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THE WEATHER .

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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. Once the candidates for the worn-out and decrepit system, and of Ellis came to me and paid me a re-Presidency and Vice-Presidency are named there will be four more over the inadequacy and incompe- retainer without making any inquiries months of turmoil and discussion, tency of it all, we do it in the general as to details or particulars. I was abuse and championship, asseveration sense of a protest against the tools busy with other matters. and denial, bluff, buncomb, and burdensome jaw-work, in overwhelming flood, until the people shall stem it by going quietly to the polls and votoffices. The story is becoming old however much the electorate smiles at the farce precedent.

It is well to understand now, that the people of the United States are not to be put off with weak men in straightened out and may not be ble. Consequently I told my friends Presidents and the succession must be made of a quality at least apigure-head, some dawdling rich man or poor man whose name and influof the parties. Roosevelt has lifted universal satisfaction. that office up along with his own, and has accentuated the peril the country escaped by his own presence in the secondary station. WE want no reversions to ornamental incompetents; one of the chiefest lessons of Mr. McKinley's deplorable death finds expression in the standard and stamina of the man to whom his mantel fell. The second place is as profoundly essential as the first from this single viewpoint, and it may not ing." Others have discovered this, pleaded for his life was now the prebe abandoned with any safety to the nation. It will be a grave blunder if there are not two strong men named at Chicago and Denver this year; an error that will not be soon forgiven if the country is ever called upon to witness the failure of a weakling at a juncture in the nation's affairs such as Mr. Roosevelt met and dominated.

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 open up. There is a way out of our concelvable means to save the life of supine condition and it will be found any client who placed that life in his in our very midst; it must be, for keeping. That was the principle which there is no source of revelation nor encompassed me when I was in crimcontribution beyond our gates. We inal practice. Because I went to exmust prepare the base and line of our tremes 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 the second city in Oregon As- as luck would have it. The rougher toria rightfully asks for an improved element seemed to have confidence in me and to feel safe in placing their in-Every man here knows that the terests in my charge. Thus it happened that when a man named Ellis was arrested for killing a man named ployes are making the best of a O'Brien, on a mining claim, a friend while we momentarily row and rave tainer to defend Ellis. I accepted the

"Just before the case came to trial I looked into it and found that the case against Ellis was a strong one. diency, public and private, the com- In fact, I did not see how Ellis was to pany's and our own, Astoria is en- have a ghost of a show for his life. ing their choice into the exalted titled to the latest and best in I could find no plea on which to deswitchboards and other equipment fend him. The community was prejuand trite, but it never loses interest, that shall put her on a level with the diced 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 entanglements that confront- the retainer, and I was Ellis' lawyer. ed the company last year have been It was my duty to save him, if possi-

this year of grace; they have had a pleaded now. We are urging this as that I was Ellis' lawyer and that I taste of the real thing in the way of jour own due, for the company's intended to clear him. For the life of profit and for the preservation of the me, I didn't know how, though.

"As trial day drew nigh, Ellis grew sanity of the community in general. Ms that day drew outs. He sent for proaching the strength and power of We know the lineage has been im-the man who retires. It is equally proved and appreciate it but we him, but I persistently refused to do important to realize that the vice- plead for the correlative addenda that so. I felt that he was guilty. I bepresidency must not go to some mere shall make the system what it should lieved that he would lie to me and in self defense. Tell the truth or get confuse me I staved away from him

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

can swear away human lives. Every-

THE MORNING ASTORIAN, ASTORIA, OREGON.

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 unless you are perjuring yourcase self. 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."

to admit to judge and jury that he

had been mistaken in the Barney case

"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 beetereeeeeeeee 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:

raise a shovel and try to brain Ellis here. You saw Ellis run away from him. You saw O'Brien run after Ellis John Fox, Pres. 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 plt. 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 yexation 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

FRIDAY, JUNE 5, 1908

body knows that poor Barney was here in Nevada, and his aged mother weep-ing in Ireland, when you swore against A FEW SPECIALS

SOMETHING EXTRA FINE

Cresta Blanca Sauterne (Yquern). Pints	Chateau 60c
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own evolution and having gotten

'next," "get there!".

telephone service.

they are working with.

above it.

NO KICK: JUST A HINT!.

company's representatives and em-

By every rule of business expe-

coast cities of her class and those

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 when ever 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. She has no poor and indigent population to care for; she has more genuine workers and fewer loafers than any city of her size in the country; she has all the advantages she needs to build upon and plenty of money to build with; this is her season of preparedness and her people must "get next" and stay there.

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, to buoy her through and aid her; she swings on her own pivot and must preserve her own balance.

The man wth 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

be in a place of this size, and shall hail the news of the company's readi- and sent word that I would be on ence demand recognition at the hands ness to stock up this station, with hand to defend him. He was obliged

> A woman who evidently has studied making desperate plans for my client. her subject first hand said recently of American society: "The whole trouble of Ellis a popular young Irishman with society can be summed up in one named Barney had been convicted of word-insincerity. A love of outward display governs every action. People have become too fashionable to enjoy unfortunate Barney was fresh in the themselves and, while they do not minds of all, and the man who had know it, have lost the art of good liv- been his attorney and had earnestly too, and that may be why so many siding judge. Moreover, the principal plain people content themselves with witness against my man Ellis had been homelike simplicity and genuine friendships.

American farmers cannot be blamed for the exorbitant prices of beef, eggs, ceive the fancy prices which the conbut themselves gets in on the division of profits.

the reports to indicate any fretting for had killed him in the presence of two home rule and all that.

President Roosevelt talked recently he goes on that world tour.

Many a vice is a virtue which has passed from service to mastership.

Subscribe for The Morning Astorian case with its witnesses and offered no 60 cents per month. Contains full objection of any kind. I told them that the news in the local field.

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COFFEE

A middling steak and first-rate coffee are better than middling coffee and first-rate steak. Consider the cost.

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the stand.

to be satisfied. No other lawyer would They saw only that the witness was take his case. But I made a bluff of stricken dumb before a determined attelling all over town that I was going to clear Ellis. Meantime I had been

"Only one year previous to the trial murder on circumstantial evidence. Subsequently the real murderer was found and lynched. The case of poor the principal witness against poor Bar-

"There was another witness, who was afflictel with an impediment in his speech. When excited he would stutter and go through such contortions vegetables and other products which that nobody could understand anything go into cold storage. They do not re- that he said, and his gestures were the got on my horse and also disappeared. writhings of an insane man. I had no as I did not know what the mob sumers are forced to pay or go with- witness for the defense and had to might be tempted to do when they out. The trusts see to it that no one clear my man with the witnesses for failed to find Eilis. Of course, after the prosecution,

ney.

"There had been a row on the mountain side, and the evidence showed that Ellis had murdered a man named Recently the Porto Ricans celebrated O'Brien without provocation except the eighth anniversary of the estab- that O'Brien had claimed prior right lishment of civil government in the to the mine of which Ellis had taken island. There were parades and mass possession. O'Brien had gone into the meetings and speeches, but nothing in mountain to assert his claim, and Ellis

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 to natives of six different countries in sent back word for him to keep his their own tongue. Little chance for mouth shut and see me immediately the crafty, tip hunting courier when 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 bard. I allowed the prosecution to make out its

was walking to my hotel when a man Associated Press reports, besides all I was busy and wanted to get through It's yours. You earned more, but that the trial as soon as possible and as soon as my client was acquitted must life. I'm Ellis.' take up another case, involving a great

deal of property. It was a bluff, of course, but a bluff sometimes beats a Jull hand.

"When my turn came I took the principal witness for the prosecution, and 1 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 that he realized something of their to make it your business to testify in such cases. You evidently like to place yourself in a position where you

"He got off the stand. The jury did not know that he was a stutterer. torney, 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 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

a purse of money and said: "Take it. is all I have now. You saved my

"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 value to him. Whether he was innocent or not I did my plain duty in

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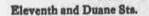
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defending nim. No other course would have saved him from hanging, and it was well for him that he got out of sight as quickly as he did. Those were strenuous days in the mining regions. If Ellis is alive, he will not blame me for telling the story. If he was innocent, he will be glad to have it told."-Smith D. Fry in Los Angeles Times.

Astoria, Oregon.

The Clean Man.

The man who delights in personal cleanliness, and enjoys his shave, shampoo, haircut, and bath, in Astoria, always goes to the Occident barber shop tor these things-and gets them at their best.