

Monday, owing to the great public excitement, and the Court adjourned from Saturday, 12:00 o'clock M., to Monday morning, because he felt it unwise to continue the case that day, owing to the great public excitement, and on Monday morning the public excitement had not subsided, and was as intense as it was on Saturday previous. And when it was announced that the jury had reached a verdict, the trial judge went to the court room and found it crowded with spectators, and fearing violence in the court room, the Trial Judge cleared it of spectators, and the jury was brought in for the purpose of delivering their verdict. When the verdict of guilty was announced, a signal was given to the crowd on the outside to that effect. The large crowd of people standing on the outside cheered and shouted as the jury was beginning to be polled, and before more than one juror had been polled the noise was so loud and confusion so great that the further polling of the jury had to be stopped so as to restore order, and so great was the noise and cheering and confusion from without that it was difficult for the court to hear the responses of the jurors as they were being polled, though the court was only ten feet distant from the jury, All of this occurred during the involuntary absence of this defendant, he being at the time in the custody of the law and incarcerated in Fulton County jail, his absence from the court room having been requested by the Court on account of fear of violence to said defendant as herebefore recited.

Wherefore the premises considered, the defendant prays that the said verdict be set aside and go for naught. Defendant prays that a rule be granted calling upon the State of Georgia, by its Solicitor General, to show cause at a time to be fixed by the Court, why the prayers of this petition should not be granted, and that in the meantime and until the further order of this Court the execution of the sentence of death which has been pronounced against this defendant be stayed.

Tye, Peeples & Jordan,  
Henry A. Alexander,  
Leonard Haas,  
Herbert J. Haas.  
Counsel for Leo W. Frank.