

# BATTLE FOR LIFE OF LEO M. FRANK BEGINS IN COURT

## Rumored That Defense Will Present Today the Full Report of Detective Wil- liam J. Burns on Case.

C. W. Burke, a private investigator in the employ of counsel for Leo M. Frank, it is reported, will be the object of a scolding attack today by Solicitor General Hugh M. Dorsey, when the prosecution opens fire with its counter showing in the retrial hearing before Judge Hill.

Mr. Dorsey will not talk, but he intimates strongly that a mass of evidence has been accumulated by detectives against Burke.

Burke has been one of the most active figures in the investigation that has been promoted by Frank's counsel into the Mary Phagan murder mystery since the fight was opened for a new trial. He obtained the majority of the affidavits representing newly-discovered evidence which was contained in the

new trial motion which Frank's defense filed Thursday.

The first day's hearing of the extraordinary motion for a new trial before Judge Hill was quiet enough yesterday, but it only served to set the stage for fireworks that are expected today when Solicitor Hugh Dorsey fires his opening guns to combat the newly-discovered evidence of Frank's attorneys.

Rapid progress was made in the hearing, which began at 10 o'clock in a committee room of the state library in the capitol. The defense submitted each of its nineteen grounds for a retrial by 4:40 o'clock in the afternoon, at which time Frank's counsel asked for an adjournment in order for time to consider the injection of other matters which they have hitherto withheld.

### May Present Burns Report.

It was rumored persistently that the defense will present the report of Detective William J. Burns at this morning's session. The convicted man's lawyers stated, however, that there was hardly a probability of this, as they intended concealing the report from the police, whom they accused of crooked tactics.

Hugh Dorsey is expected to lay upon the table the sensational cards he admits holding up his sleeve. He is fortified with numerous affidavits from witnesses, it is stated, who have made affidavits for the defense. Dorsey will also submit the report of a private investigation, it is also said, into the process by which a number of affidavits submitted by the defense were obtained.

Mr. Dorsey will not talk on the subject. He intimates, however, sensational disclosures that will be down upon the program for today's proceedings. The defense likewise predicts startling revelations from their side of the fight. A large number of affidavits attacking the character of witnesses, it is said, will be presented by the prosecution.

### Detectives Aid Dorsey.

Mr. Dorsey was surrounded during the hearing by eight of the picked men from the staff of headquarters detectives. These men have been promoting the bulk of the solicitor's investigation, and are John Black, Bass Rosser, Jim Doyal, Pat Campbell, John Starnes, Bob Waggoner, Ben Gillespie and M. McGill.

He strongly prophesied vigorous attacks upon various phases of the newly-discovered evidence contained in the motion of the defense, when he took names and addresses from affidavits which Frank's lawyers submitted to Judge Hill. At one time he insisted upon the address of J. O. Knight, a notary who had attested an affidavit sworn by Ruth Robinson, a witness for the prosecution, who repudiates her testimony.

It is rumored that the Robinson girl has made an affidavit which has been put in the solicitor's hands, and which document will be the basis of a counter showing by the solicitor.

The notary's address, however, was not furnished, as Frank's counsel informed the solicitor that they were not acquainted with it. A detective was detailed by Dorsey to look it up.

"I want to get this notary public to face Ruth Robinson," Dorsey explained, although he would go no further into details.

### Met Jim Conley.

A surprise was created when the defense introduced an affidavit signed by J. W. Boozer, a collector for a tailoring firm located in Peters street, who testifies that he met Jim Conley on Peters street between 4 and 4:30 o'clock on the day Mary Phagan was murdered, and that he held a brief conversation with him.

Boozer states in the affidavit that he had known Conley for considerable while, and that he had made repeated collections of weekly installments on a watch which the negro prisoner had bought from the concern with which Boozer worked at the time. He says that on this particular Saturday he asked Conley to pay his regular installments.

Conley, Boozer swears, told him that he could get the money from Leo Frank, as he had previously done. Boozer states that Frank had frequently paid the negro's weekly dues—\$1. This is the first time that this piece of evidence has been made public.

Mr. Dorsey's counter motion was not put on file Thursday. A demand that it be announced was made by the defense to Judge Hill at the opening of the hearing. Frank's counsel was informed by the judge that the solicitor had not filed any counter showing.

### Motion Extraordinary.

The contents of the retrial motion extraordinary have been made public from time to time. They were read individually before Judge Ben Hill. There were nineteen grounds, each of which represents newly-discovered evidence. They were chiefly the Mary Rich document, in which the woman says she saw Conley emerge from the alley in the rear of the pencil factory about 2:15 o'clock on the day of the tragedy, then return.

Also the Boozer affidavit; the affidavits from Dewey Hewell, Ruth Robinson and C. Brutus Dalton, the character witnesses, who repudiated the testimony they gave on the witness stand; those of Mrs. Ethel Harris Miller and Mrs. M. Jaffe, who swear they saw Leo Frank at Whitehall and Alabama streets at 1:10 o'clock on the 26th of April.

Other affidavits were from Dr. H. F. Harris, who figures in the hair phase of the mystery, and Professor G. Buchman, professor of histology and anatomy in the Atlanta Medical college. Dr. Buchman gives an expert analysis of the composition of human hair and an important angle of his affidavit is the statement that tar soap does not alter or change the texture of hair. He is corroborated by Dr. J. W. Papez, professor of histology and anatomy, who makes a similar affidavit.

### Duffy's Repudiation.

The affidavit of J. E. Duffy, the state witness who renounces his testimony, was also submitted, along with a similar document from Ivy Jones, the negro witness, who stated he saw Jim Conley on the day of the murder, but who now denies his story. An affidavit from H. P. Becker, dealing with the new development in the mystery of the murder notes, was also introduced.

Affidavits were presented by F. J. Paxon and Miss Mae Edwards, who testify to the character of Mrs. Ethel Harris Miller. Perhaps the most sensational of the documents submitted were the affidavits pertaining to the story of Mrs. J. B. Simmons, of Birmingham, who told the solicitor previous to the Frank trial of having heard screams from the basement of the pencil factory about 2:30 or 4 o'clock on the day Mary Phagan was slain.

Her affidavit is substantiated by numerous witnesses, who tell of having heard her talk of the screams she heard. She is also upheld by character witnesses.

### Prejudice Charged.

Much stress was laid throughout the session upon prejudice and demonstrations during the Frank trial. It was alleged by Mrs. Simmons that fear hushed her voice and deterred her from submitting her story to Frank's attorneys in the interest of truth. Others tell in their affidavits of similar experiences.

Only officials directly concerned in the hearing are permitted within the little room in which the motion is being threshed out. Stalwart doorkeepers remained on duty throughout the day, keeping scores of curious persons from entering the place. Just how long the hearing will last is speculative. It will run into Saturday, however, is the general prediction.