

FRANK'S LAWYERS GET AFFIDAVITS

Papers Used in Hearing of Motion Extraordinary for New Trial Are Secured by Court Order.

Does an order issued by Judge Ben Hill Tuesday turning over a mass of affidavits and other papers to the counsel for Leo Frank mean that the defense will spring a surprise in the proposed prison commission hearing by making an unexpected attack upon the evidence introduced by the state at the motion extraordinary for re-trial?

The affidavits turned over to Frank's lawyers at the command of Judge Hill were all used in the motion extraordinary before Judge Ben Hill when Frank's counsel made an effort to obtain a new trial on the grounds of newly discovered evidence. The stenographic records of testimony were also procured by the convicted man's attorneys.

Move Creates Surprise.

The motion extraordinary was made after the William J. Burns investigation, which was followed by prosecutions of a number of Burns' forces by Solicitor Dorsey. It was shortly following the re-trial motion that the sensational Rev. C. B. Ragsdale affidavits and repudiations and the alleged confession of Jim Conley as sworn to by Annie Maude Carter created sensation after sensation.

The move of Frank's lawyers in procuring this data came as a surprise to courthouse officials. It created widespread speculation. Attorneys for the doomed man stated, however, "that they merely wanted the information in order to keep thoroughly posted on all angles of the case."

It was not stated that the defense is planning any attack against the evidence submitted by the prosecution.

No intimation was given of the line of procedure to be followed by the defense in battling for Frank's life before the governor and prison commission. Attorney Leonard Haas declared that no definite plans had yet been made, and that no definite conclusion would be reached until the prison commission fixed a time for the proposed hearing.

Another development came in the Frank case Wednesday when it was learned that the supreme court in Washington had issued the mandate to the northern district in Atlanta, at the instigation of Frank's lawyer, Louis Marshall, in New York.

Mandate Due Soon.

The mandate, receipt of which is keeping the Frank case in suspense, is the official notification of the supreme court's verdict. As soon as it has reached the lower courts, action again begins in the case. Frank cannot be resentenced to death until the mandate reaches Atlanta.

The unexpected earliness of its issue, however, puts an altogether new aspect upon the future of the Frank case. It is now probable that the convicted man's appeal will go to Governor Slaton instead of Governor-elect Nat Harris. The mandate was not expected until May 20.

CORNELL ALUMNI AIDING FRANK.

A handsomely bound volume, containing several hundred signed circulars, was received in the governor's office Wednesday from the Cornell Alumni association of western Pennsylvania. This petition asked executive clemency for Leo M. Frank, who is a graduate of Cornell. Many of the circulars were postscripted with personal notes to the governor from Cornell alumni who were personally acquainted with Frank.

In addition to this there is in the governor's office a large wooden box containing more than 10,000 letters which have come to the governor's office regarding the expected Frank petition. All these letters have been received in the last ten days.