

# REFUSES FRANK A WRIT OF ERROR

Justice Lamar Halts Move to  
Bring Case to the United  
States Supreme Court.

WILL ASK OTHER JUSTICES

And if They Refuse, Condemned  
Man's Only Hope Is Ex-  
ecutive Clemency.

FRANK HEARS NEWS CALMLY

Thinks He Deserved Another  
Chance—Will Be Brought Before  
Court for Re-Sentence This Week.

*Special to The New York Times.*

WASHINGTON, Nov. 23.—Associate Justice Lamar of the Supreme Court of the United States, who is presiding Judge for the Fifth Federal Judicial Circuit, in which Atlanta is situated, today refused to issue a writ of error that would have brought into the Supreme Court of the United States the case of Leo Frank, convicted in the courts of Georgia of murdering Mary Phagan, a factory girl, in 1913. Henry Alexander and Henry Peeples, counsel for Mr. Frank, said today that they had not decided whether to carry their petition to any of the other Justices of the Supreme Court. They have several days in which to act.

Mr. Justice Lamar's reasons for refusing the writ were set forth informally in a memorandum for the lawyers. After reading the memorandum Mr. Alexander at first said he would make it public, but later decided not to do so.

Mr. Alexander said tonight that it was not customary to rest a case like that of Leo Frank upon the refusal of a single Associate Justice of the Supreme Court to grant a writ of error. He added that other members of the Supreme Court would be asked for the writ which was refused today by Justice Lamar, not stating, however, to which member of the court he would apply next. Mr. Alexander said that he would remain in Washington to continue his attempt.