

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,

IN AND FOR THE COUNTY OF LOS ANGELES.

Dept. No. 11.

Hon. Geo. H. Hutton, Judge.

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The People of the State of California, )

Plaintiff, )

vs. )

No. 7373. )

Clarence Darrow, )

Defendant. )

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REPORTERS' TRANSCRIPT.

VOL. 86

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B, N. Smith,  
Official Reporter.

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1 August 8th, 1912. 10 A.M.

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

4 THE COURT: Mr Cantrell is on the witness stand. Is he  
5 here? Unless you waive his presence for the ruling.

6 MR GEISLER: Mr Rogers is not here.

7 THE COURT: We will wait a moment.  
8

9 EDWARD ADAMS CANTRELL on the stand for  
10 further direct examination.

11 THE COURT: Is the defense ready to proceed? All right;  
12 Mr Rogers is here. In regard to the question before  
13 the court yesterday, I am satisfied on the first case cit-  
14 ed by Mr Appel, the case of people against Webb in the 70th  
15 Cal., that it applies to this question. A clear ruling  
16 unless reversed by some subsequent decision. Elaborate  
17 argument was gone into on that subject, and I found no case  
18 that did overrule or modify that decision. Since adjourn-  
19 ment last night, I have examined the authorities subsequent  
20 to the 70th Cal., that had been cited to me, and I found  
21 no case that had modified or changed that ruling. I do  
22 not think the Supreme Court used the word "collateral" in  
23 a slack or careless way. They used it squarely, and I  
24 think they meant it. This is an impeachment upon a collate-  
25 al matter, and cannot be done. The objection is sustained.  
26 MR FREDERICKS: That is all, Mr Cantrell. We may be able

1 to reach the matter in some other way. At the present time  
2 we will have to withdraw the witness.

3 MR ROGERS: Would your Honor permit us two or three mo-  
4 ments for consultation?

5 THE COURT: Yes, take your time .

6 MR FREDERICKS: I suppose the ruling is without prejudice  
7 to our attempting to get this in in some other way by some  
8 other foundation, if we can lay it?

9 THE COURT: Well, the court will not anticipate any other  
10 form that the prosecuting attorney may present, but I am  
11 satisfied that the question in its present form is improper,  
12 and will not attempt to rule on anything else.

13 MR ROGERS: If your Honor please, your Honor has ruled  
14 that the matter is immaterial, and that the contradic-  
15 tion is collateral. That is a proposition in which we  
16 think your Honor is eminently justified by the authorities.  
17 This witness yesterday, either intentionally or by inad-  
18 vertence, because not being acquainted with the court room,  
19 I don,t know which, blerted out the statement that he had  
20 a conversation such as was indicated by the District At-  
21 torney's question, with MR Harriman. Therefore, it is in  
22 the minds of the jury, which I presume they cannot dis-  
23 abuse from their consideration of the case, therefore, in  
24 their minds, there stands the statement of this witness  
25 that he had such a conversation.

26 THE COURT: Where is the answer you refer to, Mr Rogers,

1 what page?

2 MR ROGERS: I am not sure it is in the record, nevertheless  
3 Mr Smith says it is in the record. Now, if your Honor  
4 please, under those conditions and circumstances, although  
5 we are satisfied your Honor's ruling is eminently well  
6 founded, we desire to cross-examine Mr Edward Adam Cantrell,  
7 and out of the wishes of Mr Harriman, Mr Darrow waives the  
8 legal right which he has established here, in order that  
9 Mr Harriman may confront this witness, and in order that  
10 he may be cross-examined as to the statements which are  
11 alleged to have been made, and we withdraw the objection.

12 MR FORD: If the court please, your Honor has already  
13 passed your opinion upon the weight of the testimony by  
14 ruling. Having done so, we feel, to allow the witness at  
15 the present time to have the question put to him at this  
16 time under those conditions would not be to give the tes-  
17 timony its proper effect before the jury, and we prefer  
18 at this time to withdraw the witness until we can lay a  
19 foundation which satisfies your Honor as to its material-  
20 ity, in order that his testimony may go to the jury, and  
21 that they be the sole judges of its effect, without being  
22 influenced in any manner by the expressions which your  
23 Honor has already given as to the weight of such testimony,  
24 in deciding it was collateral.

25 THE COURT: The court has not passed on the weight of the  
26 testimony.

1 MR FORD: The very ruling itself, your Honor, and the  
2 belief of your Honor at this time that the law does not  
3 permit that, certainly is an effect holding that it is  
4 not of sufficient weight to go before the jury. Your Honor  
5 well knows that the rules of evidence are the rules that  
6 have been laid down by the experience of centuries as to  
7 what is the best method of arriving at the truth, and what  
8 kind of testimony is reliable, and what kind of testimony  
9 may be safely relied on by the jury. I am satisfied that  
10 the jury by this time have gotten the same impression, where  
11 rule of  
12 the law excludes testimony, experience finds it is un-  
13 reliable, where the law holds from experience of ages  
14 past, that such testimony is unreliable, and the jury will  
15 undoubtedly believe that your Honor has ruled in this  
16 matter, taking the matter as he must from different lips,  
17 they must have arrived at the conclusion that testimony  
18 under these conditions is unreliable, and will not be  
19 considered by them and the proper weight from our  
20 point of view, would not be given to that character of tes-  
21 timony, and we prefer at this time in view of your Honor's  
22 ruling, to withdraw the witness until such time as we can  
23 lay the foundation which will satisfy your Honor as to its  
24 legality, and your Honor having ruled upon it, we leave  
25 the matter in abeyance until we can find some other means  
26

1 of impressing your Honor that your Honor's former decision  
2 was incorrect, we don't care to go to this jury with  
3 your Honor having ruled that the testimony was inadmis-  
4 sible, and then allow the defendant that right, the  
5 testimony having been characterized in such manner by the  
6 court's ruling, to go to the jury under those conditions.

7 MR. FREDERICKS. May I say a word or two?

8 THE COURT. Just a moment, Captain. If you have the page  
9 I would like to have my attention called to that.

10 MR. ROGERS. Yes, sir, page 6918, if your Honor pleases,  
11 line 7.

12 THE COURT. All right, Mr. Fredericks.

13 MR. FREDERICKS. Your Honor, this is a proceeding of law;  
14 it is true, while counsel on either side may differ as to  
15 what the law is, when the court finally decides what the  
16 law is, that is the law in this case; the court has  
17 decided in this case what the law is in this case, in this  
18 particular. Now, we cannot take the time of ourselves and  
19 the time of the jury and the time of the court to afford  
20 Mr. Harriman the opportunity, as he says, to confront this  
21 witness, and in a cross-examination that is absolutely  
22 futile, even though counsel had made no objection, if the  
23 court is of the opinion that the court has indicated here  
24 then the testimony of this witness is illegal and improper  
25 and cannot be gone into. Now, I think that we have ample  
26 to do to take up our time with the things we have to do,

1 and as the court has ruled and as that is the law in this  
2 case, let us abide by it and drive on to something else.

3 If Mr. Harriman wants to clear this matter he can do so by  
4 civil suit or by newspaper talk or any way he wants to.

5 Now, we are at a decided disadvantage here. We cannot go  
6 on and ask this witness any questions, because they can  
7 stop us at any time they want to and the thing should  
8 be either hot or cold, if it is going to be hot, let it  
9 be hot, and if it is going to be cold, let it be cold.

10 MR. ROGERS. Let us make it hot. I withdraw the objection.

11 MR. FREDERICKS. The court has ruled and we cannot go into  
12 it any further, it simply makes it a moot question; we  
13 withdraw the question and we withdraw the witness.

14 MR. ROGERS. I would like to cross-examine Mr. Edward  
15 Adams Cantrell.

16 MR. FREDERICKS. It is absolutely a moot question, there  
17 is nothing before the court and we decline to take up our  
18 time and the time of the court and the time of the jury  
19 with something<sup>which</sup>/at the behest or at the slightest whim of  
20 the defense can be stricken out.

21 MR. ROGERS. I would like to know why he supported Mr.  
22 Harriman after knowing him to be a perjurer, etc.

23 MR. FREDERICKS. There is nothing before this court, this  
24 witness's testimony stands absolutely nil, and it should  
25 remain so. We have enough witnesses to take up our time.

26 THE COURT. The question is before the court here, whe ther



1 or not at this time under existing circumstances the  
2 defense can withdraw its objection.

3 MR. ROGERS. If they withdraw the question, of course, we  
4 cannot do anything.

5 THE COURT: The question now having been withdrawn, I see  
6 nothing upon which I can act in any way, shape or form.  
7 The witness is excused.

8 MR. FREDERICKS. All right.

9 MR. ROGERS. Will the Court kindly order that Mr. Edward  
10 Adams Cantrell shall remain in attendance on the court.

11 MR. KEETCH. I think that is the order that has been issued  
12 by the court on yesterday afternoon.

13 MR. FREDERICKS. Leave your telephone number with us.

14 MR. ROGERS. You might give it to me, I might need it.

15 -----

16 J A M E S S R U F F,

17 called as a witness on behalf of the People, having been  
18 first duly sworn, in rebuttal, testified as follows:

19 DIRECT EXAMINATION.

20 MR- FREDERICKS.Q What is your name? A James S. Ruff.

21 THE COURT' how do you spell it? A Ru-f-f.

22 MR. FREDERICKS. Q Where do you live? A Shermah, Los  
23 Angeles County, California.

24 Q What is your business? A Street railway conductor.

25 Q What was your business inthe month of October, or inthe  
26 month of November and the forepart of December, 1911?

1 A Why, I was occupying the position as street railway  
2 conductor.

3 Q On what line? A Well, it was at that time called the  
4 Los Angeles Pacific Company.

5 Q And where did it run from and to? A Well, my  
6 division ran from what is known as Crescent Junction to  
7 Hill street station, Los Angeles, here.

8 Q Through a part of Hollywood? A Well, it is South  
9 Hollywood, called South Hollywood.

10 Q And what time in the morning did the car that you had  
11 charge of come into Los Angeles, say the first three runs?

12 A Well, my first run, I would arrive in Los Angeles at  
13 8:28.

14 MR. DARROW. Q You say you would arrive at 8:28?

15 A Arrive at 8:28.

16 Q What time did you leave Crescent Junction on that  
17 run? A I left Crescent Junction on that run at 7:58.

18 Q Two minutes to 8? A 2 minutes to 8.

19 MR. FOGERS. The witness says he arrived in Los Angeles at  
20 8:28 and it might be well to find at what point.

21 MR. FREDERICKS. Q Where in Los Angeles? A What is known  
22 as the Hill street station, Fourth and Hill--between  
23 Fourth and Fifth on Hill street.

24 Q Leaving at 7:58, 2 minutes to 8, and got in here at  
25 2 minutes to half past 8? A Yes, sir.

26 Q What was your next run, in leaving Crescent Junction,

1 at what time? A Leaving Crescent Junction at 9:28, ar-  
2 riving an hour and 30 minutes later.

3 Q And the next run left at 10:58? A Yes, 10:58.

4 Q 7:58; 9:28 and 10:58? A yes, sir.

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1 Q Do you know Mr Frank E. Wolfe, or did you know him at  
2 that time, and did you know who he was when you saw him?

3 A I know him to see him, that is all; I don't know him  
4 personally.

5 Q Now, I am talking about a time, say, for a month prior  
6 to the city election in Los Angeles, which was the 5th  
7 of December, 1911: state whether or not you were running  
8 the car at that time which left at 7:58 and got in here to  
9 Los Angeles at 8:28? A yes sir, I was.

10 Q Now, how often during a week, did Mr Wolf ride on your  
11 7:58 car?

12 MR APPEL: Wait a moment. We object to that on the ground  
13 it is not rebuttal; it is incompetent, irrelevant and imma-  
14 terial for any purpose whatsoever.

15 THE COURT: Objection overruled.

16 MR APPEL: We take an exception. Let me make my objection  
17 more formal, your Honor.

18 THE COURT: yes. Go ahead.

19 MR APPEL: That it does not tend, that the habits of the  
20 witness Wolfe, or what he did upon any other occasion than  
21 the morning of the 28th day of November, 1911, do not in  
22 any manner tend to contradict him as to any portion of his  
23 testimony relating to his acts upon the morning of November  
24 28th, 1911.

25 MR FREDERICKS: I call the court's attention to the testimony  
26 of Mr Wolfe on the stand --

1 THE COURT: I remember it. Objection overruled.

2 MR DARROW: I want to add another objection, that is, that  
3 the witness has not said he knows. The first question  
4 should be, do you know how often?

5 THE COURT: Is that not in the question?

6 MR FREDERICKS: If you know.

7 MR DARROW: The first question should be if he knows.

8 (Question read.)

9 MR FORD: He just added it.

10 THE COURT: The question as amended or as substituted,  
11 you can answer the question as amended.

12 MR DARROW: If you know.

13 MR FREDERICKS: Now, answer the question, if you have it  
14 in mind. A Well, I don't think Mr Wolfe rode my car more  
15 than --

16 MR APPEL: Wait a moment, now.

17 MR FORD: Let the witness finish his answer, and then  
18 make your objection.

19 THE COURT: The question is, Mr Ruff, do you know.

20 MR FREDERICKS: That is an answer. Now, your Honor, I  
21 think a witness should be permitted to answer the question  
22 and then if it is wrong, let it be stricken out; this way  
23 of stopping a witness, he comes in here, he is in strange  
24 surroundings --

25 THE COURT: He might have answered it. Now, go ahead.

26 MR FREDERICKS: Read as far as the witness went.

1 THE COURT: The defense asked the court to admonish the  
2 witness, that is what it amounted to, and the court did.

3 MR FREDERICKS: Read the answer, as far as it went, and let  
4 the witness finish it.

5 MR DARROW: I object to that; he cannot testify what he  
6 thinks.

7 MR FORD: That is what any man thinks.

8 MR DARROW: No.

9 THE COURT: Read the entire question and the court will  
10 tell him how.

11 (Last question read.)

12 MR ROGERS: Now, if your Honor please, I call your Honor's  
13 attention to the unwisdom, as defined by the decisions, and  
14 laid down in many cases that doubtless your Honor recalls,  
15 the unwisdom of permitting a question that is stricken out,  
16 and cross-examination refused on it, just as happened here  
17 a few moments ago; they strike out the answer of Mr Edward  
18 Adam Cantrell, and refused us cross-examination. They  
19 took the witness off the stand so he couldn't be cross-  
20 examined, after we showed what they tried to do was illegal.  
21 Now, if they get an illegal answer in here, it affects  
22 peoples' minds and then we don't get the right to cross-  
23 examine, because it is illegal. We protect ourselves by  
24 showing it is illegal, and then we attempt to cross-examine  
25 and we are refused. Now, Mr Ruff may, perchance, know how  
26 many times Mr Wolfe went on his car that week. Possibly

1 he doesn't. It wouldn't be --

2 THE COURT: I think we could get at it better if the Dis-  
3 trict Attorney would ask him if he knows.

4 MR ROGERS: yes, ask him if he knows.

5 MR FORD: I think there are some statements made by coun-  
6 sel that are not technically correct. Your Honor knows,  
7 and everybody knows that has been in a court room, that  
8 witnesses use on the stand, their every-day, ordinary lan-  
9 guage. When they say they think, they are not drawing a  
10 conclusion. The witness says, in effect, that is my  
11 best recollection. He is not --

12 THE COURT: Well, you can argue that later, Mr Ford.

13 MR FORD: And that the witness should be permitted to  
14 state his answer, and if counsel wants to show that it is  
15 a conclusion, let him show it is a conclusion on cross-  
16 examination, and then move to strike it out, but I am  
17 satisfied --

18 THE COURT: The objection, in its present form, sustained,  
19 on the ground the foundation is not laid.

20 MR FREDERICKS: What is your best recollection, Mr Ruff,  
21 as to the number of times, say in a week, that Mr Wolfe  
22 rode on your 8 o'clock car?

23 MR ROGERS: Objected to because we don't know what week  
24 he means, incompetent, irrelevant --

25 MR FREDERICKS: During the month prior to the election  
26 on December 5th, 1911.

1 MR DARROW: We object to that still further, on the ground  
2 that this witness must first say he know The foundation  
3 has got to be laid.

4 THE COURT: Objection sustained. He has not stated that he  
5 has any memory whatever.

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1 MR. FREDERICKS. Q Have you a memory in regard to that,  
2 Mr. Ruff? A Well, the only thing I can say that he never  
3 rode more than once a week at any time. I don't know whe-  
4 ther it was the month of February or any other time. About  
5 once a week was the average, possibly, with my run.

6 MR. DARROW. We object and ask to have it stricken out.

7 MR. FREDERICKS. I think that absolutely answers the ques-  
8 tion.

9 MR. DARROW. Just a moment, counsel disagrees.

10 MR. ROGERS. Leave it where it is.

11 THE COURT. Motion to strike out withdrawn.

12 MR. FREDERICKS. Now, read the answer.

13 (Last answer read by the reporter.)

14 Q And by your run you are referring to the 7:58 run?

15 A Yes, sir.

16 Q And you have the 7:58 run during the month of November  
17 and December 1911? A Yes, sir.

18 Q Did he ever ride with you on the 9:28 run during that  
19 time?

20 MR. ROGERS. Objected to as not rebuttal and of no con-  
21 sequence whatsoever, and not confined as to time. Mr. Ruff  
22 doubtless has been with the company a long time, and did  
23 he ever ride with you on the 9:28 run is of no concern to  
24 us or the jury.

25 THE COURT. Objections sustained.

26 MR. FREDERICKS. Q During that time, during the months

1 prior to December, that is in the question.

2 MR. FORD. If the Court please, Mr. Wolf has testified that  
3 he remembered that it was the half past eight--or the 8 o'clock  
4 car, that it was his custom, that he always came down at that  
5 hour. Now, we have a right--

6 MR. APPEL. No, he never said anything of that kind.

7 MR. FREDERICKS That he almost invariably--

8 MR. FREDERICKS I have got his language here. There is  
9 nothing before the court.

10 MR. FORD. He says, "Have you any special way of fixing that  
11 date--" page 4258--"A Yes, it was my usual time to come to  
12 the office."

13 MR. DARROW That is not almost invariably.

14 MR. FORD. Put it in this language. The witness has  
15 testified it was his usual time to come to the office. Now,  
16 we have the right to show that the usual time that the  
17 witness went to the office at that time was on a car far  
18 later than this 8 o'clock or 7:58 car, the car that left  
19 Crescent Junction at 7:58, which was in Wolf's vicinity  
20 a little after 8. We have a right to show during the  
21 month of November it was his custom--it was the usual  
22 time, as Mr. Wolf said, for him to come to the office, we  
23 have a right to show that it was much later than that  
24 time to which he testified.

25 MR. APPEL. You cannot show that by this witness.

26 THE COURT. The question would be collateral and immaterial

1 matter. Objection sustained.

2 MR. FREDERICKS. You knew Mr. Wolf was a candidate for the  
3 counsel at that time? A Yes, sir.

4 MR. FREDERICKS. I think that is all.

5  
6 CROSS-EXAMINATION.

7 MR. DARROW. Q How frequently do the cars run from there  
8 into Los Angeles? A 15 minutes.

9 Q Every 15 minutes. Is there one or two lines there to  
10 Los Angeles? A Just the one through the Colegrove  
11 Division, South Hollywood.

12 Q And they run every 15 minutes? A Yes.

13 Q What time does your car get to El Centro stop?

14 A I was due at El Centro 7 minutes past 8.

15 Q And of course there would be one at El Centro 15  
16 minutes before and 15 minutes after? A Yes.

17 Q The cars always start on time? A Yes, sir.

18 Q There would be a car at El Centro at 8:22 and a car at  
19 El Centro at 7:52? A Yes, sir.

20 Q Yours would not be there at 8:22 or 7:52? A No, the  
21 car that left Sherman at 8:11 would reach there at 8:22.

22 Q Now, you couldn't pretend to swear what people get on  
23 your car at certain times? A No, sir.

24 Q You don't know but Mr. Wolf or anybody else might have  
25 got on the car some mornings at some time and then skip a  
26 week or two, do you? You couldn't swear to that, could

1 you? A Well, he rode once a week with me, whether it was  
2 skipping a week or not--

3 Q Do you mean to say exactly once a week, or you mean  
4 to say you think about that? A Well, I can say exactly  
5 once a week.

6 Q What day? A I couldn't tell you.

7 Q Couldn't say? A No, sir.

8 Q It was always on the same day? A No, sir.

9 Q How do you remember exactly once a week, sir? A Well,  
10 as I stated before, the gentleman rode about once a week.

11 Q What do you say, exactly once a week? A Well, it  
12 seems to me about that time.

13 Q Well, you know, don't you, you couldn't say he rode  
14 exactly once a week?

15 MR. FREDERICKS. I think, may it please the Court, the  
16 witness has given his best judgment.

17 MR. APPEL. Leave him alone now.

18 MR. FREDERICKS. I am going to make objections whenever  
19 I think they are proper.

20 THE COURT. What is the objection?

21 MR. FREDERICKS. My objection is the witness has answered  
22 it.

23 THE COURT. Objection overruled.

24 MR. FORD. If the Court please, we ask leave to make our  
25 objections without being instructed by counsel, "leave  
26 him alone."

THE COURT. Counsel desires to make an objection, he should

1 preface his remarks with them.

2 MR. FREDERICKS. I started to make an objection but there  
3 was such a chorus from the other side it was drowned out.

4 MR. DARROW. Read it, please.

5 (Last question read by the reporter.)

6 Q Do you understand the question? A Why, no, I didn't  
7 quite get that, just got the latter part of it.

8 Q you know you couldn't swear now positively that he  
9 rode exactly once a week, don't you? A No, I couldn't.

10 Q Is there any reason why you did so swear? A Did I  
11 swear?

12 Q I so understood it, yes. You are mistaken if you did?

13 A Very much so.

14 Q How long since you have seen him on your car going either  
15 way? A Well, it is six months.

16 Q What? A Pretty close to six months.

17 Q Remember when that was? A Well, I have changed my  
18 division.

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1 Q I don't mean that; when was it you saw him last?

2 A I couldn't state any particular date.

3 Q When did you change your division? A Why, about last  
4 March.

5 Q You don't remember the last time you saw him on the car?  
6 What time do you run out of Los Angeles now? A Well, I  
7 run out of Los Angeles now at 6:42 on my first trip out  
8 of Los Angeles.

9 Q What time do you run in? A 6:42 out of Los Angeles,  
10 on my first trip in the morning.

11 Q What time in the evening do you run out?

12 MR FORD: We object to that as immaterial on his present  
13 run; not the same run. He has changed his run.

14 THE COURT: Objection sustained.

15 MR DARROW: Where do you run to? A I run just to Vermont  
16 avenue, what they call East Hollywood.

17 Q When did you stop running to El Centro? A Why, it  
18 was sometime in March.

19 Q Do you know when in March? A Around about the 10th.

20 Q Do you know when was the last time previous to your  
21 run that you saw Mr Wolfe? A I do not.

22 Q Haven't any idea, have you? A Not the slightest.

23 Q Ever go out with you as well as in? A No, not at that  
24 time.

25 Q Any times that he was riding oftener than other times,  
26 if there is you don't remember it, is that right? A I

1 have no recollection of the man being on my car more than  
2 once a week, if that often.

3 MR FREDERICKS: Just a moment; I didn't quite hear that  
4 answer, and I don't think the jury did.

5 (Last answer read by the reporter.)

6 MR DARROW: I ask to have that stricken out; I didn't get  
7 it myself.

8 THE COURT: Strike it out.

9 MR FREDERICKS: Why strike it out?

10 MR DARROW: Because it is not responsive to the ques-  
11 tion.

12 MR FREDERICKS: Will the court indulge us to have the ques-  
13 tion read? (Last question read by the reporter.) I  
14 think that is responsive.

15 THE COURT: I don't think so.

16 MR FREDERICKS: He says, I don't think more than once a week  
17 if that often.

18 THE COURT: I have ruled on it.

19 MR DARROW: You know this tall, thin man over here; right  
20 here, sitting here, and looking away? McLaren is his name?

21 A I don't know the man.

22 Q Did you ever see him? A I don't have any recollection.

23 Q Who came to see you first about this matter in reference  
24 to coming here? A I don't know who the man's name is, or  
25 who he was or anything about him.

26 Q What did he tell you his name was? A Never told me

1 his name.

2 Q Didn't ask him? A No, I never asked him.

3 Q Where did he see you? A Down at the station.

4 Q How long ago? A About two weeks ago.

5 Q Could you describe the man? A I would know him if  
6 I saw him.

7 Q Can you describe him at all?

8 MR FREDERICKS: We can give counsel the name of the man,  
9 if that is what he wants.

10 MR DARROW: He did not wear a black suit, did he? A There  
11 was more than one.

12 Q Well, what was his name, Mr Fredericks?

13 MR FREDERICKS: I am not sure; I would have to find out,  
14 but I think I know; I would have to find out.

15 MR DARROW: It is one of your people?

16 MR FREDERICKS: Yes, it was one of our people, it was  
17 either Mr Duni or Rockwell, or both, I am not sure.

18 MR DARROW: You say more than one came to see you; is that  
19 right? A Yes.

20 Q How many? A Well, in all there were four.

21 Q All of them down at the station? A Yes sir.

22 Q At the same time? A Three of them at one time, and  
23 two at another.

24 Q Three together? A Yes.

25 THE COURT: Mr Ruff, I will have to ask you to speak a  
26 little louder. A All right.



1 MR DARROW: Is that the first time when you saw three came  
2 down on you at once; is that the first time? A No, there  
3 were only two come the first time I have any recollection.

4 Q Two the first time. How many the second time? A The  
5 second time there were three.

6 Q And the third time, how many? A I never saw them only  
7 twice.

8 Q You didn't see them? A No.

9 Q That is the same two the second time, or were they  
10 an entirely new shift?

11 THE COURT: Did you get the question? A There were  
12 two -- two of the same.

13 Q Yes, and they brought one new man with them, they told  
14 you what they wanted, did they, the first time? A Well,  
15 they didn't tell me what they wanted, any more than they  
16 wanted me to appear at the District Attorney's office.

17 Q Is that all they asked you the first time, to appear  
18 at the District Attorney's office? A That is all.

19 Q Didn't tell you what it was about? A Never told me  
20 nothing about it.

21 Q Asked you if you knew Frank Wolfe? A Asked me if I  
22 knew Frank Wolfe.

23 Q They did tell you something else? A If that is what  
24 you are referring to, yes.

25 Q What else did they say? A Just asked me if I knew  
26 Frank Wolf, and if I knew what time he came in the morn-

1 ing on my car.

2 Q Now, we are getting at it.

3 Q That is the first time? A That is the first time.

4 Q Did they ask you some questions the second time?

5 A The same questions.

6 Q What did you tell them the first time? A I told  
7 them I knew the man to see him; that is all. I never had  
8 personally been acquainted with him.

9 Q What? A I told them I knew the man to see him; I  
10 knew him when I saw him, it was Frank Wolfe.

11 Q You knew him when you saw him and that is all?

12 A Yes.

13 Q And that is all you told them the first time? A yes  
14 sir.

15 Q What did you say when they asked you how often he came  
16 in on the car the first time? A I told them he rode with  
17 me possibly once a week.

18 Q What did you tell them the second time? A I told them  
19 the same identical story the second time.

20 Q Did they ask you any more questions the second time?

21 A They asked me if I could state whether he came in on  
22 a certain date in the month of November.

23 Q Well, couldn't you? A I could not.

24 Q Did they say what date? A Well, they designated one  
25 certain day, was the 26th day of November, I believe.

26 Q Asked you whether you could tell whether he came in on

1 the 28th day of November? A That is the idea.

2 Q Did they ask you that both times? A Both times, yes  
3 sir.

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1 Q At both times you said you could not. A I could not.

2 Q After you told them the first time that you could not  
3 then they asked you a second time. A That is the ques-  
4 tion put before me the second time.

5 Q What is that? A That is the question put before me  
6 the second time when they approached me.

7 Q And they asked you the first time too, didn't they?

8 A Yes, they asked me the first time.

9 Q Then what did you do, come to the District Attorney's  
10 office? A I come to the District Attorney's office.

11 Q When? A My first appearance was on the first day of  
12 August.

13 Q Talk with anybody there? A No, I never had any conver-  
14 sation with anybody any more than the deputy.

15 Q I don't ask who, but did you talk with anybody?

16 A No.

17 Q How? A I talked with the boys that was with me.

18 Q That is not what I mean, you know what I mean.

19 MR. FORD. The witness doesn't know, and he is doing the  
20 best he can.

21 MR. DARROW. Very well, if he doesn't I want to be fair  
22 with him. He does know, Mr. Ford, because he did answer he  
23 talked with a deputy, that is the reason I say he knows.

24 MR. FREDERICKS. All right.

25 MR. DARROW. Q Did you talk with anybody connected with  
26 the office in the District Attorney's office?

1 Mr. FORD. That is already answered and it is objected to,  
2 he says he talked with a deputy.

3 MR. DARROW. Mr. Ford thinks he did not.

4 MR. FORD. No, I was objecting to your criticising the  
5 witness.

6 MR. DARROW. Very well. Q Who did you talk with in the  
7 District Attorney's office? A I never knew the man's name,  
8 never saw the man.

9 Q Anybody you see around here? A No.

10 Q You talked with him about the same matter, did you?

11 A No, sir, we were talking about other matters altogether.

12 Q Did you talk with him about this at all? A No, sir.

13 Q What were you talking about? A Just street car busi-  
14 ness.

15 Q Well, what? A Well, different matters of how to run a  
16 street car, etc., and how some men have--

17 Q Did he seem to want to get a job at running a street car  
18 or something like that? A No, no.

19 Q He was asking you how you ran one and how you took up  
20 fares? A No, not necessarily.

21 Q I know, not necessarily, but was that it? A No.

22 Q What was it? A It was about the front end work, he  
23 had been a motorman at some time himself.

24 Q This man you talked with told you he had been a motorman?  
25 A yes.

26 Q Is that right? A yes.

1 Q And so he talked with you about the front end work?

2 A yes.

3 Q And that is all? A That is all, yes.

4 Q And did he take you into a separate room? A No.

5 Q Where did he talk with you? A Right before the rest  
6 of the boys that was with me.

7 Q And in the outside office? A Well, it was in some  
8 office, in this building, it was not so far away.

9 Q There was a reception room and then a private office  
10 around that? A They didn't appear to be very private.

11 Q Was it in the reception room? A I guess it was what  
12 you would call a reception room, yes.

13 Q Was it the first room you come into from the hall?

14 A Well, yes.

15 Q And he only talked with you about his having been a  
16 motorman and how to run a car, is that right? A That is  
17 all.

18 MR. FORD. Is Mr. Belcher here, your detective?

19 MR. DARROW. I have no detective. Mr. Belcher would not pass  
20 under that title, anyhow.

21 MR. FORD. Is Mr. Belcher here?

22 MR. DARROW. He is here.

23 MR. FORD. We would like to have him stand up.

24 MR. DARROW. We object to his standing up.

25 THE COURT. Let the cross-examination proceed.

26 MR. APPEL. What is the matter here, this sort of childish

1 play?

2 MR. FORD\_ I understood Mr. Belcher had been talking to him  
3 and he was the street car man.

4 THE COURT I think the interruption was an improper one.

5 MR. FORD. My desire was to save counsel a little time in  
6 cross-examination.

7 MR. DARROW\_ It was not your desire, Mr. Ford, and you know  
8 it. Your desire was to try to influence the jury in some  
9 illegal way against my liberty, and you know it. You  
10 never had a desire to save me time or anything else.

11 MR. FREDERICKS. If Mr. Belcher was up there--

12 MR. FORD. If Mr. Belcher was talking to the man I thought  
13 it might save counsel a little time to know that fact.

14 THE COURT. Then you are mistaken, Mr. Ford.

15 MR. FORD. Yes.

16 MR. APPEL. Mr. Darrow has well understood as to your  
17 endeavors in this case--

18 MR. FORD. I am endeavoring to do my duty the best I know  
19 how.

20 MR. DARROW. It is a poor way.

21 THE COURT. Gentlemen, let us stop this. The interruption  
22 was improper. Proceed.

23 MR. DARROW. Q Do you remember what the last question  
24 was?

25 (Last question and answer read.)

26 Q That is correct, is it? A That is correct.

1 Q Did you go to the District Attorney's office again?

2 A What is that?

3 Q You said this was about the first of August, your first  
4 visit? A Yes sir.

5 Q Did you go there again? A Yesterday was my--

6 Q Did you talk with anybody connected with the District  
7 Attorney's office yesterday? A Yes.

8 Q Who? A Why, the same party I have reference to, the  
9 deputy.

10 Q And the same motorman? A The same man I was telling  
11 about.

12 Q Did he talk with you again about running motors? A Yes,  
13 we were talking about motors.

14 Q Anything else? A Yes.

15 Q What else? A There was another man approached us there  
16 that was talking with us, that used to know us on the cars.

17 Q Now, I am asking you about the first man, don't you  
18 understand my question? A Yes.

19 Q What else did he talk with you about? A Nothing at  
20 all, we were simply talking among ourselves, there were  
21 four or five of us talking of street railway work.

22 Q He didn't talk anything with you about anything but  
23 street railway work, is that right? A That is all.

24 Q And said nothing about this case? A Nothing at all.  
25  
26



1 Q And nothing about how often Mr Wolfe came in with you?

2 A Nothing at all.

3 Q That was yesterday? A That was yesterday.

4 Q So you have been twice at the District Attorney's  
5 office, and twice met by -- once, two men, and another,  
6 three men? A Yes.

7 Q How far apart were the two first conversations?

8 MR FREDERICKS: Which conversations?

9 Q I mean down at the station? A How far apart were the  
10 conversations with who?

11 Q I want you to understand me so that if you don't, get  
12 it right. You say two men first came to see you and then  
13 three men, at the Hill street station; is that right?

14 A Yes, first two men, they approached me on the same sub-  
15 jects.

16 Q And then three men? A And then there were three of  
17 them.

18 Q And how long was it between the time the two men came  
19 to see you and the time the three men came to see you?

20 A Well, there must have been ten days.

21 Q What is it? A Ten days, I should judge.

22 Q Was Mr Duni, here, who is in the end seat, a brother-  
23 in-law of Mr Fredericks --

24 MR FREDERICKS: What?

25 MR ROGERS: No, that does Mr Duni and Mr Fredericks wrong,  
26 that is not correct. His brother-in-law is the clerk in

1 Judge Bordwell's court.

2 MR DARROW: Don't you give me another wrong steer.

3 MR FREDERICKS: I find out, from talking with Mr Keetch,  
4 probably the men who talked with the gentleman were Bright  
5 and another man, and that Duni probably was not one of them.  
6 I was simply giving you my guess at it. I can find out  
7 absolutely.

8 MR APPEL: It is not important; we just wanted to know.

9 MR DARROW: Now, in that ten days between the time the  
10 first two men first came down on you, and the time the three  
11 men came down, did you talk with anybody about this case,  
12 about Frank Wolfe? A Well, it was only a matter of two  
13 or three minutes at either time.

14 Q I am not asking you that; I don't care how long it was.

15 A I thought you asked me --

16 Q Did you talk with anybody during those two times be-  
17 tween the two times? A No, nobody.

18 Q Did you think about it? A Nothing at all.

19 Q Have you thought <sup>about</sup> it any more since the first time  
20 you were talked to? A Not at all.

21 Q By the way, do you remember anybody else that rode  
22 once a week during -- oh, seven or eight months ago, last  
23 November, do you remember anybody else that rode once a  
24 week, if so, who? A I had regular passengers that  
25 rode every day.

26 Q I am not asking you for regular passengers that rode

1 every day. A No, I cannot think of anybody.

2 Q You cannot think of anybody that rode once a week?

3 A No.

4 Q Can you think of anybody that rode once a month?

5 MR FORD: We object to that as incompetent, irrelevant  
6 and immaterial; the witness might not be able to direct  
7 his attention to anybody that rode once a month, but if  
8 counsel would point to some person he might tell him.

9 THE COURT: He is testing his memory. Objection overruled.

10 Q How about that? Is there anybody that rode once a month?

11 A No, I don't know of anybody that rode once a month.

12 Q Do you know anybody that rode twice a week? A No sir.

13 Q Do you know anybody who rode three times a week? A No,  
14 I couldn't say exactly whether they rode three times or  
15 two times or four times.

16 Q Do you know anybody that rode either three or four,  
17 or when did they? A No.

18 Q On your whole route, if you do, let us have the names.

19 A No, I do not.

20 Q Frank Wolfe is the only man you ever carried that you  
21 have any idea of as to how often he rode; is that it?

22 A Well, speaking of names --

23 Q No, answer the question.

24 MR FORD: Let the witness answer the question.

25 MR DARROW: I will let him answer. A He is the only man  
26 I knew by name.

Q Do you know anybody else by clothes that rode once a

1 week, sir? A Oh, yes.

2 Q How was he dressed? A I couldn't tell you anything  
3 about that, how they are dressed now; that was six or  
4 seven months ago.

5 MR FORD: Let me make an objection. I move that the answer  
6 be stricken out, to the question, on the ground it is  
7 incompetent, irrelevant and immaterial, cross-examination  
8 upon irrelevant matters, how some other man was dressed  
9 who came there once a week.

10 THE COURT: The objection is overruled, testing memory.

11 Q Do you know anybody by the way they were dressed, who  
12 rode once a week? A I couldn't describe their dress to you,  
13 but if I would see them I would know him.

14 Q Do you know anybody who rode twice a week by their  
15 dress?

16 MR FORD: We object to that as irrelevant and immaterial.  
17 The witness has already answered if he would see them, he  
18 would know them.

19 MR DARROW: We are not bound to believe every word --

20 MR FORD: I object to it on the ground it is incompetent,  
21 irrelevant and immaterial, and the law does not care for  
22 trifles, your Honor.

23 THE COURT: The objection is overruled. Answer the ques-  
24 tion.

25 MR DARROW: You are slow finding it out.

26 Q Do you know anybody by the face, who rode once a week,

1 who you can describe? A I cannot describe anybody.

2 MR FORD: I object to that as incompetent, irrelevant and  
3 immaterial.

4 MR DARROW: You cannot describe a thing? A No.

5 MR FORD: Just a moment. I would like your Honor to admonish  
6 the witness not to answer when we interpose an objection.

7 THE COURT: I think your objection and ruling is in the  
8 record.

9 MR FORD: I asked your Honor to admonish the witness.

10 THE COURT: I will admonish the witness when he needs it.

11 MR FORD: He just did, your Honor, and I think he needs it.

12 THE COURT: The court does not.

13 MR DARROW: You cannot give anybody's name or describe any-  
14 body's clothes, or anybody's face who rode once a week or  
15 twice a week, is that right? A No --

16 MR FORD: Just a moment --

17 THE COURT: What is the objection?

18 MR FORD: The witness has answered.

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1 THE COURT. Strike it out for the purpose of the objection.

2 MR. FORD. Objected to upon the ground the question has  
3 already been answered. He has answered again, so there is  
4 no need of my making it.

5 MR. DARROW. Q By the way, is Frank Wolff the only man  
6 you know out there?

7 MR. FORD. Objected to as incompetent, irrelevant and  
8 immaterial.

9 THE COURT. Overruled.

10 A I don't know Frank Wolff only to see him.

11 MR. DARROW. Q You doN't know him? A Only to see him.

12 Q Never talked with him? A Never talked with him.

13 Q Never saw him except on your car? A That is all I ever  
14 saw of the man was when he was on my car.

15 Q But is his the only name of anybody you know who rode  
16 periodically once a week, twice a week or once a month?

17 A yes, I guess that is right.

18 Q Who gave you his name? A Why, that I couldn't tell you.  
19 I heard it several times.

20 Q All you did was to take fares from him, or tickets?

21 A That is all.

22 Q There are people out there that you knew better than  
23 Frank Wolff? A Very few. I never made myself familiar  
24 with anybody there. There is people used to get on and  
25 speak with me very regularly.

26 Q Are there any out there in that vicinity that you know

1 better than you do Frank Wolff? A No.

2 Q There are not. Do you know him as well as you do  
3 anybody? A As well as I do anybody.

4 Q Don't you know anybody, any of your neighbors? A I  
5 don't live anywhere near Colegrove myself.

6 Q Where do you live? A I live at Sherman.

7 Q Well, people ride from Sherman don't they? A Yes, but  
8 there is a Sherman car that comes right through there.

9 Q Do they ride on your car from Sherman?

10 MR. FORD . At that time.

11 MR. DARROW. Q At that time? A No.

12 Q Anybody? A Nobody that I knew of ever rode with me  
13 from Sherman at that time.

14 Q And none of your acquaintances ever ride with you?

15 MR. FORD. Objected to as incompetent, irrelevant and  
16 immaterial. Crescent station is a long way this side of  
17 Sherman.

18 THE COURT. Objection overruled.

19 MR. FREDERICKS. I don't think counsel understands the  
20 answer.

21 MR. DARROW. Will you read the answer, I guess I don't.

22 MR. FREDERICKS. He said there was a car, a Sherman car  
23 that went straight through and that is the car the  
24 Sherman people took, they didn't take the local car.

25 MR. DARROW. Q Didn't any of the Sherman people ever  
26 ride with you? A Once in a while, it was more around 11 and

1 12 o'clock and 1 o'clock.

2 Q Well, around 11 and 12, some of them ride with you?

3 A Very rarely.

4 Q Well, did they ever? A Yes.

5 Q Who? A I couldn't tell you who.

6 Q What did they look like? A I couldn't tell you.

7 Q Where do you run now? A I run on what they call a  
8 jigger line on the Melrose line.

9 Q How long have you been running on the jigger line?

10 A Four or five days.

11 Q Where did you run before that? A I run on the through  
12 Hollywood, what they call the Venice-Hollywood line.

13 Q You have now been promoted to a jigger--jerkwater  
14 train? A Been promoted.

15 Q How long did you run on the Hollywood line? A Well,  
16 close to six months after I left the Colegrove line I have  
17 been over there.

18 Q Well, do you live at Hollywood? A No, I live at Sherman.

19 Q When you lived on the Hollywood line-- A At Sherman.

20 Q Did any of your neighbors ride with you on the Hollywood  
21 line? A Once in a while, yes.

22 Q When? A Well, I couldn't tell you.

23 Q Who? A Why, they used to go to the beach.

24 Q But what neighbors, what ones? A Well, there were  
25 people that lived up around the hill where I did.

26 Q But I am asking you for their names. You know the names



1 of your neighbors? A I know a couple of them, yes.

2 Q Who are they? A Well, <sup>is</sup> it necessary for me to state names  
3 of my neighbors?

4 Q Sure. A Emmens is one and some people by the name of  
5 Casey.

6 Q Did Emmens ride with you? A His wife and boy.

7 Q Do you know his wife? A Yes.

8 Q When did he ride with you? A I don't know when. A  
9 month ago or more she rode with me, went to the beach.

10 Q A month ago, how often? That was her first trip?

11 A That was her first trip with me that I have any recollec-  
12 tion of.

13 Q Never saw her but once on the car? A That is all with me.

14 Q You know-how about the Caseys? A Just once.

15 Q Just once with the Caseys. Did you ever see anybody  
16 more than once that you knew? A It all depends in what direc-

17 Q Either direction. I don't care which way you were  
18 going. A yes, I have had people--my superintendent used  
19 to ride with me in the morning going into town.

20 Q How often? A Oh, four or five times a week.

21 Q Which, 4 or 5? A Well, 5 times a week.

22 Q Not 4? A Sometimes; some weeks it would be only 3  
23 times.

24 Q And some weeks once or twice? A No, about 3 times  
25 on the average.

26 MR. DARROW That is all.

## REDIRECT EXAMINATION.

1  
2 MR. FREDERICKS. Q Mr. Wolff you knew was a candidate for  
3 the counsel at the time. This was a time just prior to the  
4 city election?

5 MR. DARROW\_ I object to that as leading, your Honor.

6 MR. FREDERICKS. All right, I withdraw the question. That  
7 is all.

8 THE COURT. We will take a recess for 5 minutes. (Jury  
9 admonished.)

10 MR. FORD. Just a moment, if the Court please.

11 THE COURT. Wait a moment, Gentlemen.

12 MR. DARROW. May I ask one more question?

13 MR. FREDERICKS. I want to ask this witness if Mr. Belcher  
14 is one of the men that was--that man, stand up. Was that  
15 a man talking to you yesterday? A He came in yesterday  
16 just a short while, he was talking about street car work.  
17 I never knew the man was connected here whatever.

18 MR. FREDERICKS. That is all.

19 MR. DARROW. May I ask him one or two questions?

20 MR. FREDERICKS. Was it in the District Attorney's office  
21 that he talked to you? A Over in the ante room, I guess  
22 that is what you call it.

23 MR. DARROW\_ That was in the witness room Mr. Belcher talked  
24 to you.

25 MR. FREDERICKS. Was it on this floor?

26 A It was on this floor, yes.

1 MR DARROW: Were you ever in the District Attorney's of-  
2 fice, on the 11th floor? A Yes, I have been up there.

3 Q Well, what times that you were at the District Attor-  
4 ney's office, was the time Mr Belcher talked to you?

5 A No.

6 Q Will you describe Mr Wolfe? A Well, Mr Wolfe, what I  
7 know about Mr Wolfe, he was a man, tall, slender build with  
8 gray hair.

9 Q And a mustache? A No, I think he was a smooth-shaven  
10 man.

11 Q All the time? A Yes, all the time, now that I think  
12 of it.

13 Q How long since you seen him? A Oh, I haven't seen him  
14 for over 6 months.

15 Q You remember whether this man here used to ride with  
16 you on Sundays? A No.

17 Q Mr Appel? A No.

18 Q Don't remember him? A No.

19 MR DARROW: That is all.

20 THE COURT: That is all. Gentlemen, bearing in mind your  
21 admonition, we will take a recess for 5 minutes.

22 (After recess.)

23 THE COURT: There was some little levity this morning just  
24 before recess, and I want to state again there is no time  
25 or place in these proceedings where that is appropriate.  
26 It must not be indulged in at any time. I do not wish to

1 discommode the people that are interested in this trial,  
2 but if the matter is done again, there will be a great  
3 reduction in the number of seats in this court room.

4 --

5 GEORGE E. STEWART, a witness called on  
6 behalf of the prosecution, in rebuttal, being first duly  
7 sworn, testified as follows:

8 DIRECT EXAMINATION.

9 MR FREDERICKS: What is your name? A George E. Stewart.

10 Q Where do you live? A Sherman.

11 Q What is your business? A Street car conductor.

12 Q What was your business in November and December of  
13 last year -- 1911? A Street car conductor.

14 Q And on what line were you working then? A Colv Grove ,  
15 Sherman.

16 Q You run through El Centro? A Yes sir.

17 Q El Centro street, is what I meant; you understood?

18 A Yes sir.

19 Q Now, what car in the morning, what time did you leave  
20 Sherman for Los Angeles, what times?

21 MR ROGERS: What morning was this?

22 MR FREDERICKS: In November and December of 1911.

23 A 5:11, 6:41 and 8:11 and 9:41.

24 Q All right. Now, you left at 8:11 and 9:41. That was  
25 two of your runs? A Yes sir.

26 Q Do you know a man by the name of Frank E. Wolfe, who,

1 at that time was a candidate for the city counsel on the  
2 Socialist ticket?

3 MR DARROW: I object to the last part of it.

4 MR FREDERICKS: part of the description, your Honor.

5 MR DARROW: It is not description of a man to say he was a  
6 candidate for office.

7 MR FREDERICKS: Yes, I think it is, ✓

8 THE COURT: Objection overruled.

9 MR FREDERICKS: Answer it. A I know him by sight.

10 Q State whether or not he rode with you coming into Los  
11 Angeles on either your 8:11 trip or your 9:41 trip during  
12 the month of November -- during these months prior to the  
13 election, prior to the 5th of December, 1911? A Yes sir.

14 MR DARROW: Wait a moment. We object to that as incompe-  
15 tent, irrelevant and immaterial, and not rebuttal, and not  
16 being of any certainty that could be evidence in any case,  
17 collateral to any issue. I would like to have the answer  
18 stricken out.

19 THE COURT: Strike it out for the purpose of the objection,  
20 if he answered it. I didn't hear it. Objection overruled.

21 MR DARROW: Exception.

22 MR FREDERICKS: The answer is restored?

23 THE COURT: yes.

24 MR FREDERICKS: Now, Mr Stewart, how often did he ride with  
25 you during the month -- during the month prior to election,  
26 about how many times a week did he ride with you on the  
8:11 and the 9:41 car?

1 MR EARROW: I object on the grounds stated before, and on  
2 the further ground it is leading and suggestive, and on  
3 the further ground you must lay the foundation first asking  
4 if he knows. There is no foundation laid for this ques-  
5 tion.

6 THE COURT: I think that is right, if I remember it cor-  
7 rectly.

8 MR FREDERICKS: I do not think we have to ask the wit-  
9 ness if he knows a thing.

10 THE COURT: I am sorry to have to differ with you, but I  
11 do.

12 MR FREDERICKS: All right.

13 MR APPEL: There is another thing-

14 THE COURT: The objection is sustained.

15 MR FREDERICKS: I asked the witness, "Did he ever ride with  
16 you during that time on the 8:11 and 9:41 trip"?

17 MR ROGERS: On the same day, on the 8:11 and 9:41, that  
18 question destroys itself.

19 MR FREDERICKS: Yes, or the 9:41 and the 9:41, the same  
20 thing, one does not destroy it, I think the question is  
21 perfectly intelligible, at least, to me.

22 THE COURT: I suppose that refers to the month prior to  
23 the election?

24 MR FREDERICKS: yes sir.

25 MR APPEL: Your Honor, here is the idea, if you will per-  
26 mit me: Mr Wolfe was on the stand; he is a witness, he

1 testified to a certain date and how he came on that date.  
2 Now, on cross-examination, of course, they had the right  
3 to go into the question of why it was he remembered on that  
4 date, and in a general way, asked him as to what his habits  
5 were of coming in on the days before, and days after that,  
6 for the purpose of testing his recollection, and testing the  
7 accuracy of his testimony, but when you undertake to impeach  
8 a witness and you want to prove certain facts and circum-  
9 stances which directly impeach him, you must call his at-  
10 tention to those things first. They should have said to  
11 him, isn't it a fact that either -- in order to prove --

12 THE COURT: I do not think this is an impeaching question.

13 MR APPEL: It is not rebuttal, then, your Honor. You must  
14 lay the foundation.

15 THE COURT: yes, I think it is rebuttal. Answer the ques-  
16 tion.

17 MR DARROW: Just one minute. We want to put in the objec-  
18 tion on the same grounds as stated to the last question.

19 THE COURT: Objection overruled.

20 MR DARROW: Exception.

21 THE COURT: Do you want the question read? A Yes  
22 sir.

23 (Last question read.)

24 A yes sir.

25 A JUROR: A little louder, please. A Yes sir.

26 MR FREDERICKS: Do you know how often he rode with you,

1 how often each week he rode with you on one or the other  
2 of those two trips? A Once or twice a month -- once or  
3 twice a week.  
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1 Q Once or twice a week. And how often did he ride with  
2 you on the--and how was that divided between the 8:11 and  
3 the 9:41 trip? A Well, as near as I can remember that it  
4 is about even.

5 Q About even? A Yes, sir.

6 Q Now, what time does that 8:11 car pass El Centro street?

7 A About 8:20.

8 Q And what time does it come to Los Angeles? A 8:50.

9 Q And your 9:41 car, what time does that pass El Centro  
10 station? A About 9:50.

11 Q And what time does it get to Los Angeles? A 10:20.

12 Q And you say he rode on that about as often as he rode  
13 on the 8:20, is that correct?

14 MR. ROGERS. I object to that as leading.

15 MR. FREDERICKS. All right, he said it. Withdraw it.

16 MR. APPEL. He did not state it.

17 MR. FREDERICKS. If there is any question--

18 MR. DARROW. He has testified already, anyway.

19 MR. FREDERICKS. Yes, all right. That is all.

20  
21 CROSS-EXAMINATION.

22 MR. DARROW. Q Where are you running now? A Van Nuys  
23 line.

24 Q How long have you been running that? A Since the latter  
25 part of February.

26 MR. DARROW. How long? Read that.

1 (Last answer read.)

2 Q Did you run on this other line up to that time? A Well,  
3 yes.

4 Q The same run? A Yes, sir .

5 Q The same run? A Yes, sir .

6 Q How long were you having that run? A I am not sure  
7 about that, I think it was about 8 or 9 months .

8 Q When did you begin the other run through El Centro?

9 A About May of last year, I am not sure about that .

10 Q Not sure? A No, along about that time .

11 Q Did you run anywhere before that? A Yes, sir .

12 Q Where? A Hollywood line, Hollywood-Venice .

13 Q How long have you been running street cars? A About  
14 4 years .

15 Q How well do you know Frank Wolff? A I know him by  
16 sight, is all, he was pointed out to me .

17 Q All you have done is to take his tickets and take his  
18 money, and somebody told you who he was? A Yes, sir .

19 Q Is that right? A Yes, sir .

20 Q Now, was there any difference in the hours of his rides  
21 at different months? A No, not that I know of .

22 Q You have not any idea of any difference from one month  
23 to another, is that right? A Yes, sir .

24 Q As far as you know, when he rode in February or Jan-  
25 uary, he rode the same times as he did other times?

26 A yes, sir .

1 Q You have nothing to fix in your mind as to when he rode  
2 or when he did not ride? A Only those two trips, that  
3 is all.

4 Q I mean the dates on which he rode and the dates on which  
5 he did not ride? A I don't--

6 Q I want you to understand me, when I ask you a question,  
7 so that if you don't understand it let me state it again.  
8 Is there anything to fix in your mind on what date he  
9 rode? A What date?

10 Q yes. A No, sir, not any particular date.

11 Q Is there anything to fix in your mind any particular  
12 regularity of his riding on your 8:11 car? A Only that  
13 he was a late rider, a late traveler, he didn't come in any  
14 earlier, and I don't remember seeing him any later.

15 Q When was your car before 8:11? A 6:41.

16 Q You mean he didn't come in at 6:41? A I don't remember  
17 of him coming in at that time.

18 Q That is all you mean, when he would take any of your  
19 cars the first one you would see him on would be the 8:11?

20 A Yes, sir.

21 Q And you remember it. You would swear he never went in  
22 on the 6:41, would you? A He might have went in there one  
23 time.

24 Q Would you swear to any time he went on the 8:11 car?

25 A Not any particular date, no.

26 Q You have not any special remembrance about this matter

1 at all, have you? A Only all that he went in on those  
2 two trips.

3 Q That you have seen him on each of these cars? A Yes,  
4 sir.

5 Q But that is all, isn't it? A Yes, sir.

6 Q The 8:11 car, is that a crowded car or otherwise?

7 A Pretty crowded.

8 Q And do you know anybody except Frank Wolff who was in the  
9 habit of coming once or twice a week on the 8:11 car?

10 A Yes, sir.

11 Q In November last? A Well, I couldn't say as to that  
12 date.

13 Q Can you swear to anybody that was in the habit of going  
14 once or twice a week? A Yes, sir.

15 Q Last November? A Yes, sir.

16 Q Who? A Well, there is Brown, a fellow by the name of  
17 Brown, a bartender over here, who went to work about that  
18 time.

19 Q Just a minute. This Brown lived near you? A No, sir.

20 Q What? A No, sir.

21 Q Did he always come on the 8:11? A Not always, no.

22 Q How often? A Well, some weeks he would ride every day  
23 and some weeks he would not ride at all.

24 Q Sometimes he would ride every day and sometimes he would  
25 not ride at all for a week? A Yes, sir.

26 Q Or more than a week? A Well, about a week.

1 Q And you would not swear that he rode every day in any  
2 week, would you, that is just your impression? A Yes, sir.

3 A JUROR. A little louder, please.

4 MR. DARROW. Q Do you know of anybody whom you could say  
5 rode either once or twice a week in November on the 8:11  
6 train? A Well, yes, there were quite a few regular  
7 riders there, left Sherman.

8 Q What I say is, anybody who rode once a week or who rode  
9 twice a week, do you know of any such person, can you  
10 give me the name of any such person in November? A No, I  
11 cannot.

12 Q Or three times a week? A No, I cannot recall any right  
13 now.

14 Q Can you in October? A No, sir.

15 Q January, getting closer now, can you in January?

16 A No, sir.

17 Q February? A No, sir.

18 Q And you left in February? A Yes, sir.

19 Q Can you give the name of anybody and tell when they rode?

20 A Well, I couldn't give the name of passengers that are  
21 on the car, that is pretty hard thing to do, I could tell  
22 them by sight if I would see them, I would know them; I  
23 don't know their names, I don't ask them their names.

24 Q Any of your neighbors ride with you? A No, sir.

25 Q Anybody you are well acquainted with ride with you,  
26 ever? A Oh, yes.

1 Q Who? A My wife rides with me.

2 Q When did she ride with you last? A Two weeks ago  
3 Sunday.

4 Q When before that? A A week before that.

5 Q What day of the week? A Sunday.

6 Q When before that? A Oh, it must have been a couple of  
7 months before that.

8 Q Do you know whether it was a couple of months? A yes,  
9 sir.

10 Q On another Sunday? A No, I can't swear to the day.

11 Q Can you swear what day of the week it was? A No, sir.

12 Q Where did she go? A Went to Van Nuys.

13 MR. KEETCH. We object to that as incompetent, irrelevant  
14 and immaterial, not proper cross-examination.

15 THE COURT. Objection overruled.

16 MR. KEETCH. I think as a test of memory he has covered  
17 that sufficiently.

18 MR. DARROW. Have I shown he has not one or has?

19 MR. KEETCH. A matter of four or five months.

20 THE COURT. Objection overruled.

21 MR. DARROW. Q Do you know whether she rode with you in  
22 November? A Yes.

23 Q When, what date in November? A I don't know the date,  
24 I know she went to town, though.

25 Q How many times? A I would say two or three times.

26 Q Do you know which? A No, sir, I do not.

1 Q Or the days of the week? A No.

2 Q Or which car she went on? A She went in on the 9:41.

3 Q You know she ordinarily would not get up and get around  
4 in time for the 8:11, that is the way you know that?

5 A Yes, sir.

6 Q Do you know anybody else but your wife, acquaintances  
7 of yours who ever rode with you? A No, I do not.

8 Q Well, you had acquaintances ride with you, didn't you?

9 A Yes, sir; I do<sup>n</sup>'t know their names.

10 Q Haven't you got acquaintances that ever ride with you?

11 A I couldn't quite tell their names.

12 Q Is there anybody that you know out there? A Yes.

13 Q Is Frank Wolff the only person whose name you know?

14 A I would not have known him if he had not been pointed  
15 out to me.

16 Q Who pointed him out? A (No response.)

17 Q Don't you remember now--

18 MR. FREDERICKS. Wait a while, you asked him a question  
19 like that, he is thinking.

20 THE COURT. Yes, let him take his time.

21 MR. DAPPOW. All right, take all the time you want.

22 A Rosenberg, Dick Rosenberg, I think is his name.

23 Q When? A Along about the middle of November.

24 Q What time in November? A About the middle of November,  
25 the 10th.

26 Q Who is Rosenberg? A He is an operator of a moving

1 picture machine.

2 Q And sometime in November is the first time you knew  
3 Frank Wolff by sight even? A Yes, sir.

4 Q When in November?

5 MR. FREDERICKS. Wait a moment, the witness started to  
6 say something.

7 THE COURT. Have you finished?

8 A Yes, sir, I have finished.

9 MR. DARROW. Q When in November? A Well, it seems to me  
10 about the middle of it.

11 Q But you don't know that, do you? You couldn't know it?

12 A I know it was about that time.

13 Q Would you say it was the middle of November? A Well,  
14 about the middle of November.

15 Q Might have been the first or last, mightn't it?

16 A I judge not.

17 MR. FORD. We object upon the ground it has been fully  
18 answered.

19 THE COURT. Overruled.

20 MR. DARROW. Q You mean about the 15th? A Yes, sir.

21 Q And did anybody else point him out ever? A Well, he  
22 passed his cards around, his photograph was on the cards,  
23 his lithograph.

24 Q Did anybody else point him out to you at any time?

25 A No, I think not.

26 Q You think you would have known him from his photograph?



1 A Why, yes.

2 Q Did he have a mustache? A No, sir.

3 Q In November? A No, sir.

4 Q You can't be mistaken about that? A No.

5 Q Well at that time in November, then, was the first time  
6 anybody had told you that was Frank Wolff? A yes, sir.

7 Q Anybody ever tell you since; point him out to you  
8 since? A No, sir.

9 Q Now, to come back a minute: Is there anybody else on that  
10 line when you was running that line, with whom you had a  
11 speaking acquaintance? A Yes, sir.

12 Q I mean passengers? A Yes, sir.

13 Q I mean passengers, who? A Well, I don't know their names.  
14 No, I don't know any names.

15 Q Anybody whose name you ever heard? A Yes, I have heard  
16 the names.

17 Q Who? A I can't recall them.

18 Q Can you recall any name? A No, sir.

19 Q Your neighbors used to ride with you didn't they?

20 A Well, occasionally.

21 Q Don't you know your neighbors? A Oh, yes.

22 Q Who are they? What were they at that time?

23 MR. FORD. To catalogue his neighbors? I object to that  
24 as irrelevant and immaterial.

25 MR. DARROW. I didn't say catalogue his neighbors.

26 MR. FORD. You said do you know their names.

1 THE COURT\_ Objection overruled.

2 A They lived in Sherman, quite a number of them.

3 MR. DARROW. Q Well, who?

4 MR. FORD. Objected to upon the further ground that the  
5 city directory of Sherman would be better evidence--the  
6 best evidence.

7 THECOURT \* This is to test memory.

8 MR. DARROW. Q Can't you tell me the name of one of your  
9 neighbors? A Sure.

10 Q Who lives next door to you? A The Goodings.

11 Q Let's take Gooding. Did he ever ride on your car?

12 A Mrs. Gooding.  
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1 Q Did she ever ride on your car? A Yes.

2 Q How often? A Oh, three or four times a week, some-  
3 times.

4 Q In what month? A All the time that I had that run.

5 Q Would you swear that Mrs Gooding rode with you three  
6 or four times a week? A Yes sir.

7 Q Did Mr Gooding ever ride with you? A He was my motor-  
8 man.

9 Q You didn't have to take any fare from Mrs Gooding?

10 A Oh, yes; supposed to.

11 MR FREDERICKS: Objected to as immaterial.

12 MR DARROW: That is right.

13 THE COURT: Objection sustained.

14 MR DARROW: Who is the next door neighbor beyond Goodings?

15 A Cheatam and Hart.

16 Q Cheatam belong to the company or work for the company,  
17 I mean? A Yes.

18 Q Did you have any neighbors that didn't work for the  
19 company? A No; it is pretty hard to get neighbors out  
20 there that don't work for the company.

21 Q Have you got any neighbors that were not working for  
22 that company? A No.

23 Q And you didn't know anybody that was not working for  
24 the company? A Oh, yes; I knew people that were not  
25 working for the company.

26 Q But you can't tell the name of one; is that right?

1 A Yes, I can tell the name of them.

2 Q Who? A Martin.

3 Q Did he ride with you? A Yes.

4 Q When? A Well, he was not a regular rider there; he  
5 rode once in a while.

6 Q How often? A About once a month.

7 Q Would you swear it was once a month? A Well, take  
8 it the whole year round.

9 Q You don't know how often he rode, do you?

10 MR FREDERICKS: Now, may it please the court, the witness  
11 said he did.

12 MR DARROW: I am asking him. A He rode ~~about~~ once a month.

13 Q That is the best of your judgment looking back there, is  
14 it? A Yes sir.

15 Q That he probably rode about once a month; is that right?

16 A Yes sir.

17 Q And you wouldn't remember any particular time he rode,  
18 would you? A Well, he came over there once in a while.

19 He runs a store over there in Sherman, and lived in Colegrove.  
20 Go over there to open once in a while on my car when he  
21 would miss some other car.

22 Q Once in a while he would go over on your car or some  
23 other car to open his store? A When he missed his car.

24 Q You don't know when or how often? A Probably once a  
25 month.

26 Q You don't know when, do you?

MR FREDERICKS: The witness is giving his best judgment.

1 I think that is answered.

2 MR DARROW: Let it go at that. That man, you were well  
3 acquainted with? A Yes sir.

4 Q Talk with him and he with you? A Yes sir.

5 Q And you don't recall any other man you know not connect-  
6 ed with the company that ever rode with you? A This  
7 Rosenberg, yes.

8 Q Did he live near you? A No, he lived in Sherman some-  
9 where.

10 Q Was he in the habit of riding with you? A Well, he  
11 would ride probably once or twice a week.

12 Q Do you know which; once or twice? A No, once or twice.

13 Q You wouldn't pretend to say that, would you? A No,  
14 not definite.

15 Q Where are you running now? A Van Muys line.

16 Q Got anybody that rides once a week? A Yes.

17 Q Who is it that rides once a week? A Well, we got  
18 regular riders over there. It is pretty hard to say, and  
19 pick out that just goes out once a week.

20 Q Who is rides once a week?

21 MR FREDERICKS: We object to the question and maintain it  
22 is not fair. Testing the memory -- it requires a witness  
23 not only to dig up the name and description of some person  
24 and then add to that the number of times he comes in.

25 If counsel knew somebody that came in from there and asked  
26 him how many times that man came in during the month, it

1 would be a fair comparison with his memory, but it simply  
2 doubles that proposition now to make him dig out the man.

3 THE COURT: Well, the weight is for the jury. Objection over  
4 ruled.

5 MR. ARROW: Who do you say rides once a week ? A Fred  
6 Weddington.

7 Q Does he ride just once a week? A Well, just about that

8 Q Do you know whether it is once or twice or once in two  
9 weeks? A Some weeks he rides two or three times; some  
10 times once.

11 Q And sometimes not at all? A No, he always rides.

12 Q Some weeks two or three times, and some once? A Yes.

13 Q And when was the last week that he rode with you just  
14 once? A He rode with me Sunday.

15 Q That is the last time he rode? A Yes sir.

16 Q When was the last time before that? A Wednesday of  
17 last week.

18 Q When before that? A A week ago Sunday.

19 Q Was he on some excursion? A No.

20 Q Going to the beach? A Probably going to the beach.

21 Q And that is just last week and the week before, isn't  
22 it? A yes sir.

23 Q Now, do you remember -- you are talking with reference  
24 to Frank Wolfe's riding; the general custom?

25 MR. FREDERICKS: Objected to as argumentative.

26 THE COURT: Objection sustained.

1 MR DARROW: Who saw you in reference to coming here in this  
2 case? A I don't know who they were.

3 Q Where? A On the car.

4 Q When? A About July 28th.

5 Q Somebody that was riding on the car? A No sir.

6 Q Where did they see you? A At the Hill street station.

7 Q Haven't you any idea who it was? A Well, I suppose  
8 they had a right --

9 Q Had you no idea who saw you or where they came from?

10 A I had an idea <sup>who</sup> they came from. They had a note from the  
11 Superintendent.

12 Q They had an interview? A Yes.

13 Q And don't you know who the man or men were? A No sir.

14 Q And you didn't ask them who they were? A No, they had  
15 a note from the Superintendent.

16 Q Was there one or two or more? A Two.

17 Q And what did they say to you? A They asked me if they  
18 knew Frank Wolfe.

19 Q What else? A And if he rode on my car ever.

20 Q And what else? A And what trips they were.

21 Q And how often? A Yes sir.

22 Q Asked you for any particular date? A Yes, I think  
23 they did.

24 Q What day? A I think that was November 28th they were  
25 asking about most particularly.

26 Q What did you tell them about November 28th? A Couldn't

1 swear to it what day it was.

2 Q When did you see anybody again in connection with it?

3 A July 31st.

4 Q Whereabouts? A In the Hall of Records.

5 Q Who did you see there? A I don't know the gentleman's  
6 name, who I seen.

7 Q District Attorney's office? A District Attorney's  
8 office.

9 Q You don't know who it was? A I don't know his name,  
10 no sir.

11 Q Talk with you? A Yes sir.

12 Q What did he say to you? A He asked me about the same  
13 line of questions.

14 Q He asked you whether you knew Frank Wolfe and whether  
15 he rode on your car, and whether he rode on your car on  
16 the 28th; is that right? A Yes sir.

17 Q And the same questions were asked before? A Yes sir.

18 Q You haven't any idea who that was? A I have an idea,  
19 yes.

20 Q Well, who? A The gentleman sitting right there.

21 MR FREDERICKS: Referring to Mr Keetch.

22 MR DARROW: You mean you only have an idea? Was it Mr  
23 Keetch? A I told you, yes sir.

24 MR FREDERICKS: I submit the question was not fair: and  
25 you have an idea, and he said yes.

26 MR DARROW: Perhaps counsel is right. I understood him



1 to answer differently before.

2 THE COURT: I don't think Mr Darrow understood the answer.  
3 I didn't.

4 MR FREDERICKS: I don't think it is important enough to  
5 take up the time.

6 MR DARROW: I don't, either. And he asked you the same  
7 questions? A Yes sir.

8 Q When did you see anybody there again? A Yesterday.

9 Q Who did you see then? A I don't know his name.

10 Q That was not Mr. Keetch, I take it? A No, I seen him  
11 passing through the hall.

12 Q In the District Attorney's office you saw him? A Yes  
13 sir.

14 Q In the passage or outside office or private room?

15 A Out in the lobby, and in a private room.

16 Q Did he ask you the same questions? A Didn't ask me  
17 any questions.

18 Q Did they take down a written statement from you the  
19 other times? A yes sir.

20 Q All three times? A No, not all three times; twice.

21 Q How many times? A Twice.

22 Q You told them the same story at each time? A I tried  
23 to, yes.

24 Q And you couldn't give them any dates at any time, of  
25 course? A Not as to November 28th.

26 Q You couldn't give them any dates, could you? A No, I

1 didn't.

2 Q And you would not pretend to? A No.

3 Q Was Ruff with you when a man saw you at the barn?

4 A No.

5 Q You know him, don't you? A Yes; I think you are  
6 speaking of Conductor Ruff.

7 Q Yes sir. A Yes sir.

8 Q Was he with you in the District Attorney's office?

9 A Yes sir.

10 Q When Mr Keetch was talking with you? A No, not at  
11 that time. He was there yesterday.

12 Q By the way, do you know who your motorman was in  
13 November? A J. W. Gooding.

14 Q And is he still your motorman? A Yes sir.

15 Q Did you ever see me on your car? A I couldn't say as  
16 I did.

17 Q You wouldn't swear you did not, would you? A No.

18 MR DARROW: That is all.  
19

20 REDI RECT EXAMINATION

21 MR FREDERICKS: You have been a street car man for a  
22 number of years, you said -- I withdraw that and start  
23 something else. You say that it was along about the  
24 middle of November that Mr Rosenberg pointed out Mr Ruff  
25 to you and gave you one of his cards? A He didn't give  
26 me one of his cards. I don't know as one of his cards was

1 handed directly to me. I seen them on the car with his name  
2 on.

3 Q That is right. Now, you had noticed this same man,  
4 Mr Wolfe, on your car before that time, but you didn't  
5 know what his name was; is that the idea?

6 MR APPEL: That is leading.

7 MR FREDERICKS: It is leading, but it seems to me so harm-  
8 less. Simply clears up a matter.

9 MR APPEL: It is repetition of these harmless matters.

10 MR FREDERICKS: I will withdraw it. I will get just what  
11 I am after, but it will take longer.

12 Q Before you were told who Mr Rolfe was, state whether or  
13 not you had seen him on your car before this time when  
14 Rosenberg told you who he was? A Yes sir.

15 Q Sometime before?

16 MR DARROW: That is leading, too. You might ask him how  
17 long.

18 MR FREDERICKS: I don't care enough about it. You have ob-  
19 served the habit of those who go out to seek for office,  
20 endeavoring to impress their business and name, and so  
21 forth, on street car men a few days -- a few weeks before  
22 election, haven't you?

23 MR ROGERS: Are we getting some personal experiences?

24 MR FREDERICKS: Yes, a little bit.

25 MR APPEL: It all depends on what kind of a politician  
26 the man is. He might be carpet-bagger, and some are more

1 dignified.

2 MR FREDERICKS: That is all.

3  
4 RE-CROSS-EXAMINATION

5 MR DARROW: Do you remember the first time you ever saw  
6 Mr Wolfe on your car? A I didn't get the question.

7 Q Do you remember the first time you ever saw Mr Wolfe  
8 on your car? A No, I don't.

9 Q Do you remember when? A Well, it was along last fall  
10 sometime. I didn't have any particular reason to notice  
11 any one man.

12 Q You don't remember that you ever saw him until last  
13 fall on your car? A Not until he was pointed out to me.

1 Q You don't remember ever seeing him until he was pointed  
2 out the middle of November, you say you don't remember ever  
3 seeing him on your car until he was pointed out on your  
4 car? A I had seen him.

5 Q Well, when was the first time you ever saw him, do  
6 you know that, before he was pointed out? When was the  
7 first time you ever saw him riding on any of your cars?

8 A Well, I guess about--I remember seeing him about along--  
9 about a month before he was pointed out.

10 Q Now, the first time that you remember ever seeing him  
11 was about a month before he was pointed out? A Yes, sir.

12 Q How long had you been running there? A At that time  
13 about 4 or 5 months.

14 Q You had been running 4 or 5 months before you saw him?

15 A To know him, yes.

16 Q Before you can say you ever saw him? A yes.

17 Q You know he had been living out there about 8 years,  
18 do you?

19 MR. FORD. Objected to as irrelevant and immaterial.

20 MR. DARROW. Q You don't know? Have no idea how long he  
21 had been living there?

22 MR. FORD. Objected to as incompetent, irrelevant and  
23 immaterial.

24 THE COURT. Overruled.

25 MR. DARROW. Q How many--have you any knowledge as to how  
26 long Mr. Wolff has lived out there? A No, sir.

1 Q Now, didn't you say you went out there--began working  
2 there in May? A Began working there on that run?

3 Q Yes? A Yes.

4 Q That is more than 4 months before November? A Yes, sir.

5 Q Anyway, you had been since May. You remember it was the  
6 first or middle or last of May? A No, I don't. I don't  
7 remember just when I took that run.

8 MR. DARROW. That is all.

9 MR. FREDERICKS. That is all.

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

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