

MR. DEUPREY POINTS TO PASTOR GIBSON.

Durrant Tries to Cast Suspicion on the Clergyman.

A CHISEL IN THE STUDY.

The Senior Counsel for the Defense Makes a Dramatic Speech.

AN ALIBI FOR THE PRISONER.

Mrs. Durrant Says Theodore Wore Dark Trousers—Durrant May Testify.

THE DURRANT TRIAL IN A MINUTE—THE DEFENSE.

Mr. Deuprey made his opening statement for the defense in the case of Theodore Durrant, charged with the murder of Blanche Lamont, yesterday morning, and at its conclusion the mother of the defendant took the witness-stand.

Prior to this three of the people's witnesses—Deputy Coroner Hallett, Detective Gibson and Mrs. Leak—were briefly cross-examined.

In his speech Mr. Deuprey claimed a complete alibi for Durrant, and said that Dr. Cheney would testify that the defendant was present at his lecture at the Cooper Medical College on the afternoon of April 3.

Mr. Deuprey said he would attack the character of some of the people's witnesses. He said further that the suspicion was stronger against Pastor Gibson than against the prisoner.

Mrs. Durrant told some of the family history. She said Theodore was born at Toronto, Canada, and that his sister, Maud, was at present studying in Berlin. He had always been a regular church member.

Sergeant Reynolds was the next witness. He told about finding the chisel in the toolbox in Pastor Gibson's study, and said the chisel fitted the marks on the jamb of the door leading to the belfry. He was still on the stand when court adjourned till this morning.

NOTE TO THE READER.—If you wish only to know what was actually accomplished in the Durrant case yesterday the foregoing summary will give you that information. If, however, it is your desire to learn the particulars of this interesting trial you will find subjoined a clear, succinct, impartial account of all important matters. Under no circumstances will the offensive details be admitted. They are not essential to an intelligent understanding of the progress of the case, and will be accorded no place in these columns.

THE FIFTEENTH DAY.

Deuprey's Opening Speech—The Accusation Against the Pastor—Mrs. Durrant on the Stand.

Doubtless, if the defense makes perfectly good, by reliable testimony, all that its senior attorney has claimed for Durrant he will be acquitted. But—

And here speculation as to the result of the trial must cease. It is too late a day. Already the prosecution has closed and the defense made a fair beginning. What the latter can prove will soon be known. The witnesses are already testifying.

Mr. Deuprey made his speech to the jury yesterday morning before a crowded and somewhat fashionable audience. Never had an attorney an audience that listened more attentively, more eagerly, to every word that fell from his lips. Scores of spectators were content to stand and listen and not another spectator could possibly have been crowded into the room.

There was even a larger percentage of ladies present than usual, and that many of them were members of what is called San Francisco's exclusive set was apparent. At least you could find most of their names in the Blue Book.

Mr. Deuprey began his intensely forensic address with a pat quotation from Lord Cowper about the safeguards of the law, or something to that effect, and ended it with a most dramatic, impassioned appeal for the jury to acquit his client.

His address throughout was an argument rather than a statement, and District Attorney Barnes failing to interpose an objection to the argumentative style Judge Murphy himself thought it necessary to call Mr. Deuprey's attention to the fact that the practice is at this time to make merely a statement to the jury, leaving the arguments for the closing speeches.

Mr. Deuprey accepted the court's suggestion gracefully, albeit with a dexterously put phrase which maintained his own belief that Judge Murphy was in the wrong.

"The most essential elements in this case are lacking in the proof offered by the prosecution," said Mr. Deuprey. "Where did Blanche Lamont meet her death? When did Blanche Lamont meet her death? By whose hand was she slain?"

"Months have passed and no answer comes to these questions. There is a strange silence on the part of the prosecution concerning them. A fourth question has not been answered. What caused the death?"

"And a fifth question has not been answered, and we claim never can be answered: Where was the mother of the defendant to take the life of Blanche Lamont?"

"And because these vital questions are unanswered we claim that we would be justified at this time to ask the court to dismiss the charge against this young man without further testimony and to acquit him of this terrible charge."

But Mr. Deuprey had reasons for not taking this simple and direct course. He thought it was the duty of the court to first hear Durrant in his own defense. The prisoner's lips would now be unsealed.

"He will tell you where he was and what he was doing that afternoon," said Mr. Deuprey, and he added, with marked significance, "he will be corroborated."

And then, "piece by piece we shall tear the mask of falsehood from the witnesses of the prosecution."

He said he would prove the character of Martin Quinlan, Witness Clark, Witness Phillips and Pawanbrock Oppenheim. And though he did not say it in so many words the inflection of his voice meant that these characters would be shown to be unreliable.

"No, quite plainly—about three-quarters of an inch." "Was it opened when you reached the Morgue?" "I couldn't say that."

Mrs. Leak was then recalled. She was questioned closely concerning her eye-sight, concerning the blinds on her windows, concerning the oculist from which she once purchased a pair of glasses.

She maintained stoutly that her eye-sight was good and strong. She had not been in the East for sixteen years, she said, and had never had her eyes examined for any trouble. She was permitted to depart, and Mr. Deuprey arose to make his opening statement to the jury.

After repeating the quotation from Lord Cowper "that the wisdom and justice of our laws are no more noticeable than in the perspicuity and clearness required in establishing the guilt or innocence of a prisoner on trial for his life," he declared that America, among all nations, gloried in her standard that required positive evidence of the most convincing kind before a verdict of guilty could be invoked against a defendant.

"No innuendoes, no surmises nor premises may be admitted," said the counsel. Then he turned his attention to the circumstantial evidence, speaking as follows:

In this case the entire testimony afforded by the prosecution is entirely circumstantial—an indirect mode of testimony which leads often to wrong results.

It has been said that circumstances cannot lie. While this may be true, witnesses can lie, and from whom do you get your circumstances if they do not come from the witnesses?

The judgment of a man for a crime such as is charged in this case—the crime of murder—is one of the most important that is left within the duty of our citizens, and the intelligence to discriminate between improper inferences and suspicious is indubitably great and heavy burden placed upon you gentlemen.

The importance of the office of juror cannot be overestimated, and every citizen called to assume it should be furnished with every means to fill his duty. The utmost caution must be exercised by those called on to serve in such an important case. Sensational articles should not influence. The greatest caution should be exercised in trying a man for his life.

Publications and talks with friends should not influence the mind of the juror. It is in a proper state to receive impressions.

This jury has been carefully selected. Your views on circumstantial evidence and your faith in the law that requires that you shall consider the defendant innocent until he is proved guilty by the evidence are to be taken from the manner in which the prisoner at the bar has been written up and spoken of, your ability in this courtroom and under instructions will be put to a severe test.

We trust that in this case you will rest solely upon the establishment of a custom marked by the burden of the prosecution to convict totally with the prosecution.

The learned District Attorney outlined for you what he deems to be the proper way to satisfy your minds of the guilt of Theodore Durrant. He has skillfully produced a very strong case of circumstantial evidence which at first would create a very strong suspicion of the guilt of the defendant.

Suspicion is to be distinguished from proof. One hundred suspicions do not form a proof. We claim and shall claim that beyond a strong suspicion the prosecution has failed to establish the guilt of the prisoner, and potential elements of proof necessary to convict are entirely lacking.

We contend that with all the testimony introduced the only issues to be passed on have not been answered. Where did Blanche Lamont die? When did she meet her death? Who caused her death?

These questions, in brilliant letters, have been before the eyes of the world since April 14, 1893, and months have passed away and no answer comes.

Silence on the part of the prosecution on these vital and important questions. Where, when and how? There is a fourth question which has not been issued, we contend, and that is the cause of death.

A fifth question has not been answered, and it never can be answered: Where was the mother of the defendant to take the life of Blanche Lamont? No, never has it been answered, and we again reiterate that it will never be answered.

Under the view of the testimony thus far given, we believe and claim to ask the court at this time to instruct the jury without one word to acquit. We think, however, as a duty to William H. T. Durrant, his parents and the community that his lips should be unsealed.

You are entitled to know an absolute truth where he was and what he did on April 3, 1895, from the time he arose in the morning until he went to his rest that night.

It is a trite saying, which bears the impress of truth, that one story is good until another is told. You have heard what the prosecution has done on that momentous day. His story shall be told and link by link we shall tear the mask of falsehood from the faces of the witnesses for the State.

In making the opening statement for the defense it is right to call attention to the statements of the State's prosecuting officer and show wherein he has failed to make his promises good: "We will show you that he was not who he ought to have been that day when he met Blanche Lamont; that he was not at the Cooper Medical College at Dr. Cheney's lecture; that he was not here to take the life of Blanche Lamont; that he was not at the house of the defendant's parents on Monday, April 16, with Sergeant Burke, making examinations of the defendant's clothing."

"Yes, sir." "Who was present?" "The defendant's mother."

"Wasn't there a young lady present, Miss Thompson?" "There have been."

"Didn't she ask you about finding the body?" "That is possible, I am not sure."

"And didn't you state to her that you saw footprints of an 8 or 9 shoe?" "I did not."

"Was such a statement made in your presence?" "Not to my recollection."

"Did you have a conversation with Officer Reihl about the footprints?" "I did not."

There was no redirect examination by Mr. Barnes, and Deputy Coroner Hallett was called to the stand.

"When you were in the belfry and first saw the body was the mouth open or closed?" "I didn't notice that until I got the body down in the hall. Then I noticed that the mouth was open."

"Very slightly open?"

noble, devoted, all-loving mother, who never has, who never can lose faith in her boy. From her you shall know that W. H. T. Durrant and this was the united June 30, 1879, in marriage, and amid Christian surroundings, in a Christian home, this son was born to them.

You shall know when the family arrived here, about the latter part of 1879. You shall be informed how the prisoner became interested in the case of the young man, and he did for the Emmanuel Baptist Church. We will tell you how he met Blanche Lamont, and you shall hear from the lips of Mrs. Durrant how her son was dressed when he left his home on the morning of April 3, 1895.

You shall know what the mother saw him next, and what transpired in the evening. The good repute and honorable character of the prisoner, and the fact that he was a student at the Cooper Medical College will be shown; his general demeanor will be shown.

We will answer the question, "What did Durrant do on the morning of April 3, 1895." He left his home and walked toward the house of George King, who was the only witness called that evening to fix the gas. We will show that on the corner of Twenty-ninth and Mission streets he accidentally met Blanche Lamont. We will show that he told her he was on his way to King's house and asked her to accompany him, but she said that at the time was too late to go with him, and he went to her with him and requested Durrant to accompany her to school.

We will show you what he did on his arrival there until the noon hour, when he walked northerly on Webster street to Broadway and westerly to a point where he met a young man who could sit and gaze over the bay. We will show you his return to college at half-past 1, and that he came home from half-past 1 till 3:30 at the Cooper College; that he went to Dr. Cheney's lecture, and will produce his notes, different from any of the notes that were produced in the present case, and also Dr. Cheney will tell you that he was present. We will show you that he took the Sutter-street car to Polk, to Mission and Ninth, on Mission and thence to the church, and alone did he walk into the church.

We will show you he arrived at the church at nine minutes to 3, and that he was met by the door on the south side, and he went into the library in regard to a book and a card he wanted. He removed his coat, neatly folded it, took out his watch, so that it would not fall out while he was fixing the gas jets, felt if he had the nippers. He went to the pastor's study, and there he was asked to go to the ceiling by way of the ladder through the hole in the ceiling. He then went and fixed the sunburners.

We will show the construction of these sunburners, that it is distinctly separate from the room in which the gas was used, and that the gas filters was to fit on tips, seventy-two of them. That they turned on the gas, that matches went out and that a considerable leak was thus encountered.

We will show you to under these circumstances that as a natural result the rooms would be filled with gas, and we will show you that owing to lack of ventilation, when Theodore Durrant went to the ceiling, he was overcome by the gas that had been there, and he leaned down on the papers spread by the sunburners. He removed three plates, and put his head down, and there he was when the current was turned on. He felt that the amount of gas was affecting him. He withdrew his head, rearranged the sunburners and cut off the supply.

This caused him to feel sick, as stated by George King, who was playing a loud piano for three minutes, and you are asked to believe that this man accused of the murder went directly down to secure a witness to his crime. Is it possible?

We will show that Durrant then was on the platform, lying down, and when King returned went down to the kitchen to take the saltzer. We will show that upon the request of King he went upstairs to get the cabinet organ.

We will show you the size and weight of the organ, and that a person carrying it down from the rear his feet would be continually struck. We will show you the number of stairs and turns. That at last they brought the organ into the Sunday-school room. Then Durrant and King went to the library, and the door was locked, as Mr. King has told you. Durrant put on his coat and hat and they left the church together, before George King's dinner time; the defendant walked a ways with him.

We will show that after leaving King he met a lady acquaintance, who asked him how he was, and that he told her how that after fixing the gas he had been taken a little sick. How he went home and ate his evening meal with his parents, after which he went to the church entertainment.

This will be the simple story of the defendant. He will be corroborated by those who know him well and who will give reasons why they do not come to the witness-stand.

We will show you that the marks upon the belfry door show the marks of a chisel, and that the chisel found in the pastor's study in a toolbox formed them.

We will show you, as long as they have introduced a paper here with letters on it, as compared with letters found in Emmanuel Baptist Church, that the marks upon the belfry door and the marks upon the letters written by the Rev. John George Gibson.

If we are to act upon suspicion, if we are to be governed by the newspapers, we must have you to believe a chain of circumstantial evidence that cannot be supported, then we will cast suspicion and worse than the defendant.

We will ask you, gentlemen of the jury, to say whether or not these young ladies can possibly be correct, or are they not partially mistaken. Remember, none of them ever saw the defendant until the afternoon of April 3, 1895.

Remember that these matters are called attention to their attention by the newspapers, and that by the most influential, outrageous and uncivilized methods permitted by the law they are brought to identify a man—the subject of all this unrighteous notoriety.

These two young ladies who say they saw this man on a car—they tell you they were walking southerly on Powell street and that the car on which this man was riding was going southerly. They say at the same time that this young man was from the nose down.

Judge Murphy—Mr. Deuprey, I must say that you are not respecting the rights of the defendant. Our Supreme Court has decided that the operation of circumstantial evidence is that which is expected to be proved. The closing statement is for the purpose of discussing testimony.

Mr. Deuprey—I bow to the court, and I will say that I have no desire to exceed my rights. Now, gentlemen of the jury, we will show to you the marks upon the belfry door, and when Durrant left his house he was attired entirely in a dark suit of clothes. We call attention to the fact that the witness Vogel spoke of noticing light pants. We will call attention to the fact that the witness Vogel was taken in traversing the distance as testified to by her. That the time necessary for that trip is fully fifty-five or fifty-eight minutes, and we will show to you the marks upon the belfry door, especially in old persons, will affect the vision. We will show that the time taken in traversing the distance is about eighteen seconds and perhaps seventeen seconds.

We will introduce evidence that Mrs. Leak was called to recognize her own lady acquaintances; that she has failed to recognize Mrs. Durrant and has accused herself. We will show to you the marks upon the belfry door, and we will introduce evidence to show the reputation of Martin Quintin, and we will deal with David Clark in the same way.

When it comes to the pawnbroker, Oppenheim, we will show to you the marks upon the belfry door, and we will show to you that W. H. T. Durrant never wore a long coat with a velvet collar, a soft hat, and he will tell you that he went to Oppenheim's store in the morning, and he will show to you that he left in the direction which witnesses claim Durrant took.

We will show to you the reputation of Oppenheim, and we will show to you the marks upon the belfry door, and we will show to you that W. H. T. Durrant never wore a long coat with a velvet collar, a soft hat, and he will tell you that he went to Oppenheim's store in the morning, and he will show to you that he left in the direction which witnesses claim Durrant took.

We will show to you the marks upon the belfry door, and we will show to you that W. H. T. Durrant never wore a long coat with a velvet collar, a soft hat, and he will tell you that he went to Oppenheim's store in the morning, and he will show to you that he left in the direction which witnesses claim Durrant took.

We will show to you the marks upon the belfry door, and we will show to you that W. H. T. Durrant never wore a long coat with a velvet collar, a soft hat, and he will tell you that he went to Oppenheim's store in the morning, and he will show to you that he left in the direction which witnesses claim Durrant took.

We will show to you the marks upon the belfry door, and we will show to you that W. H. T. Durrant never wore a long coat with a velvet collar, a soft hat, and he will tell you that he went to Oppenheim's store in the morning, and he will show to you that he left in the direction which witnesses claim Durrant took.

We will show to you the marks upon the belfry door, and we will show to you that W. H. T. Durrant never wore a long coat with a velvet collar, a soft hat, and he will tell you that he went to Oppenheim's store in the morning, and he will show to you that he left in the direction which witnesses claim Durrant took.

We will show to you the marks upon the belfry door, and we will show to you that W. H. T. Durrant never wore a long coat with a velvet collar, a soft hat, and he will tell you that he went to Oppenheim's store in the morning, and he will show to you that he left in the direction which witnesses claim Durrant took.

We will show to you the marks upon the belfry door, and we will show to you that W. H. T. Durrant never wore a long coat with a velvet collar, a soft hat, and he will tell you that he went to Oppenheim's store in the morning, and he will show to you that he left in the direction which witnesses claim Durrant took.

Maud, the only daughter, was now studying in Berlin, where she had gone in February last.

Some other parts of the family history were gone over. They had lived on Haigh street and on Twelfth street and now at 1025 Fair Oaks street.

Theodore first went to a private school in Toronto, and has been at school since his residence here. During vacations he worked in stores or did electrical work for various persons. Last Christmas, during the vacation, he worked at the Golden Rule Bazaar.

"Do you know of his having done electrical work at Emmanuel Church?" "I know of his being interested in the electrical work there and of his paying a good deal of attention to it."

Barnes—I move to strike out the answer as not responsive to the question. The court—Oh, I will let it remain. Barnes—I move to strike out a Mr. Bunker, doing electric work?" "Yes, sir."

At this point the noon recess was taken.

THE AFTERNOON SESSION.

Testimony About the Chisel That Was Found in the Pastor's Study—Durrant's Clothes.

In the afternoon Mr. Dickinson proceeded with the main examination of Mrs. Durrant. She said the defendant was a graduate of Lincoln High School and subsequently of the Polytechnic School.

From this point Mr. Dickinson led the witness into the business of her husband at Toronto.

Judge Murphy interposed an objection here and said that although he desired to allow the fullest inquiry he hardly thought it material to go into such matters. The time of the jury should not be taken up in useless inquiries.

Mr. Dickinson then led the witness to say that the defendant had been a member of Emmanuel Church for five years. Prior to that he attended Grace Methodist Episcopal Church and Sunday-school and also Trinity Church and the one presided over by I. S. Kallio at Metropolitan Temple. Defendant also had a newspaper route for several years.

"Do you know whether the defendant had money in the bank on April 3?" "Yes, sir; he had."

"Did you go through both doors that day?" "Yes, sir; we were both unlocked. I remember that we did not have to use any keys at either door."

"So that anybody inside the church would have access to the room?" "Yes, sir."

"Do you remember whether the doors stood open or closed?" "No, I don't remember that."

Sergeant Reynolds was still on the stand when court adjourned until this morning.

FROGS AS LIVE STOCK.

Two Cases to Be Sold at Auction by the Officials of the Custom-House.

Much perturbation was occasioned yesterday at the Custom-house by the Pacific Mail people, who insisted that the Federal officials were the proper custodians of two cases of live frogs. The frogs were taken on the City of Rio Janeiro at Yokohama. They were to be delivered to the Hon. John Marsden at Honolulu.

But the steamer did not touch at the Sandwich Islands because of the cholera. In consequence the frogs were brought on the City of Rio Janeiro at Yokohama. They were to be delivered to the Hon. John Marsden at Honolulu.

The section of the law which declares that all live animals not specially provided for should pay a 20 per cent ad valorem duty was produced, the Naval Officer thought the frogs would be exempt. But the regulations declare specifically that the only animals admitted duty free shall be those "pure bred of a recognized breed and duly registered in the book of that breed." As no one had a "frog book" and the animals were considered perishable they will be sold at auction this afternoon at the Mail dock.

"Were these made to order or ready made?" "They were made to order," said Mrs. Durrant.

"Do you know who made them. I do not find any mark on them?" "They were made by Lyons the tailor."

Witness then said, in answer to Mr. Dickinson's questions, that it was Theodore Durrant's custom to buy upon going out and coming home. On the 3d of April this custom was not abrogated.

"What time did you have dinner that evening?" "On Monday, the 15th of April, and on the day previous the Durrant home was visited by Sergeant Burke and Detective Gibson, who searched among Durrant's effects and clothes. Mrs. Durrant says they found a pair of shoes, which they examined as to the size of the soles, and they returned them to their place. They only took away the hat and overcoat."

Then came the examination of Mr. Barnes. It was brief but pointed: "Did the defendant more than one suit of clothes?" "Yes, sir."

"Was the one he now wears one of those suits?" "Yes, sir."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color as the coat?" "No, sir."

"Are they lighter or darker?" "Lighter."

"What was the other suit?" "All dark."

"That is all." "Mr. Dickinson—Was this suit that Mr. Durrant now wears in the house when the detectives called?" "Yes, sir."

"Did they see it?" "Yes, sir."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color as the coat?" "No, sir."

"Are they lighter or darker?" "Lighter."

"What was the other suit?" "All dark."

"That is all." "Mr. Dickinson—Was this suit that Mr. Durrant now wears in the house when the detectives called?" "Yes, sir."

"Did they see it?" "Yes, sir."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color as the coat?" "No, sir."

"Are they lighter or darker?" "Lighter."

"What was the other suit?" "All dark."

"That is all." "Mr. Dickinson—Was this suit that Mr. Durrant now wears in the house when the detectives called?" "Yes, sir."

"Did they see it?" "Yes, sir."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color as the coat?" "No, sir."

"Are they lighter or darker?" "Lighter."

"What was the other suit?" "All dark."

"That is all." "Mr. Dickinson—Was this suit that Mr. Durrant now wears in the house when the detectives called?" "Yes, sir."

"Did they see it?" "Yes, sir."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color as the coat?" "No, sir."

"Are they lighter or darker?" "Lighter."

"What was the other suit?" "All dark."

"That is all." "Mr. Dickinson—Was this suit that Mr. Durrant now wears in the house when the detectives called?" "Yes, sir."

"Did they see it?" "Yes, sir."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color as the coat?" "No, sir."

"Are they lighter or darker?" "Lighter."

"What was the other suit?" "All dark."

"That is all." "Mr. Dickinson—Was this suit that Mr. Durrant now wears in the house when the detectives called?" "Yes, sir."

"Did they see it?" "Yes, sir."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color as the coat?" "No, sir."

"Are they lighter or darker?" "Lighter."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color as the coat?" "No, sir."

"Are they lighter or darker?" "Lighter."

"What was the other suit?" "All dark."

"That is all." "Mr. Dickinson—Was this suit that Mr. Durrant now wears in the house when the detectives called?" "Yes, sir."

"Did they see it?" "Yes, sir."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color as the coat?" "No, sir."

"Are they lighter or darker?" "Lighter."

"What was the other suit?" "All dark."

"That is all." "Mr. Dickinson—Was this suit that Mr. Durrant now wears in the house when the detectives called?" "Yes, sir."

"Did they see it?" "Yes, sir."

"Please describe it?" "A dark cutaway coat and vest."

"Are the trousers of the same color