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CHAPTER I

THE CRIME AND THE ACCUSED

On April 3 1895, 21 year old Blanche Lamont, a student teacher in San Francisco, disappeared into thin air.

"A tall slender girl, quick tempered and of superior abilities," according to Mrs. Typhemia Noble her aunt and guardian, "so much like my sister who is away in Europe, so jolly and alive," according to her murderer, and "the Belle of the Mission church," according to the *Evening News*, Blanche was so responsible that Mrs. Noble chose to see little cause for concern. True, Blanche had left for school that morning and as she did not mention any after class activity, should have returned home directly. But this was her first afternoon of cooking classes at the Normal School; perhaps some new acquaintance had invited her home, and, so delighted with her company, had persuaded her to stay overnight. No doubt Blanche had been unable to contact Auntie; this was in the days before the telephone. Refusing to concede that she might have come into harm's way Mrs. Noble preferred patience over panic and decided to discuss her disappearance only with Blanche's elder sister. A few months previously the two girls had come to live with Mrs. Noble following the death of their father, a bank official, in Dillon, Montana. Mrs Noble was a very modern lady; she was (or later became) a dentist.

That same evening Mrs. Noble attended the weekly prayer meeting at Emmanuel Baptist church, a forbiddingly black stained structure complete with redwood tower and belfry, at Bartlett and between 22 and 23 Streets in San Francisco's Mission District. Shortly before the meeting began, 24 year old Theo Durrant, Assistant Sunday School Superintendent and in his final months of medical studies, approached Mrs. Noble. Mrs Noble admired Theo and knew his parents and his only sister Maud very well. When she had introduced her two nieces to the church, she had said to Theo "I wish you would make it as pleasant and as agreeable as you can for these two girls of mine." Ever obedient, Theo did his very best to do so; shortly before he murdered Blanche, he had proposed to her. Blanche had not taken the proposal seriously it being generally known that Theo had for some time been engaged to Flora Upton, a governess for a family living outside San Francisco. In March 1895- weeks after Theo's sister Maud had left for Berlin to study music - for unknown reasons Flora broke off the engagement. Whether Blanche was aware of this break up is unclear. Nothing is known of Flora or her relationship with Theo other than, months later and beautifully turned out, she visited him in jail but did not kiss him..

In answer to his inquiry Mrs. Noble told Theo that Blanche would not be joining her. Theo expressed surprise and disappointment. That morning, he explained, he had met Blanche on the way to school and had arranged to get for her after the prayer meeting the church library copy of W. H. Thackeray's *The Newcomes* which she needed for her English class. He said he would give it to her after the coming Sunday service.

The next morning Theo suddenly appeared at the Noble home, *The Newcomes* in hand. When Blanche's sister told him that Blanche was not at home, Theo muttered "I thought I might see her," turned on his heels and left. This prompted the sister to remark "Auntie, I think he knows that Blanche has disappeared. Why should he come at this hour? It is past school time and he acted strangely." A few hours later Mrs. Noble contacted the Police to report her niece as a missing person.

The police soon enough established the last sighting of Blanche Lamont. Three school girls had seen a young man (later identified as Theo) greet at the school gates and then board a street car with her. They had particularly noticed the incident because there was a strict rule that only family members could meet students at the school gates. (Presumably Blanche, being new to the school, was unaware of this regulation or, less probably, as an adult chose to ignore it.) The Police detained Theo Durrant who told them that on April 3, after attending two afternoon lectures at Cooper Medical College, he had gone to the church to repair some gas fittings. Without further ado he was released. But he insisted upon helping in the investigation. Following his own leads he concluded that Blanche had been abducted to one of the city's many brothels. He also sent clippings of the matter to his sister Maud in Berlin.

When the local papers, in a day when the press was the main means of reporting community news got wind of it, the mysterious disappearance of so respectable an individual was front page news. When Theo Durant was detained and then quickly released, the mystery struck the headlines. Led by the increasingly shrill demands of the *Examiner*, the flagship of young Randolph Hearst whose publishing genius would permanently alter 20th century journalism, the impotent Police were charged with incompetence.

Meanwhile, Mrs. Noble wrung her hands in despair. So absolutely unable was she to connect the impeccably respectable Theo Durrant with her niece's disappearance that when an interviewing detective suggested to her that Theo might possibly be involved, Mrs. Noble was deeply offended. "It is all a mistake," she told the detective. "Theodore is not that type of man. Do not go astray, officer. Theo had as much to do with Blanche's disappearance as you." The detective kept his own counsel. Perhaps he decided - or it had been indicated to him - that to cast so much as a shadow of a doubt upon so highly regarded a young man required irrefutable evidence that the Police lacked. For ten days nothing happened.

Early in the morning of April 13, Easter Saturday, four young women met at Emmanuel Baptist Church. They had come to decorate the church for Easter Sunday's joyous celebrations. As they went about their job, one of the women returned to the Reading Room to collect some more of the cut flowers that earlier had been so lovingly laid out for them. Noticing that the doorhandle of the Church Library - little more than a large cupboard off the Reading Room - was damaged, a thought struck her. This was a golden opportunity to peek at the latest additions to the collection. She turned the door handle easily and, pushing the door open, saw a sickening sight. Lying on the floor in the middle of the room lay the naked and mangled corpse of a young woman, coddled in a barely dried pool of coagulated blood. Minutes later four terrified women made a beeline for the nearby rooms of the Reverend George Gibson, recently appointed minister of the church.

Upon arriving at the church Gibson declared to startled onlookers "I'm in charge here," and demanded that the press be denied access to the church "until the murderer is found." Although calmer heads prevailed and the Police called in, Gibson's impetuous conduct cost him dearly. For some of those involved in the great drama that followed, he became a convenient target of insinuation, and at the later trial a figure of fun.

The scene of the murder was truly nauseating. Blood was splattered all over the walls. The victim, identified as Minnie Williams, aged 23, had been strangled and then suffocated with clothing stuffed down her throat. Her wrists had been hacked to the bone, her left breast bore three stabs to the heart, her forehead slashed with an irregular cut.

While all this was going on Mrs. Noble received a package the mail. Wrapped in pages of the *Examiner* of April 9 were three rings belonging to her missing niece. Notified of this package,

package, the detective in charge pledged he would remain at the church site until he had found Blanche Lamont's body, so certain was he that it lay in the vicinity. By nightfall all that remained to examine was the church tower and belfry.

The next day - Easter Sunday - Blanche Lamont's strangled body was found in the dusty upper reaches of the church belfry,. Naked and unblemished, it was "laid out," according to the *Examiner* "as if loving hands had prepared the body for repose, in a manner practiced in the dissecting laboratories of medical schools."

The two murders, which the *Examiner* immediately dubbed "The Crime of a Century," struck at the core of San Francisco's conscience. The site of the crimes, together with the discovery over Easter week-end, was distressing enough. The nature of the crimes - one so diabolically vicious, the other so diabolically macabre - prompted the local press to remind the public of London's unsolved Whitechapel murders, committed in 1888 by Jack the Ripper. In fact, the differences were greater than the similarities. Both these victims were seen as respectable young ladies murdered in a church; the Ripper's victims were prostitutes murdered in the back alleys of London's Tenderloin district. Besides, whereas Jack the Ripper was never identified, within hours of Blanche Lamont's body being discovered, Police Chief Crowley had designated Theo Durrant as the perpetrator of the Emmanuel Church murders.

In hindsight the accusation was easy to come by but, as the police would discover their evidence, no matter how apparently persuasive, was - and to a large degree remained - piecemeal, suggestive, and undeniably circumstantial. But in another and far more serious sense Theo's arrest was, so at least reason suggests, criminally overdue, the result of a deliberate attempt to obstruct justice.

This very serious charge, although founded (as everything else in this case) on circumstantial evidence, serves to explain why the American press gave these sordid murders, acts of passion involving no public figure, no exotic motive, presenting no *real* mystery, so much coverage as to attract national attention. To place the whole drama in proper perspective, this charge and its ramifications must first be substantiated.

Very strong evidence, based on three different sets of circumstances supports this thesis. The prime evidentiary circumstance concerns Mrs. Durrant's relationship to Adolph Sutro. For decades it was held in San Francisco that Mrs. Durrant was Sutro's natural daughter and that therefore Theo was his grandson.

In extant letters to her daughter Maud, Mrs. Durrant occasionally mentions calling on Mayor Sutro (once at his express request) Her references are very discreet, in part, no doubt, because Maud had reported receiving intercepted letters from her family. Likewise Theo mentions Adolph Sutro as an occasional visitor to his cell in the County Jail, while in her diary Maud notes having written to Sutro.

From the moment of Theo's arrest for murder until almost three years later his execution in San Quentin, Mrs. Durrant played a prominent public role and an even more significant private role fighting for her son's life. A great deal was written about her but, except for an editorial that

she clipped from the San Francisco *Bulletin* and enclosed in a letter to Maud dated October 22, 1895, nothing was written about her background.

According to this editorial Isa [Isabella] Durrant was the adopted daughter of a Mrs. Dredger of Toronto. Raised a Baptist Isa was "so full of life and merry making that she left Mrs. Dredger at an early age," and got a job at a shoe factory in Toronto. There she met and in 1870 at the age of 18 married William Durrant, a shoemaker. William's father, a laborer in England, likewise a shoemaker in Canada, had emigrated in about 1850.

Adolph Sutro had a very different background. Born in 1830 in Austria and the son of a wealthy father, he settled in California in the middle of the nineteenth century. At the time of Isa Durrant's birth, therefore, he was a 22 year old bachelor. A man of dynamic energy and great imagination, he became an enormously successful engineer, entrepreneur and patron of the arts. He married in 1856, but the relationship came to a precipitous end in 1879 when at the International Hotel in Virginia City, where Sutro had extensive mining interests, Mrs. Sutro physically attacked the "trim little figure" of her husband's mistress, Mrs. George Allen, locally known as "the \$50,000 diamond widow."

Nothing is known of Mrs. George Allen other than she predeceased Adolph Sutro who in his will bequeathed her \$50,000 "in partial reparation for a false and malicious charge brought against her in Virginia City in 1879."-- the year of his wife's attack.--and of Mrs. Durrant's arrival in San Francisco, with eight year old Theo, and six year old Maud in tow. She came to join her husband who with his parents had moved to San Francisco two years previously.

The second pivot of this thesis Pivotal concerns the behind-the-scenes role that Randolph Hearst seems to have played in the entire affair. Hearst moved in the same financial (if not social) circles as Adolph Sutro, and was certainly familiar with Sutro's reputation as a philanderer - his affair with Mrs. Allen was common knowledge and led to many years of separation from his wife. If Mrs. Durrant was Sutro's natural daughter, one can be certain Hearst together with other newspaper publishers knew.

Thus, when Theo Durrant was detained and so speedily released (unless or until Blanche was found, dead or alive, he could not be arrested) Randolph Hearst may have seen red. Publicly, he deplored Theo's speedy release yet, until the mystery of Blanche's whereabouts was resolved, there was little he could do - *except* to publish in the *Examiner* increasingly strong hints that in his view Theo Durrant remained a prime suspect and that in their failure to solve the mystery the Police were derelict in their duty to protect the public. Privately, he was either informed or he discovered Sutro had quietly ordered his grandson's release, in the obvious but tragically foolish belief of a fond grandfather - that, guilty or not, Theo would never again tangle with the police. If so, Adolph had attempted to obstruct justice - a criminal offence.

The fact that Theo was immediately charged with two murders on Easter Sunday surely suggests that the Police would have exhaustively interrogated him had they been permitted to do so. Sutro's attempt to obstruct justice held for as long as Blanche's whereabouts remained unknown; it failed him as soon as Minnie Williams' murder was discovered. The "jig" was up - at the cost of Minnie Williams' life. Yet there was no one politically powerful enough or prepared to charge the Mayor with attempting to obstruct justice. Randolph Hearst, as a professional journalist offended by the ethical implications of the offense and as a businessman certainly concerned with making money and, to a lesser degree perhaps, with punishing Adolph Sutro, recognized a means of satisfying all three concerns. Without publicly disgracing the Mayor

he would demand that with regard to the Crime of a Century, Justice be served. Revenge would be sweet and secret, for Adolph Sutro could never publicly defend his grandson. Little did ^{Hearst} he realize Hearst what a drama, which at times he certainly stage managed, lay ahead or, for that matter, what enormous profits his strategy would bring him.

The third pivot underlying this thesis is peculiarly elusive. While by its very nature its role can only be brought out of the closet as it were, its influence may have been a decisive factor in what may be summarised as the vicious battle of wills between Randolph Hearst and Adolph Sutro. Sutro lost that battle; within weeks of his grandson's execution he suffered a stroke and eight months later died, a broken man. He was survived by four daughters.

Within days of Theo's arrest "General" John Dickinson, a leading attorney of the day, stepped in as Theo's chief counsel. In an attempt to quash any questions as to why so eminent an attorney would be willing to defend so impoverished an accused, Dickinson publicly explained that, as Commandant of the local National Guard, he had come to Theo's defense because, as a bugler in the corps, "Durrant is one of my boys." He also happened to be one of Sutro's personal attorneys. Eugene Deuprey, known as a superb court orator, was Dickinson's right hand man. Both, together with Adolph Sutro and Theo's father (possibly Theo himself) were Freemasons.

The Masonic fraternity became profoundly divided and played a dual but hidden role throughout the affair. Blanche Lamont's late father had been a Mason - according to the *Dillon Tribune* when Blanche's body was returned for burial "a delegation of the Masonic fraternity was in waiting and tenderly bore the beautiful white casket containing the remains to the Episcopal church." It was, so Mrs. Durrant wrote to her daughter, because Mr. Lamont had been a member of the secret fraternity that "The Masons will spare no money to find and persecute the murderer. When you write to May [Maud's close friend] tell her father and her Jack [Peel, May's doctor husband] and all the Masons he or they know all that is good about Theo." In a letter to his sister some months later Theo attempted to re-assure her of a happy outcome with "Do not worry, my darling, we have Masons of the highest order on our side." The Durrant papers also establish that the fraternity contributed to the enormous expenses of the case. According to press reports these expenses totaled \$40,000. It would be reasonable to suppose that if Hearst were a member of the secret society, he was one of the leaders of the faction who would "spare no money to find the murderer." Such were the hidden forces behind "The Crime of a Century" that for all its ambiguities, its leading characters and its tragic intensities mesmerized the American reading public one hundred years ago.

The press never mentioned the Masons' involvement in the affair or Sutro's personal affairs. Instead, led by the *Examiner*, it immediately spewed out for public consumption horrendous details of the crimes, commented on the behavior of the accused, and provided pages of rumors, reports, and interviews. With the *Examiner* on the West Coast and his New York based *World Telegram* on the East Coast, Hearst overnight attracted press coverage, ranging from the *New York Times* to the Associated Press. Virtually every American city newspaper followed the trial proceedings. The staid *Toronto World* reported (on its front page) the murders as well as Theo's arrest but seems to have dropped further reports, possibly upon learning that Toronto was

Theo's birthplace. London papers also reported the affair and, from passing comments in Maud's diaries, it seems that even the Berlin press carried brief dispatches.

Isa Durrant was an industrious housekeeper, expert seamstress, and from all account possessed of intellectual, physical and inventive energy. Graceful and slim, with brilliantly piercing eyes, a winning smile, and bewitching dimples, as a young woman she had a personal charm which, when harnessed to her iron will, gave her a formidable presence. Upon arriving in San Francisco, so she recalled in an extant letter of 1904, the young family lived, ate, and slept in one room. Less than ten years later she held the deed to a two storey house on Fair Oaks Street, a decidedly respectable address in the city's Mission District on property originally owned by Adolph Sutro.

Mrs. Durrant nurtured in her children a doctrine of hard work, social graces, self reliance, and religious devotion. To these values she instilled a genuine interest in the arts (her daughter's musicality was astonishing) and education (Theo's average as a medical student was reportedly 93%). Both children were highly intelligent. The fact that until he attended Lincoln High School in San Francisco Theo was educated in a private school in London, Ontario, is one of the tenuous pieces of evidence that even at this time some financial help came from Adolph Sutro. Certainly the Durrants lacked the means to cover such an expense, possibly incurred because of some kind of behavioral problem.

As an adolescent Theo followed a conventional enough path. He had a paper route for two years, worked part-time during the school year and full time during the holidays. After a one year stint as an engineering student (Adolph Sutro was a professional engineer) at the newly opened Stanford University he attended Cogswell Polytechnic College where, except for his "manual dexterity" and a marked interest in girls, the principal termed him "a colorless pupil." In a sudden shift of interest he entered Cooper Medical College and was due to graduate in October 1895. According to the *Los Angeles Times* "his fellow students without exception say that he is a remarkable man from any standpoint."

He was, indeed, and from many standpoints apparently epitomized a model American youth of the day. Unfailingly - perhaps in hindsight excessively - courteous, he was bright, hard working, and endowed with vestiges of the mysterious aura that characterized his sister Maud. He was an enthusiastic member of the National Guard and an expert swimmer. He was a handyman at home (where he installed the electrical system) and at Emmanuel Baptist Church where his ability to repair (as he testified was necessary) the gas utilities was of major significance during his Trial. But he also had a very dark side.

Sometime before the murders he had been desperately ill for seven weeks with 'brain' [typhoid] fever. The illness may well have exacerbated his mental instability, so carefully hidden from view - and possibly denied - by the protective triumvirate of his loving mother, his adored (and adoring) sister, and his taciturn father. Together with his mother, his sister provided the axes of his emotional world. (In one of his autobiographical articles published in the *Examiner* he asserted "I tell you, my friends, it is well said that 'a boy's best friend is his mother.'") Both relationships were patently unhealthy governing factors in his psyche.

The intensity of Theo's emotional ties with his sister is forcefully illustrated by one plain fact: Maud's departure for Berlin had been planned for months, perhaps even for years. Upon his graduation from Cooper Medical College (six months after Maud's departure) Theo and Mrs. Durrant were scheduled to join her in Berlin, where Theo would take one year's post graduate medical studies, followed by a Grand Tour of Europe under his ever loving care. The nature of his

relationship with his mother manifested itself all too plainly from the day of his arrest to that of his execution. It even became a sensational court issue in the last two weeks of his life.

While for Theo his mother's word was law and his adulation of his sister boundless, he lacked the physical attributes of these two women. His average height, bony physique, bushy eyebrows and deep-set, widely spaced eyes, his bulbous nose and thick mustache that seemed pasted over his heavy upper lip, made him singularly unglamorous and the splitting ikmage of his father. To judge by a newspaper sketch, based on a photograph taken of him leaving the courthouse, he sadly lacked his mother's and sister's mesmerizing grace of movement.

Before the arrest the Durrants' social world revolved around Emmanuel Baptist Church, with Theo's status as a medical student providing a much sought respectability. Theo attended at least four church services a week, was a member of the church orchestra and choir, singing as the need arose tenor or base parts. He built the church library and was Secretary of the congregation's Christian Endeavor Society, a nationwide organization enjoying great popularity at the time.

As his peculiar individuality became clear, so did it become equally clear that he bore little semblance to the popular image of a common murderer. This was one reason why for so long he fascinated the press, puzzled the public and irritated the Prosecution. As the drama unfolded, for the Prosecution the fair name of Justice, together with the reputation of the local police force, depended on Theo's conviction - and execution. To attain its goal the Prosecution produced some highly questionable, possibly perjured, witnesses, while the Police resorted to at least one highly irregular practice - intercepting family correspondance. "I want you," Mrs. Durrant wrote to Maud on May 25 1895 "to send the envelope and letter that was cut open. Be very careful that you mark where it was cut open. I am so sorry we were not more careful. I told Papa I was afraid that would happen, and he said 'No, they wouldn't do that.' They dare do anything they want to do."

Except for one damning piece of evidence the specific grounds for issuing a warrant for Theo arrest on suspicion of Minnie's murder are unknown. The earthquake destroyed whatever records existed. Those grounds, however, must have been substantial because within hours of being called to the murder scene the police searched Theo's bedroom, found Minnie's purse in his overcoat, and issued a warrant for his arrest.

(Minnie lost her life simply because she knew too much. Many years latter Theo's sister Maud confided to intimates that Minnie had demanded Theo marry her or she would talk. Minnie and Theo had been on good terms. On the day she left for Berlin Maud noted in her diary that Minnie was at the railway station with Theo at 6 a.m to see her off (Maud's parting words to Theo were "Be a good boy, dearie, and be sure to graduate"). The relationship disgusted Mrs. Durrant who dismissed Minnie as "only a servant girl far below Theo's social class." Minnie's divorced father was a "solicitor" for a photographic firm, while after her daughter's murder, Mrs. Williams returned with her two younger children to her birthplace of Beamsville, Ontario. Allegedly, she ended up in an "insane asylum." The Prosecution had to give precedence to the Lamont murder because it was the first, although the Minnie Williams case was said to be air tight.)

Theo's arrest was delayed a few hours. Very early on Easter Sunday he had left for a scheduled outing with his National Guard unit on Mount Diablo, some 30 miles distant. The unit

was to practice operating a 'heliograph,' a short lived system of Morse code signaling by means of mirrored reflections of sunlight.

For what was said to be for the first (and very probably the only) time, the police sent a heliographic message to the National Guard unit on Mount Diablo advising that Detective Anthony was on his way to arrest - the charge was not given - Bugler Durrant. Theo was on duty when the Police sent this message which he reportedly received and decoded with surprise but without the slightest sign of apprehension (comprehension would surely have been the more accurate term). When at noon Detective Anthony, accompanied by the ubiquitous *Examiner* reporter, arrested him on suspicion of Minnie's murder, Theo replied "It is strange. I can easily clear myself of this serious charge. Three of my companions were with me the night of the church festival and they will stay with me. I am only sorry for my poor mother. How can she stand it?" When told it was his mother's request that he be arrested so that he might clear himself of the charge once and for all, he immediately said "I'll go," over riding the protests against "this outrageous charge" of his commanding officer and fellow student Phil Perkins. But he was much more concerned about his appearance than about the charge. While he could do nothing about his sunburnt face, he carefully brushed his fatigues and was much relieved when told he could, upon arriving in San Francisco, "Go home and fix up before being locked up." "Well," replied Theo, "I am not guilty anyway. I can prove I had nothing to do with the crime."

During the train ride to Oakland across the Bay from San Francisco he chatted easily enough ^{with} the reporter but declined to discuss the charge. Later that evening, charged also with Blanche's murder he held court at the City Jail, surrounded by friends and the curious. "Despite the terrible position in which he is placed," reported the *Evening Bulletin*, "Durrant maintained an astonishing composure. He was even cheerful, and at 10 o'clock, when a friend dropped in, he quickly rose from his seat, smiled, walked to the front of his cell, thrust his extended hand between the bars and, in a tone of voice that could not have been more cheerful had he been as free as a bird, he greeted his acquaintance with the remark 'Hello Phil [Perkins], how are you?'" Before he retired for the night and after his distracted mother had been compelled leave, Theo recalled for the *Examiner* the excitement his arrival in San Francisco had caused:

When we got to the ferry the people came around and looked at me but I did not fear them. At Market Street I felt skittish because they swarmed around the carriage and talked loud and the big policeman with the smooth face pulled out his pistol and made them stand back. I was skittish because it looked as if they were going to mob me and I knew that if they were going to do that, they would hang me. If I had been brought here in that way in 1860, I would never have got to prison alive. I expect to get out very soon, because I don't know anything about the murders.

He had good reason to be skittish. Public opinion was already dangerously inflamed as rumored details of the viciousness of Minnie's and the horror of Blanche's murder spread. The

affront to the collective unconscious from Theo's long standing church affiliations, together with the failure of the police to arrest him for Blanche's disappearance merely added to the seething hostility.

On the other hand he had equally good reason to be thankful he was in the custody of the San Francisco police force; elsewhere in the Western States he may well have been subject to immediate justice - such as the Los Angeles *Times* reported a few months later had happened in Texas. A Black, accused of raping a white woman, was spared any trial and, with the alleged approval of the black community, was within hours burnt alive.

The San Francisco public soon became mesmerized by Theo's two images - the charming, gentlemanly and self possessed individual so sure of his innocence as to show absolute indifference to the charges against him - and the accused murderer comparable in his cold bloodedness, cunning and arrogance to the horrific impression of the unidentified Jack the Ripper. Such was the astigmatic image he projected from the day of his arrest to the morning of his execution.

The image of Theo the murderer, because it provided the more exciting copy, attracted the greater attention. This in turn made the contrast dangerously prejudicial because the view of Theo the murderer inevitably drew for support on his hitherto secret life. It needed only a passing reference to his reputation as a devout churchgoer to add hypocrisy to an already repulsive image. This was painfully unfair because, other than his obsessive devotion to his mother and his equally sickening adulation of his sister, there was nothing he treasured more than his religious faith. If many doubted his sincerity because they could not reconcile it with the charges against him, later on very few disputed and none denied the increasingly passionate fervor of his religious convictions.

Exposed, his secret life, alleged or documented, made for good copy. Two days after his arrest the *Examiner* branded him as "a gay boy generally as well as a leader of Zion, a ladies' man who boasted of his conquests and was accused of insulting ladies." His headquarters when out on the town was said to be a house at 404 Stockton Street, in the heart of the Tenderloin district.

One of the residents of 404 Stockton Street spoke of Theo with particular perception. "I always regarded Durrant as a kind of half-witted fellow," she said. "He used to sing and dance and make so much noise without the slightest provocation that one of the women called him 'crazy Theo.' While singing in a most idiotic manner he would suddenly stop and try to kick the gas jet. Sometimes he would shout and scream at the top of his voice and dance around to the accompaniment of the whistling and stamping of his colleagues. I think if he really murdered the girls, he committed the crimes while temporarily insane. That peculiar look in his blue-green eyes made me believe he was not thoroughly sane."

(According to the *Examiner* when another patron of this address attempted to kill a woman he was arrested, charged with insanity and sent to Stockton Insane Asylum for nine months. That,

of course, is where Theo would, or at least should, have been sent had he chosen to plead not guilty by reason of insanity. That anyone could be even charged in this way demonstrates how myopic were the prevailing attitudes towards insanity.)

This myopia is well illustrated by the *Examiner's* comment made very shortly after Theo's arrest that "The evidence against Durrant is overwhelming and fortunately, whether he is guilty or not, he has disbarred himself from the murderer's favorite plea -insanity." The next day, in a column headed "There were Two Durrants" the same paper reported "A theory is held by some of the faculty of Cooper Medical College that Durrant was afflicted with *psycho mania sexualis*, a not unknown though infrequent mental disease. Numerous cases of this terrible disease are recorded in history. A similar theory is accepted by the medical profession as the incentive for the Whitechapel murders" [of Jack the Ripper].

As if to squash this theory Police Surgeon Somers visited Theo. Dr. Somers, who knew him as a medical student at Cooper College, found no evidence of insanity. "In fact," he remarked, "Durrant spoke with intelligence on every subject that was brought up." Dr. Somers conveniently failed to understand that intelligence is not a proof of sanity. His verdict conveniently carried enough weight to put a speedy and lasting end to any official consideration of the matter.

Had he even considered the more credible stories published in the wake of Theo's arrest Dr. Somers might have tempered his opinion. Amongst those stories was one told by Lucille Turner, a Sunday School teacher at Emmanuel Baptist Church. Lucille, who had known the Durrant family for about a year, told the *Examiner* that Theo was "gentlemanly, courteous, a jovial fellow, although I thought him a bit queer at times and treated him accordingly. He had what you might call gloomy spells." She then recounted an incident that had occurred during a Sunday evening service, four days after Blanche's disappearance. Theo's arrest six days later gave the incident a new dimension:

I noticed that Theo seemed unusually quiet and rather depressed in his manner. He sat in the pew leaning forward, resting his head and shading his face.

I joked him about his pensiveness, but he did not answer, so I opened a hymn book and wrote on the fly leaf "Are you sleepy or heart broken?"

"Either or both! You are not yourself for some reason I can't define."

He took the book from me and wrote underneath my question "I know it, I can't help it."

Then I continued the conversation, but the young lady I refer to is not Miss Lamont but Flora Upton, the young lady, it was generally supposed, he was engaged to. She had recently paid a flying visit and had left a few days before.

I next wrote in the book "Because she has left, you mean?"

He answered, "That is the natural course of events now, the going away part."

He answered, "That is the natural course of events now, the going away part."

But I wrote again for I felt sure that something very much out of the usual was troubling him. "Money matters or love, I know it is." He wrote in reply, "No, it is something a hundredfold greater in importance to me."

In hindsight Lucille may well have been tempted to think Theo was referring to Blanche Lamont, whose body at the time of this exchange lay in the cool of the church belfry above. But since right up to his execution Theo erased from his memory all awareness of his crimes, that "something" might have been the absence of his beloved sister. Only she could have consoled him following Flora Upton's unilateral decision to terminate her engagement to him. From this emerges the obvious argument that, jilted by Flora Upton and unable to accept his sister's absence to help him cope with his pain, he was driven to murder her surrogate - Blanche Lamont.

Not to be outdone by its arch rival, the *Chronicle* the next day published a lengthy interview with a Mission Street druggist who knew all the principals involved and claimed that he had always suspected Theo's involvement. His clerk was Phil Perkins, at this time Theo's friend.

The druggist had discussed Theo with Phil Perkins, who complained that Theo "was getting 'nutty' as he liked to talk about women in a way that can only be hinted at in print."

"Durrant was a pleasant, nice, well mannered young man so far as the people in the Mission who knew him could observe," although recently he had begun to drink heavily. The druggist remarked also that before he attended Cooper Medical College Theo was "one of the managers of the Mission Social Telegraph Company," which serviced homes with Morse code technology. This raises an interesting question, because one of the partners in this business was a certain P. S. Allen. Sutro's long-standing mistress - and probable mother of Mrs. Durrant - was Mrs. George Allen. Were Theo Durrant and P. S. Allen ^{lovers?}

All the foregoing material - and a great deal more besides - was published while Theo was under suspicion of murder. Only as each of the Preliminary Examinations₂ ended was he formally charged with both murders and committed to stand trial for Blanche Lamont's. ("The chain," Police Court Judge Conlon remarked in closing, "is complete, and in my opinion nothing is wanting.")

These proceedings transfixed the journalists and the public alike - as much for the gory details of the crimes themselves as for Theo's behavior. "He listened," the *Examiner* reported "to the recital of the bloody savagery of the slaughter of Minnie Williams with no more emotion than he would display at a College lecture; when a particularly awful photograph was passed around, he leaned forward and scrutinized it with coldly scientific curiosity. At other times he took to chewing gum, all the while staring at the various witnesses, with an expression that was neither hostile, pleading, interested, incredulous, surprised, angry, grieved, hopeful or despairing." Outside the court, ^{he} attempted to explain himself:

Poor Blanche, I am accused of strangling her and then remaining unmoved as details of the most horrible crime in history are recorded. No one will ever know the sorrow I feel and no one can begin to comprehend my thoughts even if I were to tell all the terrible anguish her terrible fate has caused me. I could not have murdered that girl. I like her too well, not better than anyone else in the world, but I respected and admired her, and we were very good friends. Judging by newspaper communications I am looked upon as a cold-blooded, diabolical monster. I am painted as a devil in human shape and very little is said of the possibility of any other person having killed those two girls, but when my trial is over the world will know I am innocent. My composure and self control are held against me, but no person will know the terrible ordeal I am undergoing. It is said I use opiate to induce sleep. That is a lie. I am able to sleep well because my conscience is clear of all crime. I am not of a nervous temperament and have always been able to keep cool.

This stance (the *Examiner* termed it vanity) simply strengthened the prevailing impression that Theo was enjoying all the attention focussed on him and his certainty that because only *he* knew the truth, he would inevitably prove the press and the police wrong. If, as one modern theory holds, as a schizophrenic he had completely erased all knowledge of his crimes his stance, clarified by a later comment, was in keeping with his condition. "Don't you know," he said during an interview, "that this is a world of chance and change? Very few things appear in their true light at first. It is impossible that things remain as they are, and public opinion will change, just as it is true that I am here. Things are not what they seem."

For the Durrant parents one of the most distressing factors following their son's arrest and throughout the subsequent Trial was the sight of former acquaintances, members of the family circle and, worst of all, intimate friends, testifying against Theo, unavoidably, under duress, or only after the most painful introspection. The first hint of what lay ahead in this regard occurred during the Preliminary Examination of the Blanche Lamont murder. Lucille Turner, who had already spoken of her exchange with him during a Sunday service, testified that on one of several occasions, as he escorted her home from church, Theo had suggested he give her a "medical examination" in - of all places - the church! Although she replied that her family would look after such matters, Theo gave her a set of questions to all of which, she was forced to admit, she had given written answers. Mrs. Durrant's account to her daughter of this episode speaks for itself:

What do you think of Lucille Turner? She seems determined to put the crime on Theo. Did I tell you that we found questions of a professional character, some twelve or thirteen in number, and her answer to each in full? When the defense let her see one corner of the paper and asked if she recognized the writing, she said "Yes," but was so taken aback that when she came off the stand and went back to the [witness] room, they had to give her water and sprinkle her to stop her from fainting. But that is nothing compared with what she will get at the main trial. They will make her wish she had never been born when they

ask her where the pain was and why, if Theo was not a proper young man, did she answer his questions, and how did she know there was anything the matter with her if she did not first tell and ask him to study her case, don't you think? There are very few who have a good word for her. Now you know she made the comment that she might have been his next victim if she had not said "No," as she said he had asked her to be examined in the church. She thought she was smart. [She did not testify at the subsequent Trial.]

Throughout Lucille's testimony, Theo "looked very pale and anxious. He listened to every word and watched every movement of the witness."

At the end of April Theo was transferred to the County Jail. He remained there for two years, under the watchful eye of his guard, the "gigantic Sattler, who could eat Durrant for breakfast and still be hungry."

Two days later Mrs. Durrant wrote to Maud:

The Preliminary Examination is over and your brother has been charged with both. Poor boy, it has been a hard three weeks for him. He has borne it very well. As soon as it was over they consented to let him have a shave and haircut. They were so mean, they wanted him to look as hard as possible, to impress the people and his pictures have made that impression upon thousands who do not know him. But there is a time coming, I pray, when all that will change. Chief Crowley had him sent to the County Jail on Broadway. I cried all night after seeing him there with a burglar for company. Here comes Mrs. Howell with some rolls. She does not forget when Theo saved her from drowning. [In the Santa Rosa Mountains some ten years earlier.] Mrs. Taylor brought me a loaf of bread yesterday. I sometimes think that Burton {"the guide, philosopher and friend" of 404 Stockton Street] is at the bottom of this and if he is, he might turn up over there, so be sure no one tricks you. I am so sad.

CHAPTER 6
A MODEL PRISONER

During the last six months of his life Theo wrote at least once a week to his sister. The extant letters of this period vary in length from one page to more than twenty. Except for the occasional passage in which he drops his guard, these letters are intensely conversational - and dull. They are essentially designed to pass the time of day, to break the silence of solitary confinement, to forget or ignore his situation. Only in the longest of these letters does he discuss his case. In this letter, as if in an artless stream of consciousness, he pours out his thoughts on evidence that was - or in his view should have been - presented at his trial. While a number of his remarks are pointed enough to provide behind the scenes glimpses of the court proceedings, they are for the most part too confused or confusing to be of any relevance. More than anything else, they reflect the workings of a desperate, terrified individual straining to prove to his sister - and to himself - that "reason and common sense show my innocence, God forgive them for their accusation. Would that He would show them their error." The truth was that Theo Durrant was *not guilty by reason of insanity*, even if, strictly speaking and given the hostility against him, his condition did not satisfy the fuzzy criteria of the times. The horror was that he was the victim of human justice gone astray; of his grandfather's transgression and of Randolph Hearst's determination to make that grandfather pay for the transgression. As The Los Angeles Times of July 3 1897 put it, "The Durrant murder case has resolved itself into such a state of confusion that it will require the combined efforts of the State and United Supreme Courts to restore it to the proper legal condition." Theo's execution was that resolution. From a moral point of view there was no reason to deny him life imprisonment, if that was what he really wanted. The tuberculosis that struck him as a child returned with a vengeance during his incarceration.

Occasionally, his letters surely moved his sister to tears. In late July, for instance, pleased that Maud had found his letters "funny," he explains how he

can be as jolly as the day is long. I compel myself to forego the exquisite pleasure of thinking of my troubles. There is surely someone in as great if not greater sorrow and if each one of us upon this sphere of trouble would each think pleasant thoughts if not happy ones, literally, how soon would long faces vanish. I now realize the beautiful exquisiteness and goodness of the love and ever lasting power of all Creator God, Lord of Hosts and of ineffable bliss and peace. Appreciate all that lays before you, my sister, everything that God grows for your pleasure. I see the old gardener here going about here with his clippers clipping off dead blossom or blooms, and sometime he catches a beautiful blossom and accidentally cuts it off - a sudden pain then catches me for I have perhaps watched that flower grow for several days and come into bloom. Not knowing what to do with it he tears all the petals off and throws them away. Think of that live thing given to humanity and

the other flowers, its mates, its fragrances and seed ruthlessly torn to pieces. Oh, how I would cherish a garden again. [In later years Maud's magnificent garden in the grounds of her home in London was her pride and joy.]

Meanwhile, Theo rapidly adjusted to his surroundings and proved a model prisoner. That he took genuine pride in this reputation is apparent from the following paragraph in a letter of November 3 1897 - two months before his execution:

To let you know how I am thought of, this will suffice: Consider the matron (don't make this public, only among yourselves) who has nothing to do with the men and would be worth her position the way the various papers are digging this place just now if they knew she paid me any attention. In spite of all the risks etc., when I first came here she sent me nice custards and such, saying all I wished for, just send her word but not to breathe a word to the others. I got last week a splendid glass of jelly and a small jar of splendid sauce, a sort of meat sauce that Mamma used to put up, made of green tomatoes, onions, green peppers, pickles, all chopped up fine and spiced like. I tell you it was yum yum.

His model behavior was no doubt appreciated very soon after his arrival in April 1897. About six weeks later, a majority of some 900 inmates - housed elsewhere than in Murderers' Row - had gone on strike. They demanded better food and less work in the recently erected, "magnificent" one million dollar jute mill that stood within the prison walls. Warden Hale reacted brutally to these demands. Determined to establish once and for all that "the officials and not the convicts are running the prison," he threw 70 of the protesters into a "regular dungeon," and placed 300 others "in solitary confinement on a diet of bread and water." This action led, according to the *Los Angeles Times*, to "Fresh Outbreak of Insurrection at San Quentin./Desperate Hand to Hand Combat Between Fifteen Guards and Seventy Prisoners./ Fourteen Rifle Shots fired./The Mutineers Driven back to the Dungeons./ No one Seriously Hurt./ The Whole Prison in a State of Pandemonium./ Warden Hale Declines Military Aid." By summer's end the Warden had re-established his authority. While Theo does not mention any of this excitement, he does "chatter" (his own term) of others than himself:

Well, the chap Hill I spoke of in my last [lost] letter was not executed last Friday after all. Thursday a.m. the Gov. sent down his refusal, saying that if he could find any legal reason to commute, he might have done so. A man that pleads guilty to a most brutal cowardly crime shouldn't expect clemency. This young man is religious struck, I'll say crazed with it (as often one will hear). The religious people took his case and fought it. What gets me, what I cannot understand, is this: here is a man of 38 years, a thoroughly religious man to all appearances (now). The chaplain and his religious friends, i.e. those that visit the jail, claim him to be a thorough convert, a saved soul, yet these so called religious people spend 9/10 of

the time with him and never have a word for the four other unconverted bedarkened souls under the same penalty.

He then goes on to explain, no doubt with his own case in mind, that called in at the last minute Eugene Deuprey saved Hill by "getting his case into the Federal Court which stopped all proceedings and which should bring him back to the old cell away from the condemned cell." However, much to Theo's disgust Hill chose to remain in the "Condemned Cell with a bad fellow who killed a girl and a young man," in an attempt to make this individual "accept religion:"

Hill is trying to force, force, force, which is absolutely all wrong. The new enthusiasm shown by Hill makes a good show and he knows it. A man who gets so far that he will not converse upon any topic but when approached on anything will say 'Oh, but we mustn't bother about these things, scientific or otherwise - get wise with the Lord, get Him in our hearts and we won't want to know these other things.' So I say 'Do you mean to say that a man can't be a true Christian, have God in his Heart, love Him, and enter into other studies also?' 'Well, I won't say he can't, but he won't want to.' 'My friend,' say I, 'you have 'em bad. I have known of such cases before.' [Hill had been writing letters to his old companions in Alameda jail where he had started a Bible class. His chief assistant in the project had been none other than the convicted Secretary of the Society for the Suppression of Vice!]

Occasionally, more personal matters are raised. After reproving Maud (on holiday) for attempting to cook - "Unless once in a while, for the fun of it, never do it. There is no telling when you may have to in earnest. Time enough then" (as in her old age Maud would discover). Theo prays that: she:

may never have to experience the drudgery poor Mamma has had to contend with through, however, no fault of hers or dear Papa's. O! O! O! When I think of how near I came to helping them, to raise the burden of care and worry, to be snatched away just as my hand almost touched the goal of success (I had only six more months to go!) it drives me mad to think of it. They have only you, Wah, and either through successful work or successful alliance with wealth and station are they to experience that which they have long sought and prayed for, and which is comfort. Their lives must be administered to, that the sorrow of this quarter decade may be obliterated and successfully succeeded by smiles of happiness and comfort.

I tell you what it is, Ulah Maud, there never was a mother in this or any other modern country to equal this of ours. Oh! how noble! how loving! how trusting and kind! I tell you we, none of us, appreciated her one hundredth part as we should. But may the great and living God spare me for a few years of her life, for her pleasure; that I may show her what rest, and the true and genuine love of a grateful son is for Jesus' sake and we will always worship Him as we never did before. You have a work to do in life that is nobly grand.

This outburst - Maud more than satisfied all but the last of these demands- is followed by a more delicate topic - a prison photograph that had been mysteriously sent to Berlin. "You talk about all shaved off, my hair. Where did you ever get such a one? I or we never sent you any such, never, for I have none myself and surely I wouldn't send you one of those horrid prison ones [the mug shot with notation of his crime, sentence, and scheduled date of execution]. "If you have it, it's a bit of spiteful cruelty and heartless shame of some person unknown to me or mine." There follows a more than broad hint concerning his probable fate, together with advice that his sister would indeed heed throughout her life: "Do not allow "big tears" to wet those splendid eyes of yours, dear. It will; do you no good. Dear brother has done nothing to cause them, for he is as innocent of those things as the President himself. Therefore hold up your head and defy the world to hurt you by any word or act or anything else. It is to blame, not me, not us, but some scoundrel in it. Therefore cheer up and remember that many a good one has gone the same path before, though there is no telling what may be done yet. We live in hope and trust God through Christ to get us together again that we may in some way glorify Him."

As soon as the Federal Supreme Court agreed to hear his Appeal for a new trial Theo became newsworthy again. While the final outcome (execution, life or, the unthinkable, acquittal) had yet to be decided, his personal behavior remained unchanged. Quite apart from the obvious elements of high drama such as appeal to editors and lead those seeking the sensational amok, there were at least two others factors that contributed to the extraordinary attention the press focused on Theo Durrant at every twist and turn of his halting progress to the gallows.

The first of these factors was that he was the unacknowledged but, it may be well assumed, widely recognized grandson of Adolph Sutro. From the day of his arrest Randolph Hearse's *Examiner* had been the first to hint at this relationship and although they remained only hints, they never disappeared enough to be discredited. They were strong enough at about this time for Sutro's financial agent to deny any such connection, explaining only that Sutro "had become acquainted with Mrs. Durrant when she was a young girl in Virginia City." Mrs. Durrant had been adopted, was raised in Toronto and certainly had never lived in Virginia City. (Unless, as a schoolgirl she visited her natural mother - and father.) Cumulative contemporaneous evidence, from many sources other than the Durrant papers, makes it certain (short of proof to the contrary) that Sutro was Mrs. Durrant's father.

If, as has already been argued, Randolph Hearst saw in the Emmanuel Church murders a golden opportunity for profit and for 'punishing' the City Mayor for attempting to obstruct justice, then the real purpose of the incredible press coverage, virtually launched and certainly led by the *Examiner*, can be explained. It would seem, that as the drama unfolded, as Hearst journalists got to know the Durrant family, so did they recognize Theo's insanity, marvel at his courage and childlike charm as well at his mother's absolute if deviant devotion to him, the strength of her belief

in his innocence. Thus, while as Hearst's employees they were bound to follow their employer's views and purpose, at the same time they personally felt a certain sympathy for the accused. as they recognized that, convicted murderer though he was, he had been certainly unfit to stand trial, let alone be hanged by the neck until he was dead. Hearst's highly skilled employees solved this difficult ethical problem by writing brilliantly evocative accounts. Some of these accounts were purposefully sensational and, mixed in with the rumors and speculations designed to sustain Hearst's hidden campaign against Adolf Sutro, served as early models for to-day's tabloid press.

For journalists not employed by Hearst the dilemma was somewhat different. Neither they nor their editors dared, because they were in open competition with the enormously successful Randolph Hearst, openly "champion" the Defense stance. Besides, with its cast of characters, its ambiguities, its battles waged behind closed doors, the case was simply too good to be true, let alone downplayed.. Yet in his reports, the *Chronicle's* resident journalist at San Quentin scarcely - or should one say barely ? - hides that he stood in awe of this convict's courage and faith, his sympathy for a man who, with his fate hanging in the balance so often and for so long, learnt in such cruel fashion about that fate, all the while remaining grateful for the treatment given him as a resident of San Quentin's Murderers' Row..

The reporter's admiration and sympathy was surely based on a personal relationship. No matter how keen Theo may have been to have favorable press releases, it is difficult to argue that he deliberately allowed a journalist access to intimate scenes unless he was confident that his dignity would be respected. And his dignity was respected - in so far as it could be - as is shown in the tone and attitudes of the accounts. The fact that, at least according to Theo's letters, staff members of the San Quentin administration treated him so gently, would further indicate a prevailing if silent sympathy amongst those who in the last months of his life saw in him both a convicted murderer and, so far as his ultimate fate was concerned, a victim of circumstances.

The second factor, of even more speculative nature yet to judge by passing comments in the Durrant correspondence of real significance in blowing the sordid affair into a case followed right across the country and beyond, was the inter-fraternal conflict within the ranks of the Masonic order. Because all the leading participants were Masons; that the prosecution and defense were pitted against each other in a veritable battle to the death. Every effort, therefore, seems to have been made on the prosecution's part - principally, that is, in the Hearst press - to ignore, minimize even, perhaps - suppress any serious consideration of Theo's mental condition, lest recognition of that condition become a recognized factor in Governor Budd's final ruling. Had Theo Durrant been allowed to live, Adolph Sutro would, amongst the Masons at least, have been the victor. It would seem that Randolph Hearst, for business as well as other reasons, was determined to deny Sutro any such victory. In this sense, therefore Theo Durrant was little more than the plaything of the embattled high and mighty in the San Francisco of those days.

One other factor remains to be considered. Although at every opportunity the press focused on the human interest aspects of the case, the legal implications were significant enough that even the *Examiner* carried lengthy commentaries on these aspects of the affair. Towards the end the *Examiner* even went so far as to quote a leading jurist's remark that if the defense persisted in its folly, capital punishment might, by virtue of its arguments, be outlawed. That comment may be regarded as so absurd as to have been deliberately planted as part of a deliberate attempt to keep the public 'on side.' For the vast bulk of Californians and unquestionably for Randolph Hearst, abolition of the death penalty was an unacceptable possibility, striking at the very heart of a Frontier justice. Thus, in the final outcome hung the good name of Justice, the legitimacy of capital punishment and on a more local (but politically important) level the reputation of San Francisco's detective corps, the political heart and soul of the city's all powerful police force.

In a conflict in which a fight to the finish was unavoidable, Durrant's ultimate fate became secondary. It became secondary to the triumph of the will and reputation of two opponents, each drawing on the allegiance of a fraternity temporarily torn asunder by their conflict. The ultimate irony is that this fraternity, an organization known, despite its secrecy, as historically opposed to the obstruction of justice, was torn asunder by a conflict between two individuals one of whom effectively accused the other of having on at least one occasion *personally* obstructed justice in an effort to save his grandson.

Once leave to appeal to the Federal Court had been granted, the Durrants, under increasing pressure to contribute to the costs of the pending appeal to the U. S. Supreme Court., and ever hopeful of turning public opinion in their favor, ventured into new waters. The directors of San Quentin Prison gave special permission for an operator of an "animatoscope" (more familiarly known today as a kinoscope, precursor of the movie camera) to film Theo outside his cell. "Durrant had rehearsed his part in the morning 's drama," the San Francisco *Call* reported, "and the whole affair was over in a short time. Most of the pictures were of the kind showing animated scenes, and Durrant appears in a variety of poses. The films will be sent East to be developed and within a month the pictures will be ready for exhibition."

While nothing is known of this particular scheme, in a letter to Maud dated September 28 Theo refers with obvious impatience to a similar project:

You know the fair is on. Ada and her mother was there the first couple of days I believe and saw a fellow with a photograph advertising me. That is, calling people to hear me talk. Ada went and listened then had a fight with the man (an impostor). He swore it was me, she denied it, and you know how she can talk, too. He defied her with would-be credentials. 'I don't care what you have,' said Ada, 'or what you say. It isn't him, it's not his voice. I know him and have for years,' etc. etc. and those with her held her up, and they tossed the fellow about in great shape

before the people. He vanished before the week was over. He was a faker and an impostor - when Dad went down he had skipped.

Theo's impatience was understandable for he goes on to remark that "my first little talk of about 150 words or less netted nearly \$1000 or \$1200, half we got and it went on the case and elsewhere." Returns of this kind inspired the following proposal:

You would be, with a piece played on a piano into a phonograph or a talk, a great drawing card no doubt. If we could get someone to play here for you by proxy or you play there and send the record to us with credentials and signature, that would be fine. One record of a song or a talk and two or three with piano music. I'll tell Mamma tomorrow and see what she thinks. You have phonographs there and can buy the cups and records to use. Get someone to manage the machine while you sing or play.

We made considerable out of my first little talk and could make much more out of yours, you being a wonder and there are hundreds who want to hear and see you. It would be great. That letter of yours to Governor Budd [a wildly emotional appeal for clemency written some five months earlier and later published in the *Examiner*] created great sympathy and I think a few tunes or a duet with your professor, a song or a talk or a reading would perhaps get \$800 all told, when the excitement is on again. Read into a cylinder a piece or a couple. Into another sing, if you can, a pathetic song or get your [voice teacher and friend] Frau Corelli to play for you, tell her the idea and ask her if you are competent, or sing a duet with her or with May {Hamaker}. Or play into another on the piano. If you and Frau Corelli or May sing with you they could get some of the returns; but say nothing of the sum expected. That is all chance. I think the plan is a good one.

His sister, however, did not. In a letter of some weeks later a chastened Theo remarked "Your idea of and in relation to the phonograph is good. Let it rest, as you say."

The excitement Theo mentions started afresh in mid- October, and came to a surging climax a month later. According to the *Evening Post* of October 16, ever since the Supreme Court had agreed to hear the Appeal, Theo had been alternatively torn between hope and resignation; he was receiving his mother who now visited him three times a week (it seems she was staying in a nearby hotel) "coldly," in contrast to his customary "fervor." Similarly, although he had always "chatted freely" with prison officials, he had suddenly become morose and, severely depressed. He had even refused to leave his cell for his treasured outing with the other residents of Murderers' row amidst the flowers of the prison yard.

He had good reason to be depressed. In mid October the United States Supreme Court had unexpectedly advanced his case (No.420) to the third Monday in November. "The mere fact that the Court has advanced the case to such an early date," remarked the *Examiner* gleefully, "is a clear indication that this body is anxious that the perpetrator of these atrocious murders should cheat the gallows no longer than can be avoided." The Justices had grounds for impatience, but not for this reason. Shortly after they had agreed to hear the Appeal, the prosecution persuaded them that the Appeal had no legal authenticity and that therefore the State Supreme Court should forthwith set a date for Theo's execution. Immediately the defense submitted a counter argument. It became quickly apparent that the defense was prepared to submit legal objection after legal objection, each more frivolous than the other, each designed to create a legal quagmire so as to cause insurmountable delays.

Meanwhile Theo, out of his depression had, according to the *Call* of November 6, taken to writing another autobiography. "Hour after Hour" runs the heading to this account, "the Condemned Man Sits at his Table and Scribbles" - under the most trying conditions: "Durrant's cell is not over large and the little ray of sunlight that manages to creep in is just sufficient for him to see the paper. There, surrounded by stone on three sides, with roof and door of iron, the murderer writes for hours at a time. Occasionally he stops and paces the floor when some knotty question arises in his mind; then back he goes to the work of compiling the history that may one day become public property."

But time was at a premium. Suddenly the Federal Supreme Court recognized a Motion from the prosecution which, so the State Attorney rashly declared, "would insure Durrant's execution and was in all respects satisfactory to the State." This time, Captain Edgar made a point of breaking the news promptly and personally:

"That," said Durrant, "is what I expected. I place my faith in the Lord. That is all I could expect under the circumstances." Durrant was visibly affected by the bad news, and in a trembling voice thanked Captain Edgar for notifying him as soon as the news reached the prison. After the news had been broken, he sought consolation in the Bible. Long after the called sounded to put out lights, Durrant was reading the scriptures and pacing his cell. He was given the privilege of a light. "I find such comfort in this Book," said Durrant to his guard. "When disappointments crowd upon me I read it and find light and comfort. I would not do without a bible, for I have found it a good friend. I will place my faith in the Lord to the end."

So confusing and excitingly uncertain a situation provided rich fodder for journalists, amongst whom was the *Examiner's* Alice Rix, "Queen Writer of the West Coast," a title which, to judge by

the following, she richly deserved. On Monday, November 8 Mrs. Rix spent the evening with Mrs. Durrant at her home on her Fair Oaks Street:

The lights burn low where the living is mourned as the dead. I waited in the dusk of shaded lamps and presently a little shrunken wraith of a woman came into the room. Even in the shadow I saw how worn and white she was, and when she turned on the light and stood under it, I saw more than this - that three years of suffering and suspense have carved their record deep across her brow and about her lips, hollowed her cheeks and taken the fire out of her eyes. They are sweet eyes now, deep and sorrowful and yearning, but they will never be brilliant again, and the black hair is streaked with gray, and all the pretty youthful curves are gone from the face and figure alike.

Mrs. Durrant was under particular stress, the sympathetic Alice Rix reported, because only hours before she had learnt of the Supreme Court's "crushing, and, I fancy, not wholly expected blow," ordering the San Quentin Warden to produce Theo in court at 11 o'clock on Wednesday, November 10, when for the third time he would be formally sentenced to death. In answer to Mrs. Durrant's immediate question, Alice Rix assured her that Theo had been informed of the ruling, whereupon Mrs. Durrant re-asserted her son's innocence and protested the injustice done him - and her - until:

"Mamma," said a voice at the door....I started from my chair. But it was the father, looking anxiously in. Mrs. Durrant rose. "Poor Papa," she said. "I think sometimes it is harder for him." I remember when I thought so, too. But I think now it would be hard to say where most pity has been due.

When the mother came back she was comparatively calm. "I must try," she said, "not to break down again. I must keep up for Theo's sake. He is quick to notice, and it is so little I can do for him. I have always tried to be cheerful, even lively, you know, before him. It was misunderstood," added Mrs. Durance bitterly, "but why need I care for that, if it made it easier for Theo? I made up my smile many times at the courtroom."

The next day, accompanied by Alice Rix and looking "younger and fresher and brighter than she had looked the night before," Mrs. Durrant visited her son.

Upon seeing him enter Captain Edgar's office, Mrs. Durrant exclaimed "My boy! my boy!";

Durrant met her bravely. He smiled a quivering unsuccessful smile and then laid his head on his mother's shoulder and wept quietly. But Mrs. Durrant was not quiet, she was fearfully excited.

"Theo!": she said, holding him close to her. "Theo! They wanted to take you out tomorrow and hang you! They shall not take you from me,. Mamma will be with you to the end."

"Mamma," said her son quietly - his lips were very white "Mother, you can trust me to be brave, no matter what comes."

That's right, darling, I know. And trust in God, dear and - - -

"And in you, Mother" said Durrant, kissing her. His mother introduced me. He rose and handed me a hand as white as a girl's, with delicately kept nails, and I felt it shake in mine for all the strong, direct, clasp. His lips shook, too, when he smiled, and it was only by a supreme effort that he kept back the tears during the first part of our interview. He looks very young - younger by three or four years than when he went to San Quentin from the City Jail with the prison blight on his yellowing skin. Now his skin is clear white and smooth like the skin of a little child. His eyes have come out of that leaden gloom in which they ever seemed to hide, and his whole face is lighter, brighter, franker, than ever I saw it before. He is stouter by at least ten or fifteen pounds [all these are typical signs of advanced tuberculosis]. As usual, he was scrupulously clean and lent a certain nattiness to even the prison stripes. I felicitated him on his improved looks and he answered in his pleasant, quiet voice that he had the exercise and fresh air and above everything else, the sunshine of San Quentin to thank for this. "I was a long time without that," he said, smiling.

After discoursing on the virtues of courtesy ("I think one cannot be too courteous, Mamma") he declared that "Everything will be right if only I have justice." This prompted Mrs. Rix to remark, looking at Mrs. Durrant, (by this time sobbing on her son's shoulder) "You should come by that honestly," whereupon Theo, contemplating his mother, soothingly remarked "She is my mainstay - after Christ." This was a blunder, for it caused Mrs. Durrant to exclaim:

"Theo! after none! I come first. I must come first! You belong to me! I will give you to Christ when it is over, but while you are here, you are mine!, mine!, dear, mine!"

Durrant tried to smile, but he could not. He tried to speak, but he could not. He was shaken by the storm in her, by all she made real and visible, by all he feels and knows is drawing near. We had risen, all three, and he stood shaking, half sobbing., looking very young and frightened, as though he saw the shades of other worlds at hand.

From all appearances those shades were ready to close. Early in the morning of November 10, with his hands in irons and escorted by two prison officers, a phalanx of reporters and a host of "Kodak fiends," Theo started out for San Francisco to be told, for the third time, that he was sentenced to die.

The trip proved unsettling. From the moment he emerged from the prison gates the Kodak fiends hounded him. In return, he scowled at them as he climbed into the bus that would take him to the railway station and thence to the ferry. He was no sooner settled in the railway carriage than the photographers piled into the corner opposite and, like an execution squad, aimed their clumsy apparatus at him. Pinioned as he was, he could only stare at them defiantly as they took shot after shot of him. Yet when asked how he liked being photographed under these conditions, he initially kept his cool. "I don't care to express an opinion on the matter. I suppose the gentlemen have a right to do as they please, and there's no use being ugly about it."

A few minutes later, however, he asked to speak to one of these "fiends." "I wish," he whispered, "you wouldn't do this. Can't you let a man die in peace?" Apparently not, for the response was devastating. "Have you heard that your execution will be fixed for next Friday?"

"How could I hear anything over here? I don't care to discuss the matter," replied Theo, now evidently oblivious of the cameras focused on him even until he arrived at San Francisco's City Hall.

Throughout the proceedings in the packed court room he remained standing "like a wooden statue," even as Judge Bahrs, "with his reddened cheeks and reddened poll" set his execution for November 12. This proved a most injudicious ruling that only added to the mounting melodrama. Judge Bahrs had made two legal blunders that Theo's attorney's would duly exploit.

During his return trip he was interviewed by as many journalists as time would allow. To the *Post's* reporter, for example, he explained the proceedings at City Hall as "of course a very trying ordeal for me, but I have stood much since the day of my arrest and I must be brave as the end approaches. I have made my peace with the Lord. My religious convictions are fixed, and I am prepared to go at any time. I have bloomed from boyhood to manhood since I have been in prison. When I was arrested I was but a boy and inexperienced. Now I am a man. I have learned much, I can assure you." (A fellow inmate on Murderers' Row told the *Examiner* at this time that "Durrant has a good education but outside of that, he knows nothing.")

Alice Rix also spoke with him, conducting her interview in the little cabin designated for "Life preservers." (she noted how Theo smiled at the irony.) The conversation was so very down to earth - albeit very moving, too:

. "Is it true," I asked, "that you think of becoming a Roman Catholic?" to which Theo replied that, much as he admired Father Logan, the Prison Chaplain, "who has been all that is kind and considerate," I am not prepared to say I intend to

become a Roman Catholic. I rather pride myself on independent thought. That is the one privilege a man can call his own. They can lock up the body, but not the mind. That will flit away to where it belongs." He spoke in an exalted voice - the voice of those who speak 'in meeting.' His father listened approvingly..

"And this will give you courage through" - - - I hesitated - through everything?"

"Through everything," Durrant answered calmly. "I have no fear. Some day justice will be done me. Injustice cannot follow me there."

"Have you anything to say about this morning's proceedings?"

"No," he replied, "because I am not competent to criticize them. "These," he said, lifting his wrists and indicating the irons on them, "these are in my way. It is for free men to find fault with justice," he added bitterly. "It is over now; what can I say?"

"Well, what you think," I suggested. "If you have any theory to advance. It has been rumored, you know, that you have."

"I know," answered Durrant. He suddenly threw his head back and laughed. "I have said, though, that I have not, haven't I? That is the truth. I know nothing - nothing at all. I have not been intimidated into silence; that has been rumored, too, you know. And now I want to say that if I had any suspicion as to who was guilty of those terrible crimes, I would not breathe them now. I am on the threshold of another world. If I cannot speak good of those I leave behind, I will say nothing."

"That," I said, is unselfishness of a sort I do not understand."

Durrant smiled. "It is taught only by the bitterest trouble, perhaps," he said. "I did not feel this way always, but you cannot suffer injustice, imprisonment, isolation as I have done and not learn such lessons. You begin by being bitter and resentful and then, as the months go by and you have only your thoughts and God for close companionship, all the affairs of the world seem to grow small and insignificant, and the bitterness dies out of your heart, and you can do what you never believed you could be capable of."

As he talked, something of the old, easy, egotistical Durrant came back to him, something of the old defiance, too. "People imagine I have a confession to make, that I am going to break down, that I have been living a lie these years of my trouble. They will be disappointed. Lies! What have I to do with lies? I have always been a Christian boy. I have been accused of evil ways that I never knew. My habits were good. My few pleasures were in the work of the church. Everyone who knew me knew that." This was the old Durrant.. The very face had aged as he spoke, the spiritual exaltation was gone under this defiant assertiveness, this confident insistence that marked him in the court room and in the interviews at the beginning of the trial.

As the ferry docked at San Quentin, so did Theo rise to his feet and by way of taking leave of Alice Rix he put his manacled hands to his hat and lifted it from his head. "It was," wrote an awed Alice Rix, "a fearsome thing to see. The little courtesies of life have so little to do with its tragedies - they come against them with a sharp sense of contrast."

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