

RULES AGAINST FRANK.

Georgia Supreme Court Denies Rehearing—Other Appeals Planned.

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ATLANTA, Ga., Feb. 25.—The Supreme Court to-day denied the motion for a rehearing on the unsuccessful appeal for a new trial for Leo M. Frank, sentenced to death for the murder of Mary Phagan.

The next move by Frank's attorneys will be an extraordinary motion for a new trial, which will be brought before Judge Ben H. Hill of the Criminal Division of the Superior Court. This motion will be based upon the statement of Dr. H. F. Harris that in his opinion the hair found on the lathe was not that of Mary Phagan, and upon the statement of Albert McKnight that he perjured himself in his testimony against Frank. The defense is said to be in possession of affidavits from other State's witnesses in the case who have repudiated their testimony.

In the event that the extraordinary motion is denied by Judge Hill, the defense will naturally ask an appeal to the Supreme Court. In such a case it is within the province of the Superior Court Judge to refuse to grant a bill of exceptions. In this event the attorneys can go to the Supreme Court and ask a writ of mandamus to force the Judge to grant the bill of exceptions. While cases of this kind have been frequent, the Supreme Court never has issued a writ of mandamus requiring a Superior Court Judge to sign a bill of exceptions.

It is generally believed that during the early part of next week the Solicitor General will order Frank to be brought into court, and that the convicted man will again hear the Judge sentence him to death.

The Supreme Court in its ruling to-day said:

The motion for a new trial contained 103 grounds. To have discussed each of them separately would have unduly prolonged an opinion already necessarily of considerable length. So likewise to deal with each of the grounds of application for a rehearing in detail would serve no useful purpose. Suffice it to say that the matters set out in the motion for a rehearing were not overlooked in making the decision, but were carefully considered and passed upon, though all of them were not discussed at length. While the difference of opinion among the members of the court as to certain questions, which appears from the opinion and the dissenting opinion filed, still exists, the court is unanimous in overruling the application for a rehearing.

A motion for a new trial was filed to-day in the case of Jim Conley, the negro, who was sentenced to twelve months in the chain gang for assisting Frank after the murder of Mary Phagan. Conley said he thought his punishment should have been a fine only.

"Have you money to pay a fine?" he was asked.

"No, but my fine would have been paid," said Conley with a significant nod of his head.

While asserting that he has told the whole truth about the Frank case and the murder, and had nothing to add to that, the negro insisted that he had much to tell to the public, when his lawyers decided to allow him to talk.

Some attorneys hold that in the event that Conley should repudiate the story he told on the stand, and give new evidence that would clear Frank, the negro could not be tried for the murder, because of having already been tried as an accessory.

Frank was stoical when he heard of the Supreme Court's ruling to-day.

"Of course I regret the court has refused me a rehearing," he said, "but I have not given up hope yet."