

no knowledge whatsoever as to M. Johenning and A. H. Henslee, two of the jurors, being prejudiced, partial and biased in said case, as evidenced by the affidavits of H. B. Lovenhart, Mrs. J.C. Lovenhart, Miss Marian Lovenhart, S. Anon, Max Farkas, R.L. Greener, John W. Holmes, Shi Gray, S. M. Johnson, J.J. Munnally, W.L. Ricker, J.A. Lehman and G.P. Stough. Affiant did not know either of said jurors and had never seen or heard of them before; that he did not know until after the trial and did not have any means of knowing until after said trial, that said Johenning and said Henslee, or either of them, had made any statement of any kind to or in the presence of any of the persons hereinbefore named; that before said trial, at the time of entering upon said trial, and during said trial, he had no knowledge or means of knowing that said persons were prejudiced, partial or biased, as is shown by the affidavits or depositions of the persons named, and the facts stated in said affidavits and depositions were unknown to this affiant until after the verdict and sentence in said case; that he has been guilty of no laches in this matter, and has, together with his counsel, used all the means at hand to obtain the facts and circumstances in connection with the statements made by said parties and all of them; that said facts were discovered after the verdict and sentence of the court in the case above stated, and the affidavits of said witnesses were taken on the dates shown in the jurat to each affidavit, and the same are brought to the attention of the court by being presented on the day for the return of the rule nisi, which is October 4, 1913, and which is the earliest time at which such affidavits could be brought to the attention of the court; he further says that had he known at the trial of any facts or statements which would disqualify, or tend to disqualify, said jurors, or either of them, when said jurors were upon their voir dire in said case, that this affiant would have had his counsel bring the same to the attention of the Court promptly at that time.

W. P. Neill makes the following affidavit, deposing and saying as follows: that he was present in the courtroom during the trial of Leo M. Frank, for the murder of Mary Phagan, for two full days during the trial, and from time to time on other days; that at the time of the facts hereinafter stated, deponent was sitting just where the jury passed by going from the jury box to the rear end of the court