

The wife of the complaining witness did not see the truck at all. (Trans. page 90). Attention is called to the fact that at the time

neither Glenn, his wife, Anderson or Jim Hyde examined the place in the road where Glenn said the truck had been standing near his wheat pile. It is perfectly consistent with all the testimony of the State's witnesses that the defendants' truck did not stop there at all just as the defendants testified it did not. Marion Hyde testified the truck they were following traveled the main traveled highway. (Trans. page 107 and 144).

The defendant, Monroe, told Glenn at the time of the arrest to climb up and look at the wheat in the truck. Glenn did so and finally decided after examining a number of the sacks that some of it was his wheat. (See Trans. page 135, 145 and 325). There was no scattered wheat on the ground where Glenn claimed the truck had stopped. (Trans. pages 146-148). McClure, the bank cashier, testified that the truck tracks were from six to eight inches wide. (Trans. p. 148) Glenn said they were from eight to ten inches wide. (Trans. page 26). Glenn said that this was not the only truck that would make the same kind of track in the road. (Trans. page 51).

James Spence, the deputy marshall of Fremont, went with defendant Angle to the store when he bought a pair of high shoes and some underclothing for his sister's children and paid for them with a grain check. (Trans. page 155). This fact shows that the defendant Angle, was hauling and selling wheat to the grain elevators at Fremont. This defendant bought these shoes in the presence of an officer of the law and with no attempt at concealment. (Trans. page 152-153). He was perfectly calm when he bought them. (Trans. page 156). The clerk who sold him the shoes testified that there are a great many shoes similar to the ones Angle wore and that he thought it was the proper time of year to get a high-top shoe. (Trans. page 156).

Olsen, the Deputy Sheriff, testified that defendant Angle, said at the wheat pile, when they returned there the next day for the purpose of making an investigation, that the party that was here must have had a tennis shoe on. (Trans. page 162). Angle denies this statement. Olsen lost the stick he measured the shoe