

Q. (Looked at No. 12). Did Frank have any knowledge of your business down there?

A. I don't know; he knowed I was in the basement; he knowed I was there.

Q. Was Conley there when you were there?

A. Yes, sir; I seen Conley there, and the night-watchman, too—he wasn't Conley.

Q. At the time you saw Frank there was anybody else in the office with him?

A. Yes, sir; there would be some ladies there; sometimes two and sometimes one, maybe they didn't work in the morning and would be there in the evening.

Q. How many times did you pay Jim Conley anything?

A. I don't know.

Q. About?

A. Gave him a quarter when I was going in sometimes; I expect I gave him a half dozen or more—about every week.

Q. What time of day or night was it that you saw Mr. Frank in his office?

A. It was in the evening—in the day time, sorter.

Q. What, if anything, would he have up there at the time?

A. Sometimes he would have cool drinks.

Q. What kind of drinks?

A. Coca-Cola, lemon lime, or something of that sort.

Q. What else?

A. Some beer, sometimes.

Q. Some beer?

A. Yes, sir.

Q. Were those ladies doing any stenographic work up there?

A. I never seed them doing any writing. I never stayed there long, but I never seed them doing any writing.

Q. You never saw anything of that kind going on?

A. No, sir.

The Court permitted these questions and answers to be heard by the jury, over the objection of the defendant, aforesaid, and committed error, for the reasons aforesaid. His evidence was particularly prejudicial to the defendant, because the solicitor insisted in his argument that it corroborated the testimony of Conley as to immoral conduct on the part of Frank.

The Court erred for the reasons above stated in not ruling out and excluding from the jury each and all of the above questions and answers.

23. Because the Court permitted, over the defendant's objection, made when the testimony was offered, that it was illegal, immaterial, and because it could not be binding on the defendant, the witness S. L. Rosser, to testify that since April 26, 1913, he had been engaged in connection with this case; that he visited Mrs. Arthur White subsequent to April 26; that the first time the witness ever claimed to have seen the negro at the factory when she went into the factory on April 26th, was some time about the 6th or 7th of May.

The Court, over objections as stated, admitted the testimony just above, and in doing so erred, for the reasons herein stated.

This was particularly prejudicial to the defendant, because the solicitor contended in his argument to the jury that the fact that factory employees