

THE STATE DEMANDS THE LIFE OF DURRANT

OPENING SPEECH OF ASSISTANT DISTRICT ATTORNEY PEIXOTTO.

BUT ONE VERDICT ASKED.

THE PRISONER LISTENS ATTENTIVELY, BUT REMAINS CALM AND IMPASSIVE.

MR. DEUPREY ASKS FOR TIME.

MR. DICKINSON WILL BEGIN HIS ARGUMENT FOR THE DEFENSE TO-DAY.

THE DURRANT CASE IN A MINUTE—PEIXOTTO'S SPEECH.

The trial of Theodore Durrant for the murder of Blanche Lamont is very near its end now, from all appearances.

Yesterday the State's opening argument to the jury was made by the Assistant District Attorney, Edward D. Peixotto. To-day Mr. Dickinson will begin the argument for the defense. It is expected that he will close by the evening adjournment.

Monday being collection day, there will probably be no session of the court, as there are several jurors who have private business of importance on that day.

Tuesday, if Mr. Deuprey is physically able to do so, he will make the closing argument for the defense. Mr. Barnes will follow for the people—then there are only left the court's instructions to the jury and the verdict.

Mr. Peixotto made an address yesterday, sticking close to the facts of the case as adduced in evidence and concluding before the usual hour of the evening adjournment had been quite reached.

VERY NEAR THE END.

The First Argument in the Famous Trial—Durrant Was Interested.

All day a young man in broadcloth frock coat stood in front of a long green-covered table. All day he talked—sometimes pleading, sometimes poetically, often argumentatively, always earnestly.

In front of him, on the other side of the long table, were twelve men, seated. All day they listened, attentively.

The room was densely crowded. Judges, lawyers, public men, the wives of these, society men and women, and as many of the unknown public as could be squeezed into the room elbowed and crowded one another all day. Merely to hear the voice of this young man in broadcloth? Hardly that.

There is another figure that shares always the interest of the crowds that seek the courtroom. A silent, calm, impassive figure he is. It does not speak, save in an occasional whisper to Mr. Dickinson—the little, nervous woman who sits behind. No matter who has the floor or the witness-chair; no matter how eloquent the words of the counsel or how sensational the testimony of the witness, this silent figure, never nervous, always cool, is yet the central figure.

Yesterday a lady who came to the court for the first time asked her escort to point out Durrant. Jokingly he pointed to one of the men at the reporters' table.

"What a horrible face he has!" said the fair one, and she was looking, too, at one of the best-natured men on the afternoon press.

But she thought—for the moment—that it was Durrant. Imagination did the rest. And her remark would have been no nearer the mark had she in truth been looking into the face of Durrant. His is not a pleasant face. It was not pleasant yesterday while he listened to the words of the young man who did the talking. But there was no horror on the face.

Once or twice the mouth opened slowly and the eyes closed in a sleepy yawn. This was while the young man who did the talking—Assistant District Attorney Edward D. Peixotto—was saying his compliments to the court and jury. It was while Peixotto got down to the evidence in the case. Then Durrant turned toward the speaker and listened attentively, but not eagerly. He took notes occasionally. Once or twice he looked with a trifle more than the ordinary interest at the speaker, when the latter made a telling point against him.

There was some poetry in Mr. Peixotto's speech—quite a little of introductory compliments—but in all it was a telling speech and a good argument. It was not too long and it was not too flowery. But few lawyers talk careful English to a jury, and Mr. Peixotto proved not an exception to the rule.

He was preceded by Miss Cunningham, who came back on the stand when court opened in the morning to say that she had not promised Durrant not to tell the story about the second landing of the belfry. He did not require such a promise, as he did not foresee such a contingency. He made her promise not to publish it, and she kept this promise faithfully.

"That is all," said Mr. Barnes.

"No cross-examination," said Mr. Dickinson.

"The State rests," said Mr. Barnes.

"We have nothing further," said Mr. Dickinson.

"Proceed with the argument, gentlemen," said the court.

Then it was that the young man with the broadcloth frock coat began his talk. And when he had ended it, late in the afternoon, Mr. Dickinson presented an affidavit from his colleague, Mr. Deuprey. The affidavit set forth that affiant had reason to believe that he would be recovered sufficiently from his illness to be in court Monday morning and make the opening argument for the defense. This was accompanied by a similar affidavit from Mr. Deuprey's physician.

Upon these documents Mr. Dickinson leaves a motion for adjournment till Monday, so that Mr. Deuprey might be heard before the former should make the closing argument for the defense.

The court was uncertain whether to grant this request or not, and the matter was left for the jury to decide. They desired to proceed in the morning, and at the same time asked for an adjournment over Monday because that is collection day. And this will be the order of the proceedings.

When court opens this morning Mr. Dickinson will address the court on behalf of the defendant.

THE FIRST ARGUMENT.

Mr. Peixotto's Picture of the Fiendish Crime in the Belfry of Emmanuel Church.

Assistant District Attorney Edward D.

Peixotto began his argument to the jury with well-chosen remarks concerning the great importance of the case at issue, of his own connection with the famous trial and his present duty.

"I approach my task with fear and trembling, lest my poor abilities be unable to cope with it; but I recognize that I am a young man and inexperienced, and well may I with faltering voice undertake the task which my senior has trusted to me. To you, the jury of twelve good men and true, before the discussion of the evidence I wish to say a few words. You have been taken from your homes, your firesides and your occupations, and through these many days and anxious weeks with patience have given your attention and time and consideration to this case without any hope of reward. I know you thoroughly appreciate the importance of this case, and that you will thoroughly appreciate the duty that rests upon you from the time when you took your oath and obligation to well and truly try this case.

The State does not want the innocent convicted.

"We, as counsel for the State, recognize that this is a great and important case. We recognize that you are here today, a duty to the State and to this defendant. The State never does and never will ask the conviction of an innocent man. Ours is not a cause which must be won at all hazards; it is not one that we must win regardless of all consequences. No officer of the law mindful of his duty, conscientious of his oath regarding his position, can for one moment forget it. If this defendant is not guilty, we must acquit him, as representatives of the State demand the right to know it. If he is guilty, we, the representatives of the State, demand the right to see that he is punished. We ask you to keep this matter plainly before you.

"We want from you a determination and a solution of the problem that shall be submitted to you. I say it in no spirit of flattery; it is not one that we must win regardless of all consequences. No officer of the law mindful of his duty, conscientious of his oath regarding his position, can for one moment forget it. If this defendant is not guilty, we must acquit him, as representatives of the State demand the right to know it. If he is guilty, we, the representatives of the State, demand the right to see that he is punished. We ask you to keep this matter plainly before you.

Public opinion stops short at the doors of justice.

"Whatever may be the public opinion, its waves may roll and roar, but when they reach the temple of justice there they stop, and in the calm and dignity of the law stand firm. We have no fear of the public opinion, and we do not care how the individual who committed it, he is entitled to a fair and impartial trial.

"We charge that Theodore Durrant killed Blanche Lamont on the 3d of April, 1895. This fact must be established to the satisfaction of the State, free of all reasonable doubt, and of moral certainty. We know this. At the inception of this case you were asked to determine upon the question as to what is a reasonable doubt. You were told it did not mean an imaginable or possible doubt; for anything that is the work of a human being, and that the State is not to be satisfied with a mere possibility. The secret, gentlemen, is accompanied by a vague or possible doubt. If we had to prove beyond all possible doubt a cause murder would always go unpunished, as circumstantial evidence would eliminate the fact of the law and we could never prove crimes, because there is no direct evidence of it.

Now the State answers Mr. Deuprey's opening questions.

Here the Assistant District Attorney cited the case of the Parkman-Webster murder. Then, continuing, he said: "We are now prepared to answer the questions. Where was she murdered? When was she murdered? By whom was she murdered? What was the motive? We answer the question. Where was she murdered? In the belfry of Emmanuel Baptist Church. When was she murdered? On the afternoon of the 3d of April, between the hours of 4:20 and 5 o'clock. By whom was she murdered? By this defendant, Theodore Durrant. What was the motive? Unbridled passion—that same motive that has filled our history with so many black pages.

"Now, gentlemen of the jury, we will go right to the case. We will take up the evidence piece-meal; that evidence that has come from all sides, from all classes of people; so different, so diverse, old and young, girls and boys, men and women, rich and poor—all have supplied evidence that fits together and coat the rope around this defendant so tight that he is beyond recall.

"And if in the statement of this evidence I have not made a mistake, or fact, one misstatement, no matter how slight it may be, I beseech you, learned counsel for the defendant, to stop me where I am, for knowingly and intentionally I would not say one thing against this man further than what has already been stated in your presence that would harm him one jot beyond the awful position in which we find him now.

Durrant showed the nerve re-

"Blanche Lamont was a young girl of about twenty years of age, born in Montana, reared in the country. She came out here a year or two ago to reside with her aunt, Mrs. Noble. Let us take Durrant's statement of her character. He said: 'She was so pure, so good, so innocent that she thought all others were like her and whoever she had confidence in could lead her wherever they would.' This is the statement of her character. He said: 'She was so pure, so good, so innocent that she thought all others were like her and whoever she had confidence in could lead her wherever they would.' This is the statement of her character. He said: 'She was so pure, so good, so innocent that she thought all others were like her and whoever she had confidence in could lead her wherever they would.' This is the statement of her character.

"The other character in this awful tragedy is the man about 24 years of age, a handy man about the church, a new student, one who is just in the first step of that profession which takes nerve, the kind of nerve that leads up to a crime of this character, the profession in which so many have stopped in the first year of their studies because they did not have nerve enough and stamina enough to go through with handling dead bodies and dissecting them as they are treated. They have seen this young man in court, you have observed him on the stand, you have seen his coolness, his calmness and his cunning. That character, and a medical student handling dead bodies, I wish you would keep before your eyes, for we need these facts later on. The character of Miss Lamont—trusting and confiding—I wish you also to keep in your mind, for we need that later.

"This defendant has proved a good character for himself. I admit right here that in a criminal defense this is one of the strongest safeguards against accusation. Blanche could have been led only by a man of good reputation.

"We know as prosecuting officers that in the ordinary cases of murder, of embezzlement, of forgery, that good character is one of the hardest things to contend against before a jury. But in this case we wanted the defendant to prove a good character. He has proved it. It is only with a man of good character that Blanche Lamont would have ever gone to a lonely spot in a rooming house, and that character—if Blanche Lamont had for one moment suspected that he was not what the world believed him she never would have gone one step out of the sight of any other human beings. That is why I say to you, gentlemen of the jury, that we place him, as we shall show you, as the murderer of this girl.

"On the 3d of April Blanche Lamont started as usual for her school. She was attended the higher branches. The same morning this defendant started for his college. But when we take him out of his bed and see him leaving his home, we will

snow you that his conduct and life from that moment were different and unusual. He had never before met Blanche Lamont. He had never before gone to school over that route on the Mission-street line. He had never before gone to school with her in the morning, but on this fatal day all these things happened. He escorted her to the school that morning. We prove this by two witnesses, a conductor and a student.

Where is the proof that Mr. Deuprey promised?

"This testimony is not denied but admitted by the defendant. If it is possible to prove that this defendant was taking Miss Lamont to school in the morning; if it is possible to prove this by third parties, outside of this defendant's admissions—where he was and what he was doing with this girl in the morning—why is it that we cannot also prove his whereabouts in the afternoon? Why is it that every witness that has testified to the doing of this man in the afternoon is a fool—a driveling idiot, or an old and blind individual? If we could prove it in the morning, why cannot we prove it in the afternoon? Because that would be to admit his guilt. But I say we did prove it in the morning. We did prove it in the afternoon.

After a description of Durrant's movements when he got on the Valencia street car, Mr. Peixotto interpolated a

description of Addison's vision of Mirza, wherein the philosopher muses on life, the whistle of the wind through the eaves of the belfry, he left her for time to wither and age to decay.

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Vogel saw them get on the car. She did not know that it was Blanche Lamont. She says it was one of the girls coming out of the school. You have two persons' testimony, uncontradicted, unimpeached, to the effect that Theodore Durrant got upon the car after school with Blanche Lamont. Blanche Lamont started with Theodore Durrant upon that journey from whose boarder returns. This defendant started on his road to the murderer's cell and to the gallows.

"That is not negative testimony. That is testimony of fact uncontradicted, corroborated, unimpeached. The car continued on to the turntable. Minnie Belle Edwards was still in the car. She saw Blanche Lamont and Theodore Durrant were on the car still. She went about her way and they went about theirs. Before this defendant was ever arrested, before even he was suspected sufficiently to cause any investigation against him, these girls told that story. When Blanche Lamont was missing, this defendant was helping in the search and finding clues from people on the street, those girls said that Blanche Lamont left school and met a young man, and if they should see that young