

J. D. FREDERICKS.

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 Darrow,)

Defendant.)

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REPORTERS' TRANSCRIPT.

VOL. 49

I N D E X.

	Direct.	Cross.	Re-D.	Re-C.
✓ Robert Bain,		3861		
✓ Mrs Dora F. Bain,	3878	3888		
Depositions of				
William E. Mason,	3901			
Albert J. Hopkins,	3913			
Fred A. Busse,	3925			
Hemstead Washburne,	3929			
Simeon P. Shope,	3934			
James Hamilton Lewis,	3942			
Orrin N. Carter,	3947			

1 Monday, July 8th, 1912, 2 o'clock P.M.

2 Defendant in court with counsel. Case resumed.

3

4 ROBERT BAIN on the stand for further cross-
5 examination.

6 MR ROGERS: I will go ahead.

7 THE COURT: Are you ready to go ahead, Mr Rogers?

8 MR ROGERS: Yes sir. In the event Mr Appel comes in I will
9 turn him back to him.

10 THE COURT: All right.

11 MR ROGERS: Mr Bain, do you know a man named F. N. Webb,
12 who was called as a juror in the McNamara case and was de-
13 tained with you a while? Do you remember him? A No sir,
14 I do not.

15 Q Lives at 1326 West Forty-first street, as I believe,
16 and has a business down on South Spring street, I believe.
17 You don't remember a man by that name? A No, I do not.

18 Q Well, during the time that you were detained as a tales-
19 man, from time to time, other men, of course, were shut up
20 in the room with you, was that not so? Quite a lot of
21 them, from time to time? A Yes.

22 Q And they changed as they might be challenged or ex-
23 cused? A Yes.

24 Q Do you remember Mr Webb coming in with the jury at all?

25 A I don't remember the name. I probably know him by
26 sight, but I don't remember the name.

1 Q Do you remember that he spent two or three days in
2 the jury room and that during that time you said to him,
3 he and you occupying the same sleeping quarters, as I un-
4 derstand it, in those sleeping quarters, as I understand
5 it, that so far as you were concerning, if you were on the
6 jury the sons-of-bitches would get all that was coming to
7 them, or words to that effect, or anything like it? A No
8 sir, I never use that kind of language.

9 Q Or anything like that, Mr Bain? A No sir. The man
10 that was next to me was Mr Green from Pomona.

11 Q I don't know that he was next to you. A I was at the
12 end of the hall right along down.

13 Q But you never said anything like that to Mr Webb, or
14 in his hearing? A No sir, I never use that kind of
15 language to anybody.

16 Q Now, you were examined, were you not, when you were
17 called as a salesman quite a long time, you were examined
18 on three different times, weren't you? A I think not.

19 Q The transcript shows --

20 MR FORD: We object to any statement --

21 MR ROGERS: Volume 7 shows, and volume 4 shows, and volume
22 3 shows. Shows 3, 4 and 7.

23 MR FREDERICKS: See what the dates are, whatever they
24 show.

25 MR ROGERS: Whatever they show. October 14th, one;
26 October 17th, another, and October 20th, another.

1 MR DARROW: October 23rd another.

2 MR ROGERS: October 23rd is another. You were kept on the
3 jury quite a number of days being examined from time to
4 time, weren't you, Mr Bain? A No sir, I don't think so.

5 Q Don't you remember Mr Darrow examining you four dif-
6 ferent times, October ---- those I have just mentioned in
7 the record here.

8 MR DARROW: Mr Rogers, he was not examined consecutively.

9 MR ROGERS: I understand.

10 MR DARROW: One side or the other came back to him at
11 different times.

12 MR ROGERS: I mean on several different times you were ex-
13 amined from time to time, weren't you, don't you remember
14 extending over quite a long time? A I don't remember of
15 anything of that kind. I was examined here once and then
16 took my seat.

17 Q All you remember is once? A There was something
18 brought up, I don't remember now what it was. They ask-
19 ed me a question, but I was not brought back here on the
20 chair again.

21 Q Now, the examination commenced, according to the re-
22 cord, on Saturday, October 14th, as I understand it. Then
23 Mr Darrow examined you, and then you were further examined
24 on Tuesday, October 17th, according to the record, by Mr
25 Darrow, there being other examination in the meantime,
26 and again, then, on October 20th, you were examined by Mr

1 Horton for the state, weren't you, and so the examination
2 continued for quite a number of different days, and you
3 were on quite a long time; don't you remember, before you
4 were taken, don't you remember that? A I do not.

5 Q Don't think so. I will offer the transcript, not to
6 be read into the record, but to be referred to for what
7 may be necessary therein, of the examination on the voir
8 dire of this juror, Robert F. Bain, in the case of the Peo-
9 ple vs. J. B. McNamara. Well, for the purposes mentioned,
10 not for the purpose of the substantitive testimony, but
11 for the purpose of showing the examination of talesmen,
12 Robert Bain in People versus McNamara. We offer the of-
13 ficial transcript of the examination of the talesman at
14 that time.

15 MR FORD: We would just like to examine them a moment,
16 before your Honor rules.

17 THE COURT: All right.

18 MR FORD: Let us see the ones you offer.

19 MR ROGERS: We offer the ones you gave us.

20 MR FORD: I know; we want to look at them and see whether
21 we will make any objection.

22 MR DARROW: Will you stipulate that either side can use
23 any part of it; don't want to copy it off.

24 MR FREDERICKS: As I understand it, counsel is not offer-
25 ing the substantive matter in evidence.

26 MR ROGERS: No.

1 MR FREDERICKS: What you want to show he was examined
2 several different times.

3 MR ROGERS: He was examined several different times ex-
4 tending over a number of different days.

5 MR FREDERICKS: That is all -- that is the only point
6 you want to show?

7 MR ROGERS: Further, I want to show this, that the char-
8 acter and tenor of his examination --

9 MR FREDERICKS: You can't do that without putting it all
10 in.

11 MR ROGERS: I am putting it in, not as substantive proof
12 of the facts therein stated, but the official transcript
13 of all that he did on that occasion which may be referred
14 to on the argument on either side.

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2s 1 We don't want to read it here, only to show the character
2 of the examination, that is the only purpose for which it
3 is introduced.

4 MR. FREDERICKS. Let's see what it is.

5 MR. ROGERS. To show that he had a long, thorough examina-
6 tion. I think it is much more longer examination than was
7 given any talesman in this case.

8 MR. FREDERICKS. Not any longer than was given in that case.

9 MR. ROGERS. I understand so. I have been in cases where
10 they examined longer.

11 THE COURT. You are only offering that portion of the trans-
12 cript that shows the examination of Mr. Bain?

13 MR. ROGERS. Yes, sir, that is correct.

14 THE COURT. Wherever that may occur in the transcript?

15 MR. ROGERS. Yes, sir.

16 MR. DARROW. I think ^{if} either side want to use that on the
17 argument had better point out in advance before they argue
18 it.

19 MR. FREDERICKS. I didn't catch that.

20 MR. DARROW. I think if either side want to use any of the
21 examination of Mr. Bain on the argument it should be pointed
22 out in advance of the argument.

23 MR. FREDERICKS. You mean now?

24 MR. DARROW. I don't mean that--before the argument begins.
25 Might be a question bearing some interpretation and another
26 question bearing another, and if they want something I

1 think they should point it out to us and we want some-
2 thing we should point out to them before the argument
3 begins.

4 MR. ROGERS. This all comes in as cross-examination on the
5 question of Mr. Ford this morning, his examination as to
6 who was present when you were examined, the implication
7 being, of course--

8 MR. FREDERICKS. Well, there is this point to it, your
9 Honor: Now, if counsel wishes to use it as a comparison
10 to show that Mr. Bain was given an exceptionally long
11 examination in that time and compare it with the length of
12 time that was taken in examining the gentlemen in the jury
13 box here, that would not be fair at all.

14 MR. ROGERS. No.

15 MR. FREDERICKS. Because it would not be a fair comparison.

16 THE COURT. Counsel has answered it by saying "No", so
17 that is out of the way.

18 MR. DARROW. Might I ask, do you claim there is any sub-
19 stantial difference in the examination of this juror than
20 in any other?

21 MR. FREDERICKS. No.

22 MR. DARROW. Either side to --

23 MR. FREDERICKS. If that is all you want--

24 MR. DARROW. That is all we care for.

25 MR. ROGERS. All we care for ^{is} to show that his examination
26 was substantially the same as given all the other talesmen.

1 MR. FREDERICKS. As far as we were able to observe, it
2 was.

3 MR. DARROW. I think that is true, Mr. Fredericks.

4 MR. ROGERS. Mr. Appel has some questions.

5 MR. APPEL. Q Mr. Bain, at the time you accepted that
6 money as you say from Mr. Franklin, did you then know that
7 you were committing a felony? A It was done so quick
8 I hadn't much time to think anything about it one way or
9 the other, he was in a hurry to go to San Bernardino.

10 Q Had you ever served as a juror before? A No, sir.

11 Q You thought accepting a bribe to vote one way or another
12 as a juror was not a crime? A I didn't think much about
13 it.

14 Q Well, hadn't you been a juror before in any case?

15 A I was on jury once here in a little case in Judge York's
16 court, about 16 years ago, is the only time.

17 Q Your wife had told you before you saw Franklin what
18 Franklin was coming for, didn't she? A Yes.

19 Q How long before you saw Franklin? A She told me right
20 after supper.

21 Q And she talked to you considerably about this, didn't
22 she? A Yes, quite a while.

23 Q And didn't you give the money to her and say, "I wont
24 have anything to do with this?" A I just told her, I says,
25 "There is the money, you take it."

26 Q But didn't you tell her, "I wont have anything to do

1 with this?" A I don't know as I said that. I said,
2 "Here is the money, you take it."

3 Q And you didn't know it was wrong, did you? A Well, of
4 course, if I had taken time to study over it I knew it
5 was wrong, yes.

6 Q Then you kept on acting as a juror, notwithstanding
7 you had that money or it had been paid to you? A Why, I
8 was here as a juror, yes.

9 Q Now, did you afterwards talk with any one--when did
10 you ever discover that it was a felony to accept money
11 as a bribe and your acting as a juror? A Why, I never
12 thought much about it until this other come up and they
13 had Franklin arrested.

14 Q And after that did you talk to any member of the Dis-
15 trict Attorney's office about it? A No, sir.

16 Q To no one? A No, sir.

17 Q No one? A No, sir.

18 Q Never in your life? A No, sir.

19 Q You know it is a felony now, don't you? A You say it
20 is.

21 Q Do you expect to be tried for it? A I hadn't thought
22 anything about it.

23 Q What is your feeling now, are you going to be tried or
24 accused of accepting this bribe? A I don't know anything
25 about it.

26 Q Has any one told you you would not be tried? A No, sir.

1 Q Your wife told you? A No, sir..

2 Q Have you talked with the District Attorney's office about

3 it? A No, sir.

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1 Q With any detective? A No sir, I have not talked with
2 anyone.

3 Q Didn't you talk to any of them before you testified at
4 the preliminary examination of Mr Franklin before Judge
5 Young? A I gave my testimony.

6 Q To whom? In court or outside of court first? A It
7 was outside.

8 Q To whom? A To Mr Ford, I believe.

9 Q Well, then, you did talk to a member of the District
10 Attorney's office, did you? A I gave my testimony, yes.

11 Q Well, you told him the facts? A Certainly.

12 Q And wasn't there anything said about whether or not
13 you would be prosecuted? A There was not.

14 Q Absolutely nothing? A Nothing.

15 Q Have you ever been told to say there was nothing said?

16 A No sir.

17 Q Do you expect immunity from prosecution on account of
18 the offense committed by you, if it be an offense? A I
19 don't know anything about it.

20 Q You don't know anything about it? A No sir.

21 Q Have no idea at all about it? A (No response.)

22 Q You never thought about it, have you? A I have not
23 worried about it, no sir.

24 Q Have you given it any thought at all? A Not very
25 much, no sir.

26 Q Have you given it any thought at all? A Well, not to

1 speak of.

2 Q Well, why didn't you, after you knew it was a crime,
3 as you say you found out subsequently when Mr Franklin was
4 arrested? A Why didn't I what?

5 Q Why didn't you think over it or worry about it? A Why,
6 I don't know.

7 Q You knew they would not prosecute you, didn't you?

8 A I didn't worry over it.

9 Q How? A I didn't worry over it at all.

10 Q On Sunday what time in the day was it you saw Franklin?

11 A It was in the evening after dark, when he came there.

12 Q He came in an automobile? A I think so.

13 Q Had somebody with him? A I ain't sure; I didn't go
14 out doors; it was dark. I didn't go out.

15 Q You saw the automobile? A The automobile came up
16 there.

17 Q Your wife was there then? A Yes sir.

18 Q Your wife was there? A Yes sir.

19 Q He didn't ask her to go into the other room, or keep
20 away from hearing the conversation? A No sir.

21 Q He had some conversation in her presence? A Yes sir.

22 THE COURT: Is that all?

23 MR APPEL: Yes sir.

24 THE COURT: Any redirect?

25 MR FREDERICKS: Mr Ford and I are not agreed as to the stipu
26 lation.

1 MR FORD: Mr Rogers made a statement concerning the trans-
2 cript here which struck me as not being absolutely in ac-
3 cord with the exact facts.

4 THE COURT: Perhaps you can confer with Mr Rogers and
5 agree outside of the record.

6 MR FORD: I think we can do it right here. The four
7 transcripts show Mr Bain was examined first on direct
8 examination by Mr Darrow on October 16th, and going over
9 about 20 pages of the transcript in that examination; the
10 next day Mr Darrow referred to the juror again and asked
11 him three pages of questions on page 219.

12 MR DARROW: In the meantime some other jurors being examin-
13 ed.

14 MR FORD: In the meantime some other jurors being examined.
15 And then it came Mr Horton's turn, on October 20th, to ex-
16 amine Mr Bain and he, Mr Horton, examined him according to
17 the transcript, volume 7 on October 20th, the examination
18 covering about 43 pages, and October 23rd Mr Horton went
19 back over a question concerning which he questioned him
20 over 4 pages of the transcript.

21 MR ROGERS: Whatever the record shows, it is in for.

22 MR FORD: I understood the record was not in evidence,
23 and that is the only object you wanted it for, and that is
24 a fact disclosed by the transcript.

25 MR ROGERS: I take your word for it and subject to my go-
26 ing over it and finding out if it is absolutely accurate

1 as you did with me.

2 MR FORD: That is correct. But the transcript is not in
3 evidence, and those are the facts disclosed by the trans-
4 cript. That is all.

5 THE COURT: Mr Bain, is Mrs Bain able to come into the
6 court room? A I think she is outside here.

7 THE COURT: Has she entirely recovered? A Yes sir,
8 I think so.

9 THE COURT: All right.

10 MR APPEL: Mr Bain, just one question, please.

11 Q Don't you remember that during your examination as a
12 juror, that you stated something to the effect that you
13 had some impression that probably the destruction of the
14 Times building was caused by a gas explosion? A No.

15 Q What is that? A No sir.

16 Q You didn't state that in court? A No sir.

17 Q Don't you remember whether or not they asked you any-
18 thing about that? A What is that?

19 Q Don't you know whether or not they asked you anything
20 about your impression?

21 MR FREDERICKS: That is objected to --

22 MR APPEL: Don't you remember having stated there that you
23 knew of the destruction of the restaurant and that you took
24 it from that that probably the Times building was destroyed-

25 A I may have said something --

26 MR FORD: Before the witness answers that question -- we do

1 not desire to object to the question -- but here is the
2 transcript and I think the witness ought to be allowed
3 to look at it to refresh his recollection. It was taken
4 down by the reporter.

5 THE COURT: Yes.

6 MR APPEL: I thought he had some recollection of it.

7 Q Now, calling your attention to page 762 of volume 3
8 of the transcript concerning your examination, I attract
9 your attention to the following, commencing with line 5,
10 Put your glasses on. A (Witness does so.)

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1 Q (Reading:) "Q--I understood you the other day to say
2 that you thought you did have possibly some impression about
3 the manner in which the building exploded, possibly I was
4 mistaken in the matter? A--I might have had a little
5 impression but that would be all there was to it, I could
6 not say I had any opinion.

7 "Q--Just a fleeting feeling of mind, that is all, is it?

8 A--Yes, sir. Q--Did you at that time have an impression
9 as to the manner in which the Times Building was des-
10 troyed? A--I did not. Q--That fleeting impression that
11 you were talking about a moment ago, did it run to the
12 exact manner in which the building was destroyed, according
13 to that feeling or impression? A--Just merely I thought
14 the matter over and then I thought about the other explo-
15 sion down on Second street, there was something similar and
16 I never thought any more about it. Q--Can you and will
17 you now, notwithstanding such an opinion as that, act im-
18 partially and fairly in all matters submitted to you in
19 case you are accepted as a juror here? A Yes, sir."

20 Reverting, in order not to call your attention any
21 more to another matter, to page 761, line 2; "Q--Have you
22 now, then, Mr. Bain, any feeling or impression derived from
23 any source as to the merits of this law suit? A--I have
24 not." That is correct, isn't it? A Yes, sir.

25 Q And when you were answering those questions you had
26 already discussed the merits of the case with Mr. Franklin?

1 A Why, we did not discuss the merits of the case but
2 very little; he spoke a little about the building and
3 I said I thought it was probably gas and that is about all
4 there was said about it.

5 Q And you told Franklin that? A I said I thought it was,
6 from what I had heard. I had never been up there to the
7 building at all.

8 MR. APPEL. That is all.

9 MR. FORD. That is all.

10 THE COURT. There is one matter that is not quite clear
11 here to my mind, it might come up in argument. I understood
12 from what Mr. Ford said a moment ago that he is assuming
13 that the transcript is not in evidence and is not available
14 for argument. Is that your understanding, Mr. Rogers?

15 MR. FREDERICKS. That was the final understanding we had.

16 THE COURT. Let us get that clear now.

17 MR. ROGERS. I offered it and then Mr. Darrow immediately
18 asked a question which Mr. Fredericks answered in a certain
19 way and Mr. Darrow seemed to regard it as sufficient for all
20 purposes. I did not so regard it. I do not want to differ
21 at all with counsel.

22 THE COURT. I only want to get the matter cleared up so if
23 counsel desire to refer to it in argument, so as to have a
24 rule fixed in regard to it.

25 MR. APPEL. Mr. Fredericks stated that Mr. Darrow's examina-
26 tion of Mr. Bain in the McNamara case, it was to all pur-

1 poses and intent as other jurors, that he made no point
2 on that.

3 MR. FREDERICKS. Yes, sir, and that did away with the
4 offering of the transcript.

5 THE COURT. As the matter now stands, counsel on neither
6 side will be permitted to read from the transcript on argu-
7 ment, excepting in so far as Mr. Appel has called the
8 witness's attention to certain portions of it.

9 MR. ROGERS. That is correct.

10 MR. APPEL. That is only to refresh his recollection.

11 THE COURT. Precisely. Still, that is in evidence. All
12 right. I understand Mrs. Bain is able to take the stand now.

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14 M R S. D O R A F. B A I N,

15 resumes the stand for further direct examination:

16 THE COURT. Do you feel quite recovered and able to proceed
17 at this time, Mrs. Bain? A I think I do, Judge.

18 MR. FORD. Q When you left the stand the last day in
19 court, Mrs. Bain, you were testifying about the visit that
20 Mr. Franklin had made to you on Sunday night: You stated
21 that you came in later and you heard them talking, that
22 at that time you heard Mr. Franklin advise or say to your
23 husband, "Now, Bob, don't you go to work and spend this
24 money; call on the District Attorney as often as possible
25 for your juror's fees." That you heard your husband ask
26 him if he had brought the other \$100 as he had promised

1 and that he, Franklin, said, "No, I am a little short, I
2 will give you that with the other, I will give you \$3600
3 when you are through with it, when the trial is ended."
4 He said, "You know I am good for it, don't you, Bob?" and
5 Bob said, "Yes, you are all right." Now, is there anything
6 else at that conversation that you remember?

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1 Q I remember that Franklin said that "you will be examined
 2 by both sides and Darrow will examine you for the defense,"
 3 and he says, -- Franklin says, "Darrow will probably ex-
 4 amine you pretty hard and ask you some hard questions",
 5 he says, "and don't get mad; just answer them off-hand
 6 and tell the truth", he says. "It ks all understood.

7 Q Anything else that you remember of that was said at
 8 that conversation? A He also said that there would be
 9 other jurors that would vote for acquittal, and he says,
 10 "Whatever you do, stand for conviction".

11 MR FREDERICKS: For what? A For acquittal.

12 MR FORD: When he said that there would be other jurors
 13 who would vote for acquittal, was anything other than
 14 that said about these other jurors? A There was some-
 15 thing else said in there, but I don't remember júst what
 16 it was; happened a long time ago.

17 Q When next did you see Mr Franklin, if at all? A Why,
 18 I don't remember the date; it as -- I saw him personally
 19 a few days after Mr Bain had been sworn in as a juror.

20 Q You mean after he had been accepted as a juror in the
 21 case? A Sworn in. He had been sworn as a juror.

22 Q About how long after that? A Oh, it was only a few
 23 days.

24 Q That was sometime during the month of October, 1911,
 25 towards the latter part of the month? A I really couldn't
 26 say; I don,t remember the date he was sworn in.

1 Q At what place did you see Mr Franklin? A At his
2 office in the Chamber of Commerce.

3 Q Who else was present? A Nobody.

4 Q Was it in the daytime or the evening? A To the best
5 of my recollection it was in the evening.

6 Q About what time, approximately? A I don't remember
7 that.

8 Q As near as you can fix it? A I should judge about
9 8; sometime after 8; might have been 9; I don't really
10 remember.

11 Q What was said and done at that time? A Why, Mr --
12 MR ROGERS: I would like this conversation covered by the
13 same objection and exception that the other conversations
14 were.

15 THE COURT: And the same rulings; it will be understood
16 that it is as fully as if it was interposed at this time.
17 Proceed.

18 A As soon as I came in there Mr Franklin shook hands,
19 and he says, "Well", he says, "Bob passed all right."
20 I said, "Yes." And he said, "He is pretty cute",
21 he says. "I was talking to Darrow and Darrow said that the
22 time they were using the peremptory challenges, he says
23 Bob kind of raised on his chair when it came his turn,
24 this way, as if he was going to get up and go out, as if
25 he expected to be excused, and that then both sides told him
26 to keep his seat," and he said that Darrow spoke of Bob

1 being so cute about it, as if it had not been understood.
2 that he was not to be excused.

3 MR FORD: What else was said at that conversation, Mrs
4 Bain? A He cautioned me again about not speaking to any-
5 body. He said, "Now, Mrs Bain, do not speak to a soul
6 on this case", he says, "If you want to talk to anybody,
7 talk to me," and he says, "The only one that you can talk to
8 through any other channel would be that lady that came to
9 you that day with the card." And he again spoke of not
10 using that money, and he also asked me if I had been approach-
11 ed by anybody, and I told him that I had -- or by any sus-
12 picious person; that is the way he put it, and I told him
13 about a gentleman that had sat down at my side at court
14 one day, the very day that Bob had been sworn in as a juror,
15 and he wanted me to tell what occurred, and I did. Do
16 you want me to repeat that?

17 Q No, it is not necessary, unless they want to cross-
18 examine you on it. You were simply cautioned not to --

19 A To speak to a soul, and I was also told not to recog-
20 nize Mr Franklin on the street. He says, "If you meet
21 me at any time, don't let on that you know me."

22 Q What did you do with the \$400 that you received from Mr
23 Franklin? A On December the 1st?

24 Q Yes. A I gave it, \$300 of it to the District At-
25 torney with a receipt for the other hundred I had paid on
26 the home place a few days before.

1 Q What did you do with the \$100? A I paid it on the
2 home place.

3 Q To whom? A Mr H. A. Church, of Burbank.

4 Q How long after you got it? A Well, I got it on the
5 night of October the 1st, and this was December 1st.

6 Q You said October? A October 6h was the day it was
7 handed over to Mr Bain and he handed it to me after I re-
8 turned from lodge, and I kept it until the 1st of Decem-
9 ber.

10 Q Now, when did you make the payment of the \$100 on your
11 home? A I don:t remember the date. You have the letter
12 or the District Attorney, I believe, has the letter, also
13 the receipt for the money.

14 MR ROGERS: She cannot refresh her recollection by any
15 document except which the law allows her to.

16 MR FORD: I ask you to look at this document.

17 THE COURT: That is the document you have just shown coun-
18 sel for the defense?

19 MR FROD: The document I have shown counsel for the de-
20 fense.

21 MR ROGERS: Before there is any testimony on it, the wit-
22 ness should be asked some questions to which we can object.
23 He merely says, "I show you a document."

24 THE COURT: There is no question before the court.

25 MR FORD: I wish to state that the object of showing
26 this to the witness is merely to refresh her recollection

1 as to the date, and we will proceed to show that she saw
2 the document when the facts were fresh in her memory,
3 although the document is not written by her, that she saw
4 the document when it was -- when the facts therein con-
5 tained were fresh in her memory, and she knew the same was
6 correctly stated in the writing, although the writing was
7 not made by her, in accordance with section 2044 of the
8 Code of Civil Procedure. I will ask you to look at that
9 postal card and ask you when you first saw it.

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A Postal card?

2 Q Or a card, I don't know whether it is a postal card.

3 A The postal card?

4 Q Yes. A I didn't receive it until December 1st, after--

5 Q At that time you looked at the contents of that card,
6 did you? A No, I didn't take time to look at it.

7 Q Did you take time after that time to look at the contents
8 of that card, what it says on the card? A May I take that
9 statement back? Just to make a correction?

10 Q Make any correction at any time. A Well, the time I
11 went to Burbank I was handed a receipt and there was a
12 mistake in the receipt, it hadn't--the payment had not been
13 made as I wanted it stipulated.

14 MR. ROGERS. I object to that. Just wait a moment, Mrs.
15 Bain. I think that is going too far outside the refresh-
16 ing of the recollection, and it is incompetent and a rela-
17 tion of matters that are hearsay.

18 MR. FORD. I think the answer is subject to that motion
19 to strike out.

20 THE COURT. Strike it out.

21 MR. FORD. Q At the time you saw this card and saw what
22 it was, were the facts contained in that card fresh in your
23 memory? Did you know whether the card was correct or not?

24 MR. ROGERS. He says, if your Honor please, as I recall
25 Mrs. Bain's testimony, she didn't take time to look at it
26 to see.

1 THE COURT. Yes, but she withdrew some of that statement,
2 and I don't know whether it is very clear, what is--

3 MR. FORD. I withdraw that question.

4 THE COURT. The question is withdrawn.

5 MR. FORD. I believe you testified you paid \$300 to the
6 District Attorney on the 1st of December, 1911? A Yes, sir.

7 Q And that \$300 was what part of what money? A Of the
8 money that I received from Bob--Mr. Bain.

9 Q And the other \$100 you paid on the place? A Yes, sir.

10 Q Now, how long before you turned over the \$300 to the
11 District Attorney, how long before that was it that you
12 paid \$100 on your place? A November 25th.

13 Q About a week before? A I think I have made a mistake
14 in that. That is the time the letter was written; I don't
15 know the date, Mr. Ford, on that card, and I didn't look at
16 it to see the date, that is the date of the letter, isn't
17 it?

18 Q Well, without referring to that--it seems to me--

19 MR. ROGERS. Now, you want that date, is that obtainable
20 by anybody that knows?

21 MR. FREDERICKS. We don't care particularly just about the
22 date.

23 MR. FORD. Just wanted to show it was about a week before
24 the end of the trial, don't care particularly about the pre-
25 cise date.

26 MR. DARROW. She said that already.

1 MR. FORD. Now, the \$300 which you turned over to the
2 District Attorney, what kind of money was that? A Cur-
3 rency, paper money.

4 Q And what denominations? A Twenty dollars, all of them.

5 Q Can you describe it any further, the \$20? A Only in
6 color.

7 Q Well, what colors? A Some were green and some were
8 yellow.

9 Q I will ask you to look at this package of currency which
10 I have in my hand. Are you able to identify it beyond what
11 you have already testified to? A They all look alike to me
12 they look like the ones; I couldn't say whether they were
13 or not. All I know is that they were \$20 paper money.

14 I would like to state I had never unrolled them at all.

15 MR. ROGERS. Why, to save the District Attorney's office
16 the necessity of putting a witness on from their own office
17 to testify to the custody of the money, we will admit that
18 that is the--now the witness said she gave \$300 in currency
19 in \$20 bills, that she didn't take notes and it is not
20 susceptible of identification, and if Mr. Fredericks, I
21 have no doubt, went on the witness stand he would testify
22 to it, but we object to its relevancy and materiality and
23 competency and the fact no foundation laid, and on the other
24 ground--those grounds that have heretofore been stated in
25 respect to the testimony of this witness, that Mr. Fredericks
26 would testify.

1 MR. FORD. Simply stipulate as to the fact this \$300 was
2 received by Mr. Fredericks and reserve all your objections
3 to the competency and materiality?

4 MR. ROGERS. Yes, sir.

5 MR. FORD. We offer it in evidence as People's Exhibit 41.

6 THE COURT. Seal it up the same as the other currency.

7 MR. FORD. Q At the time on Sunday that Mr. Bain was asking
8 Mr. Franklin for the \$100 of the 500, do you remember all
9 that was said on that occasion by Mr. Franklin when he said
10 he was good for it or asked your husband if he was good
11 for it?

12 MR. ROGERS. The same objection as to the remainder of the
13 conversation.

14 THE COURT. Yes, the objection is overruled.

15 A Can I hear that question again?

16 MR. FORD. I beg your pardon--I withdraw the question for a
17 moment. Perhaps I am wrong. Cross-examine.

18

19 CROSS-EXAMINATION.

20 MR. ROGERS. Q Mrs. Bain, you had known Mr. Franklin quite
21 a number of years, hadn't you? A Just known him, not
22 very intimately. I had met him a number of years ago.
23 I didn't know him so awfully well.

24 Q You knew him well enough to say to his wife, did you
25 not, when you called her up over the 'phone, "Oh, yes, I have
26 known Mr. Franklin for some years"? A yes. I had met

1 him some years ago.

2 Q NOW, the first time that you saw Mr. Franklin he was
3 outside your house, was he not? A Yes, sir.

4 Q In the daytime? A Yes, sir.

5 MR. FREDERICKS. I suppose it refers to this time?

6 MR. ROGERS. Q yes, I mean this matter that you have
7 testified about, the first time that you saw him about
8 that matter was in the daytime? A Yes, sir.

9 Q In the afternoon? A Yes, sir.

10 Q He came up in an automobile, didn't he? A Yes, sir.

11 Q Somebody with him? A I suppose there was; someone
12 spoke to me. I didn't see them on account of the greens
13 on the house.

14 Q One of the very first things he told you was that he had
15 been there several times, wasn't it, to see you, and
16 couldn't find you in? A No, not one of the first things.

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1 Q Well, he did tell you that, didn't he? A Yes sir.

2 Q Well, then, in the conversation, he told you the
3 very first time you saw him on this matter that he had
4 been at your house several times to see you and couldn't
5 find you in? A Yes.

6 Q You told him, then, didn't you, that something about
7 your being engaged? A In a contest.

8 Q Now, when he drove up to the house, did he stop his
9 automobile in front of it? A Yes sir.

10 Q Didn't stop it down the street or around the block
11 anywhere? A No.

12 Q As a matter of fact, he came in response to a tele-
13 phone from you, didn't he? A Yes.

14 Q Well, where -- when he came in response to the telephone
15 from you, where did you get your information to telephone
16 to him? A From the card that he had handed to my neigh-
17 bor next door, Mrs Carpenter, leaving the message that I
18 should ring that phone number up at my earliest conven-
19 ience.

20 Q Now, Mrs Carpenter lives right close to you, don't
21 she? A Yes sir, right next door.

22 Q Next door, only a few feet away, and that number was
23 the number of Bert Franklin's office, wasn't it? A No.

24 Q Where? A It was the residence phone.

25 Q Number of his residence? A Yes.

26 Q The number of Bert Franklin's residence? A Yes.

1 Q You subsequently learned that to be his number?

2 A Yes.

3 Q As a matter of fact, you went out to his residence
4 on one occasion, didn't you? A I did, at his solicitation.

5 Q And you went to his office on one occasion? A Yes
6 sir.

7 Q Now, when he first came to you in the day time, he
8 talked to you on the outside of the house, didn't he,
9 because you were not, owing to circumstances, in a condi-
10 tion to let him come right in? A Yes sir.

11 Q And he stood outside by the window, did he? A Yes
12 sir.

13 Q How far was that from the neighbor's, that window
14 where he stood and talked with you? A Oh, it was on the
15 west side of the house and the neighbors are on the east
16 side of the house.

17 Q But there is a neighbor on the west side, isn't there,
18 on the back part of the lot? A Away in the rear.

19 Q And are there any trees or bushes right around where
20 he stood? A Yes, it was obscured entirely by the
21 bushes from the street and on the side.

22 Q And as that automobile stood out there on these oc-
23 casions -- A That was in the open.

24 Q Was that obscured by anything? A Not at all.

25 Q When it came in the evening, it was lighted up, wasn't
26 it? A I didn't see it.

1 Q You didn't see it? A No sir, I was not there.

2 Q When it came in the daytime, though, you saw nothing
3 about his numbers being taken off, or anything? A I
4 didn't see the automobile; I could only see the hind part
5 of it, on account of these vines in front of the house.

6 Q When you went to his office, did you go by the eleva-
7 tor, in the Chamber of Commerce Building? A Yes sir.

8 Q When you went to his house, did you come by the street
9 car? A I did.

10 Q Now, when you first called up Mr Franklin, you talked
11 to Mrs Franklin, didn't you? A Yes sir.

12 Q And what was the conversation between you and Mrs Frank-
13 lin? A Why, when I got there, I had never met Mrs Frank-
14 lin. I says, "Mrs Franklin?" She says, "Yes." I said,
15 "This is Mrs Bain", and she says, "I am very sorry, Mrs
16 Bain, but Mr Franklin is not at home."

17 Q Well, now, you have misunderstood me. What I mean
18 is the conversation over the phone, the first time you
19 talked. A With Mr Franklin, you mean, or Mrs Frankli n?

20 Q Yes, Mrs Franklin. A Oh, I didn't know who it was
21 calling me up; I hadn't the slightest idea, and I called
22 up the number, and I said, "This is Mrs Bain; who am I
23 speaking to." And she says, "Mrs Franklin". Well, I
24 says, "Mr Franklin has left a card here with this number
25 on for me to ring up; he wanted to see Bob on very import-
26 ant business", and she says, "Why, Mr Franklin is not in

1 now, Mrs Bain". And she says, "I will tell him just as
2 soon as he comes in." That is, to the best of my recol-
3 lection; that is about all.

4 Q Was that at the office or the house? A The residence.

5 Q At the residence? A Yes.

6 Q And then Mr Franklin did come out? A Yes sir.

7 Q Did he say anything about having a chance to do himself
8 some good in this deal he was making? A Yes sir, he did.

9 Q What did he say about that? A He said that he had a
10 chance to feather his own nest, take life easy.

11 Q Had a chance to feather his own nest and take life
12 easy, did he? At what conversation was that. A What
13 conversation was that?

14 Q Yes, which one, the first one or the subsequent con-
15 versation? A The first one, sure.

16 Q The first one? A Yes sir.

17 Q Now, when he first came to your house and made these
18 statements to you, did you understand, Mrs Bain, that his
19 proposition to you was a crime? A I don't believe I did
20 realize it right away.

21 Q When did you first realize it? A I think after he was
22 gone I thought more over it than any other time. I had
23 not much time to think about that, he was doing most of
24 the talking on this subject, and my main thought was to
25 get rid of him, I wanted to get rid of him; I had other
26 things to attend to, and I was going out that evening and I

1 had supper to get and my minutes to write for the judge, and
2 I kept wishing all the time that he would get away so that
3 I could do what I had to do.

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8p 1 Q But that was before your husband came home? A Yes, sir.

2 Q He went away, having made you this proposition. Then
3 did you realize the nature of it? A I did not look at it
4 as a bribe, no, sir.

5 Q You did not? A No, sir. It never struck me as being
6 a bribe at all, the way--

7 Q When first did it strike you--

8 THE COURT. She has not finished her answer.

9 Q I beg your pardon.

10 THE COURT. Finish your answer.

11 A I have forgotten--

12 MR. ROGERS. pardon me, Sir. Read the answer so that
13 she may finish it.

14 (Answer read.)

15 A --the way Franklin had put it to me, I knew Bob had to
16 serve on that jury, that is, had to go up and be examined
17 and Franklin had put it to me as easy money, he says,
18 "He has got to go up there anyway, Mrs. Bain," and, he
19 says, "you will be \$500 to the good." I never had
20 thought of the balance of it at all, I only thought of that
21 \$500.

22 Q The remainder of it you never considered? A No, I
23 didn't think anything about that.

24 Q And have you never thought about the matter since that
25 time? A I think I have occasionally, I have had a good
26 many occasions to think about it since.

Q I am asking you, then, when was the first time you really

1 did think about it as being really a matter of a crime?

2 A When I was telling it to my husband, what Franklin had
3 said, then he opened my eyes to what a terrible thing had
4 been proposed to me.

5 Q Who did that? A Mr. Bain.

6 Q Mr. Bain himself? A Yes.

7 Q Then what did you say to that? A I just kept on
8 coaxing him to take it, that is all.

9 Q You just kept on coaxing him to take it? A Yes, sir.

10 Q When you realized the situation? A I did.

11 Q Now, when you went away that evening you knew Mr. Frank-
12 lin was coming? A I did.

13 Q And knew what he was coming for? A Yes, sir.

14 Q And you persuaded your husband to take it, did you not?

15 A I did.

16 Q And your idea was only of that 500? A Yes, sir.

17 Q And the other matter-- I didn't for a moment think my
18 husband would qualify.

19 Q You didn't think he would qualify? A No, I hadn't any
20 idea that he would. I knew that he had to go up and be
21 examined anyway and he would be just \$500 to the good, that
22 is about the way I looked at it.

23 Q Did you talk with him any about qualifying, that is,
24 your husband? A No, sir; I told him-- I take that back.
25 I did say to him, "Boh, you will never qualify", I says,
26 "Never in the world, and you might as well take that \$500,

1 you will never qualify, in the first place, you are hard
2 of hearing and in the second place, you have belonged to
3 the union and you have read the newspapers," and I said,
4 "I have heard from a good many sources that nobody that had
5 read the newspapers would ever go on that jury," there-
6 fore, I thought he never would qualify.

7 Q You thought he had some kind of an opinion about the
8 matter too, didn't you? A No, sir. Mr. Bain had never
9 expressed an opinion in my hearing, but I had mine.

10 Q You had yours? A Very strongly.

11 Q Did you ever state that to him, that opinion of yours?

12 A No, sir. Whenever I would say anything to Bob about it
13 he would say, "That is newspaper talk, you must not pay
14 any attention to it," that is about all the answer I ever
15 got out of Bob.

16 Q Now, after Mr. Franklin had been out to your place and
17 after you had first talked with Mrs. Franklin over the
18 'phone, you made an arrangement with Mrs. Franklin to go to
19 the office, didn't you? A I 'phoned twice before we
20 made any arrangement. The first time she had not spoken
21 to Mr. Franklin and she said to ring up again and she would
22 make an appointment for me.

23 Q And she did make that appointment? A Yes, sir.

24 Q Well, now, you got word from Mr. Franklin otherwise
25 than even by his coming out there so many times and
26 talking to himself and his wife over the 'phone and his

1 leaving a card at his neighbor's, didn't you? A yes.

2 Q Wasn't there a lady came out there? A There was a
3 lady came out there one day, I think it was before noon.

4 Q Do you remember about when that was? A Why, it was
5 just--well, it was the day that I went to Franklin's
6 house, that night, you know, I called Franklin's house
7 that night and this card was telling me to go to that.
8 The lady came to the door and she says, "Get a pencil,
9 please, and take this address," and I got a pencil and she
10 read the address and I wrote it down and she says, "You
11 be there tonight at 9 o'clock", and she says, "You under-
12 stand, I suppose you know who it is from?" I says, I have
13 an idea;" I didn't know where Franklin lived, so I went
14 to the 'phone and I looked at Franklin's name and I saw
15 that this was his address. That was the first time I
16 knew where he lived.

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1 Q The lady said, "You understand, I suppose?" A Yes
2 sir.

3 Q Now, have you seen that lady since? A Not to my
4 knowledge.

5 Q It was not Mrs Franklin? A No.

6 Q What kind of a looking lady was that? A I never
7 could tell you that.

8 Q You could not? A No. I am very poor to describe any-
9 body.

10 Q Was there a man that saw the lady? Maybe we can get
11 him to describe her? A A man?

12 Q Yes. A No. There was no man around my place that I
13 know of. I was all alone.

14 Q You were all alone? A I beg your pardon. There was
15 a lady in the kitchen, but she didn't come in -- my
16 neighbor next door -- she was in the kitchen, and she didn't
17 know anything about what was going on in front.

18 Q Did Franklin ever speak to you about seeing that lady
19 again? A Well, he -- this evening that I was there he told
20 me that any time that she came to the house I could speak
21 to her, but not any other way, any time he sent a note
22 with her, I would know it was all right, but he told me,
23 in cautioning me, he told me never to speak to a soul
24 because, he says, "The District Attorney is liable to
25 try in every way to get someone to quiz you", he says, "even
26 a little girl might be sent to you", and the result was I

1 was suspicious of everybody.

2 Q "Even a little girl might be sent to you"? A Yes.

3 Q Was that before or after this lady had come?

4 A This was the only evening that I was ever at Frank-
5 lin's office.

6 Q Did you see that lady there at Franklin's office that
7 night? A No sir, there was not anybody there unless
8 she was concealed in another room. She was not in that
9 room.

10 Q Well, now, at the time that you met Mr Bain after the
11 lodge and he handed you the money, did you have any talk
12 with your husband about the matter? A A little.

13 Q A little? A Yes sir.

14 Q He gave you the money? A Yes, he told me to take it,
15 he never wanted to see it again.

16 Q He never wanted to see it. That is all.

17 MR FORD: That is all.

18 THE COURT: That is all, Mrs Bain; you are excused. Gen-
19 tlemen of the jury, bear in mind your former admonition.
20 We will take a recess for 10 minutes at this time.

21 (After recess.)

22 THE COURT: Proceed, gentlemen.

23 MR FREDERICKS: The People rest.

24 MR ROGERS: We offer a deposition, if your Honor please,
25 of William E. Mason, taken on behalf of the defendant at
26 the city of Chicago, Illinois, on the date specified in the

1 certificate.

2 MR FREDERICKS: We have copies of those, your Honor. We
3 could probably follow counsel a little closer if I had
4 known you were going to begin --

5 THE COURT: If you want to send up to the office for them,--

6 MR FREDERICKS: Yes.

7 THE COURT: It won't take five minutes.

8 MR FREDERICKS: Won't take two minutes.

9 MR ROGERS: The first part of this you won't want to
10 follow anyhow, and I can go ahead.

11 MR FREDERICKS: There are some objections --

12 THE COURT: If we come to the time you want to stop,
13 Captain, we will stop.

14 MR FREDERICKS: Go as far as you can. These were taken
15 under a stipulation.

16 MR ROGERS: yes, under stipulation. (Reading:)

17

18 "WILLIAM E. MASON, produced as a witness
19 on behalf of the defendant, being first duly sworn, was
20 examined in chief by Mr Masters and testified as follows:

21 Q Senator, will you please state your name? A William
22 E. Mason.

23 Q Where do you live? A Chicago, Illinois.

24 Q What is your age? A 61 years of age.

25 Q Your profession is that of a lawyer? A Yes sir.

26 Q Have you ever held any official position? A Yes.

1 I have been a member of both branches of the Illinois
2 legislature, and a member of congress, and a member of
3 the United States Senate.

4 Q What years were you a member of the United States
5 Senate? A From 1897 to 1903.

6 Q That was for the state of Illinois? A Yes sir.

7 Q Have you held any other official positions than that?

8 A I think not.

9 Q How long have you resided in the city of Chicago in the
10 state of Illinois? A About 40 years.

11 Q Do you know Clarence S. Darrow, the defendant? A I do.

12 Q How long have you known him? A I think since 1888
13 or 1890, when I first knew him.

14 Q What has been the nature and intimacy of your acquaint-
15 ance with him? A The nature?

16 Q And intimacy of your acquaintance with him? A The
17 nature of our acquaintance began by having joint debates
18 with Mr Darrow on the tariff question in, I think, about
19 the year 1888 or 1890; it might have been as late as 1892.
20 I have known him politically and professionally very well
21 ever since. I cannot recall any specific cases in which
22 we were associated, either adversely or together, and yet
23 I have a very distinct recollection of being consulted
24 about litigation during the past 20 years in which he
25 was interested.

26 Q You have known him pretty well at the bar here, have you,

1 senator? A I have known him very well at the bar.

2 Q Do you belong to the -- A I have watched him; I have
3 known him very well.

4 Q Do you belong to the Illinois Bar Association?

5 A Yes.

6 Q And the City Bar Association? A The State Bar Associa-
7 tion and the City.

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10s 1 "Q Have you known him in those organizations? A I have.

2 Q And met him at the assemblies of those organizations
3 and banquets and so forth? A Yes, occasionally. My
4 best acquaintance as far as a lawyer goes was a knowledge of
5 his practice and the cases that he had in which the public
6 were interested and in which I, therefore, became in a way
7 interested.

8 Q Do you mean cases that were generally and publicly dis-
9 cussed? A Yes.

10 Q Of public import? A Yes, sir.

11 Q In those public debates that you mentioned how were
12 you aligned as to them? A We were on opposite sides.

13 Q What was his side on it? A He was for free trade and
14 I was for protection.

15 Q I see. Do you know the general reputation which Mr.
16 Darrow bore in the community in which he resided, previous
17 to the finding of these indictments against him, for truth,
18 honesty and integrity? A I do know that reputation.

19 Q What was that reputation? A The very best.

20 Q What is that reputation? A Good.

21 MR. MASTERS. That is all.

22

23

CROSS-EXAMINATION.

24 BY MR. KEETCH."

25 MR. ROGERS. Do you desire to read or shall I?

26 MR. FREDERICKS. Mr. Keetch is familiar with that side of

1 it. He assisted in taking those depositions. You can read
2 if you want to or we will waive it.

3 MR. ROGERS. It will not be waived. (Reading)

4 "Cross-examination,

5 BY MR. KEETCH. Q Senator, you have known Mr. Darrow some-
6 .thing like 22 years? A Well, yes, fully that long, fully
7 22 years.

8 Q Where do you live, Sanator, where do you live in Chicago?

9 A I have lived always on what is known as the West Side.

10 I live on Washington Boulevard near the entrance to Garfield
11 Park.

12 Q And you have lived there for the most of your life, have
13 you, Senator? A Yes, I have lived on the West Side
14 ever since I came here.

15 Q Do you know where Mr. Darrow lives? A No, sir; I don't.
16 I think I have never been at his house.

17 Q Then, what do you understand by the word "community",
18 Senator? A I understand by the word "community" the city
19 of Chicago where he practiced law and where I met him in the
20 court room for the last 23 or 24 years.

21 Q Then with reference to that particular community, that
22 is confined or rather it takes in the whole city of Chicago
23 but not any particular limited section thereof? A No, it
24 takes in the whole--not only the whole city of Chicago but
25 the whole State of Illinois.

26 Q In other words, you were not a neighbor of his? A No
sir.

1 Q In the strict sense of the word? A No, sir; I think I
2 once visited him, called on him to pay my respects when he
3 was in Colorado Springs.

4 Q I see, A And I was there on a trip.

5 Q Were you intimate with him socially outside of that?

6 .A I can't say that I was.

7 Q Your contact with him was more or less of a political
8 nature, was it? A Politically and professionally.

9 Q And professionally? A Yes, I knew his way of doing
10 business.

11 Q And you had no cases with him, I understand you to say, or
12 against him? A Well, I have no independent recollec-
13 tion of having any important cases with him or against
14 him; but I do remember of being in conference in litigation
15 either as counsel or as attorney, in which he was interested.

16 Q I see. A Off and on for more or less for 20
17 years, and I had occasion in that way to know Mr. Darrow.

18 Q What was the character of his practice, largely? A Well,
19 he had a general practice. He had--when he went into the
20 firm with Judge Collins they had every sort of conceivable
21 practice. I know he tried very important cases, but he also
22 tried a great many trivial cases.

23 Q I see. A In a charitable way. People went to him in
24 trouble, whether he got anything for it or not.

25 Q Of course, of that you have no personal knowledge?

26 A Yes, I have. I have personal knowledge of it. It has

1 been a part of my knowledge of him.

2 Q With reference to the political side of it, on what
3 side were you, Senator; a Republican? A I am a
4 Republican, and Mr. Darrow is a Democrat.

5 Q Mr. Darrow is a Democrat? A Yes, sir.

6 Q And you discussed these public questions? A Yes, sir.

7 Q Principally on the question, you say, of the tariff?

8 A Yes, that was the first debate we had.

9 Q A debate? A Yes.

10 Q Now, when you say his reputation is good for truth,
11 honesty and integrity in the community in which he lives,
12 you mean by that in the City of Chicago, based upon your
13 contact with him professionally and not socially, is that
14 right? A Well, I mean to say that his reputation in those
15 particular was good, and I would not limit it to anything
16 or any particular space, any particular place.

17 Q What do you understand by reputation, Senator?

18 A Reputation is what men say of us. Character is what God
19 knows about us.

20 Q That is a very fine definition, Senator. Do you
21 remember what men have said about him? A I do, very
22 distinctly.

23 Q Of Mr. Darrow? A Yes, sir, I do remember very dis-
24 tinctly, when he has had political differences, and I--

25 Q Yes, politically; but I mean as a lawyer. A Yes, as
26 a lawyer I have heard him discussed by men like Judge Tuley,
and Judge Gary. And many of us who didn't agree with him

1 in politics have discussed his integrity and his beliefs
2 and his theories.

3 Q His theories were somewhat of a socialistic character,
4 weren't they? A His theories were somewhat of a Social-
5 istic character.

6 Q. Yes, and they even went a little further than that,
7 didn't they, as a rule? A No, no I have given a great
8 analysis--I have given a careful analysis to Darrow's beliefs.
9 We are all Socialists, differing in degree.

10 Q Surely. A But there is not anything anarchistic
11 about Darrow.

12 Q Doesn't he belief in philosophical anarchy, or whatever
13 you call it? A If you analyze him and his lectures, if
14 he says it is philosophical anarchy it means that real
15 Socialism don't include forceful amendment to law.

16 Q We won't go into a dissertation of anarchy. A Excuse
17 me for doing it.

18 Q Personally, I don't know very much difference between
19 philosophical anarchy and anarchy, but these differentia-
20 tions might possibly be defined in your mind. As to whether
21 the public understands it or not, I dont know.

22 At any rate he has expressed himself, I presume,
23 has he not, in a somewhat radical way, as far as Socialis-
24 tic questions are concerned? A Yes, on some branches. For
25 instance, when he speaks to the prisoners in the jail on
26 Sunday, he has sometimes in those lectures, or semi-sermons,
gone a little further than I would along those ideas, but

1 has always been in favor of obedience to law as it is, but
2 a protest against some of the laws as they are.

3 Q How had he been regarded very largely as a jury trial
4 lawyer? A I regard him as a good lawyer, and I regard
5 him as a very safe counsel.

6 Q And jury lawyer too? A Yes.

7 Q Most of his cases, as far as you know, have been before
8 juries? A Well, yes. That is, those that I have known
9 about mostly, because I was not associated with him, but
10 those jury cases were the cases that got into the papers.

11 Q For the most part you were in Washington, were you not?

12 A Well, I have been in politics. I'm like the elevator,
13 I've had my ups and downs.

14 Q Ups and downs. A I have been at home all along a
15 good deal. I have kept my office open all along.

16 Q Here in Chicago? A Here in Chicago.

17 Q But if you have been in the Legislature and in Congress
18 and in the Senate, that necessarily took up considerable of
19 your time? A It did during the time I was in office,
20 during those times I spent a good deal of my time in Spring-
21 field.

22 Q About how much of the time, Senator, since you first
23 went into the Legislature until the present time have you
24 spent out of Chicago, approximately?

25 A Well, I guess half of that time I have been either
26 in the Legislature or in Congress.

1 Q Yes. A But I lived here, except my term in the
2 Senate, and kept my house open, and I kept my office
3 open, and tried cases.

4 Q I see. A Had to.

5 Q I see. A I kept my house open all except part of
6 my senatorial term, and I kept my office open and
7 tried cases here.

8 MR. KEETCH: Yes. That is all.

9 REDIRECT EXAMINATION

10 BY Mr. Masters:

11 Q During the time, Senator, that you were in the State
12 Legislature and in Congress and in the Senate, I take it
13 that you were coming back and forth between Springfield and
14 Chicago? A Yes, sir.

15 Q And Washington and Chicago, week by week? A In the
16 Legislature, the usual times for the sessions there was
17 from Tuesday until Thursday night; so that we had
18 Friday, Saturday, Sunday and usually Monday in our
19 offices here.

20 Q And the session of the Legislature lasted from about
21 January until May or in that neighborhood? A Yes, usually

22 Q And that was only every other year? A Every two years,
23 yes, sir.

24 Q Who was Judge Tuley, Senator? A Well, Judge Tuley was
25 the great chancellor of this bench for 40 years, I guess.

26 Q You mean he was on the bench for 40 years? A Yes, sir.

1 Q And who was Judge Gary? A He was the other great
2 lawyer that we think was great.

3 Q How long was he on the bench here? A Certainly 40
4 years.

5 Q Judge Tuley has been dead how long? A Why, I think
6 they both died some three or four years ago.

7 MR. MASTERS. That is all, Senator.

8 THE WITNESS. Thank you.

9 MR. KEETCH. Just one question, Senator, if I may detain
10 you for a moment.

11 RE-CROSS-EXAMINATION

12 BY Mr. Keetch:

13 Q When you returned from Washington or Springfield you
14 hadn't in your mind particular Mr. Darrow, of course?

15 A No, no, not any more than any other member of the bar.

16 Q Exactly. He was one of a thousand or fifteen hundred
17 other members of the bar whom you knew in a general kind of
18 a way? A Yes.

19 Q Outside of your political debates you didn't come in
20 contact with him? A No.

21 Q Except in a professional way? A But, as I say,
22 while we differed in political debates, it was true that
23 we have discussed his mental and moral honesty.

24 Q Oh, well yes, that might be true. That is, publicly?

25 A Yes, it was done publicly, a discussion as to those
26 things.

1 MR. KEETCHE. That is all.

2 MR. MASTERS. Q You also observed it while you were
3 discussing things with him? A I certainly did.

4 MR. MASTERS. That is all.

5 MR. KEETCH That is all, Senator.

6 . (Signed) William E. Mason.

7 Subscribed and sworn to before me

8 this 9th day of May, A.D., 1912.

9 (Signed) Nellie Carlin,

10 Notary Public, Cook County, Illinois."

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1 MR ROGERS: The deposition of Senator Albert J. Hopkins,
2 of Illinois:

3 MR FORD: What page?

4 MR ROGERS: 162 of the record here. (Reading:
5

6 * ALBERT J. HOPKINS, produced as a witness
7 on behalf of the defendant, being first duly sworn, was
8 examined in chief by Mr Masters, and testified as fol-
9 lows:

10 Q Senator, please state your full name. A Albert J.
11 Hopkins.

12 Q Where do you reside? A My residence is Aurora, Illi-
13 nois.

14 Q That is how far from Chicago? A A little over 36
15 miles/

16 Q And you practice your profession here in Chicago?

17 A I have offices in Aurora, and in Chicago, both.

18 Q How long have you resided in the state of Illinois?

19 A I was born here.

20 Q How long ago is that? A 65 years.

21 Q How long have you been practicing law? A Nearly 40
22 years.

23 Q Have you ever held any official position? A I was a
24 member of congress from the district in which I reside for
25 18 years, and I was United States Senator from the state
26 of Illinois from 1903 to 1909.

1 Q And member of congress from what year to what year?

2 A Well, I was a member of the House of Representatives
3 for 18 years. I was elected to the 49th Congress and serv-
4 ed in the house until I was elected to the senate in 1903.

5 Q Do you know Clarence S. Darrow, the defendant here?

6 A I do.

7 Q How long have you known him? A Well, I could not
8 say the exact number of years I have known him, I should
9 say 20 years.

10 Q Where have you known him? A I have met him, of course,
11 repeatedly here in Chicago, and I have met him at other
12 places.

13 Q What has been the nature and intimacy of your acquaint-
14 ance with him?"

15 MR KEETCH: That is objected to by counsel for the People,
16 as incompetent, irrelevant and immaterial, and no founda-
17 tion laid for the inquiry. We ask for the objection.

18 THE COURT: Objection overruled.

19 MR ROGERS: (Reading: "A I have known Mr Darrow, I
20 think familiarly for 15 years, at least, and I knew him by
21 reputation for perhaps longer than that.

22 Q You knew him at the bar here in Chicago? A Yes sir.

23 Q Did you know him in relation to the Bar Association
24 of Illinois and the Bar Association of Chicago, Illinois?"

25 MR KEETCH: The same objection.

26 THE COURT: Objection overruled.

1 "A I am not a member of the Bar Association of the state;
2 I am a member o f the Bar Association of Chicago, but I
3 have only been a member of that association for the last
4 few years; I have been a memb er of the bar association
5 of Kane County. " It is in the handwriting of the witness
6 himself.

7 MR DARROW: Either Aurora or Kane County.

8 MR ROGERS: "I have been a member of the Bar Association of
9 Kane County for a great many years.

10 Q Have you known him socially, Senator? A yes sir.

11 Q I wish you would state whether or not, during the period
12 of time that you have known him and known of him, whether
13 or not he has been a character or personality who is much
14 or little discussed among the people and in the public
15 press?"

16 MR KEETCH: I think, if your Honor pleases, that is essen-
17 tially objectionable.

18 MR ROGERS: I desire to be heard, if there is any doubt
19 about it.

20 MR KEETCH: The only two elements under the statute, as I
21 understand it, are as to the witness' knowledge of the de-
22 fendant in the community in which he lives for truth,
23 honesty and integrity.

24 THE COURT: This is still laying the foundation.

25 MR KEETCH: No. I object to that on the ground that there
26 was no foundation laid as to that; as to the general dis-

1 cussion of the defendant in the community. "I wish you would
whether or not
2 state during the period of time you have known him or known
3 of him, he has been a character or personality who is
4 much or little discussed among the people or public press."
5 Whether he is discussed in the public press would certainly
6 not be a question that is proper.

7 MR ROGERS: It is a very large element --

8 THE COURT: It is preliminary and the objection is overrul-
9 ed.

10 MR ROGERS: (Reading:) "A Well, Mr Darrow, for a good
11 many years, has been a very well known lawyer and a very
12 well known character.

13 Q And do you mean by that answer, much discussed amongst
14 the people and in the press? A Yes.

15 MR MASTERS: Do you know the general reputation which Mr
16 Darrow bore in the community in which he resides previous
17 to the indictments, the finding of these indictments against
18 him, for truth, honesty and integrity? A I do.

19 Q What was that reputation? A It was good.

20 Q What is that reputation now? A In this community it
21 is good."

22 MR ROGERS: The cross-examination.
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12p 1 MR. KEETCH. (Reading) "Q How long, Senator, do you
2 say you had known him? A I had known him for 15 years at
3 least, and I don't know but longer than that, but I have
4 no data to indicate when my first acquaintance commenced
5 with him."

6 MR. KEETCH. Perhaps I had better take the official copy.

7 MR. ROGERS. Yes. Let me take that.

8 MR. KEETCH. (Reading) "Q And by "community", do you
9 mean--"

10 MR. ROGERS. I do not know whether they can hear you.

11 A JUROR. I cannot hear you over here.

12 MR. KEETCH. "Q and by 'community' do you mean Chicago,
13 Senator? A Well, I mean the city of Chicago and the state
14 generally. He is a well known man in the state of Illi-
15 nois.

16 Q Did you live near him at any time? A Well, his resi-
17 dence was in Chicago and my residence was Aurora. I am
18 in Chicago every day and have been for a good many years
19 when I have not been in Washington.

20 Q I see. And you state his general reputation for
21 truth, honesty and integrity is good in the community and
22 has been discussed, has it? A The best evidence that it
23 is good in the community is the fact that so well known a
24 man as Mr. Darrow and a man who has been publicly and pri-
25 vately discussed as he has that I have never heard anybody
26 question his truth or integrity."

MR. ROGERS. The answer as read was not quite inteligible,

1 it having been interrupted, and I suggest that it be
2 read again.

3 MR. FORD. It is in the record, counsel can read it at the
4 proper time.

5 THE COURT. Mr. Reporter, read the answer.

6 MR. KEETCH. "I see. And you said his general reputation
7 for truth, honesty and integrity--"

8 THE COURT. Wait a minute, the reporter can read the
9 record.

10 MR. KEETCH. I beg your Honor's pardon. I understood
11 you to say to read it and I was just repeating the ques-
12 tion.

13 THE COURT. I didn't understand you were doing that. It is
14 all right. Just let the reporter read it.

1 (Record read by the reporter.)

2 MR KEETCH: (Reading:) "Q I simply wanted to find, Sena-
3 tor, whether your statement is based upon a discussion of
4 that fact or no discussion at all. I entirely agree with
5 your statement in that regard, that is, it is so accounted,
6 I believe. You said a little while ago, Senator, that you
7 were socially friendly with him, and you called at his
8 house, I presume? A No, I did not mean that I have
9 called at his house. What I mean by having a knowledge
10 of him in a social way, is the fact that I have met him in
11 the court room, and I have met him in hotels and other
12 places where gentlemen meet.

13 Q And you have the friendliest kind of feeling, of
14 course, for him? A I have always had admiration for
15 his ability and friendship for his character.

16 Q And you know, undoubtedly, of the character of the
17 charge against him at present in California? A Well,
18 I have read statements in the newspapers; of course, I
19 have no accurate knowledge as to that, further than one
20 gets from the public press.

21 Q Anything that you might know to his good, why, of
22 course, you would be very glad to volunteer, would you
23 A Why, I feel entirely friendly to Mr Darrow, but that
24 friendship would not swerve me from what I thought was
25 right in giving my testimony.

25 MR KEETCH: Oh, surely. That is all, I think.

26 MR MASTERS: Q Senator, what are your politics? A I am a
Republican."

MR KEETCH: And signed by Albert J. Hopkins, and subscri-
ed and sworn to, etc.

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12pA 1 MR. ROGERS. We offer the deposition of Carter H. Harrison,
2 Mayor of Chicago. (Reading) "Carter Henry Harrison,
3 produced as a witness on behalf of the defendant, having
4 been first duly sworn, was examined in chief by Mr. Masters
5 and testified as follows: Q Will you please state your
6 full name? A Carter Henry Harrison.
7 Q Where do you reside? A 607 Rush Street, Chicago.
8 Q How long have you lived in the city of Chicago? A 52
9 years.
10 Q Do you hold any official position in this city? A Yes,
11 sir.
12 Q What is it? A Mayor.
13 Q Mayor of the City of Chicago? A Yes, sir.
14 Q When were you elected? A The last time, the first
15 Tuesday in April, 1911.
16 Q Have you ever held any other official position in this
17 City? A Only Mayor.
18 Q When was that before this time? A From 1897 to 1905,
19 four terms.
20 Q Four terms? A Yes, sir.
21 Q Those positions comprise the official position that
22 you have held, do they, Mr. Harrison? A Yes, sir.
23 Q You are by profession a lawyer, aren't you? Weren't
24 you admitted to the bar several years ago? A I studied
25 law and was admitted to the bar but never practiced to any
26 extent.

1 Q Do you know Clarence S. Darrow, the defendant in these
2 indictments? A Yes, sir.

3 Q How long have you known him, Mr. Harrison? A Why, I
4 should say roughly about 20 years, and maybe a little more
5 and maybe a little less.

6 Q All of the time in the city of Chicago? A Yes, sir.

7 Q You didn't know him any other place? A I do not
8 recall having met him away from Chicago.

9 Q What has been the nature and intimacy of your acquaint-
10 ance with him?"

11 MR. KEETCH. We object to that as incompetent, irrelevant
12 and immaterial and no proper foundation laid.

13 THE COURT. Objection overruled.

14 MR. ROGERS. (Reading) "A Well, I have never been at all
15 intimate with him. My acquaintance with him has been more
16 in a public way than in a private way.

17 Q You have known him in political life in this city?"

18 MR. KEETCH. The same objection.

19 THE COURT. Objection overruled.

20 MR. ROGERS. "A In political life and public life.

21 Q And you have known him in professional life? A Yes, sir,
22 but I have never been particularly in contact with him pro-
23 fessionally and very little socially.

24 Q Do you know the general reputation which Mr. Darrow bore
25 in the community in which he resides previous to the find-
26 ing of these indictments against him, for truth, honesty and

1 integrity? A I think I do.

2 Q What was that reputation? A I should say it was very
3 good.

4 MR. KEETCHE (Reading) "Cross-examination.

5 Q What opportunity have you had for coming to that con-
6 clusion, Mr. Harrison? I mean, in relation to these par-
7 ticular traits, truth, honesty and integrity? A Merely
8 his general reputation in the community.

9 Q For those particular traits? A As a man, I think
10 a man's reputation as a man depends very largely upon
11 the possession of those qualities.

12 Q Of course, you have arrived at some definite con-
13 clusion when you say his reputation was good for those
14 particular traits. A I have never heard it questioned.
15 Mr Darrow has been a man in the heat and stress of public
16 life here, and I think if there had been any serious
17 question of him on those points I would have heard of it.

18 Q As you say, your acquaintance with him has been a largely
19 political one? A Yes, sir -- and usually on the opposite
20 side of the fence.

21 Q He was a candidate against you at one time, wasn't he,
22 for Mayor? A No sir, not that I know of. He was talked
23 of as a candidate at one time.

24 Q Wasn't he already in the field? A I don't think so.

25 Q And withdrew in your favor? A He had been spoken of,
26

1 but I don't think he was in the field. I have never
2 heard of his declaring himself. He supported me in that
3 campaign. I couldn't say that he had withdrawn in my favor.

4 Q His name was prominently mentioned at that time?

5 A Very prominently mentioned at that time.

6 Q As a candidate for Mayor? A Yes sir.

7 Q And it was generally accepted that he would be a candi-
8 date, was it not? A It was discussed; but in every
9 election there are always discussions of a number of dif-
10 ferent men, some of whom become candidates and some of
11 whom do not. I can't recall just what the conditions were
12 at that time, but to the best of my recollection Mr Darrow
13 never declared himself as a candidate. I think it was
14 about the time that he was engaged in some strike matter
15 in the East, and was absent from the city. That is the
16 best of my recollection, although I may be mistaken about
17 that.

18 Q Are you both of the same faith, politically? A That
19 is hard to say. I am a Democrat.

20 Q I mean, classed as Democrats? A While Mr Darrow is a
21 radical. We stand for the same general ideas.

22 Q I meant he was proposed as a candidate on the Demo-
23 cratic ticket? A On the Democratic ticket, yes.

24 MR KEETCH: That is all.

25 REDIRECT EXAMINATION

26 BY MR MASTERS: Q That was in the year 1903, wasn't it?

1 A 1903.

2 Q When his name was mentioned? A Yes sir.

3 Q And that was at the time, as you recollect it, when he
4 was in the East on the Coal arbitration? A That is my
5 recollection, although I would not be positive of it. It
6 seems to me it was just about that time that he was at-
7 torney for the coal miners in the big arbitrarion, the
8 federal arbitration.

9 Q The arbitration which was brought about by President
10 Roosevelt? A Which was brought about by President Roose-
11 velt, yes.

12 MR MASTERS: That is all." "Sibscribed and sworn to
13 before me this 21st day of May, A.D., 1912, Nellie Carlin,
14 Notary Public. Signed Carter H. Harrison."

15 MR. ROGERS, (Reading.)

16 "FRED A. BUSSE, produced as a witness
17 on behalf of the defendant, having been first duly sworn,
18 was examined in chief by Mr Masters and testified as
19 follows:

20 Q What is your full name, Mr Busse? A Fred A. Busse.

21 Q Where do you live? A Chicago.

22 Q How long have you lived in the city of Chicago? A
23 Forty-six years.

24 Q What is your business? A Coal business.

25 Q Have you ever held any official position in this county
26 and state? A Yes sir.

1 Q You may state what they were? A Well, I have been
2 State Senator, and a member of the legislature: I men-
3 tion those first, because they are in connection with Mr
4 Darrow. I was State Treasurer, Postmaster, and Mayor of the
5 City of Chicago.

6 Q And as Postmaster of the city of Chicago, and Mayor of
7 the city of Chicago, did you know Mr Darrow, did you?

8 A Yes sir.

9 Q What years were ^{you} in the legislature? A I was a member
10 of the Thirty-nine, Fortieth and Forty-first General Assem-
11 blies.

12 Q What years were they? A I don't just recall.

13 Q Well, were you in the legislature at the time Mr Dar-
14 row was? A Yes sir.

15 Q You knew him in the legislature? A Yes sir.

16 Q How long have you known the defendant, Clarence S.
17 Darrow? A I became acquainted with Mr Darrow while a Bailiff
18 in Judge Brentano's Court, and that was just prior to his
19 being named as General Counsel of the Northwestern Rail-
20 road; I don't recall the year.

21 Q That was many years ago, wasn't it? A Many years ago,
22 yes sir.

23 Q Was it as many as twenty years ago? A Yes sir.

24 Q You mean by Judge Brentano, Judge Theodore Brentano, who
25 is a present member of the Superior bench of this County?

26 A Yes sir.

1 Q And your knowledge of him and acquaintance with him has
2 been in the city of Chicago, entirely? A Yes sir.

3 Q And nowhere else? A And at Springfield, the Capital
4 of this state.

5 Q During the time he was a member of the Legislature?

6 A Yes sir.

7 Q What has been the nature and intimacy of your acquaint-
8 ance with him, Mr Busse? "

9 MR KEETCH: The same objection we made before.

10 THE COURT: Objection overruled.

11 MR ROGERS: (Reading:) "A Why, my relations with him
12 were very pleasant, and I met him very often in the courts
13 and in Springfield, Illinois, and around various places in
14 the City of Chicago.

15 Q By the way, I forgot to ask you, when were you Mayor,
16 of the City of Chicago? A I was elected about five years
17 ago, five years ago this last April.

18 Q That is the spring of 1907? A And served four years.

19 Q Served four years. Do you know the general reputa-
20 tion which Mr Darrow bore in the community in which he
21 resides, previous to the finding of these indictments
22 against him, for truth, honesty and integrity? A Yes sir.

23 Q What is that reputation? A Good.

24 Q What is that reputation now? A Good.

25 MR MASTERS: That is all.

26 MR KEETCH: No questions.

(Signed.) Fred A. Busse.

Subscribed and sworn to before me this 13th day of May,
A. D., 1912. Nellie Carlin, Notary Public, Cook County,
Illinois"

1 "HEMPSTEAD WASHBURNE,

2 produced as a witness on behalf of the defendant, being
3 first duly sworn, was examined in chief by Mr Masters, and
4 testified as follows:

5 Q Will you please state your name, Mr. Washburne?

6 A Hempstead Washburne .

7 Q Where do you reside, Mr. Washburne? A 1448 Astor
8 street, Chicago.

9 Q How long have you lived in the city of Chicago? A Since
10 1875.

11 Q Have you ever held any official position in this city?

12 A Yes, sir .

13 Q When was that? A I was Master in Chancery five years;
14 City attorney four years, and I was Mayor . I was elected
15 Mayor in 1891.

16 Q You were elected Mayor in 1891? A 1891 to 1893.

17 Q And then from 1887 to 1891 you were City attorney? A I
18 was out two years but previous to that I had been City
19 Attorney four years and previous to that I had served
20 five years as Master in Chancery of the Superior Court.

21 MR. KEETCH. The mere statement of the positions which
22 you have filled will be sufficient, I think.

23 MR. MASTERS. Q When were you admitted to the Bar, Mr.
24 Washburne? A In 1875 in Wisconsin, in 1876 in Illinois.

25 Q Do you know the defendant, Clarence S. Darrow? A Yes,
26 sir .

1 Q How long have you known him, Mr. Washburne? A Oh,
2 I have known Mr. Darrow--

3 Q Have you known him ever since he lived in Chicago?

4 A Well, I dont know when he came to Chicago.

5 Q Well, about 1887. A I have known him way back in
6 the '80s, sometime; must be '87 or '90, somewhere. My
7 first acquaintance with him was when he was assistant --
8 I think he was to Jonas Hutchinson, Corporation Counsel,
9 wasnt he?

10 Q Yes. A I think he was in his office.

11 Q Jonas Hutchinson w^{as} Corporation Counsel under what
12 Mayor? A He was Corporation Counsel under Mr. Criegier,
13 Mayor Cregier.

14 Q Jonas Hutchinson is not living, is he? A No, he has
15 been dead some years.

16 Q And Jonas Hutchinson was one time judge of the Superior
17 Court? A Yes.

18 Q After being Corporation Counsel? A I think he was;
19 I know he was judge. Whether before or after --the
20 time is so far back--

21 Q Your acquaintance with Mr. Darrow then covers the
22 period that you knew him here in Chicago? A Yes, sir.

23 Q Since he lived here? A Yes, sir.

24 Q What has been the nature and intimacy of your ac-
25 quaintance with him?

26 MR. KEETCH. Objected to, incompetent, irrelevant and

1 immaterial, no foundation laid.

2 A Well, it was somewhat professional and personal, both.

3 MR. MASTERS. Q Did you know him well? A I know him
4 very well, yes; not in the sense of house visiting, and all
5 that, but I know him well as I know lawyers and men with
6 whom I have business, mixed up in the everyday affairs of
7 life.

8 Q Do you know the general reputation which Mr. Darrow
9 bore, in the community in which he resides previous to the
10 finding of these indictments against him, for truth,
11 honesty and integrity? A Yes, I do.

12 Q What was that reputation? A As a lawyer and a citizen
13 it was of the highest possible character."

14 MR. KEETCH. I object to that--not being responsive to the
15 question. I move that it be stricken out, your Honor
16 please.

17 MR. ROGERS. Let's get the record. That couldn't possibly
18 be other than responsive. It says, "Do you know the
19 general reputation--"

20 THE COURT. Motion to strike is denied.

21 MR ROGERS. (Reading) "MR. MASTERS. Well, I will ask you
22 the question again. What was that reputation, was it good
23 or bad? A Good.

24 Q And what is your answer as to the question, what is
25 that reputation now? The first question was prior to the
26 finding of the indictments, and what is that reputation

1 now? A His reputation is as good as it ever was; his
2 reputation is just as good as it ever was amongst the Bar, so
3 far as I know.

4 MR. MASTERS. That is all."

5 MR. KEETCH. (Reading) "Cross-Examination. By Mr. Keetch.

6 Q Your acquaintance with him has been of a friendly char-
7 acter? A Yes, sir.

8 Q I see. Met him occasionally I suppose, every day, or
9 every other day, something like that? A Well, now, Mr.
10 Darrow was practicing law, he was practicing in the
11 courts. I was in the courts, and I had occasion to know
12 the personal character of the various, or rather, different
13 lawyers in the city, in my time, when I was active.

14 Q And so you usually met him every day? A Yes; not
15 every day, but I saw Darrow had as clean and high a reputa-
16 tion as any man in this city.

17 Q Well, that is not responsive to my question, Mr.

18 Washburne. I dont wish to be-- A I want to get it
19 down.

20 Q Yes. But I say you met him--how often did you used
21 to meet him? A Oh, I would perhaps--in a month I
22 would probably meet him off and on three or four or five
23 times. I met him in the courts at times. We have been
24 mixed up in litigation.

25 Q Had cases with him? A Had cases. I was City Attorney--

26 Q Then it was purely in a professional way that you knew

1 him? A A professional way.

2 Q And the reputation you speak of is with reference
3 to the City of Chicago? A His reputation among all the
4 attorneys I knew he had business with, and my own
5 business with him; his word was better than some
6 peoples' bond.

7 Q And the reputation that you speak of goes to his
8 truth, honesty and integrity in the community? A As an
9 attorney.

10 Q As an attorney? A As an attorney and as a man.

11 Q And ^{is} that reputation based upon what you have heard from
12 others? A No, sir.

13 Q Then it is based upon your personal-- A Upon my
14 own knowledge; my own acquaintance with him, and what
15 other attorneys and I know of him in the community.

16 Q Well, what other attorneys and you know, and that
17 would mean perhaps, would it not, that you have talked
18 it over with some attorneys? A How.

19 Q Would that mean you have talked it over with other
20 attorneys? A Oh, no, no. Mr. Darrow's reputation--
21 a man that I have known in a way well, for 25 or 30 years,
22 I know he knows hundreds of my acquaintances.

23 Q Yes? A And I have never known any one--

24 Q I see. You have--

25 MR. MASTERS. Just let him finish.

26 MR. KEETCH. I thought he had finished.

A --to question his integrity in anyway, shape or manner.

1 Q The opinion you have formed, then, as to his reputa-
2 tion has been formed upon your own personal knowledge
3 of the man? A Yes, upon my own personal acquaintance.
4 Why, I have the highest opinion of him as a man and a
5 lawyer, and in his integrity.

6 MR. MEETCH. That is all.

7 MR. MASTERS. That is all. Thank you.

8 (Signed) Hempstead Washburne.

9 Subscribed and Sworn to before me
10 this 13th day of May, A. D. 1912.

11 (Signed) Nellie Carlin,

12 Notary Public, Cook County, Illinois."

13
14 "S I M E O N P. S H O P E,

15 produced as a witness on behalf of the defendant, having
16 been first duly sworn, was examined in chief by Mr.
17 masters, and testified as follows:

18 Q Judge, will you please state your full name? A Simeon
19 P. Shope.

20 Q Where do you reside? A At 941 Lawrence avenue,
21 Chicago.

22 Q How long have you resided in the city of Chicago?

23 A I came here to Chicago to reside permanently about
24 the first of August, 1894.

25 Q How long have you resided in the State of Illinois?

26 A Well, since the Fall of 1838.

1 Q your profession is that of a lawyer, is it, Judge?

2 A Yes, sir.

3 Q Has your professional life been followed in the
4 State of Illinois, entirely? A No, sir, not entirely.
5 I have lived in Illinois, and my place of business has
6 been here, but I have frequently gone out of the state to
7 try causes.

8 Q But your home has been in Illinois during this period
9 of time which you have mentioned? A Yes, sir.

10 Q Judge, have you held any official positions in this
11 state? A Yes, sir.

12 Q I mean the state of Illinois? A Yes, sir.

13 Q Will you please state what they were? A I was a
14 member of the Legislature one term.

15 Q When was that, Judge? A In the 1863 Session, which
16 commenced the first Monday of January in 1863. I have
17 never held any other political office except that one term.
18 I have been Judge of the Circuit Court, and of the Supreme
19 Court of the State.

20 Q When were you Judge of the Circuit Court? A My
21 second term expired in June of 1885.

22 Q When were you elected to the Supreme Court bench of
23 Illinois? A 1885.

24 Q 1885? A yes, sir. That was the June election of
25 1885.

26 Q Of what circuit in the State of Illinois, were you a
judge? A Judge of what was known as the old 10th,

1 including the Counties of Fulton, Schuyler, Brown, Pike,
2 Adams, McDonough and Hancock.

3 Q During the time you were Judge of the Circuit Court of
4 Cook County what was your place of residence? A I lived
5 in Lewiston, Illinois.

6 Q That is in Fulton County? A Fulton County, yes.

7 Q You were a Judge of the Supreme Court of the State of
8 Illinois from 1885 to when? A To 1894.

9 Q When, with reference to that time did you come to
10 Chicago? A My term of office expired on the 16th of
11 June, 1894, and I came here about the 1st of August of
12 that same year.

13 Q During the time of your professional life, Judge,
14 before you became judge of the Circuit Court and Judge of
15 the Supreme Court, I wish you would state in a general way
16 your professional activity, as to whether it took you
17 about the State of Illinois, and so forth, so that you
18 came in contact with the people of this State? A Yes,
19 sir. I knew the bar of this state very well. Even as
20 a boy, I knew many of them. Later, I practiced in the
21 various Counties and in the various courts, getting
22 generally acquainted with the bar of this state perhaps
23 as well as anybody.

24 Q Will you state some of the prominent men of the state
25 of Illinois that you knew and came in contact with in your
26 professional life?

1 MR. KEETCH. Pardon me, Judge. This is all very inter-
2 esting, and I would like to hear it, but I object as
3 incompetent, irrelevant and immaterial. Goahead, Judge;
4 personally I would like to hear it.

5 A Well, I think I knew, from 1860 anyway, practically
6 all of the important lawyers. Mr Lincoln, prior to
7 that time, had been in practice; Judge Douglas, I knew
8 him well.

9 Q You mean Stephen A. Douglas? A Yes, Stephen A.
10 Douglas. If you care to have me go on, I knew O. H.
11 Browning, Mr. Grover of Quincy, and those men, and I knew
12 them all at the Quincy bar.

13 Q Did you know Judge David Davis; of Bloomington? A I
14 did, very well.

15 Q W. J. Goudy? A W. C. Goundy.

16 Q W. C. Goudy, I guess it is. A I knew Corydon
17 Beckwith, and John N. Jewett.

18 Q All right, Judge. At the time that you became a
19 member of the Supreme Court of Illinois, will you
20 state who were the other members of that Court? A Judge
21 Theopolis Lyle Dickey was a member of the Court, and
22 died a year after I went on the bench; John Schofield;
23 John F. Mulkey; John M. Scott; Alfred M. Craig;
24 Judge Sheldon of Rockford; and immediately following
25 Judge Dickey; Judge Magruder of this city was elected
26 to fill out his term.

1 Q Well, in a general way, for a great many years, you
2 have known the members of the bar, and prominent
3 people of the State of Illinois? A I think I can
4 say that I have, sir, I have been very active for many
5 years with them.

6 Q Since 1894 you have been engaged in the practice of the
7 profession of law in this city? A Yes, sir.

8 Q How long have you known Clarence S. Darrow, the defend-
9 ant in this suit? A I think my acquaintance with Mr.
10 Darrow began upon the presentation of a case in the Sup-
11 reme Court, about 1888 or 1889. I wouldn't say which.

12 Q Were you or not the Chief Justice of the Court at
13 that time? A At that particular time, I do not know.
14 But I was Chief Justice at one time, and I may have
15 been at that particular time, but I do not remember as
16 to that.

17 Q And from that time that you met Darrow in 1888, you
18 knew him from thence forward, did you, more or less?

19 A Yes, sir, but more particularly after I came to
20 Chicago.

21 Q After you came to Chicago? A Yes, in 1894.

22 Q Where has been the principal place of your acquaintance
23 with him?"

24 MR. KEETCH. The same objection to that.

25 THE COURT. Overruled.

26 MR. ROGERS. (Reading) "A Shortly after I commenced
practicing law in Chicago, I met Mr. Darrow in a very

1 hotly contested case, he being on the other side from me,
2 and from that time on, I knew him very well. I met him
3 particularly at the bar, and I met him around the offices
4 and at the various gatherings and places in the city.

5 MR. MASTERS. Are you a member of the State Bar Association
6 the Illinois State Bar Association? A I am not now, no.

7 Q Are you a member of the City Bar Association? A Yes,
8 sir.

9 Q Of the American Bar Association? A Yes, sir.

10 Q Did you know Darrow in any of those organizations?

11 A I think in the city organization, I did, sir.

12 Q Have you known Darrow in social life in the city?"

13 MR. KEETCH. The same objection.

14 THE COURT. Overruled.

15 MR. ROGERS. (Reading) "MR MASTERS. Q Or has it been in
16 professional life, principally? A Well, I have known
17 him as we know men in the city, without being intimately
18 acquainted with his social life, I have met him often and
19 frequently, and have known him and who his associates
20 were, but I cannot say that I have ever met him in a
21 social way to speak of.

22 Q During the time that you have known Mr. Darrow, and
23 known of him in the City of Chicago, I wish you would
24 state whether he has been a man who was much in public
25 notice here?"

26 MR. KEETCH. The same objection.

1 THE COURT. Overruled.

2 MR. ROGERS. (Reading) "A Very much in public notice.

3 MR. MASTERS. Do you know the general reputation which
4 Mr. Darrow bore in the community in which he resides, pre-
5 vious to the finding of these indictments against him,
6 for truth, honesty and integrity? A You mean by 'these
7 indictments', the indictments which we hear of in the
8 newspapers?

9 Q Yes, the California indictments which were returned
10 in February of this year? A Yes, I do.

11 Q What was that reputation? A I never heard his reputa-
12 tion for truth and veracity, either as a lawyer or a
13 citizen, questioned."

14 MR. KEETCH. I object to that answer as not responsive
15 to the question.

16 THE COURT. Objection overruled.

17 MR. ROGERS. (Reading) "MR. MASTERS. Q The question,
18 the first question, Judge, is do you know his general
19 reputation? A I think so.

20 Q The general reputation which he bore in the com-
21 munity in which he resides, meaning by that the City
22 of Chicago, County of Cook and state of Illinois,
23 previous to the finding of these indictments against him,
24 for truth, honesty and integrity? A I think I do.

25 MR. KEETCH. The next question is, is it good or bad.

26 MR. MASTERS. The next question is, what was that
reputation?

1 A It was good.

2 Q And now, putting it in the present tense, what is
3 that reputation? A Well, I know of no change in it.

4 MR. MASTERS. That is all, Judge.

5 MR. KEETCH. That is all. No questions, Judge.

6 (No cross-examination)

7 (Signed) Simeon P. Shope.

8 Subscribed and sworn to before
9 me this 9th day of May A.D. 1912,

10 (Signed) Nellie Carlin,

11 Notary Public."
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1 "JAMES HAMILTON LEWIS, produced as a witness
2 on behalf of the defendant, being first duly sworn, was
3 examined in chief by MR Masters and testified as follows:

4 Q Mr Lewis, please state your name? A James Hamilton Lewis.

5 Q Where do you live? A City of Chicago; at the Hotel Vir-
6 ginia, Rush and Ohio streets. My office being in the
7 Commercial National Bank Building, Clark and Adams.

8 Q How long have you lived in Chicago, Mr Lewis?

9 A Unbrokenly, 12 years; but I was here before a good deal
10 of the time.

11 Q Where did you live before that time? A My home was
12 the city of Seattle, Washington, just before that, State of
13 Washington.

14 Q Have you ever held any official position? A Generally,
15 you mean, sir?

16 Q Yes. A Yes sir, I have been a member of the Legis-
17 lature.

18 Q Of the State of Washington? A Yes sir, of the Senate
19 of the State of Washington; member of Congress at Large,
20 for the State of Washington; was commissioned to the
21 Boundary Commission settling the differences between this
22 country and Great Britain over the Alaskan frontier and min-
23 ing troubles, - and after service as Inspector Genl on
24 Genl. R. D Grant's staff in the Spanish-American war, ranking
25 as Colonel, returned here to make my home, I became as
26 Corporation Counsel of the City of Chicago --

Q When was that, Mr Lewis? A From the spring of 1905

1 to the year 1907. - During Judge Dunne's mayorship.

2 Q Do you know the defendant, Clarence S. Darrow? A Yes
3 sir.

4 Q How long have you known him? A I first met Mr Dar-
5 row when the Debs case was being argued in the Supreme
6 Court of the United States, when I appeared for certain in-
7 significant defendants, -- That date, if you can locate it
8 was my first introduction to Mr Darrow, through Hon. S. S
9 Gregory of this bar.

10 Q That was in 1894, wasn't it? A The exact date, I don't
11 recall. I know I lost my case.

12 Q At that time you were a member of Congress from, Wash-
13 ington? A No sir, not in 1894. I had just been beaten for
14 Governor and was elected for Congressman at Large in 1896,
15 after that. I was in the Supreme Court at the time, and I
16 met him there, appearing before the Court.

17 Q And then you began to know him when you came to Chicago
18 12 years ago? A I subsequently came here, and had met
19 Mr Darrow incidentally, as our lines of political thought
20 ran alike. I came in to make some speeches in his behalf
21 when he was running for Congress in a district out here,
22 against my friend Belknap.

23 Q What year was that? A I think that was in 1896,
24 was it not? Something like that.

25 Q You were a resident of Washington at that time?

26 A I was a member of Congress then from Washington.

1 Q You were a member of Congress then? A Yes. I have
2 known Mr Darrow from that time on, in a pleasant way; not
3 intimately until I came here to live.

4 Q And from the time that you came here to life, 12 years
5 ago, I wish you would state what was the nature and inti-
6 mácy of your acquaintance with him.

7 MR KEETCH: Objected to as incompetent, ^{immaterial and} irrelevant and
8 no foundation laid.

9 A I knew him generally by reputation as a lawyer, and
10 I had met him in the courts, and I had met him in connec-
11 tion with the politics of the Democratic Party, and he gave
12 me the first jury trial case that I conducted here when I
13 came here to make my home, in the case of Clark against
14 Hansell, -- is that familiar to you? Mr Masters, you
15 will know if the title is right.

16 MR MASTERS: yes, I remember it.

17 A And from that time on our relations remained very in-
18 timate. We seldom think alike in a good many lines of
19 thought, tho alike politically, - but I admired the
20 constant effort he made to elevate the condition of the
21 masses of the people; and we were thrown together in con-
22 nection with the campaign of Edward F. Dunne for Mayor,
23 more intimately than at any time previously. We were on
24 the stump together, and I was vain enough to assume that Mr
25 Dunne's election was due more to the contribution of Mr
26 Medill Patterson and M^r Clarence Darrow and myself than

1 to any other three outside forces excepting the judge him-
2 self.

3 Q That was in the year 1905? A The campaign of 1905.

4 From that time on, my relations were constant with Mr Darrow.

5 Q You have known him at the Bar here? A Actively. I
6 was Corporation Counsel of the city, and he was chief
7 associate counsel, known as traction counsel, or chief coun-
8 sel of the traction interests of the city, having to act
9 with me as my auxiliary, and as an assistant of the Cor-
10 poration Counsel Department. I was thrown daily with him
11 for a year and a half. During that year litigation involv-
12 ing the franchises of the city -- were in his hands as my
13 aid and I was with him constantly.

14 Q You were Corporation Counsel from 1905 to 1907?

15 A Yes sir.

16 Q Until the termination of Judge Dunne's office?

17 A I had resigned the office, but remained in it up till
18 a month before the termination of my time, then left the
19 office --

20 Q Do you know the general reputation which Mr Darrow bore
21 in the community in which he resides previous to the find-
22 ings of these indictments against him, for truth, honesty
23 and integrity? A If you refer to the City of Chicago,
24 County of Cook, and State of Illinois, I answer yes.

25 Q What is that reputation? A Good. Always good.

26 Q What was that reputation? A Good.

1 Q What is that reputation now? A Insofar as that
2 reputation now is, it is still good, with a single excep-
3 tion of an occasional reference to these indictments; be-
4 yond that, in every respect, good; high class. -

5 MR MASTERS: That is all."

6 MR KEETCH: (Reading:)

7 "CROSS-EXAMINATION

8 by Mr Keetch:

9 Q During this whole time that you have known Mr Darrow,
10 Mr Lewis, what period of that did that cover? A For 12
11 years, I may say, certainly for ten, intimately.

12 Q And during that time of 12 years, as you say, you have
13 filled a number of honored and distinguished positions?

14 A I can't say they were very important -- I have filled
15 some offices and been beaten for a number.

16 Q -- in a State and National way, I presume, that has
17 taken you out of the city, has it not? A Yes, from time
18 to time, that has taken me abroad, to one place and
19 another, yes sir.

20 Q You have followed Mr Darrow's career as a friend would,
21 of course? A Yes, as a friend and as an admirer.

22 Q And been intimate with him right along? A We have
23 been intimate, though our politics have been very diverse,
24 upon certain political thought, - we are both members of
25 the same political party.

26 Q But your thought is one of admiration for him? A Yes

1 yes, admiration for his character, self-sacrifice.

2 Q You desire to do him any possible good -- A I would
3 do him any good, but I would do that within the rule of
4 what I felt was truth and justice.

5 MR KEETCH: Yes, of course. That is all."

6 MR ROGERS: (Reading:)

7 "REDIRECT EXAMINATION

8 BY MR MASTERS: Q Mr Lewis, you have been recently nomi-
9 nated for Senator by the Democratic Party at the recent
10 primaries, is that a fact? A yes, by popular vote of April
11 9th.

12 Q Of this year? A This year, yes.

13 MR MASTERS: That is all.

14 (Signed) Jas. Hamilton Lewis.

15 Subscribed and sworn to before me this 9th day of May,
16 A. D., 1912. Nellie Carlin. Notary Public, Cook County,
17 Illinois."

18 ---

19 "ORRIN N. CARTER, produced as a witness on
20 behalf of the defendant, having been first duly sworn, was
21 examined in chief by Mr Masters, and testified as follows:

22 Q Judge, will you please state your full name? A Orrin
23 N. Carter.

24 Q Where do you reside? A My home is Evanston, Ill.

25 Q That is in Cook County? A Cook County, yes.

26 Q And practically a part of Chicago? A Yes.

1 Q At present you are a member of the Supreme Court
2 of this State? A Yes sir.

3 Q What other official positions have you held, Judge,
4 in this County and State? A I was County Judge of this
5 County for nearly twelve years, from 1894, until I was
6 elected to my present position. I also was General Attor-
7 ney for what we called the Drainage District here, technically
8 the Sanitary District, of Chicago, from 1892, until I was
9 elected to the local bench here. That is all the public
10 positions that I have held in this city that I recall, what
11 you call public positions. I have held positions, of
12 course, in clubs.

13 Q How long have you resided in the County of Cook and
14 State of Illinois? A I rented an office to practice
15 law in this City in January -- In December, I think, 1888,
16 and came here in January, 1889, and moved my family here
17 in the next three months.

18 Q How long have you resided in the State of Illinois?

19 A Since 1864.

20 Q Where were you born, Judge? A Jefferson County,
21 New York.

22 Q What year? A 1854.

23 Q What year were you admitted to the bar? A I think it
24 was in 1880, but I am not sure but that it was 1881. I
25 think it was 1880; that is my best recollection at this
26 time.

1 Q That was in this state, Judge? A That was in this
2 state, yes.

3 Q Your professional life, then, has been confined en-
4 tirely to the State of Illinois? A Yes.

5 Q Immediately before coming to Chicago, where did you
6 reside? A About sixty miles west of here, in Morris ,
7 Grundy County, Illinois, southwest of here.

8 Q Did you practice your profession there? A For a
9 few years.

10 Q Did you hold any official position in that County?

11 A Yes.

12 Q What was it? A The last official position I
13 held there was what we call in this State, States Attorney,
14 Prosecuting Attorney of that County.

15 Q Of that County of Grundy, State of Illinois? A Yes.

16 Q Have you held any other official positions in the State
17 than those you have already mentioned? A I was County
18 Superintendent of Schools of Grundy County, before I was
19 States Attorney.

20 Q That is all, is it? A I think that is all the public
21 positions that I have held.

22 Q Are you a member of the American Bar Association?

23 A Yes.

24 Q And of the Bar Association of the State of Illinois?

25 A Yes.

26 Q And the City Bar Association? A Yes.

Q You were elected to the Supreme Court of the State of

1 Illinois in 1906, weren't you? A June, 1906.

2 Q Who is the present chief justice of the Court ? A I
3 am chief justice at the present time.

4 Q Do you know the defendant, Clarence S. Darrow? A Yes. ?

5 Q How long have you known him? A I became acquainted
6 with him a short time after I came to the City of Chicago.

7 Q Has your acquaintance with him been entirely in the
8 City of Chicago? A Except in so far as that acquaintance
9 has continued when he was practicing before the Supreme Court
10 of the State at the Capitol, where he has been several times
11 in the last six years.

12 Q You have known him principally in Chicago, though?

13 A Principally in Chicago.

14 Q What has been the nature and intimacy of your acquaint-
15 ance with him, Judge?"

16 MR KEETCH: Objected to upon the ground it is incompetent,
17 irrelevant and immaterial, no proper foundation laid.

18 THE COURT: Objection overruled.

19 MR ROGERS: (Reading:) "A While I was attorney of
20 the Drainage Board, General Attorney, Mr Darrow was em-
21 ployed, I think at my suggestion, and tried several cases,
22 condemnation cases, for that corporation, under my direc-
23 tion. I had known him previous to that as Assistant Cor-
24 poration Counsel, and conferred with him on several law
25 suits against the City of Chicago; and I think I had also
26 known of him previous to that time when he was one of the

1 attorneys of the Chicago & Northwestern Railroad, and had
2 some conferences with him with reference to his duties in
3 that position. When I was elected to the local bench here
4 in Chicago, -- and previous to the time that I was elect-
5 ed, I met him quite a number of times in a public way,
6 as well as in a professional way, at public meetings
7 and conferences on public questions. He appeared before me
8 in the trial of cases on many occasions during the time
9 that I was on the local bench here, and he has argued
10 orally several cases in the Supreme Court since I have
11 been a member. I have been quite well acquainted with him.
12 I met him a good many times outside of the times he appear-
13 ed in court.

14 MR MASTERS: Q Judge, in a general way, will you state
15 what the jurisdiction of the County Court of Cook County,
16 Ill. is?"

17 MR KEETCH: The same objection.

18 THE COURT: Overruled.

19 MR ROGERS: I don't know whether I want to read all that
20 or not. It is a statement of the jurisdiction of the
21 court which is -- the assessments and elections, putting
22 in sewers and sidewalks, and paving streets; pretty much
23 the whole shooting-match. Do you want that read?

24 MR KEETCH: No, I objected to it at the time.

25 THE COURT: Waive it, if you want to.

26 MR ROGERS: (Reading:)

1 "MR MASTERS: Q During the time that you have known the
2 defendant, Clarence S. Darrow, in the City of Chicago,
3 County of Cook, and state of Illinois, I wish you would
4 state whether or not he has been a man who was much or
5 little in public notice here?"

6 MR KEETCH: The same objection as before.

7 THE COURT: Overruled.

8 MR ROGERS: (Reading:) "A Very much in public notice.

9 MR MASTERS: Q Did you know him in political life here?"

10 MR KEETCH: The same objection, as being incompetent, irre-
11 levant and immaterial.

12 THE COURT: Overruled.

13 MR ROGERS: (Reading:) "A Yes.

14 MR MASTERS: Q Did you know him in social life? "

15 MR KEETCH: The same objection as before.

16 THE COURT: Overruled.

17 MR ROGERS: (Reading:) "A In club life, if you call that
18 social life.

19 MR MASTERS: Q Did you know him in the various organiza-
20 tions of lawyers which you have mentioned here?"

21 MR KEETCH: The same objection.

22 THE COURT: Overruled.

23 MR ROGERS: (Reading:) "A Yes, I have spoken several
24 times as the same meetings with him.

25 MR MASTERS: Q Do you know the general reputation
26 which Mr Darrow bore in the community in which he resides,

1 previous to the finding of these indictments against him,
2 for truth, honesty and integrity? A I think I do.

3 Q What was that reputation? A Good.

4 Q Putting it in the present tense, what is that reputation?

5 A I don,t know what the rule is out in California.

6 MR KEETCH: We do not differentiate. This is the ques-
7 tion I have been objecting to. What is and what was --
8 of course what is really his reputation in the community
9 in which he lives. A What is that question again?

10 (Question read.)

11 A As far as I know, it is good.

12 MR MASTERS: That is all.

13 MR KEETCH: That is all, Judge. Thank you, sir.

14 (Signed.) Orrin N. Carter.

15 Subscribed and sworn to before me this 8th day of May,
16 A.D., 1912. Nellie Carlin, Notary Public."

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18 (Jury admonished. Recess until 10 o'clock A.M., July
19 9, 1912.)

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