

--22--

a talk and stated that he 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, except as above: THAT as to M. J. Jochenning; so far as I was able to judge from his conduct and deportment, said Jochenning 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 Jochenning is true of Henslee and likewise of each and every man on the jury: THAT 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; the jury left the courtroom every time before the judge, lawyers and audience were permitted to leave, and there was never any applause either inside of the court or outside of the court, within my knowledge, while the case was being considered, except as above; the jury, in leaving were always attended by the deputy sheriffs or bailiffs, one always going in front and one always in the rear; we were usually taken for lunch direct from the courthouse to the German Cafe located midway of the block on Pryor Street, opposite from the courthouse, and it took only a very short time to go there. I should estimate about three minutes at the utmost; upon reaching the German Cafe we were taken directly to a private dining room in the rear of the building and the door immediately closed; after being shut up in this room we never heard any sounds that in the slightest resembled applause or cheering; the only cheering that I heard at any time while the case was being considered was the cheering that I attributed to some eloquent speech by one of the attorneys and shortly after the verdict of guilty was read,

44