

In reply to this, the State introduced on the extraordinary motion the testimony of Philip Chambers, who swears that unused order blanks entitled 'Atlanta, Ga.' were in the office next to Frank's office and that he had been in the basement of the factory and found no books or papers left down there for any length of time, but they were always burned up.

This evidence was never passed upon by the jury and developed since the trial. It was strongly corroborative of the theory of the defense that the death notes were written, not in Frank's office, but in the basement, and especially in view of the evidence of Police Sergeant Dobbs, who visited the scene of the crime on Sunday morning, as follows:

"This scratch pad was also lying on the ground close to the body. The scratch pad was lying near the notes. They were all right close together. There was a pile of trash near the boiler where this hat was found, and paper and pencils were down there too."

Police Officer Anderson testified:

"There are plenty of pencils and trash in the basement."

Darley testified: "I have seen all kinds of paper down in the basement. The paper that note is written on is a blank order pad. That kind of paper is likely to be found all over the building for this reason: they write an order and sometimes fail to get a carbon under it, and at other times, they change the order, and it gets into the trash. That kind of pad is used all over the factory."

Over the boiler is a gas jet.