

For one illustration of such a statement on the part of Frank's attorney aforesaid, see ~~p. 2984 of the stenographer's report of the evidence, where Mr. Arnold asked Miss Julia Pass, a witness for the defendant, "Well, inasmuch as you worked on that floor, I am going to ask you a question. Have you ever been to Mr. Frank's office after hours, when anything wrong or immoral was done of any sort?"~~

~~For another illustration, see p. 2984 of the report, where the witness, for the defendant, Miss Corinthia Hall, was asked: "Now, I will ask you a question that I am asking every lady who works on the fourth floor. Did you ever meet Mr. Frank at the factory, or at any time or place, for any immoral purpose."~~

For another illustration, see p. 2986, where the witness, Miss Ida Hayes, was asked by Mr. ^{Arnold} ~~Resser~~, "Now I am going to ask you a question that I am asking every lady on the fourth floor. Did you ever at any time or place meet Mr. Frank for any immoral purpose whatever, down in that office or anywhere else?"

The State submits, in view of the fact that Barrett was the State's witness and Grace Hicks was the State's witness, and both had testified earlier in the case and before the defendant introduced his evidence with reference to hair, and inasmuch as it is shown in Ground 2 of the extraordinary motion for a new trial that the witness Miss Jimmie Mayfield was an employee of the National Pencil Company at that time, that the defendant, and his counsel, show an absolute lack of diligence in not making inquiry of Miss Jimmie Mayfield and all other employees in that factory with reference to this hair, and the State insists that had this been a very material question involved, that said counsel would have made diligent inquiry. Counsel for defendant, Frank, were put upon notice, when they sought to show by Barrett that the hair was identified by a witness, viz, Miss Magnolia Kennedy, introduced by the defendant Frank, as to what the State expected to show. The diligence of counsel for the defendant in reference to this hair is well illustrated by the fact that, notwithstanding this evidence of Barrett, who testified in behalf of the