

done certain work for C.W. Burke, and when he employed me to work in this case, he instructed me that nothing was to be done in this case, except to seek the truth, and I have never done anything except at Burke's direction, and I have never done anything except what was just and fair. I have never offered to pay anybody anything to testify in this case, nor ever offered to reward them in any way.

The hearing of said extraordinary motion for new trial came to an end on the 6th day of May, 1914, which was during the May Term of said Superior Court, and on said 6th day of May, 1914, the court rendered a judgment denying said motion for new trial and overruling the same. To this judgment and decision of the Court, movant, Leo M. Frank, then and there excepted, and here and now excepts, and assigns the same as error, and specifies as the error that the Court erred in not granting a new trial upon each and every ground contained in said extraordinary motion for new trial and in each and all of the amendments thereto, and hereby refers specifically to each ground in said extraordinary motion and its amendments, and says that each of said grounds demanded a new trial.

The above and foregoing contains a full and complete recital of all of the evidence adduced on said hearing and necessary to a clear understanding of the errors complained of.

As material to a clear understanding of the errors complained of, defendant, Leo M. Frank, specifies the following portions of the record:

1. The indictment.
2. The plea of not guilty.
3. The brief of evidence, *original and amended motion for new trial* approved by the Court on the 31st day of October, 1913, thereby made a part of the record of the case of the State vs. Leo M. Frank, and which ~~was~~ <sup>was</sup> certified and sent to the Supreme Court as part of the record in the case of the State vs. Leo M. Frank, decided by the Supreme Court on February 17, 1914.