DICKINSON PLEADS FOR DURRANT'S LIFE.

Validity of Dr. Cheney's Rollcall Insisted Upon.

FAULTY IDENTIFICATION

No Claim Made That Mrs. Crossett and Mrs. Vogel Prevaricated.

A REASONABLE DOUBT URGED.

Mrs. Leak Criticized for Not Giving Testimony Earlier in the Case.

THE DURRANT TRIAL IN A MINUTE—MR. DICKINSON'S SPEECH.

Attorney John H. Dickinson spoke for Theodore Durrant yesterday, arguing, as well as might be, that the defendant did not and could not have murdered Blanche Lamont in the belfry of Emmanuel Church.

He laid great stress upon the rollcall of Dr. Cheney's lecture on the afternoon of April 3, and said that it stood not only unimpeached, but was als o corroborated by the direct testimony of the defendant.

He did not claim that any of the women who testified to seeing Durrant in the afternoon were prevaricating, but he argued that all the identification witnesses were mistaken and laboring under hallucinations.

His argument was not concluded by 4 o'clock, but at that time he asked that he might be permitted to conclude his address at the next session of the court. This was granted and a recess was taken until next Tuesday morning.

It is hardly expected that Mr. Deuprey will be recovered sufficiently by Tuesday to make an argument, though he will undoubtedly do so if possible.

A DAY FOR DURRANT.

His Counsel Wastes No Words in Introductory Pleasantries, but Goes at Once to Work.

Yesterday it was a well-set, middle-aged man who stood by the long green-covered table and talked all day. He spoke in a monotone almost entirely, rarely raising his voice above the conversational pitch, and sometimes letting it fall so low that the stenographers must watch the movements of his lips to catch the full meaning of the words.

How different Mr. Deuprey would have been, people said. But these same commentators did not begrudge to Mr. Dickinson the credit due him for his terseness, his quiet, matter-of-fact, unostentatious delivery. Perhaps he was too quiet to be entertaining to the crowd. At no time did he grow enthusiastic or become heated in his argument. Durrant himself could hardly have spoken with less show of feeling. But he weighed his words before he spake them, and there was a refreshing absence of introductory irrelevancies. He seemed to take it for granted that the jurors were intelligent enough to know why and with what degree of carefulness they had been selected. He presumed that the seriousness of the case, the responsibility of number of witnesses called and the length the Judge and the jury, together with the of time already consumed in hearing the case, were already cognizant facts to court and jury and too patent to need reiteration.

There were other things before him of which he was not quite so sure, probably. It might not be so patent to the jury, this task in front of him—the innocence of Theodore Durrant.

So he set to work at once, wasting but a scant number of words in introducing his subject, and before he had talked half a typewritten folio, though he spoke slowly, he was thick in his argument. "I will start with the morning of the 3d of April," he said, and from then till the close of the afternoon session all that he said concerned the testimony in the case.

He laid great stress upon the correctness of Dr. Cheney's rollcall. He called it the pivotal point of the case and argued long that there could be no mistake about it. Moreover, it was corroborated by the evidence of the defendant himself.

The State had failed to disprove the correctness of the rollcall, he said. And when it failed in that it failed in all respects to establish the guilt of Durrant.

He criticized Dr. Graham for not having made known his testimony until the trial was nearly over. Then he spoke of the conduct of Durrant at the time of his arrest. "I am as satisfied of his innocence by his conduct at that time," said Mr. Dickinson, "as much as by any other circumstance in the case."

Perhaps he meant by this to affirm his belief in Durrant's innocence, but the words themselves may be interpreted in more than one way. He said, however, that Durrant did not murder Blanche Lamont, that he had no motive for the deed, and that the evidence showed none.

With the exception of Quinlan he did not accuse any of the identification witnesses with having deliberately sworn falsely. He rather suggested that they were mistaken—that they were influenced in their belief by public opinion and by what they had read in the sensational daily papers, and that they were afflicted with hallucinations and delusions. But their honesty he did not question.

It might have been either a crank or an emissary of the Police Department—this mysterious stranger who tapped Durrant on the shoulder and told him to go search at the ferries for Blanche Lamont. And at all events, the point was immaterial, he said, for even had Durrant told an untruth about it—which was purely an imaginary hypothesis for the sake of the argument—it did not tend in any way to prove that he murdered Blanche Lamont.

Mrs. Leak's testimony he did not like at all, because she had hidden it so long, when she might have been a witness at the preliminary examination.

Meantime Durrant listened appreciatively, though as calmly as ever. He sat at the other end, from Mr. Dickinson, of the defense's long green-covered table and turned his face partly toward the crowd so that every one in the audience caught at least a good profile view of him, and those fortunately seated, or standing, could even look him in the eye. He took no note while his counsel spoke and did not once in the day yawn sleepily.

The mother and father appear hopeful, but their faces are as inexpressive of emotion as that of their son. They sit quietly most of the time, in the second row of chairs behind the table. Sometimes they whisper to each other or to one of the ladies who always sit with them. Yesterday they watched Mr. Dickinson closely, and drank in every word appreciatively. Judge chewed a toothpick and smiled to himself when Mr. Dickinson made a telling point for the young man beside him—the quiet young man accused of so heinous a crime.

Chief Crowley came in and listened to the first part of Mr. Dickinson's speech. Pastor Gibson and Secretary Lynch sit behind Detectives Bowen and Seymour. Mrs. Noble and Maud Lamont have chairs in the front row near the pastor—when the regular order of things is not interrupted.

Yesterday society was represented by a delegation of ladies and their escorts from the Browning Club. The delegation came originally to hear Mr. Peixotto talk, but it caught the fever and came back again yesterday.

Mr. Dickinson had not finished his argument when court adjourned for the day—though he might have done so, as he said, had not the atmosphere of the crowded room been so stifling. He begged the privilege of concluding Tuesday morning, promising to occupy but little time then.

MR. DICKINSON'S SPEECH.

A Matter-of-Fact Statement of the Claims Made on Behalf of Durrant.

Attorney John H. Dickinson, who, since the illness of Mr. Deuprey has had full charge of the defense, began the opening argument for Durrant as soon as the court opened yesterday morning.

With most commendable brevity Mr. Dickinson omitted the customary introductory flattery of the jury and the court and its officers, and went at once to the heart of his subject.

May it please the court and gentlemen of the jury: We are approaching to the conclusions of this case. The quantity of testimony which we have taken, much of which has necessarily been immaterial, has been very great, and as we are all very anxious to get through with the trial I shall proceed at once with my argument.

I will start with the morning of the 3d of April, and call your attention to the position and relation of the two principal characters in this tragedy. The defendant, a young man of 24, of good character and good association. He had been well brought up. His associations had been of the best, and his character was unsullied at that time, as it stands unsullied to-day by any testimony that has been produced.

The testimony shows no motive for the crime.

I challenge the prosecution or any one else to produce one iota of testimony which leads or points in any manner or degree whatever, even to the suspicion of the existence of any failing in his character. There is no such testimony—and it is important that this should be borne in mind, for unbridled passion was given by the learned counsel for the prosecution as the motive for the crime. Of course we will understand, and it is a fair proposition of argument that there is usually a motive where there is a crime. In other words, a man does not commit a crime without a motive, some inducement or some idea. And now, at the outset of this case, I submit to you that there is nothing in this case to show any motive for the commission of this crime by the defendant. He was upon that fatal morning young, studious, industrious, of A No. 1 character.

Blanche Lamont was not dependent upon Durrant for escort.

The young lady who unfortunately lost her life on that day, or some time shortly after, I believe her also to have been of unblemished reputation. There was no particular intimacy between these parties. An examination of the record will show the character of the association between the defendant and the deceased, and you must consider the circumstances under which they met. They met but seldom. This young lady was not of a retiring disposition, but she acted naturally, as the testimony shows. She attended the meetings of the Christian Endeavor Society each week, as also a reading club and the Sunday evening services of the church. She was also a member of the orchestra of Grace Church. She was not dependent upon the defendant. I have heard it stated that she was dependent upon him for escort. Such is not the case.

The meeting between Blanche and Durrant was accidental.

I shall lay great stress in the course of my argument on the naturalness with which these parties, especially the defendant, acted. Under the circumstances and conditions which have been set forth by the testimony it was not an unusual thing that the defendant should have been on his way to the house of George King, going to make an arrangement to meet him in the afternoon for two purposes—one to fix the gaslights and the other to carry down the organ to the lower room. It indisputably appears from the testimony that the defendant had been in the habit of fixing the light in the church. By his own testimony and by his connection with the church he was welcome to attend to these matters, and he had done so. By a reference to Mr. Sademan's testimony we find that the lights were not in proper condition.

Durrant went to the church to fix the sunburners.

Sademan tells us that at times when pressing the button the first or second time the lights did not act. The burners were not out of repair. It was merely the automatic spark which wanted fixing, and Durrant went there for the purpose of regulating it. This testimony corroborates the defendant's in that respect. On this morning the young lady was on her way to school. They met, so far as we know, by chance. There is nothing to indicate that they met by appointment. They met at the corner of the street and a conversation ensued, which has been given by the defendant. There is nothing out of the way about that. They boarded the car together. We know that the young lady had been acquainted with the defendant for about five months. Had there been anything wrong with him she would have known it. The young ladies with whom she associated at the church would have told her.

Durrant himself told of the ride in the morning.

The ladies of the church with whom Blanche Lamont associated would have known it had there been anything to know of evil in this young man's character. The prosecution takes great credit to itself for having discovered the fact that the defendant and Blanche Lamont rode on the car on the 3d of April to the High School. They discovered that from the defendant himself. On the 3d of April in the evening he told Mrs. Noble that he had been with Blanche Lamont in the morning. On the 14th of April in the prison he again said the same thing. His story, as shown by the testimony, is perfectly consistent. If this young lady had been insulted or improperly spoken to in the morning he would never have seen her in the afternoon. Her innocence would have told her no!

How natural the conduct of the defendant on the 3d.

How natural the conduct of the defendant was on the evening of the 3d of April. He met Mrs. Noble at the church, and told her about the conversation referring to the book, "The Newcomes," saying he would bring Blanche the book. The information was then conveyed to Mrs. Noble that the young lady had ridden on the car with him. Again on the following day he called at the house. He took the book there. It seems to me that a guilty man would not do that. There is too much method in that for a guilty man. The guilty man makes mistakes. The young lady got off at her school and he proceeded to college. The usual routine was gone through until the noon recess, and then, by defendant's testimony, we have it that he took two walks.

Durrant never attended the lectures of Dr. Hansen.

He went out once and returned, and seeing that there was not to be a lecture by Dr. Stillman, he went out with a student named Ross. It appears from the testimony that there was an occurrence of that kind. I submit the defendant's testimony is absolutely corroborated as to his having taken those walks at that time. As to Hansen's lecture, on which great stress is laid, as he did not attend them, we do not deny that, as he had not done so for some time. So much for the talk of the Hansen lecture. We come down now to the lecture given by Dr. Cheney in the afternoon. I submit that the testimony is clear and undisputed that the defendant was at that lecture, that his testimony to that effect is borne out by the evidence of Dr. Cheney and Dr. Gray and by his fellow class students. Great stress has been laid upon the rollcall.

Dr. Cheney's rollcall is corroborated by Durrant.

And it is right that great stress should be laid upon the rollcall. Attention has been called to the pencil marks and erasures which appear upon it. It has been said that it is unreliable. Now I desire to read you some portions of the testimony on that proposition.

Mr. Dickinson here read from the records, and then continued:

I don't think any testimony could be more positive or direct than that of Dr. Cheney as to the correctness of the rollcall. I read also from the testimony of Mr. Gray about the alleged changes in the rollcall. Dr. Cheney corroborates this testimony, and I submit that the rollcall is perfectly reliable. I do not think it will be claimed by the prosecution that any changes were made for the purpose of fixing the absence or attendance of any student. In a case of this kind we are not entitled to draw upon our imagination as to what may have been or should have been. We must look at the cold facts as they are shown by the testimony. We are only entitled to draw logical conclusions.

The rollcall the pivotal point in the case.

We are not entitled to supply the missing testimony. The defendant is entitled to be heard as a witness just as much as any other witness. This rollcall is the pivotal point in this case. If that rollcall be correct the prosecution fails in every other respect. Are you convinced beyond a reasonable doubt that that rollcall is incorrect? How better is the defendant's assertion substantiated than in the way it stands before you at the present time? Nobody would accuse the professor or Mr. Gray of tampering with the rollcall. It has been the subject of exhaustive examination by both sides. The question was interposed and ruled out regarding the matter of the rollcall. On the suggestion of the court seventy-four students were called. It might be said that the information is negative.

The students could not remember who were absent.

I do not believe that these young men, to whose class pride reference was made, would be carried by that pride into the field of perjury. The question is asked, Why doesn't some one come forward and say "I saw him there"? The testimony answers the question. The students have no social hall where they gather together except for purposes of their work. They are not like schoolboys who spend their playhours together. The students are very busy from early morning till late at night. They go from class to class. At this length of time they are unable to recall any particular student who was absent. On the 3d of April Dr. Cheney tells us that there was no confusion when he called the roll. Those absent are marked, but nothing is placed against the names of those who are present.

Durrant's notes compared with those of Student Glaser.

I challenge any experiment to prove that the rollcall has been tampered with. A great deal has been said about the notes taken at the lecture. I have here the defendant's notebook, and in that book, in their regular order, are five pages of notes. The defendant says that he took these notes at the lecture, except two rules which he copied from Glaser. I have the notes of Glaser and also those of the defendant. An examination will show that one is not copied from the other. I will compare them. They are written side by side. There is a difference in the order in which the notes are arranged in the respective notebooks. I feel that these differences are of great materiality. There are differences there which I have endeavored to point out to you, which could not have occurred in the manner suggested—by copying.

Glaser would have known it if Durrant had no notes.

Mr. Glaser's testimony does not go to show that the notes were copied. If this defendant had appeared at that time and had not had any notes whatever, because he had not been present at the lecture, would not Mr. Glaser have discovered it? Would not some attention have been drawn to it? Yet there was nothing. It was not unusual for students to do exactly as they did on that occasion. Now, with regard to Dr. Graham's testimony, I assert that he is mistaken. It took Dr. Graham up to about the 5th of October to come to divulge the proposition to which he testified. I submit that in the condition of affairs at that time the defendant would not have asked him any question. His notes were then in the possession of his attorney.

Why should Durrant ask Graham for his notes?

These notes had been in our possession for three days before the interview with Graham, when he testified that defendant said he had no notes. Why did he want to make any such request of Dr. Graham? This is what you are called upon to consider. I submit that the defendant said nothing of the kind and he could not have any reason for doing so. Dr. Graham is another case of overeducation. This thing has grown upon him. Why didn't he say it before? Why did he wait till the 5th of October? I submit, if the court please, that the fact of the defendant's presence at that rollcall is established beyond the peradventure of a doubt. And now we come to the testimony of those witnesses who looked across the street. I do not believe that the testimony which has been introduced on those points can be accepted as conclusive.

Mrs. Crosett and Mrs. Leak did not see him.

I do not believe it will convince any man who will carefully consider and weigh it, and weigh the circumstances surrounding the character of the testimony. If the defendant was at that lecture he was not on Powell street. The young girls did not see him. Mrs. Crosett did not see him. Mrs. Leak did not see him. The defendant took the witness-stand and swore that he was at that lecture, then Dr. Cheney and Mr. Gray came along with the roll-book and showed that it corroborated his testimony. I have examined every member of the class, and believe that roll to be correct. What more can be said about it? Then we have these notes. We have the fact that Glaser could have contradicted him if he had stated an untruth. All this is plain if you digest the evidence properly.

Durrant went to the church after Dr. Cheney's lecture.

You can look into the books of the defendant and of Glaser and you can compare them just as well as I can. I ask you to do so, with a view to determine if there is anything that indicates that one is a copy of the other. I believe that you will be satisfied from an examination that these notes would naturally be kept by two different persons upon the same occasion and in regard to the same subject. The testimony of the defendant shows that upon the conclusion of that lecture, at 4:45, he went to the church. That his testimony is correct as to the time he went there is corroborated by what I have stated regarding the rollcall and the keeping of the notes. The lecture closed that afternoon at 4:15 and the roll was called at the close of the lecture. Several reporters have testified that in an interview of the 14th of April the defendant said that he went to the church from 4 to 4:30 o'clock.

Durrant concealed nothing about his ride on the car.

That was Durrant's statement upon the stand, and when he said that he meant that was the time he left the college. The statement is not strained. It bears no suspicion in any respect. I think that his statement in that respect is worthy of credence. At the time this statement was made the young man had just been brought in. He had been in jail about one hour. The town was flooded with extras regarding the matter. The police were on the qui vive and everything was in a state of excitement. He was in the booking-room of the City Prison in his uniform. He was then called upon to make a statement, and, under all circumstances and conditions, I am gratified he did not make any break in his statement. I am as satisfied of his innocence from his conduct at that time as from any other fact in the case. He was almost assaulted by newsgatherers to give a statement, and in his cage he made this statement. He concealed nothing about his ride on the car, and there is no doubt he told it to others.

Durrant would have made an appointment with Blanche.

There is nothing that I can find or surmise to show that there was any engagement whatever to meet Blanche Lamont on the afternoon of that day, and certainly if he had intended to they would have said something about it. He would not have been running up and down in front of the school and in front of Mrs. Vogel's opera-glass. His conduct as he has appeared in the court since the time of his arrest—his entire behavior, controverts and absolutely denies even the suspicion of such a character as is painted by the prosecution. I defy the prosecution to produce even one single straw from the evidence or to bring forth anything that points to any such change in the conduct of the prisoner at any time which might result in such a deed. It seems to me that there should be something here before it can be charged that he was changed from the exemplary young man into the monster. It is a monstrous proposition to advance under the circumstances and conditions as they have been produced and laid before you in this case.

Durrant told Mrs. Noble he was to bring the book.

I have heard it suggested that Blanche Lamont went with the defendant in the afternoon to get the book. That will not hold for the reason that he told Mrs. Noble he was to bring the book. On the evening of the 3d of April, so far as we know, nobody knew of the disappearance of the girl. Mrs. Noble made no suggestion regarding it until days and days after. Upon his arrival at the church the defendant gives a rational and reasonable explanation of what he did there regarding this gas-burner and what he did after he left there. Expert testimony as regards the amount of gas that can be inhaled is of no value in this case. The defendant had to reach well out with his hand in order to reach the burners and his head would naturally be over only a few of the burners.

Why did Durrant go down to George King?

I think it will appear that the defendant is a young man of common-sense. I do not think that any of his faculties, even his sense of self-preservation, has been blunted. There was no reason, if he had committed this crime, that he should have gone down to Mr. King at all. He could have gone out and nobody would have been the wiser. I am rather surprised that the prosecution treated King as an unwilling witness. I think he made a good impression. If this defendant had committed that crime why did he not go on his way? I submit that the conduct of the defendant as told both by him and Mr. King as to what they did is perfectly natural. There has been some dispute as to whether one grows pale or red from the effects of gas. It is not pretended that so much gas was inhaled as to seriously affect him. It only affected him to a small extent.

He would have made no remark if he had been guilty.

Consider what he did. He took the ladder down; he worked the push buttons. He could do this and have a headache. He certainly had his senses about him when he went down to see King, and he remarked to his friend: "If you had gone through what I have you would be pale, too." He would have made no remark at all if he had been guilty. It was purely voluntary on his own part. There was nothing in the conduct of the parties that required him to make any statement at all. Then he asked for some bromo-seltzer. Now I wonder why Mrs. Leak did not see King go out for the bromo-seltzer and see them go home together. I dwell upon these matters because they appear to me to be perfectly natural actions of the parties. I do not see anything out of the way in them. After taking the bromo-seltzer the defendant helped King to carry down the organ. I submit that a careful examination of all the proceedings in the church, so far as appears or can be logically presumed, all points to the absolute innocence of this defendant.

If it be true that he is guilty he was a monster.

The prosecution thinks he became suddenly a monster. That might account for this, but we are not to assume any such change as that, and if any such change did take place it is a very peculiar fact that it only took place for the performance of this act. Nothing before and nothing since gives us reason to believe or to suspect that such a change took place. After leaving the church they went to their respective homes. If it be true that this man is guilty he was a monster, not a man, except in form. He went to his home in a natural way. He partook of his dinner and then went to the church, as was his custom. He spoke to Mrs. Noble about "The Newcombs" and about his having ridden with Blanche to the school. What he said to Mrs. Noble and the way he said it did not attract her attention, and has never called for her criticism up to the present time. He called at the house on the 5th of April and saw Miss Maud.

Blanche Lamont was not the sweetheart of Durrant.

Why should the defendant, if he were guilty, do these things? He took part in the search for the missing girl. It was not strange that he should be interested in finding her, though, as I have said, there had been no particular relations between them. The evidence shows that the defendant never called upon her but once, and then in company with his sister. Then they had a ride to the park. There is nothing suspicious about that. He was not her beau and she was not his sweetheart. They were just acquaintances, meeting almost always at the church. The testimony tends to throw into relief the moral conduct of the defendant in his association with the young ladies of the congregation. He could not have gone through with this Christian Endeavor Association for four years if he had been a bad boy, and I submit that it is the very highest evidence of his good character that he was treated as he was by the mothers and daughters of the congregation, always with the utmost confidence.

At this point the noon recess was taken.

The defendant not obliged to prove himself innocent.

In the afternoon Mr. Dickinson resumed his argument.

As I understand the law, he said, a probable presumption ought to be resolved in favor of the defendant. Further, the defendant is held by the law to be innocent until he has been proven guilty. The mere fact that he has been called upon to answer is not sufficient evidence of his guilt. The defendant is not obliged to prove himself innocent. That principle of law is particularly applicable in this case. Now, as to matters of identification, I know of nothing that is more fallible than identification. This matter cuts a very great figure in this case. Two of the witnesses who swore regarding the identification of the defendant never saw him before in their lives. Yet they come here with the most positive testimony that they did identify him on that occasion.

Mrs. Leak's testimony to be taken with suspicion.

General Dickinson here discussed Mr. Quinlan's testimony in regard to the time he is stated to have seen Durrant on the street. Then he turned to Mrs. Leak:

I believe that any one having any information of this character, when the whole town was ablaze with excitement over the crime which had been committed, would have spoken earlier than she did. I submit there is an impulse in the human heart which would at such a time say, "Go and give the information." Mrs. Leak kept this in her breast for months and says she told her friend, Mrs. Henry, that she had suspicions who it was. She said, "I am biding my time to tell." But we may be suspicious of any person who acts in that way, because it is unnatural. As to Mrs. Vogel, I do not say that she came here to prevaricate, but her belief is based upon certain circumstances, even hallucinations.

Mrs. Vogel mistook a sack coat for a cutaway coat.

She says the defendant wore a cutaway suit, with lighter pants. By the way, I want you to notice that it is a sack, not a cutaway suit. (Exhibiting Durrant's clothes to the jury.) I can hardly conceive how anybody could make such a mistake as to the difference between a sack and a cutaway, particularly when using an opera-glass, as Mrs. Vogel says she did. Mrs. Vogel's testimony is in direct contradiction to Miss Edwards'. Mrs. Vogel said that Durrant came up behind the girls, but Miss Edwards says that he came up and spoke to them. I submit, in conclusion, that Mrs. Vogel was and is mistaken. She is nervous, and all the more likely to have been educated in the manner I have suggested. Bear in mind that she had never seen the defendant before, and had no personal acquaintance with him, and could not identify him in any manner except as she did, by coming and sitting in this court to my right and watching him.

Why didn't Mrs. Crossett tell Pastor Gibson what she saw?

We will come now to Mrs. Crossett. There is no one who respects age more than myself. There is no one who respects youth and innocence more than myself, but I beg leave to call your attention to a fact with which we are all familiar—that there are two ages in life in which we are always very positive; in youth and old age.

Mr. Dickinson here told of experiments which had been made in regard to ascertaining the length of time it took to get from California and Powell streets to Bartlett street. Then he said:

I say that her facilities for observation were not such as would make her a witness in an identification matter. Why didn't she tell her pastor? He had been mentioned in the case. I prefer to accept the testimony of the rollcall and of Drs. Cheney and Gray.

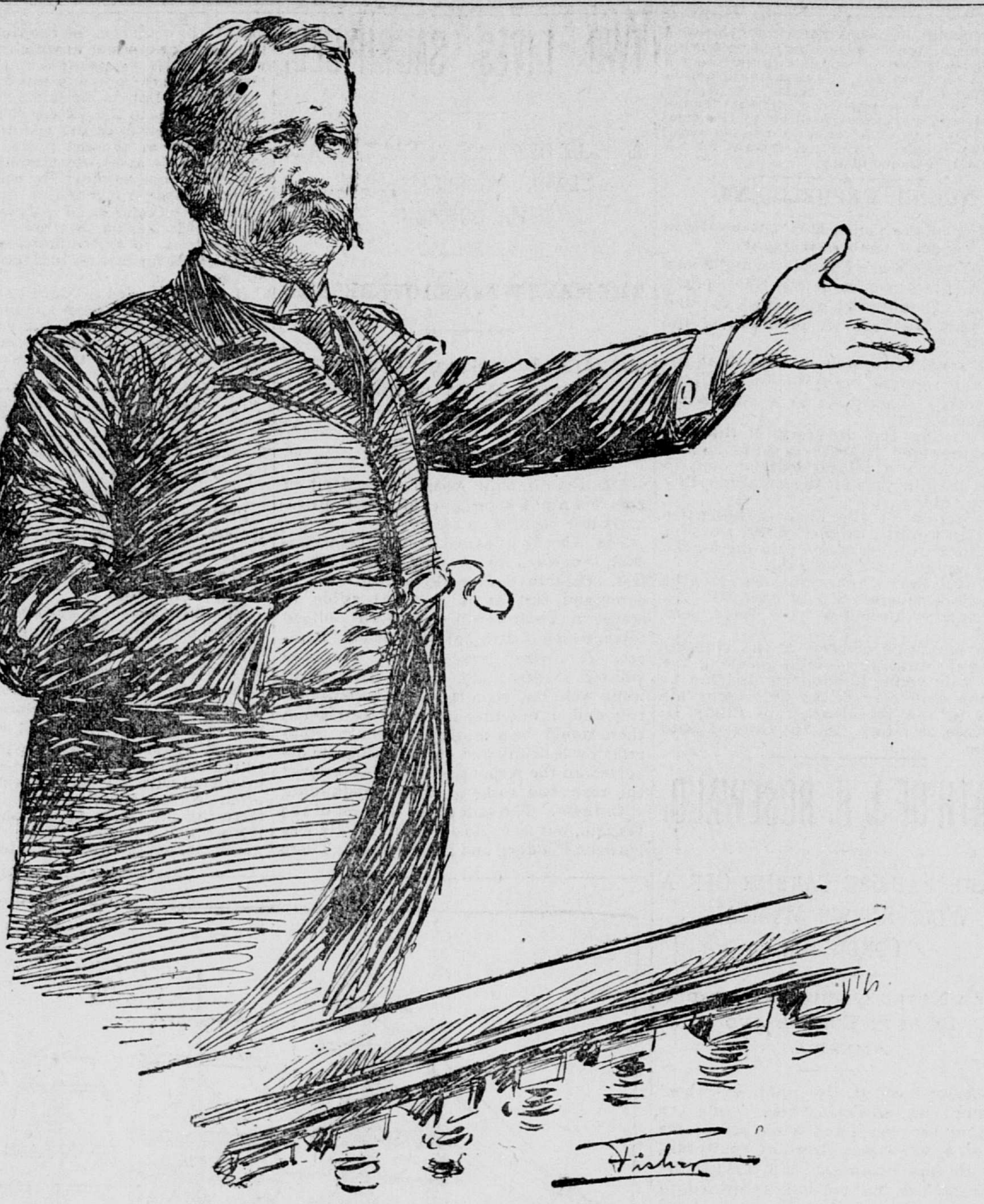
Perhaps it was a detective who gave Durrant the clew.

Mr. Peixotto has scoffed at the idea that a stranger tapped Durrant on the shoulder and gave him a clew where to search for Blanche Lamant. Now there have been a great many people in this case who have volunteered a mass of information, mostly anonymously. It has come from all quarters, and it has generally taken the line of attempting to solve this mystery in a simple manner. The trial of such a case as this always produces a large number of cranks. Could it not have been one of these who tapped the defendant on the shoulder? There is another explanation. When a man has no suspicion of a crime it is one of the commonest tricks of the police to make suggestions such as the defendant says were made to him. The suggestion was made to him to look for the girl, and he, the suggester, immediately departed. Detectives had the matter in hand, and they had suggested that the girl had been placed in a house of ill fame.

Mrs. Leak is a victim of overeducation.

If this defendant had not been anxious to tell you the truth, the whole truth, about this transaction, he need not have mentioned the fact that he requested some one to answer the rollcalls. I submit that he went on the witness-stand and told you what was for and what was against him, where he went and what he did. That is the criterion by which his evidence must be judged. I watched him on the witness-stand and he did not seem inclined to conceal anything. The prosecution in this case had all the means at hand for carrying on the fight. They have done their utmost, but I do not believe they have used unfair means. They knew everything, and if the defendant's testimony was untrue they could produce the contradicting testimony, if it existed. As to Mrs. Leak, the great fault I find with her is she is a victim of overeducation. She visited a number of the other ladies of the church. Did she retain her evidence out of friendship for the defendant? No. She did not hesitate to give her evidence in the most positive terms.

At this point court adjourned till Tuesday morning, when Mr. Dickinson will conclude his argument.



ATTORNEY DICKINSON BEFORE THE JURY.

"The defendant gives a reasonable explanation of what he did to the sunburners."

[*Sketched by a "Call" artist.*]

TO VOTE IN SACRAMENTO.

Remarkable Scramble of Former Residents of San Francisco.

WILL THEY RETURN TO US?

Suspicion That Many of Them Are of the Class Known as "Stuffers."

Registrar Hinton has for some days past been in receipt of a flood of letters from Sacramento from former residents of this City who are desirous of being transferred from the voting-lists of this City to those of the capital. So much interest is felt and hurry experienced that latterly they have taken to telegraphing.

There is a file in the Registrar's office where these applications stand a foot deep. The suddenness of the stampede has attracted attention.

Now in Sacramento just about the hottest campaign that the local politics of that city have witnessed in many days is working up to the city election on November 5.

The fight centers upon the mayoralty, for which office there are four candidates—Wilson (R.), Lawton (D.), Abbott (Pop.) and Steinman (Ind.). Steinman is the incumbent, and in the campaign that resulted in his election he was supported by Bart Cavanaugh, formerly a lieutenant of Frank Rhoads, the long-time political boss.

When Rhoads became disabled by sickness for work in the field, Cavanaugh set up shop for himself, with what success was shown by Steinman's election.

But Rhoads is again in the field. He succeeded in having Wilson nominated, and now the fight is on for the supremacy of this or that of the bosses, rather than for the election of either of the candidates. With Rhoads it is the fight of his life, for defeat probably means retirement, while his success means the same to Bart Cavanaugh, for he could probably never again be a lieutenant of Rhoads.

It is likely, therefore, that one of these circumstances explains the other—the necessity for voters in Sacramento and the hegira from this City to that.

The applications on file do not by any means represent the number who have secured cards of removal, for many applications were made in person and no record kept of them. The interesting query is as to whether these gentlemen will be back to this City in time to vote at the next election.

Following is the list of names, addresses and occupations of those who have thus left us. Many of them, no doubt, are bona-fide removals, but many more are under the shadow of suspicion. Here they are:

Burley, Dudley, railroad man, 305 Minna.
Burrington, Jerry Allen, bookkeeper, 2716 Howard.
Bogart, John G., cooper, 116 Silver.
Bodefeld, William, drummer, 102 Langton.
Boone, William D., speculator, 115 Haight.
Brown, Dr. Robert, 1029½ Market.
Clark, John P., iron-worker, Potrero.
Cummings, Louis, jeweler, 138 Montgomery.
Clark, Percy T., laborer, 111 Taylor.
Carington, Henry, lineman, 791 Haight.
Chronister, W. G., electrician, 116 Grant ave.
Crofton, William, teamster, Brannan.
Cunningham, C., porter, 551½ Howard.
Cate, William H., printer, 1724 Stevenson.
Chatlain, Paul, clerk, 803 Mission.
Curtis, W. A., Third and Perry.
Cassiday, —, clerk, 3104 Point Lobos avenue.
Cohn, E. F., salesman, 1035 Mission.
Duffy, James, horseman, Fifth avenue and D street.
Daily, Edward T., teamster, 441 Ivy avenue.
Dudgeon, William N., clerk, 510 Geary.
Dunham, George C., 527 Kearny.
Dyas, E. J., 210 Folsom.
Edward, Winchell Case, racetrack, Fifth avenue and D street.
Faust, William, ironworker, 915½ Mission.
Gaffney, William, clerk, 633 California.
Goodrum, Andrew J., laborer, 414 Post.
Gogar, Charles, plumber.
Haverland, John Lawrence, pressman, 1118 Montgomery.
Harrington, Frank, Second and Folsom.
Henrikson, Gustave, student, 6 Eddy.
Henderson, William H., physician, 1306 Valencia.
Hamilton, John C., Bay District Track.
Korn, David B., printer, Commercial and Sansome.
Lohoe, T. G., and F. J. Simmes, clerk, 909 Ellis.
Leonard, William L., carpenter, 560 Howard.
Magann, James G., Webster and Washington.
Magorn, J. G., printer.
Marino, Camilo N., 2010 Mason.
McDonald, James, 929 Natoma.
Mahone, Jerry, clerk, 109A Powell.
McLaughlin, Frank P., horseman, Richmond District.
Mayberry, William L., clerk, 968 Harrison.
Mayberry, Charles M., laborer, 968 Harrison.
McLaughlin, Thomas J., compositor, 437 Jessie.
Martin, George C., 2015 Pine.
Mayo, Nathaniel, architect, 719 Twentieth.
McKeeven, Henry Haight, laborer, Nineteenth street and San Carlos avenue.
McGaw, Frank, printer, 602 Mission.
Moore, Charles Sumner, railroad man, 675 Mission.
McMillan, G. W., agent, 106 Eighth.
Murphy, Lawrence, 162 First.
Matthews, Charles, cement worker, 9 Langdon.
Nowlin, J. C., salesman, 957 Market.
Oakley, Paul, clerk, 201 Taylor.
O'Conner, Terrance J., laborer, Twenty-ninth and Mission.
Paterson, James R., butcher, Sixteenth and Folsom.
Rogers, Henry, 9 Bartlett.
Russell, Horace, clerk, 509 Bush.
Roberts, E. E., 540 McAllister.
Reed, William C., contractor, 439 Geary.
Rogers, John P., clerk, 602 Buchanan.
Roche, Bartholomew, laborer, 1416 Twenty-sixth.
Robinson, James Henry, barkeeper, 206 Eddy.
Rainsford, Benjamin, laborer, Kearny street.
Rockwell, George S., agent.
Richardson, A. J., salesman, 919 Page.
Shinns, Matthew, laborer, 17 Michigan street, Potrero.
Sullivan, D. D., pressman, 707 Brannan.
Segresser, Robert, laborer, 677½ Mission street.
Soncke, Gustave, insurance, 1332 Steiner street.
Schultenberg, Joseph, tailor, 528 Ellis street.
Souther, C. H., printer, 1109 Bush street.
Schneider, F. J., boilermaker, 914 Eleventh avenue.
Schriber, Frank, barber, 3 William street.
Steiner, John, saloon-keeper, 224 Sutter street.
Wolf, Hyram, tailor, 303 Stockton street.
Williams, Charles E., clerk, 323 Van Ness avenue.
Watts, James, buggy-washer, Devisadero-street stables.
Welch, John Richard, pressman, 1106 Bush.
Wagner, George, candy-maker, 1386 Market.
Wells, Robert M., 23 Water.
West, Henry, salesman, Forty-third District.
Wolf, Henry A., 2006 Polk street.
Williams, James H., Presidio.
Wayman, Charles, electrician, 958 Folsom.
Yoell, Abraham E., lineman, Folsom avenue.

ESTATE OF MRS. LUX.

First Annual Report of the Executors Filed Yesterday.

The first annual account of the executors of the Mrs. Miranda W. Lux estate was filed in the Conty Clerk's office yesterday afternoon. The figures are as follows:

Receipts	$3,713,669 47
Disbursements	66,073 69
Balance	$3,647,295 78

A Verdict for $15,000.

A jury in Judge Daingerfield's court yesterday gave to the London, Liverpool and Globe Insurance Company a verdict for $15,000, in the suit against the Southern Pacific Company relative to the burning of icehouses at Prosser Creek. The plaintiff was held liable for insurance, and it alleges that the fire was caused by sparks from the railroad locomotives.

Fell Under a Lumber Pile.

As a result of too close proximity to a lumber wagon just preparing to dump its load, Elmer Savage, a youth about 15 years old, living at 754 Harrison street, was carried to the Receiving Hospital yesterday suffering from a fracture of the right leg. Young Savage was playing around the lumber-yard, corner of Fourth and Channel streets, when a big four-horse team drove up to be unloaded. Just how it happened no one seems to know, but when the stakes were pulled out, allowing the lumber to tumble to the ground, young Savage was buried beneath the pile. The boy was extracted and carried to the hospital, where Dr. Weil attended to his injuries.

A. O. U. W.

Anniversary Celebration this Evening of the Founding of the Order by "Father" Upchurch.

This evening the local lodges of the Ancient Order of United Workmen will meet in Odd Fellows' Hall for the purpose of celebrating the twenty-seventh anniversary of the founding of the order by "Father" Upchurch at Meadeville, Pa. The committee of arrangements that for some time has been actively engaged in making preparations for the event has prepared the following programme:

Overture, selected, Park Band Orchestra; introductory remarks, Chairman General Committee John Joy; address of welcome, president of the evening, Grand Master Judge D. J. Toohy; solo, cornet, Miss Pearl Noble; address, "Good of the Order," Past Supreme Master Workman William H. Jordan; ballad, selected, Mrs. Walter Malloy; comic song, Sheriff William I. Whelan; recitation, selected, Miss Lou Trautner; comicalities, Mr. Eddie Sweeny; closing address, Past Grand Master W. H. Barnes.

The literary exercises will be followed by dancing.

ALARMS AT THE PRESIDIO.

Shots Heard and the Sergeant of the Guard Under Arrest.

A Burglar Quietly Investigates the Plans of the Officers' Quarters.

There was war and rumors of war, or at least of the latter, at the Presidio night before last, and the electric lamps at the post shone quite luridly for several hours.

Two gunshots were heard out beyond the cemetery where stands the monument that Colonel Graham guards so jealously.

At the sound of the shots the sentries, keenly alert for another attack on the marble shaft so objectionable to the railroad strikers, called loudly for the sergeant of the guard.

Sergeant Harvey, the non-commissioned officer in charge of the detail, responded, but as the reports were heard a considerable distance away from the cemetery he did not investigate, and when questioned by Colonel Graham next morning he failed to convince that strict officer that he had exercised all due diligence in endeavoring to arrest the shooters, or that a force of strikers had not been making a night attack with dynamite upon the "murdered monument."

The result was that when Sergeant Harvey reported off duty he immediately reported under arrest.

He is confined to his quarters pending an official investigation of his conduct. It is safe to say that the commander will hardly be placated by any explanation his subordinate can make, and the non-commissioned officer will probably see his chevrons take wings and fly away.

"Colonel Graham is determined that that 'murdered by strikers' monument shall not be surprised by a night attack," said an artilleryman, "even if Fort Point, Lime Point, Alcatraz and every post in the division fall into the hands of the enemy.

"The shots are believed to have been fired by some person in the graders' camp down on the beach, but that did not satisfy the colonel. Anyhow the disturbance has given us trouble because we have to patrol the hills every night now to see that no trespassers are lurking around."

While the sentries were listening for more shots from the direction the of cemetery a burglar was making himself familiar with plans and specifications of the officers' quarters. How he escaped the vigilance of the nightly guard is another subject for investigation, but his presence was manifested by several rifled apartments next morning.

One of his visits was to the residence of Forage Sergeant August Nagel. Trunks were broken open, their contents scattered around and $50 taken. The burglar next tried Colonel Graham's quarters, but he missed his way and stumbled over the Chinese cook, whose yells of terror frightened the housebreaker clear off the reservation.

Dockery Continues His Work.

Milk Inspector Dockery thought to give the dairymen who nightly come up the San Bruno road another surprise yesterday morning. Whether the dairymen anticipated another immediate raid or have wisely determined to sell only pure milk, is not known; but only one wagon out of forty examined fell below the standard. This proved to be Fassler's double-decker Del Monte Dairy wagon, having on board something over 300 gallons of milk. The entire load was dumped, the test standing as follows: Butter fat, 2 4-5 per cent; cream, about 6 per cent; specific gravity, 10.22.

Stanislaus Regli, on a complaint sworn to by Inspector Dockery, charging him with offering for sale impure milk, was arrested yesterday. He put up $50 cash bond for his appearance before Judge Low.

A PROMINENT RANCHMAN.

From the Colorado Farmer, Denver, Colo.

David S. Green, who is past middle life, a man of fine physique, strong, vigorous and buoyant, went to Colorado in 1860 and now resides at 2127 Grant avenue, Denver. He is well known in Colorado and Indian Territory as a cattleman, and is also known in Colorado mining circles by "old-timers." He is a member of Trinity M. E. Church of this city and well known in Methodist circles and a familiar figure on the streets of Denver. He is a gentleman of intelligence and culture, communicative and affable.

On the first day of February, 1893, Mr. Green received a serious injury to the spine, occasioned by slipping while supporting a heavy weight. The injury was very painful and in a few days he was helpless. Through the long months of suffering that followed he was reduced in strength and flesh until his nervous system was well nigh exhausted. He was brought to the border land of paralysis. His entire right side was threatened with this malady. The spinal column and base of the brain were a battery of pain and torture, and naught was left him but to suffer on and wait for the end.

While in this condition and utterly hopeless of help (as his physician and the best medical counsel proved powerless) his attention was providentially called to Dr. Williams' Pink Pills. As a drowning man clutches at a straw so he caught at Pink Pills and immediately began to improve. He commenced their use about the middle of March last and to-day his pains are nearly gone, all the alarming symptoms of paralysis have disappeared and the original injury is rapidly improving. His general health and flesh are returning, his usual elasticity of spirit and vivacity are restored and an hour's conversation is sufficient to convince one that to Pink Pills is due a change almost miraculous.

In conversation with a representative of the Farmer Mr. Green said: "I have not been on the street for seventeen months until two or three day ago, but I am so much better. It is a surprise to me and my friends, yes, and to my doctor, too. The fact is I have been at death's door. No one thought there was any help for me; even my doctor thought I never would be any better! But here I am walking about, as you see, and to me it is wonderful! and perhaps you will hardly believe me when I tell you what did it—it was Dr. Williams' Pink Pills for Pale People."

It is due to suffering humanity that the story of Mr. Green be told. His kindness of heart and generous impulses would rejoice in spreading the fame of a remedy that has brought him from the valley of death to enjoy the pleasures of a loving home.

His physician is a gentleman well known in Denver, has lived here many years and built up a good practice. He is broad minded and in good standing in the best medical circles in the city. Any one wishing to do so can readily satisfy himself as to the facts herein related.

Dr. Williams' Pink Pills contain all the elements necessary to give new life and richness to the blood and restore shattered nerves. They are sold in boxes (never in loose form by the dozen or hundred) at 50 cents a box, or six boxes for $2 50, and may be had of all druggists or directly by mail from Dr. Williams' Medicine Company, Schenectady, N. Y.