

Jurors in Leo M. Frank Case Must Answer Four Questions

Chief interest in the case of Leo M. Frank, which is scheduled to begin today, centers in the selection of a jury, the first 144 veniremen, having been drawn last Thursday and published in The Constitution on Sunday.

It seems to be the general opinion that this panel will be exhausted and others summoned before a jury is secured. Attorneys for both sides are of the opinion that it will take about a day to select a jury, which would let the hearing of evidence begin on Tuesday, or on Wednesday. If it should happen that the task becomes so difficult as to consume two days.

Many Are Disqualified.

Owing to the universal interest in the developments growing out of the murder of little Mary Phagan in the National Pencil factory, many men have disqualified themselves from serving on the jury through an expression of their opinion as to the guilt or innocence of the prisoner at the bar today.

The veniremen who will appear in court this morning will be asked to answer four questions, prescribed by the code of Georgia as follows:

"1. Have you, from having seen the crime committed, or having heard any of the testimony delivered on oath, formed and expressed any opinion in

regard to the guilt or innocence of the prisoner at the bar?"

"2. Have you any prejudice or bias resting on your mind either for or against the prisoner at the bar?"

"3. Is your mind perfectly impartial between the state and the accused?"

If the prospective juror shall answer question No. 3 in the affirmative, and No. 1 and No. 2 in the negative, he shall be adjudged and held a competent juror in all cases where the offense does not involve the life of the accused; but when it does involve the life of the accused, the following additional question shall be put to him:

May Question Answers.

"4. Are you conscientiously opposed to capital punishment?" If he shall answer this question in the negative, he shall be held a competent juror, according to the code, always subject to the provision that the state or the defense shall have the right to introduce evidence before the judge to show that the answers or any of them, are untrue.

It shall be the duty of the judge to pass upon the truth of such answers as may be questioned. If a juror shall answer any of these questions so as to render him incompetent, or if he shall be found incompetent by the judge, he shall be set aside for cause.

If found incompetent, and not challenged peremptorily by the state, a juror shall be sworn in unless challenged by the defense.