

Mr. DAY. I was in that position looking this way, but you can't tell which box I was on looking from that angle.

Mr. BELIN. I mean, you have placed an "X" on Exhibit 719. Were you sitting or standing on top of a stack of boxes in that general area?

Mr. DAY. Kneeling.

Mr. BELIN. Kneeling?

Mr. DAY. Yes, sir.

Mr. BELIN. In what direction would your face have been?

Mr. DAY. Facing north and down.

Mr. BELIN. Facing north and looking down?

Mr. DAY. Yes, sir; to the floor.

Mr. BELIN. Can you see the rifle at all in Exhibit 719?

Mr. DAY. No, sir.

Mr. BELIN. Had the rifle been removed when 719 was taken, if you know?

Mr. DAY. I don't remember.

Mr. BELIN. Could you locate with an arrow on Exhibit 719 the place where the rifle would have been?

Mr. DAY. Here.

Mr. BELIN. You have so noted with an arrow on 719. Was the rifle resting on the floor or not?

Mr. DAY. Yes, sir.

Mr. BELIN. It was?

Mr. DAY. The rifle was resting on the floor.

Mr. BELIN. What else did you do in connection with the rifle at that particular time?

Mr. DAY. Captain Fritz was present. After we got the photographs I asked him if he was ready for me to pick it up, and he said, yes. I picked the gun up by the wooden stock. I noted that the stock was too rough apparently to take fingerprints, so I picked it up, and Captain Fritz opened the bolt as I held the gun. A live round fell to the floor.

Mr. BELIN. Did you initial that live round at all?

Mr. DAY. Yes, sir; my name is on it.

Mr. BELIN. When did you place your name on this live round, if you remember?

Mr. DAY. How?

Mr. BELIN. When?

Mr. DAY. At the time, that was marked at the scene.

Mr. BELIN. Handing you Commission Exhibit No. 141, I will ask you to state if you know what this is.

Mr. DAY. It has "Day" on it where I scratched it on the small end where the slug goes into the shell.

Mr. BELIN. What is this, what is Exhibit 141?

Mr. DAY. That is the live round that fell from the rifle when Captain Fritz opened the bolt.

Mr. BELIN. What did you do with this after you put your name on it?

Mr. DAY. Captain Fritz took possession of it. I retained possession of the rifle.

Mr. BELIN. Did you process this live round at all for prints?

Mr. DAY. Yes, sir; I did. I did not find any prints.

Mr. McCLOY. Before Captain Fritz ejected the live cartridge, did you dust the rifle for fingerprints?

Mr. DAY. Not before.

Mr. BELIN. Did you dust the bolt for fingerprints?

Mr. DAY. Yes, sir.

Mr. BELIN. Before the live round was ejected?

Mr. DAY. No, no; the only part that Captain Fritz touched was the round nob. I looked at it through a glass and decided there was not a print there, and it would be safe for him to open the bolt.

Mr. BELIN. You did this before it was ejected, before the live round was ejected?

Mr. DAY. Yes, sir.

Mr. BELIN. Who held the rifle while you looked at it with the glass?