

untillalmost three o'clock. There was plenty of room on that corner. I stood there from five minutes after one until twenty minutes after one. After I met my friend we went back to Kress. I did not speak to Mr. Frank. He was standing up against the building up Alabama Street. It was not real crowded up Alabama Street. You could not stand in the middle of the sidewalk. I got a clear view of Mr. Frank. I don't think he saw me. I don't think he would have recognized me because he sees so many faces every day he would not know mine. I had only met him once. I recognized him. I can't be mistaken about the time I saw him because I lookee at the clock just before I got there. When my friend met me we went around the corner. The clock stood twenty minutes after one. Kress' store did not close at 12, because I was in there after 12. I am sure of that. I was watching the clock because I had an appointment at a quarter after one. I left Kress' at five minutes after one and went down Whitehall street to Jacobs' corner. Whitehall street was badly crowded. It didn't take me more than a minute or a minute and a half to walk down to the corner. It was only a few steps. There was no one standing between Mr. Frank and myself on Alabama Street.

MRS. A. P. LEWY sworn for the defendant.

I live right across the street from where Mr. Frank lives. I am not a relation of his either by blood or marriage. I saw him get off a car on Memorial Day ^{between 1 and 2 o'clock} ~~about 1920~~. I was dressing to go to the matinee and was watching the cars as they passed to look out for my son who was late to dinner and saw Mr. Frank get off the car and cross the street to his home. I had a clock on my dresser and also one in the dining room, and I was hurrying to meet a friend at 2 o'clock, and I wanted to see a sick friend before going to matinee.