

illegal and prejudicial to the defendant, permitted the solicitor-general to ask the following questions, and the witness, Mrs. Mary E. Wallace, to make the following answers:

Q. I will ask you now if you are acquainted with his general character for lasciviousness; that is, as to his (Frank's) attitude towards girls and women?

A. Yes, sir.

Q. Is that good or bad?

A. Bad.

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

87. Because the Court, over the 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 Estelle Winkle, to make the following answers:

Q. Are you acquainted with his (Frank's) general character for lasciviousness; that is, his relations with girls and women?

A. Yes, sir.

Q. Is that good or bad?

A. Bad.

The Court admitted the above questions and answers, over objection of defendant, made at the time the evidence was offered, and thereby erred, for the reasons stated.

88. Because the Court erred, over the objection of the defendant that the same was irrelevant and immaterial and prejudicial to defendant, in permitting the witness, Louis Ingram, to testify as follows:

"I am a conductor for the Georgia Railway & Power Co. I come to town ahead of them cars coming in on English Avenue going to Cooper Street, known as the English Avenue car. I have seen them come in and been on it when it come in, the English Avenue car due at the junction of Marietta and Broad Streets according to schedule at 12:07. I have seen the car due at Marietta and Broad streets according to schedule at 12:07, the English Avenue car, several times come in ahead of the car I was coming in on, as much ahead as four minutes. I saw a car that came in this morning that was due in town at 8:30 and it got in at 8:24. I know the Motorman Matthews. I have seen his car ahead of time. I could not say how often."

The Court permitted this testimony over the objection before stated, and in doing so erred for the reasons stated. This was prejudicial to the defendant because it tended to show that at times other than on the day of the murder, the English Avenue car, which on that day was run by the witness, Motorman Matthews, had reached Marietta and Broad Streets four minutes ahead of time. It became material to determine what time this English Avenue car reached Broad Street on the day of the murder. The Motorman Matthews and the conductor, swore that on that day the English