

Q. What else?

A. Some beer, some times.

A. Some beer?

A. Yes sir.

Q. Were those ladies doing any stenographic work up there?

A. I never seed them doing any writing. I never stayed there long, but I never seed them doing any writing.

Q. You never saw anything of that kind going on?

A. No sir.

The court permitted these question and answers to be heard by the jury, over the objection of the defendant, aforesaid, and committed error, for the reasons aforesaid. His evidence was particularly prejudicial to the defendant, because the solicitor insisted in his argument that it corroborated the testimony of Conley as to immoral conduct on the part of Frank.

The Court erred for the reason above stated in not ruling out and excluding from the Jury each and all of the above questions and answers.

⑥ 23. Because the Court permitted, over the defendant's objection, made when the testimony was offered, that it was illegal, immaterial, and because it could not be binding on the defendant, the witness S. L. Rosser, to testify that since April 26, 1913 he had been engaged in connection with this case; that he visited Mrs. Arthur White, subsequent to April 26; that the first time the witness ever knew that Mrs. White ever claimed to have seen the negro at the factory when she went into the factory on April 26th, was some time about the 6th or 7th of May.

The Court, over objections as stated, admitted the testimony just above, and in doing so erred, for the reasons herein stated

This was peculiarly prejudicial to the defendant, because the solicitor contended in his argument to the jury that the fact that factory employees did not disclose the fact that Mrs.

White saw the negro on April 26th was evidence that the defendant was seeking to suppress testimony material to the discovery of the murderer. 81.

24. Because, during the trial, and on August 6, 1913, pending