

# LEO FRANK'S TRIAL ON MURDER CHARGE BOOKED FOR TODAY

On Trial for Life Today

Judge L. S. Roan Announces That He Will Call Case at Nine O'Clock This Morning.

## LAWYERS BELIEVE JURY WILL BE NAMED IN DAY

Legal Representatives Take Good Rest on Sunday in Preparation for Struggle That Begins Today.

After weeks of preparation by some of the most skilled legal minds in the state and after every point in the affair that has been made public has been discussed and threshed out by thousands of citizens, the case of the state v. Leo M. Frank, charged with the murder of little Mary Phagan, will be called at 9 o'clock today.

Event after event has followed in rapid succession since the morning of April 27, when Atlanta arose to wend its way to church and read of the finding by police of the little girl's dead body in the basement of the National Pencil company, on South Forsyth street. Newt Lee, the negro night watchman, who called the police, was arrested, and is still held. J. M. Gantt and Arthur Mullinax, two white employees, were then arrested, and afterwards freed. Then the young factory superintendent was taken into custody.

**Then Conley's Affidavit.**  
Then came the arrest of James Conley, negro sweeper, who stayed in jail apparently unheeded until he burst forth with his sensational affidavits against the superintendent.

Frank was bound over by the coroner's jury on May 8, and Lee was bound over with him. On May 24 the grand jury indicted the white man, but took no steps in regard to the negro, against whom the solicitor later declared he had no case.

Although the case is to be called today upon the time agreed upon early in June by attorneys for both sides, when it was postponed in open court from June 30, the attorneys for the defense will make no statement to set at rest the persistent rumor that they will ask for a continuance. The state, however, which has announced ready all along, is still ready and anxious to go to trial, according to the solicitor.

Judge L. S. Roan, who is to try the case, announced Sunday in response to a query that he felt very well, and believed that he had recovered from his slight illness of the past week. He stated that he expected to call the case Monday morning.

Should Frank leave the tower for the first time since May 8 and appear ready for trial in court today when his case is called, it is expected that the task that will take up the greater part of the day will be the selection of a jury.

**Concentrate on Jury.**  
To a proper selection of the jury lawyers on both sides have strained every effort since Thursday, when the panels containing 144 names were drawn. Every bit of history and every point that could be gathered about the men on the venire list has been learned.

The state has called in assistants for this, and has been assisted by several experts. The defense has been at the same thing.

Among Atlanta attorneys who have discussed the matter it has been suggested that it might be impossible to secure a jury in this county, as so many men either oppose capital punishment, or have formed a conclusion already in regard to the crime. It is known that both the lawyers for the defense and for the state believe that they will have little trouble in this regard, and that the jury will be picked in about a day.

Either side might, upon sufficient showing, secure a change of venue, which would allow the case to be tried in another county, where it would be easier to get jurors who have not formed an opinion previously.

Atlantans who have been kept guessing since the investigation started will see unfolded in the next week or so, if the case is tried, the importance of the various affidavits and of the testimony of the witnesses, many of whom are said to conflict.

What importance will be given to the Mincey affidavit which, if believed, would totally destroy the case against Frank and would name Conley as the murderer, is a matter that will soon be known. At present, while it is known that the defense has this affidavit, it is not known how strongly they depend upon it.

**Investigating Mincey.**  
That the state will make a Herculean effort to break it down and to prove that Mincey is not to be believed, should the affidavit be brought up, is already known, and it is said that Solicitor Hugh M. Dorsey has spent much time in investigating W. H. Mincey's life and history with this end in view.

The question of Conley's affidavit and the weight and importance to be attached to it will also be taken up. Should that be believed the state would have as complete a case against Frank as it would have none should the Mincey affidavit be accepted by the jurors.

A thousand other points are expected to come up, and it is freely predicted that both sides will introduce witnesses and evidence which has hitherto remained a complete secret and of which the public and the other side will have no inkling until its actual introduction.

"Nothing new," was the comment of both sides Sunday afternoon. Attorneys for both Frank and the state were apparently taking life easy and resting for the beginning of the struggle today.



Photo by Francis E. Price, Staff Photographer.  
Leo M. Frank.