

The cook's husband testified that on Saturday, the day of the murder, he visited his wife at the home of Mr. Selig, defendant's father-in-law, where Frank and his wife were living, and that Frank came in to dinner and ate nothing. The Negro cook of the Seligs was placed upon the stand and denied that her husband was in the kitchen at all on that day. For purposes of impeachment, therefore, the State introduced an affidavit from this cook taken by the detectives, and as she claimed under duress, which tended to substantiate the story of her husband and which affidavit declared that on Sunday morning after the murder, she heard Mrs. Frank tell her mother that Mr. Frank was drinking the night before and made her sleep on a rug and called for a pistol to shoot himself, because he (Frank) had murdered a girl. This affidavit was relevant for purposes of impeachment, although, of course, it had no legal probative value as to the facts contained therein. On the stand, the cook declared that she was coerced by her husband and detectives under threat of being locked up unless she gave it, and it was made at the station house. The State proved it was given in the presence of her lawyer and said that her denial of the truth of the affidavit was because her wages had been increased by the parent of Mrs. Frank. No details are given as to where the conversation occurred between Mrs. Frank and her mother, nor is there any explanation as to how she happened to hear the conversation. It will be easily seen that the effect of the affidavit upon the jury might be great.

It is hard to conceive that any man's power of fabrication of minute details could reach that which Conley showed, unless it be the truth.

The evidence introduced tended to show that on Sunday morning, Frank took out of the time clock the slip which he had admitted at that time was punched for each half-hour, and subsequently, Frank claimed