

THE LADDER OF SUCCESS
SOME OBSERVATIONS BY THOSE UP NEAR
THE TOP LOOKING DOWN

BY SHAD O. KRANTZ

A TINY drop of paint, red paint, altered the entire career of Rufus M. Mallory, one of Oregon's most eminent present-day lawyers and early political leaders.

The drop of red paint was on a man's hat. That is, half of it was on the hat proper and the other half was on the band of the hat.

The hat belonged to one George Beall, accused of murder. It was found in his house. The band of the hat was found hanging to the limb of a tree near where the murder was committed.

The telltale drop of red paint, half on the hat and half on the band, when fitted together proved to be the circumstantial evidence necessary to convict Beall of the crime.

Mr. Mallory was the prosecuting attorney whose cunning and whose knowledge of the law secured the conviction.

The case attracted wide attention. Daniel Delaney, a rich farmer, was called to testify on his own behalf. He was the evident motive. Beall had been acquainted with Delaney. Other circumstances pointed to him as the murderer. But it required additional evidence to connect them with the crime.

Mr. Mallory had the hat. The hat, the band and the paint were only a few links in a remarkable chain of circumstantial evidence upon the strength of which the jury returned a conviction.

The men afterwards confessed, and declared that the evidence varied in no essential particular from the movements attributed to them by the prosecutor.

His successful prosecution of the case brought him into immediate prominence. Honors came rapidly then.

He was elected to congress, was made Speaker of the lower house of the Legislature, United States District Attorney, a special envoy of the Federal Government on the Oregon question to the Orient and probably would have gone to the United States Senate had not his lack of confidence in his own ability stood in the way.

His Lack of Confidence Deplorable. The term "lack of confidence" is used deliberately and with premeditation, as that is the way Mr. Mallory himself desired the name.

"Yes, sir," he says, "I have suffered my whole life from lack of confidence myself."

"If I had my life to live over again I should assume at all times that I knew everything and that I expected I should know, and soon people would begin to believe that I actually did know."

"But neither should a man be full of conceit," he advises. "Nothing hurts a young man more than conceit. I once knew a man who was so conceited that people used to avoid him. He would not let his conceit in this way he would furnish a lot of amusement. He was the only conceited man I ever knew who did anybody any good."

Conceit ever has been absent from Mr. Mallory's makeup. What he desires in himself is not a lack of confidence as declared by his friends to be a natural modesty and a retiring disposition.

Mr. Mallory always has been noted among his friends for his conscientious devotion to principle. He hates the shams and the subtleties of the professional politicians and cares little for the honors which he himself believes that the course he is taking is right.

As a political speaker or as an orator before a court, Mr. Mallory has not now and has had few equals in the Northwest. This disposition manifested itself at an early age.

Youth Goes to Spelling Bee. As a youth he lived with his parents and eight brothers and sisters, of which he was the youngest, on a farm in the town of Clatsop, near Astoria, where the entire family would attend a spelling bee in the schoolhouse which stood on the corner of the Mallory farm, and where Rufus Mallory, who was only four years old, and considered too small. He persisted, however, and finally was taken with the others on the spelling bee, and a poem which he had learned and which started like this:

"You scarce expect me of my age
To speak in verse,
And if I chance to fall below
Demosthenes and Cicero,
Don't view it as a crime,
But pass my imperfections by."

Mr. Mallory will be 83 years old June next, but he remembers that incident and that poem as well as if it occurred yesterday. He has a remarkable memory and can recall dates, names and places of his early childhood almost as readily as occurrences of those of the last decade.

Education in the day of his youth was a luxury. It was hard to come and eagerly sought. He worked on his father's farm and went to school when he got a chance. He managed to get into the common school at Clatsop, where Alfred Academy in Allegheny County, N. Y. He attended the Teachers' university, too, for a time, and gave himself to teaching school, which he did successfully. When he was 17 years old he got a job clerking in a general store. The storekeeper had a set of lawbooks and he read law after store hours. Seven years later he went to New London, Ia., where he continued to study law.

All this time he had the Oregon fever. Returning to New York he came by way of the Isthmus to Francisco, thence overland to Jacksonville, Or., where he arrived January 1, 1859.

Teaching Job Soon Landed. "They need a schoolteacher at Roseburg," was the advice he received after inquiring around Jacksonville. He was off the same day, on foot, for Roseburg, for he was without funds. He taught school and finished by his legal training.

The following year he was admitted to the bar and promptly elected District Attorney for Clatsop, Jackson and Josephine Counties. He was popular, and in 1862 the people of Douglas County elected him to the Legislature.

While he was in the Legislature a Senator had to be elected to succeed Colonel E. D. Baker, who had been killed at Battle Bluff in the great battle of the Marston. Benjamin Harding was named. At that time Mr. Harding had a law partnership with J. G. Wilson, who was District Attorney of the Third District, in which Salem then was located. The Legislature created a new judicial district and Mr. Wilson was appointed judge of that district.

Harding and Winter offered their practice to Mr. Mallory and he moved to Salem to accept it. Governor Gibbs appointed him District Attorney for the Third District, to succeed Mr. Wilson.

Both these honors came unsolicited. The firm of Harding & Wilson was under no obligations to Mr. Mallory whatsoever. In fact, he had voted against Mr. Harding and for George H. Williams for the Senatorship. It is probable that they gave him their practice merely on his merits as a lawyer.

He made such a good record as District Attorney that in 1864 the people elected him to succeed himself. It was



Rufus Mallory

during his elective term that the famous Beall and Baker case came up. "I am sure that the outcome of that case was what sent me to Congress," says Mr. Mallory, in speaking of the honors bestowed upon him in 1864. As a member of Congress he participated in the impeachment proceedings against President Johnson, and regards that incident as one of the most important of his career. He was not a candidate for re-election. He returned to private law practice in 1872, and in 1874 was elected to the Oregon State Bar. Marion County sent him to the Legislature. He was elected Speaker of the House.

Meanwhile, in 1868, he was a delegate to the National Republican convention in Chicago that nominated General Grant for President. In 1874 he was appointed to the Oregon State District Attorney for Oregon. Four years later President Hayes reappointed him. In 1883 he was a delegate to the convention that nominated Benjamin Harrison for President.

Innocent Men Are Freed. As a Federal prosecutor he obtained the conviction of many guilty men. But as one of the most important of his legal career was his success in procuring the release from the penitentiary of four innocent men who had been falsely convicted.

Those four men had been accused of robbing the United States mails, which at that time was a capital offense. They were convicted under the District Attorney proceeding Mr. Mallory, and sent to prison.

But to procure their release it was necessary to find the man who really was guilty. Mr. Mallory did this. He brought about the arrest in California of a man named Sheperdson. The defense of Sheperdson was conducted on the theory that the men in the penitentiary were guilty.

The jury pronounced Sheperdson guilty, but he was acquitted under the statute of limitations by direction of the court. The result of the case was that the four men were freed.

While he was serving as Federal prosecutor and at various other times Mr. Mallory was urged by his friends as a candidate for the United States Senate.

But he would say, "I am not the man for the place."

High Standard Is Set. "My conception of a United States Senator is a man who measures up to the standard of Clay, of Webster and of Calhoun. It is an unworthy to sit in the places where those men have sat."

He steadfastly held to that purpose. "It was my lack of self-confidence,"

he says, "that kept me from being a candidate for the Senate."

His friends insist now that he would have measured up to the high standard that he set for himself quite as well as some of the men who have gone to the Senate in these later years.

Mr. Mallory's last public service was when he was sent to Singapore for the Federal Government to investigate the business of the Oregon and California Custom House in Portland that an article being imported as cargo was a substitute for the real article.

When Mr. Mallory returned from his trip to Singapore he was accompanied by his wife, Mrs. Sarah Watts Stinson, an Oregon pioneer of 1847, who will visit her former home in Clatsop for the first time since she left it to become one of this state's earliest pioneers. For the first time since her husband's death she has returned to Oregon to see her old home.

Another remarkable feature of his trip will be that he will take with him on his tour his old mother, Mrs. Sarah Watts Stinson, an Oregon pioneer of 1847, who will visit her former home in Clatsop for the first time since she left it to become one of this state's earliest pioneers. For the first time since her husband's death she has returned to Oregon to see her old home.

Mr. Stinson has been in the States of Oregon and British Columbia, but he has never been east of the boundaries of his native state. He came to Oregon to select a representative from Oregon to the "golden jubilee" meeting at the National capital that his was the only named proposed, and that for more than an hour the business of the Grand Lodge stopped while he was tendered an ovation without a parallel in Grand Lodge sessions. He was met by a large number of men, and men high in the business and official life of this state, with eyes full of tears and voices full of praise for his services to the state.

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ered a distance of more than 12,000 miles visiting Oregon lodges. To accomplish this remarkable record Mr. Stinson has traveled by every ordinary means of conveyance. He has ridden on steam and electric trains, ocean-going steamships and river steamers and rowboats, stage coaches and automobiles and wagons and buggy.

Very often on his trips has the popular grand keeper of records and seal of the Grand Lodge of Oregon, who has been on several late trains and other accidents he has met most of his appointments promptly, putting forth unusual efforts when necessary. On one of his trips 12 years ago he was in an accident in which he and the other Grand Lodge officers were narrowly missed serious injury.

Record for Faithfulness Long. His companions on this trip were William L. Bradshaw, of The Dalles, Clatsop county, and Judge J. W. C. Moser, of Portland, State Senator from Multnomah County, and now one of Oregon's supreme representatives to the Supreme Lodge, Knights of Pythias, and Frank S. Grant, ex-City Attorney of Portland and now a member of the order in this state, walked from Seaside to Nehalem and back, a round trip of 44 miles. Part of the trip was made while rain was falling.

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"LITTLE STORIES BY BIG MEN"
CONTRIBUTED BY NATION'S LEADERS

Anecdotes and Amusing Episodes of Personal Biographies of Prominent Personages Come to Light in New Volume Which Woman Writer, Annabel Lee, Compiles in Interesting Style.

THE volume entitled "Little Stories by Big Men," which G. P. Putnam's Sons have just published, is one of the novelties of the Christmas trade. It is unique, in that this is the first appearance in the history of literary undertakings of a volume composed entirely of short stories and anecdotes from the world's big men, and signed by them. Not the least remarkable feature of this compilation lies in the fact that these stories have been told to a woman, and frequently at the narrator's expense. Not a few of the contributors are men of high rank, and many of them are men of high rank, and many of them are men of high rank.

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