

EXHIBIT MM

Georgia, Hancock County.

State of Georgia,

Vs.

In Superior Court of Fulton County,

Leo M. Frank.

Georgia.

To the Honorable Clerk of the Superior Court of Hancock
County, Georgia.

This application shows the following facts:

Heretofore a verdict of guilty was rendered in said case, judgment was passed by the Court, and a motion for new trial was filed in said case, which said motion for new trial is set for hearing on Oct., 4th, 1913, before Judge L. S. Roan, Judge of the Stone Mountain Circuit.

It is shown that there are three parties who reside in Sparta, Hancock County, Georgia, to-wit: John W. Holmes, Esq., Shi Gray, Esq., and S. W. Johnson, Esq., whose affidavits are desired by the movant as evidence on said motion; and further that all three of said parties have refused to give said affidavits.

Wherefore, this application is made to the Clerk as provided by Sections 5918-19 of the Civil Code of 1910, State of Ga., that subpoenas may be issued addressed to each of said parties requiring them to be and appear before John W. Lewis, Esq., a Notary Public of said Hancock County, Ga., and answer under oath such written questions as are hereto annexed and such further written questions as may be propounded upon the hearing, in lieu of making said affidavit.

R. R. Arnold,

L. Z. Rosser,

Attys. for Leo M. Frank. Movant.

L. S. Roan, Judge.