



THE CHIEF REBUTTAL WITNESSES WHO TESTIFIED IN THE DURRANT TRIAL YESTERDAY.

DURRANT ASKED DR. GRAHAM FOR HIS NOTES.

HE SAID HE WANTED TO COPY THEM TO ESTABLISH AN ALIBI.

THE REBUTTAL BEGUN.

DR. GLASER READ HIS NOTES TO DURRANT ON THE 10TH OF APRIL.

PROFESSOR PRICE TESTIFIES.

COMPOSITION OF BROMO SELTZER AND THE EFFECTS OF GAS INHALATION.

DURRANT TRIAL IN A MINUTE—SOME DAMAGING TESTIMONY ABOUT THE PRISONER'S NOTEBOOK.

The case of Theodore Durrant, charged with the murder of Blanche Lamont, was closed yesterday morning, and before night some damaging testimony in rebuttal had been submitted. E. F. Glaser, a classmate of Durrant, testified that on April 10 he and Durrant went into one of the rooms of the college and he read the notes he had taken of Dr. Cheney's lecture—the lecture delivered on April 3, at which Durrant claims he was present. Durrant, he said, wrote a good deal of what was read in his notebook. J. S. Dunnigan, a newspaper man, told how he had visited Durrant in prison in the company of Dr. Gilbert Graham, and how he was asked to step aside for a moment while Graham and Durrant talked together. Then Graham said that in the conversation Durrant had told him that he had no notes of Dr. Cheney's lecture, and asked whether he would lend him a copy of them. This conversation occurred on April 20.

Professor Thomas Price, a chemist, was called to tell of some stains he had examined. He said the stain on the pastor's shoe was a grease spot, but he was not allowed to testify further in that direction. He was asked about gas and its effects, and in answer to a hypothetical question detailing the circumstances under which Durrant said he fixed the sunburner, Price said that no man could live in a room where Durrant described how he had seen Durrant at the ferris on April 12, talking to a young lady. This was about 5 o'clock on the afternoon of April 12, when Minnie Williams was killed. Two other students, Dukes and Dodge, testified to seeing Durrant at the ferris on the same afternoon, and Charles Morrison and J. P. Cooper, reporters, were called to tell of statements Durrant had made to them about his movements on April 3.

THE MORNING SESSION.

The Defense Rests—A Witness Who Saw Durrant With a Girl at the Ferris on April 12.

The defense in the Durrant case has closed. The promises made by Mr. Deuprey, when he made his opening address to the jury, have been fulfilled so far as the defense has been capable of fulfilling them, and all possible has been said and done to establish the innocence of the defendant and to counteract the fearful weight of the testimony gathered by the police and driven home by Mr. Barnes. It was just after the court opened that Dickinson announced the end of his evidence, and before the morning session was an hour old the prosecution had well started its case in rebuttal.

On opening court Judge Murphy at once took up the subject of the strap which had been sent through the mail to General Dickinson on July 23, and which he offered in evidence on Monday. This strap, his Honor said, had certain earmarks on it, among others the name of Blanche Lamont, but that it was only imperfectly identified by Maud Lamont. There was nothing to fully identify the painting on the strap as the work of Blanche Lamont. Ordinarily speaking, his Honor said, when evidence is offered in a case, there must be some evidence to connect it with the parties in the case.

The question then remains as to whether or not the vague identification of the strap by Miss Maud Lamont was sufficient. The court announced that he had grave doubts as to the advisability of admitting the strap, but a general rule, which his Honor said follows, is to err rather on the side of the defendant than against him, and in pursuance of this he would admit the strap.

Dickinson wanted, however, to submit the strap, the newspaper which inclosed it and a little piece of paper which accompanied it. Mr. Barnes objected to each submission, but the end of it was that the strap was admitted as evidence, the paper containing the address was admitted as a sample of handwriting to be compared with other samples already admitted and the small piece of paper was ruled out altogether.

This was the defense. The witness which General Dickinson thought he was going to put on the stand was not forthcoming, and with the admission of the bookstrap bearing the name of the murdered girl the defense of Durrant declared it had nothing more to offer.

Church, was the first witness called by Mr. Barnes in rebuttal. He said he had known Durrant for about five years.

During the month of March or April did you notify the defendant that there was anything the matter with the electrical apparatus connected with the sunburners, or with the sunburners, or did you request him to make any repairs?" was Mr. Barnes' chief question.

Mr. Dickinson objected to it, claiming that it was not rebuttal testimony. Judge Murphy said it was his recollection that Durrant had testified that he went to fix the sunburners on the 3d of April at the request of an officer of the church.

Mr. Dickinson said he thought Durrant had requested it to a trustee of the church. Mr. Barnes read from the record, which showed that Durrant testified that it was either Mr. Davis' or Mr. Code's place to tell him when the apparatus needed repair.

The court then overruled the objection, and Mr. Davis answered that he had not given Durrant notice to repair the apparatus, and had not spoken to him about the matter this year. He said further that it was not his place to acquaint Durrant with the condition of the gasburners or the electrical appliances.

On cross-examination Mr. Dickinson asked the witness what knowledge he had of the lighting apparatus. Mr. Barnes objected, holding that such a question was not cross-examination, and that it would needlessly prolong the proceedings. Judge Murphy sustained the objection. P. D. Code, a trustee of the church, was examined by Mr. Peixotto. Mr. Code was asked if he had requested Durrant to repair the gas or electrical apparatus during the months of March or April. He replied that he had had no conversation with Durrant on the subject.

On cross-examination witness said he remembered speaking to Durrant about the electric bells early in January. He did not necessarily look to Durrant to repair the apparatus. Andrew Spaulding, a trustee of the church, testified that he had nothing to do with the lighting apparatus, and had not seen Durrant since the summer of 1894. A. B. Vogel, trustee, gave the same answers. He did not have any conversation with Durrant concerning the lighting apparatus.

C. G. Noble, trustee, testified precisely the same, only adding that it was Trustee Vogel's duty to look after the lighting apparatus. C. W. Taber, the last of the five trustees of Emmanuel Church, did not respond when his name was called.

Mr. Barnes said that Mr. Taber had been regularly subpoenaed and asked that a bench warrant be issued for him to return to the court. The court, however, concurred with this sentiment, and the warrant was issued at once. C. W. Dodge, one of the students who met Durrant at the ferris on April 12, was called to the stand. After preliminary questions Barnes asked:

"Did you meet Theodore Durrant at the ferris on the afternoon of April 12?" "Yes, sir." "What time was it?" "About 5:30." "Were you alone?" "No, sir." "Who was with you?" "Another student."

"Did you have any conversation with the defendant?" "Yes, sir." "Did this defendant tell you in the presence of Dukes that he was waiting for some member of the National Guard?" "He did."

"Did he mention the name of Blanche Lamont in that meeting?" "He did not." "When you approached Durrant did you or Dukes ask him if he had seen the missing girl, and he said no, but he was on the track of her?" "I don't remember the answer, but one of us said something to that effect."

"That's all," said Barnes, but there was no cross-examination. C. A. Dukes then came to the stand. Dukes was led to the witness stand, where he lives, when he, with Dodge, met Durrant at the ferris on April 12. He was asked, as Dodge had been, as to Durrant's statement about waiting for members of the National Guard. The witness said Durrant had made such a remark. He said, too, that something had been said about Blanche Lamont, and had Durrant heard anything of her? But the witness did not remember the reply.

Dickinson then asked:

"Was not the remark made something like 'Durrant, have you found that girl you ran away with?'" "Something like that, I think."

"And your conversation was a general one, was it, and not relating to any particular subject?" "Yes, sir." "Do you recollect meeting the defendant during the first two or three days of April, and having a conversation with him about electrical apparatus?" "I remember such a conversation, but I do not remember the date."

Barnes objected as a matter of form, for, he said, the question was not a proper one for cross-examination, but he said he was willing a conversation with him about electrical apparatus?" "I remember such a conversation, but I do not remember the date."

"Cross-examine," said Barnes. "What was your business at that time?" began Dickinson. "I was not engaged steadily at that time. I was interested in mining work."

"Where were your headquarters at that time?" "I generally was with my brother-in-law at 17 Stuart street."

"How long since you and this defendant ceased to be schoolmates?" "About five or six years."

"How frequently did you meet the defendant since then?" "I met him once in three months."

"Have you had any conversation with him since you graduated?" "I cannot remember."

"Where did you ever meet him?" "I met him once going to a man's house in the Mission."

"Whose house was that?" "George Pratt's."

"When was this?" "In 1888 or '89."

"When did you see him next?" "On the street somewhere or on a streetcar."

"What street?" "I don't know."

"What car?" "A Valencia-street car, I think."

"And when did you see him on the car?" "I couldn't say."

"Did you ever have any difficulty with Durrant?" "No, sir."

"Not since you left school?" "No, sir."

"How was he dressed?" "He had a large felt hat—soft."

"What color?" "Dark."

"How was he dressed otherwise?" "I don't know."

"Was his coat a sack coat or not?" "I don't know."

"Did he have his hands in his pockets?" "I don't know."

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"I went over my notes and read them aloud to Durrant?" "Did Durrant take notes as you read?" "He did."

"Did he have any notes of the lecture with him?" "Yes, sir."

"How long were you in the room with Durrant?" "Perhaps three-quarters of an hour."

"Did you have any notes of the lecture with you?" "I don't know."

"Did you have a book or papers?" "Yes, he had a notebook."

"Did you read your notes straight through, or parts here and there?" "I read them through with the intention of impressing them upon our minds."

"I repeated the more important parts, laying stress upon them to impress them upon our minds."

"You wanted to impress them upon your mind, you say?" "Upon our minds, I said."

"What do you mean by 'our' minds?" "Durrant and myself. We both expected to be quizzed about the lecture."

"Mr. Dickinson—Was that an unusual thing for students to compare notes?" "Yes, sir."

"Both made suggestions about the notes?" "Hardly that—we discussed the more important notes."

"He had his notebook with him?" "He had a notebook."

"He read from his notes and you read from yours?" "He did not read. I read my notes and he wrote in his book."

"The court—Was he copying your notes?" "I would not state that; he wrote as I read."

"Did he write in your presence?" "He did not write in my presence."

"Mr. Dickinson—Were you a witness at the preliminary examination?" "Yes, sir."

"Did you testify then that you could not state what Durrant wrote down?" "About ten feet from the turntable of the Howard-street Railroad, at the edge of the pavement."

"Right by the depot?" "I suppose you would call it the depot."

"Well, by the building that the people enter to go on board the ferris?" "Yes, sir."

"How long did you look at them?" "I just glanced at them as I passed."

"Did you catch Durrant's eye?" "No, I did not."

"Did he look at you?" "I didn't look in my direction at all."

"Did you fully recognize him?" "Yes, I looked at him and recognized him."

"And then you passed on?" "Yes, I passed on."

"Was there any particular thing about them to attract your attention?" "I don't know."

"How do you fix the time?" "I compared my watch with the ferris clock when I went inside."

"Did you always do that?" "It was my general custom."

"Did you always get that boat?" "I generally tried to get it."

of the belfry of Emmanuel Church. Both the boards had great red stains upon them.

Witness also identified a section of the flooring cut out of the belfry, which was also conspicuously stained, and pointed out on the model of the belfry the places from where the exhibits were taken.

Captain Lees said he had taken these specimens from the church on the 15th of August last. When they had been fully identified and described, Mr. Barnes offered them in evidence.

Mr. Dickinson objected to the evidence, pointing out that four months had elapsed between the occurrences of April 3 and the time the exhibits were removed, and also claiming that the evidence was not fairly in rebuttal.

It was the latter claim—that the proof was not rebuttal testimony—which struck Judge Murphy most forcibly, and upon that ground he said he thought the testimony was not admissible. He said he knew of nothing that had been offered by the defense which this testimony could be said to rebut. Clearly the offer of these exhibits should have been made as a part of the main case.

Mr. Barnes and Mr. Peixotto consulted for a moment, and then the former said, "We withdraw the proof," and so ended the bloodstains on the belfry stairs.

Professor Price was then recalled, and was questioned as to what kind of gas the San Francisco companies furnish the City. Dickinson objected, but Barnes was allowed to go on.

The gas furnished now, he said, is of two kinds—water gas and coal gas—and he told how each was made, and how they were mixed together to form the common illuminating gas.

"What are the properties of carbonic oxide?" "It is poisonous. An inflammable gas, but not poisonous."

"The lowest percentage, I understand you say, of carbonic oxide in illuminating gas is 15 per cent?" "Yes, sir."

"You have studied this gas?" "Yes, sir."

"And are familiar with its elements?" "And of their effects upon the human system, are you not?"

"Let me put this hypothetical question to you?" "Once more Barnes put the circumstances of the fixing of the sunburners which Durrant had told of in his testimony; how he breathed the gas-tainted air arising from a burner with twenty-four jets, each turned half on, and how he breathed this air for three, four or five minutes. Then he asked the defendant to have inhaled the gas from all the jets. He claimed there was no foundation for the question. Besides, he said, it was not rebuttal.

The court held that the question was clearly one in rebuttal, but his Honor believed that any hypothetical question should be fairly based upon the evidence. The objection was overruled, however, and the witness answered:

"No one could breathe in these conditions for two minutes without being absolutely overcome, even if he were in a healthy condition."

"Cross-examine," said Mr. Barnes. "Do I understand you to say there are two kinds of gas furnished by the companies of this city?" "Not exactly two kinds," and then the witness once more explained the difference between water and coal gas.

"What amount of gas would escape from five or six burners?" "About two and a half or three feet an hour from each burner."

"All gas burners are not of the same size, are they?" "No, sir."

"One consumes three feet an hour?" "Yes, and another consumes five feet an hour?" "Yes."

"And in one hour?" "And in one hour is full pressure between 4 and 5 in the afternoon?" "I should say yes. In my experience, when I use gas for melting, etc., I should say it was."

"What experience have you had as to the effect of gas upon a person?" "My experience is of a general nature, and my knowledge of the physical and toxic effects of gas I have gained from reading and from the Coronation and examining blood. I have no personal knowledge. I have never been knocked down by gas."

"How long would a man live if breathing an atmosphere charged with 1 per cent of carbonic oxide?" "I can't say. Maybe some minutes."

"How long about would he live?" "I can't say. An animal will live only a few minutes."

"Has it ever been discovered how long a man may live?" "I don't know. They have generally been found dead and with nothing to show how long they had lived."

"What is the first effect of inhalation of gas upon a human being?" "Insensibility."

"Well, what would be the effect upon his appearance?" "I cannot say."

"What would be the effect of going into the pure air after inhaling gas, but not being overcome?" "Carbonic oxide is a virulent poison. It kills like prussic acid. The pure air would have no effect."

"You misunderstood me. I ask if he were only affected by the gas, not overcome?" "If he were a strong man he might recover if he were not too far gone."

"How quickly would he recover?" "His recovery would be gradual."

"It would depend then upon the amount which he had inhaled?" "Yes."

"Suppose the individual referred to by Mr. Barnes was over five or six burners in a diameter of eighteen inches, and nothing attracts the gas from the other jets to him, how long could he exist?" "My opinion is that he couldn't breathe for four minutes and recover."

"How long do you think he could breathe?" "He could live a minute or a minute."

"And then get up and move away?" "Yes."

Dickinson was finished for the time being, and Barnes then started the witness in another direction.

"What is the law of the diffusion of gases?" he asked. "Suppose the gas is turned on, will

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