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and that she did not know here by name, but she was rehearsed to know her by Maggie Griffin in that room, and to say whatever she did say on the witness stand; that the said Ruth Robertson has seen the evidence as reported as being given by Dewey Hewell and recognized in her answers precisely what she had heard Maggie Griffin tell her to say; that the said Ruth Robertson states that she does not believe either of these girls appreciated what it was to swear falsely, as they were giggling and and laughing over the evidence they were to give when they went on the witness stand.

Defendant further shows that at the trial, the Solicitor General put several witnesses on the stand to testify to the bad character of defendant, and further that the defendant knew Mary Phagan. The Solicitor General proved by the Ruth Robertson that she had seen the defendant talk to Mary Phagan and had heard him call her "Mary". This testimony that Frank called Mary Phagan by name was in the trial peculiarly harmful to Frank, because in his statement before the trial and in the trial itself he said he did not know Mary by name.

Defendant here and now offers to show and prove to the Court all of the facts herein set forth, and swears to the existence of these facts as the truth and asks the Court to investigate them in this extraordinary motion.

The further submits that the discovery of the foregoing facts is material and that it is such an extraordinary state of facts as would probably produce a different result on another trial, and that said facts were unknown to the defendant and his counsel, and it was impossible to have ascertained the same by the exercise of proper diligence, the fact that the said Ruth Robertson was in possession of the facts hereinbefore set forth being unknown to the defendant and his counsel, until the motion for new trial had been heard and passed on.

10. Defendant further shows that he should be granted a new trial upon the newly discovered evidence of Miss Mamie Kitchens now Mrs Mamie Edwards which has come to the knowledge of this defendant and of his counsel since the original motion for new