

13

As to Ground 13. The State, in answer to this ground, submits the evidence taken by the defendant before D.O. Smith, Commissioner appointed by this Court, and also attaches hereto affidavits by Mary Rich, which not only absolutely and completely refute the contentions, but which, if true, show the policy and tactics pursued by this defendant, Leo M. Frank and his friends in their desperation to set aside the verdict of guilty; and further show that the motion is not made in good faith. In no view of the facts as here presented, should a new trial be granted. ~~The affidavits as made by said Mary Rich are as follows:~~