

SETS UP AN ALIBI

Ed C. Lewis Makes a Strong Defense

IN CALOF MURDER TRIAL

Witnesses Say He Was in Troutdale Day of Crime.

CALOFS ACCUSE HIM OF DEED

Identify Lewis as Murderer—Charge That Prisoner Was Closely Confined in Shackles 17 Days Causes Sensation.

Although positively identified as the murderer of Max Calof by a number of witnesses, whose testimony, it is believed by the jury, would have sent him to the gallows, Ed C. Lewis, alias Jerry Leslie, yesterday presented strong testimony to support the alibi theory of the defense.

Nathan Calof and William Calof, sons of the murdered man, and a number of friends, who had become interested in the case, gave testimony which seemed to prove beyond any doubt the guilt of the defendant. Lewis, however, when called to the stand, told a straight story, which was substantiated by well-known farmers.

Attorney John F. Watts, who appeared for the defendant, had trouble in establishing dates, but by calling up memorable events, such as singing school, washday, or the birthday of younger members of the family, the witnesses were finally able to testify that upon the day of the murder the defendant was in the vicinity of Troutdale.

Max Calof was shot at his own home, 42 First street, on the night of June 22. Two men entered the house, Nathan Calof, the son, was feeding his horses, and fired two shots at him. The father rushed to the rescue and was shot by the thugs.

Identified by Nathan Calof.

Nathan Calof was the first witness called yesterday. He testified that he was able to positively identify the accused man as one who held him up in the barn and afterward murdered his father.

When cross-examined he was unable to establish firmly his grounds of recognition.

"Did you not say at the time of the murder that you did not recognize any of the men?" he was asked.

He admitted that he had made such a statement.

"Yet, at the time you were acquainted with Leslie?"

"He had worked for me several days, and I knew him," was the answer.

William Calof, the younger son, was called, and said that there was no doubt in his mind as to the identity of the accused man.

"I was able to get a good look at him the night of the shooting," said he. "As soon as I heard the shots, I ran out of the house, and he pointed a gun at me and ordered me to throw up my hands."

"And you knew him at the time?"

"Yes."

"Why did you not tell the detectives at the time?"

"I did not know his name."

"But you knew that he was called Jerry?"

"Yes."

"Then, why did you not tell the detectives that he was a fruit-peddler known as Jerry?"

The witness still insisted that he recognized Lewis as the murderer.

When Mrs. Margaret Cosgrove was called, another clash in testimony developed. She testified that she had seen Lewis in Portland on a day when other witnesses testified he was in Troutdale.

Attorney Watts said that he was willing to admit that Calof had been murdered, but, Coroner Finley and Dr. Sanford Whiting proceeded to prove that the one Lewis in Portland on the day when other witnesses testified he was in Troutdale, was not the man who murdered Calof.

Why do you say that your name is Lewis?" he was asked. "When you have been known in Portland as Jerry Leslie?"

"That is only a nickname," he explained. "When I am 'spelling' the boys say that I remind them of Leslie, the actor, and so have dubbed me 'Jerry Leslie.'"

Captain of Police Gritmacher was called, and asked to examine the police records to see if Lewis had been released from the jail on the morning of June 22.

Witness for the Defense.

Harry Barker, witness for the defense, said that Leslie had visited him in the quest of work, one Monday in June, but was sure it was June 22, instead of June 23. This seemed to disprove the story of the defendant.

Miss Barker, a gray-haired lady, sister of Harry Barker, was called. She identified Leslie as a man who had called at the Barker place and asked for work. She knew that it was on Monday, and remembered that the washing was on the line when she sold the sandwiches, and Lewis' story was generally believed.

F. E. Morgan, for whom Lewis said he had worked in Troutdale, was the strongest witness for the defense. Mr. Morgan held as proof of his testimony a time-book, in which the defendant had been credited with a day's work on June 22, 43 June 22 was Tuesday, and proceeding

witnesses had traced Lewis to within a few miles of Troutdale on Monday, the alibi theory of the defense seemed to be gaining weight.

Other witnesses were called who testified that a short time after the murder young Calof had denied all knowledge of the men who committed the crime, and had said that he would not be able to identify them.

It required over an hour to empanel the jury, and the following men were finally chosen:

James R. Ewing, George Zimmerman, George Ficklenstein, John C. Ainsworth, S. H. Cooper, A. C. Pike, Anthony Neopach, H. P. Christensen, J. H. Kistler, L. S. Normandin, Paul Bliss and F. T. Blake.

Attorney Springs Sensation.

In his opening address to the jury, John F. Watts, attorney for the defense, made the startling announcement that Leslie, after his arrest, was confined in the City Jail for 17 days and was not permitted to see anyone or consult with a lawyer. This was done notwithstanding the law entitles him to an immediate hearing, and continued the attorney in indignant tones: "They kept his feet in shackles."

"Do you mean to say this is true?" interrupted Judge Frazer, with a look of astonishment on his face. "Yes, your Honor," returned Mr. Watts, "that is true, every word of it."

Surprise was depicted on the countenances of persons present in the courtroom, who looked from one to the other to observe the effect of the disclosure.

Mr. Watts paused a second after the climax had been reached, and then proceeded to conclude the outline of the defense to the effect that the evidence would establish Leslie innocent of the murder. Mr. Watts said on the morning preceding the evening on which Max Calof was shot and killed, Leslie left Portland, walking to Troutdale and stopping on the way. Leslie worked several days at Troutdale, and then proceeded to The Dalles. There he picked up fruit, and after saving \$60, came back to Portland.

PROGRESS ON STREET WORK.

Wooden-Block Pavement of Albina Avenue Has Been Completed.

Deputy Bodman, of the East Side, reports that the recent storm did little damage to new streets and sewers in this district. Only recently work was started on the chain of seven streets from East Yamhill street in Sunnyside, but no damage was done. Work is progressing somewhat slowly on the graveling of Union avenue northward from Welder street. It was expected that this improvement would be completed this week, but owing to the storm, there will be some delay in getting the gravel. On the improvement of Union avenue north from Highland to Woodlawn, considerable grading has been done so far as Almsworth avenue, but the main portion of the work remains to be done. The residents can hardly hope for the completion of the improvement through to Dekum avenue before Spring.

In Lower Albina the improvement of Albina avenue from the ferry landing to Page street is complete, giving a well-improved street from the ferry to the city. This is the first street on the East Side to be paved, with wooden blocks.

Work has been started on East Tenth and East Market streets in Stephens' addition, but only a little grading has been done. East Tenth will be graded between Hawthorne avenue and East Division street, and East Market between Grand avenue and Twelfth street.

Invites His Sons.

Joseph Heiney has secured possession of his farm near Greasburg, and he invited to his two sons, Arthur and Albert, for a long term of years. Shortly after the lease was executed he commenced suit to have them ejected for alleged violation of the terms of the lease. The case had been carried from the Justice Court to the Supreme Court, a decision was recently made in his favor, and he has moved off, leaving him in possession.

Completing School Annex.

The annex to the Stephens schoolhouse may be occupied in two or three weeks. Rapid progress is being made toward completion of the lower rooms and the basement. Stairways leading to the north and south sides are being built this week.

East Side Notes.

City Engineer Elliott will have the plans of the Brooklyn sewer system ready so that the city may be able to let the owners desire to have the work done then.

The entertainment given in the Haywood Club auditorium for the Portsmouth school library fund was a gratifying success in every way. There was a large attendance, and about \$50 was cleared.

Free Delivery Limits Extended.

Postmaster Bancroft, who is now comfortably settled in his temporary quarters in the Snell-Helshu building, was much pleased yesterday to receive the following dispatch from Senator Mitchell: "In response to the earnest recommendation of Senator Fulton and myself, after a very careful and thorough examination made by the department, it is ordered that the free delivery service from Portland be extended to the territory now served by the independent offices at University Park, Peninsular, Woodlawn and Central, as soon as arrangements can be made for the discontinuance of the latter office and the establishment of stations in lieu thereof. Four more carriers will be allowed to enable this free delivery service to be put into operation. Although we have tried hard to have free delivery service extended to the people now served by the postoffice at Fulton, for the present this is declined, the department stating as a reason that it is a full half mile from the present free delivery limits, and the number of people to be served is only about 500, and that the department would not at present be justified in making the extension. I think that later, or perhaps early in the Spring, we will succeed in having the free delivery extended to the people of Fulton." The importance of this extension will be understood when it is known

Bonds Received for Refunding.

WASHINGTON, Nov. 9.—The amount of 3 and 4 per cent bonds so far received at the Treasury for refunding into two, is \$3,714,700, and the amount of five received for redemption is \$10,262,100.

FACES SEEN AT THE CALOF MURDER TRIAL



That it will give the benefit of free delivery to 5000 people—200 at Woodlawn, 2000 at University Park and Peninsular, and 500 at Central. The allowance of four carriers for this work makes Postmaster Bancroft hopeful that the four more carriers for the business part of the city he has been striving to secure may be granted before long. The mail to be delivered in this district is so large at present that several of the carriers yesterday went out twice in the forenoon, hardening iron shown in Portland, and on their return found enough for another heavy load. This is more than mere flesh and blood even of letter carriers can contend with successfully for any length of time.

INVITE PUBLIC TEST.

Representatives of Rival Steel Tempering Processes Are at Odds.

Z. T. Clark, the inventor and patentee of a process to temper steel, relates under date of November 6, in The Oregonian, that his chances are good to make a sale at a fair figure for his discovery. Mr. Clark says that the process of hardening iron shown in Portland, and on their return found enough for another heavy load. This is more than mere flesh and blood even of letter carriers can contend with successfully for any length of time.

HONOR THEIR KING

Britons in Portland Celebrate His Birthday.

IS SIXTY-TWO YEARS OLD

Speeches at Banquet of British Benevolent Society Indicate a Spirit of Friendship Between America and England.

King Edward should feel better this morning. His 62nd birthday anniversary was duly celebrated last night by the British-born citizens of Portland and their invited guests at a banquet laid in the grillroom of the Portland Hotel by the British Benevolent Society. The menu discussed was as fine as the hospitality can supply and the speechmaking combined eloquence and wit to the end when Anglo-Saxonism and good fellowship prevailed.

One hundred and two representative gentlemen of the city sat down to the tables, which were beautifully and patriotically trimmed with American Beauty roses. Mr. George Taylor, Jr., president of the society, presided as toastmaster and in an eloquent tribute proposed "The King." After drinking the toast, the banqueters joined in singing "God Save the King." British Consul James Laidlaw then responded to the toast, "The President of the United States," as follows:

"Mr. Toastmaster and Gentlemen: It gives me pleasure to propose a toast to the executive of this great nation. Everywhere, even in England the toast to the King and the President go naturally together. I take this as an evidence of how closely the two nations are drawing together and to what a great extent all distrust between the two countries has disappeared. The Anglo-Saxons must stand together. They have been welded together in sympathy and common interest by a long line of distinguished men, not by any means the least of whom is Theodore Roosevelt. It gives me great pleasure to pay this slight tribute to a man of whom I entertain so high an opinion as President Roosevelt. A man who acts always the part of a Christian gentleman. To one whose guiding star is and has always been, personal and civic

righteousness. Gentlemen, I pledge you the sentiments of the United States."

The sentiments of Mr. Laidlaw were greeted with cheers, and the company sang "Star-Spangled Banner."

After a health to the Queen, Mayor George H. Williams responded to "King Edward VII." He said:

"My Impressions of King Edward have always been expressed in the words of the song, 'He's a Jolly Good Fellow.' By this I do not mean that he lacks dignity or kingly qualifications. I rather mean to say that he is affable, courteous, humane, and as democratic as he can be, consistently, as the crowned head of a great empire.

"His conduct since he ascended the throne has been such as fits a man of his conspicuous and responsible position. With his coronation have come innovations on the established customs of his country, which have been to the great advantage of the British people. Heretofore for many generations the King has been little more than a figurehead in the hands of his Ministry. King Edward has made his individual judgment and personality an influential factor in the government. His recent visit to Ireland was a master stroke of policy and diplomacy, and it has done more to relieve injustice and oppression in that portion of the empire than all the efforts of all the Kings since Ireland became a part of Great Britain. I like and admire King Edward because he is the friend of the United States. He places a high value upon the friendship of this country, and understands us. He has done much to promote feelings of amity which should have the hearty support of every British subject and American citizen. Antisociality is happily dying out of the world, and it would be the greatest calamity which could befall mankind. We cannot altogether forget that the conduct of the mother country has not always been what that of a mother should be toward an offspring. We cannot forget the Revolution, the War of 1812 or the Civil War, in which her sympathy was against the Union, but there is blood in my veins which impels me to say, 'Britain, with all thy faults, I love thee still.' There are ties binding us which words cannot sever nor the carnage of battlefields annual.

"I am of the opinion that all probability of war between our nations has passed. I am of the opinion that wars must soon cease among all nations. But our problems in the world's affairs seem to stand in the way of universal peace. Russia, the great Northern bear, is opening her insatiable jaws to devour the Orient. I have no faith in her pretensions for peace and cannot have so long as she continues to recruit armies and establish new garrisons. Russian diplomacy is nothing but a disguise for lying and fraud. If I were Secretary of State and Russia said that she would evacuate Manchuria I should act upon the theory that she would do just the opposite thing.

"The English speaking nations and Rus-

SPEAKERS AT THE BRITISH BENEVOLENT SOCIETY BANQUET



Mayor George H. Williams, Dr. A. A. Morrison, H. W. Scott, C. E. S. Wood.

THE LETTER OF THE LAW

FIRE COMMITTEE REFUSES TO ACCEPT IRREGULAR BIDS.

Lack of Certified Check Causes Portland Paint & Wallpaper Company to Lose Contract.

The business methods of the fire committee of the Executive Board were likened to those of Shylock, Shakespeare's famous character, at yesterday afternoon's meeting of the committee. This simile was drawn by George H. Howe, of the Executive Board, as he rebuked the committee's action in sacrificing the city's money to the luxury of technical accuracy, in awarding bids for painting two fire stations. "It was held by the committee that the lowest bidder lost his standing because of submitting a business check instead of a certified check. An exact interpretation of law is preferable to mere money," it was held.

The bid in question was that submitted by the Portland Paint & Wallpaper Company. The company offered to do the work of painting a papering two fire stations, Nos. 5 and 6, for \$50, and accompanied their bid with a check for \$25 which, however, was a common business check and not a certified check, for per cent of the amount bid, as required. The next bid was that presented by James McKinley, and it was \$21.75 higher.

"That lowest bid should have a certified check. We must stand exactly by the law, and throw it out, I think," said Mr. Fiedner.

"The Portland Company is reliable. Their bid is far the lowest and the city hasn't got any money to throw away," said Mr. Howell.

"We ought to stick to the letter of the law," declared Mr. Fiedner. "If we do not get a bad example. These bids must come in here in good form or we ought to throw them out."

"There is such a thing as carrying this principle too far," said Mr. Howe. "I think some liberality should be allowed in interpreting the law. As for blindly following the letter of the law I believe Shylock has been shown to be wrong. He insisted upon having a pound of flesh from his debtor."

"I think we had better throw out the bid and award the contract to the law," again stated Mr. Fiedner.

"There's no use throwing money away. I'll stand as security for the Portland company and go down in my own pocket for the sum of \$25 for security, if necessary. Again I say there is no use of throwing away this money, and I say, 'Don't stand on such petty principles,'" concluded Mr. Howe.

A vote was then taken and the bid was ordered cast out. The bids of C. O. Lash and Smith Bros. were also thrown out for similar reasons. The contract was awarded to James McKinley for \$54.75.

Loyalty Never Greater.

"King Edward and his good Queen Alexandra have won the hearts of their people. Loyalty to the crown was never greater than now. The conditions which prevail at court are in marked contrast to the squabbles and intrigues which prevail among many of the courts of Europe. I hope and believe that King Edward will have a long and prosperous reign and that he will prove a worthy son to his illustrious mother, the lamented Victoria."

Judge Williams' remarks were wildly applauded and created a deep impression upon his hearers.

Dr. William A. Cumming then sang, "When the King Comes to His Own" and received an encore.

When the toastmaster proposed a toast to H. W. Scott the diners responded by singing "He's a Jolly Good Fellow." Mr. Scott was not on the programme for an address, but responded by thanking the members of the society for the compliment, after which he spoke in part as follows:

Kindred Across the Seas.

"I am impressed with the sentiment, 'our kindred beyond the seas.' It is a great thought. Our kindred speak it across the seas and we speak it here. We are, in sentiment, all Americans, Englishmen. The rise and growth of a great empire is the greatest subject which can engage the attention of humanity, unless it be the fall of a great empire. The course of the British Empire has been such as to excite the admiration of all men and especially we Americans, and we may all well join in hoping that her fall will be long and agonizing."

"To a large extent we are united in interest. Our language, law and literature are the same. There are slight differences in manners and customs, but at the bottom we are one. We understand each other better than any other nations of the world. The growth of Great Britain as a world power has been a matter largely of the last three centuries. Three centuries ago Spain had the world under her domination. She undertook to force all nations under her rule and used the church, as it then existed, to that end. She was defeated by low and unworthy instincts, and was crushed by England, animated by nobler motives and higher statesmanship. The influence of Great Britain has gone around the world and has brought everywhere a better idea of right and wrong, the same and we must not permit small differences to interfere with our harmony. We are the great moral force in the world. We are actuated by a common sense, the rule of the people through debate and congresses and individual suffrage. We speak the language of Milton and Shakespeare, and on the same ground must stand together against all antagonistic forces. We may well call the people of England our 'kindred beyond the seas,' and they may well echo back the sentiment."

Dr. Morrison's Remarks.

Following Mr. Scott, Dr. A. A. Morrison spoke of the Britisher abroad.

"Mr. Chairman, Britisher, Irishman and American guests: My subject is co-extensive with the fact of the cause. Wherever the foot of man has wandered you will find the British subject. He has carried with him a kind of enlightenment which was born when the Britisher was born. It developed when he was educated, and matured when he reached manhood. It must survive, for it represents the best which the world has ever seen. This does not exclude the other nations of the world. We have so many things in common that the slight lines of demarcation may be said to be no more than the conventional dividing lines between families. There is a soul in a nation as well as in an individual. The discovery of the British soul and the American soul is but to recognize the birth of twins. They were cradled in the same way, matured in the same way, taught the same way. They must be one because of those things which are deeper than legislation. It is rather needless to apprehend danger from the aggressions of the Russian Bear. We should feel no apprehension of a nation 100 years behind the times. If the Bear attacks us, we will have the Russian Bear. One cannot but feel proud of the little Isle. A small country, but a mighty people. Mighty, because it has a man who has been a great patriot, a man who has demonstrated their fitness for business, for social superiority. Men with an exalted type of religion and a code of morals which marks us as the best fitted people to survive. The discovery of a national soul binds the Anglo-Saxons eternally together and makes them one."

Following Dr. Morrison, W. K. Stewart sang, "There is a Land," and Colonel C. E. S. Wood was introduced.

The British Empire.

Colonel Wood's address was the most eloquent of the evening, and dealt largely with the development of the English idea of liberty from the time of the Runnymede Council to the present.

W. D. Wheelwright was called upon and made a happy little speech, following which were several impromptu toasts and more old English songs. The last toast of the evening, "The Ladies," was responded to by Captain Jesse M. Baker.

The credit for the complete success of the banquet is due largely to the untiring efforts of Messrs. William MacMaster, J. C. Robinson, W. J. Burns, Frank Sealey, John Cran, William McKenzie and K. K. Baxter, who constituted the committees in charge.

Norton's Finance Yqwl.

New York Sun.

In his recent farewell address at Ashfield, Mass., Professor Norton, the imprisoned anti-imperialist, said: "It is one of the white race who are barbarians and the inferior."

If we remember right, Professor Norton sat at apart from the anti-imperialist agitation. He was kept in Botticell, in Durst. He was reading the "Vita Nuova," the Egyptian "Book of the Dead," the "History of St. Louis." An anecdote which he used to tell of Carlyle may serve to indicate his attitude of aloofness:

"Mr. Soomer talked to Mrs. Carlyle for six mortal hours about the pitiful, drooping, African nigger, blank, blank him!"

Professor Norton's present view of the colored race merely reflects his determination to find the most unpopular and impossible opinions and hurl them at a world gone wrong. We shall miss his yearly yowls. Will he not consent to be a chairman emeritus at Ashfield? Not all the pathological lore of President Roosevelt's Hall, not all the currents of "culture," forever full, forever flowing free, of Dr. Hamilton Wright Mable, can console Ashfield and the rest of mankind for Professor Norton's silence.

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