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Blakely Men in Depositions Deny That Juryman Henslee Made Statements Attributed to Him.

That Atticus H. Henslee, the ventriloquist on the Frank jury, did not discuss with them Leo M. Frank's connection with the murder of Mary Phagan, or make any remarks about what he would do in case he should be placed on the jury, was the sworn statement of L. E. Black and Walter Thomas, two citizens of Blakely, Ga., whose depositions were filed in superior court by Attorneys R. R. Arnold and L. Z. Rosser for the defense.

It was stated recently that these men would swear that Henslee, while in Blakely as a traveling salesman, had said that if he ever got on the jury that he would remain there until Christmas before he would turn Frank loose, but both men denied that he ever made the remarks before them.

This was to be one of the strong points in the demand for a new trial for the man convicted of the murder, the hearing of which is set for October 4. From present indications, although the defense is working steadily preparing its complete motion, it is not believed that the hearing will be possible before November 1.

Should the defense be ready by October 4, which is Saturday week, the state will probably require time in which to meet their claims and it is not believed that a hearing will be had until later. The postponement means apparently that not Judge L. S. Roan, the trial judge, but some other member of the superior court, possibly Judge B. H. Hill, will preside at the hearing.

Judge Roan is due to take his place on the court of appeals by October 11 and on that date Judge Hill is due to take his seat on the superior court bench. One of the Fulton judges will hear the appeal and it is believed that Judge Hill will be the one.

Refused to Answer Questions.

According to the defense the two Blakely men refused to answer any questions in regard to what Mr. Henslee had said before them and an order was taken requiring them to go before W. W. Wright, a notary public of Early county, in which Blakely is situated, and make their depositions.

Both the men declared that Henslee had never said anything which would show him prejudiced. According to their answers to the questions, Henslee and Thomas, the latter a druggist, were discussing the case some time before the trial and Black overheard the conversation.

Both admitted that Henslee and Thomas had discussed the evidence as brought out in the newspapers, but both the Blakely men denied that Henslee had said anything that would indicate his opinion in regard to Frank.

The defense made a request Thursday for certain documents in the possession of the state, and these were taken to them by E. A. Stephens, assistant to Solicitor Hugh M. Dorsey. They were various documents used during the trial, and of which the defense had no copy.

Both Sides Confident.

Both sides are hard at work, the state confident that no new trial will be granted, and the defense taking the opposite view. In case the superior court judge should refuse a new trial, it is known that the defense will carry the case to the supreme court for a decision.

Should a new trial be granted in any of the courts, an interesting proposition will arise. It is known that Solicitor Dorsey has certain evidence not secured in time to use in the first trial, and it is stated that the defense has also secured evidence that tends to corroborate their plea of Frank's innocence. On what grounds the new trial would be fought out, and whether features that went into the first trial would be introduced in the second, are already causing speculation among those who have followed the case.

It is regarded as certain that the defense would object to that part of Jim Conley's story which referred to alleged previous incidents with women in Frank's office, and that this would probably be ruled out, as Judge Roan, in allowing it before, said that had the defense objected at once, and not after they had sought to break it down, that he would have had to rule it out. The question has also been raised as to whether or not character would be an issue.

It is also believed that the defense would not make the attack on Conley that was previously made, but would ask him a few questions and then dismiss him, with the idea of conveying to the jury that the negro's mass of lies was not worth their notice.