

I think some ladies were working up on the fourth floor. I don't know about the third time, and I don't know whether anybody was working there Thanksgiving afternoon or not. I didn't see Mr. Schiff at all that day. I will swear he wasn't in Mr. Frank's office that day. I don't remember whether any ladies worked there the other times I was watching, or not....., I don't ^{know} whether I told them (detectives) about watching for Frank at that time. I haven't got any opinion about it, I haven't got any recollection. He told me about stamping and whistling on Thanksgiving Day, but didn't do it until I set then on the box.

Conley had testified both on direct and had been cross examined for a day and a half on other subjects, as above set out, and while on the stand and after testifying as above set out, counsel for the defendant moved to rule out, exclude and withdraw each and every part of the evidence given by the witness as to all transactions had between Frank, and other women at other times than on the day of the alleged murder, upon the grounds made at the time, that evidence of such transactions was irrelevant, immaterial, illegal, prejudicial, and dealt with other matters and things irrelevant to and disconnected with the issues on trial, and the same amounted to accusing the defendant of other and independent crimes.

The evidence next above set out was, and is, all the evidence given by Conley dealing with Frank's transactions with women at other times than on the day of the murder, and was the evidence sought to be ruled out, excluded, and withdrawn from the consideration of the jury.

The Court declined, upon the motion made and for the reasons argued, to rule out, exclude and withdraw such evidence from the jury, but left the jury free to consider the same.

The ruling of the Court was, and is, erroneous, for the reasons alleged above, and the Court ^{should} in not granting the order asked, ruling out, excluding, and withdrawing such evidence from the jury.

When the solicitor first sought from the witness Conley the evidence here sought to be excluded the defendant objected because the evidence sought to be brought out would be immaterial.