

VENIREMEN DRAWN FOR FRANK TRIAL

One Hundred and Forty-Four
Names Drawn From Jury
Box—No Effort So Far at
Postponement.

The veniremen from which it is expected to choose the jury for the trial Monday of Leo M. Frank, charged with the Mary Phagan murder, was drawn yesterday afternoon by Judge John T. Pendleton, at the request of Judge L. S. Roan, who returned from Covington, Ga., slightly ill.

The names of 144 men were drawn from the petit jury box, and as far as is known no actual attempt was made to have them drawn from the grand jury box, as the attorneys for Frank originally desired.

For the past week the rumor has gone the rounds that Attorneys Rouben R. Arnold and L. Z. Rosser, for the defense, would move to postpone the trial. They have so far made no statement in regard to this matter, and decline to assert whether they will endeavor to secure a postponement or not.

Solicitor Hugh M. Dorsey declared in most emphatic terms Thursday that he was ready for trial and would exert every effort to prevent a delay. Judge Roan, who was seen at his apartments at 16 East Morris avenue, declared that he expected to be well again today, as he had merely suffered an attack of indigestion.

He stated that he expected to be able to preside, and would call the case Monday morning, on the date set. Judge Roan has been on the bench for over ten years, and has a record of never having missed a day from his duties as judge, and also of never having failed to open court on the minute.

Arnold in Covington.

Attorney Arnold went to Covington Thursday morning for a conference with Judge Roan presumably, and it is believed that he either took up with him the question of drawing the venire from the grand jury box, or took up the question of postponing the case. He refuses to disclose the reasons for his trip, and both he and Mr. Rosser decline to say whether or not they desire the trial to proceed or otherwise.

Should a postponement be asked it would have to be done in open court, when both lawyers for the state and for the defense are present, and so far no motion for such a hearing has been made.

Should Judge Roan's illness prove more serious or of longer duration than his condition Thursday indicated the probabilities of postponement are strong. Judge Pendleton, who drew the list of veniremen, or Judges W. D. Ellis or George L. Bell have jurisdiction and could hold the trial if so requested.

At the drawing of the veniremen Thursday afternoon in Judge Pendleton's chambers, Solicitor Hugh Dorsey was present, and Attorney Herbert Haas represented the defendant.

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Neither Attorneys Arnold nor Rosser were present, and Mr. Haas did not come in until after the drawing was partially completed.

The drawing of the 144 names took place publicly, Judge Pendleton taking the names out of the jury box and reading them aloud to Deputy Clerk T. H. Jeffries, who copied them for the use of the sheriff, who will summons the venire.

Ask That Names Be Withheld.

Both the solicitor and Attorney Haas secured a complete list of the men from whom it is expected to draw the jury. The veniremen will be served between now and Saturday. At the request of Deputy Sheriff Miner the names will not be published in The Constitution until he has had an opportunity to serve the men personally.

"There'd be too many fellows taking vacations right away, if they knew they were on this list," explained Deputy Miner, "and jes' to tell you the whole truth, I doubt if I would blame 'em much."

While the names of the potential jurors in whose hands will rest the life of Leo Frank were drawn from the petit jury box as in all other cases of this kind, it was noticed by those who heard the names announced that a large per cent of them are either prominent Atlanta business men or residents of the rural districts of Fulton county.

The name of one man who was on the grand jury which indicted Frank on May 24 for the crime for which he will be tried was drawn. Clerk Jeffries called attention to this as the name was read out, but Judge Pendleton stated that he had no authority to do otherwise than leave the name upon the list.

Negroes on the List.

Of the 144 veniremen there are some four or five negroes on the list, as a few negroes in Fulton county are qualified by law to have their names in the jury box. It is only in the federal courts, however, that a negro venireman ever finds his way to the jury box.

It is expected that the list of 144 names will be exhausted before the twelve actual jurors are finally selected, and in this case the usual custom is for the judge to order the sheriff to go out upon the streets and bring in as many talesmen as may be needed to complete the quota of the jury. This may be done, or additional panels may be drawn from the jury box. The talesmen thus brought in from the street would have to be shown to be qualified as are the men whose names are drawn from the jury box.