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mother, Mrs. Mary Barrett. If Mrs. Maud Bailey and Mrs. Way Barrett, who was an employee of the pencil factory at the time this thing occurred, really knew what she now would have this court believe that she does know, then she was deliverately making misstatements as to her knowledge, and as the State believes and charges, for the purpose of protecting Leo M. Frank, who saw the impotence of keeping the officers ignorant that Jim Conley was where he said he was, and where the State insists he was.

The state submits that the contention of the defendant Leo M. Frank, as disclosed by the affidavits of these two women, is untrue. In addition to having the evidence of statements made to the Solicitor General immediately following the murder, the State submits other affidavits from reputable people, showing that at no time, though the matter was frequently discussed, did either of these women ever give any intimation of knowing any such fact as are now brought forward at the eleventh hour.

4. Answering the 4th amendment in reference to the claim of Annie Maud Carter

First, the State says that Annie Maud Carter is a worthless character, unworthy of belief.

Second, the evidence, even if true, under the law could not be heard on the trial of Leo M. Frank, under repeated rulings of the Supreme Court. The opportunity to defend the case by this kind of evidence would open the door for all kinds of fraud and enable a man with sufficient wealth to have some one confess to the crime, send them away to the uttermost parts of the earth, and then acquit, as is sought to be done in this case, the real culprit and murderer.

Third, when the case of the State of Georgia, Vs. Leo M. Frank, was on trial, evidence was introduced of a paper drawn by William Smith, attorney for Conley, who endeavored to have His Honor Judge Roan, previous to the trial, permit him to remain away from the Fulton County Jail. Among other things Conley alleged in his petition that the condition of the county jail was such that he could not be safeguarded, and his interests protected as they could be elsewhere, and in paragraph 11 of