

SCOTT CIRCUIT COURT.

Commonwealth of Kentucky,

Plaintiff.

Vs.)-----BILL OF EXCEPTIONS.

Caleb Powers,

Defendant.

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Be it remembered upon the call of the above styled cause for trial, the Commonwealth answered ready for trial. Thereupon the defendant asked leave to file a written plea in abatement and bar and at the time of the tender of said plea, - the filing of which was refused- announced to the Court that the defendant was not ready for the trial of said plea in abatement, and tendered his affidavit in support of the postponement of the trial of said plea.

The Court over-ruled the defendant's motion to file said plea; to which ruling of the Court, the defendant, at the time, excepted and thereupon tendered a Bill of Exceptions making said written plea and affidavit accompanying the same a part of the record; which said bill of exceptions was signed by the Judge and made a part of the record and is in words and figures as follows:

(Here copy Bill of Exceptions No. I, entered August 4, 1903.)

The defendant, in support of his motion for a continuance of the cause, filed his affidavit and amended affidavit, which are in words as follows: to-wit,

(Here copy Affidavit and Amended Affidavit for Continuance).

The Commonwealth, by its attorney, objected to the continuance, but consented that the statements of the witnesses as set forth in