

The court also considered the following affidavits as a counter showing presented by the State, to-wit:

F. E. WINBURN, makes affidavit deposing and saying as follows:

That I was a juror on the Frank case; I did not know personally either A. H. Henslee or M. Joehenning, who were also jurors trying this case, until after we were sworn in on said jury; I had occasion to and do know the conduct of these two men on the jury; at no time did either of them express themselves in a way to indicate that they were in the least bit prejudiced or biased, against the defendant, Leo M. Frank, but each of these men, as did each and every other member of the jury, deport themselves as honest, upright, prudent, and impartial jurors; if either the said A. H. Henslee or the said M. Joehenning believed that Frank was guilty until after the entire case had been heard and concluded and submitted to the jury, they at least did not so express themselves, or give vent to any other expressions within my hearing or knowledge, indicating any bias or prejudice against the said Frank. I did not know how A. H. Henslee stood on the issue until after the first ballot had been taken; then said Henslee made a talk and stated that he had cast a doubtful ballot; there was one ballot marked "doubtful"; he explained to the jury why he cast this doubtful ballot, and submitted some suggestions with reference to the evidence. Up to that time, so far as I know, said Henslee had not intimated or expressed any opinion whatsoever with reference to any feature of the case. As to M. Joehenning during the entire twenty-nine days that we were together as jurors, he did not, so far as I know, say or in any way intimate how he stood on the issue; so far as I was able to judge from his conduct and deportment; said Joehenning was an upright, honest, fair, prudent, impartial and conscientious juror, imbued with only one purpose, viz. the ascertainment of the truth; what is said above as to the impartiality, fairness and conscientiousness of Joehenning is true of Henslee and likewise of each and every man on the jury. I did not at any time, while a juror, hear any applause except such as occurred in open court, and which was heard by the judge, jury and attorneys in the case; I did not know that there had been any cheering of anybody