

# JUSTICE IS FLEET.

**Czolgosz Jury secured  
and five Witnesses  
heard.**

**ASSASSIN WOULD TALK**

**Likely to renew the Effort—His  
Plea of Guilty re-  
jected.**

**PROCEEDINGS DIGNIFIED**

**Surgeons' Testimony as to the  
President's Wound very  
interesting.**

**DR. MYNTER AND DR. MANN HEARD**

**Longer Operation than was per-  
formed would have been im-  
mediately fatal.**

At the earthly bar of justice, Leon F. Czolgosz was arraigned yesterday for the crime for which he will answer at the judgment bar of God. His conviction is foreordained. His trial is a form of the Government whose institutions he pretends to despise. It guarantees to him all the rights and privileges of a citizen under the law. After the verdict will come his sentence and after the law's decree will come his death. He affects indifference to it all. But, after the indifference and the penalties of earth have passed, he will stand face to face with the great man he murdered. What a meeting it will be! The President's human forgiveness will have changed to divine compassion then, and the one bright gleam in the utter darkness of the assassin's eternity will come from the life he sought to end.

Thus, the trial that began yesterday simply is a part of the procedure leading to the ultimate punishment. It is the beginning of the end of earth's preliminary to the eternal doom awaiting the murderer. Those burdened with the conduct of the trial feel this relationship to higher things and from the outset there was a dignity, a stateliness so far above the plane in which the prisoner lived and moved and had his being, that he became, from the first, a poor, miserable creature, a pitiful wretch, whom no notoriety could dignify and whom no mock heroes at any

time could render otherwise than abject and contemptible. The very futility of his folly was shown by the fact that under the identical institutions he sought to overthrow, he was being held answerable for a life so vastly more valuable than his own, that death, if regarded as adequate atonement, would be a mere mockery. It is one of the mysteries of the universe how so low a life could strike so high a soul.

It is not one of the mysteries of the universe that the principles of truth and justice should endure forever. To the institutions of man is given their interpretation and it is the law of eternal right, rather than the law of mortal man, which makes of Czolgosz a condemned soul. The pending trial, therefore, simply tells the story of his crime as truth and justice demand that it shall be told. Retribution follows, to send him on his way of misery. The trial is no battle over an innocent man, no struggle to save a wronged or injured life. It is a calm, dispassionate recital of an awful crime, of an outrage against God and man. It is told of a wanton, deliberate murderer. Its very telling leaves him as if he had no right to a part in a proceeding so fair, so just, so upright and so honorable.

### *Jury quickly secured.*

Great progress was made in the first day. The jury of twelve good, honest men, who believe in the laws and institutions of the United States was obtained in 2 hours and 29 minutes. It speaks well for the social order, which Czolgosz defames, that the 12 men were selected out of the panel of 38 drawn for the needs of the court, without recourse to other panels and that, despite their inevitable opinions, the 12 men, on oath before God, pledged unreservedly their ability to give him a fair trial with the benefit of every doubt. The jurors, who will do their duty are:

No. 1, Frederick V. Lauer, a plumber, 60 years old, of No. 1048 Michigan Street, Buffalo.

No. 2, Richard J. Garwood, a street-railway foreman, 45 years old, of No. 48 Tryon Place, Buffalo.

No. 3, Henry W. Wendt, a manufacturer, of No. 335 Jersey Street, Buffalo.

No. 4, Silas Carmer, a farmer, 65 years old, of Clarence.

No. 5, James S. Stygall, Jr., a plumber, 45 years old, of No. 44 Normal Avenue, Buffalo.

No. 6, William Loton, a farmer, 65 years old, of Eden.

No. 7, Walter E. Everett, a blacksmith, 39 years old, of No. 176 Fifteenth Street, Buffalo.

No. 8, Ben C. Ralph, bank cashier, 40 years old, of No. 310 Woodward Avenue, Buffalo.

No. 9, Samuel P. Waldow, a farmer, 59 years old, of Alden.

No. 10, Andrew J. Smith, butter and eggs dealer, 60 years old, of No. 140 Leroy Avenue, Buffalo.

No. 11, Joachim H. Mertens, boot and shoe dealer, 42 years old, of No. 945 Exchange Street, Buffalo.

No. 12, Robert J. Adams, building contractor, 43 years old, of No. 209 Purdy Street, Buffalo.

It is a good jury. It is what the lawyers call a strong jury. A glance through the list shows it is a representative jury, of men who stand for the citizenship of this country, honest, upright, frank, fair. The care in its selection was due to a desire on both sides to have twelve men who would be guided solely by the evidence and would give their verdict as the tale of the crime revealed the guilty, responsible wretch.

### *Five Witnesses called.*

Five witnesses were called during the day. The first was Samuel J. Field, the engineer, who verified the drawings of the scene of the crime. The second was Harry A. Bliss, the stenographer, identified the photographs of the scene of the crime. The third was Dr. Harvey R. Gaylord, who conducted the autopsy. His testimony revealed the details of the condition of the body and the cause of death and exploded many yellow-journal fakes. The fourth and fifth witnesses

were Dr. Herman Mynter and Dr. Matthew D. Mann and the first day of the trial ended with Dr. Mann on the stand, about to be cross-examined.

Drs. Mann and Mynter performed the operation on the President, were the chief surgeons at his bedside and were present at the autopsy. Their testimony made clear, once and for all, that if an effort had been made during the operation to locate the bullet, the President would have died on the operating table. They also made clear that the reason the bullet was not found at the autopsy was, that after four hours, the family of the dead President requested that the autopsy be terminated and insisted that no further search be made for the bullet. Hence it was the family that put an end to search for the bullet and criticism for not finding it was unwarranted and unjust. Also the testimony made so plain, that the least informed of lay readers may understand the causes of death, the condition of the organs and wounds of the President and all the facts desired or necessary for the public to know in order to confirm, for all time, the fact that the surgeons did their full duty and all that human skill and science could do was done to save the President's life. The testimony showed clearly and conclusively, of course, that death was due to the bullet wound. The prosecution will show today that Czolgosz inflicted that wound.

### *Assassin wished to speak.*

Less important, in many ways, than the foregoing facts was the attitude of Czolgosz. He desires to speak. It was his expectation yesterday to address the court. When he was led in and unshackled and was waiting to enter a plea, he half rose, but Detective-Sergeant Geary drew him down into his chair.

"I want to speak," said Czolgosz. He was told to wait. When his time came to plead, he mumbled the one word, "guilty," after the question had been read a second time as he feigned inability to hear it the first time. His voice was thick, low, indistinct. Of course, his plea of guilty could not be accepted under the law and a plea of not guilty, as required in capital cases, was entered by his counsel. It simply was significant, as showing he realized the uselessness of denial fully as much as the futility of defiance. He is not so bold and hardy as some think. Away back in the secret chambers of his mind there are thoughts of sorrow and pangs of remorse. A few days ago, as he rode with Asst.-Supt. Cusack on a street car, ignorant of the President's death, the veteran detective told him: "Czolgosz, I have good news; the President is better." The wretch, whose doom is death, turned and said huskily: "I'm glad." Thus, his mumbled guilt yesterday was not mere bravado. There is sorrow in his soul, if for no other reason because he knows he must die.

### *Czolgosz perfectly sane.*

He expects to speak later. When he learned yesterday that before sentence of death is passed on him he must stand up while the court asks him if he has anything to say, he said that at that time he intends to speak. What he will say no one can foretell. His mood may change, his intention may alter, and he may keep silent. Those who have been near him most, believe he will speak. Some of them think it will be a speech of sorrow. Others say it will be a declaration of defiance; a eulogy of anarchy and a denunciation of government. Whatever it is, it will be the speech of a sane man. On unimpeachable authority it was stated yesterday that all the alienists have agreed, Drs. MacDonald, Hamilton, Hurd, Crego, Putnam and Fowler, that Czolgosz is sane and that he was fully responsible mentally for his acts when he committed the crime and since.

### *Dignity of the Trial.*

All will be gratified to note the simplicity of the proceedings. There is no charlatanry to mar the trial. All goes evenly, smoothly, unpretentiously. Justice White presides with dignity and impartiality.

### Third Juror.

Henry W. Wendt, manufacturer, living at 335 Jersey street, was the next juror called. He told the district attorney that he knew of no reason why he could not serve as an impartial juror.

"You have formed an opinion in this case?" asked Judge Lewis.

"I have."

"And it would take evidence to remove that opinion?"

"Yes, I suppose it would."

"Could you set aside your opinion and fairly weigh the evidence presented here?"

"I could."

"And if the evidence were such as to create a reasonable doubt as to the defendant's guilt, could you give him the benefit of that doubt?"

"Yes, if there was a reasonable doubt."

Mr. Wendt was accepted and sworn as the third juror.

Horatio M. Winspear was next called. He is a farmer living at Elma.

"Do you believe in the infliction of capital punishment in cases of murder in the first degree?" asked Mr. Penney.

"Well, I don't know," replied Mr. Winspear.

"There seems to be some doubt about it?"

"There is a little."

"If the defendant were proven guilty of murder in the first degree could you vote for his conviction, knowing that the penalty is death?"

"Yes, I think I could."

"Do you believe in the government of the United States?"

"Yes, I do."

After Mr. Lewis had questioned Winspear at some length, Mr. Penney excused him, evidently fearing his prejudice against the infliction of the death penalty.

George Kuhn, a baker living at 468 High street, had too strong an opinion in the case and was excused by Justice White.

John Delliott, a Grand Island farmer, was next called.

"Do you believe in the constitution and government of the United States?" asked Mr. Penney.

"I do."

"Do you believe in capital punishment?"

"Yes, sir."

"Would you vote for his conviction knowing the penalty to be death?"

"No, sir."

"You would not?"

"No, sir."

"I ask that the juror be excused."

In answer to Judge Lewis's questions, the juror declared that he would vote for conviction if the evidence warranted it, notwithstanding the fact that the penalty is death.

"You would not hesitate to vote for conviction?"

"No, sir."

The juror was finally excused by the people.

### Fourth Juror.

Silas Carmer, a farmer living at Clarence, who was the next juror called, said he had made up his mind as to the guilt or innocence of the defendant.

"Could you render an impartial verdict in this case in accordance with the evidence?"

"I think I could."

"Is your opinion pretty strong?" asked Judge Lewis.

"Yes, sir; I guess it is."

"And it would take evidence to change that opinion?"

"I should say it would."

"Would you be willing to acquit this defendant if the evidence in his favor was sufficient?"

"It would have to be pretty strong evidence."

"But if the evidence were such as to raise a reasonable doubt in your mind as to the guilt of this defendant would you give him the benefit of the doubt and vote for his acquittal?"

"Yes, sir, I should."

"What we want to know is whether your mind is in such a condition that you can sit on this jury and give this man a fair and proper trial, and could render a verdict according to the evidence. Do you think you could do that?"

"Yes, sir."

"We have no objections," said Judge Lewis.

Mr. Carmer was sworn as the fourth juror. It was then 11 o'clock.

Herman B. Tauber, a railroad clerk living at 532 Eagle street, declared that he believed in the government of the United States, and could render a fair and impartial verdict. In answer to Judge Lewis's questions, however, he admitted his opinion as to the guilt of the defendant was firmly fixed, and the court excused him.

Dennis T. O'Reilly, life insurance agent living at 147 Prospect avenue, said he believed in the constitution and the government of the United States and that he could render a fair and impartial verdict.

To Judge Lewis, he declared he had not formed an opinion as to the guilt or innocence of the defendant. Then he admitted that he had formed a kind of an opinion.

"Is that opinion so strong that you could not consider evidence impartially and give it its due weight?"

"No, sir, it sn't, but I don't want to sit on this case."

"We are satisfied," said Judge Lewis.

"We excuse him," said Mr. Penney.

It was evident that Judge Lewis was not inclined to be captious concerning the qualifications of jurors and that he did not wish to delay the case.

Frederick Langbine, a farmer from Hamburg, was next called. He has lived in Lake View for 27 years, having been a railroad man until two or three years ago, when he took to farming. He came from Germany in 1869, and is now a citizen.

He told Mr. Penney that he believed in the United States government, in the law and in capital punishment.

"You know of no reason why you can not sit in this case and give a fair and impartial verdict?" said Mr. Penney.

"No, sir."

In answer to Judge Lewis the talesman said that he had formed no opinion. He said that he read the papers only once a week.

"Do I understand you to say that you have formed no opinion?" from Judge Lewis.

"I have not."

"Have you discussed it with your neighbors?"

"Yes, sir."

"Refrained from expression of your opinion to them?"

"Yes, sir."

"Are you a married man?"

"Yes, sir."

"Have you not expressed your opinion

to your wife?"

"No, sir."

"Nor to your children?" asked Judge Lewis incredulously.

"No, sir, not to them."

"No objections," said Judge Lewis.

"We will excuse him, sir," said Mr. Penney.

Assemblyman George Ruehl, a barber at 130 Eaton street, was called next. He told Mr. Penney that he knew of no reason why he could not be a fair and impartial juror.

"You are a barber?"

"Yes, sir."

"Heard people talk about it in your shop and have talked with them, have you not?" asked Judge Lewis.

"More people have talked to me than I have talked to," was the assemblyman's reply.

"You must be one of those barbers who do not talk," commented Judge Lewis.

"We will excuse Mr. Ruehl," said Judge Lewis.

Wallace A. Butler, a farmer of Sardinia, was the next talesman called. He knew of no reason why he could not be a fair juror, when asked the usual questions by Mr. Penney.

"You have formed an opinion, have you not?" asked Judge Lewis.

"Yes, but I am not very set."

"Can you conform to the requirements of the law?"

"Well, it is pretty strong."

"So strong that you would not abide by the evidence."

"Well, not so strong as that, but it would require pretty strong evidence."

Judge Lewis challenged the juror and the court excused him.

### Fifth Juror.

James S. Stygall, Jr., plumber, of 44 Normal avenue, was next. He answered Mr. Penney's questions satisfactorily.

"Is your opinion so strongly fixed that you can not set it aside?" asked Judge Lewis.

"No, sir."

"Could you acquit him, if a reasonable doubt was raised in your mind?"

"Yes, sir."

"You are sure you can do that, give him the benefit of a reasonable doubt?"

"Yes, sir."

"Satisfactory," said Judge Lewis.

"Satisfactory to us," responded Mr. Penney.

Mr. Stygall was then sworn in and took his seat as the fifth juror.

### Mr. Milburn's Appearance.

At 11.20 o'clock, John G. Milburn came into court. Everybody turned to see him. He walked up to the court clerk's desk, and then sat down in a press seat near Senator Davis. Mr. Milburn put on his glasses and looked at Czolgosz. Then he spoke to Senator Davis and Mr. Davis nodded.

Mr. Milburn looked at the prisoner again, long and steadily. The expression on Mr. Milburn's face was not a pleasant one. It wasn't exactly an expression of anger but it was an odd mixture of sorrow, contempt and pity.

Frank J. Lutz, a clerk, living at 908 Glenwood avenue, was next called. He told the district attorney that he was a grocer working for himself. He had been in business since May.

"Do you believe in the constitution and laws of the United States?" asked Mr. Penney.

could conceal its disgust. Judge Titus visibly showed on his countenance his feeling of contempt for the murderer. Justice White broke the stillness at 10.15 o'clock.

### "Any Business for the Court?"

"Mr. District Attorney, have you any business for the court?" he asked.

"I desire to arraign the prisoner, Leon F. Czolgosz, Your Honor," said Mr. Penney, and, turning to Czolgosz, who arose at a signal from the detectives, he said:

"Mr. Czolgosz, you have been indicted on the charge of murder in the first degree, committed on the sixth day of September of this year, in that you unlawfully killed one William McKinley, contrary to law, how do you plead?"

"If the court please, we desire"—began Judge Lewis.

"I think the prisoner was about to speak," said Justice White, as Czolgosz made as if to speak. "Czolgosz, did you understand what the District Attorney said to you?"

### Czolgosz speaks.

"I didn't hear it," mumbled Czolgosz, so low that few could understand.

"You are indicted and charged with having committed the crime of murder in the first degree. It is alleged that you on the sixth day of September of this year unlawfully shot and killed William McKinley contrary to law, how do you plead?" said Mr. Penney.

Just before he had been arraigned to plead Czolgosz had desired to make a speech and so told Detective-Sergeant Geary who restrained him and told him to wait. When Mr. Penney asked how he pleaded, Czolgosz hesitated a short moment, then looked up toward Justice White, then dropped his eyes.

### "Guilty" says Czolgosz.

"Guilty," he said, in a low tone, a single word muttered or mumbled so it barely could be understood.

"How?" asked Justice White.

"He pleads guilty," said Mr. Penney.

"That plea cannot be accepted in this court. The clerk will enter a plea of not guilty and we will proceed with the trial," said Justice White.

"This defendant appeared in the County Court last week and at that time Judge Emery assigned as his counsel the Hon. Loran L. Lewis and the Hon. Robert C. Titus, and his associate, Mr. Ladd, to attend to the case and ascertain the rights that this man had and to put in such defense as to them they deemed best," said Mr. Penney. "They are here, I suppose, to attend to that in this court this morning. I will ask Your Honor to confirm that assignment."

### Judge Titus's Statement.

Judge Titus arose and, bowing to the court, said:

If the court please, it has been thought best by my distinguished associate and myself, and my young friend that something should be said, not in the way of apology, but as a reason why we are here in defense of this defendant. At the time we were assigned I was out of the city, and neither of my associates was consulted about the assignment. I at first declined absolutely to take part in the defense of the case, but, subsequently, it was made to appear to Judge Lewis and myself that it was a duty which we owed alike to our profession, to the public and to the court, that we accept this assignment, unpleasant though the task is for us, and we, therefore, appear in accordance with that assignment to see that this defendant, if he is guilty, is convicted only by such evidence as the law of the land requires in a case of this character, and that in the trial of this case the forms of law shall be observed in every particular and that no act or no bit of evidence shall be introduced here upon the trial of this case and accepted against this defendant unless it is such as would be introduced and accepted upon the trial of the meanest criminal in the smallest case.

### Court approves.

Justice White immediately replied as follows:

It certainly accords with the views of this court that gentlemen like yourselves should have been appointed by the County Court to defend this prisoner. It gives to the public and the courts and those engaged in the administration of the law absolute assurance

that the prisoner will receive fair treatment during the progress of this trial, and that he will meet with such justice as the law demands in his behalf, as he is assured by the fundamental law of the land. The plea of guilty, which has been entertained by the prisoner, indicates, as the court looks upon it, that he himself anticipates no escape from the penalty which the law prescribes. Of course, that plea cannot be accepted, and the progress of the trial should be the same, in my judgment, as though he himself had entered a plea of not guilty. I am sure you gentlemen will protect him to the same extent that you would if you were retained for a munificent compensation to do the duty which you are undertaking to do now. Some question has been raised, and discussed in the public print, at any rate, as to the jurisdiction of the County Court to appoint you gentlemen. It is my pleasure not only to confirm, but, if it should be deemed necessary, appoint and designate you gentlemen to the task which you have set out to perform.

Thus was the record made perfect beyond peradventure. Thus were the rights of Czolgosz protected as if he were an innocent man, entitled to be shielded instead of condemned by the law.

### Trial is moved.

"I move the trial of the defendant, Leon F. Czolgosz, Your Honor," said Mr. Penney.

"By direction of the court, the defendant is informed that if he intends to challenge an individual juror, he must do so when the juror appears and before he is sworn, and that the following are duly called to try the case," announced Clerk Fisher and the trial of Czolgosz had begun.

First came the obtaining of a jury. A list of 36 jurors had been drawn on August 26th, long before the murder, for the term of court beginning yesterday. This list was in the hands of the clerk and he drew name by name from the box. As a name was drawn and called the juror answered and stepped forward to the witness-box, where he was sworn to answer truthfully the questions asked of him. Then the prosecution examined him, then the defense and if both were satisfied he was sworn as a juror. Either side could challenge for cause or peremptorily or the court could excuse a juror.

### Examining Jurors.

The examination of the first juror called will give a good idea of the questions asked and the form of obtaining a jury. Here it is, from the record:

Frederick V. Lauer, being called and duly sworn as to his qualifications to serve as a juror, testified as follows:

Direct examination by Mr. Penney.

Q.—Where do you live, Mr. Lauer?

A.—No. 1114 Michigan Street.

Q.—What is your business?

A.—Plumber.

Q.—Were you born in this country?

A.—Born in Buffalo.

Q.—You believe in our form of government?

A.—I do.

Q.—Do you believe in capital punishment?

A.—I do.

Q.—Do you know any reason why you cannot render a fair verdict on the evidence in this case?

A.—It depends a good deal on the evidence.

(Stenographer reads question.)

A.—I do not, no.

Q.—If you were convinced of the guilt of a man charged with murder in the first degree, if you were a trial juror, would you vote for his conviction?

A.—If I was convinced of it?

Q.—Yes.

A.—Would I vote for his conviction?

Q.—Yes, that is the question.

A.—Certainly.

Cross-examination by Mr. Lewis:

Q.—Mr. Lauer, are you a married man?

A.—Yes.

Q.—Children?

A.—Ten living.

Q.—Is your mind in such a condition, Mr. Lauer, in your judgment, that if the facts and evidence in this case should raise a reasonable doubt in your mind as to the guilt of the defendant, do you think you could render a verdict of not guilty?

A.—I could, if there was any doubt in regard to his sanity.

Q.—You could give him then the benefit of a reasonable doubt?

A.—Yes, sir.

Q.—You are not acquainted with the defendant?

A.—Never saw him until today.

Q.—No prejudice against him, then?

A.—No, sir.

Q.—No special prejudice against any class in the community?

A.—Not that I know of.

Mr. Lewis—No objection.

Mr. Penney—No objection.

The juror was then sworn by the clerk as follows, defendant standing: Juror, look upon the defendant; defendant, look upon the juror.

You do solemnly swear that you will well and truly try and true deliverance make between the people of the State of New York and Leon F. Czolgosz, alias Fred Nieman, defendant, whom you shall have in charge, and a true verdict render according to the evidence, so help you God.

Juror—I do.

Juror takes his seat as No. 1.

Mr. Lauer was gray-mustached, deep-voiced and wore a frock coat with an army button on it, and blue trousers. He answered frankly and honestly. When Czolgosz arose Mr. Lauer eyed him straightforwardly, but Czolgosz gazed up at the white-faced clock, as if its ticking reminded him how precious the rest of time was for him. He sat down listlessly as Mr. Lauer took the back seat in the southwest corner of the jury-box.

### Richard J. Garwood accepted.

The next man called was Richard J. Garwood. He had gray hair and gray mustache, and is a little hard of hearing. He is married, was born in England but had lived here eighteen years, was a citizen, and believed in capital punishment and the forms and institutions of government. Judge Lewis cross-examined him carefully, with a desire, like that of Mr. Penney, to get only the best, fairest men to try the prisoner. Mr. Garwood had an opinion and had talked about the case, but he could give a fair verdict on the evidence, and both sides accepted him. Czolgosz, during the questioning, furtively watched Mr. Garwood, as did all other jurors, but when he was told to rise and look upon the juror he invariably rose and looked elsewhere, nowhere in particular.

### Joshua Winner excused.

Two jurors in ten minutes was excellent. Joshua Winner, a farmer of North Collins, was the next called. Mr. Winner was 49 years old, black-mustached, gray-haired, and had such a strong impression of Czolgosz's guilt that he was excused by Judge Lewis.

### Henry W. Wendt Juror No. 3.

Henry W. Wendt of the Buffalo Forge Company was the next. Mr. Penney learned in two questions that he believed in capital punishment and knew of no reason why he could not give Czolgosz a fair trial. On examination by Judge Lewis Mr. Wendt stated he had not a definite opinion as to Czolgosz's guilt or innocence, and then made clear that he had an opinion, but it was one which would not interfere with giving a verdict on the evidence, and at 10.40 o'clock he was sworn in as juror No. 3.

### Farmer was excused.

Horatio M. Winspear, a farmer of Elma, 40 years old, gray-haired, seemed backward in comprehending questions, and when asked by Mr. Penney if he believed in capital punishment, hesitated and answered "Well—yes." He had a decided opinion as to the guilt of the accused, but was excused by the prosecution.

### Opinion too firm.

George Kuhn, a German born citizen and a baker at No. 468 High Street, had an opinion that evidence could not change "even if the evidence should establish that the defendant was not the individual who committed the crime." He was excused by the court.

### Understood too late.

John Delllott, a young black-mustached farmer who lives on the State Road on Grand Island was challenged by Mr. Penney after the following colloquy:

Q.—If you should be selected as a trial juror in a murder case, if after you had sat and listened to all the evidence, you believed the defendant guilty beyond reasonable doubt of murder in the first degree, would you vote for his conviction, knowing the penalty to be death?

A.—No, I don't think so.

Stenographer repeats question.

A.—No, sir.

Q.—You fully understand now the question?  
A.—I think I do.  
Mr. Penney—I challenge the juror.

Examined by Judge Lewis, Mr. Delllott made clear that he had misunderstood the question, but it was too late.

#### Juror No. 4.

Silas Carmer, a farmer from Clarence, 65 years old, white haired, with a long, white beard and black sack suit, was next and he spoke up with a good, strong voice and refreshing promptness. He would want pretty good evidence to alter his opinion of the guilt or innocence of the accused, but he manifestly was so fair that both sides accepted him and at 11 o'clock he was sworn in.

#### Five Rejections.

Then five candidates were rejected in succession. First was Herman B. Tauber, Pennsylvania Railroad clerk, who lives at No. 9 Oakland Place. He was a young man, born in Canada, later lived in Alabama. He had blond hair and mustache and wore knickerbockers. The following brought about his challenge by the defense:

Q.—Ever expressed any opinion as to the manner in which you thought he ought to be disposed of?

A.—Yes, sir.

Q.—What is that?

A.—I say several opinions I have expressed regarding that—death.

The Court—Judge Lewis, pardon the interruption, I doubt the propriety of pressing an answer to that.

Mr. Lewis—Yes. Well, I am not going to press that question very much. I only want to see what sort of a man we have here.

Q.—Do you believe that when a man is charged with crime he ought to have the form of a trial?

A.—Yes, sir.

Q.—According to the law of the land?

A.—Yes, sir.

Dennis T. O'Reilly, an insurance agent of No. 147 Prospect Avenue, believed he could sit impartially, but he did not want to get on the case and he was excused peremptorily by Mr. Penney after some talk on sanity. Frederick Langbine, a farmer of Hamburg, 35 years old, born in Mecklenburg, Germany, also was challenged by the prosecution. He said he had not even expressed himself on the affair to his wife or anyone else. Assemblyman George Ruehl, the barber, of No. 130 Eaton Street, was excused by the defense as his opinion was pretty firmly fixed, although as Judge Lewis said, Ruehl was "not one of those talking barbers." Wallace A. Butler, a farmer of Sardinia, smooth-shaven, bald head, was excused by the court as his opinion was such that it would take a pretty strong doubt to persuade him to give the defendant the benefit of it.

#### Juror No. 5.

Then the fifth juror, James S. Stygall, Jr., the plumber, was obtained. He was brown-mustached, 45 years old, and plain-spoken. Two questions satisfied Mr. Penney and Judge Lewis also was satisfied and at 11.29 o'clock Juror Stygall was sworn in.

#### Two rejected.

Frank J. Lutz, a groceryman at No. 1323 Michigan Street, was excused by the defense. He swore that he had not formed any opinion of the guilt or innocence of the defendant. Michael McGloin, a neat, trim, smooth-shaven carpenter, 43 years old of No. 789 North Division Street, was challenged by the prosecution.

#### Farmer accepted as No. 6.

William Loton, a farmer of Eden, 65 years old, gray-bearded, frankly said his opinion was pretty firm, but he could give the prisoner the benefit of a doubt and at 11.40 he was sworn in as juror No. 6.

#### Two more rejections.

Benjamin Lang, a grocer of No. 85 Cherry Street, was excused by the court on property qualifications. Otto F. Hager, listed as running a music store at No. 172 Broadway, turned out to live on Grand Island and be in the beer-cooler business. He had sat on the Montgomery Gibbs jury. He was excused thus:

Mr. Titus—This man is given as No. 172 Broadway, a music store. This man here lives on Grand Island. No man gets his name upon this jury list unless he appears before the commissioner for examination. This man has not appeared. Sort of a mistake on the part of the Sheriff, I suppose, in summoning the wrong man.

Mr. Penney—We consent that he be excused, Judge.

Mr. Titus—The District Attorney consents that he may be excused and I think he better be.

The Court—Excused.

#### No. 7 a Blacksmith.

Juror No. 7 was next. He was Walter E. Everett, a blacksmith, 39 years old, born in England. He had a black mustache and wore a gray suit. He has a shop on Hamburg Street and lives at No. 176 Fifteenth Street. He answered fairly and frankly and was accepted.

#### Hours of Court fixed.

At that point Judge Lewis made the following statement:

Now, about the hours that we are to sit here. Neither Judge Titus nor myself are young men, especially myself, and we are neither of us in perfect health. We have had very little opportunity to consult with each other since we concluded to abide by our designation as counsel for the defendant. Now, we believe that the interests will not be injured by having short hours. We need some time for consultation, and after a conversation with the District Attorney we have concluded to ask Your Honor during this trial to set from 10 to 12 o'clock in the morning and from 2 to 4 o'clock in the afternoon. I mention 4 o'clock because my home—my summer home—is in Lewiston, and my train leaves at 4.40, and I am not inclined, unless I am absolutely compelled to do so, to find an abiding place here in the city while my family is at Lewiston, and that is our request, that those be the hours fixed, and we believe the trial would be practically as expeditiously concluded as if we were compelled to work here beyond our strength.

Justice White replied:

I am inclined to think, Judge Lewis, that your request is entirely reasonable. I think you gentlemen should be indulged in any request that you make, in view of the onerous task that you take upon yourselves here. It is quite satisfactory to the court to comply with your wish, and, therefore, the court will convene hereafter at 10 o'clock in the morning and adjourn at 12 o'clock, and then resume work at 2 o'clock.

#### No. 8 a Banker.

The eighth juror was next. He was Ben C. Ralph of No. 310 Woodward Avenue, assistant cashier of the Third National Bank. His examination was short and satisfactory to both sides and he was accepted.

#### Justice White to Jurors.

Justice White then addressed the eight jurors thus:

Gentlemen, you who have been accepted as jurors in this case, it is incumbent upon the court to admonish you against discussing the case among yourselves or permitting anybody else to talk about it in your presence. Keep your minds entirely open and free that you may be convinced by the evidence produced in court and by nothing else as to the questions which will be submitted to you for your determination. To those gentlemen who are summoned as trial jurors at this term of the court and who are liable to be examined for the purpose of sitting upon this case, it is proper to say that they should refrain from in any way discussing this case with any person. They should refrain from seeking any information about it—any further information than they now possess—or doing anything in order to put themselves in a condition where they cannot properly serve impartially as between the people and the prisoner at the bar. Now, take a recess until 2 o'clock.

#### Noon Recess.

Crier Hess announced the recess. All were told to keep their seats until the court and jury had filed out. Justice White left first, then the jurors, in the charge of Deputies Long, Haskell and Brady. Then Czolgosz, handcuffed to Detectives Geary and Solomon, was led out, with Mr. Cusack ahead and police around. "Keep your seats! Sit down there!" ordered the police to the people in the courtroom.

At 12.03 o'clock the audience was filing out and the prisoner was hurrying through the tunnel to a hearty dinner in the Jail.

#### No. 9 a Farmer.

The afternoon session began promptly. Among the prominent persons in the audience was Gov. David Bartlett of North Dakota. Judge Haight of the Court of Appeals and the justices of the Supreme Court also were present during the latter part of the session. The eight jurors entered at 1.47 o'clock, and Czolgosz was led in at 1.52 o'clock. The questions of Judges Titus and Lewis as to mental responsibility led some to think they planned to call alienists in behalf of Czolgosz, but Judge Titus said, significantly, they had not decided. Justice White entered precisely at 2 o'clock, the tipstiffs thumped, and Crier Hess recited the familiar formula. Clerk Fisher called the names of the eight jurors, who answered.

John Berghold, a farmer of Lancaster, was the first candidate called in the afternoon. He is 60 years old, gray-bearded and, not seeming to understand Mr. Penney's simple questions clearly, he was excused by the people. The ninth juror was obtained next. He was Samuel P. Waldow, a farmer of Alden, 59 years old, with iron-gray hair and mustach, and a businesslike, outspoken, honest manner. He was born in Vermont and had lived 30

years in Alden. He had formed an opinion, he had it still and, while it would require evidence to remove it, he could render a fair verdict.

#### Andrew J. Smith Juror No. 10.

Andrew J. Smith, juror No. 10, 60 years old, a dealer in butter and eggs on the Elk Street Market, and whose home is at No. 140 Leroy Avenue, was next. He had gray hair and mustach. His answers were satisfactory.

#### Absent One fined \$25.

Juror Truman D. Keys, a manufacturer of Collins, failed to answer to his name, and Justice White ordered a fine of \$25 to be imposed on him.

The next man called was Peter Feidt, 38 years old, black-haired, brown-mustacher, a laborer of North Collins, who also owns a hotel at Clarksburg in the town of Eden. He had been working for the Erie Preserving Company and was discharged last Saturday. Mr. Penney and Judge Titus examined him and then Mr. Penney examined him again, in an exceedingly interesting series of questions, evidently full of significance, as follows:

Redirect examination by Mr. Penney:

Q.—Do you know a man by the name of George H. Smith?

A.—I do.

Q.—He lives in North Collins?

A.—Yes, sir.

Q.—Does he work for the preserving company?

A.—He does.

Q.—Do you know a person by the name of Romaine Smith?

A.—No.

Q.—Do you know anyone by that name?

A.—No, sir.

Q.—Do you know a person by the name of Smith Parker?

A.—Well, I guess I do, I saw him once last spring, I think.

Q.—Do you know a man by the name of George H. Davis?

A.—I do.

Q.—E. G. Fenton?

A.—Yes.

Q.—Enos S. Hibbard?

A.—I know him by sight.

Q.—You know all these people?

A.—Yes.

Q.—Didn't you have some talk about this case the sixth day of September with George H. Smith?

A.—Not much.

Q.—I didn't ask you how much or how little. Didn't you have some talk?

A.—Yes.

Q.—You told the counsel you didn't, didn't you?

A.—George Smith?

Q.—You told the counsel you didn't talk with anyone, didn't you? Didn't you make some comment when you heard the news of the shooting of President McKinley?

A.—I did not.

Q.—I don't ask you what it was?

A.—I did not, George Smith made it.

By the Court—He asked you if you made any comment.

A.—I did not, George Smith made it.

Q.—You know what I have reference to, do you?

A.—I do not.

Q.—How do you know that George Smith made the comment if you do not know what I have reference to?

A.—I don't know.

Q.—You did talk with him?

A.—I did.

Q.—You were then working in the Erie Preserving Company's place?

A.—I was.

Q.—Was there anyone else present?

A.—No, sir.

Mr. Penney—I think this juror should be excused. The paper has been submitted to you —

By the Court—If you agree this man should be excused, he will be excused.

Mr. Titus—I think he should exercise his peremptory challenge.

Mr. Penney—I do not wish to make public what is in the paper.

Mr. Titus—I don't think he should be excused on ex-parte affidavits.

By the Court—He is not disqualified on his own statement.

Mr. Penney—I do not care to discuss it. I will excuse him.

Mr. Feldt left the witness-box very quickly.

### *Several more excused.*

Edward S. Hampton, the next possibility, a florist from East Hamburg, was excused by the people. Emil Zacher, formerly police captain of No. 8, was excused by the defense, Judge Titus saying he believed they did not want a policeman on the jury. William J. Forsyth, the Seneca Street Shoe dealer, who lives at No. 225 Summer Street, was excused by the court as he said he "was prejudiced to such an extent he would feel somewhat disqualified." He clearly was glad not to serve.

The next two both were accepted, filling the jury-born. The first was Joachim H. Mertens, a Seneca Street shoe dealer, who lives at No. 945 Exchange Street. He is 42 years old, black-mustached, German born and was scrupulously honest in all his answers.

Robert J. Adams, the twelfth juror, was 43 years old, with sandy hair and mustache. He is a building contractor of No. 209 Purdy Street and was accepted at 2.40 o'clock.

The jury was complete. All of the jurors had stated frankly they had formed an opinion of the case, but all stated with equal frankness that their opinion would not interfere with their giving a fair trial and just verdict on the evidence. The roll of the twelve jurors was called and all answered to their names.

"The jury is all ready, Your Honor," announced Crier Hess.

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[The article continues on to describe details of the trial that may be found in the transcript]