

form, even though it be the truth, he stated that he would not do so because it was going into the hands of Messrs. Rosser and Arnold, counsel for Leo M. Frank.

OSCAR PAPPENHEIMER, Sworn for the Movant. He has been a stockholder in the National Pencil Company for a considerable period of time;

Sometime after witness read in the papers that Dr. Harris had exhumed the body of Mary Phagan, he called on Dr. Harris, who lives next door to witness, and with whom witness was on most friendly terms. Being interested in the Company of which Leo M. Frank was superintendent, and being friendly inclined towards Leo M. Frank, witness was interested in the accusations made against Frank. Witness says that the conversation herein referred to, took place in the home of Dr. Harris, and occurred before the trial. Witness, after stating to Dr. Harris the interest he had in the matter as hereinbefore referred to, asked Dr. Harris whether, if consistent with his duty, he could tell witness what he learned as a result of the examination of the body of Mary Phagan. Witness further stated to Dr. Harris that if there was any professional reason why he should not disclose the facts that witness did not want him to do so. In response thereto, Dr. Harris stated to deponent that he felt he was bound not to discuss the matter, and thereupon witness dropped the subject. Conversation on various other subject followed of a purely social nature, for ten or fifteen minutes, whereupon on his own volition, and without further inquiry on witness's part, Dr. Harris voluntarily stated to witness, substantially, as follows: "I may say this much to you, Mr. Pappenheimer, that what I found during the examination was of no importance whatsoever, and need give you no bother."

WILLIAM M. SMITH, Sworn for the Movant. His name is William M. Smith. Several months ago, on or about the time of the trial in the Superior Court of Fulton County of Leo M. Frank, he does not now recall the date, he had occasion to interview the Solicitor General, Hon. Hugh M. Dorsey. Upon inquiry, he finally learned that he was at the office of the State Board of Health,