

I would be sometimes there so late the shipping clerk would be gone. I have never found the front door locked on a Saturday afternoon. I have never seen Jim Conley watching there Saturday afternoon. I have never seen him guarding the door. I have never seen him around the factory at all Saturday afternoon. I have never found the doors to Mr. Frank's inner or outer office locked. Both doors have glass windows in them. Anybody could see through them. I have sometimes found Mr. Schiff working there with Mr. Frank on Saturday afternoon. I did not see Jim Conley at the factory April 26th. I did not tell him to go down in the elevator shaft and ease his bowels. I went into Mr. Frank's office about twelve o'clock on April 26th. Mr. Frank was there.

CROSS EXAMINATION. I did not haul any for the pencil factory on April 26th. I took a sack of hay there. That was about 7.30. I didn't see Mr. Frank upstairs that time. I did not see Jim Conley at all that day. It may have been as late as 8.30 that I reached the factory that day. Mr. Frank was not there. I was paid sometime before 12 o'clock that day. The boxes are piled around in there pretty high around the elevator going down there. There are some pretty large ones, four or five feet high. They are piled around the stairway. I have never seen them use that door to the Clarke Woodenware space. I have used it once to haul out a lot of trash. No I have never seen Jim Conley sweeping up there Saturday afternoon. There was one Saturday afternoon that I didn't go up there. That was since Christmas. I think it was in April. I went up there every afternoon in January.

D. J. NIX. Sworn for the defendant.

I was office boy at the pencil factory from April 1913, to Oct-1913. I worked there every other Saturday until the first of September, and then every Saturday thereafter. I am 19 years old. Before Sept. 1, I worked on Saturdays until between four and six o'clock. On Saturdays after Sept. 1, I worked until between 5.30 and 6. I have never missed any days while I have been at the factory. On Saturday afternoons, Mr. Frank and Mr. Schiff would be there working.