

THE OBSERVER

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SOME POINTS OF LEGAL ETHICS.

To the Editor of the Observer:—

Recently there has been considerable discussion of some points of professional ethics relating to the profession of the law. This discussion has been carried on mainly by laymen, who made no pretense of special knowledge in regard to the points under discussion. The defense of persons charged with violation of the law prohibiting the sale of intoxicating liquors by lawyers who are opposed to the sale of intoxicants, has given occasion for much criticism hereabouts. Permit me, as one who, more than forty years ago, "forsook the rude implements of the farm for the nice technicalities of the law," to offer a few suggestions in regard to these matters. These criticisms all grew out of defenses in criminal cases. Permit me to premise that every man charged with the commission of a crime, is presumed to be innocent, and every man so charged is entitled, by the laws of our country, to a fair and impartial trial by an honest jury before an impartial court, and to be defended by counsel. No one of intelligence and fairness will deny this.

If a defendant is unable to procure counsel for himself, it is the bounden

duty of the court to appoint him an attorney to defend him, and an attorney so appointed, is compelled to defend the defendant whether he wants to or not, and whether he believes him guilty or innocent. This will hardly be controverted.

The laws of our state and of all other states of the union, provide that a jury must find a defendant not guilty, unless they are satisfied, from the evidence, of his guilt, beyond a reasonable doubt. In other words, a defendant is legally entitled to a fair and impartial trial and to a verdict of acquittal, unless the evidence given on the trial is sufficient to satisfy the jury beyond a reasonable doubt that he is guilty. A jury may believe a defendant guilty, but think that the testimony given on the trial is insufficient to satisfy the jury of the fact of his guilt, and under such conditions, the law demands that in the hands of the jury a verdict of acquittal. This principle applies to all criminal cases and is a safeguard to personal liberty. Persons who demand the enforcement of the laws should bear in mind that the law requires an acquittal when guilt is not established to the satisfaction of the jury, and that it is just as important that this law should be enforced and obeyed as that any other law should be enforced. A man whose guilt is not clearly established by legal evidence on the trial is legally entitled to an acquittal, although he may, in fact, be guilty.

Section 1057 of the Laws of Oregon sets forth the duties of attorneys and every attorney admitted to the bar in Oregon takes an oath faithfully and honestly to demean himself in office, and to support the constitution and laws of this state, and this oath requires every lawyer, inter alia, "to counsel or maintain such actions, suits, or proceedings or defenses only as may appear to him legal and just, except the defense of a person charged with a public offense; to employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth, and never to seek to mislead the court or jury by any artifice or false statement of law or fact," etc. These extracts set forth the duty of

lawyers, so far as I wish to discuss them in this paper. It will be seen that a lawyer has no right to engage in any action, suit or proceeding and urge any cause or defense unless it appears to him to be legal and just, except in the defense of a person charged with a crime. He has the right, to defend a person charged with a crime, whether he deems him guilty or not. This is the plain meaning of the statute above quoted, but in defending such a person he is required to use only such means as are consistent with truth, and he is forbidden to use any artifice or to make any false statement of law or fact or attempt to mislead the jury or the court.

A lawyer has no right to mis-state the facts or the law, and he has no right to assert in argument to the court or the jury that he believes anything that he does not believe. Lawyers have no license to lie. In fact, they are always under oath and required to state the truth, and not to deceive.

If a lawyer coaches a witness and knowingly influences him either to swear to a falsehood or to conceal a material fact, he commits the crime of subornation of perjury, which is a felony. A lawyer that knowingly has a witness swear falsely to a material matter, is a criminal, and a disgrace to his profession, and should be disbarred.

But a lawyer may believe, or even know that a defendant in a criminal case is guilty, and yet legally and properly defend him. In doing so, however, he has no right to assert that he believes him innocent, because to do so, would be to try to mislead the jury as to a matter of fact, which is forbidden by the statute. True lawyers are not liars. They are men of truth.

When a lawyer believes, or knows his client to be guilty, he has the right to defend him to the extent of seeing that he has a lawful trial, and, if the evidence given on the trial is legally insufficient to satisfy a fair and impartial jury of his client's guilt, he has the right to argue to that effect with all his ability and force, but, in doing so, he must do nothing inconsistent with truth.

Lawyers have the right to refuse to defend persons charged with crime in all cases, excepting when appointed by the court, but they may properly defend any man to the extent of seeing that he is legally tried, and if they deem the evidence insufficient to justify a conviction, they may argue for an acquittal on the ground of insufficiency of the evidence, although they may deem the defendant guilty. To justify a conviction an accused person must be proven guilty beyond a reasonable doubt.

It is the right of every witness to be protected by the court from irrelevant, insulting and improper questions, and from harsh or insulting demeanor, during the examination or in argument. Lawyers who unjustly criticize or denounce witnesses, abuse their privileges and should be required by the court to desist. It is the duty of the court to see that lawyers treat witnesses properly. Sometimes, however, severe criticism of a witness is not only within the privilege, but within the duty of counsel.

The bar is not the communion of saints, but a man cannot be admitted until he has proved to the Supreme Court that he is possessed of a good moral character, and when he ceases to possess such a character, he may be disbarred.

The lawyer's life is not an easy one. Daniel Webster once said that a lawyer works hard, lives well, and dies poor. But if a lawyer is true to his profession, he may properly contemplate the closing years of his life as Sir William Blackston did, his:—"Thus, though my noon of life is past, Yet let my setting sun at last Find out the still, the rural cell Where sage Retirement loves to dwell! There let me taste the home-felt bliss Of Innocence and inward peace; Untainted by the guilty bribe, Uncurs'd amid the harpy tribe; No orphan's cry to wound my ear, My honor and my conscience clear; Thus may I calmly meet my end, Thus to the grave in peace descend." WILLIAM M. RAMSEY.

UNION HAS THE LEAST.

Of Large Number at State Asylum, Union has Least of any County.

Of 1600 inmates of the state asylum at Salem, Union county has the least representation. This is the statement of an asylum official, who has recently been in the city. He reported that sixty-seven were sent to the asylum during the month of July. He referred to Union county's "shortage" in such

Your Figure and Your Corset

No matter how fashionable or expensive your dress may be it will not be attractive unless your figure is shaped properly. Of course you know the shape lines of your figure depend wholly on your corset. If you wear a model that is correct in style and size you have the right style foundation.



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Political Announcements

This column is open to any candidate regardless of Faction or Party and is paid advertising

S. F. WILSON, Athena, Oregon, candidate for joint senator for Umatilla, Union and Morrow counties subject to decision of republican primaries. "I firmly believe in the direct primary law, economy in the use of public funds, good roads, better schools, strict and prompt enforcement of law, the square deal and eternal progress of man and his institutions."

C. A. BARRETT, Athena, Oregon.—I hereby announce myself as a candidate for the nomination for joint senator for the district embracing Union, Umatilla and Morrow counties, subject to the choice of republican voters at the primary

nominating election to be held on September 24th, 1910. If nominated and elected I will work for the interest of all the people of my district to the best of my ability. favor the maintenance of the direct primary law and people's choice for senator and believe the people are as competent to nominate as they are to elect their officers. Very respectfully yours, C. A. BARRETT.

DR. C. T. BACON, La Grande, Oregon.—The Observer is authorized to announce the candidacy of Dr. C. T. Bacon for coroner of Union county, subject to the decision of the republican voters at the primary election

a way that would indicate the margin between Union and other low counties is wide.

To Test Eel Power.

Indianapolis, Ind., Aug. 15.—To test the power and nature of the electricity generated by electric eels, Max Ellis and William Tucker of the University of Indiana, will set out today on an expedition to the upper Amazon river, where the shocking fish have their habitat.

Anniversary of Los Angeles.

Los Angeles, Cal., Aug. 15.—With delegates from all over the country present, the American Association of Opticians convened here today. The 1911 convention will probably be awarded to Providence, R. I.

Camp for Consumptives.

Richmond, Va., Aug. 15.—A camp for tuberculosis patients was opened near here today. Already more applications have been received than can be accommodated and additional buildings will be necessary.

Pilgrims Visit Shrine.

Aurlesville, N. Y., Aug. 15.—Catholic clergy and laymen from all over the East took part today in the celebration of the twenty-fifth anniversary of the

erection of the chapel and memorial cross at the Shrine of Father Jogues, a Catholic missionary to the Indians in the colonial days.

Big Aero Race Open.

New York, Aug. 15.—Under the conditions of the \$30,000 prize offered by the Pulitzer papers for an aeroplane race from New York to St. Louis, the contest is opened today, and the big purse will go to the first aviator to make the thousand mile trip between now and January 1, when the offer expires.

MONTANA LABOR MEETING ON.

Representatives of Various Unions Hold Session at Great Falls

Great Falls, Mont., Aug. 15.—Representatives of the various trades unions throughout the state were assembled in this city this morning, when the Montana Federation of Labor opened its seventeenth convention. President M. M. Donghue called the gathering to order and Secretary Oscar M. Partelow read the official call. The convention will continue its sessions until all its business is concluded, which will probably be late in the week.

ARID CONDITION IN HILLS

STOCKMEN CANNOT REMEMBER EQUAL OF PRESENT SITUATION

Sheep Have Taken to Scattering and Herders Have Much Grief.

Never in the past decade has there been such manifest aridness in the interior of the mountains surrounding La Grande, according to eminent cattlemen. Walter M. Pierce, who has been spending considerable time in the mountains south of La Grande the past few weeks, looking after stock, says that he has never seen the mountains so dry or the drought extending back so far from the valley as it has this year. Other stockmen vouchsafe the same opinions.

Sheep are having a strenuous time feeding this year. The ranges are well eaten off, and the flocks have a habit of scattering much more often than formerly and shepherders are having difficulty in all instances.

EASTERN LABOR CONGRESS

Delegates Come in Large Numbers to Convention at Newark, N. J.

Newark, N. J., Aug. 15.—Representatives of organized labor in this state, delegates to the thirty-second annual congress of the New Jersey State Federation of Labor, assembled in Newark today in order to jointly consider matters of importance in the cause of labor.

Motor Boat Trials.

New York, Aug. 15.—Trial races to select three motor boats to defend the Harmsworth international trophy against the British challengers, were commenced today at Huntington Bay, L. I. The race will be held Saturday.

Esperanto Congress.

Washington, Aug. 15.—An address by Dr. Zamenhof of Warsaw, Poland, opened the International Esperanto Congress today, overnment delegates from nearly all civilized nations were then presented.

GEORGE PALMER, Pres. W. L. BRENHOLTS, Ass't. Cash. F. J. HOLMES, Vice-Pres. EARL ZUNDEL, 2d Ass't Cash.

F. L. MEYERS, Cashier.

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