

Georgia Counsel Surprised.
Special to The New York Times.

ATLANTA, Ga., May 5.—The action of Attorney Louis Marshall of New York in asking the United States Supreme Court to hand down without further delay the mandate in the Leo M. Frank case was a surprise to the local counsel for Frank. Attorney H. A. Alexander, of Frank's counsel, said:

"We have just been notified of the step taken in the Supreme Court. Frank's local counsel were not advised that the reported step was to be taken, but we understand that it was simply to inform the court that counsel for Frank had no intention to apply for a rehearing or to take any other step that might occasion delay, and that so far as they were concerned they had no objection to the mandate issuing at once. Those representing Frank's application before the Prison Commission and the Governor have no desire to hasten or retard the hearing before either the commission or the Governor. They wish and expect the application to take the usual and ordinary course."

It had been expected that the usual thirty days would elapse between the court's decision and the handing down of the mandate. The present action paves the way for speedy action before the Georgia Prison Commission, and it is likely that Frank's petition for clemency will be passed upon by Governor Slaton before he goes out of office about the middle of June.

As soon as Frank is re-sentenced the Prison Commission, before which his application for executive clemency is pending, will take cognizance of the application and set a date for a hearing. It is expected that the re-sentencing of

Frank will occur either next Saturday or Monday.

Because of the bulky record in the case it is understood that the Prison Commission probably will consider it at a special session. Should a special session be called Governor Slaton almost certainly would be called to pass upon the fate of Frank.

The prisoner's lawyers are busy preparing for the hearing. It is understood that the jurors who convicted Frank have been asked to recommend clemency, and it is reported that at least three of them have consented.

Frank's attorneys today obtained an order from Judge Hill turning over to them the affidavits and other documents used in making the motion for a new trial on the ground of newly discovered evidence. The stenographic records of testimony also were procured by the attorneys. The move of procuring this data came as a surprise and was taken in some quarters to forecast an attack on the State's evidence at the hearing before the Prison Commission.

Slaton Guarantees Impartiality.

Governor John M. Slaton of Georgia, who arrived at the Waldorf yesterday afternoon from Atlanta, said:

"When the Supreme Court sends down the mandate the State Court will be called upon to resentence Frank. Then the case will be brought before the Prison Commission, who will investigate for themselves the records and facts, and when this is done the commission can recommend to the Governor pardon, commutation of sentence, or that there be no interference with the court's decree.

"When the case thus passes into the Governor's hands he will consider all the records anew. The recommendations of the commission do not bind the Governor in any way, though they must necessarily have a moral weight. The Governor has absolute power in the final stage of the case.

"The Prison Commission is now in session. The arguments before it will probably be heard the first week in June. Under the law a Judge cannot pass sentence of execution to be carried out in less than twenty days. If that interval does not afford the Prison Commission plenty of time for investigation and consideration it will probably report to me to that effect, and, as a matter of course, I would grant a respite until the case has been thoroughly gone into.

"It must be recognized that in a case like this, or any other that comes to them, the Governor and the Prison Commission are thoroughly impartial, and will do what they think right in view of the record and the evidence. What these last are, I do not know. I have many cases where sentences of execution had been passed come before me, and I have given both sides ample opportunity to be heard. The case of Leo Frank, in that respect, is just like the case of John Smith. The people of the United States can understand that the Governor of Georgia is a big enough man to enforce the law, or on the other hand to extend clemency, and that he will act according to his conscience. What his action will be nobody can state until after the arguments have been made."

Governor Slaton came up to hurry the engraving of Georgia State bonds, which are needed for an early delivery.

"The prospects in Georgia are now fine, and people are very hopeful," he said, in discussing business conditions.

His Inheritance.

We have inherited \$1,000, but we'll see the paper in—the Sheriff's hands before we enlarge it with that money. We're going to have one good time before we die.—Adams (Ga.) Enterprise.

Pronouncement on Grape Juice.

One of the dear sisters of the W. C. T. U. asks us to give grape juice a fair trial. We have done so and the verdict is guilty.—Houston Post.

Keep the Farm Dog Busy.

The old-fashioned farm dog used to have an easy time barking at passing vehicles, but since there are so many autos and motorcycles running about the country he is kept pretty busy.—Toledo Blade.