

(b) The sayings and actings of Conley, as aforesaid, not under oath, had and made without cross-examination, and reported by the witness to the Court, the net result of which is a repetition of Conley's statement, without the sanction of an oath.

(c) That Conley went to the factory immediately after making his last affidavit; that that last affidavit is not the way he tells the story on the stand; that he tells it wholly differently on the stand; at least differently in many particulars; that it can not help the jury for Conley to go to illustrate that affidavit when he says now on the stand that much of it was a lie, and that it did not happen that way at all; that this evidence was of another transaction, not binding upon this defendant.

The Court overruled the objection and admitted the testimony to the jury; and, in doing so, committed error, for the reasons above stated.

80. Because the Court, over objection of the defendant, made at the time the evidence was offered, that the same was immaterial, incompetent, illegal and prejudicial to the defendant, permitted the solicitor-general to ask the following questions, and the witness, Miss Maggie Griffin, to make the following answers:

Q. Are you acquainted with the general character of Leo M. Frank for lasciviousness; that is his relations with women?

A. Yes, sir.

The Court admitted the above question and answer, over the objection of the defendant as above stated, and thereby erred, for the reasons stated.

81. Because the Court, over objection of the defendant, made at the time the evidence was offered, that the same was immaterial, incompetent, illegal and prejudicial to the defendant, permitted the solicitor-general to ask the following questions, and the witness, Miss Myrtie Cato, to make the following answers:

Q. Miss Cato, I want to ask you one other question, also. Are you acquainted with the general character of Leo M. Frank for lasciviousness; that is, his relations towards women?

A. Yes, sir.

Q. Is it good or bad?

A. Bad.

The Court admitted the above questions and answers, over objection of the defendant as above stated, and thereby erred, for the reasons stated.

82. Because the Court, over objection of the defendant, made at the time the evidence was offered, that the same was immaterial, incompetent, illegal and prejudicial to the defendant, permitted the solicitor-general to ask the following questions, and the witness, Mrs. H. R. Johnson, to make the following answers:

Q. Now, are you acquainted with his (Frank's) general character for lasciviousness; that is, his general character towards women generally?

A. No, sir, not very much.