

3. Q. During the time between the murder of Mary Phagan, as reported in the newspapers, to-wit: on April 26, 1913, and the commencement of the trial of the above case, what statements, if any, did you hear juror Henslee make in connection with Leo M. Frank, or as to who murdered Mary Phagan, or as to who was guilty of this murder; or as to how the trial of Leo M. Frank for this murder would terminate.
- A. About the time that Conley was reported to have made a statement, I was coming into the city on a street car from the home of my daughter. Henslee was also on the car. I heard him say this, in reference to Leo M. Frank's guilt of the murder of Mary Phagan: "I think he is guilty and I would like to be in a position where I could help break his damned neck."
4. Q. How were these statements made?
- A. This statement was most positive. He was as positive as I was, and I was as positive as I could be in what I said in the conversation.
5. Q. When and where was this?
- A. On a College Park street car, coming into the city.
6. Q. What is your business?
- A. Inspector for the Mason's Annuity.

C. P. STOUGH.

Georgia, Fulton County.

Personally appeared C. P. Stough, who having been duly sworn made answer as above indicated and shown, to the foregoing written questions 1-6 inclusive; said answers executed, sworn to and subscribed before me this September 29th, 1913.

SIG TEITLEBAUM,

Notary Public Fulton County, Georgia, and Commissioner to Take Testimony.

EXHIBIT MM.

Georgia, Hancock County.

State of Georgia,

vs.

Leo M. Frank.

} In Superior Court of Fulton County, Georgia.

To the Honorable Clerk of the Superior Court of Hancock County, Ga.

This application shows the following facts:

Heretofore, a verdict of guilty was returned in said case, judgment was passed by the Court, and a motion for new trial was filed in said case, which said motion for new trial is set for hearing on October 4th, 1913, before Judge L. S. Roan, Judge of the Stone Mountain Circuit.

It is shown that there are three parties who reside in Sparta, Hancock County, Georgia, to-wit: John M. Holmes, Esq., Shi Gray, Esq., and S. M. Johnson, Esq., whose affidavits are desired by the movant as evidence on said motion; and further that all three of said parties have refused to give said affidavits.

Wherefore, this application is made to the Clerk, as provided by Sections 5918-19 of the Civil Code of 1910, State of Georgia, that subpoenas may be issued addressed to each of said parties, requiring them to be and appear before J. W. Lewis, Esq., a notary public of said Hancock County, Georgia, and answer under oath such written questions as are hereto annexed and such further written questions as may be propounded upon the hearing, in lieu of making said affidavit.

R. R. ARNOLD,

L. Z. ROSSER,

Attorneys for Leo. M. Frank, Movant.