

Q And you didn't know where he was going or where he went after--

A He didn't tell me. My wife was there. He didn't tell me where he was going. He just simply took the back door key and went out.

Q And after you went to bed you heard somebody come in and go up to the attic?

A Yes, sir.

Q You heard no more than night of him, and you never saw him any more until after nine o'clock next morning?

A No, sir.

Q How does one get out of that attic from where he slept?

A You open the door that goes into the attic, you come down the stairs, one flight goes this way, then a landing, and then back down here to the second floor of my home, and then down another flight of steps to a landing and around.

Q Is there only one way out?

A Yes, sir.

Q That flight of stairs coming down, you can go out through the front way or back way of your home?

A Yes, sir.

JUDGE DAMRON: That is all.

- o -

RE-CROSS EXAMINATION BY MR. CHAMBERS:

Q One other question: When you gave the State Police

the key to your car that night how many keys did you give them? A Gave them one.

Q Was that the key to the ignition? A Yes.

Q You didn't give them a key to the doors of the car?

A No, sir.

MR. CHAMBERS: That is all.

Thereupon a recess was taken until one-thirty o'clock P. M.

- o -

AFTERNOON SESSION

The trial was resumed at one-thirty o'clock.

FANETTE JONES, recalled by the State, testified as follows:

DIRECT EXAMINATION BY MR. SCAGGS:

Q Is your name Fanette Jones? A It is.

Q Are you the same Fanette Jones who lives on High Street, in the City of Logan, and who testified in this case yesterday afternoon? A I am.

Q You stated yesterday afternoon that Mrs. Mamie Thurman was at your home on High Street on Saturday night before she was killed? A Yes, sir.

Q Tell the jury how Mrs. Thurman was dressed that night.

MR. CHAMBERS: Just a moment. I am going to object.

MR. CHAFIN: That is an omitted question, your Honor, that was not gone into on yesterday.

JUDGE DAMRON: It will be followed up.

THE COURT: I think I will overrule the objection and let her answer.

(Exception saved by the defendant.)

A As far as I can remember, she had on a yellow linen dress.

MR. SCAGGS: That is all.

THE COURT: Do you want to further examine her, Mr. Chambers?

MR. CHAMBERS: I wanted to recall her for further cross examination anyhow, and I will just ask her while she is on the stand.

- o -

CROSS EXAMINATION BY MR. CHAMBERS:

Q Is that the night you say she got in the car, Ford sedan car?

A She got in a car. I don't know what kind it was.

Q A car that you never saw? A No, sir.

Q Yet that is the same car you swore on yesterday that she got in? A I didn't swear on it.

Q You didn't? And you think she had on a yellow linen dress?

A As far as I can remember, that is the kind she had on.

Q Well, don't you remember what kind of dress she had on?

A As far as I can remember, it was a yellow linen dress.

Q What kind of hat? A I don't know.

Q Did she have on any? A I don't know. I didn't pay that much attention.

Q You didn't pay any attention to know whether she had on a hat or not? A No, sir.

Q Have a pocketbook? A Yes, sir.

Q What kind? A A light tan one.

Q You remember that?

A I remember the pocketbook.

Q Light tan pocketbook? A Yes, sir.

Q Sure of that? A Yes, sir.

Q What time in the night was she there?

A At eight o'clock.

Q Came at eight? A Yes, sir.

Q And left at eight-ten? A Yes, sir.

Q How long before that had she been at your house?

THE WITNESS: How long what?

MR. CHAMBERS: Read the question.

(The question was read to the witness.)

THE WITNESS: What do you mean?

MR. CHAMBERS: I meant what I said.

THE WITNESS: I don't know what you said.

Q Had she been at your house before that Saturday night? A No, sir, she hadn't.

Q That was the first trip she had ever made?

A Yes, sir.

Q On this trip she brought you the linen?

A Yes, sir.

Q What made you look at the time she came and the time she left?

MR. SCAGGS: Your Honor, that was all gone into yesterday. If Mr. Chambers has anything new he wants to cross examine the witness on, we have no objection. We object to that question.

THE COURT: My recollection is you did ask that question, or similar ones.

MR. CHAMBERS: I don't think I asked that.

THE WITNESS: You did. You asked me how come I looked at the clock.

Q Well, how came you to look at it?

MR. SCAGGS: We object.

THE COURT: I will sustain the objection.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q What time did you go to bed last night?

THE WITNESS: What?

Q One other question I want to ask you about a different matter--

THE WITNESS: Huh?

Q (Continuing) You went up to your mother's that Wednesday morning Mamie Thurman's body was found on Trace Mountain, didn't you?

A I did.

Q And this Queenie Lewis, or Queenie Reeves, went with you? A She did.

Q Now, you said you stopped on your way up, and you told us one place you stopped was Mrs. Booker's?

A I did.

Q Did you stop any place else on your way up?

A I did not.

Q You did not? A No, sir.

Q I want to know what time it was you left your mother's and came down to Thurman's home.

A I didn't leave my mother's and come down to Thurman's home. I went to work when I left my mother's.

Q Where? A J. D. Copley's house.

Q What time did you leave J. D. Copley's and come down to Thurman's? A After three o'clock.

Q And who came with you? A Queenie Reeves.

Q You stopped in Thurman's home? A I did.

Q Was that the first time you were at Thurman's home that day? A That day, the first time.

Q Who was at Thurman's home? A Mr. Thurman and Mr. Smeltzer was there when I went.

Q That is the City Policeman. Were they there when you left? A Mr. Thurman and Harry Robertson was there when I left.

Q Did you pour out this home brew while they were there? A I did.

Q The Chief of Police and Thurman saw you pour it out?

A They did not.

Q Who told you to? A I told myself.

Q Nobody told you? A No, sir.

Q I didn't just understand yesterday what day it was you worked at the Thurman home and mopped the bath room.

A It was Monday.

Q What work did you do Wednesday?

A I washed up the dishes and fed the-- cooked some meat for the dogs.

Q And that is all?

A That is all there was to do.

Q Nobody had sent for you that day, you just stopped because you thought Mr. Thurman would need you?

A No, sir, I didn't say that.

Q What did you stop for?

A Mr. Thurman told me that morning at my mother's house to come down there that night.

Q Oh, Mr. Thurman told you that morning to come down to his house that night? A Yes, sir.

Q You didn't go that night, you went in the afternoon?

A I did.

Q Did he tell you what he wanted with you?

A He didn't know that his wife was dead at the time.

Q I didn't ask you that.

A Well, he didn't tell me what he wanted with me.

MR. CHAMBERS: That is all, Fanette.

- o -

ERNEST T. BROOM, called as a witness in behalf of the State, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAFIN:

Q What is your first name, Mr. Broom?

A Ernest Theodore Broom.

Q Where do you live? A In Logan.

Q What age man are you?

A Thirty-four years old.

Q Are you acquainted with Harry Robertson and the defendant here, Clarence Stephenson? A Yes, sir.

Q About how long have you been acquainted with those two men? A Well, between seven and eight years.

Q Do you know where Mr. Robertson lives here in the city? A Yes, sir.

Q Have you been around his home a good deal in the last few months? A Quite a bit, yes, sir.

Q Did you go fox hunting any with Mr. Robertson and the defendant? A Yes, sir.

Q Do you remember hearing about Mrs. Thurman's body



being found on Trace Mountain, on the 22nd day of last June?

A Yes, sir.

Q Where were you on that day, Mr. Broom?

A I was working.

Q Did you see the defendant, Clarence Stephenson, the day before her body was found? A Yes, sir.

Q On Tuesday? A Yes, sir.

Q Where did you see him?

A He came over to the Power Company office where I work, where I go to work from, and he came up there and told me that the hunt was called off.

Q Now, that was the night that Mrs. Thurman was missing? A Yes, sir.

Q And the next day you heard about her body being found? A Yes, sir.

Q Did you and the defendant, Stephenson, and Robertson have an understanding or engagement to go fox hunting that Tuesday night? A Yes, sir.

Q What time in the day on Tuesday would you say it was, or about what time in the day, that the defendant, Stephenson, came to you at the Power Company's office and told you that the date was cancelled?

A Just after noon.

Q Well, would you say it was as late as two o'clock?

A Well, it was something like twelve-thirty, I imagine, or a quarter to one.

Q Then you did not go fox hunting that night?

A No, sir.

Q Did you see the defendant, Clarence Stephenson, any more that afternoon? A Yes, sir.

Q Where? A Up at Mr. Robertson's.

Q What was he doing?

A He was feeding the dogs.

Q What time in the evening was that?

A Well, it was along about six o'clock.

Q Anyone with him? A No, sir, just him and myself were out there in the back yard, and he was feeding the dogs.

Q Did you see him any more after that time on that day? A No, sir.

Q Did you see Mrs. Thurman any that evening?

A No, sir.

MR. CHAFIN: That is all, Mr. Broom.

- o -

CROSS EXAMINATION BY MR. CHAMBERS:

Q Mr. Broom, sometime in the afternoon of that Tuesday, right after dinner, as you recall, Stephenson came over to the power house where you were working and told you that the hunt had been called off?

A No, sir, he came over to the office over here in town.

Q Oh, to the Power Company office here in town?

A Yes, sir.

Q Did he assign any reason for it having been called off? A Well, nothing more than he said he was feeling bad and he didn't feel like going.

Q And you told him all right? A Yes, sir.

Q Then late that evening, about six o'clock, you went up to Mr. Robertson's home? A Yes, sir.

Q And there you saw the defendant feeding the dog? A Yes, sir.

MR. CHAMBERS: That is all.

- o -

E. F. MURPHY, called as a witness in behalf of the State, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAFIN:

Q Is your name E. F. Murphy? A Yes, sir.

Q Where do you live, Mr. Murphy?

A I live in the Grand Apartment now.

Q In this city? A Yes, in Logan.

Q Are you a married man? A Yes, sir.

Q What age man are you? A Forty-seven.

Q How long have you been living in the City of Logan?

A 1919 I believe it was I came here.

Q Are you acquainted with Harry Robertson?

A Yes, sir.

Q Do you know where he lives here in the city?

A Yes, sir.

Q Did you know Mamie Thurman in her lifetime?

A Yes, sir.

Q Are you acquainted with the garage on the rear end of Mr. Robertson's residence property here?

A Yes, sir.

Q Do you remember the day the 22nd of last June when Mrs. Thurman's body was found on Trace Mountain?

A Yes, sir.

Q Were you here in town at that time?

A Yes, sir.

Q How close or about how close were you living at that time to the Robertson and Thurman homes?

A Well, I don't know exactly what distance it would be. It would be something like twice the length of this court house, probably.

Q Were you about your home that evening?

A Yes, sir.

Q I mean Tuesday evening.

A Tuesday, yes. Yes, I was at home after work hours.

Q Tell the jury whether or not you saw the defendant, Clarence Stephenson, about the Thurman home that evening.

A Why, I seen him sitting on the top steps where you walk up from the Main street, I believe they call it, the way I go in home. He was sitting on top of the steps.

Q Who, if anyone, was there with him?

A There was no one with him at the time being.

Q Did you later on see anyone with him?

A Yes, sir.

Q Who was it? A Mrs. Jack Thurman.

Q That is Mrs. Mamie Thurman? A Yes.

Q How long did you see those two together there that evening? A I wouldn't know how long it would be.

Q Tell the jury as well as you can about what time in the evening it was.

A It was something after six o'clock. It might have been seven o'clock. I couldn't say.

Q Now, do you know how long they remained there with each other? A No. I went-- As I went in he was sitting there. I went on in and went upstairs in my room and changed my shoes, put on my shoes and set down in a chair and went to reading, looking over the paper. I heard a noise, kind of somebody talking, you know, and I naturally looked out, and they was having some kind of conversation, but I didn't hear what it was.

Q You mean Mrs. Thurman and Clarence Stephenson?

A Yes, sir.

Q Where did you go after that time? Did you stay about the house there? A I stayed there.

Q Did you see Mrs. Thurman any more that evening?

A Not after I seen Clarence leave. I never did look out any more. I don't know how, I just happened to raise up and saw him raise up and walk down the steps walking to

the road, saw his head after he goes down the steps.

Q Going towards Main Street?

A Main Street I believe it is, yes.

Q Was it the next day, then, that you heard about Mrs. Thurman's body being found?

A Yes, about three o'clock in the afternoon next day.

MR. CHAFIN: That is all, Mr. Murphy.

- o -

CROSS EXAMINATION BY MR. CHAMBERS:

Q Mr. Murphy, as I understand it, all you know is that about six o'clock or perhaps as late as seven on Tuesday evening you saw Clarence Stephenson sitting on the steps that lead from the street up to the Robertson walkway?

A Yes, just as you get up to the top of the steps.

Q And Mrs. Thurman was there?

A She wasn't there when I went in, no, but she was there later on. I don't know how long it was.

Q Did you see her until you got in the house?

A No, no.

Q Did you see Clarence Stephenson until you got in the house? A Yes, he was sitting there. I spoke to Clarence when I went in.

Q He was sitting there alone as you went in?

A Yes, sir.

Q Then you went in the house and paid no more attention to him until you heard voices?

A Heard some talking.

Q And you looked out there and saw Mrs. Thurman and Clarence Stephenson talking? A Yes.

Q Was she standing up or sitting down?

A She was sitting down.

Q On a step? A No, it was on a little bench there about as far as from here to that table.

Q Which one left first?

A Clarence, I think, left first.

Q Are you sure? A I would not be positive, but I think he did.

Q You paid no particular attention?

A No. How I noticed so plain, when Clarence raised up and moved down he was sitting in dust and there was dirt on his pants as he raised up. That is how I noticed him as he walked off.

Q That was right by the side of the Thurman home?

A Yes, sir.

Q What time did you get up next morning, Mr. Murphy?

A About a quarter to five.

Q The next morning when you got up did you see Jack Thurman anywhere? A Yes, sir. He was standing about-- When I first seen him I thought it was about half way between the bench and where Clarence was sitting that day before. He was standing there when I happened to look out the window.

Q Was it daylight then?

A It was daylight enough to see perfectly plain.

Q Was there anyone with him? A No, sir.

Q Did you see him any more after that?

A Yes, sir, I seen him walk right down the steps and walk down over the river bank and look over the river.

Q You saw him go out to that river bank and look over the river bank, didn't you?

A Yes, sir.

Q Where did you go then?

A I never noticed then. I went on to work.

Q How long did you see him stand and look over that river bank? A He didn't stand there. He was walking back. He wasn't there but a short time.

BY MR. CHAFIN:

Q There was just a street there between his house and the river bank, wasn't there? A Yes.

- o -

S H E R M A N F E R G U S O N, called as a witness in behalf of the State, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SCAGGS:

Q I believe your name is Sherman Ferguson?

A Yes, sir.

Q How old are you, Sherman?



A Twenty years old.

Q Where do you live? A Here in Logan.

Q How long have you lived in the City of Logan?

A About fourteen years.

Q What do you do? A Go to school.

Q Are you a high school student? A Yes, sir.

Q Junior or senior high school? A Senior.

Q Do you remember hearing about the body of Mrs. Mamie Thurman being found on 22 Mountain on the 22nd day of last June? A Yes, sir.

Q Do you recall where you were when you heard the body had been found? A I was at the Aracoma Laundry. I was helping a fellow on a truck, and the cleaner asked me something about it, asked me if I had heard anything about it, and I told him no.

Q Don't tell that.

THE COURT: Just answer the question.

BY MR. CHAMBERS:

Q Where were you, Sherman, on the night before?

A Well, I was down town until about ten after one, and then I went home.

Q Where do you live in the City of Logan?

A On Cassidy Street.

Q Where is that street?

A That is up towards Pine Street.

Q Do you know the defendant, Clarence Stephenson?

A Not personally. Only when I see him.

Q How long have you been knowing the defendant, Clarence Stephenson, when you would see him?

A Well, I couldn't say. I have seen him lots of times there at Mr. Robertson's.

Q Harry Robertson's? A Yes, sir.

Q Did you see Clarence Stephenson on the night before you heard that the body of Mamie Thurman was found on 22 Mountain? A Yes, sir.

Q Do you recall the day of the month that was?

A I believe it was the 21st of July-- 21st of July, I believe.

Q Are you positive it was the day before you heard about the body being found? A Yes, sir, it was that night I seen him; next day, next afternoon.

Q Where did you see the defendant, Clarence Stephenson, on that night?

A Coming between the Pioneer Hotel and Aracoma in a Ford sedan.

Q What time in the night?

A Well, my estimation I think about twelve-thirty. Maybe a little later, I don't know.

Q Where were you at the time you saw Clarence Stephenson coming between the hotels?

A I was standing in front of the Aracoma Hotel where those chairs sets out there.

Q Was there anyone with you?

A Yes, sir.

Q Tell the jury who it was.

A There was Nick Polineri and John Bucklin. He was with the Western Union. He was just here for two weeks. He was a stranger here. And some other boy, I don't know who he was. He was selling books, a stranger. I just had met them that night.

Q Was Clarence Stephenson driving the Ford sedan?

A Yes, sir.

Q Was there anyone with him?

A I didn't see anyone.

Q Can you tell the jury how Clarence Stephenson was dressed that night?

A Well, he didn't have no coat on. He had a shirt, and his sleeves rolled down, and I think he had a straw hat on.

Q Where did he apparently come from?

A Off of Stratton Street, in my estimation.

Q Was he going toward the river street here, Main Street that goes up by the court house? A Yes, sir.

Q And when he got out to that street did he turn up the street or down the street?

A He turned up the street. He couldn't go down the other. He was violating the law if he went the other way.

Q One-way street? A Yes, sir.

Q How do you fix that time, Sherman?

A Well, I was in the Sweet Shop, us boys, about fifteen to twelve, and the manager of the Sweet Shop said he was going to close up, so we left there and went down to the City Lunch right across from the Middelberg Theatre and stayed there a while, and I think one of the boys eat some, and while we was in there the street lights went out. I imagine we stayed there about five minutes after the lights went out. I left there and walked up Main Street. We come up to the Aracoma Hotel and stopped there. I imagine we sit there twenty or twenty-five minutes, something like that, and Mr. Stephenson come by. That is the only estimation I can give.

Q Do you know what time the street lights go off?

A Twelve o'clock.

Q What time did you go in that night?

A I think it was about ten after one I passed this bank clock out here, this Polinori boy and I. He goes up my way, and we went home together.

Q Did you go home with Nick Polinori?

A Yes, sir.

Q Do you know whether the Polinori boy saw Clarence Stephenson or not?

A I don't know. I mentioned it to him. He didn't say whether he seen him or not.

Q You mean at the time?

A Not at that time, no. I didn't mention it to anybody until the next afternoon, that I heard they was hold-

A Yes, sir.

Q How long did you stay in there?

A I don't know. I don't know how long I stayed in there. I left there about fifteen to twelve, something like that.

Q Why do you say something like fifteen to twelve?

A I think I looked up at the clock when we left there. The man that owned the Sweet Shop said he was going to close up, we would have to go.

Q Don't you know you looked up at the clock?

A Yes, sir, I looked up at the clock.

Q What time was it?

A About fifteen to twelve.

Q Well, you looked at the clock to see what time it was; tell us the exact time.

MR. CHAFIN: We object, your Honor.

THE COURT: I am going to sustain the objection.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q A while ago you told the jury you thought you looked up at the clock. Now you tell the jury you did look at the clock.

MR. CHAFIN: That is arguing with the witness.

We object.

THE COURT: I sustain the objection.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q I would like to know which is right. You told thi's jury that you thought you looked at the clock, and in the next breath you said you did look at it, and told them what time it was. Which one of those statements is correct?

MR. CHAFIN: We object to that. The jury knows what the witness told them.

THE COURT: The witness may answer if he can.

A I will say it was fifteen to twelve.

BY MR. CHAMBERS:

Q All right. Who was in the Sweet Shop besides these two strangers and Nick Polinori?

A A Carey boy, Roscoe Carey, he was in there, too. ✓

Q Roscoe Carey? A Yes, sir.

Q Did he leave before you did?

A No, sir, we all left together.

Q You all left the Sweet Shop together. How many of you?

A Four boys and myself makes five.

Q Where did you go?

A Down to the City Lunch.

Q Where is that?

A That is by the side of the A & P down on Dingess Street.

Q Stand on the sidewalk down there?

A No, sir, went inside.

Q Did you stop anywhere from the Sweet Shop until you got down to the City Lunch?

A I don't remember. I don't think we did. I think we went right on down.

Q When you came out of the Sweet Shop did you stop in front of it on the sidewalk?

A Stood there a little while, yes, sir.

Q See anybody pass there in a car at that time?

A I didn't pay any attention.

Q Cars were passing, weren't they?

A I suppose they did. I didn't pay any attention then.

Q You didn't even pay enough attention to know whether a car passed you after you came out of the Sweet Shop or not, did you?

A Well, we was all talking.

Q Did it rain any that night?

A It didn't rain any while I was out, as I remember. It rained after I went home.

Q You heard it? A Yes, sir.

Q After you left the Sweet Shop where did you go?

A City Lunch.

Q After you left the City Lunch where did you go?

A Up Main Street and up to the Aracoma Hotel.

Q Why didn't you come up Stratton Street?

A All the boys just said "Let's go up this way."

Q The City Lunch is right at the lower end of Strat-

ton Street, isn't it? A Yes, sir.

Q It is the main street in town, most traveled street?

A Dingess Street.

Q Main Street back of the Middelberg Theatre is not traveled by anything much but automobiles?

A That is all.

Q You boys came up Main Street that night?

A Yes, sir.

Q Which side did you come up?

A On the left side.

Q You came across by the Pioneer and over to the Aracoma? A Yes, sir.

Q Did you sit down? A Yes, sir.

Q Where? A At the Aracoma.

Q Which side? A Out there on Coal Street.

Q The Coal Street side? A Yes, sir.

Q All five of you sat down there?

A Yes, sir, we was all sitting there.

Q Sitting there talking? A Yes, sir.

Q How long had you been there until you say you saw Stephenson go by?

A I imagine about twenty-five minutes.

Q How many other cars had passed?

A One car was the only one I seen. That was Johnnie Wilcox.

Q You remember Johnnie? A Yes, sir.



Q Is that the only one passed?

A That is the only one I seen.

Q What kind of car did he have?

A A Dodge sedan.

Q How do you know?

A Because I had rode in it and driven it.

Q You know that because he works up at the laundry?

MR. CHAFIN: Objection.

THE COURT: Sustained.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q You tell us it was about what time when Stephenson drove by?

A About twelve-thirty or twelve-thirty-five, something like that. I am just estimating that.

Q You didn't look at any timepiece? A No, sir.

Q Did you say anything to any of the boys with you?

A No, sir.

Q Didn't mention it to a soul at that time?

A No, sir.

Q You say he had on a straw hat? A Yes, sir.

Q Have on a coat? A No, sir.

Q No coat on? A No, sir.

Q In his shirt-sleeves? A Yes, sir.

Q Sleeves rolled up?

A I think his sleeves was rolled down.

Q Sleeves rolled down? Are you sure?

A I think so.

Q You paid particular attention to that?

A I remember seeing him, and he didn't have his sleeves rolled up.

Q What kind of trousers did he have on?

A I couldn't see them. I don't know.

Q You didn't see them? A No.

Q Was he driving fast or slow?

A At a moderate rate of speed anybody coming around through there, just like anybody come around Coal Street there through that driveway.

Q Did you see which way he came when he came into Coal Street?

A No, sir, when I first noticed him he was already in Coal Street. He must have come off of Stratton Street.

Q How close to where you were sitting was he when you first saw him?

A I imagine-- I was sitting back against the Aracoma Hotel there.

Q Yes. A He passed by in the car.

Q You never noticed him until he was passing you, is that it? A I noticed the car come, and I kind of-- my eyes followed him out a little piece.

Q He was some fifteen or twenty feet from you when you noticed the car first? A Yes, sir.

Q Then you watched it go by? A Yes, sir.

Q And watched it go out the street and turn the corner? A He slowed down, and I didn't pay any more attention.

Q The Aracoma stands right on the corner?

A Yes, sir.

Q And you saw him go up Stratton Street, didn't you-- up Main Street?

A He must have went up that way.

Q To come in from down the river, or from Island Creek, you would not come that way, would you? A car coming from Island Creek or from down the river into the City of Logan would not come around between the Aracoma and Pioneer Hotels, would it?

A No, sir.

Q It would come right up Main Street the way you boys say you came? A Yes, sir.

Q And on up this street? A Yes, sir.

Q Whom did you say you told about it?

A I don't remember who I told, but I told several about it.

Q Who was the first person you told?

A I don't remember. I told some of the boys up at the fire station.

Q Well, who? A I don't know who. There was a whole bunch up there. I don't know who I told.

Q And when? A About two days after they found Mrs. Thurman.

Q About two days. When did you tell the prosecuting attorney about it? A They picked me up.

Q Who did? A Mr. Chafin and Thompson picked me up in a car.

Q Had you told anybody about it before that?

A Yes, sir.

Q Anybody except the boys at the fire station?

A I told this Polinori boy--Nick Polinori.

Q He was with you, wasn't he? A Yes, sir.

Q He saw what you saw, didn't he?

A I don't know. I don't think he did. They was all sitting around there. I don't know whether he paid any attention or not.

Q Give me the names of the two men with you and the Polinori boy.

A John Bucklin. I don't know who the other fellow was.

Q Had you ever seen him before?

A I had seen him before. I never had met him.

Q You met him that night? A Yes, sir.

Q Do you remember his name? A Yes, sir.

Q Do you know where he was from?

A Thurmond, West Virginia.

Q Did you see him any more after that night?

A I seen him next day.

Q Where? A Going in the Western Union.

Q You have not seen him since?

A No, sir. He left here. He was just here two weeks.

Q The other man's name you don't know? A No, sir.

Q Did you meet him? A Yes, sir. I didn't pay much attention. I didn't get well acquainted with him.

Q What color of shirt did Stephenson have on?

A I don't exactly remember. Sort of a light shirt.

Q How? A It was a light shirt, something like a light shirt. I don't remember exactly what color.

Q You first said you didn't remember, and then say it was a light shirt.

A It wasn't a dark shirt.

Q You are sure it wasn't a dark shirt?

A Yes, sir.

MR. CHAMBERS: That is all.

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H O B A R T G I L L A M, called as a witness in behalf of the State, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAFIN:

Q Is your name Hobart Gillam? A Yes, sir.

Q What age man are you? A Thirty-five.

Q Married or single? A Married.

Q Where do you live? A 21 Holden.

Q That is in Logan County, is it? A Yes, sir.

Q What kind of work do you do? A I load coal.

Q For whom? A Holden-- Island Creek Coal Company.

Q Mr. Gillam, how long have you been living at Holden and working for the Island Creek Coal Company?

A Four years this Fall.

Q Where did you come from when you came to Logan County? A I came from Covertton, Virginia.

Q You say you live in 21 camp at Holden?

A Yes, sir.

Q Are you acquainted with the hard road that goes through 21 Camp across Trace Mountain and over to 22 Mine?

A Yes, sir.

Q Did you ever work over at 22 Mine?

A Yes, sir, I worked there. I went there in 1928 and stayed there until the 15th of March, 1932.

Q About how far is it from where you live to the foot of Trace Mountain?

A Well, it is something like about a mile, I guess.

Q Which side of the road do you live on going up through the 21 Camp towards Trace Mountain, the right or left?

A I live on the left as you go up.

Q How close to that road do you live?

A Well, it ain't but just a step or two off the front porch out onto the hard road.

Q Are you acquainted with the defendant over here,

Clarence Stephenson?      A Yes, sir.

Q How long have you been acquainted with him?

A Well, I have knowed Clarence for something like two years, I guess.

Q Did you ever work with him, or in the same mine with him?

A Yes, sir, I worked 22 with him. I loaded coal over there and he broke on the motor.

Q He worked on the motor that pulled the coal you loaded?

A Yes, maybe part of the time, and part of the time he wasn't on my haul all the time.

Q How long or about how long did you and he work that close together in 22 Mine?

A Well, I couldn't say exactly, but I don't believe Clarence was on my haul very many days, but he was on different territories in the mines.

Q Were you living where you now live on the 21st and 22nd of last June?

A Yes, sir.

Q And how long had you been living there before that time, would you say?

A I believe it was either the 16th or 17th day of March I moved over there where I live now.

Q You lived there June 22nd?

A Yes, sir.

Q Did you ever see the defendant, Clarence Stephenson, with Harry Robertson?

A No, sir, I don't believe I ever did.

Q Mr. Gillam, did you ever fox hunt any with the de-

defendant, Clarence Stephenson? A No, I never did.

Q Then, if I understand you, you had been well acquainted with him and had known him for several months before the 22nd of last June? A Yes, sir.

Q Do you remember hearing on Wednesday, the 22nd day of last June, about Mrs. Mamie Thurman's body being found on Trace Mountain? A Yes, sir, I heard of it that evening when I come out of the mines from work.

Q About what time in the evening?

A Well, I believe it was between four and five o'clock that evening.

Q Tell the jury whether or not you saw this defendant, Clarence Stephenson, up in that neighborhood the evening before her body was found.

A Well, sir, me and another fellow was sitting on my front porch; I had come in from work that evening, and we was sitting there talking, and Mr. Stephenson and another fellow passed our house going up in a car. I believe it was maybe six to six-thirty that evening.

Q What direction were they going with reference to Trace Mountain?

A They was headed that way.

Q Did you know who the white man was that was with him?

A No, sir, I didn't.

Q Who was driving the car?

A Mr. Stephenson was driving it.