

my presence. No man ever grabbed my by the hand at the place referred to by W. P. Neill in his affidavit, nor did I see or hear or know anything about any man grabbing any member of the jury by the hand or saying anything to any juror, or attempting to say anything to any juror, and within my knowledge there was no communication at any time or place or in any shape, manner, or form, with any juror, with any party on the outside. All communication had by the jury with outsiders, so far as I know, were through the bailiffs, and said communications were authorized by the court and known to counsel on both sides of the case; so far as I am personally concerned, and so far as I know as to each and every juror on the case, they were influenced solely and alone by the evidence and the charge as given by the court, and were not influenced in anywise, in any way, manner, shape or form, by anything from the outside, but the verdict as rendered was, so far as I am concerned, and as to the other jurors, so far as their deportment shows; I believe was rendered from an honest opinion based on the law and evidence in the case.

Upon considering said motion for new trial, the court rendered a judgment denying the same and in rendering said judgment, stated that the jury had found the defendant guilty; that he, the judge, had thought about this case more than any other he had ever tried; that he was not certain of the defendant's guilt; that with all the thought he had put on this case, he was not thoroughly convinced that Frank was guilty or innocent, but that he did not have to be convinced; that the jury was convinced; that there was no room to doubt that; that he felt it to be his duty to order that the motion for a new trial be overruled.

To this judgment and decision of the court denying the movant, Leo M. Frank, a new trial, said Leo M. Frank then and there excepted, and here and now excepts and assigns and specifies as error the failure and refusal of the court to grant a new trial upon each and every ground both of the original motion for new trial and the amendment to the motion for new trial, both said original motion