

A. No sir.

Q. You say you have never heard of any act of immorality on the part of Mr. Frank prior to April 26, 1913?

A. No sir, I did not.

Q. You never talked with Hermes Stanton or H. M. Baker, the conductor or motorman?

Q. I will put it that way then you never heard that, the Saturday before little Mary Phagan met her death, Mr. Frank went out on the Hapeville car on which Hermes Stanton and H. M. Baker were in charge, and that he had his arm around the little girl, and that he endeavored at various places to get that little girl to get off the car and go to the woods with him?

A. No sir.

Q. You never heard such a statement as that at all by anybody?

A. No sir, I did not.

The defendant objected to the above questions made by the solicitor General, because while the witness denied any knowledge by hearsay or otherwise of the wrong asked about, the mere asking of such questions, the answers to which must have been irrelevant and prejudicial was harmful to the defendant, and the court erred in permitting such questions to be asked, no matter what the answers were.

The court further erred because, although the defendant had put his character in issue, the state could not reply by proof or reputation of improper or immoral conduct with women. The reputation for lasciviousness is not involved in that general character that is material where the charge is murder.

47. (ss). Because the court permitted the witness W. E. Turner at the instance of the Solicitor and over the objection of the defendant made at the time the evidence was offered that same was irrelevant, immaterial and dealt with other matters than the issues involved, to testify:

\* 11 " I saw Frank talking to Mary Phagan on the second floor of the factory ~~at the middle of March.~~ Frank was talking to her in the back part of the building. It was just before dinner I don't know whether anybody was in the room besides Mr. Frank and Mary. After I went in there two young ladies came down and