

The evidence as to the probability of the blank on which the death note was written being in the basement, and the evidence as to the hair, would have tended to show that the murder was not committed on the floor on which Frank's office was located.

The Time Question.

The State contended that Mary Phagan came to the office of Leo M. Frank to get her pay at some time between 12:05 and 12:10, and that Frank had declared that he was in his office the whole time.

It is true that at the coroner's inquest held on Thursday after the murder, he said he might have gone back to the toilet, but did not remember it. However, in some of his testimony, Frank said he had remained the whole time in his office. Monteen Stover swears that she came into Frank's office at 12:05 and remained until 12:10 and did not see Frank or anybody. She is unimpeached, and the only way to reconcile her evidence would be that she entered Frank's office, as she states for the first time in her life, and did not go into the inner room where Frank claimed to have been at work. If Frank were at work at his desk, he could not be seen from the outer room. Monteen Stover said she wore tennis shoes and her steps "may not have attracted him."

However, the pertinency of Monteen Stover's testimony is that Mary Phagan had come to get her pay and Frank had gone with her back to the metal room and was in the process of killing her while Monteen Stover was in his office, and this was at a time when he had declared he was in his office.