LAWYERS DRAFT **CODE OF ETHICS**

Work of Committee Is Ready for Approval of the National Association.

RULES GOVERN PROFESSION

Will Be Voted On at Next Annual Meeting - Point Out Straight and Narrow Path for "High Priests of Justice."

NEW YORK, May 28 .- A draft of the proposed canons of professional ethics been prepared by a committee of the American Bar Association, and is

has been prepared by a committee of the American Bar Association, and is being submitted to members of the Association for suggestions and criticisms. The final report, which it is proposed to base upon the suggestions and criticisms received will be submitted to the Association as a whole at the annual meeting, to be held next August at Scattle. Wash.

In 27 states of the Union there are codes of ethics more or less complete, which exist as a result, either of codification by statutory enactments of some of the "duties" of lawyers, or of the action of Bar Associations therein in adopting canons of professional ethics. For some years past members of the Bar Associations have advocated a movement which should culminate in an authoritatively declared standard of professional conduct, which will not only serve as a guide to the youthful practitioner, but will place the profession before the public in its true light, and thereby free it from public criticism and censure, which have at times been bestowed upon it as a result of the misconduct of unworthy men who have found their way into its ranks.

Considered Three Years.

Considered Three Years.

At the 1905 meeting of the Associa-tion, the chairman of the executive committee presented a resolution which was adopted unanimously, prowhich was adopted unanimously, providing for a special committee to report upon the advisability and practicability of the adoption of a code of
professional ethics by the Association.
At the 1946 meeting the committee reported favorably upon both points, and
at the 1967 meeting the Association
directed the committee to prepare a
draft for the proposed canons of profession ethics, requesting suggestions and criticisms of all members of
the American Bar. In submitting its
report the committee says:
The foundation of the draft for canons of

The foundation of the draft for canons of the Alabama State Bar Association in 1887. This draft represents our best present judgment after a most careful consideration of the sub-

a most careful consideration of the subject.

In America where justice reigns only by
and through the people under forms of law,
it is essential that the system for establishing and dispensing justice not only be
developed to a high point of practical efficiency, but so maintained that there shall
be absolute confidence on the part of the
public in the fairness, the integrity and the
impartiality of its administration; otherwise
there can be no permanence to our republican institutions.

Our profession is necessarily the keystone in the arch of republican government,
and the future of the republic, to a great
extent, depends on our maintenance of the
shrine of justice pure and unsulled. It cannot be so maintained unless the conduct,
and the motives of the members of our profession, who are the high priests of Justice,
are what they ought to be.

No code or set of rules can be framed,
which will particularize all the duties of the
lawyer in the varying phases of litigation or
in all the relations of professional life. The
folowing canons of ethics are adopted by
the American Bar Association as a general
guide, yet the enumeration of particular
duties should not be construed as a denial
of the existence of others equally imperafive, though not speakhoally mentioned.

The canons deal with the many
problems confronting the lawyer in his
professional conduct.

problems confronting the lawyer in his professional conduct. Among the most important recommendations are the

Defending One Who Is Guilty.

Defending One Who Is Guilty.

A lawyer may undertake with propriety the defense of a person accused of a crime, although he knows or believes him guilty, and having undertaken it, he is bound by all fair and hoorable means to present such defenses as the law of the land permits, to the end that no person may be deprived of life or liberty but by due process of law.

Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class and to deprive the procession of that full measure of public exteem and confidence which celongs to the proper discharge of its duties than does the false claim often set up by the unacrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause. A lawyer owes entire devotion to the interest of his client, warm seal in the maintenance and defense of his cause and the exertion of the utmost skill and ability, to the end that nothing may be taken or withheld from him, save by the rules of law, legally applied.

Nevertheless, it is steadfastly to be borne in mind that the great trust is to be performed within and not without the bounds of the law The office of attorney does not permit, much less does it demand for any client, volation of law or any manner of fraud or chicanery. No lawyer is justified in substituting another's conscience for his own. A lawyer should always used.

o do for himself.

Treatment of Witnesses.

A lawrer should always treat adverse witnesses and sultors with fairness and due tonsideration, and he should never minister of the malevolence or prejudices of a client n the trial or conduct of a cause. The client cannot be made the keeper of the award conscience in professional matters. eliest cannot be made the sceper of the lawyer's conscience in proressional matters. He cannot demand as of right that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

Ethics of Advertising

The most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well-mented reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication of circulation of ordinary simple haviness carda, being a matter of personal laste or local custom, and sometimes of convenience, is not per se improper. But solicitation of business by circulars or advertisements or by personal communications or interviews, not warranted by personal relations, is unprefessional.

Stirring Un Lithention.

at Adams restaurant, at Savier and Twenty-third streets. Wednesday night to the purpose of the purpose of the purpose of the stirring up strife and fillegation unprofessional, but it is disreputable in morals contrary to public policy and indictable at common law. No one should be permitted to remain in the profession who hunts up defects in titles or other causes of action and informs thereof in order to be employed to pring suit, or who breeds litigation by seeking out those with claims for personal injuries or those having other grounds of action in order to secure them as clients, or who employ agents or runners for like purposes, or who pass or rewards directly or indirectly those who having or induced the bringing of such cases to his office or who remunerates policemen, court or prison officials physicians, hospital attaches or others who may succeed under the guise of giving disinterested, friendly advice, in influencing the criminal, the stek and the injured, the light part of the purpose of the principal distinctions, the principal of sunteresting the criminal, the stek and the injured, the light part of the fact of the colonel with remaining the criminal, the stek and the injured the light part of the colonel with remaining the criminal, the stek and the injured the light part of the colonel with reports to the colonel with reports to the colonel of the purposes of the principal witnesses to the oliginal physicians, hospital attaches or others who may succeed under the guise of giving disinterested, friendly advice, in influence the bringing of such cases to his office or who remained the principal witnesses to the alleged identity of the Duke and the same hour others who may succeed under the guise of giving disinterested, friendly advice, in influence the bringing of such cases to his office or who remained the principal witnesses to the alleged identity of the Duke and the same hour others who may succeed under the guise of portions the principal witnesses to the alleged identity of the Duke and t

right to refuse retainers. Every lawyer must decide what business he will accept as counsellor, what causes he will shring into court for plaintiffs, what cases he will ontest in court for defendants. The responsibility for advising questionable transactions, for bringing questionable suits, for urging questionable defenses, is the lawyer's responsibility. He cannot escape it by urging as an excuse that he is only following his client's instructions.

Duty in Last Analysis.

No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any awyer render, any service or advice involving disloyally to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exacteding a jubil office or private trust, or deception or betrayal of the judicial. When rendering any such improper service or allvice, the lawyer lays saids his robe of office, and in his own person lavites and marits seen and lust condemnation. Correspondingly, he advantees the honor of his protession and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law.

comprising the chem and my distributes of moral law.

He must also observe and advise his client to observe the statute law, though until a statute law though until a statute law shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest bonor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

Recommends New Oath.

Pinishing its report the committee commends for adoption the following oath of admission to the bar, as containing clearly the general principles which should ever control the lawyer in the practice of his profession:

I do solemnly swear:
I will support the Constitution of the
United States and the State of
I will maintain the respect due to courts
of justice and judicial officers:
I will coursel and maintain only such actions, proceedings and defenses as appear to
me legally debatable and just, except the
defense of a person charged with a public
offense:

defense of a person charged with a public offense:

I will employ for the purpose of maintaining the causes confided in me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law:

Will maintain the confidence and preserve involate the secrets of my client, and will accept no compensation in connection with his businesse except from him or with his knowledge and approval;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defension or mailer. SO HELP ME GOD.

Members of Committee.

Members of Committee.

The report is signed by Alton B. Parker, former Chief Judge of the New York State Court of Appeals; Justice Brewer of the Supreme Court of the United States; Judge Thomas G. Jones, of the United States Court in Alabama; J. M. Dickinson, president of the Ameri-can Bar Association; George R. Peck and William Wirt Howe, former presidents of the association, and Francis Lynde Stetaon, president of the New York Bar Association. The report is a result of a three-days' session of the committee recently held in Washington.

AUTO COMPANIES EXALT VIR-TUES OF VARIOUS CARS.

Executive Board Fire Committee Is Puzzled as to What Kind to Buy for Chief Campbell.

Bids were opened by the fire committee of the Executive Board yestertoday for furnishing to the city an au-tomobile to be used by Fire Chief David Campbell,

After delving into a batch of ex-planatory literature and specifications which accompanied the bids of three automobile companies, each of which wish to furnish the car, the members of the committee confessed themselves puzzled, if not "stumped." Mayor Lane admitted having a slight

knowledge of the construction and running powers of a motorcycle, but openly confessed his ignorance as to what went to make up a genuine thor-oughbred automobile. However, Fire Chief Campbell was present and re-fused to consider such a thing as a motorcycle in his business, so the Mayor thought it unnecessary to go

Mayor thought it unnecessary into detail on the cycle subject. The Studebaker Company proposed to furnish the city a \$5051.50 machine for \$3500 flat. A representative of the company, who was present, stated that the Studebaker people were willing to do this for the advertising that there would be in it.

The Fred A. Bennett Company offered the city a Premier runabout for \$2999, This was the lowest bid, but again the

question arose as to the merits of the car and the method of determining

The H. L. Keate Auto Company of-

The H. L. Keats Auto Company of-fered to sell a Pope Hartford runabout which they valued at \$3334.50, with fixtures, for \$3500.

Mayor Lane declared that it had been brought to his attention that Andrew Carnegle used a Studebaker machine, and suggested that for this and other reasons the bid of the Studebaker Com-pany be given favorable consideration. The Mayor declared that he did not be-lieve that "Andrew" would ride in a lieve that "Andrew" would ride in a poor make of a car, and added that if the machine was good enough for the steel magnate it would surely be good enough for Fire Chief Campbell. The blds were taken under advisement and in the meantime the committee will try to determine the respective merits of the various cars.

The fact that only three bids were received came somewhat as a surprise to the committee, whose members ex-pected that practically all of the automobile houses in the city would be anxious to make the sale

FIGHT OUT WIVES' BATTLE

Carman Arrested After Settling
Quarrel With Fellow-Workman.

John Travers and L. V. Penners, motormen on the Fulton line, took up a quarrel which their respective wives had begun, early yesterday morning at the carbarn. The outcome was that Travers decorated Penners face and Penners had Travers are at Adams' restaurant, at Savier and Twonty-third streets. Wednesday night Mrs. Travers suggested that the diamond ring worn by Mrs. Penners' husband was not yet paid for. Mrs. Penners' husband was not yet paid for. Mrs. Penners' husband was not yet paid for. Mrs. Penners' recalled having given Mrs. Travers clothes last winter. Other unpleasant things were said, the quarrel being brought on by the fact of a misunderstanding in trading shifts at the restaurant.

The women told their husbands, who took up the dispute bright and early yesterday morning with the result already referred to. Travers had to put up ball for his appearance in the Municipal Court today.

Druce Witness in Prison.

HEARST GAINS 68

Second Day of Recount Gives Him 41 More Votes.

SIX BOXES ARE OPENED

Discrepancy of 23 Votes Found in One Precinct-Evidence of Fraud Leads to Hint of Crim-

inal Prosecution.

NEW YORK, May 28.-When today's ession of the McClellan-Hearst recount trial was concluded, a total of 41 ned been added to William R. Hearst's vote in the 1905 mayoralty election. The contents of six boxes were overhauled in the presente of the court and several discrepancies in the official count were prought to light.

In one case, while the tally sheet and the official canvas figures were identical, the count of the ballots disclosed 23 more votes for Hearst than had been This was the greatest gain returned. of the day for the Hearst side, the re-turns being found correct in two dis-tricts and errors which added from two to seven to the Hearst total in four

others.

The net result of the count for the two days' session has been to give the contestant for the Mayoralty 68 more votes than he was credited with receiving, eight ballot boxes recounted adding this number to the Hearst total.

When the results of the third box was

this number to the Hearst total.

When the recount of the third box was completed and the result announced, Justice Lambert saked: "Where are the tally sheets? Where are the election inspec-

sheets? Where are the election inspectors?"

"They are in the County Clerk's office," replied Mr. Richards, counsel for Mayor McClellan, as he offered the printed returns from the city record.

"No, that won't do," said the Justice. "I want the originals which will show what was done and who is responsible." Justice Lambert then sent for the original tally sheets, which had been certified by the inspectors of elections, in spite of the protests of Mr. Richards. No further action was taken at the time, the Justice directing that the recount prothe Justice directing that the recount pro

SLIGHT FOR WARSHIPS?

Mr. McCusker Takes Cognizance of a Surprising Rumor.

PORTLAND, Or., May 28.—(To the Editor.)—I see by The Evening Telegram that none of the commerical bodies of this city have attempted to make any preparation for the enter-tainment of, or even to extend a cour-teous welcome to, the officers and men of what some of our respected fellow citizens are pleased to term the "mos-quito fleet," which will visit us next week. Consequently the Elks, very much to their credit, have decided to save the reputation and honor of the city by taking the initiative in the matter, and will do everything in their power to make the visit of that por-tion of the Navy who have honored us with their presence, as pleasant as possible. If any of our citizens are of such small caliber as to believe for a moment that by offering an insult a moment that by offering an insult to the officers and men who will be with us soon, they are revenging them-selves on the Government, or upon any of our Representatives in Congress be-cause of their inability to force the President to risk the fleet of battle-ships in our river, they certainly are deserving of the censure of all fair-minded people, for instead of wreak-less the revenge intended it will bring ing the revenge intended, it will bring upon Portland the contempt of the world. I know that there is a feeling here that no effort should be wasted on the mosquito fleet, as I had writon the mosquito freet, as I had writ-ten evidence to that effect, but I thought that it was actuated only by a temporary fit of "spleen," and would pass away when the sun shone again, but appearances indicate that it is still

I trust that The Telegram is mis-taken in this, and that no deliberated slight is intended, neither does The Telegram say so directly, but the in-ference to be drawn from the article in last night's paper would tend to point in that direction.

For fear that there might be some for tear that there might be some-thing in it, I would respectfully call the attention of his honor, the Mayor to this before it is too late to do any-thing, and request him to devise some-form of entertainment at the Armory or at some of our leading hotels, and let him ask our citizens to contribute for such entertainment, and I feel cer-tain that they will respond with alac-

THOMAS M'CUSKER.

NATIONAL GUARD IN PARADE

Will Participate in Services on Memorial Day.

The members of the Third Regiment, O. N. G., have received orders to participate in three parades to be held within the next few days. While the regimental order does not include the members of the Hospital Corps, O. N. G., Colonel McDonell wishes them to understand that they are expected to turn out at the request of their commanding officer. The general order issued is as follows:

Headquarters Third Infantry, Oreson Na-

What About Salmon Protection?

That the food fish of our state need better protection than is now afforded is agreed. You have already or doubtless will receive considerable literature on the subject, but no matter how attractive the argument, stop and consider how much it may be colored by self-interest.

The United States Bureau of Fisheries are the greatest expert authorities on the subject and have NO AX TO GRIND. Read what they say:

Department of Commerce and Labor OFFICE OF THE SECRETARY, WASHINGTON, D. C.

Hon Charles W. Fulton, United States Senate,

Washington, D. C. Sir: The Department realizes the importance of the various questions affecting the salmon fishery in the Columbia River brought up in your letter of the 18th ultimo, and has taken this opportunity to make a thorough investigation of the matter. There can be no question that the status of the fishery is unsatisfactory, and that under existing conditions the trend may be expected to be steadily downward, with the result that in a comparatively few years the run of salmon in that stream will be reduced to such a degree that thousands of fishermen may be thrown out of employment and much capital rendered idle. The Federal Government is without any jurisdiction whatsoever in the premises, and the duty of conserving the salmon supply in the Columbia devolves on the States of Oregon, Washington and Idaho; but this Department has been charged by Congress with important fish-cultural operations in the Columbia basin, and has felt impelled from time to time to direct attention to the necessity for giving adequate protection to the various species of salmon frequenting that stream. The Department is convinced that the run of salmon in the Columbia can be amply maintained for an indefinite period if artificial propagation is supplemented by rational protection; but artificial propagation alone cannot cope with the situation, and, as a matter of fact, the recent experience of the Department has shown

that its beneficial labors are rendered almost futile by the failure of the states to appreciate this fact.

The Department sees no reason for advocating the elimination of fish wheels from the river, as there is no evidence to show that this form of apparatus is particularly destructive of salmon. A condition that is specially favorable for the passage of salmon—namely, very high water—renders the wheels unserviceable and, on the other hand, periods of very low water, when the fish are not restricted in their movements, are also unfavorable for the wheels. During the past two or three seasons the catch of salmon by wheels has been comparatively small; but even if it were very large it would

be a fact of no special significance in the present connection. The Columbia River is, however, made to yield a quantity of salmon far greater than regard for the future supply permits, and the drain is yearly becoming more serious. No one familiar with the situation can fail to appreciate the menace to the perpetuity of the industry that is furnished by the concentration of a tremendous, amount of fixed and floating apparatus of capture in and near the muth of the river. This apparatus comprises about 400 pound nets or traps, over 80 long-sweep seines, and more than 2200 gill nets, the last having an aggregate approximate length of over 570 miles; and these appliances capture more than 95 per cent of the fish taken in the Oregon and Washington waters of the river, the figures of 1904 being nearly 34,000,000 pounds, or 98.7 per cent of the total yield. Under such conditions, it is self-evident that but comparatively few fish are permitted to reach the upper waters where the spawning grounds are

The details of the measures necessary to place the salmon industry of the Columbia River on a permanent basis cannot be elaborated by the Department at this time, but in general it may be said that there should be (1)a restriction on the amount of apparatus employed in a given section; (2) an adequate weekly close season covering possibly two days at first, but reduced later if the circumstances warrant it; (3) an annual close season, preferably at the beginning of the salmon run, and (4) joint arrangements between the States, so that protective measures may be harmonious. Respectfully yours,

(Signed) OSCAR S. STRAUS, Secretary.

Bill No. 318 Embodies Government Recommendations and Should Pass. It is a Square Deal for All.

VOTE 318-X-YES

Bill No. 333 was framed to foster the selfish interest of a single locality. It is against the Government recommendations, and will mean a heavy tax on the state to carry out its provisions. It favors monopoly and is unfair. It should not pass.

VOTE 333-X-NO

PINCHON HIGHLY PLEASED

LOOKS FOR PERMANENT EN-TENTE WITH ENGLAND.

French Minister of Foreign Affairs Profoundly Impressed by Reception Given Fallieres.

LONDON, May 28.—M. Pinchon, Min-ister of Foreign Affairs of the French Republic, who is in London with Presi-dent Fallieres, was interviewed this evening. He said the President of France had been profoundly impressed with the recention accorded him in London. reception accorded him in London.
"It is in my eyes a most cheerful justification to those of us who have always "It is in my eyes a most cheerful justification to those of us who have always to
supported the policy of an understanding with Great Britain," M. Pinchon
said, "to see that policy triumph in the
form of, to adopt King Edward's phrase,
'a permanent entente.' The enthusiastic
welcome given to the President of the
French Republic proves that the entente
cordiale has definitely entered into the
policies of the two countries as a fundamental basis thereof.

"Not only is it considered by the two
peoples and by both governments, as responding to a necessity and as a logical
development of the history of England
and France, but it is popular on both
sides of the channel. The English and
French feel, instinctively, that this is
one of the surest means of counteracting
all combinations that might interfere
with the interests of Great Britain and
France and threaten the peace which

RECOVERS AGED TORTOISE

Seattle Man Secures Shell on Which He Carved Name at Gettysburg.

SEATTLE, Wash., May 28 .- (Special.)-Forty-five years ago, while in camp about 14 miles from Gettysburg, J. D. Lee, of this city, carved his name and a United States flag on the shell of a small tortoise: Three years ago H. H. small tortoise: Three years ago H. H. Mertz, of Gettysburg, caught and killed the tortoise. He advertised in all the Eastern papers for Lee, and finally succeeded in locating him by looking through the rosters of all the G. A. R. camps of the country. After finding him Mertz would not surrender the shell of the tortoise till he had received affidaviz that Lee was of good moral character. These were furnished, and Lee has just received the interesting relic.

Whitmore Tells His Story.

NEW YORK, May 28.—With the defendants's own story on the witness stand late today the trial of Theodore S. Whitmore, of Brooklyn, charged with having murdered his wife and thrown her body into the Lampblack swamp in Harrison, N. J., came to a close in Jersey City, so far as the taking of testimony is concerned. Tomorrow both sides will sum up and the case will go to the jury. A verdict may be reached before night. Whitmore's main defense has been an allibi. an alibi.

Hanan shoes at Rosenthal's.

CANADIAN LINE BUILDING TEN BOXCARS DAILY.

Equipment Necessary in Order to Handle Wheat Crop That Is Increasing Each Year.

While American railroads are not add Ing a single boxcar to their equipment and have their sidings filled with empty freight cars, the Canadian Pacific is steadily increasing its rolling stock, both passenger and freight. The Angus shops of the Canadian fine are now turning out ten box cars a day and are building passenger coaches at the rate of five a week. Until lately locomotives were being built at the rate of one every five days, but sufficient motive power was added in this way and the construction of more engines has been discontinued for the present.

The Canadian Pacific also has miles of empty freight cars on its lines, and it is considered somewhat remarkable that it is one in San Francisco.

"The Commercial Club is a splendid institution. They ought to have such a one in San Francisco."

"General business conditions at the present time are much better here than in San Francisco." ing a single boxcar to their equipment

crop, which establishes new secords every year in the rapidly growing Canadian Northwest. The wheat movement alone at harvest time now calls for double the total equipment the Canadian Pacific had Northwest. The wheat movement alone at harvest time now calls for double the total equipment the Canadian Pacific had five years ago.

Indications are for a bumper crop

throughout the Canadian territory served throughout the Canadian territory served by the Canadian Pacific Railway, and unusual plans are under way to meet the demands that will be made upon the line to care for this traffic. Today the Canadian Pacific is probably the only railroad on the continent that is adding largely to its equipment in the face of the operalling business depression and the prevailing business depression, and the consequent light demands that are made upon the railroads.

SINGS LOUD OUR PRAISES

San Francisco Attorney Notes Great Gains in Portland.

in San Francisco.

AUCTION **AUCTION** FORCED BY OUR CREDITORS TO RAISE \$25,000 BY JULY FIRST

In order to meet their demands we will auction our entire stock of watches, diamonds, jewelry, sterling and plated silverware, cut glass and Brauer's celebrated hand-painted china to the highest bidder. Buy your June wedding presents at this sale at your own price. Auction sales daily at 2:30 and 7:30 P. M. A. KRUGMAN, auctioneer.

Beautiful presents given away to the ladies at each sale

METZGER & COMPANY 342 WASHINGTON STREET, BETWEEN AUCTION AUCTION SEVENTH AND PARK