

4. The defendant also strikes ground number 6 of the original motion.

5. The defendant further amends by striking ground number 12 of the original motion.

6. The defendant further amends by striking from paragraph 13 the following; "that the said Mary Rich knows knows Jim Conley, and that on April 26th 1913, at about 2:15 P. M., she saw Jim Conley come out of alley immediately in the rear of the National Pencil Company's factory; that the said Jim Conley bought a 20 cent dinner of Mary Rich, who runs a restaurant on wheels facing said alley; that, after purchasing same, he carried same in his hand and went back to the aforesaid alley, in the direction of the Pencil factory, and that the said Mary Rich saw no more of the said Jim Conley during that day" and adding in lieu thereof, that said Mary Rich knows Jim Conley; that on the 26th day of April 1913, Jim Conley bought from her a twenty cent lunch at her lunch stand, which was then located on Hunter Street facing the alley which is in the rear of the National Pencil Company, between Madison Avenue and Foreyth street; and that she never saw anything more of Jim Conley that day.

Rosser and Brandon,

R. R. Arnold

H. J. Haas,

Leanord Haas.

Deft's Attys.

This amendment allowed and ordered filed.

B. H. Hill,

Judge S. C. A. C.

Filed in office this the 9th day of May, 1914.

F. M. Myers, D. Clk.