

and I wish the stenographer to take it down, and we propose to prove every fact stated in the motion unless the Court will state that he knows the facts and will take cognizance of them without proof.

First, that counsel requested before this trial began that the court room be cleared of spectators.

Second, when the Court declined to rule out the evidence as to the other alleged transactions with women, by Jim Conley, the audience in the court room, who occupied nearly every seat, showed applause by the clapping of hands and stamping of feet and shouting in the presence of the Court; the jury was in a room not over twenty feet from the court room--that room back there ( indicating), and heard the applause. The Court refused to declare a mistrial or to clear the court room on motion of the defendant.

Third, that on Friday, August 22nd, when the trial was on and the court had just adjourned for the day, and the jury was about 200 feet from the court house proceeding north on Pryor street, as Mr. Dorsey, the Solicitor General, was leaving the court house, a large crowd assembled in front of the court house and, in the hearing of the jury, cheered and shouted "Hurrah for Dorsey" in the hearing of the jury.

Fourth, That on Saturday, August 23, 1913, while the trial was still on, and when the court adjourned and Mr. Dorsey emerged from the court room, a large crowd, standing on the street, applauded and cheered Mr. Dorsey, shouting "Hurrah for Dorsey", The jury at this time was in a cafe at lunch, about 100 feet away, and a portion of the crowd moved up in front of the cafe at which they jury were at lunch, and in the hearing of the jury shouted "Hurrah for Dorsey."

Fifth, on the last day of the trial, a large crowd, including many women, had assembled in the court room before court opened, taking up every seat in the court room. The jury were in their room not over 20 feet from the court room, and as Mr. Dorsey entered the room, the crowd applauded loudly by clapping of hands and stamping of feet, all in the hearing of the jury.