

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 B and could not have been discovered by exercise of due diligence.

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.

Rosser and Brandon,
R. R. Arnold,
Leonard Haas,
Herbert J. Haas.
Attys. for Deft.

State of Georgia, (). No. Fulton Superior Court
Vs. (). Conviction of Murder, July Term, 1913
Leo M. Frank. (). Extraordinary Motion for New Trial.

G E O R G I A,
FULTON COUNTY.

Before the undersigned, personally appeared Morris Brandon, R. R. Arnold, Leonard Haas, Herbert J. Haas, and L. Z. Rosser, each of whom deposes and says as follows:

That they, nor neither of them, until the date of Exhibits A, B, D, E. attached to the amended extraordinary motion for new trial this day allowed, did not know of the facts set out in said Exhibits A, B, D and E.

Deponents Arnold, Rosser and Herbert J. Haas, who had actual charge of the case, themselves went to the factory and made a personal examination of the employees of the factory, seeking to see each and all of the said employees; and thus, seeking among the employees of the factory, they did not discover and did not know until the date of said Exhibits A, B, D and E, that Georgia Dehham and Cora L. Laffew knew the facts set out in said Exhibits A, B, D and E.