

901174

REBUTTAL ON BEHALF OF MOVANT.

GROUND 1.

DR. H. F. HARRIS, Movant introduced the following testimony of Dr. H.F.Harris, delivered on crossexamination at the original trial:

Q. What did he (Mr. Dorsey) tell you to examine? What parts of the body did he tell you to examine? A. He told me he wanted me to examine the case and tell him all I could about it.

Q. Had you, in your own mind, what you were seeking to determine by the autopsy? What did you understand you were seeking? A. There was some question of poisoning at the time I went out there, but I saw at once there was no reason for assuming that. I failed to state on my direct examination that the stomach contents was tested for alkaleid poisoning. There was no poison; of course I dismissed that from my mind; as soon as I saw the girl I saw it was a matter of strangulation."

Q. Did you call in any other chemist to make this examination with you? A. No sir, I did not.

Q. You made it all by yourself? A. Yes.

Q. And kept it all to yourself, did you? A. I did. I told Mr. Dorsey; Mr. Dorsey told me not to tell anybody.

Q. I understand, you told Mr. Dorsey and he requested you not to tell it. Did you call in any other chemist as representing this man, or anybody else, to see any of those things? A. No sir.

Q. When did Mr. Dorsey talk to you about making this autopsy. A. I don't remember.

Q. How long before you made the examination did he talk to you? A. I don't recollect.

Q. Do you recollect when you made the first examination? A. It was on May 5th, if I remember correctly."

GROUNDS 2 and 3.

J. O. KNIGHT, Sworn for the Movant. On or about the 10th day of April, 1914, as a Notary Public for Fulton County, Georgia, I took the affidavit which purports to be signed by Jimmie Mayfield, in the case of the State of Georgia vs. Leo M. Frank. This affidavit was read by me to said Jimmie Mayfield and she stated that same was the truth after it had been read to her, and after so stating I swore here thereto and she thereupon signed the same. There were present when this affidavit was taken, Dan S. Lehon, C. W. Burke, Herbert Schiff, and perhaps others.

C. W. BURKE, Sworn for the Movant. On the 23rd day of March, 1914, Mrs. Cora Falta made before me, as a notary public, an affidavit which is hereto attached and marked ~~in~~ exhibit A. I read the affidavit over to Mrs. Cora Falta before she signed it, and she stated that it was the truth and she agreed to it just as it now is in its present shape.

(Exhibit A mentioned above is as follows)

"State of Georgia vs (No. Fulton Superior Court
Leo M. Frank) Extraordinary Motion for New Trial.

Personally appeared Mrs. Cora Falta, who upon oath deposes and says that she has worked at the National pencil company, in the
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