

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.

---o---

The People of the State of California,)

Plaintiff,)

vs.)

No. 7373.)

Clarence Darrow,)

")

Defendant.)

---o---

REPORTERS' TRANSCRIPT.

VOL. 50

I N D E X.

	Direct.	Cross.	Re-D.	Re-C.
Depositions of:				
John J. Healy,	3955			
John E. W. Wayman,	3965			
William S. Forrest,	3969			
John S. Miller,	3978			
Charles McGavin,	3984	3985		
John C. Gillen,	3987			
Richard E. Burke,	3988			
Francis S. Peabody,	3995			
Burton Hanson,	3999			
John P. McGoorty,	4003			
John E. Owens,	4006			
Marcus A. Kavanagh,	4011			
Kickham Scanlan,	4014			
William H. Barnum,	4021			
Axel Chytraus,	4028			
Edgar B. Tolman,	4033			

LOS ANGELES COUNTY
LAW LIBRARY

B. N. Smith,
Official Reporter.

VOLUMES 50 to 52 (Inc.)

WITNESSES:

✓ John J. Healy, Vol. 50
✓ John E. W. Wayman, Vol. 50
✓ William S. Forrest, Vol. 50
✓ John S. Miller, Vol. 50
✓ Charles McGavin, Vol. 50
✓ John C. Gillen, Vol. 50
✓ Richard E. Burke, Vol. 50
✓ Francis S. Peabody, Vol. 50
✓ Burton Hanson, Vol. 50
✓ John P. McGoorty, Vol. 50
✓ John E. Owens, Vol. 50
✓ Marcus A. Kavanagh, Vol. 50
✓ Kickham Scanlan, Vol. 50
✓ William H. Barnum, Vol. 50
✓ Axel Chytraus, Vol. 50
✓ Edgar B. Tolman, Vol. 50
✓ Jenkin Lloyd Jones, Vol. 51
✓ Paul Brown, Vol. 51
✓ James McShane, Vol. 51
✓ John J. Herrick, Vol. 51
✓ Arthur H. Chetlain, Vol. 51
✓ Jesse A. Baldwin, Vol. 51
✓ Chas. S. Cutting, Vol. 51
✓ Wm. E. Dever, Vol. 51
✓ Geo. A. Dupuy, Vol. 51
✓ Wm. McSurely, Vol. 51
✓ Chas. A. McDonald, Vol. 51
✓ Arba Nelson Waterman, Vol. 51
✓ Geo. Kersten, Vol. 51
✓ Theo. Brentano, Vol. 51
✓ Albert C. Barnes, Vol. 51
✓ Job Harriman, Vol. 51
✓ Job Harriman, Vol. 52

1 July 9, 1912. 10 o'clock A.M.

2 Defendant in court with counsel. Jury called; all pre-
3 sent. Case resumed.

4 THE COURT: You may proceed, gentlemen.

5 MR ROGERS: If your Honor please, we offer the deposition
6 of John J. Healy.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1 MR. ROGERS. (Reading) "JOHN J HEALY, produced
2 as a witness on behalf of the defendant, having been
3 first duly sworn, was examined in chief by Mr. Masters, and
4 testified as follows:

5 MR. MASTERS. Q Mr. Healy, will you please give us your
6 full name? A John J. Healy.

7 Q Where do you reside? A Chicago, Cook County, Ill.

8 Q What is your age? A I beg pardon?

9 Q What is your age? A Forty sir. years of age.

10 Q Excuse me for asking you that question.

11 MR. KEETCH. Over twenty-one, anyway.

12 MR. MASTERS. Q your profession is that of a lawyer?

13 A Yes, sir.

14 Q How long have you been practicing law, Mr. Healy, in
15 Chicago? A About twenty-four years.

16 Q Have you always lived here? A Born in Chicago and
17 lived here all my life.

18 Q Have you ever held any official position in this
19 County--meaning by that Cook County in the State of
20 Illinois? A Yes; I was master in Chancery of the Superior
21 Court of Cook County for about twelve years; and I was
22 State's attorney of this county for four years."

23 MR ROGERS: I would take a stipulation from Mr Keetch, in
24 order that some of these depositions may be understood,
25 that "States Attorney" corresponds with "District Attor-
26 ney" -- the same thing.

MR KEETCH: That is a fact.

THE COURT: It is so stipulated?

MR KEETCH: Yes sir.

1 MR. ROGERS. (Reading.) Q That was from when to when?

2 A From 1904 to 1908

3 Q Have you held any other official position than that of
4 master in Chancery and States Attorney? A I think not.

5 Q Do you know Clarence S. Darrow? A Yes.

6 Q How long have you known him? A About twenty years.

7 Q Where have you known him? A In Chicago.

8 Q What has been the nature and intimacy of your acquaint-
9 ance with him? A Well, I have known him personally for
10 approximately twenty years. I had been associated with
11 him in the trial of cases where we have represented oppos-
12 ing interests, and sometimes where we have both been on the
13 same side of a case. And then, I know him as a public
14 character, more or less, in Chicago, during all of these
15 years.

16 Q In the capacity of lecturer, political debater and so
17 forth? A Yes, he has been a man who has always taken a
18 definite position on all public questions which have arisen
19 in our public life.

20 Q What was his career here as to whether he was much or
21 little in public notice--during the time you have lived
22 here? A He was very much in public notice during the
23 time I have known him. He was one of the prominent
24 public characters of Chicago.

25 Q Did you know him as a member of the bar association?

26 A Yes

1 Q Did you meet him there? A Yes, I have met him at the
2 Chicago Bar Association, and I think on one or two occa-
3 sions at the Illinois Bar Association.

4 Q Those were meetings of the bar, Illinois lawyers, and
5 the lawyers of Chicago? A Yes, sir.

6 Q As the case might be? A Yes, sir.

7 Q Do you know the general reputation which Mr. Darrow
8 bore in the community in which he resides? A I do.

9 Q Previous to the finding of these indictments against
10 him, for truth, honesty and integrity? A Yes, sir.

11 Q What was that reputation? A Good.

12 Q What is that reputation? A Good.

13 MR. MASTERS. That is all."

14 MR. KEETCHE (Reading) "Cross-Examination, by Mr. Keetch.

15 Q Is his reputation any different now than it was before
16 the indictments? A No. I assume that the mere bringing of
17 an indictment against any man does not affect, in any way,
18 his reputation, because to my mind the presumption of inno-
19 cence prevails until the contrary is shown.

20 Q In other words, as far as your knowledge of his
21 reputation is concerned, the "was" is practically comprised
22 in the word "is"; that is, in other words, his reputation
23 is good, is that what you mean, now, today, in the neigh-
24 borhood in which he lives? A Will you read the question,
25 please?

26 Q I withdraw that question. In other words, the fact of

1 the bringing of the indictment has not changed your mind,
2 or has not changed the reputation which you know of him in
3 the community in which he lives? A Well, it has not changed
4 my opinion of Mr. Darrow. I assume that from my practical
5 observations in life that some men who might not know Mr.
6 Darrow would be influenced by the fact that an indictment had
7 been returned against him, and that he was now charged with
8 a serious offense.

9 Q Did you live near him, Mr. Healy? A Part of that time,
10 yes. He lived up there on the north side of Chicago where I
11 have lived all my life, he lived there for I don't know
12 how long.

13 Q As you have said, your acquaintance with him was
14 largely a personal one, and it has been a personal one, has
15 it? A Well, I cannot say that I have been a personal friend
16 of his, although we have always known each other. Originally,
17 I got acquainted with him through a very close mutual friend
18 of ours, and that was at the time when he was not practicing
19 law for himself, as I recall it.

20 Q How often did you meet Mr. Darrow, do you think? A Oh, I
21 suppose I would meet and see Mr. Darrow on an average of
22 fifteen or twenty times a year.

23 Q Not more than that? A When I was in the States Attorney's
24 office it would be oftener, yes, sir.

25 Q You tried cases with him on both sides, with him and
26 against him, have you? A Well, when I say I tried cases

1 with him, I have had charge of cases, the prosecution of
2 cases where he has represented the interests of prosecuting
3 witnesses and in that way has been associated with me,
4 we have been associated together in that way.

5 Q What was the class of cases you were associated with
6 Mr. Darrow in? A Mostly criminal cases, criminal prosecu-
7 tions.

8 Q Were you prosecuting the cases? A I was the prosecuting
9 attorney of the county at that time.

10 Q You were? A Yes, sir.

11 Q And when you speak of the community in which he lives,
12 do you refer to any limited area, or to the entire
13 city of Chicago? A Well, of course, I only know his
14 reputation among these people which whom I associated and
15 in the community in which I live, and I am necessarily
16 confined to Chicago.

17 Q Chicago of course embraces a very large area, and
18 it is subdivided into various communities? A Yes.

19 Q And sub-communities? A Yes, sir.

20 Q You have said that you lived near him, or he lived
21 near you speaking of that little social community where-
22 ever it might be. You are not limiting his reputation
23 to that, are you? A No, sir, no.

24 Q In other words, it comprises the whole city of Chicago?

25 A Yes, sir.

26 Q What is the idea now. Yes, in expressing my idea of the

1 reputation which he enjoyed, I have had in mind the whole
2 territory or community in which he has lived, and moved, and
3 acted, during the years which I have known him.

4 Q With referenceto reputation, what do you understand
5 by that? A The reputation which he has enjoyed, I under-
6 stand--

7 Q What do you understand by his reputation, Mr. Healy, do
8 you get my question? A Do you want me to give my defi-
9 niton of the word reputation?

10 Q Yes, that is what I want. A I think the things which go
11 to make up a man's reputation are honesty, integrity, high
12 and lofty ideals.

13 Q Yes, but what is reputation? I am not making as to the
14 virtues, but what is reputation, your understanding of
15 reputation? A I think it is the record which a man
16 established in the minds of the people with whom he associa-
17 tes, and in the minds of people who know him and know of
18 him by the life he lives, and the manner in which he has
19 lived his life.

20 Q How have you based that statement, then, as to his
21 reputation; upon what facts? A I base it upon my power of
22 observation, and of seeing and talking with the man, and
23 in communicating with others who were friendly to him, and
24 in talking with men who disagreed with some of the public
25 positions which he has taken, and from all those things
26 together with other knowledge and information that comes to

1 us in a subconscious sort of a way, I have reached the con-
2 clusion that his reputation was good.

3 Q Wouldn't that go more to his ability as a political
4 speaker and as a student of sociological questions, or as
5 a lawyer, rather than to his reputation for truth, honesty
6 and integrity? Have you heard that discussed? A Yes, I
7 have heard that discussed, and I have known some things
8 which Clarence Darrow did upon which I base my statement or
9 opinion more than I do upon the reputation which he has
10 created here as a public speaker and as a lawyer.

11 Q Of course, your personal opinion might not be admissible.
12 I mean now, with reference to the reputation which he has, and
13 which is based upon some discussion as to his honesty, truth
14 integrity and so forth? A Yes sir, I have heard it dis-
15 cussed.

16 Q You have? A Yes, sir.

17 Q By whom? A Well, one man with whom I discussed the
18 matter very frequently and very definitely was Arthur
19 W. Pulver.

20 Q Who is Mr. Pulver? A Mr. Pulver is now dead. He was
21 a practicing lawyer here in Chicago.

22 Q How many years ago? A That is between ten and twelve
23 years ago.

24 Q Yes, that is when you were talking with Mr. Pulver, is
25 that the name? A Pulver.

26 Q About Mr. Darrow? A Yes, sir.

Q Ten or twelve years ago? A And he expressed to me some

1 incidents of Mr. Darrow's life about which he had personal
2 knowledge. In the discussion of that incident, the
3 question of his character arose. Then, I have discussed
4 it with numerous others. It is difficult, always, to recall
5 those names. I discussed it within the past two or three
6 months with Mr. Marble, John H. Marble.

7 Q Did there appear to be a necessity for discussing his
8 reputation for truth, honesty and integrity? A No,
9 except as we discussed from time to time, the reputation of
10 all men that were more or less in the public eye.

11 Q But does that usually go to their honesty and integrity?
12 A I don't know that that precise question was raised in
13 the discussion.

14 Q I see. A But as a result of the discussion I
15 reached the conclusion that the man who was talking with
16 me had it in mind that Clarence Darrow was an honest and
17 a good man.

18 Q That was about two years ago, you say? A No----that is,
19 the talk with Mr. Marble has been during the past two years,
20 a number of times. The last conversation I had was in June
21 or July of last year.

22 Q Anybody else there? A Yes, Mr. Burns was present, I
23 think, at the last conversation, Mr. William J. Burns.

24 Q The detective? A The detective, yes, who by the way is
25 a very good friend of mine.

26 Q I see. A I think Mr. Burns was present at that conversa-

1 tion. I know I discussed Mr. Darrow with Mr. Burns
2 in Washington.

3 Q In Washington? A Yes, sir.

4 Q This was before the trial of this case out in Los
5 Angeles? A That was after the indictment was returned
6 against Mr. Darrow.

7 Q After the indictment? A Yes.

8 Q How many criminal cases have you tried with him, Mr.
9 Healy? A Tried with Mr. Darrow?

10 Q Yes, against him. A Oh, I don't know. He was there in
11 the Criminal Court frequently. I remember personally only
12 one or two cases against him, but my office, my assistants
13 tried very many cases against him.

14 Q And what was the result as a rule? Was he generally
15 successful? A Well, he has been a very successful lawyer.
16 To tell you what the result was in each particular case,
17 or in any considerable number of cases, I could not
18 attempt to do that without going to the docket or records.

19 Q No, but it would leave an impression on your mind whe-
20 ther he was more often successful than not. A Well, my
21 recollection is that Darrow, in the trial of criminal
22 cases was fairly successful, but that he did not get
23 results for his clients all of the time by any manner of
24 means. By that, I mean, he represented at times men who
25 were convicted.

26 MR. KEETCH. That is all.

1 MR MASTERS: That is all, Mr Healy.

2 (Signed) John J. Healy."

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1 MR. ROGERS. (Reading) "JOHN E. W. WAYMAN,
2 produced as a witness on behalf of the defendant, having
3 been first duly sworn, was examined in chief by Mr. Mas-
4 ters, and testified as follows:

5 Q Will you state your full name? A John E. W. Wayman.

6 Q Where do you live? A I live now at 59th and Madison
7 avenue, Chicago.

8 Q How long have you lived in Chicago? A Since 1894.

9 Q What is your age? A I will be forty years old the
10 16th of September.

11 Q How long have you lived in Chicago? A Since 1894.

12 Q Since 1894? A Yes.

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

14 Q Do you hold any official position in Cook County?

15 A States Attorney of Cook County.

16 Q Elected in 1908? A 1908, yes, sir.

17 Q Have you held any other official position in this
18 county, the County of Cook? A That is all.

19 Q What are your politics? A Republican.

20 Q Do you know Clarence S. Darrow? A I do.

21 Q How long have you known him? A Well, I have known
22 Mr. Darrow since 1900 about. That is when my acquaintance
23 first began.

24 Q That was in Chicago, was it? A Yes, sir.

25 Q And you have known him continuously here? A Yes, sir.

26 Q Ever since? A Ever since.

1 Q Have you known him and seen him at meetings of the
2 Bar Associations, and meetings of that kind?

3 A No, I never saw him at a Bar Association meeting.

4 Q What has been the nature and intimacy of your acquaintance
5 with him? A Merely as a fellow lawyer at the bar here;
6 and since I have been States Attorney, knowing him as he
7 tried cases on the north side; and also socially.

8 Q Have you known him in political life? A Only to
9 know what his politics are, that is all.

10 Q Before you became States Attorney, you knew him at the
11 bar? A Yes, sir.

12 Q Was he in Court --you saw him in Court? A Yes, sir.

13 Q And so forth? A Yes, sir.

14 Q Do you know the general reputation which Mr. Darrow
15 bore in the neighborhood in which he resides, previous
16 to the finding of these indictments against him, for truth,
17 honesty and integrity? A Yes.

18 Q What was that reputation? A Good.

19 Q What is that reputation? A Good.

20 MR. MASTERS. That is all."

21 MR. KEETCH. (Reading) "Cross-examination, by Mr. Keetch.

22 Q Mr. Wayman, do you live near Mr. Darrow? A No, when I
23 say the community in which he resides, why I mean Chicago
24 where he practiced, rather than the place he lives.

25 Q You didn't have social intercourse with him? A Not
26 except knowing him as I know a lawyer at the bar here.

1 Q Like you meet other lawyers at the bar? A Yes, sir.

2 Q Have you had any intimacy with him at all? A No, I
3 would not say intimacy.

4 Q Just in a friendly way you have met him like you meet
5 and know all other lawyers? A Yes, sir.

6 Q During those years? A Well, I think I would go a
7 little further than that with Mr. Darrow, I think I knew
8 him better than I knew most lawyers in Chicago.

9 Q You did? A Yes, I knew him better as a lawyer.

10 Q As a lawyer? A And a citizen.

11 Q In a social way? A More socially when we would meet
12 out of Court than in Court, always very friendly.

13 Q Did you ever try cases with him? A No, I never
14 tried cases against Mr. Darrow or with him.

15 Q Have you visited at his home? A No.

16 Q Is your personal knowledge of him simply confined to a
17 general way of meeting him in the courts? A My general
18 knowledge of him, personally, yes.

19 Q Now, with referenceto his reputation, you understand
20 what reputation is, Mr. Wayman? A Yes, sir.

21 Q What is your idea of reputation, if you have one?

22 A My idea of general reputation is what people do say about
23 a man and what they do not say about him.

24 Q That is, it can be both? A I think it can. My idea of
25 general reputation is more what people do not say about a
26 man than what they do say about him.

1 Q When you say you knew his reputation in the community
2 in which he lives for truth, honesty and integrity, have
3 you heard him discussed? A No, sir. I have not heard
4 it discussed until this indictment came up in California.
5 Since that I have heard it discussed.

6 Q By whom? A By lawyers.

7 Q Can you give the names of any of them? A Well, largely
8 around my office, among my assistants. Just whom I cannot
9 name, I do not know; but it has been a matter of general
10 comment at the office, and was at that time, and I have
11 heard lawyers outside speak of it. I can name one I dis-
12 cussed the matter with.

13 Q Tell us who that would be. A Mr. Creekmur, one of my
14 personal friends here. I think I could name another one
15 or two if I could recollect. Well, I don't know of any one
16 else that I can name outside of Mr. Creekmur, and the men
17 around the office. Just a matter of general discussion.
18 MR. KEETCH. That is all.

19 MR. MASTERS. That is all.

20 (Signed) John E. W. Wayman."
21
22
23
24
25
26

1 MR ROGERS: (Reading:)

2 "WILLIAM S. FORREST, produced as a witness
3 on behalf of the defendant, being first duly sworn, was ex-
4 amined in chief by MR Masters, and testified as follows:

5 Q Mr Forrest, will you please state your full name?

6 A William S . Forrest.

7 Q Where do you live? A 3264 Groveland avenue, Chicago,
8 Illinois.

9 Q How long have you lived in Chicago? A Since the month
10 of August, 1878.

11 Q Your profession is that of a lawyer? A It is.

12 Q How long have you practiced the profession of the law?

13 A Since January, 1879.

14 Q How much of that time in the City of Chicago? A All
15 of it. That is, I have been located here. I have prac-
16 ticed here and elsewhere.

17 Q Have you ever held any offickal psotion at any time?

18 A I have not.

19 Q Do you know Clarence S. Darrow? A I do.

20 Q How long have you known him? A Since the political cam-
21 paign of 1884.

22 Q And have you known ~~him~~ all that time in Chicago; Ill-
23 inois? A I have.

24 Q I wish you would state, Mr Forrest, what has been the
25 nature and intimacy of your acquaintance with him?

26 A I have known him as a friend, and a fellow member of
the Chicago Bar and as a public speaker. Does that

LAW LIBRARY

1 answer your question sufficiently?

2 Q I will ask you a question or two more. Have you known
3 him at meetings of the Bar Association of Chicago and of
4 the Bar Association of Illinois, and places of that kind?"

5 MR KEETCH: I object to that on the ground it is immaterial,
6 incompetent and irrelevant, and no foundation laid.

7 THE COURT: Objection overruled.

8 MR ROGERS: (Reading:) "A I have known him as a member
9 of the Chicago Bar Association, and I have met him at the
10 meetings of that Association.

11 Q What would your answer be as to the Illinois Bar Asso-
12 ciation? A I don't believe I know him as a member of
13 the Illinois Bar Association.

14 Q During the time, Mr Forrest, that you have known Mr
15 Darrow and had known of him, I wish you would state whether
16 or not he has been a character or personality much or
17 little noticed or discussed here in Chicago? A He has
18 been a personality who has been very much discussed as a
19 public man and as a lawyer.

20 Q In what way and in what avenues of discussion? A He
21 has been concerned in a great many political movements
22 in Chicago; his conduct in such movements has been discuss-
23 ed, privately and publicly, and in the newspapers. He has
24 participated in a great many important trials in the City
25 of Chicago; trials which attracted great notice and he has
26 participated in public trials and public hearings in other

1 states. And his cases, - his conduct of those cases, both
2 in the City of Chicago and elsewhere, have been discussed
3 during the past ten or twelve years, very generally among
4 the members of the Bar and also in the newspapers of the
5 City of Chicago, and other newspapers.

6 Q Do you know the general reputation which Mr Darrow
7 bore in the community in which he resides previous to the
8 finding of these indictments against him for truth, hon-
9 esty and integrity? A I do.

10 Q What was that reputation? A It was good; it was
11 above reproach.

12 Q What is that reputation? A It is now good and above
13 reproach.

14 MR MASTERS: That is all.

15 MR KEETCH: (Reading:)

16 "CROSS-EXAMINATION

17 by Mr Keetch.

18 Q You said, Mr Forrest, that you are a friend of Mr
19 Darrow? A I am.

20 Q A friend of how many years standing? A Since 1884.

21 Q What might be called an intimate friend? A Yes, in
22 this way: I have been opposed to him in the trial of cases.
23 I have never been associated with him in the trial of cases.
24 I have dined with him and his family at his table and he
25 has dined with me and my family at my table. I have had a
26 great many discussions with him respecting his views,

1 which views differed altogether from my views on nearly
2 every subject that a man could hold a view upon, except
3 in the practise of law.

4 Q I see. And you came up here in response to a request
5 or did you come voluntarily to testify? A I was re-
6 quested to come by Mr Masters.

7 Q And you realize, I presume, what the charges against
8 Mr Darrow are? A I didn't hear all your words.

9 Q Pardon me. A Yes.

10 Q I say you realize the the extent of what the charge is
11 against Mr Darrow? A I know what it is.

12 Q Of course, anything you possibly could do for him,
13 if you could say a word for him you would do it? A I would.

14 Q With reference to his reputation in the community in
15 which he lices, do you mean by that the city of Chicago,
16 or is it confined to a more or less restricted area?

17 A I mean the city of Chicago. I know nothing about the
18 reputation of Mr Darrow else where, except in so far as I
19 might gather that reputation from what I have read about
20 him in magazines and newspapers published out of the city
21 of Chicago.

22 Q I had reference more particularly, Mr Forrest, as to
23 whether you were a neighbor of his or not? A I have never
24 been a neighbor; I don't believe he has ever lived nearer
25 to me than probably a half mile.

26 Q You have heard him, as you say, discussed as a public

1 man by reason of his standing, or his activities politically
2 and socialologically, I suppose? A Yes.

3 Q Now, are you basing your statement of his reputation
4 upon that fact? A No, I am making my statement of his
5 reputation upon what I have heard the judges of Cook County
6 and the leading members of the Chicago Bar say about Mr
7 Darrow from time to time, during the past 25 or 26 years,
8 and from what I have heard other persons say about him dur-
9 ing the same time. There has not been in the city of
10 Chicago during the past 25 years a man whose activities
11 as a lawyer and as a public man have been more generally
12 discussed, probably, than his activities.

13 Q And this discussion goes, you say, to those three vir-
14 tues mentioned, his truth, honesty and integrity?

15 A Yes, it does.

16 Q And you have discussed just in that limited way as to
17 his truth and his honor and his integrity, -- you have dis-
18 cussed with people individually about those particular
19 traits? A Yes; especially during the past seven or eight
20 months.

21 Q Was there a need for a conversation, Mr Forrest? A I
22 didn't catch that.

23 Q Was there a need for the particular conversation?

24 A Well, there has been, I should say, during the past
25 five or six months.

26 Q Yes, but prior to that time? A No. Prior to that

1 time his reputation was discussed, so far as I know it to
2 have been discussed, about as any lawyer's reputation would
3 be discussed.

4 Q You know nothing of the facts of the case out in Cal-
5 ifornia? A Nothing whatever.

6 Q And therefore, there has been nothing here to change
7 his reputation in that regard as far as it affects your
8 knowledge, or the knowledge of other persons in the discus-
9 sion of that? A It has been stated, -- and it has been
10 stated in the Chicago newspapers, and stated quite common-
11 ly among the members of the Bar of the city of Chicago
12 that a certain man was about to go upon the witness stand in
13 Chicago and give testimony tending to show that he bribed
14 that jury out there and that he was hired to bribe that
15 jury by Mr Darrow. That has been discussed, and the law-
16 yers here don't believe it.

17 Q Could you give the names of any particular persons whom
18 you have discussed this matter with?m A Well, now, it
19 has been so common here during the past five or six months,
20 or probably less time than that, that I am not sure whether
21 I could give the names or not. I should say for a while
22 there about every lawyer that I met and about every leading
23 citizen of the city of Chicago that I met.

24 Q But you are not in a position to give any specific
25 dates or names? A No, but I should say hundreds of them.

26 Q That, of course, is a general statement. A Yes, It

1 was a matter of every day conversation. It was a matter of
2 conversation on the street car, in the court rooms, in the
3 barber shops, in the Illinois State Bar Association meet-
4 ing here last week.

5 Q That is with reference to sinfe the indictments were
6 found in Chicago? A Yes, since the indictments were found
7 in California, or since it was first stated that it was
8 probable that an indictment would be returned against him.
9 I can't tell when it commenced.

10 Q That is as a general discussion which you have heard
11 without reference to any particular discussion that you
12 heard? A Yes; that was the topic of general interest.
13 The question ^{would} be "Do you believe him guilty". and accompany-
14 ing that question by the statement, "No, I don't believe him
15 guilty". Nobody ever heard of him charged in that way in
16 Chicago, and so forth. A Well, I thought it was.

17 Q I was not asking -- A Well, put the question again,
18 please.

19 Q I was asking with regard to specific conversations
20 with specific persons? A I don't believe I can recall a
21 specific conversation with a specific person any more than
22 I could recall a specific conversation with a specific
23 person about the weather in Chicago during the past few
24 months.

25 MR KEETCH: That is all. "

26 MR ROGERS: (Reading:)

"REDIRECT EXAMINATION

By Mr Masters:

Q Mr Forrest, this subject, or the need of discussing Mr Darrow, which you say arose within five or six months, you mean by that about the time it was reported here that he was about to be indicted or had been indicted? A Yes. What I mean is, it all grew out of the accusation made against him in California of participating in the bribing of the jury in the McNamara case.

Q I see. A Prior to that time there was no discussion, that I remember, about his reputation except such as might occur about any prominent member of the Bar.

MR MASTERS: I think that is all.

MR KEETCH: Thank you very much.

(Signed.) William S. Forrest."

MR ROGERS: I intend, if your Honor please, to ask Mr Darrow, upon the stand, about whom some of these men are. They are not well known here, and we cannot produce them. Would there be any objection, Mr Keetch, to anyone stating who they are?

MR KEETCH: I prefer the depositions go to the jury just as they are. If you decide to bring it up later, then that matter can be taken up at that time.

MR ROGERS: I could put someone on just before each deposition.

1 MR KEETCH: I think they had plenty of opportunity to state
2 who they were, and they availed themselves of that oppor-
3 tunity.

4 MR ROGERS: I don't think Mr Miller did.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 MR ROGERS: (Reading:)

2 "JOHN S. MILLER, called as a witness on be-
3 half of the defendant, being first duly sworn, was examined
4 in chief by MR Masters, and testified as follows:

5 Q Mr Miller, please state your full name? A John S.
6 Miller.

7 Q Where do you reside? A 1443 Astor street, Chicago,
8 Illinois.

9 Q How long have you lived in the city of Chicago? A About
10 thirty-eight years.

11 Q And your profession is that of a lawyer? A Yes sir.

12 Q Did you ever hold any official position in this county?

13 A I was corporation counsel of the city of Chicago for two
14 years, from 1891 to 1893.

15 Q Whose administration was that, what mayor? A Under
16 Mayor Hempstead Washburn, and then I was, a little later,
17 two or three years later, I was for two years a member
18 of the board of education of the city of Chicago. I
19 think those are all the public positions I have held here.

20 Q What is the name of your law firm? A Miller, Starr,
21 Peckard & Peckham at the present.

22 Q You have been practicing law in Chicago about the
23 length of time you have lived here? A Yes sir, ever
24 since I have been here.

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

1 Q How long have you known him? A Oh, twenty to twenty-
2 five years, I should think.

3 Q Was that in Chicago all the time? A Yes sir.

4 Q You didn't know him before he came here? A No sir.

5 Q What has been the nature and intimacy of your acquaint-
6 ance with him. A Why, I have been brought into contact,
7 or was more about and following the time I was corporation
8 counsel, with Darrow. Quite a good deal of that time, I
9 think, while I was corporation counsel, he was counsel
10 for -- assistant counsel connected with one of the railway
11 companies.

12 MR MASTERS: The Northwestern, was it? A Yes sir, the
13 Chicago & N^orthwestern. That brought him, of course of
14 his duties, his professional duties, brought him very
15 frequently into contact with the corporation counsel's
16 office. The railroads all have a great deal of business
17 with the city. I saw quite a good deal of him at that
18 time. He was once, as I recollect it, connected with the
19 law department of the city, and I knew him then fairly well.
20 I was interested in that line of questions and practice, at
21 that time, as well as since, the questions involving the
22 relations, and I was of course officially interested much
23 in those questions when I was corporation counsel, and I
24 have always maintained the interest; and Darrow was, both
25 from his professional connection with the city, and for
26 the short time that he was with the railroad company.

1 That has been more or less a matter of interest between us,
2 and I have felt an interest in Darrow's professional
3 life and success. While during the late years I have not
4 met him so often, it has been casual, I have always kept
5 up the interest in him, and in his success, professional
6 success.

7 Q Was he connected with the corporation counsel's office
8 before, or after the time you were, Mr Miller? A Well,
9 I don't just recollect whether it was before or after. It
10 was not during that time, but whether it was a little be-
11 fore or a little after, I don't recollect. I don't
12 recollect the corporation counsel he was with now.

13 Q It was Judge Hutchinson, Jonas Hutchinson. A That
14 was just before I was corporation counsel. That would
15 have been my impression, that it was before.

16 Q Did you know Darrow in Chicago in political life, Mr
17 Miller?"

18 MR KEETCH: Objected to on the same ground.

19 THE COURT: Overruled.

20 MR KEETCH: I presume this objection as stated runs to
21 all questions of that kind.

22 THE COURT: Virtually the same question. You make the same
23 objection, and the same ruling and the same objection
24 introduced to each and every one of them.

25

26

1 MR ROGERS: (Reading:) "A Well, while I never was
2 of the same political faith as Darrow, or connected with him,
3 yet, I knew of him pretty well, and casual, rather casual
4 meetings.

5 Q Did you know him in social life? A No sir, I have
6 not. He lived in different portions of the city from me.

7 Q Did you know him in any associations of lawyers, bar
8 associations? A Yes.

9 Q The City Bar Association? A Yes sir.

10 Q And the Illinois Bar Association? A Yes sir.

11 Q During the time that you knew Darrow, and knew of him,
12 I wish you would please state whether he was a personality
13 who was much or little in public notice here? A Quite
14 a good deal.

15 Q What form did that notice take? A Well, Darrow was
16 a striking figure in his professional and public life, be-
17 cause of his professional work for, and, I think, his sin-
18 cere sympathies with the labor elements, the labor people,
19 and the poorer or less fortunate, and the settlement work-
20 ers and other workers for those classes. I think the gen-
21 eral impression of him was that he sacrificed, or paid less
22 attention to the financial rewards in his selection of
23 clientage, and that he was moved by his sympathies, sincere
24 sympathies, for the classes of people that he did a great
25 deal of professional labor for. That was a striking char-
26 acteristic of him, I think, in the eyes of the lawyers, at

1 any rate. And then his ability; he was a very excellent
2 speaker, and an attractive personality, a man that could
3 influence and sway juries as well as audiences, I think
4 very largely from his earnestness and his sincerity, and
5 his feeling deep feeling for those people, but also he
6 was an eloquent man.

7 Q This notice, Mr Miller, that you have mentioned, did
8 it take place in the public press here, or among pro-
9 fessional people, and among the citizens of Chicago by
10 word of mouth? A Oh, I should think by both.

11 Q What has been, in a general way, Mr Miller, I mean,
12 only in a general way, your line of professional activity
13 since you ceased to be corporation counsel?"

14 MR KEETCH: Objected to as incompetent, irrelevant and
15 immaterial.

16 THE COURT: Objection overruled.

17 MR ROGERS: (Reading:) "A Well, I have been active in
18 anything that I could get to do. I am a general practition-
19 er, in all sorts of cases.

20 Q Do you know the general reputation which Mr Darrow
21 bore in the community in which he resides, previous to
22 the finding of these indictments, against him, for truth,
23 honesty and integrity? A I think so.

24 Q What was that reputation, Mr Miller? A Good.

25 Q Q Putting it in the present tense, what is that
26 reputation? A Good."

1 MR KEETCH: (Reading:)

2 "CROSS-EXAMINATION

3 By Mr Keetch:

4 Q Mr Miller, was Mr Darrow ever in your office? A No
5 sir -- you mean associated with me in any way?

6 Q Yes. A No.

7 Q Your feeling for him, however, has been one of friend-
8 ship? A Oh, yes, and --

9 Q And admiration? A Quite a bit of admiration for Dar-
10 row.

11 Q And you have come in response to a request for a depo-
12 sition of this character? A Yes, yes sir, I did.

13 Q And if you could do him any good by doing so, you would
14 gladly do it? A Yes, If I could do it properly and do
15 him any good that I thought he deserved, I should be
16 very glad to do it.

17 MR KEETCH: That is all.

18 MR MASTERS: That is all.

19 (Signed.) John S. Miller."
20 ---
21
22
23
24
25
26

1 MR ROGERS: Just for the purpose of explaining this depo-
2 sition, we want to call a witness, that is all.

3

4 CHARLES MCGAVIN, a witness called on behalf
5 of the defense, being first duly sworn, testified as fol-
6 lows:

7

DIRECT EXAMINATION

8 MR ROGERS: What is your name? A Charles McGavin.

9 Q Where do you live? A At the present time I am living
10 at 1115 South Magnolia avenue, this city.

11 Q Ever live in Chicago? A I did.

12 Q Hold official positions? A Yes sir, I did.

13 Q Please state them? A Well, I was assistant State
14 Attorney in Chicago for two or three years, and a member
15 of Congress from that city for four years.

16 Q That is a member of congress of the United States?

17 A Yes sir.

18 Q A member of two congresses there? A Yes sir.

19 Q Do you know John S. Miller, whose deposition I just
20 read? A I do.

21 Q Who is he?

22

23 MR KEETCH: We object to that upon the ground it is incom-
24 petent, irrelevant and immaterial. Your Honor please,
25 these depositions were taken in Chicago; the men had full
26 opportunity to reply to the questions there, and they did
reply. It seems to me that this proceeding is wholly ir-

1 regular, wholly irrelevant and incompetent, to call some-
2 one in to testify about a man who has given his deposi-
3 tion already; absolutely incompetent at this stage.

4 THE COURT: The objection is overruled.

5 A Well, I will state that John S. Miller is perhaps the most
6 prominent or one of the most prominent members of the
7 bar of Chicago. He is a man who is engaged in nearly all
8 of the great cases there involving corporations -- cor-
9 poration lawyer more than anything else. He has been
10 engaged, I think, in what are known as the Beef Trust
11 cases and the Standard Oil cases.

12 MR ROGERS: You remember any connection he has with the
13 Standard Oil Company? A Yes, he was one of the leading
14 counsel in the Standard Oil Case in which they --

15 Q He is, as a matter of fact, leading counsel for the
16 Standard Oil Company and John D. Rockefeller? A So I
17 understand.

18 Q Do you know John Harrick? A No, I don't know Mr
19 Harrick.

20 MR ROGERS: Well, you may cross-examine.

21

22 CROSS-EXAMINATION

23 MR KEETCH: What was the name, please? A Charles McGavin.

24 Q Were you in the court room this morning by subpoena?

25 A No sir, I just came in to listen.

26 Q Just simply a casual visit here? A Yes sir.

1 Q Do you know Mr Darrow? A Yes sir.

2 Q You are just a visitor from Chicago? A No, I am lo-
3 cated here in Los Angeles at the present time.

4 Q Were you requested to be here this morning? A No sir.

5 MR KEETCH: That is all.

6 MR ROGERS: Just happened in to the court? A Yes sir.

7 MR ROGERS: That is all.

8

9 THE COURT: Just a moment. This oral evidence is received ,
10 and I presume offered only upon the theory that it was a
11 matter not gone into fully at the time this deposition
12 was taken, and in order to cure that oversight, permitted
13 at this time. It is irregular, as Mr Keetch says, but
14 the irregularity can only be cured in that way.

15 MR KEETCH: I just want the record to show my objection.

16 MR ROGERS: A matter of order, I think, more than anything
17 else.

18 THE COURT: That is all.

19

20

21

22

23

24

25

26

1 MR ROGERS: (Reading:)

2 "JOHN C. GILLEN, produced as a witness on
3 behalf of the defendant, being first duly sworn on oath,
4 was examined in chief by Mr Masters and testified as fol-
5 lows:

6 Q Please state your full name? A John C. Gillen.

7 Q Where do you live? A 2542 Wallace street.

8 Q How long have you lived in the city of Chicago?

9 A All my life.

10 Q How long is that, Father? A Fifty years.

11 Q What is your calling in life? A Catholic Priest.

12 Q What is your church here in town? A All Saint's.

13 Q Has your ministerial work been confined entirely to
14 the City of Chicago, County of Cook and State of Illi-
15 nois? A Entirely, with the exception of eight months.

16 Q And where was that? A In Lamont.

17 Q That is in this county, is it? A Yes; thirty miles
18 from Chicago.

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

20 Q How long have you known him? A At least 12 years.

21 Q Where have you known him? A Here in Chicago.

22 Q No other place? A No.

23 Q What has been the nature and intimacy of your acquainta
24 nce with him? A In business principally, business
25 and somewhat social.

26 MR MASTERS: Q Have you known him in political life here?

1 A No, I have not.

2 Q Or in professional life? A In professional life, yes.

3 Q During the time that you have known Mr Darrow, the de-
4 fendant, I wish you would state whether he has been much
5 or little in public notice in the city of Chicago, County
6 of Cook and State of Illinois? A He has been.

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

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

12 Q Now, I will ask you the question in the present tense:
13 What is that reputation? A The same.

14 MR MASTERS: That is all, Father.

15 MR KEETCH: No questions.

16 (Signed.) John C. Gillen".

17 MR ROGERS: (Reading:)

18 "RICHARD E. BURKE, 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 Judge, will you please state your full name? A Rich-
22 ard E. Burke.

23 Q Where do you reside? A 421 South Central Park avenue,
24 Chicago, Illinois.

25 Q Judge, as you are a young man, I will ask you your
26 age? A 38.

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

2 A I do.

3 Q What is it? A Judge of the Superior Court.

4 Q Have you held any other official position than that
5 of Judge of the Superior Court? A Yes.

6 Q What is it? A I was a prosecuting attorney for the
7 city.

8 Q When was that, Judge? A I would say about 1901 or
9 '02.

10 Q Anything else? A I was a member of the legislature.

11 Q For how many terms? A For two terms, four years.

12 Q When were you first elected? A In 1902.

13 Q That carried you up to 1906? A My best recollec-
14 tion is I was a member of the 43rd and 44th General Assem-
15 bly.

16 Q Before the time that you were elected to the bench,
17 state whether or not you were in the practice of law in
18 this city? A I was.

19 Q When were you admitted to the bar? A I was admitted
20 to the bar in 1897.

21 Q That was in the state of Illinois? A Yes.

22 Q And you have practiced your profession from that time
23 until you were elected to the bench? A I did.

24 Q Do you know the defendant, Clarence Darrow? A I do,
25 very well.

26 Q How long have you known him? A Practically since I

1 have been practicing law.

2 Q You knew him as a lawyer here? A I did.

3 Q Did you know him in political life? A I did.

4 Q State whether or not he was a member of the legisla-
5 ture of Illinois at the same time that you were? "

6 MR KEETCH: Objected to as incompetent, irrelevant and
7 immaterial.

8 THE COURT: Overruled.

9 MR ROGERS: (Reading:) "A Yes sir, ~~he~~ was.

10 MR MASTERS: Q Was that your first or second term that
11 he was also a member of the legislature?"

12 MR KEETCH: The same objection.

13 THE COURT: Overruled.

14 MR ROGERS: (Reading:) "A The first session.

15 Q During the time that you knew MR Darrow, Judge, was
16 he a man who was much or little in public notice in the
17 city of Chicago, and state of Illinois?"

18 MR KEETCH: Same objection.

19 THE COURT: Overruled.

20 MR ROGERS: (Reading:) "A He was in political notice.

21 Q Did you ever have any professional relationship with
22 him? A I did.

23 Q When was that?"

24 MR KEETCH: The same objection.

25 THE COURT: Overruled.

26 MR ROGERS: (Reading:) "A Well, more or less covering

1 the period I knew him.

2 Q Did you ever have any particular professional relation-
3 ship with him? "

4 MR KEETCH: The same objection.

5 THE COURT: Overruled.

6 MR ROGERS: (Reading:) "A We dealt in lawsuits together
7 for and against one another.

8 Q During the time you were a member of the legislature
9 I will ask you to state whether any question arose as to
10 appropriation of money for what is known as the Illinois
11 & Michigan canal."

12 MR KEETCH: Objected to as incompetent, irrelevant and
13 immaterial.

14 THE COURT: Overruled.

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

16 Q I mean the time you were a member and he was also a
17 member of the legislature?"

18 MR KEETCH: The same objection.

19 THE COURT: Overruled.

20 MR ROGERS: (Reading:) "Did the subject matter of that
21 appropriation develop into any professional relationship?

22 A Yes sir, it did.

23 Q Between you and the defendant, Clarence Darrow?"

24 MR KEETCH: The same objection.

25 THE COURT: Overruled.

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

1 Q Will you state what that was and tell about it? "

2 MR KEETCH: The same objection.

3 THE COURT: Overruled.

4 MR ROGERS: (Reading:) "A The 43rd General Assembly had
5 passed an appropriation for the purpose of maintaining the
6 old Illinois & Michigan canal, the appropriation amounting
7 to \$152,950. In the legislature of which Mr Darrow was a
8 member, this appropriation was passed. Before the appro-
9 priation became available --

10 Q If I may interrupt you there, do you know what his
11 vote was on that subject?"

12 MR ROGERS: I will not insist.

13 MR KEETCH: The same objection. All these matters go to
14 the witness' personal knowledge, and does not go to the
15 reputation, all of this.

16 THE COURT: I assumed they were preliminary, but they don't
17 seem to be arriving anywhere. Counsel says he desires to
18 waive it, though.

19 MR ROGERS: I waive that one question. The next question
20 is, (Reading) "Q Proceed now." That goes back to
21 the question to which your Honor has already overruled an
22 objection. (Reading:) "A After the bill had passed
23 the House, and Senate and signed by the Governor, I called
24 on the States Attorney of Sangamon County, advising him
25 of the fight I had made before the House with reference
26 to the unconstitutionality of the appropriations. I re-

1 ceived assurances from the States Attorney of Sangamon
2 County that he would file a bill restraining the payment of
3 the money, which money, under the laws of our state, be-
4 came available on the 1st of July of the same year. I
5 was disappointed in the States Attorney of Sangamon County,
6 on appointments he had made with me, and I then confer-
7 red with the then States Attorney of Cook County, the now
8 present Governor of this state, Governor Deneen -- "

9 MR KEETCH: Pardon me. I think you must see from the na-
10 ture of this recital of all this man's engagements with
11 Mr Darrow cannot have any possible relation to this case;
12 it hasn't any connection with this case.

13 THE COURT: I don't think that is competent, Mr Rogers.

14 MR KEETCH: Simply a waste of time.

15 MR DARROW: Shows my connection at that time with him.

16 MR KEETCH: yes sir, personal matters, entirely.

17 MR ROGERS: In a few moments it shows the association be-
18 tween Governon Deneen of Illinois, the present Governor
19 of Illinois, Mr Barnes, now Judge Barnes, and the conduct
20 of the case by Mr Darrow for the State of Illinois, for
21 nothing, volunteering his services, and his acquaintance
22 with all those men.

23 THE COURT: Those matters, I think, would not be competent.
24 It is not necessary that the witness should know or recite
25 those things in order to enable him to qualify to give his
26 opinion as to the general reputation of Mr Darrow for

1 truth, honesty and integrity. The objection of the Dis-
2 trict Attorney, is sustained.

3 MR ROGERS: (Reading:) "Q During the time that you
4 have known MR Darrow, Judge, has he been a man much or lit-
5 tle in public notice in the city of Chicago and state of
6 Illinois? A He has been known much in public life.

7 Q Well, in what way? A Favorably.

8 Q I mean politically, legally, or literary, socially or
9 just in what way? I mean whether he had been much in pub-
10 lic notice? A He was.

11 Q In what particular? A In a legal sense, in a political
12 way, and in a literary way.

13 Q Did that public notice take the form of newspaper
14 comment, or did it take the form of conversations amongst
15 the citizens of Illinois? A Both.

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

20 Q What was that reputation? A Good.

21 Q Putting it in the present tense, what is that reputa-
22 tion now? A Good.

23 MR MASTERS: That is all.

24 MR KEETCH: That is all.

25 (signed.) Richard Burke."
26

1 MR. ROGERS. (Reading) "FRANCIS S. PEABODY, produced
2 as a witness on behalf of the defendant, having been first
3 duly sworn, was examined in chief by Mr. Masters and testi-
4 fied as follows:

5 Q State your full name, please? A Francis S- Peabody.

6 Q Where do you reside? A My home is in Hinsdale.

7 Q Prior to that time you lived in Chicago, did you?

8 A Yes. I have always lived in Chicago. My home is
9 there, my summer home in the country. I have given
10 up my winter home, but I am going to take it up again in the
11 fall.

12 Q How long have you resided in Chicago? A Since 1859.

13 Q That is pretty near all your life? A Since my birth.

14 Q What is your business, Mr. Peabody? A I am chiefly in
15 the coal business.

16 Q What is the name of the company or partnership you are
17 connected with in the coal business? A My principal and
18 oldest concern is the Peabody Coal Company. I am interested
19 in a number of other concerns.

20 Q What relation do you sustain to the Peabody Coal Company?
21 A President.

22 Q Have you ever held any official position in this county?

23 A I have been President of the Public Library Board, and
24 served as a Board member for a number of years- I never
25 held any position that paid me anything.

26 Q That is, any public position? A No public position that

1 paid me anything.

2 Q Were you at any time officially connected with any
3 political parties in this County? A Yes, sir.

4 MR. MASTERS. Q In what capacity?"

5 MR. KEETCH. Objected to as incompetent, irrelevant and
6 immaterial.

7 THE COURT. Objection overruled.

8 MR. ROGERS. (Reading.) "A I have been Chairman of the
9 Cook County Democratic Central Committee, and Treasurer of
10 the same; Chairman of the Sound Money Democracy in Mr.
11 Bryan's first cappaign and Treasurer of the same. I am
12 interested myself today in state politics and some in
13 national politics.

14 MR. MASTERS: Q Have you held any official position with
15 the national organization, or with any political party?

16 A Except working with them.

17 Q weren't you admitted to the bar, or didn't you study law?

18 A I studied law, but was never admitted to the bar.

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

20 Q How long have you known him? A I should think 20 or 25
21 years.

22 Q Where have you known him? A In Chicago.

23 Q What has been the nature and intimacy of your acquaintanc
24 with him? A At times we have been quite intimate.

25 Q Have you known him in political life in Chicago? A I
26 have.

1 Q And in social life? A Yes.

2 Q You have known him or known of him in sociological and
3 philanthropic work in this city?"

4 MR KEETCH: Objected to as incompetent, irrelevant and
5 immaterial.

6 THE COURT: Overruled.

7 MR ROGERS: (Reading:) "A I have been opposed to him on
8 a great many propositions.

9 Q I men have you known of those activities? A Natur-
10 ally, he has been in the papers a good deal.

11 Q During the time you have known him I will ask you to
12 state whether or not he was a man who was much or little
13 in public notice in Chicago? A He has been a great deal
14 in the public notice.

15 Q Do you know the general reputation which Mr Darrow
16 fore in the community in which he resides, previous to the
17 finding of these indictments against him, forthwith, hones-
18 ty and integrity? A Yes.

19 Q What was that reputation? A His reputation was good.
20 A clean man.

21 Q Put it in the present tense, what is that reputation
22 now? A Unless those indictments have changed it, I see
23 no reason why the reputation should be changed.

24 MR MASTERS: That is all.

25 MR KEETCH: That is all.

26 (Signed) Francis S. Peabody."

1 THE COURT: We will take a recess at this time, gentlemen.

2 (Jury admonished. Recess for five minutes.)

3 --

4 (After recess.)

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 MR. ROGERS. (Reading) "BURTON HANSON, produced as
2 a witness on behalf of the defendant, being first duly
3 sworn, was examined in chief by Mr. Masters, and testified
4 as follows:

5 Q Mr. Hanson, please state your full name? A Burton
6 Hanson.

7 Q Where do you live? A Chicago.

8 Q How long have you lived in Chicago? A Nearly 23 years;
9 it will be 23 years in July.

10 Q What is your profession? A Lawyer.

11 Q What interest are you identified with in the practice
12 of your profession? A With the Chicago, Milwaukee & St.
13 Paul Railway Company.

14 Q In what capacity? A At present, the general counsel
15 of the company.

16 Q Have you ever held any official position in this County
17 or any other place? A No, sir.

18 Q Do you know the defendant, Clarence S. Darrow? A Yes,
19 sir.

20 Q How long have you known him? A I have known Mr.
21 Darrow about 25 years.

22 Q And all that time in the City of Chicago? A Yes, sir.
23 I knew him before I came to Chicago.

24 Q Where did you come from to this city? A Milwaukee.

25 Q Were you practicing law there before you came here?

26 A I was with the Chicago, Milwaukee & St. Paul Railway
Company there.

1 Q What has been the nature and intimacy of your acquaintanc
 2 with him, Mr. Darrow, I mean? A I became acquainted with
 3 him when I was located at Milwaukee, with the Chicago,
 4 Milwaukee & St. Paul Railway, by reason of his connection
 5 with the Chicago & Northwestern Railroad company here in
 6 Chicago.

7 Q How many years ago was that? A That is about 25 years
 8 ago.

9 Q What was his position as you recollect it with the
 10 Chicago & Northwestern Railroad? A I think he had the
 11 title of general attorney, if I recollect rightly, with the
 12 Chicago & Northwestern.

13 Q In that way you became acquainted with him, did you?
 14 A Yes, sir.

15 Q In what other relations did you know him, Mr. Hanson?

16 A Why, after coming to Chicago I met him from time to
 17 time. I didnt know many lawyers at that time in Chicago,
 18 and he was one of my acquaintances, and then at different
 19 times after he left the Northwestern Company, he had liti-
 20 gation against the Chicago, Milwaukee & St. Paul, and
 21 I met him in that way; and then we used to meet socially
 22 in a way, and we would talk over matters, one thing and
 23 another, that has been my relation with him.

24 Q During the time you knew him and knew of him here, I
 25 wish you would state whether or not he was a character or
 26 personality who was much or little discussed? A Well, Mr.
 Darrow, I think has been discussed somewhat more than

1 lawyers generally are in Chicago, I should say.

2 Q That was in what particular? A Well, he has been con-
3 nected with the social questions, you might call them, labor
4 questions.

5 Q How about the political questions? A Well, the same
6 thing, in a way, I think. I dont recollect of his holding
7 any elective office; he may have had some appointment.

8 Q I mean how were the comments or discussions of him with
9 reference to political matters, as well as to social and
10 economic questions?

11 THEWITNESS. Will you read that question, please?

12 (Question read.)

13 MR. MASTERS. Discussions, I mean, as to his political
14 activities, as well as of social and economic activities?

15 A Yes, sir.

16 Q Do you know the general reputation which Mr. Darrow
17 bore in the community in which he resides? A I do.

18 Q previous to the finding of these indictments against
19 him, for truth, honesty and integrity? A I do.

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

21 Q What is that reputation now? A It is good.

22 MR. MASTERS. That is all."

23 MR. KEETCH. (Reading) "Cross-examination, By Mr. Keetch:

24 Q Mr. Hanson, you say you have known him for something like
25 25 years? A Yes, sir.

26 Q And you base the statement of his reputation being good

1 in the community in which he lives for truth, honesty and
2 integrity upon what, sir? A Upon my acquaintance with
3 him and his general reputation among the people here in
4 Chicago?

5 Q Was his truth, honesty and integrity been discussed?
6 A Not particularly, probably, in the sense that you
7 mean it, but generally as he has been discussed as a man
8 of good standing, not only as a lawyer but as a citizen
9 here.

10 Q That is what you mean when you say that his reputation
11 is good? A Yes, sir; that it is good among the people
12 here in Chicago.

13 MR. KEETCH. I think that is all. Thank you very much.

14 MR. MASTERS. That is all, Mr. Hanson. Thank you.

15 (Signed) Burton Hanson."
16
17
18
19
20
21
22
23
24
25
26

1 MR ROGERS: (Reading:)

2 "JOHN P. MCGOORTY, produced as a witness on
3 behalf of the defendant, having been first duly sworn, was
4 examined in chief by Mr Masters, and testified as follows:

5 Q Please state your full name? A John Patrick Mc-
6 Goorty.

7 Q Where do you live? A 6204 Kimbark Avenue, Chicago,
8 Illinois.

9 Q How long have you lived in the city of Chicago?

10 A About twenty-six years.

11 Q What is your age, Judge? A Forty-five.

12 Q Are you holding any official position in this County
13 at the present time? A Circuit Judge.

14 Q When were you elected Circuit Judge? A November, 1911.

15 Q That is, Judge of the Circuit Court of Cook County,
16 Illinois? A Yes sir.

17 Q Have you held any other official position in this
18 County or State? A I was president of the County Civil
19 Service Commission, from December, 1910, to March, 1911;
20 I was a member of the Illinois General Assembly for eight
21 years. I was a member of the Chicago Charter Convention
22 while it was in being; I have been appointed on various
23 commissions, a Delegate to the Congress on Uniform Divorce
24 Laws by Governor Deneen a few years ago.

25 Q Before the time you were elected to the Circuit Court
26 of Cook County, you were in the practice of the profession

1 of law in this county and state, were you? A Yes sir.

2 Q And in this City? A Yes sir.

3 Q For how many years, Judge? A Well, commencing with
4 June of 1892; about nineteen years.

5 Q You were admitted to the bar in this state, I believe?

6 A Yes.

7 Q What year was that? A June, 1892.

8 Q When I say admitted to the bar, I mean initially here?

9 A Yes sir.

10 Q And you were not admitted in any other state first?

11 A No sir.

12 Q Do you know Clarence S. Darrow, the defendant in this
13 case? A Yes sir.

14 Q How long have you known him? A About twenty years.

15 Q Where have you known him? A In Chicago.

16 Q What has been the nature and intimacy of your acquaint-
17 ance with him? A Well, I met him frequently socially
18 and professionally. We were neighbors, I think, for per-
19 haps three or four years last past, and my meetings with
20 him have been comparatively frequent, taking into consider-
21 ation the size of the city.

22 Q Do you know the general reputation which Mr Darrow
23 bore in the community in which he resides, previous to
24 the finding of these indictments against him, for truth,
25 honesty and integrity? A Yes sir.

26 Q What was that reputation? A Very good.

1 Q And putting it in the present tense, what is that repu-
2 tation now? A I still regard it as good. He still en-
3 joys the confidence of this community.

4 MR MASTERS: That is all."

5 MR KEETCH: (Reading:)

6 " CROSS-EXAMINATION

7 By Mr Keetch:

8 Q Has this matter of the indictments been discussed
9 much in Chicago since they were returned? A Well, I think
10 they have. I was absent from the city, I was in Florida
11 at the time he was reported to have been indicted, and I
12 cannot say of my own knowledge that I have heard very
13 much discussion, although I have heard some.

14 Q What do you base your statement on that his reputation
15 is still good in the community? A Well, from the expres-
16 sions of confidence that I have heard expressed by various
17 members of the bar.

18 Q You have discussed it with them, have you? A Well,
19 to some extent. Not to any considerable extent, but the
20 matter has been referred to. I cannot say that I have made
21 any lengthy discussion of it with any particular person
22 that I can now recall.

23 Q And when you said, "community", you meant the larger
24 community of Chicago? A Yes sir.

25 Q And not the particular neighborhood in which you live?
A No, I am referring to the city ingeneral.

26 MR KEETCH: That is all.

MR MASTERS: That is all.

(Signed.) John P. McGoorty."

1 MR ROGERS: (Reading:)

2 "JOHN E. OWENS, produced as a witness on
3 behalf of the defendant, having been first duly sworn, was
4 examined in chief by Mr Masters, and testified as follows:

5 Q Will you please state your full name, Judge? A John
6 E. Owens.

7 Q Where do you reside? A 3335 Warren Avenue.

8 Q How long have you lived in the City of Chicago, County
9 of Cook, and State of Illinois? A Since 1875.

10 Q That was the year of your birth? A Yes, the year I
11 was born.

12 Q Do you hold any official position in this county, Judge?

13 A At present I am County Judge of Cook County.

14 Q Elected what year? A Elected in November, 1911.

15 Q Did you hold any other official position in this county?

16 A I did. I was City Attorney from 1901 to 1903.

17 Q That is City Attorney of the City of Chicago, Cook
18 County, Illinois? A Of Chicago, yes; and Master in Chancery
19 of the Circuit Court for six years.

20 Q That was from when to when? A From the time that I
21 was City Attorney up to the present -- until I was
22 elected Judge of the County Court.

23 Q Have you held any other official positions? A None.

24 Q When were you admitted to the bar, Judge? A Admitted
25 to the bar in 1896.

26 Q Did you practice your profession until the time you

1 were elected City Attorney? A 1896 or 1897. I was admit-
2 ted to the bar when I was just about 21. My license did
3 not issue -- I passed the bar examination, but I think my
4 license did not issue until a few months after that time,
5 under the statute. I think it was 1896 or 1897.

6 Q From the time of your admission until you were elected
7 City Attorney, you were practicing your profession? A Yes.

8 Q And from the time your incumbency of that office ceas-
9 ed, until you were elected Judge, were you practicing your
10 profession of law? A I was.

11 Q In the City of Chicago, County of Cook, State of
12 Illinois? A I was.

13 Q Were you admitted to the bar in this state? A I was.

14 Q And anywhere else? A No.

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

17 Q How long have you known him, Judge? A I have known
18 him about fifteen years.

19 Q Where have you known him? A I have known him in
20 Chicago.

21 Q Any other place? A No.

22 Q What has been the nature and intimacy of your ac-
23 quaintance with him? A Well, I was brought in personal
24 contact with Mr Darrow first, I knew Mr Darrow personally,
25 about fifteen years ago, and more especially I was brought
26 in personal contact with him about eight or nine years ago,

1 when I was City Attorney; and it was through my official
2 capacity as City Attorney that I knew him and met him in
3 the trial of law suits against the city of Chicago,
4 and personally.

5 Q Did you know him in political life in this city? A I
6 did; I knew him very well in political life. I knew Mr
7 Darrow during the last Harrison campaign, I think it was,
8 when I was a candidate for City Attorney. Mr Darrow had
9 been prominently mentioned as a candidate for Mayor.

10 Q What year was that, Judge? A That was in the year --
11 I think it was 1893 -- 1903.

12 Q 1903? A 1903, yes sir. Mr Darrow was mentioned, as
13 I was mentioning, prominently mentioned, in connection
14 with the office, and I talked with Mr Harrison, now the
15 present Mayor, talked with Mr Darrow, talked with the
16 Chairman of the Democratic County Central Committee, Mr
17 Carey, at that time, and of course, we all urged Mr Darrow
18 I was a candidate myself for City Attorney;
19 not to become a candidate, from a selfish standpoint; we
20 all wanted to be elected. But I talked with Mr Darrow in
21 that connection.

22 Q Have you known him in social life in this city?

23 A I have very well.

24 Q You have already covered professional life? Are you
25 a member of the various organizations of lawyers?

26 A I am, yes, the bar association, the Illinois State
Bar Association."

1 MR KEETCH: All this is objectionable as a matter of form.
2 That was my objection at that time, and I add the further
3 objection it is incompetent, irrelevant and immaterial.

4 THE COURT: Objection overruled.

5 MR KEETCH: That is, with respect to the City Attorneyship,
6 and so forth, in connection with that.

7 THE COURT: His standing and status in the community.

8 MR KEETCH: I am referring to the witness' status in the
9 community.

10 THE COURT: Yes, the objection is overruled.

11 MR ROGERS: (Reading:) "Q Are you a member of the
12 American Bar Association? A I think not, no.

13 Q Have you known the defendant, Darrow, in these organ-
14 izations of lawyers here in the City of Chicago? A I
15 have.

16 Q During the time that you have known Darrow, Judge, I
17 ~~wish~~ you would state whether or not he has been a man who
18 was much or little in the public notice here? A Mr Dar-
19 row has been considerably in public notice. In fact,
20 I think few men of Chicago have had the publicity that Mr
21 Darrow has had. I always regarded Mr Darrow as one of the
22 greatest men in public life here in Chicago.

23 Q Do you know the general reputation which Mr Darrow
24 bore in the community in which he resides, previous to
25 the filing of these indictments against him, for truth,
26 honesty and integrity? A I do.

1 Q That is that reputation? A It was good.

2 Q Putting it in the present tense, what is that reputa-
3 tion now? A Just as good.

4 MR MASTERS: That is all, Judge.

5 MR KEETCH: That is all, Judge Owens.

6 (Signed.) John S. Owens."
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 MR. ROGERS. (Reading) "MARCUS A. KAVANAGH, produced
2 as a witness on behalf of the defendant, being first duly
3 sworn, was examined in chief by Mr. Masters, and testified
4 as follows:

5 Q Judge, will you please state your full name? A Marcus

6 A. Kavanach.

7 Q Where do you live? A Chicago.

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

9 A Since 1889.

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

11 A I am one of the judges of the Superior Court of this
12 county.

13 Q How long have you held that position? A Since 1898.

14 Q Before that time were you in the practice of the law
15 in this city? A I was.

16 Q For how many years? A Since 1889.

17 Q Were you initially admitted to the practice of law in
18 this state or some other state? A No, I was admitted in
19 the state of Iowa.

20 Q Can you remember the date? A In 1877.

21 Q Have you held any other position in this county than
22 that of judge? A Well, prior to 1898, I was Colonel of
23 the Seventh Illinois Infantry, Spanish-American war. Was
24 judge on the bench out in Iowa, Judge of the District Court
25 in the Ninth Judicial district.

26 Q In what city? A In Des Moines. And was city attorney

1 of that town a couple of terms.

2 Q Are you a member of the Illinois Bar Association?

3 A Yes.

4 Q And the City Bar Association? A Yes.

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

6 A Yes.

7 Q Have you held any official position in any of those
8 organizations? A No.

9 Q Or in the Law Institute of the City of Chicago?

10 A No.

11 Q Your politics are what, Judge? A Republican.

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

14 Q How long have you known him? A Well, I think as long
15 as I have been in Chicago, I think since 1888, I am not
16 certain.

17 Q And you have known him in Chicago alone, no other place?

18 A No other place, no.

19 Q What has been the nature and intimacy of your acquaint-
20 ance? A I knew him as a member of the bar, tried
21 cases against him when I was at the bar, met him, not
22 frequently but socially occasionally. He has tried
23 cases in my court since I have been on the bench and I
24 have met him in company with other lawyers.

25 Q Have you met him socially? A Yes, sometimes.

26 Q Have you known him in a political life in Chicago?

1 A Well, only by reputation.

2 Q Did you know him as a member in attendance of meet-
3 ings in any of the bar associations that I have mentioned?

4 A Yes.

5 Q Did you see him there frequently? A Well, not fre-
6 quently no, because I did not attend them frequently myself

7 Q During the time that you knew Mr. Darrow, was he a man
8 who was much or little in public notice in this city, the
9 city of Chicago? A He has always been a great deal in
10 public notice.

11 Q In what relation or in reference to what? Profession-
12 ally, politically or in what way? A Professionally and
13 civic matters and reform movements.

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

18 Q What was that reputation? A Good.

19 Q Putting it in the present tense, what is that reputation
20 now? A I think it is still good.

21 MR. MASTERS. That is all.

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

23 (Signed) Marcus A. Kavanagh."

24

25

26

1 MR. ROGERS. (Reading) "KICKHAM SCANLAN, produced as
2 a witness on behalf of the defendat, having been first
3 duly sworn, was examined in chief by Mr. Masters, and
4 testified as follows:

5 Q Please state your full name? A Kickham Scanlan.

6 Q Where do you reside? A 2118 Ewing Place, Chicago,
7 Illinois.

8 Q How long have you lived in Chicago? A I was born here.
9 I have lived here practically ally my life. I was born here
10 47 years ago, and I was away for a few years to school, a
11 few years in Washington.

12 Q Do you hold any official position in this county? A I
13 am one of the Judges of the Circuit Court of Cook County.

14 Q When were you elected? A Three years ago.

15 Q ~~Have~~ Have you held any other official position in this
16 County? A I have not. I never aspired to any. I will
17 take that back. There was atime in my young days when I
18 wanted to be States Attorney of this County, but it is so
19 long ago that I had forgotten about it.

20 Q Was there any time when you were in any way, specially
21 or otherwise, connected with the States Attorney's office
22 of Cook County, Illinois? A Yes, sir.

23 Q When was that? A I was special counsel for the State
24 in the prosecution of the Dr. Cronin murder case--one of the
25 speial counsel inthe first trial, and the special counsel
26 in the second trial. I was also special counsel for the

1 people in the Jury Bribing cases, People vs John Graham,
2 and others.

3 Q When was the latter case tried? A About 22 years ago.
4 I have been also special States Attorney on a few other
5 occasions.

6 Q About how many more? A Half a dozen, I should say.
7 I served as Assistant States Attorney at one time here
8 when there was a bad condition of affairs in the calendar,
9 the calendars were clogged, and I acted for 60 or 90 days,
10 as one of the Assistant States Attorneys at that time to
11 aid in clearing the dockets.

12 Q During whose administration was that? A Well, I
13 acted as Special States Attorney in Judge Longeneck-
14 er's and Jacob J. Kern's administration.

15 Q That is, when Mr. Longnecker and Mr. Kern were res-
16 pectively States Attorney of Cook County, Illinois? A Yes,
17 sir.

18 Q Before you were elected to the bench, state whether or
19 not you were in the practice of your profession, in the
20 practice of law? A I was.

21 Q Where? A Chicago, Cook County, Illinois.

22 Q Have you ever practiced any other place? A I have
23 tried cases in a number of other states, but I just went
24 there to try them.

25 Q Your professional life has been here, outside of those
26 exceptions? A yes. I just went there especially to try

1 those cases.

2 Q Did you have anything to do with the States Attorney's
3 office during the time Luther Laflin Mills was States At-
4 torney? A I did not. I went with him right after he left
5 the States Attorney's office.

6 Q But you remember when he was States Attorney? A Yes,
7 sir; I do.

8 Q You were living here at that time? A Yes, sir.

9 Q I wish you would state, Judge some of the cases you par-
10 ticipated in while you were at the bar? Q Name a few
11 of the prominent cases you took part in? A I dont know
12 just what cases you have in mind.

13 Q I mean rather important cases? A I have been rather
14 active in the trial of cases for a quarter of a century.

15 Q Where were you admitted to the bar? A Chicago the
16 State of Illinois.

17 Q What year? A 1888 or 1889.

18 Q Where did you attend school? A Chicago College of
19 Law. Do you mean law school?

20 Q I mean before you began to study law? A The public
21 schools, and high schools, Washington, District of Colum-
22 bia, University of Notre Dame, Chicago, College of law.

23 Q Are you a member of the Chicago Bar Association? A

24 A I am.

25 Q And of the Illinois State Bar Association? A I am.

26 Q Are you a member of the American Bar Association? A I

1 am not.

2 Q Have you ever held any official position in any of
3 those organizations? A I have not.

4 Q Or in what is known as the Chicago Law Institute?

5 A I have not.

6 Q Your politics are what, Judge? A Republican.

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

8 A Very well.

9 Q How long have you known him? A Just about a quarter
10 of a century.

11 Q Where have you known him? A I have known him here
12 in Chicago.

13 Q During any of the time that you knew him in Chicago
14 were your offices near his? A For many years his offices
15 were on ~~the~~ same floor of the same building as mine were.

16 Q During that period of time I wish you would state
17 how frequently you saw him? A Oh, every day, I should
18 say; practicaly every day. Of course, there would be
19 days that I would not see him.

20 Q Prior to the time that you had offices in the
21 same building I wish you would state how frequently you
22 saw him, and where? A Quite often. I knew Mr. Darrow
23 from the time that he first came into prominence in the
24 City of Chicago.

25 Q Will you state what was the nature and intimacy of your
26 acquaintance with him? A I knew him as a lawyer, and as a

1 man, quite well.

2 Q Did you know him in political life? Or, rather,
3 did you know of him in political life? A I did.

4 Q Did you know him socially? A Yes, sir.

5 Q In social life? A Yes, I knew him socially.

6 Q During the time that you knew Darrow, state whether
7 or not he was a man who was much or little in public
8 notice? A He was very much in public notice.

9 Q In what particular, as to the form of that notice?
10 I do not mean as to the subject matter, but as to the form
11 of its expression as to whether in the newspapers or by word
12 of mouth or in what way? A Yes, he figured quite pro-
13 minently in the newspapers. He was a talker on many
14 public occasions, and he took an active part in politics
15 of this county, although he did not belong to either the
16 Democrats or the Republican party, as I understand it,
17 he was ^{an} independent in politics.

18 Q Do you know the general reputation which Mr. Darrow
19 bore in the community in which he resides, previous to
20 the finding of these indictments against him, for
21 truth, honesty and integrity? A I do.

22 Q What was that reputation? A It was very good.

23 Q What is that reputation? A It is very good now.

24 MR. MASTERS. That is all."

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

26 Q Judge, these cases that you have spoken of that you

1 tried as States Attorney, People vs. John Graham,
2 when were they tried? A That case was tried about 22
3 or 23 years ago.

4 Q Were you interested either as States Attorney or as
5 Judge in cases which were tried, I believe the names
6 were Gallagher and a man named Gy Simon and several
7 others? A I was not.

8 Q For bribery, jury bribery? A No, I was not.

9 Q Do you remember anything about that? A I remember
10 such cases, from reading about them, but I took no part
11 in them.

12 Q That was about ten years ago, wasn't it? A I should
13 not think so, but it may be. Time flies.

14 Q You were not connected with the States Attorney's
15 office then? A No, I was not.

16 Q Who was then? A That was during the administration of
17 Mr. Deneen, as I recall it.

18 Q Then, you were not on the bench at that time, were
19 you? A I was not, no, sir.

20 Q You dont know whether Mr. Darrow defended those cases,
21 or/^{you} dont know his connection with them, of your own personal
22 knowledge? A I/^{have no} knowledge of that.

23 Q Your acquaintance with him was a little more than one of
24 mere acquaintance; it was one of intimacy and friendship?

25 A I knew him very well, indeed.

26 Q Have you ever had occasion to discuss his reputation with

1 any one, as to his truth, integrity and honesty?

2 A I don't think so.

3 Q And the reputation that you refer to is based upon the
4 fact that it has not been discussed? A I never heard it
5 questioned. I have heard his political views questioned,
6 but his integrity and honesty I never heard questioned.

7 Q I believe that reputation is what people say of others,
8 isn't it? A Reputation is what people say about men.

9 As I understand it the authorities have ruled that a man
10 may have the best reputation and yet ^{that reputation} be never spoken of.

11 Q That is true, Judge. A That is my understanding of the
12 rub.

13 Q It is on the negative side on which you base that
14 statement, is it? A I never heard his integrity or
15 honesty questioned by anybody. I have heard him discussed
16 probably as much as any man in Chicago.

17 MR. KEETCH. That is all.

18 MR. MASTERS. That is all.

19 (Signed) Kickham Scamlan."

20
21
22
23
24
25
26

1 MR. ROGERS. (Reading) "WILLIAM H. BARNUM, produced as
2 a witness on behalf of the defendant, having been first
3 duly sworn, was examined in chief by Mr. Masters, and testi-
4 fied as follows:

5 Q Will you please state your name? A William H. Barnum.

6 Q Where do you live, Judge? A My residence is in River-
7 side, ten miles from Chicago. My office and business are
8 here in Chicago.

9 Q How old are you, Judge? A Seventy two.

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

11 Q How long have you practiced law in the City of Chicago
12 and the county of Cook? A In Chicago since November 1867,
13 with the exception of my judicial term as Circuit Court,
14 which term was six years, and I resigned six months before
15 the expiration of the six years. All of the rest of the
16 time after that I have been practicing in Chicago.

17 Q During the time you were judge of the Court, were you
18 residing right in the City of Chicago? A Well, I lived
19 in a northern suburb for a time during my incumbency on the
20 bench for two or three years, then lived in Chicago for the
21 rest of my judicial term, substantially.

22 Q During the period you have practiced law in Chicago,
23 how much of that time have you lived within the actual
24 boundaries of the city? A Well, I should say, over
25 twenty-five years.

26 Q What official positions have you held? A Excuse me,

1 the rest of the time very close by, the suburb of Evanston,
2 and later the suburb of Riverside which is ten miles west.
3 I spent my whole time in the city except nights and
4 Sundays.

5 Q The suburb of Riverside, and the suburb on the North,
6 as far as the eye can observe, they run right together?

7 A I think Evanston is a part of the city now, but I am
8 not sure.

9 Q What official position have you held in this city?

10 A Only the position of Circuit Judge of the Circuit
11 Court of Cook County.

12 Q When was that? A From June, 1879, a term of six
13 years, and I resigned on the 1st of December, 1884, to
14 go back into practice.

15 Q And from that time to this, you have been practicing
16 law? A Yes, sir.

17 Q Continuously in Chicago? A Yes, in all of the courts.

18 Q Do you know Clarence S. Darrow? A In all of the courts
19 except the Municipal Courts, I should say.

20 Q I say, do you know Clarence S. Darrow? A Very well
21 indeed.

22 Q How long have you known him, Judge? A Well, I
23 have known him practically ever since he came to Chicago
24 as a young man. I don't know just what year that was, but
25 it certainly is as far back as 1880 or 1881, I should say.

26 Q Was it prior to the time that you resigned from the

1 bench? A Well, yes, that is my recollection.

2 Q That is your recollection? A Yes, sir.

3 Q Was your acquaintance with him in the City of Chicago
4 and in this county? A It was both in the City of Chicago
5 and in my suburban homes, or one of them, at least.

6 Q What has been the nature and intimacy of your acquaintan-
7 ce with him? A My acquaintance with him began with the
8 interest that I took in his appearance as a young man. I
9 had little or no intimacy with him for two or three years
10 after I first saw him. I happened to meet him somewhere on
11 the west side, at a gathering, but I felt interested in
12 him, and about two or three years after that the interest
13 became extended and became greater and greater, and has con-
14 tinued up until this time.

15 Q Have you known him in public life, Judge? A Very
16 well.

17 Q And in professional life? A Very well, indeed.

18 Q And in political life? A Yes.

19 Q Have you known him socially? A Yes.

20 Q What has been the nature of his experience and career
21 in the City of Chicago, as to whether he was much or little
22 in the public notice during the period that you knew
23 him? A I can hardly remember the time in the last 25
24 years, I should think, that he was not a marked and a rather
25 noted man in this community.

26 Q How has he been as to whether he was much or little dis-

1 cussed by members of the bar and by people in social and
2 political life here? A Well, I would not call it discus-
3 sion, because he did not come under discussion, but--

4 Q Use the word 'mentioned.' A I know that he was
5 spoken of a very great deal for his character and talents ,
6 very generally .

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

11 Q What was that reputation? A Good, very good indeed.

12 Q What is that reputation? A Parring what has arisen
13 and occurred in my presence a few times only in relation
14 to the matter of these indictments, his reputation is just
15 as good as it ever was among his general acquaintances and
16 in the circles in which he had moved, it is just as
17 good as it ever was.

18 Q But that qualification of yours is limited to that?

19 A To that subject matter.

20 Q , limited to the subject matter of these things which
21 have been said since the finding of these indictments?

22 A The subject matter of these indictments.

23 Q You are using the word reputation in the connection to
24 mean what people say to you? A The general reputation
25 among his neighbors and acquaintances as they know him,
26 in reference to the matter indicated.

1 MR. MASTERS. That is all."

2 MR. KEETCH. (Reading) "Cross-Examination, By Mr. Keetch:

3 Q You say that you took an interest in Mr. Darrow as a
4 young man? A I did. I was struck by his appearance.

5 Q And you have followed his career ever since? A Yes,
6 sir.

7 Q Closely and intimately? A Yes, sir.

8 Q And have been a close and intimate friend of his in
9 that respect? A We have been friends.

10 Q Now, the community that you referred to, Judge, not only
11 takes in the place where you and he have lived together
12 as neighbors, but takes in the City of Chicago as a whole?

13 A It takes in the whole city of Chicago, but we have never
14 lived next door neighbors, or as close neighbors. But
15 I know him, and I know his neighbors and acquaintances.

16 Q And you have been socially intimate? A yes; I have
17 traveled with him.

18 Q By reason of your interest in him, and friendship for
19 him, and so forth, you naturally would say what was good
20 of him, if you possibly could, under the circumstances.

21 A Well, I dont understand that I am testifying as to
22 my personal estimate or affection for him, or regard for
23 him, but I am testifying as to his general reputation, and
24 I have given my testimony on that line, and not in regard
25 to my personal opinion of him.

26 Q Well, Judge, of course I realize that you have been
on the bench for many years, and I am not at all questioning

1 any motives that you have in any sense of the word. I
2 simply want to get to the matter of your feeling for him,
3 which would be more or less biased by your intimacy with
4 him, wouldn't it? A I do not think that I am biased in
5 testifying as to his general reputation for honesty and in-
6 tegrity about which I am interrogated. I never heard of his
7 honesty, integrity and veracity brought into question
8 or made a matter of discussion, I have never heard it. I
9 have heard various things said which were highly compli-
10 mentary to him in all ways.

11 Q Then, as a matter of fact, the reputation that you
12 speak of is based generally, in the community, upon his
13 standing here as a lawyer, and as a public character and
14 speaker, a man interested in social questions, and a man
15 interested in political questions, is that right, Judge?

16 A That is part of it. His devotion and attachment to the
17 cause of duty and justice is another part of it. All of that
18 has been recognized in this community ever since he has
19 been in the public eye.

20 Q May I ask this: Of course you have followed the
21 proceedings in California? A No, I have not been able
22 to follow them in detail. I know in general what the
23 papers have contained and outlined.

24 Q As I say, by reason of your friendship for him, you
25 realize the position in which he is at the present time?

26 A I certainly do.

Q And you have come forward voluntarily to testify to
his general reputation? A I have, yes.

1 Q That is all, sir. Thank you very much.

2 MR. MASTERS. Q You have been asked to come here, haven't
3 you, Judge? A Yes.

4 MR. MASTERS. Q I asked you to come, didn't I? A yes,
5 voluntarily. I was not subpoenaed.

6 MR. MASTERS. That is all.

7 MR. KEETCH. That is all.

8 (Signed) William H. Barnum."
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 MR. ROGERS. (Reading) "AXEL CHYTRAUS, produced as
2 a witness on behalf of the defendant, having been first
3 duly sworn, was examined in chief by Mr. Masters, and
4 testified as follows:

5 Q Please state your full name? A Axel Chytraus.

6 Q Where do you reside? A 422 Arlington Place, Chicago
7 Illinois.

8 Q What is your age? A Fifty-two.

9 Q your profession? A Lawyer.

10 Q How long have you practiced law in the City of Chicago?

11 A Since 1881. Twenty-seven years, that would be.

12 Q Have you ever held any official position in this
13 County? A I have.

14 Q In the County of Cook, and state of Illinois? A I
15 have.

16 Q What position? A Judge of the Superior Court and
17 Judge of the Appellate Court, ex-officio.

18 Q How long were you a Judge of the Superior Court?

19 A Twelve years.

20 Q Is that the only official position that you have held?

21 A That is all.

22 Q In this county? A Yes, sir.

23 Q And as Judge of the Superior Court, you were ex-
24 officio Judge of the Appellate Court? A Yes, by appoint-
25 ment.

26 Q By appointment of the Supreme Court? A By appointment

1 of the Supreme Court of the State of Illinois.

2 Q And as Judge of the Superior Court, you held in the
3 Criminal Court, the Chancery Court, the Common Law Court?

4 A I did.

5 Q By assignment? A I did, rather by rotation.

6 Q By rotation. Do you know Clarence S. Darrow? A I do.

7 Q How long have you known him? A I would say since about
8 1885; 1884 or 1885.

9 Q Where have you known him? A Here in Chicago.

10 Q What is the nature and intimacy of your acquaintance with
11 him? A Professionally and personally.

12 Q Have you known him in any bar associations, and socially?

13 A Well, yes. Socially, I have not met him very much.

14 I have been to his house a couple of times--

15 Q You have known him, though? A --on personal matters.

16 Q You have known him mostly in the practice of his profes-
17 sion? A Yes, meeting him professionally, and knowing him
18 quite well.

19 Q And has he appeared before you a number of times?

20 A Yes, many times.

21 Q Do you know the general reputation which Mr. Darrow
22 bore in the community in which he resides? A I do.

23 Q Previous to the finding of these indictments against
24 him--do you know the general reputation he bore for
25 truth, honesty and integrity? A Yes, I do. When were
26 those indictments returned?

MR. MASTERS. When were they returned, Mr. Keetch?

1 MR. KEETCH. They were filed last--

2 MR. MASTERS. Last December?

3 MR. KEETCH. Last December.

4 MR. MASTERS. Or in January?

5 MR. KEETCH. No, no; filed in February.

6 THE WITNESS. Sometime in this year, wasn't it?

7 MR. KEETCH. In the fore part of February.

8 MR. MASTERS. Q What is your answer? A I do.

9 Q What was that reputation? A Good; very good.

10 Q What is that reputation? A It is good.

11 MR. MASTERS. That is all."

12 MR. KEETCH. (Reading) "Cross-Examination, by Mr.
13 Keetch.

14 Q Well, Judge, you have known Mr. Darrow some twenty-seven
15 years? A Yes.

16 Q Did you live near him? A I lived in Lake View,
17 and he lived sometimes up in Lake View, and at other
18 times in different parts of the city.

19 Q Is that where you lived? A I live in Lake View, what
20 we call Lake View.

21 Q Were you neighbors? A We never were very close neigh-
22 bors, only in a general sense.

23 Q Well, was your knowledge of him more personal?

24 I think you have said your knowledge was personal very large-
25 ly? A Both personal and professional.

26 Q Both personal and professional? A yes, sir. I

1 knew him as a lawyer, and professionally and personally.

2 Q you frequently met him? A Yes, sir.

3 Q And talked with him? A Yes, sir.

4 Q You have now the kindest feeling for him? A I have.

5 Q And if you can help him in any way, you naturally will
6 do so? A In any legitimate way, yes.

7 Q Exactly. I would not expect you to do it in any other
8 way. Any proper way. Far be it from me to suggest any-
9 thing else. Now, with reference to the community in which
10 he lives, do you refer to Chicago? A Chicago as a com-
11 munity.

12 Q Generally? A Yes, sir.

13 Q And the reputation which you say he has for truth,
14 honesty and integrity is governed by the City of Chicago?

15 A Yes, sir.

16 Q And your definition of reputation, Judge, is what?
17 May I ask you that? It seems to be an elemental question.

18 A Reputation--well, I don't know as I can give the dic-
19 tionary definition.

20 Q I don't ask you to do that. A But it is the way
21 in which a person is known. He may be favorably known or
22 unfavorably known.

23 Q As Judge of the Superior Court, have you discussed Mr.
24 Darrow's reputation for truth, honesty and integrity?

25 A Never.

26 Q Have you heard it discussed? A I can't say that I
have heard it discussed.

1 Q That is from what you have formed your opinion in
2 your own mind of the gentleman? A Yes and he has been
3 spoken of.

4 Q If you have heard him spoken of, you must have heard
5 him discussed, then? A Well, as I say, a man may be
6 spoken of and not discussed.

7 Q Spoken of with reference to honesty, integrity and
8 so forth? A Yes, sir.

9 Q And you have formed your opinion from that? A Yes, sir
10 MR. KEETCH. That is all, I think.

11 MR. MAsters. That is all, Judge.

12 (Signed) Axel Chytraus."
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 MR. ROGERS. (Reading) "EDGAR B TOLMAN, produced as
2 a witness on behalf of the defendant, being first duly
3 sworn, was examined in chief by Mr. Masters, and testified
4 as follows:

5 Q Major, will you please state your full name? A Edgar B
6 Tolman.

7 Q Where do you live? A I live at 5810 Woodlawn Avenue,
8 Chicago, Illinois.

9 Q How long have you lived in the city of Chicago? A About
10 forty years.

11 Q Where did you live before living in Chicago? A Sand-
12 wich, Illinois, Fort Madison, Iowa, and Lawrence, Massa-
13 chusetts.

14 Q Were you admitted to the bar initially in the State of
15 Illinois? A I was.

16 Q What year was that? A 1882.

17 Q And you have followed the profession of law from that
18 time until the present time? A I have, uninterruptedly,
19 in Chicago all the time.

20 Q Have you held any official positions, Major, in this
21 county? A Yes, sir.

22 Q Will you please state what they were? A I have held
23 but one official position connected with the city govern-
24 ment--I held two positions; I was first Attorney for the
25 Board of Local Improvements of the City of Chicago, and held
26 that position for two years.

1 Q When was that? A That was from 1901 to 1908. I was
2 then appointed Corporation Counsel of the City of Chicago, and
3 and held that office from 1908 to-- I think two years
4 and three months until sometime in July, 1905.

5 Q Any other official position? A Not in connection with
6 public service.

7 Q Well, I will enlarge the question, then. Any official
8 position of any kind? A I was Major commanding the Second
9 Battallion of Illinois Infantry, United States Volunteers,
10 during the war with Spain, from the beginning of that war
11 until the regiment was mustered out after its close. I was
12 also Major of the First Infantry Illinois National Guard for
13 five years prior to the breaking out of the war, and served
14 in the National Guard for sixteen years.

15 Q Are you a member of the Chicago Bar Association? A I
16 am.

17 Q And of the Illinois Bar Association? A Illinois State
18 Bar Association.

19 Q Illinois State Bar Association? A I am.

20 Q Are you a member of the American Bar Association?
21 A I am.

22 Q Have you held any official positions in any of those
23 organizations? A Yes, sir.

24 Q Will you please state what they were? A I am now the
25 President of the Chicago Bar Association, and I have been a
26 member of the Board of Managers of the Chicago Bar Asso-

1 ciation for-- Oh, I think six or eight different years
2 that I have had a membership on that Managing Committee, at
3 distant intervals. I have been for three successive
4 terms Chairman of the Committee on law reform in the
5 Illinois State Bar Association, and President of the Illi-
6 nois Conference for the reform of the law of practice and
7 procedure for three years, that conference being a con-
8 ference organized by the Illinois State Bar Association.

9 Q Have you held any official position in the American Bar
10 Association? A No, sir, I have not.

11 Q Are you a member of the Chicago Law Institute? A Yes,
12 sir.

13 Q Have you held any official position in that organiza-
14 tion? A No, I think not.

15 Q What is the name of your law firm, Major? A Tolman &
16 Redfield.

17 Q Do you know Clarence S. Darrow, the defendant in these
18 indictments? A I do.

19 Q How long have you known him? A Well, I should think
20 twenty-two years or thereabouts. My recollection is I
21 became acquainted with him before 1890. I know that I knew
22 him in 1890, and I think I knew him sometime before that.

23 Q And where has your acquaintance with him been, in the
24 city of Chicago or elsewhere? A In the city of Chicago, and
25 elsewhere, but principally in the City of Chicago.

26 Q What has been the nature and intimacy of your acquaint-

1 ance with him? A In 1890, Clarence Darrow was a neigh-
2 bor of mine; we came to the city on the same suburban
3 train, frequently conversing together during the trip.

4 Q What neighborhood do you refer to, Major? A I then
5 lived on 40th street near Grand Boulevard, in the City of
6 Chicago, and he lived in that neighborhood a little fur-
7 ther south. I saw him frequently getting on and off trains
8 at the same station and riding on the same train. I met
9 him in court with more or less frequency. Later on, after
10 I was Corporation Counsel, Mr. Darrow was retained by Judge
11 Dunne in the Chicago Traction Litigation, which has been in
12 my charge as Corporation Counsel, and I spent with him
13 then the greater part of two months in daily and nightly con-
14 ference in regard to the conduct of that case in the Supreme
15 Court of the United States. We went together to Washing-
16 ton, and were together there a couple of weeks, and I ^{have} seen
17 him frequently since, although not so frequently of course
18 as at that time.

19 Q Have you known him in political life in Chicago? A Yes,
20 sir.

21 Q In social life? A No, sir.

22 Q Have you known him in these organizations of lawyers
23 that you have mentioned? A Yes, sir.

24 Q During the time that you knew Darrow in Chicago, Illi-
25 nois, I wish you would state whether or not he was a man
26 who was much or little in public notice here? A Mr. Darrow

1 was much in the public eye. He was prominent in politics
2 and prominent in the practice of his profession, and he
3 was also a man of much prominence in his utterances on
4 public questions other than political or legal questions.

5 Q. You mean by that sociological and philanthropical ques-
6 tions? A. Those would be included in my word 'other'.

7 Q. I did not get that. A. Those two would be included in
8 my words 'other than legal or political.'

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

13 Q. What was that reputation? A. Good.

14 Q. Putting the question in the present tense, what is
15 that reputation? A. Good.

16 MR. MASTERS. That is all.

17 MR. KEETCH. No questions.

18 (Signed) Edgar B. Tolman."

19 THE COURT. Gentlemen of the jury, we will take a recess
20 until 2 o'clock.

21 (Jury admonished. Recess until 2 P.M.)

22

23

24

25

26