

and there were forty four taken in the truck, you were inquired about, were you not, in the preliminary as to the five sacks as to where they went?

"A Yes, sir.

Q Do you remember that? A. Yes, sir.

Q Then there was a discrepancy of five sacks, was there not?

A Yes, sir.

Q In other words, if you were to claim all the forty four sacks on the truck, which you said were on the truck, and also taking into consideration the number of sacks that were in the pile when you went back, you were still five sacks out?

A Yes, sir.

Q You still say that, don't you? A. Yes, sir.

Q And you still maintain that is correct, do you?

A Yes, sir.

Q And you were asked as to how you accounted for these five sacks, were you not?

A Yes, sir.

Q And you said you didn't know, except that some one might have stolen them?

A Yes, sir.

Q That is your testimony now? A. Yes, sir."

On ^{cross} examination he further testified: (Trans. page 40-41).

"Q You talked your testimony over with a witness in the hall here during the noon recess, and he told you that you didn't tell the same thing as you told in the preliminary, didn't he?

A Yes, sir.

Q Then you came in here and you change it, didn't you?

A Yes, sir.

Q What correction did you make? What did he tell you out there in the hall? It was that you had testified in the preliminary that there was a hundred and ninety six sacks, was it not?

A Yes, sir.

Q And then you come into court and tell Mr. Young that you had, that you want now to testify there was a hundred and ninety six instead of three hundred and ninety six. A. Yes, sir."