

had been affirmed by the Supreme Court that in truth Miss Hewell did not know Mary Phagan and did not see or hear Leo M. Frank speak to Mary Phagan; that she had never seen the defendant and Mary Phagan together, and that she knew the facts, and would testify to the facts set out in her affidavit to the court shown at the hearing. We did not know until after the trial and after the motion for a new trial had been overruled, that Miss Ruth Robertson would testify as is set out in her affidavit to the court shown at the hearing. We did not know that she would be a witness at the trial, had no opportunity to confer with her, no facts, or set of facts, had come to us which would lead us to suspect that she would testify as she has testified in said affidavit.

We had no knowledge at the time of the trial, nor until after the motion for new trial had been overruled and the case affirmed by the Supreme Court that Miss Marie Karst knew and would testify to the facts as set out in her affidavit here to the court shown, dated April 9, 1914, and we did not know at said time that Leo M. Frank was acquainted with this lady or that she had any knowledge of the things testified to by her in said affidavit.

~~Neither of us knew during the trial before the jury nor at the time the motion for a new trial was overruled and until~~

We did not know at the date of the trial, nor since the said date until the Frank case had been affirmed by the Supreme Court that C.B. Dalton would testify as set out in his affidavit here to the court shown, dated March 3, 1914.

We had never heard of C.B. Dalton until the witnesses were called at the trial. We made diligent effort to discover who he was during the trial, but failed to do so, and we did not know who Dalton was until he was called and sworn as a witness, nor did we know that he would testify as he had in said affidavit to the court shown at the hearing, until after the case had been affirmed by the Supreme Court. We sought to get into communication with Dalton so as to test the accuracy of his statements, but we failed to do so until the date of said affidavit.

We did not know during the trial, nor until the motion for a new trial was overruled that Ivy Jones would testify as is set out in his affidavit here to the court shown, dated Feb. 6, 1914.