

BURNS CONFERS WITH LEO M. FRANK

Will Also Seek Interviews with
Detectives Who Worked
on the Case.

RETRIAL SENTIMENT GROWS

Evidenced by a Flood of Letters—
Juror Replies to Atlanta
Clergymen.

Special to The New York Times.

ATLANTA, March 17.—“I am investigating the murder of Mary Phagan from the ground up,” said W. J. Burns today, “and I believe that I shall be able to name the real murderer of the girl.”

On Monday he visited the National Pencil Factory, the scene of the crime, and went over the physical points in the case. To-day he interviewed at length W. W. (“Boots”) Rogers, a young man who was with the police when they found the body of the little girl.

Rogers was one of the principal witnesses at the trial. He carried a squad of policemen to the factory in his automobile when they received the murder call. Later he went in his machine to the residence of his sister-in-law, Miss Grace Hix, who worked in the pencil factory, and she was the first person to identify the body as that of Mary Phagan. Rogers, a former bailiff, was active in assisting the police during the first investigation of the case. Burns's reply to all question about his work is simply to the effect that he is going to make a thorough and exhaustive investigation.

Monday afternoon Burns had a talk with Leo M. Frank in the “Tower,” and this morning he appeared at the jail again. On this visit he was accompanied by Don C. Seitz of New York, but they remained in Frank's cell only a short time. On leaving the jail Burns said that he would probably talk to Frank again during the day.

After the conference Frank had little to say to newspaper men except to express again his gratification that the detective was at work on the case.

Solicitor General Hugh M. Dorsey refused to discuss any phase of the Frank case, and would make no comment when told of the rumor that Burns would seek his co-operation in his investigation.

The detectives who worked on the Frank case are almost constantly with the Solicitor General, who is said to be preparing to fight Frank's extraordinary motion in the vigorous manner in which he has conducted the entire case.

Burns will seek an interview with Dorsey and the various city detectives who worked up the case against Frank, it is said. Newport Lanford, chief of the city detectives, said that he would co-operate with Burns if he showed the proper attitude in the case.

“In other words, I will swap secrets with Burns if he will come clean with us,” said Chief Lanford. “But if he expects our assistance it must be a mutual sort of transaction.”

Lanford was asked if he would reveal to Burns the new evidence which he is said to have accumulated during recent developments of the Frank case.

“I will show Burns everything that has gone before the courts,” answered the chief.

“But will you disclose this new evidence you are said to possess?” he was asked.

“I prefer not to say. Mr. Burns and I will compare notes if he meets us on neutral ground.”

“Then do you mean to say that you will withhold this new evidence?”

“I will not say whether or not we have any new evidence, or whether or not it would be shown Burns. I don't commit myself one way or the other.”

As a consequence of the sermons delivered in three Atlanta pulpits on Sunday night, asking for a new trial for Frank, J. T. Osburn, one of the twelve jurors who returned the verdict of

guilty, has written the following communication to The Constitution:

To the Editor of The Constitution: Three men, speaking from as many pulpits in Atlanta on last Sunday, are quoted as charging that the trial of Leo Frank for the murder of Mary Phagan was unfair (one of them is correctly quoted, claiming that in Atlanta it must of necessity be so) and demanding the verdict be set aside.

As a member of the jury which convicted Frank, I wish to say a few words. Whether or not these men who so bitterly arraign the city of Atlanta, the Judge and jury, heard the testimony I do not know; but this I do know: The jury heard all the testimony and claim to have sufficient intelligence and honesty to weigh the evidence without prejudice and to render the verdict according to the law and the testimony, notwithstanding the opinion of the holier-than-thou gentlemen to the contrary.

We were not trying “yellow dogs,” sheep-killing dogs, nor dogs of any other color or character, but a white man charged with a heinous crime; and, speaking for myself and, as I believe, for every member of the jury, realized the solemnity of the responsibility resting upon us.

In these charges from the pulpits reference was made to the “inflamed condition of the public mind.” The jury, sworn to decide the case according to their understanding of the law and the testimony, were not listening to the “inflamed condition of the public mind.” The testimony was strongly corroborated by sworn witnesses, as well as by circumstantial evidence in every point which influenced the minds of the jury.

After listening to all the testimony and the argument of both sides and carefully and honestly considering every point, the jury believed, and still believes, that the verdict was righteous and the sentence just.

J. T. OSBORNE.

The sentiment in favor of granting Frank another trial seems to be growing. This is evidenced by a flood of letters from all sections of Georgia. The tenor of the letters is that Frank has been unfairly tried, and that Georgia owes it to herself to grant him a fair trial.

Typical of these letters is one from Sam L. Olive, a leading lawyer of Atlanta, and a member of the Georgia Legislature, who says:

“No man should be tried for his life in a community where the trial must be suspended at times for fear of public violence. Frank's guilt or innocence should be judicially ascertained from the untrammelled testimony of credible witnesses, and the trial should not be held in an atmosphere surcharged with public preconception of guilt. Adding one horror to another neutralizes the effect of neither.

“Guilty or innocent, he is entitled to have ‘his day in court’—a day of calmness, a day upon which the cloudless sunlight of truth may shine. This given, the letter and spirit of the law will have been satisfied.

“Obedience is better than sacrifice.”

APPEALS FOR DEPOSITORS.

Coudert Tells Glynn That State
Should Help Siegel Creditors.

Frederick R. Coudert of the law firm of Coudert Brothers, 2 Rector Street, which by power of attorney was authorized to act for more than 800 of the depositors of the failed Siegel bank, wrote to Gov. Glynn yesterday, suggesting that the State of New York, through the Attorney General, conduct all legal proceedings on behalf of the depositors without cost. In the opinion of Mr. Coudert, the State Banking Department also should, without expense to the depositors, trace the funds of the bank.

Mr. Coudert in his letter says that the State should assist the depositors and “endeavor to make some reparation” for “the failure of the Legislature properly to safeguard investments by private bankers of savings deposited with them.” Unless the depositors are assisted by the State, Mr. Coudert believes that the small amounts which might be distributed among them will be diminished greatly by the fees of lawyers and accountants. Mr. Coudert also says that his firm, which for two and a half months has acted as counsel for many of the depositors, will not make any charge for its services, and will be ready at all times to assist the Attorney General in any way possible.

In the United States District Court an involuntary petition in bankruptcy was filed yesterday against the Merchants' Express Company, 115 West Nineteenth Street, which owned and operated the delivery wagons and trucks of the Simpson Crawford Company. The petition was filed on behalf of H. Kauffman & Sons Saddlery Company, creditors for \$2,903; Alfred Simpson, for \$2,461, and Herman Stark, \$600.