

STATE OF GEORGIA

vs.

LEO M. FRANK.

EXTRAORDINARY MOTION FOR NEW TRIAL  
FROM CONVICTION OF MURDER  
IN FULTON SUPERIOR COURT.

BILL OF EXCEPTIONS.

Be it remembered that at the March Term, 1914, of Fulton Superior Court there came on to be heard the case of the State of Georgia, vs. Leo M. Frank, the same being an extraordinary motion for new trial on behalf of said Frank from conviction of murder rendered at the July Term, 1913 of Fulton Superior Court.

A motion for new trial had been duly made during the July Term, 1913, and had been thereafter overruled. To the judgment of the Court overruling said motion for new trial exceptions were duly taken to the Supreme Court of Georgia, and on the 17th day of February, 1914, the judgment of the Court below was affirmed by said Supreme Court.

On the 27th day of March, 1914, said Leo M. Frank gave to the opposite party, to-wit: the State of Georgia, through the Solicitor General of the Atlanta Circuit, the notice provided in Section 6092 of the Civil Code of the State of Georgia, and Section 1091 of the Criminal Code of the State of Georgia, approved on August 15, 1910, which notice was in the following words:

"To Hugh M. Dorsey, Esq., Solicitor General:  
Please take notice that twenty days from the date hereof, an extraordinary motion for new trial will be filed with His Honor, Ben J. Hill, Esq., Judge of the Superior Courts of the Atlanta Circuit, Criminal Division, or with one of the other Judges of said Court in behalf of the defendant in the above stated case, Leo M. Frank, Esq., convicted of murder; this notice being given you, as required by the laws of the State of Georgia, in such cases made and provided - Civil Code of 1910, sec. 6902, Criminal Code, sec. 1091.  
Please take notice of the grounds of said extraordinary motion hereto attached pages 1 to 37, both inclusive; all of said grounds being made a part of this notice. Other grounds, including newly discovered evidence, will be added by amendment.  
This March 26, 1914."

Attached to this notice was a copy of the original extraordinary motion for new trial, which is specified as a part of the record in this case.

Twenty days after giving the notice aforesaid, the extraordinary motion for new trial was submitted to the Judge of the Atlanta Circuit, who ordered the same filed, and on the 16th day of April, 1914, said Judge issued a rule nisi thereon returnable on the

*In Poor Condition*