

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 full 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 interferred 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 out of 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 stutterer. 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 defending him. 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.

The End Came Another Way.

A distinguished actor was one time engaged at one of our leading provincial theaters in a drama in which he attempts an escape from a convict prison, first by getting rid of his fetters by means of a file and lastly by getting over the prison wall. In the act of doing this he is shot at by a warder and killed.

One particular night the drama had run its usual course up to the point where the actor attempts the escape over the prison wall. The warder, as usual, presented his rifle, but instead of a loud report nothing but a faint clicking sound was heard. The rifle was lowered and after a brief delay again pointed, but with the same disappointing result.

The audience now began to hiss and jeer. The disgusted actor then got off the prison wall and, staggering toward the footlights, exclaimed, "It's all up—I've swallowed the file!" and fell prone on the stage amid the laughter and applause of the audience. —Pearson's Weekly.

Bachelor Seal Skin.

"This skin," said the furrier, "came from a young seal bachelor, a youth ignorant of love and of life."

"How do you know?" the lady asked. "By its fineness, its perfection," he replied. "The pile, you will note, is like close cut velvet. Only bachelor seal skins have such a pile."

"The bachelor seal," he went on, "has a rather sad life. The big bull seals in the seal islands have each a household of fifteen or twenty wives, but the young bachelors must herd by themselves. Let one of them attempt to marry and straightway a bull slays him. Not till he is big enough to fight and conquer a bull—not till he is fourteen or fifteen years old—can he know the delight of settling down in a home of his own."

"He leads a hard, ascetic, celibate life, only in the end as like as not to make a lady a very fine coat. All the very fine coats, I repeat, are made from the unhappy bachelor seals."—Cincinnati Enquirer.

Jack Tar and the Actor.

A famous Irish actor of the eighteenth century named John Moody early in life, before he went on the stage, had been to Jamaica and worked his passage home as a sailor before the mast. One night some time after he had been engaged at Drury Lane when he was acting Stephano in "The Tempest" a sailor in the front row of the pit got up and, standing upon the seat, hallooed out, "What cheer, Jack Moody—what cheer, messmate?"

This unexpected address rather astonished the audience. Moody, however, stepped forward and, recognizing the man, called out: "Tom Hullett, keep your jawking tacks aboard. Don't disturb the crew and passengers. When the show is over make sail for the stage door, and we'll finish the evening over a jug of punch. But till then, Tom, keep your locker shut." Moody, it is related, was as good as his word. —Cornhill Magazine.

Where Politeness Doesn't Pay.

"French and German hats," said a hatter, "only last half as long as ours. It isn't the poor quality of the hats, but the fine quality of the manners, that causes this. Lifting the hat in salutation is the hardest work that falls on the headpiece, and the French and Germans lift it to men and women equally, thus giving it twice as much labor as we do. Naturally, then, it wears out twice as quickly. It goes in the brim in no time over the water."—Cincinnati Enquirer.

But Yet a Man.

"I suppose I have about the most thoughtful, kind and considerate husband in the world," she was saying sadly. "When he comes home at about 2 o'clock of the morning, turns all the lights on and wakes me out of a sound sleep, he always says in the most polite way imaginable: 'Don't let me disturb you, dear. But will you please help me unfasten this collar button?'"—New York Press.

Different Now.

"It's funny how marriage will change a man," said Flogg the other day. "There's Moustier, for example. Before he was married a glance of May Taintor would intoxicate him, so he used to say. Now when he comes home late at night and meets Mrs. Moustier, he says, 'The sight of her actually sobers him.'"—Boston Transcript.

Never Worked Before.

Mrs. Jones—Your husband looks completely tired out, poor man! Mrs. Smith—So he is, my dear. He has never done any work in his life before. You know he always had a government job.—Funny Cats.

A Popular Book.

She—What would be the most appropriate book to give a bride? He—A bank book.—Illustrated Bits.

HER FIRST SPEECH.

It Wasn't the One She Learned, but It Won the Crowd.

It was the first appearance in public of Ada C. Sweet of Chicago, United States commissioner of pensions under President Grant and one of the first women in the movement for equal political rights for the sexes. When the civil war broke out she was living with her parents in the village of Lombard, now a suburb of Chicago, and was chosen to present to the boys of the Lombard company a silk flag which the women of the place had made with their own fair hands.

The literary woman of the village had written for the occasion a beautiful presentation speech, in which the soldiers were adjured to "take the fair flag into which your wives, daughters and sweethearts have sewed fond hopes and tearful prayers for your safe return, carry it through the smoke and shell of battle free from the stain of dishonor and the rents of defeat and bear it home victorious at the end of the war."

"I thought," says Miss Sweet, "that I had learned that piece up and down, backward and forward, inside and out, but on the great day itself, when the band ceased playing and an awful hush fell upon the crowd and every face was turned expectantly up to mine, it was different. I opened my mouth—and paused. The literary lady creaked forward in her chair and whispered loudly, 'Soldiers of Lombard!'"

"That whisper went through me like a knife, but left me still speechless. I set my teeth, stepped decisively forward and pushed the flag into the hands of the nearest soldier. Then I spoke. Every word of that speech had left me, but I knew what it meant. 'Soldiers of Lombard!' I said in a desperate voice that must have been heard to the utmost confines of the crowd, 'here's your flag! Don't get it dirty! Don't tear it! And be sure to bring it back!'"

"A shout rose from that crowd such as no orator before or since has ever evoked from a crowd in those parts. The first thing I knew I was riding on the shoulders of two soldiers, while the whole company pressed about me, with waving hats, and my father was leaning over toward me from the back of his big horse and calling me his 'own original girl,' while the tears rolled down his cheeks with laughter."

"As long as I lived in the village of Lombard I never dared to meet squarely the vengeful eyes of the literary lady who had written that presentation speech."—St. Louis Republic.

THE ART OF GARGLING.

Not the Same Thing as the Process Usually Followed.

The proper method of gargling is thus described by a writer in the Medical Record: "The patient (at first under the guidance of a physician) should sit well back in a chair, take a swallow of water in the mouth and bend the head as far back as possible."

"Now he must protrude the tongue from the mouth (the tip of the tongue may be grasped with a handkerchief) and in this posture with protruding tongue he must try to swallow the water. The physician should control the patient's vain efforts, for it is impossible to swallow under such circumstances."

"The patient has the sensation as if he actually had swallowed the water. Now he must start to gargle, to exhale air slowly. One can see plainly the bubbling of the fluid in the wide open pharynx."

"After gargling thus for awhile the patient is ordered to close the mouth and quickly throw head and body forward. Thereby all the fluid is forced through the choanae and nostrils, washing the throat and nose from behind and expelling all the accumulations that had been present with great force."

"This should be repeated several times, as the first trial is not always successful and satisfactory. It is an act that must be learned."

"When properly executed the sensation, as the patient will assure you, is that of great relief not had by any other method. It will be wise for the practitioner to try the method first on himself. Even small children who are at all clever learn the method readily and rather enjoy it."

His Mouth Full.

A certain town council after a protracted sitting was desirous of adjourning for luncheon. The proposition was opposed by the mayor, who thought that if his fellow councilors felt the stimulus of hunger the dispatch of business would be much facilitated.

At last an illiterate member got up and exclaimed:

"I am astonished, I am surprised, I am amazed, Mr. Mayor, that you will not let us go to lunch!"

"I'm surprised," exclaimed one of his colleagues, "that a gentleman who has got so much 'ham' in his mouth wants

Report of The Condition of The Rocky Mount Savings & Loan Association

Table with columns: RESOURCES, LIABILITIES, and Total. Includes items like Loans and Discounts, Bank deposits, and Capital stock.

STATE OF NORTH CAROLINA—COUNTY OF EDGECOMBE. I, F. P. Spruill, Cashier of the above named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

Subscribed and sworn to before me, this 26th day of February, 1908. F. P. Spruill, Cashier. My commission expires Jan. 11th, 1909.

Report of the Condition of The Sharpsburg Banking Company

Table with columns: RESOURCES, LIABILITIES, and Total. Includes items like Loans and Discounts, Deposits, and Capital Stock.

STATE OF NORTH CAROLINA, COUNTY OF NASH, ss. I, F. C. Gorham, cashier of the above named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

Subscribed and sworn to before me, this 29th day of February, 1908. F. C. Gorham, Cashier. My commission expires Oct. 9th, 1909.

JNO. D. DAWES, President. Directors: Geo. A. Lucas, G. T. Dawes, J. H. Robbins, F. C. GORHAM, Cashier.

Report of the Condition of The Bank of Whitakers

Table with columns: RESOURCES, LIABILITIES, and Total. Includes items like Loans and Discounts, Deposits, and Capital Stock.

STATE OF NORTH CAROLINA—EDGECOMBE COUNTY. I, W. T. Braswell, Pres't of the above named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

Subscribed and sworn to before me, this 27th day of Feb., 1908. W. T. Braswell, President. My commission expires June 24, 1909.

THIS GLORIOUS GOLDEN CLOCK FREE POSITIVELY GUARANTEED

for a few minutes of your time. No one who has a home to live in can afford to miss this truly GOLDEN OPPORTUNITY. To secure FREE of charge a Clock, the most important thing in the home. And such a Clock, too! BEAUTIFUL GOLD AND GUARANTEED FOR TEN YEARS.

READ EVERY WORD OF THIS GREAT OFFER

To get this beautiful Clock FREE is the simplest thing in the world. All you have to do is write me a postal card and say you want to get it. I will then send you by mail, prepaid, a carefully wrapped package of handsome portraits of George Washington, and ask you to show them to your neighbors. These portraits are copies of the best known painting of the first President of the United States, and are different from and handsomer than any picture of the kind you ever saw.

This is just the picture for the dining-room or sitting room, and, because the very name George Washington strengthens the love of home and country in old and young alike, everybody will want one of them and will be glad to pay for it on the liberal proposition I will authorize you to make. You only have to collect \$5 in this way to make this Glorious Clock yours forever.

TWO EXTRA GIFTS Go with this Clock

TWO BEAUTIFUL EXTRA GIFTS. In addition to the Clock I have two other lovely presents which I will give you—two more handsome ornaments which anyone who loves a pretty home will be delighted with. One of these gifts I will send to you FREE AND PREPAID as soon as I receive the postal card with your name on it. The other one I will give to you just for being prompt in following my instructions. I will tell you all about the second extra gift, when I send the first one, which I will do as soon as I hear from you, so HURRY UP.

YOU TAKE NO CHANCES in writing to me, because, if the Clock does not prove to be even better than I have described it, and if it does not delight you in every way, you may send it back and I will pay you handsomely in cash for your trouble. Also, if you get sick or for any other reason fail to collect all of the \$5, I will pay you well for what you do. So you see, YOU CAN'T LOSE, so sit right down and write to me as follows: "D. R. OSBORNE, Manager, Nashville, Tenn. Please send me the portraits of George Washington and complete outfit for securing the Glorious Golden Clock, with the understanding that this does not bind me to pay you one cent." Then put your name and address.



Advertisement for FOP Ladies Pills and Wine of Cardui. Text includes: 'Great suffering is the lot of all women, who neglect the health of their womanly organs. No reason to do so, any more than to neglect a sore throat, colic, or any other disease, that the right kind of medicine will cure. Take Wine of Cardui for all your womanly ills. It can never do harm, and is certain to do good.' Includes a testimonial from Mrs. Sallie H. Blair and a call to 'WRITE US A LETTER'.