

(6th AMENDMENT TO MOTION.)

GEORGIA, FULTON COUNTY.

Now comes the defendant Leo M. Frank, and hereby amends paragraph 2 of the original motion by striking therefrom the following words: "that she was an employee of the National Pencil Company and was acquainted with Mary Phagan, and knew the color of her hair; that she knew state's witness R. P. Barrett, who had testified at the original trial that he had found hair on a lathe on the second floor, and that on Monday, April 28th, the said Barrett showed her the hair which he claimed he had found on said machine, and she, the said Jimmie Mayfield, now states positively that the hair showed to her by the said Barrett, and which the said Barrett stated he had found on said machine, was not the hair of Mary Phagan and that the same was entirely too light in color, and was not of the same texture as that of Mary Phagan", and place in lieu of the stricken matter the following, to-wit: "that she worked at the National Pencil Company for about eight months and knew Mr. Frank when she saw him; that she was acquainted with Mary Phagan, and knew the color of her hair; that R. P. Barrett was known to her, that on Monday, April 28, 1913, Barrett showed her the hair he said he had found on a lathing machine, and she gave it as her positive opinion that the hair was entirely too light in color to be the hair of Mary Phagan.

2. Movant also moves to strike from paragraph 3 of the original motion the following; "that she was an employee of the National Pencil Company, and was acquainted with Mary Phagan, and knew the color of her hair; that she also knew R. P. Barrett and Magnolia Kennedy, also employees of the National Pencil Company the said Barrett having testified at the original trial that he had found certain hair on a lathe on the second floor, and the said Magnolia Kennedy having testified that the said hair alleged to have been found on said lathe looked like Mary Phagan's hair; that, on Monday, April 28th, 1913, Magnolia Called Cora Falta's attention to said