

waiting on them when he came in.

Q Either bought a cigar or soft drink?

A Yes, sir.

Q You are not sure which? A I don't know which one it was, because I was busy.

Q Did you ever sell him any cigars? A Yes, sir, I have sold him cigars.

Q How many times? A I don't know.

Q Ever see him smoking? A Yes, sir, I have seen him smoking.

Q Don't you know that he doesn't smoke at all?

JUDGE DAMRON: Your Honor, we object to that.

THE COURT: I am going to sustain the objection.

MR. CHAMBERS: All right. You may stand aside.

JUDGE DAMRON: If he wants to testify that he ~~does~~ doesn't smoke, I suggest that he do it.

- o -

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

DIRECT EXAMINATION BY MR. SCAGGS:

Q What is your name? A Donald Derrick.

Q How old are you, Donald? A Sixteen.

Q Where do you live? A Up on Stratton Street.

Q What do you do at the present time?

A Go to school.

Q Are you a student in the senior high school in the east end of Logan? A No, sir, Junior high school.

Q Do you know James Murphy? A Yes, sir.

Q I believe he also attends school? A Yes, sir.

Q Do you know where Jack Thurman once lived on Main Street? A Yes, sir.

Q Do you know anything about where a filling station is located up there? A Yes, sir.

Q What were you doing, Donald, on the 22nd day of last June? A I was working.

Q Where were you working? A At the filling station.

Q Who ran that filling station at that time, or who owned it? A Mosely.

Q How close would you say that filling station is to the garage under the apartment in which Jack Thurman lived?

A I would say about twenty-five feet.

Q This side or above on Main Street?

A It is above.

Q You mean the garage is above, or the filling station is above the garage? A The garage is above.

Q Garage is above the filling station?

A Yes, sir.

Q And on the same side of the street, or opposite side? A Opposite side of the street.

Q What time did you come to work of a morning?

A Usually I got there about half-past six.

Q Did you hear of the body of Mrs. Mamie Thurman being found on the 22nd day of June?

A I heard that afternoon.

Q Is that the day you are speaking of coming to work about six o'clock or six-thirty?

A I came that morning about fifteen to six when I got to the station.

Q Were you the first one there? A Yes, sir.

Q What time did James Murphy come to work, if he worked there at all? A He came a little after seven o'clock.

Q Do you know the defendant, Clarence Stephenson?

A Yes, sir.

Q How long have you known Clarence?

A I have not known him so awful long. About a half a year.

Q About how long did you work up there at that filling station where Jack Thurman lived?

A Ever since last September.

Q Did you see the defendant, Clarence Stephenson, on the morning of the 22nd day of last June? A Yes, sir.

Q About what time in the morning did you first see him? A Between eight and nine o'clock.

Q Tell the jury where you first saw the defendant, Clarence Stephenson, that morning.

A I saw him bring the car out of the garage, back it

out of the garage, and put it back in pretty soon.

Q What kind of car, Donald? A Ford sedan.

Q Was that out of the upper side or lower side of the garage? A Out of the upper side of the garage.

Q And that garage is under the apartment where Jack Thurman lived? A Yes, sir.

Q You say that was about what time?

A Between eight and nine o'clock.

Q You say the defendant, Clarence Stephenson, backed that Ford car out between eight and nine o'clock?

A Yes, sir.

Q What did he do with the car? A He backed it out, and pretty soon he put it back in the garage again; did that a couple of times.

Q Did he back it across the pavement? A Yes, sir.

Q How long would he leave it out?

A Oh, not very long.

Q What would Clarence Stephenson be doing while the car was out on the pavement, or out of the garage?

A He would back it out and then walk around the car, and pretty soon run it back in the garage again.

Q You saw him do that twice, I believe?

A Yes, sir.

Q Had James Murphy come to work at that time?

A Yes, sir.

Q Now, when Clarence Stephenson drove the car back in

the garage the second time what became of Clarence Stephenson? A I couldn't say.

Q Did you see him come out of the garage?

A I couldn't say.

Q How? A I couldn't say.

Q Do you recall whether the garage door was left open or closed? A It was closed.

Q After the defendant had backed the car out twice and taken it back in the garage the second time, did you see him any more? A Not until that afternoon.

Q What time in the afternoon?

A I would say about half-past one.

Q What was he doing at that time? A He come over to the station to get some gasoline.

Q Was there anyone with him at that time?

A Yes, sir, Jack Thurman.

Q How is that? A Jack Thurman was with him.

Q Did you talk any with Clarence Stephenson that morning? A No, sir.

Q Did James Murphy talk any with him that you know of?

A He asked him why he was backing the car out so many times, but Clarence never answered him.

Q Was Clarence close enough to have heard James Murphy? A Yes, sir.

Q How long would you say, Donald, that the car remained out of the garage the first time?

A Oh, about two minutes.

Q Then after it was taken back into the garage how long would you say it was in the garage until it was taken out again? A I wouldn't say. Not very long.

Q The second time it was backed out how long was it before it was backed in? A He brought it out, walked around the car and looked at it, and backed it back in.

MR. SCAGGS: That is all.

- o -

CROSS EXAMINATION BY MR. CHAMBERS:

Q You say you go to school? A Yes, sir.

Q And whose son are you? A Mr. C. H. Derrick.

Q What does he do? A He is a machinist.

Q Are you working now? A No, sir.

Q When did you quit work at the filling station?

A About a week after school began.

Q What time did you say you came to work at the filling station that morning? A About six o'clock.

Q I understood you to say that you came to work the morning at fifteen minutes to six. Is that what you said?

A Yes, sir.

Q Now, are you sure of that? A Yes, sir.

Q Did you look at a timepiece? A Yes, sir.

Q Where? A In the station.

Q In the station it was fifteen minutes to six?

A Yes, sir.

Q How long was it until Murphy came?

A A little bit after seven o'clock.

Q And that filling station is just about twenty-five feet this side of the Harry Robertson garage?

A Yes, sir.

Q And just a little road about sixteen or eighteen feet wide between your filling station and Harry Robertson's garage?

A Well, sir, I would say it is wider than that.

Q Maybe it is a little wider than that. Not over thirty feet, is it?

A No, sir.

Q The Mosely filling station is right on the river bank?

A Yes, sir.

Q Did you see Jack Thurman that morning?

A I saw him that morning when I came to work.

Q What time? A I saw him just as I opened the station.

Q Where was he? A He come over and asked me if I had seen his wife.

Q Did you see him any more after that until one-thirty?

A Yes, I believe I saw him around the place all morning.

Q Had you seen Clarence Stephenson from the time you came to work until you say you saw him between eight and nine o'clock?

A No, sir.

Q That garage is right across the street, almost, from

your filling station, isn't it?

A It is catercorner across the street.

Q Any cars pass your garage that morning from the time you went to work until Mr. Thurman came over there?

A Yes, there was a good many passed the station.

Q Did you see Clarence Stephenson drive past your garage in the car and open the doors of the Robertson garage and put the Ford car in there?

A No, sir. ✓

Q You didn't see that? A No, sir.

Q And you are positive you came to work at a quarter to six? A Yes, sir.

Q Where was it you first saw Stephenson?

A Backing the car out of the garage.

Q That is the first time you saw him?

A Yes, sir.

Q You didn't see him go in the garage?

A No, sir.

Q Backed the car out? Did he leave the door open?

A Yes, sir.

Q That door opens out on the sidewalk, doesn't it?

A No, sir, the doors push back into the garage.

Q They push back on the inside? A Yes, sir.

Q You saw him back it out sometime between eight and nine? A Yes, sir.

Q That is as near the exact time as you can get it?

A Yes, sir.

Q Backed it clear across the road onto the dirt between the concrete road and the river bank, didn't he?

A Yes, sir.

Q Was it sitting facing the garage or was it parked up and down the river? A Up and down the river.

Q Parallel, then, with the road? A Yes, sir.

Q Now, he got out of the car this first time?

A Yes, sir.

Q Walked around it? A Yes, sir.

Q Did he go around the front end or rear end first?

A He went around the front end.

Q And down the river bank and around the rear end and back to the front? A Yes, sir.

Q Were the doors open or shut?

A I couldn't tell you.

Q How? A I couldn't say.

Q Did he look inside the car?

A He just walked around the car and looked at the side of the car and come back.

Q Did he look inside the car? A No, sir.

Q Didn't do that? A No, sir.

Q Then he got in the car and drove it back in the garage? A Yes, sir.

Q Did he shut the door? A Yes, sir.

Q Did you see him? A Yes, sir.

Q How long was it until he backed it out next time?

A Only a couple minutes until he backed it out next time.

Q How? A Only a couple minutes.

Q Just a couple minutes, and backed it out the second time, and got out of it and walked around it just like he had done before, and drove it back in the garage again, that is right, isn't it? A Yes, sir.

Q And you never saw him any more until one-thirty?

A Yes, sir.

Q That is correct, isn't it? A Yes, sir.

MR. CHAMBERS: That is all, son.

- o -

REDIRECT EXAMINATION BY MR. SCAGGS:

Q Do you know whether there was a light in that garage or not that morning--electric light?

A There is a light in the garage.

Q Was it turned on? A No, sir.

- o -

J A M E S M U R P H Y, called as a witness by the State,
having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAFIN:

Q James, you are the son of E. F. Murphy, that lives here in town? A Yes, sir.

Q How old are you?

A Fifteen.

Q What do you do? A Go to school.

Q You know Jack Thurman, do you? A Yes, sir.

Q Did you know his wife, Mamie Thurman?

A Yes, sir, I did.

Q Do you know where they lived up over Harry Robertson's garage along last June? A Yes, sir.

Q Do you know the defendant over here, Clarence Stephenson? A Yes, sir.

Q About how long have you been acquainted with Clarence? A About a year.

Q Did you see him up there around Harry Robertson's home and that garage on different occasions?

A Yes, sir.

Q Do you know where the filling station is up here near the Robertson garage that Mr. Mosely ran?

A Yes, sir.

Q Did you work there a while? A Yes, sir.

Q Do you know Donald Derrick? A Yes, sir.

Q Did he work there a while at the same time you did?

A Yes, sir.

Q James, do you remember hearing, about the 22nd day of last June, of Mrs. Mamie Thurman's body having been found on Trace Mountain? A Yes, sir.

Q Do you recall what time in the day you heard of it?

A I heard it about four o'clock the day she was found.

Q Did you work that day, or any part of it?

A Yes, sir, I worked that morning.

Q Where? A At that filling station.

Q You mean the Mosely filling station, where the Derrick boy worked? A Yes, sir.

Q About what time did you come to work that morning?

A About seven-thirty. ✓

Q Was the Derrick boy there at the time?

A Yes, sir.

Q Did he stay there and work all the time that you were there that morning? A No, sir, not all the time.

Q About what time did he leave the garage, if you know? A He left about eight-thirty. ✓

Q Around eight-thirty. Now, what time did you quit work that day? A I went to the swimming pool about one o'clock.

Q Well, had you worked from the time you went there about eight-thirty in the morning up until noon that day?

A Yes, sir.

Q About seven-thirty, or whatever time it was. While you were working there, James, after you went there to work that morning, did you see this defendant, Clarence Stephenson, out there about this Robertson garage?

A Yes, sir.

Q I want you to tell the jury there just what you saw him doing there that morning. Tell them all you saw

him do that you recall. A Well, all I saw him do was he would get in the car and back it out of the garage, and run it over by the side of the river bank, and he would get out, walk around it, maybe, he would walk around it once, go around on the side that the river bank was on, and stay there about five minutes, and then maybe he would run it back in the garage, and just kept on doing that four or five times.

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

Q About how long would he keep the car out on the river bank walking around it until he would run it back into the garage? A Oh, about fifteen or twenty minutes.

Q And then after he would get it back into the garage how long would it sit in there until he would bring it out again? A I don't know how long. It wasn't very long, though, I don't think.

Q How far in all would he have to back it from the garage there out to where he would stop it?

A About twenty feet.

Q Did he drive it off up the road any, or down the road? A No, sir, he didn't move it any more, except on

the river bank there.

Q You saw him do that some four or five times?

A Yes, sir.

Q Did you say anything to Clarence Stephenson at that time, or any of those times? A Yes, sir, I hollered and a

asked him what he was doing that so much for.

Q What did he say? A He didn't say anything, just looked at me.

Q How close were you to him at the time he was doing what you say he was with the car?

A I was across the street from him.

Q About how many feet, Jim? A About ten feet.

Q Did you holler loud enough for him to have heard you?

A Yes, I hollered loud enough.

Q How many times did you holler at him?

A Just hollered at him once.

Q Did he ever at any time tell you what he was doing that for? A No, sir.

Q Did you see Clarence Stephenson when he came to the garage, or before he began backing this car in and out?

A No, sir. I didn't notice him go in the garage. I saw him back out.

Q Was there anyone at all with him at those times?

A No, sir.

Q Did you see him open any of the car doors?

A Yes, sir, he opened the side that he got out of. He opened that back door-- No, there is not any back door on it to open.

MR. CHAMBERS: Read that.

(The answer of the witness was read.)

A (Continuing) I don't know whether there is or not,

but the one he got out of he opened it and kept it open.

Q Was that the one next to the river or next to the garage?

A It was the one next to where the driver sits.

Q Was the Derrick boy there with you all the time Clarence was doing this, or had he gone away?

A I don't remember whether he was there or not.

Q Well, now, in backing this car out, James, how would he leave it sitting when he would quit backing it, would the front of the car be turned up the river or down the river, or facing the garage?

A It would be facing up the river.

Q You told the jury about his looking at the car. Which side of the car did he look at when he would get out?

A He would go around the side of the river bank and look in.

Q That would be on the right-hand side of the car as you face up you way?

A Yes, sir.

MR. CHAFIN: You may cross-examine him.

- o -

CROSS EXAMINATION BY MR. CHAMBERS:

Q Murphy, you lived at that time right close to Harry Robertson's, didn't you?

A Yes, sir.

Q You didn't like Clarence much, did you?

A I didn't have anything against him.

Q Do you know the Polinori boy?

A Yes, sir.

Q Do you know the Winters boy--Carmi Winters?

A Yes, sir.

Q Did you talk with them about Clarence Stephenson?

A I don't know whether I have or not.

Q You don't remember that? A No, sir.

Q You told the jury you had nothing against Stephenson? A Yes, sir.

Q You came to work that morning at what time?

A Seven-thirty.

Q Seven-thirty. You found Donald Derrick there when you arrived? A Yes, sir.

Q Now, when was it that Stephenson first took the car out of the garage? A I don't know what time it was.

It must have been about seven-- It was close to eight o'clock.

Q Close to eight? A Yes, sir.

Q Do you remember what you testified in the preliminary trial as to the hour when he first began backing the car out? A I believe I said eight-thirty.

Q Didn't you say nine? A I think I said eight-thirty or nine.

Q Eight-thirty or nine. You have changed to eight-thirty or nine. Don't you know you swore on this preliminary trial Clarence Stephenson began backing that car out of the garage at nine o'clock? Did you do that?

A I don't know whether I said nine o'clock or not.

Q What time did Donald Derrick leave that filling station that morning? A He left about eight-thirty.

Q He left about eight-thirty. Then it was a half hour after he left when Stephenson commenced backing the car out, that is right, isn't it?

A No, that is not what I said. I said that he started backing it out close to eight-thirty.

Q You have got it down now to eight-thirty.

MR. CHAFIN: We object to that, what he has got it down to.

BY MR. CHAMBERS:

Q I understand, but at the preliminary trial didn't you testify that Clarence Stephenson began backing that car out at nine o'clock?

MR. CHAFIN: We object because he answered that a while ago.

THE COURT: He did answer it. I will sustain the objection.

(Exception saved by defendant.)

BY MR. CHAMBERS:

Q You know that since that time Donald Derrick is here and he left that filling station at eight-thirty, don't you?

A It was around eight-thirty.

Q When he left there? A Yes, sir.

Q Was he there when the car was first backed out?

A I don't know whether he was or not. He wasn't gone

long.

Q Was it before or after he left that you hollered at Clarence? A Before.

Q You said you were across the street about ten feet away from Clarence? A Yes, sir.

Q On what side of the street?

A On the side that the garage was on.

Q Where was Clarence? A He was over at the car.

Q Where was the car? A Across the street.

Q Wasn't the car on the same side of the street that your filling station was on? A Yes, sir.

Q Then you were not across the street when you hollered at him, were you?

A Yes, sir. I was going to work.

Q Where? A I had went back home, and I was coming back when I hollered at him.

Q Oh, you had been back down to your home, or up to your home, which was it? A Up.

Q When did you go up to your home?

A I went up to the house about--just a little bit after I come to work. I come to work about seven-thirty and then went back to the house.

Q You know where that alley is that runs between Bruce Holland's house and that vacant lot?

A Yes, sir.

Q Did you live below or above that alley?

A Above it.

Q Did you live below or above Harry Robertson?

A Above him.

Q Then you were coming down the sidewalk when you hollered across and asked Clarence that? A Yes, sir.

Q And you passed right by the door of this garage, didn't you? A Yes, sir.

Q Was there a light on? A No, sir.

Q Did you look? A No, sir.

Q If you didn't look how did you know there wasn't any light on? A Well, the garage door was open.

Q It was open? A Yes, sir.

Q How did it open, out or in?

A It opened in.

Q Opened in. And at that time Stephenson was right across the road? A Yes, sir.

Q And it was then that you hollered at him?

A Yes, sir.

Q Where was Derrick at that time?

A He was at the filling station.

Q He was down at the filling station. Now, you told the jury that Stephenson backed the car out and walked around it? A Yes, sir.

Q Looked into it, didn't he?

A I don't know whether he did or not.

Q Didn't you tell Mr. Chafin a while ago that you

looked in the right side of that car?

MR. CHAFIN: I don't think I asked him if he looked in.

BY MR. CHAMBERS:

Q Didn't you?

A I don't think he asked me that, did he?

Q I am not asking you what you think. Didn't you tell the jury a while ago Clarence Stephenson looked in on the right side of that car?

JUDGE DAMRON: No, your Honor, he did not.

A I said he went around to the side of it, on the side next to the river, around on the right-hand side.

BY MR. CHAMBERS:

Q And looked into it? A I didn't say that.

MR. CHAMBERS: I want that testimony read.

(The question and answer referred to were read from the direct examination of the witness as follows:)

"Question: You told the jury about his looking at the car. Which side of the car did he look at when he would get out? Answer: He would go around the side of the river bank and look in."

BY MR. CHAMBERS:

Q You remember telling the jury he would go around the river bank side of that car and look in?

JUDGE DAMRON: I say he didn't tell them that, and the shorthand notes don't show that. That is what Mr.

Chafin said to him. You read it. Your Honor is bound to catch it, and the Court Reporter, that is the way he read it.

MR. CHAMBERS: Let's have it read again.

(The question and answer were again read.)

BY MR. CHAMBERS:

Q You told the jury that, didn't you?

A Yes, sir.

Q Then he did look in the car, didn't he?

MR. CHAFIN: We object to that.

THE COURT: I am going to sustain the objection.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q You told the jury also, and then took it back, that he opened the back door of that car, didn't you?

MR. CHAFIN: We object.

THE COURT: I am going to sustain the objection.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q Didn't you tell this jury when Mr. Chafin asked you a question if he opened the doors of the car--didn't you say he opened the back door, and then said no, it had no back door?

MR. CHAFIN: We object to that.

A I said I thought it-- I think it didn't have a back door. I don't know for sure.

Q Was that a four-door sedan or two-door sedan?

A I don't know.

Q You don't even know that? A No, sir.

Q I understood you to tell the jury that he would keep that car out of the garage across on the other side of the road about twenty minutes.

MR. CHAFIN: No, he said about two minutes.

A I said about fifteen or twenty minutes.

MR. CHAMBERS: Mr. Chafin, your memory is awful bad.

MR. CHAFIN: I know I am not quick like you are.

BY MR. CHAMBERS:

Q You said about fifteen or twenty minutes, didn't you? A Yes, sir.

Q Then he would put it in the garage and keep it in there a few minutes and bring it out again?

A Yes, sir.

Q That is what you swore? A Yes, sir.

MR. CHAMBERS: That is all.

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L. P. H A G E R, called as a witness in behalf of the State, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAFIN:

Q Mr. Hager, you are the Prosecuting Attorney of this County, are you? A I am.

Q Do you remember when this case against Clarence Stephenson was being investigated and some articles supposed to be wearing apparel of Mrs. Thurman were turned over to you? A I do.

Q I believe there were also some other of those articles turned over to you?

A Yes, sir.

Q Do you recall at this time what articles were turned over to you?

A There was a package of lady's wearing apparel containing a dress and some-- a hat and some other small garment, and one package that was turned over to our office by, as I recall now, Slim Thompson-- C. A. Thompson.

Q One of the State Police?

A Brought, as I understood it at the time, from the undertaker's office.

Q I will ask you, Mr. Hager, to examine the contents of the box sitting in front of you and state to the jury whether those articles were turned over to you?

A They were, all of them.

Q Now, that includes the dress, blue polkadot dress, and the blue beaded hat, together with some undergarments?

A Yes, sir.

Q Tell the jury who turned those articles over to you.

A They were turned over to Mr. Scaggs and myself, as I now recall, by C. A. Thompson, of the Department of Public

Safety.

Q Were they in that same box?

A No, sir, they were in a much larger box that I assumed had contained flowers, and I removed them from the package they came to my office in, and put them in this box, which formerly contained large envelopes.

Q Did you preserve them, as long as they were in your custody, in the same condition they were in when they were delivered to you?

A Yes, they were never opened in my office, I don't think, until we-- I opened them myself and placed them in this box and sent them to a chemist in Charleston.

Q To whom did you deliver this to be taken to the chemist in Charleston?

A Bob Jeffrey, Deputy Sheriff.

Q And did you turn them over to him in the same condition that you received them?

A I did.

Q What other articles, if any, were turned over to you by anyone connected with this case?

A They were a good many pieces of clothing of various kinds. I don't recall all of them. I recall one piece of a shirt sleeve and a piece of some sort of a man's undergarment.

Q I will ask you to examine the articles in that envelope and tell the jury whether or not those articles

were turned over to you, and tell the jury what articles they are.

A This is a part of a shirt sleeve, man's shirt, and this is some part of a man's undergarment, either shirt sleeve or leg sleeve, part of the sleeve. They were turned over to me by Columbus Browning, Deputy Sheriff.

Q Did you keep them intact and in good condition until you turned them over to someone else to be delivered to the chemist?

A I kept them in the same condition they are in now, except some pieces that had been cut off, I presume, by the chemist.

Q Mr. Hager, who delivered the piece of the shirt sleeve and the sleeve or leg of the undergarment?

A I am quite sure it was Columbus Browning, along with other pieces or rags and clothing he brought there, quite a large bunch.

Q Was any canvas or tarpaulin turned over to you by any of these officers?

A I don't think so. I don't think this was turned over to me; that is, not until after they were brought back from Charleston. I don't think that was.

Q The other articles that you say were turned over to you, including some rags, who did you turn them over to to take to the chemist?

A Columbus Browning.

Q Was there a piece of rubber mat supposed to have come from the automobile turned over to you?

A I do not recall.

Q Don't remember about that?

A No, sir, I do not.

Q Anyhow, any articles that were delivered to you, did you keep them in the same condition they were turned over to you until you sent them to the chemist?

A Yes. This package containing the shirt sleeve and the other article, as I now recall, were in an envelope or some sort of paper similar to this when they were brought to my office, and another package of rags and pieces of clothing, and maybe a sack or two that I understood at the time came from Mr. Robertson's basement, and came in a large package, wrapped up in newspapers.

Q You have told the jury now about delivering certain of these articles to Mr. Jeffrey to be taken to the chemist, and also delivering some to Columbus Browning and Mr. Jeffrey. Now, did you deliver any other articles for that purpose to anyone else?

A No, sir, not that I recall.

Q Do you see this piece of floor carpet or automobile carpet lying on the table here?

A I do.

Q Do you recall whether or not it was turned over to you?

A I do not. I don't think so, however. As I now recall, the first time I saw that I saw it in the laboratory at Charleston. I had occasion to go over there, and went to the laboratory.

Q Mr. Hager, did you examine this blue polkadot dress at any time before it was turned over to Dr. Borradaile, the chemist?

A No, sir, nothing more than just to take it out of the large box and cram it in this box and wrap it up.

Q Did you, after it had been delivered to Dr. Borradaile, examine it?

A Yes, I did. May I explain?

Q Yes, you may explain.

MR. CHAMBERS: I don't know what the purport of this may be.

THE WITNESS: I can soon tell you, Mr. Chambers.

MR. CHAMBERS: I insist that Mr. Hager answer the question.

BY MR. CHAFIN:

Q All right, I will ask you this question: Where did you examine this blue dress?

A I first examined it carefully-- well, I will say I examined it first in the laboratory at Charleston, in Dr. Borradaile's laboratory.

Q Tell the jury whether or not at that time it had dog hairs on it.

A It did.

Q In large or small quantities?

A A good many. Quite a few. We picked off quite a few and examined them under the microscope, and also that mat and some other articles from the automobile was there in his office, and the reason I wanted to see this dress, I had been to the garage at Stollings after they had taken the Ford sedan and saw that it was covered with hair. I understood it was a dog car, the car they hauled the dogs in, and I thought I had better find out something about whether this dress contained--

MR. CHAMBERS: I object to that, your Honor.

MR. CHAFIN: Yes, you need not go into that.

MR. CHAMBERS: I move to strike what he has said about the examination of the dress.

MR. CHAFIN: We think that is material.

THE WITNESS: Yes, it is.

MR. CHAMBERS: You are not to pass on this.

THE WITNESS: I just want to tell what I done.

THE COURT: Answer the questions, and don't go any further.

BY MR. CHAFIN:

Q Can you tell the jury what kind of dog hairs you found on this blue dress?

A No, they were the same kind of dog hairs that were on the automobile and on that piece of mat there.

MR. CHAMBERS: I move to strike that.

THE COURT: I sustain the motion.

BY MR. CHAFIN:

Q While you had those articles in your possession tell the jury whether or not this piece of floor matting here and the dress ever came in contact with each other.

A No, sir. I found the dress in the same package and wrapped in the same paper, and tied with apparently the same string I sent it over there in, and so far as I know it had never come in contact with anything.

MR. CHAFIN: That is all.

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CROSS EXAMINATION BY MR. CHAMBERS:

Q I understood you to tell the jury that the first time you saw this carpet was in the laboratory at Charleston.

A That is my recollection, sir.

Q And you had the dress in your possession in the prosecuting attorney's office?

A Yes, sir.

Q Several days? A Yes, sir.

Q And that was handled not only by you, but by Mr. Scaggs and a number of deputy sheriffs, wasn't it?

A Not that I know of.

Q You had it out in there, didn't you?

A No, sir, I don't recall that I ever had it open

until I opened it to get it out of the large box it came in and send it to the laboratory.

Q When did you tie it up, the dress and the other garment?

A I tied it up when I got it to send to the laboratory.

Q When was it brought to your office?

A It was brought several days before. I don't recall the number of days, but it was locked up.

Q It was brought in a box and locked up?

A Yes, sir.

Q Did you have it out of that box any more until you got ready to wrap it and send it to the laboratory?

A No, sir.

Q Are you sure of that?

A I am sure I never did.

Q Don't you know you brought Mrs. Robertson down to your office, and in the presence of Mr. Scaggs there, or in the next room, you held up that bloody dress and shoved it up in Mrs. Robertson's face?

A No, sir, I don't think so.

Q You don't think so?

A No, sir.

Q Will you swear you did not?

MR. CHAFIN: He is swearing.

A I don't think so.

BY MR. CHAMBERS:

Q Will you tell the jury you didn't do it?

A I would not be positive I didn't, but I don't think I ever had that package out of the box.

Q You have told the jury you never had it out of the box; now you say you don't think you did.

A I don't think I ever did.

Q Now you say you don't think you did. Which is right?

A No, sir, I am quite sure I never had it out of the box at all.

Q Will you swear positively you did not have it out of the box?

A No, I won't.

MR. CHAFIN: We object. He has made it definite as he can.

BY MR. CHAMBERS:

Q How many days was it after this dress was taken away from your office that you saw it over at Charleston?

A I couldn't tell you, Mr. Chambers. I couldn't tell you. I don't know how many days.

Q How many days did it remain in your office before it was sent to Charleston?

A I don't know that. I don't recall.

Q Can't you give us some idea?

A It was a few days.

Q Whom did you send the dress by?

A I sent it by Bob Jeffrey. I don't know who went