

Jonas was a witness for the State and testified at the trial that he saw Jim Conley at the corner of Forsyth Street between one and two o'clock and he left him at the corner of Hunter and Davis Streets a little after two o'clock. We did not know that he would testify to the contrary and that he would testify as is stated in his affidavit.

We did not know, nor did we have any opportunity of knowing, until after the date of the trial, of Leo M. Frank and after the date of the <sup>affirmance</sup> reversal of same by Supreme Court that Helen Ferguson would testify as is set out in her affidavit here to the court shown, dated April 9, 1914. Helen Ferguson was a witness for the State during the trial but at no time in her testimony did she intimate the things set out in her affidavit, nor did ~~these~~ we know that she knew the things set out in said affidavit.

We did not know during the trial, nor until the motion for a new trial had been overruled, that J. E. Duffy would testify as he has testified in his affidavit hereto the court shown, dated April 18, 1914. Said Duffy was a witness for the State at the original trial and was cross-questioned at length by one of us, and we did not know, nor did we have any reason to suppose that the facts existed as set out in his affidavit to the Court shown at the hearing.

At the date of the trial we did not know that Mrs. M. Jaffe would testify <sup>that</sup> on the date of the crime, April 26, 1913, she saw Leo M. Frank at the corner of Whitehall and Alabama Streets, Jacob's corner at 1:05 o'clock P.M. We had made strenuous efforts to obtain ~~by~~ the names of every one who would testify to seeing Frank out of the factory from four minutes to one o'clock until half past one o'clock and until the trial had ended, nor did we have any intimation that Mrs. Jaffe did see Frank, and would testify to the same. Mrs. Jaffe, long after the crime, did state to one of us that she had seen Frank as above stated, and upon inquiry as to why she did not let it be known, said that her husband persuaded her not to furnish this information to Frank's attorneys for the reason that the feeling against Frank was so strong he was afraid that it would injure him in business.