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jury, and before more than one juror had been polled, to such an extent ~~was~~ that the court had some difficulty in proceeding with the poll of the jury, which was then in progress and not finished. Indeed so great was the noise and confusion without that the court heard the responses of the jury during the polling with some difficulty. The Court was about ten feet from the jury. In the court room, was the jury, lawyers, newspaper men and officers of the court, and among them there was no disorder.

GROUND 75. Public sentiment seemed to the Court to be against him. The court room was a small room, and during the argument of the case, so far as the Court could see, about every seat in the court room was taken, in and without the bar, and the aisles at each end of the court room were packed with spectators. The jury, in going from the jury seats to the jury room, during the session of the court, and in going to and from the court room, morning, evening and noon, were dependent upon passage ways made for them by the officers of court. The bar of the court room itself was crowded, leaving only a small space to be occupied by counsel in their argument to the jury. The jury box, when occupied by the jury, was enclosed by the crowd sitting and standing in such close proximity thereto that the whispers of the crowd could be heard during a part of the trial. When the Court's attention was called to this, he ordered the Sheriff to move the crowd back and this was done.

During the argument of the Solicitor, Mr. Arnold of counsel for the defense, made an objection to the argument of the Solicitor and the crowd laughed at him, and Mr. Arnold appealed to the Court.

On Saturday, prior to the rendition of the verdict on Monday, the Court was considering whether or not he should go on with the trial during Saturday evening, or to what hour he should extend it in the evening, the excitement in and without the court room was so apparent as to cause apprehension in the mind of the Court as to whether he should safely continue the trial during Saturday afternoon; and, in making up his mind about the wisdom of it thus continuing the trial, his Honor conferred with, while on the stand, and in the presence of the jury, the Chief of Police of Atlanta, and the colonel of the Fifth Georgia Regiment stationed in Atlanta conferred with his Honor. Not only so, but the public press, apprehending trouble if the case continued Saturday, united in a request to the court that he not continue the court on Saturday evening. The court, being thus advised, felt it unwise to extend the case on Saturday evening and continued it until Monday morning. It was evident on Monday morning that public excitement had not subsided, and that it was as intense as on Saturday previous. The same excited crowds were present, and the court house was in the same crowded condition. When the Solicitor entered the court room he was met with applause by the large crowd - ladies and gentlemen present - by stamping their feet and clapping their hands while the jury was in their room about twenty feet away.

While Mr. Arnold, of the defense, was making a motion for a mistrial, and while taking testimony to support it before the Court, the crowd applauded when the witness testified that he did not think the jury heard the applause of the crowd on Friday of the trial. The jury was not in the court room, but were in the jury room about 20 feet away.

When the jury was finally charged by the Court, and the case submitted to them, and when Mr. Dorsey left the court room, a large crowd on the outside of the court house, and in the streets cheered by yelling and clapping their hands, and yelling "Hurrah for Dorsey".

When it was announced that the jury had agreed upon a verdict, crowds had thronged the court room to such an extent that the court felt bound to clear the court room before receiving the verdict. This the Court did. But, when the verdict of the jury was rendered, a large crowd had thronged the outside of the court house someone signalled to the outside what the verdict was, and the crowd on the outside raised a mighty shout of approval. So great was the shouting and applause on the outside that the court had some difficulty in hearing the response of the jurors as he called them.

The defendant was not in the court room when the verdict was rendered, his presence having been waived by his counsel. This waiver was accepted and acquiesced in by the Court, because of the fear of violence that might be done the defendant were he in court