

this grain home and stored it for a few days in the north room of their house where they also had some rye stored which they had received as toll for labor. O. Alexander, a perfectly disinterested witness, saw the wheat there. (Trans. page 258-259). On Sunday, September 25, 1921, towards evening Monroe came to their house with his truck for the purpose of hauling this wheat to Tremonton. Ellis Hawk saw him there and Lester Sparks, and his wife saw Angle and Monroe load the 44 sacks on the truck that evening. They started for Tremonton and at Stone, a small town six miles south, just at dark they met Robert Wilkinson who was walking up the road and who climbed up on the truck and saw the wheat in it. (Trans. page 242).

About 11 o'clock that night at the Rattle Snake Pass they met Thomas Belnap who was returning home from Tremonton in a Maxwell car with a load of vegetables. He stopped and talked with them about 15 minutes, got up and looked in the truck and saw that they had a load of grain in it. (Trans. page 263-264). The Rattle Snake Pass is four miles west of Glenn's place. Belnap further testified that he saw ~~the~~ truck stop^{ed} by the side of the road west of the Rattle Snake Pass. The truck was headed southeast and Belnap was traveling west. (Trans. page 265). Defendant Angle also saw this truck by the side of the road. (Trans. page 319). They went on, Angle driving and Monroe sleeping along the main traveled highway (the Overland Trail) toward Tremonton. When they got to Heber Stohl's farm about one A.M. Monroe, who was then driving pulled to the side of the road turned out his presto light and also went to sleep on the truck and they stopped there about 3 hours. (Trans. page 193-4). Their reason for stopping there was because they did not want to get in to Tremonton until morning as they could not unload until then. The point where they stopped and slept was about 15 miles west of Tremonton. Just at daybreak they started for Tremonton and about three miles west of there ran off the bridge into a ditch and were there extricating their truck when they were arrested by the constable from Bothwell, who had been called there by Glenn, the complaining witness. After Glenn, at the defendants' request examined a number of sacks of wheat in the truck he finally decided that it was his wheat. (Trans. p. 196, also p. 325.