

did we know or have any knowledge that McKnight admitted that he falsely swore as to the other facts, which he now admits that he did falsely swear to, set out in his affidavit shown to the court at the hearing and submitted to the court in verification of the extraordinary motion for a new trial.

McKnight was a witness for the State at the jury trial and testified as he now admits, falsely, "that he looked in the mirror from the kitchen and saw Frank in the dining room of his father-in-law's home" and that "he did not eat any dinner" that "he went to the sideboard of the dining room, stood there a few minutes and went out and caught a car" and that he "did not stay in the house more than five or ten minutes". The falsity of this testimony was unknown to us until after the time aforesaid.

We further claim that we did not know on the date of the trial ~~that Mrs. Miller~~ nor until after the motion for a new trial had been overruled, that Mrs. Ethel Harris Miller and Maier Lefkoff would testify as set out in paragraph seven of the Extraordinary motion for new trial; nor did we know until after the time, as aforesaid, that they saw Leo M. Frank between 1 o'clock and 1:10 o'clock of the 26th day of April, 1913, at the corner of Whitehall and Alabama Streets. Neither of us knew Mrs. Miller and had no intimation that she knew or was in a position to know the things she testifies about. We had made every effort in our power to discover any parties who did see Frank without the factory between 1 o'clock and 1:30 o'clock; had inquired of every source that we thought profitable and had obtained at the times as aforesaid no information about Mrs. Miller.

Miss Dewey Hewell was a non-resident of the City of Atlanta at the date the crime was committed and was residing in Cincinnati, Ohio. A messenger of the State was sent to Ohio to bring Miss Hewell to the trial and such messenger did bring her to the trial; neither of us, nor anyone representing us, had any opportunity to confer with Miss Hewell to determine to what she would testify. Upon her testifying she was carried back to Ohio and has since been in Ohio. No opportunity was given us to confer with Miss Hewell while she was in Atlanta before or after her testimony. We did not know at the date of the trial nor until the case