

# LONG-LEGAL BATTLE IN LEO FRANK CASE

## Both Sides Prepare for Hard Fight Before the Supreme Court.

### MAY USE SIOUX CITY CASE.

News from Sioux City, Iowa, is to the effect that attorneys for Leo Frank have obtained information in that city which they will use in their fight in the United States supreme court. A transcript has been secured of the evidence in the case of Harry B. Murphy charged with white slavery. Murphy was convicted, but the verdict was rendered while he was absent from the courtroom. Federal Judge Elliot, of Sioux Falls, upon a constitutional motion similar to the Frank motion, set the verdict aside as unconstitutional and gave the convicted man his freedom.

News from Washington is to the effect that formal steps in the granting of an appeal to the supreme court for Leo Frank were delayed yesterday, pending the submission to Justice Lamar of properly drafted papers by the convicted man's lawyers.

The signing of these papers constitutes only a formality, and will not take up much additional time.

Preparations have already begun for the hardest-fought legal battle yet in the Frank case. Lawyers for the defense held a conference Monday night until far after midnight at the home of Associate Counsellor Henry C. Peoples, and Solicitor Dorsey has already scheduled a conference with Attorney General Warren A. Grice for tomorrow morning.

### Will Hold Conference.

Mr. Dorsey was out of the city attending to private business in Rome yesterday. He and Attorney Grice will likely proceed to Washington within the next week or so—just as soon as O. C. Fuller, clerk of the United States district court, certifies to the record of the Frank habeas corpus proceedings and forwards it to the United States court in Washington.

The first move of the state will be to have the case advanced on the supreme court docket, so that it will be argued within the next ninety days. Otherwise, if put on the regular calendar, it will not likely be heard for eighteen months or more.

The Frank case will be in the federal courts for months to come, that much is assured. The court, even after hearing the arguments, will, in all probability, reserve their decision for two months or more.

### Will Not Free Frank.

It is a prevalent opinion that if the supreme court renders a verdict in favor of Frank, he will be turned from prison an exonerated man. This is not the case, however. The supreme court's decision would only reverse the judgment of Judge W. T. Newman and send the case back to him for a new hearing.

The new hearing would consist of a presentation by the defense of proof and evidence of the allegations that were made in the habeas corpus hearing a week ago. The prosecution would likewise present proof and evidence in rebuttal. If Judge Newman, in this event, decides in favor of Frank, the state has a right to appeal to the supreme court—and vice versa.