

SKINNER TRIAL SENT TO JURY BEFORE MIDNIGHT

Arguments of Counsel are Concluded at 11:10 and at 11:43 the Judge Ordered the Jury to Retire and Deliberate.

With features slightly emaciated denoting a sleepless night and intermittently beating a tattoo on the table with his fingers, or masking his features behind his hands, Fred Skinner listened to the arguments in the trial yesterday, wherein he is charged with the murder of Mona Bell at Rhyolite on January 2, 1908. When his face was disclosed to the jury it was entirely blank of expression, with the exception that the pallor has disappeared and a flushed expression has appeared in its stead. The cynical or sarcastic smile has also disappeared.

Seated behind Skinner, near the railing that divides the court room, was the wife of the defendant. During the early part of the argument she placed her handkerchief before her eyes as if sobbing, and not once did she remove the covering. Throughout the long afternoon she maintained the appearance of suffering great mental anguish and at times her frail frame would shake convulsively, serving to give forth the idea that she continued to weep. But when the court adjourned at 6 o'clock, and the spectators and jury had left the room, the handkerchief was removed and there was not a sign of a tear having been shed. Her eyes were not even red. The handkerchief that should have been ringing wet, was as dry as if it had been exposed to the sun's rays all day long. It was then that it became apparent that a deception had been practiced during the day, in an endeavor to provoke sympathy for the murderer, whom she calls her husband. The sympathetic dodge failed to create a favorable impression among the spectators, and principally among the women who thronged the room, and many were the glances of scorn cast in her direction. As a rule the women failed even to notice her, after the first casual but critical examination as to her appearance, but this always happens when strangers of the fair sex meet.

When the court convened yesterday morning the interior of the room was crowded with spectators. Extra chairs had been placed in the aisles and even behind the railing, in anticipation of the crowd, and these were far from sufficient. The remaining aisles were filled and the hallway leading to the room was filled. Even the privacy of the judges chambers was transgressed upon by the curious and interested, who after gaining admittance went so far as to advance to the bench, whereupon Judge Averill ruled, and secured seats on the steps. At times it was difficult for Bailiff McFadden to move about the room attending to his usual duties, but throughout the day perfect order was maintained.

The defendant was guarded by two deputy sheriffs while an additional officer was placed near Skinner's wife, to prevent her passing anything in the nature of a weapon or poison, to her husband.

Attorney Horatio Alling made the opening argument for the state which occupied nearly two hours. Mr. Alling reviewed the case from beginning to end, placing the evidence before the jury in a masterful manner. His address was a masterpiece and he demanded and received the attention of everyone in the court room during the time he occupied the floor.

Confining himself strictly to the evidence as introduced in the case, Mr. Alling took exception to the remarks of counsel for the defense whereby an attempt was made to blacken the character of Mona Bell. It was then that he portrayed the true character of the defendant, and so true were his words that the self-confessed murderer hung his head, not in shame, but because he was unable to meet the unflinching gaze of the attorney. The cruelty of Skinner in beating the woman on the night of the crime was remembered and of his vile remarks concerning her that followed. The last words of the deceased as Skinner entered the adobe preparing to go to bed as heard by Bion Demmings, "Come on in Fred and

go to bed," were also repeated. The plea of Skinner, as set forth at the former trial of self defense, was ridiculed. The three shots in the back tended to disprove this argument and showed the deed to be as cold-blooded as any that has ever been recorded in the annals of the country. The murder was the result of the vile passions of the defendant with a mysterious motive that had as yet not been brought into evidence.

In conclusion Mr. Alling said: "And who is the man to call her such? After this is all over I hope that Almighty God will help us forget that there be such men alive as Fred Skinner. He is not a man. The ravaging beasts of the jungle are better than he. They at least do not tear to pieces the female of their kind. He is a monster who has sunk his claws into the tender flesh of this poor woman and dragged her down to his own wretched level. I ask you then; Is he entitled to live any longer? Remember the couplet in the dead woman's letter: 'Let come what may, I've had my day.' He also has had his day. And what a day it has been. Should he have another? Men like Fred Skinner are not made in a few hours. It has taken a life time of crime and debauchery to bring him to his present state. Do you think that a few days or a few years will be enough to make him unfit to be at large among decent, respectable people? He has violated the highest laws of God and man. Should he not pay the full penalty?"

"If the full penalty of the law should not be exacted in this case; if Fred Skinner should not be hung—before God and the good people of this state, tell me of a case in which any man deserves to be hung."

"They are before you, gentlemen, he and she. Judge ye between them this day."

George B. Thatcher opened for the defense at the convening of court following the noon recess. He again read the letter of Mona Bell and strengthened the case of the state with his remarks. He placed great stress on the bullet wounds found in the body of the woman and described how the defendant shot in self-defense, after taking the revolver from Mona Bell and firing when her back was turned. Regarding the confession of Skinner, made immediately after the crime, he stated that this was not the act of a guilty person. Mr. Thatcher concluded at 3:25 and at 3:30 Judge J. A. Saunders closed for the defense. That he started on the closing argument which was not finished until 9:45 last evening. Mr. Saunders discussed the instructions of the court and hardly started to talk when he misquoted a statement made by Judge Alling, but was immediately corrected. His flights of oratory dwelt with everything but the case proper. After he finished going through the instructions, Mr. Saunders started to take a trip through the testimony from which he emerged at 9:45.

District Attorney Cleve H. Baker made the closing statement for the state, and it may be said here that his address was the finest he has yet delivered during his career.

He opened by speaking of the importance of the jury system, and its function today in the enforcement

of our laws.

Mr. Baker then reviewed in detail the evidence of a witness produced on behalf of the state, and spent considerable time in answering the arguments offered by Mr. Thatcher and Judge Saunders. He took up both theories advanced by the defense, that of self defense and heat of passion, and by the uncontradicted evidence of the state and the varying and contradictory statements of the defendant, showed both theories to be manifestly false and untenable.

After a thorough analysis of the state's evidence which he welded into a chain of evidence, which was positively and convincingly, he read the loveletter written by Mona Bell to Skinner when he was confined in the county jail. The letter bespeaks the greatest tenderness and affection, and shows the life of sacrifice and self-abnegation that the defendant should live in idleness and ease.

The concluding statements of District Attorney Baker are as follows:

"How unfair it is to attempt, without evidence, to infect the imaginations of men who are sworn dispassionately and disinterestedly to try this offense; to attempt to relegate this tragedy to the realm of the redlight district in the vain effort to discredit its horrible features and to placate its monstrosity in the eyes of upright and honest men who are called upon to sit in judgment."

"If such men there be who transgress thus far in their zealous endeavor to defend their client and advocate his cause, may heaven forgive them for the attempt and inspire you with a fortitude and wisdom to discharge your duty with calm, steady and reflecting minds."

"I may now therefore relieve you from the need of hearing me any longer, and myself be relieved from speaking on a subject which agitates and distresses me."

The mantle of this responsibility is about to fall from my shoulders upon yours and resign this case into your hands with a well founded confidence and belief that it will rest safely and securely there.

You have been called upon to do a duty perhaps the most serious one that will ever be imposed upon you. The life of a fellow man hangs in the balance and your fair and impartial minds are the scales of human justice which are to weigh and decide either for or against him.

"The evidence in this case shows the defendant to be the perpetrator of a crime which would have been black in the darkest ages and the atrocity of which is appalling. The defendant in this case has not only violated the law of this state but he has violated the most sacred law of all laws, that divine law handed down to us from Mount Sinai by the Almighty and incorporated into the laws of every nation and every people and inspired in the hearts and conscience of mankind that divine mandate, 'Thou shalt not kill.'"

"Nothing remains to be said and done in this case save by you gentlemen of the jury. The vital part of the enforcement of the law is in your hands."

"It is for you now to say and do; all that the state can say or do has been done."

"By your verdict you are to say, not only to this defendant, but to the entire county and state, that the sacredness of human life and the security of our homes and sisters and mothers shall ever remain inviolate."

"Let your unmistakable verdict, be a protest against and a defiance to the lawlessness which has too long attempted to claim Nevada as a place of refuge. Let your judgment strike fear and terror into the hearts of such murderous assassins who would fain drag into the bottomless depths of vice and shame such poor, helpless victims and there abandon them to a murdered grave."

"The province of a jury is justice. Mercy and forgiveness is not

theirs to grant; at the hands of a higher power must these be sought.

"Let the punishment which the law says is his, be meted out to him fearlessly and dispassionately, and if any mercy there be, let it be sought from that supreme lawgiver of the universe, before that spiritual tribunal, eternal in the heavens, where in the presence of his Maker he may implore God for the remission of his sins."

"On behalf of the people of the state, conscious of the sworn obligation and duty I have accepted, I ask you for a verdict of murder in the first degree with the maximum penalty."

Mr. Baker's eloquence surprised his closest friends and too much praise cannot be bestowed upon the young attorney, who has so ably presented this case to the court and jury. While perhaps he is one of the youngest district attorneys in the west today, Nye county can be proud of the careful and masterful manner in which her district attorney presented this, which is one of the most important murder trials ever brought before a court in the state of Nevada, and his many friends congratulate him and trust that this is only a stepping stone to his higher ambitions, which they hope he will realize.

At 11:30 Mr. Baker concluded his address and Judge Averill then started reading his instructions to the jury. This matter was concluded at 11:43 the jury retired to determine on the verdict.

During the night session the room was crowded as during the day, women were again in evidence and several remained until the jury retired for their deliberations. The wife of the defendant pursued the same tactics and made free use of her handkerchief.

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