

far as she knew or knows is bad for lasciviousness; that she has never heard of the defendant acting in any unbecoming manner toward anyone; that she has at no time seen any woman in the defendant's office and never heard any girl or woman say that they had ever seen any woman in defendant's office or had seen the defendant act unbecoming to ladies, that the defendant always made the girls at the factory attend strictly to business and that when she testified his character was bad at the original trial, she intended to convey the meaning that he was not generally liked by the employees on account of his strictness with them in his dealings with them regarding their work.

Defendant further shows that at the trial the solicitor general in order to prove the bad character of the defendant, put the said Marie Karst on the stand and she testified that she knew the defendant and that his character for lasciviousness was bad.

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 defendant 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 at another trial and that said facts were unknown to the defendant and his counsel and that it was impossible to have ascertained the same by the exercise of proper diligence, the fact that the said Marie Karst was in possession of the facts hereinbefore set forth being unknown to the defendant and his counsel until after the motion for new trial was heard and passed on.

13. Defendant further shows that he should be granted a new trial upon the newly discovered evidence of Samuel A. Pardee and W. V. Green which has come to the knowledge of defendant and of his counsel since the original motion for new trial was heard and passed on and which is a fact that the said Samuel A. Pardee knows the defendant by sight, having seen defendant at his place of business several times but that the said W. V. Green does not; that on April 26, 1913, the said Samuel A. Pardee, in company with the said W. V. Green, was at the local store of the Cotton States Belting and Supply Company at Number 9 South