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THE WEATHER

Oregon, Washington, and Idaho—Fair and warmer.

CONVENTIONS NEXT.

The American people are going into convention to name their choice of certain men for certain offices, the highest in the land, and until the selections are made there will be a deluge of debate and uproar from the great centers of assemblage back to the remotest precinct of the country.

It is well to understand now, that the people of the United States are not to be put off with weak men in this year of grace; they have had a taste of the real thing in the way of Presidents and the succession must be made of a quality at least approaching the strength and power of the man who retires.

PREPAREDNESS.

This is the time for Astoria to "get next!"

While the dearth of business is on, and there is time to devote to the real situation, it is every man's duty to study closely the best plans and most feasible expedients for the communal up-lift and report them whenever they will do the most good.

In spite of every drawback that hinders and hampers her, Astoria is, today, one of the "sanest and safest" of the Oregon communities.

Her destiny lies in her own hands; she has been notified in unequivocal terms, of the disinclination of every great agency on the outside to which she has looked longingly for her redemption and launching.

The man with brains enough to evolve a working suggestion whereby she shall begin to forge ahead and take on new leverage and lustre, is the big man of the community; and he owes a lot of his fellows who are willing, to a man, to owe as much to him and make good, if he will but

CLEARED HIS CLIENT.

Episode In the Legal Career of Senator Stewart.

HIS LAST CRIMINAL CASE.

The Trial Which Moved Him to Declare He Would Never Again Defend a Man Charged With Murder and Turned His Career Toward Politics.

"Every true lawyer will be loyal to his client above all things," said former Senator Stewart of Nevada. "I once heard that great lawyer, Senator Davis of Minnesota, say, 'When a man places his life in my hands there is some danger that I may go to the penitentiary, but there is no danger that he will hang.'"

"Senator Davis meant to convey the idea that he would resort to every conceivable means to save the life of any client who placed that life in his keeping. That was the principle which encompassed me when I was in criminal practice. Because I went to extremes in saving a man from the gallows I quit criminal practice.

"My last criminal case was a singular one. I was practicing law in Nevada and had achieved quite a reputation as a criminal lawyer by reason of several almost phenomenal successes, as luck would have it. The rougher element seemed to have confidence in me and to feel safe in placing their interests in my charge. Thus it happened that when a man named Ellis was arrested for killing a man named O'Brien, on a mining claim, a friend of Ellis came to me and paid me a retainer to defend Ellis. I accepted the retainer without making any inquiries as to details or particulars. I was busy with other matters.

"Just before the case came to trial I looked into it and found that the case against Ellis was a strong one. In fact, I did not see how Ellis was to have a ghost of a show for his life. I could find no plea on which to defend him. The community was prejudiced against him, and some of my best friends came to me and begged me not to defend him. But that made no difference to me. I had accepted the retainer, and I was Ellis' lawyer. It was my duty to save him, if possible. Consequently I told my friends that I was Ellis' lawyer and that I intended to clear him. For the life of me, I didn't know how, though.

"As trial day drew nigh, Ellis grew more and more nervous. He sent for me again and again to come and see him, but I persistently refused to do so. I felt that he was guilty. I believed that he would lie to me and confuse me. I stayed away from him and sent word that I would be on hand to defend him. He was obliged to be satisfied. No other lawyer would take his case. But I made a bluff of telling all over town that I was going to clear Ellis. Meantime I had been making desperate plans for my client.

"Only one year previous to the trial of Ellis a popular young Irishman named Barney had been convicted of murder on circumstantial evidence. Subsequently the real murderer was found and lynched. The case of poor unfortunate Barney was fresh in the minds of all, and the man who had been his attorney and had earnestly pleaded for his life was now the presiding judge. Moreover, the principal witness against my man Ellis had been the principal witness against poor Barney.

"There was another witness, who was afflicted with an impediment in his speech. When excited he would stutter and go through such contortions that nobody could understand anything that he said, and his gestures were the writhings of an insane man. I had no witness for the defense and had to clear my man with the witnesses for the prosecution.

"There had been a row on the mountain side, and the evidence showed that Ellis had murdered a man named O'Brien without provocation except that O'Brien had claimed prior right to the mine of which Ellis had taken possession. O'Brien had gone into the mountain to assert his claim, and Ellis had killed him in the presence of two witnesses.

"Well, when the time came for trial Ellis sent word to me that he wanted to talk to me in the courtroom, but I sent back word for him to keep his mouth shut and see me immediately after the trial was over. The poor devil sat in the dock and eyed me wistfully. I could see that he had confidence in me as a criminal lawyer who had never lost a case, but his life was at stake, and he was guessing hard. I allowed the prosecution to make out its case with its witnesses and offered no objection of any kind. I told them that I was busy and wanted to get through the trial as soon as possible and as soon as my client was acquitted must take up another case, involving a great deal of property. It was a bluff, of course, but a bluff sometimes beats a hill hand.

"When my turn came I took the principal witness for the prosecution, and I went after him in this fashion: 'You are the man that swore away the life of poor Barney last year. His blood cries aloud for vengeance. We all know, everybody here knows, judge and jury and all the people know, that you swore away the life of that poor boy when he was innocent. You seem to make it your business to testify in such cases. You evidently like to place yourself in a position where you

can swear away human lives. Everybody knows that poor Barney was here in Nevada, and his aged mother weeping in Ireland, when you swore against him, and he was hanged altogether on your testimony. I don't know what you have against Ellis here, but of course you have some grudge.'

"Here the prosecuting attorney properly interfered and demanded that the witness be protected from insult, but the judge ruled that the man who swore away the life of poor Barney deserved no protection. That decision had an immediate effect upon the jury, and I could see it. I was not defending Ellis directly, but I was successfully prejudicing the minds of the jury against this witness. I kept on abusing him and finally compelled him to admit to judge and jury that he had been mistaken in the Barney case the preceding year. Then I ranted and shouted:

"How dare you come into this court to swear away another human life? How dare you appear before a jury of intelligent men, all of whom know of the Barney case? You admit that you were mistaken in the Barney case and your testimony hanged that unhappy lad. You are also mistaken in this case unless you are perjuring yourself. But you can't hang Ellis with your prejudiced testimony. I thank God that the people of Nevada did not mob you last year, and I hope that they will not lynch you now, but you had better get out of this community as soon as you can or I will not vouch for your worthless life. Get off the witness stand and get out of my sight.'

"He disappeared. He was in a hurry to get out of the room. He was almost scared to death, and the jury could see that too. While he was getting out of the room I called for the other witness, and he came to the stand in a nervous, trembling manner, which indicated that I already had him scared almost to death. He was very much excited and evidently expected me to go after him as I had gone after the other witness. He could scarcely stammer his name, and this is what I did to him:

"You saw O'Brien, the dead man, raise a shovel and try to brain Ellis here. You saw Ellis run away from him. You saw O'Brien run after Ellis clear to the edge of the pit. Your own eyes witnessed the fact that Ellis did not draw his gun until he was about to be brained and knocked into the pit. Now, tell the jury the truth without any hesitation or quibbling. Out with it!"

"The poor fellow began to stutter and stammer and shake his head. He raised his arms and waved them about his head. He stammered and finally put his hands to his eyes, tears of vexation flowing, and then I shouted:

"Tears will not avail you. Let your conscience work. You know the truth, and you know that this deed was done in self defense. Tell the truth or get off the stand!"

"He got off the stand. The jury did not know that he was a stammerer. They saw only that the witness was stricken dumb before a determined attorney, and they saw from his tears that he was regretting his direct testimony. My case was won. It took less than five minutes for the jury to render a verdict of not guilty.

"As soon as the verdict had been rendered Ellis came to me and asked if his life was saved, and I replied: 'Your life is safe for just about ten minutes. These people are now going to the saloon, and as soon as their whisky takes effect they will come here and run you up on a rope. While they are drinking you must scoot up the mountain side and disappear. Now get out as fast as your legs will carry you.'

"No man ever shinned up a mountain side with more expedition than Ellis did that morning. He disappeared in the brush, and nobody ever saw him again in those diggings. I got on my horse and also disappeared, as I did not know what the mob might be tempted to do when they failed to find Ellis. Of course, after they cooled down, none of them blamed me for saving my client, although they were all satisfied that he was guilty. Even the jurymen told me afterward that they did not see how they ever acquitted him.

"That was my last case in criminal practice. I declared that I would never again take the case of any man charged with murder. I felt that I had done my duty as a lawyer and had saved the life of a client who trusted that life to me, but I was deeply impressed with the belief that I could not do it again under any circumstances. So I quit criminal practice and went into politics. But I had not seen the last of Ellis. I had dismissed him from my mind entirely, but ten or twelve years afterward I was in Salt Lake City participating in a public meeting. Late at night I was walking to my hotel when a man rushed out of a little alley, handed me a purse of money and said: 'Take it. It's yours. You earned more, but that is all I have now. You saved my life. I'm Ellis.'

"With that he disappeared, and I have never seen or heard of him since. All of the circumstances were against him, and yet maybe he was innocent. A man who will go out of his way to pay a debt as Ellis did must have some good qualities in him. In the purse I found the neat sum of \$750, which must have represented his savings for a long time. I presume that he had been watching my movements and followed me on that occasion in order to pay for my services and let me know that he realized something of their value to him. Whether he was innocent or not I did my plain duty in

A FEW SPECIALS

SOMETHING EXTRA FINE

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