

and nervous over the matter; it had distressed him greatly. He said he himself had been a very bad man; that he had committed every crime except murder; that he had left his home and father when he was 12 years of age."

*Mr. Cooper.* I object to this. We wish to register an objection to this testimony on the ground they cannot put in a separate and distinct offense against the defendant other than the one on trial.

The COURT. It is not a separate and distinct offense; I overrule the objection.

*Mr. Adair.* He stated that up to about 6 months ago he had been in the habit of drinking two quarts of whiskey a day. I told him I didn't believe a man could drink two quarts of whiskey a day.

*Mr. Cooper.* We object to that and I make the motion now to rule out about him being a habitual drunkard or anything of that sort. That is certainly a separate and distinct offense.

The COURT. If anybody was charging the defendant with those things I would sustain your motion, but the defendant is talking about himself according to this witness; I overrule your motion.

*Mr. Adair.* He stated he got to where whiskey didn't have much effect on him when he would drink absinthe, which was a stronger drink, but he had taken quite an interest in the Billy Sunday meetings and that he was now trying to do right, and that as he saw the right, his conscience had dictated to him to protect his friend Hirsch from living with such a woman as

Mrs. Hirsch was and that "if Mr. Candler doesn't do what I told him to do, I have told the old man what he has got to do, if he doesn't do it, I am going to my friend Hiney Hirsch and tell him about this woman." Mrs. Hirsch told me the first afternoon at my office that Mr. Hirsch was expected back from Rome that afternoon at 7. The next day she told me he had not returned, but that her husband would be back on Friday afternoon at 7. So at the time I was having this talk with Mr. Cook Mr. Hirsch was in the city. Cook told me Mrs. Hirsch had been untire to her husband and that Mr. Candler had intercourse with her in Mr. Candler's office. As I left him he put his arm upon my shoulder and says, "Now, Forrest, you tell old man Candler just to go ahead and do what I have told him to do and then eat a good supper and go to sleep and not worry over this any more; if he will do that, I will forget everything. I will not even think, I will not tell it, I won't even think it." Mrs. Hirsch had told me that her husband would be in the city that evening and was going to visit Pittsburg, the home office of his company; that he would be going there Sunday on the noon train. At 1 o'clock Sunday Mrs. Hirsch called me and said: "I have just put him on the train at 12 o'clock and he has gone to Pittsburg and while he was here I stuck to him like Grant around Richmond;" told her I would communicate with her when I wanted to see her again. Met Cook again on the street on Monday; Cook started in again telling me about what a bad man he