

about a mile.

Q You know Don Huff? A Yes, sir.

Q And Roy Hall? A Yes, sir.

Q And Charley Huff? A Yes, sir.

Q You were working there during last June, were you, Mr. Gibson? A Yes, sir, I was.

Q Do you remember hearing about the body of Mamie Thurman having been found on Trace Mountain last June?

A Yes, sir, I heard.

Q Do you recall where you were at the time you heard that? A Well, when I heard about it we were on our way going to work that evening--the evening she was to be brought off the hill.

Q You say "we were going." Whom do you mean by that?

A Us machine men. Sometimes there were-- don't just remember who, sometimes three or four goes up the road together, sometimes more than that, sometimes one at a time.

Q Did you work of a night time at the mine?

A Yes, sir, I worked at night.

Q Had you worked the night before? A Yes, sir.

Q On this day that you heard about Mrs. Thurman's body being found, what time did you quit the mine, leave, in the morning? A Well, the morning-- We come out at different times, but I don't know what time we come out on the morning we heard it. That was supposed to have been, I think, on the 22nd, the 22nd day. We come out that

morning around in the neighborhood of about five o'clock.

Q You say "we came out." Who came out with you?

A Roy Hall, Don Huff, Charley Hall, and Frank Centerbury, and Nicky Vinson, I believe is his name. He is a foreigner. I don't know exactly.

Q When you came out that morning and put up your lamps, where did you go? A We went down the road towards home.

Q Were Frank Huff and Don Huff and Roy Hall with you?

A Don Huff and Charley Huff and Roy Hall was with me.

Q You were walking? A Walking, yes, sir.

Q On your way from the mine down to your home that morning tell the jury whether or not an automobile passed.

A Yes, sir, there was a Ford passed us just a little ways below the mines.

Q Give the jury your best impression about how far it was below the mines that this Ford passed you.

A Well, I judge it is around probably two hundred yards.

Q You are guessing at it? A Yes, just a rough guess.

Q What kind of morning was it, Mr. Gibson, as to being foggy, clear, light, or how?

A It was a kind of foggy morning. It had been raining that morning. It was raining, drizzling, when we came out.

Q Tell the jury what kind of automobile it was that passed.

MR. CHAMBERS: We object on the ground he has answered it once.

MR. CHAFIN: He said it was a Ford. There are different kinds of Fords. We want to find out what kind of Ford it was.

THE COURT: Go ahead and answer the question.

A It was a two-seated Ford, a dark looking Ford.

BY MR. CHAFIN:

Q Could you tell how many people were in the car?

A I never paid any attention to see who was in the car.

Q Did you notice about what rate of speed it was traveling? A Well, I figured him at that time about fifty miles, although he might not have been running quite that fast, but I figured he was running in the neighborhood of fifty miles an hour.

Q Was it down-grade? A Down-grade, yes, sir.

Q Was there anything said by either of you men there at the time this car passed you?

MR. CHAMBERS: Objection.

THE COURT: Overruled.

(Exception saved by the defendant.)

A Why, Roy Hall hollered at me. The car come very near hitting me, and Roy Hall hollered at me something about getting out of the way of the car, "Watch out there." I can't exactly repeat the very words he said, but anyway he hollered at me to get out of the way, "Watch out, that car

is going to hit you," something like that, them words. I can't exactly repeat the words.

Q Did it come close to you? A Yes, sir, he come very close. I think the boys claimed--

Q Don't tell what the boys claimed. When the car passed you men was it going towards Holden?

A Towards Holden.

Q Tell the jury whether or not it slackened its speed any just as it passed you, or before it went out of your sight. A Well, I couldn't notice that it had.

MR. CHAFIN: That is all.

- o -

CROSS EXAMINATION BY MR. CHAMBERS:

Q Mr. Gibson, I believe you were walking along the right side of the road as you come towards Holden at the time this car passed you? A I believe we was. I am not right positive about that.

Q Do you recall who was walking with you?

A Roy Hall, Don Huff and Charley Huff.

Q I know, but weren't you walking by the side of one of these men? A Well, I just don't remember which one I was walking by the side of. We were all walking along there together.

Q Did anybody pull you out of the road?

A I kind of believe that Roy Hall took hold of me. I am not right positive about that.

Q You would not say as to that? A I couldn't hardly say. I don't remember.

Q And you didn't see who was in the car?

A No, I couldn't tell who was in the car; really didn't try to tell.

Q In other words, the car passed you very rapidly?

A Yes, it was running at a good speed.

Q You don't know whether it was running thirty-five or as much as fifty? A I figured fifty miles.

Q But you might have been mistaken as to that?

A Oh, yes, I could have been.

Q You didn't even recognize whether it was a man or woman in the car? A No, I never tried to see who it was.

Q You say it was a Ford? A Yes, sir.

Q Two-seated Ford? A Yes, sir.

Q Dark color? A Dark color.

Q How dark? A I couldn't just say. It was a dark looking Ford.

Q You have seen these dark blue Fords and black Fords, haven't you? A Well, I just never give it no real close attention.

Q Was it what you would call a black Ford or dark blue Ford you saw? A I couldn't say about that, just how black it was.

Q Mr. Gibson, you have seen Ford automobiles?

A Yes, sir, I have seen lots of them.

Q You have told the jury it was a dark looking Ford.

A Yes, sir.

Q You have seen black Fords, haven't you-- painted black? A Yes, sir, I have seen some real dark ones.

Q You have seen them painted dark blue?

A Yes, I think I have.

Q Was that the color of this car?

MR. CHAFIN: Objection.

THE COURT: I am going to sustain the objection.

BY MR. CHAMBERS:

Q Can you tell the jury anything more about the color of the car other than it was a dark car? A That is about all I could say about it.

MR. CHAMBERS: All right, stand aside.

- o -

C H A R L E Y H U F F, called as a witness in behalf of the State, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SCAGGS:

Q Is your name Charley Huff? A Yes, sir.

Q Are you related to Don Huff? A Brother.

Q Do you live near 21 Holden? A Yes, sir.

Q And what do you do, Mr. Huff?

A Run a mining machine.

Q In what mine and for what company? A For Island Creek Coal Company, 21 Mine.

Q Don Huff and Roy Hall and Frank Gibson work in the same mine where you work? A Yes, sir.

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

Q Where were you when you first heard it?

A Well, when I heard about it I was going to work.

Q Going to 21 Mine to work? A Yes, sir.

Q These other boys with you? A Well, not when I was going to work, no. I went up by myself.

Q Had you worked the night before you heard about the body of Mrs. Thurman having been found?

A Yes, sir, I worked the night before that.

Q What time or about what time did you quit work?

A We come out that morning something after five o'clock.

Q Where do you live from where 21 Mine is located?

A I live right below the mine a piece. Well, down at the first camp. I don't know. It is right close. It is not very far.

Q Is 21 Mine near the foot of Trace Mountain?

A Well, it is pretty close.

Q How did you get to your home next morning?

A Walked.

Q Did Don Huff, Roy Hall and Frank Gibson start with you?

A Yes, they was with me.

Q Walking down the hard road? A Yes, sir.

Q Did an automobile pass you between 21 Mine and your home? A Yes, sir.

Q More than one, would you say?

A Well, I just noticed one.

Q What kind of automobile was that, Mr. Huff, that passed you? A It was a Ford car--closed car.

Q Ford closed car? A Yes, sir.

Q Was it a one-seated Ford or two-seated?

A It must have been two-seated.

Q Do you remember the color of the Ford?

A No, sir, I don't.

Q Could you tell how many people were riding in this Ford car? A No, sir, I couldn't. I didn't see anybody in it at all.

Q Do you know where there is a raised place in the hard road on the right-hand side coming towards Logan away from 21 Mine?

A Yes, there is a raised place right below the mine there. That is right about where the car passed us, right there in a little rise in that road.

Q You also know where the little bridge is down close to that camp, don't you? A Yes, sir, I live right there.

Q Where would you say the Ford automobile passed you people with reference to the mine and the bridge down there?

Half way? A Just about half way, I think. Something like that. There wouldn't be much difference.

Q Can you tell the jury about the speed of this automobile when it passed you people?

A Well, I could make a pretty good guess.

Q What would you say? A I think about between forty and fifty miles an hour.

Q Did you see Roy Hall pull Frank Gibson off the road?

A Yes, sir; we was all right together there.

Q Did you hear Roy Hall say anything to Frank Gibson?

A Yes, sir.

Q At the time Roy Hall pulled Frank Gibson off the road where was this Ford car? A Well, it was right at us, almost. It just almost hit Mr. Gibson.

Q What did Roy Hall say to Frank?

MR. CHAMBERS: Same objection.

THE COURT: I am going to overrule the objection.

(Exception saved by defendant.)

A Roy told Frank to look out, that negro would run over him; that is what he said.

Q Did the Ford slow down any when it passed you people? A No, sir, not that I noticed.

Q Was there some remark made there about what would happen when the car went over this high place down there?

MR. CHAMBERS: Wait a minute. Same objection, conversation of these four men walking along the road.

THE COURT: I am going to sustain the objection.

BY MR. SCAGGS:

~~Q Did the car go out of sight about the same rate of~~

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speed, would you say? A Yes, sir.

MR. SCAGGS: You may ask him.

MR. CHAMBERS: I want to move the Court to strike from the consideration of the jury all the testimony of this witness as to what was said by either himself or any of the parties that were with him, and ask the jury not to consider it.

THE COURT: The motion is going to be overruled.

MR. CHAMBERS: All right, note an exception.

- o -

CROSS EXAMINATION BY MR. CHAMBERS:

Q Mr. Huff, how far is it to 21 Mine from the foot of Trace Mountain? A Well, it is not very far. It is right close.

Q Well, how close? A Well, I don't know. I never did measure it. But it is not very far.

Q Is it as much as a half mile? A No, hardly, I don't think; hardly a half mile.

Q Now, there is a paved road leading by No. 21 Mine clear over to 22 Mine, isn't there?

A Yes, sir.

Q And the road at the top of the mountain forks, one fork of the paved road goes to 22 and another road goes down Trace? A Dirt road.

Q And both of those roads were traveled at that time, weren't they, by automobiles?

A Yes, they have been traveled for quite a bit.

Q And they are pretty extensively traveled, aren't they? A Yes, sir.

Q Now, didn't some of the miners that worked at No. 21 Mine drive their automobiles there and then drive them home next morning? A Yes, they nearly always do.

Q Nearly all the employees there, the miners drive their automobiles there at night and park them until the next morning, don't they?

A Oh, they have a few, you know, that lives at other mines that works there, and they come to work in their cars.

Q How many men were working there at that time from other mines that rode to work? A Well, I don't know.

Q Several, weren't there?

A I couldn't say, but there was some.

Q When you came out of the mine that morning did you see any cars parked there?

A No, it was before they come to work.

Q How? A That was before worktime for the day men.

Q How about the night men? Didn't they drive their automobiles there to work, park them at night, and get in them next morning and ride home? A Yes, there was some of them rides to work in their cars.

Q They were driven to work at night, then, weren't they?

A Yes.

Q Did you notice any parked automobiles there on this

level piece of ground at 21 that morning when you fellows left the mine and started home? A Well, I never paid any attention.

Q There may have been several? A There could have been several, yes.

Q For all you know, it was some man that had worked in the mine there that drove past you that morning, that is right, isn't it? A Yes, sir.

MR. CHAMBERS: That is all.

- o -

REDIRECT EXAMINATION BY MR. SCAGGS:

Q How far do you say this car passed you below 21 Mine? A Oh, I don't know. It is--

MR. CHAMBERS: I am going to object, because he said it was about half-way between the culvert and the 21 shaft mine.

THE COURT: I am going to sustain the objection; I am pretty sure the witness answered the question.

BY MR. SCAGGS:

Q About half-way between the culvert and 21 Mine?

A Yes, sir.

MR. CHAMBERS: Objection.

THE COURT: Sustained.

BY MR. SCAGGS:

Q And making fifty miles an hour?

MR. CHAMBERS: We object to that.

THE COURT: I will sustain the objection.

- o -

RECROSS EXAMINATION BY MR. CHAMBERS:

Q I will ask you this: Do you know whether 22 Mine was operating at that time?

A No, sir, it wasn't.

Q Were there any families living over there?

A Yes, sir, I think so.

Q And there are several families living there yet, aren't there? A Yes, sir.

Q How big a camp is No. 22? A Well, it is a pretty good size camp.

MR. CHAMBERS: All right, that is all.

- o -

E D D A L T O N, called as a witness in behalf of the State, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAFIN:

Q Mr. Dalton, tell the jury what your correct first name is. A Ed Dalton.

Q You are sometimes known by the name of Dude Dalton?

A Yes, sir.

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

Q Where do you live? A Holden.

Q How long have you lived at Holden?

A About fifteen years.

Q What do you do up there? A Run a motor.

Q Married man? A Yes, sir.

Q At which one of the Holden mines do you work?

A No. 1.

Q Do you know where No. 22 Mine is? A Yes, sir.

Q That is across Trace Mountain? A Yes, sir.

Q Did you ever work in that mine? A Yes, sir.

Q How long did you work in 22 Mine?

A About three years, as well as I remember.

Q Mr. Dalton, do you know the defendant here, Clarence Stephenson? A Yes, sir.

Q About how long have you been acquainted with him?

A About six or seven months, as well as I can remember.

Q You mean six or seven months from now, or when?

A About six or seven months. I worked over there about that long with him.

Q Did you work with him in 22 Mine? A Yes, sir.

Q When was that, Mr. Dalton? A That has been about four or five months ago, or six months.

Q And how long did you and he work together, or work in the same mine? A About five or six months, as well as I remember.

Q What kind of work were you doing at that time?

THE WITNESS: Sir?

MR. CHAFIN: What kind of work did you do at that time?

A Run a motor.

Q What kind of work did the defendant, Clarence Stephenson, do? A Braking on the motor.

Q Did he stay at 22 Mine what time he was working over there? A I don't know.

Q Mr. Dalton, do you remember hearing about Mrs. Mamie Thurman's body having been found on Trace Mountain along last June? A Yes, sir.

Q Do you recall where you were when you first heard of it? A I was at home, Logan Avenue, as well as I remember.

Q On the same morning that her body was found, and before you heard about her body having been found, tell the jury whether or not you saw the defendant, Clarence Stephenson. A I met Clarence Stephenson at the upper end of Logan Avenue on my way to work.

Q Where is Logan Avenue? A Right this side of Holden.

Q Is that the avenue that leads up to where you go across the bridge to go over to the store, and goes on up towards Sulphur Spring? A First camp this side of main Holden.

Q How far is Logan Avenue this side of main Holden?

A About a quarter of a mile, I guess, something like that.

Q How far was it on Logan Avenue that you saw him that morning from the main store at Holden?

A Saw him right at the upper end of the camp.

Q About how far was that from the--

A About a quarter of a mile, as well as I could guess at it.

Q From the store? A Yes.

Q What time in the morning did you see him?

A About five-forty-five.

Q How was he traveling? A In the direction of Logan.

Q Walking or riding? A In the car.

Q In an automobile? A Yes, sir.

Q What kind of automobile? A Ford.

Q What kind of Ford was it? A Ford sedan.

Q Do you know where you turn to the left up there and cross that bridge to go through Holden and towards 22?

A Yes, sir.

Q Was it above or below that point that you met him?

A Below.

Q About a quarter of a mile? A No. It comes out right there at the barn, you know, the road does.

Q You say it was about a quarter of six o'clock?

A Yes, something like that.

Q Where were you going at the time?

A Going to work.

Q To the mine? A Yes, sir.

Q Tell the jury as best you can about what rate of speed the defendant was making at the time you saw him.

A About thirty-five or forty miles an hour, as well as I could guess at it.

Q Was he coming in the direction of Logan or going away from it? A Coming towards Logan.

Q Was there anyone in the car with him?

A Not as I seed of.

Q You recognized him, did you? A Yes, sir.

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

THE COURT: I will sustain the objection.

BY MR. CHAFIN:

Q Did you recognize him?

MR. CHAMBERS: Wait a minute. We object to that.

THE COURT: I sustain the objection.

BY MR. CHAFIN:

Q Did you speak to the defendant? A No, sir.

Q How close were you to him or how near you did he pass when you saw him? A I was standing by the side of the road, and I was in about six or eight feet of him. I was on the opposite side of the road.

Q Was he driving the car? A Yes, sir.

Q Mr. Dalton, could you tell anything about how he was dressed? A No, sir, I can't.

Q Did the defendant, Stephenson, speak to you?

A No, sir.

Q Did you see him any more that day?

A No, sir.

Q Mr. Dalton, you know where 21 Mine is at Holden, don't you? A Yes, sir.

Q Now tell the jury about how far it is from 21 Mine down to where you met the defendant that morning.

A Well, as well as I could guess at it, it is about a mile and a half.

MR. CHAFIN: That is all.

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CROSS EXAMINATION BY MR. CHAMBERS:

Q You say you lived at that time on Logan Avenue?

A Yes, sir.

Q Logan Avenue is this side of main Holden?

A Yes, sir.

Q The main road leading from here to Holden runs along Logan Avenue, doesn't it? A Yes, sir.

Q There are houses on only one side of Logan Avenue?

A Yes, sir.

Q And Logan Avenue begins just some sixty or seventy yards from where the road that crosses the bridge over Island Creek near the stable that burned of the Island Creek Coal Company intersects with the road that goes to Sulphur Spring, doesn't it? A Yes, sir.

Q Now, how far below the intersection of those two roads was it that you saw a car pass?

A About forty or fifty yards, as well as I could guess at it.

Q There is a boarding house on the left of the hard road just at the top of the bank at the upper end of Logan Avenue. Do you know where that boarding house is?

A Yes, sir.

Q Was it below or above that boarding house?

A Right opposite the boarding house.

Q Right opposite? Where do you live with reference to the boarding house? A About middleways of Logan Avenue.

Q Is there a sidewalk on Logan Avenue?

A Yes, sir.

Q And you were walking up Logan Avenue?

A I was at the upper end of Logan Avenue.

Q You had come from your home, hadn't you?

A Yes, sir.

Q Where were you going? A Going to work.

Q Have your bucket with you? A Yes, sir.

Q Your mining clothes? A Yes, sir.

Q What time did you leave home? A Well, I had not been on my way over four or five minutes. It was about five-forty-five when I met this man.

Q I didn't ask you what time you met him. I asked you what time you left home.

A About five-forty, I guess.

Q Did you look? A No, I didn't look.

Q How do you fix the time?

A I met my buddy all the time at six o'clock.

Q Did you always meet him at six? A About six o'clock we have the habit of meeting.

Q Where did you meet your buddy? A No. 1 Mine.

Q Where is that? A No, 1 Mine, Holden.

Q Where is it with reference to the store, the main store building? A It is between Logan Avenue and the store.

Q Between the two places? A Yes, sir.

Q Were you on the sidewalk when you saw this car pass?

A I was at the upper end of the sidewalk waiting for this car to get by. I changed sides of the road.

Q How is that? A I was going to cross the road.

Q What was it you said before that? A I had stopped there waiting for the car to get by.

Q You saw it coming? A Yes,.

Q Do you know whether it came from the direction of Sulphur Spring or the direction of Trace Fork?

A No, I don't.

Q Don't know. You never saw it until after it got below the intersection of those two roads? A Yes, sir.

Q How long before that had you seen Clarence Stephenson? A I don't remember.

Q About how long? A I couldn't say just how long. I hadn't seen him since the mines had shut down over there

at 22.

Q Did you see Stephenson through the windshield of the car, or did you look through the door of the car?

A Looked through the front. I don't know whether the glass was up or not; looked through the front door, window, whatever it was.

Q You didn't look through the windshield? A No.

Q Did you see him as he passed by through the front door of the car? A Yes.

Q You don't know whether the glass was up or down, and you say he was making about forty miles an hour or maybe more? A About thirty-five or forty.

Q You knew him, did you? A Yes, sir.

Q And he knew you? A Yes, sir.

Q Did you speak? A No, sir.

Q And he didn't speak? A No, sir.

Q Did you notice what kind of hat he had on?

A No.

Q Did he have on any? A Don't know.

Q You can't tell that. Did he have on a coat?

A Don't know.

Q Did you notice the kind of shirt he had on?

A No.

Q You don't know that. You can't tell us a thing about how he was dressed? A No.

Q And you just saw him as the car went by you?

A Yes.

Q Making about thirty-five miles an hour. How long after daylight was it? A I don't know just how long it was after daylight. It was daylight, all right.

Q Was it good day? A Yes.

Q Do you know about what time daylight came at that time of year? A No, I don't know just what time.

Q Who was the first person you told about seeing the defendant? A I believe my wife was the first I told.

Q When? A After I came in from work.

Q That same day? A After I had heard this Clarence was arrested for this.

Q When did you hear Clarence was arrested?

A It was that evening about eight-thirty or nine o'clock.

Q Didn't your wife tell you as soon as you came home that this woman's body had been found?

A I don't know whether she told me-- I heard that the body had been found before I came home.

Q That is it exactly, when you were at the mines you heard the body had been found? A Yes.

Q And when did you hear this defendant had been accused of it? A After I came home.

Q Was that before or after you told your wife?

A That was after.

Q That was after. Did you tell your wife about the

body being found, or did your wife tell you?

A I heard it before I come home, that the body had been found on the hill.

Q Did you tell anybody at the mines that you saw Stephenson? A No.

Q Who were you working with that day?

A Otis Mannings.

Q Otis Manning knew that the body had been found, didn't he? A Yes.

Q You talked with him about it? A Next day. We heard it after we come out that evening.

Q I understood you to say that you heard that the body had been found while you were at the mine, the same day you say you saw Stephenson. A After we come out that evening from work we heard it.

Q What time was that? A Four or five o'clock.

Q Manning with you? A Yes.

Q Did you tell Manning about it then?

A We heard it both together.

Q Did you tell Manning at that time about seeing Stephenson? A Told him next morning after I heard it.

Q You didn't tell him that afternoon? A No, sir.

Q After you went home and talked to your wife and heard Stephenson had been accused, you told Manning next day?

A Yes, sir.

MR. CHAMBERS: That is all.

BY MR. CHAMBERS:

Q One other question. What time was it that night you say you heard Stephenson had been arrested?

A About eight-thirty or nine o'clock, I guess.

Q Where were you when you heard it? A Home.

Q Who told you? A My wife.

Q Had she been at home from the time you came in from work? A I guess so.

Q You had been there, hadn't you? A Yes, sir, she was there.

Q Well, your wife had been there all the time?

A Yes, sir.

Q Who told her? A I don't know.

Q Don't you know that Clarence Stephenson wasn't arrested until ten o'clock that night?

MR. CHAFIN: We object. There is no evidence what time he was arrested, and this witness does not fix the exact time.

MR. CHAMBERS: He said eight o'clock. All right, stand aside.

- o -

M R S. S. W. B R O W N I N N G, called as a witness in behalf of the State, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. SCAGGS:

Q Tell the jury your name, please.

A Mrs. S. W. Browning.

Q Where do you live, Mrs. Browning?

A 731 Stratton.

Q Is that in the-- A East end of Logan.

Q What does your husband do? A He writes insurance.

Q Insurance? A Yes, sir.

Q Do you work anywhere, Mrs. Browning? A Yes, sir,
I work for M. E. White at the Green Lantern.

Q Is that what is known as the Green Lantern Inn?

A Yes, sir.

Q Where is the Green Lantern Inn from the City of
Logan? Over in the Power House Addition.

Q Do you know where the road divides over there, one
road goes towards Huntington and one towards Holden, or up
Main Island Creek? A Up Main Island Creek.

Q Is the Green Lantern Inn this side of the forks of
the road over there? A Yes, sir.

Q Were you working at the Green Lantern Inn on the
22nd day of last June? A Yes, sir.

Q Do you remember of hearing on the 22nd day of last
June about the body of Mamie Thurman having been found on
Trace Mountain--22 Mountain? A Yes, sir, I did.

Q Where were you, Mrs. Browning, when you heard this?

A I was at work when I heard it.

Q Work at the Green Lantern Inn? A Yes, I was
working when I heard she was missing, but I was at home

when I heard they found her.

Q What time did you leave your home on the 22nd day of June going to work? A Well, just as I came through

town I passed the town clock, it was a quarter to six.

Q A quarter to six? A Yes, sir, in the morning.

Q You mean the clock at the Guyan Valley Bank?

A Yes, sir, Guyan Valley Bank.

Q How were you traveling, Mrs. Browning?

A In a car.

Q Were you traveling alone, or was there someone with you? A No, sir, Mr. Browning was driving.

Q Your husband was driving? A Yes, sir.

Q Do you know the defendant, Clarence Stephenson?

A Yes, sir.

Q How long have you known him, Mrs. Browning?

A For quite a good bit.

Q Tell us about how long. A I really don't know just how long it has been.

Q Did he come about your place over there?

A Yes, sir.

Q Would you say often or otherwise?

A Well, I saw him quite often.

Q Would he be with anyone? A Well, at times he has been by himself, and other times he was with Mr. Robertson.

Q Was that when they were fox hunting? A Yes, sir.

Q They would stop at the Green Lantern Inn?

A Yes, sir.

Q You say you passed by the bank out here about a quarter to six?

A Yes, sir.

Q That was in the morning?

A Yes, sir.

Q On the 22nd day of June?

A Yes, sir.

Q Did you see the defendant, Clarence Stephenson, between the old Guyan Valley Bank and the Green Lantern Inn that morning?

A Yes, sir, I did.

Q Tell the jury where you saw him.

A I saw him between the railroad track and the board they have over here that says "Welcome into Logan," between the railroad track over here and there.

Q Is that near the railroad crossing at the power house?

A Yes, over at the Power House Addition, where the railroad crosses there.

Q How was Clarence Stephenson traveling that morning?

A In a car.

Q What kind of car?

A Ford.

Q One-seated Ford or two-seated Ford?

A No, two-seated Ford.

Q Was it a Ford what is commonly known as Ford sedan or Ford coach, or what kind?

A It was a closed car.

Q Closed car?

A Yes, sir.

Q Was there anyone traveling with Clarence Stephenson?

A I didn't see nobody.

Q Was Clarence Stephenson driving this Ford car?

A Yes, sir.

Q In what direction was he coming? A He was coming towards Logan.

Q About what rate of speed would you say, Mrs. Browning, the defendant was traveling? A Well, I really couldn't say. Not so awful fast.

Q Now, you say it was a quarter until six o'clock when you passed the bank. What time would you say you met the defendant, Clarence Stephenson, over near the power house? A Well, it was ten minutes when I got on the job, so it would be between fifteen minutes of six and ten minutes until.

Q You mean it was ten minutes of six?

A Ten minutes of six when I unlocked the door.

Q Where did your husband go? A He came back to Logan, back to work.

Q You don't know whether he saw Clarence Stephenson or not, do you? A No, sir.

Q Can you tell the jury how the defendant, Clarence Stephenson, was dressed on that morning?

A No, I can not.

MR. SCAGGS: You may ask her.

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CROSS EXAMINATION BY MR. CHAMBERS:

Q You live in the east end of town? A Yes, sir.

Q S. W. Browning's wife--insurance man?

A Yes, sir.

Q And on this morning you rode with your husband in the Ford car from your home to the Green Lantern Inn?

A Yes, sir.

Q What time did you leave home? A Well, I never noticed what time I left home.

Q Why? A The only time I noticed was when I come through town and looked at the clock.

Q What time did you get up that morning?

A I get up at half-past four.

Q I didn't ask you when you get up. I asked you when you got up that morning.

A Half-past four.

Q But you never looked to see what time you left home?

A No, I never noticed. I noticed it was going on six o'clock.

Q How? A I noticed it was going on six o'clock, and when I come down it was a quarter until.

Q It was going on six when you left home, wasn't it?

A Yes, sir.

Q You noticed that? A Yes, I noticed that.

Q Looked at the clock? A Yes, sir.

Q How? A Yes, sir. We always eat breakfast at

five-thirty.

Q Did you eat breakfast at five-thirty that morning?

A Yes, sir.

Q How long was it after you ate breakfast until you looked at the clock? A Just before I got ready to leave.

Q What time was it? A Twenty minutes until six.

Q I thought you said a while ago you didn't know what time you left home? A It was twenty minutes until six, just the same.

Q You want to change your statement, then, and say you left home about twenty minutes to six?

MR. SCAGGS: We object to that.

THE COURT: She may answer.

BY MR. CHAMBERS:

Q You want to change that? You left home at twenty minutes to six, that is right, isn't it?

A It certainly is.

Q Then you came on down town and looked at the clock on the Guyan Valley Bank Building? A Yes, sir.

Q And it was fifteen minutes of six by that clock?

A Yes, sir.

Q And then when you got on over to the Green Lantern you looked at the clock again, didn't you?

A Yes, sir.

Q Tell us what time it was.

A Ten minutes until six o'clock.

Q Sharp? A Yes, sir, sharp.

Q Right on the ten-minute mark? A You bet you.

Q Now, Mrs. Browning, you passed through town, and you went down Stratton Street, didn't you?

A Yes, sir.

Q And you crossed the bridge across Guyan River?

A Yes, sir.

Q You crossed the railroad track? A Yes, sir.

Q Where the county road goes across the railroad track?

A Yes, sir.

Q Did you meet anybody as you went across the bridge and over to the railroad track? A I met him between the railroad bridge, between there and where it says "Welcome into Logan."

Q I didn't ask you that. I asked you if you met anybody between the end of this bridge that crosses Guyandot River and where the railroad crosses the county road.

A No, indeed.

Q Did you see anybody? A No, indeed, I didn't.

Q Do you know a man by the name of R. L. Browning?

A I know him.

Q You heard him here or saw him here when we had the preliminary trial, didn't you? A Yes, sir.

Q You didn't see anybody walking along the railroad at that crossing, did you?

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

Q Had you gotten across the railroad track when you noticed this car coming? A Yes, sir, we were across the railroad track.

Q Across the track? A Yes, sir.

Q Had you met any cars as you came down Stratton Street? A No, I didn't.

Q Had you seen any cars? A No, I hadn't.

Q Had you seen any people? A No one only people in the restaurant.

Q Who did you see in the restaurant? A I just noticed people sitting in there. I didn't stop to see who they were.

Q As you came down Stratton Street that morning you say you left home at twenty minutes of six, tell the jury whether or not you saw anybody walking or riding as you came down. A No, indeed, I didn't see nobody on the street.

Q Met no car and saw no car?

(Objection; sustained; exception.)

Q Did you see any people at all that morning until you got to where you were working, except the defendant?

A I never saw nobody only that one car.

Q Never saw a living soul on your journey from home to the Green Lantern Inn except this defendant?

MR. CHAFIN: Objection. She has answered.

A No, sir.

BY MR. CHAMBERS:

Q How far is it from your home over to the Green Lantern Inn? A That is a question I couldn't answer, because, I don't know.

Q Well, it is a main thoroughfare of this city, isn't it, that you come down of a morning? A Yes, sir.

Q It was broad daylight, wasn't it?

A It wasn't quite broad daylight.

Q How? A No, it wasn't really broad daylight.

Q Do you know what time daylight comes on the 21st and 22nd of June? A I couldn't say.

Q Well, what time did you say you got up?

A Half-past four.

Q Was it daylight when you got up?

A No, it wasn't good daylight, no.

Q Was it breaking day? A No, I don't think it was breaking day.

Q You don't think it was? A No, sir.

Q Don't you know that daylight comes on the 22nd of June about four-thirty in the morning?

MR. CHAFIN: Now we object. If Mr. Chambers wants to testify he may go on the stand.

THE COURT: I am going to sustain the objection.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q How long after daylight was it that you left home?

A Phew!

Q Don't you know that on the 22nd day of June at a quarter of six it is broad daylight? (No response.) You didn't even remember that morning, did you? Now tell us how you saw Clarence. Did you look through your windshield and see him?

A I most surely did. Yes, sir, I did.

Q How? A Yes, sir, I did.

Q Did you look through his windshield?

A Did I look through his windshield? I would have to look through his windshield if I seen him.

Q You looked through your windshield and saw Clarence through his windshield?

A Certainly. I would have to.

Q You told your husband about seeing him, didn't you, at the time? A No, indeed.

Q Who was closest to him, you or your husband?

A He was. He was driving.

Q Sid was driving? A Yes, sir.

Q And was closer to him. Now, you say Stephenson had been in your place of business before?

A Yes, sir, he was in there.

Q What did he buy?

A He was in there on Saturday evening.

Q What did he buy? A He either bought a cigar or soft drink, I don't know which it was. I had several in