

FRANK'S NEW PLEA TO BE FILED TO-DAY

**Mass of Important Evidence at
Hand in Support of Motion
for Another Trial.**

HAIR EXPERT SUMMONED

**Prisoner Confident That Stay Will
Be Granted and That He
Will Be Acquitted.**

Special to The New York Times.

ATLANTA, Ga., April 15.—Dr. H. F. Harris, Secretary of the State Board of Health, has been subpoenaed to appear in the Superior Court on Thursday morning to answer questions in Leo Frank's extraordinary motion for a new trial.

Dr. Harris compared hair taken from the head of Mary Phagan when the body was exhumed with the hair found on the lathe in the metal room of the factory. After his examination the physician saw the hair found on the lathe was not that of Mary Phagan. This fact was not developed at the trial of Frank, however, and did not become known until a few months ago.

Dr. Harris has refused to sign an affidavit relating to the hair, which was prepared for him by the defense, and a subpoena was issued. He will be questioned about his examination of the hair, and the questions and answers will be embodied in the extraordinary motion along with the many affidavits on which the defense bases its plea for another trial.

Judge Ben H. Hill will be in his chambers at 10 o'clock Thursday morning, and the motion will be filed at that hour. Attorneys for Frank will ask him to set a date for the hearing and to stay the execution of Frank, which has been set for Friday.

The motion of the defense will be amended before it is argued, but whether or not the amendments will be attached Thursday is problematical. It is said that the defense has obtained much important evidence, which will corroborate the statement of Mrs. J. E. Simmons that a woman was heard screaming in

the basement of the factory between 2:30 and 3 o'clock on the day of the tragedy.

This will be one of the important points of the defense, which will argue that the crime was committed after 2 o'clock, and not before 1 o'clock, as the State contended at the trial of Frank.

William J. Burns, the detective, did not return to the city to-day, but is expected at any moment.

Frank is confident of getting a new trial.

"I believe I will be acquitted at my next hearing," he said to-day.