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for specific ~~answers~~ <sup>pleas</sup> to the several grounds, the State of Georgia hereby shows:

## GROUND 1.

In response to Ground 1, the State says that the same is not in any view sufficient.

The facts with reference to the hair, as developed on the original trial, are as follows:

R. P. Barrett, sworn for the State, was the machinist in the National Pencil Company's place of business. He swore that on Monday morning after the murder was committed, viz, April 28, 1913, he found blood spots near the ladies' dressing room, where Jim Conley afterwards swore he dropped the body when moving it under Frank's directions. Barrett was asked on examination in chief, as is shown by reference to p. 526, Vol. 2, of the stenographer's record filed in the Superior Court of Fulton County, the questions following, and gave thereto the answers set out, viz,

"Q. Did you or not find any hair anywhere there? A. I found the hair on a bench lathe, on the handle."

"Q. How far was this hair, what kind of a handle was it on? A. It was in the shape of an "L"."

Further on, on p. 527, the following questions were put by the State, and answers given, viz;

"Q. How was the hair caught in there? A. Swinging down like this (indicating)"/

"Q. Was Miss Magnolia somebody there? A. As near as I can remember, Miss Magnolia was there."

Counsel for the defense cross-examined said Barrett, and for some reason best known to them, did not ask him whether or not he could identify the hair found by him as that of Mary Phagan, but, as is shown on p. 534, Vol. 2, contented themselves with asking him the questions following, to which they received the answers set out:

"Q. You called Mr. Quinn to see that? A. I called him.

"Q. Were they long strings of hair or were they knotted and matted strands? A. They were around my finger. I pulled