

# Court scrutinized prosecutor's ethics in one of disbarment cases in 1905

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can. Colonel East said he did not claim the honor."

Initially, the courtroom was packed with the curious, but as the trial dragged on, public interest waned. The *Telephone* reported: "The case is spreading out over much more time than expected, because the procedure is new and out of the ordinary, and the judge is allowing the attorneys unusual latitude. Yesterday and this morning the prosecution introduced its strongest witnesses, and it is evident from the brief cross examinations that the plan of the defense is not to

break down, but to disprove the charges, and to this end about 40 witnesses have been summoned.

Next week: The 1897 statute.

case is dismissed, the prosecutor must file the reasons for dismissal of said case."

H.C. Duncan, one of Miller's four defense attorneys, provided a little gentle sarcasm in the courtroom. According to the *Telephone*, the exchange went like this: "If a man is convicted, the prosecutor is entitled to a fee, and if a new trial is given and the man convicted, the prosecutor receives another fee. 'That is one of the few things Mr. East taught me,' said Sen. Dun-