

NEWMAN TO HEAR FRANK CASE TODAY

Case Will Still Be in Courts When Execution Date Ar- rives, Thus Causing Post- ponement, Say Lawyers.

Leo Frank's case will still be in the courts on January 23, the date set for his execution, according to his lawyers. They believe that by that time it will be before the United States supreme court in Washington, to which it will have been sent from the Atlanta circuit of the federal court by appeal.

Frank will be brought from the Tower this morning at 10 o'clock to attend the habeas corpus proceedings that have been instituted before Judge Newman by Frank's attorneys. In event Judge Newman decides to give the condemned man freedom, the state of Georgia, represented by Solicitor Dorsey and Attorney-General Grice, are entitled to appeal to the United States supreme court.

And, in case of an opposite decision, Frank's own counsel have the right of appeal. According to the rule of the Washington court, as outlined by Atlanta authorities, the case will be advanced as rapidly as possible, and will not consume more than two months, it is predicted.

For instance, if the habeas corpus proceeding is overruled by Judge Newman, Frank sends his appeal to Washington. Representatives for the state will then move that the appeal be advanced as swiftly as possible. This will move the supreme court to give the appeal an early hearing. Unless the court gives it a long deliberation, Frank's attorneys do not expect any great delay in the procedure.

The delay will be such, however, that the execution date will necessarily have to be postponed.