

State, that Magnolia Kennedy, the defendant's witness, saw the hair, they failed to ask any question with reference to the identity of this hair, and the State could with much more show of plausibility contend that because counsel for Frank did not ask their witness this question when they knew, or ought to have known by diligent inquiry, that she could probably identify the hair as being that of Mary Phagan, that said attorneys for Frank were suppressing material evidence, than can said attorneys, as they have done in the first ground of this motion, assert that the State was suppressing material evidence, when the State failed to ask Dr. H. F. Harris about said hair, or when the said H. F. Harris refused to volunteer a statement to the effect that he could not tell whether it was her hair or not.

The State contends that the finding of the hair was not relatively very material, there being other and more important facts showing that the murdered girl met her death on the office floor, occupied by Leo M. Frank, viz, the evidence of the blood spots found at the ladies' dressing room, within several feet of where the hair was discovered by Barrett.