

changed these statements on the trial, and said, as will be seen by reference to page 3201 of the stenographer's report: "I continued on up Forsyth street to Alabama and down Alabama to Whitehall, where I waited a few minutes for a car, and after a few minutes a Georgia Avenue car came along," etc. There was good reason for the change; first, Whitehall street was a more popular thoroughfare; the corner of Whitehall and Alabama Sts., is one of the most congested streets in the City; more people by far catch cars there than do at the corner of Broad and Alabama, where Frank said when he was sworn before the Coroner's jury he caught the car; and he also swore that he caught a different car, namely, the Washington Street car, instead of, as he stated on the trial of the case, the Georgia Ave. car.

The State insists that it would be a futile consumption of time to split hairs about a proposition of this kind, when the said Leo M. Frank is convicted by the records out of his own mouth of having deliberately falsified, either when he was sworn ~~he was~~ and under oath before the Coroner, or when he was under oath on trial for his life before a jury.

The State submits that the late hour at which this cumulative evidence is produced is of itself sufficient reason, as is recognized by all courts, for refusing to set aside this verdict

But the State fortunately for the truth and in the interest of justice has a voluntary repudiation of defendants claims on the part of said Pardee in the shape of a duly executed affidavit which will be shown and the State alleges that said witness approached L. Z. Rosser Sr., Atty. for Frank and asked said Rosser to let him withdraw the affidavit here introduced by the defense and before the same was read to the Court on this hearing.