

room, he was sitting on the front row of the spectators benches; that during the course of the trial deponent saw the jury pass to the jury box from the rear of the court room, the jury passed immediately by this deponent and also by a man, whose name is unknown to this deponent, but who was a spectator in the court room, who was sitting about three feet from this deponent, just across an aisle, no one being between this man and deponent; as the jury passed this man, at the time specified, this man took hold of one of the jurors, he took the juror by the hand with one hand and grasped his arm with the other hand and made a statement to him, said something to the juror which this deponent did not understand sufficiently to be able to quote, but this deponent says that he made some statement to the juror while he had him thus by the hand and arm; he says that this act was witnessed by Plennie Minor, so this deponent believes, for the reason that as soon as this happened, the said Plennie Minor immediately came back to this man and threatened to put him out of the court. Plennie Minor told this man that he, Plennie Minor, saw him, the man, take the juror by the hand and say something to him; the man remonstrated with Plennie Minor, and this deponent heard Plennie Minor repeat to him that he, Plennie Minor, saw him, the man, speak to the juror; Deponent further says that on two occasions, while he was sitting in the court room at the trial, at one time while he was about six to ten feet from the jury, this deponent heard shouts and cheering on the outside of the house from the crowds collected outside; one of said times was during Dorsey's speech. While this deponent does not say whether or not the jury heard this cheering, he does say that he, the deponent, heard it, plainly and distinctly and was within a few feet from the jury at the time he heard it. He further says that on one occasion he heard cheering in the court room; the Judge said that unless the cheering stopped he would have to clear the court room, and to this, Deputy Sheriff Minor replied that that would be the only way he could stop the cheering in the court room.

B. M. Kay makes the following affidavit, deposing and saying as follows: that he is a resident of the City of Atlanta, living at #264 S. Pryor Street; that on Saturday evening, August 23, 1913, about 8 or 8:30 o'clock P. M. he was driving his father's automobile down South Pryor Street, going South, there being in the automobile with him, his mother, Mrs. Rose Kay, and his brother, Sampson Kay; that a