

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,

IN AND FOR THE COUNTY OF LOS ANGELES.

Dept. No. 11.

Hon. Geo. H. Hutton, Judge.

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The People of the State of California,)

Plaintiff,)

vs.)

No. 7373.

Clarence A. Darrow,)

//)

Defendant.)

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REPORTERS' TRANSCRIPT.

VOL. 1.

I N D E X.

Direct.	Cross.	Re-D.	Re-C.
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✓ George O. Monroe, 18

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George O. Monroe 63

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B. N. Smith,
Official Reporter

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3 Department No. 11.

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6 The People of the State of California,)
7 Plaintiff,)
8 vs.) No. 7373.
9 Clarence Darrow,)
10 Defendant.)

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12 ---o---

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14 REPORTERS' TRANSCRIPT
15 OF
16 TESTIMONY.

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18 ---o---

19 Appearances:

20 For the Prosecution:

21 J. D. Fredericks, Esq., District Attorney, and
22 W. J. Ford, Esq., Assistant District Attorney;

23 For the Defense:

24 Earl Rogers, Esq., W. H. Dehm, Esq.,
25 H. H. Appel, Esq., H. L. Giesler, Esq., and
26 Clarence Darrow, Esq.

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Los Angeles, Cal., May 24, 1912.

3 o'clock P.M.

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THE CLERK: Under this indictment the defendant has heretofore entered his plea of not guilty, and is now before you for trial.

MR FREDERICKS: Shall we proceed, your Honor?

THE COURT: Yes.

MR FREDERICKS: May it please the Court, and gentlemen of the jury. It is sometimes customary, before beginning a trial which may take a number of days for the prosecution to make a statement to the jury as to what they expect to prove, in order that, having the sequence of ideas in mind, it may be of some assistance in weighing the testimony, perhaps. You have listened to the reading of this indictment and I presume have not been very much enlightened because of the custom of using so much verbiage to convey a little information. In brief, the charge against this defendant is that he offered a bribe, gave a bribe to George N. Lockwood; you have noticed that there are apparently two charges, or two counts, in this indictment, and the only difference between the two is that one is charged under one section with giving a bribe to a juror, and the other is charged under another section with giving the bribe to a man summoned as a juror -- drawn as a juror -- that may be a legal question upon which you may be instructed, and it may be one

1 of fact. . . . However, that is the only difference as to
2 whether Lockwood was a juror or was simply a man summonsed
3 as a juror. Now, that is sufficient, I think, to make that
4 plain.

5 We will show you that beginning on the 11th of October
6 last year, or thereabouts, and extending up to a few days
7 beyond the date here, there was on trial in one of the
8 Departments of our Superior Court, the case of the People
9 vs. McNamaras; we will show you that Clarence Darrow, the
10 defendant in this case, was in charge of the defense of
11 that case, in sole charge of the defense; we will show
12 you that Clarence Darrow, the defendant in this case,
13 employed other attorneys to assist him and employed the
14 detectives who were used in the defense of that case;
15 that these employments and appointments were made by
16 this defendant; we will show you that among those em-
17 ployed were attorneys LeCompteDavis, Job Harriman, Joseph
18 Scott, Mr McNutt and others; we will show you that among
19 the detectives employed by the defense was Bert Franklin,
20 we will show you that Bert Franklin was in the employ of
21 Clarence Darrow, and we will show you that he was not in
22 the employ of anyone else during his work in that case;
23 we will show you that a man by the name of Hammerstrom,
24 Bert Hammerstrom, was also in the employ and working under
25 the orders of Clarence Darrow in that case; that there
26 was also employed by Mr Darrow a man by the name of
Harrington, a detective from Chicago.

1 I am going over these names, in order that they may be, in
2 a measure, familiar to you when you hear them.

3 We will show you that during the progress of the case,
4 which was on trial, there was being selected a jury; there
5 was probably 4 or 5 or more jurors already accepted and
6 sworn. That there was the name of Mr Lockwood in the box,
7 that he was -- that is, in the main jury box, and about
8 two weeks before the date mentioned in this indictment, we
9 will show you that Bert Franklin went to Mr Lockwood,
10 whom he knew, and offered him a certain sum of money if,
11 when he was called as a juror, if he succeeded in passing
12 the examination and getting to be sworn as a juror, offered
13 him a certain sum of money if he would vote not guilty.
14 That in doing this, we will show you that Bert Franklin was
15 doing it at the instance and request, and under direc-
16 tions of this defendant, Clarence Darrow. We will show you
17 that this prospective juror, Mr Lockwood, immediately report
18 ed this conversation to the District Attorney's office,
19 and was told to go on about his business and wait until he
20 was summoned, and see if anything further developed. We
21 will show you that in due course of time the name of Mr
22 Lockwood was drawn from the box, and he was summoned as
23 a juror -- he was drawn and called as a juror --

24 MR ROGERS: Is that withdrawn, that statement "summoned"?

25 MR FREDERICKS: That he was drawn as a juror -- that his
26 name came from the box and he was drawn as a juror. I am not

1 clear on the point whether he was actually served by the
2 sheriff or not, so I will not state that. We will show
3 you that immediately after his name came out of the box,
4 Bert Franklin appeared at his house again and renewed his
5 offer of a bribe, offering him \$500 down if he would ac-
6 cept it, and endeavor to get on the jury, and promising
7 him \$3500 more, the sum of \$3500 more to be put up in the
8 hands of a mutual stake-holder to be delivered to Lock-
9 wood after he had voted not guilty on the jury. We will
10 show you that Mr Lockwood parlied with Mr Franklin with-
11 out closing the matter with him, and made another appoint-
12 ment with him and notified the District Attorney's office
13 of what had happened, and that night, being Monday night,
14 the Monday before Thanksgiving, last November, he made an
15 appointment over the telephone with Bert Franklin, telling
16 him that he could not keep his first appointment, and that
17 Franklin could come out to his ranch and talk to him there.
18 That when Franklin went to his ranch, went to Lockwood's
19 ranch in the night, Franklin and Lockwood were surrounded
20 in the dark by a number of agents and detectives to observe
21 whether anything happened or whether any money was passed.
22 That no money was passed that night, but that an agreement
23 was made, as Mr Lockwood had to be in court the next morn-
24 ing, at the opening of court, that the bribe should be
25 passed to him down on the corner of Third and Los Angeles
26 Street, and that a man who was mutually known to the two

1 by the name of C. E. White, should be there, and agree to
2 hold the 3500 until Mr Lockwood had fulfilled the conditions
3 of the contract. That this transaction, exactly as arrang-
4 ed between the two, came off and was observed and they
5 were arrested. That when Franklin and White were arrested,
6 they were found with the money on them and it was taken off
7 and we will produce it here in court, and that money, we
8 will show you, was the money of Clarence Darrow. That
9 Clarence Darrow gave it to Franklin that morning. We will
10 show you that that money was a part of the money that was
11 sent to Clarence Darrow by the agents who were employing Mr
12 Darrow in this case, in the East, and collected for the
13 purpose of defending the McNamaras. We will trace that
14 money from that fund into Mr Darrow's hands. We will
15 show you that immediately upon the arrest of Mr Franklin,
16 Mr Darrow went on his bail and went on his defense and got
17 him out of jail temporarily. We will next show you that that
18 act on the part of Clarence Darrow was one of a series
19 of efforts to prevent justice in that case by paying
20 money, hundreds of dollars, to other jurors and to witnesses
21 who were witnesses for the People and against the defend-
22 ant.

23 MR ROGERS: Just a moment. I take an exception to the
24 statement of counsel and I object to it upon the ground
25 that the rules of evidence will not and do not permit the
26 introduction of any such evidence. I do not claim, to be

1 perfectly frank with the court, although it is a very doubt-
2 ful proposition, that there are not some authorities that
3 hold that if they can show, which, of course, we deny,
4 but if they can show evidence concerning other jurors
5 that may, perchance, be admitted, but they cannot show,
6 under the well recognized rules of evidence anything like
7 counsel has attempted to say. The matter will come up some
8 time or other; I don't think that this is the opportune
9 moment or the psychological moment, yet, however, I desire
10 to preserve my objection. I think it is sufficient to
11 state it in the language of the Supreme Court of this state
12 in the case of the People against Carpenter in the 136th
13 California, at 393. "Nothing is better settled or more ra-
14 tional than that the indictment for one crime cannot be
15 supported by proof of another." And the authorities are
16 numerous and the matter has been litigated frequently, and
17 I think that it should be presented probably at some time
18 when it is more likely that your Honor will realize the
19 full purport and import of the matter. I desire my excep-
20 tion entered.

21 THE COURT: The exception will be noted.

22 MR ROGERS: I do not think in view, as counsel must himself
23 admit, of the admissibility of some things he is going to
24 say, I do not think it is necessary that they should be
25 said. I believe, from my investigation, that they will not
26 be allowed to introduce in evidence such matters and the

1 mere statement of them may be prejudicial.

2 MR FREDERICKS: We are confident that they will be proper
3 to admit in evidence, and it is on that basis I am making
4 a statement, after a careful investigation of the law.

5 MR ROGERS: Then, if counsel is determined to state what he
6 expects to prove in matters which we contend are absolutely
7 inadmissible, inadmissible upon this ground, that a man is
8 going to court to answer to one charge or to the allega-
9 tion of one offense, he is not presumed to be ready to meet
10 the proof of another offense; that is one of the rules of
11 law that has been stated a thousand times; we do not know
12 what he is going to say, we are not informed about it.
13 The reading of the indictment shows there is nothing, we
14 have to sit here and hear him say that he will prove things
15 which we have never heard about before as having been
16 charged against him, and the rule of law is that the jury
17 cannot consider those matters, and we contend and urge
18 that the authorities are absolutely against it. We believe
19 we can sustain our position beyond any peradventure. It
20 has been litigated so many scores of times I would be pro-
21 bably be able to read to your Honor two or three hundred
22 authorities upon the proposition of my statement of that,
23 even if they should be excluded from evidence upon the well-
24 recognized rule of law and upon the offer of the evidence,
25 we cannot be presumed to stand here ready at all times to
26 meet all kinds of charges which we have never heard of be-

1 fore. I think it would be misconduct that the jury should
2 hear the charge.

3 THE COURT: The court cannot know, of course, what the
4 District Attorney is about to say, any more than what
5 counsel for defense can know, but he must be allowed to make
6 his opening statement of what he expects to prove; whether
7 or not he proves it is a matter which the jury will in
8 due time determine.

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1 MR FREDERICKS: I understand, I must confine my opening
2 statement to those things which can be proven, which are
3 admissible.

4 MR APPEL: We have no right to object to that which counsel
5 promises to prove, which is admissible; no defendant has
6 any right to object to a statement of the District Attorney,
7 to any matter which is admissible, but what we are object-
8 ing to is, that is in this kind of a case, where neither the
9 intent nor the -- is necessary to the objections upon
10 reading of the statute, that no evidence of similar facts
11 either prior or after are admissible in this kind of a case;
12 there is not a single -- the introduction of this evidence
13 does not come within the exceptions of the general rule
14 that no evidence of other offenses or other conduct by the
15 defendant which does not ^{tend to} prove the facts of the case or
16 is not a part of the res gestae, is admissible. Now, we
17 have been up against this question before; they have often,
18 in a case of perjury, if your Honor please, where the rule
19 is that you can admit the forgeries or the possession of
20 other instruments which are claimed to be forged, for the
21 purpose of showing guilty knowledge and for the purpose of
22 eliminating the idea that it may have been accidental, where
23 ever the defendant comes into court and makes his defense,
24 and says "I did sign the instrument with the name of the
25 party they accuse me of having forged", then he knows wheth
26 he did it lawfully or unlawfully, and then you cannot admit
evidence of other perjuries, It was so held in our Supreme

1 Court here, when one of the attorneys of this bar was tried
2 upon examination of the fullest kind of discussion. Now,
3 here in this charge, if your Honor pleases, if you read the
4 statute in this case, the mere offering of a bribe to a
5 juror to do what, to influence him in the deliberations
6 which are to come before him, shows not only the motive
7 or the intent on its face, and I daresay, if your Honor
8 pleases, unless the other acts are part of the res gestae,
9 they cannot show a case from the beginning of the world to
10 the present time, where such evidence has been admitted in
11 a bribery case, and we can show you many where it has been
12 said it is not admissible.

13 Now, we insist, if your Honor pleases, that the mere men-
14 tion of these things or the mere mention of any of those
15 things that your Honor may probably keep out, to this jury
16 upon this statement, would be prejudicial error, and I say
17 that the proper way to proceed in this matter would be to
18 have the District Attorney make an offer to your Honor,
19 in the absence of the jury, and let us settle those law
20 questions for a guidance, so that these matters as they come
21 up for discussion may be avoided, from time to time.
22 I think in the interest of Justice that we ought to proceed
23 carefully. In a long trial, which may last here for weeks
24 and weeks, the jury may be confused, as lawyers get confused,
25 as judges get confused, as to who made such and such a state-
26 ment to the Court, whether it came from one attorney or

1 whether it came from witnesses on the stand or whether
2 it came from the Court, and we ought to proceed most care-
3 fully, I submit, your Honor, that this matter of this dis-
4 cussion will entail the citation of a great many authorities,
5 differentiating authorities, and we ought to settle that
6 question of the statement, insofar as that matter is con-
7 cerned, ought to be allowed to be made to the jury.

8 MR FORD: If the Court please, I hardly think this is the
9 proper time to discuss the admissibility of evidence. The
10 proper time being when the evidence is introduced.

11 Now, if the District Attorney were so foolish as to
12 promise to do things in the presence of the jury which he
13 could not afterwards do by reason of the rulings of the
14 Court, that ought to prejudice him in the eyes of the jury,
15 if he goes on and states things which prejudice the jury,
16 against the defendant, makes statements concerning things
17 which he knows he cannot introduce in evidence, -- we will
18 concede that that is prejudicial error and it is something
19 of which the defendant will receive the full advantage, if
20 such a thing of that sort should occur.

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But, with reference to the proof of other offenses in a criminal case, one of the latest cases to which I desire to call your Honor's attention is the case of the People vs. Ruef in the 14th Cal. Appellate decision, the Supreme Court having refused a ^{re-}hearing in the matter; the defendant was charged with the crime of offering a bribe to the supervisors --

MR ROGERS: (Interrupting) I do not understand that your Honor wanted citations.

MR FORD: (Continuing) -- You have already cited some.'

MR ROGERS: I simply quoted the language of the case in stating my objections. If the Court wants to argue this I will argue it, I am ready.

THE COURT: I do not believe, gentlemen, it is proper to argue this question and determine it at this time. The circumstances which might develop might throw a good deal of light on the ruling one way or the other. I think the District Attorney better proceed to make such statements as he desires, and counsel for the defendant will have to be content with assigning error, if error be deemed to be made, in the statement.

MR FORD: To avoid interruption, we will stipulate that every part of the argument may be deemed to be excepted to by the defendant on the ground that it is misconduct.

THE COURT: Proceed, Captain Fredericks.

MR APPEL: We certainly are not taking advice from you.

1 MR FREDERICKS: This part of the case, gentlemen, I will
2 state to you rather briefly but enough to permit you to
3 get a general idea of the situation from our view point.

4 MR ROGERS: Do I understand his Honor's ruling to be an
5 intimation, if I may request his Honor to state what his
6 ruling is, that the evidence is admissible?

7 THE COURT: No sir, there is no ruling at this time,

8 MR ROGERS: No ruling at all?

9 THE COURT: No sir.

10 MR ROGERS: All right, sir, I understand the situation.

11 MR FREDERICKS: Well, we will show you gentlemen, by evidence
with 12 here that this defendant endeavored to defeat and obstruct
13 justice in this case, in the case that was on trial there,
14 by offering and paying money to other jurors. We will trace
15 that with the same care and particularity that we do the
16 case which is on trial. We will show you that in the same
17 endeavor to obstruct and defeat justice he paid money,
18 hundreds of dollars, to witnesses who were witnesses for
19 the State.

20 MR APPEL: Now we object to that statement and take an ex-
21 ception to making any such statement as that, or even in-
22 timating to the jury; that it is prejudicial.

23 MR FREDERICKS: In the same case for the same purposes that
24 he paid this money to Lockwood, he paid money to witnesses
25 to leave the State, to get them out of the State, and he
26 paid money to witnesses for the State for the purpose of

1 having them not testify. That he brought agents here for
2 the purpose of corruptly influencing our witnesses, parti-
3 cularly that he brought people here for the purpose of
4 persuading Ortie McManigal not to testify to the truth.

5 MR APPEL: We object to that statement and we assign the
6 conduct of the District Attorney in making such statements
7 to the jury, as error, and prejudicial to the rights of the
8 defendant, and we object and take an exception to the Court's
9 action in not instructing the District Attorney not to make
10 any such a statement before the jury.

11 MR FREDERICKS: We will show you --

12 THE COURT: Just a moment.

13 MR FREDERICKS: I assumed that the ruling would be the same
14 or I would have waited.

15 MR FORD: If the Court please, ^{the} record shows the objection.
16 That is all that is necessary at this time in view of the
17 former ruling.

18 MR APPEL: We want to know, your Honor, whether we are
19 going to be instructed by counsel as to the mode of procedure
20 or whether we are going to be instructed by the Court.

21 MR FORD: I am addressing myself to the Court.

22 THE COURT: I understand. Mr Ford was addressing the Court.

23 MR FORD: I assure counsel I am not attempting to handle
24 this side of the case.

25 THE COURT: You can proceed, Captain Fredericks.

26

1 MR FREDERICKS: Will you read my last remarks?

2 (Last remarks read by the reporter.)

3 MR FREDERICKS: (Continuing): We will show you that at that
4 time Ortie McManigal had made a statement publicly as to
5 what his testimony would be, and as to what the facts were,
6 and we will show you that at that time this defendant knew
7 what the facts were and knew that the statement of McManigal
8 was the truth, and that under those circumstances, he paid
9 large sums of money to bring people here, to Los Angeles,
10 to work upon McManigal and persuade him, by offering him
11 inducements, and bribes, to change his testimony and to
12 refuse to testify for the State.

13 MR ROGERS: I take further exception and ascribe it as mis-
14 conduct, the last statement.

15 MR FREDERICKS: I think, gentlemen, that, in a general way,
16 that will be the outline of the prosecution. I have tried
17 to state it to you coldly, without appearing to argue it,
18 and I congratulate you now upon being able to start in on
19 the trial.

20 MR ROGERS: I ask for an instruction, your Honor please,
21 to the jury, that the District Attorney's statement is not
22 evidence, and that they are not to consider the statement as
23 evidence or any statement made therein as to influencing
24 their mind, or to be regarded as a statement of fact in any
25 particular.

26 MR FREDERICKS: We will stipulate that that is correct.

1 THE COURT: Gentlemen, the Court instructs you that the
2 statement made by the District Attorney is not to be taken
3 by you as evidence or to be considered by you as statements
4 of fact, but merely what he expects or hopes to prove in
5 the case.

6 MR FORD: Mr Monroe, take the stand.

7 THE COURT: I think before we start in with the evidence,
8 this might be a good time to take the afternoon recess.

9 (Jury admonished, recess for five minutes.)

10 (After recess.)

11 THE COURT: You may bring in the jury, Mr Sheriff.

12 (Jury returned into courtroom.)

13 THE COURT: Proceed, gentlemen.

14

15 GEORGE O. MONROE, a witness called in
16 behalf of the people, being first duly sworn, testified as
17 follows:

18 THE CLERK: Your name is? A George O. Monroe.

19 DIRECT EXAMINATION

20 MR FORD: State your name. A George O. Monroe.

21 Q How old are you Mr Monroe? A 44.

22 Q Where do you reside? A Monrovia.

23 Q What street and number, please. A 219 North Myrtle Ave.

24 Q Do you hold any official position in this county?

25 A Yes sir, Deputy County Clerk.

26 Q How long have you occupied that position? A A little

1 over four years.

2 Q During the year 1911 what particular duties did you
3 perform? A Clerk of Department 9 of the Superior Court.

4 Q Superior Court of this county? A Yes sir.

5 Q That is the court presided over by Judge Bordwell?

6 A Yes sir.

7 Q Walter Bordwell? A Yes sir.

8 Q Have you indictment No. 6939 with you, Mr Monroe?

9 A I have.

10 (Witness produces same.)

11 Q This document which I hold in my hand and which is
12 endorsed "No. 6939" that was an indictment filed by the
13 Grand Jury of Los Angeles County in Department 9 of the
14 Superior Court of this county upon the date indicated, the
15 5th day of May, 1911? A Yes sir.

16 Q And during the remainder of that year, down to and in-
17 cluding the first of December, 1911, state whether or not
18 that case was pending in Department 9 of the Superior Court
19 of this county?

20 MR ROGERS: We object to that as calling for a conclusion
21 and opinion of the witness; incompetent; no foundation laid,
22 not the best evidence.

23 THE COURT: It is not the best evidence. Objection sustained.

24 Q MR FORD: Perhaps so. At the time this indictment was
25 filed, were you the clerk of that department? A I was.

26 MR FORD We offer this indictment in evidence as People's
exhibit 1. I would like to read it into the record, so

1 the jury may understand what it is.

2 MR ROGERS: What is the indictment offered for?

3 MR FORD: By way of proof, and preliminary to showing that
4 there was a case pending in department 9 of the Superior
5 Court at the time of the alleged bribery.

6 MR FREDERICKS: That that case was pending?

7 MR FORD: That this case was pending.

8 MR APPEL: The facts stated in the indictment, this jury
9 has nothing to do with it, it is not evidence, it is hearsay
10 so far as the defendant is concerned, so far, and the mere
11 filing of the indictment -- an indictment, of course, is
12 the commencement of a criminal action; so far it may be
13 possible. It may be admissible, but the contents of it,
14 or the facts therein alleged are inadmissible and we object
15 to it on those grounds, as to those grounds.

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1 MR FORD: This is a court record offered as a preliminary
2 portion of the proof to show that such a case was in exist-
3 ence and it was pending.

4 THE COURT: Objection overruled.

5 MR FORD: (Reading from document.) "In the Superior Court
6 of the State of California in and for the County of Los
7 Angeles. The People of the State of California, plaintiff,
8 vs. M. A. Schmidt, J. B. McNamara, J. J. McNamara, William
9 Caplan, John Doe, Richard Roe, John Stiles and Jane Doe,
10 defendants. The grand jury of Los Angeles County, in the
11 name and by the authority of the People of the State of
12 California, accuse M. A. Schmidt, J. B. McNamara, J. J.
13 McNamara, William Caplan, John Doe, Richard Roe, John
14 Stiles, and Jane Doe, of Murder, committed as follows:
15 Heretofore, to-wit: on the first day of October, 1910,
16 at and in the county of Los Angeles, and state of Cal-
17 ifornia, and before the finding of this indictment, the
18 said M. A. Schmidt, J. B. McNamara, J. J. McNamara, William
19 Caplan, John Doe, Richard Roe, John Styles and Jane Doe,
20 whose true names are to the grand jurors aforesaid, un-
21 known, did then and there wilfully, unlawfully, felonious-
22 ly, and with malice aforethought, kill and murder one
23 Charles Hagerty, a human being.

24 Contrary to the form, force and effect of the statute
25 in such cases made and provided, and against the peace and
26 dignity of the People of the State of California. J. D.

1 Fredericks, District Attorney in and for the county of
2 Los Angeles, State of California." Endorsed: "Depart-
3 ment Nine, No.6939. In the Superior Court of the State
4 of California, in and for the County of Los Angeles. The
5 People of the State of California, Plaintiff, vs. M. A.
6 Schmidt, et al., Defendants. Indictment. A true bill.
7 J. E. Carr, Foreman of grand jury. Presented by the fore-
8 man of the grand jury, in the presence of the grand jury,
9 in open Superior Court of the State of California, within
10 and for the county of Los Angeles, and filed as a record
11 in said court, this 5 day of May, 1911. H. J. Lelande,
12 Clerk, by Geor O. Monroe, Deputy Clerk. J. D. Fredericks,
13 District Attorney."

14 THE CLERK: People's exhibit 1.

15 MR FORD: This is your signature, Geo. O. Monroe, endorsed
16 there by you and at the date indicated, the 5 day of May,
17 1911? A It is.

18 Q That was one of a series of similar indictments, No.
19 6936 to 6955, returned in court on said 5 day of May, 1911,
20 by the grand jury? A Yes sir.

Smith MR ROGERS: Was that a question?

2 MR FORD: That was a question, and these documents which I
3 hold in my hand are the entire series of indictments returned
4 on that day, filed in open court.

5 MR ROGERS: That is objected to as incompetent, irrelevant
6 and immaterial and not within the issues.

7 MR FORD: Perhaps not.

8 THE COURT: Question withdrawn I understand.

9 MR FORD: We withdraw the offer of the balance of the
10 documents.

11 THE COURT: I'd like to say to Mr Ford and counsel generally,
12 in view of the crowded quarters here, in order that we may
13 all see to the advantage, I shall have to ask counsel, as
14 far as possible, to remain in their places assigned to them.
15 It may obstruct someone's view.

16 MR ROGERS: Just a moment before this matter is passed.
17 I will withdraw objection to the introduction of these in-
18 dictments.

19 MR FORD: I have already withdrawn the offer.

20 THE COURT: There is nothing before the Court.

21 MR ROGERS: Don't want them?

22 MR FORD: I am not particular. Now, it is part of your
23 duties to keep the records of Department 9 of the Superior
24 Court and was during the year 1911? A Yes sir, it is.

25 Q Have you that record with you? A I have.

26 Q May I see it, please? Do you know J. B. McNamara the

1 the defendant accused in indictment 6939, being Exhibit 1 in
2 this case? A Yes sir, I do.

3 Q State whether or not he was brought into court upon that
4 indictment. A He was.

5 Q Have you a record of his appearance in court? A I have.

6 Q If you will just turn to it and read it to the jury.

7 A This is Minutes and Orders in the Superior Court,
8 Department 9, Los Angeles County, Book 6.

9 Q That is the official record that was kept of that
10 Court during the year 1911? A Yes sir.

11 Q The minutes of that Department? A I haven't looked up
12 the date; I will have to hunt the date of the trial in the
13 Register of Actions.

14 Q Well, begin with May 5th and you will find it. Just
15 see what the record of May 5th, 1911, is. Do you desire to
16 inspect this book, Mr Rogers?

17 MR ROGERS: No, I take it that is --

18 MR FORD: It is our duty to offer it to defendant's counsel
19 before introducing it.

20 MR ROGERS: What are you going to prove; the whole record?
21 There may be some matters as we go along that will occur to
22 me as objectionable, and I will make the objection as the
23 time comes.

24 THE COURT: All right.

25 A May 5th.

26 MR FORD: We offer in evidence the Record of Department 9,

1 of the Superior Court of the County of Los Angeles, State of
2 California, for May 5th, 1911.

3 MR ROGERS: No objection.

4 MR FORD: Just read it into the record so the jury can hear
5 it.

6 A "Friday, May 5th, 1911, in open court, Hon. Walter Bord-
7 well, Judge, presiding. Clerk, Sheriff and Reporter present."

8 Other matters you care not --

9 Q Just that portion relating to this indictment.

10 A "In the matter of the report of the Grand Jury, now
11 comes the Grand Jury into open court and the roll being
12 called the following members of said Grand Jury are found
13 present, to-wit: J. E. Carr, Foreman, Thomas B. Chapman,
14 Samuel E. Allin, John Bloeser, Sr., Elmer E. Webster, J. L.
15 Mathews, J. H. Linkletter, F. E. McCollum, Samuel W. Pyle,
16 John Scott, Jacob Swigart, J. H. Cavanah, S. G. Tyler,
17 J. M. Tibbets, E. J. Vawter, and R. F. DeGarmo.

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1 thereupon the foreman, J. E. Carr, in the presence of said
2 Grand Jury presented to the Court the following indictments,
3 found by the Grand Jury, as each are filed with the Clerk,
4 to-wit", giving the indictments. Shall I read the numbers
5 of those?

6 Q It isn't necessary to go into all of them.

7 A 6936 --

8 MR ROGERS: Hold on. Have you offered the record? Let's
9 have the record.

10 MR FORD: You desire the whole record?

11 MR ROGERS: Yes.

12 THE COURT: Read the whole record.

13 A To-wit, Number 6936, People vs J.J. McNamara, J.B. Mc-
14 Namara and others.

15 6937 People vs J.J. McNamara, J.B. McNamara and others.

16 6938 People vs J.J. McNamara, J.B. McNamara and others.

17 6939 People vs J.J. McNamara, J.B. McNamara and others.

18 6940 People vs J.J. McNamara, J.B. McNamara and others.

19 6941 People vs J.J. McNamara, J.B. McNamara and others.

20 6941 People vs. J.J. McNamara, J.B. McNamara and others.

21 6942 People vs J.J. McNamara, J.B. McNamara and others.

22 6943 People vs J.J. McNamara, J.B. McNamara and others.

23 6944 People vs J.J. McNamara, J.B. McNamara and others.

24 6945 People vs J.J. McNamara, J.B. McNamara and others.

25 6946 People vs J.J. McNamara, J.B. McNamara and others.

26 6947 People vs J.J. McNamara, J.B. McNamara and others.

- 1 6948 People vs J. J. McNamara, J. B. McNamara and others.
- 2 6949 People vs J. J. McNamara, J. B. McNamara and others.
- 3 6950 People vs J. J. McNamara, J. B. McNamara and others.
- 4 6951 People vs J. J. McNamara, J. B. McNamara and others.
- 5 6952 People vs J. J. McNamara, J. B. McNamara and others.
- 6 6953 People vs J. J. McNamara, J. B. McNamara and others.
- 7 6954 People vs J. J. McNamara, J. B. McNamara and others.
- 8 6955 People vs J. J. McNamara, J. B. McNamara and others.

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1 and it appearing to the court that all of said defendants
2 are not in custody, it is ordered that the clerk issue
3 bench warrants for the arrest of each defendant not in cus-
4 tody named in said indictments, on the request of the Dis-
5 trict Attorney and that the defendants, not in custody,
6 and each of them, be held without bond.

7 Q Now, were any warrants issued for the arrest of the de-
8 fendant J. B. McNamara? A There were?

9 Q Have you a record of that in that book? A The re-
10 cord of the issuance of the warrants, yes sir.

11 Q When did J. B. McNamara appear in court, according to
12 your record? A On that same date, Friday, May 5th, 1911.

13 Q Just read the portion of the record relating to the ap-
14 pearance of J. B. McNamara. A From the case, 6939,
15 People vs. J. J. McNamara, J. B. McNamara and others, the
16 District Attorney, J. D. Fredericks and Assistant District
17 Attorney, W. J. Ford, and Deputy District Attorney Arthur
18 L. Veitch, and A. J. Hill, and the defendants, by their
19 counsel, Leo M. Rapport, and Job Harriman present in
20 court, whereupon the defendants, J. J. McNamara, and J. B.
21 McNamara are duly arraigned and in the indictment charging
22 said arraignment defendants with the crime of murder is
23 read, and the defendants / ^{stated} their true names to be as
24 charged, and upon motion of counsel for defendants, and
25 by consent of the District Attorney and by order of the
26 court, time to answer is set for June the 1st, 1911, at

1 10 o'clock A.M. The defendants by their counsel waive the
2 statutory time of 60 days within which to be tried. Re-
3 porter's transcript of testimony taken before grand jury
4 heretofore filed, is handed to each of said defendants.

5 Q Now, will you turn to the records of June 1st, 1911,
6 and tell us what was done in court on that date.

7 MR ROGERS: Will you just read that part where it speaks of
8 who appeared for them. Who were their attorneys?

9 MR FORD: Job Harriman and Rapport. A (Reading.) And
10 the defendants by their counsel, Leo M. Rapport and Job
11 Harriman.

12 MR FORD: Perhaps the matter was called up before that
13 date, the 1st of June? A June the 1st was the day set for
14 answering.

15 Q Just read what the record says for June 1st.

16 MR FREDERICKS: We probably went into court before June
17 1st and consented to the continuance and you will find it
18 on an earlier date.

19 A I could get the dates off the register of actions
20 and probably save some time. Saturday, May 27th, 1911,
21 in open court, Hon. Walter Bordwell, Judge presiding --

22 MR FORD: Read it so the jury may hear it. A Saturday
23 May 27th, 1911. In open court, Hon. Walter Bordwell, Judge
24 presiding, Clerk, Sheriff and Reporter present. Case No.
25 6939, People vs. J. J. McNamara and J. B. McNamara, and
26 others, On motion of Job Harriman, attorney for the defend-

1 ants, it is ordered that Clarence S. Darrow, Joseph Scott, and
2 Le Compte Davis be, and they are hereby substituted as
3 counsel for the defendants, with Leo M. Rappaport, and Job
4 Harriman, defendants' attorneys of record, and then came
5 on regularly for hearing, motion on behalf of the defendants
6 to extend the time within which to answer, and the People
7 being represented in open court by the District Attorney
8 of Los Angeles County, California, J. D. Fredericks, and
9 Assistant District Attorney W. J. Ford, and the defendants,
10 J. J. McNamara and J. B. McNamara, by their attorneys,
11 Messrs. Darrow, Scott, Davis and Harriman, the defendants,
12 each of them being represented, moved to extend time to
13 answer. Presented, argued and submitted. Whereupon it is
14 ordered that defendants' said motion to extend time within
15 which to answer be and the same is hereby granted and
16 time to answer is extended to July 5th, 1911, at 10 o'clock
17 A.M.

1 Q Now, will you turn to the record of July 5, 1911?

2 A (Witness does so.) From July 3rd the next record I
3 have is July 6th.

4 Q Have you the record of July 3rd? A No sir, some
5 previous date they have come in and asked for an additional
6 continuance. I notice the next is July 6th. I can find
7 that order.

8 Q We would like to have all of the record, if you please?

9 A July the 5th. "Wednesday, July 5, 1911, In open court,
10 Hon. Walter Bordwell, Judge presiding, the Clerk, Sheriff
11 and reporter present. Cases No. 6936 to 6955 inclusive.
12 People vs J.J. and J. B. McNamara. Upon motion of counsel
13 for defendants, and by consent of the District Attorney,
14 time set for answer is continued to July 6, 1911, at 10
15 o'clock."

16 Q Complete the record. A "Thursday, July 6th, 1911,
17 In open court, Hon. Walter Bordwell, Judge presiding,
18 Clerk, sheriff and reporter present." The minute orders in
19 which all these various cases are duplicated, if there is
20 any particular case you want.

21 Q Read the order that referred ~~ed~~ to case No. 6939.

22 A "Case No. 6939, People versus J.J. McNamara and J.B.
23 McNamara. This being the time regularly set for answering
24 the indictment filed herein, the people being represented
25 in court by the District Attorney, J. D. Fredericks, and
26 Assistant District Attorney W. J. Ford, and the defendants,

1 J. J. McNamara and J. B. McNamara, being present with
2 their counsel, Messrs. Darrow, Davis, Scott, McNutt and
3 Harriman. The defendants, by their counsel, present and
4 file plea and answer to the jurisdiction, motion to quash
5 indictment and affidavit "and supplemental affidavit of
6 J. J. McNamara on motion to quash indictment." And affida-
7 vit on motion to quash indictment of J. B. McNamara.

8 Thereupon the motion of plea of jurisdiction is presented
9 on part of defendant J. J. McNamara, and the motion of
10 the People to strike out said motion on plea of jurisdic-
11 tion and objection to said motion is presented and argued
12 by counsel and further hearing and argument of said motion
13 on plea of jurisdiction is continued to Friday, July 7th,
14 at 10 A.M., 1911.

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1 Q Now, turn to the record of July 7th, 1911, in reference to
2 that same case, No. 6939. A "Friday July 7th, 1911.
3 In open court, Hon. Walter Bordwell, Judge presiding, Clerk,
4 sheriff and reporter present. Case No. 6939. People vs
5 J. J. McNamara and J. B. McNamara. The defendants' motion
6 on plea of jurisdiction, and People's objection thereto
7 resumed; defendant's counsel present; argument concluded
8 and motion submitted. Thereupon court ordered that
9 defendant J. J. McNamara's motion to plea of jurisdiction
10 of the court be and the same is hereby denied; motion to
11 set aside and quash indictment and affidavits J. J. McNamara
12 filed and said motions to set aside and quash indictments
13 presented for hearing and the People object thereto and move
14 to strike the affidavits filed in support of that motion and
15 object and move to strike from the files said motion to
16 quash indictment, and further hearing of said motion to
17 quash indictment filed against said defendant, J. J. McNamara,
18 is continued to Saturday, July 8th, at 9 o'clock A.M."

19 Q Any entry there in reference to J. B. McNamara?

20 A The one before -- the previous minute order denies the
21 motion as to J. J. McNamara and continues the motion as to
22 J. B. McNamara.

23 Q Where is that record? A July 7th.

24 Q Have you read the one of July 7th into the record?

25 A Yes sir. I can read it over again.

26 Q Let me read it. A This is taking up that one, and
that one there, altogether.

1 Q Turn to the record of July 8th, in the same case.

2 A Saturday, July 8th, 1911. In open Court, Hon. Walter
3 Bordwell, Judge presiding. Clerk, sheriff and reporter
4 present. Case No. 6939, People vs J. J. McNamara and J. B.
5 McNamara. Hearing on motion of defendant J. J. McNamara
6 to quash indictment resumed, defendants and all parties
7 present. Counsel for defendant J. J. McNamara present
8 and trial in case No. 6955, motion to quash indictment and
9 affidavit thereto, affidavits of Wayman filed and further
10 argument on motion to quash indictment continued to Monday,
11 July 10, at 2 P.M., 1911.

12 Q Now, the record of July 10.

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1 A "Monday, July 10, 1911. In open court, Hon. Walter
2 Bordwell, Judge presiding, Clerk, Reporter and Sheriff
3 present. Case No.6939. People vs. J. J. Mc Namara and
4 J. B. McNamara. Defendant J. J. McNamara's motion to
5 quash the indictment resumed; defendants and all parties
6 present. Motion argued and continued to July 12, at 10
7 o'clock, 1911.

8 Q Now, the record of July 12. A "Wednesday, July 12,
9 1911. In open court, Hon. Walter Bordwell, Judge presid-
10 ing; Clerk, Sheriff and Reporter present. Case No.6939.
11 People vs. J. J. McNamara and J. B. McNamara. Defendants'
12 motion to quash the indictment and People's objection
13 thereto resumed. Defendants and all parties present.
14 Said motion having been finally submitted, it is ordered
15 that the People's motion to strike from the files certain
16 affidavits and portions thereof, is hereby granted.
17 By request, defendants granted ten days time in which to
18 prepare and serve their notice of intention to appeal, and
19 prepare bill of exceptions from order denying defendants'
20 plea of jurisdiction and from order granting People's
21 motion to strike out affidavits in opposition to motion to
22 quash indictments filed. Defendants' motion to strike all
23 that portion of aforesaid affidavits, save and except the
24 portion not read, is granted. Defendants' motion to quash
25 indictment of J. B. McNamara denied. Thereupon defendant
26 J. J. McNamara and J. B. McNamara were, by the District

1 Attorney, informed of the charge set forth in the indict-
2 ment, to which each of said defendants duly entered his
3 plea of not guilty. Thereupon case was continued to Friday,
4 July 14th, at 10 o'clock A.M., 1911, to then be set for
5 trial."

6 "Friday, July 14, 1911. In open court, Hon. Walter
7 Bordwell, Judge presiding; Clerk, Sⁿeriff and Reporter
8 present."

9 MR ROGERS: (Interrupting.) What date is that, July 14?

10 A Friday, July 14. (Continuing.) "In case No.6939.

11 This being the time for setting the following cases for trial,
12 and defendants and counsel being present, it is ordered that
13 the following cases be and they are hereby set for trial
14 on October 10, 1911, at 10 o'clock A.M."

15 MR ROGERS: What cases are those? A I am only referring
16 to that one. Those are the various cases.

17 MR FORD: Just come down to Wednesday, just read the cases
18 and numbers -- A 6936 --

19 Q Is 6939 one of them? A It is 6936 to 6955, inclusive.

20 Q Very well. Read as to the record concerning 6939.

21 A "This being the time for setting the following cases --"
22 they were set collectively.

23 Q They were set by number, and 6939 is included among
24 them? A Yes sir.

25 Q Very well.

26 MR ROGERS: 6936 and how much? A To No.6955.

1 QR FORD: What is your next record? A It gives the Octob-
2 er 10 -- the next record, I think on October 9.

3 Q Verywell, read the record of October 9. A "Monday,
4 October 9, --

5 Q I beg your pardon; there are some records before that.
6 There is a record of severance of the defendants. Well, I
7 will pass that. Turn to the records of the 29th of Novem-
8 ber, 1911. Read your record of October 9. A "Monday,
9 October 9, 1911. In open court, Hon. Walter Bordwell, Judge
10 presiding, Clerk, sheriff and reporter present. Case
11 No.6939. People vs/ J. J. McNamara and J. B. McNamara.
12 This being the time regularly set for the trial of this
13 case, the people being represented in court by the Dis-
14 trict Attorney, J. D. Fredericks,

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Assistant District Attorney W J Ford and Deputy District Attorney G Ray Horton, and J A Hill; the defendants, J J McNamara and J B McNamara in court with their attorneys, Clarence S Darrow, LecompteDavis, Cyrus McNutt, Joseph Scott and Job Harriman. The affidavit of said defendants asking for a change of trial judge presented, and the District Attorney filed counter affidavits, being the affidavit of George H Hutton and affidavit of Walter Bordwell. Thereupon said motion for change of trial Judge was submitted without argument. It is ordered by the Court, that he has not now nor has he ever had any bias or prejudice whatsoever against either of said defendants J J McNamara or J B McNamara, or any of their attorneys or agents, and said motion is denied. On motion of District ^{Attorney} J D Fredericks it is ordered that Samuel E Vermiliea be and he is ordered associated as attorney for the People. Thereupon the District Attorney asked for severance of the trial of said defendants and chose and elected to try the defendant J B McNamara to be tried first, and at this time and by order of Court the Clerk proceeded to draw from the trial jury box the jury to try the case. The following named persons being drawn, to-wit: Nelson Z. T. Roberts; John W. McIntosh; A R Johnson; Edwin S Jensen; Otto A Adams; T W McKee; George W McCreary; Samuel R Hiatt; Robert Bain and Frank F Cross, who were then sworn as to their qualifications. By order of the Court the Clerk of the Court

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1 swore the following deputy sheriffs, to-wit: Edwin Lupton,
 2 J J Henry and F P Cochran to take charge of the jury;
 3 also, by order of the Court, that the jurors in the box who
 4 are under examination to keep in charge of the sheriff of
 5 Los Angeles county until the ^{next} meeting of the Court, until
 6 Friday, October 13, 1911. Deputy Sheriff and Bailiff were
 7 sworn to keep said jurors together until the next meeting
 8 of the Court, to suffer no person to speak to them or com-
 9 municate with them, nor to do so himself on any subject
 10 connected with the trial of the case, and return them into
 11 Court at the next meeting thereof, on Friday, October 13,
 12 1911, at the hour of 10 o'clock A.M. as aforesaid; also
 13 ordered by the Court that the reporter's notes taken in
 14 this action be transcribed. Action continued to Friday,
 15 October 13, 1911, at 10 o'clock.

with

16 Q Now, just a moment. Want to look at this, Mr Rogers,
 17 these two documents? I show to counsel for defendant a
 18 document concerning which I wish to interrogate the witness
 19 two documents. Now, attracting your attention to the names
 20 of those mentioned in that record, I attract your attention
 21 to the name of Robert Bain, I believe you have it as one of
 22 the jurors drawn on this last record that you have just read
 23 where the box was filled? A Yes sir.

24 Q The record you just read, I noticed the name Robert
 25 Bain being the name of a juror drawn and who went into the
 26 box, Robert F Bain. A Robert F Bain.

1 Q I think you read that Bain "Robert", without putting
2 the F. in. The record on page 254 of this book shows the
3 name of Bain, Robert F. That was Robert F Bain?

4 A Robert F. Bain.

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1 Q His name was drawn from the box in court.

2 MR ROGERS: Wait a moment. Let's see about that.

3 MR FORD: Let me finish my question.

4 MR APPEL: You are telling the witness.

5 MR FORD: Perhaps it was a leading question.

6 MR APPEL: Object to it as not the best evidence.

7 MR FORD: How was that name derived that date -- withdraw
8 it in that form. Was it drawn from the jury box in court
9 that day?

10 MR ROGERS: Wait a moment.

11 MR FORD: For the moment I attract your attention to the
12 name there. I will interrogate you about another matter
13 first. I hand you this document. Just state to the court
14 what that is.

15 MR ROGERS: Objected to as calling for a conclusion of the
16 witness, incompetent and not the best evidence.

17 MR FORD: Withdraw that question. The document which I
18 hand you, is that one of the records of Department 9 of the
19 Superior Court of the State of California, in and for the
20 County of Los Angeles? A It is, yes sir.

21 MR FORD: We offer it in evidence as people's exhibit 2,
22 and I will read it into the record.

23 MR ROGERS: Objected to as incompetent, irrelevant and
24 immaterial, especially immaterial, and anybody familiar
25 with the rules of orders in such matters, can see that the
26 order is entirely insufficient, and the order itself being

1 insufficient I don't know that it would effect the validity
2 of the drawing, if one was held, and that is not a drawing
3 at all. Doesn't say what the drawing is to be from; might
4 have drawn it from any old place, as far as that order
5 shows.

6 MR FORD: We will show by the actual facts it was drawn in
7 accordance with the law.

8 THE COURT: Overruled.

9 MR FORD: I then offer it as exhibit 2, and I will read it
10 to the jury. (Reading.) "In the Superior Court of the
11 State of California, in and for the County of Los Angeles;
12 In the Matter of drawing a trial jury, it is ordered and
13 directed that a trial jury be drawn in the court room of
14 Department 9 of said court on Friday, the 29th day of Sept-
15 ember, 1911, at the hour of 10 o'clock in the forenoon of
16 said day, and the number of said jurors to be drawn as
17 aforesaid is ordered and designated to be 125. It is fur-
18 ther directed that this order be filed this day with the
19 County Clerk of said County. Signed Walter Bordwell, Judge."

20 Endorsed: "6939. Department No.9. First order directing
21 drawing of term trial jury. Filed September 29, 1911,
22 H. J. Lelande, Clerk, by George O. Monroe, Deputy."

23 MR APPEL: Just a moment, your Honor. We move to strike
24 out the document just read by the witness upon the follow-
25 ing grounds: First, that the order or the document in
26 question purporting to be an order is void on its face for

1 the reasons it is not drawn in accordance with the provisions
2 of law and that it doesn't direct from where or how the
3 said jurors shall be drawn, nor does it direct when they
4 shall be summoned to appear or where, or in what depart-
5 ment.

6 THE COURT: Motion denied.

7 MR APPEL: On the further ground it doesn't appear to have
8 been an order of the court. That all we know as to the
9 last document and paper there -- and it is not the best
10 evidence. If it were an order of the court, it should appear
11 upon the minutes of the court and not on a piece of loose
12 paper. In other words, it isn't a court order at all.

13 Section 214 is as follows: (Reading.) "Whenever the bus-
14 iness of the Superior Court shall require --" Now, this
15 doesn't even state the business of the Superior Court re-
16 quires anything, of course, without meaning any disrespect
17 to anyone. First, there must be a finding by the court
18 that the business of the court requires the attendance of
19 a jury. Now, it doesn't lie in the power of a Judge to call
20 a jury at any time he may desire, simply because a notion
21 may come into the mind of the Judge presiding, but it
22 says now here, these are the only occasions when that must
23 appear, when he has power to draw a jury. Whenever the
24 business of the Superior Court shall require the attendance
25 of a trial jury for the trial of criminal cases or where
26 the trial jury has been demanded ⁱⁿ any cause or causes at

1 issue in said court, and no jury is in attendance --
2 doesn't even show that no jury was in attendance. "The
3 court may make an order directing a trial jury to be drawn
4 and selected to attend the said court, and such order shall
5 specify the number of jurors to be drawn and the time at
6 which the jurors are required to attend, and the court may
7 direct that such causes, either civil or criminal --"

8 Now, your Honor, this doesn't purport to be an order of
9 the court, the mere reading of it shows that it is not an
10 order of the court.

1 It says this: It is ordered and directed -- By whom directed?
2 By Bordwell, Judge. It doesn't say -- it is ordered and
3 directed by the Court that the Trial Jury be drawn in this
4 department for the trial of criminal cases; that doesn't
5 say what it was for; it doesn't specify as an order of court
6 that any business required the drawing of a jury. Now, this
7 provision of the statute is a provision empowering the
8 Judge to draw a jury in a particular manner. They must be
9 strictly pursued, a Judge cannot get out of bed in the morn-
10 ing and come into Court and simply take a notion to draw a
11 jury. But whenever the business of the court requires,
12 There must be a finding to that effect, and that section
13 provides what the order must direct to be done. Therein we
14 contend that this -- this order is a piece of evidence-- this
15 paper is a piece of evidence as establishing the facts in
16 this case as matters outside is absolutely nil, that it does
17 not prove anything. We object to it and we ask it be
18 stricken out.

19 THE COURT: Let me see the paper.

20 MR ROGERS: I suggest to your Honor that the court order
21 must be in the minutes, a judge's order or a chamber order
22 isn't sufficient for drawing a jury.

23 MR FORD: I may state for the information of counsel. It
24 is entered in the minutes.

25 THE COURT: Was Court in session on Friday the 29th of
26 September?

1 MR FORD: We will show that in just a minute.

2 A Yes, your Honor.

3 MR APPEL: We are objecting to that document.

4 THE COURT: Objection overruled. The motion to strike out
5 is denied.

6 MR APPEL: We except.

7 MR FORD: We now attract your attention to page 246 of the
8 minute book which you have in your hand, and ask you to
9 read the order appearing in the minute book.

10 A It is, In the Superior Court of the State of California,
11 in and for the County of Los Angeles; the matter of drawing a
12 trial jury. It is ordered and directed that a trial jury
13 be drawn in the courtroom of Department 9, of said court,
14 on Friday the 29th day of September, 1911, at the hour of
15 10 o'clock in the forenoon of said day, and the number of
16 said jurors to be drawn, as aforesaid, is ordered and desig-
17 nated as one hundred and twenty-five. It is further directed
18 that this order ^{be} filed this day with the County Clerk of
19 said county. Walter Bordwell, Judge.

20 MR APPEL: That is a repetition of the same thing. It can-
21 not be any more valid if it had been written on a newspaper.

22 MR FORD: Now, state whether or not a drawing of a term
23 trial jury was had in accordance with that order.

24 MR ROGERS: Object to that as calling for a conclusion of
25 opinion, "in accordance".

26 MR FORD: Withdraw that. State whether or not you have

1 any record showing that the drawing was actually had.

2 A I have a record which is a record on page 247.

3 Q And several other pages additional, are there not?

4 A 247, 248, 249 and part of 250.

5 MR FORD: We offer pages 247, 248 and 249 and the first ~~xx~~
6 five lines of 250 in evidence and desire to have the same
7 copied into the record by the reporter / ^{and} may be deemed read,
8 with counsel's consent. I will ask, if the Court please,
9 to offer it all. Desire to have only a portion read. There
10 is a whole list of names included. I desire to have simply
11 the name of Robert F. Bain read, simply to show that Robert
12 F. Bain's name was drawn.

13 MR ROGERS: Of course, I don't -- Part of the records in
14 the case, showing pendency of the action, but as proof of
15 anything stated in an order -- it is objected to as incom-
16 petent, irrelevant and immaterial, not the best evidence.
17 I suppose the document itself is part of the records of the
18 action showing it is pending and the steps taken and so
19 forth is proper to be admitted, but we object to it as being
20 considered in evidence, generally, or as a recital or proof
21 of any statement going in.

22 MR FORD: We offer it for all purposes, of which it is an
23 official record, in proof of which it is an official record
24 of the court.

25 MR APPEL: It is entirely in this case -- it isn't part of
26 the records in this case, as far as we know. I deem so from
that order.

1 MR FORD: I will ask -- the witness has already testified
2 that this is his official record of that department.

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1 Q I will ask you whether you prepared that record, Mr
2 Monroe? A I did.

3 Q And is it an accurate record of the proceedings taken
4 on the occasions to which it refers? A It is.

5 THE COURT: Objection overruled.

6 MR ROGERS: Exception.

7 MR FORD: I now desire to read to the jury a portion of it.

8 "In re drawing of trial jury --"

9 THE COURT: Read it all, unless counsel waives --

10 MR ROGERS: Don't need to read that whole list of names.

11 It may all be considered read.

12 MR FORD: In pursuance of an order made, filed and entered
13 on the 29th day of September, 1911, that a trial jury
14 should be drawn and this being the time set for the drawing
15 of said trial jury, the Clerk in open court, in the presence
16 of the Court, proceeded by order of the court to draw said
17 trial jury, and after duly shaking the trial jury box con-
18 taining the names of persons selected by the judges of
19 the Superior Court of Los Angeles County, state of Cal-
20 ifornia, to serve as trial jurors, regularly drew therefrom
21 125 slips of paper containing the names of the following
22 persons written thereon, to-wit -- I will not read the list
23 of names, but read the name of Bain, Robert F. appearing
24 among the list of that 125 names. Bain, Robert F., 345
25 West Sixteenth street, L.A. At the conclusion of the
26 list of names, immediately after the drawing was completed,
it was ordered that ~~an order~~ the clerk make a copy of the

1 list of names of the persons drawn as aforesaid, and certi-
2 fy the same as required by law, stating in his certificate
3 the date of the order and of the drawing, and the number
4 of the jurors drawn, and the time when and place where such
5 jurors are required to appear, to-wit, Monday, the 9 day
6 of October, 1911, at 10 o'clock in the forenoon of said day,
7 at the court house of said Los Angeles County, in the court
8 room of Department 9 of the Superior Court of said County;
9 and it is further ordered that the list of jurors drawn be
10 certified and delivered to the sheriff of said county for
11 service, as required by law, by proper process, and that
12 the sheriff make legal service and due return of his
13 action in the premises, and the list of names as drawn was
14 duly certified to the sheriff as ordered by the court. It
15 was further ordered that the persons whose names were
16 drawn, as aforesaid, appear and attend this court in Depart-
17 ment 9 thereof, on Monday, the 9th day of October, 1911, at
18 10 o'clock of the forenoon of said day. Now, Robert F.
19 Bain -- I will withdraw that question. I will ask you to
20 state whether the document which I hand you is the certi-
21 ficate ordrawing of the trial jury which you prepared --
22 I withdraw that. I will lay the foundation. Did you pre-
23 pare a certificate of the drawing to that trial jury in ac-
24 cordance with the court's order? A I did.
25 Q And is the document which you hold in your hand the
26 document which you repared? A Yes sir, it is.

1 MR FORD: We offer it in evidence as People's exhibit 3.

2 MR ROGERS: That document don't, if your Honor please --

3 I don't understand that -- this is a certificate of the
4 sheriff. Some of it is certified to and some of it is not.
5 Some of it contains memorandum which this witness didn't
6 make, and pencil memorandum and erasures, one thing and
7 another of that sort. Certainly that is not evidence in
8 its present form.

9 MR FORD: We offer it as being merely an official record
10 of the court that day.

11 MR ROGERS: It isn't an official record of any court for any
12 day.

13 MR FORD: Document on file in Department 9, then.

14 MR ROGERS: That doesn't make it admissible for anything.
15 The sheriff for the County of Los Angeles, and I hereby cer-
16 tify and a lot of blank sheets of paper. That is all there
17 is to that. I submit the document to your Honor. It isn't
18 a certificate of the clerk.

19 MR FORD: I withdraw it for the moment. I attract your at-
20 tention to the document as drawn by you, contains a number of
21 sheets of paper attached to it, and purporting to be, on
22 their face, certificates from the sheriff's office. Was
23 this document returned to you with those papers attached
24 by the sheriff of this county?

25 MR ROGERS: That is objected to as immaterial, incompetent,
26 and irrelevant, and, moreover, not the best evidence.

1 Leading and suggestive and no foundation laid.

2 MR FORD: The fact as to whether it was returned to him
3 by the sheriff would be matter within the witness' own
4 knowledge.

5 MR APPEL: The statute provides that the record shall be made.
6 Of course, that is the only evidence that can be introduced.

7 MR FREDERICKS: The point is, as I see it, it is a question
8 whether Mr Bain was a juror, and being in a position where-
9 by it would be a crime to bribe him. Now, we have got to
10 show what the records were first, and then what other facts
11 are also, and all we can do is show what the records ~~were~~
12 are at this time, and the rest of the facts afterwards.

13 MR ROGERS: You have got to get the records in, your Honor
14 please, in the proper way, and they have got to be proper
15 records. I don't understand that the Clerk can testify to
16 fugative memorandum of the sheriff's office, much of which
17 is not certified to, contains no certificate of the sheriff
18 whatever. The fact that he may have filed it doesn't give
19 it any varity or foundation.

20 MR FORD: I am only questioning him about it. I have
21 withdrawn the offer of it.

22 THE COURT: Objection was made that your question was lead-
23 ing and that objection is well taken.

24 MR FORD: State, Mr Monroe, what those papers are that
25 are attached to this document, if you know.

26 MR APPEL: That we object to, your Honor please, on the

1 ground that it is asking for a conclusion or opinion of
2 the witness. The papers themselves speak on their face what
3 they are, and this giving them a name would not make them
4 any more than they purport to be, and your Honor, it is
5 held where the statute prescribes that a record shall be
6 made of things, or certain proceedings, that record must
7 be made in the manner indicated in the statute, and it is
8 the only evidence of a fact, just as much so as trying to
9 prove that a man is naturalized. The statute provides how a
10 man shall be naturalized by the court. Cannot bring a man
11 to the stand to prove by oral evidence that he was natur-
12 alized. There must be a record.

13 MR FORD: I withdraw the question for the time being. You
14 have stated that that document which you hold in your hand
15 was a certificate prepared by you? A Yes sir. I did not
16 look inside. It is not all mine. Simply this portion in
17 pursuance to this order, it is a copy of the names regularly
18 drawn and certified to the sheriff.

19 Q When you said this portion, you indicated the last
20 five pages of the open document -- of the document that is
21 fastened together? A Yes sir.

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-Pete1 Q Now, to that document as prepared by you, there have
2 been added five other sheets of paper, is that correct?

3 A Yes sir.

4 Q Now, the document as prepared by you consisted of the
5 last five pages? A Yes sir.

6 Q What did you do with that document after having pre-
7 pared it? A I placed it in the hands of the sheriff.

8 Q And when was the document returned to you? A The
9 document was returned on October the 9th.

10 Q And by whom -- October 9th, 1911? A October 9, 1911,
11 by Mr Manning.

12 Q He is a deputy sheriff? A He is a deputy sheriff.

13 MR ROGERS: I move to strike that out; that is voluntary.

14 THE COURT: Strike it out.

15 MR APPEL: You can prove anything by oral evidence.

16 MR FORD: The Clerk certainly can state whether or not he
17 knows an official.

18 MR APPEL: How can this man know he is a deputy sheriff?

19 Q BY MR FORD: Who is Mr Manning?

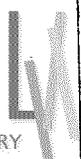
20 MR ROGERS: I object to that as incompetent, irrelevant and
21 immaterial. I am not technical about these things if your
22 Honor please, except there is a proper way to do this so
23 that our records may be preserved in every particular, and
24 there is no use in proving it in an improper fashion and by
25 adding to the time and prudence necessary to get a complete
26 record. All we desire to do is to preserve our rights in

1 the matter. If counsel will offer documents by the custo-
2 dian of them and pass them up to your Honor and offer these
3 and let your Honor observe them and we make our objection
4 and we will get on, but he is trying to slip in matters --
5 I use that with all due respect -- trying to slip in matters
6 that he cannot prove in any other fashion, and I want to
7 aid the trial as fast as I can, you cannot prove things in
8 that way, because our record won't be preserved, we will be
9 compelled to make twenty objections instead of one. If
10 counsel will offer such and such a record we will look at
11 the record and if we have any objection we will say so,
12 and if we have not we will state that. I object to the
13 proving of documents piecemeal, when they are trying to get
14 them together and make up the deficiency by oral testimony.
15 There is a way of doing these things and doing them quickly
16 and correctly, and we will preserve our rights. That
17 situation as there disclosed he certainly cannot say who is
18 Mr Manning; he might say he is a tall man with a glass eye
19 and yellow hair, and what would that convey?

20 MR FORD: There are a thousand issues or facts that might
21 be raised in this case on a great many matters, that can be
22 raised, and if counsel wants to raise them, well, we will
23 have to bow to his wishes in the matter and to prove, if
24 necessary, that Mr Manning is actually an officer, or he
25 was acting as an officer. Now, counsel do not contend for
26 a moment, I take it, that as far as this case is concerned

1 it is a matter of no importance whether Mr Warren Manning
2 has actually been regularly or duly appointed, or whether
3 he was merely a defacto officer. If he does, of course,
4 that will raise an issue that we will argue and prove, if
5 necessary.

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1 This officer, who is now on the stand, is the custodian of
2 this document. I want to show it had been returned to him
3 by a deputy sheriff in the usual course of the court's busi-
4 ness, and if he wants to raise issues on some of those little
5 matters, of course, we will have to meet them.

6 MR ROGERS: They are no little matters, if your Honor
7 please, to make the necessary proof in the proper way.
8 It is like trying to run an adding machine, if your Honor
9 please, and hitting the wrong keys. You get the wrong
10 total. Of course, it is a little matter to hit one key wrong,
11 but it spoils the whole total. Now, here is a document of
12 which this witness is a custodian, which contains many pencil memoranda,
13 which he didn't make. A I made those, Mr Rogers.

14 MR ROGERS: (continuing) At the time he sent it out it con-
15 tained check marks, he makes -- it contains erasures and
16 it bears one file mark. Now, attached to it are certain
17 fugitive sheets which are not bound in with the original
18 document, except by a sort of a fastener, which contain on
19 one sheet the name of A. L. Manning, the rest of the sheets
20 here contain no names at all, not signed, we do not know
21 whether they are fugitive papers or what they are, and there
22 is no way of proving the document.

23 MR FORD: Well, Mr Rogers, I will offer the first page only,
24 to which the name of Mr Manning has been added or has been
25 written. We offer the first page of this record in evidence,
26 together with the last five pages constituting the certifi-
cate prepared by the witness.

1 Is that satisfactory to you?

2 MR ROGERS: I object to that as incompetent, irrelevant
3 and immaterial, two different documents prepared by two
4 different officers, relating to two different matters,
5 not prepared by this witness or in anywise within his know-
6 ledge, Get at it, right, and get at it quick.

7 MR FORD: We ask the document be marked exhibit 3 for
8 identification. I will call Mr Manning.

9 THE COURT: Marked exhibit 3 for identification.

10 MR FORD: We will get Mr Manning.

11 THE COURT: Marked Exhibit 3 for identification.

12 MR FORD: Will you have Mr Manning come up ^{...} or bailiff.

13 THE CLERK: Do you wish that marked for identification?

14 MR FORD: Yes.

15 MR FORD: Will you now turn to the minutes of October 9th,
16 1911, and read the record of what was done in court?

17 A "Monday, October 9th, 1911. In open Court, Hon. Walter
18 Bordwell, Judge presiding; Clerk, sheriff and reporter present
19 In the matter of return day of trial jurors. Now, at this
20 time, being the day and hour set by the court in its order
21 of september 29th, 1911, for the return of the venire of
22 125 term jurors drawn on said September 29th, 1911, the
23 Sheriff's return shows 102 served and 23 not served, the 23
24 not served being deceased or out of the county. 102 served,
25 102 present and answered to the call of their names, who
26 were sworn to well and truly answer such questions as may be

1 asked them regarding competency and qualifications to
2 act as trial jurors. Whereupon all those desiring to be
3 excused from service were given an opportunity to make their
4 excuse. After which the following requests for release from
5 service were granted. Namely, 55 -- -- "Do you want the
6 55 names read which were excused?"

7 MR FORD: No.

8 A (Continuing) "-- there being 46 trial jurors present
9 and not excused, ^{and all, to} this date, having their qualifications
10 to act as trial jurors are declared by the Court to be and
11 constitute the trial jury."

12 Q Are their names there, of the 46? A Yes sir.

13 MR ROGERS: No, the names of the 46? A They should be
14 there. If they are not there they should be there.

15 MR FORD: Here are the names of the 46.

16 MR ROGERS: That has been changed, what is that change?

17 A That was a -- there were 56 which should be 55, that man
18 was not served -- leaving on the panel and appearing as
19 apparently fit for service and not excused by the Court, to-
20 wit, 47, namely -- "

21 MR FORD: Now, among the list of the 47 who were left on the
22 panel as apparently fit for service, appears the name of
23 Robert F. Bain, is that correct? A Yes sir.

24 Q That is all I am interested in.

25 MR ROGERS: That court record, if your Honor please,
26 appears on inspection to have been altered, the name written

1 down here in pencil and the name stricken out here in pencil,
2 and the names appear written in pencil.

3 MR FORD: I ask that the book be exhibited to the jury and
4 that the witness explain the reason for that pencil mark
5 that the jury may thoroughly understand what it is.

6 MR APPEL: That is for the court, a mutilated record, the
7 admissibility of it.

8 MR FORD: I ask that the Court look at it, and that the jury
9 be given the privilege to look at the record, so that they
10 may decide whether it is mutilated or not.

11 MR ROGERS: If your Honor please, that is all nonsense, and
12 I object to it as incompetent. I didn't say the record is
13 mutilated. I said, where you produce a record that is changed
14 you must account for the change, and that is all I said.
15 I call for the account. A I can account for it.

16 MR ROGERS: Go at it. A There is an error in the jurors
17 excused. It says 56 and should have been 55. The Seaborn
18 Manning was not excused, although his name appears among the
19 excused, therefore making that 55 instead of 56 excused,
20 Mr Manning appearing among those who ^{were} served, and it should
21 have been 47 instead of 46.

22 MR FORD: Then, when you wrote the name Seaborn Manning, in
23 line 13, from the top, it was erroneously written in?

24 A It was.

25 Q And in order to make it conform to the facts you drew a
26 pencil mark through it? A Yes sir, I did,.

1 Q And line 28, you inserted in pencil the words Seaborn
2 Manning as among those present, fit for service, is that
3 correct? A It is.

4 Q And you did that in order to make it conform to the fact?

5 A I can verify it by looking at exhibit 3 for identifica-
6 tion.

7 Q Did you do that to make it conform to the facts?

8 A I did.

9 Q And at the day the minutes were written up? A Yes sir.

10 MR FORD: We will now ask that the jury be permitted to
11 examine this record, so that there will be no misunderstanding.

12 MR ROGERS: I have no objection, if they want to amuse them-
13 selves, but it is absolutely incompetent.

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1 MR FORD: They might unconsciously, give it more importance
2 than it is entitled to.

3 MR ROGERS: It shows it is a funny way to keep a court
4 record, that is all, to keep it in pencil.

5 (Book exhibited to jurors.)

6 Q BY MR FORD: At the time this record was prepared, you
7 had an assistant, did you, Mr Monroe? A Yes sir.

8 Q What was his name? A Charles Doan, D-o-a-n.

9 Q You kept the minutes of the court yourself, and then had
10 him write them up in the books? A He would write them in
11 the books; afterwards we would compare them, and that
12 error I discovered.

13 Q When you compared the record Mr Doan had written up
14 from your original minutes, you observed he had inserted
15 the name of Manning in the wrong place? A Putting the
16 name of Manning in the excused, when he should have been
17 in the accepted.

18 Q You made the correction yourself? A Yes sir.

19 Q Now, turn to the minutes --

20 THE COURT: How much longer will it take for this witness?

21 MR FORD: I am anxious to get through with him tonight, to
22 save him coming back again.

23 MR ROGERS: You cannot do it.

24 MR FORD: If you feel it is necessary to cross-examine --

25 MR ROGERS: Certainly, of course.

26 MR FORD: -- we might as well adjourn, your Honor.

1 THE COURT: Gentlemen of the jury, this is a good time for
2 adjournment, and it is the duty of the court again to ad-
3 monish you as heretofore, you should not talk or let anyone
4 talk to you about this case, do you form or express any
5 opinion relative to its merits until the whole matter is
6 submitted to you.

7 MR FREDERICKS: What is the hour tomorrow morning?

8 (Discussion as to adjournment.)

9 THE COURT: We will adjourn until 9:30 o'clock tomorrow
10 morning.

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12 Here the court took an adjournment until Saturday, May
13 25, 1912, at 9:30 o'clock A.M.

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1 "IN RE DRAWING OF TRIAL JURY.

2 "In pursuance of the order made, filed and entered on the
3 29th day of September, 1911, that a trial jury should be
4 drawn, and this being the time set for the drawing of said
5 trial jury, the Clerk in open Court, in the presence of
6 the Court, proceeded by order of the Court to draw said
7 trial jury, and after duly shaking the trial jury box con-
8 taining the names of persons selected by the judges of the
9 Superior Court of Los Angeles county, State of California,
10 to serve as trial jurors, regularly drew therefrom 125 slips
11 of paper containing the names of the following persons
12 written thereon, to-wit: Anderson, Geo. E., Covina;
13 Adams, T.W., 965 E 4th St, Long Beach; Ackerman, Alexander,
14 1136 E 1st St., L.A.; Amsden, Munroe R., 2103 Union Av,
15 L.A.; Ambrose, Jas. C. 210 W 62nd St, L.A.; Allen, Chas.
16 W, 120 W Grand, Alhambra; Bent, Chas. E., 4211 Glen Albyn
17 Drive, L.A.; Braun, F W, 625 Shatto Place, L.A.; Binder,
18 Chas F, 1315 Crown Hill Av, L A ; Barthe, Jno H, Monrovia;
19 Brown, Wm. 141 No Grand Av, L A; Bently, W H, 1202 W 2nd,
20 St., L A ; Bain, Robt F, 345 W 68th St, L A : Benson,
21 J Cloud, 1227 Waterloo St, L A: Barnes, Isaac C, 426 Richler
22 L A; Bechtel, Jacob L, 1641 W 23 Ed St, L A ; Baker, Martin
23 Lancaster; Bacheller, Horace C, 1847 W 47th St, L A;
24 Coward, Walter L, Artesia; Carpenter, Andrew L, 134 W 31st
25 St, L A; Chaffey, A M, 3644 Wilshire Blvd., L A ;
26 Castle, Delos C, 618 W 41st, L A; Christney, Chas, 2103

1 Magnolia, L A; Cook, W J, RFD No 1, (Eagle Rock) L A :
 2 Cross, Frank F 1519 Gramercy Place L A : Carrier, A T
 3 Spadra; Carpenter, Wm M V c/o J B Robinson Co., Boston
 4 Store L A : Chaffee, Chas D; 1242 Downey L A ;
 5 Clark, B W, 1320 Wright St L A : Caldwell, John B, 2024
 6 Ellendale Place L A : Chapin, Hollie B, Azusa; Dunlap,
 7 Albert H, Whittier; Dutton, Elmer Eugene, 2037 LaMirada
 8 Ave S Hollywood; Deane, Barnabas 2480 St L A : Dunning,
 9 Wm W, 619 Vine St L A; Decker, Ernest F, 1537 50th St L A :
 10 Everhardy, W M, 1401 Alvarado Terrace L A: Easley, E L,
 11 Whittier; Edwards, Frank H, 753 Harvard Boulevard; ~~xxx~~
 12 Frank H. W. 1705 S Figueroa, L A : Foot, Frank D, San Pedro;
 13 Fairbanks, Fred C, So Pasadena; Forbes, T W, Alhambra;
 14 Fogarty, T, Alonso, 2057 W 16th St L A : Fletcher, Francis
 15 C, 1541 W 3rd St LA; Fisher, Walter H, 3043 Wilshire Blvd
 16 LA; Foley, T J, 805 West Ocean Ave L Beach; Foshay, J A,
 17 1023 W 68th St LA; Godber, H H, 455 N ElMolina, L A ;
 18 Gray, W M, Gardena; Green, E N, 315 W 3rd St L A; Green,
 19 F D, Pomona; Gregg, Wallace, Whittier; Hauser, E C, c/o
 20 Hauser Packing Co, L A; Hiatt, Zira J, 1688 Locust St, Pasa-
 21 dena; Hutchinson, Paul, Altadena; Hart, G A, Natick House,
 22 L A: Hardy, Robt P, 10th & Boston Sts L A : Huntley, E,
 23 1497 Raymond Ave, Pasadena; Holmes, Jas. 129 Surf St, Santa
 24 Monica; Hepner, J O, Covina; Hayman, H L, LaCanada, or
 25 RFD No13; Holabird, HG, 1921 Oceanview L A ; Helson, Z T,
 26 Long Beach; Harris, Henry L, c/o Harris & Frank, L A ;

1 Harris, HFC, Monrovia; Jessen, Otta A, Gardena; Johnson,
 2 Edmond S, Rivera; Jones, G M, Ocean Park; Kemp, G C,
 3 941 Westlake Av, L C; Kelley, J E, 96 Standford Av Pasadena;
 4 Kellos, Giles, 3002 Wilshire Blvd, L A : Kinney, (or Kinnie)
 5 David A, 881 Minona St, Pasadena; Lockwood, Ernest H,
 6 57 So Raymond Av Pasadena; Leach, Geo A, 26 So Alan Av
 7 Pasadena; Lipez, Pedro B San Fernando; Lemon, Elislia H
 8 Claremont; Lee, A W, Spadra; McCreery, Samuel R, 700 W
 9 32nd St L A : McCreedy, Warren W, 145 S Greenwood, L A;
 10 McCann, Owen, Cor Pico & Grammercy Place, L ; McCament,
 11 J O, 234 S Marengo, Pasadena; McIntosh, A R, Compton;
 12 McKee, Geo W, 1129 Mignonette St, L A; Mercer, Marcus,
 13 Pasadena; Manning, Seabonr, Downey; Mines, Wm W, Los
 14 Angeles; Martin, W P, RFD No 11 Box 117; Mullen, F J,
 15 527 No St Andrews St, L A ; Nittinger, E P, 1454 3rd St
 16 Santa Monica; Nance, C H, 2943 Walton Av, L A : Olshausen,
 17 G A; 1505 St Andrews Place L A : Oliver, Willis F, 2122
 18 La Salle St L A; Putnam, F S, 1544 Paloma L A; Phelps,
 19 C A, Claremont; Quackenbush, H, 1319 W ~~St~~ 36th Place L A ;
 20 Rider, Frank, 225 So Madison Av, Pasadena; Robinson, Edward
 21 C, 1012 No Garfield Ave, Alhambra; Robinson, A C, Casa Verdug
 22 Rambaud, Emil, Puente; Rice, Geo Sr. 5308 Pasadena Av, L A:
 23 Radabaugh, E B, Duarte; Roberts, Jno W, Hollywood; Seery,
 24 Gregory A, 1959 Bonsello Av, L A; Spalding, W A, 134 No Gates
 25 St, L A; Stoll, Geo H, 447 So L A St, L A; Showers, E J,
 26 Monrovia; Shultis, J, 2923 Altaura St, L A; Teague, R M.

1 Watts; Thompson, P C, 927 E 27th St L A; Thompson, J F,
2 2555 So Hoover St, L A; Trostle, W E, San Gabriel;
3 Upton, S W, 931 No Orange Grove Av, Pasa; Vaughn, J A,
4 Pomona; Valentine, C R, Altadena; Williamson, W C,
5 Monrovia; Wood, I A, 464 Vermont Ave, L A; Whitcomb,
6 C D, Glendora; Winter, A C, 844 E Adams St L A;
7 White, W W, Gardena; Walker, Newton B, 4678 Santa Monica
8 Av, S Monica; Wilson, J S, 601 Oregon Av, Santa Monica;
9 Yerxa, Thos Edward, Melrose Ave near Windmere Ave, So
10 Hollywood; Yates, Jas F, 127 Coulter Bldg, L A;

11 Immediately after the drawing was completed, it was
12 ordered that the Clerk make a copy of the list of names of
13 persons drawn as aforesaid, and certify the same as required
14 by law stating in his certificate the date of the order and
15 of the drawing, and the number of the jurors drawn, and the
16 time when and place where such jurors are required to ap-
17 pear, to-wit: Monday, the 9 day of Oct, 1911, at ten
18 o'clock in the forenoon of said day in the court house of
19 said Los Angeles county, in the court room of Department
20 Nine of the Superior Court of said county; and it is
21 further ordered that the list of the jurors drawn be
22 certified and delivered to the sheriff of said county for
23 service as required by law, by proper process, and that
24 the sheriff make legal service and due return of his
25 action in the premises, and the list of names as drawn was
26 duly certified to the sheriff as ordered by the Court. It
was further ordered that the persons whose names were drawn,

1 as aforesaid, appear and attend at this court in Department
2 Nine thereof, on Monday, the 9 day of Oct, 1911, at ten
3 o'clock of the forenoon of said day."

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