

G. J. HIERS GETS SIX YEARS.

(Continued from page 2, column 2.)

shooting; was eating supper. Kinsey made no threats then. Cross examination: Saw Hiers shooting Kinsey. Hiers got in car and left; defendant had gun in hand; said nothing. Did not see any of the Hiers except Haskell in town that day.

S. W. Copeland said he had heard of threats in regard to prosecution for whiskey selling. On two occasions Kinsey had said he was afraid he would be killed or would kill one of the Hiers; that it was common talk in town. Kinsey's reputation was good until he got into trouble; then it was bad. Being cross examined, witness said the threats were before the settlement of the case against Kinsey. Witness thinks Kinsey's mind was unbalanced on account of previous trouble. At times he was not rational, and would take exception to things others would not notice.

H. S. Kearsse said Kinsey showed him pistol when new. Warrant had been served before this. Heard no threats.

B. H. Carter said he had heard Kinsey make threats. Said Kinsey told him he was afraid he or George Hiers would die with their shoes on.

S. B. Folk testified Kinsey was bad when drinking.

John F. Folk testified that at times Kinsey was a clever fellow, at other times bad. He was clever when sober. At this time court took a recess for dinner. Col. Folk was recalled after dinner, and testified as to threats he had heard from Kinsey against the Hiers. The day Kinsey was released from jail, said the witness, he saw Kinsey in Bamberg. Kinsey said, with violent oaths, that he would get a gun and kill the last one of the Hiers, referring to John, Haskell and George Hiers. Witness later saw George Hiers and told him what Kinsey had said. He told defendant he and his boys were in danger, and defendant had replied that he had heard of threats. Col. Folk said he was one of the defendant's bondsmen.

Sheriff S. G. Ray testified that Kinsey had been in jail about two weeks. Told of conversation with Haskell Hiers over phone; that Haskell Hiers had told him Kinsey had tried to kill him, and that the town of Ehrhardt would not give any protection. He asked the sheriff to come and arrest Kinsey. As a result of what Haskell Hiers had told him, the sheriff said that he told Haskell Hiers for himself and his father to protect themselves. Cross examined by the solicitor, the sheriff said he had not told the Hiers to shoot anybody. The case against Kinsey was settled, said the sheriff.

D. E. Fender said that he heard Kinsey say something in a loud voice about the time the gun fired. On cross examination, he said he had never had any trouble with Kinsey; that Kinsey's reputation was bad. Witness was in his own store at time of killing, about 50 yards distant. Said that he knew Kinsey's voice. Did not know what Kinsey said. What he heard may have been between the shots. When he got to the door of his store, he saw Hiers shooting with pistol.

On being recalled, Sheriff Ray corrected parts of his previous testimony. He has consulted the records and found that Kinsey had been committed to jail on the 4th and had been released on the 10th of the month.

Ralph Fender testified as to seeing Bacon on the night of the tragedy, his testimony being evidently directed to breaking down the testimony of Kinsey's clerk.

Haskell Hiers, son of George J. Hiers, said he lives in Ehrhardt. Witness had had difficulty with Kinsey and had sworn out two warrants against the deceased, one for assault and battery with intent to kill and one for violating the prohibition law. The assault and battery case had grown out of the liquor case. He had disarmed the deceased at the time of the assault. Had never had any trouble with Kinsey before the liquor matter. Witness said he voted for prohibition and that he considered it his duty to prosecute. Mutual friends of himself and Kinsey had asked him to drop the matter, and he had consented on condition that Kinsey should not be caught again selling whiskey, and pay the costs. Witness averred that he had received none of the cost money. Kinsey did not keep the terms of his agreement, he said. After Kinsey had returned from jail, threats were reported to witness, that Kinsey would kill one or all of them. Heard of threats night of killing. Cross examination: Was in store when threats were told him. Had heard threats several times. He related the trouble he had had with Kinsey. Neither George nor Haskell Hiers had come to town that day previous to killing. Witness declared that he had left town that night because of the threats he had heard, and was not at home when the killing occurred. Did not hear about it until the next

morning.

C. L. Clayton, son-in-law of Mr. George Hiers, said that he lives with the defendant. Went to town late in afternoon of day of killing, in company with John Hiers and George Hiers, in John Hiers's automobile. He testified that the electric lights on the car were not bright. Were traveling 10 or 20 miles per hour, went slowly through the street. George Hiers got out about postoffice, car went on to barber shop, where witness got out. John went on to hardware store to get some automobile supplies. Witness remained at barber shop only two or three minutes, the shop being crowded. When he came out, he heard Kinsey hail George Hiers, saying "Hold on, we might as well settle now as any time," or something to that effect. Hiers said to Kinsey, "Don't do that, Charlie," and saw Hiers shoot him with gun. The gun failed to fire the first time, and the next time both barrels were discharged. Then saw defendant fire with pistol very rapidly. The surroundings were pretty well obscured by smoke. Witness then said he went to Hiers, took him by the arm, and together they went to the automobile, got in and went home. On cross examination, the witness said that they had left home about dark, with John Hiers driving. That George Hiers got out at the postoffice to mail a letter; that George Hiers had come to town to have his gun repaired at the hardware store. Witness did not know why the defendant took the gun out with him at the postoffice. Witness said that Kinsey was standing on the sidewalk in front of his store, that Hiers had passed him when he was hailed by Kinsey, and Hiers turned around. Witness could not say that Kinsey tried to pull pistol. Did not know where Kinsey's hands were. Did not hear Kinsey say anything other than hail Hiers. Kinsey fell back in door when he was shot. Witness said that engine of car was not running when they got in. Hiers said nothing when he got in car. That Hiers did not have gun to shoulder when he fired, but in hands. Replying to questions by Mr. Mayfield, witness said he was excited, that the whole affair was over in a few seconds, and that he could not have taken in everything that occurred. That Hiers was on the left side of Kinsey, toward witness; that Hiers did nothing to bring on the trouble. That the car was a Dodge and that it had a self-starter.

D. P. Smith was the next witness. He said that Kinsey had made threats against Hiers and his sons. That the deceased had asked the witness to see Hiers about settling the liquor case, and upon his insistence had promised to do so. Kinsey had told him that he did not expect to go into court; that he would kill Hiers and then kill himself; that he had insurance on his life, would take out \$5,000 more. Witness testified that he saw Hiers and got the matter settled. After the settlement, Kinsey had told him he was glad it was settled, and that he appreciated witness's part in effecting the settlement. That Kinsey and the Hiers were friendly at the primary election. Had heard that Kinsey was again arrested. Did not tell Hiers of the threats he had heard. Deceased's reputation was not good. Cross examination: Is a second cousin of Hiers. Did not know who arrested Kinsey the second time. Kinsey was reasonably peaceable when sober. By Mr. Mayfield: Never heard Hiers make any threats against Kinsey. Kinsey was rather rash.

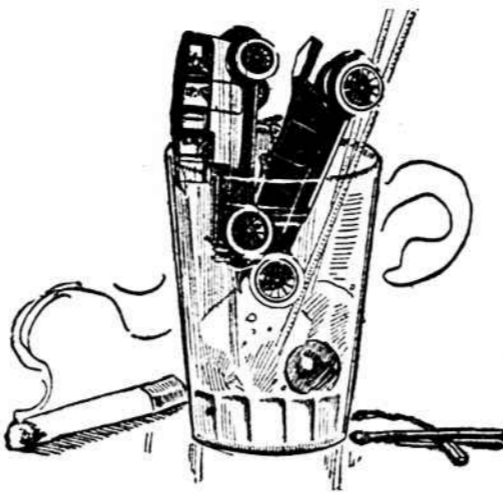
Haigler Hughes testified that Kinsey's reputation was bad. That Haskell Hiers was at his house night of shooting.

Dr. J. L. Copeland testified that Kinsey's mind seemed to be irrational; that Kinsey used morphine, and seemed not to be himself at times. The town had had a good deal of trouble with deceased. The deceased's attitude toward the Hiers was hostile after the liquor trouble. In reply to a question from the solicitor, witness said that the town of Ehrhardt had had trouble with the Hiers. The judge ruled here that he would not permit questions along this line, and no further questions concerning the reputation of the defendant or his sons were asked. Witness said that no lunacy proceedings had ever been instituted against Kinsey, but that he had been treated by Dr. Babcock, and that upon his return he seemed much better, but soon began to use morphine and drink again.

John J. Hiers, son of George J. Hiers, said that he lives near Ehrhardt. He had heard threats by Kinsey against himself and George Hiers, that if they did not stop the warrants and settle like he wanted to he would kill them. Witness said he had once had trouble with Kinsey; that Kinsey was very hostile toward them. He told of going to Ehrhardt on the night of the killing, corroborating the testimony of Clayton. Intended to go to garage for gasoline. Stopped at hardware store for sup-

(Continued on page 6, column 1.)

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