

Q Do you know where the defendant was at that time?

A He was at the house when I left.

Q In the kitchen?

A Yes, sir.

Q Anybody go in your car with you?

A My little boy went with me.

Q Had you worked that day?

A Yes, sir.

Q Did you take your children to a swimming pool that evening? A Yes, sir.

Q What time? A I imagine about five o'clock.

Q What time did you get back?

A Almost seven.

Q Did you eat supper before you left with the little boy? A Yes, sir.

Q And you took the little boy with you in the big car?

A When I came back from the swimming pool I had on a bathing suit. I just parked my car out back, and I wanted to put it up, and Jack wanted to go with me.

Q That your little boy? A Yes, sir.

Q What size is he? A He will soon be eight years old. He wanted to go up to Don Chafin's alley there and back down, and I did, and went down to the Smokehouse and looked at the ball scores and went home.

Q What time did you get back home?

A About nine o'clock.

Q And you left a little after eight?

A No, I left about--I imagine about twenty minutes to nine.

Q You left your home about twenty minutes to nine?

A Something like that.

Q And were only gone about twenty minutes?

A Approximately that.

Q You left the defendant in the kitchen when you went out to take your boy a ride?

A I went out to put the car up. Yes, I left Clarence.

Q That is the same thing. You left the defendant in the kitchen? A Yes, sir.

Q Where was he when you came back?

A I don't know. I didn't see him when I came back.

Q Did you put your car up?

A Yes, sir.

Q Where was the Ford sedan? A I don't know.

Q You don't know where the defendant was, or don't know where the Ford sedan was?

A No. It may have been in the garage. I didn't know where it was.

Q Who carried the keys to that garage?

A I had a key to it and Clarence had a key to it.

Q That is the defendant? A Yes, sir.

Q Those the only two keys to the garage?

A So far as I know, it was.

Q Who had the key or keys to the Ford sedan?

A I had a key to it. There was two sets of keys. I had one, and there was one we kept there at the house.

Q You had a key to the Ford sedan, and who had the other key?

A I suppose probably Clarence had it.

Q That is the defendant? A Yes, sir.

Q He is the one used it, you and he?

A Yes, sir.

Q Did you leave your home after you came back from the Smokehouse?

A No, sir.

Q What time did you retire?

A I imagine about a quarter to eleven, something like that.

Q You never saw Mamie Thurman after she left at eight?

A No, sir.

Q How was she dressed when she left her home?

A Well, she had on a blue outfit. I don't know. Just could tell it was a blue outfit, is all.

Q Carrying a pocketbook?

A I don't know.

Q Didn't notice that. Mr. Robertson, you say that you had only been out on this 22 Mountain three times this year fox hunting?

A I think it is three, yes, sir.

Q Do you know where Mamie Thurman's body was found?

A Yes, sir.

Q Was that the 22 Mountain you speak of as going fox hunting?

A Yes, sir.

Q And is that the mountain that the defendant, Clarence Stephenson, went with you when you would go out there to fox hunt?

A Yes, sir, we hunted out there.

Q He knew that road well?

THE WITNESS: Sir?

Q He knew the road out there well?

A Oh, yes, he knew the road.

Q Had you ever fox hunted recently on Crooked Creek, down below town, below Peach Creek?

A Yes, sir.

Q When was the last time you fox hunted down there?

A On Saturday night before Mrs. Thurman was killed.

Q Who went fox hunting with you down there?

A Mr. Broom and Clarence.

Q When you say Clarence you mean the defendant?

A I mean Clarence Stephenson.

Q Did you take your Ford sedan down there?

A Yes, sir.

Q Mr. Robertson, you were intimate with the deceased woman, were you not?

A Yes, sir.

Q How long and over what period had this intimacy kept up?

A I imagine two years.

Q During the time that she was in the bank?

A Part of the time.

Q As an employee?

A Yes, sir, part of the time she was employed.

Q That kept up until her death?

A Yes, sir.

Q Were you with her on Saturday night before her death? A Yes, sir.

✓ Q Where? A Crooked Creek.

Q Was that the place you went to fox hunt?

A Yes, sir.

Q Before you went down there to fox hunt did you have an engagement with her to see her that night?

A She wanted to go hunting with us, yes, sir.

Q Did you previous to going to Crooked Creek have an engagement to meet her at Fanette Jones?

A No, sir, I didn't have any engagement. She sent me word I could meet her there if I wanted to.

Q Whom did she send that word by?

A By Clarence Stephenson.

Q That is the defendant? A Yes, sir.

Q And you didn't go out there?

A No, sir.

Q After you went down to Crooked Creek on Saturday night to hunt did you send Clarence Stephenson, the defendant, back after Mrs. Thurman?

A Yes, sir.

Q And did he go to Fanette Jones' home to get her?

A I suppose he did. I don't know that he did.

Q Did he tell you there was where he got her?

A Yes, he said that was where he got her.

Q Was he driving the Ford car?

A Yes, sir.

Q The same Ford sedan that you owned?

A Yes, sir, same one.

Q Did he bring her down to Crooked Creek that night to see you?

A Yes, sir.

Q You saw her down there?

A Yes, sir.

Q And over what period of time were you with her down there? A I imagine she stayed down there about an hour.

Q Who brought her back home?

A Clarence Stephenson.

Q The defendant? A Yes, sir.

Q You had improper relations with her down there that Saturday night? A Yes, sir.

Q What time in the night was it, Mr. Robertson?

A Well, I judge around-- It was after that rain. I imagine it was about nine-thirty, something like that, or ten o'clock.

Q Where were you, on the highway or in the woods?

A No, right up by the side of the road up Crooked Creek there.

Q Was Mr. Broom down there with you?

A He wasn't with us. He was down the creek below us.

Q He went down there with you to fox hunt, didn't he?

A Yes, sir.

Q And the defendant went down there with you?

A Yes, sir.

Q You sent the defendant back after Mrs. Thurman?

A Yes, sir.

Q And told him that you would not meet her up at Fanette Jones?

MR. CHAMBERS: Your Honor, nearly all these questions are leading. I think I will interpose an objection.

THE COURT: Your last question is certainly leading, Judge.

JUDGE DAMRON: Yes, your Honor, it is.

Q In your intimacy with Mrs. Thurman she would meet you at different places?

A I was only out with her four times fox hunting.

Q Fox hunting? A Yes.

Q Well, were you out with her other times when you would not fox hunt?

A Not out in the car, no, sir.

Q You would use the defendant to bring her to you whenever you sent for her?

MR. CHAMBERS: Don't answer that. Now, I am objecting to these leading questions.

BY JUDGE DAMRON:

Q Well, would you or not?

THE COURT: Change your question.

BY JUDGE DAMRON:

Q Would you or would you not send the defendant after her when you would want her to meet you?

A If she wanted to go he would come back and get her.

Q You tell the Court and jury whether or not these four times you had her to meet you on these fox hunts the defendant brought her to you.

A Yes, sir.

Q And tell the jury whether or not each time was in this Ford sedan.

A Yes, sir.

Q Mr. Robertson, you have met Mrs. Thurman at other places?

A Yes, sir.

Q Other than these fox hunting places?

A Yes, sir.

Q Who was the date between, or who would you use



in bringing her to the other places that you met her?

A No one.

Q You attended to that yourself?

A Yes, sir.

Q Was that here in town?

A Yes, sir.

Q You told us a while ago that sometime, you thought it was in March, that she met you up on the 22 Mountain?

A Yes, sir.

Q Was that on one of your fox hunts?

A Yes, sir.

Q That was in this last March past?

A Yes, 1932.

Q Who did you send after her that time?

A Well, once I met her myself and once Clarence brought her out there.

Q Did you have any arrangement before you went out there where she was to come and where he was to come and pick her up?

A Yes, sir.

Q What store or what place was that?

A 21 Store up at Holden.

Q That is before you strike the Trace Mountain?

A Yes, sir.

Q Do you know the Carey boys, the ones that are in the taxi business here?

A Yes, sir.

Q Jim Carey? A Yes, sir.

Q Did you have any arrangements with him to bring Mrs. Thurman up to 21 Store that night?

A No, sir.

Q There is where you sent the defendant to get her?

A Yes, sir.

Q She came up there in some kind of conveyance, that you didn't have anything to do with?

A No. She came in a taxi herself.

Q These other places that you met her on the fox hunt were places other than 22 Mountain?

A Yes, sir.

Q Did you ever meet her at Band Mill Hollow?

A Yes, sir, on one occasion.

Q When was that?

A Well, I imagine it was in May. Maybe the first of June. I don't remember.

Q Of this year? A Yes, sir.

Q Who brought her to you that time?

A Clarence Stephenson.

Q The defendant. Did your wife know of your intimacy with this woman?

A She didn't know of it, no, sir. She suspected it, I guess.

Q Suspected it? A Yes.

Q Mr. Robertson, during these several and various engagements you had with the deceased woman, did she ever have any particular time she had to return to her home?

A She usually wanted to get in as early as possible.

Q Did she always want to return before eleven o'clock?

A No, not always before eleven.

Q What is the latest that you kept her out?

A Well, I don't think we were ever out longer than twelve o'clock. ✓

Q Twelve o'clock?

A Something like that.

Q And it was your custom to always send her back to her home? A Yes, sir.

Q By the defendant? A Yes, sir.

Q Did the defendant know of your intimacy with Mrs. Thurman before he left your home the first time, and before he came back in this last January?

A I don't suppose he did, no, sir.

Q How long was it after he came back to your home in January of this year until he knew of it?

A I imagine it was in March.

Q That the first time he knew that you were intimate with Mrs. Thurman?

A Yes, sir, so far as I know, it is.

Q That was the time that you were out on Trace Mountain that you told the jury about a while ago?

A Yes, sir.

Q You told us a while ago there was water in the garage. Which side was that water in, the side you kept the Ford in, or the other side?

A The side I kept the Ford in.

Q You kept that water in there to wash your cars?

A No, sir.

Q What for?

A I don't know. It was in there when the garage was built. I never have used it to wash a car in there.

Q So far as you know, the cars had never been washed in that garage?

A No, sir.

Q If I understand you correctly, Mr. Robertson, you kept the big car for your family use, and the Ford sedan car was kept for your use in hunting, etc?

A Yes, sir.

Q Did you use anything in the back part of that Ford sedan for your dogs to lie on?

A Yes, sir.

Q What was it?

A Piece of a tent; piece of tarpaulin.

Q Piece of tarpaulin. And did the car have sides, curtains, to it?

A We had canvas to cover up as much as we could of the upholstery.

Q Did you use anything, or any of that, for window curtains, or to hide the windows?

A No, not to hide the windows.

Q Use it for Window curtains at all?

A No, sir.

Q Door curtains?

A We had it tacked on the upholstering of the doors, or fastened on there.

Q You had what tacked on?

A A piece of this tent or canvas.

Q During the time you used this car for hunting purposes, so far as you know had the car ever been washed?

A Yes, it had been washed, yes, sir.

Q When was the last time before the 20th of June the car had been washed?

A I don't know, sir.

Q Well, had it for the last several months prior to that, so far as you know?

A Oh, yes, it had been washed in that period of time, but I don't remember just when.

Q Whereabouts would the car be washed?

A Well, usually when we washed it at home we would drive in on the driveway there. We have a wash basin there. We usually when we wash it at home, we drive in the yard there to the wash basin.

Q You never did know it to be washed in that garage?

A No, sir.

Q Do you know whether it was washed in that garage on the 22nd day of June or not?

A No, sir, it wasn't washed at all, I don't suppose, on the 22nd of June.

Q So far as you know, it wasn't?

A No, so far as I know, it wasn't. It didn't show any signs of it.

Q Is there a gasoline station close to that garage?

A Yes, sir.

Q Who runs it? A No one now.

Q Who did on the 21st day of June, or 22nd of June?

A I don't know whether Mosely run it or not. It has changed hands three or four times. I don't know whether Mosely run it or Cody. There has been three or four proprietors up there.

Q Mr. Robertson, you have told us that on Saturday before the murder, when you were down at Crooked Creek you used this same car?

A Yes, sir.

Q Tell the jury whether or not this canvas that you say that you used on the door was on the door the night that you were at Crooked Creek.

A I don't know, sir, whether it was or not.

Q Did you take it off of the door?

A No, sir, I did not.

Q Did you have anything to do with taking it off the door? A No, sir.

Q Mr. Robertson, on the Saturday night before the murder, when you were at Crooked Creek, did you talk with Mrs. Thurman about a future fox hunt, or did she say anything to you about wanting to go with you on the next fox hunt you went on?

A When I left her that night she said, "Well, I guess I will see you again in about a month or three weeks." I said, "Well, it may not be that long." I said, "You may go the next time I go if you want to," that is all.

Q That the next time you went fox hunting?

A Yes, sir.

Q Now I want you to tell the jury whether or not you, after that Saturday night, had an engagement to go fox hunting--I mean an engagement with anyone other than Mrs. Thurman.

A I had an engagement to go with Mr. Broom and Clarence Stephenson.

Q On what night were you to go fox hunting?

A On Tuesday night.

Q On Tuesday night? A Yes, sir.

Q That is the night that Mrs. Thurman was killed?

A Yes, sir.

Q Was the engagement to go that night between you and the defendant and Mr. Broom?

A Yes, sir, it was.

Q Was that called off before Tuesday night?

A Yes, sir.

Q By whom? A By Clarence Stephenson.

Q The defendant. What time was it that he called the hunt off? A Along in the afternoon some time. I don't know.

Q Of Tuesday? A Yes, sir.

Q Do you know whether or not he notified Mr. Brook that the fox hunt had been called off?

A I told him to go tell Mr. Broom we were not going, and Broom said that he told him that.

Q The defendant told you that he had notified Mr. Broom the hunt had been called off?

A I told him to go tell Mr. Broom we were not going.

Q When did you first learn of the finding of the body of Mrs. Thurman?

A On Wednesday shortly after two-thirty in the afternoon.

Q How did you learn it?

A Meade Smeltzer called me over the 'phone.

Q Told you the body had been found?

A Yes, sir.

Q Did you notify Mr. Thurman?

A I was talking to Mr. Thurman and Clarence Stephenson when I got the 'phone call.



Q Clarence Stephenson, the defendant, was he at the bank at the time?

A Just at the back door where you came in the bank.

Q How many times had he been in the bank that day, if you recall?

A I believe twice before that, maybe.

Q Did he come in there about nine-thirty in the morning?

A Yes, sir.

Q Call you off and talk with you?

A No, he just came up where I was working.

Q Mr. Townsend in there at that time?

A Yes, sir.

Q Talk to you separately from Mr. Townsend or anyone else?

A Well, I was working at my usual place where my machine sets. It was the rear machine in the bank, and all the other boys were there working. He just walked in there where I was..

Q Was that the first time that morning that you had seen him?

A Yes, sir.

Q Did he later come back in a little while and talk to you again?

A Yes, sir.

Q Then did he later in the afternoon come back and talk to you again?

A He came back with Mr. Thurman just after the bank had closed, a little after two-thirty.

Q What time was it when he came the second time to see you?

A I don't remember. Sometime in the morning.

Q That was shortly after he came the first time, was it not?

A Well, I don't remember just how long it was.

Q Mr. Robertson, you told us that you knew where the body was found up on Trace Mountain.

A Yes, sir.

Q How far was that from the center of the ridge up there where you turn out to this fox hunting camp? About how far?

A Oh, I imagine a hundred yards, something like that.

Q And how far was it from the fox camp?

A I judge it is over a mile out to this shanty or camp from the hard road.

Q Did you, after the body was found, visit the place up there that they claim the body was found?

A Yes, sir, I went out that afternoon when I got through work.

Q Tell the jury whether or not the body was found at a point where a car could be turned there.

A Why, I suppose a car could be turned there. It is not a very good place to turn, though.

Q Who went with you up there to this place where the body was found?

A Clarence Stephenson.

Q When?

A The day Mrs. Thurman's body was found, after I got through work. I imagine it was about around five o'clock or four-thirty.

Q In what kind of conveyance did you go?

A Went in the Ford sedan.

Q That is the same Ford sedan--

A Same one we have been speaking about, yes, sir.

Q And the one that he drives?

A Yes, sir.

Q Where is that Ford sedan now?

A The State Police Headquarters, I suppose. They had it.

Q Have you seen it up there since--

A I saw it once, yes, sir.

Q Did you examine it, or were you called upon to examine it?

A I looked at it, yes, sir.

Q Did you recognize it as your car and the same car that you have been talking to the jury about?

A Yes, sir.

Q Have you seen any photographs of that car?

A Yes, sir.

Q I hand you a photograph--

MR. CHAMBERS: Let's see that a minute, Judge.

(The photograph referred to was handed to Mr. Chambers.)

BY JUDGE DAMRON:

Q (Continuing) Upon which is written, "Salyers Studio, Logan, West Virginia, 1932," and will ask you whether or not this photograph represents your Ford sedan that you have been talking about?

A I suppose that is it. That is the kind of car mine is.

Q And that looks like the picture of your car?

A Yes, sir.

Q Now, is this the car that is at State Police Headquarters now, as you understand?

A Yes, sir.

Q You told the jury a while ago about one of the doors, your keeping a canvas or a curtain on it, and that it was on there--I believe you said you didn't know whether it was on there Saturday night or not. Now, which door of the car, as shown from this photograph, did you keep that curtain on?

A Well, we kept it on both doors.

Q Both doors?

A Yes, and around the side here on the inside to cover up as much of the upholstering as we could on the body of the car, so that when we removed the rear seats, or if we ever wanted to use it, the car would not be so dirty.

Q I hand you another photograph upon which is written "Salyers Studio, Logan, West Virginia, 1932,"--this is the one I showed you, Mr. Robertson. I will ask you whether or not the curtain as shown on this represents the curtain that you have been telling the jury about?

A Yes, that looks like the kind we used, yes, sir.

Q Did you see that curtain at Police Headquarters?

A Yes, sir.

Q Did you examine it?

A They brought it out, yes, sir, had it in the--

Q Tell the jury whether or not it had blood on it.

A Yes, it had blood on it, little streaks of blood.

I suppose it was blood. It was red.

Q Looked to you like blood?

A Yes.

Q Are the streaks shown on the curtain?

A Yes, sir.

Q Did you examine any other parts of the car at police headquarters?

A Yes, I looked at the whole car.

Q Did you find blood any other place in the car?

A No, they had cut out different parts of it when I was up, and told me about sending off different specimens.

Q Did you examine the front seat of your car at police headquarters?

A Yes, sir.

Q Had there been anything or was there in your presence or at the time any part of that front seat or the top of it where the head rests removed?

A No, sir.

Q I hand you a picture or photograph; upon the right of the front seat or where the head rests appears something in white, and I will ask you whether or not you examined the front seat, and if anything has been done to it.

A No, sir, I have not examined it at all since the day I was up there. There was a little on the front cushion.

Q A little what?

A A little dirt or smear of some kind, and they thought it might be blood, and they asked about cutting the cushion, and I took the knife and ripped the cushion myself to see if any blood had gone through it, or whatever they thought it was, and there hadn't anything gone through it.

Q The cushion you speak of is the--

A The front seat.

Q Seat that you sit on?

A Yes, sir.

Q Did you examine the top of the seat on the right side, where a passenger or person would sit opposite from the driver?

A Yes, sir, we looked at all of it.

Q Did you cut into that?

A No, sir.

Q That had not been cut into that day?

A No, sir.

Q Have you seen the car since then?

THE WITNESS: Since it was cut?

Q Yes, sir.

A No, sir, I only saw it the one time.

Q Did you see any of the matting up there that was used in the car?

THE WITNESS: Matting?

Q The front matting, or rubber matting.

A I saw that, and there was a piece cut out of it, they said they sent away.

Q Did you notice any floor-board or anything where the matting fit there in front of the car, as to whether or not--

A I suppose I did.

Q (Continuing) As to whether or not there was any blood on there?

A No. The day I was there they showed me where they had cut out a part of the floor mat, and said they had sent that to Charleston.

Q You didn't see any blood under that?

A I didn't raise that up at all. I didn't raise the mat.

Q You didn't see the body of the deceased before it was moved off of the mountain?

A No, sir.

Q A car coming down that mountain towards 21 Mine and towards Logan, on which side would the driver be?

A It would be on the left side. It is a left wheel drive.

Q Is your car a left wheel drive?

A Yes, sir.

Q And coming down a path in the road, or at the point where you were shown the body was found, would have thrown the driver on the left coming down?

THE WITNESS: Coming towards Logan?

JUDGE DAMRON: Yes.

A It would throw the driver-- Yes, it would be on the left side of the car.

Q And the body was on the right side, or the place where the body was shown-- where it was shown you that the body was found would have been on the right side?

A Yes, sir.

Q And that would be on the side opposite from the driver? A Yes, sir.

Q Did you learn on which side of the head she had been shot?

A No, sir.

Q A person riding in this car of yours with the driver in the front seat, the left side of the head would be thrown to him, would it not--the driver?



A Yes, sir.

Q Mr. Robertson, you told us a while ago that when Mrs. Thurman left home that night, the night her body was found the following morning, that you noticed her, that her dress was blue dotted?

A No.

Q Blue? A Blue outfit. I don't know whether it was dotted or not.

Q Have you seen the clothes which were taken off of her body?

A Yes, sir, I saw them.

Q Was that the same dress she had on when she left her home that night?

A I suppose it was, yes, sir.

Q Looked like the same?

A From the distance I was from her you couldn't tell whether it was a polkadot or had any white in it.

Q At any rate, it looked to be the same dress she had on when she left home?

A Yes, sir.

Q On Saturday night before her death, when she came down to Crooked Creek to meet you, what kind of dress did she have?

A I don't know. I couldn't tell you.

Q You don't know what color the dress was that night?

A No, sir.

Q You know that it wasn't this blue dress?

A No, I don't know that it wasn't the blue dress,

Q You don't remember that?

A I couldn't tell. It was dark. I couldn't tell.

JUDGE DAMRON: I think that is all, your Honor.

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CROSS EXAMINATION BY MR. CHAMBERS:

Q Mr. Robertson, you told the jury that you had known the defendant about eight years?

A Yes, sir.

Q During that time he had stayed at your house on two different occasions? A Yes, sir.

Q The last one was, you think, in January of this year, and that he remained there up until the time of his arrest? A Yes, sir.

Q And about how long prior to that was it he had been at your house on another occasion?

A I don't remember how long; it had been a few months; I don't know exactly how long it had been.

Q Was he injured on either or both of these occasions?

A Yes, sir, he was injured on both occasions.

Q In what way?

A Had his fingers cut off.

Q Had his fingers cut off of one hand the first time he came and stayed with you?

A Yes, sir.

Q And then the last time he came there he had the fingers on the other hand cut off?

A Yes, he had two fingers cut off the last time.

Q And those are the only two times that he remained with you while he was injured?

A Yes, sir.

Q Do you know where he was employed when he got his fingers cut off the last time?

A Mine 22, Island Creek Coal Company.

Q And is that the same road that leads from Logan No. 22 Mine, by which the body of Mamie Thurman was found?

A Yes, sir.

Q Then Clarence Stephenson had driven over that road many times?

A Yes, sir.

Q Had worked in that neighborhood as well as fox hunted?

A Yes, sir.

Q Had you been over it a number of times?

A Yes, sir.

Q Is it an extensively traveled highway?

A Yes, sir.

Q Isn't it a fact that road is used a great deal in the night time?

A Yes, sir.

Q Men and women who go out on parties go up Trace or

up to Sulphur Spring; it is noted for that, isn't it?

JUDGE DAMRON: Your Honor, I object to that.

THE COURT: I am going to sustain the objection.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q Now, Mr. Robertson, you told the jury you had known Mrs. Thurman some several years? A Yes, sir.

Q You had worked in the same bank with her?

A Yes, sir.

Q And you admitted that you had been intimate with her for something like two years?

A Yes, sir.

Q Do you know of other men having been intimate with her during that period?

JUDGE DAMRON: Objection, your Honor.

THE COURT: I am going to sustain the objection.

MR. CHAMBERS: I think I should be permitted to show that, your Honor.

MR. SCAGGS: If he knows it within himself.

BY MR. CHAMBERS:

Q Well, did she tell you?

MR. SCAGGS: That would be hearsay.

JUDGE DAMRON: I object to that on any grounds.

THE COURT: I think I will have to sustain the objection.

MR. CHAMBERS: Your Honor, I sat here a while ago

and they asked Mr. Robertson what Mrs. Thurman told him. Now I have a right to prove by this witness anything Mrs. Thurman said to him.

JUDGE DAMRON: About this particular matter, yes.

MR. CHAMBERS: That is what this is about, and if I can show dozens of other men were intimate with this woman it would be material as to the motive behind the killing.

JUDGE DAMRON: No, your Honor, I don't know why he would make such a speech as that before the case is over, attacking the woman's character. Her reputation for chastity and virtue has nothing to do with the case on trial.

THE COURT: I am going to sustain the objection.

MR. CHAMBERS: Note an exception.

Q You say that you were intimate with her?

A Yes, sir.

Q Tell the jury whether or not Jack Thurman was jealous of his wife.

A Well, she said he was. I don't know. Jack never told me that he was.

JUDGE DAMRON: Now, your Honor, I move to strike that answer.

THE COURT: I am going to overrule it.

JUDGE DAMRON: It is impossible for us to deny it. She is dead.

BY MR. CHAMBERS:

Q Mr. Robertson, the times that she went out on these fox hunting expeditions you say occasionally Clarence Stephenson, the defendant, took her out?

A Yes, sir.

Q Who made the arrangements for him to take her?

A Well, sometimes I would; very seldom, though-- and Clarence-- I would want to go and Clarence would have a chance to see her oftener than I would, and he would take her.

Q Would he come back into town and get her after dark?

A Yes, sir.

Q Then this woman that was killed would go out with the colored defendant alone along at ten or eleven o'clock at night?

A Yes, sir.

Q And he would take her to Crooked Creek, she would stay there a while, and then she would get in the car with him and alone come back to Logan?

A Yes, sir.

Q And that occurred on Band Mill Hollow also?

A Yes, sir.

Q And occasionally Mrs. Thurman would take a taxi and go up to 21 Store and she would be met there by either you or the defendant?

A On two occasions, yes, sir.

Q Do you know where she got that taxi?

A Reed Taxi Company.

Q Do you know who she had the bill charged to?

A She had it charged-- One trip, the first trip, she said she had it charged to Jack Thurman.

JUDGE DAMRON: Your Honor, we object to anything she told him.

MR. CHAMBERS: I don't understand the reason of the objection.

JUDGE DAMRON: She is not here to deny it, your Honor.

MR. CHAMBERS: Well, you asked a thousand such questions.

THE COURT: I am going to overrule the objection.

BY MR. CHAMBERS:

Q Mr. Robertson, the time that you were at Crooked Creek Saturday night before she was killed, you tell the jury you went there with Mr. Broom and Clarence Stephenson, the defendant?

A Yes, sir.

Q Do you know how many dogs you had with you?

A No, I don't. Had several, but I don't remember the number.

Q While you were down there that night did anybody come to you?

A Yes, sir.

Q Who? A Porter Lynn came down there.

Q Was that before or after Mrs. Thurman had come down?

A It was after she had came down.

Q Had she left at that time?

A Yes, sir.

Q Who had returned her to Logan?

A Clarence Stephenson.

Q Was there anyone else with them in the car?

A No, sir, not when they left me.

Q Do you know where Clarence Stephenson got her that night?

A He said he got her at Fanette Jones.

Q Do you know who made the arrangement to get her at Fanette Jones?

A She told Clarence to come out there, or I could either come out there.

Q Did she tell you that you could come out there?

A Yes, sir.

Q How many times did she tell you that you might come out there?

A Just that once.

Q And how long was that before this Saturday night?

A That was-- I don't remember just how long it was.

Q She told you about having some bed linens out at Fanette's, didn't she?

A Yes, sir, she said she had her own bed linens there.

Q What did she say in connection with those bed linens?

A She wanted me to come out there on this Saturday



night. It was a rainy night, if you remember. She said I could come out there and meet her out there, she had her own bed linens there, and we could stay there as long as we wanted to and it was absolutely safe.

Q Is that the same Fanette Jones that was on the witness stand yesterday, that large colored lady?

A She spoke of her as Fanette Jones, yes, sir.

Q Did you tell Stephenson where to go that night to get her, or did he already know?

A He knew where to go.

Q Now, you told the jury that you had a Ford car and a Packard, and that the Ford was a two-seated sedan?

A Yes, sir.

Q That you had taken the back seat out to give more room for your dogs?

A Yes, sir.

Q Now explain to the jury what you used as a covering for the inside of the car to keep it as clean as possible.

A Well, we took out the back seat, and the back cushion of the back seat, we took that out, and we had an old piece of tent, Oh, I suppose it was probably as long as that table there, one part of that table, and we spread that in the back of the car and let it come over the front seat down like that, (illustrating), so that when you would sit down your back would hold it until the dogs couldn't pull it over.