

JUDGE LEWIS' ABLE ADDRESS

Was Appointed by Court to Defend Leon Czolgosz.

Did Not Whine for His Client But Demanded That Laws of the Land Be Upheld and Enforced.

The following is the eloquent address of Judge Lewis, the eminent Buffalo jurist who was one of the two lawyers appointed by the court to defend Leon Czolgosz, the murderer of President William McKinley. "Gentlemen of the jury: A calamity has fallen upon this nation through the act of this man, but the question is whether his act was the act of an insane man. If an insane man, it is not murder, and he should be acquitted of that charge. He would then of course be transferred to an asylum.

"Much discussion has occurred in our midst, and has been called to my attention, as to the propriety of any defense being interposed in this case. Many letters have been received by me since I was assigned with my associate to defend this man, questioning the propriety of a defense being attempted. You, gentlemen, know perhaps, how Judge Titus and myself came into this case. The position was not sought by us, but we appear here in performance of a duty which we thought devolved upon us, notwithstanding it was an exceedingly disagreeable one.

"His honor, the judge, who presides at this trial, as a justice of the supreme court, is here because the law makes it his duty to sit and preside at this trial. "Our very distinguished and able district attorney has prosecuted this action because the law makes it his duty to do so. You, gentlemen, are sitting here because you were commanded to appear here and under our system of jurisprudence it was your duty to sit here, and perform the duty of determining whether this man is to be executed or to be set free.

government. And there are, so we are told, other individuals who entertain that opinion. We feel that such doctrines are dangerous, are criminal, are doctrines that will subvert our government in time if they are allowed to prevail. "Gentlemen of the jury, while I believe firmly in that, I do not believe it creates a danger to this court equal to the belief becoming so common that men who are charged with crime shall not be permitted to go through the form of a trial in a court of justice, that lynch law shall take the place of the calm and dignified administration of law by our courts of justice.

"Whenever that doctrine becomes judicially prevalent in this country, if it ever does, our institutions will be set aside and overthrown, and we are not misinformed as to the state of mind of some people in some parts of the country, the time is fast approaching when men charged with crime will not be permitted to come into court and submit to a calm and dignified trial, but will be strung up to a tree on the bare suspicion that some one may hold the belief that they have committed some crime.

"It is not long since I read in a paper that a colored man in the South had his life taken because he had insulted a white man. What it was, the paper did not say, but he was strung up. I suggest, gentlemen, that that class of the community who are crying out in our cities and are sending letters to lawyers suggesting that the man who is charged with the crime that this defendant is should not be permitted to have a trial before a court of justice, are a more dangerous class to the community than the anarchists about whom we read so much.

And he was shot down while holding a reception. "His death has touched every heart in this community, and in the whole world, and yet we sit here quietly considering whether this man was responsible for the act he committed. That question is one you are called on to decide. "The law presumes the defendant innocent until he is proven guilty, and we start with the assumption that the defendant was not mentally responsible for the crime he committed. We have not been able to present any evidence upon our part. The defendant has even refused on almost every occasion to talk to his counsel. He has not aided us, so we have come here unaided to consider this important question. But I know there is in every human being a strong desire to live. Death is a specter that we all dislike to meet, and here this defendant, without having any animosity against our president, without any personal motive, so far as we can see, committed the act which he knew, if he was sane, must cause his death. How can a man with sane mind perform such an act?

"The sane mind performs such an act if he deserves to be killed. The law, however, says that you must consider the circumstances and see if he was in his right mind or not when he committed the deed. If you find he was not responsible you would aid in lifting a great cloud from the minds of the people of this country. If the beloved president had met with a railroad accident and been killed, our grief could not compare with what it is now. If you find that he met his fate through the act of an insane man, it is the same as if he met it by accident. I had the profoundest respect for President McKinley. I watched him in congress and during his long career he was one of the noblest men God ever made. His policy we care nothing about, but it always met with my profoundest respect. His death was the saddest blow to me that has occurred in many years.

"Judge Lewis was crying when he finished, and the eyes of many of those in the court room were filled with tears. Judge Titus then arose and said that Judge Lewis had so completely covered the ground that it seemed entirely unnecessary for him to reiterate it and he would therefore rest.

STR. OREGON LIBELED

By Nome Passengers Who Allege Bad Treatment.

Preliminary steps toward libeling the steamer Oregon were taken yesterday by a large number of the passengers who came south on the vessel from Nome. At a meeting attended by more than 300 people held in the afternoon at 230 Union street, the following committee was appointed to initiate the proceedings: John Gallivan, chairman; C. A. Reynolds, W. F. Austin, C. F. Lilly, Capt. Woodbridge and William Pflege. The committee held several meetings and arranged to take action at the earliest date possible. A suitable sum was subscribed by the passengers to defray the expenses. All the members of the committee are residents of this city. The papers in the suit will probably be filed today.

The meeting was called to order by C. H. Morley, and C. A. Reynolds was chosen permanent chairman. W. T. Home addressed the assembly on the purpose of the meeting, and on his motion the committee was appointed and the collection taken up. Votes of thanks were passed to Capt. Warner, of the steamer Newsboy, and Capt. Piper, a passenger, both of whom are credited with having rendered valuable services in rigging the jury rudder, and to Chief Engineer Sutton. The passengers speak very highly of the latter for his conduct during the voyage.

Two members of the committee, C. F. Lilly and W. F. Austin, yesterday gave official statements to the Post-Intelligencer of the passengers' side of the voyage south on the Oregon. Mr. Austin said: "We had hardly left Nome when the passengers began to remark at the table concerning the small amount of food given each one. We were never given as much as a meal as we wanted unless we ate something of everything on the table. The rudder broke in what I would call a comparatively calm sea, although there was a swell on at the time. We were at once reduced to two meals a day. As an example of the food then furnished us, take for instance the meals on the following day. For breakfast we had a cup of coffee and one sea biscuit about two inches in diameter. At 2 o'clock in the afternoon bread was placed on the table for the passengers to help themselves. A small piece of meat - this as a wafer was given in addition to each one. The rest of the day we had nothing. The next day we were reduced to one meal and this lasted for two days.

"The service was the worst I have ever seen. Nothing could be obtained unless it was paid for handsomely. Sporting women and gamblers were the only ones who received proper attention. They could afford to pay for it and got plenty of food such as salt meat, although there was fresh meat on board the vessel. It was not brought out, however, until it was not in a condition for any human being. When the men were receiving coffee, the women were not much better off. They received a small amount of mush in addition. When we met the Empress of China, it is stated we had only five sacks of flour on board.

changed on the voyage down. Women had to make their own beds. Pillow slips, towels and the like were not washed and were in a filthy condition when we reached Seattle. "One thing I have positive knowledge of. Provisions were taken to the rooms of people who could pay, when we were living in a state of semi-starvation.

"The steamer was not properly provisioned when we left Nome, and even if we had not lost our rudder a shortage of food would have occurred before we arrived in Seattle. The quality of the food could hardly have been worse."

Mr. Lilly in speaking of the same conditions on the vessel, reiterated Mr. Austin's statements. He also said: "We were told by the agent at Nome that only three persons would be put in each stateroom. Instead there were five. Ten to fifteen slept in the social hall and about the same number in the dining room.

"Chief Engineer Sutton deserves great credit for his behavior on the voyage. He was the exception among the steamer's employees. "When we spoke spoke the Empress of China between 75 and 100 of the passengers were desirous of taking passage on that boat even if they were carried to China, Japan or Liverpool. We wanted to escape from the Oregon. While Capt. Seeley was aboard the China we appointed Capt. Woodbridge as a committee of one to look after the transfer. We were willing to pay our fare on the Empress of China to take us where we might. On Capt. Seeley's return, Capt. Woodbridge went to him and told him of our determination. He replied very roughly. As we had no means of communicating with the Empress of China, we failed in our effort to leave the Oregon, which at that time was still rudderless and at the mercy of the waves." - P.-I., Sept. 26.

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