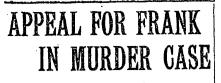
## APPEAL FOR FRANK IN MURDER CASE Special to The New York Times. New York Times (1857-1922): Feb 25, 1914:

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Convicted Man's Lawyers Ask Georgia Supreme Court for a Rehearing of Arguments.

## WITNESSES HAVE RECANTED

And New Evidence Is Hinted-Con-

ley, the Negro, Convicted of Being an Accessory.

Special to The New York Times.

ATLANTA, Ga., Feb. 24.-Counsel for Leo Frank, who has been convicted of the murder of Mary Phagan, filed a motion for the rehearing of arguments in the case before the State Supreme Court Almost at the same time the to-day. negro, Jim Conley, the principal witness against Frank, on trial here as an accessory after the fact in the Phamurder, was convicted of the gan charge and sentenced to twelve months in the chain gang.

Solicitor Dorsey clearly indicated his personal desire that Conley be set free, but under the law he was bound to prosecute "when Leo Frank was found guilty."

"Conley had nothing to do with the urder," he said. "He was just murder." he said. Frank's tool, and he ought not to be punished."

Frank's tool, and he ought het to be punished." Frank's attorneys, in their motion for a rehearing, cited twenty-one grounds on behalf of a reconsideration of the lower court's verdict. They contended that the higher court, in handing down its recent unfavorable opinion, over-looked material points in the written and oral arguments made by the at-torneys for the defendant. Frank's attorneys also alleged that material errors were made by Judge Roan at the trial of Frank, which the Supreme Court in its main opinion also overlooked. They emphasized the out-breaks against Frank at the trial and asserted that in the circumstances a fair trial was impossible. There will be no oral argument on the motion for a rehearing. The Judges may announce their ruling at any time. In the event of an unfavorable decis-ion Frank's howyers are expected to file an extraordinary motion for a new trial

an extraordinary motion for a new trial on the ground of newly discovered evi-dence. They will cite Dr. Harris's state-ment, the repudiation of his testimony

by Albert McKnight, and a number of other points not yet made public. Frank's lawyers assert they have othor affidavits from witnesses repudiating evidence they gave against Frank. Al-bert McKnight, the negro who swore against Frank at the trial, and who, last Saturday, made affidavit that he per-jured himself, is being sought by So-licitor Dorsey's detectives, but cannot be found. There are rumors that Mc-Knight has been spirited away. Search is also being made for Mrs. Nina Formby, who is said to have sworn in an affidavit that she was inveigled by the police into swearing to a "scan-dalous story" against Leo Frank. The police say Mrs. Formby has been resid-ing in New York for the last several months, and believe that she vanished from Atlanta a soon as she made the alleged affidavit. Her address in New York is suid to be 211 West 201st Street. Solicitor General Dorsey comments rather strongly on the disappearance of Solicitor General Dorsey comments rather strongly on the disappearance of witnesses who, it is alleged, have repu-diated evidence they gave against Frank.

Investigation last night showed that there was a vacant lot at the reported address of Mrs. Nina Formly in this city, 211 West 201st Street.

## BURKE CALLS ON MARSHALL

## Panama Commissary Says He Does Not Fear Charges.

Ex-Judge Lorin C. Collins of the Supreme Court of the Panama Canal Zone and John Burke, the suspended man-ager of the Commissary Department of the Panama Railroad Company, saw United States District Attorney Mar-shall yesterday in his office in the Fed-eral Building. Burke is alleged to have accepted bonuses from companies which had contracts for furnishing supplies on the Canal Zone. Under direction of At-torney General McReynolds, Mr. Mar-shall is muking a thorough investiga-tion of the matter, to see if the allege-crime had been committed within the Scuthern District of New York. Ex-Judge Collins told Mr. Marshall yesterday that his client was anxious to furnish the Government with all the information in his power, and that he had nothing to fear from an investiga-tion of the bribery and corruption charges, Then Mr. Collins left for New Mexico and Mr. Burke for Indianapolis. Local counsel will be engaged to look after Burke's interests. More documentary evidence in the case is expected by District Atterney and John Burke, the suspended man-

More documentary evidence in the case is expected by District Attorney Marshall from the Isthmus by this week's mail.

Initiate McKay in Honor Legion.

Police Commissioner Douglas I. Mc-Kay was initiated into the Honor Legion of the Police Department last night at Police Headquarters. He was the first Commissioner to undergo a regular ini-tiation ceremony, and he was greeted with enthusiasm as he discarded a rose from his coat to pin on the button of the Legion. His only claim to regular membership, he said, was a newspaper story about his stopping an incipient runaway in Fifth Avenue when a Dep-uty Commissioner. uty Commissioner.

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