Washington Street.....Chicago
Upton, E. L.....1903..Borden Block .....Chicago
Utt, W. H.....1905..Stock Exchange Building.....Chicago
Vallette, H. F.....1877..325 West Tenth Street..Long Beach, Calif.
Vandeveer, William T.....1878..... ....Taylorville
Vannatta, John E.....1905..Unity Building .....Chicago
Vickers, Alonzo K.....1901..... ....Vienna
Vincent, William A.....1880..The Rookery .....Chicago
Voigt, John F., Jr.....1896..1624 Broadway .....Mattoon
Vose, Frederic P.....1904..Marquette Building .....Chicago
Vroman, Charles E.....1903..Railway Exchange Building.....Chicago
Waggoner, Harry M.....1902..... ....Lewistown
Wait, Horatio L.....1892..Stock Exchange Building.....Chicago
Walker, Amos W.....1897..... ....Windsor
Walker, Edwin .....1887..First National Bank Building....Chicago
Walker, George R.....1897..163 Randolph Street.....Chicago
Wall, George W.....1877..New York Life Building.....Chicago

ROLL OF MEMBERS.

Wall, William A.	1899		Mound City
Wallace, E. A.	1877		Oak Park
Ward, Henry C.	1900	Judge County Court	Sterling
Warnock, W. M.	1893	108 Hillsboro Ave.	Edwardsville
Warvelle, George W.	1896	115 Dearborn Street	Chicago
Washburn, William D.	1892	Old Colony Building	Chicago
Waterman, George W.	1904	107 Dearborn Street	Chicago
Watson, Marion	1903		Arthur
Watson, Robert L.	1904		Aledo
Webster, Charles R.	1896	153 LaSalle Street	Chicago
Welsh, J. D.	1896		Galesburg
Welsh, R. K.	1896		Rockford
Welty, Sain	1904	The Livingston	Bloomington
Wertheimer, Benjamin J.	1899	Chicago Thread Supply Co.	Chicago
West, Roy O.	1894	First National Bank Building	Chicago
Wetten, Emil C.	1903	The Temple	Chicago
Wheeler, Arthur D.	1896	203 Washington Street	Chicago
Wheeler, Samuel P.	1879	309 South Sixth Street	Springfield
Wheelock, William W.	1896	Unity Building	Chicago
Whitehead, Silas S.	1878		Marshall
Whitman, Russell	1892	Portland Block	Chicago
Whitney, Max H.	1906	First National Bank Building	Chicago
Wickett, Frederick W.	1906	1120 Chamber of Commerce	Chicago
Wiemers, William F.	1896	Opera House Block	Chicago
Wilkerson, James H.	1896	205 LaSalle Street	Chicago
Wilkin, Jacob W.	1879	Justice Supreme Court	Danville
Wilkin, Ralph Horace	1905	Supreme Court Library	Springfield
Willard, George	1904	2 Sherman Street	Chicago
Willard, Monroe L.	1898	187 Dearborn Street	Chicago
Willard, Norman P.	1891	Title and Trust Building	Chicago
Williams, Arista B.	1905	Chamber of Commerce	Chicago
Williams, E. P.	1882		Galesburg
Williams, Guy R.	1901		Havana
Williamson, D. G.	1903		Staunton
Willis, Henry B.	1897		Geneva
Wilson, John P.	1899	Marquette Building	Chicago
Wilson, Warren B.	1902	160 Washington Street	Chicago
Windes, Thomas G.	1892	Judge Circuit Court	Chicago
Winston, E. M.	1898	Kedzie Building	Chicago
Wise, Charles E.	1904	Cahokia Building	East St. Louis
Wolf, Henry M.	1898	185 Dearborn Street	Chicago
Wolseley, H. W.	1896	Title and Trust Building	Chicago
Wood, Benson	1877		Effingham
Wood, Cyrus J.	1902	Ashland Block	Chicago
Worthington, N. E.	1894	Judge Circuit Court	Peoria
Wright, Robert W.	1898		Belvidere
Wright, William B.	1903		Effingham
Wright, William W.	1892		Toulon
Wylie, Oscar H.	1906		Paxton
Yates, Richard	1887	Unity Building	Springfield
Zane, John M.	1906	100 Washington Street	Chicago
Zeisler, Sigmund	1890	First National Bank Building	Chicago
Zook, David L.	1897	Ashland Block	Chicago

MEMBERS DECEASED.

Akins, G. W.....Nashville
Allen, William J.....Springfield
Anderson, George A.....Quincy
Anthony, Elliott .....Chicago
Argust, A. W.....Hardin
Arnold, Isaac N.....Chicago
Augur, Walter W.....Chicago
Bedford, E. L.....Galena
Bennett, John I.....Chicago
Bishop, Robert N.....Paris
Bond, Lester L.....Chicago
Bonfield, Joseph F.....Chicago
Bonney, Charles C.....Chicago
Brady, John B.....Chicago
Browning, Orville H.....Quincy
Bull, E. F.....Ottawa
Bunn, A. B.....Decatur
Burr, Albert G.....Carrollton
Butler, John S.....Chicago
Buxton, H. P.....Carlyle
Campbell, W. H.....Havana
Casey, Thomas S.....Springfield
Chapin, George B.....Vandalia
Clark, Thomas H.....Golconda
Cochran, James S.....Freeport
Cook, F. L.....Paxton
Cowen, Balfour .....Virden
Crabtree, John D.....Dixon
Davis, David .....Bloomington
Deakin, J. Edward.....Chicago
Dearborn, Luther .....Chicago
Decius, H. B.....Majority Point
Dummer, Henry E.....Jacksonville
Dunham, Charles .....Geneseo
Edsall, James K.....Chicago
Edwards, Benjamin S.....Springfield
Ela, John W.....Chicago
English, James W.....Carrollton
Ewing, Charles A.....Decatur
Farr, Mark C.....Chicago
Finch, James A.....Olney
Freeman, Norman L.....Springfield
Fullenwider, James A.....Chicago
Fuller, William .....Clinton
Gallagher, Andrew J.....Decatur
Garnsey, C. B.....Joliet
Garver, John C.....Rockford
Gassette, Norman T.....Chicago
Gillespie, Joseph .....Edwardsville

DECEASED MEMBERS.

Glenn, John J.....Monmouth
Greene, Henry S.....Springfield
Griffin, Charles F.....Hammond, Ind.
Griggs, Charles W.....Chicago
Griggsby, H. D. L.....Pittsfield
Grimshaw, William A.....Pittsfield
Hamburgher, E. C.....Chicago
Hamill, Robert E.....Cincinnati
Hamilton, Elisha B.....Quincy
Hamline, John H.....Chicago
Hammer, D. Harry.....Chicago
Hartzell, William.....Chester
Higbee, Chauncey L.....Pittsfield
High, James L.....Chicago
Hilscher, Robert W.....Watseka
Hinchcliffe, John.....Belleville
Hodges, Lothrop S.....Chicago
Hunt, George.....Chicago
Hurd, Harvey B.....Chicago
Hutchinson, Jonas.....Chicago
Jewett, John N.....Chicago
Kales, F. H.....Chicago
Kettelle, George H.....Chicago
Kilgour, William M.....Sterling
Kistler, Louis.....Chicago
Knapp, Anthony L.....Springfield
Knapp, N. M.....Winchester
Kretzinger, Joseph T.....Chicago
Keuffner, W. C.....Belleville
Lambert, Philip C.....Belvidere
Marsh, William.....Quincy
Mathis, John C.....Chicago
Matteson, Andre.....Chicago
McDonald, Edward L.....Jacksonville
McFadon, William.....Quincy
McKenzie, James A.....Galesburg
McMillan, E. Erskine.....Chicago
McNulta, John.....Chicago
Miller, Henry G.....Chicago
Miller, James H.....Toulon
Moffett, John H.....Paxton
Montgomery, A. S.....Virginia
Moore, Samuel M.....Chicago
Moran, Thomas A.....Chicago
Moses, Adolph.....Chicago
Moses, John.....Chicago
Munn, S. W.....Joliet
Newcomb, George W.....Chicago
Olwin, Jacob C.....Robinson
Osborn, Charles M., Jr.....Chicago
Palmer, John M.....Springfield
Pence, Abram M.....Chicago

DECEASED MEMBERS.

Phillips, Jesse J.....Hillsboro
Porter, John .....Monmouth
Potter, Fred S.....Henry
Puterbaugh, Sabin D.....Peoria
Reeves, Harry G.....Bloomington
Ricks, James B.....Taylorville
Roberts, C. A.....Pekin
Robinson, James C.....Springfield
Robinson, William H.....Fairfield
Rosenthal, Julius .....Chicago
Samuels, Daniel V.....Chicago
Sanford, Edward .....Morris
Sawyer, Thomas S.....Kankakeee
Scharlau, Charles E.....Chicago
Shaw, Thomas M.....Lacon
Sheldon, Theodore .....Chicago
Singleton, James W.....Quincy
Smith, Edwin Burritt.....Chicago
Smith, Frank J.....Chicago
Smith, George W.....Chicago
Snedecker, O. A.....Jerseyville
Starr, Charles R.....Kankakee
Stone, George N.....Chicago
Storrs, Emery A.....Chicago
Strattan, Charles T.....Chicago
Swett, Leonard .....Chicago
Taliaferro, B. C.....Keithsburg
Teefey, John J.....Mt. Sterling
Thomas, Charles W.....Belleville
Thomas, William .....Jacksonville
Thornton, Anthony .....Shelbyville
Tuley, Murray F.....Chicago
Tunnicliff, J. J.....Galesburg
Washburn, E. B.....Chicago
Weaver, Leslie A.....Champaign
Welsh, William R.....Carlinville
White, Frank .....Chicago
White, G. Frank.....Chicago
Whiton, H. K.....Chicago
Williams, Edwin N.....Galesburg
Williams, Guy P.....Galesburg
Williams, Henry L.....Chicago
Williams, Norman .....Chicago
Williamson, R. S.....Chicago
Wilson, James M.....Aledo
Wolfe, J. S.....Champaign
Wright, M. B.....Watseka
Wright, O. H.....Havana
Yancy, A. N.....Carlinville

HONORARY—Deceased.

Members of Supreme Court: Period in Commission.

Samuel H. Treat, 1841-1855.....Springfield
Sidney Breese, 1841-1842; 1857-1858; 1861-1878.....Carlyle
Pinkney H. Walker, 1858-1885.....Rushville
T. Lyle Dickey, 1875-1885.....Ottawa
John Scholfield, 1873-1893.....Marshall
Joseph M. Bailey, 1888-1895.....Freeport
Gustavus Koerner, 1845-1848.....Belleville
Lyman Trumbull, 1848-1853.....Chicago
Benjamin R. Sheldon, 1870-1888.....Rockford
John M. Scott, 1870-1888.....Bloomington
David J. Baker, 1878-1879; 1888-1897.....Chicago
Jesse J. Phillips, 1893-1901.....Hillsboro
Damon G. Tunnicliff, 1885-1885.....Macomb
Anthony Thornton, 1870-1873.....Shelbyville
John H. Mulkey, 1879-1888.....Metropolis
James B. Ricks, 1901-1906.....Taylorville

Myra Bradwell.....Chicago
Murray F. Tuley.....Chicago
Adolph Moses.....Chicago

PROCEEDINGS

OF THE

ILLINOIS STATE BAR ASSOCIATION

AT ITS

THIRTIETH ANNUAL MEETING, JULY 12 AND 13, 1906.

The Association convened in annual meeting at the Chicago Beach Hotel, Chicago, at ten o'clock in the morning, July 12th, 1906, and was called to order by George T. Page, President.

PRESIDENT PAGE read the President's Address.

(The address will be found in Part II.)

PRESIDENT PAGE: The next matter before the Association will be the report of the Secretary-Treasurer.

MR. ORENDORFF: Before we pass to that, I wish to make a motion that the thanks of this Association be tendered to our President for his able address.

The motion was seconded and carried unanimously.

MR. MATHENY: We carried forward from last year a balance of $1,505 49
The receipts during the year were..... 2,537 10

Making a total of..... 4,042 59
The payments during the year have been..... 2,410 91

Leaving a cash balance of..... $1,631 68

With no liabilities, except the bills for expenses connected with this meeting, which have not yet been presented.

The expenditures during the year past have broken all records of this Association, but the income has also broken those records, so that we carry forward in cash about one hundred twenty-five dollars more than last year.

Report presented as follows:

REPORT

OF JAMES H. MATHENY, TREASURER,

MAY 23, 1905, TO JULY 10, 1906.

RECEIPTS.

Balance on hand according to report of 1905, page 44.....$1,505 49

ADMISSIONS AND ANNUAL DUES.

The members of the Association who were admitted in January, 1896, and prior meetings pay dues by the calendar year, ending December 31st. The members who were admitted at the July meeting, 1896, and subsequent meetings, pay by a year ending June 30th.

1905.	*Received from*	*In Full to*	
May 24	William Burry	June 30, 1906	$ 5 00
24	Burt Brown Barker—		
	$3.00 Part admission in part to	June 30, 1906	3 00
25	Joseph Walter Bingham	June 30, 1906	5 00
25	Edward O'Bryan	June 30, 1906	5 00
25	Charles Center Case, Jr.	June 30, 1906	5 00
25	George A. Cooke	June 30, 1906	5 00
25	William T. Church	June 30, 1906	5 00
25	George Shumway	June 30, 1906	5 00
25	William Prescott	June 30, 1906	5 00
25	Benjamin P. Alschuler	June 30, 1906	5 00
25	Charles B. McCrory	June 30, 1906	5 00
25	Walter M. Provine	June 30, 1906	5 00
25	Dorrance Dibell	Dec. 31, 1905	3 00
25	Norman P. Willard	Dec. 31, 1905	3 00
25	N. M. Jones	Dec. 31, 1905	3 00
25	Duncan McDougall	June 30, 1905	3 00
25	M. J. Daugherty	June 30, 1905	9 00
26	Elliott J. Northrup	June 30, 1906	5 00
26	J. R. Boulware	June 30, 1906	5 00
26	William C. Snow	June 30, 1906	5 00
26	Edward C. Kramer	June 30, 1906	5 00
26	W. H. Utt	June 30, 1906	5 00
26	James W. Clendenin	June 30, 1906	5 00
26	Charles S. Schoenmann	June 30, 1906	5 00
26	Julius R. Kline	June 30, 1906	5 00

PROCEEDINGS.

1905.		*Received from*	*In Full to*	
	26	Robert J. Slater	June 30, 1906	$5 00
	26	Haynie R. Pearson	June 30, 1905	21 00
	26	Benjamin Olin	Dec. 31, 1905	9 00
	31	William Warren Dixon	June 30, 1906	5 00
	31	Clarence A. Jones	June 30, 1906	5 00
	31	J. Erb—		
		$1.00 to balance to	June 30, 1900	
		$6.00 in full to	June 30, 1904	7 00
	31	Eli B. Felsenthal	Dec. 31, 1905	9 00
	31	William Jack	Dec. 31, 1905	18 00
	31	Frederick J. Newey	June 30, 1906	5 00
	31	William A. Vincent	Dec. 31, 1905	12 00
June	1	George W. Underwood	Dec. 31, 1905	3 00
	1	Lessing Rosenthal	Dec. 31, 1905	6 00
	1	Robert Rae	June 30, 1905	6 00
	1	Charles W. Greenfield	June 30, 1905	6 00
	1	Ralph R. Bradley	June 30, 1905	9 00
	1	F. H. Trude	June 30, 1905	3 00
	1	Charles E. Kremer	June 30, 1905	3 00
	1	Rudolph Matz	June 30, 1905	3 00
	1	E. L. Upton	June 30, 1905	3 00
	1	William R. Hauze	June 30, 1905	6 00
	1	James E. Brown	June 30, 1905	24 00
	1	Ephraim A. Otis	Dec. 31, 1905	3 00
	1	W. W. Duncan	June 30, 1905	9 00
	2	John J. Brown	Dec. 31, 1905	3 00
	3	Kenesaw M. Landis	June 30, 1905	6 00
	6	Jacob Rothschild	June 30, 1905	5 00
	6	Clarence N. Goodwin	June 30, 1906	5 00
	6	Edwin Burritt Smith	June 30, 1905	18 00
	8	Frederick M. Grant	June 30, 1907	3 00
	10	David L. Zook	June 30, 1905	6 00
	16	Frank H. Scott	Dec. 31, 1905	6 00
	16	William T. Abbott	June 30, 1905	6 00
	16	Frederick A. Pomeroy	June 30, 1905	6 00
	16	Burt Brown Barker—		
		$2.00 to balance	June 30, 1906	2 00
	16	John P. Floan	June 30, 1906	5 00
	16	Ralph M. Shaw	June 30, 1906	5 00
	16	Clayton R. Taylor	June 30, 1906	5 00
	16	Matthew J. Huss	June 30, 1907	5 00
	16	Clair E. More	June 30, 1906	5 00
	17	Alvin H. Culver	June 30, 1905	3 00
	21	Frederick D. Silber	June 30, 1907	5 00
	22	Charles N. Dolson	June 30, 1905	3 00
	22	William Brown	Dec. 31, 1905	3 00
	26	Charles S. Thornton	Dec. 31, 1905	3 00
	27	Joseph P. Streuber	June 30, 1905	3 00
July	4	John S. Goodwin	June 30, 1905	3 00
	7	William W. Wheelock	June 30, 1905	3 00
	8	Taylor E. Brown	June 30, 1905	9 00
	10	David Ross	June 30, 1905	9 00

1905.		*Received from*	*In Full to*	
	10	Charles E. Bartley	June 30, 1906	$5 00
	11	John W. Hill	June 30, 1906	5 00
	11	John W. Byam	June 30, 1905	3 00
	13	W. J. Calhoun	Dec. 31, 1905	12 00
	20	Solon Philbrick	June 30, 1905	9 00
	25	William F. Wiemers	June 30, 1905	3 00
	25	Isidore Lasker	June 30, 1906	5 00
Aug.	2	Nathaniel C. Sears	June 30, 1905	6 00
	5	William D. Fullerton	June 30, 1906	3 00
	18	Edwin W. Sims	June 30, 1905	3 00
	28	Harry F. Atwood	June 30, 1905	3 00
Sept.	5	John T. Lillard	Dec. 31, 1905	3 00
	11	Monroe Fulkerson	June 30, 1905	9 00
	14	Edward C. Akin	June 30, 1905	3 00
	18	James H. Raymond	Dec. 31, 1905	3 00
Nov.	30	Bernis W. Sherman	Dec. 31, 1906	12 00
Dec.	6	Robertson Palmer	June 30, 1907	5 00
	29	E. M. Seymour	June 30, 1905	6 00
1906.				
Jan.	9	A. D. Gash	June 30, 1906	3 00
Feb.	1	James H. Martin	June 30, 1906	3 00
April	19	Apollos W. O'Harra	June 30, 1907	5 00
	20	H. S. Cook	June 30, 1906	3 00
	20	Emory D. Frazer	June 30, 1907	5 00
May	16	Hugh Crea	Dec. 31, 1906	3 00
	16	Charles S. Deneen	June 30, 1906	6 00
	16	George C. Fry	June 30, 1906	3 00
	16	Andrew J. Hirschl	June 30, 1906	3 00
	16	Clarence A. Knight	June 30, 1906	3 00
	16	Alonzo Hoff	Dec. 31, 1906	6 00
	16	A. C. Ball	June 30, 1906	3 00
	16	William E. Church	June 30, 1906	3 00
	16	Roger Sherman	June 30, 1906	3 00
	16	Robert McMurdy	Dec. 31, 1904	3 00
	16	William M. Provine	Dec. 31, 1906	3 00
	16	Frank H. Scott	Dec. 31, 1906	3 00
	16	Horace K. Tenney	Dec. 31, 1906	3 00
	16	James B. Searcy	Dec. 31, 1906	6 00
	16	George A. Follansbee	June 30, 1906	3 00
	16	Blewett Lee	June 30, 1906	3 00
	16	W. B. Scholfield	June 30, 1906	3 00
	16	John F. Voigt, Jr	June 30, 1906	3 00
	16	Farlin H. Ball	June 30, 1906	3 00
	16	Eldon J. Cassoday	June 30, 1906	3 00
	16	Bryan Y. Craig	June 30, 1906	3 00
	16	Samuel Kerr	June 30, 1906	3 00
	16	James G. Elsdon	June 30, 1906	3 00
	16	James M. Sheean	June 30, 1906	3 00
	16	John G. Shortall	June 30, 1906	3 00
	16	John L. Shortall	June 30, 1906	3 00
	16	M. Lester Coffeen	Dec. 31, 1906	3 00
	16	John Gibbons	Dec. 31, 1906	6 00
	16	Thomas Taylor, Jr	June 30, 1906	3 00

1905.	*Received from*	*In Full to*	
16	R. J. Grier	June 30, 1906	$3 00
17	Munson T. Case	June 30, 1906	3 00
17	John D. Casey	June 30, 1906	3 00
17	Clarence B. Chapman	June 30, 1906	3 00
17	Josiah Cratty	June 30, 1906	6 00
17	Thomas Cratty	Dec. 31, 1906	3 00
17	George E. Dawson	Dec. 31, 1906	3 00
17	Samuel L. Dwight	Dec. 31, 1906	3 00
17	Frank J. Loesch	Dec. 31, 1906	3 00
17	William P. Early	June 30, 1906	3 00
17	William S. Forrest	June 30, 1906	3 00
17	Benson Landon	June 30, 1906	3 00
17	Joseph B. Leake	June 30, 1906	3 00
17	Henry R. Baldwin	June 30, 1906	3 00
17	Noah C. Bainum	June 30, 1906	3 00
17	John R. Caverly	June 30, 1906	3 00
17	Jacob R. Custer	June 30, 1906	3 00
17	A. B. Jenks	June 30, 1906	3 00
17	Arthur Keithley	June 30, 1906	3 00
17	Dwight W. Graves	June 30, 1906	3 00
17	Frank Lindley	June 30, 1906	3 00
17	Andrew R. Sheriff	June 30, 1906	3 00
17	Jesse A. Baldwin	Dec. 31, 1906	3 00
17	William M. Farmer	Dec. 31, 1906	3 00
17	Leroy D. Thoman	Dec. 31, 1906	3 00
18	John Barton Payne	Dec. 31, 1906	3 00
18	E. P. Williams	Dec. 31, 1906	3 00
18	George M. Stevens	Dec. 31, 1906	3 00
18	Henry W. Leman	Dec. 31, 1906	3 00
18	Myron H. Beach	Dec. 31, 1906	3 00
18	Charles Blanchard	Dec. 31, 1906	3 00
18	Albert D. Early	Dec. 31, 1906	9 00
18	Roy O. West	Dec. 31, 1906	3 00
18	Paul Brown	June 30, 1906	3 00
18	George D. Burroughs	June 30, 1906	3 00
18	Charles S. Cutting	June 30, 1906	3 00
18	Clarence Griggs	June 30, 1906	3 00
18	Charles H. Hamill	June 30, 1906	3 00
18	Charles A. Koepke	June 30, 1906	3 00
18	Arthur B. Schaffner	June 30, 1906	3 00
18	Julius Stern	June 30, 1906	3 00
18	Milton L. Thackaberry	June 30, 1906	3 00
18	Donald S. Trumbull	June 30, 1906	3 00
18	William B. Wright	June 30, 1906	3 00
18	Oscar M. Torrison—		
	$2.00 to balance to	June 30, 1905	
	$3.00 in full to	June 30, 1906	5 00
18	Pliny B. Smith	June 30, 1906	3 00
18	Joseph B. David	June 30, 1906	3 00
18	John M. H. Burgett	June 30, 1906	3 00
18	George P. Barton	Dec. 31, 1906	3 00
18	Martin M. Gridley	Dec. 31, 1906	3 00
18	George W. Gere	Dec. 31, 1906	3 00

1906.	*Received from*	*In Full to*	
18	O. J. Bailey	Dec. 31, 1906	$3 00
18	J. M. Dickinson	June 30, 1906	3 00
18	William G. Beale	June 30, 1906	3 00
18	Jeremiah Leaming	June 30, 1906	3 00
18	Silas H. Strawn	June 30, 1906	3 00
18	Lewis W. Parker	June 30, 1906	3 00
18	Henry M. Hagan	June 30, 1906	3 00
18	Charles F. Harding	June 30, 1906	3 00
18	Arthur D. Wheeler	June 30, 1906	3 00
18	Henry W. Magee	June 30, 1906	3 00
18	Rush C. Butler	June 30, 1906	3 00
18	R. Magoon Barnes	June 30, 1906	3 00
18	Edward Rector	June 30, 1906	3 00
18	Harry M. Waggoner	June 30, 1906	3 00
18	William Ritchie	June 30, 1906	12 00
18	Todd Lunsford	June 30, 1907	9 00
18	Percy B. Eckhart	June 30, 1906	3 00
18	James W. Hyde	June 30, 1906	3 00
18	Morris St. P. Thomas	June 30, 1906	3 00
18	J. L. Bennett	June 30, 1906	3 00
18	Stephen A. Foley	Dec. 31, 1906	3 00
18	Horatio L. Wait	Dec. 31, 1906	3 00
18	John I. Rinaker	Dec. 31, 1906	9 00
19	Clarence A. Burley	Dec. 31, 1906	3 00
19	N. W. Hacker	Dec. 31, 1906	6 00
19	Charles S. Thornton	Dec. 31, 1906	3 00
19	Alexander Sullivan	June 30, 1906	3 00
19	Andrew B. Boughan	June 30, 1906	3 00
19	Taylor E. Brown	June 30, 1906	3 00
19	Benjamin V. Becker	June 30, 1906	3 00
19	Orrin N. Carter	June 30, 1906	3 00
19	William Dillon	June 30, 1906	3 00
19	Max Eberhardt	June 30, 1906	3 00
19	A. W. Martin	June 30, 1906	3 00
19	James C. McShane	June 30, 1906	3 00
19	George P. Merrick	June 30, 1906	3 00
19	Robert Mather	June 30, 1906	3 00
19	Henry L. Stern	June 30, 1906	3 00
19	Charles E. Wise	June 30, 1906	3 00
19	Clif E. Beach	June 30, 1906	6 00
19	M. L. Raftree	June 30, 1906	9 00
19	Albert Salzenstein	June 30, 1906	6 00
19	Sain Welty	June 30, 1907	6 00
19	Frank P. Schmidt	June 30, 1906	3 00
19	Albert T. Summers	June 30, 1906	3 00
19	William R. Hunter	June 30, 1906	3 00
19	Frank Asbury Johnson	June 30, 1906	3 00
19	William C. Niblack	June 30, 1906	3 00
19	W. A. Northcott	Dec. 31, 1906	3 00
19	Calvin Rayburn	Dec. 31, 1906	3 00
21	H. R. Nortrup	Dec. 31, 1906	3 00
21	William T. Vandeveer	Dec. 31, 1906	3 00
21	John M. Herbert	Dec. 31, 1906	6 00

1906.	*Received from*	*In Full to*	
21	Frank G. Carnahan	June 30, 1906	$3 00
21	George A. Dupuy	June 30, 1906	3 00
21	William J. Graham	June 30, 1906	3 00
21	Joseph A. Griffin	June 30, 1906	3 00
21	Abraham Meyer	June 30, 1906	3 00
21	Mark Meyerstein	June 30, 1906	3 00
21	Martin W. Schaefer	June 30, 1906	3 00
21	Monroe L. Willard	June 30, 1906	3 00
21	Sidney F. Andrews	June 30, 1906	3 00
21	William A. Doyle	June 30, 1906	3 00
21	John S. Goodwin	June 30, 1906	3 00
21	Stillman B. Jamieson	June 30, 1906	3 00
21	Frederick Z. Marx	June 30, 1906	3 00
21	Alfred E. McCordic	June 30, 1906	3 00
21	Joseph W. Moses	June 30, 1906	3 00
21	George R. Peck	June 30, 1906	3 00
21	Frederic S. Hebard	Dec. 31, 1906	3 00
21	Henry A. Neal	Dec. 31, 1906	3 00
21	Frank H. McCulloch	Dec. 31, 1906	3 00
21	Catherine W. McCulloch	Dec. 31, 1906	3 00
21	Frank F. Reed	Dec. 31, 1906	3 00
21	Frank P. Leffingwell	June 30, 1906	6 00
21	William P. Sidley	June 30, 1906	3 00
21	Edmund H. Smalley	June 30, 1906	3 00
21	Merritt W. Pinckney	June 30, 1906	3 00
21	Charles N. Travous	June 30, 1906	3 00
21	David L. Zook	June 30, 1906	3 00
21	M. W. Borders	June 30, 1906	3 00
21	George R. Jenkins	June 30, 1906	6 00
21	Frederick A. Brown	June 30, 1906	6 00
21	John A. Richardson	June 30, 1906	3 00
21	Augustus S. Peabody	June 30, 1906	3 00
21	Conrad H. Poppenhusen	June 30, 1906	3 00
21	Frank K. Dunn	Dec. 31, 1906	3 00
21	John C. Richberg	Dec. 31, 1906	3 00
21	T. N. Mehan	Dec. 31, 1906	3 00
21	James Hicks	June 30, 1906	3 00
21	Isaac N. Bassett	Dec. 31, 1906	3 00
21	Justus Chancellor	Dec. 31, 1906	3 00
21	Eli B. Felsenthal	Dec. 31, 1906	3 00
21	Charles L. Billings	June 30, 1906	3 00
21	Vincent J. Duncan	June 30, 1906	3 00
21	James C. McMath	June 30, 1906	3 00
21	George F. McNulty	June 30, 1906	3 00
21	Philip Stein	June 30, 1906	3 00
21	Lester H. Strawn	June 30, 1906	3 00
21	Jesse E. Roberts	June 30, 1906	3 00
21	Edward O. Brown	Dec. 31, 1906	3 00
21	Thomas S. McClelland	Dec. 31, 1906	3 00
21	Carl Meyer	Dec. 31, 1906	3 00
21	Carl Roedel	Dec. 31, 1906	3 00
21	Logan Hay	June 30, 1906	3 00
21	Levy Mayer	June 30, 1906	3 00

1906.	*Received from*	*In Full to*	
21	Jacob Newman	June 30, 1906	$3 00
21	Robert H. Parkinson	June 30, 1906	3 00
21	Arthur B. Pease	June 30, 1906	3 00
21	Amos W. Walker	June 30, 1906	9 00
21	James B. Scott	June 30, 1906	12 00
22	John H. Batten	June 30, 1906	3 00
22	Granville W. Browning	June 30, 1906	3 00
22	Charles H. Blatchford	June 30, 1906	3 00
22	Frank P. Graves	June 30, 1906	3 00
22	David B. Gann	June 30, 1906	3 00
22	Alexis L. Granger	June 30, 1906	3 00
22	John J. Healy	June 30, 1906	3 00
22	W. Clyde Jones	June 30, 1906	3 00
22	William H. McSurely	June 30, 1906	3 00
22	Leslie D. Puterbaugh	June 30, 1906	3 00
22	John F. Smulski	June 30, 1906	3 00
22	Edward C. Swift	June 20, 1906	3 00
22	Henry A. Gardner	June 30, 1906	6 00
22	John Maynard Harlan	June 30, 1906	6 00
22	Edgar A. Bancroft	Dec. 31, 1906	3 00
22	Elbert H. Gary	Dec. 31, 1906	3 00
22	Oliver H. Horton	Dec. 31, 1906	3 00
22	Richard Yates	Dec. 31, 1906	6 00
22	Louis Bastrup	June 30, 1906	3 00
22	Axel Chytraus	June 20, 1906	3 00
22	Robert J. Brown		
	$5.00 Admission	June 30, 1904	
	$6.00 to balance to	June 30, 1906	11 00
22	Clarence S. Darrow	June 30, 1906	3 00
22	Angelo S. Cella	June 30, 1906	3 00
22	Thomas M. Jett	June 30, 1906	3 00
22	George H. Karcher	June 30, 1906	3 00
22	George H. Peaks	June 30, 1906	3 00
22	Philip S. Post	June 30, 1906	3 00
22	James R. Mann	June 30, 1906	3 00
22	George W. Miller	June 30, 1906	3 00
22	Frank H. T. Potter	June 30, 1906	3 00
22	Ephraim Banning	Dec. 31, 1906	3 00
22	Harry Higbee	Dec. 31, 1906	3 00
22	C. K. Offield	Dec. 31, 1906	3 00
22	H. S. Towle	Dec. 31, 1906	3 00
22	Emil C. Wetten	Dec. 31, 1906	3 00
22	Lynden Evans	June 30, 1906	3 00
23	Robert McMurdy	Dec. 31, 1906	6 00
24	L. M. Bradley	Dec. 31, 1906	3 00
24	John T. Lillard	Dec. 31, 1906	3 00
24	Frederick Ullman	Dec. 31, 1906	3 00
24	Clinton L. Conkling	June 30, 1906	3 00
24	Henry I. Green	June 30, 1906	3 00
24	George P. Hills	June 30, 1906	3 00
24	Isaac H. Mayer	June 30, 1906	3 00
24	Harry S. Mecartney	June 30, 1906	3 00
24	Henry W. Price	June 30, 1906	3 00

PROCEEDINGS.

1906.		*Received from*	*In Full to*	
	24	Andrew J. Ryan	June 30, 1906	$3 00
	24	Raymond W. Beach	June 30, 1906	9 00
	24	Augustus N. Gage	June 30, 1906	9 00
	25	James P. Harrold	June 30, 1906	6 00
	25	Andrew B. Boughan	June 30, 1907	3 00
	25	Albert N. Eastman	June 30, 1906	3 00
	25	Arthur J. Eddy	June 30, 1906	3 00
	25	Thomas M. Hoyne	June 30, 1906	3 00
	25	Harrison Musgrave	June 30, 1906	3 00
	25	Robert M. Rogers	June 30, 1906	3 00
	25	W. S. Phillips	June 30, 1906	3 00
	25	George W. Warvelle	June 30, 1906	3 00
	25	Edwin M. Ashcraft	Dec. 31, 1906	3 00
	25	Joseph H. Defrees	Dec. 31, 1906	3 00
	25	John G. Drennan	Dec. 31, 1906	3 00
	25	Wallace Heckman	Dec. 31, 1906	3 00
	25	D. H. Pingrey	Dec. 31, 1906	3 00
	25	William A. Purcell	Dec. 31, 1906	3 00
	25	Merritt Starr	Dec. 31, 1906	3 00
	25	Sidney C. Eastman	Dec. 31, 1906	6 00
	28	John S. Miller	Dec. 31, 1906	3 00
	28	John A. Bloomingston	June 30, 1906	3 00
	28	John F. Bosworth	June 30, 1906	3 00
	28	William Brace	June 30, 1906	3 00
	28	O. H. Burnett	June 30, 1906	3 00
	28	Charles S. Harmon	June 30, 1906	3 00
	28	Henry A. Ritter	June 30, 1906	3 00
	28	Samuel Alschuler	June 30, 1906	6 00
	28	J. Thornton Gilbert	June 30, 1906	12 00
	29	Fred A. Bangs	June 30, 1906	3 00
	29	Hiram Bigelow	Dec. 31, 1906	3 00
	31	Joseph W. Errant	Dec. 31, 1906	3 00
	31	N. M. Jones	Dec. 31, 1906	3 00
	31	Walter I. Manny	June 30, 1906	6 00
	31	A. J. Pflaum	June 30, 1906	6 00
	31	Franklin H. Boggs	June 30, 1906	3 00
	31	Eugene H. Garnett	June 30, 1906	3 00
	31	Robert Henning	June 30, 1906	3 00
	31	James F. Meagher	June 30, 1906	3 00
	31	Jay D. Miller	June 30, 1906	3 00
	31	Edmond McMahon	June 30, 1906	3 00
	31	Max Pam	June 30, 1906	3 00
	31	Stuart G. Shepard	June 30, 1906	3 00
	31	Charles E. Vroman	June 30, 1906	3 00
June	1	R. M. Benjamin	June 30, 1906	3 00
	1	Percy V. Castle	June 30, 1906	3 00
	1	M. F. Gallagher	June 30, 1906	6 00
	1	James M. Hamill	Dec. 31, 1906	3 00
	1	Edwin Walker	Dec. 31, 1906	3 00
	1	Benjamin R. Burroughs	Dec. 31, 1906	3 00
	5	Worth E. Caylor	June 30, 1906	3 00
	5	Frank O. Lowden	June 30, 1906	3 00
	5	George A. Mason	June 30, 1906	3 00

1906.	*Received from*	*In Full to*	
5	John R. Montgomery	June 30, 1906	$3 00
5	William Rothman	June 30, 1906	3 00
5	Cairo A. Trimble	June 30, 1906	3 00
5	F. H. Trude	June 30, 1906	3 00
5	Graham H. Harris	June 30, 1906	3 00
5	Edward E. Gray	June 30, 1906	3 00
5	Almon W. Bulkley	Dec. 31, 1906	3 00
5	Brode B. Davis	June 30, 1906	3 00
5	Robert R. Baldwin	June 30, 1906	3 00
5	E. Allen Frost	June 30, 1906	3 00
5	John E. Owens	June 30, 1906	6 00
5	James Rosenthal	June 30, 1906	6 00
5	George H. Taylor	June 30, 1906	6 00
5	Warren B. Wilson	June 30, 1906	9 00
6	William R. Moss	June 30, 1907	5 00
6	George Willard	June 30, 1906	3 00
8	Frederick H. Gansbergen	June 30, 1906	3 00
8	Thomas J. Holmes	June 30, 1906	3 00
8	Kemper K. Knapp	June 30, 1906	3 00
8	Duncan McDougall	June 30, 1906	3 00
8	Charles T. Moore	June 30, 1906	3 00
8	Henry M. Wolf	June 30, 1906	3 00
8	George L. Douglass	June 30, 1906	9 00
8	Elbridge Hanecy	Dec. 31, 1906	3 00
8	Isaac Miller Hamilton	Dec. 31, 1906	3 00
8	James J. Barbour	June 30, 1906	9 00
8	William M. Pindell	June 30, 1906	6 00
8	Herman Vander Ploeg	June 30, 1906	3 00
8	Harrison B. Riley	June 30, 1906	3 00
8	George A. Lawrence	June 30, 1906	3 00
8	Keene H. Addington	June 30, 1906	3 00
9	John M. Lansden	Dec. 31, 1906	6 00
11	William C. Boyden	June 30, 1906	3 00
11	Fred A. Dolph	June 30, 1906	3 00
11	William Eliot Furness	June 30, 1906	3 00
11	Wirt E. Humphrey	June 30, 1906	3 00
11	Nathan G. Moore	June 30, 1906	3 00
11	Frederic P. Vose	June 30, 1906	3 00
11	Alfred H. Gross	June 30, 1906	12 00
12	Harry F. Atwood	June 30, 1906	3 00
12	Joseph P. Streuber	June 30, 1906	3 00
12	Henry D. Safford	June 30, 1907	5 00
12	Oscar H. Wylie	June 30, 1907	5 00
14	Charles L. Caswell	June 30, 1906	3 00
16	Charles Henry Havard	June 30, 1906	3 00
16	Adolph Kurz	June 30, 1906	3 00
16	E. Parmalee Prentice	June 30, 1906	3 00
16	George Mills Rogers	June 30, 1906	3 00
16	John P. Wilson	June 30, 1906	3 00
16	Wm. Meade Fletcher	June 30, 1906	3 00
16	Sigmund Zeisler	Dec. 31, 1906	3 00
16	John P. McGoorty	June 30, 1906	9 00

1906.		*Received from*	*In Full to*	
	16	Frank H. Janiszeski—		
		$3.00 Admission in part to	June 30, 1907	$3 00
	19	Arba N. Waterman	June 30, 1906	9 00
	19	Henry V. Freeman	Dec. 31, 1906	6 00
	19	Dwight C. Haven	June 30, 1906	15 00
	19	George W. Thompson	June 30, 1906	6 00
	20	Law E. Emmons	Dec. 31, 1906	3 00
	20	E. D. Blinn	Dec. 31, 1906	9 00
	20	William J. Pringle	June 30, 1907	5 00
	20	John P. Klein	June 30, 1903	5 00
	20	Leon L. Loehr—		
		$5.00 Admission in full to	June 30, 1903	
		$9.00 in full to	June 30, 1906	14 00
	20	Ward B. Sawyer	June 30, 1907	5 00
	22	William A. Adams	June 30, 1907	5 00
	22	Samuel E. Knecht	June 30, 1907	5 00
	22	Thomas F. Sheridan	June 30, 1906	3 00
	22	P. J. O'Keeffe	June 30, 1906	3 00
	22	William W. Wheelock	June 30, 1906	3 00
	22	William R. Curran	June 30, 1906	3 00
	22	Mary M. Bartelme	June 30, 1906	3 00
	22	Francis W. Parker	June 30, 1906	6 00
	22	Lewis L. Coburn	Dec. 31, 1906	3 00
	23	Charles F. Morse	June 30, 1906	24 00
	23	Charles C. Bartlett	June 30, 1906	6 00
	23	George L. Paddock	June 30, 1906	3 00
	23	Max H. Whitney	June 30, 1907	5 00
	25	Jesse R. Long	June 30, 1907	5 00
	25	Louis FitzHenry	June 30, 1906	15 00
	25	Henry W. Johnson	June 30, 1906	12 00
	25	Walter C. Headen	Dec. 31, 1906	15 00
	27	Henry Mayo	Dec. 31, 1906	15 00
	27	Charles E. Kremer	June 30, 1906	3 00
	27	William F. Bundy	June 30, 1907	5 00
	27	William A. Potts	June 30, 1906	3 00
	27	Eugene E. Prussing	Dec. 31, 1906	3 00
	28	H. H. C. Miller	Dec. 31, 1906	3 00
	28	Frank E. Lord	Dec. 31, 1906	6 00
	28	Louis J. Pierson	Dec. 31, 1906	6 00
	28	John E. Dalton	June 30, 1906	6 00
	28	John A. Montgomery	June 30, 1906	6 00
	28	F. L. Salisbury	June 30, 1906	6 00
	28	C. E. Chiperfield	June 30, 1906	9 00
	28	Frank R. Reid	June 30, 1907	5 00
	28	Rowland T. Rogers	June 30, 1907	5 00
	28	George W. Manierre	June 30, 1907	5 00
	30	Stephen A. Foster	June 30, 1906	9 00
	30	Harry Olsen	June 30, 1906	9 00
	30	Joseph E. Dyas	June 30, 1906	9 00
	30	Warwick A. Shaw	June 30, 1906	6 00
	30	Frederick W. Pringle	June 30, 1907	5 00
July	2	Edward J. Smejkal	June 30, 1906	6 00

PROCEEDINGS.

1906.		*Received from*	*In Full to*	
	2	James L. O'Donnell	June 30, 1906	$6 00
	2	Rufus S. Simmons	June 30, 1906	6 00
	2	Elmer E. Rogers	June 30, 1904	3 00
	2	Chester E. Cleveland	June 30, 1906	3 00
	2	Charles T. Mason	Dec. 31, 1906	6 00
	2	J. James O'Connor	June 30, 1907	5 00
	3	Thomas W. Hughes	June 30, 1907	5 00
	3	Elmer E. Beach	June 30, 1906	3 00
	3	Dan R. Sheen	Dec. 31, 1906	3 00
	4	Theodore G. Case	June 30, 1906	3 00
	4	Charles N. Dolson	June 30, 1906	3 00
	4	David Ross	June 30, 1906	3 00
	4	J. Erb	June 30, 1906	6 00
	4	James H. Wilkerson	June 30, 1906	6 00
	5	Robert W. Wright	June 30, 1906	9 00
	6	Arthur H. Frost	June 30, 1906	3 00
	6	Henry W. Wolseley	June 30, 1906	3 00
	6	John A. Brown	June 30, 1907	5 00
	7	J. P. Callon	June 30, 1907	5 00
	7	Howard O. Sprogle	June 30, 1906	3 00
	7	Hugh L. Burnham	June 30, 1906	12 00
	7	Edward T. Noonan	June 30, 1906	18 00
	7	John D. Hood	June 30, 1906	21 00
	7	Carl E. Epler	June 30, 1906	6 00
	7	Thomas E. Rooney	June 30, 1906	3 00
	7	Alfred H. Jones	June 30, 1907	5 00
	9	G. E. M. Pratt	June 30, 1907	5 00
	9	William Brown	Dec. 31, 1906	3 00
	9	Rudolph Matz	June 30, 1906	3 00
	9	Charles H. Burton	June 30, 1906	9 00
	9	Howard N. Ogden	June 30, 1906	9 00
	9	A. P. Humburg	June 30, 1907	6 00
	10	J. B. Hutchinson—		
		$5.00 Admission in full to	June 30, 1904	
		$6.00 in full to	June 30, 1906	11 00
	10	Albert R. Gates	June 30, 1906	18 00
	10	Samuel W. Jackson	June 30, 1906	3 00
	10	William W. Wright	Dec. 31, 1906	6 00
	10	J. H. Matheny	Dec. 31, 1906	3 00

MISCELLANEOUS RECEIPTS.

1905			
May	27	Silas H. Strawn, Banquet Ticket	$ 2 50
	27	Warwick A. Shaw, Banquet Ticket	2 50
June	6	Net balance from Banquet Committee	191 85
1906.			
Feb.	16	Callaghan & Co., for paper bound copy of 1902	75
Mar.	22	Roy Moss, for paper bound copy of 1902	50
July	2	Washington State Library, repayment of express charges on reports sent prepaid	1 00
		Total receipts	$4,042 59

PROCEEDINGS.

EXPENDITURES.

Voucher—No.		
1.	Traveling and Hotel expenses of Judge Winslow, according to receipts attached to Voucher	$ 25 00
2.	Hotel and traveling expenses of Judge Parker in attending to make annual address of meeting of 1905 according to receipts attached to Voucher	63 00
3.	Expense of secretary attending annual meeting at Chicago May 25 and 26, 1905, according to bill attached to Voucher	17 65
4.	250 two-cent stamps for general purposes	5 00
5.	Metcalf Stationery Co., Notices, tickets and cards for annual banquet of 1905	14 50
6.	J. O. Sullivan, Carriages according to bill attached to Voucher	3 00
7.	J. L. Raske, Floral decorations for annual banquet 1905	75 00
8.	Chicago Beach Hotel Banquet for 1905 (details in voucher)	632 25
9.	Stamps for general purposes	6 00
10.	Illinois State Journal Co., Circulars, postage, according to bill of items attached to Voucher	97 17
11.	Kate S. Holmes, Stenographic report of meeting of 1905, according to bill attached to Voucher	110 00
12.	Illinois State Journal Co., Postals, envelopes and circulars details in Voucher	13 50
13.	Illinois State Register, Printing and Stationery according to bill attached to Voucher	10 75
14.	Metcalf Stationery Co., Letter Sheets and envelopes, according to Voucher	42 45
15.	250 two-cent stamps for general purposes	5 00
16.	American Express Co., delivery of report of 1905 to members according to detailed bill attached to voucher	123 12
17.	Illinois State Register, Printing and binding annual report of 1905, according to bill attached to voucher	614 20
18.	Salary of Secretary and Treasurer, one-half year ending December 31, 1905	150 00
19.	American Express Co., delivery of Annual Report of 1905 to Honorary Members, Judges, Libraries, Colleges and Periodicals, and other associations, viz: 161 books at 16c each	25 76
20.	720 two-cent stamps for sending out notices of dues for 1906	14 40
21.	Illinois State Journal Co., Printing, folding, enclosing, mailing and postage on first notice of annual meeting of 1906	13 56
22.	250 two-cent stamps for general purposes	5 00
23.	875 one-cent stamps for sending out circular announcing meeting of 1906, and in reference to extension of membership, second circular	8 75
24.	Traveling expenses of Secretary according to detailed bills in voucher, including February 9, Chicago $13 20 April 1-6, New York and Washington 73 66 May 18, Chicago 10 55	97 41
25.	120 two-cent stamps for sending out second notice of dues	2 40
26.	250 two-cent stamps for general purposes	5 00
27.	Postal card receipts for dues (including postage) and proof slips for newspapers with cards requesting publication, all according to bill attached to voucher	8 50

28.	Frank Simmons, merchandise, according to voucher	$2 85
29.	240 one-cent stamps for sending notice of meeting to newspapers	2 40
30.	Salary of Secretary for half year ending June 30, 1906	150 00
31.	Coe Bros., merchandise, according to bill attached to voucher	95
32.	Telegraph bills paid according to receipts attached to voucher	8 92
33.	Express and transportation charges as per receipts attached to voucher	6 42
34.	Illinois State Journal Co., Miscellaneous items of printing, stationery, etc., according to itemized bill attached to voucher	25 00
35.	1000 one-cent stamps for sending out final announcement of annual meeting	10 00
36.	Cash paid for stenographic and clerical work according to receipts attached to voucher	16 00
	Total expenditures	$2,410 91

SUMMARY.

Total receipts, including balance carried forward from last year	$4,042 59
Total expenditures	2410 91
Balance on hand July 10, 1906	$1,631 68

Respectfully submitted,

J. H. MATHENY, Treasurer.

THE FIRST NATIONAL BANK.
UNITED STATES DEPOSITORY.
SPRINGFIELD, ILL., JULY 10, 1906.

James H. Matheny, Esq., City.

DEAR SIR: In answer to your inquiry I would say at the close of business on this date there is on deposit in this bank to the credit of James H. Matheny, Treasurer Illinois State Bar Association, the sum of $1,631.68.

Respectfully,

JAS. A. EASLEY, *Cashier.*

PROCEEDINGS.

SUPPLEMENTAL REPORT

OF JAMES H. MATHENY, TREASURER,

JULY 11, 1906, TO JULY 27, 1906.

RECEIPTS.

Balance on hand according to report submitted at annual meeting.$1,631 68

ADMISSIONS AND ANNUAL DUES.

1906.		*Received from*	*In Full to*	
July	12	Hiram B. Prentice	Dec. 31, 1906	$ 6 00
	12	Thomas G. Windes	Dec. 31, 1906	3 00
	12	William C. Lawson	June 30, 1906	3 00
	12	Charles R. Webster	June 30, 1906	9 00
	12	Oliver R. Barrett	June 30, 1907	5 00
	12	R. K. Welsh	June 30, 1906	12 00
	12	W. W. Duncan	June 30, 1906	3 00
	12	Henry T. Chase, Jr	June 30, 1906	8 00
	12	John M. Zane	June 30, 1907	5 00
	12	Truman E. Ames	Dec. 31, 1906	3 00
	12	James B. Gascoigne	June 30, 1906	6 00
	12	Samuel A. Lynde	June 30, 1906	12 00
	12	John E. Vannatta	June 30, 1906	5 00
	12	Leslie J. Taylor	June 30, 1907	5 00
	12	Norman P. Willard	Dec. 31, 1906	3 00
	12	William L. Ellwood	June 30, 1907	5 00
	12	George W. Wall	Dec. 31, 1906	6 00
	12	Cyrus W. Rice	June 30, 1906	3 00
	12	A. C. Norton	June 30, 1906	3 00
	12	Elmer W. Adkinson	Dec. 31, 1906	3 00
	12	William Prescott	June 30, 1907	3 00
	12	Isaac N. Phillips	Dec. 31, 1906	3 00
	12	Robert Rae	June 30, 1906	3 00
	12	Marion Watson	June 30, 1906	3 00
	12	Robert E. Pendarvis	June 30, 1906	5 00
	12	William N. Gemmill	June 30, 1906	6 00
	12	E. A. Otis	Dec. 31, 1906	3 00
	12	Ransom E. Walker	June 30, 1908	5 00
	13	Shelby M. Cullom	Dec. 31, 1906	12 00
	13	Charles P. Abbey	June 30, 1906	6 00
	13	Lafayette Shelley	June 30, 1907	5 00
	13	Charles S. Schoenmann	June 30, 1907	3 00
	13	Alvin H. Culver	June 30, 1906	3 00
	13	Farlin Q. Ball	Dec. 31, 1906	6 00
	13	Dorrance Dibell	Dec. 31, 1906	3 00
	13	T. F. Donovan	June 30, 1907	5 00
	13	John T. Donahoe	June 30, 1905	6 00
	13	W. H. Utt	June 30, 1907	3 00
	18	Victor Elting	June 30, 1906	3 00
	20	Thomas J. Sutherland	Dec. 31, 1906	15 00

1906.	*Received from*	*In Full to*	
20	Howard S. Taylor	Dec. 31, 1906	$12 00
20	George W. Hess	June 30, 1906	15 00
21	W. D. Washburn	Dec. 31. 1906	6 00
26	Robert F. Pettibone	June 30, 1906	3 00
26	Thomas D. Huff	June 30, 1906	3 00
			$1,879 68

CASH PAID OUT.

July 16	John F. Voigt, Jr., Secretary, and Treasurer, balance on hand according to report submitted at Annual Meeting, 1906		$1,631 68
July 26	Expense of Secretary and Treasurer and assistant attending annual meeting at Chicago July 12 and 13, 1906		
	R. R. Fare, J. H. Matheny	$8 55	
	R. R. Fare, T. W. Quinlan	8 55	
	Employees Chicago Beach Hotel for special service at meeting	1 00	18 10
July 26	Collection charges on drafts for dues: parties and banks set forth in cash tickets attached to voucher		6 25
July 27	John F. Voigt, Jr., Treasurer, balance remaining on hand July 27th, 1906		223 65
			$1,879 68

The foregoing items leave my accounts as treasurer even and closed. The books are delivered to my successor.

Respectfully submitted,

JAMES H. MATHENY, Treasurer.

MR. MATHENY: I have been requested to mention that out in the ante-room there are two young men, one of whom, Mr. Case, represents the Banquet Committee, and is desirous of securing the autograph of everyone in attendance, and of assigning seats at the banquet; issuing the complimentary tickets. The other, Mr. Quinlan, represents the Treasury of the Association, and if any gentleman is desirous of paying dues at this time, he will accommodate you. He has something of a novelty in the way of a check, designed to draw money without any addition for exchange, out of any bank in the country.

During the year we have had some interesting correspondence, among them a communication from a Senator of France, containing a very urgent appeal for action by this and similar

Associations toward a universal reduction of naval expenses. I have the matter with me, and if any gentleman cares to look into it with a view of action by this Association, I will be pleased to hand it over.

We have also a communication from the Manufacturers' Association of the United States,—I do not remember the exact title,—asking the association to take action in reference to certain bills that were before the last Congress, and will be probably before the next Congress, relating to the issuance of injunctions by the United States Courts.

We have another communication relative to the salaries of Federal Judges, and yet another touching the legislation for the protection of trademarks.

I have promised to call attention at this time to the fact that a number of institutions are endeavoring to perfect their sets of the reports of this Association. We have an urgent request from the Law Library of Yale, and the New Hampshire State Library and the Cincinnati Law Library. There is another from Judge Harker, whom we all know, on behalf of the Law Library of the University of Illinois, and yet another from Mr. Lee on behalf of the Law Library of Harvard—perhaps I should say Prof. Lee, and yet I do not know whether a law school professor who so far backslides as to become a railroad lawyer, should be called Professor.

We compiled last year a list of the Bar Associations within the State, and it is contemplated that that list shall be maintained as part of the records of the Association, and will be subsidiary and helpful in carrying out the suggestions made by the President in his address, and perhaps in further action by this Association. I was somewhat surprised at the number of the Associations. It seems that the bar in about thirty-five counties, I think fully one-third the counties of the State, now have a local organization.

We have a number of complaints during the year of action by lawyers, asking that they should receive the atten-

tion of this Association. In many cases restitution, chiefly in the form of the payment of money withheld, has been made upon the mere suggestion of complaint, so that the action or non-action of the Grievance Committee is not by any means a full indication of the power of the Association in that regard. In one case not only was restitution made, but the party accused, or against whom there was a suggestion of accusation, stated that his failure to pay over was due wholly to the neglect of his wicked clerk. And by way of an Exhibit to his letter he produced a letter from the wicked clerk stating that he and not the attorney was the guilty party.

In another case there was a complaint made which really appealed to me, and yet I thought we could not do anything for the party because it appeared that his real grievance was against a constable of Chicago and that the attorney whose name he used was not directly concerned in the matter. He wound up his last letter, when I explained the distinction between lawyers and constables, with the statement "that the system of collection agencies, lawyers and constables of Chicago, Illinois, has, to my mind, been a bewildering maze of jugglery." I was somewhat touched, partly by his situation and partly by his extreme fairness, that in criticising the system of Chicago, he designated which Chicago, in order that no other Chicago might suffer from his condemnation.

I have said before and I repeat it now, that in my opinion our by-law number 10 is not well constructed. It requires a written complaint in duplicate, signed and sworn to by the complaining party, before the action of the Grievance Committee can be inaugurated. It seems to me that whenever there is a fairly reliable public report of a notorious act, or supposed notorious act, by a member of the bar which ought to receive action or consideration by some such body as this, it should be made the duty of the Grievance Committee, in a manner analogous to that of a Grand Jury, of its own motion, and if need be at the expense of the Association, to

make a proper investigation. There was such act not a hundred miles from Springfield, in which a lawyer drew up a written contract between two citizens for the exchange of their wives, received a fee for it,—I do not know whether an abstract of title went with each or not (Laughter), and it was for a time carried into effect. That case was referred to the Grievance Committee. I do not know what action has been taken, or whether they felt embarrassed by the provisions of by-law number 10 requiring a written statement verified and in duplicate, as a basis for the action.

Over in New York the Bar Association has been very seriously considering the subject of judicial nominations and have been asking for information throughout the United States as to the participation by the State Associations in the matter of judicial nominations.

In Massachusetts they are about inaugurating a State Association, or at least extending its activities in line with those of other States, and they wanted information as to whether there arises friction and jealousy between the State Associations and the local Associations.

From Tennessee they want light as to the salaries of Judges in Illinois, and as to what allowances are made in addition to the salary for traveling and other expenses.

On the Pacific Coast a new light is perhaps about to arise in the firmament of bar associations, in the way of an association, an inter-state association, composed of the associations of several states of the Pacific Coast.

In many instances, I think in perhaps every instance throughout the country, at least in most of them, there are indications of renewed activities on the part of all the Associations. There is a peculiar thing, however, in New York, not in the State Association, but in that of New York City, in the direct and public reversal by resolution of a former expressed opinion of the Association. It was probably just in the

particular case, but its effect may be far-reaching in tending to impeach the supposed infallibility of all bar associations.

Our members have been making their mark elsewhere—Mr. Gregory in Louisiana; Mr. Peck in Colorado; Judge Grosscup in Ohio, and James Hamilton Lewis has created some perturbation in Maryland by his utterance—his alleged utterance, I do not know whether he said it—that the lawyer will be extinct in about a hundred years. And taking into consideration the average age of the Maryland Bar Association, they concluded it was interesting, but a matter of no immediate concern to those that were there assembled.

Alabama, Washington and Texas are discussing the question of Juvenile Courts, and with constant and honorable reference to the action of Illinois in that line.

In Alabama the President's review of the acts of the preceding General Assembly contains the expression that on examination as to the fate of those acts that had come before the Supreme Court of the State it was found that the effect of these decisions, I think without exception, had been to increase the invalid list. There is an extended account of the new incorporation law of Alabama, and it contains some phases in a way sounding some alarm about the liberality of the act, but I thought there was in that address some note of cheer, perhaps of pride, leading up to the conclusion that Alabama is now in the list of "leading charter granting States."

Everybody knows that in the race for the corporation business of the country quite a number of states have gone pretty far in enlarging and liberalizing, if I may use such a term, their laws for the incorporation of companies. I think in Alabama they did not know what else they could do to make theirs a little easier than the rest, but they did do one thing, and that was a provision that the preliminary statement of the incorporators need not be acknowledged before a Notary Public or any other officer, and the little fee and the annoyance of attending before a Notary is thereby saved. Alabama has

scored one point above all the rest. There was a solemn reference to a recent statute in Alabama, now I believe held unconstitutional, making it a misdemeanor to break a contract either of service or for the renting of land. And that looked like a restoration, to some extent, of the old-time compulsory service. In Alabama, however, there is another thing peculiar in coming from a southern state, and that is a strong appeal that the United States has power and of right ought to protect from mob violence a prisoner who is under arrest in the hands of an officer of the state.

In Louisiana they have somewhat restricted the powers of certain Judges to practice law, while, on the contrary, in Virginia, they have enlarged the privilege.

In Ohio, in the State Association, they have, by solemn resolution, provided that the debates and oral discussions should not be printed in the report of the Association; that only the formal papers should be so printed, while in Washington much indignation was aroused by the fact that the report appeared to have been edited with the blue pencil, and the Secretary, on being put upon his defense, explained that the reason he cut it out was because, in his opinion, one of the members had been jumped on.

In one of the reports that came not from the west, but from the Atlantic States, I thought there was some suggestion that some editing ought to be done, in the solemn statement of one of the prominent speakers that a certain English gentleman was the deepest and "scholarist" man in England.

In one of the Northwestern States there was not only a picture of the President, as we give it, but a sketch of his life, with his leading professional achievements, and some account of his mental and moral qualities that had made those achievements possible. And, Mr. President, a similar opportunity is open in our next report.

In Indiana the Grievance Committee reported somewhat in the stereotyped form, that no grievances had been reported to

the Committee, but they varied the form to some extent and added that the Committee have no grievances of their own.

In Virginia and in West Virginia much attention has been given to the Torrens system of land titles.

In Texas the unanimity of the verdict has been the subject of much discussion, and in many states—I do not recall which ones they are—there has been a serious attempt to solve the problem occasioned by the fact that among twelve men in a long trial, illness and death are possibly apt to occur, and that some provision should be made to avoid the serious effects of a mis-trial in such cases, either by providing that the remaining jurors may find a verdict, and in some a feeling that the magical number twelve must not be disturbed has been so strong that they have a sort of extra jury box, two or three jurors who are substitutes, who listen to the evidence and argument, and yet who do not retire to consider the verdict unless on occasions of disqualification of one of the original twelve.

Ohio and Kentucky have been discussing taxation and regulation of corporations.

New York devoted perhaps most of its last meeting to the consideration of the electrical system of the state.

New York, Washington and Pennsylvania are very seriously discussing the desirability of uniform laws on the subject of divorce, and in Washington there was cited the case of a man from Illinois whose wife was insane, who went out to Washington to get a divorce because he could get one there for that reason, and could not here. I have a printed report from Pennsylvania in which the Committee on Uniform Laws have been seriously discussing the question of migratory parties who want divorces, and suggesting action by all the states, and I shall be pleased to submit that to any gentleman who is interested in the subject.

In Colorado the Association of the State has been called upon by the Supreme Court in several instances to inaugurate investigations of the actions of attorneys that amounted, per-

haps, supposedly so at least, to libels on the Court, and to advise the Court as to whether the cases were such that the Court itself ought to take action.

During the year death has been unusually active among our members, particularly among the older ones: Mr. Pence, Judge Tuley, Mr. Hurd, Mr. Moses, Mr. Thomas, all prominent at times in the history of this Association, have been called away, and even as I speak, Samuel P. Wheeler, one of the noblest of the Old Guard, and a former President of the Association, lies stricken with serious disease, and the result is indeed doubtful.

PRESIDENT PAGE: At this time it is in order to appoint a committee to audit the accounts of the Treasurer. What is your pleasure, gentlemen?

MR. STEVENS: I move the Chairman appoint the usual committee, consisting of the usual number.

The motion was seconded and carried.

MR. STEVENS: Appoint somebody who knows an account when he sees it. Do not put me on simply because I made the motion.

PRESIDENT PAGE: I think that is one of the penalties that goes with making the motion.

MR. STEVENS: Well—

PRESIDENT PAGE: I will appoint Mr. Stevens, of Peoria; Mr. Poppenhusen, of Chicago, and Mr. Taylor, of Taylorville, a committee to audit the accounts of the Treasurer.

MR. HUNTER: I move that the Chair appoint a Committee on Nominations.

The motion was seconded and carried.

PRESIDENT PAGE: I will appoint that committee after the next number. The report of the Committee on Law Reform,—Judge Wright.

Report presented as follows:

To the Illinois State Bar Association:

At the request of the Executive Committee, we have devoted considerable time to what is known as House Bill No. 31, introduced last year in the House of Representatives by Mr. Pendarvis.

About two weeks before our committee met, a copy of the bill was furnished each member, and his attention was directed to the able discussion of it, as published in the proceedings of this Association for 1905.

At the meeting all the members but one appeared and a session was held lasting from 1:30 to 6 p. m., during which time the Pendarvis Bill was considered section by section and your committee unanimously recommends the adoption of the bill as printed with the following changes.

Sec. 6. Omit the words "unless they appear and defend the action, nor then if the action is dismissed as to the defendant or defendants resident in the county," following the word "county" in the 9th line.

Substitute the word "residing" for the word "resident" in the 8th line; the word "defendants" for the word "defendant" in the 6th line; the word "directed" for the word "directly" in the 5th line, and the word "actions" for the word "action" in the 11th line.

Sec. 17. Insert the words "or the clerk" after the word "judge" in the 4th line and the words "including plaintiff's attorneys fees" after the word "litigation" in the 11th line.

Sec. 58. Strike out the words "or in equity" after the word "law" in the 1st line.

Omit Sections 60 and 66.

Sec. 74. Insert the word "suit" after the word "such" in line 13.

Sec. 77. Add the words "No person or persons, firm or corporation, who dismisses his or their suit or action either at law or in equity or suffers a nonsuit shall be permitted again to commence such suit or action in any court without first paying all of the costs accrued in such suit or action up to and including such dismissal or non-suit."

Sec. 81. Strike out the words in italics.

Sec. 103. Add the words "Nor shall any such attorney become surety on any bond or recognizance of any sheriff, clerk of court, master-in-chancery, justice of the peace or constable."

Sec. 107. Substitute the words "Thirty (30)" for the words "Twenty (20)" in line 4 and omit after the word "taken" in line 7 the words "but if ten days and not twenty shall have intervened as aforesaid, then the record shall be filed as aforesaid, on or before the tenth (10th) day of any such day of said succeeding term."

For Sections 125 and 128 substitute Sections 88 and 90 of the present Practice Act.

Sec. 127. Omit the proviso printed in italics.

It is believed that with these changes the bill is reasonably free from objectionable provisions and contains much that will facilitate the administration of justice. And if this Association can secure its passage, or assist in that result, it will have aided a reform of no small importance.

In addition to the foregoing we favor the adoption of a law that will authorize a person injured or any one interested in such person or representing him to inspect the premises and examine into the cause of the injury as soon as the injury is inflicted.

We also favor the re-enactment of the act giving Probate and County Courts supervision of testamentary trusts. It was passed last year but failed because it was not signed by the presiding officer of the Senate.

We are agreed that the inheritance tax law might be amended to advantage but have not gone into it in detail for want of time. Mr. P. V. Castle of the Committee, whose experience as inheritance tax attorney for Cook County has given him especial opportunity to discover wherein it is weak, has furnished to the committee some suggestions which we commend to you for future consideration.

We purposely refrain from extending this report to embrace other subjects, believing that the surest way to get results is for this Association to determine definitely what it most desires to see accomplished and then concentrate its efforts upon that subject until its desire ends in fruition.

WM. B. WRIGHT,
Chairman.

GEO. D. BURROUGHS,
Secretary.

PRESIDENT PAGE: What will you do with this report, Gentlemen?

MR. MUSGRAVE: I move it be accepted and placed on file.

The motion was seconded and carried.

PRESIDENT PAGE: The next number on the program will be an address by Judge William R. Curran, of Pekin, "The Lure of Graft and the Mettle of its Cure."

(The address will be found in Part II.)

MR. BROWN: I move we adjourn until two o'clock.

PRESIDENT PAGE: Before putting that motion, if you will permit me, I will appoint the Committee on Nominations: Mr. Hunter of Kankakee, Mr. Riggs of Winchester, Judge Harker of Carbondale, Judge Holdom and Mr. Pindell of Chicago.

MR. ADKINSON: Before the motion to adjourn is put, I move a vote of thanks of the Association be tendered to Brother Curran for his address, and that a copy be requested for publication in the minutes.

The motion was seconded and carried.

PRESIDENT PAGE: On account of the insinuation of Mr. Curran at the opening of his remarks, I very gladly put this motion, because I do not think he could have gotten the foundation for his high and lofty ideas anywhere else except in Peoria. (Laughter and applause.)

Whereupon a recess was taken until two o'clock p. m.

AFTERNOON SESSION.

The Association reconvened at two o'clock p. m.

PRESIDENT PAGE: I would like to ask if the Committee on Judicial Administration is ready to report.

MR. WILLARD: I have telegraphed the Chairman of the Committee and will have an answer tomorrow morning.

PRESIDENT PAGE: Is Judge Harker here? Is the report on Legal Education ready?

JUDGE HARKER: Yes, sir.

PRESIDENT PAGE: We will have that.

JUDGE HARKER: Mr. Chairman, and Gentlemen of the Association: When I was notified and placed upon this Committee as Chairman, I was told that of all the Committees connected with this Association that were able to secure an attendance, the Committee on Legal Education was the one. I thought I had devised a scheme by which I could secure attend-

ance, so I called a meeting for yesterday afternoon, thinking if I made it the time of the meeting of the Association it would not be very troublesome to get an attendance. I fixed the meeting at the office of one of the members of the Committee in the First National Bank Building, another member of the Committee has his office also in the First National Bank Building, and another on the same street in another building not a block away. The other member besides myself resides in Springfield; the time for the meeting was two o'clock yesterday afternoon. About ten minutes before that time I repaired to the office of the gentleman in whose office the meeting was to be held and was informed by a gentleman who occupies one of the rooms in the suite that Mr. Dawson was unavoidably called away, but for the Committee to assemble in his room, make themselves free with the stationery and everything else that was needed. I took my position in the room, remained there during half an hour and called the Committee to order and we began—the Chairman and myself—began the consideration of certain questions that are involved in the report. I want to express the gratification, however, that there was great unanimity in the views that were expressed there. In about half an hour Mr. Banning, another member of the committee, came in, and realizing the disadvantages that a man is laboring under when he comes into a committee after the pegs are all set, he became unanimous, too, and so this short report will be entirely unanimous in the expression of the views of the Committee.

Report presented as follows:

To the President and Members of the Illinois State Bar Association:

The Association of the American Law Schools, which holds its annual meeting in connection with the American Bar Association, has so frequently and thoroughly discussed the general problems involved in legal education and the printed reports of the proceedings have been so elaborate that it seems only necessary to call the attention of this Association to one matter of legal education. We are constrained to call attention to that one because we feel that, at this time, there is special need for its consideration by our State Board of Bar Examiners and

those gentlemen who are engaged in law teaching. The difference of opinion which exists in the minds of professional teachers of law upon the question has further influenced us to present it.

The members of the profession in our state are well nigh unanimous upon the proposition that the law school is the proper place for the study of law. From over one thousand replies to a circular letter sent out by the University of Illinois, about one year ago, for the purpose of ascertaining the views of Illinois practitioners on matters of legal education, only seven expressed the opinion that the study of law can be more profitably pursued in an office. Over a thousand were emphatically of a contrary view.

Every careful observer must admit that the transfer of legal education from the office to the law school has resulted in greater thoroughness in all branches of substantive law. But while this is true, it must be admitted that the average graduate goes forth from the law school poorly educated in the law of procedure. That is a fact so well recognized that there are to-day law teachers of high repute who contend that matters of pleading and practice cannot be taught adequately in a law school. Some of these gentlemen contend that it should be the sole function of the law school to teach the philosophy of the law and leave knowledge of the rules of procedure to be acquired in the main after the student has entered the practice. The dangers incident to such a course are apparent to every experienced practitioner, and your committee is glad to believe that such views are entertained only by gentlemen, however learned, who know but little of the application of legal principles to actual litigation. To send the law student to the bar, however thorough he may be in the branches of substantive law, when he knows but little of matters of procedure and practice is bad for him and bad for his clients. Those of us who have had occasion to observe the waste of time in the settlement of pleadings know that it is bad for the courts also.

Some of those who contend that teaching matters of practice in the school is not feasible, insist that three years' time will not allow proper instruction in the various branches of substantive law and instruction in matters of procedure, and that the student after completing the required course at school should spend one year in an office before applying for admission. The modern law office is a poor place to study any branch of the law. The practitioner who is crowded with business has no time to devote to the instruction of a student in his office. He may call upon him to do some particular thing and the doing of it will give him practical experience; but the chances are, he will call upon the

student to do the same thing a hundred times when the doing of it once would be sufficient to gain him all the practical knowledge needed. He may be able to get into the office of a practitioner who will have time to devote to his instruction, but the probabilities are that he is not such a practitioner as the student should be with. Observation teaches us, also, that the student, as soon as he gets his diploma, is anxious to take his examination before the State Bar Examiners. He is not content to serve a preliminary clerkship of a year in an office. He is eager to get his license and try the "real thing."

It devolves upon the law schools, therefore, to provide that instruction in pleading and practice which the student formerly obtained in the office and which is essential to his success as a practitioner. That can be accomplished through practice courts, courses in advanced pleading and in the preparation of legal papers. While we do not think much can be accomplished through the medium of mock jury trials, we are firmly convinced that the preparation of cases for trial, such as the selection of the proper action on a given state of facts, the drafting of declarations, pleas, bills, answers, etc., etc., the argument of motions and the argument of causes on an agreed state of facts will prove just as profitable to the student as the same time spent in studying branches of substantive law.

OLIVER A. HARKER,
Chairman Committee on Legal Education.

Chicago, July 12, 1906.

JUDGE HARKER: In addition, Mr. President, to the written report, I desire to submit that this question has been before the Section of Legal Education and before the Association of American Law Schools, which are held annually in connection with the American Bar Association, some two or three different times, and there is a division of opinion among those who are engaged in legal instruction. The discussion which has been had, and which was last year perhaps more exhaustive than on any previous occasion, been confined to law teachers.

There are two classes of law teachers: one is the teacher who has never had any experience in practice whatever; perhaps in taking his course at some College of Law it was with the view of making himself a teacher. The other class of teachers are those who have occupied positions on the bench

or when they have retired from practice go into that work from choice. And I have observed that the gentlemen who have had no experience in practice whatever take the affirmative of the argument, the law school is no place to teach matters of procedure, whereas the teachers who have had experience in practice and who have occupied positions on the bench, take the contrary view. We have in the University of Illinois experimented, I might say, because it was an experiment at first, it is no longer one, in courses on advanced pleadings, and we think we have done so quite profitably there to the student. At all events, we have established a course or two that is just as interesting and takes just as much labor on the part of the student as any of the branches in substantive law. For instance, after the student has had two years in pursuing the courses in substantive law and in the preliminary courses in common law and equity pleadings, we have established what is known there as the course in advanced pleadings, and our mode of operation is something like this: Suppose there is a class of the third year of forty. They will be divided into four groups. The instructor, and he is supposed to be some one who has had experience in the trial of law suits and has had opportunities for observation superior to that of a man who has devoted his entire attention to law teaching, when the class is assembled, for instance, will say: "Now, young gentlemen, I desire that you shall freshen up on the action of assumpsit. I desire also that you shall read and re-read the chapters in the statutes entitled 'Attachments,' in order that you may get on to the scheme of attachments in Illinois." This is done and two or three days following the students are quizzed by the Professor. Then, without the use of any text-book whatever, the Professor will state four cases in attachment; one, for instance, like this: where the plaintiff sells to the defendant a team of horses at a stipulated price, the defendant agreeing to pay for them within thirty days; he does not pay for them, but he leaves the state; now resides in Des Moines, Iowa, for in-

stance. He owns lots 3 and 4, in block 6, in the city of Champaign, or Urbana. These gentlemen in that group are told to prepare all the papers necessary to subject that property to the payment of the debt. The second group, some such case as this: The defendant is a resident merchant in the city of Champaign, the plaintiff is a wholesale merchant residing in Chicago. The defendant purchases of the merchant in Chicago a stock of merchandise for four thousand dollars, agreeing to pay for it in ninety days. Before the ninety days have elapsed he makes a fraudulent transfer of the property to some one. In other words, a clear statement of a case is given to that group and they are required to prepare all the papers in attachment, as they would in actual practice. And so with the third and fourth groups, like cases are given them. When the class returns, then number one in the first group exchanges with number one in the second group, and number two in the first group with number two in the second. They exchange their papers and they have three or four days in which to examine them carefully, to see if the affidavit is defective, if the writ is defective, or any of the pleadings are defective. They come in just like practicing lawyers and make the proper motions. If the parties have the pleadings settled, or rather the attachment matter settled, then the question of pleading to the declaration, some fact requiring a special plea will be interposed. In that way the students are given an opportunity of dealing with matters of preparation of cases and of pleadings the same as they would in the Circuit Court, or the County Court, as the case may be. I may say that we found that quite profitable. And I am seriously of the belief, we are thoroughly convinced that while of course you can not, may be, make a successful practitioner out of a student in the law school, and not much good can arise from mock jury trials, because the student there has to deal with an entirely different class of witnesses from those that he deals with in real practice, deals with an entirely different kind of jurors; but so far as the preparation of cases

on an agreed state of facts are concerned, we are fully convinced, and I think that is the opinion of all teachers who have had experience in the practice of law, that you may carry on courses in pleading and practice just as efficiently as you can matters of substantive law. (Applause.)

PRESIDENT PAGE: Gentlemen, what is your pleasure as to this report?

MR. BROWN: I move that it be received and filed.

The motion was seconded and carried.

PRESIDENT PAGE: The next matter on the program is a discussion upon the question of Municipal Ownership, opened by Mr. Clarence S. Darrow, of Chicago.

MR. DARROW: Those matters that are particularly dry and uninteresting we always reduce to writing, and Municipal Ownership, not being a very lively subject at its best, I thought it would fall in that category. So, as far as what I have got to say goes, I am going to submit it on brief.

The public ownership of public service corporations is often confounded with Socialism. While there are some points of resemblance between public ownership and Socialism, still they have no necessary connection with each other. In one sense every collective activity, even the policing of the State, is socialistic, and the difference between the crudest form of police service and the complete collective ownership of all means of production and distribution is covered by a series of steps so gradual that it may be difficult to draw any distinct line of demarkation at any particular point. And yet there is considerable difference between those activities which require the use of public property or the power of eminent domain and those other business affairs which can be carried on independent of State aid.

Without highways modern civilization cannot exist, and it is inconceivable that highways are possible wthout the assertion of the right of the community as against the claims

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of the individual. There are places where the general welfare must prevail over any individual rights, and without the assertion by the State of such power, society must find a new sort of civilization. It is scarely worth while to prove that the laying out and controlling of highways is one of the first functions of the State and yet at no very distant time highways were private enterprises and until a quite recent time individuals were granted the privilege of constructing and maintaining highways and the public compelled to submit to toll for their use.

Very few people to-day would contend that the highways in the country or the streets in the city should pass again to private use.

Under modern industrial institutions the private ownership of highways would make monopoly inevitable and would lead to the complete subjugation of the great mass of citizens. But highways change from time to time. Once it was the rivers, oceans and lakes; again the turnpikes and the city streets. To-day the city streets, the rivers, the lakes and the turnpikes are all comparatively unimportant standing by themselves. The great highways of commerce and of transportation are the steam and electric roads, upon which all commercial life depends. A traveler who goes from Chicago to New York or even makes a journey of twenty miles within the State is generally ignorant of the turnpike roads and takes no means of informing himself of where they are, the conditions of their improvement or the distance between two points. Likewise in sending his produce to market and in receiving his goods in return he knows nothing of the turnpike and the street, but makes his bargains and does his business with the view to the railroads alone.

The law, which generally lags behind progress and public opinion, has uniformly held that turnpikes and steam roads were alike public highways; that while steam railways might be owned by private corporations, they are still impressed with

the public use and must manage their business under police supervision and for the equal benefit of all the people affected by them. Any other theory would be utterly intolerable and the bitterest opponents of public ownership would not contend that society could exist with the unrestricted right of private ownership of public highways. The streets of the city are as important to urban life as the turnpike to rural life and the street cars are as important means of urban transportation as the steam railways to interstate commerce and travel.

No one would tolerate the granting of a street to a private corporation or individual who should be allowed to fix the terms of travel and regulate it to suit his personal whims. The street car is the great public means of travel in our cities. Its use is as much a public use as that of the street itself. Likewise the water, the lighting and the heating depend upon public highways, upon the right of eminent domain, upon the power of the State, without which private companies cannot perform these services, and both by law and right these companies are bound to perform equal service to all citizens at fair rates of compensation.

The most pronounced advocate of private ownership would scarcely contend that steam railways, street railroads, water works, gas works and the like should be freed from State control but when State control is conceded the whole question is admitted. State control can only be urged because the business is public and necessary to the general welfare of the people.

It requires no proof or argument to show that it is more difficult to control another's business than to control your own. The State control of railroads, street cars and the like has always been unsatisfactory and beset with evils and dangers, and yet however unsatisfactory this system has been no one would think of abandoning control and leaving these utilities unrestricted in the hands of private individuals.

Men and corporations alike pursue business for their own profit. Their concern is not the social welfare, but private in-

terests, and with unrestricted private ownership the streets, railroads, street cars and the like would be operated and used not to serve the public welfare, but purely to create monopoly not only of public service but of private enterprise as well. Given the power of absolutely fixing the rates upon the railroads of the United States, given the power of taking or receiving freight or passengers according to the owner's will, and it would be left in the hands of the owners to build up and destroy cities, towns and industries of all kinds, and to completely monopolize all the means of existence.

From public control to public ownership is a shorter step than the one which the world has already taken from private ownership to public control. If the State were individual and governed by the ordinary business rules, it would need no argument to convince reasonable people that it would be easier for the State to own its own business than to control the business of someone else.

The question of public ownership is primarily a question of reason and logic. In this matter statistics are worthless. Endless rows of figures can be produced to prove that public ownership is a success or a failure. Figures have nothing to do with the case. If, on principle and logic, public ownership conduces to the general welfare, then public ownership is inevitable when the proper time shall have come. To say that governments are imperfect, that graft abounds, that presidents and governors and mayors are inefficient or corrupt, has nothing to do with settling the correct principle as to what is properly a part of collective life and what should remain within the province of individual enterprise.

Public ownership of public service corporations is inevitable for the reason that public service corporations cannot exist without the power of the State. It is inevitable because the public control of private corporations creates constant conflict between the State and private individuals and corporations,

tends to fraud and waste and incompetence, and must always be imperfect and incomplete.

Public ownership must always be superior to private ownership because the State is always stronger than the individual, no matter how weak or how impotent the State may be. No private bonds ever sell as readily as public bonds. Money to construct public service corporations can be borrowed by a nation, state or city at lower rates of interest than it can be obtained by private corporations, and this necessarily gives the advantage of cheaper service to industries managed by the state or agents of the state.

However corrupt our governments, our states or our cities, still every private corporation is dependent upon these bodies, and the corruption that would destroy cities must likewise destroy the wealth of the private corporations which derive their income from these cities; and the bonds based upon cities or other collective bodies will ever be more secure and desirable than the bonds issued by individuals whose resources must still be drawn from the individual units of municipal bodies. Assuming the same business management for the state or the city as obtains from the private corporation, the rate of interest alone would lessen the cost of public service when performed by the public over public service performed for private profit.

The use of public property, the ease of acquiring property by the state or by the city, the interest of the whole people in the proper management of the municipal corporation—all these tend to increase the advantage of business operated by municipalities and states over business operated by private enterprise.

One of the first duties of the state is to require that these public services be given equally to all its people. This never has been done by private corporations. It has never been done by either nation, state or city by publicly regulated private interests. It can never be completely done except by corporations owned and operated by the people themselves.

Neither in transportation, lighting or heating has there

even been an equal rate given to all citizens. These unequal rates have always tended to build up the strong at the expense of the weak. From the giving of a pass to politicians or large jobbers to furnishing electric power at cheap rates to large plants and exorbitant rates to small ones, the whole course of private service for public purposes has been one of extortion, monopoly and inequality amongst the various members of the state. It has been one of the chief sources of creating differences in wealth and power and the predominating evil in all the corruption of the age.

Modern life is entirely dependent upon public service. No one can imagine the state of civilization that would exist if the railroads, the street cars, the gas companies and other public service corporations should be destroyed. Not only the comfort and convenience of the people depends upon them, but their business activities as well. The farmer who must ship his grain to market, the merchant who must transport his goods from city to city, the workman who must use the street cars to get to his place of labor, the small and large manufacturer who depends upon electrical plants to furnish power to his factories, and the merchant who uses gas and electricity to light his stores; all these with their complex activities are dependent entirely upon public service.

It is of great importance that each one of these individuals should be dealt with in exactly the same manner as his neighbor. It is likewise of almost the same importance that each one shall receive these necessary services which enter not only into their comfort, but their means of living, at the smallest possible price.

It is the business of private service to manage its affairs to make money, to create monopoly where monopoly pays; always to get the highest possible price that the service permits. It is their business to perform no service that does not properly pay, to make no experiments in untried territory, but to get the most from what they have. It is the object of public service cor-

porations to give the best service they can; to perform this at the cheapest rate; to treat all citizens alike.

Private service is carried on for the benefit of the owner, and public service for the benefit of the community. There is no doubt but what public service is full of graft. This is especially true in American cities, where mayors, aldermen, in fact most officials are elected because of their political pulls, their pleasing manners or the needs of party machines, and with no regard for their fitness for important business affairs.

But while public affairs are honeycombed with graft, private ownership of public service corporations is nearly all graft. It would be a moderate estimate to say that the railroads of the United States are stocked and bonded for four times their cost, that the great business combinations are stocked and bonded for six to eight times their cost, that the street railways, gas plants, electric lighting plants and other similar public service corporations are stocked and bonded for four times their cost. In addition to this, promoters, favored officials and the like receive high salaries from all these quasi-public enterprises. It is only the common workman who is obliged to labor for small wages to help make up the extravagance of salaried officials and the outrageous watering of stocks and bonds. All this burden in the end rests upon the public who consume. The publicly managed water works may squander a quarter of their income, but the privately managed public service corporations draw revenues from the people to allow them to pay dividends upon stocks and bonds for four times the amount of money invested and in addition to this pay unconscionable salaries to promoters and favored officials. Wasteful and extravagant as public management has been in the United States, there could be no waste or extravagance that could compare with the tribute that is taken from the people and paid to the promoter, the stock jobber and the high salaried official.

Public graft is subject to certain rules and laws and restrictions. Private graft operates on a clear license to the individual or corporation to take every cent that they can find. Public management means that the eyes of every consumer and user are constantly turned upon the official and upon the methods, and every inducement is offered to perform the best service at the smallest rate. Private management leaves official and promoter entirely above the complaints and clamorings of the individual with a clear license to charge what the traffic will bear.

In almost every instance the public grant which authorizes the use of streets and alleys for public service corporations and the power of maintaining and carrying out this business is the largest asset upon which public service corporations issue their stocks and bonds. This asset is public property. It is deliberately given away by the owners of public property to individual capitalists to convert into private property and to permit these private owners to tax the citizens again in return.

The fact that our public life is filled with corruption, graft and incapacity is in no way an argument against public ownership, but is an argument against the political systems which prevail in the United States. Communal life cannot exist without levying taxes to provide revenue for the state. Wherever this is stolen or wasted or squandered, the reflection is not upon the duties undertaken by the state, but upon the ideals of the people as to the public service, the character and qualifications of the men who have been chosen to perform these public services and the low standard which allows political parties and public officials to use places in the public service for the payment of personal debts and provide pensions for friends. The use of a public office either to pay a political debt or to grant a pension to a friend is practically larceny, and when we criticize this method in a police department or postoffice department or in the army or navy, we do not say that the army or navy or the postoffice or the police department should be abolished, but

rather that the spoils system should be destroyed and a higher ideal of public service should be required.

Few men would listen to an argument to abolish the police if it should be proven conclusively that half of the money spent on the force was thrown away. Under these circumstances they might consider the question of choosing competent men to manage public affairs. Likewise if the ownership and operation of public utilities logically belongs to the state, and theoretically can be managed best by the state, the problem is not to shirk the responsibility of their management, but to choose servants and officials with the capacity and integrity to do the work.

There is no reason for denying the ability of the state to get any service which it needs. Men have always had a mania to hold public office. For some unaccountable reason there have always been large numbers of citizens ready to sacrifice themselves upon the altar of the state. A lawyer who can make ten thousand a year at his practice is willing to exchange it for a judgeship at five; a business man who can make fifty thousand dollars by managing his own affairs will eagerly take ten to be conspicuous in the public eye. It has always been the rule that the same sort of talent can be commanded by the public at a smaller price than it can be commanded by private enterprise. It is equally true that all sorts of service is for sale in the market. It is as easy to find a fifty thousand dollar man as it is a five hundred dollar man. All positions that there are to be filled will find men ready and willing to perform the service for the reward, and if it is a public position, the fact that this service places them prominently in the public eye will always be a portion of the reward. All our great private corporations are managed by hired men. The shareholders are the owners. They may live in the remotest part of the world. They vote their stock, choose their presidents, general managers, their chairmen of the boards. They may or may not be interested in the business. They are hired to perform certain services

for a certain price. The individual owners of railroad shares know nothing about the management of their business. Many of them may scarcely be able to tell the difference between a locomotive and a hand car. They own the stock; they choose their managers. They choose them for the results that they can show and the managers perform the service. Public service and private service is performed in the same way by agents chosen for that purpose. It is doubtless true that a large majority of those chosen to perform the private service are chosen because of their capacity to do the work, while a large majority chosen to do public service are chosen for their ability to get a certain number of votes into a ballot-box at a particular time and place.

This method of choosing public servants is as bad for the police force as it would be for a street railroad managed by the city, and it is the reform of this method that is needed and not the abandonment of the state and city to leave private enterprise and greed to run riot over collective life.

The private corporation that performs public service must figure to pay interest on its bonds at a higher rate than the public; added to this it must pay a commercial profit for everything it does; it must then issue stocks and bonds for four or five times the value of the plant; all improvement of service or reduction of prices must be done with the sole aim of increasing the revenues as much as possible or reducing the cost to the lowest limit. Its revenue comes from the citizens, and the citizen in his public capacity can borrow money at a lower rate than the owner of the private corporation. In his public capacity he can construct his plant without profit; he can manage and operate it without the issuing of stocks and extravagant bonds, and any extension would be in the direction of lowering prices and improving service.

In only one particular can private enterprise outdo and outbid public enterprise. The private owner of a public corporation may go out into the labor market and hire unskilled

laborers at the lowest price. With the ebb and flow of labor, with the constant shifting of men, it is often possible to hire unskilled labor at a price below the means of subsistence. By sweating workmen the private owner may be able to get longer hours and hire workmen at smaller pay than it would be possible for a municipal corporation. Of course, the state must pay a fair price for labor. Its constant tendency must be for shorter hours, better conditions and higher wages. In this particular, purely as a business proposition, the private enterprise might have an advantage over business conducted by the state, but the result to the state cannot be measured in this narrow way. The state must be maintained by the taxes levied upon the people. Jails and almshouses are one of the greatest burdens of the state. Taking service from the individual for a price below the cost of subsistence in the end means increasing pauperism and increasing crime. It means that a large number of these sweated laborers must shift back and forth between their employment and the almshouse or the jail.

These are a part of the burdens of collective life. The community can make no money by getting its service below the cost of subsistence. What it gains directly to public service must be paid for many times over at the almshouse and the jail.

The private sweater who gets his service below the fair amount that allows labor to live really receives a contribution from the tax-payers, who in the end pay to his victims the difference between a reasonable wage and the sweated wage, together with all the penalties that must be added in the bill of costs. The state or municipality must perform the service without extravagant fixed charges, without watered stock or watered bonds, without extravagant profits and for the good of the public, but it is a part of the general welfare that every individual employed shall receive a reasonable living wage and that he shall not be turned from his employment into the workhouse or the prison.

In every great community, taking one year with another, there is always a large amount of surplus labor. The meanest employers may buy this at the lowest market rate. They can buy it at a wage bordering on starvation. Every employer who buys his labor in this way is a curse to every other employer and to the community in which he lives.

Wages given in public employment go far toward offsetting the evils resulting from the sweated workman, and perhaps more than anything else tend to keep up a fair and reasonable rate of wage and intelligent citizenship. The greater the number of state activities, the more men employed, the easier it is to maintain reasonable wages, reasonable hours and fair conditions of work. It would be difficult to estimate the effect upon wages and indirectly the effect upon civic life if the men now employed in public service should at once be forced to labor for employers whose sole interest was to get the most possible for the smallest wage. Likewise the extension of the activities of the city and the state to perform the public services now done by private corporations would result in the greatest benefit in the way of shorter hours, safer and better methods and increased wages, and therefore a higher standard of life and citizenship.

After all is said and done, the state has one vocation, and that is to promote the general welfare, and whatever tends to this promotion falls within the proper duty of the state. This promotion may be direct or it may be indirect. To better the condition of a large number of its citizens by increased service, by lower prices of commodities, by cutting out the middle man's exorbitant profits, by making employment safer and wages better, comes clearly within the definition of promoting the public welfare. Whatever one may say of figures or of governmental corruption or official incapacity, it is plain that theoretically public ownership will produce these results.

PRESIDENT PAGE: William R. Hunter will be heard in opposition.

MR. HUNTER: Mr. President, Ladies and Gentlemen of the Bar Association: I was notified some few weeks ago that I would be required to discuss the subject of Municipal Ownership, and I take it for granted that Municipal control and operation, the subject stated, is about as general as a declaration consisting of the common counts. And I believe the first thing to determine, in order to circumscribe the argument, is what constitutes a public utility. I have never yet been able to find a definition that is satisfactory, and lawyerlike; I have attempted to make one of my own, and whether it is a good definition or not will be for you to determine.

I assume that "Any industry for profit requiring the use of public property, which cannot be pursued by a natural or artificial person without the legal permission of the public authorities," is a public utility. If I am right in this, then it will include steam railroads, elevated railways, underground railways, street railways, interurban railways, telegraphs, telephones, gas plants, electric light plants, water plants, pneumatic tubes and perhaps other minor common carriers.

If the principle of municipal ownership and operation is sound as a governmental principle, it should be, and it will be in time, applied to all of these quasi-public industries. We cannot confine it to Chicago, nor to any other city, for it will be extended to all cities, villages, counties, states and to the nation as well. Whether or not municipal ownership of these utilities will be conducive to the general welfare of the nation is an open question, upon which men widely and honestly differ, and the question is, would municipal ownership and operation of public utilities be more beneficial to the people than private ownership would be, under proper municipal regulation; not to a city or a class, but to the nation. I will not attempt to sustain my position by citing cases. Lawyers know that parallel cases are few in number, and that courts of last resort occasionally change

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their decisions after they discover their error. So it may be in Municipal Ownership. It will not do to determine this question by comparison with other nations, acting under different conditions and forms of government.

Success or failure may be the result of good or bad management, individual ability or inability, environment, national or local conditions. It will be much safer to apply the principles of municipal ownership to these public utilities and endeavor thus to ascertain what the probable effect would be, in this country. What might be thought best for the natives of Africa or the subjects of governments whose forms are largely military, or in a kingdom where there is no middle class of intelligent people, might not be desirable or applicable to a nation whose proud boast is that we are the most progressive, intelligent people in the world. Are we willing to admit that we are so far behind the van of civilization that we must seek for light upon these questions and adopt some of the principles of government that prevail to-day in Russia—for instance, government ownership and operation of railroads?

Would it be advisable for the people of this democratic nation to follow the example of Germany and France, where almost every railroad employe is known and acts as a general, a colonel, a major, captain, lieutenant, corporal or private member of the military forces? These nations, whose territories are separated in some cases simply by an imaginary line, watching each other like bull dogs, consider military strategy of first importance and the control of the railroads necessary for the rapid movement of troops and munitions of war for the preservation of the nation's integrity.

These conditions which make it appear necessary in Europe do not obtain in the United States, and the tendency under our form of government should be from, and not towards, such conditions; because, in my opinion, government ownership of public utilities would be a long step toward creating a centralized government, to which the average citizen is absolutely opposed. We

contend that our form of government is better than any other, because it is not like, but different from, any other.

Municipal ownership would mean not only the taking over of such utilities as are in operation, but it involves the principle also of constructing such others as may be necessary for the convenience of the people and the development of the country. This would, as to trunk lines, eliminate the state government as a factor in railroads, telephones, telegraphs, steamboat lines, etc., and would necessitate a compact or co-partnership between the federal government and each state as to inter-state transportation in all cases where the state's lines connected with a trunk line. The federal government would then be in control of all the great arteries of trade, and thus a large portion of local self-government would be absorbed. The same difficulty would be encountered by cities whose street car lines reached points beyond the corporate limits. It would necessitate either a co-partnership between the city and the owners of that part of the line outside of the limits, or the construction and maintenance of the latter portion by revenue raised within the corporate limits of the city.

This country has been developed, not by paternalism, but by private enterprise. Let it be known that the government may construct or take over any public utility at pleasure, and it will rob the individual of that great incentive, private ownership, which has been the principal stimulus in developing this country to its present degree. Private capital seeks investment wherever it will pay, and seeks it quickly. It is the natural desire for the ownership of property that urges the average man onward, and puts into operation those aggressive activities which not only develop the man, but incidentally the nation.

I have not the time on an occasion of this kind to point out and follow the course that would necessarily have to be taken under municipal ownership, in the construction of an inter-state public utility. A bill would have to be introduced in Congress and be subjected to the various opinions and delays of the poli-

ticians at Washington, and if the time should ever come when the construction would be completed, in all probability it would not be suitable for the purposes originally intended, if our past experience is any indication of how public matters will be conducted in the future. The departing court house of Cook county, the on-coming Chicago postoffice, so called, and thousands of other abortive monuments all over the country, are examples, not to be followed, but to be avoided. We have a discouraging example of governmental ownership and operation in the Illinois and Michigan Canal. The original estimate for its construction was $600,000. The actual cost was $6,000,000, and since 1852 we have spent on improvements, repairs and grafters, $6,000,000 more. Since its construction the earnings have amounted to about $6,500,000, and the expenses to $4,750,000. Of course, we still have the canal, which is not self-supporting, but is useful in provoking unseemly contentions in the Legislature over appropriations to sustain it as an incubator of tadpoles and politicians for profit. No man of experience will have the temerity to deny that public improvements made by municipalities consume more time in construction, cost more and are worth less than those constructed by private parties. I believe it is a conservative statement that twenty-five per cent. of appropriations made for the construction of public improvements throughout this country goes to the benefit of the grafters, instead of the improvements.

Another question to be considered is, how shall the money needed for the construction of public utilities be acquired? If they be constructed by a municipality, then the means must come from the profits of operation, or be raised by taxation, either general or special. Few of these utilities could be constructed by special taxation or special assessments, so that in the main, if by taxation, necessarily it would be by general taxation on all taxable property, in which case the cost of construction or purchase would be borne by the citizens owning taxable property, and persons without property would be

relieved entirely therefrom; yet, in availing themselves of the use of these utilities, when in operation, the citizens whose properties were taxed therefor would pay the same rate for the same accommodations as the individuals who contributed nothing toward the cost of construction or purchase. This would be true of telephones, telegraphs, street railways, steam railroads and other like utilities, now existing, or which may be developed in the future.

It is a well known fact that some of these utilities in the smaller cities are, at times, not self-supporting. In 1893, 4, 5 and 6 many street railways throughout the country suspended business and became bankrupt. In case of municipal ownership, during such periods, the deficiency would have to be met by general taxation. The rank injustice of taxing the property owner to construct and aid in operating a utility for the benefit of the non-taxpaying class may sound well from a philanthropic standpoint, but it would result in revolution by the taxpayers, who are the warp and woof of the nation.

By the advocates of municipal ownership, it is assumed that sufficient net profits would arise from the operation of the public utilities to, in time, pay the cost of construction or purchase, the interest thereon, and maintain them in a state of efficiency; it is also assumed that bonds or certificates for such purchase price could be issued, made payable solely out of the prospective profits from the property acquired, and that these bonds easily could be negotiated. Certain legislation along these lines, affecting the city of Chicago, has already been enacted in this State, but such legislation is no guarantee that such scheme will be practicable. It is simply the grant of a legal right to make an experiment. Under this legislation the net income and the tangible property acquired could be mortgaged to secure the money advanced to buy the plants, and in case of default by a street railway company, the mortgage could be foreclosed by the mortgagee, who would thus acquire the public utility for twenty years, and thus destroy this fanciful scheme. If the city

should default on the interest, followed by foreclosure and possession by the mortgagee, the city would be back again where it began, with no more power to regulate than it has now, and the mortgagee could hold possession for twenty years, but no longer, regardless of whether his debt was liquidated or not. This latter provision would not prove alluring to the conservative financier when the city should seek to obtain a loan for such purpose.

Then can it be said with reason, a capitalist can be induced to hand over his money to the municipality without any security other than the possibility of receiving payment out of prospective profits, realizing, as he must. that the operation of these public utilities may be affected by changes in the political administration of the municipality, strikes, financial depression, the introduction perhaps of new methods that will depreciate the value of the old and various other causes that will affect the profits of the ventures? The average man will hesitate before he will thus place his property at the mercy of political employes, who might be more apt to hold their positions by fealty to the boss than by devotion to duty.

If men could be thus induced to furnish the means and take the certificates, it looks as though their chief business in the future would consist, to use a common expression, "in holding the bag."

On the other hand, if these utilities should be operated at a loss, and they might, then this system would incur taxation that would almost amount to confiscation of private property for the public good. Burdensome taxation is one thing which the American citizen resents. Property owners are now taxed to maintain state, county, town, school, city and other municipalities, which taxation in some municipalities in the state of Illinois at present amounts to twenty per cent. of the income from such property. Add to this a municipal ownership tax to construct, and perhaps aid in operating public utilities, and there would be but slight incentive to citizens to own and possess private property. Municipal ownership would revolutionize our business methods

and change the relationship of one citizen to another. The constitutions of the various states would have to be amended as well as the constitution of the United States. It would bring into the government service hundreds of thousands of men who would be subjected to quasi military discipline and control and it would tend to strengthen the political power of the party in control of the particular government. An astute politician at the head of a municipality or government could, under this system, so strengthen and intrench himself, notwithstanding civil service, that it would be almost impossible to dethrone him, but if he could possibly be defeated, then upon the coming in of the successful party, experience shows that new men would be placed in charge, men perhaps wholly unfitted for the duties required, which is too often the case in political employment. New methods would be introduced in all these great public industries and the business of the country would be disturbed to a greater extent than it would be by the present adoption of a tariff for revenue only, and we might get both about the same time.

It has been said by our Supreme Court that a municipal corporation which supplies its inhabitants with water, gas, transportation, etc., does so in the capacity of a private corporation, and not in the exercise of its powers of local sovereignty, and that it stands upon the same footing as would any individual upon whom the like franchises had been conferred (146 Ill. 154-5). It occurs to me that it should be the function of governments to govern and regulate, but not to engage in quasi public or private industries.

Since municipalities and private corporations within each state are creatures of the statute, their powers may be enlarged or restricted at the pleasure of the legislature. Cities and villages may be authorized and empowered to own and operate these utilities and go into competition with private companies to supply to private consumers light, heat, power, transportation, etc. In this connection it will be well to remember that in the creation of private corporations, the State of Illinois

reserves its legislative power to, at all times, make such regulations and provisions as it may deem advisable to regulate such corporations, which provisions and regulations are binding upon any and all other corporations formed under the law, and our state has gone so far already along these lines as to confer upon the city of Chicago power to engage (by vote of the people) in the manufacture and sale of light, heat and power to private consumers in competition with private enterprises. This same power and authority can be given to all other cities and villages in the state, in like manner. Suppose a city avails itself of this authority, what will be the probable effect upon the various private enterprises engaged in these industries? Each city owns and controls all of its public streets and thoroughfares, without the use of which no private company can engage in furnishing to private consumers heat, light, power or other public utility, and the city thus controlling the public thoroughfares can prevent absolutely any other company from engaging in any such business, and thereby have the entire field to itself. It can then charge for service what it pleases, and render such services when and where the wisdom and generosity of its council may see fit. But its advocates say under such ownership everybody will be treated fairly and therefore will be satisfied, but the various suits that have been litigated in this state alone, between cities operating their own water works and the consumers, do not support such contention.

As to all the public utilities within the city, such city would have an absolute monopoly, and it is a serious question whether, under such conditions, the public would receive as good service as where these utilities are operated by private enterprise under sane and honest restrictions and regulations by the municipal authorities.

The advocates of municipal ownership and operation base their argument upon the assumption that the public officials who would have charge of the public utilities would be men of ability and honesty, and would at all times be devoted to the

discharge of their duties honestly and efficiently. Such an ideal condition of things never has existed and never will exist in any government. It is also claimed that the present conditions existing in the city of Chicago in the ownership and operation of some of these public utilities is an argument in favor of municipal ownership, but upon an analysis of this question the facts will not support such contention. If we go back to the time when these companies were granted the privilege of using and occupying the public streets for the operation of their business, we must not overlook or forget the fact that in granting these privileges the city council of Chicago had it within its power to stipulate and provide against all the evils of which the people now complain. The power was full and complete and the city council could have imposed upon the privilege every condition necessary to secure and protect the comfort, convenience and rights of the people by making proper regulations and providing forfeiture of the grant in case of default. The fact that the public authorities then in control frittered away the rights of the people is a strong argument not for, but against, municipal ownership.

If these same public authorities, when they had it within their power to fully protect the rights and interests of the people, failed to do so, with what assurance can it now be said that public officials under municipal ownership and operation would be any more solicitous in guarding the rights and interests of the public? There is no evidence that human nature within the last fifty years has changed so much for the better that we may expect the officials of the future to be more capable or honest or solicitous for the public welfare and convenience.

It would look to the casual observer that the sentiment in the city of Chicago for municipal ownership has been created not so much by the desire to have the public own and operate their utilities as from the fact that the people are suffering now because of either the inefficiency or dishonesty of the public officials in the past.

Looking into the history of most of our large cities, we find that, as a rule, the public officials have not yet demonstrated to the entire satisfaction of the people that they discharge fully all the duties adready imposed upon them by municipal ownership or control. The people continually cry out against the management of our charitable institutions, inefficiency of the police force and the lax enforcement of criminal law, impure water, lack of proper inspection of food, factories, fire escapes, theaters and fire traps, fire department, dangerous streets and defective sidewalks, yellow fever and filthy packing plants. If the necessities are not managed satisfactorily, how will it be when all the utilities are added to the list, with all their ramifications and perplexing questions? But it is said that civil service will cure many of these defects and make the wheels of the governmental machine revolve as smoothly and regularly as the earth upon its axis. Civil service cannot change the prejudices, passions and natural characteristics of men any more than it can change the fundamental principles of our economy upon which the whole fabric of our government rests, and the enforcement of civil service will depend upon the men in control, who are seldom within the classes that come under the rules, so that we eventually come back to the position that even with civil service on the statutes, its success or failure may lie in the keeping of the politician.

The adoption of the principle of municipal ownership and operation would be a long stride toward socialism or communism, as said by an eminent Bishop, a system which would operate successfully in but two places—"heaven and among the savages." It must be conceded that the progress made in this country in the last fifty years has never been equalled by any other nation in the world. We have thus advanced under an economic form of government where every individual is a sovereign and not a subject, and has the right to pursue his lawful ambitions freely, untrammelled by governmental competition. Under these conditions we have developed a wonderful people, and let it not

be forgotten that in order to develop the nation, you must first develop the man. The inventive genius of the American people is as restless as the tides of the ocean and we must not say that we have reached the acme of our advancement, but we are bound to assume that we will go onward and forward to a higher and better civilization, unless our ambitions are dwarfed by a centralized paternal government.

If the application of these fundamental principles to the conditions in this country has elevated us to such a high plane, would it be good judgment to now abandon them and pursue a different theory of ownership, which, if carried to its legitimate conclusion, will result in taking away from the substantial men of our country the great incentive of private ownership, rob them of their ambitions, destroy to a great extent their individuality and individual initiative, make them dependent upon a government job for a living, minimize local self-government and strengthen and enlarge the ever increasing powers of the government at Washington which in time might become oppressive? The canker which eats into and destroys free government is so insidious and apparently harmless in its incipiency as not to alarm or arouse the active opposition of the common people until the structure begins to crumble and decay, and it behooves every loyal citizen to watch the signs of the times and heed the signal lights along the traction lines of life, whether they be red lights of anarchy or the soft blue alluring lights of communism, and if he shall become so indifferent as to take passage upon one of the rubber tired trains, run on time (secured by mortgage), brakes operated by air (hot), drawn by imagination and managed by angels, he may glide down the gentle grade in a somnolent happy condition until he runs into the Grand Central station of socialism, where every passenger must first deliver his pocket-book and baggage check to the station master and surrender his individual liberty to the crowd before he can pass through the gates to the promised land.

PRESIDENT PAGE: It has been announced that previous to

the close of this discussion by Mr. Darrow, the subject shall be open for discussion by members of the Association. We shall be very much pleased to have any suggestions upon either side of the question.

MR. WILLARD: I assume that there are twenty or thirty men waiting to speak, and while some of them are thinking of what they will say, I would like to make one or two suggestions. I have been studying the elevators in the office buildings and public buildings of this city for about twenty years; I have seen the City Hall elevators and the Court House elevators under democratic administrations and under republican administrations, and I think it is safe to say, and I think that any lawyer here will agree with me, that there has not been a consecutive six months either in the City Hall or in the Court House where elevator service would have been tolerated, not in a first class nor in a second class, but in a third class privately conducted and owned office building in Chicago. Now, if municipal or public ownership is not adequate for the proper management of the elevator cars, how are we likely to anticipate what we should have if we had the municipal ownership and control and management of the street cars of our city? I believe that New York City recently has gained control, ownership and management of various ferry boats, perhaps one of the principal municipal ownership experiments in this country, and my understanding is that the Staten Island ferry boats, so I was informed by a New York man, I speak subject to correction, require three times as many men to run them as similar ferry boats required under private management and ownership.

It seems to me what the world wants and needs is efficiency; that we cannot expect that efficiency of management to come from municipal ownership. It was said by the gentleman who opened this discussion that a man will work cheaper for the government than for private companies. But the government, neither state nor city, is willing to pay for ordinary positions what the same man can receive in private employ. I was

reading this noon a letter from a man in the government service in Philadelphia, one of the most attractive positions. He was going to give it up because there was no future in the way of salary in government service. He has repeatedly refused, as I understand it, higher salaries in private positions.

In our departments in Washington it is understood that the man who gets into the department gets into a habit of rut and routine, and individual initiative is not encouraged.

The gentleman in opening the discussion referred to municipal ownership as likely to grow out in untried territory, implying that private ownership would be a good deal slower. My impression is that those who have given study to the question generally will agree with me that the initiative of individual ownership is very much more likely to take a chance, very much more likely to go out into untried territory and create for itself new business, new opportunities, build up new suburbs, where the city owned line would say, we cannot take chances; what was good enough two years ago or four years ago or eight years ago is good enough for the present management. There are many other ideas that occur to me, but I must not take any more of your time. (Applause.)

MR. ROGERS, of Chicago: Those who believe the fullness of time has come for municipal ownership should, in airing their views, never ignore the national characteristics of our cosmopolitan country. What meets success in Timbuctoo may see only disaster in China, France, Germany England, Ireland, Scotland. The reverse may be not illogical. To declare war on a people's idiosyncrasies is to liken one to that German who thought he had the grip: "Der doctor comes and he says I haf no grip, dot I vos just a ledle crazy; und he told me to sit in der middle of der parlor and joost viggle my fingers at der window where de sun comes in in der morning ven it isn't raining; und den to prove dot I vos crazy he charged me tu dollars."

Public ownership in European cities implies fare regu-

lated by distance, or "zone"—as 1 1-5 cents for 1 1-16 miles, 2 2-5 cents for 2 1-8 miles, etc. That of itself would necessitate a revolution in our money system. A few cities give a sort of commutation meal ticket scale of rates to laboring people with wages under $300 a year, and providing that they shall ride during meal hours. Four and one-half miles is the longest distance they may ride. The number of passengers is limited, and the car speed is from a third to a half less than ours. Limit our passengers or speed, and conductor and motorman would get mobbed, the passengers taking possession and running merrily on. though it means running over a dozen persons to—"get there." Our cars kill more people in a month than all Europe's in a year. That is evidence of our national spirit!

"Oh, that's politics!" is the embarrassing experience of doing business in the city halls; and on political days the offices are closed. Get municipal ownership and enlarge the obnoxious conditions. The politicians would want to stop the cars for election days. Pat had just "come over," and meeting his old friend Dennis, he lost no time in relating his experiences in this blessed land of Roosevelt and Bryan. "Thim are moighty smart min on thim strate cars," said Pat. "I got on one of thim and pretty quick he called out 'McCarthy'; and Mr. McCarthy he stood up and got off. At the nixt corner he said 'Powell', and Mr. Powell gets off, and he keeps right on doing that. Sez I to meself, he is mighty smart, begorra, ef he can find out me own name. And would yez believe me, at the next corner he said 'McAlister,' and so there was nothing left for me to do but get off, too." Contrast the working intelligence of the present day conductor, motorman or gripman with that of his probable successor under municipal ownership.

The wage of city employes exceeds that of private enterprise employes, and the city employe might find himself unable to hold the same position in a private concern. What of the night if we had municipal ownership and, accordingly, so many, many more employes? Water plants employ but few men. A

Scotch writer says: "The 15,000 employes in Glasgow's municipal corporations may become a danger to be dealt with if the city is to maintain municipal independence." God save Chicago from the horde of city employes when we have city operation of public service corporations! What would be the oracle? Several regiments of fighting soldiers would be required to dislodge the politicians from power.

The traction companies improve service as franchises are about to expire. I believe they would do just as well by the public as any other private business enterprise if the city handled them aright—would put golden wheels on street cars, and to each passenger would give a gold watch as a premium—if it were profitable. Engage in the business of real estate, merchandizing, preaching, medicine or the law, and no matter how much money you make, you have the "immunity bath" against public condemnation. You hear no cry of "robber; stop thief."

But investigation is helpful; stirring times are needed to make people think, to stimulate thought. Even catastrophes and frightful disasters do some good. So, what a world of service was the political campaign of 1896? Municipal ownership is like the other questions that arise to publicity and then subside; the year 1905 was its high water mark with a flood of literature. The adherents of the I. M. O. hierarchy step to the footlights and court further investigation, even up to the exits. Like the man at the St. Louis World's Fair; he had inspected about all the side shows, and seeing the sign "exit," he went in and examined that.

Of the series of clever orators who so graciously have espoused the cause, I am unwilling to believe that even they would prefer Glasgow's cars to ours for a trip from here to the heart of the city. It would cost them eight cents, or more, instead of five, and double the time for the ride—excepting they waited till dinner time and had annual incomes of less than $300. But that is their prerogative; they have a right to their

convictions, and must not be deprived of them. England's greatest statesman used this passage: "It is better that all England should go home drunk than that one of her citizens should be deprived of that right."

This ownership doctrine is socialism; with the American, an idle speculation. It's a thing to conjure with, and to ride into political office. But when the indefinable Utopian Era of absolute socialism is come. then municipalization, nationalization—aye, internationalization—of all public functions shall triumph. It is obvious that we are approaching the whirlpool in a "maze" of industrialism. These great problems of the future are to be wrought out by the republican party and the party of socialism. And more. The democratic party may be eliminated from the political horizon. Meanwhile the sun of Individualism is rising all over the civilized world. Germany supports public savings banks, accident and death insurance; Italy municipal bakeries; however, owing to conflicting interests, municipal ownership is growing in disfavor in London; and with us Americans it is amusing to see Tom Browne's cartoon illustrating a British view of "A ride in our (Chicago's) municipally repaired streets." A glorious tribute to our city's handiwork.

As no city of the United States has undertaken the task, we must be cautious in proceeding to city ownership and operation of street railway properties. Now that city growth outrivals our growing ability to govern it. The state is more readily handled than the city within the state. The big cities dominate the affairs of the state, and politics dominate the big cities. Everybody knows the conditions; we are in the caterpillar state. As a token, though, the war for civic righteousness is pressing forward. The benighted people of this country must get an uplift in civic pride so that patriotic duty in seasons of peace shall be more than a dream.

Traction expert James Dalrymple. whose opinion has weight, believes obstacles would be encountered should we adopt

city ownership. I have read the famous Dalrymple Report, and the accompanying letters of explanation, all of which the handful of M. O. enthusiasts tried to suppress. It is to be regretted, too, that certain newspapers failed to get their information at the fountain head. In his parting adieu to the American public, Mr. Dalrymple expressed some very discouraging words. He said in part: "The people of Chicago would consider municipal ownership, as we have it in Glasgow, a setback." He was far-seeing enough to recognize our national traits of character. The Scotch are like the family with generations of wooden legs—it runs in the blood, and so the Scotch can't help running street cars. And now to this picture add a streak of colorless Presbyterianism, and you have the temper and characteristics of the man from Glasgow—Glasgow, whose matters municipal are Europe's envy. Max O'Rell said the Scotch people religiously keep three things: first, the Sabbath; second, the Ten Commandments; and third, everything else that is good. There is a slang phrase that "if a Glasgow man doesn't go to heaven when he dies he will make it very uncomfortable for the devil."

While today we may endorse ownership of certain public utilities, most assuredly we lack implicit faith in city operation of street railways. I am of the belief, however, that private functions belong to private enterprise and public functions to public enterprise. But above all, am I of the sturdy conviction that the season is not ripe for any further municipalizing. Our cities are exceptionally overburdened with financial cares, despite the fact that we are making rapid strides in remedies. Barring few exceptions, the larger cities are hopelessly in debt, and withal, see no money forthcoming either to purchase existing car lines or to equip competing lines. Nevertheless we have the proverbial Seven Wise Men (pretty foxy ones, too) in the Mayor's Traction Cabinet whom we suspect are able to solve Why is—Why?

One advantage, however, would arise from our adoption of Old World Systems, fares, "zones," and labor wages—immigra-

tion would be curbed. The suggestion is tendered to President Roosevelt and the congress as the one most effectual plan that can be devised wherewith to suppress undesirable immigration. I believe it would work like a charm.

Though one member of our board of education is a member of a learned profession, yet he is so unlearned as to be unknown in the world of his profession. And further: I surmise there is a teacher in our schools who morally and mentally is utterly unfit to be given the training of the moral and intellectual career of our Young America. Another monument to municipal mismanagement.

The first question, then, for the public ownership propagandists is, how and where to get the price. They are like the penniless girl anxious for a diamond necklace. Not a few of the M. O. Pilgrims, so zealous in their advocacy of I. M. O. P. D. Quicker, pay little or no taxes, and consequently contribute not the widow's mite material to immediate possession. A city can buy without money only by mortgaging the inheritance of posterity. The lawyer who would now advise Chicago, as a client, to purchase and run the present systems, or to build and equip entirely competing street car lines, ought to be unable to recover by lawsuit for that legal service.

It takes money to buy whisky. The city now has more burdens than it can bear. It is unwise to bite off more than we can chew.

MR. BARTON: Mr. President, I have listened to these various arguments, and with close attention, and yet I am unable to form any conclusion as to which side any one of the gentlemen has advocated during this discussion. (Laughter.) I will say that I have no doubt that if I had heard the first speaker all the way through, I should be able to get some idea of what he was referring to (laughter); I only heard the conclusion of the argument, that had some reference to, I think, the disadvantage of hiring men who would work cheap. I think that we all ought to advocate this. There is no man, whoever he is, I

don't care whether he is white or black, whether he comes from Peoria or Kankakee—let it be anywhere that he comes from, who will hire a man who will work cheap and render the equivalent of his wage. I don't know much about this subject, and that ought to make me fluent. I am usually not very fluent, but I am so ignorant on this subject that I almost feel that I could talk at length. (Laughter and applause.) If I thought the distinguished lawyers would stay here—I don't know whether the presiding officer has power to keep them here or not, but I never spoke before a meeting of this kind before, and I don't know what the courtesies of the occasion require. I will talk, though, just as long as you will listen. (Laughter.) If I am too slow in getting at the point of this argument, I will stand here and work it out, and you will all be pleased, I am sure. You can have the benefit of this just as long as you wish it. (Laughter.) But I want to say to you that in all the talk on this subject, not one has said on which side he stands; I will say now on which side I stand, for I have most positive convictions on the subject. Now, this is Dreyfus day. I remember years ago when the trial took place, the witnesses said something like this: "I believe on my soul he is guilty." "I believe on my soul he is not guilty." Now, that was the kind of evidence they introduced there. They were entirely inside of the facts. Now I will say in that same way, on my soul I believe in municipal ownership, and so my position here is clearly defined, and having said that, I have no doubt that this audience will come right along with me and in line walk to the tune of immediate municipal ownership, and if they will do it why, we will have it, of course, in no time, if they will follow me just as they would the distinguished person who opened this argument.

Now, I am in favor of buying all these roads and paying for them at once. (Laughter.) I do not know where the money comes from; I know this, that there is some one, I will not tell you who he is, but I hope it is not my personal enemy, who was so foolish as to invest some years ago some trust funds in some

Chicago real estate. Well, now I know that that real estate is not worth any more today than it was some years ago, twelve or fifteen years ago. I know that I paid $100 for general taxes on that. Now I have been figuring up, putting that all over the city, and I am sure there must be enough money in the treasury of this city right now so that we can at once buy all these public utilities. It will not be a question of three cent fare, it will not be a question of anything except just paying the men who operate the cars and trolley lines, and I think we can travel down town at about, well, two cents apiece, and I am sure that all of us are in favor of municipal ownership on that basis. (Laughter.) And I am sure that anyone who has tried to ride down town from here at any reasonable time in the day when men go down to work, would say that on general principles he is an anarchist, he is a socialist, he is anything, only just stop this system of crowding cars, taking our money and giving us torment. I thank you. (Laughter and applause.)

MR. ORENDORFF: If I had any doubt upon this question before, I am thoroughly convinced now that as a means to an end we ought to have in this country, in many instances, at least, municipal ownership. As a general proposition, in many localities the control of these utilities is perhaps all that at present seems necessary. The end to which we ought to look is to secure good service at a fair compensation. When that is accomplished about all of the expected results accrue. It is the abuse of corporate privileges that has raised, very largely, this question to a practical one. I don't see that any argument that has been made against government ownership as has been suggested would not equally apply to the government control and ownership of the mail service of the United States. That is a practical operation of government ownership. The suggestion here that the people's officers are so corrupt that they can not be safely trusted with the management of these municipal utilities and enterprises, it seems to me, does not lie especially in the mouths of these private corporations operating utilities, for it is a well

known fact that the corruption that exists in our cities, in our municipalities, is the direct result of the bribery and corruption of these corporations. (Applause.)

A VOICE: Hit him again.

MR. ORENDORFF: It seems to me, gentlemen, that the main argument against municipal ownership as suggested here today and as usually suggested is the doubt of the competency of the people for self-government. If the people of this country can not regulate and control their own affairs, if they can not be trusted with the operation of these municipal utilities, the argument suggested is that it is because the corruption surrounds the people and that they are represented by corrupt agencies. I believe that to be a libel upon free government in this country. (Applause.) I do not wish to enter farther into the discussion of this matter. I believe that philosophically municipal ownership is right; I believe that as a practical question it is right, and I believe that with the introduction of municipal ownership in this country many of the wrongs that are complained of will pass away and that the American people have the ability, have the enterprise, have the courage to operate and control their own business better than any corporation can do it for them. (Applause.)

MR. BRADLEY: That is it.

MR. RICE, of Peoria: I can not tell on which side some of the speakers are. I will tell you in the start that I am on both sides. (Laughter.) I am in favor of municipal ownership because the utilities are public and are unavoidably monopolies. The City must own the streets and it ought to own all of the improvements that are put in them.

It is impossible to control the rates to be paid for the use of a public utility by competition. It is the next thing to a crime to have two or three telephone systems in the same city; there ought to be but one. (Applause.) The price must be controlled in some way and I will suggest to you how I think it may be done. The city, for example, ought to own the water

works in the city and then those water works should be controlled by private management. The people who subscribe and pay for the water ought to control the management of the works. How can this be brought about?

We all know that if we wish to have a business managed economically we should let those manage it who furnish the money that pays the expenses. We also know that satisfactory service is best secured by giving those who are to be served power to select and control those who do the work. My suggestion is that a private corporation be organized, not for pecuniary profit but for the purpose of managing the works. Let every man who puts water in his buildings have one vote in the election of a Board of Directors to be chosen to manage those works. He would be inclined to select a Board of Directors who would give economical management and who would furnish good water and his vote would not be killed by the votes of others who have no financial or other interest in the enterprise.

The new plan now proposed is to let the City lease or rent out the works they own, just as a man who owns a farm that he does not know how to cultivate himself or does not have time to work, rents it to a farmer and lets him cultivate it. The city in its lease or franchise could fix whatever rental it chose. It ought to fix a rental that would pay a reasonable interest on the cost of the works and establish a reasonable sinking fund to replace them when worn out and it should ask no more. The city ought not to make money out of the water consumers to run other branches of City Government. The lease to the managing company should require it to levy such a water rate as would pay the rental to the city, pay the running expenses of the company, and pay the members of the Board of Directors a reasonable conpensation for their services, which amount should be specified in the lease. If the city wishes a little royalty for its own use besides interest on the money it has invested, let it require the company to furnish water for the municipality itself free of charge. The same plan can be

applied to the Electric Light Works, Gas Works, Heating Works and Telephone Systems.

Every individual, company, association or corporation doing business ought to have some one above it to decide questions between it and its customers. In case of a city managing its own water works, if it did not treat the water takers fairly and equitably, what remedy would the customer have? Experience says he practically has none. On the other hand, under the plan I suggest, the treatment to be given by the managing company to its customers would be governed by the lease or franchise or whatever the contract may be called between the city and that company. That lease would contain all the necessary provisions to protect the customer and the city and to prevent the payment of extravagant fees to the directors, and such other details as the wisdom of the company and the City Council might suggest. If the conditions in the lease were not complied with, it would be an easy matter to terminate it at any time by an action in forcible detainer for a breach of covenant. If the lease were terminated in any manner, the whole water works and their belongings would come back to the city in a few days, and there would be no complicated litigation about valuable property or franchises. The city would take back the entire assets of the company and would be required to pay its unpaid debts. Neither the city nor the water takers would have anything to complain of in this, for if the company had not been levying a rate high enough to pay its current expenses and the rental to the city, the city, on assuming control, would raise the required money by increasing the water rental. The city would lose nothing and the water customers would only be paying in this additional tax, the money they ought to have paid while their board managed the business.

The objection to municipal ownership with municipal management is that it leads to extravagance and the corruption of municipal politics.

The objection to *private* ownership with private manage-

ment for private profit, is that it offers an apparently irresistible temptation to collect from the citizens higher rates than they ought to pay, in order to enable the company to pay dividends on the assumed value of franchises obtained from the city for nothing through fraud; and besides, all kinds of public officers are frequently tempted beyond their power of resistance by companies seeking franchises for private profit. Under either of those old plans enormous fortunes have been corruptly made.

Under the plan I suggest there will be no opportunity for anything of that kind; no one could make a great fortune; as no one has any stock in the company on which large dividends must be declared, no one would have any inducement to bribe the City Council. If a contract were made unreasonably favorable to the company, all the money made in that way would go back to the customers by the reduction of the necessary rate. Besides there would be no money anywhere available by which officers might be corrupted.

The lease should provide that all water takers should have the water at the same rate per gallon, whether they take much or little, therefore every man who subscribes for water should be given one vote in the election of directors and no more.

This plan would take the management of the water works out of politics and I have never been able to think of anything else that would. Under this plan the works will be run economically, and there would be little or no inducement for fraud. This is plainly a combination of public ownership with private management for the benefit of customers. This is the reason I said in the beginning that I was on both sides of this question, favoring as I do *municipal ownership* with this kind of *private management*. (Applause.)

PRESIDENT PAGE: If there are no further suggestions, I will ask Mr. Darrow if he has anything further to say.

(Calls for Mr. Darrow.)

MR. DARROW: There is only a word or two that I would suggest. I guess we have all given our views, and I suppose we

all feel the way we did when we came here about this question; generally that is the case. I do not think the arguments of private ownership advocates are generally fair; of course they mean them to be, but they are not. For instance, we are informed this afternoon that there are great evils down at the Stock Yards, and our theaters do not have fire escapes, and our hotels do not. I do not wonder the gentleman could not tell which side the speaker was on after such an argument as that. Our Stock Yards are private institutions; our hotels are all private institutions; whatever evils are connected with them are connected with the management of these affairs, private institutions. It can not be expected that an inspector can manage the business of private institutions as the private institutions would manage their own business, and there are always evils resulting from public management of private business.

Now, the world has always thought that there was one way to get good service and cheap rates, and that was through competition, and if competition would work it would result in it. But we all know there is no competition. It has been pointed out this afternoon that there is no competition in street car lines, no competition in gas, no competition in telephones. There is a monopoly in railroads; there are a dozen lines between here and New York; there are two rates and they fix them themselves. It does not make any difference what road you go on, it is all arranged. Only poor people ever compete; rich people know better—that is the way they get rich. It is generally admitted, and has been admitted this afternoon, that the public should control these public service corporations, and when that is admitted the whole argument is admitted. If the services of the public are required to carry on certain business, the public should control it, and it is perfectly plain that they can control it better if they own it; that they can not control it any other way except in the most unsatisfactory manner.

We see our Interstate Commerce Commission that is harassed with all sorts of business, and never accomplishes much

of anything—they do accomplish something, probably—we get along better than if there was no such Commission—but they are hampered and badgered at every turn. If we had public ownership of railroads that kind of a question would be settled. We are informed also: Look at our public buildings, how long they take to build them and how much graft is in them. Now is it correct? Do you suppose there was ever a public building constructed in the United States that had the graft there was in the Union Pacific or the Northern Pacific, or almost any private railroad that was ever built in the United States? It is nothing but graft from beginning to end. The fact that all of these great corporations get from the public, and issue in the shape of bonds once or twice or three times the amount of all the money they put into them, then put their stock on top of that and the whole thing is a system of graft from beginning to end. in which a few men get rich, and there is no way of shaking them up. Great fortunes have been built up in that way in all lines.

And as an inducement to enterprise, to have these public corporations,- how many men are there in the United States that ever expect to own a railroad, or any considerable interest in a railroad? The fact is that the men engaged in individual business must have public ownership of these utilities in order that they may carry on their individual business. The merchant out here can not compete with some other merchant who gets his thousands of dollars in rebates, and he never can compete until the public manages these institutions itself and owns and operates them. It is necessary for individual enterprise that all of these public institutions should be managed, owned and operated by the public. The gentleman who spoke last made a suggestion that has often been used, and it seems to me there are dangers in that also, and yet it might be a good compromise if the city were to construct the street cars, construct its telephones, water works, and then lease them all. Of course the man who gets the lease would have the same chance to give poor

service and get big profits, if he were left alone, as he would have if he simply leased the streets or got the streets. It is probably impossible to get a business managed for public service to give the best service possible, at the lowest rates possible, unless the public does it, and that the public can do it seems to me plain enough.

Comparisons between America and foreign countries do not count. Of course it is common for the people to stand up and boast that this is the greatest country on the face of the earth and we are the most intelligent people on earth; that is all moonshine. There is not a people on earth that do not do the same thing, even down to the most ignorant Hottentot. We have any amount of things to learn from England, Germany and France; and in all civic life many of their affairs—most of them—are ahead of ours, and we have been floating along, doing the best we can. Patriotism is about the cheapest sentiment people ever indulge in, anyhow. Whatever will work there will work here. Whatever will not work there will not work here. Some people might think it an advantage to run street railroads that would kill a great many people over the country, that took no care of life or limb. A difference in the methods of the people, that is all. There are in England street car lines owned by private companies and street car lines owned by the public, and they operate the same way. They do not run their cars as fast as we do, but they do provide that each passenger shall have a seat, and they do provide comfort, whether owned by the public or private parties. There are railroads owned by the public and by private parties, and practically they operate alike. There are many places in Europe where they run both street cars and steam cars as fast or faster than they do in the United States.

As I have said in this paper, it is a question of logic—that is all there is in it. If there are businesses that are natural monopolies, they require the aid of the state, and where competition cannot regulate prices, then the public must interfere, or it is lost. If you allowed private individuals to take the

streets they would indirectly own the people whose houses and property abut on the streets. If you allowed private individuals to run street car lines and made no regulation as to rates of fare, life would be intolerable. It is a public business, and can not be regulated by competition, and whenever a business comes to that point that it can not be regulated by competition, then it is a public business and it can be managed cheaper and easier by the public than to have the public regulate it, for regulation is always unsatisfactory.

Of course much that has been said about public graft is true; however, if it is true about public graft it is true about private graft, and it everywhere abounds, especially in great industries. But, as I said in the beginning, that is no reflection upon the system; it is a reflection upon our official life, upon our methods, upon the doctrine that to the victor belongs the spoils; upon the theory that if a man gets elected Treasurer or President he has got a right to take his friends and give them a job at the public expense.

Now, it has been well stated here that whatever has been stated against public ownership or operation of these public corporations could be said against carrying the mail; could be said against every business function that is carried on by the states in their collective capacity. Once they carried the mails by individuals. I undertake to say that if it were submitted to the vote of the United States there would not be one man in a thousand--not certainly one man in a hundred—who would vote to return to the old system.

If public ownership of water works was adopted in this town, which is not the best governed city on earth and perhaps one of the worst, if it were adopted in this town I undertake to say there is not one out of ten who would ever dream of turning back the water works to a private corporation; let them charge what they see fit; we would be pretty saving of water if that was the case, and yet we hesitate to take the step, even though the logic is perfectly clear. But the course of the world is for

public ownership—public control and public ownership; it was true in Germany and France and England, it is just as true now, and I contend that the logic of the case is that way, and if so the facts must in the end fit themselves to the logic of the case. (Applause.)

PRESIDENT PAGE: Before passing to the report of the Committee on Grievances——

MR. ORENDORFF: I would like to make a motion that the thanks of this Association be tendered to Mr. Darrow and to Mr. Hunter for their able papers, and request that they be presented for publication.

The motion was seconded and carried.

PRESIDENT PAGE: What I wanted to say, before any of the members leave, is that the program for tomorrow is quite full of very interesting matter: the paper from Mr. Hagerman, who delivers the annual address; the discussion of the Primary Law by Mr. Daugherty; the Municipal Courts of Chicago by Mr. McMurdy, as well as the reports, will be matters which ought to be heard by every member of this Association, and I want to beg you to remember to be here on time and give Mr. Hagerman and the other gentlemen the audience which the importance of the topics deserves. We will have the report of the Committee on Grievances.

Report presented as follows:

To the Illinois State Bar Association:

SIRS: I beg to submit herewith report of the Committee of the Association on Grievances.

Your Committee would report that but one complaint was filed with the Committee for their action. The complainant failed to push the case and your Committee was thus relieved of further action in the matter. The Honorable Secretary of the Association called our attention to an alleged violation of professional duty by an Attorney, but we refrained from interfering as the matter is before the Courts. These are the only cases which we have had called to our notice. The cases of offenders in Chicago have been ably cared for by the Chicago Bar Association and we commend that body for its efficiency.

We believe that it is better equipped to deal with its local affairs than the Grievance Committee of this Association.

M. J. DAUGHERTY, Chairman.

PRESIDENT PAGE: What will you do with this report?

On motion duly seconded the report was adopted.

PRESIDENT PAGE: I want to say, gentlemen, that the charge here is true—I believe from the scarcity of matters before this Committee that the practice of graft which has been so fully discussed before this Association, has not yet inoculated the legal profession.

If there is no more business before the Association we will stand adjourned until ten o'clock tomorrow morning.

FRIDAY, JULY 13, 1906.

The Association was called to order at ten o'clock, President Page in the chair.

PRESIDENT PAGE: Is the Committee on Admissions ready to report?

MR. PINDELL: Yes, sir.

Report presented as follows:

ILLINOIS STATE BAR ASSOCIATION.

Meeting of 1906.

Report of Committee on Admissions.

The Committee on Admissions submits its report, and would respectfully recommend that the following members of the Bar be elected members of the Association:

John L. Fogle	Title and Trust Bldg., Chicago
Olaf E. Olson	59 Dearborn Street, Chicago
Matthew J. Huss	59 Dearborn Street, Chicago
Frederick D. Silber	The Temple, Chicago
Robertson Palmer	205 La Salle Street, Chicago
William R. Moss	First Nat'l Bank Bldg., Chicago
Emery D. Frazer	The Temple, Chicago
Oliver R. Barrett	Unity Building, Chicago
John A. Brown	79 Clark Street, Chicago
Ward B. Sawyer	First Nat'l Bank Bldg., Chicago
William J. Pringle	The Temple, Chicago
Frank H. Janiszeski	172 Washington Street, Chicago

Samuel E. Knecht.....142 Washington Street, Chicago
Max H. Whitney.....First Nat'l Bank Bldg., Chicago
Jesse R. Long.....Chamber of Commerce, Chicago
William A. Adams.....59 Clark Street, Chicago
Geo. W. Manierre.....Reaper Block, Chicago
Marcellus W. Meek.....Stock Exchange Bldg., Chicago
Frederick W. Pringle.....135 Adams Street, Chicago
Rowland T. Rogers.....Monadnock Bldg., Chicago
J. James O'Connor.....100 Washington Street, Chicago
William H. Safford.....115 Dearborn Street, Chicago
G. E. M. Pratt.....Schiller Bldg., Chicago
J. Hamilton Lewis.....City Hall, Chicago
Ira J. Geer.....Ashland Block, Chicago
Charles C. Buell.....Tribune Bldg., Chicago
Frederick W. Wickett.....Chamber of Commerce, Chicago
Robert Redfield.....Stock Exchange Bldg., Chicago
Charles Alling, Jr.....100 Washington Street, Chicago
Charles H. Mitchell.....City Hall, Chicago
Robert Wyness Millar.....100 Washington Street, Chicago
Angus Roy Shannon.....Reaper Block, Chicago
Marvin E. Barnhart.....Atwood Building. Chicago
Henry F. Dickinson.....100 Washington Street, Chicago
Benjamin D. Magruder.....112 Clark Street, Chicago
Nathan W. MacChesney.....205 La Salle Street, Chicago
John M. Zane.....100 Washington Street, Chicago
Apollos W. O'Hara.....Carthage, Ill
Henry B. Safford.....Monmouth, Ill.
Oscar H. Wylie.....Paxton, Ill.
William F. Bundy.....Centralia, Ill.
Frank R. Reid.....Aurora, Ill.
Thomas W. Hughes.....Champaign, Ill.
J. P. Callon.....Aurora, Ill.
Alfred H. Jones.....Robinson, Ill.
William L. Ellwood.....Peoria, Ill.
Frank T. O'Hair.....Paris, Ill.
Charles B. Cheadle.....Joliet, Ill.
Lafayette Shelley.....Decatur, Ill.

WM. M. PINDELL,
J. E. DYAS,
Committee on Admissions.

PRESIDENT PAGE: You have heard the report; unless there

is objection to individual names upon the list it will be passed upon as a whole. What is your pleasure?

MR. STEVENS: Mr. Chairman, I move the adoption of the report and the election of the persons named as members of this Association.

The motion was seconded and carried.

PRESIDENT PAGE: Is the Auditing Committee ready to report, Mr. Taylor?

MR. TAYLOR: The three members of the Committee, Mr. Chairman, have not been able to meet, but Mr. Stevens and myself carefully went over the accounts and make the following report:

Illinois State Bar Association:

Gentlemen—Your Committee, appointed to audit the accounts of the Treasurer of this Association for the past year, respectfully reports that we have examined the accounts and vouchers of the Treasurer and find the accounts absolutely correct, and the receipts and disbursements as stated and shown by the report of James H. Matheny, Treasurer, and recommend that the report of the Treasurer be accepted and approved.

MR. WOOD: I move it be adopted.

The motion was seconded and carried.

PRESIDENT PAGE: Is the Nominating Committee ready to report?

MR. HUNTER: Mr. President, your Committee would respectfully recommend the election of the following named gentlemen as officers of this Association for the ensuing year:

For President, Harrison Musgrave, of Chicago.
For First Vice-President, James H. Matheny, of Springfield.
For Second Vice-President, Edward P. Williams, of Galesburg.
For Third Vice-President, C. H. Poppenhusen, of Chicago.
For Secretary and Treasurer, John F. Voigt, Jr., of Mattoon.

I move the adoption of the report.

MR. WILLIAMS: I move the name of E. P. Williams be stricken out from that report. I do not care to figure in it.

PRESIDENT PAGE: I think that motion is out of order. All in favor of the adoption of the report will signify by saying aye.

The motion was carried.

PRESIDENT PAGE: I want to take occasion to say here that I am sure every member of this Association will agree with me in saying that we regret greatly the loss of Mr. Matheny as Secretary of this Association, and I can say that without any detriment or disparagement to the gentleman who has been elected to fill the place. Mr. Matheny's retirement from the office has been entirely voluntary, and after a service of many years, which has been very beneficial to the Association. (Applause.)

MR. STEVENS: In connection with that it seems to me it would not be out of order for us to express our appreciation of the services of Mr. Matheny, and to extend the thanks of the Association to him for the efficient service he has rendered all these years, and I make that as a motion to be entered of record.

The motion was seconded and unanimously carried.

MR. CURRAN: I have a resolution, and if it is in order I desire to present it.

Resolved, That the incoming President of this Association be and he is hereby authorized to appoint a committee of five, to be known as a Committee on Organization, whose duty it shall be to consider and take steps to proceed to inaugurate the organization of local bar associations in each county of the state, and to endeavor to secure the affiliation of all local associations now organized and to be hereafter organized, with this Association, to make overtures to the State Association of County Judges, and the Illinois Association of States Attorneys, to become affiliated with this Association, and to take such steps to increase the membership of this Association as may be deemed advisable. I move the adoption of the resolution.

The motion was seconded and carried.

PRESIDENT PAGE: The next topic on our program is a paper, "What of our American States?" to be presented to you by Mr. James Hagerman, of St. Louis, whom I take great pleasure in introducing to you now. (Applause.)

(The address will be found in Part II.)

MR. WRIGHT: I move that the thanks of this Association be extended to Mr. Hagerman for the instructive and entertaining paper, and that he be elected an honorary member of the Association.

The motion was seconded and unanimously carried.

PRESIDENT PAGE: The next topic for discussion on this program is one which has vexed and almost disrupted two legislatures of this State, urged by our own Executive, and plagued the people of the State of Illinois for a number of years. It is the question of the Law of Primary Elections, to be responded to by Mr. M. J. Daugherty, of Galesburg.

(The address will be found in Part II.)

MR. WILLIAMS: I move the thanks of this Association be tendered Mr. Daugherty for the interesting and able paper.

The motion was seconded and carried.

PRESIDENT PAGE: That carries with it the usual rule in regard to the publication of Mr. Daugherty's paper.

Is Mr. Otto Gresham here? I would like to have the report on Legal History and Biography.

MR. MATHENY: I would state on behalf of Mr. Gresham that his report will not be available. He has explained that since his appointment he has moved his office twice and that the notice calling for this report did not reach him or was mislaid.

PRESIDENT PAGE: The Report of the Committee on Uniform Laws and Negotiable Instruments Law is in order.

MR. MATHENY: Mr. Richberg just sent a message that he would be here early this afternoon; he is detained down town.

PRESIDENT PAGE: I want to make this announcement before the adjournment: In order that this room may be prepared for the banquet to be held this evening, a matter we are all interested in, the afternoon session will be held in the cafe on this side of the dining room, and will convene at two o'clock, to which time a recess will now be taken.

AFTERNOON SESSION.

The Association reconvened at two o'clock P. M.

PRESIDENT PAGE: Is Mr. Richberg here?

MR. MATHENY: Mr. Richberg is expected; he telephoned that he would be here.

MR. WILLARD: He came in on the two o'clock train from the city.

MR. WILLIAMS: It seems to me almost as though you ought to ring the school bell.

PRESIDENT PAGE: I don't know but they do need a school bell; but I appreciate a disposition to play hookey when you get into the month of July. Is Mr. Gresham here with the report on Legal History and Biography?

MR. BENNETT: Mr. President, Mr. Richberg is here and I will see if I can find him.

PRESIDENT PAGE: Call him in, and we will have his report.

MR. RICHBERG: The Committee on Uniform Laws and Negotiable Instruments Law has a short report, and I desire to state that this question of uniform laws has taken quite a hold; and originally that question was considered by the American Bar Association, which meets at St. Paul this year, commencing on the 29th of August, and at the same time there will also be a meeting of representatives of the different states of the union and territories, consisting of Commissioners of Insurance and Attorneys General and Governors of the different states of the Union, for the purpose of considering and drafting a uniform

law on insurance, especially with reference to life insurance, that is one of the subjects that they will take into consideration there. In fact, they have had it under consideration before, and will then hear the report of the Legislative Committee and draft a uniform law on insurance.

The Congress of State Commissioners on Uniform Laws, an official body in which almost all the states of the Union are represented, also have their session at St. Paul, commencing a couple of days before the meeting of the American Bar Association, and they will again consider the drafting of uniform laws upon various subjects.

There is also a meeting at about the same time at St. Paul of the Congress on Uniform Divorce Laws. There is also an official body which met last year at Washington and there were forty-four states officially represented out of the forty-five, delegates being appointed by the Governors of the different states, and they also have lay delegates which represented some twenty million communicants of the Protestant churches of the United States; that delegation was headed by Bishop Doane of Albany, and John Parsons and William L. Stinson of New York; they were admitted to the discussions in that body, but did not have a vote. That body appointed a committee of twenty-one to draft a uniform divorce law, and that committee meets also at St. Paul. Having delegated their powers to a sub-committee, whatever the sub-committee reports they will adopt, after which the Congress will again assemble. I simply mention this in order to show the interest that has been taken in the question of attempting to get uniform laws so far as may be possible in the United States by the action of the different states, as that is the only way in which uniformity upon those subjects can be accomplished. Of course, the congressional action that has been taken occasionally, the action recently upon railroad rate regulation, and the pure food bills and inspection bills, are all in the line of uniformity. Of course those things have been taken into consideration in a national way by the Congress

wherever they come within the province of the Interstate Commission.

The Negotiable Instruments Law, which is a matter more particularly at home, the movement toward which was first inaugurated by the American Bar Association, was then delegated to the Committee on Uniform Laws, and they employed experts to draft a law of this character at considerable expense, by the best in that line, and the entire act, however, was modeled on the English Bill of Exchange Act, which was passed by Parliament in 1886, was then adopted and has been adopted by all of the British Colonies and is and has been in force during that entire time, giving universal satisfaction, requiring but slight modifications and amendments. The negotiable instruments bill that we have in this country, so far as the states have adopted this uniform bill, is modeled upon the British Bill with such modifications as would make it more practical for our own use. The first state to adopt this uniform bill was Connecticut, in 1897, followed by New York shortly after, and five states adopted it last year, so that progress has been made, and there are now thirty states of the Union which have this uniform negotiable instruments law; these thirty different states have adopted it without any amendment. So that, so far as the law is concerned, it is quite voluminous; the object sought is to give the courts to do as little as possible in the interpretation of it, and there have been but few, hardly any, modifications, I may say decisions, of the court upon it. It has been before the legislature of Illinois, passed the senate twice, but, as we thought rather unfortunately, failed in the house. It was impossible to take any action by your committee last year owing to the fact that the legislature was not in session, but an effort should be made at the coming legislature, when the Association is committed to the adoption of that bill and appointed a committee for that purpose. The report in that connection, which I have the honor to present from the committee, signed by the entire committee, is as follows:

To the Illinois State Bar Association:

The Committee on Uniform Laws and Negotiable Instruments law beg leave to report that since the last session of this Association and the appointment of your committee no session of the General Assembly of the State has been held at which the subject matter could be considered.

The Uniform Negotiable Instruments law, to the adoption of which in this State this Association is committed, is in force in twenty-eight States, one Territory and the District of Columbia, namely: New York, Connecticut, Colorado, Florida, Massachusetts, Maryland, Virginia, Rhode Island, Tennessee, North Carolina, Wisconsin, North Dakota, Utah, Oregon, Washington, District of Columbia, Arizona, Pennsylvania, Ohio, Iowa, New Jersey, Montana, Idaho, Kentucky, Louisiana, Kansas, Wyoming, Missouri, Michigan and Nebraska. The law has not been repealed or amended in any state that has ever adopted it, the first State to adopt it being New York in 1897.

It should be further borne in mind that this law has, with slight changes to meet local conditions, been in force in Great Britain and all of her colonies for upwards of twenty years and given universal and exceptional satisfaction.

It is to be hoped that at the next session of our General Assembly it may not be misled in the belief that it possesses more wisdom than the General Assemblies of thirty jurisdictions by refusing to enact this measure. This applies especially to the House, as the Senate at three separate sessions passed the measure, but each time it failed in the House; once owing to hostility of the Chairman of the Committee on Judiciary, and the other time owing to the hostility of the Speaker.

A determined effort should be made at the next session of the General Assembly to have this measure enacted into a law, and it is believed the favorable co-operation of the Governor can be obtained, in view of which it is recommended that the committee be continued.

Respectfully submitted,

JOHN C. RICHBERG, Chairman,
ALFRED ORENDORFF,
BENSON WOOD,
WILLIAM ELIOT FURNESS,

Committee on Uniform Laws and Negotiable Instruments Law.

MR. RICHBERG: I ask that the report may be received, that it may be adopted, and the Committee continued.

MR. WILLARD: I so move.

The motion was seconded and carried.

PRESIDENT PAGE: The Chair is advised that there is a sup-

plemental report from the Committee on Admissions which it is desired to present.

MR. MATHENY: On behalf of the Committee I present two names, that of Leslie J. Taylor of Taylorville, recommended by William M. Provine, and T. F. Donovan of Joliet, recommended by W. R. Hunter; and on behalf of the Committee I move that they be received.

PRESIDENT PAGE: We will now be pleased to listen to an address by Mr. Robert McMurdy, upon "The Municipal Courts of Chicago." (Applause.)

(The address will be found in Part II.)

MR. WILLIAMS: I move not only the acceptance of this address, but the special thanks of the Association.

The motion was seconded and carried.

PRESIDENT PAGE: Is there any further buinsess before the meeting?

MR. MATHENY: I would suggest that the meeting hold together for a little while, even if the business is concluded, as I am anticipating a further report from the Committee on Admissions.

MR. PENDARVIS: I desire to take advantage of the time that you are waiting for the report to call up the report of the Committee on Law Reform, that was presented yesterday, with particular reference to the recommendations regarding the bill known as the Practice Commission Bill, which has been pending in our legislature for the past two or three sessions, and which was known during the Forty-fourth General Assembly as House Bill No. 31.

I was not present yesterday morning when that report was submitted, but I have examined the report and the recommendations made therein, and it seems to me that some definite action ought to be taken by this Association upon that report and with reference to that bill. I therefore move, Mr. Chairman, that a special committee of five, or a different number if the Associa-

tion deems wise, be appointed, to whom shall be referred the report of the Committee on Law Reform, together with its recommendations on House Bill No. 31, with instructions to take up and consider those matters and put them in shape to present them to the next General Assembly, in an effort to secure the adoption of that measure in its modified form.

MR. MCMURDY: Mr. President, if Mr. Pendarvis would add to that motion that this Committee should co-operate with a similar Committee from the Chicago Bar Association——

MR. PENDARVIS: That is perfectly agreeable, Mr. President, and if it should be the sense of this Association that such committee be appointed, there is another matter that it seems to me it would be wise to refer to that committee, and perhaps while I am speaking to the motion I might call the attention of the Association to that matter.

I have heard a great many lawyers in Chicago and throughout the State complain of the present practice before the Supreme Court, and during the last session of the General Assembly an attempt was made to change that practice. It, however, failed in the last days of the Assembly. That change was in this respect, and I can state very briefly the substance of the bill, which was stated at this meeting a year ago in this place. The bill provided substantially this: That there should be one term of the Supreme Court, commencing say the first Monday or Tuesday in October, with monthly calls thereafter commencing on the first Monday or Tuesday as might be fixed, of each month, all records of judgments from the *nisi prius* courts to be filed in the Supreme Court within sixty days after the rendition of the judgment, and records from the Appellate Courts to be filed within thirty days thereafter, the appellant to have thirty days to present his abstract and briefs, the appellee thirty days in which to reply, and the appellant ten days to make reply to the appellee. Then the case being at issue the clerk would serve ten days' notice upon all parties that the case would go on the next month's call and at that time it will

be argued orally. That was the substance of the bill, doing away with the present term and the return of writs or appeal to any term, but to make the records to be filed within a certain time. The contemplation of that bill was that it would keep the Court together, practically, at Springfield, for say eight or nine months from October to June or July, and make of it a really consolidated Court. I think, Mr. Chairman, if such a committee as I have made a motion for should be appointed, that the subject matter of that bill ought to be referred to it and be taken up and considered by that committee, and the advisability of the passage of such an act.

The motion was seconded.

PRESIDENT PAGE: You have heard the motion as seconded; the subject matter, as I understand it, is that the report of the Committee on Law Reform and the recommendations therein, together with the subject matter of the proposed bill to change the practice in the Supreme Court, be referred to a special committee of five for consideration and presentation by that committee to the next legislature. Are there any remarks upon the motion?

MR. RIGGS: With reference to bill 31. I have never yet discovered the need for it, and a year ago I inquired what the need was for it and I did not learn. I was told that it was needed in Chicago, and that may be, for I know nothing in the world about the practice of law in Chicago, and I might remark that I am glad of it. Now down in the country—I do not know the gentlemen here well enough to know how many are from the country and how many from Chicago—

PRESIDENT PAGE: Well, about half and half.

MR. RIGGS: Then half of them never found any need for this bill then. (Applause.) I cannot conceive of any good purpose it will serve unless it is in Cook county. I do not know what we want down in Scott county, for instance, of a provision in the Practice Act that will enable the oldest and ablest lawyer

in the State, employed by the strongest railroad in the State, to devise a dozen questions that he can submit to a poor man who has been injured and compel him to answer them in advance of the time for trial for the purpose of getting at his conscience and getting at his case in advance so they can hedge against it. I am opposed to it. I am in favor of keeping these things in such shape that the poor fellow will have some show, if it is possible. I was much pleased with some of the speakers—with our friend Mr. McMurdy here, on the Municipal Court Bill, because he seemed to have some sympathy with the poor people who sometimes get into trouble. And I do wish that somebody would tell me what there is to be accomplished throughout the State generally by the passage of Bill 31. I want to know, before I vote on it, whether there is any good reason for it. I did not hear last year; I have not heard since. It is late now to raise the question, but it is better late than never. Now I will give notice that I want an opportunity before we go to vote on this motion, to move a postponement of action so far as Bill 31 is concerned, until next year. I do not care to do that now, but I want to do that before we get through.

PRESIDENT PAGE: Are there any further remarks? Are you ready for the question?

MR. RIGGS: Now, Mr. President, I move that so far as the subject of Bill 31, as it is known, is concerned, the matter be postponed to the next annual meeting of this Association, so that all concerned in it who have not looked into it and studied it may have an opportunity to do it. I admit now, freely and frankly, that I do not now remember very distinctly many of the provisions of it. I do remember two or three or four of the most prominent, but I make that motion, that so far as that bill is concerned, that subject, that action upon it be postponed until the next annual meeting of this Association, and that it be made unfinished business for disposition then.

MR. PENDARVIS: I do not care to take up the time of the Association with remarks upon this subject.

PRESIDENT PAGE: Mr. Pendarvis, unless there is some second to that motion further discussion would not be in order.

MR. TAYLOR: Mr. President, I second the motion.

PRESIDENT PAGE: It is moved and seconded that action upon the original motion, so far as it embraces reference to House Bill No. 31, be postponed until the next session of this meeting. I presume that is pending now as an amendment to the original motion. Mr. Pendarvis, we will hear you if you like.

MR. PENDARVIS: House Bill 31 embraced the principal work of what was known as the Practice Commission, appointed by the Governor of this State some six years ago. Its report was submitted, I think, to the first General Assembly in which I had the honor to have a seat, and I do not know whether at that time representatives of this Association appeared before the Committee; at least the members of the Practice Commission did, including my friend here, Mr. McMurdy, who was one of the gentlemen who helped frame the subject matter of House Bill 31, after that the Commission had sittings all over this State, in the different cities of this State, and heard recommendations of the bar throughout the State. The House Committee on Judicial Departments and Practice at that session of the General Assembly, the one of four years ago last winter, considered not only this subject, but various smaller bills that had been recommended by that Commission, devoting evenings to the consideration of that question. Nothing, however, was done; I guess it was never reported out of the Committee.

At the next session of the General Assembly attention was given to the smaller bills. No attention was paid to the larger bill, which is a complete revision of the Practice Act; but at the last session of the legislature the whole attention was given to the consideration of this bill, hearings were had before the Committee on Judicial Department and Practice from various lawyers and from Judge Ricks of the Supreme Court, and after it had been fully considered and modified in some respects, the

bill was recommended to the House and brought to a vote and failed of passage. It is a matter that has been pretty thoroughly threshed out by the legislature in legislative committee and by members of the bar, and it seems to me, Mr. President, unless this thing is to be dropped completely and the work of the Practice Commission lost after they have entailed an expense of five thousand dollars upon the State, that we ought to take some action now. To postpone it until next year will mean that it cannot be presented at the next session of the legislature, and it will have to go over till two years from next winter before we get any consideration on this subject. It seems to me if the Association is to follow the matter up that we should take action now. I think three members of that Practice Commission were not residents of Chicago. The gentlemen who have signed this report, the Committee on Law Reform, are lawyers from out in the State; they are not Chicago lawyers. William B. Wright is Chairman, George D. Burroughs Secretary; and this is not a Chicago movement at all, but lawyers throughout the State have been interested in it and have taken part in the consideration of the subject as well as attorneys from Chicago.

Calls for the question.

MR. FULLERTON: As I understand it, this House Bill 31 originated in this body; it has been before two committees of this body. The Committee on Law Reform this year held an entire afternoon session and considered the bill and all the amendments, and prepared its report. It seemed to me unfortunate the other day when the report was presented, that the motion was that the report be accepted and filed. It seemed to me at that time that there should have been some action by the Bar Association on the report. I regret now that Judge Wright, Chairman of the Committee, is not present, because he is more conversant with what has been done by the Committee than I am; at the same time it seems to me that the action proposed here is not exactly the proper action. I agree with the last speaker that it would be unfortunate to postpone

action. At the same time, I think there should be some determined action by the Association on the report of the Committee as presented, and then if the Association desires to take subsequent action it can do so. I therefore move a substitute for the preceding motions, that the report of the Committee on Law Reform be adopted.

The motion was seconded.

MR. HUBBARD: I would like to ask if this House Bill 31 as proposed in the legislature does not contain several provisions that are not in the report of the Practice Commission? I suppose Mr. Pendarvis is familiar with it and can state very quickly whether or not it does. At the time the Practice Commission made their report I was somewhat familiar with it, but do not remember it now. And then another thing, Mr. President. At the last session of this Bar Association this matter was fully discussed and much to the detriment of the bill as proposed in the legislature, it seemed to get the worst end of the discussion, and then to take it up this afternoon and vote on it and rush it through without any discussion, I think is a little swift.

MR. BALDWIN: I rise to a point of information. I was unfortunate in not being present yesterday when the report of the Committee was read, and in view of the last motion and the subsequent motion, it seems as though it might be a matter of information to those who were unfortunate, like myself, to have this report read, unless it should be a very voluminous one, and then we will know what we are voting on when we vote upon this motion.

PRESIDENT PAGE: Is there a second to that motion to substitute? It has been requested that the report be read; if there is no objection it may be read.

The report was read by the Secretary.

PRESIDENT PAGE: The disposition of the Chair is to hold that Mr. Fullerton's motion is out of order. This report was finally disposed of yesterday. It has had its day in court, and

if his motion is adopted it will only embrace a part of that which is embraced in Mr. Pendarvis' motion should it be adopted.

MR. CHAPMAN: I think that the opposition to the motion of Mr. Pendarvis is caused by the motion, if carried, substituting the entire Bill No. 31 as presented. There are many excellent features, but there are some, I think, that will meet with considerable opposition, and if the motion simply empowered the committee to take charge of the matter and present to the legislature that bill without our endorsing the entire bill, but leaving it discretionary with the Committee as to whether or not they would present the entire bill, it seems to me that would be satisfactory.

MR. BALDWIN: If I remember the wording of the motion as stated by the Chair. at least the motion made by Mr. Pendarvis, it was in such a form as to cover the objection which the gentleman now makes. My recollection of the motion was that the matter be referred to a committee for their consideration, and for them to present, in their judgment—I am not quoting the language, of course, but that is the idea—but for them in their wisdom or otherwise to present the matter to the legislature. I ask that the motion be read in order that we may know what it is.

The motion was read.

PRESIDENT PAGE: The motion is to refer the report to a special committee of five, which includes House Bill 31, to take up the whole matter and put it in shape for the purpose of presenting it to the next General Assembly. That is the substance of the motion as read by the reporter.

MR. PENDARVIS: May I have the indulgence of the Association just a moment, in response to what Mr. Chapman has said? He will notice the Committee has recommended the elimination of two sections, 60 and 66. If you will permit me I will read from the report of the Association of last year, from the paper that I presented, stating the substance of Sections

60 and 66. Section 60 is the one regarding those interrogatories to which Mr. Riggs has referred.

"Section 60 met with serious opposition. That is a provision, as you will note, permitting a party to file certain interrogatories upon certain issues in a case. It met with considerable favor in the committee, and the original bill was changed from ten interrogatories to fifteen interrogatories. But in the House it met with a great deal of opposition, yet it seemed to me that the consensus of opinion was that this provision of the bill ought to operate to great advantage in the trial of most cases, in bringing the issues of a case down to the narrowest point possible.

"Section 66 probably excited more opposition than any other section in the whole bill."

That section requires a party filing his case to file with his first pleading a request for a jury, if he wants a jury. They recommend that that section be eliminated. Those are the two sections that excited the most opposition in the House. I cannot from memory place the other small changes they suggest. But every committee that has passed upon this bill, after investigating it, has acted favorably upon it.

MR. RIGGS: How many gentlemen present now know what the effect of the recommended amendments in that report will be upon the bill? I will warrant there are not ten men in the house, probably not five, perhaps not one, outside of such members of the Committee on Law Reform who may be here, who have read it since a year ago this month, because, as was said by Judge Hubbard, it got a discussion then that did not do it much credit, and nobody here, not even the sponsor for it, did it the honor to make a motion that it be recommended again at that time, and it was supposed to be, by those who opposed it, quiescent at least, if not entirely dead.

I will admit that Mr. Pendarvis made one statement of fact in his commentary on the bill, and that is, he said the Gen-

eral Assembly refused to pass it. That, perhaps, ought to be a recommendation of it. (Laughter.)

MR. PENDARVIS: That is not your usual attitude toward actions of the General Assembly. You do not take actions of the General Assembly as recommendations, usually.

MR. RIGGS: Perhaps you do not get just the force of what I said. I said the fact that the General Assembly refused to pass the bill perhaps ought to recommend the bill.

MR. PENDARVIS: I stand corrected.

MR. RIGGS: Here is what I want to say now. I have not read that bill in a year. I read it pretty carefully a year ago this month, more than once. I doubt if anybody else here has. It was more fresh in our minds a year ago. It met serious objection in this Association, very serious objection. Now, not having it fresh in our minds, having nothing here to show us what relation the amendments proposed by this committee have to the sections they propose to amend, or how to use them after the amendments are made, I suggest that it is springing a trap on us—I do not mean that in an offensive sense. Yesterday that report was made. If anything was to be done, why was it not done then when we had time? We now have no time; there is a banquet close at hand that can not on any account be neglected, and there is no time to discuss this matter or go into this matter, and that is the reason why I suggested it had better be postponed in order that if it is to be brought up in seriousness and be recommended by this Association as a measure that should be adopted and become the law of the land, we should know what we are doing exactly when we do it. Now I will admit that the committee might do just the right thing, but the bill has its peculiarities, and some of them were very peculiar originally, and I suppose the committee would be in favor of it and do all they could to get it passed; but I do not think we need it at all. But I will say frankly that the elimination of Sections 60 and 66, if they be eliminated, is a vast improvement

on the bill, and if about sixty more sections were eliminated, it would be better.

Calls for the question.

MR. BALDWIN: I wish to say this: It seems to me that it is a very poor reflection upon the work of the Commission who were selected in part from this Bar Association and by this Bar Association originally, and who spent months of time in all parts of the State, and then submitted in writing the results of their labors to nearly all the lawyers in the State and asked for suggestions and got these suggestions and considered them and incorporated them in a bill which was presented and has been re-presented and re-presented and modified,—it seems to me that it is a reflection upon the value of their labors that we put them aside with a sneer. In all seriousness and in all kindness and courtesy to the gentleman who last spoke here; he said that he does not remember what was in that bill, and yet he says that sixty sections of it ought to be eliminated. I supposed that there were some of the best lawyers in the State, some of the most careful and painstaking men,—men not from the city of Chicago, although the representatives from the city of Chicago were good lawyers, were painstaking lawyers, and they devoted months of careful and intelligent and painstaking effort to preparing a bill that should be an improvement upon our practice. And I supposed also that it would be a very great improvement. I have received by mail, as I know a great many others have received by mail, or did during the session of the legislature, a copy of the bill. I had the pleasure of inspecting it, and it seems to me when we refer a matter of this sort, or any matter, to a committee, to such a committee as the one that brings in this recommendation here today, that the recommendations of the committee are entitled to some weight and consideration, and it cannot be expected that we should sit down here in this Association and go over line by line, and word by word, all that the committee itself considered. The main subject matter of this report is reasonably familiar to us all, and I, for one, am most

heartily in favor of the motion that it shall be referred to a committee, and that an effort shall be made to have these improvements incorporated in our Practice Act.

MR. WILLIAMS: To me it occurs that Brother Riggs' criticism on the bringing up of this matter now is not apt. He was personally present when that report was made the other morning, and he is not very dull of comprehension. It seems to me that his objection should have been made then. I do know that the Commission, which is long since dead, had on its membership John S. Miller, Robert McMurdy, William L. Gross and Walter S. Horton, who I think are pretty good lawyers. I do know that they gave their work painstaking attention for many a month, and that the compensation which was given for expenses did not nearly meet the expenses; that they did not work for fees. But this Association, a couple of times, has undertaken to and did endorse their work; it was also endorsed by the Cook County Bar Association. Now my feeling is that it were well to put the matter in the best shape possible. My memory is, and I mean to be accurate in that, that objections were made, and I know I chanced, personally, having been the humblest member of that Commission, to listen to the suggestions of the Supreme Court; the objections made to it by Judge Cartwright I would say were obviated by the striking out of those two sections. I do know that as a whole it is not objectionable to the members of the Court; I know that from the members of the Court themselves. It is time that in one way or another this be disposed of. It was not a Chicago matter, and it did have the careful consideration, as I said, of John S. Miller and Robert McMurdy and Walter S. Horton, as well as of Judge Gross, all painstaking lawyers who had at heart the best interests of the profession.

PRESIDENT PAGE: Are you ready for the question?

Calls for the question.

PRESIDENT PAGE: The question recurs upon the motion, in the shape of an amendment to postpone, made by Mr. Riggs.

All in favor of Mr. Riggs' amendment will signify by saying aye. Not a voice is heard. The noes have it.

The question recurs upon the motion as made by Mr. Pendarvis, which has been read several times. All in favor of the motion will signify by the usual sign. Those opposed? Carried. There was nothing said in the motion about how this committee shall be appointed.

MR. PENDARVIS: By the Chair

PRESIDENT PAGE: Let it be by the incoming Chair; he has the responsibility of working with it. All in favor of this committee being appointed by the Chairman for next year, signify by saying aye. Those opposed? Carried.

MR. MATHENY: I have a supplementary report from the Committee on Admissions. John J. Coburn, recommended by Munson T. Case.

PRESIDENT PAGE: The name of John J. Coburn has been recommended for membership. What will you do with the report?

JUDGE HOLDOM: I move the report of the Committee be adopted.

The motion was seconded and carried.

MR. MATHENY: There are some other applications. including that of Mr. Rowe, but these have come in so late that I have been unable to get them to the Committee. They will have to be passed to next year.

PRESIDENT PAGE: If there is no further business before the Association, a motion to take a recess until the banquet this evening will be in order.

The motion to adjourn was made, seconded and carried.

RECEPTION AND BANQUET.

The annual Reception and Banquet were given by the Association at the Chicago Beach Hotel, on Friday evening, July thirteen, and were in charge of the following committees:

BANQUET COMMITTEE.

Jesse Holdom
Charles S. Cutting — John H. Batten
Kenesaw M. Landis — Clarence S. Darrow
Charles Center Case, Jr.

RECEPTION COMMITTEE.

Samuel Alschuler

James M. Taylor	David B. Snow
M. Lester Coffeen	Albert N. Eastman
Orville F. Berry	Clarence A. Jones
James G. Elsdon	Myer S. Emrich
Alexis L. Granger	Charles H. Burton
Joseph W. Errant	William S. Forrest
S. A. Hubbard	F. K. Dunn
Andrew J. Hirschl	Isaac Miller Hamilton
Dorrance Dibell	George A. Cooke
Henry V. Freeman	E. Allen Frost
James Hicks	William Rothmann
Lee D. Mathias	Dwight C. Haven

PRESIDENT PAGE: Ladies and Gentlemen: As soon as the waiters get out of the room, and the Supreme Court gets through looking at the living pictures, we will start on the speaking program.

MR. STEVENS: Is there going to be anything said that the waiters ought not to hear?

PRESIDENT PAGE: I do not know. I am not responsible for what these men are going to say. In the Congress of the United States, when a man gets a great long speech that they will not let him deliver, he asks leave to print and then puts it in the Congressional record. Now there are on this program five other good speakers besides the toastmaster (laughter), and while I have an elegant speech prepared, I am going to preserve

it and ask leave to print after we get through. (Laughter and applause.) I notice that Brother Peck laughs. I hope his speech will take as well. (Laughter and applause.)

The first speaker on the program is our guest, and I want to assure him, and I believe that all of you will join with me in assuring him, that we have taken great pleasure in having him as our guest today and this evening. I take pleasure in presenting to you the Hon. James Hagerman, of St. Louis. (Applause.)

MR. HAGERMAN: Mr. Toastmaster, Ladies and Gentlemen: If there is one thing that I like about Illinois above another, it is its hospitality. There is another thing; it has the faculty of selecting for its chief and toastmaster, following the example of the savage tribes, the tallest and handsomest man for that office. (Laughter and applause.) There is another thing that I like about Illinois and that is, when you go from the east to the west you have to cross it before you reach Missouri. (Laughter.) And if you come from the west to the east you have to pass through Missouri first.

I have been very much gratified that you put me on the program to respond to the toast of "Guest," with the reception I have received. I have been treated with kindness from the moment that I touched your soil, and during this repast this evening I have had kindnesses which perhaps you have not enjoyed.

Now the difficulty I am laboring under is that the speech I am making tonight is not nearly so good as the speech I made today when none of you were here; I can vouch for that myself. I am without preparation on this occasion, but my heart speaks out to you all for the kindness which you have shown me.

I came here in part, though, to defend my own state. We recently had a controversy between the State of Illinois and the State of Missouri, which reached the Supreme Court of the United States. The eventuality of that contest was not very pleasing to us Missourians because we were beaten. That was

the question arising out of the Drainage Canal. Missouri instituted a suit against Illinois to prevent the discharge of the waters of the Chicago River and Lake Michigan into the Mississippi. Illinois defended it with all its might and vigor; the result was that in the end Illinois prevailed. But you must remember that in that contest the Supreme Court of the United States decided that the State of Missouri was right upon the law; that if the law was as we stated it—I mean if the facts were as we stated them, then the law was with us, though Illinois contended very seriously to the contrary. Yet they decider in favor of Illinois upon the facts. And that reminded me that in my early practice upon the borders of this State, but not in this State, I met an old Illinois lawyer who said that the practice had changed since the time when he was a young man; that then the client used to come to the lawyer and state the facts and ask what was the law under those circumstances, and what should be done; but now the client came to the lawyer and said, what facts are necessary to establish a given point. (Laughter and applause.) So it was not upon the law but upon this great ability of the State of Illinois to establish the facts that Missouri was defeated in this great contest. (Applause.)

Now there is an innovation here tonight from what I have ever seen before. I have heretofore, at bar banquets, seen the gentlemen collected upon the main seats and the ladies as a fringe, like a beautiful bouquet, upon the outside. I remember very well in a speech that Mr. Choate made at a bar banquet celebrating the centennial of the Supreme Court of the United States in 1889, in the city of New York. He alluded to the fact that the men were all placed where they ought to be and where the wine was flowing and the fragrance of the Havanas was rising, and he said that the ladies, however, are in the galleries, and they served as a beautiful bouquet for the occasion, and he said that seemed to be an innovation at that time because the men's banquets had excluded the ladies altogether prior to

that time, and he said, I commend the wisdom of the ladies that are here, and they are here for the purpose of taking care of their lords and seeing that they get home safely. (Laughter.) Now this occasion of a bar banquet, a state bar banquet is important, because if I believe anything and am to be believed as to what I said this morning, it is a belief in the indestructibility of the states, and therefore, I believe in the importance of the state bar banquets. And the bar banquets of a great state like Illinois bring to mind the greatness of the state itself. As I came over the plains of Illinois the other day and saw its rich fields, some in the sere and yellow leaf, and others in the green, I could not but think that it was the great central state of this Union. And wisely guided by its men and women it is destined in a large degree to control the thought of the people of the country and to guide them in the right direction towards the administration of good government. In the solution of the question of good government the lawyers are to take an important part. They are the soldiers in time of peace. Whatever may be the controlling force in time of war, it is true and always will be true, in times of peace, that the bench and the bar together, the one fighting the battles of society and the other deciding the controversies right, are the controlling forces of our civilization. (Applause.)

I can not let this occasion pass without again thanking you for your kindness in extending to me the invitation to be present with you at this time. The obligation, I can assure you, is all on my own part, for I know that in all Illinois the best company is that of the lawyers. (Applause.)

PRESIDENT PAGE: Ladies and Gentlemen: I am sorry that Col. Hagerman fell down on a half truth, because when he said that a man going from the east to the west to get to Missouri had to cross Illinois, he only told half the truth, for every sane man that goes from the east to the west to Missouri not only crosses Illinois, but he crosses himself before he gets there. (Laughter and applause.)

It has been the practice of this Association to have the

Supreme Court represented by a speaker at the banquet, and I had noticed that it has been the practice also of the Chairman of the Banquet Committee to select the youngest member of the Court; I do not know whether it is the youngest in years or the youngest in service; I have often wondered why this has been, but supposed it due to the fact that they want a man to speak for the Supreme Court while he is yet somewhat of a lawyer and before he becomes too much of a Judge. I want to introduce Judge Carter, who will respond to the toast, "The Supreme Court." (Applause.)

JUDGE CARTER: Mr. Toastmaster, Ladies and Gentlemen: I have no doubt that the toastmaster has solved the problem why I am here; either the committee chose me because they could not get any other Judge of the Supreme Court or because by the rules of that august body I happen to be the junior in service. Possibly I am selected because I am the only member of that Court from Chicago,—they thought I would be handy. If that be true, the Chicago members of the committee must have dominated, for we have an idea that the people down in the State do not always have the most friendly feeling for Chicago. You may have heard possibly of the Chicago and Boston ladies who were visiting together, and the Chicago lady was telling how in the early history of this city there were so many pronunciations for Chicago. This Chicago lady said to the Boston lady, "We have a great deal of trouble in pronouncing the name of our city, some pronounce it 'Shecago,' some 'Chicago,' and some 'Shicago,' and many other ways. Now, of course, you people in Boston know the correct way, how do you pronounce it?" "Oh," said the Boston lady, "we never mention it." (Laughter.) Perhaps that is the way they do down in St. Louis, judging by what our friend Hagerman said,—they may feel that way about us.

Having sat just four days on the Supreme Court bench of the State I know all about it, or think I do, which amounts to the same thing. (Laughter.) I am not speaking from experience. I have a theory now, two years from now I will have

experience, and you may have the theory. Somewhere I have read that Sheridan in parliament many years ago charged an opponent with "relying on his imagination for his facts." My associates from this Court may think before I have finished that I have done the same thing. I ought to be in shape to make a model speech, after serving such a great length of time in my present position. I hope at least it will be a fair illustration of that story which has been going the rounds for the last few months. The first time I heard it it was applied to me by a friend just after I had been elected Chairman of the Chicago Charter Convention. If you have heard it possibly it will bear repeating, because it is so forceful an application of the point I want to make. A man was coming down town looking very happy one morning and was stopped by a friend who said, "Jim, what's the matter?" "Oh," he said, "my wife has been wanting me to do something for her for a long time and I finally succeeded. When I left home this morning she kissed me and said, 'Jim, you are a model husband.'" His friend asked, "Do you understand the meaning of the word 'model?'" He said he thought he did. His friend told him he had better look up the definition in the Century Dictionary. Since hearing the story I have taken the pains to look up the definition. I do not find it exactly as the story claims it to be. Jim looked in the Century Dictionary and this is what it is said he found: "Model,—a small imitation of the real thing." (Laughter and applause.) Now, my brother Judges will understand my speech tonight.

I thought when I found myself the first of this week suffering from a severe cold that I might not be able to speak; that I should have to call on some of the Judges to read my speech, but I was unable to get four votes from the bench in favor of it. When I failed in that I did not know but I would ask our learned and accomplished reporter who is sitting over here, who furnishes our rhetoric, punctuation and poetry for the decisions. He said it might do to edit the opinions because nobody ever

read them, but he said he did not care to be responsible for any "mushroom toast" prepared by one of the new Judges. I am not speaking for any other member of the Supreme bench. I bear no brief from them. I have found in my short experience on the bench that every one of them is able to speak for himself. I have not the slightest doubt that if they disagree with me you will find some dissenting opinions before we close the session tonight.

Every lawyer who has given the subject any thought must realize that if the Court keeps abreast of its work it cannot give as much time to its decisions as was given to the early decisions of the State and of the nation. The work of all the Courts of the country is increasing with great rapidity. The volume of business has grown, not only keeping pace with the increase in population, but has been added to very largely by the necessity of construing the great mass of legislation that is being continually enacted. A recent article by Sir John MacDonald, of Canada, on the law-making mania, says that during the first three years of this century in each year the state legislatures in the United States enacted between fourteen and fifteen thousand different laws. Erasmus Darwin, I believe it was, said that the definition of a fool was a man who never experimented. Under that definition the legislatures would never be called foolish. In the old days we talked much of the equality of the law; now we are talking more about restrictive laws. Let me say in passing that I am not discussing whether such laws are right or wrong; I am simply calling attention to them. In the last eight years we have had laws for Juvenile Courts to look after the children enacted in more than one-half of the States. You cannot make a bill of sale without trying to protect some one. The farmer must be protected against himself, the factory laborer, the miner. We are entering into new fields, but there are no land marks for the Courts to follow; this necessarily creates more work and a greater number of decisions, because no one is willing to accept new laws until each of them has been passed upon by the highest Court.

The Judges of today cannot write the same careful, exhaustive, polished opinions that were written in the early days of the Republic. I used to wonder how Justice Story had time to teach in a law school and write his great text books while he was on the bench, but the wonder is not so great when you read that during the year 1801, when Chief Justice Marshall went on the Supreme Court bench of the United States, that Court only handed down ten opinions; the next five years they averaged only twenty-four opinions a year; between 1826 and 1830 the average for each year was 58. During the time that Marshall was in the Supreme Court, from 1801 to 1835, 1,106 opinions were filed in that Court, of which Marshall himself wrote 519, an average of about fifteen per year. The number written by the other Judges was much smaller. In 1890 there were over 2,500 cases in that Court demanding attention and no hearing could be had for three or four years after the case had been placed upon the calendar. By the system of the new Appellate Courts the business of the United States Supreme Court has been restricted, but there are said to be 680 cases on the present docket, and this Court has rarely been able to dispose of more than 400 cases in a year. Now, if you will pardon me for reading, in order to be absolutely accurate, while I am on the subject, I am going to read a few figures. I am not going to read them all, but ask leave to print.

PRESIDENT PAGE: Granted.

JUDGE CARTER: I will take advantage of the permission of the President and insert more of these figures in my printed speech than I read.

During the first ten years of the existence of the Supreme Court of this State, the Judges of that Court decided less than an average of fifteen cases a year. In 1870, when the present constitution was adopted, 587 opinions by the Supreme Court were published in the Illinois Reports. The number reached high water mark in 1874, when 674 cases were decided, in which opinions were published. In 1877, the year the Appellate Court was established, the Supreme Court announced 503 opinions.

From 1878 until 1892 the number published each year averaged a little less than 300; during the last named year 271 opinions were filed. The number has increased from that date until in 1902 548 cases were announced; in 1903, 452 and in 1904 535, and 1905 527. It is sometimes stated that too many appeals go from the Appellate Court. The records of the two Appellate Courts in Cook county show that from January 1st, 1905, to January 1st, 1906, about 600 cases were decided, of which 150 were taken by appeal or writs of error to the Supreme Court,—that is about one-fourth of the number. Many lawyers and judges believe that the limitation upon appeal from the Appellate Court ought to be increased.

What is true of the number of decisions in this State seems to be practically true of many of our large States. The New York Court of Appeals in 1903 decided 804 cases, writing opinions in 510, and deciding 294 more in which opinions were not written; the Michigan Supreme Court during the same year wrote 464 opinions; Iowa, 381 decisions (in 1904 the Iowa Court handed down 598 decisions); Ohio, 1903, announced 473 opinions, of which 108 were written and 365 had no written opinions; Pennsylvania, 485; Wisconsin, 364; Indiana, 205. We are brought face to face with the question, how are we going to dispose of this great mass of work, and ought the Supreme Court to write opinions in every case which they decide? Ought the opinions to be shorter? Shall we limit to a greater extent the right of appeal? Shall we divide the Supreme Court into branches?

Criticism has been made that under present methods of work we get very largely one man opinions in the Supreme Court of Illinois. Does this necessarily follow because certain lawyers charge it? The lawyers are prone to find fault, to disagree; that is their business. We have striking examples of this fact on all sides. A few years since in Chicago a new method of assigning cases in the Circuit and Superior Courts was adopted. There was a strong difference of opinion as to

the advisability of doing it at first. A year ago the Superior Court went back to the old single calendar system; there has been a strong agitation ever since to have the Circuit Court do the same thing. There is a marked divergence of views on the question. Indeed it is very difficult to take up any question in reference to methods of practice where you will not find strong partisans among lawyers for or against any given question.

I am going to call your attention very briefly and hurriedly to a few facts. The Judges of our Supreme Court, I am safe in saying, believe they have adopted as good a method as can be found to accomplish the best results in their work; they have been studying over it for years. The plan now is, not the one that has always been followed; they have changed gradually as they found from experience that a change has been made necessary. Is it possible for every member of the Supreme Court to examine with care the facts and the law in more than 500 cases in one year, even though he does not have to write any opinions? But when every member of the Court must write from 75 to 100 opinions, how can any judge examine understandingly the facts as well as the law in all the cases? The members of the Supreme Court bench who have served there for years believe that the plan now followed brings the best results possible, and that it does not result in one man opinions any more than do the methods adopted by the Supreme Courts of other States. It is insisted in favor of the present plan that much more expedition and better results can be brought about by the judges doing their conference work at set times,—not writing any opinions at such times, and then doing their work of writing opinions when they are alone, uninterrupted by conference,—that a man cannot do good work in writing opinions if he is interrupted continually, no matter what the cause. Isn't there some basis for this contention? I know there are some of you who think you do not get the best results. You remember the story of a young man, who was being examined for admission to the bar, and when he was asked what is the law, he replied,

"The law is the Supreme Court." When asked, what is the Supreme Court? answered, "The Court of Errors," and again, how is the lower Court reversed? replied, "On error by the Supreme Court." (Laughter.) While this may be your idea of the Supreme Court you are always willing to go there if you can. Lawyers are prone to appeal every case possible. I remember reading a few years ago a speech by General Porter at a banquet (the ladies here present will pardon the application of this story) in which he said, "Woman, the conundrum of the 19th century; if we cannot guess them we will never give them up." (Laughter.) Isn't that the way you lawyers feel about the Supreme Court?

What should be the chief aim of the Courts? They are not created simply for the purpose of dispatching business. They must also enforce justice. Isn't it possible that there may be such a delay in the trial of a law-suit that in the end it will amount to an absolute denial of justice. Roger Sherman, who bears the unique distinction of being the only man who signed all four of the great state papers of our early Colonial history,—the Association of '74, the Articles of Confederation, the Declaration of Independence and the Constitution of the United States, was asked when he was a young lawyer in Connecticut by a neighbor, " 'Squire Sherman, are most law-suits settled right or wrong?" His reply was, "That's not the point, they are settled." One of our Courts of last resort has stated: "Every law-suit looks to two results; to end the controversy and to end it justly, and in the administration of human government, the first is almost as important as the last." Justice Sharswood (you are familiar with his Blackstone's Commentaries), after serving years upon the Pennsylvania Supreme Court, said at a banquet given him when retiring, that he considered the expedition of business in the Courts so that there would be no absolute denial of justice by delay, oftentimes the higher aim to be sought rather than mere abstract justice in each case.

It is of vital importance that the great body of decisions of this Court shall be so manifestly just that they will command respect; otherwise the Courts are necessarily brought into disrepute. With the multiplicity of cases that are continually presented to the Courts it is unavoidable that on some technical points the decisions of any Court will not be in entire accord. One of my associates on the Supreme bench recently said to me that the great body of law in this State is correct. It is undoubtedly true that there may be some technical differences. It has always been found unsafe to hold that a rule of law laid down in one case must necessarily be applied to the facts in another case. It is an old maxim that this Bar Association has heard Judge Tuley state that "out of the facts arises the law." In order to be decisive on any question or binding as an authority the statement of law must have been needful to the decision of the very question under discussion. A very prominent attorney recently stated in answering the criticism that the opinions of the Courts did not agree, that the men who most sharply criticised the Courts for mistakes of this kind are hypocritical. Lincoln once said that he knew a judge who was so careful of his appearance in public that he would not blow his nose on the street, but would quash an indictment if an "i" was not dotted or a "t" crossed. There are those who believe that Shakespeare's reasoning in the Merchant of Venice might have been announced by Lincoln's Judge. You will all recall the scene when Bassanio said to Portia, "Wrest once the law to your authority; to do a great right do a little wrong, and curb this cruel devil of his will." And then the answer, "It must not be, there is no power in Venice that can alter a decree established. 'Twill be recorded for a precedent and many an error by the same example will rush into the state. It cannot be." Our Courts are not prone to follow the mistakes in former decisions. You will not find many decisions that are decided purely on technicalities and against justice. Chief Justice Bleckley, of Georgia, said in a decision not many years ago, "The only treat-

ment of a great and glaring error affecting the current and administration of justice is to correct it. When an error of this magnitude and which moves in so wide an orbit competes with truth in the struggle for existence the maxim for the Supreme Court, supreme in the majesty of duty as well as in the majesty of power, is not *stare decisis* but *fiat justitia ruat coelum.*"

No other Court in the world has so great and overshadowing jurisdiction as the Supreme Court of the United States; in quite large measure the Supreme Court of every State in this country has to meet and decide similar questions to those that are passed upon by the United States Supreme Court. In no other country outside of the United States can a court declare the law unconstitutional. A written constitution would be of little effect unless there was some authority other than the law-making body itself to decide as to conflicts between the constitution and the statute. The Courts of this country, in the judgment of most students of the question, are best qualified to settle such disputed points; necessarily they have vast power, involving the dearest rights and interests of the people. The public generally, and the lawyers especially, have a right to expect that the Supreme Court will strive to reach substantial justice in the conduct of its business. You lawyers may think this is not being done. If it is not you can change the condition if you will. In Lincoln's debate with Douglas in 1858, in discussing the effect of the Dred Scott decision and its binding force, Lincoln said at Ottawa: "In this and like communities public sentiment is everything. With public sentiment nothing can fail; without it nothing can succeed. Consequently he who moulds public sentiment goes deeper than he who enacts statutes and pronounces decisions. He makes statutes and decisions possible and impossible to be executed." What was said of the Dred Scott decision has proven true more than once in the history of the United States. During President Jackson's administration the Supreme Court of the United

States declared a certain law of Georgia unconstitutional and ordered the Courts of Georgia to release certain persons in prison for a debt. Jackson said, "Marshall has rendered his opinion, now let him enforce it." Public sentiment was against the decision and its mandate was not enforced. Von Holst, in his Constitutional History of the United States, tells us "Even in the United States Supreme Court the Constitution had not created a rock upon which all waves and storms break in vain. The truer comparison would be with a glacier,—stiff and firm, and yet moving forward, and as it slides down always adapting itself to the bed on which it lies." Has not the history of that Court in recent months in a decision rendered affecting Chicago illustrated in a marked degree this statement? There are those who claim that the history of our State Supreme Court has shown the same characteristics more than once in the last twenty-five years.

In popular government, conservative political sentiment has been said to be far more important than in any other form of government. The danger is not that we are too slow in making changes, but too rapid. The Courts have always been the most conservative of any branch of government. A prominent legal writer has stated recently, "In the problems that confront the Supreme Courts of this country we need not so much profound lawyers, but strong, even-tempered, courageous men of good red blood and sound common sense." All of these qualities are very important, but is there any one here tonight who will not agree that if added to them the judge has a profound knowledge of the great principles of the law it will make him much better able to grapple with these great problems that come before the Supreme Courts of the country.

But I must reach an end. I do not want to be a frightful example of the definition given by an old rancher of a certain no-account railroad out west when he said, "the railroad could not amount to anything because it did not have a termini at either end." (Laughter.)

Members of the State Bar Association, lawyers of Illinois, I am confident that every member of the Supreme Court of this State as now constituted desires to do the work of that Court in such a way that lawyers and litigants alike will believe in and respect its findings. The judges may be mistaken as to the best plan of work, but how can you doubt that they are honest in thinking that they have adopted such a plan. This is not a new subject to the members of that bench. They have had it presented to them from every point of view many times during recent years. I speak more freely than I otherwise would because I am not speaking of myself. My work there is in the future. None of my decisions have been presented to you for criticism or commendation. You must credit these men with wishing to reach the same end that you desire. Every one of them expects to make the work of that Court the crowning monument of his life. What you want they are striving for. They desire this Court to stand as the Courts of all Anglo-Saxon countries have always stood, for what is best in the community,—the highest expression of its civilization.

The Supreme Court of this and every other State must be as stable as the constitution. It cannot change with every passing whim or caprice. Its thoughts must be the thoughts of the people at their best moments. This and all other Courts of our country must strive to carry out as they have in the past the spirit of the charge of the Hebrew Law-giver, announced centuries ago: "Hear ye the causes between your brethren and judge righteously between them. Ye shall not respect persons in judgment. But ye shall hear the small as well as the great. Ye shall not be afraid of the face of any man." When our Courts cease to live true to this charge, when they are respectors of persons, and when they bow down in fear to any one, be he humble or be he great, then we may as well tear down the court houses and abolish the courts, for the dearest rights of Anglo-Saxon freedom will have become a thing of the past.

Fellow citizens, I believe in the future of my country be-

cause I believe in and trust the men and women who make up the great body of its patriotic citizenship. They demand, as you will ever demand, that the judicial power in this country shall always remain in its original purity, simplicity, dignity and independence,—the very corner stone of our government. (Applause.)

PRESIDENT PAGE: Ladies and Gentlemen: The Bar Association of Illinois was organized thirty years ago, so that this is the thirtieth annual banquet. There is one thing that we are extremely proud of in this Association, and that is the ex-Presidents of the Association, who are here tonight with us in a goodly number at the table before us. I might say there are a number at the table who are not ex-Presidents, but they are directly or indirectly connected with them. The foundation stones of this Association were laid by these gentlemen; but there is one difference between them and the ordinary foundation stones, they are not under ground, and we are very glad to have them with us here tonight, and Gen. Orendorff will respond to the toast, "The Old Guard." (Applause.)

MR. ORENDORFF: Mr. President, Ladies and Gentlemen: A prudent lawyer, when he meets with a term or phrase in the preparation of a case, that seems ambiguous, ought to receive, if possible, an authoritative construction or definition of the word. And so, before I consented to fill this honorable position I investigated what the term "old" meant in connection with "guard." And I know, to my entire satisfaction that it is not a measure of age, duration of time, or length of service, but that it is a term of endearment. How could it be else than that when we consider that the guardians that have been most efficient in this Association are represented here tonight, by the wives and daughters and friends of the Association, our sister State of Missouri contributing a charming quota, and as we recognize these as the Guardian Angels of our institution, how could we connect the term age with them? As has been suggested by Col. Hagerman in his able annual address, this As-

sociation has had many years of experience; and in my consideration of this sentiment I shall hold that every man and woman who has in any way contributed to the success of the Illinois State Bar Association is one of the "Dear Old Guard."

And first we may consider that this is the Illinois State Bar Association, a State of which it has been said:

"Not without thy wondrous story, Illinois, Illinois,
May be writ the nation's glory, Illinois, Illinois;
On the record of thy years Abraham Lincoln's name appears,
Grant and Logan, and our tears, Illinois, Illinois."

In referring to the illustrious men who have been connected, directly and indirectly, with this organization, the self-imposed time limitation which propriety suggests will not allow me to more than name them, and perhaps phrase a few words that may possibly throw some light upon the character of some of those men. The ex-Presidents of the Association are as follows: Anthony Thornton, David McCulloch, Orville H. Browning, Elijah B. Sherman, Charles C. Bonney, William L. Gross, David Davis, Benjamin S. Edwards, Melville W. Fuller, E. B. Green, Thomas Dent, Ethelbert Callahan, James B. Bradwell, James M. Riggs, Lyman Trumbull, Samuel P. Wheeler, Elliott Anthony, Oliver A. Harker, John H. Hamline, Alfred Orendorff, Harvey B. Hurd, Benson Wood, Jesse Holdom, John S. Stevens, Murray F. Tuley, and Charles L. Capen.

We have had, you see, illustrious men in this institution. Two Vice-Presidents of the United States; two men who occupied the Vice-Presidential chair, Stevenson, an active member, and Judge David Davis. Davis was actively connected with the early days of this society. Davis, whose fame may safely rest upon that decision which he gave as an Associate Justice of the Supreme Court in the Milligan case, whereby the rights of American citizens from that time forth were protected under the habeas corpus act in the states where rebellion was not in actual existence.

We have, as an ex-President of this Association, the honored Chief Justice of the United States, (Applause), who sends his greetings here tonight in a letter to Judge Holdom, and asks that he may be remembered by his associates. A great honor to any man to occupy that most dignified judicial position upon earth.

But this Society had a man within its ranks who declined to accept the position of Chief Justice of the United States, our honored and lamented Judge Schofield.

Senators and Governors belong to our Association. This meeting tonight is graced by the presence of Senator Cullom, the Chairman of the Committee on Foreign Affairs. (Applause.)

An early President of this Association was one of the greatest constitutional lawyers that this nation has produced, Lyman Trumbull, of Illinois. (Applause.) In a debate between Trumbull and Douglas, Douglas said of him that his parents must have had a prophetic vision as to what the son would become when they gave him the name of Lyman. And Judge Trumbull in his reply said to Judge Douglas, "Your parents must also have had a prophetic knowledge of the future and your course when they selected as a part of your cognomen the name of Arnold, the greatest traitor that we have had against this nation." I speak of this to show the quick wit and repartee of the two men, not applicable as a matter of truth to either of them, for no more sincere man than Lyman Trumbull has appeared in public affairs, and no truer patriot than Stephen A. Douglas, who upheld the hands of his compatriot, Lincoln, in the great conflict of the sixties and in his own home of Illinois rescued the state from sectional strife. He said that in that great conflict there were only two parties, traitors and patriots, and that he wished his followers to be patriots in deed and in truth. (Applause.)

The State Supreme Court and Federal Judges of this circuit and the ex-members are all members of this Association,

honored members who have the confidence and esteem of the Bar Association. I may say some things that may require a diagram to go with them, if so, I will explain them privately to any one that wishes to hear me. But I wish to say the Supreme Court, I now understand, is so constituted that all its members can eat at the same table at the Leland Hotel. (Laughter and applause.) And when my friend, Judge Carter, said that he had no brief for the members of the Supreme Court, that each one of them could speak for himself, let me say that as I understand it, the complaint, if there have been any complaints, is that each one has been speaking for himself, instead of speaking for the Court after conference together. (Laughter and applause.)

Among the members of this organization I think it but proper for me to say that the entire—listen to me—the entire Democratic delegation from Illinois in Congress is a member of this body. (Laughter and applause.)

The members who have been selected to prominent positions and are now termed the "Old Guard," have reflected in every instance, I think, credit upon this institution. Two of our honored ex-Presidents are not present on account of sickness, Hon. E. B. Sherman and Judge Wheeler. We regret their absence and extend them our sympathy. No sketch of the Old Guard would be satisfactory that did not name with appreciation the two ex-Secretaries who have done so much to bring this society to its present state of honor and usefulness. You know I mean Judge Gross and Mr. James H. Matheny. (Applause.) And now, having spoken for those who were officers of this institution before I was, I think it but fair that I should tell a personal incident. But before I do that I wish to call the attention of this body to the fact that Judge Treat, of the Springfield Federal Court, was for many years connected with this Society, and reflected honor upon it. To illustrate something of his character: One day I was in his court and a Chicago lawyer had made a brilliant speech there; the judge said to me, "I

knew that lawyer's father in Indiana, his father was a brilliant and honorable gentleman, I think his son has inherited his father's brilliancy." (Laughter.)

And it would not be right, we should not leave out the fact that Gov. John M. Palmer was at one time an officer of this Association and always took a deep interest in its proceedings. He uttered an epigram that is as applicable tonight as it was when he sounded it forth on the prairies of his beloved central Illinois. He said that this government should be as strong as the law and no stronger; and weak as the law, no weaker. A sentiment that could be well applied to the current events around us.

I have often wondered how some of these old guards ever became President of this Association. Uncle Dick Oglesby said, when he was elected to the Senate, that he looked around at the Senators and said to himself, "Oglesby, you are a lucky man, brought up in poverty, worked your way along the highway of life until here you are a member of the United States Senate; all these are distinguished men,—I wonder, Oglesby, how you ever got here." He said he hadn't been there ten days until he wondered how under heavens some of these other fellows ever got there. (Laughter.) So, after my election as President of this Association,—for I insist that there shall be a fair deal here tonight—I visited the office of Mr. Moses, who was an ardent member, a useful member, an able member of this Association. When I was admitted to his presence, with considerable manner he introduced me to the lady who was his private secretary and said, "This is the Hon. Alfred Orendorff, of Springfield, Illinois, President of the Illinois State Bar Association." I bowed. The lady, looking up, said, "Is it possible?" (Laughter.) And ever since my election and service, as each one has been elected, I have looked him in the eye and said, "Is it possible!" (Laughter.)

My friends, I have talked longer than I expected on behalf of the members of the Old Guard, so called. I would be pleased to speak of the distinguished Thornton, the great chancellor

Tuley and others, but while my theme is inexhaustible, audiences are not so, and therefore I must forbear. (Laughter.) We appreciate the distinction of having a table by ourselves, still more, the distinction of having with us these ladies who have graced and adorned the table of the Old Guard. (Applause.)

PRESIDENT PAGE: I think, considering the fact that this is Friday, and the thirteenth of the month, and that Gen. Orendorff made that speech, that we got off pretty well. The next number on the program is "Greetings of the American Bar Association to the Illinois State Bar Association," by the Hon. George R. Peck, President of the American Bar Association. Pretty near as much title as Gen. Orendorff has; I would give him some more if I knew what to call him. I take great pleasure in introducing to you Mr. Peck. (Applause.)

MR. PECK: Mr. President, Ladies and Gentlemen: I should not be fit to be President of the American Bar Association —in fact I do not know that I am, any way—if I should consume any time at all in performing the most agreeable duty assigned me, of giving you greetings from the American Bar Association. The only reason that I am to speak for the American Bar Association tonight was because I was so fortunate as to be a member of this Association before I was elected to that position. And at the meeting last year at Narragansett, your honored President, your honored President-elect, Judge Holdom, and a few other members of this Association thought it was time for the presidency of that national Association to come to Illinois, and so, as a member of this Association, and as President of that Association, I give you most hearty greetings and a most earnest invitation to attend the coming meeting of the American Bar Association. It is to be held at St. Paul the 29th, 30th and 31st of next month. It is not very far from Chicago, and perhaps it is not necessary for me to mention the unparalleled advantages of communication between Chicago and St. Paul. (Laughter and applause.)

The government of our country is composed of three departments, as we know. The legislative, the judicial, the executive. In this past year they have created so much new law that the expression "judicial legislation" has become a by-word, and yet we murmur a little and pay no attention to it. I have heard it rumored from Washington that the Representatives in Congress and possibly the Senators murmur somewhat because the Executive seeks to interfere with legislation. Lately we have become more sensitive, perhaps, when the Executive of this great country has seen fit in an official paper to criticise the judiciary; but is that a question for us to take up? Is it for us to enter a protest and stand for what we consider the correct principles of government in keeping the departments of government distinct, or shall we pass it simply as an interference of a jealous advocate in a good cause?

The difficult and embarrassing question is what of these important matters shall the Bar Association take up in the future. They are great and momentous questions. For instance, take the question of insurance. I have been told, I do not know how true it is, that the State of Illinois is the only State in the Union that has not been moved to action by the insurance disclosures in the State of New York. Is that a matter to excite our interest? When we take up the questions of practice in the lower courts we are on safe ground; the judges are many and we acknowledge their deficiencies. When we take up the question of reform in the Supreme Court we are perhaps on more delicate ground. I have been, however, struck by the defense that has been put in by Judge Carter this evening. It strikes me about this way: Suppose the learned State's Attorney of Cook county, who is sitting at the head table, should indict the Supreme Court for being guilty of writing one man decisions, and not demurring to the indictment the Supreme Court should say, it is not true simply because the State's Attorney says it is true. Would we not have a right to move to strike out such a pleading? Shall we, as the President suggested in his opening

address, take up actively this question of reforming the procedure in the Supreme Court, or shall we rest content and believe that the new member of the Supreme Court, coming from the body of lawyers, will work all the reforms that we seek to encompass?

Then there are questions which border more on a political nature; the questions of municipal ownership and municipal operation. The question of taxation, of inheritance tax, progressive inheritance tax; of the tax on franchises of corporations, and numerous other questions which it will be difficult to determine whether or not this Association should consider and act upon.

In some of the states I believe the Attorney General or a Commission appointed for that purpose, pass upon all laws which are enacted by the legislature before they are signed by the Governor, to determine whether they are constitutional and whether they are correctly expressed for the purpose of accomplishing what is desired. And I have sometimes thought that it might be feasible perhaps for this Association to have a standing committee of that sort at Springfield, in the absence of any legislation upon that subject. Now these are all questions which I am not advocating, but simply suggesting as showing the importance of this Association and the work that it may do. But these are too serious matters to discuss tonight in the presence of our guests, and at this late hour. If this Association should accomplish nothing else than drawing together once a year at an entertainment like this, members of the bar throughout the State, and their wives and daughters and sisters and guests, its existence would be amply justified. (Applause.)

PRESIDENT PAGE: The meeting is now adjourned.

MEMBERS REGISTERED.

The attendance at this meeting of the Association was good, although it was impossible to get all of the members to register. Those registered were:

Geo. T. Page ..... Peoria
W. R. Curran..... Pekin
C. B. Chapman ..... Ottawa
Elmer E. Rogers ..... Chicago
Harry Higbee ..... Pittsfield
Geo. L. Paddock ..... Chicago
C. H. Burton ..... Edwardsville
E. P. Williams ....Galesburg
Thos. Cratty..... Chicago
John C. Nickleberg ..... Chicago
Benson Wood ..... Effingham
Jesse Holdom ..... Chicago
Wm. B. Wright ..... Effiingham
J. E. Dyas ..... Paris
Wm. M. Pindell ..... Chicago
George P. Barton ..... Chicago
Marion Watson ..... Arthur
W. R. Hunter ..... Kankakee
C. C. Case, Jr ..... Chicago
Norman P. Willard ..... Chicago
Jno. F. Voigt, Jr.....Mattoon
Apollos W. O'Harra ..... Carthage
S. A. Hubbard ..... Mt. Sterling
I. N. Bassett ....Aledo
H. Musgrave ..... Chicago
S. S. Gregory ....Chicago
Conrad C. Poppenhusen ..... Chicago
James B. Bradwell ....Chicago

MEMBERS REGISTERED.

Thomas Dent ..... Chicago
R. R. Baldwin ..... Chicago
Lester H. Strawn ..... Ottawa
E. W. Adkinson ..... Chicago
Wm. D. Fullerton ..... Ottawa
Frank H. McCulloch ..... Chicago
Wm. Eliot Furness ..... Chicago
Monroe Fulkerson ..... Chicago
Howard N. Ogden ..... Chicago
Blewett Lee ..... Chicago
J. S. Stevens ..... Peoria
James C. McMath ..... Chicago
Geo. W. Warvelle ..... Chicago
William A. Adams ..... Chicago
Cyrus W. Rice ..... Chicago
F. K. Dunn ..... Charleston
Alfred Orendorff ..... Springfield
Henry R. Baldwin ..... Chicago
A. C. Norton ..... Pontiac
Thomas S. McClelland ..... Chicago
J. L. O'Donnell ..... Joliet
Walter M. Provine ..... Taylorville
Carroll C. Boggs ..... Fairfield
Charles L. Capen ..... Bloomington
T. S. B. Safford ..... Monmouth
Jas. S. Baume ..... Galena
Harry M. Waggoner ..... Lewistown
O. R. Barnett ..... Chicago
Julius Reynolds Kline ..... Chicago
Frederick Ullman ..... Chicago
Oscar H. Wylie ..... Paxton
James H. Matheny ..... Springfield
Farlin Q. Ball ..... Chicago
M. L. Thackabury ..... Chicago
Isaac N. Phillips ..... Bloomington

MEMBERS REGISTERED.

J. N. Riggs.....Winchester
James Hicks.....Monticello
James G. Elsdon.....Chicago
Myer S. Emrich.....Chicago
Robert E. Pendarvis.....Chicago
Wm. N. Gemmill.....Chicago
Frank Baker.....Chicago
Frederick H. Brown.....Chicago
Nathan William McChesney.....Chicago
Albert C. Ferguson.....Chicago
E. M. Seymour.....Chicago
Alfred Ennis.....Chicago
C. E. Cleveland.....Chicago
D. M. Brothers.....Chicago
James R. Mann.....Chicago
Ransom E. Walker.....Chicago
Charles E. Bartley.....Chicago
William J. Pringle.....Chicago
Geo. D. Burroughs.....Edwardsville
W. L. Gross.....Springfield
H. Crea.....Decatur
John A. Montgomery.....Decatur
Geo. W. Waterman.....Chicago
Samuel E. Knecht.....Chicago
Arista B. Williams.....Chicago
Jesse R. Long.....Chicago
Munson T. Case.....Chicago
John J. Coburn.....Chicago
Guy C. Scott.....Aledo
Charles S. Schoenmann.....Chicago
Geo. W. Manierre.....Chicago
J. R. Custer.....Chicago
J. M. Cameron.....Chicago
Hiram B. Prentice.....Chicago
Percy V. Castle.....Chicago

MEMBERS REGISTERED.

Robertson Palmer ..... Chicago
Warren B. Wilson ..... Chicago
John P. Floan ..... Chicago
Leo J. Doyle ..... Chicago
H. VanderPloeg ..... Chicago
James H. Cartwright ..... Oregon
C. W. Greenfield ..... Chicago
Alvin H. Culver ..... Chicago
John A. Brown ..... Chicago
William F. Bundy ..... Centralia
Samuel Kerr ..... Chicago
Thomas Taylor, Jr ..... Chicago
G. W. Thompson ..... Galesburg
Dorrance Dibell ..... Joliet
Henry B. Willis ..... Elgin
Edmund H. Smalley ..... Chicago
Robert McMurdy ..... Chicago
Alfred H. Jones ..... Robinson
Catherine Waugh McCulloch ..... Chicago
C. B. Cheadle ..... Joliet
Otto R. Barrett ..... Chicago
Horatio L. Wait ..... Chicago
Henry R. Christopher ..... Chicago
Frederick S. Hebard ..... Chicago
W. H. Utt ..... Chicago
Andrew R. Sheriff ..... Chicago
Wm. C. Lawson ..... Chicago
Emery D. Frazier ..... Chicago
Frank P. Schmitt ..... Chicago
Oliver R. Barrett ..... Chicago
Frank H. T. Pattin ..... Chicago
Lessing Rosenthal ..... Chicago

PART II.

ADDRESSES

DELIVERED BEFORE THE ILLINOIS STATE BAR ASSOCIATION AT THE THIRTIETH ANNUAL MEETING, CHICAGO, JULY 12 AND 13, 1906.

PRESIDENT'S ADDRESS,

DELIVERED BEFORE THE ILLINOIS STATE BAR ASSOCIATION, AT CHICAGO, JULY 12, 1906.

GEORGE T. PAGE, OF PEORIA.

This Association was organized, among other things, to cultivate the science of Jurisprudence, to promote reform in the law, and facilitate the administration of Justice.

It is the only organized body which represents the bar of the State. It was never intended by its organizers to be an association merely for the reading of essays and the passage of resolutions, but rather an association to originate practical ideas to be put into actual use; a place for legitimate criticism: for active opposition to all that is impracticable and vicious in the laws of the State, and in the practice under and the administration of, those laws. Pursuant to these purposes it is made a part of the duty of the President to embody in an annual address such reference to recent changes in the law of the State, its present state and administration as shall best conserve the Common Weal.

This is the 30th anniversary of our Association, and the two years last past have been most remarkable so far as legislative action, and the administration of justice in our Courts are concerned.

The corporations of the country, public, semi-public, and private, together with their officers, have been continually in the storm centre. In our own State the Legislature of 1905 passed a large number of acts, many of which by one Court or another have been held unconstitutional, and there are a

number not yet subjected to judicial scrutiny, that are, in the opinion of Constitutional lawyers, open to the criticism of being very near to, if not actually over the line into the field of special or class legislation. Certain it is, that there are quite a number tainted with the virus of paternalism. Inside and outside our State, public opinion has been so aroused by disclosures made in the investigation of public and private corporation officials, that wholesale prosecutions have been and are now being waged against those alleged to be guilty.

United States Senators have been prosecuted and convicted for criminal violations of the trusts reposed in them. Prominent railroads and railroad officials, and officers of other large corporations have been prosecuted and heavily fined in various courts of the country for persistent and flagrant violations of criminal statutes. Everywhere, as investigation has proceeded, public and private corporation officials have, in the public mind, been "Condemned to have an itching palm."

So strong became the feeling in the public mind against the open and persistent disregard of the laws of the land and the people's rights, that the President of the United States, seeming to forget the lines between the three co-ordinate branches of government, seized his "Big Stick" and marched into the halls of Congress to urge the adoption of laws to meet the public demand. Current report has it, that the "Big Stick" used by the President in this instance was not made of wood from any tree known in the study of forestry, but was a conglomerate, made of Public opinion, party necessity, political patronage and executive displeasure; and so vigorously did he wield it, that Congress before its adjournment, placed before him for his signature bills regulating railroad rates, beef inspection, and pure food. These bills have been so recently before the public, by full discussion in Congress and the newspapers, that nothing can be added of interest until we have had actual experience under them. I

presume it can be said that no legislation has been enacted in years, that has created such wide discussion, or has been of such great and general importance to the whole people.

CORPORATIONS.

Our own legislature in 1905 passed several acts relating to corporations: three of them are important.

One is an amendment to Sections 2 and 4 of the General Incorporation Act of 1872, another is the revision of the act relating to Foreign Corporations seeking to do business in this State, and a third exempts the capital stock of certain corporations from taxation.

Section 2 as amended in the General Incorporation Act empowers the Secretary of State to inquire into the true purpose of the proposed corporation, and also provides a means of breaking up the practices of these concerns that have carried on the business of issuing diplomas and certificates of qualifications, based not on mental equipment or ability, but for a financial consideration only. The main feature of the amendment to Section 4 is that any property taken in payment of stock shall be appraised by the Commissioners, and that one-half of the capital stock shall be actually paid in.

Just how beneficial either of these amendments will prove to be, is uncertain, but they are steps in the right direction, and if their provisions are enforced according to their true intent and purpose, the public will be protected against many frauds, and corporations themselves will have better standing and credit.

FOREIGN CORPORATIONS.

The revision of the act relating to the admission of foreign corporations to do business in this State, is of very considerable importance just at this time, when there are so many questions before the public touching the status, rights and regulation of corporations engaged in interstate trade.

The statute is loosely drawn and bears evidences of

patch work, due possibly to compromise necessarily made to effect its passage.

The important features of the statute are; that it requires foreign corporations, not excluded from the operation of the act, to comply with its provisions before they can do business in the state at all: that it gives the Secretary of State broad powers to inquire into the object and purposes of the intended corporation in this State; that it compels compliance with the act by heavy penalties and by closing the Courts of the State to those corporations that fail to comply with the provisions of the act.

The amendments to the general act, and also the provisions of the Foreign corporation act, tend to correct that which has always been a glaring fault and weakness in the corporation laws of this State, namely: authority to issue a charter to a corporation with an expressed capital stock of certain magnitude, without requiring anything to be actually paid into its treasury.

The granting of charters giving the maximum of privileges with a minimum of risk to the incorporators, serves no good purpose, but opens the way for reckless speculators, and men seeking corporate existence as a cloak for hazardous and fraudulent undertakings, to exploit illegitimate schemes, that must ultimately bring corporations generally into disrepute and public disfavor.

EXEMPTION OF CAPITAL STOCKS.

Section one of the Revenue Law is so amended by the laws of 1905, as to exempt from taxation the capital stock of companies and associations organized for purely manufacturing and mercantile purposes or for either of such purposes for the mining and sale of coal, or for printing and publishing newspapers or for improving or breeding of stock.

And Sections 3, 32 & 108 are so amended as to make consistent, the exclusion from assessment of the capital stock

of such companies and associations, throughout the Revenue Act.

These amendments have been made the subject of attack on constitutional grounds in an action in the Circuit Court of Peoria County against the assessor and the treasurer to compel the assessment of the capital stock of such exempted corporations. A hearing has not yet been had on the demurrer to the petition.

EMPLOYEES PENSION FUND.

The last legislature passed two acts providing for employees pension funds, applicable at the present time to the City of Chicago only.

The first relates to a pension fund for those employees of the Water Works department who earn over $65.00 per month. The establishment of the fund is made compulsory on the Board of Aldermen and contribution to the fund, as I read it, is also compulsory. The administration of the fund is to be placed in the hands of a Board of Trustees, which board has the power, subject to certain limitations, to fix the amount each employe shall contrbute to the fund. I do not know whether there are employees in the service of the Water Works department who receive less than $65.00 per month, but if there are such, it would seem that they, being necessarily less able to put themselves beyond the possibility of want in later life, might very properly have been included in the terms of the act, no matter whether we look upon the act as conferring a privilege or a burden upon those made subject to it.

There is another act providing for a pension fund for certain Public Library employees. This fund likewise to be administered by a Board of Trustees, under conditions, most of which are identical with those prescribed under the Water Works Pension Fund act. But the provisions of this act are in some respects radically different from the Water Works employees act. For instance, it applies to all employees who

receive a stipulated yearly salary. But it is not compulsory as to those who shall go into it, nor are any required to remain contributors longer than they desire.

I confess my inability to see very clearly the virtue in an employees' pension fund where the employees must establish and support the fund themselves; but if there is a demand for such legislation why not make a general act applicable to all municipal employees alike except in cases where a fund is furnished from outside sources (as in the Firemen's Fund Act), and not encumber an already too voluminous statute book with a separate act for each branch of the service.

INVESTMENTS OF TRUSTEES AND GUARDIANS FUNDS.

On the first page of the volume containing the laws of 1905, is an act concerning investments of funds in the hands of trustees, where the method of investment is not specified in the instrument of their appointment. A second act relates to investments of moneys by guardians. Under the first act, investments may be made in U. S. or State bonds. First mortgages on real estate in any State, county, city and municipal bonds in any State. First mortgage bonds of any corporation of any State upon which no default has been made in the payment of interest for five years. After opening this very liberal line of investments to trustees, the act with a show of caution adds, "But no trustee shall be authorized by this act to invest trust funds in any bonds in which cautious and intelligent persons do not invest their own money." Under the guardians act, investments may be made in securities approved by the Court, or on approval of the Court, in U. S. bonds, or in bonds of any county or city not issued in aid of railroads, and where the laws do not permit the counties and cities to become indebted in excess of five per cent. of the assessed valuation for taxation, and where the total indebtedness of such county or city does not exceed five per cent. of the assessed valuation for taxation at time of such investment. Trustees and guardians hold the

same kind of funds for investment. Oftentimes the beneficiary of the trust and the ward of the guardian are under the same disabilities. The duty of each is to use diligence and intelligent care in administering the trust estate. It is difficult to understand why one should have any greater latitude in making investments than the other. And yet while the guardian at all times must invest only in securities approved by the Court having supervision of such matters, the trustee is empowered to invest in a much larger and more doubtful list of securities, without the supervision of any court. I think the probabilities are that the Trust Estates are much more likely to lose by incautious investments under the license of the trustees act than they are to profit by its wider opportunities. It would be interesting to know just what influences placed the statute on the books, whether those influences came from would-be investors of trust funds or from would-be sellers of the securities favored by the act.

BULK SALES ACT.

An act, new in this State, but in use for some years in several other States, prohibiting sales of merchandise, otherwise than in the regular course of the seller's business, without the seller first complying with the conditions of the act, was passed in 1905. This act is commonly known as the Bulk Sales Act. Similar acts in several other States have been held unconstitutional, but our act is probably not subject to most of the criticisms successfully urged against other acts.

However, there is one particular in which I think our act is open to grave criticism. It can only apply to a particular class of business men, who must always be of the debtor class, and places them at a distinct and probably an unlawful disadvantage, in the disposition of their business, when compelled by necessity or moved for any reason to do so. It is quite likely that in the long run it will injure most of those whom it was intended to benefit, for no man can advantageously dispose of

his business, especially if he is in embarrassed circumstances, if he is first compelled to advertise his necessities.

THE MUNICIPAL COURT ACT.

In February of this year the act establishing a municipal court in the city of Chicago was before the Supreme Court, on the question of the validity of the constitutional amendment under which the court was established.

In the opinion handed down, the Court held the constitutional amendment valid, and the act in the main valid, saying that it was possible that parts of it might be found unconstitutional when brought into question in actual practice.

While the Municipal Court Act is limited to the city of Chicago, yet I think it is an act of more than ordinary interest throughout the State. If satisfactory in operation it will show a way to relief from those evils so prevalent in practices of Justices of the Peace and constables; and if its many new provisions stand the test of actual use, we may find in them the solution of questions of practice that have vexed the bench and bar for many years.

We are fortunate in having on our program a paper dealing especially with this act.

HIGHWAY COMMISSIONERS.

In an act establishing a State Highway Commission, and another act, providing for a limited use of convict labor in the manufacture of road building material and machinery to be used under the supervision of the State Highway Commission, the legislature has entered upon a line of legislation that, pursued to a legitimate conclusion, will be of great benefit to every citizen of the State of Illinois, and perhaps will solve two problems that have been disturbing elements in the minds of the people for half a century, viz: what unobjectionable use can be made of convict labor, and what remedy is there for the proverbially bad roads of Illinois. Good highways are a good

asset in any community. They contribute alike to the pleasure and progress of any community. If the State Highway Commission shall succeed in formulating plans and in stimulating the interest of the local authorities so that, through the working out of those plans, a system of good roads can be established and maintained, the good results will be incalculable. If convict labor can be used directly upon the highways or in doing some work, the product of which shall go to the betterment of the highways of the State, there will be found an unfailing quantity of unobjectionable employment for the inmates of our penal institutions.

PENITENTIARIES.

But there is recent and most important legislation touching the disposition of convict labor and dealing generally with the treatment of convicts. In 1903 the legislature placed on the statute books quite an elaborate act to regulate the employment of inmates of penal and reformatory institutions of the State.

The act created a Board of Prison Industries for all penal and reformatory institutions. The act has been considerably amended by the laws of 1905.

These acts are of first importance as giving public legislative recognition to the fact that every convict is not an incorrigible, and that there are degrees of criminality. That penal institutions may and should be places for rehabilitation and reformation, so that men may return from them to the world better and not worse than when they left it. Let us hope that the results of operations under this statute will be so beneficial that they shall create a demand for further sane and intelligent legislation along the same lines, for there is a crying need of reform in our criminal laws.

There is one thing in particular that to my mind is ridiculously absurd. It is this: A man without property but with a wife and children commits a crime and is discovered. The law

directs that he shall be arrested and thrust into the county jail, where he must remain unemployed, may be, one, three or six months, or possibly a year, before trial; and then, if convicted, to be returned to the same idle jail, or may be taken to the penitentiary, where the sentence is to "hard labor" with no reference to reformation or rehabilitation. This is what the law provides for the guilty one, but what provision does it make for those innocent ones—the wife and children? None whatever. With the known certainty that they cannot cope with the world and become good citizens in it, the law absolutely ignores them until they become paupers, vagabonds and criminals *de facto*, then it takes notice and makes them paupers and criminals *de jure*. This is not an overdrawn case, but is an every-day occurrence, and in the face of it, with full knowledge of it, we wonder at the increase of crime.

Illinois has over one hundred counties and county jails, housing within their slimy walls thousands of prisoners, some convicted, some to be convicted, and many never to be convicted of any crime. Some incorrigible but many more corrigible and tractable, all kept for weeks and many months in idleness, with no plan or scheme for improvement or reform.

There will come a time when we shall look back upon this condition of things as one of the wonders of Twentieth Century Christian civilization.

PRIMARY LAW.

The most notable of the recent holdings of the Supreme Court declaring acts of the legislature unconstitutional, is, I presume, that touching the Primary Law of 1905.

When the Supreme Court got through writing its opinion of that act, there did not enough remain to entitle it to remembrance in the annals of our necrologist. Though the act itself has passed into history, study of it, illuminated by Judge Cartwright's opinion, will prove very interesting and not unprofitable.

A special session of the legislature just two days before the first act would have been a year old (had it lived) passed another Primary Law, which before it left the Senate Chamber was characterized by the Chairman of the Senate as a "Double Headed Disaster," "A conspicuous and humiliating failure." What will be its fate before the people, or before the Supreme Court, if it gets there, I do not here care to predict, because this act and the general subject of Primary Elections are to be specially considered in our program to follow.

PROBATE COURT.

An act extending the jurisdiction of probate courts and conferring original jurisdiction over testamentary trusts, was held void by the Supreme Court because not signed by the President of the Senate, the Court holding that Section 13, Article 4, of the Constitution of our State, requiring that "every bill having passed both houses shall be signed by the speakers thereof," is mandatory.

MUNICIPAL OWNERSHIP.

The legislature of 1903 passed an act providing for the purchase and operation by cities of street railways. This act is commonly known as the Municipal Ownership Act, and both sides of the question growing out of that legislation are to be discussed before this meeting. The municipal ownershp of street railways is only a part of a wider scheme strongly advocated and now being much discussed by many, which has for its object government ownership of all public utilities. I take it that the scheme for government ownership of public utilities is only one outcropping of that great social unrest which is the product of distrust and dissatisfaction with the social, business and political conditions throughout the country. In the years past, it has been charged that legislative action not only in the States but in Congress was too much influenced and controlled by the moneyed interests of the country. The legislation of the

last few years, and particularly in our own State in 1903 and 1905, shows the trend of legislation to be strongly in the direction of favoring the workingmen of the country. There are numerous instances in the acts of 1903 and 1905 where, it seems to me, that it is very apparent that the legislature took off its hat and made its bow to organized labor. The struggle between capital and labor in this country presents the gravest problem before the American people to-day, and if it is to be solved so that the liberties of all the people shall be preserved, the two contending forces must be reconciled so that they may and shall work in harmony. In the solution of these questions the duties and responsibilities that rest upon the bench and bar are probably graver and greater than those that rest upon either the executive or legislative branches of our government. While the executive and legislative branches of our government have been much criticised because they have been influenced by political and other considerations, the Courts have always had the confidence of the people, and it is of the utmost importance that they shall continue to retain that confidence by the performance of their duties in such a manner that all of their acts shall be characterized by the highest wisdom and the purest motives.

GARNISHMENT OF WAGES AND SALARIES OF PUBLIC OFFICERS.

The act providing a means of reaching, by garnishment, the wages and salaries of public officials and employees extends to any person employed in any county, city, town, village or school district, and, if finally held to be constitutional, will be far reaching in its consequences, and will materially change the heretofore public policy of this State. Prior to this act, our Supreme Court, beginning many years ago, held that to permit the garnishment of municipalities was against public policy.

In February, 1906, the validity of this act was brought in question in the Circuit Court of Cook County, and was by

Judge Tuthill held to be constitutionally bad for several reasons, holding that it violates both Sections 13 and 22, Article 4. There would seem to be no good reason why employees of municipalities should not pay their just debts, nor is there any reason, so far as they themselves are concerned, why their earnings should be more sacred, or why they should enjoy an immunity not enjoyed by employes of individuals or private corporations; but there are numerous reasons why a municipality should not be hampered and inconvenienced by being drawn into controversies touching the disposition of the wages and salaries of its employes. It seems to me that the legislature might have served the public better by framing some sort of legislation that would prevent too many men who do not pay their bills from getting into the public service. It is a notorious fact that many of the men who hold minor offices in municipalities have no trade or calling except the holding of public office, and they go into the service, not with any pretense that they are there for the public good, but merely for their own purposes. It may be counted as a distinct misfortune that such men are allowed not only to feed at the public crib, but are also guaranteed immunity from annoyance suffered by better men in private employment.

VETO.

It will be noted that of the laws of 1905 some ten or a dozen were not signed by the Governor, but were suffered to become operative under the constitutional provision requiring the Governor's veto, if there is to be one, within ten days after presentation of any bill to him. A reasonable consideration of every act of the legislature by the Governor is important, and where there are many bills passed, as is often the case, within a short period before the adjournment of the legislature, it would seem that the time specified is too short, and that here is another item to be added to the list by those seeking reasons for constitutional revision.

COURT BUILDINGS.

It is a matter of congratulation that the commission having in charge the new Supreme Court Building have so far progressed that the site has been purchased and further work is in process toward providing a necessary and suitable working home at the State Capital for our Supreme Court.

By persistent and long continued efforts, chiefly on the part of this Association, the Supreme Court was consolidated. Let us live in the hope that when the building is finally completed and equipped for use it will prove so comfortable and alluring in its arrangement and appointments, and so superior in the advantages which it presents, that the judges will, by those gentle and comfortable chains, be held there during the working year of the Court.

A great deal has been said in this Association in criticism of the methods employed by the Supreme Court in hearing and considering cases and in preparing opinions. Many spirited replies thereto have been made by one judge and another in defense of those methods; and it has been repeatedly more than hinted that present methods are all right, and that the changes urged by the bar would be impossible of accomplishment and valueless if they were put into use. The replies have also contained the suggestion, given, of course, in a kindly and fatherly spirit, that if the advocates of reforms in the Supreme Court ever gained the dignity of a place on that respected bench, they would speedily see the errors of which they were the victims while they were mere lawyers, and before they acquired the judicial dignity and mind. However this may be, there is an abiding belief, not bottomed on sentiment nor on capricious criticism, but on long experience and the oft-justified judgment of many of the keenest minds and ablest practitioners in the State, that such change of methods can and should be adopted as will not only expedite the work of the Court, but will also give us opinions which shall be the product of joint consideration and the combined wisdom of all the judges.

GEORGE T. PAGE.

COURT DECISIONS.

Intimately connected with the work of the Supreme Court is the question of the publication in report form of the decisions of our Courts of appeal.

Personally, I see nothing to be gained by the publication of the decisions of an intermediate court of appeal, and especially is this true where there is not one but five separate courts such as we have in our State, whose decisions must sometimes necessarily be and are in conflict. Illinois is in the center and one of a large number of States whose courts of last resort are continually handing down decisions on questions similar to those in controversy in our own State, which decisions, for the sake of encouraging uniformity in the law, it is desirable to use because of the intimate and growing business and trade relations between the people of all the States.

In Illinois we have from our Supreme and Appellate Courts 340 volumes now, all of the 119 Appellate Court reports and 140 of the Supreme Court reports have been issued to cover the work of those courts for the last thirty years.

To be a well-informed lawyer and keep abreast of the times, one must know the decisions of the Courts of his own State, so far as they are published and may be used by or against him, and he should know the best of the decisions of the courts of other States, and of the Federal Courts. When we consider the vast number of published decisions that are annually put out by the various courts of last resort, no thoughtful lawyer can fail to see that the task of familiarizing himself with them is already an almost impossible one, and he cannot view the future, if no limitation is to be placed on the number of decisions reported, with anything but alarm and despair.

If we are to pursue the present plan in vogue in our State of having every decision published, we shall, before the present generation of lawyers, now in middle life, have passed away, have a huge mass of undigested and undigestible matter that

the busy practitioner must ignore and leave unknown and unused.

Some States have adopted the practice of having published only such decisions as are designated by the court as of enough importance to be published. There are many cases decided every year that contain no new principle and consequently are of no importance outside of the controversy which produced them. The publication of such decisions is worse than profitless. Not infrequently we see half a hundred cases cited in a brief to sustain one point in a case, and many times we find in opinions a large number of cases from our own reports cited by the court as decisive of the point at issue.

If the importance of limiting the number of published decisions to such as are important and as will be helpful in the practice of the law appeals to this Association, I hope to see such action taken as will accomplish that result.

JURY INSTRUCTIONS.

A great deal has been said from time to time in this Association relative to the practice in our State Courts in preparing and giving instructions to juries. The present method of instructing juries is a little short of a farce, because, as a rule, a series of instructions does not present a clear and succinct statement of the law that can be easily understood and applied by the lay mind in determining the issues, but rather embraces partisan statements prepared for the sole purpose of getting before the jury interested views of the law as held by opposing counsel. Instructions often contain so many long, fine spun and complex statements that it is impossible often for trained lawyers to determine from them what the law of the case really is, and when this is true, it is, of course, impossible for juries, who are untrained and unskilled in such matters, to do so. If they pay any attention to the instructions whatever, they are only embarrassed and hindered thereby in their attempt to arrive at a just decision of the matters before them. During a

former discussion of this matter, the suggestion was made that most of the difficulties arising from the present practice can be eliminated by concerted action between the trial judges and attorneys, without any legislation whatever. Every attorney ought to have well settled in his own mind before the trial of his case what his theory of the law to be presented to the jury is, and except on those points where he is, during the trial, forced to change his views by reason of developments in his opponent's case, he ought to be able, very early in the case, to present to the court requests for instructions, so that the requests from each side can be embodied in a single instruction to be drawn by the Court, and ready for use at the close of the case. This can be done without imposing any more work upon the Court than is required in the examination of a large number of conflicting instructions. If some such plan as this is adopted there is every reason to believe that juries will be aided and not hindered by the instructions, so that cases will be better decided on the facts. There will be fewer errors and fewer supposed grounds of appeal. Also instructions ought to be read before arguments are made to the jury. This would give attorneys an opportunity to discuss what is actually to be the law of the case, rather than to blindly discuss what they think the law ought to be or may be, as given by the Court. The plan briefly outlined above is similar to that in use in the Federal Courts, and in my opinion is much simpler and better than the one in use in our State Courts.

JUDICIAL SALES.

In the matter of judicial sales of real estate and redemptions therefrom, the law ought to be changed and can with little difficulty be so changed as to correct palpable absurdities therein. The right of redemption is intended by the law to be a substantial right given to those who are so unfortunate as to fall under the necessity of having their real estate sold by judicial proceedings to satisfy their debts; but, as the law now is

and has been for many years past, the debtor really gets but a small portion of the benefit which he ought to receive under a right of redemption. The period of redemption begins to run after the sale. In this way it rarely occurs that the property brings a fair and reasonable price, because a would-be purchaser can never tell until the end of fifteen months thereafter whether he is to get the property or not, and during that time the possession remains with the debtor. The debtor himself or any creditor of his, in case redemption is made, must pay in addition to the debt and interest, the costs of sale, which are always considerable, and in cases of judgments or decrees for small amounts, frequently equal or exceed the amount thereof. If the law was so changed as to have the sale take place after the expiration of the period of redemption, then the redemption could be made without the loss of the costs of sale, and persons desiring the property could bid for it with the certainty that they would get immediate title and possession, which would ordinarily insure fair and reasonable prices, such as are usually had in partition sales, but which are rarely if ever had under foreclosure and execution sales.

BANKS.

I understand that it is one of the purposes of this Association to advocate such amendments to the law or the enactment of such additional laws as shall be in the judgment of this Association for the public good. One of the most important business institutions in our State is the bank. We have the National bank licensed and regulated by and under the laws of the Federal Government; the State bank licensed and regulated by and under the laws of the State of Illinois; and the private or co-partnership bank. Banks operated under State or Federal charters are required by law to make frequent reports to the government under whose laws they are organized, and are subject to examination by the representative of the Federal or State government, as the case may be. They are

required to have a certain specified capital paid in cash; no loan can be lawfully made which is in excess of a stated per cent. of the capital of the institution making the loan. They are required from time to time to make public advertisement of the condition of their affairs. While some of the conditions imposed not only by the Federal laws, but by the State laws, are burdensome, yet they have proven to be of great value in the conduct of banking institutions and have been a source of great security to the public. Private or co-partnership banks in this State are under no restrictions whatever. There is no limitation upon the size of the loans which they may make. They are not subject to any investigation and are not required to report to anyone, nor are they required to publish any statement of their affairs. The laws of this State ought to be so amended or some law ought to be enacted which shall place private banking institutions under the same duties to report and advertise the condition of their affairs and subject to the same rights of inspection and investigation by the State authorities as are now applicable to State banks.

FUTURE OF ASSOCIATION.

This Association has accomplished a great deal since its organization, but it has not yet that influence and standing in procuring changes in existing laws and in the enactment of beneficial legislation that it ought to have. It has seemed to me that its strength and efficiency might be greatly increased throughout the State if it would adopt the plan of encouraging the organization of local bar associations in every county of the State, which local association should be directly affiliated and connected with this Association through some means to be provided in a general plan. In this way the Association, on questions of importance to the whole State, could, through the medium of its own machinery, create an interest and bring influences to bear in furtherance of any propositions that would be of inestimable value in working out the designs and purposes of its organization.

JAMES HAGERMAN.

ANNUAL ADDRESS.

WHAT OF OUR AMERCAN STATES.

JAMES HAGERMAN, of St. Louis.

Gentlemen of the Illinois State Bar Association:

When your committee extended the kind invitation to me to address you on this occasion, I asked them to assign me a subject, which they declined to do, assuming that I knew best what I would like to talk about.

I am not sure that they decided rightly. A busy lawyer is so often compelled to speak on questions which are not of his own choosing, that, through force of habit, it becomes hard to select a topic of his own. In his professional life, he deals with concrete, not abstract, questions. He spends his time in advising his clients, and in enforcing or defending their rights. The law, as practically administered, runs along broken contracts and violated laws. To the lawyers the people come, some to seek justice, some to evade it, some to inflict the opposite, some to invoke the strong arms of the governments in their behalf, some to defend themselves against wrongful governmental charges, and others, an unwilling group, to expiate offenses.

In casting around for a subject, I could not be unmindful of the body I was to address. Within the last thirty years, there has come into our American life an array of associations, composed of lawyers, jurists and law teachers, unique in the previous history of the world, built along the line of our governments, local, state and national, and known as bar

associations. They have already reached the eminence of a system which is destined to a greater growth in the future, and which, I trust, will endure so long as our free institutions last.

Of this system, our American Bar Association is the central sun and the various state bar associations fixed planets of varying magnitudes, of which the Illinois State Bar Association is one of the largest.

So successful have been our bar associations, such great interest have they aroused, that I am glad to note that a movement is now on foot and well under way to establish an International Bar Association, which will embrace the lawyers of the civilized world, bringing them all in touch with each other, and built upon the plan, with respect to the nations of the earth, that the American Bar Association sustains to the bar associations of our various American States.

Gentlemen, speaking, therefore, as I am, to one of the greatest of the American State bar associations,—standing in this presence where, during the thirty years' life of your association, have stood Anthony Thornton, O. H. Browning, John A. McClernand, David McCulloch, E. B. Sherman, C. C. Bonney, W. L. Gross, David Davis, B. S. Edwards, M. W. Fuller, E. B. Green, Thomas Dent, E. Callahan, James B. Bradwell, James M. Riggs, Lyman Trumbull, Samuel P. Wheeler, Elliott Anthony, John H. Hamline, Alfred Orendorff, Benson Wood, Jesse Holdom, John S. Stevens, Murray F. Tuley, Charles L. Capen, and Alton B. Parker, and performing the same duty that they each in their respective years performed,—it has occurred to me that I could spend my brief time perhaps profitably in touching upon the momentous question which confronts the American people to-day, What is to Become of Our American States?

It is a question which has been and is uppermost in my mind, especially since, in recent years, the lurid lights of the

federal power have been ablaze along the horizon of our Republic in such a spectacular way, obscuring, if not obliterating, the powers and rights of the States. It is a question concerning which many serious minded people are deeply anxious; many think the fate of our American States is trembling in the balance. Like others, I am solicitous, though not without hope that the American States will be preserved in their ancient vigor.

There never has been a time in the history of our country, however, when it was more important than now that our lawyers, jurists, judges, and law teachers should well consider and reconsider the fields of federal and state jurisdiction in the exercise of governmental powers. It seems strange that anyone should want to see our dual system of government, national and state, destroyed. Yet it is surprising to learn of the number who assume to believe that the States have outgrown their usefulness and are of minor consideration. It took many years, after the American Revolution, to firmly establish the National government. The Articles of Confederation proved unstable and insufficient, and only after the labors and trials of our forefathers had planted the federal Union upon the firm basis of the federal Constitution, did it assume strength; and afterwards, for a long time, was threatened with dissolution, until its permanency was finally determined by the Civil War.

Do not misunderstand me. I would be the last to deny to the federal government any of the powers, express or implied, granted by the Constitution or its Amendments; though I may not believe all are required to be put in motion, for too much government may lead to bad government. In practice, the growth of the federal power, since the adoption of the Constitution, has been marvelous, and in later days has gone forward, and is now going forward, with tremendous strides.

After the discovery of America and the settlement of the European colonists upon her soil, the greatest event in the history of our country was the result of the French-English war upon the plains of Quebec, which determined that our laws and civilization should be those of the Anglo-Saxon race; the basic principle of which was local self-government, guarded by a proper central authority.

The next controlling event in our history was the union of the American colonies in the Continental Congress, to defend their right of self-government and to resist the aggressions of Great Britain.

Then quickly followed the Declaration of Independence, whereby it was solemnly published and declared,

"that these United Colonies are, and of right ought to be free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that as free and independent states they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor."

In 1777, the year following the Declaration of Independence, while the War of the Revolution was being waged, these thirteen states, which had declared their independence, striving for a perpetual union, adopted the Articles of Confederation, in which they declared that the style of the Confederacy should be, "The United States of America," and that each state should retain its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States, in Congress assembled.

By these Articles, the States severally entered into a firm league of friendship with each other, for their common defense, the security of their liberties and their mutual and

general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any pretense whatever.

The Articles of Confederation having proved too weak; the government thereby created having no executive or sword, no power to levy taxes, no treasury, and no judiciary; a stronger federal government was needed, and hence the adoption in 1787 (in effect 1789) of the present Constitution of the United States, which was ordained and established to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

A most marvelous extension of the area of the United States has occurred since the adoption of the Constitution. Indeed, before its adoption, the federal government had entered upon a career of state building, for, Virginia having made her cessions, the Northwest Territorial Ordinance was passed by the Congress under the Articles of Confederation, providing for the peopling and government of that territory and for the ultimate formation of five states of the American Union therefrom, and from which subsequently the States of Ohio, Indiana, Illinois, Michigan and Wisconsin were created. Afterwards other cessions were made by the colonial states south of the Ohio, notably Virginia, North Carolina and Georgia, from which new states were created. Then came the acquisition of Louisiana, the Spanish and Mexican cessions, the admission of Texas and the discovery of Oregon.

There was a solid reason for the extension of the field of federal control over the internal affairs of the Union, arising out of this growth of the country. The inhabited and civilized portion of the thirteen states which adopted the Constitution, was originally comparatively a narrow strip of land along the Atlantic Ocean. The federal Constitution was based on the

theory of territorial expansion, with a view to the admission to the Union of new states with all the rights of the original states. The aggressive policy of the federal government from the first was to build new states and incorporate them into the Union. Lands to the west were secured by cessions from the original states, and by treaties with Spain, France, Mexico and England, until the territorial possessions of the United States extended from the western boundaries of the original states westwardly to the Pacific Ocean, northwardly to Canada and southwardly to the Gulf of Mexico and the Republic of Mexico. Of all this vast area of country, Texas alone was never a territory of the United States. From the Republic of Texas, she passed at once to the Union of States without undergoing the probationary territorial period. Over the area of our territories, the federal power alone extended and was supreme. These territories were without the limits of any state, and within the territorial area no state had jurisdiction. In them the federal power waged the Indian and foreign wars, determined the disposition of the public lands, established the courts, provided the legislatures and governors, enacted the laws, and executed all the authority of a sovereign, unchecked by state authority. Wisely, however, and pursuant to the policy of the framers of the Constitution, this territorial area was gradually narrowed by the admission of new states clothed with all the authority of the original states. When a new state was admitted, the large power of the federal government was displaced, and the authority of the new state government was enthroned.

Around these proposed new states, the question of party politics raged for many years. In them centered the policies regarding the extension or prohibition of slavery. Touching them, the great political battle of 1860 was fought and the Civil War brought on. We all know that they were territorial questions that brought about the great debate between Lincoln

and Douglas in your State, and made each the candidate of his respective party for President. Generally during the controversy whether these territories should be free or slave soil, a spirit of compromise was abroad in the land, and whenever a northern territory was admitted to statehood, a southern territory was likewise admitted, to preserve the balance of power between the sections.

On all these questions concerning the territories, the federal power was necessarily always in evidence. Armies were marching across the territories to fight the Indians and to preserve peace, and the federal courts and marshals were everywhere, in the territories and states, enforcing or attempting to enforce the fugitive slave law.

When the Civil War came, the activities of the federal power necessarily became almost universal and predominant throughout the states as well as territories. Then followed the reconstruction period and the attempt to make of the southern states provinces instead of states, which came to naught under the decision of the Supreme Court of the United States, speaking through Chief Justice Chase, in Texas v. White, 7 Wallace, holding that the rebellious states had not lawfully seceded, and that our governemnt was an indestructible union of indestructible states, followed by the sober judgment of the American people against the radical unconstitutional reconstruction policies which had been proposed.

A recent historian (see Mr. Frederick Trevor Hill's "Lincoln the Lawyer," in the May "Century") says:

"On the 11th of April, 1865, only four days before his death, Lincoln spoke of the work still uncompleted. It was the hour of countless legal questions concerning the status of the seceded States, all based upon the inquiry whether they were still in the Union, or out of it, and hot discussions on this delicate point were carrying the disputants far afield. The great advocate, however, waived the quibbling issue aside and passed directly to the heart of the case.

" 'That question,' he remarked, 'is bad as the basis of a controversy and good for nothing at all—a merely pernicious abstraction. We all

agree that the seceded States, so-called, are out of their proper relation to the Union, and that the sole object of the Government, civil and military, in regard to those States is to again get them into that proper relation. . . . . Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad. Let us all join in doing the acts necessary to restoring the proper practical relations between these States and the Union, and each forever after innocently indulge in his own opinion whether in doing the acts he brought the States from without into the Union, or only gave them proper assistance, they never having been out of it.'"

So the view of Mr. Lincoln was, that after the War the States were to assume their old time relations to the federal Union, modified only by such Constitutional amendments to be made as provided by that instrument.

After the practical failure of the Congressional reconstruction acts, following the Civil War, to impair the rights of the States and to augment the powers of the federal government, except so far as justified by the Thirteenth, Fourteenth and Fifteenth Amendments, there seemed, for a time, to be no disposition on the part of any considerable portion of our people to augment the National powers, even where justified by the Constitution.

During recent years, and down to the present time, there has been a series of successive acts of Congress widely extending the field of the federal powers. Whether all are justified by the Constitution, I shall not attempt to discuss; whether all are wise I shall not assume to express an opinion. I am only noting the drift and the tendency.

Among these acts are those establishing the Departments of Agriculture and of Commerce and Labor, with their various bureaus, notably the Bureau of Corporations; those regulating railroads and telegraphs engaged in commerce, interstate and international; the anti-trust laws, including the Sherman Act; those affecting the equipment of cars and locomotives of carriers engaged in interstate and international commerce; those preventing the exportation of diseased cat-

tle, and providing for the extirpation of their contagious diseases; those acts and treaties acquiring our Island possessions, and the various tariff acts, with protection to American industries and labor as their corner stone. All of these acts, and more, have been in the direction of the extension of federal control. During this period, there were few acts of consequence which I can now recall diminishing or restricting federal power, except where territories were admitted to statehood and thus subjected to the control of State laws and taken from under the control of Congress.

During the session of Congress just adjourned, bills to cover a wide range of legislation, such as the prevention of over-capitalization by corporations, the limiting of hours of labor of railway employes, limiting injunctions against labor unions, protection of animals and children throughout the United States, securing of uniform divorce laws, regulation of insurance and insurance companies, were urged, but none of them was passed. Acts were passed regulating railway rates on interstate commerce, prescribing employers' liability in interstate commerce transactions, regulating the inspection of meats transported as interstate or foreign commerce, prohibiting the manufacture of impure, adulterated or misbranded articles of food or drugs in any territory, including the insular possessions and the District of Columbia, and prohibiting the introduction into any State or territory of such articles.

Here, again, no proposition was seriously made or acts passed limiting the field of federal power, except the act providing for the admission of Oklahoma and the Indian Territory as one State and New Mexico and Arizona as another.

To-day, within the area of the states, the only powers which the federal government can exercise are those within the leaves of the Constitution, and they are the powers expressly or impliedly granted to Congress, the President, and

to the courts, the three departments of government, legislative, executive and judicial.

The powers granted to Congress are:

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcy throughout the United States.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post-offices and post-roads.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish felonies committed on the high seas, and offenses against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all

places purchased, by the consent of the Legislature of the state, in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and all other needful buildings.

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof.

The powers of the President are:

The President shall be commander-in-chief of the Army and Navy of the United States, and of the militia of the several states when called into the actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall recieve ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

The judicial powers are:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The powers denied to the United States are:

The privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

No bill of attainder, or ex post facto law, shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state.

The first eleven amendments to the Constitution are either restrictions upon or denial of powers to the United States. They are:

1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

2. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

3. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

4. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

5. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in active service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

6. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

7. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

8. Excessive bail shall not be required, nor excessive fines imposed; nor cruel and unusual punishment inflicted.

9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

10. The powers not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

11. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

The Thirteenth Amendment abolished slavery within the United States or any place subject to their jurisdiction.

The Fourteenth Amendment made all persons born or naturalized in the United States, and subject to the jurisdiction thereof, citizens of the United States and of the State wherein they reside. It prohibits the States from making or enforcing any laws which shall abridge the privileges or immunities of citizens of the United States, and likewise prohibits the States from depriving any person of life, liberty or property without due process of law, or denying to any person within their several jurisdictions the equal protection of the laws.

The Fifteenth Amendment prohibits the denial of the right of citizens of the United States to vote, by any action of the United States or any State, on account of race, color, or previous condition of servitude.

The powers denied to the States are:

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of Congress, lay any imposts or duties on imports or exports, except that may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No state shall, without the consent of the Congress, lay any duty

of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delays.

The recent act of Congress, in providing for the admission of two New States, Oklahoma and the Indian Territory, as the forty-sixth State, under the name of Oklahoma, and New Mexico and Arizona as the forty-seventh State, under the name of Arizona, marks an era in the history of our Country of great importance. When these new States are admitted, we will indeed be a Continental Republic of States, in the form of a parallelogram, extending from Washington to Florida and from Maine to California, comprising an area of contiguous territory over every foot of which the power and jurisdiction of the States will extend, except the District of Columbia, and such other places purchased by the consent of the legislatures of the States in which the same shall be, for the erection of forts, magazines, and arsenals, and other needful buildings, as provided by Section 16 of Article I. of the federal Constitution.

We will thus be rid of all adjacent and border territory; questions touching which have occupied so much of the attention of our National Congress and National officers since the beginning of our government.

Within this vast area, there will be no longer room for the exercise by the general government of those powers which it has heretofore exercised over territories,—powers which were supreme, except as limited only by the federal Constitution. Hereafter, our outlying territorial possessions, until we come to take Canada and Mexico, will be far removed, and will not be connected with the administration of the affairs of the States, in the sense of those questions relating to the territories which lay upon the border of, or were adjacent to, the States, in the olden time. Alaska is removed more than a thousand miles from the border of the nearest

State, while our other possessions are islands of the seas. No immediate question of statehood will concern us as to these territorial possessions. We will have time to build territorial policies to meet the exigencies of coming times. The very separation in point of time and distance of these territorial possessions from the States themselves will prevent a confusion of powers, separate State questions from federal questions, in a sense that they have not heretofore been separated, and remove grounds of dispute which have heretofore existed. It will enable us, let us hope, to more clearly distinguish the different powers and jurisdictions of the federal and State governments.

By the treaties with France as to Louisiana Territory; with Spain as to the Floridas; with Mexico as to California, New Mexico and Arizona, we were pledged to admit the acquired countries into the Union of States.

We are not pledged by treaty to admit Alaska and our insular possessions.

There is no immediate demand for their admission, and they will doubtless undergo a long territorial pupilage. The point I wish to enforce is, that thus the territorial questions of the future will be more distinct propositions, aside from State questions, than they have heretofore been. Within the area of the States, the federal power to be exercised will not be its power over territories, but within the States themselves.

It must be borne in mind that it will be the voters of the States, those created by the States and whose qualifications are prescribed by the States, who will choose, directly or indirectly, the federal officers and determine federal policies. This power of the States to choose is the supremest of powers.

The lower House of Congress shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch

of the State Legislature. The Senate of the United States shall be composed of two senators from every State, chosen by the legislature thereof for six years, and each senator shall have one vote. It may be that this clause will be soon amended, by providing that the senators be chosen by the people of each State.

The President is elected by electors, appointed in such manner as the legislatures of the respective States may direct, equal to the whole number of senators and representatives to which the State may be entitled in Congress. The President thus chosen, with the advice and consent of the Senate, appoints ambassadors, public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointment is not otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments; and the President has power to fill vacancies until the next session of Congress.

Thus, in the last analysis, all the official organism of the federal government is dependent upon the will of the voters of the States, whose qualifications are alone prescribed by the respective States, with only the single limitation that no State shall deny or abridge the right to vote on account of race, color or previous condition of servitude. For instance, the States may prescribe the age and other qualifications of the voters, but cannot discriminate between them on account of race or color. If manhood suffrage is given, all male citizens of whatever color or race must be treated alike; should the right of suffrage be conferred upon women, all women, regardless of color or race, must be embraced.

With the line of cleavage drawn between the federal power as it applies to territories and in its application to the States of the Union, will not our people see more clearly than they ever have seen, the difference between the federal and

the State powers as applied to the States? Will it not be more difficult for a party to grow up in this Country in favor of the abolition of state lines and the creation of a centralized government in which this vast area of country, presently to be comprised in the forty-seven States of the Union, will be converted into provinces?

When we speak of our American form of government, we mean the government of the United States and the governments of the various states. These governments have been said to be like the centripetal and centrifugal forces in nature. There have been two heresies affecting them, one that of centralization and the other that of secession, and if either had prevailed, then our American form of government would be different from what it is.

The heresy of secession went down in the smoke and shock of battle; that of centralization still confronts us, and remains yet to go down through the verdict of the American people, to be acquiesced in like their judgment against secession, and then, and not till then, will the government as planted and nurtured by the fathers be secure.

The States are vital parts of our American government. They have to deal with the fundamental questions of our social life; they protect our people in their lives, their liberties, their reputations and their property; they determine and guard all our titles; they provide for the descent and distribution of our estates; they regulate our wills; they register our births and deaths; they protect us during our sleeping and waking hours; they watch over our habitations and homes; determine our marriage relations; protect and enforce our contracts; they guarantee to us religious freedom,—the right to worship God according to the dictates of our own consciences; they rear our school houses; and they protect the resting places of our dead, the willows that weep for our departed and the evergreens that point to the realms of immortality.

The federal government, on the other hand, stands for our people and our States against the outside world; discharges all our international obligations and duties; governs and controls our territories; preserves peace between our States; administers justice between the States and between the citizens of the different States; and controls and regulates our international commerce and commerce between the States, and various other matters of national as distinguished from local concern, enumerated in the federal constitution.

The line of demarkation between the powers of the federal government and those of the States, is sufficiently defined to enable us, for most practical purposes, to distinguish them. As illustrated by the conflicting opinions of the courts and judges, and the opposing views of political parties, there are many questions which are in dispute, lying along the border line. Yet there is a sufficient consensus of opinion as to the meaning of the federal Constitution respecting governmental powers, to serve the patriotic purpose of preserving the unity and strength both of the federal government and the State governments.

The tendency which we have to fear in the future is the encroachments of the federal power upon the powers of the States. To resist this tendency, it seems to me, is the duty of the lawyers of the country. We are sworn to obey and uphold the federal and State Constitutions alike. There is no longer any serious danger that the states will successfully encroach upon the federal power, for that represents the power of the combined constituency of the States. The States, however, so far as their rightful powers are concerned, should be guardful of the rights of each other. Our profession should henceforth be as careful in pointing out the unconstitutional measures of the federal government as they have been in challenging similar measures in the States. My hope for the future of the States is, that the people of this country, guided

by their statesmen, their jurists, their bench and bar, will more clearly than ever before see and observe the divergence of powers between the federal and State governments, as defined by the federal Constitution. If there be needed amendments to the federal Constitution, either extending or limiting the federal power, let them be made as prescribed by the Constitution. Let there be no revolutionary construction to augment the powers of the federal government at the expense of the States. As I have already shown, our federal government is soon to be a Continental Republic, with an unbroken cordon of forty-seven States, extending from Ocean to Ocean, bound together by a common interest and linked with a common destiny. The voting constituency of these respective States determines the official organism of the federal government; for they, and they alone, elect the congressmen, senators and the President; and the President and Congress in turn appoint the corps of officials, including the judges. This Continental Republic of States in turn, through their federal government, governs, subject only to the Constitution of the United States, the outlying territory of Alaska and the insular possessions of Hawaii, Porto Rico, Guam, Samoa, the Panama Zone, and the Philippines.

Professor Bryce, in his American Commonwealth, says, the American States, their history, their constitutions and laws, and their institutions, exceed in interest those of the United States itself; that so little has been written about the States, and so much about the United States, that foreigners know but little of the States. We can assure Mr. Bryce that the Americans care much for their States, and their affections go out to them as much as to the Nation itself.

To the philosophic minded American, there is a charm in the difference between the States, their laws, constitutions, institutions, and even their prejudices and provincialisms, just as there is a charm in the variety in the topography, climate, productions and industries of the States. This

divergence is, in many ways, more desirable than a dead and unbroken uniformity, just as a landscape of mountain, lake, valley, forest, river and plain is more enticing than one of unbroken prairie or forest.

If the question were put to the people of any State of the Union, whether it should be merged with some other State, or be subdivided into two or more states, there would, I doubt not, be an almost, if not quite, universal consensus of opinion in every State against either proposition. Not one of the New England States would permit itself to be added to the Middle States; nor would Texas, though it has the reserved right to do so, permit itself to be subdivided into other States.

Each State, with its history and traditions, with laws and institutions adapted to its conditions and wants, stands forth in generous rivalry with the others for excellence in government; and, let me add, with a common and undivided loyalty to the Nation. No State would consent to have the star which represents it in the National flag erased, nor its coat of arms or seal destroyed.

I am reminded of a pretty story which Judge Phillips, of the United States District Court for the Western District of Missouri, tells of a civil service examination held in his District, where one of the class, a big, strapping, gangling boy was asked, "Are you a grammarian?" and he replied, growing about three-feet taller as he said it, "No, damn it, I am a Missourian."

So it will be found all down the line of the American States, a local pride and love on the part of the people for the State in which they live.

In the discussion of the relative powers of the federal government and the States, great injustice has been done the States by much use of a narrow phrase, in which the governmental powers of the States are spoken of as the

police powers of the States. I do not know who originally invented that phrase. It came either from a narrow, technical mind, or from some arch enemy of the States. The proper phrase to be used in all such questions is "governmental powers." What are the powers of the federal government? What are the powers of the States? Some of these powers are exclusive in the federal government; some exclusive in the States; some are concurrent in both governments. Where, in the exercise of the powers, there is a conflict, the powers of the federal government prevail. In all cases, the question is one of governmental, not of police, powers. The phrase "police powers," as attempting to define governmental powers, dwarfs and minimizes the issue.

The federal government will and should control commerce between the states and foreign nations; its power rightfully extends to the reasonable control and improvement of our interstate and international rivers, lakes and seas; to the fair regulation of interstate and international highways, whether railroad or earthroad; to the gathering of information from all sources, on all topics, to better enable the nation to discharge its Constitutional duties. It rightfully covers the regulation of commerce between the States, with foreign nations and with Indian tribes, to the end that commerce be made free and be not obstructed. Free, like the winds; free, like the currents of the river rising in the mountain springs and flowing unvexed to the sea; free from the interference of the States; free from strangling monopolies of every form; and, above all, free from the unnecessary and tyrannical exactions and restrictions of the federal government itself. Commerce, however, as used in the Constitution, refers to the physical movements of men and things, in trade and exchange, in passing from place to place, and not to every character of business.

Gentlemen, if the time shall come when the integrity of the States, their powers and jurisdictions over their domestic affairs,

the lives, liberties, properties and business of their peoples, shall be unduly invaded by the encroachments of the federal government, with its bureaucratic and autocratic administrations, there will awaken a power like that which came to the rescue of the federal Union when its integrity and life were assailed. When that time comes, these American States, composing this Continental Republic of which I have spoken, through their voting constituencies, which are created by and whose qualifications are prescribed by each State, will stand as a unit for the preservation of the States, each and all of them; and there will be no sectional divisions, as there were over the slavery question, to draw the States apart: and the mandate will go forth from the States choosing the official organism for the federal government, calling to power men whose first duty will be to see that the inherent and inalienable rights of the States are respected and preserved. In this way, a great nation, which will preserve its own autonomy and that of the States, and which will be doubly strong from the fact that it does not seek to draw unto itself power not belonging to it, and does not intermeddle with that which does not concern it, will be established, maintained and perpetuated.

WILLIAM R. CURRAN.

SPECIAL ADDRESS.

THE LURE OF GRAFT AND THE METTLE OF ITS CURE.

WILLIAM R. CURRAN, OF PEKIN.

Mr. Chairman, Gentlemen and Ladies of the Association: I was somewhat at a loss when the Committee requested me to write a paper on this subject. I supposed that the proper person to write a paper of this kind would be a grafter, who would have a practical acquaintance with the subject. I inferred, after consideration, however, that, as my residence was near the center of the State, and in a locality practically next door to the city which is the home of our honored President, they concluded my opportunty for observation was good and for that reason asked me to write the paper. (Laughter and applause.)

Human language is wonderful in its elasticity, power of growth and adaptation of old forms of expression to new ideas. In the old time it was said, "A word fitly spoken is like apples of gold in pictures of silver." The picture may remain unchanged, but the golden apples of yesterday, in the picture, may stand forth today laden with a wider, richer and more complete largeness of meaning.

Slang is one of the formative processes of language, in which new words are formed to express new ideas, or old words broadened in expression to convey new meanings.

No definition of the word "graft," giving it the meaning that has been generally current for the last half decade, can be

found in any standard authority. Its meaning as it has heretofore been understood in the language has been most harmless and pastoral in its character.

"A small shoot or scion of a tree inserted in another tree as the stock which is to support and nourish it. The graft and stock unite and become one tree, but the graft determines the kind of fruit. The figurative meaning was something inserted in, or incorporated with another thing to which it did not originally belong, an extraneous addition."

A grafter was one who inserts scions of foreign stocks; one who propagates trees, shrubs, vines and fruits by grafting. There was in the meaning of this word the innocence and sweetness of the old orchard with its wealth of bloom and golden fruitage, and the odor of the big red clover that grew between. It bespeaks of the harmless art that wooed the wild olive and the crab-apple from the wilderness, and trained them to yield abundant crops of luscious fruit; blessing the hand that gave and tended, as well as the hand that received.

Who can account for the trick of the mind of men, that almost instantaneously, without preconcerted action or discussion, should add to the meaning of so good and wholesome words such sinister freightage of dark and ominous import, and use them to express crimes and misdemeanors, the just punishment of which rob free men of their liberty and drive honored senators of the republic into obscurity and disgrace? A paragraph here and there, a scare headline in the press, a song in light opera, a sentence on the hustings, the cry of the throng, and the work is done. These new and pregnant meanings to old words are concurred in by all who speak the language, and the phrase that but yesterday may have been a compliment is today ground for an action of libel and a challenge to battle.

In this new sense, that the makers of dictionaries have not yet recognized, which fact is but proof that they do not keep pace with the growth of the language, a grafter is one who

violates a legal or moral duty, public or private, for gain. This may apply with equal force to a United States senator, the governor of the State, a highway commissioner or a petit juror who violates his duty for gain. The consequences in the latter instances may not be so far reaching or important, but the crime is just as vicious; in either instance the offense is rank; it smells to heaven.

Graft is the price or gain received or given for the violation of that public or private duty. It may also express the schemes and methods whereby illicit gain can be had by the violation of duty, and grafting is the act of procuring or inducing one charged with a legal or moral duty to violate that duty to the profit or advantage of the one inducing the improper act or violation of trust; or, on the other hand, it may be the act of one charged with a duty who allows himself to be induced to violate his duty, public or private, for his own illicit gain. So the one violating the duty is a grafter, and the one procuring the duty to be violated is also a grafter, and this is true whether the person involved is a natural or an artificial person; a human being with a soul and conscience, or a corporation without either.

The illicit gains that may be acquired by grafting and which fall within its ban are direct and indirect. They are direct and most palpable when they pass immediately from the hand of one grafter to the hand of another through the graft as the price of violated duty.

They are indirect when they do not pass immediately from one grafter to another, but when a third party, on account of ties of blood, party, church, school, college or social relation, receives the benefits of that violated duty. These gains may consist of cash or its equivalent, stocks in corporations, awarded contracts at either fair or unfair prices, rebates, increased business or employment either professional or commercial, appointment to office, assessments on the salaries of such officers after their appointment, untraveled mileage, the

price of a vote at the ballot-box, political or social influence, or any other thing counted of value which may tempt a man to violate his duty, public or private; or that any individual, natural or artificial, may be willing to give as the price of a duty violated or neglected, as the price of an improper advantage or special privilege.

This thing that we call grafting is not new. It is as old as the history of the human race. The only new thing about it is the name we moderns have given it. The first reported case is that of Esau vs. Jacob, found in an ancient set of reports that are not frequently cited in the courts. The record in this case shows that the defendant, Jacob, was a "smooth man." In fact, he admits that in the record. He is the first grafter to do this. All grafters from that day to this have been and are smooth men. The judgment entered in that case was that the defendant, Jacob, was a supplanter. Every grafter since his day has been, to a greater or less degree, a supplanter. He also confessed that he was afraid of his brother, Esau, after he had grafted him out of his birthright, and in this all the covey of grafters are like him. They are all physical and moral cowards. This case also establishes another remarkable similarity between the ancient and modern grafter. Jacob retained all the advantages he gained from his brother by graft, followed up that advantage by monopolizing the entire stock business of Laban, his father-in-law, and was then by fear compelled to use a large part of his gains got by grafting to buy protection from his wronged twin brother, who was preparing to force him to trial, by battle, on the issue joined between them. Judas Iscariot was a grafter, the thirty pieces of silver and the betrayal of the Nazarene his graft. His remorse to the point of suicide was but his just punishment, inflicted at the bar of his own conscience. He was not the last grafter to suicide.

The present condition of graft in this nation has appalled us. With fear we contemplate the future. The rising tide of greed seems to be undermining and submerging some of the

old landmarks that our fathers have set. The moral standards that we have deemed as fixed and eternal appear to be crumbling. Many men of honored names, who have stood for a lifetime as the exponents of honesty, integrity and manhood, have been unmasked and revealed to their fellowmen as grinning skeletons of deception, fraud, dishonor and treason to every interest and every trust that we hold dear.

This unmasking has gone on with such feverish haste, the mantle has been torn from so many frauds, so many have toppled from their pedestals that we have commenced to look about and inquire if there are many men left who are honest, who have been faithful to their trust, who have the funds intact for which they are trustees, who can honestly give a faithful account of their stewardship, who have not joined the throng of grafters. We have suddenly come to think that graft is the crying sin of the age.

Graft is not the disease that is gnawing at the vitals of the nation. It is only one of the many symptoms of that disease. The real vital disorder is materialism, the worship of the things of sense and the death of our ideals. We have set up false standards of value; for patriotism, love of home, kindred and native land, we have put up the love of wealth; for love of honesty, integrity, duty and virtue, we now love the almighty dollar; instead of our love for our fellow man, his mental and moral acquirements, his stature as an image of his Creator, we love the things that he hath—his lands, his houses, his cattle, his stocks, his bonds, his money, and all things that he has accumulated. In our blind worship of the material the mere fact that he may be a dolt, a scoundrel or a degenerate is of no great moment, we are loyal to our idolatry of the material, be he prince or clown. Goldsmith has well stated our condition:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay."

The accumulation of honest wealth is not in itself an evil;

but the source of much strength and good to the nation and her people. Wealth is essential to the growth, education, training, development and strength of a people. It is as essential as the shell of an egg to the development of the life of the bird, but as the living bird is more than the shell, so is the life of a man more than the things that have sustained his life. The bird hatched from its shell does not worship the broken house from which it is liberated, but with spread pinions soars toward the sun, and gives thanks for its life in untutored song; but man is prone to love and worship the source of his life that he can see and that is material rather than the spiritual that he cannot see and is only spiritually discerned. The decay of man and not the accumulation of wealth by honest means is the menacing evil. "Gold glitters most when virtue shines no more."

Within the brief space of forty years our ideals have almost entirely changed. Then we loved liberty. It was the breath of our nostrils. The free man was our standard of value. We worshipped in the temple of Mars then and not in the temple of Mammon. To make it true that all men were born free, we marched our sons to the sacrifice as to a banquet. They went gladly because they were men, ready and willing to die for the liberties of their fellowmen, and to preserve the integrity of the nation that was more to us than the land upon which it was built and the houses in which we dwelt.

Since then the pendulum of thought has swung away to the other limb of the arc, and the sons of the men who made that magnificent sacrifice to liberty and the nation are worshipping in the temple of Mammon, and many have gone money mad. The only standard of success that attracts the notice of these worshippers is the accumulation of things material. They do not ask what fields of knowledge has he explored? What has he done for his fellowman? What has he discovered? What can he do? What does he know? What is he? They ask but two questions. Has he arrived? How much has he got? To

them the means of accumulation is a matter of little moment; that he has accumulated is of the greatest moment. They deem him "On fortune's cap the very button." And call him a trust magnate, a captain of industry, a millionaire and suggest that he round out his career in the United States Senate, for the only reason that his name is Croesus.

"The lust of gold succeeds the rage of conquest;
The lust of gold, unfeeling and remorseless!
The last conception of degenerate man."

We need not think it strange that with our ideals abandoned and wealth esteemed, and the only good that man can acquire, that evil should abound.

"For the love of money is the root of all evil."

The love of money is not the weakness of the rich alone. Lazarus at the gate loved it with the same devotion as the rich man who was called to torment. The offense is not the love of much money, it is loving money at all. It is in loving a thing that is not worthy of affection. A man can as sanely love a cast-off garment as a spent dollar. Petrarch has well said:

"He who expends gold properly is its master,
Who lays it up its keeper, who loves it a fool.
Who adores it an idolater; the truly wise man
is he who despises it."

This applies to states and nations as well as persons.

The greatest of the Hebrew Judges, when he was old, made his sons judges over Israel. "And his sons walked not in his ways, but turned aside after lucre, and took bribes and perverted judgment." And the Hebrew people cried, "Now make us a king to judge us like all the nations." Man was not created yesterday. He has met this condition before. Theocracies, kingdoms and republics have withered and died from this vital malady.

We need not marvel then when the symptoms appear after contagion. We can understand the lure and power of the thing that calls a United States Senator from honor and fame

to a lasting disgrace, or causes him to face the ignominy of a prison cell, or makes him welcome death as a substitute to a term in the penitentiary. We can understand why the presidents of great life insurance companies should direct into foreign channels the golden streams meant to alleviate the wants of the widow and orphan and to fight back the wolf from the door of famine and use it to purchase for themselves the robes of high priests in the temple of Mammon and to purchase banquets and the smiles of courtesans for their friends. It is well that disgrace can cover them with its sombre mantle and death welcome them into the silent house of forgetfulness. It is well that the living have removed their residence from their native land and the scenes of their degradation to the cities of Europe. We can thus explain why an educator of national reputation, of wide influence, with troops of friends and the envy of his fellows, should at one step pass from his exalted position to a felon's cell. We see it in the hand that beckoned to a minister of the gospel, eloquent of tongue and masterful of mind, who preached to the poor, and lured him to a suicide's grave. This is the snare that caught in its meshes the labor leader and friend of the workingman and put him in Sing Sing. It is the lure of graft that made a blacksmith the millionaire political boss of one of the great cities of the west and caused him to exchange the calloused, sooty hand of an artisan for the itching palm of a convicted scoundrel. It is the lure of graft that has honeycombed the governments of states, counties, townships, cities and villages and set a boss at every political center to levy tribute and determine what vice shall thrive, by dividing the spoils with him, and what shall not; to stand between the people and the government and say what laws shall be enforced and what ones shall be a dead letter; to stand between the government and the offender and say which shall be punished by the law and which shall not.

Graft puts its slimy hand on the shoulder of the municipal officer, and his oath of office becomes perjury. Graft beckons

to him and the duties he should perform become malfeasance in office. A remarkable characteristic of the disease is, that the man that can be relied upon to violate his oath of office is in many instances most certain of political preferment.

This is the way it works in one class of offices. Thomas J. Grafter has been elected State's attorney. His nomination was made with great care by men interested in having a safe man in that office. His chief recommendation for public office before the election was his inexperience and poverty. He was poor and of course honest. During his term of office the grand jury have found it not necessary to return true bills charging offenses, except in a few instances of flagrant violation of the criminal code of the grossest sort. There have been few informations filed in the County Court. It is noticed that the gambling houses run merrily on and the click of the slot machine is heard in the land. The saloons permit minors to frequent their precincts, in order that they may be properly rocked, in their infancy, in the cradle of liberty. As usual, they continue to sell to habitual drunkards. The disorderly houses are unmolested. During his administration he has grown in popularity and seemingly has accumulated wealth. His family walked when he went into office. They ride in a carriage now. They formerly lived in a rented house, but they have just moved into their new home on the shady side of Easy street; that he has been able to purchase during his incumbency in office at a salary fixed by law at four hundred dollars per year. He has grown in importance and popularity, and when he goes out of office the organ of his party will announce to the voters and citizens of his county that the Hon. Thomas J. Grafter was the most popular and efficient State's Attorney that the county ever had. You can put the setting of this scene either in the county of which Bird Center is the county seat, or in the county of which Cook Center is the county seat; it will fit the landscape equally well. Perhaps some of you may have met this popular gentleman. He is now a candi-

date for some more important place where the opportunities for a man of his peculiar qualities of statesmanship will be more fully appreciated. This condition exists. No man who loves his country and who has given the situation the most superficial examination will dare to deny it. This office is only one of many in which the trail of the serpent can be traced. The mayors of cities, the presidents of boards of trustees of villages, the police departments of municipalities great and small and executive officers generally in the various departments are emasculated by it.

The executive officers of cities and villages are selected with great care with an eye single to their pliability in the hands of their political bosses, and in many instances when removed from office for malfeasance by the judgment of a court of last resort, their violation of duty is rewarded and endorsed by a triumphant re-election to the same office. Their constituents do not seem to realize that an endorsement at the ballot-box of malfeasance in office, or violated pledges and oaths of office, is an endorsement of anarchy and subversion of all law. They do not seem to comprehend that a general disregard of the laws of the land by the officers appointed to execute them would mean an overthrow of the government and that a vote or voice for the non-enforcement of any law is but the vote and voice of treason to the government. Yet the ward boss and grafter and the follower of his lead put in their days and nights to bring about that dire result. All branches of the government are affected to some extent except the judicial, which so far commands the respect and faith of the people; yet the supreme court is compelled to exercise diligent care to prevent the inquisitive grafter from publishing its opinions before they are announced.

Notwithstanding the great sacrifices made to secure the right of suffrage for this people, there is widespread among the electors a lack of appreciation of the value of the right to vote, or its importance in free government. The spirit of materialism

has so grown upon them that there is a tendency to throw off and avoid the duties of citizens, to refuse to vote or give the matter of government the time, thought and attention it requires. The politician has patted the voter on the back until he now refuses to go to the election unless he is hauled there and hauled back. In many instances is unwilling even to ride, in a free carriage, unless his time is paid for. In addition to this the practice of purchasing the votes directly or indirectly of large number of electors, at general elections, has grown up, and the delivery of blocks of five, or blocks of any other denomination convenient for graft, has become a recognized occupation, not only of the citizen and patriot, but of the grafter and enemy of his country. By this means combinations of grafters, politicians and trust magnates are enabled to put into power their agents to serve their purposes and to subvert the proper ends of free government.

The corporation, in its original inception and intent, is not an engine of evil; its purpose and object was within proper scope and under proper restrictions to strengthen, widen and perpetuate commercial transactions and render their management more efficient. A corporation is like any other creature of government; it is as good and no worse than its creator. If a corporation is properly restricted by law, is managed by a board of directors, all of whom are honest, upright, conscientious men who would not permit the rights of another to be violated by their corporate strength; who would not knowingly and intentionally override the equities of a weaker interest, that corporation never will become a means of oppression, wrong or violated right. On the other hand, however, if a corporation is made up of a majority of stockholders or is managed by a board of directors a majority of whom do not recognize the rights of their fellowmen, who are not honest, upright and conscientious in their private dealings, who are willing to defraud their neighbors of their property, ruin their business by unjust and unfair competition, and use deception,

fraud and chicanery to injure them; are willing to enjoy stolen franchises and the fruits of padded balance sheets, unfair rebates and rotten lobbies, then that corporation and that combination will be as evil and sinister in its effect upon those not in it, with whom it comes in contact, as the combined wickedness of the men who compose it. The morals of corporate interests will be neither better nor worse than the morals of the majority of the men who control the corporation. The morals and ethics of a just corporation must be composed of just as high standard and governed by the same rules that the commercial morals and political standards of an individual or any combination of individuals, who are honest men. Unless corporations are governed on this principle they are a menace and a danger to the rights of all men with whom they come in contact or whose interest their interests contravene. By this standard and operated in this manner, ungoverned and unrestricted, corporate power is as dangerous to free men as William the Norman and his armored knights were to the progress of human liberty. The sword and shield of the feudal system were not one whit more fatal to the liberties of the ancient Saxons than the policy of special privileges gained by corporate power and trust combinations are to the individual rights of the modern American. The former made serfs of our Saxon progenitors, who were free men, and under its blight they became chattels and were conveyed with the soil. Corporate power in the hands of unjust, wicked men, if not restrained, will make menials and dependents of a large majority of the free citizens of this nation. One of the chief uses of corporate combinations lies in the fact that men who in their private capacity would not dare to wrong their neighbors or trample upon their rights are perfectly willing to participate in the profits of any corporate wrong doing without a shock of conscience. They use corporate power to do for them what they dare not do in person.

The offense of the accumulation of wealth by the added

strength of corporate combinations or trusts, or graft, or any other kind, cannot be atoned for by building libraries or endowing colleges or making large missionary gifts. You cannot violate the right of a man and then atone for that transgression by handing him a glittering bauble. Captain Kidd was kind to the widow and orphan, and poverty was relieved in many instances by his largess, yet he was a pirate and his bounty the result of piracy. The moral doctrine of David Harum to do unto the other fellow as he would like to do you, and do it fust, when used for entertainment in the pages of literature, will pass current with the smile that it creates, but when put in general, actual practice by the descendants of the horse trainer and trader in the management of the great Standard Oil company and kindred organizations of corporate capital, it becomes a menace to the nation.

Rockefeller, steel armored by hypocrisy and the doctrine of fore-ordination taught by his theology, plated with gold, the fruit of special corporate privilege and violated law, confidently defies punishment at the hands of his creator and his fellowman. This individual is representative of all that class of men who have sought to use the corporation for illegal purposes and to violate their duties to mankind and the nation. They have incorporated, combined and intrigued until that which was originally of benefit to commerce is subverted into an engine of oppression. The means for this to be done has been furnished by their victims. With the stupidity and endurance of asses the American people have stood idly by and permitted one State of the Union, for gain, to create artificial persons to go forth and despoil the inhabitants of all the other States, and allow the State creating that person to determine, by law, what shall be the governing limitations of its creatures in all of the other States. A natural person born in New Jersey, when he removes to Illinois or assays to do business there, must obey the laws of Illinois, and submit himself to the jurisdiction of her courts; but this artificial person created in New Jersey by

the fiat of the law may violate the laws of any State of the Union with impunity. We have repudiated the doctrine of States Rights and sealed that repudiation with the blood of the nation, but have fostered this false doctrine of State depredation by corporate power until it has become one of the most gigantic agencies of wrong and spoliation that modern civilization has seen. It is in the tall rank grass of the wide pasture, of this error, that the grafter has fattened and multiplied until he is like the stars of heaven for numerousness and the devils in the pit for ingeniousness.

We are come to the parting of the ways. This nation must once for all determine the question, shall Mammon or manhood be the dominant force in this government? Shall the dollar continue as king over the children of pride?

The evils that have come upon us in the years of our great growth and prosperity are the evils that every nation worthy of the name must meet. As prosperity is harder for an individual to bear than adversity and penury, so great industrial growth and development with its rapid accumulation of wealth are harder for a nation to bear than poverty and weakness. Honest wealth acquired in great quantities brings with it great responsibilities. Wealth acquired in great quantities by improper or unfair means at the sacrifice of the rights of competitors, brings with it greater and graver responsibilities. The vast majority of our people are patriotic, honest and moved by pure motives. They are determined to take the right course if they can learn where it lies. The men who founded this government, of the people, for the people, did not put their trust in the people in vain. Among the people there always have been and always will be good and evil; good men and bad men. The rock of our safety is the fact that the good men always have and always will be in the overwhelming majority. The body politic is in some measure diseased, but it has within it the vital, divine spark of life, with which it has met in the past all adversities; with which it can meet present and future

requirements. We are not ready here in the dawning of the twentieth century to say to the nations of the earth that our government, by the people, cannot survive. We are not ready to make the declaration to the world that there is any function of government that it cannot perform. We are not ready to say that the grafter, the trust, the combinations for rebates or any conspiracy to nullify the laws of the land are too strong for the government of the people, by the people, to cope with. This controversy is not one of the poor against the rich man. There are bad men that are rich and bad men that are poor. There are good men that are rich and good men that are poor. The individual who tries to incite the poor against the rich, or the rich against the poor, is a dangerous demagogue, to be shunned by all men who love their country. The line of demarkation and cleavage is between the good men and the bad men; the law-abiding men and the law breakers; the just against the unjust; the fair against the unfair; the honest men against the grafters.

Fear has been expressed that the outcry against graft was becoming hysterical, and that the muck rake was a detriment. The muck rake is only detrimental to the muck. No honest man, no law-abiding man, no just man, no fair man, no honest, clean, lawful business, however profitable, need fear the muck rake. No man, business or interest need fear, except the muck of graft and the grafter in the muck. The muck rake is its own justification. So long as it turns up muck we need the rake. So long as the grafter survives and his graft is known, he must feel its harrowing tooth. He must stand at the bar of public opinion and be judged whether or not he is guilty of conduct unworthy of an honest man. He can rest assured that unless his righteousness shall exceed the righteousness of the mere letter of the statute he shall in no wise be considered an honest man.

Mr. James Brice, in his most excellent treatise on "The American Commonwealth," says:

"Of all the experiments which America has made, public opinion is that which best deserves study, for she has shown more boldness in trusting it, in recognizing and giving effect to it, than has yet been shown elsewhere. Towering over Presidents and State governors, over Congresses and State legislatures, over conventions and the vast machinery of party, public opinion stands out, in the United States, as the great source of power, the master of servants who tremble before it."

In the light of the history of the last twelve months can we doubt the truth of these words? Can we doubt the power of public opinion in dealing with offenses of this character? What has moved the long line of presidents, directors and agents of corporations, great financial institutions and colleges, who have resigned, died or gone to Europe within that time? Have they departed from their vantage and stronghold of a year ago as the result of the execution of the laws written upon the statute books alone? Or has the adverse judgment of public opinion driven them into seclusion?

The most reassuring sign of the time is the promptness and unanimity of the judgment of the court of public opinion rendered on the offenders as soon as the offenses came to certain public knowledge. There has been no dissenting opinion, except by grafters. There is always one element needed to make the jurisdiction of this court effective, and that is that the knowledge of the facts shall promptly become known to the general public. No nation has ever been better conditioned than this to gain that public knowledge through an efficient press.

Graft and grafters can thrive only in secret. The darkness is their breeding ground. Publicity is their poison. The sunlight their death. They have thrived, fattened and multiplied for many years. Their effect is like that of an electric current by electrolysis on a steel tower. Day by day the deadly current, under cover of the darkness and dampness of the earth, eats away the trusses and braces of the structure, robs them of their life and strength until the vital member ceases to perform its function, when the whole structure collapses in ruin.

If we would save the structure, we must apply the remedy with a steady and determined hand. The secret currents from grafter to grafter must be exposed and cut. The corroding influence in the body politic of the electrolysis of graft must cease. The currents must all be made to flow overhead, in the open, where the public eye can see that they are clean, honest and true and do not corrode the foundation of our national life.

Our people must restore the doctrines of an earlier time; the ideas of a simpler and truer life must be re-established; we must know that the only safe foundation of the government is truth, and we dare not substitute anything else in its place. The present generation and their children must realize and know the truth that a free man is more than a dollar or any multiple thereof. They must realize and live the truth as a nation, that his rights are more sacred than the rights of property. The nation must turn its back upon the idolatry of materialism and learn again the ideals of her youth. Her schools and colleges must free themselves from all connection with graft and grafters, and teach the ideal that an honest man is not only the noblest work of God, but necessary in the foundation and preservation of the republic.

The citizen must cease his mad chase of the nimble dollar long enough to realize that he owes a greater duty to the State, to see that his portion of the burdens of the government by the people are borne by him in person and not delegated to the politicians of his precinct. The citizen who sells his vote should be disfranchised and the citizen who neglects the duties he owes his government should be punished by the State until he is willing to perform those duties.

The people of the nation must govern it in fact as well as in theory, or the experiment of republican government will fail for the last time. The townships, villages, cities, counties and states must enforce the laws as written in the statutes of those states and ordinances of those municipal corporations.

If laws are not just or practicable, their enforcement will reveal the fact. If they have been enacted unwisely, or are unpopular, the executive power must enforce them until they are repealed. It is suicidal for the State to allow a law to be nullified. It will not do to permit an ordinance of a municipality or a statute of a State to express on its face one standard of civic virtue and allow it to remain a dead letter in order that the citizen subject to it may live in accordance with another standard of civic virtue. When this is done the grafter has his day, and it will last as long as the executive power fails in its duty of executing the law.

The corporation in its creation and management must be brought into subjugation to the law; it must be the servant of the people and not their master. It must be so governed as to protect the rights and liberties of the citizen as well as safeguard the interests of the stockholders and managers.

The law, federal, state and municipal, must be executed with absolute and unfailing certainty. The efficiency of law as a corrective agency does not depend upon the severity of its penalties, but upon the certainty and swiftness of their infliction. The federal government has given ample assurance of its attitude so far as the subject comes within federal authority; the legislative branch of the general government has spoken the will of the people in the passage of the Rate Bill, the Pure Food Bill and the Immunity Bill. The States are timid in some instances and hesitate about their ability to handle the matter of rebates of freights and kindred subjects within the borders of such States, by State legislation. The authority is in those States and the citizens of them must see to it that the laws already in force are made effective, and if they are inadequate to so amend them in each instance that they will be effective. After the controversy that we have had over State rights, and State prerogatives, we must not now allow any State to shrink from any duty, legislative or executive, that does in fact devolve upon it. The federal government is not the only

source of power through which the people must deal with these difficulties.

If the great majority of the citizens of any State demand the enforcement of the law, the law will be enforced. When the great majority of the citizens of the United States demand the enforcement of federal law, or the enactment of a federal statute that will remedy a particular evil, that federal law is enforced and the statute is passed. The influence that really enforces the law and writes the statute is the spirit of the American people. This is the mettle of the cure of graft and grafters and all their kindred ills. When the people shall arise in their might and write Ichabod opposite the name of every grafter and upon every subject of graft, its days are numbered.

"A weapon that comes down as still
As snowflakes fall upon the sod;
But executes a freeman's will,
As lightning does the will of God."

M. J. DAUGHERTY.

SPECIAL ADDRESS.

LAW OF PRIMARY ELECTIONS.

M. J. DAUGHERTY, OF GALESBURG.

As I shall consider this sort of a sermon, I shall take a text, and one from a document that all are acquainted with, or should be, and it is this: "Governments derive their just powers from the consent of the governed."

The law of primary elections should be enacted in precisely the same manner and with the same end in view as any other law. It should have the general good for its sole object and be free from favoritism.

Primary elections have but recently come under the direction of special laws, having been purely the creation of political parties as a means of selecting their candidates. The word "Election" has been defined by one court as "The embodiment of the popular will, the expression of the sovereign will of the people."

Stinson vs. Sweeney, 30 Pacific Rep. 997.

By another court it has been defined as "The deliberate choice of the majority or plurality of the electoral body as evinced by the vote of the electors." Every tribunal in this country recognizes an election as coming from the popular will. The right of suffrage is vested, so far as the power of the legislature is concerned, and cannot be taken away, curtailed or abridged by legislative enactment without destroying the

constitutional rights. All attempts to do so by legislative authority are revolutionary and subversive of a republican form of government. The attempt of any other force, combination or agency to control the right of suffrage and to abridge or destroy the complete control of the voice of the people is revolutionary and destructive of freedom.

There would be no need for primary laws if the people at large were permitted to have a free and full expression in the selection of the candidates. And it is only when abuses creep in and the nefarious work of the ward-heeler, grafter and political boss usurp the sovereignty of the people that a law is invoked to control these enemies of free government.

The very worst elements of our great cities and in some of the States of the Union have congregated or combined under the standards of vicious political pirates, and by them the decent, respectable element have been banished from primary elections. The caucuses and town meetings of former times became the scenes of disgraceful riot, bloodshed and political debauchery. The American people are a patient people. They have waited patiently in the hope that the better element would prevail but they waited in vain. The political boss, the secret enemy of popular will, has entrenched himself behind every artifice that he and his followers can construct or invent. His political henchmen have been elected to office and he often controls the very laws that should punish him. He has been wiser than his generation, for the average voter, too busy to bother with politics, left him to control the political affairs and never took notice of the political conflict until after nominations were made. The political boss knows full well that if he can control or make the selection of candidates and can defeat independent movements when the public becomes dissatisfied he can afford to trust the public with the election of the men he has selected for them. The political boss, however, is merely the tool of other interests. His forte

is in nominating candidates acceptable to certain interests that pay him for his services. He is able to secure remuneration from his employer and the poor puppet that he nominates.. The convention he controls is but the market place where the candidates mortgage or pledge their future services for the sake of nomination.

To cure this evil a direct primary, without the intervention of a convention, was demanded, in no uncertain tone, at the general election in 1904.

The General Assembly met in January, 1905, and proceeded to pass a bill for the conducting of primary elections. There have been two primary enactments since the election of 1904. One of them was declared unconstitutional because of its attempt to rob the people of their sovereign rights and a new one has been passed which I shall take the privilege as an attorney and citizen to criticise.

When we consider the reason for the enactment of a primary law it is astonishing to study the two bills passed by the legislature. It was generally understood that a law was demanded that would protect the people from the political pirate and restore to them their sovereign rights to rule themselves.

In my humble opinion the only control that the recent enactment makes is in favor of political organization, under boss rule or not, as against the public.

The bill recently passed has many defects. These are some of them:

1st. It gives to the county central committee of each party, an irresponsible body having no legal identity, the legislative power to district the county, and gives it almost unlimited discretionary power to gerrymander the same.

2nd. It fails to provide, that these committees clothed with such power, should be elected by the people, or to make

them officers of the court like the judges of election, and amenable to the county court for malfeasance in office.

3rd. If the Attorney General's opinion is correct it would be a cause of invalidating a ticket to attempt to elect this august body.

4th. It was constructed with the evident intent of giving the ring power to defeat candidates not desired by it.

5th. It is uncertain in its construction, incomplete in detail and cumbersome and unintelligible.

6th. It protects the grafter and political boss against the people instead of protecting the people against the political pirate.

7th. It gives the convention papal power of absolving the delegate from the obligations of his plighted faith.

8th. Without sufficient return it entails a great expense on the public.

9th. It undertakes to legislate the sovereign power to private bodies and attempts to remove from the people the right to dictate their public servants.

I contend that no State legislature has a constitutional right to grant to any body of individuals having no legal identity, the right to carve out districts that may disfranchise half of the voters. When the section giving the extraordinary power to the county committees to district the county into delegate districts with little or no restriction was discussed, an amendment was offered intended to place such committees under the direction of the County Court, have them elected by the voters and sworn to discharge their duties as election officers. That amendment was tabled without debate. Is it not singular that where a law was demanded for the protection of the public from the usurpation of cliques, rings and bosses, that the first and most important part of the work of primary elections should be placed in the henchmen of the very class the law was expected to defeat? The object of the

law was declared by every speaker and from every forum to be a law that would return to the people their God-given right to rule themselves and to select their servants without dictation from anybody. The Governor in his message to the legislature recognized this fact and thus expressed it:

"The duty of the legislature is plain. Their solemn pledge given to the people in a matter touching the fundamental condition of Republican government should be redeemed. This will not have been done until there has been placed upon the statute books a law which, while complying with constitutional requirements, will secure the substantial relief sought. The people have demanded the substance instead of the semblance of participation in the nomination of candidates. Their demand can be answered only by the enactment of laws which will restore to the people control of the entrances to public life."

"It is your duty to see that this is accomplished so that the voters shall have the power not merely of electing, but of selecting their candidates."

Will any person for one moment deny that that statement of the Governor is not the whole truth? And yet notwithstanding that fact the entire natural tendency of the last bill enacted by the legislature defeats the will of the people whenever the ring is powerful enough and inclined to exercise its authority.

There were reasons given by some for defeating the bill promised by both parties to the people at large. One of the members said in substance: "I am not fool enough to legislate myself out of office." Another said: "The people were not cognizant and did not realize what they asked by a direct primary law and were ignorant of the real effect of it." Still another very eminent gentleman, in an address before the legislature, said that he did not believe it was right to leave to the crowd, meaning the people at large, the privilege of selecting candidates, that it was wrong to do so. He argued that in the selection of delegates by the machinery of a convention, a higher class of intelligence would be brought to bear in the selection of candidates.

Another class of antagonists to a direct primary contended that the thickly settled districts of our large cities would suffer because the voter knew nothing of the candidates as a general thing and went to the polls ignorant of the qualifications of most of the candidates. Therefore they favored a convention. My opinion is this was sophistry used for argument with their own conscience when contemplating the act they committed. One thing sure they expressed a mistrust of the popular will.

Abraham Lincoln at the close of the Rebellion recognized the necessity of placing all power in the sovereign will of the American people. On the site of one of the bloodiest dramas of that fearful struggle he stood facing the field of glory, the memorable acts of valor fresh in his memory, and said:

"It is rather for us to be dedicated to the great task remaining before us,—that from these honored dead we take increased devotion,—That we here highly resolve that these dead shall not have died in vain,—That this nation, under God, shall have a new birth of freedom, and that the government of the people, by the people and for the people shall not perish from the earth."

That was the idea of Lincoln. It was the central idea of Washington and his compatriots. It was the inspiring idea of the framers of our Constitution and if it is destroyed, the national liberty will go with it. I contend it is absolutely necessary for our freedom,—our life as freemen that the idea of a government of the people, by the people and for the people, must be held as sacred as Wallace guarded the crown of Scotland. Not one particle of the sentiment must be frittered away.

Now let me call your attention to an unusual sentence in the Governor's message to the legislature last April. He said:

"The problem before you, therefore, is how to achieve a government of the people and for the people through agents and agencies selected by the people."

There is a portentous modification of the government

spoken of by the great Emancipator, and that government mentioned by the Governor.

By a fiction all governments are supposed to exist as governments of the people and for the people. The means of conducting the government determines its character. All governments are supposed to be carried on through agents and agencies of the people except a republic and that it is or should be a government such as Abraham Lincoln named,—a government by the people.

For a century this country flourished without a primary law. The members of each party assembled and selected their candidates in caucus, town meeting or convention. They did so, however, by a free and untrammeled expression of the popular will. By degrees "agencies" began to appear like clouds on the political horizon. Corrupt influences and corrupt men actuated by a thirst for office, knowing that they were not desired by the public, sought subterfuge and foul means to control the nominations. They learned that combination gave force to their efforts. And they met behind closed doors to concoct schemes to defeat the public will. There is not a state in the Union and but few of the great cities have not felt the baneful effects of these combined forces. New York, Philadelphia, Colorado and Delaware are notable examples of the ruinous effect of these destroyers of our public institutions, who have filled the offices with their henchmen and plundered the people for years. Parties have struggled against them in vain. Courts have been sought with indifferent success. Reformation within party lines has seldom succeeded. The greatest foe to the ring and grafter was the independent voter. Even he was powerless unless he combined with others. It will be noticeable in all primary legislation where the work of the ringmaster has been employed that the independent voter has been one of the targets of repressive legislation. Unfortunately there are certain large corporate bodies who are reaching out to grasp the

commercial arteries of the nation and drain them. They are aware that sooner or later they must come in conflict with the natural rights of others and that laws will be asked to regulate and control them; that upon a fair contest with the ballot their chances with success would be nothing; so they, too, seek to combine. The average voter has little or no time that his business does not claim. He leaves his party matters to the party managers. These managers are sought by the financial and other interests that are liable to legislative regulation and before long the aspiring political boss, the merchantable candidate, the political ward-heeler, and the henchmen who have little or nothing to do, form a combination known as "The ring." Then follows the prostitution of public office to the interest of private gain and the public awaken to the knowledge that they have been deceived. They protest, plead and threaten, but their protest, pleading and threatening is in vain. A wave of reform strikes the people. They seek the various means of combating the corrupt influence of the boss and "ring," then finally ask that some laws be made to give them the right to select the candidate for whom they must vote. The demand comes when forbearance ceases to be a virtue. It comes when party pride and affiliation can no longer hide from the people the desperate condition of boss rule. It came late,—perhaps too late, the political boss is in the saddle. He has a firm grasp on the situation and rules with a scepter of iron. He has extended his dominion over the political field from the ward meeting to the occupants of the executive or legislative branches of the government.

A significant meeting took place in Chicago immediately following the passage of the last bill. A few political bosses met here to deliver the vote of this great city with all the assurance and claim of ownership that a Texas ranchman would arrange to deliver a herd of cattle.

The ringmaster of politics has succeeded in installing his

pliant tools in office, and neither he nor his clientage are willing to give the public a chance to dislodge them.

There can be but one sovereign in a nation. In a republic that sovereign must be the **will** of **The People.** There can be no mixing the power. When the people cease to rule some other power assumes control. The object and only object of a primary bill should be to restore by law the natural, constitutional right of self-government to the people where that right has been denied.

To restore to the people their rights, 600,000 voters called upon our legislature. Did that body respond to the call of duty? Let the facts answer. Several bills were introduced in the 44th General Assembly tending to regulate primary elections. There was one that provided that each party casting 5 per cent or more of the vote at the general election next preceding might nominate its candidates by a direct vote of the people of that party and the person receiving the highest number of votes for any office should be the nominee.

The idea was to place in the hands of the people at large the right of selection of the candidates. The bill provided every safeguard to the popular will that general elections have, and was direct and simple in its working. That bill was turned down without debate by being tabled at the first session.

After much labor and mental strategy the Assembly passed out an act with many good features, but not enough to hide its hideous results on a fair and free ballot. The Supreme Court declared it unconstitutional. The Executive re-convened the legislature to enact another law. Six weeks were consumed in its construction. And yet when it was conceived and brought forth it presented a worse character and fewer redeeming traits than its predecessor. True it compels all parties to hold the primaries on the same day and provides sufficient penalties to punish judges and clerks for violation of duty. It contains some general provisions that are commendable, but on the whole, as a law, it is wrong. Under its provisions it is impos-

sible for the candidate who is not in the combine to secure his nomination. It places the voter at the mercy of machine politics and in its general outline is so uncertain as to defy interpretation. With the right of districting the county placed in the committee and the committee not responsible to its constituency the people are powerless. Under its provisions the convention, known now to be the incubator of the worst traits of corrupt politics, hatches the committeemen and candidates, and the candidates and committeemen run the machine. One man in speaking of the bill said that it was the combination of brute force and immoral suasion.

It has been admitted on all sides that a simple, direct, plain primary law, where the people went to the polls and a plurality of the votes of each party selected the candidate, would vest the entire control of the nominations where it belongs, with the people. The people demanded a primary that would restore to them the rights of which they had been robbed by the machine politician. There is no reason why the legislature and the parties who promised such a law should have defeated the most effective means of giving the people what they wanted. Nevertheless the direct primary wherein the people could control the selection was summarily defeated.

It was not a partisan battle. The passage of the present bill was not a republican victory, nor a democratic defeat. It failed to rise to the dignity of a party measure.

The machine brought the bill in and passed it by the same methods they always employ to defeat the popular will. Its most bitter antagonists were republicans, and many who voted for it did it under the sting of the ring-master's lash and while holding their political noses. That bill abridges the right of the wards and townships to elect their committeemen. It gives to the machine plenary power to defeat the popular will. As citizens we cannot but look upon it as a series of strides in the direction which the boodler and corrupt politicians have already dragged us.

All attempts to abridge or deprive the people of this sovereign right by a legislature are revolutionary and subversive of a good government. Can a citizen of the State of Illinois knowing the constitutional limitations upon the legislative body, knowing the reason that called forth the demand for a primary election law at the present time, knowing the outrages and abuses that have grown up and obtained control of the primaries; can a citizen knowing these things defend the enactment of laws that fail to sustain and insure the full expression and successful denouement of the popular will?

The primary is more vital to our country than the general election. If the major portion of the voters composing a political party can select a candidate, they generally get the best material in that party, and if the parties are permitted to select candidates by a fair free vote it is not easy for bad men long to dominate the offices.

On the other hand if the primary is to be the child of intrigue, conspiracy and boss rule the voter is left with only a choice between evils. Especially is this so, where the law substitutes for the popular will, the will of delegates selected under conditions dominated by corrupt men.

Why employ the unwieldy, ungainly and cumbersome convention when the voter could just as easily select his candidate by a direct vote?

Two classes only can object to a direct primary, viz: First, those whose unsavory reputation makes them afraid of the popular will, the other is that class that have special interests that conflict with the general welfare and want their friends and tools to administer public affairs. The direct primary, with legal safeguards, would restore to the people the substance as well as the semblance of a free government.

If this is a government of the people, by the people and for the people, let us have it. If it is not such a government let us know it.

The mask must be removed sooner or later and it cannot be too soon.

If a party must refer back to past years for respectability and honest officials it has surely become "a degenerate son of a noble sire." The republic can only exist—so long as its men are pure and honest, its laws spring from legitimate sources, and its laws are free from class legislation. If we have passed to the age when the sovereign voice of the people has become dangerous, when the people cannot be trusted to govern themselves, the republic is at its end and exists only in name. We are not a republic when certain arrogant persons assume and exercise the right to prevent the popular will from dominating the public policy.

Is the consent of the governed essential to the enactment of laws that govern them?

If we are a republic, if this is a free people let us retrace our steps to the first principles, the great idea of the Declaration of Independence. There can be no middle ground—no mongrel government.

Cloak in language, hide in pretences however plausible the condition of a government, Mexicanized, where the will of the people is not the sovereign law, still you are entrenching behind the mask of a republican form some other government of which its authors are afraid or ashamed.

If we are a republic let us have every law fresh and direct from the fountain of Liberty, the sovereign, untrammeled will of a free people.

Laws should be enacted with a single intention of carrying out the fundamental principles upon which this country rests. The greatest good for the greatest number should be the aim of the law makers. I do not believe the people are prepared to surrender the ancient fabric of our constitution for party success or private gain. A nation will survive pestilence and famine, it will recover from the devastation of war. It may overcome the evils of insurrection, but once the

palsying hand of corruption obtains a grasp on the vital functions of the Country there is not life enough to survive.

When the will of the people does not rule, the republic is suspended. When we substitute any other power for that of the sovereign will, the nation or State is not a democracy.

I do not want to be understood as saying that a convention is **per se** undemocratic. I am not contending that a direct primary is essential to preserve our free institutions. I do say the caucus and convention, that in former times were conducted so as to express the will of the highest number of the party's choice, is a thing of the past. They have become the property of the ward-heeler and boss rule. They are mere plague spots on the body politic, the breeding centers of official corruption.

The people can effect their party nominations by a direct vote. They do not need conventions. Why go to the trouble, expense and uncertainty of a convention, conducted under laws an Attorney General cannot construe, when a direct primary governed by simple laws, easily understood, can more surely and safely carry out the popular will? I can see no reason for it. If we need laws to govern the selection of candidates, the necessity arises from the abuses brought about by corrupt politicians. If we must have such laws let them be constructed on rational principles. The law that is made to prevent political sand-bagging, should not be left to be executed by the sand-bagger.

The people should select the candidates and be protected in so doing; they also should control the machinery that produces the candidates. It is wrong, it is revolutionary to permit any other power than that of the people to rule this great State.

The committees, clothed with extraordinary powers, have been removed from the control of the people and therein lies a menace to a pure election. This is wrong. It is usurpation. If the law that places the power to arbitrarily district

counties, at the will of boss rule, is not repealed or declared unconstitutional, we are left at the mercy of the very power we sought to eliminate from politics. So long as the people can make their choice of candidates without molestation or interference, we need no primary law.

It is only to eradicate corrupt influences that have crept in, that the enactment of laws is demanded. The demand has been imperative. There can be no reason why the most efficacious laws to meet that end should not be enacted.

Therefore as an association pledged to the advancement of law and order it devolves upon the State Bar Association to insist on the enactment and enforcement of laws that will insure to the people a protection of their rights.

ROBERT McMURDY.

SPECIAL ADDRESS.

THE LAW PROVIDING FOR A MUNICIPAL COURT IN CHICAGO.

ROBERT McMURDY, OF CHICAGO.

Our constitution has been amended and Chicago's incidental demand for relief from her justice of the peace system has been met, under the amendment to the constitution, by the creation of a new court with many features so unusual and so much at variance with the expectations of those who voted for the Amendment as to warrant careful study.

It was said of a certain history of New York that while admirable, it was subject to the objection that it commenced at the beginning of the world. No doubt one could better understand the history of New York if he first digested the prior history of the world. Certainly we can best comprehend the new law which established a Municipal Court in Chicago if we consider some antecedent conditions and facts.

The population of Chicago is so heterogeneous, so restless, so virile, so diversified in the matter of previous condition, customs, manner and thought that it becomes in any case difficult to make a law to fit the whole. Its very size, little comprehended, is an important factor. In area it is the third city in the world. In number of human beings, only three outside of the United States exceed it, and it equals the combined population of North and South Dakota, Wyoming, Montana, Idaho, Nevada, Utah, Arizona and New Mexico. According to the census of 1900, over half a million of our people are for-

eign born and over a million more are of foreign extraction—over a million and a half of foreign birth and extraction. For every inhabitant of native stock there are living here three of foreign stock. And every nation is represented;

"English and Irish, French and Spanish,
Germans, Italians, Dutch and Danish,
Crossing their veins until they vanish
In one conglomeration."

This tremendous and widely scattered population furnishes a great amount of litigation that is now brought before our Justices of the Peace. We have about 100,000 civil cases in these courts every year. The disposition of these cases is a problem in itself. But the remaining cases, namely, those of a criminal and quasi-criminal character which arise in the Police Courts and which generally involve the liberty of our humble citizens, constitute the really difficult puzzle of such a metropolis. The number of persons arrested in 1905 was 68,957 (188 a day, or one in 25 of our population.) Against nearly 12,000 of these more than one charge was preferred. The total number of charges was 82,572; of these 50,436 were dismissed; more than one-half of the prisoners were discharged. Out of the number discharged (over 38,000) there were, of course, many thousands who never should have been arrested. The number of arrests last year is below the usual and in hard times the number is noticeably increased.

To dispose of this vast array of cases, brought at the rate of over 500 a day, under the peculiar conditions of our mixed population, is a problem which should be treated by itself; it should not be mixed up with any other problem nor made subordinate to any other. It is large enough and important enough to be worked out by itself and is worthy of the best talent we have. I am aware of no higher service which can be rendered to the community than the equitable settlement from day to day of these causes of the poor.

As to the method of disposing of the civil cases there has never been much complaint, except in two particulars: First and foremost and mainly, that defendants are compelled to litigate in parts of this county remote from their residences and places of business; and, Second, that the justices have been paid by fees instead of by a salary. When this has been said we have recorded about all the objections ever urged to the justices with respect to civil cases. Our constable evil stands by itself and need not be referred to, as this article is intended to touch upon the new law in so far only as it relates to the new court.

Our Police Courts, on the other hand, have been the subject of much unfavorable criticism and severe condemnation. It is strange, however, how lightly the acknowledged evils rest upon the minds and the consciences of our people. This class of courts has been described as "the eyes of a municipality." In my humble opinion, we have no single problem to compare with this. Those who are drawn into these courts, aside from the matter of elections, hardly come into physical contact with any branch of our Government in any other way. They form their ideas of our Government largely from the kind of justice dispensed in our Police Courts. It would seem near-sighted for us not to give the great number of people assembling here day after day a better idea of our institutions than they must now carry away with them to their homes and their neighbors. In this matter we seem to have entirely lost our sense of proportion. Now and then some citizen, horrified when his attention is called to the injustice resulting from such bad conditions, raises a plaintive wail, but it is soon lost in the greater sounds of city life, and we go on maiming our citizenship in the same old way, expecting the victims of the system to love their government in times of peace and fight for it in times of war.

But let us stop for a moment, in passing, to consider what is our Justice of the Peace system in general.

The fundamental idea dates back 800 years. Our forefathers brought this system with them to Plymouth. We find it preserved in the Ordinance of 1787. Justices of the Peace were provided for in our Constitution of 1818 and the First General Assembly established Justice's Courts which should carry justice to every man's door. Our Supreme Court in 1825 thus speaks of them:

"The object of the Legislature in establishing these courts was to dispense with technical forms and pleadings, and require causes to be disposed of with as little delay and expense as possible."

Breese, 96.

And later:

"Justices of the Peace are established in every township of the State, to enable parties not acquainted with the formal requirements of law to obtain speedy trials, without pleadings, and without being compelled to employ counsel skilled in the law to assist."

Bliss v. Harris, 70 Ill. 343-5.

There are in Illinois 3,800 of this class of officers. The justice of the peace is an institution of every American State, and of England, and I suppose of her colonies. There has never been any demand for the abolition of the institution. The system has had its imperfections, and these have been remedied from time to time, and to a greater or less degree, but in this county we have been hampered in this regard by our Constitution. The abolition of the fee system we all understood was utterly impossible without an amendment to the constitution, but we thought that we might get rid of the greater evil of compelling a defendant to dance attendance in a remote part of the county, often before a justice who had prejudged the case, and sometimes at an hour which compelled the litigant and witnesses to spend the night near the scene of action. We had a remedy in mind. It was thought by some that the

evil could be corrected by limiting the jurisdiction of the Justices to districts less in extent than the county. Long ago we recognized and tried to ameliorate the evils attending the territorial jurisdiction of the Justices of the Peace throughout the whole county. In 1881, at our instance, the General Assembly passed an act intended to give relief to the extent of providing that while each of the other counties of the State should constitute a justice's district, Cook county should be divided into two; one the city of Chicago; and the other the rest of the county: and to the limits of each of these two districts the jurisdiction of all Justices of the Peace within the same was expressly limited. But our Supreme Court, in the following year, declared that this act violated the uniformity provision of the Constitution. The Court says:

"At the time the constitution was adopted the territorial jurisdiction of Justices of the Peace was coextensive with their counties throughout the State, and has ever been since the organization of the Government, and the constitution adopts that division until a change shall be made, which it authorizes, with the limitation that when made the jurisdictional districts shall be uniform. And to be uniform, what does that instrument require? Manifestly, when counties are adopted as a basis of districting, that no other political division but counties can be adopted in part: * * * it follows that the formation of Cook county into two districts, whilst every other county in the State constitutes but one district, is a violation of the constitutional requirement of uniformity."

People v. Meech, 101 Ill., 200-3.

From that time forward, evidenced publicly by bills introduced in the General Assembly, we were trying in many ways which we considered ingenious to arrive at a plan which should circumvent at the same time the Constitution and the Supreme Court. This, however, proved a large contract. Believing that this was the one thing concerning Justices of the Peace which was expected of us by the local bar, we of the

late lamented Practice Commission tried to draft an effective bill, but after agreeing upon its terms were so doubtful of its constitutionality that we omitted it from our list of recommendations.

When, at length, the Civic Federation, and later its creature, the New Charter Convention, took up its mission of consolidating the taxing bodies of the county, the problem of limiting the territorial jurisdiction of the Justices of the Peace of the county and of eliminating the fee system became the tail to the consolidation kite. The Justice of the Peace question was always treated as the minor and subordinate question.

Now, be it noted, that during all the discussion and in all the acres of literature which appeared after as well as before the passage of the Amendment, until the author of the new law made the discovery that the word "jurisdiction" might refer to subject matter as well as territory, it was never suggested, intimated or hinted that the courts which should be established should be given any greater jurisdiction in respect of subject matter than Justices of the Peace are generally given by law. Indeed, no one ever thought of such a thing. I was a member of the executive committee of the Civic Federation during nearly all of this time and I never heard even in the "inner circle" any suggestion of such a thing. The voters were certainly not wittingly deceived and they ought not now to be taken advantage of, even if such an interpretation as is now sought to be given the Amendment is tenable. It is admitted that this meaning of the word was never thought of, but it is said: "The purpose of the constitutional amendment, however, is to be determined solely from its language, viewed in the light of conditions existing at the time of its adoption." It is fashionable but not considered defensible to deliberately put a "joker" into an enactment. The argument is, nevertheless, that if the "joker" gets in without any act of yours, you are at liberty to take advant-

age of it. But "viewed in the light of conditions" the word must be held to refer to territorial jurisdiction, for it never was claimed that what we needed or wanted was a larger jurisdiction of subject matter for our Justice Courts or any substitute which might be established therefor. The words of the Enactment, and the purpose thereof as stated by its proponents, will so show.

The pertinent language of the Amendment is as follows:

"In case the General Assembly shall create municipal courts in the city of Chicago, it may abolish the offices of justices of the peace, police magistrates and constables in and for the territory within said city, and may limit the jurisdiction of justices of the peace in the territory of said county of Cook outside of said city to that territory, and in such case the jurisdiction and practice of said municipal courts shall be such as the General Assembly shall prescribe; and the General Assembly may pass all laws which it may deem requisite to effectually provide a complete system of local municipal government in and for the city of Chicago."

It is significant, in view of what has been said, that the provisions of this amendment are that in case the General Assembly shall create municipal "courts" the jurisdiction thereof shall be such as the General Assembly shall prescribe. The word "courts" is plural and thereby indicates that what was in mind was the establishment of district courts or courts in separate districts, as had been much talked of, on which account it was necessary to provide that the jurisdiction of these Courts should be such as might be prescribed—that is to say, limited in each case under certain restrictions to the district in which the court should be situated. Moreover, the word "jurisdiction" occurs in the clause which concerns the question of territory (the word territory being therein used three times). It will be specially noted that the phrase "the jurisdiction * * * of said * * * courts shall be such as the General Assembly shall prescribe" is immediately pre-

ceded by the phrase granting to the General Assembly the power to "limit the jurisdiction of Justices of the Peace in the territory of said County of Cook outside of said city to that territory." The use of the word "jurisdiction" in the anterior clause is exclusively territorial and it would be a stretch of construction to the snapping point to say that the word is used in a different sense in the very next clause in the same sentence.

After the Civic Federation had called together the New Charter Convention, consisting mainly of representatives of various clubs and civic organizations, for the purpose of considering the feasibility of asking for the passage of the Constitutional Amendment, the Executive Committee of the Convention made a report, on December 15, 1902, as to what was sought to be accomplished by the Amendment, Section 3 of which is in the following words:

"The reform of local minor courts, and the adoption of an adequate municipal judicial system FOR POLICE CASES AND MINOR CIVIL CASES AND MATTERS; and it may be, for that purpose, the abolishing of the offices of justices of the peace and constables for Chicago and the substitution therefor of other local DISTRICT or municipal courts and officers."

The new courts, then, were to be district courts—or municipal courts (plural)—and they were to be for the disposition of minor cases; in fact, they were to have the same jurisdiction as to subject matter as Justices of the Peace.

In July, 1904, the Campaign Committee of the Convention issued an appeal in which they set forth the purposes of the Amendment and urged the voters to support it. In this pamphlet the language just quoted is repeated, and under the heading "MINOR COURT CHANGES" a committee report of the Illinois State Bar Association is quoted, in which occur these words:

"Local DISTRICT courts of record with salaried judges * * * should take the place of the justices * * *."

We thus have of record, what everybody concedes, that there was no intention on the part of anyone, before the adoption of the Amendment, to increase the jurisdiction of the new courts as to subject matter, but to limit them to the persons found within the district.

What jurisdiction of subject matter is provided for the new courts—or court, for the plural is dodged by making one court with *branches* in districts, and in certain cases limiting the jurisdiction over the person to those persons residing or found within the district? Let the author of the bill speak:

"The jurisdiction of the court will be partly direct, consisting of cases which litigants are at liberty to commence in it, and partly indirect, consisting of cases which may be transferred to it by other courts of competent jurisdiction.

Its direct jurisdiction in civil cases will embrace all forms of actions at law for the recovery of money or personal property. Its direct jurisdiction in criminal cases will extend to all cases excepting those where the punishment may be death or confinement in the penitentiary. Its direct jurisdiction will embrace all suits of every kind and nature, whether civil or criminal, and whether at law or in equity, which may be transferred to it from the circuit, superior and criminal courts of Cook county for trial and disposition. The judges of the municipal court, therefore, may be called upon to try not only that class of cases now tried by justices of the peace, but also chancery cases, murder cases, and in fact all cases which may be tried by a circuit or superior court judge."

Within the last few days the matter has been stated a little differently in a public pamphlet in these words:

"This Court can try murder cases and hang the defendant if found guilty. [This is the first sentence. The sanguinary jurisdiction of the new court seems to be the occasion of special joy, perhaps because of the suggestion of dignity involved in strangling a brother to death!] The Criminal Court

may transfer any criminal case whatsoever to this court for final trial.

This Court has original jurisdiction in all non-penitentiary criminal cases.

All actions on contracts, even though *millions* be involved, may be begun in this court, and there finally determined.

This Court has like unlimited jurisdiction of all actions for injury to or conversion of personal property, or for the recovery of personal property.

All injunction cases, all personal injury cases, in fact any and every case begun in the Circuit or the Superior Courts, whether at law or in equity, may be moved to this Court for final trial.

In addition, the Municipal Court has jurisdiction over all cases where the Justices of the Peace had jurisdiction. The Justices were limited to cases where not more than $200 was involved. The limit of the Municipal Court on this class of cases is raised to $1,000."

This is a neat array, in view of the fact that the people were told they were to have "minor" courts, courts for the disposition of "minor" cases. The situation becomes ludicrous when it is remembered that the original bill for this act provided, as an adjunct to the court, a second grand jury in Cook county.

This new court with its twenty-seven judges and its chief justice is expected to dispose of the cases heretofore disposed of by fifty-two justices; all the long calendar of cases in its added jurisdiction; whatever may be transferred to it by other courts; all the business which would rush to it at once, because it would not be behind in its calendars, as the local courts now are; and all that would come to it because its fees are smaller than those of the local courts and in instances where the practice of the new court, differing from the general practice, would favor the plaintiff. Moreover, it is provided that in civil cases involving $1,000 or less and in ordinary quasi-criminal cases there shall be no appeal. The relief is by writ

of error from the Supreme Court in some cases and from the Appellate Court in the remainder. If application is made for a supersedeas to a reviewing court, or a judge of the court, and the same is denied, this of itself affirms the judgment unless otherwise ordered, and in general no assignment of error is allowed which calls in question any decision of the Municipal Court respecting the practice therein. Under these circumstances it may well be imagined that a great proportion of the cases will be fully prepared and tried. This will take time. As it is now, with a right of trial *de novo*, cases before our Justices are tried in an off-hand manner. Under the new plan many of the smaller suits will be tried with the same care taken in the Circuit Courts so that the record may properly protect in the reviewing court. Furthermore, under present conditions a jury in a civil case before a justice of the peace is rarely called for. If the case is to be finally tried out before a jury it can be done on appeal. Under the new plan it will, of course, be frequently demanded. The provision abolishing the trial *de novo* is perhaps the most short-sighted provision of the law. We have had ample experience with such a provision in our Probate Court, where, of course, there is an appeal to the Circuit Court and a trial *de novo*. In the Probate Court about 10,000 claims are disposed of annually without more than one jury trial. It is the belief of Judge Cutting that this court would be swamped if there was a record appeal, as in many cases each lawyer, uncertain, perhaps, whether or not he would in fact appeal, would be compelled for safety to try his case in such a way that he would have a proper record.

It is argued that the novelties in the matter of practice in the reviewing court and the denying of the right of appeal are justified under the Amendment because they are incidental to the provisions directly granting the General Assembly permission to prescribe the practice in the new court. The point would not seem to be well taken in view of the express declarations of our Constitution with respect to uniformity in practice. The

provisions are certainly undesirable as far as our Appellate Court is concerned, for the Main and Branch courts are already greatly behind in their calendars. We now have ample machinery for the speedy hearing of appeals from Justices of the Peace in this county. There would be no delay in these cases if our Judges would have an appeal calendar, as already provided for by statute, and would call it promptly. We did have such a calendar but my understanding is that it was difficult to get any Judge to call it, owing to the supposed petty character of the cases. There has been a similar difficulty from time to time with respect to our Quasi-Criminal Calendar. A recognition of these infirmities of Judges, who are but men, led a large number of the members of our bar to plead with the General Assembly to cut down the increased jurisdiction of subject matter provided for in the new law when it was before that body. We feared then and we fear now that if this court is allowed to retain the extensive added jurisdiction of subject matter, the judges will slight the interests of the more humble litigant. This much is certain: they will slight the most important work of the Police Magistrate.

Let us consider for a moment the importance of this work. The first privilege of the judges of the new court ought to be to stop needless arrests. This can only be done effectively by having the Magistrate hold two sessions a day instead of one. The plan now is to have the necessary judges sit a half day in their police courts and the remaining half day in a great central court building, the erection of which has already been contracted for. It is to be located in the heart of the city, in the main district provided for in the law, which extends nine miles to the north, three to the west and eight to the south. The truth is, we ought to have had two distinct sets of district courts, as they have under the admirable system in New York city; one for civil and the other for Magistrate's business. Under that system the Magistrate hears applications for warrants during the greater part of the afternoon and hundreds

are refused on the *ex parte* statements. In Chicago we arrest and disgrace, and then find out whether we should have done so; here the Magistrate has so much to do in order to get to his private court in the afternoon that during the trial of cases he has to sign reports, approve bail bonds, check up the officers of the Court, keep up his records and sign warrants without knowing the necessity for their issue or even their contents. As the new court is a court of record it will necessarily require more time to comply with unavoidable formalities. The judge will not be relieved of any of the work of the present system. He will have a wider jurisdiction of subject matter. And yet it is planned to have matters go on in the same old way and to put innocent people into dungeons that the civil causes of others may be heard. (Our police court jails are dungeons. They are underground, dark, damp, and in most of them no modern provision is made for even attending to the ordinary wants of nature.) This unfortunate condition comes about by attempting to create a court of imposing dignity to dispose of the cases of the poor. Dignity is no friend of compassion. It is poor consolation to an indigent, innocent seamstress charged with crime that the court which deprives her of her liberty and condemns her to sit alone amidst filth and vermin waiting for her case to be put on the calendar, is one of great dignity. A little more humaneness and less power would be better for her.

The imperative necessity of having our Police Magistrates give the entire day to their duties was insisted upon by the Citizens Committee of Chicago, appointed in December, 1903, to ascertain the cause for the extraordinary reign of crime then prevailing throughout the city. The report of the sub-committee on Paroles and Pardons calls attention to the ordinance of the city of Chicago providing that Police Magistrates shall hold two sessions of court daily and shall devote their entire time to the Police Courts and not hold any civil courts. The sub-committee says:

"At one of the large police stations where two Police Magistrates held court each morning, it was found that each Magistrate as a rule disposed of about eighty cases inside of two or two and a half hours."

After lamenting the fact that the Police Magistrates leave their public duties at the close of the morning hour, devoting their afternoons to hearing cases in their private courts, the committee says, that a trial during the rush hours in some of our Police Courts is usually a farce and sometimes a tragedy; that the deplorable conditions are principally due to the insufficient time which is given to the consideration of the charges; and that the rapidity with which the cases are often disposed of makes it a physical impossibility for the Police Magistrates, before deciding, to get any clear conception of the circumstances.

If this important work is to be done and done properly there is certainly no room for the enlarged jurisdiction of subject matter which tends to make this court so majestic that it is now strenuously advocated that the judges should be paid $10,000 a year because they are of equal dignity with those of the Circuit Court.

It perhaps ought to be noted parenthetically that the new law does provide, very wisely, that no arrest shall be made in the first instance for the violation of a city ordinance unless there is danger that the offender will escape. This was taken from the report of the Practice Commission.

Before departing from the consideration of the provisions of the new law with respect to Police Courts, it will be well to notice a many-times-repeated criticism of this measure. The minimum costs in a case arising before a judge sitting as a Police Magistrate under the provisions of this law are not less than seven dollars—about three times the amount of the costs under the present system. The effect is that anyone convicted of a violation of a city ordinance, no matter how trivial the offense, if punished at all must have a judgment rendered

against him for the costs—in other words, seven dollars. There are many good citizens of Chicago who rarely get seven dollars together at any one time, over and above the demands of landlord and grocer, and if one of them should be convicted and could not pay the costs, he will have to work the same out at the rate of fifty cents a day. In short, the dignity of this court is so exalted that two weeks' imprisonment is the smallest punishment it can inflict. It seems a great pity that the hurry to seure this legislation should have prevented a study of this question. There ought to be no system of costs connected with the police courts. There is none in New York. Questions of justice which arise in these courts ought not to be beclouded or befogged by the ambition to procure revenue for the city. We ought as soon as possible to get rid of the notion, which produced this provision of the law, that this class of courts must be self-supporting. The city can better afford to do without funds derived from such a source than to permit the injustice which is inseparably connected with it.

If I may be permitted a further word along this line, another feature of the system of police courts in the city of New York, in vogue also in the cities of Philadelphia, Baltimore and Providence, is sessions on Sunday mornings. It is a part of that wise public policy which says that the citizen shall not be deprived of his liberty an hour longer than is absolutely necessary. The largest number of arrests is made on Saturday night. A crime committed on that night is no worse than a crime committed on any other night of the week, but in many cases it results in an extra day in jail. This provision for Sunday sessions is very humane, and it is to be regretted that it should not have been presented to our legislature with the sanction and apparently invincible prestige of those interested in the Municipal Court Bill.

The Constitutional Amendment permits the General Assembly to prescribe the practice in the new court. The new law provides that the practice of this court shall substan-

tially be left to a majority of the judges of the court, subect to review and revision by the Supreme Court. In short, the power delegated to the General Assembly it, in turn, has assumed to delegate to this court. It will be interesting to see whether this delegation of delegated power is sustained. It is to be hoped that we can have as many different kinds of practice in this county as possible, and as widely divergent! The excuse for this and other practice innovations is openly stated to be that Illinois will be given an object lesson in judicial procedure so that it will very shortly do away with its antiquated practice. And so enticing is the new procedure to become that suitors will desert our local courts, allow them to catch up in their work and give relief to the litigants of the county who have real and not petty controversies! This was avowed as the incidental feature of the law, but it has long since lost that character and is now advocated as the main purpose. It amounts to this: that an experiment on a large scale is to be tried for the benefit of the major litigants at the expense in money and liberty of the minor.

A great many of our foreign-born citizens are now accustomed to be represented in the justice courts by non-professional friends who are more familiar with our language and institutions than they are, and at all events very much more familiar with the proceedings in the justice court. They act in most cases without any reward. These courts have also been a school for the law students. The privileges of these two classes in the matter of practice before these courts ought to be preserved, but in the new law they are practically abolished. In the first place the tribunal is a court of record and this makes it possible for any judge of the court to refuse to recognize anyone practicing therein except the litigant or a lawyer admitted to practice before the Supreme Court. Again, one provision of the law is that the court may permit interrogatories to be filed which must be answered by the defendant under oath; another permits the examination of the defendant under

oath before trial; another provides that a bill of particulars must be filed; and still another sweeps away all the accumulated statutes with reference to practice before Justices of the Peace which are in general fairly well understood now by the mass of the people and provides that the practice of the Circuit Court shall prevail in this new tribunal, except as otherwise provided in the Act, but the Act does do away with written pleadings in a large number of cases. Of course the people generally know nothing of the practice in the Circuit Court and a litigant will not feel that he can afford to take any chances. No matter how small the case, litigants are likely to believe that they must employ a lawyer. In many cases a poor litigant, knowing that his case is to be tried to make a record for a reviewing court, will be obliged to employ a lawyer to be sure of sustaining his judgment. And a lawyer will be expected to charge undoubtedly in accordance with the dignity of the court. These provisions are rather discouraging to litigants. It would seem that the court is a contrivance for the benefit of the legal profession, but it is nothing to be rejoiced at. Our profession cannot be exalted even through the medium of a dignified court by hardships imposed upon the man with the dinner pail and the woman with the needle.

A further serious objection to this court is that it creates another political machine. The fundamental idea put forth by the originators of the Constitutional Amendment was to do away with so many governing bodies, and their very first, and indeed their only act under the amendment, has been to create another. There is no Civil Service Reform in the new court. It is another body to be guarded and watched by the independent voter and the unselfish citizen; a body with its power concentrated in one individual, namely, the Chief Justice or Emperor of the Court. He has the general superintendence of the business of the court. He assigns the judges to their duties, condemns his enemies to sit in the police courts

or in one of the four outlying districts, and the judges must obey; he is enjoined not to assign the judges to hear the major causes unless the minor business is promptly disposed of, but he is the judge of this matter; he controls the calendars and the disposition thereof. He is even given the power of rejecting jurors from the panel called to the courts of the other judges. He may reasonably be expected with these powers to control a majority of the judges, and then he, through this majority, has power to determine the number of deputy clerks and bailiffs and to make rules of the court which shall override the statutes of Illinois unless the Supreme Court shall, on an *ex parte* statement, veto them. In short, he is the boss of the new, powerful and uncontrolled machine and, most unfortunately, a judicial machine. In point of power we have in our judicial system nothing to compare with this monarch. Of course, if he happens to be a man of deep sympathy for the poorer classes, unselfish, incorruptible, and, in short, more than human, he will be the source of much blessing to our community, at all events until the constant exercise of great power has the same effect upon him which it has upon most men.

I have not the time to discuss all the features of this new measure, but sufficient has been said to indicate in general the revolutionary character and the dangerous possibilities of this MINOR court. Perhaps it was this realization, among other things, which caused Judge Tuley, in the last conversation I had with him, to say that he regretted that he had ever given his time to the cause represented by the Constitutional Amendment.

In conclusion it would seem that the law providing for a municipal court in Chicago has many glaring and a few fundamental defects. Some of these may be modified by interpretation and eventually by amendment. A practical suggestion for the present moment is that every citizen who understands the situation should use every reasonable endeavor to secure humane, liberty-loving, intelligent and unselfish

judges for our new court and a chief justice committed to the proposition that our Police Courts should be properly administered on broad lines and given the first consideration, so that in any event this tribunal for the poor man may not become an engine for his oppression.

REPORT OF NECROLOGIST.

Judge James B. Bradwell, Necrologist, has been unable, on account of illness, to compile his report in time for publication in the present volume. It is hoped that it can be included in the proceedings of next year.

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