

Defendant further shows that the serial number on said note namely, "1018" corresponds to the serial number of the requisition made on the Cotton States Belting and Supply by said Becker in September 1909, the preceding serial numbers, namely 1016, 1017 being dated September 10, 1909, and serial number 1019 the one immediately following the sheet on which Conley wrote, being dated October 6th, 1909, that the serial numbers of the order pads used at the time the murder was committed were far in excess of said number-----and that at that time there were no order blanks with serial numbers as low as Number 1018 in any part of the factory, excepting in the basement on the trash pile.

Defendant further shows that none of the order pads having the date "190" had been in the defendant's office since January 1, 1911; that since January 1, 1911, all pads that had been used for requisitions were printed with the date "191"; that on April 28th, 1913, there were no "190" order pads in the factory, excepting on the trash pile in the basement.

Defendant further shows that it was the theory of the state that the crime was committed on the second floor of the factory and proved by Conley that the notes found by the body were written by Conley at defendant's dictation in defendant's office on the second floor of the factory, and that the defendant pulled the sheet on which said note was written from a pad lying on his desk in his office on the second floor of the factory.

The 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 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 said notes having been continually in the possession of the Solicitor General and