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March Term, 1912, of Fulton Superior Court, against L. P. Eubanks, John B. Hairston, B. Z. Ellis, A. L. Jesse and J. R. Miles, charging the parties named with the offense of car breaking on the 27th day of November, 1911, and upon said indictment appears an entry of nolle pross dated June 27, 1912, signed by the presiding judge.

The State likewise introduced an indictment found at S. J. ROSEBER, Sworn for the State. I was with Ivey Jones on Tuesday, April 28, 1914, when he left the office of Dorsey, Brewster, Howell & Heron in the Wiger Building for the purpose of going to look at a man who had been standing watching the people go into that office for several hours. Ivey Jones pointed out to me Jimmie Raine as being the man referred to in his affidavit, which had just been dictated. I am personally acquainted with said Raine. Raine spoke to me when I was with Ivey Jones and called me by name. Raine was walking up Pryor St. when we saw him.

GEO. W. EPPS, JR. Sworn for the State. I am the George W. Epps who testified in the trial of the case of the State vs. Leo M. Frank. Since signing an affidavit this morning with reference to what occurred in Birmingham, Ala., I have seen on the street the man who took me from Atlanta, Ga. to Birmingham, and who passed with me under the name of Terry. I picked him out on the street at a boot-black stand near the corner of Hunter and South Pryor Streets. I spoke to him and he spoke to me. I called him Mr. Terry. I never knew him under any other name except the name of Terry. Mr. N. A. Garner was with me at the time I saw him and addressed the man as Jimmie Wrenn, and Terry asked, "What did you call me, Kelly?" I said, "No, I didn't call you Kelly, I called you Terry, the name you gave me."

N. A. GARNER, Sworn for the State. I was present with George Epps on the occasion referred to in the affidavit attached and heard everything that was said between George Epps and Jimmie Wrenn. George Epps pointed Wrenn out without any suggestion from me, as being the man who had taken him to Birmingham, by the name of Terry. I am personally acquainted with Wrenn and know that his name is not Terry, but that it is Jimmie Wrenn, brother to George Wrenn.