

TRIAL OF LEO FRANK POSTPONED BY JUDGE

Date of Trial Changed From June 30 Until July 28 at Plea of Attorneys for Defense.

The first appearance in open court of the indictment against Leo M. Frank for the murder of Mary Phagan came yesterday afternoon when Judge L. S. Roan, presiding over the criminal division of superior court, summoned attorneys for both sides, and after a hearing changed the date of trial from June 30, as set by Solicitor Hugh M. Dorsey, to July 28.

This and the legal move by the defense in serving upon Solicitor Dorsey, Police Chief James L. Peavers, Detective Chief Newport Lanford and other detectives and officials for the state, with formal subpoenas duces tecum, commanding them to bring to court all affidavits they may have which bear upon the state's case against Frank, were the only changes in the present situation.

Judge Roan also decided that the trial of Frank would be held not in the regular room in which he holds his division of court, but in one of the rooms in which the civil division of the superior court sits.

Where Trial Will be Held.

This was done, the judge explained, because the ceiling is very low in the courtroom in the Throver building, where his court regularly sits, and the room is ventilated by windows only on one side. The trial will be held, according to present plans, in one of the courtrooms in the old city hall, corner South Pryor and East Hunter streets, where the ceilings are higher and windows can be thrown open on both sides of the room to allow ventilation.

Solicitor Dorsey appeared very anxious to have the trial take place on June 30, the date he had in his official capacity as solicitor, named. He states that his only reason for this is that the state is ready, and he is anxious to dispose of the case as soon as possible.

This date was stricken out by Judge Roan when Attorney Reuben Arnold, for the defense, came out with the statement that the trial would last two weeks. July 14, another date suggested, was left out upon the statement by Attorney Arnold and Attorney Luther Z. Rosser, both for the defense, that they would be engaged in the trial of Mrs. Mattie Flanders, in Swainsboro, Ga. At that time the two Atlanta attorneys who are working together in the Frank defense, will oppose each other. Attorney Rosser will represent the defense, while his colleague will aid the prosecution.

Judge Roan, in announcing his determination of the trial date, stated that he believed that it was necessary to set a definite date, formally agreed upon by both sides and thus eliminate the possibility of further delay. The judge took the position that the case, while before the law similar to any other, is really different, in that it will be one in which many ventremen and witnesses must be brought into court, and a postponement would cost the state a large sum of money.

Both sides announced in court that they would be ready when the time comes.

"I'm ready now to take up the trial," said the solicitor, "and that's why I am objecting to any postponement."

"We are ready ourselves," said both attorneys for the defense.

These public declarations make it appear that the trial will actually take place on the July date set, and that, unless something new should appear, there will be no further delay.

Solicitor Dorsey refused later to discuss the service of a duces tecum upon him. He declined to state what would be his action in regard to the matter, or what in his opinion was its legal bearing upon the case.

May Attack Conley Statement.

The subpoenas declare that the papers and affidavits are wanted as evidence for the defense of Frank, and leads to the belief that the defense will make an attack upon the various statements of James Conley, the negro sweeper, who has declared in an affidavit that he aided Frank in hiding the Phagan girl's body. The several affidavits alleged to have been made by the Conley negro are demanded in the subpoenas, as are the affidavits credited to Miss Monteen Stover and Miss Grace Hill.

Another affidavit demanded from all of the parties subpoenaed is that of W. M. Mathews. The name of Mathews has not yet appeared publicly in the Phagan case, and his affidavit, if there is such a one, is believed to have been secured by Solicitor Dorsey and held in secret by him. Just how the defense succeeded in finding out that there is such an affidavit, or getting reasons for declaring that there is one, in their demand for it, is not explained. The solicitor refuses to discuss this affidavit, and the other officials deny all knowledge of it.

The others named in the subpoenas duces tecum besides those already mentioned are: Assistant Solicitor E. A. Stephens, Harry Scott, a Pinkerton detective, employed by the National Pencil company, but working with the city detectives on the case; City Detectives John Black, Pat Campbell and J. N. Starnes and G. C. February, secretary to Chief Lanford.

Confers With Assistant.

Solicitor Dorsey is still taking up various points in the case and going over them with his assistant and with Attorney Frank Hooper, retained to aid the state. He spent several hours

late Tuesday evening in conference with Detectives Campbell and Starnes. He has also planned several changes in an elaborate drawing of the National pencil factory, which he had specially drawn from measurements.

Bert Green, a newspaper artist, who made the drawing for the state, is the same man who, while employed in New York, made the diagrams of a New York roof garden in the famous case against Harry K. Thaw for the murder of Stanford White.

Conley Is Grilled.

Jim Conley, the negro pencil factory sweeper, was subjected to a secret grilling at police headquarters yesterday shortly before noon. Detectives say it was in an effort to extract some new statement, but declare that the negro divulged nothing of fresh importance. Chief Lanford would not talk to reporters regarding the examination.

Conley was not taken to the chief's office, as has heretofore been the custom. Detectives Campbell and Starnes and others took him to a vacant cell in the extreme rear of the prison, where he was questioned for an hour or more.

The negro's counsel, Attorney William M. Smith, also was not aware of the examination. He says, however, that nothing new was gained from Conley, and that he was questioned only in regard to a probable desire to make additional statements.