

CLEMENCY PROTEST IS FILED BY DORSEY

Letter Written in Reply to Query From Pardon Board. Outline of Brief to Be Pre- sented by Frank's Attor- neys.

Following the custom of the board of pardons to communicate with the solicitor general in criminal cases coming before it, the state prison commission communicated with Solicitor General Hugh Dorsey several days ago, notifying him of the filing of the application for commutation to life imprisonment in the Frank case and asking him if he had anything to say on the subject.

Solicitor Dorsey has replied to Chairman R. E. Davison, of the board, setting forth at length his reasons for entering protest against the commutation of the death sentence. Chairman Davison was seen by several newspaper representatives and asked about the letter, to each of whom he replied that it belonged to the record files of the case, and it could not be given out by him without the consent of the whole board. He admitted that he had received the letter and that in it the solicitor general had set forth his reasons why, in his opinion, the board should not commute the sentence.

It is understood that the solicitor's letter makes a complete brief of the case, showing its progress through the courts and declaring that if anything is done at all in the way of executive clemency, it should be a full pardon, over the action of all the courts, and not a commutation of the sentence.

Solicitor Dorsey Silent.

Solicitor Dorsey returned to Atlanta Wednesday afternoon from Washington, where he had represented Mrs. John W. Nelms in the Victor Innes appeal for bond reduction. He would make no statement regarding the reply to the prison board, referring newspaper men to Chairman Davison. It is thought now that the solicitor general will appear before the commission when the Frank hearing comes up and oppose the plea for commutation.

Coincident with the knowledge that Dorsey will oppose the commutation plea, it became known Wednesday that some of the biggest lawyers in the state have made appeals in the doomed man's behalf. A list compiled by Frank contains the names of Ronald Ransome, a son-in-law of Senator Hoke Smith; Marion Smith, a son of the senator; Hollins Randolph; Judge Richard B. Russell, member of the court of appeals; Judge Andrew Cobb, of Athens; Judge Arthur Powell; Judge Fred Foster, of Madison, Ga.; ex-Congressman William M. Howard; Congressman William Schley Howard; Senator Thomas Hardwick; Hon. M. J. Yeomans, Dawson; Judge Samuel Adams; Jerome Simmons; Thod Hammond; Joe Hill Hall, Macon; A. S. Howard, and Bartow Willingham, Forsyth, Ga.

Brief Nearing Completion.

The brief to be presented by Frank's counsel to the prison board and governor is nearing completion and will be in readiness by Saturday night. It is composed of a minute chronology of the case from the date of the crime's discovery up to the application for clemency.

The three basic reasons for the appeal are given as, (1) the doubt of Judge Roan, as expressed when he denied the first motion for a new trial several months following the original verdict; (2) the dissenting opinion by Chief Justice Fish and Justice Beck of the supreme court; (3) the dissent of Justice Hughes and Justice Holmes, of the United States supreme court.

It will be pointed out by Frank's defense that there is ample Georgia precedent to justify clemency. The McNaughton case is offered as a precedent, in which there was but one dissenting voice, that of Judge Atkinson, which culminated not only in commutation, but full pardon.

The dissenting opinion of Justices Holmes and Hughes of the United States supreme court is to be submitted in full to the prison body.

Osborne Writes Slaton.

Albert S. Osborne, the handwriting expert employed by the state in the Leo Frank case, and who declared that it was his belief that the notes had been written at the white man's supervision, has written Governor Slaton saying that he now believes Frank did not aid the negro.

Osborne's letter comes from New York, his home, and is as follows:

"Summarizing the matter, it seems to me that when the illegibility, incoherence, repetition and the uncertain effect of the whole communication are considered, that it is perfectly clear that James Conley did not have intelligent assistance in writing the document, and I think the document in its primary conception, its penmanship, its arrangement, its appearance, the material used in its construction, its choice of words, its ideas, its grammar, is all consistent and points to the operation of but one mind, and that the mind of James Conley."

More than two thousand names were signed to a monster petition sent to Governor Slaton by I. Bermann, a merchant of Camilla, Ga. Dispatches from Springfield, Ill., bring news that Governor Edward F. Dunne Tuesday signed a petition asking Governor Slaton to commute Frank's sentence to life imprisonment "to the end that Frank, if innocent, may have a fair chance to prove his innocence."

Plea for Frank.

San Diego, Cal., May 26.—"Neither man nor beast has ever been known to have been strangled by a Jew," says a letter written to the governor of Georgia by the Rev. Alfred K. Glover, rector of St. James' Episcopal church here, and made public today. The letter urges that Leo M. Frank probably is innocent of the murder of Mary Phagan.