

GROUND 9.

Movant.

C. W. BURKE, DAN S. LEHON, Sworn for the ~~plaintiff~~ We have been employed in investigating the Frank case. On or about the 9th day of April, 1914, each of us, together with J.O. Knight, went to the then boarding house of Miss Ruth Robinson, on Capitol Avenue. The affidavit purporting to be signed by said Miss Ruth Robinson, on the 9th day of April, 1914, before J.O. Knight, Notary Public, for Fulton County, and which has been introduced in evidence in this case, was signed in our presence, and said J.O. Knight swore Miss Robinson, after he had read the same to her and she said it was true and then signed it. C.W. Burke had previously thereto acted as Notary Public in taking Miss Ruth Robinson's affidavit, but that inasmuch as that affidavit was taken sometime ago and that there might be no doubt about the correctness of the affidavit, it was decided that it would be again submitted to Miss Robinson for her approval and affidavit, and that was done as above outlined.

T. J. FREER, Sworn for the Movant. I am a court reporter and reported the case of the State vs. Leo M. Frank in Fulton Superior Court at the July Term, 1913. I reported the testimony of Miss Ruth Robinson, and said testimony is as follows:

"Direct examination by the Solicitor General:

Q. Miss Robinson, did you ever work at the National Pencil Company's place of business? A. Yes sir.

Q. Did you know Mary Phagan? A. Yes sir.

Q. Did you know Leo M. Frank? A. Yes sir.

Q. Did you or not, ever see Leo M. Frank talking to Mary Phagan? A. Yes sir.

Q. Tell when and where and how he was talking to her? A. Well, he was talking to her about her work, when she was at work.

Q. At work? A. Yes sir.

Q. How much or how often did you see him there talking to her? A. Not very often.

Q. Well, how often, and describe to the jury how he did, what he did? A. Well, he just talked to her about her work, told her about her work.

Q. How would he stand and what did he do? A. Well, he didn't do anything, only he would just tell her about her work, two or three times a day, maybe.

Q. Not maybe, what he did? A. Two or three times a day, that is all he done.

Q. Where did he stand, and what did he do? A. Well, he would stand by her.

Q. Stand by her? A. Yes sir.

Q. How close to her? A. Well, just close enough to her to tell her about her work.

Q. Close enough to tell her about her work; what did he do when he talked to her, what did he show her about the pencils, and how did he show it to her? A. Well, when she put plugs in the pencil, when I worked there, she put rubbers in pencils when I worked there.

Q. What floor was she working on then? A. She was working on the 4th floor.

Q. The fourth floor; all right, and she put rubbers in pencils or what? A. That was all.

Q. That was all? A. Yes.