

(9:15 o'clock, a.m.)

**THE COURT:** Gentlemen, due

to the tendency that always exists, among the laymen at least, to deem anything that the Court says about the evidence in a case, or about the remarks of counsel directed to that evidence, as some expression or at least suggestion that the Court has formed some opinion as to what the facts really are, of course, this case and in this connection at the moment the Court has no obligation whatever, nor even right, to even consider the weight of the facts in this case nor to express any opinion or, in fact, have any opinion as to the guilt or innocence of the defendant. And for that reason the Court will not comment whatever upon the motions nor upon the remarks to them, splendid as they were. But the Court feels that at this stage of the record this case is not one that can be disposed of by the Court as a matter of law, and for that

reason the three motions will be separately overruled and exceptions noted to each separately.

I would like to say to counsel that I have here the original report of the autopsy and the copy for introduction. Will you be kind enough to see that the original comes back to me?

(Thereupon, a discussion was had off the record, after which the following proceedings were had:)

THE COURT: May we agree that the record may be corrected so that it makes no difference which way you construe them, that all motions made on yesterday are separately overruled and exception noted as to each separately?

MR. PETERSILGE: I think the motions which Mr. Mahon refers to as numbers 3, 4, 5 and 6 were all comprised within the motion which I stated as motion number 3.

THE COURT: That was my conception.

MR. MAHON: Oh, no. They were all separately stated.

THE COURT: All right.