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Q Now, you have never been charged with conspiracy and murder in regard to this case.

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Do you know why you haven't been charged?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Who made the phone call when you came back in the house?

A Like I said, I don't know.

Q Did you overhear the conversation?

A No, sir.

Q How do you know somebody made a phone call?

A Whenever I came back in the house, like, the phone was sitting right out there in the hall and near the stairway. As I was going up the stairs, some one said "Hello, we got one of your boys, come and get him." I don't know if they were calling down here or down at the funeral parlor.

Q You are saying now you did hear the conversation?

A I only heard that part. I don't know if they said any more afterwards.

Q You don't know who said it?

A No, sir.

Q Had you ever been upstairs in Reverend Templeton's house before?

A Yes, sir.

Mr. Stroud: OBJECTION

The Court: He already answered that.

Q I don't have any further questions.

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CROSS EXAMINATION (By Mr. Harmon)

Q Mr. Hall, when you went outside the church this Sunday morning with a weapon, wasn't it your intention to protect the church?

Mr. Stroud: OBJECTION

The Court: OVERRULED

A Well, yes, sir.

Q I have no further questions.

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CROSS EXAMINATION (By Mr. Balance)

I have no questions.

CROSS EXAMINATION (By Mr. Hunoval)

I have no questions.

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Mr. Stroud: If it please the Court, that is all the evidence as to those charges. The last incident, we have four defendants charged. All four are charged with conspiring to burn property. They are James Bunting, Ann Shepherd, Cornell E. Flowers and Michael Peterson.

DIRECT EXAMINATION (By Mr. Stroud)

Q On the evening of Tuesday the 9th of February, did you have occasion to be at Ann Shepherd's apartment at Houston Moore?

A Yes, sir.

Q Do you recall when you arrived there on that particular evening?

Mr. Hunoval: Excuse me, what night are we talking about?

Mr. Stroud: Tuesday, the 9th of February, 1971.

A I would say around 9:30 that morning.

Q Did you stay there all day?

A Yes, sir.

Allen Hall - Direct Exam. by Mr. Stroud

Q You never left the apartment?

A Only when I went to my uncle's house.

Q On the evening of that day were you in the apartment?

A Yes, sir.

Mr. Hunoval: OBJECTION to the leading, Your Honor.

The Court: SUSTAINED

Q Did you observe Mike Peterson at the apartment that evening?

Mr. Hunoval: OBJECTION to the leading of the witness, Your Honor.

Q Will you point out to the court which of these- - -

Mr. Ferguson: OBJECTION

Mr. Stroud: May I finish my question, Your Honor?

Mr. Ferguson: The question is leading.

(Counsel approaches bench)

Q Which of these defendants, if any, were present at Ann Shepherd's apartment that evening?

Mr. Ferguson: OBJECTION

The Court: OVERRULED

A Butterbean,

Q Who?

A Butterbean, James.

Q Point him out please. Which one?

A Sitting on the end. The one in the maroon shirt. Mike- - -

Q Mike who?

A Mike Peterson.

Q Point him out.

A The one with the blue shirt on. Flowers in the green shirt.

Q Who else, if anybody?

Mr. Hunoval: OBJECTION I think this question has already been answered. I think you ought to prohibit this man from putting words in the witness's mouth.

The Court: OVERRULED

A Ann Shepherd.

Q Were there others there also?

A Not at that time.

Q What occurred in the apartment at Houston Moore - Ann Shepherd's apartment that evening?

A Well, we were making fire bombs.

Q Who was?

A Myself, Ann Shepherd and the others.

Q What happened then?

A Well, we were going to burn France Neckwear down.

Q Who's we?

A Myself, Mike, Flowers, Butterbean and Ann.

Q You were going to do what?

Mr. Ferguson: OBJECTION

The Court: He has already answered it.

Mr. Hunoval: I'm going to object to that. I think what we were going to do calls for a conclusion of the state of mind of the defendant. I think that Mr. Hall is entitled to say what people said and what people did in the apartment that is being talked of, but I don't think he has the power to look into other peoples' minds and tell what their intentions were.

The Court: SUSTAINED

Q After the fire bombs were made you described, what, if anything, was done?

A They was taken and we had- - -

Mr. Hunoval: OBJECTION I don't know who "we" is.

Mr. Stroud: Your Honor, I'm trying to get him to point out who we is.

The Court: Go ahead, name the names:.

A Myself, Flowers, Bennett - Benton- - -

Q Who, Bunting?

Mr. Ferguson: Your Honor, I move the court to direct the Solicitor to stop calling names out to the witness.

Q When did Butterbean first come to the apartment, if you know?

A He came to the apartment about Tuesday.

Q About what time?

A About seven o'clock.

Q In the evening?

A Yes, sir.

Q When did Mike Peterson come to the apartment that day?

Mr. Hunoval: OBJECTION to the Solicitor leading the witness, Your Honor.

The Court: OVERRULED. I'll sustain as to leading, but that specific question is overruled.

A He came to the apartment the same time.

Q The same time as who?

A As Bennett came.

Q What was the last name please?

A Bennett - Butterbean.

Q Which one is he?

A The one sitting in the corner with the maroon shirt - James.

Q When did Defendant Flowers come to the apartment? That day.

A He came there around the same time.

Q As when?

A Seven o'clock.

Q Do you know why they came there?

A Yes, sir.

Q Why?

Mr. Hunoval: OBJECTION. It is impossible, I would think, for him to know as to why they came. I think that he can testify that they came, what they did, what they accomplished while they were there, but I don't think he is in a position to know why they came.

The Court: OVERRULED If he does know why.

Q Do you know why?

A Yes, sir.

Q Of your own personal knowledge?

A Yes, sir.

Q Why?

Mr. Ferguson: OBJECTION

The Court: OVERRULED

A They came to burn down some places because I had told them when they come.

Q When had you told them when to come?

A I told them earlier that day.

Q Did you tell them why you wanted them to come?

A I told them that I wanted them to come over to the house because there

was a meeting, a very important meeting I was supposed to discuss with them.

Q When they came that evening, did you discuss with them what you said you were going to discuss?

Mr. Hunoval: OBJECTION I want to know who it was that came to that meeting. We are talking about four or five or more people. I don't know who they are.

The Court: OVERRULED

A It would be Butterbean, Mike, Flowers.

Q When they came to the apartment where was Ann Shepherd, if you know?

A In the living room.

Q In the what?

A In the living room.

Q Living room where?

A Right at the front - - -

Q Living room in what place?

A At Houston Moore.

Q Which of the living rooms there? I'm trying not to lead.

A The living room, like, I said, the front of the place.

Q Do you know whose apartment?

A Yes, sir.

Q Whose?

A Ann Shepherd's.

Q After the three of them arrived, what part of the apartment did they go to?

A That's all. They came right on into the living room because that's

where the meeting was held at.

Q Did you say anything at that meeting?

A Yes, sir.

Q Were these present at this time, including Ann Shepherd?

A Yes, sir.

Q What, if anything, did you say?

A I told them the names of the places that they had to burn and where I had got my instructions from.

Q What were the names of the places?

A Merritt's Holsum Bakery, France Neckwear and this construction company - a trucking company, I think.

Q Where was it located?

A It's located right there by Holsum Bakery.

Q After you made this statement, what did you do?

A Then we began to make the fire bombs.

Q Who?

A Myself, Mike Flowers, Butterbean and Ann, and - - -

Q What did you do to make the fire bombs.

A We poured the gasoline into bottles and then she would turn some rags - - -

Q Who?

A Ann. And help stuff the rags into the bottle.

Q Then what occurred after the fire bombs were made?

A After the fire bombs were made, they was passed out and then we had like we go into pairs. Then we left and went out.

Q Who left?

A Myself, Mike, Butterbean, Flowers and a - - -

Q Ann Shepherd didn't leave?

A No, sir.

Q Where did you go when you left there?

A I started up towards Dawson Street.

Q What place were you going?

A I was going to the trucking place.

Q What kind of building was it?

A To me it looked like a warehouse.

Q Did you burn any buildings that evening?

A No, sir.

Q Why not?

A Because I was stopped.

Q By whom?

A The detective.

Q Where were you when you were stopped?

A I was right there near the building, right there to the railroad track.

I started walking like I was going to Jervay and they called me back to the car.

Q Did you have a fire bomb with you?

A Yes, sir.

Q What did you do with it?

A I stood still and let it fall right out of my hand.

Q Were any of these places Wilmington Bonded Warehouse, France Neckwear, Holsum Bakery burned that evening?

A No, sir.

Q Do you know why not?

A Because a lot of cops were out in the area.

Q Were any of these people who were charged - any of these people you already named - with you at the time you were stopped?

A No, sir.

Q I have no further questions.

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CROSS EXAMINATION (By Mr. Hunoval)

Q Mr. Hall, can you read and write?

A Yes, sir.

Q How long did you know the Defendant Ann Shepherd prior to the 9th?

A Ever since the 5th of February.

Q You had known her for a period of four days?

A Yes, sir.

Q In what capacity did you know her? How would you describe your relationship with Ann Shepherd?

A I just know her.

Q Had you ever been over to her apartment on prior occasions prior to the 9th?

A Yes, sir.

Q How many times prior to the 9th?

A I'd say four times.

Q Four times. Going back to what happened a few days earlier, I would like you to tell me when you were going to this house on Fifth Street- -

Mr. Stroud: OBJECTION

Mr. Hunoval: You intended to kill that man down there, isn't that correct?

Mr. Stroud: OBJECTION, Your Honor.

Mr. Hunoval: You went down towards Fifth and- - -

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q On Friday night the 5th, when you were going to that white house to get that white man, what did you plan to do?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Mr. Hunoval: Your Honor, I think earlier when I asked to get into this sort of stuff, I sort of was led to believe you would permit me to explore, go back into the case dealing with the matter which I think is going to be, in a very short time, very relevant to this particular inquiry. I wish you would bear with me just a little bit longer.

Mr. Stroud: May we approach the bench to determiné what matter you are inquiring about.

(Counsel approaches bench).

(Short recess)

Mr. Hunoval: Mr. Hall, immediately after your sentence in January, where did they take you?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Were you before you got to the Lumberton Camp ever located in any other prison unit in the State of North Carolina?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Were you ever located in a prison unit up at Raleigh, North Carolina?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Where are you being housed here in Wilmington during the course of this trial?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Are you being brought down from Raleigh to Wilmington every day?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Are you staying here in Wilmington during the course of this trial?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Mr. Stroud: Your Honor, will you direct him not to continue this line of questioning, please.

The Court: Let's move along.

Q During this four day period, you attempted to kill at least five people, isn't that correct?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q How many people did you intend to kill during the period from February 5th to February 9, 1971?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Since the incidents that took place in 1971, have you attempted to kill any other people besides the ones mentioned earlier?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q If I was to tell you, Mr. Hall, that a "giondist" is a person who does not believe in the taking of any form of animal life, in light of that, how would you characterize yourself today?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Do you think it is possible for you to take human life?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Could you tell me which specific days between the 5th and 9th of February, 1971, that you were over in the house or apartment of Defendant Shepherd?

A I went over there that Sunday and I was in and out.

Q Did you not just earlier before the recess state that you were over there at least four times, on four days, during this period of time? Isn't that what you said shortly before, Mr. Hall?

A No, sir. I said I was over there four times. He asked me how many times I had been over there before this incident happened.

Q The first time you met Miss Shepherd was on Friday evening. Is that what you stated to the court?

A Right.

Q From Friday evening through Tuesday when this alleged conspiracy took place, how many times were you physically in the home of Miss Shepherd?

A From Sunday on up until Tuesday.

Q From Sunday until Tuesday you were in the house?

A Right.

Q But not before Sunday?

A Right.

Q And you had never set eyes on Miss Shepherd before Friday, is that correct?

A That's right.

Q To the best of your recollection, on Tuesday the 9th of February was Miss Shepherd in that house all day long?

A Yes, sir.

Q To the best of your recollection, were you in that house all day long on the 9th?

A No, sir, I wasn't in there all day long.

Q Where out of the 24 hours on February 9th, how many hours were you in the apartment of Miss Shepherd?

A I would say maybe 23 hours.

Q 23 hours. During the hour you were not there in Miss Shepherd's apartment, where were you?

A I was either in Houston Moore telling the guys what time to come over there.

Q Where is Houston Moore in relation to Miss Shepherd's apartment?

A Houston Moore is out there around Greenfield.

Q On Greenfield Street? Approximately how far away? 10 Miles?

One mile? 200 yards?

A I'd say the second row of houses, if I am not mistaken.

Q In terms of miles, approximately how far is this Houston Moore project from where she was living at that time?

A It is right there. It is not even a mile. It is Houston Moore.

Q She lived in Houston Moore project, too?

A Right.

Q You never left the project, is that correct? During the course of the 9th?

A I left one time. That was to go to my uncle's place.

Q Where does your uncle live?

Mr. Stroud: OBJECTION

The Court: OVERRULED

A He stayed here in town.

Q Whereabouts in town?

A On Castle Street.

Q Did you at this particular time drive a motor vehicle?

A No, sir.

Q How did you get from and to his house?

A A friend.

Q A friend picked you up?

A No, I caught a ride with a friend.

Q Caught a ride with a friend?

A Yes.

Q You went around telling all your buddies, "Come along, we're going to plan a conspiracy" and you went to your uncle's house all in the course of an hour?

A I went to my uncle's house first then I came back.

Q How long did it take to go to your uncle's house?

A I'd say no more than fifteen minutes.

- Q Fifteen minutes. How long did it take to go around the project and round up all the guys?
- A I'd say not more than twenty minutes.
- Q What time did you go out to burn the buildings? What time did you leave Miss Shepherd's apartment to go out burning?
- A I'd say nine o'clock.
- Q Nine o'clock. What time did you come back, to the best of your knowledge?
- A I can't really say.
- Q Did the officer arrest you by there, at the place you were going to burn, were you arrested?
- A No, sir.
- Q Were you detained for any period of time?
- A No, sir.
- Q How long did it take you to get up to Holsum's Bakery? Is that where you were going to Holsum's Bakery?
- A I was going to the warehouse.
- Q To the warehouse?
- A Yes.
- Q How long did it take you to get up there to the warehouse?
- A I'd say five minutes.
- Q When you went up to the warehouse, did you come immediately back after being stopped by the police?
- A No, sir.
- Q Where did you go?
- A I went to Jervay project.
- Q Where in Jervay project?

A I went out there to the center in the Jervay Project.

Q Where is the center of Jervay Project? Over this way? Over that way?

A It is sitting in the middle.

Q How many miles away from Houston Moore is Jervay project?

A I would say, to me, it is no more than half a mile.

Q You walked there and back?

A Yes, sir.

Q What time did you get back to Shepherd's apartment, if you did?

A I really don't remember.

Q Did you get back there before one o'clock in the morning?

A Yes, sir. I would say around 10:30.

Q About 10:30. So, what you are saying is you were away from that house on the burning expedition for about an hour and a half on that occasion?

Q Between 10:30 and 12:00 o'clock, did you leave the Shepherd house at all that night?

A No, sir.

Q You were away from that house for a period of at least two hours, is that correct?

A Yes, sir.

Q What was the combustible material you used to make these bombs?  
Was it gasoline? Kerosene? What was it?

A We used gasoline.

Q Gasoline?

A Yes.

Q Where did you get that gasoline?

Mr. Stroud: OBJECTION

Q If you know of your own personal knowledge.

A We got it from a station on Dawson Street.

Q When you say "we", who do you mean specifically?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Did you personally purchase the gasoline? Or steal the gasoline?

Or procure the gasoline?

A I paid for the gasoline.

Q You paid for the gasoline, but you have not answered my question. Did you physically retrieve the gasoline and bring it back to the apartment or did someone else do that?

A I did.

Q When did you bring the gasoline back to the house? Was it prior to Tuesday the 9th or during Tuesday the 9th?

A It was on Tuesday.

Q On Tuesday. Did you buy the gasoline before you went to your uncle's house or after you went to your uncle's house?

A Afterwards.

Q After you had gone to Houston Moore?

A I brought it on my way back to Houston Moore.

Q On your way back. So, it was during the half hour you were out of the house that you purchased the gasoline on your visit to your uncle's house and to Houston Moore, also, is that right?

A Right.

Q How about - Did you tell anyone else you were buying this gasoline?

Mr. Stroud: OBJECTION That has no relevancy.

Mr. Hunoval: It sure does, Your Honor, the substance of a conspiracy is the unlawful getting together for a meeting of the minds. And I'm trying to figure out when the minds got together. We are talking about an incendiary device that was supposed to be used, or planned to be used to do some damage to some property.

The Court: OVERRULED

A Whenever I bought the gasoline, I purchased from- - -

Q I believe the question I asked, if I am not mistaken, was: Did you tell anyone else that you were going out to purchase this gasoline?

A I told Ann that on my way back from my uncle's, I would get some gasoline.

Q What did you tell her that gasoline would be used for, if you did tell her that?

A Yes, sir, she knew what it was going to be used for.

Q I repeat my question: What did you say to her relative to the gasoline - what it was to be used for?

A I told her what I had been instructed to do. So I told her the name of the places.

Q The name of what places?

A Holsum Bakery, France Neckwear, Merritt's and the warehouse.

Q You told her that is what you were going to do?

A Right.

Q What were you going to do?

A Burn them down.

Q You told her you were going to burn them down?

A Yes, sir.

Q What did she say to that? What was her reaction to that? Did she say anything?

A She asked me what time was we supposed to go out.

Q What time we're supposed to go out?

A Right.

Q Is that the only thing she said to you?

A She asked me how much gasoline I thought it would take.

Q And how much did you reply?

A I told her I didn't know for sure.

Q Did she ever say anything else other than that?

A No, sir. Then I left and went on.

Q What was her reaction when you got back to the apartment?

A She started handing out the bottles and getting out some rags.

Q The bottles and rags were physically present in the apartment, is that correct?

A Yes, sir.

Q How many other people were there at that time?

A Whenever I got the bottles down, there wasn't anyone there then, but when I took the gasoline and sit it in the closet then the rest of them came.

Q When the rest came, what did you do?

A Began making fire bombs.

Q Where did you make the fire bombs?

A In the living room.

Q In the living room?

A That's right.

Q What actually did Miss Shepherd do during the course of time the fire bombs were being made?

A She helped us make them.

Q How did she help?

A Tearing the rags and like everyone would get some and pour the gasoline and she helped pour some.

Q You were pouring the gas in the living room?

A Right.

Q No other place in the house?

A No, sir.

Q Did you ever physically abuse Miss Shepherd?

A No, sir.

Q Never struck her with your fist?

A No, sir.

Q Were her children present in the house when you were making these fire bombs?

A Not that I recall.

Q You never saw her children in the house?

A Not when we were making the fire bombs.

Q Did you ever threaten the life of Miss Shepherd?

A No, sir, I wouldn't say so.

Q Ever threaten to kill her?

A I wouldn't say so.

Q What would you say?

A Well, like, I just told her like what was going on.

Q You just told her what was going on, meaning you were going out to fire bomb these places, is that what you mean?

A No, sir. Like she, whenever we were at the apartment, like, she knew just as much about what was going on as I did. Whenever the people would tell me, they would tell her.

Q Getting back to my original question, do you deny that you ever threatened to kill Miss Shepherd?

A Yes, sir.

Q The place you are staying in Raleigh, with the Department of Correction, is that located on Blue Ridge Boulevard?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Did you ever threaten Miss Shepherd and tell her by any means whatsoever, if you couldn't kill her, you would get someone else to do it?

A No, sir.

Q Have you ever had any communication whatsoever since the time of your arrest with Miss Shepherd?

A I have written her a letter.

Q How many letters did you write her?

A One.

Q Was it a love letter? Friendship letter? What kind of letter was it? How would you characterize it?

A I would say it was a - - -

Q A love letter?

A No, a business letter.

Q A business letter? You're trying to kill all those people during this period of time, did you mean business during that period?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Is that what you mean by business?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Did you ever ask Miss Shepherd to help you?

A To help me? Like what way?

Q Please, respond to my question. Have you ever in the last several months asked Miss Shepherd to help you in any capacity whatsoever?

A I have asked her to help herself.

Q But you never asked her to help you?

The Court: Let's stop the laughing.

Q Have you ever personally asked her to help you?

A No, I wouldn't say personally.

Q To the best of your personal knowledge can you remember the last time you had any communication with her whatsoever?

A It was before I left to go to New York.

Q Before you left to go to New York?

A Yes.

Q And you have had no communication with her whatsoever of any type?

A No.

Q Outside of the letter, of course. To the best of your recollection, when did you write that letter, can you recall? Approximately, Mr. Hall, within the last month? Three months? Four months?

A I would say February. Around February.

Q Around February?

A Yes, sir.

Q Would you say it was around the middle of February? End of February?

Beginning of February? Realizing that February had 29 days this year.

A I'm not too sure what date.

Q I see. Have you ever asked any other people, in defendants in this preliminary hearing, to render assistance to you of any type whatsoever?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q And you have never physically abused Miss Shepherd any time whatsoever, is that correct?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q And you have never threatened her any time whatsoever, is that correct?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Have you ever coerced her to do any act or perform any deed whatsoever at or about February 5th through the 9th of '71?

A No, sir.

Q And you have never threatened her in any way whatsoever?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q If I told you, Mr. Hall, that the letter you wrote to Miss Shepherd was dated February 11, 1972, would that refresh your recollection as to when you wrote that letter?

A Like I said, I still say it was February, I don't remember what date.

Q Do you remember whether you mailed the letter on the same day that you wrote it? Can you recall? To the best of your recollection, Mr. Hall?

A I can't really say.

Q To the best of your recollection, do you know whether the Department of Correction censors all outgoing mail from the prison camp? Do you know whether they look at your letters and check them over?

A Yes, sir.

Q They do?

A They do not open them up.

Q They do not open them up?

A No, sir.

Q They do not open them up or they do open them up?

A They do not open them up.

Q They do not. Do you remember the letter you sent to Miss Shepherd on February 12, you said: "I got 12 years and you know that I can't pull that much time." Do you remember making that statement in the letter you wrote to Miss Shepherd?

A Yes, sir.

Q Do you remember in the next sentence of that letter, you said: "But, Ann, Ben and them are going to tell the man that you had fire bombs in your house, and that we made them there." Do you remember that?

A Yes, sir.

Q Do you remember saying in that letter the following, "See, darling, you just can't let me down. If you do not help and things come down, you will be in it, too, and go to jail just like I did."?

A Yes, sir.

Q Do you remember saying in this letter: "My wife have said that if you do not help, she is going to have someone to do you in." Do you remember making that statement?

A Yes, sir.

Q Do you remember making this statement: "My wife and them will have you out of Wilmington." Do you remember making that statement in your letter to Miss Shepherd?

A Yes, sir.

Q Do you remember in the letter that you wrote to Miss Shepherd saying, in the postscript I'm referring to: "P. S. And you can tell Ben if you want. But I will have you in here with me. So keep sweet." Do you remember making that statement in that letter?

A Yes, sir.

Q Do you remember the following statement: "You are going to die."? And you scratched out "die". Do you remember making that statement in this letter?

A No, sir, I didn't make that statement.

Q Did you say also, "Can you dig?" under that?

A Yes, sir.

Q Can you remember saying in that same letter: "I will get you."?

A Yes, sir.

The Court: Have you read all of it?

Mr. Hunoval: No, I haven't read it all. Parts of it, I have read.

Q Mr. Hall, I would like you to take a look at this letter and tell me whether that is the original letter you sent to Miss Shepherd in February of this year, to the best of your recollection.

A Yes, sir.

Q Thank you. Mr. Hall, why did you deny that you have ever threatened the life or the body of Miss Shepherd?

A . Well, you asked me if I threatened- -

Q I wish you would respond to my question, then you can offer any explanation you want to.

Mr. Stroud: OBJECTION He is attempting to answer.

A Well, you asked me if I ever threatened her while I was in the street and I said "No, sir."

Q Can you tell His Honor and the Court here why you denied that you ever at any time threatened the life and/or body of Miss Shepherd? Can you tell us that?

A In a sense you said to me had I ever threatened her- -

Q Will you please- - -

Mr. Stroud: OBJECTION

The Court: Let him go ahead and answer. Apparently he is trying to answer.

A You asked me if I ever abused her or threatened her outside of that letter and I told you no.

Q Now, will you please answer my question? After making that statement, will you please answer my question?

The Court: Will you restate your question, please?

Q Can you tell us now why you denied ever threatening the life or body of Miss Shepherd at any time whatsoever?

A I just told you one time! I told you because you said did I ever threaten or abuse her any way without that letter and I told you no! You left the letter whatsoever out.

Q I would rather not argue with you, but that is not what I said. Be that as it may. Do you also deny at this time that you stated earlier on cross examination that you have never asked Miss Shepherd for any help of

any kind whatsoever?

A Yes, sir.

Q Do you remember asking for help in your letter and admitting to the asking for help in your letter to her in February of this year?

A You asked me if I had ever asked her personally and I said no.

Q I don't believe I ever made that- - -

Mr. Stroud: I'm going to object. His questions have been rather vague.

His questions have been rather general. If he wants to ask him about something- - -

Mr. Hunoval: I think I have done everything in my power to be as specific as possible.

Mr. Stroud: Your Honor, he has done everything in his power to trick this witness.

The Court: Let's go ahead with your questions. Let's move along.

Q You would probably kill anybody who didn't help you out of the dilemma you are in right now, isn't that correct?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q I would like for you to interpret for the Court what you meant by "You are going to die." What does that mean?

Mr. Stroud: OBJECTION Your Honor, he has already denied putting that in the letter.

Q I believe he has admitted this is a true and exact copy of the letter and I will ask you this question. On the second page of this letter, does it say from the second line from the bottom "You are going to die", with "die" crossed out?

A It says - - -

Q What does that say?

A "Can you dig."

Q What does this first word - what does that mean Y O U?

A You.

Q What does A R E say?

Mr. Stroud: OBJECTION

A IF YOU CAN'T READ FOR YOURSELF, YOU FIND OUT WHAT IT SAYS!

Q It says "You are going to die". Isn't that correct.

A IF YOU SEE IT ON THERE, YOU SHOW IT TO ME.

Q What is that word? Right there. Is that a "D"? Is that an "I"?

Is that an "E". Right there, crossed out?

A To tell you the truth, I can't tell you what it is because it is crossed out.

Q What word did you put in there before you crossed it out?

A WELL, THEN, YOU FIND OUT.

The Court: Let's just answer the question. If he objects, wait until he tells you to answer. Let's keep it quiet in the courtroom. Let me speak to the attorneys just a minute.

(Counsel approaches bench)

Q Mr. Hall, could you give this court and the people here at this preliminary hearing an idea how Mrs. Shepherd could help you out of the dilemma you are in, facing twelve years in jail?

A By telling the truth for one thing.

Q In other words, what you are saying you were trying to coerce her under the threat of death to bolster and support your stories against these other defendants, isn't that correct?

A No, sir, I was only asking her to tell the truth.

Q Why did you have to threaten her life to coerce her into telling the truth?

Mr. Stroud: OBJECTION Your Honor, there is no evidence presented here that he threatened her life.

The Court: SUSTAINED

Mr. Stroud: If he wants to ask him what he meant by that, that's fine.

Q Mr. Hall, I hand you two sheets of paper and I would like you to tell the court whether this is a true and exact copy of this letter which you admitted was the original of the letter you sent to Miss Shepherd. Is that a true and exact copy?

A Yes, sir.

Q At this time I would like to introduce this as Defendant Shepherd's Exhibit No. 1

Mr. Hunoval: I'd like to have the last question read back.

Q "Why did you have to threaten her life to coerce her into telling the truth?"

Mr. Hunoval: Would you please answer that?

A Because after she would only do like the rest of them, like they were afraid of Ben Chavis.

Q If you say Ben Chavis is what you claim he is, are you not by threatening the lives and bodies of other people putting yourself on the same plane that he is on?

Mr. Stroud: OBJECTION Your Honor, there is no evidence he has threatened the lives or bodies- - -

Mr. Hunoval: I believe there is introduced into evidence a statement by

the defendant admitting that it is in his own handwriting, it is a true copy of it, stating that he is going to get his wife and other people to kill her and he is - -

Mr. Stroud: OBJECTION He didn't say that and Mr. Hunoval knows he didn't say it. Read the letter, Mr. Hunoval.

Mr. Hunoval: It says: "You are going to die."

The Court: Let me see the letter.

Mr. Stroud: Don't you think she will, Mr. Hunoval?

Mr. Hunoval: If you have the intention to kill someone and then you strike a little letter, that erases the crime and the threat? I don't think that is logical, just because he made a little erasure.

Q Didn't you also threaten to tell her mother that she was having sexual intercourse with you during this time?

A NOT ONLY WITH ME, BUT WITH EVERYONE ELSE.

Q Didn't you say in your letter - - -

The Court: The ones who have been here today and yesterday know that if you are quiet you can stay here. I do not want to clear the courtroom, but I will do it if you continue the laughing. This is not a laughing matter.

Q You are saying to this court, Mr. Hall, you never personally threatened her that you were having sexual relations with her, you threatened to tell her mother other people were having sexual relations with her? Is that what you just said to this court?

A Yes, sir.

Q I will hand you the original of the letter that has already been introduced into evidence and ask you if this does not say, "If you do not help me, and I am not lying, like, I just know you would not want your mother to know

that I was fucking you." Isn't that what this says in this letter?

A Yes, sir.

Q So, you were lying before as you have lied other times before, isn't that right?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

A No, sir.

Q Do you deny that you just told a lie?

A No, sir. Because for one thing, I wasn't the only one having an affair with her, about everyone there was having one with her.

Q And you were going to tell - how many people, 100 people? You were going to tell her mother 100 people were having an affair with her. Is that what you were going to tell her mother---

Mr. Stroud: OBJECTION

Q If she didn't come down and bolster your testimony. You didn't think anyone would believe you, isn't that right?

Mr. Stroud: Is he going to finish his question, so I can object.

The Court: Can you rephrase your question and make it shorter?

The Court: Sheriff, there's not supposed to be any bottles in the courtroom, will you check, please?

Q Wasn't the reason you threatened the life of Defendant Shepherd and threatened to tell her mother that she was having sexual relations, the fact that you did not believe your testimony here today would be credible enough to get this thing beyond a preliminary hearing?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q I have no further questions, thank you.

CROSS EXAMINATION (By Mr. Balance)

Q Mr. Hall, in view of the letter that has been introduced into evidence, will you tell us whether or not you are married?

A I am not married.

Q Have you ever been married?

A No, sir.

Q Now, at the time you wrote that letter, were you in Raleigh in the Correction Department?

Mr. Stroud: OBJECTION

The Court: OVERRULED

Q Will you answer that, please?

A Yes, sir.

Q How long did you stay there before you were transferred to Lumberton?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Mr. Hall, in view of the statements you made on the stand, would you characterize yourself as an "Imperial Wolf", based on your definition of that term?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q At the time you wrote the letter, Mr. Hall, were you fearful that your testimony would not be believed in the court?

Mr. Stroud: OBJECTION OVERRULED

A No, sir.

Q You were not?

A No, sir.

Q Had you at that time discussed with anybody representing the State of

North Carolina, whether or not you could get someone to corroborate your testimony in this case?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Had you at that time had any conversations with the Solicitor representing the State as to whether or not you would testify in this case? Or these cases?

A No, sir.

Q Had you talked with any detectives who were investigating these series of cases whether or not someone else would corroborate your testimony in these cases?

A No, sir.

Q Mr. Hall, you testified that you had some instructions on the day of the 9th of February, 1971. Can you tell us what these instructions were and where you got them?

A The instructions was to burn those places and I got them from Ben over the telephone.

Mr. Ferguson: OBJECTION AND MOVE TO STRIKE

The Court: On what grounds?

Mr. Ferguson: Because I am representing Mr. Chavis and I don't think it is relevant to this case.

The Court: I'll sustain it. Go ahead.

Q Now, Mr. Hall, what time did you arrive at the Shepherd home on the day of the 9th of February?

A I'd say nine o'clock.

Q A.M. or P.M.?

A A.M.

Cross Exam. by Mr. Balance

Q Where were you coming from?

A I was coming from my aunt's.

Q Where is that?

A Out on Market Street.

Q Where did you stay on the night of the 8th of February?

A I stayed at Ann Shepherd's.

Q Where did you stay the night of the 7th of February?

Mr. Stroud: OBJECTION The charge is dealing with the 9th.

The Court: SUSTAINED

Q Now, in addition to Ann Shepherd, have you threatened anyone else in these cases?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Are you still of the opinion you cannot do twelve years?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Can you tell us how long you have been in jail now, since your arrest, on the charges for which you are serving time?

Mr. Stroud: OBJECTION

The Court: OVERRULED

Q Can you tell us how long you have been in jail since your initial arrest on the charge for which you are serving time?

A I would say two months.

Q Pardon me?

A What do you mean, since I have been tried.

Q Since you were arrested.

A I'd say eleven months.

Q When did you first agree to testify for the State in these cases?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Can you tell us who asked you to testify in these cases?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Did you volunteer to testify, Mr. Hall?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Now, Mr. Hall, I believe you testified that you had several conversations with members of the Police Department and detectives, and I believe you said that you had made two written statements which you have signed, can you tell us whether or not the conversations, the facts you just related on direct and cross examination in regards to the conspiracy to burn certain buildings here in the City of Wilmington were or were not contained in the first written statement you gave to the police here in the City of Wilmington?

Mr. Stroud: OBJECTION

The Court: OVERRULED

A Yes, sir.

Q I believe by "Yes, sir.", I take it you mean these statements were contained in that first written statement.

A I can't directly say.

Q Is that because you don't remember or for some other reason?

A Because like, I made several statements oral and I only signed two. I can't really say I made it in the first one.

Q You told us earlier, Mr. Hall, you did this because of your conscience, did you not?

A Yes, sir.

Q To ease your conscience, did you tell everything you knew about it the first time?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q You tell this court, Mr. Hall, in regard to the conspiracy to burn the Wilson Bonded Warehouse, the Merritt Grocery and Holsum Bakery, that these charges were or were not contained in your first written statement.

Mr. Stroud: OBJECTION He answered that.

The Court: .SUSTAINED

Q Mr. Hall, did you decide what person or persons you were going to ask to come over to the Shepherd apartment on the 9th of February?

A No, sir.

Q You did not?

A No, sir.

Q Who made that decision, if you know?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Were you given a list of people to invite over to that apartment that time?

A No, sir.

Q Now, at the time you made the fire bombs you described, can you tell us how many you made?

A I couldn't say right off hand.

Q Why is it you couldn't say?

A Because like we had some left over and like I couldn't say how many we made.

Q How many did you have left over, do you know?

A No, sir.

Q You testified that you bought the gasoline, do you know where the bottles came from, if you used bottles on this occasion?

A Yes, sir.

Q Where was that?

A They came from Ann Shepherd.

Q Do you know what time of day or night it was when you say you made these fire bombs?

A It was on Tuesday.

Q What time?

A Well, I'll say from ten after seven. I'll say we started making them at ten after seven.

Q When did you stop?

A We got through around eight-thirty.

Q Did you make them continuously during that period of time?

A No, sir. Because some were made already and we stopped awhile when we was talking and I made a phone call.

Q At the time you left the Shepherd home, I believe you left, do you know what time that was?

A Nine o'clock.

Q All right, of the people you described as being there, can you tell us who left first?

A Butterbean, Mike, Flowers.

Q What was the last name?

A Flowers.

Q They left before you did?

A Yes, sir.

Q Who left next?

A After they left, I came out.

Q When you came out did you see them?

A They was gone. They was gone up the street.

Q Did you or did you not see them when you came out?

A Yes, sir.

Q How far up the street were they?

A I would estimate 15 yards approximately.

Q At the time you left, you say you were going to the warehouse?

A Yes, sir.

Q Do you know where the other people went?

A Well, I know that- - -

Q The question was-- Do you understand my question: Do you know where they went?

A Yes, sir. Because all of us met on the hill.

Q On what hill?

A Going towards Jervay.

Q Did you all go the same direction?

A No, sir, but they had seen the cops before I saw them.

Q How far is the hill from the Shepherd house?

A I would say a good city block and a half.

Q After you saw them going down the street, you didn't see them any more

until you saw them up on the hill, is that correct?

A Yes, sir.

Q When they left the hill, do you know where they went then?

A All of us went to Jervay?

Q Did you go separate ways, or did you all go to the same place?

A We all went separate ways.

Q After you left the hill, you didn't see them any more that night, did you?

A No, sir.

Q You don't know where they wound up?

A No, sir.

Q Where did you go?

A I went to Jervay Projects.

Q Did you stay there that night?

A No, sir.

Q Where did you stay?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Let me ask you one question. The Solicitor asked you something similar, I don't remember the exact question, have you been promised a time cut for testifying in these cases?

A No, sir.

Q Have not. Have you been promised an early parole?

A No, sir.

Q Have you talked about it with anybody?

A No, sir.

Q Are you expecting that?

A No, sir.

Q Are you praying for that?

A No, sir.

Q No further questions.

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Mr. Harmon: No questions.

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CROSS EXAMINATION (By Mr. Ferguson)

Q What time of day was it on February 9th when you first saw James McKoy?

A I can't really say what time it was.

Q Was it in the morning?

A It was in the - I had seen him that day. I had seen him that afternoon.

Q Where did you see him that afternoon?

A I went over to his house.

Q You went over to his house?

A Yes, sir.

Q Is that when you told him about the meeting?

A Yes, sir.

Q Where did he live at that time?

A Houston Moore.

Q Was anyone else with you when you went to his house?

A No, sir.

Q And all you told him at that time was there was a very important meeting that night, is that right?

A Yes, sir.

Q Did you know him before you went to his house?

A Only knew him by Butterbean.

Q How long have you known him by Butterbean?

A I would say a day.

Q A day?

A Yes.

Q You had just met him the day before?

A Yes.

Q So the day you met him would be the 8th, is that correct?

A Yes, sir.

Q Where did you meet him on the 8th?

A I met him at Houston Moore.

Q Was he at his house on the 8th of February?

A No, sir.

Q Where was he?

A He came over to Ann's house.

Q What time?

A I couldn't really say.

Q So, you learned he was Butterbean on that day?

A Yes, sir.

Q Did you have a conversation with him on that day?

A Not really.

Q When did you ascertain his address?

A I didn't obtain his address. I just knowed what house he stayed in there.  
I just went for him.

Q How far was that from where Ann Shepherd lives?

A I won't say because I am not too sure.

Q Is it in the same court?

A I won't say that neither because really I don't know too much about projects whatsoever.

Q You went to the man's house, didn't you?

A Yes, sir.

Q Where did you leave from to go to that house?

A I went from Ann Shepherd's house.

Q Which direction did you go to get to his house?

A In the direction to get to his house, I went down towards the back end of the - - -

Q Toward what?

A The back part of the project.

Q The back part of the project? Is that south, north, east or west from where Ann Shepherd lives?

A I'd say west.

Q West of where Ann Shepherd lives?

A Yes.

Q Do you know his apartment number or what it was at that time?

A I don't know.

Q Do you know the building number?

A No, sir.

Q Had you ever been to his house before?

A Yes, sir, one time.

Q When was that?

A The day I met him and I was talking to him.

Q The day you met him and you were talking to him?

A That's right.

Q Was that before or after you came to Ann Shepherd's house?

A Before.

Q Didn't you just tell us you met him at Ann Shepherd's house?

A Yes.

Q And you had been to his house before he came to Ann Shepherd's house?

A I had been to his house - - -

Q When?

A Before he came to that house on that Tuesday which you are talking about.

Q And you say you had been to his house before that Tuesday?

A Right.

Q Now, when before that Tuesday had you been to his house?

A The day he came over to Ann's house.

Q The day he came over to Ann's house, you had been over to his house?

A No, sir. The first day I saw him, he came over there and we were talking and then we went to his house.

Q Both of you went over to his house?

A Yes, sir.

Q How long did you stay there?

A I stayed there about 30 minutes.

Q Did anybody else go with you?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q What did you go over to his house for that day?

Mr. Stroud: OBJECTION This is the day before.

Q The fact of the matter is, you never went to that house before, did you?

Mr. Stroud: OBJECTION.

The Court: SUSTAINED.

Q When you went to his house on Tuesday, February 9th, who else was there?

Mr. Stroud: OBJECTION

The Court: When was that?

Mr. Stroud: On Tuesday, the 9th

Mr. Ferguson: It's relevant whether he went there or not.

The Court: Will you restate your question, please?

Q Who was present at the house when you went there February 9th?

Mr. Stroud: It isn't relevant.

Mr. Ferguson: It is relevant to this hearing. He stated he went there that day and he had a conversation with him at that time and I think it is quite relevant if anybody else was there that day, and if so, who.

The Court: SUSTAINED

Q You don't know what time it was when you went there?

A No.

Q How long did you stay that day?

A As soon as I got through talking to him I left.

Q Will you tell me how long you stayed over there?

A I stayed around fifteen minutes.

Q Was this before or after you had gone to your uncle's house?

A Before.

Q Did you go back to his house after you went to your uncle's house?

A No, sir.

Q Did you round up some people after you went to your uncle's house?

A I had already told them where the meeting was at before I went to my uncle's.

Q So you didn't tell anybody anything about where to meet after you went to your uncle's house, is that right?

A Yes.

Q Did you tell them at the same time when you went by Bunting's house?

A Yes.

Q You went by everybody else's house?

A Yes, sir.

Q Had you met everybody else the day before?

Mr. Stroud: OBJECTION

The Court: SUSTAINED

Q Now, you said that Peterson and Bunting came there at the same time, is that correct?

A Yes, sir.

Q When you got there you gave instructions?

A Yes, sir.

Q Bunting didn't say anything to you when you gave him instructions did he?

A No, sir.

Q When you left, you said you all were in pairs, didn't you?

A Yes, sir.

Q Who was paired with whom?

Mr. Stroud: OBJECTION

The Court: OVERRULED

A I said "Mike and Butterbean".

Q Mike and Butterbean?

A Right.

Q Who else?

A And Flowers.

Q You said three of them went together?

A Flowers and someone else.

Q Who?

Mr. Stroud: OBJECTION Unless it is one of these defendants.

The Court: SUSTAINED

Q Why did you look over there at the Solicitor before you said "someone else"?

A I DIDN'T LOOK AT HIM BEFORE I SAID SOMEONE ELSE.

Q Who did you look over there at that table?

Mr. Stroud: OBJECTION

A I MIGHT HAVE BEEN LOOKING AT CHAVIS.

Q Why were you looking at Chavis at that time?

A Yes.

Q Why?

A BECAUSE I HAVE A RIGHT TO LOOK AT WHOEVER I WANT TO,  
THAT'S WHY.

Mr. Stroud: OBJECTION

The Court: As I mentioned, I was going to stop at five and this is the reason.

I know this man is tired. Frankly, all of us are tired. In fact, if he had been quizzed by the police for this long, it probably wouldn't be admissable.

It is almost five o'clock, are we going to wind it up now, or are we going to come back later?

Mr. Ferguson: I only have a few more minutes of examination.

The Court: All right, let's move along then.

Q You want Chavis bad, don't you?

A No, sir.

Mr. Stroud: OBJECTION

A No, sir, BECAUSE TO ME HE IS NOTHING.

Mr. Stroud: Your Honor, will the Court instruct the witness when I make an objection not to answer the question.

The Court: Don't answer it after he objects to it until I rule on it.

Mr. Balance: Can we have the reporter indicate with exclamation points he answered with hostility?

The Court: We might have her put in there, we were all tired, very, very tired.

Q I show you Defendant Shepherd's Exhibit No. 1- - -

Mr. Stroud: OBJECTION To any questions by Mr. Ferguson to this exhibit. That was introduced by Mr. Hunoval. This letter has no relevance whatsoever to any of the people that Mr. Ferguson represents.

Mr. Ferguson: I don't see how the Solicitor can make that unilateral decision what relevance this exhibit has. I think it has some relevance to my clients and I would like to inquire of this witness regarding it.

The Court: Well, now, I'm going to be perfectly honest with you. We are just before coming back later to finish this trial. It is up to you. I'll stay here just as long as you want to try it, but this witness is obviously very tired and it has reached the point where we are going to bring it to a close today. I'll spend as long on these hearings as you want to spend, but not today.

Mr. Ferguson: The Court controls when we start and when we end, I don't think I will ever be able to ask the witness what I want to ask him, if I'm not allowed to ask him now. I have stated to the court my examination of this witness is almost to an end. It will only take a few more minutes. It is five minutes to five now. If the court doesn't permit me to do that, of course, I cannot do that, but I do think time is relevant.

The Court: What I am concerned with, frankly, is that the witness is obviously very tired. There is no point in asking him something that is going to upset him because he is tired. You can go ahead and ask him whatever you want to.

Mr. Ferguson: I have no further questions, Your Honor.

\* \* \* \* \*

Mr. Hunoval: At this time, I have no further questions to ask of the witness, but I would respectfully like to request a bond hearing, if you are not going to make your decisions as to probable cause.

Mr. Stroud: If he doesn't have any questions, that's it.

The Court: Does anyone else want to ask any questions on cross examination?

Mr. Hunoval: Do you plan to make your probable cause decisions this afternoon.

(Mr. Hall left the witness stand and there was commotion in the courtroom.)

The Court: Sit down! I don't want any demonstrations.

Mr. Ferguson: I would like the record to show the witness came down from the witness stand and came straight for Mr. Chavis and had to be restrained by law enforcement officers.

The Court: I want to clear the courtroom, Sheriff. I've tried to give ample warning. We are not going to have laughing and demonstrations. So, I'

want the Courtroom, except for the witnesses and any immediate family, I'll let the parents and brothers and sisters stay, but other than that I want them out of the Courtroom.

(Counsel approaches bench)

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STATEMENT BY GEORGE VALLENDER, DEPUTY SHERIFF

"I was standing by the rail when he (Hall) finished his testimony, he was looking at Chavis and Chavis mouthed to him 'I'll get you'. You couldn't hear him, but he mouthed the words.

The Court: You saw him?

Deputy Vallender: Yes, sir, I saw him.

Mr. Ferguson: Please let the record show that I was sitting immediately next to Chavis and I didn't hear him say anything.

Mr. Stroud: When Hall came off the stand, he did go in the direction of the bench in which Chavis was seated. He made no overt movement towards Chavis. Chavis stood up and it was at that point that Hall was restrained.

Mr. Ferguson: Several others stood up and were backing away from the table.

Mr. Balance: I think I saw Chavis stand up only when Witness Hall came near the table where he was.

The Court: I want to get all these observations in. Whoever the Judge is hearing it, hears all these comments, he'll know more about what took place.

Mr. Balance: It took at least five to restrain him.

The Court: Five came over, I don't know how many it would have taken.

The Court: He had been examined and cross examined for almost two days by the Solicitor and four attorneys.