

above stated. This was prejudicial to the defendant, because it was contended by the State that this witness, Harry Scott, who was one of the Pinkerton detectives who had been employed to ferret out the crime, by Frank acting for the National Pencil Company, had not promptly informed the officials about the fact of Mrs White's seeing this negro and that such failure was evidence pointing to the guilt of Frank.

This witness was one of the investigators for the Pinkerton Detective Agency, who was employed by Frank acting for the National Pencil Company to ferret out this crime.

28. Because the Court permitted Harry Scott, a witness for the State, to testify over the objection of the defendant, made at the time that same was offered, that the same was irrelevant, immaterial, illegal and prejudicial to the defendant, that the witness, in company with Jim Conley, went to the jail and made an effort to see Frank. And that after Conley made his last statement(the statement about writing the notes on Saturday) Chief Beavers, Chief Lanford and the witness went to the jail for the purpose of confronting Frank. That Conley went with them that they saw the Sheriff and explained their mission to him and the Sheriff went to Frank's cell, that the witness saw Frank at the jail on May 3rd, (Saturday), and that Frank refused to see Conley only through Sheriff Mangum; that was all

The Court, in admitting this testimony over the objections made, erred for the reasons stated above. This was error prejudicial to the defendant, because the witness Mangum, over the defendant's objection, had already been allowed to testify that Frank declined to see Chief Lanford, Chief Beavers, the witness and Conley, except with the consent of his counsel or with his counsel, and the solicitor in his argument asserted that the failure of Frank to see the witness while he was employed by the Pencil company to ferret out the crime in the presence of the negro and the two chiefs was strong evidence of his guilt.

29. Because J. M. Minar, a newspaper reported for the Atlanta

Georgia, was called by the defendant for the purpose of impeaching the witness George Epps, who claimed that on Saturday of the