

"The Court: Well, if you'll give me the record, I'll look it up. Mr. Haas, look that up, and see what is the fact about it".

"Mr. Dorsey: I know what Boots Rogers said myself".

"The Court: The jury knows what was said".

"Mr. Dorsey: That's quibbling".

"Mr. Arnold: Is that correct, Your Honor?"

"The Court: No, that's not correct; whenever they object, Mr. Dorsey, if you don't agree upon the record, have it looked up, and if they are right and you know it, and you are wrong, or if they are wrong and you also know it, if they are wrong they are quibbling, and if they are right they are not quibbling. Now, just go on".

"Mr. Rosser: Now, the question of whether Boots said he went into that room is now easily settled". Mr. Rosser here read that portion of the cross examination of the witness Rogers stating that when Frank left the door of the undertaking room, he went out of his view.

Mr. Dorsey: Well, that's cross examination, aint it?"

"Mr. Rosser, Yes, but I presume he would tell the truth on cross examination, I don't know; he passed out of his view, he didn't say he went into a room".

"Mr. Dorsey: Correct me if I'm wrong. Boots Rogers said he didn't go where the corpse lay, and that's the proposition we lay down."

Mr. Rosser: That isn't the proposition either; now you made a statement that isn't true, the other statement isn't true Rogers said, that when he left 'he went out of my view', he was practically out of his view all the time. I was just trying to quote the substance of that thing".

Mr. Dorsey, (resuming): "He wanted to get out of the view of any man who represented the majesty and dignity of the law, and he went in behind curtains or any old thing that would hide his countenance from these men. And he said on the leading examination"

"Mr. Rosser, I don't know what you led out of him, but on the cross he told the truth".

Movant shows that under the foregoing facts, the Court erred in not making any ruling at all, and erred in allowing the