

cell. They are bearing up bravely, but it is evident that the strain is telling on them.

LAST FRANK APPEAL HEARD TOMORROW

Governor Slaton Sets 9 o'Clock for Beginning Hearing on Ap- plication for Clemency.

TO DECIDE CASE HIMSELF

Will Not Pass Responsibility on to Governor-Elect Harris--Delegations May Join Dorsey in Opposition.

Special to The New York Times.

ATLANTA, Ga., June 10.—After a conference today with attorneys representing Leo M. Frank and with Solicitor General Hugh M. Dorsey, Governor John M. Slaton fixed next Saturday morning at 9 o'clock to begin his hearing of the arguments for and against Frank's application for a commutation of death sentence to life imprisonment.

In the course of the conference Governor Slaton made a remark which was generally construed by those present to mean that his purpose was not to pass Frank's application over to his successor, Governor-elect Nat E. Harris, but to decide it himself.

Another feature of the conference was a statement by Solicitor Dorsey that "certain gentlemen from out of the city" had asked to be allowed to appear with him in opposition to the granting of Frank's application. He did not mention any names, nor did he make it clear whether these delegations had definitely decided to appear with him.

Frank was represented at the conference by W. M. Howard of Augusta, Harry A. Alexander and Leonard Haas of Atlanta, and M. J. Yeomans of Dawson, Ga., who sat with Mr. Howard. It was Mr. Yeomans's first appearance in the case. The State was represented by Solicitor Dorsey alone.

At the opening of the conference Mr. Howard made formal application for a hearing, and the Governor replied by asking what time he wanted the hearing to begin. Mr. Howard said he was ready to start at once. The Governor asked Solicitor Dorsey when he would be ready. Mr. Dorsey replied that his argument would depend largely on the argument made by attorneys for Frank. It was here that he mentioned the out-of-town people who wanted to appear. Continuing, he said he was engaged in the trial of a murder case and would like to postpone the hearing before the Governor at least one day.

Scope Up the Appeal.

In reply Mr. Howard outlined the scope of the showing which Frank's attorneys intended to make. In substance, he said, it would be practically the same as the showing made before the Prison Commission, namely, the record of the court proceedings, the letter from Judge Roan expressing a doubt as to Frank's guilt, the letters of Jim Conley to Annie Maude Carter in jail, the letter written by Mrs. Frank to the Prison Commission, the report of physicians who examined Frank, the opinion of Albert S. Osborn, the handwriting expert &c. He said the length of the rebuttal argument would depend on the scope and nature of Solicitor Dorsey's argument.

Governor Slaton asked Mr. Howard how long it would take to read the record. Mr. Howard replied about ten hours. Then the Governor made the remark indicating that his purpose was to decide the application himself and not pass it over to the Judge Harris. He said:

"I have my message to the Legislature to write and have other details of closing my Administration to dispose of, all of which will keep me very busy until the last day of my term. So, if there was any way in which the responsibility for passing on this case could be left to my successor, I would be inclined, owing to the shortness of the time allowed me to study the case, to do so. But, since the date set for Frank's execution, June 22, comes within my term, I would like for you gentlemen to expedite the hearing as much as possible, to give me time to familiarize myself with the record and the arguments."

Solicitor Dorsey said:

"I don't believe your Excellency can read the record in less than two days," said Mr. Dorsey, turning to Mr. Howard. Then he added: "The motion for a new trial consists largely of arguments. Six or eight of the 103 grounds refer to the charge of an unfair trial. If you went into that matter, I can't say how long it would take me to reply. In other words, my case depends on yours. If Judge O'Rand's letters is stressed, I might go into that. All things considered, I would rather for the hearing to start Saturday."

A Middle Ground of Doubt.

"We do not propose to ask your Excellency to review this case from a legal standpoint," said Mr. Howard. "We don't want to put in more than will enable your Excellency to say whether this man is guilty or innocent, or at least to say if there is a middle ground of doubt. We will simply ask your Excellency to do what no court since the trial has had the power to do, namely, to change the sentence imposed upon this man from death to life imprisonment. We will probably use three hours to present our case, but, in view of the vague and indefinite attitude of Solicitor Dorsey, we cannot say how much time we shall need to reply to his argument. We would rather begin Friday."

The Governor said he felt disposed to accommodate the Solicitor and would, therefore, set Saturday morning at 9 o'clock to begin the hearing. He said he would finish his message to the Legislature in the meantime and be ready to sit all day Saturday, Saturday night until 12 o'clock, and all day Monday and into Monday night if necessary. Tuesday morning he would have to leave the city, he said.

Solicitor Dorsey's reference to "gentlemen from out of the city" is understood to mean that there will be delegations here from various sections of Georgia to protest against commutation. Mass meetings are being held daily throughout the State, at which resolutions are being adopted protesting against commutation. The resolutions invariably denounce the alleged "outside influence" brought to bear in behalf of Frank. The resolutions state:

"We deplore and desire to express in the strongest terms possible our unqualified condemnation of the interference in our local State Government of hired ex-Governors, preachers, thugs, short-haired women, and the Legislatures of other States, and we urge the Governor of Georgia to allow the law to take its course and not to hinder the administration of justice nor emasculate the courts of Georgia by commuting the sentence of Leo M. Frank."

Mr. Dorsey, it is understood, will present resolutions like the above from practically every county in Georgia.

Frank said today that he expected "things would come out all right yet." He was visited by several friends and appeared in the best of spirits. His wife and his mother and father are spending nearly all their time in his