

# BAR BANQUET BIG SUCCESS

(Continued from Page One.)

when the court made laws in my favor and I then imagined Judge-made law was proper," said the speaker, "but at other instances when the court has made rulings against my case, I have decided that this form of enactment was entirely wrong. I suppose its a good deal the way it strikes any particular case. I have in mind an example of Judge-made law that happened down in Curry County. Not wanting to slander anyone, or render myself liable, and will all due respect to the Bar Association, it seems that Prosecuting Attorney Liljequist had telephoned to the Justice who had the preliminary hearing of the case, in which I was acting as attorney for the defendant, to bind him over to the grand jury, despite any testimony that should come out at the preliminary hearing. The Justice was short a Prosecutor and performed the combined office of Judge and Prosecutor. The complaining witness, a girl about sixteen years of age, had taken the stand and I asked her a question, acting as attorney for the defendant. 'I object to that question,' said the Justice with emphasis that made the building tremble. Then walking to his seat and assuming the dignity of a Justice, said, 'Objections sustained.' Now gentlemen, we have one instance of Judge-made law that happened within our country."

A. J. Sherwood, of Coquille, made a lengthy address on the "Constitution," which is printed elsewhere in this issue.

"Amicus Curiae," a legal term, meaning a "friend of the Court," was the subject so ably exploited by Judge C. A. Schibrede. The Judge recited a local instance to show that the Amicus Curiae is sometimes not desirable, especially in a case where a trio of attorneys attempted to advise Judge Coke recently on a subject on which the Judge was doubtful, resulting that after his honor received the advice offered, he was even more doubtful than at first and was forced to retire to his chambers and calm his confused mind.

W. C. Chase, a former Assemblyman, was called on by the chair to discuss the subject of legislation. The speaker talked from his experience of several terms in the Assembly, relating how one bill, which he was nursing through a session of the Legislature was vetoed by the Governor at the last hour of the last day of a session and upon securing a continuance in place of adjournment the Governor walked into the secretary of the Legislature offices, took the bill and placed it in his pocket telling the people who were interested, including the speaker, "they could go to." The speaker also showed by his talk that a representative of the people who accomplishes much toward better government through legislation, is deserving much praise from the people.

That extemporaneous eloquent enthusiasm of Coos Bay, L. J. Simpson, Mayor of North Bend, has the distinction of being the one and only person other than members of the bar, present at last evening's meeting. Mayor Simpson made an eloquent address thanking the members of the bar for the honor they had showered upon him. He concluded by telling an original story, "The Dream of a Candidate," being a lengthy tale of how J. W. Bennett and himself had campaigned the country on a supposedly good platform, but at length the platform broke under him and upon awakening, Mayor Simpson was horrified to find the following inscription on his tombstone: "Simpson? Just Simpson, another victim of Bennett's Bull." The entire story will be published in the year 1957, in the aviation magazine as "Unpublished Letters From Simpson to Bennett." Mr. Simpson was warmly applauded, and his friend and coadjutor, J. W. Bennett, responded delivering an address that sparked with humor.

C. R. Peck was the principal entertainer for the evening's enjoyment, singing several of the "latest" airs. Mr. Peck also made a very able address on "Costs," relating an incident that had happened on his first adventure to Coos Bay when he was not certain of success. The speaker told of walking down the railroad track at Coquille beside an old gentleman with a Southern dialect. The conversation following was oil thrown on the waters of despair, that enabled Mr. Peck to maintain his courage and continue practicing in Coos County, and the gentleman who spoke kind words of advice on that occasion was no one less than Judge Guerry who was toastmaster of the evening.

The Judge responded to the talk given by Mr. Peck which, while a deviation from the order of business, was the banner address of the evening.

R. O. Graves made an excellent address on the subject of "Civil vs. Military Law," reciting the horrible example that has been set by the King of Oregon, Oswald West, showing that beyond question of a reasonable doubt that military law is only martial law and a form that should not be used except in an emergency, and in great emergency.

J. M. Upton also made a brief address on the regard that he holds the Coos County Bar in, and regretted that he shall leave shortly.

Those Present.

Among those present were J. M. Upton, C. A. Schibrede, Thos. P. Haggarty, A. J. Sherwood, W. C. Chase, E. C. Roberts, J. O. Stemmler, W. U. Douglas, Harry G. Hoy, Edward H. Joehnk, C. R. Peck, John C. Kendall, Tom T. Bennett, Fred Hollister, J. G. Mullen, N. C. McLeod, Edward L. Hyde, A. H. Derbyshire, C. E. Mayboe, Joseph P. Brenn, E. L. Shuster, Edgar Medaniel, A. E. Wauren and Carl Powell.

# SHERWOOD ON CONSTITUTION

## Prominent Coquille Lawyer Delivers Able Address at Bar Meeting

The following address on "The Constitution" was delivered by A. J. Sherwood of Coquille at the Annual meeting of the Coos County Bar Association at North Bend last night:

"I know you will all agree with me that the five or eight minutes allotted, and which is all the time that should be allotted to the response to any toast on an occasion of this kind, is rather brief to comprehensively enter into a discussion of the history and philosophy of our constitution. And I infer the committee who arranged the program intended a written constitution and the constitution of the nation rather than the constitution of our own state.

"The underlying thoughts, principles and incentives are the same in the making of all constitutions, the safe-guarding of human rights are co-existent with right thinking and as old as the human race, that is, the intellectual human race.

"A constitution has been defined to be a system of fundamental principles upon which a body politic is formed. It is always an embodiment of the ideas of its authors of the respective rights of the governors and the governed, and is an expression of the degree of confidence or lack of confidence that the authors have in those who have entrusted them with the duties to be performed.

"As a matter of instinct, inheritance and training, at least since many years antedating the Declaration of Independence, the people of this country have believed and still believe that the ultimate source of political power rests in the body politic in its entirety. So we must infer that this belief was the prevalent one of the delegates sent by the people of the colonies to form their constitution.

"But when we consider the different blood lines of the different colonies although the predominant strain was Anglo-Saxon, the effect of having lived in climatic extremes from Maine to Georgia, for seven or eight generations, this at a time when the poorly managed stage coach was the most rapid means of travel and transportation, owing to climatic differences, with as different and diversified industries as possibility would permit and with religious views as divergent as paganism and agnosticism, we see how difficult the task which confronted those who had gotten together to make a constitution to suit all classes and conditions and we gain some idea of the magnitude of the task that confronted the three dozen delegates who had met in Philadelphia about a century and a quarter ago.

"The duty to be performed demanded great originality. For outside of a few established expressions such as the Magna Charta, the bill of rights, the habeas corpus act and probably a few others, the constitution of the country which was the mother country of a large majority of the delegates was, and still is, an unwritten constitution.

"Of course, as colonies, they had their various grants and charters. They had their articles of confederation, and more and greater than all, common law including the fundamental principles of magna carta.

"But with all these that is practically all the mother country had, their ideas of the constitution were such that they still lacked much out of which to form an organic act which in the words of the preamble "would form them into a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to themselves and their posterity."

"To this convention came twenty-nine delegates from thirteen different colonies representing as many different ideas and purposes. It is said that no two colonies were in complete harmony.

"The armies of the revolution had been provided for largely by private contributions and were necessarily composed of volunteers. But such soldiers the world had never before nor has it since seen) and the difficulty of maintaining the army had deeply impressed Washington with the importance of providing for the common defense. This was the controlling idea with him. Franklin believed the war was over and that the convention should turn its attention to promoting the general welfare. This was the prevailing idea with him. Others who had been burdened with local tariff and duty imposed by one colony against another deemed matters of trade and transportation all important and thought without readjustment of some kind along these lines domestic tranquility could not be assured.

"As a matter of fact only a few of the thirty-nine delegates comprehended the magnitude of the purpose for which they had met and realized that they were there to form a great organic law which would ever after govern a great and growing nation.

"There were, however, a few masterful prevailing ideas: They agreed that we must be governed by law; that this law must be reasonably fixed and certain; and it must be in tangible form.

"It was an honest, earnest attempt on the part of the people who had rebelled against certain laws and their manner of importance to establish for themselves an organic rule of civil conduct which would more plainly define their rights, be more easily followed and the establishment of certain permanent governmental landmarks which could only be changed by a process plainly indicated therein and by the people themselves from time to time when

# Tomorrow "Money Talks" To Men Who Care

## Our 5th Annual Sale came to an end Monday; it left us several broken lines of Suits with only one or two sizes of a kind.

### The regular prices on these were:

### \$25.00, \$27.50 and \$30.00

### Today they are on sale all at the one price

### Seventeen Fifty- Five

# \$17.55

### Seventeen Fifty- Five

## Take a Look at Them in Our Display Windows

# HUB CLOTHING AND SHOE CO.

"BANDON"

"MARSHFIELD"

"MYRTLE POINT"

changed conditions in the ever going political fabric warranted it.

"As has been said before the delegates came from a vast territory and each and all had enjoyed much greater liberty as colonists than their forefathers had enjoyed as subjects in different forms of government across the seas, and each was fearful of surrendering right without having guarantees in the new document of additional right to take their places.

"Then there were those who thought the offices in thirteen separate governments would come nearer going around than the offices in one government. In fact the delegates were quite human as they are at the present time and were not devoid of political tendencies.

"Even at that time labor conditions were not altogether satisfactory. In New Hampshire sturdy New England young men worked from daylight till dark at a wage of from twenty-five to forty cents per day. In Virginia and Georgia the same young men might have been gentlemen of leisure assisted morning and evening to their lounging robes and slippers.

"But after days of discussion the spirit of give and take seemed to get hold of the convention and the thought that half a loaf is better than none finally became uppermost and at last prevailed. All selfish interests were laid aside, all questions were discussed and solved. But it has been truthfully said that when their labors were completed not a single delegate in the convention was fully satisfied with the finished product.

"Even Franklin said he signed it not because it embodied his ideas of expressing the fundamental principles on which to base the laws of a great nation; but because he believed it was the very best that could be agreed upon at that time. Governor Morris, a delegate from Pennsylvania, who furnished the phraseology for a greater portion of the document, said he believed it had many weak points.

"It is safe to say that when the convention adjourned not many of the delegates and not many of the colonists had an adequate conception of what the convention really had done.

"Under this constitution "Is this a nation?" was a mooted question and was propounded by laymen and statesmen for many years. And was finally to be answered by the Supreme Court. In an early case before this court in which an individual had sued a state this question was asked and in the course of the written opinion the judge, who had also been a delegate in the constitutional convention, in writing this opinion used this language:

"This is a case of uncommon magnitude. One of the parties to it is a state, certainly respectable, claiming to be sovereign. The question to be determined is, whether this state, so respectable and whose claim soars so high, is amenable to the jurisdiction of the Supreme Court of the United States. This question, important in itself, will depend on others more intelligent still; and may, perhaps, be ultimately resolved into one no less radical than this: "Do the people of the United States form a nation?" The first case did not decide nor answer this question but a number of years later this identical question was again before the court in another case and was answered in no uncertain language in the affirmative by Chief Justice Marshall.

"And if we may be allowed to use the expression under his guidance for by the convention in its constitution has had as much to do with the

real making of the constitution as the delegates themselves and it is the first judicial body, although it was probably not contemplated by the delegates in the grant of its power, that has in the history of the world had the courage to say that an act repugnant to the constitution is void.

"Now after a lapse of years and after studying this history, observing the result of its enforcement and enjoying its protection, we of the present generation more fully realize and have a more vivid conception of the labors actually performed by the constitutional convention than the convention itself probably had. And we, as members of the legal profession, may honestly and sincerely say, with the greatest of English statesmen, Gladstone:

"The American constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

## BAND CONCERT NEXT SUNDAY

### Director Fenton Announces Program For Entertainment at Masonic

Director R. N. Fenton, of the Coos Bay Concert Band, today announced the following program for the concert to be given at the Masonic Opera House next Sunday afternoon at 2:30:

March, Flag Day, (new) .....

Overture, Morning, Noon and Night in Vienna .....

Humoresque .....

Corner Solo, Oh, Dry Those Tears, (by request) .....

Weber's Invitation to the Waltz (First time here) .....

Rag, Artful Artie (Complimentary to Bob Graves) .....

Prayer Selection, Songs of the Old Folks, (new) .....

March, National Emblem .....

Star-Spangled Banner.

### BREAKWATER'S TRIP.

The Oregonian says: The steamer Breakwater arrived from Coos Bay at 3:30 o'clock yesterday. Captain Macgeen reported fine weather on the trip up, west to northwest winds with a southwest swell. The Breakwater brought up 67 passengers and about an average freight. Among the passengers was W. S. Chandler, president of the First National Bank of Marshfield, and his wife and family, who are on their way to spend a few weeks in Honolulu. Captain Macgeen said he saw the dredge Mielie working one day on the Coos Bay bar, and that she seemed to be doing good work, for she picked up 7000 tons of dirt that day.

### AMONG THE SICK

Mrs. P. D. Blake, who has been quite ill at her home on Catching Inlet, is reported as improving.

C. J. Steinnon is very ill at the P. D. Blake home on Catching Inlet. Mr. Steinnon is 84 years of age and is an old resident of the Bay, but had been living at Tillamook the past two or three years, having returned to the Bay recently.

## ELECT UPTON BAR PRESIDENT

### Marshfield Lawyer Honored by Attorneys—Coquille Gets Meeting

At the annual meeting of the Coos County Bar Association at North Bend, the following officers were elected for the ensuing year:

President—J. M. Upton of Marshfield.

Vice president—N. C. McLeod of North Bend.

Secretary—J. J. Stanley of Coquille.

Treasurer—C. A. Schibrede of Marshfield.

Members of Executive Committee—S. D. Pulford of Myrtle Point and G. T. Treadgold of Bandon.

Coquille was selected as the place for holding the next annual meeting. Attorneys Shuster, Powell and Warren of North Bend and Claude L. Wilson of Marshfield were elected to membership.

### Want Fees Fixed.

Although nothing definite was done about it, C. R. Peck suggested that legislation be sought which will require the losing side in litigation to pay reasonable attorney fees. This will probably be taken up later.

### Merger Resolution.

At the banquet last evening after a rather spirited discussion in which L. J. Simpson, H. G. Hoy, G. T. Treadgold and N. C. McLeod participated, a resolution was passed instructing the president and secretary of the Bar Association to send a message similar to the ones sent by the Marshfield and North Bend Chambers of Commerce yesterday to Senators Lane and Chamberlain protesting against the proposed government suit to dissolve the Southern Pacific and Central Pacific.

### CODDING WINS AGAIN

### Beats Dal Cathcart in Ground Hog Day Race.

C. H. Coddling again won the Ground Hog Day race from Dal Cathcart, making several successive victories over his competitor. This time Dal slipped up. He got up early in the morning, intending to call up Coddling as soon as it was time for sun up and tell him whether or not Mr. Ground Hog was able to see his shadow. However, he waited and in a few minutes Coddling rang him up.

Candlemas day, the day which the Ground Hog always selects to view the landscape, is a church festival, commemorating the purification of the Virgin, and the observance to which it owes its name, the lighting of candles in the Roman Catholic Church, and, in consecration of the year for ecclesiastical purposes are said to have an emblematic reference to the prophecy of Simeon that the child Jesus should become "a light to lighten the Gentiles."

The institution of the feast dates probably from the reign of Justinian, and the year 542 is sometimes fixed upon as that of its first celebration, but there are no authorities at hand to explain the connection between the feast day and the appearance of the ground hog.

Times Want ads bring results.

## WRITES ABOUT HAINES CASE

### MRS. MARGARET J. DAVIS PLAINS CONTROVERSY OVER SEWER RIGHT OF WAY— LIVES IN RECIPROCY.

Editor Coos Bay Times:

In your issue of the 27th inst. in your report of the proceedings of the City Council, I noticed that W. R. Haines had requested the council to intercede in his behalf and to him to secure right of way over property for his private sewer, and that your city attorney had said that there was no way in which right of way could be enforced, unless there was up other way to an outlet.

In order to place myself right with the public, I desire to state my reasons for refusing to grant Mr. Haines this right of way. First, that it would be detrimental to the property and decrease its value if the same is not improved, which is under contemplation. Second, I am a firm believer in reciprocity, and in this connection submit the following letter received from Mr. and Mrs. Haines in regard to a wood-shed that was six inches over the line on his property, which shed at the time I received the notice contained five tons of coal and several cords of wood that had to be handled twice in order to effect removal:

Marshfield, Or., Oct. 15, 1913.  
Mrs. Margaret Davis,  
North Bend, Or.

Dear Madam:

Several times we have called your attention to the fact that your barn is standing on a portion of the south half of lots 1, 2 and 3 of Block 2 of Western Addition to Marshfield, which is owned by us, and you have repeatedly promised to take some action in the matter. If you desire to let this barn stand where it is, you shall be compelled to collect rent for the use of the ground, and this we notify you that in case the barn remains on our premises on or after the 19th of this month, we will charge you with \$10 per month rent and insist upon its payment. If action is not taken by you before that date, we will construe your silence to be assent to this rent. It will suit us much better, however, if you can see your way clear to remove this building before that time.

Yours very respectfully,  
(Signed) Mrs. W. R. Haines  
W. R. Haines

I requested permission for the building to remain for two or three months, until the fuel it contained was consumed, and the letter above was the reply I received.

Very respectfully,  
Mrs. Margaret J. Davis  
North Bend, Or.

### LINCOLN AND EMANCIPATION

Rev. Samuel Gregg will deliver an illustrated sermon on "Lincoln and Life" in the Christian church on Sunday evening. All soldiers and their friends are invited.

### READY FOR ROOFING.

I am back on the job again and ready to put that new roof on the old one for you. Ask me about it one if Brice's roofs aren't the best ever. Phone 89-J or drop me a line.  
J. L. BRICE