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she saw Leo M. Frank at the corner of Whitehall and Alabama streets at Jacobs' corner at 1:05 P. M. Neither the defendant nor his counsel had any information or knowledge that this witness knew the facts as shown outlined or would testify to the same on the trial; they knew nothing thereof until after the motion for new trial was over ruled in this case.

The witness Conley testified that from four minutes to one to 1:30 on the day of the murder, April 28th, 1913, he was present in the Pencil factory with Frank, engaged in disposing of Mary Phagan's body, and the state contended strongly before the jury that the interval between those said two times was employed by Frank and Conley in disposing of the body. This witness Mrs. Jaffe will testify, as is above stated, making it impossible for Frank to have been so engaged at the time mentioned.

Morris Brandon,

L. Z. Rosser,

R. R. Arnold,

Leonard Haas,

Herbert Haas,

Novants Attys.

STATE OF GEORGIA,

Fulton County.

Before the undersigned personally appeared Leo M. Frank, who deposes and says that the facts stated in the above and foregoing motion are just and true as they stand stated.

Leo M. Frank.

Sworn to & subscribed before me,

this April 15, 1914.

Montefiore Selig,

Notary Public Fulton County, Ga.