

truck pass on. They then followed this truck keeping from a quarter to a half a mile behind it. (Trans. page 30). Finally the truck ran off a bridge about twelve miles east of Stohl's place and three miles west of Tremonton. (Trans. page 31). The lights were burning on the truck as it came along the road. They went on past the truck and telephoned for Harris, the constable at Bothwell, and he came over and arrested the defendants (Trans. page 32) who were driving the truck and took them and their truck into Tremonton. This was in the morning just at daylight. (Trans. page 33). The truck operated by the defendants was only half full of sacks of wheat. It contained 44 sacks of wheat at the time of the arrest the defendant Angle, was wearing a pair of cloth-topped rubber soled shoes. Glenn testified that the next day when he went back with McGinnis, the bank cashier, the constable, deputy sheriff and the two defendants, he saw tracks both at the point where the truck ran off the bridge and also around his wheat pile made by rubber soled shoes. (Trans. page 36). Thereupon the following occurred in the testimony:

(Trans. page 36-37)  
"Q. Mr. Glenn, I show you plaintiff's proposed exhibit "A" and ask you to examine that and state whether or not you have seen that before?

A Yes, sir.

Q Where? A. I saw these shoes at the preliminary, and that is the shoes that he wore.

Q A little louder. A. I saw this shoe at the preliminary and the shoe that Mr. Angle had on resembled these shoes identical.

Q You say the shoes he had on resembles these identically?

A Yes, sir.

Q You say you went out and made some observations there as to the tracks?

A Yes, sir.

MR. YOUNG: We offer the shoes in evidence.

MR. J. D. CATE: You don't claim these are the identical shoes, but simply resemble them?

MR. YOUNG: We claim they are identical.

MR. J. D. CATE: We object to the offer, a proper