

that he had hauled two loads away, about a week before this happened and sold them in Tampo.

"Q Do you recall how many you took away? A. Not definite.

Q Approximately? A. Somewhere in the neighborhood of 100

sacks. Q. You disposed of that, I take it? A. Yes, sir."

Later on in his direct examination he testified: (Trans. p 18).

"Q Did you know how many sacks you had there then? (Sunday September 25) A. I never counted how many sacks I had".

After the noon recess (Trans. page 21), and after he had talked with some person who heard his testimony at the preliminary examination as to the number of sacks he had threshed, he again took the stand and testified as follows: (Trans. page 21).

"MR. YOUNG: Q. Mr. Glenn, this morning, you were asked by counsel as to the number of sacks that you threshed; do you wish to change your testimony as to the number you gave this morning?

A. Yes, sir.

Q How many was it? A. I gave three hundred and seventy five. It was a hundred and seventy five sacks, was the amount of sacks that I had.

Q A hundred and seventy five? A. A hundred and seventy five sacks, or a hundred and ninety six sacks.

Q Now, I want you to be sure as to the number, now.

THE COURT: A hundred and ninety six?

A A hundred and ninety six sacks.

MR. YOUNG: Q That would make how many bushels approximately?

A That would make between three hundred and seventy five and four hundred bushels.

Q As I understand it, these sacks ran about two bushels per sack?"

On ^{cross} examination of the complaining witness the following questions were propounded and answers given: (Trans. page 42).

"Q And didn't you say that there were forty six sacks left after you went back?

A Yes, sir.

Q And if you had a hundred sacks there, or ninety six sacks there