

of this defendant to be present at the reception of said verdict, or to agree that this defendant should not be present thereat; and the relation of attorney and client did not give them such authority, though said counsel acted in the most perfect good faith and in the interest of the personal safety of this defendant. Neither the said conversation, with Judge Roan, nor the purport thereof, was communicated to said Haas, nor did said Haas know thereof until after sentence was pronounced on defendant. (2). Defendant did not give to said Rosser, nor to said Arnold, nor to said Haas or Brandon any authority themselves to be absent when said verdict was received, nor did he agree that they or either of them might be so absent. (3). The said agreement, made by the said Rosser and the said Arnold, even if otherwise it could be of any binding force and effect, upon this defendant, was of no legal force and effect, so far as the presence of this defendant at the ^{reception} ~~receipt~~ of said verdict was concerned, because the same was made under and because of the said statement, made as above stated to the said Rosser and the said Arnold by the Judge who was presiding upon and at said trial, that there was probable danger of violence to this defendant should he be present when said verdict was rendered, should the verdict be one of acquittal and because they, the said Rosser and the said Arnold were induced to make said agreement because of said statement so made to them, believing the same to be true and believing that for this defendant to be so present, if the verdict should be one of acquittal, might subject this defendant to serious bodily harm and even to the loss of his life.

4.

Defendant says upon and because of each of the grounds above stated and, also, upon and because of all of them, the said verdict was and is of no legal force and effect and the same is void.

(1) That the reception of said verdict, in the involuntary absence of this defendant, while he was so, as aforesaid, in the custody of the law and incarcerated in jail, was contrary to law and was in violation of the legal rights of this defendant. (2) Defendant says that the reception of said verdict in the involuntary absence