

STATE OF SOUTH CAROLINA,
COUNTY OF AIKEN.

IN THE SESSIONS COURT.

S T A T E,

VS.

CLARENCE LOWMAN, DEMON LOWMAN,
and BERTHA LOWMAN,
Defendants.

This case was tried at Aiken, South Carolina,
October 5th, 1926, before his Honor, Special Judge, Sam T.
Lanham, of Spartanburg, and a jury.

A P P E A R A N C E S.

For the State:

Solicitor B. D. Carter,

R. L. Gunter, Esq.,

J. B. Salley, Esq.

For the Defendants:

L. G. Southard, Esq.,

N. J. Frederick, Esq.

TRANSCRIPT OF THE RECORD.

MR. SOUTHARD: Before we are called upon to plead to the indictment, - the indictment charges that Clarence Lowman, Bertha Lowman and Demon Lowman fired the fatal shot, and I would like for the Court to instruct the Solicitor to make his indictment more plain by stating just who fired the fatal shot, and what part the others took there.

MR. CARTER: All the parties on trial are indicted as principals in the case, and the State is not required to specify as requested by counsel. That is a matter of evidence. That is the State's position.

THE COURT: I know of no principle of law under which the State could be required to do what you ask, Mr. Southard. I have not, of course, seen the indictment, but I presume of course that it is in the usual form, but the remedy you ask for now is evidentiary.

MR. SOUTHARD: Upon the case that went up to the Supreme Court the defense of the defendants in some particulars is antagonistic, and for that reason we ask the Court to order a severance, and for that purpose I offer in evidence the official notes of the stenographer in that case.

THE COURT: If there are any authorities I will hear you.

MR. SOUTHARD: That is in the discretion of the Court largely.

THE COURT: The authorities I think hold that there cannot be a severance where the offenses charged grow out of the same transaction.

MR. CARTER: The State's position is that we elect

Q. Was that the same door that Bridie came out?.

A. That is correct, yes sir.

Q. When you heard these two or three shots, - you were running around the house?.

A. I ran around the house after Clarence came out.

Which end did you go around?.

A. I ran around this way.

Q. You ran around the end of the kitchen and by the chimney so you could see the porch back there?.

A. That is right.

Q. As you got around there who did you see?.

A. The only two parties I saw at that time was Son Lowman out here shooting a pistol, and Sheriff Howard lying here dead.

Q. When you got here you could see the back porch?.

A. Yes sir.

Q. And part of the front yard was in your perfect vision?.

A. Yes, on this side of the house and straight on out to the highway.

Q. What point were you when you saw the Sheriff?.

A. It was around here.

Q. You ran there?.

A. Yes sir.

Q. It took you ten or fifteen seconds to run around there?.

A. I don't think it took quite that long.

Q. When you ran around here you saw Sheriff Howard lying at the corner of the house?.

A. Yes sir.

Q. He was dead at that time?.

A. Yes, when I got to him.

Q. You saw Son Lowman out here?.

A. They had not gotten to the road. They were out in the field.

Q. In the use of search warrants, you don't notify people ahead of time when you are going to search or how you are going to search?.

A. I did not.

Q. Sheriff Howard was cautious in that particular?.

A. Yes sir.

Q. And so was Mr. Robinson and Mr. McElheney?.

A. Yes sir.

Q. In other words, the purpose of the warrant was to go and search without giving parties advance information that you were coming there for the purpose of searching?.

A. That is true.

Q. They were dressed as ordinary colored people?.

A. I think so, yes sir.

Q. How was the Sheriff dressed on this occasion?.

A. He was dressed, -- he wore good clothes. He always wore his coat.

Q. Just ordinary citizens clothes?.

A. That is right.

Q. He didn't have any badge on?.

A. Not showing as I recall.

Q. You were in ordinary citizens clothes?.

A. Yes sir.

Q. You didn't have on a badge?.

A. Not on the outside.

Q. Where it could been seen?.

A. That is right.

Q. Sheriff Robinson was in ordinary clothes?.

A. Yes sir.

Q. And he didn't have on a badge?.