

Miss Daisy Hopkins left at Christmas, because Mr. Dalton told me that she wasn't coming back. It was one Saturday. Mr. Dalton was a slim looking man and tall, with thick eye lashes, black hair, light complected, weighed about 135 pounds, about thirty-five years old. I seen him around the factory several times. The first time was somewhere along in July, when he come in there with a lady. About two weeks after that, I met him at the door, about the last of August. The next time was just about Thanksgiving Day. Then I saw him after Christmas when he come there with a lady. Him and the lady was down in the basement. I don't know who she was. Last time I saw him was down at the station house. The detectives brought him down there. First Saturday I watched for Mr. Frank, I saw Mr. Holloway there; he left about half past two. I saw Mr. Darley that morning; don't know what time he left. The next Saturday I watched Mr. Holloway wasn't there; he was sick. That was about the last of July or first of August. The next time I watched, about the last of August, I saw Mr. Holloway. He left about two o'clock. The day I watched for him in September, after Thanksgiving Day, I saw Mr. Holloway leave about half past two. Schiff and Darley were there. I disremember who I saw there in January, except Mr. Holloway. Sometimes some of the girls worked there on Saturdays. Don't remember any girls that worked there on the first Saturday that I watched. The second time I watched, I think some ladies were working up on the fourth floor. I don't know about the third time, and I don't know whether anybody was working there Thanksgiving afternoon or not. I didn't see Mr. Schiff at all that day. I will swear he wasn't in Mr. Frank's office that day. I don't remember whether any ladies worked there the other times I was watching, or not. . . . I don't know whether I told them (detectives) about watching for Frank at that time. I haven't got any opinion about it. I haven't got any recollection. He told me about stamping and whistling on Thanksgiving Day, but didn't do it until I set then on the box."

Conley had testified both on direct and had been cross examined for a day and a half on other subjects, as above set out, and while on the stand and after testifying as above set out, counsel for defendant moved to rule out, exclude and withdraw each and every part of the evidence given by the witness as to all transactions had between Frank and other women at other times than on the day of the alleged murder, upon the grounds, made at the time, that evidence of such transactions was irrelevant, immaterial, illegal, prejudicial, and dealt with other matters and things irrelevant to and disconnected with the issues on trial, and the same amounted to accusing the defendant of other and independent crimes.

The evidence next above set out was, and is, all the evidence given by Conley dealing with Frank's transactions with women at other times than on the day of the murder, and was the evidence sought to be ruled out, excluded, and withdrawn from the consideration of the jury.

The Court declined, upon the motion made and for the reasons argued, to rule out, exclude and withdraw such evidence from the jury but left the jury free to consider the same.

The ruling of the Court was, and is, erroneous, for the reasons alleged above, and the Court erred in not granting the order asked, ruling out, excluding, and withdrawing such evidence from the jury.