

SCOTT CIRCUIT COURT.

Commonwealth of Kentucky, Plaintiff.

Vs: Motion to have ^{names of} Veniremen thoroughly mixed.

Caleb Powers, Defendant.

Defendant, Caleb Powers, now comes and moves the Court that the names of the veniremen summoned herein for ~~Friday, November 22nd, 1907,~~ ^{and for Monday, November 25th, 1907,} which have this day been placed together in a box, to be drawn therefrom as needed by the Clerk, be more thoroughly mixed or mingled by the Court or by the Clerk, under the Court's direction, and defendant makes this motion for the reason that the main purpose in placing said names in a box and having them drawn therefrom was to take from both parties hereto any advantage in the order of calling and presenting said veniremen for examination, and in order that same might be left to be determined altogether by chance; and defendant submits as a further ground for his ^{present} motion, the fact that since said two lots of names were placed in said box together and the drawing of names therefrom was begun, two lists of seven (7) veniremen each have been drawn from said box and presented to the parties for examination; that all of the seven veniremen who composed the first of said two lists were summoned for Monday, November 25th, 1907, and a majority of those who composed the second of said two lists were summoned for the same day, which circumstance defendant submits indicate that said two lots of names have not been thoroughly mixed or mingled.

Defendant makes this motion without meaning to reflect upon anyone, and expressly disclaims any such reflection.