

Special to The New York Times.

ATLANTA, Ga., Nov. 23.—“There is very little that I can say,” said Leo M. Frank, when told in his cell in the Tower that Associate Justice Lamar had refused his appeal for a writ of error on the Georgia Supreme Court decision.

“I haven't heard the details of the decision,” Frank continued. “I thought I deserved a chance. I don't know what will be done now.”

Frank received the news with the calmness that has characterized him since his imprisonment in the Tower, and except for a slight trembling of his voice, when he spoke of the decision of Justice Lamar, he might, for all the emotion exhibited, have been hearing an inconsequential piece of news.

Frank was talking with friends when told of the decision, and they showed more emotion than he.

While Solicitor Hugh M. Dorsey declined to comment on the news from Washington, it is understood that Frank will be brought into court by means of a habeas corpus writ on either Friday or Saturday of this week to be resented. The remittitur from the Supreme Court is due in the Superior Court Tuesday, and any time after it is received the solicitor can move to have Frank resented.

Should Frank be resented this week the probability is that the date for his execution will be fixed for about Dec. 18.

After Frank has been resented his hope will rest with the Governor and the Pardon Board. An application for pardon or commutation of sentence would probably result in a brief respite until the case could be heard by the pardoning board and passed on by that body to the Governor.

John L. Tye, one of the attorneys for Frank, who brought the motion to set aside the verdict, when asked tonight what other recourse at law Frank has, refused to discuss the case. He did call attention, however, to the fact that when the Allens of Virginia were turned down by the Supreme Court Justice to whom they first applied for an appeal that each Justice in turn was appealed to. Frank has the same right, but whether it will be exercised Mr. Tye declined to state.

Here are the outstanding events in the Phagan murder case:

Mary Phagan was slain the afternoon of April 26, 1913—Confederate Memorial Day—in the National Pencil factory.

Leo Frank was arrested on the succeeding Tuesday, April 29, on suspicion, and later was charged with the crime.

Frank was found guilty of murder Aug. 25, and on the next day was sentenced to be hanged. At this time his lawyers gave notice of a motion for a new trial.

A new trial was denied by Judge L. S. Roan after the hearing of arguments in October.

An appeal was made to the Georgia Supreme Court, and arguments were heard, beginning Dec. 15, after which a decision was rendered affirming the lower court.

An extraordinary motion for a new trial and motion to set aside the verdict were filed simultaneously.

Judge Ben Hill denied the extraordinary motion, which was the first argued, and later sustained the demurrer of Solicitor Dorsey to the motion to set aside.

Both decisions were appealed to the Supreme Court of Georgia, and both in turn were affirmed by the higher court.

On the ruling on the motion to set aside the verdict, counsel for Frank asked the State Supreme Court for a writ of error, which was denied, with Chief Justice Fish absent.

Attorneys Henry Peoples and Harry A. Alexander left Atlanta last Friday for Washington, and on the following day presented their application for a writ of error to Justice Lamar.

LIFE SAVERS RESCUE CREW.

Seven Men Taken Off Stranded Schooner at Shinnecock.

The three-masted schooner George W. Jenkins, bound for New Haven with lumber from Tampa, Fla., went ashore at 4 o'clock yesterday morning one mile east of Shinnecock, L. I., in clear weather. A coast patrolman sent up a rocket to notify the crew that help was at hand.

The men of the Shinnecock Life Saving Station succeeded in firing a line across the vessel, but found it impossible to use the breeches buoy because of the heavy surf and the danger from the large amount of floating lumber from the Jenkins's decks. The Captain and crew of six men were brought ashore in a surf boat.

Capt. J. E. McClean, who came ashore in the afternoon, said that the George W. Jenkins had gone aground through his mistaking the Shinnecock Light for the Montauk Light. A wrecking tug was sent to the assistance of the schooner, which is resting easily on the sand, and it is expected that she will be hauled off into deep water early today.

The vessel is owned by W. C. Reid of New York, and was built in Phippsburg, Me., in 1903. Her dimensions are 149 feet 6 inches long; beam, 34 feet 3 inches; hold, 11 feet 8 inches, and 471 tons gross register.