

rust stains and that said stain were in fact blood stains. This testimony of Georgia Denham, unknown to the movant as aforesaid, shows that the stains upon the shirt were not rust stains but were blood stains, and strongly enforces and fortifies the position of this movant that Conley was the slayer of Mary Phagan and that, in the slaying, he was stained with Mary Phagan's blood. Movant affirms that this testimony was likewise unknown to his counsel at the date of the original trial and at the date when the motion for new trial was overruled, and the fact that it is so newly discovered until it only came to their attention on the date of the affidavit of said Exhibit A.

Movant further shows that this testimony is material, and presents such an extraordinary set of circumstances as would and should produce a different verdict upon another trial.

1-D. Because of the newly discovered evidence of the witness Annie Maud Carter, which evidence is so newly discovered that it is hereunto set out in an affidavit, which is hereto attached and marked Exhibit C.

Movant shows that, when the body of Mary Phagan was discovered in the basement of the pencil factory, there was discovered, lying near thereto, certain notes, introduced in evidence by the State which the negro Conley testified were written by himself, but at the direction and dictation of this movant.

The witness Conley further testified that he could not read and write good; that he could not read a newspaper through. that he tried and found that he could not; and that there were little letter like "dis and dat" that he could read, but the other things he could not understand.

The State contended that a portion of the words of the notes, especially the word "did" and the word "negro" showed that Conley was not the real author of the notes, but that moavnt was, contending that if the negro had written the notes, he would have used the word "done" instead of "did" and the word "nigger" instead of "negro". It was further contended by the State that the negro would not, immediately after murdering the girl, scrawl, out with great pains, the notes, and that