

# FRANK APPEAL HEARING.

Case of Alleged Slayer of Mary Phagan in Georgia Supreme Court.

*Special to The New York Times.*

ATLANTA, Ga., July 20.—The first of two appeals to the Supreme Court in behalf of Leo M. Frank, convicted of the murder of Mary Phagan, was argued today. This is the bill of exception to Judge Hill's denial of the extraordinary motion for a new trial. The extraordinary motion alleged newly discovered evidence.

Frank's attorneys, in their argument before the Supreme Court, emphasized the charge of prejudice and excitement with which they allege the atmosphere of the trial court was colored to Frank's detriment. Attorney General Grice, appearing for the State, contended that the points raised for Frank had been settled by the Supreme Court's first decision in the case.

The other appeal in Frank's behalf is that which involves the motion to set aside the jury's verdict because he was not in court when it was rendered. A demurrer by the State against that motion was sustained by Judge Hill. Frank's lawyers will attempt to have the court's decision reversed.

**The New York Times**

Published: July 21, 1914

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