

ing this statement, or at the trial of Mr. Frank, I will testify to all stated by me in this affidavit, only because it is the truth, and I further state that I have talked with no one about the case, and my evidence in the case referred to in this affidavit, except C.W. Burke, who has plainly stated to me that he represents the firm of Rosser, Brandon, Slaton & Phillips, in the interest of Mr. Leo M. Frank, and Mr. Burke has made me no promises whatsoever, or held out any offers of reward, and the evidence I give herein is made of my own free will and accord.

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(GROUND/STRIKEN UPON MOVANT'S MOTION)

GROUND 7.

MRS. ETHEL HARRIS MILLER, Sworn for the Movant. Prior to my marriage and removal to Chattanooga, in July 1912, I was a resident of Atlanta, Ga. I am personally acquainted with Leo M. Frank and have been since the year 1910, and have known him continuously since that time. I was well acquainted with Leo M. Frank on April 26, 1913. On April 24, 1913, I went to Atlanta to visit my parents, and on Saturday after reaching Atlanta, to-wit on Saturday, April 26, 1913, Memorial Day, I went to the store of J.P. Allen Co. on Whitehall Street to meet my sister, Miss Florence Harris, who was employed at that store. I reached the store at one o'clock, at which time the store was to close for the day, it being a holiday, and at which time my sister was to leave for the day. I and my sister left the J.P. Allen store a few minutes past one o'clock and were joined in front of the store by a friend, Mr. Maier Lefkoff, and all three of us walked together down Whitehall Street to the corner of Whitehall and Alabama Streets, at which point I and my sister turned on Alabama Street, and went to Forsyth St., where we caught our car home. On turning the Jacobs Pharmacy corner at said time, which was just about 10 minutes past one o'clock, on the afternoon of April 26, 1913, I saw and recognized Mr. Leo M. Frank, who was standing on the sidewalk with a bundle of package under one arm; and said Leo M. Frank recognized and spoke to me, tipping his hat. ~~X~~ I did not tell this fact to Mr. Frank's attorneys, nor did I ever remind Mr. Frank of it. It was only con-