

Mr. C. S. Reed,  
Warden, State Prison,  
Stillwater, Minnesota.

Dear Sir:

I am enclosing certified copy of the  
testimony in the case of Louis Dondino who was  
taken to the State Prison some time ago and the  
commitment did not include the testimony.

Very truly yours,  
J. P. JOHNSON, Clerk

By \_\_\_\_\_  
Deputy

JSM/J  
Encl.

*Read Febr. 18-22*  
*I doubt the guilt of the defendant*  
*CJS.*

---

STATE OF MINNESOTA ..... Plaintiff,

vs.

LOUIS DONDINO ..... Defendant

---

STATE OF MINNESOTA  
County of St. Louis

IN DISTRICT COURT  
11<sup>th</sup> Judicial District

---

STATE OF MINNESOTA ..... Plaintiff,

vs.

LOUIS DONDINO ..... Defendant.

---

This cause came on for trial at the September 1920  
term of the District Court of the Eleventh Judicial District  
of the State of Minnesota, held at the Court House in the City of Duluth, within and for  
the County of St. Louis and State of Minnesota, on Tuesday, September 7<sup>th</sup>, before

Honorable BERT FESLER, Judge, and a jury.

A p p e a r a n c e s :

For the State, Mason M. Forbes, Assistant County Attorney.

For the Defendant, E. J. Kenny.

---

HERBERT J. O' BRIEN ,

Being first duly sworn as a witness on behalf of  
the state testifies as follows:

Direct Examination,

By Mr.Forbes:

Q. Your name is Herbert J.O'Brien ? A. Yes.

Q. What is your business, Mr.O'Brien ? A. I am in a sanitarium.

Q. In the Npeming Sanitorium ? A. Yes sir.

Q. You are there confined under the care of a physician for tuberculosis ? A. Yes sir.

Q. How long have you been there ? A. Since the 19<sup>th</sup> of July.

Q. Prior to that, ---- prior to going up there what was your business ? A. I was working  
for the steel plant; machinist.

Q. You are, Mr.O'Brien, here under indictment at the present time ? A. I am.

Q. And awaiting trial under that indictment ? A. Yes sir.

Q. They sometimes refer to you as Darby -- A. That is what they call me.

Q. On the 15<sup>th</sup> of June this year where were you living ? A. At the Cody Hotel, west  
Duluth.

Q. That is on the corner of Ramsey Street and Central Avenue out there ? A. Yes sir.

Q. You know this defendant, Louis Dondino ? A. Yes.

Q. Did you see him on the evening of June 15<sup>th</sup> of this year ? A. Yes.

- Q. Where was it, Mr.O'Brien, that you first saw him ? A. It was right, - pretty near on Bristol Street and Central Avenue.
- Q. In West Duluth? A. Yes sir.
- Q. He has a transfer truck ? A. Yes sir.
- Q. That truck has on the back of it "City Transfer"? A. Yes, I think so.
- Q. Will you tell the jury here just what kind of a truck it is, whether it has a cab on front ?  
A. Yes, it has got a cab in front and it has kind of a box in there and just two panes of glass, one on each side.
- Q. How big a truck is it ? A. I couldn't say whether it is a two-ton truck.
- Q. About how big --- A. Just about eight feet, I guess.
- Q. Are there stakes on it ? A. No; just a box of boards a- about twelve or fifteen inches high.
- Q. Where was the defendant when you first saw him the night of June 15<sup>th</sup> ? A. Just going into the office on Central Avenue.
- Q. His office near Bristol and Central ? A. Just about the second or third door from the corner.
- Q. After he came out of the office do you know where he went? A. I think he went across the street some place.
- Q. Where was the truck at that time ? A. Standing in front of his office.

- Q. Did he subsequently return to the truck ? A. How ?
- Q. Did he come back to the truck again that night ? A. Back to west Duluth ?
- Q. I mean after he had gone across the street. A. Yes, he went right back to the truck.
- Q. That still over there in front of his place of business? A. Yes sir.
- Q. After he came back where the truck was standing what did he do ? A. He got right into the truck and then he went across the street, and I asked him how the chances will be uptown, and he said "All right" and I got into the truck, and as he was pulling out there was four or five fellows jumped on behind.
- Q. You got into the cab of the truck ? A. Yes sir.
- Q. What is that, a left-hand drive car or a right-hand drive ? A. It is left.
- Q. You were sitting on the right hand side ? A. Yes sir.
- Q. Anyone else in the cab with you ? A. No.
- Q. How many would you say there were of these men that got on the back of the truck ?  
A. I couldn't say, but I should judge probably five or six, anyway.
- Q. Do you remember whether they sat down in the truck or stood up ? A. No; I couldn't see back, at all.
- Q. As I remember it, you don't remember who they were ? A. No sir.

- Q. Or paid no attention to who was on the truck ? A. No, I didnt pay any attention.
- Q. When you left Duluth, - when you left West Duluth at Bristol and Central Avenue where did the defendant drive the truck ? A. Started down Central Avenue, then went out to Grand, up near thirtieth avenue and down on Superior street.
- Q. And then when you got to Superior street did you go east towards Duluth ? A. To third avenue east.
- Q. To third avenue east ? A. Yes.
- Q. Was the same crowd on the truck or were there more getting on ? A. There was more getting on.
- Q. When you got to third avenue east what about the crowd,- whether there was a crowd, or not ? A. Yes, a pretty good crowd.
- Q. Did you stop on the way up, at all ? A. No, I dont think so. He kind of slowed up at either twentieth or twenty-first avenue, where the street car goes down there.
- Q. Do you know whether any more fellows got on at that time ? A. I couldnt say; I think some got on around eighteenth or nineteenth avenue,-- I dont know whether anybody got on or not.
- Q. Just tell us what the crowd in the truck were doing. Were they calling out, yelling ?  
A. Not very much. They didnt do much until they got to twenty-first avenue, until they saw two policemen standing there. I don't know whether they done it for a joke, or not, but they hollered at the

police.

- Q. What did they say ? A. I dont know, but they did yell at him. I dont know exactly what they said.
- Q. When then got up town, on the way up to third avenue east did you hear any of them calling out? A. No, not until—the most was when they just went past the police station.
- Q. When you got to third avenue east where did you go ? A. Went back to seventh avenue west.
- Q. Was there a crowd still on the truck ? A. Yes sir.
- Q. When you got to seventh avenue west where did you go ? A. Turned around and went up to Lake Avenue.
- Q. Up to Lake Avenue ? A. Yes.
- Q. When you got to Lake avenue where did you go ? A. Went to second avenue west.
- Q. Turned around west,- west,- to second avenue west ? A. Yes sir.
- Q. And from second avenue west where did you go ? A. Went right back to the City Hall and stopped right there and there they all got off.
- Q. That is, they were driving up and down Superior Street all this time ? A. Yes sir.
- Q. Do you remember anything that anybody - - any of the men on the truck were calling out ? A. No.
- Q. The crowd got up to where,- in front of the City Hall ? A. Yes sir.
- Q. Where did they place the truck ? A. I dont just remember



whether they took it away or what was done with it. I went across the street about three or four minutes; after I went across the street to the drug-store I bought a couple of cigars. I was going to give the driver one, and he was gone. I didnt see him any more on the truck.

Q. You didnt see him any more on the truck that night ? A. No sir.

Q. Sometime during the riot you had some conversation with the defendant ? A. No.

Q. I mean in the cab. A. Oh, when we turned around and went past the police station and coming back around, I think it was that time he says to me "I wonder if there is any danger of us getting pinched"? Then I says "I don't know." I says "It is a wonder they didn't pinch us when we went by there." And he said "I wouldn't like to get pinched because I havegot to be to work in the morning."

Q. That is all, Mr.O'Brien, that you know about the defendant and where he was that night ? A. That is all I know.

#### CROSS EXAMINATION,

By Mr. Kenny:

Q: What time was it, Mr.O'Brien, when you and Dondino started out from West Duluth ?

A. It would be about a quarter or twenty minutes after seven.

Q. And there were four or five men jumped on shortly after-

wards ? A. Yes sir.

Q. You didnt know who they were ? A. No, I didnt know them.

Q. Didnt remember you had ever seen any of them before ? A. No.

Q. When you got up to the West End, about twentieth or twenty-first avenue, you said something about passing some policemen. A. Yes, two policemen.

Q. Do you remember where they were ? A. I think they were standing on the lower side of twenty-first avenue west, on the west corner.

Q. Of Superior street ? A. Yes.

Q. The lower west corner of twenty-first avenue west ? A. Yes, twentieth avenue.

Q. Twentieth avenue ? A. Yes.

Q. Do you know who they were ? A. Yes.

Q. What officer ? A. One was Con Walker; and the other was Fred Malon.

Q. Did they, when the came to these officers or shortly after they passed them,- someone on the truck said something or addressed some remark to the policemen ?  
A. Yes.

Q. How far away from the policemen were they ? A. When they passed, as close as from here to the table. The truck passed on the same side they were on.

Q. The truck passed these two policemen within a distance of about 15 or 20 feet from them ? A. Yes.

- Q. Was it about the time the truck was passing the policemen that those on it made these remarks you speak about ? A. Yes.
- Q. Do you know what they said ? A. No.
- Q. What did the policemen do ? A. They only just laughed ; smiled.
- Q. They didnt say anything--- A. No.
- Q. --- to yourself or Dondino A? A. No.
- Q. Or to any of those on the truck ? A. No sir; not that I heard.
- Q. You were on the lower side, the right hand side ? A. Yes.
- Q. Moving towards the east ? A. Yes sir.
- Q. Then you passed,- you were nearer to the policemen than Dondino ? A. Yes, I was closer to them than the driver.
- Q. You did not hear that they said anything of any kind to either you or anyone on the truck ? A. No.
- Q. Didnt tell the men on the truck to tell them anything they were doing ? A. Not that I heard, no.
- Q. Then you continued on east until you got to third avenue east ? A. Yes.
- Q. Did you pass in front of the police station there --- did you pass any other policemen, other than those you have spoken about, until you got to the police station ? A. Yes, there was a couple along the bowery there.
- Q. You mean that part of the street down between--- A. Around

fifth avenue and sixth.

- Q. Fifth avenue west, along in there ? A. Yes.
- Q. I suppose you drove up on the lower side or the right-hand side of Superior street ?  
A. Yes.
- Q. Were those two policemen on the bowery on the lower side of the street ? A. Yes.
- Q. Did the truck pass some distance from them ? A. Yes.
- Q. About the same as it passed the others out at the west End? A. Yes sir.
- Q. Do you know who those policemen were ? A. No, I do not.
- Q. Were they standing together, or at different places down the street ? A. Oh, different places.
- Q. About how far apart ? A. One was somewhere around sixth; I didnt pay much,- particular attention to it, but the other fellow was down around fifth, on the corner.
- Q. Did the policemen say anything to anyone on the truck as you passed them ? A. No, not that I know.
- Q. Did anyone on the truck say anything to the policemen ? A. Not then, I dont think, no,
- Q. About that time were they saying anything else—do you remember ? A. They were just going along,- but not loud enough that you could hear a thing said.
- Q. Not loud enough for--- A. That you could hear what they were saying inside, in the seat, because it was all boxed in.

- Q. You could not hear or understand what the men on the back of the truck were saying ? A. No.
- Q. If they had been yelling loudly enough to have made themselves heard by those along the street you would have known that, wouldnt you ? A. Oh, yes, but you couldnt understand what they were saying from the noise of the truck.
- Q. Whether it was simply talk they were carrying on among themselves, or whether they were speaking in a loud manner to those along the street,-- which was it ?  
A. Well, they were talking pretty loud.
- Q. Were they just talking to the people along the street or among themselves ?  
A. Among themselves.
- Q. Among themselves ? A. Yes.
- Q. And so you continued on down east on Superior Street ? A. Yes.
- Q. And came and passed the police station ? A. Yes.
- Q. You were still on the lower side of Superior street ? A. Yes.
- Q. The same side the police station is on ? A. Yes.
- Q. Did you look at your watch any time when you were coming up town ? A. No, I did not.
- Q. Have you any way of fixing the time it was when you passed the police station the first time up ? A. No; I couldnt just say what time it was.
- Q. Do you have in mind, in a general way, the speed at which

you drove from west Duluth ? Without knowing exactly you know about what speed the car was going ? A. I should judge it was going about,-- probably nine or ten miles an hour.

Q. Nine or ten miles an hour ? A. Yes; may be more than that.

Q. Describe what the conditions were at the police station when you passed on your first trip ? A. Quite a bunch on the upper side of the street; there was quite a bunch of people on the upper side of the street; I dont remember now whether there was any policemen in front, or not, but there was quite a bunch of policemen inside looking out. Id I dont remember wrong, I think there were a couple or three policement outside, but not over two or three.

Q. You are sure there were a number inside ? A. Yes.

Q. But you couldn't see through the windows ? A. No.

Q. You think there were a couple outside ? A. Yes.

Q. But you are not sure ? A. Yes, there was a couple outside the first time we passed.

Q. When you went past that first time did any police officer say anythkng to you or anyone on the truck ? A. No.

Q. As far as you know they did not pay any attention to the truck, at all ? A. No, I dont think they did, or I would have seen it.

Q. Was there any obstruction or anything there that would prevent thoseofficers fromseeing the truck with the people

on it ? A. No. They ought to see us.

- Q. Was this crowd you spoke of on the upper side of Superior street the only hostile crowd that you had encountered coming along Superior street ? A. Quite a bunch all along the street down on Lake avenue, quite a crowd up along first avenue east.
- Q. You went down and turned at third avenue,- that is a block east of the police station ? A. Yes.
- Q. And the City Hall ? A. City Hall.
- Q. Turned around there and started traveling back ? A. Yes sir.
- Q. On the upper side of Superior street, I presume ? A. Yes sir.
- Q. And traveled west to 8<sup>th</sup> avenue ? A. Either 7<sup>th</sup> or 8<sup>th</sup>; I dont just remember.
- Q. Then you made another turn and went up on the lower side of Superior street to Lake avenue ? A. To Lake Avenue.
- Q. These two officers who were down here on the bowery, I take it from your testimony they were east of eighth avenue when you came up the first time ? (No answer)
- Q. That is what you referred to as the bowery, the district took in eighth or seventh avenue ? A. West.
- Q. That would be a couple blocks east of eighth avenue ? A. Yes sir.
- Q. Now, then, after you had made the turn at eighth avenue and

were returning east again the second time on Superior street after you had passed---

A. No, I dont remember the second time.

Q. Do you remember whether there was any other policeman along that time when you came up to Lake Avenue ? A. No. I think the second time I went down there was one down around--- some place around first avenue east, or down there by Giddings' store.

Q. You passed third avenue west, of course, down there ? A. Yes.

Q. Do you remember seeing any policeman there ? A. No.

Q. Do you know whether there was any there, or not,- any policeman ? A. I dont know; I didnt take any notice at third avenue.

Q. It may have been possible one may have been there and you did not see him ? A. Yes, might be.

Q. Then the truck turned at Lake Avenue and went west again-- A. To second avenue west.

Q. That would be just two blocks ? A. Yes.

Q. On the upper side of Superior street ? A. Yes.

Q. And then turned and went east to the police station ? A. Yes sir.

Q. Where did Dondino, the drive of the truck go, what place there ? A. About--- just right about a little past the police station, in front of the City Hall.

Q. What did the crowd on the truck do when he stopped ? A. I



don't know. When I got out they were mostly all off, walking around; down in front of the police station there was the policemen there in front of the police station door, six policemen there in front of the police station door.

Q. There were six policemen standing in the door ? A. Yes sir.

Q. And Dondino drove up with the truck with these people on it ? A. Yes sir.

Q. You didnt pay particular attention to where those went who had been on the truck ?

A. No sir.

Q. Did they remain together in a body--- A. No.

Q. --- or did they separate ? A. Yes, separated.

Q. Yougot out ? A. Yes.

Q. On the right hand side of the truck ? A. Yes sir.

Q. Where did you go ? A. I went down in front of the station, to one of the policemen I know there by the name of Officer Isaacson.

Q. Did you speak to him ? A. Yes.

Q. He spoke to you ? A. Well, I think so, yes.

Q. Probably nodded to you ? A. Maybe.

Q. Youknew him before ? A. Yes.

Q. Did he say anything--- A. No.

Q. ---to you about the crowd coming up on the truck ? A. Not a word.

Q. Where did you go then ? A. I went across the street in the

cigar store.

- Q. From the police station ? A. Yes.
- Q. Bought a couple cigars and went back and give one to Dondino ? A. Yes.
- Q. And he was gone ? A. He was gone.
- Q. Was the truck there ? A. No; the truck was gone, and him.
- Q. Do you know where he went ? Did you see him drive off ? A. No. I didnt see him after I gout out of the truck.
- Q. Never saw him any more that night ? A. No.
- Q. You went back to where the truck had been ? A. Yes.
- Q. And that was almost in front of the police station ? A. Well, it was a littlepast the police station , almost in front of the City Hall.
- Q. There was no hose attached to any hydrant being used at that time ? A. No, not then.
- Q. You say that you and Dondino passed some remarks to each other with reference to the danger of being arrested by the police. A. Yes. He just passed the remark, he was afraid of getting arrested. He said "I wonder if there would be any danger."
- Q. "I wonder if there wouldbe any danger of us being arrested?": A. Yes sir.
- Q. I dont suppose, Mr.O'Brien, you can remember the exact words he used ?
- A. How ?
- Q. I dont suppose you can remember the exact words he used ?

A. No.

Q. But it was something to that effect ? A. Yes.

Q. Do you remember what you told him in reply ? A. I said "I dont know. We might, and we may not."

Q. Didnt you say something about you didnt think so as you had already passd some policemen and they didnt say anything ? A. Yes; when we passed the station twice and they didnt do anything, why---

Q. You didnt think they would? A. I didnt think they would, yes.

Q. And you told him something to that effect, didnt you ? A. Yes.

Q. When he spoke to you about it ? A. Yes.

Q. That is, he intimated to you that if the policemen were opposed to that he would quit ? A. Yes.

Mr.FORBES: That is objected to as assuming facts not in evidence and suggestive.

THE COURT: Over-ruled.

By Mr. Kenny:

Q. Was there any disturbance there at the police station at the time Dondino stopped his truck and the people got off ? A. No.

Q. Did anyone-- A. Just as quiet as anything.

Q. What ? A. It was quiet; there was nothing done; there was nothing doing, at all, until they started the water hose.

Q. Were you there when that started ? A. Yes.

- Q. And where had you remained meantime ? A. I was across the street, on the opposite side of the street ---
- Q. Do you know when the hose was brought out and connected up and put into use ?  
A. No.
- Q. I would like to have you give us some idea of the time, if you could, whether fifteen minutes, half an hour,- whatever you think it was ? A. It would be probably half an hour.
- Q. About half an hour ? A. Yes.
- Q. You say it was about seven-fifteen or seven-thirty when you left West Duluth ?  
A. Yes.
- Q. That is about five or six miles to the police station ? A. Yes sir.
- Q. Probably took you between twenty and thirty minutes to come up ? A. Yes sir.
- Q. So you probably reached the City Hall there about,- sometime between half past seven and six, or shortly after that ? A. Somewhere around there.
- Q. It was about half an hour after that you think the hose was brought into play ? A. It was about--- we got up there a quarter after eight.
- Q. Finally, you mean--- A. The last trip.
- Q. A quarter after eight. And then just about half an hour after that when you saw the hose brought out--- A. Yes.
- Q. --- and brought into use You didnt see anything of Dondino around there, at all ?  
A. No, I didnt see him, at all, after that.

- Q. If he had been there in that crowd you think you would have recognized him ? A. I would have recognized him. He was not there.
- Q. You were watching the crowd, what they were doing ? A. Yes sir.
- Q. Didnt see any sign of him, at all ? A. No.
- Q. When the truck passed this police officer in front of Giddings and these two policemen down on the bowery you say the crowd was not yelling, at all, making any noise ? A. Yes, a little, but not very much, no.
- Q. Among themselves you said ? A. Yes.
- Q. And the first time you saw them was when they got in front of the police station ?  
A. How ?
- Q. The first time that you saw them was when they got in front of the police station ? A. No; the first time I saw them was down at twenty-first avenue west.
- Q. Do you remember what they said ? A. No.
- Q. You didnt hear anything, at all ? A. No.
- Q. From that time on they were very quiet, didnt make any noise, anything you understood--- A. Somewhere up around the Soo depot.
- Q. You dont know what they yelled then ? A. No.
- Q. Was there noise, loud talk among themselves ? A. Yes, it seemed that way to me.
- Q. When they ultimately got to the police station there was

no crowd there, at all ? A. No.

Q. A few people across the street ? A. Yes.

Q. As I remember it, you left the truck and went over and got a cigar and came back to give Dondino one, - is that right? A. Yes.

Q. Was that the time you saw Officer Walker ? A. No.

Q. How long afterwards was that ? A. Oh, it could be--- I didnt see Mr.Walker--- at the police station, you mean ?

Q. Yes. A. I didnt see Mr.Walker untiljust a little before we started the hose,-- or after.

Q. How long was it after you got it before you talked to Walker? A. I think about a quarter after nine , or twenty after nine I saw Walker.

Q. Had anything passed down there at the police station then ? A. Down in the back there was.

Q. What were they doing there ? A. They were all yelling they were taking them out the back way, that they got the negroes and to bring them out the back way, and I went down and I only got as far as the avenue and I couldnt ger down on Michigan Street because there was too big a crowd there.So I turned and came back---

Q. Michigan Street and Second Avenue East were both packed with people ? A. Yes.

Q. Do you know whether or not at that time they were throwing any rocks or bricks at the City Jail ? A. Yes sir.

Q. What were they throwing ? A. I couldnt say; I didnt get

close enough over to the door. They were throwing rocks and everything at the door; some hit the wall and flew back, and everything, - I didn't go no further. I turned and went back upon a corner and I spoke to Walker then. I should judge that was about twenty or a quarter after nine.

Q. That was after you were at the scene of the disturbance at Michigan Street entrance to the city jail ? A. Yes sir.

Q. And a number of bricks and rocks were thrown on Michigan street ? A. Yes sir.

Q. Do you know whether they broke any of the windows down there at that time ? A. I couldn't say; I didn't get close enough down there.

Q. And was that as close as you got at any time during the evening ? A. Yes sir.

Q. How about the crowd up there --- A. When I got up there they had the corner pretty well cleared.

Q. How big was the crowd out there in front of the police station ? A. Quite a crowd there; I couldn't say for sure.

Q. How far down east, and west, for instance, down Superior street ? A. Just as far down as you could see.

Q. The street east and west as far as you could see there were people crowded ?  
A. Yes sir.

Q. Right in the street ? A. Yes, on the street and on the

sidewalk.

Re-Direct Examination,

By Mr.Forbes:

Q. When those men jumped on the truck out at west Duluth did they have any rope ?

A. No, not that I know of; I don't think so.

Q. Do you know where the rope came from ? A. No.

Q. That was attached to the truck later on ? A. No.

Q. They did not stop and get a rope at any store ? A. No.

By Mr.Kenny:

Q. You did not see them fasten the rope on, at all ? A. No, I did not.

----oO----



W. F. L a S h e l l s

Being first duly sworn as a witness on behalf of the state testifies as follows:

Direct Examination,

By Mr.Forbes:

Q. Your name is William F. La Shells ? A. Yes sir.

Q. Mr.La Shells, you were here in the city on the 15th of June of this year, the night of the riot ? A. Yes sir.

Q. During the early part of the evening, immediately after six o'clock where were you ?  
A. Immediately after six o'clock I was at home.

Q. What time was it you left home ? A. I left home in the neighborhood of a quarter after six.

Q. I will ask you whether or not you were down town on Superior Street that night ?  
A. Yes sir.

Q. Calling your attention to this defendant, Louis Dondino, I will ask you if you saw him that night driving his truck on Superior street ? A. I saw Mr.Dondino driving his truck, that is all.

Q. When was it that you first saw him ? A. About a quarter after seven, when they came up the street, going east on Superior Street.

Q. Did you notice how far east they went ? A. To second avenue east.

Q. At that time did you notice how many men there were on

the truck ? A. No, I couldn't say how many there was; I didn't count them and I couldn't say just the number of men that was on the truck, but there was a few.

Q. When they went to East,-- to Second Avenue East ? A. Yes.

Q. Did you see the truck as it came back ? A. Yes.

Q. Where did it go when it came west again ? A. It went down and parked on one side--- well, let's see, that is towards the lake, on first avenue east.

Q. That is where it stopped ? A. That is where Mr.Dondino stopped.

Q. You hadn't seen it make any trips before that ? A. No sir.

Q. I will ask you if you heard the people on the truck saying anything,- what they were doing ? A. Well, they was--- seemed to be kind of ----

Mr.KENNY: You will not be permitted to say what they said-- you will be permitted to say what they did. Do not give your opinion.

A. They was calling to the bystanders on the street and asking them to join,- "Come on and join the crowd and have a spirit." That is about the extent of what I heard being said.

By Mr.Forbes:

Q. Your best judgment is there were a few men on the truck when you saw it ? A. Yes, I should judge there was; I

couldn't be positive of the number, but probably seven , eight or nine. I couldn't say.

- Q. Were there any men following behind it ? A. There was one or two on the rope behind it.
- Q. There was a rope fastened on the truck at that time ? A. When he came down by me the first time, yes.
- Q. Where was the rope fastened ? A. Well , on the hind end of the truck somewhere; I couldn't say just where it was fastened to, or just exactly where, but it extended over the hind end of the truck.
- Q. The first time you saw the truck it was going east ? A. Going east on Superior Street.
- Q. Was there any other crowd following the truck aside from the men hanging on the rope ? A. On both sides of the street, the people had heard it, they seemed to follow it up until they got to the police station.
- Q. What did you say they were calling out ? A. Some of them was calling out to join the crowd and join the necktie party. One of them was hollering "Have a spirit. Come on with us and have a spirit."
- Q. And the rest called "Come on and join the necktie party"? A. Some of them.
- Q. Now, do you remember anything else that was being called out from the truck ?  
A. No, I couldn't say just what else was being said.
- Q. Where did you go after you saw the truck pass ? A. After

the truck came back down I went up to the police station, in front of the police station.

- Q. Was there any crowd there at that time ? A. They had begun to gather, yes sir.
- Q. Where did you go with regard to the front or back of the jail ? A. What is that ?
- Q. Which side of the jail were you on, the Michigan Street side or the Superior Street side ? A. For a while I was in front, until after the speaking took place on the automobile across the street; then I went to the back of the jail where--- about where the crowd went down.
- Q. Was it a big crowd down there ? A. Well, it was getting pretty crowded; quite a number of people gathering.
- Q. Do you remember where they parked that truck that night? A. Well, now, the last I seen of the truck it turned on to first avenue and he took it down in there, -- I could not say just where; he turned off the street and that is the last I seen of the truck or of Dondino either.
- Q. Had the men riding on the truck jumped off before that ? A. Yes, they got off just across from the police station, on the right hand side headed west.
- Q. You didnt pay any more attention to the truck and didnt see the defendant any more that night ? A. No sir. I never laid eyes on him after that in any way, shape or form, that I can remember.

CROSS EXAMINATION,

By Mr.Kenny:

- Q. You don't know Dondino, at all ? A. I don't know him only just by seeing him on the front and meeting him here one morning on the grand jury.
- Q. You had never seen him to know him before you saw him on the truck that night ?  
A. No, I can't say that I ever met him before that I saw him on the truck that night and the morning----
- Q. You don't know it was Dondino or John Jones or anybody else ? A. I didn't know what his name was , no sir.
- Q. I don't think you said, at least I did not get it , just what point you were at on Superior Street when this truck first passed you when it was going east. A. I was two doors---  
I was three doors from the corner of first avenue east and Superior Street.
- Q. The lower side ? A. Yes, on the lower side.
- Q. You think that was about seven-fifteen ? A. Well, I didn't have no timepiece, but it was along after seven a little bit, yes.
- Q. Judging from your movements prior to that time and figuring out what you had done and where you had been , you figure it was about seven-fifteen ? A. About that, yes sir.
- Q. Where had you come from when you were at that point ?

A. I come from my home down to first avenue east and Superior Street. I was on the corner, right across from Cox's Meat Market first, then I crossed the street over in front,-- I had been talking to a man there before crossing the street over to the--- by the Siegel Hardware Store, and up to the middle of the block, that is three or four doors up there.

Q. You live up on the hill somewhere ? A. 109 East Fifth.

Q. You had gotten down to Superior Street,-- came down first avenue east ? A. Yes.

Q. And then stood in front of Cox's for a short time and then you crossed ---- A. Then crossed over to Cox's over in front of the fruit store.

Q. On the west side of first avenue ? A. Yes.

Q. And then came across over towards the Siegel Hardware store ? A. Yes.

Q. Was that just about over---- A. Just a couple doors east of where I was standing.

Q. When this truck came along ? A. Yes sir.

Q. At about 7:15 ? A. As near as I could judge.

Q. That was the first you had seen or heard of the truck? A. Yes, that is the first time.

Q. Nobody had called your attention to it ? A. Nobody had said anything.

Q. You dont know how many people were in the crowd ? A. No, I couldn't swear to the amount of men.

- Q. The people you speak of, were they making any great disturbance ? A. Well, no, not so bad.
- Q. The thing didn't impress you very seriously, did it ? A. Well, I knew there was something brewing.
- Q. Something doing where ? A. I knew there was something brewing.
- Q. Where ? A. I supposed, from what they said, it was in the jail.
- Q. What did you do then,-- did you start walking east then? A. No; I stayed there a few minutes until the truck came back.
- Q. You were standing still all the time the truck passed ? A. Yes sir; I was standing still there.
- Q. As soon as the truck passed you turned and started west ? A. No, I went east when I started to move.
- Q. How far ? A. I went up just,-- probably a few steps when the truck came back, after the truck came back --
- Q. Did you follow the movements of the truck after it passed you ? A. No sir; not immediately.
- Q. What did you do ? A. I was talking with the men there , standing there alongside of the street with me when the truck passed, and then I watched the truck turn around. The people that was on it got off on that side of the street.
- Q. You mean the lower side of the street,- you mean the lower side of Superior Street ?  
A. No, on the upper side

of the street.

Q. And after the truck had turned around ? A. Yes, after the truck had turned around like that.

Q. Across from the police station ? A. Just about.

Q. When they turned around you started west ? A. After the car had come down and turned on the corner,- I didnt start west, I went east.

Q. It came back on the upper side of Superior Street how far? A. To first avenue east, and turned up that side.

Q. Which side ? A. To the left, the lower side.

Q. The lower side ? A. Yes.

Q. What do you mean by the truck turning around ? A. Come to the street and turned south on first avenue east.

Q. And came across Superior street ? A. Yes.

Q. Where did it go then ? A. I lost track of it; it went past the corner.

Q. You didn't concern yourself with it any more ? A. No sir; I did not.

(Recess for a few minutes)

Q. Mr. La Shells, what did that crowd do when they got off the truck ? A. Well, I couldnt say just what they done because I wasnt close enough to see where they all went. They scattered around.

Q. Their movements were not of a nature to especially attract your attention ? A. No, not much; they seemed to disappear with the ones that was on the street.



- Q. They scattered, didnt they ? A. Appeared to me, yes sir.
- Q. Did they leave this man Dondino on the truck alone ? A. He was there when I last saw him, yes, driving away.
- Q. Did you say you saw the rope hanging to the end of the truck ? A. Yes.
- Q. With one or two people running along having hold of it ? A. Yes, one or two holding it.
- Q. You dont know what became of the rope ? A. No.
- Q. Did you see them doing anything with it ? A. No sir.
- Q. You moved down towards the police station ? A. Yes.
- Q. You were in the vicinity of the station during the most of the disturbance there that night ? A. Yes.
- Q. I think you testified in one of the other cases that you were not furthering the riot but that you were trying to stop it. A. I did.
- Q. The occasion of the men going up the street in this truck did not excite you to any riot ? A. No, it did not.
- Q. You did not see anyone else that it did ? A. Well, I am not positive; I cannot positively sai that it did, no. Only the gathering of the crowd.
- Q. You don't remember that you saw a single man who was on that truck having anything to do with this riotous performance that you saw afterwards ? A. No; there isn't a man that I could recall that was on the truck, that I could honestly say that I saw in any trouble after that,

the rest of the evening.

- Q. Did you see the hose brought out and put into use there that night ? A. I did.
- Q. As I understand it, different pieces of hose were brought out and attached at different times ? A. Yes sir.
- Q. You saw that from the first ? A. I saw a good deal of it.
- Q. When the hose was first brought out it was attached at the corner of Superior street and second avenue east, to a hydrant there ? A. Yes.
- Q. And that was right over in front of the police station ? A. To the police station door, yes.
- Q. Was that the hose the police had for use against the crowd, or the one the crowd had for use against the police ? A. That was the hose the police had against the crowd.
- Q. But that hose was afterwards taken away from the police and turned against them ?
- A. There was three or four there, more,-- hose they brought down from different places; I don't know where they were attached. But, now, that hose that was there in the police station, I don't think that is the one they took away from them but that is the one the police had when they got this other lot of hose from across the street and played it on the police.
- Q. Where were the men standing who directed the movement

of the water from the hose ? A. In the street.

Q. In front of the police station ? A. Yes.

Q. Where did you stand ? A. I was standing just below the police door, west.

Q. About how far from the men who were holding the hose ? A. Well, they was the middle of the street and I was probably ten or fifteen feet from the police door west-- just outside of the water line.

Q. About how many feet from the men who were holding and directing the hose ?

A. Well, I should judge it would be probably thirty feet.

Q. Did you see those men ? A. Yes.

Q. How many of them were there ? A. There was two at the nozzle.

Q. Two at the nozzle. You watched the handling of the hose there as long as it was in use ? A. Yes, quite a bit.

Q. What finally became of the hose ? A. Well, that hose , when they drove the police back it went on the east side,- brought the water through the windows and in the doors, and when the crowd got possession of the situation the water was shut off; but I don't know whether they kinked the hose or whether they shut the dydrant off, but the water gradually stopped.

Q. About what time was that ? A. Well, I couldn't state the time exactly, but as near as I could judge it was somewhere between eight and nine. I dont know just the time; it was

after--- I should judge after eight-twenty or eight-thirty.

Q. It was a considerable space of time after you had seen the truck ? A. Yes. That is a hard thing to judge, time, in a time like that.

By Mr. Forbes:

A. Do you remember the name,-- I think you testified "City Transfer" was on the side of the truck. A. I believe it was City Transfer, yes.

By Mr. Kenny:

Q. Where was that on the truck ? A. It is on the side. I think it is in gilt letters on the side of the truck.

Q. When did you notice that ? A. I noticed that when the truck came by me.

Q. As it passed you ? A. Yes sir.

Q. You took enough attention to the truck to see the lettering ? A. Yes; bright letters.

Q. You couldn't be paying very much attention to what the men were doing - - - A. I wasn't paying a whole lot of attention.

Q. They were not making any disturbance on the truck ? A. They hadn't made a great deal; only a lot of hollering they were doing.

Q. That wasn't enough to divert your attention, so you could see the words on the truck, bright words . (No answer)

Q. Not if that is what you are looking for. That is all.

(No answer)

----oOo----

V I C T O R I S A A C S O N

Being first duly sworn as a witness on behalf of the state testifies as follows.

Direct Examination,

By Mr. Forbes:

Q. Your name is Victor Isaacson ? A. Yes.

Q. You are a police officer connected with the police force of this city ? A. I am.

Q. You were such officer on the 15th of June of this year ? A. I was.

Q. What hours were you on duty that day ? A. From eight o'clock in the evening until  
four o'clock in the morning.

Q. Were you down at police headquarters or thereabouts all the evening ? A. I was.

Q. I will ask you if you saw this truck "City Transfer"

truck that night ? A. I did.

Q. Which way was it going when you saw it ? A. It passed me in front of the police station.

Q. What had you been doing ? A. Eight o'clock,- around five minutes to eight when I reported on duty Sergeant Olson,-- reported on duty to Sergeant Olson, I was told to keep inside the station and with Oscar Olson,--Sergeant Olson,- I had to go out and take in the safety zones.

Mr.KENNY: I move that be stricken out.

THE COURT: It doesn't make any different. Went out to take in the safety zones.

A. I walked up as far as first avenue east and took in the safety zones in front of the corner across the street on the upper side. Walked up in front of the City Hall, the upper side of second avenue east, and took them in , brought them up on the sidewalk, so I walked across over to Knudson and took in the safety zones there, and walked to the police station and I saw the truck, City Transfer truck, driving past.

Q. Going east ? A. Going east, yes sir.

Q. Tell us who was on it,-- and if there was a crowd, what was happening ? A. Why, maybe ten,-- eight or ten fellows on the truck, and some hollerees to me as they passed by.

Q. Is that someone the truck hollered to you ? A. Yes, someone on the truck hollered "Mr.Isaacson, bring the niggers

out, we want them."

- Q. Was anyone following the truck at that time ? A. I think it was some, yes.
- Q. Did you notice whether or not there was a rope attached to the back of the truck then ? A. It was.
- Q. Did you see how many were following the truck then ? A. No, I could not.
- Q. Well, in a general way, about how many ? A. Might be fifteen or twenty.
- Q. Did you notice where the truck went after that ? A. Went east.
- Q. Is that the last you saw of it ? A. Yes sir.
- Q. Where did you go ? A. I went to the police station.
- Q. You were under orders in the police station, were you ? A. Yes sir.

#### CROSS EXAMINATION,

By Mr.Kenny:

- Q. You were taking up the standards,- the safety zones on the street ? A. Yes.
- Q. You had taken up this one in front of Knudson's auto building there ? A. Yes.
- Q. That is on Superior Street and just east of Second Avenue East ? A. Yes sir.
- Q. Then you tried to go back to the police station ? A. Yes sir.

- Q. Is that the time the truck passed you ? A. Yes.
- Q. Going east. Did you notice the words written on it "City Transfer" ? A. Yes sir.
- Q. That is how you know now that that is the truck it was ? A. Yes.
- Q. How many people did you see that were on the truck ? A. Might have been ten,--  
eight or ten; maybe more.
- Q. That is a small truck, a Ford truck, with a small body? A. I couldnt say the make of it;  
it isnt a very big truck.
- Q. There was a rope fastened on behind and ten or fifteen trailing along with the rope ?  
A. Something like that.
- Q. They were not making much of a disturbance ? A. Well, yes, they were all talking and  
yelling something. One particular fellow called me by name and said "Isaacson,  
bring the niggers out, we want them."
- Q. What did you say to him ? A. Nothing.
- Q. You thought it was a big joke, didn't you ? A. No----
- Q. You didn't think he meant it ?

Mr.FORBES: Objected to as calling for the conclusion of the witness.

Objection over-ruled.

A. I didn't pay no attention to what they were doing. I had orders before I left the  
station to stay in the station; I simply took it as my duty to go up and take the



safety zones in.

- Q. Yes, but at any time, whether on duty or not, you understand it is your duty to arrest anybody who is breaking the law or causing the law to be broken,- you understand that ? A. Yes sir.
- Q. You didn't think that these people were stirring up a riot to have the negroes taken out of the jail ? A. Yes, I kind of thought they would, yes.
- Q. You thought they were trying to incite a riot to get the people to take the negroes out of the jail ? A. Yes.
- Q. What did you do : A. I went in the jail.
- Q. You didn't say anything to anyone on the truck ? A. I did not.
- Q. Did you make any attempt to stop the man who was driving the truck ? A. No sir.
- Q. Or to find out who he was ? A. No sir.
- Q. Or anything about it, at all ? A. No.
- Q. All you did was to go back to Sergeant Olson and tell--- A. They could hear it, I suppose.
- Q. They asked you what they said ? A. Yes.
- Q. And you told them as you have stated it here ? A. Yes.
- Q. And they didnt do anything about it ? A. No.
- Q. How long did you stay in the office there ? A. I was under orders to go upstairs and stay upstairs until I was called.
- Q. You did that ? A. Yes.
- Q. Where did you go ? A. Up in the small room.

- Q. You saw the truck when it came back ? A. I did.
- Q. And you saw the rope was attached to it then ? A. Yes sir.
- Q. When it went up beyond second avenue east ? A. Yes sir; kind of a big, heavy rope.
- Q. There was no great crowd following alongside the truck on the street ? A. Not very many, no.
- Q. It didn't excite your particular attention ? A. No, not unusually.
- Q. If they had been doing anything that you thought was wrong you would have stopped them, wouldn't you ? A. I don't know as to that.
- Q. How ? A. I don't know as to that.
- Q. You dont know whether you would, or not,- is that what you mean to say ? A. Yes.
- Q. You don't know who it was that called out to you "Isaacson, bring out the negroes, give them to us"? A. No sir. They were going east and I didnt pay much attention who it was on the truck, they were going past.
- Q. The officers in the office didnt pay much attention to it when you told them what they said ? A. No. I didn't stay in there to see what they did, but I don't think they did.
- Q. Did Olson or someone in there say something to you about having seen the truck go by ? A. No sir.
- Q. How did they know you had been --- A. They were standing

in the front office and I suppose they saw me.

Q. So you think they must have seen these people on the street and heard this person talk to you ? A. I suppose they did.

By Mr.Forbes:

Q. The Sergeant Olson that you refer to was the Sergeant Olson in charge of the police station that night ? A. He was.

By Mr.Kenny:

Q. You went on upstairs and stayed there the rest of the evening ? A. No sir, I--

Q. How long ? A. I went upstairs maybe ten, twelve,-- other police officers was there with me and we played one game of smear and started in on the second and we went downstairs.

Q. Where were you people playing a game ? A. In a small room.

Q. Is that over the jail ? A. Yes sir.

Q. On the third floor ? A. Yes sir.

Q. Where did you go then ? A. Went downstairs.

Q. Into the--- A. Hall.

Q. Leading back from the Superior street entrance into the first floor cell ? A. Yes sir.

Q. You were assigned to a position in front of the station ? A. Yes.

Q. You understood you were put there to keep the negroes in jail,- that is what you were put there for: A. I sup-

pose so.

Q. Did you testify before the grand jury ? A. Yes.

Q. You told the grand jury that ? A. Yes sir.

----oOo----

A. J. C A R S O N

Being first duly sworn as a witness on behalf of the state testifies as follows:

Direct Examination,

By Mr.Forbes.

Q. Mr. Carson, you live here in Duluth ? A. Yes sir.

Q. You are a reported connected with the Duluth News Tribune ? A. Yes.

Q. You were here in Duluth the night of the 15th of June ? A. Yes sir.

Q. Were you working that night ? A Yes sir.

Q. I will ask you if upon the night of the 15th of June you saw this City Transfer truck going up and down the street. A. I did not recognize it as a City Transfer truck, but I saw a truck going up,- going east on Superior street.

Q. What first called your attention to it ? A. Well, there was three of us, we had heard it was on the street and we walked up the street and we saw the truck coming along.

Q. Which way was it going then ? A. It was going east.

Q. Describe to the jury how many were on the truck.

By Mr.Kenny:

A. Where were you ? A. It was between--- between first and second avenues west on Superior Street, and we were on the lower side of the street going west.

By Mr.Forbes:

Q. About how many were on the truck, would you say ? A. Well,

I suppose there was less than ten. The truck didn't seem to be crowded, and still it was---

- Q. Were there any following, many people following behind the truck ? A. Yes, there were, I think following the truck probably between six or ten.
- Q. Do you remember whether you saw at that time a rope fastened on to the rear of the truck ? A. Yes, there was a rope hanging from the rear of the truck.
- Q. Did these people following the truck,- I will ask you whether or not they were hanging onto the rope as they went along. A. Yes, some were hanging on, and some were hanging on the back of the truck.
- Q. Tell us what they were doing, what you heard,- what they were doing. A. We sort of drew up to the curb and these fellows,- some were laughing, some were hollering and yelling. As I remember, they sort of made fun of us for not joining in; they said "Come on, you stiff." Another said something like "What kind of men are you? Have you got cold feet" something like that. It was in good nature.
- Q. Did the fellows on the truck, the different fellows, join in and say various things ? A. Yes, they did join in.
- Q. You do not remember any one in particular who joined in ? A. No, I didnt recognize anybody.
- Q. Did you see where the truck went after it passed you ? A. No; it just went down the street and we went in the other direction.

- Q. How long after was it you went down to the police headquarters ? A. Well, of course, I cant tell you just the time, but I think probably forty minutes. We went to the Spalding and had dinner and came back, and I suppose it was about forty minutes, probably.
- Q. Had any disturbance started in front of the police headquarters at the time you got back ? A. Well, there was a good sized crowd there and there were officers in front o the door. Yes, there was a good big crowd there.
- Q. Had they started to use the hose, at all, at that time ? A. No.
- Q. I will ask you whether or not any were throwing rocks against the police station at that time ? A. Well, no, not on the north side. By the time I got around to the rear they were throwing rocks and there was a disturbance around there.
- Q. Were you there when the crowd got in the back way ? A. Yes sir.
- Q. Do you remember how they got in ? A. Well, no,-- I went upstairs---- When I got up to the door the first time they had been in and went out again. That is, I suppose they had, because the door was smashed, the panels were broken, and the lights. As I remember I noticed the lights at the tip of the big door,- they were broken.
- Q. I will ask you if you were in the front part of the jail when they broke through the door into the cell-room ? A.

Yes sir.

- Q. Do you remember how they broke that door ? A. They used an instrument at different times,- they used different instruments at different times, and they was swinging a rail when they finally broke it in. Well, they used sledges at the very last and broke the hinges off.
- Q. Do you remember when they were using the water ? A. Yes sir.
- Q. How much water was being squirted into the City Hall, into headquarters ? A. Well, the floor was flooded, Oh, probably about,-- well, I had low shoes on and didn't get over my shoes. A lot of it went over, but it wasnt that deep.
- Q. Was there much of a crowd in the jail from the outside,-- gotten into headquarters and into the cell-room ? A. The hall,- what they call the hallway, I believe, from the Superior Street entrance back to the cell-room entrance was packed.

CROSS EXAMINATION,

By Mr.Kenny:

- Q. Who were those other three men, or two men, who were with you? A. One was the--  
- his name is Campbell; he is City Editor of our paper; and another man named Barrie, in the advertising department.
- Q. All connected with the News Tribune ? A. Yes sir.
- Q. You were on the lower side of Superior Street between First



and second avenues west walking in a westerly direction--- A. Yes sir.

Q. ---when you first saw the truck. You were going down to get something to eat ? A.

Yes.

Q. What time was that ? A. I suppose--- my usual dinner hour is seven-thirty and I think I went earlier that evening.

Q. Where were you coming from ? A. The News Tribune office.

Q. Which is between Lake and First Avenue East ? A. Yes sir.

Q. and this ruck came eastward in the manner you have described. You didn' pay any particular attention to it , who was driving ? A. No, I-- I didnt pay any attention to it, at all, other than to stop and see what it was.

Q. Do you remember the general construction of the truck ? A. Well, it was--- it was what I would call a light truck.

Q. With the ordinary frame box built up back of the driver's seat ? A. I wouldnt be able to describe that; I know it had a truck body.

Q. With a cab for the driver to sit in ? A. I wouldnt be able to say whether there was, or not.

Q. You cannot say that there was not ? A. No.

Q. Your attention was atracted especially to those who were standing on the truck--- A. Yes, and those running along behind.

Q. You didnt hear the man who was driving the truck or the man sitting with him doing anything, at all ? A. Oh, no.

- Q. Didnt hear either one of them say a word ? A. No.
- Q. You are quite sure they did not ? A. I am sure they did not, but my attention was not called to that in any way.
- Q. And you went on your way down further east--- further west to the Spalding ? A. Yes.
- Q. What time did you get back to the jail ? A. I say forty minutes. Of course that is just an estimate. Just about the usual time it takes me to get dinner and get back to the office.
- Q. Got back there sometime between eight and eight-thirty ? A. Yes, probably eight o'clock; nearly eight.
- Q. Do you remember passing any policemen along the street on your way down to the Spalding ? A. No.
- Q. Didnt know anything about whether there were any there ? A. I dont think we did pass any.

Re-Direct Examination,

By Mr.Forbes:

- Q. The whole attitude of the crowd down there, Mr. Carson, during the entire affair, as you were in the police headquarters---

Mr.KENNY: Objected to as leading

By Mr.Forbes:

- Q. I will ask you whether or not the attitude of the entire crowd down there during the evening, the most of them, at

least, was rather good-natured ?

Mr.KENNY: That is objected to as calling for the conclusion of the witness.

Objection over-ruled, to which ruling counsel duly excepts.

A. Well, I don't know,- I don't know how to answer that. The majority of the crowd, I suppose, were what you would call good-natured. I wouldnt say they were especially interested other than to watch it.

By Mr.Kenny:

Q. The majority of the crowd was not especially interested in what was going on? A.

They were there to watch it , thatis my opinion, yes.

Q. You testified before the grand jury ? A. Yes sir .

Q. Substantially to the same effect as you have testified here with reference to the movement of this truck,- what you saw of it ? A. I dont remember that they asked me where I saw it, but I told the grand jury I had seen the truck, yes.

Q. And described, in a general way, what you saw of it and the people on it ? A. Yes sir.

Mr.KENNY: We ask that the testimony of this witness be stricken out; his name is not indorsed here as a witness on this indictment.

Motion denied, to which ruling counsel duly excepts.

-----oOo-----

F R E D F. D A V I S

Being first duly sworn as a witness on behalf of the state testifies as follows:

Direct examination,

By Mr. Forbes:

- Q. Where do you live, Mr. Davis ? A. In the City of Duluth.
- Q. What is your business at the present time ? A. Government officer.
- Q. You are an employee of the United States. ---- A. Federal Probation Agent.
- Q. On the 15th of June this year what were you doing ? A. I was a policeman for the  
City of Duluth.
- Q. And had been connected with the police force of this city for some time prior to that ?  
A. Off and on, yes.
- Q. Where were you on duty the 15th of June this year ? A. On Superior Street.
- Q. What hours were you serving ? A. I had no certain hours to work.
- Q. Were you on duty on Superior Street in the evening of June 15th ? A. I was.
- Q. I will ask you if you saw the truck, the City Transfer truck, being driven up and down  
the street that night ? A. I did.
- Q. Where were you when you first saw it ? A. At fifth avenue west and Superior Street.
- Q. Which way was it going then ? A. East.
- Q. I will ask you whether or not there were a good many people

on the street and following behind it ? A. Why, there was; I couldnt say just how many; some riding on the truck; probably seven or eight.

Q. How many were behind it ? A. I think about four.

Q. I will ask you whether or not at that time there was a rope fastened on the rear of the truck ? A. There was.

Q. What were the people on the truck and hanging to the rope behind doing ? A. Why, they were,-- they were hollering; that is, some of them were hollering to come on down to the police station necktie party down there.

Q. Did you watch where the truck went after you saw it ? A. The truck went east and I walked east after it passed Fifth Avenue to Lake Avenue; then I see the truck coming west again at Lake Avenue.

Q. What was going on at that time on the truck ? A. The same thing, the people were hollering to come on down to police headquarters.

#### CROSS EXAMINATION;

By Mr. Kenny:

Q. I didn't understand the name of the position you said you hold. A. Federal Prohibition Agent.

Q. Where do you live ? A. City of Duluth.

Q. Whereabouts ? A. West Duluth.

Q. Give me your address. A. 520 North 57th avenue.

Q. How long have you lived there ? A. Going on five years.

- Q. Married man ? A. Yes.
- Q. Have a family ? A. Yes sir.
- Q. Where are your headquarters now in the work you are doing ? A. At Minneapolis.
- Q. When did you take that position ? A. July third.
- Q. July third. Were you in the employ of the city, of its police force, up until that time ?  
A. Yes sir.
- Q. Back until what time ? A. I think I had been working about, a little over a month for  
the city.
- Q. That would be from about the third of June until about the third of July ? A. I think so.
- Q. During that time what was your official position in the police force? A. I was a plain-  
clothes man.
- Q. You were a plain-clothes man ? A. Yes sir.
- Q. Were you a regular part of the force of the city ? A. No sir.
- Q. Doing substitute work ? A. Substitute.
- Q. Just before taking up that work what were you doing ? A. City Agent for the  
Canadian Northern Railway.
- Q. For how long ? A. Ten months, I believe.
- Q. And before that, immediately before that ? A. In the secret service, Northwestern  
Investigating Company.
- Q. That is a private detective agency ? A. Yes.
- Q. Who runs that ? A. L.W.Carson runs it.
- Q. Have an office here in the city ? A. No sir.
- Q. Under whom do you operate ? A. L.W.Carson.

- Q. Where is he ? A. Little Falls, Minnesota.
- Q. How long were you in their employ ? A. Worked three years for them.
- Q. So that on June 15th you were in this position of plain-clothes man on the local police force ? A. Yes sir.
- Q. You were stationed at fifty avenue west when this truck came down in an easterly direction on the lower side of Superior Street ? A. Yes sir.
- Q. Were you standing right at the corner ? A. Right at the corner.
- Q. In front of the Spalding Hotel ? A. No; in front of the cigar store.
- Q. On the other side of the avenue ? A. Yes.
- Q. That truck passed within, I suppose ten or fifteen feet of you ? A. Somethinglike that.
- Q. Possibly closer ? A. Something like that.
- Q. How fast was it moving ? A. Not very fast; I should judge four or five miles an hour; maybe a little faster.
- Q. You stood there and saw it go down with the men on it and a few more trailing behind--- A. Yes sir.
- Q. --- and said nothing ? A. No sir.
- Q. Of course, in the position that you held you had authority to make arrests the same as any other police officer ? A. Yes sir.
- Q. Why didnt you stop these people ? A. Because the line of work I was working under was to receive my orders from the

Chief as to making arrests,- special work.

- Q. You mean you did not arrest anybody except someone the Chief told you to ? A. I was working on special business.
- Q. If any person in your presence committed any offense you had a right to arrest them ? A. Yes sir.
- Q. And that is true of these men on the truck,- if you saw them committing any offense it was your duty to arrest them, was it not ? A. Well, I couldnt say to that.
- Q. Why cant you say ? A. I dont know as they committed any offense at that time.
- Q. You didnt know they were doing anything that was wrong ? A. I didnt think they were at that time.
- Q. You didnt think they were at that time ? (no answer)
- Q. You knew that certain negro prisoners were down there at the jail, having been arrested and charged with some offense out in West Duluth? A. I didnt know they were in the city jail or the county jail at that time.
- Q. You had heard some rumor that there was extraordinary excitement,- that there was considerable excitement and that there might be some demonstration against the negroes and possibly an attempt to take them from the officers ? A. No.
- Q. You hadnt heard anything about that, at all ? A. No.
- Q. Wherehad you been that day ? A. I was out in the country during the day.
- Q. When did you get back ? A. About six o'clock.
- Q. When did you go out in the morning ? A. About nine o'



clock.

- Q. When you came home at six where did you go ? A. I went home to supper.
- Q. When did you come up-town ? A. I came up town about seven o'clock.
- Q. When these men went by making those remarks it kind of awoke you to the realization you might have something--- A. I kind of thought,-- I thought it might be something doing, and still I thought maybe it was just a joke.
- Q. You thought there was nothing serious in what they were doing ? A. Probably more of noise than anything else.
- Q. No one along the street was paying any particular attention to them ? A. I couldn't say.
- Q. If they had been you would have noticed it ? A. Probably would.
- Q. It went west and you started walking east, didn't you ? A. Yes sir.
- Q. You encountered the truck again ? A. The truck was coming west then up at Lake Avenue.
- Q. You were still on the lower side of the street ? A. Yes sir.
- Q. And the truck was on the upper side ? A. Yes sir.
- Q. When it passed you there at fifth avenue he called you to come on down to the police headquarters, no one paid any particular attention to that ? A. No sir.
- Q. No crowds followed them up towards the police station ?

A. I didnt see any.

Q. Well, if they had gone by there--- A. Yes sir.

Q. Did you testify before the grand jury ? A. Yes sir.

Q. Were you questioned concerning this truck ? A. Yes sir.

Q. And testified substantially as you have here ? A. Just the same, I think.

Mr.KENNY: I renew my motion with reference to this witness, that his testimony be  
stricken out, his name not being endorsed on the indictment.

Motion denied.

----oOo----

J. N. NYSTROM

Being duly sworn as a witness on behalf of the state, testifies as follows:

Direct Examination,

By Mr. Forbes.

Q. Your name is J.N.Nystrom ? A. Yes sir.

Q. You are a police officer connected with the police force of this city ? A. Yes sir.

Q. And have been for sometime ? A. Yes sir.

Q. You were such officer the 15th of June of this year ? A. Yes sir.

Q. Where were you on duty that day ? A. My regular beat was from--- on Lake Avenue  
from Superior Street to the canal.

Q. What hours did you serve ? A. Eight o'clock in the morning until four o'clock in the  
afternoon.

Q. Were you near police headquarters that night ? A. Yes sir.

Q. How did you happen to be there that night ? A. I was called there.

Q. By whom ? A. By the operator in the police headquarters.

Q. What time did you report ? A. I reported on the--between---a little after seven o'clock.

Q. To whom did you report at that time ? A. Reported to Sergeant Olson.

Q. Who is --- that is Oscar Olson ? A. Yes sir.

Q. Was he in charge that night ? A. Yes sir.

- Q. After reporting to him where were you stationed ? A. Why, nothing going on around there and I was upstairs in the small room, sitting around there for a while, and finally called down by Sergeant Olson and I was stationed outside.
- Q. Who else was stationed outside with you ? A. Officer Isaacson, Officer Anderson, and Officer Sunderquist, and Officer Lading, and Fred Malon.
- Q. Where were you standing ? A. We received orders to stand right in that doorway and see that nobody have a chance to enter that door.
- Q. Is that the front door,- do you refer to the front door of the police headquarters ? A. Yes sir.
- Q. Were there many people out in front of police headquarters when you reported ? A. No, there wasn't hardly anybody around there when I reported.
- Q. When did you first notice any gathering ? A. When we were called out there.
- Q. About how many people were there there then ? A. Perhaps about 100 people.
- Q. Where were they gathered ? A. They were gathering right in front, on the street and on the sidewalk.
- Q. What were they doing ? A. Well, they was standing around there, saying nothing.
- Q. About when you went down in front ? A. They must have been around,- around,- Oh, after eight o'clock, I think

it was.

- Q. After you got down there how long was it before any trouble started ? A. After I first reported ?
- Q. No, after you got down in front. A. Why, within a very short time.
- Q: What happened ? A. Well, the crowd kept on gathering there and getting larger and larger all the time there and within a short time we had,-- the streets were crowded, and the sidewalk, up towards Second Avenue East there, and I see a fellow making a speech there, heard him across the street, and was two more taking an active part getting the crowd,-- to get these negroes; and finally, after this man made the speech , the crowd come towards the front door, but they turned east towards second avenue east and went around the corner of the city jail and down Michigan Street, and they were there for a little while, and the crowd came back up again on second avenue east and turned west on Superior Street and stopped in front of the station there.
- Q. After they got back this time what happened, what were they doing? A. And them three young fellows, they were hollering there yet - "Let's get those niggers. Come on . We got the rope." And after they started throwing rocks and stones, mostly brick, on the police station there, some broke against the wall, up along the wall,

some was low and didnt reach police headquarters. So by that time the fire department come down with the--- some hose and connected the hose from second avenue east and Sergeant Olson then turned the hose on the crowd and drove---

- Q. Did he drive them back ? A. Yes, he did.
- Q. Then what happened ? A. The hose was effective as long as we had any water, but the crowd got control of the hose. Then somebody must have gotten in touch with the fire department again, for they come down with another set of hose; they had no more than stopped in front of the police station when the crowd got the hose away from them and they connected that hose to second avenue east.
- Q. Took the hose from the police ? A. From the fire department. What happened, we didnt have no more water, and as the crowd was pulling--- they pulled this door off the hinges and the door fell over in the direction like this, kind of a slanting direction.
- Q. Who was directing the hose on the part of the policemen ? A. Sergeant Olson.
- Q. He had charge of that hose ? A. Yes sir.
- Q. Was he squirting water on the crowd ? A. Yes sir.
- Q. The crowd, in turn, had a hose and they squirted water at the police station and at Oscar Olson ? A. Yes sir.
- Q. How far away from the front of the headquarters was the

crowd with their hose ? A. Well, they broke the front windows with the stream of water coming from that hose, right in front.

Q. Did the break all the windows in front ? A. I dont remember whether they broke all, but broke anyway two that I seen.

Q. They were right in front of police headquarters then ? A. Yes.

Q. Where were you at that time ? A. Sometimes I was out in the street and sometimes on the sidewalk right in front there.

Q. I will ask you if you saw this defendant, Louis Dondino, that night ? A. Yes sir; I did.

Q. When was it you saw him ? A. During the water fight.

Q. Where was he and what was he doing when you saw him ? A. Why, Sergeant Olson kept the crowd back with the stream of water from the hose; a few of what we would call leaders,- they stood more water than the crowd felt like taking, and this gentleman here was one of them that run over to get the hose away from the crowd-- - we run over to get the hose away from the crowd and we run over and grabbed the hose with the nozzle and I succeeded in giving a little more chance to Sergeant Olson to work with his hose. So I bent the nozzle down towards the crowd and I hung on to it for a while and as I was standing there having

hold of the nozzle this gentleman here ran up and he says "Dont you dare to do that. Dont you dare to interfere with them. They are doing good work." He says "You leave them alone." I still held on to the nozzle of the hose, held it down, and him and one or two more succeeded in getting me away.

Q. How did they get you away ? A. They tore me away from there by force.

Q. You are sure this defendant Dondino is one of the fellows that took you away ? A. Yes sir; positive.

Q. Did you see him again that night after that ? A. No sir; I did not.

Q. Did the crowd at that time get the hose back,- away from you ? A. Yes sir; they did.

Q. What did they do with the hose when they got it away from you ? A. Well, then they were right up to the front, not very far from the door, the front window, and they smashed the front window, and I saw a stream come through the broken windows, and I could see the pictures which were hanging on the walls, inside there, in the front office, were washed right off the wall; and the people inside there couldnt stand it so they had to fall back towards the jailor's room there, and after that it was only a short time until they had possession or control of the station, some men coming through the broken windows and



and some through the door.

- Q. After they got possession of the station was there much of a crowd in the station ? A. They kept on coming in there as fast as they could; some went through those windows, made a jump right through those windows.
- Q. Were you there when they made some speeches inside ? A. Yes.
- Q. Were you there when Hugh McClearn, an attorney of this city, made a speech ? A. Yes.
- Q. How long after he made his speech was it that they got those three negroes and took them out ? A. They first got one; I was standing in the hall, towards the door, by the radiator, and the crowd,- well, the hall was full and it was quite a while after they got the first one out there.
- Q. Do you know what floor they got him from ? A. No, I couldnt say.
- Q. How long after was it they got the other two ? A. I should judge about half an hour.
- Q. Those are the three that they took out and hung ? A. Yes sir.
- Q. Did you go up to the hanging ? A. No sir; I did not.

CROSS EXAMINATION,

By Mr.Kenny:

- Q. You live where ? A. 132 East Fifth Street.

- Q. How long have you been living there ? A. About two months.
- Q. Before that where were you living ? A. 220 west seventh street.
- Q. How long were you there ? A. I was there about-- Oh, about a year and a half.
- Q. And before that ? A. In the same block, on the upper side.
- Q. How long did you live there ? A. Why, I lived there about two years.
- Q. That shows where you have been living for about three and one half to four years ?
- A. Just about.
- Q. Been on the police force all that time ? A. Yes.
- Q. How long have you been on the police force ? A. Going on my sixth year.
- Q. Let us refer back to this time you have been telling about when you saw you saw this gentleman here. As I understand it, that was when there was a fight going on between the police and part of the crowd for the possession and control of the fire hose. Is that right ? A. Yes, it was.]
- Q. What time was that ? A. Why, about between eight-thirty and nine o'clock, I should judge, in the evening.
- Q. Between eight-thirty and nine o'clock ? A. Just about.
- Q. You had been upstairs and then you were called down and stationed at the front door ? A. Yes sir.
- Q. Playing a game of smear ? A. Yes sir.

- Q. You cannot fix the time any more closely than that ? A. That is the best I can do.
- Q. And this hose which you were struggling for, or with, was located just where at that time ? A. At that time it was located right in front of the front door, about, perhaps ten or twelve feet from the front door, police headquarters.
- Q. The Superior street entrance to the police station ? A. Yes sir.
- Q. How wide was the sidewalk there ? A. I should think twelve feet.
- Q. When you say the hose was within about twelve feet do you mean the nozzle ? A. The nozzle, yes.
- Q. It was at the curb--- A. Yes.
- Q. --- directly in front of the door ? A. Yes.
- Q. Where did that line of hose run to and from, that is, do you know where it was attached ? A. In an easterly direction.
- Q. It ws bent, running easterly towards second avenue east ? A. Yes sir; kind of kitty-corner towards the northwest corner.
- Q. Right in front of that dry-cleaning place ? A. Just about.
- Q. Between the nozzle and the door what was the condition, was the crowd there ? A. No sir, there was not.
- Q. The hose was directed towards that place, was it ? A. Yes

sir.

- Q. People going along in front of the station ? A. At the station, yes.
- Q. Along from the door over towards the windows ? A. Yes.
- Q. Back and forth ? A. Yes.
- Q. But close to it and around there was an immense jam of people ? A. Why, there was nobody in the circle,- extending to about the middle of the street.
- Q. You mean there was a space about the center where there were no people ? A. Yes, with the exception of these leaders,- all around there.
- Q. All around there ? A. Yes, in kind of a circle.
- Q. Well, how far was the edge of the circle removed from the hose? A. Sometimes Sergeant Olson drove them back up further. It depended on the chance he had.
- Q. The crowd kept surging back and forth, didnt it ? A. Well, yes.
- Q. It would come up, at times, right up to the hose and almost around the nozzle ? A. No, not quite.
- Q. Very close to it, and then they would go away again--- A. It looked as though the hose was too effective and they couldnt stand there.
- Q. That was around in front of it ? A. Yes.
- Q. But back of the nozzle there was a crowd that surged around there and up to about the nozzle ? A. Some men on the hose there.

Q. Some men to hold it ? A. Yes.

Q. And then right up against that was a large crowd of people ? A. No, I couldnt say that.

Q. What would you say ? A. Why, a space perhaps of ten or fifteen feet would be bare, with the exception of the leaders; they seemed to be able to stand the water better than the others.

Q. Back of the nozzle ? A. Yes sir.

Q. How far ? A. Some was on the side. It was kind of a circle.

Q. How many of those leaders were there ? A. Three leaders.

Q. Do you know who they were ? A. I know two and I have a good description of the third one. Q. Who are the two ?

Mr.FORBES: That is objected to as incompetent, irrelevant and immaterial.

Objection over-ruled.

By Mr.Kenny:

Q. Who were the two you know ? A. Mr.Hedman and Mr.Olson.

Q. Mr.Hedman and Mr.Olson ? A. Yes sir.

Q. You have a good description of the other one. What do you mean by that ? (No answer)

Q. You know what he looked like ? A. I could describe him.

Q. But you dont know who he was ? A. No.

Q. Those three men were in charge of the hose for the crowd ? A. Sometimes--- seemed like they were in charge of the whole

works around there, except holding the hose.

Q. Weren't they holding it ? A. These three leaders ?

Q. Yes. A. No sir.

Q. Who were holding the hose ? A. Why, the party I identified as Stephenson.

Q. This man Stephenson who was tried here last week ? A. Yes sir .

Q. He was one of them ? A. Yes sir.

Q. Is he the only one ? A. No sir; was a few more.

Q. Doyou know who they were ? A. No sir.

Q. You have never been able to find them since ? A. If I see them I would recognize them, at least some of them.

Q. Are you sure about that ? A. Quite sure.

Q. You kept pretty close tab of the way everybody was dressed who came around there ? A. Oh, I wouldnt say that.

Q. You would be doing pretty well if you could pick out several men now who were down in the crowd, if you didnt know who they were ? A. I did pick out several man.

Q. You think you have, anyway ? A. Positiively.

Mr.FORBES: Objected to as argumentative.

THE COURT: No question pending.

By Mr.Kenny:

Q. You say you made an attempt to take the hose away from them ? A. Yes sir.

Q. Anybody else act with you ? A. There was other police of-

ficers around there.

- Q. Who was that ? A. It was Malon and Bailey, and quite a few more.
- Q. Were you one who went and grabbed the hose and tried to take it away from these men who were holding it ? A. I didnt expect I would be able to take the hose away from that many men, but I had an idea I could get the stream off of Sergeant Olson and give him a chance to use his hose better.
- Q. Where was Olson then ? A. In the doorway.
- Q. He had the other hose ? A. Yes.
- Q. You made some attempt to take that hose so they couldnt turn it on Olson. How did you do that ? A. I grabbed hold of the nozzle, I just stuck the nozzle down towards the curb.
- Q. You were facing the station ? A. Facing ----we were facing the station.
- Q. And these men who had hold of it got into a tussle with you there about who should control the hose ? A. Yes sir. These men on the hose still hung onto the hose.
- Q. Were you acting there alone or were there some other officers there ? A. We was scattered all over.
- Q. Right there at the nozzle. A. I mean there was one or two standing right by there.
- Q. When was it you say you saw the defendant there ? A. At that time.

- Q. Right at that time ? A. Yes sir.
- Q. Where was he ? A. He was standing on the west side of me. He had the hose something like this here, and I grabbed hold of the nozzle and I bent it down towards the crowd, and this man ran from behind the crowd and one or two other fellows and I still held onto the nozzle for a little while, but it was too much, they used force and they got me away.
- Q. Where were you then ? A. I was around there.
- Q. They didnt keep hold of you ? A. They let me go as soon as ---
- Q. Just as soon as you let go of the hose they let you do, did they ? A. Yes.
- Q. Where did you go then ? A. Well, the bricks and stones were coming from all directions on me.
- Q. A great many stones and bricks being thrown around there in the party ? A. Mostly brick.
- Q. Against the front of the police station ? A. Yes sir.
- Q. Windows crashing ? A. Yes; they were throwing bricks there. Had very poor aim; lots of them too high.
- Q. And fell back around where the crowd was,- where you were ? (No answer)
- Q. Right near where you were ? A. Yes.
- Q. And you naturally were trying to loom out and protect yourself from those things ? A. No, I wouldnt say that.
- Q. You felt there was danger of being struck ? A. I realized



that.

Q. And you took care to protect yourself from being hit ? A. I wont say that; I did get hit.

Q. You were actually hit ? A. A little while after.

Q. Where ? A. Right here. I have a mark here, if you wish to see it.

Q. A little after this,-- what do you mean by that ? A. A little while after.

Q. How long after ? A. I didnt look at the time.

Q. Just a second or two after ? A. No; longer than that.

Q. Stones and bricks were being thrown around there by the wholesale ? A. Quite a few thrown.

Q. In the midst of that some man came and grabbed you whom you now say is this man here ? A. Yes sir.

Q. You dont know him ? A. I didnt know him up to that time.

Q. Never had seen him before, as far as you know : A. As far as I know, no.

At this time an adjournment is taken until tomorrow morning, Friday,  
September 10, 1920, at 9:30 o'clock, A.M.

----oOo----

Friday, September 10, 1920.

9:30 o'clock, A.M.

Case called.

J. N. NYSTROM

On the witness-stand.

Cross Examination (Resumed)

By Mr.Kenny:

A. As I understand it, the nozzle of this hose, the so-called "leaders" controlled, was in front of the police station ? A. Almost within two foot.

Q. And they were using it to throw water against the people in front of the station and into the station ? A. Yes sir.

Q. And Olson had the other hose directed right against them ? A. Yes sir.

Q. The two streams of water were meeting and squirting around there for some distance ?

A JUROR: Is that Olson the policeman ?

A. Sergeant Olson

A JUROR: Do I understand ther eas an Olson on each of the ends, going both ways ?

THE COURT: He used the word "Olson" as the one that was on the hose.

Mr.KENNY: But hasnt this witness testified there was a man by the name of Olson on the other hose ?

A. No sir.

Mr. FORBES: No, I think not.

By Mr.Kenny:

Q. At the time when you made this attempt to take the hose away from the leaders of the mob and the water was running,- it had not been cut off then ? A. No sir.

Q. You grabbed the nozzle ? A. I grabbed the nozzle.

Q. The nozzle itself ? A. Yes.

Q. Was the water from that nozzle squirting to the sides as well as being shot directly ahead ? A. Directly ahead, as far as I could see When I came inside the station there it spread considerably, all over.

Q. You must have gotten pretty well soaked ? A. I did, for a fact.

Q. When this man came up and grabbed you and pulled you back he surely must have gotten into the stream of water, too,- he couldnt have done what he did without getting pretty well soaked ? A. It didnt take very long.

Q. But when he came up to you and grabbed you he was right in the water there ? A. I dont remember whether Sergeant Olson had the water on us or on the crowd, or the leaders, just at that particular time, but I know that I got pretty wet, myself.

Q. Well, when Olson didnt have his hose shooting directly at the leaders he was shifting it back and forth to drive

away the crowd that was around--- A. Yes.

Q. --- on both sides ? A. Yes.

Q. So if this man who came up and grabbed you was standing within a few feet of you there the chances are that he was struck by the water when it was being moved back and forth ? A. I think I got some water.

Q. All of those people in the crowd where you say he was standing must have been struck with water ? A. More or less, yes.

Q. I think you stated yesterday that this hose fight that you have been telling about occurred sometime after the speech which you heard delivered over across the street, on the other side ? A. Yes sir; it did.

Q. What speech was that, do you remember ? A. The Hedman speech.

Q. Hedman was making a speech ? A. Yes sir.

Q. And that was about in front of the hardware store across from the police station ? A. Just about.

Q. Where were you standing then ? A. On the sidewalk in front of the police headquarters.

Q. That is at least the distance of the street away from where--- A. I think a distance of sixty feet.

Q. How long was that before this hose fight you have been speaking about ? A. Perhaps twenty,-- twenty-five minutes to the best of my judgment.

Q. When Hedman was making that speech was there very much confusion in the street there ? A. Why, there was some.

Q. People were moving back and forth ? A. The crowd in general were not bad.

Q. The crowd in general was not bad? A. No sir.

Q. You claim to have heard what Hedman said in that speech ? A. Part of the speech, yes.

Q. Part of it ? A. Yes.

Q. You testified in the Hedman case ? A. Yes.

Q. You testified in the Olson case ? A. Yes.

Q. You testified in the next trial here last week, in the Stephenson case ? A. Yes sir.

Q. Just tell us what part of that speech you heard.

Mr.FORBES: The Hedman speech ?

Mr.KENNY. Yes.

Mr.FORBES: That is objected to as being incompetent, irrelevant and immaterial.

Objection over-ruled.

A. Why, I seen him get up on something high there; from where I was standing I couldnt say what he stood on, but I could see about that much (indicating) of his body above the rest of the crowd, from where I was standing , and he was telling the crowd there they all knew him, he was with the Missabe Northern, that the negroes had assaulted a white woman of West Duluth, a girl, on the

circus grounds the night before, and that this crowd here should punish these negroes for it. "Why should we stand it up here when they dont stand for it down south? If this had happend down south they would have had these negroes in fifteen minutes time. Dont be cowards." And just like that.

Q. Now, did you hear him say anything,- some reference that it might be your sister, might be my sister,- some words like that ?

Mr.FORBES: Unless the purpose is shown, I move that the entire testimony of this witness as pertaining to what Hedman did be stricken out as not competent for any purpose or material in this case. It has no bearing on what this defendant did. We are not concerned here, at all, with what Hedman did, and this jury is not passing upon that. It seems to me it is wrong to lug that into this case, or what any other man did, except as---

THE COURT: I assume counsel is not through yet.

Mr. KENNY: I am through with this witness as far as that goes. The purpose is to fix the relative times of these different events and the happenings, because the element of time is essential and he has indicated that was about,--- whatever time he testified before.

THE COURT: I guess it doesn't make any difference what this Hedman said ---

Mr.FORBES: How in the world could it make any difference unless it was in there for some prejudicial purpose,- and you know it was.

Mr.KENNY: I don't know anything of the kind. I want to identify the time.

MR.FORBES: If you want to fix the time you could ask him the time.

THE COURT: We will let the motion stand and wait and see. I will rule on it later.

By Mr. Kenny:

Q. You said you were one of a number of officers who were called down from a room upstairs and stationed out in front of the station ? A. Yes sir.

Q. Johnson and Sundberg ? A. Mahlen, and I think one other man,-- I think Bailey. Motor-cycle Officer Bailey was alone a while, for a time, a little while.

Q. That was all ? A. There may have been one or two more , but I cannot think who they were.

Q. You testified before the grand jury,- your name is endorsed on this indictment ? A. Yes sir.

Q. Substantially to the effect as you have testified here ? A. Yes sir.

Q. Giving the names of all those officers who were there at that time ? A. I think I did.

By Mr.Forbes:

Q. Were you in uniform, or not, that night ? A. I was in full uniform. I was told to come in full uniform.

By Mr.Kenny:

Q. You were, or you were not ? A. I were, yes sir.

By Mr.Forbes:

Q. All you have testified to in reference to this happening was in the City of Duluth, County of St.Louis and State of Minnesota ? A.Yes sir.

----oOo----



J. C. B R O W N

Being first duly sworn as a witness on behalf of the state, testifies as follows.

Direct Examination,

By Mr.Forbes:

Q. Your name is John C.Brown ? A. It is.

Q. You are a deputy sheriff of this county ? A. I am.

Q. Have been since when ? A. The first of January this year.

Q. Your duties have been in connection with the County Attorney's office during all that time ? A. Yes.

Q. I will ask you if you know this defendant, Louis Dondino? A. I do.

Q. Calling your attention to the 18th day of June this year a few days after the riot, I will ask you if you had a talk with him at that time ? A. I did.

Q. Where was that talk ? A. The County Attorney's office, this building.

Q. To what did that talk pertain ? A. In reference to where he was and what he was doing on the night of the riot.

Q. I will ask you whether or not , after you had talked to him about where he was and what he was doing on that night, you wrote down on the typewriter substantially what he said ? A. I did.

Q. I will ask you if that statment so made by him and so written out on the typerwiter was shown to Mr.Dondino by yourself ? A. It was.

- Q. I will ask you whether or not it was signed by him ? A. It was.
- Q. I will ask you whether or not he read it over before he signed it ? A. He did.
- Q. I call your attention to the 25th day of June of this year and ask you if you had a talk with the defendant again? A. Yes sir.
- Q. How did you happen to have that talk with him ? A. He asked for the privilege of making a supplemental statement.
- Q. Did he make a supplemental statement ? A. He did.
- Q. Did you put that statement into writing ? A. I did.
- Q. After it was written I will ask you whether or not you showed it to Mr.Dondino . A. I did.
- Q. Did he read it ? A. He did.
- Q. Was it signed ? A. It was.
- Q. By him ? A. By him.

Statement marked Ex.A.

- Q. I show you State's Exhibit A and I will ask you to state what that is ? A. That is the typewritten statement that Dondino signed.
- Q. Which statement is that, - the first page ? A. That is the first one that was taken.
- Q. That is the one that was taken on June 18th ? A. June 18th.

Q. Calling your attention to the signature "L.Dondino" I will ask you if that was signed by Mr.Dondino in your presence . A. It was.

Q. I call your attention to the second page and will ask you what that is. A. Tjat is the supplemental statement that was made afterwards, at his request.

Q. Calling your attention to the signature "Louis Dondino" at the bottom of the page of the statement, I will ask you if that is the signature of the defendant made in your presence. A. It was.

Q. And in both instances were the statements signed after he had read them over ? A. Yes sir.

Mr.FORBES: I offer in evidence State's exhibit A.

Mr. KENNY: There is no objection.

Following is a copy of

Exhibit A.

June 18th, 4.00 o'clock P.M.

Louis Dondino:

38 years. Driving own truck. Met N.P.train at 7:08 P.M. Took mail to D.W.P.Ry. at W.Duluth. After mail was delivered drove to my regular stand at 304 Central Ave. One or two dooars away is Rice & Arbor Pool Hall. I went to barber shop to collect money due my son. I was sitting down in

barber shop. A young man motioned me from sidewalk (I have seen him a number of times, know him by sight but do not know his name). I went out and he said "Are you going up town"? I said "Yes, I guess I will." Then he said "How is chances for some of us to go up with you"? I said " All right.: About 7:30 I left there for uptown with six or eight young men in my truck. We came up Central Ave. headed for Grand Ave. At that time I knew all these boys by sight but not by name. Last night I learned that John Johnson was the name of one and this morning I learned that Pat Olson was the name of one. We drove up Grand Ave. to Superior St. thence to Lake Ave., turned down to Third or Fourth Ave. West, turned again, went back east along Superior St. to 2nd Ave. Truck couldnt pull crowd so a rope was fastened on behind so the boys could take hold of it and run along behind as the crowd was too big to haul.

I turned once at Lake Ave. with the rope on behind. The crowd kept getting larger and different ones were hollering "Come on and join the necktie party" "Come on and help get the niggers" and like remarks as we drove up and down Superior St. The last trip going east I stopped in front of Police Headquarters

and the crowd left, took my rope and I havent seen the rope since. After the boys left my car I drove on and parked my car on 2nd Ave.E. between Superior and Michigan Sts. After parking car I walked up to Superior St. and met Mr.Hobbs. (Dell, first name). He tends bar at 1817 W.Superior St. He said " I was just going to look for someone to go to the show with me. - I have two 'comps', there will be no excitement here." This was between 8:30 and 8:45 P.M. We went to the Orpheum. It was a stock company show- same characters all the way through. We got out about 10:50 or 11:00 P.M. We saw a crowd on Superior St. We went down to edge of crowd, couldnt get any further for some time; then we found an opening and went down to lower side of Superior St. and stayed there 10 or 15 minutes, then the crowd hollered "We got 'em" and started up the hill to the pole where I saw two negroes hung. There was a man on the pole and I saw him kick the body as it was suspended on the rope. I didnt know the man on the pole and couldnt see the men that were pulling the bodies up. I was on 2nd Ave.E. about the alley crossing between Superior and First St.

Before going to show I saw a heavy set man standing up in a large touring car making a speech. He was

saying something about "Your sister and my sister." He was about 23 or 24 years old - heavy set, dark suit on, waving his hands. He was talking when we left, but we could not make out what he said. Fire department came down before we went to the show . They stretched out hose but water wasn't turned on while we were there.

I recall now that this speaker said "This might happen to your sister, or my sister. Come on, boys, let's get 'em; "You are not going to be yellow, now, are you?" or words to that general effect. He was talking some few minutes, but he was quite a distance away, sometimes his voice would be drowned out by the noise of the crowd. Saw Geo.Ruid (Rood) last night. He said "I see you are still on your feet" laughing. I said "Yah" passed on to my room.

(Signed) L. Dondino.

Supplemental statement of Louis Dondino

June 25th, 1920. 9:45 A.M.

I make the following statement of my own free will and I have asked for the permission to make the same.

Last night (June 24th, 1920) I was at my regular stand - 304 N. Central Ave., about 10:30 P.M. and at

that time was talking with Officer Paradise and while we were standing there talking a young man came along the street and as he approached Paradise asked him if he (the man approaching) was one of the men who was riding with me on my truck on the night of June 15th and I said "Yes."

After the man had passed Officer told me that this man's name was Darby O'Brien. This man was riding in the front or cab of my truck and got in the cab when I first started down town and made the complete trips with me until I drove up in front of police sta. and all of them unloaded.

On the night of June 23rd, 1920, just after I had made my mail trip I was standing in front of the butcher shop at about #306 N. Central Ave. and this man whom I now know to be Darby O'Brien came up and told me he had been subpoenaed and asked me if I had been up and what I had said and I told him I was under instructions not to talk about the affair, then I commenced asking him if he remembered where I had turned on Superior St. as we were making those trips and he told me that I turned first at Third Ave. E. then came back to 8th Ave. W. then went east again to Lake Ave. then turned west again to either second or fourth Ave. W. and went then up in front of Police Sta. when the crowd unloaded. I think the

rope was attached to the truck on the east bound trip when I turned at seventh or eighth Ave.W. While talking this over with Darby O'Brien I remembered then that he is right about the trips and where the truck turned.

I am a nephew of Commissioner Murnian, his wife is my mother's sister. My mother lives at Bennett, Wisconsin, also my father, William Dondino. My father came up yesterday and had a talk with me at my room - came up to see if I was subpoenaed and told me to let him know if anything happened to me afterwards. That is all that was said about what happened on June 15th last.

(Signed) Louis Dondino."

CROSS EXAMINATION,

By Mr.Kenny:

Q. Mr. Brown, you say you are a deputy sheriff of this county ? A. Yes sir.

Q. You are in the nature of a special agent, assigned for work in connection with the County Attorney's office, special investigator ? A. Yes sir.

Q. You formerly did work of that kind in the employ of the United States Government in the land department ? A. Yes sir.

Q. You were special agent there. The County Attorney



assigned you to the work of making a thorough investigation of this lynching ? A. I cannot remember that there was any particular assignment; we were working together on it, Mr. Greene and myself largely.

- Q. A large number of people were subpoenaed to appear before the grand jury in connection with it ? A. Yes sir.
- Q. Your office is right across the hall from the hall entrance to the grand jury room ? A. It is.
- Q. You were given the job of getting statements from these people who had been subpoenaed to testify before the grand jury, - is that right ? A. Well, I dont know just what you mean by "given the job" that is the word, I take it. I was working in conjunction with the county attorney and under suggestions made by himat various times as the witnesses came in I went along with it.
- Q. You interviewed them to find out what they knew in the case ? A. I did.
- Q. About how many people did you interview in that way ? A. Pretty hard to say; a good many.
- Q. You can give us some idea ? A. I wouldnt say it was less than three or four hundred, something like that , possible more.
- Q. Just tell us what the general practice was that you followed in getting their statements. A. Well, we followed up the names that were suggested to us by different peo-

ple who were there and saw people that they knew by name, and saw people that they knew by description, and sometimes they would go to the police station, sometimes they would get them first and afterwards send them to the County Attorney's office, and their statement were then taken, if they knew anything; sometimes it would be reduced to writing, and sometimes it would not. Some people were interviewd outside of the office, just from the --- well, pencil notes taken, and if they had any knowledge of what transpired there we reduced it to writing. I think I made all of those statements.

- Q. In any particular case what was your practice,-- you interviewed the witnesses, discussed the matter ? A. Yes, whether he was there and if he was there what he saw.
- Q. And then after that was done you would reduce to writing the substance of what they had told you ? A. Yes. In some instances we would know of the witness being present there and having certain knowledge or information,-- that information would come to us from an outside source, and we would start right in asking questions, and as we went along reduce it to writing on the typewriter.
- Q. You would write down their answers verbatim as they came to you ? A. Oh, no.
- Q. You would go through the entire matter--- A. No, just one feature of it and when I would get it myself I would re-

duce it to writing. then I would take up another feature.

- Q. The whole of it was typewritten in conjunction with the statement --- A. For instance, I would ask him "Where do you live ? When did you first hear of it."
- Q. You would reduce that to writing, the substance of it ? A. Yes.
- Q. You did not pretend to write down every word he said ? . No, No.
- Q. Then you would go along and take up another feature of it ? A. Yes sir.
- Q. And when that was through with you would do the same thing with another feature ?  
A. I tried to go over each so I would be sure to get it down right.
- Q. But it was only in particular cases and instances where you attempted to quote the language of the people ? A. Oh, I didnt quote,-- I didnt make any pretense of quoting their exact language, at all. What I was after was to get the substance of what they knew and I reduced it to writing in my own hand.
- Q. You first spoke to Dondino on June 18th ? A. Yes sir.
- Q. He was under subpoena to appear before the grand jury --- A. Yes sir.
- Q. Did you say anything about the use that might be made of it afterwards ? A. I cant recall that I did, now. I know I did to some, and to some I did not. I couldnt say in this particular case whether I did, or not.

- Q. But he readily subjected himself to examination and answered your questions ? A.  
He did.
- Q. What time of the day was that, the first talk you had, the first time you talked to him ?  
A. I had one--- one of those statements was taken in the afternoon, pretty well to the  
close of the day, and another was taken earlier in the morning; I have forgotten now  
the time.
- Q. The one taken June 18th you have written in "four o'clock." I suppose that was the  
first one you took that afternoon ? A. Yes. The next one would be earlier in the  
morning, about the time the grand jury was convening.
- Q. And this first statement, for instance, you took this statement and wrote it down in the  
same general way that you have been explaining ? A. Yes. In that first statement  
there I took down that in longhand. My typewriter was out of commission.  
Reduced it to typewriting afterwards.
- Q. And when ? A. I dont remember whether it was that night or the next day.
- Q. May have been the next day ? A. It might have been the next day. Those two  
statements were both signed at the same time.
- Q. He did not sign the first statement until after he had come back and made the second  
one ? A. No sir.
- Q. This second one, how soon after he made the statement did you write that down ? A.  
That was written down as we went along.

- Q. Your typewriter was working then ? A. Yes; it was fixed.
- Q. Did you write into this first statement all of your longhand notes ? A. It is an absolute copy, just the way I had it in my longhand.
- Q. You do not pretend that you have written down there all that Mr.Dondino told you ?  
A. No sir; I do not.
- Q. As a matter of fact youwrote down the things which you thought tended to show his guilt or participation in the thing that occurred that night, didnt you ? A. No sir.
- Q. You did not ? A. No sir; just the facts as he stated them; whether he was guilty, or not, it didnt make any difference to me.
- Q. You did more than to get his mere statement because you were trying to draw out information that you thought would be helpful in finding out what happened and possibly to implicate him in it, didnt you ? A. No; it wouldnt make any difference to me, and it didnt make any difference to me with any of the witnesses whether or not it influenced them or brought them into participation in this or not. What I was after was to get a statement of the facts and what I ----
- Q. Now, Mr.Brown, in this statement there is a reference to some remarks that were made by some men who were on your truck,-- on the truck that he was driving. You remember that in a general way ? A. Yes.

- Q. You asked him in the examination if he was not shouting and yelling, too, didnt you ?  
A. I think I did.
- Q. Did he tell you ? A. Well, I cannot recall.
- Q. Now, do you recall what he said to it ? A. No; I havent seen that statement until yesterday, and I havent read it over at all since it was taken.
- Q. I think you will find there is no reference to it here, if you will read it over. (Statement handed to witness to read) I will ask you now, Mr.Brown, after having read that over, if you have any recollection of asking Dondino whether he said he yelled or shouted anything while he was on the truck and what his answer was ? A. I think I have asked every man I have interviewed that was on the truck, and Mr.Dondino included.
- Q. Do you remember what he said about that ? A. The fact there is no statement in there in reference to any hollering indicates to my mind now that he must have said he did not do any, otherwise I would have put it in.
- Q. You didnt write that down ? A. No, I didnt write down what he was not doing.
- Q. You were there to find out what the man on that truck were doing ? A. I was trying to find out what he was doing.
- Q. You asked him if he was yelling and he said No and you made no reference to it ? A. Made no reference to it, no sir.

----oOo----

OSCAR OLSON

Being first duly sworn as a witness on behalf of the state, testifies as follows:

Direct Examination,

By Mr. Forbes:

- Q. Your name is Oscar Olson ? A. Yes sir.
- Q. You are Sergeant of Police ? A. Yes sir.
- Q. Connected with the police force of the City of Duluth A. Yes sir.
- Q. You have been with the police force, on the police force how long, Mr. Olson ? A.  
Since May first, 1908.
- Q. How long have you been Sergeant ? A. About three years.
- Q. On the night of June 15th of this year you were a sergeant? A. Yes sir.
- Q. Where were you serving ? A. Desk Sergeant, police headquarters.
- Q. Had you been desk sergeant at police headquarters for some time ? A. Yes sir.
- Q. Your hours of duty were what that day ? A. From four o'clock in the afternoon until  
twelve midnight.
- Q. Was that the regular watch you had been serving ? A. Yes sir.
- Q. During that time you were in charge of the station, were you ? A. Yes sir.
- Q. I will ask you if that day you had in your custody and under your guard as prisoners  
in the city jail in this

city three colored men, one named Isaac McGhie, one named Elmer Jackson, and one named Eli Clayton ? A. Yes sir.

- Q. And they were confined in the city jail of this city under your custody as you were chief officer of the jail that night ? A. Yes sir.
- Q. The city jail is located where ? A. Second avenue east and Superior street.
- Q. When was the first you noticed anything out of the ordinary as far as the crowd was concerned on that day ? A. Early in the evening I noticed an unusual number of people passing by and later there was a mob gathered there.
- Q. I dont know whether you saw this particular City Transfer truck,-- did you see it that night ? A. I saw the rear of the truck after it had--- it was going west about the center of the block, the first I saw it.
- Q. Is that all you saw of it ? Did you see it again ? A. I did not.
- Q. You dont know anything about who was on it or driving it ? A. I do not.
- Q. This number of people that gathered in front of the building, near the building, that was about what time, Sergeant ? (No answer)
- Q. That they first began to gather ? A. Sometime between seven and eight o'clock.



- Q. I will ask you whether or not the crowd continued to get larger and larger ? A. Yes sir.
- Q. And when, about, was it that you had the first real trouble with the mob, that is, physical trouble ? A. Around eight o'clock; may have been shortly before or shortly after; I do not remember the time.
- Q. The first trouble was at which portion of the city jail ? A. The first damage was done to the building on the Michigan Street side.
- Q. What damage was done down there ? A. Windows and doors broken by bricks and stones and other implements.
- Q. Thrown by the mob ? A. Yes sir.
- Q. And then the next place at which any damage was done to the city jail was where ?  
A. On the Superior Street side; windows, doors and fixtures on the inside were damaged.
- Q. How were they damaged ? A. By stones and bricks and water.
- Q. The stones and bricks were thrown by the mob, were they ? A. Yes.
- Q. And the windows broken ? A. Yes sir.
- Q. About how many windows in the front of the jail were broken on the ground floor ? A. I think, with the exception of one or two-- all of them with the exception of one or two smaller ones.

- Q. Was there any damage done to the doors ? A. Yes.
- Q. The outside doors ? A. There is a double door on the inside; one of them was knocked completely off its hinges.
- Q. In the cells what damage was done by the water,-- will you just state how that was done ? A. Breaking the locks, turning the water on the police in the building, soaking everything inside.
- Q. What kind of a hose was that ? A. The hose belonged to the City of Duluth, belonging to the fire department.
- Q. Do you remember the size of the hose ? A. It was standard size.
- Q. That is about a three-inch hose, is it ? A. I dont know whether it is three inches or four inches.
- Q. It is three inches, anyway ? A. It is three inches , possibly more.
- Q. It is a regular fire department hose ? A. Yes.
- Q. Who first used the hose, Sergeant? How did they happen to start using the hose that night ? A. Why, the police first used the hose, after the mob had started to throw brick and stones on the Michigan Street side.
- Q. And that hose was used under your instructions, was it ? A. Yes sir.
- Q. I will ask you if you, yourself, personally, took part in using that hose ? A. Yes sir.

- Q. Was the hose used in the rear, at all, on the Michigan Street side ? A. It was used in a small stairway that leads from the garage up to the first floor.
- Q. Was that after the mob had gone inside the outside door-- A. They had broken into the garage.
- Q. And there is a stairway that leads from the stairs up to the main floor, the Superior Street floor ? A. Yes sir.
- Q. This other trouble with the crowd in front, tell us, Sergeant, what happened there. A. The mob was between--- the mob was beaten off on the Michigan Street side and they later went around to the Superior Street side and started to throw stones and bricks. I ordered the hose turned on them and went out on the street as far as the hose would let us go. Shortly after, the mob secured the hose,- secured a hose from some place, and turned the water onto the police, and fought there for some time.
- Q. How long would you say the fight between the police and the mob continued as far as the hose was concerned,- the water fight ? A. Possibly half an hour; maybe a little longer.
- Q. And at that time, Sergeant, what was the condition as far as the size of the mob was concerned, how big a crowd was it? A. There was a crowd as far as I could see both east and west on Superior Street.

- Q. The mob extended down as far as First Avenue East ? A. Yes sir.
- Q. Densely packed in the streets ? A. Yes sir.
- Q. And the crowd occupied both the sidewalks and the street ? A. Yes sir. The traffic was completely tied up.
- Q. Street-car traffic tied up ? A. Yes sir.
- Q. You say the crowd extended how far ? A. Beyond second avenue east; I couldnt say how far.
- Q. During all the time the host fight that you have described, or the water fight, was going on was there a constant stream of water going back and forth ? A. Yes.
- Q. Was the mob doing anything else at that time ? A. They were throwing bricks and stones.
- Q. What was the condition of the headquarters, the office part of the city jail, at the end of the water fight ? A. Why, the Superior Street floor was flooded with water, while the paper in places had been washed off; several books on the desk in there was water-soaked, and the pictures in general were damaged by water.
- Q. I will ask you whether or not the mob ultimately got into police headquarters ? A. Yes sir.
- Q. What did you do, Sergeant, with reference to trying to quell the mob, aside from trying to back it off with the hose ? A. The officers that I had there were instructed to keep the mob out before the mob had started, and after the water fight I attempted to stop the mob, going towards

them with one arm up in the air, thinking that they might know that I wanted them to stop, so I could talk to them.

Q. Did you talk to them ? A. Yes sir.

Q. Along what lines did you speak ? A. I told them of the six negroes that were arrested and how they were arrested; also told them about the girl who was supposed to have been assaulted by the negroes, and the boy that was in her company at the time, were down in the railroad yards at the time myself and other police officers arrested-- - and questioned about two hundred negroes; that the thirteen were arrested because they could not give an account of their whereabouts the night of the assault. That the girl or the boy could not identify a single one of them, and that they should disperse and go home and get out of the building,- they had done a lot of damage,-- talking on law and order in general.

Q. How did the mob receive your speech,- what did they do ? A. It had an effect on some; others it had no effect on, according to their actions.

Q. Were they yelling ? A. They were.

Q. Do you remember anything they were yelling, anything in particular that you can remember ? A. Why, there was several shouting "Supposing it was your sister. Let's go, let's get them." Remarks of that kind.

Q. I will ask you whether or not you asked anyone else to

speak ? A. Yes sir.

- Q. To quell the mob. Who ? A. There was a stranger whom I never saw before, nor after, and I asked him if he would speak on law and order.
- Q. Did he speak ? A. Yes sir; he spoke to the mob, told the mob,-- speaking on my request, spoke on law and order.
- Q. Did he have better success with the mob than you did ? A. No sir.
- Q. They still kept throwing rocks and yelling, did they ? A. They were not throwing rocks that I noticed at that time.
- Q. That was inside ? A. That was in the hallway.
- Q. Did you ask anyone else to talk ? A. Yes.
- Q. Who? A. Captain McDevitt, later in the evening.
- Q. And anyone else ? A. Attorney Hugh McClearn, and one of the strangers talked on law and order.
- Q. And did the attorney and this stranger,-- Captain McDevitt and yourself and Hugh McClearn a , talk along the line of letting the law take its course ? A. Yes sir.
- Q. I will ask you whether or not the speeches had any effect on keeping the mob,-- on quieting the mob ? A. Not judging from their actions.
- Q. At that time had they broken into the cell-room ? A. No sir.
- Q. I wish you would tell the jury the layout of the ground

plan down there where the cell-room is with reference to the office part of the headquarters. A. The cell-room,- known as the large jail, is on the same floor, that is the first floor, Superior Street, and located at the rear rooms that are used as jailor's room , secretary's room, and general office, Chief of Police, and there is--

- Q. Is the cell-room separated,- what kind of a door is between the office part and the cell-room ? A. There is an iron sheet door on the outside and an iron bar door on the inside.
- Q. That bar door is a straight bar door ? A. Yes sir.
- Q. Sheet-iron door ? A. Yes sir.
- Q. The cells are inside that cell-room ? A. Yes shr. They stand in the middle,- in the center of the room, leaving a gangway around the room.
- Q. And then there are other cells upstairs ? A. There is,- the boys' department of the jail and also the ladies' department of the jail, and sort of a rest-room and also a small store-room, and the battery room on the floor; that is what we call the half floor.
- Q. These persons that have been referred to, McGhie, Jackson and Clayton, were they in the cells in the cell-room ? A. They were in the cells.
- Q. I will ask you if, following the speeches whether or not the mob continued to try to break into the jail ? A. They

did.

- Q. Did they succeed in getting into the cell-room ? A. Yes sir.
- Q. How did they get into the cell-room, the main floor of the cell-room ? A. They battered down the outside iron door and later broke down the bar door inside and got into the cell-room; broke down the cells,- knocked the locks off the cells.
- Q. How did they get into the cell-room upstairs ? A. The wall was broken, a hole made large enough for a person to crawl through.
- Q. How long after the speeck-making was it that they got into the cell room, in a general way, I mean ? A. Making a guess I believe it was--- got into the cell rooms sometime between ten-thirty and eleven o'clock, around that time.
- Q. Did they get hold of these three men, McGhie, Jackson and Clayton ? A. Yes sir.
- Q. I will ask you whether or not they took the three men,- those were the men that they took out of the jail and hanged ? A. Yes sir.
- Q. They were all hanged by the mob, were they ? A. Yes sir.
- Q. Calling your attention to the time when Hugh McClearn made his speech in reference to law and order, I will ask you if about that time you saw this defendant, Louis Dondino ? A. Yes sir.
- Q. Where was he then ? A. He was standing right close to me



on the left.

Q. You are sure this is the same man that was in there standing alongside of you ? A.

Yes sir.

Q. How long was that after the water fight ? A. Why, I dont remember how long; it was just---

Q. Was it soon after the water fight--- A. It was soon after the mob had gotten into the hallway and after I and this stranger spoke.

Q. They got into the hallway as soon as the water fight stopped, or a short time after ? A. Yes sir.

Q. Was that the first time you had noticed the defendant ? A. Yes sir.

Q. Was there a big crowd in there at that time ? A. The hallway was packed.

Q. How far away was the defendant from you ? A. He was rubbing right against me.

Q. Was he there when McClearn made his speech ? A. Yes sir.

Q. What did he say following McClearn's speech ? A. He was hooting and yelling.

Q. All this happened, Sergeant, in the City of Duluth, County of St.Louis and State of Minnesota ? A. Yes sir.

CROSS EXAMINATION,

By Mr.Kenny:

Q. I dint think you said how long it was after McClearn made

his speech, after the fight with the hose outside there. A. The time was about long enough for the--- I dont suppose I spoke much more than five minutes; the stanger maybe spoke three or four minutes . Probably was twenty minutes in all, judging---

Q. That was after the conclusion of the water fight ? A. Yes sir.

Q. After the water had been cut off ? A. Yes.

Q. McClearn made a couple speeches there, didnt he ? A. Only one to my knowledge that is in the hallway.

Q. Didnt he make another one somewhere else ? A. I didnt see---- I heard he had.

Q. Where did you understand that was ? A. I heard it was outside some place on the street.

Q. Before he had made the one inside ? A. I dont know whether it was before, or after.

Q. You dont know now ? A. I do not.

Q. Just where were you standing when you say Dondino waspressed up against you ?

A. Almost at the foot of the ladder that McClearn was standing on. The ladder was in the far end of the jallway.

Q. In the rear end ? A. Yes.

Q. Going in from Superior Street : A. Yes. There is a window there---

Q. On which side of the building ? A. On the west side of the building.

- Q. On the west side ? A. Yes sir.
- Q. There is a stairway going up from the first floor to this other jail room ? A. Yes sir.
- Q. Whereabouts is that ? A. That goes up from the hallway.
- Q. Was the ladder back of that ? A. No sir.
- Q. In front of it ? A. Yes sir. It was in the corner before you come to the stairway leading down into the basement.
- Q. Before you come to the stairway leading down into the basement ? A. Yes. The end, what I call.
- Q. Would you draw a diagram on a piece of paper of the floor arrangement ? A. I can probably explain it right here.
- Q. Just draw a sketch of the floor plan there, the different rooms there and the relative locations. A. Yes, but I can probably explain it better to the jury.
- Q. Well, after you draw it you can do that. What I want is a sketch of the whole floor plan showing the different rooms and their relation to one another. Cant you do that ? A. I will try.

(Withdrawn for the present)

- Q. At the time you say Dondino was standing beside you whom else did you see there that you know ? (No answer)
- Q. Or that you recognized and found out since who they were ? A. Right at the time I saw him I didnt notice anyone else.
- Q. Either for a little while before or a little while after. A. A man whom I have learned since to know is Leonard

Hedman; I saw him shortly after I saw Dondino.

Q. He made a speech, didnt he ? A. Yes.

Q. He was up on something that raised him up ? A. He was up on the ladder.

Q. Anybody else? A. Yes sir

Q. Who is that ? A. Someone unknown to me that has not been apprehended.

Q. What ? A. Some that has not been arrested or---

Q. Do you know who they were ? A. No.

Q. You saw a lot of people around there ? A. Yes.

Q. A whole mob ? A. Yes.

Q. The most of them have not been arrested ? A. What is that?

Q. You had a whole mob around there and the most of them have not been arrested ?

A. That is right.

Q. Whom else did you identify there ? A. I didnt identify---

Q. No one else, at all ? A. No sir.

Q. You had never seen this man before ? A. Not to my knowledge.

Q. When was the next time that you saw him ? A. Sometime later in this building.

Q. When he had been subpoenaed and called up here with a lot of other people who had been down there waiting to testify before the grand jury ? A. Yes sir.

Q. And he is the only man that you identified ? (No answer)

Q. Standing there beside Hedman ? A. Yes sir.

Re-Direct Examination,

By Mr.Forbes:

Q. These other men around there, will you be able to identify them, Sergeant ? A. I could identify several.

Blue-print marked Ex.1.

By Mr.Kenny:

Q. I show you this blue-print, Sergeant, which is marked defendant's exhibit 1, and ask you if that is a diagram which shows correctly the arrangement of the floor space on the mainfloor, what we call the Superior Street floor of the city jail ? A. Yes sir; it is.

Q. That shows the relative locations with reference to each other, of the different rooms and the hallway and the stairway and the jail ? A. Yes sir.

Q. And the cell-room. Now, if you will just mark where you were standing when you say Dondino was beside you. Just mark an "O" if you will. (Witness marks) You were standing up there close over to the west wall then ? A. Yes sir.

Q. Which side of you was he, towards the street side or back towards the jail end ? A. I was facing-- the south.

Q. South. What would that be on this diagram ? A. That part of it is facing south.

Q. You were facing in general,- in a general direction towards the cell-room ? A. Yes sir.

Q. Which side of you was Dondino ? A. On my left.

Q. Out towards the---- A. He was right at my arm.

Q. He was on the side of you where the whole mob was ? A. There was a line--- there was men between me and the wall.

Q. Not very many ? A. There were a few, not so many.

Q. After the great bulk of the mob had pressed around you were the people in the same direction Dondino was from you ? A. They were behind me, a majority of the mob was behind me , but I had my back turned towards Superior Street and close to the end of the hall.

Q. Back of you and to your left side.

Mr.KENNY: We will offer that in evidence at this time.

(Defendant's exhibit 1)

Mr.FORBES: There is no objection.

By Mr.Kenny:

Q. At the time you refer to now particularly as seeing Dondino there beside you was while McClearn was making a speech , that is, you were inside there ? A. Yes.

Q. And he was up there on the ladder ? A. Yes sir.

Q. There is nothing on the diagram to show where the ladder was. Mark an "L" where that was. (Witness marks) This is the Superior Street entrance to the jail,- the general office, the Chief's office, and this is the main hall here, or corridor running back towards the cell-room. Back here are the cell rooms referred to. The letter "L": indicates where the ladder was. The letter "O" indicates the place

where he was standing at the time he has spoken of having seen the defendant.

Can you fix the time of that any closer than you have ? Will you state your best recollection. You said a while ago in a general way it was about twenty minutes after the water fight, but I dont know as you said what time by the clock. A. It may have been between ten and ten-thirty.

Q. That is your best judgment of it ? A. Yes sir.

Mr.KENNY: I guess that is all.

Picture marked Ex.B.

Picture marked Ex.C.

Picture marked Ex.D.

By Mr.Forbes:

Q. I show you plaintiff's exhibit D and ask you what that is a picture of. A. A picture of the city hall on the Superior Street side.

Q. At the time of the riot you referred to one of the iron doors. Can you indicate on there which one that was ? A. The east half of the door.

Q. Is that the one that doesnt appear in the picture ? A. Yes sir.

Q. In reference to the windows being broken, what windows, in a general way, were broken by the mob ? A. All the windows with the exception of one or two small windows quite high above the--

- Q. All of these windows down here were broken except some of these top windows ?  
A. Yes sir.
- Q. I show you State's exhibit B and I will ask you what that is ? A. That is the wall of the boys' department of the jail. This is the wall facing Superior Street. That is the hole that was made by the mob after knocking this what we call the dog hole out.
- Q. That hole is the hole between the cell rooms on the second floor and the front part of the jail ? A. Yes.
- Q. That hole is a hole through which the mob obtained entrance to the cell rooms on the second floor ? A. Yes sir.
- Q. I show you state's exhibit C and I will ask you what that is . A. That is the west side of the large jail downstairs.
- Q. Does that show the general plan of the way the cells are arranged in the cell-room ?  
A. Yes sir.

ooooOoooo

Exhibit B.C. and D are offered in  
evidence by the State and the same  
are received without objection.

----oOo----

THE STATE RESTS

----oOo----



D E L L H O B B S

Being first duly sworn as a witness on behalf of the defendant testifies as follows:

Direct Examination,

By Mr.Kenny.

Q? Dell,-- is that you name ? A. My name is Adelbert A.; They call me Dell.

Q. Where are you living now ? A. Living in Superior at the present time, doctoring.

Q. How long have you been over there ? A. Since about the 18th or 20th of July.

Q. Before that where were you ? A. I was 1817 West Superior Street since the first of June.

Q. Before that where were you ? A. I was at home for a while.

Q. Where was your home ? A. Iron River, Wisconsin.

Q. Your father ? A. My mother.

Q. Father is dead ? A. Yes sir.

Q. When did he die ? A. The twenty-first day of July, 1913.

Q? You have some brothers and sisters living down there at your home ? A. Two brothers at Iron River.

Q. What work are you following ? A. Usually railroad work when I am able.

Q. Your regular--- A. Railroad brakeman.

Q. You are not engaged in that now ? A. No sir.

Q. What are you doing ? A. Well, I am not doing much of anything. I am doctoring most of the time. I am not able to

work.

- Q. What is your ailment ? A. Tubercular trouble. Caused from an operation----
- Q. Something in the army ? A. Yes sir.
- Q. Do you know this defendant, Louis Dondino ? A. Yes.
- Q. How long have you known him ? A. Four or five years.
- Q. Were you here in the city the night of June 15th ? A. Yes sir.
- Q. On the night those negroes were hung ? A. Yes sir.
- Q. Did you come uptown that night ? A. Yes sir.
- Q. What time ? A. I left there about eight o'clock, just about eight o'clock.
- Q. Left down there about eight ? A. Yes, about eight o'clock.
- Q. Where did you go ? A. Going to a show.
- Q? How did you come uptown ? A. Street-car.
- Q. Got down out there at--- A. Yes sir.
- Q. Where did you get off ? A. Around fifth avenue west and Superior Street.
- Q. How did you come to get off there ? A. I had an appointment there with a party.
- Q. Did you meet the party ? A. No sir.
- Q. Then where did you go ? A. Walked down the street towards the Orpheum Theatre.
- Q. How far down did you get ? A. Right at the Orpheum Theatre, first avenue east,--  
second avenue east, is it ?
- Q. At the avenue the Orpheum is on ? A. Yes.

- Q. About what time do you think you got there ? A. Around eight-twenty; eight-twenty, something like that.
- Q. What were the conditions there then ? A. An awful mob; I couldnt hardly get through.
- Q. How long were you there ? A. Not very long.
- Q. Did you see Dondino ? A. Met him at the---- right in the middle of the block.
- Q. What do you mean by that ? A. Second avenue east on Superior street there.
- Q. You mean halfway between the two avenues ? A. Right on Superiot Street.
- Q. Whereabouts ? A. Oh, on second avenue east; that is where this theatre is, right in the street, right in the middle of the block there.
- Q. The middle of the block would indicate between the two avenues ? A. Well, where second avenue crosses Superior street.
- Q. That is what you meant by "block", the intersection ? A. Yes sir.
- Q. That is where you met Dondino ? A. Yes.
- Q. Did you see where he came from ? A. No sir; I didnt notice.
- Q. Did he see you first or did you see him ? A. I seen him first, I think,-- I dont remember.
- Q. Go ahead and tell what you and he did after you two met. A. I seen him in the crowd there and I wanted to take somebody

to the show that I knew, so I seen Louis there and I asked him to go to the Orpheum.

Q. What did he say ? A. He said "Wait until I see if my coat is all right --- get my coat."

Q. Did he leave you then ? A. He went some place, I dont know where he went.

Q. How long was he gone ? A. Two minutes.

Q. He returned ? A. Yes sir.

Q. He had a coat ? A. Yes sir.

Q. What did you do then ? A. We stood there a few minutes and somebody, he was quite a ways off, was making a speech.

Q. Which direction was that ? A. Towards first avenue east on the upper side of Superior Street.

Q. Do you know where the city police station is down here ? A. Right about across over there.

Q. On the upper side of Superior Street ? A. Yes.

Q. Do you remember anything that you heard that speaker say ? A. Something about sister; the noise was so heavy you couldnt understand it.

Q. He was evidently speaking to the crowd ? A. I didnt pay much attention to it; I didnt have any interest it it and I didnt pay any attention to it.

Q. What did you do then. ? A. We went over to the show.

Q. You and Dondino together ? A. Yes.

Q. You went up--- A. To the Orpheum Theatre.

- Q. About what time was that as nearly as you can tell us ? A. The show just started before we got there. It started before we got there.
- Q. Did you stay all through the performance ? A. Yes. We came to the entrance and smoked in one of the intermissions,-- between each act, right at the doorway.
- Q. Is that all that either of you left the theatre or came out while the performance was on ? A. That is all.
- Q. What play was on that week ? A. Bathroom and Bedroom,-- something like that. It was a stock company.
- Q. You do not remember the exact name ? A. I do not just remember the name. Kind of a mixed up affair.
- Q. Where had you gotten these tickets ? A. From the bill poster.
- Q. What is his name ? A. Daly.
- Q. Were those complimentary tickets ? A. Yes sir.
- Q. Had you ever received complimentary tickets from him before? A. Yes sir.
- Q. Just tell us somewhat of what the play was that night, as you remember it .
- Mr.FORBES: That is immaterial.
- A. Well, there was---
- Mr.FORBES: Wait a minute.
- THE COURT: Over-ruled.
- A. They were hugging and having a little trouble among their wives and sweethearts. .It was kind of a complicated affair, anyway. Loving and kissing and all this stuff. Complicated.

affair, anyway.

- Q. You stayed there all through it, did you ? A. Yes sir.
- Q. What did you do when the show was over ? A. Came down as far as about--- about where we met.
- Q. Came out and went down second avenue ? A. Yes sir.
- Q. Go ahead and tell what occurred. A. I told Louis I was going home.
- Q. And did you ? A. Yes sir.
- Q. How did you go home ? A. Went down and caught a street-car, down below.
- Q. Where did you go then ? A. Eighteenth avenue west, 1817.
- Q. What time did you get out there ? A. Oh, I dont remember. I was there a little while and came back again.
- Q. Whom did you come back with ? A. Jim Conway and his wife.
- Q. Did they drive an automobile ? A. Yes; a Buick car.
- Q. You came back uptown ? A. Yes sir.
- Q. Where did you go ? A. They parked their car in front of the--- in front of the city hall, on the upper side of the street.
- Q. What did you do then ? A. We asked some parties how they got out and they said they were hanged on a pole up on first street, and I and Jim ran up there. We didnt get very close, the crowd was so heavy we couldnt get there. Came back to the car again for a few minutes and we were ordered to get out of there.
- Q. The lynching was all over then---- A. Yes.

- Q. --- when you got up town ? A. Yes. We drove up around on first street; we parked the car on first street and Jim and his wife went up to see it and I watched the car.
- Q. When that--- A. From there we went home.
- Q. Were you with Dondino all the time from the time you met there at the corner before the show until the time you say you left him ? A. Yes sir.
- Q. During any of that time was he down in the crowd in front of the police station.? A. No sir.
- Q. Was he inside the police station, at all ? A. Not that I know of. Not while I was with him.
- Q. You said you were with him all the time ? A. Yes.

CROSS EXAMINATION,

By Mr.Forbes:

- Q. You say you are a railroad brakeman ? A. Yes sir.
- Q. By whom have you been employed ? A. The Duluth, Missabe & Northern Railway.
- Q. How long did you work for them ? A. Since the 17th of October. April 24th I hired out.
- Q. Before that what did you do ? A. I was cutting meat.
- Q. Meat cutter ? A. Yes sir.
- Q. What else have you workee at ? A. Meat cutting, railroad, diamond drill work.

- Q. That is all, is it ? A. Yes sir. Well, tending bar.
- Q. You were tending bar for whom ? A. For J.C.Conway.
- Q. Where is his place ? A. 1817 West Superior Street.
- Q. That is where you live now ? A. No sir.
- Q. I mean before you went to Superior ? A. Yes sir.
- Q: As I understand it, there was quite a mob out in front of the police station when you went into the theater in the first place ? A. Yes sir; there was.
- Q. They were calling out, yelling ? A. They were making lots of noise.
- Q. You went into the show and between acts you and this Dondino would come out to the entrance and smoke ? A. Of the theater, yes sir.
- Q. You didnt go down to the crowd, at all ? A. No sir.
- Q. The noise that occurred, you could hear it in the theater during the show ? A. No sir; I never heard it.
- Q. You didnt hear that yelling down there ? a. Not when I was inside the theater, no.
- Q. Not while you were inside the theater ? A. No sir.
- Q. So after the show you came out and the mob then was pretty big, was it ? A. Yes.
- Q. So big the street cars couldnt run ? A. They did not.
- Q. And so big the traffic couldnt get through on Superior Street ? A. Pretty hard.
- Q. And the crowd was yelling and cheering ? A. Making lots of



noise.

Q. And you went and got on a street-car ? A. Yes.

Q. And went home ? A. Yes sir.

Q. You dont know what became of Dondino ? A. No sir.

Q. As soon as you got home you and Conway and his wife got a Buick car and came back ? A. Yes sir.

Q. Right back to the scene ? A. Yes sir.

Q. Went up to where they were--- A. They were already hung.

Q. This show,- you dont remember the name of it ? a. Parlor, Bedroom, and Bedroom -  
-- something of that kind. I dont remember.

Q. A lot of wives and husbands all mixed up ? A. Yes sir.

Q. Loving and kissing and stuff like that ? A. Yes sir.

---oOo---

LOUIS DONDINO

The defendant, being first duly sworn, testifies as follows:

Direct examination,

By Mr.Kenny:

- Q. Mr.Dondino, how old are you ? A. Thirty-eight years old
- Q. Your last residence, before you went to the jail, was out in West Duluth ? A. 302 North Central.
- Q. That is in the Woodward Block ? A. I think that is the name of the block, yes.
- Q. You just tell us what your family is. You have been married ? A. I got one bouy fourteen years old .
- Q. One boy fourteen years old ? A. Yes sir.
- Q. You are a widower ? A. Yes; my wife is dead.
- Q. How long have you lived there in that place you mentioned ? A. You mean in the block ?
- Q. Yes. A. Been there a little over a year.
- Q. And before that were you living out in West Duluth ? A. Yes, 5212 Ramsey---- or, 5412 Ramsey.
- Q. How long have you been living continuously in West Duluth? A. This last time about-- - between three and four years.
- Q. Do you mean you had lived there previous-- A. Yes.
- Q. Where were you living just before this last time ? A. I was working in Wisconsin.
- Q. Whereabouts ? A. Working for Pepper & Folk.

- Q. What do they do ? A. Construction work.
- Q. Construction work ? A. Yes sir.
- Q. How long have you been down there in Wisconsin ? A. I worked for Pepper & Folk about a year.
- Q. Was that all the time you were away from West Duluth ? A. No. I was away from there---- I lived in Superior for quite a while.
- Q. In Superior ? A. Yes sir.
- Q. I just want to get in a general way for some time back where you have been living before Wisconsin. A. I lived in Superior before that.
- Q. Had you lived in West Duluth previously ? A. I stayed with my folks.
- Q. Your folks used to live in West Duluth ? A. Yes sir.
- Q. You were with them there ? A. Yes sir.
- Q. When did they move from West Duluth ? A. About four years ago, I guess. I cant just remember.
- Q. Are your father and mother living now ? A. Yes sir.
- Q. Where are they living now ? A. Bennett, Wisconsin.
- Q. What are they doing ? A. They are just living there on a piece of land.
- Q. Farming ? A. Farming.
- Q. You have some brothers and sisters down there, also ? A. Yes sir.
- Q. What is your occupation, Mr.Dondino ? A. Running a transfer

truck.

Q. How long have you been doing that ? A. Since the 8th of December.

Q. Last ? A. Yes sir.

Q. And before that what were you doing ? A. Working for the Security--- No, I was working for Rocky Day driving his truck.

Q. Who is that ? A. He has got a transfer truck.

Q. Last December you commenced driving a truck of your own ? A. Yes sir.

Q. Is that the time you got the truck you now have ? A. Yes sir.

Q. What kind of a truck is that ? A. It is a ton Ford.

Q. A one-ton Ford ? A. Yes sir.

Q. Just describe it as to its size and the kind of a truck it is. A. Well, it is kind--- it has got a body eight feet long. It is four feet four inches wide.

Q. The body is eight feet long ? A. Yes.

Q. By four feet four inches wide. Sort of a box ? A. Yes. The top is eighteen inches high and the flange, that extends away from the box, over the box.

Q. What is the size of the flange ? A. I think about eight inches.

Q. There is a straight side about eighteen inches and a flange about eight inches ? A. Yes.

- Q. It is just a plain box ? A. It is painted green.
- Q. A plain, ordinary truck ? A. Yes.
- Q. What about the front part of the truck ? A. It has a cab on it.
- Q. What kind of a cab ? A. A closed cab.
- Q. Made of wood ? A. Yes.
- Q. Are there any windows in that ? A. There is a square window, about six or eight inches, probably six inches wide, in the back of it. The rest is all wood.
- Q. Was there a side to the cab ? A. Yes sir.
- Q. What is known as a one-ton Ford ? A. Yes sir.
- Q. The engine and the wheels and that part of it is the ordinary Ford ? A. Yes.
- Q. And then the body put on that ? A. Yes sir
- Q. You mean by the one-ton Ford a Ford truck that is capable of carrying a ton weight, - is that it ? A. Yes sir.
- Q. Since last December you have been operating that truck as a transfer truck ? A. Yes sir.
- Q. Doing general transferring ? A. General work. I had a contract with the Union Match Company.
- Q. What work did you do for them ? A. Delivering to the depots and also to the stores around the city.
- Q. How long had you been doing that work for them ? A. Ever since I have had the truck.
- Q. And carrying mail ? A. Yes sir.

- Q. What is that ? A. Had a contract from the N.P. to carry mail from--- I dont know just the number of that train, but drew in here at 7:08.
- Q. From where ? A. I dont just--- well, from---
- Q. Coming into Duluth ? A. Yes.
- Q. The Northern Pacific passenger train ? A. Yes.
- Q. That goes into Duluth at 7:08 ? A. Yes. Transfer over to the D.W.&P.
- Q. Those depots in West Duluth are on Central Avenue ? A. Yes sir.
- Q. About how far apart ? A. About two blocks. A block and a half, something like that.
- Q. And you transferred this mail from the N.P. over to the D.W. & P. When does that go out ? A. Sometimes it has to wait, but I think it is---- I think it is seven-fifteen the time it is due.
- Q. It is scheduled to leave shortly after the N.P. train arrives ? A. Yes.
- Q. Just what does your contract call for in the transferring of thatmail ? A. Call for it there at seven-eight,-- meet the N.P. train and deliver the mail over to the D.W.&P.
- Q. You just deliver it at the D.W.&P. depot ? A. Yes sir.
- Q. Didnt have to wait to see it on the train ? A. No. Sometimes I have to wait for him to open the door so I can throw the mail in.
- Q. Outside of this particular kind of work you say you did

general hauling in the transferring business ? A. Yes sir.

Q. Have you an office out there ? A. I have a telephone at Mr.Barnes'.

Q. That is J.A.Barnes ? A. Yes sir.

Q. In what business is Mr.Barnes ? A. In the office of Barnes---

Q. Fire insurance ? A. Yes sir.

Q. That is downstairs in the same building where you have your room ? A. Yes sir.

Q. The number of that is what,- the office ? A. 304.

Q. 304 North Central Avenue ? A. Yes sir.

Q. Were you here in the city June ? A. Yes sir.

Q. Were you conducting a transfer business on that day--- A. Yes sir.

Q. --- in the way you have described here. That evening it appears you made a trip uptown with a truck. A. Yes sir.

Q. Just tell us how that started and how you came to come up town and what you were doing just before that. A. I met the mail, - I met the mail from the N.P., to the D.W.&P., and I drove back to my stand. There was a car standing in front of the office at the time so I couldnt stand my car there, so I turned around and stood my car in front of the butcher shop, next door to where my office is.

Q. On the other side of Central Avenue ? A. Yes sir. As I got out of the cab I looked over towards the barber shop and seen Mr.Larson---

- Q. What Larson is that ? A. Ernie Larson, I think. I had been watching for him, he owed my boy a bill, and he told me the next time I seen him there to come over and get it.
- Q. Was he owing your boy a bill,-- what was he owing your boy a bill for ? A. He was working there in the shop.
- Q. Was he working there at that time ? A. No, - before that. I think about a week or ten days he had been through there, and he went on home with my folks.
- Q. Go ahead and tell us what you did. A. I went over there and he unlocked the door for me and I came in and I sat down. He was talking with a fellow there so I stayed there a few minutes. I didnt want to interrupt him until he got through talking to this man. So finally he got my money, so I was listening there to them talking, and just as I was listening there was a fellow come from the pool hall across the street and stood on the sidewalk and motioned for me to come out, so I come out and he asked me if I was going up town, and I said "I think I will." And he says "How is chances for some people to go up town with you?" I said "All right." So I cranked up the car and I got into my cab, and this man that rode with me, he got inside with me.
- Q. That is the man named O'Brien ? A. O'Brien. I didnt know his name at the time but I have learned it afterwards. So



while we got in there I suppose there was,-- some come from the pool hall, I imagine six or eight fellows, as near as I can remember, got on the truck and we started. So we got up towards Grand Avenue but went up Central to Grand and turned there and came right up to Grand avenue, I think to Vernon Street, and turned over. Then went down to Superior Street, and from there right straight through coming up town. We came to, --- went as far as third avenue east, and then we turned there and come back to eighth avenue west, turned there and drove to second or fourth avenue west and the crowd got pretty big on my truck, so I had to stop between second and fourth avenues,-- I dont just remember where it was. I got out of the cab and ordered them off, told them my truck couldnt carry them, it was too big a crowd. So they attached --- I had a rope in my car that I used-

- Q. Tell us about that rope. A. It was a rope I used to tie on my loads.
- Q. What kind of a load ? A. It was a rope, I think about thirty feet long. It was a rope I used for my work and there was a knot in the center.
- Q. Was that rope in your truck--- A. Yes.
- Q. --- when you came down from the depot that night ? A. Yes sir.
- Q. And when the people got on the truck--- A. Yes.

- Q. --- to come up town with you. Now, --- A. So I got back in the cab.
- Q. What happened there ? A. Some of the boys says I could tie the rope on the back end of my truck. So I got into my cab, and I got a little bit mad, so I just sat there and finally they all yelled "Go ahead." So then we drove to Lake Avenue; then they told me to turn around there and drive back to second avenue west. I turned and come back to the police station.
- Q. Your trip on Superior street, which side of the street did you drive on ? A. Going east ?
- Q. Yes. A. On the lower side.
- Q. You finally landed at the police station ? (No answer)
- Q. You finally drove up and stopped in front of the police station ? A. Yes sir.
- Q. On your first trip up town when you came up from West Duluth, your first trip through Superior street, did you pass any police officers ? A. Yes sir.
- Q. Where ? A. I think there was two standing at twentieth avenue west, and there was one at fifth avenue west, and I believe there was one at Garfield avenue.
- Q. Between fifth avenue west and third avenue east did you see any more ? A. I couldnt remember.

- Q. You passed the police station on the trip ? A. Yes.
- Q. Did you see any police officers there ? A. Yes sir.
- Q. Did any of those police officers say anything to you on that trip up town ? A. No sir.  
Those that seen me , seen me on there, they just looked at me and smiled as I went up.
- Q. Where was that ? A. That one on fifth avenue west and those at twentieth avenue.
- Q. Now, when you finally landed in front of the police station what did you do ? A. Well, the unloaded there.
- Q. Tell us where you stopped there . A. Well, I stopped, not quite in front of the door, just a little bit beyond, as near as I can remember. And then they unloaded, and when they unloaded I pulled away from there and turned down second avenue east, between Michigan Street and Superior Street, and parked my car with it facing east, about the center of the avenue.
- Q. About what rate of speed did you drive up town from West Duluth ? A. I didnt drive up very fast; I didnt go--- I havent got any speedometer on my car.
- Q. You can give us a general idea . A. Oh, probably eight or nine miles an hour, something like that,- ten.
- Q. Where did these people fo who had been on the truck when you reached the police station ? A. I dont know, I dont know what become of them after they got off the truck.

- Q. Did you have anything more to do with any of them that night ? A. No sir. I didnt see any of them after they unloaded.
- Q. You went down and parked your car. Then what did you do ? A. Then I came up on the avenue and I met Dell Hobbs.
- Q. This man who was on the stand here just before you ? A. Yes sir.
- Q. How long have you known him ? A. Oh, I have knowed him five or six years, something like that.
- Q. Knew him very well ? A. Yes sir.
- Q. All right. Tell us what you did, what happened then . A. Then we shook hands, and he said "You are just the fellow I am looking for. I want somebody to go to the show with me." I said "All right.." And we stood there a minute, or more than a minute, we stood there a little while, dont know just how long it was but it wasnt very long, so--- while we were standing there, this man that made the speech across the street,-- there was a man making a speech across the street and we listened to him, heard him make a spiel about "Might be your sister, or my sister." Of course, you couldnt understand, they were making such a noise.
- Q. Then what did you do ? A. Then we went to the show.
- Q. You saw the show, did you ? A. Yes.
- Q. Do you remember what show it was ? A. Yes sir.

- Q. What was it ? A. Parlor, Bedroom and Bath.
- Q. Where did you sit in the theater ? A. Set in the aisle seats, N or M.
- Q. Which aisle of the theater ? A. Well, I come into the-- in the entrance, and we turned to the left, then come the first aisle down and we turned to the right there.
- Q. About what time was that when you got into the theater ? A. Well, I thought it was about eight-thirty or a quarter to nine, somewhere there.
- Q. Had the show started ? A. Oh, yes, they had started.
- Q. Did you remain there through the performance ? A. All the while until the show was done.
- Q. Did you come out and leave the theater at any time while the show was in progress ?  
A. We were out,- we come out to take a smoke between each act.
- Q. And then would go back ? A. We went back.
- Q. Did you stay in the theater then until the play was over ? A. Yes sir.
- Q. Do you know who was putting on the show, what company ? A. A stock company, that is the name I knew.
- Q. When the show was over what did you do ? A. Then we come out, come down second avenue east to Superior Street. At that time there was a big crowd down there and we stayed there a minute or so, and finally we got a chance to get through the crowd and went through the crowd on the other side of the street, Superior Street, to the avenue, and

there Dell says "Well, Louis, I guess I will go home." So I bid him good night. While I was standing there I heard some of the boys hollering "We got one of them." So some of the crowd rushed down the avenue to Michigan Street. So I stayed there quite a while; so finally the mob kind of scattered around and got thinned out, so I walked to the back entrance of the jail.

Q. Down on Michigan Street ? A. Yes sir. And I went in a little ways, not very far, and there was a lot of water and stuff, and I turned around and come back. Then I stood on the avenue,- on Michigan Street a while, and then I heard another yell and then the crowd rushed up to Superior Street again, and they all crowded up. Of course, I cant say whether they had the negroes, or not; they was hollering, they said they had one of the negroes, and they took them up to lynch them. So I went up with the crowd and got as far as the alley on second avenue east and I stood there.

Q. How was the crowd around there where you were then ? A. When I was at the alley ?

Q. Yes. A. Pretty crowded.

Q. Tell what happened. A. I seen some of the boys climb up the pole; there was a rope or cable, I couldnt--- I cant say, I was too far away to tell which one it was; some said it was a cable and some said it was a rope. That is all I seen,- I didnt see the first nigger hung, at all ;

wasnt pole xx high enough up.

- Q. What happened after that ? A. Well, then they--- heard some of the bunch hollering there in the crowd "Let us go back and get the others." So they all started down second avenue east and I come down as far as Superior Street. Then somebody hollered "Here comes the other negroes" on first street, so they brought them around from first avenue east on first street, so then I came back to about the same place just above the alley.
- Q. Just above the Orpheum there ? A. Yes. And I see them both when they were pulled up.
- Q. You saw those hung there when you were there ? A. Yes sir.
- Q. You were about half a block from that ? A. Just about half a block, yes.
- Q. What happened after that,- what did you do ? A. Went down and took the car and come home.
- Q. Was your car where you had left it ? A. Yes.
- Q. Where did you drive from there ? A. I drove down Michigan Street. I backed my car out of there and drove down Michigan Street and went east, come up on second street and come back down and come home.
- Q. Out to West Duluth ? A. Yes sir.
- Q. You were sitting here when Officer Nystrom was testifying ? A. Yes sir.

- Q. You heard his testimony ? A. Yes sir.
- Q. You heard him tell of the water fight that was being carried on there between the mob, or part of it, and the police officers ? A. Yes sir.
- Q. And that some of the leaders there were holding the hose there, - directing it against the police station? A. Yes sir.
- Q. And another hose held, - was held by the Sergeant . And that while he was there trying to get the hose from the leaders of the mob you stepped up and grabbed him and tried to pull him away. You heard that ? A. Yes sir.
- Q. I will ask you whether that is true, or not ? A. No sir; it is not true.
- Q. Were you there ? A. No sir. I was standing on the avenue.
- Q. Where were you ? A. Where I met Mr.Hobbs.
- Q. Were you over there in the crowd or in the police station, at all ? A. No sir.
- Q. Then Sergeant Olson says that at the time- I think between half past ten or eleven, or between ten and eleven, he saw you in the crowd that was jammed in the hallway while Attorney McClearn was speaking. You heard the testimony ? A. I heard him.
- Q. I will ask you if you were there ? A. No sir.
- Q. Were you in the jail that night at all, in the police sta-



- tion ? A. At the entrance from Michigan Street after the show.
- Q. Down at the Michigan Street entrance ? A. Yes.
- Q. Were you up in the front part there near the office or in the hallway--- A. No sir.
- Q. You swear to that ? A. I swear to that.
- Q. Were you around there when that water was being shot--- A. There was not water there while we were standing there.
- Q. Clothes get wet that night, at all ? A. No sir; there was not water, at all, when we were there.
- Q. When you were coming up and down on the truck were you doing any of the yelling yourself ? A. No sir.
- Q. O'Brien here in his testimony yesterdat said something about, some remarks that you and he passed back and forth when you were returning,- when you turned down there, something with reference to the officers arresting you. Do you remember what that was ? A. Yes. I says to O'Brien "If them fellows dont quit hollering we are liable to get pinched."
- Q. He made some response to that, did he ? A. He says "No, I dont think they will pinch us" he says.
- Q. From where you were sitting driving the car could you hear what the people back on the truck were saying or see what they were doing ? A. No, only when they were hollering , once in a while they were hollering and I could hear them at times, but not all the time.

- Q. After this thing was over you were subpoenaed as a witness to appear before the grand jury ? A. Yes sir.
- Q. You came up here in response to a subpoena and were in attendance waiting to be called, were you ? A. Yes sir.
- Q. Did you see Mr.Brown, the man who was in the stand here ? A. Yes sir.
- Q. Did he ask you for a statement of what you knew, of what had happened that night ?  
A. Yes sir.
- Q. And did you tell him ? A. Yes sir.
- Q. On two occasions, as he testified ?A. Yes.
- Q. And he wrote out the statement which you signed and which has been introduced in evidence here ? A. Yes.
- Q. And that shows, substantially, does it, what you told him ? A. Yes sir.
- Q. Is there anything in addition to that ? A. There is only one statement I made, about turning in the street, that I didnt just remember, but I mentioned to him when I gave them the second statement, I told him I was talking to Mr.O'Brien and asked him about the turns and after he had told me I kind of remembered what he told ne was the right facts about the turns we made,- that is the only---
- Q. Mr.Brown quizzed you to find out whether you were doing anything more than you told him there ? A. Yes sir.
- Q. Did he ask you if you had been yelling, yourself ? A.

Yes.

Q. What did you tell him ? A. I told him no.

(At this time a recess is taken until two o'clock, P.M., at which  
time proceedings are resumed with the same witness, Louis  
Dondino, on the witness-stand)

By Mr.Kenny:

Q. Mr.Dondino, after the occurrence of June 15th and after you had been interviewed by  
Mr.Brown in the County Attorney's office did you go and hunt up Mr.Hobbs ? A. No, I  
did not. Only I seen him there in West Duluth when I happened to be at the office.

Q. Did you have some conversation with him about the matter of having gone to the  
theater ? A. Not that I remember of.

Q. About having gone to the theater ? A. Not that I remember of.

Q. Did you make an attempt to locate the stubs of the theater tickets that you used ? A.  
When I went to him---

Q. I dont know when. Did you do that ?

Mr.FORBES: That is objected to as cross-examination of his own witness, incompetent,  
irrelevant and immaterial.

THE COURT: Answer.

A. No more than I asked him if he had the stubs.

By Mr.Kenny:

Q. Whether you did try--- A. Yes.

Q. --- to get hold of the --- You went to see Hobbs about it ? A. I stopped him a couple times, yes.

Q. Did he find them ? A. Not at the time; he says he didnt know.

Q. Did he afterwards ? A. Afterwards, yes.

Q. When was this that you first spoke to him about it ? A. I couldnt just remember.

Q. How long after that was it that he advised you that he had them ? A. I think it was the next week.

Mr. KENNY: I think that is all of the direct examination. Now, Mr.Forbes, we are going to call some character witnesses and we have one, Mr.Bilsey, but, on account of the trouble in the meat business he is pretty anxious to get away.

Mr.FORBES: No cross-examination of the defendant.

----oOo----

N. C. B I L S E Y

Sworn and examined on behalf of the defendant by Mr.Kenny and testifies. The following is the testimony reduced to a narrative form:

I live out at West Duluth, have for a long number of years and in the meat business , - groceries and meats. Live at 132 North, 54th, a couple blocks down below Ramsey Street and a block down towards the bay from Central Avenue. Been in business out there for twenty-eight years; acquainted with Louis Dondino and his family; was acquainted with the family as far back as thirty years, and known the defendant for about three years. During that time he has been engaged in trucking and draying, general draying.

Q. I want to ask you, Mr.Bilsey, if out there in that community where you are living and have been for some time, whether you know what Mr.Dondino's reputation is for being a peaceable and law-abiding citizen ? A. Yes sir.

Q. You may state to the jury what it is ? A. Why, a peaceable citizen is all I know.

Q. Have you ever heard, among his acquaintances, the people whom he associates with, any remarks derogatory to his character along that line ? A. No, I never did.

(No Cross-examination)

D E L L H O B B S

Recalled as a witness on behalf of the defendant testifies as follows:

Direct Examination,

By Mr.Kenny:

Q. Mr.Hobbs, I want to ask you whether, when you saw Dondino the night of June 15th his clothes were wet, at all, as though they had been sprinkled with water ?A. Not that I noticed, sir.

Q. Do you think you would have noticed that if they had been ? A. Yes, pretty sure; ought to have noticed it.

Q. You sat beside him in the theater ? A. Yes sir.

Q. Hr.Hobbs, what did you do with the stubs of the theater xxxxxxx checks which you had that night when you went to the theater ? A. Put them in my vest pocket.

Q. What did you do with them after that A? Took the vest up, didnt use it and hung it up. Afterwards I met Louis and he asked me if I had the stubs of the tickets and I told him I didnt know----

Q. Go ahead and tell what developed about that later on.

THE COURT; That conversation at that time ?

By Mr.Kenny:

Q. You need not tell what was said back and forth between you. I want to know if you found the tickets and where. A. I hung the vest up and found the tickets later on in the vest pocket.

Q. What did you do with them ? A. I put them in my pocketbook.

Q. Did you keep them ? A. Yes sir.

Q. How long ? A. Until about two weeks.

Q. You gave them to me then ? A. Yes sir.

Stub of ticket marked Ex.2.

Stub of ticket marked Ex.3.

Q. I show you these two ticket stubs marked exhibits 2 and 3 and ask you if those are---

A. Yes.

Q. --- the theater tickets, the stubs you have been speaking of ? A. Yes sir.

Q. They were detached from the theater tickets you used that night ? A. Yes sir.

Q. At some time shortly after that occurrence did someone come out to see you from the county attorney's office and make some inquiry about the matter ? A. Yes sir.

Q. Do you know who that was ? A. I don't know the name.

Q. Did you tell him the story--- A. I told him, yes.

Q. --- in reference to having gone to the theater ? A. Yes sir.

Q. You don't know who that was ? A. No.

Q. Did you see Mr. Brown on the stand ? Were you here ? A. No. I would know him if I would see him.

Q. You have been here on the stand when he was right there. A. He was when Brown testified -- Sergeant Olson was on

the stand.

Q. You didnt know who it was that --- A. Not by name, no sir.

----oOo----



J. A. B A R N E S

Sworn as a witness on behalf of the defendant.

Lives in West Duluth; room at 231 North 56th. In the real-estate and insurance business. Office at 304 Central Avenue and father of L.A.Barnes . The office in which Louis Dondino, the defendant, had a telephone. Known the defendant two or three years and from the time he had a room in his building saw a good deal of the defendant. The defendant lived upstairs in the same building and rented his room of Barnes.

- Q. Then I will ask you, Mr.Barnes, if you know what Mr. Dondino's reputation is out in that vicinity where you both live and work as to being a peaceable and law-abiding citizen ? A. I never heard if discussed very much, but I always understood that he was---- I never heard anything to the contrary.
- Q. You think--- A. Up to that time,- up to the time of this lynching.

x x x x x

F. P. STEVENSON

Sworn as a witness on behalf of the defendant.

In the automobile business; formerly in the laundry business at west Duluth. Been in business out there about four years . Place of business is 5066 and '8 Grand Avenue. Used to go to school with Mr. Dondino and known him for years; knows the family; business brings him in contract with a large number of people out there. Had a large laundry list and afterwards in the garage business with a lot of customers.

- Q. I want to ask you whether you know what Louis Dondino's reputation was in that community for being a peaceable, law-abiding man ? A. Never heard a thing against him.
- Q. You think you would have heard of it if he had had a bad character or a bad reputation ? A. Well, I heard about quite a few out there.
- Q. Nothing derogatory to him ? A. Never heard anything against Louis.
- Q. You would say that his reputation along that line was good ? A. As far as I know, yes sir.

----oOo----

IT IS STIPULATED that Francis S. Peterson, engaged in the barber business, if sworn, would testify that he is acquainted with the defendant Dondino and has been for sometime; that he, himself, has lived out in West Duluth for many years and that he knows the reputation of Dondino in that community for being a peaceable and law-abiding citizen, and that it is good.

The same stipulation as to Charles S. Irvin, that he has known Dondino for a long time, has lived out there a long time himself, and that he knows his reputation for being a law-abiding citizen is good.

----oOo----

Defendant's exhibits 2 and (stubs of theatre tickets, are offered and received in evidence without objection.

----oOo----

THE DEFENDANT RESTS  
THE STATE RESTS  
TESTIMONY CLOSED

----oOo----

## I N S T R U C T I O N S

By the Court:

Gentlemen of the jury, the defendant here is charged with the crime of riot, and, in order for you to understand just what the definition of that crime is, I will read you the statute:

"Whenever three or more persons, having assembled for any purpose, shall disturb the public peace by using force or violence to any other person or to property, or shall threaten or attempt to commit such disturbance, or to do an unlawful act by the use of force or violence, accompanied with the power of immediate execution of such threat or attempt, they shall be guilty of a riot."

"Every person who shall be guilty of riot, or of participating therein, by being present, or by instigating, promoting or aiding the same, shall be punished as follows: 1. If the purpose of the assembly, or of the acts done, threatened or intended by the persons engaged, shall be to resist the enforcement of a statute of this state or of the United States, or to obstruct any public officer of this state or the United States in serving or executing

any process or other mandate of a court, or in the performance of any other duty," - -

he shall be punished in a certain way. It is under this last provision of the statute that the state claims the defendant is guilty.

There seems to be no dispute about there being a riot, and the claim of the State, as set forth in the indictment, is under the provision of the statute that provides that every person who shall be guilty of a riot, or of participating by being present , or by instigating or promoting or aiding the same in reference to obstructing a public officer in the performance of his duty.

The particular charge in this case is that the defendant, Louis Dondino, John Doe, Richard Roe, and various other persons to the number of three and more, having assembled on the 15th day of last June in this city for the purpose of obstructing one Oscar Olson, a public police officer of this city, and divers other public officers of the city, in the performance of certain of their duties, to-wit, the duty of safeguarding certain persons then confined in the city jail, and the duty of protecting from damage and destruction the city property and building, and having assembled also for the purpose of breaking into that building and taking therefrom and from the custody of

the officers certain persons then confined therein, the said Louis Dondino did then and there wrongfully, unlawfully, wilfully, feloniously and riotously instigate, promote and aid the said John Doe, Richard Roe and said divers other persons then and there present and participating in said assembly, to a disturbance of the public peace by the use of force and violence to certain other persons and property, to-wit: To the said Oscar Olson and other police officers, and to the said property of the City of Duluth, the police headquarters, and the said John Doe, Richard Roe and said divers other persons to the number of three or more so assembled, and so instigated, promoted and aided, did then and there disturb the public peace in the respects mentioned, for which the crowd assembled.

To this indictment the defendant enters a plea of not guilty. By entering that plea he places upon the State the burden of proving the material allegations of that indictment to the degree that I shall now refer to. The defendant in this, as every defendant in a criminal case, is presumed to be innocent until the contrary is proved beyond a reasonable doubt. That presumption of innocence is with the defendant at the beginning of the trial and continues with him throughout the trial until such time as you are convinced, from the evidence, beyond a reasonable doubt, that he is guilty of the crime with which he is charged.

A mere bystander there that night is not guilty of riot. The indictment returned by the grand jury is a criminal charge against the defendant, a matter of procedure, and is not to be considered by you as evidence against him.

Within these instructions you are the sole judges of the facts. That does not mean that you can run away with the case in your own way, but it means on the evidence here in court and within the instructions given by the Court you are the sole judges of the facts. You are also the judges of the credibility of the witnesses. In determining the credibility of the witnesses you have a right to take into consideration whatever matters there are in evidence which in your judgment affect the credit of such witnesses. If a witness wilfully testifies falsely with respect to any material issue in the case the jury has the right to disregard the entire testimony of that witness unless it is corroborated by other credible evidence.

You should first determine in your own minds just what this defendant did that night. What are the facts with reference to him? Then determine whether or not, according to those facts, he participated in the riot, instigated it, or promoted it or aided it. If the State proves to you, beyond a reasonable doubt, that he did either of these things, according to the facts as

you find them, then he would be guilty of riot.

Now, it seems impossible to try any of these cases without there being considerable comment in one way and another about the general events that on night. There is no question but what a riot occurred. There is no question but that which happened was a disgrace to the city. There is no doubt but what such men as you and I are in favor of law and order,- but we are not here trying any such issues. The Court claims to be, and you gentlemen have claimed to be in your examination as jurors in this casem capable of trying this particular defendant on this particular charge. We are bot trying anyone for anything that happened before the riot. We are not trying anyone for the lynching. We are trying a riot case. We are not trying anyone that is accused of being in that riot except this particular defendant. And you and I are supposed, at this time, to be able to get out of our own thoughts, because, of course, we all have them with reference to the events of that night, everything except the evidencw in this case and the law as written in the statute and given you by the Court, and then determine whether or not this defendant is guilty of this particular charge.

I think I should say to you that it is your business, and mine, to vindicate the law, and this is the way, gentlemen, you should vindicate it, and this is the



only way you can vindicate it as far as your duties are now concerned. If you believe that the State has proved, beyond a reasonable doubt , that this defendant is guilty of the crime with which he is charged, you will vindicate the law by finding him guilty. If you believe that under the evidence here the State has not proved him guilty beyond a reasonable doubt, you will likewise vindicate the law by finding him not guilty.

You will take with you to the jury room two forms of verdict, which explain themselves. One is guilty as charged in the indictment; and the other is not guilty.

When you retire to the jury room you will select one of your number as your foreman. As soon as you agree upon a verdict your foreman will sign it and you will return at once with him into court. No other case will be taken up today.

Any exception ?

Mr.KENNY: Did you charge on the presumption of innocence and burden of proof ?

Mr.FORBES: You did not charge, at all, with reference to specific intent.

THE COURT; I said nothing about it, at all.

Mr.KENNY: The defendant excepts to the refusal of the Court to submit to the jury paragraph number 4 , Section 8794, General Statutes 1913.

----oOo----

State of Minneosta, }ss.  
County of St. Louis }

DISTRICT COURT  
Eleventh Judicial District

I, J. P. Johnson, Clerk of the District Court, St. Louis County, and State of  
Minnesota, do hereby certify that I have compared the foregoing papers writing with the  
original \_\_\_\_\_ Synopsis of Testimony \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

in the action therein entitled, now remaining of record in my office, and that the same is a  
true and correct copy and transcript of said original \_\_\_\_\_ synopsis of testimony \_\_\_\_\_  
and the whole thereof.

WITNESS, My hand and seal of said Court, at Duluth, this \_\_\_\_\_ 24<sup>th</sup> \_\_\_\_\_  
day of \_\_\_\_\_ February \_\_\_\_\_ A. D. 192\_1 \_\_\_\_\_

J. P. JOHNSON, Clerk of District Court,

By \_\_\_\_\_ J. S. Moody \_\_\_\_\_ Deputy Clerk.