

## FRANK APPEAL SENT UP.

Georgia Supreme Court Gets Bill—  
Retrial Motion Hearing Deferred.

ATLANTA, Ga., May 28.—The bill of exceptions in support of the extraordinary motion for a new trial for Leo M. Frank, under sentence of death for the murder of Mary Phagan, a factory girl, was signed here today by Judge Ben H. Hill of the Fulton County Superior Court and forwarded to the State Supreme Court. The Supreme Court will assign a date for argument.

On the request of Solicitor General Hugh M. Dorsey, Judge Hill deferred the hearing on the motion to set aside the verdict against Frank until June 5. The defense in support of the motion contended that Frank's constitutional rights were violated when the verdict which pronounced him guilty of the factory girl's murder was returned in his absence from the courtroom.

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