

on this extraordinary motion, says however, that it is nothing but right and proper that the Court should be informed as to what Frank himself said in the evidence on the hearing before the Coroner, as to where he was at the time Pardee and Green now say they saw him at the corner of Alabama and Whitehall Streets. On page 55 of the stenographer's minutes of the Coroner's inquest, as reported by Harvey L. Barry, Official Reporter of Fulton Superior Court at that time, and as filed, as required by law, in the Clerk's Office of the Superior Court of Fulton County, the following questions were put by Coroner Paul Donehoo, who was examining said Leo M. Frank at that inquest, and the following answers were given, viz: "Q. What time do you say it was when you left the building? A. It might have been a trifle after 1, two or three minutes, four minutes; it was a trifle after 1." On page 59, occur the following questions and answers: "Q. When you went out of the office, 5 minutes after 1 o'clock, tell us where you went, just what direction you took, etc.? A. I went up from the factory to Alabama Street, went up Forsyth to Alabama, down Alabama to Broad and Alabama, and I think I caught a car there. Q. Do you remember the car you caught? A. I think it was a Washington Street car. A. It came first? A. I don't remember which came first."

In connection with this alibi evidence, and in connection with the evidence as given by Leo M. Frank before the Coroner's inquest, and on the trial of the case, the State insists that this evidence quoted immediately above, where Leo M. Frank states at the Coroner's inquest that he caught the car at the corner of Broad and Alabama Streets, is very material, in view of the evidence now given, or said to be obtainable from Pardee and Green, that they saw him at the corner of Whitehall and Alabama. It will also be observed that, when Frank, after having sworn as above indicated on the hearing before the Coroner's Jury, as to where he boarded the car, and what car he boarded,