

with him; some other officer.

Q That is one of the deputy sheriffs?

A Yes, sir.

Q That was investigating this case along with you?

A Yes.

Q And of course you took an active part in the investigation of the case?

A Yes, I did.

Q I am not criticising you for it; I am commending you for it--

JUDGE DAMRON: Suppose you make your speech to the jury.

MR. CHAMBERS: Do you want to object?

JUDGE DAMRON: Yes, I object.

BY MR. CHAMBERS:

Q Mr. Hager, I will ask you if you didn't make this statement, not only once, but several times during the investigation of this case: that you, the prosecuting attorney's office, were going to convict somebody for this murder?

A I don't know whether I ever made that statement or not. I sometimes make statements like that when I am investigating cases.

Q Didn't you go around to Mrs. Hinchman's one afternoon, a lady you don't know, and make a statement to her that you were going to convict somebody?

JUDGE DAMRON: Isn't that the duty of the prosecuting attorney?

MR. CHAMBERS: That is not the duty of the prosecuting attorney, to say he is going to convict somebody, whether innocent or guilty.

JUDGE DAMRON: It is his duty to convict anybody that is guilty.

THE COURT: I think he may answer it.

A I don't remember whether I ever made it or not. I won't say I didn't.

BY MR. CHAMBERS:

Q After this investigation for weeks and weeks, I will ask you if, as prosecuting attorney, you didn't offer a reward in this case?

A The County Court of Logan County offered a reward.

Q At whose instance?

A At the instance of my office. I authorized my assistant to go down there and see if they would offer a thousand dollars reward for information that would lead to the conviction of the persons guilty of the murder of Mamie Thurman.

Q I hand you here what purports to be a placard headed "\$1,000.00 Reward," and will ask you to examine that and tell the jury whether or not that is the order that was entered, and if it was published and posted?

A That purports to be the order that was entered,

and I authorized my assistant to draw up that order.

Q Now tell us whether or not this placard and similar placards were posted in conspicuous places in this county.

A I understand they were. I don't know that.

Q That is your information?

A That is my information.

Q You do recall signing the order?

A Yes, sir.

Q Tell us whether or not it was published in the paper.

A I understand it was. That is my information. I directed that it should be.

Q The date is the 8th day of September, 1932. Is that the correct date?

A I think it is.

MR. CHAMBERS: Your Honor, we want to introduce this this inevidence.

JUDGE DAMRON: No objection.

Defendant's Exhibit No. 1

The paper referred to was thereupon received in evidence, marked "Defendant's Exhibit No. 1," and read to the jury, the same being in the words and figures following:

Defendant's Exhibit No. 1

"\$1,000.00 REWARD!

TO WHOM IT MAY CONCERN:

Notice is hereby given, that on the 7th day of September, 1932 the County Court of Logan County, West Virginia, in regular session, entered an order of record, agreeing to pay the sum of ONE THOUSAND DOLLARS to any person or persons who would give or furnish to the Prosecuting Attorney of said Logan County, sufficient evidence to convict the party or parties guilty of the murder of Mamie Thurman, which murder was committed in said county on the night of the 21st day of June, 1932, said sum of money to be paid out of the county fund as provided by law. Said sum of ONE THOUSAND DOLLARS will, therefore, be paid by the County Court of said county to any person or persons who shall furnish to said Prosecuting Attorney sufficient evidence to convict the party or parties guilty of said murder.

Given under my hand, at Logan, West Virginia, this 8th day of September, 1932.

L. P. HAGER

Prosecuting Attorney, Logan
County."

REDIRECT EXAMINATION BY MR. CHAFIN:

Q Mr. Hager, as Prosecuting Attorney you have been connected with the case down until now, haven't you?

A Yes, sir.

Q Tell the jury whether or not that reward has brought any additional evidence to what we already had before it was published.

A It has not so far.

MR. CHAMBERS: Wait a minute. As a lawyer you know to wait until counsel on the other side objects.

THE COURT: I am going to overrule the objection.

(Exception saved by the defendant.)

A (Continuing) It has not, so far as I know, your Honor, not a scintilla of evidence, so far as I know.

BY MR. CHAFIN:

Q Isn't it a fact, further, Mr. Hager, that the original order entered by the County Court provides that no reward shall be paid for evidence already secured?

MR. CHAMBERS: Just a moment. We object to that, because it is leading and improper.

MR. CHAFIN: He went into it.

THE COURT: I am going to overrule the objection.

(Exception saved by the defendant.)

A That was my direction, and I don't recall the full contents of the order.

MR. CHAFIN: That is all.

RE-CROSS EXAMINATION BY MR. CHAMBERS:

Q Then that order that you have just read there was entered by the County Court on the 8th of September, wasn't it? A That is my recollection.

Q And that is a virtual admission, and was at the time, that you didn't have any evidence to convict anybody, wasn't it?

JUDGE DAMRON: We object to that, your Honor.

THE COURT: I am going to sustain the objection.

He need not answer it.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q Mr. Hager, do you know a man by the name of Bill Young? A I am not sure whether I do or don't.

Q Did you talk with a colored man after this reward was posted who claimed to have seen this defendant on Trace Mountain throw the body over the bank?

A No, sir.

Q Did you talk with that girl--Brown girl--Myrtle Brown? Did you talk with her?

MR. CHAFIN: We object to that unless they intend to follow it up and connect it with something material in this case.

THE WITNESS: I think that would be in the nature of a conversation--

MR. CHAMBERS: Let me ask you this: --

MR. CHAFIN: Let's have a ruling on this other first.

THE COURT: Are you going to withdraw the question?

MR. CHAMBERS: No.

THE COURT: I will sustain it, then.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q I will ask you this, Mr. Hager, if there wasn't a woman named Myrtle Brown that appeared here at the preliminary trial and told you and Mr. Scaggs she was walking back from Trace Mountain on the night of this supposed murder, and that she saw Clarence Stephenson go up the hill with a woman in the car?

JUDGE DAMRON: That is another improper question.

THE WITNESS: Your Honor--

THE COURT: I am going to sustain the objection.

MR. SCAGGS: Myrtle Brown left here long before the reward was offered.

MR. CHAFIN: She is not here as a witness today.

MR. CHAMBERS: You gentlemen had her and knew what story she told you.

MR. CHAFIN: Yes, sir, and we didn't put her on the witness stand because we knew she was lying about it.

THE COURT: I will sustain it. All the questions

and answers in regard to this Brown woman will be stricken, and the jury may disregard it when you go to your room to make up your verdict.

MR. CHAMBERS: That is all.

- o -

JUDGE DAMRON: I don't believe we offered in evidence the garments which the undertaker took off of this deceased woman. At this time we want to offer them in evidence.

MR. CHAMBERS: There is no objection.

THE COURT: Do you want to offer all the garments?

JUDGE DAMRON: The garments which the undertaker testified to. We will offer the others as we identify them.

(The garments referred to were thereupon received in evidence.)

JUDGE DAMRON: Also, your Honor, I want at this time to offer in evidence the pocketbook identified as being found and turned over to the undertaker, and identified this morning.

THE COURT: It may be introduced.

(The pocketbook referred to was thereupon received in evidence.)

- o -

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

DIRECT EXAMINATION BY MR. CHAFIN:

Q Your name is Henry Carey? A Yes, sir.

Q Where do you live, Henry?

A I live in Cherry Tree Bottom.

Q How long have you lived in Logan County?

A About forty-three years.

Q All your life? A Yes, sir.

Q Where do you work?

A Work for the City Taxi Company.

Q Is that the City Taxi Company that is owned and operated by Mr. J. E. Reed? A Yes, sir.

Q That is located right across the railroad track here next to the jailhouse, isn't it? A Yes, sir.

Q How long have you been working for Mr. Reed?

A About two years.

Q What kind of work do you do, Henry?

A I drive a taxi, wrecker, etc.

Q Do you drive of a daytime or night time?

A Night time.

Q Were you working at that kind of work for Mr. Reed here in town on the 22nd and the 21st of last June?

A Yes, sir.

Q Henry, did you know Mrs. Mamie Thurman in her life-

time? A Yes, sir.

Q Do you remember hearing about her body having been found on Trace Mountain about the 22nd of last June?

A Yes, sir.

Q I will ask you if before that time you had ever taken her out anywhere in a taxi of a night time.

A I have.

Q On how many different occasions? A One.

Q Do you know about what date that was?

A It was on the 5th and 5th, 1932.

Q That was last May, then? A Yes, sir.

Q Who employed the taxi, or who made arrangements for the taxi? A I got a call for the taxi and went and got the call, received the call.

Q Did you go to her home? A No, sir.

Q Where did you see Mrs. Thurman?

A I went to the Bus Station.

Q Was she there? A Yes, sir.

Q What time in the day or night was it?

A It was around about ten o'clock, the best I remember now.

Q In the night time? A Yes, sir.

Q Where did you go? A Went to 21 Holden.

Q Did anybody else go along? A No, sir.

Q When you got up to 21 Holden, what did you do?

A I stopped there at the store and she got out.

Q Do you know where she went from there?

A No, sir, I do not.

Q Did you see anybody around the store there?

A No, sir, I did not.

Q Were there any lights on?

A I can't say whether there was any lights or not.

Q Then after you let Mrs. Thurman out at 21 Store where did you go? A I pulled just above the store and turned around and headed back this way and come on in.

Q Did you see her any more that night?

A No, sir, I did not.

Q What time would you say it was when you let her out at 21 Store? A I judge around about ten-thirty, maybe eleven.

Q What time would you say it was when you came back to your place of business? A I don't just remember just the minutes on it.

Q It would not take you very long to drive that, would it? A No, it would not.

Q Do you know the defendant here, Clarence Stephenson?

A I never was very much acquainted with him, no. I know him when I see him.

Q I will ask you if, after you had taken Mrs. Thurman up to 21 Store at Holden last May, this defendant Here, Clarence Stephenson, came over there to your place of business. A I don't think that night.

Q I know not that night. Did he come at all?

A Yes, sir.

Q How long was it after that night?

A Next evening.

Q About what time, Henry? A It was along about the time I go to work, six o'clock.

Q That was the evening after you had hauled her up to this store? A Yes, sir.

Q Just tell the jury what Clarence Stephenson did or said on that occasion. A Well, he had been over there before I come to work, and some of the boys told him I had not come to work.

Q Don't tell what any of them told you.

A When I come to work he called me out there on the crossing, asked me if I had hauled her. I told him I did. He said, "If anyone comes and asks you any information about where you taken her, tell them you don't know who it was or where I taken her."

Q He told you to tell anybody that asked you that?

A Yes, sir.

Q Did he tell you why he was so interested in who hauled her, or anything?

A No, sir, he did not.

Q What time in the evening was that?

A Around about six o'clock.

Q Did you haul her any more after that time?

A No, sir.

Q Or before? A Not that I remember of.

Q Did he tell you anything further on that occasion or make any further statements that you recall, Henry?

A No, he did not.

MR. CHAFIN: That will be all.

- o -

CROSS EXAMINATION BY MR. CHAMBERS:

Q Henry, you say you received a call on May 5, 1932, and you answered that call, went down to the bus terminal and got Mrs. Thurman? A Yes, sir.

Q That was Mrs. Mamie Thurman, the deceased?

A Yes, sir.

Q Was it a woman called? A Well, I couldn't say now whether it was or not.

Q Did they say who to get? A No, they did not.

Q You drove down to the bus terminal. How did you know who to get? A I went in and hollered, "Taxi."

Q And Mrs. Thurman got up and followed you out?

A Yes, sir.

Q You put her in the car and took her to No. 21 Store at Holden and let her out?

A She got in herself; I didn't put her in.

Q That is what I mean, she got in herself, you were along with her? A Yes, sir.

Q Did she ride in the front or back seat?

A She rode in the back seat.

Q You let her out at 21 Holden and didn't see anybody, did you? A No, sir, I did not.

Q That was about ten-thirty or eleven o'clock in the night time? A Somewhens about that time.

Q Did you ever take her up there more than once?

A No, sir.

Q Do you know of her having been taken to that place more than once? A Yes, sir.

Q Who took her the other time? A Jim Carey.

Q Does he drive for the City Taxi also?

A Yes, sir.

Q Was that before or after you had taken her?

A That was before.

Q Do you know where Jim got her? A I do not.

Q Do you know where he let her out?

A I do not.

Q I believe you tell the jury that the next evening Clarence Stephenson came around and called you out and told you if anybody asked you about making that trip to 21 to not say anything about it? A Yes, sir.

Q That is all he said, that is right, isn't it?

A Yes, sir.

Q You knew, of course, at that time, Henry, that Mrs. Thurman was a married lady, didn't you?

A Yes, sir.

Q You knew her husband? A Yes, sir, I did.

Q And No. 21 Mine is about six or seven miles from here, isn't it? A Something near that; five or six miles.

Q And I believe you told us it was in the neighborhood of eleven o'clock when you let her out?

A Something near that, yes, sir.

Q Did she tell you to come back after her?

A No, sir, she did not.

Q Made no explanation at all? A No, sir.

MR. CHAMBERS: That is all.

- o -

REDIRECT EXAMINATION BY MR. CHAFIN:

MR. CHAFIN: I want to show the good faith of Mr. Carey in this matter.

MR. CHAMBERS: Nobody is doubting his good faith.

BY MR. CHAFIN:

Q You were asked if you didn't know she was married when you took her out in an automobile. Did you know, when you took her up there, that she was going for any immoral purposes? A No, sir, I did not.

Q You were just simply answering the call for a taxi?

A Yes, sir.

Q Didn't know she was expecting to meet anybody up there?

A No, sir, I did not.

RECROSS EXAMINATION BY MR. CHAMBERS:

Q You didn't know what she was going up there for?

A No, sir.

Q It is your business to take passengers wherever they want to go? A Yes, sir.

Q And say nothing about it. That is exactly what you did on this occasion? A Yes, sir.

Q You knew Mrs. Thurman lived here in town?

A Yes, sir.

Q You knew where she lived? A Yes, sir.

Q And you knew you put her out at 21 Store, not at any residence? A Yes, sir.

Q Where did she go when you put her out?

A I couldn't say. She went out of my sight, is all I can tell you.

Q Out in the darkness, out of your sight?

A Yes, sir.

(The witness was excused and recalled to the stand.)

BY MR. CHAMBERS:

Q Henry, I forgot to ask you, at the time you took Mrs. Thurman to 21 Store who paid the taxi fare?

A She did.

Q She paid it at that time? A Yes, sir.

Q Do you know of her charging taxi fare out at the City Taxi Company? A I do.

Q Was that before or after this particular occasion?

A Before.

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

Q Tell us whether or not Jack Thurman came out there and found out that his wife had charged a taxi bill to him.

A I don't know whether he did or not, but Mr. Reed was telling me--

Q Don't tell what Mr. Reed told you. Now, the night Mrs. Thurman disappeared did you see Jack Thurman?

THE WITNESS: You mean the night she was killed?

MR. CHAMBERS: Yes.

A Yes, sir.

Q Where did you see him, and when?

A He come over there to the office.

Q What time in the night? A It was in the morning. I don't know just what time it was.

Q After midnight? A Yes, sir.

Q You can't tell us what hour it was?

A No, I can not.

MR. CHAMBERS: All right, that is all.

- o -

BY JUDGE DAMRON:

Q He was a night policeman, wasn't he? A Yes, sir.

JUDGE DAMRON: That is all.

BY MR. CHAMBERS:

Q Was he looking for his wife at that time?

A Not that I know of.

Q Did he say anything about her?

A Not at that time.

Q Did he say anything about Hibbard Hatfield?

A Not at that time.

Q When did he? A I walked out the street with him, and Hibbard was there when he come over.

Q Hibbard was where? A There at the office.

Q At your office? A City Taxi Company.

Q And when you walked out the street you don't know what time it was? A No, I do not.

MR. CHAMBERS: That is all.

BY MR. CHAFIN:

Q They come over there often, don't they?

A Yes, sir.

MR. CHAFIN: That is all, Henry.

- o -

H A R L E Y H A N E R, 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 Harley Haner? A Yes, sir.

Q How old are you, Mr. Haner? A Twenty-four.

Q Where do you live? A I live down on Big Creek right now.

Q Are you working anywhere now? A No, sir.

Q Were you working anywhere on the 22nd day of last

June last? A Yes, sir.

Q Where does she live - Mrs. Maynard?

A She lives down in Aracoma.

Q Did you see Clarence Stephenson on that day?

A Yes, sir.

Q I want you to tell the jury when you saw him and where you saw him. A Between eleven-thirty and twelve o'clock, parked about thirty yards this side of where they used to dump garbage over here between Aracoma and the power plant garage, parked on the right of the road as you come up, off the road.

Q Where were you going?

A I was going to lunch.

Q Anyone with you? A Yes, sir.

Q Tell the jury who it was.

A Mrs. C. B. Maynard.

Q How do you fix the time, Harley?

A Well, we started from the store between eleven-thirty and twelve, and I happened to look at the clock as we went out and said it was almost noon, and we would stay while we were down there for lunch.

Q You were going down Guyan River toward Aracoma?

A Yes, sir.

Q You say that the defendant was parked over there.

What kind of automobile did he have?

A He was in a four-door Ford Sedan, '30 Model.

Q Was the automobile headed toward Logan, away from

Logan, or otherwise? A Headed towards Logan.

Q What was this defendant, Clarence Stephenson, doing at the time you passed, if anything?

A He was sitting under the steering wheel, with his head lying over on his right arm, in the front seat; had his arm lying on the back of the seat and his head over like this on his arm.

Q Was there anyone in the car with him?

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

Q You say that was near where the old garbage heap used to be? A Yes, sir.

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

Q Did he raise his head up when you passed?

A No, sir.

Q Was he parked there when you came back?

A No, sir.

MR. SCAGGS: That is all.

- o -

CROSS EXAMINATION BY MR. CHAMBERS:

Q Harley, at the time you saw Stephenson he was sitting under the wheel, wasn't he? A Yes, sir.

Q And lying over on his right arm? A Yes, sir.

Q You don't know whether he was reading some mail he had gotten or not? A If he was reading any mail, I couldn't see.

Q I know, you didn't notice that, you just drove by,

making about twenty-five or thirty miles an hour?

A I imagine that was about the speed.

Q And paid no particular attention to Stephenson?

A No, sir.

Q Just noticed his car, he sitting there, as you indicated? A Yes, sir.

Q If he was reading something lying down in the seat you didn't notice it? A No, sir.

Q You don't mean to say he wasn't, do you?

A No, sir.

MR. CHAMBERS: That is all.

- o -

REDIRECT EXAMINATION BY MR. SCAGGS:

Q Was he parked off the road or on it?

A I couldn't say whether he was plumb off the road or not, but I think he was. I didn't notice for sure whether there was any of his car on the road or not.

Q There is a cliff there, or ledge of rock, where the cars park? A Yes, sir.

Q Was there anything to keep you from seeing the defendant was reading, if he was reading?

MR. CHAMBERS: We object.

THE COURT: I am going to sustain the objection.

MR. SCAGGS: That is all.

- o -

RE-CROSS EXAMINATION BY MR. CHAMBERS:

Q Harley, at this particular place you think his car was entirely off the road? A Yes, sir.

MR. CHAMBERS: That is all.

BY MR. SCAGGS:

Q You think so? You think he was asleep also, don't you?

MR. CHAMBERS: We object.

THE COURT: I am going to sustain the objection. Stand aside.

(A recess was taken until Wednesday, October 12, 1932, at nine o'clock A. M.)

- o -

WEDNESDAY, OCTOBER 12, 1932.

(The trial of the case was resumed at nine o'clock A. M.)

Appearances same as heretofore noted.)

BILL BRUCE, called as a witness in behalf of the State, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAFIN:

Q Tell the jury your name.

A Bill Bruce.

Q Where do you live, Mr. Bruce?

A I live over on Buskirk Hill here.

Q Across the river here near the power house?

A Yes, sir.

Q What official position, if any, do you hold here in town? A City patrolman.

Q How long have you been on the city police force?

A Since January 1931.

Q What is your age, Mr. Bruce?

A Forty-seven last September.

Q Are you married? A Yes, sir.

Q Do you know the defendant, Clarence Stephenson?

A Yes, sir.

Q Do you know Harry Robertson? A Yes, sir.

Q Do you know where Harry Robertson's home is here in town? A Yes, sir.

Q Did you know Mrs. Mamie Thurman in her lifetime?

A Yes, sir.

Q Do you remember when her body was found on Trace Mountain about the 22nd day of last June?

A Yes, sir.

Q Did you go up to where the body was found?

A Yes, sir.

Q Did you see a pocketbook picked up there?

A I did.

Q What kind of pocketbook was it, lady's or gentleman's? A Lady's.

Q Where was this pocketbook picked up, Mr. Bruce, or about where, with reference to where the body was lying?

A It was about six or eight feet above where the body was, between the edge of the hard road--concrete--and the bank,

Q Did you examine it or see it examined there?

A I saw it examined. I didn't examine it myself.

Q Do you know what kind of material it was made of?

A Kind of what they would call a mesh bag or something like that.

Q Would you know it if you would see it?

A I believe I would.

Q Take that book, Mr. Bruce, and tell the jury whether or not, in your opinion, that is the same one that was picked up there.

A That looks like the same one.

Q Had it rained that night?

A Yes, sir, sometime in the night it had.

Q Did you work on the night force that night, or were you working of a day? A I was working the day shift at that time.

Q Were you up during the night or know anything about how hard it rained?

A No, I don't know how hard it rained.

Q About what time in the afternoon were you up there and saw this pocketbook found?

A Well, it was about something near two o'clock when we left here and as quick as we could drive on up

there.

Q Do you recall who picked up the book?

A Satterfield, State Police.

Q Tell the jury whether or not the book was wet when you picked it up.

A It was wet on the bottom side--damp on the bottom side, but on the top side it was dry, for the sun was shining.

Q Did you see the book opened? A Yes, sir.

Q Tell the jury what, if you remember, was in it.

A There was a five dollar bill and two dollar bill.

Q Were there any articles in there?

A Yes, there was part of a package of cigarettes, a cake of chewing gum, and a little small rag, and a little piece of paper with a number on it.

Q Did you notice any matches?

A Yes, a few matches in the bottom of it.

Q Were they loose or in a box? A Loose.

Q Tell the jury whether or not those articles were wet. A I didn't have hold of nothing in the pocketbook. I just stood and watched them open the pocketbook.

Q You did not examine them? A No, not myself.

Q Did you see the hat found there? A I did.

Q Would you know the hat again if you would see it?

A I believe I would.

Q Where was this hat picked up, Mr. Bruce, with reference to the body?

A It was something like fifty feet down the hill below where the body was.

Q Is that the hat? A That looks like the one, yes, sir.

Q You say that was found about fifty feet below the body? A About fifty feet down the hill below it.

Q Did you see the shoe found there?

A One of them I did--the slipper.

Q Where was it found with reference to the body?

A It was about three or four or five feet above the body.

Q Mr. Bruce, do you recall about the time that the defendant here was arrested on this charge?

A Yes, sir.

Q You were still policeman at that time, were you?

A Yes, sir.

Q Where was he staying, if you know?

A He said he was staying up to Harry's.

Q Harry Robertson? A Yes, sir.

Q Did you go up there and help to make the arrest?

A Yes, sir.

Q Tell the jury whether or not you did any searching in the attic of the home of Mr. Robertson, where Clarence Stephenson stayed? A We did, the next two days after he was arrested.

Q Two days after he was arrested? A Yes, sir.

Q Did you understand that was the place where he slept? A Yes, sir.

Q Who was with you, Mr. Bruce, at the time you made the search? A First time, Thompson and Cobb, and then Satterfield, Meade Smeltzer, Columbus Browning, and myself.

Q You say the first time. Was that the time that you searched the attic?

A Well, we searched the attic both times we was there.

Q Do you recall about what time you went to bed on the night Mrs. Thurman was murdered, the Tuesday night, June 21st? A Something around twelve.

Q Did you see Clarence Stephenson that night?

A I did.

Q How many times, or about how many times?

A About three times.

Q When was the last time you saw him?

A About five minutes after eleven, or something near that time.

Q And where was he? A Between the Smokehouse and the corner at the Pioneer Hotel, coming up the street this way--Stratton Street.

Q Walking or riding? A Walking.

Q Did you see him any more after that time?

A No, I did not. I went down to the corner, then I left Hibbard Hatfield and Jack Thurman there and went on

home.

Q Did you notice what kind of shirt Stephenson had on that night when you last saw him?

A He had his sleeves rolled up something like that, nigh to his elbows, kind of a striped shirt.

Q When you say striped, you mean what color of stripe, light or black?

A What I callea kind of pin stripe.

Q Had you seen him any more that night before eleven o'clock? A I had.

Q Where had you seen him then? A On the bank steps of the bank, setting on the steps at the entrance of the banks.

Q What time did you see him on the steps of the Guyan Valley Bank? A A little before eleven o'clock.

Q Would you know about what time before eleven?

A I would say ten or fifteen minutes.

Q What time had you seen him sitting on the steps of the First National Bank?

A That was about dark.

Q Were you on the streets any more after eleven-ten or fifteen? A I went down about five minutes after eleven, went to the corner of Stratton and Dingess; then I turned off there and went home.

Q You were not out any more that night?

A No, sir.

Q In making your search up there in the attic of the Robertson home where Stephenson slept, tell the jury what you found in there.

A Well, we found a pair of trousers and a shirt.

Q Did you examine the shirt?

A Trooper Cobb did, of the State Police.

Q Did you see it? A I saw it, yes, sir.

Q You saw it examined? A Yes, sir.

Q How was the sleeve on that shirt at the time you found it in the attic, was it rolled up or down?

A Up.

Q The night you saw Clarence Stephenson down on the street here about five minutes after eleven and he had on the pin striped shirt you have testified about, how was his sleeve at that time? A Rolled up.

Q This shirt sleeve that you found in the attic up there, what kind of shirt sleeve was it?

A It was a pin stripe.

Q Like the one you had seen him with the night that you testified about? A Yes, sir.

Q Was that shirt sleeve rolled down? I mean did you or Mr. Cobb either one roll it down?

A Cobb did.

Q Did you notice anything on it?

A On the cuff there was, it looked like blood on the cuff of it.

Q Do you recall which cuff it was, whether the right or left? A I believe it was the right.

Q Would you know that shirt sleeve if you would see it again? A Yes, I think I would.

Q I will ask you to examine that shirt sleeve and tell the jury whether or not that is the one you found in the attic where Clarence Stephenson slept?

A That looks like the one we got out of there.

Q To the best of your opinion is that the one?

A That is colored like the one, yes, sir.

Q Is that like the one he had on when you saw him coming up Stratton Street?

A Something similar to that, yes, sir.

Q Did you find anything else about the premises there?

A Down in the basement of the house we found a razor, old gapped up razor, looked like it had blood stain or something on it, and a piece of drawar leg, shirt sleeve or something.

Q That was in the basement of the Robertson home?

A Yes, sir.

Q You found a gapped up razor, looked like it had blood stains? A Yes, sir.

Q Do you know where the razor is?

A Well, we turned it over to Columbus Browning, and he had orders to bring it to the prosecuting attorney's office.

Q Would you know the razor if you would see it again?

A I think so.

Q Examine that and tell the jury whether or not that is the razor you found up there.

A Yes, that is the same razor.

Q Whereabouts in the basement of the Robertson home did you find that?

A On the right side, about middle-ways of the basement, laying on a box with a piece of paper and some other clothes, little clothes, children's clothes, I believe, stacked up on it.

Q Stacked up on the razor?

A Yes, up on top of the razor and the box, yes, sir.

Q Did you find this underwear-looking sleeve in the basement of the home, too?

A Yes, sir.

Q Did you examine it, or see it examined?

A We examined it.

Q Tell the jury whether or not there were any blood stains on it.

A There was.

Q Would you know it again if you would see it?

A I think so.

Q Look in that package and see if it is not in there, and examine the one in there, and tell the jury whether or not that is it.

A Yes, that looks like the same one.

Q Who cut the sleeve off of the shirt?

A I couldn't say who cut that off. They took it down out of the attic. I don't know who cut it off. Took all