

the courtroom, he painted them a vivid word-picture of what happened in the billiard-room.

George Force and the others were shrinking from the fact that they were more or less mixed up in the fight. He declared there was more than one knife mixed up in the trouble. "I want these other fellows," he said, "to take their medicine. I want all the black mystery of this case to be cleared up by the sunlight of truth."

Ray Evans' connection with the case was handled without gloves and in a manner calculated to make that young man's ears burn.

MR. BOARDMAN'S SPEECH

His Exhaustive Argument to the Jury Consumed the Morning.

Immediately upon the convening of court, the defense having signified that it would call no witnesses in rebuttal, County Attorney Fred H. Boardman arose and addressed the jury. He said:

Gentlemen of the Jury—The eyes of the entire state of Minnesota are on you to-day. Your verdict means much for or against law and order. The state of Minnesota has shown you that Leonard R. Day was killed by being stabbed to death by Frank H. Hamilton, and gentlemen, just as sure as they have shown you that Leonard R. Day is dead, it has shown you that the prisoner at the bar killed him. The state has shown you his motive. It has shown you his confession, and he comes here now into court flanked by able counsel, for what? To undertake to play some sharp diversion game on your minds and lead you away from the truth, and ask you to find some pretext on which you can excuse him, upon which you can acquit him, Messieurs.

Human life is a sacred thing. The interests of civilization and the interests of society are much too sacred to tolerate any such consideration because Hamilton saw fit to undertake the task of the assassin, and in his savage jealousy to kill Leonard R. Day. There is no reason why you should commit a crime and stab law and order because he

GROUP OF THE "LIT'RARY LIGHTS" OF THE TRIAL



DAY. CANFIELD. LE GALLIENNE.



HUNT LISTENS INTENTLY.



DOWELL.



PEGLER.

new fit to do so. You are not to blame for his crime, and, in the name of heaven, why should you be asked to commit a crime in order to excuse him from the crime that he has committed?

Ah, gentlemen, if the time shall ever come when cruel, cold-blooded murder such as has been proved in this case can go unpunished in Hennepin county, then we may as well go up into the prison above, tear off the locks from those iron doors, swing open the gates and bid the criminals go free, as well as close up these courts and do away with all this expensive machinery of justice, abandon this massive structure to the bats and owls.

We have been informed by the learned counsel for the defense that the prisoner is a young man highly born, an educated gentleman. I do not deny it. But that being so, he must be held to an strict accountability for his acts as the humblest of men.

There is a mass of testimony lying on the table there, and if I misquote a single word of it I ask Thompson to correct me. When I opened this case I announced that there were certain things the state would undertake to prove, and when I made those statements I believe every man of you said to himself, "If the state can prove what it has said it expects to prove, there is but one thing for us as honorable men to do." Gentlemen, you know and I know that the state has proved all that I promised you it would prove, it has proved more.

An Appeal to Sober Judgment.

Continuing Mr. Boardman said that sympathy was human, but that justice was cold. He implored the jurors to be

The Fountain of Youth

"I feel like a boy again!" exclaimed Geo. W. Attridge, a man 67 years old, after a three weeks' course of DUFFY'S PURE MALT WHISKEY. And he looked it too. The ruddy flush of health was in his cheeks, his eyes youthful fire and brightness had returned to his eyes, and in his walk there was all the vigor of his early manhood. A miracle? No; that is just what DUFFY'S PURE MALT WHISKEY is doing every day for the feeble and ailing who use it as a tonic and stimulant. It cures like magic.

Abraham E. Elmer, of Utica, is 519 years old, and has taken no medicine except Duffy's Pure Malt Whiskey for twenty-five years. It is the only Whiskey taxed by the Government as a medicine. This is a guarantee. All druggists and grocers, or direct, \$1.00 a bottle. Refuse substitutes. Send for free medical booklet.

DUFFY MALT WHISKEY CO., Rochester, N. Y.

Rubbers

We are selling new rubbers, just from the factories, in the latest styles, at less than cost to make—for instance—Men's Rubbers, any style, 59c. Ladies' Storm Rubbers, 39c. Girls' Storm Rubbers, 35c. Children's Storm Rubbers, 29c. Boys' Rubbers, 49c. Youth's Rubbers, 59c. Then we've got a large lot of Misses' and Children's spring heel rubbers that are all of best quality, but little out of style, any size, 19c.



guided, not by their sympathies, but by the sober judgment. He then said: Leonard R. Day was killed. There is no denying that fact. He was the dead man killed in the West Hotel billiard room on that fatal November morning, and the man who killed him was one of the eleven men who were there at the moment of his killing. Who were they? Canfield, his dearest friend; Fred George, Charles Force, Mr. Geary, Mr. Evans, Mr. Bennett, Mr. Barbe and Hamilton. O'Malley was there later and Mr. Gray.

Fred George separated the two men and passed out of the room. George was away from them. He was the witness who says they were striking at each other. Now, in the dim and ghastly light of that room much is unaccounted for, because much was not seen. Here was the case of Evans, trying to precipitate a fight with Force.

Witnesses' Hamilton's Friends.

Gentlemen, here it appears that something has been held back by witnesses. I leave it to your common sense as to whether it has not been kept back in the interest of Hamilton. Bennett, Mr. Geary and Hamilton on that stand is a friend of mine who pushed the two men apart. "I am out," he said, and started for the washroom. He did not know that Day had been stabbed at that moment, but he went to his home at the hotel. Fred George did not kill Leonard R. Day. It was absolutely impossible.

Hamilton the Assailant.

Mr. Geary was there. You recollect what a reluctant witness he was, how almost with a five hundred pound hydraulic pump we elicited this statement from him: "Hamilton at the time of the second fight, when Day was killed, was the assailant." Mr. Geary did not kill Leonard Day. Evans, who wanted to fight with Force, was away over at the second table. He was nowhere near Day and Hamilton. At no time was he near them. That is an undisputed fact. Make a particular note of it for this reason. Two men were called here from the Pantorium who were there and there was blood on them, and remember that they were unable to testify positively as to the pants Evans had on when he stood before the jury.

Continuing, the county attorney said he could not dignify such evidence by dwelling upon it, that it did not matter if Evans had sent a hundred bloody pants to be cleaned; they had no connection with the tragedy enacted at the West hotel that night.

Argument by Exclusion.

Evans did not kill Leonard R. Day. Next you have Mr. Bennett and Mr. Barbe, the two traveling men. They were both drunk. Not ordinarily drunk, but drunk. Here were they (Mr. Boardman showed on the chart). When I asked Barbe what he meant by a crowd that Day came out of, he said, "Oh, a few men." Barbe and Bennett were both away from both Day and Hamilton. They did not know Day. Day, who else was in the billiard room that night? Charles Ferris, the billiard attendant, who was near his desk. Charles Ferris did not kill Leonard R. Day.

Who else was in there? Stephen O'Malley, but he was there but a moment, handling Evans, whom he took out, and he said as he passed this point (indicating), Hamilton and Day were fighting on the floor. He did not see the second fight. He was watching Evans and Force. Canfield did not kill Day. Now I have named every man who was in the room who was there at the second fight, all except one, Frank H. Hamilton, the only other man in that billiard-room, who assaulted Day and threw him to the floor, when George walked up and separated them. Canfield walked out with Hamilton. He did not know why he took him out. He says he didn't know. Canfield is Hamilton's intimate friend. But he took Hamilton out of the room, and he did it, gentlemen, because he knew Hamilton was in a dangerous mood. He apprehended danger. Whom? Leonard R. Day. Who else was there? I do not know, but he feared overcoat peepers! I do not know, but he feared danger and took Hamilton out. Day is assaulting with his arms folded. The next thing we see is Hamilton, who comes up behind him. They went to the floor, they

were up again, blows were struck back and forth, when George rushed up and separated them. Now Hamilton was the man who had any possible dispute or fight with Day. He had two fights with him, and he was the assaulter in both instances. There was no other man near Day at the time when his life went out until George came up and separated them, and then Day staggered back and went down on the floor between those billiard tables never to rise again. It is absurd to say that any man killed him but Frank Hamilton. The learned counsel will probably take up that mysterious other man who was referred to. He was Mr. Lester. There was no Mr. Lester present at the time of the homicide.

Mr. Boardman at this point repeated the names of the eleven men who were in the room, and appealed to the manhood and intelligence of the jurors to weigh well his point, that one of them must have committed the crime, asking them to give a verdict upon the evidence and the law. He drew a graphic picture of the coming of the doctors and their efforts to revive Day.

Hamilton's Remorse.

When Hamilton found what he had done, gentlemen, in his mad jealousy, he was remorseful—there is always a sense of remorse which comes to a man; that remorse which impelled Brutus to throw himself upon his sword after he had stabbed Caesar. When picture Hamilton after he saw his dead victim lying on the floor, how his better nature asserted itself, and he sat there with the offender, gloomy and peculiar, before his counsel or Mr. Francis, his employer, arrived and told him to keep still. I can see how he confessed his crime to the officer. He did not realize then that a defense man put up for any crime, no matter how, when or where. Why, gentlemen, if a man was stabbed right here in this courtroom at this moment, you would find a hundred men who would come in here out of sympathy and work their minds into that condition that they would testify falsely. They would say "There was a great rush, I saw some one injured, but the man they have charged with the crime could not have done it." They could put up a better defense than you can here.

Why Hamilton Confessed.

Hamilton did not imagine there could be any question about it. He told Officer Rooney all, and he told him his motive for doing it, the whole story. Ah, gentlemen, there is no escape from it. Thomas Rooney is a honest man. No man will question his veracity.

Mr. Boardman then adverted to the corroborative testimony of Robert J. Hill, the Tribune reporter. He showed how Hill was Hamilton's friend, and with what reluctance he gave his testimony. Hamilton, he said at that time to Hill: "Gentlemen, I don't know whether I did it or not. Right here was as clear a confession of his guilt as he gave to Officer Rooney. Is there any other slight corroborative circumstance. Yes, the testimony of Chief Doyle. What did Hamilton say to him? "I don't want to talk. I have been advised by my friends and I want to keep my mouth shut." Is that along the line of innocence? Had he been an innocent man do you think he would have hesitated even though drunk to say "No? Absolutely not."

Hamilton Fails to Deny.

Now, gentlemen, take Hamilton on the stand. Did he deny the crime himself? No, he did not. He has absolutely refused to deny the murder of Day. He has absolutely refused to deny the confession to Rooney. He says that he could not. He doesn't see how he could have killed Day. He doesn't think he ever gave any confession to Rooney. I have been practicing law for a good many years and have sat inside the bar and heard criminals; have heard them admit and deny, but that was the first instance I ever heard of a man charged with murder going to the stand and evading an answer. Why did he do it? You all heard what a half a dozen witnesses testified to about the "pumps on Hamilton's head," which were received from some kind of a blow and you remember Hamilton's testimony. He remembered being in Starr's saloon and all about going to the hotel, but he does not remember material, essential things. Now it appears that Hamilton, Day grasped with Day and threw him on the floor the first time. Hamilton remembers the discussion with Day. This comes out in

his cross-examination. He remembers his fight with the first one. He remembers that of slapping Day down on the floor; that there was no serious wound on Hamilton's arm, and that they were both armed. He remembers Day saying, "Call me what names you please, I won't fight with you to-night," and right there he says and please note this, "somebody struck me. I remember seeing legs and arms, that is all."

Was there any other quarrel or dispute from the dispute between Day and Hamilton, and between Force and Evans. Hamilton admits he did not see any. After he got that blow his mind was vague. He did not know anything more. It won't do, gentlemen, you all see it was 21 years ago, you are not going to believe that Hamilton was laid out with a blow from a billiard cue or an iron bar. That won't do. The blow he describes does not have been made as some of the doctors have intimated. My own opinion, gentlemen, is that he received the marks on his face and forehead by falling against the billiard table during his first encounter with Day. Another thing, Ferris testified that he put the billiard cues back in the rack, and another thing, gentlemen, that he saw Day standing with his arms folded at all; only a swelling. Coming back to Hamilton's forgetfulness, to the fog of memory he found himself at the time the fatal blow was struck with his arms folded and Hamilton makes a second assault on him. They go down on the floor, they rise and the fight goes on. Hamilton forgets all about it. He has not got a bit of remembrance, none whatever. His mind is blank, and he found it the easiest, gentlemen, to answer certain questions by saying "I don't know." How soon he rallies and tells you about it when the officer takes him in charge. He remembers going into the closet several times. He remembers to tell Canfield to send that telegram to Colorado Springs, Ariz. He remembers that he was not afraid; he would be quick to resent an attack; nobody claims there was any weapon on the person of Day.

Brings the Knife Back.

After Day had been killed and gone down there to the floor Hamilton comes back into the billiard room, back by the body of Day, and goes to changing or rubbing his feet. I explained that in my opening remarks. He went out of that billiard room after the assassination of Day. Then it dawned upon him that he still had the bloody knife in his possession; then Hamilton closed up the blade of that knife, he walked back to the billiard room and had that overcoat on with the side pocket, where he carried his hand; he walked out to that billiard table and leaned upon it, he got a bottle beside the body of Day with that drunken witness, Bennett, who was hysterical, he got down, and they say they offered a prayer. Ah, gentlemen, that is a very interesting thing. Hamilton came back he did it for the purpose of bringing back to life the man he had slain, but he went back to that dead body for the purpose of laying that bloody knife beside it, quietly and stealthily.

Mr. Boardman made much of the testimony of Gray, who, he said, was perfectly sober—Gray, the man who discovered the body of Day after the crime, and who left the billiard room. He also repeated with dramatic fervor Bennett's sudden ejaculation when he turned to Hamilton, who was standing against the wall, "He is dead, and you have killed him."

These Were Sober.

He next adverted to the question of sobriety of the various people in the billiard room that night. He said that the sober men were George, Force, Day, Reul and Lester. They were all sober, absolutely sober. They know what they are talking about. Hamilton had been drinking heavily and so had Evans. Canfield also admitted as much. Barbe and Bennett were there, but they were "beastly drunk," in the language of the county attorney. Gary denied that he was drunk, and there was no testimony to the contrary.

The Trail of Blood.

As to the trail of blood, Day lay here (indicating). The trail of blood went out of the room, went around here and into the little washroom. Here was the bloody floor, bowl and towel; there is no dispute about that, and do not let your minds become muddy on that. Day was assassinated about here (indicating) staggered and walked and fell here (indicating). Day certainly made that trail of blood from here to the washroom. Ah, gentlemen, think when Mr. Nye brings tears to your eyes, when he says and do no injustice; give his client all he is entitled to, remember he is a man convicted upon a compelling trail of blood; he will plead to you to acquit the prisoner, but the prisoner has sent poor Day before a higher tribunal. Do not say anything about that nor the poor widowed mother who was unconscious and unable to come here to testify to the other day; this will all be forgotten while they only beg for mercy for the criminal. 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