

001421

(3rd A M E N D M E N T T O M O T I O N .)

GEORGIA, FULTON COUNTY.

Now comes Leo M. Frank and amends his extraordinary motion for new trial:

Further amending said extraordinary motion for new trial movant says that a new trial should be granted him because of the material facts set forth in the affidavit of Mrs. Maud Bailey, said Mrs. Maud Bailey testifying that on April 26th, 1913, she was living at 253 Humphries street in Atlanta, Ga., that at 11 o'clock in the morning or a few minutes after that time, she boarded a Stewart ^{Avenue} Street Car and left the same at Forsyth and Mitchell streets; that her mother Mrs. May Barrett was with her, and after leaving the car, they both walked together to the store of Alverson Brothers located on Forsyth street near Mitchell street, at which time the witness believes was about 11:30 o'clock in the morning. When they reached Alverson's store that witness's mother left her at the store to go to the Pencil factory, promising to come right back; that after waiting at the store for about ten minutes, witness decided to walk towards the Pencil Factory to meet her mother; that at arriving at the factory, the witness, in as much as she did not meet her mother entered the factory and went to the second floor near the time clocks, one of which registered fifteen minutes to twelve and the other showed thirteen minutes to twelve; that when the witness reached a point opposite the time clocks there was present Leo M. Frank, a lady stenographer, Corinthia Hall, Emma Clark Freeman, Arthur White and Mrs Arthur White. That Emma Clark Freeman asked Mr. Frank if she could use the telephone, whereupon Frank told her that she could use the 'phone, and after a short talk on the 'phone, both Mrs. Freeman and Miss Hall left the factory and the witness did not see then any more that day; that just as Mrs Freeman and Miss Hall left the factory and while Arthur White and his wife were standing at the foot of the steps leading up to the third floor from the second floor, where they were in conversation, that the witness's mother came down the steps referred to and when she saw deponent standing near the time clocks the

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