

# MAY USE JURORS TO DENY CHARGES

## Dorsey Expected to Produce Affidavits, Denying Jurors' Alleged Bias Against Frank. Postponement Seen.

The hearing of the motion for a new trial made by attorneys for Leo M. Frank, convicted slayer of Mary Phagan, which is scheduled to come up Saturday, will likely be postponed two weeks. The delay will probably come following a request of Solicitor Hugh M. Dorsey, who, although struggling through the defense's brief as rapidly as possible, will not be ready to proceed at that time, as he is now in the midst of digesting and answering the 115 objections made by the convicted man's lawyers.

"It will take me from now on until the first of next week," said Mr. Dorsey Thursday, "to get through with my end of this petition. There are nine volumes of evidence to digest and answer. It is a superhuman task to have this mass of evidence in any shape to make a court appearance Saturday, at least."

### May Be Heard October 18.

From authentic sources it was learned that the possible date for the hearing of the motion will be October 18. Judge L. S. Roan may not take a seat in the court of appeals until he hears the Frank retrial motion, and Thursday he indicated that he would not be ready to take his new place for at least "some days," as he expressed it.

Conjecture was rife Thursday around the courthouse as to just what sort of replies Dorsey would make to the defense objections which centered in the plea that the "mob spirit controlled the Frank trial." It was suggested at the courthouse that Dorsey might bring affidavits from all of the Frank jurors denying that they were swayed in any manner by public sentiment.

### Juror Johanning Indignant.

Already the replies of the Frank jurors charged with bias in affidavits presented by the defense attorneys are coming to light.

Marcus Johanning, of 161 Jones avenue, declared Thursday that the charge in his case was absolutely flimsy—"more flimsy than the paper on which it is written"—he said.

"I served on that jury because I did not want to lie out of so doing," he added. And now to accuse me of falsehood to secure a month's service is rank injustice. I lost money through the neglect of my business, and I had nothing to gain. If there are any persons who have made affidavits that we have done Frank an injustice, they have lied."