

EXHIBIT E.

STATE OF GEORGIA,

COUNTY OF FULTON.

State of Georgia,

vs.

Fulton Superior Court.

Leo M. Frank.

Before me personally appear L. Z. Rosser, Morris Brandon, R. R. Arnold and H. J. Haas, who, being duly sworn, deposes and says that they are the sole counsel of defendant in the above case, and they make this affidavit to be used as evidence on the motion for new trial in said case.

Further deposing they say that, since the trial of said case and the verdict and sentence therein, it has come to their knowledge that two of the jurors who sat on said case, to-wit M. Jochenning and A. H. Henslee, were prejudiced, partial and biased against Leo M. Frank, the defendant as evidence by affidavits attached to motion and hereinafter referred to; that said prejudice, partiality and bias were present on their part, when said Jochenning and Henslee qualified as jurors in said case as shown by said affidavits, but that the facts were unknown to these deponents at the time of the trial of said case, and at the time said jurors qualified on the voir dire of said case, and these deponents had no means of knowing said facts until after said trial.

Further deposing, they say that not until after the trial of said case did they know or have any means of knowing that said Jochenning and Henslee or either of them, had made any statement of any kind to, or in the presence of, any of the following persons, to-wit: H. C. Levenhart, Mrs. J. G. Lovenhart, Miss Mariam Lovenhart, S. Aron, Mack Farkas, R. L. Grener, Jno. M. Holmes, Shi. Gray, S. M. Johnson, J. J. Nunnally, W. L. Ricker, J. A. Lehman, C. P. Stough or any other person, of and ~~concerning~~ ^{concerning} said Leo Frank in connection with the murder of Mary Phagan, or in connection with said trial, or the possible outcome of said trial.

Further deposing they say that they have been guilty of no laches in this matter, but that they have used every means of

J. S. Brown, Judge.