

JUDGE BAKER IS TAKEN TO TASK.

Appellate Court Criticises Him Sharply in the Mary A. Reilly Case.

SAYS HE SHOWED TEMPER

Attitude Toward Plaintiff's At- torney Held as "Severe If Not Hostile."

JURIST DISCUSSES THE ISSUE

The rulings and remarks of Judge Frank Baker of the Circuit Court in the trial of the personal injury case of Mary A. Reilly against the Chicago City railway company during the May term of court in 1899 are criticized sharply by Judge Sears and his associates of the Appellate Court.

The criticisms appear in the Ninetieth Illinois Reports, which reached the public yesterday. The opinion of the reviewing Judge is that the conduct of Judge Baker during the progress of the trial was unwarranted, and not caused by anything the counsel of the plaintiff did.

The criticism of the higher court aroused considerable comment among attorneys.

Trial Judge Criticised.

The reference to the actions of Judge Baker may be found on page 307. While the judgment in the lower court is affirmed because of errors in the record Judge Sears says:

"The only remaining question is as to the rulings and remarks of the trial Judge upon the examination of witnesses. The record discloses that the trial Judge became irritated and angry toward counsel for plaintiff in error. While we are not prepared to hold that the substance of the rulings of the court upon the limit to the examination of witnesses constituted error, yet we are of opinion that the attitude of the Judge presiding toward counsel for plaintiff in error is subject to criticism.

"The record presents a long running controversy between court and counsel, in the course of which the attitude of the Judge presiding was severe, if not hostile. We are unable to discover in it all anything upon the part of counsel which merited the severity of the court.

"The learned trial Judge doubtless intended no unfairness. But the apparently unfriendly and severe attitude of a presiding Judge toward counsel engaged in the trial not only tended to humiliate the lawyer but as well to prejudice the interests of the client whom he represented before the jury."

Points of Contention.

The case reviewed in the reports was a suit for personal damages incurred while the plaintiff was alighting from a car. The deposition of Mary Frances Reilly, a witness for the plaintiff, was taken and after her death was ordered suppressed.

A subsequent motion to set aside this order was overruled, no showing by affidavit being made in support of the motion, or bill of exceptions upon the hearing to suppress being preserved for the information of the reviewing Judges. The verdict was in favor of the defendant, and Judge Baker overruled a motion for a new trial.

On this point Judge Sears decides that the condition of the record is such that error is not showing. In closing the review he says:

"Upon an examination of all the evidence and because no writ of error appears in the substance of the rulings themselves, we are not inclined to reverse the judgment. The judgment is affirmed."

Sustained, Says Judge Baker.

Judge Baker said last evening that he did not recall the case clearly and that he couldn't have done anything especially irregular, as the higher court sustained him.