

of that time? A Well, most of the time he kept his home at Peach Creek; that is, he lived at Peach Creek and done most of his working down there until he worked up at 22 a while.

Q Did you ever hunt with him? A Yes, sir.

Q How many times have you hunted with him during the last year?

THE WITNESS: Last year?

MR. CHAMBERS: During the past twelve months.

A Well, I don't know exactly, but I have been out several times with him.

Q Were you ever out with him and Mr. Harry Robertson?

A Yes, sir.

Q Day or nighttime? A Night.

Q How did you travel? A We traveled in cars.

Q In whose car?

A Well, Mr. Robertson's car mostly all the time.

Q Did you have any dogs? A Yes, sir.

Q And how would you transport your dogs?

A I would put them in there in Mr. Robertson's car with his dogs, put them in there together.

Q And when you would park the car to let the dogs out would you leave the doors open or not?

A I don't remember about leaving the doors open.

Q Do you know whether or not, sometime last Winter or Spring, Stephenson got one or two of his fingers cut off?

A Yes, sir.

Q Did you see him shortly after it happened?

A Yes, sir.

Q Were you out hunting with him while he had his hand bandaged? A Yes, sir.

Q Did you notice that hand bleeding any?

A Yes, sir.

Q Where? A I first noticed that hand bleeding, he came-- He drove down there in Mr. Robertson's car and come into the barber shop, and he had--it looked like he had his hand just dressed, and the blood was running, looked like if he had held his hand up that way a minute the blood would have run through that cloth and dropped on the floor. I made the remark to him that he ought not to drive a car and his hand in that condition.

Q While you were out hunting with him and with Harry Robertson do you know whether or not the dogs ever would bleed? A Yes, sir.

Q Did they ever fight in the car?

A They have had fights in the car.

Q Did you ever notice, on any particular occasion, the dogs bleeding? A Yes, sir, on several occasions.

Q Was that on the inside or outside of the car?

A Inside. They would snap one or another through the ear, and it would bleed to a finish.

Q Did you ever work with the defendant?

A No, I never worked any. Never had no occasion. I ain't in that business. I work on the road.

Q During the time you have known him since 1923, I will ask you to tell the jury whether or not you were acquainted with his general reputation in that community where he lived as to being a peaceable, quiet citizen? Were you or were you not? Just answer that yes or no.

THE WITNESS: Well, now, how is that question.

(The question was read to the witness, as reported.)

A Yes, sir.

Q Was that reputation good or bad?

A It was good.

MR. CHAMBERS: You may ask him.

- o -

CROSS EXAMINATION BY JUDGE DAMRON:

Q Mr. Shelton, you say you are an engineer?

A Yes, sir.

Q That for the C & O? A Yes, sir.

Q And you have lived at Peach Creek since 1923?

A No, sir, I moved there-- I have been living there about sixteen or seventeen years.

Q You have been living there since 1923, anyway?

A I moved there in 1914, I think-- '13 or '14.

Q Are you engineer on a passenger or freight?

A I was in the freight service.

Q Where is that run?

A Work out of Peach Creek into Logan, or the Logan fields.

Q Car distributor? A Yes, sir, picking-- pulling coal and distributing empties.

Q What part of Peach Creek do you live in?

A Well, they call it Peach Creek. That is where I get my mail. I live right across the river, the west end of--

Q Logan? A West Logan. We call it all Peach Creek. It is all together.

Q What part of Peach Creek did the defendant live in?

THE WITNESS: Defendant?

JUDGE DAMRON: Yes, Clarence.

A He lived-- He was shantying up the creek. I don't know how long he stayed there, but he stayed there a good long while, and he boarded up there, I think.

Q Who with? A I don't know the people he boarded with.

Q Colored people? A I don't know that. He told me he was boarding up the hollow.

Q Then you didn't even know where he was boarding and didn't know the people he was boarding with, did you?

A I didn't know the people he was boarding with. I knew at one time there he had a tent and he kept his dogs there by the tent, and was taking care of his dogs and lived there in the tent.

Q When was that? A I don't remember that.

Q When was the last time he lived there that you remember? A Last time-- I don't remember. I can't remember that.

Q Has he lived there within the last two years?

A No, sir, I don't think he has. I don't think it has been that long.

Q You don't think it has been that long?

A He went to 22 along, I don't know exactly how long ago it has been, but he quit Peach Creek and went up to 22 to work.

Q Did he go from Peach Creek to 22? A Well, I don't know whether he went from there on to 22 or not.

Q At any rate, you haven't seen him for sometime or haven't been thrown with him since he left Peach Creek?

A He comes down there and gets his mail to Peach Creek, then he comes over to the Barber shop and we all talk around there with each other, you know, about the races we have had, and kid each other.

Q Fox hunters? A Like fox hunters usually do.

Q That is Mr. McDonald's barber shop? A Yes.

Q And you and he and Mr. McDonald would talk about fox hunting? A Yes, and anybody else in there would that joined in.

Q He had a good reputation for being a good fox hunter, didn't he? A He had a good reputation as a fox hunt-

er and a moral man, good man.

Q Had the reputation of being a good moral man, and has always borne the reputation of being a moral man, so far as you know?

MR. CHAMBERS: We object, because that is improper cross-examination.

THE COURT: I am going to overrule the objection. (Exception saved by the defendant.)

MR. CHAMBERS: If the Court please, I only asked his reputation for being a peaceable, quiet citizen.

JUDGE DAMRON: Law-abiding citizen, which covers morality.

THE COURT: Go ahead, Judge.

BY JUDGE DAMRON:

Q Did you ever talk with anyone else other than Mr. McDonald and the defendant's citizenship?

A Well, I have heard remarks made about his citizenship.

Q When, since this trial commenced?

A Yes, sir, since this trial commenced.

Q Not before? A I have heard it before, too.

Q Where did you hear it?

A Around the community at Peach Creek.

Q Tell us some you have heard talk about it.

A Well, I don't remember the man or party who I heard talk about it.

Q Why would he be talking about it?

A While we was hunting with him, you see, and things like that, because a white fellow was going out with a colored fellow, hunting with him, somebody would start to say something, "Why, you fellows go out--or something like that--with a colored fellow," and then somebody would make a remark that he was all right, a good fellow, good boy.

Q When was the last time you went hunting with him?

A I don't remember that.

Q This year? A Let's see-- Well, I don't remember, Judge, whether this year or not. I have been busy working right smart little bit.

Q When was it you saw his hand hurt?

A I don't remember when I saw his hand hurt. I don't remember the date.

Q That was before this year, wasn't it?

A I reckon it was this year when he got hurt. I don't know.

Q You don't know?

A The only thing I know about it, he came in there with his hand bleeding, and I asked him--I told him he ought not to be driving a car with his hand in that condition.

Q When was that, Mr. Shelton? A I don't like to say. I can't remember the date.

Q Was he working at 22 Mine then? A He must have been, for that is where he got it done.

Q Can you give us some idea, tell us whether it was one year ago or two years ago?

A Well, as well as I remember, it was along, it must have been in January or February.

Q Of this year? A Yes.

Q Did you go fox hunting that time?

THE WITNESS: Sir?

Q Did you go fox hunting together that time, or did he just drive down there to the postoffice?

A He come down there to the postoffice and come in the barber shop, and I seen his hand bleeding through this cloth, this dressing.

Q And you told him to hold it up instead of holding it down? A No, he was kind of holding it in position like that. (Illustrating)

Q Do you know where he has been living since January, or since you saw his hand hurt?

A He claimed he was working at 22 Mine, is all I know.

Q That was at that time? You don't know how long he had been staying here in Logan, and don't know what he has been doing? A No, sir, I don't know what he has been doing since--

Q You don't know what his reputation in Logan has been or what it was at 22 Mine?

A I don't know his reputation in Logan, but I know his reputation around Peach Creek, West Logan, was good.

JUDGE DAMRON: That is all.

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REDIRECT EXAMINATION BY MR. CHAMBERS:

Q Did you ever know of his being in any trouble before this? A Never did.

Q Ever know of his being charged with any crime?

A No, sir.

MR. CHAFIN: We object to that.

THE COURT: Objection sustained.

(Exception saved by the defendant.)

BY MR. CHAMBERS:

Q Do you know whether or not the defendant, Clarence Stephenson, smoked?

A No, sir, I don't remember ever seeing him smoke.

MR. CHAMBERS: That is all.

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MILLARD CLAY, called as a witness in behalf of the defendant, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAMBERS:

Q Is your name Millard Clay? A Yes, sir.

Q Where do you live, Mr. Clay? A On Dingess Run, at the mouth of Pound Mill.

Q What do you do? A Farm a little is all I have done this season.

Q I believe you were subpoenaed here by the State?

A Yes, sir.

Q Do you know the defendant, Clarence Stephenson?

A Yes, sir.

Q How long have you known him?

A Well, about six or seven years.

Q Where did he live when you first knew him?

THE WITNESS: Where did he live?

MR. CHAMBERS: Where did he live when you first knew him?
A He was at Peach Creek.

Q Were you working at Peach Creek then?

A No, sir.

Q Where were you living at that time?

A West Logan.

Q How near is West Logan to Peach Creek?

A The river just divides Peach Creek and West Logan, but Clarence was up on Peach Creek.

Q During the past six years have you been associated with Clarence Stevenson quite a bit or not?

A Quite a bit with the exception of about eighteen months I was down at the farm. I had a farm in Lincoln County.

Q When was that you were not with him for eighteen months?

A I have been back here for three years.

Q During the past three years have you seen him quite often?
A Yes, sir.

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

Q Were you ever out fox hunting with Robertson and Stephenson? A Yes, sir.

Q How often? A Well, quite often.

Q Do you recall the last time you were out with them?

A The last time I was out with Clarence was along, was just-- I don't know-- something near three months ago, as I recall. Two and a half or three months, right along there. I would not be sure.

Q Where was that fox hunt?

A It was on Band Mill.

Q Band Mill Hollow? A Yes, sir.

Q Tell the jury whether or not the dogs that were taken along would fight.

A Well, sometimes, yes.

Q How did they transport these dogs? A By car.

Q How many would they sometimes have in this automobile? A Well, I know as high as eleven or twelve.

Q Whereabouts in the automobile would they place the eleven or twelve dogs?

A Take the cushion out and put them in the rear.

Q Did you ever notice those dogs bleeding in that car?

A I have seen their feet bleeding, yes, when they would come in.

Q Tell the jury whether or not Stephenson's nose bled quite often, if you know.

A Yes. Yes, sir.

Q Do you know what caused it to bleed?

A He told me he got a lick in a wreck on Peach Creek.

Q Did you ever see his nose bleed in the car?

A Yes, sir.

Q How many times? A About twice, I believe.

Q Now, during the six years you have known this defendant, would you say you had seen him as much as once every week? A No.

Q Not that often? A No, sir.

Q Were you acquainted with his general reputation around Peach Creek and West Logan there where he lived, and in the City of Logan? A Yes, sir.

Q As to being a peaceable, quiet citizen?

A Yes, sir, I never heard of him--

Q Was that reputation good or bad?

A So far as I know, it was good.

Q Of course, reputation is what the people say about him. With that information, what would you say that his reputation was?

A Well, I never heard anything against him.

MR. CHAMBERS: That is all.

- o -

CROSS EXAMINATION BY JUDGE DAMRON:

Q Where do you say you live, Mr. Clay?

THE WITNESS: Where I live now?

JUDGE DAMRON: Yes, sir.

A Up Dingess Run above Stollings, back of the State Garage--Band Mill.

Q Band Mill Hollow? A Yes, sir.

Q How long have you lived there?

A Three years the sixth of this last July.

Q And how far is that from Logan?

A It is a mile from Stollings.

Q How far is it from Logan to Stollings?

A I think it is two miles, or near two miles, I think.

Q That would be three miles from Logan to where you live? A Yes, sir.

Q And how far is it from Logan to Peach Creek?

THE WITNESS: Logan to Peach Creek?

JUDGE DAMRON: Yes, sir.

A I couldn't say exactly. I think it is around a couple miles.

Q That would be five miles, then, from your place to Peach Creek? A Yes, sir.

Q And you have not lived at Peach Creek in three years?

A No, sir.

Q And you knew the defendant, Clarence Stephenson, when you lived at Peach Creek? A Yes, sir.

Q And the reputation you have been speaking of was while you lived at Peach Creek? A Yes, sir.

Q You don't know what it has been since, or for the last three years?

A Well, I have never heard nothing against him, no.

Q You have not lived there, however?

A I have lived up here.

Q You would not know what his reputation at Peach Creek was, would you, in the last three years, because you have not lived there, is that right?

A No, I wouldn't say exactly his reputation down there, no.

Q You don't know where he has lived in the last three years? A Not all the time.

Q Part of the time you understood he lived at No. 22 mines out here, didn't you, on Trace Mountain?

A I heard he did.

Q You never worked out there? A No, sir.

Q And you don't know anybody out there?

A No, sir.

Q You don't know what the people out there say about him, do you? A No, sir.

Q You say that the last time you went hunting with him was two and a half or three months ago?

A Best of my--

Q Of course you could be mistaken about that, couldn't you? A Well, it was not over three months ago.

Q You could be mistaken about that, could you?

A I don't think so.

Q Well, this killing of Mamie Thurman has been since that, hasn't it? A I couldn't say.

Q I mean the killing of Mamie Thurman was more than

three months ago, wasn't it?

A I couldn't say. To the best of my knowledge, about three months ago was when we were out.

Q You understood she was killed , murdered, on the night of the 21st of June, didn't you? A Yes, sir.

Q You haven't hunted with him since then, have you?

A No, sir.

Q It was before then, wasn't it?

A Yes, sir.

Q So that was more than three and a half months ago, wasn't it?

MR. CHAMBERS: We object. It is argumentative.

JUDGE DAMRON: I am just trying to set him right.

I am not trying to take advantage of him.

BY JUDGE DAMRON:

Q Well, the last hunt you had with him was up on the hollow where you live? A Band Mill Hollow.

Q And who was with him?

A Mr. Broom and I.

Q Wasn't Harry Robertson with him?

A I don't think Harry was along the last time he was up there. I am not positive.

Q When was it he was along with him up there?

A I couldn't say. Maybe four months ago when Harry was there with him last.

Q Four months ago?

A Three and a half when Harry and him was there togeth-

er, yes, sir.

Q That is the last time he was there?

THE WITNESS: When him and Harry was together?

JUDGE DAMRON: Yes.

A No, sir, the last time he was there that I know anything about, him and Mr. Broom and I there together.

Q Who was with him and Harry four months ago when he was there?

A Mr. Talmadge Jones was along, Mr. Broom, Harry, Clarence, and myself.

Q And you all were hunting together? A Yes, sir.

Q And Mamie Thurman came up there then, didn't she?

A No, sir.

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

Q While they were on that trip Clarence came back to Logan or Peach Creek after something, didn't he?

A No, sir.

Q He did not? A No, sir.

Q Are those two times the only two times that you have been hunting with them this year? A No, sir.

Q How many times have you hunted with them on Band Mill this year? A I couldn't say.

Q Have you ever been in the car with them on Band Mill Hollow this year?

A I couldn't say whether I have been in their car or not, for they generally bring two cars. I think I go in Mr. Broom's car most of the time.

Q The hunting, when you were along you would go in Mr. Broom's car?

A I think about all the time. I might have went once in the other car. I am not sure.

Q And Clarence's nose was bleeding in Mr. Broom's car then, is that right? A No, sir.

Q It was bleeding out in the open, then, was it?

A It was bleeding once on Crooked Creek some few years back.

Q Yes, some few years ago, before you moved--

A Before I moved away from West Logan.

Q More than three years ago his nose bled down at Crooked Creek? A Yes, sir.

Q You said his nose bled twice. Where was he when his nose bled the second time?

A The second time was on Little Buffalo that I seen his nose bleed.

Q Little Buffalo? A Yes, sir.

Q Where is that from here? A Near Henlawson.

Q Was that before you moved from--

A West Logan.

Q Then you have not seen his nose bleed in the last three years, have you? A I am not positive.

Q Not positive about that? A No, sir.

Q And you say the dogs would fight?

A Yes, sometimes they would fight, yes.

Q Of course, you would not see them fight in Mr. Robertson's car, because you never were in it, were you?

A Well, not right lately, no.

Q You have not been in the Robertson car since you lived up on Band Mill?

A I am not positive whether I have been in his car or not. I went sometimes with Mr. Jones, and I ride in Mr. Broom's-- They stop and get me with the dogs.

Q But you did ride in Robertson's car before you moved from Peach Creek more than three years ago?

A Yes, sir.

Q And the dogs fought when you lived down there, didn't they?

A Well, in getting the dogs in there, and put another dog in they will snap him once in a while, putting other dogs on him, they will snap him.

Q That is the only kind of blood you would ever see in the car, if you saw any blood at all?

A I don't remember ever seeing any blood in the car.

Q Now, that was more than three years ago. Do you know how long Harry Robertson has had this Ford sedan we are talking about?

A No, sir, I do not.

JUDGE DAMRON: That is all.

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REDIRECT EXAMINATION BY MR. CHAMBERS:

Q Mr. Clay, do you know whether or not you were out hunting with Clarence Stephenson, the defendant, something like a week before he was arrested?

A Right along there. It wasn't far from a week before this trouble.

Q Now, the last fox hunt you had on Band Mill Hollow do you know how Stephenson and Robertson got up to Band Mill, in whose car they traveled?

A I am not positive.

Q Tell us whether or not the crowd of hunters sometimes took more than one car.

A That is what I told you a minute ago. Sometimes I would ride with Mr. Jones, sometimes with Mr. Broom, and maybe a time or two with Mr. Robertson and Clarence.

MR. CHAMBERS: That is all.

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RE CROSS EXAMINATION BY JUDGE DAMRON:

Q You said you had been summoned here as a witness for the State. You talked to the Prosecuting Attorney and Mr. Chafin and myself yesterday or the day before, didn't you?

A Night before last you called me back here, and I asked you to get off.

Q And you told us you knew nothing about the case and wanted to be excused?

A I knowed nothing concerning the murder case.

Q That is this base here, the defendant over there?

A I told you I knowed nothing about the case of murder. That is what I told you.

Q The Prosecuting Attorney asked you if you knew anything about the case, and you said you didn't, and wanted to be excused?

MR. CHAMBERS: We object.

JUDGE DAMRON: The only purpose of this is that the defendant, for some reason, asked him if he had not been subpoenaed by the State. We subpoenaed him, and he came and wanted to be excused, and we excused him.

THE COURT: I think I will overrule the objection. (Exception saved by the defendant.)

THE WITNESS: What was the question.

BY JUDGE DAMRON:

Q You came to the Prosecuting Attorney and his assistants, including myself, night before last?

A About seven o'clock.

Q And we talked to you and asked you if you knew anything about this case, and if so, what it was, didn't we?

A I told you I didn't know I would know anything about it to amount to anything.

Q Did you say "to amount to anything?"

A Yes, sir.

Q Didn't we ask you specifically if you knew anything?

A Mr. Chafins called me back and said, "Tell us the

truth about it." I said, "I don't think what I know will amount to anything in this case."

Q That was Con called you off to one side?

A No, sir, in the room all of you were.

Q Was that said in the presence of Mr. Scaggs and myself?

A I am not positive whether he was in there or not. I was talking to Mr. Chafin.

Q At any rate, you told us you didn't know anything and wanted to be excused?

A I told you I didn't know anything to amount to anything, and wanted to be excused, I wanted to go home and cut fodder.

Q You wanted to be excused so you could go home next morning and cut fodder, and we told you to go and see Mr. Chambers and you could be excused, so far as we were concerned?

A Mr. Chambers told me to be back next morning.

Q Next morning you were told that?

A He told me to come back next morning, and as far as he was concerned he would excuse me.

JUDGE DAMRON: That is all.

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REDIRECT EXAMINATION BY MR. CHAMBERS:

Q You may tell the jury what else the Prosecuting Attorney asked you about Clarence Stephenson, and what you were in reality summoned here for.

THE WITNESS: Tell the jury what they asked me?

MR. CHAMBERS: Yes.

A They asked me if I had ever seen Clarence Stephenson--Mr. Chafins asked me all this--if I ever seen Clarence Stephenson cut any dogs' heads off or throw them in fires because they would not run a fox.

Q You understood that was what you had been summoned here for? A Yes, sir.

Q What did you reply in reply to that question?

A I told them no.

MR. CHAMBERS: That is all.

BY JUDGE DAMRON:

Q Well, you hadn't, had you?

A I had not, no, sir.

JUDGE DAMRON: That is all.

- o -

G E O R G E B L E V I N S, called as a witness in behalf of the defendant, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAMBERS:

Q Is your name George Blevins?

A Yes, sir.

Q Where do you live, George? A Peach Creek.

Q How long have you lived there? A Eight years.

Q What do you do? A Run a machine in the mines.

Q Married? A Yes, sir.

Q Do you know the defendant, Clarence Stephenson?

A Yes, sir.

Q How long have you known him?

A About seven year; maybe a little bit more longer than that.

Q Where was he living when you first became acquainted with him? A Peach Creek.

Q Have you seen him often since you became acquainted with him up to the time he was arrested?

A Yes, sir, pretty often.

Q Where would you see him?

A I would see him come to Peach Creek down there to the barber shop and postoffice.

Q Do you know whether or not he received his mail all the time at Peach Creek? A I couldn't say.

Q How soon before he was arrested on the charge that he is now being tried on that you had seen him?

A I don't remember the date, but it wasn't very long before he was arrested I rode to town with him.

Q Did you ever work with him?

A Yes, sir, he worked for me.

Q How long? A I don't know exactly how long; maybe six months, maybe longer.

Q Where was that? A Down at Peach Creek.

Q Do you know what year that was?

A No, sir, I do not.

Q While he lived at Peach Creek and during the time you have known him, Mr. Blevins, I will ask you whether or not you were acquainted with his general reputation in that community as to being a peaceable, quiet citizen, or otherwise.

A He was a quiet citizen and had that reputation there in the hollow.

Q You mean in Peach Creek Hollow? A Yes, sir.

Q I don't believe you ever hunted with him?

A No, sir, I don't think I was ever out with him.

MR. CHAMBERS: That is all, Mr. Blevins.

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CROSS EXAMINATION BY JUDGE DAMRON:

Q What did you say you did? A Run a machine.

Q Peach Creek mines? A Yes, sir.

Q How long have you been running a machine?

A I have been running a machine about three years.

Q At Peach Creek? A Yes, sir.

Q And the defendant worked for you?

A Yes, sir, he has worked for me.

Q When? A I couldn't give the date when he worked for me.

Q Was it a year ago or two years ago?

A Well, it was about two years ago.

Q Has he worked for you since that time?

A No, sir.

Q Has he worked at Peach Creek since that time?

A Now, sir, he was cut off for a married man whenever he left there.

Q Cut off for which?

A For a married man to take his place.

Q To give room for a married man? A Yes, sir.

Q Where has he been since then?

A I don't know, sir.

Q How would you know his reputation if you don't know where he has been?

A I know his reputation only in the hollow there, sir.

Q That was after he left or before he left?

A Before he left.

Q That was more than two years ago?

A Well, he has been back there lots of times since then.

Q Yes, but he has not lived there, has he?

A No, sir.

Q You don't know what his reputation has been where he has been living the last two years, do you?

A No, sir, I do not.

Q You have seen him come down there to the barber shop? A Yes, sir.

Q And go away? A Yes, sir.

Q You don't know where he came from or where he went?

A No, sir, I did not.

JUDGE DAMRON: That is all.

J O H N C O N L E Y, called as a witness in behalf of the defendant, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAMBERS:

Q Is your name John Conley? A Yes, sir.

Q Where do you live? A I live on Crooked Creek, my postoffice is Peach Creek.

Q How near is Crooked Creek to Peach Creek?

A Well, from where I live I guess something like a mile, or three-quarters.

Q How long have you lived on Crooked Creek?

A About twenty-nine years.

Q Have you ever worked at Peach Creek?

A Yes, sir.

Q What did you do there?

A Well, I was assistant mine boss, run a motor. I was track boss, track man.

Q In the Chafin-Jones-Heatherman mine? A Yes, sir.

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

Q When did you quit working there?

A 1929, I believe.

Q Do you know the defendant, Clarence Stephenson?

A Yes, sir.

Q About how long have you known him?

A Six or seven years.

Q Where was he living when you got acquainted with him?

A Peach Creek.

Q Since that time how often have you seen him?

A Well, I have seen him frequently.

Q Where would you see him? A Well, I have seen him at Peach Creek, John McDonald's barber shop, and I have seen him up on Crooked Creek, and I believe I have seen him here in Logan.

Q Do you recall hearing about the body of Mamie Thurman being found on Trace Mountain? A Yes, sir.

Q On the day you heard that did you see the defendant, Clarence Stephenson? A Yes, sir.

Q Where? A At Peach Creek.

Q About what time in the day was it?

A Well, I couldn't place the time exactly, but the best of my judgment it was between ten and twelve o'clock.

Q In the daytime? A Yes, sir.

Q Where was he at Peach Creek? A He was in front of John McDonald's barber shop when I seen him.

Q Do you know how he got down there, whether he walked or rode? A No, sir, I don't know how he got there.

Q Did you see Stephenson along last Winter or Spring when he had his hand hurt?

A Yes, sir, I seen him with his hand bandaged up.

Q Where was he at the time that you saw him?

A At John McDonald's barber shop.

Q Were you ever out fox hunting with him?

A No, I never was out fox hunting with him.

MR. CHAMBERS: That is all.

JUDGE DAMRON: All of what?

MR. CHAMBERS: That is all his examination.

JUDGE DAMRON: There is nothing to cross-examine him on.

MR. CHAMBERS: I move to strike that remark from this jury, your Honor.

THE COURT: Well, it may be stricken.

MR. CHAMBERS: And ask the jury not to consider it.

THE COURT: The jury will not consider it.

JUDGE DAMRON: Your Honor, we do not care to cross-examine him.

MR. CHAMBERS: Those remarks are highly improper and should not be made.

JUDGE DAMRON: Your Honor, I don't know it, and I would not say it if it were. It is a difference of opinion.

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P O R T E R L Y N N, called as a witness in behalf of the defendant, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHAMBERS:

Q Your name is Porter Lynn? A Yes, sir.

Q Where do you live? A Logan.

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

Q Do you know the defendant, Clarence Stephenson?

A I do.

Q How long have you known him? A Seven years.

Q During the seven years have you been out with him a good deal? A Yes, sir.

Q Where has he lived during that seven years?

THE WITNESS: Who, me or him?

MR. CHAMBERS: Stephenson.

A Well, in Logan County different places.

Q Did you know him when he lived at Peach Creek?

A Yes, sir.

Q Did you know him when he worked at 22 Holden?

A Yes, sir.

Q And did you know him since he has been here in town?

A Yes, sir.

Q Did you know him the two times he has been staying or did stay with Harry Robertson? A Yes, sir.

Q Tell the jury whether or not during that seven years you have seen him quite often. A I have.

Q Ever fox hunt any with him and Mr. Robertson?

A I have.

Q How many different times did you go out fox hunting with him? A I don't recall the times, but several times.

Q Are you acquainted and were you acquainted with the general reputation of Clarence Stephenson in the various communities where he lived, during the time you have known him, as to being a peaceable, quiet, law-abiding citizen?

A Yes, sir.

Q Is that reputation good or bad? A Good.

Q Do you know anything about his nose bleeding?

A Yes, sir.

Q Tell the jury about the frequency of his nose bleeding, if you can.

A Well, he was in a wreck at Peach Creek and got hurt in the wreck, and his nose has been bleeding frequently since that time.

Q Did you ever see it bleeding while you were out hunting? A Yes, sir.

Q Do you recall any particular place or time that you saw his nose bleeding? A Well, the last time I seen his nose bleeding was at Crooked Creek one night fox hunting.

Q Do you recall when that was?

A Well, it was along about the middle of June.

Q This year? A Yes, sir.

Q Who was with you down there on that trip?

A Mr. Brooms and Mr. Robertson and myself and Stephenson.

Q Where was Stephenson at the time his nose was bleeding? A Well, when I noticed it, it was in the car. He was sitting in the front seat of the car with Mr. Robertson.

Q Front seat of what car?

A Ford coupe-- or Ford sedan.

Q Do you know how long his nose continued to bleed?

A No, sir. How come me to notice it, I drove up. I

left the taxi stand over there one night after twelve o'clock. Mr. Thurman and Mr. Hatfield got out of the car. I remarked to them I believed I would go down to Crooked Creek and listen to the fox race a while, that Mr. Stephenson, Mr. Robertson and Mr. Broom were down there; so when I drove up Mr. Broom was standing in the road by the side of the car. He asked me to drive around in front of the car and park the car out of the road. I did. I got out of the car and came back, and Mr. Broom was standing by the side of the Ford sedan. I asked him who all was there. He said, "Mr. Robertson and myself and Clarence." I said, "Where are they?" He said, "They are there in the car." I turned around and they were both sitting in the car. Mr. Robertson was sitting on the left, under the wheel, and Clarence was sitting on his right in the front seat, and I stood there a few minutes, and he looked like he might be asleep, or both of them. Directly he made kind of a move and got out of the car wiping his nose, and said, "My nose is bleeding."

Q Did you see the blood? A Yes, sir.

Q That was about the middle of June?

A Yes, sir, about the middle of June.

MR. CHAMBERS: That is all. You may ask him.

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CROSS EXAMINATION BY JUDGE DAMRON:

Q What time of night you say it was?

A After twelve o'clock.

Q And who all did you see down there?

A I seen Mr. Robertson, Brooms, and Stephenson.

Q That is all you saw? A Yes, sir.

Q Didn't see the deceased, Mamie Thurman?

A No, sir.

Q She had left when you got there?

A I don't know anything about that.

Q You don't? A No, sir.

Q They were not fox hunting that night, were they?

A Yes, sir.

Q In the road? A They was sitting in the car
beside the road.

Q They were not fox hunting, were they?

A The dogs was up on the hill running.

Q Did you hear them barking? A Yes, sir.

Q Running a fox? A I don't know what they was
running.

Q How long did you stay there?

A I stayed there until a while before daylight.

Q They stayed there with you? A Yes, sir.

Q Did the dogs run all that time?

A Well, they was gone out of hearing.

Q You stayed there with the defendant and with Robert-