

that until such time as this motion may be heard and decided, that the movant have full leave to amend this motion for new trial.

This 26th day of August, 1913.

L. S. ROAN,
Judge S. C. Stone Mountain Circuit,
Presiding.

GEORGIA, FULTON COUNTY:

Service acknowledged. Copy received. All other and further service waived.

This Aug. 27, 1913.

F. A. HOOPER,
HUGH M. DORSEY,
E. A. STEPHENS,
Solicitor General, Fulton County, Georgia.

We further agree to the order within giving time to prepare and file a legal brief of the evidence. Aug. 27, 1913.

HUGH M. DORSEY,
Solicitor general.

AMENDED MOTION FOR NEW TRIAL.

GEORGIA, FULTON COUNTY.

State of Georgia,

vs.

Leo M. Frank.

No.

Fulton Superior Court,

July Term, 1913.

And now comes the defendant in the above stated cause, Leo M. Frank, and amends his motion for new trial heretofore filed in this case, and says:

That the verdict in the above stated case should be set aside and a new trial granted for the following reasons, to-wit:

1. Because the Court erred in permitting the solicitor to prove by the witness, Lee, that the detective Black talked to him, the witness, longer and asked him more questions at the police station than did Mr. Frank the day when he talked to the witness Lee at twelve (12) o'clock at night on April 29th.

At the request of Black and Scott, the detectives, Frank was induced to have an interview with Lee, the witness, for the purpose of eliciting information from him. The solicitor contended that Frank made no effort to find out anything from Lee, and to that end, sought to show and was permitted to prove by Lee that Black talked longer to him than did Frank at the time stated.

The defendant, then and there at the trial, objected to such evidence upon the ground that it was irrelevant, immaterial, and was a mere conclusion of the witness. The Court admitted the evidence, over such objections, and in doing so erred, because said evidence was unwarranted, immaterial and a mere conclusion of the witness and injurious to the defendant.