

been denied the due process of law."

The State insists that in no event could this paragraph be pertinent or material, this question having been adjudicated in the decision of the Supreme Court of the State of Georgia in head note 19 in the case of Leo M. Frank against the State of Georgia, adversely to the said Frank's contention as aforesaid, said adjudication being now the law of the case and not susceptible of being again reviewed and called in question here or elsewhere.

3. The following portions of paragraph 7 should be stricken because the same are wholly immaterial and unnecessary to any legal rights that the said Defendant Leo M. Frank may have.

"In support of this ground, movant alleged that the Court Room wherein this trial was had, had a number of windows on the Pryor Street side looking out on a public street of Atlanta, and furnishing easy access to any noises that might occur upon the street; that there is an open alley-way running from Pryor Street on the side of the Court House, and there are windows looking out from the Court Room into this alley, and that crowds collected therein, and any noises in this alley could be heard in the Court Room; that these crowds were boisterous, and that on the last day of the trial, after the case had been submitted to the jury, a large and boisterous crowd of several hundred people were standing in the street in front of the Court House, and as the Solicitor General came out greeted him with loud and boisterous applause, taking him upon their shoulders and carrying him across the street into a building wherein his office was located; that this crowd did not wholly disperse during the interval between the giving of the case to the jury and the time when the jury reached its verdict, but during the whole of such time a large crowd was gathering at the junction of Pryor and Hunter streets; that several times during the trial, the crowd in the court room and outside of the court room, which was audible both to the Court and the jury, would applaud when the State scored a point, a large crowd of people standing on the outside cheering, shouting and hurrahing, and the crowd