MOTION FOR A NEW TRIAL.

GUITEAU'S COUNSEL FILING THE PAPERS ON WHICH IT IS BASED.

The Question of Jurisdiction Raised—Alleged Misbehavior of the Jury—New Evidence Unknown at the Time of the Trial.

WASHINGTON, Jan. 28.—Messrs. Scoville and Reed, counsel for Guiteau, appeared in the Criminal Court this morning, and the former inquired of the Court with respect to the form of his bill of exceptions, whether he would be compelled to except specifically, or whether a general exception would suffice. Judge Cox said that, under the practice of the court, he would have to except specifically. Mr. Scoville then said that he had intended to file his motion for a new trial, but he would like to have until Monday. The District Attorney objected, and Mr. Scoville said that in that case he would file his motion this afternoon in the clerk's office. The District Attorney asked that the Court assign Tuesday next for the hearing of argument upon the motion, but upon representations from Mr. Scoville that he would not be able to enter upon the argument at that time, the Court declined to fix a day at present.

At about 5 P. M. Mr. Scoville filed with the Clerk of the Supreme Court of the District of Columbia the papers upon which he bases his motion or motions for a new trial. Not being familiar with the practice in this District, Mr. Scoville concluded to file two motions to assure himself against the possibility of being deprived through any legal technicality of the right of review by the Court in General Term. The papers filed in support of the motions are: The prisoner's affidavit, the affidavit of Fred Crick H. Snyder as to the finding of a newspaper, the *Critic*, under circumstances indicating that it had been read by the jury; the affidavit of J. W. Guiteau that he is acquainted with the signatures of the five jurors whose names are written on the margin of the newspaper said to have been seen by the jury; that he has seen them write their names, and believes the writing upon said newspaper to have been made by the jurors named; and the affidavit of Mr. Scoville, setting forth the newly discovered evidence upon which he bases his motion for a new trial. The grounds on which a new trial is asked are as follows:

First—By reason of uncertainty in said verdict, in that the jury thereby found the defendant "guilty as indicted," and there is no indictment in the record, the charge being in fact and necessitate with such other in matters.

Second—That said verdict of the jury does not specify whether it was found upon the first count, or the second, or third, or fourth, or fifth counts, the defendant is not advised by the form of said verdict upon which of said counts the defendant was found guilty, or of which he is to defend, or plead, or offer proof of, or place of death.

Third—That the trial of this cause was commenced on the 14th day of November, and was not concluded on the same day, but was extended into the following day, and the defendant was in the jurisdiction of the authorities of the District of Columbia, the jury having taken the case from the officers of the court, and all the officers sworn to keep the jury together, and not to allow any person to speak to them or communicate with them, or to instruct the jury on any matter relating to the case, except the Court, and in entering into an arrangement with the District Attorney, without the knowledge or consent of the defendant or his counsel, that the jury should be taken in charge by the officers, during a night, of the defendant, contrary to the imperatory provisions of the statute in such cases made and provided, and in violation of the defendant's rights in the premises, whereby the defendant was deprived of the benefit of the assistance of his counsel, and of the right to be present at every stage of the proceedings against him, and of the right to be tried by a fair and impartial jury, and of the right to be tried by the judge, the District Attorney, and the jury, in the presence of the defendant, in the Court House