darker and ran into oily curls. The life, the stamina, was gone out of him. His head drooped in spite of him. It was a more trying day for him. He saw exhibited in court the revolver with which he did his crime, the burnt handkerchief, in which he had concealed it, the one bullet that was recovered, and he heard the testimony of the men who saw the deed and met again those who seized him. He found that of the physicians who had examined him not one was to testify to help him, and there was no refuge in the plea of insanity. The death chamber was clearly in sight. Czolgosz has indicated to the guards who attend him that he will have something to say on Thursday when, according to the forms of justice, he is asked if he has anything to say why sentence should not be pronounced. He may then make some declaration of his motives, but he will have to recover his possession beyond what it was to-day.

WHY INSANITY EXPERTS WERE NOT CALLED.

District Attorney Penney made an explanation after the conclusion of the trial. He said the insanity experts had not been called because there was no need for them. The defence had not attempted to set up insanity. There was no evidence to combat. All the alienists were agreed that the assassin was of clear mind and that later they might join in a statement to that effect. If that was done it would be merely to establish for the history of the case that the leading specialists were agreed that it was a man mentally sound who had been condemned to death.

The jurors all well understood the simplicity and solemnity of their task. When they left the court room after the Judge's charge it was a question only of how soon to return with the verdict. Frederick Lauer, William Loter and Samuel Carmer, the three oldest members of the jury, wanted to march back at once that they might add to the record of expeditious justice a quick and almost instantaneous verdict. But after conference and the election of Mr. Wendt as foreman it was agreed that to accord with the whole procedure the act of the jury should be deliberate. Four ballots were taken by the jury. The first question on which a vote was taken was: "Is the defendant sane?" The vote unanimously was: "Yes." The second was: "Is he guilty?" The same unanimous vote was counted. The third ballot was: "Is he guilty in the second degree?" "No," said the unanimous ballots of the jury. "Is he guilty of murder in the first degree?" "Yes," voted all.

PRESIDENT'S RELAPSE UNCUSUAL AND UNEXPECTED.

Dr. Matthew D. Mann was recalled and cross-examined by Judge Lewis. He was asked if the symptoms which developed in the President's case were to be expected from the nature of the wound.

"They were not to be expected," was the reply, "and it was an unusual and unexpected condition. I have never seen anything exactly like it. Further investigation will be necessary before any adequate explanation of the gangrenous condition of the track of the bullet can be made. I have no positive opinion on the subject.

Judge Lewis—I conclude, therefore, that the optimistic bulletins that were issued from time to time by the physicians were without any knowledge, or any sufficient knowledge, of those symptoms that were finally discovered.

"The bulletins which were issued were not optimistic," said the witness, "in that they gave no idea of what was to come; they expressed no opinion, they merely stated facts, but the opinions that were held by the staff seemed to be fully warranted by the condition of the President. We had no reason to suspect the existence of any such state of affairs within the abdomen."

Q. Doctor, you said that death was due to several causes, can you give us any of them? A. Invasion of the parts by germs, the entrance of germs into the parts, might have been one cause; a very low state of vitality might have been a cause; the action of the pancreatic juice.

Q. Are there any remedies known to the profession to be used to prevent the action of these germs? A. There are remedies which will kill the germs, but it is very difficult to apply them deep down in the tissues of the body, and impossible, once they get a lodgment in the tissues, impossible to dislodge them and kill them.

Q. You spoke of the debilitated condition of the President's body. Do you mean that there were indications that his body was in that condition before he was assaulted? A. The President probably was not in a very good physical condition; he was somewhat weakened by hard work, want of exercise and conditions of that kind.

Q. You agree with the other physicians that the pancreas was not actually mutilated or struck by the ball? A. As well as could be determined, the ball did not enter it. It is impossible to say positively, but it was injured in some way. Very possibly by concussion. Once the organ is injured then the pancreatic juice, the secretion of the gland, will pass through the gland and can enter other parts. One portion of it being healthy, another part diseased, the healthy part would secrete while the diseased portion will allow the secretion to pass through it and attack other parts.

By Mr. Penney—From your knowledge of the autopsy and the history of the case, was there anything that would have saved the life of the President known to medical or surgical science?

"There was not," said Dr. Mann, as he left the stand.

EYEWITNESS OF THE SHOOTING.

Louis L. Babcock, a law partner of John G. Milburn and an eyewitness of the shooting, told what he had seen. He was Grand Marshal of the President's Day ceremonies. He said:

"I heard the two shots, which came very close together. I immediately turned around toward the left and glanced and saw the President standing—he was standing perfectly still and he was deathly pale. Right in the range of my vision was a group closing in upon and bearing down to the floor the prisoner, the defendant here."

Edward R. Rice, chairman of the President's Day Reception Committee, related what he saw of the shooting. He had just taken out his watch and indicated by a sign to Secretary Cortelyou that it was time to close the reception when his eye caught the flash of the white handkerchief on the assassin's hand and almost instantly he heard the two reports.

An eye witness, who was also present when Czolgosz made his confession, was James L. Quackenbush, former City Attorney. Mr. Quackenbush said:

"I was standing directly opposite the President. Just before the shots were fired my attention was attracted to the east along the line. I heard two shots fired very close together. I immediately looked toward the President and saw him straighten up. I was standing directly before him and facing him, the defendant. Immediately afterward the artillerymen, who had been stationed on the left of the President, lunged forward toward the defendant, and at the same instant Gallagher, the Secret Service operator, who had been standing at the right of the President, a little to his rear, plunged forward in an easterly direction, and practically about the same time these men caught the defendant. I saw for an instant just a glimpse of something white as Gallagher lunged toward him. The artillerymen who were stationed directly opposite the President and Foster and Ireland of the Secret Service at the same time jumped toward those who were struggling and swaying. The defendant went to the floor, and on top of him went a number of the artillerymen.

THE ASSASSIN'S CONFESSION.

Mr. Quackenbush described how the assassin made his confession at Police Headquarters. He said:

"The defendant, replying to questions by the District Attorney, said that he had killed the President because he believed that it was his duty. He said that he understood the consequences and was willing to take his chances. He described in detail, in a conversation of about two hours, his movements during the day of the shooting and for some time previous. He himself, with a handkerchief which he had, showed how he concealed his revolver and how he fired the shots. He said that he had gone to Niagara Falls on the morning of the day of the shooting with the intention of shooting the President at the Falls, but that he was unable to carry out his purpose there, not being able to get near enough to the President. That he took a street car from Niagara Falls to Buffalo, transferred to a car going to the Exposition grounds, and went to the Temple of Music with the purpose of shooting the President. He said he waited outside in the line; that he had placed his revolver in his right hand, covered it with his handkerchief, placed his hand covered with the handkerchief and hiding the revolver in his right hand pocket, and stood that way while in the crowd outside of the entrance to the temple, and as he entered the temple but that when he got to the point where the people were singled out in single file, he took his right hand from his pocket and held the hand covered with the handkerchief across his stomach until he reached the President, when he fired. He said had he not been stopped he would have fired other shots. He said a great many other things about his previous history and condition in life. He said he had been thinking about killing the President for three or four days prior to the time of the shooting, that he fully determined that he would kill the President the day before the shooting. He also made another statement that he had determined it at an earlier period.

DID NOT BELIEVE IN GOVERNMENT.

"He said he did not believe in government, that he thought the President was a tyrant and should be removed. He said that the day before the shooting, when he saw the President in the grounds, he thought that no one man should receive such services and all the others regard it as a privilege to stand by and render services. That is the substance, I think, not the words, although he used the word 'services.' He said he had for several years been studying the doctrines of anarchy, that he believed in no government, no marriage relation, and that he attended church for some time, but they talked nonsense and he discontinued that. He gave the names of several papers which he had read, Polish names, which I cannot recall, four of them, and he mentioned one known as *Free Society*. He said he had been influenced by the teachings of Emma Goldman and another woman living near Cleveland, whose name I do not recall at this moment."

Q. Did he appear to be in a state of mental excitement? A. He did not so impress me. He seemed to be disturbed, but not mentally. He seemed to be suffering from pain and constantly applied a handkerchief to the side of his face, where he was struck in the Temple of Music, and complained that his eyes hurt him. There were not any visible marks at that time. There were in the Temple of Music, but he had been washed, apparently.

By Judge Titus—His talk was suppressed at the time? A. It was not suppressed. It was hesitating but natural. And during one period of the talk I asked him to make a brief statement for publication, as to his reasons.

Q. What did he say to that? A. He said he would do it. I asked him to write it and he started to write it, but his hand shook some and he said he would dictate it to the reporter, pointing to Mr. Storey, who sat at my left, and he did.

Q. Are you using his exact language now? A. I do not know that he used the word "dictate;" but I recall this: He used the word "reporter" and it was either "let the reporter take what I say," or "the reporter can write it down"—something to that effect.

Q. Did he tell the reporter what to write down? A. Yes, sir.

ASSASSIN'S STATEMENT FOR PUBLICATION.

Q. Can you repeat that? Was this a voluntary statement by him, without questioning at all? A. I asked him to make a statement for publication. I told him that we couldn't hold the newspapers all night to wait for his statement. He thought evidently, that I was a newspaper man, and he then dictated a statement. The statement was: "I killed President McKinley because I done my duty. I didn't believe that one man should have so much service and another man should have none." This statement he signed. It was made for publication. He made, in addition to that, a statement of two hours' duration. I questioned Czolgosz to ascertain if he had accomplices. He said that he was entirely alone; that nobody assisted him in any way; that he conceived the idea, planned the method and manner of carrying it out on his own responsibility. He said that he understood the consequences of such an act and was willing to take his chances, and that he wanted a fair trial. Czolgosz did not put it on any ground of allegiance. He put it on the ground of belief, and he claimed that was the result of his own individual theorizing and reflection on the subject; not that he used these terms, but that is the substance of it.

MEN WHO SEIZED THE ASSASSIN.

Secret Service Operator Gallagher related his part in arresting the assassin. He had grabbed the assassin's revolver, but some one had taken it from him in the struggle. He retained the handkerchief, which was blazing when he seized it, and it burned his hands. Gallagher produced the handkerchief. It was marked as an exhibit by the stenographer and passed from hand to hand by the jury. One corner was entirely burned off and the whole cloth was singed. Judge Titus opened it and spread it out in front of him, and Czolgosz's eyes wandered to it.

George Foster, another Secret Service man, told how he, too, had seized the defendant and afterward struck him. "I just started to search him," said Foster, "and just then he looked over his shoulder to see what he had done to the President, and it made me so mad I smashed him right in the jaw." Foster produced a bullet found in the President's clothes, and said: "That is the bullet which was in his clothing. The President called my attention to it when he was in the ambulance. He said: 'I believe that is a bullet,' and he reached around in his shirt, and I said: 'Yes, that is a bullet, Mr. President,' and it fell out when they were undressing him." He had not seen the negro Parker at all.

Artillerryman Frank O'Brien of the sea coast service, who it seems was really the man to seize the assassin, was next called. He is a wiry little fighting Irishman of the sort that would rather fight than eat. He saw the smoke coming from the assassin's hand and jumped right at him. He knocked Czolgosz against somebody else and he did not go down. He grabbed the revolver and as he went to get up was tackled by a lot of civilians. He kept the revolver and put his initials on it. By these he identified the gun to-day. It was put in evidence.

Louis Neff, a private in the Seventy-third Artillery, told his narrative, adding another hero to the list of first men to reach the assassin. He had taken the revolver from Detective Gallagher, supposing him to be the assassin.

Corporal Louis Bertschey, to whom O'Brien delivered the revolver, told of giving it to Capt. Wisser.

ANOTHER MAN WHO SAW THE SHOOTING.

Harry F. Henshaw, Director of the Temple of Music, saw Czolgosz approach the President and as the President extended his hand, brushed it aside and fired two shots. Witness said: "I did not see any flash from the gun, but I saw the handkerchief or bandage smoking. I then jumped over the rail, and, as I was getting over I noticed that two artillerymen or two soldiers had grabbed this man and were bearing him down. At the same instant a dozen or more crowded around and struggled to get at the man also. When I got to the bunch I could see nothing of the defendant. So I turned around. I saw Mr. Milburn and some other gentlemen escorting the President to a seat. I followed and I saw the President seated. I saw him put his hand in his vest and at that instant there was a noise of shuffling feet in back of me. I turned around and I saw some guards and other men carrying the defendant to my office.

Q.—Had you seen any other persons approaching with their hands bandaged? A.—Well, no sir, not bandaged, but I saw people with handkerchiefs in their hands, capes over their arms.

John Branch, a negro, who had charge of the toilet rooms in the Temple, said Artilleryman O'Brien was the first to reach the assassin. He was asked if he heard the President say anything. "Yes," he said, "when he jumped."

Q.—When who jumped? A.—When the President jumped himself, after the shot.

Q.—What do you mean? A.—The second fire he jumped, you know, from one of them—what d'ye call those things there?

Q.—You mean he started back? A.—No, sir, he jumped from one of those big tubs the trees were in. Yes, he jumped from one and staggered over to the second one, and then stood up.

Q.—That is he staggered over to the right? A.—He staggered over to the right.

Q.—And then braced up again? A.—Yes, sir, and then he braced up again on the second one.

Q.—What did you hear him say? A.—He didn't say anything, only just "He easy with him, boys;" that is all I heard him say.

After Branch left the stand the Court declared an adjournment until 2 o'clock.

CZOLGOSZ SHAKING AND PERSPIRING.

Czolgosz did not eat with his usual rapacity at noon. Although the day was cool he continued to perspire freely and from time to time rubbed his handkerchief across his face. When court reconvened there was a delay of ten minutes waiting for the District Attorney, who was in consultation at his office with his assistants and with the alienists. William B. Hornblower of New York entered court and took a seat beside the attorneys for the prisoner. A little later Gen. Joe Wheeler tiptoed into court. He was not recognized by the attendants, and after taking a look at the assassin he left the room.

During this lull one of the incidents of the trial took place. Judge Lewis leaned back in his chair and spoke to Czolgosz. The assassin leaned forward in his chair and listened to the whispered words of his counsel. The whole court leaned forward at the same time, for it was the first communication between the assassin and his attorneys since the opening of the trial. Judge Lewis had asked Czolgosz if he wanted to take the stand. Czolgosz slowly dropped back in his chair and shook his head. He pulled out the handkerchief again and mopped his face with it. The perspiration was oozing out of him.

Judge Lewis counselled with Judge Titus and again called to Czolgosz. Again the assassin stooped forward, listened intently and slowly fell back in his chair once more shaking his head. It was all he could do to hold himself together while silent. The assassin feared a complete breakdown if he undertook to speak, and he did not dare to take the witness stand. Satisfied of his doom, he was content to let himself slip to his fate. The twitching of his hands and the steady sweat were the signs of his emotions. He hid his eyes beneath the drooping lids. He put out his left hand to his head as if it needed support. Once or twice his lips moved and he wet them with his tongue. The clerk called the jury; he called the name of the prisoner, of whom the official record says: "He does not answer, but the clerk says he is present."

SERGT. VALLELY TESTIFIES.

James F. Vallely, sergeant of detectives in New York city, assigned to the Pan-American, was the first witness after recess. He told of taking Czolgosz to Police Headquarters.

Q. Did you offer him any immunity up to that time? A. No sir. I sat alongside of him in the cell on the cot where the prisoners sleep. I said to him: "Do you smoke?" He said: "Yes, sir." So I handed him a cigar and lit it for him and lit one for myself. I asked him for his name. He said: "My name is Fred Nieman." I asked him to spell it; he spelled it "N-i-e-m-a-n." I then asked him how old he was. He said: "Twenty-three." I said: "Where were you born?" He said: "I am German." I said: "Where were your parents born?" He said: "I am Polish German." I said: "Why did you shoot the President?" He said: "I only done my duty." I said: "Why?" He and I were sitting together on the bench where the prisoners lay, and he turned his head and looked at me and hesitated. I said: "Are you an Anarchist?" He said: "Yes, sir."

LAST WITNESS FOR THE PEOPLE.

Supt. Bull was the last witness. His testimony was along the lines of witness Quackenbush. Czolgosz had told him that he had attended meetings in different places, heard various people talk upon the subject of anarchy, and he believed what he had heard and what he had been told, and believed that he was right.

Q. Did he say whom he had heard lecture? A. He had heard Emma Goldman talk, he had heard—well there was some names, I think a man by the name, something like Zolosman, a Polish man, a man who edited a paper in Cleveland, and a number of other speakers. Those names were the ones I remember best. He also knew a man in Chicago by the name of Isaak, who published a paper called *The Free Society*. He had talked with this man upon the subject and had read his paper. He told me that he made a special trip to Cleveland at one time to buy a paper that was published there, as he wished to read it.

Q. What did he say, if anything, upon the subject of government? A. He did not believe in our form of government, he believed only in the government as taught by Anarchists.

Q. Believe in the church? A. He had no belief in church. He had been a Roman Catholic, but had had nothing to do with the church in some time, because he did not believe their teachings.

Q. Did he believe in marriage? A. He did not believe in marriage; he was a free lover.

NOWAK'S INTERVIEW WITH CZOLGOSZ.

Supt. Bull told of the interview between Walter Nowak and Czolgosz. Nowak was talking to Czolgosz. He said to him: "You know me well, Czolgosz. I have always been a friend of yours. Why did you do this? Why did you commit this crime? Why have you committed an act that is going to bring a disgrace upon the Polish race? Why have you committed this crime that brings disgrace upon your father and mother and entire family?" The conversation was in that strain for some time, to which the defendant made no response, but simply smiled. Nowak asked him if he hadn't always been his friend. He said, "I don't know whether you have been a particular friend of mine or not."

Q. That is what the defendant said? A. That is what the defendant said. Nowak said then, "Haven't I taken you to the theatre frequently?" The defendant replied: "Oh, yes, you have taken me to the theatre on several occasions. I don't know as that is any particular act of friendship." Nowak said, "You and I belonged to the same society, attended the meetings together, but it became so radical, the talk was so radical that I gave it up. I couldn't stand it, I wouldn't listen to it. I am a Republican, I am not a socialist or Anarchist, I am a Republican." The prisoner said, "Oh, yes, you are a Republican for this," (indicating with his fingers).

Mr. Penney—What do you mean by that? That was addressed to the defendant? A. That was addressed to the defendant. He said I mean by that that Nowak is a Republican for what there is in it—the money he can get out of it.

Q. Do you remember whether the defendant was asked at any time whether he desired to see a lawyer? A. He was asked if he wished to see a lawyer; he was asked if he had any friends he would like to see, if he wished to see his father or his mother.

Q. What did he say on the question of the lawyer? A. He said he didn't wish to see a lawyer, didn't need a lawyer, that he had no friends and did not care to see his father or mother.

NO WITNESSES FOR THE DEFENSE.

The surprise of many in the audience who expected the insanity experts to be sworn the District Attorney turned quietly to the Court when Supt. Bull left the stand and said: "The people rest."

The buzz of half-suppressed conversation in the court caused Czolgosz to look up. A moment before he had taken a drink of water offered to him by Detective Geary and had gulped down half of it nervously. He dropped his lids again as Judge Lewis rose and addressed the court. He said:

"If your Honor pleases, the defendant has no witnesses that he will call, so that the testimony is closed at the close of the testimony for the people. We are somewhat embarrassed, disappointed, in the people's testimony closing at this point. My associate and myself have not had very much consultation as to the course to be pursued, but from the slight conversation that we have had we are inclined to ask your Honor to permit each of us, both of us, to make some remarks to the jury in summing up this case. They will be, on my part, very brief, and I presume so on the part of my associate."

Mr. Lewis then addressed the jury as follows:

JUDGE LEWIS'S PLEA FOR THE PRISONER.

"This being the first time in over twenty years that I have had occasion to address a jury as counsel in a case, you may imagine that I feel somewhat in a strange position, especially in a case of the importance of this. A great calamity has befallen our nation. The President of the country has been stricken down and died in our city. It is shown beyond any peradventure of doubt that it was at the defendant's hand that he was stricken down, and the only question that can be discussed or considered in this case is the question whether that act was that of a sane person. If it was, then the defendant is guilty of the murder and must suffer the penalty. If it was the act of an insane man, then he is not guilty of murder, but should be acquitted of that charge and would then be confined in a lunatic asylum. Much discussion and much talk has occurred and has been called to my attention as to the propriety of any defence 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 defence 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 think devolved upon us, notwithstanding it was an exceedingly unpleasant one. His Honor, the Judge who presides upon this trial as a Justice of the Supreme Court, sits here because the law makes it his duty to sit and preside over this trial; our very efficient and able District Attorney is prosecuting this action because the law makes it his duty to prosecute the action; you, gentlemen, are sitting here as jurors because you were commanded to appear here, and under our system of jurisprudence it was your duty to sit here and hear the testimony in this case and perform the unpleasant duty of determining whether this man is to be executed or whether he is to be acquitted.

"The defendant's counsel appear here because under our system of jurisprudence no man can be placed upon trial for the high crime of murder, the penalty of which, under our system, is death, without he has the assistance of counsel. The Court has the power to designate, and it is the duty of the counsel thus designated to appear in the case unless they can make some reasonable excuse and succeed in being relieved of the duty. Gentlemen, when they become members of the legal profession they become members of the court. They are compelled, if assigned to defend one who is charged with committing a crime, they are compelled to respond and accept the duty unless they can present some reasonable excuse why they should be excused, and, as I understand, if they arbitrarily refuse to perform the duty which the Court imposes upon them, they are guilty of a misdemeanor and liable to be punished by the Court. So that you see, gentlemen, if any simple-minded, thoughtless person should entertain the notion for a moment that the counsel who appear in this case are doing something they ought not to do, that person is laboring under a very serious misapprehension as to the duties devolving upon a lawyer.

DEFENDANT ENTITLED TO A TRIAL.

"A defendant, no matter how enormous the crime that he may have committed, is, under our laws, entitled to the benefit of a trial. In a case of murder in the first degree, he must have a trial. You sat here and listened to the defendant's plea of guilty when he was arraigned by the learned District Attorney, but the law of our State will not permit a man to plead guilty of such a crime as this. The law is so mindful of the rights of its citizens that it will not permit a man to plead guilty of the high crime of murder, that even after he had conceded his guilt in this case, it was incumbent upon the court to insist that the trial should proceed and that the people should establish beyond a reasonable doubt that the defendant was guilty of the crime charged against him. There are, in our community, individuals probably—not, I hope, in very large numbers, but we know they are scattered all over our country—who think that in a case like this, or even in charges of much less enormity, it is entirely proper that the case should be disposed of by lynch law, by mob law, and we can hardly take up a paper without we learn that in some part of this free and independent country, a country where law prevails or should prevail, we scarcely take up a paper that we do not see some account of a man having been mobbed upon the suspicion or belief that he was guilty of some crime. This state of things does not exist in our community, but it does in some parts of our country, as every reading, intelligent man knows. It is charged here that our client is an Anarchist, a man who does not believe in any law or in any form of government, and there are, as we are told, individuals who entertain that opinion, societies which entertain the same opinion. We all feel that such doctrines are dangerous, are criminal, are the doctrines that will subvert our Government in time if they are allowed to prevail.

MORE DANGER IN LYNCH LAW THAN ANARCHY.

"But, gentlemen of the jury, while I firmly believe in that, I do not believe that it amounts in danger to this country equal to the belief that is 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, but that lynch law should take the place of the calm and dignified administration of law in our courts of justice. When that doctrine becomes sufficiently prevalent in this country, if it ever does, our institutions will be set aside and overthrown; and, if we are not misinformed as to the state of the mind of the public in some parts of our country, the time is fast approaching when men charged with crime will not be permitted to come into the court and submit to a calm and dignified trial, but will be strung up on a tree upon the bare suspicion that they may have committed some crime. Why, it is not long since I read in a paper that a colored man in the South was mobbed and his life taken because he had insulted a white man. What the insult was the newspaper did not say, but he had insulted a white man, and his life was taken because of that insult to the white man. Now, I suggest, gentlemen, that that class of the community who are crying out in our streets and who are sending letters suggesting that a man charged with the crime that this defendant is should not be permitted to have a trial before a court of justice, I submit that they are a more dangerous class of the community than the Anarchists about whom we read so much.

"No, it is the duty of every American citizen, of every good man, to stand firmly by the law, to put his face against any ideas that a man should be punished for any crime until he is proved guilty in a court, beyond any reasonable doubt. My associates and myself are here to uphold the law. Some weak-minded, foolish people entertain the notion that a lawyer, when he appears in defence of a criminal, is in court to obstruct the due administration of law, is in court to raise every technicality that he can to prolong the trial and to reverse any verdict which a jury may render, but no man who understands and knows the better class of the members of the bar entertains any such notion. My associates and myself are here for the same purpose that the learned District Attorney is here—to see that this trial progresses in a legal, orderly and proper manner, and, as I suggest, we must in every way possible put down and suppress this feeling that cases may be disposed of without the intervention of courts of justice.

WM. H. SEWARD'S DEFENCE OF THE LAW.

"I remember, gentlemen, when I was a young man living in the city of Auburn, studying my profession, that the news came that a colored man had gone upon the shore of the Owasco Lake and there had murdered practically an entire family by the name of Vaness. The news came into the town where I was at the time and it created an intense excitement. The people gathered upon the street to hear the news. In the course of the afternoon, after the commission of the crime, it was understood that the colored man, Freeman, had been arrested and was being brought to the city to be incarcerated in the jail. The people upon the street became more and more excited. They began to talk about mobbing the colored man when he should arrive—that he was not entitled to a trial.

"Mr. William H. Seward, who was then a resident of the city of Auburn, appeared upon the street and counselled moderation, counselled the people to wait and see whether the man was guilty of the crime, to permit him to have a legal, lawful trial. But the people protested, 'He is guilty beyond any doubt; he must be disposed of at once.' Mr. Seward still insisted and they succeeded in incarcerating Freeman in the jail. It soon became known that Mr. Seward had volunteered, without any designation of the Court, to defend the negro when he was put upon trial, and then the indignation arose again that he should interpose a defence in such a case as that, and that farseeing statesman, who saw that there was an opportunity to give an object lesson to the world as to the proper disposition of such a case, stubbornly insisted that he would defend the negro. He was put upon trial and for two long months that trial proceeded. As I remember, it occupied some three weeks in obtaining a jury, and the trial consumed at least two months, and I sat by during almost the entire length of that trial and listened to the defence that Mr. Seward interposed—not that he cared anything for the negro, but he wanted to teach the people of the country the sacredness of the law; he wanted to impress upon them the importance of maintaining the law, and putting down mob violence.

THE TRIAL A GREAT OBJECT LESSON.

"And this trial is a great object lesson to the world in that regard. Here is a case where a man has stricken down the beloved President of this country in broad daylight, in the presence of hundreds and thousands of spectators. If there ever was a case that would excite the anger, the wrath of those who saw it, this was one, and yet, under the advice of the President, 'Let no man hurt him,' he was taken, confined in our prison, indicted, put on trial here, and the case is soon to be submitted to you whether he is guilty of the crime charged against him. That, gentlemen, speaks volumes in favor of the orderly conduct of the people of Buffalo. Here was a man occupying the exalted position of President of this great republic, a man of irreproachable character, a man against whose character not the least stain was ever known, who had come to our city to assist us in promoting the prosperity of our great Exposition. He submitted to being met by the people who desired to see him, in order to help on this great enterprise in which we have been interested, and he was stricken down and died from the effects of the wounds. It has touched every heart in this community and in the world and yet we sit here to-day in this room, quietly considering the question whether this man is responsible for the act which he committed, and that question, gentlemen, is one that you are called upon to decide.

WAS CZOLGOSZ SANE?

"The law presumes that this man is innocent of the crime, and we start in investigating this case, with the assumption that for some reason or other he is not responsible for the act which he performed on that day. That is one of the merciful provisions of the law of this civilized State, and it is a provision of law that you must consider and which you must permit to influence your minds until you are satisfied by the evidence in the case that that doubt has been removed.

"Now, gentlemen, we have not been able to present any evidence upon our part. The defendant has even refused on almost every occasion to even talk with his counsel; he has not aided us; so that we have come here, under, as I told you, the designation of the Court, to do what we can to determine this important question which is to be submitted to you. All that I can say to aid you is that, every human being—yes, nearly, certainly every human being—has a strong desire to live. Death is a spectre that we all dislike to meet, and here this defendant, without having any animosity against our President, without any motive, so far as we can see, personal motive, we find going into this building, in the presence of these hundreds of people, and committing an act which, if he was sane, must cause his death.

"How could a man, with a sane mind, perform such an act? Of course, the rabble in the street would say, 'No matter whether he is insane or sane he deserves to be killed at once,' but the law says, 'no,' the law says consider all the circumstances and see whether the man was in his right mind or not. But one may say, 'Why, it is better that he should be convicted, as a terror to others, if it should be,' if it can be that you find that this defendant was not responsible for the crime, for this act, you would aid in uplifting a great cloud from the hearts and minds of the people of this country and of the world. If our beloved President had met with a railroad accident coming here to our city and had been killed, we should all regret it very much, we should mourn over the loss of such a just man, but our grief would not begin to compare with the grief that we have now, that he should be stricken down by an assassin, if such were the case. That adds poignancy to our grief—it does in my case, to a very large extent. But if you could find that he met his fate by the act of an insane man, it would amount to the same as though he met it accidentally, by some accident, and passed away under such circumstances.

TRIBUTE TO M'KINLEY

"Now, gentlemen, I have said about all I care to say about this case. The President of the United States was a man for whom I had the very profoundest respect. I have watched his career from the time he entered Congress—it must be twenty or more years ago—until his last breath here in the city of Buffalo, and every act of the man, so far as I could judge, had been the act of one of the noblest men that God ever made. His policy—we care nothing about that so far as we may differ as to his policy, but his policy has always met with my profoundest admiration in every respect. I have known him not only as a statesman, but I have known him through the public press and otherwise as a citizen, a man of irreproachable character, a loving husband, a grand man in every aspect that you could conceive of, and his death has been the saddest blow to me that has occurred in many years."

Mr. Titus—If the Court please, the remarks of my distinguished associate have so fully and completely covered the ground and so largely anticipated what I intended to present to the jury myself, that it seems entirely unnecessary for me to reiterate what has already been said upon this subject, and we therefore rest with the remarks made by Judge Lewis.

While Judge Lewis was speaking tears came into the eyes of one of the jurors. Czolgosz saw it from the tail of his eye and turned away. His eyelids were red, but he was not crying. He was simply a damp-faced, dejected wretch. When the words, "death" and "assassin," fell from Judge Lewis's lips the eyelids quivered. The venerable Judge Lewis was himself in tears.

DISTRICT ATTORNEY PENNEY'S ADDRESS

District Attorney Penney's address to the jury was as follows:

"It is hardly possible for any man to stand before his fellow-men and talk without the deepest emotion, concerning the awful tragedy that has come upon the entire world. A remarkable exhibition of feeling has just been made to you by the distinguished jurist who was forced by his duty as a citizen, as a lawyer and as a judge to carry out the mandates of our law and to stand here before you and present the formal rights of this defendant. He says to you that there is no question, that it has been proved beyond any peradventure that this man was the instrument that caused the death of our beloved President, and he simply leaves you with the statement that if this man was mentally responsible, then he is fully and absolutely guilty of the crime of murder in the first degree.

"Gentlemen, we have been expeditious in the presentation of this case to you, still we have endeavored to present it to you with no indecent haste. We have endeavored to present to you all the essentials, all the material elements that go to make up the crime of murder in the first degree. We have shown you that our beloved President was shot on the sixth day of September; we have shown you the history of that wound and that he came to his death as the result of it. We have shown you that this defendant stood there in the Temple of Music on that Friday afternoon, and with this weapon that we have exhibited here fired off the fatal bullet. We have shown you by witnesses who have been called to the stand the admissions of this defendant concerning his premeditation and deliberation, for how long a period he had thought about this awful crime, where he was born and educated and where he got the seeds of this terrible deed in his heart. We have shown you that he had gone to these anarchistic or socialistic meetings and that there had been imbedded in his diseased heart the seeds of this awful crime which resulted in that terrible shot on Friday afternoon.

"He retailed and detailed to the different people the history of himself and of his cogitations; how he was led up to do this act, and the counsel says to you, gentlemen, that if the man was sane then he is responsible. He says to you that this man must be presumed to be innocent, that that is a presumption of our law. But it is also a presumption of our law that every man is sane until proved insane. In other words, the prosecution has the right to come in here and rely on the presumption that every man who is charged with crime is sane and mentally and morally responsible for his acts, unless he himself introduces evidence showing the contrary.

THE DEFENDANT RESPONSIBLE.

"Therefore, gentlemen, the question seems simple to me. What evidence is there in this case that this man is not sane? Under the presumption of the law that he is sane, and under the admissions that have been made here, that he is the agent that caused the death, with all the elements that go to make up the crime absolutely proved, how brief ought to be your meditation, how brief ought to be your consultation about the responsibility and criminality of this individual.

"Gentlemen of the jury, this is not a case for oratorical flights or for vivid imagination. Both the counsel for the defence and the counsel for the prosecution have endeavored to eliminate everything of a sensational character from everything concerning this case, and I intend in this address to you to continue that line of procedure. I do not intend to make any attempt at oratorical flights; I do not intend to work upon my imagination or try to sway you under my expressions here of the enormity of this offence. It is unnecessary. You, as well as I and as well as every citizen of the civilized world, understand the enormous responsibility that is now about to devolve upon you. The counsel wisely and well said to you that no man should be put out of existence by lynch law. The counsel as well said to you that the people of Buffalo are to be commended for the orderly and law-abiding spirit and treatment that they have given this case. But at the same time, gentlemen, the law must be vindicated. Enough has been said, enough has been shown, enough has been demonstrated to forcibly convince me—and I know it has convinced you—that a terrible thing has happened, and it has happened because there is a certain class of people in this country that unless they feel the strong arm of justice, the strong arm of the law, that it is irresistible and will force down everything that is against law and order, that unless they feel that with the irresistible force that I know that you will bring to this case, that something terrible will happen to our beloved country.

A GRAND MAN STRUCK DOWN.

"Gentlemen, it is an awful, an awe-inspiring and a great truth that has been taught in this case. When I think, gentlemen, of that grand man who stood but a few days ago in the Temple of Music, the man who had come from the lowly walks of life, had made his own way by his own unaided strength and courage; became a lawyer, a Judge, a Congressman, a Governor, and then a President, and, more than all, also a loving husband, the man who cherished his sick wife through all the terrible weeks of her illness, notwithstanding the great responsibilities upon him as President of our country; a man who was so great that on his dying bed the last words that he said were: 'It is God's way, not ours; His will be done, Good-bye, Good-bye,'—that man who was still so great and yet could stand and take the hand of this man, his assassin, even the worst man that you could imagine, so great that he can forgive his own assassin, so great that he does not hold against him one word, one thought of ill-will—the noblest man, I believe, that God ever created upon the soil of the United States was taken from our midst, and yet with all that terrible calamity, and, as a man said to us who stood right beside our beloved President when he was shot, he said to me only two or three days ago, 'I have travelled over all our broad land since this awful calamity. I have seen thousands and thousands of people collected along the railroad even to get a glimpse at the train. I have seen people stand for hours in the rain to look upon the outside of his casket; I have seen people mourn and shed tears for hour after hour who never saw that great man;' and I am convinced, if I never was before, that there is such a thing as a national heart and that that great national heart has been weeping as it never wept before; that great heart is broken and it will take God's own time and God's own way to heal it, such a great calamity has been brought about.

ANARCHISM MUST GO.

"Brought by what? By this instrument (pointing to defendant) of an awful class of people that have come to our shores, a class of people that must be taught, that should be taught and shall be taught that it is entirely foreign to our laws, to our institutions and to the laws and institutions that evolved such a man as William McKinley, that they have no place upon our shores, that if they cannot conform to our laws and our institutions then they must go hence and keep forever from us, that they will not permitted to come here, to stay here, to educate themselves into the notion that they can take the life of any individual, irrespective of consequences, and come into a court.

"Think again, gentlemen, think of the grand spectacle that is illustrated here. There is a man who professes that he does not want a lawyer, that he does not believe in law, that he does not believe in God, that he does not believe in the marriage relation, that he believes in the destruction of life by individuals, and yet, notwithstanding those being those theories, those ideas, our laws and our institutions insist that he should be represented by two of the ablest and most respected jurists in our city, that he should go through all the legal formalities, just the same as if he were the most respected and highly thought of man, that all the laws and forms of law must be complied with, and even though he comes into court and tells you prior to trial that he is guilty of the crime charged against him, that he should be tried just the same as though he had not made that admission, that he should be given the benefit of a trial, that he should be given the benefit of the presumption of law that he is innocent until he is proved guilty, that he should be given the benefit of the presumption of law that he is sane until he is proved insane, that he should be given the benefit of the presumption of law that he is responsible for his acts until he proves that he is not responsible