

after they went inside the cafe did not hear any more cheers or applause.

Cross-examined. The crowd was in front of the courthouse; I could not hear the words they said, but only the noises and the handclaps; no one came inside of the cafe after the jury entered; heard nothing on the outside after they went in; do not know whether Solicitor Dorsey was in the courthouse or outside of the courthouse when cheering commenced.

Mr. Arnold. As Mr. Dorsey left the courtroom Friday afternoon I heard loud cheering in front of the courthouse; on Saturday I asked the Solicitor not to leave the courtroom until the jury had gotten out of hearing, to which the Solicitor readily agreed; after we had waited several minutes, we thought the jury was out of hearing, and the Solicitor left the courtroom with

me; as the Solicitor stepped into the street there were loud and excited cheers and cries of "Hurrah for Dorsey;" in my judgment these cries could have been heard as far as Alabama street.

To Mr Hooper. Do not know where the jury was at the time, except by information; did not hear this trial mentioned by the crowd; did not hear the crowd mention Frank's name. At any other time, I would be glad for my friend Dorsey to get all the approbation he can. But on this occasion I think the conduct of the crowd was shameful. In my judgment, if the jury is composed of men of ordinary hearing, they could have heard what I heard.

Charles F. Huber. Am one of the deputies who was in charge of the jury on Friday; did not know of the cheers on Friday until Saturday morning. (Laughter.)

Mr. Arnold. Why, your Honor! you can't even keep them quiet now, here in the courtroom. I wish to state in the record, Mr. Stenographer, that while a witness was being examined in support of the motion, quite a demonstration took place in the courtroom unfavorable to the defendant. Will your Honor certify to that?

JUDGE ROAN. I will certify to what happened.

Mr. Arnold. Will you decline to certify, your Honor, that I asked you before this trial commenced to clear the courtroom?

JUDGE ROAN. No, I won't decline to do that.

Mr. Arnold. We want an opportunity, your Honor, to complete our showing on this motion; some of the other deputies are not here.

JUDGE ROAN. I will overrule the motion for a mistrial, charge the jury, and then give the attorneys for the defense an opportunity to summon other witnesses and complete what showing they desire to make on the motion.

The jury were recalled, and entered the courtroom.

THE CHARGE TO THE JURY.

JUDGE ROAN: Gentlemen of the jury. This bill of indictment charges Leo M. Frank with the offense of murder. The charge is that Leo M. Frank, in this county, on the 26th