

trial in said case ; that since the trial of said case and the verdict and sentence therein, it has come to their knowledge that two of the jurors who sat on said case, to-wit: M. Jochenning and A. H. Henslee, were prejudiced, partial and biased against Leo M. Frank, the defendant as evidenced by affidavits attached to motion and hereinafter referred to; that said prejudice, partiality and bias were present on their part, when said Jochenning and Henslee qualified as jurors in said case as shown by said affidavits, but that the facts were unknown to these deponents at the time of the trial of said case, and at the time said jurors qualified on the voir dire of said case; and these deponents had no means of knowing said facts until after said trial; that not until after the trial of said case did they know or have any means of knowing that said Jochenning and Henslee, or either of them, had made any statement of any kind to, or in the presence of, any of the following persons, to-wit: H.C. Levenhart, Mrs. J.G. Levenhart, Miss Mariah Lovenhart, S. Aron, Mack Farkas, R.L. Gremer, Jno. M. Holmes, Shi Gray, S. M. Johnson, J.J. Nunnally, W.L. Ricker, J. A. Lehman, C.P. Stough, or any other person, of and concerning said Leo Frank in connection with the murder of Mary Phagan, or in connection with said trial, or the possible outcome of said trial; that they have been guilty of no laches in this matter, but that they have used every means of obtaining the facts in connection with statements made by said persons, and all of them, and all of said statements have come to their knowledge since the rendition of the verdict and sentence in said case, as is shown by the dated mentioned in the jurats to each affidavit, and deponents have brought same to the attention of the Court at the earliest possible moment at which the Court could take cognizance of said affidavits after the trial, which is the date on which the writ nisi is on return; that is, October 4, 1913, same being on that day presented to the Court as part of the motion for new trial; they say that had they known at the trial of any of the facts or statements of the jurors, which would disqualify, or tend to disqualify, said jurors, or either of them, when said jurors were put upon the voir dire in said case, these deponents would have brought same to the attention of the Court at said time.

Mrs. Jennie G. Lovenhart, makes the following affidavit, deposing and saying as follows: that she is personally acquainted