

BOARD TO GO DEEP INTO FRANK CASE

Coming Clemency Inquiry So
Thorough as to Amount Prac-
tically to a New Trial.

ANXIOUS TO DO JUSTICE

Outgoing and Incoming Governors
Co-operate — Dorsey Wants Re-
sentencing of Prisoner Hastened.

Special to The New York Times.

ATLANTA, May 2.—Leo M. Frank practically will get a new trial when his petition for clemency is taken up by the State Prison Board. Instead of the usual technical hearing, it is stated at the Capitol, the commission intends to go into the case from every angle, and its recommendation, whether for or against Frank, will be in the nature of a new verdict.

It is stated authentically, though not officially, that Governor Slaton and Governor-elect Harris, who succeeds Slaton in June, have expressed the wish that the commission exercise unusual care in dealing with the Frank petition. Both Slaton and Harris feel that, in view of the criticism of the procedure at Frank's trial, the commission should not confine itself to ordinary routine in dealing with the petition for clemency, but should go into the case practically as if no verdict had been rendered against Frank. In this way the members of the commission will act as jury.

The Commissioners already are studying the record of the case, and when the hearing begins the friends of Frank expect to present new matter. One of the strong points for Frank will be the letter from the late Judge Roan, who presided at the Frank trial, declaring that if he lived he would ask clemency for Frank, as he was not satisfied of his guilt.

When the recommendation of the Prison Commission goes to Governor Slaton or Governor Harris, as the case may be, it will be reviewed as carefully as any case passed on by the Supreme Court. Both Slaton and Harris are understood to have stated that they would not be governed by technicalities, and that when the case is finally disposed of the action taken will be as nearly just as it is possible for human decision to be.

The case may be handled by Governor Slaton, but it is doubtful. His term expires in June, and it is believed that the Prison Commission will not have completed consideration of the case by that time. In fact, it is believed that the commission will not begin consideration of the case until some time in June. In that event Governor-elect Harris will pass on the case.

Both Slaton and Harris have shown a desire that the case be handled in such a manner that, whatever the final action, no one can say that Frank has not had a "square deal." This attitude greatly encourages Frank and his friends. They hardly expect a pardon, but they are confident of commutation, and they believe that, with the sentence commuted, it is only a question of time before Frank's innocence will be established and freedom follow.

It is understood that no more statements to the public will be issued by

Frank or his lawyers. They are bent now on conciliating sentiment in Georgia, and they realize that pressure from the outside is going to count for little.

Solicitor General Hugh Dorsey, who prosecuted Frank, wants the case hurried, for some reason. He will go before Judge Ben Hill tomorrow and apply for a writ or habeas corpus to bring Frank into court and have him resented to death. The proposed action of Dorsey causes surprise, as the mandate of the United States Supreme Court has not been received and is not expected until about May 20. Dorsey takes the position that there is no need to wait for the mandate; that waiting for it would mean useless delay. Judge Hill says Dorsey's proposed action in asking for resentence in advance of the mandate will raise a novel point of law, and he is not prepared to state how he will rule on the question.

There is much speculation as to why Dorsey wants early action. The Solicitor himself says it is simply to avoid useless delay.

CIRCUS MAKES BOY TALK.

Runaway, Who Baffled Officials,
Finally Tells His Story.

After George Devilla, a Spaniard, 13 years old, who was picked up at the Grand Central Station on April 7, had baffled every effort of the officials of the Society for the Prevention of Cruelty to Children to get his story, the Superintendent, Ernest K. Coulter, hit upon the circus as an instrument for discovering the truth.

This was after the successive yarns of the child had led to fruitless investigations in Albany and Utica, and at the docks of the Panama steamship lines, the river fronts, and the Spanish-American hotels. No trace could be obtained of his history or his connections.

Mr. Coulter decided that a visit to the circus would put the boy in a mood in which calculated deception would be impossible. It was the first circus the child had ever seen, and it had its full effect. On his return he frankly answered every question. He told of leaving Spain at the age of 5 years; of his father being killed on the Panama Canal, and of his mother's remarriage. The family lived in Utica, and then removed to West Virginia. There, he said, he was put to work as a trapper, forced to work in freezing water ankle deep, and to do heavy work for long hours. His stepfather, he said, took his wages, and he had no hope of getting an education except by running away.

The society got into communication with the boy's mother and verified his story. Her consent is awaited in order that a home may be found for him here.

WEST POINT TO GRADUATE 164

Number of New Second Lieutenants
Will Exceed Vacancies.

The class of 1915 of the United States Military Academy at West Point will be graduated the morning of Saturday, June 12, when Secretary of War Garrison will hand diplomas to the largest class West Point has graduated in a century. There are 164 cadets in this class, and their graduation means that the Second Lieutenancies in the army which will be available on July 1 will be exceeded. There are 105 prospective vacancies in the grade of Second Lieutenant, including 39 in the engineers, 27 in the cavalry, and 8 in the coast artillery. There are no vacancies in the field artillery.

It is believed that at the West Point finals this year the largest number of old graduates who have ever attended the alumni reunion will be present. Among them will be Major Gen. Scott, the Chief of the General Staff; Brig. Gen. Erasmus M. Weaver, Brig. Gen. E. A. Garlington, and Major Gen. J. B. Aleshire.