

what did he say, giving his language as nearly as you can recollect it, and if you can not recall the exact language, state the tenor and effect of said language.

- A. I only recall that, to the best of my recollection, he said that if the jury did turn Frank alose, Frank would never get away alive.
8. Q. How long did A. H. Henslee discuss the guilt of Leo M. Frank in Monroe, Georgia, between said dates, and how many times did he repeat the statement that he thought Frank was guilty, in your hearing?
- A. About two and one-half hours, according to my recollection. He made the statements repeatedly; it might have been only two hours.
9. Q. At the time you heard the statements above answered or referred to, who else was present and who else heard these statements, if you know?
- A. Dr. W. L. Ricker, and at times during the period there were others, but their names I don't recall. My partner, Mr. Harris, was out of the city.
10. Q. State in full what is your business occupation, or occupations.
- A. A member of the firm of Nunnally & Harris, composed of J. J. Nunnally and Virgil Harris, dealers in buggies, wagons, and live stock. Also vice-president W. H. Nunnally Co., general supplies and merchandise.

J. J. NUNNALLY.

Georgia, Walton County.

Before me personally appeared J. J. Nunnally, who, being first duly sworn true answers to make to the above and foregoing written questions, answered same as above set forth; said answers executed, sworn to and subscribed before me this September 27, 1913.

CLIFFORD WALKER,  
Notary Public, Walton County, Ga.

The recitals of fact contained in the original motion for new trial, and in the one hundred and three grounds of the foregoing amended motion for new trial (the same being all the grounds of said original and all the grounds of said amended motion) are hereby approved as true, and the Court has identified all the exhibits and they are made part of said motion for new trial.

October 31, 1913.

L. S. ROAN,  
J. S. C., St. Mt. Ct.

After considering the above and foregoing motion and amended motion and affidavits submitted by the State the motion for a new trial is hereby overruled and denied.

This October 31, 1913.

L. S. ROAN,

Judge Superior Court, Stone Mountain Circuit, Presiding.

Recorded Writs M. G. page 796,  
31st October, 1913.

JOHN H. JONES, Deputy Clerk.